



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY  
 STATE OF ALABAMA

ROY S. MOORE, JUDGE ROY	)	
MOORE FOR U.S. SENATE,	)	
MR. TROY TOWNS,	)	
MS. PEGGY TURNER,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.:
v.	)	
	)	
JOHN H. MERRILL, SECRETARY	)	
OF STATE OF ALABAMA,	)	
IN HIS OFFICIAL CAPACITY,	)	
and ALAN L. KING, PROBATE	)	
JUDGE IN JEFFERSON COUNTY,	)	
FICTITIOUS DEFENDANTS 1-66,	)	
FICTITIOUS DEFENDANTS 67-69,	)	
	)	
Defendants.	)	

VERIFIED COMPLAINT

Plaintiffs Roy S. Moore, Judge Roy Moore for  
 U.S. Senate, Troy Towns, and Peggy Turner (collectively  
 "Plaintiffs"), by and through their undersigned attorney,  
 hereby allege their Complaint against the Secretary of State  
 of Alabama and seek relief consisting of a Temporary  
 Restraining Order, a Preliminary Injunction, and setting a

new special election. The relief sought is based on immediate and irreparable harm, as follows:

### **Nature of the Action**

1. This action seeks to enjoin John H. Merrill, the Secretary of State of Alabama, from certifying the results of the special election for the U.S. Senate held on December 12, 2017, based on systematic election fraud.

2. This action requests the Court to issue an order directing that a new special election be held or, alternatively, that a finding as to the extent of voter fraud be determined with regard to its impact upon the current results.

3. As undersigned counsel, I do hereby confirm that notice has been provided to the Defendant Merrill via a letter scanned and delivered electronically. (See the attached letter to John Merrill dated 27 December 2017)

4. This action also requests the Court to issue an order to preserve evidence of election fraud.

### **Parties**

5. Plaintiff Roy S. Moore ("Roy Moore"), is an adult resident of the State of Alabama.

6. Plaintiff Judge Roy Moore for U.S. Senate, is a campaign committee established under the rules of the Federal Election Commission to finance the campaign by Plaintiff Roy Moore, for election to the United States Senate.

7. Plaintiff Troy Towns, is an adult resident of the State of Alabama. He is also a registered voter and a citizen of the United States and the State of Alabama.

8. Plaintiff Peggy Turner, is an adult resident of the State of Alabama. She is also a registered voter and a citizen of the United States and the State of Alabama.

9. Defendant, John H. Merrill, is the Secretary of State of Alabama. He is sued in his official capacity.

10. Defendant, Alan L. King, is the Probate Judge of Jefferson County, Alabama. He is sued in his official capacity.

11. Fictitious Defendants 1 - 66 are any of the Probate Court Judges the discovery of evidence indicates failed to abide by Federal Law and/or State Law with regards to their any of their duties in an election.

12. Fictitious Defendants 67 - 69 are those companies which were contracted with the state and failed to comply either negligently and/or via a conspiracy with Federal Law and/or State Law.

#### **Venue**

13. Venue is proper in Montgomery County because the offices of the Secretary of State are located here.

#### **Factual Background**

14. On December 12, 2017, the State of Alabama held a special general election to fill a vacancy for the office of United States Senate.

15. It is believed that contracts exists between private companies, which may include but is not limited to Election Systems & Software, with the various Probate Judges for electronically tabulating and purportedly storing voting

records and/or evidence. Said agreements also be between or reviewed by the Secretary of State.

16. No candidate won a majority of votes cast. The margin of difference between candidates, Roy Moore and Doug Jones, was a mere 1.5% - less than 22,000 votes - out of more than 1.3 million votes purportedly cast.

17. The reported results were contrary to most of the impartial, independent polls conducted prior to the Special Election and in contrast to exit polls.

18. During the course of the election, there were multiple public outcries of election fraud, no less than three of which required the Secretary of State to take action in his official capacity.

19. To wit: (i) In Bullock County pre-marked sample ballots were discovered in a bundle or bundles which were marked for Doug Jones. The Secretary of State in his official capacity directed those ballots to be marshalled and destroyed; (ii) a Super PAC known as "Highway 31", which was predominantly funded by the Democratic Senate Majority PAC

has admitted that it "predominantly funded" Highway 31.<sup>1</sup> These ads are believed to be funded by Democratic Affiliates had advertisements that were investigated and ordered to be removed. (iii) Multiple out-of-state identifications were presented at voting places, and a video testimonial confirms a "fellowship" of people came to "vote and canvas" together from different parts of the country.

*Specifically, it was stated: "Because we came here all the way from different parts of the country as part of our fellowship, and all of us pitched in to vote and canvas together, and we got our boy elected!"*<sup>2</sup>

20. The Secretary of State investigated the person that made the statement but did not investigate the "fellowship" or the other people who are a part of that "fellowship" that came "from different parts of the country" and "pitched in to vote". He also did not release the name of the person in question to allow others to independently investigate the matter, nor did he state whether inquiries were made to

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<sup>1</sup>

<http://www.alabamaneews.net/2017/12/27/senate-majority-pac-backed-jones-winning-alabama-campaign/>

<sup>2</sup>

<http://www.fox10tv.com/story/37094145/secretary-of-state-launches-investigation-into-voter-fraud-concerns-in-senate-special-election> (accessed December 27, 2017).

confirm whether the person making the statement was registered to vote in other states. In light of reports by poll workers that they were presented with identification from other states and that certain precinct directors allowed such out-of-state persons to vote, these additional steps should have been taken.

21. Statistical analyses by election-fraud experts of the December 12, 2017 results, as alleged in greater detail below, clearly indicate election fraud. The only question at bar is the sufficiency of that fraud to have changed the results of the election.

22. Moreover, Plaintiff Roy Moore has successfully completed a polygraph test confirming that the representations of misconduct made against him during the campaign are completely false. See, Affidavit of Roy S. Moore.

23. Defendant publicly announced that he would be investigating potential fraud in connection with the Special Election but has not thoroughly performed or fully completed that investigation.

24. Defendant belatedly took action against a Super PAC that was engaging in fraud prior to the Special Election, but has failed to take other necessary steps to protect the integrity of this election.

25. Plaintiff Roy Moore and the other Plaintiffs will suffer irreparable harm if the election results are certified by Defendant without preserving and investigating all the evidence of potential fraud prior to certification as he is being denied his full right as a candidate to a fair election.

26. Plaintiff Judge Roy Moore for U.S. Senate will suffer irreparable harm if the election results are certified by Defendant without preserving and investigating all the evidence of potential fraud prior to certification as this campaign committee has incurred expense in proper expectation and reliance on a fair election procedure.

27. The people of Alabama will suffer irreparable harm if the election results are certified by Defendant without preserving and investigating all the evidence of potential



fraud prior to certification as they would thereby be denied their right to a fair election.

**Anomalous Loss of Votes for Roy Moore in  
Twenty (20) Precincts in Jefferson County**

28. In Jefferson County, there was a large implausible statistical discrepancy in 20 precincts (the "Anomalous Precincts") in the percentage of the votes for individuals that were cast for Roy Moore relative to the percentage of the straight "party-line" votes that were cast for the Republican Party.

29. This unjustifiable, implausible statistical discrepancy occurred in predominantly Republican precincts, rather than in predominantly Democratic precincts.

30. In the Anomalous Precincts Roy Moore reportedly received sharply lower vote totals relative to the Republican party-line votes.

31. In precincts other than the Anomalous Precincts, Roy Moore's share of the votes cast for individuals was typically 1.2% greater than the vote share of the Republican Party among the straight party-line votes.

32. There is very little deviation in the foregoing percentage of voting for Roy Moore relative to the Republican Party party-line vote share, among the precincts in Jefferson County other than the Anomalous Precincts.

33. In the Anomalous Precincts, however, there is an enormous, implausible drop-off in the votes reported for Roy Moore relative to the votes for the Republican Party.

34. Specifically, in the Anomalous Precincts, Roy Moore's vote share was an average of 34% lower than the vote share of the Republican Party (Figure 1 to Affidavit of Phil Evans).

35. The Anomalous Precincts had an implausible, unexplained 35% drop in votes for Roy Moore relative to the vote share of the Republican Party straight-line votes as compared with the numerous other precincts of Jefferson County (*Id.*, Figures 1 & 2).

36. In addition, there is a wide divergence in the Anomalous Precincts of the reported vote share for Roy Moore compared with the party-line vote share of the Republican

Party, in sharp contrast with the vast majority of precincts in Jefferson County (*Id.*, Figure 2).

37. Furthermore, the turnout in the Anomalous Precincts was reportedly 53.3%, which is significantly higher than the 45.5% turnout in the other precincts in Jefferson County, which itself on average was substantially higher than the voter turnout in the remainder of Alabama (40% statewide).

38. The foregoing discrepancy in the Anomalous Precincts, which constitutes an abrupt drop-off in votes for Roy Moore rather than a gradual change, strongly suggests a systematic diversion of votes in the Anomalous Precincts that shifted votes from Roy Moore to his opponent.

39. The Anomalous Precincts had an average of 1,807 total votes each.

40. The above-alleged diversion of votes, which exceeds 13,000, creates a net change of greater than 26,000 votes. That shift exceeds the reported margin of difference between Roy Moore and his opponent, thus altering the outcome of the election (Figure 1 to Expert Affidavit of Phil Evans and the Expert Affidavit of Richard Charnin).

41. Thus, expert testimony has confirmed Election Fraud.

42. Additionally the methodology of the voter machines and the related duties per the law is confirmed as not in compliance with the Federal standards. Per the opinion of James Condit the machines used are not able to ensure electronic vote alteration has not occurred and are not able to maintain voting evidence in compliance with the law as voter ballot images are not stored or saved. (See Expert Affidavit of James Condit).

43. It appears that Defendant King has neglected to comply with Federal Law as it relates to duties he is charged with during the time of an election and following the election, to include but not limited to the preservation of election evidence.

#### **Anomalous Reported Voter Turnout in Jefferson County**

44. The reported voter turnout outside of Jefferson County was 40%, but the reported voter turnout in Jefferson County was inexplicably substantially higher - more than 47%.

45. The highly unusual discrepancy in the turnout in Jefferson County compared with other counties is made even more unlikely by Defendant's own prediction of a turnout of only 25%, an estimate in line with prior analogous elections.

46. Jefferson County did not forward its election results until long after nearly all other counties had reported their returns, thereby creating additional doubts about the integrity of its anomalous reported returns.

47. The reported turnout in Jefferson County was sharply and implausibly higher than in nearly all other counties in the State.

48. This anomalous, unexplained higher turnout reported by Jefferson County was greater in terms of reported votes than the margin of difference between the two leading candidates.

#### **Anomalous Conflict with Exit Polls**

49. Independent exit polls typically agree, with a high degree of accuracy, with the outcomes of elections.

50. Independent exit polls in Alabama agreed with the results in most counties.

51. But in at least one large county, the reported election results were in sharp conflict with the independent exit polls to the detriment of Roy Moore. This matter should be investigated further by Defendant.

#### **Unusual Number of Out-of-State Drivers' Licenses**

52. As observed and documented by an affidavit of at least one poll worker, there was an unusual, unexplained pattern of voters having out-of-state drivers' licenses.

53. In an affidavit sworn to on December 21, 2017, poll worker, Sally Finney, attested that: "In all the times I have been a poll worker [for more than 20 years], I have never seen what I saw at the Vaughn Park Church of Christ polling place on December 12, 2017" regarding the large number of out-of-state drivers' licenses.

#### **Admission of Participation by Out-of-State People in the Election**

54. In a widely publicized YouTube video, an opponent of Roy Moore admitted to the participation by a large number of out-of-state residents in the Alabama election.

55. This admission caused Defendant to announce the opening of an investigation into the matter.

56. In addition, a voter admitted during a nationally televised interview to an intent to voting more than once in the Special Election.

57. Despite this, Defendant never conducted nor fully completed a meaningful, in-depth investigation of election fraud in connection with the Special Election.

#### **Voter Intimidation by "Highway 31" Super PAC**

58. An attempt to intimidate voters by the "Highway 31" Super PAC, it falsely represented to the public that: "Your vote is public record, and your community will know whether or not you helped stop Roy Moore."

59. This advertisement was widely viewed on YouTube.

60. Defendant publicly but belatedly objected to the false representation in this advertisement, and ultimately

Google removed this advertisement from YouTube at Defendant's request. The Democratic Senate Majority PAC has admitted that it "predominantly funded" Highway 31.

61. Defendant has not taken meaningful steps after the election to investigate other improper, out-of-state attempts to deprive the people of Alabama of their franchise in the Special Election.

62. In addition, Defendant was alerted to pre-marked sample ballots for Doug Jones which were discovered and then supposedly discarded, but Defendant failed to thoroughly investigate whether additional pre-marked ballots were improperly used.

