

No. _____

In the United States Court of Appeals for the Eleventh Circuit

CORECO JA'QAN PEARSON, ET AL.,
Plaintiffs-Petitioners,

v.

BRIAN KEMP, ET AL.,
Defendants-Respondents

On Certified Order from the United States District Court
for the Northern District of Georgia, Atlanta Division,
No. 1:20-cv-04809-TCB

PETITIONERS' APPENDIX (VOLUME I)

Sidney Powell
Counsel of Record
SIDNEY POWELL PC
2911 Turtle Creek Blvd., Suite 300
Dallas, TX 75219
(214) 717-1775
sidney@federalappeals.com

L. Lin Wood
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
(404) 891-1402
lwood@linwoodlaw.com

Counsel for Plaintiffs-Petitioners. Additional counsel listed on the next page.

Harry W. MacDougald
CALDWELL, PROPST & DELOACH, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956

Howard Kleinhendler
HOWARD KLEINDLER ESQUIRE
369 Lexington Avenue, 12th Floor
New York, NY 10017
(917) 793-1188

Counsel for Plaintiffs-Petitioners

INDEX TO APPENDIX

<u>Filing</u>	<u>Docket No.</u>
<i>Volume I</i>	
Docket sheets	
Complaint with attachments	D1
Briggs Paper	D1-1
Redacted Affidavit	D1-2
Declaration of Ana Mercedes Diaz Cardozo	D1-3
Declaration of Harri Hursti	D1-4
Various Materials	D1-5
Email from Samantha Whitley	Part of D1-5
Official Election Bulletin	Part of D1-5
Declaration of J. Alex Halderman	Part of D1-5
Supp. Declaration of Kevin Skoglund	Part of D1-5
Declaration of Harri Hursti	Part of D1-5
Filing Notice re: Redacted Dominion	
Lab Report	Part of D1-5
Redacted Dominion Voting	
Lab Report	Part of D1-5
<i>Volume II</i>	
Attachments to Complaint (continued)	
Various Materials (D1-5, continued)	
Transcript of Court Proceedings	Part of D1-5
Dominion Certification by Ga. Secretary of State	D1-6
Dominion Voting Systems Test Report	D1-7
Election Law Journal Article	D1-8
Redacted Declaration	D1-9
Affidavit of Russell James Ramsland, Jr.	D1-10
Affidavit of Mayra Romera	D1-11
Affidavit of Amanda Coleman	D1-12
Affidavit of Maria Diedrich	D1-13
Affidavit of Ursula V. Wolf	D1-14

Volume II (continued)

Attachments to Complaint (continued)

Affidavit of Nicholas J. Zeher	D1-15
Affidavit of Susan Voyles	D1-16
Affidavit of Ibrahim Reyes	D1-17
Affidavit of Consetta S. Johnson	D1-18
Affidavit of Carlos E. Silva	D1-19
Affidavit of Andrea O'Neal	D1-20

Volume III

Attachments to Complaint (continued)

Affidavit of Debra J. Fisher	D1-21
Affidavit of Kevin P. Peterford	D1-22
Exhibit A	Part of D1-22
Exhibit B	Part of D1-22
Texas SOS Report on Dominion	D1-23
Maloney Letter to Paulson	D1-24
Affidavit of Juan Carlos Cobucci	D1-25
Letter of Sen. Warren, et al.	D1-26
Declaration of Eric Quinnell	D1-27
Affidavit of Mitchell Harrison	D1-28
Affidavit of Michelle Branton	D1-29
Emergency Mtn. for Temporary Inj. Relief	D6
Declaration of Shiva Ayyadural	D6-1
Joint Cybersecurity Advisory	D6-2
Proposed Order	D6-3
Notice of Filing Redacted Declaration	D7
Redacted Declaration	D7-1
Order Granting in Part Mtn. for Temp. Inj. Relief.....	D14
Certification Order Under 42 USC §1292(b)	D15
Entry of Appearance by Counsel for Defendants	D16

Volume III (continued)

Amended Certification Order Under 42 USC §1292(b).....D22
Notice of Filing of Affidavit.....D
Notice of Emergency Interlocutory Appeal.....D32
Stay OrderD37

Volume IV

Affiant A..... Pages 1-5
Affiant B..... Pages 6-7
Affiant C..... Page 8
Affiant D..... Page 9-12
Affiant E..... Pages 13-14
Affiant F..... Pages 15-16
Affiant G..... Pages 17-19
Affiant H..... Pages 20
Affiant I..... Pages 21-22
Affiant J..... Page 23
Affiant K..... Page 24
Affiant L Pages 25-26
Affiant M..... Pages 27-28
Affiant N..... Pages 29-30
Affiant O..... Pages 31-53
Affiant Q..... Page 54
Affiant R..... Pages 55-57
Affiant S.....Pages 58-66
Affiant T Pages 67-69
Affiant U..... Page 70
Affiant V..... Page 71
Affiant W.....Pages 72-74
Affiant X.....Pages 75-78
Affiant Y..... Pages 79-81
Affiant Z..... Pages 82-92

Affiant AA..... Pages 93-98
 Affiant AB..... Pages 99-100
 Affiant AC..... Pages 101-104
 Affiant AD..... Pages 105-106
 Affiant AE Pages 107-113
 Affiant AF Page 114
 Affiant AG Pages 115-116
 Affiant AH..... Pages 117-118
 Affiant AI Pages 119-128
 Affiant AJ -..... Pages 129
 Affiant AK Pages 130
 Affiant AL Page 131
 Affiant AM..... Page 132
 Affiant AN Pages 133-135
 Affiant AO.....Pages 136-139
 Affiant AP..... Pages 140-142
 Affiant AQ.....Pages 143-144
 Affiant AR Pages 145-148
 Affiant AS Pages 149-156
 Affiant AT..... Pages 156-157
 Affiant AU Pages 158-159
 Preservation Email from Sidney Powell RE Case No 20-CV-04809-
 TCB..... Pages 160-177
 Request for Evidence RE Case No 1:20-CV-04651-
 SDG..... Pages 178-182
 Civil Action File No 1:20-CV-4809-TCB
 Pages 183-222
 Tweet from Congressman Hice Regarding State Farm
 Arena..... Page 222

CERTIFICATE OF SERVICE

I hereby certify that on **December 3, 2020**, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system.

A true and correct copy of the foregoing will be emailed to the following counsel:

Charlene S. McGowan

cmcgowan@law.ga.gov

Russell D. Willard

rwillard@law.ga.gov

Counsel for Defendants-Respondents Brian Kemp, Brad Raffensperger, David J. Worley, Rebecca N. Sullivan, Matthew Mashburn, and Anh Le.

Adam M. Sparks

sparks@khlawfirm.com

Halsey G. Knapp, Jr.

hknapp@khlawfirm.com

Susan P. Coppedge

coppedge@khlawfirm.com

Adam M. Sparks

sparks@khlawfirm.com

*Counsel for Proposed Intervenor-Defendants
Democratic Party of Georgia, Inc., DSCC, and DCCC.*

/s/ Sidney Powell

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:20-cv-04809-TCB

Pearson et al v. Kemp et al
Assigned to: Judge Timothy C. Batten, Sr
Case in other court: USCA- 11th Circuit, 20-14480-RR
Cause: 42:1983 Civil Rights Act

Date Filed: 11/25/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Date Filed	#	Docket Text
11/25/2020	<u>1</u>	COMPLAINT for Declaratory, Emergency, and Permanent Injunctive Relief, filed by Gloria Kay Godwin, Vikki Townsend Consiglio, Coreco Jaqan Pearson, James Kenneth Carroll, Carolyn Hall Fisher, Cathleen Alston Latham, Brian Jay Van Gundy. (Filing fee \$400, receipt number AGANDC-10418604) (Attachments: # <u>1</u> Exhibit Affidavit Exh. 1, Report of William Briggs, # <u>2</u> Exhibit Affidavit Redacted Affidavit, # <u>3</u> Exhibit Affidavit of Anna Mercedes Diaz Cardozo, # <u>4</u> Exhibit Affidavit Declaration of Harri Hursti, # <u>5</u> Exhibit Affidavit Embedded Declaration of Harri Hursti, # <u>6</u> Exhibit Exhibit SoS Certification of Dominion Voting Systems Democracy Suite 5.5-A, # <u>7</u> Exhibit Exhibit Pro V&V Test Report, # <u>8</u> Exhibit Exhibit Study "Ballot-Marking Devices (BMDs) Cannot Assure the Will of the, # <u>9</u> Exhibit Affidavit Redacted Affidavit of Cyber-Security Expert, # <u>10</u> Exhibit Affidavit Affidavit of Russell Ramsland, # <u>11</u> Exhibit Affidavit of Mayra Romera, # <u>12</u> Exhibit Affidavit of Maria Diedrich, # <u>13</u> Exhibit Affidavit of Maria Diedrich, # <u>14</u> Exhibit Affidavit of Ursula Wolf, # <u>15</u> Exhibit Affidavit of Nicholas J. Zeher, # <u>16</u> Exhibit Affidavit of Susan Voyles, # <u>17</u> Exhibit Affidavit of Ibrahim Reyes, # <u>18</u> Exhibit Affidavit of Consetta Johnson, # <u>19</u> Exhibit Affidavit of Carlos Silva, # <u>20</u> Exhibit Affidavit of Andrea O'Neal, # <u>21</u> Exhibit Affidavit of Deborah Fisher, # <u>22</u> Exhibit Affidavit of Kevin Peterford, # <u>23</u> Exhibit Report of Texas Secretary of State Rejecting Dominion Voting Systems, # <u>24</u> Exhibit Letter of Rep. Maloney to Smarmatic, # <u>25</u> Exhibit Affidavit of Juan Carlos Cobucci, # <u>26</u> Exhibit Senator Warren et al letter re: Dominion Voting Systems, # <u>27</u> Exhibit Affidavit of of Eric Quinnell, # <u>28</u> Exhibit Affidavit of Mitchell Harrison, # <u>29</u> Exhibit Affidavit of Michelle Branton, # <u>30</u> Civil Cover Sheet)(rvb) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. Modified on 11/27/2020 to add relief text (rvb). (Entered: 11/27/2020)
11/27/2020	<u>2</u>	EIGHTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 09/28/2020. (rvb) (Entered: 11/27/2020)
11/27/2020		Submission of <u>1</u> Complaint, to District Judge Timothy C. Batten Sr. (rvb) (Entered: 11/27/2020)
11/27/2020	<u>3</u>	PROPOSED SUMMONS filed by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy (Attachments: # <u>1</u> Summons Proposed Summons for Anh Le, # <u>2</u> Summons Proposed Summons for Matthew Mashburn, # <u>3</u> Summons Proposed Summons for Brad Raffensberger, # <u>4</u> Summons Proposed Summons for Rebecca N. Sullivan, # <u>5</u> Summons Proposed Summons for David J. Worley, # <u>6</u> Summons Proposed Summons for Brian Kemp)(MacDougald, Harry) (Entered: 11/27/2020)
11/27/2020	<u>4</u>	Certificate of Interested Persons by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy. (MacDougald, Harry) (Entered: 11/27/2020)
11/27/2020	<u>5</u>	MOTION for Leave to File Matters Under Seal re: <u>1</u> Complaint,,,,,,,,, with Brief In Support by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van

		Gundy. (Attachments: # <u>1</u> Exhibit Redacted Exh. 2 from Complaint, # <u>2</u> Exhibit Redacted Exh.8 from the Complaint, # <u>3</u> Exhibit Exh. A, Joint Cybersecurity Advisory Iranian Advanced Persistent Threat Actor Identified Obtaining Voter Registration Data, # <u>4</u> Text of Proposed Order Proposed Order)(MacDougald, Harry) (Entered: 11/27/2020)
11/27/2020	<u>6</u>	MOTION for Temporary Restraining Order IMMEDIATE HEARING REQUESTED , MOTION for Preliminary Injunction with Brief In Support by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy. (Attachments: # <u>1</u> Affidavit Declaration of Dr. Shiva Ayyadurai, # <u>2</u> Exhibit Joint CyberSecurity Advisory Exhibit, # <u>3</u> Text of Proposed Order)(MacDougald, Harry) (Entered: 11/27/2020)
11/29/2020	<u>7</u>	NOTICE Of Filing Emergency Injunctive Relief by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy re <u>6</u> MOTION for Temporary Restraining Order IMMEDIATE HEARING REQUESTED MOTION for Preliminary Injunction (Attachments: # <u>1</u> Affidavit Redacted Declaration)(MacDougald, Harry) (Entered: 11/29/2020)
11/29/2020	<u>8</u>	Electronic Summons Issued as to Rebecca N. Sullivan. (rsh) (Entered: 11/29/2020)
11/29/2020	<u>9</u>	Electronic Summons Issued as to Matthew Mashburn. (rsh) (Entered: 11/29/2020)
11/29/2020	<u>10</u>	Electronic Summons Issued as to David J. Worley. (rsh) (Entered: 11/29/2020)
11/29/2020	<u>11</u>	Electronic Summons Issued as to Brian Kemp. (rsh) (Entered: 11/29/2020)
11/29/2020	<u>12</u>	Electronic Summons Issued as to Brad Raffensperger. (rsh) (Entered: 11/29/2020)
11/29/2020	<u>13</u>	Electronic Summons Issued as to Anh Le. (rsh) (Entered: 11/29/2020)
11/29/2020	<u>14</u>	ORDER. Please see Order for further specifics and details. Signed by Judge Timothy C. Batten, Sr. on 11/29/2020. (usw) (Entered: 11/29/2020)
11/29/2020	<u>18</u>	Minute Entry for proceedings held before Judge Timothy C. Batten, Sr.: Telephone Conference via ZOOM held on 11/29/2020 re briefing, scheduling, and Plaintiff's request to forensically inspect county voting machines. (Court Reporter Lori Burgess)(dmb) (Entered: 11/30/2020)
11/30/2020	<u>15</u>	1292(b) ORDER – Please see order for specifics and details. Signed by Judge Timothy C. Batten, Sr. on 11/30/2020. (usw) (Entered: 11/30/2020)
11/30/2020	<u>16</u>	NOTICE of Appearance by Charlene S McGowan on behalf of Brian Kemp, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley (McGowan, Charlene) (Entered: 11/30/2020)
11/30/2020	<u>17</u>	ORDER Setting Hearing on Motion <u>6</u> MOTION for Temporary Restraining Order IMMEDIATE HEARING REQUESTED and MOTION for Preliminary Injunction : Motion Hearing set for 12/4/2020 at 10:00 AM in ATLA Courtroom 2106 before Judge Timothy C. Batten Sr. The Court sets the following schedule: Defendants' brief in opposition to the claims in Plaintiffs' complaint will be due on 12/2/2020, by 5:00 p.m. EST. Any reply brief will be due 12/3/2020 by 5:00 p.m. EST. Signed by Judge Timothy C. Batten, Sr. on 11/30/2020. (dmb) (Entered: 11/30/2020)
11/30/2020	<u>19</u>	APPLICATION for Admission of Howard Kleinhandler Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–10426686).by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy. (MacDougald, Harry) Documents for this entry are not available for viewing outside the courthouse. (Entered: 11/30/2020)
11/30/2020		APPROVAL by Clerks Office re: <u>19</u> APPLICATION for Admission of Howard Kleinhandler Pro Hac Vice (Application fee \$ 150, receipt number AGANDC–10426686).. Attorney Howard Kleinhandler added appearing on behalf of James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy (nmb) (Entered: 11/30/2020)

11/30/2020	<u>20</u>	MOTION to Intervene with Brief In Support by Democratic Party of Georgia, Inc., DSCC, DCCC. (Attachments: # <u>1</u> Exhibit A: Proposed Intervenors' Proposed Motion to Dismiss, # <u>2</u> Exhibit B: Proposed Intervenors' Brief in Support of Proposed Motion to Dismiss, # <u>3</u> Exhibit C: Proposed Intervenors' Proposed Answer to Complaint)(Sparks, Adam) (Entered: 11/30/2020)
11/30/2020	<u>21</u>	NOTICE of Appearance by Russell D. Willard on behalf of Brian Kemp, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan, David J. Worley (Willard, Russell) (Entered: 11/30/2020)
11/30/2020	<u>22</u>	AMENDED 1292(b) ORDER – Please see order for specifics and details. Signed by Judge Timothy C. Batten, Sr. on 11/30/2020. (dmb) (Entered: 11/30/2020)
11/30/2020		MINUTE ORDER granting Howard Kleinhendler's <u>19</u> Application for Admission Pro Hac Vice. Entered by CRD at the direction of Judge Timothy C. Batten, Sr. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(usw) (Entered: 11/30/2020)
11/30/2020		Clerks Notation re <u>4</u> Certificate of Interested Persons. Reviewed and approved by Judge Timothy C. Batten, Sr. (usw) (Entered: 11/30/2020)
11/30/2020	<u>23</u>	TRANSCRIPT of Proceedings held on 11/29/2020, before Judge Timothy C. Batten, Sr.. Court Reporter/Transcriber Lori Burgess. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/21/2020. Redacted Transcript Deadline set for 12/31/2020. Release of Transcript Restriction set for 3/1/2021. (Attachments: # <u>1</u> Notice of Filing Transcript) (llb) (Entered: 11/30/2020)
11/30/2020	<u>24</u>	APPLICATION for Admission of Julia Z. Haller Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10429766).by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy. (MacDougald, Harry) Documents for this entry are not available for viewing outside the courthouse. (Entered: 11/30/2020)
12/01/2020	<u>25</u>	Certificate of Interested Persons by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) (Entered: 12/01/2020)
12/01/2020		Clerks Notation re <u>25</u> Certificate of Interested Persons. Reviewed and approved by Judge Timothy C. Batten, Sr. (usw) (Entered: 12/01/2020)
12/01/2020	<u>26</u>	APPLICATION for Admission of Amanda J. Beane Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10432164).by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 12/01/2020)
12/01/2020	<u>27</u>	APPLICATION for Admission of Amanda R. Callais Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10432211).by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 12/01/2020)
12/01/2020	<u>28</u>	APPLICATION for Admission of Kevin J. Hamilton Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10432219).by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 12/01/2020)
12/01/2020	<u>29</u>	APPLICATION for Admission of Marc E. Elias Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10432230).by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 12/01/2020)
12/01/2020	<u>30</u>	APPLICATION for Admission of Matthew Mertens Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10432239).by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 12/01/2020)

12/01/2020		APPROVAL by Clerks Office re: <u>24</u> APPLICATION for Admission of Julia Z. Haller Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-10429766).. Attorney Julia Z. Haller added appearing on behalf of James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy (nmb) (Entered: 12/01/2020)
12/01/2020	<u>31</u>	NOTICE Of Filing by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy (Attachments: # <u>1</u> Affidavit Declaration of Ronald Watkins)(MacDougald, Harry) (Entered: 12/01/2020)
12/01/2020	<u>32</u>	NOTICE OF APPEAL as to <u>14</u> Order by James Kenneth Carroll, Vikki Townsend Consiglio, Carolyn Hall Fisher, Gloria Kay Godwin, Cathleen Alston Latham, Coreco Jaqan Pearson, Brian Jay Van Gundy. Filing fee \$ 505, receipt number AGANDC-10432999. Transcript Order Form due on 12/15/2020 (MacDougald, Harry) Modified on 12/2/2020 to correct filing fee amount (pjm). (Entered: 12/01/2020)
12/01/2020	<u>33</u>	NOTICE Of Filing NOA Transmittal Letter re: <u>32</u> Notice of Appeal. (pjm) (Entered: 12/01/2020)
12/01/2020	<u>34</u>	Transmission of Certified Copy of Notice of Appeal, USCA Appeal Fees, Order and Docket Sheet to US Court of Appeals re: <u>32</u> Notice of Appeal. (pjm) (Entered: 12/01/2020)
12/01/2020	<u>35</u>	AMENDED ANSWER to <i>Complaint (Proposed) of Proposed Intervenor-Defendants</i> by DCCC, DSCC, Democratic Party of Georgia, Inc.. (Sparks, Adam) (Entered: 12/01/2020)
12/01/2020	<u>36</u>	USCA Acknowledgment of <u>32</u> Notice of Appeal, filed by Cathleen Alston Latham, James Kenneth Carroll, Carolyn Hall Fisher, Coreco Jaqan Pearson, Brian Jay Van Gundy, Gloria Kay Godwin and Vikki Townsend Consiglio. Case Appealed to USCA- 11th Circuit. Case Number 20-14480-RR. (pjm) (Entered: 12/01/2020)
12/01/2020	<u>37</u>	ORDER STAYING <u>17</u> Order Setting Hearing on Motion. Signed by Judge Timothy C. Batten, Sr. on 12/01/2020. (usw) (Entered: 12/01/2020)
12/02/2020		MINUTE ORDER granting Julia Z. Haller's <u>24</u> Application for Admission Pro Hac Vice. Entered by CRD at the direction of Judge Timothy C. Batten, Sr. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(usw) (Entered: 12/02/2020)

**IN THE UNITED STATES DISTRICT COURT, NORTHERN
DISTRICT OF GEORGIA, ATLANTA DIVISION**

**CORECO JA'QAN PEARSON,
VIKKI TOWNSEND CONSIGLIO,
GLORIA KAY GODWIN, JAMES
KENNETH CARROLL, , CAROLYN HALL
FISHER, CATHLEEN ALSTON LATHAM,
and BRIAN JAY VAN GUNDY,**

CASE NO.

Plaintiffs.

v.

**BRIAN KEMP, in his official capacity as
Governor of Georgia, BRAD
RAFFENSPERGER, in his official
capacity as Secretary of State and Chair
of the Georgia State Election Board,
DAVID J. WORLEY, in his official
capacity as a member of the Georgia
State Election Board, REBECCA
N.SULLIVAN, in her official capacity as
a member of the Georgia State Election
Board, MATTHEW MASHBURN, in his
official capacity as a member of the
Georgia State Election Board, and ANH
LE, in her official capacity as a member
of the Georgia State Election Board,**

Defendants.

**COMPLAINT FOR DECLARATORY, EMERGENCY, AND
PERMANENT INJUNCTIVE RELIEF**

NATURE OF THE ACTION

This civil action brings to light a massive election fraud, multiple violations of Georgia laws, including O.C.G.A. §§ 21-2-30(d), 21-2-31, 21-2-33.1 and §21-2-522, and multiple Constitutional violations, as shown by fact witnesses to specific incidents, multiple expert witnesses and the sheer mathematical impossibilities found in the Georgia 2020 General Election.¹

1.

As a civil action, the plaintiff's burden of proof is a "preponderance of the evidence" to show, as the Georgia Supreme Court has made clear that, "*[i] was not incumbent upon [Plaintiff] to show how the [] voters would have voted if their [absentee] ballots had been regular. [Plaintiff] only had to show that there were enough irregular ballots to place in doubt the result.*" *Mead v. Sheffield*, 278 Ga. 268, 272, 601 S.E.2d 99, 102 (2004) (citing *Howell v. Fears*, 275 Ga. 627, 571 S.E.2d 392 (2002)).

¹ The same pattern of election fraud and voter fraud writ large occurred in all the swing states with only minor variations, see expert reports, regarding Michigan, Pennsylvania, Arizona and Wisconsin. (See William M. Briggs Decl., attached here to as Exh. 1, Report with Attachment). Indeed, we believe that in Arizona at least 35,000 votes were illegally added to Mr. Biden's vote count.

2.

The scheme and artifice to defraud was for the purpose of illegally and fraudulently manipulating the vote count to make certain the election of Joe Biden as President of the United States.

3.

The fraud was executed by many means,² but the most fundamentally troubling, insidious, and egregious is the systemic adaptation of old-fashioned “ballot-stuffing.” It has now been amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose. Mathematical and statistical anomalies rising to the level of impossibilities, as shown by affidavits of multiple witnesses, documentation, and expert testimony evince this scheme across the state of Georgia. Especially egregious conduct arose in Forsyth, Paulding, Cherokee, Hall, and Barrow County. This scheme and artifice to defraud affected tens of thousands of votes in Georgia alone and “rigged” the election in Georgia for Joe Biden.

² 50 USC § 20701 requires Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation, but as will be shown wide pattern of misconduct with ballots show preservation of election records have not been kept; and Dominion logs are only voluntary, with no system wide preservation system.

4.

The massive fraud begins with the election software and hardware from Dominion Voting Systems Corporation (“Dominion”) only recently purchased and rushed into use by Defendants Governor Brian Kemp, Secretary of State Brad Raffensperger, and the Georgia Board of Elections. Sequoia voting machines were used in 16 states and the District of Columbia in 2006. Smartmatic, which has revenue of about \$100 million, focuses on Venezuela and other markets outside the U.S.³

After selling Sequoia, Smartmatic's chief executive, Anthony Mugica. Mr. Mugica said, he hoped Smartmatic would work with Sequoia on projects in the U.S., though Smartmatic wouldn't take an equity stake.” *Id.*

5.

Smartmatic and Dominion were founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation to whatever level was needed to make certain Venezuelan dictator Hugo Chavez never lost another election. (See Redacted whistleblower affiant, *attached as Exh. 2*) Notably, Chavez “won” every election thereafter.

³ See *WSJ.com, Smartmatic to Sell U.S. Unit, End Probe into Venezuelan Links, by Bob Davis, 12/22/2006, <https://www.wsj.com/articles/SB116674617078557263>*

6.

As set forth in the accompanying whistleblower affidavit, the Smartmatic software was designed to manipulate Venezuelan elections in favor of dictator Hugo Chavez:

Smartmatic's electoral technology was called "Sistema de Gestión Electoral" (the "Electoral Management System"). Smartmatic was a pioneer in this area of computing systems. Their system provided for transmission of voting data over the internet to a computerized central tabulating center. The voting machines themselves had a digital display, fingerprint recognition feature to identify the voter, and printed out the voter's ballot. The voter's thumbprint was linked to a computerized record of that voter's identity. Smartmatic created and operated the entire system.

7.

