

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

JOHN PAUL MORAN,)
 CAROLINE COLARUSSO,)
 HELEN BRADY,)
 INGRID CENTURION,)
 CRAIG VALDEZ,)
 Plaintiffs)
 v.)
 COMMONWEALTH of)
 MASSACHUSETTS,)
 CHARLES D. BAKER JR.)
 in his official capacity as)
 Governor of the Commonwealth,)
 WILLIAM F. GALVIN)
 in his official capacity as)
 Secretary of the Commonwealth,)
 Defendants)

COMPLAINT AND EMERGENCY
MOTION FOR PRELIMINARY
INJUNCTION

FILED
 IN CLERKS OFFICE
 2020 DEC -7 PM 1:02
 U.S. DISTRICT COURT
 DISTRICT OF MASS.

INTRODUCTION

John Paul Moran, Caroline Colarusso, and Helen Brady, candidates for US Congress in Massachusetts in the November 3, 2020 election, and Ingrid Centurion and Craig Valdez, candidates for Massachusetts State Representative in the November 3, 2020 election, file this Complaint and Emergency Motion for Preliminary Injunction against Defendants the Commonwealth of Massachusetts, Charles D. Baker Jr. in his official capacity as Governor of the Commonwealth, and William F. Galvin, in his capacity of Secretary of the Commonwealth of Massachusetts. The overarching considerations for a complaint and emergency preliminary injunction are the compelling exigencies raised in this complaint which are of statewide and national concern; Plaintiffs raise matters that go to the core of the electoral process and involve the constitutionality and reliability of how the citizens of this Commonwealth may cast their

votes, not only for the offices sought by Plaintiffs, but also, for the office of President and Vice President of the United States of America as well as federal, statewide, regional and local offices. This civil action brings to light election fraud, violations of the United States Constitution and the Massachusetts Constitution, and violations of federal election laws and Massachusetts election laws, in addition to the Equal Protection Clause of the U.S. Constitution, violations that occurred during the 2020 General Election throughout the Commonwealth of Massachusetts. In support thereof Plaintiffs would show unto the Court the following matters and facts:

Massachusetts No-Excuse Vote By Mail Is Unconstitutional

1. Plaintiffs allege that the Act of July 6, 2020, Bill H.4820, an Act Relative To Voting Options In Response to COVID-19 signed into law by Defendant Charles D. Baker (“Governor Baker”), which added and amended various absentee and mail-in voting provisions in the Massachusetts Election Code, is unconstitutional and void ab initio because it contravenes the requirements of the United States Constitution and the Massachusetts Constitution and thereby equally infringes on the powers granted to the Massachusetts state legislature under Article I § 4, and Article II § 1 of the US Constitution. Plaintiffs argue that the Elections and Electors Clauses of the United States Constitution do not permit Massachusetts to violate its own state constitution’s restrictions on its lawmaking power when enacting legislation for the conduct of federal elections. In addition, this Court has subject matter jurisdiction under 28 U.S.C. § 1343 because this involves a federal election for Congress and for President of the United States.
2. Several Massachusetts Representatives in the State House appear to support Plaintiff’s argument as they had themselves previously petitioned for a legislative amendment to the Massachusetts Constitution to provide for no-excuse absentee voting in 2019 via House Docket No. 3811 (see Exhibit A), which was not adopted; these Representatives clearly

recognized that they are required to use a lawful legislative process to change the state Constitution in order to create an amendment to allow for no-excuse absentee voting.

3. Plaintiffs assert that Article CV of the Massachusetts Constitution provides a mechanism by which a qualified elector may cast his or her vote by absentee ballot in an election, only if the qualified voter satisfies the conditions precedent to meet the requirements of one of three limited exclusive circumstances under which absentee voting is authorized under the Massachusetts Constitution, only by qualified voters of the commonwealth who, at the time of such an election, are (1) absent from the city or town of which they are inhabitants, or (2) are unable by reason of physical disability to cast their votes in person at the polling places, or (3) who hold religious beliefs in conflict with the act of voting on the day on which such an election is to be held; there is no provision for expanding these exclusive circumstances, and this can only be done with a constitutional amendment.

Article CV

Article XLV of the articles of amendment to the constitution, as amended by Article LXXVI of said articles of amendment, is hereby annulled and the following is adopted in place thereof:

The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by **qualified voters of the commonwealth who, at the time of such an election, are absent from the city or town of which they are inhabitants or are unable by reason of physical disability to cast their votes in person at the polling**

places or who hold religious beliefs in conflict with the act of voting on the day on which such an election is to be held. [emphasis added]

4. Plaintiffs allege that mail-in voting in the form implemented through Bill H.4820 is an attempt by the legislature to circumvent the Constitution to fundamentally overhaul the Massachusetts voting system and permit universal, no-excuse, mail-in voting absent any constitutional authority. This Act is the most expansive and fundamental change to the Massachusetts election code, implemented illegally, to date. Plaintiffs allege that Defendants, in conjunction with the Massachusetts Senate and House of Representatives, used the COVID-19 health crisis to unconstitutionally change voting laws in the Commonwealth, claiming that the Bill H.4820 was enacted to “provide for increased voting options in response to COVID-19, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience”; however Plaintiffs strongly argue that this Act is entirely unconstitutional and that other options existed to effectively address the public health crisis and protect the safety of voters while upholding the Massachusetts Constitution and law, such as alternatively providing for expanded additional polling locations on election day which would allow for safe social distancing to adequately preserve public health, and maintaining lawful absentee voting options which include a provision for physical disability, including COVID-19: for elections held through December 31, 2020, Massachusetts state law clarifies that any person taking precautions relating to COVID-19 qualifies for an absentee ballot by reason of physical disability¹.

¹ <https://www.sec.state.ma.us/ele/eleabsentee/absidx.htm>

5. Plaintiffs argue that in order to amend its state constitution, mandatory procedural requirements must be strictly followed according to Article XLVIII of the Massachusetts Constitution; as with every other amendment to the Massachusetts Constitution, such an amendment faces additional hurdles and requirements imposed by the Massachusetts Constitution before it becomes law and its changes have any valid, legally binding effect. According to Plaintiffs, the Massachusetts legislature did not follow the necessary procedures for amending the Constitution before enacting Bill H.4820 which created a new category of “no excuse” mail-in voting; therefore, the mail-in ballot scheme under Bill H.4820 is unconstitutional on its face and the Plaintiffs argue that it must be struck down, and all mail-in ballots that do not meet the requirements of one of the three limited exclusive circumstances noted above should be considered invalid and removed from the vote counts for the Massachusetts 2020 federal and state elections.

Massachusetts Early Voting Is Unconstitutional

6. Plaintiffs allege that the Act of July 6, 2020, Bill H.4820, an Act Relative To Voting Options In Response to COVID-19, which added and amended early voting provisions in the Massachusetts Election Code, is unconstitutional and void ab initio because it contravenes the requirements of the US Constitution and Massachusetts Constitution.
7. Plaintiffs argue that Article IX of the Massachusetts Constitution provides that the inhabitants of this Commonwealth “have an equal right to elect officers, *and to be elected*, for public employments” [emphasis added], and that the early voting provisions in the form implemented through Bill H.4820, which allowed early voting to begin on October 17, 2020, a full seventeen (17) days before the general election on November 3rd, 2020, constitutes a violation of Article IX as this early voting provision in Bill H.4820

unequally benefits incumbents and harms challengers competing for elected office in Massachusetts, whose recent primary occurred just 46 days before early voting on September 1st.

8. Plaintiffs argue that this Act also violates the Equal Protection Clause in the 14th Amendment of the US Constitution, which implies that no State has the right to deny anyone within its jurisdiction equal protection of the law; by allowing for 17 days of early voting before the election on November 3rd, incumbent candidates were given a clearly unequal advantage over their challengers as a result of the Commonwealth of Massachusetts enacting Bill H.4820. This Act represents, in effect, an unfair and unequal incumbent protection scheme; voters tend to vote for the candidates who have name recognition, a commodity that incumbents generally come into the race with and challengers hope to acquire in limited time, who are unequally and disproportionately disadvantaged by a significantly shorter campaign as a result of the early voting provisions in Bill H.4820, and therefore suffer a disadvantage as challengers to being elected compared to incumbents.
9. Plaintiffs additionally argue that Article CV of the Massachusetts Constitution clearly envisions a *singular* voting day and not a number of days or weeks of voting for an election, with specific wording in Article CV regarding elections including “the act of voting *on the day on which such an election is to be held.*” – note the term “voting day” is unambiguously singular and not plural, therefore the Plaintiffs argue that the extended early voting period in H.4280 is unconstitutional in this respect.
10. Plaintiffs allege that early voting in the form implemented through Bill H.4820 is an attempt by the legislature to fundamentally overhaul the Massachusetts voting system and

permit early voting absent any constitutional authority; additionally, the Elections and Electors Clauses of the United States Constitution do not permit Massachusetts to violate its own state constitution's restrictions on its lawmaking power when enacting legislation for the conduct of federal elections.

11. Plaintiffs allege that Defendants used the COVID-19 health crisis to unconstitutionally change voting laws in the Commonwealth, and that other constitutional options existed to effectively address the public health crisis per Plaintiffs' argument in Paragraph 4 above. Plaintiffs argue that their equal right to be elected for public employments is a guaranteed right in the US Constitution and in the Massachusetts Constitution per Article IX and that an amendment to the Massachusetts Constitution limiting this right is not permitted per Article XLVII, Part II Section 2, which states that no proposition inconsistent with the following right of the individual, as at present declared in the declaration of rights, shall be the subject of an initiative or referendum petition, including freedom of elections. According to Plaintiffs, the Massachusetts legislature acted in clear violation of the Constitution by enacting Bill H..4820 which instituted early voting absent any constitutional authority; therefore, the early voting scheme under Bill H.4820 is unconstitutional and the Plaintiffs argue that it must be struck down, and all early voting ballots should be considered invalid and removed from the vote counts for the Massachusetts 2020 federal and state elections.

Electronic Voter Data and Tabulator Ballot Images Deleted in Violation of US Law

12. Plaintiffs allege that all election voting data stored in the electronic voting machines used in the Commonwealth is subject to deletion as of 30 days after an election, when the machines are made available for reset and preparation for use in the succeeding election, according to Massachusetts General Law – Part I, Title VIII, Chapter 54, Section 135A.

Plaintiffs argue that this is a violation of federal law and of particular concern when federal and state election results are currently being challenged here in Massachusetts and contested in states across the country, like Georgia, Michigan, Pennsylvania, and more. Further, election tabulator vendors were instructed by Defendant Galvin and the Commonwealth of Massachusetts Election Division to disable the functionality which allows the electronic tabulators to capture and store ballot images, and ordering that the electronic voting tabulators used in Massachusetts must delete such ballot images used to tabulate the vote in the recent November 3, 2020 federal and state elections in which the Plaintiffs were candidates. This is confirmed in a published article in the AP News Service on September 28, 2020, where a spokesperson for Secretary of the Commonwealth of Massachusetts William Galvin, Debra O'Malley said: "Massachusetts election equipment does not capture and preserve ballot images when it tabulates votes"².

