Selected Documents

President Trump Pressure Campaign on Department of Justice

Committee on Oversight and Reform
U.S. House of Representatives
June 2021
oversight.house.gov

DOJ Selected Documents

December 14 Emails Related to Allegations of Voter Fraud in Michigan	
December 14 email from President Trump's personal assistant with subject line "From POTUS" attaching document purporting to show voter fraud in Antrim County, MI	**4-30**
December 14 email from DOJ official on behalf of Richard Donoghue to U.S. Attorneys for Eastern and Western Districts of Michigan attaching document purporting to show voter fraud in Antrim County, MI	**31**

Emails Related to Potential Supreme Court Case to Nullify Election	
December 29 email from President Trump's assistant to Richard Donoghue and Jeffrey Rosen, attaching draft lawsuit to overturn election results	**32-88**
December 29 and December 30 emails from Kurt Olsen to DOJ officials about filing lawsuit in Supreme Court to overturn election results	**89-157**
December 29 emails between DOJ officials discussing email from President Trump's office with attached lawsuit to overturn election results	**158**

Emails From Assistant AG Jeffrey Clark and Other DOJ Senior Officials	
December 27 email from Richard Donoghue to U.S. Attorney for Western PA with attachment about alleged voter fraud in PA	**159-197**
December 28 email between Steven Engel and Richard Donoghue about "antics" that could end up on Engel's radar	**198**
December 31 emails between Steven Engel and Richard Donoghue about White House meeting	**199-200**
January 1 email about potential phone call between Jeffrey Clark and senior official at ODNI	**201**
January 1 and January 2 email chain between Jeffrey Clark and Jeffrey Rosen regarding voter fraud claims in Georgia and U.S. Attorney for Northern District of Georgia BJay Pak	**202**
January 3 email between Patrick Philbin and Jeffrey Wall	**203**
January 3 email from Patrick Hovakimian stating that the "cause of justice won"	**204**
January 3 emails between DOJ officials concerning January 3 White House meeting with President Trump	**205-206**
January 3 email between Richard Donoghue and US Attorney BJay Pak with subject line "Please call ASAP"	**207**
January 4 emails concerning U.S. Attorney BJay Pak's Resignation from DOJ	**208-216**

White House Chief of Staff Mark Meadows Emails to DOJ Officials	
December 29 email from Mark Meadows to Jeffrey Rosen with document making claims of voter fraud caused by satellites from Italy (Italian translation)	**217-218**
December 30 email from Mark Meadows to Jeffrey Rosen asking him to investigate allegations of voter fraud in Fulton County	**219-222**
December 30 email from Mark Meadows to Jeffrey Rosen with document making claims of voter fraud caused by satellites from Italy (English translation)	**223-224**
January 1 email from Mark Meadows to Jeffrey Rosen with video concerning alleged voter fraud caused by satellites from Italy	**225**
January 1 email from Mark Meadows to Jeffrey Rosen asking for Jeffrey Clark to investigate voter fraud claims in Georgia and DOJ official's discussion of that email	**226-227**
January 1 email from Mark Meadows to Jeffrey Rosen asking DOJ to investigate allegations of voter fraud in New Mexico	**228-230**
January 1 email between DOJ officials discussing allegations of voter fraud caused by satellites from Italy	**231-232**

Michael, Molly A. EOP/WHO

From:	Michael, Molly A. EOP/WHO
Sent:	Monday, December 14, 2020 4:57 PM
To:	'Jeff.Rosen38@usdoj.gov'
Subject:	From POTUS
Attachments:	Summary Doc.docx; antrim-county-forensics-report.pdf

ANTRIM COUNTY TALKING POINTS

KEY FACTS

- **There was a 68% error rate in the votes cast – the Federal Election Committee allowable rate is 0.0008%**
- **There was an 81.96% rejection rate in the votes cast – these were sent to Adjudication**
- **The Adjudication files for 2020 were missing, which violates state law**
- **The Security records for the election software were missing - which violates state law – these also contain the internet connection records**
- **The election software was changed inside the 90-day Safe Harbor window, which is forbidden by state law – *this automatically decertifies the results***
- **Standard security protocols were not followed – software systems were out of date by years, creating a provable security risk**
- **All Counties in Michigan are required to operate with the same software to guarantee consistent treatment of voters – so errors in the Antrim County software system are determinative of identical errors across the state due to the requirement to use the same software everywhere**
- **The Secretary of State directed the County Clerks on December 1, 2020, throughout Michigan to delete all of their electronic election records for 2020 by December 8, 2020, in violation of Michigan state law MCL 168.811 requiring retention of voting records for 22 months**

TALKING POINTS - EVIDENCE OF INTENTIONAL FRAUD AND CORRUPTION OF THE VOTING MACHINES

- this is the evidence that Dominion Voting machines can and are being manipulated
- This is not human error as we have proven
- Secretary Benson lied
- Federal Law was violated – the election records were destroyed
- This is a Cover-up of voting crimes
    - **Records were missing** in violation of the legal requirements for retention
        - **These records exist in this county for previous elections, but not 2020**
    - **Security records are missing – including the record of internet access to the machines**

    - Adjudication records do not exist – there is no ability to tell who or how or to where the "Adjudicated" votes were moved
        - An Administrator reviews votes sent to Adjudication and then can vote them as the wish – no oversight, no transparency, no record, no accountability
- 68% of votes were switched in this county in error – FEC rules only allow a .0008% error rate
- 81% of the votes were voted by an Administrator – not by the VOTER
    - The Voter's choice was not voted by the voter – intervention happened and votes were moved
- The same Ballots were run it three times and produced three different results
- Laws have been Broken
- A Cover-up is Happening regarding the voting machines in Michigan
- We fought this for the Voters of Michigan whose votes were not accurately counted – we are here for the integrity of the voting process and the will of the People
- Republicans and Democrats alike had their votes manipulated – all voters were impacted and we must defend their voting rights

CONCLUSIONS

- Based on the violation of law, these election results cannot be certified in Antrim County
- The vast amount of fraud in the votes here demands a review of the votes throughout Michigan
- Security on the Dominion machines was practically non-existent – this is not a secure result
- These same Dominion machines were used throughout Michigan, and the results must be discounted until all Dominion machines can be reviewed for fraudulent vote manipulation
    - The other 48 counties have been required to use the same certified software – the error rate is a given
- Michigan cannot certify for Biden
- This is a seditious conspiracy to undermine the election process and the will of the American people

ARGUMENTS AGAINST US:

- Errors happen all the time
    - *Counter*: Not at this massive rate

    - *the software is designed to generate 68% errors, which sends the ballots to a file for bulk adjudication, and then an unknown person (or the computer itself) will mass adjudicate the ballots with no oversight*
- It wasn't significant
    - *Counter*: There was an almost 100% change of votes in one precinct alone
    - *this is an intentional design flaw to systematically create fraud*
- It was just in this one township
    - *Counter*: It's indicative of what the machines can and did do to move votes
- It didn't happen everywhere
    - *Counter*: We believe it has happened everywhere – we must review this statewide.
    - *IN fact, the constitution requires we investigate every county*
    - *the election cannot be certified*
- It didn't impact the election
    - *Counter*: It impacted offices and propositions from the President down to the School Board – every office on the ballot was impacted
- It doesn't matter
    - *Counter*: The Election Process is a vital part of the US National Critical Infrastructure – we must know that One Person One Vote is counted
- Only 3 votes for President were impacted
    - *Counter*: The vote swing between Trump and Biden moved by the 1000s
- The Forensics team was not professional
    - *Counter*: Our forensics team was led by a highly decorated military officer, who specializes in cyber security operations and data analytics, working with ta team of the highest-skilled technical cyber forensics experts

Allied Security Operations Group

Antrim Michigan Forensics Report

REVISED PRELIMINARY SUMMARY, v2

Report Date 12/13/2020

Client: **Bill Bailey**

Attorney: **Matthew DePerno**

A. WHO WE ARE

1. My name is Russell James Ramsland, Jr., and I am a resident of Dallas County, Texas. I hold an MBA from Harvard University, and a political science degree from Duke University. I have worked with the National Aeronautics and Space Administration (NASA) and the Massachusetts Institute of Technology (MIT), among other organizations, and have run businesses all over the world, many of which are highly technical in nature. I have served on technical government panels.

2. I am part of the management team of Allied Security Operations Group, LLC, (ASOG). ASOG is a group of globally engaged professionals who come from various disciplines to include Department of Defense, Secret Service, Department of Homeland Security, and the Central Intelligence Agency. It provides a range of security services, but has a particular emphasis on cybersecurity, open source investigation and penetration testing of networks. We employ a wide variety of cyber and cyber forensic analysts. We have patents pending in a variety of applications from novel network security applications to SCADA (Supervisory Control and Data Acquisition) protection and safe browsing solutions for the dark and deep web. For this report, I have relied on these experts and resources.

B. PURPOSE AND PRELIMINARY CONCLUSIONS

1. The purpose of this forensic audit is to test the integrity of Dominion Voting System in how it performed in Antrim County, Michigan for the 2020 election.

2. We conclude that the Dominion Voting System is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results. The system intentionally generates an enormously high number of ballot errors. The electronic ballots are then transferred for adjudication. The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency, and no audit trail. This leads to voter or election fraud. Based on our study, we conclude that The Dominion Voting System should not be used in Michigan. We further conclude that the results of Antrim County should not have been certified.

3. The following is a breakdown of the votes tabulated for the 2020 election in Antrim County, showing different dates for the tabulation of the same votes.

Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President
Nov 3	22,082	16,047	7,769	4,509	145	14	12,423
Nov 5	22,082	18,059	7,289	9,783	255	20	17,327
Nov 21	22,082	16,044	5,960	9,748	241	23	15,949

4. The Antrim County Clerk and Secretary of State Jocelyn Benson have stated that the election night error (detailed above by the vote "flip" from Trump to Biden, was the result of human error caused by the failure to update the Mancelona Township tabulator prior to election night for a down ballot race. We disagree and conclude that the vote flip occurred because of machine error built into the voting software designed to create error.

5. Secretary of State Jocelyn Benson's statement on November 6, 2020 that "[t]the correct results always were and continue to be reflected on the tabulator totals tape . . . ." was false.

6. The allowable election error rate established by the Federal Election Commission guidelines is of 1 in 250,000 ballots (.0008%). We observed an error rate of 68.05%. This demonstrated a significant and fatal error in security and election integrity.

7. The results of the Antrim County 2020 election are not certifiable. This is a result of machine and/or software error, not human error.

8. The tabulation log for the forensic examination of the server for Antrim County from December 6, 2020consists of 15,676 individual events, of which 10,667 or 68.05% of the events were recorded errors. These errors resulted in overall tabulation errors or ballots being sent to adjudication. This high error rates proves the Dominion Voting System is flawed and does not meet state or federal election laws.

9. These errors occurred after The Antrim County Clerk provided a re-provisioned CF card with uploaded software for the Central Lake Precinct on November 6, 2020. This means the statement by Secretary Benson was false. The Dominion Voting System produced systemic errors and high error rates both prior to the update and after the update; meaning the update (or lack of update) is not the cause of errors.

10. In Central Lake Township there were 1,222 ballots **reversed** out of 1,491 total ballots cast, resulting in an 81.96% rejection rate. All reversed ballots are sent to adjudication for a decision by election personnel.

11. It is critical to understand that the Dominion system classifies ballots into two categories, 1) normal ballots and 2) adjudicated ballots. Ballots sent to adjudication can be altered by administrators, and adjudication files can be moved between different Results Tally and Reporting (RTR) terminals with no audit trail of which administrator actually adjudicates (i.e. votes) the ballot batch. This demonstrated a significant and fatal error in security and election integrity because it provides no meaningful observation of the adjudication process or audit trail of which administrator actually adjudicated the ballots.

12. A staggering number of votes required adjudication. This was a 2020 issue not seen in previous election cycles still stored on the server. This is caused by intentional errors in the system. The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency or audit trail. Our examination of the server logs indicates that this high error rate was incongruent with patterns from previous years. The statement attributing these issues to human error is not consistent with the forensic evaluation, which points more correctly to systemic machine and/or software errors. The systemic errors are intentionally designed to create errors in order to push a high volume of ballots to bulk adjudication.

13. The linked video demonstrates how to cheat at adjudication:

    https://mobile.twitter.com/KanekoaTheGreat/status/1336888454538428418

14. Antrim County failed to properly update its system. A purposeful lack of providing basic computer security updates in the system software and hardware demonstrates incompetence, gross negligence, bad faith, and/or willful non-compliance in providing the fundamental system security required by federal and state law. There is no way this election management system could have passed tests or have been legally certified to conduct the 2020 elections in Michigan under the current laws. According to the National Conference of State Legislatures Michigan requires full compliance with federal standards as determined by a federally accredited voting system laboratory.

15. Significantly, the computer system shows vote adjudication logs for prior years; but all adjudication log entries for the 2020 election cycle are missing. The adjudication process is the simplest way to manually manipulate votes. The lack of records prevents any form of audit accountability, and their conspicuous absence is extremely suspicious since the files exist for previous years using the same software. Removal of these files violates state law and prevents a meaningful audit, even if the Secretary wanted to conduct an audit. We must conclude that the 2020 election cycle records have been manually removed.

16. Likewise, all server security logs prior to 11:03 pm on November 4, 2020 are missing. This means that all security logs for the day after the election, on election day, and prior to election day are gone. Security logs are very important to an audit trail, forensics, and for detecting advanced persistent threats and outside attacks, especially on systems with outdated system files. These logs would contain domain controls, authentication failures, error codes, times users logged on and off, network connections to file servers between file accesses, internet connections, times, and data transfers. Other server logs before November 4, 2020 are present; therefore, there is no reasonable explanation for the security logs to be missing.

17. On November 21, 2020, an unauthorized user unsuccessfully attempted to zero out election results. This demonstrates additional tampering with data.

18. The Election Event Designer Log shows that Dominion ImageCast Precinct Cards were programmed with new ballot programming on 10/23/2020 and then again after the election on 11/05/2020. These system changes affect how ballots are read and tabulated, and our examination demonstrated a significant change in voter results using the two different programs. In accordance with the Help America Vote Act, this violates the 90-day Safe Harbor Period which prohibits changes to election systems, registries, hardware/software updates without undergoing re-certification. According to the National Conference of State Legislatures Michigan requires full compliance with federal standards as determined by a federally accredited voting system laboratory.

19. The only reason to change software after the election would be to obfuscate evidence of fraud and/or to correct program errors that would de-certify the election. Our findings show that the Central Lake Township tabulator tape totals were significantly altered by utilizing two different program versions (10/23/2020 and 11/05/2020), both of which were software changes during an election which violates election law, and not just human error associated with the **Dominion Election Management System.** This is clear evidence of software generated movement of votes. The claims made on the **Office of the Secretary of State** website are false.

20. The Dominion ImageCast Precinct (ICP) machines have the ability to be connected to the internet (see Image 11). By connecting a network scanner to the ethernet port on the ICP machine and creating Packet Capture logs from the machines we examined show the ability to connect to the network, Application Programming Interface (API) (a data exchange between two different systems) calls and web (http) connections to the Election Management System server. Best practice is to disable the network interface card to avoid connection to the internet. This demonstrated a significant and fatal error in security and election integrity. Because certain files have been deleted, we have not yet found origin or destination; but our research continues.

21. Because the intentional high error rate generates large numbers of ballots to be adjudicated by election personnel, we must deduce that bulk adjudication occurred. However, because files and adjudication logs are missing, we have not yet determined where the bulk adjudication occurred or who was responsible for it. Our research continues.

22. Research is ongoing. However, based on the preliminary results, we conclude that the errors are so significant that they call into question the integrity and legitimacy of the results in the Antrim County 2020 election to the point that the results are not certifiable. Because the same machines and software are used in 48 other counties in Michigan, this casts doubt on the integrity of the entire election in the state of Michigan.

23. DNI Responsibilities: President Obama signed Executive Order on National Critical Infrastructure on 6 January 2017, stating in Section 1. Cybersecurity of Federal Networks, "The Executive Branch operates its information technology (IT) on behalf of the American people. The President will hold heads of executive departments and agencies (agency heads) accountable for managing cybersecurity risk to their enterprises. In addition, because risk management decisions made by agency heads can affect the risk to the executive branch as a whole, and to national security, it is also the policy of the United States to manage cybersecurity risk as an executive branch enterprise." President Obama's EO further stated, effective immediately, each agency head shall use The Framework for Improving Critical Infrastructure Cybersecurity (the Framework) developed by the National Institute of Standards and Technology." Support to Critical Infrastructure at Greatest Risk. The Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the heads of appropriate sector-specific agencies, as defined in Presidential Policy Directive 21 of February 12, 2013 (Critical Infrastructure Security and Resilience) (sector-specific agencies), and all other appropriate agency heads, as identified by the Secretary of Homeland Security, shall: (i) identify authorities and capabilities that agencies could employ to support the cybersecurity efforts of critical infrastructure entities identified pursuant to section 9 of Executive Order 13636 of February 12, 2013 (Improving Critical Infrastructure Cybersecurity), to be at greatest risk of attacks that could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security (section 9 entities);

This is a national security imperative. **In July 2018, President Trump strengthened President Obama's Executive Order to include requirements to ensure US election systems, processes, and its people were not manipulated by foreign meddling, either through electronic or systemic manipulation, social media, or physical changes made in hardware, software, or supporting systems.** The 2018 Executive Order. Accordingly, I hereby order:

Section 1. (a) Not later than 45 days after the conclusion of a United States election, the Director of National Intelligence, in consultation with the heads of any other appropriate executive departments and agencies (agencies), shall conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election. The assessment shall identify, to the maximum extent ascertainable, the nature of any foreign interference and any methods employed to execute it, the persons involved, and the foreign government or governments that authorized, directed, sponsored, or supported it. The Director of National Intelligence shall deliver this assessment and appropriate supporting information to the President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security.

We recommend that an independent group should be empaneled to determine the extent of the adjudication errors throughout the State of Michigan. This is a national security issue.

24. Michigan resident Gustavo Delfino, a former professor of mathematics in Venezuela and alumni of University of Michigan, offered a compelling affidavit [Exhibit 2] recognizing the inherent vulnerabilities in the SmartMatic electronic voting machines (software which was since incorporated into Dominion Voting Systems) during the 2004 national referendum in Venezuela (see attached declaration). After 4 years of research and 3 years of undergoing intensive peer review, Professor Delfino's paper was published in the highly respected "Statistical Science" journal, November 2011 issue (Volume 26, Number 4) with title "Analysis of the 2004 Venezuela Referendum: The Official Results Versus the Petition Signatures." The intensive study used multiple mathematical approaches to ascertain the voting results found in the 2004 Venezuelan referendum. Delfino and his research partners discovered not only the algorithm used to manipulate the results, but also the precise location in the election processing sequence where vulnerability in machine processing would provide such an opportunity. According to Prof Delfino, the magnitude of the difference between the official and the true result in Venezuela estimated at 1,370,000 votes. Our investigation into the error rates and results of the Antrim County voting tally reflect the same tactics, which have also been reported in other Michigan counties as well. This demonstrates a national security issue.

C. PROCESS

We visited Antrim County twice: November 27, 2020 and December 6, 2020.

On November 27, 2020, we visited Central Lake Township, Star Township, and Mancelona Township. We examined the Dominion Voting Systems tabulators and tabulator roles.

On December 6, 2020, we visited the Antrim County Clerk's office. We inspected and performed forensic duplication of the following:

1. **Antrim County Election Management Server** running **Dominion Democracy Suite** 5.5.3-002;

2. **Compact Flash** cards used by the local precincts in their **Dominion ImageCast Precinct;**

3. **USB memory sticks** used by the **Dominion VAT** (Voter Assist Terminals); and

4. **USB memory sticks** used for the Poll Book.

Dominion voting system is a Canadian owned company with global subsidiaries. It is owned by Staple Street Capital which is in turn owned by UBS Securities LLC, of which 3 out of their 7 board members are Chinese nationals. The Dominion software is licensed from Smartmatic which is a Venezuelan owned and controlled company. Dominion Server locations have been determined to be in Serbia, Canada, the US, Spain and Germany.

D. CENTRAL LAKE TOWNSHIP

1. On November 27, 2020, part of our forensics team visited the Central Lake Township in Michigan to inspect the **Dominion ImageCast Precint** for possible hardware issues on behalf of a local lawsuit filed by Michigan attorney Matthew DePerno on behalf of William Bailey. In our conversations with the clerk of **Central Lake Township** Ms. Judith L. Kosloski, she presented to us "two separate paper totals tape" from Tabulator ID 2.

   - One dated "Poll Opened Nov. 03/2020 06:38:48" (Roll 1);
   - Another dated "Poll Opened Nov. 06/2020 09:21:58" (Roll 2).

2. We were then told by Ms. Kosloski that on November 5, 2020, Ms. Kosloski was notified by Connie Wing of the County Clerk's Office and asked to bring the tabulator and ballots to the County Clerk's office for re-tabulation. They ran the ballots and printed "Roll 2". She noticed a difference in the votes and brought it up to the clerk, but canvasing still occurred, and her objections were not addressed.

3. Our team analyzed both rolls and compared the results. Roll 1 had **1,494** total votes and Roll 2 had **1,491** votes (Roll 2 had 3 less ballots because 3 ballots were damaged in the process.)

4. "Statement of Votes Cast from Antrim" shows that only **1,491** votes were counted, and the **3** ballots that were damaged were not entered into final results.

5. Ms. Kosloski stated that she and her assistant manually refilled out the three ballots, curing them, and ran them through the ballot counting system - but the final numbers do not reflect the inclusion of those **3** damaged ballots.

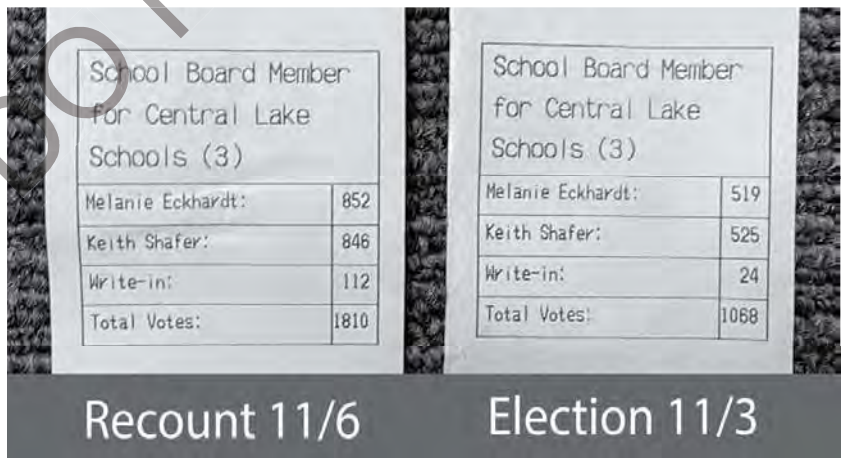
6. This is the most preliminary report of serious election fraud indicators. In comparing the numbers on both rolls, *we estimate **1,474** votes changed* across the two rolls, between the first and the second time the exact same ballots were run through the County Clerk's vote counting machine - *which is almost the same number of voters that voted in total.*

   - ***742** votes were added to* **School Board Member for Central Lake Schools (3)**
   - ***657** votes were removed from* **School Board Member for Ellsworth Schools (2)**
   - **7** votes were added to the total for **State Proposal 20-1 (1)** and out of those there were **611** votes moved between the Yes and No Categories.

7. There were incremental changes throughout the rolls with some significant adjustments between the 2 rolls that were reviewed. This demonstrates conclusively that votes can be and were changed during the second machine count after the software update. That should be impossible especially at such a high percentage to total votes cast.

8. For the **School Board Member for Central Lake Schools (3)** [Image 1] there were **742 votes** added to this vote total. Since multiple people were elected, this did not change the result of both candidates being elected, but one does see a change in who had most votes. If it were a single-person election this would have changed the outcome and demonstrates conclusively that votes can be and were changed during the second machine counting. That should be impossible.

[Image 1]:

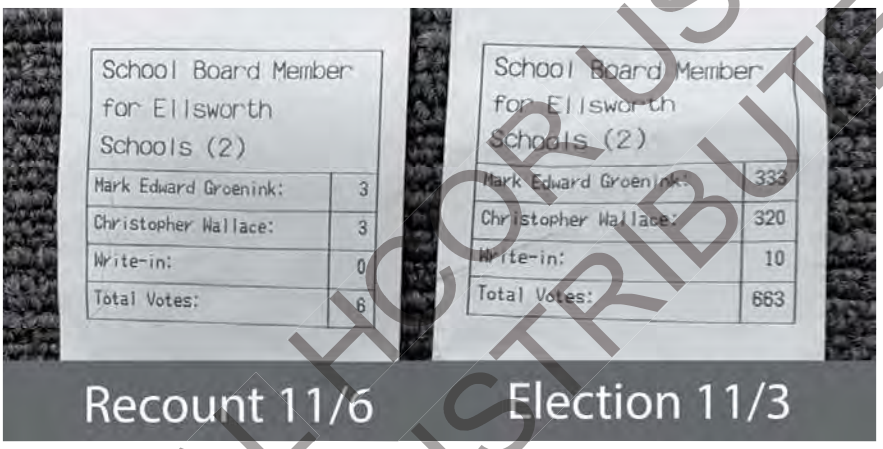


9. For the **School Board Member for Ellsworth Schools (2)** [Image 2]

- Shows ***657*** *votes being removed* from this election.
- In this case, only **3** people who were eligible to vote actually voted. Since there were **2** votes allowed for each voter to cast.
- The recount correctly shows **6** votes.

But on election night, there was a major calculation issue:

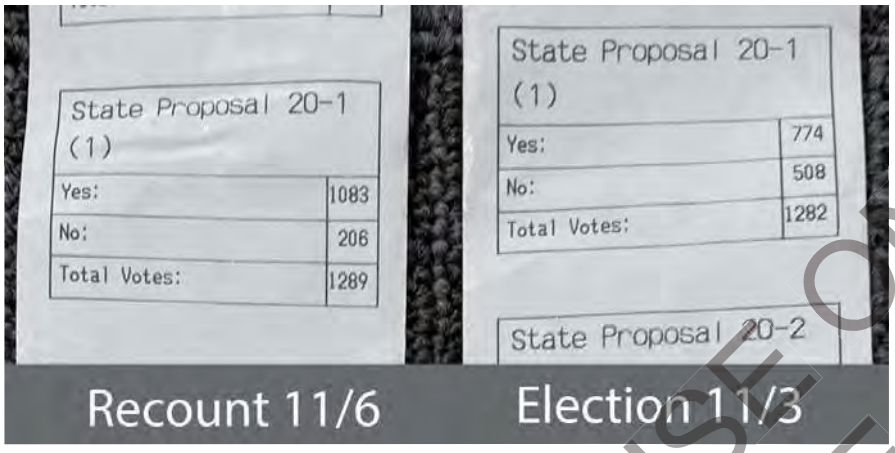
[Image 2]:



10. In **State Proposal 20-1 (1)**, [Image 3] there is a major change in votes in this category.

- There were **774 votes for YES** during the election, to **1,083 votes for YES** on the recount a change of **309 votes**.
- **7** votes were added to the total for **State Proposal 20-1 (1)** out of those there were **611** votes moved between the Yes and No Categories.

[Image 3]:



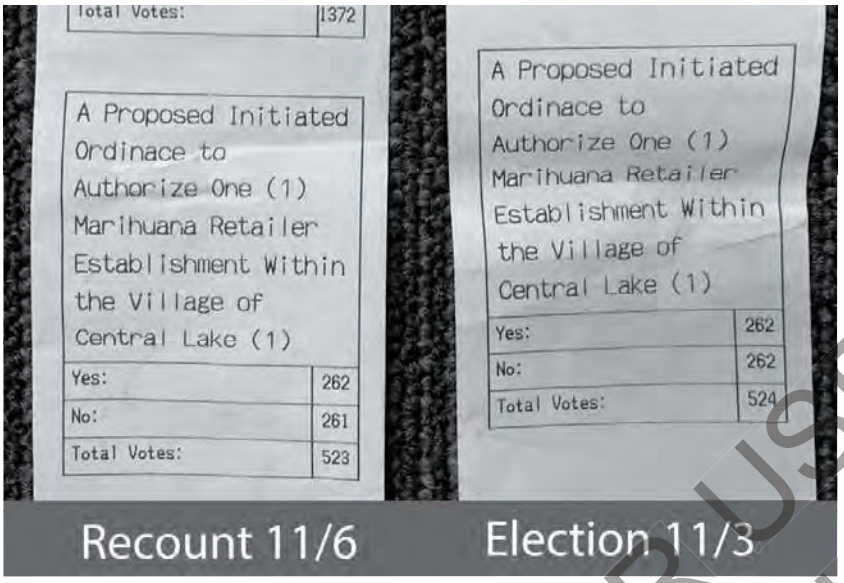
11. **State Proposal 20-1 (1)** is a fairly technical and complicated proposed amendment to the Michigan Constitution to change the disposition and allowable uses of future revenue generated from oil and gas bonuses, rentals and royalties from state-owned land. Information about the proposal: https://crcmich.org/publications/statewide-ballot- proposal-20-1-michigan-natural-resources-trust-fund

12. A Proposed Initiated **Ordinance to Authorize One (1) Marihuana (sic) Retailer Establishment Within the Village of Central Lake (1)**. [Image 4]

    - On election night, it was a tie vote.
    - Then, on the rerun of ballots 3 ballots were destroyed, but only one vote changed on the totals to allow the proposal to pass.

    When **3 ballots were not counted** and **programming change on the tabulator was installed** the proposal **passed with 1 vote being removed from the No** vote.

    [Image 4]:



13. On Sunday December 6, 2020, our forensics team visited the Antrim County Clerk. There were two USB memory sticks used, one contained the software package used to tabulate election results on November 3, 2020, and the other was programmed on November 6, 2020 with a different software package which yielded significantly different voting outcomes. The election data package is used by the **Dominion Democracy Suite** software & election management system software to upload programming information onto the Compact Flash Cards for the **Dominion ImageCast Precinct** to enable it to calculate ballot totals.

14. This software programming should be standard across all voting machines systems for the duration of the entire election if accurate tabulation is the expected outcome as required by US Election Law. This intentional difference in software programming is a design feature to alter election outcomes.

15. The election day outcomes were calculated using the original software programming on November 3, 2020. On November 5, 2020 the township clerk was asked to re-run the Central Lake Township ballots and was given no explanation for this unusual request. On November 6, 2020 the Antrim County Clerk, Sheryl Guy issued the second version of software to re-run the same Central Lake Township ballots and oversaw the process. This resulted in greater than a 60% change in voting results, inexplicably impacting every single election contest in a township with less than 1500 voters. These errors far exceed the ballot error rate standard of 1 in 250,000 ballots (.0008%) as required by federal election law.

- The original election programming files are last dated 09/25/2020 1:24pm
- The updated election data package files are last dated 10/22/2020 10:27 am.

16. As the tabulator tape totals prove, there were large numbers of votes switched from the November 3, 2020 tape to the November 6, 2020 tape. This was solely based on using different software versions of the operating program to calculate votes, not tabulate votes. This is evidenced by using same the Dominion System with two different software program versions contained on the two different USB Memory Devices.

17. The Help America Vote Act, Safe Harbor provides a 90-day period prior to elections where no changes can be made to election systems. To make changes would require recertification of the entire system for use in the election. The Dominion User Guide prescribes the proper procedure to test machines with test ballots to compare the results to validate machine functionality to determine if the **Dominion ImageCast Precinct** was programmed correctly. If this occurred a ballot misconfiguration would have been identified. Once the software was updated to the 10/22/2020 software the test ballots should have been re-run to validate the vote totals to confirm the machine was configured correctly.

18. The November 6, 2020 note from **The Office of the Secretary of State Jocelyn Benson** states: "The correct results always were and continue to be reflected on the tabulator totals tape and on the ballots themselves. Even if the error in the reported unofficial results had not been quickly noticed, it would have been identified during the county canvass. Boards of County Canvassers, which are composed of 2 Democrats and 2 Republicans, review the printed totals tape from each tabulator during the canvass to verify the reported vote totals are correct."

    - Source: https://www.michigan.gov/sos/0,4670,7-127-1640_9150-544676--,00.html

19. The **Secretary of State Jocelyn Benson's** statement is false. Our findings show that the tabulator tape totals were significantly altered by utilization of two different program versions, and not just the **Dominion Election Management System.** This is the opposite of the claim that the **Office of the Secretary of State** made on its website. The fact that these significant errors were not caught in ballot testing and not caught by the local county clerk shows that there are major inherent built-in vulnerabilities and process flaws in the **Dominion Election Management System**, and that other townships/precincts and the entire election have been affected.

20. On Sunday December 6, 2020, our forensics team visited the Antrim County Clerk office to perform forensic duplication of the **Antrim County Election Management Server** running **Dominion Democracy Suite** 5.5.3-002.

21. Forensic copies of the **Compact Flash** cards used by the local precincts in their **Dominion ImageCast Precinct** were inspected, **USB memory sticks** used by the **Dominion VAT** (Voter Assist Terminals) and the **USB memory sticks** used for the Poll Book were forensically duplicated.

22. We have been told that the ballot design and configuration for the **Dominion ImageCast Precinct** and VAT were provided by **ElectionSource.com** which is which is owned by MC&E, Inc of Grand Rapids, MI.

E. MANCELONA TOWNSHIP

1. In Mancelona township, problems with software versions were also known to have been present. Mancelona elections officials understood that ballot processing issued were not accurate and used the second version of software to process votes on 4 November, again an election de-certifying event, as no changes to the election system are authorized by law in the 90 days preceding elections without re-certification.

2. Once the 10/22/2020 software update was performed on the Dominion ImageCast Precinct the test ballot process should have been performed to validate the programming. There is no indication that this procedure was performed.

F. ANTRIM COUNTY CLERK'S OFFICE

1. Pursuant to a court ordered inspection, we participated in an onsite collection effort at the Antrim County Clerk's office on December 6, 2020. [Image 5]:

Among other items forensically collected, the Antrim County Election Management Server (EMS) with Democracy Suite was forensically collected. [Images 6 and 7].

The EMS (Election Management Server) was a:

Dell Precision Tower 3420.

Service Tag: 6NB0KH2

The EMS contained 2 hard drives in a RAID-1 configuration. That is the 2 drives redundantly stored the same information and the server could continue to operate if either of the 2 hard drives failed. The EMS was booted via the Linux Boot USB memory sticks and both hard drives were forensically imaged.

At the onset of the collection process we observed that the initial program thumb drive was not secured in the vault with the CF cards and other thumbdrives. We watched as the County employees, including Clerk Sheryl Guy searched throughout the office for the missing thumb drive. Eventually they found the missing thumb drive in an unsecured and unlocked desk drawer along with multiple other random thumb drives. This demonstrated a significant and fatal error in security and election integrity.

G. FORENSIC COLLECTION

We used a built for purpose Linux Boot USB memory stick to boot the EMS in a forensically sound mode. We then used Ewfacquire to make a forensic image of the 2 independent internal hard drives.

Ewfacquire created an E01 file format forensic image with built-in integrity verification via MD5 hash.

We used Ewfverify to verify the forensic image acquired was a true and accurate copy of the original disk. That was done for both forensic images.

H. ANALYSIS TOOLS

X-Ways Forensics: We used X-Ways Forensics, a commercial Computer Forensic tool, to verify the image was useable and full disk encryption was not in use. In particular we confirmed that Bit locker was not in use on the EMS.

Other tools used: PassMark OSForensics, Truxton - Forensics, Cellebrite Physical Analyzer, Blackbag-Blacklight Forensic Software, Microsoft SQL Server Management Studio, Virtual Box, and miscellaneous other tools and scripts.

I. SERVER OVERVIEW AND SUMMARY

1. Our initial audit on the computer running the Democracy Suite Software showed that standard computer security best practices were not applied. These minimum-security standards are outlined the 2002 HAVA, and FEC Voting System Standards it did not even meet the minimum standards required of a government desktop computer.

2. The election data software package USB drives (November 2020 election, and November 2020 election updated) are secured with bitlocker encryption software, but they were not stored securely on-site. At the time of our forensic examination, the election data package files were already moved to an unsecure desktop computer and were residing on an unencrypted hard drive. This demonstrated a significant and fatal error in security and election integrity. Key Findings on Desktop and Server Configuration: - There were multiple Microsoft security updates as well as Microsoft SQL Server updates which should have been deployed, however there is no evidence that these security patches were ever installed. As described below, many of the software packages were out of date and vulnerable to various methods of attack.

    a) Computer initial configuration on 10/03/2018 13:08:11:911

    b) Computer final configuration of server software on 4/10/2019

    c) Hard Drive not Encrypted at Rest

    d) Microsoft SQL Server Database not protected with password.

    e) Democracy Suite Admin Passwords are reused and share passwords.

    f) Antivirus is 4.5 years outdated

    g) Windows updates are 3.86 years out of date.

    h) When computer was last configured on 04/10/2019 the windows updates were 2.11 years out of date.

    i) User of computer uses a Super User Account.

3. The hard drive was not encrypted at rest which means that if hard drives are removed or initially booted off an external USB drive the files are susceptible to manipulation directly. An attacker is able to mount the hard drive because it is unencrypted, allowing for the manipulation and replacement of any file on the system.

4. The Microsoft SQL Server database files were not properly secured to allow modifications of the database files.

5. The Democracy Suite Software user account logins and passwords are stored in the unsecured database tables and the multiple Election System Administrator accounts share the same password, which means that there are no audit trails for vote changes, deletions, blank ballot voting, or batch vote alterations or adjudication.

6. Antivirus definition is 1666 days old on 12/11/2020. Antrim County updates its system with USB drives. USB drives are the most common vectors for injecting malware into computer systems. The failure to properly update the antivirus definition drastically increases the harm cause by malware from other machines being transmitted to the voting system.

7. Windows Server Update Services (WSUS) Offline Update is used to enable updates the computer which is a package of files normally downloaded from the internet but compiled into a program to put on a USB drive to manually update server systems.

8. Failure to properly update the voting system demonstrates a significant and fatal error in security and election integrity.

9. There are 15 additional updates that should have been installed on the server to adhere to Microsoft Standards to fix known vulnerabilities. For the 4/10/2019 install, the most updated version of the update files would have been 03/13/2019 which is 11.6.1 which is 15 updates newer than 10.9.1

This means the updates installed were 2 years, 1 month, 13 days behind the most current update at the time. This includes security updates and fixes. This demonstrated a significant and fatal error in security and election integrity.

- Wed 04/10/2019 10:34:33.14 - Info: Starting WSUS Offline Update (v. 10.9.1)

- Wed 04/10/2019 10:34:33.14 - Info: Used path "D:\WSUSOFFLINE1091 2012R2 W10\cmd\" on EMSSERVER (user: EMSADMIN)

- Wed 04/10/2019 10:34:35.55 - Info: Medium build date: 03/10/2019

- Found on c:\Windows\wsusofflineupdate.txt
- *WSUS Offline Update (v.10.9.1) was created on 01/29/2017

*WSUS information found here https://download.wsusoffline.net/

10. Super User Administrator account is the primary account used to operate the **Dominion Election Management System** which is a major security risk. The user logged in has the ability to make major changes to the system and install software which means that there is no oversight to ensure appropriate management controls i.e. anyone who has access to the shared administrator user names and passwords can make significant changes to the entire voting system. The shared usernames and passwords mean that these changes can be made in an anonymous fashion with no tracking or attribution.

