

FRAUD
AND
PERFECTION

LEGAL DOCUMENTS

PRELIMINARY PLEADING FOR CASE NO. 2020-30

Min Kyung-wook

Synopsis for “PRELIMINARY PLEADING FOR CASE NO. 2020-30”

This document is a court filing submitted by the attorneys for former National Assemblyman, MIN Kyung Wook, to the Supreme Court of the Republic of Korea, regarding the ‘Invalidation lawsuit against the general election’ of April 15, 2020.

The detailed document is alleging instances of electoral fraud that was perpetrated in the South Korean general election. It includes diagrams, pictures, and graphs to help the court (and the reader) to more clearly understand the arguments and the substance of the alleged election fraud.

Among the claims presented is evidence of fraudulently created votes that impacted the outcome of the election – and mandates a proper investigation of allegations concerning voting procedures and election results

The filing goes on outline other instances of alleged fraud, to include claims of electronic manipulation of the electoral process. The plaintiff seeks a proper forensic examination of image files, electronic counting machines, software, and other parts of the ‘electronic’ infrastructure used in the April 15th, 2020 election.

In addition to claims of electronic manipulation, the lawsuit claims irregularities and illegalities involving the physical vote and vote counting process, as well as inconsistencies and problems with ballot handling and ballot chain of custody.

The lawsuit argues that the aforementioned irregularities contaminated the electoral process nationwide, and also produced electoral results in the Yeonsu-gu district that did not reflect the free will of the electorate.

Preliminary Pleading

Case: 2020-30 Invalidation lawsuit against the general election

Plaintiff: Min Kyung-wook

Defendant: Commissioner of Incheon Yeonsu-gu's election commission

Regarding the case above, the plaintiff's legal representative submits a written preliminary pleading as follows.

I. The 21st general election conducted on April 15, 2020, was clearly a rigged election, and we should no longer repeat this stain on the Republic of Korea's democracy by thoroughly verifying and revealing the entire process of the election through this lawsuit.

The lawsuit against the 21st general election is different from the previous lawsuit against the National Assembly election.

Beyond the simple difference of the number of votes cast, clear evidence is continuously being found such as evidence that reveals ballots created outside the election process were mixed with those from the official ballot box, the ballot box was changed and that the actual election results by the citizens of the country were contaminated. This general election has reached a point where the court has to establish a litmus test through a ruling to prevent such unfortunate history from repeating itself again. This election is not just about checking the election results for individual candidate. It needs the manipulation to be verified through the court.

Furthermore, digital measures were used throughout the election process. Ballot paper was printed from a printer on site, the paper was managed through a QR code printed on it; the result of voting was immediately recorded on the National Election Committee's server; the counting process was conducted through an electronic counting machine connected to the server; and image files of the ballot paper were saved on the counting machine.

Therefore, the verification of the digital measures above is very important because ballots mixed in with the official ballot box before or after the election process should be checked with digital methods, such as the image file and integrated voter list. Manual counting without verification of all the ballots and digital methods used in the election would only half of verification and would be insufficient to achieve the purpose of this lawsuit.

As for the subject of verification of this lawsuit, I would like to state in three categories: 1. the need to verify ballots themselves, 2. the need to verify the electronic methods used, 3. the need to examine the vote counting process because it was not legally conducted.

II. The existence of externally created votes, not those exercised by voters, has had a serious impact on the outcome of this election, which confirms the pressing need to verify the votes themselves.

If there is a vote done externally, it is self-evident that it can affect the outcome of the election in any way and also determine the outcome. In this general election, the votes made externally (referred to as "made vote" hereafter) were found in not just in one constituency but across the country and that the Yeonsu district was no exception.

As long as the 'votes made' externally exist, manual counting that simply counts the total number of votes is meaningless. Ballots themselves must be verified before they are counted

manually. In the current situation, one has to identify what are votes were made externally
as described below.

I will explain this in the following paragraph.

1. At a polling station in Shinjung-dong, Bucheon, the total number of “Inside Jurisdiction” early voting ballots were 18,210. This means that it took 4.74 seconds per voter to finish the whole voting process. This is impossible if there was no manipulation.
The “Inside Jurisdiction” early voting polling station for Shinjung-dong, Bucheon, was in the communication hall located on the third floor of Bucheon City Hall, 210 Giljoo-ro, Bucheon, Gyeonggi. The “Inside Jurisdiction” early voting polling station for Sang-dong, Bucheon, was at the main auditorium located on the fifth floor of the Joong-dong Administrative Welfare Center, 342 Buil-ro, Bucheon, Gyeonggi.

However, the following election results came out at the polling stations mentioned above.

Constituency	District	Registered voter	Votes cast	Votes per candidate						Invalid ballots	Blank ballots
				Democratic Party	United Future Party	Justice Party	Minjung Party	National Revolution Dividend Party	Total		
Shinjung-dong	Total	106,581	69,598	37,137	28,174	2,755	532	317	68,915	683	36,983
	Inside Jurisdiction early voting	18,210	18,210	11,483	5,758	672	100	66	18,079	131	0
Sang-dong	Total	66,410	45,423	25,306	17,159	1,976	367	201	45,009	414	20,987
	Inside Jurisdiction early voting	12,961	12,959	8,367	3,826	521	102	48	12,864	95	2

(Exhibit No. 24 Excerpts from the total results of the votes casted in the Bucheon district of Gyeonggi)

This election’s early voting was conducted from April 10 to 11, 2020. Polling opened at 6 a.m. and closed at 6 p.m. and it was conducted for 12 hours each and for 24 hours in total. In the following table, you will see how many ballots were cast per minute and how long it took to cast a ballot at the Shinjoong and Sang-dong’s polling stations.

	Shinjoong-dong “Inside Jurisdiction” early voting	Sang-dong “Inside Jurisdiction” early voting
Total votes	18,210	12,959
Number of votes per minute	12.64	8.99
Time for each vote	4.74 seconds	6.66 seconds

There was only one ballot box each for these two polling stations.

However, as shown in the following article, all voters had their body temperature checked; applied hand sanitizer, put plastic gloves on their hands that was provided; presented identification cards; received a nearly 50-centimeter-long proportional representative ballot paper from the printer on site and practiced social distancing, all due to the Covid-19. If 18,210 people actually voted in 24 hours, the waiting line would have been extremely long, since there was only one ballot box.

Entering the polling station, a person in charge of checking body temperature conducted the check of voters' heads with a contactless thermometer. When entering the polling station after going through the **temperature check**, poll workers **recommended applying hand sanitizer and wearing plastic gloves**.