13. The above acts violate 52 USC 20701 and 20702, which specifically requires that retention and preservation of all records and papers by officers of elections, and which prohibits the theft, destruction, concealment, mutilation, or alteration of such records or papers. Ballot images from voting machines, and electronic voter data from voting machines, are records that require retention and preservation. There is no transparent audit of the voting data and ballot images used for tabulating the vote count for any of the candidates on the ballot, and as of the date of this complaint, all electronic voter data captured in the electronic voting machines in the Commonwealth is subject to reset and deletion; the declared vote counts for the 2020 federal and state elections are therefore

² <https://apnews.com/article/fact-checking-afs:Content:9472752830>

unreliable and only a manual recount of the legally valid ballots will determine the accurate and legal vote counts for the November 2020 election.

Dominion Voting Systems Fraud and Manipulation

14. Plaintiffs allege that, at the direction and approval of Defendant Galvin and the Commonwealth of Massachusetts Election Division, electronic voting tabulation machines and software manufactured by Dominion Voting Systems were used by 255 out of the 351 towns and cities throughout the Commonwealth of Massachusetts to tabulate the vote count in the recent November 3, 2020 federal and state elections in which the Plaintiffs were candidates.
15. Plaintiffs argue that Dominion Voting Systems machines and software have been shown to be unreliable and feature many vulnerabilities that would allow a person or persons to manipulate election results, by allowing machine operators or others to change the intended vote of the voter or modify vote counts via a “weighted race feature” in the machines which can assign fractions to each vote cast, in violation of state and federal election law; Texas, for example, rejected the use of these machines for these reasons. Democrat Senators Elizabeth Warren and Amy Klobuchar signed a letter on December 6, 2019 warning of similar concerns, stating that electronic voting systems across the country are “prone to security problems” and that in 2018 alone “voters in South Carolina [were] reporting machines that switched their votes after they’d inputted them, scanners [were] rejecting paper ballots in Missouri...”, and researchers recently uncovered previously undisclosed vulnerabilities in “nearly three dozen backend election systems in 10 states” (see Exhibit B). Reference a Complaint for Declaratory, Emergency and Permanent Injunctive Relief filed against Michigan state officials in US District Court,

Eastern District of Michigan, filed on November 25, 2020, which extensively asserts an especially egregious range of conduct in Wayne County and the City of Detroit with respect to alleged election fraud perpetrated by the use of Dominion Voting Systems, Case 2:20-cv-13134-LVP-RSW ECF No. 1.³

16. Also see Affidavit of Russell James Ramsland, Jr. (see Exhibit C), a management team member of Allied Security Operations Group, LLC. (ASOG) which provides a range of security services with a particular emphasis on cyber security, OSINT and PEN testing of networks, in which he confirms a large number of hacking and tampering vulnerabilities of Dominion voting systems, and he states “My colleagues and I at ASOG have studied the information that is publicly available concerning the November 3, 2020, election results. Based on the significant anomalies and red flags that we have observed, we believe there is a significant probability that election results have been manipulated within the Dominion/Premier system in Michigan.”. Further evidence of security vulnerabilities of Dominion voting machines and software are evidenced in the sworn statement by Navid Keshavarz-Nia (see Exhibit D), a chief cyber security engineer and a subject-matter expert in cyber security employed by a large defense contractor who has a Ph.D. degree in Management of Engineering and Technology from Cal Southern University and has advanced training from the Defense Intelligence Agency (DIA), Central Intelligence Agency (CIA), National Security Agency (NSA), DHS office of Intelligence & Analysis (I&A) and Massachusetts Institute of Technology (MIT). The very same vulnerabilities described in the three referenced attachments are present in the

³ <https://defendingtherepublic.org/wp-content/uploads/2020/11/Michigan-Complaint.pdf>

Dominion Voting Systems and software used throughout Massachusetts; the declared vote counts for the 2020 federal and state elections are therefore unreliable and only a manual recount of the legally valid ballots will determine the accurate and legal vote counts for the November 2020 election.

Mail-In Ballot Signatures Are Not Properly and Consistently Verified

17. Plaintiffs allege that Massachusetts city and town clerks did not properly and consistently match and verify signatures as required by law for either early mail-in voting ballots or absentee ballots. In the Election Advisory #20-02 Regarding Advanced Processing of Early Voting Ballots dated August 18, 2020, sent to city and town clerks by Defendant Galvin, election workers were instructed to treat and process early voting mail-in ballots or absentee ballots in the exact same manner, and were required to reject ballots that are missing a signature on the inner envelope (AV7 or EV7), or “otherwise deficient” – however this term “otherwise deficient” is vague and not defined in this document, and there is no clear indication or requirement for city and town clerks to match voter signatures on the inner envelope to the voter application as required by law.
18. Defendant Galvin, in certifying the November 3,rd 2020 election, must ensure that all early mail-in voting was conducted with the proper legal standards according to the Massachusetts law which requires the verification that signatures match both the inner envelope and the mail-in ballot application – See Massachusetts Gen. Laws Chapter 54 Section 94. Plaintiffs allege that voter signature verification did not consistently occur based on correspondence with town and city election clerks, and that this could allow non-registered and non-citizens to vote illegally. Practices that promote the casting of illegal or unreliable ballots or fail to contain basic minimum guarantees against such

conduct, can violate the Fourteenth Amendment by leading to the dilution of validly cast ballots. See Reynolds, 377 U.S. at 555 (“[T]he 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.”).

19. While Plaintiffs argue that all “no-excuse” early mail-in voting ballots are in fact unconstitutional and invalid, if the Court disagrees on this point, Plaintiffs argue that all such early mail-in voting ballots and absentee ballots whose signatures were not properly matched and verified according to Massachusetts state law are unlawful and invalid.

Additional Election Irregularities

18. Notwithstanding the serious concerns described above, Plaintiffs argue that the Massachusetts November election, including the Defendants’ unconstitutional vote-by-mail and early voting schemes, which Defendant Galvin has called a “great success” in the media, was not a success but a massive failure in several respects and which exposes irregularities, voter fraud and election fraud that occurred in the November 3, 2020 Massachusetts election which the Court is asked to address, including but not limited to:
 - a. Biased and inconsistent positions and rulings of Defendants regarding signature requirements: Following the Massachusetts Supreme Judicial Court’s allowance of the electronic collection of signatures on nomination papers in Goldstein v. Secretary of the Commonwealth, 484 Mass. 516, 531-532 (2020), Plaintiff Helen Brady, with the aid of a software application provided by a third-party vendor, had gathered all of her voter signatures electronically, collecting the required number of signatures which were legitimate. Nonetheless, acting upon the objection of Leon Arthur Braithwaite, II, the vice-chair of the Massachusetts

Democratic State Committee, the State Ballot Law Commission (SBLC) struck all of the certified signatures that Brady had legally secured from voters in an effort to appear on the ballot, claiming that the process Brady utilized failed to comply with formal electronic signature requirements outlined by the court in the Goldstein decision (Goldstein process), as well as with an "advisory" issued by the Secretary of the Commonwealth in response to the Goldstein decision. In case 485 Mass. 345 (2020), Helen Brady v. State Ballot Law Commission (SBLC) & Others, Brady appealed the ruling and on July 13, 2020, the Supreme Judicial Court vacated the SBLC decision and ordered the Secretary to place Brady's name on the ballot for the State primary election. Although this level of scrutiny was applied to one candidate attempting to gain access to the ballot, the same legal standards were not applied to the general election mail-in ballots, where Defendant Galvin applied loose interpretation and adherences to his own proclaimed guidelines and ignored the state legal statute which includes the requirement to verify voter signatures.

- b. Vote-by-mail applications broadly sent: 4.5 million vote-by-mail applications were sent to voters in the Commonwealth, and Plaintiffs allege that a high percentage of these, which are believed to number in the hundreds of thousands, were returned as undeliverable, while thousands more were reportedly sent to ineligible voters, deceased residents and former residents; this threatens election integrity and opens the door for voter fraud, and is in clear violation of federal law. Defendants are responsible for removing people from the voter rolls that are ineligible to vote; The National Voter Registration Act passed by President Bill

Clinton in 1993 and amended in Congress in 1993 and 1994, requires that Defendant Galvin conduct a general program and make a reasonable effort to purge the Massachusetts voter rolls. The high number of returned applications, and applications sent to ineligible and deceased residents, indicates that they clearly failed to do so in violation of federal law.

- c. Vote-by-mail ballots sent to voters who did not request them: Plaintiffs allege that many residents received ballots by mail who did not request them; this is in violation of the current law and has left the election vulnerable to voter fraud, where ineligible voters could have used improperly sent vote-by-mail applications to vote illegally, noting that Massachusetts law does not require voter ID.
- d. Voters who went to vote in person on November 3rd told they already voted: Plaintiffs allege that residents were told when then went to vote in person on election day that they had already voted by mail. Mail-in voting has left the election vulnerable to voter fraud.
- e. Unsecure ballot drop boxes: Defendants placed hundreds of ballot drop boxes throughout the Commonwealth, and Plaintiffs allege that such drop boxes are unsecure, reckless and facilitate potential voter fraud and disenfranchisement; a ballot drop box in Boston was deliberately set on fire on October 25th, destroying many ballots and disenfranchising those voters, and they are susceptible to foul play; Plaintiffs argue that they threaten the integrity of the election process.

19. These and other irregularities provide this Court grounds to set aside the results of the 2020 General Election for all candidates on the ballot and provide the other declaratory

and injunctive relief requested herein. Please see relevant voter affidavits attached, Exhibits E, F, and G.

JURISDICTION AND VENUE

20. This Court has subject matter under 28 U.S.C. § 1331 which provides, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”
21. This Court also has subject matter jurisdiction under 28 U.S.C. § 1343 because this action involves a federal election for Congress and for President of the United States. “A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question.” *Bush v. Gore*, 531 U.S. 98, 113 (2000) (Rehnquist, C.J., concurring); *Smiley v. Holm*, 285 U.S. 355, 365(1932).
22. The jurisdiction of the Court to grant declaratory relief is conferred by 28 U.S.C. 2201 and 2202 and by Rule 57 and 65, Fed. R. Civ. P. 7.
23. This Court has jurisdiction over the related Massachusetts Constitutional claims and State law claims under 28 U.S.C. 1367.
24. Because the United States Constitution reserves for state legislatures the power to set the time, place, and manner of holding elections for Congress and the President, state executive officers, including but not limited to Defendant Secretary Galvin, have no authority to exercise that power unilaterally or ignore existing legislation or the Massachusetts Constitution or US Constitution itself.