A core requirement of the Smartmatic software design was the software's ability to hide its manipulation of votes from any audit. As the whistleblower explains:

Chavez was most insistent that Smartmatic design the system in a way that the system could change the vote of each voter without being detected. He wanted the software itself to function in such a manner that if the voter were to place their thumb print or fingerprint on a scanner, then the thumbprint would be tied to a record of the voter's name and identity as having voted, but that voter would not be tracked to the changed vote. He made it clear that the system would have to be setup to not leave any evidence of the changed vote for a specific voter and that there would be no evidence to show and nothing to contradict that the name or the fingerprint or thumb print was going with a changed vote. Smartmatic agreed to create such a system and produced the software and hardware that

accomplished that result for President Chavez. (See *Id.*, see also Exh. 3, *Aff. Cardozo*, attached hereto)).

8.

The design and features of the Dominion software do not permit a simple audit to reveal its misallocation, redistribution, or deletion of votes. First, the system's central accumulator does not include a protected real-time audit log that maintains the date and time stamps of all significant election events. Key components of the system utilize unprotected logs. Essentially this allows an unauthorized user the opportunity to arbitrarily add, modify, or remove log entries, causing the machine to log election events that do not reflect actual voting tabulations—or more specifically, do not reflect the actual votes of or the will of the people. (See Hursti August 2019 Declaration, attached hereto as Exh. 4, at pars. 45-48; and attached hereto, as Exh. 4B, October 2019 Declaration in Document 959-4, at p. 18, par. 28).

9.

Indeed, under the professional standards within the industry in auditing and forensic analysis, when a log is unprotected, and can be altered, it can no longer serve the purpose of an audit log. There is incontrovertible physical evidence that the standards of physical security of the voting machines and the software were breached, and machines were connected to

the internet in violation of professional standards and state and federal laws.

(*See Id.*)

10.

Moreover, lies and conduct of Fulton County election workers about a delay in voting at State Farm Arena and the reasons for it evince the fraud.

11.

Specifically, video from the State Farm Arena in Fulton County shows that on November 3rd after the polls closed, election workers falsely claimed a water leak required the facility to close. All poll workers and challengers were evacuated for several hours at about 10:00 PM. However, several election workers remained unsupervised and unchallenged working at the computers for the voting tabulation machines until after 1:00 AM.

12.

Defendants Kemp and Raffensperger rushed through the purchase of Dominion voting machines and software in 2019 for the 2020 Presidential Election⁴. A certificate from the Secretary of State was awarded to Dominion

⁴ Georgia Governor Inks Law to Replace Voting Machines, The Atlanta Journal-Constitution, AJC News Now, Credit: Copyright 2019 The Associated Press, June 2019. <https://www.ajc.com/blog/politics/georgia-governor-inks-law-replace-voting-machines/xNXs0ByQA0vtXhd27kJdqO/>

Voting Systems but is undated. (See attached hereto Exh. 5, copy Certification for Dominion Voting Systems from Secretary of State). Similarly a test report is signed by Michael Walker as Project Manager but is also undated. (See Exh. 6, Test Report for Dominion Voting Systems, Democracy Suite 5-4-A)

13.

Defendants Kemp and Raffensperger disregarded all the concerns that caused Dominion software to be rejected by the Texas Board of Elections in 2018, namely that it was vulnerable to undetected and non-auditable manipulation. An industry expert, Dr. Andrew Appel, Princeton Professor of Computer Science and Election Security Expert has recently observed, with reference to Dominion Voting machines: "I figured out how to make a slightly different computer program that just before the polls were closed, it switches some votes around from one candidate to another. I wrote that computer program into a memory chip and now to hack a voting machine you just need 7 minutes alone with it and a screwdriver." (Attached hereto Exh. 7, Study, Ballot-Marking Devices (BMDs) Cannot Assure the Will of the Voters by Andrew W. Appel Princeton University, Richard A. DeMillo, Georgia Tech Philip B. Stark, for the Univ. of California, Berkeley, December 27, 2019).⁵

⁵ Full unredacted copies of all exhibits have been filed under seal with the Court and Plaintiffs have simultaneously moved for a protective order.

14.

As explained and demonstrated in the accompanying redacted declaration of a former electronic intelligence analyst under 305th Military Intelligence with experience gathering SAM missile system electronic intelligence, the Dominion software was accessed by agents acting on behalf of China and Iran in order to monitor and manipulate elections, including the most recent US general election in 2020. This Declaration further includes a copy of the patent records for Dominion Systems in which Eric Coomer is listed as the first of the inventors of Dominion Voting Systems. (See Attached hereto as Exh. 8, copy of redacted witness affidavit, 17 pages, November 23, 2020).

15.

Expert Navid Keshavarez-Nia explains that US intelligence services had developed tools to infiltrate foreign voting systems including Dominion. He states that Dominion's software is vulnerable to data manipulation by unauthorized means and permitted election data to be altered in all battleground states. He concludes that hundreds of thousands of votes that were cast for President Trump in the 2020 general election were transferred to former Vice-President Biden. (Exh. 26).

16.

Additionally, incontrovertible evidence Board of Elections records demonstrates that at least 96,600 absentee ballots were requested and counted but were never recorded as being returned to county election boards by the voter. *Thus, at a minimum, 96,600 votes must be disregarded.* (See Attached hereto, Exh. 9, R. Ramsland Aff.).

17.

The Dominion system used in Georgia erodes and undermines the reconciliation of the number of voters and the number of ballots cast, such that these figures are permitted to be unreconciled, opening the door to ballot stuffing and fraud. The collapse of reconciliation was seen in Georgia's primary and runoff elections this year, and in the November election, where it was discovered during the hand audit that 3,300 votes were found on memory sticks that were not uploaded on election night, plus in Floyd county, another 2,600 absentee ballots had not been scanned. These "found votes" reduced Biden's lead over Donald Trump⁶.

⁶ *Recount find thousands of Georgia votes*, Atlanta Journal-Constitution by Mark Niese and David Wickert, 11/19/20. <https://www.ajc.com/politics/recount-finds-thousands-of-georgia-votes-missing-from-initial-counts/ERDRNXPH3REQTM4SOINPSEP72M/>

18.

Georgia's election officials and poll workers exacerbated and helped, whether knowingly or unknowingly, the Dominion system carry out massive voter manipulation by refusing to observe statutory safeguards for absentee ballots. Election officials failed to verify signatures and check security envelopes. They barred challengers from observing the count, which also facilitated the fraud.

19.

Expert analysis of the actual vote set forth below demonstrates that at least 96,600 votes were illegally counted during the Georgia 2020 general election. All of the evidence and allegation herein is more than sufficient to place the result of the election in doubt. More evidence arrives by the day and discovery should be ordered immediately.

20.

Georgia law, (OCGA 21-5-552) provides for a contest of an election where:

(1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result; . . . (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result; (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result; or (5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

21.

As further set forth below, all of the above grounds have been satisfied and compel this Court to set aside the 2020 General Election results which fraudulently concluded that Mr. Biden defeated President Trump by 12,670 votes.

22.

Separately, and independently, there are sufficient Constitutional grounds to set aside the election results due to the Defendants' failure to observe statutory requirements for the processing and counting of absentee ballots which led to the tabulation of more than fifty thousand illegal ballots.

THE PARTIES

23.

Plaintiff Coreco Ja'Qan ("CJ") Pearson, is a registered voter who resides in Augusta, Georgia. He is a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Georgia. He has standing to bring this action under *Carson v. Simon*, 2020 US App Lexis 34184 (8th Cir. Oct. 29, 2020). He brings this action to set aside and decertify the election results for the Office of President of the United States that was certified by the Georgia Secretary of State on November 20, 2020. The certified results showed a plurality of 12,670 votes in favor of former Vice-President Joe Biden over President Trump.

24.

Plaintiff Vikki Townsend Consiglio, is a registered voter who resides in Henry County, Georgia. She is a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Georgia.

25.

Plaintiff Gloria Kay Godwin, is a registered voter who resides in Pierce County, Georgia. She is a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Georgia.

26.

Plaintiff James Kenneth Carroll, is a registered voter who resides in Dodge County, Georgia. He is a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Georgia.

27.

Plaintiff Carolyn Hall Fisher, is a registered voter who resides in Forsyth County, Georgia. She is a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Georgia.

28.

Plaintiff Cathleen Alston Latham, is a registered voter who resides in Coffee County, Georgia. She is a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Georgia.

29.

Plaintiff Jason M. Shepherd is the Chairman of the Cobb County Republican Party and brings this action in his official capacity on behalf of the Cobb County Republican Party.

30.

Plaintiff Brian Jay Van Gundy is registered voter in Gwinnett County, Georgia. He is the Assistant Secretary of the Georgia Republican Party.

31.

Defendant Governor Brian Kemp (Governor of Georgia) is named herein in his official capacity as Governor of the State of Georgia. On or about June 9, 2019, Governor Kemp bought the new Dominion Voting Systems for Georgia, budgeting 150 million dollars for the machines. Critics are quoted, “Led by Abrams, Democrats fought the legislation and pointed to cybersecurity experts who warned it would leave Georgia's elections susceptible to hacking and tampering.” And “Just this week, the Fair Fight voting rights group started by [Stacy] Abrams launched a television ad critical of the bill. In a statement Thursday, the group called it “corruption at its worst” and a waste of money on “hackable voting machines.”⁷

⁷ *Georgia Governor Inks Law to Replace Voting Machines*, The Atlanta Journal-Constitution, AJC News Now, Credit: Copyright 2019 The Associated Press, June 2019

32.

Defendant Brad Raffensperger ("Secretary Raffensperger") is named herein in his official capacity as Secretary of State of the State of Georgia and the Chief Election Official for the State of Georgia pursuant to Georgia's Election Code and O.C.G.A. § 21-2-50. Secretary Raffensperger is a state official subject to suit in his official capacity because his office "imbues him with the responsibility to enforce the [election laws]." *Grizzle v. Kemp*, 634 F.3d 1314, 1319 (11th Cir. 2011). Secretary Raffensperger serves as the Chairperson of Georgia's State Election Board, which promulgates and enforces rules and regulations to (i) obtain uniformity in the practices and proceedings of election officials as well as legality and purity in all primaries and general elections, and (ii) be conducive to the fair, legal, and orderly conduct of primaries and general elections. *See* O.C.G.A. §§ 21-2-30(d), 21-2-31, 21-2-33.1. Secretary Raffensperger, as Georgia's chief elections officer, is further responsible for the administration of the state laws affecting voting, including the absentee voting system. *See* O.C.G.A. § 21-2-50(b).

33.

Defendants Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le (hereinafter the "State Election Board") are members of the State Election Board in Georgia, responsible for "formulating, adopting, and promulgating such rules and regulations, consistent with law, as will be

conducive to the fair, legal, and orderly conduct of primaries and elections." O.C.G.A. § 21-2-31(2). Further, the State Election Board "promulgate[s] rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system" in Georgia. O.C.G.A. § 21-2-31(7). The State Election Board, personally and through the conduct of the Board's employees, officers, agents, and servants, acted under color of state law at all times relevant to this action and are sued for emergency declaratory and injunctive relief in their official capacities.

JURISDICTION AND VENUE

34.

This Court has subject matter jurisdiction under 28 U.S.C. 1331 which provides, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

35.

This Court also has subject matter jurisdiction under 28 U.S.C. 1343 because this action involves a federal election for President of the United States. "A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question." *Bush v. Gore*, 531 U.S. 98, 113 (2000) (Rehnquist, C.J., concurring); *Smiley v. Holm*, 285 U.S. 355, 365 (1932).

36.

The jurisdiction of the Court to grant declaratory relief is conferred by 28 U.S.C. 2201 and 2202 and by Rule 57 and 65, Fed. R. Civ. P. 7.

37.

This Court has jurisdiction over the related Georgia Constitutional claims and State law claims under 28 U.S.C. 1367.

38.

In Georgia, the "legislature" is the General Assembly. *See* Ga. Const. Art. III, § I, Para. I.

39.

Because the United States Constitution reserves for state legislatures the power to set the time, place, and manner of holding elections for Congress and the President, state executive officers, including but not limited to Secretary Raffensperger, have no authority to exercise that power unilaterally, much less flout existing legislation or the Constitution itself.

STATEMENT OF FACTS

40.

Plaintiffs bring this action under 42 U.S.C. §§ 1983 and 1988, and under Georgia law, O.C.G.A. § 21-2-522 to remedy deprivations of rights,

privileges, or immunities secured by the Constitution and laws of the United States and to contest the election results.

41.

The United States Constitution sets forth the authority to regulate federal elections, the Constitution provides:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators. U.S. CONST. art. I, § 4 (“Elections Clause”).

42.

With respect to the appointment of presidential electors, the Constitution provides: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. U.S. CONST. art. II, § 1 (“Electors Clause”).

43.

Neither Defendant is a “Legislature” as required under the Elections Clause or Electors Clause. The Legislature is “the representative body which ma[kes] the laws of the people.” *Smiley* 285 U.S. 365. Regulations of congressional and presidential elections, thus, “must be in accordance with

the method which the state has prescribed for legislative enactments.” *Id.* at 367; see also *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 135 S. Ct. 2652, 2668 (U.S. 2015).

44.

While the Elections Clause "was not adopted to diminish a State's authority to determine its own lawmaking processes," *Ariz. State Legislature*, 135 S. Ct. at 2677, it does hold states accountable to their chosen processes when it comes to regulating federal elections, *id.* at 2668. "A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question." *Bush*, 531 U.S. at 113 (Rehnquist, C.J., concurring); *Smiley*, 285 U.S. at 365.

45.

Plaintiffs also bring this action under Georgia law, O.C.G.A. § 21-2-522,

Grounds for Contest:

A result of a primary or election may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result; or

(5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

O.C.G.A. § 21-2-522.

46.

Under O.C.G.A. § 21-2-10, Presidential Electors are elected.

47.

Under O.C.G.A. § 21-2-386(a)(1)(B), the Georgia Legislature instructed the county registrars and clerks (the "County Officials") to handle the absentee ballots as directed therein. The Georgia Legislature set forth the procedures to be used by each municipality for appointing the absentee ballot clerks to ensure that such clerks would "perform the duties set forth in this Article." *See* O.C.G.A. § 21-2-380.1.

48.

The Georgia Election Code instructs those who handle absentee ballots to follow a clear procedure:

Upon receipt of each [absentee] 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 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.

O.C.G.A. § 21-2-386(a)(1)(B) (emphasis added).

49.

Under O.C.G.A. § 21-2-386(a)(1)(C), the Georgia Legislature also established a clear and efficient process to be used by County Officials if they determine that an elector has failed to sign the oath on the outside envelope enclosing the ballot or that the signature does not conform with the signature on file in the registrar's or clerk's office (a "defective absentee ballot").

50.

The Georgia Legislature also provided for the steps to be followed by County Officials with respect to defective absentee ballots:

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. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least one year.

O.C.G.A. § 21-2 -386(a) (1)(C) (emphasis added).

I. DEFENDANTS' UNAUTHORIZED ACTIONS VIOLATED THE GEORGIA ELECTION CODE AND CAUSED THE PROCESSING OF DEFECTIVE ABSENTEE BALLOTS.

51.

Notwithstanding the clarity of the applicable statutes and the constitutional authority for the Georgia Legislature's actions, on March 6, 2020, the Secretary of State of the State of Georgia, Secretary Raffensperger, and the State Election Board, who administer the state elections (the "Administrators") entered into a "Compromise and Settlement Agreement and Release" (the "Litigation Settlement") with the Democratic Party of Georgia, Inc., the Democrat Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee (collectively, the "Democrat Party Agencies"), setting forth different standards to be followed by the clerks and registrars in processing absentee ballots in the State of Georgia⁸.

52.

Under the Settlement, however, the Administrators agreed to change the statutorily prescribed manner of handling absentee ballots in a manner that is not consistent with the laws promulgated by the Georgia Legislature for elections in this state.

⁸ See *Democratic Party of Georgia, Inc., et al. v. Raffensperger, et al.*, Civil Action File No. 1:19-cv-05028-WMR, United States District Court for the Northern District of Georgia, Atlanta Division, Doc. 56-1.

53.

The Settlement provides that the Secretary of State would issue an "Official Election Bulletin" to county Administrators overriding the statutory procedures prescribed for those officials. That power, however, does not belong to the Secretary of State under the United States Constitution.

54.

The Settlement also changed the signature requirement reducing it to a broad process with discretion, rather than enforcement of the signature requirement as statutorily required under O.C.G.A. 21-2-386(a)(l).

55.

The Georgia Legislature instructed county registers and clerks (the "County Officials") regarding the handling of absentee ballots in O.C.G.A. S 21-2-386(a)(1)(B), 21-2-380.1. The Georgia Election Code instructs those who handle absentee ballots to follow a clear procedure:

Upon receipt of each absentee 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 card or the most recent update to such absent elector's voter registration card and application for absentee ballot or a facsimile of said signature or maker 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 ...

O.C.G.A. S 21-2-386(a)(1)(B).

56.

The Georgia Legislature prescribed procedures to ensure that any request for an absentee ballot must be accompanied by sufficient identification of the elector's identity. *See* O.C.G.A. § 21-2-38 l(b)(1) (providing, in pertinent part, "In order to be found eligible to vote an absentee ballot in person at the registrar's office or absentee ballot clerk's office, such person shall show one of the forms of identification listed in Code Section 21-2-417 ...").

57.

An Affiant testified, under oath, that “It was also of particular interest to me to see that signatures were not being verified and that there were no corresponding envelopes seen in site.” (Attached hereto as Exh. 10, Mayra Romera, at par. 7).

58.

To reflect the very reason for process, it was documented that in the primary election, prior to the November 3, 2020 Presidential election, many ballots got to voters after the election. Further it was confirmed that “Untold thousands of absentee ballot requests went unfulfilled, and tens of thousands of mailed ballots were rejected for multiple reasons including arriving too late

to be counted. See the Associated Press, *Vote-by-Mail worries: A leaky pipeline in many states*, August 8, 2020.⁹

59.

Pursuant to the Settlement, the Administrators delegated their responsibilities for determining when there was a signature mismatch by considering in good faith only partisan-based training - "additional guidance and training materials" drafted by the Democrat Party Agencies' representatives contradicting O.C.G.A. § 21-2-31.

B. UNLAWFUL EARLY PROCESSING OF ABSENTEE BALLOTS

60.

In April 2020, the State Election Board adopted on a purportedly "Emergency Basis" Secretary of State Rule 183-1-14-0.9-.15, Processing Ballots Prior to Election Day. Under this rule, county election officials are authorized to begin processing absentee ballots up to three weeks before election day. Thus, the rule provides in part that "(1) Beginning at 8:00 AM on the third Monday prior to Election Day, the county election superintendent **shall be authorized to open the outer envelope of accepted absentee ballots ...**" (Emphasis added).

⁹ <https://apnews.com/article/u-s-news-ap-top-news-election-2020-technology-politics-52e87011f4d04e41bfffcc64fc878e7>

61.

Rule 183-1-14-0.9-.15 is in direct and irreconcilable conflict with O.C.G.A. § 21-2-386(a)(2), which prohibits the opening of absentee ballots until election day:

After the opening of the polls on the day of the primary, election, or runoff, the registrars or absentee ballot clerks **shall be authorized to open the outer envelope** on which is printed the oath of the elector in such a manner as not to destroy the oath printed thereon; provided, however, that the registrars or absentee ballot clerk shall not be authorized to remove the contents of such outer envelope or to open the inner envelope marked “Official Absentee Ballot,” except as otherwise provided in this Code section.

(Emphasis added).

62.

In plain terms, the statute clearly prohibits opening absentee ballots prior to election day, while the rule authorizes doing so three weeks before election day. There is no reconciling this conflict. The State Election Board has authority under O.C.G.A. § 21-2-31 to adopt lawful and legal rules and regulations, but no authority to promulgate a regulation that is directly contrary to an unambiguous statute. Rule 183-1-14-0.9-.15 is therefore plainly and indisputably unlawful.

63.

The State Election Board re-adopted Rule 183-1-14-0.9-.15 on November 23, 2020 for the upcoming January 2021 runoff election.

C. UNLAWFUL AUDIT PROCEDURES

64.

According to Secretary Raffensperger, in the presidential general election, 2,457,880 votes were cast in Georgia for President Donald J. Trump, and 2,472,002 votes were cast for Joseph R. Biden, which narrowed in Donald Trump's favor after the most recent recount.

65.

Secretary Raffensperger declared that for the Hand Recount:

Per the instructions given to counties as they conduct their audit triggered full hand recounts, designated monitors will be given complete access to observe the process from the beginning. While the audit triggered recount must be open to the public and media, designated monitors will be able to observe more closely. The general public and the press will be restricted to a public viewing area. Designated monitors will be able to watch the recount while standing close to the elections' workers conducting the recount.

Political parties are allowed to designate a minimum of two monitors per county at a ratio of one monitor per party for every ten audit boards in a county... Beyond being able to watch to ensure the recount is conducted fairly and securely, the two-person audit boards conducting the hand recount call out the votes as they are recounted , providing monitors and the public an additional way to keep tabs on the process.¹⁰

¹⁰ *Office of Brad Raffensperger, Monitors Closely Observing Audit-Triggered Full Hand Recount: Transparency is Built Into Process*, https://sos.ga.gov/index.php/elections/monitors_closely_observing_audit-triggered_full_hand_recount_transparency_is_built_into_process

66.

The audit was conducted O.C.G.A. § 21-2-498. This code section requires that audits be completed “in public view” and authorizes the State Board of Elections to promulgate regulations to administer an audit “to ensure that collection of validly cast ballots is complete, accurate and trustworthy throughout the audit.”

67.

Plaintiffs can show that Democrat-majority counties provided political parties and candidates, including the Trump Campaign, no meaningful access or actual opportunity to review and assess the validity of mail-in ballots during the pre-canvassing meetings. While in the audit or recount, they witnessed Trump votes being put into Biden piles.

68.

Non-parties Amanda Coleman and Maria Diedrich are two individuals who volunteered to serve as designated monitors for the Donald J. Trump Presidential Campaign, Inc. (the "Trump Campaign") on behalf of the Georgia Republican Party (the "Republican Party") at the Hand Recount. (Attached hereto and incorporated herein as Exhibits 2 and 3), respectively, are true and correct copies of (1) the Affidavit of Amanda Coleman in Support of Plaintiffs' Motion for Temporary Restraining Order (the "Coleman Affidavit"), and (2) the Affidavit of Maria Diedrich in Support of Plaintiffs'

Motion for Temporary Restraining Order (the "Diedrich Affidavit"). (See Exh. 11, Coleman Aff.,2; Exh. 12, Diedrich Aff., 2.)

69.

The Affidavits set forth various conduct amounting to federal crimes, clear improprieties, insufficiencies, and improper handling of ballots by County Officials and their employees that Ms. Coleman and Ms. Diedrich personally observed while monitoring the Hand Recount. (See Exh. 11, Coleman Aff., 3-10; Exh. 12, Diedrich Aff., 4-14.)

70.

As a result of her observations of the Hand Recount as a Republican Party monitor, Ms. Diedrich declared, "There had been no meaningful way to review or audit any activity" at the Hand Recount. (See Exh. 12, Diedrich Aff.,14.)

71.

As a result of their observations of the Hand Recount as Republican Party monitors, Ms. Coleman likewise declared, "There was no way to tell if any counting was accurate or if the activity was proper." (See Exh. 12, Coleman Aff.,10).

72.

On Election Day, when the Republican poll watchers were, for a limited time, present and allowed to observe in various polling locations, they

observed and reported numerous instances of election workers failing to follow the statutory mandates relating to two critical requirements, among other issues:

(1) a voter's right to spoil their mail-in ballot at their polling place on election day and to then vote in-person, and

(2) the ability for voters to vote provisionally on election day when a mail-in ballot has already been received for them, but when they did not cast those mail-in ballots, who sought to vote in person during early voting but was told she already voted; she emphasized that she had not. The clerk told her he would add her manually with no explanation as to who or how someone voted using her name.

(Attached hereto as Exh. 13, Aff. Ursula Wolf)

73.

Another observer for the ballot recount testified that "*at no time did I witness any Recounter or individual participate in the recount verifying signatures [on mail-in ballots].*" (Attached hereto as Exh. 14, Nicholas Zeher Aff).

74.

In some counties, there was no actual "hand" recounting of the ballots during the Hand Recount, but rather, County Officials and their employees

simply conducted another machine count of the *same* ballots. (See. Exh. 9, 10). That will not reveal the massive fraud of which plaintiffs complain.

75.

A large number of ballots were identical and likely fraudulent. An Affiant explains that she observed a batch of utterly pristine ballots:

14. Most of the ballots had already been handled; they had been written on by people, and the edges were worn. They showed obvious use. However, one batch stood out. It was pristine. There was a difference in the texture of the paper - it was if they were intended for absentee use but had not been used for that purposes. There was a difference in the feel.

15. These different ballots included a slight depressed pre-fold so they could be easily folded and unfolded for use in the scanning machines. There were no markings on the ballots to show where they had com~ from, or where they had been processed. These stood out.

16. In my 20 years of experience of handling ballots, I observed that the markings for the candidates on these ballots were unusually uniform, perhaps even with a ballot-marking device. By my estimate in observing these ballots, approximately 98% constituted votes for Joe Biden. I only observed two of these ballots as votes for President Donald J. Trump.” (See Exh. 15 Attached hereto).

76.

The same Affiant further testified specifically to the breach of the chain of custody of the voting machines the night before the election stating:

we typically receive the machines, the ballot marking devices – on the Friday before the election, with a chain of custody letter to be signed on Sunday, indicating that we had received the machines and the counts on the machines when received, and that the machines have been sealed. **In this case, we were asked to sign the chain of custody letter on Sunday, even though the machines were not delivered until 2:00 AM in the morning on Election Day.**

The Milton precinct received its machines at 1:00 AM in the morning on Election Day. This is unacceptable and voting machines should [not] be out of custody prior to an Election Day. *Id.*

II. EVIDENCE OF FRAUD

A PATTERN SHOWING THE ABSENCE OF MISTAKE

77.

The stunning pattern of the nature and acts of fraud demonstrate an absence of mistake.

78.

The same Affiant further explained, in sworn testimony, that the breach included: “when we did receive the machines, they were not sealed or locked, the serial numbers were not what were reflected on the related documentation...” *See Id.*

79.

