FULTON COUNTY

Report of Investigation of the 2020 General Election

JANUARY 6, 2026

ELECTION OVERSIGHT GROUP, LLC

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COMPREHENSIVE OVERVIEW

On the morning of November 04, 2020, when ballots were still being scanned, Secretary of State Raffensperger appeared on the Today show.[1] The Secretary said that a record 4.7M Georgia voters cast a ballot for the November 3rd General Election and only two (2) percent of the ballots were left to count. At the time, President Trump was in the lead by 103,705 votes, and according to the Secretary, there were only approximately 94,000 ballots left to count (.02 of 4.7M). He did not believe the outcome could change with the number of ballots remaining:

> **"We don't guess, what we do is report. We can see where the candidates are right now in both presidential, congressional, senatorial- When you look at how many votes are out there, even if one of the candidates got one hundred percent it wouldn't probably be enough to move it one way or the other."**

His logic was as sound and certain as mathematical facts. Because the Secretary of State maintains the database through which all voters are verified and credited for voting in real time, he would have known precisely the total number of ballots that had been received.

After the ballots were counted, the official results included some four (4) times the number that the Secretary had confidently stated were remaining ("we don't guess…") totaling 5,023,159 ballots cast. The outcome of the presidential contest did change- and so did control of the United States Senate. At the time of this writing, no known explanation has been provided to justify the additional ~300,000 fate-changing ballots. Fulton County's number of absentee ballots doubled from approximately 74,000 ballots at the time the polls closed on Election Day to ~148,000 when the ballots were finally counted.[2] The surreptitious, last-minute order of over one million "extra" absentee ballots without envelopes- and too late to mail, cannot be ignored. The number of absentee ballots doubled from Election Day at midnight to the time the ballots were finally

[1] Georgia secretary of state: We have 2 percent of vote left to report (last accessed 12/06/2025)
[2] Statement of Votes Cast produced on 11/04/2020 at 3 am (first submission of results to the SOS).

counted.[3] All 148,318 absentee ballots were accepted and counted without first performing mandatory signature verification. Essentially the only check preventing the "extra" ballots from being inserted into the count, was not performed. The provenance of over half of those absentee ballots cannot be established in light of the tens of thousands of ballots which arrived at the State Farm Arena ("SFA") on and after Election Day in unsecured mail carts with no chain of custody. Of all absentee ballots, only 16,032 ballot images have their corresponding unique "fingerprint" authentication file as the remaining 132,286 were intentionally deleted. It is a consensus that electronic file anomalies, along with the deleted authentication files, strongly suggest ballot image file manipulation.

Fulton County has no digital record for all votes cast in person. 376,863 ballot images were destroyed. The official returns, tabulator closing tapes, for all tabulators used for early voting's approximate 316,000 ballots, are prima facie fraudulent, invalid, and uncertified.[4] None of the statutorily required accounting and chain of custody records exist to support the entirety of early voting. There are only nine (9) zero tapes for the 148 tabulators utilized for advance voting. All 138 closing tapes are fraudulent, invalid, and do not bear the serial number or identity of the machines used to actually scan the ballots. There are no daily recap sheets, no numbered list of voters, and no poll pad check-in lists- all required by Georgia law. No records exist for all ~315,000 ballots counted for advance voting.

Fulton County's hand count/audit results were shown to be falsely padded with 6,691 fictitious ballots and votes- claims which the Governor's office recreated, corroborated, and referred to the State Election Board ("SEB"). A number more than half of the margin of victory from only the absentee ballots of one county. It has now been established that Fulton County knew of the "errors" at the time and concealed the same- for two years while SEB2021-181 was investigated by the Governor's office, and the State Election Board.

[3] Statement of Votes Cast produced on 11/04/2020

[4] See SEB2022-015- which alleged that all 148 of Fulton County's official returns for advance voting, representing some ~320,000 ballots, were never certified, was heard on December 09, 2025. Fulton County conceded that they failed to certify the returns, and the SEB voted to refer the case to the Attorney General with the recommendation of a fine of $5,000 per instance ($740,000.00). Additionally, the SEB voted to refer the matter to the DOJ.

Another ~13,000 vote discrepancies were found when the hand count/audit results were compared to the official returns for early voting. A verifiable total of 19,691 votes, nearly twice the margin of victory, are in conflict with the November 3rd results.

Fulton County chose not to perform absentee ballot signature verification at all- rejecting a total of only six (6) of 148,000 absentee ballots. What's more, only fifty-eight (58) of Georgia's 159 counties rejected any ballots for signature mismatch, with an actual state-wide total number of ballots rejected for signature mismatch of 525 out of over 1.3 million absentee ballots. The Secretary of State refused to perform a ballot envelope signature audit of Fulton County as he had promised the President, instead substituting it with Cobb County. The token exercise occurred behind closed doors and the President's attorneys were prohibited from observing.

The Secretary of State's post-election forensic audit of the voting machines was, at best, a ruse. Five of the six counties that the Secretary claimed to have audited, confirmed in writing that no such audit had taken place. The sixth county did not respond.

The candidate-requested recount results for Fulton County include thousands (3,930) of ballots which were intentionally selected, scanned and counted a second time. Hundreds, but likely thousands, of test ballots were scanned and counted for the recount but were not included in the November 3rd count. 17,852 ballot images are somehow missing from the recount under "unnatural" circumstances.

ABSENTEE VOTING

Like most of the country, Fulton County saw a meteoric surge in absentee voting due to the pandemic with a total of 148,318 absentee ballots. A program facilitated by the Georgia Secretary of State (by and through Dominion Voting Systems) enabled Runbeck Election Services to print and mail absentee ballots directly to the voter which could be returned by mail or to one of the many drop boxes. Georgia law mandated that election officials compare the signature on the absentee ballot oath envelope against the voter's signature on

file. This process involved certifying the ballot envelope if the signature matched and rejecting it if it did not; therefore, only a signature match would provide election officials with the statutory authority to process the corresponding absentee ballot.

NO ABSENTEE BALLOT SIGNATURE VERIFICATION

Fulton County willfully chose not to perform signature verification and in so doing not only violated Georgia law by counting some 148,000 ballots that did not meet the statutorily defined requisite, but disregarded and circumvented a critical anti-fraud mechanism put in place by the state legislature. The massive increase in absentee voting made the "failure" exceptionally egregious as the potential for exploitation and injury were proportionally enlarged. Unfortunately, the threat was not limited to just the pool of absentee ballots requested by voters.

SURREPTITIOUS ORDER OF ABSENTEE BALLOTS

In addition to all absentee ballots that were mailed to voters, on October 16, 2020, Fulton County ordered- and subsequently received, one million fifty-eight thousand nine hundred and ten (1,058,910) additional absentee ballots. For reference, that's nearly twice the 528,777 total number of all ballots cast, and seven (7) times the 148,000 absentee ballots cast for the November 3, 2020 General Election. The ballots were ordered without envelopes and without stubs (required if used as emergency or provisional ballots).

STATE FARM ARENA

This becomes even more suspect in light of the tens of thousands of ballots which arrived at the State Farm Arena ("SFA") on and after Election Day in unsecured mail carts with no provenance or chain of custody.[5] It's important to note that the number of absentee ballots literally doubled from midnight on Election Day, with 74,024 ballots reported, to the official results some four (4) days later totaling over 148,000 ballots. It was only said that the ballots were coming from Pryor Street and that the signature verification process was

[5] This is separate from the SFA surveillance video which showed ballots being scanned after poll watchers and media were led to believe scanning had stopped for the night. Nefarious or not, there was the appearance of impropriety which was only caused by the actions of those shown in the video.

the bottleneck causing delay. We now know that there was no signature verification being performed at all. We also know that the number of absentee ballots Fulton County would end up counting was far greater than that expected by the Secretary of State.

APPROXIMATELY 132,000 BALLOT IMAGE AUTHENTICATION FILES WERE DELETED

The only ballot images that survived from the first count were those of the absentee ballots. Ninety percent of the approximately 148,318 absentee ballots cast in Fulton County cannot be authenticated. 132,284 absentee ballot images have no .SHA file, which is created automatically when a ballot is scanned and is like a fingerprint that's used to authenticate the digital image of the ballot. Only 16,038 absentee ballot images have their SHA authentication file. The others were intentionally deleted, which raises serious questions about the authenticity of 132,284 ballot images. Of those, 104,994 ballot image files contained modified time stamps, and other metadata anomalies further suggesting electronic manipulation.

EARLY VOTING

VOTING SYSTEM SOFTWARE FAULT, REPROGRAMMING, AND UNTESTED DEPLOYMENT

A voting system failure discovered during preparation for the 2020 General Election required coding changes by the manufacturer. The revisions necessitated a complete installation of a new software version (not a patch, but a format/wipe & fresh install) in each of over thirty thousand (30,000) Ballot Marking Devices ("BMD") across the state. On September 30, 2020, the uncertified software that had literally been coded the weekend before, was distributed to all 159 counties by the Secretary of State's office with the directive to install immediately. At the time, the software had not been tested by the Voting System Testing Laboratory ("VSTL") nor submitted to the Election Assistance Commission ("EAC") for approval as required.

FULTON COUNTY USED UNTESTED VOTING MACHINES FOR EARLY VOTING

Untested and uncertified software changes were made and implemented to the voting systems at the last minute under emergency circumstances. What's more, Fulton County failed to perform acceptance testing or Logic & Accuracy testing on the same voting systems before they were used for early voting, which opened on October 12, 2020. Georgia law explicitly prohibits the use of voting systems that have not been acceptance tested and separately those that have not been successfully tested for Logic & Accuracy ("L&A"). Approximately 315,000 of the total 528,000 ballots cast were scanned and tabulated on the untested early voting machines.

NO CREDIBLE RECORDS FOR ALL OF IN-PERSON EARLY VOTING

Under the control of a former Dominion Voting Systems employee who was a foreign national, thirty-five (35) tabulator seals were broken, the memory cards (which contain all tabulator programming and the election results) were unlawfully removed and replaced during a live election. At the end of early voting the tabulator seals were broken again, the memory cards were removed and four (4) days later when the polls closed on Election Day the memory cards were inserted into surrogate machines. The results of these 315,000 ballots, and the official returns were unlawfully produced on different machines than those which scanned the ballots. This surreptitious process broke the chain of custody, Georgia law, and masked the identity of the tabulator that scanned the ballots, thereby preventing the statutorily required accounting of how many ballots were cast on each machine. 20,713 ballots have no provenance as they were attributed to ten (10) early voting tabulators for which there are no records (Fulton County claimed they do not exist). Results for 148 tabulator memory cards were counted and included in the results. Of those, Fulton County has only produced nine (9) Poll Open tapes and 138 fraudulent, unsigned, uncertified poll closing tapes (official returns). There is not one tabulator with an open and close tape pair bearing the same serial number; therefore, they could not have been validated or reconciled as required by law.

NO CHECK-IN RECORDS OR NUMBERED LIST OF VOTERS FOR EARLY VOTING

Fulton County failed to create and maintain a manual record of in-person voters who cast a ballot at each polling location (called the "Numbered List of Voters") as required by Georgia law. Fulton County's willful failures left no metric for the number of ballots cast and with no list of voters who cast a ballot, no way with which to determine how many ballots they were supposed to have for early voting.

In addition, the ballot images for all ~315,000 ballots counted for early voting were destroyed in willful violation of both state and federal law. In summary, there is no credible nor auditable record for the entirety of in-person early voting.

ELECTION DAY

Fulton County certified 59,143 in-person Election Day ballots, but their own records show only 14,152 people voted as of 5 p.m. Evidence suggests the in-person vote total on Election Day was inflated by approximately 37,000 votes, as records show no rush to the polls during the final two hours of voting. A screenshot of the in-person results shared by a government contractor showed only 21,843 people voted at the polls in Fulton County on Election Day. All ballot images for ballots cast on Election Day were destroyed in willful violation of both state and federal law.

RESULTS OF THE NOVEMBER 03, 2020 GENERAL ELECTION ORIGINAL COUNT

Fulton County does not know "how many voters cast votes" and its "lack of basic accounting controls make it impossible to determine who really won" in 2020, according to Philip Stark, a University of California, Berkeley professor who invented risk-limiting audits. Stark noted, "The electronic records of the election are not intact.". Of all 376,863 ballots cast in-person (early voting and election day) every corresponding ballot image was willfully destroyed in violation of both state and federal law.

HAND-COUNT AUDIT

The hand-count audit was not the isolated, independent, localized exercise one would expect. Workers sorted each batch of ballots into stacks with the votes for each corresponding vote for president. A Biden stack, a Trump stack, and a Jorgensen stack. The totals of each stack were written on a slip of paper called a Batch Tally Sheet. The totals of each batch tally sheet were entered into a software program called ARLO, which was managed by the Secretary of State. The Secretary of State would then provide the counties with the results.

A retired corporate executive and Georgia resident, Mr. Joseph Rossi, went through the ballot images and compared them to the batch tally sheets. Mr. Rossi found numerous problems and after several failed attempts to address them with the Secretary of State's office, he brought them to the attention of the Governor. Over several weeks the Governor's team recreated Mr. Rossi's findings and wrote a formal report detailing 36 inconsistencies.[6] The Governor formally referred the matter to the State Election Board for investigation and correction, which became Complaint No. SEB2021-181.[7] The inconsistencies added 6,691 fictitious ballots and votes to the hand count totals. Thirty-five benefited candidate Biden with 5,618 false votes that do not exist. Candidate Trump received 1,025 false votes that do not exist. These inaccuracies were found from only the absentee ballot images from one of Georgia's 159 counties. A separate review of Fulton County's handcount documents for advance voting revealed an approximate 13,000 ballot/vote discrepancy. The hand count audit 3,935 votes due to 11 missing batch sheets in Fulton County. Differences from the original count to the hand audit total at least 19,695 votes, which is nearly double the margin of victory.

[6] The Governor's report can be found here: https://www.scribd.com/document/663445727/Brian-Kemp-Audit-Inconsistencies-Report-Joe-Rossi-11-18-2021
[7] The Governor's formal referral can be found here: https://www.scribd.com/document/663445360/Brian-Kemp-Georgia-SEB-Letter-Joe-Rossi-11-17-2021-1

The hand-count/audit did not validate the November 3rd election results, after correcting for the errors, the hand-count called the results into question. The Attorney General, Chris Carr, facilitated a consent agreement with Fulton County which falsely attributed the inconsistencies to "data entry errors", which they were not. Batch tally sheets were fabricated to falsely support the November 3rd General Election results. Results which were never corrected.

CANDIDATE REQUESTED RECOUNT

Because the margin of victory was within one-half of one percent (.05%), candidate Trump was entitled to a recount as requested in accordance with Georgia law. The ballots were to be scanned and counted by machine with a deadline of midnight of December 2nd, 2020. A few minutes before the deadline, Fulton County posted on Twitter that they had completed the recount and submitted the results to the Secretary of State. The results submitted to the SOS were some 17,000 ballots short of the November 3rd results. The following morning, according to Fulton County's Election Director, Rick Barron, the Secretary of State told him to "reconcile" and find the missing ballots.

Over the twenty-four (24) hours that followed, most of the shortfall was "found" and the recount results were certified, albeit 852 ballots less than the 528,777 counted on November 3rd. After an extensive investigation, it was found that 17,852 ballot images were missing from the record. Also, 3,930 ballots were intentionally scanned and counted twice. Hundreds of test ballots were also included and counted in the recount- but curiously not in the original count. Thousands of ballots appear in the original November 3rd count that were not included in the recount, and thousands of ballots appear in the recount that were not in original count.

It is a verifiable fact that Fulton County did not count, in large part, the same ballots for November 3rd and the recount. Some eighty-eight percent (88%) of Fulton County's precincts reported a different total

number of ballots between the original count and the recount. Thousands of ballots appear in the November 3rd count but not the recount, and thousands of ballots appear in the recount but not the November 3rd count.

COUNT 1

VOTING SYSTEMS FAILURE AND REPROGRAMMING OF ELECTION SYSTEMS IMMEDIATELY BEFORE THE 2020 GENERAL ELECTION

STATEMENT OF FACT:

On September 30, 2020, the Secretary of State directed county officials to install untested and uncertified software (version 5.5.10.32) written the week before on 34,000 Ballot Marking Devices across the state before it was tested or submitted to the Election Assistance Commission ("EAC") as required. To be clear- this was not a patch, but a complete installation of a new and untested software version.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-374
(a) The superintendent of each county or municipality shall order the proper programming to be placed in each ballot scanner used in any precinct or central tabulating location.

(b) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the ballot scanners tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which are improperly marked and one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the ballot scanner to reject such votes. The ballot scanner shall not be approved unless it produces an errorless count. If any error is detected, the cause therefore shall be ascertained and corrected; and an errorless count shall be made before the ballot scanner is approved. The superintendent shall cause the pretested ballot scanners to be placed at the various polling places to be used in the primary or election. The superintendent shall require that each ballot scanner be thoroughly tested and inspected prior to each primary and election in which it is used and shall keep such tested material as certification of an errorless count on each ballot scanner.

Ga. Comp. R. & Regs 183-1-12-.03 (1) Acceptance tests. Upon the receipt of new, repaired, or upgraded components of the voting system, including electronic ballot markers (which consists of both a touchscreen and a printer), ballot scanners, electronic poll books, and election management systems, the election superintendent of the county is responsible to check that an acceptance test has been performed on the device in accordance with standards issued by the Secretary of State. No component of the voting system shall be placed into

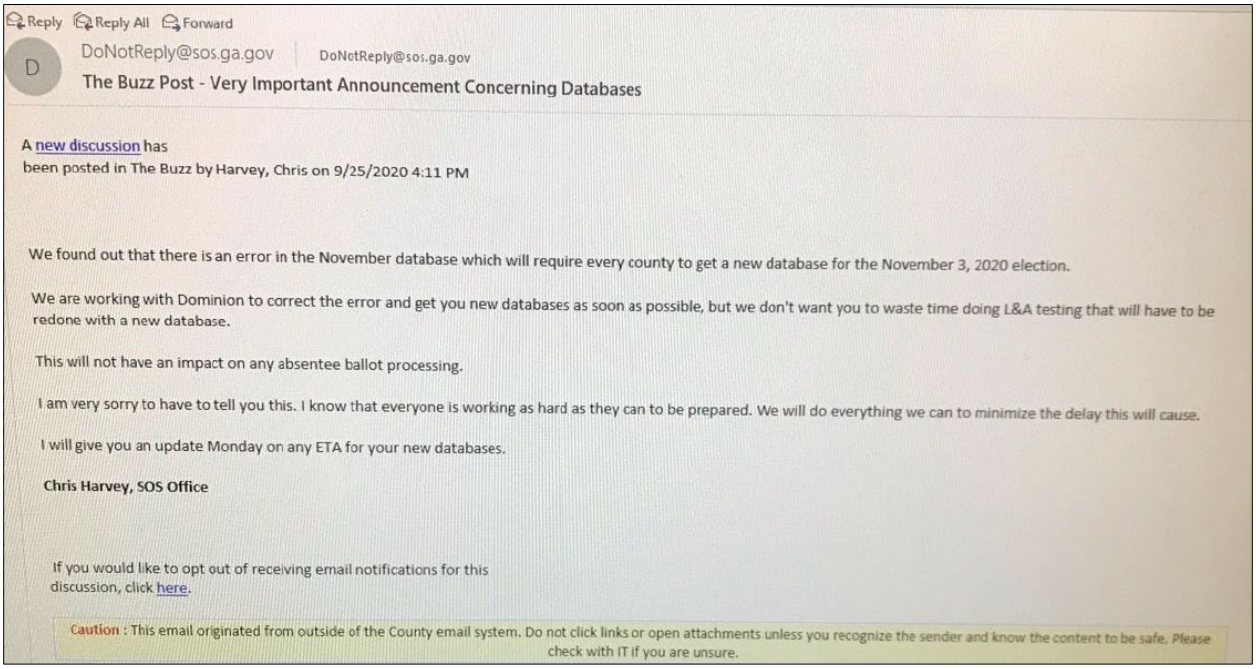
service until such time as the unit satisfactorily passes the prescribed acceptance tests. *Authority: O.C.G.A. § 21-2-31*

Ga. Comp. R. & Regs 183-1-12-.08(b)
On or before the third day preceding the advance voting period, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use during the advance voting period.

Ga. Comp. R. & Regs 183-1-12-.08(3)(e)
If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests.

SUMMARY

During Logic & Accuracy ("L&A") testing prior to the 2020 General Election. A major fault was discovered by two (2) counties which affected all Ballot Marking Devices ("BMD") systems across the state.[8] In response, the Secretary of State directed counties to stop all L&A testing until a solution could be found.



Reply Reply All Forward

D DoNotReply@sos.ga.gov DoNotReply@sos.ga.gov

The Buzz Post - Very Important Announcement Concerning Databases

A new discussion has
been posted in The Buzz by Harvey, Chris on 9/25/2020 4:11 PM

We found out that there is an error in the November database which will require every county to get a new database for the November 3, 2020 election.

We are working with Dominion to correct the error and get you new databases as soon as possible, but we don't want you to waste time doing L&A testing that will have to be redone with a new database.

This will not have an impact on any absentee ballot processing.

I am very sorry to have to tell you this. I know that everyone is working as hard as they can to be prepared. We will do everything we can to minimize the delay this will cause.

I will give you an update Monday on any ETA for your new databases.

Chris Harvey, SOS Office

If you would like to opt out of receiving email notifications for this discussion, click here.

Caution : This email originated from outside of the County email system. Do not click links or open attachments unless you recognize the sender and know the content to be safe. Please check with IT if you are unsure.

[8] The remedy required Dominion Voting Systems to make programming changes to the Ballot Marking Device ("BMD") software and a new software version to be installed in over 30,000 BMDs across the state.

The Secretary of State's office initially claimed it was a database issue; however, the problem could only be resolved by reprogramming the software for the BMD. This resulted in a new software version, not a patch, that required a complete software installation on each BMD, yet the Secretary of State tried to conceal that fact. The following email from the Secretary of State's office still tries to claim it's only a database issue:

From: Harris, Axiver
Sent: Tuesday, September 29, 2020 3:43 PM
To: 'aharris@sos.state.ga.us' <aharris@sos.state.ga.us>
Subject: Data Delivery Sept 30 2020
Importance: High

Good Afternoon,

Here are the delivery locations for tomorrow for pickup of the Database. Remember, the representative meeting the investigator MUST have proper County ID or a letter from you designating them as your representative.

Thanks,

Axiver Harris
Liaison
Georgia Secretary of State
470.312.2746 (main)
404.985.6002 (cell)

After the issue was raised in the Curling v. Raffensperger case, they admitted that it was not a new database, but a software installation:

The Buzz Post - IMPORTANT: Software Solution Heading Your Way Tomorrow

D DoNotReply@sos.ga.gov
To DoNotReply@sos.ga.gov

Reply | Reply All | Forward | ...
Wed 9/30/2020 12:59 PM

A new discussion has
been posted in The Buzz by Harvey, Chris on 9/30/2020 12:37 PM

We have the software solution for the BMDs almost ready to go out.

We will do a "Reverse Ballot Run" tomorrow with investigators from our office meetings members of your office at designated GSP Posts or other specified locations.

The details will be coming directly to you from your liaisons soon, but we want you to know the plan ASAP so that you can make the rendezvous tomorrow with your assigned investigator.

The solution will come with instructions from CES.

Contact your liaison if you have questions or don't get an update by close of business today.

Again, this is NOT a new database for the election, but a software update for the BMDs.

Chris Harvey, SOS Office

If you would like to opt out of receiving email notifications for this
discussion, click here.

The Secretary directed counties to install software even though it had not been tested or certified by the EAC. On September 30, 2020, the Secretary of State's office distributed the untested software that had literally been written days before and directed counties to install it. The following is from that directive:[9]

> **First: Update your BMDs, using the application received today from the Secretary of State's office. Instructions for performing the update can be found in your county folder on the SOS FTP.**

The modified software had not yet been tested by the Voting Systems Testing Laboratory ("VSTL") nor submitted to the EAC for certification as required before installation. From the October 11, 2020 Order of Judge Totenberg in the Curling v. Raffensperger case at 3:

> Logic and Accuracy testing performed on the BMDs by two counties in the last week of September revealed that the second column of candidates did not appear in some instances. Dominion engineered a software modification as a fix and within a few days the Secretary of State began distribution of the new software to counties for installation on all 30,000 plus BMDs before the start of early voting. Dominion submitted its application to the U.S. Election Assistance Commission ("EAC") for approval for the software engineering change on October 5, 2020 and secured the EAC's approval in a one sentence letter issued on October 9, 2020. **EAC approval was secured after the modified software had been installed throughout the state**. (emphasis added)

[9] A true and correct copy of the Secretary of States directive is attached hereto as "Exhibit 17-A"

The EAC requires any software changes to be tested and approved before it's installed. This requirement is so strict that not even operating system security patches or drivers can be installed without first seeking EAC approval.

COUNT 2.

FULTON COUNTY UTILIZED VOTING SYSTEMS FOR ADVANCE VOTING THAT HAD NOT BEEN TESTED FOR LOGIC & ACCURACY AS REQUIRED BY GEORGIA LAW

STATEMENT OF FACT:

After the discovery of the voting systems failure detailed in Count 1, Logic & Accuracy testing was suspended pending resolution of the problem. After the new software was installed, Fulton County did not perform L&A testing on the voting equipment utilized for Advance Voting.

POTENTIAL VIOLATIONS OF LAW:

GA. COMP. R. & REGS.R. 183-1-12-.08(e). Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot. If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. The component failure should be documented and reported to the superintendent. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place. *Authority: O.C.G.A. §§ 21-2-31, 21-2-379.25.*

O.C.G.A. § 21-2-374 (b) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the ballot scanners tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which are improperly marked and one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the ballot scanner to reject such votes. The ballot scanner shall not be approved unless it produces an errorless count. If any error is detected, the cause therefore shall be ascertained

> and corrected; and an errorless count shall be made before the ballot scanner is approved. The superintendent shall cause the pretested ballot scanners to be placed at the various polling places to be used in the primary or election. The superintendent shall require that each ballot scanner be thoroughly tested and inspected prior to each primary and election in which it is used and shall keep such tested material as certification of an errorless count on each ballot scanner. In counties using central count ballot scanners, the same test shall be repeated immediately before the start of the official count of the ballots and at the conclusion of such count. Precinct ballot scanners shall produce a zero tape prior to any ballots being inserted on the day of any primary or election.
>
> **Ga. Comp. R. & Regs.r. 183-1-14-.02**(3)
> Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule 183-1-12-.08 prior to use in advance voting. Public notice of the time and place for such configuration and testing of the electronic ballot markers and ballot scanners to be used for advance voting shall be given in accordance with O.C.G.A. §§ 21-2-374 and 21-2-379.25 and Rule 183-1-12-.08 prior to such configuration and testing.

SUMMARY

Many counties- including Fulton, failed to test the equipment before it was deployed and used for advance voting, which began on October 12, 2020, in violation of Georgia law. Federal Judge Amy Totenberg included the following in her October 11, 2020 Order in Curling v. Raffensperger as it pertains to the specific Logic & Accuracy testing requirements as prescribed by Georgia law:

> 4. Logic and Accuracy Testing Pre-election Logic and Accuracy Testing (L & A) is an important operations verification practice and standard in jurisdictions across the nation that use any form of computerized voting equipment.
>
> The language of Georgia's 2019 statutory provision appears transparent: Each County superintendent shall have each electronic ballot marker machine (i.e., BMD and its components) tested to ascertain that "it will correctly record the votes cast for all offices and on all questions and produce a ballot" for such offices. O.C.G.A. § 21-2-379.25(c) (emphasis added). This provision was adopted simultaneous to the Legislature's enactment of O.C.G.A. § 21-2-300, authorizing the Secretary of State's mandatory statewide implementation of the BMD system. O.C.G.A. § 21-2-379.25(c) in essence, defines the pre-election standard operational verification process required to implement the BMD election system specified in O.C.G.A. § 21-2-300.

See O.C.G.A. § 21-2-374(b) "The ballot scanner shall not be approved unless it produces an errorless count. If any error is detected, the cause thereof shall be ascertained and corrected; and an errorless count shall be made before the ballot scanner is approved"; and Ga. Comp. R. & Regs 183-1-12-.08(3)(e) "If any

component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests."

Plainly stated, there is no lawful path for the utilization of untested election equipment as was used in Fulton County for advance voting for the 2020 General Election. A formal complaint has been filed with the SEB for failure to perform L&A testing and is pending investigation.

COUNT 3.

FULTON COUNTY'S ORDER OF OVER ONE MILLION "EXTRA" ABSENTEE BALLOTS WITHOUT STUBS, OR ENVELOPES

STATEMENT OF FACT:

Fulton County ordered 1,058,910 absentee ballots at the last minute, without envelopes, without stubs, and after they could have realistically been mailed. The "extra" ballots were not ordered for the reasons given, and what ballots from the order that remained after the election were destroyed. For reference, a total of 528,777 ballots were cast for the 2020 General Election, and of those only approximately 148,000 were absentee. The majority of which were sent by Runbeck Election Services directly to the voter.

POTENTIAL VIOLATIONS OF LAW:

The surreptitious ballot order itself was not unlawful; however, it potentially goes to means, method and opportunity as further detailed in subsequent counts, and is important to consider in overall scope. Potentially an overt act.

SUMMARY

On October 16, 2020, Fulton County ordered over one million ***extra*** absentee ballots (without stubs). To be clear, the ballot orders at issue are in addition to- and separate from- the absentee ballots mailed to voters. Fulton County's 2020 General Election included a total of 528,777 ballots cast for all types of voting, and of those, only approximately 148,318 were absentee ballots. All known plausible reasons for this order have been eliminated.

First, Fulton County had no reason to order the massive number of absentee ballots which were delivered to their English Street warehouse- because the ballots could not- and did not- arrive in time to be mailed. What's more, despite Ms. McGowan's testimony to the contrary, counties did not physically mail absentee ballots to voters except for the few days leading up to Election Day.[10] With the only exception of Gwinnett County, all of the other 158 Georgia counties opted-in to a program facilitated by the Secretary of

[10] See Section 19; It's also important to note that counties were responsible for late requests for absentee ballots- and Fulton County printed the absentee ballots for those requests which numbered less than 10k ballots.

State in which Runbeck Election Services (subcontracted by Dominion Voting Systems) would print and mail absentee ballots directly to the voter:

SECURE THE VOTE

General Election Absentee Fulfillment Program

With the unprecedented level of absentee voting that Secretary Raffensperger is anticipating, and the limited resources, such as time, money, and people in many counties in Georgia, our office sees a need.

To help the counties handle the volume of ballot fulfillment Secretary Raffensperger wants to offer a ballot fulfillment service that will begin after the Rollover/New Application mailing.

While CARES dollars paid for the Primary's Absentee program, that funding source has been expended. Therefore, the only way to offer this program is to charge the counties a per ballot fee. This fee will cover hard costs of our preparing, printing, and mailing the absentee ballots to the voter.

The mailings will be done twice a week from September 21 through October 16.

The per ballot fee: $1.40
Includes ballot print, data management, QC, insertion, handling, project management, postage

Payment is due upon receipt of invoice.

____ YES, _____ County will use the GA SOS ballot fulfillment service.

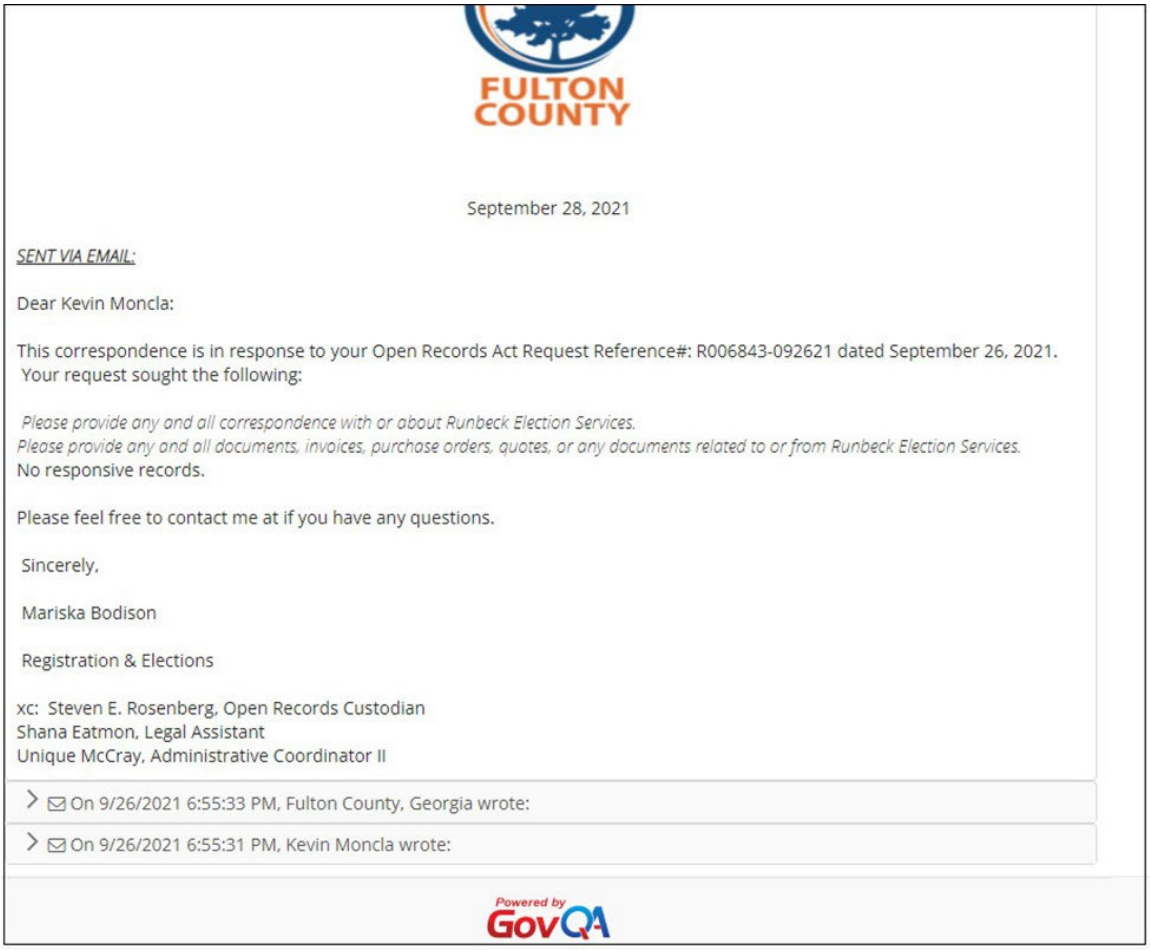
____ NO, _____ will **NOT** use the GA SOS ballot fulfillment service. The County will fulfill all absentee ballot requests ourselves. For counties who opt-out of this offer, we will continue to provide all the items needed for absentee ballots from the Election Store; the Outgoing Envelope, Secrecy Envelope, Return Envelope, and Instructions.

_____ _____
Signature Date

_____ _____
Print Name COUNTY

2 MARTIN LUTHER KING JR DRIVE, SUITE 802 WEST TOWER | ATLANTA, GEORGIA 30334 | 470.312.2635
SecureVoteGA.com

Because of the Absentee Fulfillment Program, there was simply no reason for Fulton County to purchase a large number of printed ballots. Fulton County then tried to conceal the order and denied the existence of corresponding documents. In response to a narrowly targeted open records request, Fulton County returned, "No responsive records":



FULTON COUNTY

September 28, 2021

SENT VIA EMAIL:

Dear Kevin Moncla:

This correspondence is in response to your Open Records Act Request Reference#: R006843-092621 dated September 26, 2021. Your request sought the following:

Please provide any and all correspondence with or about Runbeck Election Services.
Please provide any and all documents, invoices, purchase orders, quotes, or any documents related to or from Runbeck Election Services.
No responsive records.

Please feel free to contact me at if you have any questions.

Sincerely,

Mariska Bodison

Registration & Elections

xc: Steven E. Rosenberg, Open Records Custodian
Shana Eatmon, Legal Assistant
Unique McCray, Administrative Coordinator II

On 9/26/2021 6:55:33 PM, Fulton County, Georgia wrote:

On 9/26/2021 6:55:31 PM, Kevin Moncla wrote:

Powered by GovQA

It wasn't until we provided Fulton County's accounting code for the invoice, funding line, and invoice number that Fulton County acquiesced and finally produced the records:

DocuSign Envelope ID: E4CB082D-C096-424B-AB7A-D5D4F99F1D08

RUNBECK ELECTION SERVICES Inc.

October 15, 2020

Rick Baron
Director of Elections
Fulton County Department of Voter Registration and Elections
1365 English Street, NW
Atlanta, Georgia 30318

RE: Quote for Election Day Ballots

Election Day Ballot Printing	Quantity	Unit Cost	Extended Cost
Fulton Co Ballot: 18", no stub, boxed & sorted by precinct, slip sheet inserted every 100 ballots.	770,210	$ 0.29	$ 223,360.90
TOTAL			**$ 223,360.90**

General Terms:

1. Price quoted includes shipping to Atlanta 30318 to arrive on or before Saturday, October 24, 2020.
2. Facility must have access to a dock and forklift to offload pallets.
3. To ensure timely delivery, please acknowledge/accept this quote no later than the end of day on Friday, October 16, 2020.

Thank you for the opportunity to provide you with this quote. If you have any questions, please contact me directly.

Best Regards,

Tony Barnfield
Director of Sales, Southeast
Runbeck Election Services

INVOICE

6851 TPC Drive
Orlando, FL 32822
407-351-0232

SOLD TO: 760077
FULTON COUNTY
130 PEACHTREE ST SW
SUITE 2186
ATLANTA, GA 30303

SHIP TO: FULTON COUNTY
130 PEACHTREE ST SW
SUITE 2186
ATLANTA, GA 30303

INVOICE NO.	294194
INVOICE DATE	10/31/20
PURCHASE ORDER NO.	
SALES REP.	FSR STACEY EARLEY
ORDER NO.	320035
SHIP VIA	OTHER SHIPPING
TERMS	NET 30 DAYS

PLEASE DETACH AND RETURN THIS PORTION WITH REMITTANCE

DESCRIPTION	ORDERED/ SHIPPED	U/M	PRICE	EXTENSION
GENERAL ELECTION 11/3/20				
SHIPPED 10/20/20				
OFFICIAL BALLOTS	144350	M	270.0000	38,974.50
OFFICIAL BALLOTS	144350	M	270.0000	38,974.50
TEST DECK BALLOTS	665	M	270.0000	179.55
SHIPPING				913.11

6851 TPC Drive
Orlando, FL 32822
407-351-0232

PHONE:
Personal Info

FOR ALL CUSTOMER SERVICE CONTACT:
Stacey Earley
Personal Info

RC
11/12/2020

TERMS: NET 30 DAYS FROM INVOICE DATE. A LATE CHARGE OF 1.5% PER MONTH WILL BE ADDED ON PAST DUE ACCOUNTS. **THIS IS AN ANNUAL PERCENTAGE RATE OF 18%.**

~~INVOICE NO. 294194~~
(Line 4)

TOTAL DUE: $79,041.66

The total number of absentee ballots ordered in addition to what was mailed to voters was 1,058,910.

Second, the number of additional absentee ballots ordered and received (1,058,910) far exceeded the total number of Fulton County's registered voters, including both active and inactive. According to the Election Assistance Commission ("EAC") Fulton County's total number of registered voters for 2020 was 836,563, or 113.8 percent of the Citizen Voting Age Population ("CVAP"):[11] 1,058,910 ballots is 126% of the total number of registered voters in Fulton County.

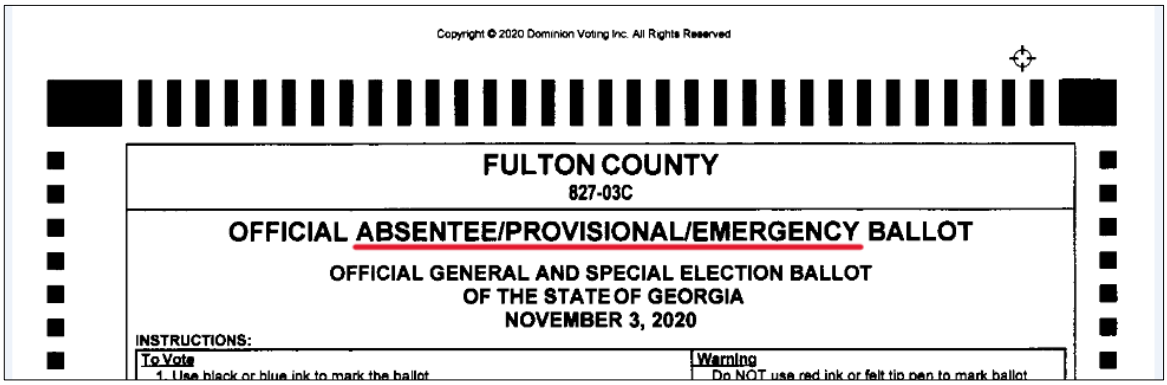
Back to report | REGISTRATION RESULTS FOR SELECTED STATES IN 2020

State	County	Active Registrations	CVAP	Active Reg. as Pct. of CVAP	Total Registrations	Total Reg. as Pct. of CVAP
GEORGIA	FULTON COUNTY	795,848	735,263	108.2%	836,563	113.8%

Georgia law does require the county to have emergency ballots on hand, but only in an amount equal to ten percent of the total number of registered voters:

> **Ga. Comp. R. & Regs. 183-1-12-.11** For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters to a polling place.

Fulton County was required to have 83,656 emergency ballots available, not over one million. Georgia's absentee, provisional, and emergency ballots are indistinguishable. The same ballot serves all three purposes, which is ripe for exploitation: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FULTON COUNTY
827-03C

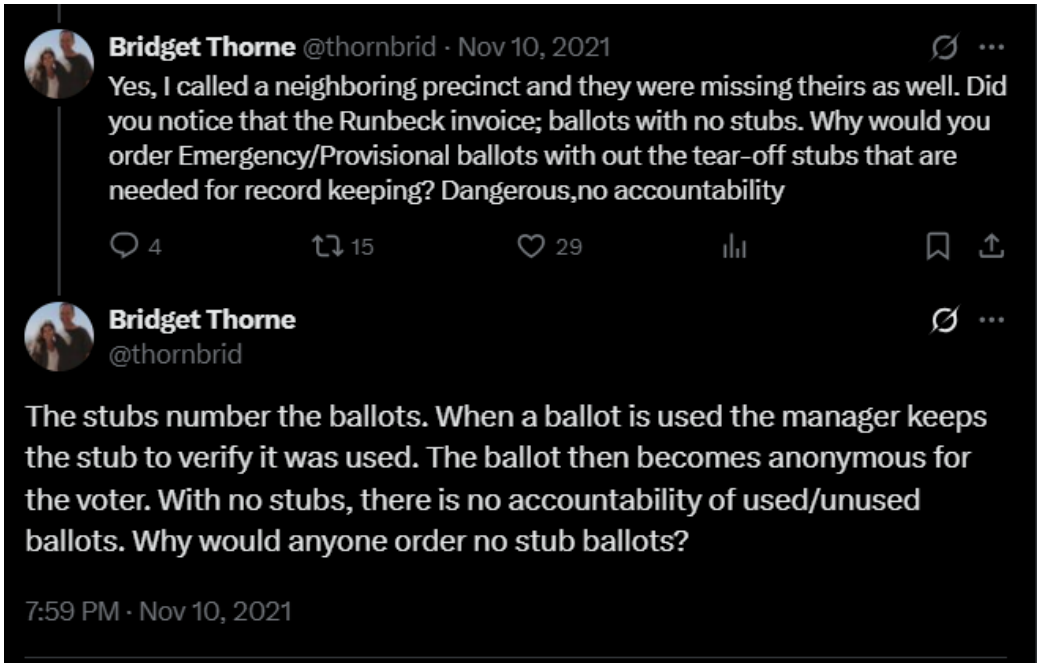
OFFICIAL ABSENTEE/PROVISIONAL/EMERGENCY BALLOT

OFFICIAL GENERAL AND SPECIAL ELECTION BALLOT
OF THE STATE OF GEORGIA
NOVEMBER 3, 2020

INSTRUCTIONS:
To Vote
1. Use black or blue ink to mark the ballot
Warning
Do NOT use red ink or felt tip pen to mark ballot

[11] The EAC's report detailing the number of Fulton County's registered voters for 2020 can be found here: Studies and Reports | U.S. Election Assistance Commission

In other words, "emergency ballots" could be used nefariously- and injected or cast as regular absentee ballots. Aside from the absurd number, we also know that the ballots at issue were not procured to meet the statutory requirement cited above because emergency ballots were required to be available when the polls opened for advance voting on October 12, 2020. The ballot order was placed on October 16th. Also, the ballots were explicitly ordered with "no stubs". Emergency ballots are required to have stubs for tracking purposes and to prevent them from being used nefariously as veteran Fulton County poll manager, now county commissioner, Bridget Thorne, explains:



Commissioner Thorne's question is one for which we have been unable to answer, and so I submit to you- why would Fulton County order Emergency/Provisional ballots without the tear-off stubs needed for record keeping?

Gabriel Sterling purportedly suggested that the ballots were ordered in case there was a ruling in Curling v. Raffensperger pending at the time which could have preventing the Ballot Marking Devices ("BMD") from being used for the 2020 General Election; however, Judge Totenberg issued an Order on October 11, 2020

stating that the court would not enjoin use of the machines.[12] The polls opened the following day- on October 12, 2020 for advance voting using the BMDs. The ballots were ordered on October 16th, five (5) days after the ruling which effectively green-lit their use. The date of the court order preceding the date of the ballot order removes any possible injunction as cause for the order.

Sterling also claimed that the ballots were ordered incase Logic & Accuracy testing ("L&A") of the voting machines couldn't be completed before the election as required by Georgia law. Sterling's excuse fails for a number of reasons- but the most damning is that the mandatory L&A testing was not performed before the polls opened on October 12, 2020 for advance voting as established in a preceding section, and the untested machines were used anyway. The ballots were ordered on October 16, 2020- after the untested machines were already in use. Just as explained before, emergency ballots require stubs- regardless of the emergency.

[12] See Judge Totenberg's October 11, 2020 Order here: Curling v Raffensperger Rulling 101120 | DocumentCloud

It is important to note that no other counties are known to have ordered an excessive number of absentee ballots- and both of Gabriel Sterling's excuses would have affected the entire state. The undersigned confirmed with both Cobb County and Gwinnett County (the state's second and third most populous counties) who did not order any absentee ballots in excess of the ten percent (10%) of registered voters as required by law. Of course, Georgia law requires an accounting of emergency ballots:

> Ga. Comp. R. & Regs.r. 183-1-12-.11
> The poll manager shall store all emergency ballots in a secure manner and ensure that all used and unused emergency ballots are accounted for. All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.

Lastly, there's the massive number of ballots. **Fulton County inexplicably ordered 1,058,910 absentee ballots. or enough to replace eighty percent of all absentee ballots cast for the 2020 General Election <u>for the entire state of Georgia</u>.**

In yet another surreptitious act, only days after an article detailing the suspect ballot order was published, Fulton County issued a public notice stating that they would be destroying the "excess" ballots imminently:[13]

[13] The referenced article can be found here: Fulton County: Massive Last-Minute Order of over 1M Ballots Discovered | UncoverDC | uncoverdc.com

Secretary of State's Office to Observe as Fulton Elections Prepares to Discard Unused Emergency Ballots

The unused emergency/provisional paper ballots would have served as backups for the November 2020 Election if needed.

WHO: Fulton County Department of Registration & Elections

WHAT: The Fulton County Elections Department has asked the Secretary of State's Office (SOS) to assist as it prepares to properly discard 284,901 unused emergency/ provisional paper ballots ordered for the November 2020 Elections. The quantity of the ballots is the result of 2 separate orders. The first involved ordering emergency provisional ballots, which are always used for Election Day. Additionally, Elections officials also ordered back-up ballots to be used if the county needed to switch paper ballots due to the COVID-19 outbreak.

Per the Election Code, counties are allowed to discard unused paper ballots 30 days past the Election date. However, in an effort to remain transparent in its processes and to reduce the spread of misinformation, the Department of Registration and Elections extended the move to discard the ballots one-year past the November 2020 Presidential Election. Currently, 28 pallets of the paper ballots are being stored at the Elections Preparation Center. Two SOS representatives will be on-site to observe the process.

WHEN: **Friday, November 12, 2021, 10:00 a.m.**

The notice states there are only 284,901 emergency ballots remaining, but Fulton County ordered a total of 1,058,210 emergency ballots. In the notice, Fulton County claims the emergency ballots were ordered as a contingency plan and thus were never needed. If that were true, according to Fulton County's own numbers, 773,309 absentee ballots are unaccounted for.

Fulton County's actions in destroying the ballots were a direct result of the unjustifiable ballot order becoming public. This is established because the notice attempts to address details which were raised in the article. This indicates that when Fulton County made the decision to destroy the ballots, they knew that the ballot order was being questioned, and with good cause. The duty to preserve evidence arises when litigation is

reasonably foreseeable, even without formal notice of a claim (Phillips v. Harmon, 297 Ga. 386, 2015). Any reasonable person would believe that investigation and/or litigation was forthcoming, triggering the duty to preserve the records. Instead, Fulton County chose to destroy the evidence.

Because a conflicting number of ballots were said to be destroyed, the physical ballots themselves can no longer be consulted to determine the number remaining- and more importantly, the number missing. Fulton County's efforts to conceal the suspect ballot order, the timing of the ballot order, the illogical, massive number of ballots ordered, the fact that ballots were ordered with no stubs, and the destruction of the ballots, raise very serious questions. A massive number of absentee ballots were ordered for no justifiable reason and could have been, and likely were, used to manipulate the 2020 General Election.

COUNT 4.

A.

FULTON COUNTY WILLFULLY FAILED TO PERFORM ABSENTEE BALLOT SIGNATURE VERIFICATION

STATEMENT OF FACT:

Fulton County failed to perform signature verification of absentee ballot envelopes for the 2020 General Election in accordance with Georgia law, and in contravention of the terms of a Consent Order to which Fulton County voluntarily agreed. Evidence establishes that Fulton County's failure was willful and intentional.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-386 (a)(1):

B. Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

C. If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope "Rejected," giving the reason therefor.

O.C.G.A. § 16-10-20 (2020)

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

52 U.S. Code § 20511(2)(B)
A person, including an election official, who in any election for Federal office knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SUMMARY

At the time of the 2020 election, Georgia had a "no-excuse" absentee voting policy, allowing any registered voter to request a ballot by mail. Like most of the country, Fulton County saw a meteoric surge in absentee voting due to the pandemic. Absentee ballot envelope signature verification was required by Georgia law- and served as the only process control to authenticate each ballot. Even though Fulton County was under a consent order explicitly requiring that they perform absentee ballot signature verification, they willfully disregarded a critical anti-fraud mechanism put in place by the state legislature. Georgia law mandated that election officials compare the signature on the absentee ballot oath envelope against the voter's signature on file. Only a signature match provided the statutory authority to process an absentee ballot, yet Fulton County counted the ballots without qualification.

The Georgia statute that required absentee ballot signature verification for the 2020 General Election was O.C.G.A. § 21-2-386. This section outlined the procedures for safekeeping, certification, and validation of absentee ballots, including the specific requirement for election officials to compare the signature on the absentee ballot oath envelope against the voter's signature on file.

The relevant provision stated: "The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or

mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath." If the signature did not match or other issues arose, the ballot was to be rejected, with a notification and cure process provided to the voter.

The pandemic increased the volume of absentee ballots, for which the process of signature verification was the only gatekeeper. This signature matching process was the only method of verifying the voter's identity for absentee ballots. The Secretary of State's General Counsel, Ms. Charlene McGowan, testified under oath in a Washington D.C. Bar disciplinary proceeding that there were no photo ID requirements for absentee ballots in 2020, and the only way to verify voter identity for absentee ballots was signature verification. (September 30, 2024, transcript at 240-). She also admitted that the signature verification process was not open to the public, poll watchers or party observers (*Id.* at 242) even though such access was required by Georgia law. *See* O.C.G.A. § 21-2-406 ("[S]uperintendents, poll officers, and other officials engaged in the conducting of primaries and elections held under this chapter shall perform their duties in public); O.C.G.A. § 21-2-483(b) ("[A]ll proceedings at the tabulating center and precincts shall be open to the view of the public").

Ms. McGowan goes on to falsely substantiate that absentee ballot signature verification for 2020's General Election was consistent with previous elections when it was not. During Ms. McGowan's testimony, Mr. Horrell points to a press release by the Secretary to substantiate that ballot rejection due to signature mismatch was performed at the same rate as the 2018 election:

> **MR. HORRELL**: Ms. McGowan, if you could just take a look at this document and see if it refreshes your recollection as to whether the secretary of state issued a public statement regarding absentee ballot rejection rates in the year 2020?
>
> **MS. MCGOWAN**: Yes, this looks like guidance -- or a press release put out by the secretary's office.
>
> **MR. HORRELL**: And if you look at the -- Emily, if you could blow up the second full paragraph. And if you can highlight that last -- the last sentence.
>
> Does the press release announce the rejection rate for signature issues in 2020?

MS. MCGOWAN: Yes, it looks like it was a .15 -- 0.15 percent rejection rate for signature issues.

MR. HORRELL: And does it compare that percentage to the rejection rate in 2018?

MS. MCGOWAN: Yes, and it observes that they're the same.

The statewide average .15 percent ballot rejection rate for signature issues that the Secretary of State's press release cites for both the 2018 and 2020 General Election is both misleading and the assertion that the rejection rate is the same for both is false.[14] According to the EAC, the number of absentee ballots returned state-wide for the 2020 General Election was nearly 550 percent of the number returned for 2018. Yet the number of ballots rejected in 2018 for all reasons was larger than the number rejected in 2020 for all reasons. See the table below:

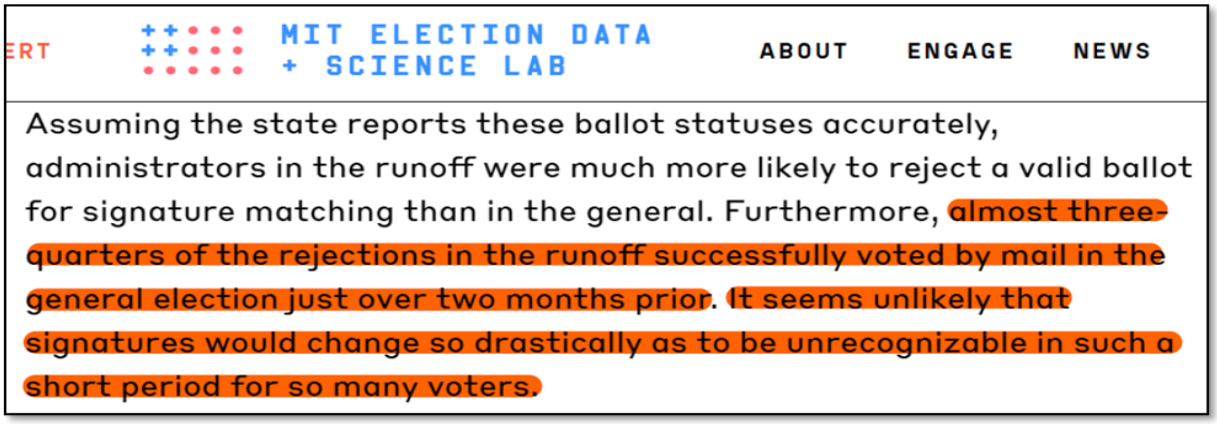
	Returned	Counted	% Counted	Rejected	% Rejected
2018	242,661	218,858	90.2%	7,512	3.1%
2020	1,316,165	1,311,361	99.6%	4,804	.4%

The Election Assistance Commission (EAC) data shows the percentage of ballots counted/accepted in the state of Georgia for the 2018 General Election was 90.2 percent- with 9.8 percent rejected (includes rejections for all reasons):[15] 2020 data shows the percentage of ballots counted in the state of Georgia for the 2020 General Election was 99.6 percent-thereby rejecting only .4 percent -or less than one half of one percent (includes rejections for all reasons). **A 9.4% statewide decrease in absentee ballot rejections from 2018 to 2020 is *not* the same.** In 2018, a total of 242,661 absentee ballots were submitted and 7,512 were rejected.

[14]The press release can be found here: Number of Absentee Ballots Rejected for Signature Issues in the 2020 Election Increased 350% from 2018 | Georgia Secretary of State (last visited May 31, 2025)
[15] Studies and Reports | U.S. Election Assistance Commission

For 2020, 1,316,165 absentee ballots were submitted and 4,804 were rejected. **2020 had five (5) times the number of absentee ballots cast as that in 2018, yet a smaller number of ballots rejected.**

A report from the MIT Election Data Science Lab discusses the differences found in Georgia's number of absentee signature rejections for the 2020 General Election and the 2021 Runoff.[16] It states that ballots were much more likely to be rejected for signatures in the runoff than in the general election. Important to note that the article states, "**[a]lmost three-quarters of the rejections in the runoff successfully voted by mail in the general election just over two months prior. <u>It seems unlikely that signatures change so drastically as to be unrecognizable in such a short period for so many voters</u>**." This bears repeating. Nearly seventy-five percent (75%) of the ballots rejected in the January 2021 runoff were from voters whose ballots were successfully accepted in the December 2020 General Election.



MIT Election Data & Science Lab -*The Shifting Standards of Signature Matching in Georgia | MIT Election Lab*

This suggests that little to no signature verification occurred in many counties ***<u>across the state</u>*** for the General Election and signature verification resumed for the runoff. Fulton County's failure is detailed in an official complaint that is attached hereto and summarized below.