J. ERROR RATES

1. We reviewed the Tabulation logs in their entirety for 11/6/2020. The election logs for Antrim County consist of 15,676 total lines or events.
   - Of the 15,676 there were a total of 10,667 critical errors/warnings or a 68.05% error rate.
   - Most of the errors were related to configuration errors that could result in overall tabulation errors or adjudication. These 11/6/2020 tabulation totals were used as the official results.
2. For examples, there were 1,222 ballots **reversed** out of 1,491 total ballots cast, thus resulting in an 81.96% rejection rate. Some of which were reversed due to "Ballot's size exceeds maximum expected ballot size".
   - According to the NCSL, Michigan requires testing by a federally accredited laboratory for voting systems. In section 4.1.1 of the Voluntary Voting Systems Guidelines (VVSG) Accuracy Requirements a. **All systems shall achieve a report total error rate of no more than one in 125,000**.
   - https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf
   - In section 4.1.3.2 Memory Stability of the VVSG it states that **Memory devices used to retain election management data shall have demonstrated error free data retention for a period of 22 months**.
   - In section 4.1.6.1 Paper-based System Processing Requirements sub-section a. of the VVSG it states "The ability of the system to produce and receive electronic signals from the scanning of the ballot, perform logical and numerical operations upon these data, and reproduce the contents of memory when required **shall** be sufficiently free of **error** to enable

satisfaction of the system-level accuracy requirement indicated in Subsection 4.1.1."

- These are not human errors; this is definitively related to the software and software configurations resulting in error rates far beyond the thresholds listed in the guidelines.

3. A high "error rate" in the election software (in this case 68.05%) reflects an algorithm used that will weight one candidate greater than another (for instance, weight a specific candidate at a 2/3 to approximately 1/3 ratio). In the logs we identified that the RCV or Ranked Choice Voting Algorithm was enabled (see image below from the Dominion manual). This allows the user to apply a weighted numerical value to candidates and change the overall result. The declaration of winners can be done on a basis of points, not votes. [Image 8]:

choice voting results are evaluated on a district per district basis and each district has a set number of points (100). Elimination and declaration of winners is done on basis of points, not votes.

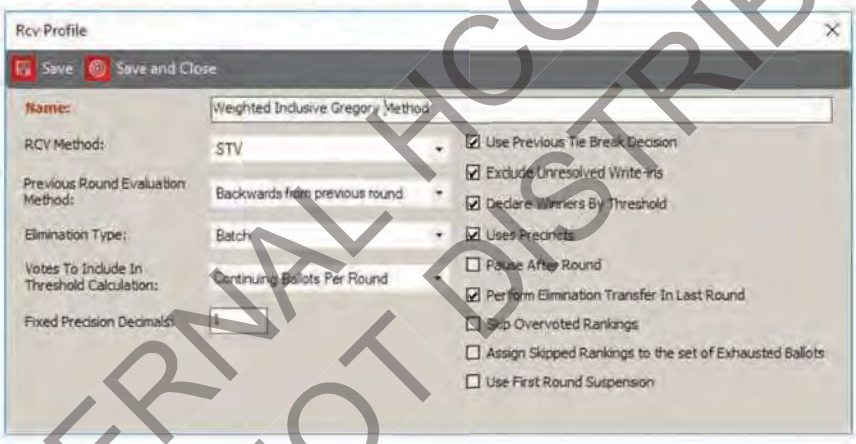


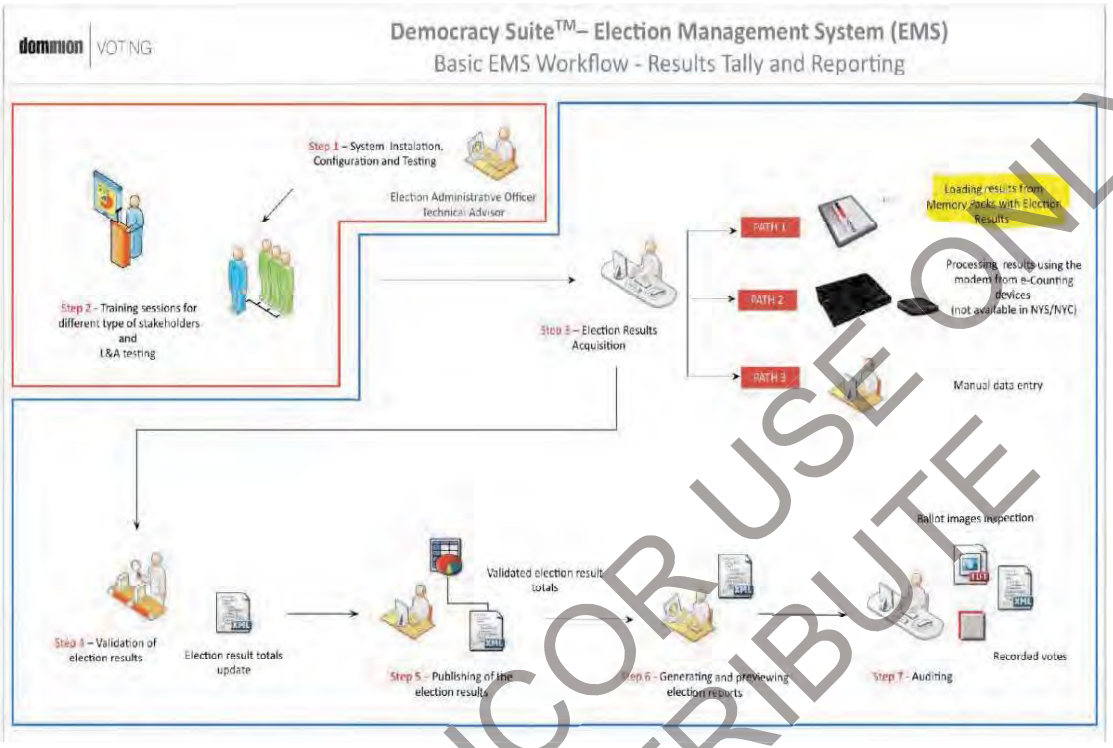
Figure 11-3: RCV Profile screen

4. The Dominion software configuration logs in the Divert Options, shows that all write-in ballots were flagged to be diverted automatically for adjudication. This means that all write-in ballots were sent for "adjudication" by a poll worker or election official to process the ballot based on voter "intent". Adjudication files allow a computer operator to decide to whom to award those votes (or to trash them).

5. In the logs all but two of the Override Options were enabled on these machines, thus allowing any operator to change those votes. [Image 9]:

6. In the logs all but two of the Override Options were enabled on these machines, thus allowing any operator to change those votes. This gives the system operators carte blanche to adjudicate ballots, in this case 81.96% of the total cast ballots with no audit trail or oversight. [Image 10]:

7. On 12/8/2020 Microsoft issued 58 security patches across 10+ products, some of which were used for the election software machine, server and programs. Of the 58 security fixes 22, were patches to remote code execution (RCE) vulnerabilities. [Image 11]:



8. We reviewed the Election Management System logs (EmsLogger) in their entirety from 9/19/2020 through 11/21/2020 for the Project: Antrim November 2020. There were configuration errors throughout the set-up, election and tabulation of results. The last error for Central Lake Township, Precinct 1 occurred on 11/21/2020 at 14:35:11 System.Xml.XmlException System.Xml.XmlException: The ' ' character, hexadecimal value 0x20, cannot be included in a name. Bottom line is that this is a calibration that rejects the vote (see picture below). [Image 12]:

Notably 42 minutes earlier on Nov 21 2020 at 13:53:09 a user attempted to zero out election results. Id:3168 EmsLogger - There is no permission to {0} - Project: User: Thread: 189. This is direct proof of an attempt to tamper with evidence.

[redacted]

9. The Election Event Designer Log shows that Dominion ImageCast Precinct Cards were programmed with updated new programming on 10/23/2020 and again after the election on 11/05/2020. As previously mentioned, this violates the HAVA safe harbor period.

   Source: C:\Program Files\Dominion Voting Systems\Election Event Designer\Log\Info.txt

   - Dominion Imagecast Precinct Cards Programmed with 9/25/2020 programming on 09/29/2020, 09/30/2020, and 10/12/2020.
   - Dominion Imagecast Precinct Cards Programmed with New Ballot Programming dated 10/22/2020 on 10/23/2020 and after the election on 11/05/2020

   Excerpt from 2020-11-05 showing "ProgramMemoryCard" commands.

[redacted]

10. Analysis is ongoing and updated findings will be submitted as soon as possible. A summary of the information collected is provided below.

10|12/07/20 18:52:30| Indexing completed at Mon Dec 7 18:52:30 2020
12|12/07/20 18:52:30| INDEX SUMMARY
12|12/07/20 18:52:30| Files indexed: 159312

12|12/07/20 18:52:30| Files skipped: 64799
12|12/07/20 18:52:30| Files filtered: 0
12|12/07/20 18:52:30| Emails indexed: 0
12|12/07/20 18:52:30| Unique words found: 5325413
12|12/07/20 18:52:30| Variant words found: 3597634
12|12/07/20 18:52:30| Total words found: 239446085
12|12/07/20 18:52:30| Avg. unique words per page: 33.43
12|12/07/20 18:52:30| Avg. words per page: 1503
12|12/07/20 18:52:30| Peak physical memory used: 2949 MB
12|12/07/20 18:52:30| Peak virtual memory used: 8784 MB
12|12/07/20 18:52:30| Errors: 10149
12|12/07/20 18:52:30| Total bytes scanned/downloaded: 1919289906

Dated: December 13, 2020

Russell Ramsland

Watson, Theresa (OAG)

From:	[redacted] (OAG)
Sent:	Monday, December 14, 2020 4:59 PM
To:	Schneider, Matthew (USAMIE); Birge, Andrew B. (USAMIW)
Subject:	Documents
Attachments:	Antrim County Talking Points.pdf; Antrim Michigan Forensics Report.pdf

See attachments per Rich Donoghue.

[redacted]
Office Manager & Confidential Assistant
Office of the Attorney General
U.S. Department of Justice
[redacted]

Michael, Molly A. EOP/WHO

From:	Michael, Molly A. EOP/WHO
Sent:	Tuesday, December 29, 2020 11:17 AM
To:	Richard.Donoghue2@usdoj.gov; Jeffrey.B.Wall@usdoj.gov; Jeff.Rosen38@usdoj.gov
Subject:	USA v. Pennsylvania draft complaint Dec 28 2 pm.docx
Attachments:	USA v. Pennsylvania draft complaint Dec 28 2 pm.docx

Good morning,

The President asked me to send the attached draft document for your review. I have also shared with Mark Meadows and Pat Cipollone. If you'd like to discuss with POTUS, the best way to reach him in the next few days is through the operators: 202-456-1414

Thanks and Happy New Year!

Molly

Sent from my iPhone

No. , Original

In the Supreme Court of the United States

THE UNITED STATES OF AMERICA

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF STATE OF GEORGIA, STATE OF MICHIGAN, STATE OF WISCONSIN, STATE OF ARIZONA, AND STATE OF NEVADA

Defendants.

BILL OF COMPLAINT

TABLE OF CONTENTS

Pages

BILL OF COMPLAINT

Our Country is deeply divided in a manner not seen in well over a century. More than 77% of Republican voters believe that "widespread fraud" occurred in the 2020 general election while 97% of Democrats say there was not.[1] On December 7, 2020, the State of Texas filed an action with this Court, *Texas v. Pennsylvania, et al.*, alleging the same constitutional violations in connection with the 2020 general election pled herein. Within three days *eighteen* other states sought to intervene in that action or filed supporting briefs. On December 11, 2020, the Court summarily dismissed that action stating that Texas lacked standing under Article III of the Constitution. The United States therefore brings this action to ensure that the U.S. Constitution does not become simply a piece of parchment on display at the National Archives.

Two issues regarding this election are not in dispute. First, about eight months ago, a few non-legislative officials in the states of Georgia, Michigan, Wisconsin, Arizona, Nevada and the Commonwealth of Pennsylvania (collectively, "Defendant States") began using the COVID-19 pandemic as an excuse to unconstitutionally revise or violate their states' election laws. Their actions all had one effect: they uniformly weakened security measures put in place *by legislators* to protect the integrity of the vote. These

[1]https://www.courant.com/politics/hc-pol-q-poll-republicans-believe-fraud-20201210-pcie3uqqvrhyvnt7geohhsyepe-story.html

changes squarely violated the Electors Clause of Article II, Section 1, Clause 2 vesting state legislatures with plenary authority to make election law. These same government officials then flooded the Defendant States with millions of ballots to be sent through the mails, or placed in drop boxes, with little or no chain of custody.[2] Second, the evidence of illegal or fraudulent votes, with outcome changing results, is clear—and growing daily.

Since *Marbury v. Madison* this Court has, on significant occasions, had to step into the breach in a time of tumult, declare what the law is, and right the ship. This is just such an occasion. In fact, it is situations precisely like the present—when the Constitution has been cast aside unchecked—that leads us to the current precipice. As one of the Country's Founding Fathers, John Adams, once said, "You will never know how much it has cost my generation to preserve your freedom. I hope you will make a good use of it." In times such as this, it is the duty of Court duty to act as a "faithful guardian[] of the Constitution." THE FEDERALIST NO. 78, at 470 (C. Rossiter, ed. 1961) (A. Hamilton).

Against that background, the United States of America brings this action against Defendant States based on the following allegations:

NATURE OF THE ACTION

1. The United States challenges Defendant States' administration of the 2020 election under the

[2] https://georgiastarnews.com/2020/12/05/dekalb-county-cannot-find-chain-of-custody-records-for-absentee-ballots-deposited-in-drop-boxes-it-has-not-been-determined-if-responsive-records-to-your-request-exist/

Electors Clause of Article II, Section 1, Clause 2, and the Fourteenth Amendment of the U.S. Constitution.

2. This case presents a question of law: Did Defendant States violate the Electors Clause (or, in the alternative, the Fourteenth Amendment) by taking—or allowing—non-legislative actions to change the election rules that would govern the appointment of presidential electors?

3. Those unconstitutional changes opened the door to election irregularities in various forms. The United States alleges that each of the Defendant States flagrantly violated constitutional rules governing the appointment of presidential electors. In doing so, seeds of deep distrust have been sown across the country. In *Marbury v. Madison*, 5 U.S. 137 (1803), Chief Justice Marshall described "the duty of the Judicial Department to say what the law is" because "every right, when withheld, must have a remedy, and every injury its proper redress."

4. In the spirit of *Marbury v. Madison*, this Court's attention is profoundly needed to declare what the law is and to restore public trust in this election.

5. As Justice Gorsuch observed recently, "Government is not free to disregard the [Constitution] in times of crisis. … Yet recently, during the COVID pandemic, certain States seem to have ignored these long-settled principles." *Roman Catholic Diocese of Brooklyn, New York v. Cuomo*, 592 U.S. (2020) (Gorsuch, J., concurring). This case is no different.

6. Each of Defendant States acted in a common pattern. State officials, sometimes through pending litigation (*e.g.*, settling "friendly" suits) and sometimes unilaterally by executive fiat, announced

new rules for the conduct of the 2020 election that were inconsistent with existing state statutes defining what constitutes a lawful vote.

7. Defendant States also failed to segregate ballots in a manner that would permit accurate analysis to determine which ballots were cast in conformity with the legislatively set rules and which were not. This is especially true of the mail-in ballots in these States. By waiving, lowering, and otherwise failing to follow the state statutory requirements for signature validation and other processes for ballot security, the entire body of such ballots is now constitutionally suspect and may not be legitimately used to determine allocation of the Defendant States' presidential electors.

8. The rampant lawlessness arising out of Defendant States' unconstitutional acts is described in a number of currently pending lawsuits in Defendant States or in public view including:

- *Dozens of witnesses testifying under oath about*: the physical blocking and kicking out of Republican poll challengers; thousands of the same ballots run multiple times through tabulators; mysterious late night dumps of thousands of ballots at tabulation centers; illegally backdating thousands of ballots; signature verification procedures ignored;[3]
- *Videos of*: poll workers erupting in cheers as poll challengers are removed from vote counting centers; poll watchers being blocked from entering

[3]Complaint (Doc. No. 1), *Donald J. Trump for President, Inc. v. Benson*, 1:20-cv-1083 (W.D. Mich. Nov. 11, 2020) at ¶¶ 26-55 & Doc. Nos. 1-2, 1-4.

vote counting centers—despite even having a court order to enter; suitcases full of ballots being pulled out from underneath tables after poll watchers were told to leave.

- *Facts for which no independently verified reasonable explanation yet exists*: On October 1, 2020, in Pennsylvania a laptop and several USB drives, used to program Pennsylvania's Dominion voting machines, were mysteriously stolen from a warehouse in Philadelphia. The laptop and the USB drives were the *only* items taken, and potentially could be used to alter vote tallies; In Michigan, which also employed the same Dominion voting system, on November 4, 2020, Michigan election officials have admitted that a purported "glitch" caused 6,000 votes for President Trump to be wrongly switched to Democrat Candidate Biden. A flash drive containing tens of thousands of votes was left unattended in the Milwaukee tabulations center in the early morning hours of Nov. 4, 2020, without anyone aware it was not in a proper chain of custody.

9. Nor was this Court immune from the blatant disregard for the rule of law. Pennsylvania itself played fast and loose with its promise to this Court. In a classic bait and switch, Pennsylvania used guidance from its Secretary of State to argue that this Court should not expedite review because the State would segregate potentially unlawful ballots. A court of law would reasonably rely on such a representation. Remarkably, before the ink was dry on the Court's 4-4 decision, Pennsylvania changed that guidance, breaking the State's promise to this Court. *Compare Republican Party of Pa. v. Boockvar*, No. 20-542, 2020

U.S. LEXIS 5188, at *5-6 (Oct. 28, 2020) ("we have been informed by the Pennsylvania Attorney General that the Secretary of the Commonwealth issued guidance today directing county boards of elections to segregate [late-arriving] ballots") (Alito, J., concurring) *with Republican Party v. Boockvar*, No. 20A84, 2020 U.S. LEXIS 5345, at *1 (Nov. 6, 2020) ("this Court was not informed that the guidance issued on October 28, which had an important bearing on the question whether to order special treatment of the ballots in question, had been modified") (Alito, J., Circuit Justice).

10. Expert analysis using a commonly accepted statistical test further raises serious questions as to the integrity of this election.

11. The probability of former Vice President Biden winning the popular vote in four of the Defendant States—Georgia, Michigan, Pennsylvania, and Wisconsin—independently given President Trump's early lead in those States as of 3 a.m. on November 4, 2020, is less than one in a quadrillion, or 1 in 1,000,000,000,000,000. For former Vice President Biden to win these four States collectively, the odds of that event happening decrease to less than one in a quadrillion to the fourth power (*i.e.*, 1 in 1,000,000,000,000,000[4]). *See* Decl. of Charles J. Cicchetti, Ph.D. ("Cicchetti Decl.") at ¶¶ 14-21, 30-31. *See* App. a- a.[4]

12. Mr. Biden's *underperformance* in the Top-50 urban areas in the Country relative to former Secretary Clinton's performance in the 2016 election reinforces the unusual statistical improbability of Mr.

---

[4] All exhibits cited in this Complaint are in the Appendix to the United States' forthcoming motion to expedite ("App. 1a ").

Biden's vote totals in the five urban areas in these four Defendant States, where he overperformed Secretary Clinton in all but one of the five urban areas. *See* Supp. Cicchetti Decl. at ¶¶ 4-12, 20-21. (App. a- a).

13. The same less than one in a quadrillion statistical improbability of Mr. Biden winning the popular vote in these four Defendant States—Georgia, Michigan, Pennsylvania, and Wisconsin—independently exists when Mr. Biden's performance in each of those Defendant States is compared to former Secretary of State Hilary Clinton's performance in the 2016 general election and President Trump's performance in the 2016 and 2020 general elections. Again, the statistical improbability of Mr. Biden winning the popular vote in these four States collectively is 1 in 1,000,000,000,000,000[5]. *Id.* 10-13, 17-21, 30-31.

14. Put simply, there is substantial reason to doubt the voting results in the Defendant States.

15. By purporting to waive or otherwise modify the existing state law in a manner that was wholly *ultra vires* and not adopted by each state's legislature, Defendant States violated not only the Electors Clause, U.S. CONST. art. II, § 1, cl. 2, but also the Elections Clause, *id.* art. I, § 4 (to the extent that the Article I Elections Clause textually applies to the Article II process of selecting presidential electors).

16. Voters who cast lawful ballots cannot have their votes diminished by states that administered their 2020 presidential elections in a manner where it is impossible to distinguish a lawful ballot from an unlawful ballot.

17. The number of absentee and mail-in ballots that have been handled unconstitutionally in

Defendant States greatly exceeds the difference between the vote totals of the two candidates for President of the United States in each Defendant State.

18. In December 2018, the Caltech/MIT Voting Technology Project and MIT Election Data & Science Lab issued a comprehensive report addressing election integrity issues.[5] The fundamental question they sought to address was: "How do we know that the election outcomes announced by election officials are correct?"

19. The Caltech/MIT Report concluded: "Ultimately, the only way to answer a question like this is to rely on procedures that independently review the outcomes of elections, to detect and correct material mistakes that are discovered. In other words, elections need to be audited." *Id.* at iii. The Caltech/MIT Report then set forth a detailed analysis of why and how such audits should be done for the same reasons that exist today—a lack of trust in our voting systems.

20. In addition to injunctive relief sought for this election, the United States seeks declaratory relief for all presidential elections in the future. This problem is clearly capable of repetition yet evading review. The integrity of our constitutional democracy requires that states conduct presidential elections in accordance with the rule of law and federal constitutional guarantees.

---

[5]Summary Report, Election Auditing, Key Issues and Perspectives attached at (the "Caltech/MIT Report") (App. a -- a).

JURISDICTION AND VENUE

21. This Court has original and exclusive jurisdiction over this action because it is a "controvers[y] between the United States and [Defendant] State[s]" under Article III, § 2, cl. 2 of the U.S. Constitution and 28 U.S.C. § 1251(b)(2) (2018).

22. In a presidential election, "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson v. Celebrezze*, 460 U.S. 780, 795 (1983). The constitutional failures of Defendant States injure the United States as *parens patriae* for all citizens because "'the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.'" *Bush v. Gore*, 531 U.S. 98, 105 (2000) (quoting *Reynolds v. Sims*, 377 U. S. 533, 555 (1964)) (*Bush II*). In other words, United States is acting to protect the interests of *all* citizens—including not only the citizens of Defendant States but also the citizens of their sister States—in the fair and constitutional conduct of elections used to appoint presidential electors.

23. Although the several States may lack "a judicially cognizable interest in the manner in which another State conducts its elections," *Texas v. Pennsylvania*, No. 22O155 (U.S. Dec. 11, 2020), the same is not true for the United States, which has *parens patriae* for the citizens of each State against the government apparatus of each State. *Alfred L. Snapp & Son v. Puerto Rico,* 458 U.S. 592, 610 n.16 (1982) ("it is the United States, and not the State, which represents them as *parens patriae*") (interior quotation omitted). For *Bush II*-type violations, the

United States can press this action against the Defendant States for violations of the voting rights of Defendant States' own citizens.

24. This Court's Article III decisions limit the ability of citizens to press claims under the Electors Clause. *Lance v. Coffman*, 549 U.S. 437, 442 (2007) (distinguishing citizen plaintiffs from citizen relators who sued in the name of a state); *cf. Massachusetts v. EPA,* 549 U.S. 497, 520 (2007) (courts owe states "special solicitude in standing analysis"). Moreover, redressability likely would undermine a suit against a single state officer or State because no one State's electoral votes will make a difference in the election outcome. This action against multiple State defendants is the only adequate remedy to cure the Defendant States' violations, and this Court is the only court that can accommodate such a suit.

25. As federal sovereign under the Voting Rights Act, 52 U.S.C. §§10301-10314 ("VRA"), the United States has standing to enforce its laws against, *inter alia*, giving false information as to his name, address or period of residence in the voting district for the purpose of establishing the eligibility to register or vote, conspiring for the purpose of encouraging false registration to vote or illegal voting, falsifying or concealing a material fact in any matter within the jurisdiction of an examiner or hearing officer related to an election, or voting more than once. 52 U.S.C. § 10307(c)-(e). Although the VRA channels enforcement of some VRA sections—namely, 52 U.S.C. § 10303-10304—to the U.S. District Court for the District of Columbia, the VRA does not channel actions under § 10307.

26. Individual state courts or U.S. district courts do not—and under the circumstance of contested elections in multiple states, *cannot*—offer an adequate remedy to resolve election disputes within the timeframe set by the Constitution to resolve such disputes and to appoint a President via the electoral college. No court—other than this Court—can redress constitutional injuries spanning multiple States with the sufficient number of states joined as defendants or respondents to make a difference in the Electoral College.

27. This Court is the sole forum in which to exercise the jurisdictional basis for this action.

PARTIES

28. Plaintiff is the United States of America, which is the federal sovereign.

29. Defendants are the Commonwealth of Pennsylvania and the States of Georgia, Michigan, Arizona, Nevada, and Wisconsin, which are sovereign States of the United States.

LEGAL BACKGROUND

30. Under the Supremacy Clause, the "Constitution, and the laws of the United States which shall be made in pursuance thereof … shall be the supreme law of the land." U.S. CONST. Art. VI, cl. 2.

31. "The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college." *Bush II*, 531 U.S. at 104 (citing U.S. CONST. art. II, § 1).

32. State legislatures have plenary power to set the process for appointing presidential electors: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors." U.S. CONST. art. II, §1, cl. 2; *see also Bush II*, 531 U.S. at 104 ("[T]he state legislature's power to select the manner for appointing electors is *plenary*." (emphasis added)).

33. At the time of the Founding, most States did not appoint electors through popular statewide elections. In the first presidential election, six of the ten States that appointed electors did so by direct legislative appointment. *McPherson v. Blacker*, 146 U.S. 1, 29-30 (1892).

34. In the second presidential election, nine of the fifteen States that appointed electors did so by direct legislative appointment. *Id.* at 30.

35. In the third presidential election, nine of sixteen States that appointed electors did so by direct legislative appointment. *Id.* at 31. This practice persisted in lesser degrees through the Election of 1860. *Id.* at 32.

36. Though "[h]istory has now favored the voter," *Bush II*, 531 U.S. at 104, "there is no doubt of the right of the legislature to resume the power [of appointing presidential electors] at any time, for *it can neither be taken away nor abdicated*." *McPherson*, 146 U.S. at 35 (emphasis added); *cf.* 3 U.S.C. § 2 ("Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.").

37. Given the State legislatures' constitutional primacy in selecting presidential electors, the ability to set rules governing the casting of ballots and counting of votes cannot be usurped by other branches of state government.

38. The Framers of the Constitution decided to select the President through the Electoral College "to afford as little opportunity as possible to tumult and disorder" and to place "every practicable obstacle [to] cabal, intrigue, and corruption," including "foreign powers" that might try to insinuate themselves into our elections. THE FEDERALIST NO. 68, at 410-11 (C. Rossiter, ed. 1961) (Madison, J.).

39. Defendant States' applicable laws are set out under the facts for each Defendant State.

FACTS

40. The use of absentee and mail-in ballots skyrocketed in 2020, not only as a public-health response to the COVID-19 pandemic but also at the urging of mail-in voting's proponents, and most especially executive branch officials in Defendant States. According to the Pew Research Center, in the 2020 general election, a record number of votes—about 65 million were cast via mail compared to 33.5 million mail-in ballots cast in the 2016 general election—an increase of more than 94 percent.

41. In the wake of the contested 2000 election, the bipartisan Jimmy Carter-James Baker commission identified absentee ballots as "the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005).

42. Concern over the use of mail-in ballots is not novel to the modern era, Dustin Waters, *Mail-in Ballots Were Part of a Plot to Deny Lincoln Reelection in 1864*, WASH. POST (Aug. 22, 2020),[6] but it remains a *current* concern. *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 194-96 & n.11 (2008); *see also* Texas Office of the Attorney General, *AG Paxton Announces Joint Prosecution of Gregg County Organized Election Fraud in Mail-In Balloting Scheme* (Sept. 24, 2020); Harriet Alexander & Ariel Zilber, *Minneapolis police opens investigation into reports that Ilhan Omar's supporters illegally harvested Democrat ballots in Minnesota*, DAILY MAIL, Sept. 28, 2020.

43. Absentee and mail-in voting are the primary opportunities for unlawful ballots to be cast. As a result of expanded absentee and mail-in voting in Defendant States, combined with Defendant States' unconstitutional modification of statutory protections designed to ensure ballot integrity, Defendant States created a massive opportunity for fraud. In addition, the Defendant States have made it difficult or impossible to separate the constitutionally tainted mail-in ballots from all mail-in ballots.

44. Rather than augment safeguards against illegal voting in anticipation of the millions of additional mail-in ballots flooding their States, Defendant States *all* materially weakened, or did away with, security measures, such as witness or signature verification procedures, required by their respective legislatures. Their legislatures established those commonsense safeguards to prevent—or at least reduce—fraudulent mail-in ballots.

---

[6]https://www.washingtonpost.com/history/2020/08/22/mail-in-voting-civil-war-election-conspiracy-lincoln/

45. Significantly, in Defendant States, Democrat voters voted by mail at two to three times the rate of Republicans. Former Vice President Biden thus greatly benefited from this unconstitutional usurpation of legislative authority, and the weakening of legislatively mandated ballot security measures.

46. The outcome of the Electoral College vote is directly affected by the constitutional violations committed by Defendant States. Those violations proximately caused the appointment of presidential electors for former Vice President Biden. The United States as a sovereign and as *parens patriae* for all its citizens will therefore be injured if Defendant States' unlawfully certify these presidential electors and those electors' votes are recognized.

47. In addition to the unconstitutional acts associated with mail-in and absentee voting, there are grave questions surrounding the vulnerability of electronic voting machines—especially those machines provided by Dominion Voting Systems, Inc. ("Dominion") which were in use in all of the Defendant States (and other states as well) during the 2020 general election.

48. As initially reported on December 13, 2020, the U.S. Government is scrambling to ascertain the extent of broad-based hack into multiple agencies through a third-party software supplied by vendor known as SolarWinds. That software product is used throughout the U.S. Government, and the private sector including, apparently, Dominion.

49. As reported by CNN, what little we know has cybersecurity experts extremely worried.[7] CNN also quoted Theresa Payton, who served as White House Chief Information Officer under President George W. Bush stating: "I woke up in the middle of the night last night just sick to my stomach. . . . On a scale of 1 to 10, I'm at a 9 — and it's not because of what I know; it's because of what we still don't know."

50. Disturbingly, though the Dominion's CEO denied that Dominion uses SolarWinds software, a screenshot captured from Dominion's webpage shows that Dominion does use SolarWinds technology.[8] Further, Dominion apparently later altered that page to remove any reference to SolarWinds, but the SolarWinds website is still in the Dominion page's source code. *Id*.

Commonwealth of Pennsylvania

51. Pennsylvania has 20 electoral votes, with a statewide vote tally currently estimated at 3,363,951 for President Trump and 3,445,548 for former Vice President Biden, a margin of 81,597 votes.

52. On December 14, 2020, the Pennsylvania Republican slate of Presidential Electors, met at the State Capital and cast their votes for President

[7] https://www.cnn.com/2020/12/16/tech/solarwinds-orion-hack-explained/index.html

[8] https://www.theepochtimes.com/dominion-voting-systems-ceo-says-company-has-never-used-solarwinds-orion-platform_3619895.html

Donald J. Trump and Vice President Michael R. Pence.[9]

53. The number of votes affected by the various constitutional violations exceeds the margin of votes separating the candidates.

54. Pennsylvania's Secretary of State, Kathy Boockvar, without legislative approval, unilaterally abrogated several Pennsylvania statutes requiring signature verification for absentee or mail-in ballots. Pennsylvania's legislature has not ratified these changes, and the legislation did not include a severability clause.

55. On August 7, 2020, the League of Women Voters of Pennsylvania and others filed a complaint against Secretary Boockvar and other local election officials, seeking "a declaratory judgment that Pennsylvania existing signature verification procedures for mail-in voting" were unlawful for a number of reasons. *League of Women Voters of Pennsylvania v. Boockvar*, No. 2:20-cv-03850-PBT, (E.D. Pa. Aug. 7, 2020).

56. The Pennsylvania Department of State quickly settled with the plaintiffs, issuing revised guidance on September 11, 2020, stating in relevant part: "The Pennsylvania Election Code does not authorize the county board of elections to set aside returned absentee or mail-in ballots based solely on signature analysis by the county board of elections."

57. This guidance is contrary to Pennsylvania law. First, Pennsylvania Election Code mandates that, for non-disabled and non-military

---

[9] https://www.foxnews.com/politics/republican-electors-pennsylvania-georgia-vote-for-trump

voters, all applications for an absentee or mail-in ballot "shall be signed by the applicant." 25 PA. STAT. §§ 3146.2(d) & 3150.12(c). Second, Pennsylvania's voter signature verification requirements are expressly set forth at 25 PA. STAT. 350(a.3)(1)-(2) and § 3146.8(g)(3)-(7).

58. The Pennsylvania Department of State's guidance unconstitutionally did away with Pennsylvania's statutory signature verification requirements. Approximately 70 percent of the requests for absentee ballots were from Democrats and 25 percent from Republicans. Thus, this unconstitutional abrogation of state election law greatly inured to former Vice President Biden's benefit.

59. In addition, in 2019, Pennsylvania's legislature enacted bipartisan election reforms, 2019 Pa. Legis. Serv. Act 2019-77, that set *inter alia* a deadline of 8:00 p.m. on election day for a county board of elections to receive a mail-in ballot. 25 PA. STAT. §§ 3146.6(c), 3150.16(c). Acting under a generally worded clause that "Elections shall be free and equal," PA. CONST. art. I, § 5, cl. 1, a 4-3 majority of Pennsylvania's Supreme Court in *Pa. Democratic Party v. Boockvar*, 238 A.3d 345 (Pa. 2020), extended that deadline to three days after Election Day and adopted a presumption that even *non-postmarked ballots* were presumptively timely.

60. Pennsylvania's election law also requires that poll-watchers be granted access to the opening, counting, and recording of absentee ballots: "Watchers shall be permitted to be present when the envelopes containing official absentee ballots and mail-in ballots are opened and when such ballots are counted and

recorded." 25 PA. STAT. § 3146.8(b). Local election officials in Philadelphia and Allegheny Counties decided not to follow 25 PA. STAT. § 3146.8(b) for the opening, counting, and recording of absentee and mail-in ballots.

61. Prior to the election, Secretary Boockvar sent an email to local election officials urging them to provide opportunities for various persons—including political parties—to contact voters to "cure" defective mail-in ballots. This process clearly violated several provisions of the state election code.

- Section 3146.8(a) requires: "The county boards of election, upon receipt of official absentee ballots in sealed official absentee ballot envelopes as provided under this article and mail-in ballots as in sealed official mail-in ballot envelopes as provided under Article XIII-D.1 shall safely keep the ballots in sealed or locked containers until they are to be canvassed by the county board of elections."
- Section 3146.8(g)(1)(ii) provides that mail-in ballots shall be canvassed (if they are received by eight o'clock p.m. on election day) in the manner prescribed by this subsection.
- Section 3146.8(g)(1.1) provides that the first look at the ballots shall be "no earlier than seven o'clock a.m. on election day." And the hour for this "pre-canvas" must be publicly announced at least 48 hours in advance. Then the votes are counted on election day.

62. By removing the ballots for examination prior to seven o'clock a.m. on election day, Secretary Boockvar created a system whereby local officials could review ballots without the proper

announcements, observation, and security. This entire scheme, which was only followed in Democrat majority counties, was blatantly illegal in that it permitted the illegal removal of ballots from their locked containers prematurely.

63. Statewide election officials and local election officials in Philadelphia and Allegheny Counties, aware of the historical Democrat advantage in those counties, violated Pennsylvania's election code and adopted the differential standards favoring voters in Philadelphia and Allegheny Counties with the intent to favor former Vice President Biden. *See* Verified Complaint (Doc. No. 1), *Donald J. Trump for President, Inc. v. Boockvar*, 4:20-cv-02078-MWB (M.D. Pa. Nov. 18, 2020) at ¶¶ 3-6, 9, 11, 100-143.

64. Absentee and mail-in ballots in Pennsylvania were thus evaluated under an illegal standard regarding signature verification. It is now impossible to determine which ballots were properly cast and which ballots were not.

65. The changed process allowing the curing of absentee and mail-in ballots in Allegheny and Philadelphia counties is a separate basis resulting in an unknown number of ballots being treated in an unconstitutional manner inconsistent with Pennsylvania statute. *Id.*

66. In addition, a great number of ballots were received after the statutory deadline and yet were counted by virtue of the fact that Pennsylvania did not segregate all ballots received after 8:00 pm on November 3, 2020. Boockvar's claim that only about 10,000 ballots were received after this deadline has no way of being proven since Pennsylvania broke its promise to the Court to segregate ballots and co-

mingled perhaps tens, or even hundreds of thousands, of illegal late ballots.

67. On December 4, 2020, fifteen members of the Pennsylvania House of Representatives led by Rep. Francis X. Ryan issued a report to Congressman Scott Perry (the "Ryan Report," App. 139a-144a) stating that "[t]he general election of 2020 in Pennsylvania was fraught with inconsistencies, documented irregularities and improprieties associated with mail-in balloting, pre-canvassing, and canvassing that the reliability of the mail-in votes in the Commonwealth of Pennsylvania is impossible to rely upon."

68. The Ryan Report's findings are startling, including:

- Ballots with NO MAILED date. That total is 9,005.
- Ballots Returned on or BEFORE the Mailed Date. That total is 58,221.
- Ballots Returned one day after Mailed Date. That total is 51,200.

Id. 143a.

69. These nonsensical numbers alone total 118,426 ballots and exceed Mr. Biden's margin of 81,660 votes over President Trump. But these discrepancies pale in comparison to the discrepancies in Pennsylvania's reported data concerning the number of mail-in ballots distributed to the populace—now with no longer subject to legislated mandated signature verification requirements.

70. The Ryan Report also stated as follows:

> [I]n a data file received on November 4, 2020, the Commonwealth's PA Open Data sites reported over 3.1 million mail in ballots sent out. The CSV file from the state on November 4 depicts 3.1 million mail in ballots sent out but on November 2, the information was provided that only 2.7 million ballots had been sent out. ***This discrepancy of approximately 400,000 ballots from November 2 to November 4 has not been explained***.

Id. at 143a-44a. (Emphasis added).

71. The Ryan Report stated further: "This apparent [400,000 ballot] discrepancy can only be evaluated by reviewing all transaction logs into the SURE system [the Statewide Uniform Registry Electors]."[10]

72. In its opposition brief to Texas's motion to for leave file a bill of complaint, Pennsylvania said nothing about the 118,426 ballots that had no mail date, were nonsensically returned *before* the mailed date, or were improbably returned one day after the mail date discussed above.[11]

73. With respect to the 400,000 discrepancy in mail-in ballots Pennsylvania sent out as reported on November 2, 2020 compared to November 4, 2020 (one day after the election), Pennsylvania asserted

---

[10] Ryan Report at App. a [p.5].