THE PARTIES

25. Each of the following Plaintiffs are registered Massachusetts voters, qualified electors, adult individuals and Republican nominees for Congress: John Paul Moran, candidate for Congress in the MA 6th Congressional District and resident of Middlesex County; Helen Brady, candidate for Congress in the MA 9th Congressional District and resident of Plymouth County; Caroline Colarusso, candidate for Congress in the MA 5th Congressional District and resident of Middlesex County. Moran, Brady, and Colarusso bring this suit with standing in their capacity as candidates for federal office, and as private citizens.
26. Each of the following Plaintiffs are registered Massachusetts voters, qualified electors, adult individuals and Republican nominees for Massachusetts State Representative: Ingrid Centurion, candidate for State Representative in the 13th Middlesex District and resident of Middlesex County; Craig Valdez, candidate for State Representative in the 4th Plymouth District and resident of Plymouth County. Centurion and Valdez bring this suit with standing in their capacity as candidates for Massachusetts state office, and as private citizens.
27. Defendant the Commonwealth of Massachusetts has its capitol located in Boston Massachusetts.
28. Defendant William F. Galvin (“Secretary Galvin”) is named as a defendant in his official capacity as Massachusetts’ Secretary of the Commonwealth with a principle office at Secretary of the Commonwealth, McCormack Building, One Ashburton Place, Room 1611, Boston, MA 02108. Secretary Galvin is the “chief elections officer” responsible for overseeing the conduct of Massachusetts elections, and is charged with the general

supervision of Massachusetts' elections and election laws. Local election officials must follow Secretary Galvin's instructions regarding the conduct of elections according to Massachusetts state law.

29. Defendant Charles D. Baker ("Governor Baker") is named herein in his official capacity as Governor of the Commonwealth of Massachusetts with principle office at Office of the Governor, Massachusetts State House, 24 Beacon St., Room 280, Boston, MA 02133. Governor Baker is responsible for signing bills into law, enumerating and ascertaining the number of votes given for the election of presidential electors, causing certificates of election to be delivered to presidential electors, issuing writs of election, and general superintendence over the executive branch of state government.

STATEMENT OF FACTS

30. Plaintiffs bring this action under 42 U.S.C. §§ 1983 and 1988, and under MCL 168.861, to remedy deprivations of rights, privileges, or immunities secured by the Constitution and laws of the United States and to contest the election results, and the corollary under the Massachusetts Constitution.
31. The Massachusetts Constitution sets forth the mandatory procedural requirements to amend the Constitution which must be strictly followed according to Article XLVIII of the Massachusetts Constitution.
32. The United States Constitution sets forth the authority to regulate federal elections. With respect to congressional elections, the Constitution provides.
33. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any

time by Law make or alter such Regulations, except as to the Places of choosing Senators. U.S. CONST. art. I, § 4 (“Elections Clause”).

34. With respect to the appointment of presidential electors, the Constitution provides: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. U.S. CONST. art. II, § 1 (“Electors Clause”)
35. And Plaintiffs bring this action, to vindicate their constitutional right to a free and fair election ensuring the accuracy and integrity of the process pursuant to the US Constitution and the Massachusetts Constitution.
36. Based upon all of the allegations of unconstitutional, illegal and invalid voting, fraud, statutory violations, and other misconduct, as stated herein and in the attached affidavits, it is necessary to order appropriate relief, strike Bill H.4820 as unlawful and unconstitutional, decertify the previously certified election results for all federal, statewide, regional and local offices, and enjoin Defendants from transmitting the currently certified election results to the Electoral College, pending a full investigation and court hearing, and to order an independent audit and manual recount of the votes for the November 3, 2020 election, including the removal of all invalid/illegal votes; or alternatively voiding the election and ordering a new election to be conducted legally within the laws of the Massachusetts Constitution and federal law, as a remedy to ensure the accuracy and integrity of the election.

PRAYER FOR RELIEF


37. Accordingly, Plaintiffs seek an emergency order by the Court instructing Defendants to decertify the results of the General Election for the Office of President and all federal, statewide, regional and local offices;
38. Plaintiffs seek a declaratory judgment by the Court declaring that current certified election results violates the Due Process Clause, U.S. CONST. Amend. XIV;
39. Plaintiffs seek an emergency injunction prohibiting Defendants from selecting electors and transmitting the currently certified election results to the Electoral College;
40. Plaintiffs seek an emergency order by the Court striking Massachusetts Bill H.4820 as unlawful and unconstitutional;
41. Plaintiffs seek an emergency order by the Court to maintain the status quo of all voting machines in the Commonwealth, bar the wiping, resetting or removal of data of any such voting machines, and order the impounding of all voting machines and software in Massachusetts for expert inspection in the until further order of the Court;
42. Plaintiffs seek an emergency order by the Court demanding a full audit and manual recount of all ballots submitted by Massachusetts voters in the November 3, 2020 federal, state, regional and local elections, including verification of all valid/legal ballots and a full audit of all legal absentee ballot inner envelopes and applications to confirm that signatures match and are validated as required by law, and the removal from the vote counts of all invalid/illegal ballots, including those unconstitutional ballots submitted by early voting and “no-excuse” vote-by-mail ballots per Bill H.4820, ballots submitted by non-US citizens, and any other ballots submitted in violation of Massachusetts or US election laws, which combined are expected to exceed 2 million votes out of 3.6 million

votes cast, and therefore have the possibility of changing the election results of the the federal, statewide, regional and local candidates' races;

43. Or, alternatively and in place of Paragraph 42 above, Plaintiffs seek an emergency order by the Court voiding the election and ordering a new election on a single election day conducted legally within Massachusetts state law as required by the Massachusetts Constitution, as a remedy to ensure the accuracy and integrity of the election. Plaintiffs in this case ask the Court to prohibit the use of electronic voting machines and require a manual count of all ballots, prohibit unconstitutional early voting and "no-excuse" vote by mail, provide for the protection and public health safety of voters by requiring masks and a sufficient number of polling places for voters in order to maintain recommended safe social distancing in response to the COVID-19 pandemic, require that all voters casting votes are legal US citizens in accordance with US law and are properly registered to vote in Massachusetts, and allowing for existing legal absentee voting which conforms to Article CV of the Massachusetts Constitution; and that in this case, no electors are to be sent to the Electoral College from Massachusetts as the deadline for states to select their electors is December 14, 2020, and this deadline cannot realistically be met with such a new election;
44. Plaintiffs further request the Court grant such other relief as is just and proper, including but not limited to, the costs of this action and their reasonable attorney fees and expenses pursuant to 42 U.S.C. 1988.

Respectfully Submitted, this 7th Day of December, 2020

For Plaintiffs by John Paul Moran




John Paul Moran, Plaintiff *pro se*
75 Winsor Road
Billerica, MA 01821
JohnPaul1096@hotmail.com
617-804-7306

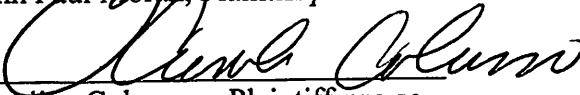
VERIFICATION

I hereby verify that I have read the contents of the foregoing Complaint and Emergency Motion for Preliminary Injunction, and that the facts are true and accurate, to the best of my knowledge and belief.

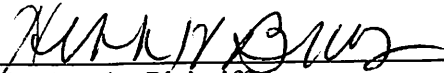
Dated: this 7th Day of December, 2020




John Paul Moran, Plaintiff *pro se*




Caroline Colarusso, Plaintiff *pro se*



Helen Brady, Plaintiff *pro se*



Ingrid Centurion, Plaintiff *pro se*



Craig Valdez, Plaintiff *pro se*

EXHIBITS

EXHIBIT A

HOUSE DOCKET, NO. 3811 FILED ON: 1/18/2019

HOUSE No. 78

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying proposal for constitutional amendment:

Proposal for a legislative amendment to the Constitution to provide for no excuse absentee voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>

HOUSE DOCKET, NO. 3811 FILED ON: 1/18/2019

HOUSE No. 78

By Mr. Moran of Boston, a petition (accompanied by proposal for constitutional amendment, House, No. 78) of Michael J. Moran and others for a legislative amendment to the Constitution to provide for no excuse absentee voting. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

Proposal for a legislative amendment to the Constitution to provide for no excuse absentee voting.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

1 Article CV. Article XLV of the articles of amendment to the constitution, as amended by
2 Article LXXVI of said articles of amendment, is hereby annulled and the following is adopted in
3 place thereof:-

4 Article XLV. The general court shall have power to provide by law for the manner of
5 voting, in the choice of any officer to be elected or upon any question submitted at an election,
6 by qualified voters of the commonwealth.

EXHIBIT B

Congress of the United States
Washington, DC 20510

December 6, 2019

Sami Mnaymneh
Founder and Co-Chief Executive Officer
H.I.G. Capital, LLC
1450 Brickell Avenue 31st Floor
Miami, FL 33131

Tony Tamer
Founder and Co-Chief Executive Officer
H.I.G. Capital, LLC
1450 Brickell Avenue 31st Floor
Miami, FL 33131

Dear Messrs. Mnaymneh and Tamer:

We are writing to request information regarding H.I.G. Capital's (H.I.G.) investment in Hart InterCivic Inc. (Hart InterCivic) one of three election technology vendors responsible for developing, manufacturing and maintaining the vast majority of voting machines and software in the United States, and to request information about your firm's structure and finances as it relates to this company.

Some private equity funds operate under a model where they purchase controlling interests in companies and implement drastic cost-cutting measures at the expense of consumers, workers, communities, and taxpayers. Recent examples include Toys "R" Us and Shopko.¹ For that reason, we have concerns about the spread and effect of private equity investment in many sectors of the economy, including the election technology industry—an integral part of our nation's democratic process. We are particularly concerned that secretive and "trouble-plagued companies,"² owned by private equity firms and responsible for manufacturing and maintaining voting machines and other election administration equipment, "have long skimmed on security in favor of convenience," leaving voting systems across the country "prone to security problems."³ In light of these concerns, we request that you provide information about your firm, the portfolio

¹ Atlantic, "The Demise of Toys 'R' Us Is a Warning," Bryce Covert, July/August 2018 issue, <https://www.theatlantic.com/magazine/archive/2018/07/toys-r-us-bankruptcy-private-equity/561758/>; Axios, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," Dan Primack, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," June 11, 2019, <https://www.axios.com/shopko-bankruptcy-sun-capital-547b97ba-901c-4201-92cc-6d3168357fa3.html>.

² ProPublica, "The Market for Voting Machines Is Broken. This Company Has Thrived in It.," Jessica Huseman, October 28, 2019, <https://www.propublica.org/article/the-market-for-voting-machines-is-broken-this-company-has-thrived-in-it>.

³ Associated Press News, "US Election Integrity Depends on Security-Challenged Firms," Frank Bajak, October 28, 2019, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>.

companies in which it has invested, the performance of those investments, and the ownership and financial structure of your funds.

