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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**Marc Thielman; Ben Edtl; Janice Dysinger;
Don Powers; Sandra Nelson; Chuck Wiese;
Loretta Johnson; Terry Noonkester; Steve
Corderio; Jeanine Wenning; Diane Rich; Pam
Lewis; Senator Dennis Linthicum;** individually
and on behalf of all others similarly situated,

Plaintiff,

v.

Shemia Fagan, in her official capacity as **Oregon
Secretary of State; Baker County; Benton
County; Clackamas County; Clatsop County;
Columbia County; Coos County; Crook
County; Curry County; Deschutes County;
Douglas County; Gilliam County; Grant
County; Harney County; Hood River County;
Jackson County; Jefferson County; Josephine
County; Klamath County; Lake County; Lane
County; Lincoln County; Linn County;
Malheur County; Marion County; Morrow
County; Multnomah County; Polk County;
Sherman County; Tillamook County; Umatilla
County; Union County; Wallowa County;
Wasco County; Washington County; Wheeler
County; Yamhill County;**

Defendants.

Case No.: 3:22-cv-1516-SB

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR DECLARATORY
JUDGEMENT AND INJUNCTIVE
RELIEF**

INTRODUCTION

1. Americans are confronted with a storm of election “anomalies” that have served to undermine the confidence of a significant percentage of the American electorate in the integrity of our free and fair elections. A citizen's vote is a fundamental expression of their First Amendment rights and as such is guaranteed equal protection under the United States Constitution. Equal protection is a duty of local and state government agents and as such, the curiosity and vigilance of state and county election officials concerning potential election fraud must be of the highest order. Unfortunately, state and county officials have consistently demonstrated a profound lack of curiosity for investigation of glaring anomalies and have failed to alleviate the negative impact of these anomalies on the confidence of the Oregon voters.

2. The maintenance of confidence in this one citizen, one vote system is the duty of all government election agencies. The recent tsunami of election irregularities and the verifiable existence of proven voter fraud in multiple jurisdictions across the United States at the hands of government agencies/officials has served to create a crisis of confidence that state and local governments have a duty to address in an open, fair, and transparent manner. Since the 2020 election, Plaintiffs have worked diligently to look into local voting anomalies with the intention of determining the state of our election system. Plaintiffs would be perfectly happy if they were able to determine that no voter fraud exists. In simple terms, Plaintiffs have sought to ascertain whether our elections are indeed safe, secure and worthy of the full confidence of the Oregon voter.

3. Defendants purport to want free and fair elections, and they tell us that our elections are free and fair, but their actions speak louder than words. Shockingly, the very agents of the state and county governments that swear an oath to uphold the United States Constitution

have encumbered, disrupted, obstructed, and out-right denied access of the people to public records, refused to investigate findings from election canvassers, and impuned the reputation of election integrity minded citizens. These behaviors are consistent nationwide and encompass the highest levels of our Federal Government as President Biden named any citizen that “questioned the integrity of our free and fair elections is a threat to democracy.” This rhetoric from the highest levels of government creates a separation between the government and the right of all people to be secure in their thoughts, their person, and their right to exercise free speech, seek redress of grievances with their government and their right to cast their vote in full confidence and in a manner consistent with their right of self-expression without threat of being dubbed a terrorist or any other moniker of division at the hands of the government or any government official.

4. This behavior of Defendants negatively impacts voter confidence in our elections and facilitates voter disenfranchisement. Why bother to vote if the vote is rigged? If the elections are fair, why are our officials fighting so hard to prevent the public from verifying their fairness? If the elections are being manipulated with phantom voters and other means, as indicated by the tsunami of voter anomalies, then the scale of voter disenfranchisement is unprecedented by anything in our history because every illegitimate or phantom vote cancels out a legitimate vote.

5. We used to vote in a decentralized and transparent manner with individual screening of persons showing up to vote. Even with less than perfect voter rolls, people who had moved or died tend not to show up in person to vote. We now vote using a centralized non-transparent black box using mail-in ballots with nothing but a signature to validate the authenticity of the vote. Fraud occurred a lot under the old system, but the methods of fraud were limited, and it was more easily detected. Now fraud can occur in many more ways and it is very

difficult to detect due to the nature of mail-in ballots and the unverifiability of the black box computers that now tabulate the vote.

6. One question is: does the existence of massive examples of voter anomalies and the refusal of state and local officials to adequately address them cause disenfranchisement? It does. Another question is: do the barriers erected by public officials to hide the voting process from the public cause disenfranchisement? It does. An additional question is: does the evidence currently available indicative of vote manipulation demonstrate likely disenfranchisement? It does. In sum, the machines and methods used by Defendants are inherently nontransparent preventing the public from knowing whether its elections are fairly conducted.

7. Due to the combined effect of these questions, what is happening in Oregon and across the United States is mass voter disenfranchisement on an unprecedented scale at the hands of the government. If we do not have free and fair elections, the citizens have lost control of our country to the agents of division and fraud, who are believed by millions to be actively working to suppress the free and fair expression of the citizen vote. It has happened elsewhere, such as in Venezuela, in which elections are understood not to be free and fair, and equal protections are not upheld. These facts have caused tens of thousands of Venezuelans to immigrate to the United States in search of a better life where they are equal participants in a free, fair, and civil voting society. President Biden recently acknowledged these facts in his recent statement in which he cited the tyranny in Venezuela and stated that deporting these freedom seeking migrants would be “irrational.”

8. Plaintiffs and all Oregonians have a constitutional right to have their ballots counted accurately, securely, and transparently so that only legally cast votes determine the winners of each contested office.

9. Defendants each have duties to ensure that elections are held with a maximum degree of accuracy, integrity, transparency, and confidence.

PARTIES

10. Marc Thielman is the former Superintendent of Alsea School District and was a candidate for the Republican nomination for Governor in 2022. Mr. Thielman is registered to vote and lives in Lane County.

11. Ben Edtl is the founder of Free Oregon, a non-partisan public interest organization dedicated to defending and restoring civil rights in Oregon. Mr. Edtl is the Republican Candidate for State Senate District 19 which includes portions of Clackamas, Multnomah, and Washington Counties. Mr. Edtl is registered to vote and lives in Washington County.

12. Janice Dysinger is a long-time election integrity advocate who is registered to vote and resides in Multnomah County. Mrs. Dysinger is co-chair of the Election Integrity Committee of the Oregon Republican Party.

13. Don Powers is a businessman and co-chair of the Election Integrity Committee of the Oregon Republican Party with Janice Dysinger. Mr. Powers is registered to vote and resides in Clackamas County.

14. Sandra Nelson leads the non-partisan Washington County Election Integrity committee. Mrs. Nelson is the Republican Candidate for State Representative House District 27. Mrs. Nelson is registered to vote and resides in Washington County.

15. Chuck Wiese is a retired meteorologist and airline pilot. Mr. Wiese has personal experience of how vulnerable the Oregon's voting system is to people who want to cast fraudulent ballots. Mr. Wiese is registered to vote and lives in Washington County.

16. Loretta Johnson is a registered dental hygienist who is registered to vote and lives in Douglas County. Mrs. Johnson leads the election integrity group in Douglas County.

17. Terry Noonkester is journalist living in Douglas County. She is registered to vote, a Republican Party PCP, and a member of the election integrity group in Douglas County.

18. Steve Corderio is a businessman who is registered to vote and resides in Marion County.

19. Jeanine Wenning is registered to vote and resides in Linn County. She was a poll watcher during the 2022 Election whose rights were abused by election officials.

20. Diane Rich is a businesswoman who is registered to vote and resides in Coos County. She was a candidate for County Clerk for Coos County in the May 2022 election.

21. Pam Lewis was a candidate for Coos County Commissioner and is a leader in the Coos County election integrity group. Mrs. Lewis is registered to vote and resides in Coos County.

22. Senator Dennis Linthicum represents Senate District 28 covering all or part of Klamath, Jackson, Lake, Deschutes, and Crook counties. Senator Linthicum is registered to vote and resides in Klamath County.

23. Defendant Shemia Fagan is the Oregon Secretary of State. Ms. Fagan is responsible for the integrity of the election system in Oregon.

24. Defendant Baker County is a county in the State of Oregon having its county seat in Baker City.

25. Defendant Benton County is a county in the State of Oregon having its county seat in Corvallis.

26. Defendant Clackamas County is a county in the State of Oregon having its county seat in Oregon City.

27. Defendant Clatsop County is a county in the State of Oregon having its county seat in Astoria.

28. Defendant Columbia County is a county in the State of Oregon having its county seat in Saint Helens.

29. Defendant Coos County is a county in the State of Oregon having its county seat in Coquille.

30. Defendant Crook County is a county in the State of Oregon having its county seat in Prineville.

31. Defendant Curry County is a county in the State of Oregon having its county seat in Gold Beach.

32. Defendant Deschutes County is a county in the State of Oregon having its county seat in Bend.

33. Defendant Douglas County is a county in the State of Oregon having its county seat in Roseburg.

34. Defendant Gilliam County is a county in the State of Oregon having its county seat in Condon.

35. Defendant Grant County is a county in the State of Oregon having its county seat in Canyon City.

36. Defendant Harney County is a county in the State of Oregon having its county seat in Burns.

37. Defendant Hood River County is a county in the State of Oregon having its county seat in Hood River.

38. Defendant Jackson County is a county in the State of Oregon having its county seat in Medford.

39. Defendant Jefferson County is a county in the State of Oregon having its county seat in Madras.

40. Defendant Josephine County is a county in the State of Oregon having its county seat in Grants Pass.

41. Defendant Klamath County is a county in the State of Oregon having its county seat in Klamath Falls.

42. Defendant Lake County is a county in the State of Oregon having its county seat in Lakeview.

43. Defendant Lane County is a county in the State of Oregon having its county seat in Eugene.

44. Defendant Lincoln County is a county in the State of Oregon having its county seat in Newport.

45. Defendant Linn County is a county in the State of Oregon having its county seat in Albany.

46. Defendant Malheur County is a county in the State of Oregon having its county seat in Vale.

47. Defendant Marion County is a county in the State of Oregon having its county seat in Salem.

48. Defendant Morrow County is a county in the State of Oregon having its county seat in Heppner.

49. Defendant Multnomah County is a county in the State of Oregon having its county seat in Portland.

50. Defendant Polk County is a county in the State of Oregon having its county seat in Dallas.

51. Defendant Sherman County is a county in the State of Oregon having its county seat in Moro.

52. Defendant Tillamook County is a county in the State of Oregon having its county seat in Tillamook.

53. Defendant Umatilla County is a county in the State of Oregon having its county seat in Pendleton.

54. Defendant Union County is a county in the State of Oregon having its county seat in La Grande.

55. Defendant Wallowa County is a county in the State of Oregon having its county seat in Enterprise.

56. Defendant Wasco County is a county in the State of Oregon having its county seat in The Dalles.

57. Defendant Washington County is a county in the State of Oregon having its county seat in Hillsboro.

58. Defendant Wheeler County is a county in the State of Oregon having its county seat in Fossil.

59. Defendant Yamhill County is a county in the State of Oregon having its county seat in McMinnville.

60. The 36 Oregon Counties collectively referred to as (“Counties”). The Counties are responsible for the distribution, receiving, and counting of ballots in elections.