[11] Pennsylvania Opposition To Motion For Leave To File Bill of Complaint and Motion For Preliminary Injunction, Temporary Restraining Order, or Stay ("Pennsylvania Opp. Br.") filed December 10, 2020, Case No. 220155.

that the discrepancy is purportedly due to the fact that "[o]f the 3.1 million ballots sent out, 2.7 million were mail-in ballots and 400,000 were absentee ballots." Pennsylvania offered *no support* for its conclusory assertion. *Id.* at 6. Nor did Pennsylvania rebut the assertion in the Ryan Report that the "discrepancy can only be evaluated by reviewing all transaction logs into the SURE system."

74. These stunning figures illustrate the out-of-control nature of Pennsylvania's mail-in balloting scheme. Democrats submitted mail-in ballots at more than two times the rate of Republicans. This number of constitutionally tainted ballots far exceeds the approximately 81,660 votes separating the candidates.

75. This blatant disregard of statutory law renders all mail-in ballots constitutionally tainted and cannot form the basis for appointing or certifying Pennsylvania's presidential electors to the Electoral College.

76. According to the U.S. Election Assistance Commission's report to Congress *Election Administration and Voting Survey: 2016 Comprehensive Report*, in 2016 Pennsylvania received 266,208 mail-in ballots; 2,534 of them were rejected (.95%). *Id.* at p. 24. However, in 2020, Pennsylvania received more than 10 times the number of mail-in ballots compared to 2016. As explained *supra*, this much larger volume of mail-in ballots was treated in an unconstitutionally modified manner that included: (1) doing away with the Pennsylvania's signature verification requirements; (2) extending that deadline to three days after Election Day and adopting a presumption that even *non-postmarked ballots* were

presumptively timely; and (3) blocking poll watchers in Philadelphia and Allegheny Counties in violation of State law.

77. These non-legislative modifications to Pennsylvania's election rules appear to have generated an outcome-determinative number of unlawful ballots that were cast in Pennsylvania. Regardless of the number of such ballots, the non-legislative changes to the election rules violated the Electors Clause.

State of Georgia

78. Georgia has 16 electoral votes, with a statewide vote tally currently estimated at 2,458,121 for President Trump and 2,472,098 for former Vice President Biden, a margin of approximately 12,670 votes.

79. On December 14, 2020, the Georgia Republican slate of Presidential Electors, including Petitioner Electors, met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[12]

80. The number of votes affected by the various constitutional violations far exceeds the margin of votes dividing the candidates.

81. Georgia's Secretary of State, Brad Raffensperger, without legislative approval, unilaterally abrogated Georgia's statutes governing the date a ballot may be opened, and the signature verification process for absentee ballots.

82. O.C.G.A. § 21-2-386(a)(2) prohibits the opening of absentee ballots until after the polls open

---

[12] https://www.foxnews.com/politics/republican-electors-pennsylvania-georgia-vote-for-trump

on Election Day: In April 2020, however, the State Election Board adopted Secretary of State Rule 183-1-14-0.9-.15, Processing Ballots Prior to Election Day. That rule purports to authorize county election officials to begin processing absentee ballots up to *three weeks* before Election Day. Outside parties were then given early and illegal access to purportedly defective ballots to "cure" them in violation of O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2).

83. Specifically, Georgia law authorizes and requires a single registrar or clerk—after reviewing the outer envelope—to reject an absentee ballot if the voter failed to sign the required oath or to provide the required information, the signature appears invalid, or the required information does not conform with the information on file, or if the voter is otherwise found ineligible to vote. O.C.G.A. § 21-2-386(a)(1)(B)-(C).

84. Georgia law provides absentee voters the chance to "cure a failure to sign the oath, an invalid signature, or missing information" on a ballot's outer envelope by the deadline for verifying provisional ballots (*i.e.*, three days after the election). O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2). To facilitate cures, Georgia law requires the relevant election official to notify the voter in writing: "The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years." O.C.G.A. § 21-2-386(a)(1)(B).

85. There were 284,817 early ballots corrected and accepted in Georgia out of 4,018,064 early ballots used to vote in Georgia. Former Vice President Biden received nearly twice the number of

mail-in votes as President Trump and thus materially benefited from this unconstitutional change in Georgia's election laws.

86. In addition, on March 6, 2020, in *Democratic Party of Georgia v. Raffensperger*, No. 1:19-cv-5028-WMR (N.D. Ga.), Georgia's Secretary of State entered a Compromise Settlement Agreement and Release with the Democratic Party of Georgia (the "Settlement") to materially change the statutory requirements for reviewing signatures on absentee ballot envelopes to confirm the voter's identity by making it far more difficult to challenge defective signatures beyond the express mandatory procedures set forth at GA. CODE § 21-2-386(a)(1)(B).

87. Among other things, before a ballot could be rejected, the Settlement required a registrar who found a defective signature to now seek a review by two other registrars, and only if a majority of the registrars agreed that the signature was defective could the ballot be rejected but not before all three registrars' names were written on the ballot envelope along with the reason for the rejection. These cumbersome procedures are in direct conflict with Georgia's statutory requirements, as is the Settlement's requirement that notice be provided by telephone (*i.e.*, not in writing) if a telephone number is available. Finally, the Settlement purports to require State election officials to consider issuing guidance and training materials drafted by an expert retained by the Democratic Party of Georgia.

88. Georgia's legislature has not ratified these material changes to statutory law mandated by the Compromise Settlement Agreement and Release, including altered signature verification requirements

and early opening of ballots. The relevant legislation that was violated by Compromise Settlement Agreement and Release did not include a severability clause.

89. This unconstitutional change in Georgia law materially benefitted former Vice President Biden. According to the Georgia Secretary of State's office, former Vice President Biden had almost double the number of absentee votes (65.32%) as President Trump (34.68%). *See* Cicchetti Decl. at ¶ 25, App. 7a-8a.

90. The effect of this unconstitutional change in Georgia election law, which made it more likely that ballots without matching signatures would be counted, had a material impact on the outcome of the election.

91. Specifically, there were 1,305,659 absentee mail-in ballots submitted in Georgia in 2020. There were 4,786 absentee ballots rejected in 2020. This is a rejection rate of .37%. In contrast, in 2016, the 2016 rejection rate was 6.42% with 13,677 absentee mail-in ballots being rejected out of 213,033 submitted, which more than *seventeen times greater* than in 2020. *See* Cicchetti Decl. at ¶ 24, App. 7a.

92. If the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 less tabulated ballots in 2020. The statewide split of absentee ballots was 34.68% for Trump and 65.2% for Biden. Rejecting at the higher 2016 rate with the 2020 split between Trump and Biden would decrease Trump votes by 28,965 and Biden votes by 54,552, which would be a net gain for Trump of 25,587 votes. This would be more than needed to overcome the Biden advantage of 12,670

votes, and Trump would win by 12,917 votes. *Id*. Regardless of the number of ballots affected, however, the non-legislative changes to the election rules violated the Electors Clause.

93. In addition, Georgia uses Dominion's voting machines throughout the State. Less than a month before the election, the United States District Court for the Northern District of Georgia ruled on a motion brought by a citizen advocate group and others seeking a preliminary injunction to stop Georgia from using Dominion's voting systems due to their known vulnerabilities to hacking and other irregularities. *See Curling v. Raffensperger*, 2020 U.S. Dist. LEXIS 188508, No. 1:17-cv-2989-AT (N.D. GA Oct.11, 2020).

94. Though the district court found that it was bound by Eleventh Circuit law to deny plaintiffs' motion, it issued a prophetic warning stating:

> The Court's Order has delved deep into the true risks posed by the new BMD voting system as well as its manner of implementation. These risks are neither hypothetical nor remote under the current circumstances. ***The insularity of the Defendants' and Dominion's stance here in evaluation and management of the security and vulnerability of the BMD system does not benefit the public or citizens' confident exercise of the franchise.*** The stealth vote alteration or operational interference risks posed by malware that can be effectively invisible to detection, whether intentionally seeded or not, are high once implanted, if equipment and software systems are not properly protected, implemented, and audited.

Id. at *176 (Emphasis added).

95. One of those material risks manifested three weeks later as shown by the November 4, 2020 video interview of a Fulton County, Georgia Director

of Elections, Richard Barron. In that interview, Barron stated that the tallied vote of over 93% of ballots were based on a "review panel['s]" determination of the voter's "intent"—not what the voter actually voted. Specifically, he stated that "so far we've scanned 113,130 ballots, we've adjudicated over 106,000. . . . The only ballots that are adjudicated are if we have a ballot with a contest on it in which there's some question as to how the computer reads it so that the vote review panel then determines voter intent."[13]

96. This astounding figure demonstrates the unreliability of Dominion's voting machines. These figures, in and of themselves in this one sample, far exceeds the margin of votes separating the two candidates.

97. Lastly, on December 17, 2020, the Chairman of the Election Law Study Subcommittee of the Georgia Standing Senate Judiciary Committee issued a detailed report discussing a myriad of voting irregularities and potential fraud in the Georgia 2020 general election (the "Report").[14] The Executive Summary states that "[t]he November 3, 2020 General Election (the 'Election') was chaotic and any reported results must be viewed as untrustworthy". After detailing over a dozen issues showing irregularities and potential fraud, the Report concluded:

> The Legislature should carefully consider its obligations under the U.S. Constitution. If a

[13] https://www.c-span.org/video/?477819-1/fulton-county-georgia-election-update at beginning at 20 seconds through 1:21.

[14] (App. a -- a)

majority of the General Assembly concurs with the findings of this report, the certification of the Election should be rescinded and the General Assembly should act to determine the proper Electors to be certified to the Electoral College in the 2020 presidential race. Since time is of the essence, the Chairman and Senators who concur with this report recommend that the leadership of the General Assembly and the Governor immediately convene to allow further consideration by the entire General Assembly.

State of Michigan

98. Michigan has 16 electoral votes, with a statewide vote tally currently estimated at 2,650,695 for President Trump and 2,796,702 for former Vice President Biden, a margin of 146,007 votes. In Wayne County, Mr. Biden's margin (322,925 votes) significantly exceeds his statewide lead.

99. On December 14, 2020, the Michigan Republican slate of Presidential Electors *attempted* to meet and cast their votes for President Donald J. Trump and Vice President Michael R. Pence but were denied entry to the State Capital by law enforcement. Their tender of their votes was refused. They instead met on the grounds of the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[15]

100. The number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

---

[15]https://thepalmierireport.com/michigan-state-police-block-gop-electors-from-entering-capitol/

101. Michigan's Secretary of State, Jocelyn Benson, without legislative approval, unilaterally abrogated Michigan election statutes related to absentee ballot applications and signature verification. Michigan's legislature has not ratified these changes, and its election laws do not include a severability clause.

102. As amended in 2018, the Michigan Constitution provides all registered voters the right to request and vote by an absentee ballot without giving a reason. MICH. CONST. art. 2, § 4.

103. On May 19, 2020, however, Secretary Benson announced that her office would send unsolicited absentee-voter ballot applications by mail to all 7.7 million registered Michigan voters prior to the primary and general elections. Although her office repeatedly encouraged voters to vote absentee because of the COVID-19 pandemic, it did not ensure that Michigan's election systems and procedures were adequate to ensure the accuracy and legality of the historic flood of mail-in votes. In fact, it did the opposite and did away with protections designed to deter voter fraud.

104. Secretary Benson's flooding of Michigan with millions of absentee ballot applications prior to the 2020 general election violated M.C.L. § 168.759(3). That statute limits the procedures for requesting an absentee ballot to three specified ways:

> An application for an absent voter ballot under this section may be made in *any of the following ways*:
>
> (a) By a written request signed by the voter.
>
> (b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.

(c) On a federal postcard application.

M.C.L. § 168.759(3) (emphasis added).

105. The Michigan Legislature thus declined to include the Secretary of State as a means for distributing absentee ballot applications. *Id.* § 168.759(3)(b). Under the statute's plain language, the Legislature explicitly gave *only local clerks* the power to distribute absentee voter ballot applications. *Id.*

106. Because the Legislature declined to explicitly include the Secretary of State as a vehicle for distributing absentee ballots applications, Secretary Benson lacked authority to distribute even a single absentee voter ballot application—much less the *millions* of absentee ballot applications Secretary Benson chose to flood across Michigan.

107. Secretary Benson also violated Michigan law when she launched a program in June 2020 allowing absentee ballots to be requested online, *without* signature verification as expressly required under Michigan law. The Michigan Legislature did not approve or authorize Secretary Benson's unilateral actions.

108. MCL § 168.759(4) states in relevant part: "An applicant for an absent voter ballot shall sign the application. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application."

109. Further, MCL § 168.761(2) states in relevant part: "The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot", and if "the signatures do not agree sufficiently or [if] the signature is missing" the ballot must be rejected.

110. In 2016 only 587,618 Michigan voters requested absentee ballots. In stark contrast, in 2020, 3.2 million votes were cast by absentee ballot, about 57% of total votes cast – and more than *five times* the number of ballots *even requested* in 2016.

111. Secretary Benson's unconstitutional modifications of Michigan's election rules resulted in the distribution of millions of absentee ballot applications without verifying voter signatures as required by MCL §§ 168.759(4) and 168.761(2). This means that *millions* of absentee ballots were disseminated in violation of Michigan's statutory signature-verification requirements. Democrats in Michigan voted by mail at a ratio of approximately two to one compared to Republican voters. Thus, former Vice President Biden materially benefited from these unconstitutional changes to Michigan's election law.

112. Michigan also requires that poll watchers and inspectors have access to vote counting and canvassing. M.C.L. §§ 168.674-.675.

113. Local election officials in Wayne County made a conscious and express policy decision not to follow M.C.L. §§ 168.674-.675 for the opening, counting, and recording of absentee ballots.

114. Michigan also has strict signature verification requirements for absentee ballots, including that the Elections Department place a written statement or stamp on each ballot envelope where the voter signature is placed, indicating that the voter signature was in fact checked and verified with the signature on file with the State. *See* MCL § 168.765a(6).

115. However, Wayne County made the policy decision to ignore Michigan's statutory signature-verification requirements for absentee ballots. Former Vice President Biden received approximately 587,074, or 68%, of the votes cast there compared to President Trump's receiving approximate 264,149, or 30.59%, of the total vote. Thus, Mr. Biden materially benefited from these unconstitutional changes to Michigan's election law.

116. Numerous poll challengers and an Election Department employee whistleblower have testified that the signature verification requirement was ignored in Wayne County in a case currently pending in the Michigan Supreme Court.[16] For example, Jesse Jacob, a decades-long City of Detroit employee assigned to work in the Elections Department for the 2020 election testified that:

> Absentee ballots that were received in the mail would have the voter's signature on the envelope. While I was at the TCF Center, I was instructed not to look at any of the signatures on the absentee ballots, and I was instructed not to compare the signature on the absentee ballot with the signature on file.[17]

117. In fact, a poll challenger, Lisa Gage, testified that not a single one of the several hundred to a thousand ballot envelopes she observed had a written statement or stamp indicating the voter

---

[16] *Johnson v. Benson*, Petition for Extraordinary Writs & Declaratory Relief filed Nov. 26, 2020 (Mich. Sup. Ct.) at ¶¶ 71, 138-39, App. 25a-51a.

[17] *Id.*, Affidavit of Jessy Jacob, Appendix 14 at ¶15, attached at App. 34a-36a.

signature had been verified at the TCF Center in accordance with MCL § 168.765a(6).[18]

118. The TCF was the only facility within Wayne County authorized to count ballots for the City of Detroit.

119. Additional public information confirms the material adverse impact on the integrity of the vote in Wayne County caused by these unconstitutional changes to Michigan's election law. For example, the Wayne County Statement of Votes Report lists 174,384 absentee ballots out of 566,694 absentee ballots tabulated (about 30.8%) as counted without a registration number for precincts in the City of Detroit. *See* Cicchetti Decl. at ¶ 27, App. a. The number of votes not tied to a registered voter by itself exceeds Vice President Biden's margin of margin of 146,007 votes by more than 28,377 votes.

120. The extra ballots cast most likely resulted from the phenomenon of Wayne County election workers running the same ballots through a tabulator multiple times, with Republican poll watchers obstructed or denied access, and election officials ignoring poll watchers' challenges, as documented by numerous declarations. App. 25a-51a.

121. In addition, a member of the Wayne County Board of Canvassers ("Canvassers Board"), William Hartman, determined that 71% of Detroit's Absent Voter Counting Boards ("AVCBs") were unbalanced—*i.e.*, the number of people who checked in did not match the number of ballots cast—without explanation. *Id*. at ¶ 29.

---

[18] Affidavit of Lisa Gage ¶ 17 (App. a).

122. On November 17, 2020, the Canvassers Board deadlocked 2-2 over whether to certify the results of the presidential election based on numerous reports of fraud and unanswered material discrepancies in the county-wide election results. A few hours later, the Republican Board members reversed their decision and voted to certify the results after severe harassment, including threats of violence.

123. The following day, the two Republican members of the Board *rescinded their votes* to certify the vote and signed affidavits alleging they were bullied and misled into approving election results and do not believe the votes should be certified until serious irregularities in Detroit votes are resolved. *See* Cicchetti Decl. at ¶ 29, App. a.

124. Michigan admitted in a filing with this Court that it "is at a loss to explain the[] allegations" showing that Wayne County lists 174,384 absentee ballots that do not tie to a registered voter. *See* State of Michigan's Brief In Opposition To Motions For Leave To File Bill of Complaint and For Injunctive Relief at 15 (filed Dec. 10, 2020), Case No. 220155.

125. Lastly, on November 4, 2020, Michigan election officials in Antrim County admitted that a purported "glitch" in Dominion voting machines caused 6,000 votes for President Trump to be wrongly switched to Democrat Candidate Biden in just one county. Local officials discovered the so-called "glitch" after reportedly questioning Mr. Biden's win in the heavily Republican area and manually checked the vote tabulation.

126. The Dominion voting tabulators used in Antrim County were recently subjected to a forensic

audit.[19] Though Michigan's Secretary of State tried to keep the Allied Report from being released to the public, the court overseeing the audit refused and allowed the Allied Report to made public.[20] The Allied Report concluded that "the vote flip occurred because of machine error built into the voting software designed to create error."[21] In addition, the Allied report revealed that "all server security logs prior to 11:03 pm on November 4, 2020 are missing and that there was other "tampering with data." *See* Allied Report at ¶¶ B.16-17 (App. a).

127. Further, the Allied Report determined that the Dominion voting system in Antrim County was designed to generate an error rate as high as 81.96% thereby sending ballots for "adjudication" to determine the voter's intent. *See* Allied report at ¶¶ B.2, 8-22 (App. a-- a).

128. Notably, the extraordinarily high error rate described here is consistent with the same situation that took place in Fulton County, Georgia with an enormous 93% error rate that required "adjudication" of over 106,000 ballots.

129. These non-legislative modifications to Michigan's election statutes resulted in a number of constitutionally tainted votes that far exceeds the margin of voters separating the candidates in

---

[19] Antrim Michigan Forensics Report by Allied Security Operations Group dated December 13, 2020 (the "Allied Report") (App. a -- a);

[20] https://themichiganstar.com/2020/12/15/after-examining-antrim-county-voting-machines-asog-concludes-dominion-intentionally-designed-to-create-systemic-fraud/

[21] Allied Report at ¶¶ B.4-9 (App. a).

Michigan. Regardless of the number of votes that were affected by the unconstitutional modification of Michigan's election rules, the non-legislative changes to the election rules violated the Electors Clause.

State of Wisconsin

130. Wisconsin has 10 electoral votes, with a statewide vote tally currently estimated at 1,610,151 for President Trump and 1,630,716 for former Vice President Biden (*i.e.*, a margin of 20,565 votes). In two counties, Milwaukee and Dane, Mr. Biden's margin (364,298 votes) significantly exceeds his statewide lead.

131. On December 14, 2020, the Wisconsin Republican slate of Presidential Electors met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[22]

132. In the 2016 general election some 146,932 mail-in ballots were returned in Wisconsin out of more than 3 million votes cast.[23] In stark contrast, 1,275,019 mail-in ballots, nearly a 900 percent increase over 2016, were returned in the November 3, 2020 election.[24]

133. Wisconsin statutes guard against fraud in absentee ballots: "[V]oting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be

---

[22] https://wisgop.org/republican-electors-2020/.

[23] Source: U.S. Elections Project, *available at*: http://www.electproject.org/early 2016.

[24] Source: U.S. Elections Project, *available at*: https://electproject.github.io/Early-Vote-2020G/WI.html.

carefully regulated to prevent the potential for fraud or abuse[.]" WISC. STAT. § 6.84(1).

134. In direct contravention of Wisconsin law, leading up to the 2020 general election, the Wisconsin Elections Commission ("WEC") and other local officials unconstitutionally modified Wisconsin election laws—each time taking steps that weakened, or did away with, established security procedures put in place by the Wisconsin legislature to ensure absentee ballot integrity.

135. For example, the WEC undertook a campaign to position hundreds of drop boxes to collect absentee ballots—including the use of unmanned drop boxes.[25]

136. The mayors of Wisconsin's five largest cities—Green Bay, Kenosha, Madison, Milwaukee, and Racine, which all have Democrat majorities—joined in this effort, and together, developed a plan use purportedly "secure drop-boxes to facilitate return of absentee ballots." Wisconsin Safe Voting Plan 2020, at 4 (June 15, 2020).[26]

137. It is alleged in an action recently filed in the United States District Court for the Eastern District of Wisconsin that over five hundred

---

[25] Wisconsin Elections Commission Memoranda, To: All Wisconsin Election Officials, Aug. 19, 2020, *available at*: https://elections.wi.gov/sites/elections.wi.gov/files/2020-08/Drop%20Box%20Final.pdf. at p. 3 of 4.

[26] Wisconsin Safe Voting Plan 2020 Submitted to the Center for Tech & Civic Life, June 15, 2020, by the Mayors of Madison, Milwaukee, Racine, Kenosha and Green Bay *available at*: https://www.techandciviclife.org/wp-content/uploads/2020/07/Approved-Wisconsin-Safe-Voting-Plan-2020.pdf.

unmanned, illegal, absentee ballot drop boxes were used in the Presidential election in Wisconsin.[27]

138. However, the use of *any* drop box, manned or unmanned, is directly prohibited by Wisconsin statute. The Wisconsin legislature specifically described in the Election Code "Alternate absentee ballot site[s]" and detailed the procedure by which the governing body of a municipality may designate a site or sites for the delivery of absentee ballots "other than the office of the municipal clerk or board of election commissioners as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election." Wis. Stat. 6.855(1).

139. Any alternate absentee ballot site "shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners." Wis. Stat. 6.855(3). Likewise, Wis. Stat. 7.15(2m) provides, "[i]n a municipality in which the governing body has elected to an establish an alternate absentee ballot sit under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed."

140. Thus, the unmanned absentee ballot drop-off sites are prohibited by the Wisconsin Legislature as they do not comply with Wisconsin law

---

[27] *See* Complaint (Doc. No. 1), *Donald J. Trump, Candidate for President of the United States of America v. The Wisconsin Election Commission*, Case 2:20-cv-01785-BHL (E.D. Wisc. Dec. 2, 2020) (Wisconsin Trump Campaign Complaint") at ¶¶ 188-89.

expressly defining "[a]lternate absentee ballot site[s]". Wis. Stat. 6.855(1), (3).

141. In addition, the use of drop boxes for the collection of absentee ballots, positioned predominantly in Wisconsin's largest cities, is directly contrary to Wisconsin law providing that absentee ballots may only be "mailed by the elector, or delivered *in person* to the municipal clerk issuing the ballot or ballots." Wis. Stat. § 6.87(4)(b)1 (emphasis added).

142. The fact that other methods of delivering absentee ballots, such as through unmanned drop boxes, are *not* permitted is underscored by Wis. Stat. § 6.87(6) which mandates that, "[a]ny ballot not mailed or delivered as provided in this subsection may not be counted." Likewise, Wis. Stat. § 6.84(2) underscores this point, providing that Wis. Stat. § 6.87(6) "shall be construed as mandatory." The provision continues—"Ballots cast in contravention of the procedures specified in those provisions may not be counted. *Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election*." Wis. Stat. § 6.84(2) (emphasis added).

143. These were not the only Wisconsin election laws that the WEC violated in the 2020 general election. The WEC and local election officials also took it upon themselves to encourage voters to unlawfully declare themselves "indefinitely confined"—which under Wisconsin law allows the voter to avoid security measures like signature verification and photo ID requirements.

144. Specifically, registering to vote by absentee ballot requires photo identification, except for those who register as "indefinitely confined" or

"hospitalized." WISC. STAT. § 6.86(2)(a), (3)(a). Registering for indefinite confinement requires certifying confinement "because of age, physical illness or infirmity or [because the voter] is disabled for an indefinite period." *Id.* § 6.86(2)(a). Should indefinite confinement cease, the voter must notify the county clerk, *id.*, who must remove the voter from indefinite-confinement status. *Id.* § 6.86(2)(b).

145. Wisconsin election procedures for voting absentee based on indefinite confinement enable the voter to avoid the photo ID requirement and signature requirement. *Id.* § 6.86(1)(ag)/(3)(a)(2).

146. On March 25, 2020, in clear violation of Wisconsin law, Dane County Clerk Scott McDonnell and Milwaukee County Clerk George Christensen both issued guidance indicating that all voters should mark themselves as "indefinitely confined" because of the COVID-19 pandemic.

147. Believing this to be an attempt to circumvent Wisconsin's strict voter ID laws, the Republican Party of Wisconsin petitioned the Wisconsin Supreme Court to intervene. On March 31, 2020, the Wisconsin Supreme Court unanimously confirmed that the clerks' "advice was legally incorrect" and potentially dangerous because "voters may be misled to exercise their right to vote in ways that are inconsistent with WISC. STAT. § 6.86(2)."

148. On May 13, 2020, the Administrator of WEC issued a directive to the Wisconsin clerks prohibiting removal of voters from the registry for indefinite-confinement status if the voter is no longer "indefinitely confined."

149. The WEC's directive violated Wisconsin law. Specifically, WISC. STAT. § 6.86(2)(a) specifically

provides that "any [indefinitely confined] elector [who] is no longer indefinitely confined … shall so notify the municipal clerk." WISC. STAT. § 6.86(2)(b) further provides that the municipal clerk "shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service."

150. According to statistics kept by the WEC, nearly 216,000 voters said they were indefinitely confined in the 2020 election, nearly a fourfold increase from nearly 57,000 voters in 2016. In Dane and Milwaukee counties, more than 68,000 voters said they were indefinitely confined in 2020, a fourfold increase from the roughly 17,000 indefinitely confined voters in those counties in 2016.

151. On December 16, 2020, the Wisconsin Supreme Court ruled that Wisconsin officials, including Governor Evers, unlawfully told Wisconsin voters to declare themselves "indefinitely confined"—thereby avoiding signature and photo ID requirements. *See Jefferson v. Dane County*, 2020 Wisc. LEXIS 194 (Wis. Dec. 14, 2020). Given the near fourfold increase in the use of this classification from 2016 to 2020, tens of thousands of these ballots could be illegal. The vast majority of the more than 216,000 voters classified as "indefinitely confined" were from heavily democrat areas, thereby materially and illegally, benefited Mr. Biden.

152. Under Wisconsin law, voting by absentee ballot also requires voters to complete a certification, including their address, and have the envelope witnessed by an adult who also must sign and indicate their address on the envelope. *See* WISC. STAT. § 6.87. The sole remedy to cure an "improperly completed

certificate or [ballot] with no certificate" is for "the clerk [to] return the ballot to the elector[.]" *Id.* § 6.87(9). "If a certificate is missing the address of a witness, the ballot *may not be counted*." *Id.* § 6.87(6d) (emphasis added).

153. However, in a training video issued April 1, 2020, the Administrator of the City of Milwaukee Elections Commission unilaterally declared that a "witness address may be written in red and that is because we were able to locate the witnesses' address for the voter" to add an address missing from the certifications on absentee ballots. The Administrator's instruction violated WISC. STAT. § 6.87(6d). The WEC issued similar guidance on October 19, 2020, in violation of this statute as well.

154. In the Wisconsin Trump Campaign Complaint, it is alleged, supported by the sworn affidavits of poll watchers, that canvas workers carried out this unlawful policy, and acting pursuant to this guidance, in Milwaukee used red-ink pens to alter the certificates on the absentee envelope and then cast and count the absentee ballot. These acts violated WISC. STAT. § 6.87(6d) ("If a certificate is missing the address of a witness, the ballot may not be counted"). *See also* WISC. STAT. § 6.87(9) ("If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector . . . whenever time permits the elector to correct the defect and return the ballot within the period authorized.").

155. Wisconsin's legislature has not ratified these changes, and its election laws do not include a severability clause.

156. In addition, Ethan J. Pease, a box truck delivery driver subcontracted to the U.S. Postal Service ("USPS") to deliver truckloads of mail-in ballots to the sorting center in Madison, WI, testified that USPS employees were backdating ballots received after November 3, 2020. Decl. of Ethan J. Pease at ¶¶ 3-13. Further, Pease testified how a senior USPS employee told him on November 4, 2020 that "[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing" and how the USPS dispatched employees to "find[] . . . the ballots." *Id.* ¶¶ 8-10. One hundred thousand ballots supposedly "found" after election day would far exceed former Vice President Biden margin of 20,565 votes over President Trump.

State of Arizona

157. Arizona has 11 electoral votes, with a state-wide vote tally currently estimated at 1,661,677 for President Trump and 1,672,054 for former Vice President Biden, a margin of 10,377 votes. In Arizona's most populous county, Maricopa County, Mr. Biden's margin (45,109 votes) significantly exceeds his statewide lead.

158. On December 14, 2020, the Arizona Republican slate of Presidential Electors met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[28]

---

[28] https://arizonadailyindependent.com/2020/12/14/az-democrat-electors-vote-biden-republicans-join-pennsylvania-georgia-nevada-in-casting-electoral-college-votes-for-trump/

159. Since 1990, Arizona law has required that residents wishing to participate in an election submit their voter registration materials no later than 29 days prior to election day in order to vote in that election. Ariz. Rev. Stat. § 16-120(A). For 2020, that deadline was October 5.

160. In *Mi Familia Vota v. Hobbs*, No. CV-20-01903-PHX-SPL, 2020 U.S. Dist. LEXIS 184397 (D. Ariz. Oct. 5, 2020), however, a federal district court violated the Constitution and enjoined that law, extending the registration deadline to October 23, 2020. The Ninth Circuit stayed that order on October 13, 2020 with a two-day grace period, *Mi Familia Vota v. Hobbs*, 977 F.3d 948, 955 (9th Cir. 2020).

161. However, the Ninth Circuit did not apply the stay retroactively because neither the Arizona Secretary of State nor the Arizona Attorney General requested retroactive relief. *Id.* at 954-55. As a net result, the deadline was unconstitutionally extended from the statutory deadline of October 5 to October 15, 2021, thereby allowing potentially thousands of illegal votes to be injected into the state.

162. In addition, on December 15, 2020, the Arizona state Senate served two subpoenas on the Maricopa County Board of Supervisors (the "Maricopa Board") to audit scanned ballots, voting machines, and software due to the significant number of voting irregularities. Indeed, the Arizona Senate Judiciary Chairman stated in a public hearing earlier that day that "[t]here is evidence of tampering, there is evidence of fraud" with vote in Maricopa County. The Board then voted to refuse to comply with those subpoenas necessitating a lawsuit to enforce the

subpoenas filed on December 21, 2020. That litigation is currently ongoing.

State of Nevada

163. Nevada has 6 electoral votes, with a statewide vote tally currently estimated at 669,890 for President Trump and 703,486 for former Vice President Biden, a margin of 33,596 votes. Nevada voters sent in 579,533 mail-in ballots. In Clark County, Mr. Biden's margin (90,922 votes) significantly exceeds his statewide lead.

164. On December 14, 2020 the Republican slate of Presidential Electors met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[29]

165. In response to the COVID-19 pandemic, the Nevada Legislature enacted—and the Governor signed into law—Assembly Bill 4, 2020 Nev. Ch. 3, to address voting by mail and to require, for the first time in Nevada's history, the applicable county or city clerk to mail ballots to all registered voters in the state.

166. Under Section 23 of Assembly Bill 4, the applicable city or county clerk's office is required to review the signature on ballots, without permitting a computer system to do so: "The *clerk or employee shall check* the signature used for the mail ballot against all signatures of the voter available in the records of the clerk." *Id.* § 23(1)(a) (codified at NEV. REV. STAT. § 293.8874(1)(a)) (emphasis add). Moreover, the system requires that two or more employees be included: "If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the

[29] https://nevadagop.org/42221-2/

signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter." *Id.* § 23(1)(b) (codified at NEV. REV. STAT. § 293.8874(1)(b)). A signature that differs from on-file signatures in multiple respects is inadequate: "There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk." *Id.* § 23(2)(a) (codified at NEV. REV. STAT. § 293.8874(2)(a)). Finally, under Nevada law, "each voter has the right … [t]o have a uniform, statewide standard for counting and recounting all votes accurately." NEV. REV. STAT. § 293.2546(10).

167. Nevada law does not allow computer systems to substitute for review by clerks' employees.

168. However, county election officials in Clark County ignored this requirement of Nevada law. Clark County, Nevada, processed all its mail-in ballots through a ballot sorting machine known as the Agilis Ballot Sorting System ("Agilis"). The Agilis system purported to match voters' ballot envelope signatures to exemplars maintained by the Clark County Registrar of Voters.

169. Anecdotal evidence suggests that the Agilis system was prone to false positives (*i.e.*, accepting as valid an invalid signature). Victor Joecks, *Clark County Election Officials Accepted My Signature—on 8 Ballot Envelopes*, LAS VEGAS REV.-J. (Nov. 12, 2020) (Agilis system accepted 8 of 9 false signatures).

170. Even after adjusting the Agilis system's tolerances outside the settings that the manufacturer recommends, the Agilis system nonetheless rejected approximately 70% of the approximately 453,248 mail-in ballots.

171. More than 450,000 mail-in ballots from Clark County either were processed under weakened signature-verification criteria in violation of the statutory criteria for validating mail-in ballots. The number of contested votes exceeds the margin of votes dividing the parties.

172. With respect to approximately 130,000 ballots that the Agilis system approved, Clark County did not subject those signatures to review by two or more employees, as Assembly Bill 4 requires. To count those 130,000 ballots without review not only violated the election law adopted by the legislature but also subjected those votes to a different standard of review than other voters statewide.

173. With respect to approximately 323,000 ballots that the Agilis system rejected, Clark County decided to count ballots if a signature matched at least one letter between the ballot envelope signature and the maintained exemplar signature. This guidance does not match the statutory standard "differ[ing] in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk."

174. Out of the nearly 580,000 mail-in ballots, registered Democrats returned almost twice as many mail-in ballots as registered Republicans. Thus, this violation of Nevada law appeared to materially benefited former Vice President Biden's vote tally. Regardless of the number of votes that were affected

by the unconstitutional modification of Nevada's election rules, the non-legislative changes to the election rules violated the Electors Clause.

COUNT I: ELECTORS CLAUSE

175. The United States repeats and re-alleges the allegations above, as if fully set forth herein.

176. The Electors Clause of Article II, Section 1, Clause 2, of the Constitution makes clear that only the legislatures of the States are permitted to determine the rules for appointing presidential electors. The pertinent rules here are the state election statutes, specifically those relevant to the presidential election.

177. Non-legislative actors lack authority to amend or nullify election statutes. *Bush II*, 531 U.S. at 104 (quoted *supra*).

178. Under *Heckler v. Chaney*, 470 U.S. 821, 833 n.4 (1985), conscious and express executive policies—even if unwritten—to nullify statutes or to abdicate statutory responsibilities are reviewable to the same extent as if the policies had been written or adopted. Thus, conscious and express actions by State or local election officials to nullify or ignore requirements of election statutes violate the Electors Clause to the same extent as formal modifications by judicial officers or State executive officers.

179. The actions set out in Paragraphs 41-128 constitute non-legislative changes to State election law by executive-branch State election officials, or by judicial officials, in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada in violation of the Electors Clause.

180. Electors appointed to Electoral College in violation of the Electors Clause cannot cast constitutionally valid votes for the office of President.

COUNT II: EQUAL PROTECTION

181. The United States repeats and re-alleges the allegations above, as if fully set forth herein.

182. The Equal Protection Clause prohibits the use of differential standards in the treatment and tabulation of ballots within a State. *Bush II*, 531 U.S. at 107.

183. The one-person, one-vote principle requires counting valid votes and not counting invalid votes. *Reynolds*, 377 U.S. at 554-55; *Bush II*, 531 U.S. at 103 ("the votes eligible for inclusion in the certification are the votes meeting the properly established legal requirements").

184. The actions set out in Paragraphs (Georgia), (Michigan), (Pennsylvania), (Wisconsin), (Arizona), and (Nevada) created differential voting standards in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, [Arizona (maybe not)], and Nevada in violation of the Equal Protection Clause.

185. The actions set out in Paragraphs (Georgia), (Michigan), (Pennsylvania), (Wisconsin), (Arizona). And (Nevada) violated the one-person, one-vote principle in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada.

186. By the shared enterprise of the entire nation electing the President and Vice President, equal protection violations in one State can and do adversely affect and diminish the weight of votes cast in other States that lawfully abide by the election

structure set forth in the Constitution. The United States is therefore harmed by this unconstitutional conduct in violation of the Equal Protection or Due Process Clauses.

COUNT III: DUE PROCESS

187. The United States repeats and re-alleges the allegations above, as if fully set forth herein.

188. When election practices reach "the point of patent and fundamental unfairness," the integrity of the election itself violates substantive due process. *Griffin v. Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978); *Duncan v. Poythress*, 657 F.2d 691, 702 (5th Cir. 1981); *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-84 (11th Cir. 2008); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580-82 (11th Cir. 1995); *Roe v. State of Ala.*, 68 F.3d 404, 407 (11th Cir. 1995); *Marks v. Stinson*, 19 F. 3d 873, 878 (3rd Cir. 1994).

189. Under this Court's precedents on procedural due process, not only intentional failure to follow election law as enacted by a State's legislature but also random and unauthorized acts by state election officials and their designees in local government can violate the Due Process Clause. *Parratt v. Taylor*, 451 U.S. 527, 537-41 (1981), *overruled in part on other grounds by Daniels v. Williams*, 474 U.S. 327, 330-31 (1986); *Hudson v. Palmer*, 468 U.S. 517, 532 (1984). The difference between intentional acts and random and unauthorized acts is the degree of pre-deprivation review.

190. Defendant States acted unconstitutionally to lower their election standards—including to allow invalid ballots to be counted and valid ballots to not be counted—with the express

intent to favor their candidate for President and to alter the outcome of the 2020 election. In many instances these actions occurred in areas having a history of election fraud.

