

**FIRST AMENDMENT PETITION FOR REDRESS OF VIOLATIONS
OF THE GUARANTEE AND ELECTORS CLAUSES OF THE
CONSTITUTION FOR THE UNITED STATES OF AMERICA**

WE THE FREE PEOPLE OF THE UNITED STATES, by and through the unalienable, individual Rights guaranteed by the Declaration of Independence and the Constitution for the United States of America, hereby Petition the leadership of the Congress of the United States of America for Redress of our Grievances, to honor their Oaths or Affirmations of office and their constitutional obligations by responding to this Petition, providing a formal, public acknowledgment of its receipt and demonstrating a good faith effort to comply, no later than 5 p.m. on January 6, 2020.

WHEREAS, under the Supremacy Clause, the “Constitution, and the laws of the United States which shall be made in pursuance thereof ... shall be the supreme law of the land.” Article VI, Clause. 2.

WHEREAS, under the Electors Clause, “Each State shall appoint, in such Manner as the Legislature thereof may direct a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.” Article II, Section 1, Clause 2; see also *Bush v. Gore*, 531 U.S. at 104 (“The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college ... the state legislature’s power to select the manner for appointing electors is *plenary*.”)

WHEREAS, under the Guarantee Clause, the “United States shall guarantee to every State in this Union, a Republican Form of Government.” Article IV, Sect. 4.

WHEREAS, “[T]he Constitution’s conception of the People [is] as the font of governmental power. As Madison put it: ‘the genius of **republican liberty** seems to demand...not only that all power should be derived from the people, but that those entrusted with it **should be kept in dependence on the people.**’...Our Declaration of Independence, paragraph 2, drew from Locke in stating: ‘Governments are instituted among Men, deriving their just powers from the consent of the governed’... And our fundamental instrument of government derives its authority from ‘We the People.’ U.S. Const., Preamble.” *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 135 S. Ct. 2652, 2674-2675 (2015) (emphasis added).

WHEREAS, the Constitution for the United States of America, as adopted and as amended over time, is a **contract** covering the rights and duties of two distinct groups of people: 1) all citizen-voters; and 2) all government-employees.¹

WHEREAS, this **constitution-based contract**, approved by the citizen-voters of the United States, covers all government-employees in the United States, including those in each State, County, Town and Village as **each is a department, a division, of the complex whole and organized system of Government in the United States of America**; thus, the Constitution for the United States of America and the Constitutions of each State organize and regulate the rights and duties arising between the two groups, **with the intention to effect legal obligations**.

WHEREAS, under the Constitution, the citizen-voters extend an offer of government employment, with consideration and **with the stated intention to effect legal obligations**, and the government-employees accept the offer of employment **with the stated intention to effect legal obligations**.

¹ In this context, the Citizen-voter group includes Government-employees, but the Government-employee group does not include citizen-voters.

WHEREAS, all government-employees, upon employment, take an oath whereby they swear to support and defend the Constitution, legally binding them to certain constitution-derived duties, obligations, prohibitions and mandates in return for a valuable benefit known as consideration.

WHEREAS, the rights, duties and obligations of said two groups, who were parties to the original constitution-based contract, as amended, attach to all those in the two groups who succeed them, regardless of the State in which they reside; their successors are **in privity**; there remains a successive, mutual relationship within each group and between the two groups that is legally enforceable.

WHEREAS, privity is essential to the constitution-based contract for if privity does not exist, meaning there is no recognition of and strict adherence to the nationwide relationship between the parties, enforcement of the Constitution becomes extraordinarily problematic, especially in light of the government's long-standing reluctance to teach each rising generation in its public education system the history, meaning, significance and effect of each provision of their State and Federal Constitutions and Declaration of Independence.

WHEREAS, while some Petitioners hereto may not have been directly involved in the election procedures that produced the constitutionally-informed electors in every State, each Petitioner has a constitutional interest in those procedures and the electors arising out of them.

WHEREAS, petitioners' injury is clearly traceable to the actions of non-legislative government employees in those States and redressable by the Congress of the United States.

WHEREAS, petitioner's injury is premised on their unalienable Right to Liberty. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these

are Life, Liberty and the pursuit of Happiness.” Declaration of Independence, paragraph 2.

WHEREAS, petitioners’ **Liberty** is protected against government action that is arbitrary, conscience-shocking, or oppressive in a constitutional sense by the Fourteenth Amendment which provides that “[n]o state shall ...deprive any person of life, liberty, or property, without due process of law.” U.S. Const. Amendment XIV, Section 1.

WHEREAS, petitioners are being governed in an illegal, unfair and cruel way by the actions of the non-legislative, government officials identified herein, who have reduced the extent of petitioners’ Liberty and Power, **significantly shifting the ultimate power in our society from the People to the Government, where it was not intended to reside.**

WHEREAS, as a consequence of said unconstitutional **seizure of power** - the violation of Article II, Section 1, Article IV, Section 4 and Amendment XIV, Section 1 of the Constitution - **the refusal of those non-legislative, government officials to be “kept in dependence on the People”**, we petitioners have suffered a strong, sweeping injury, a concrete and particularized **loss of both Liberty and power**, a blow to popular sovereignty and a diminution of **our right to a government in the United States, including every State, department and division of the whole, that is republican in form and substance.**

WHEREAS, the non-legislative, State officials identified herein have failed in their duty to effect the legal obligation specified by the We the People in their constitution-based contract.

WHEREAS, petitioners’ injuries are based on sure facts and undeniable, actual things that are clear and certain and existing in a form that can be seen and felt rather than guesses or theories.

[July 2, 2020](#): Arkansas Gov. Asa Hutchinson (R) and Secretary of State John Thurston (R) announced that voters in the November 3, 2020, general election would be allowed to cite concerns over COVID-19 as a valid excuse for voting absentee.

California 56/D

[June 3, 2020](#): California Governor [Gavin Newsom](#) (D) issued an executive order giving counties permission to consolidate polling places in the November 3, 2020, general election, provided they offer three days of early voting.

[May 8, 2020](#): California Governor [Gavin Newsom](#) (D) signed an executive order directing county election officials to send mail-in ballots to all registered voters in the November 3, 2020, general election.

Connecticut 7/D

[August 10, 2020](#): Connecticut Governor [Ned Lamont](#) (D) issued an executive order directing election officials to accept absentee ballots postmarked by August 11, 2020, and delivered by August 13, 2020. The order applied only to the August 11, 2020, primary election.

[May 20, 2020](#): Connecticut Governor [Ned Lamont](#) (D) issued an executive order extending absentee voting eligibility to any registered voter in the August 11, 2020, primary if there is no "federally approved and widely available vaccine for prevention of COVID-19" at the time he or she requests an absentee ballot.