JURISDICTION

61. Plaintiffs bring this action under 42 U.S.C. § 1983 to challenge government officers’ violations of the United States Constitution and to seek prospective relief.

62. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because this action seeks to protect civil rights under the Fourteenth Amendment to the United States Constitution.

63. This Court has personal jurisdiction over each Defendant because each Defendant is located in the State of Oregon.

BASIS FOR THE COMPLAINT AND INJUNCTIVE RELIEF

64. Voters in Oregon suffer from a crisis of confidence in their election system. The government at all levels appears to be working to exacerbate the crisis of confidence by their lack of transparency, security, inconsistent chains of custody, unequal enforcement and application of rules, and access to records that invite voter fraud, plus their refusal to seriously address blatant evidence of fraud. This conduct fuels a profound crisis of confidence that constitutes de facto voter suppression and disenfranchisement in violation of the United States Constitution.

65. The harm from this voter suppression and disenfranchisement is actual and imminent. Each Plaintiff and each member of the Class of voters in Oregon has a personal stake in the outcome of this controversy. An individual voter is disenfranchised when an illegal vote is

counted. In view of the evidence pointing to actual fraud, the existence of substantial fraud is all but certain. Plaintiffs are entitled to ascertain the condition of our election systems and to seek necessary remedies so that the citizens can once again have confidence in current system of voting, so all citizens are empowered to participate knowing that their vote will count equally in the democratic process which as President Biden stated in his speech on the Soul of the Nation, “is the very foundation of our Republic.”

66. Oregon’s statutory scheme for elections requires vote by mail with ballots scanned by computerized vote tallying systems.¹

67. Americans are confronted with a storm of election “anomalies” that have served to undermine the confidence of a significant percentage of the American electorate in the integrity of our free and fair elections. A citizen’s vote is a fundamental expression of their First Amendment rights and are guaranteed equal protection under the Fourteenth Amendment to the United States Constitution. Equal protection is a duty of local and state governments agents and as such, the curiosity and vigilance of state, county, and federal election officials concerning public perceptions of actual and potential election anomalies must be of the highest order.

68. The founders understood that democratic legitimacy depends on public confidence in the conduct of elections. Election fraud is nothing new. Having hundreds of years of experience to draw upon, the founders and early architects of our Constitutional Republic knew that governments could not be trusted to conduct honest elections. Thus, they created a decentralized system of elections that relied upon local precincts and local volunteers and officials to conduct, process, and tally the votes. The system was intentionally constructed to

¹ ORS Chapter 254.

maintain the secrecy and integrity of the ballot (one private citizen -one anonymous vote) with each precinct station being run by members of the local community for local voters.

69. Voters entered the precinct station (often a library, school, or church) and were checked on the voting list and issued a ballot. They stepped into a private voting booth and placed their ballot in a sealed receptacle that ensured the secrecy of their vote. Workers and observers were stationed around the room to discourage “bad actors.” Ballot counting was conducted locally by workers in pairs of two, one from each party, and election results were usually posted within twelve hours.

70. With the small precinct and local workers, many voters were personally known to the workers and the chance of a voter registering in multiple precincts was reduced. This decentralized system protected the integrity of votes by limiting the ability of a small number of potential bad actors both inside and outside the government collaborating to affect the outcome of an election.

71. Citizens are supposed to be in control of their government. Fundamentally, an election is supposed to be a process conducted by the people to decide who should lead them. There is an old adage, “The people who cast the votes don’t decide an election, the people who count the votes do.” Oregonians desperately need to regain control over the counting of the votes.

Oregonians have been presented with widespread indicators of election fraud and anomalies that undermine confidence and drive de facto voter suppression and disenfranchisement.

72. The documentary *2000 Mules*² shows, for everyone to see, illegal ballot trafficking. Individuals trafficking illegal ballots, called mules, are shown in the movie stuffing

² See <https://2000mules.com>.

ballot boxes with multiple ballots in five states: Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin. There were 2,000 mules who visited ten or more ballot drop-boxes and five or more visits to a non-profit entity in the course of a day in the regions of Philadelphia, Detroit, Milwaukee, Atlanta, and Phoenix. But the problem is much bigger. If one looks for people who delivered multiple ballots to five or more drop-boxes in a day and visited a non-profit entity, 54,000 individuals satisfy that criteria in these same five regions. Mules were typically paid \$10 per ballot.

73. The degree of organization and planning to carry out the criminal activity revealed in the *2000 Mules* documentary is immense. The movie *2000 Mules* exposes a nationwide organized criminal conspiracy to manipulate the outcome of elections.

74. The movie *2000 Mules* focuses on the battleground states, but Oregon has the same, if not worse, vulnerabilities with its all mail-in voting system. The same criminal trafficking of illegal ballots activity shown in *2000 Mules* is also occurring in Oregon. An analysis by Seth Keshel shows that there are two major hubs for ballot trafficking in Oregon located in Portland and Eugene.

75. An Oregon voter seeing the facts disclosed in *2000 Mules* will understand that an organized crime syndicate is intent on stealing the results of elections. The ordinary citizen does not see that our public officials are taking appropriate action to prevent this from happening in Oregon. Indeed, the actions being taken by Oregon serve to exacerbate the problem by showing excess ballots across the state to be scooped up by criminals.

76. Capt. Seth Keshel is a former military intelligence analyst and analytics guru. He has analyzed every county in the country for evidence of election fraud. His analysis is based on historical trends and voter registration data. His analysis of Oregon shows that counties in the

western half of the State show a “strong, unexplainable divergence from the trend,” which is evidence of “Strong/Rampant Fraud” as illustrated in Figure 1.³ Fraud in two Oregon counties, Jackson and Marion Counties, is so rampant that Jackson and Marion Counties are identified by Capt. Keshel among the 100 counties having the most fraud in the United States.⁴

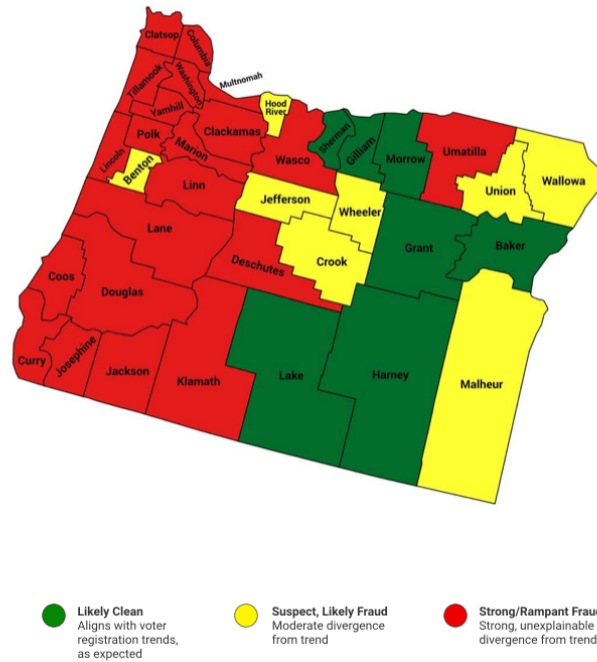


Figure 1

77. Capt. Keshel has identified 74 major mule or harvesting rings across the country from the 2020 election.⁵ Oregon has two major mule rings in Portland and Eugene, as described

³ Seth Keshel, *Oregon Election Analysis by Seth Keshel*, <https://electionfraud20.org/seth-keshel-reports/oregon/> (last updated Feb. 8, 2022) (viewed Sept. 14, 2022).

⁴ *Id.*

⁵ Seth Keshel, *74 Harvesting and Mule Rings: Where They Were, How They Did It, And The Impact - Our Work is Now Corroborated*, <https://skeshel.substack.com/p/74-harvesting-and-mule-rings-where> (May 14, 2022) (viewed Sept. 14, 2022).

in Capt. Keshel’s analysis and shown in Figure 2. Capt. Keshel’s analysis is corroborated by the documentary *2000 Mules*.

78. An Oregon voter seeing the facts and analysis performed by Capt. Keshel will understand that organized criminals are actually manipulating the outcome of elections in Oregon. An Oregon voter will understand that the risk is imminent and concrete. An Oregon voter sees that our public officials are failing to take appropriate action to prevent this from happening in Oregon’s elections.