[16] The report can be found here: The Shifting Standards of Signature Matching in Georgia | MIT Election Lab

FULTON COUNTY

In October of 2020, ahead of the presidential election, State Election Board and Fulton County officials entered into a Consent Order which mandated specific instructions on how to handle signature verification. For the 2020 General Election, county election officials were required by Georgia law to compare the signature on an absentee ballot envelope to the signature on the voter's original registration application or to an exemplar from the voter's registration. From the Consent Agreement:

> **The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondents cease and desist from further violations of the Election Code. If the remedies that are encompassed in this Consent Order in Paragraphs 12(A) - (F), are implemented, there will be no reprimand issued by the State Election Board.**
>
> **The State Election Board further ORDERS the Respondents pay a civil penalty of $50,000, subject to the following: The State Election Board agrees to waive the civil penalty if Respondents fully implement the following remedial measures for the November 3, 2020, general election ("Election Day"):**
>
> **(A) Absentee Ballot Procedures.**
> **1. Respondents agree to put in place sufficient resources and procedures with the goal of accurately processing all absentee ballot applications by the close of the next business day after the application is received. "Processing" the application means that the application is entered into ENET , the signature on the application is checked against other signatures on file, the application is accepted or rejected as appropriate (and such acceptance or rejection is entered into ENET), and, if accepted, the ballot (or provisional ballot if appropriate) is issued to the voter at the requested address. Personnel shall also be sufficiently trained in how to cancel absentee ballot requests in ENET and in the importance of entering those cancellations immediately upon receipt.**
> **2. Respondents agree to put in place sufficient resources and procedures to accurately process all returned absentee ballots by the close of business on the next business day after the ballot is received (but no later than 3:00 p.m. on the day after Election Day). "Processing" absentee ballots means the signature on back of the ballot is compared to the signature on the absentee ballot application or other signature on file, the ballot is entered into ENET as accepted or rejected as appropriate, and any required cure notification is sent to the voter if needed. All personnel processing absentee ballots shall be properly trained on how to reject absentee ballots that come in when the absentee ballot request has been cancelled (i.e. when the voter has voted in person).**
> **3. Respondents agree to put in place sufficient resources and procedures to fully utilize State Election Board Emergency Rule 183-1-14-0.9-.15 Processing Absentee Ballots Prior to Election Day so that all accepted absentee ballots can be scanned by the day after Election Day.**

Fulton County did not perform signature verification- at all- for the 2020 Primary. The following is an email from Amber McReynolds with National Vote At Home Institute ("NVAHI") to Elections Director Rick Barron. NVAHI was purportedly assigned to Fulton County with the grants from the Center for Tech and Civic Life ("CTCL"), and acknowledges that Fulton County did not perform signature verification for the primary:

On 7/22/20, 1:20 PM, "Barron, Richard L." <Richard.Barron@fultoncountyga.gov> wrote:

I asked Ryan Germany today. We can use signature verification.

From: Amber McReynolds [amber@voteathome.org]
Sent: Wednesday, July 22, 2020 3:18 PM
To: Barron, Richard L.
Cc: Hillary Hall; Jacob Panfel
Subject: Follow-up

Hi Rick,
Thank you for taking time today and we look forward to follow-up calls. Jake and Hillary will coordinate that with you and your team.

I wanted to ask about one question. You mentioned state law doesn't allow you to use automatic signature verification and thus the state told you that you could not. Can you send us the applicable law or where the state said that? I really want to see what they are saying because I do not see the law that way and wonder if we can work that out. Also, with the primary, it sounds like you did not compare signatures, other than to look and see that a signature was present for acceptance. This will help us think about how to work with you to formulate plans for November.

Amber

Amber McReynolds | CEO

The July 22, 2020 email states, "***Also, with the primary, it sounds like you did not compare signatures, other than to look and see that a signature was present for acceptance***.". The SEB agreed to waive the penalty if Fulton County implemented certain remedial measures for the 2020 General Election which explicitly included absentee ballot signature verification.

OVERVIEW

Upon request from each elector, an absentee ballot is mailed to the voter with a return envelope. Printed on that envelope is a unique barcode which ties the ballot to the voter.[17] Once returned to Fulton

[17] During cross-examination, Ms. McGowan incorrectly stated that there was no barcode or envelope tying the ballot to the voter (October 30, 2024 transcript at 217):

> **MR. BYRNE**: Earlier, you said that the absentee ballot has to be tied to a particular voter. Is there any sort of like barcode associated with an absentee ballot or an envelope that ties it to a voter?
>
> **MS. MCGOWAN:** No.

County, the ballots are put through a mail sorting machine (BlueCrest) which scans the barcode and electronically attributes "credit" for voting to the corresponding voter.[18] Leading up to the 2020 General Election, Fulton County's mail sorting machine was purportedly being upgraded to automatically digitally image the signature envelope and a software application would place that image next to an image of the voter's signature on file (exemplar) for comparison. Implementation of the automated system was discussed in the Fulton County Board of Registration and Election's last regular meeting before the 2020 General Election (October 8, 2020 meeting minutes at 3-4):[19]

> **Mr. Wingate inquired about the BlueCrest platform**
>
> **Mr. [Ralph] Jones mentioned the Technician from BlueCrest was onsite to assist the DRE by enabling the DRE to complete signature verification and give voters credit for voting, while maintaining the security of ballots.**

The automated system was to greatly expedite the signature verification process- and was necessary and relied upon because of the record-breaking number of absentee ballots being requested due to the pandemic. This was on the heels of Fulton County's complete failure to administer the 2020 primary election, for which no signature verification was performed:

It wasn't until some three years later- and as a result of court proceedings, it was found that Fulton County did not use an automated process for signature verification. Then it was found that Fulton County did not perform signature verification at all. Former Fulton County Board of Registration and Elections member, Mark Wingate, who served on the Board from 2017-2023, gave the following testimony under oath in the Bar trial of Mr. Jeff Clark:

> **Well, as I recall, I believe that time frame was in October, at the board meeting for October, I had asked the question where are we with regards to the functionality of the electronic signature verification component. And I was told**

[18] See the October 08, 2020 Fulton County Board of Registration and Elections meeting at which the scanning of the ballot envelope barcode that would automatically attribute credit for voting here: https://youtu.be/nU-PNIizYL8?t=1760

[19] Video of the October 8, 2020 Fulton County Board of Registration and Elections meeting can be found here (Pertinent part at 28:40-30:47): Fulton County Board of Registration & Elections Meeting

> **that the technicians from BlueCrest were in our building that day and that they were working to functionalize the electronic signature verification.**

Mr. Wingate's account is corroborated by the meeting minutes for the October 08, 2020 meeting:

> **Approved Minutes**
> **Regular Meeting**- October 8, 2020
> **4** | Page
>
> **Mr. Jones** mentioned the Technician from BlueCrest was onsite to assist the **DRE** by enabling the **DRE** to complete signature verification and give voters credit for voting, while maintaining the security of ballots

Mr. Wingate's testimony continues:

> But after the fact, we were not told in between that October date and then of course about a month later the election itself, you know, at least I was not told that they didn't -- that they did not get it to work. So, you know, somewhere along the line, and I can't -- I am sorry, I can't remember exactly when it was, but I had asked the question, well, okay, well, what did we do for signature verification? And the comment I got back was, which frankly at that time floored me, was well, you know, we didn't do any.

In a separate action, Mr. Wingate provided an affidavit stating that there was no signature verification of the absentee ballots for the 2020 General Election in Fulton County (Affidavit of Mark Wingate at 2):

> I have served on the BRE since 2017, when I was nominated by the FCRP. During that six-year term, I have become aware of the intricacies of election operations and maintenance in Fulton County and throughout Georgia. I voted not to certify the results of the 2020 general election because, as a result of my service on the BRE, I was not comfortable with the processes and procedures used to derive the final election results, including, among other things:
>
> (a) The accuracy or integrity of voter registration counts in the active/inactive voter rolls, which I had questioned for months;
>
> (b) The Board was told that Fulton County did not perform any signature verification on any absentee-by-mail ballot in the 2020 election;

Further investigation found that the equipment and software necessary to image envelopes for electronic/automated signature verification was not sought until December of 2020. Fulton County did not get a quote for the systems being relied upon to perform automated signature verification for the 2020 General Election**- until *after* the 2020 General Election**. Not only did Fulton County not possess the capability, but

the record makes clear that they had never planned to perform automated signature verification for the 2020 General Election.

Email correspondence between Ryan Macias of The Elections Group and Ralph Jones obtained through Open Records Act Request ("ORR") included a draft monthly operations report which was being prepared for the October 08, 2020 meeting. The following is a page from that document in which Mr. Macias has made edits for Ralph Jones. Included in those October 04, 2020 revisions by Mr. Macias under the subtitle, "Signature Verification", is the declaration, "***We will not be able to implement the automated signature verification process until after the November election.***":

Registration Division - Operations for ~~August~~ September 2020

Runbeck ~~will mail our~~began sending out the initial absentee ballots ~~out by~~on September 19th for the General Election. They will be allowed to mail the remaining ballots until October 16. We are waiting on more sturdy printers to arrive before taking on the task of mailing absentee ballots. Once the printers arrive, we will take on the task of mailing the absentee ballots. We expect the printers to arrive in ~~late September or early~~ October.

Ballots began coming in on or around the September 29, 2020, Special Election. As we were closing out that election, we worked through a process to ensure that all applications received by weeks end (October 2, 2020) were scanned into ElectioNet to update the voter history to reflect that their ballot has been received. This also updates BallotTrax, so the voter can see that their ballot has been received.

We continued to work with BlueCrest to get the Pitney Bowes scanning and sorting machine prepared to accept two different absentee ballot envelopes. Since we went with Runbeck to send ballots to voters, the layout of the ballot envelopes they have prepared needs to be programmed into the Pitney Bowes scanning and sorting machine. The Runbeck layout differs from the BlueCrest absentee ballot envelope layout.

Signature Verification

We are working the vendors (BlueCrest and RocketFile) to update the process for recording voter's signatures, so that we can build efficiencies in the manual signature verification process. We will not be able to implement the automated signature verification process until after the November election.

Accept or reject suggestion?

RM Ryan Macias
Replaced with *Ballots began coming in on or around the September 29, 2020, Special Election. As we were closing out that election, we worked through a process to ...*
10/4/2020 1:46:00 PM

FOR FUTURE REPORTING PERIODS:
or Felons
er Registration Drives as Requested
ce Activities
e Voter Registration procedures
ning Voter Registration Applications
nduct performance counseling sessions
n Investigations
Mailings and other Correspondences

- Staff Training

cc: Dwight Brower, Elections Chief
Pamela Coman, Registration Manager
Brenda McCloud, Administrative Coordinator II

It was known that the automated signature verification systems would not be operational for the November election- and that fact was concealed. Without an automated system, the only way to perform signature verification on a massive number of absentee ballots in a short period of time is with a massive number of trained workers, which Fulton County did not have- nor did they seek.

The Secretary of State's absentee voter file for the November 3rd, 2020, General Election was used by Fulton County to create the following pivot chart. This shows Fulton County's rejected ballots, sorted by reason for rejection and the date Fulton County received the ballot.

Ballot Status	R		R = Rejected
Count of Voter Registration #	**BALLOT STYLE**		
Status Reason/Date	**ELECTRONIC**	**MAILED**	**Grand Total**
Ballot Received after Deadline		**1**	**1**
11/3/2020		1	1
Invalid Signature		**36**	**36**
10/4/2020		2	2
10/13/2020		3	3
10/25/2020		1	1
(blank)		30	30
MIDR - ID not Provided		**1**	**1**
(blank)		1	1
Missing Signature	**2**	**409**	**411**
11/02/0202		1	1
9/28/2020	1		1
9/29/2020		1	1
10/13/2020		1	1
10/14/2020		2	2
10/15/2020		3	3
10/20/2020		1	1
10/23/2020		1	1
10/27/2020		1	1
10/29/2020		1	1
11/2/2020		1	1
11/3/2020		1	1
(blank)	1	395	396
Grand Total	**2**	**447**	**449**

Fulton County had a total of 146,029 absentee-by-mail ballots cast in the 2020 General Election. The chart above shows they rejected a total of 36 absentee ballots with invalid/mismatched signature. Out of the 36 invalid signatures only 6 have a documented date/time showing when the ballot was received. How is a

ballot rejected for an invalid signature that wasn't received or returned to Fulton County? Ralph Jones testimony is important because he clearly states that voter credit is attributed upon receipt of the envelope- prior to signature verification. Then the ballot would go straight to processing. The total absentee ballots documented as received by Fulton County and subsequently rejected for an invalid signature in the General Election is **six (6)**. Fulton County's signature verification rejection rate for the 2020 General Election was 0%. The Election Assistance Commission ("EAC") records reflect the same:

Studies and Reports | U.S. Election Assistance Commission 9/14/23, 2:58 PM

Back to report

County	Tot. Rejected	% Late	% No Signature	% No Witness Sign.	% Non-Match Sign.	% No EO Sign Ballot
ELBERT COUNTY	13	23.1%	23.1%		53.8%	
EMANUEL COUNTY	5	80.0%	0.0%		20.0%	
EVANS COUNTY	3	66.7%	33.3%		0.0%	
FANNIN COUNTY	1	0.0%	0.0%		100.0%	
FAYETTE COUNTY	47	10.6%	48.9%		40.4%	
FLOYD COUNTY	1	100.0%	0.0%		0.0%	
FORSYTH COUNTY	167	68.9%	13.2%		16.8%	
FRANKLIN COUNTY	1	100.0%	0.0%		0.0%	
FULTON COUNTY	69	73.9%	17.4%		8.7%	
GILMER COUNTY	7	57.1%	0.0%		42.9%	
GLASCOCK COUNTY	0					
GLYNN COUNTY	43	100.0%	0.0%		0.0%	
GORDON COUNTY	13	76.9%	15.4%		0.0%	

Microsoft Power BI 6 of 12

The EAC shows that for the 2020 General Election, Fulton County rejected a total of 69 ballots for all reasons, and 8.7% of those were rejected for Non-Match Signatures. 69 x .087 = 6. In his November 28, 2020 press release, Georgia's Governor acknowledged significant problems with regard to the 2020 General Election, and urged the Secretary of State to perform a ballot envelope signature audit:[20]

[20] Governor Kemp's press release can be found here: Governor Kemp Formalizes Election Certification, Calls for Signature Audit, Endorses Voter ID for Mail-In Balloting | Governor Brian P. Kemp Office of the Governor (Last accessed May 31, 2025)

> **Good afternoon. COVID-19 has introduced numerous challenges to county and state elections officials as they work to keep Georgia elections secure, accessible, and fair. Given the record number of absentee ballots and narrow margin in the November 3rd election for president in Georgia, I joined many in backing a hand recount and urging a thorough investigation into any voting irregularities. The Secretary of State oversaw a complete audit which revealed significant errors made in several counties, including: Floyd, Fayette, Douglas, and Walton.**
>
> **It is important for Georgians to know that the vast majority of local election workers did their job well under unprecedented circumstances, and I thank them for their service. However, it's quite honestly hard to believe that during the audit, thousands of uncounted ballots were found weeks after a razor-thin outcome in a presidential election. This is simply unacceptable. I have heard directly from countless Georgians. They expect better, and they deserve better.**
>
> **It's important to note that this audit only looked at ballots, not the signatures on the absentee applications or the signatures on the ballot envelopes. The Georgians I have heard from are extremely concerned about this, so I encourage Secretary Raffensperger to consider addressing these concerns. It seems simple enough to conduct a sample audit of signatures on the absentee ballot envelopes and compare those to the signatures on applications and on file at the Secretary of State's Office.**

On December 4, 2020, Governor Kemp, again, called for an absentee ballot signature audit:

> **Gov. Brian Kemp has again called for a "signature audit" of election results, citing a widely-disputed video presented Thursday by President Trump's lawyer Rudy Giuliani and his legal team.**
>
> **Kemp told Fox News' Laura Ingraham late Thursday the audit was something Secretary of State Brad Raffensperger would have to order. But since Kemp's Nov. 20 request, "he has not done that. I think it should be done," Kemp said.**
>
> **"Especially with what we saw today, it raises more questions. There needs to be transparency," Kemp told Ingraham.**

In the same article, the Secretary of State's former General Counsel, Ryan Germany, affirmed that absentee ballot signature verification was mandatory:

> **Counties are required to verify signatures on the absentee ballot applications and absentee ballots, on both the signature on the 'counties are required to verify signatures on absentee ballot apps and absentee ballots on both the**

> **signature on eNet," the state's voter registration system, "and on the absentee ballot application," Germany said.**

Fulton County's long history of dysfunctional elections is well known. They failed to perform signature verification in 2018 as well, with only one (1) ballot rejected for signature deficiency.[21] Following the 2020 General Election, and along with many others, the President rightfully called for a signature verification audit of Fulton County, but instead the Secretary of State chose Cobb County to perform the token audit. From the President's call with the Secretary:

> **President Trump:**
> But we have a number of things. We have at least 2 or 3 — anywhere from 250-300,000 ballots were dropped mysteriously into the rolls. Much of that had to do with Fulton County, which hasn't been checked. We think that if you check the signatures — a real check of the signatures going back in Fulton County you'll find at least a couple of hundred thousand of forged signatures of people who have been forged. And we are quite sure that's going to happen.
>
> **President Trump:**
> OK, so you send us into Cobb County for a signature verification, right? You send this into Cobb County, which we didn't want to go into. And you said it would be open to the public and we could have our so we had our experts there. They weren't allowed into the room, but we didn't want Cobb County. We wanted Fulton County. And you wouldn't give it to us. Now, why aren't we signature? And why can't it be open to the public?
>
> When are you going to do signature counts, when are you going to do signature verification on Fulton County, which you said you were going to do, and now all of a sudden you're not doing it. When are you doing that?
>
> **Ryan Germany:**
> We are going to do that. We've announced —

Just as the undersigned consulted the Secretary of State's data to determine that only six (6) absentee ballots were rejected due to signature mismatch in Fulton County, it is of no surprise that the Secretary, who had access to the same data, chose Cobb County. With an almost equal number of absentee ballots, Cobb

[21] Georgia governor vote: Why some absentee ballots were rejected - The Washington Post

County rejected 486, or .3 percent. Said another way, unlike Fulton, Cobb County had actually performed signature verification. Nevertheless, the Secretary would not permit anyone to witness the signature verification audit- not even attorneys representing the sitting President of the United States.

The signature verification audit that was performed was of a sampling, behind closed doors, and of a different county than the one whose actions were in question. The Secretary's signature audit avoided Fulton County and their willful failure to perform signature verification, which was known to him as his own records establish. The signature verification audit did not subject the overall process to scrutiny, and the sampling was not representative of the whole. In short, the audit of Cobb County was a prop to evade the damning facts in Fulton County.

In any case, signature verification **was not** performed in Fulton County for the 2020 General Election in violation of Georgia law, and therefore there was no validation process or gatekeeper which could have prevented the injection of fraudulent ballots. Ms. McGowan was asked what would happen if a county failed to perform signature verification:

> **MR. HORRELL**: What would happen, if anything, if a county did not conduct the required signature verification?
>
> **MS. MCGOWAN**: If counties were not conducting the signature verification, then they would be subject to a state election board investigation and possibly the imposition of civil penalties if the county was determined to not have been complying with the rules.

A formal complaint detailing the willful failure of Fulton County to perform signature verification was filed with the State Election Board.[22] The Chairman of the SEB unilaterally declined to open an investigation:

-------- Original message --------
From: "Hardin, Alexandra (SEB)" <ahardin@sos.ga.gov>
Date: 10/25/24 12:43 PM (GMT-06:00)
To: mwhite8106 <mwhite8106@aol.com>
Cc: John Fervier <jfervier.seb@gmail.com>
Subject: Re: Open records request

Good afternoon,

We will not be referring this case to investigations. As addressed in your complaint document, the State Election Board contracted an independent, non-partisan monitor for the 2020 General Election in Fulton County. This monitor report confirms that Fulton County conducted manual absentee ballot signature verification, and there is no concrete evidence to suggest otherwise.

Generally, the State Election Board is no longer accepting new complaints regarding events that have not taken place within two years due to election documents having a retention period of two years.

Thank you,

ALEXANDRA HARDIN
Paralegal
Georgia State Election Board

470-312-2715
404-927-0177

2 MLK Jr. Drive SE
Suite 802, West Tower
Atlanta, GA 30334

It's also important to note that Ms. McGowan was one of the attorneys of record for the Consent Order with Fulton County which explicitly required Fulton County to perform signature verification for the 2020 General Election in accordance with Georgia law.

[22] A true and correct copy of the official complaint as filed with the SEB can be found here: https://www.scribd.com/document/787210345/2020-NO-SIGNATURE-VERIFICATION-SEB-Complaint-Binder

B.

THE STATE-WIDE SIGNATURE AUDIT WAS A RUSE

During the Secretary of State's December 16, 2020, press conference, state officials quickly dismissed and discredited concerns on whether absentee-ballot signature verification had been carried out in accordance with the law. Gabriel Sterling, the SOS implementation manager, stated the claims were a "drumbeat of disinformation and that they now feel obligated to restore confidence in the process, so we are doing it (a signature audit) now."[23] Brad Raffensperger then publicly announced that the signature audit would begin, with the GBI in "Cobb, of their November ballots first" and "we will be doing an additional audit statewide" with the help of a research team from the University of Georgia (UGA), under the direction of Professor Trey Hood.[24]

The Scope of Work for UGA's "signature audit," dated February 22, 2021, shows unequivocally that the Secretary of State contracted the university to perform an absentee ballot verification study—not a statewide signature-verification audit. Further investigation and analysis has established that for the 2020 General Election, **just 54 of Georgia's 159 counties reported any invalid-signature rejections**. This information was derived from the Secretary of State's own voter registration files. Said another way, the Secretary knew that only one third of all Georgia counties performed any signature verification for the 2020 General Election.

A full report detailing the absentee verification study can be found here:

[23] https://www.youtube.com/watch?v=HpPs_PlzPrg
[24] https://www.youtube.com/watch?v=DCBP4EAjAqk

COUNT 5.

THE NUMBER OF FULTON COUNTY'S ABSENTEE BALLOTS DOUBLED AFTER THE POLLS CLOSED ON ELECTION DAY- FROM 74,026 TO 148,316

DEVELOPING

Page: 1 of 19

11/4/2020 2:56:39 AM

Election Summary Report
Fulton County,Georgia
General Primary-Nonpartisan General Election
November 3, 2020
Unofficial and Incomplete

Registered Voters: 447,630 of 0 (N/A)
Ballots Cast: 447,630

President of the United States (Vote for 1)
NP

	Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast	58,188	315,418	74,024	0	447,630 / 0	N/A

Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		19,101	87,069	13,913	0	120,083	
Joseph R. Biden (Dem)		36,814	223,508	58,946	0	319,268	
Jo Jorgensen (Lib)		1,415	2,994	664	0	5,073	
Total Votes		57,330	313,571	73,525	0	444,426	

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Loren Collins	WRITE-IN	0	0	0	0	0	
Gloria La Riva	WRITE-IN	0	0	2	0	2	
Unresolved Write-In		624	1,223	34	0	1,881	

Page: 1 of 1 12/3/2020 11:12:47 PM

Election Summary Report
Fulton County,Georgia
General Election Recount
Novermber 3,2020
Official and Complete

Registered Voters: 527,925 of 806,451 (65.46%)
Ballots Cast: 527,925

President of the United States (Vote for 1)
NP

	Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast	56,106	320,338	148,673	2,808	527,925 / 806,451	65.46%
Undervotes	379	2,054	1,492	26	3,951	
Overvotes	0	0	41	2	43	

Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		18,701	88,312	29,536	698	137,247	
Joseph R. Biden (Dem)		35,659	226,818	115,724	2,011	380,212	
Jo Jorgensen (Lib)		1,367	3,154	1,728	71	6,320	
Total Votes		55,727	318,284	147,140	2,780	523,931	

COUNT 6.

FULTON COUNTY'S 2020 FABRICATED TABULATION RESULTS

Evidence produced by Fulton County shows that Fulton County officials fabricated tabulator poll tapes and violated Georgia laws designed to ensure the accuracy of the vote tally with respect to approximately 315,000 ballots in the 2020 election. None of these ballots can be considered legitimate.

Specifically, in Georgia, vote tabulator activity is recorded and verified on two types of tabulator poll tapes—a "zero" tape reflecting the state of the tabulator before ballots are scanned, and a "closing" poll tape for that tabulator ***after*** all ballot scanning for an election has been completed.

The zero tape is used to establish a zero-count baseline at the beginning of an election and establishes the identity of the tabulator by serial number, polling location, time and date that the polls were opened and provides the tabulator's protective counter number. The protective counter is essentially the tabulator's "odometer" and maintains a count of all ballots successfully scanned on that machine- for the lifetime of the machine and it cannot be reset or altered. The tabulator ID is also printed on the zero tape reflecting the identity of the removable memory card inserted into the tabulator on which the images of the scanned ballots are stored. Georgia law [INSERT] requires the poll manager and two witnesses to sign the zero tape before the scanning of ballots begins.

The closing tape is the bookend to the tabulator zero tape i.e., the closing tape records all of the specific tabulator's ballot scanning activity from the point of the activity recorded on the zero tape. The closing tape should bear the same serial number as the zero tape and the same tabulator ID (the memory card inserted), and the protective counter should document incremented increase from the number shown on the zero tape reflecting the number of ballots scanned during the election.

Pursuant to multiple Open Records Requests ("ORR"), the Fulton County records custodian produced what was certified to be all of Fulton County's early voting tabulator poll closing tapes for the November 3, 2020 General Election. Out of the 148 tabulators that produced results (identified by the Cast Vote Record ("CVR"), and the Batches Loaded Report), Fulton County produced 138 poll closing tapes and nine (9) poll zero tapes. The 10 tabulators for which there are no records is the subject of complaint SEB2023-025, investigated and referred by the Georgia State Election Board to the Georgia Attorney General for investigation, who declined to act. That complaint is ***not*** covered here. However, it is important to note that in a State Election Board meeting, Fulton County conceded that they do not have the records for the ten tabulators at issue.

None of the 138 poll closing tapes reconciles with the zero tapes. Every one of the 138 closing tapes bears a serial number and protective counter number of a surrogate tabulator- and not the machine on which the ballots were scanned. There should be a unique serial number for each tabulator and should be the same on the open and close tape as shown in the example above. Instead, it was found that all 138 advance voting tabulator closing tapes, the official returns, bear one of sixteen (16) serial numbers but different tabulator ID numbers (i.e. 16 tabulators were used to ingest results from 138 memory cards – i.e., they did not scan ballots). Indeed, the protective counters on closing tapes with the same tabulator serial numbers ***do not change*** demonstrating that ballots were not actually scanned on that tabulator, if ballots existed at all. Election results data stored on the memory cards is not encrypted until the poll is closed (machine function) and the poll close tapes are printed. Thus, that data is easily manipulated or fabricated. Significantly, Fulton County also ***illegally destroyed*** the images and data on the memory cards used to fabricate these poll tapes in violation of Georgia law.

The process Fulton County implemented to tabulate ~315,000 ballots circumvented and ignored all procedures and checks required by Georgia law. Not one of the 138 tabulator closing tapes would have survived the process as the serial number, protective counter number, and seal verification checks would have required election officials to stop and rectify the issue before proceeding. See Ga. Comp. R. & Regs. 183-1-14-.02. Fulton County's illegally fabricated tabulator tapes reflect election results for ~315,000 ballots. In addition, Fulton County also illegally destroyed the images on the memory cards leaving zero evidence that these election results based on ~315,000 purported ballots are legitimate.

A.

FULTON COUNTY UNLAWFULLY SWAPPED THIRTY-FIVE ADVANCE VOTING TABULATOR MEMORY CARDS DURING A LIVE ELECTION

STATEMENTS OF FACT:

During the course of advance voting, security seals were cut, and the memory cards of thirty-five tabulators were unlawfully removed- and replaced with other memory cards.

POTENTIAL VIOLATIONS OF LAW:

Ga. Comp. R. & Regs. 183-1-12-.07 -6. The Superintendent shall check that the memory cards used in the ballot scanner are formatted and contain no extraneous software or data prior to use in an election. The ballot scanner memory cards shall be named to indicate the polling place where they will be used. If more than one ballot scanner is to be used in a single polling place, the memory card name shall differentiate between the scanners;

Ga. Comp. R. & Regs. 183-1-12-.08 -e. Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot. If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. The component failure should be documented and reported to the superintendent. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place.") Should the State Election Board find that ballot scanners were tampered with by anyone for any reason besides good faith efforts in pursuit of a lawful election, you are compelled to forward this complaint to the State Attorney General for criminal investigation.

Ga. Comp. R. & Regs. 183-1-14-.02 "The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff"

Ga. Comp. R. & Regs. 183-1-14-.02 The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately, and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

Ga. Comp. R. & Regs. 183-1-14-.02(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap

sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet.";

Ga. Comp. R. & Regs. 183-1-14-.02(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center.

Ga. Comp. R. & Regs. 183-1-14-.02(15) The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public.

O.C.G.A. § 21-2-493(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had.

O.C.G.A. § 21-2-580 Any person who:(1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot marker or tabulating machine to be used or being used at any primary or election;(2) Willfully prepares a voting machine or an electronic ballot marker or tabulating machine for use in a primary or election in improper order for voting; or(3) Prevents or attempts to prevent the correct operation of such electronic ballot marker or tabulating machine or voting machine shall be guilty of a felony.

O.C.G.A. § 21-2-582 Any person who tampers with or damages any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device shall be guilty of a felony.

O.C.G.A. § 21-2-483 (h) The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted.

O.C.G.A. § 21-2-587 (8) Any poll officer who willfully fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine; ballot box; general or duplicate return sheet; tally paper; oaths of poll officers; affidavits of electors and others; record of assisted voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE, electronic ballot marker, or tabulating machine memory cards; or any certificate or any other paper or record required to be returned under this chapter shall be guilty of a felony.

O.C.G.A. § 21-2-585 (b) Any superintendent or employee of his or her office who willfully destroys or alters, or permits to be destroyed or altered, any document described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony.

O.C.G.A. § 21-2-596 Any public officer or any officer of a political party or body on whom a duty is laid by this chapter who willfully neglects or refuses to perform his or her duty shall be guilty of a misdemeanor.

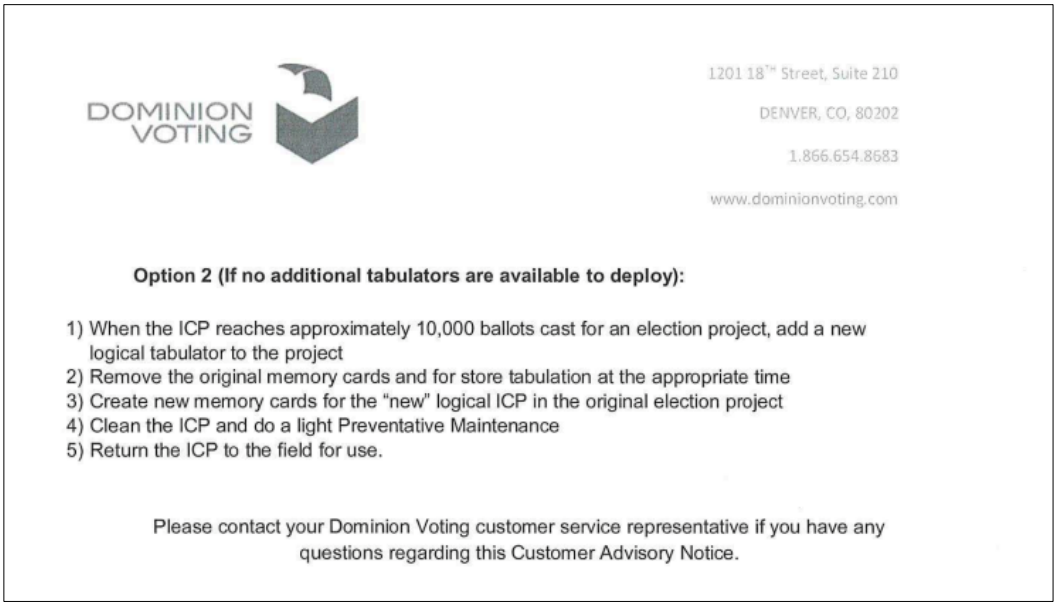
O.C.G.A. § 21-2-597 Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor.

52 U.S. Code § 20511(2)(B) A person, including an election official, who in any election for Federal office knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SUMMARY

During the course of Advance Voting, Fulton County broke the security seals and swapped out tabulator memory cards during a live election in violation of Georgia law.[25] These actions were performed under the false pretext of memory card capacity and a fictitious limit of five-thousand ballot images; however the specified limit as defined by the manufacturer was ten-thousand ballot images:

[25] Ga. Comp. R. & Regs. 183-1-14-.02 which states, "[t]he memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff".



DOMINION VOTING

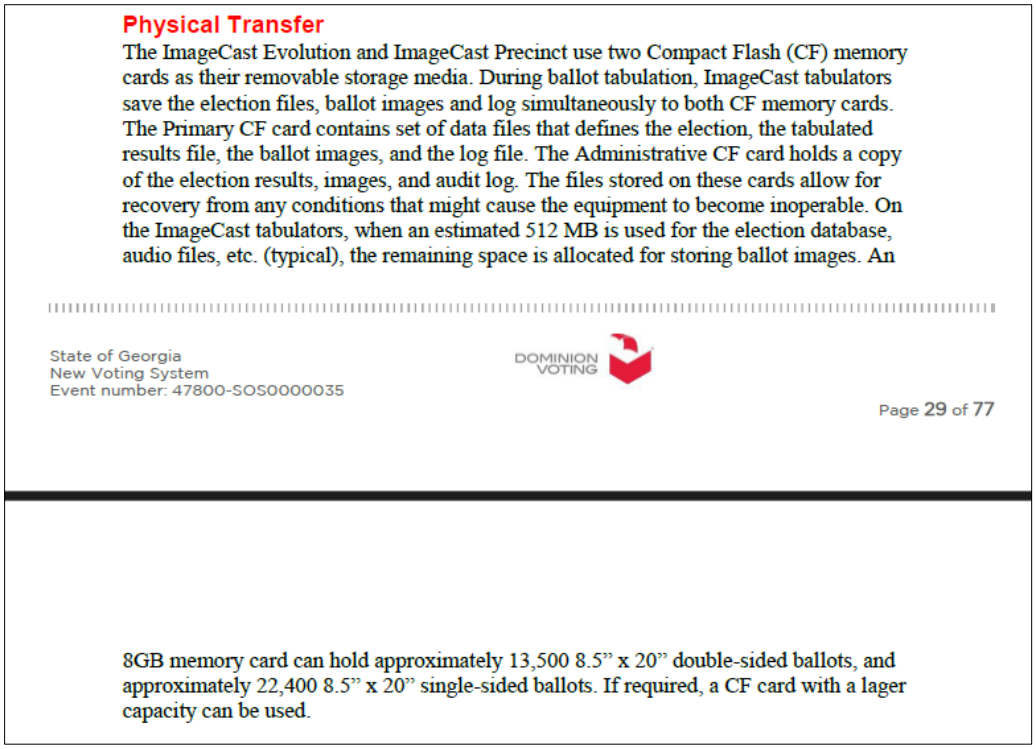
1201 18TH Street, Suite 210
DENVER, CO, 80202
1.866.654.8683
www.dominionvoting.com

Option 2 (If no additional tabulators are available to deploy):

1) When the ICP reaches approximately 10,000 ballots cast for an election project, add a new logical tabulator to the project
2) Remove the original memory cards and for store tabulation at the appropriate time
3) Create new memory cards for the "new" logical ICP in the original election project
4) Clean the ICP and do a light Preventative Maintenance
5) Return the ICP to the field for use.

Please contact your Dominion Voting customer service representative if you have any questions regarding this Customer Advisory Notice.

The voting system vendor, Dominion Voting Systems, detailed the tabulator flash card memory capacity as 22,400 ballot images in their response to the State of Georgia's Request For Information ("RFI"):



Physical Transfer

The ImageCast Evolution and ImageCast Precinct use two Compact Flash (CF) memory cards as their removable storage media. During ballot tabulation, ImageCast tabulators save the election files, ballot images and log simultaneously to both CF memory cards. The Primary CF card contains set of data files that defines the election, the tabulated results file, the ballot images, and the log file. The Administrative CF card holds a copy of the election results, images, and audit log. The files stored on these cards allow for recovery from any conditions that might cause the equipment to become inoperable. On the ImageCast tabulators, when an estimated 512 MB is used for the election database, audio files, etc. (typical), the remaining space is allocated for storing ballot images. An

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8GB memory card can hold approximately 13,500 8.5" x 20" double-sided ballots, and approximately 22,400 8.5" x 20" single-sided ballots. If required, a CF card with a lager capacity can be used.

Dominion's manual for the ImageCast Precinct tabulator details the specification and corresponding ballot image capacity for various ballot and memory card sizes. Georgia's ballots for in-person voting are 8.5" x 11", and are stored on a 8 gigabyte memory card which the chart specifies a 29,000-ballot image capacity.

The ICP can be configured through its DCF configuration settings to limit the maximum number of ballots that can be processed onto a memory card. Based on the ballot sizes to be processed through a unit, along with the information in the table below, the election administrator can determine a maximum value for the number of ballots to be processed on a memory card in order to configure the DCF configuration settings for that unit.

		Memory Card Size			
Ballot Size (Single-Sided)	**Approx. Ballot Image Size (KB)**	**2 GB**	**4 GB**	**8 GB**	**16 GB**
8.5" x 11"	258	5800	13500	29000	59900
8.5" x 14"	286	5200	12200	26200	54200
8.5" x 17"	325	4600	10700	23000	47700
8.5" x 20"	352	4200	9900	21300	44000
8.5" x 22"	382	3900	9100	19600	40500
Ballot Size (Double-Sided)					
8.5" x 11"	382	3900	9100	19600	40500
8.5" x 14"	476	3100	7300	15700	32600
8.5" x 17"	517	2900	6800	14500	30000
8.5" x 20"	564	2600	6200	13300	27500
8.5" x 22"	633	2400	5500	11800	24500

Table 5-4: ImageCast® Precinct Ballot Image Capacity for Various Ballot Sizes and Memory Card Sizes

No matter the metric or document consulted, memory card capacity was not the genuine cause for replacing the memory cards.

Thirty-five (35) ballot scanners were unlawfully reprogrammed using new flashcards during the Advance Voting period- none of which underwent L&A testing. Those 35 reprogrammed ballot scanners were credited with scanning 106,483 of the total 315,000 ballots counted for all of Advance Voting.

Complaint SEB2022-024 was "administratively dismissed" by the Secretary of State's office- without notifying the complainant, without a vote by the SEB, and without the case being placed on any SEB meeting agenda. This, of course, left complainants with no notice, no due process and no way to challenge or appeal the "decision" in violation of the Administrative Procedures Act:

MEMO CASE CLOSURE

INVESTIGATIONS DIVISION

SUMMARY OF INVESTIGATION

CASE NAME:	Fulton County Scanner Tabulator Issue
CASE #:	SEB2022-024
INVESTIGATOR:	Chris Baker
DATE OF REPORT:	05-09-2022

On 04-04-2022, the Secretary of State Investigations opened case SEB2022-024 Fulton County Scanner Tabulator Issue. After a review of the case and Complaint (see exhibit 1) this investigator has learned this case is a technical issue and Fulton County has been made aware of this Complaint and the fact that the SOS is closing this case administratively.

Moreover, the fault, failure, and material violations of Georgia law were not investigated, no one was held accountable, and the surreptitious actions by the Secretary of State in closing the case prevented and obstructed the State Election Board from taking such action as necessary to enforce compliance with the law and prevent the recurrence we've seen in every federal election since.

B.

SECURITY SEALS WERE CUT, TABULATOR MEMORY CARDS WERE REMOVED, AND FRAUDULENT RETURNS WERE PRINTED ON SURROGATE MACHINES

STATEMENTS OF FACT:

At the end of advance voting, the memory cards were removed from 138 tabulators and on Election Day they were inserted into surrogate tabulators which were used to print fraudulent official returns.

POTENTIAL VIOLATIONS OF LAW:

Ga. Comp. R. & Regs. 183-1-12-.07 -6. The Superintendent shall check that the memory cards used in the ballot scanner are formatted and contain no extraneous software or data prior to use in an election. The ballot scanner memory cards shall be named to indicate the polling place where they will be used. If more than one ballot scanner is to be used in a single polling place, the memory card name shall differentiate between the scanners;

Ga. Comp. R. & Regs. 183-1-12-.08 -e. Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot. If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. The component failure should be documented and reported to the superintendent. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place.") Should the State Election Board find that ballot scanners were tampered with by anyone for any reason besides good faith efforts in pursuit of a lawful election, you are compelled to forward this complaint to the State Attorney General for criminal investigation.

Ga. Comp. R. & Regs. 183-1-14-.02 "The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff"

Ga. Comp. R. & Regs. 183-1-14-.02 The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately, and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

Ga. Comp. R. & Regs. 183-1-14-.02(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet.";

Ga. Comp. R. & Regs. 183-1-14-.02(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center.

Ga. Comp. R. & Regs. 183-1-14-.02(15) The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public.

O.C.G.A. § 21-2-374
(a) The superintendent of each county or municipality shall order the proper programming to be placed in each ballot scanner used in any precinct or central tabulating location.
(b) Precinct ballot scanners shall produce a zero tape prior to any ballots being inserted on the day of any primary or election.

O.C.G.A. § 21-2-375
(3) Ensure that the precinct count ballot scanner shall have a seal securing the memory pack in use throughout the election day; such seal shall not be broken unless the ballot scanner is replaced due to malfunction;

O.C.G.A. § 21-2-493(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had.

O.C.G.A. § 21-2-580 Any person who:(1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot marker or tabulating machine to be used or being used at any primary or election;(2) Willfully prepares a voting machine or an electronic ballot marker or tabulating machine for use in a primary or election in improper order for voting; or(3) Prevents or attempts to prevent the correct operation of such electronic ballot marker or tabulating machine or voting machine shall be guilty of a felony.

O.C.G.A. § 21-2-582 Any person who tampers with or damages any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device to be used or being used at or in connection with any primary or election or who prevents or

attempts to prevent the correct operation of any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device shall be guilty of a felony.

O.C.G.A. § 21-2-483 (h) The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted.

O.C.G.A. § 21-2-587 (8) Any poll officer who willfully fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine; ballot box; general or duplicate return sheet; tally paper; oaths of poll officers; affidavits of electors and others; record of assisted voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE, electronic ballot marker, or tabulating machine memory cards; or any certificate or any other paper or record required to be returned under this chapter shall be guilty of a felony.

O.C.G.A. § 21-2-585 (b) Any superintendent or employee of his or her office who willfully destroys or alters, or permits to be destroyed or altered, any document described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony.

O.C.G.A. § 21-2-596 Any public officer or any officer of a political party or body on whom a duty is laid by this chapter who willfully neglects or refuses to perform his or her duty shall be guilty of a misdemeanor.

O.C.G.A. § 21-2-597 Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor.

52 U.S. Code § 20511(2)(B) A person, including an election official, who in any election for Federal office knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SUMMARY

Separate from the swapping of the tabulator memory cards during advance voting, when the polls closed on the last day of advance voting (October 30, 2020), the tabulator seals were broken and the memory cards were removed. Once the polls closed on Election Day four days later, memory cards, with no chain of custody were inserted into surrogate tabulators and the poll tapes were printed.

Complaint SEB2022-024 was filed on March 28, 2022, which detailed how every one of the poll closing tapes for advance voting (official returns) were unlawfully produced on surrogate tabulators and not the ones used to scan the ballots during the course of the election. The same complaint detailed how the security seals were cut and the memory cards for each tabulator were unlawfully removed in violation of **Ga. Comp. R. & Regs. 183-1-14-.02** which states, "***[t]he memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff***".

By removing the memory cards prior to the closing of the polls- the chain of custody was broken, which is not simply a technical violation, but a very serious and material one. This is because the election data (stored only on the memory cards) was left raw, unencrypted, and vulnerable for four (4) days between the end of advance voting (October 30, 2020) and Election Day (November 3rd) open to undetectable and easily facilitated manipulation.

Moreover, removing the memory cards from the tabulator that scanned the ballots- and then inserting those (or other) memory cards into a different tabulator (surrogate) to print the closing tapes (the official returns) masked the serial number and protective counter number of the tabulator that actually scanned the ballots (Note- a tabulator will only print its own serial number and protective counter number- no matter what memory card is in the machine). This surreptitious process rendered it impossible for Fulton County to have complied with the mandatory tabulator seal number, serial number, protective counter number verification, recap and reconciliation.

See the five examples of poll closing tapes below from five different polling locations- and note that all share the same serial number (AAFAJIV0104) and protective counter number (2,481):

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-New Beginnings Sr Ctr ICP 1

Tabulator ID
267

Voting Location
AV-New Beginnings Sr Ctr

- - - - - - - - - - - -

Poll Opened
Oct 14/2020 07:25:41

Poll Closed
Nov 03/2020 20:33:54

Report Printed
Nov 03/2020 20:52:41

- - - - - - - - - - - -

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

- - - - - - - - - - - -

Total Scanned: 1
Total Voters: 1

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Welcome All Rec Ctr ICP 2

Tabulator ID
324

Voting Location
AV-Welcome All Rec Ctr

- - - - - - - - - - - -

Poll Opened
Oct 12/2020 06:38:43

Poll Closed
Nov 04/2020 02:14:52

Report Printed
Nov 04/2020 02:21:40

- - - - - - - - - - - -

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

- - - - - - - - - - - -

Total Scanned: 603
Total Voters: 603

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Ocee Library ICP 3

Tabulator ID
703

Voting Location
AV-Ocee Library

- - - - - - - - - - - -

Poll Opened
Oct 15/2020 15:07:51

Poll Closed
Nov 03/2020 22:41:16

Report Printed
Nov 03/2020 22:46:51

- - - - - - - - - - - -

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

- - - - - - - - - - - -

Total Scanned: 3594
Total Voters: 3594

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Welcome All Rec Ctr ICP 4

Tabulator ID
713

Voting Location
AV-Welcome All Rec Ctr

- - - - - - - - - - - -

Poll Opened
Oct 20/2020 09:38:59

Poll Closed
Nov 03/2020 21:22:32

Report Printed
Nov 03/2020 21:27:24

- - - - - - - - - - - -

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

- - - - - - - - - - - -

Total Scanned: 2600
Total Voters: 2600

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Metropolitan Library ICP 4

Tabulator ID
758

Voting Location
AV-Metropolitan Library

- - - - - - - - - - - -

Poll Opened
Oct 27/2020 12:16:13

Poll Closed
Nov 03/2020 2:-52:16

Report Printed
Nov 03/2020 2:-54:17

- - - - - - - - - - - -

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

- - - - - - - - - - - -

Total Scanned: 2264
Total Voters: 2264

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Ocee Library ICP 3

Tabulator ID
703

Voting Location
AV-Ocee Library

- - - - - - - - - - - -

Poll Opened
Oct 15/2020 15:07:51
Poll Closed
Nov 03/2020 22:41:16
Report Printed
Nov 03/2020 22:46:51

- - - - - - - - - - - -

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

- - - - - - - - - - - -

Total Scanned: 3594
Total Voters: 3594

In summary, the official returns for Fulton County's 2020 General Election for all ballots cast for Advance Voting **bear an invalid serial number** (different from the machine that scanned the ballots); **an invalid Protective Counter number** (tabulator odometer); **are unsigned, unwitnessed, and uncertified;** and the **attestation language printed on each return is to that of a law or act of a foreign nation**.[26] All of which were **unlawfully produced and printed on surrogate tabulators** by a **former Dominion employee and foreign national employed by Happy Faces temp services**.

[26] See a true and correct copy of the 138 poll closing tapes for advance voting as certified by the Fulton County Custodian of Records, here: https://www.scribd.com/document/671461587/Fulton-2020-Av-Poll-Tapes-Certified

COUNT 7.

FULTON COUNTY INCLUDED 20,713 BALLOTS ATTRIBUTED TO TEN ADVANCE VOTING TABULATORS WITH NO PROVENANCE

STATEMENT OF FACT:

Fulton County's November 3rd results include votes from 20,713 ballots from ten tabulators with no records, chain of custody, or official returns.

POTENTIAL VIOLATIONS OF LAW:

GA Code § 21-2-493(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had.

52 U.S. Code § 20511(2)(B) A person, including an election official, who in any election for Federal office knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SUMMARY

Tabulator tapes are printed by each tabulator used to scan ballots for in-person voting (both advance and election day). An open or zero tape is printed at the time the polls open (first day of advance voting or on Election Day), and a close tape is printed when the polls close on election day. The poll manager and two witnesses are required to sign the open tape and the close tape attesting that the count on the tape is true and correct. The poll tapes are statutorily defined as the "official returns" and Georgia law requires the tapes to be

signed, witnessed, certified, and posted for public review. For advance voting, Fulton County only produced nine (9) zero tapes and 138 of the 148 poll closing tapes for advance voting.

When asked whether all of Fulton County's tabulator poll closing tapes (official returns) were statutorily compliant, Ms. McGowan says that they only looked into ten (10) specific scanners raised in SEB2023-025.[27] She goes on to say that there was no reason to check all of the poll closing tapes because "[they] ***only investigate when there is a specific complaint of a violation***." After being asked if there were any uncertified/blank poll closing tapes, Ms. McGowan states, "***That was not something our office has investigated***" because "[t]here ***is not a specific allegation that has been made***".[28] Ms. McGowan's statements are false- both materially and specifically.

For context, it is important to understand the allegation included in SEB2023-025 pertaining to the ten (10) scanners Ms. McGowan references. For the investigation of Fulton County's 2020 General Election, our process model was to verify the election results by obtaining the election records and using those records to recreate the results. Fulton County unlawfully failed to preserve the ballot images for all in-person voting (as discussed in previous sections). We also sought the precinct (ICP) tabulator poll tapes. The precinct tabulators are optical scanners which are placed at each polling location that voters use to scan their ballots. For every election, each tabulator prints a poll open ("zero") and poll close tape marking the beginning and end of scanning ballots for that machine. The tabulator poll tapes are defined by Georgia statute as the "official returns".

On the morning of the first day of early voting and on election day, the poll manager is required to power on each tabulator and print an open or "zero" tape. Just as the name implies, the zero tape is to establish

[27] When Ms. McGowan was asked about her May 7, 2024 presentation to the Board, she falsely claimed that SEB2023-025 was only about the Recount:

> That investigation was investigating a specific complaint that was filed with the state election board involving the recount of the presidential election in 2020 by Fulton County.

[28] October 01, 2024 transcript at 586-588.

that "zero" ballots/votes have been counted. The same process officially opens the poll for that machine, at which time the tabulator is ready to begin scanning ballots. The zero tape also establishes the identity of the tabulator by serial number, polling location, time and date that the polls were opened and provides the tabulator's protective counter number. The protective counter is essentially the tabulator's "odometer" and maintains a count of all ballots successfully scanned on that machine- for the lifetime of the machine- and it cannot be reset or altered. It is a very important record as it's used to "bookend" the scanning of ballots. After the tape is printed, Georgia law requires the poll manager and two witnesses to sign the zero tape.

The poll close tape details all of the same information, but includes the number of ballots cast, and the total number of votes or selections for each candidate and contest. On the poll close tape, the protective counter should reflect the number of the protective counter as shown on the zero tape plus the number of ballots cast for the election.

For every tabulator used to scan ballots in an election, there should be an open/zero tape and a poll close tape, with both bearing the same serial number. After numerous Open Records Requests, we obtained what was certified by the records custodian to be all of Fulton County's closing tapes for the November 3, 2020 General Election; however, we only received nine (9) poll open/zero tapes out of the five-hundred and five (505) tabulators which reported results. Additionally, Mr. Garland Favorito and VoterGA also sought the poll tapes, but he too only received nine (9) poll open/zero tapes.

CERTIFICATION OF RECORDS

I, **Steven Rosenberg**, as Open Records Custodian in the Office of the Fulton County Attorney, do hereby certify and declare that the attached request and responses to Request Reference # R008635-120121 seeking *all Tabulator Poll Tapes for the 11/3/2020 General Election, including those used for advanced voting and Logic and Accuracy Testing* are true and correct copies and are maintained in the normal course of Fulton County business.

Sworn to and subscribed
Before me, this 22nd
day of March, 2022.

Notary Public
My Commission Expires:

GRETHELYN D PIPER
MY COMMISSION EXPIRES
NOTARY PUBLIC
NOVEMBER 08, 2025
FULTON COUNTY, GEORGIA

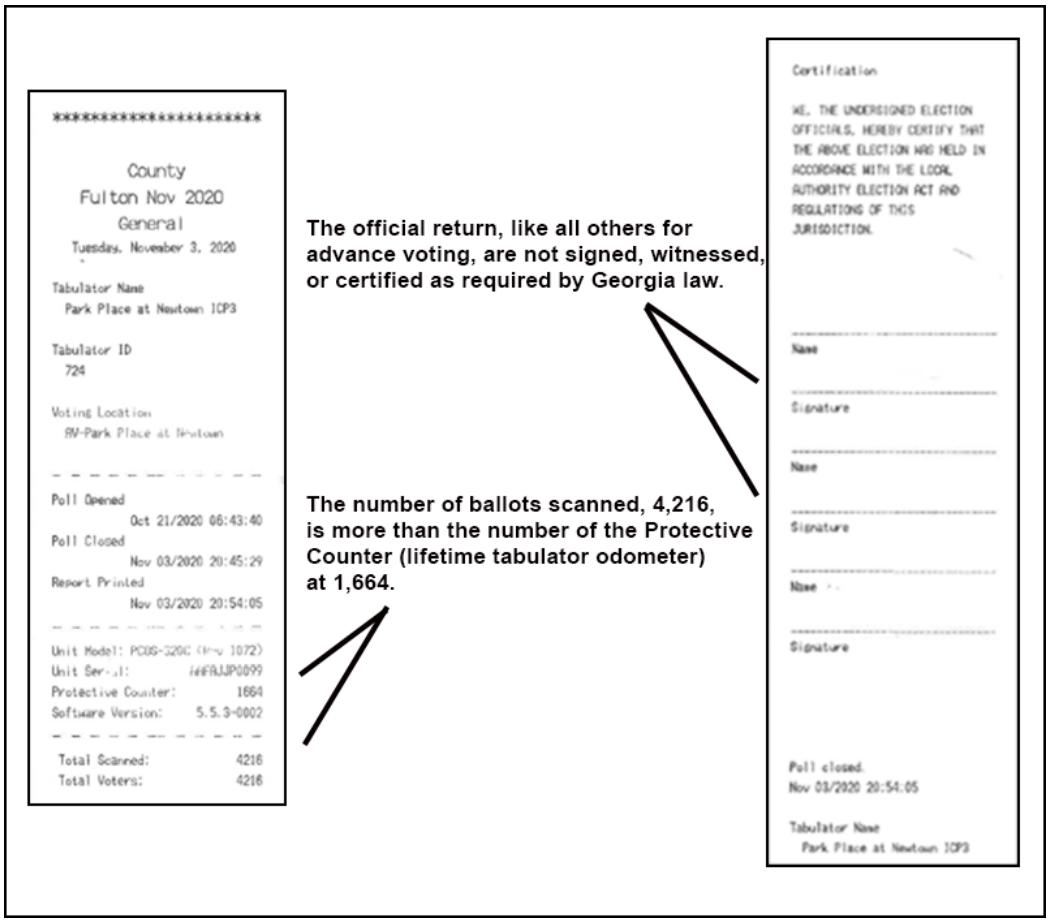
There exists no accounting of the ballots that were actually scanned at each polling location, nor the identity of the machine used to scan the ballots.

After logging all of the tabulator poll closing tapes for advance voting (early voting) and comparing those to the Cast Vote Record (CVR), we were able to identify ten (10) tabulators to which 20,713 ballots/votes were attributed but no open/zero or poll close tapes were produced. From SEB2023-025 as filed on July 9, 2022:

> In addition to the problems detailed above, the original Election Night vote count includes results for **ten** (10) Advance Voting tabulators for which Fulton County has **no** records. That is, **the tabulators do not exist** – there are no poll open tapes, no daily status tapes and no poll closing tapes.. We submitted Open Records Requests to Fulton County specifically seeking the 10 tabulator tapes, but Fulton County responded by saying that they had "***No such records***".
>
> To follow up, we sent two emails to the Fulton County Records Department and the Fulton County Custodian of Records, Steve Rosenberg, seeking clarification to determine if the

records were missing or if they exist; the Records Department replied, "***The records do not exist***." See attached emails and official certification of records.

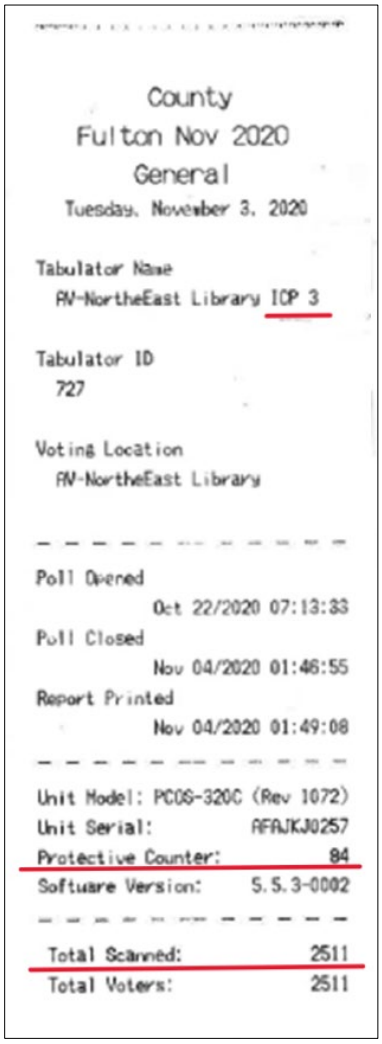
As a result of the SEB2023-025 investigation, Fulton County provided no complete or credible records. The official returns for eight out of ten scanners in question have not been located. This fact alone should have expanded the scope of investigation. The two (2) tabulator poll closing tapes that were produced and included in Ms. McGowan's Report of Investigation are fraudulent and were provably and irrefutably not from the machines which scanned the ballots. The following is the poll closing tape purported to be for one of the ten tabulators at issue identified as "AV Park Place at Newton ICP 3" as produced by Fulton County and attached to the Secretary of State's Report ("Exhibit 13f" of the SOS Report of Investigation):[29]



[29] A true and correct copy of the SEB2023-025 Report of Investigation can be found here: https://www.scribd.com/document/874573732/SEB2023-025-Report-of-Investigation-Combined

The two poll closing tapes bear irrefutable evidence that they are fraudulent. First, the Protective Counter number is **less than** the total ballots scanned for the election. The Protective Counter number increments by a value of one (1) for every ballot successfully cast and the count is maintained over the lifetime of the machine. The ImageCast Precinct tabulator only prints its own Protective Counter number and serial number no matter what memory card is in the machine. The fact that the Protective Counter number (1,664) is **less than** the Total [ballots] Scanned (4,216) removes any possibility that the tabulator which printed the tape was the same tabulator which scanned the 4,216 ballots. Therefore, the poll closing tape is fraudulent. Not only does it fail to satisfy the allegation, it raises more questions as to the intent of those who produced it, and those who accepted it.

