



UNITED SOVEREIGN AMERICANS

...for Freedom!



September 23, 2024

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Reference:

Your response to the United Sovereign Americans complaint letter dated 09-02-24

Dear Secretary of State Jacobsen:

We are greatly disappointed with your response addressing the concerns expressed in our previous complaint letter. You may or may not be aware of the fact that United Sovereign Americans (USA) has issued similar complaint letters in many states across our country. Though Montana is a relatively small state in terms of the number of voters, in proportion to the numbers of voters, the magnitude of the issues found in Montana are comparable to those found by USA analysts across the country.

USA has informed officials in twenty states of major problems compromising the validity of their elections. The rule of law sets the boundaries of what is required to ensure accuracy and fairness in measuring voter intent. When gross violations of the law go unresolved, the certification of an election is a fraud upon the people of your state. The reports we filed, based on the state's own official data, show significant problems with the election and a broad failure to conform to the requirements of state and federal laws. Thus far, like Montana, these officials have remained defensive, unresponsive or unwilling to comprehensively examine this hard evidence of civil rights violations. It is time for Montana to clean up their election system and bring it into compliance. United Sovereign Americans has already filed law suits in federal court in Colorado, Georgia, Michigan, Maryland, Pennsylvania, Florida, North Carolina, Texas, and Ohio against the Chief Election Officials. These complaints allege that by ignoring minimum safeguards designed to protect the election of federal representatives from any uncertainty in the 2022 general election, Defendants "destroyed the meaning of the right to vote," thereby undermining the legitimacy of the general government.



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Also named as defendants are the state Attorney Generals, who are alleged to have failed to enforce state laws that would have prevented civil rights injury to all qualified US citizen voters in each state, and US Attorney General Merrick Garland, who has failed to enforce federal law. USA petitioners assert that these officials did not provide a legally reliable election in the 2022 general election, according to the standards set by the United States Congress. These Mandamus actions seek court orders that the 2024 election be conducted according to all applicable constitutional, federal, and state laws which protect the fundamental right of every American to choose representatives in a fairly and honestly conducted election.

In addition to the many other unaddressed issues with the Montana voter data, as can be seen from the attached summary of events regarding the ballot/vote discrepancy and the recount, it appears that there remain breaches, on both the Federal and State level, of statutory standards required by the law. In some cases, votes counted would either need to be explained or classified as illegal votes, obviously affecting: 1) compliance with Federal and state vote procedure requirements; 2) reflecting election results certified as legal but which in fact were illegal; and 3) reflecting possible election fraud in Montana during the 2022 general election and 2024 primary.

Our concern, obviously, is that the elections in Silver Bow County and many other Montana counties were apparently certified despite objective, factual data raising concerns that the State had compromised systems, and that the certifications may represent serious disregard of the voters' civil and constitutional rights within the state. The harm, when ignored, extends beyond possibly corrupted results in this particular election, into loss of trust and confidence in elections generally. This was identified by US Congress as a voter suppression risk in the "Findings" section of the National Voter Registration Act of 1993: "Discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation..." 52 USC Sec. 20501(a)(3)

Because of your past public statements and actions, many of which were listed in the referenced response letter, USA had hopes that we would not have to resort to an adversarial relationship in Montana. In fact, we hoped that Montana could be held up as a shining example of a state that rose to the challenge, by developing a plan to aggressively and proactively deal with all the issues that led to law suits in other states. Because of the referenced response letter our hopes have dimmed. We have not entirely lost hope that this may yet happen, though valuable time has been lost as the 2024 general election rapidly approaches.



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To this end, as evidence of USA's sincere desire for a positive outcome, we are offering to travel to Montana to meet with you in-person to discuss constitutional and legal compliance, a path forward, and any manner in which USA could help both you and Montana achieve recognized success in your pursuit of election excellence.

Time is of the essence. We ask for a statement of intentions within ten days.

Sincerely,

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The June 4, 2024 Silver Bow County, Montana Primary

Election Issues, Efforts Made, and Unresolved Questions

- In early July, the USA - MT data team determined there were large discrepancies between the number of ballots counted in many counties in the MT 2023 primary, per a comparison of the turnout totals posted on the SOS website, and the number of voters shown to have voted in the SOS voter history files.
- The largest ballot/voter discrepancy was for Silver Bow County. A member of the USA data team met with Linda Sajor-Joyce, the election administrator for Silver Bow County, and presented these discrepancies.
- Linda verified the number of voters by counting the absentee envelopes and the voters whose names were in the poll books who voted in-person. She concluded that the discrepancy of more than 1,000 more ballots than voters did exist, and a recount was warranted.
- To be able to access the ballots for the recount, a court order was required. It was applied for and was received.
- On Monday September 2, teams were assembled in the Civic Center in Butte, and the number of physical ballots were counted for each precinct. The hand recount total was 10,925 ballots.
- On Tuesday September 3, the ballots for each precinct were run through one of the ES&S tabulators and the ballots and votes were counted for each precinct. The recount tabulation total was 10,946 votes.
- The precinct ballot totals determined by the recount tabulation matched the manual counts in all but 8 precincts. There were from 1 to 5 more ballots in 8 precincts in the recount tabulation, totaling the 21-vote difference. No explanation of the cause of the difference was sought nor determined.
- When the original primary tabulation counts were compared to the recount tabulation counts, 28 precincts showed that the primary results included more ballots than the recount: 33 more ballots in 27 precincts, 65 more ballots in 3 precincts, and 44 more ballots in 1 precinct.
- The nature of the distribution indicated the excess ballots *may* have been due to pre-election testing results not being cleared from the system before the tabulation of the primary election ballots was begun. A review of the system logs revealed this was a plausible, though ultimately incomplete, explanation.



