

EXECUTIVE SUMMARY

That the Board consider adopting a Resolution calling for a legally valid 2024 general election.

OBJECTIVE: To help ensure that the 2024 General Election is properly conducted.

CONSIDERATIONS: I am in receipt of a proposed Resolution from the election integrity committee of the Collier County Republican Executive Committee, which is included in the back-up of this item. The proposed Resolution advises that “An open-source audit of the Florida 2022 General Election conducted by Florida state citizens has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:

- **564,926** ineligible or uncertain registration violations found within the Florida State voter roll database.
- **117,171** votes cast by ineligible or uncertain registrations.
- **88,635** blank ballots.
- **145,309** more votes counted than voters who voted in the 2022 general election.
- No one knows who cast them.
- **205,744** 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 Florida was **62**.
- Certification as defined by law, an attestation of accuracy and compliance, appears to have been fraudulent and illegal.

In order to ensure a valid 2024 election, the Resolution requests that:

1. Proof of citizenship and identity to register and vote, not anonymous attestation.
2. Documented chain of custody on every ballot, regardless of entry source, maintained from voter to vote count to final canvass.
3. Secure ballots, similar to currency. Where imaging technology is used for tabulation, the security features must be verifiable in the image.
4. Voter rolls certified accurate 30 days before the start of early voting. Voters added after that date must bring proof of citizenship, identity, and address in person to a qualified official at each polling place.
5. Systems, machines, security measures, procedures, infrastructure, policy, and conduct are required to be compliant with the law regarding certification, testing, operational validation, and operational implementation. Any breach will require an adequately strong audit to verify measured outcomes were within 10% of the margin of victory at a 95% probability.
6. A scientifically randomized audit of real ballots must be performed and meaningfully witnessed, proving the error rate is smaller than ten percent of the margin of victory. Otherwise, a fully witnessed hand recount must be performed. All parties with more than 10% of the vote shall have full and effective observation rights.
7. Election operations and systems must maintain end-to-end chain of custody from voter to vote count to final canvass, including auditability and witnessed transfer with paper records.
8. Adjudication must be signed-off by party witnesses and candidate witnesses with full and effective observation rights. Candidates must be allowed immediate access to ballots, images and CVRs. Candidates may agree to use Party witnesses solely at their discretion.

9. End-to-end audits must be allowed by qualified, insured and bonded security, forensics or financial auditors. These shall not be personnel from within the election system. Reconciliation will include the vote count, ballots, adjudication, CVRs, ballot count, voter count, custody transfer, and all other paper and electronic systems including system logs, if applicable. The aggrieved party must be allowed to select their own auditor.
10. If the total of all unique variances above is more than 10% of the margin of victory, a new election must be held in the state for those candidates affected, unless it can be provably corrected by a manual hand recount with a full review of records.
11. Waiver of requirements is not allowed. Only end-to-end system compliance can guarantee the intent of the people is accurately recorded. Just obey the law.

I am asking that the Board consider the Resolution, and if the Board is in agreement, adopting it.

FISCAL IMPACT: None.

GROWTH MANAGEMENT IMPACT: There are no Growth Management Impacts associated with the Executive Summary.

LEGAL CONSIDERATIONS: This item has been reviewed by the County Attorney, is approved as to form and legality and requires a majority vote for Board approval. -JAK

RECOMMENDATION: That the Board consider adopting a Resolution calling for a legally valid 2024 general election.

Prepared by: Chris Hall, Chairman, District 2

ATTACHMENT(S)

1. Florida_Collier County BCC_Resolution for a Valid 2024 Election_4.5.2024 (PDF)

COLLIER COUNTY
Board of County Commissioners

Item Number:**Doc ID:** 28250**Item Summary:** That the Board consider adopting a Resolution calling for a legally valid 2024 general election.**Meeting Date:** 04/23/2024**Prepared by:**

Title: Legal Assistant – County Attorney's Office

Name: Wanda Rodriguez

03/06/2024 2:39 PM

Submitted by:

