

TENNESSEE SENATE AD HOC COMMITTEE
TO INVESTIGATE THE TENNESSEE SENATE DISTRICT 21 COMPLAINT

RUEBEN DOCKERY, COMPLIANANT
VERSUS
DAVIDSON COUNTY ELECTION COMMISSION

TENNESSEE SENATE AD HOC COMMITTEE,
SENATE VICE-CHAIR JOHN STEVENS, COMMITTEE CHAIR
SENATE CHAIR TODD GAEDENHIRE, MEMBER
SENATE-VICE CHAIR DAWN WHITE, MEMBER
SENATE CHAIR KEN YAGER, MEMBER
SENATE LEADER RAUMESH AKBARI, MEMBER

SENATE AD HOC COMMITTEE HEARING

Respectfully submitted:

RUEBEN DOCKERY

Complainant

614 Tobyllynn Circle
Nashville, Tennessee 37211
Telephone: (615) 498-4669
PRO-SE

I. STATEMENT REGARDING ORAL ARGUMENT

The gravity of the complaint made before this committee is significant and has profound impact on the integrity of elections in Tennessee as well as the legitimacy of a Tennessee Senate seat. The complainant believes that this committee, as an extension of the entire senate body would benefit from hearing the details that sheds light of the factual claims of fraud and ballot miscalculations being argued. Initial documents submitted for consideration to this committee were found to need further elucidation for the sake of meeting the standards set forth by this committee on February 13, 2023, during the first hearing of this matter. Accordingly, the complainant (Rueben Dockery) has prepared a case brief that respectfully argues that the recent election for Tennessee Senate District 21, should be declared void and the senate seat open for the purpose of appointing Rueben Dockery as the lawful winner of the election and senator for the 21st Tennessee Senate District.

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III. TABLE OF AUTHORITIES

Tennessee Constitution:

Tenn. Const. art. IV, § I.

Case Law:

Emery v. Robertson County Election Commission Supreme Court of Tennessee. September 4, 1979. 586 S.W.2d 103

State Statutes:

Tenn. Code Ann. § 2-17-101, (a)

Tenn. Code Ann. § 2-17-110 (a)

Tenn. Code Ann. § 2-17-117 (a1,3)

Tenn. Code Ann. § 2-8-108 (a)

Tenn. Code Ann. § 2-17-112, (a4)

Tenn. Code Ann. § 2-1-102, 1

Tenn. Code Ann. § 2-8-104

Tenn. Code Ann. § 2-7-131 (e1)

Tenn. Code Ann. § 2-7-113 (a)

Tenn. Code Ann. § 4-5-313 (a)

Tenn. Code Ann. § 2-9-105 (a)

IV. JURISDICTIONAL STATEMENT

Pursuant to Tenn. Code Ann. § 2-1-102 it has been established that contest for the office of senator in the general assembly are decided by the senate body. On January 10, 2023, the Speaker of the Tennessee Senate, Lt. Governor, Randy McNally appointed this Ad Hoc Committee to investigate the complaint related to Tennessee Senate District 21. Subsequently, on February 13, 2023, the first hearing was held at 2:30pm. Given the unprecedented nature of the complaint before it, the Ad Hoc Committee adopted standards to judge the contest and rules of evidence. The standards for judgement were predicated on Tennessee Supreme Court precedent, *Emery v. Robertson County Election Commission, Supreme Court of Tennessee. September 4, 1979. 586 S.W.2d 103*, and the basis of evidence was predicated on *Tenn. Code Ann. § 4-5-313*. Explanation of those parameters are as follows:

Committee Standards for Judging the Complaint:

- A. Finding of a sufficient number of votes to change the election outcomes for each candidate or,
- B. A sufficient quantum of proof that fraud or illegality so permeated the conduct of the election to render it incurably uncertain...

Committee Rules of Evidence:

- A. Evidence that is admissible in court
- B. Affidavits
- C. Exhibits
- D. Evidence that is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs

V. STATEMENT OF ISSUES

1. To what extent did mechanical irregularity and improper vote counting impact the final vote count certified by the Davidson County Election Commission on November 28, 2022, thus leading to sufficient evidence to demonstrate the fact that should the Davidson County Election Commission adhered to common practice of due diligence, the vote count would have rendered a different result for both candidates in the November 8, 2022, Tennessee Senate District 21 race?