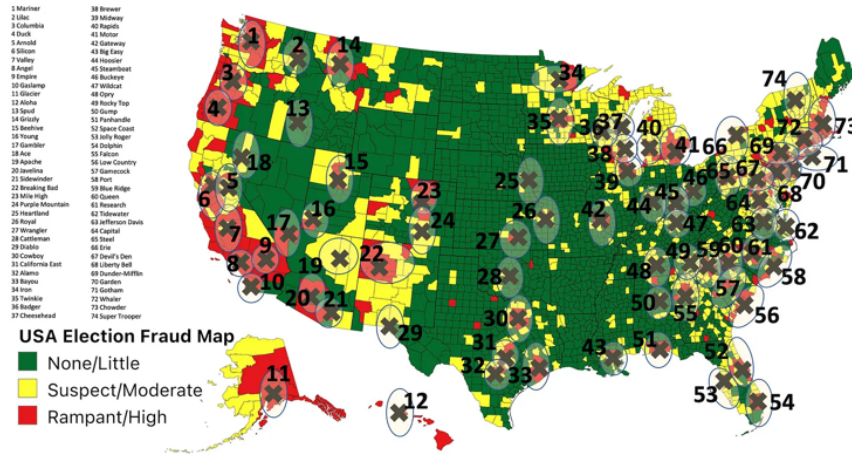


Figure 2

79. Dr. Douglas Frank is a renowned scientist and inventor who received his PhD in Electrochemistry at UC Santa Barbara. He has authored approximately sixty peer-reviewed scientific reports. Dr. Frank is an expert at, among other things, analyzing large sets of numbers. Dr. Frank discovered the algorithm used by voting machines to manipulate election results. Due to his discovery, Dr. Frank can analyze a couple of counties in a state and calculate a key. Using that key, Dr. Frank can then predict the number of ballots recorded for each age for every county in the state at a high degree of certainty. The key that Dr. Frank calculates for Oregon will not

work in Washington or any other state. But if he analyses a couple of counties in Washington state, he can calculate a key and then predict the voter turnout for every other county in the state of Washington. This evidence shows that elections are manipulated to a predetermined target at the state level and controlled at the county level.

80. An Oregon voter seeing the facts and analysis performed by Dr. Frank will understand that organized criminals are actively manipulating the vote. The ordinary citizen does not see that our public officials are taking appropriate action to prevent this from happening in Oregon's elections.

81. Each of the computerized election tabulation systems in each county in Oregon utilizes a database to collect the results of scanning the ballots. Database software is complex software designed to allow the user to manipulate the data. The purpose of a voting system is not to manipulate data, it is to collect data. There is no reason to design a computer system for tabulating votes to have a database. Computers can easily add numbers without using database software. The use of database software in Oregon's election systems gives nefarious actors an "easy" button for manipulating the vote.

82. In Mesa County, Colorado, forensic backups of the election machines were made before and after two different elections. Analysis of those backups showed that, unbeknownst to the Elections Clerk, there were three databases for storing vote totals created in each of those two elections (there is only supposed to be one database). The vote totals were altered using votes recorded from one database to populate another to change the election results.

83. An Oregon voter learning the facts and analysis in Mesa County will understand that organized criminals have access to the voting machines and are intent on manipulating the vote. Such a voter will know that there is no way of knowing what is going on inside a computer

that is tabulating votes. Determining how the nefarious manipulation is taking place requires an extreme amount of transparency such as access to and inspection of the source code, forensic imaging of the computers, and a rigorous chain of custody for ballots. The ordinary citizen does not see that our public officials are taking appropriate action to provide this transparency. Quite the opposite—Oregon voters see that our public officials are taking action to obstruct investigation and to hide the election system from public accountability.

84. In Oregon, more people are registered to vote than are eligible to vote. An Oregon voter learning that more people voted than were registered, and there are more people registered than are eligible to vote, will understand that Oregon elections are not fair, and their vote is not being protected. The ordinary citizen does not see that our public officials are taking appropriate action to prevent this from happening again. To date, neither the Secretary of State, the Governor, nor any legislative body have called for a review, investigation, or held public hearings that address citizen concerns or the anomalies uncovered. This lack of “curiosity” denies citizens their right of redress of grievances and creates a sense of hopelessness that the sanctity of their votes will ever be protected.

85. In Lane County, citizens assembled to investigate the voter rolls in their County. They found that there were an unusually high number of registrations at numerous single addresses. There are 171 locations in Lane County with eight or more voters registered to vote with that address. They found registrations tied to locations that do not exist, such as vacant lots, vacant buildings, and street corners. They found 105 registrations with no address on file. They visited 40 addresses having 8 or more voter registrations. In their survey, they found that only 40% of registrations were valid and a total of 307 were invalid registrations. For example, an

address on Amazon Parkway had 85 registered voters—no one lives there. A Walmart parking lot in Eugene has twelve registered voters—no one lives there.

86. Lane County Election officials have stated on public record that they have not updated the voter rolls in over four years and have no plan to do so prior to the 2022 general election. Indeed, the opposite approach has been taken by Oregon. By law Oregon voters are to be left on the voter rolls forever.

87. In 2021, the Oregon legislature passed House Bill 2681, which was signed into law by Governor Brown and codified at ORS 247.275. The new law prohibits removing registered voters from the voter roll because they do not vote or update their registration for any period of time. Currently, there are more registered voters in Oregon than there are people of legal voting age. ORS 247.245 also turned inactive voters into active voters, if the only reason that they were on the inactive list is that the elector had not voted or updated their registration. Just in time for the 2022 election, this generated a wave of additional ballots being sent to addresses of formerly inactive voters whose status was changed to active by ORS 247.245.

88. ORS 247.245 was designed to create more phantom voters. The voter rolls will continuously expand with the names of people who have moved or have died. Just moving from one Oregon county to another creates an excess ballot. The registration in the person's former county of residence remains on the rolls, and another registration is created in the person's new county of residence, making it very easy for that person to get two ballots and to vote twice. A person in Clatsop County is reported to have received three ballots for the same election.

89. ORS 247.245 is a law designed to make election cheating easier. It creates another reservoir of officially sanctioned excess ballots. Showering excess ballots across the

State creates opportunities for criminals to scoop them up. Criminals, intent on rigging an election, can find these excess ballots, and get them into the system to be counted as votes.

90. One of the few protections to prevent fraud in mail-in voting is accurate voter rolls. With in-person voting, dead people or people who have moved out of the State, tend not to show up to vote in person on election day. While accurate voter rolls are still important for in-person voting, the requirement to show up in person to cast a vote is a check against inaccuracy of the voter rolls. This check does not exist when votes are cast by mail. Therefore, the accuracy of voter rolls listing the people who eligible to vote is at a premium for mail-in voting to prevent votes being counted for phantom voters. But Oregon has weakened this control by enacting a law that intentionally reduces the accuracy of the voter rolls, allowing more cheating to occur.

91. Every phantom vote cast disenfranchises a legitimate vote. Oregon citizens who take their vote seriously, who carefully consider the candidates, have their precious right to take part in choosing their leaders stripped away from them illegally and surreptitiously by criminals casting phantom votes.

92. An Oregon voter learning of this new law and that there are more registered voters than people in Oregon will understand that, rather than protecting the sanctity of their vote, the politicians are trying to make the voting system as easy to cheat as possible. An Oregon voter will understand that all of these excess ballots can be used by criminals to cast illegitimate votes, thereby stealing their vote.

93. Also in 2021, the Oregon legislature passed House Bill 3291, which was signed into law. The new law permits the counting of ballots received by mail up to seven days after an election. Ballots received after election day are still counted even if a postmark is missing. This law makes it even easier for criminals to cheat. After seeing the results of the election as of

election day, criminals now have seven more days to mail in more phantom votes to affect the results of an election.

94. An Oregon voter learning of this new law will understand that the politicians are trying to make the voting system as easy to cheat as possible. An Oregon voter will understand the extra seven days allows those who want to cheat more time to turn in illegitimate ballots to change the result of an election.

95. Judicial Watch, a watchdog organization, sent a certified letter to Shemia Fagan, Oregon Secretary of State (SOS) on November 16, 2021, alleging Violations of Section 8(a)(4) of the National Voter Registration Act of 1993 (NVRA), which mandates that states conduct a general program that makes a reasonable effort to remove the names of ineligible voters.

96. It cited data reported by the Oregon SOS office to the Election Assistance Commission (EAC) on administration of federal elections during the preceding two years. The data show that fourteen Oregon Counties reported removing five (5) or fewer voter registrations pursuant to Section 8(d)(1)(B) in that four-year period with many removing no registrants at all. For the record, over four years the following counties removing five or fewer registrants are: Multnomah (Oregon's most populace county) with five removals, Lane County with two removals, Klamath, Columbia, Tillamook, Sherman and Wasco County (one removal), and Wallowa, Harney, Lake, Sherman, Jackson, Gilliam and Wheeler Counties (zero removals).

97. The letter goes on to note that eleven other Oregon counties reported similarly low removals pursuant to the NVRA over the past two years: Marion County (one removal), Douglas County (five removals), Yamhill County (one removal), Josephine County (one removal), Polk County (zero removals), Coos County (three removals), Lincoln County (six removals), Union County (Five removals), Malheur and Baker Counties (zero removals).

98. Oregon and its counties are in violation of the National Voter Registration Act of 1993, 52 U.S.C. § 20507(a)(4) (“NVRA”). In direct opposition to the rights of Oregon citizens, the Oregon Legislature, citing “social justice,” passed and implemented ORS 247.275 that prohibits removing registered voters from the voter rolls for not voting for any period of time. This practice has further inflated the Oregon Voter rolls. Oregon and its counties are in blatant violation of the NVRA because they do not make a reasonable effort to remove names of ineligible voters from the voter rolls. Oregon and its counties are doing the opposite—inflating the voter rolls as much as possible to encourage voter fraud.