63. As recent as 2:44 pm today (27 December 2017), Highway 31 was reported as spending \$4 million dollars in running ads which included false ads in the state of Alabama. And this PAC was backed by.<sup>3</sup> The NBC News article as reported by the Associated Press states:

" A mysterious super PAC that spent millions of dollars backing Democrat Doug Jones in Alabama's Senate race was heavily funded by the Democratic Senate Majority PAC.

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<sup>3</sup><https://www.nbcnews.com/politics/elections/mysterious-democratic-funded-highway-31-super-pac-spent-4m-defeat-n832871>



Chris Hayden, spokesman for the Senate Majority PAC, said Tuesday that the group was the primary backer of the PAC called Highway 31, which spent more than \$4 million on hard-hitting advertising and mailings to help defeat Republican Roy Moore. Because of reporting and payment schedules, Highway 31 didn't disclose its donors during the campaign despite its heavy spending.

"Yes, SMP was the contributor to Highway 31. There were a few small donations when Highway 31 became public, but it was predominantly funded by SMP," Hayden wrote in an email."<sup>4</sup>

64. The article additional stated:

"Hayden said the Senate Majority PAC spent more than \$6 million in Alabama. That included: \$2 million on television and radio; \$2 million on a voter turnout operation in partnership with BlackPAC; \$1.5 million on digital advertising in partnership with Priorities USA; and \$700,000 on direct mailings. Priorities USA is another Democratic super PAC."<sup>5</sup>

65. Thus, it is evident that a Democratic super PAC has invested no less than \$4 million dollars portions of which included running fraudulent, false and misleading advertisements against the Plaintiff and for his opponent Doug Jones.

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<sup>4</sup><https://www.nbcnews.com/politics/elections/mysterious-democratic-funded-highway-31-super-pac-spent-4m-defeat-n832871>

<sup>5</sup> *Id.*

66. Again the advertisements funded by the Democratic super PAC contained lies and fraudulent misrepresentations. Such was confirmed by news outlet Breitbart who stated:

"Highway 31, a Birmingham-based pro-Doug Jones super PAC is using what could be perceived as voter intimidation tactics against Roy Moore by suggesting the votes cast in a December 12 special election are 'public record.'"<sup>6</sup>

### CAUSES OF ACTION

#### Count I

#### **Injunctive Relief to Order the Preservation of Evidence concerning the Election**

67. Amendment to add counts is likely, but as of this filing Plaintiffs incorporate and allege herein all of the foregoing allegations.

68. Defendant has publicly taken a position in support of destruction of some of the election-related data prior to completion of litigation and full investigations into this matter. See, Complaint, *Miles v. Merrill*, No. 03-CV-2017-910.909 (Montg. Cir. Ct. Dec. 7, 2017).

69. Federal law requires all election-related evidence be preserved for twenty-two (22) months.

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<sup>6</sup>

<http://www.breitbart.com/big-government/2017/12/04/pro-doug-jones-super-pac-using-voter-intimidation-tactics-ad-claims-vote-public-record/>

70. Defendant should preserve all evidence, including all paper and electronic ballot-related documents and data, concerning the Special Election.

## **Count II**

### **Injunctive Relief to Investigate Extent of Election Fraud before Certifying the Result**

71. Plaintiffs incorporate and allege herein all of the foregoing allegations.

72. Election fraud has already been confirmed by Secretary Merrill. Thus, again, the only question is the extent or frequency of fraud which has occurred.

73. Plaintiff Roy Moore submitted to and completed a polygraph test that disproved the allegations of misconduct made against him in connection with the Special Election (Affidavit of Roy S. Moore).

74. Defendant has a duty to diligently investigate election fraud before certifying results.

75. Defendant has publicly indicated that he may certify the results of this election prior to performing and completing an investigation into potential fraud.

76. Defendant should delay any certification until a meaningful investigation into the above-alleged instances of election fraud has been completed, including an investigation into the Anomalous Precincts.

### **Count III**

#### **Injunctive Order - New Special Election**

77. Plaintiffs incorporate and allege herein all of the foregoing allegations.

78. Defendant has a duty to ensure that elections are fair and impartial. Defendant has taken action that confirms the "well has been tainted" by, among other things, to wit:

a. Secretary Merrill directed that political advertisements, believed to be funded by persons affiliated with the Democratic Party, be removed from public viewing (i.e., the television airways and social media) because the ads contained fraud and were crafted to malign Plaintiff Roy Moore and intimidate voters.

b. Secretary Merrill directed that a batch or batches of pre-marked sample ballots in favor of candidate Doug Jones be marshalled and destroyed.

79. Defendant has publicly indicated that he may certify the results of this election prior to performing and completing an investigation into potential fraud.

80. Defendant should delay any certification until after a meaningful investigation into the above-alleged instances of election fraud has been completed, including investigation into the Anomalous Precincts.

81. In *Pabey v. Pastrick*, 816 N.E.2d (2004), the Indiana Supreme Court ordered a new election because of fraudulent tactics in the collection of absentee ballots, it was impossible to determine the candidate who received the highest number of votes cast in the election. The Court noted that Pabey, his legal counsel, and amateur investigators faced a herculean task of locating and interviewing absentee voters:

"Given the voluminous, widespread and insidious nature of the misconduct proven, together with the sheer number of voters impacted by that misconduct, petitioner Pabey, his legal counsel, and amateur investigators faced a herculean task of locating and interviewing absentee voters, visiting multi-family dwellings and housing projects, gathering and combing through voluminous election documents, and analyzing, comparing, sifting and assembling the information necessary to present their case. . . . In short, the time constraints that govern election contests, primarily designed to serve important interests and needs of election officials and the

public interest in finality, simply do not work well in those elections where misconduct is of the dimension and multi-faceted variety present here."

82. Pabey quotes from *Rogers v Holder*, 636 So. 2d 645, 650 (Miss. 1994) in which the Mississippi Supreme Court said, "Disenfranchisement of a significant number of voters may create sufficient doubt as to the election results to warrant a special election, even absent evidence of fraud. Invalidation of more than thirty percent (30%) of the total votes cast is generally sufficient to require a special election. *However, even where the percentage of total votes cast is small, if attended by fraud or willful violations of the election procedure, the Court will order a new election without reservation.*"<sup>7</sup>

83. In the case at bar, the Court should order a new election without reservation.

84. Pabey also quotes from *State ex rel Nicely v Wildey*, 197 N.E. 844, 847 ( Ind. 1935), in which the Indiana Supreme Court said, "We are clear, however, that elections do not 'belong to the *political branch* of government,' if by

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<sup>7</sup> Judgment at 98-99 (citations omitted, emphasis supplied in Judgment).

that term is meant the legislative branch of the government. Elections belong to the sovereign people. The qualifications of electors and other matters concerning elections are prescribed by the Constitution. The Legislature may set up machinery for the conduct of elections, and delegate to ministerial or executive agencies the duty of conducting elections, and may prescribe the procedure by which elections may be contested, so long as they stay within their constitutional powers, and such procedure conforms to the law, such steps and procedure will be governed by the legislative rules prescribed. *But courts have inherent power to protect the sovereign people, and those who are candidates for office or claiming title to or rights in an office from fraud or unlawfulness...*"<sup>8</sup>

85. The Code of Alabama states:

*The election of any person declared elected to the office of Governor, Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture and Industries, Public Service Commissioner, senator or representative in the Legislature, justices of the Supreme Court, judges of the courts of appeals, judge of the circuit court or district court, or any office which is filled by the*

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<sup>8</sup> *State ex rel. Nicely v. Wildey*, 197 N.E. 844, 847, 209 Ind. 1, 8-9 (Ind.1935) (emphasis added).

vote of a single county, or to the office of constable may be contested by any person who was at the time of either of the elections a qualified elector for any of the following causes: (1) Malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer, canvassing board, or other person. (2) When the person whose election to office is contested was not eligible thereto at the time of such election. (3) On account of illegal votes. (4) On account of the rejection of legal votes. (5) Offers to bribe, bribery, intimidation, or other malconduct calculated to prevent a fair, free, and full exercise of the elective franchise. (6) The results of a recount conducted under Section 17-16-20 name as a winner a person other than the person initially certified.<sup>9</sup>

86. As indicated above, this state law has been violated in addition to the violation of Federal Law.

87. Federal law states, among other things:

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a

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<sup>9</sup> § 17-16-40, Ala. Code 1975



specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.<sup>10</sup>

88. Notwithstanding any state court decision, Federal Law which is accepted in American Jurisprudence as trumping State Law requires that election evidence be maintained for no less than twenty-two (22) months. Both Defendant Merrill and Defendant King along with the Fictitious Defendants have conspired and/or together neglected to abide by this Federal Law.

89. Herein the unlawfulness has been confirmed by the actions of the Secretary of State by ordering the removal of fraudulent ads. Expert affidavits confirmed the tainting of the results. Other evidence, to include a Poll Worker's Affidavit, confirms that out-of-state individuals presented identifications and allowed to vote. And voter intimidation, which is already proven and which discovery of evidence will

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<sup>10</sup> 52 USC §20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

only develop, confirm Democratic party affiliates threatened voters allege their vote would be made "public" therein stating that supporting Plaintiff Moore would cause them to endure public scrutiny.

**WHEREFORE**, Plaintiffs pray that the Court:

- I. Issue a Temporary Restraining Order (TRO) and preliminary injunction prohibiting Defendant from certifying the results of the Special Election until the above-alleged election fraud is fully investigated.
- II. Order a new Special Election to be held based upon the already known fraud which Secretary Merrill had acknowledged and taken action against and the further fraud alleged in this Complaint.
- III. Set this matter for an **Emergency Hearing** at this Honorable Court's earliest convenience.
- IV. Issue an order setting any security or bond that may be required.

V. Issue all further relief that the Court deems just.

Respectfully submitted this the 27<sup>th</sup> day of December,  
2017.

A handwritten signature in black ink, appearing to read "Trenton R. Garmon". The signature is fluid and cursive, with the first name "Trenton" and last name "Garmon" clearly distinguishable.

/s/ Trenton R. Garmon  
TRENTON R. GARMON (GAR093)  
Email: trent@garmonlawfirm.com

Of Counsel:  
GARMON & LIDDON, LLC  
The Law Center  
750 Forrest Avenue  
Gadsden, Alabama 35901  
Office: 256-543-4878  
Facsimile: 256-588-0057

STATE OF ALABAMA  
COUNTY OF ETOWAH

Before me, the undersigned Notary Public, personally appeared Trenton Garmon, who is known to do me, and who, after duly sworn, doth depose and say that she has signed the above Complaint, has read the same and agrees that the terms therein are true and correct to do the best of her knowledge by fixing his signature thereto.

Trenton Garmon  
Trenton Garmon  
Dated: 12-27-17

STATE OF ALABAMA  
COUNTY OF Etowah

I, a Notary Public, hereby certify that Trenton Garmon whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date. Given under my hand this 27th day of December 2017.

Jessica Simmons  
Notary Public  
Print Name: Jessica Simmons  
My commission expires: 05/12/20



STATE OF ALABAMA

COUNTY OF Montgomery

Before me, the undersigned Notary Public, personally appeared Roy S. Moore, who is known to do me, and who, after duly sworn, doth depose and say that he has signed the above Complaint, has read the same and agrees that the terms therein are true and correct to do the best of his knowledge by fixing his signature thereto.



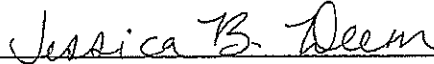
Judge Roy S. Moore

Dated:

STATE OF ALABAMA

COUNTY OF Montgomery

I, a Notary Public, hereby certify that Roy S. Moore whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date. Given under my hand this 27<sup>th</sup> day of December 2017.



Notary Public

Print Name: Jessica B. Deem

My commission expires: \_\_\_\_\_

My commission expires 01/06/2021

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY  
STATE OF ALABAMA

Roy S. Moore, Judge	)	
Roy Moore for U.S. Senate,	)	
Mr. Troy Towns,	)	
Ms. Peggy Turner,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	03-CV-2017-_____
	)	
John H. Merrill, Secretary	)	
of State of Alabama,	)	
in his official capacity,	)	
	)	
Defendant.	)	

COMPLAINT ATTACHMENTS

- 1) Affidavit - Roy S. Moore - Re: Polygraph
- 2) Expert Affidavit - Richard Charnin
- 3) Expert Affidavit with report - Phillip Evans
- 4) Expert Affidavit - James Condit
- 5) Expert Affidavit - John Paul Rice
- 6) Affidavit of Sally Finney, Poll Worker Re: Use of  
Out-of-State Identifications
- 7) Affidavit of John Wahl, Vice-Chairman 5th  
District Republican Party - Re: Highway 31 Super  
PAC
- 8) Breitbart Article RE: Voter Intimidation by  
Highway 31
- 9) NBC Article dated 27 December 2017 RE: Highway 31  
super PAC
- 10) Letter from John Wahl as Vice-Chairman 5th  
District Republican Party to Television Stations

- 11) Letter to John Merrill dated 27 December 2017
- 12) Secretary of State Release - Re: Not diligently investigating fraud
- 13) Stewart Gillman - Voter Intimidation Screenshot
- 14) Paul Richardson - Voter Intimidation Screenshot
- 15) Nancy Oliver Blanchard - Voter Intimidation Screenshot
- 16) Cale Ransom - Voter Intimidation Screenshot
- 17) Alabama GOP - Grand Old Pedoes - Screenshot

# AFFIDAVIT OF ROY S. MOORE

I, Roy S. Moore, hereby make the following statement under oath concerning the matters set forth herein.