Over the last two decades, the election technology industry has become highly concentrated, with a handful of consolidated vendors controlling the vast majority of the market. In the early 2000s, almost twenty vendors competed in the election technology market.⁴ Today, three large vendors—Election Systems & Software, Dominion Voting Systems, and Hart InterCivic—collectively provide voting machines and software that facilitate voting for over 90% of all eligible voters in the United States.⁵ Private equity firms reportedly own or control each of these vendors, with very limited “information available in the public domain about their operations and financial performance.”⁶ While experts estimate that the total revenue for election technology vendors is about \$300 million, there is no publicly available information on how much those vendors dedicate to research and development, maintenance of voting systems, or profits and executive compensation.⁷

Concentration in the election technology market and the fact that vendors are often “more seasoned in voting machine and technical services contract negotiations” than local election officials, give these companies incredible power in their negotiations with local and state governments. As a result, jurisdictions are often caught in expensive agreements in which the same vendor both sells or leases, and repairs and maintains voting systems—leaving local officials dependent on the vendor, and the vendor with little incentive to substantially overhaul and improve its products.⁸ In fact, the Election Assistance Commission (EAC), the primary federal body responsible for developing voluntary guidance on voting technology standards, advises state and local officials to consider “the cost to purchase or lease, operate, and maintain a voting system over its life span ... [and to] know how the vendor(s) plan to be profitable” when signing contracts, because vendors typically make their profits by ensuring “that they will be around to maintain it after the sale.” The EAC has warned election officials that “[i]f you do not manage the vendors, they will manage you.”⁹

Election security experts have noted for years that our nation’s election systems and infrastructure are under serious threat. In January 2017, the U.S. Department of Homeland Security designated the United States’ election infrastructure as “critical infrastructure” in order to prioritize the protection of our elections and to more effectively assist state and local election

⁴ Bloomberg, “Private Equity Controls the Gatekeepers of American Democracy,” Anders Melin and Reade Pickert, November 3, 2018, <https://www.bloomberg.com/news/articles/2018-11-03/private-equity-controls-the-gatekeepers-of-american-democracy>.

⁵ Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁶ *Id.*

⁷ *Id.*

⁸ Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁹ U.S. Election Assistance Commission, “Ten Things to Know About Selecting a Voting System,” October 14, 2017, <https://www.eac.gov/documents/2017/10/14/ten-things-to-know-about-selecting-a-voting-system-cybersecurity-voting-systems-voting-technology/>.

officials in addressing these risks.¹⁰ However, voting machines are reportedly falling apart across the country, as vendors neglect to innovate and improve important voting systems, putting our elections at avoidable and increased risk.¹¹ In 2015, election officials in at least 31 states, representing approximately 40 million registered voters, reported that their voting machines needed to be updated, with almost every state “using some machines that are no longer manufactured.”¹² Moreover, even when state and local officials work on replacing antiquated machines, many continue to “run on old software that will soon be outdated and more vulnerable to hackers.”¹³

In 2018 alone “voters in South Carolina [were] reporting machines that switched their votes after they’d inputted them, scanners [were] rejecting paper ballots in Missouri, and busted machines [were] causing long lines in Indiana.”¹⁴ In addition, researchers recently uncovered previously undisclosed vulnerabilities in “nearly three dozen backend election systems in 10 states.”¹⁵ And, just this year, after the Democratic candidate’s electronic tally showed he received an improbable 164 votes out of 55,000 cast in a Pennsylvania state judicial election in 2019, the county’s Republican Chairwoman said, “[n]othing went right on Election Day. Everything went wrong. That’s a problem.”¹⁶ These problems threaten the integrity of our elections and demonstrate the importance of election systems that are strong, durable, and not vulnerable to attack.

H.I.G. reportedly owns or has had investments in Hart InterCivic, a major election technology vendor. In order to help us understand your firm’s role in this sector, we ask that you provide answers to the following questions no later than December 20, 2019.

1. Please provide the disclosure documents and information enumerated in Sections 501 and 503 of the *Stop Wall Street Looting Act*.¹⁷
2. Which election technology companies, including all affiliates or related entities, does H.I.G. have a stake in or own? Please provide the name of and a brief description of the services each company provides.

¹⁰ Department of Homeland Security, “Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector,” January 6, 2017,

<https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

¹¹ AP News, “US election integrity depends on security-challenged firms,” Frank Bajak, October 29, 2018, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

¹² Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf.

¹³ Associated Press, “AP Exclusive: New election systems use vulnerable software,” Tami Abdollah, July 13, 2019, <https://apnews.com/e5e070c31f3c497fa9e6875f426ccde1>.

¹⁴ Vice, “Here’s Why All the Voting Machines Are Broken and the Lines Are Extremely Long,” Jason Koebler and Matthew Gault, November 6, 2018, https://www.vice.com/en_us/article/59vzgn/heres-why-all-the-voting-machines-are-broken-and-the-lines-are-extremely-long.

¹⁵ Vice, “Exclusive: Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials,” Kim Zetter, August 8, 2019, https://www.vice.com/en_us/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials.

¹⁶ New York Times, “A Pennsylvania Country’s Election Day Nightmare Underscores Voting Machine Concerns,” Nick Corasaniti, November 30, 2019, <https://www.nytimes.com/2019/11/30/us/politics/pennsylvania-voting-machines.html>.

¹⁷ Stop Wall Street Looting Act, S.2155, <https://www.congress.gov/bill/116th-congress/senate-bill/2155>.

- a. Which election technology companies, including all affiliates or related entities, has H.I.G. had a stake in or owned in the past twenty years? Please provide the name of and a brief description of the services each company provides or provided.
 - b. For each election technology company H.I.G. had a stake in or owned in the past twenty years, including all affiliates or related entities, please provide the following information for each year that the firm has had a stake in or owned this company and the five years preceding the firm's investment.
 - i. The name of the company
 - ii. Ownership stake
 - iii. Total revenue
 - iv. Net income
 - v. Percentage of revenue dedicated to research and development
 - vi. Total number of employees
 - vii. A list of all state and local jurisdictions with which the company has a contract to provide election related products or services
 - viii. Other private-equity firms that own a stake in the company
3. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with the EAC's Voluntary Voting System Guidelines? If so, please provide a copy of each EAC noncompliance notice received by the company and a description of what steps the company took to resolve each issue.
 4. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with any state or local voting system guidelines or practices? If so, please provide a list of all such instances and a description of what steps the company took to resolve each issue.
 5. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, been found to have violated any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such violations.
 6. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, reached a settlement with any federal or state law enforcement entity related to a potential violation of any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such settlements.

7. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the past twenty years, reached a settlement with any state or local jurisdiction related to a potential violation of or breach of contract? If so, please provide a complete list, including the date and description, of all such settlements.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



Amy Klobuchar
United States Senator



Ron Wyden
United States Senator



Mark Pocan
Member of Congress

EXHIBIT C

Affidavit of Russell James Ramsland, Jr.

1. My name is Russell James Ramsland, Jr., and I am a resident of Dallas County, Texas.
2. I am part of the management team of Allied Security Operations Group, LLC, (ASOG). ASOG provides a range of security services, but has a particular emphasis on cyber security, OSINT and PEN 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 protection and safe browsing solutions for the dark and deep web.
3. In November 2018, ASOG analyzed audit logs for the central tabulation server of the ES&S Election Management System (EMS) for the Dallas, Texas, General Election of 2018. Our team was surprised at the enormous number of error messages that should not have been there. They numbered in the thousands, and the operator ignored and overrode all of them. This led to various legal challenges in that election, and we provided evidence and analysis in some of them.
4. As a result, ASOG initiated an 18-month study into the major EMS providers in the United States, among which is Dominion/Premier that provides EMS services in Michigan. We did thorough background research of the literature and discovered there is quite a history from both Democrat and Republican stakeholders in the vulnerability of Dominion. The State of Texas rejected Dominion/Premier's certification for use there due to vulnerabilities. Next, we began doing PEN testing into the vulnerabilities described in the literature and confirmed for ourselves that in many cases, vulnerabilities already identified were still left open to exploit. We also noticed a striking similarity between the approach to software and EMS systems of ES&S and Dominion/Premier. This was logical since they share a common ancestry in the Diebold voting system.
5. Over the past three decades, almost all of the states have shifted from a relatively low-technology format to a high-technology format that relies heavily on a handful of private services companies. These private companies supply the hardware and software, often handle voter registrations, hold the voter records, partially manage the elections, program counting the votes and report the outcomes. Michigan is one of those states.
6. These systems contain a large number of vulnerabilities to hacking and tampering, both at the front end where Americans cast their votes, and at the back end where the votes are stored, tabulated, and reported. These vulnerabilities are well known, and experts in the field have written extensively about them.
7. Dominion/Premier ("Dominion") is a privately held United States company that provides election technologies and services to government jurisdictions. Numerous counties across the state of Michigan use the Dominion/Premier Election

Management System. The Dominion/Premier system has both options to be an electronic, paperless voting system with no permanent record of the voter's choices, paper ballot based system or hybrid of those two.

8. The Dominion/Premier Election Management System's central accumulator does not include a protected real-time audit log that maintains the date and time stamps of all significant election events. Key components of the system utilize unprotected logs. Essentially this allows an attacker the opportunity to arbitrarily add, modify, or remove log entries, causing the machine to log election events. When a log is unprotected, and can be altered, it can no longer serve the purpose of an audit log.

9. My colleagues and I at ASOG have studied the information that is publicly available concerning the November 3, 2020, election results. Based on the significant anomalies and red flags that we have observed, we believe there is a significant probability that election results have been manipulated within the Dominion/Premier system in Michigan. Dr. Andrew Appel, Princeton Professor of Computer Science and Election Security Expert has observed, with reference to Dominion Voting machines, "I figured out how to make a slightly different computer program that just before the polls were closed it switches some votes around from one candidate to another. I wrote that computer program into a memory chip and now to hack a voting machine you just need 7 minutes alone with it and a screwdriver." Some of those red flags are listed below. Until a thorough analysis is conducted, it will be impossible to know for certain.

10. One red flag has been seen in Antium County, Michigan. In Michigan we have seen reports of 6,000 votes in Antium County that were switched from Donald Trump to Joe Biden and were only discoverable through a hand counted manual recount. While the first reports have suggested that it was due to a glitch after an update, it was recanted and later attributed to "clerical error." This change is important because if it was not due to clerical error, but due to a "glitch" emanating from an update, the system would be required to be "re-certified" according to Dominion officials. This was not done. We are skeptical of these assurances as we know firsthand this has many other plausible explanations and a full investigation of this event needs to be conducted as there are a reported 47 other counties using essentially the same system in Michigan. It is our belief (based on the information we have at this point) that the problem most likely did occur due to a glitch where an update file didn't properly synchronize the ballot barcode generation and reading portions of the system. If that is indeed the case, there is no reason to assume this would be an isolated error. This glitch would cause entire ballot uploads to read as zero in the tabulation batch, which we also observed happening in the data (provisional ballots were accepted properly but in-person ballots were being rejected (zeroed out and/or changed (flipped))). Because of the highly vulnerable nature of these systems to error and exploits, it is quite possible that some, or all of these other counties may have the same problem.