Since then, **workers had voters keep a distance of more than 1 meter with the voter ahead at the entrance of the two lines dividing into Inside Jurisdiction and Outside Jurisdiction.**

Voters who entered inside the polling station presented their identification card and received one ballot paper for the district election and another for the proportional representative election. "Outside Jurisdiction" voters also received return mail envelope from the polling workers. Then they headed to the voting booth to exercise their precious sovereignty and put not only the ballot papers but also their own wishes and wishes for regional development in the ballot box.



Exhibit No. 25 Excerpt from MSTODAY April 10, 2020 article [Out-in-the-Field Sketch]
‘Let’s Make Our Own Future for Chuncheon’ Early Voting for the General Election Begins. It takes more than 4.74 seconds to apply hand sanitizer, but as shown in the picture, voters are lined at a distance from each other as voting is conducted.

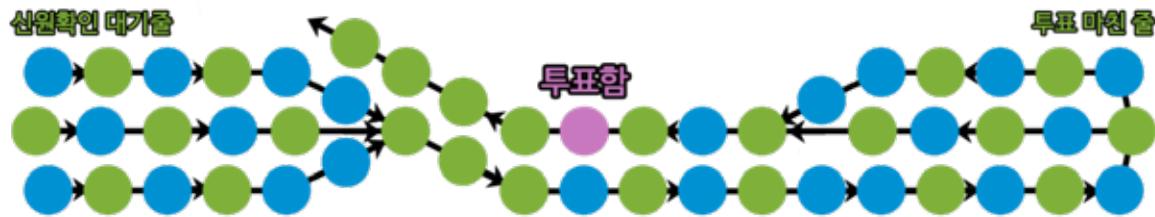
The Bucheon City Election Commission argued that there were not many waiting lines because there were many printers printing ballot papers at the polling station, but this argument is clearly wrong. No matter how many printers there were to print ballot papers, the following occurs when voters line up in front of one ballot box.

A limited number of voters was allowed to enter the area where identification cards were checked, and they had to practice social distancing. After the identification verification process, voters also kept their distance with others until they arrived at the voting booth. The number of voting booths was limited as well. The age group who participated most in early voting was those in their 50s. They tend to be more uncomfortable with moving around than those in their 20s and 30s. Furthermore, there was only one ballot box, so they had to wait in line during the voting process as seen in the following picture.

ID verification line

Voting booth

Line for those finished



Therefore, it is impossible for voters to vote and leave in 4.74 seconds or 6.66 seconds unless there are multiple ballot boxes. Thus, the number of early votes in Bucheon's Shinjoong-dong and Sang-dong alone can be used to determine the existence of "made votes," or that there were more votes than actual number of votes casted.

2. It was revealed that some districts had more ballots than the actual number of ballot papers issued. This also happened during the primary process of the Unified Progressive Party's proportional representative race, and it was found that fraudulent activity had occurred.

The number of votes must be less than or equal to the actual number of ballot papers issued. If the number of votes cast is higher than the actual number of ballots issued, it can only be said that the number of votes cast is incorrect or that votes came in from outside.

In the case of Samchun-3 dong, Wansan-gu, Jeonju, the actual number of voters or number of ballot papers issued was 4,674, but there were total of 4,684 votes cast. This means that there were 10 more votes than the actual number of voters or ballot papers issued.

4,674 voters, but 4,684 ballots... 'suspicion of phantom election' magnified
 Samchun-3 dong, Wansan-gu, Jeonju Inside Jurisdiction early voting for proportional representation...district early voting 'voter = votes casted' must match but 10 votes were casted more than actual voters... "NEC knew but went ahead with counting" might cause big ramification

전주시완산구위원회	완산구 - 비례 - 115 - 116							
비례대표 개표상황표 [수작업] 2020년 5월 20일 10:16								
제21대 국회의원선거 (비례대표) 송천3 동 제 투표구 [관내사전, 표집반] 07:26								
1. 투표지분류 개시시각 : 2020년 4월 16일 06:56분								
2. 투표용지교부수와 투표수 대조결과(③, ④란은 심사·집계부에서 기재) 4,684								
투표함수	선거인수 ①	투표용지 교부수(②)	투표수 ③	투표용지교부수와 투표수의 차 ④-③				
2	4,674	4,674	4,683	-10				
3. 정당별 득표상황		4,684	비례					
구 분	부서별	개정부 (제1기반)	심사집계부 (제2기반)	정 정	부서별	개정부 (제1기반)	심사집계부 (제2기반)	정 정
				구 분				

(Excerpt from Exhibit No. 26 New Daily May 20, 2020 article [4,674 voters, but 4,684 ballots... 'suspicion of phantom election' magnified])

The election commission of Wansan didn't say that the number of voters for Samchun-3 dong was wrong. Instead, it argues that there were votes mixed in from other districts. The district that

the commission argues that some votes were mixed in with was from Seonsin-dong's 9th polling station. But votes from the 9th polling station were cast on the actual voting day, so they do not have QR codes on their ballot papers. Ballot papers in Samchun-3 dong's "Inside Jurisdiction" early voting ballot box had QR codes, so there is **a low possibility that such votes were mixed with each other, since ballot papers for the actual voting day and early voting day can be differentiated with the naked eye.**

In addition, it is unusual to see a one-vote difference in the number of ballot papers issued and votes cast, so a big difference of 10 votes is very rare. The committee members must have checked the cause of the situation numerous times. They could not come up with a reason for the 10-vote difference, and signed the ballot counting table.

Even after the committee members signed the ballot counting table, they corrected the table for more than three hours. They ended the ballot count without correcting the difference of 10 votes. This indicates that the ballots were not identifiable to each other just by looking at the existence of QR codes. Therefore, the Wansan-gu election commission's explanation that ballot papers for the actual voting day were mixed into the ballot counting station for "Inside Jurisdiction" early voting is a lie.



(Excerpt from Exhibit No. 26 New Daily May 20, 2020 article [4,674 voters, but 4,684 ballots...‘suspicion of phantom election’ magnified]. The commissioner released the result on April 16th at 3:41, but the counting continued even after the release and the final tabulation ended on April 16th at 7:26.)

Moreover, it is hard to dismiss the discovery of more ballots than the number of ballot papers in the ballot box as merely a mistake. This is because this was also found during the 2012 Unified Progressive Party's proportional representative election primary, which the party itself admitted was a rigged election.

Based on the results of their own investigation, the Unified Progressive Party confirmed that fraud played a part in their proportional representative candidate being chosen last March. It was found that there was also evidence of poor management, such as **there were more ballots casted into the ballot box than the number of voters who showed up at the polling station**, that there were no fingerprints or signatures of election officials.

