

## **Election Voter Complaint Form**

In Re: Trinity County Violations/Michael Wear/Kay Graves case

Diane Richards July 15, 2016

Post Office Box 501 /310 Old Hay Wagon Road /Hayfork, California 96041

[wethepeople2007@gmail.com](mailto:wethepeople2007@gmail.com) (650) 296-2169

### Description of Complaint:

Deceptive election practices continue to prevent eligible voters from casting their ballots. These fraudulent acts include but not limited to the dissemination of false or misleading information about voter qualifications; false information about the time, place, or manner of voting; and intimidation or threats to voters at polling places. The tactics have become more sophisticated and nuanced, employing modern technology to target certain voters. Targeted voters predominantly people of color, the elderly, young voters, low-income individuals, naturalized citizens, and people with disabilities fall prey to those who wish to intimidate or trick them into not voting. These same illegal practices occurred in Trinity County California for the County Supervisors race in the Northern part of California by County Election Officers causing this request to the California Secretary of State and Attorney General's offices to correct and stop the illegal actions alleged below and affording its citizens the right to vote and Due Process of Law.

Elections officials Shanna S. White and Deanna Bradford have continuously failed to allow observers and representatives of candidates and organizations to adequately observe both the actions of County Elections Officer Shanna S. White and personnel hired during this election cycle by insisting that the Poll Observers stay away from personnel, the ballots and tabulating devices at a distance of 25 feet violating Ca Election Code 15204 and 15272. This is in effect, no observation afforded at all.(see **Exhibits A, B, C** respectively attached exhibits incorporated herein and attached hereto in reference)

Each of the above elections officials and the county officers that appointed them have violated their individual Oath of Office to protect and defend the Constitutions of the United States and the State of California as mandated by the Constitution of the State of California and have failed under California Elections Code 3019 to comply with the procedures to check absentee, vote-by-mail and provisional ballots (**Exhibits A, B, C** respectively attached exhibits incorporated herein and attached hereto in reference).

Each and every one of the above officials has failed to enforce precinct challenges to voter eligibility under Elections Code Section 14240 through 14253. Elections Officer Shanna S. White

took it upon herself to challenge as an after the fact/action during the canvass violating Ca Election Codes 14240, 14243, 14244, 14245, 14246, 14247.

Ninety-five (95) voters were forced to vote provisionally at the Hayfork (District 5 & 3) polling place. Ninety-four (94) of the provisional ballots were from voters within District 5. That is approximately 15% of District 5 voters that cast ballots on June 7 (746 on final canvass count). That high percentage of a voter suppression should be cause alone for a thorough investigation. To put that in perspective, if this had occurred in District 5 in Los Angeles County where 356,040 voters cast their ballots, 35,604 voters representing only 10% of the ballots cast would have had to be provisional ballots to match what has occurred in District 5 in Trinity County. Even more egregious is the following statement which if it were duplicated in any other county such as Los Angeles or Sacramento, demonstrations if not riots would surely alert the public as to the egregious act that occurred within the auspices of the Elections office of Shanna White and staff. Of those 94 provisional ballots cast it is estimated that approximately 80 voters are of the ethnic minority Hmong people. The Hmong in Trinity County are the largest ethnic minority population. No pre-elections literature nor elections materials were provided in their language although both Federal and State election law mandates such and provides funding. The Language Minority Provisions of the Voting Rights Act in which Congress enacted the language minority provisions because it found that: through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices. The language minority provisions of the Voting Rights Act require that when a covered state or political subdivision provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

The requirements of the law are straightforward: all election information that is available in English must also be available in the minority language so that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot. Trinity County Elections Officers and personnel violated Section 203 of the Voting Rights Act by having failed to provide effective access to the electoral process.

