

AFFIDAVIT (SWORN STATEMENT)

09/13/2022

My legal name is Thad Snider ("Affiant") and acknowledge I am:

- Age: 37 years old
- County: Johnson County
- Residency: Kansas

Being duly sworn, hereby swear under oath that:

1. I, Thad Snider, under the penalty of perjury, do swear the following is true and correct.
2. On Saturday, August 6th, 2022 I volunteered to participate in the post-election audit, as required by KS 25-3009, at the Johnson County Elections Office.
3. On that day I swore an oath to the Constitution of the United States as a condition by which to participate in the post-election audit. This was both an honor and a privilege which I did and do take very seriously.
4. At that audit, Johnson County Elections Director, Fred Sherman, announced we would be using photocopies of the digital images of the ballots in lieu of the Voter-Verified Paper Audit Trail (VVPAT) ballots produced by the Ballot-Marking Devices (BMD's) on which voters are instructed to inspect and confirm their choices of candidates prior to casting their votes in the tabulator.
5. At that time, I was concerned that we were not inspecting the VVPAT ballots. Despite this, I resigned myself to finish the post-election audit and then follow up once I got home.
6. The 2nd recount performed by my me and my partner that day yielded a (9) vote difference from the previous auditor's totals. I made the election judge aware of this and they came back 20 minutes later and told me our total was right and we could go. No alarm for the discrepancy nor was there an explanation which was concerning.
7. Upon arriving home, still concerned we had used photocopies of digital images of the ballots instead of the VVPAT ballots so I searched through Kansas statutes and my concerns were validated when I found the necessity of using "paper ballots" codified in KS 25-3009:
 - a. *KS 25-3009*¹. *Postelection audit of votes cast; procedure; bipartisan board; selection of board members and of races for audit; notice; reports; use of results; additional audits; adoption of rules and regulations by secretary of state; effective date. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with*

¹ https://www.ksrevisor.org/statutes/chapters/ch25/025_030_0009.html

a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

*(b) (1) The audit shall be performed manually and shall review all **PAPER BALLOTS** selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer will determine the members of the sworn election board who will conduct the audit. [capitalization and bold emphasis are my own]*

8. In KS 25-4406 it also spells out the need for a paper record of each vote cast:
 - a. KS 25-4406². *Same; mandatory requirements for electronic or electromechanical systems approved. Electronic or electromechanical voting systems approved by the secretary of state:*
 - (k) shall provide a **PAPER RECORD** of each vote cast, produced at the time the vote is cast;*
 - (l) shall have the ability to be tested both before an election and prior to the date of canvass. The test shall include the ability to match the **PAPER RECORDS** of such machines to the vote totals contained in the machines; and [capitalization and bold emphasis are my own]*
 - i. Clearly legislative intent was the ballot created and inspected by the voter “at the time the vote is cast” is what was to be utilized for the post-election audits and not the photocopies of digital images of ballots we were presented.
 - ii. Use of the digital images of the ballots defeats the purpose of the post-election audit as the whole point is to bifurcate the electromechanical voting system from the VVPAT Ballot to ensure voter intent was reflected in the election outcome and that nothing happened before, during or after casting of the vote to interfere with that intent.
9. At that point it was clear that the audit had not been performed in accordance with Kansas law so in an email dated August 8th, 2022, I emailed the following people to let them know of this illegal recount:
 - a. Johnson County Sheriff, Calvin Hayden
 - b. Johnson County District Attorney, Steve Howe
 - c. Johnson Count Legal Counsel, Peg Trent
 - d. The Johnson County Board of Commissioners (or “The Canvassers” henceforth)
 - e. Deputy Assistant Secretary of State & General Counsel, Clay Barker.
 - f. Johnson County Elections Director, Fred Sherman
10. In my email, I asked the Election Office for the following:
 - a. During the recount, I had filled out a sheet to be paid for the recount. I asked the Johnson County Elections Office to NOT pay me as I did not want to profit from an illegally conducted post-election audit and become a party to fraud.
 - b. Also in that email, I asked to adjust my tally sheets from the recount to “0 Votes” counted since I had not been presented the VVPAT ballots as required by KS 25-3009.