The second of two total tabulator poll close tapes provided by Fulton County in response to the investigation was purportedly for "AV Northeast Library tabulator three (ICP 3)". The top and bottom of the poll closing tape are shown below.



County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-NorthEast Library ICP 3

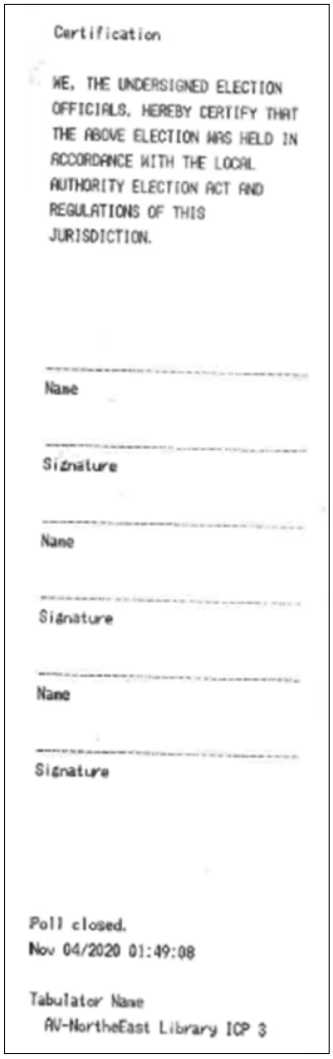
Tabulator ID
727

Voting Location
AV-NorthEast Library

Poll Opened
Oct 22/2020 07:13:33
Poll Closed
Nov 04/2020 01:46:55
Report Printed
Nov 04/2020 01:49:08

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AFAJKJ0257
Protective Counter: 84
Software Version: 5.5.3-0002

Total Scanned: 2511
Total Voters: 2511



Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS, HEREBY CERTIFY THAT THE ABOVE ELECTION WAS HELD IN ACCORDANCE WITH THE LOCAL AUTHORITY ELECTION ACT AND REGULATIONS OF THIS JURISDICTION.

Name

Signature

Name

Signature

Name

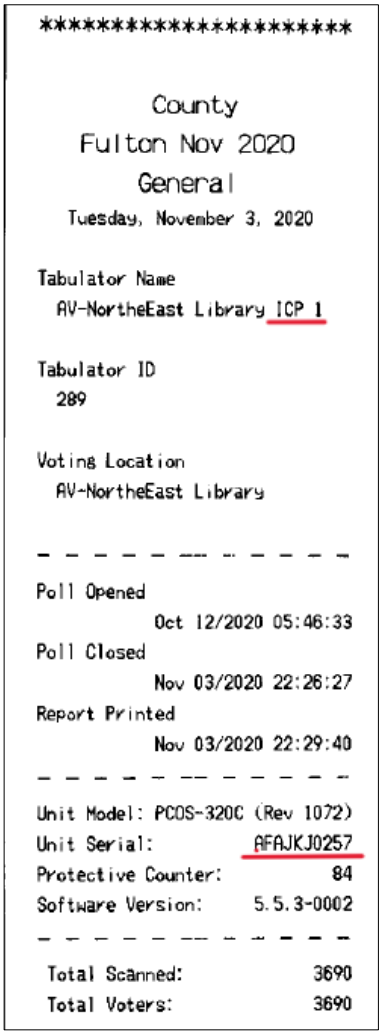
Signature

Poll closed.
Nov 04/2020 01:49:08

Tabulator Name
AV-NorthEast Library ICP 3

The Protective Counter number for the tabulator that printed this tape was 84. The number of ballots scanned for the election is 2,511. 2,511 is larger than 84; therefore, the tabulator with serial no. AFAJKJ0257 that printed this tape **did not** scan the ballots attributed to it. Fact.

Just as before, the tabulator poll close tape for "AV Northeast Library ICP 3" is not signed, witnessed, or certified as required by Georgia law. *See* O.C.G.A. § 21-2-483(h) (The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted.) Furthermore, the serial number as indicated on the poll close tape for "AV NorthEast Library ICP 3" tabulator three (AFAJKJ0257), is the same serial number for "AV NorthEast Library tabulator ICP 1" tabulator one (AFAJKJ0257).


****

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-NortheEast Library ICP 1

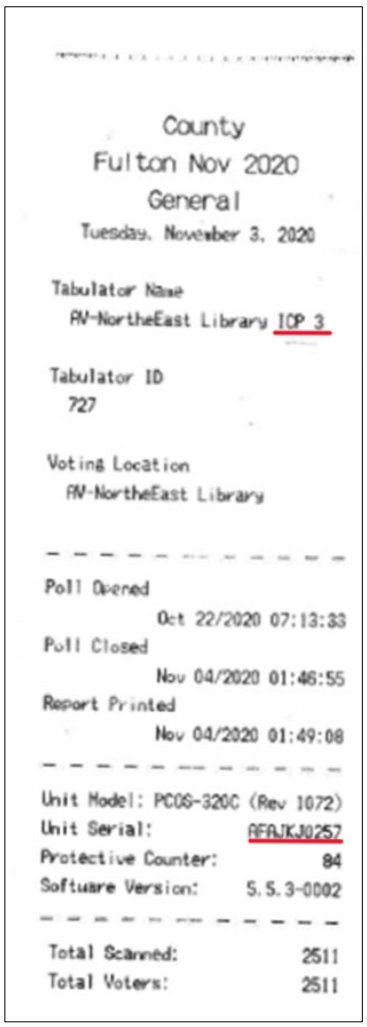
Tabulator ID
289

Voting Location
AV-NortheEast Library

Poll Opened
Oct 12/2020 05:46:33
Poll Closed
Nov 03/2020 22:26:27
Report Printed
Nov 03/2020 22:29:40

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AFAJKJ0257
Protective Counter: 84
Software Version: 5.5.3-0002

Total Scanned: 3690
Total Voters: 3690


County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-NortheEast Library ICP 3

Tabulator ID
727

Voting Location
AV-NortheEast Library

Poll Opened
Oct 22/2020 07:13:33
Poll Closed
Nov 04/2020 01:46:55
Report Printed
Nov 04/2020 01:49:08

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AFAJKJ0257
Protective Counter: 84
Software Version: 5.5.3-0002

Total Scanned: 2511
Total Voters: 2511

Not only are the serial numbers the same, but so are the Protective Counter numbers (84), which means the tabulator bearing serial no. AFAJKJ0257 ***did not*** scan the ballots represented on either of the two tabulator poll closing tapes.

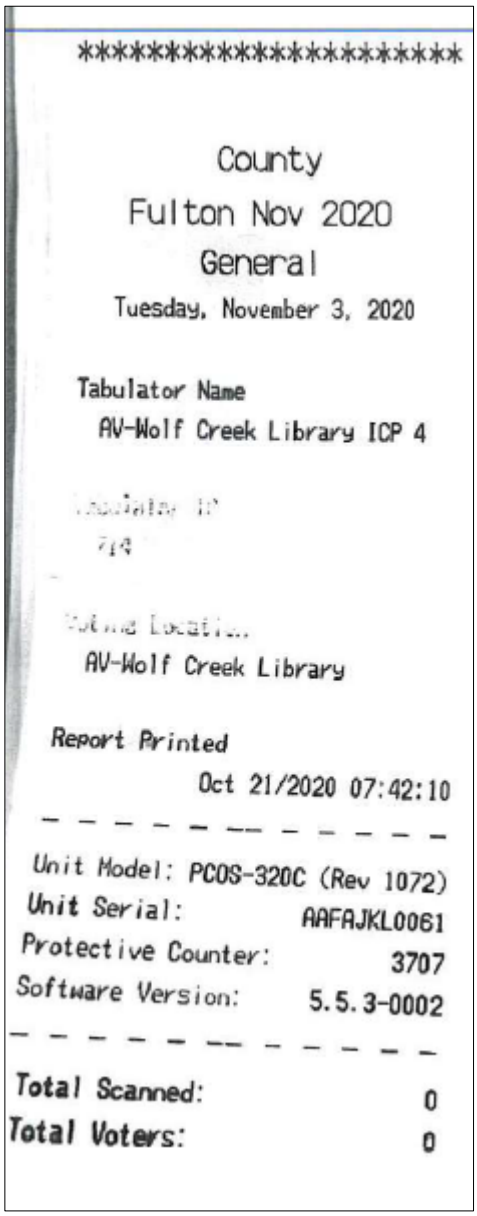
What's more, there is no information as to the identity of the tabulator(s) which were used to scan the ballots attributed to AV Park Place ICP 3 and AV NorthEast Library ICP 3, and because no zero/open tape was produced by Fulton County for either tabulator, there's no chain of custody or record with which to consult, check or validate that the ballots were cast at all.

Once understood, the poll close tapes produced by Fulton County for two of the ten machines at issue, not only fail to cure or remedy the allegation as put forth in SEB2023-025, but bolster it by serving as irrefutable evidence that Fulton County failed to comply with Georgia law in material violation of Ga. Comp. R. & Regs 183-1-14-.02 (14, 15, 16) and O.C.G.A. § 21-2-493 (requires the comparison of the number registered on the protective counter of each machine prior to delivery to the polling place, prior to the opening of the polls, and immediately after the polls close to ensure those numbers and the results correspond);[30]

For the other eight tabulators at issue in SEB2023-025, Fulton County failed to produce the official returns or poll closing tapes. They did provide the Secretary of State investigators with what was purported to be eight tabulator poll open/zero tapes. Of course, a poll open/zero tape alone does not establish that ballots were scanned and counted on any given tabulator, but the opposite. Yet that is what Ms. McGowan and the Secretary of State's investigators put forth as they claim the open/zero tapes show that the tabulators at issue

[30] **O.C.G.A. § 21-2-493** (f) In precincts in which voting machines have been used, there shall be read from the general return the identifying number or other designation of each voting machine used and the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after the close of the same, whereupon the assistant having charge of the records of the superintendent showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place shall publicly announce the numbers so registered; and, unless it appears that such records and such general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the superintendent.

did exist. It doesn't. We can show, and have shown in our June 13, 2024 Factual Response, that the records Fulton County and Ms. McGowan put forth are for tabulators from the same polling locations which are in evidence. For example, Fulton County produced the following poll open/zero tape for the investigation - purportedly for AV-Wolf Creek Library ICP 4 -with serial no. AAFAJKL0061:



****

County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Wolf Creek Library ICP 4

Tabulator ID
74

Voting Location
AV-Wolf Creek Library

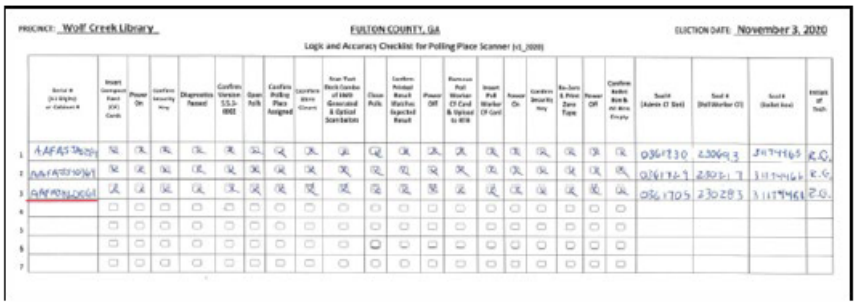
Report Printed
Oct 21/2020 07:42:10

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJKL0061
Protective Counter: 3707
Software Version: 5.5.3-0002

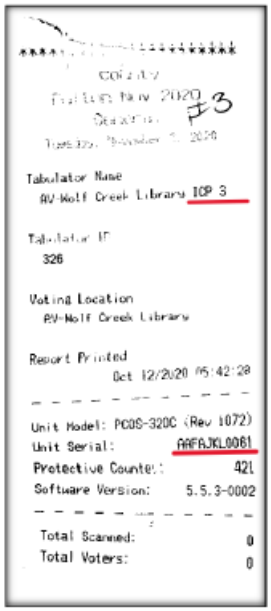
Total Scanned: 0
Total Voters: 0

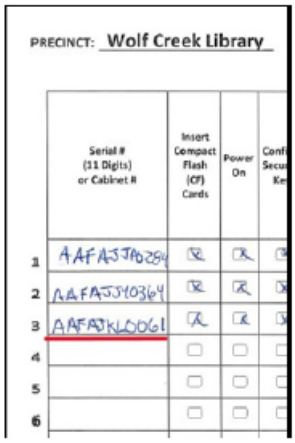
As detailed in our June 14, 2024 Factual Response, **serial number AAFAJKL0061 is the serial number for "AV-Wolf Creek Library ICP 3" and AV Wolf Creek Library only had three (3) tabulators as evidenced by Fulton County's own records- not four (4)**:

Once again, Wolf Creek Library only had three (3) tabulators for Advance Voting:

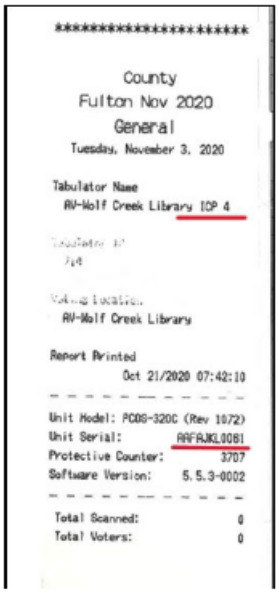

PRECINCT: Wolf Creek Library
FULTON COUNTY, GA
Logic and Accuracy Checklist for Polling Place Scanner
ELECTION DATE: November 3, 2020

And once again, the serial number on the tape provided and identified as "ICP4" or tabulator four (4), matches that of tabulator number three (3):


Tabulator Name
AV-Wolf Creek Library ICP 3
Tabulator ID
326
Voting Location
AV-Wolf Creek Library
Report Printed
Oct 12/2020 05:42:28
Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJKL0061
Protective Counter: 421
Software Version: 5.5.3-0002
Total Scanned: 0
Total Voters: 0


PRECINCT: Wolf Creek Library

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On
1	AAFAJJP0284	☒	☒
2	AAFAJJ40364	☒	☒
3	AAFAJKL0061	☒	☒
4		☐	☐
5		☐	☐
6		☐	☐


County
Fulton Nov 2020
General
Tuesday, November 3, 2020
Tabulator Name
AV-Wolf Creek Library ICP 4
Voting Location
AV-Wolf Creek Library
Report Printed
Oct 21/2020 07:42:10
Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJKL0061
Protective Counter: 3707
Software Version: 5.5.3-0002
Total Scanned: 0
Total Voters: 0

39

Another example is the poll open/zero tape for "AV East Point Library ICP 3" for which Fulton County claimed to have no records but then produced a record for the investigation. It too was problematic

Factual Response
To Accompany Letter dated June 13, 2024
to Georgia State Election Board

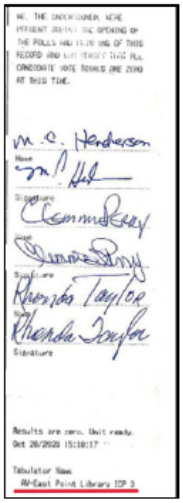
AV EAST POINT LIBRARY ICP3

Voting Location
AV-East Point Library

Report Printed
Oct 28/2020 15:18:17

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJP0214
Protective Counter: 7274
Software Version: 5.5.3-0002

Total Scanned: 0
Total Voters: 0



Results are zero. Unit ready.
Oct 28/2020 15:18:17

Tabulator Name
AV-East Point Library ICP 3

Fulton County also provided a picture of the tabulator showing the same serial numbers as identified on the tape provided above:

This is wrong. The serial number reflected in the records for AV East Point Library ICP3 is the same as the serial number for AV East Point Library ICP2 as identified by the checklist

14

Here again, the poll close tape that Fulton County produced for "AV East Point Library ICP 3" is the same as "AV East Point Library ICP 2", and that polling location only had two (2) tabulators- not three (3). The records for the others are the same.

Factual Response
To Accompany Letter dated June 13, 2024
to Georgia State Election Board

produced in response to an Open Records Request for each tabulator before they were distributed:

AV Tabulator Checklist

PRECINCT: East Point Library

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confi Secur Key
1	AAFAJJP0137	☑	☑	☑
2	AAFAJJP0214	☑	☑	☑
3		☐	☐	☐
4		☐	☐	☐

Poll Zero Tape (investigation)

Voting Location
AV-East Point Library

Report Printed
Oct 28/2020 15:18:17

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJP0214
Protective Counter: 7274
Software Version: 5.5.3-0002

Total Scanned: 0
Total Voters: 0

It's also important to note that the checklist only shows two (2) tabulators- not three (3); which is because there were never three (3) tabulators at East Point Library for Advance Voting.

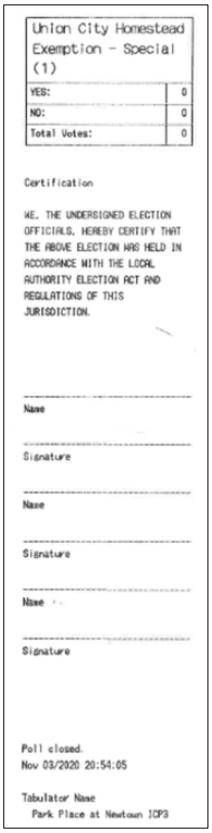
PRECINCT: East Point Library — FULTON COUNTY, GA — ELECTION DATE: November 3, 2020

Logic and Accuracy Checklist for Polling Place Scanner

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confirm Security Key	Diagnostics Passed	Confirm Version 5.5.3-0002	Open Polls	Confirm Polling Place Assigned	Confirm Zero Count	Scan Test Deck Combo of BMD Generated & Optical Scan Ballots	Close Polls	Confirm Printed Result Matches Expected Result	Power Off	Remove Poll Worker Of Card & Upload to RTR	Insert Poll Worker Of Card	Power On	Confirm Security Key	Re-Zero & Print Zero Tape	Power Off	Confirm Ballot Box & All Bins Empty	Seal # (Admin Cf Slot)	Seal # (Poll Worker Cf)	Seal # (Ballot Box)	Initials of Tech
1	AAFAJJP0137	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	0409204	335740	3037585	
2	AAFAJJP0214	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	0409270	449724	5073838	
3		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
4		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
5		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
6		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
7		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				

15

Even if the records were otherwise credible, what is extremely concerning is that the uncertified, and unwitnessed tabulator closing tapes, the official returns, were somehow considered sufficient – and used in ***defense*** of the allegations against Fulton County.



Union City Homestead Exemption - Special (1)

YES:	0
NO:	0
Total Votes:	0

Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS, HEREBY CERTIFY THAT THE ABOVE ELECTION WAS HELD IN ACCORDANCE WITH THE LOCAL AUTHORITY ELECTION ACT AND REGULATIONS OF THIS JURISDICTION.

Name

Signature

Name

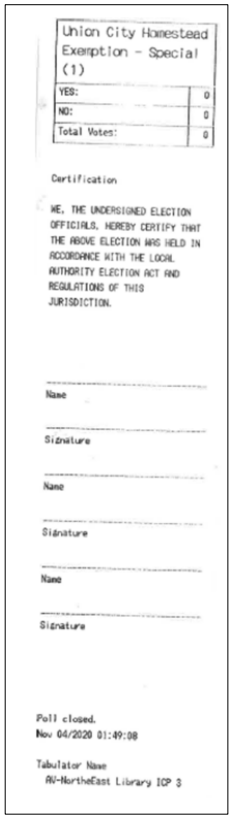
Signature

Name

Signature

Poll closed.
Nov 03/2020 20:54:05

Tabulator Name
Park Place at Newtown ICP3



Union City Homestead Exemption - Special (1)

YES:	0
NO:	0
Total Votes:	0

Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS, HEREBY CERTIFY THAT THE ABOVE ELECTION WAS HELD IN ACCORDANCE WITH THE LOCAL AUTHORITY ELECTION ACT AND REGULATIONS OF THIS JURISDICTION.

Name

Signature

Name

Signature

Name

Signature

Poll closed.
Nov 04/2020 01:49:08

Tabulator Name
AV-NortheEast Library ICP 3

At the May 7, 2024 SEB meeting, proper perspective was restored by member Johnston:

> **Dr. Janice Johnston: (5:49:27)**
> There are over 150 missing pieces of information that I asked for on these 10 scanners and all of these have an associated law, code number or a state election board rule. So I would consider this over 150 violations if these are not produced, if they're not available.

A chart detailing each of the potential violations of Georgia law as it pertains to the 10 scanners is below:

SEB2023-025 Complaint -Fulton County - 10 Tabulators(Summary of PossibleViolations)

	SCANNER DATA AND DOCUMENTS	Acceptance test	Serial number matching [1]	Tabulator ID	L & A test Scanner test	L & A Zero Tape	Storage log & Receipt Transport manifest	Opening seal number on scanner	Opening Zero tape	Opening Protective Counter Number	Chain of Custody for ballot removals	Daily Recap Form	Security Seal Number Memory Card	Closing Results Tape (Proof sheet)	Closing Protective Counter Number	Votes recorded	SCANN AND DO
	O.C.G.A. LAW	21-2-374	21-2-450(c)		21-2-374(b)	21-2-374(b)		21-2-450(a)(1)	21-2-374 21-2-450	21-2-450(a)(2)				21-2-455	21-2-454 21-2-455	21-2-454 21-2-455	O.C.G.
	RULE	183-1-12-.03	183-1-12-.04(4)		183-1-12-.08	183-1-12-.08	183-1-12-.05 and .06	183-1-12-.10	183-1-12-.10	183-1-14-.02(7)	183-1-14-.02(8)	183-1-12-.12(9)	183-1-12-.10(2)	183-1-12-.12(a)(1)	183-1-12-.12(a)		RU
1	AV SF Arena ICP 3 -303	X	X	X	X	X	X	X	signed	196		X	X	X	X	133	AV SF ICP 3
2	AV SF Arena ICP 10 - 311	X	X	X	X	X	X	X	signed	379		X	X	X	X	198	AV SF ICP 1
3	AV SF Arena ICP 11- 312	X	X	X	X	X	X	X	signed	214		X	X	X	X	558	AV SF ICP 1
4	AV So Fulton SC ICP 3 - 712	X	X	X	X	X	X	X	signed	5665		X	X	X	X	3377	AV So F ICP 3
5	AV Wolf Creek ICP 4 - 714	X	X	X	X	X	X	X	signed	3707		X	X	X	X	2252	AV Wol ICP 4
6	AV Pk Place New ICP 3- 724	X	Named ICP4	X	X	X	X	X	X	Missing		4216	X	Not signed	1664	4216[2]	AV Pk Pl ICP 3
7	AV NE Library ICP 3- 727	X	X	X	X	X	X	X	X	Missing		2511	X	Not signed	84	2511[3]	AV NE ICP 3
8	AV Ponce Lib ICP 3- 754	X	X	X	X	X	X	X	signed	4971		1830[4]	X	X	X	1830[4]	AV Po ICP 3
9	East Point Lib ICP 3- 763	X	X	X	X	X	X	X	No Tab#	Missing		X	X	X	X	1396	East P ICP 3
10	AV JC Env Ctr ICP 2- 2535	X	X	X	X	X	X	X	No Tab #	Missing		4242	X	X	X	4242	AV JC ICP 2
	Poss VIOLATIONS	6	2		20	20	10	20	6	6		6	10	20	20		Po VIOLA

(1) Copied of Serial Numbers on Machines were presented, but those numbers were not shown to match the numbered tabulators in all cases. According to the complaint, Fulton County denied the existence of these tabulato

(2) Tabulator flash card printed on a tabulator without protective counter cross-check, violating HAVA and SEB Rule 183-1-14-.02(9)

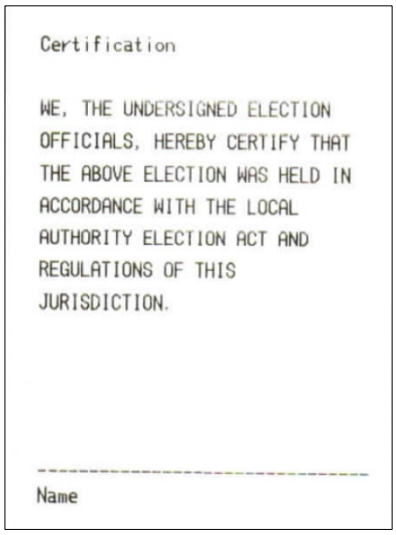
(3) Tabulator flash card printed on a tabulator without protective counter cross-check, violating HAVA and SEB Rule 183-1-14-.02(9)

(4) Internal Inconsistencies in Reporting - 100 vote error

In summary, of the ten advance voting tabulators, Fulton County produced only zero tapes for eight, and only close tapes for the other two. Not both a zero tape and close tape, or a set, for any of the ten machines. Georgia law- and logic- require both- and from the same tabulator, in order to benchmark a definitive beginning and a definitive end. It has been established herein that the eight zero tapes were each produced by tabulators bearing the serial number of other tabulators at each of the corresponding polling locations.

The two poll close tapes were produced on different tabulators than those which scanned the ballots reflected on the poll tapes. This is irrefutably established by referencing the fact that for both close tapes the total number of ballots cast impossibly exceeds the total number of all ballots cast over the life of the tabulator (protective counter).

Moreover, as a former Assistant Attorney General, and the current General Counsel for the Secretary of State- one would have expected Ms. McGowan to note that the certification language printed on the official returns is not related to Georgia- or even the United States, but that of a foreign nation:


Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS, HEREBY CERTIFY THAT THE ABOVE ELECTION WAS HELD IN ACCORDANCE WITH THE LOCAL AUTHORITY ELECTION ACT AND REGULATIONS OF THIS JURISDICTION.

Name

The poll closing tapes state:

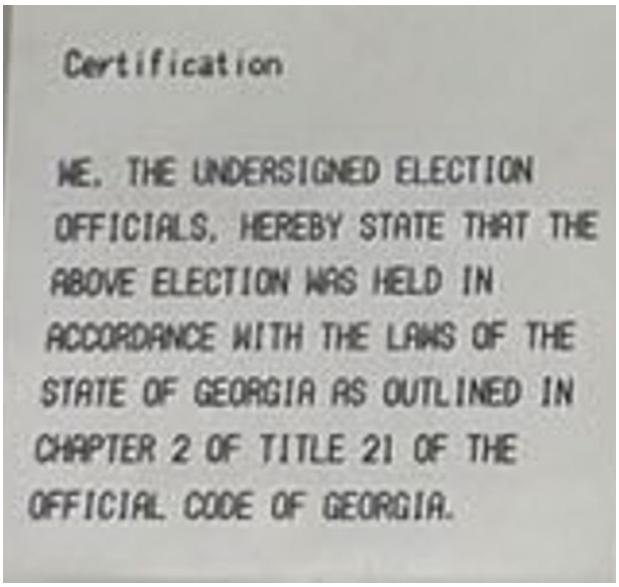
Certification

We, the undersigned election officials, hereby certify that the above election was held in accordance with the local authority election act and regulations of this jurisdiction.

The Secretary of State's lawyers- for whatever reason- are somehow incapable of discerning that the State of Georgia- and the United States of America, do not have a "***Local Authority Election Act***", or simply don't care.[31] The legal language on the official returns for ***our*** elections to which poll officials must certify- references the law of a foreign nation.[32] The same attestation- that the election was held in accordance with a

[31] A google search reveals that the "*Local Authority Election Act"* is what appears to be a legal authority of Alberta, Canada.
[32] During my testimony Mr. Horrell pointed out that I am not an attorney- and that is certainly true; however, as I stated in response- "I can read". This is an example of such an instance in which my special skill set has become especially useful with regard to Georgia's elections.

Canadian Election Act, has remained on every poll closing tape for every Georgia election over the past four (4) years. The fact that the same persisted until July of 2025 is representative of the abhorrent state of Georgia's elections, and because Georgia finally corrected the attestation language, acquiesces to the defect.


Certification

WE, THE UNDERSIGNED ELECTION OFFICIALS, HEREBY STATE THAT THE ABOVE ELECTION WAS HELD IN ACCORDANCE WITH THE LAWS OF THE STATE OF GEORGIA AS OUTLINED IN CHAPTER 2 OF TITLE 21 OF THE OFFICIAL CODE OF GEORGIA.

Fulton County closing tape for July 15, 2025 Special Election

Second, Ms. McGowan's assertion that there has been no specific allegation made as to the deficiency of the returns for advance voting is provably false. The same was made clear in our June 13, 2024 Factual Response to Ms. McGowan's SEB2023-025 Report of Investigation (at 22):[33]

> **As with the two (2) tabulator poll closing tapes provided for the investigation report, all poll closing tapes / official returns for the 148 Advance Voting tabulator memory cards were NOT SIGNED, CERTIFIED, NOR WITNESSED as required by O.C.G.A. § 21-2-483.**

Even if there hadn't been a specific allegation or complaint, Ms. McGowan knew, or should have known, that the records Fulton County produced for the investigation of SEB2023-025 were incomplete, fraudulent, and/or uncertified.

[33] A true and correct copy of the SEB 2023-025: Second Request for Opportunity for Rebuttal; Request for Hearing; Factual Response can be found here: https://www.scribd.com/document/874578846/Request-for-Hearing-Complete-With-Factual-Response

COUNT 8.

DESTRUCTION & FAILURE TO PRESERVE ELECTION RECORDS FROM NOVEMBER 3RD COUNT

STATEMENT OF FACT:

Fulton County destroyed approximately 374,128 ballot images for nearly all of in-person voting for the November 03, 2020 General Election.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-500(c) Immediately upon completing the returns required by this article, the municipal superintendent shall deliver in sealed containers to the city clerk the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the municipal superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county registrar.

52 U.S.C. §§ 20701-20706 (From the DOJ's July 21, 2021 Memo)**:**
The Civil Rights Act of 1960, now codified at 52 U.S.C. §§ 20701-20706, governs certain "[f]ederal election records." Section 301 of the Act requires state and local election officials to "retain and preserve" all records relating to any "act requisite to voting" for twenty-two months after the conduct of "any general, special, or primary election" at which citizens vote for "President, Vice President, presidential elector, Member of the Senate, [or] Member of the House of Representatives," 52 U.S.C. § 20701. The materials covered by Section 301 extend beyond "papers" to include other "records." Jurisdictions must therefore also retain and preserve records created in digital or electronic form.

There are federal criminal penalties attached to willful failures to comply with the retention and preservation requirements of the Civil Rights Act. First, Section 301 itself makes it a federal crime for "[a]ny officer of election" or "custodian" of election records to willfully fail to comply with the retention and preservation requirements. 52

U.S.C. § 20701. Second, Section 302 provides that any "person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper" covered by Section 301's retention and preservation requirement is subject to federal criminal penalties. *Id.* § 20702. Violators of either section can face fines of up to $1000 and imprisonment of up to one year for each violation.

18 U.S. Code § 1519

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

SUMMARY

Georgia's voting system utilizes optical scanners. When a ballot is scanned- a ballot image is created- and for in-person voting, the ballot images are saved on memory cards. The software reads the ballot image to count the votes. Simply put, the ballot image- ***not the paper ballot***- is used to count votes, and without the ballot image- no votes could be counted.

State and federal law both require the preservation of ballot images. Georgia law states that following the election, county officials must deliver all ballots and ballot images "in sealed containers to the clerk of the superior court," and they are to be held by the clerk under seal for a period of 24 months, O.C.G.A. § 21-2-500(a).[34] Federal law requires state and local election officials to "retain and preserve" all records relating to any "act requisite to voting" for twenty-two months after the conduct of "any general, special, or primary election" at which citizens vote for "President, Vice President, presidential elector, Member of the Senate, [or] Member of the House of Representatives," 52 U.S.C. § 20701. As described above, the ballot images were indeed "requisite to voting".

[34] *See* Smith v. DeKalb County, 288 Ga. App. 574 (2007). In Smith, the plaintiff sought production of ballot images maintained on a CD-ROM that were being maintained under seal by the clerk of superior court.

Following the November 3, 2020 General Election, Fulton County destroyed approximately 374,128 ballot images for nearly all of in-person voting. In response to a Request for Admissions as filed in Curling v. Raffensperger, Fulton County admitted that they "failed to preserve the majority of ballot images from in-person voting for the November 3, 2020 original machine count": [35]

> Admit that You did not preserve until the present time the majority of ballot images from in-person voting for the November 3, 2020 election original machine count.

Response: Admitted.

Case 1:17-cv-02989-AT Document 1297-6 Filed 02/01/22 Page 2 of 22

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, et al;	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION
	)	FILE NO: 1:17cv02989-AT
BRAD RAFFENSPERGER, et al.;	)	
Defendants.	)	

FULTON COUNTY DEFENDANTS' RESPONSE TO COALITION PLAINTIFFS' SECOND REQUESTS FOR ADMISSION

COME NOW, the Members of the Fulton County Board of Registration and Elections, and hereby respond to this Response to Plaintiffs' Second Request for Admission.

REQUESTS FOR ADMISSION

1. Admit that You did not preserve until the present time the majority of ballot images from in-person voting for the November 3, 2020 election original machine count.

Response: Admitted.

[35] A true and correct copy of the Request for Admissions can be found here: https://www.scribd.com/document/679975974/Fulton-County-Request-for-Admissions2

These are very serious violations of both state and federal election record retention laws to which Fulton County confirmed and admitted. Not a hearsay casual admission, not a rumor, and not an allegation *deemed* admitted, but an official, affirmative admission- filed in a federal court case (Curling v. Raffensperger).

Nearly half of the ballot images for the approximate five million ballots cast across the state of Georgia for the November 3, 2020, General Election were destroyed. Based on a state-wide effort by VoterGA who submitted Open Records Act requests, seventy-four (74) of Georgia's one-hundred and fifty-nine (159) counties failed to produce the ballot images from the November 3, 2024 count.[36] Fifty-six (56) of those provided written admissions that they did not preserve the ballot images. It is important to note that for the 2020 General Election, personnel from Dominion were in operational control of the voting systems in nearly every county. Said another way- failure to preserve the ballot images was almost certainly no accident. Further supporting this is a December 01, 2020 Official Elections Bulletin ("OEB") from the Secretary of State's office:

> **When preparing your materials for the "Ballot Run" for the November 3, 2020 Election and Recount, you must complete the following steps to include all ballot images with your election returns. Please include in your election certification packet the following:**
>
> • A backup copy of your Official and Complete November 3rd General Election Project
> • A backup copy of your November 3rd Recount Election Project containing all the ballot images collected during the recount process (see "Loading images instructions" below on how to ensure ballot images have been loaded)

Note the difference in the directive for the November 3rd count and the Recount in that counties are only instructed by the Secretary of State to include ballot images for the Recount.

[36] A copy of VoterGA's press release can be found here: Press-Release-VoterGA-2020-Election-Ballot-Images-Destroyed-11-09-21-1.pdf (last accessed April 17, 2025)

OFFICIAL ELECTION BULLETIN
December 1, 2020

TO: **County Election Officials and County Registrars**

FROM: **Chris Harvey, Elections Division Director**

RE: **Preserving Ballot Images and Delivering to Sec. of State**

When preparing your materials for the "Ballot Run" for the November 3, 2020 Election and Recount, you must complete the following steps to include all ballot images with your election returns.

Please include in your election certification packet the following:

- A backup copy of your Official and Complete November 3rd General Election Project
- A backup copy of your November 3rd Recount Election Project containing all the ballot images collected during the recount process (see "Loading images instructions" below on how to ensure ballot images have been loaded)

The Secretary of State's General Counsel, Charlene McGowan, has gone to extraordinary lengths to conceal the unlawful actions of county and state, to include giving false statements of fact and law under oath.[37]

[37] See the grievance filed against Ms. McGowan here: https://www.scribd.com/document/886027844/Georgia-Bar-Grievance-McGowan-07-08-2025

MS. MCGOWAN FALSELY ASSERTED THAT GEORGIA LAW DID NOT REQUIRE BALLOT IMAGES TO BE PRESERVED FOR THE 2020 GENERAL ELECTION

On October 1, 2024, Ms. McGowan testified to the Disciplinary Panel of the Washington D.C. Bar in the trial of three attorneys and stated that Georgia law did not require ballot images to be preserved (Transcript at 589-590):

> **MS. MCGOWAN:**
> **The result was that ballot images were not required by law to be preserved in 2020 like they are now. And so it was not a finding of a legal violation of the law.**

But Ms. McGowan knew that was not true. On April 2, 2021, Ms. McGowan**,** as the Assistant Attorney General on behalf of the Secretary of State, and sole signatory, filed an amicus brief (hereinafter "The Amicus Brief") in the case of Favorito v. Wan (2020) in which she states the following as it pertains to the 2020 election records (The Amicus Brief at 7):[38]

> **Ballots are then scanned through optical voting scanners selected and furnished by the State of Georgia pursuant to O.C.G.A. § 21-2-300. Once scanned, an electronic ballot image is created and stored on a memory card ("ballot images"). Following the election, county officials must deliver all ballots and ballot images "in sealed containers to the clerk of the superior court," and those ballots and ballot images are to be held by the clerk under seal for a period of 24 months. O.C.G.A. § 21-2-500(a).**

Ms. McGowan went on to argue that the plaintiff in the case should not be allowed to access the paper ballots from the 2020 General Election, but instead be provided the **ballot images** (from The Amicus Brief at 5):

> **The Secretary respectfully requests that the Court permit Petitioners to inspect ballot images only, and deny Petitioners' request to inspect and scan ballots.**

[38] A true and correct copy of the Amicus brief was filed in Fulton County Superior Court case Favorito v. Wan (case no. 2020CV343938) is attached hereto as "Exhibit 4-A"

(*Id.* at 12):

> **Based upon the controlling law discussed above, the Secretary respectfully requests that Petitioners' Motion to Unseal be granted only as to ballot images, and Petitioners' request to inspect and scan ballots be denied. Such a results is consistent with Georgia law and allows Petitioners access to inspect ballot images, while maintaining the confidentiality, security, and integrity of ballots that Georgia law requires and the voting public expects.**

Ms. McGowan also cited case law affirming that ballot images are required to be preserved and maintained under seal (*Id.* at 7):

> **The Georgia Court of Appeals has held that both ballots and ballot images are not public records open to inspection by the general public under the Open Records Act because they must remain sealed under O.C.G.A. § 21-2-500(a). *Smith v. DeKalb County*, 288 Ga. App. 574 (2007). In Smith, the plaintiff sought production of ballot images maintained on a CD-ROM that were being maintained under seal by the clerk of superior court. The Court of Appeals held that "because the CD-ROM is statutorily designated to be kept under seal, it is by law prohibited or specifically exempted from being open to inspection by the general public and, therefore, is not an open record subject to disclosure." *Id.* at 577. Accordingly, "the trial court did not abuse its discretion in granting the Secretary of State's petition for a permanent injunction prohibiting the custodian from opening the record in response to Smith's Open Records Act request." *Id.***

Ms. McGowan even admitted that the ballot images at issue were preserved and were being held by the Clerk of the Fulton County Superior Court (*Id.* at 6):

> **Petitioners filed this action as an enforcement action under the Open Records Act, O.C.G.A. § 50-18-73, and have asked that the Court order Respondents to produce for inspection all ballots, ballot images, and elections reports from the November 3, 2020, general election. See Motion to Unseal, at Exhibit A. These materials are currently under seal as required by O.C.G.A.§ 21-2-500, and are currently being maintained by the Fulton County Superior Court Clerk.**

Because of a prior challenge to Ms. McGowan by the State Election Board in a public hearing, Ms. McGowan knew at the time of her testimony that county election superintendents were required

to include a copy of the ballot images with the election records to be preserved under seal by the Clerk of the Superior Court.[39] She also knew that rule was in effect for the 2020 General Election.

During the May 7, 2024 State Election Board meeting, Ms. McGowan made the same statement that she made to the Disciplinary Board when she said:

> **Furthermore, the preservation of ballot images was not required in 2020. It was not until the passage of Senate bill 202 in 2021 that ballot images were deemed public records, subject to public inspection under the Georgia open records act.**

(SEB Meeting (May 7, 2024), transcript at 15.) After that statement, State Election Board member Dr. Janice Johnston publicly corrected the erroneous statements that Ms. McGowan had made as a result of the "investigation":

> **All right. So I would like to read State Election Board Rule 183-1-12-.13, storage and returns. This was adopted January 23, 2020, and made effective February 12, 2020. After tabulating and consolidating the results the election superintendent shall prepare an electronic file which shall contain a copy of the information contained on each memory card <u>which shall include all ballot images</u> as well as vote totals and a copy of the consolidated returns from the election management system. Further the electronic file shall be stored on a secure medium placed in a sealed envelope or container and shall become a part of the election materials which shall be deposited with the clerk of the superior court, along with the signed results tape, along with the paper ballots, given to the clerk of the superior court."**

SEB Meeting (May 7, 2024), Transcript at 179.[40]

Thus, at the time of her testimony before the Disciplinary Board and the Georgia State Election Board, Ms. McGowan knew her statements to be false. She knew that Georgia law (statute and rule) required the preservation of ballot images, that both were in effect for the 2020 General Election. She had filed briefs stating that and had been corrected when she tried to get away with

[39] *See* Ga. Comp. R. & Regs. R. Rule 183-1-12-.13 (effective February 12, 2020)
[40] The transcript of the May 07, 2024 SEB meeting can be found here: 24-05.07.2024 SEB final 312.pdf

making the same statement to the State Election Board. We cannot explain why Ms. McGowan, a lawyer subject to disciplinary rules herself and an officer of the court as well as a government employee, would want to knowingly lie to the Disciplinary Board and State Election Board.

FEDERAL ELECTION RECORD RETENTION LAW

In addition to Georgia law, Ms. McGowan's contention ignores federal election record retention law regarding the mandatory preservation of records for federal elections. Ballot images are election records as she acknowledges in The Amicus Brief, she authored on behalf of the Secretary of State, and the 2020 General Election was indeed a federal election.

The Department of Justice issued a memo on July 21, 2021 detailing federal law requiring the preservation of electronic election records.[41] The memo states:

> The Civil Rights Act of 1960, now codified at 52 U.S.C. §§ 20701-20706, governs certain "[f]ederal election records." Section 301 of the Act requires state and local election officials to "retain and preserve" all records relating to any "act requisite to voting" for twenty-two months after the conduct of "any general, special, or primary election" at which citizens vote for "President, Vice President, presidential elector, Member of the Senate, [or] Member of the House of Representatives," 52 U.S.C. § 20701. The materials covered by Section 301 extend beyond "papers" to include other "records." Jurisdictions must therefore also retain and preserve records created in digital or electronic form.
>
> There are federal criminal penalties attached to willful failures to comply with the retention and preservation requirements of the Civil Rights Act. First, Section 301 itself makes it a federal crime for "[a]ny officer of election" or "custodian" of election records to willfully fail to comply with the retention and preservation requirements. 52 U.S.C. § 20701. Second, Section 302 provides that any "person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper" covered by Section 301's retention and preservation requirement is subject to federal criminal penalties. *Id.* § 20702. Violators of either section can face fines of up to $1000 and imprisonment of up to one year for each violation.

[41] The Department of Justice July 21, 2021 memo can be found here:

COUNT 9.

ABSENTEE BALLOT IMAGE SHA AUTHENTICATION FILES INTENTIONALLY REMOVED

STATEMENT OF FACT:

Fulton County selectively and willfully destroyed approximately 132,280 electronic ballot image authentication hash files.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-500(c)
Immediately upon completing the returns required by this article, the municipal superintendent shall deliver in sealed containers to the city clerk the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the municipal superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county registrar.

GA Code § 16-10-20 (2020)
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

GA Code § 21-2-562
(a) Any person who willfully **(2)** Alters materially or intentionally destroys any entry which has been lawfully made therein; or **(3)** Takes or removes any book, affidavit, return, account, ballot, or other document or record from the custody of any person having lawful charge thereof, in order to prevent the same from being used or inspected or copied as required or permitted by this chapter shall be guilty of a felony and, upon conviction thereof, shall be

> sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both.

> **52 U.S.C. §§ 20701-20706** (From the DOJ's July 21, 2021 Memo)**:**
> The Civil Rights Act of 1960, now codified at 52 U.S.C. §§ 20701-20706, governs certain "[f]ederal election records." Section 301 of the Act requires state and local election officials to "retain and preserve" all records relating to any "act requisite to voting" for twenty-two months after the conduct of "any general, special, or primary election" at which citizens vote for "President, Vice President, presidential elector, Member of the Senate, [or] Member of the House of Representatives," 52 U.S.C. § 20701. The materials covered by Section 301 extend beyond "papers" to include other "records." Jurisdictions must therefore also retain and preserve records created in digital or electronic form.

SUMMARY

For each and every ballot that is scanned, a ballot image file and a file including a hash code unique to that ballot image (a fingerprint) is created. The ballot image Secure Hash Algorithm ("SHA") hash file is used to validate the ballot image in the event of an audit or investigation and could be used to determine if a ballot image had been tampered with, altered or replaced.

Fulton County did preserve ballot images for all absentee (hand-marked) ballots; however, of the total 148,318 absentee ballot images- only 16,038 have corresponding Secure Hash Algorithm ("SHA") ballot image authentication files. The SHA hash files are produced as each ballot is imaged- and saved as the ballot image is saved. From the Georgia Master Solutions Agreement ("MSA") at 56:

> SHA-256 hashes are used for all data integrity and verification. Should an intrusive process or altering of any file occur, hash values will be, in turn, altered as well. Any presence of an intrusive process will be detected, as the hashes of any altered data will not match the value initially determined.

For communication channels (as well as data storage) a combination of security techniques for data integrity, authenticity and confidentiality is implemented. Democracy Suite integrates AES or RSA encryption algorithms for data confidentiality, along with SHA-256 and HMAC digital signatures for data signing (data authenticity and integrity).

		Mode 1- Symmetric Crypto	
File Type	**Storage Place**	**Confidentiality**	**Integrity**
Election files (ICP) and election database (ICE), DCF (ICP) and MBS (ICE), result files (ICP/ICE)	NAS and Compact Flash	AES-128/256	HMAC (SHA-256)
Reports and Logs	NAS and Compact Flash	AES-128/256	HMAC (SHA-256)
Ballot Images	NAS and Compact Flash	-	HMAC (SHA-256)
Ballot Layout Definition (XML)	NAS and Compact Flash	-	HMAC (SHA-256)
Official Ballots	NAS	X.509 Digital Certificate	
User Credentials	iButton	HMAC (SHA-256)	HMAC (SHA-256)

File Type to Security Algorithmic Mappings

Every ballot image (.tif file) should have a corresponding ballot image authentication, or SHA file as shown in the directory of Fulton County's ballot images below:

22427	2020-10-30	14:38:30	....A	239432	Tabulator05150\Batch035\Images\05150_00035_000083.tif
22428	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000084.sha
22429	2020-10-30	14:38:30	....A	236349	Tabulator05150\Batch035\Images\05150_00035_000084.tif
22430	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000085.sha
22431	2020-10-30	14:38:30	....A	239912	Tabulator05150\Batch035\Images\05150_00035_000085.tif
22432	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000086.sha
22433	2020-10-30	14:38:30	....A	236606	Tabulator05150\Batch035\Images\05150_00035_000086.tif
22434	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000087.sha
22435	2020-10-30	14:38:30	....A	239511	Tabulator05150\Batch035\Images\05150_00035_000087.tif
22436	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000088.sha
22437	2020-10-30	14:38:30	....A	243126	Tabulator05150\Batch035\Images\05150_00035_000088.tif
22438	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000089.sha
22439	2020-10-30	14:38:30	....A	240453	Tabulator05150\Batch035\Images\05150_00035_000089.tif
22440	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000090.sha
22441	2020-10-30	14:38:30	....A	243166	Tabulator05150\Batch035\Images\05150_00035_000090.tif
22442	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000091.sha
22443	2020-10-30	14:38:30	....A	239136	Tabulator05150\Batch035\Images\05150_00035_000091.tif
22444	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000092.sha
22445	2020-10-30	14:38:30	....A	238899	Tabulator05150\Batch035\Images\05150_00035_000092.tif
22446	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000093.sha
22447	2020-10-30	14:38:30	....A	240752	Tabulator05150\Batch035\Images\05150_00035_000093.tif
22448	2020-10-30	14:38:30	....A	32	Tabulator05150\Batch035\Images\05150_00035_000094.sha

The following image shows ballot image files from the same tabulator without their SHA authentication files:

43918	2020-11-03	22:42:32	....A	236820	Tabulator05150\Batch239\Images\05150_00239_000097.tif
43919	2020-11-03	22:42:32	....A	234010	Tabulator05150\Batch239\Images\05150_00239_000098.tif
43920	2020-11-03	22:42:32	....A	240963	Tabulator05150\Batch239\Images\05150_00239_000099.tif
43921	2020-11-03	22:54:58	....A	229296	Tabulator05150\Batch240\Images\05150_00240_000001.tif
43922	2020-11-03	22:54:58	....A	227053	Tabulator05150\Batch240\Images\05150_00240_000002.tif
43923	2020-11-03	22:54:58	....A	233087	Tabulator05150\Batch240\Images\05150_00240_000003.tif
43924	2020-11-03	22:54:58	....A	227223	Tabulator05150\Batch240\Images\05150_00240_000004.tif
43925	2020-11-03	22:54:58	....A	228294	Tabulator05150\Batch240\Images\05150_00240_000005.tif
43926	2020-11-03	22:54:58	....A	233859	Tabulator05150\Batch240\Images\05150_00240_000006.tif
43927	2020-11-03	22:54:58	....A	226463	Tabulator05150\Batch240\Images\05150_00240_000007.tif
43928	2020-11-03	22:54:58	....A	226813	Tabulator05150\Batch240\Images\05150_00240_000008.tif
43929	2020-11-03	22:54:58	....A	226401	Tabulator05150\Batch240\Images\05150_00240_000009.tif
43930	2020-11-03	22:54:58	....A	230203	Tabulator05150\Batch240\Images\05150_00240_000010.tif
43931	2020-11-03	22:54:58	....A	235466	Tabulator05150\Batch240\Images\05150_00240_000011.tif
43932	2020-11-03	22:54:58	....A	227354	Tabulator05150\Batch240\Images\05150_00240_000012.tif
43933	2020-11-03	22:54:58	....A	224130	Tabulator05150\Batch240\Images\05150_00240_000013.tif
43934	2020-11-03	22:54:58	....A	227334	Tabulator05150\Batch240\Images\05150_00240_000014.tif
43935	2020-11-03	22:54:58	....A	235363	Tabulator05150\Batch240\Images\05150_00240_000015.tif
43936	2020-11-03	22:54:58	....A	227325	Tabulator05150\Batch240\Images\05150_00240_000016.tif
43937	2020-11-03	22:54:58	....A	230578	Tabulator05150\Batch240\Images\05150_00240_000017.tif
43938	2020-11-03	22:54:58	....A	225648	Tabulator05150\Batch240\Images\05150_00240_000018.tif
43939	2020-11-03	22:54:58	....A	232163	Tabulator05150\Batch240\Images\05150_00240_000019.tif
43940	2020-11-03	22:54:58	....A	225901	Tabulator05150\Batch240\Images\05150_00240_000020.tif
43941	2020-11-03	22:54:58	....A	227392	Tabulator05150\Batch240\Images\05150_00240_000021.tif
43942	2020-11-03	22:54:58	....A	233159	Tabulator05150\Batch240\Images\05150_00240_000022.tif
43943	2020-11-03	22:54:58	....A	224164	Tabulator05150\Batch240\Images\05150_00240_000023.tif
43944	2020-11-03	22:54:58	....A	232121	Tabulator05150\Batch240\Images\05150_00240_000024.tif

SHA authentication files are missing for ballots scanned on several different tabulators and are not isolated to any machine. The way that the images and files are created and stored leaves no

known natural or organic reason for the authentication files to be missing. Leaving electronic voting system manipulation or intentional and deliberate removal (malfeasance). In an attempt to entertain an explanation, we posed the question to former Elections Director Rick Barron. Mr. Barron posed the question to former Dominion Voting Systems employee and then Information Systems Manager for the Elections Department, Dominic Olomo. Mr. Barron forwarded Mr. Olomo's response to the undersigned, which stated, "***I need to know what SHA files he is referring to and from who did he receive these files and when?***":

From: Olomo, Dominic
Sent: Monday, January 10, 2022 3:58 PM
To: Barron, Richard L.
Subject: RE: Or this:

I need to know what .SHA files he is referring and from who did he recevice these files and when?

Dominic Olomo
Information System Manager
Department of Registration & Elections
404-612-8730 (office)
404-493-5391 (mobile)
Connect with Fulton County:
Website | Facebook | Twitter | Instagram | FGTV | #OneFulton E-News

The following is from the January 11, 2022 declaration of election integrity expert, Professor Duncan Buell, as filed in the Curling v. Raffensperger case:

> **20. The significance of the missing and unverified files cannot be overstated in the limitations they place on expert analysis. For example, while I worked extensively with Fulton's cast vote records, <u>roughly 34% of the ballot images and often the .dvd and .sha related files were simply missing</u>, preventing me from consulting those files for confirmation of the fidelity of the data with the image and its related files.**

22. Access to the paper ballots and scanning records and extensive testing of them is needed to provide assurance of accurate tabulations, but such access and was not permitted at this stage of the litigation.

The absence of SHA authentication files and other ballot image metadata anomalies suggest that the ballot images were replaced. 132,280 absentee ballot image SHA authentication files were destroyed and the same number of ballot images cannot be authenticated using the process and method prescribed by the voting system manufacturer. Interestingly, the following directive from the Secretary of State's office quickly followed our requests for the missing ballot image authentication (SHA) files:

From: DoNotReply@sos.ga.gov
Sent: Wednesday, March 30, 2022 4:11 PM
To: DoNotReply@sos.ga.gov
Subject: The Buzz Post - ORR Guidance

A new discussion has
been posted in The Buzz by Blake Evans on 3/30/2022 3:35 PM

I know that many counties have received Open Record Requests regarding slog.txt files and .sha files from the Election Management System.

Publicly releasing .sha files could endanger the security of the voting system. Therefore, they should not be released in any format pursuant to O.C.G.A. 21-2-379.24(g).

Slog.txt files are subject to open records requests; however, you must provide those records in paper format only in order to protect the security of the voting system.

If you have additional questions, please contact our office.

Thank you,

Blake Evans, Elections Director

If you would like to opt out of receiving email notifications for this
discussion, click here.

COUNT 10.

FULTON COUNTY UNLAWFULLY DISCARDED WRITE-IN VOTES FOR QUALIFIED CANDIDATES

STATEMENT OF FACT:

Fulton County willfully failed to count- and effectively discarded- nearly all votes for qualified write-in candidates for ballots cast in-person for both early and Election Day voting.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-486
The superintendent, in computing the votes cast at any election, shall compute and certify only those write-in votes properly cast for candidates who have given proper notice of intent to be write-in candidates pursuant to Code Section 21-2-133 exactly as such names were written by the elector.

GA Code § 21-2-587(1) Any poll officer who willfully makes a false return of the votes cast at any primary or election shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both.

See Thompson v. Willson, 409 S.W.2d 32 ((1966) The Georgia Supreme Court held that votes for an eligible write-in candidate must be counted, "While the General Assembly has the power to prescribe the method of exercising the corporate power of a municipality, nevertheless, if it does so by authorizing voting procedures can not limit the vote of an elector so as to deprive him of the right to vote. To refuse to count an elector's vote is tantamount to a refusal to allow him to cast it, and so much of Section 8 of Ga.L.1920, pp. 757, 763, which limits the voting to only candidates listed on a ballot violates the Georgia Constitution, Art. II, Sec. I, Par. II (Const. of 1945, Code Ann. § 2-702), and is void");

52 U.S. Code § 10307(a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

See Anderson v. United States, 417 U.S. 211, 227 (1974) "Every voter in a federal . . . election, whether he votes for a candidate with little chance of winning or for one with little chance of losing, has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes."

SUMMARY

Write-In votes can only be attributed to qualified candidates through the adjudication process. In Georgia, **adjudication is performed electronically using a ballot image** viewed on a monitor. No separate or additional paper ballot is produced as a result of adjudication. From the Georgia Dominion Master Solution Purchase and Services Agreement (contract) at 52:

> **Adjudication**. **The adjudication module is used to review and adjudicate ImageCast ballot images. The application uses tabulator results files and scanned images to allow election administrators to electronically adjudicate ballots requiring review based on exception criteria. Exceptions include overvotes, undervotes, blank contests, blank ballots, write-in selections, and marginal marks. After a ballot is adjudicated, the ballot image is appended with a record of that decision including the user's name, action taken by the user, and date and time of the action. This adjudication AuditMark is appended to the ballot image under the original AuditMark, which was manifested during tabulation**. (emphasis added)

Because Fulton County destroyed nearly all ballot images for all in-person voting, they had no way with which to adjudicate and attribute votes for qualified write-in candidates. Shockingly, Fulton County simply did not count the votes for qualified write-in candidates.

RECEIVED
20 DEC -7 PM 1:43
SECRETARY OF STATE
ELECTIONS DIVISION

CERTIFICATION OF RETURNS FOR:

NOVEMBER 3, 2020 GENERAL ELECTION RECOUNT

Fulton
(COUNTY)

Instructions: Prepare and print 4 copies of the Election Summary for the General Election (county consolidated vote totals report that is generated by EMS).
Attach copies of this consolidated certification report as follows:

1. White sheet is attached to Election Summary and returned to Secretary of State.
2. Yellow sheet is attached to Election Summary and maintained by Superintendent.
3. Pink sheet is attached to Election Summary and sent to Clerk of Superior Court.
4. Goldenrod sheet is attached to Election Summary and immediately posted at the Courthouse.

ELECTION SUMMARY MUST BE ATTACHED TO THIS FORM

We, the undersigned Superintendent/Supervisor of Elections and his/her Assistants, do jointly and severally certify that the attached Election Summary is a true and correct count of the votes cast in this County for the candidates in the General Election.
In TESTIMONY WHEREOF, We have hereunto set our hands and seals this 4 day of December, 20 20. SIGNED IN QUADRUPLICATE.