2. Did the Davidson County Election Commission violate Tennessee constitutional requirement of ensuring a fair and secure election in the November 8, 2022, Tennessee Senate District 21 race and fraudulently misrepresent election results for the Senate District 21 election?

VI. STATEMENT OF CASE

On Wednesday, October 19, 2022, around 8:30am, while early voting, the complaint, Rueben Dockery became one of 43,099 participating voters in the Tennessee Senate District 21 race that were caught in an apparent scheme to throw the race in favor of one candidate over the other. When choosing to vote for himself (Rueben Dockery), his opponent's name was lit up by the "Express Vote" touch screen machine used by the Davidson County Election Commission in the 2022 election. This is commonly known as "*Vote Flipping or Switching*" (See Exhibit #1 for Rueben Dockery's Sworn Affidavit and Exhibit #13 for a demonstrative video of what it looks like). As a candidate on the ballot, the previously described voting irregularity caused concern about vote counting in the race. Keeping this experience in mind, while canvassing a polling precinct on election day (November 8, 2022), between the hours of 4:40pm and 6:15pm, a voter informed Mr. Dockery that his wife's vote choice was switched by the "ExpressVote Touch Screen Machine", her choice for Rueben Dockery was switched to Jeff Yarbrow and subsequently, the wife did not cast a vote for the Rueben Dockery at all due to the machine malfunction ((See Exhibit #1, for Rueben Dockery's Sworn Affidavit). As a remedy to the latter described voter casting irregularity, candidate Rueben Dockery is statutorily entitled to contest the validity of calculated votes and have them verified via paper-ballot. T.C.A. § 2-17-117 (a-3). He sought to have the matter resolved prior to it being brought to the senate.

On November 21, 2022, six days prior to certifying to final vote count, notice of Rueben Dockery's contest to the publicly posted (on the Davidson County Election Commission's website) unofficial vote counts for the district 21 race was sent to the Davidson County Election Commission, via a court summons (See Exhibit # 7 for a copy of Summons). Official certification of the false vote count in the Tennessee Senate District 21 race have been conducted and accepted by the Tennessee Election Commission (See exhibit #20) and the district 21 senate seat has been provisionally filled for the 113th General Assembly by Jeff Yarbrow, despite the

Davidson County Election Commission's knowledge of concern for misrepresentation of results due to voting machine-ballot manipulation.

VII. SUMMARY OF THE ARGUMENT

The complainant, Rueben Dockery respectfully makes the argument before this Senate Ad Hoc Committee that the prescribed standards supporting a judgment in favor of his request to be seated in the 13th General Assembly has been met by the arguments presented in this hearing. There are two points being articulated before the committee. A sufficient quantum of proof is exhibited to validate the claim of fraudulent behavior on part of the Davidson County Election Commission, its staff and an unauthorized former employee, in the process of conducting the election and certifying the November 8, 2022, Tennessee Senate District 21 race. Furthermore, the argument asserting the fact that there are enough votes to be awarded to the complainant that will change the outcome of results in the aforementioned senate race.

VIII. ARGUMENT

A. Vote Flipping/Switching occurred in the November 8, 2022, Tennessee Senate District 21 race. At a minimum, there is a circumstantial case that there is a sufficient number of votes miscounted to change the outcome of the election for Tennessee Senate District 21, and thus having the seat declared vacant due to fraudulent reporting of election results.

1. Standard of Review

- I. Finding of a sufficient number of votes to change the election outcomes for each candidate:
- II. **T.C.A. § 4-5-313 (1)**, *"The agency shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The agency shall give effect to the rules of privilege recognized by law and to agency statutes protecting the confidentiality of certain records, and shall exclude evidence which in its judgment is irrelevant, immaterial or unduly repetitious;"*