(Excerpt from Exhibit No. 27 KBS May 2, 2012 article [Unified Progressive Party, confirmed fraud in ‘proportional election’...announced today])

Therefore, the presence of more votes than the number of voters in the Wansan district is also a clear indication of the existence of “made votes.”

3. During the ballot counting process, there were early voting ballot papers found that were attached to each other. This is also consistent with evidence of election fraud during the 2012 Unified Progressive Party's proportional representative election primary.

Early voting ballot papers, like shown below, a paper roll is used and added to the printer, like the one used to print receipts, as the voter's identification is being checked, the ballot is then immediately printed from the printer and the printer will cut it, so it's impossible for the early voting ballots to stick together as that is how it is delivered to the voters.



(This is a picture of how the early voting ballot is immediately printed at the Jeonju Election Commission on April 9, 2020. The printer will automatically cut the printed ballot and will deliver it to the voter.)

However, **in Seongbuk-gu's 1st district in Seoul, there was an unprecedented situation where the corner of the early voting ballot papers was attached to each other like sticky notes, and counting officials had to detach them by hand.**





(Excerpt from Exhibit No. 28-1 Ballots (1) stuck to each other from the Seongbuk-gu's 1st district in Seoul (multimedia material))



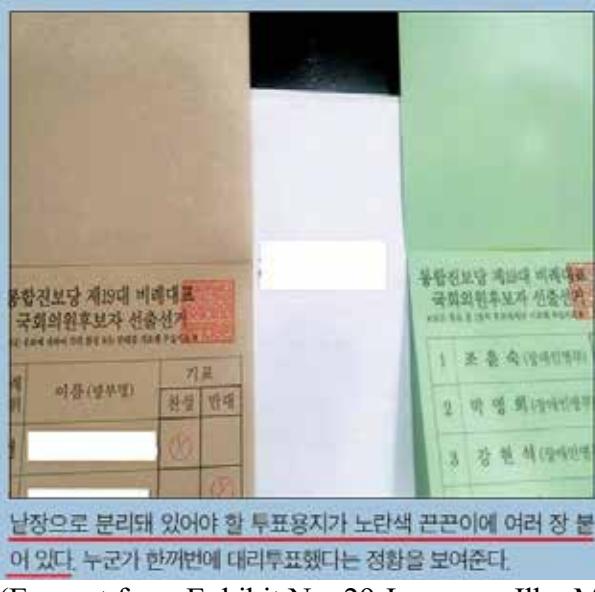
(Excerpt from Exhibit No. 28-2 Ballots (2) stuck to each other from the Seongbuk-gu's 1st district in Seoul (multimedia material). The counting official is putting down the ballots one-by-one as if counting ballots in general.)



(Excerpt from the multimedia material above. The corner of the ballots was attached to each other, so the counting officials had to detach them by one-by-one.)

Such “sticky votes” were not only seen in this election, but also in the 2012 Unified Progressive Party proportional representative election primary, which was found to be a rigged election.

뭉텅이 투표 투표함 속 투표용지 붙은 채 발견



(Excerpt from Exhibit No. 29 Joongang Ilbo May 4, 2012 news article ['Gymnasium Election' was not to this extent])

Every voter is different and each ballot paper is issued to the voter by cutting it off from the printer. The only answer for why the ballots were attached to each other is either they were sticky votes like the case of the Unified Progressive Party, or they were improperly manufactured at the factory.

Therefore, the presence of the attached votes is also a testament to the spread of 'made votes' across the country, helping manipulate the results of the national election, including that of Yeonsu-gu.

4. There were a large number of ballot papers found across the country that are invalid under the Public Official Election Act.

Article 179 of the Public Official Election Act states that failure to use a regular ballot paper means it is invalid.

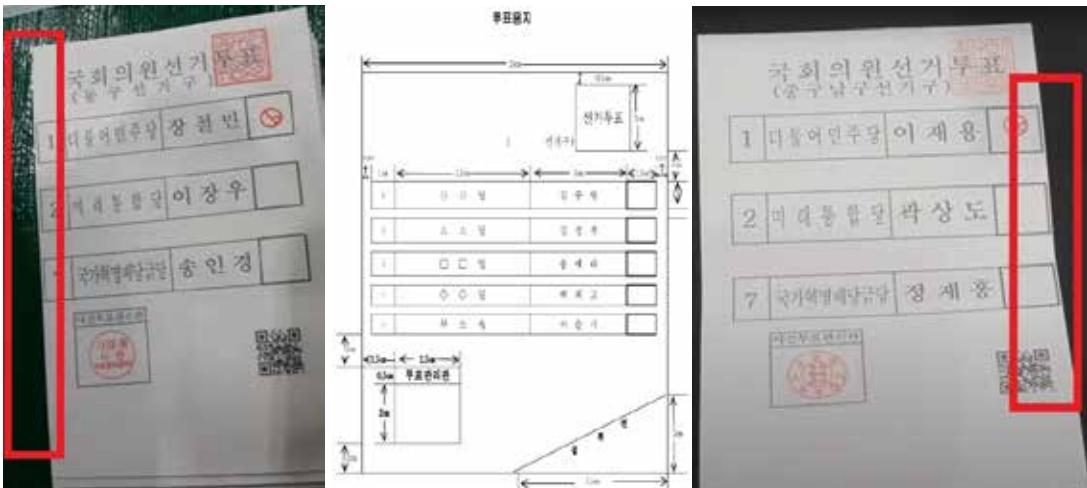
Article 179 of the Public Official Election Act (Invalid Votes)

(1) Any of the following votes shall be nullified: <Amended by Act No. 6663, Mar. 7, 2002;

Act No. 7189, Mar. 12, 2004; Act No. 7681, Aug. 4, 2005; Act No. 13497, Aug. 13, 2015>

1. Where the regular ballot paper is not used;

However, there were various cases where non-regular ballot papers were used across the country in this general election, as shown below.