_____ Assistant
Demetta K. Niddi Assistant
_____ Assistant
_____ Assistant
_____ Assistant

Mary Carole Cooney
Superintendent/Supervisor Of Elections

BOARD OF REGISTRATION AND ELECTIONS
Fulton County Georgia

CR-GE-20

CERTIFICATION OF RETURNS FOR WRITE IN CANDIDATES:

RECEIVED
20 DEC -7 PM 1:43
SECRETARY OF STATE
ELECTIONS DIVISION

NOVEMBER 3, 2020

Fulton
(COUNTY)

Instructions: Prepare and print 4 copies of the Election Summary for the General Election (county consolidated vote totals report that is generated by EMS).
Attach copies of this consolidated certification report as follows:

1. White sheet is attached to Election Summary and returned to Secretary of State.
2. Yellow sheet is attached to Election Summary and maintained by Superintendent.
3. Pink sheet is attached to Election Summary and sent to Clerk of Superior Court.
4. Goldenrod sheet is attached to Election Summary and immediately posted at the Courthouse.

ELECTION SUMMARY MUST BE ATTACHED TO THIS FORM

Name of Candidate(s)	Insert Vote Totals On Blanks Below:
Gloria La Riva	10 Votes
Brian Carroll	41 Votes
Howie Hawkins	82 Votes
Jade Simmons	19 Votes
	Votes
	Votes
	Votes

We, the undersigned Superintendent/Supervisor of Elections and his/her Assistants, do jointly and severally certify that the attached Election Summary is a true and correct count of the votes cast in this County, and the above Write-In Votes constitute all votes cast for qualified Write-In Candidates on BMD and Absentee/Provisional Ballots.
In TESTIMONY WHEREOF, We have hereunto set our hands and seals this 4 day of December, 20 20. SIGNED IN QUADRUPLICATE.

Assistant
Vernetta K. Nuriddin Assistant
Assistant
Assistant

Mary Carole Cooney
Superintendent/Supervisor Of Elections

BOARD OF REGISTRARS AND ELECTIONS
FULTON COUNTY
Georgia

Write In-CR-20

Page: 1 of 1 12/3/2020 11:12:47 PM

Election Summary Report
Fulton County,Georgia
General Election Recount
Novermber 3,2020
Official and Complete

Registered Voters: 527,925 of 806,451 (65.46%)
Ballots Cast: 527,925

President of the United States (Vote for 1)
NP

	Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast	56,106	320,338	148,673	2,808	527,925 / 806,451	65.46%
Undervotes	379	2,054	1,492	26	3,951	
Overvotes	0	0	41	2	43	

Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		18,701	88,312	29,536	698	137,247	
Joseph R. Biden (Dem)		35,659	226,818	115,724	2,011	380,212	
Jo Jorgensen (Lib)		1,367	3,154	1,728	71	6,320	
Total Votes		55,727	318,284	147,140	2,780	523,931	

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Loren Collins	WRITE-IN	0	0	0	0	0	
Gloria La Riva	WRITE-IN	0	0	10	0	10	
Barbara Bellar	WRITE-IN	0	0	0	0	0	
Kasey Wells	WRITE-IN	0	0	0	0	0	
Kathryn Gibson	WRITE-IN	0	0	0	0	0	
Brian Carroll	WRITE-IN	0	0	41	0	41	
Mark Charles	WRITE-IN	0	0	0	0	0	
David Byrne	WRITE-IN	0	0	0	0	0	
Deborah Rouse	WRITE-IN	0	0	0	0	0	
Peter Sherrill	WRITE-IN	0	0	0	0	0	
President R19 Boddie	WRITE-IN	0	0	0	0	0	
Don Blankenship	WRITE-IN	0	0	0	0	0	
Howie Hawkins	WRITE-IN	0	0	82	0	82	
Shawn Howard	WRITE-IN	0	0	0	0	0	
Princess Jacob-Fambro	WRITE-IN	0	0	0	0	0	
Jade Simmons	WRITE-IN	0	0	19	0	19	

See the December 9, 2020 email from Fulton County Elections Director Rick Barron in which he states that

"[we] only adjudicated absentee by mail ballots":

From: Barron, Richard L. [mailto:Richard.Barron@fultoncountyga.gov]
Sent: Thursday, December 10, 2020 4:56 PM
To: Veronica Johnson
Subject: RE: OEB 12-09-2020

My warehouse is telling me that we never received training on that topic and that we only adjudicated absentee by mail ballots. Did you receive training on that topic?

From: Veronica Johnson [mailto:vjohnson@lee.ga.us]
Sent: Thursday, December 10, 2020 4:53 PM
To: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>
Subject: RE: OEB 12-09-2020

We did ....and we set it up wrong – forgot to set it to only look at races with certified candidates. Will never make that mistake again!

Veronica

They only adjudicated absentee ballots because they only preserved absentee ballot images. See also the December 11, 2020 email to Fulton County seeking the number of votes attributed to a qualified write-in candidate for the presidential race, which says:

> You are receiving this email because I cannot find vote totals from your county for qualified write-in candidate Brian Carroll from the November 3, 2020, Presidential Election. Would you be able to send that information to me?

From: Customer Service
Sent: Monday, December 14, 2020 8:55 AM
To: Elections - Voter Registration <Elections.Voter@fultoncountyga.gov>
Subject: FW: Georgia Presidential Write-in Totals

Please see below request. Thank you

Customer Service
County Manager's Office
404-612-4000 (office)
Connect with Fulton County:
Website | Facebook | Twitter | Instagram | FGTV | #OneFulton E-News

From: Bryce Wargin [mailto:bryce.wargin@gmail.com]
Sent: Friday, December 11, 2020 8:03 AM
Subject: Georgia Presidential Write-in Totals

To whom it may concern:

You are receiving this email because I cannot find vote totals from your county for qualified write-in candidate Brian Carroll from the November 3, 2020 Presidential Election . Would you be able to send that information to me?

Thank you for your assistance, and thank you for all your hard work in what must be an especially chaotic election season.

See also the internal email correspondence discussing the inquiry in which Fulton County election officials are contemplating how to ascertain the write-in vote totals for the qualified candidate for the presidential race some twenty days after the 2020 General Election results were certified. An exercise only necessary because Fulton County failed to attribute votes to qualified write-in candidates.

From: Brower, Dwight
Sent: Wednesday, December 16, 2020 2:01 PM
To: Williams, Nadine <Nadine.Williams@fultoncountyga.gov>
Cc: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>; Jones, Ralph <Ralph.Jones@fultoncountyga.gov>; Gilstrap, Derrick <Derrick.Gilstrap@fultoncountyga.gov>;

Cummings, Timothy <Timothy.Cummings@fultoncountyga.gov>; Olomo, Dominic <Dominic.Olomo@fultoncountyga.gov>
Subject: FW: Georgia Presidential Write-in Totals

Nadine,

Is there a way to determine whether or not you have the ballots containing write-in candidates from the hand count still segregated or not? If so...this might allow us to do a manual hand count atleast for the Presidential race.

From: Williams, Nadine
Sent: Wednesday, December 16, 2020 2:31 PM
To: Brower, Dwight <Dwight.Brower@fultoncountyga.gov>
Cc: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>; Jones, Ralph <Ralph.Jones@fultoncountyga.gov>; Gilstrap, Derrick <Derrick.Gilstrap@fultoncountyga.gov>; Cummings, Timothy <Timothy.Cummings@fultoncountyga.gov>; Olomo, Dominic <Dominic.Olomo@fultoncountyga.gov>
Subject: RE: Georgia Presidential Write-in Totals

No, they are no longer segregated. We would have to run all ballots again through the scanners to segregate the write in.

Thank you,
Nadine Etienne Williams
Elections Chief, MBA
Department of Registration & Elections
404-612-3130
Fax 404-612-0693
Connect with Fulton County:
Website | Facebook | Twitter | Instagram | FGTV | #OneFulton E-News

From: Olomo, Dominic
To: Brower, Dwight; Gilstrap, Derrick; Cummings, Timothy
Cc: Barron, Richard L.; Williams, Nadine
Subject: RE: Write-in Image File
Date: Friday, December 18, 2020 10:58:00 AM

I am working on loading the results and images from the recount in the new project package created. I should have the ballots with write-in ready for adjudication by the end of day or early tomorrow.

Thanks

On December 18, 2020, Mr. Olomo says he should have the ballots with write-ins ready for adjudication that day or the next. The Recount results were certified by the county on December 4, 2020. Which means the write-in votes they were planning to tally had not been included in the official results.

Electronic adjudication was the only established process to attribute votes to write-in candidates. Fulton County admittedly did not perform adjudication for write-in candidates because they destroyed the ballot images for all of in-person voting. Therefore, notwithstanding the requirements to preserve ballot images as mandated by rule, Georgia statute, and federal law, proper process and function of the electronic voting system anticipates and requires preservation of the ballot image files.

In conclusion, this is a very serious matter. Fulton County's unlawful actions in failing to preserve the ballot images for all of in-person voting for the November 3rd count resulted in the people's votes for qualified candidates being discarded, depriving them of their right to vote.

COUNT 11.

UNAUTHORIZED ACCESS & CONTROL OF FULTON COUNTY'S ELECTION OPERATIONS, VOTING SYSTEMS AND DATA

STATEMENT OF FACT:

Three groups that were facilitated by the grants provided by the Center for Tech and Civic Life ("CTCL") administered and controlled nearly all facets of the Fulton County 2020 General Election, hand-count/audit, candidate-requested recount, and senate runoff elections, and did so without authorization, consent, or the knowledge of the Fulton County Board of Registration and Elections ("FCBRE").

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 16-9-93

(a)Computer theft. Any person who uses a computer or computer network with knowledge that such use is without authority and with the intention of:

(1) Taking or appropriating any property of another, whether or not with the intention of depriving the owner of possession;
(2) Obtaining property by any deceitful means or artful practice; or
(3) Converting property to such person's use in violation of an agreement or other known legal obligation to make a specified application or disposition of such property shall be guilty of the crime of computer theft.

(b)Computer Trespass. Any person who uses a computer or computer network with knowledge that such use is without authority and with the intention of:

(1) Deleting or in any way removing, either temporarily or permanently, any computer program or data from a computer or computer network;
(2) Obstructing, interrupting, or in any way interfering with the use of a computer program or data; or
(3) Altering, damaging, or in any way causing the malfunction of a computer, computer network, or computer program, regardless of how long the alteration, damage, or malfunction persists shall be guilty of the crime of computer trespass.

(c)Computer Invasion of Privacy. Any person who uses a computer or computer network with the intention of examining any employment, medical, salary, credit, or any other financial or personal data relating to any other person with knowledge that such examination is without authority shall be guilty of the crime of computer invasion of privacy.
(d)Computer Forgery. Any person who creates, alters, or deletes any data contained in any computer or computer network, who, if such person had created, altered, or deleted a tangible document or instrument would have committed forgery under Article 1 of this chapter, shall be guilty of the crime of computer forgery. The absence of a tangible writing directly created or altered by the offender shall not be a defense to the crime of computer forgery if a creation, alteration, or deletion of data was involved in lieu of a tangible document or instrument

See State of Georgia v. Misty Hampton who was charged for similar criminal violations of Georgia law for permitting access to voting systems after the 2020 General Election without authorization of the county election board (superintendent).

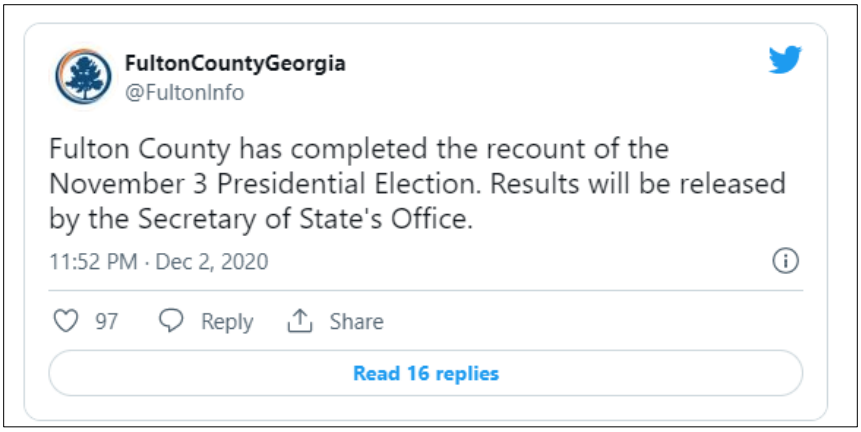
SUMMARY

Included in SEB2023-025 was the allegation that unauthorized individuals were given access and control of Fulton County's election systems and processes without the Board's knowledge, consent or vote.

THE ELECTIONS GROUP

Ryan Macias and other members of The Elections Group were unlawfully involved with facilitating the 2020 General Election, hand count, and Recount.

At 11:52 PM, immediately before the prescribed midnight of December 02, 2020, deadline, Fulton County posted on social media that they had completed the Recount and had submitted the results to the Secretary of State:



Some twelve hours after Fulton County "completed the recount of the November 3rd Presidential Election", around noon on December 3rd, Ryan Macias of the Elections Group was sent a report detailing Fulton County's Recount results which totaled 511,343 ballots cast:

From: Barron, Richard L.
To: RYan.macias@electionsgroup.com
Date: Thursday, December 3, 2020 12:13:15 PM
Attachments: Batches Loaded Report.xml

The attached "Batches Loaded Report.xml":

	A	B	C	D	E	F	G	H	I	J	K
3644	12/2/2020 3:49:38 PM	5174	Provisional ICC 3	12	1_7220_5174_12_DETAIL.DVD	145	145	Published	Adjudicated		
3645	12/2/2020 3:49:38 PM	5174	Provisional ICC 3	13	1_7220_5174_13_DETAIL.DVD	154	154	Published	Adjudicated		
3646	12/2/2020 3:49:42 PM	5174	Provisional ICC 3	1	1_7220_5174_1_DETAIL.DVD	179	179	Published	Adjudicated		
3647	12/2/2020 3:49:44 PM	5174	Provisional ICC 3	10	1_7220_5174_10_DETAIL.DVD	94	94	Published	Adjudicated		
3648	12/2/2020 3:49:46 PM	5174	Provisional ICC 3	15	1_7220_5174_15_DETAIL.DVD	60	60	Published	Adjudicated		
3649	12/2/2020 3:49:46 PM	5174	Provisional ICC 3	16	1_7220_5174_16_DETAIL.DVD	5	5	Published	Adjudicated		
3650	12/2/2020 3:49:47 PM	5174	Provisional ICC 3	2	1_7220_5174_2_DETAIL.DVD	129	129	Published	Adjudicated		
3651	12/2/2020 3:49:49 PM	5174	Provisional ICC 3	7	1_7220_5174_7_DETAIL.DVD	102	102	Published	Adjudicated		
3652	12/2/2020 3:49:51 PM	5174	Provisional ICC 3	8	1_7220_5174_8_DETAIL.DVD	102	102	Published	Adjudicated		
3653	12/2/2020 3:49:52 PM	5174	Provisional ICC 3	5	1_7220_5174_5_DETAIL.DVD	24	24	Published	Adjudicated		
3654	12/2/2020 3:49:52 PM	5174	Provisional ICC 3	6	1_7220_5174_6_DETAIL.DVD	60	60	Published	Adjudicated		
3655	12/2/2020 3:49:53 PM	5174	Provisional ICC 3	3	1_7220_5174_3_DETAIL.DVD	99	99	Published	Adjudicated		
3656	12/2/2020 3:49:54 PM	5174	Provisional ICC 3	4	1_7220_5174_4_DETAIL.DVD	16	16	Published	Adjudicated		
3657											
3658											
3659				TOTAL VOTES TABULATED AND PUBLISHED			511543				

Fulton County's November 3, 2020 count totaled 528,777. After a call that Fulton County elections director Rick Barron had with the Secretary of State, the majority of the 17,434 ballot shortfall was "discovered" over the twelve hours that followed (Note that the 17,434 ballot delta is coincidentally close to the 17,852 ballot images missing from the Recount). Fulton County certified the Recount results totaling 527,925 ballots cast the following day on December 4, 2020, right before noon.

The undersigned spent months seeking records from Fulton County for the Elections Group, Ryan Macias, and anything officially documenting their involvement in the 2020 General Election, hand count, Recount, and 2021 Senate Runoff, to no avail. We submitted Open Records Act requests to Fulton County for any contracts, invoices, resolutions, or agreements with regard to the Elections Group and there were none. Nor were there any meeting minutes or agenda items with regard to the same for the Fulton County Board of Registration and Elections. There were none of the requisite records for the Elections Group having been

contracted or authorized by the FCBRE despite numerous witness reports establishing the group's involvement. Finally, a direct request to former elections director Rick Barron yielded the following response on his behalf:

> **The Elections Group came to us on a grant. No agreement was signed with them. They were paid by the Elections Group. The county paid zero for them to be here. They chose Fulton County. They would have to request records from them. No responsive records exist.**

[redacted]@fultoncountyga.gov> Thu, Dec 9, 2021 at 8:48 AM
To: Kevin Moncla <kmoncla@gmail.com>

So regarding this request, here is the response:

The Elections Group came to us on a grant. No agreement was signed with them. They were paid by the Elections Group. The county paid zero for them to be here. They chose Fulton County. They would have to request records from them. No responsive records exist.

[redacted]
Open Records, Administrative Coordinator II
Office of the Fulton County Attorney
404-612-0246 (main)
[redacted]direct)
404-730-6324 (fax)

The $45M in grants distributed to Georgia in 2020 from the Center for Tech and Civic Life (CTCL) clearly had strings attached. The Elections Group employees had daily hands-on, invasive access to literally all facets of Fulton County 's 2020 General Election, hand count/audit, and Recount including programming tabulators, private "L&A testing" of voting systems for Election Day, absentee ballot request information, voter data, and the systems of each.

As part of Ms. McGowan and the Secretary of State's Report of Investigation for SEB2023-025, a Memorandum of Understanding ("MOU") for The Elections Group was produced. Ms. McGowan dismissed the allegation based on an MOU that was never executed by the FCBRE- the ONLY entity vested by the legislature with the necessary authority. From the Report of Investigation:

> Respondent provided a "Memorandum of Understanding" between The Elections Group LLC where Macias was employed and Fulton County Board of Elections and Registration which was signed off by the Fulton County Manager and Fulton County Attorney approving The Elections Group to serve as a consultant for the 2020 General Election (Exhibit #14).

The report details that it "[was] signed off by the Fulton County Manager and Fulton County attorney…", but says nothing about the glaring deficiency- that the document was never executed by the board.

The Elections Groups LLC

(but not less than reasonable care); and (d) it will not disclose, publish, or provide access to the Confidential Information to any person, corporation, or other organization, except to The Elections Group, LLC's Representatives, without the prior written consent of County.

ELECTIONS GRUP, LLC:

Noah Praetz
Partner

FULTON COUNTY, GEORGIA

Richard Anderson
County Manager

APPROVED AS TO FORM:

Fulton County Attorney's Office

APPROVED AS TO SUBSTANCE:

Department of Registration and Elections

In Georgia, counties administer elections, and through Title 21, Chapter 2 of the Georgia Code the legislature granted the superintendent of elections with that responsibility. Pursuant to O.C.G.A. § 21-2-40, the Fulton County Board of Registration and Elections ("FCBRE") is the superintendent of elections and the **only** entity vested with the duty and authority to conduct elections in Fulton County. The FCBRE did not authorize,

vote, or even know about The Elections Group's involvement and access to sensitive systems deemed critical infrastructure during the course of the election as evidenced by the email from Fulton County's elections director provided above.

Of course, Ms. McGowan, as the Secretary of State's General Counsel, or simply as an attorney, knows that the county manager and/or the county attorney have no authority to act on behalf of the FCBRE. Furthermore, Ms. McGowan knows that any decision of the Board made on behalf of the FCBRE outside of a properly noticed and public meeting would be in violation of the Georgia Open Meetings Act and ***void ab initio***. Georgia case law, including Jersawitz v. Fortson 213 Ga. App. 796 (1994), and Steele v. Honea 409 S.E.2d 652 (1991), establish that board decisions made outside of properly noticed, official meetings violate the Open Meetings Act (O.C.G.A. § 50-14-1 et seq.).[42] In fact, providing unauthorized access to election systems to those who were not officers charged by law is the very basis for charges in the recent Georgia RICO cases. Indeed, unauthorized access to sensitive election systems by the Elections Group before, during, and after the 2020 General Election fits certain paradigms quite nicely.

Note that there is no date to indicate when the MOU was purportedly signed by those who did sign it. Also, even if it were a valid agreement that had been authorized and properly adopted by the FCBRE (it's not), but even if it were, the prescribed end date of the unexecuted agreement is 12/01/2020.

Memorandum of Understanding

2020 work to support election administration in Fulton County, GA

This Memorandum of Understanding is defined by The Elections Group LLC. The work is based upon the "Election Superhero" program running through November 2020.

Engagement Start Date: 8/3/2020. Three to four individuals will be assigned throughout the upcoming 2020 general election election cycle with two starting full time around August 3, 2020. One starting part time around August 24, 2020 and another starting part time around September 6, 2020.

End Date: 12/1/2020

Consideration. In consideration for the services provided herein, the County agrees to pay The Elections Group, LLC a "Consulting Fee" equal to One Dollar ($1 00).

The specific incident at issue with regard to SEB2023-025 occurred on December 03, 2020, after the December first end date,. Moreover, The Elections Group continued to administer Fulton County's elections, albeit unauthorized, through the 2021 Runoff. They were given access to all registered voter data, election data (and the systems that maintain the data) voting systems, programming, testing, and results aggregation without any official authorization. Said another way, The Elections Group was given access to the systems and data to which current and former members of the FCBRE cannot gain access.[43]

Below is an example of Ryan Macias of The Elections Group authoring/editing Fulton County reports from Registration Chief, Ralph Jones:

[43] *See* Julie Adams v. Fulton County Case no. 24CV006566

FULTON COUNTY
REGISTRATION & ELECTIONS

INTER-OFFICE MEMORANDUM

TO: Richard Barron, Director of Registration and Elections

FROM: Ralph M. Jones, Registration Chief

RE: Monthly Operations Report for August 2020

DATE: October 5, 2020

This Monthly Report provides a summary of the critical registration activities, workload levels and voter statistics for the Registration Division of the Fulton County Registration & Elections Department for September 2020. The primary activities upon which we worked in September were processing voter registration applications, absentee ballot applications, confirmation notices, researching street issues, municipal voter/street audits, preparing notices to voter registration applicants, scanning, indexing registration cards, and training. Further, we have begun planning for the ballot application intake process, conducting needs assessments for ballot processing (i.e., staffing, equipment, space, layout, adjudication, etc.), as well as addressing voter registration applicant processing issues and identifying and implementing efficiencies in application (VR and AB) and ballot intake processes..

Ryan Macias
Deleted: Septer

Ryan Macias
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Ryan Macias
Deleted: August

Ryan Macias
Deleted: problems

Ryan Macias
Deleted: , preparing no scanning, indexing regis

VOTER REGISTRATION

The total number of voter registration applications we have received in 2020 is **198,655**. We received **32,940** voter applications in August. We are processing those applications.

As of October 1, 833,070 (789,519 active and 43,551 inactive) registered voters reside in Fulton County.

Ryan Macias
Deleted: September

The Historic Overview of Registration Applications for the Months of June/July are as follows:

Year	July Voter Registration Applications	August Voter Registration Applications
2012	21,077	15,138
2013	6,918	5,347
2014	12,444	15,177

PERSONNEL/STAFFING:
We have a total of 15 permanent employees and 3 managers currently. We have interviewed and selected one person to replace the retired Phillip Anderson
1 staff member on maternity leave also. We have ten suppl
workers to staff our new call center.

Ryan Macias, 10/4/20 1:36:00 PM added:
Voter Registration and Absentee by Mail Applications Developed a more efficient process for scanning both voter registration (VR) and absentee ballot (AB) applications into the newly implemented OneDrive server. At that point the U.S. Digital Response (USDR) automation will generate the data staff needs to track the applications and input the data into ElectioNet. Quality Control and Quality Assurance Adopted and implement procedures to conduct quality control (QC) and quality assurance (QA) checks. This QC/QA process should catch any deficiencies or errors in data input, allow for analysis and future enhancements to the process and procedures, as well as to facilitate any necessary training of staff.

Secretary of State Report
The State Election Board approved the early scanning
opportunity to scan our ballots a week prior to the General

Voter Registration and Absentee by Mail Applications
Developed a more efficient process for scanning both voter registration (VR) and absentee ballot (AB) applications into the newly implemented OneDrive server. At that point the U.S. Digital Response (USDR) automation will generate the data staff needs to track the applications and input the data into ElectioNet.

Quality Control and Quality Assurance
Adopted and implement procedures to conduct quality control (QC) and quality assurance (QA) checks. This QC/QA process should catch any deficiencies or errors in data input, allow for analysis and future enhancements to the process and procedures, as well as to facilitate any necessary training of staff.

Absentee by Mail

Ryan Macias
Formatted: Font: underline, Font colo

Here's an example of Ryan Macias being inserted into the management of the Bluecrest machine which was supposed to be used for signature verification for the 2020 General Election.

From: Jones, Ralph <[redacted]@fultoncountyga.gov>
Sent: Friday, September 11, 2020 2:50 PM
To: Elvis De Freitas <[redacted]@bluecrestinc.com>; Coman, Pamela <[redacted]@fultoncountyga.gov>
Cc: Edwin L Norris[redacted]@bluecrestinc.com>[redacted]@electionsgroup.com
Subject: [EXTERNAL] Ballot Documentation

Elvis,

At your request I am sending you samples of incoming ballots from Bluecrest and Runbeck. I would like to introduce Ryan Macias who is going to help us with this process. Feel free to contact him. If you need any further information, please let me know.

Sincerely,

The email below was sent by Ryan Macias on December 08, 2020:

From: Ryan Macias <[redacted]@electionsgroup.com>
Sent: Tuesday, December 8, 2020 3:29 PM
To: Elvis De Freitas <[redacted]@bluecrestinc.com>
Cc: Edwin L Norris [redacted]@bluecrestinc.com>; Jones, Ralph <[redacted]fultoncountyga.gov>; Rick Becerra <[redacted]bluecrestinc.com>; David B Rummel <[redacted]@bluecrestinc.com>; [redacted]n@fultoncountyga.gov; Geetha Lingham [redacted]@electionsgroup.com> [redacted]
Subject: [EXTERNAL] Re: WIN 10 ASV for BlueCrest

Elvis,
I appreciate this information, it is extremely helpful. Also, thank you to the entire team for getting Harrison onsite to work through the other items. I missed him and Caryn before they left to understand where things stand, but the last I heard it seemed like everything was resolved except the signature verification acceptance status file (i.e., 'accept' or 'reject') that you referenced below.

FYSA, Fulton County received a few ballots yesterday and a few additional today. Therefore, Fulton County and David should be able to conduct the necessary testing tomorrow to ensure that the file can be modified to be accepted by BlueCrest (i.e, the signature verification acceptance status file can be modified if necessary).

Thanks,
Ryan

The email below shows Ryan Macias providing updates as to the progress of programming and testing Fulton County's Election Day voting machines. It's important to note that Geetha Lingham and Mike Pendergast both work for The Elections Group:

From: Ryan Macias
To: Barron, Richard L.
Cc: Cummings, Timothy; Gilstrap, Derrick; Geetha Lingham; Dayna Causby; Mike Prendergast
Subject: Re: L&A Log
Date: Tuesday, October 27, 2020 8:20:49 PM
Attachments: L&A_Log.xlsx

all,
Attached is the latest L&A Log, as of 7:15pm on October 27th. This is everything Geetha and I had logged before we left this evening.

Note that the precincts highlighted in green are completed and ready to ship. The precincts in yellow designate that they have been uploaded, but not completed. The orange means they are assigned and being voted, but have not been uploaded. The red means they have not been assigned or started. I have highlighted all precincts that are on the delivery schedule for Wednesday and Thursday.

Geetha (and potentially Mike) will continue to update this for the remainder of the L&A process. However, if you have any questions regarding any of the information to date, do not hesitate to reach out to me.

Thanks,
Ryan

Mr. Pendergast was also referenced in the affidavit of now Fulton County Commissioner Bridget Thorne (Thorne Affidavit at 2-3):

> 14. During the testing and calibration process, a consultant from The Elections Group named Mike (LNU) was present.
>
> 15. On November 1, 2020 approximately 10 pm, I observed Mike assisting another employee with generating test ballots for a district. Mike, however, was generating random ballots. He was not using the procedure for generating test ballots. I explained to Mike that he needed to generate the test ballots in a particular way, specifically, voting for the first candidate first, the second candidate on the next, etc. Mike asked me, "Do I have to vote for Trump?" I told him he did.

Ms. Thorne noted her concern about the test ballots being produced (a by-product of the testing process) and how they were not being secured. She feared that the test ballots could have been injected into the actual count. Ms. Thorne was correct as a large number of test ballots were in fact counted as detailed in a complaint filed with the SEB.[44]

[44] A true and correct copy of the complaint can be found here: https://www.scribd.com/document/803314764/No-Logic-Accuracy-testing-and-Test-Ballots-were-counted-Complaint-Fulton-10-08-2024

From: Mike Prendergast
To: Williams, Nadine
Cc: Barron, Richard L.
Subject: potential typos
Date: Thursday, November 19, 2020 12:09:54 PM
Attachments: Potential Vote adjustment Misc Corrections Suggestions.docx
Potential Corrections.xlsx

Nadine- Dwight said you might've already seen this, but Rick asked me to forward. Two attachment… Just some quick adjustments/corrections. Please let me know you have any questions or need anything else. The spreadsheet has duplicates at the bottom, the word doc explains a few of the other corrections.

Thanks again for everything.

Mike Prendergast
[redacted]

One of the Elections Group staff, Geetha Lingham, was given access to the signature verification server (including voter PII), and was even provided a Fulton County government employee email address although she was not a Fulton County employee.

Ticket#	00190174
Open Date	12/13/2020 11:46 AM

Fwd: Help!

Please create a ticket to assist Elections with access to the signature verification server.

Frances Lewis is on call and Shenelle knows the DB very well

Copying them both on the ticket

Ralph Jones [redacted]
and Geetha Lingham of Elections are the users - her number is
[redacted]

Sent from my iPhone

Begin forwarded message:

From: "Lingham, Geetha" <[redacted]@fultoncountyga.gov>
Date: December 13, 2020 at 11:30:49 AM EST
To: "McKay, Derek" <[redacted]@fultoncountyga.gov>
Subject: FW: Help!

From: Jones, Ralph
To: Lingham, Geetha; Coman, Pamela; Jenkins, Breauna
Cc: Barron, Richard L.
Subject: RE: New staff from Electionsgroup
Date: Monday, October 12, 2020 10:44:00 AM

Pam,

Please give her enet access and firefly instructions.

Ralph

From: Lingham, Geetha
Sent: Monday, October 12, 2020 10:28 AM
To: Jones, Ralph <Ralph.Jones@fultoncountyga.gov>; Coman, Pamela <Pamela.Coman@fultoncountyga.gov>; Jenkins, Breauna <Breauna.Jenkins@fultoncountyga.gov>
Cc: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>
Subject: New staff from Electionsgroup

Mr. Jones,

May I request the following items for Dayna Causby (who replaced Mike Prendergast).

1. Batch Id
2. Office access
3. Fulton County email
4. Electionet and firefly access.

Thanks,
Geetha

And once again, the email was sent after the December 01, 2020, end date of the MOU that was never executed.

AMERICAN CIVIL LIBERTIES UNION (ACLU)

Another group which was provided with access to election systems and data without authorization or vote of the FCBRE, was the ACLU. The ACLU provided a volunteer for every polling location on Election Day, who were deputized as Registrars and given access to the voter registration platform, E-Net:

47. Admit that during the November 3, 2020 election, volunteers acting as absentee ballot clerks were permitted to have access to E-Net on their personal computers in the polling places.

Response: Admitted.

From: Jones, Ralph
Sent: Saturday, October 31, 2020 4:12 PM
To: 'Vasu Abhiraman '
Cc: 'Lana Goitia' <[redacted]acluga.org>; McGinnis, Mariana <M[redacted]is@fultoncountyga.gov>
Subject: RE: pass to help coordinate deputy registrar program

Lana and Vasu

To recap your conversation with Geetha.

1 IT is working on getting 255 laptops ready for Deputy registrars (DR). All of these laptops will have generic username and no password
2 Sample Intro letter for the DR is attached
3 Monday we will be assigning temp passwords for all the users to access the ElectioNet production site. The emails with the password will be sent to you and Lana.
4 We are unable to distribute the printed version of the Intro letter and absentee cancellation procedure. Therefore, please make sure all your DR have access to both the Intro letter and Cancellation procedures in an electronic format.
5 I will work on getting you and Lana a badge that will give you access to enter and work with your DR.

Ralph M Jones
Registration Chief

The ACLU was also given access to sensitive data and systems beyond the scope of their purported election-day role.

From: Vasu Abhiraman
To: Jones, Ralph
Cc: McGinnis, Mariana; Lana Goitia
Subject: Provisional database request
Date: Thursday, March 4, 2021 4:30:28 PM
Attachments: image003.png

From: Barron, Richard L.
To: [redacted]
Bcc: Bodison, Mariska; Brower, Dwight; Williams, Nadine; Harris, Johnny; Benjamin, Sharon
Subject: ACLU
Date: Sunday, November 1, 2020 7:46:00 AM

Dear BRE:

I removed the elected officials from this email.

The SOS has been sending us poll workers from many sources since August that we have assigned from Metro Atlanta Chamber/Leadership Atlanta, ACLU and also we have worked with the county Republican and Democratic parties to assign workers as well as individuals that have volunteered. The SOS gave many counties names of poll workers from the ACLU and it has been public knowledge since August. Even Gabe Sterling from the SOS said this on a panel on which he and I appeared for WABE radio two weeks ago. The SOS never should have permitted the ACLU names onto their list of poll workers if he is going to backtrack on support for them, which is what I am hearing is happening.

The deputy registrar volunteers manning the canceled ballot stations, required by the SEB Consent Order, were not in our budget. They are unpaid and have been trained as deputy registrars. Their duties are limited. Their administrative privileges in eNet is limited to that duty. With the SOS sending lists of poll workers, including the ACLU, I thought it would be no issue having them man these stations since we have ACLU volunteers stationed at every precinct in the county as poll managers, assistant managers, line monitors and clerks, as well as the deputy registrars. They have taken an oath and have been trained to report to the poll manager and to work for the poll manager as part of the entire team.

This document is an open investigative report to which we reserve the right to update, correct and supplement.

On 7/22/20, 1:20 PM, "Barron, Richard L." <Richard.Barron@fultoncountyga.gov> wrote:

I asked Ryan Germany today. We can use signature verification.

From: Amber McReynolds [amber@voteathome.org]
Sent: Wednesday, July 22, 2020 3:18 PM
To: Barron, Richard L.
Cc: Hillary Hall; Jacob Panfel
Subject: Follow-up

Hi Rick,
Thank you for taking time today and we look forward to follow-up calls. Jake and Hillary will coordinate that with you and your team.

I wanted to ask about one question. You mentioned state law doesn't allow you to use automatic signature verification and thus the state told you that you could not. Can you send us the applicable law or where the state said that? I really want to see what they are saying because I do not see the law that way and wonder if we can work that out. Also, with the primary, it sounds like you did not compare signatures, other than to look and see that a signature was present for acceptance. This will help us think about how to work with you to formulate plans for November.

Amber

Amber McReynolds | CEO

DOMINION VOTING SYSTEMS

Ms. McGowan was asked about Dominion's involvement during the course of the election (October 01, 2024 transcript at 401-402):

> **MR. HORRELL**:
> Before I move on to my next broad topic I want to go back for a minute. During the election -- we talked about that the voting equipment is manufactured by Dominion. During the election are Dominion employees on-site at various polling places or tabulation centers?
>
> **MS. MCGOWAN**:
> They might be if there's some troubleshooting that is required. They might be there to provide service if any equipment needed service.

For the 2020 General Election, in almost every county, Dominion staff were in operational control of the aggregation, uploading, and tabulation of election results. Fulton County paid Dominion nearly two million dollars ($2,000,000) for on-site staff to facilitate the programming and testing of the voting machines for Election Day- and post-election on-site support. For example:

DOMINION VOTING

P.O.Box #343
Broomfield CO 80038 United States
FED ID#27-0565149

Invoice Date	3/31/2021
Invoice #	DVS138563R1
Page	1

Bill To:

Fulton County, GA
Rick Barron
130 Peachtree St, Ste 2186 F
Atlanta GA 30303

Ship To:

Fulton County, GA
Rick Barron
130 Peachtree St, Ste 2186 F
Atlanta GA 30303

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	USGAFULTON	STUCKER	BEST WAY	Net 30	3/31/2021	43,044

Ordered	Shipped	B/O	Item Description / Item Number	Discount	Unit Price	Ext. Price
			Services for Week Ending October 25			
213.00	213.00	0.00	Services (213 days @ $2,000)	$ 0.00	$ 2,000.00	$ 426,000.00
368.55	368.55	0.00	Services (368.55 Overtime hours @ $250)	$ 0.00	$ 250.00	$ 92,137.50
			Services for Week Ending November 1			
165.00	165.00	0.00	Services (165 Days @ $2,000)	$ 0.00	$ 2,000.00	$ 330,000.00
526.93	526.93	0.00	Services (526.93 Overtime hours @ $250)	$ 0.00	$ 250.00	$ 131,732.50
			Services for Week Ending November 8			
41.00	41.00	0.00	Services (41 Days @ $2,000)	$ 0.00	$ 2,000.00	$ 82,000.00
110.13	110.13	0.00	Services (110.13 Overtime hours @ $250)	$ 0.00	$ 250.00	$ 27,532.50
			Services for Week Ending November 15			
37.00	37.00	0.00	Services (37 Days @ $2,000)	$ 0.00	$ 2,000.00	$ 74,000.00
126.68	126.68	0.00	Services (126.68 Overtime hours @ $250)	$ 0.00	$ 250.00	$ 31,670.00
			Services for Week Ending November 22			
33.00	33.00	0.00	Services (33 Days @ $2,000)	$ 0.00	$ 2,000.00	$ 66,000.00
72.75	72.75	0.00	Services (72.75 Overtime hours @ $250)	$ 0.00	$ 250.00	$ 18,187.50

COUNT 12.

STATE FARM ARENA INCIDENT & INJECTION OF BALLOTS

STATEMENTS OF FACT:

1. **At State Farm Arena on the night of November 03, 2020, county staff, election workers, poll watchers, and the media were told that counting was stopped for the night and would resume the following morning. For disputed reasons five members resumed scanning after everyone else had left.**
2. **Ruby Freeman was not a county employee nor was she trained nor authorized to operate the scanner she used to scan ballots on November 3, 2020.**
3. **Unsecured mail carts filled with tens of thousands of ballots with no chain of custody or provenance appeared at State Farm Arena. The ballot containers were not inspected nor were they sealed as required by statute.**

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-483

(a) In primaries and elections in which optical scanners are used, the ballots shall be counted at the precinct or tabulating center under the direction of the superintendent. All persons who perform any duties at the tabulating center shall be deputized by the superintendent, and only persons so deputized shall touch any ballot, container, paper, or machine utilized in the conduct of the count or be permitted to be inside the area designated for officers deputized to conduct the count.

(b) All proceedings at the tabulating center and precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container.

(c) At the tabulating center, the seal on each container of ballots shall be inspected, and it shall be certified that the seal has not been broken before the container is opened. The ballots and other contents of the container shall then be removed, and the ballots shall be prepared for processing by the tabulating machines. The ballots of each polling place shall be plainly identified and cannot be commingled with the ballots of other polling places.

SUMMARY

The scanning of ballots stopped at around 10:30 pm on November 3, 2020. This coincided with both the departure of all other staff, poll watchers, members of the press. and local news reports that the scanning

of ballots at State Farm Arena had ceased.[45] The reason that scanning had stopped is the same reason the media and poll watchers left. At approximately 10:30 p.m. the Registration Supervisor, Wandrea "Shaye" Moss, announced that scanning was done for the night and would resume the following morning. This is a critical point corroborated by witness testimony as documented in the SOS's Report of Investigation ("ROI") at 3:[46]

> Teams of investigators from the FBI, GBI, and Georgia SOS conducted independent and simultaneous interviews of Fulton County elections workers who were involved in the processing and scanning of absentee ballots at State Farm Arena on Election Night on November 3, 2020.

From the interview of Ruby Freeman:

> According to Freeman, there were many people present "coming from everywhere." **At the end of the evening when a decision was made by management to continue counting the next day**, all employees began to seal the ballot bags and place them underneath the table in a certain order, so everyone knew where to start the following day. (*Id.*)

From the interview of Yetunda Sims:

> Sims stated **once everyone was relieved,** they put the ballots in a ballot box, placed seals on the ballot boxes and then placed the ballot boxes underneath the table so they would know where to start with the ballots that had already been opened. *(Id.* at 5)

From the interview of Keisha Dixson:

> Regarding the release of staff, Dixson stated that Ms. Moss usually releases the cutters and the temporary workers first. Since she is a full-time employee, she had to stay until they close. Dixson confirmed that Ms. Moss would normally stand in the middle ofthe room and announce that the cutters and temporary workers can leave. **On election night after the cutters and temporary workers left, the only persons left were the media and a couple of "watchers," but they started slowly filtering out after Ms. Moss released the cutters and temporary workers**. (*Id at 6*)

From the interview of Ralph Jones:

> Jones further reported when he left the Government Center, he went directly to State Farm Arena. **When he arrived, he was informed by the staff that they were packed up, prepped for the next day, and ready to leave.**

From the affidavit and interview of Michelle Branton:

[45] X Post by @ABC (November 3, 2020, 22:29 CST): Regina Waller, Fulton County's public affairs manager for elections, told ABC News that the election department sent State Farm Arena absentee ballot counters home at 10:30 p.m. on November 3, 2020, despite earlier plans to complete processing that night. This suggests an initial intent to stop scanning for the night, though later clarifications dispute this.

[46] Report of Investigation for Case No. SEB2020-059

> Her affidavit further states that after that last employee completed her stack at approximately 10:30 p.m., **a woman across the room where the scanners were allegedly located yelled to everyone to stop working and to return the next day at 8:30 a.m.** Branton further reported that, shortly after 10:30 p.m. when she and the FOX News crew concluded they were not going to get answers to their question from Fulton County's Communications Manager on the number of ballots processed and left to be processed, she and the FOX News crew left State Farm Arena shortly after 10:30 p.m. (*Id.* at 6-7)

From the interview of Michelle Branton:

> Ms. Branton reported that **no one was *told* to leave on election night at State Farm Arena**, and everyone left at the very end, including the Fox News crew. (*Id.* at 7)

From the interview of Mitchell Harrison:

> Harrison also confirmed Branton's account by reporting that when the counting activity slowed, a younger woman with long braided hair yelled out to everyone to stop working and come back the following day. Investigator Braun asked Harrison if anyone asked him to leave State Farm Arena. **Harrison stated a Fulton County employee, possibly a supervisor, who had long braids advised everyone in the entire room they were going to stop working for the night. They were led to believe the workers were done.** (*Id.* at 7)

From the affidavit of Mitchell Harrison:

> **According to Harrison's affidavit, after the announcement, all but 4 election employees left State Farm Arena**. Harrison reported after concluding that the Public Affairs Manager was not going to provide him with the number of ballots processed vs. the ones still left to be processed, **"we" along with the FOX News crew left the State Farm Arena shortly after 10:30 p.m.** Harrison further reported they heard from news crews that ballot counting was still going on at State Farm even though they were told it had ceased for the night and would not resume until Wednesday morning. (*Id.* at 7)

With only one exception- the witness' testimony is consistent. Around 10:30 p.m. Ms. Moss announced that they were done for the night and would resume the following morning. The SOS's investigators seem to have been focused on creating a record establishing that poll watchers and the media were not ***forced*** to leave. The Secretary of State's position has been that the observers didn't have to leave and is essentially saying that it's their fault for not being present when scanning resumed. The Secretary and Gabriel Sterling fail to acknowledge that the media and poll watchers left based on what Ms. Moss told everyone- that they were done for the night- and scanning would resume the following morning. They left- not because they were forced, but because they were made to believe that scanning had stopped for the night.

At the time, on election night, Carter Jones, the election monitor hired by the state to ensure Fulton County's compliance with a Consent Order, contemporaneously documented what he observed:[47]

> • 11:17PM – News reaches warehouse that Sec. Raffensperger "ripped" Fulton just came through the wire (apparently someone asked about Fulton stopping scanning at 10:30 while every other county is still working and Sec. said 'Fulton can't get anything right') Morale hit palpable in warehouse body language. Chairman Pitts "pissed"
>
> • 11:26PM - There is confusion about whether or not they're still scanning at State Farm bc there were reports that the staff there told the rest of the staff and press to leave, but I am still getting number reports from Shaye
>
> • ~11:30PM - Amid reports from local news that the lights are off and the staff have left, I head to state farm
>
> • 11:52PM I arrive at State Farm Arena and report to Ryan Germany and Deputy Secretary Jordan Fuchs that the staff are still scanning on all five scanners. "**The media just packed up when I released all the staff opening and sorting ballots," Shaye told me. The scanners worked to clear what had been processed that day instead of interrupting the processing flow to secure the ballots before leaving**. (emphasis added)

Ms. Moss misrepresented that they had never stopped scanning. She also misrepresented that "the scanners worked to clear what had been processed that day instead of interrupting the processing flow to secure the ballots before leaving".

The fact is that they stopped scanning at approximately 10:30 PM and secured the ballots and sealed the boxes purportedly for the night. Then they were purportedly told that they had to continue scanning, so they pulled the ballot boxes (suitcases) out, cut the seals, and had resumed scanning by the time Carter Jones arrived. Based on what Ms. Moss told him, Carter Jones reported to the Secretary of State's office that scanning had never ceased (*Id.* at 8):

> •12:08AM – I send Ryan insert photo timestamped image showing that scanners are still working so that he can refute stories to the contrary
>
> • Order is starting to break down às Ralph newly re-scanned some ballots that had already been processed by Shaye

[47] State Election Board Report – November 13, 2020 Unabridged Notes Detailing Everything Witnessed Nov 2-Nov 7, 2020 (at 7) can be found here: https://www.scribd.com/document/874600699/512417123-Unabridged-Notes-1

• 12:15AM – Inspector James Callaway arrives to investigate the accusations that the Fulton staff had told the press to go home and were scanning without observers

Inspector James Calloway was subsequently deposed and when asked about the night of November 3, 2020, and the incident at State Farm Arena, he testified as follows (May 05, 2021 Deposition of James P. Calloway at 15-16):[48]

A. So, like I said, I was sent there to see if they were still working. They were supposed to be scanning ballots.

So I walk into the room and there was several stations set up. I don't remember how many. And that's what they were doing, they were – they were scanning ballots. **And once I confirmed that they had not stopped working and that they were still scanning ballots, I communicated with my chief that they're still working. My goal was to see if they were still working. I viewed that they were still working.**

And then I was there for just a little there longer, and me and the gentleman had – Carter, we're still talking. We're walking around talking, and he showed me where the bathroom was. And then after that point, I was told to go home, and this was after midnight. I want to say it was closer to 12:30. Then I departed the location.

Q. Okay.

A. And Carter stayed behind.

Q. **Okay. What did Carter tell you? How long had he been there**?

A. He didn't say. **I assume that was there since early in the morning. I – he did say he was there early in the morning, so I just assumed that he was, you know, there all day long**.

Based on his testimony, it is clear that Inspector Calloway believed that scanning never stopped. What's more, he incorrectly assumes that the SEB's poll monitor, Carter Jones, has been at State Farm Arena all day long. Then Inspector Calloway was asked about text messages between he and Chief Frances Watson:

Q. Okay.· And then you later on you texted, I guess this was to Frances Watson at the bottom of that first page, where you wrote, quote, "**Okay, so there are five people here scanning.· There's also a poll watcher here**."

A. Uh-huh.· (indicating in the affirmative)

[48] A true and correct copy of the Deposition of James Calloway is attached hereto as "Exhibit 15-A"

Q. **"Everyone else was -- next page -- sent home around at 10:30,"** close quote.· Did I read that correctly?

A. Correct.

Mr. Calloway reported back to Chief Watson that five people were scanning and that a poll watcher was present, but doesn't identify the "poll watcher" as Carter Jones, whom he believes has been there for the entire day. The Secretary of State's office now has two independent reports that scanning at State Farm Arena had never stopped- and both culminate from the false assertions of Ms. Wandrea ("Shaye") Moss. According to the contemporaneous notes of Carter Jones, Ms. Moss told him, "***[t]he media just packed up when I released all the staff opening and sorting ballots***". And that "***the scanners worked to clear what had been processed that day instead of interrupting the processing flow to secure the ballots before leaving***", when actually they ***had*** stopped processing and ***did*** secure the ballots. **Ms. Moss falsely represented that they had not stopped scanning ballots when they had**. She also failed to disclose that she did announce that they were done for the day. The media, poll watchers and everyone else left because Ms. Moss announced that scanning was done for the day and would resume the next. No matter if she told them to leave or not is irrelevant. Ms. Moss ***caused*** them to leave and she concealed that fact.

The false basis that they never stopped scanning set the stage for their actions to be questioned a month later when the video showed otherwise. It wasn't until then that the public found out that scanning ***had*** stopped around 10:30 p.m. on election night and resumed after everyone else, including the media and party poll watchers, left. Of course, this was only after telling the public on election night and over the following days that scanning had never stopped. For example, the following is from an article by FactCheck.org:[49]

> "We have launched an investigation into why the monitors from the political parties left before scanning ended," the secretary of state's office said in a statement. "While it was their right to leave early, we want to make certain they were not misled into thinking scanning had stopped for the night when it had not."

.

[49] Video Doesn't Show 'Suitcases' of Illegal Ballots in Georgia - FactCheck.org (last accessed on May 26, 2025)

> Fulton County Elections Director Rick Barron also made that clear during a special, virtual public meeting on Dec. 4. He said that "certain staff that were on the cutting stations, that were on the flattening stations, that were extracting from the inner envelopes, those staff left as work completed."
>
> "I found out sometime, I think a little after 10:30 [p.m.], that they were gonna cease operations and I told them not to do that," he said. He added that at "about 11:15 [p.m.], they were fully scanning again."

Director Barron's explanation is based on the false narrative that scanning had never stopped- and that media and observers left arbitrarily. He states "[they] were ***gonna*** cease operations", when in fact they already had. Then he says, "[at] about 11:15 they were fully scanning ***again***". They had stopped scanning- and everyone left- and Director Barron knew it. There's also another indicator that has not been addressed. Shaye Moss's mother, Ms. Ruby Freeman, was a Happy Faces employee. She was not trained nor authorized to operate the scanner.

The article continues:

> Pick claimed that witnesses said that a woman came "out to announce, 'we're going to stop counting, everyone go home,'" saying the Republican observers were "forced to leave." But Barron said that "no announcement was ever made to leave, for anyone to leave."
>
> Affidavits from two Republican field organizers referenced by Pick do not claim that they or the media were ever directly told or forced to leave. Instead, the observers say that they left after a woman — who they believed was a supervisor — "yelled" to workers in the room to cease operations and return the next day. The affidavits say that much of the room, except for a few employees, had cleared out.
>
> "We have launched an investigation into why the monitors from the political parties left before scanning ended," the secretary of state's office said in a statement. "While it was their right to leave early, we want to make certain they were not misled into thinking scanning had stopped for the night when it had not. Nothing we have learned from the independent monitor or our investigation have suggested any improper ballots were scanned."
>
> Sterling said in our Dec. 4 interview with him that it did not appear there was any official announcement made to the observers or press, but there's no audio to prove that one way or another.
>
> On Dec. 5, Frances Watson, the chief investigator for the secretary of state's office, said in an affidavit that after reviewing the video and conducting interviews, her investigators found "that observers and media were not asked to leave" but "simply left" after they saw workers, whose job was to open the ballots, leave. She said the investigation remains open.

Gabe Sterling and Chief Watson were clearly basing their characterization on the false information that was reported to them by Carter Jones and Inspector Calloway. Watson says, "[her] investigators found "that observers and media were not asked to leave" but "simply left" after they saw workers, whose job was to open the ballots, leave", which tracks the false statement Ms. Moss gave to Carter Jones the night of November 3rd and what Inspector Calloway reported to Chief Watson.

Furthermore, media and monitors for the political parties ***were*** misled into thinking scanning had stopped for the night- because it did stop- and Ms. Moss stopped it. Perhaps the observers and media "were not asked to leave", but they left because they were told -and made to believe- scanning had stopped for the night. And no matter the reason, scanning did resume. The Secretary of State's Report of Investigation states:

> Prior to Mr. Jones arriving, employees had begun placing boxes under the table for scanning the next day. However, when Mr. Jones arrived, Jones told everyone that ballots that had been opened had to be scanned the same night because there was more "stuff" coming the next day. Investigator Hall reviewed a portion of the security video that showed Moss going to a table and pulling a box from underneath the edge of a table. **Moss explained those were the boxes that were placed underneath the table for scanning the next day**, but Ralph Jones advised that all the open ballots in their possession that night had to be scanned that night.
>
> The video shows employees retrieving the ballot boxes from underneath tables to resume scanning due to these instructions. Moss concluded by stating that everyone did what they were supposed to do. **When they initially began packing up to resume scanning the next day, they placed the ballots back in the boxes and properly sealed each one. And when they were instructed to continue working throughout the night, they had to cut the seals to access the ballots to continue scanning**.

The problem is that at the time, they concealed the fact that scanning had stopped. Everyone *now* agrees, after the video was released, that scanning had stopped- and everyone intended to go home, but that is not what Ms. Moss told Carter Jones, Mr. Callaway, and was contemporaneously reported to Chief Watson and the Secretary of State's office on November 3rd.

Ms. Moss's account is quite different from what she reported to Carter Jones on election night, "**The media just packed up when I released all the staff opening and sorting ballots"** , and, "**[t]he scanners worked to clear what had been processed that day instead of interrupting the processing flow to secure**

the ballots before leaving", when in reality they had stopped scanning and already "interrupted the processing flow and secured the ballots…". Carter Jones documented what he was told at the time- but what was reported after the State Farm Arena video came out- was in conflict- as he includes the following in his Post-Election Executive Summary (*Id.* at 9):

> **The truth about what happened on the night of November 3rd between 10:30PM and 11:52PM continues to be elusive. GOP party poll watchers say that Fulton staff told them and the media to go home (implying that they did so in order to count without supervision). Fulton staff tell me that the poll watchers and the media just left when Moss sent home everyone but the scanner team. A SOS investigator is involved, so the truth will come out, but if the party poll watchers are correct, then there is a serious problem.**

A serious problem, indeed - even if the incident at State Farm Arena on the night of November 3rd was just as investigators claim. At around 10:30 P.M. on November 3rd Ms. Moss called it- scanning was done for the day- and everyone stopped and made preparations to return the next day. Those preparations included sealing the ballot boxes and storing them under tables. Media and poll watchers left- because they were told scanning was complete for the day- That is what Ms. Regina Waller, Fulton County's public affairs manager for elections told ABC News, that is what the Republican poll watchers said they were told (under penalty of perjury), and the same is the obvious and most sensical reason that the media and observers left.

Ralph Jones and Shaye Moss purportedly found out that the Secretary of State was furious after hearing news reports that scanning had stopped, so they pulled out the ballot boxes (suitcases), cut the seals and resumed scanning ballots. Instead of simply telling Carter Jones, Inspector Callaway, and the Secretary of State the truth, that they had stopped scanning for the night, they decided to hide the facts and misrepresent the circumstances. Had they been forthcoming, then Carter Jones, Inspector Calloway, and/or the Secretary of State's office could have easily contacted the political party observers and the media to inform them that counting had resumed.

Instead, on December 3rd the State Farm Arena video showed a shocking and unexpected series of events at odds with what was ultimately reported on election night. The video showed that they ***did*** stop

scanning when they said they hadn't. They ***did*** tell the media and poll watchers that they were done scanning for the day when they said they hadn't. They ***did*** pull out ballot boxes/suitcases of ballots from under the tables and resumed scanning after everyone left with no media or party/poll watchers present.

The totality of the facts- and the reason that the actions of those shown on the State Farm Arena video appeared nefarious is a direct result of Ms. Moss concealing the fact that they had stopped scanning- and that being the reason everyone left. Her false statements which were reported back to the Secretary of State's office and then disseminated- left the actions shown in the video a month later- in direct contradiction of what was reported on and after November 3rd- and without explanation. Before the video- no one knew that scanning had stopped for the day- and that everyone went home- or was planning to. Carter Jones didn't know. Inspector Callaway didn't know, the Secretary of State purportedly didn't know, and the public did not know. The reason they didn't know is because Shaye Moss lied. She made their actions that she failed to disclose appear nefarious to any reasonable observer.

Ms. Moss lost any deference or presumption of credibility when she misrepresented the events at State Farm Arena on November 3rd- as did the Secretary of State's office when it repeated and reported those misrepresentations. The contradiction and conflict became clear when the video was made public. Ultimately it was the deceit and concealment by Ms. Moss during the course of a contentious election which, at best, resulted in the appearance of impropriety. A suspect series of events that drastically deviated from the normal course of business. One that the public had every right to question. As they say, public officials should avoid "even the appearance of impropriety".