An affiant testified that “While in Henry County, I personally witnessed ballots cast for Donald Trump being placed in the pile for Joseph Biden, I witnessed this happen at table “A.” (See Exh. 14, par. 27).

80.

The Affiant further testified, that “when this was brought to Ms. Pitts attention, it was met with extreme hostility. At no time did I witness any ballot cast for Joseph Biden be placed in the pile for Donald Trump. (See Exh. 14, par. 28).

81.

Another Affiant in the mail-in ballot and absentee ballot recounting process, testified in her sworn affidavit, that “on November 16, 2020 ... It was also of particular interest to me to see that signatures were not being verified and there were no corresponding envelopes seen in sight.” (See Exh. 10, at Par. 7).

82.

Yet another Affiant, in the recount process, testified that he received push back and a lack of any cooperation and was even threatened as if he did something wrong, when he pointed out the failure to follow the rules with the observers while open mail-in ballot re-counting was occurring, stating:

“However, as an observer, I observed that the precinct had twelve (12) counting tables, but only one (1) monitor from the Republican Party. I brought it up to Erica Johnston since the recount rules provided for one (1) monitor from each Party per ten (10) tables or part thereof...”

(See Attached hereto, Exh. 16, Ibrahim Reyes Aff.)

83.

Another Affiant explains a pattern of behavior that is alarming, in his position as an observer in the recount on absentee ballots with barcodes, he testified:

I witnessed two poll workers placing already separated paper machine receipt ballots with barcodes in the Trump tray, placing them in to the Biden tray. I also witnessed the same two poll workers putting the already separated paper receipt ballots in

the “No Vote” and “Jorgensen” tray, and removing them and putting them inside the Biden tray, They then took out all of the ballots out of the Biden tray and stacked them on the table, writing on the count ballot sheet.

(See Attached hereto, Exh.17, pars. 4-5, Aff. of Consetta Johson).

84.

Another Affiant, a Democrat, testified in his sworn affidavit, that before he was forced to move back to where he could not see, he had in fact seen “absentee ballots for Trump inserted into Biden’s stack, and counted as Biden votes. This occurred a few times”. (See attached hereto, Exh. 18 at Par. 12, Aff. of Carlos Silva).

85.

Yet another Affiant testified about the lack of process and the hostility only towards the Republican party, which is a violation of the Equal Protection Clause. He testified:

I also observed throughout my three days in Atlanta, not once did anyone verify these ballots. In fact, there was no authentication process in place and no envelopes were observed or allowed to be observed. I saw hostility towards Republican observers but never towards Democrat observers. Both were identified by badges.

(See *Id.*, at pars. 13-14).

86.

Another Affiant explained that his ballot was not only not processed in accordance with Election law, he witnessed people reviewing his ballot to decide where to place it, which violated the privacy of his ballot, and when he

tried to report it to a voter fraud line, he never received any contact or cooperation stating:

“I voted early on October 12 at the precinct at Lynwood Park ... Because of irregularities at the polling location, I called the voter fraud line to ask why persons were discussing my ballot and reviewing it to decide where to place it. When I called the state fraud line, I was directed to a worker in the office of the Secretary of State...”

(See Attached hereto, Exh. 19, Andrea ONeal Aff, at par. 3).

87.

He further testified that when he was an Observer at the Lithonia location, he saw many irregularities, and specifically “saw an auditor sort Biden votes that he collected and sorted into ten ballot stacks, which [the auditor] did not show anyone.” Id. at p. 8.

88.

Another Affiant testified about the use of different paper for ballots, that would constitute fraud stating:

I noticed that almost all of the ballots I reviewed were for Biden. Many batches went 100% for Biden. I also observed that the watermark on at least 3 ballots were solid gray instead of transparent, leading me to believe the ballot was counterfeit. I challenged this and the Elections Director said it was a legitimate ballot and was due to the use of different printers. Many ballots had markings for Biden only, and no markings on the rest of the ballot.

(See Attached hereto, Exh. 20, Aff of Debra J. Fisher, at pars. 4, 5, 6).

89.

An Affiant testified, that while at the Audit, **While in Henry County, I personally witnessed ballots cast for Donald Trump being placed in the pile for Joseph Biden. I witnessed this happen at table “A”.** (See attached hereto as Exh. 22, Kevin Peterford, at par. 29). Another Affiant testified, that “I witnessed two poll workers placing already separated paper machine receipt ballots with barcodes in the Trump tray, placing them in to the Biden tray. I also witnessed the same two poll workers putting the already separated paper receipt abllots in the “No Vote” and “Jorgensen” tray, and removing them and putting them inside the Biden tray, They then took out all of the ballots out of the Biden tray and stacked them on the table, writing on the count ballot sheet. (See Exh. 17, Johnson, pars. 4-5).

90.

Another Affiant, a Democrat, testified in his sworn affidavit, before he was forced to move back to where he could not see, he had in fact seen, ***“I also saw absentee ballots for Trump inserted***

into Biden’s stack, and counted as Biden votes. This occurred a few times”. (See Exh. 18, Par. 12).

91.

A Republican National Committee monitor in Georgia’s election recount, Hale Soucie, told an undercover journalist there are individuals counting ballots who have made continuous errors,” writes O’Keefe. Project Veritas, Watch: Latest Project Veritas Video reveals “Multiple Ballots Meant for Trump Went to Biden in Georgia.¹¹

**B. THE VOTING MACHINES, SECRECY
SOFTWARE USED BY VOTING MACHINES THROUGHOUT GEORGIA
IS CRUCIAL**

92.

These violations of federal and state laws impacted the election of November 3, 2020 and set the predicate for the evidence of deliberate fraudulent conduct, manipulation, and lack of mistake that follows. The commonality and statewide nature of these legal violations renders certification of the legal vote untenable and warrants immediate

¹¹ <https://hannity.com/media-room/watch-latest-project-veritas-video-reveals-multiple-ballots-meant-for-trump-went-to-biden-in-georgia/>

impoundment of voting machines and software used throughout Georgia for expert inspection and retrieval of the software.

93.

An Affiant, who is a network & information cyber-security expert, under sworn testimony explains that after studying the user manual for Dominion Voting Systems Democracy software, he learned that the information about scanned **ballots can be tracked inside the software system for Dominion:**

(a) When bulk ballot scanning and tabulation begins, the "ImageCast Central" workstation operator will load a batch of ballots into the scanner feed tray and then start the scanning procedure within the software menu. The scanner then begins to scan the ballots which were loaded into the feed tray while the "ImageCast Central" software application tabulates votes in real-time. Information about scanned ballots can be tracked inside the "ImageCast Central" software application.

(See attached hereto Exh 22, Declaration of Ronald Watkins, at par. 11).

94.

Affiant further explains that the central operator can remove or discard batches of votes. "After all of the ballots loaded into the scanner's feed tray have been through the scanner, the "ImageCast Central" operator will remove the ballots from the tray then have the option to either "Accept Batch" or "Discard Batch" on the scanning menu "*Id.* at par. 8).

95.

Affiant further testifies that the Dominion/ Smartmatic user manual itself makes clear that the system allows for threshold settings to be set to mark all ballots as “problem ballots” for *discretionary determinations* on where the vote goes. It states:

During the scanning process, the "ImageCast Central" software will detect how much of a percent coverage of the oval was filled in by the voter. The Dominion customer determines the thresholds of which the oval needs to be covered by a mark in order to qualify as a valid vote. If a ballot has a marginal mark which did not meet the specific thresholds set by the customer, then the ballot is considered a "problem ballot" and may be set aside into a folder named "NotCastImages". Through creatively tweaking the oval coverage threshold settings it should be possible to set thresholds in such a way that a non-trivial amount of ballots are marked "problem ballots" and sent to the "NotCastImages" folder. It is possible for an administrator of the ImageCast Central work station to view all images of scanned ballots which were deemed "problem ballots" by simply navigating via the standard "Windows File Explorer" to the folder named "NotCastImages" which holds ballot scans of "problem ballots". It is possible for an administrator of the "ImageCast Central" workstation to view and delete any individual ballot scans from the "NotCastImages" folder by simply using the standard Windows delete and recycle bin functions provided by the Windows 10 Pro operating system.

Id. at pars. 9-10.

96.

The Affiant further explains the vulnerabilities in the system when the copy of the selected ballots that are approved in the Results folder are made

to a flash memory card – and that is connected to a Windows computer stating:

*It is possible for an administrator of the "ImageCast Central" workstation to view and delete any individual ballot scans from the "NotCastImages" folder by simply using the standard Windows delete and recycle bin functions provided by the Windows 10 Pro operating system. ... The upload process is just a simple copying of a "Results" folder containing vote tallies to a flash memory card connected to the "Windows 10 Pro" machine. The copy process uses the standard drag-n-drop or copy/paste mechanisms within the ubiquitous "Windows File Explorer". While a simple procedure, this process may be error prone and **is very vulnerable to malicious administrators.***

Id. at par. 11-13 (emphasis supplied).

97.

It was announced on “Monday, [July 29, 2019], [that] Governor Kemp awarded a contract for 30,000 new voting machines to Dominion Voting Systems, scrapping the state’s 17-year-old electronic voting equipment and replacing it with touchscreens that print out paper ballots.”¹² Critics are quoted: “Led by Abrams, Democrats fought the legislation and pointed to cybersecurity experts who warned it would leave Georgia's elections susceptible to hacking and tampering.” And “Just this week, the Fair Fight voting rights group started by [Stacy] Abrams launched a television ad

¹² *Georgia Buys New Voting Machines for 2020 Presidential Election*, by Mark Niese, *the Atlanta Journal-Constitution*, July 30, 2019, <https://www.ajc.com/news/state--regional-govt--politics/georgia-awards-contract-for-new-election-system-dominion-voting/tHh3V8KZnZivJoVzZRLO4O/>

critical of the bill. In a statement Thursday, the group called it “corruption at its worst” and a waste of money on “hackable voting machines.”¹³

98.

It was further reported in 2019 that the new Dominion Voting Machines in Georgia “[w]ith Georgia’s current voting system, there’s **no way to guarantee that electronic ballots accurately reflect the choices of voters because there’s no paper backup to verify results**, with it being reported that:

- (a) Recounts are meaningless on the direct-recording electronic voting machines because they simply reproduce the same numbers they originally generated.
- (b) But paper ballots alone won’t protect the sanctity of elections on the new touchscreens, called ballot-marking devices.
- (c) The new election system depends on voters to verify the printed text of their choices on their ballots, a step that many voters might not take. The State Election Board hasn't yet created regulations for how recounts and audits will be conducted. And paper ballots embed selections in bar codes that are only readable by scanning machines, leaving Georgians uncertain whether the bar codes match their votes.¹⁴

¹³ *Georgia Governor Inks Law to Replace Voting Machines*, *The Atlanta Journal-Constitution*, *AJC News Now*, by Greg Bluestein and Mark Niesse, June 14, 2019; Credit: Copyright 2019 The Associated Press, June 2019

- i. As part of the scheme and artifice to defraud the plaintiffs, the candidates and the voters of undiminished and unaltered voting results in a free and legal election, the Defendants and other persons known and unknown committed the following violations of law:*

50 U.S.C. § 20701 requires the retention and preservation of records

and papers by officers of elections under penalty of fine and imprisonment:

§ 20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, **all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election**, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

50 U.S.C. § 20701.

99.

In the primaries it was confirmed that, “The rapid introduction of new technologies and processes in state voting systems heightens the risk of

foreign interference and insider tampering. That's true even if simple human error or local maneuvering for political advantage are more likely threats¹⁵.

100.

A Penn Wharton Study from 2016 concluded that “Voters and their representatives in government, often prompted by news of high-profile voting problems, also have raised concerns about the reliability and integrity of the voting process, and have increasingly called for the use of modern technology such as laptops and tablets to improve convenience.”¹⁶

101.

As evidence of the defects or features of the Dominion Democracy Suite, as described above, the same Dominion Democracy Suite was denied certification in Texas by the Secretary of State on January 24, 2020 specifically because of a **lack of evidence of efficiency and accuracy and to be safe from fraud or unauthorized manipulation.**¹⁷

¹⁵ See *Threats to Georgia Elections Loom Despite New Paper Ballot Voting*, By Mark Niese, *The Atlanta Journal-Constitution* and *(The AP, Vote-by-Mail worries: A leaky pipeline in many states, August 8, 2020)*.

¹⁶ Penn Wharton Study by Matt Caufield, *The Business of Voting*, July 2018.

¹⁷ Attached hereto, Exh. 23, copy of Report of Review of Dominion Voting Systems Democracy Suite 5.5-A Elections Division by the Secretary of State's office, Elections Division, January 24, 2020.

102.

Plaintiffs have since learned that the "glitches" in the Dominion system—that have the uniform effect of taking votes from Trump and shifting them to Biden—have been widely reported in the press and confirmed by the analysis of independent experts.

103.

Plaintiffs can show, through expert and fact witnesses that:

c. Dominion/ Smartmatic Systems Have Massive End User Vulnerabilities.

1. Users on the ground have full admin privileges to machines and software. Having been created to “rig” elections, the Dominion system is designed to facilitate vulnerability and allow a select few to determine which votes will be counted in any election. Workers were responsible for moving ballot data from polling place to the collector’s office and inputting it into the correct folder. Any anomaly, such as pen drips or bleeds, results in a ballot being rejected. It is then handed over to a poll worker to analyze and decide if it should count. This creates massive opportunity for purely discretionary and improper vote “adjudication.”
2. Affiant witness (name redacted for security reasons¹⁸), in his sworn testimony explains he was selected for the national security guard detail of the President of Venezuela, and that he witnessed the creation of Smartmatic for the purpose of election vote manipulation to insure Venezuelan dictator Hugo Chavez never lost an election and he saw it work. Id.

“The purpose of this conspiracy was to create and operate a voting system that could change the votes in elections from votes against

persons running the Venezuelan government to votes in their favor in order to maintain control of the government.”

(See Exh. 2, pars. 6, 9, 10).

104.

Smartmatic’s incorporators and inventors have backgrounds evidencing their foreign connections, including Venezuela and Serbia, specifically its identified inventors:

Applicant: SMARTMATIC, CORP.

Inventors: Lino Iglesias, Roger Pinate, Antonio Mugica, Paul Babic, Jeffrey Naveda, Dany Farina, Rodrigo Meneses, Salvador Ponticelli, Gisela Goncalves, Yrem Caruso.¹⁹

105.

The presence of Smartmatic in the United States—owned by foreign nationals, and Dominion, a Canadian company with its offices such as the Office of General Counsel in Germany, would have to be approved by CFIUS. CFIUS was created in 1988 by the Exon-Florio Amendment to the Defense Production Act of 1950. CFIUS’ authorizing statute was amended by the Foreign Investment and National Security Act of 2007 (FINSA).

As amended, section 721 of the DPA directs "the President, acting through [CFIUS]," to review a "**covered transaction to determine the effects of the transaction on the national security of the United States.**" 50 U.S.C. app. § 2170(b)(1)(A). Section 721 defines

¹⁹ <https://patents.justia.com/assignee/smartmatic-corp>

a covered transaction as "any merger, acquisition, or takeover ..., by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States." Id. § 2170(a)(3). *Ralls Corp. v. Comm. on Foreign Inv.*, 758 F.3d 296, 302, 411 U.S. App. D.C. 105, 111, (2014). Review of covered transactions under section 721 begins with CFIUS. As noted, CFIUS is chaired by the Treasury Secretary and its members include the heads of various federal agencies and other high-ranking Government officials with foreign policy, national security and economic responsibilities.

106.

Then Congresswoman Carolyn Maloney wrote October 6, 2006 to the Secretary of Treasury, Henry M. Paulson, Jr., Objecting to approval of Dominion/Smartmatic by CFIUS because of its corrupt Venezuelan origination, ownership and control. (See attached hereto as Exh. 24, Carolyn Maloney Letter of October 6, 2006). Our own government has long known of this foreign interference on our most important right to vote, and it had either responded with incompetence, negligence, willful blindness, or abject corruption. In every CFIUS case, there are two TS/SCI reports generated. One by the ODNI on the threat and one by DHS on risk to critical infrastructure. Smartmatic was a known problem when it was nonetheless approved by CFIUS.

107.

The Wall Street Journal in 2006 did an investigative piece and found that, "Smartmatic came to prominence in 2004 when its machines were used

in an election to recall President Chávez, which Mr. Chávez won handily -- and which the Venezuelan opposition said was riddled with fraud.

Smartmatic put together a consortium to conduct the recall elections, including a company called Bizta Corp., in which Smartmatic owners had a large stake. For a time, the Venezuelan government had a 28% stake in Bizta in exchange for a loan.²⁰ ...“Bizta paid off the loan in 2004, and Smartmatic bought the company the following year. But accusations of Chávez government control of Smartmatic never ended, especially since Smartmatic scrapped a simple corporate structure, in which it was based in the U.S. with a Venezuelan subsidiary, for a far more complex arrangement. The company said it made the change for tax reasons, but critics, including Rep. Carolyn Maloney (D., N.Y.) and TV journalist Lou Dobbs, pounded the company for alleged links to the Chávez regime. *Id.* Since its purchase by Smartmatic, Sequoia's sales have risen sharply to a projected \$200 million in 2006, said Smartmatic's chief executive, Anthony Mugica.” *Id.*

108.

Indeed, Mr. Cobucci testified, through his sworn affidavit, that he born in Venezuela, is cousins with Antonio (‘Anthony’) Mugica, and he has

²⁰ See *WSJ.com, Smartmatic to Sell U.S. Unit, End Probe into Venezuelan Links*, by Bob Davis, 12/22/2006, <https://www.wsj.com/articles/SB116674617078557263>

personal knowledge of the fact that Anthony Mugica incorporated Smartmatic in the U.S. in 2000 with other family members in Venezuela listed as owners. He also has personal knowledge that Anthony Mugica manipulated Smartmatic to ensure the election for Chavez in the 2004 Referendum in Venezuela. He also testified, through his sworn affidavit, that Anthony Mugica received tens of millions of dollars from 2003- 2015 from the Venezuelan government to ensure Smartmatic technology would be implemented around the world, including in the U.S. (See attached hereto, Exh. 25, Juan Carlos Cobucci Aff.)

109.

Another Affiant witness testifies that in Venezuela, she was in an official position related to elections and witnessed manipulations of petitions to prevent a removal of President Chavez and because she protested, she was summarily dismissed. Corroborating the testimony of our secret witness, and our witness Mr. Cobucci, cousin of Anthony Mugica, who began Smartmatic, and this witness explains the vulnerabilities of the electronic voting system and Smartmatica to such manipulations. (See Exh. 3, Diaz Cardozo Aff).

110.

Specific vulnerabilities of the systems in question that have been documented or reported include:

- a. Barcodes can override the voters' vote: As one University of California, Berkeley study shows, "In all three of these machines [including Dominion Voting Systems] the ballot marking printer is in the same paper path as the mechanism to deposit marked ballots into an attached ballot box. This opens up a very serious security vulnerability: the voting machine can make the paper ballot (to add votes or spoil already-cast votes) after the last time the voter sees the paper, and then deposit that marked ballot into the ballot box without the possibility of detection." (See Exh. 7).²¹
- b. Voting machines were able to be connected to the internet by way of laptops that were obviously internet accessible. If one laptop was connected to the internet, the entire precinct was compromised.
- c. We ... discovered that at least some jurisdictions were not aware that their systems were online," said Kevin Skoglund, an independent security consultant who conducted the research with nine others, all of them long-time security professionals and academics with expertise in election security. *Vice*. August 2019.²²

²¹ *Ballot Marking Devices (BMDs) Cannot Assure the Will of the Voters*, Andrew W. Appel, Richard T. DeMillo, University of California, Berkeley, 12/27/2019.

²² *Exclusive: Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials*, *Motherboard Tech by Vice*, by Kim Zetter, August 8, 2019, <https://www.vice.com/en/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials>

- d. October 6, 2006 – Congresswoman Carolyn Maloney called on Secretary of Treasury Henry Paulson to conduct an investigation into Smartmatic based on its foreign ownership and ties to Venezuela. (See Exh. 24)
- e. Congresswoman Maloney wrote that “It is undisputed that Smartmatic is foreign owned and it has acquired Sequoia ... Smartmatica now acknowledged that Antonio Mugica, a Venezuelan businessman has a controlling interest in Smartmatica, but the company has not revealed who all other Smartmatic owners are.” *Id.*
- f. Dominion “got into trouble” with several subsidiaries it used over alleged cases of fraud. One subsidiary is Smartmatic, a company “that has played a significant role in the U.S. market over the last decade,” according to a report published by UK-based AccessWire²³.
- g. Litigation over Smartmatic “glitches” alleges they impacted the 2010 and 2013 mid-term elections in the Philippines, raising questions of cheating and fraud. An independent review of the source codes used in the machines found multiple problems, which concluded, “The software

²³ *Voting Technology Companies in the U.S. – Their Histories and Present Contributions, Access Wire, August 10, 2017, <https://www.accesswire.com/471912/Voting-Technology-Companies-in-the-US--Their-Histories>.*

inventory provided by Smartmatic is inadequate, ... which brings into question the software credibility...”²⁴

- h. Dominion acquired Sequoia Voting Systems as well as Premier Election Solutions (formerly part of Diebold, which sold Premier to ES&S in 2009, until antitrust issues forced ES&S to sell Premier, which then was acquired by Dominion).²⁵
- i. Dominion entered into a 2009 contract with Smartmatic and provided Smartmatic with the PCOS machines (optical scanners) that were used in the 2010 Philippine election—the biggest automated election run by a private company. The international community hailed the automation of that first election in the Philippines.²⁶ The results’ transmission reached 90% of votes four hours after polls closed and Filipinos knew for the first time who would be their new president on Election Day. In keeping with local election law requirements, Smartmatic and Dominion were required to provide the source code of

²⁴ *Smartmatic-TIM running out of time to fix glitches*, ABS-CBN News, May 4, 2010
<https://news.abs-cbn.com/nation/05/04/10/smartmatic-tim-running-out-time-fix-glitches>

²⁵ *The Business of Voting*, Penn Wharton, Caufield, p. 16.

²⁶ *Smartmatic-TIM running out of time to fix glitches*, ABS-CBN News, May 4, 2010
<https://news.abs-cbn.com/nation/05/04/10/smartmatic-tim-running-out-time-fix-glitches>

the voting machines prior to elections so that it could be independently verified.²⁷

- j. In late December of 2019, three Democrat Senators, Warren, Klobuchar, Wyden, and House Member Mark Pocan wrote about their ***‘particularized concerns that secretive & “trouble -plagued companies” “have long skimped on security in favor of convenience,”*** in the context of how they described the voting machine systems that three large vendors – Election Systems & Software, Dominion Voting Systems, & Hart InterCivic – collectively provide voting machines & software that facilitate voting for over 90% of all eligible voters in the U.S.” (See attached hereto as Exh. 26, copy of Senator Warren, Klobuchar, Wyden’s December 6, 2019 letter).
- k. Senator Ron Wyden (D-Oregon) said the findings [insecurity of voting systems] are “yet another damning indictment of the profiteering election vendors, who care more about the bottom line than protecting our democracy.” It’s also an indictment, he said, “of the notion that important cybersecurity decisions should be left entirely to county

²⁷ Presumably the machines were not altered following submission of the code. LONDON, ENGLAND / ACCESSWIRE / August 10, 2017, *Voting Technology Companies in the U.S. - Their Histories and Present Contributions*

election offices, many of whom do not employ a single cybersecurity specialist.”²⁸

111.

An analysis of the Dominion software system by a former US Military Intelligence expert concludes that the system and software have been accessible and were certainly compromised by rogue actors, such as Iran and China. By using servers and employees connected with rogue actors and hostile foreign influences combined with numerous easily discoverable leaked credentials, Dominion neglectfully allowed foreign adversaries to access data and intentionally provided access to their infrastructure in order to monitor and manipulate elections, including the most recent one in 2020. (See Exh. 7).

112.

An expert witness in pending litigation in the United States District Court, Northern District Court of Georgia, Atlanta Div., 17-cv-02989 specifically testified to the acute security vulnerabilities, among other facts, by declaration filed on October 4, 2020, (See Exh. 4B, Document 959-4

²⁸ *Exclusive: Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials, Motherboard Tech by Vice, by Kim Zetter, August 8, 2019, <https://www.vice.com/en/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials>*

attached hereto, paragraph. 18 and 20 of p. 28, Exh. 4, Hursti Declaration).
wherein he testified or found:

1) The failure of the Dominion software “*to meet the methods and processes for national standards for managing voting system problems and should not be accepted for use in a public election under any circumstances.*”

2) In Hursti’s declaration he explained that “There is evidence of remote access and remote troubleshooting which presents a grave security implication and certified identified vulnerabilities should be considered an “extreme security risk.” *Id.* Hari Hursti also explained that USB drives with vote tally information were observed to be removed from the presence of poll watchers during a recent election. *Id.* The fact that there are no controls of the USB drives was seen recently seen the lack of physical security and compliance with professional standards, " in one Georgia County, where it is reported that 3,300 votes were found on memory sticks not loaded plus in Floyd county, another 2,600 were unscanned, and the “found votes” reduced Biden’s lead over Donald Trump²⁹.

(a) In the prior case against Dominion, *supra*, further
implicating the secrecy behind the software used in Dominion Systems,

²⁹ *Recount find thousands of Georgia votes*, Atlanta Journal-Constitution by Mark Niese and David Wickert, 11/19/20. <https://www.ajc.com/politics/recount-finds-thousands-of-georgia-votes-missing-from-initial-counts/ERDRNXPH3REQTM4SOINPSEP72M/>

Dr. Eric Coomer, a Vice President of Dominion Voting Systems, testified that even he was not sure of what testing solutions were available to test problems or how that was done, “ *I have got to be honest, we might be a little bit out of my bounds of understanding the rules and regulations...* and in response to a question on testing for voting systems problems in relation to issues identified in 2 counties, he explained that “*Your Honor, I’m not sure of the complete test plan... Again Pro V&V themselves determine what test plan is necessary based on their analysis of the code itself.*” (*Id.* at Document 959-4, pages 53, 62 L.25- p. 63 L3).