11. Another statistical red flag is evident in the number of votes cast compared to the number of voters in some precincts. A preliminary analysis using data obtained

from the Michigan Secretary of State pinpoints a statistical anomaly so far outside of every statistical norm as to be virtually impossible. There are a stunning 3,276 precincts where the Presidential Votes Cast compared to the Estimated Voters based on Reported Statistics ranges from 84% to 350%. **Normalizing the Turnout Percentage of this grouping to 80%, (still way above the national average for turnout percentage), reveals 431,954 excess ballots allegedly processed.** There were at least 19 precincts where the Presidential Votes Cast compared to the Estimated Voters based on Reported Statistics exceeded 100%.

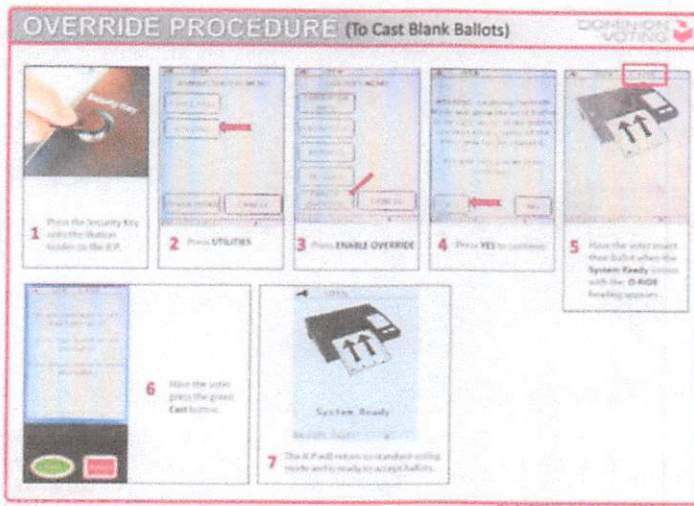
Precinct Township	Votes/SOS Est. Voters
BENVILLE TWP	350%
MONTICELLO P-1	144%
MONTICELLO P-2	138%
ALBERTVILLE P-2	138%
ALBERTVILLE P-1	136%
BRADFORD TWP.	104%
VELDT TWP.	104%
CHAMPION TWP	104%
KENT CITY	103%
WANGER TWP.	102%
KANDIYOHI TWP.	102%
LAKE LILLIAN TWP.	102%
HOKAH TWP.	102%
HOUSTON TWP.	101%
HILL RIVER TWP.	101%
SUNNYSIDE TWP.	101%
BROWNSVILLE TWP.	101%
OSLO	101%
EYOTA TWP.	101%

This pattern strongly suggests that the additive algorithm (a feature enhancement referred to as “ranked choice voting algorithm” or “RCV”) was activated in the code as shown in the Democracy Suite EMS Results Tally and Reporting User Guide, Chapter 11, Settings 11.2.2. It reads in part, **“RCV METHOD: This will select the specific method of tabulating RCV votes to elect a winner.”** For instance, blank ballots can be entered into the system and treated as “write-ins.” Then the operator can enter an allocation of the write-ins among candidates as he wishes. The final result then awards the winner based on “points” the algorithm in the compute, not actual votes. The fact that we observed raw vote data that includes decimal places suggests strongly that this was, in fact, done. Otherwise, votes would be solely represented as whole numbers. Below is an excerpt from Dominion’s direct feed to news outlets showing actual calculated votes with decimals.

state	timestamp	eevp	trump	biden	TV	BV
michigan	2020-11-04T06:54:48Z	64	0.534	0.448	1925865.66	1615707.52
michigan	2020-11-04T06:56:47Z	64	0.534	0.448	1930247.664	1619383.808
michigan	2020-11-04T06:58:47Z	64	0.534	0.448	1931413.386	1620361.792
michigan	2020-11-04T07:00:37Z	64	0.533	0.45	1941758.975	1639383.75
michigan	2020-11-04T07:01:46Z	64	0.533	0.45	1945297.562	1642371.3
michigan	2020-11-04T07:03:17Z	65	0.533	0.45	1948885.185	1645400.25

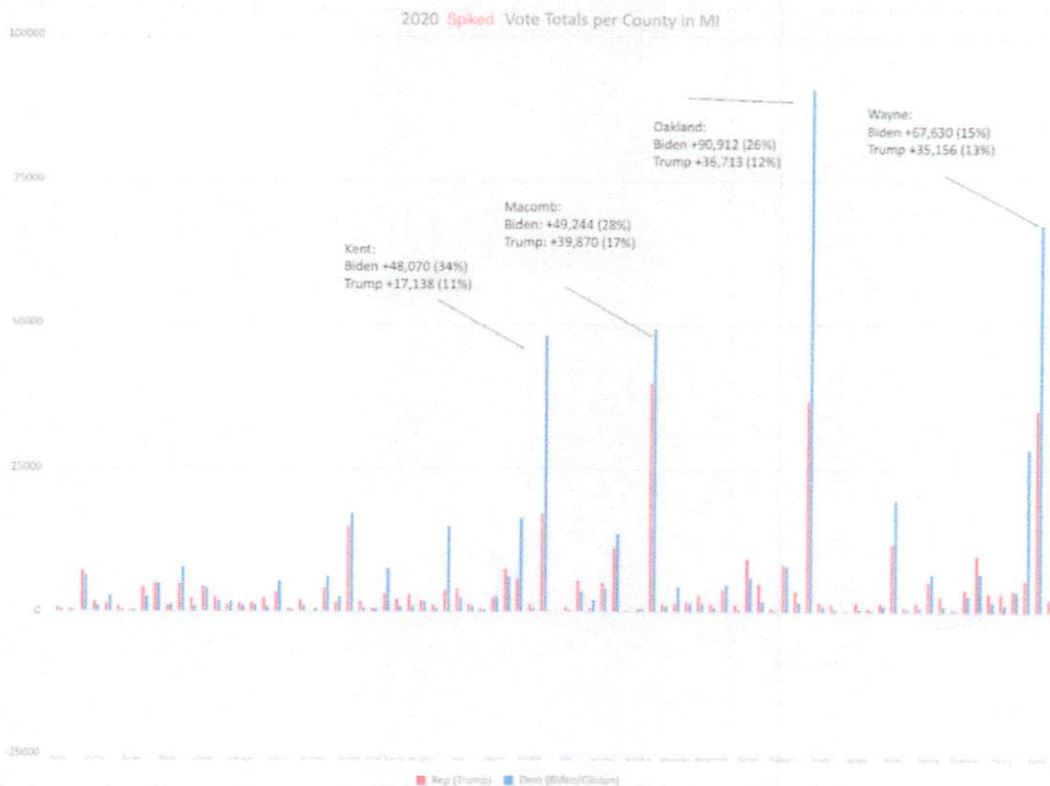
12. Yet another statistical red flag in Michigan concerns the dramatic shift in votes between the two major party candidates as the tabulation of the turnout increased. A significant irregularity surfaces. Until the tabulated voter turnout reached approximately 83%, Trump was generally winning between 55% and 60% of every turnout point. Then, after the counting was closed at 2:00 am, the situation dramatically reversed itself, starting with a series of impossible spikes shortly after counting was supposed to have stopped. The several spikes cast solely for Biden could easily be produced in the Dominion system by pre-loading batches of blank ballots in files such as Write-Ins, then casting them all for Biden using the Override Procedure (to cast Write-In ballots) that is available to the operator of the system. A few batches of blank ballots could easily produce a reversal this extreme, a reversal that is almost as statistically difficult to explain as is the impossibility of the votes cast to number of voters described in Paragraph 11 above.

Dominion also has a "Blank Ballot Override" function. Essentially a save for later bucket that can be manually populated later.



13. The final red flag is perhaps the greatest. Something occurred in Michigan that is physically impossible, indicating the results were manipulated on election night within the EMS. The event as reflected in the data are the 4 spikes totaling 384,733

ballots allegedly processed in a combined interval of only 2 hour and 38 minutes. This is physically impossible given the equipment available at the 4 reference locations (precincts/townships) we looked at for processing ballots, and cross referencing that with both the time it took at each location and the performance specifications we obtained using the serial numbers of the scanning devices used. (Model DRM16011 - 60/min. without accounting for paper jams, replacement cover sheets or loading time, so we assume 2,000 ballots/hr. in field conditions which is probably generous). This calculation yields a sum of 94,867 ballots as the maximum number of ballots that could be processed. And while it should be noted that in the event of a jam and the counter is not reset, the ballots can be run through again and effectively duplicated, this would not alleviate the impossibility of this event because duplicated ballots still require processing time. The existence of the spike is strongly indicative of a manual adjustment either by the operator of the system (see paragraph 12 above) or an attack by outside actors. **In any event, there were 289,866 more ballots processed in the time available for processing in four precincts/townships, than there was capacity.** A look at the graph below makes clear the This is not surprising because the system is highly vulnerable to a manual change in the ballot totals as observed here.



14. At ASOG, we believe that these statistical anomalies and impossibilities together create a wholly unacceptable level of doubt as to the validity of the vote count in Michigan, and in Wayne County, in particular.

15. If ASOG, or any other team of experts with the equivalent qualifications and experience, could be permitted to analyze the raw data produced during the course of the election, as well as the audit logs that the Dominion system generates, we would likely be able to determine whether or not any fraudulent manipulation of the election results occurred within the Dominion Election Management System. These audit logs are in the possession of Dominion.

16. However, there are several deficiencies with the Dominion audit logs: (1) because the logs are “voluntary” logs, they do not enforce the logging of all actions; (2) the logs can be altered by the people who are operating the system; and (3) the logs are not synchronized. Because of these deficiencies, it is of critical importance that all of the daily full records of raw data produced during every step of the election process also be made available for analysis (in addition to the audit logs), so that gaps in the audit logs may be bridged to the best extent possible. This raw data, which is in Dominion’s possession, should be individual and cumulative.

17. Wayne County uses Dominion Equipment, where 46 out of 47 precincts/townships display a highly unlikely 96%+ as the number of votes cast, using the Secretary of State’s number of voters in the precinct/township; and 25 of those 47 precincts/townships show 100% turnout.

<u>Precinct Township</u>	<u>Votes/SOS Est. Voters</u>
SPRUCE GROVE TWP	100%
ATLANTA TWP	100%
RUNEBERG TWP	100%
WOLF LAKE TWP	100%
HEIGHT OF LAND TWP	100%
EAGLE VIEW TWP	100%
WOLF LAKE	100%
SHELL LAKE TWP	100%
SAVANNAH TWP	100%
CUBA TWP	100%
FOREST TWP	100%
RICEVILLE TWP	100%
WALWORTH TWP	100%
OGEMA	100%
BURLINGTON TWP	100%
RICHWOOD TWP	100%
AUDUBON	100%
LAKE EUNICE TWP	100%
OSAGE TWP	100%
DETROIT LAKES W2 P1	100%
CORMORANT TWP	100%
LAKE VIEW TWP	100%

AUDUBON TWP	100%
DETROIT LAKES W3 P1	100%
FRAZEE	100%

This pattern strongly suggests both the additive algorithm (a feature enhancement referred to as "ranked choice voting algorithm" or "RCV") was activated in the code as discussed in paragraph 11 above, as well as batch processing of blank votes, as outlined in Paragraphs 12 and 13 above, where 74,119 more ballots were cast than the capacity to cast them during the spike.