THE REAL STATE FARM ARENA PROBLEM

While the ballot boxes/suitcases under the tables at State Farm Arena were the focus and subject of contention, a related- and perhaps more serious problem was overshadowed. Industrial-sized laundry carts with tens of thousands of absentee ballots, unsecured, found their way to State Farm Arena with no chain of custody:

In the image above are four unsecured mail carts filled with absentee ballots. Note that it is 05:22 AM the morning of November 3, 2020- which is the beginning of the first video captured for Election Day. The preceding video for this same camera was somehow not preserved. In other words, the video which would have shown who, how, and when the ballots in question were delivered- is missing. The arrival of unsecured carts full of ballots of unknown provenance was not isolated to the instance described above, rather it was repeated multiple times. The following is from the contemporaneous notes and reports of elections monitor Carter Jones:

> **November 3rd after 4 PM**:
>
> **Too many ballots coming in for secure black ballot boxes. They are moving them over from Pryor St. in rolling bins 2k at a time. This seems like a massive chain of custody problem. It is my understanding is that the ballots are supposed to be moved in numbered, sealed boxes to protect them**. (Carter Jones Unabridged Notes at 5)
>
> **Post-election summary report:**
>
> **There were persistent chain of custody issues throughout the entire absentee ballot processing system. Aside from the problems with the system at Pryor St (see executive summary report), the fact that ballots were being delivered to State Farm Arena in unsecured mail carts is very concerning. Protocol for securing ballots exists not only**

> **to protect the ballots themselves but also to ensure that no ballot box stuffing occurred.** (Carter Jones Post-Election Report at 9)[50]

Before his report became public, Carter Jones briefed members of the Fulton County Board of Registration and Elections in a private setting at which they were able to read the report and ask questions. What the Board learned from Mr. Jones and his report contributed to the decision to terminate the elections director, Rick Barron. During the February 16, 2021 meeting, long-time Board member Mark Wingate said the following about chain of custody at State Farm Arena in their meeting with Carter Jones:[51]

> **MR. WINGATE**:
>
> Let me just briefly comment to Mr. Johnson's remarks. Yes, that was stated in question of Mr. Carter-Jones. It was also stated by Mr. Carter-Jones with respect to Fulton County's chain of custody. His terminology for that was "***dangerous***". I repeat, "***dangerous***". And with that, that's all-- the remainder I have to say regarding this particular section.

Interestingly, Carter Jones makes the following observation (Carter Jones Unabridged Notes at 5):

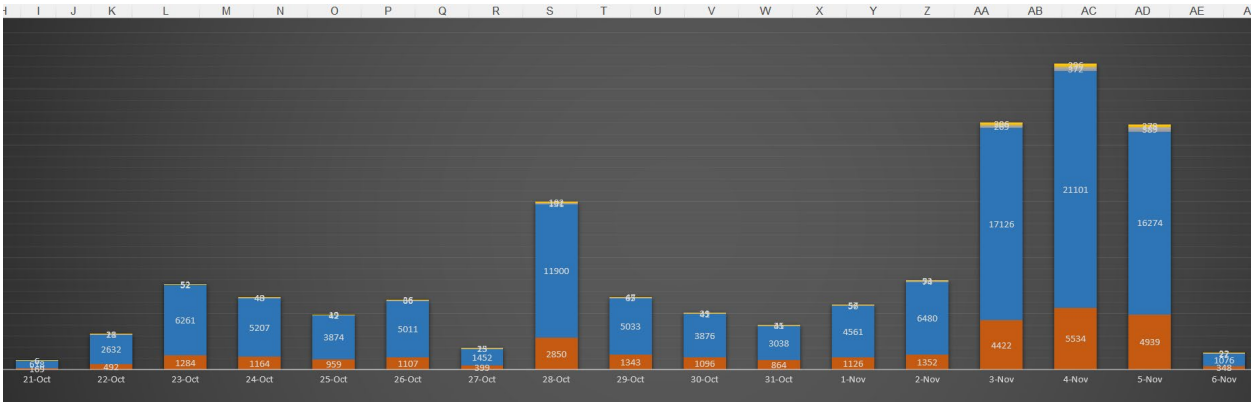
> Pryor St & signature match is the major bottleneck still ànd continuing to cause problems even now

Consider the fact that no signature verification was performed in Fulton County as established herein (Section 13); therefore, the "bottleneck" of processing absentee ballots that Carter Jones attributes to signature verification was something else. Ralph Jones was the Chief Registrar for Fulton County and absentee ballots and signature verification were under his authority. No signature verification means that the mandatory validation method- and the only statutory control on potential absentee ballot fraud- was not performed. The gate was left wide open. Like signature verification, Ralph Jones was also responsible for the unsecured mail carts full of ballots delivered to State Farm Arena. Ralph Jones Sr. and Ralph Jones Jr. owned RJ Mays Consulting, LLC, which was contracted by the campaigns of Mayor Keisha Lance Bottoms, and Raphael Warnock, among others, for campaign consulting. Ralph Jones has been involved with questionable practices

[50] Carter Jones Report can be found here: https://www.scribd.com/document/874605238/Carter-Jones-Seb-Post-Election-Report
[51] Meeting minutes for the February 16, 2021 Board meeting are not posted on the Fulton County website; however, video of the same can be found here at 39:05: https://youtu.be/o8wqCPNNqoI?t=2341

including having been found with ballots for candidate Keisha Lance Bottoms in his vehicle. Further details available upon request.

The following graph displays the scanning of absentee ballots per day:



COUNT 13.

NO RECONCILIATION OR CANVASS IN VIOLATION OF GEORGIA LAW

STATEMENT OF FACT:

The basis to ensure one person, one vote, is to compare the number of voter check-ins to the number of ballots cast. There was no such accounting for Georgia's 2020 General Election.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-327
(a) The superintendent of each municipality shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct within such municipality, cause each machine to be placed in proper order for voting, examine each machine before it is sent out to a polling place, see that each registering counter on each machine is set at zero, lock each machine so that the counting machinery cannot be operated, and seal each machine with a numbered seal. The superintendent or his or her agent shall adjust each machine to be used at a primary, so that the poll officers may lock it on primary day, in such a way that each elector can vote only for the candidates seeking nomination by the political party in whose primary he or she is then voting and so that no elector can vote for the candidates seeking nomination by any political party in whose primary he or she is not then voting. (d) The custodian and deputy custodians of voting machines and the members of the committee of the grand jury, if any, shall make an affidavit, which each shall sign, and request each representative of a party, body, or a citizens' organization, or candidate or his or her agent present at the preparation of the machine to attest, and which shall be filed with the city clerk, stating:

(1) The identifying number or other designation of the voting machine;
(2) That each registering counter on the machine was set at zero;
(3) The number registered on the protective counter or other device of the machine and
(4) The number on the seal with which the machine is sealed.

(e) No superintendent nor custodian nor other employee of the superintendent shall, in any way, prevent free access to and examination of all voting machines which are to be used at the primary or election by any of the duly appointed representatives or candidates aforesaid; and the superintendent and his or her employees shall afford to each such representative or candidate every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

O.C.G.A. § 21-2-493(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the

> same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had.

Ms. McGowan was asked, "…what procedures, if any, were in place to prevent a poll worker from creating a bunch of ballots for their preferred candidate and then injecting those into the tabulation system?", to which she responded (*Id.* at 383):

> **MS. MCGOWAN:**
> "Well, then when the county took the steps of doing ballot reconciliation to make sure that the number of ballots is reconciled against the number of voters, then you would note that discrepancy. **So, it would get caught through the reconciliation process.**"[52] (emphasis added)

Ms. McGowan's position is essentially that fraudulent ballots could not have been successfully injected because they would have been caught by the discrepancies revealed through the mandatory reconciliation process; however, there was no such reconciliation process for the 2020 General Election. The following email is from the CEO of Dominion Voting Systems describing this very basic failure:

[52] Mr. Joseph then sought clarification as to whether the process to which she was referring was practiced in 2020 -or present now. Ms. McGowan confirmed that the reconciliation process which she contends would have caught the discrepancy between the number of voters and the number of ballots -was in effect for 2020- and remains. Ms. McGowan astutely pointed out that, "It's laid out in the statute" (*Id.* at 384).

To: Nicole Nollette[nicole.nollette@dominionvoting.com]
From: John Poulos
Sent: Wed 11/18/2020 12:00:58 AM
Subject: FW: [EXTERNAL] Fwd: GA Absentee Votes Outstanding / Reconciliation
GA_Report_11-17.xlsx

Nicole,
I'm sharing a report that Amber sent me. This is Elections 101. First thing you do after an election is reconcile the VR system total votes cast with the tabulation system total votes cast. Is anyone doing this at the State AND County level? Can you find a nice way to ask Tom/Scott/Cathi and see if anyone is doing it? I fear if it comes from me they will freak. Really really surprised no one seems to be doing it.

If there is a discrepancy, you work to discover the discrepancy. Amber is asserting that we need to check Candler, Cobb and Gwinnett asap!

In addition, why didn't they run a report of out RTR to ensure all tabulators were accounted for in tabulation. This is BASIC, BASIC, BASIC. They would have done this with DRE's so why not ICP's? It is even easier with our system as the number of tabulators is 10x less than they were with DRE's across the State.

When asked if she knew of any significant discrepancies with regard to the risk limiting audit of the 2020 General Election, Ms. McGowan states (*Id.* at 389-392):

> **MS. MCGOWAN:**
> I am aware of a few incidents of discrepancies that were caught during the risk-limiting audit process.
>
> **MR. BYRNE:**
> I think the question was significant discrepancies, and the answer was no.
>
> **MS. MCGOWAN:**
> Well, I should say on election night I'm not aware of any issues. But like I said, during the risk-limiting audit process, there were some significant discrepancies that were caught.

Ms. McGowan claims that significant discrepancies of "a thousand or two votes" were found during the Risk-Limiting Audit. The Risk Limiting Audit began ***after*** the counties certified the November 3rd election results. Certification is only ***after*** the statutorily required reconciliation. At least that is what both logic and law dictate. O.C.G.A. § 21-2-493(b) requires the comparison of the number of votes cast to the number of persons

who voted "***…before computing the votes cast***". An excess in either the number of ballots cast, or the number of voters, "**[s]hall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had.**"[53] Ms. McGowan affirms the proper succession of events when asked about the county certification (*Id.* at 400-401):

> **MS. MCGOWAN:**
> So at the county level, the counties will have a period of time to complete the tabulation, especially for the mail-in ballots, and do the required ballot reconciliation and canvassing process. And then they have a certification deadline that they are required to meet where they will send certified results to the secretary of state's office.

Indeed, tabulation, reconciliation, canvass, ***and then certification***. It's obvious that an audit of a thing cannot begin until the thing is complete. Uncounted ballots found in the following counties during the **post-election audit** is prima facie evidence that those counties failed to compare the number of ballots cast to the number of voters who voted- as required by Georgia law:

a. Fayette County	2,755[54]
b. Floyd County	3,060[55]
c. Douglas County	293[56]
d. Walton County	284[57]

More importantly- the fact that 6,392 uncounted ballots were found across four (4) separate counties ***after*** the results were certified by the counties- is not a consolation- and it is not a testament to "…the process working". To the contrary, uncounted ballots found after the results were certified irrefutably establishes that

[53] O.C.G.A. § 21-2-493 (b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had.

[54] Second Georgia county finds previously uncounted votes | AP News
[55] Floyd County Finishes Hand Recount, Adding 3,060 Votes - Coosa Valley News
[56] 293 votes found during hand recount in Douglas | Local News | douglascountysentinel.com
[57] 4th Georgia county finds uncounted votes as hand count deadline approaches

the counties never knew uncounted ballots were missing- because they never knew how many ballots they were supposed to have. A situation only made possible in the absence of the statutorily required reconciliation Ms. McGowan contends would have prevented the insertion of fraudulent ballots. Georgia's governor addressed the discovery of uncounted ballots in a November 23, 2020 press release:[58]

> **It is important for Georgians to know that the vast majority of local election workers did their job well under unprecedented circumstances, and I thank them for their service. However, it's quite honestly hard to believe that during the audit, thousands of uncounted ballots were found weeks after a razor-thin outcome in a presidential election. This is simply unacceptable. I have heard directly from countless Georgians. They expect better, and they deserve better.**

He also stated:

> **Georgia has runoff elections for two U.S. Senate seats and a Public Service Commissioner scheduled to occur over the next several weeks. We demand complete explanations for all the discrepancies identified so that our citizens will have complete confidence in our elections. In the runoff election, we cannot have lost memory cards or stacks of uncounted ballots. We must have full transparency in all monitoring and counting. Every legal vote must be counted, and the security of the ballot box must be protected.**

There was never a proper reconciliation of the number of ballots cast to the voters who cast a ballot for the 2020 General Election. This is because counties do not have access to the poll pad check-in lists in real time (numbered list of voters), which are under the sole control of the Secretary of State.

[58] The cited press release can be found here: Governor Kemp Formalizes Election Certification, Calls for Signature Audit, Endorses Voter ID for Mail-In Balloting | Governor Brian P. Kemp Office of the Governor (last accessed May 31, 2025)

COUNT 14.

BALLOT PAPER AUTHENTICATION DISABLED ACROSS THE STATE OF GEORGIA

STATEMENT OF FACT:

Georgia purchased the Dominion Democracy Suite 5.5A voting system that included tabulators with the capacity to authenticate specialized ballot paper. The Georgia Master Solutions Agreement requires counties to use the specialized paper which must be purchased from Dominion Voting Systems. The feature has been disabled on all tabulators across the state since the purchase of the system while counties continue to purchase the specialized paper at a premium.

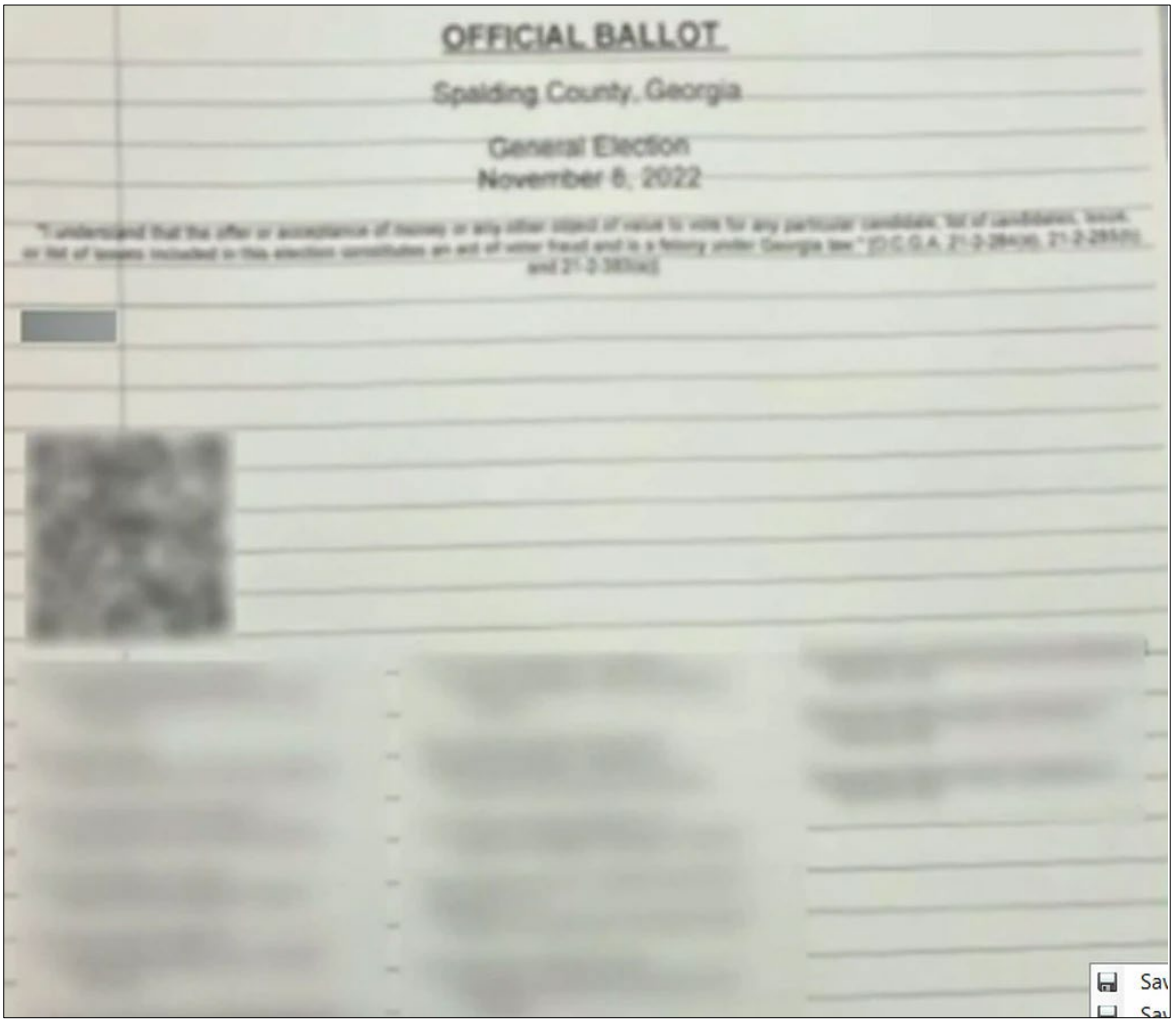
POTENTIAL VIOLATIONS OF LAW:

GA Code § 16-10-20 (2020)
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same t

SUMMARY

During a reconciliation process following the 2022 General Election, officials in Spalding County discovered a ballot printed on looseleaf paper that had been successfully cast and counted. Aside from the serious questions as to how such a ballot could have been printed on looseleaf paper, was why such a ballot wasn't rejected by the tabulator. The Dominion voting system that Georgia purchased includes a feature which is supposed to authenticate special security ballot paper and reject the ballot if it's anything else- like looseleaf.

In an email, Spalding officials asked Blake Evans why the IR paper verification system did not work and allowed the fraudulent ballot to pass through undetected. Mr. Evans claimed that they have "special lights" they can use, but did not answer the question about detection by the tabulator.



Further investigation revealed that the Georgia Dominion Master Solutions Agreement ("MSA") requires the use of "BMD ballot security paper" and "in-tabulator authenticators". The MSA also requires the state and/or counties to purchase the ballot security paper, at a premium, from Dominion.

After further review, it was found that counties had been purchasing VoteSecure IR paper from Dominion for each election. For example:

DOMINION VOTING

1201 18th Street, Suite 210
Denver CO 80202 United States
FED ID#27-0565149

Invoice Date	4/17/2020
Invoice #	DVS133228
Page	1

Bill To:
Fulton County, GA
Rick Barron
130 Peachtree St, Ste 2186 F
Atlanta GA 30303

Ship To:
Fulton County, GA
Rick Barron
130 Peachtree St, Ste 2186 F
Atlanta GA 30303

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
SF0008129	USGAFULTON	STUCKER	BEST WAY	Net 30	2/10/2020	35,247

Ordered	Shipped	B/O	Item Description / Item Number	Discount	Unit Price	Ext. Price
800,000	800,000	0	BALLOT PAPER, VOTESECUR SL IR PAPER, 8.5 X 11, 80 # TEXT	$ 0.00	$ 0.13	$ 104,000.00

VENDOR: VS0000038315
PO: 265 20125254C-GS
RC: 072920-09778 (LINE 1)
IN: 072920-10798 (LINE 1)
FL: 100-265-2656-1475

APPROVAL TO PAY BT McLeod

REMIT TO:
Dominion Voting Systems, Inc.
P.O. Box 538214
Atlanta, GA 30353-8214

COURIER ADDRESS:
Dominion Voting Systems, Inc.
Lockbox #538214
1669 Phoenix Parkway, Suite 210
College Park, GA 30349

Subtotal	$ 104,000.00
Tax	$ 0.00
Freight	$ 0.00
Trade Discount	$ 0.00
Total	$ 104,000.00

Comments:
02/14/2020 Blue Triangle Invoice 12836

COUNT 15.

POST-ELECTION VOTING MACHINE FORENSIC AUDIT WAS A RUSE

STATEMENT OF FACT:

The Secretary of State's post-election forensic audit was a ruse, if it was performed at all.

POTENTIAL VIOLATIONS OF LAW:

GA Code § 16-10-1
Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

GA Code § 16-10-20 (2020)
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

SUMMARY

Following the 2020 General Election, the Secretary of State issued a press release claiming that he had contracted Pro V&V to perform a forensic audit of the voting machines. From the press release titled, "*Secretary Raffensperger Announces Completion of Voting Machine Audit Using Forensic Techniques: No Sign 0f Foul Play*":[59]

> (Atlanta) - Secretary of State Brad Raffensperger last week ordered Pro V&V, a U.S. Election Assistance Commission certified testing laboratory, to do an audit of a random sample of machines to confirm no hack or tamper: "Pro V&V found no evidence of the machines being tampered.";

[59] The press release can be found here: Secretary Raffensperger Announces Completion of Voting Machine Audit Using Forensic Techniques: No Sign 0f Foul Play | Georgia Secretary of State (last accessed 10/10/2025)

> Pro V&V conducted an audit of a random sample of Dominion Voting Systems voting machines throughout the state using forensic techniques, including equipment from Cobb, Douglas, Floyd, Morgan, Paulding, and Spalding Counties. ICP (precinct ballot scanners), ICX (ballot marking devices), and ICC (central absentee ballot scanners) components were all subject to the audit. In conducting the audit, Pro V&V extracted the software or firmware from the components to check that the only software or firmware on the components was certified for use by the Secretary of State's office. The testing was conducted on a Pro V&V laptop independent of the system.

There are several major faults with what the Secretary of State claims was a post-election forensic audit of the voting equipment by Pro V&V:

A. Pro V&V is not qualified nor accredited to perform a forensic audit of the voting equipment.
B. Pro V&V has a conflict of interest
C. Pro V&V was not tasked with determining if the voting machines had been tampered with.
D. The audit purportedly included a total of eighteen (18) machines (three (3) each from six (6) counties) out of over thirty-five thousand (35,000) used in 159 counties.
E. Evidence suggests no audit or review was performed.

Each of these are detailed below.

A.

PRO V&V IS NOT QUALIFIED NOR ACCREDITED TO PERFORM FORENSIC AUDITS

On October 11, 2020, quite literally one month before Pro V&V was contracted by the Secretary of State to perform the token audit, Judge Amy Totenberg issued an order in Curling v. Raffensperger which she stated the following about the owner of Pro V&V, Mr. Jack Cobb:

> While Mr. Cobb's affidavits addressed cybersecurity matters and criticisms of Plaintiffs' cybersecurity and engineering expert affidavits, he was candid in his testimony at the injunction hearing that he actually had no specific expertise in cybersecurity testing.

Judge Totenberg also found that the assertions in the affidavits Mr. Cobb submitted were solely based on Dominion Voting Systems documentation, and stated, "***Mr. Cobb conceded that he accepted such representations on face value rather than on any testing that he had actually done***. (Tr. Vol. II at 243.)". Those representations were wrong. Judge Totenberg included the following about Mr. Cobb and hash validation in the same October 11, 2020 Order:

> In his second affidavit, Mr. Cobb averred that his prior description of the QR code as encrypted as opposed to "encoded" was just a difference in verbiage because he is not an academic. As discussed later below in connection with Mr. Vincent Liu's testimony, this is simply not correct. **Similarly, during cross examination, after conceding that malware could affect hash value generation, Mr. Cobb indicated he was not familiar with the fact that malware could defeat or disable the hash values– a concern addressed by all of Plaintiffs' cybersecurity specialists who provided declarations or testimony in this case.**
>
> **Mr. Cobb's first affidavit discloses that Pro V&V did not itself conduct any form of penetration or security testing of the 5.5-A software version specifically to be used in Georgia** (certified by Dominion in August 2019) **but relied on another company's security testing of earlier versions of the Dominion Democracy Suite software**.39 (Doc. 865-1 at 5; Tr. Vol. II, at 233.)40 Dr. Coomer testified that there is a difference between the 5.5 and 5.5-A Dominion Democracy Suite versions – a change to the ICX software that was not deemed de minimis. (Tr. Vol. II at 138.) Pro V&V's assessment of the modified software version in November 2019 ("5.5.A GA" update) (classified as de minimis) was performed by an employee no longer with the company. **Mr. Cobb's affidavit did not indicate that he actually had personal familiarity with that specific testing or actually any specific testing, as he testified he did not engage in this type of activity.** (Tr. Vol. II at 243.) At the injunction hearing, he indicated that Pro V&V had never tried or tested alteration of the QR code in Dominion version 5.5-A, though he had previously declared in effect that this could not be done. (Tr. Vol. II at 238.)

Mr. Cobb "[…] ***was not familiar with the fact that malware could defeat or disable the hash values…***", and that "***Pro V&V did not itself conduct any form of penetration or security testing of the 5.5-A software version specifically to be used in Georgia but relied on another company's security testing of earlier versions of the Dominion Democracy Suite software***". **Mr. Cobb testified that "[he] *did not engage in this type of activity*".**

Considering the fact that Secretary of State Raffensperger was a defendant in that lawsuit, and the proximity in time between the October 11, 2020 Order and the Secretary of State's November 12, 2020 memo requesting the audit, he and Ms. McGowan would certainly have known that Pro V&V was not qualified to perform a forensic audit of Georgia's voting equipment.[60]

Pro V&V was accredited as a Voting Systems Testing Laboratory ("VSTL") by the Election Assistance Commission ("EAC"). VSTLs test voting systems to a set of outdated voluntary guidelines (2005) for EAC

[60] In Mr. Cobb's defense, he did not claim to have performed a forensic audit, but a "field audit".

certification. These tests do not include any forensic security testing- and are performed on new machines in a lab setting. **Contrary to popular belief, VSTLs are not accredited (and in the case of Pro V&V, not qualified) to perform forensic audits of voting machine system hardware, software, or network security**. From the EAC's Best Practices:[61]

> Digital forensics require specialized skillsets, and the audit team should possess certifications or applicable work experience in this specialty. Industry standard certifications are offered by organizations such as the International Association of Computer Investigative Specialists (IACIS) or the Sans Institute.

Note that for forensic audits, the EAC does not refer to the VSTLs, but instead recommends that the auditors possess certifications- ones that Pro V&V does not hold. The fact is that the VSTL's EAC accreditation as a testing lab is being exploited and misrepresented to the public as that of independent voting systems forensic experts. The VSTLs are admittedly not forensic experts, and a federal court found the same to be true with regard to Pro V&V. The report from Pro V&V is consistent with the findings of the court.

B.

PRO V&V HAS A CONFLICT OF INTEREST

The VSTLs, like Pro V&V, are paid directly by the voting system manufacturers to test voting machines for EAC certification. Said another way, the VSTLs quite literally work for the manufacturers whose systems they test. From the EAC's website in which they acquiesce to the conflict:[62]

> Q: Why are manufacturers allowed to pay VSTL directly?
>
> A: The EAC does not currently have the legal authority to collect money from voting system manufacturers to pay for the testing of voting systems. (sec 31 U.S.C. §3302(b), Miscellaneous Receipts Act). However, if Congress grants the EAC statutory authority to collect and use such funds, the Commission would establish a procedure to directly assign voting systems to a lab and pay the corresponding costs for the testing procedures.

[61] *See* Chain_of_Custody_Best_Practices.pdf at 15 (last accessed on May 24, 2025)
[62] *See* Frequently Asked Questions | U.S. Election Assistance Commission (last accessed May 25, 2025)

C.

PRO V&V DID NOT CHECK IF VOTING SYSTEMS HAD BEEN TAMPERED WITH

Pro V&V's Field Audit Report defines their objective, and states, "The purpose of this Field Audit was to verify the software/firmware and hardware used during the 2020 General Election was the same as the software/firmware and hardware that were Certified for Use by Georgia's Secretary of State Office." (Field Audit Report at 3). Pro V&V was not tasked with checking to see if the voting systems had been tampered with. As described in the court order cited in section "A" above, the method purportedly used to verify that the software was the same as that which was certified by the Secretary, is not reliable. The court found, "***Mr. Cobb indicated he was not familiar with the fact that malware could defeat or disable the hash values– a concern addressed by all of Plaintiffs' cybersecurity specialists who provided declarations or testimony in this case.***" Yet comparing hash values was the very method he said he used to conclude that the system software was the same as that which was certified.

D.

ONLY EIGHTEEN (18) OUT OF THIRTY-FIVE THOUSAND (35,000) MACHINES WERE PURPORTEDLY CHECKED

Pro V&V was hired to check the software and hardware of three (3) machines in each of six (6) counties, totaling a sample size of eighteen (18) machines for the entire state. From Pro V&V's Field Audit Report at 6:

> **3.3 Summary Findings**
>
> During the Field Audit, a total of eighteen (18) components located among six (6) counties were evaluated to verify the version of software/firmware running on each device. It was discovered that all versions on all components matched the known certified SHA-256 hash value.

E.

EVIDENCE SUGGESTS NO AUDIT WAS PERFORMED

Several problems exist with Pro V&V's generic Field Audit Report totaling five and one-half pages. The six (6) counties are not listed anywhere in the report. There are no serial numbers, seal numbers, nor images included in the report, although the report states that they were logged. There are no hash values of the software and firmware purportedly captured during the audit. The undersigned sought these specific details through Open Records Requests. In response, the Secretary of State claimed to have "diligently searched" but could not find the requested records.[63] We are left with nothing but one overly-generic summary of the actions that he claimed to have performed for all six (6) counties– but no unique specifics, machine details, or documented facts.

After determining the six (6) counties that Pro V&V was tasked with auditing, the undersigned and a colleague, Bob Coovert, inquired with each. One (1) county failed to respond and five (5) of the counties claimed that they were not aware of an audit being performed by Pro V&V.[64] The five counties (of six) are:

1. Cobb County
2. Douglas County
3. Paulding County
4. Morgan County
5. Spalding County

For example, the following is the response from Douglas County:

[63] See a true and correct copy of the email response to GASOS ORR #21-842 attached hereto as "Exhibit 14-A"
[64] The correspondence with each is attached hereto as "Exhibit 14-B"

Aubrey Britt <abritt@douglascountyga.gov> 1:16 PM (3 hours ago)

to me

The Douglas County Board of Elections found no records responsive to your September 7, 2022 open records request related to communications between the Secretary of State's Office and the Board of Elections and Voter Registration concerning an audit of the Dominion machines following the November 3, 2020 General Election.
No communication was identified between the Board of Elections and Voter Registration and PRO V&V concerning an audit of the Dominion machines following the November 3, 2020 General Election.
There were also no records of audits or tests performed by PRO V&V in Douglas County from November 3, 2020 to the present. Thanks!

Aubrey Britt
Records Administrator

The following is the response from Paulding County:

Deidre Holden <deidre.holden@paulding.gov> 10:40 AM (5 hours ago)

to me

Mr. Coovert:

Thank you for your request. Paulding County has no emails or responsive documents pertaining to your requests. We did not have an audit of the machines following the November 2020 election. We have no communications with the SOS, Dominion or PRO V&V.

Please consider your request fulfilled.

Thank you,

In summary, there is no auditable record of the Pro V&V audit, no details, forensics, hash values of the software they purportedly verified, no pictures of the equipment they claimed to have taken, and not even confirmation from any county that was purportedly audited. In fact, all of the counties who did respond claimed there was no audit of their machines by Pro V&V after the 2020 General Election. But even if there were, Pro V&V's methodology and process would not have determined if the machines had been tampered with or manipulated. Pro V&V was not only unqualified to perform the forensic audit that the Secretary

claimed, but they were simply not tasked with performing the analysis that the Secretary of State said. Finally, there is no record or evidence to support the limited review that Pro V&V was tasked to perform.

Said another way, even if we were to ignore the factual defects detailed above and were to give every deference to the field review, the Secretary of State's conclusions and claims are simply far outside the scope of work Pro V&V was tasked with performing. It's analogous to having your home A.C. checked and then claiming your dishwasher passed inspection.

COUNT 16.

A.

THOUSANDS OF FALSE BALLOTS ADDED TO THE POST-ELECTION HAND-COUNT/AUDIT

STATEMENTS OF FACT:

a. Fulton County falsified records (batch tally sheets) which caused approximately 6,691 fictitious absentee ballots and votes for the presidential contest to be added to the results of the 2020 post-election hand-count audit.
b. The Secretary of State and/or Fulton County have refused to correct the results, and the Attorney General has falsely attributed the inconsistencies to "data entry errors".
c. As compared to the official results for each advance voting polling location, Fulton County's hand-count audit includes a delta of some 13,910 ballots and votes.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-562: Criminalizes inserting or permitting fraudulent entries, such as fictitious names, false figures, false statements, or other fraudulent information in registration cards, electors lists, voter certificates, ballots, returns, or other election documents or records. This is a felony punishable by one to ten years imprisonment, a fine up to $100,000, or both.

O.C.G.A. § 21-2-587: Criminalizes fraud by poll officers, such as making false returns of votes, depositing fraudulent ballots, registering fraudulent votes, making false entries in electors lists, or preparing/filing false voter certificates. This is a felony punishable by one to ten years imprisonment, a fine up to $100,000, or both.

O.C.G.A. § 16-10-20:
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

52 U.S.C. § 10307(d) - Falsification or concealment of material facts or giving of false statements in matters within jurisdiction of examiners or hearing officers; penalties Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

There exists three separate faults with regard to Fulton County's hand-count/audit of the 2020 General Election:

A. The defects as documented by Joe Rossi and Governor Brian Kemp (SEB2021-181) limited to the absentee ballots.
B. Material discrepancies between the batch tally sheets for the hand-count of the ballots compared to the tabulator official returns (poll closing tapes) for advance voting.
C. Discrepancies brought to the attention of the Elections Director and deputy twice, and no corrective action was taken.

BACKGROUND

In 2019, the Georgia legislature passed a law requiring a post-election random sampling audit for the 2020 General Election.[65] The basic premise behind such an audit is to hand-count a random sample of ballots, extrapolate, and compare the outcome to the results. The smaller the margin of victory- or the closer the difference between the two candidates- the larger the sampling is required to "limit the risk" that the wrong candidate takes office. Because the margin between the candidates for the presidential contest was so small, the statistical principles of a risk-limiting audit required a full manual tally, or hand count, of all paper ballots.

Each batch of ballots were sorted by vote for President- called the "sort and stack" method. In other words, all ballots of a batch with votes for candidate Biden were put in a stack, and the same for President Trump, and candidate Jo Jergeson. Then the total number of ballots of each stack were recorded on a form called a batch tally sheet. Finally, the totals of each batch tally sheet were entered into a software application called ARLO, which was centrally managed and controlled by the Secretary of State. The results were aggregated by the Secretary and vendor- which were then provided to the counties. Said another way, the hand-

[65] **GA Code § 21-2-498 (2019)(b)** As soon as possible, but no later than the November 2020, general election, the local election superintendents shall conduct precertification tabulation audits for any federal or state general election in accordance with requirements set forth by rule or regulation of the State Election Board. Audits performed under this Code section shall be conducted by manual inspection of random samples of the paper official ballots.

count/audit was not the manual exercise independently conducted by the county as implied, generally understood, and intended by the legislature.

SEB2021-181

Thirty-six (36) errors discovered in the hand-count/audit results by Mr. Joe Rossi, were verified and reproduced by the Governor's office. The Governor released a report detailing each of the errors, along with a letter formally referring the matter to the Georgia State Election Board for investigation (Case no. SEB2021-181) in which he states:[66]

> **The 36 inconsistencies noted by Mr. Rossi are factual in nature, pose no underlying theories outside of the reported data, and could not be explained by my office after a thorough review detailed below. The purpose of this letter is to convey those inconsistencies to the Board <u>and request them to be explained or corrected</u>**. (emphasis added)

And:

> **The data that exists in public view on the Secretary of State's website of the RLA Report does not inspire confidence. It is sloppy, inconsistent, and presents questions about what processes are used by Fulton County to arrive at the result.**

The Governor then recommended that the Board, "**Direct investigators to review Mr. Rossi's findings, just as my office has, and <u>order corrective action as needed to address any verified errors</u>**."

As a result of the 36 errors, 6,691 fictitious ballots that do not exist were added to the "Total Ballots Cast" column. After removing the false ballots from the total (because they do not exist), Fulton County's corrected Total Ballots Cast for the hand count/audit is 521,341, or **7,436 ballots less than the certified Nov. 3rd total of 528,777**. Of these, candidate Trump received 1,025 false votes that do not exist, while candidate Biden received 5,618 false votes that do not exist. Correcting for the errors from only the absentee ballots of one county, the hand count/audit results yield a margin of victory that is 4,593 votes less than the November

[66] A true and correct copy of the Governor's letter referring the matter to the Georgia State Election Board can be found here: https://www.scribd.com/document/663445360/Brian-Kemp-Georgia-SEB-Letter-Joe-Rossi-11-17-2021-1; A true and correct copy of the Governor's report which was attached to the aforementioned letter can be found here: https://www.scribd.com/document/663445727/Brian-Kemp-Audit-Inconsistencies-Report-Joe-Rossi-11-18-2021

3rd results.. 11,779 was the total margin of victory for the entire state. A review of only 3 percent of the ballots yielded errors that falsely inflated the margin of victory for the hand count/audit **by one-third**. Based on these errors alone, the margin of victory drops to 7,185. The 36 errors mysteriously added a sufficient number of ballots and votes to substantiate the November 3rd results, albeit falsely. Just as the hand count/audit was used as a metric to corroborate the November 3rd results, the errors call those results in to question.

After many months of delay, the SEB referred case SEB2021-181 to the Attorney General's office which resulted in a Consent Order, facilitated by the AG.[67] It included acknowledgement of the deficiencies but stated they were unintentional, and the result of data entry errors that did not affect the outcome of the race; however, it was found that the AG did not perform any further investigation. Conclusions were solely dependent upon the purported investigation by the Secretary of State's investigator as stated in the Consent Order (SEB2021-181 Consent Order at 2):[68]

> A thorough investigation into the complaints was conducted by the Secretary of State's investigation division.

Ms. McGowan also acknowledged the errors in Fulton County's hand count/audit results (October 01, 2024 transcript at 566):

> Fulton had some data entry errors as part of the risk-limiting audit. Meaning that when they were taking the tally sheets, that the people that were doing the audit completed and then entering it into the secretary of state's system, that they made some data entry errors.

And:

> It was that they made data entry errors when they were reporting the results to the secretary of state's office.

Ms. McGowan also falsely testified that the Secretary of State's office thoroughly investigated the matter:

> **MR. BYRNE:**
> And when you saw Mr. Rossi's complaint, did you have any assessment that these were – that this was a significant complaint?
>
> **MS. MCGOWAN:**

[67] The consent order was surreptitiously adopted by the SEB through a motion to adopt the agreement- sight unseen.
[68] A true and correct copy of the SEB2021-181 Consent Order is attached hereto as "Exhibit 2-B"

> Well, I think you're conflating two things. Mr. Rossi's original complaint was fully investigated by the secretary of state's office, the findings were presented to the state election board. The board referred those – referred the case to the attorney general for further legal action. That case was resolved via a consent order where Fulton County agreed to certain relief. That consent order was approved by the state election board.

These assertions are false and were made knowingly. First, there was no investigation beyond that which was carried out by Mr. Rossi and the Governor's office as the Secretary of State's investigator did not perform an investigation. Second, the claim that the errors were unintentional is refuted by the fact that 35 of the 36 inconsistencies benefited one candidate. Next, the failures were not the product of data entry errors. Lastly, the conclusion and excuse that the errors did not affect the outcome of the presidential contest is irrelevant and not responsive to the allegation- as the race for president extended past the Fulton County line, and so did the "errors".

NO INVESTIGATION

The record is very clear that Mr. Rossi's complaint, as verified and referred to the SEB by the Governor, was not "*fully investigated*" by the Secretary of State's office. The Secretary of State's investigators presented the results of their purported investigation of SEB2021-181 to the SEB on March 16, 2022. Board member Johnston and former investigator for the Secretary of State's office, Mr. Vincent Zagorin, had the following exchange which makes clear that no serious investigation was performed:[69]

> **DR. JOHNSTON:**
> So, I have a question. How much off were these numbers when you looked at all of this again?
>
> **MR. ZAGORIN:**
> I just looked at these that were sent in in the complaint. Like I said, a few times, I would find others that I would stumble across it. But I didn't pull those into this. But I didn't go back through to take out the ones that were in there twice and try to figure out exactly what the number was. But I could tell what the issue was. I could that, like I said, 97 wasn't in there twice; it was 97 and 47. Then the ones that were in there twice, I didn't sit there and write out the –the specific number. I didn't go that far with this.

[69] March 16, 2022 Georgia State Election Board meeting transcript at page 57

Very clear, indeed. The investigator says, "[He] ***didn't go back through to take out the ones that were in there twice and try to figure out exactly what the number was***." And says "***I didn't sit there and write out the—specific number. I didn't go that far with this***." Suffice to say that both the AG and Ms. McGowan's assertion that the complaint had been "fully investigated" by the Secretary of State's investigators is blatantly false.

NOT THE RESULT OF ERRORS

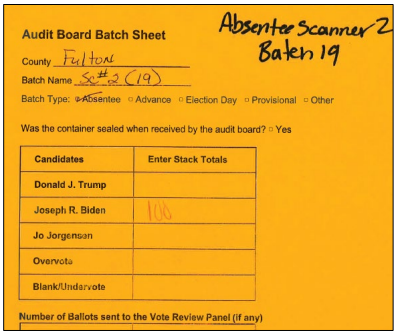
The 36 inconsistencies as documented in the Governor's report were not the result of data entry errors as both the SOS's General Counsel and the Attorney General claim, but intentional human acts of attributing votes to the wrong candidates- and adding false votes to candidates

As detailed above, for the hand count/audit, batch tally sheet were entered into a software application, called "ARLO". It is this process of entering the totals of each batch tally sheet into the software program that the AG and Ms. McGowan erroneously attribute fault and failure. The fact is that in almost every instance it was found that the Batch Tally Sheets were entered properly, but the batch tally sheets did not represent the votes recorded on the ballots. An illustrative example from the inconsistencies identified in the Governor's report is as follows:

Inconsistency #4:

Three Audit Batch Tally Sheets with votes recorded as indicated in the table below:

Scanner / Batch	Trump	Biden	Jorgensen
Absentee Scanner 2/Batch 19	0	100	0
Absentee Scanner 2/Batch 20	0	100	0
Absentee Scanner 2/Batch 21	0	150	0


Absentee Scanner 2 Batch 19

Audit Board Batch Sheet

County Fulton

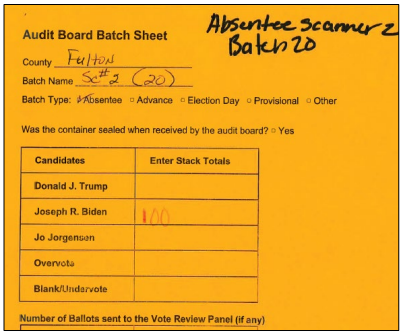
Batch Name Sc#2 (19)

Batch Type: ☑ Absentee ☐ Advance ☐ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	
Joseph R. Biden	108
Jo Jorgensen	
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)


Absentee Scanner 2 Batch 20

Audit Board Batch Sheet

County Fulton

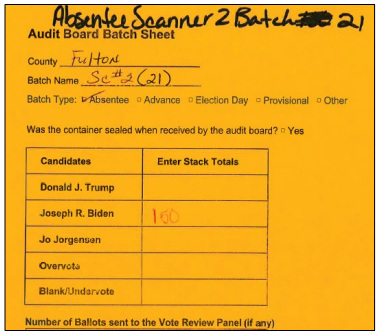
Batch Name Sc#2 (20)

Batch Type: ☑ Absentee ☐ Advance ☐ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	
Joseph R. Biden	100
Jo Jorgensen	
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)


Absentee Scanner 2 Batch 21

Audit Board Batch Sheet

County Fulton

Batch Name Sc#2 (21)

Batch Type: ☑ Absentee ☐ Advance ☐ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	
Joseph R. Biden	180
Jo Jorgensen	
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)

The actual number of ballots and corresponding vote totals for these batches, as scanned on November 3, 2020, are as follows:

Scanner / Batch	Trump	Biden	Jorgensen
Absentee Scanner 2 (Tab 5160)/Batch 19	10	87	2
Absentee Scanner 2 (Tab 5160)/Batch 20	25	74	1
Absentee Scanner 2 (Tab 5160)/Batch 21	8	97	1

The three audit batch tally sheets in the example above resulted in the loss of 43 votes for Trump and 4 votes for Jorgensen, while adding 92 extra votes for Biden. There were only 305 ballots in these three batches, not 350. The batch tally sheets introduced 45 fictitious ballots and votes for candidate Biden that do not exist. Thus, the batch tally sheets do not represent the corresponding ballots or votes. Not by mistake- and not by "data entry error".

Scanner 2/ Batch 19-21	Total Votes	Trump	Biden	Jorgensen
Nov 3, 2020, Original Ballots	305	43	258	4
Audit Hand Count	350	0	350	0
Δ from Original Ballots	+45	-43	+92	-4

The vote totals recorded on the audit batch tally sheets correspond with the official hand-count/audit results published on the Secretary of State's website, as evidenced by the highlighted line items in the relevant documentation below.

19118	FULTON	AbsenteeScanner2Batch186	Absentee By Mail	8	89	1	0	0	0	0	
19119	FULTON	AbsenteeScanner2Batch187	Absentee By Mail	26	77	0	0	0	0	0	
19120	FULTON	AbsenteeScanner2Batch19	Absentee By Mail	0	100	0	0	0	0	0	
19121	FULTON	AbsenteeScanner2Batch190	Absentee By Mail	67	232	3	0	0	0	0	
19122	FULTON	AbsenteeScanner2Batch191	Absentee By Mail	6	91	0	0	0	0	0	
19123	FULTON	AbsenteeScanner2Batch192	Absentee By Mail	23	75	1	0	0	1	0	
19124	FULTON	AbsenteeScanner2Batch193	Absentee By Mail	2	100	1	0	0	0	0	
19125	FULTON	AbsenteeScanner2Batch194	Absentee By Mail	5	93	1	0	0	1	0	
19126	FULTON	AbsenteeScanner2Batch195	Absentee By Mail	33	64	1	0	0	1	0	
19127	FULTON	AbsenteeScanner2Batch196	Absentee By Mail	43	57	0	0	0	0	0	
19128	FULTON	AbsenteeScanner2Batch198	Absentee By Mail	31	64	2	0	0	0	0	
19129	FULTON	AbsenteeScanner2Batch199	Absentee By Mail	36	63	1	0	0	0	0	
19130	FULTON	AbsenteeScanner2Batch2	Absentee By Mail	3	93	2	0	0	0	0	
19131	FULTON	AbsenteeScanner2Batch20	Absentee By Mail	0	100	0	0	0	0	0	
19132	FULTON	AbsenteeScanner2Batch200	Absentee By Mail	8	89	2	0	0	0	0	
19133	FULTON	AbsenteeScanner2Batch201	Absentee By Mail	29	68	1	0	0	0	0	
19134	FULTON	AbsenteeScanner2Batch202	Absentee By Mail	32	52	4	0	0	0	0	
19135	FULTON	AbsenteeScanner2Batch203	Absentee By Mail	32	67	1	0	0	0	0	
19136	FULTON	AbsenteeScanner2Batch204	Absentee By Mail	39	59	2	0	0	0	0	
19137	FULTON	AbsenteeScanner2Batch205	Absentee By Mail	12	87	0	0	0	0	0	
19138	FULTON	AbsenteeScanner2Batch206	Absentee By Mail	7	92	0	0	0	0	0	
19139	FULTON	AbsenteeScanner2Batch207	Absentee By Mail	7	94	0	0	0	0	0	
19140	FULTON	AbsenteeScanner2Batch208	Absentee By Mail	29	68	0	0	0	2	0	
19141	FULTON	AbsenteeScanner2Batch209	Absentee By Mail	4	95	2	0	0	0	0	
19142	FULTON	AbsenteeScanner2Batch21	Absentee By Mail	0	150	0	0	0	0	0	
19143	FULTON	AbsenteeScanner2Batch210	Absentee By Mail	34	66	0	0	0	0	0	
19144	FULTON	AbsenteeScanner2Batch211	Absentee By Mail	29	69	0	0	0	1	0	

This was not mistake, but intentional manipulation. For example, the following is the Batch Tally Sheet for Absentee Scanner 2, Batch 22:

AbsenteeScanner2Batch22

Audit Board Batch Sheet

County Fulton

Batch Name Sc#2 (22)

Batch Type: ☑ Absentee ☐ Advance ☐ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	
Joseph R. Biden	200
Jo Jorgensen	
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	
Duplicated	
Undetermined	

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ☐ Yes

[redacted]

Check In/Out Station

☐ Recorded batch return on Ballot Container Inventory Sheet
☐ Delivered Vote Review Panel ballots (if any)
☐ Entered tallies into Arlo

Initials of check in/out station member

The election worker(s) recorded batch "Sc2 #22" as though it included 200 ballots and for every ballot was a vote for candidate Biden. The totals entered and included in the results on the Secretary of State's website also show 200 votes for candidate Biden (*See* row 19,153 of Fulton County's audit results):

19151	FULTON	AbsenteeScanner2Batch218	Absentee By Mail	4	94	1	0	0	0	0
19152	FULTON	AbsenteeScanner2Batch219	Absentee By Mail	36	62	2	0	0	0	0
19153	FULTON	AbsenteeScanner2Batch22	Absentee By Mail	0	200	0	0	0	0	0
19154	FULTON	AbsenteeScanner2Batch220	Absentee By Mail	35	62	2	0	0	1	0

The batch tally sheet totals were entered properly, but the batch tally sheet did not reflect the votes of the corresponding ballots. The following is from the Governor's report detailing Sc2 Batch 22, which is identified as "Inconsistency 5":

INCONSISTENCY 5: BATCH ENTRY REFLECTING 100% VOTE COUNT FOR ONE CANDIDATE

The batch entry on Row 19153, identified as "AbsenteeScanner2Batch22," reports all 200 votes for Biden.

The Ballot Images corresponding to Batch 22 of Absentee Scanner 2 (Tabulator 05160) do not reflect a unanimous vote count for one candidate.

Detailed Audit Report: Row 19153: AbsenteeScanner2Batch22

Trump	Biden	Jorgensen	I W/I	V W/I	B/U	O
0	200	0	0	0	0	0

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batch 22

Trump	Biden	Jorgensen	Other
12	85	3	0

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batch 22

Trump	Biden	Jorgensen	Other
12	85	2	1

As stated in the report above, "***The Ballot Images corresponding to Batch 22 of Absentee Scanner 2 (Tabulator 05160) do not reflect a unanimous vote count for one candidate***". For "Inconsistency 5" candidate Biden received 115 false votes that do not exist, while candidate Trump was shorted 12 votes that do exist. The vote totals documented on the batch tally sheet do not reflect the corresponding ballots. The false results shown on the batch tally sheet match the same false results in row 19153 of Fulton County's hand count/audit results. Therefore, Inconsistency 5 was not the result of a "data entry error".

A total of eight (8) false batch entries are included in the results in which candidate Trump erroneously receives zero (0) votes- and almost all are supported with a batch tally sheet.[70] Like that shown above, errors with a batch tally sheet that don't match the corresponding ballots are not the product of mistake or unintentional error. It is indisputable that the batch tally sheets identified by Mr. Rossi and Governor Kemp were intentionally fabricated to falsely pad the hand-count/audit results in line with the November 3rd results. Georgia law explicitly states that any superintendent or employee who intentionally destroys or alters tally papers, or permits them to be destroyed or altered, shall be guilty of a felony.[71]

OUTCOME DETERMINATIVE

The hand-count/audit does not confirm nor validate the results of the first count or the Recount- but firmly and substantially calls the results into question. Of course, this has been confirmed by every objective review by any honest observer who has taken the time to do the math. The following is from the declaration of subject matter expert; Professor Duncan Buell as filed in the Curling v. Raffensperger case:[72]

> **Given the level of tabulation discrepancies in Fulton's November 2020 election, the hand count audit must be considered a failure, and a failure that should have immediately triggered a serious analysis and mitigation of voting system deficiencies to ensure that future elections permit voters to cast an accountable vote.**

The declaration of Berkeley Professor, highly respected election integrity expert and inventor of the Risk Limiting Audit, Dr. Philip Stark, in which he describes his review of Georgia's 2020 General Election records:[73]

[70] See Row IDs: 19120; 19131; 19142; 19153; 19810; 19811; 19875; 20361 of the Fulton County 2020 Hand Count/Audit results

[71] GA Code § 21-2-585 (2024) **(b)** Any superintendent or employee of his or her office who willfully destroys or alters, or permits to be destroyed or altered, any document described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony.

[72] A true and correct copy of the Declaration of Duncan Buell can be found here:
https://www.scribd.com/document/671203484/20220111-Buell-Expert-Report-Final-Served

[73] A true and correct copy of the Declaration of Philip Stark can be found here:
https://www.scribd.com/document/665439454/Philip-Stark-Cgg-9

82. Fulton County's chaotic, unaccountable curation and processing of cast ballots, cast BMD printout, and electronic records make a true risk-limiting audit impossible. It is unreasonable for voters to trust that their votes were counted at all, much less counted correctly. Voters have good reason to believe that some votes counted more than others: some votes were included twice or thrice in the totals. There is no way to know how many votes were omitted from the tabulation, absent access to the physical ballots and BMD printout and evidence that the chain of custody is intact. From the records produced so far, it Is impossible to determine whether malware, bugs, misconfiguration, or malfeasance disenfranchised voters or altered the election results.

The fact that SEB2021-181 unveiled thousands of false ballots and votes should have triggered a real investigation- not only of Fulton County's November 3rd election results, but those of the entire state. We can use the same mathematical basis as the Risk Limiting Audit by using Fulton County's rate of error- and extrapolate. Approximately 148,000 absentee ballots were cast in Fulton County, and out of those, 6,691 (4.52%) were found to be false- or in error. A total of 1,311,061 absentee ballots were cast in the state of Georgia for the 2020 General Election. Using the same percentage (4.52%) of false ballots/votes as that confirmed in Fulton County:

1,311,061 x .0452 = 59,259 false ballots/votes

Using the same ratio of distribution of false ballots/votes as that confirmed in Fulton County:

Candidate Biden = 83.9% of 59,259 = 49,718 false votes
Candidate Trump= 15.3% of 59,259 = 9,066 false votes

Therefore, using the Fulton County hand count/audit error rate- as established by the Governor's report on just the absentee ballots cast, the error rate is determinative- and it is possible that the wrong candidate did take office. Ms. McGowan's assertion that the hand count/audit errors did not affect the outcome of the race- is not supported by fact. Given the egregious manipulation in Fulton County, failing and/or refusing to check the hand count/audit results of the other 158 counties constitutes gross negligence- if not willful misconduct.

RESULTS WERE NEVER CORRECTED

Despite logic and the Governor's directive- the disposition of the case, a Consent Order, did not result in, nor require, the errors and official results of the hand count audit to be corrected. If given the opportunity, objections would have been raised; however, the terms of the Consent Agreement were not disclosed at the time. In fact, the document was not provided to the public nor members of the Board when it was brought to a vote. Although Dr. Johnston voted against adopting an agreement she had never seen or read, the other three members of the Georgia State Election Board (all attorneys), public trustees on behalf of the people of Georgia, did blindly vote to adopt the agreement.

Mr. Rossi and I filed a new complaint detailing the same errors and named the Secretary of State as a Respondent. In addition to accountability, the complaint sought relief in the form of requiring correction of the false hand count/audit results as posted on the Secretary of State's website. This was important **to stop the false hand count/audit from being used to fraudulently substantiate the results of the 2020 General Election.**

In response, retired federal judge and Chair of the SEB, William Duffey, opened a case. The Secretary of State's General Counsel, Charlene McGowan, closed the case and wrote an email to judge Duffey that said the SEB did not have the authority to investigate the Secretary of State. Ms. McGowan went on to say that even if violations of law were found, that the case would have to be referred to the Attorney General, who couldn't prosecute the Secretary of State because the Secretary is his client.

Ms. McGowan was asked about the email during her testimony before the Washington D.C. Bar disciplinary panel (October 1, 2024 transcript at 564-568):

> **MR. BYRNE**:
> Okay. So in July of 2023, when you were working for the secretary of state's office, you sent Judge Duffey an e-mail that says "I understand you have asked Sarah to open up a new case on Mr. Rossi's complaint against the Secretary of State's Office regarding the posting of the county-level RLA results for the 2020 presidential election."
>
> **MS. MCGOWAN**:
> My e-mail to Mr. Duffey was Mr. Rossi insisting that the state election board investigate the secretary of state and his involvement in simply posting the results of the risk-limiting audit to the secretary of state's web site.

Indeed, simply posting- ***and refusing to correct***- the falsely inflated results of the hand count/audit that the Governor himself verified and asked to be corrected. There was no contemplation nor mention of the prospect that someone could be appointed to facilitate an investigation and/or a potential prosecution. As a result, the people of Georgia are left without relief or remedy from even potential violations of law by the Secretary of State. Moreover, SEB2021-181 establishes that there are no checks and balances, reconciliation or accounting for even the audit. Perhaps it's because the hand count/audit was not an audit- but a ruse used to falsely substantiate the November 03, 2020 results.

What follows is a spreadsheet detailing each of the thirty-six (36) errors as listed and included in the official results of the hand-count/audit posted on the Secretary of State's website- next to the corrected and actual numbers. A complete accounting of each inconsistency, along with the batch tally sheets, and corresponding findings by the Governor's office of each instance can be found here:
https://www.scribd.com/document/805950334/Binder-Audit-Inconsistency-All-Combined2

B.

FULTON COUNTY ELECTION OFFICIALS KNEW THAT THE HAND-COUNT/AUDIT RESULTS WERE FALSELY INFLATED

A November 19, 2020, email from Mr. Michael Pendergast to Deputy Elections Director Nadine Williams, and copied to Elections Director Richard Barron, carries an attachment which details multiple errors in the hand-count/audit results. Most of which are the same errors discovered by Mr. Joe Rossi and documented by the Governor who referred the matter to the State Election Board for investigation and correction. The case, SEB2021-181, confirmed that 6,691 fictitious votes were in fact added to the hand-count/audit results, but were never corrected. The email correspondence establishes that Fulton County election officials knew of the errors at the time, even

the same day that the Secretary of State released the results. Those officials knew that the hand-count/audit results did not match nor substantiate the November 03, 2020 election results. Fulton County concealed these facts for two (2) years and remained silent while the case was raised by the Governor, heard by the State Election Board, and a settlement was negotiated by the Attorney General. Fulton County failed to take corrective action during the pendency of the case, or even thereafter. At the time of this writing, Fulton County's hand-count/audit results include the 6,691 votes they know to be false.