I, Diane Richards, as a candidate for supervisorial seat, District 5, sat outside the Hayfork polling place the prescribed at least 100 feet and witnessed a multitude of voters, particularly of the Hmong ethnic minority forced to vote provisionally. Voters were clearly distraught not understanding why they did not get a real ballot and why they were not on the voter rolls. I personally called the Elections Office at 10:30 a.m. to clarify the issue. The personnel that answered the call did not know the answers. Within 30 minutes, Shanna S. White, Elections Official, called me on my cell phone and White was upset to learn that provisional ballots were

being given out to the voters at all. White said that they must drive to her office in Weaverville to get a special provisional ballot for their precinct. Since the Elections office is approximately a one-hour drive away, I reminded White that this was her own poll workers doing this: not instructing the voter to drive to Weaverville. I asked if there was any difference in the provisional ballot for Precinct 501 versus precinct 521. White said no. I asked how late the Elections Office would be open. White replied until 5p.m. I pointed out that that would disallow the precinct 521 voters from being able to vote until 8pm as all other voters are availed and how is that fair and legal? White had no answer. I asked if White would therefore allow their provisional ballots that were being given out by her staff. White said she had no answer.

Each and every official has failed to provide for the right of the public, observers, and members of organizations and representatives of candidates to challenge the disqualification of absentee voter ballots, vote-by-mail ballots and provisional ballots.

Each and every official refused to provide the requested list of disqualified ballot voters to several parties nor allow for challenges as provided for under California statute.

Each and every official has failed to provide a five-day public notice posting of the date, time and place of the 1% precinct hand count tally as well as which precinct will be the subject of this manual count as prescribed under California Elections Code 15360 (a) (d) ( attached as **Exhibit E**) page 2 and page 17 of the May 13, 2016 County Clerk/Registrars (CC/VOR) Memorandum # 16140 provided to the Trinity County Elections Office by Jana M. Lean of the Secretary of State, Chief Election Division (attached as **Exhibit E** respectively attached exhibits incorporated herein and attached hereto in reference).

The Voter Bill of Rights contained in Ca Elections Code section 2300. Specifically, section 2300(a)(1)(A) provides that “You have the right to cast a ballot if you are a valid registered voter.”

Each and every official has violated the Voters Bill of Rights to wit:

Each and every official did not provide a secret ballot process as indicated by Declaration of poll observer, Firenza Pini (**Exhibit D**): “The privacy sleeve for the ballots were not given out to the voters. The voting booths were turned so that everyone could observe the voter voting which is opposite of the way they should be. When voters came in that were from the Hmong community, they were told they were not on the voter rolls for that precinct even though they live within minutes of the polling place. They were offered “provisional ballots” but when the poll worker tried to ascertain which “provisional ballot” to give them based on party preference, the poll workers whispered and used hand motions and asked them “Do you want to vote for Hillary or do you want to vote for Trump? . Mike Wycoff Jr., the son of the precinct Inspector, Mike Wycoff, took the uncovered ballot from many voters when they were having trouble placing the ballot in the black ballot box and thereby was able to see the voter’s ballot. “(see

Attached **Exhibit D** respectively attached exhibits incorporated herein and attached hereto in reference)

I, Diane Richards, had picked up the privacy sleeve to use it as I voted at the Hayfork polling place and the poll worker took it from me and said I would not be needing it.

I did not argue. All open (no curtain) voting booths were placed so that you could be observed voting rather than turned to shield the voter from observation.

Nepotism is against county ordinance No. 2.60.290 (Nepotism) (**Exhibit F**)

The polling place in Hayfork is run by nearly an entire family. This is and of itself is patterned after the elections office in the county seat of Weaverville that violates the county's ordinance of no nepotism within departments. Shanna White hired her own mother for the canvass board and her ex-mother-in law, Deanna Bradford, also who served many times as an appointed ROV as Shanna White is also appointed. In Hayfork, year after year the ballot box is not taken directly to the elections office in Weaverville. Instead, a trip to their home and other stops is a pattern and practice despite complaints to the election office. On June 7, I followed the ballot box and materials placed in a black Chrysler car with Michigan plates driven by a female member of the Wykoff family, with no other poll worker or anyone else in the car with her. She followed Mike Wykoff Sr. to their home. They went inside for about 10 minutes then came back out and left for the local gas station and eatery. After re-fueling and buying something inside, they left for the elections office in Weaverville.