² https://www.ksrevisor.org/statutes/chapters/ch25/025_044_0006.html

11. On August 8th, 2022 I received an email from Johnson County Elections Office Administrator, Erin Chambers, with a “Election Worker Stipend Waiver” form. I promptly filled that out and returned it to Mrs. Chambers to forgo payment for my participation in the post-election audit.
12. Within my response I also asked how I would go about amending my tally sheet from the post-election audit. Erin Chambers responded with the following:



Chambers, Erin, ELC
RE: Election Worker Stipend Waiver
To: Thad Snider

Inbox - District August 8, 2022 at 2:52 PM

Hi Thad,

I have received your signed stipend waiver form. I checked into it and there is not a form to make amendments, but I be sure to note your request.

Have a good day,

Erin Chambers
Office Administrator
Johnson County Election Office
2101 E. Kansas City Rd. Olathe, Kansas 66061
Direct 913-715-6811 | Office 913-715-6800
Fax 913-791-1753 | TDD 1-800-766-3777

JOHNSON COUNTY
KANSAS
Election Office

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- a. Clearly the Johnson County Elections Office received my previous email with concerns about the way the post-election audit was conducted and acknowledged my request to amend my tally sheet but never offered me to the chance to do so or any follow up on the matter.
13. In follow up emails to the previously identified parties on August 9th, 10th and the 11th I pointed out other problems identified in the election and the post-election audit. I also asked in each email to amend my tally sheet and was never given the opportunity.
 14. Despite the obvious problems with the election and post-election audit process, The Canvassers certified the election anyways on Friday, August 12th, 2022, which instantly made me and others who conducted the audit unknowing, unwitting and unwilling participants in an illegally conducted post-election audit.
 15. My initial suspicions on the problems with the post-election audit were confirmed when the “Value Them Both” recount was performed after a citizen paid for it. The recount that took place demonstrated the vote total in Johnson County from the previous certification was off by 54 votes out of 256,869 votes cast—105x’s the allowable rate of failure for an electromechanical voting system in violation of [52 USC §21081\(a\)\(5\)](#).³ Voting systems standards: Error rates –
 - a. “The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under [section 3.2.1](#)⁴ of the voting systems standards issued by the Federal Election Commission which are in effect on October 29, 2002.”
 - b. Section 3.2.1 of the voting system standards states the following:
 - i. “For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot

³ [https://uscode.house.gov/view.xhtml?req=\(title:52%20section:21081%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:52%20section:21081%20edition:prelim))

⁴ <https://www.fec.gov/resources/updates/agendas/2001/mtgdoc01-62/v1/v1s3.pdf>

- positions, with a maximum acceptable error rate in the test process of **one in 500,000** ballot positions. [bold emphasis is my own]
- ii. Based on this standard (law) and the total number of votes cast, Johnson County legally should have had no more than (1) ballot position that was wrong using the electromechanical voting system and instead had a 54 votes difference while using the VVPAT ballots vs the photocopies of digital images of the ballots.
 1. Having seen cyber security experts both explain and demonstrate how the ballot-definition files and [digital images of ballots can be manipulated](#)⁵, I found this error rate disturbing since at least 54 voters would have been disenfranchised had a citizen not paid and asked specifically for a hand-recount of the actual VVPAT ballots.
 2. This recount didn't consider any other races that may have been wrong as they were not included in the scope of the work to be performed leaving doubt in the outcome of the other races, including state-wide races in which I personally voted and have a vested interest in their outcome.
 3. Despite the egregious error rates, no investigation has been announced by the Secretary of State's Office into this matter nor has the Attorney General opined despite their Constitutional Oath to do so and the clear violations of both State & Federal law in the conduct and administration of this 2022 Primary Election in Johnson County.
 4. In furtherance of this point and my concerns, the same week I was emailing with the statutory authorities over elections about all of this, the Cherokee County Elections Clerk issued the following [statement](#)⁶:

To ensure the integrity and accuracy of unofficial election results of the Kansas Primary Election, the Cherokee County Clerk's Office recently conducted a post audit of election ballots cast.