113.

Hursti stated within said Declaration:

“The security risks outlined above – operating system risks, the failure to harden the computers, performing operations directly on the operating systems, lax control of memory cards, lack of procedures, and potential remote access are extreme and destroy the credibility of the tabulations and output of the reports coming from a voting system.”

(See Paragraph 49 of Hursti Declaration).

114.

Rather than engaging in an open and transparent process to give credibility to Georgia’s brand-new voting system, the election processes were

hidden during the receipt, review, opening, and tabulation of those votes in direct contravention of Georgia's Election Code and federal law.

115.

The House of Representatives passed H.R. 2722 in an attempt to address these very risks identified by Hursti, on June 27, 2019:

This bill addresses election security through grant programs and requirements for voting systems and paper ballots.

The bill establishes requirements for voting systems, including that systems (1) use individual, durable, voter-verified paper ballots; (2) make a voter's marked ballot available for inspection and verification by the voter before the vote is cast; (3) ensure that individuals with disabilities are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot; (4) be manufactured in the United States; and (5) meet specified cybersecurity requirements, including the prohibition of the connection of a voting system to the internet.

ADDITIONAL SPECIFIC FRAUD

116.

On November 4, 2020, the Georgia GOP Chairman issued the following statement:

“Let me repeat. Fulton County elections officials told the media and our observers that they were shutting down the tabulation center at State Farm Arena at 10:30 p.m. on election night to continue counting ballots in secret until 1:00 a.m.”³⁰

117.

It was widely reported that "As of 7 p.m. on Wednesday Fulton County Elections officials said 30,000 absentee ballots were not processed due to a pipe burst."³¹ Officials reassured voters that none of the ballots were damaged and the water was quickly cleaned up. But the emergency delayed officials from processing ballots between 5:30 a.m. and 9:30 a.m. Officials say they continued to count beginning at 8:30 a.m. Wednesday. The statement from Fulton County continues:

"Tonight, Fulton County will report results for approximately 86,000 absentee ballots, as well as Election Day and Early Voting results. These represent the vast majority of ballots cast within Fulton County.

"As planned, Fulton County will continue to tabulate the remainder of absentee ballots over the next two days. Absentee ballot processing requires that each ballot is opened, signatures verified, and ballots scanned. This is a labor-intensive process that takes longer to tabulate than other forms of voting. Fulton County did not anticipate having all absentee ballots processed on Election Day." Officials said they will work to ensure every vote is counted and all laws and regulations are followed.³²

³¹ "4,000 remaining absentee ballots being counted in Fulton County", Fox 5 Atlanta, November 3, 2020, <https://www.fox5atlanta.com/news/pipe-burst-at-state-farm-arena-delays-absentee-ballot-processing>

³² 4,000 remaining absentee ballots being counted in Fulton County, Fox 5 Atlanta, November 3, 2020, <https://www.fox5atlanta.com/news/pipe-burst-at-state-farm-arena-delays-absentee-ballot-processing>

118.

Plaintiffs have learned that the representation about “a water leak affecting the room where absentee ballots were counted” was not true. The only water leak that needed repairs at State Farm Arena from November 3 – November 5 was a toilet overflow that occurred earlier on November 3. It had nothing to do with a room with ballot counting, but the false water break representation led to “everyone being sent home.” Nonetheless, first six (6) people, then three (3) people stayed until 1:05 a.m. working on the computers.

119.

An Affiant recounts how she was present at State Farm Arena on November 3, and saw election workers remaining behind after people were told to leave. (See Exh. 28, Affidavit of Mitchell Harrison; Exh. 29, Affid. of Michelle Branton)

120.

Plaintiffs have also learned through several reports that in 2010 Eric Coomer joined Dominion as Vice President of U.S. Engineering. According to his bio, Coomer graduated from the University of California, Berkeley with a Ph.D. in Nuclear Physics. Eric Coomer was later promoted to Voting Systems Officer of Strategy and Security although Coomer has since been removed from the Dominion page of directors. Dominion altered its website after

Colorado resident Joe Oltmann disclosed that as a reporter he infiltrated ANTIFA, a domestic terrorist organization where he recorded Eric Coomer representing: “Don’t worry. Trump won’t win the election, we fixed that.” – as well as social media posts with violence threatened against President Trump. (See Joe Oltmann interview with Michelle Malkin dated November 13, 2020 which contains copies of Eric Coomer’s recording and tweets).³³

121.

While the bedrock of American elections has been transparency, almost every crucial aspect of Georgia’s November 3, 2020, General Election was shrouded in secrecy, rife with “errors,” and permeated with anomalies so egregious as to render the results incapable of certification.

MULTIPLE EXPERT REPORTS AND STATISTICAL ANALYSES PROVE HUNDREDS OF THOUSANDS OF VOTES WERE LOST OR SHIFTED THAT COST PRESIDENT TRUMP AND THE REPUBLICAN CANDIDATES OF CONGRESSIONAL DISTRICTS 6 AND 7 THEIR RACES.

122.

As evidenced by numerous public reports, expert reports, and witness statements, Defendants egregious misconduct has included ignoring legislative mandates concerning mail-in and ordinary ballots and led to

³³ *Malkin Live: Election Update, Interview of Joe Oltmann*, by Michelle Malkin, November 13, 2020, available at:

https://www.youtube.com/watch?v=dh1X4s9HuLo&fbclid=IwAR2EaJc1M9RT3DaUraAjsycM0uPKB3uM_-MhH6SMcGrwNyJ3vNmlcTsHxF4

disenfranchisement of an enormous number of Georgia voters. Plaintiffs experts can show that, consistent with the above specific misrepresentations, analysis of voting data reveals the following:

(a) Regarding uncounted mail ballots, based on evidence gathered by Matt Braynard in the form of recorded calls and declarations of voters, and analyzed by Plaintiff's expert, Williams M. Briggs, PhD, shows, based on a statistically significant sample, **that the total number of mail ballots that voters mailed in, but were never counted, have a 95% likelihood of falling between 31,559 and 38,886 total lost votes.** This range exceeds the margin of loss of President Trump of 12,670 votes by at least 18,889 lost votes and by as many as 26,196 lost votes. (See Exh. 1, Dr. Briggs' Report, with attachments).

(b) Plaintiff's expert also finds that **voters received tens of thousands of ballots that they never requested.** (See Exh. 1). Specifically, Dr. Briggs found that in the state of Georgia, based on a statistically significant sample, the expected amount of persons that received an absentee ballot that they did not request ranges from 16,938 to 22,771. **This range exceeds the margin of loss of**

President Trump by 12,670 votes by at least 4,268 unlawful requests and by as many as 10,101 unlawful requests. *Id.*

(c) This widespread pattern, as reflected within the population of unreturned ballots analyzed by Dr. Briggs, reveals the unavoidable reality that, in addition to the calculations herein, third parties voted an untold number of unlawfully acquired absentee or mail-in ballots, which would not be in the database of unreturned ballots analyzed here. See O.G.C.A. 21-2-522. **These unlawfully voted ballots prohibited properly registered persons from voting and reveal a pattern of widespread fraud down ballot as well.**

(d) **Further, as calculated by Matt Braynard, there exists clear evidence of 20,311 absentee or early voters in Georgia that voted while registered as having moved out of state.** (See *Id.*, attachment to report). Specifically, these persons were showing on the National Change of Address Database (NCOA) as having moved, or as having filed subsequent voter registration in another state also as evidence that they moved and even potentially voted in another state. The 20,311 votes by persons documented as having moved exceeds the margin by which Donald Trump lost the election by 7,641 votes.

(e) Applying *pro-rata* the above calculations separately to Cobb County based on the number of unreturned ballots, a range of 1,255 and 1,687 ballots ordered by 3rd parties and a range of 2,338 and 2,897 lost mail ballots, plus 10,684 voters documented in the NCOA as having moved, **for a combined minimum of 14,276 missing and unlawful ballots, and maximum of 15,250 missing and unlawful ballots, which exceeds the statewide Presidential race total margin by a range of as few as 1,606 ballots and as many as 2,580 in the County of Cobb alone impacting the Cobb County Republican Party (“Cobb County Republicans”).**

123.

As seen from the **expert analysis of Eric Quinnell**, mathematical anomalies further support these findings, when in various districts within Fulton County such as vote gains that exceed reasonable expectations when compared to 2016, and a failure of gains to be normally distributed but instead shifting substantially toward the tail of the distribution in what is known as a platykurtic distribution. Dr. Quinell identifies numerous anomalies such as votes to Biden in excess of 2016 exceed the registrations that are in excess of 2016. Ultimately, he identifies the counties in order of their excess performance over what would have fit in a

normal distribution of voting gains, revealing a list of the most anomalous counties down to the least. These various anomalies provide evidence of voting irregularities. (See Exh.27, Declaration of Eric Quinnell, with attachments).

124.

In sum, with the expert analysis of William M. Briggs PhD based on recorded calls and declarations, the extent of missing AND unlawfully requested ballots create substantial evidence that the mail ballot system has fundamentally failed to provide a fair voting mechanism. In short, tens of thousands of votes did not count while the pattern of fraud makes clear that tens of thousands were improperly counted. This margin of victory in the election for Mr. Biden was only 12,670 and cannot withstand most of these criticisms individually and certainly not in aggregate.

125.

Cobb county, based on lost votes, unlawfully requested votes and NCOA data on these facts alone would consume more than the entire margin of the statewide difference in the Presidential race. These election results must be reversed.

126.

Applying *pro-rata* the above calculations separately to Cobb County based on the number of unreturned ballots, a range of 1,255 and 1,687 ballots

ordered by 3rd parties and a range of 2,338 and 2,897 lost mail ballots, plus 10,684 voters documented in the NCOA as having moved, **for a combined minimum of 14,276 missing and unlawful ballots, and maximum of 15,250 missing and unlawful ballots, which exceeds the statewide Presidential race total margin by a range of as few as 1,606 ballots and as many as 2,580 in the County of Cobb alone impacting the Cobb County Republican Party (“Cobb County Republicans”).** (See Exh. 1).

127.

Mr. Braynard also found a pattern in Georgia of voters registered at totally fraudulent residence addresses, including shopping centers, mail drop stores and other non-residential facilities³⁴.

128.

In sum, with the expert analysis of William M. Briggs PhD based on extensive investigation, recorded calls and declarations collected by Matt Braynard, (See attachments to Exh. 1, Briggs’ report) the extent of missing and unlawfully requested ballots create substantial evidence that the mail ballot system has fundamentally failed to provide a fair voting mechanism. In

³⁴ Matt Braynard, <https://twitter.com/MattBraynard/status/1331324173910761476>; <https://twitter.com/MattBraynard/status/1331299873556086787?s=20>; (a) <https://twitter.com/MattBraynard/status/1331299873556086787?s=20>

short, tens of thousands of votes did not count while the pattern of fraud and mathematical anomalies that are impossible absent malign human agency makes clear that tens of thousands were improperly counted. This margin of victory in the election for Mr. Biden was only 12,670 and cannot withstand most of these criticisms individually and certainly not in aggregate.

129.

Cobb county, based on lost votes, unlawfully requested votes and NCOA data on these facts alone would consume more than the entire margin of the statewide difference in the Presidential race.

130.

Russell Ramsland confirms that data breaches in the Dominion software permitted rogue actors to penetrate and manipulate the software during the recent general election. He further concludes that at least 96,600 mail-in ballots were illegally counted as they were not cast by legal voters.

131.

In sum, as set forth above, for a host of independent reasons, the Georgia certified election results concluding that Joe Biden received 12,670 more votes than President Donald Trump must be set aside.

COUNT I

DEFENDANTS VIOLATED THE ELECTIONS CLAUSE AND 42 U.S.C. § 1983

132.

Plaintiffs reallege all preceding paragraphs as if fully set forth herein.

133.

The Electors Clause states that “[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors” for President. Art. II, § 1, cl. 2 (emphasis added). Likewise, the Elections Clause of the U.S. Constitution states that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.” Art. I, § 4, cl. 1 (emphasis added).

134.

The Legislature is “the representative body which ma[kes] the laws of the people.” *Smiley*, 285 U.S. at 193. Regulations of congressional and presidential elections, thus, “must be in accordance with the method which the state has prescribed for legislative enactments.” *Id.* at 367; *see also Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 135 S. Ct. 2652, 2668 (2015).

135.

Defendants are not part of the General Assembly and cannot exercise legislative power. Rather, Defendants' power is limited to "tak[ing] care that the laws be faithfully executed." Pa. Const. Art. IV, § 2. Because the United States Constitution reserves for the General Assembly the power to set the time, place, and manner of holding elections for the President and Congress, county boards of elections and state executive officers have no authority to unilaterally exercise that power, much less to hold them in ways that conflict with existing legislation.

136.

Defendants are not the legislature, and their unilateral decision to create a "cure procedure" violates the Electors and Elections Clauses of the United States Constitution.

137.

The Secretary of State and the State Election Board are not the legislature, and their decision to permit early processing of absentee ballots in direct violation of the unambiguous requirements of O.C.G.A. § 21-2-386(a)(2) violates the Electors and Elections Clauses of the United States Constitution.

138.

Many Affiants testified to many legal infractions in the voting process, including specifically switching absentee ballots or mail-in ballots for Trump to Biden. Even a Democrat testified in his sworn affidavit that before he was forced to move back to where he could not see, he had in fact seen, “*I also saw absentee ballots for Trump inserted into Biden’s stack, and counted as Biden votes. This occurred a few times*”. (See Exh. 18, Par. 12).

139.

Plaintiff’s expert also finds that voters received tens of thousands of ballots that they never requested. (See Exh. 1, Dr. Briggs’ Report). Specifically, Dr. Briggs found that in the state of Georgia, based on a statistically significant sample, the expected amount of persons that received an absentee ballot that they did not request one ranges from 16,938 to 22,771. This range exceeds the margin of loss of President Trump by 12,670 votes by at least 4,268 unlawful requests and by as many as 10,101 unlawful requests.

140.

This widespread pattern, as reflected within the population of unreturned ballots analyzed by Dr. Briggs, reveals the unavoidable reality that, in addition to the calculations herein, third parties voted an untold number of unlawfully acquired absentee or mail-in ballots, which would not

be in the database of unreturned ballots analyzed here. *See* O.G.C.A. 21-2-522. These unlawfully voted ballots prohibited properly registered persons from voting and reveal a pattern of widespread fraud.

141.

Further, as shown by data collected by Matt Braynard, there exists clear evidence of 20,311 absentee or early voters in Georgia that voted while registered as having moved out of state. Specifically, these persons were showing on the National Change of Address Database (NCOA) as having moved, or as having filed subsequent voter registration in another state also as evidence that they moved and even potentially voted in another state. The 20,311 votes by persons documented as having moved exceeds the margin by which Donald Trump lost the election by 7,641 votes.

142.

Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm unless the injunctive relief requested herein is granted. Defendants have acted and, unless enjoined, will act under color of state law to violate the Elections Clauses of the Constitution. Accordingly, the results for President and Congress in the November 3, 2020 election must be set aside. The results are infected with Constitutional violations.

COUNT II

**THE SECRETARY OF STATE AND GEORGIA COUNTIES VIOLATED
THE FOURTEENTH AMENDMENT U.S. CONST. AMEND. XIV, 42
U.S.C. § 1983**

DENIAL OF EQUAL PROTECTION

**INVALID ENACTMENT OF REGULATIONS AFFECTING
OBSERVATION AND MONITORING OF THE ELECTION**

143.

Plaintiffs refer to and incorporate by reference each of the prior paragraphs of this Complaint as though the same were repeated at length herein.

144.

The Fourteenth Amendment of the United States Constitution provides “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. *See also Bush v. Gore*, 531 U.S. 98, 104 (2000)(having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over the value of another’s). *Harper v. Virginia Board of Elections*, 383 U.S. 663, 665 (1966) (“Once the franchise is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment.”).

145.

The Court has held that to ensure equal protection, a “problem inheres in the absence of specific standards to ensure its equal application. The formulation of uniform rules to determine intent based on these recurring circumstances is practicable and, we conclude, necessary.” *Bush v. Gore*, 531 U.S. 98, 106, 121 S. Ct. 525, 530, 148 L. Ed. 2d 388 (2000).

146.

The equal enforcement of election laws is necessary to preserve our most basic and fundamental rights. The requirement of equal protection is particularly stringently enforced as to laws that affect the exercise of fundamental rights, including the right to vote.

147.

In statewide and federal elections conducted in the State of Georgia, including without limitation the November 3, 2020, General Election, all candidates, political parties, and voters, including without limitation Plaintiffs, have a vested interest in being present and having meaningful access to observe and monitor the electoral process in each County to ensure that it is properly administered in every election district and otherwise free, fair, and transparent.

148.

Moreover, through its provisions involving watchers and representatives, the Georgia Election Code ensures that all candidates and political parties in each County, including the Trump Campaign, have meaningful access to observe and monitor the electoral process to ensure that it is properly administered in every election district and otherwise free, fair, and transparent. *See, e.g.* In plain terms, the statute clearly prohibits opening absentee ballots prior to election day, while the rule authorizes doing so three weeks before election day. There is no reconciling this conflict. The State Election Board has authority under O.C.G.A. § 21-2-31 to adopt lawful and legal rules and regulations, but no authority to promulgate a regulation that is directly contrary to an unambiguous statute. Rule 183-1-14-0.9-.15 is therefore plainly and indisputably unlawful.

Plaintiffs also bring this action under Georgia law, O.C.G.A. § 21-2-522,

Grounds for Contest:

149.

A result of a primary or election may be contested on one or more of the following grounds:

150.

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result; or
- (5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

O.C.G.A. § 21-2-522.

151.

Several affiants testified to the improper procedures with absentee ballots processing, with the lack of auditable procedures with the logs in the computer systems, which violates Georgia law, and federal election law. See

also, 50 U.S.C. § 20701 requires the retention and preservation of records and papers by officers of elections under penalty of fine and imprisonment.

152.

The State Election Board re-adopted Rule 183-1-14-0.9-.15 on November 23, 2020 for the upcoming January 2021 runoff election.

153.

A large number of ballots were identical and likely fraudulent. An Affiant explains that she observed a batch of utterly pristine ballots:

14. Most of the ballots had already been handled; they had been written on by people, and the edges were worn. They showed obvious use. However, one batch stood out. It was pristine. There was a difference in the texture of the paper - it was if they were intended for absentee use but had not been used for that purposes. There was a difference in the feel.

15. These different ballots included a slight depressed pre-fold so they could be easily folded and unfolded for use in the scanning machines. There were no markings on the ballots to show where they had com~ from, or where they had been processed. These stood out.

16. In my 20 years of experience of handling ballots, I observed that the markings for the candidates on these ballots were unusually uniform, perhaps even with a ballot-marking device. By my estimate in observing these ballots, approximately 98% constituted votes for Joe Biden. I only observed two of these ballots as votes for President Donald J. Trump.” (See Exh. 15).

154.

The same Affiant further testified specifically to the breach of the chain of custody of the voting machines the night before the election stating:

we typically receive the machines, the ballot marking devices – on the Friday before the election, with a chain of custody letter to be signed on Sunday, indicating that we had received the machines and the counts on the machines when received, and that the machines have been sealed. **In this case, we were asked to sign the chain of custody letter on Sunday, even though the machines were not delivered until 2:00 AM in the morning on Election Day.** The Milton precinct received its machines at 1:00 AM in the morning on Election Day. This is unacceptable and voting machines should [not] be out of custody prior to an Election Day. *Id.*

155.

Defendants have a duty to treat the voting citizens in each County in the same manner as the citizens in other counties in Georgia.

156.

As set forth in Count I above, Defendants failed to comply with the requirements of the Georgia Election Code and thereby diluted the lawful ballots of the Plaintiffs and of other Georgia voters and electors in violation of the United States Constitution guarantee of Equal Protection.

157.

Specifically, Defendants denied the plaintiffs equal protection of the law and their equal rights to meaningful access to observe and monitor the electoral process enjoyed by citizens in other Georgia Counties by:

(a) mandating that representatives at the pre-canvass and canvass of all absentee and mail-ballots be either Georgia barred

attorneys or qualified registered electors of the county in which they sought to observe and monitor;

(b) not allowing watchers and representatives to visibly see and review all envelopes containing official absentee and mail-in ballots either at or before they were opened and/or when such ballots were counted and recorded; and

(c) allowing the use of Dominion Democracy Suite software and devices, which failed to meet the Dominion Certification Report's conditions for certification.

158.

Instead, Defendants refused to credential all of the Trump Republican's submitted watchers and representatives and/or kept Trump Campaign's watchers and representatives by security and metal barricades from the areas where the inspection, opening, and counting of absentee and mail-in ballots were taking place. Consequently, Defendants created a system whereby it was physically impossible for the candidates and political parties to view the ballots and verify that illegally cast ballots were not opened and counted

159.

Many Affiants testified to switching absentee ballots or mail-in ballots for Trump to Biden, including a Democrat. He testified in his sworn affidavit, that before he was forced to move back to where he could not see, he

had in fact seen, “absentee ballots for Trump inserted into Biden’s stack, and counted as Biden votes. This occurred a few times”. (See Exh. 18, Par. 12).

160.

Other Georgia county boards of elections provided watchers and representatives of candidates and political parties, including without limitation watchers and representatives of the Republicans and the Trump Campaign, with appropriate access to view the absentee and mail-in ballots being pre-canvassed and canvassed by those county election boards and without restricting representatives by any county residency or Georgia bar licensure requirements.

161.

Defendants intentionally and/or arbitrarily and capriciously denied Plaintiffs access to and/or obstructed actual observation and monitoring of the absentee and mail-in ballots being pre-canvassed and canvassed by Defendants, depriving them of the equal protection of those state laws enjoyed by citizens in other Counties.

162.

Defendants have acted and will continue to act under color of state law to violate Plaintiffs’ right to be present and have actual observation and access to the electoral process as secured by the Equal Protection Clause of the United States Constitution.

163.

Defendants further violated Georgia voters' rights to equal protection insofar as Defendants allowed the Georgia counties to process and count ballots in a manner that allowed ineligible ballots to be counted, and through the use of Dominion Democracy Suite, allowed eligible ballots for Trump and McCormick to be switched to Biden or lost altogether. Defendants thus failed to conduct the general election in a uniform manner as required by the Equal Protection Clause of the Fourteenth Amendment and the Georgia Election Code.

164.

Plaintiffs seek declaratory and injunctive relief holding that the election, under these circumstances, was improperly certified and that the Governor be enjoined from transmitting Georgia's certified Presidential election results to the Electoral College. Georgia law forbids certifying a tally that includes any ballots that were not legally cast, or that were switched from Trump to Biden, through the unlawful use of Dominion Democracy Suite software and devices.

165.

Alternatively, Plaintiffs seek declaratory and injunctive relief holding that the election, under these circumstances, was improperly certified and that the Governor be required to recertify the results declaring that Donald

Trump has won the election and transmitting Georgia's certified Presidential election result in favor of President Trump.

166.

Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm unless the declaratory and injunctive relief requested herein is granted. Indeed, the setting aside of an election in which the people have chosen their representative is a drastic remedy that should not be undertaken lightly, but instead should be reserved for cases in which a person challenging an election has clearly established a violation of election procedures and has demonstrated that the violation has placed the result of the election in doubt. Georgia law allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to have their votes counted accurately. O.C.G.A. § 21-2-520 et seq.

167.

In addition to the alternative requests for relief in the preceding paragraphs, hereby restated, Plaintiffs seek a permanent injunction requiring the County Election Boards to invalidate ballots cast by: 1) voters whose signatures on their registrations have not been matched with ballot, envelope and voter registration check; 2) all "dead votes"; and 4) all 900 military ballots in Fulton county that supposedly were 100% for Joe Biden.

COUNT III

FOURTEENTH AMENDMENT EQUAL PROTECTION CLAUSE U.S. CONST. AMEND. XIV, 42 U.S.C. § 1983

DENIAL OF DUE PROCESS

DISPARATE TREATMENT OF ABSENTEE/MAIL-IN VOTERS AMONG DIFFERENT COUNTIES

168.

Plaintiffs incorporate each of the prior allegations in this Complaint.

Voting is a fundamental right protected by the Fourteenth Amendment to the United States Constitution. The Fourteenth Amendment protects the right to vote from conduct by state officials which seriously undermines the fundamental fairness of the electoral process. *Marks v. Stinson*, 19 F.3d 873, 889 (3d Cir. 1994); *Griffin*, 570 F.2d at 1077-78. “[H]aving once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.” *Bush*, 531 U.S. at 104-05.

169.

Defendants are not part of the General Assembly and cannot exercise legislative power. Rather, Defendants’ power is limited to executing the laws as passed by the legislature. Although the Georgia General Assembly may enact laws governing the conduct of elections, “no legislative enactment may

contravene the requirements of the Georgia or United States Constitutions.”

Shankey, 257 A. 2d at 898.

170.

Federal courts “possess broad discretion to fashion an equitable remedy.” *Black Warrior Riverkeeper, Inc. v. U.S. Army Corps of Engineers*, 781 F.3d 1271, 1290 (11th Cir. 2015); *Castle v. Sangamo Weston, Inc.*, 837 F.2d 1550, 1563 (11th Cir. 1988) (“The decision whether to grant equitable relief, and, if granted, what form it shall take, lies in the discretion of the district court.”).

171.

Moreover, “[t]o the extent that a voter is at risk for having his or her ballot rejected due to minor errors made in contravention of those requirements, ... the decision to provide a ‘notice and opportunity to cure’ procedure to alleviate that risk is one best suited for the Legislature[,] . . . particularly in light of the open policy questions attendant to that decision, including what the precise contours of the procedure would be, how the concomitant burdens would be addressed, and how the procedure would impact the confidentiality and counting of ballots, all of which are best left to the legislative branch of Georgia's government.” *Id.*

172.

