

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

'STATES'MANSHIP, James Renwick Manship,
Investigative Reporter and Virginia Voter, IFP,
Box 1776, Mount Vernon, Virginia 22121-1776
Plaintiff,

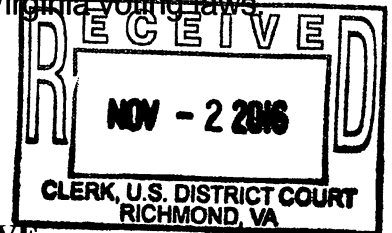
v.

VIRGINIA BOARD OF ELECTIONS

JAMES B. ALCORN, in his official capacity as
Chairman of the Virginia State Board of Elections,
CLARA BELLE WHEELER, in her official capacity as
Vice Chairman of the Virginia State Board of Elections,
SINGLETON McALLISTER, in her official capacity as
Secretary of the Virginia State Board of Elections, and
EDGARDO CORTES', in his official capacity as
Commissioner of the Virginia Department of Elections,
TERRENCE McAULIFFE, in his official capacity as
Governor of the Commonwealth of Virginia,
Defendants.

Case No.: 3:16cv884

Note: Due to 11 July 2016
ORDER of INJUNCTION
in the "Beau" Correll Case,
3:16-cv-00467-REP, ask
for Judge Robert E. Payne,
who is imminently familiar
with Virginia voting laws.



**EMERGENCY MOTION FOR ORDER FOR INJUNCTIVE
AND DECLARATORY RELIEF and VERIFIED CLASS ACTION COMPLAINT**

1. Plaintiff Manship, a Virginia Voter (and Navy Special Duty Cryptology Disabled Veteran) who was formerly assigned as a Communications and Electronics Security Senior Watch Officer at at DCMS (Director, COMSEC Material Systems) in the same building now used as headquarters of the Department of Homeland Security, that has a responsibility for Cyber Security and Critical Infrastructure, and he was also assigned and at NAVELEX REWSON (Naval Electronic Systems Command Reconnaissance, Electronic Warfare, Special Operations, Naval intelligence) in the Crystal City area of Arlington, Virginia, and later as a Commanding Officer of a Naval Reserve unit that reinforced the Naval Security Group Activity Northwest in Chesapeake, Virginia, so has experience in Electronic Security; on behalf of himself and all other Virginia Voters similar situated, alleges as follows:
2. On Thursday, 20 October 2016, C-SPAN, the network of record for the Congress of the United States, aired a compelling panel of experts on Cybersecurity and U.S. Voting Systems:
<https://www.c-span.org/video/?417203-1/discussion-focuses-cybersecurity-us-voting-systems>

3. The C-SPAN.org caption reads: **Cybersecurity and U.S. Voting Systems** The Institute for Critical Infrastructure Technology hosted a series of discussions on cybersecurity threats. In this panel experts highlighted **vulnerabilities of the U.S. election system and specified ways adversaries can compromise voting machines and data**. Any honest American who listened to that non-partisan panel of Cybersecurity experts would know that the Election System in America, and specifically for this case, the **Electronic Election Systems in Virginia, are tragically vulnerable and compromised from producing any honest vote tabulation**.
4. Plaintiff Manship pleads that the Judge or his law clerks take the time to view this C-SPAN panel, for it will likely revolutionize one's understanding of the threat of electronic voting.
5. The **cartoon image of a Voting Machine being akin to a Slot Machine** where the Virginia Voter pulls the lever hoping to have registered as his or her electronically tabulated vote what was actually chosen, or marked on a printed scannable ballot and then electronically scanned, **yet electronically changed to other than that voted, is tragically too true to be funny. The old reliable Ballot Box, and Paper Ballot, hand counted is far more secure and reliable**.
6. The Plaintiff, as a lowly Lieutenant yet the DCMS Senior Watch Officer, once was called in during the weekend to assess a vulnerability in COMSEC Materials, due to a compromise of security, and after about 24 hours of analysis, made the decision to restore Naval Security, to destroy several months of codebooks of several different code systems, a decision that cost the Navy millions of dollars. It was not a "career-ending" decision, the Plaintiff went on to be the Commanding Officer whose unit won the Delaney Award as the best in the nation in 1985, and was twice recommended by his Admirals for a White House Fellowship (like General Colin Powell received) in 1985 and 1986, before being injured and discharged from the Navy. The above is mentioned because the Federal Judge in this case when the ORDER for INJUNCTION is signed will cause costs to the Virginia Voters, but for good and worthy reasons.