The email states:

> **Nadine- Dwight said you might've already seen this, but Rick asked me to forward. Two attachment…Just some quick adjustments/corrections. Please let me know you have any questions or need anything else. The spreadsheet has duplicates at the bottom, the word doc explains a few of the other corrections.**

From: Mike Prendergast
To: Williams, Nadine
Cc: Barron, Richard L.
Subject: potential typos
Date: Thursday, November 19, 2020 12:09:54 PM
Attachments: Potential Vote adjustment Misc Corrections Suggestions.docx
Potential Corrections.xlsx

Nadine- Dwight said you might've already seen this, but Rick asked me to forward. Two attachment… Just some quick adjustments/corrections. Please let me know you have any questions or need anything else. The spreadsheet has duplicates at the bottom, the word doc explains a few of the other corrections.

Thanks again for everything.

Mike Prendergast
[redacted]

The attachments are as follows:

Absentee Scanner 1

- Batch "scanner 1/68-75" has an incorrect total for Jorgensen; It should be 5, not 51, which would make the total match what is found in the manifest.

Absentee Scanner 2

- **FIX** Batch 22 shows 200 ballots, but the Manifest has it at 100
  - Probably just a typo and should be 100 for Biden, but check sheet.
- **JUST A TYPO** Scanner 2 Batch 54 is likely in the unassigned Absentee batches as "SC#54"
- **FIX** scanner 2 batch 112; and the same name except 112-2 are duplicates, but they have different votes. Check the batch sheet, then delete the other.
- **JUST A TYPO** AbsenteeScanner2Batch240 and AbsenteeScanner2Batch 240 are dupes.
  - As with the last entry, one of these should be scanner 3/240
- **FIX** AbsenteeScannerBatch297 and the similarly-named version with a space before 297 have different totals.
  - The one with no space (Scanner2Batch297) is a dupe with Scanner1Batch297.
- **JUST A TYPO** AbsenteeScanner3Batch369 is really Scanner2Batch369

Absentee Scanner 3

- Batch 188 shows 237 ballots, but should only have 101 per manifest?
- Batch 260 should have 101 ballots per Manifest. The Trump total looks wrong – did they type the batch into the Trump column.

Absentee Scanner 5

- Batch 109 has more than the expected number of ballots at 159; does that explain any of the missing 105-108?

DUPLICATES:		
scanner 1/18		absenteescanner1batch18
scanner 1 /25		AbsenteeScanner1Batch 25
scan 1-97		scanner 1/97
sc 2- 400		absenteeScanner2Batch400
scanner 525 /		AbsenteeScanner2Batch525
sc 3 (339)		included within AbsenteeScanner3Batch339-346
sc 3 (340)		included within AbsenteeScanner3Batch339-346
AbsenteeBallot3Batch368		Absentee Ballot 3 Batch 368
AbsenteeScanner3Batch111		same name but different totals
AbsenteeScanner4 Batch95		AbsenteeScanner4Batch95
AbsenteeScanner5Batch55		included within "scanner 5/55-67-71-75"
AbsenteeScanner5Batch67		same as above
AbsenteeScanner5Batch92		AbsenteeScanner5Batch92-Military AND AbsenteeScanner5Batch92Military

For some five (5) years, the hand-count/audit results, known by Fulton County to be materially defective, have been used to falsely substantiate the official results. The same fraudulent results have also been used against those who rightfully questioned Georgia's election results.

Inconsistencies Found In RLA Hand Count												Batch Corrections For Inconsistencies				
	Row ID	Jurisdiction	Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/Undervote	Overvote	Batch Name	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Other
Inconsistency 1																
	18786	FULTON	AbsenteeScanner1Batch111	Absentee By Mail	8	90	0	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Bsatch 111	5	94	1	0
	19492	FULTON	AbsenteeScanner3Batch111	Absentee By Mail	8	90	0	0	0	0	0	Internal Count Absentee Scanner 1 (5150), Batch 111	9	90	0	2
	19493	FULTON	AbsenteeScanner3Batch111	Absentee By Mail	4	95	1	0	0	0	0					
Inconsistency 2																
	18840	FULTON	AbsenteeScanner1Batch18	Absentee By Mail	26	72	1	0	0	0	0	Internal Count Absentee Scanner 1 (5150), Batch 18	26	72	1	0
	20288	FULTON	Scanner 1/18	Absentee By Mail	26	72	1	0	0	0	0					
Inconsistency 3																
	18911	FULTON	AbsenteeScanner1Batch 25	Absentee By Mail	21	77	0	0	0	1	0	Internal Count Absentee Scanner 1 (5150), Batch 25	21	77	0	2
	20296	FULTON	scanner 1 /25	Absentee By Mail	21	77	0	0	1	1	0					
Inconsistency 4																
	19120	FULTON	AbsenteeScanner2Batch19	Absentee By Mail	0	100	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 19	10	87	2	0
	19131	FULTON	AbsenteeScanner2Batch20	Absentee By Mail	0	100	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 20	25	74	1	0
	19142	FULTON	AbsenteeScanner2Batch21	Absentee By Mail	0	150	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 21	8	97	1	0
Inconsistency 5																
	19153	FULTON	AbsenteeScanner2Batch22	Absentee By Mail	0	200	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 22	12	85	2	1
Inconsistency 6																
	19165	FULTON	AbsenteeScanner2Batch237	Absentee By Mail	25	74	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 237	4	93	2	0
	20308	FULTON	scanner2/237	Absentee By Mail	3	95	0	0	0	0	2					
Inconsistency 7																
	19166	FULTON	AbsenteeScanner2Batch238	Absentee By Mail	22	59	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 238	25	74	0	0
	19587	FULTON	AbsenteeScanner3Batch238	Absentee By Mail	22	59	0	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 238	23	57	1	0
Inconsistency 8																
	19167	FULTON	AbsenteeScanner2Batch240	Absentee By Mail	10	90	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 240	31	62	1	2
	19168	FULTON	AbsenteeScanner2Batch 240	Absentee By Mail	31	62	1	0	0	0	0					
Inconsistency 9																
	19169	FULTON	AbsenteeScanner2Batch241	Absentee By Mail	34	63	0	0	0	1	0	Internal Count Absentee Scannern 2 (5160), Batch 241	11	88	1	2
	19170	FULTON	AbsenteeScanner2Batch 241	Absentee By Mail	11	88	1	0	0	0	0					
Inconsistency 10																
	19172	FULTON	AbsenteeScanner2Batch243	Absentee By Mail	7	90	1	0	0	1	0	Internal Count Absentee Scanner 2 (5160), Batch 243 & 244-249	110	566	7	6
	19173	FULTON	AbsenteeScanner2batch244-249	Election Day	110	556	7	0	0	2	1					
	19174	FULTON	AbsenteeScanner2Batch244-249	Absentee By Mail	110	556	7	0	3	2	1					
Inconsistency 11																
	18951	FULTON	AbsenteeScanner1Batch297	Absentee By Mail	42	56	1	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 297	27	71	1	0
	19219	FULTON	AbsenteeScanner2Batch297	Absentee By Mail	42	56	1	0	0	0	0	Internal Count Absentee Scanner 1 (5150), Batch 297	42	56	1	1
	19220	FULTON	AbsenteeScanner2Batch 297	Absentee By Mail	27	71	1	0	0	0	0					
Inconsistency 12																
	19323	FULTON	AbsenteeScanner2Batch400	Absentee By Mail	6	92	0	0	0	0	0	Internal Count Absentee Scanner 2 (5160), Batch 400	36	60	1	3
	20252	FULTON	sc 2- 400	Absentee By Mail	36	60	1	0	0	3	0					
Inconsistency 13																
	19482	FULTON	AbsenteeScanner3Batch1	Absentee By Mail	42	55	2	0	0	0	1	Internal Count Absentee Scanner 3 (5162), Batch 1	44	55	2	0
	20317	FULTON	Scanner 3/1	Absentee By Mail	42	55	2	0	0	0	1					
Inconsistency 14																
	19524	FULTON	Absentee Scanner 3 Batch 158	Absentee By Mail	30	68	1	0	0	1	0	Internal Count Absentee Scanner 3 (5162), Batch 158	30	68	1	1
	20332	FULTON	scanner 3 /158	Absentee By Mail	3	99	0	0	0	0	0					
Inconsistency 15																
	19535	FULTON	AbsenteeScanner3Batch174- 178	Absentee By Mail	96	392	3	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 174-178	96	392	3	4
	19536	FULTON	AbsenteeScanner3Batch175-176	Absentee By Mail	96	392	3	0	0	2	0					
	19537	FULTON	AbsenteeScanner3Batch177	Absentee By Mail	96	392	3	0	0	0	0					
Inconsistency 16																
	19538	FULTON	AbsenteeScanner3Batch18	Absentee By Mail	1	79	0	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 18	2	77	0	1
	20336	FULTON	scanner 3/18	Absentee By Mail	1	79	0	0	0	0	0					
Inconsistency 17																
	19560	FULTON	AbsenteeScanner3Batch21	Absentee By Mail	24	74	0	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 21	25	73	0	2
	20344	FULTON	scanner 3/21	Absentee By Mail	24	74	0	0	0	0	0					
Inconsistency 18																
	19563	FULTON	AbsenteeScanner3Batch212	Absentee By Mail	11	86	1	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 212	11	86	1	1
	20345	FULTON	SCANNER- 3/212	Absentee By Mail	11	86	1	0	0	0	0					
Inconsistency 19																
	19589	FULTON	AbsenteeScanner3Batch24	Absentee By Mail	5	92	0	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 24	5	92	0	0
	20349	FULTON	scanner 3/24	Absentee By Mail	5	92	0	0	0	0	0					
Inconsistency 20																
	19625	FULTON	AbsenteeScanner3Batch3	Absentee By Mail	2	85	2	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 3	3	84	2	1
	19626	FULTON	Absentee Scanner3 Batch3	Absentee By Mail	24	56	1	0	0	1	0					
Inconsistency 21																
	19647	FULTON	AbsenteeScanner3Batch320	Absentee By Mail	35	64	0	0	0	0	0	Internal Count Absentee Scanner 3 (5162), Batch 320	30	70	0	0

Inconsistencies Found In RLA Hand Count

	Row ID	Jurisdiction	Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/Undervote	Overvote
	20353	FULTON	scanner 3/320	Absentee By Mail	30	69	0	0	0	0	0
Inconsistency 22											
	19659	FULTON	AbsenteeScanner3Batch339-346	Absentee By Mail	143	625	10	0	0	3	0
	20264	FULTON	sc 3 (339)	Absentee By Mail	76	214	6	0	0	1	0
	20265	FULTON	sc 3 (340)	Absentee By Mail	6	72	2	0	0	2	0
Inconsistency 23											
	19676	FULTON	AbsenteeScanner3Batch368	Absentee By Mail	4	93	0	0	0	1	0
	19677	FULTON	Absentee Scanner 3 Batch 368	Absentee By Mail	4	93	1	0	0	1	0
Inconsistency 24											
	19678	FULTON	AbsenteeScanner3Batch369	Absentee By Mail	12	88	0	0	0	0	0
	19679	FULTON	Absentee Scanner 3 Batch 369	Absentee By Mail	8	88	1	0	0	0	0
Inconsistency 25											
	19744	FULTON	AbsenteeScanner3Batch89	Absentee By Mail	27	71	2	0	0	0	0
	19745	FULTON	Absentee Scanner 3 Batch 89	Absentee By Mail	76	22	1	0	0	0	2
Inconsistency 26											
	19747	FULTON	AbsenteeScanner3Batch91	Absentee By Mail	2	98	1	0	0	1	0
	19748	FULTON	Absentee Scanner 3 Batch 91-97	Absentee By Mail	128	558	6	0	0	1	0
Inconsistency 27											
	19810	FULTON	AbsenteeScanner4Batch36	Absentee By Mail	0	100	0	0	0	0	0
	19811	FULTON	AbsenteeScanner4Batch37	Absentee By Mail	0	100	0	0	0	0	0
Inconsistency 28											
	19814	FULTON	AbsenteeScanner4Batch40	Absentee By Mail	2	95	0	0	0	0	0
	19815	FULTON	AbsenteeScanner 4Batch40	Absentee By Mail	2	95	0	0	0	0	0
Inconsistency 29											
	19753	FULTON	AbsenteeScanner4Batch107	Absentee By Mail	8	90	1	0	0	0	0
	19862	FULTON	AbsenteeScanner4Batch99-108	Absentee By Mail	166	745	12	0	0	15	0
	20006	FULTON	Etris Community Ctr	Advance	166	745	12	0	0	15	0
Inconsistency 30											
	19873	FULTON	AbsenteeScanner5Batch15-20,21,2	Absentee By Mail	149	752	14	0	4	2	1
	19874	FULTON	AbsenteeScanner5Batch17 -Military	Absentee By Mail	7	17	0	0	0	0	0
Inconsistency 31											
	19875	FULTON	AbsenteeScanner5Batch1 - Military	Absentee By Mail	0	950	0	0	0	0	0
	19879	FULTON	AbsenteeScanner5Batch2-Military	Absentee By Mail	130	0	0	0	0	0	0
Inconsistency 32											
	19895	FULTON	AbsenteeScanner5Batch55	Absentee By Mail	10	72	2	0	0	0	0
	19902	FULTON	AbsenteeScanner5Batch67	Absentee By Mail	2	94	1	0	0	0	0
	20385	FULTON	scanner 5/55-67-71-75	Absentee By Mail	74	217	2	3	0	2	0
Inconsistency 33											
	19909	FULTON	AbsenteeScanner5Batch92	Absentee By Mail	45	46	1	0	0	0	0
	19910	FULTON	AbsenteeScanner5Batch92Military	Absentee By Mail	37	178	2	0	0	0	0
Inconsistency 34											
	19911	FULTON	AbsenteeScanner5Batch95	Absentee By Mail	19	102	1	0	0	1	0
	20397	FULTON	scanner 5/94	Absentee By Mail	19	102	1	0	0	1	0
Inconsistency 35											
	20277	FULTON	SCAN 1-97	Absentee By Mail	21	74	3	0	0	0	0
	20303	FULTON	scanner 1/97	Absentee By Mail	43	45	1	0	0	0	0
Inconsistency 36											
	20361	FULTON	scanner 3/66	Absentee By Mail	0	77	23	0	0	0	0
					2616	**12357**	**149**	**3**	**8**	**61**	**9**

Batch Corrections For Inconsistencies

Batch Name		Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Other
Internal Count	Absentee Scanner 3 (5162), Batches 339-346	145	621	10	6
Internal Count	Absentee Scanner 3 (5162), Batch 368	3	92	0	3
Internal Count	Absentee Scanner 3 (5162), Batch 369	8	88	0	2
Internal Count	Absentee Scanner 3 (5162), Batch 89	22	76	1	2
Internal Count	Absentee Scanner 3 (5162), Batch 91-97	128	560	6	4
Internal Count	Absentee Scanner 4 (5164), Batch 36	23	78	2	2
Internal Count	Absentee Scanner 4 (5164), Batch 37	40	60	0	0
Internal Count	Absentee Scanner 4 (5164), Batch 40	2	97	0	0
Internal Count	Absentee Scanner 4 (5164), Batches 99-108	166	747	22	13
Internal Count	Absentee Scanner 5 (729), Batches 15-20,21,24,2	171	731	15	7
Internal Count	Absentee Scanner 5 (729), Batch 1	6	92	1	1
Internal Count	Absentee Scanner 5 (729), Batch 2	5	94	0	1
Internal Count	Absentee Scanner 5 (729), Batches 55,67,71,75	71	277	5	6
Internal Count	Absentee Scanner 5 (729), Batch 92	23	92	2	0
Internal Count	Absentee Scanner 5 (729), Batch 95	27	42	3	1
Internal Count	Absentee Scanner 5 (729), Batch 94	16	60	1	1
Internal Count	Absentee Scanner 1 (5150), Batch 97	41	55	1	0
Internal Count	Absentee Scanner 3 (5162), Batch 66	23	77	0	0
		1591	**6739**	**101**	**78**

	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/Undervote	Overvote	Other	Total Ballots Cast
Original RLA Hand Count Total	**137620**	**381179**	**6494**	**836**	**375**	**1439**	**92**		**528035**
Batch Inconsistency Total	-2616	-12357	-149	-3	-8	-61	-9		
Batches Corrected Total	1591	6739	101					78	
CORRECTED RLA HAND COUNT TOTAL	**136595**	**375561**	**6446**	**833**	**367**	**1378**	**83**	**78**	**521341**

EMAIL FROM MS. MCGOWAN TO SEB CHAIRMAN JUDGE DUFFEY TERMINATING INVESTIGATION

Gmail

William Duffey <wduffey.seb@gmail.com>

Rossi Complaint 3/21/22
1 message

McGowan, Charlene <cmcgowan@sos.ga.gov> Fri, Jul 21, 2023 at 11:37 AM
To: William Duffey <wduffey.seb@gmail.com>
Cc: "Koth, Sara" <skoth@sos.ga.gov>, "Hardin, Alexandra" <ahardin@sos.ga.gov>

Judge Duffey,

I understand that you have asked Sara to open up a new case on Mr. Rossi's complaint against the Secretary of State's office regarding the posting of the county-level RLA results for the 2020 presidential election. I have instructed our investigations division that this office will not be opening up a case on this complaint, for several reasons.

First, Mr. Rossi's complaint fails to state a violation of the Georgia Election Code on its face. His complaint is that the Secretary's Elections Division posted the risk-limiting audit results that Fulton County reported to us on the Secretary's website, which he contends contain errors by Fulton County. Those results can be found here:

2020 General Election Risk-Limiting Audit | Georgia Secretary of State

The county's reported numbers for the RLA were posted to the website to be transparent and provide information to the public. The purpose of the RLA was to confirm the accuracy of the original tabulated results; the numbers reported in the RLA were not the final certified results. Conducting pre-certification audits is a county responsibility under OCGA 21-2-498, and the county bears all responsibility for following the applicable statutes and rules for how the audit is conducted and to report the results accurately. None of the code sections cited by Mr. Rossi apply here or state a claim for any violation against the Secretary's staff.

Second, and more importantly, the SEB has no jurisdiction over this complaint. As I explained in our June 14th meeting, the SEB has no oversight role over the Secretary of State. The reason for this is set forth in AG Opinion 2005-3:

2005-3 | Office of the Attorney General (georgia.gov)

This opinion states in part, "Georgia's Constitution and Election Code make it amply clear that the Secretary is charged with the primary responsibilities required to enforce the state's election laws. There is no indication in the law that the constitutional and statutory authority of this officer should be limited or substantively controlled by a board of political appointees who are not answerable to the electorate for their actions."

Furthermore, even assuming hypothetically that the complaint established a violation (and it does not), the SEB would need to refer the case to the Attorney General's office in order to pursue any legal action, and the AG's office does not take legal action against their own clients. Finally, the Secretary remains an ex officio member of the SEB under OCGA 21-2-30. For all of these reasons, the SEB cannot pursue complaints against the Secretary's office, and to do so would be unprecedented action by the Board.

I trust with this information that the Board will inform Mr. Rossi that no case will be opened on this matter. I'm happy to discuss this further with you at your convenience.

https://mail.google.com/mail/u/2/?ik=fad9ed8e68&view=pt&search=all&permthid=thread-f:1772045057532327777&simpl=msg-f:17720450575323277… 1/4

B.

HAND-COUNT TALLY SHEETS DO NOT MATCH RESULTS FROM ADVANCE VOTING POLLING LOCATIONS

Although no in-person ballot images were preserved for advance in-person voting, the tabulators at the polling locations which scanned and counted the ballots produce the "official returns" and totals in the form of poll tapes. Each tabulator prints out the total number of ballots cast, along with the number of votes for each candidate for each race as counted on that machine. We were able to compare the poll tapes for all tabulators at each polling location to the corresponding batch tally sheets as produced during the hand-count/audit. The numbers do not match. For instance, the official November 3, 2020, poll tape results from Roswell Library (advance voting polling location) are summarized in the following table:

Tabulator Name
AV-Roswell Library ICP 1

Tabulator ID
2690

Voting Location
AV-Roswell Library

Poll Opened
Oct 12/2020 05:56:34
Poll Closed
Nov 04/2020 01:52:17
Report Printed
Nov 04/2020 01:54:51

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJIV0104
Protective Counter: 2481
Software Version: 5.5.3-0002

Total Scanned: 2794
Total Voters: 2794

President of the United States (1)

Donald J. Trump (I) (Rep):	1427
Joseph R. Biden (Dem):	1331
Jo Jorgensen (Lib):	26
Write-in:	7
Total Votes:	2791

Tabulator Name
AV-Roswell Library ICP 2

Tabulator ID
2695

Voting Location
AV-Roswell Library

Poll Opened
Oct 12/2020 05:52:56
Poll Closed
Nov 03/2020 22:26:54
Report Printed
Nov 03/2020 22:30:24

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJS0001
Protective Counter: 148
Software Version: 5.5.3-0002

Total Scanned: 3846
Total Voters: 3846

President of the United States (1)

Donald J. Trump (I) (Rep):	1827
Joseph R. Biden (Dem):	1981
Jo Jorgensen (Lib):	28
Write-in:	5
Total Votes:	3841

Tabulator Name
AV-Roswell Library ICP 3

Tabulator ID
725

Voting Location
AV-Roswell Library

Poll Opened
Oct 21/2020 07:45:54
Poll Closed
Nov 04/2020 01:59:01
Report Printed
Nov 04/2020 02:03:21

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJKK0135
Protective Counter: 48
Software Version: 5.5.3-0002

Total Scanned: 4908
Total Voters: 4908

President of the United States (1)

Donald J. Trump (I) (Rep):	2708
Joseph R. Biden (Dem):	2100
Jo Jorgensen (Lib):	63
Write-in:	24
Total Votes:	4895

ORIGINAL COUNT - POLLTAPE & CVR DATA

Tabulator Name	Tab ID	POTUS Trump	POTUS Biden	POTUS JoJo	POTUS Write In	Total POTUS Votes	Blank / Under	Total Ballots Cast
ROSWELL LIBRARY		**5,962**	**5,412**	**117**	**36**	**11,527**	**21**	**11,548**
AV-Roswell Library ICP 1	2690	1,427	1,331	26	7	2,791		2,794
AV-Roswell Library ICP 2	2695	1,827	1,981	28	5	3,841		3,846
AV-Roswell Library ICP 3	725	2,708	2,100	63	24	4,895		4,908

The 2020 audit batch tally sheets and hand-count/audit results, downloaded from the Secretary of State's website, include the batches from Roswell Library and detailed in the table below:

Audit Board Batch Sheet

DONE 41

County FULTON
Batch Name ROSWELL
Batch Type: ☐ Absentee ☐ Advance ☒ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	1924
Joseph R. Biden	2884
Jo Jorgensen	71
Overvote	Ø
Blank/Undervote	10

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	17
Duplicated	Ø
Undetermined	Ø

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ☐ Yes

[redacted]

☐ Recorded batch return on Ballot Container Inventory Sheet
☐ Delivered Vote Review Panel ballots (if any)
☐ Entered tallies into Arlo
_____ Initials of check in/out station member

Audit Board Batch Sheet

DONE 144

County FULTON
Batch Name ROSWELL LIBRARY
Batch Type: ☐ Absentee ☐ Advance ☐ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	1874
Joseph R. Biden	1981
Jo Jorgensen	38
Overvote	0
Blank/Undervote	5

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	5
Duplicated	0
Undetermined	0

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ☐ Yes

[redacted]

Check In/Out Station
☐ Recorded batch return on Ballot Container Inventory Sheet
☐ Delivered Vote Review Panel ballots (if any)
☐ Entered tallies into Arlo
_____ Initials of check in/out station member

Audit Board Batch Sheet

110 DONE

County FULTON
Batch Name ROSWELL
Batch Type: ☐ Absentee ☐ Advance ☒ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

Candidates	Enter Stack Totals
Donald J. Trump	1525
Joseph R. Biden	1191
Jo Jorgensen	48
Overvote	
Blank/Undervote	14

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	3
Duplicated	
Undetermined	

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ☐ Yes

[redacted]

Check In/Out Station
☐ Recorded batch return on Ballot Container Inventory Sheet
☐ Delivered Vote Review Panel ballots (if any)
☐ Entered tallies into Arlo
_____ Initials of check in/out station member

Audit Board Batch Sheet

DONE

County
Batch Name ROSWELL 22
Batch Type: ☐ Absentee ☐ Advance ☐ Election Day ☐ Provisional ☐ Other

Was the container sealed when received by the audit board? ☐ Yes

74

Candidates	Enter Stack Totals
Donald J. Trump	33
Joseph R. Biden	50
Jo Jorgensen	1
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	1
Duplicated	
Undetermined	

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

[redacted]

Check In/Out Station
☐ Recorded batch return on Ballot Container Inventory Sheet
☐ Delivered Vote Review Panel ballots (if any)
☐ Entered tallies into Arlo
_____ Initials of check in/out station member

RLA/ HAND COUNT - ARLO BATCH DATA									
Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-in	Blank / Undervote	Overvote	Total
		5,110	**6,106**	**148**	**21**	**5**	**29**	**0**	**11,419**
Roswell	Advance	1,924	2,884	71	13	4	10	0	4,906
ROSWELL LIBRARY	Advance	1,824	1,981	28	5	0	5	0	3,843
Roswell Library	Advance	1,329	1,191	48	2	1	14	0	2,585
Roswell Library	Advance	33	50	1	1	0	0	0	85

The discrepancies between the official November 3, 2020, poll tape results for Roswell Library and the audit batch tally sheets are as follows:

TOTAL BALLOTS CHANGE	TRUMP CHANGE	BIDEN CHANGE
-129	**-852**	**694**

High Museum Advance Vote Center

November 3, 2020, original count official return poll closing tapes:

ICP 1

Tuesday, November 3, 2020

Tabulator Name
AV-High Museum ICP 1

Tabulator ID
283

Voting Location
AV-High Museum

Poll Opened
Oct 12/2020 06:50:05
Poll Closed
Nov 03/2020 21:09:52
Report Printed
Nov 03/2020 21:13:23

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJP0099
Protective Counter: 1664
Software Version: 5.5.3-0002

Total Scanned: 1131
Total Voters: 1131

President of the United States (1)	
Donald J. Trump (I) (Rep):	232
Joseph R. Biden (Dem):	875
Jo Jorgensen (Lib):	14
Write-in:	10
Total Votes:	1131

ICP 2

Tuesday, November 3, 2020

Tabulator Name
AV-High Museum ICP 2

Tabulator ID
284

Voting Location
AV-High Museum

Poll Opened
Oct 12/2020 07:08:30
Poll Closed
Nov 03/2020 22:51:35
Report Printed
Nov 03/2020 22:56:49

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJS0001
Protective Counter: 148
Software Version: 5.5.3-0002

Total Scanned: 3109
Total Voters: 3109

President of the United States (1)	
Donald J. Trump (I) (Rep):	317
Joseph R. Biden (Dem):	2763
Jo Jorgensen (Lib):	17
Write-in:	8
Total Votes:	3105

ICP 3

Tuesday, November 3, 2020

Tabulator Name
AV-High Museum ICP 3

Tabulator ID
706

Voting Location
AV-High Museum

Poll Opened
Oct 17/2020 10:58:
Poll Closed
Nov 03/2020 23:26:04
Report Printed
Nov 03/2020 23:31:18

Unit Model: PCOS-320C (Rev 10
Unit Serial: AFAJK102
Protective Counter: 88
Software Version: 5.5.3-0002

Total Scanned: 312
Total Voters: 312

President of the United States (1)	
Donald J. Trump (I) (Rep):	525
Joseph R. Biden (Dem):	2562
Jo Jorgensen (Lib):	26
Write-in:	7
Total Votes:	3120

ICP 4

Tuesday, November 3, 2020

Tabulator Name
AV-High Museum ICP 4

Tabulator ID
756

Voting Location
AV-High Museum

Poll Opened
Oct 26/2020 08:47:26
Poll Closed
Nov 03/2020 21:31:36
Report Printed
Nov 03/2020 21:33:49

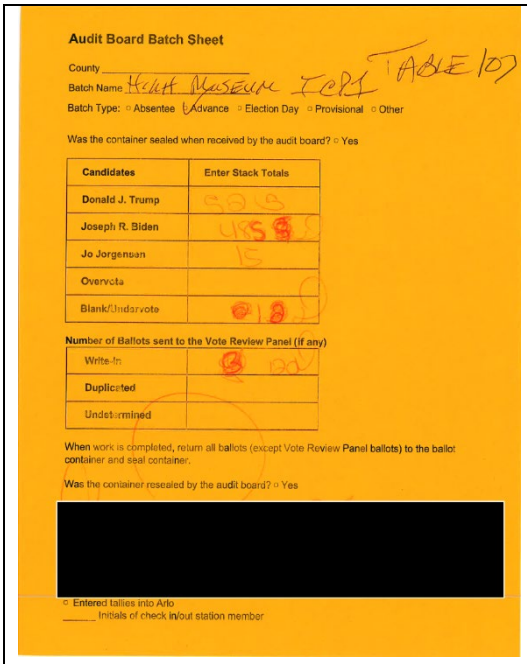
Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJP0099
Protective Counter: 1664
Software Version: 5.5.3-0002

Total Scanned: 2527
Total Voters: 2527

President of the United States (1)	
Donald J. Trump (I) (Rep):	625
Joseph R. Biden (Dem):	1814
Jo Jorgensen (Lib):	52
Write-in:	32
Total Votes:	2523

Tabulator Name	Tab ID	POTUS Trump	POTUS Biden	POTUS JoJo	POTUS Write In	POTUS Total Votes	POTUS Blank/Under	Total Ballots Cast
AV-High Museum ICP 1	283	232	875	14	10	1,131	0	1,131
AV-High Museum ICP 2	284	317	2,763	17	8	3,105	4	3,109
AV-High Museum ICP 3	706	525	2,562	26	7	3,120	0	3,120
AV-High Museum ICP 4	756	625	1,814	52	32	2,523	4	2,527
HIGH MUSEUM Poll Tape Total		**1,699**	**8,014**	**109**	**57**	**9,879**	**8**	**9,887**

RLA/hand count, batch tally sheets and audit report batch results:



Audit Board Batch Sheet

County

Batch Name High Museum ICP1 TABLE 107

Batch Type: ○ Absentee ✓ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	898
Joseph R. Biden	1155
Jo Jorgensen	15
Overvote	
Blank/Undervote	18

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	8
Duplicated	
Undetermined	

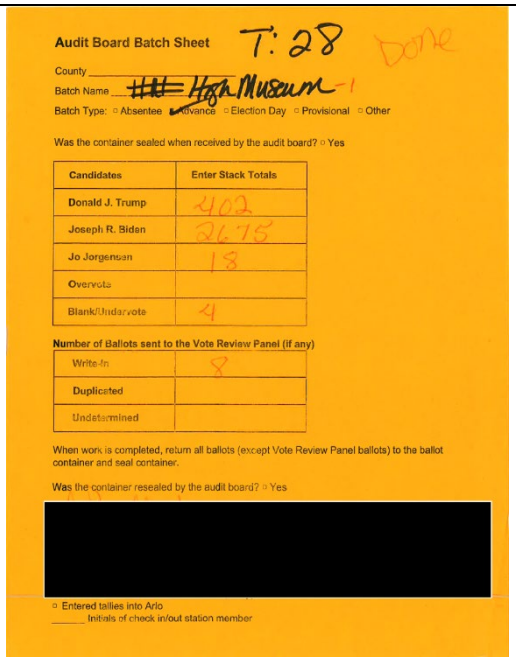
When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ○ Yes

[redacted]

○ Entered tallies into Arlo

_____ Initials of check in/out station member



Audit Board Batch Sheet T: 28 Done

County

Batch Name ~~High~~ High Museum -1

Batch Type: ○ Absentee ✓ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	402
Joseph R. Biden	2675
Jo Jorgensen	18
Overvote	
Blank/Undervote	4

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	8
Duplicated	
Undetermined	

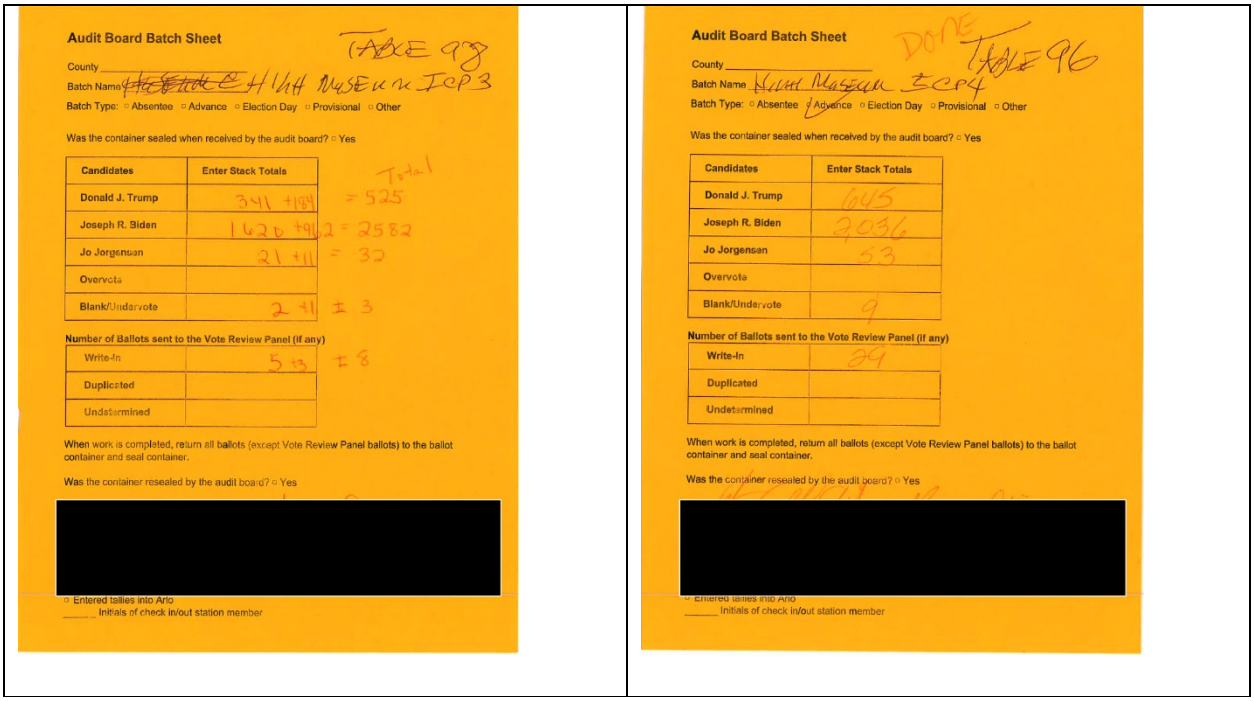
When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ○ Yes

[redacted]

○ Entered tallies into Arlo

_____ Initials of check in/out station member



Audit Board Batch Sheet

County

Batch Name

Batch Type: ○ Absentee ○ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	
Joseph R. Biden	
Jo Jorgensen	
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	
Duplicated	
Undetermined	

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ○ Yes

[redacted]

○ Entered tallies into Arlo

_____ Initials of check in/out station member

Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/ Undervote	Overvote	Total Ballot Count
High Museum	Advance	525	485	15	0	0	1	0	1,026
High Museum-1	Advance	402	2,675	18	4	4	4	0	3,107
High Museum-3	Advance	525	2,582	32	0	0	3	0	3,142
High Museum-4	Advance	645	2,036	53	24	5	9	0	2,772
HIGH MUSEUM RLA/Hand Count Batch Total		**2,097**	**7,778**	**118**	**28**	**9**	**17**	**0**	**10,047**

How the ballots and votes changed from the vote center original count to the RLA/hand count:

HIGH MUSEUM ADVANCE VOTE CENTER		Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Write-In	Under/Over Votes	Total Ballots
November 3, 2020 Original Count	Poll Tape Total	1,699	8,014	109	57	8	9,887
RLA/Hand Count	Batch Sheet Total	2,097	7,778	118	37	17	10,047
BALLOT CHANGE FROM ORIGINAL COUNT		**398**	**-236**	**9**	**-20**	**9**	**160**

The High Museum audit batch tally sheets are short 160 ballots. The votes cast for the presidential candidates in the audit count are missing 236 Biden ballots, while counting an additional 398 more ballots for

Trump that didn't exist. The votes from High Museum Vote Center changed between the two counts by 672 votes. The difference cannot be explained by mistake or inadvertent process.

Palmetto Library Advance Vote Center

November 3, 2020, original count official return poll closing tapes:

ICP 1	ICP 2

Tuesday, November 3, 2020

Tabulator Name
AV-Palmetto Library ICP 1

Tabulator ID
707

Voting Location
AV-Palmetto Library

Poll Opened
Oct 19/2020 09:15:56
Poll Closed
Oct 30/2020 19:17:43
Report Printed
Oct 30/2020 19:20:35

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJV0159
Protective Counter: 6510
Software Version: 5.5.3-0002

Total Scanned: 423
Total Voters: 423

President of the United States (1)	
Donald J. Trump (I) (Rep):	148
Joseph R. Biden (Dem):	270
Jo Jorgensen (Lib):	3
Write-in:	1
Total Votes:	422

Tuesday, November 3, 2020

Tabulator Name
AV-Palmetto Libray ICP 2

Tabulator ID
708

Voting Location
AV-Palmetto Library

Poll Opened
Oct 19/2020 08:18:54
Poll Closed
Nov 04/2020 00:29:07
Report Printed
Nov 04/2020 00:30:47

Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJKI0043
Protective Counter: 3824
Software Version: 5.5.3-0002

Total Scanned: 1839
Total Voters: 1839

President of the United States (1)	
Donald J. Trump (I) (Rep):	683
Joseph R. Biden (Dem):	1119
Jo Jorgensen (Lib):	25
Write-in:	9
Total Votes:	1836

Tabulator Name	Tab ID	POTUS Trump	POTUS Biden	POTUS JoJo	POTUS Write In	POTUS Total Votes	POTUS Blank/Under	Total Ballots Cast
AV-Palmetto Library ICP 1	707	148	270	3	1	422	1	423
AV-Palmetto Library ICP 2	708	683	1,119	25	9	1,836	3	1,839
PALMETTO LIBRARY Poll Tape Total		**831**	**1,389**	**28**	**10**	**2,258**	**4**	**2,262**

RLA/hand count, batch tally sheets and audit report batch results:

Audit Board Batch Sheet Official Ballot 95

County Fulton
Batch Name Palmetto library
Batch Type: ▫ Absentee ▫ Advance ▫ Election Day ▫ Provisional ▫ Other

Was the container sealed when received by the audit board? ▫ Yes

Candidates	Enter Stack Totals
Donald J. Trump	205
Joseph R. Biden	315
Jo Jorgensen	11
Overvote	
Blank/Undervote	

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	1
Duplicated	
Undetermined	

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ▫ Yes

[redacted]

▫ Entered tallies into Arlo
_____ Initials of check in/out station member

Audit Board Batch Sheet T 69

County Fulton
Batch Name Palmetto Libr.
Batch Type: ▫ Absentee ▫ Advance ▫ Election Day ▫ Provisional ▫ Other

Was the container sealed when received by the audit board? ▫ Yes

Candidates	Enter Stack Totals
Donald J. Trump	507
Joseph R. Biden	1,286
Jo Jorgensen	28
Overvote	
Blank/Undervote	8

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	8
Duplicated	
Undetermined	1

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

[redacted]

▫ Delivered Vote Review Panel ballots (if any)
▫ Entered tallies into Arlo
_____ Initials of check in/out station member

Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/ Undervote	Overvote	Total Ballot Count
Palmetto Library	Advance	205	315	11	0	0	0	0	531
Palmetto Library	Advance	507	1,280	28	0	0	8	0	1,823
PALMETTO LIBRARY RLA/Hand Count Batch Total		**712**	**1,595**	**39**	**0**	**0**	**8**	**0**	**2,354**

How the ballots and votes changed from the vote center original count to the RLA/hand count:

PALMETTO LIBRARY ADVANCE VOTE CENTER		Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Write-In	Under/Over Votes	Total Ballots
November 3, 2020 Original Count	Poll Tape Total	831	1,389	28	10	4	2,262
RLA/Hand Count	Batch Sheet Total	712	1,595	39	0	8	2,354
BALLOT CHANGE FROM ORIGINAL COUNT		**-119**	**206**	**11**	**-10**	**4**	**92**

The Palmetto Library audit batch tally sheets include an additional 92 ballots. The votes cast for the presidential candidates in the audit count are missing 119 Trump ballots, while counting an additional 206 more ballots for Biden that didn't exist. The ballots from Palmetto Library Vote Center changed between the two counts by 350 votes. The difference cannot be explained by mistake or inadvertent process.

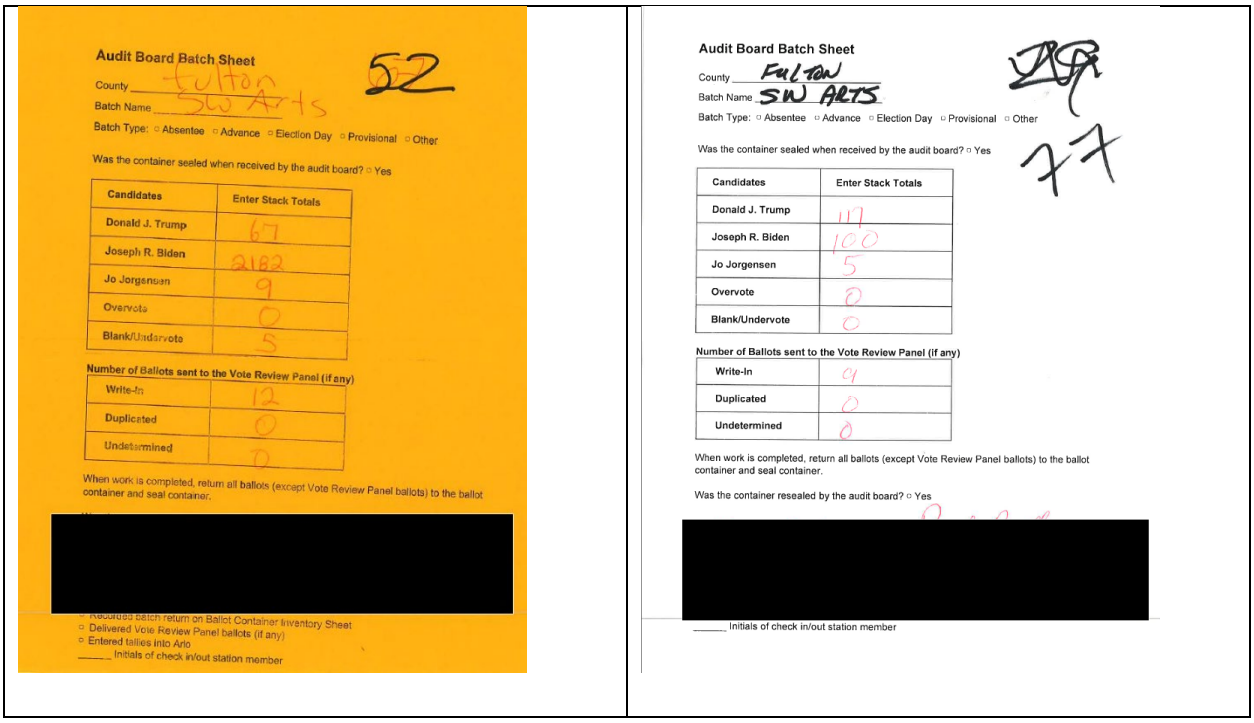
Southwest Arts Center Advance Vote Center

November 3, 2020, original count official return poll closing tapes:

ICP 1	ICP 2
General Tuesday, November 3, 2020 Tabulator Name AV-Southwest Arts Crt ICP 1 Tabulator ID 298 Voting Location AV-Southwest Arts Crt Poll Opened Oct 12/2020 06:47:20 Poll Closed Nov 03/2020 21:33:43 Report Printed Nov 03/2020 21:36:09 Unit Model: PCOS-320C (Rev 1072) Unit Serial: AAFAJJS0001 Protective Counter: 148 Software Version: 5.5.3-0002 Total Scanned: 2633 Total Voters: 2633 President of the United States (1) Donald J. Trump (I) (Rep): 82 Joseph R. Biden (Dem): 2523 Jo Jorgensen (Lib): 11 Write-in: 12 Total Votes: 2628	General Tuesday, November 3, 2020 Tabulator Name AV-Southwest Arts Crt ICP 2 Tabulator ID 299 Voting Location AV-Southwest Arts Crt Poll Opened Oct 12/2020 06:58:13 Poll Closed Nov 03/2020 20:04:45 Report Printed Nov 03/2020 20:07:05 Unit Model: PCOS-320C (Rev 1072) Unit Serial: AFAJKJ0257 Protective Counter: 84 Software Version: 5.5.3-0002 Total Scanned: 2473 Total Voters: 2473 President of the United States (1) Donald J. Trump (I) (Rep): 77 Joseph R. Biden (Dem): 2354 Jo Jorgensen (Lib): 24 Write-in: 11 Total Votes: 2466

Tabulator Name	Tab ID	POTUS Trump	POTUS Biden	POTUS JoJo	POTUS Write In	POTUS Total Votes	POTUS Blank/Under	Total Ballots Cast
AV-Southwest Arts Crt ICP 2	299	77	2,354	24	11	2,466	7	2,473
AV-Southwest Arts Crt ICP 1	298	82	2,523	11	12	2,628	5	2,633
SOUTHWEST ARTS CENTER Poll Tape Total		**159**	**4,877**	**35**	**23**	**5,094**	**12**	**5,106**

RLA/hand count, batch tally sheets and audit report batch results:



Audit Board Batch Sheet

County Fulton
Batch Name Sw Arts
Batch Type: ○ Absentee ○ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	67
Joseph R. Biden	2182
Jo Jorgensen	9
Overvote	0
Blank/Undervote	5

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	12
Duplicated	0
Undetermined	0

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

[redacted]

○ Delivered Vote Review Panel ballots (if any)
○ Entered tallies into Arlo
_____ Initials of check in/out station member

Audit Board Batch Sheet

County Fulton
Batch Name SW ARTS
Batch Type: ○ Absentee ○ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	117
Joseph R. Biden	100
Jo Jorgensen	5
Overvote	0
Blank/Undervote	0

Number of Ballots sent to the Vote Review Panel (if any)

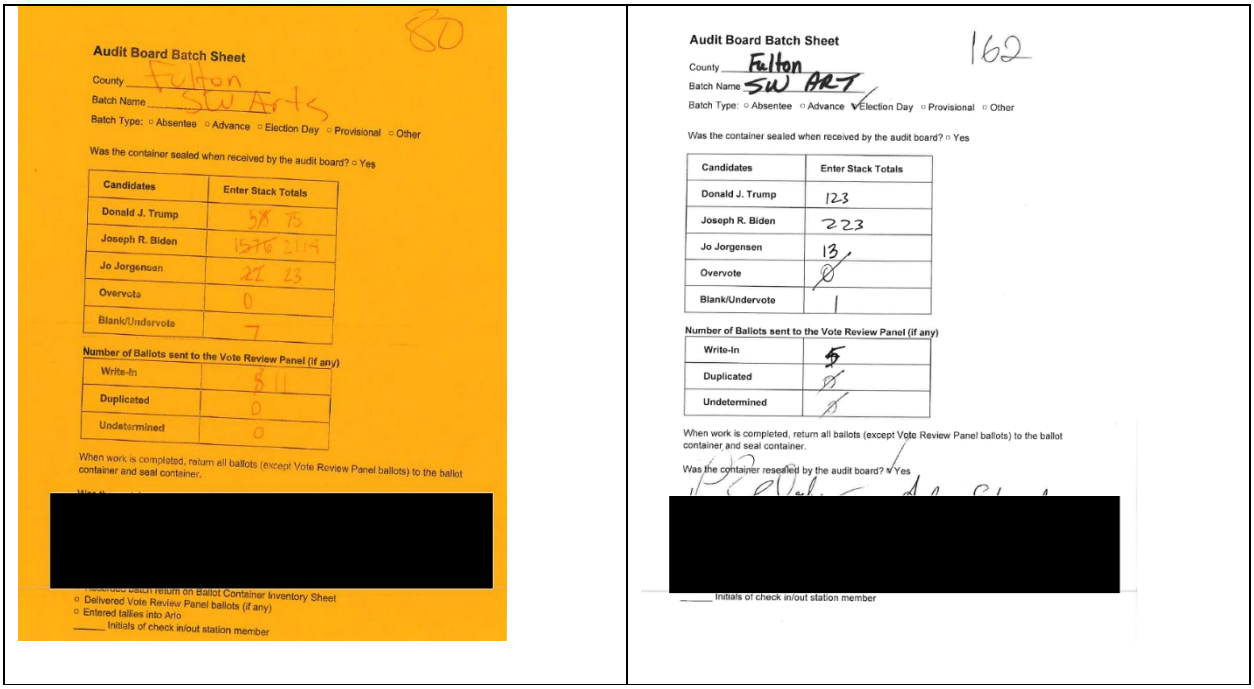
Write-In	9
Duplicated	0
Undetermined	0

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ○ Yes

[redacted]

_____ Initials of check in/out station member



Audit Board Batch Sheet

County Fulton
Batch Name SW Arts
Batch Type: ○ Absentee ○ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	75
Joseph R. Biden	2114
Jo Jorgensen	23
Overvote	0
Blank/Undervote	7

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	11
Duplicated	0
Undetermined	0

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

[redacted]

○ Delivered Vote Review Panel ballots (if any)
○ Entered tallies into Arlo
_____ Initials of check in/out station member

Audit Board Batch Sheet

County Fulton
Batch Name SW ART
Batch Type: ○ Absentee ○ Advance ✓ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes

Candidates	Enter Stack Totals
Donald J. Trump	123
Joseph R. Biden	223
Jo Jorgensen	13
Overvote	0
Blank/Undervote	1

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	5
Duplicated	0
Undetermined	0

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ✓ Yes

[redacted]

_____ Initials of check in/out station member

Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/ Undervote	Overvote	Total Ballot Count
Southwest Arts Center	Advance	67	2,182	9	12	0	5	0	2,275
Southwest Arts Center	Advance	117	100	5	0	0	0	0	222
Southwest Arts Center	Advance	75	2,114	23	0	0	7	0	2,219
SW ARTS-2	Advance	123	223	13	0	0	1	0	360
SOUTHWEST ARTS CENTER RLA/Hand Count Batch Total		**382**	**4,619**	**50**	**12**	**0**	**13**	**0**	**5,076**

How the ballots and votes changed from the vote center original count to the RLA/hand count:

SOUTHWEST ARTS CENTER ADVANCE VOTE CENTER		Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Write-In	Under/Over Votes	Total Ballots
November 3, 2020 Original Count	Poll Tape Total	159	4,877	35	23	12	5,106
RLA/Hand Count	Batch Sheet Total	382	4,619	50	12	13	5,076
BALLOT CHANGE FROM ORIGINAL COUNT		**223**	**-258**	**15**	**-11**	**1**	**-30**

The Southwest Arts Center audit batch tally sheets are short 30 ballots. The votes cast for the presidential candidates in the audit count are missing 258 Biden ballots, while counting an additional 223 more

ballots for Trump that didn't exist. The ballots from Southwest Arts Center changed between the two counts by 508 ballots. The difference cannot be explained by mistake or inadvertent process.

Quality Living Services Advance (Voter Outreach) Vote Center

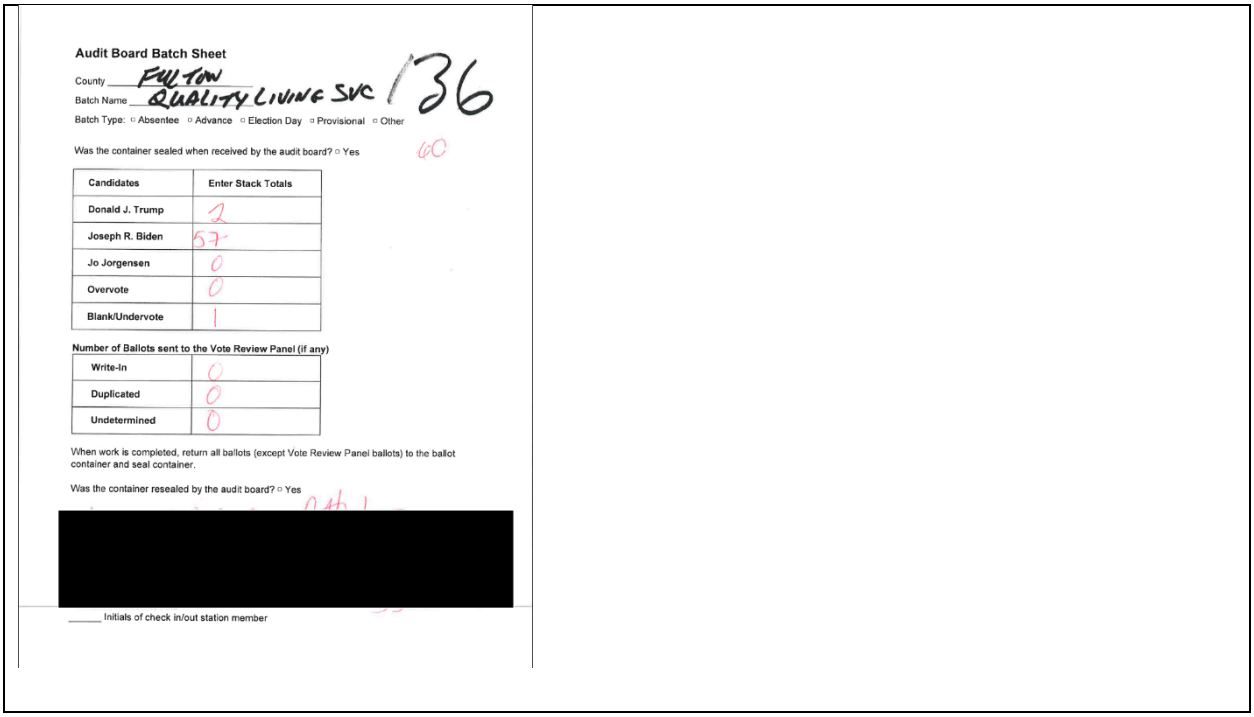
Out of all 39 advance vote centers, Quality Living Services was the only vote center with original November 3, 2020, election results that matched the RLA/hand count results.

November 3, 2020, original count official return poll closing tapes:

ICP 1	ICP 2
Tuesday, November 3, 2020 Tabulator Name AV-Quality Living Services ICP 1 Tabulator ID 2780 Voting Location AV-Quality Living Services Poll Opened Nov 04/2020 01:04:31 Poll Closed Nov 04/2020 01:04:52 Report Printed Nov 04/2020 01:07:23 Unit Model: PCOS-320C (Rev 1072) Unit Serial: AAFAJK10241 Protective Counter: 48 Software Version: 5.5.3-0002 Total Scanned: 0 Total Voters: 0 President of the United States (1) Donald J. Trump (I) (Rep): 0 Joseph R. Biden (Dem): 0 Jo Jorgensen (Lib): 0 Write-in: 0 Total Votes: 0	Tuesday, November 3, 2020 Tabulator Name AV-Quality Living Services ICP 2 Tabulator ID 2785 Voting Location AV-Quality Living Services Poll Opened Oct 23/2020 07:36:28 Poll Closed Nov 03/2020 22:41:08 Report Printed Nov 03/2020 22:46:25 Unit Model: PCOS-320C (Rev 1072) Unit Serial: AAFAJK10241 Protective Counter: 48 Software Version: 5.5.3-0002 Total Scanned: 60 Total Voters: 60 President of the United States (1) Donald J. Trump (I) (Rep): 2 Joseph R. Biden (Dem): 57 Jo Jorgensen (Lib): 0 Write-in: 0 Total Votes: 59

Tabulator Name	Tab ID	POTUS Trump	POTUS Biden	POTUS JoJo	POTUS Write In	POTUS Total Votes	POTUS Blank/Under	Total Ballots Cast
AV-Quality Living Services ICP 1	2780	0	0	0	0	0	0	0
AV-Quality Living Services ICP 2	2785	2	57	0	0	59	1	60
Quality Living Services Poll Tape Total		**2**	**57**	**0**	**0**	**59**	**1**	**60**

RLA/hand count, batch tally sheets and audit report batch results:



Audit Board Batch Sheet

County FULTON
Batch Name QUALITY LIVING SVC 136
Batch Type: ○ Absentee ○ Advance ○ Election Day ○ Provisional ○ Other

Was the container sealed when received by the audit board? ○ Yes 60

Candidates	Enter Stack Totals
Donald J. Trump	2
Joseph R. Biden	57
Jo Jorgensen	0
Overvote	0
Blank/Undervote	1

Number of Ballots sent to the Vote Review Panel (if any)

Write-In	0
Duplicated	0
Undetermined	0

When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? ○ Yes

[redacted]

_____ Initials of check in/out station member

Batch Name	Batch Type	Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Invalid Write-In	Valid Write-In	Blank/ Undervote	Overvote	Total Ballot Count
QUALITY LIVING SRV	Advance	2	57	0	0	0	1	0	60
QUALITY LIVING SERVICES RLA/Hand Count Batch Total		**2**	**57**	**0**	**0**	**0**	**1**	**0**	**60**

How the ballots and votes changed from the vote center original count to the RLA/hand count:

QUALITY LIVING SERVICES ADVANCE VOTE CENTER		Donald J. Trump	Joseph R. Biden	Jo Jorgensen	Write-In	Under/Over Votes	Total Ballots
November 3, 2020 Original Count	Poll Tape Total	2	57	0	0	1	60
RLA/Hand Count	Batch Sheet Total	2	57	0	0	1	60
BALLOT CHANGE FROM ORIGINAL COUNT		**0**	**0**	**0**	**0**	**0**	**0**

Quality Living Services was the only Fulton County advance vote center with ballots and votes that matched across both counts.

In his declaration as filed in Curling v. Raffensperger, Professor Duncan Buell stated the following with regard to Fulton County's hand count/audit:

> **The fact that such differences between the hand counted audited ballot tallies and the official machine count tallies differs by this much signals that tabulation and auditing processes are flawed and strongly argue for intense objective expert examination and considerable mitigation efforts. It should be the case that such counts are consistent and exact.**
>
> **The fact that such audit discrepancies at a precinct level did not cause precertification investigations of the count variances is unacceptable; it essentially defeats the purpose of an audit if significant discrepancies are ignored and chalked up to "human error? As they seem to have been at least in the case of the Fulton County audit.**

Professor Buell was unaware of the advance voting hand counting errors detailed herein (Section "B"), as they have not been released before this writing. The errors evidenced herein have removed "human error" as a possible cause. It is irrefutable that the hand count/audit results were indeed the result of intentional human acts.