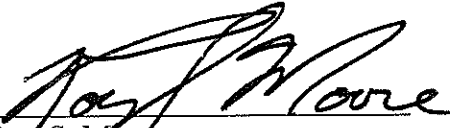
Within days after the December 12, 2017 special general election for United States Senate, I agreed to a polygraph examination by a licensed member of the Alabama Association of Polygraph Examiners, ("AAPE"), whom I had never met previously. That examination concerned allegations of sexual misconduct made against me during the last month of the campaign by Leigh Corfman, Beverly Nelson, and Tina Johnson for "alleged" conduct approximately 30-40 years ago.

As I had expected, the results of the examination reflected that I did not know, nor had I ever had any sexual contact with, any of these individuals.

Because these false and malicious attacks on my character and integrity not only detracted from the real issues in the campaign but also had a very real detrimental effect on my campaign during its last 30 days, I am making this affidavit available to the public.

Should the above individuals provide conflicting polygraph examinations, I request that all examinations be submitted to AAPE for further verification.

In the event of an irreconcilable discrepancy between such examinations, I request that all parties be retested by a neutral licensed polygraph examiner to be selected by AAPE, costs to be paid by each individual involved.

  
Roy S. Moore

Subscribed and sworn to before me  
this 27<sup>th</sup> day of December 2017.

  
NOTARY PUBLIC

My commission expires My commission expires 01/06/2021.



STATE OF FLORIDA  
COUNTY OF Palm Beach

**AFFIDAVIT OF RICHARD CHARNIN**

COMES NOW, Richard Charnin, AFFIANT, and states as follows:

My name is Richard Charnin. I am a resident of Florida and age of majority. I have written four (4) books regarding Systematic Election Fraud and have been qualified as an expert in a case involving election fraud.

I graduated from Queens College (NY) in 1965 with a BA in Mathematics and I was hired as a numerical control engineer/programmer for Grumman Aerospace Corporation. GAC was a major defense/aerospace manufacturer which built the Lunar Module, Navy fighter jets and commercial aircraft. I obtained an MS in Applied Mathematics from Adelphi University in 1969 and an MS in Operations Research from Polytechnic Institute of NY in 1973. In 1976, I moved on to Wall Street as manager/developer of corporate finance quantitative applications for White Weld & Co, an old-line investment bank that was acquired by Merrill Lynch in 1978. When personal computers first became available in 1982, I converted many of the mainframe FORTRAN application programs to Lotus 1-2-3 spreadsheets - and years later to Excel. As an independent software consultant, I specialized in quantitative applications development for major domestic and foreign financial institutions, investment firms and industrial corporations.

I never imagined that years later I would be posting election analyses on the Internet. After the 2000 fiasco, I was motivated to develop a robust forecast model. In July 2004 I began posting weekly election projections based on state and national pre-election polls. The corporate media and politicians avoid the subject of systemic election fraud like the plague. But unadjusted state and national exit polls have been confirmed by the True Vote Model. The Democratic true share has consistently exceeded the official recorded share. I have written four (4) books proving systemic election fraud, to include: Proving Election Fraud: Phantom Voters, Uncounted Votes, and the National Exit Poll. And I am the architect of a model known as True Vote.

In 2008, I exactly forecast Obama's recorded vote (365 EV, 53% vote share). The Monte Carlo simulation, which was perhaps the most widely used model, indicated he had a 100% EV win probability. But the True Vote Model which I developed indicated that Obama had 420 EV and a 58% vote share, exactly matching the

unadjusted exit polls thus confirming the expert and professional results of my model. In the 2012 Presidential Election, the Election Model recorded vote forecast was once again on the money (332 EV, 51%). Obama's win probability was 100%. But the TVM, my model, indicated that Obama had 391 EV and 55%. The National Election Pool (six corporate media giants) decided not to exit poll in 19 states. The 31 unadjusted exit polls have not been released. In 2016, my recorded vote forecast was once again on the money. It was based on pre-election state polls with party-ID derived from the national Gallup voter affiliation poll. Trump had 306 EV with a 98% win probability. But he had 351 EV in the True Vote.

The motivation I have is in the belief that Alabama voters should have the right to elect their representative in a fair election. And it is my goal to present sound mathematical evidence regarding the 2017 Alabama US Senate race.

During the past two (2) weeks, I have spent an appreciable amount of time analyzing data from the 2017 Alabama US Senate race and conferring with Election Fraud colleagues. We agree there is overwhelming statistical proof of fraud in Jefferson County.

Upon my review of Phillip Evan's work which I confer with Roy Moore received approximately 13,000 votes less than the main distribution curve would suggest, which translates to a more than 26,000 vote loss relative to his opponent. My calculations put the probability of this distribution at less than one (1) in fifteen (15) billion.

This is a statistical impossibility and based upon my training and experience, I can say with a reasonable degree of statistical and mathematical certainty that election fraud occurred.

I swear and affirm to my opinion as stated herein and my belief that what is asserted herein is true and correct. Dated on this 27 day of December, 2017.



Richard Charnin

FL DL#

STATE OF FLORIDA

COUNTY OF Polk

I, a Notary Public, hereby certify that Richard Charnin whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she/they executed the same voluntarily on the day the same bears date. Given under my hand this 27 day of December 2017.

Notary Public

Print Name: Jonathan Levy

My commission expires: \_\_\_\_\_



STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

AFFIDAVIT OF PHILLIP EVANS

COMES NOW, Phillip Evans, AFFIANT, and states as follows:

My name is Phillip Evans. I am a resident of Greenville County, South Carolina and age of majority. I have a Bachelor of Science degree in Electrical Engineering. The past 19 years, my work has focused on invention, design, and construction of industrial machinery and instrumentation related to industrial manufacturing. Much of my work requires data analysis and the creation of mathematical algorithms and formulas. I currently have a patent in China for an industrial instrument I developed that incorporates mathematical algorithms, electronics, pneumatics, and database tools.

In 2012, I constructed an election analysis method that was later named "Cumulative Vote Shares Analysis" (CVS). I have continued analyzing and developing analytic methods of verifying Election Integrity today. My methods have been used by other analysts and some of my work has been used to determine integrity of other elections, I am competent, of sound mind, and qualified to render the opinion below.

My intention is to present sound mathematical evidence regarding the 2017 Alabama US Senate race in a factual, clear, and concise manner. My motivation is in the belief that Alabama voters should have the right to elect their representative in a fair election.

I have spent many hours the past two (2) weeks analyzing data from the 2017 Alabama US Senate race, downloaded from Jefferson County's website. As much as I'd like to believe the results are real, conventional mathematical analysis methods strongly indicate they are fabricated. In the more than one-hundred (100) State, County, and National elections I've analyzed, never has there been the level of statistical proof on the scale of Jefferson County in my opinion.

The chart on page two (2) of my report indicates there were 20 precincts where Roy Moore's individual median score was 34% lower than the respective Straight Republican Ballot voting percentages. The other one hundred fifty four (154) precincts, including absentee ballots, have a distribution centered near 1% as is expected. As a result, Roy Moore received approximately 13,000 votes less than the main distribution curve would

suggest, which translates to a more than 26,000 vote loss relative to his opponent. Our calculations and mathematician Richard Charnin calculates the probability of this distribution at less than one in 15 billion.

This is a statistical impossibility and based upon my training and experience, I can say with a reasonable degree of statistical and mathematical certainty that election fraud occurred.

On the following pages are two (2) charts that strongly suggest the results in Jefferson County were fabricated. Also included is a seven (7) page PDF with more detailed charts that are just as remarkable. I cannot imagine any unbiased, qualified professional statistical analyst that would not find these two charts staggering and outside reasonable possibility in an honest election.

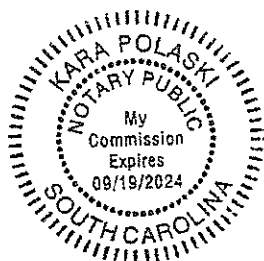
My opinion has been corroborated by two (2) other nation Election Integrity experts, namely John Paul Rice and Richard Charnin. Both experts agree with my research and conclusion and based upon their own research and have reached the same independent conclusion.

I swear and affirm to my opinion as stated herein and my belief that what is asserted herein is true and correct. Dated on this 27<sup>th</sup> day of December, 2017

Phillip Evans  
Phillip Evans

**STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE**

I, a Notary Public, hereby certify that Phil Evans whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she/they executed the same voluntarily on the day the same bears date. Given under my hand this 27<sup>th</sup> day of December 2017.



Kara Polaski  
Notary Public  
Print Name: Kara Polaski  
My commission expires: 9/19/24

# *Alabama 2017 US Senate Race Statistical Anomalies*

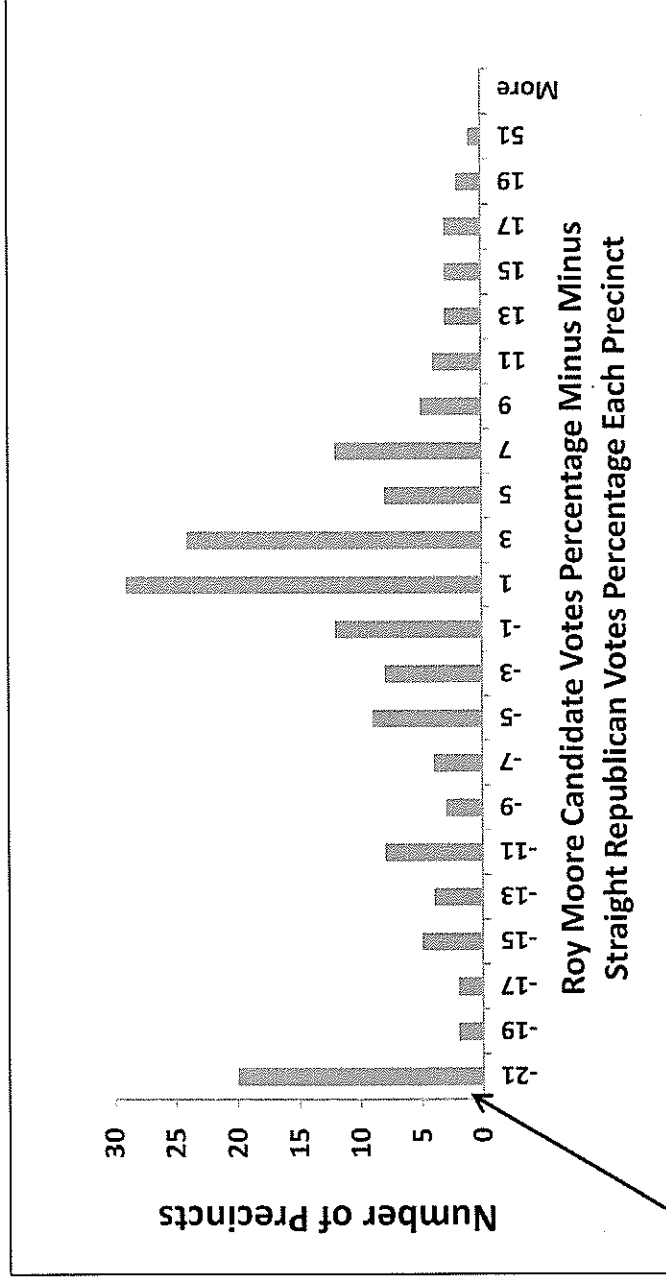
## *A close look at Jefferson County*

*By Phil Evans*

*Following is an collection of election result anomalies found by comparing Roy Moore's individual votes percentage score to the Republican Party percentage score in Jefferson and Madison County precincts. It is our conclusion that in Jefferson County, 80+% of the precincts follow an expected distribution curve while the other 20% fall severely outside what we expect to see. It appears more than 13,000 votes were reassigned in Jefferson County, which could overturn the 2017 US Senate Race.*

## 2017 Alabama US Senate Race Jefferson County- One in 15 Billion!

Histogram of individual precincts- Roy Moore Candidate Votes Percent Minus Republican Straight Party Votes Percent  
Each Precinct (red bar represents precincts with scores exceeding what we expect to see in honest elections)



The red bar represents 20 precincts where Roy Moore's individual median score was 34% lower than the respective Straight Republican Ballot voting percentages. The other 154 precincts, including absentee ballots, have a distribution centered near 1% as is expected. As a result, Roy Moore received approximately 13,000 votes less than the main distribution curve would suggest, which translates to a more than 26,000 vote loss relative to his opponent. Mathematician Richard Charnin calculates the probability of this distribution at less than one in 15 billion! See his calculation on his blog post at:

([https://docs.google.com/spreadsheets/d/1YoXVlz6KGUoMzEDJBxwROEaukSkqgWVHX3gy\\_1BxIag/edit#gid=209302232](https://docs.google.com/spreadsheets/d/1YoXVlz6KGUoMzEDJBxwROEaukSkqgWVHX3gy_1BxIag/edit#gid=209302232)) row 41

data Source: <http://jeffcoprobatecourt.com/wp-content/uploads/2017/12/Unofficial-Precinct-Report-12-12-17.pdf>

*Comparison of precincts that follow normal Bell Curve distribution (“normal”) to those that do not (“anomalous”)*

	NUMBER OF PRECINCTS	TURNOUT AVERAGE	% WRITE-IN AVERAGE	% VOTES STRAIGHT PARTY	TOTAL VOTES AVERAGE	
PRECINCTS IN RANGE	154	45.5	1.0	53.1	1207.1	
ANOMALOUS PRECINCTS	20	53.3	4.1	28.8	1811.0	

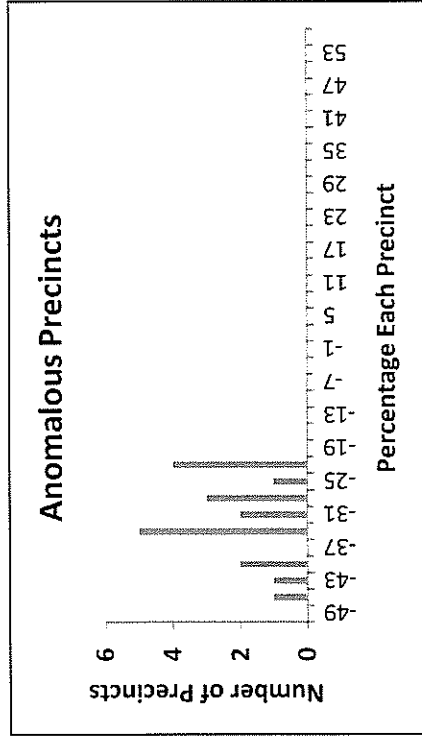
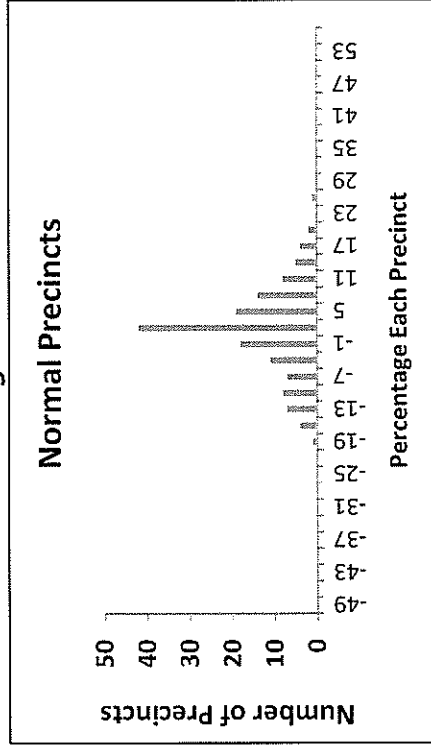
*In the Anomalous precincts, we see a drastic drop in Roy Moore’s individual votes score, a large drop in the percentage of straight party ballots, 300% increase in average write-in percentage, 8.2% increase in turnout, and the average number of precinct ballots is 50% higher. At a minimum, more investigation is needed to determine if, for example, ballot stuffing, voter fraud, or vote switching is to blame.*

*Further indication of possible election fraud is the fact that in 3 precincts of Jefferson County, the initial reporting gave Roy Moore LESS votes than the Straight Republican Party ballots, which is an impossibility. Note that the “ERROR” was remedied by later changing the vote totals in the three precincts.*



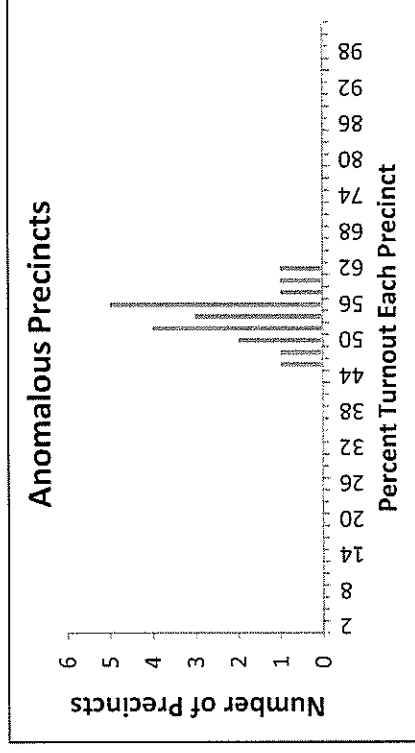
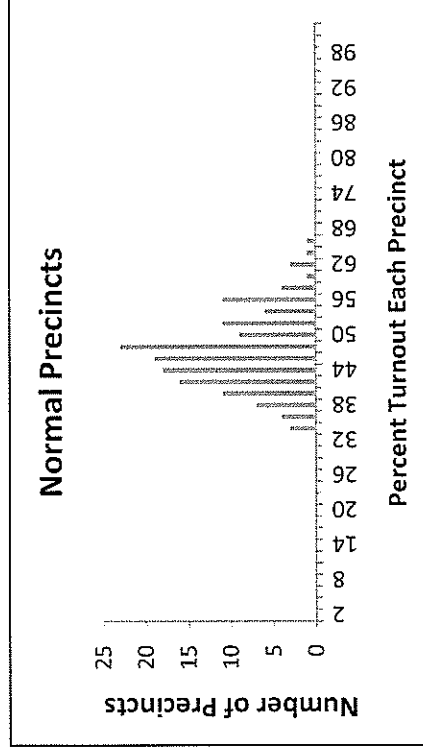
**Jefferson County- a Closer Look: Comparing the 152 Precincts that comprise the Normal Distribution Curve to the 20 Anomalous Precincts**

**Frequency Table: Roy Moore Candidate Votes Percentage minus Republican Straight Party Votes Percentage Each Precinct**

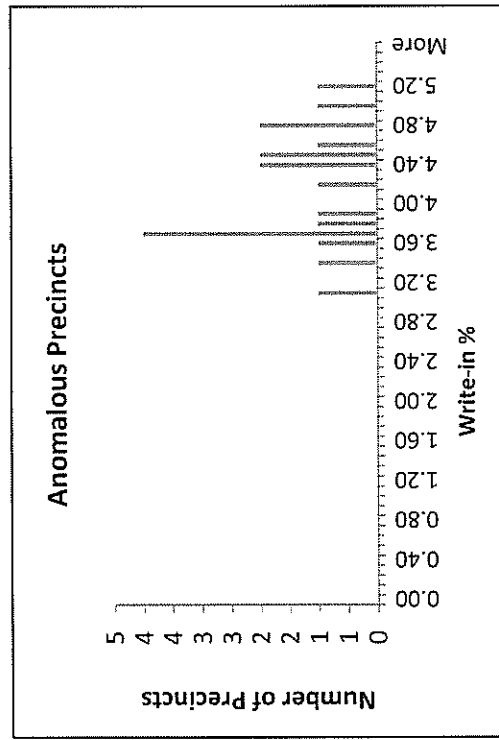
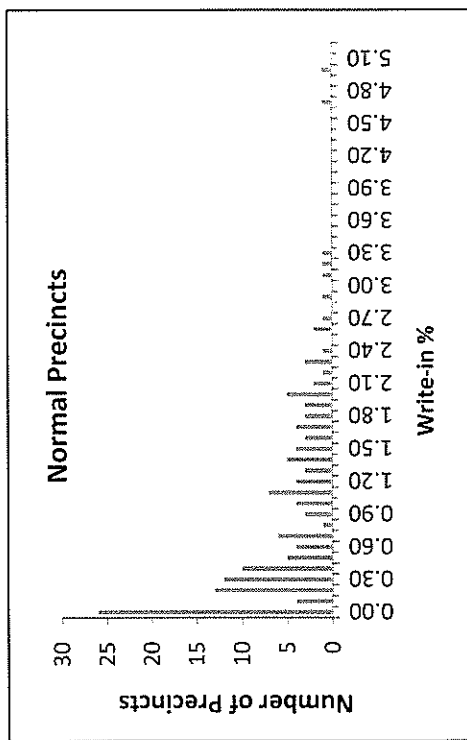


**Mathematician Richard Charnin, using Poisson Distribution formula, calculates the probability of this distribution at less than one in 15 billion**

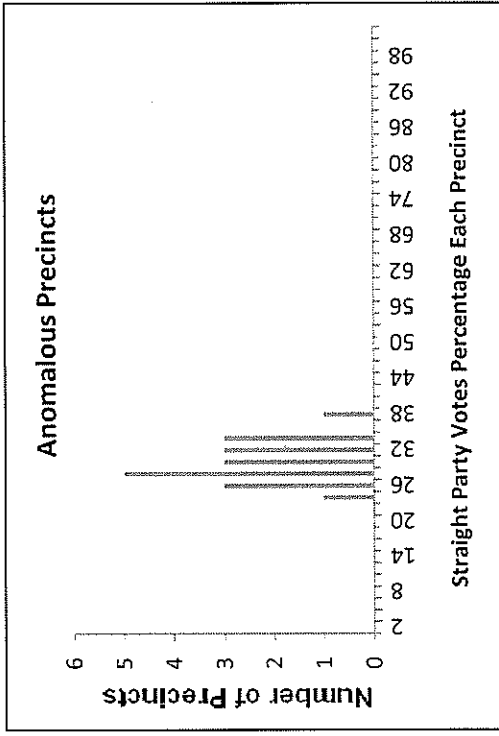
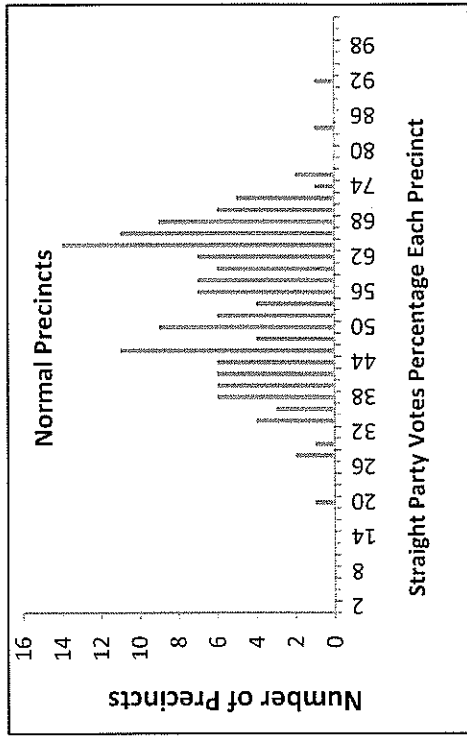
**Frequency Table: Turnout Percentage Each Precinct**



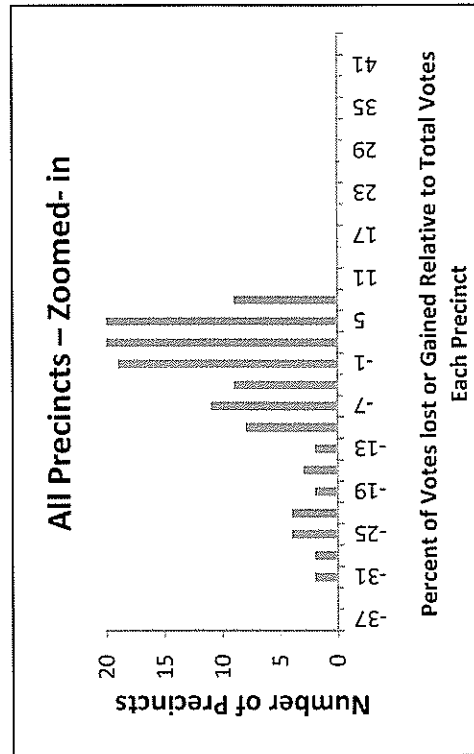
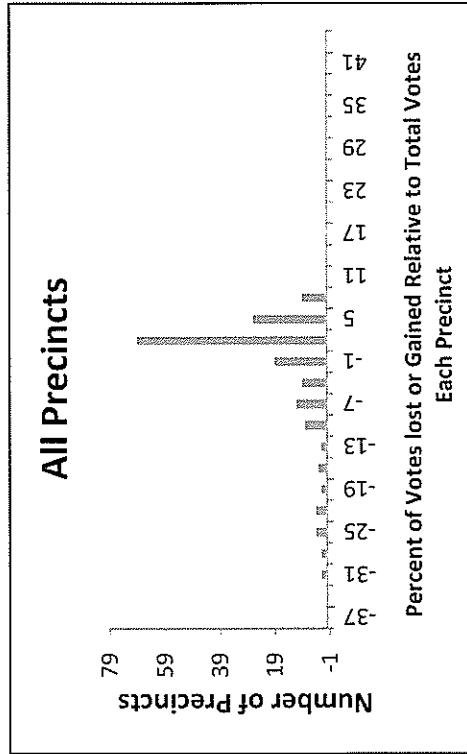
Frequency Table: Write-in Votes as a Percentage of Total Precinct Votes Each Precinct