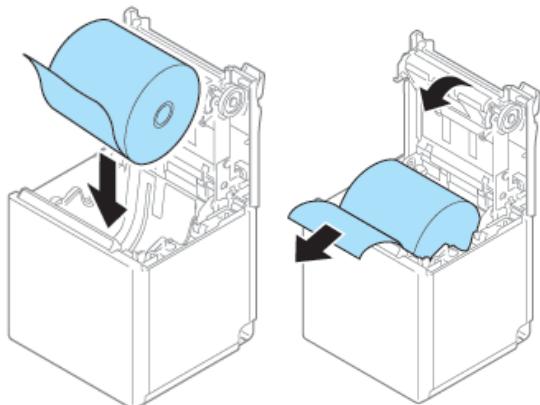


(Left: Exhibit No. 30-2 Irregular ballot paper (specification) – Dong-gu electoral district of Daejeon,

Center: Exhibit No. 30-1 Formal ballot paper (specification) – [from attached Form 42\(A\) of the Public Official Election Regulations](#),

Right: Exhibit No. 30-3 Irregular ballot paper (specification) – Junggunam-gu electoral district of Daegu)

According to the law, regular ballot papers have an even margin on each side and a regular margin of 0.5 centimeters at the bottom side. However, the irregular ballot papers have a very narrow margin on one side and a long margin at the bottom side. As you can see below, this is not an error that could occur during the printing process, so it is not a regular ballot paper. The printer used for printing early voting ballot papers uses roll-type paper, as shown below.



(On the left, shows how the paper is installed into the early voting ballot printer, on the right, shows how the paper is printed from the inside to the outside.)



(Left: Excerpt from Exhibit No. 33-1 National Election Commission December 17, 2018 post [Election Equipment] Standard and Procurement Schedule for the Early Voting Ballot Paper Printer)

Right: Excerpt from Exhibit No. 25 MSTODAY April 10, 2020 news article)

According to the photo posted directly by the NEC on its website (Exhibit No. 33-1), a printer equipped with parts that secure the paper so that it does not deviate to the left or right is set as standard, and such printer was used during this general election.

Also, if the width of the paper is the same due to the nature of a printer programmed to start printing at a specific location, it will always print starting from the same location. The higher the price of a printer, the more precise the starting point is. Although this is from the estimated budget for 2025, the price of the printer above is 1.2 million won, which means that it is quite an expensive product. Such a printer is more sophisticated than inkjet printers used at home or printers built into credit card readers used in the workplace.

2 조달일정

제작시기	예산추정규모 (단가*수량)	조달세부계획	비고
2025년	147억 원 (1,200천 원 × 12,200조)	① 사전규격공고 : 2025. 6. ② 본 공고 : 2025. 6. ③ 입찰 : 2025. 7. ~ 2025. 8. ④ BMT : 2025. 9. ⑤ 제작기한 : 2025. 9. ~ 2026. 2.	내용연수 5년

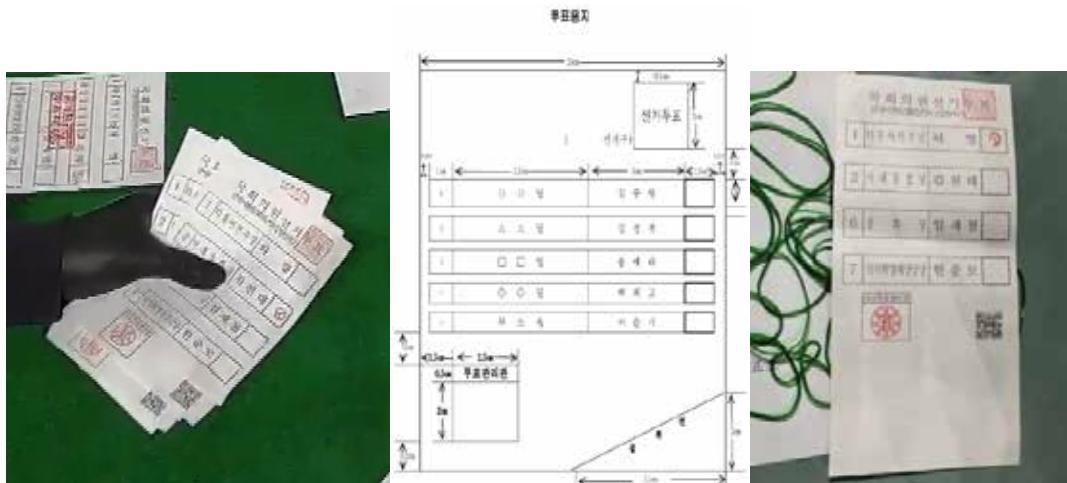
(Excerpt from Exhibit No. 33-2 National Election Commission December 17, 2018 post [Election Equipment] Standard and Procurement Schedule for the Early Voting Ballot Paper Printer. The printer used in this election is the Epson TM-C3400 model retailed at around 18 million won.)

In addition, the early voting ballot paper is manufactured to fit in the printer's internal tray and uses the same paper, so the margins on the left and right sides cannot be different, as in the pictures above.



(Excerpt from Exhibit No. 34 MBC April 10, 2020 news segment [Choice 2020] Early Voting Begins Today...Wear Mask and Practice Social Distancing. The paper tray guide in the printer matches the width of the paper, so if it prints while leaning to one side the paper will be crumpled.)

Nevertheless, in this election, ballot papers with different margins were found from various electoral districts, as if they ran into an accident while cutting large numbers at the print shop. In addition to the papers with different margins on the left and right sides, other irregular ballot papers with margins on the bottom side were also found.



(Left: Exhibit No. 32-1 Formal ballot paper (specification) – Chuncheon, Cheorwon, Hwacheon, Yanggu electoral districts, Center: Exhibit No. 30-1 Formal ballot paper (specification) - from attached Form 42(A) of the Public Official Election Rules, Right: Exhibit No. 32-2 Irregular ballot paper (specification) - Chuncheon, Cheorwon, Hwacheon, Yanggu electoral districts)

The early voting ballot papers' space and margin are specified by the computer in accordance with legal standards. Then the paper is printed and cut by the printer accordingly, so a ballot paper with a long margin on the bottom side cannot be regarded as a regular ballot paper. Thus, it is invalid ballot paper.

In accordance with the Public Official Election Rules (attached table 2-2), the ballot for the regular National Assembly member election conducted after the expiration of the term of office uses white colored paper. The paper for the proportional representative election uses light green color. Early voting paper ballot prints out paper with a background color on site, but the one for the

regular assembly member election does not need to have a background color printed since it is white.

투표용지의 색도

선 거 명	색 명
대 통령 선거	흰 색
임기만료에 의한 국회의원선거	지역구국회의원선거 비례대표국회의원선거
	흰 색 연 두 색

(Excerpt from Exhibit No. 35 Table 2-2 from the Public Official Election Rules)

But as you can see below, **the ballots for the assembly member constituency election outside the circle are white, but those in the circle are yellow.**



(Exhibit No. 36 Irregular ballot paper (color) – Seongbuk district of Seoul)

Also, as mentioned earlier, early voting ballot papers are printed on one side of the white colored paper, so even if it is a ballot paper for the proportional representative election, the opposite side of the printed paper should be white, even though the background color may be printed on the front side.