7. In the military, and government more generally, there are “Contingency Plans” created, as carefully considered actions in case of fire, flood, storm, natural disasters or “Acts of God”. Certainly the Defendants have “Contingency Plans” for the conduct of the General Election in case of the failure of the Electrical Grid, or if not, it could be called gross negligence. The Defendants, the Governor of Virginia, and his subordinates in the Virginia Board of Elections have the duty to have prepared such a contingency plan.

8. Indeed the Code of Virginia section 24.2-612, Article 2 “Ballots”, states in part:

The general registrar **shall make printed ballots available** for absentee voting not later than 45 days prior to any election **or within three business days of the receipt of a properly completed absentee ballot application, whichever is later.**

This earlier section of the Code of Virginia could be seen by the Federal Judge assigned to this EMERGENCY MOTION FOR ORDER OF INJUNCTION as a Contingency Plan. Is it likely that the Defendant Virginia Board of Elections would (or should have) have printed ballots in place in the case of electrical failures, or at least, they could, if ORDERED, even now, at this late date before the General Election.

9. Article 3 “Voting Equipment and Systems” of Chapter 6 “The Election” of the Code of Virginia addresses Electronic Voting Equipment and Systems needs to be evaluated for its considerable deficiencies in light of the C-SPAN.org broadcast series of discussions on cybersecurity threats in the **Cybersecurity and U.S. Voting Systems** panel by The Institute for Critical Infrastructure Technology. Virginia Voters are being cheated. How many of the already Electronically cast votes have been victim of Vote transfer to another candidate? Or as BlackBoxVoting.org details, how many Virginia Voters are victim of “Fraction Magic – Part 4: Presidential race in an entire state switched in four seconds.” ?

10. Former Assistant Secretary of the Treasury Paul Craig Roberts sent an email on Tuesday, 1

November 2016 forwarding discussion of the “Biggest Election Fraud in History Discovered in the United States” exposed by Democrat Bev Harris, of the non-partisan BlackBoxVoting.org website, from the blog discussion of Jon Rappoport <https://jonrappoport.wordpress.com/2016/10/31/biggest-election-fraud-in-history-discovered-in-the-united-states/> :

Votes counted as fractions instead of as whole numbers

...[A]mazingly, the vote-rigging system it describes has not gotten widespread attention. The system can be used across the entire US....

“Our testing [of GEMS] shows that one vote can be counted 25 times, another only one one-thousandth of a time, effectively converting some votes to zero.”

“This report summarizes the results of our review of the GEMS election management system, which counts approximately 25 percent of all votes in the United States. The results of this study demonstrate that **a fractional vote feature is embedded in each GEMS application which can be used to invisibly, yet radically, alter election outcomes** by pre-setting desired vote percentages to redistribute votes.

This tampering is not visible to election observers, even if they are standing in the room and watching the computer. Use of the decimalized vote feature is unlikely to be detected by auditing or canvass procedures, and **can be applied across large jurisdictions in less than 60 seconds.**”

“GEMS vote-counting systems are and have been operated under five trade names: Global Election Systems, Diebold Election Systems, Premier Election Systems, Dominion Voting Systems, and Election Systems & Software, in addition to a number of private regional subcontractors. **At the time of this writing, this system is used** statewide in Alaska, Connecticut, Georgia, Mississippi, New Hampshire, Utah and Vermont, **and for counties in** Arizona, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Texas, **Virginia**, Washington, Wisconsin and Wyoming. It is also used in Canada.”

“Instead of ‘1’ the vote is allowed to be $1/2$, or $1+7/8$, or any other value that is not a whole number.”

“Weighting a race [through the use of GEMS] removes the principle of ‘one person-one vote’ to allow some votes to be counted as less than one or more than one. **Regardless of what the real votes are, candidates can receive a set percentage of votes. Results can be controlled.** For example, Candidate A can be assigned 44% of the votes, Candidate B 51%, and Candidate C the rest.”