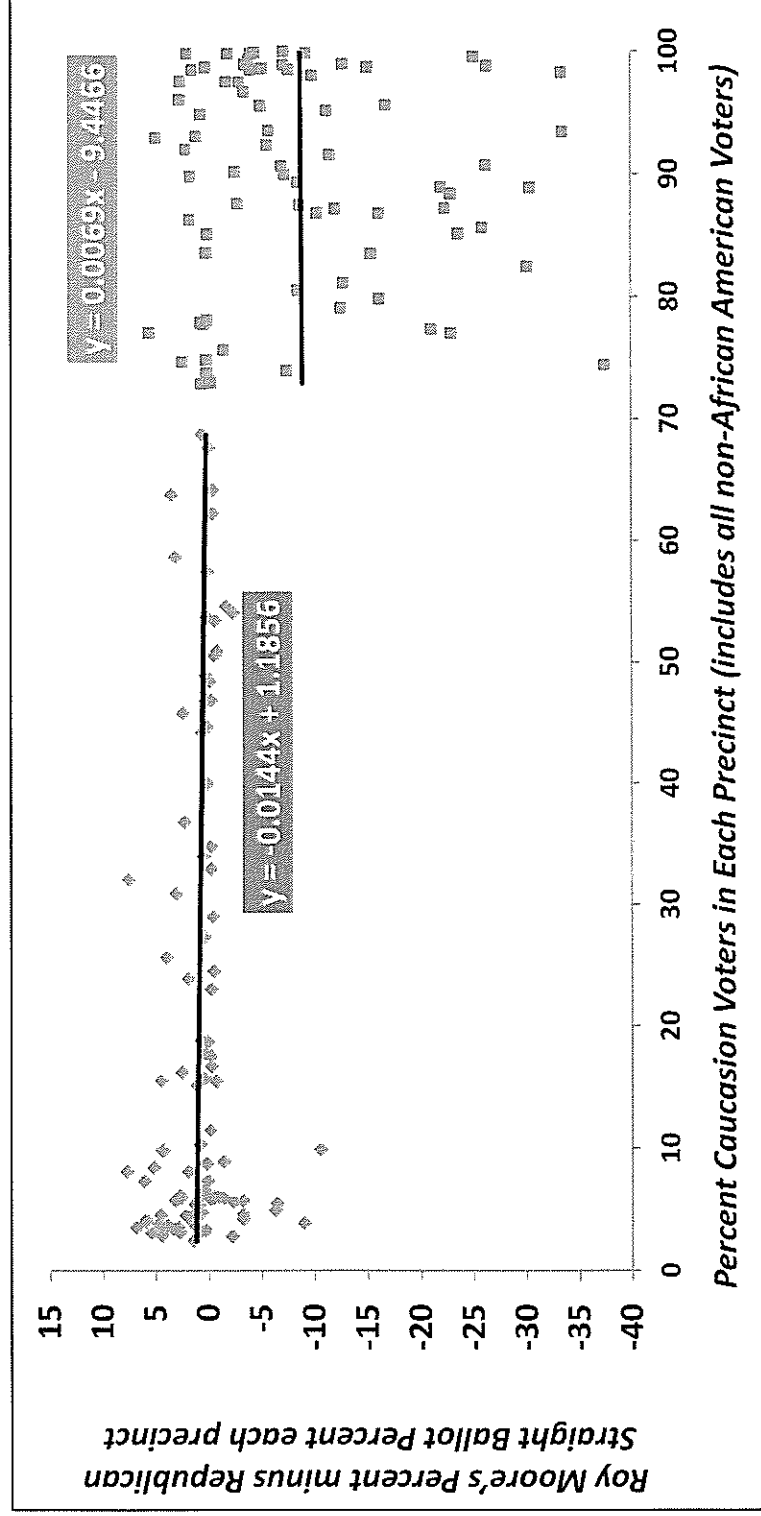
Frequency Table: Straight Party Votes as a Percentage of Total Precinct Votes Each Precinct



**Frequency Table: Roy Moore percentage of  
votes gained or lost as a percentage of the  
Total Votes Each Precinct**



**Jefferson County: Predicting Roy Moore's Score based on Republican Straight Party Votes**  
**Figure 8A- Linear Regression of (Roy Moore's Percent Minus Straight Republican Votes Percent) versus**  
**Changing Racial Demographics**



In figure 8A, Republican Party Ballots accurately predict Roy Moore's score in every precinct with <70% caucus voters (blue). As the caucus percent shares increase above 70% (shown in red), Roy Moore's relative score instantaneously decreases from plus 1.1856% to minus 9.4466%, an overall effect of minus 10.6326%. If this were a natural phenomenon related to rise in caucus voters, we would see a steady decline in Roy Moore's score (obviously) as the percentage increases. Instead, the vote totals in the lower red precincts appear to have been systemically altered to siphon more than 13,000 votes from Moore, which is more than enough to reverse the Election results.

data Source: <http://jeffcoprobatecourt.com/wp-content/uploads/2017/12/Unofficial-Precinct-Report-12-12-17.pdf>

STATE OF OHIO

)

COUNTY OF HAMILTON

)

## AFFIDAVIT OF JAMES J. CONDIT, JR.

Now comes affiant, James J. Condit Jr., being first duly sworn, states the following based on his personal knowledge and belief:

My name is Jim Condit Jr. of Cincinnati, Ohio 45247. I graduated from St. Xavier High School in 1971 and obtained a H.A.B. (Classic, Liberal Arts) from Xavier University in 1974. I have special knowledge regarding the election process and the methodology of the voting machines.

In my early years, I ran for public office (1979) and have witnessed massive computer breakdowns in the middle of elections. I have also seen a change of positions of candidates during breakdown (see the article "The Greatest Cover Up of All: Vote fraud in America" at [vote fraud.org](http://vote fraud.org)).

I worked as a consultant to the strategy for the lawsuit "Schutzman vs. the Hamilton County Board of Elections". This was in 1981 and with my father, James J. Condit Sr., was the attorney on the case. In 1985, we won the only clear cut legal decision that I am aware of with regards to electronic voting.

In that case, Judge Richard Niehaus ruled, "There are no safeguards against the computers being programmed to distort the election results." The Appeals Court overturned this 2 years later and prevented corrective action. In that same case, Xavier University's computer head, Robert Strunk, submitted a report to the Court as requested by Judge Niehaus, which confirmed what I have over two decades come to obtain special knowledge regarding. In that case, the expert Strunk confirmed that - outside entities could have access to the election computers during the election via a hard wire. (See [TheLandesReport.com](http://TheLandesReport.com) for the Strunk Affidavit.)

In response to the lack of accountability with regards to election integrity and the election process, I founded "WatchTheVoteUSA.com" This was in 1981 and it operated under the name Cincinnati Action Committee from 1981 to 1996. Our organization eventually became known as Watch The Vote USA in 2007 and has the website [WatchTheVoteUSA.com](http://WatchTheVoteUSA.com).

As of date, and I have personally consulted and ran votefraud.org and ElectionNightGatekeepers.com. In 1985, I helped to bring to public attention perhaps the only whistleblower who said he was involved in wiretapping an election, Mr. Leonard Gates of Cincinnati Bell, whose testimony spawned several hundred local newspaper stories in the local press, and who appeared in a spot for 60 minutes with Ed Bradley. I have worked with the late Collier Brothers to film election workers tweezing votes out of ballots on the old IBM "punchcards" in the Cincinnati City Council race of 1985. And our Cincinnati, Ohio consulting is featured in the book "Votescam: the Stealing of America" by the late James & Kenneth Collier.

In 1996, our group consulted and proved vote falsification at the state level by the Iowa state GOP and Voter News Service (VNS), the predecessor of today's News Election Pool (NEP). The vote falsification which we proved was perpetrated against Presidential candidate, Patrick J. Buchanan, in Dubuque County, Iowa, where it was proven that 13% of Buchanan's vote was stolen. It was featured in the article, "A House Without Doors" by Jim Condit Jr. and published by Chronicles magazine in November 1996.

In August 2000, I consulted, organized and we held the only national votefraud convention up to that time at the Greater Cincinnati Airport featuring about a dozen expert speakers. In 2012, I was involved in a landmark votefraud consultation and action wherein Watch The Vote USA teamed up with Iowa Caucus goer, Edward True. We forced the Iowa State GOP to change the winner of the Iowa Presidential Caucus from Romney to Santorum. This occurred two weeks after the January 3, 2012 Iowa Caucus and was a first in US political history as far as we know. My father and I consulted Edward True regarding his affidavit, which was picked up by the local Des Moines papers and CNN.

From my 39 years in this war for Election Integrity and against the dangers of computerized votefraud, or vote falsification by accident, and after having reviewed statistical data, I can say with a reasonable degree of certainty that the process in the Alabama Election of December 12, 2017, necessary to allow for a valid initial count or a valid recount was not preserved and that the methodology of the voting machines does not protect said integrity.

Said opinion is rendered given the Alabama Election of December 12, 2017:

- a) Paper ballots were marked and then turned into ballot IMAGES by scanning when the paper ballots were fed into the machine by each voter;
- b) that these ballot images were what was counted by the ES & S computers; the paper ballots themselves were NOT counted.
- c) the ballot images were then destroyed by ES & S and/or the Alabama Secretary of State and/or the 67 counties.
- d) Federal Law requires storage of like election evidence and is now the basis of a suit in Texas.
- e) the fact that the real paper ballots are taken from the people BEFORE they can be counted by real people in each neighborhood precinct violates, I believe, two standing US Supreme Court decisions, which effectively forbid secret counts.

Such is because the right to vote consists of TWO PARTS: 1. the right to cast a ballot; 2. the right to KNOW that your ballot was counted accurately. It is the second part of our right to vote that has been violated by all secret computer counts since at least as far back as 1988, since which time almost all of our counties have "counted" the votes on secret computer programs, owned by the vendors, and off limits to election officials by signed contract.

From my special knowledge and experience, I opine that 96% of our counties in the United States are now hiring one of three mega-election-vendors. Those vendors, for the 2016 Presidential year, were Election Systems & Software (ES & S), Hart Intercivic, and Dominion (which bought the election divisions of Diebold and Sequoia circa 2013). Alabama exclusively uses Election Systems & Software (ES & S). It is my belief that ALL local counties who hire one of these three mega-election vendors sign contracts with the vendor that the election officials will NOT inspect the source code of the computer programs that tell the computers what to do on election night; In the case of Alabama, the election officials sign these contracts with only Election Systems & Software (ES & S) because ES & S "counts" all 67 counties.

It is my understanding that Secretary of State Merrill has signed or maintained contracts, or maintained practices, with an electronic election vendor which does not follow the proper protocol to ensure federal law compliance. This is entirely unacceptable and constitutes an illegal election.

I believe that ES&S, Hart Civic, and Dominion have access by wireless technology to all their computers which are counting the votes, and they can monitor, query, and even ALTER the election results inside their computers during election day and election nights. Thus, in my opinion and from my experience and expertise only ES & S in Alabama monitor and would know of alterations to electronic votes. And the only method to ensure a true count, is to ensure that unaltered hard ballots and unaltered ballot images are preserved, which has not been done in Alabama in the case of the ballot images.


An honest, legal, transparent, and verifiable election is only able to be maintained by unaltered paper ballots counted and maintained, or unaltered electronic ballot images, counted and maintained. In my opinion the Secretary of State did, in fact, not comply with Federal Law and did not comply with Federal Law based upon the methodology of the voting machines currently in contract with the state. And he is not able to ensure there has been no improper monitoring, queries or alterations to the election results.

I swear and affirm to my opinion as stated herein and my belief that what is asserted herein is true and correct. Dated on this 27 day of December, 2017

  
JAMES J. CONDIT, JR.

STATE OF OHIO  
COUNTY OF HAMILTON

I, a Notary Public, hereby certify that James J. Condit, Jr. whose name is signed to the foregoing instrument or conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she/they executed the same voluntarily on the day the same bears date. Given under my hand this 27 day of December 2017.

  
Notary Public  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

JAMES J. CONDIT, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date  
Section 147.08 R.C.



STATE OF CALIFORNIA  
COUNTY OF Los Angeles

**AFFIDAVIT OF JOHN PAUL RICE**

COMES NOW, JOHN PAUL RICE, AFFIANT, and states as follows:

My name is John Paul Rice. I am a resident of California and age of majority. I have analyzed the Alabama Senate election's results, Edison Research's exit polling data, the Secretary of State's voter registration data and affirm that the data I have provided is valid and done to the best of my abilities. I have worked in IT for the past 12 years and have held the position of Senior Business Systems Analyst for the past 5 years. My previous analysis of the 2016 Democratic Primary has been reviewed, critiqued and validated by election integrity data analysts.