However, **as you can see below, the regular ballot paper on the left, is white on the back side, but the irregular ballot on the right, has a background color on the back. The color is different even though they came from the same early voting ballot box. Thus, they cannot be regular ballot papers.**



(Left: Exhibit No. 31-1 Formal ballot paper (color) – Gangwon-do province, Right: Exhibit No. 31-2 Irregular ballot paper (color) – Guri. The ballot papers with the red arrows is more yellow compared to other ballots.)

Usage of non-regular ballot papers was found all over the country like shown above, and Yeonsu-gu was not an exception. This is not only a reason for invalidation, but also indicates that the “made votes” were deliberately designed to bring about a rigged election.

5. Ballot papers for “Inside Jurisdiction” early voting should be folded before inserting them into the ballot box, like papers used for day-of voting. However, there were large number of papers found that were unfolded.

The Public Official Election Act states that a voter should fold the ballot paper then put it in the ballot box.

Public Official Election Act Article 157, Section 4

A constituent, after receiving the ballot paper, shall enter a voting booth, select one candidate (referring to one political party in the election of the proportional representative National Assembly members and the election of the proportional representative local council members), from among those entered in the ballot paper, make a mark in the corresponding column of the ballot paper, **fold the ballot paper on the spot so that other persons cannot see the contents,** and then put it in the ballot box in the presence of the voting observers.

According to the aforementioned regulation, in the case of “Inside Jurisdiction” early voting, the ballot paper should be folded and placed in the ballot box in front of voting observers. The observers are there to monitor whether the voters follow such regulations. However, as you can see below, in this general election, there were a large number of ballot papers with no sign of folding even though they were for “Inside Jurisdiction” early voting. Some papers were sharp, as if they had been cut off.



(Exhibit No. 37 Inside Jurisdiction early voting ballot (Cheongju-si))



(Exhibit No. 38 Inside Jurisdiction early voting ballot (Namyangju-si))



(Exhibit No. 39 Inside Jurisdiction early voting ballot (Guri-si))

You can see ballot papers that were stiff and never folded, just like new dollar bills. This violates Article 157, Section 4, of the law that mandates that voters fold ballot papers so that no one can see the marking made on them. Polling observers should have prevented such ballots from occurring, but they were found across the country. This phenomenon defies common sense.

Therefore, it is difficult to see such votes as being inserted in the ballot box through the legitimate early voting process. The fact that the papers that were never folded indicate the strong evidence of existence of “made votes.”

6. Partial conclusion

The above confirmed that **the “made votes” resulted in nationwide election fraud.** Professor Walter Mebane is world-renowned on rigged elections and is a highly knowledgeable and accurate expert on the detection of rigged elections. His studies so far have shown that all of the election concluded as rigged election turned out to be actually rigged. He has shown strong confidence that “made votes” affected and even changed the outcome of the election through his five reports on this issue.

Therefore, **as we can see in IV. 3 (Exhibit No. 46-1-2), “made votes” must also have been mixed into Yeonsu-gu’s electoral district, so it’s not just necessary to manually check the ballot, but to check the ballot itself to determine what are “made votes” exclude them from the manual count. In order to find reasons for invalidation of the election, the unconstitutionality and illegality of the “made votes” must be checked.**

III. Also, verification of image files, electronic counting machines, etc. are essential, as the results of this election have been contaminated by electronic means.

In addition to the “made votes” of this election, the results were contaminated by electronic means, which distorted the will of the people. The German Federal Constitutional Court ruled on March 3, 2009 that the use of electronic voting machines in the 16th German Federal Assembly election was unconstitutional based on the fact that electronic methods are vulnerable to outside intervention and that the detailed process is only known by professionals if it is not disclosed to the public (2 BvC 3/07, 2 BvC 4/07). Therefore, we must verify the above electronic methods.

1. The opposite result occurred when ballot counting observers were suspicious of the results of the electronic ballot counting machine, demanded a recount and reset the machine.

There was a counting observer who was observing at a counting station located in Buyeo, South Chungcheong. He was looking at the counting process of early voting ballot papers for Oksan-myeon. He found out that many ballots with ballot number 2 marked (opposition party) were sorted as invalid, and a batch of ballot papers for number 1 marked (ruling party) had some papers with ballot number 2 marked mixed in. He asked Buyeo-gun’s election commission for a recount. An official from the commission acted as if he was resetting the electronic counting machine and recounted the ballot papers.

During the first counting process, **candidate No. 1 received some 180 votes and candidate No. 2 received some 80 votes. Candidate No. 1 won by a huge amount. However, during the recount, after resetting the machine, it was found out that candidate 1 received 159 votes, while candidate 2 received 170 votes. The result came out differently.**

The following table shows the number of polling stations that each candidate won during the early election in Gongju, Buyeo and Chungyang.

Number / Name	<u>Buyeo</u>	Gongju	Chungyang
1 / Park Su-hyeon	<u>5</u>	12	6
2/ Chung Jin-seok	<u>11</u>	4	4

Ultimately, candidate No. 2, Chung Jin-seok, won the election in this district. However, if the counting observer didn't request a recount and the counting machine wasn't reset, there is a chance that Buyeo's election results could have been the same as those of Gongju and Chungyang, where candidate No. 1 won which 30-60 ballots would have continued to have gone to the opposing candidate.

D씨는 “그때마다 항의해서 분류기를 재가동해 2번 후보의 표를 읍·면 단위별로 많게는 30~60장씩 되찾아 왔다”며 “이런 현상은 사전투표지를 개표할 때 자주 발생했다”고 했다. 그는 “개표기가 워낙 빨리 작동해 유심히 관찰하지 않으면 개표가 어떻게 진행되는 조차 알기 어렵다”라고도 했다.

(Excerpt from Exhibit No. 42 Joongang Ilbo May 14, 2020 news article ['The sorter at the Buyeo polling station was strange' NEC claims 'nothing wrong with the machine'])

The NEC said that there is more than a 20% chance that the machine will sort the ballot as one that needs double checking, and that the machine has no problem. However, a bill counting machine with more than 20% chance of miscounting money cannot be used, so a machine with more than 20% chance of sorting paper as one that needs extra checks is not achieving the performance required for an automatic sorting machine.

Since the same sorting machine was used nationwide, it is easy to guess that there are many places where the vote changed due to such errors, which can indicate that there is a reason for invalidating the outcome of this general election.