Each and every official did not provide pre-election nor election materials in another language when there are sufficient residents in a precinct. This clearly caused misunderstandings when the issue of not being allowed to vote at the polling place came into play as White claimed many of those that came to vote at the polling place were mandatory vote-by-mail even though the voters did not request nor receive vote-by-mail ballots. Many other voters within the same precinct are not listed as VBM voters on the voter rolls.

There is further proof of voter suppression in logistically targeted areas particularly during local political elections such as Supervisor or Sheriff. Case in point is the effort to suppress voters within precinct 521 where much support for my candidacy resided. In an election two years prior, another candidate for a supervisorial seat found the same tactic, with whole communities purged from the rolls even though those voters were lifelong dedicated continuous voters. Many were unable to vote in that election after we discovered the purge as they were elderly and unable to drive into the county seat to try to deal with the problem. In one community the senior citizens, many of which are military veterans, always had a voter party and filled in their VBM ballots together as their patriotic duty and a fun gathering. That year they were unable (see voter complaint forms attached) to vote or have their party.

The Voting Rights Act; the National Voter Registration Act and the Help America Vote Act are laws that prohibit discrimination based on race or membership in a minority language group; prohibit intimidation of voters; provide that voters who need assistance in voting because of disability or illiteracy can obtain assistance from a person of their choice; require minority language election materials and assistance in certain jurisdictions; provide for accessible election machines for voters with disabilities; require provisional ballots for voters who assert they are eligible but whose names do not appear on poll books; provide for absentee ballots for service members, their family members and U.S. citizens living abroad; and require states to ensure that citizens can register at drivers' license offices, public assistance offices, other state agencies and through the mail; and include requirements regarding maintaining voter registration lists.

There did not appear to be a Supplemental Voter list with the materials at the local Hayfork polling place. The voting machines (Diebold Accu-Vote) and main computer used are extremely outdated and easily manipulated. Due to the close vote tally as of this point for District 5, the insufficiencies and election law and civil rights violations that impacted District 5 directly, I am hereby requesting a manual tally of the seven (7) precincts within District This will comprise no more than 1000 ballots and is not an undue request or burden.

My representative during the weeks long observation process was Kay Graves. She and other observers requested to see and be given a list of the disallowed ballots. I requested such immediately via email and subsequently via California Open Records Act Request (**Exhibit G**) Shanna White refused any challenges to be made, refused to show the ballots, or provide the list as was requested as is provided for by law. (see Exhibits A, B, C respectively attached exhibits incorporated herein and attached hereto in reference)

In Trinity County Ordinance codes under Code No. 2.60.100 No. 19 "Challenged ballot" is defined as:

19. "Challenged ballot" means a vote questioned by one of the parties to a representation election. Common practice to resolve the challenge is to open and count the challenged ballots if it is sufficient to affect the outcome of the election.

It is clear that state, Federal and local election codes have been violated by refusing to perform this request. I also mailed via registered US. Mail to all county parties a request for the list but they all have failed to answer my request completely.

I am hereby requesting that the Elections Officials allow observers, candidate representatives and other interested public to view the disallowed ballots and allow the opportunity to challenge the disqualification as prescribed by law (Exhibit E). Provisional ballots are governed primarily by California Elections Code sections 14310 – 14313. Section 14312 provides that

“This article shall be liberally construed in favor of the provisional voter.” Elections Code section 3000, which pertains to vote by mail voters, provides that “This division shall be liberally construed in favor of the vote by mail voter.”