[May 4, 2020](#): Connecticut Secretary of State [Denise Merrill](#) (D) announced that all eligible voters in the August 11, 2020, statewide primary and November 3, 2020, general election would automatically receive absentee/mail-in ballot applications.

Florida 29/R

[October 6, 2020](#): Florida Secretary of State [Laurel Lee](#) (R) announced that the state's voter registration would be extended to 7 p.m. on October 6, 2020.

Georgia 16/D

[August 31, 2020](#): Judge [Eleanor L. Ross](#), of the U.S. District Court for the Northern District of Georgia, issued an order extending the return deadlines for absentee ballots in the general election. Ross ordered officials to accept as valid any absentee ballots postmarked November 3, 2020, and received by 7:00 p.m., November 6, 2020.

[July 8, 2020](#): Judge Eleanor L. Ross, of the United States District Court for the Northern District of Georgia, issued an order in *Cooper v. Raffensperger*, reducing the petition signature requirement for independent and minor-party candidates in Georgia to 70 percent of their original numbers.

Iowa 6/R

[July 17, 2020](#): Iowa Secretary of State [Paul Pate](#) (R) announced that absentee ballot application forms would be sent automatically to all active registered voters in the November 3, 2020, general election.

Kentucky 8/R

[August 14, 2020](#): Kentucky Governor [Andy Beshear](#) (D) and Secretary of State [Michael Adams](#) (R) announced several changes for the November 3, 2020, general election, including the extension of absentee/mail-in voting eligibility to all voters "concerned with contracting or spreading COVID-19."

Maine 4/D

[August 27, 2020](#): Maine Governor [Janet Mills](#) (D) signed an executive order extending the mail-in voter registration deadline from October 13, 2020, to October 19, 2020.

Maryland 10/D

[August 12, 2020](#): The Maryland State Board of Elections voted to conduct early voting from October 26, 2020, through November 2, 2020, at approximately 80 voting centers statewide. The board also announced its intention to make at least 127 ballot drop-boxes for absentee/mail-in ballots available statewide.

[August 10, 2020](#): Maryland Governor [Larry Hogan](#) (R) issued an executive order authorizing the Maryland State Board of Elections to operate a limited number

of centralized voting centers in lieu of precinct polling places for in-person voting in the November 3, 2020, general election.

August 12, 2020: The Maryland State Board of Elections set October 20, 2020, as the deadline for return of all absentee/mail-in ballot applications.

July 8, 2020: Maryland Governor **Larry Hogan (R)** ordered the state board of elections to send absentee/mail-in ballot request forms automatically to all qualified voters in the November 3, 2020, general election.

Massachusetts 11/D

July 14, 2020: A spokesperson for Massachusetts Secretary of the Commonwealth **William Galvin (D)** confirmed that his office was proceeding with plans to send mail-in ballot applications to all voters in the state's September 1, 2020, primary election.

Michigan 16/D

September 18, 2020: Judge **Cynthia Stephens**, of the Michigan Court of Claims, issued a ruling extending Michigan's absentee/mail-in ballot receipt deadline to November 17, 2020, for ballots postmarked on or before November 2, 2020. Stephens also authorized voters to allow anyone of their choosing to return their ballots between 5:01 p.m. on October 30, 2020, and the close of polls on November 3, 2020.

May 19, 2020: Michigan Secretary of State **Jocelyn Benson (D)** announced that all registered voters in the August 4, 2020, primary and November 3, 2020, general election would receive mail-in ballot applications automatically.

Minnesota 10/D

October 29, 2020: A three-judge panel of the U.S. Court of Appeals for the Eighth Circuit ruled 2-1 that the extension of Minnesota's absentee/mail-in ballot return deadline was likely unconstitutional "because the Secretary [of State] extended the deadline for receipt of ballots without legislative authorization." The court stopped short of invalidating the extension, however, instead directing officials to keep ballots received after November 3, 2020, separate from the others "in the event a final order is entered by a court

of competent jurisdiction determining such votes to be invalid or unlawfully counted."

[August 3, 2020](#): A Minnesota district court approved a consent decree between the plaintiffs and the state defendants in *LaRose v. Simon*. Under the terms of the consent decree, state election officials agreed to waive the witness requirement for mail-in ballots cast in the November 3, 2020, general election. The state also agreed to count all mail-in ballots postmarked on or before November 3, 2020, and received within business days of Election Day.

Montana 3/R

[August 6, 2020](#): Montana Governor [Steve Bullock \(D\)](#) issued a directive permitting counties to conduct the November 3, 2020, general election entirely by mail. Bullock also authorized counties to expand early voting opportunities for the general election.

[March 25, 2020](#): Montana Governor [Steve Bullock \(D\)](#) issued a directive authorizing counties to conduct upcoming elections entirely by mail.

Nebraska 5/R

[August 19, 2020](#): Nebraska Secretary of State [Bob Evnen \(R\)](#) announced that his office would automatically send early/mail-in ballot applications to all registered voters in the November 3, 2020, general election whose home counties had not already done so.

New Hampshire 4/D

[April 10, 2020](#): New Hampshire Secretary of State [William Gardner \(D\)](#) and Attorney General [Gordon MacDonald \(R\)](#) released a memo to election officials, advising them that any voter in the September 8, 2020, primary or November 3, 2020, general election could request an absentee ballot based on concerns related to COVID-19.

New Jersey 14/D

[August 14, 2020](#): New Jersey Governor [Phil Murphy \(D\)](#) announced that the state would automatically send mail-in ballots to all voters in the November 3, 2020, general election.

New York

29/D

[September 8, 2020](#): New York Governor [Andrew Cuomo](#) (D) announced that he would sign an executive order providing for the installation of absentee ballot return drop boxes at more than 300 locations statewide.

North Carolina

15/R

[October 29, 2020](#): The [U.S. Supreme Court](#) again declined to reinstate North Carolina's statutory absentee/mail-in ballot return deadline, allowing the extension ordered by the North Carolina State Board of Elections to stand. The court rejected a similar challenge a day before, on October 28, 2020.

[October 20, 2020](#): The U.S. Court of Appeals for the Fourth Circuit declined to block the extension of North Carolina's absentee/mail-in ballot return and receipt deadlines. As a result, ballots would be accepted if they were postmarked on or before Election Day and received by 5 p.m. on November 12, 2020.

[October 19, 2020](#): The North Carolina State Board of Elections directed counties to accept absentee/mail-in ballots received by 5 p.m. on November 12, 2020, and postmarked on or before Election Day. The state board of elections also issued new guidance on how voters can resolve problems with their absentee/mail-in ballots.