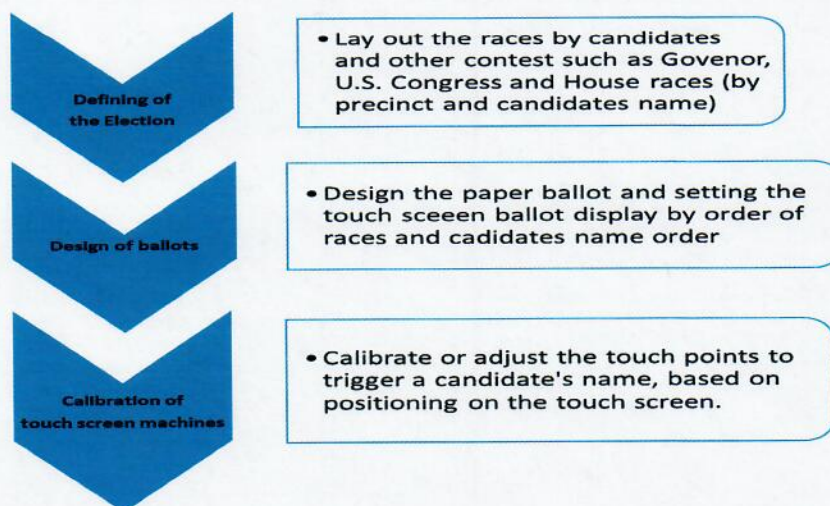
- III. **T.C.A. § 2-7-113 (a)**, *“When the voter is to vote by voting machine, the voter shall then present the ballot application to the machine operator, enter the machine, and vote by marking the ballot and operating the machine”*.
- IV. **T.C.A. § 2-9-105 (a)** *“The county election commission shall have the proper ballot labels placed on the voting machines and shall have the machines put in proper order for voting with the registering counters set at zero (000), the counting mechanisms locked, and each machine sealed with a pre-numbered seal. The voting machine technician shall certify in writing that, before sealing each machine but after preparing it for an election, such technician has tested each voting lever and that each machine is in proper working order.”*
- V. **T.C.A. § 2-17-112 (a4)**, *“Declaring a person duly elected if it appears that such person received or would have received the highest number of votes had the ballots intended for such person and illegally rejected been received.”*
- VI. **T.C.A. § 2-17-117 (a3)**, *“A malfunction of a voting machine or tabulator if the number of votes affected would be sufficient to change the result of the election;”*

2. Argument

More than a mere voter, the complainant Rueben Dockery was a qualified candidate on the Tennessee Senate District 21, November 8, 2022, ballot. He and his campaign manager, Mr. Qtan Shelton developed a data driven strategy for the campaign (see exhibit #2 for Mr. Shelton's Affidavit). Furthermore, an incident that occurred while the complainant examined machines used during early voting caused alarm for irregularities in the election (See Exhibit #1, page one, bullet point, 5 for details). Moreover, keen attention was given to all indications of election anomalies. Furthermore, the veracity of the campaign's effectiveness was witnessed by campaign volunteers (see exhibits 3, 4 and 5 for the sworn statements of Mr. Johnny Moore, Mrs. Tampla Moore and Ms. Vickie Jenkins). The first abnormality occurred during early voting on October 19, 2022, when the complainant attempted to cast his vote for himself (see exhibit # 1, page one, bullet point, 6 for details). The nature of the irregularity was the miscalibration of the touch screen voting machine which behaved differently from the normal function as described by the manufacture. The touchscreen machine malfunction resulted in a pattern of “Vote-Flipping” in the Senate District 21 race, throughout the election cycle. The function of a

properly calibrated touchscreen machine can be gleaned from the manufactures' website: www.essvote.com (see exhibit #12 for a video demonstration). The Tennessee Secretary of State has approved the use of the ESS&S ExpressVote Universal Voting system for use in Nashville-Davidson County elections.