2. The NEC even admitted that the ballot counting machine might have defects when complained about the miscounting.

There was a counting observer who was present at a counting station in Seongbuk-gu, Seoul. He complained strongly about the situation where the counting machine continuously sorted ballot papers for the United Future Party into the tray used for votes for the Democratic Party. A Seongbuk-gu election commission official said **other machines are experiencing similar errors and that the error can result 1,810 votes being recorded as 1,680 votes. The official even said that the results from the machine are not credible.**





(Excerpt from Exhibit No. 43 video, video source: <https://youtu.be/YiFCsb7KT9Y>)

As you can see in the case of Gongju/Buyeo/Chungyang, there were many sorting errors when using the electronic counting machine and the commission official even admitted that the counting result could cause a difference of 130 votes due to the machine's defect.

It is clear that losing 130 votes in a single ballot box can have a serious impact on the outcome of a battleground area where the outcome is decided by 1,000 votes. But if the counting observers fail to raise objections because they could not see the fast-sorting process with their eyes, it is highly likely that there will be many ballot boxes that were counted without correcting errors that could affect the outcome.

하지만 현재 우리나라가 실시하고 있는 집중 전자개표 방식은 투표소에서 투표함을 개표소까지 송부하는 과정에서 투표함 봉인시비가 끊이지 않고 있을 뿐만 아니라 집중개표 방식으로 인해 개표 결과가 지연되고 많은 예산이 소요되고 있는 실정입니다.

또한 중앙선거관리위원회는 최근 검증되지 않은 투표지분류기를 사용함으로써 투표지분류기의 기계적 결함, 오작동, 고장 등으로 오류 가능성이 상시 존재하고 있는 실정입니다.

이와 같은 상황에서 제18대 대통령선거의 개표 조작의혹이 제기되는 등 지난 2년간 지속적으로 사회적 갈등이 유발되어 국론이 분열되는 악순환이 계속되고 있는 실정입니다.

이 밖에도 중앙선거관리위원회와 지역선거관리 위원회의 투표 결과의 취합 과정에서 개별 노트 북이나 컴퓨터 등에 바이러스, 악성코드, 해킹 등을 통해서 투표 결과가 왜곡되거나 오류가 발생 할 가능성도 높다는 지적이 계속해서 제기되고 있습니다. 그 결과 각종 선거 때마다 개표 오류는 물론 개표 부정 논란이 발생하는 등 선거 결과에 대한 국민적 불신이 점점 증대되고 있습니다.

(Excerpt from Exhibit No. 44 page 68 of the review of Computer Organization under the Public Line Act)

As mentioned above, the discussion over electronic counting machines has been going on for a long time because of the possibility of distortion of the machines, vulnerability to external hacking and defects in the machines. Instead of the equivocation that the counting machine is an auxiliary machine used for manual counting, we need a thorough verification process to check the machine operating method, the image files saved in the machine and software program used. This will allow us to prevent suspicions of rigged elections from constantly being raised while allowing us to find reasons for the nullification of the election which used all types of electronic devices.

3. The German Constitutional Court stated that voters should be allowed to know, control and verify electronic devices used for the election. The court banned the use of machines that do not guarantee them. Nothing is clear about the use of electronic devices in this general election.

All types of election commissions continuously argue that counting machines are just auxiliary devices used to help manual counting.

둘째, “구·시·군선거관리위원회는 개표 시 투표지를 유·무효별 또는 후보자별로 구분하거나 계산에 필요한 경우 기계장치 또는 전산조직을 보조적으로 이용할 수 있다.”는 규정을 신설함으로써 개표의 정확성을 담보하도록 하였으며,

(Excerpt from Exhibit No. 44 page 56 of the review of Computer Organization under the Public Line Act)

However, in the actual situation, ballot papers are gathered based on ballot boxes and the counting machine is used to sort ballot papers. The sorted ballot papers are counted by the electronic counting machine. The process is heavily digitalized, and manual counting only occurs when the machine sorts a ballot as invalid. You can see this in photos above from Exhibit No. 43, where counting officials do not count ballots manually but wait for the machine to be replaced when the machine is considered to be malfunctioning.

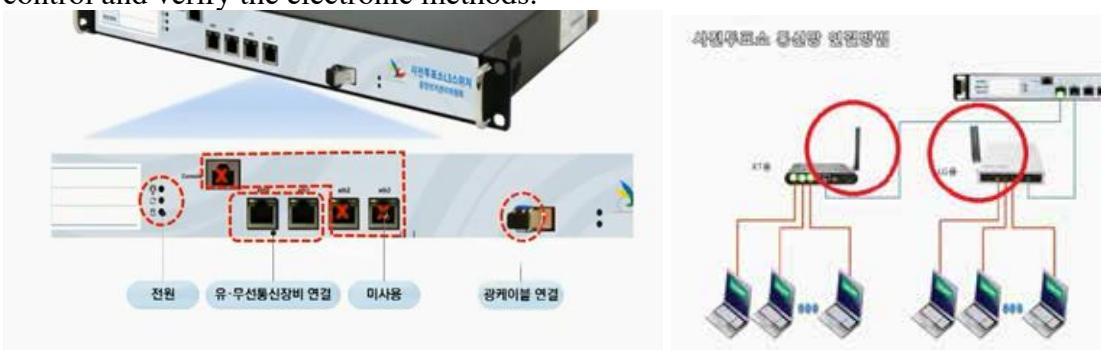
There is also a court ruling of Leitsätze zum Urteil des Zweiten Senats vom 3. März 2009, 2 BvC 3/07, 2 BvC 4/07 from German Federal Constitutional Court that mentions the requirements for electronic devices used in election.

종이 투표의 경우, 관련 법규에 명시된 조작이나 위조는 분명하고도
가시적인 수단을 통해서만 가능하기 때문에 그 인지가 어렵지 않지만,
전자투표기 소프트웨어의 오류 내지는 의도적 조작을 통한 선거 위조는
관련 전문가들 빼고는 인지하기 극히 어렵다. 이런 상황에서 일어날 수도
있는 선거 기계의 심각한 영향을 고려할 때 선거의 공공성 원칙을 지키기
위한 특별한 사전 조치가 필요해진다.

위 판결 내용에서 나타난 것처럼 연방헌법재판소의 판결은 전자투표기
사용 자체를 거부한 것이 아니라, 사용 이전에 일반 유권자들이 전자
투표기 작동을 충분히 인지·제어·검증할 수 있어야 함을 전제한
것이다. 말하자면 선거의 공공성에 부합되게 유권자들이 전자투표기의
메커니즘을 ‘꿰뚫고’ 있어야 할 뿐만 아니라, 사후 재검표도 가능해야
한다는 얘기다.