“All evidence that [rigged] fractional values ever existed [in the GEMS system] can be removed instantly even from the underlying database using a setting in the GEMS data tables, in which case even instructing GEMS to show the [rigged] decimals will fail to reveal they were used.”

“Source code: Instructions to treat votes as decimal values instead of whole numbers [i.e., rigging] are inserted multiple times in the GEMS source code itself; thus, this feature cannot have been created by accident.”

11. From shesource.org, here is an excerpt from her bio: (Bev Harris)

“Harris has been referred to as ‘the godmother’ of the election reform movement. (Boston Globe). Vanity Fair magazine credits her with founding the movement to reform electronic voting.

Time Magazine calls her book, *Black Box Voting*, ‘the bible’ of electronic voting... Harris’s investigations have led some to call her the ‘Erin Brockovich of elections.’ (Salon.com)...

Harris has supervised five ‘hack demonstrations’ in the field, using real voting machines. These have been covered by the Associated Press, the Washington Post, and **in formal reports by the United States General Accounting Office...**”

So far, her analysis of GEMS seems to be labeled “too hot to handle.”

Press outlets prefer to report the slinging of mud from both Presidential candidates’ camps.

Meanwhile, the actual results of the coming elections—including Congressional races—appear to be up for grabs, depending on who controls GEMS.

Update: From what I understand, each state government appoints a “consultant” to manage GEMS on election night. That person would be capable of rigging the vote.

12. This new means of Electronic Vote tally alteration, or tampering, or “rigging” the vote, is more sophisticated, and thus far more difficult to detect, than past methods of Electronic Vote Fraud where there was “electronic ballot box stuffing” in select counties and precincts that allowed one preferred candidate to receive more votes than the competition candidate, but where the Electronic Votes might be in excess of the Registered Voters in that County, such as 119 per cent in a county in Ohio, or inflated vote totals in Fairfax County Virginia.

13. The Virginia Department of Elections reports on past election results.

<http://www.elections.virginia.gov/resultsreports/registration-statistics/registrationturnout-statistics/index.html>

Registration/Turnout Statistics

[Virginia Department of Elections](#) > [Results/Reports](#) > [Registration Statistics](#) > Registration/Turnout Statistics

| | | |
|---|------|---------------|
| | Year | 2012 |
| Total Registered | | 5,428,833 |
| Percentage Change from Previous Year | | 6.1% |
| Total Voting | | 3,896,846 |
| Turnout (% Voting of Total Registered) | | 71.78% |
| Voting Absentee (Included in Total Voting) | | 447,907 |

Investigative Reporter, Voter and Plaintiff Manship has strangely suffered three computer failures in the past three weeks while investigating and writing on Election Irregularities so is at a huge disadvantage today while trying to compose this Federal Complaint, now working on a fourth computer without much of the work or programs recently used. In the past month, Plaintiff has seen online where the **Voter Participation Rates in Arlington County and Fairfax County were 84 % and 87 % which is outside the “normal” range of 72 % to 76% (see above Turnout 71.78%)**, but in the current time crunch to complete this filing is not able to find to provide the link or a screen shot, but may be able to with an Amended Complaint. This “marginal” Voter Participation Rate “increase” in two of Virginia’s most populous counties could account for the narrow margin of victory in Virginia in 2012 for Obama, that gave him all 13 of Virginia’s Elector Votes, and suggests Electronic Vote “ballot box stuffing”, easy to do, and hard to detect, per the C-SPAN panel on **Cybersecurity and U.S. Voting Systems**.