The motivation I have is in the belief that Alabama voters should have the right to elect their representative in a fair election. And it is my goal to present sound mathematical evidence regarding the 2017 Alabama US Senate race.

During the past two (2) weeks, I have spent an appreciable amount of time analyzing data from the 2017 Alabama US Senate race. And conferring with Election Fraud colleagues. We agree that there is overwhelming statistical proof of fraud in Jefferson County and in the state as a whole.

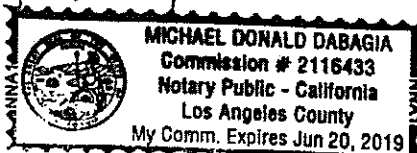
Upon my review of Richard Charnin and Phillip Evan's work which I confer with Roy Moore received approximately 13,000 votes less than the main distribution curve would suggest, which translates to a more than 26,000 vote loss relative to his opponent. My calculations put the probability of this distribution at less than one (1) in fifteen (15) billion.

This is a statistical impossibility and based upon my training and experience, I can say with a reasonable degree of statistical and mathematical certainty that election fraud occurred.

I swear and affirm to my opinion as stated herein and my belief that what is asserted herein is true and correct. Dated on this 27th day of December, 2017

Please refer to CA Acknowledgment  
Michael Donald Dabagia Notary Public  
12-27-2017

  
\_\_\_\_\_  
John Paul Rice



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Los Angeles )On 12-27-2017 before me, Michael Donald Dabagia, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared John Paul Rice

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Michael Donald Dabagia

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

# AFFIDAVIT

STATE OF ALABAMA )  
 )  
COUNTY OF MONTGOMERY )

**BEFORE ME**, the undersigned authority and Notary Public in and for said County and State at large, personally appeared SALLY FINNEY, who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Sally Finney. I am a resident of Alabama and a registered voter. I am over the age of nineteen (19) and competent to make this affidavit.

2. I was appointed as a poll worker for the December 12, 2017, Special General Election for U.S. Senator at the Vaughn Park Church of Christ (Precinct #102), Montgomery County.

3. I have been a poll worker for Alabama elections for over 20 years, so I know the rules and what materials are required at a polling place. One of the first things I noticed this time, I worked the part where I have to sign their name and they sign their name. I commented several times to the Polling Official because I have never seen this.

4. I kept noticing these clear licenses because I look at the license too to make sure I get the name correct. They were all out-of-state licenses from Georgia and North Carolina. And I made the comment to the man that was doing the

books, I said, "We have never seen so many out-of-state licenses. And they were mainly North Carolina and Georgia. I don't remember there being any from Florida. They were all North Carolina and Georgia. And I kept thinking: Why have we got so many from North Carolina people voting here?"

5. We were so overwhelmed, and let me say overwhelmed. We had way too many people and not enough workers. When we have that kind of a crowd, we have at least eight to ten tables. We only had three tables.

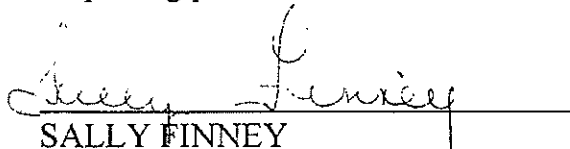
6. So, I don't know that they were checking the addresses, but these people were obviously registered. Also the thought went through my mind, and I said, "Y'all, I have never seen so many out-of-state licenses." And Jack Owen, the man keeping the books, turned and looked at me and said, "Oh, well." And I said, "Wait a minute. I mean, no offense. We live in Montgomery, Alabama. You don't see this many white people moving to Montgomery, Alabama."

7. This just isn't adding up to me. We did not have time to take any addresses. I looked at the top of the license. I was intrigued because they were clear. I had never seen clear licenses and frosted licenses. Some were frosted and some of them were clear. These were all white people. I thought it was so odd. We have never had this many people do this, even in the Presidential Election. And I did say and I will say, because the lines were so long, I did go to the head person to relieve a guy for a few seconds. And I did make the comment to several

people that I looked at their license and looked at their addresses and I said, "Your addresses are not matching." And that happens. Don't get me wrong. They can move, and I get that. But I said, "But these aren't adding up, and y'all need to clear this up before the next election."

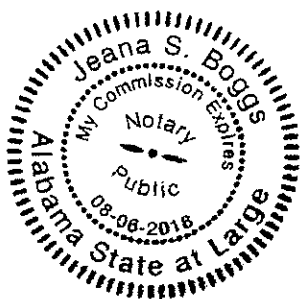
8. There were two poll watchers. One poll watcher was for the Coach Burnett. I don't know that Roy Moore had a poll watcher there or Doug Jones.

9. In all the times I have been a poll I have never seen what I saw at the Vaughn Park Church of Christ polling place on December 12, 2017.

  
 SALLY FINNEY  
 3825 Llyde Lane  
 Montgomery, Alabama 36106

**SWORN TO** and **SUBSCRIBED** before me this \_\_\_\_ day of December 21<sup>st</sup>, 2017.

  
 NOTARY PUBLIC  
 My Commission Expires: 8/6/2018



Statement from John Wahl

### Highway 31 PAC (Shopping Mall)

I first received reports about this advertisement airing on network TV on 11/29/2017.

I was not able to immediately review this ad myself because Highway 31 PAC did not upload or release a copy of the ad online. I believe this was done to hide the exact wording of the ad for as long as possible.

Once I was able to review the ad, I decided it clearly contained false and misleading claims that could not be substantiated.

On December 5th and 6th I sent an official letter to TV stations across the state of Alabama requesting that they pull the ad, "Shopping Mall", due to false claims contained in the advertisement.

I received conformation from the majority of the TV stations that I had contacted, that they had started their review process with their legal departments.

Later in the day of December 6th, I was informed that; "Hwy 31 has pulled "Shopping Mall" out of its rotation moving forward."

Pulling an ad before it can be legally reviewed by stations is a tactic sometimes used by ad agencies to avoid scrutiny.

John Wahl 12/24/17

John Wahl

Vice-chairman - 5th District Republican Party

Garen E. Sample  
12/24/17



12/27/2017

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## PRO-DOUG JONES SUPER PAC USING VOTER INTIMIDATION TACTICS — AD CLAIMS 'YOUR VOTE IS PUBLIC RECORD'

11220

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**FROM THE WEB**

Ads by Revcontent

▶ 00:00

00:14 🔊 🔍

by [JEFF POOR](#) | 4 Dec 2017 | [9,349](#)

Highway 31, a Birmingham-based pro-Doug Jones super PAC is using what could be perceived as voter intimidation tactics against Roy Moore by suggesting the votes cast in a December 12 special election are “public record.”

Beginning last week, some Alabamians were posting on social media about encountering online pre-roll video advertising making such a claim.

**Hillary's Entire "Hit List" Just Went Public. You'll Never Guess Who's #1**

Health Sciences Institute



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**Joemantler**  
@Joemantler

"Your vote is Public Record. And your community will know if you helped stop Roy Moore" Anyone else think this looks like voter intimidation? [#VoterIntimidation](#)

3:20 PM - Dec 3, 2017

51 100 120



**Joan Alexander**  
@joanalex28

In watching some youtube videos on Cash Cab there is an ad running for Doug Jones as follows: "Your vote is public record & your community will know if you voted to stop Roy Moore" [@MooreSenate](#) I will just leave this here. [#VoteRoyMoore](#)

8:37 PM - Dec 2, 2017

12 33 45



**James Owens**  
@JamesOw52157488

[@fmtalk1065](#) have you seen the YouTube ad for Doug Jones where they state that "your vote is public record and your community will know if you fought to stop Roy Moore"? Is that not voter intimidation?

8:42 PM - Dec 2, 2017

8 24 35



**Dale Jackson**  
@TheDaleJackson

I keep hearing there are Doug Jones' ads declaring your vote will be public, which is silly and untrue.

Anyone have proof of this? [#alpolitics](#) [#alsen](#)

1:09 PM - Dec 2, 2017

12 28 20

Breitbart News has obtained two of those ads, both which taken by a resident in the Montgomery, AL designated market area.



## Former Marine Leaves Navy Confused with a Revelation

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00:06

One declares Moore to be a “child predator,” a claim apparently based on [a report](#) that lays out decades-old allegations that he acted inappropriately and that he engaged in sexual misconduct with underage women while employed as a prosecutor in Etowah County, AL in the late 1970s and early 1980s.

After leveling the “child predator” charge, the narrator tells viewers their vote is public record, and their community will know if they “helped stop Roy Moore.”

“If you don’t vote, and Roy Moore – a child predator – wins, could you live with that? Your vote is public record and your community will know whether or not you helped stop Roy Moore,” she said.

advertisement

Another shorter advertisement, clocked at five seconds, also declares your vote public record and says “you community will know whether or not you helped stop Roy Moore.”

At the end of each of those videos, the group Highway 31 claims responsibility for the ad and directs viewers to [its website](#).

Little is known about the Highway 31 super PAC given that it has been intentionally set up in a manner that prevents the public from discovering who is funding it.

According to [a report from the Daily Beast’s Lachlan Markay](#), voters won’t know the source of nearly \$2 million worth of ads until after the election.

“Super PACs are required to disclose their donors, but the group Highway 31 has structured its spending in a way that campaign-finance experts say is almost unprecedented,” Markay wrote. “While legal, it will have the effect of obscuring the group’s benefactors, who will have financed a series of ads over the last two months of the campaign propping up Jones and hammering his Republican opponent, former State Supreme Court Justice Roy Moore.”

advertisement

An earlier [report from Breitbart’s Michael Patrick Leahy](#) showed three Washington, D.C. consulting firms with ties to former Obama campaign staffers “have provided millions of dollars in advertising services” for Highway 31.

Follow Jeff Poor on Twitter [@jeff\\_poor](#)

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6,772 comments - 1 day ago

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7,735 comments - 14 hours ago

EPISODE ABOUT NOTHING: 2017

SIR JAMES MACMILLAN

MITCH MCCONNELL AND NATIONAL RECIPROCITY

FROM THE HOMEDAGE

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Ads by Amazon

**Voice of Reason** → Madge · 23 days ago

Antifa, like all Leftists, are afraid of Truth...

93 ^ | v · Reply · Share ›

**Straight Shootr** → Voice of Reason · 23 days ago

They are afraid of getting lead poisoning...

106 ^ | v · Reply · Share ›

**Advent2016** → Straight Shootr · 23 days ago

America needs more lead.

40 ^ | v · Reply · Share ›

**ricocat1** → Advent2016 · 23 days ago

The leftists may soon find out how much lead there is in Red State America.

35 ^ | v · Reply · Share ›

**Christopher Hahn** → Advent2016 · 23 days ago

"Lead is Good Food"

Couldn't resist!

9 ^ | v · Reply · Share ›

**PunJabber** → Christopher Hahn · 23 days ago

"Lead: The Other White Metal."

20 ^ | v · Reply · Share ›

**sweptarea** → Advent2016 · 23 days ago

Lead. It's not just for breakfast anymore.

6 ^ | v · Reply · Share ›

**nachodadi** → Straight Shootr · 23 days ago

Those dumbazs have been eating paint chips for a long time now.

13 ^ | v · Reply · Share ›

**Jan Johnston** → nachodadi · 23 days ago

Obviously the humor is lost on the liberal fluff heads. Go smoke another toke or 10 and worship your fearless leader Hussein Obama

7 ^ | v · Reply · Share ›

**Thurston S** → nachodadi · 23 days ago

But not for breakfast. They don't get up til noon.

3 ^ | v · Reply · Share ›

**mrdoug1** → Thurston S · 23 days ago

That's when they eat breakfast. Last nights leftover munchies.

1 ^ | v · Reply · Share ›

**Frank Castle** → nachodadi · 23 days ago

I'm a lead farmer motherf\*cker!

1 ^ | v · Reply · Share ›

**jamcar** → Straight Shootr · 23 days ago

high speed injection of lead

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Lol, of the large caliber type?

3 ^ v · Reply · Share ›

**Jack Frost** ✓ [Nationalist](#) → Pro-Israael · 23 days ago

As large and as often as needed.....

2 ^ v · Reply · Share ›

**Jessica Smith** → Straight Shootr · 20 days ago

Absolutely. Like most of the South, Alabama is Second Amendment country. Everybody's packing heat, even the little old ladies.

^ v · Reply · Share ›

**starmannate** → Voice of Reason · 23 days ago

They are even more afraid of armed citizens willing to defend themselves.