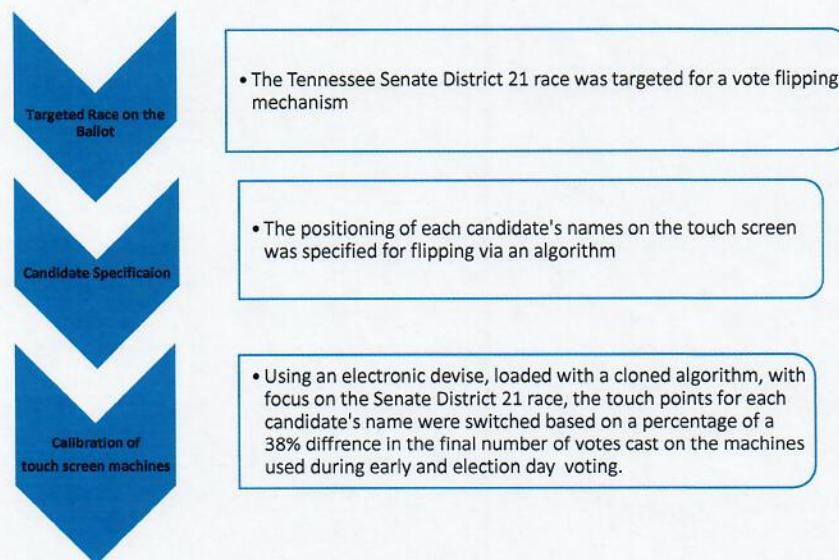
As printed in the official material for ESS&S manufactures, caution is given to ensure that only approved persons have access to machines and software controls (See exhibit #6, page five for details). Furthermore, the election commission has a fiduciary duty to ensure that voting machines are properly calibrated and in working order for elections, as prescribed by state statute, **T.C.A. § 2-9-105 (a)**. A sample of a normally organized down ballot can be gleaned by (exhibit #21). The Davidson County Election Commission technician, primarily responsible for calibrating voting machines used in Davidson County elections is Mr. Will French (See exhibits #1, page one bullet point, 5 and page two, bullet point -13b for details). The complainant asserts that malicious human intent resulted in machine malfunction that created the means to rig the election in favor of Jeff Yarbro, over the complainant Rueben Dockery. Understanding of the impact of vote-flipping on vote counting and formal results, begs the following question: "How did the miscalibration of affected voting machines cause votes to flip from Rueben Dockery to Jeff Yarbro"? To answer that question, we shall consider how ballots are developed and programmed and how this normal process was manipulated. The following graphic describes the process of defining, designing and calibrating ballots for elections, using ESS&S software (See exhibit #6, page six for details).



Graphic 1: Prepared by Rueben Dockery 2023

As previously reviewed in exhibit 12, under normal circumstances, any voter would be able to properly cast a vote for their intended candidate without any concern. However, there was nefarious intent that led a person or persons to engage in the malicious calibration of voting equipment for the sake of obtaining a certain Tennessee Senate District 21 race outcome.

Recognizing the facts that Jeff Yarbro, the incumbent Democrat Senate Minority Leader at the time, received merely 11,343 (8%) of Tennessee Senate District 21 votes during his uncontested Democrat Primary race, on August 4, 2022, and that there would only be two candidates receiving votes in the November 8, 2022, race (Rueben Dockery and Jeff Yarbro), it was necessary to develop a means to suppress a Rueben Dockery lead and subsequent victory. Accordingly, a person or persons with access to voting equipment manipulated the touch screen machine's encoding to cause votes for complainant, Rueben Dockery to be switched to his opponent Jeff Yarbro. The following graphic describes the malicious course of vote flipping:



Graphic 2: Prepared by Rueben Dockery 2023

The ExpressVote touch screen machines used by the Davidson County Election Commission are equipped with a flash drive that is inserted on the right-hand side of the machine. It enables the poll worker or anyone else with access, to open the machines for voting. This is the most likely entry point for the malicious clone to be inserted and to place the cloned algorithm on the voting machines used by voters. Suspicious activities connected to malicious human actions during election and post-election have been noted in the sworn statements of the complainant, Rueben

Dockery, they are key to understanding the small circle of individuals with unfettered access to and or control of election machine operations (see Exhibit #1):