14. Prior to the election of 2013, Investigative Reporter and Plaintiff Manship was at a meeting of the Virginia Board of Elections when Charlie Judd was Chairman. During a time of Public Comment and Questions, Attorney Dave Webster of Herndon asked a question about irregularities or illegalities in the fundraising of governor candidate Terry McAuliffe, now Defendant Terrence McAuliffe, Governor of Virginia. The Board members gave an evasive, “non-answer” to attorney Dave Webster’s well researched and presented question.
15. Plaintiff Manship was next to speak, gave name and identified as an investigative reporter. An attorney sitting behind the Chairman gave a slip of paper to Chairman Judd, Plaintiff’s questions were not answered, and Chairman Judd announced that the Virginia Board of Elections was going into “Executive Session”, so told all the Citizens of Virginia, including Webster and Manship, as well as others to leave the meeting room.
16. The judge by his or her clerk can verify at least part of the above two points with Attorney Dave Webster of Herndon, if not the audio-tapes of the VBOE meeting.
17. Why might the Virginia Board of Elections reacted in such a way to Voter Manship? In December 2012, Voter and Investigative Journalist Manship filed a Federal Complaint against the Electronic Election theft in Fairfax and Arlington Counties, seeking an ORDER of INJUNCTION against the Electoral College that was soon to meet, from counting the Elector Votes that were secured by Electronic Voting Fraud, in two or more counties.
18. This year of 2016, an attorney employee of the Virginia Department of Elections, in reply to a FOIA request, falsely informed Investigative Journalist Manship there was no official list of the names of 2012 Electors per party, but Voter and Plaintiff Manship found one for both 2012 and 2008 - on the Department of Elections website, while cross-checking a Wiki list of electors to assure that the Elector lived in the District from which she was elected by voters.

19. The above “interactions” with the Virginia Board of Elections are written in this Complaint to share with the Federal Judge that the VBOE and its employees are not as responsive to Virginia Voters or FOIA requests, or transparent as Virginia Citizens have Right to expect, in exchange for the compensation these public employees and appointed persons receive.
20. It is understandable that appointed leaders, the director, or employees of the Virginia Department of Elections would be loathe to have an investigative journalist asking questions about the reliability or integrity of past or future voting results based on Electronic Voting Systems in which the Commonwealth of Virginia has invested many millions of dollars.
21. By email on 1 November 2016, Plaintiff learned in Arizona, a 2016 legal case has resulted in a Judge’s Order to the Election board there. A summary of the activities around the case:

THE COURT CASE JOHN BRAKEY JUST WON IN PIMA ARIZONA.

Turns out that many of our opt-scanners and DREs (even those without paper!) make ballot images of cast ballots – opt-scanners create the image as the ballots are scanned, touchscreen as the voted onscreen ballot is “Cast”. AND turns out that these images are nearly impossible, CURRENTLY, to make match a fraudulent digital count. Too many pixels!

Any count shifted by an intruding set percentage cannot currently simultaneously change the ballot images to match.

John Brakey found his Pima County officials destroying the ballot images and refusing to make them public record. Brakey got a court order from a judge that they must be preserved in November 2016 and made available for public inspection.

The public could obtain a vote-count from these images even if officials refuse to hand-count. The ballot image vote count must match the “official” results or something has been manipulated in the “official” results.

Brakey found further suspicious activity around the ballot images. The ES&S optical scanner used in Pima County also has a printer that stamps, on the back of each paper ballot, a unique ID number that is also given to the ballot image. It cannot be traced to the voter. It only matches the paper ballot with its image, as a check and balance for transparent audit.

Pima County officials did not use the printer. They removed its cartridge. Their paper ballots did not have ID numbers. So, impossible to match to the images, which they were destroying anyway.

The ID printer was part of the sales package ES&S offered to jurisdictions to states like AZ that have audit laws. Disabling it was against the law.

The judge ordered Pima County to enable the printer by using a damn cartridge and have it running for the November, 2016, election.

Let us pray there is more integrity in the Defendants in this Virginia case.

22. But the Security and Integrity of the Voting process is far more important and valuable than the millions of dollars spent on Electronic Voting Systems that are clearly vulnerable to exploitation from insider or outsider penetration, per the experts of the Cyber voting panel.

23. In the 2012 Complaint, Plaintiff wrote, in part:

40. By taking this action, with other conscientious Governors following his inspired leadership, Governor McDonnell can give a gift to all Americans of a more honest method of electing our President for this Election cycle, so that a total reform of our extremely vulnerable electronic election voting machines, questionable voter registration processes, and erratically applied Voter ID requirement laws can all be implemented prior to the next Election of President in the Year of Our Lord Jesus 2016 so that Truth in Voting will be restored. Recall that President Jefferson chose as the motto for the University of Virginia, "*And you shall know the Truth, and the Truth shall set you Free.*" which are the words of Jesus, recorded in the Gospel of Saint John 6:15.