18. In order to analyze the data and determine the cause of these anomalies, ASOG would need Administrator logs for the EMS Election Event Designer (EED) and EMS Results Tally & Reporting (RTR) Client Applications. The following would be required from Premier:

XML and XSLT logs for the:

- Tabulators
- Result Pair Resolution
- Result Files
- Provisional Votes
- RTM Logs
- Ranked Profiles and entire change history Audit Trail logs
- Rejected Ballots Report by Reason Code

Identity of everyone accessing the domain name

Admin.enr.dominionvoting.com and

- Windows software log,
- Windows event log and
- Windows security log of the server itself that is hosted at Admin.enr.dominionvoting.com.
- Access logs to their full extent and DNS logs.
- Internal admin.enr.dominionvoting.com logs
- Ranked Contests and entire change history Audit Trail logs

FTP Transfer Points Log

19. In order to evaluate the raw data of the election, the following records would be required from Dominion.

- Daily and Cumulative Voter Records for those who voted with sufficient definition to determine:
 - Voters name and Registered Voting address
 - Address to for correspondence
 - D.O.B.
 - Voter ID number
 - How Voted (mail, in-person early, in person Election Day)
 - Where Voted (if applicable)

AUDUBON TWP	100%
DETROIT LAKES W3 P1	100%
FRAZEE	100%

This pattern strongly suggests both the additive algorithm (a feature enhancement referred to as "ranked choice voting algorithm" or "RCV") was activated in the code as discussed in paragraph 11 above, as well as batch processing of blank votes, as outlined in Paragraphs 12 and 13 above, where 74,119 more ballots were cast than the capacity to cast them during the spike.

18. In order to analyze the data and determine the cause of these anomalies, ASOG would need Administrator logs for the EMS Election Event Designer (EED) and EMS Results Tally & Reporting (RTR) Client Applications. The following would be required from Premier:

XML and XSLT logs for the:

- Tabulators
- Result Pair Resolution
- Result Files
- Provisional Votes
- RTM Logs
- Ranked Profiles and entire change history Audit Trail logs
- Rejected Ballots Report by Reason Code

Identity of everyone accessing the domain name

Admin.enr.dominionvoting.com and

- Windows software log,
- Windows event log and
- Windows security log of the server itself that is hosted at Admin.enr.dominionvoting.com.
- Access logs to their full extent and DNS logs.
- Internal admin.enr.dominionvoting.com logs
- Ranked Contests and entire change history Audit Trail logs

FTP Transfer Points Log

19. In order to evaluate the raw data of the election, the following records would be required from Dominion.

- Daily and Cumulative Voter Records for those who voted with sufficient definition to determine:
 - Voters name and Registered Voting address
 - Address to for correspondence
 - D.O.B.
 - Voter ID number
 - How Voted (mail, in-person early, in person Election Day)
 - Where Voted (if applicable)

- Date voted (if applicable)
- Party affiliation (if recorded)
- Ballot by mail Request Date
- Ballot by mail sent date
- Ballot by mail voted date (if applicable)
- Ballot cancelled date (if applicable)


- .RAW, HTML, XHTML and SVG files (Ballot images)

20. Any removable media (such as thumbdrives, USB, memory cards, PCMCIA cards, etc.) used to transfer ballots to central counting from voting locations.

21. Access or control of ALL routers, tabulators or combinations thereof (some routers are inside the tabulator case) in order to garner the system logs. At the same time, the public IP of the router should be obtained.

22. Any key, authorization key & yubikey

Further affiant sayeth naught.


Russell James Ramsland, Jr. 11/17/2020
Date

Sworn before me on _____

Notary public

EXHIBIT D

DECLARATION OF DR. NAVID KESHAVARZ-NIA

I, Navid Keshavarz-Nia, declare as follows:

1. I am 59 years old and have been a resident of Temecula, California for one year. Previously, I resided in the Washington DC metropolitan area for nearly forty years. I have personal knowledge of the contents of this Declaration and if called as a witness, I could and would testify competently as to their truth.
2. I have a Bachelor's degree in Electrical and Computer Engineering and a Master's degree in Electronics and Computer Engineering from George Mason University, a Ph.D. degree in Management of Engineering and Technology from CalSouthern University and a Doctoral (Ed.D) degree in Education from George Washington University. I have advanced training from the Defense Intelligence Agency (DIA), Central Intelligence Agency (CIA), National Security Agency (NSA), DHS office of Intelligence & Analysis (I&A) and Massachusetts Institute of Technology (MIT).
3. I am employed by a large defense contractor as a chief cyber security engineer and a subject-matter expert in cyber security. During my career, I have conducted security assessment, data analysis and security counterintelligence, and forensics investigations on hundreds of systems. My experience spans 35 years performing technical assessment, mathematical modeling, cyber-attack pattern analysis, and security counterintelligence linked to FIS operators, including China, Iran, North Korea, and Russia. I have worked as a consultant and subject-matter expert supporting the Department of Defense, FBI and US Intelligence Community (USIC) agencies such as the DIA, CIA, NSA, NGA, and the DHS I&A supporting counterintelligence, including supporting law enforcement investigations.
4. The USIC has developed the Hammer and Scorecard tools, which were released by Wiki Leaks and independently confirmed by Lt. Gen Thomas McInerney (USAF, retired), Kirk Wiebe, former NSA official and Dennis Montgomery, former CIA analyst). The Hammer and Scorecard capabilities are tradecrafts used by US intelligence analysts to conduct MITM attacks on foreign voting systems, including the

Dominion Voting System (DVS) Democracy Suite and Systems and Software (ES&S) voting machines without leaving an electronic fingerprint. As such, these tools are used by nefarious operators to influence voting systems by covertly accessing DVS and altering the results in real-time and without leaving an electronic fingerprint. The DVS Democracy Suite Election Management System (EMS) consists of a set of applications that perform pre-voting and post-voting activities.

5. I have conducted data collection and forensic analysis using a combination of signals intelligence (SIGINT), human intelligence (HUMINT) and open source intelligence (OSINT) data associated with Chinese and other Foreign Intelligence Service (FIS) operators targeting US critical infrastructures. In that capacity, I have also conducted ethical hacking to supportUSIC missions.
6. I have performed forensic analysis of electronic voting systems, including the DVS Democracy Suite, ES&S (acquired by DVS), Scytl/SOE Software, and the Smartmatic systems used in hundreds of precincts in key battleground states. I have previously discovered major exploitable vulnerabilities in DVS and ES&S that permit a nefarious operator to perform sensitive functions via its built-in covert backdoor. The backdoor enables an operator to access to perform system updates and testing via the Internet without detection. However, it can also be used to conduct illicit activities such as shifting votes, deleting votes, or adding votes in real-time (Source: DVS Democracy Suite EMS Manual, version 5.11-CO::7, P.43). These events can take place through the Internet and without leaving a trace.
7. During my career, I have studied network communication reports that show DVS data being transferred to Internet Protocol (IP) addresses registered to Scytl in Barcelona, Spain. The results showed that Scytl maintained its SOE Software servers in a Barcelona data center for disaster recovery and backup purposes. In 2020, the SOE Software data center was moved to Frankfurt Germany where I believe 2020 election data was transferred.
8. Dominion Voting Systems (DVS) Corporation was founded in 2003 in Toronto, Ontario, Canada, by John Poulos and James Hoover. The company develops proprietary software and sells electronic voting

hardware and software, including voting machines and tabulators, throughout the United States and other parts of the world. DVS reportedly had a strategic relationship with Venezuela's Bitza Corporation, which was 28% owned by the former President Chavez. Intelligence reports indicate that the DVS/Bitza software was co-developed in Venezuela to alter vote counts to ensure President Chavez (and later, President Maduro) were guaranteed to win an election. The combined DVS/Bitza software was used in numerous countries such as Bolivia and Philippines to forge election results to favor a specific candidate. Subsequently, DVS and its international partners, including Diebold/ES&S (later acquired by DVS), Scytl, SOE Software/eClarity and Smartmatic to establish a global monopoly.

9. Reports show that DVS is comprised of several companies which obfuscate its true organizational and ownership structures. The DVS companies include: 1) Dominion Voting Systems International Corporation, a Barbados corporation; 2) Dominion Voting Systems, Inc., a Delaware corporation; and 3) Dominion Voting Systems Corporation, a Canadian corporation. Similarly, Smartmatic is comprised of: 1) Smartmatic International Corporation, a Barbados corporation; 2) Smartmatic USA Corporation, a Delaware corporation; 3) Smartmatic International Holding B.V, a Netherlands corporation; and 4) Smartmatic TIM Corporation, a Philippines corporation. Based on my counterintelligence experience in USIC, I conclude that corporate structures were partially designed to obfuscate their complex relationships, especially with Venezuela, China and Cuba; and impede discovery by investigators.
10. According to NT Times, in April 2018, J. Alex Halderman from University of Michigan computer scientist demonstrated in a video how simple it is to rig a DVS machine. In the video, Dr. Halderman demonstrates how easy it is to rig the DVS machine. The name of the video is "I Hacked an Election. So Can the Russians." A caption next to the title read "It's time America's leaders got serious about voting security." (Source: <https://www.c-span.org/video/?463480-4/washington-journal-j-alex-halderman-discusses-election-security>)

11. Despite DVS's constant denial about the flaws of its systems, the company's ImageCast Precinct optical scanner system was totally hacked in August 2019. This occurred during the largest and most notable hacker convention, called DEFCON Voting Machine Hacking Village in Nevada. The DVS ImageCast Precinct is an integrated hybrid voting equipment by combining an optical paper ballot and ballot marking device to allow accessibility for the visually impaired. The system runs the Busybox Linux 1.7.4 operating system, which has known medium to high level exploitable vulnerabilities to allow remote attackers to compromise the VDS. (J. Moss, H. Hurtsi, M. Blaze et al., Voting Village Report, DEFCON Village Report in association with and Georgetown University Law Studies; Online Source: <https://media.defcon.org/DEF%20CON%2027/voting-village-report-defcon27.pdf>). The report indicated that "many of the specific vulnerabilities reported over a decade earlier (in the California and Ohio studies, for example) are still present in these systems today (A. Padilla, Consolidated report by California Secretary of State, Top-to-Bottom Review summary and detailed report, Page 4 (Online Source: <https://www.sos.ca.gov/elections/ovsta/frequently-requested-information/top-bottom-review>)).
12. In 2019, a computer laptop and several USB memory cards containing the cryptographic key to access DVS systems were stolen in Philadelphia. The company disputes the risks posed by lost USB memory cards containing the cryptographic key. However, according to the election security expert Eddie Perez of the nonpartisan OSET Institute states "it is very common that a USB memory card has a wealth of information that is related not only to the configuration of the election and its ballot — and the behavior of the voting device — but also internal system data used to validate the election." I have previously analyzed the contents of the DVS and other voting system cryptographic keys. I believe that USB memory cards were used to facilitate administrative access to the backdoor to disrupt polling operations and impact ballot counting across MI, GA, PA, AZ and WI.
13. In 2018, NY Times conducted an investigation and concluded that DVS machines can be easily hacked. Subsequently, security experts conducted comprehensive security testing on DVS in August 2019 and

discovered innumerable exploitable vulnerabilities that do not require extensive technical skill to breach. The DEFCON report identified major exploitable security flaws in DVS that were shared with the vendor. However, there is ample indication that these problems were not resolved. Moreover, DVS maintains the position that its voting machines are fully secure. They continue to avoid transparency or make their software codes to be analyzed by independent security investigators. In turn, December 2019, Senators Elizabeth Warren, Ron Wyden and Amy Klobuchar, along with Democratic Representative Mark Pocan raised major concerns regarding security vulnerabilities in DVS machines.