- **Page one bullet point, 5.** On October 12, 2022, around 10:00am I went to the Davidson County Election Commission's warehouse to inspect the voting machines used during early voting. There I met technicians Mr. Jeremy Greene, Mr. Will French and staff member Mr. James Oliver. Mr. French, Oliver, and I looked over the machines that were all lined up in one location except for one. Mr. French asked Mr. Oliver where the missing machine was, and he stated that he had moved it to a separate location. This behavior was a red flag for me to keep a close eye on all election activities.
- **Page one bullet point, 6.** While personally voting on Wednesday, around October 19, 2022, between 8:00am and 9:00am, my ballot was mechanically switched from my name to my opponent, only after pushing the button again was it returned to my name. I am gravely concerned that this occurrence is directly connected to the unfair advantage for my opponent in the race when it came to tabulation of votes.
- **Page one bullet point, 7.** On November 8, 2022, around 4:34pm – 6:15pm, while engaging voters at polling Precinct 4-1 (Christ Church 15354 Old Hickory Blvd. Nashville, Tennessee 37211) between the hours of 4:40pm and 6:15pm, a voter voluntarily told me that he and his wife tried to vote for me, but his wife's ballot choice was switched from my name to my opponent and when she tried to change it back, all of her choices were knocked out, then on the last attempt she just voted in the governors' race.
- **Page two bullet point, 8.** On November 8, 2022, around 6:45pm, Rueben Dockery arrived at the Davidson County Election Commission's warehouse for the purpose of observing the official vote counting process. The following observations were made:
 - a) My position to observe actual tabulation of votes was at a table, at least twenty-five feet away from counting
 - b) In an unusual manner from past years, the posting of the early votes and absentee votes were delayed until around 9:15pm
 - c) A retired election commission technician, Mr. Bobby Medley was actively involved in the vote counting process from start to finish. When I asked him if he was still retired, he said "yes but they asked me to help out tonight"
 - d) On two separate occurrences, I personally observed technician Jeremy Greene throw what looked like a black USB Drive in the middle of the floor. In the first instance he kicked it under the table he was working at with Mr. Will French and, picked it up after I mentioned that it was there, and in the second instance he picked it up and went back to the table he was sitting at another female (her role and name is unknown at this time).

- **Page two bullet point, 13.** On January 17, 2023, Rueben Dockery attended a seminar put on by the Davidson County Election Commission. It was held at their warehouse. There were some key observations made related to this case, they are as follows:
- a) An attendee (his name unknown) demonstrated within ten minutes, just how vulnerable the security system used by ESS&S is. He was able to hack one of the pollbook tablets handed out for demonstration among attendees
 - b) Mr. Will French was identified as the primary programmer of election ballots for Davidson County elections

Three glaring improper occurrences stand out from the above observations. Warehouse staffer, James Oliver isolated a voting machine from the others prior to shipment to poll sites causing reason for suspicion. Retired election technician, Mr. Bobby Medley likely had unfettered access to voting equipment during the election, causing reason for suspicion. The election software used was proven to be vulnerable to exploitation by an attendee, leading to suspicions of the likelihood of poll workers being able to change settings of machines they have unfettered access to.

Subsequently, on November 8, 2022, the final fraudulent election results would report that the complainant, Rueben Dockery lost the election to Jeff Yarbrough. Most incredibly, the margin of his win would be 77% of Tennessee Senate District 21 voters from a mere 8% during the primary race. To best understand how the 38% vote flipping scheme could yield the results reported, the complainant reached out to the Tennessee coordinator of elections, Mr. Mark Goins, requested and copy of the poll book for the Senate District 21 race and its tally sheets from Davidson County election Commission staff (See exhibits 8 -11 for details). As a result of engagement with officials the complainant was able to thoroughly examine post-election data for the Senate District 21 race and important findings are as follows:

- As stated in a sworn statement (See exhibit #1), on March 3, 2023, around 10:00am, Rueben Dockery met Mr. Will French, Mr. James Oliver, and another election commission staffer (name Unknown currently) to examine tally tapes from the November 8, 2022, Tennessee senate District 21 race. The following observations were made:
- a) Of the few voting precinct tally sheets examined, there were two voting machines at one polling location, but one of them strangely had only one vote cast in every race on the machine, while the other machine had all other votes cast on it. It is suspected that the first machine was used to clone the vote flipping program

- b) The only election activity observed was day of election tally sheets.
- c) It was discovered that although “No Selection” are counted, they are not considered in the actual vote count for candidates

One particular observation as noted above (bullet point (a)), solidifies the complainant’s certainty that there was a patented effort to affect touch screen voting machine operations. As mentioned, an extra voting machine allows for the clone algorithm to be placed on other machines as they are inserted with the Poll worker’s USB drive in the main voting machines used by voters in the election.