As a result of the audit, Cherokee County Clerk Rebecca Brassart discovered that the thumb drives improperly switched votes cast for incumbent District 1 County Commissioner Myra Frazier and attributed them to challenger Lance Nichols.

"The integrity of our elections is of the utmost importance to me and the team within the County Clerk's Office. Upon discovering the improper programming, I immediately contacted representatives of Atchison Kansas based Lockwood Elections, who is responsible for programming the thumb drives used in our elections. The company recognized their error, and my office has since re-tabulated the ballots by a hand count audit, which resulted in Commissioner Frazier retaining her party's nomination for the November General Election later this year. The commission race was the only one impacted by the company's error and I have already visited with both candidates impacted," according to County Clerk Rebecca Brassart.

"This is a good example of why we verify the accuracy of election results by conducting a post audit of election results, regardless of what the unofficial election night numbers might indicate. I again want to assure the citizens of Cherokee County how important election accuracy is to me and reiterate my commitment to ensuring every valid vote is properly counted," concluded Brassart.

- a. An entire race had been switched from one candidate to another when a thumb drive was inserted into the machine to retrieve votes. This certainly violated the Federal allowable error rate for voting systems since it

⁵ <https://www.thegatewaypundit.com/2022/09/icymi-georgia-county-using-dominion-machines-adds-vote-nov-3-count-machine-recount/>

⁶ https://cherokeecountyks.gov/main/images/documents/County-Clerk/Voting-Elections/2022/CKCO_Election_Issue_Release.pdf

completely flipped the race from one candidate to another.

- b. In a phone conversation I had with Cherokee County Clerk, Rebecca Brassart, on the day of this press release was issued Mrs. Brassart intimated the only reason the vote switching was found was because they conducted their post-election audit using the VVPAT ballots versus photocopies of digital images of the ballots.
 - i. To this date, no one from the Secretary of State or Attorney General's Office has announced an investigation into this vote switching despite a third-party (non-government) being the ones who programmed the thumb drive. No one cared enough to make sure the other races that were not randomly selected for the post-election audit or if that third-party did the programming of the thumb drive on purpose or not. This pattern of apathy by these authorities regarding our elections is both alarming and disheartening and just further validates my concerns about the way in which our post-election audits were [illegally] conducted.

16. In emails exchanged with Deputy Assistant Secretary of State, Clay Barker, he indicated the use of photo copies of digital images of ballots or "ballot images" was authorized in September of 2019 with [KAR 7-47-1](#)⁷ after it was promulgated into law via the following process:



Mr. Snider:

I had the Audit regulation saved from 2019. Attached is the final stamped regulation, the adoption certificate, and the economic impact statement. Everything else regarding the regulation would be exempt under KSA 45-221(a)(2) as drafts and policy analysis.

For a regulation to be issued, several steps are necessary. Chapter 77, Article 4 of KSA

1. The legislature must specifically order or authorize the agency to issue a regulation. In this, case KSA 25-3009(e) ordered the Sec of State to issue regulations on post-election audits.
2. The Department of Administration must review and approve the proposed regulation
3. The Attorney General has two separate lawyers with legislative expertise review the regulation to ensure the proposed regulation is in compliance with the statute(s) before they will approve it.
4. The Division of Budget has to approve the economic impact statement
5. The legislature gives input on the proposed regulation through JCARR (Joint Committee on Administrative Rules and Regulations)
6. The public has an opportunity to give input.
7. Once promulgated, a regulation "has the force and effect of law," KSA 77-415(c)(4).