14. In my expert opinion, the combination of DVS, ScytI/SOE Software/eClarity and Smartmatic are vulnerable to data manipulation by unauthorized means. My judgment is based on conducting more than a dozen experiments combined with analyzing the 2020 Election data sets. Additionally, a number of investigators have examined DVS and reported their security findings (J. Schwartz, Scientific American Journal, 2018; DEFCON 2019; L. Norden et. al, America's Voting Machines at Risk, Brennan Center for Justice, NYU Law, 2014) confirming that electronic voting machines, including DVS have glaring security weaknesses that have remained unresolved.
15. I have not been granted access to examine any of the systems used in the 2020 Election. However, I have conducted detailed analysis of the NY Times data sets and have discovered significant anomalies are caused by fraudulent manipulation of the results. In my expert judgment, the evidence is widespread and throughout all battleground states I have studied. I conclude the following:
 - a. The vote count distribution in PA, WI, MI, AZ, NV, and GA are not based on normal system operation. Instead, they are caused by fraudulent electronic manipulation of the targeted voting machines.
 - b. On approximately 2:30 AM EST, TV broadcasts reported that PA, WI, AZ, NV and GA have decided to cease vote counting operations and will continue the following day. The unanimous decision to intentionally stop counting by all 5 battleground states is highly unusual, possibly

unprecedented and demonstrates prior coordination by election officials in battleground state. There would be no legitimate reason battleground states need to pre-coordinate election activities and stop on-going adjudication processes. However, is equally puzzling that the vote counting did not stop, as reported. In fact, it continued behind closed doors in early hours of November 4, 2020. This activity is highly unusually and demonstrates collusion to achieve desired results without being monitored by watchers.

- c. When analyzing the NT Times data for the 2020 election, I conclude that the software algorithm manipulated votes counts forging between 1-2% of the precinct results to favor Vice President Biden. The software performed data alteration in real-time in order to maintain close parity among the candidates and without raising red flags. The specific software algorithm was developed by Smartmatic and implemented in DVS machines to facilitate backdoor access by a nefarious operator to manipulate live data, as desired.
- d. The DVS Democracy Suite's ImageCast Central optical scanner failed to correctly verify and validate absentee ballots, as described in its own literature. There is reported evidence that the optical scanner accepted and adjudicated ballots that did not have signatures or other key features that is required for ballot validation and verification. This indicates that the DVS system configuration was modified to accept invalid ballots when they should have been rejected.
- e. After the DVS ImageCast scanner validates a ballot, by design, it is required to tabulate and store the results in a cast vote record along with a human-readable image of the ballot that has been scanned. The image, called AuditMark provides the user with scanned results that is verifiable. However, media reports indicate that not only did the ImageCast fail to properly verify absentee ballots; it also failed to maintain records of the AuditMark that would be necessary to conduct an audit. The only way to alter this protocol is to alter the system configuration and prevent the ImageCast scanner from rejecting illegal ballots; and reprogram AuditMark to store ballot image

that could be verified. This is evidence of fraud perpetrated to prevent investigators to discover the number of invalid votes that were cast.

- f. The cryptographic key store on DVS thumb drive (reported stolen in Philadelphia) was used alter vote counts prior to up chain reporting. Since DVS uses the same cryptographic key for all its voting systems in all battleground states, the key allowed a remote operator to conduct massive attacks on all battleground state data set without being detected.
- g. Beginning on approximately 4:30 AM EST on November 4, 2020, the vote counts favored Vice President Biden by nearly 80% in many jurisdictions. The data distribution is statistically congruent, even when considering a larger number of absentee ballots were collected for Vice President Biden.
- h. The data variance favoring Vice President continues to accelerate after 4:30 AM EST on November 4, 2020 and continues until it momentum through November 9, 2020. This abnormality in variance is evident by the unusually steep slope for Vice President Biden in all battleground states on November 4, 2020. A sudden rise in slope is not normal and demonstrates data manipulation by artificial means. For example in PA, President Trump's lead of more than 700,000 count advantage was reduced to less than 300,000 in a few short hours, which does not occur in the real world without an external influence. I conclude that manually feeding more than 400,000 mostly absentee ballots cannot be accomplished in a short time frame (i.e., 2-3 hours) without illegal vote count alteration. In another case for Edison County, MI, Vice President Biden received more than 100% of the votes at 5:59 PM EST on November 4, 2020 and again he received 99.61% of the votes at 2:23 PM EST on November 5, 2020. These distributions are cause for concern and indicate fraud.
- i. DVS has acknowledged that Chinese made parts are used in its voting machines. However, the company is unwilling to share details on its supply chains, foreign ownership, or its relationship

with China, Venezuela and Cuba. In particular, I have seen USIC intelligence reports showing China's espionage activities in the United States and efforts to infiltrate elections. Since these countries are our enemies, I conclude that FIS and other operators were involved to influence the outcome of the 2020 election.

- j. A Man-in-the-Middle (MITM) cyber attack was carried out by covert operators using sophisticated tools, such as Hammer and Scorecard. The MITM attack occurred in two ways. Initially, remote operatives used USB memory cards containing cryptographic keys and access system backdoors to alter votes in battleground states. Subsequently, the results were forwarded to ScytI/SOE Software servers located in Frankfurt, Germany (previously, Barcelona, Spain). The MITM attack was structured to ensure sufficient data alteration had occurred prior to forwarding the tallied results to the ScytI/eClarity Software Electronic Night Reporting (ENR) system. The reason election data are forwarded overseas is to avoid detection and monitoring by the USIC to obfuscate the MITM.
- k. In my expert opinion, the DVS Democracy Suite, ScytI/SOE Software/eClarity and Smartmatic have not produced auditable results in the 2020 election. It is evident that ballots were not properly validated, system records were not kept, and the system experience considerable instability even several days prior to November 4, 2020 that require DVS to implement software changes at the last minute. In addition, the disparity in data distribution after 4:30 AM on November 4, 2020 indicates significant systemic anomalies that were widespread among all battleground states. The evidence is both extensive and persuasive and indicates large-scale fraud by remote operators.

16. I conclude that a combination of lost cryptographic key contained on stolen USB memory cards, serious exploitable system and software vulnerabilities and operating system backdoor in DVS, ScytI, SOE Software/eClarity and Smartmatic created the perfect environment to commit widespread fraud in all

states where these systems are installed. My analysis of the 2020 Election from NY Times data shows statistical anomalies across the battleground state votes. These failures are widespread and systemic - and sufficient to invalidate the vote counts.

17. I conclude with high confidence that the election 2020 data were altered in all battleground states resulting in a hundreds of thousands of votes that were cast for President Trump to be transferred to Vice President Biden. These alterations were the result of systemic and widespread exploitable vulnerabilities in DVS, Scyt/SOE Software and Smartmatic systems that enabled operators to achieve the desired results. In my view, the evidence is overwhelming and incontrovertible.

Pursuant to 28 U.S.S. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

EXECUTED ON: November 25, 2020

By: Navid Keshavarz-Nia
Navid Keshavarz-Nia, Ph.D., Ed.D.

EXHIBIT E

AFFIDAVIT OF Nguyet T. Nguyen

Commonwealth of Massachusetts, County of Essex

My current legal name is Nguyet T. Nguyen, and my current occupation is Accountant. I am presently 52 years old and my current address is 305 Summer Street, Lynn, MA 01905.

This is a statement that I am declaring to be true under oath:

1. I am a registered voter of Ward 6, Lynn, Massachusetts since around 2006.
2. On or around September 2020 I received by U.S. Mail, an application for a mail in ballot in the general election.
3. I did not request an application for a mail in ballot at any time in 2020.
4. I threw away the application for a mail in ballot because I intended to vote in person on election day, November 3, 2020.
5. At around 6:30pm on November 3, 2020, I went to the Ward 6 polling station located Lynn Vocational Technical School on Neptune Boulevard in Lynn, Massachusetts.
6. I checked in with the poll worker who was a woman and gave her my name.
7. After giving her my name, she stated that there was a check mark on my name indicating that I early voted.
8. I explained to her that I did not early vote.
9. A man sitting next to her then made a telephone call on his cellular phone.
10. I did not hear the conversation he was having on the phone and did not know to whom or where he called.
11. After he got off the telephone, he explained he was checking to make sure that I didn't vote twice.
12. I was giving a ballot and casted my vote.
13. A woman put my ballot into the tabulator machine.
14. My mother, Khoa T. Pham, and I went to vote together at the same polling station in Lynn.
15. My mother gave her name to the woman who checks the voters in.

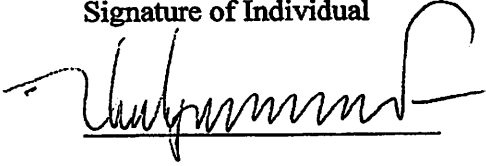
16. There was no checkmark next to her name indicating she had early voted.

17. My mother also received an application for a mail ballot in September 2020.

18. My mother did not request a mail ballot and threw the application away in the trash.

I hereby state that the information above is true, to the best of my knowledge. I also confirm the information here is both accurate and complete, and relevant information has not been omitted.

Signature of Individual



Date

11/29/2020

Subscribed and sworn before me on the
29 day of November, 2020

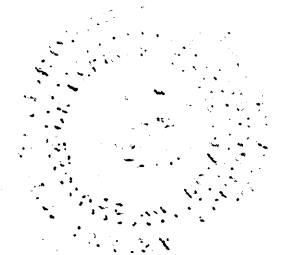
Signature  (Seal)

NOTARY PUBLIC

Ariane Murrell-Rosario

My Commission Expires:

4/14/2021



AFFIDAVIT OF Anh Nguyen

Commonwealth of Massachusetts, County of Essex

My current legal name is Anh Ngoc Thi Nguyen, and my current occupation is Tax Preparer. I am presently 55 years old and my current address is 305 Summer Street, Lynn, MA 01905.