99. State and county election officials, under the coordinating oversight of the Oregon SOS have implemented registration policies that violate Federal Law and are hard-wired to create inaccurate voter mailing lists. Multnomah County has a population of 839,000 people, which means tens of thousands of registered voters will have changed residences during the prior four years without notifying the county elections office. With mail-in voting, that means Multnomah County is sending out tens of thousands of ballots that never reach their intended recipient. These ballots are delivered by mail and are unsecured. If a voter moves to another county and updates their registration, Multnomah is under no state requirement to update its voter rolls and if the EAC data is to be believed, they do not.

100. Bad actors, such as Antifa, exploit the insecure nature of mail in ballots by posting “how to vote more than once” instructions on social media. It included suggestions to harvest ballots from your neighbors and fill them out “in order to save democracy from Christine Drazen.” The ability of Antifa to brazenly advertise how to commit voter fraud is a direct result of an unsecure and fundamentally flawed mail in ballot system that is being facilitated at the

hands of government officials who are partisan in nature. The partisan powers in control of Oregon's government have fixed and are fixing elections so that they stay in office.

101. Marc Thielman, a candidate for Oregon Governor, competed for the Republican nomination in the Spring of 2022. He made a campaign video highlighting how a friend and his wife both received two ballots after moving from Marion to Lane County (one from each county) in March of 2022. Neither updated their voter registration information but they did file with the post office to forward their mail and change of address. To their surprise, they received two ballots each. They assumed that the third party of the post office changed their voter registration without their participation or consent.

102. On Sunday, May 8th, 2022, Mr. Thielman received a phone call from the Marion County Elections Clerk, Bill Burgess, demanding the video be taken down as it had gone viral on social media. Mr. Burgess explained that it constituted "misinformation," and posting it was "irresponsible." Mr. Thielman agreed to take down the video if Mr. Burgess could explain what part of the content was inaccurate. Mr. Burgess explained that only one of the votes would count because a second cast vote under the same name is "flagged" in the county system so they would know to only count one, namely the most recent registration. But, Mr. Burgess could not explain how Lane County would know that a person in Lane County also voted in Marion County. He stated, "Well I appreciate this discussion as it will help to inform the voting process." Mr. Burgess' concession that there was no "real-time way" to reconcile two votes under the same name in two different counties bolsters the plaintiff's complaint that the system undermines election integrity and public confidence in the current Oregon Vote by Mail system.

103. Jennifer Woodward of Oregon OSHA states, "In law ORS 247.570, the County Clerks in each county are notified of deaths that occur in their county weekly so that deceased

individuals can be removed from voter registration rolls. The Secretary of State's office receives a monthly file of deaths which is also used to ensure decedents are removed from voter registration rolls. If you are aware of a deceased Individual getting a ballot, please notify your county clerk immediately.”

104. Cara Tapken, a Multnomah County resident, received a ballot at her address for a deceased person, and she notified nearly every government agency and agent from the legislature, the SOS office, the Governor, and the Oregon Health Authority; three years later she is still finding the person's name on the active registered voter list.

105. Cara Tapken states, “Despite the county's reporting, I have reported, yet I can find the same people (on voter rolls), I reported to the elections division myself once a ballot was received. This was in 2019 and today (Jan. 5, 2023) I find the same. This has not been resolved. Since I have already reported this to multiple agencies and notified every Republican and Democrat Legislator and Kate Brown & the SOS in 2020 and most recently Tina Koteck.”

106. Anthony Hanson lived at 7312 SE 141st Avenue, Portland, Oregon, for a total of two weeks several years ago. Anthony now lives in Baltimore, Maryland. Ballots with his name on them are still received at 7312 SE 141st Avenue. Oregon floods the mail with ballots to ensure a plentiful supply that can be used by nefarious actors to submit illegal votes.

107. Oregon allows the insidious practice of ballot harvesting. County election officials regularly inform campaigns the status of a voter's ballot. Ballot harvesting is when a campaign determines which voters have already turned in their ballots, and then they go after the ones who have not. Interest groups, like unions, search out vulnerable citizens, such as are found in nursing homes and get votes from them. Ballot harvesters are trained to focus on elderly and residential homes. A witness states, “They would gather and brag about how they assisted ‘blind’

elderly people with filling out their ballots, one harvester stating, “I filled it out...Not the way they told me to, but I filled it out.” Oregon’s adoption of ballot harvesting in its law is another way that Oregon encourages cheating by taking off the restrictions on how ballots can be collected and letting criminals do what they will do.

108. All students at the University of Oregon receive two ballots. One at the University and the other at their home address (many of whose homes were out of state). Karen Kaplan was a manager of the University of Oregon Recycling Department. She was known for her partisan nature and often displayed her American Communist Party Membership card to her student employees, friends, and co-workers on campus. Under her directive, beginning in 1998, she had separate recycling receptacles—specifically for ballots—placed in student mail areas and other high traffic places on campus. Students were encouraged to “recycle” their ballots.

109. University recycling employees would go around daily prior to election day to collect the ballots. The piles of discarded ballots were then driven off campus and delivered to an SEIU office located (at the time) at the Ulano Credit Union Building in Eugene Oregon. The SEIU is a public employee union representing healthcare workers and other university employee groups.

110. With ballots in hand, the SEIU sent out emails from the field office to university employees soliciting help with 1) phone banking and/or 2) filling out ballots. Witnesses to this process attest that the “filling out of ballots” was coercive and completely favored union-endorsed Democrat Candidates.

111. University of Oregon students are still receiving two ballots. There is no reason to assume the practice has stopped. The SEIU is a partisan and biased organization that wields real political power and pushes its own self-serving agenda. That this practice is tolerated and left

uninvestigated is shocking to the conscience but clearly demonstrates that the government is compromised and no longer working for a fair and level playing field in support of all Oregonians.

112. The University of Oregon has over thirty thousand students, which clearly generate a high volume of discarded ballots that are wholly unsecured and available for nefarious and morally bankrupt agents to exploit. The recycling of ballots provides a source of official paper that can be submitted illegally. Every example and all the evidence implicated far Left-wing unions and non-profit groups and organizations. The Oregon state government has been dominated by far-left progressive Democrats since the inception of Vote by Mail. University students began receiving two ballots as early as 1986. If ten to fifteen thousand ballots are “recycled” and filled out and unlawfully cast in conjunction with a partisan, corrupt, and union-backed county government, then massive voter disenfranchisement has occurred for many years.

113. Chris Dudley was a popular Republican gubernatorial candidate who was leading his Democratic opponent by 1% at midnight on Election Day in 2010. In the morning it was reported that approximately 44,000 Multnomah County Ballots were “discovered,” and would need to be counted. At the end of the “counting” Dudley lost the race by approximately 1% or 22,000 votes. Such last-minute discoveries, in the context of rampant ballot “recycling,” are not credible.

114. Mark Cosby is a Lane County resident who surveilled the Lane County Election Office parking lot on election night. Mr. Cosby witnessed a crowd of people leaving the building late at night carrying various bags, duffle bags, and backpacks that were heavy and bulky, consistent with carrying paper. Mr. Cosby visited the Lane County Elections Office and asked if tabulation officials were allowed to take backpacks and bags into the tabulation room

and if so, were they searched or otherwise secured to ensure election security. The Lane County Elections Office told Mr. Cosby that such bags were not inspected.

115. Rhonda McNeal is a Lane County resident who called the Lane County Elections Office on Tuesday, November 15th, 2022, and spoke with Elections Supervisor Drew Pryor. Ms. McNeal asked about how she could be assured that her ballot was received and counted. Drew Pryor provided her with the oregonvotes.gov website address as well as the Lane County Election's page which has informational videos explaining the process by which ballots are received, processed, and counted. Ms. McNeal asked if she could come in and see her envelope and ballot and that doing so would put her concerns to rest. Drew Pryor explained to Ms. McNeal that, "all ballots are immediately shredded once they are scanned for your protection. This way there is no risk that anyone can find out how you voted as we take ballot secrecy very seriously."

116. Late that evening, Ms. McNeal attended the Lane County People's Rights meeting where speaker Marc Thielman gave a presentation on Election Integrity. At the question-and-answer portion of the meeting, Ms. McNeal asked if it was "legal for the county to destroy paper ballots after they are counted." Mr. Thielman agreed to investigate the issue and get back to Ms. McNeal with his findings.

117. Mr. Thielman called Lane County Elections and spoke with Drew Pryor, elections supervisor. Mr. Thielman asked Mr. Pryor if it was true that the county immediately destroys the ballots once they are counted for voter protection. The answer was a categorical, "No" from Mr. Pryor. Mr. Thielman then asked why people were being told that the ballots were destroyed and that is why they could not be "produced." Mr. Drew then got a sharp tone and repeatedly asked who Mr. Thielman had heard this from, to which Mr. Thielman stated, "it is not important who."

118. Mr. Thielman asked, “I wanted to see my ballot envelope that the OregonVotes.gov website verified that the county received on November 8th, could you produce that?” Drew said, “Well technically yes, but there is no way to identify your actual ballot once it is out of the envelope.” Mr. Thielman said, “Well, I am sure that you record things like batch number, etc. and have a documented chain of custody for every step of the counting process don’t you.” Drew Pryor responded, “Well our process is very efficient and secure and, yes, we count ballots in batches, but we are not prepared to produce individual ballots.” Mr. Thielman asked, “Why not, each ballot according to Shemia Fagan has a unique identifier connecting my ballot to my envelope so can’t you use that to produce my ballot?” Drew Pryor stated, “That identifier is used by the printers to match the right ballot to the voter’s address, and the county does not have that information.” Mr. Thielman asked, “If the printer can find my ballot, can you tell me who I can call so I can ask them to scan and find my ballot, so I know it was truly counted?” Drew Pryor: “The printer immediately deletes the information once the ballot is in the envelope.” Mr. Thielman: “So how do I know my ballot was actually counted?” Drew Pryor: “if the envelope is opened your ballot is counted.” Mr. Thielman: “Great! How do I know that though? I mean, how can you verify that my ballot was not switched out for another ballot some bad actor at the county printed off and filled out and put in place of my ballot?” Drew Pryor: “Well, because that is not our process.” Mr. Thielman: “Well how would you know that my ballot wasn’t switched? Please understand that I have recently spoken to Bill Burgess up in Marion County, and he confirmed that not only do counties get extra ballots from the printers, but that they have the ability to print ballots on demand and prefer it, so the voter isn’t mistakenly given the wrong ballot for their district. Does Lane County have the ability to print ballots?” Drew Pryor: “Yes, we do have the ability to print ballots, yes.” Mr. Thielman: “Ok, so

if you can print ballots, what is your chain of custody? I mean, I am sure you have a log and security process, so you know who is printing a ballot on which day and at what time etc.?”