191. The actions set out in Paragraphs (Georgia), (Michigan), (Pennsylvania), (Wisconsin), (Arizona), and (Nevada) constitute intentional violations of State election law by State election officials and their designees in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, and Arizona, and Nevada in violation of the Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully request that this Court issue the following relief:

A. Declare that Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada administered the 2020 presidential election in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution.

B. Declare that the electoral college votes cast by such presidential electors appointed in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada are in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution and cannot be counted.

C. Enjoin Defendant States' use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College.

D. Enjoin Defendant States' use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College and authorize, pursuant to the Court's remedial authority,

the Defendant States to conduct a special election to appoint presidential electors.

E. Enjoin Defendant States' use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College and authorize, pursuant to the Court's remedial authority, the Defendant States to conduct an audit of their election results, supervised by a Court-appointed special master, in a manner to be determined separately.

F. Award costs to the United States.

G. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

December , 2020

kurtols

From: kurtols
Sent: Tuesday, December 29, 2020 10:57 AM
To: jeffrey.b.wall@usdoj.gov
Subject: AG Rosen

Dear SG Wall,

I represented Texas in the action filed in the SCT against Pennsylvania et al. Last night, the President directed me to meet with AG Rosen today to discuss a similar action to be brought by the United States. I have not been able to reach him despite multiple calls/texts. This is an urgent matter. Please call me at (b) (6) or ask AG Rosen to contact me asap. Thank you.

Sincerely,

Kurt B. Olsen

Sent with ProtonMail Secure Email.

kurt olsen

From:	kurt olsen
Sent:	Tuesday, December 29, 2020 12:45 PM
To:	john.moran3@usdoj.gov
Subject:	Meeting with AG Rosen
Attachments:	US-v-States-Compl 2020-12-29 (final draft).docx

Dear John,

Thank you for calling me on behalf of AG Rosen. Attached is a draft complaint to be brought by the United States modeled after the Texas action. As I said on our call, the President of the United States has seen this complaint, and he directed me last night to brief AG Rosen in person today to discuss bringing this action. I have been instructed to report back to the President this afternoon after this meeting. I can be at Main Justice (or anywhere else in the DC Metropolitan area) with an hour's notice. I will call you at 1:15 pm today to follow up on when and where I can meet AG Rosen. Another lawyer may accompany me. Please acknowledge receipt of this email. Thank you.

Sincerely,

Kurt B. Olsen

No. , Original

In the Supreme Court of the United States

THE UNITED STATES OF AMERICA

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA, STATE OF STATE OF GEORGIA, STATE OF MICHIGAN, STATE OF WISCONSIN, STATE OF ARIZONA, AND STATE OF NEVADA

Defendants.

BILL OF COMPLAINT

TABLE OF CONTENTS

Pages

BILL OF COMPLAINT

Our Country is deeply divided in a manner not seen in well over a century. More than 77% of Republican voters believe that "widespread fraud" occurred in the 2020 general election while 97% of Democrats say there was not.[1] On December 7, 2020, the State of Texas filed an action with this Court, *Texas v. Pennsylvania, et al.*, alleging the same constitutional violations in connection with the 2020 general election pled herein. Within three days *eighteen* other states sought to intervene in that action or filed supporting briefs. On December 11, 2020, the Court summarily dismissed that action stating that Texas lacked standing under Article III of the Constitution. The United States therefore brings this action to ensure that the U.S. Constitution does not become simply a piece of parchment on display at the National Archives.

Two issues regarding this election are not in dispute. First, about eight months ago, a few non-legislative officials in the states of Georgia, Michigan, Wisconsin, Arizona, Nevada and the Commonwealth of Pennsylvania (collectively, "Defendant States") began using the COVID-19 pandemic as an excuse to unconstitutionally revise or violate their states' election laws. Their actions all had one effect: they uniformly weakened security measures put in place *by legislators* to protect the integrity of the vote. These

[1]https://www.courant.com/politics/hc-pol-q-poll-republicans-believe-fraud-20201210-pcie3uqqvrhyvnt7geohhsyepe-story.html

changes squarely violated the Electors Clause of Article II, Section 1, Clause 2 vesting state legislatures with plenary authority to make election law. These same government officials then flooded the Defendant States with millions of ballots to be sent through the mails, or placed in drop boxes, with little or no chain of custody.[2] Second, the evidence of illegal or fraudulent votes, with outcome changing results, is clear—and growing daily.

Since *Marbury v. Madison* this Court has, on significant occasions, had to step into the breach in a time of tumult, declare what the law is, and right the ship. This is just such an occasion. In fact, it is situations precisely like the present—when the Constitution has been cast aside unchecked—that leads us to the current precipice. As one of the Country's Founding Fathers, John Adams, once said, "You will never know how much it has cost my generation to preserve your freedom. I hope you will make a good use of it." In times such as this, it is the duty of the Court to act as a "faithful guardian[] of the Constitution." THE FEDERALIST NO. 78, at 470 (C. Rossiter, ed. 1961) (A. Hamilton).

Against that background, the United States of America brings this action against Defendant States based on the following allegations:

NATURE OF THE ACTION

1. The United States challenges Defendant States' administration of the 2020 election under the

[2] https://georgiastarnews.com/2020/12/05/dekalb-county-cannot-find-chain-of-custody-records-for-absentee-ballots-deposited-in-drop-boxes-it-has-not-been-determined-if-responsive-records-to-your-request-exist/

Electors Clause of Article II, Section 1, Clause 2, and the Fourteenth Amendment of the U.S. Constitution.

2. This case presents a question of law: Did Defendant States violate the Electors Clause (or, in the alternative, the Fourteenth Amendment) by taking—or allowing—non-legislative actions to change the election rules that would govern the appointment of presidential electors?

3. Those unconstitutional changes opened the door to election irregularities in various forms. The United States alleges that each of the Defendant States flagrantly violated constitutional rules governing the appointment of presidential electors. In doing so, seeds of deep distrust have been sown across the country. In *Marbury v. Madison*, 5 U.S. 137 (1803), Chief Justice Marshall described "the duty of the Judicial Department to say what the law is" because "every right, when withheld, must have a remedy, and every injury its proper redress."

4. In the spirit of *Marbury v. Madison*, this Court's attention is profoundly needed to declare what the law is and to restore public trust in this election.

5. As Justice Gorsuch observed recently, "Government is not free to disregard the [Constitution] in times of crisis. … Yet recently, during the COVID pandemic, certain States seem to have ignored these long-settled principles." *Roman Catholic Diocese of Brooklyn, New York v. Cuomo*, 592 U.S. (2020) (Gorsuch, J., concurring). This case is no different.

6. Each of Defendant States acted in a common pattern. State officials, sometimes through pending litigation (*e.g.*, settling "friendly" suits) and sometimes unilaterally by executive fiat, announced

new rules for the conduct of the 2020 election that were inconsistent with existing state statutes defining what constitutes a lawful vote.

7. Defendant States also failed to segregate ballots in a manner that would permit accurate analysis to determine which ballots were cast in conformity with the legislatively set rules and which were not. This is especially true of the mail-in ballots in these States. By waiving, lowering, and otherwise failing to follow the state statutory requirements for signature validation and other processes for ballot security, the entire body of such ballots is now constitutionally suspect and may not be legitimately used to determine allocation of the Defendant States' presidential electors.

8. The rampant lawlessness arising out of Defendant States' unconstitutional acts is described in a number of currently pending lawsuits in Defendant States or in public view including:

- *Dozens of witnesses testifying under oath about*: the physical blocking and kicking out of Republican poll challengers; thousands of the same ballots run multiple times through tabulators; mysterious late night dumps of thousands of ballots at tabulation centers; illegally backdating thousands of ballots; signature verification procedures ignored;[3]
- *Videos of*: poll workers erupting in cheers as poll challengers are removed from vote counting centers; poll watchers being blocked from entering

[3]Complaint (Doc. No. 1), *Donald J. Trump for President, Inc. v. Benson*, 1:20-cv-1083 (W.D. Mich. Nov. 11, 2020) at ¶¶ 26-55 & Doc. Nos. 1-2, 1-4.

vote counting centers—despite even having a court order to enter; suitcases full of ballots being pulled out from underneath tables after poll watchers were told to leave.

- *Facts for which no independently verified reasonable explanation yet exists*: On October 1, 2020, in Pennsylvania a laptop and several USB drives, used to program Pennsylvania's Dominion voting machines, were mysteriously stolen from a warehouse in Philadelphia. The laptop and the USB drives were the *only* items taken, and potentially could be used to alter vote tallies; In Michigan, which also employed the same Dominion voting system, on November 4, 2020, Michigan election officials have admitted that a purported "glitch" caused 6,000 votes for President Trump to be wrongly switched to Democrat Candidate Biden. A flash drive containing tens of thousands of votes was left unattended in the Milwaukee tabulations center in the early morning hours of Nov. 4, 2020, without anyone aware it was not in a proper chain of custody.

9. Nor was this Court immune from the blatant disregard for the rule of law. Pennsylvania itself played fast and loose with its promise to this Court. In a classic bait and switch, Pennsylvania used guidance from its Secretary of State to argue that this Court should not expedite review because the State would segregate potentially unlawful ballots. A court of law would reasonably rely on such a representation. Remarkably, before the ink was dry on the Court's 4-4 decision, Pennsylvania changed that guidance, breaking the State's promise to this Court. *Compare Republican Party of Pa. v. Boockvar*, No. 20-542, 2020

U.S. LEXIS 5188, at *5-6 (Oct. 28, 2020) ("we have been informed by the Pennsylvania Attorney General that the Secretary of the Commonwealth issued guidance today directing county boards of elections to segregate [late-arriving] ballots") (Alito, J., concurring) *with Republican Party v. Boockvar*, No. 20A84, 2020 U.S. LEXIS 5345, at *1 (Nov. 6, 2020) ("this Court was not informed that the guidance issued on October 28, which had an important bearing on the question whether to order special treatment of the ballots in question, had been modified") (Alito, J., Circuit Justice).

10. Expert analysis using a commonly accepted statistical test further raises serious questions as to the integrity of this election.

11. The probability of former Vice President Biden winning the popular vote in four of the Defendant States—Georgia, Michigan, Pennsylvania, and Wisconsin—independently given President Trump's early lead in those States as of 3 a.m. on November 4, 2020, is less than one in a quadrillion, or 1 in 1,000,000,000,000,000. For former Vice President Biden to win these four States collectively, the odds of that event happening decrease to less than one in a quadrillion to the fourth power (*i.e.*, 1 in 1,000,000,000,000,000[4]). *See* Decl. of Charles J. Cicchetti, Ph.D. ("Cicchetti Decl.") at ¶¶ 14-21, 30-31. *See* App. a- a.[4]

12. Mr. Biden's *underperformance* in the Top-50 urban areas in the Country relative to former Secretary Clinton's performance in the 2016 election reinforces the unusual statistical improbability of Mr.

---

[4] All exhibits cited in this Complaint are in the Appendix to the United States' forthcoming motion to expedite ("App. 1a ").

Biden's vote totals in the five urban areas in these four Defendant States, where he overperformed Secretary Clinton in all but one of the five urban areas. *See* Supp. Cicchetti Decl. at ¶¶ 4-12, 20-21. (App. a- a).

13. The same less than one in a quadrillion statistical improbability of Mr. Biden winning the popular vote in these four Defendant States—Georgia, Michigan, Pennsylvania, and Wisconsin—independently exists when Mr. Biden's performance in each of those Defendant States is compared to former Secretary of State Hilary Clinton's performance in the 2016 general election and President Trump's performance in the 2016 and 2020 general elections. Again, the statistical improbability of Mr. Biden winning the popular vote in these four States collectively is 1 in 1,000,000,000,000,000[5]. *Id.* 10-13, 17-21, 30-31.

14. Put simply, there is substantial reason to doubt the voting results in the Defendant States.

15. By purporting to waive or otherwise modify the existing state law in a manner that was wholly *ultra vires* and not adopted by each state's legislature, Defendant States violated not only the Electors Clause, U.S. CONST. art. II, § 1, cl. 2, but also the Elections Clause, *id.* art. I, § 4 (to the extent that the Article I Elections Clause textually applies to the Article II process of selecting presidential electors).

16. Voters who cast lawful ballots cannot have their votes diminished by states that administered their 2020 presidential elections in a manner where it is impossible to distinguish a lawful ballot from an unlawful ballot.

17. The number of absentee and mail-in ballots that have been handled unconstitutionally in

Defendant States greatly exceeds the difference between the vote totals of the two candidates for President of the United States in each Defendant State.

18. In December 2018, the Caltech/MIT Voting Technology Project and MIT Election Data & Science Lab issued a comprehensive report addressing election integrity issues.[5] The fundamental question they sought to address was: "How do we know that the election outcomes announced by election officials are correct?"

19. The Caltech/MIT Report concluded: "Ultimately, the only way to answer a question like this is to rely on procedures that independently review the outcomes of elections, to detect and correct material mistakes that are discovered. In other words, elections need to be audited." *Id.* at iii. The Caltech/MIT Report then set forth a detailed analysis of why and how such audits should be done for the same reasons that exist today—a lack of trust in our voting systems.

20. In addition to injunctive relief sought for this election, the United States seeks declaratory relief for all presidential elections in the future. This problem is clearly capable of repetition yet evading review. The integrity of our constitutional democracy requires that states conduct presidential elections in accordance with the rule of law and federal constitutional guarantees.

---

[5]Summary Report, Election Auditing, Key Issues and Perspectives attached at (the "Caltech/MIT Report") (App. a -- a).

JURISDICTION AND VENUE

21. This Court has original and exclusive jurisdiction over this action because it is a "controvers[y] between the United States and [Defendant] State[s]" under Article III, § 2, cl. 2 of the U.S. Constitution and 28 U.S.C. § 1251(b)(2) (2018).

22. In a presidential election, "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States." *Anderson v. Celebrezze*, 460 U.S. 780, 795 (1983). The constitutional failures of Defendant States injure the United States as *parens patriae* for all citizens because "'the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.'" *Bush v. Gore*, 531 U.S. 98, 105 (2000) (quoting *Reynolds v. Sims*, 377 U. S. 533, 555 (1964)) (*Bush II*). In other words, United States is acting to protect the interests of *all* citizens—including not only the citizens of Defendant States but also the citizens of their sister States—in the fair and constitutional conduct of elections used to appoint presidential electors.

23. Although the several States may lack "a judicially cognizable interest in the manner in which another State conducts its elections," *Texas v. Pennsylvania*, No. 22O155 (U.S. Dec. 11, 2020), the same is not true for the United States, which has *parens patriae* for the citizens of each State against the government apparatus of each State. *Alfred L. Snapp & Son v. Puerto Rico,* 458 U.S. 592, 610 n.16 (1982) ("it is the United States, and not the State, which represents them as *parens patriae*") (interior quotation omitted). For *Bush II*-type violations, the

United States can press this action against the Defendant States for violations of the voting rights of Defendant States' own citizens.

24. This Court's Article III decisions limit the ability of citizens to press claims under the Electors Clause. *Lance v. Coffman*, 549 U.S. 437, 442 (2007) (distinguishing citizen plaintiffs from citizen relators who sued in the name of a state); *cf. Massachusetts v. EPA,* 549 U.S. 497, 520 (2007) (courts owe states "special solicitude in standing analysis"). Moreover, redressability likely would undermine a suit against a single state officer or State because no one State's electoral votes will make a difference in the election outcome. This action against multiple State defendants is the only adequate remedy to cure the Defendant States' violations, and this Court is the only court that can accommodate such a suit.

25. As federal sovereign under the Voting Rights Act, 52 U.S.C. §§10301-10314 ("VRA"), the United States has standing to enforce its laws against, *inter alia,* giving false information as to his name, address or period of residence in the voting district for the purpose of establishing the eligibility to register or vote, conspiring for the purpose of encouraging false registration to vote or illegal voting, falsifying or concealing a material fact in any matter within the jurisdiction of an examiner or hearing officer related to an election, or voting more than once. 52 U.S.C. § 10307(c)-(e). Although the VRA channels enforcement of some VRA sections—namely, 52 U.S.C. § 10303-10304—to the U.S. District Court for the District of Columbia, the VRA does not channel actions under § 10307.

26. Individual state courts or U.S. district courts do not—and under the circumstance of contested elections in multiple states, *cannot*—offer an adequate remedy to resolve election disputes within the timeframe set by the Constitution to resolve such disputes and to appoint a President via the electoral college. No court—other than this Court—can redress constitutional injuries spanning multiple States with the sufficient number of states joined as defendants or respondents to make a difference in the Electoral College.

27. This Court is the sole forum in which to exercise the jurisdictional basis for this action.

PARTIES

28. Plaintiff is the United States of America, which is the federal sovereign.

29. Defendants are the Commonwealth of Pennsylvania and the States of Georgia, Michigan, Arizona, Nevada, and Wisconsin, which are sovereign States of the United States.

LEGAL BACKGROUND

30. Under the Supremacy Clause, the "Constitution, and the laws of the United States which shall be made in pursuance thereof … shall be the supreme law of the land." U.S. CONST. Art. VI, cl. 2.

31. "The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college." *Bush II*, 531 U.S. at 104 (citing U.S. CONST. art. II, § 1).

32. State legislatures have plenary power to set the process for appointing presidential electors: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors." U.S. CONST. art. II, §1, cl. 2; *see also Bush II*, 531 U.S. at 104 ("[T]he state legislature's power to select the manner for appointing electors is *plenary*." (emphasis added)).

33. At the time of the Founding, most States did not appoint electors through popular statewide elections. In the first presidential election, six of the ten States that appointed electors did so by direct legislative appointment. *McPherson v. Blacker*, 146 U.S. 1, 29-30 (1892).

34. In the second presidential election, nine of the fifteen States that appointed electors did so by direct legislative appointment. *Id.* at 30.

35. In the third presidential election, nine of sixteen States that appointed electors did so by direct legislative appointment. *Id.* at 31. This practice persisted in lesser degrees through the Election of 1860. *Id.* at 32.

36. Though "[h]istory has now favored the voter," *Bush II*, 531 U.S. at 104, "there is no doubt of the right of the legislature to resume the power [of appointing presidential electors] at any time, for *it can neither be taken away nor abdicated*." *McPherson*, 146 U.S. at 35 (emphasis added); *cf.* 3 U.S.C. § 2 ("Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.").

37. Given the State legislatures' constitutional primacy in selecting presidential electors, the ability to set rules governing the casting of ballots and counting of votes cannot be usurped by other branches of state government.

38. The Framers of the Constitution decided to select the President through the Electoral College "to afford as little opportunity as possible to tumult and disorder" and to place "every practicable obstacle [to] cabal, intrigue, and corruption," including "foreign powers" that might try to insinuate themselves into our elections. THE FEDERALIST NO. 68, at 410-11 (C. Rossiter, ed. 1961) (Madison, J.).

39. Defendant States' applicable laws are set out under the facts for each Defendant State.

FACTS

40. The use of absentee and mail-in ballots skyrocketed in 2020, not only as a public-health response to the COVID-19 pandemic but also at the urging of mail-in voting's proponents, and most especially executive branch officials in Defendant States. According to the Pew Research Center, in the 2020 general election, a record number of votes—about 65 million were cast via mail compared to 33.5 million mail-in ballots cast in the 2016 general election—an increase of more than 94 percent.

41. In the wake of the contested 2000 election, the bipartisan Jimmy Carter-James Baker commission identified absentee ballots as "the largest source of potential voter fraud." BUILDING CONFIDENCE IN U.S. ELECTIONS: REPORT OF THE COMMISSION ON FEDERAL ELECTION REFORM, at 46 (Sept. 2005).

42. Concern over the use of mail-in ballots is not novel to the modern era, Dustin Waters, *Mail-in Ballots Were Part of a Plot to Deny Lincoln Reelection in 1864*, WASH. POST (Aug. 22, 2020),[6] but it remains a *current* concern. *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 194-96 & n.11 (2008); *see also* Texas Office of the Attorney General, *AG Paxton Announces Joint Prosecution of Gregg County Organized Election Fraud in Mail-In Balloting Scheme* (Sept. 24, 2020); Harriet Alexander & Ariel Zilber, *Minneapolis police opens investigation into reports that Ilhan Omar's supporters illegally harvested Democrat ballots in Minnesota*, DAILY MAIL, Sept. 28, 2020.

43. Absentee and mail-in voting are the primary opportunities for unlawful ballots to be cast. As a result of expanded absentee and mail-in voting in Defendant States, combined with Defendant States' unconstitutional modification of statutory protections designed to ensure ballot integrity, Defendant States created a massive opportunity for fraud. In addition, the Defendant States have made it difficult or impossible to separate the constitutionally tainted mail-in ballots from all mail-in ballots.

44. Rather than augment safeguards against illegal voting in anticipation of the millions of additional mail-in ballots flooding their States, Defendant States *all* materially weakened, or did away with, security measures, such as witness or signature verification procedures, required by their respective legislatures. Their legislatures established those commonsense safeguards to prevent—or at least reduce—fraudulent mail-in ballots.

---

[6]https://www.washingtonpost.com/history/2020/08/22/mail-in-voting-civil-war-election-conspiracy-lincoln/

45. Significantly, in Defendant States, Democrat voters voted by mail at two to three times the rate of Republicans. Former Vice President Biden thus greatly benefited from this unconstitutional usurpation of legislative authority, and the weakening of legislatively mandated ballot security measures.

46. The outcome of the Electoral College vote is directly affected by the constitutional violations committed by Defendant States. Those violations proximately caused the appointment of presidential electors for former Vice President Biden. The United States as a sovereign and as *parens patriae* for all its citizens will therefore be injured if Defendant States' unlawfully certify these presidential electors and those electors' votes are recognized.

47. In addition to the unconstitutional acts associated with mail-in and absentee voting, there are grave questions surrounding the vulnerability of electronic voting machines—especially those machines provided by Dominion Voting Systems, Inc. ("Dominion") which were in use in all of the Defendant States (and other states as well) during the 2020 general election.

48. As initially reported on December 13, 2020, the U.S. Government is scrambling to ascertain the extent of broad-based hack into multiple agencies through a third-party software supplied by vendor known as SolarWinds. That software product is used throughout the U.S. Government, and the private sector including, apparently, Dominion.

49. As reported by CNN, what little we know has cybersecurity experts extremely worried.[7] CNN also quoted Theresa Payton, who served as White House Chief Information Officer under President George W. Bush stating: "I woke up in the middle of the night last night just sick to my stomach. . . . On a scale of 1 to 10, I'm at a 9 — and it's not because of what I know; it's because of what we still don't know."

50. Disturbingly, though the Dominion's CEO denied that Dominion uses SolarWinds software, a screenshot captured from Dominion's webpage shows that Dominion does use SolarWinds technology.[8] Further, Dominion apparently later altered that page to remove any reference to SolarWinds, but the SolarWinds website is still in the Dominion page's source code. *Id*.

Commonwealth of Pennsylvania

51. Pennsylvania has 20 electoral votes, with a statewide vote tally currently estimated at 3,363,951 for President Trump and 3,445,548 for former Vice President Biden, a margin of 81,597 votes.

52. On December 14, 2020, the Pennsylvania Republican slate of Presidential Electors, met at the State Capital and cast their votes for President

[7] https://www.cnn.com/2020/12/16/tech/solarwinds-orion-hack-explained/index.html

[8] https://www.theepochtimes.com/dominion-voting-systems-ceo-says-company-has-never-used-solarwinds-orion-platform_3619895.html

Donald J. Trump and Vice President Michael R. Pence.[9]

53. The number of votes affected by the various constitutional violations exceeds the margin of votes separating the candidates.

54. Pennsylvania's Secretary of State, Kathy Boockvar, without legislative approval, unilaterally abrogated several Pennsylvania statutes requiring signature verification for absentee or mail-in ballots. Pennsylvania's legislature has not ratified these changes, and the legislation did not include a severability clause.

55. On August 7, 2020, the League of Women Voters of Pennsylvania and others filed a complaint against Secretary Boockvar and other local election officials, seeking "a declaratory judgment that Pennsylvania existing signature verification procedures for mail-in voting" were unlawful for a number of reasons. *League of Women Voters of Pennsylvania v. Boockvar*, No. 2:20-cv-03850-PBT, (E.D. Pa. Aug. 7, 2020).

56. The Pennsylvania Department of State quickly settled with the plaintiffs, issuing revised guidance on September 11, 2020, stating in relevant part: "The Pennsylvania Election Code does not authorize the county board of elections to set aside returned absentee or mail-in ballots based solely on signature analysis by the county board of elections."

57. This guidance is contrary to Pennsylvania law. First, Pennsylvania Election Code mandates that, for non-disabled and non-military

---

[9] https://www.foxnews.com/politics/republican-electors-pennsylvania-georgia-vote-for-trump

voters, all applications for an absentee or mail-in ballot "shall be signed by the applicant." 25 PA. STAT. §§ 3146.2(d) & 3150.12(c). Second, Pennsylvania's voter signature verification requirements are expressly set forth at 25 PA. STAT. 350(a.3)(1)-(2) and § 3146.8(g)(3)-(7).

58. The Pennsylvania Department of State's guidance unconstitutionally did away with Pennsylvania's statutory signature verification requirements. Approximately 70 percent of the requests for absentee ballots were from Democrats and 25 percent from Republicans. Thus, this unconstitutional abrogation of state election law greatly inured to former Vice President Biden's benefit.

59. In addition, in 2019, Pennsylvania's legislature enacted bipartisan election reforms, 2019 Pa. Legis. Serv. Act 2019-77, that set *inter alia* a deadline of 8:00 p.m. on election day for a county board of elections to receive a mail-in ballot. 25 PA. STAT. §§ 3146.6(c), 3150.16(c). Acting under a generally worded clause that "Elections shall be free and equal," PA. CONST. art. I, § 5, cl. 1, a 4-3 majority of Pennsylvania's Supreme Court in *Pa. Democratic Party v. Boockvar*, 238 A.3d 345 (Pa. 2020), extended that deadline to three days after Election Day and adopted a presumption that even *non-postmarked ballots* were presumptively timely.

60. Pennsylvania's election law also requires that poll-watchers be granted access to the opening, counting, and recording of absentee ballots: "Watchers shall be permitted to be present when the envelopes containing official absentee ballots and mail-in ballots are opened and when such ballots are counted and

recorded." 25 PA. STAT. § 3146.8(b). Local election officials in Philadelphia and Allegheny Counties decided not to follow 25 PA. STAT. § 3146.8(b) for the opening, counting, and recording of absentee and mail-in ballots.

61. Prior to the election, Secretary Boockvar sent an email to local election officials urging them to provide opportunities for various persons—including political parties—to contact voters to "cure" defective mail-in ballots. This process clearly violated several provisions of the state election code.

- Section 3146.8(a) requires: "The county boards of election, upon receipt of official absentee ballots in sealed official absentee ballot envelopes as provided under this article and mail-in ballots as in sealed official mail-in ballot envelopes as provided under Article XIII-D,1 shall safely keep the ballots in sealed or locked containers until they are to be canvassed by the county board of elections."
- Section 3146.8(g)(1)(ii) provides that mail-in ballots shall be canvassed (if they are received by eight o'clock p.m. on election day) in the manner prescribed by this subsection.
- Section 3146.8(g)(1.1) provides that the first look at the ballots shall be "no earlier than seven o'clock a.m. on election day." And the hour for this "pre-canvas" must be publicly announced at least 48 hours in advance. Then the votes are counted on election day.

62. By removing the ballots for examination prior to seven o'clock a.m. on election day, Secretary Boockvar created a system whereby local officials could review ballots without the proper

announcements, observation, and security. This entire scheme, which was only followed in Democrat majority counties, was blatantly illegal in that it permitted the illegal removal of ballots from their locked containers prematurely.

63. Statewide election officials and local election officials in Philadelphia and Allegheny Counties, aware of the historical Democrat advantage in those counties, violated Pennsylvania's election code and adopted the differential standards favoring voters in Philadelphia and Allegheny Counties with the intent to favor former Vice President Biden. *See* Verified Complaint (Doc. No. 1), *Donald J. Trump for President, Inc. v. Boockvar*, 4:20-cv-02078-MWB (M.D. Pa. Nov. 18, 2020) at ¶¶ 3-6, 9, 11, 100-143.

64. Absentee and mail-in ballots in Pennsylvania were thus evaluated under an illegal standard regarding signature verification. It is now impossible to determine which ballots were properly cast and which ballots were not.

65. The changed process allowing the curing of absentee and mail-in ballots in Allegheny and Philadelphia counties is a separate basis resulting in an unknown number of ballots being treated in an unconstitutional manner inconsistent with Pennsylvania statute. *Id.*

66. In addition, a great number of ballots were received after the statutory deadline and yet were counted by virtue of the fact that Pennsylvania did not segregate all ballots received after 8:00 pm on November 3, 2020. Boockvar's claim that only about 10,000 ballots were received after this deadline has no way of being proven since Pennsylvania broke its promise to the Court to segregate ballots and co-

mingled perhaps tens, or even hundreds of thousands, of illegal late ballots.

67. On December 4, 2020, fifteen members of the Pennsylvania House of Representatives led by Rep. Francis X. Ryan issued a report to Congressman Scott Perry (the "Ryan Report," App. 139a-144a) stating that "[t]he general election of 2020 in Pennsylvania was fraught with inconsistencies, documented irregularities and improprieties associated with mail-in balloting, pre-canvassing, and canvassing that the reliability of the mail-in votes in the Commonwealth of Pennsylvania is impossible to rely upon."

68. The Ryan Report's findings are startling, including:

- Ballots with NO MAILED date. That total is 9,005.
- Ballots Returned on or BEFORE the Mailed Date. That total is 58,221.
- Ballots Returned one day after Mailed Date. That total is 51,200.

Id. 143a.

69. These nonsensical numbers alone total 118,426 ballots and exceed Mr. Biden's margin of 81,660 votes over President Trump. But these discrepancies pale in comparison to the discrepancies in Pennsylvania's reported data concerning the number of mail-in ballots distributed to the populace—now with no longer subject to legislated mandated signature verification requirements.

70. The Ryan Report also stated as follows:

> [I]n a data file received on November 4, 2020, the Commonwealth's PA Open Data sites reported over 3.1 million mail in ballots sent out. The CSV file from the state on November 4 depicts 3.1 million mail in ballots sent out but on November 2, the information was provided that only 2.7 million ballots had been sent out. ***This discrepancy of approximately 400,000 ballots from November 2 to November 4 has not been explained***.

Id. at 143a-44a. (Emphasis added).

71. The Ryan Report stated further: "This apparent [400,000 ballot] discrepancy can only be evaluated by reviewing all transaction logs into the SURE system [the Statewide Uniform Registry Electors]."[10]

72. In its opposition brief to Texas's motion to for leave file a bill of complaint, Pennsylvania said nothing about the 118,426 ballots that had no mail date, were nonsensically returned *before* the mailed date, or were improbably returned one day after the mail date discussed above.[11]

73. With respect to the 400,000 discrepancy in mail-in ballots Pennsylvania sent out as reported on November 2, 2020 compared to November 4, 2020 (one day after the election), Pennsylvania asserted

---

[10] Ryan Report at App. a [p.5].

[11] Pennsylvania Opposition To Motion For Leave To File Bill of Complaint and Motion For Preliminary Injunction, Temporary Restraining Order, or Stay ("Pennsylvania Opp. Br.") filed December 10, 2020, Case No. 220155.

that the discrepancy is purportedly due to the fact that "[o]f the 3.1 million ballots sent out, 2.7 million were mail-in ballots and 400,000 were absentee ballots." Pennsylvania offered *no support* for its conclusory assertion. *Id.* at 6. Nor did Pennsylvania rebut the assertion in the Ryan Report that the "discrepancy can only be evaluated by reviewing all transaction logs into the SURE system."

74. These stunning figures illustrate the out-of-control nature of Pennsylvania's mail-in balloting scheme. Democrats submitted mail-in ballots at more than two times the rate of Republicans. This number of constitutionally tainted ballots far exceeds the approximately 81,660 votes separating the candidates.

75. This blatant disregard of statutory law renders all mail-in ballots constitutionally tainted and cannot form the basis for appointing or certifying Pennsylvania's presidential electors to the Electoral College.

76. According to the U.S. Election Assistance Commission's report to Congress *Election Administration and Voting Survey: 2016 Comprehensive Report*, in 2016 Pennsylvania received 266,208 mail-in ballots; 2,534 of them were rejected (.95%). *Id.* at p. 24. However, in 2020, Pennsylvania received more than 10 times the number of mail-in ballots compared to 2016. As explained *supra*, this much larger volume of mail-in ballots was treated in an unconstitutionally modified manner that included: (1) doing away with the Pennsylvania's signature verification requirements; (2) extending that deadline to three days after Election Day and adopting a presumption that even *non-postmarked ballots* were

presumptively timely; and (3) blocking poll watchers in Philadelphia and Allegheny Counties in violation of State law.

77. These non-legislative modifications to Pennsylvania's election rules appear to have generated an outcome-determinative number of unlawful ballots that were cast in Pennsylvania. Regardless of the number of such ballots, the non-legislative changes to the election rules violated the Electors Clause.

State of Georgia

78. Georgia has 16 electoral votes, with a statewide vote tally currently estimated at 2,458,121 for President Trump and 2,472,098 for former Vice President Biden, a margin of approximately 12,670 votes.

79. On December 14, 2020, the Georgia Republican slate of Presidential Electors, including Petitioner Electors, met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[12]

80. The number of votes affected by the various constitutional violations far exceeds the margin of votes dividing the candidates.

81. Georgia's Secretary of State, Brad Raffensperger, without legislative approval, unilaterally abrogated Georgia's statutes governing the date a ballot may be opened, and the signature verification process for absentee ballots.

82. O.C.G.A. § 21-2-386(a)(2) prohibits the opening of absentee ballots until after the polls open

---

[12] https://www.foxnews.com/politics/republican-electors-pennsylvania-georgia-vote-for-trump

on Election Day: In April 2020, however, the State Election Board adopted Secretary of State Rule 183-1-14-0.9-.15, Processing Ballots Prior to Election Day. That rule purports to authorize county election officials to begin processing absentee ballots up to *three weeks* before Election Day. Outside parties were then given early and illegal access to purportedly defective ballots to "cure" them in violation of O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2).

83. Specifically, Georgia law authorizes and requires a single registrar or clerk—after reviewing the outer envelope—to reject an absentee ballot if the voter failed to sign the required oath or to provide the required information, the signature appears invalid, or the required information does not conform with the information on file, or if the voter is otherwise found ineligible to vote. O.C.G.A. § 21-2-386(a)(1)(B)-(C).

84. Georgia law provides absentee voters the chance to "cure a failure to sign the oath, an invalid signature, or missing information" on a ballot's outer envelope by the deadline for verifying provisional ballots (*i.e.*, three days after the election). O.C.G.A. §§ 21-2-386(a)(1)(C), 21-2-419(c)(2). To facilitate cures, Georgia law requires the relevant election official to notify the voter in writing: "The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years." O.C.G.A. § 21-2-386(a)(1)(B).

85. There were 284,817 early ballots corrected and accepted in Georgia out of 4,018,064 early ballots used to vote in Georgia. Former Vice President Biden received nearly twice the number of

mail-in votes as President Trump and thus materially benefited from this unconstitutional change in Georgia's election laws.

86. In addition, on March 6, 2020, in *Democratic Party of Georgia v. Raffensperger*, No. 1:19-cv-5028-WMR (N.D. Ga.), Georgia's Secretary of State entered a Compromise Settlement Agreement and Release with the Democratic Party of Georgia (the "Settlement") to materially change the statutory requirements for reviewing signatures on absentee ballot envelopes to confirm the voter's identity by making it far more difficult to challenge defective signatures beyond the express mandatory procedures set forth at GA. CODE § 21-2-386(a)(1)(B).

87. Among other things, before a ballot could be rejected, the Settlement required a registrar who found a defective signature to now seek a review by two other registrars, and only if a majority of the registrars agreed that the signature was defective could the ballot be rejected but not before all three registrars' names were written on the ballot envelope along with the reason for the rejection. These cumbersome procedures are in direct conflict with Georgia's statutory requirements, as is the Settlement's requirement that notice be provided by telephone (*i.e.*, not in writing) if a telephone number is available. Finally, the Settlement purports to require State election officials to consider issuing guidance and training materials drafted by an expert retained by the Democratic Party of Georgia.

88. Georgia's legislature has not ratified these material changes to statutory law mandated by the Compromise Settlement Agreement and Release, including altered signature verification requirements

and early opening of ballots. The relevant legislation that was violated by Compromise Settlement Agreement and Release did not include a severability clause.

89. This unconstitutional change in Georgia law materially benefitted former Vice President Biden. According to the Georgia Secretary of State's office, former Vice President Biden had almost double the number of absentee votes (65.32%) as President Trump (34.68%). *See* Cicchetti Decl. at ¶ 25, App. 7a-8a.

90. The effect of this unconstitutional change in Georgia election law, which made it more likely that ballots without matching signatures would be counted, had a material impact on the outcome of the election.

91. Specifically, there were 1,305,659 absentee mail-in ballots submitted in Georgia in 2020. There were 4,786 absentee ballots rejected in 2020. This is a rejection rate of .37%. In contrast, in 2016, the 2016 rejection rate was 6.42% with 13,677 absentee mail-in ballots being rejected out of 213,033 submitted, which more than *seventeen times greater* than in 2020. *See* Cicchetti Decl. at ¶ 24, App. 7a.

92. If the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 less tabulated ballots in 2020. The statewide split of absentee ballots was 34.68% for Trump and 65.2% for Biden. Rejecting at the higher 2016 rate with the 2020 split between Trump and Biden would decrease Trump votes by 28,965 and Biden votes by 54,552, which would be a net gain for Trump of 25,587 votes. This would be more than needed to overcome the Biden advantage of 12,670

votes, and Trump would win by 12,917 votes. *Id*. Regardless of the number of ballots affected, however, the non-legislative changes to the election rules violated the Electors Clause.

93. In addition, Georgia uses Dominion's voting machines throughout the State. Less than a month before the election, the United States District Court for the Northern District of Georgia ruled on a motion brought by a citizen advocate group and others seeking a preliminary injunction to stop Georgia from using Dominion's voting systems due to their known vulnerabilities to hacking and other irregularities. *See Curling v. Raffensperger*, 2020 U.S. Dist. LEXIS 188508, No. 1:17-cv-2989-AT (N.D. GA Oct.11, 2020).

94. Though the district court found that it was bound by Eleventh Circuit law to deny plaintiffs' motion, it issued a prophetic warning stating:

> The Court's Order has delved deep into the true risks posed by the new BMD voting system as well as its manner of implementation. These risks are neither hypothetical nor remote under the current circumstances. ***The insularity of the Defendants' and Dominion's stance here in evaluation and management of the security and vulnerability of the BMD system does not benefit the public or citizens' confident exercise of the franchise.*** The stealth vote alteration or operational interference risks posed by malware that can be effectively invisible to detection, whether intentionally seeded or not, are high once implanted, if equipment and software systems are not properly protected, implemented, and audited.

Id. at *176 (Emphasis added).

