Resolution for an Audit
of the New York State 2022 General Election

Whereas It is a recognized civil right in the United States for every citizen to have free and fair elections. "And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." (Reynolds *v.* Sims, 377 U.S. 533 (1964))

Whereas It is the affirmative duty of our election officials to comply with all Federal and State laws governing administration and procedure of our elections, thereby guaranteeing our elections are accurate and free from distortion or manipulation. "Congress seeks...to guard the election of members of Congress against any possible unfairness by compelling...everyone concerned in holding the election to a strict and scrupulous observance of every duty devolved upon him while so engaged... The evil intent consists in disobedience to the law." (In Re Coy, 127 U.S. 731 (1888)).

Whereas Our constitutional system of representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by corruption, and assuring accuracy can only be achieved through fealty to those laws governing the following four tenets of an election:

1. The Voter Rolls Must Be Accurate (National Voter Registration Act, 1993).

2. Votes Counted Must Be From Eligible Voters (US Constitution).

3. The Number of Votes Counted Must Equal the Number of Voters Who Voted.

4. There Can Be No More Than One in 125,000 Ballots in Error by the Voting System (Help America Vote Act, 2002).

Whereas An open-source audit of the New York State 2022 General Election conducted by New York Citizens Audit has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:

- **5,142,950** seemingly invalid or illegal registration violations found within the NY State voter roll database.
- **745,294** seemingly illegal votes cast in the 2022 general election.
- **35,312** more votes counted than voters who voted in the 2022 general election. No one knows who cast them.
- **745,246** apparent votes in error above the legal standard for a valid federal election. For the 2022 election in New York this number was **48**.
- Certification as defined by law, an attestation of accuracy and compliance, was provably fraudulent and illegal.

Whereas These findings trample accuracy requirements of voting systems for a Federal Election, wherein the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, or one in 125,000 ballots. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error.

Whereas It must be known factually, and provably, that the intent of the voters is accurately represented by election results before certification can be lawfully conducted. Certification of an election that varies from the law is an abridgement of the civil rights of the citizens, a Fraud ab Initio. (United States *v.* Throckmorton, 98 U.S. 61 (1878)).

Whereas State and Federal Officials have met the efforts of New York Citizens Audit to seek redress for these egregious violations with indifference and inaction, including the Attorney General, Secretary of State, State Board of Elections, Inspector General, Federal Bureau of Investigations, State Leadership of Democrat and Republican parties, County Election Officials, Sheriffs, District Attorneys, and others.

Whereas None of the reported 2020 violations were addressed prior to the administration and certification of the 2022 General Election, and there prevails a spirit of extreme contention and zero trust between people of differing political ideologies across New York, which is destructive to our families, our way of life, and the fabric of these United States.

Therefore

We call upon our Representatives including Town Board Members, County Legislators, State Legislators, Federal Legislators, Law Enforcement, Federal and State Prosecutors, and Judges to provide relief to the people, and the assurance of domestic tranquility, through the fulfillment of each of the following firm requests:

1. A complete end-to-end audit of the New York State 2022 General Election, for both paper and electronic records, including ballots, by a mutually agreed upon external, third-party bonded auditing firm, possessed of adequate insurance and indemnification for the handling and protection of the personal identifying information of millions of New York citizens, in order to determine the true error rate. This audit will provide a comprehensive report and analysis of all lapses and errors with explanation of cause where it can be determined.

2. The enactment of legislation defining a mutually agreed upon process by which an end-to-end audit would be triggered in any future elections.

3. The enactment of legislation defining a mutually agreed upon accuracy rate for the voter roll databases.

4. The enactment of legislation allowing for anonymous vote verification and tracking by the voter (open-source, royalty-free patent pending), including automatic mechanisms to report and remedy errors during the canvass period following an election, regardless of ballot entry source.

5. Criminalize election misconduct explicitly with regard to State election law, and increase penalties to reflect the societal and generational harms inflicted by these crimes.

— *Resolution on following page* —

Be it Resolved

As recorded on the _____ of _____, 2023.

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Appendix to the Resolution

Research Sources for the Open-Source Audit by New York Citizens Audit:

- A copy of NYSVoter database obtained via FOIL request from the NYS Board of Elections on October 21, 2021.
- Copies of County voter rolls obtained via FOIL between September-December 2021.
- 2020 Certified Statewide General Election Results, downloaded from the official website of the NY Secretary of State.
- Firsthand witness reports and affidavits.

Relevant Laws applicable to an End-to-End Audit:

- US Constitution; Article 1, Section 4.
- H.R. 2 The National Voter Registration Act of 1993 (Pub. L. 103-31).
- H.R. 3295 The Help America Vote Act of 2002 (Pub.L. 107-252).
- Federal Election Assistance Commission Voting System Standards Volume I: Performance Standards, April, 2002.
- Federal Information Security Modernization Act of 2014 (Public Law 113-283). originally Federal Information Security Management Act of 2002 (Public Law 107-347 (Title III)).
- National Institute of Standards and Technology SP 800-53: Security and Privacy Controls for Information Systems and Organizations.
- FIPS 199 - Standards for Security Categorization of Federal Information and Information Systems.
- U.S. Code: Title 52; Subtitle I—Voting Rights (§§ 10101 – 10702), Subtitle II—Voting Assistance and Election Administration (§§ 20101 – 21145) including:
  - ◆ 52 USC §10101(b)—Intimidation, threats, or coercion.
  - ◆ 52 USC §10307(c)—False Information in, and Payments for, Registering and Voting.
  - ◆ 52 USC §20701—Retention and preservation of records and papers by officers of elections.
  - ◆ 52 USC §20702—Theft, destruction, concealment, mutilation, or alteration of records or papers.
  - ◆ 52 U.S. Code § 21081—Voting systems standards (HAVA).
  - ◆ 52 U.S. Code § 21083—Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- 18 USC §241—Conspiracy Against Rights.
- 18 USC §242—Deprivation of Rights Under Color of Law.
- 18 USC §1519—False Records in the Administration of a Federal Matter.
- 18 USC §1028A—Aggravated Identity Theft.
- 18 USC § 514—Fictitious obligations.
- Consolidated Laws of New York; Chapter 17, Elections.
- New York Codes, Rules, and Regulations; Title IX Executive Department, Subtitle V— State Board of Elections.
- NY Penal Law, Part 3, Title K § 190.80 Identity theft in the first degree.
- NY Penal Law, Part 3, Title K §170.10 forgery in the second degree.