Drew Pryor, “Well, I believe we do, but I will have to get more information before I can answer, and relay the actual process. Let me get that information for you, and I will call you back in a couple of hours.”

119. Call Back: Drew Pryor: “Hello Marc, Hey, I was able to get the information for you, but I have a feeling that you are not going to like the answer.” Mr. Thielman: “I already don’t like the answer, but let’s hear it.” Drew Pryor: “Any county election office official has access to the ballot printer, but there is not a formal process other than a log that the person printing is supposed to record with.” Mr. Thielman: “Are you kidding me? I thought you said your process was secure? Thank you for confirming my worst fears. So it is not unreasonable for me to ask, how do you know a bad actor did not print off a ballot, say late at night or on a weekend and fill it out and then switch mine for theirs?” Drew Pryor: “I am not going to say it is reasonable, but I do understand your reasoning, but that is all I feel comfortable sharing at this point.” Mr. Thielman: “Now one more thing: are counting officials allowed to take black back packs, blue duffle bags and a myriad of shopping bags full of things into the secure tabulation room?” Drew Pryor, “Why are you asking?” Mr. Thielman: “Because at the same meeting where I was asked about destroyed ballots, I was shown a video taken outside the Elections Office late at night and I saw a video of two people with stacks of paper at two voting partitions filling out what appeared to be ballots long after 8 pm. Now Drew, as I stated, I am not a big conspiracy guy but after watching the video and seeing still shots snapped a couple hours later of a half dozen people leaving the back entrance of the building with shopping bags and duffle bags stuffed with something cumbersome, I am concerned.” Drew Pryor: “You watched a video and

have pictures?” Mr. Thielman: “Yes, now can I get an answer to the question about the backpack, because on the video, a third person came in with a black backpack that appeared full, and everyone followed him and then the two reappeared with things in their hands that looked like ballots.” Drew Pryor: “Well I would have to see the video, but I do not believe they were ballots, and I don’t want to speculate about the backpack.” Mr. Thielman: “Don’t worry, you will have a chance to see the video and the pictures in due time. Drew, I highly recommend that you tighten things up I mean, what were you thinking?”

120. Drew Pryor recommended that Mr. Thielman submit a records request regarding his ballot envelop and cast ballot. Mr. Thielman submitted his public records request on November 17, 2022. Lane County’s response was to deny the request citing ORS 192.345(1) pertaining to litigation either filed or is “reasonably” likely to be filed.

121. The signature placed on an envelope is the only authentication that the person submitting a ballot is a legitimate voter. Signature verification is a very imprecise and poor way of confirming someone’s identity. Signatures vary over time and they are dissimilar from day to day. In contrast a photo ID is a much more reliable method of identification. One does not show their signature to a TSA agent to get on an airplane.

122. Signatures can be forged. Signatures are readily available from initiative petitions on which citizens write their name, address, and signature. Initiative signature sheets are routinely scanned. CNC machines can be easily programmed to forge signatures from digital copies. Without resorting to machines, it does not take much for a signature to be imitated by a human.

123. Signature verification is inaccurate. It can easily result in false rejections and false inclusions. An Oregon video seminar explains: “You’re looking for reasons to keep the signature

in, to validate the signature, rather than looking for reasons to throw the signature out. That was—in the last few years that internally has been a mindset shift that we have really focused on. We’re looking for any reason to keep the signature.”

124. Issues with ballots are rampant across the State. The feedback loop of communicating by mail to correct errors means that most errors are not corrected in time for the election. This would not occur with in person voting because problems would be brought up at the time and remedied, if necessary, with a provisional ballot and a straight forward process to work through any issues after a single day of voting.

125. Scott Wine is a resident of Douglas County Oregon for the past 14 years living at the same residence address. He has voted in every election during this time dutifully signing his ballot envelope with his signature. On November 14th, 2022, Scott received a letter from the Office of the County Clerk that his signature was being challenged and he had until November 29th, 2022, to resolve this issue by completing a new voter registration card. Scott did so and signed the new card with his same signature. Mr. Wine had to be paying attention and to act quickly for his vote to count.

126. Jeff Van Winkle has lived in Clackamas County his entire life. He received a card in the mail telling him that his ballot had been rejected for a signature mismatch. But he was told too late to respond to the notice and have his vote count in the November 2022 election.

127. Leah Ballew is a Washington County resident whose Grandmother stopped living with her in 2015 and passed away in 2018. Mrs. Ballew has been erroneously receiving ballots for her grandmother since 2015.

128. Nikayla Vlasak has lived in Lincoln City for five years. In November 2020, she received two ballots addressed to her, and a third addressed to someone else. She received no

ballots for November 2021 or November 2022. Prior to the November 2022 election, she inquired, and learned that she had become unregistered. She registered, but still not receive a ballot to cast her vote in November 2022.

129. A Clackamas resident received notice of a rejection of his ballot for signature mismatch by email less than one day prior to the deadline for correcting signature mismatches. Mea Anders, the Deputy Clerk explained in her email that Clackamas County was not able to get the mailed notice out in time because of other work that the Elections office was doing. The resident could not make it in time to cure his ballot. He was disenfranchised by the system from voting.

130. Clackamas County rejected 5,000 ballots for signature mismatch in the November 2022 election.

131. There is not a computerized voting system in the United States that is manufactured entirely in the United States. Most are manufactured entirely outside of the United States with foreign components. The laptops used by our voting systems are made in Communist China. They are made under supervision of officers from Chinese Communist state organizations like the People's Liberation Army. There is no system to determine that those systems are not compromised deliberately. There are entire Chinese Communist state organizations under the Ministry of State Security in China with thousands of people dedicated to the compromise of Western technology and computers. These are not fly-by-night hackers as visualized in Hollywood movies. These are state actors committed to compromise Western computers. Our voting systems are comprised of components that were not protected in manufacture. There is no way to fix that. One cannot monitor that kind of insecurity or vulnerability out of these

components because the compromises can be embedded in way that they cannot be overcome or detected.

132. Everything that we have been told about the security of our voting systems being assured by a certification process and by a testing process by accredited labs under the Election Assistance Commission in the United States are completely false—they are a complete sham. Our standards are very weak. For example, the United States permits modems to be present in computers used in the voting systems. Our systems are not rigorously tested. The certification entities, such as Pro V&V do not allow testing to military standards. In addition, what testing has been done has found that the machines were replete with vulnerabilities. Every single machine tested can be hacked into within minutes. These vulnerabilities were never mitigated—the machines were just certified. The entities used by the EAC to test election equipment have limited technical capability and operate under strong incentives to provide favorable test reports for equipment lest they lose business from the EAC. Systems certified by the EAC can be readily hacked. The EAC certification process is a sham.

133. In recent years, the EAC certification process is particularly deficient because none a single one of the testing labs were legitimately accredited by the EAC to perform testing at the time of the 2020 Election as required by law.

134. Wi-Fi modems are present in every voting tabulator which invites hacking. The only way to disable access to a computer is by physically removing the modem (or other connectivity component) from the electronic board, or to have never installed them. Wi-Fi modems should never be installed on any voting tabulator, but every tabulator has them.

135. These unsecure and unsecurable computerized election systems are put into the hands of county election bureaucrats with no computer security or technical background. The

county officials have no hope of protecting these systems. They do not have the expertise, skill level, or knowledge to be able to secure them.

136. Our public officials in Oregon do not have the capability to open up and inspect the machines. Rather, they are told what to believe and told what to do. No company who manufactures election systems is trustworthy. The first voting machine fraud occurred with the very first voting machine. This centralized, computerized technocracy is depriving Americans of control over elections. Any election conducted on a computerized or electronic voting system is by definition not transparent and without a chain of custody to ensure that the votes cast by citizens are properly counted.

137. In the 2022 primary election, Mei Wong was running for the Metro District 2 seat. During the election, Mrs. Wong took multiple screen shots over time documenting the progress of her race as reported on the Oregon Secretary of State Election website.

- Between 4:36 am and 4:44 am on May 29, her vote total decreased by 6,371.
- Between 8:32 pm and 8:36 pm on May 29, her vote total decreased by 3,855.
- Between 5:44 am and 5:45 am on June 4, her vote total decreased by 6,376.
- Between 4:57 am and 4:58 am on June 10, her vote total decreased by 6,390.

It is axiomatic that as tabulated results come into the Secretary of State's office, vote totals go up as more Counties report their results and more votes are added. There has been no explanation by the government as to why Mrs. Wong's votes totals decreased on at least four separate occasions. Adding to the suspicion of nefarious action, is that most of these decreases occurred in the wee hours of the morning. Rather than trying to explain what happened, the government—at all levels—gave Mrs. Wong the runaround.

138. During the 2022 primary in Douglas County, about 166 people ran as write-in candidates to be Precinct Committee Persons ("PCPs") for the Douglas County Republican

Party, each only requiring three votes to be elected. PCP candidates commonly rely on write-in voting to be elected. Out of the 166 candidates, only 39 were elected. This is strange. People who run to be a write-in for PCP and needing only three votes, make sure to line of their votes ahead of time. And their friends who write them in on their ballot are dedicated to the task. The people of Douglas County asked, why did such a high percentage of these elections fail? Douglas County refused to answer all of the questions. They refused to respond to public records requests and stonewalled attempts to identify the problem. Maybe what happened is that many Republican ballots were swapped out for phantom ballots filled out by a criminal and inserted into the system by criminals. Without transparency, a range of possibilities come to mind and the citizens have been robbed of knowing that the results of the election accurately reflects who they voted for.