95. One of those material risks manifested three weeks later as shown by the November 4, 2020 video interview of a Fulton County, Georgia Director

of Elections, Richard Barron. In that interview, Barron stated that the tallied vote of over 93% of ballots were based on a "review panel['s]" determination of the voter's "intent"—not what the voter actually voted. Specifically, he stated that "so far we've scanned 113,130 ballots, we've adjudicated over 106,000. . . . The only ballots that are adjudicated are if we have a ballot with a contest on it in which there's some question as to how the computer reads it so that the vote review panel then determines voter intent."[13]

96. This astounding figure demonstrates the unreliability of Dominion's voting machines. These figures, in and of themselves in this one sample, far exceeds the margin of votes separating the two candidates.

97. Lastly, on December 17, 2020, the Chairman of the Election Law Study Subcommittee of the Georgia Standing Senate Judiciary Committee issued a detailed report discussing a myriad of voting irregularities and potential fraud in the Georgia 2020 general election (the "Report").[14] The Executive Summary states that "[t]he November 3, 2020 General Election (the 'Election') was chaotic and any reported results must be viewed as untrustworthy". After detailing over a dozen issues showing irregularities and potential fraud, the Report concluded:

> The Legislature should carefully consider its obligations under the U.S. Constitution. If a

---

[13] https://www.c-span.org/video/?477819-1/fulton-county-georgia-election-update at beginning at 20 seconds through 1:21.

[14] (App. a -- a)

majority of the General Assembly concurs with the findings of this report, the certification of the Election should be rescinded and the General Assembly should act to determine the proper Electors to be certified to the Electoral College in the 2020 presidential race. Since time is of the essence, the Chairman and Senators who concur with this report recommend that the leadership of the General Assembly and the Governor immediately convene to allow further consideration by the entire General Assembly.

State of Michigan

98. Michigan has 16 electoral votes, with a statewide vote tally currently estimated at 2,650,695 for President Trump and 2,796,702 for former Vice President Biden, a margin of 146,007 votes. In Wayne County, Mr. Biden's margin (322,925 votes) significantly exceeds his statewide lead.

99. On December 14, 2020, the Michigan Republican slate of Presidential Electors *attempted* to meet and cast their votes for President Donald J. Trump and Vice President Michael R. Pence but were denied entry to the State Capital by law enforcement. Their tender of their votes was refused. They instead met on the grounds of the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[15]

100. The number of votes affected by the various constitutional violations exceeds the margin of votes dividing the candidates.

---

[15]https://thepalmierireport.com/michigan-state-police-block-gop-electors-from-entering-capitol/

101. Michigan's Secretary of State, Jocelyn Benson, without legislative approval, unilaterally abrogated Michigan election statutes related to absentee ballot applications and signature verification. Michigan's legislature has not ratified these changes, and its election laws do not include a severability clause.

102. As amended in 2018, the Michigan Constitution provides all registered voters the right to request and vote by an absentee ballot without giving a reason. MICH. CONST. art. 2, § 4.

103. On May 19, 2020, however, Secretary Benson announced that her office would send unsolicited absentee-voter ballot applications by mail to all 7.7 million registered Michigan voters prior to the primary and general elections. Although her office repeatedly encouraged voters to vote absentee because of the COVID-19 pandemic, it did not ensure that Michigan's election systems and procedures were adequate to ensure the accuracy and legality of the historic flood of mail-in votes. In fact, it did the opposite and did away with protections designed to deter voter fraud.

104. Secretary Benson's flooding of Michigan with millions of absentee ballot applications prior to the 2020 general election violated M.C.L. § 168.759(3). That statute limits the procedures for requesting an absentee ballot to three specified ways:

> An application for an absent voter ballot under this section may be made in *any of the following ways*:
>
> (a) By a written request signed by the voter.
>
> (b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.

(c) On a federal postcard application.

M.C.L. § 168.759(3) (emphasis added).

105. The Michigan Legislature thus declined to include the Secretary of State as a means for distributing absentee ballot applications. *Id.* § 168.759(3)(b). Under the statute's plain language, the Legislature explicitly gave *only local clerks* the power to distribute absentee voter ballot applications. *Id.*

106. Because the Legislature declined to explicitly include the Secretary of State as a vehicle for distributing absentee ballots applications, Secretary Benson lacked authority to distribute even a single absentee voter ballot application—much less the *millions* of absentee ballot applications Secretary Benson chose to flood across Michigan.

107. Secretary Benson also violated Michigan law when she launched a program in June 2020 allowing absentee ballots to be requested online, *without* signature verification as expressly required under Michigan law. The Michigan Legislature did not approve or authorize Secretary Benson's unilateral actions.

108. MCL § 168.759(4) states in relevant part: "An applicant for an absent voter ballot shall sign the application. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application."

109. Further, MCL § 168.761(2) states in relevant part: "The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot", and if "the signatures do not agree sufficiently or [if] the signature is missing" the ballot must be rejected.

110. In 2016 only 587,618 Michigan voters requested absentee ballots. In stark contrast, in 2020, 3.2 million votes were cast by absentee ballot, about 57% of total votes cast – and more than *five times* the number of ballots *even requested* in 2016.

111. Secretary Benson's unconstitutional modifications of Michigan's election rules resulted in the distribution of millions of absentee ballot applications without verifying voter signatures as required by MCL §§ 168.759(4) and 168.761(2). This means that *millions* of absentee ballots were disseminated in violation of Michigan's statutory signature-verification requirements. Democrats in Michigan voted by mail at a ratio of approximately two to one compared to Republican voters. Thus, former Vice President Biden materially benefited from these unconstitutional changes to Michigan's election law.

112. Michigan also requires that poll watchers and inspectors have access to vote counting and canvassing. M.C.L. §§ 168.674-.675.

113. Local election officials in Wayne County made a conscious and express policy decision not to follow M.C.L. §§ 168.674-.675 for the opening, counting, and recording of absentee ballots.

114. Michigan also has strict signature verification requirements for absentee ballots, including that the Elections Department place a written statement or stamp on each ballot envelope where the voter signature is placed, indicating that the voter signature was in fact checked and verified with the signature on file with the State. *See* MCL § 168.765a(6).

115. However, Wayne County made the policy decision to ignore Michigan's statutory signature-verification requirements for absentee ballots. Former Vice President Biden received approximately 587,074, or 68%, of the votes cast there compared to President Trump's receiving approximate 264,149, or 30.59%, of the total vote. Thus, Mr. Biden materially benefited from these unconstitutional changes to Michigan's election law.

116. Numerous poll challengers and an Election Department employee whistleblower have testified that the signature verification requirement was ignored in Wayne County in a case currently pending in the Michigan Supreme Court.[16] For example, Jesse Jacob, a decades-long City of Detroit employee assigned to work in the Elections Department for the 2020 election testified that:

> Absentee ballots that were received in the mail would have the voter's signature on the envelope. While I was at the TCF Center, I was instructed not to look at any of the signatures on the absentee ballots, and I was instructed not to compare the signature on the absentee ballot with the signature on file.[17]

117. In fact, a poll challenger, Lisa Gage, testified that not a single one of the several hundred to a thousand ballot envelopes she observed had a written statement or stamp indicating the voter

---

[16] *Johnson v. Benson*, Petition for Extraordinary Writs & Declaratory Relief filed Nov. 26, 2020 (Mich. Sup. Ct.) at ¶¶ 71, 138-39, App. 25a-51a.

[17] *Id.*, Affidavit of Jessy Jacob, Appendix 14 at ¶15, attached at App. 34a-36a.

signature had been verified at the TCF Center in accordance with MCL § 168.765a(6).[18]

118. The TCF was the only facility within Wayne County authorized to count ballots for the City of Detroit.

119. Additional public information confirms the material adverse impact on the integrity of the vote in Wayne County caused by these unconstitutional changes to Michigan's election law. For example, the Wayne County Statement of Votes Report lists 174,384 absentee ballots out of 566,694 absentee ballots tabulated (about 30.8%) as counted without a registration number for precincts in the City of Detroit. *See* Cicchetti Decl. at ¶ 27, App. a. The number of votes not tied to a registered voter by itself exceeds Vice President Biden's margin of margin of 146,007 votes by more than 28,377 votes.

120. The extra ballots cast most likely resulted from the phenomenon of Wayne County election workers running the same ballots through a tabulator multiple times, with Republican poll watchers obstructed or denied access, and election officials ignoring poll watchers' challenges, as documented by numerous declarations. App. 25a-51a.

121. In addition, a member of the Wayne County Board of Canvassers ("Canvassers Board"), William Hartman, determined that 71% of Detroit's Absent Voter Counting Boards ("AVCBs") were unbalanced—*i.e.*, the number of people who checked in did not match the number of ballots cast—without explanation. *Id*. at ¶ 29.

---

[18] Affidavit of Lisa Gage ¶ 17 (App. a).

122. On November 17, 2020, the Canvassers Board deadlocked 2-2 over whether to certify the results of the presidential election based on numerous reports of fraud and unanswered material discrepancies in the county-wide election results. A few hours later, the Republican Board members reversed their decision and voted to certify the results after severe harassment, including threats of violence.

123. The following day, the two Republican members of the Board *rescinded their votes* to certify the vote and signed affidavits alleging they were bullied and misled into approving election results and do not believe the votes should be certified until serious irregularities in Detroit votes are resolved. *See* Cicchetti Decl. at ¶ 29, App. a.

124. Michigan admitted in a filing with this Court that it "is at a loss to explain the[] allegations" showing that Wayne County lists 174,384 absentee ballots that do not tie to a registered voter. *See* State of Michigan's Brief In Opposition To Motions For Leave To File Bill of Complaint and For Injunctive Relief at 15 (filed Dec. 10, 2020), Case No. 220155.

125. Lastly, on November 4, 2020, Michigan election officials in Antrim County admitted that a purported "glitch" in Dominion voting machines caused 6,000 votes for President Trump to be wrongly switched to Democrat Candidate Biden in just one county. Local officials discovered the so-called "glitch" after reportedly questioning Mr. Biden's win in the heavily Republican area and manually checked the vote tabulation.

126. The Dominion voting tabulators used in Antrim County were recently subjected to a forensic

audit.[19] Though Michigan's Secretary of State tried to keep the Allied Report from being released to the public, the court overseeing the audit refused and allowed the Allied Report to made public.[20] The Allied Report concluded that "the vote flip occurred because of machine error built into the voting software designed to create error."[21] In addition, the Allied report revealed that "all server security logs prior to 11:03 pm on November 4, 2020 are missing and that there was other "tampering with data." *See* Allied Report at ¶¶ B.16-17 (App. a).

127. Further, the Allied Report determined that the Dominion voting system in Antrim County was designed to generate an error rate as high as 81.96% thereby sending ballots for "adjudication" to determine the voter's intent. *See* Allied report at ¶¶ B.2, 8-22 (App. a-- a).

128. Notably, the extraordinarily high error rate described here is consistent with the same situation that took place in Fulton County, Georgia with an enormous 93% error rate that required "adjudication" of over 106,000 ballots.

129. These non-legislative modifications to Michigan's election statutes resulted in a number of constitutionally tainted votes that far exceeds the margin of voters separating the candidates in

---

[19] Antrim Michigan Forensics Report by Allied Security Operations Group dated December 13, 2020 (the "Allied Report") (App. a -- a);

[20] https://themichiganstar.com/2020/12/15/after-examining-antrim-county-voting-machines-asog-concludes-dominion-intentionally-designed-to-create-systemic-fraud/

[21] Allied Report at ¶¶ B.4-9 (App. a).

Michigan. Regardless of the number of votes that were affected by the unconstitutional modification of Michigan's election rules, the non-legislative changes to the election rules violated the Electors Clause.

State of Wisconsin

130. Wisconsin has 10 electoral votes, with a statewide vote tally currently estimated at 1,610,151 for President Trump and 1,630,716 for former Vice President Biden (*i.e.*, a margin of 20,565 votes). In two counties, Milwaukee and Dane, Mr. Biden's margin (364,298 votes) significantly exceeds his statewide lead.

131. On December 14, 2020, the Wisconsin Republican slate of Presidential Electors met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[22]

132. In the 2016 general election some 146,932 mail-in ballots were returned in Wisconsin out of more than 3 million votes cast.[23] In stark contrast, 1,275,019 mail-in ballots, nearly a 900 percent increase over 2016, were returned in the November 3, 2020 election.[24]

133. Wisconsin statutes guard against fraud in absentee ballots: "[V]oting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be

---

[22] https://wisgop.org/republican-electors-2020/.

[23] Source: U.S. Elections Project, *available at*: http://www.electproject.org/early 2016.

[24] Source: U.S. Elections Project, *available at*: https://electproject.github.io/Early-Vote-2020G/WI.html.

carefully regulated to prevent the potential for fraud or abuse[.]" WISC. STAT. § 6.84(1).

134. In direct contravention of Wisconsin law, leading up to the 2020 general election, the Wisconsin Elections Commission ("WEC") and other local officials unconstitutionally modified Wisconsin election laws—each time taking steps that weakened, or did away with, established security procedures put in place by the Wisconsin legislature to ensure absentee ballot integrity.

135. For example, the WEC undertook a campaign to position hundreds of drop boxes to collect absentee ballots—including the use of unmanned drop boxes.[25]

136. The mayors of Wisconsin's five largest cities—Green Bay, Kenosha, Madison, Milwaukee, and Racine, which all have Democrat majorities—joined in this effort, and together, developed a plan use purportedly "secure drop-boxes to facilitate return of absentee ballots." Wisconsin Safe Voting Plan 2020, at 4 (June 15, 2020).[26]

137. It is alleged in an action recently filed in the United States District Court for the Eastern District of Wisconsin that over five hundred

[25] Wisconsin Elections Commission Memoranda, To: All Wisconsin Election Officials, Aug. 19, 2020, *available at*: https://elections.wi.gov/sites/elections.wi.gov/files/2020-08/Drop%20Box%20Final.pdf. at p. 3 of 4.

[26] Wisconsin Safe Voting Plan 2020 Submitted to the Center for Tech & Civic Life, June 15, 2020, by the Mayors of Madison, Milwaukee, Racine, Kenosha and Green Bay *available at*: https://www.techandciviclife.org/wp-content/uploads/2020/07/Approved-Wisconsin-Safe-Voting-Plan-2020.pdf.

unmanned, illegal, absentee ballot drop boxes were used in the Presidential election in Wisconsin.[27]

138. However, the use of *any* drop box, manned or unmanned, is directly prohibited by Wisconsin statute. The Wisconsin legislature specifically described in the Election Code "Alternate absentee ballot site[s]" and detailed the procedure by which the governing body of a municipality may designate a site or sites for the delivery of absentee ballots "other than the office of the municipal clerk or board of election commissioners as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election." Wis. Stat. 6.855(1).

139. Any alternate absentee ballot site "shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners." Wis. Stat. 6.855(3). Likewise, Wis. Stat. 7.15(2m) provides, "[i]n a municipality in which the governing body has elected to an establish an alternate absentee ballot sit under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed."

140. Thus, the unmanned absentee ballot drop-off sites are prohibited by the Wisconsin Legislature as they do not comply with Wisconsin law

---

[27] *See* Complaint (Doc. No. 1), *Donald J. Trump, Candidate for President of the United States of America v. The Wisconsin Election Commission*, Case 2:20-cv-01785-BHL (E.D. Wisc. Dec. 2, 2020) (Wisconsin Trump Campaign Complaint") at ¶¶ 188-89.

expressly defining "[a]lternate absentee ballot site[s]". Wis. Stat. 6.855(1), (3).

141. In addition, the use of drop boxes for the collection of absentee ballots, positioned predominantly in Wisconsin's largest cities, is directly contrary to Wisconsin law providing that absentee ballots may only be "mailed by the elector, or delivered *in person* to the municipal clerk issuing the ballot or ballots." Wis. Stat. § 6.87(4)(b)1 (emphasis added).

142. The fact that other methods of delivering absentee ballots, such as through unmanned drop boxes, are *not* permitted is underscored by Wis. Stat. § 6.87(6) which mandates that, "[a]ny ballot not mailed or delivered as provided in this subsection may not be counted." Likewise, Wis. Stat. § 6.84(2) underscores this point, providing that Wis. Stat. § 6.87(6) "shall be construed as mandatory." The provision continues—"Ballots cast in contravention of the procedures specified in those provisions may not be counted. *Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election*." Wis. Stat. § 6.84(2) (emphasis added).

143. These were not the only Wisconsin election laws that the WEC violated in the 2020 general election. The WEC and local election officials also took it upon themselves to encourage voters to unlawfully declare themselves "indefinitely confined"—which under Wisconsin law allows the voter to avoid security measures like signature verification and photo ID requirements.

144. Specifically, registering to vote by absentee ballot requires photo identification, except for those who register as "indefinitely confined" or

"hospitalized." WISC. STAT. § 6.86(2)(a), (3)(a). Registering for indefinite confinement requires certifying confinement "because of age, physical illness or infirmity or [because the voter] is disabled for an indefinite period." *Id.* § 6.86(2)(a). Should indefinite confinement cease, the voter must notify the county clerk, *id.*, who must remove the voter from indefinite-confinement status. *Id.* § 6.86(2)(b).

145. Wisconsin election procedures for voting absentee based on indefinite confinement enable the voter to avoid the photo ID requirement and signature requirement. *Id.* § 6.86(1)(ag)/(3)(a)(2).

146. On March 25, 2020, in clear violation of Wisconsin law, Dane County Clerk Scott McDonnell and Milwaukee County Clerk George Christensen both issued guidance indicating that all voters should mark themselves as "indefinitely confined" because of the COVID-19 pandemic.

147. Believing this to be an attempt to circumvent Wisconsin's strict voter ID laws, the Republican Party of Wisconsin petitioned the Wisconsin Supreme Court to intervene. On March 31, 2020, the Wisconsin Supreme Court unanimously confirmed that the clerks' "advice was legally incorrect" and potentially dangerous because "voters may be misled to exercise their right to vote in ways that are inconsistent with WISC. STAT. § 6.86(2)."

148. On May 13, 2020, the Administrator of WEC issued a directive to the Wisconsin clerks prohibiting removal of voters from the registry for indefinite-confinement status if the voter is no longer "indefinitely confined."

149. The WEC's directive violated Wisconsin law. Specifically, WISC. STAT. § 6.86(2)(a) specifically

provides that "any [indefinitely confined] elector [who] is no longer indefinitely confined … shall so notify the municipal clerk." WISC. STAT. § 6.86(2)(b) further provides that the municipal clerk "shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service."

150. According to statistics kept by the WEC, nearly 216,000 voters said they were indefinitely confined in the 2020 election, nearly a fourfold increase from nearly 57,000 voters in 2016. In Dane and Milwaukee counties, more than 68,000 voters said they were indefinitely confined in 2020, a fourfold increase from the roughly 17,000 indefinitely confined voters in those counties in 2016.

151. On December 16, 2020, the Wisconsin Supreme Court ruled that Wisconsin officials, including Governor Evers, unlawfully told Wisconsin voters to declare themselves "indefinitely confined"—thereby avoiding signature and photo ID requirements. *See Jefferson v. Dane County*, 2020 Wisc. LEXIS 194 (Wis. Dec. 14, 2020). Given the near fourfold increase in the use of this classification from 2016 to 2020, tens of thousands of these ballots could be illegal. The vast majority of the more than 216,000 voters classified as "indefinitely confined" were from heavily democrat areas, thereby materially and illegally, benefited Mr. Biden.

152. Under Wisconsin law, voting by absentee ballot also requires voters to complete a certification, including their address, and have the envelope witnessed by an adult who also must sign and indicate their address on the envelope. *See* WISC. STAT. § 6.87. The sole remedy to cure an "improperly completed

certificate or [ballot] with no certificate" is for "the clerk [to] return the ballot to the elector[.]" *Id.* § 6.87(9). "If a certificate is missing the address of a witness, the ballot *may not be counted*." *Id.* § 6.87(6d) (emphasis added).

153. However, in a training video issued April 1, 2020, the Administrator of the City of Milwaukee Elections Commission unilaterally declared that a "witness address may be written in red and that is because we were able to locate the witnesses' address for the voter" to add an address missing from the certifications on absentee ballots. The Administrator's instruction violated WISC. STAT. § 6.87(6d). The WEC issued similar guidance on October 19, 2020, in violation of this statute as well.

154. In the Wisconsin Trump Campaign Complaint, it is alleged, supported by the sworn affidavits of poll watchers, that canvas workers carried out this unlawful policy, and acting pursuant to this guidance, in Milwaukee used red-ink pens to alter the certificates on the absentee envelope and then cast and count the absentee ballot. These acts violated WISC. STAT. § 6.87(6d) ("If a certificate is missing the address of a witness, the ballot may not be counted"). *See also* WISC. STAT. § 6.87(9) ("If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector . . . whenever time permits the elector to correct the defect and return the ballot within the period authorized.").

155. Wisconsin's legislature has not ratified these changes, and its election laws do not include a severability clause.

156. In addition, Ethan J. Pease, a box truck delivery driver subcontracted to the U.S. Postal Service ("USPS") to deliver truckloads of mail-in ballots to the sorting center in Madison, WI, testified that USPS employees were backdating ballots received after November 3, 2020. Decl. of Ethan J. Pease at ¶¶ 3-13. Further, Pease testified how a senior USPS employee told him on November 4, 2020 that "[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing" and how the USPS dispatched employees to "find[] . . . the ballots." *Id.* ¶¶ 8-10. One hundred thousand ballots supposedly "found" after election day would far exceed former Vice President Biden margin of 20,565 votes over President Trump.

State of Arizona

157. Arizona has 11 electoral votes, with a state-wide vote tally currently estimated at 1,661,677 for President Trump and 1,672,054 for former Vice President Biden, a margin of 10,377 votes. In Arizona's most populous county, Maricopa County, Mr. Biden's margin (45,109 votes) significantly exceeds his statewide lead.

158. On December 14, 2020, the Arizona Republican slate of Presidential Electors met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[28]

---

[28] https://arizonadailyindependent.com/2020/12/14/az-democrat-electors-vote-biden-republicans-join-pennsylvania-georgia-nevada-in-casting-electoral-college-votes-for-trump/

159. Since 1990, Arizona law has required that residents wishing to participate in an election submit their voter registration materials no later than 29 days prior to election day in order to vote in that election. Ariz. Rev. Stat. § 16-120(A). For 2020, that deadline was October 5.

160. In *Mi Familia Vota v. Hobbs*, No. CV-20-01903-PHX-SPL, 2020 U.S. Dist. LEXIS 184397 (D. Ariz. Oct. 5, 2020), however, a federal district court violated the Constitution and enjoined that law, extending the registration deadline to October 23, 2020. The Ninth Circuit stayed that order on October 13, 2020 with a two-day grace period, *Mi Familia Vota v. Hobbs*, 977 F.3d 948, 955 (9th Cir. 2020).

161. However, the Ninth Circuit did not apply the stay retroactively because neither the Arizona Secretary of State nor the Arizona Attorney General requested retroactive relief. *Id.* at 954-55. As a net result, the deadline was unconstitutionally extended from the statutory deadline of October 5 to October 15, 2021, thereby allowing potentially thousands of illegal votes to be injected into the state.

162. In addition, on December 15, 2020, the Arizona state Senate served two subpoenas on the Maricopa County Board of Supervisors (the "Maricopa Board") to audit scanned ballots, voting machines, and software due to the significant number of voting irregularities. Indeed, the Arizona Senate Judiciary Chairman stated in a public hearing earlier that day that "[t]here is evidence of tampering, there is evidence of fraud" with vote in Maricopa County. The Board then voted to refuse to comply with those subpoenas necessitating a lawsuit to enforce the

subpoenas filed on December 21, 2020. That litigation is currently ongoing.

State of Nevada

163. Nevada has 6 electoral votes, with a statewide vote tally currently estimated at 669,890 for President Trump and 703,486 for former Vice President Biden, a margin of 33,596 votes. Nevada voters sent in 579,533 mail-in ballots. In Clark County, Mr. Biden's margin (90,922 votes) significantly exceeds his statewide lead.

164. On December 14, 2020 the Republican slate of Presidential Electors met at the State Capital and cast their votes for President Donald J. Trump and Vice President Michael R. Pence.[29]

165. In response to the COVID-19 pandemic, the Nevada Legislature enacted—and the Governor signed into law—Assembly Bill 4, 2020 Nev. Ch. 3, to address voting by mail and to require, for the first time in Nevada's history, the applicable county or city clerk to mail ballots to all registered voters in the state.

166. Under Section 23 of Assembly Bill 4, the applicable city or county clerk's office is required to review the signature on ballots, without permitting a computer system to do so: "The *clerk or employee shall check* the signature used for the mail ballot against all signatures of the voter available in the records of the clerk." *Id.* § 23(1)(a) (codified at NEV. REV. STAT. § 293.8874(1)(a)) (emphasis add). Moreover, the system requires that two or more employees be included: "If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the

[29] https://nevadagop.org/42221-2/

signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter." *Id.* § 23(1)(b) (codified at NEV. REV. STAT. § 293.8874(1)(b)). A signature that differs from on-file signatures in multiple respects is inadequate: "There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk." *Id.* § 23(2)(a) (codified at NEV. REV. STAT. § 293.8874(2)(a)). Finally, under Nevada law, "each voter has the right … [t]o have a uniform, statewide standard for counting and recounting all votes accurately." NEV. REV. STAT. § 293.2546(10).

167. Nevada law does not allow computer systems to substitute for review by clerks' employees.

168. However, county election officials in Clark County ignored this requirement of Nevada law. Clark County, Nevada, processed all its mail-in ballots through a ballot sorting machine known as the Agilis Ballot Sorting System ("Agilis"). The Agilis system purported to match voters' ballot envelope signatures to exemplars maintained by the Clark County Registrar of Voters.

169. Anecdotal evidence suggests that the Agilis system was prone to false positives (*i.e.*, accepting as valid an invalid signature). Victor Joecks, *Clark County Election Officials Accepted My Signature—on 8 Ballot Envelopes*, LAS VEGAS REV.-J. (Nov. 12, 2020) (Agilis system accepted 8 of 9 false signatures).

170. Even after adjusting the Agilis system's tolerances outside the settings that the manufacturer recommends, the Agilis system nonetheless rejected approximately 70% of the approximately 453,248 mail-in ballots.

171. More than 450,000 mail-in ballots from Clark County either were processed under weakened signature-verification criteria in violation of the statutory criteria for validating mail-in ballots. The number of contested votes exceeds the margin of votes dividing the parties.

172. With respect to approximately 130,000 ballots that the Agilis system approved, Clark County did not subject those signatures to review by two or more employees, as Assembly Bill 4 requires. To count those 130,000 ballots without review not only violated the election law adopted by the legislature but also subjected those votes to a different standard of review than other voters statewide.

173. With respect to approximately 323,000 ballots that the Agilis system rejected, Clark County decided to count ballots if a signature matched at least one letter between the ballot envelope signature and the maintained exemplar signature. This guidance does not match the statutory standard "differ[ing] in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk."

174. Out of the nearly 580,000 mail-in ballots, registered Democrats returned almost twice as many mail-in ballots as registered Republicans. Thus, this violation of Nevada law appeared to materially benefited former Vice President Biden's vote tally. Regardless of the number of votes that were affected

by the unconstitutional modification of Nevada's election rules, the non-legislative changes to the election rules violated the Electors Clause.

COUNT I: ELECTORS CLAUSE

175. The United States repeats and re-alleges the allegations above, as if fully set forth herein.

176. The Electors Clause of Article II, Section 1, Clause 2, of the Constitution makes clear that only the legislatures of the States are permitted to determine the rules for appointing presidential electors. The pertinent rules here are the state election statutes, specifically those relevant to the presidential election.

177. Non-legislative actors lack authority to amend or nullify election statutes. *Bush II*, 531 U.S. at 104 (quoted *supra*).

178. Under *Heckler v. Chaney*, 470 U.S. 821, 833 n.4 (1985), conscious and express executive policies—even if unwritten—to nullify statutes or to abdicate statutory responsibilities are reviewable to the same extent as if the policies had been written or adopted. Thus, conscious and express actions by State or local election officials to nullify or ignore requirements of election statutes violate the Electors Clause to the same extent as formal modifications by judicial officers or State executive officers.

179. The actions set out in Paragraphs 41-128 constitute non-legislative changes to State election law by executive-branch State election officials, or by judicial officials, in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada in violation of the Electors Clause.

180. Electors appointed to Electoral College in violation of the Electors Clause cannot cast constitutionally valid votes for the office of President.

COUNT II: EQUAL PROTECTION

181. The United States repeats and re-alleges the allegations above, as if fully set forth herein.

182. The Equal Protection Clause prohibits the use of differential standards in the treatment and tabulation of ballots within a State. *Bush II*, 531 U.S. at 107.

183. The one-person, one-vote principle requires counting valid votes and not counting invalid votes. *Reynolds*, 377 U.S. at 554-55; *Bush II*, 531 U.S. at 103 ("the votes eligible for inclusion in the certification are the votes meeting the properly established legal requirements").

184. The actions set out in Paragraphs (Georgia), (Michigan), (Pennsylvania), (Wisconsin), (Arizona), and (Nevada) created differential voting standards in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, [Arizona (maybe not)], and Nevada in violation of the Equal Protection Clause.

185. The actions set out in Paragraphs (Georgia), (Michigan), (Pennsylvania), (Wisconsin), (Arizona). And (Nevada) violated the one-person, one-vote principle in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada.

186. By the shared enterprise of the entire nation electing the President and Vice President, equal protection violations in one State can and do adversely affect and diminish the weight of votes cast in other States that lawfully abide by the election

structure set forth in the Constitution. The United States is therefore harmed by this unconstitutional conduct in violation of the Equal Protection or Due Process Clauses.

COUNT III: DUE PROCESS

187. The United States repeats and re-alleges the allegations above, as if fully set forth herein.

188. When election practices reach "the point of patent and fundamental unfairness," the integrity of the election itself violates substantive due process. *Griffin v. Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978); *Duncan v. Poythress*, 657 F.2d 691, 702 (5th Cir. 1981); *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-84 (11th Cir. 2008); *Roe v. State of Ala. By & Through Evans*, 43 F.3d 574, 580-82 (11th Cir. 1995); *Roe v. State of Ala.*, 68 F.3d 404, 407 (11th Cir. 1995); *Marks v. Stinson*, 19 F. 3d 873, 878 (3rd Cir. 1994).

189. Under this Court's precedents on procedural due process, not only intentional failure to follow election law as enacted by a State's legislature but also random and unauthorized acts by state election officials and their designees in local government can violate the Due Process Clause. *Parratt v. Taylor*, 451 U.S. 527, 537-41 (1981), *overruled in part on other grounds by Daniels v. Williams*, 474 U.S. 327, 330-31 (1986); *Hudson v. Palmer*, 468 U.S. 517, 532 (1984). The difference between intentional acts and random and unauthorized acts is the degree of pre-deprivation review.

190. Defendant States acted unconstitutionally to lower their election standards—including to allow invalid ballots to be counted and valid ballots to not be counted—with the express

intent to favor their candidate for President and to alter the outcome of the 2020 election. In many instances these actions occurred in areas having a history of election fraud.

191. The actions set out in Paragraphs (Georgia), (Michigan), (Pennsylvania), (Wisconsin), (Arizona), and (Nevada) constitute intentional violations of State election law by State election officials and their designees in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, and Arizona, and Nevada in violation of the Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully request that this Court issue the following relief:

A. Declare that Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada administered the 2020 presidential election in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution.

B. Declare that the electoral college votes cast by such presidential electors appointed in Defendant States Pennsylvania, Georgia, Michigan, Wisconsin, Arizona, and Nevada are in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution and cannot be counted.

C. Enjoin Defendant States' use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College.

D. Enjoin Defendant States' use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College and authorize, pursuant to the Court's remedial authority,

the Defendant States to conduct a special election to appoint presidential electors.

E. Enjoin Defendant States' use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College and authorize, pursuant to the Court's remedial authority, the Defendant States to conduct an audit of their election results, supervised by a Court-appointed special master, in a manner to be determined separately.

F. Award costs to the United States.

G. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

December , 2020

Moran, John (ODAG)

From: Moran, John (ODAG)
Sent: Tuesday, December 29, 2020 3:46 PM
To: Rosen, Jeffrey A. (ODAG)
Subject: Re: Meeting with AG Rosen

Sir,

To keep you up to date, I just missed a call from Mr. Olsen. In addition, I learned through [redacted] that he had reached out earlier today to someone in the Antitrust Division in an effort to arrange a meeting with you today. She forwarded the inquiry to [redacted]

Regards,
John

On Dec 29, 2020, at 2:26 PM, Moran, John (ODAG) <johmoran@jmd.usdoj.gov> wrote:

As a further heads up, Mr. Olsen just called to tell me (a) that he just tried to call you again and (b) that he is in the car driving down to DC (from Maryland) in the hopes of meeting with you at Main Justice later today.

Regards,
John

On Dec 29, 2020, at 1:35 PM, Moran, John (ODAG) <johmoran@jmd.usdoj.gov> wrote:

I received a follow up call from Mr. Olsen. I explained that you were tied up with other business at the White House. He understood but indicated that, given timing commitments he had made to the President, he needed to make every effort to meet with you this afternoon. He said that he would likely try pinging again periodically if he does not hear back fairly soon.

Regards,
John

On Dec 29, 2020, at 12:57 PM, Moran, John (ODAG) <johmoran@jmd.usdoj.gov> wrote:

Sir,

Attached is a proposed draft complaint (on behalf of the United States against several States) that attorney Kurt Olsen would like to discuss with you. As you will see below, he spoke with the President last night and is asking for a meeting with you today. I know that you are currently tied up with other business at the White House, but I wanted to pass this along promptly.

If you are still tied up when Kurt calls me back, I will alert him to that fact.

Regards,
John

Begin forwarded message:

From: kurt olsen [redacted]>
Date: December 29, 2020 at 12:46:38 PM EST
To: "Moran, John (ODAG)" <johmoran@jmd.usdoj.gov>
Subject: Meeting with AG Rosen

Dear John,

Thank you for calling me on behalf of AG Rosen. Attached is a draft complaint to be brought by the United States modeled after the Texas action. As I said on our call, the President of the United States has seen this complaint, and he directed me last night to brief AG Rosen in person today to discuss bringing this action. I have been instructed to report back to the President this afternoon after this meeting. I can be at Main Justice (or anywhere else in the DC Metropolitan area) with an hour's notice. I will call you at 1:15 pm today to follow up on when and where I can meet AG Rosen. Another lawyer may accompany me. Please acknowledge receipt of this email. Thank you.

Sincerely,

Kurt B. Olsen

<US-v-States-Compl 2020-12-29 (final draft).docx>

Moran, John (ODAG)

From:	Moran, John (ODAG)
Sent:	Tuesday, December 29, 2020 10:03 PM
To:	Rosen, Jeffrey A. (ODAG)
Subject:	Fwd: Request by AG Rosen
Attachments:	S.C. v. Katzenbach_ 383 U.S. 301.docx

Sent from my iPhone

Begin forwarded message:

From: kurt olsen (b) (6) >
Date: December 29, 2020 at 9:21:00 PM EST
To: "Moran, John (ODAG)" <johmoran@jmd.usdoj.gov>
Subject: Request by AG Rosen

Dear John,

AG Rosen asked me for any Supreme Court cases discussing the United States as a *parens patriae* in an election case. Attached is *S.C. v. Katzenbach*, 383 U.S. 301 (1966). In this case, South Carolina invoked the Court's original jurisdiction to challenge the constitutionality of the Voting Rights Act, and invoked *parens patriae*. The Court rejected that argument because the United States, not the state, is the *parens patriae*. *Id*. At 324 (stating "Nor does a State have standing as the parent of its citizens to invoke these constitutional provisions against the Federal Government, the ultimate *parens patriae* of every American citizen.")

All the best,

Kurt

On Dec 29, 2020, at 12:50 PM, Moran, John (ODAG) <John.Moran3@usdoj.gov> wrote:

Received.

John

On Dec 29, 2020, at 12:46 PM, kurt olsen (b) (6) > wrote:

Dear John,

Thank you for calling me on behalf of AG Rosen. Attached is a draft complaint to be brought by the United States modeled after the Texas action. As I said on our call, the President of the United States has seen this complaint, and he directed me last night to brief AG Rosen in person today to discuss bringing this action. I have been instructed to report back to the President this afternoon after this meeting. I can be at Main Justice (or anywhere else in the DC Metropolitan area) with an hour's notice. I will call you at 1:15 pm today to follow up on when and where I can meet AG Rosen. Another lawyer may accompany me. Please acknowledge receipt of this email. Thank you.

Sincerely,

Kurt B. Olsen

<US-v-States-Compl 2020-12-29 (final draft).docx>

Moran, John (ODAG)

From:	Moran, John (ODAG)
Sent:	Wednesday, December 30, 2020 10:49 AM
To:	Rosen, Jeffrey A. (ODAG)
Subject:	Fwd: Meeting with AG Rosen @ 11 am
Attachments:	122820 Mast. Ltr..pdf

Sent from my iPhone

Begin forwarded message:

From: kurt olsen (b) (6) >
Date: December 30, 2020 at 10:20:42 AM EST
To: "Moran, John (ODAG)" <johmoran@jmd.usdoj.gov>
Subject: Re: Meeting with AG Rosen @ 11 am

Thanks, John. Please forward to AG Rosen this copy of the 12/28/20 letter from PA State Senator Mastriano to Acting Deputy Attorney General Richard Donoghue. The letter raises a litany of serious outcome changing issues re: fraudulent and illegal votes in Pennsylvania, and provides an additional justification for the United States to bring an action in the Supreme Court to ensure that these issues are immediately investigated and not swept under the rug.

Sincerely,

Kurt

On Dec 30, 2020, at 8:20 AM, Moran, John (ODAG) <John.Moran3@usdoj.gov<mailto:John.Moran3@usdoj.gov>> wrote:

Kurt,

As we just discussed, confirming receipt.

John

On Dec 29, 2020, at 9:21 PM, kurt olsen (b) (6) <mailt (b) (6) >> wrote:

Dear John,

AG Rosen asked me for any Supreme Court cases discussing the United States as a parens patriae in an election case. Attached is S.C. v. Katzenbach, 383 U.S. 301 (1966). In this case, South Carolina invoked the Court's original jurisdiction to challenge the constitutionality of the Voting Rights Act, and invoked parens patriae. The Court rejected that argument because the United States, not the state, is the parens patriae. Id. At 324 (stating "Nor does a State have standing as the parent of its citizens to invoke these constitutional provisions against the Federal Government, the ultimate parens patriae of every American citizen.")

All the best,

Kurt

On Dec 29, 2020, at 12:50 PM, Moran, John (ODAG) <John.Moran3@usdoj.gov<mailto:John.Moran3@usdoj.gov>> wrote:

Received.

John

On Dec 29, 2020, at 12:46 PM, kurt olsen [redacted] <mailt [redacted] >> wrote:

Dear John,

Thank you for calling me on behalf of AG Rosen. Attached is a draft complaint to be brought by the United States modeled after the Texas action. As I said on our call, the President of the United States has seen this complaint, and he directed me last night to brief AG Rosen in person today to discuss bringing this action. I have been instructed to report back to the President this afternoon after this meeting. I can be at Main Justice (or anywhere else in the DC Metropolitan area) with an hour's notice. I will call you at 1:15 pm today to follow up on when and where I can meet AG Rosen. Another lawyer may accompany me. Please acknowledge receipt of this email. Thank you.