COUNT 17.

THOUSANDS OF BALLOTS WERE INTENTIONALLY SCANNED AND COUNTED MORE THAN ONCE FOR THE RECOUNT

STATEMENT OF FACT:

3,930 ballots were intentionally selected from batches of ballots that had already been scanned and counted to form new batches of ballots that were scanned and counted again.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-587 Any poll officer who willfully (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine; shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both).

GA Code § 16-10-20
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

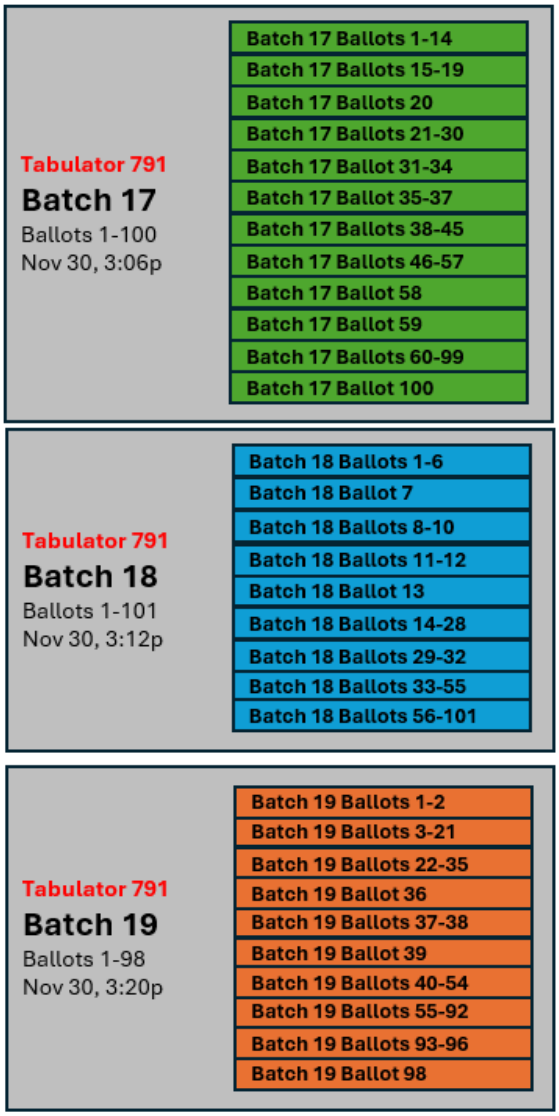
52 U.S. Code § 20511
A person, including an election official, who in any election for Federal office— (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SUMMARY

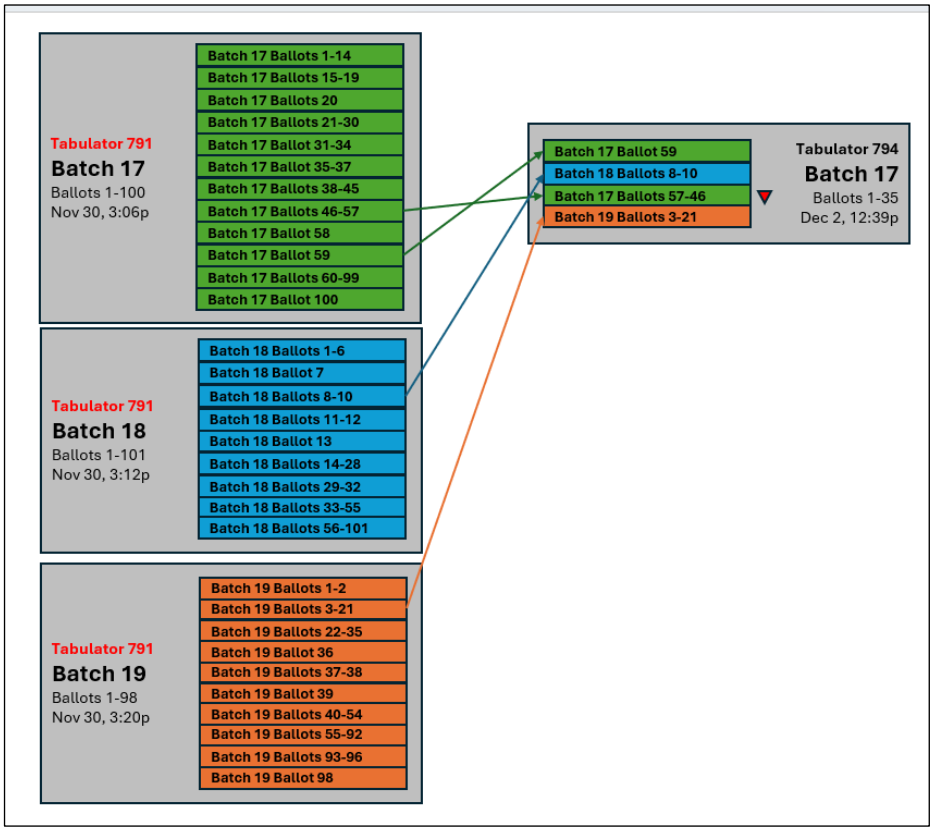
The results for the candidate-requested recount (hereinafter "Recount") were the official results for the contest of the President of the United States. SEB2023-025 included the complaint that 3,125 ballots were scanned twice and counted twice for the official Recount of the 2020 General Election. During the pendency of SEB2023-025 an additional 805 ballots which were double-scanned and double counted for the Recount have been documented and verified. With the addition of these, Fulton County's official Recount results include a verified total of 3,930 double-scanned and double-counted ballots. To be clear- 3,930 paper ballots/votes were in fact counted as 7,860 ballots/votes. This fact can be easily verified.

Evidence and analysis has revealed that the double-scanned and double-counted ballots at issue were not the product of mistake or oversight, but intentional and deliberate human acts. The way the batches of ballots were created for double scanning required several deliberate steps not possible by mistake. Further

establishing intent was the great effort put forth to conceal the double-scanning. The following was discovered by a custom software program created by Phillip Davis of Ballot Assure (ballotassure.com). The Complainants have manually confirmed each and all of the findings detailed herein. Evidence reveals that new or unique batches were created with ballots pulled from different batches which had already been scanned- in many cases days earlier. For example, batches 17, 18, and 19 were scanned on tabulator 791 on November 30th:



Then two days later, ballots- which had already been scanned and counted, were pulled from batches 17, 18, and 19, to create a new batch of already scanned ballots. More specifically, twelve ballots were taken from batch 17 (green), two ballots from batch 18 (blue), and eighteen ballots from batch 19 (orange), which were then combined to create a new batch. The new batch was then scanned on a different tabulator (tabulator 794), and the ballots were counted again:

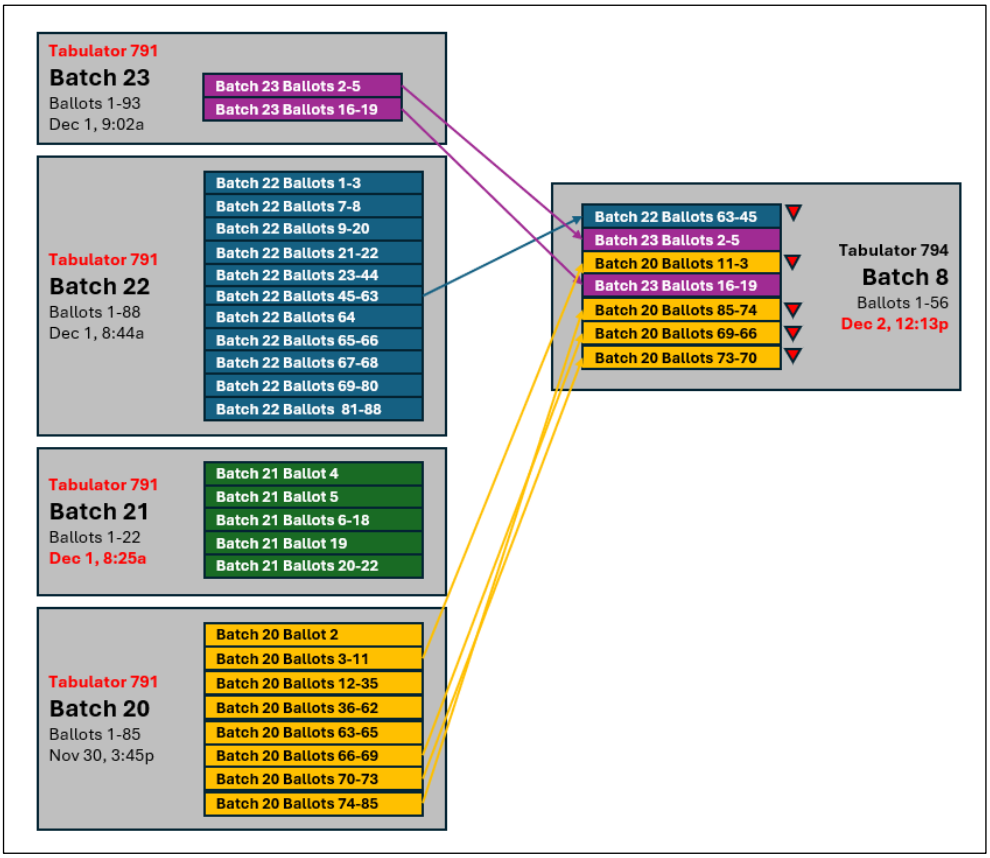


Examples of the original ballot image and corresponding fraudulent duplicate ballot image for the example above can be viewed side by side at the links below:

- 00794_00017_000001 - 00791_00017_000059
- 00794_00017_000002 - 00791_00018_000008
- 00794_00017_000003 - 00791_00018_000009
- 00794_00017_000004 - 00791_00018_000010
- 00794_00017_000005 - 00791_00017_000057
- 00794_00017_000006 - 00791_00017_000056
- 00794_00017_000007 - 00791_00017_000055
- 00794_00017_000008 - 00791_00017_000054
- 00794_00017_000009 - 00791_00017_000053
- 00794_00017_000010 - 00791_00017_000052

The new batch was intentionally created by pulling ballots from three (3) batches of ballots which had already been scanned- and then scanning that batch on a different tabulator. Both the original and duplicate scan of the same ballot were in fact counted and included in the official results.

For another example- on December 1st batches 20-23 were scanned on tabulator 791. The following day, a nefarious actor pulled ballots from batches 20,22, and 23, to create a new batch of 56 previously scanned ballots (batch 8), which was then scanned on tabulator 794.

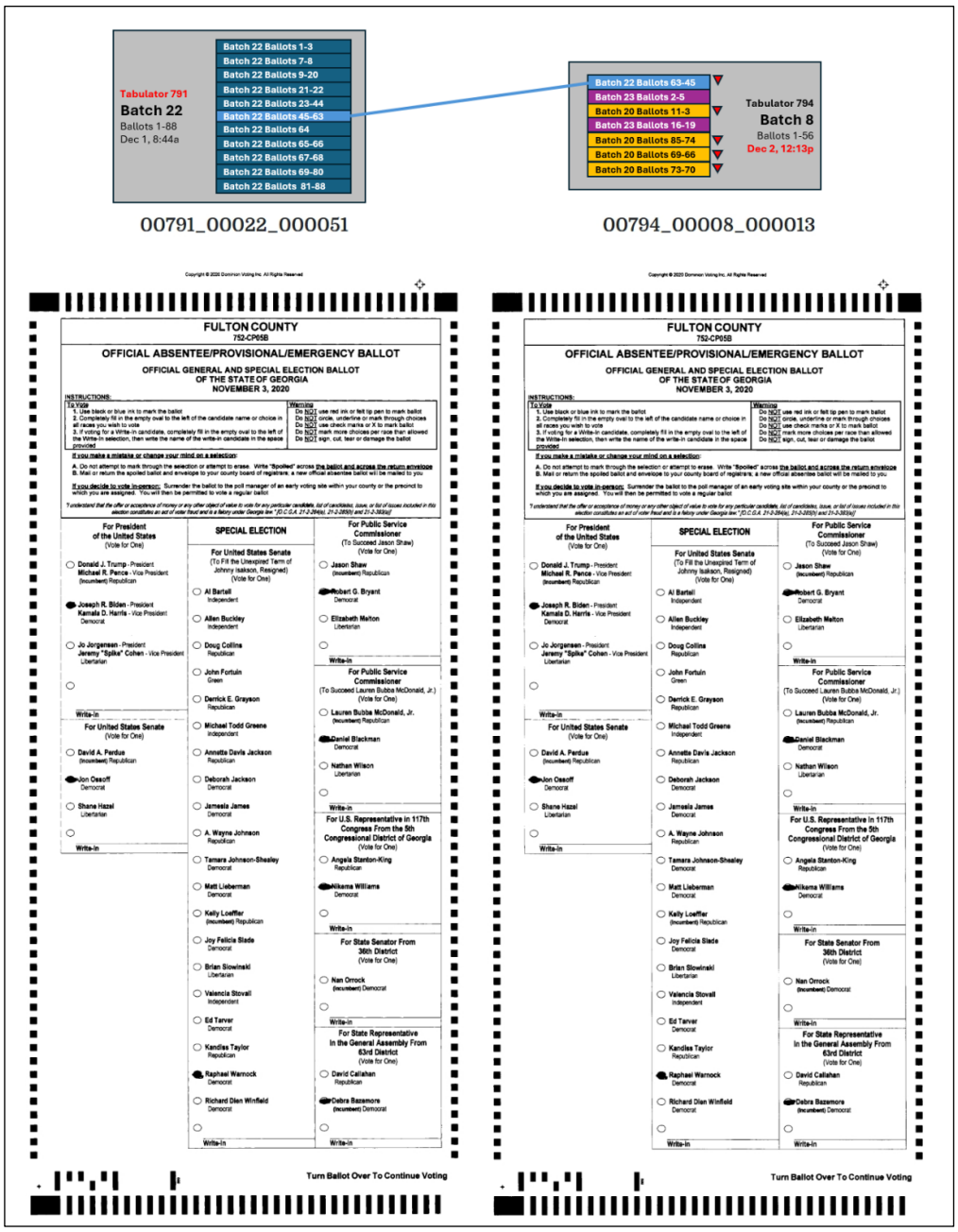


Examples of the original ballot image and corresponding fraudulent duplicate ballot image for the example above can be viewed side by side at the links below:

- 00794_00008_000001 - 00791_00022_000063
- 00794_00008_000002 - 00791_00022_000062
- 00794_00008_000003 - 00791_00022_000061
- 00794_00008_000004 - 00791_00022_000060
- 00794_00008_000005 - 00791_00022_000059
- 00794_00008_000006 - 00791_00022_000058
- 00794_00008_000007 - 00791_00022_000057
- 00794_00008_000008 - 00791_00022_000056

- 00794_00008_000009 - 00791_00022_000055

The ballot image below on the left was created on December 1st when a ballot (in batch 22) was scanned at 8:52 AM. That same ballot and seventeen (17) others were pulled from batch 22, along with seven (7) from batch 23, and twenty-seven (27) from batch 20 were combined to create a "new" batch, called batch 8. On December 2nd batch 8 was scanned. Included in that batch was the ballot which produced the ballot image on the left a day earlier, now produced the ballot image on the right (scanned on 12/2 at 12:13 PM). One paper ballot scanned twice and counted twice.



Again, the ballots of batch 8, which were scanned on tabulator 794 were intentionally compiled of ballots from three different batches which had already been scanned the day prior on a different tabulator.

Mr. Davis was able to map the duplicate scan ballot image to the original scan ballot image for all 3,930 ballots. Both the original and duplicate scans were in fact counted and included in the official results. To be clear, 3,930 ballots were in fact fraudulently counted as 7,860 ballots.

These acts irrefutably establish intentionality. The newly formed batches of previously scanned ballots were intentionally scanned again, thereby casting the ballots and votes a second time in violation of **O.C.G.A. § 21-2-587:**

Any poll officer who willfully:

> (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine; shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both).

The duplicates at issue were clearly not the result of mistake or honest human error, but intentional election fraud.

Each of the ballot images has a unique forensic fingerprint authentication code- called a SHA hash file that is created by the Dominion Voting System at the time each ballot is scanned. Each of the ballot images also includes a timestamp when it was scanned. Every ballot image, both original and duplicate identified herein, is included and counted in the Cast Vote Record ("CVR"), and the Cast Vote Record exactly matches the official results.

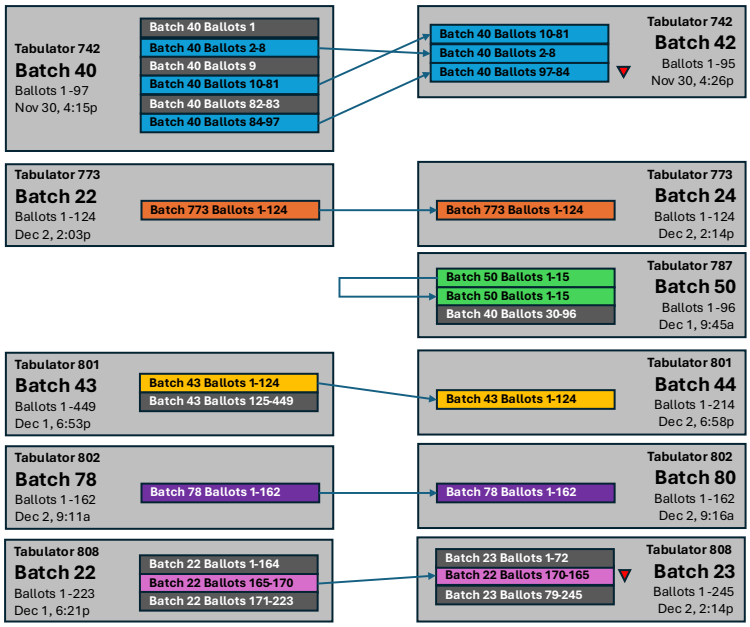
Complainants and Mr. Davis have posted each of the original ballot images and their corresponding duplicate scanned ballot images, side by side, online for investigator and the public's independent verification. Each of the ballot images have been authenticated with their corresponding SHA hash authentication file as detailed in the page following each ballot image.

The ballot images are broken down by tabulator in the links below:

- Tabulator 742 (93 ballots)
- Tabulator 773 (124 ballots)
- Tabulator 787 (15 ballots)
- Tabulator 788 (30 ballots)
- Tabulator 791 (386 ballots)
- Tabulator 792 (27 ballots)
- Tabulator 794 (692 ballots)
- Tabulator 801 (214 ballots)
- Tabulator 802 (162 ballots)
- Tabulator 816 (2038 ballots)
- Tabulator 5160 (99 ballots)

MAPPING OF ORIGINAL AND DUPLICATE (FRAUDULENT) BALLOT SCANS

The diagrams that follow show the original ballot scan and source on the left and the corresponding duplicate ballot scan on the right:

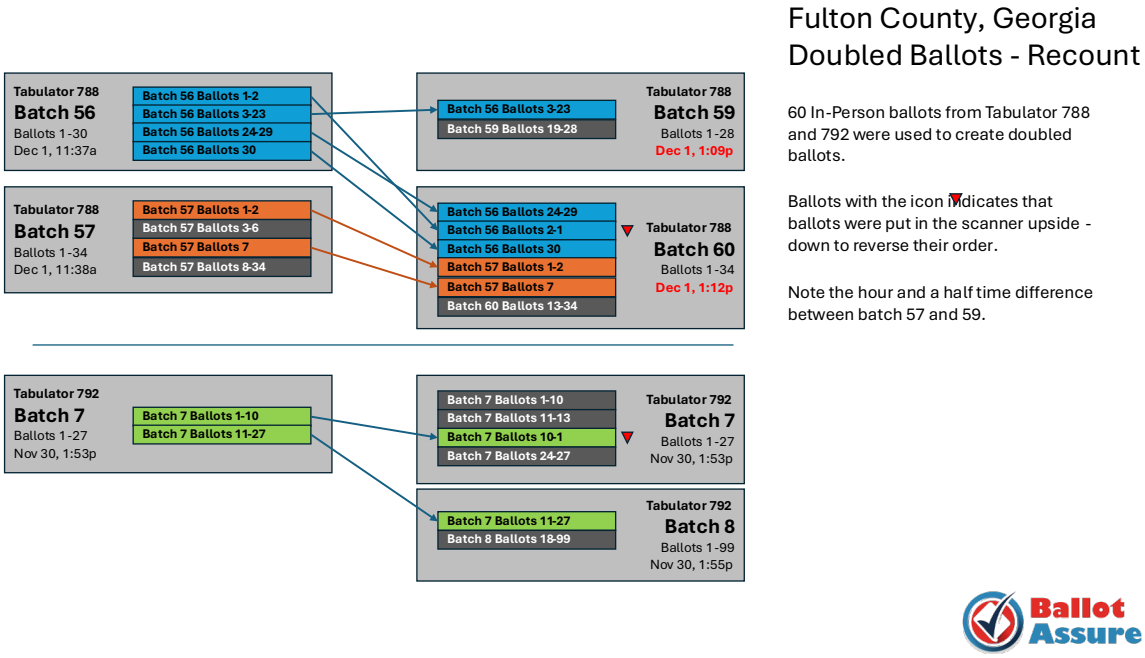


Fulton County, Georgia Doubled Ballots - Recount

Listed are the other various tabulators who had additional doubling in their counts. There was a total of 616 doubled ballots in this list

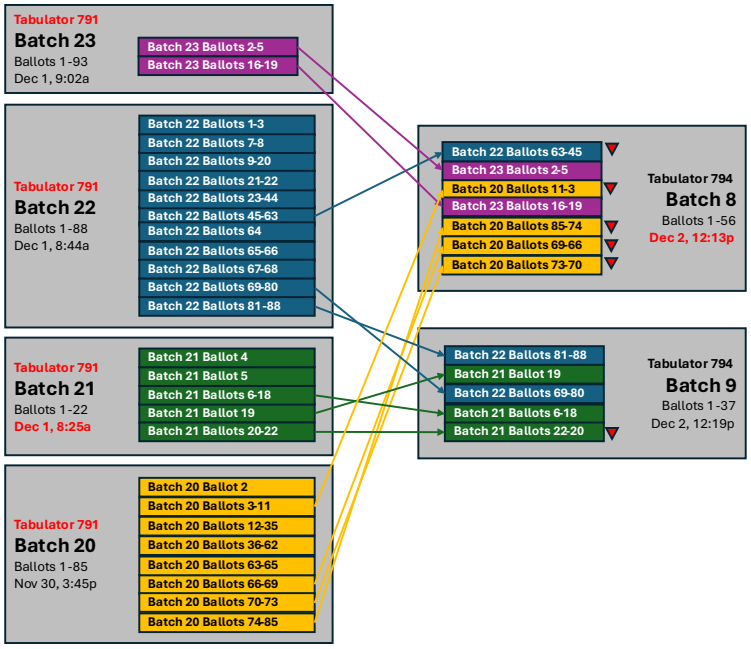
The ballot images detailed in the diagram above are available here:

- Tabulator 742 (93 ballots)
- Tabulator 773 (124 ballots)
- Tabulator 787 (15 ballots)
- Tabulator 801 (214 ballots)
- Tabulator 802 (162 ballots)



The ballot images detailed in the diagram above are available here:

- Tabulator 788 (30 ballots)
- Tabulator 792 (27 ballots)

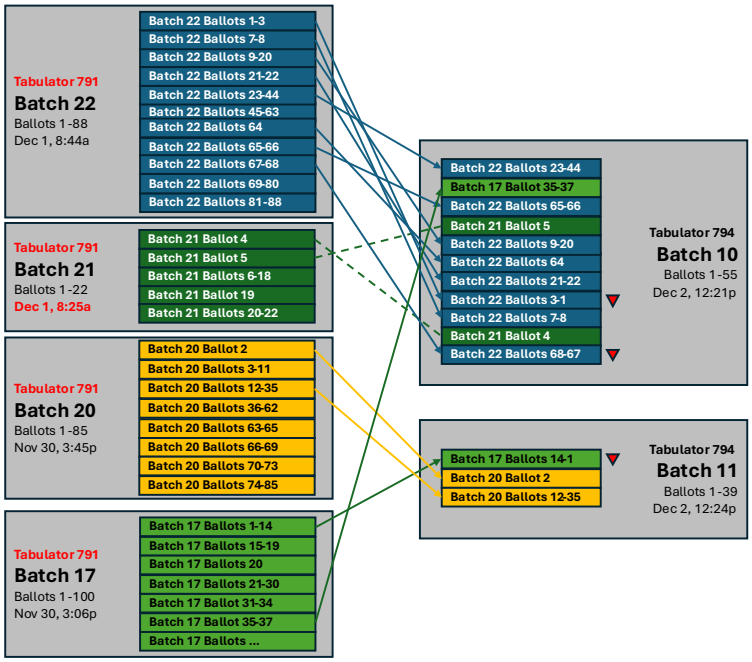


Fulton County, Georgia Doubled Ballots - Recount

93 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

Notice a time change between batches 20 & 21 for Tabulator 791. They restarted scanning ballots the next morning.

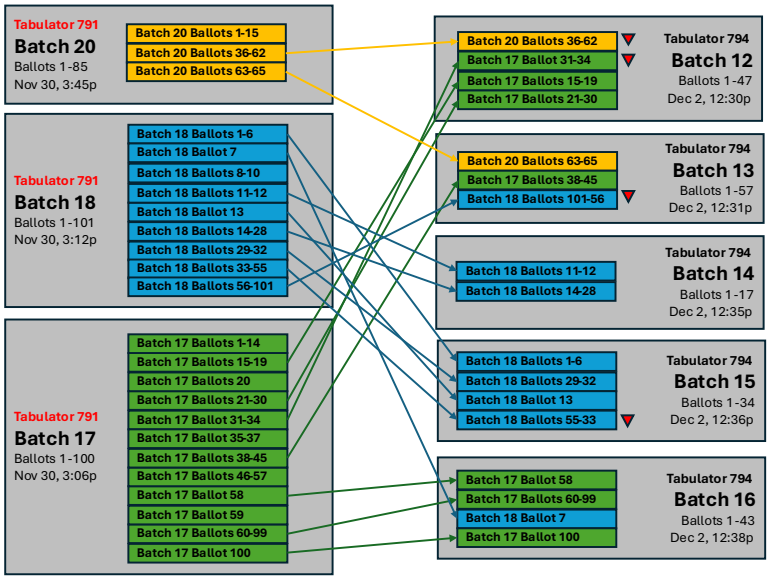


Fulton County, Georgia Doubled Ballots - Recount

94 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

Most batches tend to be scanned in equal sized batches; these doubled batches vary widely in size.

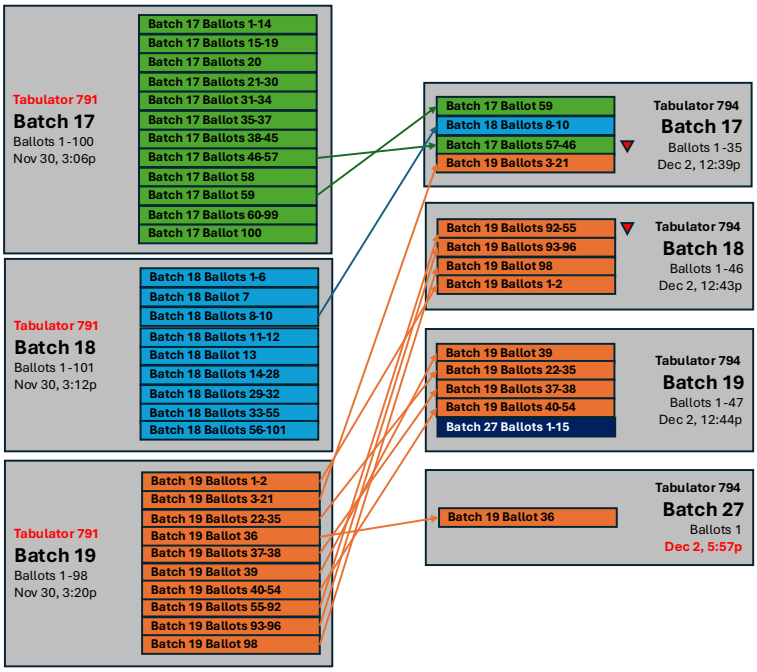


Fulton County, Georgia Doubled Ballots - Recount

198 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

Most batches tend to be scanned in equal sized batches; these doubled batches vary widely in size.



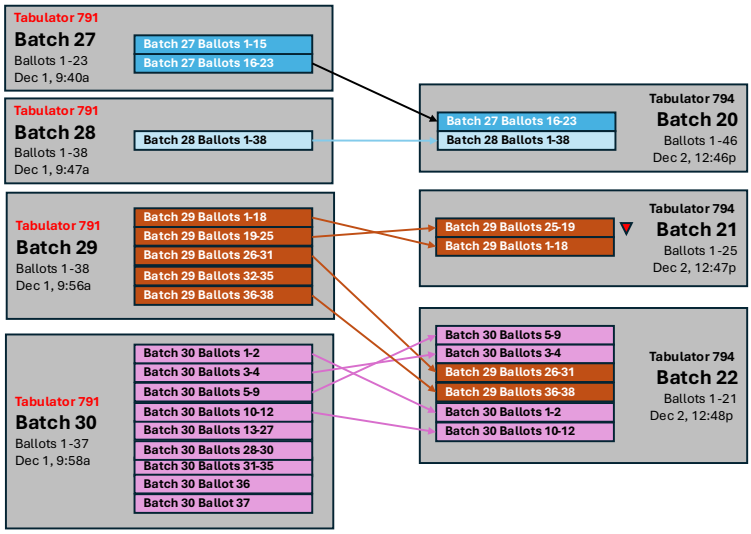
Fulton County, Georgia Doubled Ballots - Recount

129 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

Source batch 19 was used in a record five different batches.

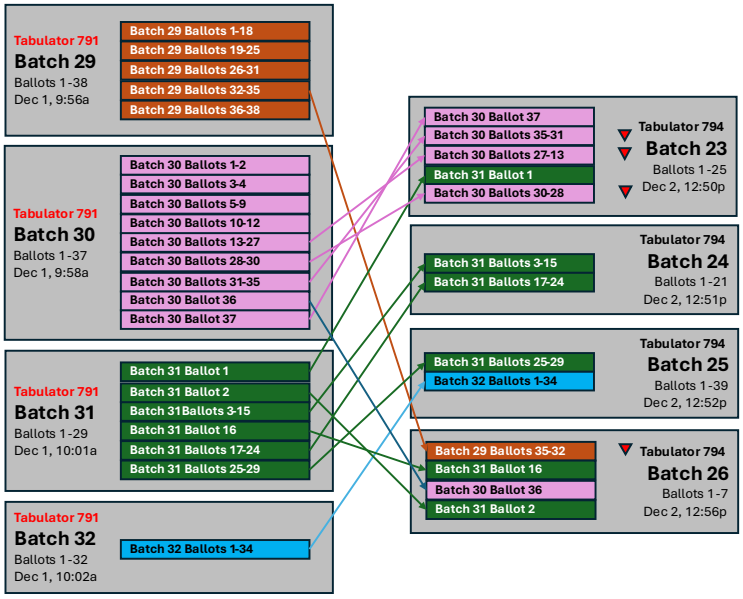
New Batch 27 was scanned five hours later containing a left-over ballot.



Fulton County, Georgia
Doubled Ballots - Recount

92 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon indicates that ballots were put in the scanner upside - down to reverse their order.



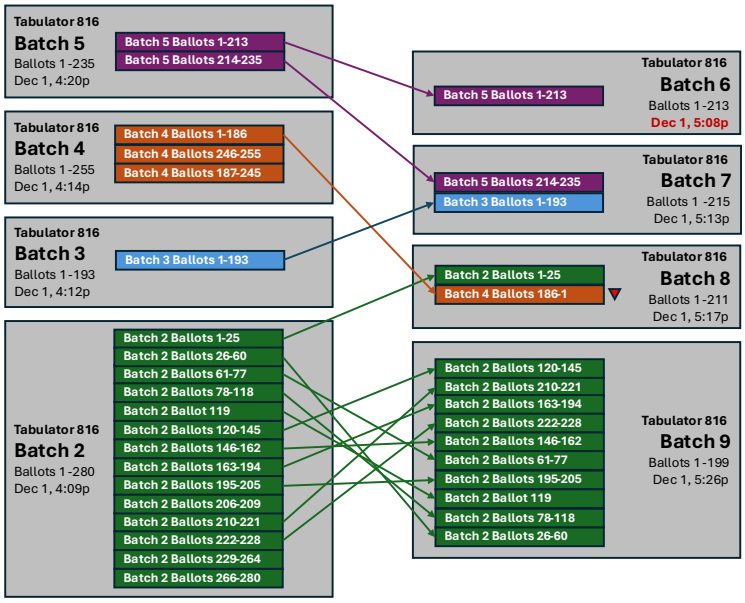
Fulton County, Georgia
Doubled Ballots - Recount

92 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon indicates that ballots were put in the scanner upside - down to reverse their order.

The ballot images detailed in the diagram above are available here:

- Tabulator 794 (692 ballots)



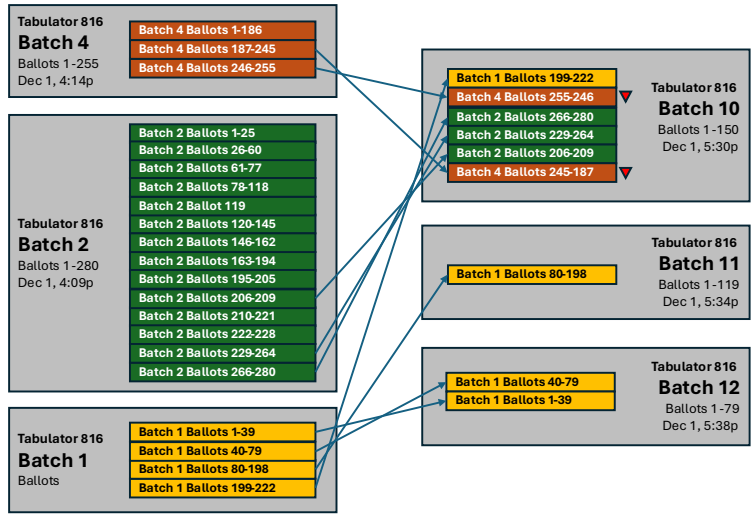
Fulton County, Georgia Doubled Ballots - Recount

838 In-Person ballots from Tabulator 816 were scrambled together to create doubled ballots.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside-down to reverse their order.

Note that in contrast to the previous pages, the doubling occurred on the same tabulator. The doubling started 50 minutes after the last batch was scanned.

Notice that the **source ballots are being scanned in reverse order**. We can assume that the operator had turned all 5 batches over before doubling the ballots.



Fulton County, Georgia Doubled Ballots - Recount

348 In-Person ballots from Tabulator 816 were scrambled together to create doubled ballots.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside-down to reverse their order.

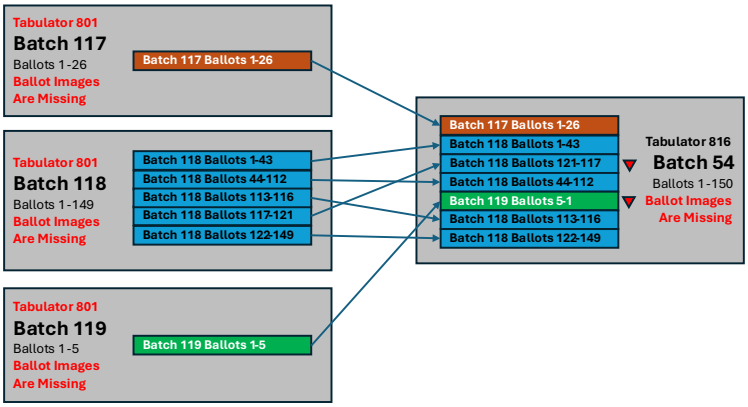
Note that every doubled ballot from Batch 4 was placed upside-down in the new batches.

All the ballots from batches 1-5 have now been used, so the doubling stops for a several batches.

The ballot images detailed in the diagram above are available here:

- Tabulator 816 (2038 ballots)

The following shows ballots and their corresponding duplication; however, both the original and duplicate ballot images were subsequently deleted:



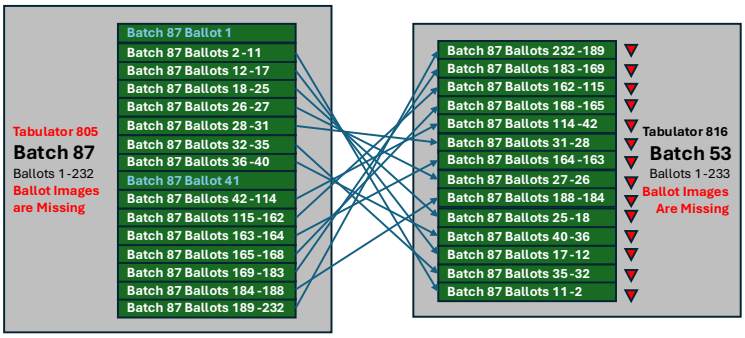
Fulton County, Georgia Doubled Ballots - Recount

150 In-Person ballots from **Tabulator 801** were scrambled together to create doubled ballots.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

The images from Tabulator 801 were **deleted starting at batch 112** , just a few batches before.

The doubled images from Tabulator 816 were **deleted starting at batch 52** , just 2 batches earlier.



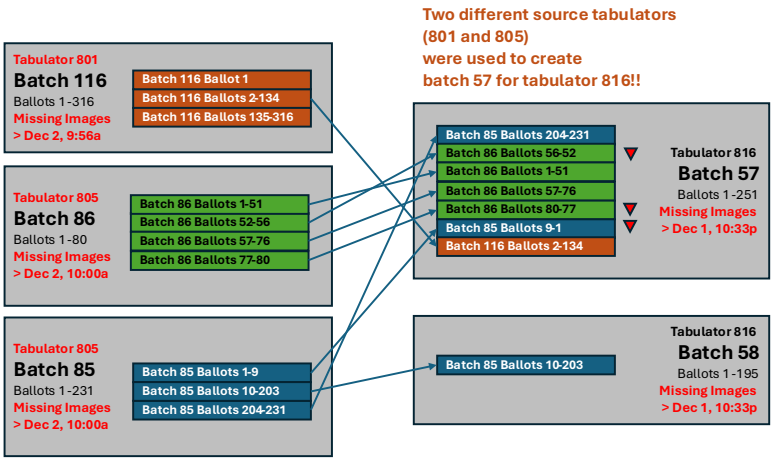
Fulton County, Georgia Doubled Ballots - Recount

233 In-Person ballots from **Tabulator 805** were scrambled together to create doubled ballots for Tabulator 816.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

The images from Tabulator 805 were **deleted starting at batch 85** , just 2 batches earlier.

The images from Tabulator 816 were **deleted starting at batch 52** , just 1 batch earlier.



Fulton County, Georgia Doubled Ballots - Recount

446 In-Person ballots from **Tabulator 805 AND Tabulator 801** were scrambled together to create doubled ballots.

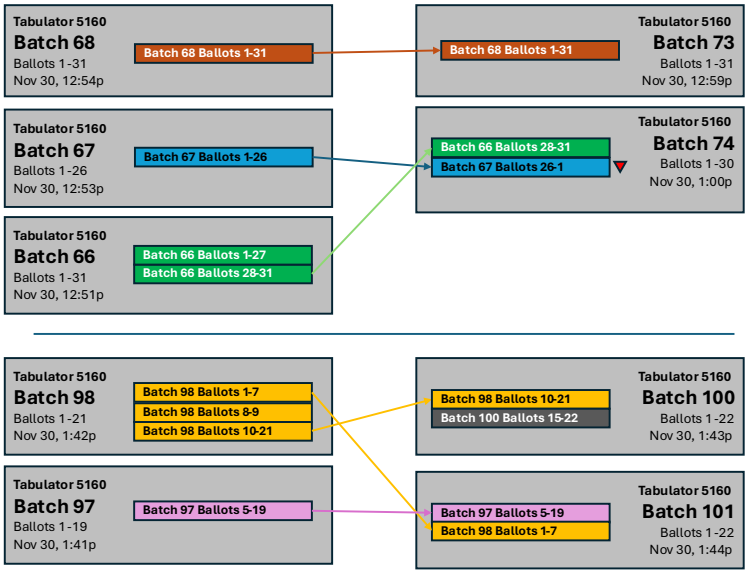
Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

The date/times listed here are from the last batch available for each Tabulator.

The original images from Tabulator 805 were **deleted starting at batch 85** .

The original images from Tabulator 801 were **deleted starting at batch 112** .

The doubled images from Tabulator 816 were **deleted starting at batch 52** . Only a few batches before the result of the doubling.

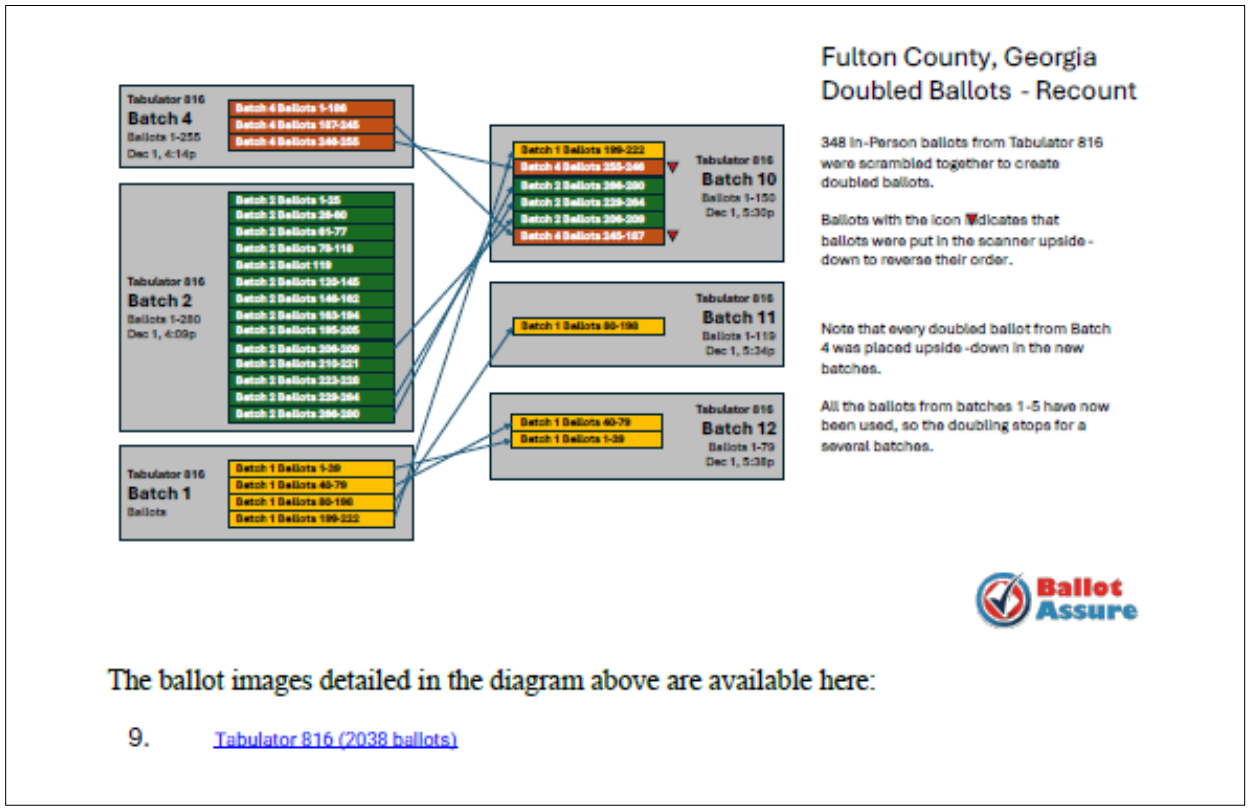


Fulton County, Georgia Doubled Ballots - Recount

80 In-Person ballots from Tabulator 5160 were used to create doubled ballots.

Ballots with the icon ▼ indicates that ballots were put in the scanner upside - down to reverse their order.

The complainants and subject-matter expert Phillip Davis of Ballot Assure posted the ballot images online and provided links to view and verify each of the 3,930 original ballot images and the 3,930 corresponding fraudulent ballot images (which were counted) resulting from the intentional second scan, side by side. In addition, the mapping for each and every ballot and batch's original scan and intentional second scan were also provided. Again, for every single ballot. See example below:



What's been presented here is irrefutable, verifiable, evidence of intentional election fraud for Georgia's 2020 General Election in Fulton County. These acts are prima facie evidence of intentionality. The intentionally formed batches of previously scanned ballots were scanned again, thereby fraudulently casting the ballots and votes a second time, in 3,930 violations of:

O.C.G.A. § 21-2-587:

Any poll officer who willfully:

(3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine; shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both).

52 U.S. Code § 20511
A person, including an election official, who in any election for Federal office— (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

Like the state and federal contests affected, the election fraud we have discovered in Fulton County does not stop at the Fulton County line.

COUNT 18.

MISSING BALLOT IMAGE RECORDS FROM THE RECOUNT

STATEMENT OF FACT:

Fulton County is missing 17,852 ballot images for the candidate-requested recount of the November 03, 2020 General Election

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-500(c) Immediately upon completing the returns required by this article, the municipal superintendent shall deliver in sealed containers to the city clerk the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the municipal superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county registrar.

52 U.S.C. §§ 20701-20706 (From the DOJ's July 21, 2021 Memo)**:**
The Civil Rights Act of 1960, now codified at 52 U.S.C. §§ 20701-20706, governs certain "[f]ederal election records." Section 301 of the Act requires state and local election officials to "retain and preserve" all records relating to any "act requisite to voting" for twenty-two months after the conduct of "any general, special, or primary election" at which citizens vote for "President, Vice President, presidential elector, Member of the Senate, [or] Member of the House of Representatives," 52 U.S.C. § 20701. The materials covered by Section 301 extend beyond "papers" to include other "records." Jurisdictions must therefore also retain and preserve records created in digital or electronic form.

There are federal criminal penalties attached to willful failures to comply with the retention and preservation requirements of the Civil Rights Act. First, Section 301 itself makes it a federal crime for "[a]ny officer of election" or "custodian" of election records to willfully fail to comply with the retention and preservation requirements. 52 U.S.C. § 20701. Second, Section 302 provides that any "person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper" covered by Section 301's retention and preservation requirement is subject to federal criminal penalties. *Id.* § 20702. Violators of either section can face fines of up to $1000 and imprisonment of up to one year for each violation.

Complaint SEB2023-025 includes the specific and evidenced allegation that the official Recount of the 2020 General Election includes the results for 17,852 ballots- but no corresponding ballot images. Aside from the meticulously documented and evidenced SEB2023-025 complaint, there is also the corroborating and undisputed sworn declarations of two highly respected subject matter experts as filed in Curling v. Raffensperger. The pertinent part of the declaration of Berkeley Professor, Philip B. Stark, who sits on the Board of Advisors of the U.S. Election Assistance Commission ("EAC"), after an analysis of Fulton County's 2020 election records produced pursuant to a court order (not a public records request):[74]

> **For the second machine count, Fulton County's production included images of ballots and printout cards for 510,073 of the 527,925 cast vote records: 17,852 image files are missing.**

The pertinent part of the declaration of subject matter expert Professor Duncan Buell, after an analysis of the same election records described above (Declaration of Professor Duncan Buell at 7):[75]

> **Approximately 17,800 images and the same number of .sha files are missing from the presidential count.**

The following is from the Secretary of State's SEB2023-025 Report of Investigation (at 7):

> Complainants have further alleged that respondent failed to provide all ballot images from the recount in response to an open records request. In response to an investigative subpoena, respondents provided to the SOS investigation division a thumb drive that contained 518,906 ballot images from the December 2020 recount, which is exhibit number 11. Respondent reported during the recount Dominion voting systems loaned Fulton County four scanners for the recount. The respondent was unsure exactly which counties Dominion had borrowed the scanners from and those scanners have since been returned.
>
> The SOS investigative division asked respondent to provide documentation to corroborate this account. Respondent further noted that the memory cards that were used in the ballot scanners have since been redistributed and used in subsequent elections.

[74] The declaration of Philip Stark can be found here: https://www.scribd.com/document/665439454/Philip-Stark-Cgg-9 (last accessed April 17, 2025)
[75] The declaration of Professor Duncan Buell can be found here: Buell Expert Report Final Served | PDF | Election Recount | Voting:

First, the ballot image records upon which our analysis was based were produced under court order as part of discovery in the Curling v. Raffensperger case, not "[i]n response to an open records request" as incorrectly stated in the report.

Second, the report claims that Fulton County provided the SOS investigation division a thumb drive that contained 518,906 ballot images from the recount, which they identified as "Exhibit 11". Note the choice of words- careful not to claim what they disingenuously suggest- that Fulton County produced half of the missing ballot images. Combine that with the fact that Ms. McGowan refused to provide Exhibit 11 to the complainants or to the State Election Board unless the Board agreed that case SEB2023-025 was closed.[76] In response to an SEB member's request for a copy of Exhibit 11, Ms. McGowan says, "***However, we can make the files available for inspection, so long as the Board is in agreement that this case is fully resolved and closed***", and "***If 2023-025 is a closed case, we can make them available to you to review at our office***".

The only rationale in refusing to provide the records identified by the SEB2023-025 Report of Investigation as "Exhibit 11" would be because they know it does not include the missing ballot images. The excuse is that the documents are confidential due to a pending investigation. *See*, O.C.G.A. § 50-18-72(a)(4) (exempting records related to ongoing investigations performed by law enforcement and regulatory agencies). But Ms. McGowan's ultimatum itself acquiesces to the fact that their investigation is complete. How could she otherwise close the case? Even if there was a pending investigation - the ***State Election Board*** is the "regulatory agency" with the duty and authority to investigate election frauds and irregularities- not the Secretary of State's office.

> **O.C.G.A. § 21-2-31**(5) **To investigate, or authorize the Secretary of State to investigate**, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution.

[76] A true and correct copy of email correspondence between Georgia State Election Board member Dr. Janice Johnston and Ms. Charlene McGowan is attached hereto as "Exhibit 3-A"

The SOS's refusal to provide Exhibit 11 to the very Board with the duty and authority to investigate frauds and irregularities- and from whom the Secretary of State's authority to investigate is derived- defies logic and law. Furthermore, the records at issue (Exhibit 11), are files returned in response to a subpoena for the 2020 Recount **ballot images**, and ballot images are public records. *See*, GA Code § 50-18-71 (2024)(k) ("Scanned ballot images created by a voting system authorized by Chapter 2 of Title 21 shall be public records subject to disclosure under this article"). Therefore, Ms. McGowan's refusal to provide the ballot images to the Board and other requestors, is in violation of Georgia law:

> **O.C.G.A. § 50-18-74** (a) Any person or entity knowingly and willfully violating the provisions of this article by failing or refusing to provide access to records not subject to exemption from this article, by knowingly and willingly failing or refusing to provide access to such records within the time limits set forth in this article, or by knowingly and willingly frustrating or attempting to frustrate the access to records by intentionally making records difficult to obtain or review shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 for the first violation.

The Board did not agree to the ridiculous but telling terms of the ultimatum, but it soon became clear why Ms. McGowan refused to release Exhibit 11. The complainants were able to confirm that the 8,833 "supplemental" ballot images that Fulton County provided to the SOS investigators in response to the subpoena- were copies of other ballot image files already in evidence- and not any of the 17,852 missing ballot images.

In any case Ms. McGowan and the investigators never stated that the missing ballot images were found- in whole or in part. To the contrary, the fact that they know the ballot images are missing is evident by the excuses put forth to try and explain why the ballot images are missing- which are refuted below.

First, the claim that Dominion Voting Systems loaned Fulton County four scanners for the recount, and Fulton County was unsure of what counties loaned Dominion the scanners- that Dominion then loaned Fulton County (double loaning)- is both unlawful and bizarre. Fulton County is not only claiming that they don't have the records, but they can't even consult the machines because they don't know where the tabulators came from that were used to count the ballots and votes for a federal election. The undersigned is unsure if

this was an excuse or an admission, but in either case Fulton County, Ms. McGowan, and the Secretary of State's investigators have established the complete absence of chain of custody, security, and process controls one would expect when borrowing a lawn mower, much less voting equipment deemed "critical infrastructure".

When Fulton County was rightfully asked by the SOS's investigators for records corroborating this account- "[they] noted that the memory cards that were used in the ballot scanners have since been redistributed and used in subsequent elections". This excuse fails as well, because the only scanners used for the Recount were ImageCast Central (ICC) tabulators- **which do not use or store data on memory cards**.

Fulton County and/or the Secretary of State's investigators are suggesting that the missing ballot images may be attributed to the four double-borrowed scanners - as if that would be acceptable. Fortunately- or unfortunately- responsibility cannot be placed there either because the missing ballot images are attributed to ***seven*** (7) different tabulators. Seven (7) is more than four (4).

801	Early Voting ICC 2
802	Early Voting ICC 3
803	Early Voting ICC 4
804	Early Voting ICC 5
805	Early Voting ICC 6
806	Early Voting ICC 7
816	Early Voting ICC 16

Note that all of the 17,852 missing ballot images from the Recount are from ballots attributed to advance (early) voting. Perhaps it is only coincidence that the ten tabulators at issue in SEB2023-025 -to which a similar number of ballots with no provenance are attributed for the November 3rd count- were also for advance voting.

For the sake of being thorough- even if the 518,906 ballot images identified as Exhibit 11 did not include 8,833 copies of other ballot images- and even if Ms. McGowan would have provided the State Election Board with "Exhibit 11" to confirm the ballot image files, and even if the missing ballot images could be traced

to the four double-borrowed scanners (and if we knew from which county they were borrowed)- or even if the Recount scanners actually used memory cards that could have been repurposed for another election. Even if all of that were true- and it damn sure isn't- but even if it were- it is not responsive. Excuses, even if they weren't proven false, do not change the fact that Fulton County has failed to produce 17,852 ballot images for the Recount.

The facts are just as the complainants alleged in SEB2023-025 on July 09, 2022, as corroborated by subject matter experts in federal court filings and Fulton County's own records- 17,852 ballot images are missing from the record. It has been over three years since the complaint was filed, and Ms. McGowan, the Secretary of State's investigators, nor Fulton County can produce the ballot images - nor provide any plausible reason to explain why they're missing. Although entertaining, what they have provided is a story. A fictional one.

What's more, there is no natural, organic, or otherwise unintentional process known that would cause select batches of ballot images to be removed, and even specific ballot images missing from the same batch in which others are present. The only known process that would yield this constellation of circumstances is the intentional removal, replacement and/or injection of fabricated results. For the Recount, 17,852 illegitimate Cast Vote Records without a corresponding ballot image remain- and the excuses and refusal to provide the evidence are as illegitimate as the Cast Vote Records themselves.

The unsubstantiated votes included in the official results for the contest of President of the United States are distributed as follows:

Donald J. Trump (I) (Rep)	Joseph R. Biden (Dem)	Jo Jorgensen (Lib)	Blank Contest	Write-in	Grand Total
4319	13390	107	34	2	17852

COUNT 19.

DISPOSITION OF COMPLAINT SEB2023-025

STATEMENT OF FACT:

The Georgia Secretary of State, Attorney General, and the Secretary's General Counsel have gone to extraordinary and unlawful lengths to prevent and obstruct proper investigation of SEB2023-025.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-596
Any public officer or any officer of a political party or body on whom a duty is laid by this chapter who willfully neglects or refuses to perform his or her duty shall be guilty of a misdemeanor.

O.C.G.A. § 21-2-597
Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor.

O.C.G.A. § 16-10-20 (2020)
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

52 U.S. Code § 20511
A person, including an election official, who in any election for Federal office (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

First, SEB2023-025 was not thoroughly investigated. There were four basic allegations included and encompassed within the complaint, and as we have established herein with verifiable facts and evidence (Fulton County and the state of Georgia's own records), none of which have been properly investigated, corrected, nor have any actions been taken to prevent reoccurrence.

1. No credible records for ten (10) advance voting tabulators and the 20,718 ballots to which they were attributed for the November 3rd count.

   Result: **Unresolved**
   Fulton County produced eight tabulator poll open tapes bearing the same serial number of other tabulators at the same location; two tabulator poll closing tapes from machines other than those which scanned the ballots. Like every one of Fulton County's 138 advance voting tabulator poll closing tapes (the official returns for some 320,000- or three-fifths of all ballots cast) the two official returns produced were fraudulent, unsigned, unwitnessed and uncertified.

2. 17,852 missing ballot images for the recount.

   Result: **Unresolved**
   The SOS's investigation failed to locate any of the missing ballot images, and Ms. McGowan tried to prevent the State Election Board from confirming the same by refusing to provide access to election records obtained from Fulton County in response to an investigative subpoena. Ms. McGowan also falsely stated that the preservation of ballot images was not required for the 2020 General Election and did so knowingly.

3. 3,125 ballots intentionally scanned and counted more than once.

   Result: **Unresolved**
   The SOS's investigation confirmed that ballots were scanned more than once; however, Ms. McGowan falsely claimed that it was "inconclusive" if the duplicate-scans were counted. The complainants also provided irrefutable evidence showing that the 3,125 ballots were not only counted twice, but were individually selected, intentionally scanned for the second time- and intentionally counted twice.

4. Unauthorized and unsolicited involvement by The Elections Group that were assigned and tasked by and through CTCL grants -who participated in the hands-on and intimate facilitation of every facet of Fulton County's 2020 election, hand count, Recount, and Senate Runoff.

   Result: **Unresolved**

> Ms. McGowan provided a Memorandum of Understanding which was not signed by the Fulton County Board of Elections (the legally recognized Superintendent of Elections)- the only entity vested with the authority to conduct elections. What's more- the Board was never informed and never voted to authorize The Elections Group to access voting systems, equipment, or data.

Second, Ms. McGowan and the SOS investigators presented their report to the SEB on May 7, 2024- to which the complainants, despite several requests, were not allowed to rebut or speak. The SEB voted to resolve SEB2023-025 with a letter of reprimand **contingent upon** the parties agreeing to an election monitoring team for the 2024 General Election before the July 09, 2024 meeting as confirmed by the SEB's paralegal in her May 29th email below:

On Wednesday, May 29th, 2024 at 3:33 PM, Hardin, Alexandra <ahardin@sos.ga.gov> wrote:

Hi Kevin,

We have not issued the letter yet, since the letter was contingent on them selecting an agreeable monitor before the July meeting. If they secure a monitor before July, we will issue the letter. If they fail to secure a monitor, we will refer the case to the AG's office.