139. The counting of American's precious and sacred votes in governance of themselves is not a process that can be turned over to governments and machines. The only way to transparently count the vote is by a hand count in front of the citizens to record it and let anyone watch it.

140. The extraordinary number and seriousness of election anomalies, along with the lack of transparency by Defendants cause each Plaintiff and Class members a feeling of despair about the integrity of elections. Plaintiffs and many Class members feel that Defendants' lack of transparency is a sign that they are hiding the fraud. There are many Oregon citizens who feel that because the election outcome is predetermined, there is no point in voting. Voting is pointless. Because one cannot believe the results of elections, their vote has been nullified by the cheating. Because it is so easy to steal an election, it is a waste of time to vote. This is causing mass disenfranchisement.

141. The lack of public confidence in the accuracy of Defendants' election process (mail-in voting and computerized tabulation) and their obstruction of investigation by the public disenfranchises many members of the Class. Moreover, the actual fraud in evidence disenfranchises legitimate votes.

Instead of taking action to address the problems, public officials are covering up the problem and obstructing the public from investigating anomalies in our election system.

142. Tim Sippel sought an election database from Washington County in a public records request. The County told him that he could not have it. He appealed the rejection to Washington County District Attorney who after considering the arguments on both sides, ordered Washington County to produce the database. Washington County responded with a lawsuit seeking a declaration that the County was not obligated to produce the ballot database under public record request rules. The Oregon Secretary of State intervened on the side of Washington County.

143. Washington County uses an election system manufactured by Clear Ballot. The contract between Washington County and Clear Ballot designates the database produced by the Clear Ballot software to tally election results as wholly owned by the County, without any restrictions on its use. The contract makes it clear that the ballot database is a public record.

144. The Washington County DA ordered the records released only to have the Oregon Secretary of State and Attorney General Ellen Rosenbaum seek a restraining order to block the distribution of the released data. The Attorney General stated publicly that the order was needed as the data signature could assist nefarious actors as the ballot machines are "vulnerable to attack."

145. An Oregon voter learning these facts will wonder what Washington County, the Secretary of State, and/or the AG is trying to hide. An Oregon voter will see that instead of

providing transparency on the accuracy of the election, public officials are trying hard to conceal and hide the process by which votes are tallied in Oregon elections. An Oregon voter will know that people who behave like they have something to hide, likely have something to hide.

146. A bench trial in the Sippel case was held in September 2022 and witnessed by a crowd of Oregon citizens. The Secretary of State sought to exclude and managed to exclude an eminently qualified and relevant witness, Dr. Douglas Frank. The many Oregon voters in attendance viewed the Secretary of State's and Washington County's prosecution of the case as a cover-up. The many Oregon voters in attendance found the reasons offered by the Secretary of State and Washington County for withholding the ballot database to be frivolous.

147. Janice Dysinger obtained the ballot images and the cast vote record from Multnomah County for a charge of \$159.62. She obtained the same from Lincoln and Clatsop, and Polk Counties for \$60, \$64, and \$120 respectively.

148. But word had gotten out that the ballot images, along with the cast vote record, can yield important information to check the integrity the election. All of a sudden, county election clerks are quoting astronomical charges to obtain public information. The quote from Benton County was \$6,798.75. The quote from Harney County was \$7,939.78. The quote from Linn County was \$77,376.05. The quote from Deschutes County was \$93,703.52.

149. One county election clerk said that the Secretary of State's office told them to hold off on responding to public records requests. A directive from the Secretary of State's office directed county election officials to carefully screen ballot images for cases where a voter wrote their name on the ballot in the name of ballot secrecy. Of course, voters are not supposed to write their name on the ballot. If an occasional voter writes their name on a ballot, they have intentionally waived their right to secrecy. The Secretary of State elevates this purported concern

for ballot secrecy of the rare person who intentionally waived their right to secrecy over the concern of the citizens who entitled to access to public records. The effect of the Secretary of State's directive is raise the cost of obtaining ballot images two orders of magnitude, from hundreds of dollars up to a range of \$50,000 to \$100,000. The obvious intent of the Secretary is not to protect the rare citizen who waived their anonymity, but to create a cost barrier for the public to access the public's records.

150. Douglas County seeks to charge more than \$51,000 for the ballot images from the 2020 election for a public records request made by Terry Noonkester. Mrs. Noonkester has made additional public records requests in Douglas County. But Douglas County made the arbitrary decision that it would not respond to additional public records requests from Mrs. Noonkester until she either cancelled or paid for her request for ballot images. Douglas County made this arbitrary decision without any authority under the law.

151. An Oregon voter learning these facts will wonder what these Oregon Counties and the Secretary of State is trying to hide. An Oregon voter will see that instead of providing transparency on the accuracy of the election, public officials are working hard to conceal and hide the process by which votes are tallied in Oregon elections. Public records belong to the people. But Oregon bureaucrats are keen to resist attempts by the public to obtain these records. An Oregon voter will know that when people behave like this, they likely have something to hide.

152. Oregon's election office has become so arrogant that they demand that citizens stop talking about election integrity concerns. Deborah Scroggin, Oregon Elections Director, called Janice Dysinger, a long-time advocate for fair elections, and ordered her not to speak about elections in public anymore. A government official is far out-of-bounds when she believes

that she has the authority to tell a citizen that she has lost her free speech rights. Mrs. Dysinger refused to obey.

153. The act of observing elections is also a sham. The observers are neutered such that they cannot follow what is going on, document problems, or make any input. For example, each of the signature verification observers of Multnomah County's ballot processing disagreed with decisions that were being made on signature validation. These concerns were raised, but they were ignored by the election officials. Artificial intelligence ("AI") is used in the signature verification process, but no one was allowed to observe the work being done by the AI.

154. Vote counting in Douglas County lasted for 35 days. Douglas County does not allow in-person observation. Observers must watch the action through cameras. The cameras were only on for portions of 7 days of the 35 days. The images are so small that an observers can not identify with any certainty whether the papers being fed into the tally machines are in fact ballots. In the envelope opening area, there is no access to see any of the signature verification process. The election observation process in Douglas County is a sham, designed to check a box, but not designed to give the people confidence that their votes are being properly counted.

155. In Washington County, the observation room is equipped with video screens displaying the output of cameras in the room. The cameras are 20-30 feet from the action, preventing the observers from seeing any detail of the work. The cameras are wide angle security cameras not suitable for observation of any detail. There are 10 cameras and only 4 screens set up to rotate every 45 seconds, so that no task being performed by the election workers can be followed by the observers. The election observation process in Washington County is a sham, designed to check a box, but not designed to give the people confidence that their votes are being properly counted.

156. In Washington County, workers admitted there was not chain of custody for the ballots. There is no record of when the ballots were picked up and dropped off. According to the Election Assistance Commission, a lack of a chain of custody—by itself—demonstrates that an election is not transparent. There does not appear to be any chain of custody in any part of the system in Washington County.

157. Washington County workers receive about 2,200 votes from overseas service members (“UOCAVA”). The workers need to transcribe the ballots from regular office paper onto blank ballots. Washington County did not provide any opportunity for observers to watch the process of transcribing these UOCAVA ballots.

158. On election day, Washington County rejected the signature on many ballots—signatures that to the observer looked just fine—while others that did not resemble the master signature. The observers on that day sought to challenge about 230 signatures, but the vast majority were accepted by the workers despite the challenge. There is no mechanism for effectively challenging the signatures because once it is accepted, it is *fait accompli*, the ballot goes into the counter. There is no avenue for appeal and there no way to undo the process.

159. Luke Belont, the Deputy Elections Director admitted to an observer in Washington County than no county in Oregon has the infrastructure to do a risk limiting audit. Yet, Oregon’s Director of Elections, in a Directive issued September 22, 2021, relied on “risk limiting audits” as one of the pillars of Oregon’s purported “transparent” and “robust” security measures. Rules and procedures for risk limiting audits are promulgated in ORS 254.532, yet no county in Oregon performs risk limiting audits.

160. In a sample of 4,400 Washington County voter records reviewed by one citizen, 13% (558) were dead; 185 of the dead were designated as active voters; 373 of the dead were

designated as inactive. Twelve of these dead voters cast post-mortem votes. The longest deceased person among them died in 2010.

161. In a canvas of 248 records performed by another Washington County citizen, 85 moved away before the 2020 election and still voted in Washington County.

162. On Election Day 2022, John and Elaine Woods dropped off their ballots at the Washington County Elections Office. Parked in the parking lot was a paper shredding truck. The driver was in the Elections Office doing some sort of business.

**Experts have been raising concerns about
electronic voting systems for two decades.**

163. For two decades, experts and policymakers from across the political spectrum have raised glaring failures with electronic voting systems.

164. Electronic voting machines and software manufactured by industry leaders are vulnerable to external access by nefarious actors, during, and after an election in a manner that could alter election outcomes. These systems can be connected to the internet or cellular networks, which provides an access point for unauthorized manipulation of their software and data.

165. Other countries, including France and Taiwan, have completely or largely banned or limited the use of electronic voting machines due to the security risks they present.

166. In contrast, over the last two decades the United States has transitioned from a safe, secure, auditable paper-based system to an inherently vulnerable, network-exposed black-box electronic equipment-based system. The transition to increased reliance on electronic systems and computer technology has created unjustified new risks of hacking, election tampering, and electronic voting fraud. Fraud that was once detected relatively easily and was

limited in scope, can now be conducted on a large scale in a manner that is very difficult to detect.