Sincerely,

Kurt B. Olsen

<US-v-States-Compl 2020-12-29 (final draft).docx>

33RD SENATORIAL DISTRICT

SENATE BOX 203033
HARRISBURG, PA 17120-3033
PHONE: 717-787-4651
FAX: 717-772-2753

37 SOUTH MAIN STREET, SUITE 200
CHAMBERSBURG, PA 17201
PHONE: 717-264-6100
FAX: 717-264-3652

16-A DEATRICK DRIVE
GETTYSBURG, PA 17325
PHONE: 717-334-4169
FAX: 717-334-6911

118 CARLISLE STREET, SUITE 309
HANOVER, PA 17331
PHONE: 717-632-1153
FAX: 717-632-1183

DOUG MASTRIANO
SENATOR

COMMITTEES

INTERGOVERNMENTAL OPERATIONS
CHAIR

AGRICULTURE & RURAL AFFAIRS
VICE CHAIR

GAME & FISHERIES

STATE GOVERNMENT

TRANSPORTATION

VETERANS AFFAIRS & EMERGENCY PREPAREDNESS

SENATORMASTRIANO.COM
FACEBOOK.COM/SENATORDOUGMASTRIANO/
TWITTER.COM/SENMASTRIANO
INSTAGRAM.COM/SENATORMASTRIANO/

December 28, 2020

Acting Deputy Attorney General Richard Donoghue
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: General Election Irregularities in Pennsylvania during the November 2020 cycle

Dear Honorable Donoghue:

Election fraud is real and prevalent in Pennsylvania. Yet, despite evidence, our Governor and Secretary of State inexplicably refuse to investigate. Every legal vote must count. Our Republic cannot long endure without free and fair elections where each person has one legal vote. However, allegations of fraudulent activity, as well as violations of election law in 2020 have placed the nation's eyes upon this Commonwealth.

Several of the key findings are delineated below:

1. Senate Majority Policy Committee November hearing review on statistical anomalies, such as hundreds of thousands of votes being dumped into a processing facility, with 570,000 Vice President Biden, and only 3,200 for President Trump (https://policy.pasenategop.com/112520/).

   Testimony provided at a Senate hearing from witnesses in Philadelphia, Northampton, Luzerne, Montgomery, Allegheny and Delaware counties detailed instances of:

   (a) Interference with poll watchers' ability to perform functions as provided for in the state election code, specifically regarding the submission, review and canvasing of mail-in ballots;

   (b) Delayed opening or closing of polling locations on Election Day;

   (c) Improper forfeiture and spoiling of mail-in ballots;

   (d) Illegal ballot harvesting;

   (e) Improper "curing" of insufficiently completed mail-in ballots;

page 2

(f) Poll worker intimidation and harassment;

(g) Voter intimidation;

(h) Improper chain of custody of ballots and election materials;

(i) Submission of fraudulent ballots by an individual other than the named voter.

2. There is a massive ***VOTER DEFICIT*** in Pennsylvania. 205,122 more votes were counted than total number of voters who voted. A comparison of official county election results to the total number of voters who cast ballots November 3, 2020…as recorded by the Department of State…shows the difference of 205,122 more votes cast than voters actually voting. (Rep Frank Ryan http://www.repfrankryan.com/News/18754/Latest-News/PA-Lawmakers-Numbers-Don%E2%80%99t-Add-Up.-Certification-of-Presidential-Results-Premature-and-In-Error)

3. ***Unidentified*** Voters: When anyone registers to vote online or by paper, two options are provided for gender: Male or Female. If left blank, gender defaults to "No" – leaving three types of voters: Male, Female and "No." However, there are four genders in state voter rolls: Male, Female, "No" and ***Unidentified***. It has been estimated that there are 121,000 "non-female/male voters" on state voter rolls, and 90,000 voted in 2020. Initial assessments have concluded *that at least 1/3 of these "U" voters are fraudulent* (*Unidentified "U" Voters, Kathy Barnette for Congress*). (*Unidentified "U" Voters, Kathy Barnette for Congress*);

4. The mandate by Governor Wolf last year, requiring new voting machines for 2020 raised concerns from county officials and state lawmakers. As a result, 14 counties are using Dominion voting machines. The counties using Dominion voting equipment (1.3 million voters in Pennsylvania): York, Erie, Montgomery, Bedford, Armstrong, Carbon, Crawford, Clarion, Fayette, Luzerne, Fulton, Jefferson, Pike and Warren." (*"As Pennsylvania Counties Ring In the New Year with New Voting Machines, Pressure from Election Security Advocates Remains," The PLS Reporter, 01/06/2020*; https://www.pennlive.com/politics/2018/12/county-commissioners-question-the-funding-the-timing-the-need-for-replacing-voting-machines.html; *Questions Abound Over New Voting Machines, Citizens' Voice, 03/22/2019*; http://citizensvoice.com/news/articles/despite-gop-objections-wolf-moves-to-upgrade-voting-machines-unilaterally; *As Wolf Administration Pushes to Replace All Voting Machines by 2020, Lawmakers and County Officials Question Rush and Expense, PA Watchdog, 03/29/2019*).

5. Statistical experts examined Pennsylvania voting records and reached conclusions indicating there are "major statistical aberrations" in state voting records that are "unlikely to occur in a normal setting;" eleven counties (Montgomery, Allegheny, Chester, Bucks, Delaware, Lancaster, Cumberland, Northampton, Lehigh, Dauphin, York) showed "distinctive signs of voting abnormalities" for Vice President Biden. These analyses "provide scientific evidence that the reported results are highly unlikely to be an accurate reflection of how Pennsylvania citizens voted." (*Pennsylvania 2020 Voting Analysis Report, 11/16/2020*).

6. Gettysburg Senate Hearing - On November 25, Senator Doug Mastriano, together with Senator David Argall, hosted the Senate Majority Policy Committee hearing in Gettysburg where hours of testimony were presented, reviewed, and vetted regarding voting fraud and violations of voting law in Pennsylvania. The hearing demonstrated that there is rampant election fraud in Pennsylvania that must be investigated, remedied and rectified. The purpose of the hearing was to find out what happened in

page 3

Pennsylvania in the aftermath of hearing allegations from thousands of people from across the Commonwealth sharing stories of violations of election law and other infringements of voting law related to the November 03, 2020 general election. We heard eyewitness testimony from citizens who experienced their rights being violated. Additionally, during the hearing, expert witnesses testified to statistical anomalies, where massive quantities of ballots arrived without a chain of custody. **In one such spike, close to 600k votes were dumped in a processing facility with 570k of these votes going for Biden, and a paltry 3,200 for President Trump**. Another witness testified that an election worker was plugging flash drives into voting machines in a heavily democrat area, for no stated purpose.

Other irregularities included in the testimony presented at the hearing included:

(a) Mail-in ballots were not inspected by Republican representatives in portions of Philadelphia and Allegheny County;

(b) Montgomery County was never provided with guidelines from State Department Secretary about "curing" defective ballots;

(c) Timeline spikes depict more ballots being processed during specific periods than voting machines are capable of tabulating;

(d) The Philadelphia Board of Elections processed hundreds of thousands of mail-in ballots with zero civilian oversight.

(e) Ballots were separated from envelopes in numerous precincts; a recount is useless because the votes cannot be verified;

(f) Observers were corralled behind fencing in Philadelphia, at least 10 feet away from processors; similarly, in Allegheny County, observers were placed at least 15 feet away;

(g) Mail-in ballots were already opened in portions of Allegheny County; no one observed the opening of these ballots;

(h) Illegal "pop-up" election sites developed, where voters would apply, receive a ballot and vote;

(i) Forensic evidence in Delaware County has disappeared;

(j) A poll watcher with appropriate certificates and clearances was denied access;

(k) There was nomeaningful observation of ballots in Montgomery County, and no signature verification, as well;

(l) A senior citizen voted for President Trump, but it was not displayed on receipt;

(m) Election workers illegally pre-canvased ballots in Northampton County; no meaningful canvas observation was permitted;

page 4

(n) several voters from across the state went to vote in person but when they arrived, they were told "they already voted" and were turned away and could not actually vote or were able to fill out a provisional ballot but was it really counted?

Despite the mounting evidence, our Governor and Secretary of State decline to investigate these serious allegations.

The United States of America has spent millions of dollars and put her men and women in harm's way to oversee safer, more reliable and freer elections in Afghanistan, Iraq, Kosovo and Bosnia. Why is the very state where the light of liberty was lit in 1776 is unable or unwilling to have elections as free and safe as war-torn Afghanistan? Something is seriously wrong in this Commonwealth and unless this is corrected, our republic cannot long endure.

The odyssey of PA finding itself in this position began in early 2020. Using the COVID-19 pandemic as a pretense, the Wolf Administration, together with the Pennsylvania Supreme Court, threw voting law into disarray.

The General Assembly (State House and State Senate) are constitutionally responsible for writing election law, not Gov Wolf, Secretary of Secretary Boockvar or the PA Supreme Court. These altered the original meaning of key provisions of Act 77. The state Supreme Court and Secretary Boockvar fundamentally altered and unconstitutionally rewrote the original meaning of key provisions of Act 77.

Voting law, as passed by the General Assembly in 2019, was clear and specific:

- All mail-in ballots must be received by 8 p.m. on Election Day;
- Officials at polling locations must authenticate the signatures of voters;
- County Boards of Elections can conduct pre-canvasing of absentee and mail-in ballots after 8 a.m. on Election Day;
- Defective absentee and mail-in ballots shall not be counted; and
- "Watchers" selected by candidates and political parties are permitted to observe the process of canvasing absentee and mail-in ballots.

The corruption of our election began with Governor Wolf during the COVID crisis. Wolf urged mail in voting upon people with a campaign to perpetuate the dangers of COVID. Likewise, he inferred that polling stations would be closed or undermanned due to the risk of the virus.

But the coup de main was seven weeks before Election Day, where the PA Supreme Court unilaterally – and in direct contravention of the wording of election law – extended the deadline for mailed ballots to be received from Election Day, to three days later. Similarly, the court declared that ballots mailed without a postmark must be counted. Additionally, the court mandated that mail-in ballots lacking a verified signature be accepted.

page 5

On the eve of Election Day, the State Department encouraged some counties – but not all – to notify party and candidate representatives of mail-in voters, whose ballots contained disqualifying defects, thereby enabling voters to cure said defects. This was unprecedented as it had never happened before in our Commonwealth. Election law is very specific to the way defects of mail-in ballots are to be treated, and it provides no authority for county officials to contact campaigns, or other political operatives, to affect the cure of such defects.

Actions taken by the PA State Supreme Court and Secretary Boockvar in the 2020 general election were so fraught with inconsistencies, improprieties and irregularities that the results for the office of President of the United States cannot be determined in our state.

This election is an embarrassment to our nation. John Adams rightly said that, "Facts are stubborn things," and armed with this, as Jesus stated, "We shall know the truth and the truth shall set us free." What happened on November 3, 2020 must be immediately addressed using facts and the testimony of the good people of our state.

Sincerely,

Senator Doug Mastriano
33rd Senate District

DM/kms

cc: Hon. United States Attorney William McSwain
U.S. Attorney's Office
504 W. Hamilton St., #3701
Allentown, PA 18101

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Tuesday, December 29, 2020 11:54 AM
To:	Donoghue, Richard (ODAG)
Subject:	RE: USA v. Pennsylvania draft complaint Dec 28 2 pm.docx

Thanks. The author of the document appears to be Larry Joseph, who also represented Texas AG Paxton.

From: Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov>
Sent: Tuesday, December 29, 2020 11:49 AM
To: Engel, Steven A. (OLC) <saengel@jmd.usdoj.gov>
Subject: FW: USA v. Pennsylvania draft complaint Dec 28 2 pm.docx

JFYI

From: Michael, Molly A. EOP/WHO <(b) (6) >
Sent: Tuesday, December 29, 2020 11:17 AM
To: Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov>; Wall, Jeffrey B. (OSG) <jbwall@jmd.usdoj.gov>; Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov>
Subject: USA v. Pennsylvania draft complaint Dec 28 2 pm.docx

Good morning,

The President asked me to send the attached draft document for your review. I have also shared with Mark Meadows and Pat Cipollone. If you'd like to discuss with POTUS, the best way to reach him in the next few days is through the operators: 202-456-1414

Thanks and Happy New Year!

Molly

Sent from my iPhone

Donoghue, Richard (ODAG)

From:	Donoghue, Richard (ODAG)
Sent:	Sunday, December 27, 2020 10:05 PM
To:	Brady, Scott (USAPAW)
Subject:	Fwd: Report for Voter Deficit
Attachments:	Summary PA Election Issues 12222020.pdf; ATT00001.htm; Letter Reply to Sec. Boockvar Lancaster County.pdf; ATT00002.htm; Election Timeline for Butler County - Kim Geyer.pdf; ATT00003.htm; Final Letter to Sen Johnson and Congressman Perry 12222020A(1).pdf; ATT00004.htm

JFYI regarding allegations about PA voting irregularities, for whatever it may be worth.

Begin forwarded message:

From: Scott Perry [redacted]
Date: December 27, 2020 at 8:42:38 PM EST
To: "Donoghue, Richard (ODAG)" [redacted]
Subject: Fwd: Report for Voter Deficit

Sir, as discussed.

Sent from my iPhone

Begin forwarded message:

From: Frank Ryan <(b) (6) com>
Date: December 22, 2020 at 5:46:53 PM EST
To: [redacted]
(b) (6) ,
(b) (6)
Cc: Frank Ryan [redacted]
Subject: Re: Report for Voter Deficit

I would ask you to use the following materials. One page was inadvertently not scanned in for the Final Letter to Sen. Johnson and Congressman Perry. Everything else is perfect.

I apologize for the inconvenience and truly appreciate your understanding.

Semper fi,

Frank

On Tue, Dec 22, 2020 at 2:55 PM Frank Ryan (b) (6) > wrote:

> Please see attached report for inclusion in the U. S. Senate Report as well as the update on the Voter Deficit in the 2020 General Election for President.
>
> Semper fi,
>
> Frank
>
> --
> Francis X. Ryan, KM
> Colonel, USMCR (ret)
> (b) (6)
> [redacted]
> (b) (6) (cell)
> (b) (6)
>
> Life Lessons Learned Book - www.colfrankryan.com
> Revolutionizing Accounting for Decision Making - www.leanabc.com
>
> **CONFIDENTIALITY NOTE: THIS EMAIL MESSAGE, INCLUDING ANY ATTACHMENT(S) CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL, PROTECTED BY THE ATTORNEY CLIENT OR OTHER LEGAL PRIVILEGE, AND/OR PROPRIETARY NON PUBLIC INFORMATION. IF YOU ARE NOT AN INTENDED RECIPIENT OF THIS MESSAGE OR AN AUTHORIZED ASSISTANT TO AN INTENDED RECIPIENT, PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE AND THEN DELETE IT FROM YOUR SYSTEM. USE, DISSEMINATION, DISTRIBUTION OR REPRODUCTION OF THIS MESSAGE AND/OR ANY OF ITS ATTACHMENTS (IF ANY) BY UNINTENDED RECIPIENTS IS NOT AUTHORIZED AND MAY BE UNLAWFUL.**

--
Francis X. Ryan, KM
Colonel, USMCR (ret)
(b) (6)
[redacted]
(b) (6) (cell)
(b) (6)

Life Lessons Learned Book - www.colfrankryan.com
Revolutionizing Accounting for Decision Making - www.leanabc.com

CONFIDENTIALITY NOTE: THIS EMAIL MESSAGE, INCLUDING ANY ATTACHMENT(S) CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL, PROTECTED BY THE ATTORNEY CLIENT OR OTHER LEGAL PRIVILEGE, AND/OR PROPRIETARY NON PUBLIC INFORMATION. IF YOU ARE NOT AN INTENDED RECIPIENT OF THIS MESSAGE OR AN AUTHORIZED ASSISTANT TO AN INTENDED RECIPIENT, PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE AND THEN DELETE IT FROM YOUR SYSTEM. USE, DISSEMINATION, DISTRIBUTION OR REPRODUCTION OF THIS MESSAGE AND/OR ANY OF ITS ATTACHMENTS (IF ANY) BY UNINTENDED RECIPIENTS IS NOT AUTHORIZED AND MAY BE UNLAWFUL.

1

ELECTION ISSUES

- **MORE VOTES COUNTED THAN VOTERS WHO VOTED**
  - MAIL IN
  - IN PERSON
- **DUPLICATE VOTERS:** PEOPLE IN SURE MORE THAN ONCE
  - EXAMPLE: SAME NAME & DOB BUT DIFFERENT ID #
- **DUPLICATE BALLOTS:** REQUESTED AND RETURNED

2

More Votes Counted Than Voters Who Voted

Official Voter Records – SURE System

3

VOTES COUNTED – DATA SOURCES

Summary Results Report
2020 General Election
November 3, 2020

OFFICIAL RESULTS

Allegheny County

Presidential Electors
Vote For 1

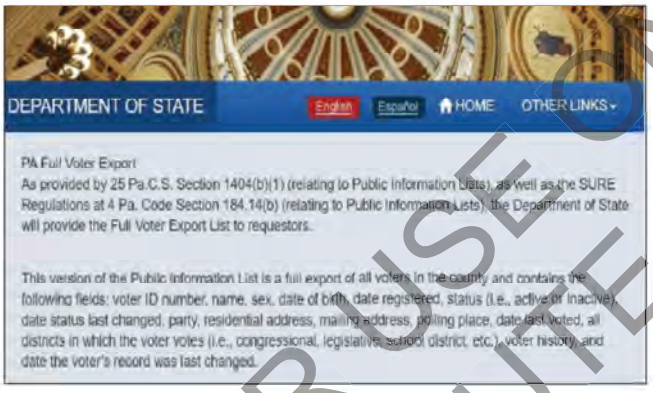
	TOTAL	Election Day	Mail Votes	Provisional Votes
Contest Totals	729,720	364,708	347,578	14,434
Precincts Reporting	1323 of 1323			

Sources:
https://www.electionreturns.pa.gov/
and
Official County Summary Results Reports
(64 of 67 Counties)

4

VOTERS WHO VOTED – DATA SOURCES

- ADAMS Election Map 20201214
- ADAMS FVE 20201214
- ADAMS Zone Codes 20201214
- ADAMS Zone Types 20201214
- ALLEGHENY Election Map 20201214
- ALLEGHENY FVE 20201214
- ALLEGHENY Zone Codes 20201214
- ALLEGHENY Zone Types 20201214
- ARMSTRONG Election Map 202012..
- ARMSTRONG FVE 20201214
- ARMSTRONG Zone Codes 20201214
- ARMSTRONG Zone Types 20201214



Sources:
https://www.pavoterservices.pa.gov/pages/purchasepafullvoterexport.aspx
and
Official County FVE files directly from the County Dated 12/14/2020

5

DATA FILE DEFINITIONS

- **Total Votes for President** – Sum of all votes counted for Biden, Trump, Jorgensen and all write in votes
- **Total Ballots Cast** – Total number of ballots cast in the county
- **Over-Votes** – Ballots cast with more than one selection for President
- **Under-Votes** – Ballots cast with no selection made for President
- **Write-In Votes** – Ballots cast with one write in vote for President
- **Total Voters SURE** – Total number of voters in the FVE who voted in the 2020 General Election 11/3/2020 (files updated 12/14/2020)
- **Voter Deficit** – Difference between the Total Ballots Cast and Total Voters recorded as voting on 11/3/2020 in SURE

6

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	NOT	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT
	DOS DATA		COUNTY DATA				FVE	
CAMERON	2,434		6	2440	15	2455	2450	-5

SAMPLE COUNTY DATA – CAMERON

Cameron County has a voter deficit of 5 – meaning that there were 5 more ballots cast than the number of voters in SURE FVE for Cameron County as of 12/14/2020

7

TIMELINESS OF SURE FVE RECORDS

- Secretary of State certified the election results on 11/24/20.
- SURE FVE Files used for this analysis are dated 12/14/2020, 20 days after the certification

Pennsylvania Pressroom

Menu

Department Of State Certifies Presidential Election Results

11/24/2020

Harrisburg, PA – Following certifications of the presidential vote submitted by all 67 counties late Monday, Secretary of State Kathy Boockvar today certified the results of the November 3 election in Pennsylvania for president and vice president of the United States.

Shortly thereafter, as required by federal law, Governor Tom Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R. Biden as president and Kamala D. Harris as vice president of the United States. The certificate was submitted to the Archivist of the United States.

8

INTERIM REPORT TOTALS AS OF 12-20-2020

- Report contains full data from **64 counties**
- Write In Votes and Over/Undervotes were not available for all counties. Updates pending.
- Data is not included for over/undervotes or total ballots cast for the following counties: Clarion, Crawford & Sullivan
- 24 of 67 Counties had vote totals that did not match the Department of State Results

9

INTERIM REPORT TOTALS AS OF 12-20-2020

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT	TOTAL VOTER SURPLUS
	DOS DATA	COUNTY DATA				FVE		
64/67	6,915,283	18,580	6,931,060	29,077	6,962,607	6,760,230	-205,122	2,532

Using the sources and data described in the previous slides, there is a VOTER DEFICIT in Pennsylvania. **205,122** more votes were counted than total number of voters who voted.

10

SURE IS THE OFFICIAL VOTER RECORD IN PA

- If SURE data was correct, the election could not be certified due to the discrepancies.
- If SURE data was incorrect, the election could not be certified due to discrepancies.

By Statute, the SURE System is the official voter record in Pennsylvania. This record includes the date last voted. Total voters who voted in the General Election on 11/3/2020 was **6,760,230**. Secretary of State Boockvar certified **6,915,283** votes for just the three major candidates. That alone is a **voter deficit of 155,053 voters.**

This does not include write in votes or over/under votes which all increase the voter deficit.

11

VOTER SURPLUS

Some counties have more voters than votes counted which is a normal variance. This is a result of several issues including:

- Rejected Provisional Ballots
- Mail-In Ballots Received after 8pm on Election Day
- Naked Ballots
- Mail Ballots with no Signature

The expectation would be that every county would have some votes that were not counted. In PA, **only 18 counties reported a voter surplus.** Despite the fact that every county had some ballots that were rejected.

12

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	NOTE	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT	TOTAL VOTER SURPLUS
	DOS DATA		COUNTY DATA				FVE		
ADAMS	56,540	*	174	56,809	121	56,930	56,853	77	
ALLEGHENY	719,733	*	2,767	724,800	1,920	726,720	605,754	120,966	
ARMSTRONG	36,370	*	55	36,426	45	36,471	36,147	324	
BEAVER	94,122		275	94,397	248	94,645	94,387	258	
BEDFORD	27,574	*	0	27,610	67	27,677	27,564	113	
BERKS	205,540		584	206,124	1,452	207,576	207,587		11
BLAIR	63,595		153	63,748	141	63,889	63,834	55	
BRADFORD	30,159	*	60	30,232	156	30,388	30,349	39	
BUCKS	396,234		1,057	397,291	1,506	398,797	396,877	1,920	
BUTLER	113,305	*	349	111,309	227	113,899	113,914		15
CAMBRIA	70,574		177	70,751	244	70,995	50,058	20,937	
CAMERON	2,434		6	2,440	15	2,455	2,450	5	
CARBON	33,629	*	38	33,689	64	33,753	33,716	37	
CENTRE	77,493		398	77,891	203	78,094	77,328	766	

13

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	NOTE	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT	TOTAL VOTER SURPLUS
CHESTER	314,502		1,251	315,753	833	316,586	313,543	-3,043	
CLARION	19,493		31	19,524		[illegible]	19,525		
CLEARFIELD	39,422		74	39,496	114	39,610	39,247	-363	
CLINTON	17,625		36	17,661	55	17,716	17,478	-238	
COLUMBIA	31,171		87	31,258	187	31,445	31,481		36
CRAWFORD	42,004	*	98	42,104		[illegible]	42,301		
CUMBERLAND	141,595		592	142,187	545	142,732	142,845		113
DAUPHIN	147,368		533	147,901	487	148,388	149,096		708
DELAWARE	327,931	*	1,075	328,329	1,821	330,150	326,142	-4,008	
ELK	16,906		40	16,946	89	17,035	17,077		42
ERIE	137,083	*	347	137,491	453	137,944	138,240		296
FAYETTE	62,139	*	91	62,258	117	62,375	61,952	-423	
FOREST	2,646	*	8	2,621	10	2,631	2,666		35
FRANKLIN	80,783		242	81,025	183	81,208	81,143	-55	
FULTON	7,977		13	7,990	44	8,034	8,016	-18	
GREENE	17,669		0	17,669	0	17,776	17,760	-16	

14

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	NOTE	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT	TOTAL VOTER SURPLUS
HUNTINGDON	22,792		51	22,843	63	22,906	22,872	-34	
INDIANA	41,198		91	41,289	140	41,429	41,026	-403	
JEFFERSON	22,824	*	39	22,800	51	22,851	22,576	-275	
JUNIATA	12,043		29	12,072	36	12,108	12,072	-36	
LACKAWANNA	115,410		285	115,695	338	116,033	116,391		358
LANCASTER	280,239		1,136	281,375	1,163	282,538	281,117	-1,421	
LAWRENCE	46,076		111	46,187	132	46,319	46,023	-296	
LEBANON	71,652		206	71,858	202	72,060	71,524	-536	
LEHIGH	184,713	*	563	185,655	572	186,227	185,450	-777	
LUZERNE	153,321	*	99	153,499	635	154,134	149,877	-4,257	
LYCOMING	59,254		143	59,397	84	59,481	59,367	-114	
McKEAN	19,466		44	19,510	88	19,598	19,569	-29	
MERCER	57,954		163	58,117	178	58,295	58,308		13
MIFFLIN	21,502		45	21,547	56	21,603	21,538	-65	
MONROE	83,829	*	205	82,484	493	82,977	82,765	-212	
MONTGOMERY	510,157		0	510,157	3,238	513,395	508,084	-5,311	
MONTOUR	9,771		46	9,817	31	9,848	9,846	-2	

15

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	NOTE	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT	TOTAL VOTER SURPLUS
NORTHAMPTON	170,942		457	171,399	762	172,161	171,962	-199	
NORTHUMBERLAND	42,283		100	42,383	209	42,592	42,408	-184	
PERRY	24,652		76	24,728	54	24,782	24,894		112
PHILADELPHIA	741,377	*	2,067	743,966	5,351	749,317	719,024	-30,293	
PIKE	32,554	*		32,616	127	32,743	32,645	-98	
POTTER	9,064		21	9,085	3	9,088	9,119		31
SCHUYLKILL	70,603	*	152	69,672	1,237	70,909	70,974		65
SNYDER	19,140		41	19,181	57	19,238	19,237	-1	
SOMERSET	40,543		83	40,626	90	40,716	40,738		22
SULLIVAN	3,595		3	3,598	[redacted]	[redacted]	3,613		
SUSQUEHANNA	21,752	*	61	21,325	118	21,443	21,536		93
TIOGA	21,075	*		21,126	81	21,207	21,115	-92	
UNION	20,115		77	20,192	80	20,272	20,221	-51	
VENANGO	26,528		73	26,601	52	26,653	26,608	-45	
WARREN	20,650	*	56	20,345	129	20,474	21,012		538
WASHINGTON	118,478		278	118,756	383	119,139	117,156	-1,983	
WAYNE	28,089		58	28,147	88	28,235	28,231	-4	
WESTMORELAND	204,697	*	486	205,330	758	206,088	202,143	-3,945	
WYOMING	14,858		42	14,900	38	14,938	14,982		44
YORK	238,471	*	582	239,052	613	239,665	238,877	-788	

16

RELIABILITY OF DATA FROM DEPARTMENT OF STATE

Candidate	Election Day	Mail	Provisional	Math Total	Certified Electors	Difference
Biden	1409341	1995691	53168	3458200	3458229	29
Jorgensen	53318	24783	1277	79378	79380	2
Trump	2731230	595538	50874	3377642	3377674	32
Write In	0	0	0	0	0	0
Totals	4193889	2616012	105319	6915220	6915283	63

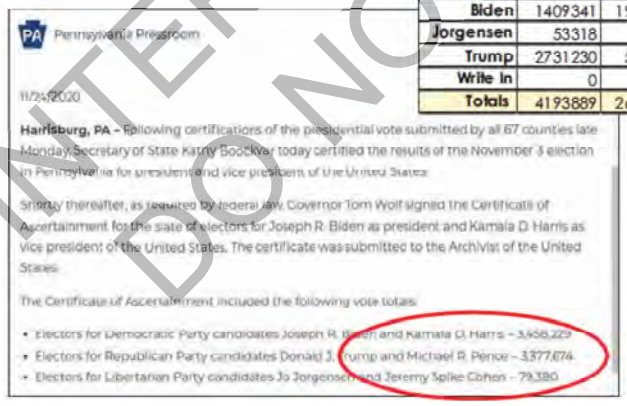
- Source: https://www.electionreturns.pa.gov/

- The DOS Data is not using equations or formulas to populate. This is demonstrated by the mathematical errors on the dashboard.
- Based on the Dashboard, **PA actually certified the incorrect number of electors**
- Data downloaded from the DOS website does not match data reported

17

RELIABILITY OF DATA FROM DEPARTMENT OF STATE

Candidate	Election Day	Mail	Provisional	Math Total	Certified Electors	Difference
Biden	1409341	1995691	53168	3458200	3458229	29
Jorgensen	53318	24783	1277	79378	79380	2
Trump	2731230	595538	50874	3377642	3377674	32
Write In	0	0	0	0	0	0
Totals	4193889	2616012	105319	6915220	6915283	63



Pennsylvania Pressroom

11/24/2020

Harrisburg, PA – Following certifications of the presidential vote submitted by all 67 counties late Monday, Secretary of State Kathy Boockvar today certified the results of the November 3 election in Pennsylvania for president and vice president of the United States.

Shortly thereafter, as required by federal law, Governor Tom Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R. Biden as president and Kamala D. Harris as vice president of the United States. The certificate was submitted to the Archivist of the United States.

The Certificate of Ascertainment included the following vote totals:

- Electors for Democratic Party candidates Joseph R. Biden and Kamala D. Harris – 3,458,229
- Electors for Republican Party candidates Donald J. Trump and Michael R. Pence – 3,377,674
- Electors for Libertarian Party candidates Jo Jorgensen and Jeremy Spike Cohen – 79,380

Due to mathematical errors, the Secretary of State **actually certified the incorrect number of electors**

Source: https://www.media.pa.gov/pages/State-details.aspx?newsid=435

18

DUPLICATE VOTERS

Individuals in SURE With Multiple ID Numbers-
Both IDs Shown as Voted 11-3-2020

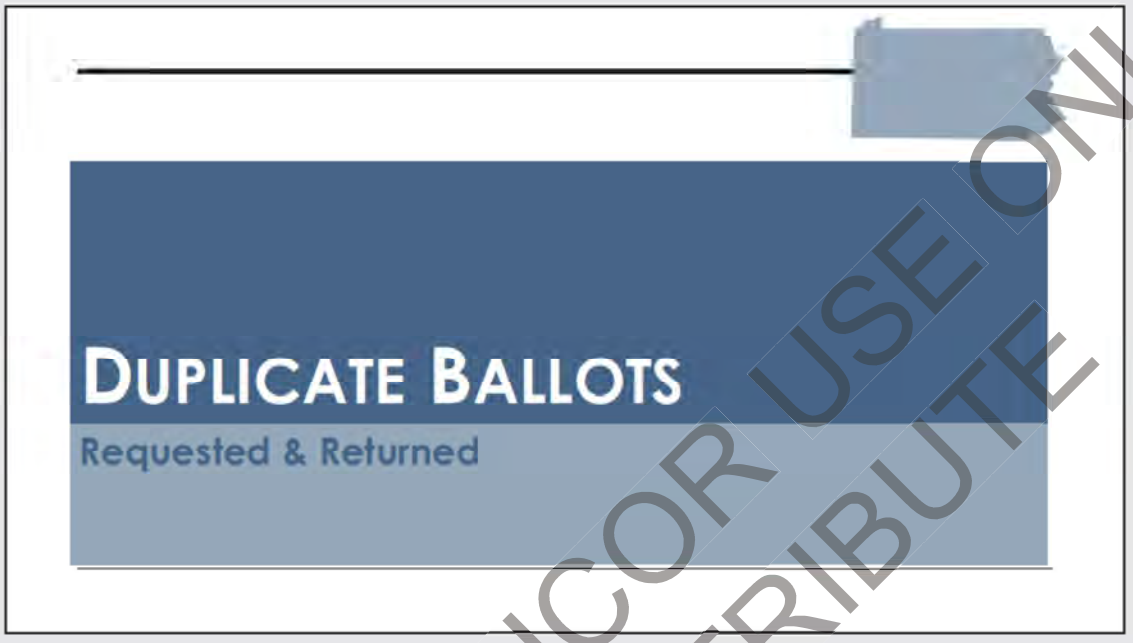
19

POSSIBLE DUPLICATE VOTERS

USING THE STATEWIDE FVE, A QUERY OF ALL RECORDS WHERE THE FIRST NAME, LAST NAME AND DATE OF BIRTH MATCHED AND WHERE BOTH RECORDED A VOTE ON 11/3/2020 – PRODUCED **4241 RECORDS.** THESE RECORDS WARRANT INVESTIGATION TO DETERMINE HOW MANY PEOPLE VOTED TWO OR MORE TIMES.

*THESE RECORDS HAVE BEEN REFERRED TO LAW ENFORCEMENT FOR INVESTIGATION

20



21

DUPLICATE MAIL IN BALLOT APPLICATIONS

- County election officials were inundated with duplicate mail in ballot applications
- It was up to the county to review each new application and make a judgement call about whether to send a second mail in ballot
- There was no accounting of the excess mailed ballots.

Source: https://www.post-gazette.com/news/politics-state/2020/10/16/pennsylvania-rejected-mail-ballot-applications-duplicates-voters/stories/202010160153

"Overall, one out of every five requests for mail ballots is being rejected in Pennsylvania. An estimated 208,000 Pennsylvania voters sent in the spurned requests, some submitting them multiple times. Although the state's email rejecting the requests describes them as duplicates, it doesn't explain why, prompting some people to reapply. ProPublica and The Inquirer identified hundreds of voters who submitted three or more duplicate applications; one voter appears to have submitted 11 duplicates."

22

DUPLICATE APPLICATIONS

10/16/20 Source: Department of State

County	Total MIB Requests Approved	Duplicate Requests Rejected
ADAMS	9,695	2,001
ALLEGHENY	190,557	49,025
ARMSTRONG	3,996	1,347
BEAVER	16,893	5,362
BEDFORD	2,906	384
BERKS	42,084	7,544
BLAIR	9,578	2,993
BRADFORD	3,948	500
BUCKS	104,236	21,607
BUTLER	16,718	4,468
CAMBRIA	8,865	1,292
CAMERON	310	98
CARBON	5,670	1,011
CENTRE	17,952	3,483
CHESTER	88,238	24,433
CLARION	2,265	354
CLEARFIELD	4,894	897
CLINTON	2,229	332
COLUMBIA	5,264	893
CRAWFORD	6,584	782
CUMBERLAND	31,206	5,703
DAUPHIN	32,778	7,247
DELAWARE	71,523	15,779
ELK	2,075	472
ERIE	28,685	4,183
FAYETTE	7,595	1,680
FOREST	847	41
FRANKLIN	11,188	1,643
FULTON	904	139
GREENE	2,218	317
HUNTINGDON	1,674	205
INDIANA	8,678	
JEFFERSON	2,864	249
JUNIATA	1,116	281
LACKAWANNA	24,148	7,796
LANCASTER	53,345	8,864
LAWRENCE	7,379	1,113
LEBANON	13,403	2,235
LEHIGH	46,091	9,279
LUZERNE	28,077	11,234
LYCOMING	7,622	1,178
McKEAN	3,691	405
MERCER	2,468	320
MIFFLIN	21,455	3,661
MONROE	138,756	32,402
MONTGOMERY	1,975	434
MONTOUR	2,292	243
NORTHAMPTON	42,266	6,830
NORTHUMBERLAND	5,696	1,047
PERRY	3,304	545
PHILADELPHIA	233,594	48,727
PIKE	8,305	1,939
POTTER	842	92
SCHUYLKILL	5,818	845
SNYDER	2,923	433
SOMERSET	4,490	359
SULLIVAN	476	99
SUSQUEHANNA	2,833	392
TIOGA	2,961	444
UNION	3,178	503
VENANGO	3,650	740
WARREN	3,032	336
WASHINGTON	21,829	4,567
WAYNE	5,154	684
WESTMORELAND	34,103	12,871
WYOMING	2,315	306
YORK	42,677	10,191
TOTAL		336,001 as of 10/16/2020

Department of State released data showing the number of duplicate MIB Applications that had been rejected as of 10/16/2020.

DOS did not release the number of duplicates that were approved & mailed.

23

EXAMPLE: LEBANON COUNTY DUPLICATES

- Lebanon County has 92,637 registered voters.
- As of 10/16/2020, Lebanon had already received 2205 duplicate mail in ballot applications.
- County election officials had to review and evaluate each application to determine if a second mail in ballot should be mailed
- 804 duplicate ballots were sent to voters in Lebanon County.
- The location of the additional 804 mail in ballots is unknown.

24

THIRD PARTY ACCESS -SURE

Recap of Previous Issues Raised

25

DEPARTMENT OF STATE GRANTED ACCESS & AUTHORITY TO THIRD PARTY ENTITIES

- Third Party Access to SURE using Web API
- Allowing Third Party Entities authority to use Web API to request Mail In Ballots
- Illegal Use of Voter Registration Data – posting on the internet

26

CHAPTER 183. ESTABLISHMENT, IMPLEMENTATION AND ADMINISTRATION OF THE STATEWIDE UNIFORM REGISTRY OF ELECTORS (SURE System)

4 Pa. Code § 183.14. Public information lists

(i) Within 10 days of receiving a written request accompanied by the payment of the cost of reproduction and postage, the Department or a commission will distribute the public information list to any registrant in this Commonwealth for a reasonable fee, determined by the office providing the copies, as provided by section 1404(c)(1) of the act (relating to public information lists).

(j) The Department and a commission will supply the public information list in a paper copy or in an electronic format.

(k) The list may not be published on the Internet.