43 ^ v · Reply · Share ›

**Mind War** → starmannate · 23 days ago

INS / DHS / ICE ... Full Immigration Checks at EVERY Polling Place ..... " To Ensure Good Customer Service "

45 ^ v · Reply · Share ›

**Austrailianterrierlady** → Mind War · 23 days ago

yes send in the marines to the pollinhg places, if illegals show up and dead voters, take the people away, never to be seen again

9 ^ v · Reply · Share ›

**Realitychick20** → Austrailianterrierlady · 23 days ago

We have voter i. D and we dont need the Marines ( no offense ) we got this one.

MAGA Moore Yall!! !!

40 ^ v · Reply · Share ›

**Orville Figgs** → Realitychick20 · 23 days ago

And the city slickers keep trying to convince everyone that Alabamans are dumb hicks. LOL.

Where are most missiles and rockets built? ALABAMA!

18 ^ v · Reply · Share ›

**jon Mark** → Orville Figgs · 23 days ago

Don't forget to send a few of them to Hilldibeast and Obozo for Christmas. Oh BTW, what state has the most CC permit holders?

F L O R I D A.

6 ^ v · Reply · Share ›

**Beetlejuice** → jon Mark · 23 days ago

I passed by a biker bar in Florida, but instead of motorcycles in the parking lot, there were only rascal scooters =D.

1 ^ v · Reply · Share ›

**De Dene** → Beetlejuice · 23 days ago

Go to Daytona during Bike Week! They camp out in the country at night after spending most of the day and evening near the beach. Hundreds and hundreds of great Americans.

7 ^ v · Reply · Share ›



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State media: ALABAMA:

4 ^ v · Reply · Share ·

**FedUpAmericanMom** → Beetlejuice · 23 days ago

Wow. Great comment there, Beauregard 🙌

SMH

2 ^ v · Reply · Share ·

**Beetlejuice** → FedUpAmericanMom · 23 days ago

Thanks! I thought so too.

Nothing is more ironic than the state that is #49 in infant mortality screaming about saving our poor babies. Or the state that is #47 in healthcare thinking they have the best healthcare approach. Or the state that is #47 in education thinking that they know what's best for the rest of the US.

1 ^ v · Reply · Share ·

**VetMike** → Beetlejuice · 23 days ago

Which implies that you think that the rest of America has the right to tell Alabama what to do. STFU and go away.

8 ^ v · Reply · Share ·

**Beetlejuice** → VetMike · 22 days ago

Not at all, good sir. I just don't think Alabama sets a great example of the best path to take politically.

Btw, I've enjoyed myself every time I have visited, and I have liked almost everyone I've met from 'bama. It's a great place. Beautiful.

However, it does irk me a bit when politicians or candidates from that state (like Roy Moore) act like they are just what we need and are here to save the day.

If that's how they want to govern themselves...fine. But, nobody else wants those pathways to "success" that Alabama has taken applied broadly to the rest of the US.

Thank you sincerely for your service.

^ v · Reply · Share ·

**CatoYounger** → Beetlejuice · 21 days ago

Alabama does not have any debt. As I've mentioned before, it all depends on how you define "success". Birmingham has been rated a "best place" to live before also, several cities in Alabama get that distinction. Moore may be a nut but its up to Alabama to decide. Heck, Barney Frank's gay lover ran a house of prostitution, which included minors, directly from the Senator's house! Bob Menendez took trips to the Caribbean to have sex with teenage girls. I don't approve of either, but I also don't think its my place to tell the voters of those states what to do.

^ v · Reply · Share ·

**Beetlejuice** → CatoYounger · 21 days ago

Alabama:

- > Debt per capita: \$1,833 (10th lowest)
- > 2015 Unemployment rate: 6.1% (tied-8th highest)
- > Credit rating: Aa1/AA
- > Poverty: 18.5% (tied-5th highest)

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national poverty rate. With a weak tax base, Alabama's government has relatively little to work with financially. The state is one of only nine with a per capita tax revenue of less than \$2,000. Partially as a result, the state has faced year after year of budget shortfalls. Recently, the Alabama legislature created a budget reform tax force. The 14-member team has been tasked with designing and implementing a long-term plan to solve recurring budget problems.

<https://www.usatoday.com/st>

see more

^ v • Reply • Share ›



**Trumpian** → Beetlejuice • 23 days ago

Alabama is not trying to tell the people of your shithole what to do, they are voting for their senator. So pay attention to what is happening in Portland or what ever shithole you live in your mama's basement and let us handle our business. MAGA!

7 ^ v • Reply • Share ›



**ADRIAN WRIGHT** → Trumpian • 22 days ago

Aint that the truth!!!

^ v • Reply • Share ›



**Beetlejuice** → Trumpian • 22 days ago

Very few basements here in Texas. My state is far from perfect as well. As I said to another poster:

I just don't think Alabama sets a great example of the best path to take politically.

Btw, I've enjoyed myself every time I have visited, and I have liked almost everyone I've met from 'bama. It's a great place. Beautiful.

However, it does irk me a bit when politicians or candidates from that state ( like Roy Moore) act like they are just what we need and are here to save the day.

If that's how they want to govern themselves...fine. But, nobody else wants those pathways to "success" that Alabama has taken applied broadly to the rest of the US.

That would not be MAGA.

^ v • Reply • Share ›



**ADRIAN WRIGHT** → Beetlejuice • 22 days ago

Austin, TX is run by liberals an the State is over run with Illegal Aliens, so get your own house in order before trying to correct the politic in Alabama or any other State.

2 ^ v • Reply • Share ›



**Beetlejuice** → ADRIAN WRIGHT • 22 days ago

Ah, you mean the Austin that consistently rates in the top 10 best cities in the US to live in? That Austin? =D

I never said TX was perfect. Far from it. I still love it, just as people from Alabama love their state (as they should).

But, I still acknowledge that many of our practices as a state need to change and should definitely NOT be applied to the rest of the US. That includes many of the idiots we like to vote in as

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**CatoYounger** → Beetlejuice · 21 days ago

First, you have to really look at most of the metrics used in these "studies". Most don't really measure true outcomes as much as they measure levels of government. To these studies, if you spend a lot of money on "x", its just assumed x must be better there. As far as taxation levels, a LOT of Northern states need the extra money to combat the weather every winter, something the Southern states don't need. It doesn't necessarily mean things are better just because taxes are higher. I have lived all over this country and to me Alabama was far and away the best. You can live free here and do what you want for the most part.

^ v · Reply · Share ·

**Calanoma** → Beetlejuice · 23 days ago

Alabama's healthcare is Obamacare. Democrats know what is best for the U.S. ? Sure, Beetlejerk.

6 ^ v · Reply · Share ·

**CatoYounger** → Beetlejuice · 21 days ago

It always so ironic that the diversity party Democrats love to pick on states with large black populations.

^ v · Reply · Share ·

**Suremob** → Orville Figgs · 23 days ago

Ummm no

1 ^ v · Reply · Share ·

**Daninfla6th** → Austrailianterrierlady · 23 days ago

If they are voting as dead people they ought to be buried since they are already dead!

3 ^ v · Reply · Share ·

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tillthen — When are you, Al, going to pay your taxes like white people do.

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POLITICS DEC 27 2017, 2:44 PM ET

## Mysterious Democratic-funded 'Highway 31' super PAC spent \$4M to defeat Moore in Alabama

by ASSOCIATED PRESS

MONTGOMERY, Ala. — A mysterious super PAC that spent millions of dollars backing Democrat Doug Jones in Alabama's Senate race was heavily funded by the Democratic Senate Majority PAC.

Chris Hayden, spokesman for the Senate Majority PAC, said Tuesday that the group was the primary backer of the PAC called Highway 31, which spent more than \$4 million on hard-hitting advertising and mailings to help defeat Republican Roy Moore. Because of reporting and payment schedules, Highway 31 didn't disclose its donors during the campaign despite its heavy spending.

"Yes, SMP was the contributor to Highway 31. There were a few small donations when Highway 31 became public, but it was predominantly funded by SMP," Hayden wrote in an email.

Senate Majority said it is solely dedicated to building a Democratic majority in the U.S. Senate, where Republicans will hold a slim 51-49 lead in 2018. Jones is the first Democrat elected to the U.S. Senate from Alabama in a quarter of a century.

Hayden said the Senate Majority PAC spent more than \$6 million in Alabama. That included: \$2 million on television and radio; \$2 million on a voter turnout operation in partnership with BlackPAC; \$1.5 million on digital advertising in partnership with Priorities USA; and \$700,000 on direct mailings. Priorities USA is another Democratic super PAC.

Throughout the Alabama race, Jones had performed something of a balancing act — taking help from some national Democrats — such as former Vice President Joe Biden and New Jersey Sen. Cory Booker who campaigned with him — while also stressing that he would be an independent voice in the U.S. Senate.

Highway 31, named after a major route crossing much of the state, emerged as a major player in the election. Many of its spots and mailers focused on accusations against Moore of sexual misconduct involving teenage girls decades ago. He denied the misconduct accusations.

Because it had not reported donors, Moore's campaign earlier this month criticized the group as "shadowy" and said it was purposely keeping the public in the dark about who was providing it money.

Highway 31 spokesman Adam Muhlendorf has said the group, which organized in the runup to the election, followed "every appropriate rule and regulation." It is expected to file its yearly financial report at the end of January.

12/27/2017

nbcnews.com

"We formed Highway 31 to make sure every Alabamian knew Doug's background and to help him get out the vote. We couldn't be more proud of this campaign and look forward to him promoting Alabama values in the U.S. Senate." Muhlendorf wrote in an email.

On election night, J.B. Poersch, president of Senate Majority PAC, called Jones' win, "a great victory for the state of Alabama and a harbinger of difficult times to come for Republican Senate candidates throughout the country."

To: [REDACTED]

This letter is in regards to one of the tv spots being aired by Highway 31 PAC. I believe the official title of the ad is "Shopping Mall". We have received several complaints regarding the false nature of this ad. After reviewing details with legal council, I feel there is at least one obvious claim designed to mislead the public and defame a Republican Candidate.

I respectfully ask that your station review the following claim made by this advertisement. I hope your station will share our concern, and you will be able to substitute this ad for a different tv spot from Highway 31 PAC. This is an official request to pull this advertisement.

**Claim in ad:**

This Advertisement makes the defamatory claim; as fact, that Roy Moore was banned from the Gadsden Mall for sexually harassing young women.

**Factual information to the contrary:**

The Gadsden Mall has consistently reported having no confirmed record of Roy Moore being banned from the mall at any point in time. The following quotes from mall leadership from the 70s and 80s confirm that report.

*"In my 26 years working at Gadsden Mall, I never heard anything about Roy Moore being banned from the mall or any other mention of issues concerning him. As the Operations Manager overseeing Mall Security, I would have been aware of something like that." - Johnny Adams, employed by the Gadsden Mall for 26 years and was Operations Manager for 14 years overseeing mall security.*

*"As an employee of the Gadsden Mall for Morrison's Cafeteria Corporation from the late 1970's through the mid-2000's, I would like to put forth a statement in regards to the allegations against Judge Roy Moore. During my time at the Gadsden Mall, I formed many lifelong relationships including one with Barnes Boyle and his wife, Brenda. Barnes Boyle was manager of the Gadsden Mall and Brenda was my manager at Morrison's Cafeteria for many years. Because of this relationship, I was abreast on the latest situations that happened throughout the Gadsden Mall during that time period. There was a prominent man of Etowah County, whom is now deceased that was banned for reasons such as the allegations against Judge Moore. However, due to respect for the family, I decline to reveal his name. Despite allegations against other patrons of the mall, I never heard of Roy Moore's name come in conversation with any such misconduct against women or a supposed banning from the Gadsden Mall." - Johnnie V. Sanders, employee of Gadsden Mall from late 70's to mid-2000's*

*"We did have written reports and things. To my knowledge, he {Moore} was not banned from the mall." - Barnes Boyle, Former Manager of the Gadsden Mall (1981-1986) WATCH.*

<http://www.wbrc.com/clip/13905910/former-gadsden-mall-manager-says-roy-moore-wasnt-banned>

**In conclusion:**

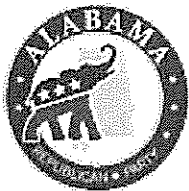
This Advertisement knowingly repeats a defamatory claim without providing proof. Quoting an online source is still defamatory if the claim does not have basis. At minimum, the ad should include the word "allegedly". It is important to remember that this ad is from a political action committee (PAC), so both the PAC and the station are responsible for making sure all claims are true and non defamatory.

I appreciate your time looking into this matter. Whatever our political persuasion, I believe we all want to see the public get honest, truthful and non-defaming information. I would support and defend that principle for any candidate, Republican or Democrat.

With the short nature of this political season I strongly request immediate action on this issue. Please let me know as soon as you make a decision so I can report my findings. Let me know if you have any questions.