The disparate treatment of Georgia voters, in subjecting one class of voters to greater burdens or scrutiny than another, violates Equal Protection guarantees because “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds*, 377 U.S. at 555. *Rice v. McAlister*, 268 Ore. 125, 128, 519 P.2d 1263, 1265 (1975); *Heitman v. Brown Grp., Inc.*, 638 S.W.2d 316, 319, 1982 Mo. App. LEXIS 3159, at *4 (Mo. Ct. App. 1982); *Prince v. Bear River Mut. Ins. Co.*, 2002 UT 68, ¶ 41, 56 P.3d 524, 536-37 (Utah 2002).

173.

Defendants are not the legislature, and their unilateral decision to create and implement a cure procedure for some but not all absentee and mail-in voters in this State violates the Due Process Clause of the United States Constitution. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm unless the injunctive relief requested herein is granted.

COUNT IV

FOURTEENTH AMENDMENT, U.S. CONST. ART. I § 4, CL. 1; ART. II, § 1, CL. 2; AMEND. XIV, 42 U.S.C. § 1983

DENIAL OF DUE PROCESS ON THE RIGHT TO VOTE

174.

Plaintiffs refer to and incorporate by reference each of the prior paragraphs of this Complaint as though the same were repeated at length herein.

175.

The right of qualified citizens to vote in a state election involving federal candidates is recognized as a fundamental right under the Fourteenth Amendment of the United States Constitution. *Harper*, 383 U.S. at See also *Reynolds*, 377 U.S. at 554 (The Fourteenth Amendment protects the “the right of all qualified citizens to vote, in state as well as in federal elections.”). Indeed, ever since the Slaughter-House Cases, 83 U.S. 36 (1873), the United States Supreme Court has held that the Privileges or Immunities Clause of the Fourteenth Amendment protects certain rights of federal citizenship from state interference, including the right of citizens to directly elect members of Congress. See *Twining v. New Jersey*, 211 U.S. 78, 97 (1908) (citing *Ex parte Yarbrough*, 110 U.S. 651, 663-64 (1884)). See also *Oregon v. Mitchell*, 400 U.S. 112, 148-49 (1970) (Douglas, J., concurring) (collecting cases).

176.

The fundamental right to vote protected by the Fourteenth Amendment is cherished in our nation because it “is preservative of other basic civil and political rights.” *Reynolds*, 377 U.S. at 562. Voters have a “right to cast a ballot in an election free from the taint of intimidation and fraud,” *Burson v. Freeman*, 504 U.S. 191, 211 (1992), and “[c]onfidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.” *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam).

177.

“Obviously included within the right to [vote], secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted” if they are validly cast. *United States v. Classic*, 313 U.S. 299, 315 (1941). “[T]he right to have the vote counted” means counted “at full value without dilution or discount.” *Reynolds*, 377 U.S. at 555, n.29 (quoting *South v. Peters*, 339 U.S. 276, 279 (1950) (Douglas, J., dissenting)).

178.

“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.” *Anderson v. United States*, 417 U.S. 211, 227 (1974); see also *Baker v. Carr*, 369 U.S. 186, 208 (1962). Invalid or

fraudulent votes “debase[]” and “dilute” the weight of each validly cast vote.

See Anderson, 417 U.S. at 227.

179.

The right to an honest [count] is a right possessed by each voting elector, and to the extent that the importance of his vote is nullified, wholly or in part, he has been injured in the free exercise of a right or privilege secured to him by the laws and Constitution of the United States.” *Anderson*, 417 U.S. at 226 (quoting *Prichard v. United States*, 181 F.2d 326, 331 (6th Cir.), *aff'd due to absence of quorum*, 339 U.S. 974 (1950)).

180.

Practices that promote the casting of illegal or unreliable ballots or fail to contain basic minimum guarantees against such conduct, can violate the Fourteenth Amendment by leading to the dilution of validly cast ballots. *See Reynolds*, 377 U.S. at 555 (“[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.”).

181.

In Georgia, the signature verification requirement is a dead letter. The signature rejection rate for the most recent election announced by the Secretary of State was 0.15%. The signature rejection rate for absentee ballot applications was .00167% - only 30 statewide. Hancock County, Georgia,

population 8,348, rejected nine absentee ballot applications for signature mismatch. Fulton County rejected eight. No other metropolitan county in Georgia rejected even a single absentee ballot application for signature mismatch. The state of Colorado, which has run voting by mail for a number of years, has a signature rejection rate of between .52% and .66%.³⁵ The State of Oregon had a rejection rate of 0.86% in 2016.³⁶ The State of Washington has a rejection rate of between 1% and 2%.³⁷ If Georgia rejected absentee ballots at a rate of .52% instead of the actual .15%, approximately 4,600 more absentee ballots would have been rejected.

COUNT V

THERE WAS WIDE-SPREAD BALLOT FRAUD.

OCGA 21-2-522

182.

Plaintiffs refer to and incorporate by reference each of the prior paragraphs of this Complaint as though the same were repeated at length herein.

³⁵ See <https://duckduckgo.com/?q=colorado+signature+rejection+rate&t=osx&ia=web> last visited November 25, 2020

³⁶ See <https://www.vox.com/21401321/oregon-vote-by-mail-2020-presidential-election>, last visited November 25, 2020.

³⁷ See <https://www.salon.com/2020/09/08/more-than-550000-mail-ballots-rejected-so-far-heres-how-to-make-sure-your-vote-gets-counted/> last visited November 25, 2020.

183.

Plaintiffs contest the results of Georgia's election, with Standing conferred under pursuant to O.G.C.A. 21-2-521.

184.

Therefore, pursuant to O.G.C.A. 21-2-522, for misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result. The foundational principle that Georgia law “nonetheless allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to have their votes counted accurately.” *Martin v. Fulton County Bd. of Registration & Elections*, 307 Ga. 193, 194, 835 S.E.2d 245, 248 (2019). The Georgia Supreme Court has made clear that Plaintiffs need not show how the [] voters would have voted if their [absentee] ballots had been regular. [] only had to show that there were enough irregular ballots to place in doubt the result.” See OCGA § 21-2-520 et seq., *Mead v. Sheffield*, 278 Ga. 268, 272, 601 S.E.2d 99, 102 (1994) the Supreme Court invalidated an election, and ordered a new election because it found that,

Thus, [i]t was not incumbent upon [the Plaintiff] to show how the [481] voters would have voted if their [absentee] ballots had been regular. He only had to show that there were enough irregular ballots to place in doubt the result. He succeeded in that task.

Id. at 271 (citing *Howell v. Fears*, 275 Ga. 627, 571 SE2d 392, (2002) (primary results invalid where ballot in one precinct omitted names of both qualified candidates).

185.

The "glitches" in the Dominion system—that seem to have the uniform effect of hurting Trump and helping Biden have been widely reported in the press and confirmed by the analysis of independent experts.

186.

Prima facie evidence in multiple affidavits shows specific fraudulent acts, which directly resulted in the flipping of the race at issue:

- a) votes being switched in Biden's favor away from Trump during the recount;
- b) the lack of procedures in place to follow the election code, and the purchase and use, Dominion Voting System despite evidence of serious vulnerabilities;
- c) a demonstration that misrepresentations were made about a pipe burst that sent everyone home, while first six, then three, unknown individuals were left alone until the morning hours working on the machines;

d) further a failure to demonstrate compliance with the Georgia's Election Codes, in maintaining logs on the Voting system for a genuine and sound audit, other than voluntary editable logs that prevent genuine audits. While the bedrock of this Democratic Republic rests on citizens' confidence in the validity of our elections and a transparent process, Georgia's November 3, 2020 General Election remains under a pall of corruption and irregularity that reflects a pattern of the absence of mistake. At best, the evidence so far shows ignorance of the truth; at worst, it proves a knowing intent to defraud.

187.

Plaintiff's expert also finds that voters received tens of thousands of ballots that they never requested. (See Exh. 1, Dr. Briggs' Report). Specifically, Dr. Briggs found that in the state of Georgia, based on a statistically significant sample, the expected amount of persons that received **an absentee ballot that they did not request ranges from 16,938 to 22,771**. This range exceeds the margin of loss of President Trump by 12,670 votes by at least 4,268 unlawful requests and by as many as 10,101 unlawful requests.

188.

This widespread pattern, as reflected within the population of unreturned ballots analyzed by Dr. Briggs, reveals the unavoidable reality that, in addition to the calculations herein, third parties voted an untold number of unlawfully acquired absentee or mail-in ballots, which would not be in the database of unreturned ballots analyzed here. See O.G.C.A. 21-2-522. These unlawfully voted ballots prohibited properly registered persons from voting and reveal a pattern of widespread fraud.

189.

Further, there exists clear evidence of 20,311 absentee or early voters in Georgia that voted while registered as having moved out of state. Specifically, these persons were showing on the National Change of Address Database (NCOA) as having moved, or as having filed subsequent voter registration in another state also as evidence that they moved and even potentially voted in another state. The 20,311 votes by persons documented as having moved exceeds the margin by which Donald Trump lost the election by 7,641 votes.

190.

Plaintiffs' expert Russell Ramsland concludes that at least 96,600 mail-in ballots were fraudulently cast. He further concludes that up to

136,098 ballots were illegally counted as a result of improper manipulation of the Dominion software. (Ramsland Aff).

191.

The very existence of absentee mail in ballots created a heightened opportunity for fraud. The population of unreturned ballots analyzed by William Briggs, PhD, reveals the probability that a far greater number of mail ballots were requested by 3rd parties or sent erroneously to persons and voted fraudulently, undetected by a failed system of signature verification. The recipients may have voted in the name of another person, may have not had the legal right to vote and voted anyway, or may have not received the ballot at the proper address and then found that they were unable to vote at the polls, except provisionally, due to a ballot outstanding in their name.

192.

When we consider the harm of these uncounted votes, and ballots not ordered by the voters themselves, and the potential that many of these unordered ballots may in fact have been improperly voted and also prevented proper voting at the polls, the mail ballot system has clearly failed in the state of Georgia and did so on a large scale and widespread basis. The size of the voting failures, whether accidental or intentional, are multiples larger than the margin of votes between the presidential candidates in the

state. For these reasons, Georgia cannot reasonably rely on the results of the mail vote.

193.

The right to vote includes not just the right to cast a ballot, but also the right to have it fairly counted if it is legally cast. The right to vote is infringed if a vote is cancelled or diluted by a fraudulent or illegal vote, including without limitation when a single person votes multiple times. The Supreme Court of the United States has made this clear in case after case. See, e.g., *Gray v. Sanders*, 372 U.S. 368, 380 (1963) (every vote must be “protected from the diluting effect of illegal ballots.”); *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 196 (2008) (plurality op. of Stevens, J.) (“There is no question about the legitimacy or importance of the State’s interest in counting only the votes of eligible voters.”); accord *Reynolds v. Sims*, 377 U.S. 533, 554-55 & n.29 (1964).

194.

Plaintiffs have no adequate remedy at law. As seen from the expert analysis of William Higgs, PhD, based on actual voter data, tens of thousands of votes did not count, and tens of thousands of votes were unlawfully requested.

195.

The Fourteenth Amendment Due Process Clause protects the right to vote from conduct by state officials which seriously undermines the fundamental fairness of the electoral process. *Marks v. Stinson*, 19 F.3d 873, 889 (3d Cir. 1994); *Griffin v. Burns*, 570 F.2d 1065, 1077-78 (1st Cir. 1978).

196.

Separate from the Equal Protection Clause, the Fourteenth Amendment's due process clause protects the fundamental right to vote against "the disenfranchisement of a state electorate." *Duncan v. Poythress*, 657 F.2d 691, 702 (5th Cir. 1981). "When an election process 'reaches the point of patent and fundamental unfairness,' there is a due process violation." *Florida State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1183-84 (11th Cir. 2008) (quoting *Roe v. Alabama*, 43 F.3d 574, 580 (11th Cir.1995) (citing *Curry v. Baker*, 802 F.2d 1302, 1315 (11th Cir.1986))). See also *Griffin*, 570 F.2d at 1077 ("If the election process itself reaches the point of patent and fundamental unfairness, a violation of the due process clause may be indicated and relief under § 1983 therefore in order."); *Marks v. Stinson*, 19 F.3d 873, 889 (3d Cir. 1994) (enjoining winning state senate candidate from exercising official authority where absentee ballots were obtained and cast illegally).

197.

Part of courts' justification for such a ruling is the Supreme Court's recognition that the right to vote and to free and fair elections is one that is preservative of other basic civil and political rights. *See Black*, 209 F.Supp.2d at 900 (quoting *Reynolds*, 377 U.S. at 561-62 ("since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.")); see also *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) ("the political franchise of voting ... is regarded as a fundamental political right, because [sic] preservative of all rights.").

198.

"[T]he right to vote, the right to have one's vote counted, and the right to have ones vote given equal weight are basic and fundamental constitutional rights incorporated in the due process clause of the Fourteenth Amendment to the Constitution of the United States." *Black*, 209 F. Supp. 2d at 900 (a state law that allows local election officials to impose different voting schemes upon some portions of the electorate and not others violates due process). "Just as the equal protection clause of the Fourteenth Amendment prohibits state officials from improperly diluting the right to vote, the due process clause of the Fourteenth amendment forbids state

officials from unlawfully eliminating that fundamental right.” *Duncan*, 657 F.2d at 704. “Having once granted the right to vote on equal terms, [Defendants] may not, by later arbitrary and disparate treatment, value one person's vote over that of another.” *Bush*, 531 U.S. at 104-05.

199.

In statewide and federal elections conducted in the State of Georgia, including without limitation the November 3, 2020 General Election, all candidates, political parties, and voters, including without limitation Plaintiffs, have a vested interest in being present and having meaningful access to observe and monitor the electoral process to ensure that it is properly administered in every election district and otherwise free, fair, and transparent.

200.

Moreover, through its provisions involving watchers and representatives, the Georgia Election Code ensures that all candidates and political parties, including without limitation Plaintiff, Republicans, and the Trump Campaign, shall be “present” and have meaningful access to observe and monitor the electoral process to ensure that it is properly administered in every election district and otherwise free, fair, and transparent.

201.

Defendants have a duty to guard against deprivation of the right to vote through the dilution of validly cast ballots by ballot fraud or election tampering. Rather than heeding these mandates and duties, Defendants arbitrarily and capriciously denied the Trump Campaign and Republicans meaningful access to observe and monitor the electoral process by: (a) mandating that representatives at the pre- canvass and canvass of all absentee and mail-ballots be either Georgia barred attorneys or qualified registered electors of the county in which they sought to observe and monitor; and (b) not allowing watchers and representatives to visibly see and review all envelopes containing official absentee and mail-in ballots either at the time or before they were opened and/or when such ballots were counted and recorded. Instead, Defendants refused to credential all of the Trump Campaign's submitted watchers and representatives and/or kept Trump Campaign's watchers and representatives by security and metal barricades from the areas where the inspection, opening, and counting of absentee and mail-in ballots were taking place. The lack of meaningful access with actual access to see the ballots invited further fraud and cast doubt of the validity of the proceedings.

202.

Consequently, Defendants created a system whereby it was physically impossible for the candidates and political parties to view the ballots and verify that illegally cast ballots were not opened and counted.

203.

Defendants intentionally and/or arbitrarily and capriciously denied Plaintiffs access to and/or obstructed actual observation and monitoring of the absentee and mail-in ballots being pre-canvassed and canvassed by Defendants, and included the unlawfully not counting and including uncounted mail ballots, and that they failed to follow absentee ballot requirements when thousands of **voters received ballots that they never requested**. Defendants have acted and will continue to act under color of state law to violate the right to vote and due process as secured by the Fourteenth Amendment to the United States Constitution.

204.

Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm unless the injunctive relief requested herein is granted.

205.

When we consider the harm of these uncounted votes, and ballots not ordered by the voters themselves, and the potential that many of these

unordered ballots may in fact have been improperly voted and also prevented proper voting at the polls, the mail ballot system has clearly failed in the state of Georgia and did so on a large scale and widespread basis. The size of the voting failures, whether accidental or intentional, are multiples larger than the margin in the state. For these reasons, Georgia cannot reasonably rely on the results of the mail vote.

206.

Relief sought is the elimination of the mail ballots from counting in the 2020 election. Alternatively, the Presidential electors for the state of Georgia should be disqualified from counting toward the 2020 election.

207.

The United States Code (3 U.S.C. 5) provides that,

“[i]f any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

3 USCS § 5.

REQUEST FOR RELIEF

208.

Accordingly, Plaintiffs seek an emergency order instructing Defendants to de-certify the results of the General Election for the Office of President.

209.

In the alternative, Plaintiffs seek an emergency order prohibiting Defendants from including in any certified results from the General Election the tabulation of absentee and mailing ballots which do not comply with the Election Code, including, without limitation, the tabulation of absentee and mail-in ballots Trump Campaign's watchers were prevented from observing or based on the tabulation of invalidly cast absentee and mail-in ballots which (i) lack a secrecy envelope, or contain on that envelope any text, mark, or symbol which reveals the elector's identity, political affiliation, or candidate preference, (ii) do not include on the outside envelope a completed declaration that is dated and signed by the elector, or (iii) are delivered in-person by third parties for non-disabled voters.

210.

When we consider the harm of these uncounted votes, and ballots not ordered by the voters themselves, and the potential that many of these unordered ballots may in fact have been improperly voted and also prevented

proper voting at the polls, the mail ballot system has clearly failed in the state of Georgia and did so on a large scale and widespread basis. The size of the voting failures, whether accidental or intentional, are multiples larger than the margin in the state. For these reasons, Georgia cannot reasonably rely on the results of the mail vote. Relief sought is the elimination of the mail ballots from counting in the 2020 election. Alternatively, the electors for the state of Georgia should be disqualified from counting toward the 2020 election. Alternatively, the electors of the State of Georgia should be directed to vote for President Donald Trump.

211.

For these reasons, Plaintiff asks this Court to enter a judgment in their favor and provide the following emergency relief:

1. An order directing Governor Kemp, Secretary Raffensperger and the Georgia State Board of Elections to de-certify the election results;
2. An order enjoining Governor Kemp from transmitting the currently certified election results to the Electoral College;
3. An order requiring Governor Kemp to transmit certified election results that state that President Donald Trump is the winner of the election;

4. An immediate order to impound all the voting machines and software in Georgia for expert inspection by the Plaintiffs.
5. An order that no votes received or tabulated by machines that were not certified as required by federal and state law be counted.
6. A declaratory judgment declaring that Georgia Secretary of State Rule 183-1-14-0.9-.15 violates the Electors and Elections Clause, U.S. CONST. art. I, § 4;
7. A declaratory judgment declaring that Georgia's failed system of signature verification violates the Electors and Elections Clause by working a de facto abolition of the signature verification requirement;
8. A declaratory judgment declaring that current certified election results violates the Due Process Clause, U.S. CONST. Amend. XIV;
9. A declaratory judgment declaring that mail-in and absentee ballot fraud must be remedied with a Full Manual Recount or statistically valid sampling that properly verifies the signatures on absentee ballot envelopes and that invalidates the certified results if the recount or sampling analysis shows a sufficient number of ineligible absentee ballots were counted;

10. An emergency declaratory judgment that voting machines be Seized and Impounded immediately for a forensic audit—by plaintiffs’ expects;
11. A declaratory judgment declaring absentee ballot fraud occurred in violation of Constitutional rights, Election laws and under state law;
12. A permanent injunction prohibiting the Governor and Secretary of State from transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering;
13. Immediate production of 36 hours of security camera recording of all rooms used in the voting process at State Farm Arena in Fulton County, GA from 12:00am to 3:00am until 6:00pm on November 3.
14. Plaintiffs further request the Court grant such other relief as is just and proper, including but not limited to, the costs of this action and their reasonable attorney fees and expenses pursuant to 42 U.S.C. 1988.

Respectfully submitted, this 25th day of November, 2020.

CALDWELL, PROPST & DELOACH, LLP

/s/ Harry W. MacDougald

Harry W. MacDougald
Georgia Bar No. 463076

CALDWELL, PROPST & DELOACH, LLP

Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956 – Telephone
(404) 843-2737 – Facsimile
hmacdougald@cpdlawyers.com
Counsel for Plaintiffs

/s Sidney Powell*

Sidney Powell PC
Texas Bar No. 16209700
Julia Z. Haller *
Emily P. Newman*
Virginia Bar License No. 84265
2911 Turtle Creek Blvd, Suite 300
Dallas, Texas 75219

*Application for admission pro hac vice
Forthcoming

L. Lin Wood
GA Bar No. 774588
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
Telephone: (404) 891-1402

Howard Kleinhendler*
NEW YORK BAR NO. 2657120 Howard Kleinhendler Esquire
369 Lexington Avenue, 12th Floor
New York, New York 10017
Office (917) 793-1188
Mobile (347) 840-2188
howard@kleinhendler.com
www.kleinhendler.com

*Application for admission pro hac vice
Forthcoming

Attorneys for Plaintiffs

Exh. 1

An Analysis of Surveys Regarding Absentee Ballots Across Several States

William M. Briggs

November 23, 2020

1 Summary

Survey data was collected from individuals in several states, sampling those who the states listed as not returning absentee ballots. The data was provided by Matt Braynard.

The survey asked respondents whether they (a) had ever requested an absentee ballot, and, if so, (b) whether they had in fact returned this ballot. From this sample I produce predictions of the total numbers of: **Error #1**, those who were recorded as receiving absentee ballots *without* requesting them; and **Error #2**, those who returned absentee ballots but whose votes went missing (i.e. marked as unreturned).

The sizes of both errors were large in each state. The states were Georgia, Michigan, Wisconsin, and Arizona where ballots were across parties. Pennsylvania data was for Republicans only.

2 Analysis Description

Each analysis was carried out separately for each state. The analysis used (a) the number of absentee ballots recorded as unreturned, (b) the total responding to the survey, (c) the total of those saying they did not request a ballot, (d) the total of those saying they did request a ballot, and of these (e) the number saying they returned their ballots. I assume survey respondents are representative and the data is accurate.

From these data a simple parameter-free predictive model was used to calculate the probability of all possible outcomes. Pictures of these probabilities were derived, and the 95% prediction interval of the relevant numbers was calculated. The pictures appear in the Appendix at the end. They are summarized here with their 95% prediction intervals.

Error #1: being recorded as sent an absentee ballot without requesting one.

Error #2: sending back an absentee ballot and having it recorded as not returned.

State	Unreturned ballots	Error #1	Error #2
Georgia	138,029	16,938–22,771	31,559–38,866
Michigan	139,190	29,611–36,529	27,928–34,710
Pennsylvania*	165,412	32,414–37,444	26,954–31,643
Wisconsin	96,771	16,316–19,273	13,991–16,757
Arizona	518,560	208,333–229,937	78,714–94,975

*Number for Pennsylvania represent Republican ballots only.

Ballots that were not requested, and ballots returned and marked as not returned were classed as *troublesome*. The estimated average number of troublesome ballots for each state were then calculated using the table above and are presented next.

State	Unreturned ballots	Estimated average troublesome ballots	Percent
Georgia	138,029	53,489	39%
Michigan	139,190	62,517	45%
Pennsylvania*	165,412	61,780	37%
Wisconsin	96,771	29,594	31%
Arizona	518,560	303,305	58%

*Number for Pennsylvania represent Republican ballots only.

3 Conclusion

There are clearly a large number of troublesome ballots in each state investigated. Ballots marked as not returned that were never requested are clearly an error of some kind. The error is not small as a percent of the total recorded unreturned ballots.

Ballots sent back and unrecorded is a separate error. These represent votes that have gone missing, a serious mistake. The number of these missing ballots is also large in each state.

Survey respondents were not asked if they received an unrequested ballot whether they sent these ballots back. This is clearly a lively possibility, and represents a third possible source of error, including the potential of voting twice (once by absentee and once at the polls). No estimates or likelihood can be calculated for this potential error due to absence of data.

4 Declaration of William M. Briggs, PhD

1. My name is William M. Briggs. I am over 18 years of age and am competent to testify in this action. All of the facts stated herein are true and based on my personal knowledge.
2. I received a Ph.D of Statistics from Cornell University in 2004.
3. I am currently a statistical consultant. I make this declaration in my personal capacity.
4. I have analyzed data regarding responses to questions relating to mail ballot requests, returns and related issues.
5. I attest to a reasonable degree of professional certainty that the resulting analysis are accurate.

I declare under the penalty of perjury that the foregoing is true and correct.

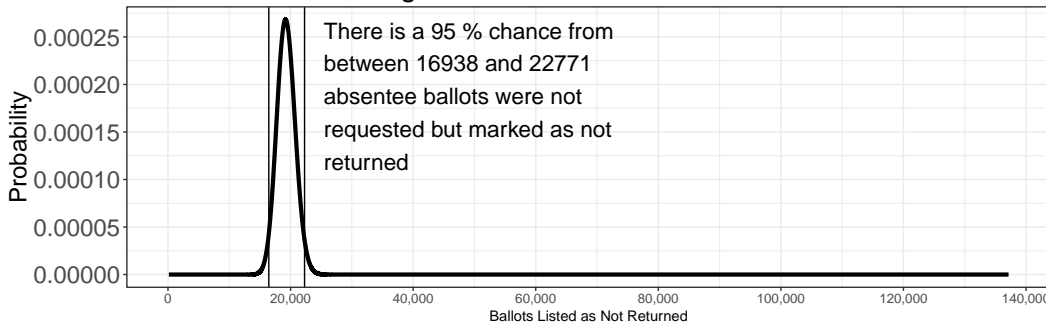
23 November 2020

William M. Briggs

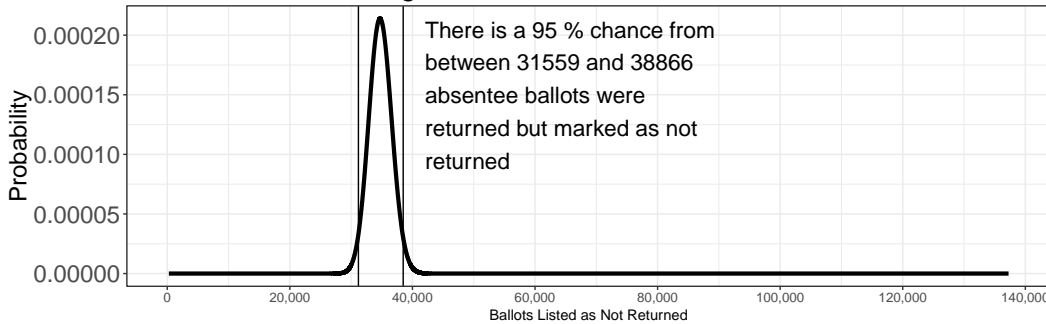
5 Appendix

The probability pictures for each state for each outcome as mentioned above.