[July 17, 2020](#): Karen Brinson Bell, the executive director of the North Carolina State Board of Elections, issued an emergency order mandating a number of modifications to in-person voting in the November 3, 2020.

Ohio

18/R

[October 2, 2020](#): A three-judge panel of the Ohio 10th District Court of Appeals ruled that Ohio Secretary of State Frank LaRose (R) could direct counties to offer multiple drop-box locations for returning absentee/mail-in ballots. The panel stopped short of requiring LaRose to do so, overturning a lower court decision to that effect.

[September 11, 2020](#): Judge [Stephen L. McIntosh](#), of Ohio's Franklin County Court of Common Pleas, enjoined Secretary of State [Frank LaRose](#) (R) from rejecting absentee ballot applications submitted via fax or email.

[August 12, 2020](#): Ohio Secretary of State [Frank LaRose](#) (R) directed each county election board to provide one drop-box for absentee/mail-in ballots in the November 3, 2020, general election.

Oklahoma

7/R

[August 28, 2020](#): Governor [Kevin Stitt](#) (R) issued an executive order extending Oklahoma's state of emergency by 30 days. This triggered the implementation of the following modifications to Oklahoma's absentee ballot procedures.

Pennsylvania

20/D

[October 28, 2020](#): The [U.S. Supreme Court](#) declined to expedite consideration of a case involving the Pennsylvania Supreme Court's extension of the state's mail-in ballot return deadline, allowing the extended deadline to stand.

[October 23, 2020](#): The [Pennsylvania Supreme Court](#) ruled that election officials could not reject a mail-in ballot because the signature on the ballot return documents did not appear to match the voter's signature on file.

[September 17, 2020](#): The [Pennsylvania Supreme Court](#) issued rulings that extended the mail-in ballot receipt deadline and authorized the use of drop boxes for returning mail-in ballots in the November 3, 2020, general election.

[September 14, 2020](#): The League of Women Voters of Pennsylvania and the Urban League of Greater Pittsburgh dropped a lawsuit against the state after election officials issued guidance stating that counties cannot reject a mail-in ballot due solely to a perceived mismatch between the signature on the return envelope and the signature on the voter's registration record.

[July 31, 2020](#): Pennsylvania Secretary of the Commonwealth [Kathy Boockvar](#) (D) announced that the state would provide prepaid return postage for all mail-in and absentee ballots in the November 3, 2020, general election.

Rhode Island

4/D

[September 11, 2020](#): Rhode Island Secretary of State [Nellie Gorbea \(D\)](#) announced that her office would send absentee/mail-in ballot applications to all active registered voters in the November 3, 2020, general election.

[August 13, 2020](#): The [Supreme Court of the United States](#) denied an application by the Republican National Committee and the Republican Party of Rhode Island to stay a consent decree suspending witness/notary requirements for mail-in ballots cast in Rhode Island's 2020 elections.

[August 7, 2020](#): A three-judge panel of the United States Court of Appeals for the First Circuit issued a per curiam opinion denying a motion by the Republican National Committee and the Republican Party of Rhode Island to stay the consent decree suspending witness/notary requirements for mail-in ballots in Rhode Island.

[July 31, 2020](#): Judge [Mary McElroy](#), of the U.S. District Court for the District of Rhode Island, approved a consent agreement reached by the parties in *Common Cause Rhode Island v. Gorbea*. Rhode Island officials agreed not to enforce witness or notary requirements for mail-in ballots in both the September 8, 2020, primary and November 3, 2020, general elections.

South Carolina

9/R

[October 27, 2020](#): Judge [Richard Mark Gergel](#) of the U.S. District Court for the District of South Carolina ruled that county election officials in South Carolina could not reject absentee/mail-in ballots on the basis of perceived mismatch between the signature on the ballot return documents and the voter's signature on file.

[September 18, 2020](#): Judge [J. Michelle Childs](#), of the United States District Court for the District of South Carolina, issued a preliminary injunction barring election officials from enforcing South Carolina's witness requirement for absentee ballots in the November 3, 2020, general election.

Tennessee

11/R

[October 19, 2020](#): A three-judge panel of the U.S. Court of Appeals for the Sixth Circuit unanimously upheld a district court decision that temporarily suspended a Tennessee law requiring first-time voters to vote in person.

[June 24, 2020](#): The [Tennessee Supreme Court](#) declined to stay a lower court order that had extended absentee voting eligibility to all voters during the pandemic.

[June 4, 2020](#): The Chancery Court for Tennessee's Twentieth Judicial District ruled that Tennessee's absentee voting law, which limits eligibility to those meeting certain criteria, "during the unique circumstances of the pandemic, constitutes an unreasonable burden on the fundamental right to vote guaranteed by the Tennessee Constitution." The court ordered the state to extend absentee voting eligibility to all Tennessee voters during the course of the pandemic.

Texas

38/R

[September 25, 2020](#): Judge [Marina Marmolejo](#), of the U.S. District Court for the Southern District of Texas, issued an order enjoining Texas officials from enforcing legislation that had rescinded the state's straight-ticket ballot option.

[September 8, 2020](#): Judge [Orlando Garcia](#), of the U.S. District Court for the Western District of Texas, ordered Secretary of State [Ruth Ruggero Hughs](#) to advise all local election officials that it is unconstitutional to reject an absentee ballot due to a perceived signature mismatch unless the voter is given pre-rejection notice of this finding and a "meaningful opportunity to cure his or her ballot's rejection."

[July 27, 2020](#): Texas Governor [Greg Abbott \(R\)](#) issued a proclamation extending the early voting period for the November 3, 2020, general election by six days. Originally scheduled to begin on October 19, 2020, early voting would instead open on October 13, 2020.

Vermont

3/D

[July 20, 2020](#): Vermont Secretary of State [Jim Condos \(D\)](#) issued a directive that a mail-in ballot be sent automatically to every active registered voter in the November 3, 2020, general election.

[March 30, 2020](#): Vermont Governor [Phil Scott \(R\)](#) signed H0681 into law, making a series of temporary changes to the state's election laws in response to the coronavirus outbreak: suspending candidate petition signature gathering requirements for both the August primary and the November general elections; authorizing local legislative bodies to transition upcoming local elections from

floor meetings to Australian ballot (i.e., secret ballot) elections; and authorizing the secretary of state, with the consent of the governor, to enact temporary changes to election procedures (e.g., expanding voting by mail).