Clay

Clay Barker
Deputy Assistant Secretary of State
General Counsel

Kansas Secretary of State
120 S.W. 10th Avenue | Topeka, KS 66612
W: 785.296.3483

- a. As someone who swore an Oath to uphold the Constitution, I found this process and the "law" itself to be unconstitutional and could not in good conscience accept this "law" for the following reasons:

⁷ https://sos.ks.gov/publications/pubs_kar_Regs.aspx?KAR=7-47-1

- i. "All laws which are repugnant to the Constitution are null and void." *Marbury vs. Madison*, 5 US (2 Cranch) 137, 174, 176, (1803)
 1. The Executive Branch does not have the power to make laws.
- ii. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda vs. Arizona*, 384 US 436 p. 491.
 1. Changing the ability to bifurcate the electromechanical voting system from the digital image of the ballot to actual VVPAT ballot to conduct post-election audit strikes at the heart of the plain language the legislature intended when they wrote KS 25-3009.
 2. If the electromechanical voting system is compromised then if you only used the digital images from the tabulators then you would never know if that system was in fact compromised as was demonstrated in the post-election audit in Cherokee County.
- iii. The United States & Kansas Constitutions grant plenary power over elections to the Legislative Branch of our government. The Executive Branch usurped the authority from the Legislative Branch by changing election law and bypassing legislative intent when KAR 7-47-1 was promulgated in September of 2019.
- iv. KAR 7-47-1 is also unconstitutional because, in the very first line it states:
 1. *"7-47-1. Audit implementation. The requirements of this regulation shall not apply to **local question elections, mail-ballot elections** pursuant to K.S.A. 25-431 through 25-441 and amendments thereto, or **statewide constitutional amendments.**"* [bold emphasis is my own]
 - a. This is a clear violation of the Constitution's Equal Protection Clause as it allows the post-election audits to be conducted differently depending on the type of election and by allowing for the use of different forms of ballots to be used for the post-election audits based on for whom or what the vote is cast.
 - b. This means, statewide, the "Value Them Both" amendment should have been recounted during the post-election audit using the VVPAT ballots, but the rest of the candidates on the ballot *could* be recounted using the "ballot images" instead. Not only was the post-election audit on the "Value Them Both" amendment NOT conducted according to both KS 25-3009 and KAR 7-47-1 but it's also clearly an Equal Protections violation of our Constitution since it's not treating each part of the ballot or vote the same.
 - i. So either KAR 7-47-1 **IS** Constitutional in which case the post-election audit for "Value Them Both" was conducted illegally OR KAR 7-47-1 is **NOT** Constitutional in which case the entire

post-election audit was conducted illegally since the VVPAT ballots were not utilized as required by KS 25-3009.

1. KAR 7-47-1 clearly states that the ability to use "ballot images" does NOT apply to "constitutional amendments" but in Johnson County the original post-election audit did use photocopies of digital images of the ballots making the entire post-election audit and subsequent certification illegal according to the Secretary of State's own rule.
 - c. Despite this fact and me pointing this out to both the Secretary of State's Office and The Canvassers, the election was certified anyways which made me an unwilling party to an illegally conducted post-election audit.
17. Article § 3 of the Kansas Bill of Rights states: "*Right of peaceable assembly; petition. The people have the right to assemble, in a peaceable manner, to consult for their common good, to **instruct their representatives**, and to **petition the government**, or any department thereof, for the **redress of grievances**.*" [bold emphasis are my own]
- a. To date, no one from the Johnson County Elections Office, the Johnson County Legal Counsel, the Kansas Attorney General nor the Johnson County Canvassers have reached out to me to assuage my concerns, address my grievances, or respond to my petitions despite my clear instructions to them on these matters to do so.
 - b. As such, my Constitutional Rights have been and are being violated in an ongoing, injurious, and egregious manner by the people who swore at Oath to protect said Rights.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: _____

Date: _____

09/14/22

NOTARY ACKNOWLEDGEMENT

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 KANSAS
County of JOHNSON

On 09/14/2022 before me, VICTORIA KLINE, personally appeared THAD SNIDER who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature 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 KANSAS that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Victoria L Kline (Seal)

my commission expires
Sept 27, 2025