167. The mantra of those who defend the current systems is that there is no evidence of fraud. But at the same time, they fail to show the public what is happening inside the black box machines that count the vote. There is no way of knowing what the computer is actually doing. It is a black box executing procedures that cannot be verified and or adequately checked. They also defend the system of mail-in voting as un-hackable because, as they are fond of saying, you cannot hack paper. But then, the public learned through the documentary *2000 Mules* of the vast criminal enterprise that is inserting illegal paper votes into the system in a manner designed not to be detectable. Paper can be hacked. It is not a question of how much cash is in the cash register—it is how much of it is counterfeit.

168. Since 2002, elections throughout the United States have increasingly and largely been conducted using a handful of computer-based election management systems. These systems are created, maintained, and administered by a small number of companies having little to no transparency to the public, producing results that are far more difficult to audit than paper-based systems, and lack any meaningful federal standards or security requirements beyond what individual states may choose to certify. Leaders of both major parties have expressed concern about this lack of transparency, analysis and accountability

169. With each passing election the unreliability of electronic voting machines has become more apparent. In light of this experience, the vote tallies reported by electronic voting machines cannot be trusted to accurately show which candidates actually received the most votes.

170. Credible allegations of electronic voting machine errors that materially impacted specific races began to emerge in 2002. Black Box Voting, the seminal publication documenting early pitfalls of electronic voting systems, chronicles failures that include:

In the Alabama 2002 general election, machines made by Election Systems and Software (ES&S) flipped the governor's race. Six thousand three hundred Baldwin County electronic votes mysteriously disappeared after the polls had closed and everyone had gone home. Democrat Don Siegelman's victory was handed to Republican Bob Riley, and the recount Siegelman requested was denied. Six months after the election, the vendor shrugged. 'Something happened. I don't have enough intelligence to say exactly what,' said Mark Kelley of ES&S.'

In the 2002 general election, a computer miscount overturned the House District 11 result in Wayne County, North Carolina. Incorrect programming caused machines to skip several thousand partyline votes, both Republican and Democratic. Fixing the error turned up 5,500 more votes and reversed the election for state representative.

Voting machines failed to tally 'yes' votes on the 2002 school bond issue in Gretna, Nebraska. This error gave the false impression that the measure had failed miserably, but it actually passed by a 2 to 1 margin. Responsibility for the errors was attributed to ES&S, the Omaha company that had provided the ballots and the machines.

In the November 2002 general election in Scurry County, Texas, poll workers got suspicious about a landslide victory for two Republican commissioner candidates. Told that a 'bad chip' was to blame, they had a new computer chip flown in and also counted the votes by hand — and found out that Democrats actually had won by wide margins, overturning the election.

171. By 2004, explicit evidence that electronic voting machines were susceptible to intentional manipulation, and that malicious actors sought to exploit this vulnerability, became public. In that year, cyber expert Clint Curtis testified under oath before the House Judiciary Committee that he had previously been hired to create a program that would change the results of an election without leaving any trace of the change. Mr. Curtis testified that he wrote this program with ease. Mr. Curtis' testimony is available online.⁶

⁶ Youtube, Rigged USA Elections Exposed, <https://www.youtube.com/watch?v=JEzY2tnwExs>, (Mar. 2, 2006) (viewed Oct. 7, 2022).

172. During the next election cycle, in 2006, a team of computer scientists at Princeton University analyzed the Diebold AccuVote-TS voting machine, then one of the most widely deployed electronic voting platforms in the United States. They found, “Malicious software running on a single voting machine can steal votes with little risk of detection. The malicious software can modify all of the records, audit logs, and counters kept by the voting machine, so that even careful forensic examination of these records will find nothing amiss. . . . Anyone who has physical access to a voting machine, or to a memory card that will later be inserted into a machine, can install said malicious software using a simple method that takes as little as one minute. . . . AccuVote-TS machines are susceptible to voting machine viruses – computer viruses that can spread malicious software automatically and invisibly from machine to machine during normal pre- and post-election activity.” The Princeton team prepared a video demonstration showing how malware could flip votes. In the video, mock election votes were cast in favor of George Washington by a 4 to 1 margin, but the paper print-out that reported the results showed Benedict Arnold prevailing by a margin of 3 to 2. Malicious vote-stealing malware was the sole reason for reallocation of votes. The malicious software deleted itself after the election, leaving no evidence that the voting machine was ever hijacked or any votes stolen.

173. In 2009 Diebold sold “Premier,” its electronic voting systems business unit, which by then was known for its technical problems and unreliable security and accuracy. The Premier intellectual property passed to Dominion in May 2010. That intellectual property included the GEMS election management system software. Dominion quickly incorporated GEMS into its own products and by 2011 was selling election equipment that had updated GEMS software at its heart. But GEMS was notorious for being, according to *Harper’s Magazine*, “a vote rigger’s dream” that “could be hacked, remotely or on-site, using any off-the-

shelf version of Microsoft Access, and password protection was missing for supervisor function.” Lack of encryption on its audit logs “allowed any trace of vote rigging to be wiped from the record.” Computer scientists from Johns Hopkins University and Rice University found GEMS “far below even the most minimal security standards applicable in other contexts” and “unsuitable for use in a general election.” These same problems exist in all voting systems available from every manufacturer.

174. In 2015 the Brennan Center for Justice issued a report listing two and a half-pages of instances of issues with voting machines, including a 2014 investigation which found “voters in Virginia Beach observed that when they selected one candidate, the machine would register their selection for a different candidate.”⁷ The investigation also found that the Advanced Voting Solutions WINVote machine, which is Wi-Fi-enabled, “had serious security vulnerabilities” because wireless cards on the system could allow “an external party to access the [machine] and modify the data [on the machine] without notice from a nearby location,” and “an attacker could join the wireless ad-hoc network, record voting data or inject malicious [data.]”

175. In 2016, following in the footsteps of the Johns Hopkins, Rice, and 2006 Princeton teams, Princeton Professor of Computer Science Andrew Appel told an interviewer how he had purchased a voting machine for \$82 on the internet – the Sequoia AVC Advantage, still set to be used in the 2016 election in a number of states – and replaced the machine’s ROM chips in mere minutes using little more than a screwdriver, thereby “throw[ing] off the machine’s results, subtly altering the tally of votes, never to betray a hint to the voter.”⁸

⁷ Lawrence Norden and Christopher Famighetti, *America’s Voting Machines at Risk*, Brennan Center for Justice, p.13 (Sep. 15, 2014) (available at <https://www.brennancenter.org/our-work/research-reports/americas-voting-machines-risk>).

⁸ Ben Wofford, *How to Hack an Election in 7 Minutes*, Politico (Aug. 5, 2016) (<https://www.politico.com/magazine/story/2016/08/2016-elections-russia-hack-how-to-hack-an->

176. During that 2016 election cycle evidence emerged of foreign state actors seeking to affect U.S. voting. “Russian agents probed voting systems in all 50 states, and successfully breached the voter registration systems of Arizona and Illinois.”⁹ The Robert Mueller report and an indictment of twelve Russian agents later confirmed that Russian hackers had targeted vendors that provide election software, and Russian intelligence officers “targeted employees of [REDACTED], a voting technology company that developed software used by numerous U.S. counties to manage voter rolls, and installed malware on the company network.”¹⁰

177. After these revelations about the 2016 election, Jake Braun, a former security advisor for the Obama administration and organizer of the DEFCON hacking Conference was asked in 2017, “Do you believe that right now, we are in a position where the 2020 election will be hacked?” He answered, “Oh, without question. I mean the 2020 election will be hacked no matter what we do.”

178. On October 11, 2020, the federal court issued an order finding substantial evidence that the system was plagued by security risks and the potential for votes to be improperly rejected or misallocated. It wrote, “The Plaintiffs’ national cybersecurity experts convincingly present evidence that this is not a question of ‘might this actually ever happen?’ – but ‘when it will happen.’” Concerns in Georgia proved to be well-founded. After scanned ballot images were designated as “public records” under Georgia Senate Bill 202, a report made public by VoterGA revealed, among other things, that 17,724 votes in Fulton County were somehow

[election-in-seven-minutes-214144/](#)).

⁹ Jordan Wilkie, *‘They think they are above the law’: the firms that own America’s voting system*, The Guardian (Apr. 23, 2019) (<https://www.theguardian.com/us-news/2019/apr/22/us-voting-machine-private-companies-voter-registration>).

¹⁰ Robert S. Mueller, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*, vol. 1, p. 51 (Mar. 2019). (<https://www.justice.gov/archives/sco/file/1373816/download>).

counted and certified through tabulation machines, despite having no corresponding ballot images. The report further concluded that 132,284 mail-in ballot images do not have a signature file, meaning these ballots cannot be authenticated.

179. In 2019 a group of election security experts found “nearly three dozen backend election systems in 10 states connected to the internet over the last year,” including in “critical swing states” Wisconsin, Michigan, and Florida. Some of the jurisdictions “were not aware that their systems were online” and were “publicly saying that their systems were never connected to the internet because they didn’t know differently.”¹¹

180. In March 2020, the documentary *Kill Chain: The Cyber War on America’s Elections* detailed the vulnerability of electronic voting machines. In the film, Hursti showed that he hacked digital election equipment to change votes back in 2005, and said the same Dominion machine that he hacked in 2005 was slated for use in 20 states for the 2020 election. *Kill Chain* also included facts about a Georgia election in which one machine out of seven in a precinct registered a heavy majority of Republican votes, while every other machine in the precinct registered a heavy majority of Democratic votes. Dr. Kellie Ottoboni, Department of Statistics, UC Berkeley, stated the likelihood of this happening by chance was less than one in a million.¹²

181. Lawmakers and officials throughout the nation have realized these problems with electronic voting machines cannot be ignored.

182. In a March 21, 2018 hearing held by the Senate Intelligence Committee relating to potential foreign interference in the 2016 election, Senator Ron Wyden warned that:

¹¹ Kim Zetter, Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials, *Vice* (Aug. 8, 2019) (<https://www.vice.com/en/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials>).