Post election examination of counting methods and reports began immediately after election night when unofficial numbers were posted on the Davidson County Election Commission’s website. However, since then other data have been investigated, such as the actual poll book count (See exhibit #18) for an excel printout of the breakdown of poll book information. Perhaps the most illustrative breakdown of the actual results of the Senate district 21 race can be gleaned by the campaign’s reverse engineering estimates, as previously discussed a specific formula was used to arrive at the vote difference produced by affected software and wrongfully verified by the Davidson County Election Commission. The graphic below indicates how the formula was based as early as November 14, 2022. However, the process is fully intimated in an excel printout (See exhibit #17 for full details).

	votes	percentage	
Jeff	32837	76.7883	<- Election Commission Results
Rueben	9926	23.2117	
write-in	578		
total vote	43341		
adjusted	42763		<- total votes minus write ins
Jeff	17763	41.5382	<- What the petitioner believes is the result of the election, based off of the assumption he got 25000 votes
rueben	25000	58.4618	
$\left(\frac{\text{petitioner vote count} - \text{election vote count}}{\text{total votes}} \right)^{-1} = \left(\frac{25000 - 9926}{42763} \right)^{-1} = 2.83687$			
percentage of votes wrongly attributed to Jeff =			35.2501
			<- the petitioner suspects that every 2.8 votes for the petitioner were attributed to Jeff
			<- in other words, 34.78% of the votes for the petitioner went to Jeff

Graphic 3: Prepared by Rueben Dockery 2023

B. The Davidson County Election Commission failed to ensure a fair election for the voters of Tennessee Senate District 21 as statutorily mandated.

1. Standard of Review

- I. A sufficient quantum of proof that fraud or illegality so permeated the conduct of the election to render it incurably uncertain...
- II. Tenn. Con. Art., IV, Sec., I, "...*The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot box.*"
- III. **T.C.A. § 2-1-102**, "*The purpose of this title is to regulate the conduct of all elections by the people so that: The freedom and purity of the ballot are secured*"
- IV. **T.C.A. § 2-9-105 (a)** "*The county election commission shall have the proper ballot labels placed on the voting machines and shall have the machines put in proper order for voting with the registering counters set at zero (000), the counting mechanisms locked, and each machine sealed with a pre-numbered seal. The voting machine technician shall certify in writing that, before sealing each machine but after preparing it for an election, such technician has tested each voting lever and that each machine is in proper working order.*"
- V. **T.C.A. § 2-17-101 (b)** "*The incumbent office holder and any candidate for the office may contest the outcome of an election for the office. Any campaign committee or individual which has charge of a campaign for the adoption or rejection of a question submitted to the people may contest the election on the question.*"
- VI. **T.C.A. § 2-7-113 (a)**, "*When the voter is to vote by voting machine, the voter shall then present the ballot application to the machine operator, enter the machine, and vote by marking the ballot and operating the machine*".

2. Argument

The Davidson County Election Commission had a constitutional duty to ensure that the November 8, 2022, Tennessee Senate District 21 race was conducted in an orderly, fair, and statutorily prescribed manner as directed by state statute, **T.C.A. § 2-9-105 (a)**. However, they failed in the performance of this duty, as there was a mechanical flaw with voting machines that

ultimately called in question the integrity of ballots cast and the accuracy of their electronic counting based on procedural violations. Consequently, their failure entitled the complainant, Rueben Dockery to the right to contest the validity of the results certified by the Davidson County Election Commission on November 28, 2022, **T.C.A. § 2-17-101 (b)**, and that subsequently allowed for the provisional seating of Jeff Yarbrow for the 21st senatorial district. A similar manner of election error in the performance of official duty was chastised in a 1979, Tennessee Supreme Court case, where Tennessee Supreme Court Justice Fones opinioned:

"The first purpose declared by the Legislature in enacting our present election laws was that "(t)he freedom and purity of the ballot is secured." T.C.A. s 2-102(a). The integrity of the ballot is jeopardized upon violation of any of the procedural safeguards that the Legislature has included in the election laws, which are obviously designed to (1) prevent undue influence or intimidation of the free and fair expression of the will of the electors or (2) insure that only those who meet the statutory requirements for eligibility to vote, cast ballots. A ballot cast in violation of statutory safeguards falling within those categories affects the freedom and purity of the ballot to exactly the same extent as a ballot tainted with actual fraud, as in Ingram... Thus, whether there is proof of actual fraud only, or violations of statutory safeguards only, or a combination of the two, the issue is whether or not those acts, viewed cumulatively, compel the conclusion that the election did not express the free and fair will of the qualified voters".