(Excerpt from Exhibit No. 41 from pages 5, 8 of a case study on Germany's decision on the unconstitutional use of electronic voting machines)

However, election commissions across the country ignored the request for the disclosure of the source code used in the QR code-issuing program and ballot sorting program, as well as questions raised about the use of QR codes. They said the network operates strictly offline, but the machine had a wireless network feature in its network configuration. Ordinary voters cannot recognize, control and verify the electronic methods.



(Excerpt from Exhibit No. 45 video (multimedia material) on how to connect early voting poll station network)

It is a well-known fact that wireless networks are more vulnerable to security than wired communication networks. The NEC said it removed the LAN card, but it established a network for early voting polling stations after producing tutorial video to show how to set up wired and wireless network systems using a LAN card.

지난 12일 선관위는 "4·15 총선 의혹 진상규명과 국민주권회복대회'에서 제시된 부정선거 근거에 대한 위원회 입장"이라는 제목의 보도자료를 통해 "투표지분류기는 투표지를 인식하는 광학 센서가 있으나 QR코드를 인식하지는 못하며, 운용장치(노트북)는 랜카드 제거 후 각급 선관위에 배부되므로 외부 통신망과 연결될 수 없다"고 설명했다.

(Excerpt from Exhibit No. 40 New Daily May 19, 2020 news article ['General election's ballot sorter connected with the outside'...Min Kyung-wook presents evidence 'ballot counting table']) Therefore, it is clear that the network was used during this election and wireless networks, in particular, are more vulnerable to hacking than wired networks, but the NEC is trying to hide such facts at this point. We need to verify the overall network system in order to conclude that there was no election meddling from outside.

4. Partial conclusion

Electronic methods were used throughout the voting process, including identification, ballot paper issuing, ballot box storage, counting and checking of the counted number.

There is a risk that electronic methods can easily change the outcome of the vote with just a small number of people compared to manual counting. For this reason, electronic methods should only be used in elections only if people can recognize, control and verify them, following the attitude of the German court.

However, instead of revealing information to the public, at various levels the election commissions are busy hiding the entire election process and lying every time.

Therefore, the error of sorting ballot papers through the electronic counting machine was confirmed. The misclassification of votes could have a decisive effect on the outcome since the difference in votes was 80 and 180. This kind of misclassification did not occur in just one district, so it will be the same situation in Yeonsu-gu.

Unless the NEC releases all information on the QR codes, image files and electronic counting machine, which are the main reasons for the misclassification, the results of the general election cannot be trusted. As mentioned earlier, we cannot identify "made votes" unless we compare the actual vote with the image file saved, to the integrated voter list, etc. Trust in the results of this election can only be obtained through a thorough verification of the exact electronic methods, including comparing them with the image file of the ballot paper. The illegality can also be determined only through the verification mentioned above.

IV. Voting and counting processes were also conducted illegally during this election.

1. There was a case where an official signed a seal paper attached to the early voting ballot box outside the polling station.

A voter requested the disclosure of a CCTV record for the Namyangju early voting station and obtained the video. In the video, there was someone who visited the place where the ballot box was stored and signed a seal paper on top of the early voting ballot box.



(CCTV video excerpt from April 10, 2020 at 18:42:11 where the early voting ballots were stored for the Namyangju, Gyeonggi election commission; video source: <https://youtu.be/KhGMjTq1vV4> around 9 minutes 8 second mark)

If it is a new signature on the seal paper, we cannot be sure whether the early voting ballot box in the video has been replaced or if it is an actual ballot box.

2. The NEC officials interrupted the counting observers participating in the counting process, so they were not able to monitor it properly.

Counting observers have the right to observe and monitor the counting process at a near distance, in accordance to the Public Official Election Act.

Public Official Election Act Article 181

(7) The Gu/Si/Gun election commission shall provide the ballot-counting witnesses with seats so as to witness the proceeding of the ballot counting at a near distance (not less than one meter nor more than two meters) enough to identify the contents of the ballot counting.

(8) Where a ballot-counting witness finds any illegal matter concerning the ballot counting and demands the correction thereof, the Gu/Si/Gun election commission shall correct it if the demand is deemed justifiable.

(9) **A ballot-counting witness may, at any time, go round the ballot counting place to watch or take a photograph of the ballot-counting situation,** and install telephones, computers and other communication equipment at such places as designated by the chairman of the Gu/Si/Gun election commission in the ballot-counting place or the general spectators' gallery, and use such equipment to inform a candidate or political party of the ballot-counting proceeding.

However, during this election, an official from the Yeonsu-gu election commission said, “Hey you, don’t take a video. Don’t take a video of the sorting machine. I am warning you again. Do not take a video,” as can be seen at around the 20 second mark of Exhibit No. 47. The official threatened and stopped the counting observer from exercising his right to record the counting process.



(Excerpt from Exhibit No. 47 video of Yeonsu, Incheon counting process (Warning you. Do not record the electronic sorter). The counting observer is refrained from recording from the beginning of the video, then was ‘warned’ to stop filming the entire electronic sorters inside)

An official from Seongbuk-gu’s election commission distorted the law and told counting observers that they have to stay at least a meter away from the scene. The official screamed at counting observers that they could not monitor or take a video of the detailed process. **This undermined the national interest in a fair ballot counting process, going beyond the infringement of the individual rights of the counting observer.**



(Excerpt from Exhibit No. 43 video)

3. Many seal papers were damaged, and CCTVs were not installed across the country. The only way to guarantee the integrity of the election is by verifying both ballot papers and electronic methods.

As you can see below, many seal papers on the ballot boxes were damaged across the country. There were some traces left of the attachment of new seal papers. Ballot boxes were not properly sealed and locked, so it would not be surprising if some votes were added later on. Many districts did not have CCTVs for the early voting day, actual election day and after-hours of the election day.

The precondition for electoral integrity of **securely storing ballot papers not only during counting but also during the after-election verification process** has collapsed.



(Excerpt from Exhibit No 46 picture (1) of ballot storage box from Yeonsu-gu, picture (2) from a second ballot storage box from Yeonsu-gu)



(Excerpt from Exhibit No. 46-3 picture of a ballot storage box from Namyangju, Exhibit No 46-4 picture of a ballot storage box from Dongdaemun-gu)

Therefore,

- (1) Verification of whether “made votes” were added afterward by comparing image files saved on the electronic counting machine with actual ballot papers.
- (2) Verification of whether there were “made votes” created during the early voting process by comparing copies of early voters’ identification with the actual number of early voting ballot papers.
- (3) Verification of whether manipulation or meddling of election results occurred electronically through digital forensics, document submission order, fact check, etc. must take place.