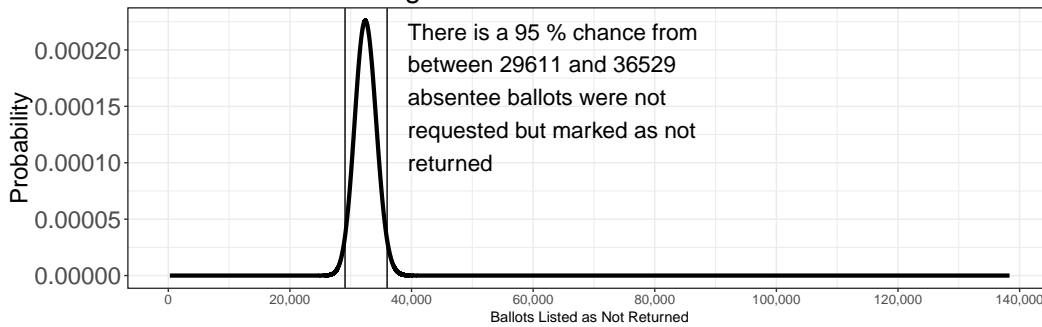
Probability of numbers of un-requested absentee ballots listed as not returned for Georgia



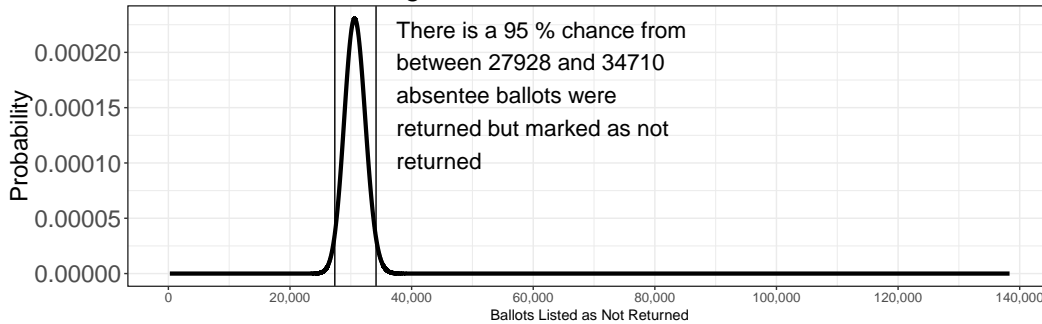
Probability of numbers of absentee ballots returned but listed as not returned for Georgia



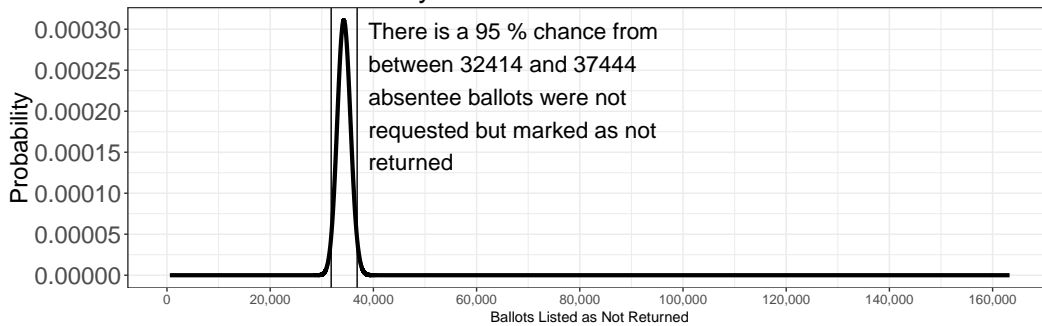
Probability of numbers of un-requested absentee ballots listed as not returned for Michigan



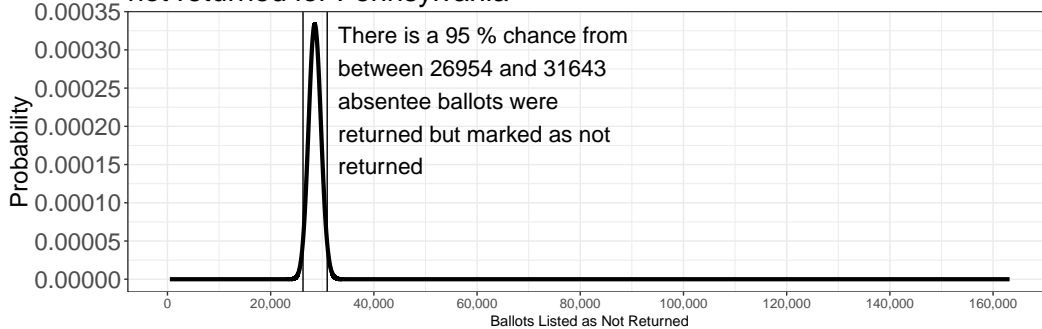
Probability of numbers of absentee ballots returned but listed as not returned for Michigan



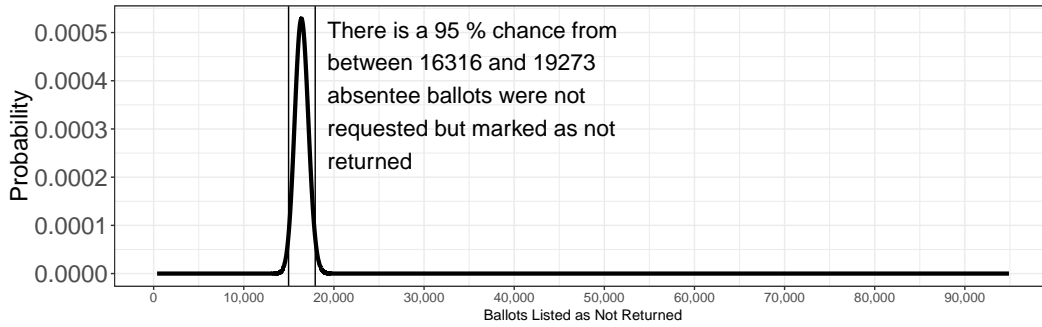
Probability of numbers of un-requested absentee ballots listed as not returned for Pennsylvania



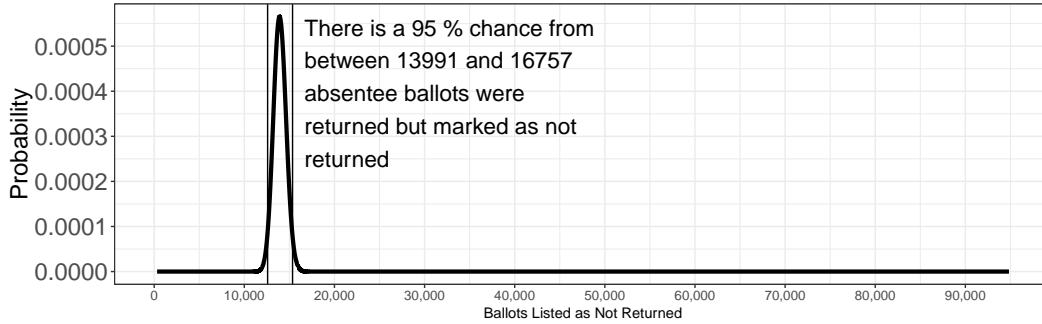
Probability of numbers of absentee ballots returned but listed as not returned for Pennsylvania



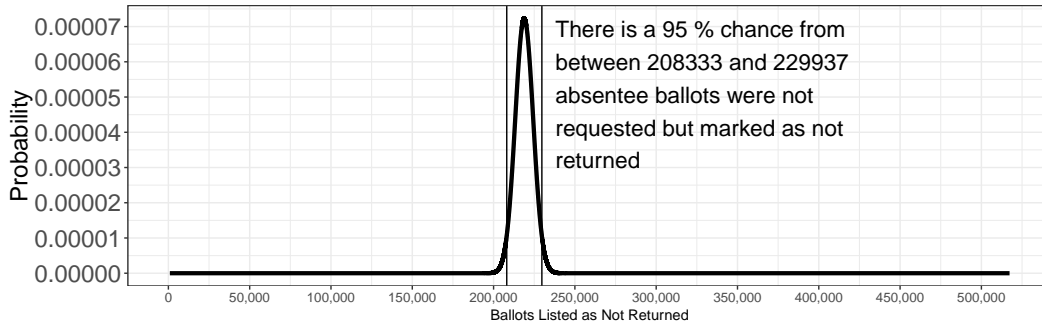
Probability of numbers of un-requested absentee ballots listed as not returned for Wisconsin



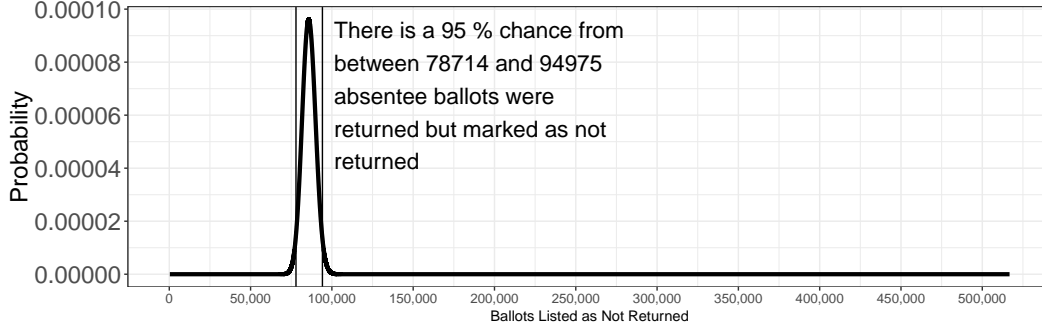
Probability of numbers of absentee ballots returned but listed as not returned for Wisconsin



Probability of numbers of un-requested absentee ballots listed as not returned for Arizona



Probability of numbers of absentee ballots returned but listed as not returned for Arizona



0276 GA Unreturned_Absentee Live ID Topline

			11/16/2020	11/17/2020
15179	Completes		8143	7036
184	Q5=01 or 02	status = C	64	120
13,479	Answering Machines	status = AM	7090	6389
1,516	up/RC	status = R, IR, RC, DC	989	527
4,902	Numbers/Language	status = D, BC,WN, NE	2436	2466
0	MA	status = MA	0	0
58.45%	List Penetration			
34,355	Data Loads		34,355	

Q1 - May I please speak to <lead on screen>?		Response	16-Nov	17-Nov
767	65.28%	1. Reached Target [Go to Q2].	446	321
255	21.70%	[Go to Q2].	165	90
153	13.02%	X = Refused <Go to CLOSE A>	104	49
385	32.77%	Q = Hangup <Go to CLOSE A>	267	118
1,175	100.00%	Sum of All Responses	982	578

Q2 - Did you request an absentee ballot?		Response	16-Nov	17-Nov
591	61.31%	1. Yes. [Go to Go to Q3].	343	248
128	13.28%	2. No. [Go to Q4].	84	44

39	4.05%	member confirmed "Yes" [Go to	24	15
14	1.45%	member confirmed "No" [Go to Q4]	11	3
40	4.15%	5. Unsure. [Go to Q3].	26	14
82	8.51%	moment. [Go to Close A]	48	34
70	7.26%	X = Refused <Go to CLOSE A>	42	28
58	6.02%	Q = Hangup <Go to CLOSE A>	33	25
964	100.00%	Sum of All Responses	611	411

Q3 - Did you mail back that ballot?		Response	16-Nov	17-Nov
240	38.52%	1. Yes. [Go to Go to Q4].	149	91
317	50.88%	2. No. [Go to Close A].	174	143
17	2.73%	member confirmed "Yes" [Go to	10	7
9	1.44%	member confirmed "No" [Go to Close A]	4	5
24	3.85%	5. Unsure. [Go to Close A].	14	10
11	1.77%	moment. [Go to Close A]	8	3
5	0.80%	X = Refused <Go to CLOSE A>	5	0
7	1.12%	Q = Hangup <Go to CLOSE A>	3	4
623	100.00%	Sum of All Responses	367	263

Q4 - Can you please give us the best phone number to reach you at?		Response	16-Nov	17-Nov
313	82.15%	01 = Yes <Go to Q5>	205	108
49	12.86%	02 = No <Go to Q5>	26	23
19	4.99%	X = Refused <Go to CLOSE A>	13	6
18	4.72%	Q = Hangup <Go to CLOSE A>	10	8

381	100.00%	Sum of All Responses	254	145
------------	----------------	-----------------------------	------------	------------

Q5 - May we please have an email address to follow-up as well?		Response	16-Nov	17-Nov
99	28.86%	01 = Yes <Go to CLOSE B>	64	35
229	66.76%	02 = No <Go to CLOSE B>	144	85
15	4.37%	X = Refused <Go to CLOSE A>	11	4
19	5.54%	Q = Hangup <Go to CLOSE A>	12	7
343	100.00%	Sum of All Responses	231	131

MI Unreturned Live Agent - Mass Markets

			11/15/2020	11/16/2020	11/17/2020
3,815	Completes		-	990	2,825
248	Q4=01	1-Completed Survey	-	36	212
1,257	VM Message Left	2-Message Delivered VM	-	388	869
2,310	up/RC	3-Refused	-	566	1,744
62,569	No Answer	4-No Answer	-	15,482	47,087
3,644	Numbers/Language	5-Bad Number	-	570	3,074
100.00%	List Penetration				
70,030	Data Loads				

Q1 - May I please speak to <lead on screen>?		Response	11/15/2020	11/16/2020	11/17/2020
958	23.65%	A-Reached Target	-	158	800
142	3.51%	Uncertain	-	57	85
2,950	72.84%	X = Refused	-	883	2,067
0	0.00%				
4,050	100.00%	Sum of All Responses	-	1,098	2,952

Q2 - Did you request Absentee Ballot in state of MI?		Response	11/15/2020	11/16/2020	11/17/2020
752	49.64%	A-Yes [Go to Q3]	-	167	585

239	15.78%	B-No [Go to Q4]	-	39	200
50	3.30%	Member) [Go to Q3]	-	5	45
17	1.12%	Member) [Go to Q4]	-	2	15
37	2.44%	E-Unsure [Go to Close A]	-	4	33
11	0.73%	Moment [Go to Close A]	-	2	9
409	27.00%	X = Refused	-	63	346
1,515	100.00%	Sum of All Responses	-	282	1,233

Q3 - Did you mail your ballot back?		Response	11/15/2020	11/16/2020	11/17/2020
232	21.28%	A-Yes [Go to Q4]	-	41	191
472	43.30%	B-No [Go to Close A]	-	109	363
10	0.92%	Member) [Go to Q4]	-	2	8
28	2.57%	Member) [Go to Close A]	-	2	26
22	2.02%	Close A]	-	5	17
326	29.91%	X = Refused	-	60	266
			-		
1,090	100.00%	Sum of All Responses	-	219	871

Q4 - Can you please give us the best phone number to reach you at?		Response	11/15/2020	11/16/2020	11/17/2020
246	69.89%	to Q5]	-	36	210
106	30.11%	B-Refused [Go to Q5]	-	27	79

0	0.00%				
0	0.00%				
352	100.00%	Sum of All Responses	-	63	289

Q5 - Can you provide us your email address?		Response	11/15/2020	11/16/2020	11/17/2020
18	7.26%	01-Yes [Go to Close B]	-	5	13
230	92.74%	02-No [Go to Close B]	-	31	199
0	0.00%				
248	100.00%	Sum of All Responses	-	36	212

WI Unreturned Live Agent - Mass Markets

			11/15/2020	11/16/2020	11/17/2020
4,614	Completes		-	3,483	1,131
433	Completed survey** - Q4=0	1-Completed Survey	-	300	133
1,053	VM Message Left	2-Message Delivered VM	-	804	249
3,128	Refused/Early Hang up/RC	3-Refused	-	2,379	749
50,712	No Answer	4-No Answer	-	40,391	10,321
1,944	Bad/Wrong Numbers/Lang	5-Bad Number	-	1,289	655
100.00%	List Penetration				
57,271	Data Loads				

Q1 - May I please speak to <lead on screen>?		Response	11/15/2020	11/16/2020	11/17/2020
2,261	64.69%	A-Reached Target + B-What Is This About? / Uncertain	-	1,343	475
1,677	47.98%	X = Refused	-	1,202	475
0	0.00%				
3,495	100.00%	Sum of All Responses	-	2,545	950

Q2 - Did you request Absentee Ballot in state of WI?		Response	11/15/2020	11/16/2020	11/17/2020
1,699	62.39%	A-Yes [Go to Q3]	-	1,374	325

379	13.92%	B-No [Go to Q4]	-	240	139
32	1.18%	C-Yes (per Spouse/family Member) [Go to Q3]	-	16	16
4	0.15%	D-No (per Spouse/family Member) [Go to Q4]	-	-	4
44	1.62%	E-Unsure [Go to Close A]	-	25	19
4	0.15%	F-Not Available At The Moment [Go to Close A]	-	2	2
561	20.60%	X = Refused	-	405	156
2,723	100.00%	Sum of All Responses	-	2,062	661

Q3 - Did you mail your ballot back?		Response	11/15/2020	11/16/2020	11/17/2020
316	14.67%	A-Yes [Go to Q4]	-	238	78
1,286	59.70%	B-No [Go to Close A]	-	1,069	217
9	0.42%	C-Yes (per Spouse/family Member) [Go to Q4]	-	4	5
15	0.70%	D-No (per Spouse/family Member) [Go to Close A]	-	8	7
28	1.30%	E-Unsure / Refused [Go to Close A]	-	24	4
500	23.21%	X = Refused	-	314	186
			-		
2,154	100.00%	Sum of All Responses	-	1,657	497

Q4 - Can you please give us the best phone number to reach you at?		Response	11/15/2020	11/16/2020	11/17/2020
432	80.00%	A-Yes (Capture Number) [Go to Q5]	-	300	132
108	20.00%	B-Refused [Go to Q5]	-	77	31
0	0.00%				
0	0.00%				
540	100.00%	Sum of All Responses	-	377	163

Q5 - Can you provide us your email address?		Response	11/15/2020	11/16/2020	11/17/2020
50	11.55%	01-Yes [Go to Close B]	-	37	13
383	88.45%	02-No [Go to Close B]	-	263	120
0	0.00%				
433	100.00%	Sum of All Responses	-	300	133



0270 PA Absentee Live ID Topline

			11/9/2020	11/10/2020	11/11/2020
18037	Completes		4419	13618	0
834	survey** - Q4=01	status = C	178	656	
14,203	Machines	status = AM	3465	10738	
3,000	Hang up/RC	status = R, IR, RC, DC	776	2224	
3,521	Numbers/Languag	status = D, BC, WN, NE	556	2965	
0	MA	status = MA			
87.70%	List Penetration				
24,581	Data Loads		24,581		

Q1 - May I please speak to <lead on screen>?		Response	9-Nov	10-Nov	11-Nov
2,262	75.86%	1. Reached Target [Go to Q2].	593	1,669	
422	14.15%	Q2].	102	320	
298	9.99%	X = Refused <Go to CLOSE A>	77	221	
739	24.78%	Q = Hangup <Go to CLOSE A>	160	579	
2,982	100.00%	Sum of All Responses	932	2789	0

Q2 - Did you request an absentee ballot?		Response	9-Nov	10-Nov	11-Nov
1,114	43.91%	1. Yes. [Go to Go to Q3].	331	783	
531	20.93%	2. No. [Go to Q4].	131	400	

36	1.42%	confirmed "Yes" [Go to Q3]	12	24	
25	0.99%	confirmed "No" [Go to Q4]	9	16	
91	3.59%	5. Unsure. [Go to Q3].	25	66	
89	3.51%	moment. [Go to Close A]	17	72	
544	21.44%	A]	105	439	
107	4.22%	X = Refused <Go to CLOSE A>	29	78	
147	5.79%	Q = Hangup <Go to CLOSE A>	36	111	
2,537	100.00%	Sum of All Responses	695	1989	0

Q3 - Did you mail back that ballot?		Response	9-Nov	10-Nov	11-Nov
452	39.75%	1. Yes. [Go to Go to Q4].	90	362	
632	55.58%	2. No [Go to Close A].	229	403	
11	0.97%	confirmed "Yes" [Go to Q4]	1	10	
11	0.97%	confirmed "No" [Go to Close A]	4	7	
15	1.32%	5. Unsure. [Go to Close A].	6	9	
2	0.18%	moment. [Go to Close A]	0	2	
14	1.23%	X = Refused <Go to CLOSE A>	5	9	
13	1.14%	Q = Hangup <Go to CLOSE A>	8	5	
1,137	100.00%	Sum of All Responses	343	807	0

Q4 - Can you please give us the best phone number to reach you at?		Response	9-Nov	10-Nov	11-Nov
834	87.61%	01 = Yes <Go to CLOSE B>	178	656	
118	12.39%	X = Refused <Go to CLOSE A>	36	82	
67	7.04%	Q = Hangup <Go to CLOSE A>	17	50	
952	100.00%	Sum of All Responses	231	788	0

AZ Unreturned Live Agent - Mass Markets

			11/15/2020	11/16/2020	11/17/2020
5,604	Completes		745	1,881	2,978
684	Q4=01	1-Completed Survey	116	212	356
1,945	VM Message Left	2-Message Delivered VM	90	657	1,198
2,975	up/RC	3-Refused	539	1,012	1,424
74,437	No Answer	4-No Answer	6,764	25,056	42,617
1,663	Numbers/Language	5-Bad Number	245	384	1,034
100.00%	List Penetration				
81,708	Data Loads				

Q1 - May I please speak to <lead on screen>?		Response	11/15/2020	11/16/2020	11/17/2020
1,812	40.05%	A-Reached Target	307	554	951
335	7.40%	Uncertain	80	124	131
2,377	52.54%	X = Refused	382	854	1,141
0	0.00%				
4,524	100.00%	Sum of All Responses	769	1,532	2,223

Q2 - Did you request Absentee Ballot in state of AZ?		Response	11/15/2020	11/16/2020	11/17/2020
1,120	45.00%	A-Yes [Go to Q3]	210	361	549

885	35.56%	B-No [Go to Q4]	162	286	437
24	0.96%	Member) [Go to Q3]	5	9	10
21	0.84%	Member) [Go to Q4]	3	10	8
72	2.89%	E-Unsure [Go to Close A]	10	18	44
7	0.28%	[Go to Close A]	-	1	6
360	14.46%	X = Refused	45	69	246
2,489	100.00%	Sum of All Responses	435	754	1,300

Q3 - Did you mail your ballot		Response	11/15/2020	11/16/2020	11/17/2020
344	16.16%	A-Yes [Go to Q4]	67	112	165
696	32.69%	B-No [Go to Close A]	116	237	343
11	0.52%	Member) [Go to Q4]	2	2	7
9	0.42%	Member) [Go to Close A]	1	4	4
14	0.66%	Close A]	3	4	7
1,055	49.55%	X = Refused	201	326	528
2,129	100.00%	Sum of All Responses	390	685	1,054

Q4 - Can you please give us the best phone number to reach you at?		Response	11/15/2020	11/16/2020	11/17/2020
678	82.48%	Q5]	116	212	350
144	17.52%	B-Refused [Go to Q5]	38	50	56

0	0.00%				
0	0.00%				
822	100.00%	Sum of All Responses	154	262	406

Q5 - Can you provide us your email address?		Response	11/15/2020	11/16/2020	11/17/2020
127	18.57%	01-Yes [Go to Close B]	24	36	67
557	81.43%	02-No [Go to Close B]	92	176	289
0	0.00%				
684	100.00%	Sum of All Responses	116	212	356

William M. Briggs, PhD
Statistician to the Stars!
matt@wmbriggs.com
917-392-0691

1. EXPERIENCE

- (1) 2016: AUTHOR OF *Uncertainty: The Soul of Modeling, Probability & Statistics*, a book which argues for a complete and fundamental change in the philosophy and practice of probability and statistics. Eliminate hypothesis testing and estimation, and move to verifiable predictions. This includes AI and machine learning. Call this The Great Reset, but a good one.
- (2) 2004-2016 ADJUNCT PROFESSOR OF STATISTICAL SCIENCE, CORNELL UNIVERSITY, ITHACA, NEW YORK
I taught a yearly Masters course to people who (rightfully) hate statistics. Interests: philosophy of science & probability, epistemology, epidemiology (ask me about the all-too-common epidemiologist fallacy), Bayesian statistics, medicine, climatology & meteorology, goodness of forecasts, over-confidence in science; public understanding of science, limitations of science, scientism; scholastic metaphysics (as it relates to epistemology).
- (3) 1998-PRESENT. STATISTICAL CONSULTANT, VARIOUS COMPANIES
Most of my time is spent coaxing people out of their money to tell them they are too sure of themselves. All manner of analyses cheerfully undertaken. Example: Fraud analysis; I created the *Wall Street Journal's* College Rankings. I consultant regularly at Methodist and other hospitals, start-ups, start-downs, and with any institution willing to fork it over.
- (4) 2003-2010. RESEARCH SCIENTIST, NEW YORK METHODIST HOSPITAL, NEW YORK
Besides the usual, I sit/sat on the Institutional Review Committee to assess the statistics of proposed research. I was an Associate Editor for *Monthly Weather Review* (through 2011). Also a member of the American Meteorological Society's Probability and Statistics Committee (through 2011). At a hospital? Yes, sir; at a hospital. It rains there, too, you know.
- (5) FALL 2007, FALL 2010 VISITING PROFESSOR OF STATISTICS, DEPARTMENT OF MATHEMATICS, CENTRAL MICHIGAN UNIVERSITY, MT. PLEASANT, MI
Who doesn't love a visit from a statistician? Ask me about the difference between "a degree" and "an education."
- (6) 2003-2007, ASSISTANT PROFESSOR STATISTICS, WEILL MEDICAL COLLEGE OF CORNELL UNIVERSITY, NEW YORK, NEW YORK
Working here gave me a sincere appreciation of the influences of government money; grants galore.
- (7) 2002-2003. GOTHAM RISK MANAGEMENT, NEW YORK
A start-up then, after Enron's shenanigans, a start-down. We set future weather derivative and weather insurance contract prices that incorporated information from medium- and long-range weather and climate forecasts.
- (8) 1998-2002. DOUBLECLICK, NEW YORK
Lead statistician. Lot of computer this and thats; enormous datasets.
- (9) 1993-1998. GRADUATE STUDENT, CORNELL UNIVERSITY

2

- Meteorology, applied climatology, and finally statistics. Was Vice Chair of the graduate student government; probably elected thanks to a miracle.
- (10) 1992-1993. NATIONAL WEATHER SERVICE, SAULT STE. MARIE, MI
Forecast storms o' the day and launched enormous balloons in the name of Science. My proudest moment came when I was able to convince an ancient IBM-AT machine to talk to an *analog*, 110 baud, phone-coupled modem, all using BASIC!
 - (11) 1989-1992. UNDERGRADUATE STUDENT, CENTRAL MICHIGAN UNIVERSITY
Meteorology and mathematics. Started the local student meteorology group to chase tornadoes. Who knew Michigan had so few? Spent a summer at U Michigan playing with a (science-fiction-sounding) lidar.
 - (12) 1983-1989. UNITED STATES AIR FORCE
Cryptography and other secret stuff. Shot things; learned pinochle. I adopted and became proficient with a fascinating and versatile vocabulary. Irritate me for examples. TS/SCI, etc. security clearance (now inactive).