¹²

Forty-three percent of American voters use voting machines that researchers have found have serious security flaws including backdoors. These companies are accountable to no one. They won't answer basic questions about their cyber security practices and the biggest companies won't answer any questions at all. Five states have no paper trail and that means there is no way to prove the numbers the voting machines put out are legitimate. So much for cyber-security 101... The biggest seller of voting machines is doing something that violates cyber-security 101, directing that you install remote-access software which would make a machine like that a magnet for fraudsters and hackers.

183. Senator Wyden did not see his concerns addressed. On December 6, 2019, he, along with his Democratic colleagues in Congress (Senator Elizabeth Warren, Senator Amy Klobuchar, and Congressman Mark Pocan) published an open letter concerning major voting system manufacturers. In the letter, they identified numerous problems:

“trouble-plagued companies” 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.”

the election technology industry has become highly concentrated ... Today, three large vendors – Election Systems & Software, Dominion, and Hart InterCivic – collectively provide voting machines and software that facilitate voting for over 90% of all eligible voters in the United States.

Election security experts have noted for years that our nation's election systems and infrastructure are under serious threat. . . . 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. . . . 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.

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.

184. Senator Warren, on her website, identified an additional problem: “These vendors make little to no information publicly available on how much money they dedicate to research

and development, or to maintenance of their voting systems and technology. They also share little or no information regarding annual profits or executive compensation for their owners.”

185. During a Senate Judiciary Committee hearing in June 2018, then-Senator Kamala Harris warned that, in a demonstration for lawmakers at the Capitol, election machines were “hacked” before the lawmakers’ eyes. Two months later, Senator Klobuchar stated on national television, “I’m very concerned you could have a hack that finally went through. You have 21 states that were hacked into, they didn’t find out about it for a year.”

186. While chairing the House Committee on Homeland Security in July of 2018, Republican Congressman Michael McCaul decried, “Our democratic system and critical infrastructures are under attack. In 2016, Russia meddled in our Presidential election through a series of cyber attacks and information warfare. Their goals were to undermine the credibility of the outcome and sow discord and chaos among the American people. . . .”

187. Senator Wyden stated in an interview, “[T]oday, you can have a voting machine with an open connection to the internet, which is the equivalent of stashing American ballots in the Kremlin. . . . [As] of today, what we see in terms of foreign interference in 2020 is going to make 2016 look like small potatoes. This is a national security issue! . . . The total lack of cybersecurity standards is especially troubling . . . But the lack of cybersecurity standards leads local officials to unwittingly buy overpriced, insecure junk. Insecure junk guarantees three things: a big payday for the election-tech companies, long lines on Election Day, and other hostile foreign governments can influence the outcome of elections through hacks.”

188. However, since the 2020 election, Senator Wyden has had nothing to say about the risk of using computerized voting machines. An Oregon voter learning these facts would understand that Senator Wyden sudden silence on this issue is due to his realization that the

manipulation of the vote was in favor of his party. An Oregon voter knowledgeable about this history will not have confidence in the integrity of elections where ballots are counted using computerized machines.

189. Due all of the foregoing issues, Oregonians are being disenfranchised from their votes in multiple ways. Oregon voters feel a lack of confidence in the integrity of the voting system, and as a result many such voters will not exercise their right to vote due to what seems to be a hopelessly corrupt system in which their vote will not count because it will be overwhelmed by as many illegal votes as necessary to reach the desired outcome by the criminals who have infiltrated the system. The behavior of the Secretary of State and county election officials to obstruct the public's attempt to investigate the State's voting system serves to further confirm this view by Plaintiffs and members of the Class. The evidence showing existence of actual fraud disenfranchises Plaintiffs and members of the Class for each phantom vote that is tallied. The recent laws passed pave the way to make cheating even easier to accomplish. It is clear to an ordinary Oregon voter that Oregon's policy is to lower the barriers to successful cheating while at the same time raising the barriers against the public's ability to discover evidence to substantiate the condition of Oregon's election systems.

CLASS ACTION ALLEGATIONS

190. Plaintiffs bring this action individually and on behalf of all others similarly situated and ask the Court to certify this case as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.

191. This action satisfies the Rule 23 requirements of numerosity, commonality, typicality, adequacy, predominance, and superiority.

192. The class is defined as all citizens of voting age entitled to vote in Oregon. This class consists of millions of people.

193. Plaintiffs' claims are typical of the claims of the proposed Class, in that Plaintiffs, like all Class members, are entitled to vote in Oregon. Plaintiffs and all members of the Class have suffered as a result the violations of their Constitutional rights.

194. Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs have retained counsel with the necessary expertise and resources to prosecute a state-wide class action. Plaintiffs and their counsel do not foresee any circumstances where the interests of Plaintiffs would be adverse to those of the Class.

195. Common questions of law and fact exist as to all members of the Class which predominate over any questions affecting solely individual members of the Class.

196. All members of the Class suffer as a result of a common wrong on the part of Defendants.

197. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.

CAUSES OF ACTION

COUNT 1: VIOLATION OF DUE PROCESS

(Seeking declaratory and injunctive relief against all Defendants)

198. Plaintiffs incorporate and reallege all paragraphs in this Complaint.

199. The right to vote is a fundamental right protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

200. The fundamental right to vote encompasses the right to have that vote counted accurately. The fundamental right to vote encompasses the right of the people to count the vote, not the government.

201. Defendants have violated Plaintiffs' and Class members' fundamental right vote by deploying voting tabulation systems that are inherently unsecure and vulnerable to manipulation and intrusion.

202. Defendants have violated Plaintiffs' and Class members' fundamental right to vote by deploying voting tabulation systems that are subject to many unexplained anomalies that cause Oregon voters to believe that their votes are not protected causing disenfranchisement.

203. Defendants have violated Plaintiffs' and Class members' fundamental right to vote by requiring votes to be cast by mail which is an inherently unsecure and vulnerable to manipulation method of casting votes, causing an unequal tabulation of votes treating voters differently than other similarly situated voters who cast ballots in the same election, creating severe burdens and infringements on Oregon voters.

204. Defendants have violated Plaintiffs' and Class members' fundamental right to vote by illegally resisting the production of public records seeking to investigate the accuracy of the vote. The behavior of public officials creates the feeling that these bureaucrats are hiding the fraud existing in Oregon's election system.

205. By using an unsecure system, Defendants are subjecting voters to cast votes through an illegal and unreliable system—a system that must be presumed to be compromised and incapable of producing verifiable results.

206. The scheme of mail-in voting used in Oregon violates the Due Process Clause of the Fourteen Amendment of the United States Constitution. The Court should enjoin Defendants' use of mail-in voting and electronic tabulating systems.

COUNT 2: VIOLATION OF EQUAL PROTECTION

(Seeking declaratory and injunctive relief against all Defendants)

207. Plaintiffs incorporate and reallege all paragraphs in this Complaint.

208. The scheme of mail-in voting used in Oregon requiring vote by mail with computer tabulation of votes using methods and systems that are inherently vulnerable and unsecure to manipulation and intrusion causes an unequal tabulation of votes, treating Plaintiffs and Class members who vote differently than other, similarly situated voters who cast ballots in the same election, creating severe burdens and infringements on Oregon voters.

209. These severe burdens and infringements imposed by Oregon's scheme of mail-in voting treats Plaintiffs and Class members unequally in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

210. These severe burdens and infringements caused by Oregon's scheme of mail-in voting are not outweighed or justified by, and are not necessary to promote, any substantial or compelling state interest that cannot be accomplished by other, less restrictive means, like conducting elections using hand counted paper ballots.

211. The scheme of mail-in voting used in Oregon violates the Equal Protection Clause of the Fourteen Amendment of the United States Constitution. The Court should enjoin Defendants' use of mail-in voting and electronic tabulating systems.

COUNT 3: VIOLATION OF FUNDAMENTAL RIGHT TO VOTE

(Seeking declaratory and injunctive relief against all Defendants)

212. Plaintiffs incorporate and reallege all paragraphs in this Complaint.

213. The right to vote is a fundamental right protected by the U.S. Constitution. *See, e.g., Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964). The fundamental right to vote encompasses the right to have that vote counted accurately. *See, e.g., United States v. Mosley*, 238 U.S. 383, 386 (1915).

214. The scheme of mail-in voting used in Oregon violates the Plaintiffs' fundamental right to vote. The Court should enjoin Defendants' use of mail-in voting and electronic tabulating systems.

**COUNT 4: CIVIL ACTION FOR
DEPRIVATION OF RIGHTS UNDER 42 U.S.C. 1983**

(Seeking declaratory and injunctive relief against all Defendants)

215. Plaintiffs incorporate and reallege all paragraphs in this Complaint.

216. The foregoing violations will occur as a consequence of Defendants acting under color of state law. Accordingly, Plaintiffs bring this cause of action for prospective equitable relief against Defendants pursuant to 42 U.S.C. § 1983.

COUNT 5: DECLARATORY JUDGMENT

217. The Court has the authority pursuant to 28 U.S.C. § 2201 to issue an Order declaring that it is unconstitutional for the State of Oregon to conduct an election in which the votes are not accurately or securely tabulated.

218. Because of the issues described above, the Court should issue an Order declaring that it is unconstitutional for the State to conduct an election which relies on the use of mail-in voting and electronic tabulating systems.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Enter an Order finding and declaring it unconstitutional for any public election to be conducted using any model of electronic voting system to cast or tabulate votes and enjoining the use of such systems.
2. Enter an Order finding and declaring that Oregon's vote-by-mail system is unconstitutional and enjoin the use of vote-by-mail in Oregon.
3. Retain jurisdiction to ensure Defendants' ongoing compliance with the foregoing Orders.
4. Grant Plaintiffs an award of their reasonable attorneys' fees, costs, and expenses incurred in this action pursuant to 42 U.S.C. 1988.
5. Grant Plaintiffs such further and other relief as the Court deems just.

Respectfully submitted,

Dated: January 27, 2023

By: s/ Stephen J. Joncus

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