

Supervisor _____, _____ County District ____
(address)

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(address)

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(address)

Supervisor _____, _____ County District ____
(address)

Supervisor _____, _____ County District ____
(address)

_____, County Counsel for _____ County
(address)

_____, County Clerk-Recorder for _____ County
(address)

CEASE AND DESIST

Dear Sir or Madam:

The State of California has passed AB969 enacted in October of 2023 using the Urgency Clause. The bill states:

This bill would declare that it is to take effect immediately as an urgency statute.

Section 2 of the bill states:

"This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that county elections officials know what voting system they will be using, particularly with the upcoming 2024 March Presidential Primary, it is necessary for this act to take effect immediately."

The California Constitution, Article IV, Section 8(d) states, in pertinent part, “Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. *A statement of facts constituting the necessity shall be set forth in one section of the bill.* . . . [Emphasis added.]

Section 2 fails to state any facts supporting the assertion of a threat to public peace, health, or safety. In this Assembly Bill, there are no facts stating either that any election official was unaware of what voting systems they would be using nor any facts amounting to an urgency within the meaning of California Constitution, Article IV.

Additionally, voting by citizens that is accurately counted does not impact “public peace, health, or safety.” Thus, there is absolutely no logical, legal, or Constitutional basis for the alleged “urgency.”

Therefore, the use of the urgency clause to bypass normal legislative process was and is unlawful and deprived the citizens of California of an opportunity for public Referendum. Misusing this urgency clause to avoid checks on legislation and prevent public input is an abuse of legislative authority. It prevents the citizens from having a voice in the legislative process as required by the California State Constitution.

Article II, Section 9, of the California Constitution provides for the referendum process in California. Citizens have the power to approve or reject statutes or parts of statutes, except for urgency statutes and some other fiscal exceptions. If the legislature had not improperly used the process reserved for public health and safety emergencies, the citizens of California could have reviewed and challenged the law by referendum pursuant to Article II, Section 9 of the California Constitution.

You have been placed in the unfortunate position where you are unable to conduct the 2024 General Election without breaking either state or federal laws. You cannot comply with newly enacted state laws without breaking federal laws. You can not comply with federal laws without breaking this newly enacted state law.

ADDITIONAL REASONS TO CEASE AND DECIST

APPLICATION OF THE HELP AMERICA VOTE ACT

The “Help America Vote Act of 2002” (hereinafter “H.A.V.A.”) requires accurate voter rolls to be maintained by the local jurisdiction. California counties have hundreds and even thousands of ineligible voters on their rolls. This violates H.A.V.A.’s requirement for Accuracy and Compliance in elections, including the Voter Rolls. You know this because many citizens have taken it upon themselves to audit the voter rolls (because our government does not) and they have found hundreds and thousands of ineligible voters. Some of these citizens have come before officials only to be disparaged and ignored.

Many of our elections are decided by less than 100 votes and some by less than 10 votes. Inaccurate voter rolls are an incontestable fact. The Election Integrity Project California reported that they found “1,834,789 more registered voters than eligible citizens” in the State Voter Rolls including active and inactive voters. H.A.V.A. was enacted due to the 2000 Bush/Gore election debacle, which greatly divided voters and destroyed voter trust. Simply articulated, if Voter Rolls are not accurate and compliant, elections cannot be certified as compliant or accurate meeting the standard set within H.A.V.A.

H.A.V.A. was designed to provide a “Zero Trust Model” for voting systems which includes transparency to address trust issues when using electronic voting machines. Although election fraud existed in individual local races, these widespread trust issues did not exist before electronic/mechanical machines. In addition, H.A.V.A. falls under the Civil Rights Act therefore, certifying inaccurate or non-compliant elections violates every citizen’s Civil Rights when elections are not accurate, or election laws have been violated.

FINANCIAL REASONS TO COMPLY WITH H.A.V.A.

Not only is H.A.V.A. a federal law but because this County has accepted Federal money pursuant to H.A.V.A., it is also Contract Law. This County entered a contract with the federal government when it accepted funds under the Help America Vote Act. The Board of Supervisors voted to accept these funds, County Counsel signed off on the contracts and the ROV/Clerk-Recorder agreed to comply with the terms of that contract.

If this County follows California law and specifically AB969, the county cannot meet the contractual requirements of the Help America Vote Act. If the county intends to follow California Law, the county will deprive the citizens of the transparency required resulting

in a Misappropriation of Federal Funds. Failing to follow the Federally mandated H.A.V.A., the county would have to return the H.A.V.A. funds to the federal government. If the county returns the H.A.V.A. funds, the county cannot pay for the election equipment that the county is required by California law to use.

BOARDS OF SUPERVISORS HAVE A PROBLEM.

Each of you swore an oath to the United States Constitution and to the Constitution of the State of California. Both Constitutions guarantee citizens the right to have their vote accurately counted and to elect their representatives. Your oath is not to the government but to the Constitution and the people you represent. Certifying uncertifiable elections in a federal election can reach the level of treason. Do not assume just because county election officials have not been held accountable to this point that they will not be held accountable now and in the future. We pray those involved do not expose themselves or the County to this financial obligation.

We respectfully demand that the County comply with both the California and federal Constitutions rather than following newly enacted and unconstitutional California laws.

First, the process must be transparent, and the counts must be verified.

Second, only eligible voters should be allowed to vote.

To meet these requirements, the county should have one-day, hand counted elections requiring ID to vote and mail-in ballots limited to legitimate absentee voters.

Your thoughtful consideration of the matters contained in this letter and the requirements of your oath to the United States' and California Constitutions are greatly appreciated.

The favor of a reply is also requested.

Yours truly,