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- Since the county was aware that the test deck of ballots used for pre-election testing of the tabulators contained 33 ballots for each precinct, they checked the tabulator system logs, and found that the ballot/vote count for the test deck *had been included in the election results*. The source of the remaining 11-ballot discrepancy was neither sought nor discovered.
- The primary election certified by Silver Bow officials diluted qualified voters' votes by the inclusion in the final counts, inadvertent or not, of more than a thousand test ballots amounting to fictitious votes.
- A variety of documents were made public regarding Silver Bow County voting system performance during testing and the primary election itself. While these documents substantiate the theory that these test ballots *nearly* match the number of excess votes counted, they also raise further serious questions.
- In the "BSB-3-Machine Log Report" there appear to have been 5,435 test ballots scanned from May 15, 2024 through May 29, 2024, in batches totaling 32 ballots each batch. It is not clear how only the test batches from May 29, 2024 were included in election tallies, while earlier test runs were not. The test ballots run on June 3, 2024 are not included in this report at all, and there is no explanation.
- In the "BSB-4-Media-Status-Report" there were many batches of 32 ballots each uploaded on May 30, 2024 at 1:38pm. There are absolutely no differentiating labels from one batch to the other to understand where these batches originated from. They appear to be going into a "Central Count" file, deduced by logical inference only. There are three more uploads of 32 ballots each on June 3, 2024 at 2:47pm. All of the uploads described here are under "Poll Place Name Abs" and "Poll Place ID 0002" indicating that they all originate from a single location, although logically they appear to match issues distributed across many precincts according to other records.
- Beginning on June 4, 2024 this same file shows approximately 33 uploads of random sizes between 1:02pm and 1:04pm. These would appear to be uploads from various precincts although again they are unlabeled, completely undifferentiated. Then there is a lapse in uploads until June 5, 2024 at 12:45am. At this time approximately 32 pages of uploads are recorded, ending on June 5, 2024 at 12:54am.
- However, most disturbingly the "BSB-5-Election-Audit-Events-Report," although it was printed on August 29 at 10:54am, ends at 11:15:25pm on June 4, 2024. The tracking stopped then, and the report reads "Done."



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- Though the exact steps by which the excess ballots were included in the election results were not clarified, there remains an 11-ballot unexplained discrepancy, and the audit records provided either do not match or create further serious concerns requiring investigation, the majority of the Senate Committee members reviewing all facets of the recount were satisfied that no further investigation of cause or the remaining discrepancy was needed.
- According to US Congress, for a federal election to be considered reliable there can be no more than 1 out of every 125,000 ballots counted in error. With 10,946 votes tabulated in the recount, Silver Bow was allowed less than 1 vote counted in error. 11 unexplained ballots grossly exceeds this maximum error rate. The discrepancy in the manual ballot count was an additional 21 unexplained excess ballots. The Silver Bow County June 4, 2024 primary election remains uncertifiable as a matter of law, without comprehensive investigation of the initial and remaining errors and questions.
- In addition to these problems in Silver Bow, a 27% discrepancy uncovered by the USA – MT data team, again between ballots counted and voters who voted in Powell County, was investigated by Secretary of State personnel, also well after certification. Like Silver Bow, the discrepancy was uncovered by comparing the turnout ballot totals posted on the SOS website to the number of voters shown to have voted in the SOS voter history files, which are the raw data underlying any legitimate vote total.
- This large discrepancy was determined to be due to in-person voters not being credited with their votes. It was found that the discrepancy was due to a system malfunction, i.e. Powell's poll book scanner not being functional. No explanation as to how this discrepancy was overlooked was given, but the only reasonable conclusion is that the election was certified without a review or reconciliation. Further, upon "correction" the discrepancy reversed, leaving 18 fewer ballots counted than voters who voted. No explanation of the cause of this was given.
- To date, the discrepancies found in other counties have gone uninvestigated.
- Though 2 more meetings of the special senate committee are planned, there have been no actions or instructions by the SOS office to the counties that would remove the possibility that the 2024 general election could be certified while significant discrepancies exist between the ballots counted and the voters who voted.