4. Partial conclusion

As the NEC has confessed, the vote counting process, including the preservation of votes, has been lax, and the possibility that the results may have been contaminated cannot be ruled out. Therefore, it is not just a manual recount that is needed. Thorough verification of the voting and counting processes and electronic evidence are required. Actual ballot papers should be compared with electronic evidence to exclude “made votes” from the recount. Also, it is required to find out when exactly the illegal activity occurred. Only through detailed verification can any attempts to intervene from the outside be blocked.

V. Conclusion

It is clear that the results of this general election were contaminated nationwide by not only “made votes” but also through electronic measures, which damaged the results of Yeonsu-gu district as well as it went against the people’s will.

The contamination of the election outcome came about due to opaque disclosure of information related to the QR code and electronic counting machine, which was the case previously as well, and the lax early voting system. We reached a point where we can no longer let the NEC manage elections, which are the key to the democracy. It is only giving an empty promise, saying “we will do better next time.”

Furthermore, the NEC said publicly that it will disclose all related data.

선관위 "민경욱, 선거 무효 소송? 기꺼이 모든 자료 공개"

CBS 김현정의 뉴스쇼 | 2020-04-29 09:34



뉴스듣기

17

22

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(translation: NEC “Min Kyung-wook, filed election invalidation lawsuit? Willingly disclose all data”, posted April 29, 2020 09:34)

However, the election commission from Yeonsu-gu, Incheon refused to preserve ballot papers for the proportional representative election and integrated voter list even though the court has ordered their preservation. According to the commission, the “NEC did not give permission to do so.”

All levels of election commissions, as well as the NEC, are refusing to preserve image files, electronic counting machines, etc. as requested by many other candidates, including the plaintiff. The defendant and the NEC must provide all related documents to prove there was not illegal activity throughout the election process, as they had promised. But the defendant and the NEC are uncooperative with this lawsuit and are trying to be above the law.

Thus, the court, as the guardian of the law, must verify not only the manual count but also the actual ballots. It must verify the electronic measures taken, the voting and counting processes that should have been done to prevent “made votes” affecting the manual count. This should be carried out to guarantee the individual right of the plaintiff. Not only that, but the court must also understand that it is in the middle of history and has the mission of correcting rampant illegalities and let people know that there is no exception to the rule of law. We hope that the illegal activities that occurred in this election will not be repeated again as we prepare the defense as above.

Methods of Proof

1. Exhibit No. 24: Election results of Bucheon-si, Gyeonggi
2. Exhibit No. 25: Media article from MSTODAY on April 10, 2020 [Out-in-the-Field Sketch] ‘Let’s Make Our Own Future for Chuncheon’ Early Voting for the General Election Begins
3. Exhibit No.26: Media article from New Daily on May 20, 2020 [4,674 voters, but 4,684 ballots...‘suspicion of phantom election’ magnified]
4. Exhibit No.27: Media article from KBS on May 2, 2012 [Unified Progressive Party, confirmed fraud in ‘proportional election’...announced today]
5. Exhibit No.28-1: Sticky ballots (1) from Seongbuk-gu, Seoul
6. Exhibit No.28-2: Sticky ballots (2) from Seongbuk-gu, Seoul
7. Exhibit No.29: Media article from JoongAng Ilbo on May 4, 2012 [‘Gymnasium Election’ was not to this extent]
8. Exhibit No. 30-1: Standard for regular ballot paper – from attached Form 42(A) of the Public Official Election Regulations
9. Exhibit No. 30-2: Standard for irregular ballot paper – Dong-gu, Daejeon electoral district
10. Exhibit No. 30-3: Standard for irregular ballot paper – Junggunam-gu, Daegu electoral district
11. Exhibit No. 31-1: Image of regular ballot paper (color) – Gangwon province
12. Exhibit No. 31-2: Image of irregular ballot paper (color) – Guri-si
13. Exhibit No. 32-1: Image of regular ballot paper (specification) – Chuncheon, Cheoron, Hwacheon, Yanggu electoral districts
14. Exhibit No. 32-2: Image of irregular ballot paper (specification) – Chuncheon, Cheoron, Hwacheon, Yanggu electoral districts
15. Exhibit No. 33-1: National Election Commission December 17, 2018 post [Election Equipment] Standard and Procurement Schedule for the Early Voting Ballot Printer
16. Exhibit No. 33-2: National Election Commission December 17, 2018 post [Election Equipment] Standard and Procurement Schedule for the Early Voting Ballot Printer
17. Exhibit No. 34: Media segment from MBC on April 10, 2020 [Choice 2020] Early Voting Begins Today...Wear Mask and Practice Social Distancing
18. Exhibit No. 35: Table 2-2 from the Public Official Election Rules
19. Exhibit No. 36: Image of an irregular ballot paper (color) – Seongbuk-gu, Seoul
20. Exhibit No. 37: Image of Inside Jurisdiction early voting ballot paper (Cheongju)
21. Exhibit No. 38: Image of Inside Jurisdiction early voting ballot paper (Namyangju)
22. Exhibit No. 39: Image of Inside Jurisdiction early voting ballot paper (Guri)
23. Exhibit No. 40: Media article from New Daily on May 19, 2020 [‘General election’s ballot sorter connected with the outside’...Min Kyung-wook presents evidence ‘ballot counting table’]
24. Exhibit No. 41: Explanation of a German court’s ruling on the use of electronic devices
25. Exhibit No. 42: Media article from JoongAng Ilbo on May 14, 2020 [‘The sorter at the Buyeo polling station was strange’ NEC claims ‘nothing wrong with the machine’]
26. Exhibit No. 43: Captured images from video
27. Exhibit No. 44: Review of the public election law on electronic systems
28. Exhibit No. 45: Tutorial video for installing networks at the early voting polling station
29. Exhibit No. 46-1: Image (1) of ballot box in Yeonsu-gu
30. Exhibit No. 46-2: Image (2) of ballot box in Yeonsu-gu
31. Exhibit No. 46-3: Image of ballot box in Namyangju

32. Exhibit No. 46-4: Image of ballot box in Dongdaemun-gu
33. Exhibit No. 47: Video of election committee official warning a counting observer in Yeonsu-gu, Incheon

Attachments

1. One copy of each method of proof as above

June 2020

The plaintiff's legal representative
Attorney Do Tae-woo

The Supreme Court