Virginia

13/D

[October 28, 2020](#): Frederick County (Virginia) Circuit Court Judge William W. Eldridge ruled that absentee/mail-in ballots that are not postmarked could be accepted if they were received after Election Day. Eldridge added that election officials could accept a ballot with an illegible postmark for up to three days after Election Day, provided the voter casting the ballot signed and dated the accompanying oath before the election.

[October 14, 2020](#): Judge [John A. Gibney](#), of the U.S. District Court for the Eastern District of Virginia, ordered that Virginia's voter registration deadline be extended from October 13, 2020, to October 15, 2020.

[August 5, 2020](#): The parties in *League of Women Voters of Virginia v. Virginia State Board of Elections* reached a settlement providing for the suspension of the Virginia's witness requirement for absentee ballots in the November 3, 2020, general election.

West Virginia

5/R

[July 27, 2020](#): West Virginia Secretary of State [Mac Warner](#) (R) announced that all voters "concerned about their health and safety because of COVID-19" would be eligible to vote absentee in the November 3, 2020, general election.

Wisconsin 10/D

[June 17, 2020](#): The Wisconsin Election Commission voted unanimously to send absentee/mail-in ballot applications automatically to most registered voters in the November 3, 2020, general election.

WHEREAS, on December 14, 2020, two hundred, thirty eight (238) Democrat presidential electors and one hundred, sixty three (163) Republican presidential electors were therefore appointed **UNCONSTITUTIONALLY** by thirty-one States as listed below:

DEMOCRAT		REPUBLICAN	
Arizona	11	Alaska	3
California	56	Arkansas	6
Connecticut	7	Florida	29
Georgia	16	Iowa	6
Maine	4	Kentucky	8
Maryland	10	Montana	3
Massachusetts	11	Nebraska	5
Michigan	16	North Carolina	15
Minnesota	10	Ohio	18
New Hampshire	4	Oklahoma	7
New Jersey	14	South Carolina	9
New York	29	Tennessee	11
Pennsylvania	20	Texas	38
Rhode Island	4	West Virginia	5
Vermont	3		
Virginia	13		
Wisconsin	10		

WHEREAS, this is a proper First Amendment Petition requiring a meaningful response in that it exceeds any rational standard requiring a formal, specific response from Congress: it is serious and documented, not frivolous; it contains no falsehoods; it is not absent probable cause; it has the necessary quality of a dispute; it comes from citizens outside of the formal political culture and involves a legal principle not political talk; it is punctilious and dignified, containing both a "direction" and a "prayer" for relief; it addresses a public, collective grievance with

widespread participation and consequences; it is an instrument of deliberation not agitation; and, it provides legal Notice seeking substantive Redress to cure the infringement of a Right.

WHEREAS, in English and American jurisprudence, there is a legal maxim that for every right there is a remedy; **where there is no remedy, there is no right.**

WHEREAS, it is a settled and **invariable** principle, that every right when withheld must have a remedy, and every injury its proper redress. See Blackstone, *Commentaries on the Laws of England* 23 and *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 162-163 (1803).

WHEREAS, this Petition, with its demand for a meaningful response, rests in part on the HISTORICAL RECORD OF THE FIRST AMENDMENT'S PETITION CLAUSE, a copy of which is annexed hereto.

WHEREAS, particularly instructive under the circumstances of this Petition is Section 61 of the Magna Carta ... the 1689 Declaration of Rights ...the Journals of the First Congress in 1774 ... Delegate Jefferson's Reply to Lord North in 1775 ...Thomas Paine's Common Sense ... and the Declaration of Independence.

WHEREAS, in 1774, for instance, before turning to a more stringent remedy in their quest to hold their government accountable, the delegates to America's first congress resolved, **unanimously** that, "When government wants money from the People and they have in any manner oppressed the People, the People may retain their money until their grievances are redressed."

WHEREAS, in 1775, delegate Jefferson wrote, "The privilege of giving or withholding our moneys is an important barrier against the undue exertion of prerogative which if left altogether without control may be exercised to our great oppression; and all history shows how efficacious its intercession for redress of

grievances and reestablishment of rights, an how improvident would be the surrender of so powerful a mediator.”

WHEREAS, in 1776, six months before the adoption of the Declaration of Independence, Thomas Paine distributed “Common Sense” which after decrying the **recklessness of repeatedly petitioning the government to rectify its abuses**, he issued a call for a stronger remedy, concluding: “Should a manifesto be published ... setting forth the miseries we have endured, and the peaceful methods which we have ineffectually used for redress.”

WHEREAS, that “manifesto” -- our Declaration of Independence, with its philosophical underpinnings for the republic established by the Constitution -- includes the principle that it is the People who institute Government and that they do so to secure their Rights and, after setting forth the grievances being endured by the People, the Declaration reads, “In every stage of these Oppressions we have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant is unfit to be the ruler of a free People.”

WHEREAS, the Government’s refusal to provide a meaningful response to the People’s Petitions for Redress of violations of their Rights was the “capstone grievance,” the grievance that more than any other led not only to the Declaration of Independence - but also **to the widespread recognition of the Right of the People to hold the government accountable by Petition and to the inclusion of that natural, unalienable Right in our Bill of Rights.**

WHEREAS, Petitioners are motivated by the knowledge that the restoration of this vestigial, once powerful but now all but forgotten natural Right of the People will result in a significant shift in the ultimate power in our society from the Government back to the People where it was meant to reside in the first place.

WHEREAS, in defense of righteousness and the future health of the Constitution for the United States of America and the Rule of Law, we Petitioners humbly and respectfully request Congress nullify the votes of the Electoral College taken December 14, 2020 in the States identified above, direct the Legislatures of those States to appoint Presidential Electors in a manner consistent with the Electors Clause and pursuant to 3 U.S.C. Section 2 and that the end of the terms of the current President and Vice President be extended, if necessary to the seventh day following such appointments.

WHEREAS, we request Congress act to insure that future general elections be conducted in strict accordance with the Election Petition attached hereto.

WHEREAS, we Petitioners, who agree with Thomas Jefferson that “No government can continue good but under the control of the people,” pray Congress will grant the relief requested in this **FIRST AMENDMENT PETITION FOR REDRESS OF VIOLATIONS OF THE GUARANTEE AND ELECTORS CLAUSES OF THE CONSTITUTION FOR THE UNITED STATES OF AMERICA**.³

First Name: **ROBERT**

Last Name: **SCHULZ**

City: **TOWN OF QUEENSBURY**

State: **NEW YORK**

Signature: **/S/**

³ Additional signature pages follow.

