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UNSCHEduLE9  
8-29-2024

# ★ 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 California 2022 General Election conducted by California citizens has uncovered evidence of massive inaccuracies that appear to violate both federal and state laws, including:

- ◆ **5,886,198** ineligible or uncertain registration violations found within the California state voter roll database.
- ◆ **2,776,939** votes cast by ineligible or uncertain registrants.
- ◆ **123,785** more votes counted than voters who voted. No one knows who cast them.
- ◆ **2,776,849** 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 California was **90**.
- ◆ 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** California'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, identity and eligibility to register and vote, not anonymous attestation.
2. Voter rolls certified accurate and available for public review and challenge 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.
3. Hand-marked, secure ballots similar to currency. Where imaging technology is used for tabulation, the security features must be verifiable in the ballot image.
4. Systems, machines, security measures, infrastructure and conduct are required to be compliant with federal law for fraud prevention regarding risk assessment, certification, testing, and implementation.
5. Adjudication must be signed-off by party, candidate, and trained citizen witnesses after being given full and effective observation rights. Candidates and trained citizens must be allowed immediate access to ballots, ballot images and CVRs.
6. Ballots, regardless of entry source, 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.
7. A NIST-compliant, randomized, statistically valid end-to-end audit, with a 95% confidence level, of all elections pursuant to the 14th Amendment, Section 2 must be performed. These audits are to be conducted by qualified, insured and bonded security, forensics or financial auditors, not personnel from within the election system. Reconciliation will include the vote count, real physical ballots, adjudication, CVRs, ballot count, qualified voter count, custody transfer, and all other paper and electronic election systems, including logs.
8. 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 the issues can be provably corrected by a manual hand recount and a full review of records.
9. Waiver of requirements is not allowed. Only end-to-end system compliance, from registration through certification, can guarantee the intent of the people is accurately recorded.

— Resolution on following page —





## Be it Resolved

That the Fresno City Council, Fresno, California stands in support with the concerns and remedies presented here. We implore the Fresno County Board of Supervisors, California Legislators, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both Secretary of State and County Registrars of Voters to cooperate and fulfill these firm requests of the people.

### RESULTS OF THE VOTE

### YEA

### NAY

### SIGNATURE

**President**

**Annalisa Perea**

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**Vice-President**

**Mike Karbassi**

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**Council Member**

**Miguel Arias**

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**Council Member**

**Tyler Maxwell**

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**Council Member**

**Luis Chavez**

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**Council Member**

**Garry Bredefeld**

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**Council Member**

**Nelson Esparza**

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As recorded on the \_\_\_\_\_ of \_\_\_\_\_, 2024.



# Appendix to the Resolution

## Research Sources for the Open-Source Audit by California Citizens:

- Data from CA statewide voter registration database, October 9, 2023.

## 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.



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