This is a statement that I am declaring to be true under oath:

1. I am a registered voter of Ward 6, Lynn, Massachusetts since around 2006.
2. On or around September 2020 I received by U.S. Mail, an application for a mail in ballot in the general election.
3. I did not request an application for a mail in ballot at any time in 2020.
4. I threw away the application for a mail in ballot because I intended to vote in person on election day, November 3, 2020.
5. At around 11:00am on November 3, 2020, I went to the Ward 6 polling station located Lynn Vocational Technical School on Neptune Boulevard in Lynn, Massachusetts.
6. I checked in with the poll worker who was a woman and gave her my name.
7. I was sent to my precinct table and gave another woman my name.
8. The woman stated that I had early voted.
9. I observed a check mark next to my name on the sheet the woman had in front of her.
10. I stated to the woman that I did not early vote.
11. The woman called out to another woman who made a telephone call and provided my name to a person on the other end of the telephone.
12. After the woman finished the telephone call, she stated that I could vote.
13. I was handed a ballot, after I finished voting, I handed my ballot to another woman standing near the vote tabulating machine.
14. I observed the woman put my ballot into the machine.

I hereby state that the information above is true, to the best of my knowledge. I also confirm the information here is both accurate and complete, and relevant information has not been omitted.

Signature of Individual

[Handwritten Signature]
Date 11/29/20

Subscribed and sworn before me on the
29 day of November, 2020

Signature [Handwritten Signature] (Seal)

NOTARY PUBLIC

[Handwritten Signature]

My Commission Expires:

4/16/2021



EXHIBIT F

AFFIDAVIT OF ROSEMARIE A. SERINO

Commonwealth of Massachusetts, County of Essex

My current legal name is Rosemarie A. Serino, and my current occupation is retired. I am presently 83 years old and my current address is 36 Johnson St., Newburyport, Mass.

This is a statement that I am declaring to be true under oath.

"When I went to the polling station at the Hope Church (I am in Ward 3), I was asked my address and then my name. After giving both, I was told that I had already voted. I immediately said, "I did not". At that point, the poll taker said, "it says here you already voted by mail." Again, I stated that "I had not voted yet." The poll taker then said, " I will call City Hall and see what they say. He then came back and said that I had not voted, after which I was given a ballot and able to vote. Incidentally, if I went to vote after 4:00p.m., City Hall would have been closed and I would not have been able to do my civic duty and vote."

I hereby state that the information above is true, to the best of my knowledge. I also confirm the information here is both accurate and complete, and relevant information has not been omitted.

Signature of Individual

Rosemarie A. Serino

Date *Nov. 30, 2020*

Subscribed and sworn before me on the

30 of November, 2020 (Seal)

NOTARY PUBLIC

Amy E. Leary

My Commission Expires:

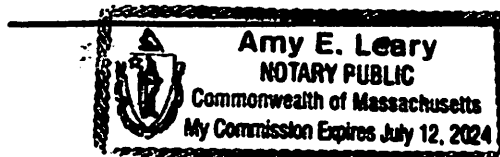


EXHIBIT G

Affidavit of William J. Souza

I William J. Souza, declare under the pains and penalties of perjury, that the follow statement is true and correct to the best of my knowledge and belief. This affidavit is drafted personally and I affirm that I am a lifelong resident of Fall River, Massachusetts which is located within Bristol County. My current address is and has been for the past 20 years, 47 Lapham Street, Fall River, Massachusetts 02721-3731.

STATEMENT:

I have voted in every election since I was 18 years old. I'm in my 50's these days and I believe I was a victim of voter fraud this past election. My name was removed from the voter registration list. I provided my real ID and an image of an official document sent to me earlier in the year indicating my name, address, the year I was born and my Republican Party affiliation. That wasn't good enough to allow me to cast my vote.

I officially changed my party affiliation on July 10, 2020 online. On July 17, 2020 I received the above mention documentation confirming my party transition. So imagine my surprise when my wife and both children were on the voter list but I was not. They are not registered Republicans. I was taken aside while the election worker called the Fall River election board. He got off the phone and told me I was reporting to the wrong location that because I lived at Barsley street. I explained to the worker I have never lived on Barsley street. In addition I have lived at my current address for the last 20 years and have voted for elections in that voting location.

A second call was placed to Fall River board of elections. No progress was made. I was given a ballot that the worker wrote in big red letters "provisional". I was told to vote but not to enter the ballot into the ballot reading machine. I was told to place the ballot in an envelope they gave me and seal it. The worker took the envelope and put it aside on his table.

My wife seeing how upset I was called the state board of elections and I spoke with some state election official. He assured me my vote would be counted. I further explain what had happened he then transferred me to his supervisor. I spoke with his supervisor and she confirmed my party affiliation change but listed me as living on Barsley street and being a Democrat. I questioned her on how this even possible. She did not have an answer but stated she would contact someone named Kelly in Fall River and either she or Kelly would get back to me to clear this up. She then took my phone number and the call ended.

It's been weeks and I have not received a response from anyone affiliated with the board of elections from the City or the State. I do not believe this incident was an accidental identity error. I sincerely believe it was intentionality done to remove my right to vote in an effort to rig the election results.

STATE OF: Massachusetts
COUNTY OF: Bristol

PERSONALLY came and appeared before me, the undersigned Notary, the within named, who has provided documentation such as a Real ID and a Passport that he is a resident of Fall River

Affidavit of William J. Souza

which is located in Bristol County in the State of Massachusetts, and makes his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his knowledge.

DATED this the 28th day of November, 2020

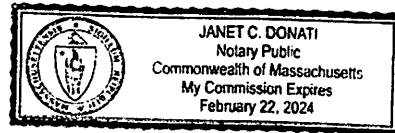
William J. Souza
Signature of Affiant

SWORN to subscribe before me, this 28th day of November, 2020

Janet C. Donati
NOTARY PUBLIC

My Commission Expires:

02/22/2024



My Notes: Tara Alves

Framingham, Ma 01701

Resident, Poll Watcher in Wayland, MA location with another man from Mr. Robert Johnson (9:30AM to 2:00PM)

For Ingrid Centurion a poll watching position

I arrived at the elementary school in Wayland, Ma location. The Wayland Elementary School.

The staff there after I informed who I was were combative and rude. They would not talk to me. I noticed there was a bench was 100ft away not behind them watching them work. I was pointed to the bench and sat there. I immediately noticed people signing a book and being sworn in, not me or the gentleman I sat next to. He said he was there since 8:00AM and he was also a poll watcher for Ingrid Centurion. There were ballot boxes with no tape I did not see any security cameras or people watching the boxes of ballots coming in. Only one officer at the door stationed there. The ballot machine was faulty and broke a man designated with a key opened and closed it. The ballots were sputted out and thrown away or put in a side panel that fed it back into the computer almost like it was cancelling the ballots by throwing them away. Where they threw them away were in a separate box underneath the main table where you drop off ballot and leave to the exit 9ft away. There was no security officer or policeman there or guarding the ballot boxes. There 2 precincts, the room was divided into 2 precincts 1 ½ and another half 1 ½ was another precinct of Wayland, MA. No Covid 19 cleaning procedures noticed either. No gloves worn just paper and cloth masks.

Between 10:00AM and 11:00AM the ballot machine at the main desk was malfunctioning and it kept feeding and sputting out the ballots for hours we were there. We asked if they were going to fix it to the man with the designated key, he said no. It was doing it and had with the past years the labels gummy adhesive maybe the problem, we suggested Robert Johnson and I because of the rollers were beginning to make a loud noise.

- No one was in charge
- No security
- 2 Entrances – all 4 entrances were being used not designated
- Boxes were not taped before and after brought in and brought out
- The machine was not working properly or fixed.
- We were not instructed at all properly
- We were ignored
- We were told to not talk to anyone
- We were not allowed near the ballots, sat 180ft away from the table (main ballot table)
- We did not sworn in and put in their book as a security
- There were kids there that were not American Citizens

- So, in the past I was a ballot watcher for Mr. Tom Sanicandro, a democrat in Ashland, Framngham, MA. I was over his house and poll watched for him in afternoon at the Ashland H.S. They were civil professional cordial, amiable. Completely different on how we got treat at Wayland Middleschool which was polar opposite.

TARA

 Tara Alves

MON. Dec. 7, 2020

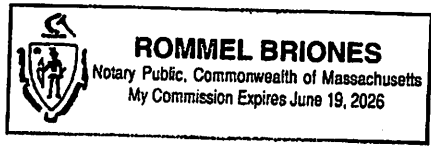
 Date

State of MASSACHUSETTS
 County of SUFFOLK

On this 7th day of DECEMBER 2020, before me, the undersigned notary public, TARA ALVES (name of document signer) personally appeared, proved to me through satisfactory evidence of identification, which were MA DRIVERS LICENSE, to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief.

ROMMEL BRIONES

 (official signature and seal of notary public)



CIVIL COVER SHEET

JS 44 (Rev. 06/17)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff MIDDLESEX
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant SUFFOLK
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
JOHN PAUL MORAN PRO SE
25 WINSOR ROAD
BILLERICA MA 01821 617-804-7306

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 1252 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(b)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 499 Cable Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC SECTION 1981-1983
 Brief description of cause: EMERGENCY PRELIMINARY INJUNCTION REGARDING 2020 ELECTION PROCESS

VII. REQUESTED IN COMPLAINT:

- CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
- DEMAND \$ _____
- CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 12/7/20

SIGNATURE OF ATTORNEY OF RECORD

[Signature] PRO SE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) JOHN PAUL MORAN V.
COMMONWEALTH OF MASSACHUSETTS

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 400, 410, 441, 535, 830*, 835*, 850, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

N/A

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See local rule 40.1(b)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME JOHN PAUL MORAN PRO SE

ADDRESS 25 WINSOR ROAD, BILLERICA MA 01821

TELEPHONE NO. 617-804-7306

FILED
IN CLERK'S OFFICE
2020 DEC - 7 PM 1:03
U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

JOHN PAUL MORAN,)
 CAROLINE COLARUSSO,)
 HELEN BRADY,)
 INGRID CENTURION,)
 CRAIG VALDEZ,)
 Plaintiffs)
)
 v.)
)
 COMMONWEALTH of)
 MASSACHUSETTS,)
 CHARLES D. BAKER JR.)
 in his official capacity as)
 Governor of the Commonwealth,)
 WILLIAM F. GALVIN)
 in his official capacity as)
 Secretary of the Commonwealth,)
 Defendants)

CIVIL ACTION No.

FILED
 IN CLERKS OFFICE
 2020 DEC -7 PM 1:04
 U.S. DISTRICT COURT
 DISTRICT OF MASS.

NOTICE IN A CIVIL ACTION

To: MAURA HEALY
 Attorney General of the Commonwealth of Massachusetts
 One Ashburton Place, 20th Floor
 Boston, MA 02108

A lawsuit has been filed by Plaintiffs listed above against Defendants, the Commonwealth of Massachusetts, Governor Charles D. Baker Jr. and Secretary of the Commonwealth, William F. Galvin. You are being served notice as the Attorney General of the Commonwealth of Massachusetts because a Massachusetts state statute is being drawn into question regarding its constitutionality; namely, Massachusetts Bill H.4820.

The Plaintiff *pro se* contact regarding this matter:

John Paul Moran
 25 Winsor Road
 Billerica, MA 01821
 Phone: 617-804-7306
Johnpaul1096@hotmail.com

CLERK OF COURT

Date: _____

 Signature of Clerk or Deputy Clerk