HISTORICAL RECORD OF THE RIGHT TO PETITION GOVERNMENT FOR REDRESS OF GRIEVANCES

by

Robert L. Schulz

“On every question of the construction of the Constitution, let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.”

Thomas Jefferson,

Letter to William Johnson, Supreme Court Justice (1823)

It is instructive to review the history of the Right to Petition in order to determine its meaning.

The following are the highlights of the historical record of the Right to Petition:

Chapter 61 of the Magna Carta (the cradle of Liberty and Freedom from wrongful government, signed at a time when King John was sovereign) reads in relevant part:

“ 61. Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance forever, we give and grant to them the underwritten security, namely, that the barons choose five and twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, **to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present Charter**, so that if we, or our justiciar, or our bailiffs or any one of our officers, shall in anything be at fault towards anyone, **or shall have broken any one of the articles of this peace or of this security**, and the offense be notified to four barons of the foresaid five and twenty, the said four barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, **petition to have that transgression redressed without delay**. And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) **within forty days**, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five and twenty barons, and those five and twenty barons shall, **together with the community of the whole realm**, distrain and distress us in all possible ways, namely, by **seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit**, saving harmless our own person, and the persons of our queen and children; and **when redress has been obtained, they shall resume their old relations towards us...**” (emphasis added by the People).

Chapter 61 was a procedural vehicle for enforcing the rest of the Charter. It spells out the Rights of the People and the obligations of the Government, and the procedural steps to be taken by the People and the King, in the event of a violation by the King of any provision of that Charter: the People were to transmit a Petition for a Redress of their Grievances; the King had 40 days to respond; if the King failed to respond in 40 days, the People could non-violently retain their money or violence could be **legally** employed against the King until he Redressed the alleged Grievances.¹

The 1689 Declaration of Rights proclaimed, “[I]t is the Right of the subjects to petition the King, and all commitments and prosecutions for such petitioning is illegal.” This was obviously a basis

¹ See Magna Carta Chapter 61. See also William Sharp McKechnie, Magna Carta 468-77 (2nd ed. 1914)

of the “shall make no law abridging the right to petition government for a redress of grievances” provision of our Bill of Rights.

In 1774, the same Congress that adopted the Declaration of Independence unanimously adopted an Act in which they gave meaning to the People’s Right to Petition for Redress of Grievances and the Right of enforcement as they spoke about the People’s “Great Rights.” Quoting:

“If money is wanted by rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility.” "Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress 1774, Journals 1: 105-13.

In 1775, just prior to drafting the Declaration of Independence, Jefferson gave further meaning to the People’s Right to Petition for Redress of Grievances and the Right of enforcement. Quoting:

“The privilege of giving or withholding our moneys is an important barrier against the undue exertion of prerogative which if left altogether without control may be exercised to our great oppression; and all history shows how efficacious its intercession for redress of grievances and reestablishment of rights, an hour improvident would be the surrender of so powerful a mediator.” Thomas Jefferson: Reply to Lord North, 1775. Papers 1:225.

In 1776, the Declaration of Independence was adopted by the Continental Congress. The bulk of the document is a listing of the Grievances the People had against a Government that had been in place for 150 years. The final Grievance on the list is referred to by scholars as the “capstone” Grievance. The capstone Grievance was the ultimate Grievance, the Grievance that prevented Redress of these other Grievances, the Grievance that caused the People to non-violently withdraw their support and allegiance to the Government, and the Grievance that eventually justified War against the King, morally and legally. Thus, the Congress gave further meaning to the People’s Right to Petition for Redress of Grievances and the Right of enforcement. Quoting the Capstone Grievance:

“In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by with repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is thus unfit to be the ruler of a free people....We, therefore...declare, That these United Colonies...are Absolved from all Allegiance to the British Crown...” ***Declaration of Independence, 1776***

Though the Rights to Popular Sovereignty and its “protector” Right, the Right of Petition for Redress have become somewhat forgotten, they took shape early on by government’s *response* to Petitions for Redress of Grievances.²

² See A SHORT HISTORY OF THE RIGHT TO PETITION GOVERNMENT FOR THE REDRESS OF GRIEVANCES, Stephen A. Higginson, 96 Yale L.J. 142(November, 1986); "SHALL MAKE NO LAW ABRIDGING . . .": AN ANALYSIS OF THE NEGLECTED, BUT NEARLY ABSOLUTE, RIGHT OF PETITION, Norman B. Smith, 54 U. Cin. L. Rev. 1153 (1986);"LIBELOUS" PETITIONS FOR REDRESS OF GRIEVANCES -- BAD HISTORIOGRAPHY MAKES WORSE LAW, Eric Schnapper, 74 Iowa L. Rev. 303 (January 1989);THE BILL OF RIGHTS AS A CONSTITUTION, Akhil Reed Amar, 100 Yale L.J. 1131 (March, 1991); NOTE: A PETITION CLAUSE ANALYSIS OF SUITS AGAINST THE GOVERNMENT: IMPLICATIONS FOR RULE 11 SANCTIONS, 106 Harv. L. Rev. 1111 (MARCH, 1993); SOVEREIGN IMMUNITY AND THE RIGHT TO PETITION: TOWARD A FIRST AMENDMENT RIGHT TO PURSUE JUDICIAL CLAIMS AGAINST THE GOVERNMENT, James E. Pfander, 91 Nw. U.L. Rev. 899 (Spring 1997);THE **VESTIGIAL CONSTITUTION: THE**

The Right to Petition is a distinctive, substantive Right, from which other substantive First Amendment Rights were *derived*. The Rights to free speech, press and assembly originated as *derivative* Rights insofar as they were necessary to protect the *preexisting* Right to Petition. Petitioning, as a way of holding government accountable to natural Rights, originated in England in the 11th century³ and gained recognition as a Right in the mid 17th century.⁴ Free speech Rights first developed because members of Parliament needed to discuss freely the Petitions they received.⁵ Publications reporting Petitions were the first to receive protection from the frequent prosecutions against the press for seditious libel.⁶ Public meetings to prepare Petitions led to recognition of the Right of Public Assembly.⁷

In addition, the Right to Petition was widely accorded greater importance than the Rights of free expression. For instance, in the 18th century, the House of Commons,⁸ the American Colonies,⁹ and the first Continental Congress¹⁰ gave official recognition to the Right to Petition, but not to the Rights of Free Speech or of the Press.¹¹

The historical record shows that the Framers and ratifiers of the First Amendment also understood the Petition Right as distinct from the Rights of free expression. In his original proposed draft of the Bill of Rights, Madison listed the Right to Petition and the Rights to free speech and press in two separate sections.¹² In addition, a “considerable majority” of Congress defeated a motion to strike the assembly provision from the First Amendment because of the understanding that all of the enumerated rights in the First Amendment were separate Rights that should be specifically protected.¹³

HISTORY AND SIGNIFICANCE OF THE RIGHT TO PETITION, Gregory A. Mark, 66 Fordham L. Rev. 2153 (May, 1998); DOWNSIZING THE RIGHT TO PETITION, Gary Lawson and Guy Seidman, 93 Nw. U.L. Rev. 739 (Spring 1999); A RIGHT OF ACCESS TO COURT UNDER THE PETITION CLAUSE OF THE FIRST AMENDMENT: DEFINING THE RIGHT, Carol Rice Andrews, 60 Ohio St. L.J. 557 (1999) ; MOTIVE RESTRICTIONS ON COURT ACCESS: A FIRST AMENDMENT CHALLENGE, Carol Rice Andrews, 61 Ohio St. L.J. 665 (2000).