(Emery v. Robertson County Election Commission Supreme Court of Tennessee. September 4, 1979. 586 S.W.2d 103).

The Davidson County Election Commission showed deliberate indifference to alarms of the complainant, Rueben Dockery when he attempted to have them halt the certification of the election until votes could be properly verified (See exhibit #7 for a court summons).

Furthermore, the complainant vigorously asserts that by willful omission, a false representation of the actual ballot calculations in the race were certified for the race and publicly published (See exhibit #14 for excerpts of the meeting to certify the election results). Such actions falls under the meaning of fraud. The act of deliberate indifference to cover for questionable accuracy falls within the scope of fraud as described in the above cited Tennessee Supreme Court ruling.

IX. EVIDENTIARY MATERIALS

Testimonial Evidence

Exhibit 1: Affidavit Rueben Dockery, Complainant

Exhibit 2: Affidavit Qtan Shelton, Campaign Manager

Exhibit 3: Affidavit Johnny Moore, Campaign Volunteer

Exhibit 4: Affidavit Tampla Moore, Campaign Volunteer

Exhibit 5: Affidavit Vickie Jenkins, Campaign Volunteer

Documentary Evidence

Exhibit 6: EE&S ExpressVote Universal Voting System Information Packet (Four Pages)

Exhibit 7: Copy of Court Summons dated November 21, 2022 (One Page)

Exhibit 8: February 21, 2023, Email communication with Mark Goins, Coordinator of Elections (One Page)

Exhibit 9: February 27, 2023, Email communication with Jeremy Greene (One Page)

Exhibit 10: February 28, 2023, Email communication with Jeremy Greene (One Page)

Exhibit 11: February 28, 2023, Email communication with Will French (One Page)

Demonstrative Evidence

Exhibit 12:

Description:

This online video is two minutes and two seconds long. It is a demonstrative video from the ESS&S manufactures website. Specifically, is explains the use of the touch screen machine approved for use in Nashville Davidson County elections. Important video high lights are as follows:

1. How to touch the screen
2. How to insert the voter card for proof of vote selection
3. In general how a properly calibrated machine should operate for a voter at the ballot box

Title: ESS&S ExpressVote Universal Voting System:



Link: https://www.youtube.com/watch?v=zEZkbt_bNek

Exhibit 13:

Description:

This online video is thirty minute long. It demonstrated a case study of what vote flipping or switching looks like at an actual ballot machine similar to those used by the Davidson County Election Commission. Important highlights are as follows:

1. Demonstration of an improperly calibrated voting machine at an election site in West Virginia
2. Shows how votes are taken away from candidates or given to others
3. Discusses how multiple voters are affected by one machine irregularity at a poll site in an election

Title: Voting Touch Screen Miscalibration Demonstration



Link: <https://www.youtube.com/watch?v=YbKZaRLQeQQ>

Exhibit 14:

Description:

This online video is six minutes and sixteen seconds long. It presents segments of the Davidson County Election Commission's November 28, 2022, meeting where they formally certified the November 8, 2022, election results to include Tennessee Senate District 21. It demonstrates facts stated in this brief related to the willful intent of the Davidson County Election Commission to fraudulent represent election results. Important video high lights are as follows:

1. There is proof of their ability to manipulate the programmed ballots
2. They were aware of irregularities prior to certifying results
3. The administrator of elections informed the chairman of the commission that he and his staff did not act with due diligence in counting the results
4. Commissioner Tricia Herzfeld verbalized the commissions intentions, and it was confirmed by the administrator of elections, Jeff Roberts
5. The Administrator of elections Jeff Roberts acknowledges the fact that the commission knew about the contest to the election prior to certifying

Title: Davidson County election commission meeting to certify the November 8, 2022, election results movie:



Link: <https://www.youtube.com/watch?v=l0mx3qRVz0s>

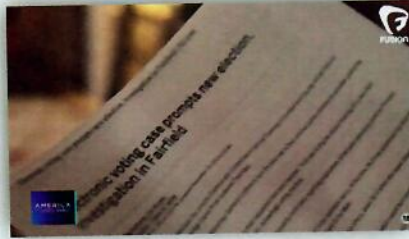
Exhibit 15.