I am hereby requesting that the Secretary of State investigate and oversee any denial of ballots due to alleged lack of citizenship, county residency or any other reason. These challenges were to have been made by the precinct board at the time of the vote, not afterward. At the time of the ballot being cast, the voter is allowed to swear an oath that they are a U.S. citizen and/or a county resident. To disallow such after the fact, is a violation of voting rights. Under federal law, a person who is voting for the first time in a federal election is required to provide proof of identification, even if their name is on the polling place roster. If the voter cannot provide proof of identification, the voter will be asked to cast a provisional ballot. The elections official will verify the voter's eligibility by comparing their signature on the provisional ballot envelope with the signature on their voter registration form and if the signatures match, then the ballot will be counted. (Elections Code sections 14310(c), 15350, and 3019.) No voter was asked to provide proof of identification for the entire day of voting, June 7th from 7am to 8pm by precinct workers. The circumstances that can cause use of a provisional ballot include: if voters who have moved within their county without re-registering to vote; if the voter's name is not on the polling place roster because they moved within the county but did not re-register to vote; if when a voter updates their driver's license with the Department of Motor Vehicles (DMV) but the DMV's computer system doesn't update the voter's registration information, as it is required to do by law. In either instance, the voter is entitled to vote a provisional ballot at the polling place based on their current address. The elections official is required to count the ballot if the voter's signature on the provisional ballot envelope matches the signature on the voter's prior registration form. The elections official is then required to re-register the voter at their new address for all future elections. (Elections Code sections 14310, 14311, 15350, 15100 et seq.) Both federal and state law permit any voter who cast a provisional ballot to find out if their ballot was counted and Elections Code section 2142 gives voters the right to go to court in order to compel county elections officials to register them to vote and to count their ballot. No provisional ballot is counted or precluded from being counted until the elections official goes through the detailed process to determine whether a voter's provisional ballot should be counted. (Elections Code sections 14310-14311, 15350, and 15100-15112.)

Each and every elections official did not provide real ballots for provisional voters, and instead provided a facsimile on plain paper to hundreds of provisional ballot voters. Each paper facsimile allegedly contained a notation of precinct. I am unaware if this is a permitted notation but it would appear to allow the targeting or suppression of particular areas.

Each and every official failed to properly train personnel to protect voters under the election laws of the State of California and the United States.

A further statistical anomaly which can be an indicator of tabulator program manipulation (30/70 ratios) was observed on election day as the appointed Election Official Shanna White acting as VOR tabulated or processed the VBM ballots and subsequent ballot tabulating machines as they arrived at the main office in Weaverville.

For a very contested election between candidates for a Weaverville Supervisorial seat (District 2) the results for Vote-by-Mail tally at 8 pm. Was as follows:

Thomas Fox	99	26.83%
Judy Morris	266	72.09%
Write-in Votes	4	1.08%

As the District polling place ballot was received tally at 21:10:43 was as follows:

Thomas Fox	178	26.77%
Judy Morris	477	71.73%
Write-in Votes	10	1.50%

For the local Judge race, at approximately 8pm the count provided by Ms. White was

As follows:

Vote-by-Mail tally:

Jim Underwood	755	30.73%
Michael Harper	1694	68.95%
Write-in Votes	8	0.33%

After arrival of next ballot box tally at 21:10:43 was as follows:

Jim Underwood	887	30.05%
Michael Harper	2056	69.65%
Write-in Votes	9	0.30%

At 21:38:42 tally was as follows:

Jim Underwood	922	30.31%
Michael Harper	2111	69.40%
Write-in Votes	9	0.30%

At 21:52:58 tally was as follows:

Jim Underwood	968	30.55%
Michael Harper	2192	69.17%
Write-in Votes	9	0.28%

At 22:12:26 tally was as follows:

Jim Underwood	1070	31.40%
Michael Harper	2328	68.31%
Write-in Votes	10	0.29%

At 22:41:46 tally was as follows:

Jim Underwood	1104	31.18%
Michael Harper	2427	68.54%
Write-in Votes	10	0.28%

This 30/70 split was observed in many other locally contested elections in the past.

Election results many found suspect.

Your investigation into these complaints is greatly appreciated.

Diane Richards