³ Norman B. Smith, “Shall Make No Law Abridging...”: Analysis of the Neglected, But Nearly Absolute, Right of Petition, 54 U. CIN. L. REV. 1153, at 1154.

⁴ See Bill of Rights, 1689, 1 W & M., ch. 2 Sections 5,13 (Eng.), reprinted in 5 THE FOUNDERS’ CONSTITUTION 197 (Philip B. Kurland & Ralph Lerner eds., 1987); 1 WILLIAM BLACKSTONE, COMMENTARIES 138-39.

⁵ See David C. Frederick, *John Quincy Adams, Slavery, and the Disappearance of the Right to Petition*, 9 LAW & HIST. REV. 113, at 115.

⁶ See Smith, *supra* n.4, at 1165-67.

⁷ See Charles E. Rice, *Freedom of Petition*, in 2 ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION 789, (Leonard W. Levy ed., 1986)

⁸ See Smith, *supra* n4, at 1165.

⁹ For example, Massachusetts secured the Right to Petition in its Body of Liberties in 1641, but freedom of speech and press did not appear in the official documents until the mid-1700s. See David A. Anderson, *The Origins of the Press Clause*, 30 UCLA L. REV. 455, 463 n.47 (1983).

¹⁰ See *id.* at 464 n.52.

¹¹ Even when England and the American colonies recognized free speech Rights, petition Rights encompassed freedom from punishment for petitioning, whereas free speech Rights extended to freedom from prior restraints. See Frederick, *supra* n6, at 115-16.

¹² See *New York Times Co. v. U.S.*, 403 U.S. 670, 716 n.2 (1971)(Black, J., concurring). For the full text of Madison’s proposal, see 1 ANNALS OF CONG. 434 (Joseph Gales ed., 1834).

¹³ See 5 BERNARD SCHWARTZ, THE ROOTS OF THE BILL OF RIGHTS at 1089-91 (1980).

Petitioning government for Redress of Grievances has played a key role in the development, exercise and enforcement of popular sovereignty throughout British and American history.¹⁴ In medieval England, petitioning began as a way for barons to inform the King of their concerns and to influence his actions.¹⁵ Later, in the 17th century, Parliament gained the Right to Petition the King and to bring matters of public concern to his attention.¹⁶ This broadening of political participation culminated in the official recognition of the right of Petition in the People themselves.¹⁷

The People used this newfound Right to question the legality of the government's actions,¹⁸ to present their views on controversial matters,¹⁹ and to demand that the government, *as the creature and servant of the People, be responsive to the popular will.*²⁰

In the American colonies, disenfranchised groups used Petitions to seek government accountability for their concerns and to rectify government misconduct.²¹

By the nineteenth century, Petitioning was described as “essential to ... a free government”²² – an inherent feature of a republican democracy,²³ and one of the chief means of enhancing government accountability through the participation of citizens.

This Interest In Government Accountability Was Understood To Demand Government Response To Petitions.²⁴

¹⁴ See Don L. Smith, *The Right to Petition for Redress of Grievances: Constitutional Development and Interpretations* 10-108 (1971) (unpublished Ph.D. dissertation) (Univ. Microforms Int'l); K. Smellie, Right to Petition, in 12 *ENCYCLOPEDIA OF THE SOCIAL SCIENCES* 98, 98-101 (R.A. Seiligman ed., 1934).

¹⁵ The Magna Carta of 1215 guaranteed this Right. See *MAGNA CARTA*, ch. 61, reprinted in 5 *THE FOUNDERS' CONSTITUTION*, *supra* n.5, at 187.

¹⁶ See *PETITION OF RIGHT* chs. 1, 7 (Eng. June 7, 1628), reprinted in 5 *THE FOUNDERS' CONSTITUTION*, *supra* n5 at 187-88.

¹⁷In 1669, the House of Commons stated that, “it is an inherent right of every commoner in England to prepare and present Petitions to the House of Commons in case of grievances, and the House of Commons to receive the same.” Resolution of the House of Commons (1669), reprinted in 5 *THE FOUNDERS' CONSTITUTION*, *supra* n5 at 188-89.

¹⁸ For example, in 1688, a group of bishops sent a petition to James II that accused him of acting illegally. See Smith, *supra* n4, at 1160-62. James II's attempt to punish the bishops for this Petition led to the Glorious Revolution and to the enactment of the Bill of Rights. See Smith, *supra* n15 at 41-43.

¹⁹ See Smith, *supra* n4, at 1165 (describing a Petition regarding contested parliamentary elections).

²⁰ In 1701, Daniel Defoe sent a Petition to the House of Commons that accused the House of acting illegally when it incarcerated some previous petitioners. In response to Defoe's demand for action, the House released those Petitioners. See Smith, *supra* n4, at 1163-64.

²¹ See RAYMOND BAILEY, *POPULAR INFLUENCE UPON PUBLIC POLICY: PETITIONING IN EIGHTEENTH-CENTURY VIRGINIA* 43-44 (1979).

²² THOMAS M. COOLEY, *TREATISE ON THE CONSTITUTIONAL LIMITATIONS WHICH REST UPON THE LEGISLATIVE POWER OF THE STATES OF THE AMERICAN UNION* 531 (6th ed. 1890).

²³ See *CONG. GLOBE*, 39th Cong., 1st Session. 1293 (1866) (statement of Rep. Shellabarger) (declaring petitioning an indispensable Right “without which there is no citizenship” in any government); JOSEPH STORY, *COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES* 707 (Carolina Academic Press ed. 1987) (1833) (explaining that the Petition Right “results from [the] very nature of the structure [of a republican government]”).

²⁴ See Frederick, *supra* n7 at 114-15 (describing the historical development of the duty of government response to Petitions).