Description:

This online video is seven minutes and seventeen seconds long. It demonstrates how a Fairfield, New Jersey candidate of a voting district without paper ballots had votes switched and they would have lost the election if they did not know the voters who voted for them. Important highlights are as follows:

1. The voting machine made ways by flipping machine software tabulated results with not paper ballot proof
2. The issue lies in human actions that leads to distrust of the electoral process in general
3. Machine software determines winners and losers and can be fraudulently manipulated
4. Optical scan Paper-ballots are the most secure and definitive proof of the voter's intent
5. Discrepancies can be resolved by checking the paper ballots in the storage bins
6. Elections can be rigged on the local level

Title: A Hacker Shows Us How Easy it is To Manipulate Voting Machines



Link: https://www.youtube.com/watch?v=hvOKWeW_Fog

Exhibit 16.

Description

This online video is six minutes and thirty-five seconds long. It demonstrates how hacker can easily penetrate and control voting machines and affect the outcomes of elections. Important highlights are as follows:

1. Hackers can create their own cards and use them on voting machine equipment currently in use
2. Despite security keys being in the machines they can still be manipulated by the right hacker
3. Software operating systems used for voting machines are extremely vulnerable to hacking
4. Auditing of vote counts is the best way to prevent election tampering

Title: We watched hackers break into voting machines



Link: <https://www.youtube.com/watch?v=HA2DWMHgLnc>

Circumstantial Evidence

Exhibit 17: Excel Printout of the Tennessee Senate District 21 November 8, 2022, General election contested Count based on 38% vote flip (One Page)

Exhibit 18: Excel Printout of the Tennessee Senate District 21, 2022 Pollbook Compared Reported Data Breakdown Military Included (One Page)

Exhibit 19: Copy of Polling Precinct 31-2 Henry Oliver Middle School tally sheet (Two Pages)

Exhibit 20: Printout of the official count for Tennessee election Commissions, Senate District 21 race (One Page)

Exhibit 21: Sample Ballot Design for the November 8, 2022, Election, including the Tennessee Senate District 21 race (One Page)

X. CONCLUSION AND PRAYER FOR RELIEF

Former, Tennessee Supreme Court Justice, William H.D. Fones, pinned the opinion of the court in the matter of Emery vs. Robertson County Election Commission in 1979. The scope of the court's decision was focused on protecting the very sanctity of the electoral process in Tennessee. Justice Fones suggested that even the slightest irregularity, deviation from statutory requirement or impact on the accuracy of capturing the intent of voters would bring the integrity and assurance of a free and fair election into question, thereby justifying the voiding of such election. This court precedent has historically served as a guide for the Tennessee Senate in relations to election contest. The January 10, 2023, empaneled senate ad hoc committee voted to adopt this decision as a guide for its judging of the investigation of the Tennessee Senate District 21 Compliant. Accordingly, two standards were established:

- A. Finding of a sufficient number of votes to change the election outcomes for each candidate or,
- B. A sufficient quantum of proof that fraud or illegality so permeated the conduct of the election to render it incurably uncertain...

Additionally, rules for submitting evidence were established for the case.

The complainant, Rueben Dockery respectfully request that this Senate Ad Hoc Committee rule in favor of his request to have the District 21 seat declared vacant due to impropriety and for him to be seated in the 113th General Assembly. Conditions set forth by this committee has been met by the complainant to justify such a judgement in this hearing. Furthermore, a sufficient quantum of proof has been offered to validate the claim of fraudulent behavior on part of the Davidson County Election Commission, some of its staff and an unauthorized former employee, in the process of conducting the election and certifying the November 8, 2022, Tennessee Senate District 21 race. Furthermore, the complainant asserts that

there are enough votes to be awarded that will change the outcome of results in the aforementioned senate race. Lastly, should the preponderance of circumstances not be sufficient proof for the committee, the complainant request that the Ad Hoc Committee subpoena the actual paper-ballots for thorough inspection as proof of the vote difference asserted by the complainant.

Respectfully submitted:

RUEBEN DOCKERY

Complainant

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PRO-SE