27

DOS Expanded Third Party Entities Access to Include Mail-In Ballot Requests

On March 6 2020, The Department of State issued an update to the PA OVR Web API Specification document. In that update, they reveal that Posting Entities would be granted access and authority to allow the use of their apps to not only create voter registrations but also to add them to **permanent mail-in list.**

MAIL-IN BALLOT REQUEST OPTION (ACT 77 OF 2019)

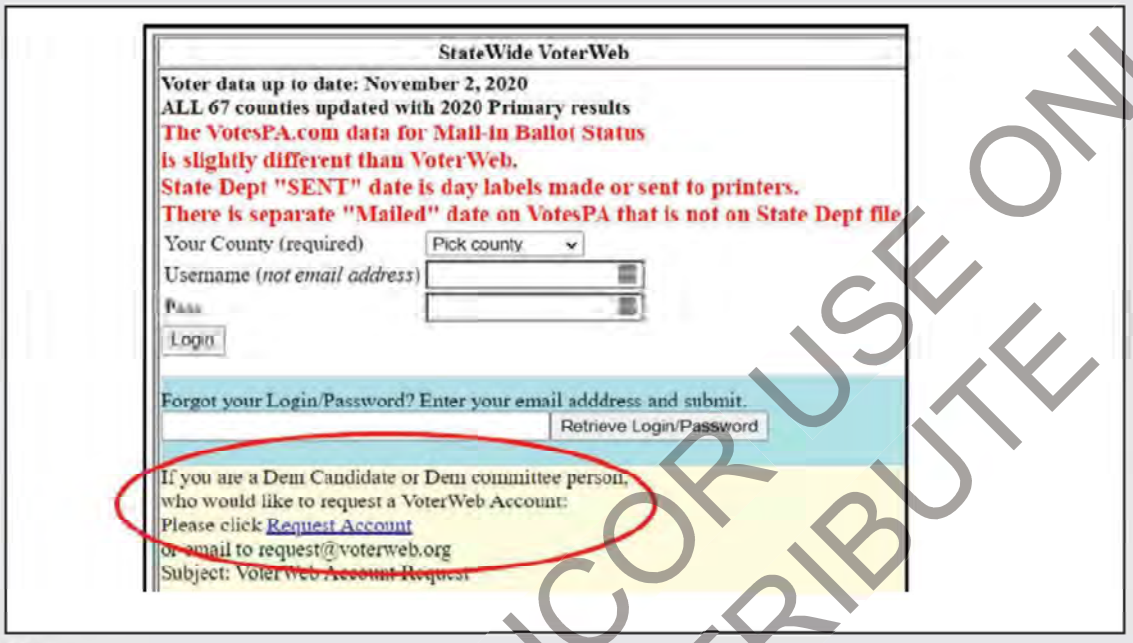
As a part of Act 77 of 2019, a new ballot option was introduced for Pennsylvania voters, the mail-in ballot option. This is another option for voters to receive a ballot in the mail and it does not require an excuse to vote. Additionally, a voter who is requesting a mail-in ballot may also request to be added to a permanent mail-in voter list, which is otherwise known as an annual mail-in ballot request. If they opt for the permanent option, they will then receive ballots automatically for the remainder of the calendar year for eligible elections. Then, they will be asked to renew this request each year from the county election office to continue to receive ballots for eligible election.

The process begins with the voter electing to submit a mail-in ballot application. Once their application is completed, processed and approved by the county, the voter will be begin to receive their ballots via the address

pennsylvania DEPARTMENT OF STATE

Page 14

28



29

County of Lancaster

Office of the Commissioners

150 North Queen Street
Suite #715
Lancaster, PA 17603
Phone: 717-299-8300
Fax: 717-293-7208
www.co.lancaster.pa.us

County Commissioners
Joshua G. Parsons, Chairman
Ray D'Agostino, Vice-Chairman
Craig E. Lehman

Hon. Kathy Boockvar
Secretary of the Commonwealth
Pennsylvania Department of State
North Office Building, Suite 302
401 North Office Building
Harrisburg, PA 17120
Via email

Dear Secretary Boockvar:

As you know Act 77 of 2019, which was signed into law by Governor Wolf, created a new mail in ballot option for voters in Pennsylvania. The law as passed by the legislature and signed by the Governor requires that all mailed ballots be received by 8:00 PM on election day.

Subsequently, the Pennsylvania Supreme Court created its own new rule. It ordered that ballots are to be accepted if they are postmarked on or before election day and are received within three days after polls close. Further, a ballot with no postmark or an illegible postmark must also be accepted if it is received by that same date.

That ruling has been appealed to the United States Supreme Court. In the U.S. Supreme Court's denial of a motion to expediate the case, the court appears to have relied on information from your department that you would provide guidance to counties to segregate ballots that come in after election day. It said:

"[W]e have been informed by the Pennsylvania Attorney General that the Secretary of the Commonwealth issued guidance today directing county boards of elections to segregate ballots received between 8:00 p.m. on November 3, 2020, and 5:00 p.m. on November 6, 2020."

On October 28th, 2020, Lancaster County received an email from Jonathan Marks, Deputy Secretary for Elections & Commissions, stating the following:

"Yesterday the Secretary issued the attached guidance related to mail-in and absentee ballots received from the United States Postal Service after 8:00 p.m. on Tuesday November 3, 2020. The guidance referenced that a motion to expedite a petition for a writ of certiorari related to the three-day extension was pending in

the United States Supreme Court. After the Secretary issued the guidance yesterday, the United States Supreme Court denied the pending motion to expedite consideration of the petition for a writ of certiorari. In doing so, three Justices of the Supreme Court joined in a statement that referenced the guidance that the Secretary issued yesterday directing county boards of elections to segregate ballots received between 8:oo p.m. on November 3, 2020 and 5:00 p.m. on November 6, 2020. Though the Secretary continues to strongly defend the 3 day extension to ensure that every timely and validly cast mail-in and absentee ballot is counted, to ensure uniformity and to respect the United States Supreme Court's consideration of the issues still before it, the Secretary strongly encourages each county board of elections to affirmatively confirm that it will comply with the attached guidance."

The attached "guidance" read:

"The county boards of elections **shall not pre-canvass or canvass any mail-in or civilian absentee ballots** received between 8:00 p.m. on Tuesday, November 3, 2020 and 5:00 p.m. on Friday, November 6, 2020 until further direction is received. These ballots shall be maintained by the county board in a secure, safe and sealed container separate from other voted ballots." [Emphasis added.]

By law, counties have eight days to complete the canvas. We have been informed by our elections office staff that once ballots are canvassed, it is logistically impossible to later remove those ballots from the total count. Thus, the guidance to keep these ballots separate and not canvass them immediately makes sense as they are likely the subject of litigation.

However, on November 1st, 2020, we received new "guidance" from Mr. Marks.

Strangely the new "guidance" has suddenly been changed to the following statement, which is in direct conflict with the earlier "guidance."

"The county board of elections **shall canvass** segregated absentee and mail-in ballots received after 8:00 P.M. on Tuesday November 3, 2020, and before 5:00 P.M. on Friday, November 6, 2020 **as soon as possible upon receipt of the ballots** and within the period specified by law for the canvass. The canvass meeting shall continue until all segregated absentee and mail-in ballots have been canvassed." [Emphasis added.]

The new guidance is essentially asking us to add any ballots that come in after election day to our total count. In fact, the new "guidance" is strangely asking us to do this as "soon as possible." I anticipate that you would know full well that those contested votes cannot then be removed if the Commonwealth is ordered to do so by the United States Supreme Court.

This is in contravention to your earlier guidance and appears to be in contravention to what the United States Supreme Court relied on from your department. That court, in refusing to expedite the case, surely did not anticipate that you would make those votes impossible to remove from the total count.

As a result, at our Board of Elections meeting on November 2nd, 2020 a majority of the board exercised our legal authority to comply with the law and your first set of guidance and wait to canvass any ballots that come in after election day. We will make further decisions at a future board meeting and, of course, intend to continue to fully comply with the law, including the canvass deadline.

I remain, however, deeply concerned about this strange change in guidance by your department and what it means for the integrity of the election.

Sincerely,

Joshua G. Parsons
Chairman, Board of Commissioners

CC: Senator Joe Scarnati, President Pro Tempore, Pennsylvania Senate
Via email
Representative Bryan Cutler, Speaker of the Pennsylvania House of Representatives
Via email

Election Timeline for Butler County, Pennsylvania/November 12, 2020

In 2016, Butler County had a 72% voter support for Donald J. Trump in comparison to Hilary Clinton at 28%. Pennsylvania ranks 25th for voter participation with 51 percent of the eligible population voting in the 2018 election. Butler County was a stronghold for President Trump in the past as well as other Republican Candidates, I believe, our County was specifically targeted by external forces such as Governor Tom Wolf, Secretary of Commonwealth and State Election Director Kathy Boockvar, Mark Zuckerberg/ Media/ Tech, as well as, Progress PA and Democrats statewide, to name just a few. There is no doubt these entities used their positions to influence the overall outcome of the Pennsylvania 2020 election. Often times this was done under the Covid guise of safeguarding the health, safety, and accessibility of Pennsylvania voters. As a Butler County Commissioner, I witnessed first hand these ongoing efforts made by these entities to chip away preceding and post election through a variety of tactics with the purpose of creating confusion, chaos, and instilling fear…all implemented by design. Changes made "on the fly" to election laws intentionally without our elected state legislature, left Pennsylvania counties isolated and at the mercy of edicts by State officials with no recourse. Counties were left to their own devices and fortitude to determine what was occurring and push back as we did multiple times. What was even more tragic, these changes were most often accomplished under the guise and cover of the Covid pandemic that was used to influence the behavior of the public voter who fell for it hook, line, and sinker by the mail in ballot system which encompassed early voting. One by one, our own Pennsylvania Democratic State Officials stripped each of the previously established safeguards and firewall requirements that protect the integrity of the voter system. It was astonishing the extent and effort these aforementioned entities went to, to influence and marginalize the 2020 vote in any way to the advantage of Presidential Candidate Joe Biden. Progressive entities well understood it would not take much to manipulate and alter the playing field in what was predetermined to be a race separated by less than a 100,000 votes. Secretary Kathy Boockvar went as far as requesting King Bench provisions to be used as a mechanism by the Pennsylvania State Supreme Court, as State Officials were struggling to get Counties to comply with over zealous state edicts and guidance in lieu of laws. Governor Wolf signed a second renewal of his 90 day disaster for the Covid 19 pandemic that would extend beyond the November 3, 2020 election. Naturally, as expected, Covid hype despite evidence would begin to surge prior to and during the election with the intent to keep senior citizens from venturing out to the polls. Democrats were whole heartedly supportive of mail in balloting and they knew Republicans would prefer to vote in person at the polls. Bad weather or a pandemic, could possibly persuade some elderly or unhealthy individuals to stay at home? Hopefully, the Butler County timeline will illuminate a much needed light into the workings of these forces and how they can influence our local, state, and national elections. The data, numbers, and dubious actions compiled in the Butler County timeline demonstrate repeatedly as to the Governor and his Election Administration's great reluctance to follow existing election law and processes, their lack of respect for the Constitution, and the Governor's own defiance to govern with the elected Pennsylvania General

game on recruiting and training new poll workers. i.e. Former precincts located in churches and schools closed due to the Governor's stay at home orders was in conflict with us as elected officials trying to get the public to understand that elections was a constitutional right and we had to open facilities for voting.

- The State stated they would send PPE to all the counties for their polling sites, such as hand sanitizer and masks. Despite that promise, Butler County went ahead and ordered our own PPE and Plexiglas partitions for the polls and it is a good thing we did, as the State's masks and hand sanitizers arrived the day before the election after we had delivered all the voting equipment to the polls for the June 2nd Primary.
- Training for poll workers was extremely challenging as per trying to secure a county site such as a school or facility that would allow us to hold training during a Covid pandemic and Governor ordered statewide closures. Thankfully, Butler School District and Cranberry Twp. Municipal Building each provided us a physical space to hold poll worker and Judge of Elections trainings. The next challenge was adhering to the Covid compliance while trying to conduct and provide training with masking and people fearful due to the nationwide and statewide narrative coming from the news sources. It certainly created extensive work above and beyond for everyone involved.
- Mid May, Counties received DOS guidance advising Counties may have drop boxes and drop off locations. This last minute change was one that the Butler County Republican Commissioners voted not to implement due to the lack of security issues. May 31st and onward, Butler County had daily protests across from the courthouse in Diamond Park and along Main Street by BLM.
- 5/29/20 Counties received a court order by the DOS to require accessible mail in ballots for ADA individuals and to make arrangements.
- 5/29/20 Counties received DOS guidance on privacy envelopes. All of these guidance's issued by DOS, required all counties to adapt and create changes with their operations and procedures. Another implication was the inability to train our poll workers and Judges of Elections due to the late and daily guidance changes in preparation for and leading up to the June 2nd election.
- 5/29/20 DOS issued guidance no longer requiring voter identification for ballots to be dropped off a drop off sites and drop box locations. Butler County was requiring ID for ballots being dropped off at the Election Bureau.
- 6/1/20 At 6pm Pittsburgh Media News Channels announced publicly that Governor Wolf used executive order to extend the deadline for receiving mail in ballots the night before the June 2nd Primary Election. I watched this announcement in my own living room that evening when I returned home from being at the county all day working. The Governor never bothered to reach out to the counties about this during the workday. Governor Wolf also announced the set up of additional drop boxes for only six of sixty seven counties statewide. This strategic move all added to the public's existing confusion 12 hours before the June 2, 2020 Presidential Election.

- 6/1/20 Governor Wolf also announced on the 6pm television news that ballots must be post marked by June 2nd, but received no later than June 9th for some counties, but not all counties. Again, adding additional public confusion and fear.
- 6/3/20 Governor Wolf amended stay at home order
- 6/5/20 Butler County was one of 12 counties to move to the yellow phase.
- 6/10/20 PA General Assembly passed a concurrent resolution directing Governor Wolf to issue a proclamation or executive order ending his issuance of the March 6 Covid 19 Disaster Emergency which was renewed June 3. Governor follows with statement that any concurrent resolution needs to come to the Governor for approval or disapproval and that orders will remain in place and that the legislature did nothing to end them.
- 6/16/20 Governor Wolf edicts: School Safety & Security Committee and Etc.
- 6/25/20 Governor Wolf and Secretary Levine sign 12 counties moving to the green phase effective the following day.
- 6/29/20 Governor Wolf announces that Lebanon County will move to the green phase of reopening on July 3, putting all counties in green.
- 6/29/20 Governor Wolf announces all businesses across PA can apply for grants to offset lost revenue associated with Covid 19.
- 7/1/20 Governor Wolf signs new order signed by Dr. Rachel Levine that mandates mask wearing directive at all times effective immediately.
- 7/`/20 Received state association communications regarding Trump Campaign and RNC filed law suit pursuant to Governor and DOS Secretary.
- 7/9/20 Governor Wolf signs an executive order protecting renters from evictions or foreclosures in the event they have not received assistance.
- 7/10/20 Governor Wolf signs an executive order authorizing state agencies to conduct administrative proceedings and hearings remotely.
- 7/16/20 Governor Tom Wolf releases federal CARES funding to PA Counties with the exception of Lebanon County who had opened their county despite the Covid associated closures moving from yellow to green on their own.
- 7/16/20 Butler County hires a new Election Director with extensive technical experience and local experience of working at the polls.
- 7/17/20 Federal Court in Pittsburgh, Judge William Stickman IV hears Butler County v. Governor Tom Wolf and Rachel Levine, Secretary of Health
- 7/22/20 Declaratory Judgment Hearing in Federal Court, Pittsburgh by Judge William Stickman
- 7/31/20 DOS announces that the State will provide the entire commonwealth's counties with prepaid postage for their envelopes, so voters would have no excuse for not mailing them. What they didn't tell county officials or the public, is typically, prepaid postage is not automatically postmarked. The State would use federal CARES funding (Covid 19 Relief Funds) to pay for postage. Postmarks matter to prove voters cast their vote on time.

- 8/14/20 Governor Tom Wolf finally concedes and releases federal CARES funding to Lebanon County after with holding it for a month. There is a timeline on these funds to be used before December 30, 2020.
- 8/27/20 The DOS contacted counties about additional second round funding being made available for election system equipment through the $90 million bond amortization pursuant to Act 77 voting system reimbursements.
- 8/31/20 Governor Wolf signed a second renewal of his 90 day disaster for the Covid 19 pandemic that would extend beyond the November 3, 2020 election.
- 9/2/20 DOS contacts all county commissioners announcing that the non profit Center for Tech and Civic Life has expanded its Covid response grant program to offer all local election jurisdictions in the United States to apply for grants to help ensure staffing, training and equipment for the November 2020 election. The expansion is thanks to a $250 million contribution from Mark Zuckerberg and his wife, Pricilla Chan, who also made a $50 million contribution to the Center for Election Innovation and Research, which will offer additional grants to states. Butler County declined to accept these funds to protect the integrity of their election system in Butler County from being influenced by a private/public entity.
- Butler County Election Director informs us that Barbara Smotherman has been assigned to Butler County as the state election liaison. Deputy Smotherman is the Deputy Chief of Staff to DOS Secretary Kathy Boockvar.
- 9/8/20 Governor Wolf puts out an edict that restaurants must have self certification documents in order to open September 21st at 50% occupancy.
- 9/11/20 DOS issues guidance concerning examination of absentee and mail in ballot return envelopes as well as addressing signatures or lack of.
- 9/14/20 Federal Judge William Stickman IV rules that Governor Wolfs orders violated three clauses of the U.S. Constitution, the right of assembly, due process, and equal protection clause. Butler County wins suit.
- 9/14/20 PA State Supreme Court rules that signature verification on a ballot Vs the one in the voter's file no longer matters.
- 9/15/20 Governor and Secretary Levine turn up the news narrative on Covid and Butler County.
- 9/16/20 PA Attorney General issues a stay on judicial decision on federal decision striking down Governor Tom Wolf's business closures.
- 9/17/20 PA State Supreme Court rules ballots mailed back without secrecy envelopes will not be counted in the general election. Known as "naked ballots".
-
- 9/17/20 PA Supreme Court (Democratic Majority) issued the following: **Majority opinion in PA Democratic Party et al. v. Boockvar et al. holding as follows:**
    - The Election Code permits county boards of election to accept hand-delivered mail-in ballots at locations other than their office addresses including drop-boxes

    - Adopts a three-day extension of the absentee and mail-in ballot received by deadline to allow for the tabulation of ballots mailed by voters via USPS and postmarked by 8:00 pm on Election Day
    - Holds that voters are not entitled to notice and an opportunity to cure minor defects resulting from failure to comply with statutory requirements for vote by mail (Yet the DOS made this request on Election Day to Counties with naked ballots) See: 11/3/20
    - Holds that a mail-in elector's failure to enclose a ballot in a secrecy envelope renders the ballot invalid
    - Finds that the poll watcher residency requirement does not violate the state or federal constitutions
- **Order in Crossey et al v. Boockvar**
    - Dismisses the request to extend the received-by deadline for mail-in ballots as moot based on the decision in PA Democratic Party v. Boockvar
    - Dismisses the request that prepaid postage be provided on mail-in provide funding to county boards of election for postage on mail-in ballots
    - Denies the request that voters be permitted to obtain third-party assistance in return of mail in ballots
    - PA Supreme Court also ruled that the Green Party's candidate for president did not strictly follow procedures for getting on November's ballot and cannot appear on it, and the Department of State has now certified the ballot*.

- *What is important for the public to understand that as of 9 17 20, Counties were unable to print and prepare ballots prior to 9 17 20 due to the lack of a ruling on the Green Party candidate. The ballot was not state certified until this legal decision occurred. Now, counties in PA were racing to print their ballots and get them mailed out to all those who requested mail in ballots which were in the thousands.
- 9/24/2020 Commissioner Osche receives email from an overseas voter in Switzerland who is a dual resident of Butler County who claims she did not receive her email ballot. The election director reported that he had communication from the state indicating this was a "glitch" in the state system related to the secure email. She is a member of a group called "PA Abroad" and claims suspicion as that group believes that only Butler and Cumberland Counties did not send the ballots. After being called out on her reports, she replies that she did subsequently receive her ballot. And so begins the mass reports of voters "not receiving" ballots.
- Butler County began to mail out their ballots to mail in requesters beginning the week of September 28, 2020 and worked 7 days a week to begin to mail out and simultaneously accept applications. Butler County continually hired additional temporary staff and extended hours of service to keep up with all the changes and timelines.
- 10/1/20 Governor Wolf issued an executive order amending the previous order Directing Mitigation Measures, which would go into

effect the following day and would continue to until rescinded or amended in writing.

- 10/8/20 Governor Wolf issues an executive order amending the previous order related to Directing Mitigation Measures which would go into effect the following day until rescinded or amended in writing.
- 10/8/20 We became aware of a problem originating at the Department of State in the SURE System, which is the state's 15 20 year old data election's system and software. Voters who are monitoring the status of their ballot online are suddenly seeing it was mailed out in early September (before the ballot was state certified). Someone at the state level changed something in SURE early October that populated the "Ballot Mailed On" date with the same date his or her application was processed. A similar situation occurred in the Primary. It's happened across the state, and both the SURE helpdesk and DOS are aware of it. This has generated a high volume of calls to the County of folks monitoring their ballot process online.
- Butler County will come to learn from their Election Director that there were several glitches with the SURE system preceding the election.
- Butler County did an extensive mail drop to the U.S. Post Office of approximately 10,000 ballots October 13, 2020, the day after Columbus Day which was observed as a national holiday but in which the elections department worked and another 7,000 mailed out later that week.
- Week of 10/13/20 Democratic Commissioner hears from Governor's Southwest Regional Director about Albert Sensor Technology Pilot and pushes for our County's participation to which we again, decline.
- The week of October 19, 2020, the County began to get calls and complaints by public not receiving their mail in ballot despite requests made in September. The public was told that the ballots were not state certified until 9/17 and printed and mailed out until the 28th.
- 10/19/20 Election Director reports receiving the following memo from PA SURE regarding a "system performance" issue where a permanent mail voter approved for the primary did not have a general election application or label in SURE. It was determined that the permanent record was created after and not at the same time that the record was processed which resulted in no general election application being created for the voter, therefore the voter received no mail in ballot. Counties had no way to identify which voters this affected.
- Week of 10/19/20, PA Department of Health Officials contact the County Commissioners informing them they will be coming into Butler County to set up multiple pop up Covid testing sites throughout the county to begin Covid testing of up to 440 people at each site free

of charge. This process would begin in two days from the call and site locations would not be disclosed until they arrived and set up. Butler County Republican Commissioners pushed back and said NO as our positivity rate was 3.2% the lowest in Western PA at that point in time and with zero patients in our local Butler Health System Hospital. State Dept. of Health staff were insistent and aggressively pushing and informed us that within a day DOH was planning to release a report to the public similar to the one they compiled for Centre County. This report would call for enforcement measures on businesses and state recommendations, as well as, recommend ways in which the State wanted us as a County to spend our federal CARES funding. We delayed DOH's momentum by insisting that surrounding counties given their Covid numbers would see greater benefit than Butler County and are a better use of tax dollars. We had a follow up call on October 26th and when the conversation initiated again, DOH was told this was nothing more than a political attempt to come into Butler County, drive up numbers via testing, and put out a report that misleads our county with misinformation when our positivity rate is only 3.2% in contrast to other counties, such as Westmoreland that had three times our numbers. We communicated that they were attempting to create more chaos in our county to suppress voter turnout by instilling fear and misinformation. We clearly called them out telling them this was political. We suggested they place their pop up site on Slippery Rock University's campus if they were so moved by trying to help their students? Dept. of Health declined and wanted testing sites implemented throughout the county in undisclosed sites. We communicated the upcoming Election was the county priority at that point in time given our extremely low Covid numbers based on the DOH's state dashboard of statewide data.

- 10/22 23/20 Butler County fielded ten thousand calls over the course of weeks leading up to the election from people saying they did not receive their mail in ballot. Hired six additional people to set up a county phone bank ASAP. Worked 18 hour days to call back each and every voter to provide options so they could exercise their right to vote. This included mailing new ballots and voiding the originals and in some cases, over nighting out of state applicants. We also had sheriff deputies deliver ballots to disabled and to those shut in their homes with no recourse. The majority came to the Election Bureau and cast their vote in person via a new mail in ballot. Lines began to form from that day on and we extended our evening hours to accommodate those who worked beyond normal business hours and had weekend hours available on Saturdays.
- 10/26/20 DOS contacts Butler County Election Director of numerous complaints made to DOS and delay of mail concerns specifically for Butler and York County ballots mailed out two weeks ago. DOS, even

communicating that Governor Wolf and his wife's ballots were delayed in the York County mail system arriving a week apart from one and other. 50 minutes later, Western PA USPS Manager Jason Graney requests for our Election Director to call him to discuss matter.

- 10/26/20 Butler County Election Director reports to the Butler County Commissioners that same day, Mr. Graney will investigate the matter with the US Post Office.
- 10/26/20 Continue to field calls from the public and work to enable them to vote by presenting one of four options: going to polls, coming to Election Bureau, mailing a new ballot and voiding the original, or over nighting out of state or to a college or hospital. In the latter days of that same week leading up to the election, people were still calling to say they had not received our new ballot or over night ballot in the mail. We checked to verify their mailing and confirm with callers, that the new ballots were mailed. Confirmed that they were mailed or over nighted.
- Throughout this process, we are still receiving a high volume of requests for mail ballots, many of which are duplicate requests due to the high number of third party mailers voters are receiving at their homes, which is making them, think that their request was not processed. In addition, because of another glitch in the state's SURE system, people are not seeing their ballots being recorded in a timely fashion. This is yet another issue that is consuming staff time and slowing down the mail process.
- Butler County did not use a third party mailing company, as we believe the chain of custody of these ballots is critical. We have a check and balance system in place to be sure that all voters are receiving the correct ballot for their district and/or precinct. We have hired twenty additional temporary staff to assist.
- 10/23/20 Commissioners meet with the Sheriff, District Attorney, and Emergency Services Director to finalize security plan for the county at the polling locations and review our safety plan.
- 10/23/20 ACLU serves the County Elections with a cease and desist order pertaining to our requiring ID when voters turn in ballots at the Election Bureau located in the Government Center on Friday, the 23rd, after work hours. They set a deadline for Monday for a response.
- 10/23/20 PA Supreme Court rules that a voter's absentee or mail in ballot cannot be rejected based solely on a comparison of the signature on the ballot with the voter's signature on their registration form. The ruling came as a result of a King's Bench petition by Kathy Boockvar Secretary of Commonwealth and Elections who used this as a mechanism to get counties to comply as she was struggling with challenges by counties as per guidance vs. law.

- 10/23/20 PA Supreme Court ruled against President Trump and the RNC challenging Secretary Boockvar's interpretation of the election code.
- 10/26/20 Voter Intimidation Guidelines sent by Ali Doyle of Southwest Deputy Director to Governor Wolf
- 10/26/20 Ironically, we received hundreds of intimidating calls about counting "all votes" beginning November 3rd in lieu of November 4th that was inaccurately portrayed by Progress PA and Ben Forstate's inaccurate maps depicting Butler County as the only county in Western PA not counting votes until the day after Election Day. Several numbers coming from a call bank located in Pittsburgh and Northeastern PA were pushing out text messages and social media messages. People statewide were reacting to these messages and harassing our office staff and two Republican Commissioners making demands and threats. Progress PA had our names and phone numbers posted on their Facebook page instructing people to call and pressure the two Republican Commissioners, County Solicitor, and Office Assistant by name and instructed them to "take no prisoners". This is a tactic of technology and there is no recourse for providing accurate information, as that is not the goal. This tactic demonstrated to me how technology and external entities could be used in influencing the election's system, adding to chaos and distraction. Despite that difficult day, we "knew the game being played" and we stayed focus on what really mattered.
- 10/28/20 PA State Supreme Court rules that the time frame for submitting ballots would be extended three days after the election as long as there was a postmark, and if any ballots arrive post election without a postmark, it should be assumed that ballot was cast on time. So, why the rule of a postmark if not now necessary? Or even followed? Please see 7/31/20
- 10/28/20 DOS sends clarifications on Examinations of Absentee and Mail In Envelopes and ID Verification for Ballot Requests
- 10/28/20 DOS sends guidance on Voter ID Not Required for Verification for ballots handed into polling sites and drop boxes
- 10/28/20 DOS sends voter ID requirements
- 10/30/20 DOS sends PA Election Day Communication
- 10/31/20 Secretary Boockvar sends out Important Election Day Reminders
- 11/1/20 DOS sends guidance on canvassing and segregating ballots received post election day.
- 11/2/20 Butler County held an afternoon poll worker training.
- 11/2/20 DOS requesting mock elections to test election results import process. Again, Butler County declined. Another tactic.
- 11/3/20 On Election Day, DOS issues guidance on voters in quarantine related to Covid.

- 11/3/20 On Election Day, mid day, DOS contacts Election Director and County Solicitor asks if the commissioners want those who submitted naked ballots (ballots with no secrecy envelope) to be provided to each political party, so those parties can contact individuals to redo ballot, so it can be counted? Pennsylvania is the first and only state to disqualify ballots received without a required secrecy envelope giving voters no recourse to fix the mistake. Some PA counties allowed this and others did not. It was not consistent statewide.
- 11/3/20 On Election Day, Butler County's 850 ES&S High Speed Scanner breaks and cannot be repaired by a state certified technician. It is brand new, $100,00 machine has only been used once for the June 2nd Primary Election.
- 11/3/20 On Election Day, We field multiple calls throughout the day requesting tallies and turn out from the State. We provide DOS no information other than to tell them our scanner is down. Our county election team works all day into the night to address scanning without the bigger scanner by using smaller scanning devices.
- 11/3/20 On Election Day, many of our polling locations are running out of ballots, as many people showed up surrendering their mail in ballot and wanting to vote. The costs associated with the mail in debacle have to be exorbitant due to the fact we are printing each person with an additional ballot who does this? Pennsylvania taxpayers should be furious and demanding better.
- 11/4/20 The day after the election we begin to field multiple calls from people demanding their ballots to be counted that are received after 8pm on Election Day threatening to call the ACLU & Authorities.
- 11/4/20 We announce on the 6pm news stations that Butler County is going to segregate ballots coming in after 8pm on Election Day on a daily basis and we are not going to open them, and keep them safe and secure until we receive further guidance from the DOS, to which we were promised ahead of time we would receive, but, had not.
- 11/5/20 DOS reissues guidance on ballot segregation requiring ID verification
- 11/5/20 Based on the news interviews of 11/4/20, people again begin demanding "all ballots to be counted" and for them to be integrated into the official tabulations. Again, we press back. Many of whom I spoke from, were not even from Butler County. Callers were simply reacting to text messages pushed out by anomonyous call centers and social media postings.
- 11/5/20 Commonwealth Court Order petitions requiring segregation of all provisional ballots cast on Election Day by voters who also submitted a timely mail in or absentee ballot. These court ordered segregated ballots would be subject to review and validation.
- 11/6/20 Justice Alito issues Order that any ballots received after 8pm on Election Day in PA be segregated and secured and if counted,

counted separately. There is a petition before SCOYTUS. Alito orders opposing side to reply by 2pm Saturday, November 7.

- Third Party entities and major political parties such as the Center for Voter Information purchased older, county voter rolls and mailed out mass distribution via the USPS thousands of unsolicited ballot applications to households and individuals. These mass mailings went to deceased voters, to former homeowners of a current homeowner, and to unregistered voters, to name a few scenarios. In some instances in Butler County, individuals filled out up to 15 different voter applications requesting a mail ballot per person. Each one of these 15 requests for a mail in ballot has to be processed through checks and balances for verification and to prevent duplication, as if it is the only and original request. These third party mailing entities also are generating hundreds of additional phone calls and taking time away from those applications needing to be processed. Adding insult to injury, often times, these third party entities utilize the County's Bureau of Election's return address as printed on the envelope in lieu of their own. This is misleading to the recipient who is led to believe that our county is mass distributing these mailers out? Taxpayers are led to believe we are using tax dollars to mail these mailers out, they are calling to verify that they are already registered as a voter and have been for years? This tactic is costing our taxpayers enormous tax dollars through time, effort, and manpower and distracting counties away from the focus of addressing applications in a timely and efficient manner. These same mailers have added to the confusion and anxiety of every voter wanting to do the right thing and that is, exercise their right to vote. This is a real problem that needs to be addressed.

- Finally, the US Postal Service needs to be addressed for the delay of processing and delivering mail in a timely and efficient manner. Butler County voters experienced many delays in receiving and returning ballots that took up to three to four weeks one way. This created thousands of phone calls. We have many accounts of ballots being mailed at the Butler Post Office across the street from the Bureau of Elections housed in Government Center that took 3 4 weeks and sometimes not at all to be returned to the Election Department. When inquired about, we were told they were considered "lost" in the mail system.
- This timeline is not inclusive of all the Governor's Orders pertaining to the Red Green, and Yellow Phases and Business Closures.

Evidence seems to point to a deliberate attempt to create confusion for voters and local election officials including local Judges of Elections, and to delay ballot delivery

to voters through SURE system issues, social media campaigns that encouraged voters to flood election bureaus with phone calls and emails, and early voting in election offices, all which hindered getting mail ballots to voters and forcing our office to cancel many initial mail ballots and issue new ballots. I can't say what happened in other Counties, but it appears Butler County may have been specifically and deliberately targeted by the state in this effort.

The Counties lack of control over mail ballots once they leave our chain of custody is problematic as we have no way of truly knowing what happens with that ballot before it comes back to the bureau. While there has always been absentee balloting, perhaps the early voting process provides a better solution than no excuse mail since it is done in person. Voting by mail, while intended to increase access, unfortunately creates an opportunity for those in power to manipulate and take advantage of vulnerable populations since we truly cannot ensure that it takes place without influence or intimidation. Empowering all to seek the truth about elections and candidates and to exercise their right to vote in person as much as possible should be our message to "disenfranchised" voters. It means that they get to feed their own vote into the scanner and essentially watch it be tallied, vs. relying on someone else to scan your ballot into the system or losing chain of custody of your own ballot. Pennsylvania has a lot of explaining to do and even more work to do to protect future elections from this embarrassing debacle.

Leslie Osche
Chairman, Board of Commissioners
Butler County, PA

FRANCIS X. RYAN, MEMBER
101ST LEGISLATIVE DISTRICT

Harrisburg Office:
P.O. Box 202101
Harrisburg, PA 17120-2101
(717) 783-1815

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

District Office:
1044 E. Main Street
Palmyra, PA 17078
(717) 838-3823

Email: fryan@pahousegop.com
www.RepFrankRyan.com

December 22, 2020

Senator Ron Johnson, Chairman
Committee on Homeland Security and
Governmental Affairs
328 Hart Senate Office Building
Washington, DC 20510

Congressman Scott Perry
1207 Longworth House Office
Building Washington, DC 20515

Dear Senator Johnson and Congressman Perry,

Once again, I thank you for the opportunity to present to your committee at the United States Senate on December 16, 2020. The following report and attachments are submitted as supplemental materials for the record.

Our concern is and has been the accuracy, transparency, and soundness of the election systems in the Commonwealth of Pennsylvania. Comments from the Secretary of State of the Commonwealth received during the hearing of December 16, 2020 cause additional concern since the ability to review the election results have been hampered by delays in data requests, systems shutdowns, and inaccessibility to the records needed to put to a rationale conclusion the concerns that millions have about this 2020 election ballot irregularities.

In light of our concerns, we researched additional inconsistencies to address more specifically the irregularities that we observed. The irregularities are well beyond any claims that could reasonably be made that it is a lack of experience with the systems that caused the concerns and instead points to significantly defective processes at various points of the vote tabulation from county level to the state level. Systems established to ensure that each voter can have only one vote failed on many levels which prevents any type of verification or reconciliation.

After the more detailed micro analysis of the data, we are still forced to conclude that the general election of 2020 in Pennsylvania was fraught with inconsistencies and documented irregularities associated with mail-in balloting, pre-canvassing, and canvassing to the point that the reliability of voting in the Commonwealth of Pennsylvania is impossible to rely upon.

Matter of judicial and administrative re-write election law:

1. Actions from the PA Supreme Court which undermined the controls inherent in Act 77 of 2019. The controls which were undermined include:
    a. On September 17, 2020, unilaterally extended the deadline for mail-in ballots to be received to three days after the election, mandated that ballots mailed without a postmark would be presumed to be received, and allowed the use of drop boxes for collection votes.
    b. On October 23, 2020, upon a petition from the Secretary of the Commonwealth, ruled that mail-in ballots need not authenticate signatures for mail-in ballots thereby treating in-person and mail-in voters dissimilarly and eliminating a critical safeguard against potential election crime
2. Actions and inactions by the Secretary of State which undermined the consistency and controls of the election process during the weeks preceding the General Election of November 3, 2020. The attached detailed letter of concerns from Butler County is but one example of the problems found at the County caused by the Secretary of State.

In addition to the concerns of the actions of the Secretary of State and the legislative overreach by the Pennsylvania Supreme Court, the inaccuracies of the actual results themselves call into question the accuracy of the SURE system, the consistency of the application of voting laws throughout the counties.

Errors in Controls

All of our previous concerns provided during our original testimony remain, but the following analysis of "Voter Deficit" illustrates that beyond the election law issue, there are sufficient numbers of ballots unaccounted for in the data available from the state and county systems to render certifying the election problematic at best.

Election Issues:

More Votes Counted than voters who voted

INTERIM REPORT TOTALS AS OF 12-20-2020

COUNTY	TOTAL VOTES 3 MAJOR CANDIDATES	TOTAL WRITE IN	TOTAL VOTES FOR PRESIDENT	OVER & UNDER VOTES	TOTAL BALLOTS CAST	TOTAL VOTERS SURE	TOTAL VOTER DEFICIT	TOTAL VOTER SURPLUS
	DOS DATA	COUNTY DATA				FVE		
64/67	6,915,283	18,580	6,931,060	29,077	6,962,607	6,760,230	-205,122	2,532

Using the sources and data described in the previous slides, there is a VOTER DEFICIT in Pennsylvania. **205,122** more votes were counted than total number of voters who voted.

People who possibly voted more than once

POSSIBLE DUPLICATE VOTERS

USING THE STATEWIDE FVE, A QUERY OF ALL RECORDS WHERE THE FIRST NAME, LAST NAME AND DATE OF BIRTH MATCHED AND WHERE BOTH RECORDED A VOTE ON 11/3/2020 – PRODUCED **4241 RECORDS**. THESE RECORDS WARRANT INVESTIGATION TO DETERMINE HOW MANY PEOPLE VOTED TWO OR MORE TIMES.

Duplicate Ballots: Requested and returned

DUPLICATE MAIL IN BALLOT APPLICATIONS

- County election officials were inundated with duplicate mail in ballot applications
- It was up to the county to review each new application and make a judgement call about whether to send a second mail in ballot
- There was no accounting of the excess mailed ballots.

Source: https://www.post-gazette.com/news/politics-state/2020/10/16/pennsylvania-rejected-mail-in-ballot-applications-duplicate-voters-absentee/stories/202010160153

"Overall, one out of every five requests for mail ballots is being rejected in Pennsylvania. An estimated 208,000 Pennsylvania voters sent in the spurned requests, some submitting them multiple times. Although the state's email rejecting the requests describes them as duplicates, it doesn't explain why, prompting some people to reapply. ProPublica and The Inquirer identified hundreds of voters who submitted three or more duplicate applications; one voter appears to have submitted 11 duplicates."