American colonists, who exercised their Right to Petition the King or Parliament,²⁵ expected the government to receive *and respond* to their Petitions.²⁶ The King's persistent refusal to answer the colonists' grievances outraged the colonists and as the "**capstone**" grievance, was a significant factor that led to the American Revolution.²⁷

Frustration with the British government led the Framers to consider incorporating a people's right to "instruct their Representatives" in the First Amendment.²⁸ Members of the First Congress easily defeated this right-of-instruction proposal.²⁹ Some discretion to reject petitions that "instructed government," they reasoned, would not undermine government accountability to the People, as **long as Congress had a duty to consider petitions and fully respond to them.**³⁰

Congress's response to Petitions in the early years of the Republic also indicates that the original understanding of Petitioning *included a governmental duty to respond*. Congress viewed the receipt and serious consideration of every Petition as an important part of its duties.³¹

Congress referred Petitions to committees³² and even created committees to deal with particular types of Petitions.³³ Ultimately, most Petitions resulted in either favorable legislation or an adverse committee report.³⁴

Thus, throughout early Anglo-American history, general petitioning (as opposed to judicial petitioning) allowed the people a means of direct political participation that in turn demanded government *response* and promoted accountability.

²⁵ See DECLARATION AND RESOLVES OF THE CONTINENTAL CONGRESS 3 (Am. Col. Oct. 14, 1774), reprinted in 5 THE FOUNDERS' CONSTITUTION, *supra* n5 at 199; DECLARATION OF RIGHTS OF THE STAMP ACT CONGRESS 13 (Am. Col. Oct. 19, 1765), reprinted in *id.* at 198.

²⁶ See Frederick, *supra* n4 at 115-116.

²⁷ See THE DECLARATION OF INDEPENDENCE para. 30 (U.S. July 4, 1776), reprinted in 5 THE FOUNDERS' CONSTITUTION, *supra* n5 at 199; Lee A. Strimbeck, The Right to Petition, 55 W. VA. L. REV. 275, 277 (1954).

²⁸ See 5 BERNARD SCHWARTZ, *supra* n15, 1091-105.

²⁹ The vote was 10-41 in the House and 2-14 in the Senate. See *id.* at 1105, 1148.

³⁰ See 1 ANNALS OF CONG. 733-46 (Joseph Gales ed., 1789); 5 BERNARD SCHWARTZ, *supra* n15, at 1093-94 (stating that representatives have a duty to inquire into the suggested measures contained in citizens' Petitions) (statement of Rep. Roger Sherman); *id.* at 1095-96 (stating that Congress can never shut its ears to Petitions) (statement of Rep. Elbridge Gerry); *id.* at 1096 (arguing that the Right to Petition protects the Right to bring non-binding instructions to Congress's attention) (statement of Rep. James Madison).

³¹ See STAFF OF HOUSE COMM. ON ENERGY AND COMMERCE, 99TH CONG., 2D SESS., PETITIONS, MEMORIALS AND OTHER DOCUMENTS SUBMITTED FOR THE CONSIDERATION OF CONGRESS, MARCH 4, 1789 TO DECEMBER 15, 1975, at 6-9 (Comm. Print 1986) (including a comment by the press that "the principal part of Congress's time has been taken up in the reading and referring Petitions" (quotation omitted)).

³² See Stephen A. Higginson, Note, *A Short History of the Right to Petition the Government for the Redress of Grievances*, 96 YALE L. J. 142, at 156.

³³ See H.J., 25th Cong., 2d Sess. 647 (1838) (describing how petitions prompted the appointment of a select committee to consider legislation to abolish dueling).

³⁴ See Higginson, n34 at 157.

To determine “[t]he proper scope and application of the Petition Clause ... **Some effort must be made to identify the historic and fundamental principles that led to the enumeration of the right to petition in the First Amendment, among other rights fundamental to liberty.**”

Guarnieri at 394-395. (Emphasis added). *Borough of Duryea v. Guarnieri*, 564 U.S. 379 (2011).

“The First Amendment’s Petition Clause states that ‘Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances.’ The reference to ‘the right of the people’ indicates that the Petition Clause was intended to codify a pre-existing individual right, which means that **we must look to historical practice to determine its scope.** (See *District of Columbia v. Heller*, 554 U.S. 570, 579, 592 (2008).” *Guarnieri* at 403. (Emphasis added).

“There is abundant historical evidence that ‘Petitions’ were directed to the executive and legislative branches of government.” *Guarnieri* at 403. (Emphasis added).

“Petition, as a word, a concept, and an **essential safeguard of freedom, is of ancient significance in English law and the Anglo-American legal tradition.**” *Guarnieri* at 394-395. (Emphasis added).

“[P]etitions have provided a vital means for citizens ... **to assert existing rights** against the sovereign.” *Guarnieri* at 397. (Emphasis added).

“Rights of speech and petition are not identical. Interpretation of the Petition Clause must be guided by the objectives and aspirations that underlie the right. A petition conveys the special concerns of its author to the government and, in its usual form, **requests action** by the government to address those concerns.” *Guarnieri* at 388-389. (Emphasis added).

“One of the advantages of popular government, of which Jefferson was distinctly aware, was that it afforded a means of **redressing grievances against the government without the resort to force**; it provided, as he would later put it in his First Inaugural Address, ‘a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceful remedies are unprovided.’” (Emphasis added). David N. Mayer, *“The Constitutional Thought of Thomas Jefferson,”* University Press of Virginia, 1994, at 107. See also Thomas Jefferson, *First Inaugural Address*, 4 March 1801, L.C.

FIRST AMENDMENT PETITION FOR REDRESS OF GRIEVANCES:
PUBLIC ELECTIONS

WE THE FREE PEOPLE OF THE UNITED STATES, by and through the unalienable, individual Rights guaranteed by the Declaration of Independence and the Constitution for the United States of America, hereby Petition the Congress of the United States for Redress of our Grievances, to honor their Oaths or Affirmations of office and their constitutional obligations by responding to this Petition, providing a formal acknowledgment of its receipt and demonstrating a good faith effort to comply, on or before 5 p.m. , January 6, 2020.