Thank you,

ALEXANDRA HARDIN

Again, the surreptitious May 7, 2024 decision to resolve SEB2023-025 with a letter of reprimand was contingent upon all parties agreeing to a monitoring team for the 2024 General Election before the July 9, 2024 SEB meeting. On June 13, 2024, Assistant Attorney General Danna Yu (hereinafter "AAG Yu") sent a letter

to the State Election Board, with, "***RE: Request for Advice on Whether the Board May Take Up a Motion to Reconsider a Motion Adopted at a Previous Meeting***".[77] The letter stated:

> As a preliminary matter, there is nothing within the statutory authority of the Board, either generally under the Administrative Procedure Act (Chapter 13 of Title 50 of the Official Code of Georgia) or specifically under the powers and authority of the Board delineated in the State Election Code (Chapter 2 of Title 21 of the Official Code of Georgia), which authorizes the Board to reconsider, reverse, or otherwise modify **a final decision** of the Board in a contested case which has been adopted by the Board in an official action. That lack of statutory authority is, for all practical purposes, the end of the inquiry in terms of whether the Board can revisit **a final decision** that has previously been adopted. (emphasis added)
>
> The conclusion that the Board lacks any authority to reconsider its **final decision** in SEB Case No. 2023-025 is buttressed by a consideration of the authority of the Board, even were it not constrained by the lack of statutory authority to disturb a properly adopted **final decision** in a contested case, to reconsider a prior vote on any other matter before the Board. (emphasis added)

AAG Yu's "advice" is based on the erroneous basis that a "***final decision***" had been made on May 07, 2024, for SEB2023-025. As detailed in the subject line of the letter, she only contemplated "[Whether] the Board May Take Up a Motion to Reconsider a Motion Adopted at a Previous Meeting". Perhaps AAG Yu was simply confused when she improperly (and repeatedly) characterized the May 07, 2024 Motion as "***a final decision***" (four (4) times in 2 paragraphs) and never contemplated that the motion- and disposition of the case was contingent upon defined conditions being met within a prescribed timeline.

There was no need to "Reconsider" a final decision because no monitoring team was agreed upon by the parties within the time prescribed (July 9, 2024); therefore, the case was not resolved, concluded, nor adjudicated and the May 7, 2024 motion was dead due to lack of conditions precedent. Of course, Ms. McGowan knew this at the time of her testimony when she stated, "***The Attorney General's office responded to that and said that there was no legal authority to reopen the case and conduct any further investigation.***" (October 01, 2024 transcript at 476-478). Ms. McGowan also knew that on August 07, 2024, the Board (a majority of the State Election Board members) passed a motion to continue the investigation of

[77] A true and correct copy of the June 13, 2024 Letter of Advice can be found here: https://www.scribd.com/document/805934352/Found-09072024-MW-AG-Advice-Letter-Re-Motion-to-Reconsider

SEB2023-025, but she failed to disclose that material fact as well. More specifically, the State Election Board voted to send SEB2023-025 to the Attorney General for further investigation with outside investigators and sought counsel independent of the Secretary of State to represent the Board in investigating the matter. If he was unwilling to investigate then the Board would facilitate further investigation on their own. From the transcript of the August 07, 2024 SEB meeting at 623-624:

> **DR. JOHNSTON:**
> I move that the -- we refer the case to the Attorney General with the instruction to immediately investigate with outside investigators the three items of missing ballot images, duplicated recount votes, and missing documents as listed in the complaint of SEB2023-025. I also move that the -- the Attorney General seek advice of conflicts counsel to determine who should represent the state election board in investigating this matter. The Attorney General will report their findings in 30 days to the state election board. If they are unable or unwilling to conduct this focused investigation, they shall report to the state election board immediately so that we may hire outside legal counsel and investigators to complete the investigation.

The motion carried, three to two. (*Id.* at 625).

Ms. McGowan also falsely stated that the Attorney General said that the SEB had no authority to reopen the case or conduct further investigation. SEB2023-025 was never closed, decided, or adjudicated, thus the case did not need to be "reopened". Furthermore, as it relates to Ms. McGowan's claim that the Board lacked the authority to investigate, in an Official Opinion written in response to the motion passed by the SEB on August 7, 2024, the Attorney General states (AG Official Opinion 2024-1 at 3):[78]

> The authority to investigate potential violations of the election laws rests with the SEB and not with the Attorney General. This Office is not required to conduct an investigation on its own or with outside personnel at the direction of a client agency.

The Attorney General goes on to cite Georgia statute defining the State Election Board's ***duty*** to investigate (*Id.* at 3-4):

> Among the express duties of the State Election Board is the duty:
>
> [t]o investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws to the Attorney General or

[78] The Attorney General's Opinion can be found here:
2024-1 | Office of the Attorney General

> the appropriate district attorney who shall be responsible for further investigation and prosecution. O.C.G.A. § 21-2-31(5) (emphasis added).

Nowhere in the Attorney General's Official Opinion does it state that the SEB has no authority to "re-open" or further investigate case SEB2023-025; however, he does cite Georgia statute which states the opposite- that it is the ***duty*** of the SEB to investigate election frauds and irregularities.

The Attorney General declined to further investigate SEB2023-025 by falsely claiming he didn't have the authority. He went on to say that the authority to investigate potential violations of election laws rests with the SEB and not with the Attorney General. Of course, this is in direct contravention with the very statute he cited. O.C.G.A. § 21-2-31(5) states that it is the duty of the SEB to investigate "[…] ***frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution.***" On August 7, 2024, the SEB did precisely what the statute requires, and reported violations of election laws to the Attorney General.

Never-the-less, the SEB has since hired its own investigators, and on November 5, 2024, the Board issued the Fulton County Board of Registration and Elections a subpoena for the outstanding 2020 General Election records. Contrary to Ms. McGowan's false testimony, SEB2023-025 has not been resolved, closed, or adjudicated, and remains under investigation.

During her testimony before the disciplinary panel in the bar trial of three attorneys, Ms. McGowan was asked about the disposition of Complaint SEB2023-025, which was filed by the undersigned and Mr. Joseph Rossi on July 9, 2022. She claims that the case was investigated and that the findings of that investigation were presented to the State Election Board. Ms. McGowan says, "***The state election board voted originally to resolve that case with a letter of reprimand to Fulton County***". She then claims that "***There was one particular board member that was not happy with that result and so that particular board member attempted to reopen the case.***" Ms. McGowan goes on to state, "***The Attorney General's office responded***

to that and said that there was no legal authority to reopen the case and conduct any further investigation." (October 01, 2024 transcript at 476-478).

Ms. McGowan's assertions are false. False that SEB2023-025 was thoroughly investigated; false that the case was resolved with a letter of reprimand; and false that the Attorney General said that there was no legal authority to reopen the case or conduct further investigation. Not only did Ms. McGowan fail to tell the truth, she also failed to tell the whole truth as she omitted the material fact that on August 7, 2024, less than two (2) months before her testimony, the SEB voted to further investigate SEB2023-025.

STATE ELECTION BOARD COMPLAINT SEB2023-025 TIMELINE

Date	Event	Description	Exhibit
07/08/2022	Complaint Filed	Complaint SEB2023-025 (Exhibit A) submitted to the State Election Board, with referral from Governor Kemp's office (Exhibit B).	A/B
11/17/2023	SEB Agenda	SEB2023-025 listed as "violation case" item 43 to be heard at the December 19, 2023 meeting.	C
12/15/2023	Removed from Agenda	SEB Paralegal informed complainants that SEB2023-025 was continued and pulled from the agenda without explanation.	D
12/19/2023	SEB Meeting	Member Johnston explained SEB2023-025 required further investigation. Questions not adequately answered by SOS investigators.	E
04/15/2024	Notification Letter	Complainants were notified SEB2023-025 would be heard May 7, 2024, but they would not be able to speak.	F
05/05/2024	Attendance Update	Member Jeffares informed board he would join May 7 meeting via telephone mid-afternoon.	
05/06/2024	Case Moved Up Agenda	Chairman moved SEB2023-025 to first violation case when he knew Member Jeffares would not be in attendance.	G/H

		Complainants notified of the change, but no reason was provided.	
05/07/2024	Complainant Moncla received call from FCBRE member Julie Adams during lunch recess	Ms. Adams informed complainant that the county attorney, Ann Brumbaugh, informed her that the parties agreed to a monitoring team for 2024 and a letter of reprimand. This was before the case was presented.	
05/07/2024	Chairman Fervier and Jeffares Text Messages	Jeffares was willing to call in, but the Chairman told him "you don't want any part of this". Had Jeffares call in after the vote on SEB2023-025	H2
05/07/2024	Investigation Presentation & Motion	SOS General Counsel and investigator presented report. Member Johnston questioned inaccuracies. Chairman Fervier cut off Member Johnston. Motion issued for letter of reprimand and agreement on monitor by July 9th; if not, AG referral.	I/J
05/08/2024	Request for Hearing	Complainants requested rebuttal and reconsideration; SEB Paralegal confirmed board received it.	K
May 2024	Motions to Reconsider	Jeffares and Johnston motioned to refer for AG investigation and independent review; both ruled out of order by Chair Fervier.	L
05/14/2024	Denied Access to Exhibits	SOS General Counsel denied Member	M

		Johnston access to investigation evidence.	
05/17/2024	SEB Member Resignation	Ed Lindsey resigned; Janelle King appointed as replacement.	
05/22/2024	FC Lawsuit Filed	BRE Member Julie Adams files lawsuit (Case: 24CV006566) regarding Election Superintendent's statutory duties and access to records.	N
05/29/2024	Letter of Reprimand Verified	SEB Paralegal confirmed reprimand letter contingent on monitor selection by July 9th, else AG referral.	O
06/13/2024	Second Hearing Request	Complainants sent Factual Response to SOS's Report of Investigation and 2nd hearing request per HAVA section 402(a)(2)(E).	P
06/14/2024	AAG Letter of Advice	AAG stated SEB lacked statutory authority to reconsider final decision on 2023-025; only prevailing side can move to reconsider within time limits.	Q
06/14/2024	Chair Update on Monitoring	Chair Fervier outlined efforts to coordinate 2024 monitor proposals; failed to discuss reprimand letter.	R
06/14/2024	Unilateral Letter of Reprimand Issued	Chair Fervier issued reprimand letter before conditions precedent were satisfied. He also unlawfully modified deadline to August and sent without board approval or knowledge.	S

06/27/2024	Push to Add Case to Agenda	Johnston requested SEB2023-025 be added to July 9 agenda for update and public comment; board forwarded to AG for legal opinion.	T
07/01/2024	Request to Preserve Election Records	Johnston raised concerns over Fulton County's request to destroy 2020 records, asked board to ensure preservation.	U
07/09/2024	SEB Meeting Motions Approved	Complainants allowed 15 minutes each to speak; motion approved to research allegations and seek independent legal advice to discuss further investigation of SEB2023-025. Agreed to include the matter on August 6 meeting agenda.	V/W
07/09/2024	SOS approved monitor proposal	SOS General Counsel accepted Ryan Germany's monitor proposal for November 2024 election.	X
07/11/2024	BRE Approval of Monitor Proposal	Fulton County BRE voted to accept Ryan Germany's November 2024 monitor proposal.	X
07/22/2024	Supplemental Factual Response	Complainants submitted rebuttal to investigator's conclusions on five main issues.	Y
08/06/2024	SEB Motion to continue SEB2023-025 investigation	SEB passed motion to continue investigation of SEB2023-025 and send it to the AG to investigate using	

		independent counsel due to conflict	
08/07/2024	Monitor Proposal Presentations	Two proposals presented; board acknowledged impasse, tabled discussion to August 19 for AG guidance. Johnston presented violations chart with 346 violations.	Z/AA/AB
08/19/2024	AG Official Opinion	AG declined investigation, stating SEB cannot direct AG, that the AG has no conflict, and that he has no lawful authority to investigate election frauds and irregularities.	AC
08/2024	Monitor Proposal Discussion	Chair Fervier scheduled meeting with BRE Chair Allen to discuss alternate monitor proposal.	AD
08/21/2024	SEB & BRE Chair Meeting	Meeting held to discuss monitoring team and alternate proposal.	
09/04/2024	BOC Approved Monitor Proposal	BRE Chair Allen presented Ryan Germany's proposal, BOC approved with 5 yeas, 2 nays.	AE
09/19/2024	Complainants Request Hearing	Complainants requested hearing to present rebuttal evidence and issue subpoenas for 2020 records.	AH
09/30/2024	Second SEB & BRE Chair Meeting	SEB Chair and Johnston met with Allen to propose 10 additional monitors; Allen questioned legal authority.	

10/01/2024	SEB Additional Monitors List	Johnston emailed monitor list to Allen and requested BOC approval.	AI
10/07/2024	BRE Chair Lawsuit Against SEB	Allen filed lawsuit against SEB to challenge authority to impose monitors, without board approval, using county funds.	AJ
10/08/2024	SEB Subpoena Motion	SEB approved motion to subpoena Fulton County's 2020 election records.	AK
10/10/2024	Complaint Filed	Email sent to BRE, BOC, and SEB notice Allen's unilateral lawsuit to prevent monitor enforcement.	AL
11/05/2024	Subpoena Issued	SEB issued subpoena for 2020 election records with November 18 deadline.	AP
11/07/2024	Hold Letter Issued	SEB notified Fulton County investigations ongoing, records must be preserved until completion.	AQ
11/18/2024	Subpoena Deadline	Fulton County did not comply with subpoena for 2020 election records.	
11/18/2024	Second BRE Chair Lawsuit	Allen and Williams filed Petition to Quash SEB subpoenas, arguing resolution and unreasonable burden; lawsuit and funding not approved by BRE or BOC.	AR
06/04/2025	BOC Appointment	BOC voted to reappoint Sherri Allen as BRE Chair for two years,	AW

		disregarding prior unlawful actions.	

COUNT 20.

VOTING SYSTEM'S ENCRYPTION KEYS PROVIDED TO COUNTIES UNPROTECTED IN PLAIN TEXT

STATEMENTS OF FACT:

Encryption is used to protect the voting system configuration files, programming, election results, and functions. With the cryptographic encryption keys, the programming, results, and functions can be easily manipulated without detection.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-200
The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition

For federal certification, the EAC requires voting systems to be tested for compliance with the Voluntary Voting Systems Guidelines ("VVSG"). The guidelines specifically include the requirements for data encryption but also adopt the Federal Information Processing Standards ("FIPS") defining the mandatory practices and management of cryptographic keys.[79]

SUMMARY

The State of Georgia and Dominion Voting Systems placed master (private) cryptographic encryption keys unprotected and in plain text within the same database used to store the election data and produce the contest results in violation of the above-referenced requirements including, as described below, FIPS 140-2 requiring cryptographic encryption keys be protected from unauthorized access by storing them within a cryptographic module). This has been confirmed in every 2020 election database to which we have access, and includes those from the following Georgia jurisdictions:

a. Appling County, Georgia
b. Bibb County, Georgia

[79] VVSG 1.0 (2005) requires "cryptographic keys ... use a FIPS 140-2 level 1 or higher validated cryptographic module."2 VVSG 7.4.5.1 Hashes and Digital Signatures. *See also* 7.5.1 Maintaining Data Integrity subsection b.i.; 7.7.3 Protecting Transmitted Data subsection a.ii.; and 7.9.3 Electronic and Paper Record Structure subsection a. VVSG 1.0 (2005) is available here:
https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.0_Volume_1.PDF

c. Coffee County, Georgia
d. Jones County, Georgia
e. Telfair County, Georgia

The encryption keys provide access to all tools and information (including usernames and passwords) necessary to manipulate, fabricate, produce, and/or replace election results (at either or both the tabulator memory-card and server level), tabulator system logs, and ballot images—without detection.

Additionally, Phillip Davis of Ballot Assure recently demonstrated that the encryption keys can be used to manipulate the ICX Ballot Marking Devices ("BMD") in any number of ways to include encoding the QR code with contest selections different than that shown in human readable text on the ballot. Said another way, the ballot shows the votes for the candidates that the voter selected but the QR code records votes for other candidates. With the encryption keys, the same manipulations could be made to the tabulators.

A nefarious actor need only get unsupervised access to a tabulator memory card to potentially exploit these vulnerabilities, or a vendor with inside access could modify the electronic tallies at will, change the running code on these systems, and compromise the integrity and outcome of an election. With internet or network access the systems could be (and could have been) compromised, election results altered, and the encryption keys provide everything necessary to escape detection.

We have performed these manipulations successfully in a lab setting forensically identical to those in use, with frightening ease and without restriction or detection because the system inherently "trusts" the encrypted files stored on the memory card or from a directory on the EMS server, and implicitly accepts the results without any other restrictive qualification.[80] To alter the results of an election, one need only "drag and drop" manipulated results to change the actual recorded results of an election.

[80] When uploading results, the Results Tally and Reporting ("RTR") application requires a separate SHA hash value equal to the SHA hash value of the results being submitted- no matter the provenance or authenticity of those results. In other words, it is the encryption of the results which prevents one from producing what is necessary to falsely validate fabricated results. The keys=provide the capability to encrypt files which the application inherently accepts.

SUMMARY

As set forth in detail below, Dominion uses master (private) cryptographic encryption keys to secure its election systems. The purpose of using encryption in election systems is to prevent unauthorized access to those systems and to prevent malicious alteration of election results. For that to work, the encryption keys must be kept secret from unauthorized access. Dominion not only places the encryption keys on its election systems in an unprotected state, it leaves them in plain text within the election databases on county systems readable to anyone.

Dominion's actions blatantly disregard mandatory security procedures under Georgia law, and Dominion's contractual obligations in its agreement with Georgia promising that "[d]ata generated by the Democracy Suite platform is protected by the deployment of FIPS-approved symmetric AES and asymmetric RSA encryption." (Master Solution Purchase and Services Agreement section 8.3, Ex. A). Thus, Dominion also violates its contractual obligation requiring their system *"… **meet all Mandatory Requirements**", and "…**accurately function in accordance with those requirements… enabling State and all other State Entities to accurately and securely administer elections throughout the State of Georgia in accordance with Applicable Laws of the State of Georgia**."* (*Id.* at 1).

Among other things, Dominion's breach of mandatory security requirements compromised all passwords and administrative level controls on Georgia's election systems. Particularly concerning is that four Georgia counties produced election data for the 2020 election pursuant to open records requests issued more than two years ago, which have been lawfully published online. The encryption keys for these counties are included in these disclosures of public records. Below is an example of the encryption keys stored in plain text in the Bibb County backup 2020 election database available at: https://www.zebraduck.org/election-files/georgia2020-11-03/ballot-images/:

All passwords on Bibb County's election systems, as well as any other Georgia counties whose election data is lawfully disclosed, are now available to anyone. If Dominion followed Georgia law and its contractual commitments, these encryption keys would either be encrypted or placed in a cryptographic module rendering these keys useless to any malicious actor. By leaving them open and in plain text, Dominion's actions have compromised Georgia's election systems to any malicious actor – foreign or domestic – who can manipulate election results without detection. As cyber security expert Ben Cotton recently testified in a declaration submitted in a filing to the U.S. Supreme Court in which this issue has been raised: "Simply put, this is like a bank having the most secure vault in the world, touting how secure it is to the public and then taping the combination in large font type on the wall next to the vault door. Anyone with local or remote access to the system, including authorized or unauthorized users, can obtain the certificates and keys and once obtained the entire election can be compromised."

VIOLATIONS OF GEORGIA LAW

These actions have compromised, not just the voting system, but also the fidelity of the election data these systems have been entrusted to aggregate, calculate, and report in violation of Georgia law. Specifically:

1. Georgia law requires that the voting system be certified by the Election Assistance Commission ("EAC"):

   > "The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition." O.C.G.A. § 21-2-200 (2022).

2. For federal certification, the EAC requires voting systems to be tested for compliance with the Voluntary Voting Systems Guidelines ("VVSG"). The guidelines specifically include the requirements for data encryption, but also adopt the Federal Information Processing Standards ("FIPS") defining the mandatory practices and management of cryptographic keys.[81]

[81] VVSG 1.0 (2005) requires "cryptographic keys … use a FIPS 140-2 level 1 or higher validated cryptographic module." 7.4.5.1 Hashes and Digital Signatures. *See also* 7.5.1 Maintaining Data Integrity subsection b.i.; 7.7.3 Protecting Transmitted Data subsection a.ii.; and 7.9.3 Electronic and Paper Record Structure subsection a. VVSG 1.0 (2005) is available here:
https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.0_Volume_1.PDF

3. Dominion placed master (private) cryptographic encryption keys unprotected and in plain text within the same database used to store the election data and produce the contest results in violation of the above-referenced requirements including, as described below, FIPS 140-2 requiring cryptographic encryption keys be protected from unauthorized access by storing them within a cryptographic module). This has been confirmed in every 2020 election database to which we have access, and includes those from the following Georgia jurisdictions:

    a. Appling County, Georgia
    b. Bibb County, Georgia
    c. Coffee County, Georgia
    d. Jones County, Georgia
    e. Telfair County, Georgia

4. Counties have confirmed that the private cryptographic encryption keys are at the time of this writing, accessible, in plain text, and remain unprotected.

5. The encryption keys provide access to all tools and information (including usernames and passwords) necessary to manipulate, fabricate, produce, and/or replace election results (at either or both the tabulator memory-card and server level), tabulator system logs, and ballot images—without detection.

6. A nefarious actor need only get unsupervised access to a tabulator memory card to potentially exploit these vulnerabilities, or a vendor with inside access could modify the electronic tallies at will, change the running code on these systems, and compromise the integrity and outcome of an election. With internet or network access the systems could be (and could have been) compromised, election results altered, and the encryption keys provide everything necessary to escape detection.

7. We have performed these manipulations successfully in a lab setting forensically identical to those in use, with frightening ease and without restriction or detection because the system inherently "trusts" the encrypted files stored on the memory card or from a directory on the EMS server, and implicitly accepts the results without any other restrictive qualification.3 To alter the results of an election, one need only "drag and drop" manipulated results to change the actual recorded results of an election.

DOMINION'S RESPONSE TO THE PUBLIC REVELATION OF THIS CATASTROPHIC SECURITY BREACH DOES NOT ADDRESS ITS FAILURE TO PROPERLY SECURE THE ENCRYPTION KEYS AS MANDATED UNDER GEORGIA LAW

8. When asked about the revelation of this security failure made in the U.S. Supreme Court, Dominion issued the following statement:

    "The claim that access to any single credential could affect the result of an election undetected is implausible and conspiratorial," the spokesperson said. "Dominion's machines are fully certified by

> *the U.S. Election Assistance Commission, and elections are secured by many layers of robust operational and procedural safeguards, including auditable paper ballots, that are overseen by local election officials."*

A more detailed formal complaint was filed with the Georgia State Election Board and can be found here:

https://www.scribd.com/document/755858414/SEB-Complaint-Encryption-Keys-Final-Exhibits-Opt-1-2

COUNT 21.

AT THE TIME OF THE 2020 GENERAL ELECTION, THE STATE OF GEORGIA HAD 103.6 PERCENT, AND FULTON COUNTY HAD 113.8 PERCENT OF THE CITIZEN VOTING AGE POPULATION REGISTERED TO VOTE

STATEMENTS OF FACT:

Based on official data from the Election Assistance Commission ("EAC"), the state of Georgia and Fulton County had amongst the dirtiest voter rolls in the country with more people registered to vote than the eligible population.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. §§ 21-2-232(b)

(1) When an elector of this state moves to another state and registers to vote and the registration officials in such state send a notice of cancellation reflecting the registration of the elector in the other state, which includes a copy of such elector's voter registration application bearing the elector's signature, the Secretary of State or the board of registrars, as the case may be, shall remove such elector's name from the list of electors. It shall not be necessary to send a confirmation notice to the elector in such circumstances.

O.C.G.A. § 21-2-233(C)

If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address outside of the boundaries of the county or municipality in which the elector is presently registered, such elector shall be sent a confirmation notice as provided in Code Section 21-2-234 at the old address of the elector. The registrars may also send a confirmation notice to the elector's new address. If the elector confirms the change of address to an address outside of the State of Georgia, the elector's name shall be removed from the appropriate list of electors. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, but still within the State of Georgia, the elector's registration shall be transferred to the new county or municipality. The Secretary of State or the registrars shall forward the confirmation card to the registrars of the county in which the elector's new address is located and the registrars of the county of the new address shall update the voter registration list to reflect the change of address. If the elector responds to the notice and affirms that the elector has not moved, the elector shall remain on the list of electors at the elector's current address. If the elector fails to respond to the notice within 30 days after the date of the notice, the elector shall be transferred to the inactive list provided for in Code Section 21-2-235.

O.C.G.A. § 21-2-234

(a)(2) In the first six months of each odd-numbered year, the Secretary of State shall identify all electors whose names appear on the list of electors with whom there has been no contact

during the preceding five calendar years and who were not identified as changing addresses under Code Section 21-2-233. The confirmation notice described in this Code section shall be sent to each such elector during each odd-numbered year. Such notices shall be sent by forwardable, first-class mail.

(h) Nothing in this Code section shall prevent the removal from the list of electors of an elector for ineligibility to vote.
(i) List maintenance activities pursuant to this Code section and Code Section 21-2-233 shall be completed not later than 90 days prior to a general primary or general election for federal offices or a presidential preference primary. This subsection shall not apply to notices sent pursuant to subsection (b) of this Code section.

O.C.G.A. § 21-2-235(b)

An elector placed on the inactive list of electors shall remain on such list until the day after the second November general election held after the elector is placed on the inactive list of electors. If the elector makes no contact, as defined in Code Section 21-2-234, during that period, the elector shall be removed from the inactive list of electors. Not less than 30 nor more than 60 days prior to the date on which the elector is to be removed from the inactive list of electors, the board of registrars shall mail a notice to the address on the elector's registration record.

52 U.S. C. § 20507

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

52 U.S.C. § 21083

States must maintain a single, uniform, computerized VRDB for federal elections, accessible to election officials in real-time. It must be updated "regularly" and coordinated with state agencies for death and felony data, as well as DMVs and Social Security Administration for verification.

52 U.S.C. § 21083(a)(2)

List maintenance must follow NVRA procedures, including removals for ineligibility. States must match VRDB data against sources like USPS, interstate compacts (e.g., ERIC), or agency records to identify duplicates, deaths, or moves.

SUPPORTING CASES:

United States v. State of New Jersey (October 12, 2006 (D.N.J.))

Stipulation under HAVA requires full statewide voter list implementation and maintenance to ensure accuracy.

United States v. State of Maine (August 14, 2006 (D. Me.))

Consent decree mandates centralized database and list maintenance program to protect roll accuracy under NVRA.

United States v. State of Indiana (July 5, 2006 (S.D. Ind.), amended March 2, 2009)

Consent decree requires uniform rules for removing ineligible voters, enforcing NVRA Section 8.

United States v. State of Missouri (Filed November 23, 2005 (W.D. Mo.))

Complaint alleges failures in uniform removal of ineligible voters; enforces consistent NVRA-compliant maintenance across counties.

United States v. Pulaski County (2004 (E.D. Ark.)

Consent decree requires uniform rules for accurate maintenance, including corrections for federal elections under NVRA Section 8.

United States v. State of New York (March 22, 2010 summary judgment (N.D.N.Y.))

Order enforces NVRA list maintenance in public colleges for accurate rolls.

United States v. City of St. Louis (August 14, 2002 (E.D. Mo.))

Consent order requires uniform procedures for inactive lists and removing ineligible voters under NVRA.

SUMMARY

Inactive voters are equally eligible to vote as active voters. The mere fact that a voter has been moved to inactive status does absolutely nothing to restrict him or her from voting. For the purpose of determining if a state or county is maintaining clean voter rolls, inactive voters must be included. Inactive voters are those subject to exploitation, and the larger the number of inactive voters the larger the inventory there exists to exploit.

Based on EAC data for the 2020 General Election, Georgia had the highest percentage of the Citizen Voting Age Population registered to vote in the country for both active voters alone (98%) and for active plus inactive (103.8% CVAP). Fulton County had a total of 113.8% of the CVAP registered to vote, and 108.2% of the CVAP were Active voters. Said another way, Fulton County had 795,848 Active registered voters for the 2020 General Election, with a Citizen Voting Age Population of 735,263. That's 60,000 more active registered voters than eligible people. 836,563 total registered voters (Active + Inactive), or 100,000 more

registered than eligible people. This is precisely what the National Voter Registration Act ("NVRA") and the Help America Vote Act ("HAVA") sought to prevent.

State	County	Active Registrations	CVAP	Active Reg. as Pct. of CVAP	Total Registrations	Total Reg. as Pct. of CVAP
GEORGIA	FRANKLIN COUNTY	15,136	17,242	87.8%	15,885	92.1%
GEORGIA	FULTON COUNTY	795,848	735,263	108.2%	836,563	113.8%
GEORGIA	GILMER COUNTY	22,260	22,953	97.0%	23,504	102.4%

2020 Election Data from EAVS Data Interactive | U.S. Election Assistance Commission

Unfortunately, the instance detailed above is not isolated, but a pattern and practice that persists.

COUNT 22.

HUNDREDS, BUT LIKELY THOUSANDS, OF TEST BALLOTS WERE COUNTED AND INCLUDED IN THE OFFICIAL RESULTS

STATEMENTS OF FACT:

At least hundreds of test ballots, produced during the Logic & Accuracy testing process, were included in the Recount, but were not in the initial count.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-587
Any poll officer who willfully (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine; shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both).

52 U.S. Code § 20511
A person, including an election official, who in any election for Federal office— (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SUMMARY

Georgia's L&A testing is performed in such a way that test ballots are created for each contest selection on a Ballot Marking Device ("BMD") which are then printed. The test ballots are produced in generally the same sequence over and over for each BMD tested, and then those ballots are subsequently scanned to ensure that the BMD creates- and the tabulator counts, every possible contest selection accurately.

Following the 2020 General Election, Fulton County Commissioner Bridget Thorne submitted an affidavit detailing her experience working with Dominion in the lead-up to the election.[82] Mrs. Thorne, a long-

[82] A true and correct copy of Mrs. Bridget Thorne's affidavit is attached hereto as "Exhibit B".

time veteran poll manager, was assigned to perform the Logic & Accuracy testing and witnessed many of the deficiencies we have since corroborated. Among other things, Ms. Thorne described how test ballots were being printed on actual ballot card-stock thereby making the test ballots indistinguishable from genuine ballots. No "TEST BALLOT" indicator or designation was printed on the ballots as is customary. Mrs. Thorne also detailed how several batches of test ballots went missing during the process. She witnessed a person printing test ballots, that she refers to as "Mike" from The Elections Group, who was printing test ballots "randomly":

> 14. During the testing and calibration process, a consultant from The Elections Group named Mike (LNU) was present.
>
> 15. On November 1, 2020 approximately 10 pm, I observed Mike assisting another employee with generating test ballots for a district. Mike, however, was generating random ballots. He was not using the procedure for generating test ballots. I explained to Mike that he needed to generate the test ballots in a particular way, specifically, voting for the first candidate first, the second candidate on the next, etc. Mike asked me, "Do I have to vote for Trump?" I told him he did.

The individual Mrs. Thorne describes as "Mike" has since been identified as Mike Pendegrast from The Elections Group. Also, from The Elections Group who had full, hands-on access to the voting systems without authorization from the Fulton County Board of Registration and Elections ("FCBRE"):

1. Mike Pendegrast
2. Geetha Lingham
3. Omar Sheikh
4. Ryan Macias

Mrs. Thorne, who was terminated after filing the attached affidavit, also memorialized her concerns in a formal complaint to the State Election Board, which has been summarily ignored. Those concerns were well founded as our analysis, by Phillip Davis of Ballot Assure has identified and established that at least 1,275 test ballots were included in the Fulton County Recount.

The specific ballot image file names are provided with links to the corresponding ballot images are provided below. The Cast Vote Record can be consulted to verify that each test ballot was in-fact included in the official results. For example, the following is ballot image: 00799_00100_000055.tif

FULTON COUNTY

OFFICIAL BALLOT

**GENERAL AND SPECIAL ELECTION
OF THE STATE OF GEORGIA
NOVEMBER 3, 2020**

"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." [O.C.G.A. 21-2-284(e), 21-2-285(h) and 21-2-383(a)]

853-08E

For President of the United States (Vote for One) (NP)
BLANK CONTEST

For United States Senate (Perdue) (Vote for One) (NP)
BLANK CONTEST

For United States Senate (Loeffler) - Special (Vote for One) (NP)
Vote for Write-in S

For Public Service Commissioner (Vote for One) (NP)
BLANK CONTEST

For Public Service Commissioner (Vote for One) (NP)
BLANK CONTEST

For U.S. Representative in 117th Congress From the 11th Congressional District of Georgia (Vote for One) (NP)
BLANK CONTEST

For State Senator From 6th District (Vote for One) (NP)
BLANK CONTEST

For State Representative In the General Assembly From 53rd District (Vote for One) (NP)
BLANK CONTEST

For District Attorney of the Atlanta Judicial Circuit (Vote for One) (NP)
BLANK CONTEST

For Clerk of Superior Court (Vote for One) (NP)
BLANK CONTEST

For Sheriff (Vote for One) (NP)
BLANK CONTEST

For Tax Commissioner (Vote for One) (NP)
BLANK CONTEST

For Surveyor (Vote for One) (NP)
BLANK CONTEST

For Solicitor-General of State Court of Fulton County (Vote for One) (NP)
BLANK CONTEST

For Fulton County Soil and Water Conservation District Supervisor (Vote fo One) (NP)
BLANK CONTEST

Constitutional Amendment #1 (NP)
BLANK CONTEST

Constitutional Amendment #2 (NP)
BLANK CONTEST

Statewide Referendum A (NP)
BLANK CONTEST

Atlanta Homestead Exemption - Special (Vote for One) (NP)
BLANK CONTEST

1/1

Note that the only contest selection is a write-in for the United States senate race. The write-in is for "S". The next ballot (00799_00100_000056.tif) includes only a vote for "Kandiss Taylor" for the same senate race:

FULTON COUNTY

OFFICIAL BALLOT

**GENERAL AND SPECIAL ELECTION
OF THE STATE OF GEORGIA
NOVEMBER 3, 2020**

"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." [O.C.G.A. 21-2-284(e), 21-2-285(h) and 21-2-383(a)]

853-08E

For President of the United States (Vote for One) (NP)
BLANK CONTEST

For United States Senate (Perdue) (Vote for One) (NP)
BLANK CONTEST

For United States Senate (Loeffler) - Special (Vote for One) (NP)
Vote for Kandiss Taylor (Rep)

For Public Service Commissioner (Vote for One) (NP)
BLANK CONTEST

For Public Service Commissioner (Vote for One) (NP)
BLANK CONTEST

For U.S. Representative in 117th Congress From the 11th Congressional District of Georgia (Vote for One) (NP)
BLANK CONTEST

For State Senator From 6th District (Vote for One) (NP)
BLANK CONTEST

For State Representative In the General Assembly From 53rd District (Vote for One) (NP)
BLANK CONTEST

For District Attorney of the Atlanta Judicial Circuit (Vote for One) (NP)
BLANK CONTEST

For Clerk of Superior Court (Vote for One) (NP)
BLANK CONTEST

For Sheriff (Vote for One) (NP)
BLANK CONTEST

For Tax Commissioner (Vote for One) (NP)
BLANK CONTEST

For Surveyor (Vote for One) (NP)
BLANK CONTEST

For Solicitor-General of State Court of Fulton County (Vote for One) (NP)
BLANK CONTEST

For Fulton County Soil and Water Conservation District Supervisor (Vote fo One) (NP)
BLANK CONTEST

Constitutional Amendment #1 (NP)
BLANK CONTEST

Constitutional Amendment #2 (NP)
BLANK CONTEST

Statewide Referendum A (NP)
BLANK CONTEST

Atlanta Homestead Exemption - Special (Vote for One) (NP)
BLANK CONTEST

1/1

Next is ballot image "00799_00100_000057.tif" with the only vote for Raphael Warnock for the same senate race.

FULTON COUNTY

OFFICIAL BALLOT

GENERAL AND SPECIAL ELECTION
OF THE STATE OF GEORGIA
NOVEMBER 3, 2020

"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." [O.C.G.A. 21-2-284(e), 21-2-285(h) and 21-2-383(a)]

853-08E

For President of the United States (Vote for One) (NP)
BLANK CONTEST

For United States Senate (Perdue) (Vote for One) (NP)
BLANK CONTEST

For United States Senate (Loeffler) - Special (Vote for One) (NP)
Vote for Raphael Warnock (Dem)

For Public Service Commissioner (Vote for One) (NP)
BLANK CONTEST

For Public Service Commissioner (Vote for One) (NP)
BLANK CONTEST

For U.S. Representative in 117th Congress From the 11th Congressional District of Georgia (Vote for One) (NP)
BLANK CONTEST

For State Senator From 6th District (Vote for One) (NP)
BLANK CONTEST

For State Representative In the General Assembly From 53rd District (Vote for One) (NP)
BLANK CONTEST

For District Attorney of the Atlanta Judicial Circuit (Vote for One) (NP)
BLANK CONTEST

For Clerk of Superior Court (Vote for One) (NP)
BLANK CONTEST

For Sheriff (Vote for One) (NP)
BLANK CONTEST

For Tax Commissioner (Vote for One) (NP)
BLANK CONTEST

For Surveyor (Vote for One) (NP)
BLANK CONTEST

For Solicitor-General of State Court of Fulton County (Vote for One) (NP)
BLANK CONTEST

For Fulton County Soil and Water Conservation District Supervisor (Vote fo One) (NP)
BLANK CONTEST

Constitutional Amendment #1 (NP)
BLANK CONTEST

Constitutional Amendment #2 (NP)
BLANK CONTEST

Statewide Referendum A (NP)
BLANK CONTEST

Atlanta Homestead Exemption - Special (Vote for One) (NP)
BLANK CONTEST

1/1

The test ballots were only able to be detected because the second contest for United States Senate included twenty (20) candidates. This necessitated a test ballot for sixteen (16) of the twenty (20) second-senate

race candidates. It is these unique circumstances which produced sixteen test-ballots with votes only for the second senate race that enabled us to identify the ballots as being consistent with the L&A testing pattern.

1,275 illegitimate test ballots were positively identified; however, the actual number of test ballots included in the results is impossible to determine. Given the surreptitious and unlawful circumstances under which "L&A testing" was performed, the fact that such a process could have been used to produce a determinative number of fraudulent QR code ballots, and that "test" ballots from that process were injected into the count, there is every reason to believe there are many, many more. Because Georgia has no reliable metric of voters who checked in or cast a ballot (statutorily required Numbered List of Voters), there is no known number of how many ballots they are supposed to have.

Also, the test ballots were included only in the Recount but were not in the Original Count. This removes the remote possibility that the test ballots were left in the tabulator and included in the count by mistake. The test ballots were introduced into the Recount. The image below is of the test ballot image AuditMark (3rd page detailing how the ballot was counted) which has a timestamp of 12/02/2020- the last day of the Recount.

00799_00100_000057.tif scanned at: 10:41:43 on 12/02/20.

Scanned on: ICC Tabulator: 799 Batch: 100
Poll ID: 99 Ballot ID: 468

President of the United States
BLANK CONTEST
US Senate (Perdue)
BLANK CONTEST
US Senate (Loeffler) - Special
Raphael Warnock (Dem)
Public Service Commission District 1
BLANK CONTEST
Public Service Commission District 4
BLANK CONTEST
US House District 11
BLANK CONTEST
State Senate District 6
BLANK CONTEST
State House District 53
BLANK CONTEST
District Attorney - Atlanta

Links to test-ballot ballot images that were included in the Recount are below:

00799_00100_000055
00799_00100_000056
00799_00100_000057
00799_00100_000058
00799_00100_000059
00799_00100_000060
00799_00100_000061
00799_00100_000062
00799_00100_000063
00799_00100_000064
00799_00100_000065
00799_00100_000066
00799_00100_000067
00799_00100_000068
00799_00100_000069
00799_00100_000070
00799_00100_000071
00814_00035_000004
00814_00035_000006
00814_00035_000008
00814_00035_000011
00814_00035_000015
00814_00035_000020
00814_00035_000022
00814_00035_000013
00814_00035_000017
00814_00035_000027
00814_00038_000096
00814_00038_000097
00814_00038_000098
00814_00038_000099
00814_00038_000100

This document is an open investigative report to which we reserve the right to update, correct and supplement.

00814_00038_000101
00814_00038_000102
00814_00038_000103
00814_00038_000104
00814_00038_000105
00814_00038_000106
00814_00038_000107
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00814_00038_000110
00814_00038_000111
00814_00038_000112
00814_00038_000113
00814_00035_000005
00814_00035_000007
00814_00035_000009
00814_00035_000016
00814_00035_000021
00814_00035_000023
00814_00035_000012
00814_00035_000010
00814_00035_000014
00814_00035_000018
00814_00035_000024
00814_00035_000042
00814_00038_000076
00814_00038_000077
00814_00038_000078
00814_00038_000079
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00814_00038_000092
00814_00038_000093
00814_00052_000016
00814_00052_000017
00814_00052_000019
00814_00052_000021
00814_00052_000023
00814_00056_000040
00814_00056_000042
00814_00056_000044
00814_00056_000047
00814_00056_000049
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00814_00056_000048
00814_00056_000055
00814_00052_000015
00814_00052_000018
00814_00052_000020
00814_00052_000022
00814_00052_000024
00814_00056_000081
00814_00056_000082
00814_00056_000083
00814_00056_000084
00814_00056_000099
00814_00056_000100

00814_00056_000101
00814_00056_000102
00814_00056_000038
00814_00056_000039
00814_00056_000009
00814_00056_000010
00814_00056_000011
00814_00056_000015
00814_00056_000016
00814_00056_000017
00814_00056_000018
00814_00056_000034
00814_00056_000035
00814_00056_000036
00814_00053_000096
00814_00053_000097
00814_00053_000113
00814_00053_000114
00814_00053_000115

COUNT 23.

FULTON COUNTY FAILED TO CREATE, MAINTAIN, PRESERVE, OR PRODUCE A NUMBERED LIST OF VOTERS FOR ALL OF ADVANCE VOTING

STATEMENTS OF FACT:

Fulton County failed to contemporaneously maintain a record of the voters who checked-in and cast ballots ("Numbered List of Voters") for the 2020 General Election as explicitly required by Georgia law. Not just the official record identifying who voted, but the same is the metric to which statute requires the number of ballots cast be compared. Without the Numbered List of Voters, foundational election accounting process controls like reconciliation, and canvassing were not performed.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-431
As each elector votes, his or her name in the order of voting shall be recorded in the numbered list of voters provided for that purpose.

O.C.G.A. § 21-2-436
After the polls are closed and the last elector has voted in precincts in which ballots are used, at least two poll officers shall remain within the enclosed space. Before the ballot box is opened, the number of ballots issued to electors, as shown by the stubs, and the number of ballots, if any, spoiled and returned by electors and canceled, shall be announced to all present in the voting room and entered upon the general returns of votes cast at such primary or election. The poll officer shall then compare the number of electors voting as shown by the stubs with the number of names shown as voting by the electors list, voter's certificates, and the **numbered list of voters**, and shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the voter's certificates. If any differences exist, they shall be reconciled, if possible; otherwise, they shall be noted on the general returns. The electors list, the voter's certificates, the **numbered list of voters**, and the stubs of all ballots used, together with all unused ballots, all spoiled and canceled ballots, and all rejected voter's certificates, shall then be placed in separate packages, containers, or envelopes and sealed before the ballot box is opened.

O.C.G.A. § 21-2-440
(a) The poll officer shall then replace all the ballots cast, so counted and canvassed, in the ballot boxes, including those declared void, spoiled, and canceled, together with the voter's certificates, one set of the tally papers, one general return sheet, one **numbered list of voters**, sealed as provided in this subsection, and one oath of each poll officer, and lock and seal each ballot box so that nothing can be inserted therein until it is opened again; and the chief manager and an assistant manager shall immediately deliver the ballot boxes to the custody of the superintendent. The superintendent shall not compute any returns from any precinct until the ballot boxes therefor, as well as the package of unused ballots and other election supplies therefrom, are so delivered.

(b) The tally papers, affidavits of voters and others, including oaths of poll officers, and one general return sheet shall be placed in separate envelopes to be provided for that purpose and sealed as soon as the count is finally completed. All of such envelopes and one **numbered list of voters**, previously sealed as provided in subsection (a) of this Code section, shall be entrusted to the chief manager to be delivered immediately to the superintendent.

O.C.G.A. § 21-2-454

(a) As soon as the polls are closed and the last elector has voted, the poll officers shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating:

(1) That the machine has been locked against voting and sealed;
(2) The number, as shown on the public counter;
(3) The number on the seal which they have placed upon the machine;
(4) The number registered on the protective counter or device; and
(5) The number or other designation of the voting machine, which certificate shall be returned by the chief manager to the superintendent with the other certificates, as provided in this part.

(b) The poll officers shall then compare the number, as shown by the public counter of the machine, with the number of names appearing on the **numbered list of voters**, the electors list, and voter's certificates, which shall then be placed in separate packages, containers, or envelopes and sealed.

Ga. Comp. R. & Regs 183-1-12-.11

2.(a) When a person presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, the person shall complete a voter certificate and submit it to the poll officers. The voter certificate may be an electronic or paper record. The poll officers shall verify the identity of the person and that the person is a registered voter of the precinct and, if so, shall approve the voter certificate and enter an appropriate designation on the electors list for the precinct reflecting that the voter has voted in the primary, election, or runoff being conducted. The voter's name shall then be entered on the appropriate **numbered list of voters**.

O.C.G.A. § 21-2-589

Any poll officer who willfully:
(2) Fails to record voting information as required by this chapter; or
(3) Fails to insert in the **numbered list of voters** the name of any person
actually voting shall be guilty of a misdemeanor.

O.C.G.A. § 21-2-587

(8) Any poll officer who willfully fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine; ballot box; general or duplicate return sheet; tally paper; oaths of poll officers; affidavits of electors and others; record of assisted voters; **numbered list of voters**; electors list; voter's certificate; spoiled and canceled ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE, electronic ballot marker, or tabulating machine memory cards; or any certificate or any other paper or record required to be returned under this chapter shall be guilty of a felony and, upon

conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both.

GA Code § 16-10-20 (2020)

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

SUMMARY

Traditionally, when a voter checked in to vote at their precinct, the poll worker would find their name on a printed list commonly known as the voter roll. The voter would sign their name on the Numbered List of Voters, and the poll worker would give the voter their ballot. Georgia's election code was written during that time and has not been updated or amended to support electronic poll books. As reflected in the Georgia election code cited above, a paper list of the names of voters in the order in which they cast a ballot remains; however, in 2019, Knowink electronic poll books and a software platform called e-pulse were purchased as part of Georgia's uniform voting system. Among other things, the poll books and software were to maintain the list of who voted in real time and were seemingly expected to serve as the source of the Numbered List of Voters; however, no such list was produced for all of in-person advance voting. Not a paper list- and not an electronic list.

COUNT 24.

FULTON COUNTY CREATED DAILY RECAP SHEETS AFTER THE ELECTION, NOT DURING THE ELECTION AS REQUIRED BY GEORGIA LAW

STATEMENTS OF FACT:

Georgia law requires poll managers to contemporaneously maintain a daily log for each electronic device used at each polling location called a daily recap sheet. Fulton County failed to maintain these logs and produced them after the election.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-484
Upon completion of voting, the manager shall prepare and sign a ballot recap form, in sufficient counterparts, showing:

(1) The number of valid ballots, including any that are damaged;
(2) The number of spoiled and invalid ballots; and
(3) The number of unused ballots.

The manager shall then place one copy of the recap form and the defective, spoiled, and invalid ballots, each enclosed in an envelope, in the ballot container or in the case of counties using a central count tabulating system, in a separate envelope container, along with the voted ballots, which shall be sealed by the manager so that it cannot be opened without breaking the seal. The manager and one poll officer shall then deliver the ballot container and the envelope container, if applicable, to the tabulating machine center or other place designated by the superintendent and shall receive a receipt therefor. The copies of the recap forms, unused ballots, records, and other materials shall be returned to the designated location.

Ga. Comp. R. & Regs. 183-1-14-.02
(9) At the close of voting each day during the advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff.

Ga. Comp. R. & Regs. 183-1-14-.02
(10) Each morning during the advance voting period prior to voting beginning, the registrars shall verify the seal numbers on each electronic ballot marker and ballot scanner to be used for advance voting with the number of the seal recorded on the daily recap sheet from the previous day of advance voting and shall verify that the seals do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the electronic ballot markers and ballot scanners shall be turned on. If the numbers do not match or there is evidence of tampering, the election superintendent shall be notified immediately and the component shall not be used until such discrepancy is

resolved to the satisfaction of the election superintendent and the registrars. After turning on the ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of advance voting. If the numbers do not match, the election superintendent shall be immediately notified and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day.

Ga. Comp. R. & Regs. 183-1-14-.02
(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet.

Ga. Comp. R. & Regs. 183-1-14-.02
(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

GA Code § 21-2-587(8)
Any poll officer who willfully fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine; ballot box; general or duplicate return sheet; tally paper; oaths of poll officers; affidavits of electors and others; record of assisted voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE, electronic ballot marker, or tabulating machine memory cards; or any certificate or any other paper or record required to be returned under this chapter shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both.

GA Code § 21-2-597
Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor.

GA Code § 21-2-569
Any person, including any poll officer, who willfully prevents any poll officer from performing the duties imposed on him or her by this chapter shall be guilty of a felony.

GA Code § 21-2-562

(b) Any person who willfully neglects or refuses, within the time and in the manner required by this chapter, to deliver any such document described in subsection (a) of this Code section into the custody of the officers who are required by this chapter to use or keep the same shall be guilty of a misdemeanor.

GA Code § 21-2-585
(b) Any superintendent or employee of his or her office who willfully destroys or alters, or permits to be destroyed or altered, any document described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony.

SUMMARY

The daily recap logs include the serial numbers, seal numbers, and counts for each device at the beginning and end of each day during the course of advance voting. Because advance voting closes on October 30th – or four (4) days before Election Day, the tabulators are to be sealed until the polls close on November 3rd.[83] At that time, the superintendent must consult the recap sheets and compare the seal numbers to that of the tabulator. If they don't match, "no further action shall be taken…".[84] If they do match, the machine is powered on and the total number of ballots cast according to the machine is compared to that recorded on the daily recap sheets. If the totals do not match, "no further action shall be taken…".[85]

[83]Ga. Comp. R. & Regs. 183-1-14-.02 (13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet.

[84] Ga. Comp. R. & Regs. 183-1-14-.02 (14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. **The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit.** If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

[85] Ga. Comp. R. & Regs. 183-1-14-.02(15) After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. **If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent**.

Fulton County's willful failure to create, maintain, produce, and consult the daily recap sheets as required by Georgia law, circumvented every check that would have prevented the results for all 148 advance voting tabulators from being counted without investigation. An exhaustive months-long effort pursuing the recap sheets for advance voting from both Fulton County and the Secretary of State's office yielded not one complete auditable set for any of the thirty-five polling locations.

COUNT 25.

FULTON COUNTY'S RECORDS INCLUDE 22,534 MORE BALLOTS CAST THAN VOTERS CREDITING WITH CASTING A BALLOT

STATEMENTS OF FACT:

According to Fulton County and the State's own records, 148,319 absentee ballots were counted for the 2020 General Election, but only 125,784 voters were recorded as casting a ballot. Therefore, 25,534 more ballots were counted than voters given credit for voting.

POTENTIAL VIOLATIONS OF LAW:

O.C.G.A. § 21-2-493
(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had. Such excess shall authorize the summoning of the poll officers to appear immediately with any primary or election papers in their possession. The superintendent shall then examine all the registration and primary or election documents whatever relating to such precinct in the presence of representatives of each party, body, and interested candidate. Such examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted.

O.C.G.A. § 21-2-386
(a)(1)(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the number of the elector's Georgia driver's license number or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the absentee ballot envelope with the same information contained in the elector's voter registration records. If the elector has affirmed on the envelope that he or she does not have a Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the elector's social security number and date of birth entered on the envelope with the same information contained in the elector's voter registration records. The registrar or clerk shall also confirm that the elector signed the oath and the person assisting the elector, if any, signed the required oath. If the elector has signed the elector's oath, the person assisting has signed the required oath, if applicable, and the identifying information entered on the absentee ballot envelope matches the same information contained

in the elector's voter registration record, the registrar or clerk shall so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

Ga. Comp. R. & Regs. 183-1-12-.12 (e)
1. As soon as possible but no later than 30 days following the certification of election results, the election superintendent shall transmit to the Secretary of State a reconciliation report that reconciles the aggregate total of all ballots cast in each precinct as reported in the precinct-level election results to the aggregate number of voters who received credit for voting in each precinct on the form made available by the Secretary of State. Any discrepancies in the aggregate total of ballots cast in each precinct compared to the aggregate number of voters who received credit for voting in a precinct shall be fully investigated by the election superintendent or designee. The explanation for any discrepancy shall be included in the Reconciliation Report. *Authority: O.C.G.A. §§ 21-2-31, 21-2-94, 21-2-95, 21-2-420, 21-2-421.*

52 U.S. Code § 20511
A person, including an election official, who in any election for Federal office— (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

"One person, one vote" is both a foundational election accounting principle and a cornerstone of U.S. civil rights with regard to equal protection. Both are applicable here. First, election accounting is really simple. Every ballot that is cast must be attributed to a registered voter. There are only two metrics- voters and ballots, and they must be equal. Georgia law requires that the number of voters who have cast a ballot, and the number of ballots cast, be compared. If one is more than the other then, "***[…] such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had***". Fulton County's shortfall of 22,534 voters, an amount nearly double the margin of victory (11,779), should have been deemed a palpable error resulting in an investigation. Until it was resolved no votes should have been recorded. Votes without voters are inherently invalid. Invalid votes disenfranchise and dilute validly cast votes.

Fulton Absentee Ballots Processed https://sharefulton.fultoncountyga.gov/dataset/Elections-Absentee-Count-November-2020/3yx

Fulton Absentee Ballot Images https://theatlantajournalconstitution.sharefile.com/share/view/s3c2d5cda4b5a42a88b6a76990379d181/fo80028b0-c150-45f5-911d-f99591449 30e

Fulton Official SOVC https://www.fultoncountyga.gov/-/media/Project/FultonCountyGa/remos/elections/Nov-2020-Election-Summary-Report---5-Column---Official.ashx

Rollover	Received and Date Stamped Applications	Electronic Submission Applications	SOS Portal Applications	Total Received Applications	SOS Duplicate Applications	Duplicate Applications	Rejected Applications	Total Applications to be Processed	Processed (Accepted) Applications	Delivered by Mail Ballots	Delivered by Drop Box Ballots	Processed (Credit for Voting) Ballots	Rejected Ballots	Spoiled Ballots	Undeliverable Ballots	Total Processed Ballots
55,647	128,132	15,517	57,553	**256,849**	9,901	23,335	4,097	3,233	**216,283**	65,724	60,993	**125,784**	363	81	4	**126,717**
	Applications							**Ballots Sent**			**Voters Credited**					**Ballots Received**

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Election Summary Report
Fulton County,Georgia
General Primary-Nonpartisan General Election
November 03,2020
Official and Complete

Registered Voters 528,777 of 806,451 (65.57%)
Ballots Cast: 528,777

President of the United States (Vote for 1)
NP

	Election Day	Advanced Vot	Absentee by	Provisional	Total	
Time Cast	60,025	316,838	148,319	3,595	528,777 / 806,451	65.57%
Undervotes	882	1,853	1,276	57	4,068	
Overvotes	0	0	46	1	47	

Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total
Donald J. Trump (I) (Rep)		19,552	87,293	29,479	916	137,240
Joseph R. Biden (Dem)		38,143	224,688	115,788	2,525	381,144
Jo Jorgensen (Lib)		1,448	3,004	1,727	96	6,275
Total Votes		59,143	314,985	146,997	3,537	524,662
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total
Loren Collins	WRITE-IN	0	0	0	0	0
Gloria La Riva	WRITE-IN	0	0	3	0	3

Mail-In Ballot Images	
Tabulator	Scans
729	11,981
5150	33,866
5160	51,470
5162	37,381
5164	13,620
Ballot Images	148,318
Ballots Cast	148,319
Voter Credits	125,784
Difference:	22,534

Fulton County records show 22,534 *more* Absentee *ballots cast than voters credited* with casting a ballot

sharefulton.fultoncountyga.gov/dataset/Elections-Processed-Credit-for-Voting-Ballots-Nov-Jan-vxmd

Share Fulton

Home Page Developers Support Sign In

Elections: Processed (Credit for Voting) Ballots, November 2020 Election

Summary Detailed Metadata

Processed (Credit for Voting) Ballots

126K
ballots
8/25/20 - 11/9/20

Measuring

Date | Value (Sum) (ballot/ballots)
8/25/20 - 11/1/20 | 126K
8/25/20 - 11/2/20 | 126K
8/25/20 - 11/3/20 | 126K

< Previous Next >

Showing ballots 5 to 7 out of 7

Chart Summary Table View Source Data

Methods and Analysis
Methodological data not yet provided

About This Measure

Reporting Period: Every Day
Calculation Type: Sum (cumulative)

COUNT 26.

THOUSANDS OF BALLOTS UNIQUE TO NOVEMBER 3RD & RECOUNT- NOT COMMON TO BOTH

STATEMENTS OF FACT:

The ballots counted for the Original November 3, 2020 Election, should match almost perfectly with the ballots counted for the Recount as the same paper ballots are being scanned and counted by the same machines; however, thousands of ballots are unique to each, which is not possible by natural means or mistake.

POTENTIAL VIOLATIONS OF LAW:

GA Code § 16-10-20 (2020)
A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not less than one nor more than five years, or both.

O.C.G.A. § 21-2-587
Any poll officer who willfully (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine; shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both).

52 U.S. Code § 20511
A person, including an election official, who in any election for Federal office— (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.