DUPLICATE APPLICATIONS

County	Total MIB Requests Approved	Duplicate Requests Rejected
ADAMS	9,476	2,001
ALLEGHENY	190,557	49,525
ARMSTRONG	3,996	1,367
BEAVER	16,893	5,362
BEDFORD	2,906	384
BERKS	42,084	7,544
BLAIR	9,578	2,993
BRADFORD	3,948	300
BUCKS	104,236	21,607
BUTLER	16,718	4,468
CAMBRIA	8,865	1,292
CAMERON	310	98
CARBON	5,470	1,011
CENTRE	17,952	3,483
CHESTER	88,238	24,433
CLARION	2,265	354
CLEARFIELD	4,894	892
CLINTON	2,229	392
COLUMBIA	5,264	693
CRAWFORD	6,584	782
CUMBERLAND	31,206	5,303
DAUPHIN	32,778	7,241
DELAWARE	71,523	14,779

ERIE	28,805	4,458
FAYETTE	7,955	1,504
FOREST	367	41
FRANKLIN	11,350	2,431
HUNTINGDON	2,874	441
INDIANA	6,879	1,139
JEFFERSON	3,464	1,000
JUNIATA	1,741	311
LACKAWANNA	24,740	5,796
LANCASTER	53,245	9,868
LAWRENCE	5,974	1,111
LEBANON	13,870	2,500
LEHIGH	65,991	16,[illegible]
LUZERNE	30,127	6,[illegible]
LYCOMING	5,879	1,[illegible]
MCKEAN	2,699	433
MERCER	9,668	1,[illegible]
MIFFLIN	2,493	3[illegible]
MONROE	18,[illegible]	3,[illegible]
MONTGOMERY	97,[illegible]	21,[illegible]
MONTOUR	1,[illegible]	240

NORTHAMPTON	47,[illegible]	8,[illegible]
NORTHUMBERLAND	6,[illegible]	1,[illegible]
PERRY	2,[illegible]	341
PHILADELPHIA	253,[illegible]	48,727
PIKE	6,[illegible]	1,[illegible]
POTTER	863	92
SCHUYLKILL	11,[illegible]	1,[illegible]
SNYDER	2,563	423
SOMERSET	4,190	1,[illegible]
SULLIVAN	371	36
SUSQUEHANNA	2,[illegible]	392
TIOGA	2,361	444
UNION	1,931	369
VENANGO	3,655	747
WARREN	3,[illegible]	1,[illegible]
WASHINGTON	21,829	4,557
WAYNE	5,[illegible]	1,[illegible]
WESTMORELAND	34,[illegible]	9,[illegible]
WYOMING	2,[illegible]	3[illegible]
YORK	42,[illegible]	10,[illegible]
TOTAL		336,001 as of 10/16/2020

Department of State released data showing the number of duplicate MIB Applications that had been rejected as of 10/16/202.

DOS did not release the number of duplicates that were mailed.

The evidence presented in the attached report clearly shows that there was no review of the validity of votes and there was no reconciliation of the votes. The review of the data provided in this report, which was available to the Secretary of State, clearly illustrates that the results in PA should not have been certified.

SURE IS THE OFFICIAL VOTER RECORD IN PA

- If SURE data was correct, the election could not be certified due to the discrepancies.
- If SURE data was incorrect, the election could not be certified due to discrepancies.

By Statute, the SURE System is the official voter record in Pennsylvania. This record includes the date last voted. Total voters who voted in the General Election on 11/3/2020 was **6,760,230**. Secretary of State Boockvar certified **6,915,283** Votes for just the three major candidates. That alone is a voter **deficit of 155,053 voters**.

(This does not include write-in votes or over/under votes)

The hotline designated for PA voters to report election issues was not working in the days following the election. The web form to report election issues was not functioning in the days following the election. Data that is supposed to be available to PA voters was removed from the data.pa.gov eliminating statutory requirements for transparency making any challenge to the Secretary of State's assertions a herculean task. We welcome the opportunity to work with the Secretary of State to resolve these concerns and the lack of transparency and inherent weaknesses in the control environment.

The report includes the detailed report of Voter Deficit and a Department of State timeline prepared by officials from Butler County, PA.

In light of the above, the inconsistencies and irregularities in the election process in the Commonwealth of Pennsylvania in the 2020 General Election raise questions about whether the selection of presidential electors for the Commonwealth is in dispute.

Francis X. Ryan, Member
101st Legislative District

Daryl Metcalfe, Member
12th Legislative District

David Rowe, Member
85th Legislative District

Barbara Gleim
Barbara Gleim
199th Legislative District

Mike Puskaric, Member
39th Legislative District

Cris Dush, Senator-Elect
25th Legislative District

Jim Cox, Member
129th Legislative District

Eric Nelson, Member
57th Legislative District

Kathy Rapp, Member
65th Legislative District

Rob Kauffman, Member
89th Legislative District

Russ Diamond, Member
102nd Legislative District

Brett Miller, Member
41st Legislative District

David Maloney, Member
130th Legislative District

Dawn Keefer, Member
92nd Legislative District

Stephanie Borowicz, Member
76th Legislative District

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Monday, December 28, 2020 11:45 PM
To:	Donoghue, Richard (ODAG)
Subject:	Re: Tomorrow

Sure. Will swing by.

Sent from my iPad

> On Dec 28, 2020, at 11:41 PM, Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov> wrote:
>
> Steve,
>
> I think you'll be at the 0900 meeting tomorrow. If you can make it there about 10 minutes early, please come by my office so I can read you into some antics that could potentially end up on your radar. If you're not in by then, no big deal, we can just talk after the meeting.
>
> Thanks,
>
> Rich

Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, December 31, 2020 6:21 PM
To: Donoghue, Richard (ODAG)
Subject: Re: any update?

Ok.

Sent from my iPhone

On Dec 31, 2020, at 6:18 PM, Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov> wrote:

Just left WH. Will call in a bit.

On Dec 31, 2020, at 4:20 PM, Engel, Steven A. (OLC) <saengel@jmd.usdoj.gov> wrote:

I'm going to have to head out of the office soon, since (b) (6) (b) (6) But I'll be available by cell ((b) (6) and could obviously come back to the office if need be.

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office: ((b) (6)

Rosen, Jeffrey A. (ODAG)

From:	Rosen, Jeffrey A. (ODAG)
Sent:	Thursday, December 31, 2020 6:41 PM
To:	Hovakimian, Patrick (ODAG)
Cc:	Donoghue, Richard (ODAG)
Subject:	Re: Tonight

When you are back, please come to my office. Thanks.

Sent from my iPhone

> On Dec 31, 2020, at 6:17 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:
>
> I'll be back in 20.
>
> Patrick Hovakimian
> (b) (6)
>
>> On Dec 31, 2020, at 6:14 PM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:
>>
>> We are now on way back to DOJ. Might need your help. Could you wait?
>>
>> Sent from my iPhone
>>
>>>> On Dec 31, 2020, at 6:01 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:
>>>
>>> I told [redacted]he should go ahead and go home if he'd like.
>>>
>>> I'm heading out in a minute too, but available by phone if needed.
>>>
>>> Patrick Hovakimian
>> (b) (6)

Clark, Jeffrey (ENRD)

From: Clark, Jeffrey (ENRD)
Sent: Friday, January 1, 2021 3:04 PM
To: (b) (6) ; Dustin Carmack
Subject: Call

Dustin please call me when you can:

(b) (6)

Jeff

Sent from my iPhone

Clark, Jeffrey (CIV)

From:	Clark, Jeffrey (CIV)
Sent:	Saturday, January 2, 2021 9:50 AM
To:	Rosen, Jeffrey A. (ODAG)
Subject:	Re: atlanta

I spoke to the source and am on with the guy who took the video right now. Working on it. More due diligence to do.

Jeff

Sent from my iPhone

> On Jan 2, 2021, at 8:52 AM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:
>
> ? Were you able to follow up?
>
> Sent from my iPhone
>
> > On Jan 1, 2021, at 8:24 PM, Clark, Jeffrey (CIV) <jefclark@civ.usdoj.gov> wrote:
> >
> > ? Thanks
> >
> > Sent from my iPhone
> >
> > > On Jan 1, 2021, at 8:24 PM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:
> > >
> > > ?
> > > BJ Pak's cell (b) (6)

Wall, Jeffrey B. (OSG)

From:	Wall, Jeffrey B. (OSG)
Sent:	Sunday, January 3, 2021 5:21 PM
To:	Philbin, Patrick F. EOP/WHO
Importance:	High

Pat,

Would you please call me? I just tried your cell.

Thanks,
Jeff
(b) (6)

Demers, John C. (NSD)

From:	Demers, John C. (NSD)
Sent:	Sunday, January 3, 2021 9:12 PM
To:	Hovakimian, Patrick (ODAG)
Subject:	Re: Call this afternoon

Amazing.

On Jan 3, 2021, at 9:07 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:

I have only limited visibility into this, but it sounds like Rosen and the cause of justice won. We will convene a call when Jeff is back in the building (hopefully shortly). Thanks.

From: Hovakimian, Patrick (ODAG)
Sent: Sunday, January 3, 2021 4:28 PM
To: Murray, Claire M. (OASG) <[redacted]Wall, Jeffrey B. (OSG) [redacted] Delrahim, Makan (ATR) <[redacted]; Engel, Steven A. (OLC) <[redacted] Demers, John C. (NSD) <[redacted]>; Burns, David P. (NSD) <[redacted] Burns, David (CRM) <[redacted]
Cc: Donoghue, Richard (ODAG) <[redacted]
Subject: Call this afternoon

Apologies for the Sunday reach-out. Please join Rich and me for a call at 4:45 p.m. Dial-in below.

(b) (6) [redacted], participant passcode: (b) (6)

Patrick Hovakimian
Associate Deputy Attorney General
United States Department of Justice
(b) (6) [redacted]

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Sunday, January 3, 2021 9:28 PM
To:	Hovakimian, Patrick (ODAG)
Cc:	Murray, Claire M. (OASG); Wall, Jeffrey B. (OSG); Delrahim, Makan (ATR); Demers, John C. (NSD); Burns, David P. (NSD); Burns, David (CRM); Dreiband, Eric (CRT); Donoghue, Richard (ODAG)
Subject:	Re: Call this afternoon

Still at WH. But that is correct.

Sent from my iPhone

On Jan 3, 2021, at 9:07 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:

I have only limited visibility into this, but it sounds like Rosen and the cause of justice won. We will convene a call when Jeff is back in the building (hopefully shortly). Thanks.

From: Hovakimian, Patrick (ODAG)
Sent: Sunday, January 3, 2021 4:28 PM
To: Murray, Claire M. (OASG) <[redacted]; Wall, Jeffrey B. (OSG) <[redacted]; Delrahim, Makan (ATR) <[redacted]>; Engel, Steven A. (OLC) <[redacted]; Demers, John C. (NSD) <[redacted]; Burns, David P. (NSD) <[redacted]>; Burns, David (CRM) <[redacted]
Cc: Donoghue, Richard (ODAG) <[redacted]
Subject: Call this afternoon

Apologies for the Sunday reach-out. Please join Rich and me for a call at 4:45 p.m. Dial-in below.

(b) (6) [redacted], participant passcode: (b) (6) [redacted]

Patrick Hovakimian
Associate Deputy Attorney General
United States Department of Justice
(b) (6) [redacted]

Donoghue, Richard (ODAG)

From:	Donoghue, Richard (ODAG)
Sent:	Sunday, January 3, 2021 9:47 PM
To:	Hovakimian, Patrick (ODAG)
Cc:	Murray, Claire M. (OASG); Wall, Jeffrey B. (OSG); Delrahim, Makan (ATR); Engel, Steven A. (OLC); Demers, John C. (NSD); Burns, David P. (NSD); Burns, David (CRM); Dreiband, Eric (CRT)
Subject:	Re: Call this afternoon

Please call in at 10:00 if you can. Thanks

> On Jan 3, 2021, at 4:28 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:
>
> Apologies for the Sunday reach-out. Please join Rich and me for a call at 4:45 p.m. Dial-in below.
>
> (b) (6), participant passcode: (b) (6)
>
> Patrick Hovakimian
> Associate Deputy Attorney General
> United States Department of Justice
> (b) (6)

Donoghue, Richard (ODAG)

From: Donoghue, Richard (ODAG)
Sent: Sunday, January 3, 2021 10:09 PM
To: Pak, BJay (USAGAN)
Subject: Please call ASAP

(b) (6)

Pak, BJay (USAGAN)

From:	Pak, BJay (USAGAN)
Sent:	Monday, January 4, 2021 7:41 AM
To:	[redacted](USAEO)
Cc:	[redacted](USAEO); Donoghue, Richard (ODAG)
Subject:	Resignation Letters
Attachments:	BJP Resignation Letter to the President.pdf; BJP Resignation to the Attorney General.pdf

[redacted]

Happy New Year. Please find attached my resignation letters addressed to the President and the Acting Attorney General. It has been an honor working with you.
Thank you

BJP

U.S. Department of Justice
United States Attorney
Northern District of Georgia

600 U.S. Courthouse
75 Ted Turner Drive S.W.
Atlanta, Georgia 30303

[redacted]

January 4, 2021

President Donald J. Trump
The White House
Washington, D.C. 20500

Dear Mr. President:

I am hereby submitting my resignation as United States Attorney for the Northern District of Georgia, effective today, January 4, 2021.

I deeply appreciate the opportunity to have served as United States Attorney. I wish you and your administration the best of luck and success.

Sincerely,

Byung J. "BJay" Pak
United States Attorney

U.S. Department of Justice
United States Attorney
Northern District of Georgia

600 U.S. Courthouse
75 Ted Turner Drive S.W.
Atlanta, Georgia 30303

[redacted]

January 4, 2021

Hon. Jeffrey A. Rosen
Acting Attorney General of United States
United States Department of Justice
Robert F. Kennedy Building, Room 5111
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Attorney General:

I am hereby submitting my resignation as United States Attorney for the Northern District of Georgia, effective today, January 4, 2021. It has been a great honor and privilege to have served these past three plus years as a United States Attorney by Presidential appointment.

Serving as a United States Attorney has been the highest honor and most fulfilling duty of my public career. The position has allowed me to serve the nation, positively impact my community, fight for justice for all victims, and restore the citizens' confidence in the government. Thank you for your support and the support of the Department of Justice during my tenure.

I deeply appreciate the opportunity to have served as the United States Attorney for the Northern District of Georgia. I wish you all the best.

Sincerely,

Byung J. "BJay" Pak
United States Attorney

cc: Corey Ellis, Acting Director, EOUSA

Pak, BJay (USAGAN)

From:	Pak, BJay (USAGAN)
Sent:	Monday, January 4, 2021 7:46 AM
To:	USAEO-USAttorneys
Cc:	Donoghue, Richard (ODAG)
Subject:	Farewell USAs

Dear Colleagues:
I hope all of you had a nice and safe holiday season. Today, I submitted my resignation to the President and the Acting Attorney General communicating my intention to step down as U.S. Attorney for the Northern District of Georgia.

Like all of you, serving as the U.S. Attorney has been the greatest honor of my professional career. But serving with such a talented and dedicated group of USAs made it even more special. If I look back at my almost a decade serving the Department of Justice (and USAO-NDGA office in particular), the most memorable and fulfilling moments involve working very closely with our law enforcement partners in keeping our communities safe. I take with me fond memories and the utmost respect I have for each and every one of you, and knowing that as a group, we made our country better, and safer, even though we were facing unprecedented challenges. I do wish and hope that at least some of you will consider continuing to serve our country -- our nation needs patriots like you to uphold the rule of law.

This is not a goodbye but a farewell. I will definitely keep in touch and look forward to the next time we are able to gather as a group.

As for me, no matter what position I am in, or what role I may play in the future, I want you to know you have my unwavering respect and support. If I can be of any assistance, please do not hesitate to contact me. I can be reached at:

BJay Pak
(b) (6) [redacted]
(b) (6) [redacted]

God bless you, and please stay safe and healthy.

Regards

BJP

BJay Pak
United States Attorney
Northern District of Georgia
75 Ted Turner Dr., SW, Suite 600
Atlanta, GA 30303

Donoghue, Richard (ODAG)

From: Donoghue, Richard (ODAG)
Sent: Monday, January 4, 2021 8:46 AM
To: Rosen, Jeffrey A. (ODAG)
Subject: Fwd: Farewell USAs

Begin forwarded message:

From: "Pak, BJay (USAGAN)" <BPak@usa.doj.gov>
Date: January 4, 2021 at 7:46:28 AM EST
To: USAEO-USAttorneys <USAEO-USAttorneys@usa.doj.gov>
Cc: "Donoghue, Richard (ODAG)" <ricdonoghue@jmd.usdoj.gov>
Subject: Farewell USAs

Dear Colleagues:
I hope all of you had a nice and safe holiday season. Today, I submitted my resignation to the President and the Acting Attorney General communicating my intention to step down as U.S. Attorney for the Northern District of Georgia.

Like all of you, serving as the U.S. Attorney has been the greatest honor of my professional career. But serving with such a talented and dedicated group of USAs made it even more special. If I look back at my almost a decade serving the Department of Justice (and USAO-NDGA office in particular), the most memorable and fulfilling moments involve working very closely with our law enforcement partners in keeping our communities safe. I take with me fond memories and the utmost respect I have for each and every one of you, and knowing that as a group, we made our country better, and safer, even though we were facing unprecedented challenges. I do wish and hope that at least some of you will consider continuing to serve our country -- our nation needs patriots like you to uphold the rule of law.

This is not a goodbye but a farewell. I will definitely keep in touch and look forward to the next time we are able to gather as a group.

As for me, no matter what position I am in, or what role I may play in the future, I want you to know you have my unwavering respect and support. If I can be of any assistance, please do not hesitate to contact me. I can be reached at:

BJay Pak
(b) (6) [redacted]
(b) (6) [redacted]

God bless you, and please stay safe and healthy.

Regards

BJP

BJay Pak
United States Attorney
Northern District of Georgia
75 Ted Turner Dr., SW, Suite 600
Atlanta, GA 30303
(b) (6)

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Monday, January 4, 2021 10:53 AM
To:	Pak, BJay (USAGAN)
Subject:	thanks for your service

Bjay: I heard about your resignation this morning. Many thanks for all of your service to the Department, and I hope that our paths do cross again. Best, Steve

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Offic (b) (6)

Donoghue, Richard (ODAG)

From:	Donoghue, Richard (ODAG)
Sent:	Monday, January 4, 2021 11:12 AM
To:	Pak, BJay (USAGAN)
Subject:	RE: Farewell USAs

You are a class act, my friend. Thank you.

From: Pak, BJay (USAGAN) <BPak@usa.doj.gov>
Sent: Monday, January 4, 2021 7:46 AM
To: USAEO-USAttorneys <USAEO-USAttorneys@usa.doj.gov>
Cc: Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov>
Subject: Farewell USAs

Dear Colleagues:
I hope all of you had a nice and safe holiday season. Today, I submitted my resignation to the President and the Acting Attorney General communicating my intention to step down as U.S. Attorney for the Northern District of Georgia.

Like all of you, serving as the U.S. Attorney has been the greatest honor of my professional career. But serving with such a talented and dedicated group of USAs made it even more special. If I look back at my almost a decade serving the Department of Justice (and USAO-NDGA office in particular), the most memorable and fulfilling moments involve working very closely with our law enforcement partners in keeping our communities safe. I take with me fond memories and the utmost respect I have for each and every one of you, and knowing that as a group, we made our country better, and safer, even though we were facing unprecedented challenges. I do wish and hope that at least some of you will consider continuing to serve our country -- our nation needs patriots like you to uphold the rule of law.

This is not a goodbye but a farewell. I will definitely keep in touch and look forward to the next time we are able to gather as a group.

As for me, no matter what position I am in, or what role I may play in the future, I want you to know you have my unwavering respect and support. If I can be of any assistance, please do not hesitate to contact me. I can be reached at:

BJay Pak
(b) (6) [redacted]
(b) (6) [redacted]

God bless you, and please stay safe and healthy.

Regards

BJP

BJay Pak
United States Attorney
Northern District of Georgia
75 Ted Turner Dr., SW, Suite 600
Atlanta, GA 30303
(b) (6)

Meadows Mark R. EOP/WHO

rom
Sent
To
Subject

O ig nal

Meadows Mark R. EOP/WHO
Tuesday December 29 2020 11 27 AM
Je f Bo ert
IMG 2230.jpg

USAerospace Partners

G7

Illustre Signor Presidente,

Le confermo la conoscenza diretta che le attività intraprese qui in Italia hanno avuto un impatto negativo per il Presidente degli Stati Uniti in merito alla manipolazione del voto elettorale del 3 e 4 novembre 2020.

Confermo che Leonardo SpA dalla sua struttura di Pesara utilizzando avanzate capacità di critiografia militare ha cambiato il risultato delle elezioni statunitensi dal presidente Trump a Joe Biden. Il data switch è siato condotto dal capo del dipartimento IT di Leonardo SpA in coordinamento con gli alti funzionari dell'intelligence statunitense (CIA), tre che lavorano presso l'Ambasciata degli Stati Uniti in Via Veneto a Roma. Alto funzionario dell'ambasciata degli Stati Uniti ha tenuto incontri regolari con il generale Claudio Graziano, comandante militare dell'UE e Ignzaio Moncada, presidente di FATA SpA, una società di proprietà di Leonardo Spa. la più grande azienda aerospaziale e della difesa con sede in Italia con l'omologo statunitense Leonardo DRS.

Il 3 dicembre il capo del dipartimento IT è siato arrestato a Napoli, dove resta. Abbiamo avuto un contatto diretto e confimo all'interno della struttura con il responsabile IT che ha accettato di testimoniare alle autorità statunitensi cosa è successo ai dati elettorali, come sono stati scambiati presso le strutture di Pescara / Fucino, caricati con tecnologia informatica su satelite militari e quali dati sono contenuta in una chiave elettronica per dimostrare il passaggio di dati dal presidente Trump che era chiaramente vincitore a Joe Biden il 4 novembre 2020.

I nostri associati nella parte conservatrice dei servizi segreti italiani hanno lavorato dall'inizio di novembre 2020 per garantire che la verità sia nota e il popolo americano possa rendersi conto del risultato votato: la rielezione del presidente Trump.

Roma, 27 dicembre 2020

Il Direttore
Carlo Goria

www.usaerospacepartners.com
carlo.goria@usaerospacepartners.com

Viole di Val Frorita Srl
00144 Roma - Italy

Doc ID: 582d13b8d7a248d1a86f00c9ac2583644 9eb74e5

Sent from my iPhone

USAerospace Partners

G7

Illustre Signor Presidente,

Le confermo la conoscenza diretta che le attività intraprese qui in Italia hanno avuto un impatto negativo per il Presidente degli Stati Uniti in merito alla manipolazione del voto elettorale del 3 e 4 novembre 2020.

Confermo che Leonardo SpA dalla sua struttura di Pesara utilizzando avanzate capacità di crittografia militare ha cambiato il risultato delle elezioni statunitensi dal presidente Trump a Joe Biden. Il data switch è stato condotto dal capo del dipartimento IT di Leonardo SpA in coordinamento con gli alti funzionari dell'intelligence statunitense (CIA), tre che lavorano presso l'Ambasciata degli Stati Uniti in Via Venetto a Roma. Alto funzionario dell'ambasciata degli Stati Uniti ha tenuto incontri regolari con il generale Claudio Graziano, comandante militare dell'UE e Ignzaio Moncada, presidente di FATA SpA, una società di proprietà di Leonardo Spa, la più grande azienda aerospaziale e della difesa con sede in Italia con l'omologo statunitense Leonardo DRS.

Il 3 dicembre il capo del dipartimento IT è stato arrestato a Napoli, dove resta. Abbiamo avuto un contatto diretto e continuo all'interno della struttura con il responsabile IT che ha accettato di testimoniare alle autorità statunitensi cosa è successo ai dati elettorali, come sono stati scambiati presso le strutture di Pescara / Fucino, caricati con tecnologia informatica su satelitte militari e quali dati sono contenuta in una chiave elettronica per dimostrare il passaggio di dati dal presidente Trump che era chiaramente vincitore a Joe Biden il 4 novembre 2020.

I nostri associati nella parte conservatrice dei servizi segreti italiani hanno lavorato dall'inizio di novembre 2020 per garantire che la verità sia nota e il popolo americano possa rendersi conto del risultato votato: la rielezione del presidente Trump.

Roma, 27 dicembre 2020

Il Direttore
Carlo Goria

www.usaerospacepartners.com
carlo.goria@usaerospacepartners.com
Viole di Val Frorita Srl
00144 Roma - Italy

Meadows, Mark R. EOP/WHO

From:	Meadows, Mark R. EOP/WHO
Sent:	Wednesday, December 30, 2020 9:31 AM
To:	Jeff Rosen
Subject:	Fwd: [EXTERNAL] Fwd: December 4, 2020 - Petition and Press Statement - R Smith.docx
Attachments:	December 4, 2020 - Press Statement - R Smith.docx; VERIFIED PETITION TO CONTEST GEORGIA ELECTION.pdf

Can you have your team look into these allegations of wrongdoing. Only the alleged fraudulent activity.
Thanks Mark

Sent from my iPhone

Begin forwarded message:

From: Mark Meadows <(b) (6) >
Date: December 30, 2020 at 9:28:38 AM EST
To: "Meadows, Mark R. EOP/WHO" <(b) (6) >
Subject: [EXTERNAL] Fwd: December 4, 2020 - Petition and Press Statement - R Smith.docx

Sent from my iPhone

Begin forwarded message:

From: "Mitchell, Cleta" [redacted]
Date: December 30, 2020 at 9:07:45 AM EST
To: Mark Meadows <(b) (6) >
Subject: December 4, 2020 - Petition and Press Statement - R Smith.docx

This is the petition filed in GA state court and the press release issued about it.

I presume the DOJ would want all the exhibits - that's 1800 pages total. I need to get someone to forward that to a drop box.

Plus I don't know what is happening re investigating the video issues in Fulton County. And the equipment. We didn't include the equipment in our lawsuit but there are certainly many issues and questions that some resources need to be devoted to reviewing. We had no way to conduct proper due diligence to include the equipment / software.

Cleta Mitchell, Esq.
Foley & Lardner, LLP
[redacted]
(b) (6) [redacted] (cell)
[redacted] (office)
Sent from my iPhone

FOR IMMEDIATE RELEASE

December 4, 2020

TRUMP CAMPAIGN FILES ELECTION CONTEST IN GEORGIA

Election Contest Lawsuit Documents Tens Thousands of Illegal Votes Included in the GA Presidential Vote Totals Rendering November 3, 2020 Election Results Null and Void; Suit Asks Court to Vacate and Enjoin the Certification of the Election

ATLANTA, GA - The Trump Campaign filed an election contest today in Georgia state court seeking to invalidate the state's November 3, 2020 presidential election results. Joining President Trump and the Trump campaign in the lawsuit is David Shafer, Chairman of the Georgia Republican Party, who is also a Trump presidential elector.

"What was filed today clearly documents that there are literally tens of thousands of illegal votes that were cast, counted, and included in the tabulations the Secretary of State is preparing to certify," said Ray S. Smith III, lead counsel for the Trump Campaign. "The massive irregularities, mistakes, and potential fraud violate the Georgia Election Code, making it impossible to know with certainty the actual outcome of the presidential race in Georgia."

Attached to the complaint are sworn affidavits from dozens of Georgia residents swearing under penalty of perjury to what they witnessed during the election: failure to process and secure the ballots, failure to verify the signatures on absentee ballots, the appearance of mysterious "pristine" absentee ballots not received in official absentee ballot envelopes that were voted almost solely for Joe Biden, failure to allow poll watchers meaningful access to observe the election, among other violations of law.

Data experts also provided sworn testimony in the lawsuit identifying thousands of illegal votes: 2,560 felons; 66,247 underage voters, 2,423 votes from people not registered; 1,043 individuals registered at post office boxes; 4,926 individuals who voted in Georgia after registering in another state; 395 individuals who voted in two states; 15,700 votes from people who moved out of state before the election; 40,279 votes of people who moved without re-registering in their new county; and another 30,000 to 40,000 absentee ballots lacking proper signature matching and verification.

MORE

2-2-2

"The Secretary of State has orchestrated the worst excuse for an election in Georgia history," added Smith. "We are asking the Court to vacate the certification of the presidential election and to order a new statewide election for president. Alternatively, we are asking the Court to enjoin the certification and allow the Georgia legislature to reclaim its duty under the U.S. Constitution to appoint the presidential electors for the state," Smith concluded,

###

For additional information contact:

Meadows, Mark R. EOP/WHO

From
Sent
To
Subject

Meadows, Mark R. EOP/WHO
Wednesday, December 30, 2020 9:43 AM
Jeffries
IMG_2290.jpg

Have a he English translation

USAerospace Partners
G7

Illustrious Mr. President:

I confirm my direct knowledge that activities undertaken here in Italy have had a negative impact for the President of the U.S. regarding the manipulation of the electoral vote of November 3rd and 4th, 2020.

I confirm that Leonardo SpA at its Pesara facility, using advanced military encryption capabilities, changed the US election result from President Trump to Joe Biden. The data switch was conducted by the head of the IT department of Leonardo SpA in coordination with senior US intelligence officials (CIA), three of whom work at the US Embassy in Via Venetto in Rome. A senior US Embassy Official held regular meetings with General Claudio Graziano, EU military commander, and Ignazio Moncada, president of FATA SpA, a company owned by Leonardo SpA, the largest aerospace trust company based in Italy with its American counterpart, Leonardo DRS.

On December 3rd, the head of the IT department was arrested in Naples, where he remains. We had direct and continuous contact within the organization with the IT manager who agreed to testify to the US authorities concerning what happened to the electoral data — how they were changed at the Pesscara / Fucino facilities, were loaded with information technology on military satellites, and what data is contained in an electronic key to demonstrate the changing of the data from President Trump who was clearly the winner to Joe Biden on November 4th, 2020.

Our associates in the conservative part of the Italian secret services have been working since the beginning of November, 2020, to ensure that the truth is known and that the American people realize the result voted for: the re-election of President Trump.

Rome, December 27th, 2020.

The Director
Carlo Gonia

Sent from my iPhone

USAerospace Partners
G7

Illustrious Mr. President:

I confirm my direct knowledge that activities undertaken here in Italy have had a negative impact for the President of the U.S. regarding the manipulation of the electoral vote of November 3rd and 4th, 2020.

I confirm that Leonardo SpA at its Pesara facility, using advanced military encryption capabilities, changed the US election result from President Trump to Joe Biden. The data switch was conducted by the head of the IT department of Leonardo SpA in coordination with senior US intelligence officials (CIA), three of whom work at the US Embassy in Via Venetto in Rome. A senior US Embassy Official held regular meetings with General Claudio Graziano, EU military commander, and Ignazio Moncada, president of FATA SpA, a company owned by Leonardo SpA, the largest aerospace trust company based in Italy with its American counterpart, Leonardo DRS.

On December 3rd, the head of the IT department was arrested in Naples, where he remains. We had direct and continuous contact within the organization with the IT manager who agreed to testify to the US authorities concerning what happened to the electoral data — how they were changed at the Pesscara / Fucino facilities, were loaded with information technology on military satellites, and what data is contained in an electronic key to demonstrate the changing of the data from President Trump who was clearly the winner to Joe Biden on November 4th, 2020.

Our associates in the conservative part of the Italian secret services have been working since the beginning of November, 2020, to ensure that the truth is known and that the American people realize the result voted for: the re-election of President Trump.

Rome, December 27th, 2020.

The Director
Carlo Goria

Meadows, Mark R. EOP/WHO

From: Meadows, Mark R. EOP/WHO
Sent: Friday, January 1, 2021 3:08 PM
To: Jeff Rosen
Subject: Fwd: [EXTERNAL] Brad Johnson: Rome, Satellites, Servers: an Update - YouTube

Sent from my iPhone

Begin forwarded message:

From: Mark Meadows <(b) (6) [redacted]>
Date: January 1, 2021 at 3:06:53 PM EST
To: "Meadows, Mark R. EOP/WHO" <(b) (6) [redacted]>
Subject: [EXTERNAL] Brad Johnson: Rome, Satellites, Servers: an Update - YouTube

https://www.youtube.com/watch?v=YwtbK5XXAMk&feature=youtu.be<

Sent from my iPhone

Meadows, Mark R. EOP/WHO

From: Meadows, Mark R. EOP/WHO
Sent: Friday, January 1, 2021 4:13 PM
To: Rosen, Jeffrey A. (ODAG)
Subject: Re: [EXTERNAL] Fwd:

There have been allegations of signature match anomalies in Fulton county, Ga. Can you get Jeff Clark to engage on this issue immediately to determine if there is any truth to this allegation

Sent from my iPhone

> On Jan 1, 2021, at 3:22 PM, Rosen, Jeffrey A. (ODAG) <Jeffrey.Rosen38@usdoj.gov> wrote:
>
> Got it. Thanks.
>
> **From:** Meadows, Mark R. EOP/WHO <(b) (6) [redacted] >
> **Sent:** Friday, January 1, 2021 3:09 PM
> **To:** Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov>
> **Subject:** Re: [EXTERNAL] Fwd:
>
> You should have it now
>
> Sent from my iPhone
>
> > On Jan 1, 2021, at 2:51 PM, Rosen, Jeffrey A. (ODAG) <Jeffrey.Rosen38@usdoj.gov> wrote:
> >
> > Did not receive the video link. Can you re-send?

Donoghue, Richard (ODAG)

From:	Donoghue, Richard (ODAG)
Sent:	Friday, January 1, 2021 4:28 PM
To:	Rosen, Jeffrey A. (ODAG)
Subject:	Re: [EXTERNAL] Fwd:

At least it's better than the last one, but that doesn't say much.

On Jan 1, 2021, at 4:22 PM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:

Can you believe this? I am not going to respond to message below.

From: Meadows, Mark R. EOP/WHO <(b) (6) [redacted]>
Sent: Friday, January 1, 2021 4:13 PM
To: Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov>
Subject: Re: [EXTERNAL] Fwd:

There have been allegations of signature match anomalies in Fulton county, Ga. Can you get Jeff Clark to engage on this issue immediately to determine if there is any truth to this allegation

Sent from my iPhone

On Jan 1, 2021, at 3:22 PM, Rosen, Jeffrey A. (ODAG) <Jeffrey.Rosen38@usdoj.gov> wrote:

Got it. Thanks.

From: Meadows, Mark R. EOP/WHO <(b) (6) [redacted]>
Sent: Friday, January 1, 2021 3:09 PM
To: Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov>
Subject: Re: [EXTERNAL] Fwd:

You should have it now

Sent from my iPhone

On Jan 1, 2021, at 2:51 PM, Rosen, Jeffrey A. (ODAG) <Jeffrey.Rosen38@usdoj.gov> wrote:

Meadows, Mark R. EOP/WHO

From:	Meadows, Mark R. EOP/WHO
Sent:	Friday, January 1, 2021 6:56 PM
To:	Jeff Rosen
Subject:	2020 Ballot Security - New Mexico Complaints.docx
Attachments:	2020 Ballot Security - New Mexico Complaints.docx

Can you forward this list to your team to review the allegations contained herein. Steve Pearce is the chairman of the Republican Party for NM (b) (6)

Sent from my iPhone

New Mexico List of Complaints

1. Poll Challengers removed from the Absentee Ballot Certification Process
    a. RPNM notified the Secretary of State in timely fashion and she refused to allow challengers access to the process
    b. RPNM took this complaint to the NM Supreme Court (4 Democrats, 1 Republican) in timely fashion; they refused to hear the case.
    c. Local races were lost by a few votes in several counties where the Party was not present to verify the Absentee Ballots.
2. Poll Challengers were unable to adequately do their job
    a. Some counties forced them away from the ballot counting process, sometimes as much as 50 feet away, making it impossible to verify correct procedures were used.
    b. Republican Poll Challengers were met with outright hostility by some county clerks.
3. Dominion Machines are the only machines used in New Mexico
    a. Many Anomalies were encountered
        i. Vote dumps in the middle of the night when no counting was taking place
        ii. In each instance of vote dump, the Democrat candidate was the beneficiary.
    b. Three automatic recounts took place
        i. Republican challengers were met with hostility and attempts to keep them out of the recount
        ii. Dominion Representatives were allowed into each recount.
        iii. Our data team had noticed a pattern in all the Dominion machines where vote totals below 120 votes had one pattern but when the total votes in the machine exceeded that number, the voting pattern was significantly different.
        iv. In order to test their theory, RPNM instructed our challengers to request that the 100 sample ballots be fed thru the machine a second time.
            1. The Dominion Representatives objected strenuously
            2. The theory was never tested because the County Clerks in each instance gave in to the pressure from the Dominion Representatives.
    c. Our Data Team has reviewed voter files back to 1992
        i. They have identified anomalies that have become increasingly sophisticated through the years
        ii. Recent data patterns suggest between 10-20% vote shifts in recent years, including the 2020 Presidential Election.
4. Absentee ballot requests
    a. We have documented cases of absentee ballots being requested by someone other than the voter, the signature not the same name as the voter and live absentee ballots were mailed.
5. Other Irregularities
    a. Multiple documented cases of dead people voting
    b. Multiple cases of persons who moved out of the state years ago receiving ballots.
6. The Trump Legal team
    a. Has filed a lawsuit against the SOS

b. Has filed two IPRA requests to the SOS
    i. The SOS responded that they would provide the information by 30 December, 2020
    ii. On 31 December, she notified the Trump team she would not provide the information until January 14, 2021.

7. Notarized Affidavits
    a. RPNM has in hand many signed and notarized affidavits of problems individual voters encountered.
    b.

Rosen, Jeffrey A. (ODAG)

From:	Rosen, Jeffrey A. (ODAG)
Sent:	Friday, January 1, 2021 7:13 PM
To:	Donoghue, Richard (ODAG)
Subject:	RE: [EXTERNAL] Brad Johnson: Rome, Satellites, Servers: an Update - YouTube

Yes. After this message, I was asked to have FBI meet with Brad Johnson, and I responded that Johnson could call or walk into FBI's Washington Field Office with any evidence he purports to have. On a follow up call, I learned that Johnson is working with Rudy Giuliani, who regarded my comments as "an insult". Asked if I would reconsider, I flatly refused, said I would not be giving any special treatment to Giuliani or any of his "witnesses", and re-affirmed yet again that I will not talk to Giuliani about any of this.

From: Donoghue, Richard (ODAG) <ricdonoghue@jmd.usdoj.gov>
Sent: Friday, January 1, 2021 3:39 PM
To: Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov>
Subject: Re: [EXTERNAL] Brad Johnson: Rome, Satellites, Servers: an Update - YouTube

Pure insanity.

> On Jan 1, 2021, at 3:22 PM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:
>
> ---
>
> **From:** Meadows, Mark R. EOP/WHO <(b) (6) [redacted]>
> **Sent:** Friday, January 1, 2021 3:08 PM
> **To:** Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov>
> **Subject:** Fwd: [EXTERNAL] Brad Johnson: Rome, Satellites, Servers: an Update - YouTube
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Mark Meadows (b) (6) [redacted]>
> **Date:** January 1, 2021 at 3:06:53 PM EST
> **To:** "Meadows, Mark R. EOP/WHO" <(b) (6) [redacted]>
> **Subject: [EXTERNAL] Brad Johnson: Rome, Satellites, Servers: an Update - YouTube**
>
> https://www.youtube.com/watch?

v=YwtbK5XXAMk&feature=youtu.be<

Sent from my iPhone