WHEREAS, by the terms and conditions of the Declaration of Independence and Constitution for the United States of America, We the People have expressly established a republican form of government, empowering it to act only in certain ways, while purposely and patently restricting and prohibiting it from acting in certain other ways without Amendment, and;

WHEREAS, We the People are entitled, by Right, to constitutionally valid elections, including the Right to know, without special expert knowledge or trusting the announcements by officials and/or the media, that our votes are being accurately counted, and;

WHEREAS, the current method of counting votes in secret, via electronic voting systems, violates the principles of the public nature of elections and individual Voting Rights that emerge from our State Constitutions and from Article I, Sections 2 and 4, and the Seventeenth Amendment to the Constitution for the United States of America, and;

WHEREAS, each State Constitution and the First and Ninth Amendments of the federal Bill of Rights guarantee to every American the unalienable Right to hold the government accountable to each and every principle, prohibition, restriction and mandate of the Declaration of Independence and Constitution for the United States of America,

NOW THEREFORE: WE THE PEOPLE do humbly and respectfully petition the Congress of the United States to institute the following Remedies and Instruct the Chief Election Official(s) of each State of the Union and the members of each House of the Legislature of each State of the Union, to respond to this Petition as follows:

- a. For all future primary, special, general and other public elections, the Chief Election Official(s) and Legislatures of each State shall institute a "Peoples' Chain of Custody" comprising an uninterrupted continuum of voting procedures that are always observable and readily understood by the general public.
- b. Voting shall only be permitted on Election Day for all voters, with the exception of Absentee Voting, which shall be authorized in accordance with State Law and only for those scheduled to be out of State on Election Day.
- c. The procedures for voting to ensure a "Peoples' Chain of Custody" shall include the following:

- i) Each voter will privately mark their votes on a paper ballot at the precinct-level polling place either by hand or with the assistance of a ballot marking mechanism designed for disabled voters to vote independently and privately as per the Help America Vote Act of 2002 (HAVA), and;
- ii) Each completed paper ballot will be deposited by the voter into a transparent ballot box that has been pre-numbered by the county election authority and kept locked and in clear public view continuously throughout the voting period on Election Day, and;
- iii) Each candidate on the ballot will have the Right to have a representative present for an inspection of each container immediately before the voting period begins and to witness and test the locking procedure, and;
- iv) From the time the voter deposits the marked ballot into the ballot box to the time the precinct results are publicly announced and posted at the polling place, all paper ballots and the ballot box they are deposited in by the voters will never be out of the view of the public, and;
- v) A rope or other similar physical demarcation will surround each ballot box at a distance of 6 to 10 feet, beyond which any person can stand or sit to quietly observe and record by video, audio or still recording device, the transparent containers and the number of voters, and;
- vi) When the voting period ends at each polling place, the ballot box container(s) shall be unlocked and all the ballots shall be removed, counted and evenly distributed among the tables set up in the same room where the ballot box containers have been in continuous public view for the counting of the votes by the pre-designated Counting Teams, and;
- vii) Each candidate on the ballot shall have the Right to have a representative present for the inspection of each ballot box immediately after the removal of all the ballots from the ballot box container(s) and shall have the Right to have a representative seated at each table to observe the vote-counting process without disrupting the process, and;
- viii) The public shall have the Right to observe and record the vote-counting process at each table at a reasonably close range - 6 to 10 feet - without disrupting the process, and;
- ix) Each Counting Team shall be comprised of four persons: a Reader, a Marker and two Observers. The Reader and the Marker shall be trained election workers with no political affiliation. The two Observers shall be from non-partisan, independent, election integrity and good government type organizations from the local community, and;
- x) The Reader and the Marker shall sit opposite each other with one Observer sitting next to the Reader and the other Observer next to the Marker. Only the Reader will handle the ballots during the counting process (unless there is an unclear marking on the ballot) and only the

Marker will handle and mark the Tally Sheets. The Reader's Observer shall be able to clearly see the paper ballot that is being read by the Reader in order to verify that the Reader is reading the correct name or measure marked by the voter. The Marker's Observer shall be able to clearly see the Tally Sheet on which the votes are recorded in order to verify that the Marker is marking the correct name or measure read out by the Reader, and;

xi) The counting will be temporarily halted if any misread or mismarked vote is witnessed by an Observer or if a voter's intention is unclear on the ballot. The reading or marking correction shall be made or the voter's intention determined (by the physical review of all counting team members) before resuming the counting process, and;

xii) If a discrepancy is witnessed and all Counting Team Members do not agree on the resolution, then the written objection of those disagreeing must be noted and included with the ballots, as well as a copy of the objection given to the Election Poll Worker in charge of the polling place, and;

xiii) After all the ballots have been read and the votes marked on the Tally Sheets, each Counting Team shall add up the votes for each candidate and/or measure and write their totals for each candidate and/or measure on their Team's Tally Sheets. All Counting Team members shall then certify, under penalty of perjury, the vote totals for each candidate and/or measure counted by their team, and;

xiv) Once each Counting Team is in agreement on the allocation and tallying of the votes handled by the team and the team has certified the totals, the results of their team's count will then be read aloud for public consumption and for the purpose of officially recording and certifying the totals on the Final Results Sheet for the precinct by the Election Worker in charge of the polling place in full public view, and;

xv) When all the Counting Teams have read aloud their results and all the totals have been tallied on the Final Results Sheet for the precinct, copies of every Counting Teams' certified totals and the precinct's Final Results Sheet shall be publicly posted at the Polling Place and left accessible and undisturbed - under penalty of law - for the subsequent 24 hours. Any person may record the posted documents for any purpose, including but not limited to, transmitting electronically to any individual, group or website, and

xvi) The public posting of the precinct's Final Results at each polling place signifies the end of the "Peoples' Chain of Custody" because it has proven to be impossible to publicly oversee the physical security of the ballots once they are moved from the polling place, hence the importance of an uninterrupted voting process that is publicly observable from start to finish. The transfer of all ballots (used, unused and spoiled) and related election documents from each Polling Place to a secure storage facility shall be determined by each county election authority

and handled in a manner that allows - and encourages - public observation from the Polling Place to their final storage location, and

xvii) To enable the public to more easily verify the accuracy of the “official” election results, it is important that the precinct-level Final Results from each polling place are immediately posted in the local newspaper, as well as on the website of the county election authority. Verification by the People becomes an open and transparent process of simply adding up the results from all the “publicly-observed” precinct level elections, and

xviii) Finally, all paper ballots (used, unused and spoiled) and all related election documents from each polling place shall be kept by the county election authority in their secure storage facility for no less than 22 months, in case of any election disputes arising. Following this required storage time, however, the paper ballots may be taken to a paper recycling plant. For all other related election documents, they shall be placed in permanent storage in the archives of the State Library or similar public institution for future use by the interested public or scholars.

Respectfully submitted by¹:

First Name: ROBERT

Last Name: SCHULZ

City: TOWN OF QUEENSBURY

State: NEW YORK

Signature: /S/

¹ Additional signature pages follow.