Thank you again,

John Wahl



**John Wahl - Vice-chairman 5th District GOP**  
Phone: 256-729-8867. Fax: 256-729-6788



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Of Counsel:  
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 Kent Hamilton, Esq.  
† Licensed in Virginia only

27 December 2017 (Wednesday)

John Merrill  
 Alabama Secretary of State  
 Via: [john.merrill@sos.alabama.gov](mailto:john.merrill@sos.alabama.gov)

Re: Special Election of December 12th and Certification of Election

Dear Secretary Merrill:

Please allow this to serve as notice that I have been retained by The Honorable Judge Roy S. Moore, his campaign, Mr. Troy Towns, Ms. Hannah Ford, and Ms. Peggy Turner (all of whom are natural born citizens and registered voters in Alabama), to represent them in the election fraud which occurred in the Special Election of December 12, 2017. Note that we are not addressing the “fraud” as mere allegations. While other election fraud and voter fraud has occurred in this election, we are first and foremost addressing the fraud that you in your official capacity have confirmed has occurred.

Clearly when you acted as the Alabama Secretary of State, whether of your own accord or in response to public outcry, various decisions were made which confirm an administrative finding of fraud. Same included, but is not believed limited to: (i) your direction that there be a removal of false ads from the public view which we know included but may not be limited to those ran by a Super PAC called Highway 31 and, but not restricted to; (ii) the use of out-of-state driver’s licenses at various precincts; and (iii) your very limited investigation into video

testimonial of at least one individual who acknowledges what appears to be collusion with others in his “fellowship” to travel from various parts of the county to vote to get Doug Jones elected. If you will recall, the man stated:

*“Because we came here all the way from different parts of the country as part of our fellowship, and all of us pitched in to vote and canvas together, and we got our boy elected!”*

There has been no disclosure of his name, whether an investigation was made into voter registration logs in other states using that name, and/or whether an inquiry was made into the members of his “fellowship” and their efforts to vote in state despite coming “from different parts of the country”. Thus, in our opinion, you have not acted diligently in this portion, and other portions, of the investigation you were duty bound to make once you determined that fraud was present. And as conveyed, once you created an administrative order (or herein various administrative orders) finding fraud was present and needed to be addressed, you were duty bound to investigate.

Legally speaking, we believe that you and any other who may claim “fraud” was not present, would be barred by *collateral estoppel* (issue preclusion) *and/or res judicata* (claim preclusion). Meaning, an administrative finding has already been made that fraud occurred. And, if any issue remains unresolved, which we believe you to be duty bound to resolve, it is whether said finding of fraud is significant enough to garner a new election, which our experts confirm to be the case.

Yes, we have as of date three (3) Election Fraud experts, all who have agreed and corroborated that fraud significant enough to taint the results of the election did occur, based upon their statistical and mathematical calculations. The three (3) Election Fraud Experts have confirmed that, in their opinion, the results of the election when considering relevant factors such as voter registration, precinct exit polls, machine methodology, and other relevant factors are statistically an impossibility. Each is ready to opine, that based upon their training and experience they, with a reasonable degree of statistical and mathematical certainty, believe election fraud occurred.

Thus, despite the burden resting upon you to: (i) further investigate the already determined fraud and other credible allegations; and (ii) make a determination as to the significance of such, as of the date we believe you have failed to do so.

As you may be aware, in the U.S. Senate race at issue, there was a margin of difference between candidates Roy Moore and Doug Jones was a mere 1.5% – which is less than 22,000 votes – out of more than 1.3 million votes purportedly cast.

While we are grateful that you took official and administrative action against "Highway 31", the Super PAC that was engaging in fraud prior to the Special Election, we again believe you are duty bound to take additional action.

This fraud, and other fraud which we believed you failed to address, did deprive Judge Moore of a fair and impartial election. If action is not taken by you, in addition to that already taken, the People of Alabama will suffer irreparable harm. Also, if the election results are certified without preserving all the evidence of potential fraud and without fully investigating it prior to certification, the People of Alabama and my clients will be denied their right to a fair election and republican representation in the U.S. Senate.

As an example of the significance or weight of the fraud, according to our experts in Jefferson County alone, Roy Moore's individual median score was 34% lower than the respective Straight Republican Ballot voting percentages. The other one hundred fifty-four (154) precincts, including absentee ballots, have a distribution centered near 1% as is expected. As a result, Roy Moore received approximately 13,000 votes less than the main distribution curve would suggest, which translates to a more than 26,000 vote loss relative to his opponent in that county alone. The Election Fraud Experts' calculations put the probability of this distribution at less than one in 15 billion.

Thus, the fraud undoubtedly was significant enough to have deprived the People of Alabama, Roy S. Moore, and individual voters like Troy Turner, Hannah Ford, and Peggy Turner of their public property right in voting, and their right to have their democratically-selected candidate to represent them in the

United States Senate. We do, therefore, ask that you take the necessary steps to protect the integrity of this election.

We also ask that you confirm whether your officials maintained the “ballot images” of the Election Systems and Software (ES&S) used to count the votes. As you are aware, per Federal Law which supersedes State Court rulings to the contrary, there is a 22 month minimum requirement for the preservation of election evidence which includes ballot images. Thus, please confirm that you have preserved all ballot images.

We believe that it may be best to request the Attorney General’s assistance. I do not know Attorney General Marshall personally, but my friend and Pastor, the late Philip Ellen knew him well and spoke highly of him to me on multiple occasions.

We believe, at minimum, you should **not** certify the Election Results until you have done your diligence.

We believe this includes within your full powers ensuring:

- (i) a full investigation into Highway 31 is conducted;
- (ii) a full investigation into the Doug Jones Campaign’s awareness of the fraudulent advertisements (some of which you have already directed be removed from public view due to fraud);
- (iv) a full investigation into the Facebook News/Media Group “Alabama Strong” is conducted;
- (v) a full investigation into the CNN video which featured a man alleging that voters in Alabama were allowed to vote multiple times, and he was returning to vote again;
- (vi) a full investigation into the use of out-of-state identifications at voting precincts in Alabama, which has been confirmed by Poll

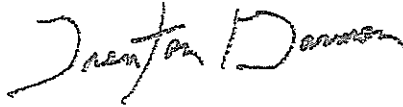


Worker Sally Finney at Vaughn Park Church of Christ at Precinct #102 in Montgomery (of which we have an affidavit confirming);

- (vii) an expanded investigation into the believed "pre-marked ballot" practice(s); and
- (viii) any other related activity which would draw into question the integrity of the election.

We do thank you in advance for your attention to the content of this letter. And, as always, I remain available to you via my office.

Respectfully,

A handwritten signature in black ink, appearing to read "Trenton R. Garmon". The signature is fluid and cursive, with the first name being more prominent.

Trenton R. Garmon, JD, MA

CC:

Via Email -  
Steve Marshall, Esq.  
Attorney General  
[smarshall@ago.state.al.us](mailto:smarshall@ago.state.al.us)

FOR IMMEDIATE RELEASE - John Merrill - Alabama Secretary of State

<http://sos.alabama.gov/newsroom/secretary-state-john-h-merrill-releases-updated-information-questions-regarding-voter#>

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December 21, 2017 - MONTGOMERY - The most controversial issue regarding potential voter fraud that has been reported to the Office of The Secretary of State following the US Senate Special Election is a brief video clip from a live broadcast during a FOX 10 (Mobile) election night report.

During the live broadcast, a young person was asked about his excitement surrounding the results of the election:

*Reporter: "Why are you excited to see this victory?"*

*Voter: "Because we came here all the way from different parts of the country as part of our fellowship. And, all of us pitched in together to vote and canvass together, and we got our boy elected!"*

The reporter did not ask any further questions and therefore, many viewers were left questioning the validity of the opportunity which allowed this citizen to legally vote in Alabama. When these concerns were brought to the attention of the Secretary of State they were encouraged to submit their concern online at [www.stopvoterfraudnow.com](http://www.stopvoterfraudnow.com).

Thanks to the help of concerned citizens interested in the credibility and the integrity of the electoral process, the Alabama Secretary of State's Office was able to identify the young man who was anonymously featured on the news broadcast. After additional research was conducted, it was determined that this young man has lived and worked in Alabama for more than one year and is currently a registered voter in this state.

We applaud this young man's energy, excitement, and enthusiasm for the electoral process and we are always encouraged when we observe Alabamians who are actively engaged in campaigns and elections in our state.

●●●●● AT&amp;T LTE

7:37 PM

55% 

Stewart Gillman



Stewart Gillman

Liked Since December 3, 2017

DEC 3, 2:12 PM

I was on my i-phone playing a game and in-between levels you will get an advertisement. Today I got one that basically made a threat for voting for Judge Moore. The ad said "keep Judge Moore from the US Senate your vote is public record and your community will know how you voted". Isn't it against the law to threaten someone about how they vote.

My name is:

Stewart R. Gillman

8177 Pecan Ct.

Daphne, AL 36526

251-200-3432



Thanks Stewart for reporting this. Can you please screen capture one of these and send it to us ?

Type a message...

Aa



●●○○ AT&amp;T LTE

7:40 PM

53% 

Paul Richardson



Paul Richardson

DEC 5, 10:25 AM

Was watching a video on YouTube and they had a rather threatening commercial on before the video. "If you vote for Roy Moore and do nothing to stop him your vote will be on public record and your community will know ." Can they get by with threatening voters ?



Paul, Unfortunately, there's not much we can do about that. That's just terrible, and it's amazing how low the opposition is stopping. However, the voting system is the same — no one should be able to know how you voted. -Staff



Type a message...

Aa



●●●●● AT&amp;T LTE

7:43 PM

53% 

Nancy Oliver Blanchard



DEC 4, 5:59 PM

I just saw a Doug Jones ad on YouTube saying  
Your vote is a matter of public record  
and your community will know you  
didn't stop Roy Moore. ( not verbatim)  
Is this even legal? To me it sounds like  
coercion, voter intimidation.



DEC 6, 3:23 PM

Hi Nancy, no, it isn't true. Secretary  
Merrill addressed the issue here:  
[http://sos.alabama.gov/newsroom/  
secretary-state-john-h-merrill-  
provides-clarification-inaccurate-  
information-highway-31](http://sos.alabama.gov/newsroom/secretary-state-john-h-merrill-provides-clarification-inaccurate-information-highway-31) -Staff



Thank you!!

He's asked Highway 31 (a PAC) to take  
the ad down, or change it, but they  
haven't. All we can do is know that it's  
false, and reassure our friends and  
family. Thank you for your support,  
Nancy! God bless! -Staff



Type a message...

Aa



•• AT&amp;T LTE

7:39 PM

54% ➤



Cale Ransom



Cale Ransom

12/27/2017, 7:39 PM

Good evening, I was watching YouTube today and an advertisement said that my vote is a public record. I want to vote for you, but as a young law student I don't want to have my vote come back to haunt me down the road. Can you please let me know for certain that how I vote will not be disclosed to anyone unless I make it public?



●●● AT&amp;T LTE

8:54 AM

47%

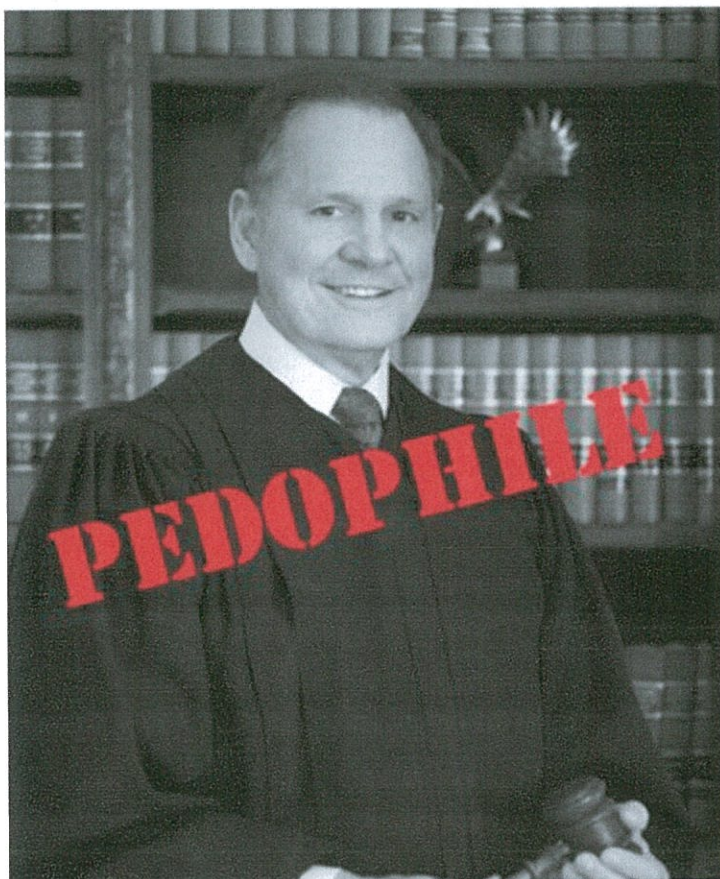


Alabama GOP - Grand Old Pedoes

Sponsored ·



Roy Moore is a pedophile and a child predator. The Alabama GOP needs to replace him NOW!



Write a comment...

