



# ★ Resolution ★

for a Legally Valid 2024 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 duty of our election officials to guarantee 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 following four tenets of an election are upheld:

1. The Voter Rolls Must Be Accurate (National Voter Registration Act, 1993).
2. Votes Counted Must Be From Eligible Voters (US Constitution, Fourteenth Amendment, Section Two).
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 appear to violate both federal and state laws, including:

- ◆ **5,142,950** ineligible or uncertain registration violations found within the NY State voter roll database.
- ◆ **732,359** votes cast by ineligible or uncertain registrants.
- ◆ **35,312** more votes counted than voters who voted. No one knows who cast them.
- ◆ **745,246** apparent voting violations in excess of the legal standard of system accuracy for a valid federal election. Maximum allowable system errors for the 2022 general election in New York State was **48**.
- ◆ Certification as defined by law, an attestation of accuracy and compliance, appears to have been fraudulent and illegal.

**Whereas** These findings trample legal accuracy requirements of the voting system during a Federal Election. Accuracy is defined as the ability of the system to capture and report the specific selections, and absence of selections, made by a voter without error.

**Whereas** The intent of the voters must be known factually 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)). “From time immemorial, an election to public office has been, in point of substance, no more and no less than the expression by qualified electors of their choice of candidates.” (United States v. Classic, 313 U.S. 299 (1941))

**Whereas** New York’s 2022 General Election appears to have been invalid, depriving us of the guaranteed protection of our Natural Rights under a government duly and provably chosen by us, the American people, resulting in incalculable damage to our families, our way of life, and the fabric of these United States.

**Therefore** We call upon our Representatives to provide relief to the people, and the assurance of domestic tranquility, by joining us in demanding a VALID 2024 General Election that upholds these existing laws, and equitable principles of law:



# 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 December 19, 2022.
- 2022 Certified Statewide General Election Results, downloaded from the official website of the NYSBOE.

## 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 USC § 21081—Voting systems standards (HAVA).
  - ◆ 52 USC § 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.



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