Sadly that positive vision for the 2016 Election has not been realized, possibly in part due to Governor McDonnell being wrapped up in a curse of legal tangles these past years, but on appeal, eventually "cleared" by decision the United States supreme Court. Let us pray too that this case gains immediate ORDER of INJUNCTION to prevent any Voting Fraud in Virginia, so the Voters are not injured, and this need not go to the Supreme Court.

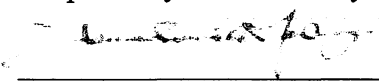
JURISDICTION, VENUE AND ASSIGNMENT

24. Acting *Pro Se*, and not a Bar licensed lawyer trained in a law school, Plaintiff allows that this Complaint may have deficiencies in form, while praying it has strength in content, so requests the traditional leeway rendered by the Courts to a *Pro Se* litigant to amend so to better conform with court adopted rules, regulations or conventions, while also Plaintiff prays that an effective and energetic Bar member will render assistance of counsel *Pro Bono*.
24. The legal theory of this Complaint is under Reynolds v. Sims, the Plaintiff believes he recalls reading, that there is a TWO PART TEST of the RIGHT TO VOTE. **One**, is the **unimpeded access to CAST A BALLOT**, and **Two, is the assurance that a Voter's cast Ballot is counted as was cast**. With "Proprietary Software" and "Corporate Secrets of Electronic Voting System manufacturers and providers", part Two is violated.
25. The "Emergency" nature of this Complaint with corresponding EMERGENCY MOTION FOR ORDER FOR INJUNCTION, is due to the immediate process of the General Election upon us all.
26. The ORDER should not be delayed while the period of Amendment of the Complaint is running. The Plaintiff's Civil Rights, and those of millions of other Citizens of Virginia are in the balance, so this action is brought pursuant to 42 U.S.C. § 1983 to redress violations of the United States Constitution and federal statutes. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).
27. **While Plaintiff recognizes that due to Early Voting, maybe millions of Virginia Voters have already voted, but those "Early Birds" could still be able to vote by Paper Ballot on Election Day, or by paper Absentee Ballot to assure integrity of this 2016 Election.**
28. Venue is proper pursuant to 28 U.S.C. § 1391(b) in the Eastern District of Virginia.
29. Assignment in the Eastern Division is proper pursuant to the rules because all of the Named Plaintiffs and Defendants – reside or work in the Eastern Division of Virginia.

PRAYER FOR RELIEF

30. WHEREFORE, the Plaintiff respectfully requests that this Honorable Court sign an ORDER to enjoin the Governor of Virginia or any of his staff at the Virginia Board of Elections, or any other Executive Office or agency, in Richmond, or in any of the Counties or Cities of Virginia which manage the 2016 General Election voting Process, from any action to continue to use, or to count the results of any Electronic Voting System used in the General Election cycle of A.D. 2016.

Respectfully submitted: By:



DATED: 2 November *anno domini* 2016

James Renwick Manship, Sr.
Virginia Voter and Investigative Journalist
Chaplain and Chairman, God and Country Foundation

Amos 5:15 Project, "*Hate evil and love the good. Remodel your Courts into True Halls of Justice.*"
Box 1776, Mount Vernon, Virginia 22121-1776,
Phone: 703-672-1776

(Pray this pleading be a modern Thomas Paine type January 1776 "Common Sense" & December 1776 "American Crisis".)

CERTIFICATE OF SERVICE

In accordance with the provisions of U.S. Marshall conducted Service for *In Forma Pauperis* litigants, Plaintiff Manship, who as a Disabled Navy Veteran whose disability pension previously interrupted in 2011 and 2012, is existing on a small pension and the grace of God through a few Children of God, and has previously qualified for *In Forma Pauperis* status with the federal district courts, here requests that such be done for this case, and states a Copy will be served on each of the Defendants.

DATED: 2 November *anno domini* 2016

Respectfully submitted: By:



James Renwick Manship, Sr.
Virginia Voter and Investigative Journalist
Chaplain and Chairman, God and Country Foundation

Amos 5:15 Project, "*Hate evil and love the good. Remodel your Courts into True Halls of Justice.*"
Box 1776, Mount Vernon, Virginia 22121-1776,
Phone: 703-672-1776

(Pray this pleading be a modern Thomas Paine type January 1776 "Common Sense" & December 1776 "American Crisis".)