Title: Commissioner District 2 – Board of County Commissioners

Name: Chris Hall

03/06/2024 2:39 PM

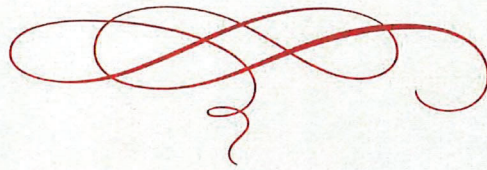
Approved By:**Review:**

Office of Management and Budget	Agnieszka Chudy	OMB Reviewer	Pending	
County Attorney's Office	Jeffrey A. Klatzkow	Level 3 County Attorney's Office Review	Completed	04/11/2024 8:24 AM
Office of Management and Budget	Debra Windsor	Level 3 OMB Gatekeeper Review	Completed	04/11/2024 8:37 AM
County Manager's Office		Level 4 County Manager Review	Pending	
Board of County Commissioners	Geoffrey Willig	Meeting	Pending	04/23/2024 9:00 AM



— ★ 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 Florida 2022 General Election conducted by Florida state citizens has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:

- ♦ **564,926** ineligible or uncertain registration violations found within the Florida State voter roll database.
- ♦ **117,171** votes cast by ineligible or uncertain registrations.
- ♦ **88,635** blank ballots.
- ♦ **145,309** more votes counted than voters who voted in the 2022 general election. No one knows who cast them.
- ♦ **205,744** 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 Florida was **62**.
- ♦ 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 Florida'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:

1. Proof of citizenship and identity to register and vote, not anonymous attestation.
2. Documented chain of custody on every ballot, regardless of entry source, maintained from voter to vote count to final canvass.

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3. Secure ballots, similar to currency. Where imaging technology is used for tabulation, the security features must be verifiable in the image.
 4. Voter rolls certified accurate 30 days before the start of early voting. Voters added after that date must bring proof of citizenship, identity, and address in person to a qualified official at each polling place.
 5. Systems, machines, security measures, procedures, infrastructure, policy, and conduct are required to be compliant with the law regarding certification, testing, operational validation, and operational implementation. Any breach will require an adequately strong audit to verify measured outcomes were within 10% of the margin of victory at a 95% probability.
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 7. Election operations and systems must maintain end-to-end chain of custody from voter to vote count to final canvass, including auditability and witnessed transfer with paper records.
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 10. If the total of all unique variances above is more than 10% of the margin of victory, a new election must be held in the state for those candidates affected, unless it can be provably corrected by a manual hand recount with a full review of records.
 11. Waiver of requirements is not allowed. Only end-to-end system compliance can guarantee the intent of the people is accurately recorded. Just obey the law.

— Resolution on following page —



Be it Resolved That the Board of Commissioners in Collier County FL, stands in support with the concerns and remedies presented here. We implore the Collier County Legislature, Florida Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both State and County Boards of Elections to cooperate and fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Chairman Chris Hall	_____	_____	_____
Vice Chairman Burt L. Saunders	_____	_____	_____
Commissioner Rick LoCastro	_____	_____	_____
Commissioner Dan Kowal	_____	_____	_____
Commissioner William L. McDaniel, Jr.	_____	_____	_____

As recorded on the _____ of _____, 2024.



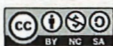
Appendix to the Resolution

Research Sources for the Open-Source Audit by Florida state citizens:

- A copy of the Florida Voter Registration Database Voter Roll, titled “20221102_VoterDetail” dated 11-02-2022 and Voter History File, titled “20221215_VoterHistory” obtained by request from the Florida State Board of Elections, dated 12-15-2022.
- Certified Statewide General Election Results, downloaded from the official website of the Florida Department of State—Division of Elections—Election Results for the November 8, 2022 General Election.

Relevant Laws applicable to a valid election process:

- 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.
- Florida Statutes Title IX—Electors and Elections—Chapters 97-107
- Florida Department of State—Elections Integrity—Election Crimes and Security
- Florida Statute 817.568—Criminal use of personal identification information
- 2005 Florida Code—Crimes Forgery and Counterfeiting Chapter 831



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