2. EDUCATION

- (1) Ph.D., 2004, Cornell University. Statistics.
- (2) M.S., 1995, Cornell University. Atmospheric Science.
- (3) B.S., Summa Cum Laude, 1992, Central Michigan University. Meteorology and Math.

3. PUBLICATIONS

3.0.1. *Popular.*

- (1) Op-eds in various newspapers; articles in *Stream*, *Crisis Magazine*, *The Remnant*, *Quadrant*, *Quirks*; blog with ~70,000 monthly readers. Various briefs submitted to government agencies, such as California Air Resources Board, Illinois Department of Natural Resources. Talks and holding-forths of all kinds.

3.0.2. *Books.*

- (1) Richards, JW, WM Briggs, and D Axe, 2020. *UThe Price of Panic: How the Tyranny of Experts Turned a Pandemic into a Catastrophe*. Regnery. Professors Jay Richards, William Briggs, and Douglas Axe take a deep dive into the crucial questions on the minds of millions of Americans during one of the most jarring and unprecedented global events in a generation.
- (2) Briggs, WM., 2016. *Uncertainty: The Soul of Modeling, Probability & Statistics*. Springer. Philosophy of probability and statistics. A new (old) way to view and to use statistics, a way that doesn't lead to heartbreak and pandemic over-certainty, like current methods do.
- (3) Briggs, WM., 2008 *Breaking the Law of Averages: Real Life Probability and Statistics in Plain English*. Lulu Press, New York. Free text for undergraduates.
- (4) Briggs, WM., 2006 *So You Think You're Psychic?* Lulu Press, New York. Hint: I'll bet you're not.

3.0.3. *Methods.*

- (1) Briggs, WM and J.C. Hanekamp, 2020. Uncertainty In The MAN Data Calibration & Trend Estimates. *Atmospheric Environment*, In review.
- (2) Briggs, WM and J.C. Hanekamp, 2020. Adjustments to the Ryden & McNeil Ammonia Flux Model. *Soil Use and Management*, In review.
- (3) Briggs, William M., 2020. Parameter-Centric Analysis Grossly Exaggerates Certainty. In *Data Science for Financial Econometrics*, V Kreinovich, NN Thach, ND Trung, DV Thanh (eds.), In press.
- (4) Briggs, WM, HT Nguyen, D Trafimow, 2019. Don't Test, Decide. In *Behavioral Predictive Modeling in Econometrics*, Springer, V Kreinovich, S Sriboonchitta (eds.). In press.
- (5) Briggs, William M. and HT Nguyen, 2019. Clarifying ASA's view on p-values in hypothesis testing. *Asian Journal of Business and Economics*, 03(02), 1–16.
- (6) Briggs, William M., 2019. Reality-Based Probability & Statistics: Solving The Evidential Crisis (invited paper). *Asian Journal of Business and Economics*, 03(01), 37–80.
- (7) Briggs, William M., 2019. Everything Wrong with P-Values Under One Roof. In *Beyond Traditional Probabilistic Methods in Economics*, V Kreinovich, NN Thach, ND Trung, DV Thanh (eds.), pp 22–44.
- (8) Briggs, WM, HT Nguyen, D Trafimow, 2019. The Replacement for Hypothesis Testing. In *Structural Changes and Their Econometric Modeling*, Springer, V Kreinovich, S Sriboonchitta (eds.), pp 3–17.
- (9) Trafimow, D, V Amrhein, CN Areshenkoff, C Barrera-Causil, ..., WM Briggs, (45 others), 2018. Manipulating the alpha level cannot cure significance testing. *Frontiers in Psychology*, 9, 699. doi.org/10.3389/fpsyg.2018.00699.
- (10) Briggs, WM, 2018. Testing, Prediction, and Cause in Econometric Models. In *Econometrics for Financial Applications*, ed. Anh, Dong, Kreinovich, and Thach. Springer, New York, pp 3–19.
- (11) Briggs, WM, 2017. The Substitute for p-Values. *JASA*, 112, 897–898.
- (12) J.C. Hanekamp, M. Crok, M. Briggs, 2017. Ammoniak in Nederland. *Enkele kritische wetenschappelijke kanttekeningen*. V-focus, Wageningen.
- (13) Briggs, WM, 2017. Math: Old, New, and Equalitarian. *Academic Questions*, 30(4), 508–513.
- (14) Monckton, C, W Soon, D Legates, ... (several others), WM Briggs 2018. On an error in applying feedback theory to climate. In submission (currently *J. Climate*).
- (15) Briggs, WM, JC Hanekamp, M Crok, 2017. Comment on Goedhart and Huijsmans. *Soil Use and Management*, 33(4), 603–604.
- (16) Briggs, WM, JC Hanekamp, M Crok, 2017. Response to van Pul, van Zanten and Wichink Kruit. *Soil Use and Management*, 33(4), 609–610.
- (17) Jaap C. Hanekamp, William M. Briggs, and Marcel Crock, 2016. A volatile discourse - reviewing aspects of ammonia emissions, models, and atmospheric concentrations in The Netherlands. *Soil Use and Management*, 33(2), 276–287.

- (18) Christopher Monckton of Brenchley, Willie Soon, David Legates, William Briggs, 2015. Keeping it simple: the value of an irreducibly simple climate model. *Science Bulletin*. August 2015, Volume 60, Issue 15, pp 1378–1390.
- (19) Briggs, WM, 2015. The Third Way Of Probability & Statistics: Beyond Testing and Estimation To Importance, Relevance, and Skill. *arxiv.org/abs/1508.02384*.
- (20) Briggs, WM, 2015. The Crisis Of Evidence: Why Probability And Statistics Cannot Discover Cause. *arxiv.org/abs/1507.07244*.
- (21) David R. Legates, Willie Soon, William M. Briggs, Christopher Monckton of Brenchley, 2015. Climate Consensus and ‘Misinformation’: A Rejoinder to Agnotology, Scientific Consensus, and the Teaching and Learning of Climate Change. *Science and Education*, 24, 299–318, DOI 10.1007/s11191-013-9647-9.
- (22) Briggs, WM, 2014. The Problem Of Grue Isn’t. *arxiv.org/abs/1501.03811*.
- (23) Christopher Monckton of Brenchley, Willie Soon, David Legates, William Briggs, 2014. Why models run hot: results from an irreducibly simple climate model. *Science Bulletin*. January 2015, Volume 60, Issue 1, pp 122-135.
- (24) Briggs, WM, 2014. Common Statistical Fallacies. *Journal of American Physicians and Surgeons*, Volume 19 Number 2, 58–60.
- (25) Aalt Bast, William M. Briggs, Edward J. Calabrese, Michael F. Fenech, Jaap C. Hanekamp, Robert Heaney, Ger Rijkers, Bert Schwitters, Pieter Verhoeven, 2013. Scientism, Legalism and Precaution—Contending with Regulating Nutrition and Health Claims in Europe. *European Food and Feed Law Review*, 6, 401–409.
- (26) Legates, DR, Soon, W, and Briggs, 2013. Learning and Teaching Climate Science: The Perils of Consensus Knowledge Using Agnotology. *Science and Education*, DOI 10.1007/s11191-013-9588-3.
- (27) Briggs, WM, 2012. On Probability Leakage. *arxiv.org/abs/1201.3611*.
- (28) Briggs, WM, 2012. Why do statisticians answer questions no one ever asks? *Significance*. Volume 9 Issue 1 Doi: 10.1111/j.1740-9713.2012.00542.x. 30–31.
- (29) Briggs, WM, Soon, W, Legates, D, Carter, R, 2011. A Vaccine Against Arrogance. *Water, Air, & Soil Pollution: Volume 220, Issue 1 (2011)*, Page 5-6
- (30) Briggs, WM, and R Zaretski, 2009. Induction and falsifiability in statistics. *arxiv.org/abs/math/0610859*.
- (31) Briggs, WM, 2011. Discussion to A Gelman. Why Tables are Really Much Better than Graphs. *Journal Computational and Graphical Statistics*. Volume 20, 16–17.
- (32) Zaretski R, Gilchrist MA, Briggs WM, and Armagan A, 2010. Bias correction and Bayesian analysis of aggregate counts in SAGE libraries. *BMC Bioinformatics*, 11:72doi:10.1186/1471-2105-11-72.
- (33) Zaretski, R, Briggs, W, Shankar, M, Sterling, M, 2009. Fitting distributions of large scale power outages: extreme values and the effect of truncation. *International Journal of Power and Energy Systems*. DOI: 10.2316/Journal.203.2009.1.203-4374.

- (34) Briggs, WM, 2007. Changes in number and intensity of world-wide tropical cyclones *arxiv.org/physics/0702131*.
- (35) Briggs, WM, 2007. On the non-arbitrary assignment of equi-probable priors *arxiv.org/math.ST/0701331*.
- (36) Briggs, WM, 2007. On the changes in number and intensity of North Atlantic tropical cyclones *Journal of Climate*. **21**, 1387-1482.
- (37) Briggs, WM, Positive evidence for non-arbitrary assignments of probability, 2007. Edited by Knuth et al. Proceedings 27th International Workshop on Bayesian Inference and Maximum Entropy Methods in Science and Engineering. American Institute of Physics. 101-108.
- (38) Briggs, WM, R Zaretzki, 2007. The Skill Plot: a graphical technique for the evaluating the predictive usefulness of continuous diagnostic tests. *With Discussion. Biometrics*. **64(1)**, 250-6; discussion 256-61. PMID: 18304288.
- (39) Zaretzki R, Gilchrist MA, Briggs WM, 2010. MCMC Inference for a Model with Sampling Bias: An Illustration using SAGE data. *arxiv.org/abs/0711.3765*
- (40) Briggs, WM, and D Ruppert, 2006. Assessing the skill of yes/no forecasts for Markov observations. *Monthly Weather Review*. **134**, 2601-2611.
- (41) Briggs, WM, 2007. Review of *Statistical Methods in the Atmospheric Sciences* (second edition, 2006) by Wilks, D.S. *Journal of the American Statistical Association*, **102**, 380.
- (42) Briggs, WM, M Pocernich, and D Ruppert, 2005. Incorporating misclassification error in skill assessment. *Monthly Weather Review*, **133(11)**, 3382-3392.
- (43) Briggs, WM, 2005. A general method of incorporating forecast cost and loss in value scores. *Monthly Weather Review*, **133(11)**, 3393-3397.
- (44) Briggs, WM, and D Ruppert, 2005. Assessing the skill of Yes/No Predictions. *Biometrics*. **61(3)**, 799-807. PMID: 16135031.
- (45) Briggs, WM, 2004. Discussion to T Gneiting, LI Stanberry, EP Gritmit, L Held, NA Johnson, 2008. Assessing probabilistic forecasts of multivariate quantities, with an application to ensemble predictions of surface winds. *Test*. **17**, 240-242.
- (46) Briggs, WM, 2004. Discussion to Gel, Y, AE Raftery, T Gneiting, and V.J. Berrocal, 2004. Calibrated Probabilistic Mesoscale Weather Field Forecasting: The Geostatistical Output Perturbation (GOP) Method. *J. American Statistical Association*. **99 (467)**: 586-587.
- (47) Mozer, JB, and Briggs, WM, 2003. Skill in real-time solar wind shock forecasts. *J. Geophysical Research: Space Physics*, **108 (A6)**, SSH 9 p. 1-9, (DOI 10.1029/2003JA009827).
- (48) Briggs, WM, 1999. Review of *Forecasting: Methods and Applications* (third edition, 1998) by Makridakis, Wheelwright, and Hyndman; and *Elements of Forecasting* (first edition, 1998) by Diebold. *Journal of the American Statistical Association*, **94**, 345-346.
- (49) Briggs, W.M., and R.A. Levine, 1997. Wavelets and Field Forecast Verification. *Monthly Weather Review*, **25 (6)**, 1329-1341.
- (50) Briggs, WM, and DS Wilks, 1996. Estimating monthly and seasonal distributions of temperature and precipitation using the new CPC long-range forecasts. *Journal of Climate*, **9**, 818-826.

6

- (51) Briggs, WM, and DS Wilks, 1996. Extension of the CPC long-lead temperature and precipitation outlooks to general weather statistics. *Journal of Climate*, **9**, 3496-3504.

3.0.4. *Applications.*

- (1) Jamorabo, Daniel, Renelus, Benjamin, Briggs, WM, 2019. "Comparative outcomes of EUS-guided cystogastrostomy for peripancreatic fluid collections (PFCs): A systematic review and meta-analysis, 2019. *Therapeutic Advances in Gastrointestinal Endoscopy*, in press.
- (2) Benjamin Renelus, S Paul, S Peterson, N Dave, D amorabo, W Briggs, P Kancharla, 2019. Racial disparities with esophageal cancer mortality at a high-volume university affiliated center: An All ACCESS Invitation, *Journal of the National Medical Association*, in press.
- (3) Mehta, Bella, S Ibrahim, WM Briggs, and P Efthimiou, 2019. Racial/Ethnic variations in morbidity and mortality in Adult Onset Still's Disease: An analysis of national dataset", *Seminars in Arthritis and Rheumatism*, doi: 10.1016/j.semarthrit.2019.04.0044.
- (4) Ivanov A, Dabiesingh DS, Bhumireddy GP, Mohamed A, Asfour A, Briggs WM, Ho J, Khan SA, Grossman A, Klem I, Sacchi TJ, Heitner JF. Prevalence and Prognostic Significance of Left Ventricular Noncompaction in Patients Referred for Cardiac Magnetic Resonance Imaging. *Circ Cardiovasc Imaging*. 2017 Sep;10(9). pii: e006174. doi: 10.1161/CIRCIMAGING.117.006174.
- (5) Ivanov A, Kaczkowska BA, Khan SA, Ho J, Tavakol M, Prasad A, Bhumireddy G, Beall AF, Klem I, Mehta P, Briggs WM, fpaSacchi TJ, Heitner JF, 2017. Review and Analysis of Publication Trends over Three Decades in Three High Impact Medicine Journals. *PLoS One*. 2017 Jan 20;12(1):e0170056. doi: 10.1371/journal.pone.0170056.
- (6) A. Ivanova, G.P. Bhumireddy, D.S. Dabiesingh, S.A. Khana, J. Hoa N. Krishna, N. Dontineni, J.A Socolow, W.M. Briggs, I. Klem, T.J. Sacchi, J.F. Heitner, 2016. Importance of papillary muscle infarction detected by cardiac magnetic resonance imaging in predicting cardiovascular events. *International Journal of Cardiology*. Volume 220, 1 October 2016, Pages 558–563. PMID: 27390987.
- (7) A Ivanov, J Yossef, J Taillon, B Worku, I Gulkarov, A Tortolani, TJ Sacchi, WM Briggs, SJ Brener, JA Weingarten, JF Heitner, 2015. Do pulmonary function tests improve risk stratification before cardiothoracic surgery? *Journal of Thoracic and Cardiovascular Surgery*. 2015 Oct 30. pii: S0022-5223(15)02165-0. doi: 10.101. PMID: 26704058.
- (8) Chen O, Sharma A, Ahmad I, Bourji N, Nestoiter K, Hua P, Hua B, Ivanov A, Yossef J, Klem I, Briggs WM, Sacchi TJ, Heitner JF, 2015. Correlation between pericardial, mediastinal, and intrathoracic fat volumes with the presence and severity of coronary artery disease, metabolic syndrome, and cardiac risk factors. *Eur Heart J Cardiovasc Imaging*. 2015 Jan;16(1):37-46. doi: 10.1093/ehjci/jeu145.
- (9) Chery J, Semaan E, Darji S, Briggs W, Yarmush J, D'Ayala M, 2014. Impact of regional versus general anesthesia on the clinical outcomes of patients undergoing major lower extremity amputation. *Ann Vasc Surg*, 2014 Jul;28(5):1149-56. PMID: 24342828.
- (10) Visconti A, Gaeta T, Cabezon M, Briggs W, Pyle M., 2013. Focused Board Intervention (FBI): A Remediation Program for Written Board Preparation

- and the Medical Knowledge Core Competency. *J Grad Med Educ.* 2013 Sep;5(3):464-7. PMID: 24404311.
- (11) Annika Krystyna, D Kumari, R Tenney, R Kosanovic, T Safi, WM Briggs, K Hennessey, M Skelly, E Enriquez, J Lajeune, W Ghani and MD Schwalb, 2013. Hepatitis c antibody testing in African American and Hispanic men in New York City with prostate biopsy. *Oncology Discovery*, Vol 1. DOI: 10.7243/2052-6199-1-1.
 - (12) Ziad Y. Fayad, Elie Semaan, Bashar Fahoum, W. Matt Briggs, Anthony Tortolani, and Marcus D'Ayala, 2013. Aortic mural thrombus in the normal or minimally atherosclerotic aorta: A systematic review and meta-analysis of the available literature. *Ann Vasc Surg.*, Apr;27(3):282-90. DOI:10.1016/j.avsg.2012.03.011.
 - (13) Elizabeth Haines, Gerardo Chiricolo, Kresimir Aralica, William Briggs, Robert Van Amerongen, Andrew Laudenbach, Kevin O'Rourke, and Lawrence Melniker MD, 2012. Derivation of a Pediatric Growth Curve for Inferior Vena Caval Diameter in Healthy Pediatric Patients. *Crit Ultrasound J.* 2012 May 28;4(1):12. doi: 10.1186/2036-7902-4-12.
 - (14) Wei Li, Piotr Gorecki, Elie Semaan, William Briggs, Anthony J. Tortolani, Marcus D'Ayala, 2011. Concurrent Prophylactic Placement of Inferior Vena Cava Filter in gastric bypass and adjustable banding operations: An analysis of the Bariatric Outcomes Longitudinal Database (BOLD). *J. Vascular Surg.* 2012 Jun;55(6):1690-5. doi: 10.1016/j.jvs.2011.12.056.
 - (15) Krystyna A, Kosanovic R, Tenney R, Safi T, Briggs WM, et al. (2011) Colonoscopy Findings in Men with Transrectal Ultrasound Guided Prostate Biopsy: Association of Colonic Lipoma with Prostate Cancer. *J Cancer Sci Ther* S4:002. doi:10.4172/1948-5956.S4-002
 - (16) Birkhahn RH, Wen W, Datillo PA, Briggs WM, Parekh A, Arkun A, Byrd B, Gaeta TJ, 2012. Improving patient flow in acute coronary syndromes in the face of hospital crowding. *J Emerg Med.* 2012 Aug;43(2):356-65. PMID: 22015378.
 - (17) Birkhahn RH, Haines E, Wen W, Reddy L, Briggs WM, Datillo PA., 2011. Estimating the clinical impact of bringing a multimarker cardiac panel to the bedside in the ED. *Am J Emerg Med.* 2011 Mar;29(3):304-8.
 - (18) Krystyna A, Safi T, Briggs WM, Schwalb MD., 2011. Correlation of hepatitis C and prostate cancer, inverse correlation of basal cell hyperplasia or prostatitis and epidemic syphilis of unknown duration. *Int Braz J Urol.* 2011 Mar-Apr;37(2):223-9; discussion 230.
 - (19) Muniyappa R, Briggs WM, 2010. Limited Predictive Ability of Surrogate Indices of Insulin Sensitivity/Resistance in Asian Indian Men: A Calibration Model Analysis. *AJP - Endocrinology and Metabolism.* 299(6):E1106-12. PMID: 20943755.
 - (20) Birkhahn RH, Blomkalns A, Klausner H, Nowak R, Raja AS, Summers R, Weber JE, Briggs WM, Arkun A, Diercks D. The association between money and opinion in academic emergency medicine. *West J Emerg Med.* 2010 May;11(2):126-32. PMID: 20823958.
 - (21) Loizzo JJ, Peterson JC, Charlson ME, Wolf EJ, Altemus M, Briggs WM, Vahdat LT, Caputo TA, 2010. The effect of a contemplative self-healing

- program on quality of life in women with breast and gynecologic cancers. *Altern Ther Health Med.*, May-Jun;16(3):30-7. PMID: 20486622.
- (22) Krystyna A, Safi T, Briggs WM, Schwalb MD, 2010. Higher morbidity in prostate cancer patients after transrectal ultrasound guided prostate biopsy with 3-day oral ciprofloxacin prophylaxis, independent of number of cores. *Brazilian Journal of Urology.* Mar-Apr;37(2):223-9; discussion 230. PMID:21557839.
- (23) Arkun A, Briggs WM, Patel S, Datillo PA, Bove J, Birkhahn RH, 2010. Emergency department crowding: factors influencing flow *West J Emerg Med.* Feb;11(1):10-5.PMID: 20411067.
- (24) Li W, D'Ayala M, Hirshberg A, Briggs W, Wise L, Tortolani A, 2010. Comparison of conservative and operative treatment for blunt carotid injuries: analysis of the National Trauma Data Bank. *J Vasc Surg.* Mar;51(3):593-9, 599.e1-2.PMID: 20206804.
- (25) D'Ayala M, Huzar T, Briggs W, Fahoum B, Wong S, Wise L, Tortolani A, 2010. Blood transfusion and its effect on the clinical outcomes of patients undergoing major lower extremity amputation. *Ann Vasc Surg.*, May;24(4):468-73. Epub 2009 Nov 8.PMID: 19900785.
- (26) Tavakol M, Hassan KZ, Abdula RK, Briggs W, Oribabor CE, Tortolani AJ, Sacchi TJ, Lee LY, Heitner JF., 2009. Utility of brain natriuretic peptide as a predictor of atrial fibrillation after cardiac operations. *Ann Thorac Surg.* Sep;88(3):802-7.PMID: 19699901.
- (27) Zandieh SO, Gershel JC, Briggs WM, Mancuso CA, Kuder JM., 2009. Re-visiting predictors of parental health care-seeking behaviors for nonurgent conditions at one inner-city hospital. *Pediatr Emerg Care.*, Apr;25(4):238-243.PMID: 19382324.
- (28) Birkhahn RH, Blomkalns AL, Klausner HA, Nowak RM, Raja AS, Summers RL, Weber JE, Briggs WM, Arkun A, Diercks D., 2008. Academic emergency medicine faculty and industry relationships. *Acad Emerg Med.*, Sep;15(9):819-24.PMID: 19244632.
- (29) Westermann H, Choi TN, Briggs WM, Charlson ME, Mancuso CA. Obesity and exercise habits of asthmatic patients. *Ann Allergy Asthma Immunol.* 2008 Nov;101(5):488-94. doi: 10.1016/S1081-1206(10)60287-6.
- (30) Boutin-Foster C., Ogedegbe G., Peterson J., Briggs M., Allegrante J., Charlson ME., 2008. Psychosocial mediators of the relationship between race/ethnicity and depressive symptoms in Latino and white patients with coronary artery disease. *J. National Medical Association.* **100(7)**, 849-55. PMID: 18672563
- (31) Charlson ME, Charlson RE, Marinopoulos S, McCulloch C, Briggs WM, Hollenberg J, 2008. The Charlson comorbidity index is adapted to predict costs of chronic disease in primary care patients. *J Clin Epidemiol.* Dec;61(12):1234-40. PMID: 18619805.
- (32) Mancuso CA, Westermann H, Choi TN, Wenderoth S, Briggs WM, Charlson ME, 2008. Psychological and somatic symptoms in screening for depression in asthma patients. *J. Asthma.* **45(3)**, 221-5. PMID: 18415830.
- (33) Ullery, BW, JC Peterson, FM, WM Briggs, LN Girardi, W Ko, AJ Tortolani, OW Isom, K Krieger, 2007. Cardiac Surgery in Nonagenarians:

- Should We or Shouldn't We? *Annals of Thoracic Surgery*. **85(3)**, 854-60. PMID: 18291156.
- (34) Mancuso, CA, T Choi, H Westermann, WM Briggs, S Wenderoth, 2007. Patient-reported and Physician-reported Depressive Conditions in Relation to Asthma Severity and Control. *Chest*. **133(5)**, 1142-8. PMID: 18263683.
- (35) Rosenzweig JS, Van Deusen SK, Okpara O, Datillo PA, Briggs WM, Birkhahn RH, 2008. Authorship, collaboration, and predictors of extramural funding in the emergency medicine literature. *Am J Emerg Med*. **26(1)**, 5-9. PMID: 18082774.
- (36) Westermann H, Choi TN, Briggs WM, Charlson ME, Mancuso CA, 2008. Obesity and exercise habits of asthmatic patients. *Ann Allergy Asthma Immunol*. Nov;101(5):488-94. PMID: 19055202.
- (37) Hogle NJ, Briggs WM, Fowler DL, 2007. Documenting a learning curve and test-retest reliability of two tasks on a virtual reality training simulator in laparoscopic surgery. *J Surg Educ*. **64(6)**, 424-30. PMID: 18063281.
- (38) D'Ayala, M, C Martone, R M Smith, WM Briggs, M Potouridis, J S Deitch, and L Wise, 2006. The effect of systemic anticoagulation in patients undergoing angioaccess surgery. *Annals of Vascular Surgery*. **22(1)**, 11-5. PMID: 18055171.
- (39) Charlson ME, Peterson F, Krieger K, Hartman GS, Hollenberg J, Briggs WM, et al., 2007. Improvement of outcomes after coronary artery bypass II: a randomized trial comparing intraoperative high versus customized mean arterial pressure. *J. Cardiac Surgery*. **22(6)**, 465-72. PMID: 18039205.
- (40) Charlson ME, Peterson F, Boutin-Foster C, Briggs WM, Ogedegbe G, McCulloch C, et al., 2008. Changing health behaviors to improve health outcomes after angioplasty: a randomized trial of net present value versus future value risk communication.. *Health Education Research*. **23(5)**, 826-39. PMID: 18025064.
- (41) Charlson, M, Peterson J., Syat B, Briggs WM, Kline R, Dodd M, Murad V, Dione W, 2007. Outcomes of Community Based Social Service Interventions in Homebound Elders *Int. J. Geriatric Psychiatry*. **23(4)**, 427-32. PMID: 17918183.
- (42) Hogle NJ, Briggs WM, Fowler DL. Documenting a learning curve and test-retest reliability of two tasks on a virtual reality training simulator in laparoscopic surgery. *J Surg Educ*. 2007 Nov-Dec;64(6):424-30. PMID: 18063281.
- (43) Mancuso, CA, T Choi, H Westermann, WM Briggs, S Wenderoth, 2007. Measuring physical activity in asthma patients: two-minute walk test, repeated chair rise test, and self-reported energy expenditure. *J. Asthma*. **44(4)**, 333-40. PMID: 17530534.
- (44) Charlson ME, Charlson RE, Briggs W, Hollenberg J, 2007. Can disease management target patients most likely to generate high costs? The impact of comorbidity. *J Gen Intern Med*. **22(4)**, 464-9. PMID: 17372794.
- (45) Charlson ME, Boutin-Foster C, Mancuso CA, Peterson F, Ogedegbe G, Briggs WM, Robbins L, Isen A, Allegrante JP, 2006. Randomized Controlled Trials of Positive Affect and Self-affirmation to Facilitate Healthy

- Behaviors in Patients with Cardiopulmonary Diseases: Rationale, Trial Design, and Methods. *Contemporary Clinical Trials*. **28(6)**, 748-62. PMID: 17459784.
- (46) Charlson ME, Boutin-Foster C., Mancuso C., Ogedegbe G., Peterson J., Briggs M., Allegrante J., Robbins L., Isen A., 2007. Using positive affect and self affirmation to inform and to improve self management behaviors in cardiopulmonary patients: Design, rationale and methods. *Controlled Clinical Trials*. November 2007 (Vol. 28, Issue 6, Pages 748-762).
- (47) Melniker LA, Leibner E, McKenney MG, Lopez P, Briggs WM, Mancuso CA., 2006. Randomized Controlled Clinical Trial of Point-of-Care, Limited Ultrasonography (PLUS) for Trauma in the Emergency Department: The First Sonography Outcomes Assessment Program (SOAP-1) Trial. *Annals of Emergency Medicine*. **48(3)**, 227-235. PMID: 16934640.
- (48) Milling, TJ, C Holden, LA Melniker, WM Briggs, R Birkhahn, TJ Gaeta, 2006. Randomized controlled trial of single-operator vs. two-operator ultrasound guidance for internal jugular central venous cannulation. *Acad Emerg Med.*, **13(3)**, 245-7. PMID: 16495416.
- (49) Milla F, Skubas N, Briggs WM, Girardi LN, Lee LY, Ko W, Tortolani AJ, Krieger KH, Isom OW, Mack CA, 2006. Epicardial beating heart cryoablation using a novel argon-based cryoclamp and linear probe. *J Thorac Cardiovasc Surg.*, **131(2)**, 403-11. PMID: 16434271.
- (50) Birkhahn, SK Van Deusen, O Okpara, PA Datillo, WM Briggs, TJ Gaeta, 2006. Funding and publishing trends of original research by emergency medicine investigators over the past decade. *Annals of Emergency Medicine*, **13(1)**, 95-101. PMID: 16365335.
- (51) Birkhahn, WM Briggs, PA Datillo, SK Van Deusen, TJ Gaeta, 2006. Classifying patients suspected of appendicitis with regard to likelihood. *American Journal of Surgery*, **191(4)**, 497-502. PMID: 16531143
- (52) Charlson ME, Charlson RE, Briggs WM, Hollenberg J, 2006. Can disease management target patients most likely to generate high costs. *J. General Internal Medicine*. **22(4)**, 464-9.
- (53) Milling, TJ, J Rose, WM Briggs, R Birkhahn, TJ Gaeta, JJ Bove, and LA Melniker, 2005. Randomized, controlled clinical trial of point-of-care limited ultrasonography assistance of central venous cannulation: the Third Sonography Outcomes Assessment Program (SOAP-3) Trial. *Crit Care Med*. **33(8)**, 1764-9. PMID: 16096454.
- (54) Garfield JL, Birkhahn RH, Gaeta TJ, Briggs WM, 2004. Diagnostic Delays and Pathways on Route to Operative Intervention in Acute Appendicitis. *American Surgeon*. **70(11)**, 1010-1013. PMID: 15586517.
- (55) Birkhahn RH, Gaeta TJ, Tloczkowski J, Mundy TA, Sharma M, Bove JJ, Briggs WM, 2003. Emergency medicine trained physicians are proficient in the insertion of transvenous pacemakers. *Annals of Emergency Medicine*. **43 (4)**, 469-474. PMID: 15039689.

3.1. Talks (I am years behind updating these).

- (1) Briggs, 2016. The Crisis Of Evidence: Probability & The Nature Of Cause. Institute of Statistical Science, Academia Sinica, Taipei, Taiwan.
- (2) Wei Li, Piotr Gorecki, Robert Autin, William Briggs, Elie Semaan, Anthony J. Tortolani, Marcus D'Ayala, 2011. Concurrent Prophylactic Placement of

- Inferior Vena Cava Filter (CPPOIVCF) in Gastric Bypass and Adjustable Banding Operations: An analysis of the Bariatric Outcomes Longitudinal Database. Eastern Vascular Society 25th Annual Meeting, 2011.
- (3) Wei Li, Jo Daniel, James Rucinski, Syed Gardezi, Piotr Gorecki, Paul Thodiyil, Bashar Fahoum, William Briggs, Leslie Wise, 2010. FACSFactors affecting patient disposition after ambulatory laparoscopic cholecystectomy (ALC) cheanalysis of the National Survey of Ambulatory Surgery (NSAS). American College of Surgeons.
 - (4) Wei Li, Marcus D'Ayala, et al., William Briggs, 2010. Coronary bypass and carotid endarterectomy (CEA): does a combined operative approach offer better outcome? - Outcome of different management strategies in patients with carotid stenosis undergoing coronary artery bypass grafting (CABG). Vascular Annual Meeting.
 - (5) Briggs, WM, 2007. On equi-probable priors, MAX ENT 2007, Saratoga Springs, NY.
 - (6) Briggs, WM, and RA Zaretski, 2006. On producing probability forecasts (from ensembles). 18th Conf. on Probability and Statistics in the Atmospheric Sciences, Atlanta, GA, Amer. Meteor. Soc.
 - (7) Briggs, WM, and RA Zaretski, 2006. Improvements on the ROC Curve: Skill Plots for Forecast Evaluation. *Invited*. Joint Research Conference on Statistics in Quality Industry and Technology, Knoxville, TN.
 - (8) Briggs, WM, and RA Zaretski, 2005. Skill Curves and ROC Curves for Diagnoses, or Why Skill Curves are More Fun. Joint Statistical Meetings, American Stat. Soc., Minneapolis, MN.
 - (9) Briggs W.M., 2005. On the optimal combination of probabilistic forecasts to maximize skill. *International Symposium on Forecasting* San Antonio, TX. International Institute of Forecasters.
 - (10) Briggs, WM, and D Ruppert, 2004. Assessing the skill of yes/no forecasts for Markov observations. 17th Conf. on Probability and Statistics in the Atmospheric Sciences, Seattle, WA, Amer. Meteor. Soc.
 - (11) Melniker, L, E Liebner, B Tiffany, P Lopez, WM Briggs, M McKenney, 2004. Randomized clinical trial of point-of-care limited ultrasonography (PLUS) for trauma in the emergency department. *Annals of Emergency Medicine*, **44**.
 - (12) Birkhahn RH, Gaeta TJ, Van Deusen SK, Briggs WM, 2004. Classifying patients suspected of appendicitis with regard to likelihood. *Annals of Emergency Medicine*, **44** (4): S17-S17 51 Suppl. S.
 - (13) Zandieh, SO, WM Briggs, JM Kuder, and CA Mancuso, 2004. Negative perceptions of health care among caregivers of children auto-assigned to a Medicaid managed care health plan. Ambulatory Pediatric Association Meeting, San Francisco, CA; and National Research Service Award Trainees Conference, San Diego, CA.
 - (14) Melniker, L, E Liebner, B Tiffany, P Lopez, M Sharma, WM Briggs, M McKenney, 2003. Cost Analysis of Point-of-care, Limited Ultrasonography (PLUS) in Trauma Patients: The Sonography Outcomes Assessment Program (SOAP)-1 Trial. *Academic Emergency Medicine*, **11**, 568.

- (15) Melniker, LA, WM Briggs, and CA Mancuso, 2003. Including comorbidity in the assessment of trauma patients: a revision of the trauma injury severity score. *J. Clin Epidemiology*, Sep., **56(9)**, 921. PMID: 14505784.
- (16) Briggs, WM, and RA Levine, 1998. Comparison of forecasts using the bootstrap. 14th Conf. on Probability and Statistics in the Atmospheric Sciences Phoenix, AZ, Amer. Meteor. Soc., 1-4.
- (17) Briggs, WM, and R Zaretski, 1998. The effect of randomly spaced observations on field forecast error scores. 14th Conf. on Probability and Statistics in the Atmospheric Sciences Phoenix, AZ, Amer. Meteor. Soc., 5-8.
- (18) Briggs, WM, and RA Levine, 1996. Wavelets and image comparison: new approaches to field forecast verification. 13th Conf. on Probability and Statistics in the Atmospheric Sciences, San Francisco, CA, Amer. Meteor. Soc., 274-277.
- (19) Briggs, WM, and DS Wilks, 1996. Modifying parameters of a daily stochastic weather generator using long-range forecasts. 13th Conf. on Probability and Statistics in the Atmospheric Sciences, San Francisco, CA, Amer. Meteor. Soc., 243-2246.

Exh. 2

DECLARATION OF [REDACTED]

I, [REDACTED], hereby state the following:

1. [REDACTED]
[REDACTED]
[REDACTED]
2. I am an adult of sound mind. All statements in this declaration are based on my personal knowledge and are true and correct.
3. I am making this statement voluntarily and on my own initiative. I have not been promised, nor do I expect to receive, anything in exchange for my testimony and giving this statement. I have no expectation of any profit or reward and understand that there are those who may seek to harm me for what I say in this statement. I have not participated in any political process in the United States, have not supported any candidate for office in the United States, am not legally permitted to vote in the United States, and have never attempted to vote in the United States.
4. I want to alert the public and let the world know the truth about the corruption, manipulation, and lies being committed by a conspiracy of people and companies intent upon betraying the honest people of the United States and their legally constituted institutions and fundamental rights as citizens. This conspiracy began more than a decade ago in Venezuela and has spread to countries all over the world. It is a conspiracy to wrongfully gain and keep power and wealth. It involves political leaders, powerful companies, and other persons whose purpose is to gain and keep power by changing the free will of the people and subverting the proper course of governing.
5. [REDACTED]
[REDACTED] Over the course of my career, I specialized in the marines [REDACTED]
[REDACTED]
[REDACTED]
6. Due to my training in special operations and my extensive military and academic formations, I was selected for the national security guard detail of the President of Venezuela. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED] Señor Cabello was a long-time confederate of President Chavez and instrumental in his gaining power. In 2002, Señor Cabello had very briefly taken over the duties of the presidency while Hugo Chavez was imprisoned. Within hours of Señor Cabello taking over the presidency, Hugo Chavez was released from prison and regained the office of President. On December 11, 2011, Cabello was installed as the Vice-President of the United Socialist Party – the party of President Chávez and became the second most powerful figure in the party after Hugo Chávez. Cabello was appointed president of the National Assembly in early 2012 and was re-elected to that post in January 2013. After Hugo Chávez’s death, Cabello was next in line for the presidency of the country, but he remained president of the National Assembly and yielded to Nicolás Maduro holding the position of President of Venezuela.

8. [REDACTED]

[REDACTED] President Chavez was very precise and exacting in his instructions in the details about meetings he wanted, where the meeting was to occur, who was to attend, what was to be done. [REDACTED]

9. [REDACTED] I was witness to the creation and operation of a

sophisticated electronic voting system that permitted the leaders of the Venezuelan government to manipulate the tabulation of votes for national and local elections and select the winner of those elections in order to gain and maintain their power.

10. Importantly, I was a direct witness to the creation and operation of an electronic voting system in a conspiracy between a company known as Smartmatic and the leaders of conspiracy with the Venezuelan government. This conspiracy specifically involved President Hugo Chavez Frias, the person in charge of the National Electoral Council named Jorge Rodriguez, and principals, representatives, and personnel from Smartmatic which included [REDACTED]. The purpose of this conspiracy was to create and operate a voting system that could change the votes in elections from votes *against* persons running the Venezuelan government to votes *in their favor* in order to maintain control of the government.
11. In mid-February of 2009, there was a national referendum to change the Constitution of Venezuela to end term limits for elected officials, including the President of Venezuela. The referendum passed. This permitted Hugo Chavez to be re-elected an unlimited number of times.
12. After passage of the referendum, President Chavez instructed me to make arrangements for him to meet with Jorge Rodriguez, then President of the National Electoral Council, and three executives from Smartmatic. Among the three Smartmatic representatives were [REDACTED]
[REDACTED] President Chavez had multiple meetings with Rodriguez and the Smartmatic team at which I was present. In the first of four meetings, Jorge Rodriguez promoted the idea to create software that would manipulate elections. Chavez was very excited and made it clear that he would provide whatever Smartmatic needed. He wanted them immediately to create a voting system which would ensure that any time anything was going to be voted on the voting system would guarantee results that Chavez wanted. Chavez offered Smartmatic many inducements, including large sums of money, for Smartmatic to create or modify the voting system so that it would guarantee Chavez would win every election cycle. Smartmatic's team agreed to create such a system and did so.
13. I arranged and attended three more meetings between President Chavez and the representatives from Smartmatic at which details of the new

voting system were discussed and agreed upon. For each of these meetings, I communicated directly with [REDACTED] on details of where and when to meet, where the participants would be picked up and delivered to the meetings, and what was to be accomplished. At these meetings, the participants called their project the “Chavez revolution.” From that point on, Chavez never lost any election. In fact, he was able to ensure wins for himself, his party, Congress persons and mayors from townships.

14. Smartmatic’s electoral technology was called “Sistema de Gestión Electoral” (the “Electoral Management System”). Smartmatic was a pioneer in this area of computing systems. Their system provided for transmission of voting data over the internet to a computerized central tabulating center. The voting machines themselves had a digital display, fingerprint recognition feature to identify the voter, and printed out the voter’s ballot. The voter’s thumbprint was linked to a computerized record of that voter’s identity. Smartmatic created and operated the entire system.
15. Chavez was most insistent that Smartmatic design the system in a way that the system could change the vote of each voter without being detected. He wanted the software itself to function in such a manner that if the voter were to place their thumb print or fingerprint on a scanner, then the thumbprint would be tied to a record of the voter’s name and identity as having voted, but that voter would not tracked to the changed vote. He made it clear that the system would have to be setup to not leave any evidence of the changed vote for a specific voter and that there would be no evidence to show and nothing to contradict that the name or the fingerprint or thumb print was going with a changed vote. Smartmatic agreed to create such a system and produced the software and hardware that accomplished that result for President Chavez.
16. After the Smartmatic Electoral Management System was put in place, I closely observed several elections where the results were manipulated using Smartmatic software. One such election was in December 2006 when Chavez was running against Rosales. Chavez won with a landslide over Manuel Rosales - a margin of nearly 6 million votes for Chavez versus 3.7 million for Rosales.
17. On April 14, 2013, I witnessed another Venezuelan national election in which the Smartmatic Electoral Management System was used to manipulate and change the results for the person to succeed Hugo Chávez

as President. In that election, Nicolás Maduro ran against Capriles Radonsky. [REDACTED]

[REDACTED] Inside that location was a control room in which there were multiple digital display screens – TV screens – for results of voting in each state in Venezuela. The actual voting results were fed into that room and onto the displays over an internet feed, which was connected to a sophisticated computer system created by Smartmatic. People in that room were able to see in “real time” whether the vote that came through the electronic voting system was in their favor or against them. If one looked at any particular screen, they could determine that the vote from any specific area or as a national total was going against either candidate. Persons controlling the vote tabulation computer had the ability to change the reporting of votes by moving votes from one candidate to another by using the Smartmatic software.

18. By two o'clock in the afternoon on that election day Capriles Radonsky was ahead of Nicolás Maduro by two million votes. When Maduro and his supporters realized the size of Radonsky's lead they were worried that they were in a crisis mode and would lose the election. The Smartmatic machines used for voting in each state were connected to the internet and reported their information over the internet to the Caracas control center in real-time. So, the decision was made to reset the entire system. Maduro's and his supporters ordered the network controllers to take the internet itself offline in practically all parts in Venezuela and to change the results.
19. It took the voting system operators approximately two hours to make the adjustments in the vote from Radonsky to Maduro. Then, when they turned the internet back on and the on-line reporting was up and running again, they checked each screen state by state to be certain where they could see that each vote was changed in favor of Nicholas Maduro. At that moment the Smartmatic system changed votes that were for Capriles Radonsky to Maduro. By the time the system operators finish, they had achieved a convincing, but narrow victory of 200,000 votes for Maduro.
20. After Smartmatic created the voting system President Chavez wanted, he exported the software and system all over Latin America. It was sent to Bolivia, Nicaragua, Argentina, Ecuador, and Chile – countries that were in alliance with President Chavez. This was a group of leaders who wanted to be able to guarantee they maintained power in their countries. When Chavez died, Smartmatic was in a position of being the only

company that could guarantee results in Venezuelan elections for the party in power.

21. I want to point out that the software and fundamental design of the electronic electoral system and software of Dominion and other election tabulating companies relies upon software that is a descendant of the Smartmatic Electoral Management System. In short, the Smartmatic software is in the DNA of every vote tabulating company's software and system.
22. Dominion is one of three major companies that tabulates votes in the United States. Dominion uses the same methods and fundamentally same software design for the storage, transfer and computation of voter identification data and voting data. Dominion and Smartmatic did business together. The software, hardware and system have the same fundamental flaws which allow multiple opportunities to corrupt the data and mask the process in a way that the average person cannot detect any fraud or manipulation. The fact that the voting machine displays a voting result that the voter intends and then prints out a paper ballot which reflects that change does not matter. It is the software that counts the digitized vote and reports the results. The software itself is the one that changes the information electronically to the result that the operator of the software and vote counting system intends to produce that counts. That's how it is done. So the software, the software itself configures the vote and voting result -- changing the selection made by the voter. The software decides the result regardless of what the voter votes.
23. All of the computer controlled voting tabulation is done in a closed environment so that the voter and any observer cannot detect what is taking place unless there is a malfunction or other event which causes the observer to question the process. I saw first-hand that the manipulation and changing of votes can be done in real-time at the secret counting center which existed in Caracas, Venezuela. For me it was something very surprising and disturbing. I was in awe because I had never been present to actually see it occur and I saw it happen. So, I learned first-hand that it doesn't matter what the voter decides or what the paper ballot says. It's the software operator and the software that decides what counts -- not the voter.
24. If one questions the reliability of my observations, they only have to read the words of [REDACTED] [REDACTED] [REDACTED] a time period in [REDACTED]

which Smartmatic had possession of all the votes and the voting, the votes themselves and the voting information at their disposition in Venezuela.

██████████ he was assuring that the voting system implemented or used by Smartmatic was completely secure, that it could not be compromised, was not able to be altered.

25. But later, in 2017 when there were elections where Maduro was running and elections for legislators in Venezuela, ██████████ and Smartmatic broke their secrecy pact with the government of Venezuela. He made a public announcement through the media in which he stated that all the Smartmatic voting machines used during those elections were totally manipulated and they were manipulated by the electoral council of Venezuela back then. ██████████ stated that all of the votes for Nicholas Maduro and the other persons running for the legislature were manipulated and they actually had lost. So I think that's the greatest proof that the fraud can be carried out and will be denied by the software company that ██████████ admitted publicly that Smartmatic had created, used and still uses vote counting software that can be manipulated or altered.
26. I am alarmed because of what is occurring in plain sight during this 2020 election for President of the United States. The circumstances and events are eerily reminiscent of what happened with Smartmatic software electronically changing votes in the 2013 presidential election in Venezuela. What happened in the United States was that the vote counting was abruptly stopped in five states using Dominion software. At the time that vote counting was stopped, Donald Trump was significantly ahead in the votes. Then during the wee hours of the morning, when there was no voting occurring and the vote count reporting was off-line, something significantly changed. When the vote reporting resumed the very next morning there was a very pronounced change in voting in favor of the opposing candidate, Joe Biden.
27. ██████████ I have worked in gathering information, researching, and working with information technology. That's what I know how to do and the special knowledge that I have. Due to these recent election events, I contacted a number of reliable and intelligent ex-co-workers of mine that are still informants and work with the intelligence community. I asked for them to give me information that was up-to-date information in as far as how all these businesses are acting, what actions they are taking.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was prepared in Dallas County, State of Texas, and executed on November 15, 2020.

Exh. 3

STATEMENT BY ANA MERCEDES DÍAZ CARDOZO

I, Ana Mercedes Díaz Cardozo, hereby declare the following:

1. My name is Ana Mercedes Díaz Cardozo. I'm known as Ana Diaz by many. I am an adult of the sound mind and was born in Caracas, Venezuela on March 24, 1960. I'm a naturalized American citizen. I reside at 923 Gulf Stream Court, Weston, Florida 33327.

2. I make this statement voluntarily and on my own initiative. I have not been promised, nor do I expect to receive anything in exchange for my testimony and give this statement. I have no expectation of any benefit or reward and understand that there are those who can try to hurt me for what I say in this statement.

3. I moved from Venezuela to the United States in 2004 due to political corruption and rapid decline in my home country of Venezuela. I want to alert the public and let the world know the truth about corruption, manipulation, and lies committed through a conspiracy of individuals and businesses with the intention of betraying the honest people of the United States and its legally constituted institutions and fundamental rights as citizens. This conspiracy began more than a decade ago in Venezuela and has spread to countries around the world. It is a conspiracy to unjustly gain and maintain power and wealth. These are political leaders, powerful companies, and others whose purpose is to gain and maintain power by changing people's free will and subverting the proper course of governing.

4. After graduating from high school, I attended the University of Santa Maria in Caracas, Venezuela and graduated as a lawyer in 1987. Then I studied a postgraduate degree in administrative law at the University of Central Venezuela. Before I could submit my thesis for a Master's degree in Administrative Law, I moved to the United States. I'm certified as an arbiter of international trade.

5. I was a career official for 25 years at the Supreme Electoral Council of Venezuela, which is the name that it was called in the 1970's. It is currently called the National Electoral Council. This is the highest electoral administrative agency in Venezuela and oversees all elections in Venezuela. In 1979, at the age of 19, I began my career at the Supreme Electoral Council of Venezuela as secretary in the regional delegation of the federal district. When I graduated from the university as a lawyer, my position on the Supreme Electoral Council changes to the position as an adviser to the Judicial Council of the Supreme Council Electoral. In 1991, I was appointed Assistant Director General of Political Parties, where I served until Hugo Chavez came to power in 1998. Also during this time, I served for seven years as a member of the Legislative Commission of the Venezuelan Electoral Council. It was the role of the Legislative Commission to review and identify any issues related to candidates

for elected positions. The Legislative Commission and my office had access to many resources within the various departments of the Electoral Council, including an information technology section that had experts in computers, computer programming, computer systems and telecommunications features such as modems, telephone lines. I was regularly in communication with the various departments of the Electoral Body for my daily duties. In the last years of my work for the Electoral Council, a little of my activities and duties were to learn about electronic voting systems and their functioning by Council experts.

6. As Deputy Director General of Political Parties in the Supreme Electoral Council, it was my duty to oversee everything related to political parties in Venezuela, particularly the participation of political parties in elections and the selection and qualifications of candidates for political office. My office reviewed everything to do with the ability of political parties to participate in the electoral process. Before a political party could be formed, it had to undergo a process for approval. This included legal approval of the party name, its colors and a list of its members. The proposed party had to have a certain percentage of Venezuela's population depending on whether it wanted to be a regional or national party. It could not be constituted as a political party until it was approved by the Supreme Electoral Council. My office also oversaw the creation of ballots that bore the name of the candidates and any party symbol or color that the candidate would like to use. When our office approved these matters, we sent the ballot for printing and circulation. Any conflict over which group could be a political party, which would be a candidate for elected office, how that candidate would be included in the vote, were decided by my office. I was a signatory to all decisions taken by the Political Parties office at the Supreme Electoral Council.

7. After Hugo Chavez was elected, he changed the Venezuelan Constitution. One such change was in the Supreme Electoral Council, now the Electoral Power. In February 2009, a national referendum was passed to change Venezuela's Constitution to end mandate limits for elected officials, including the President of Venezuela. This change allowed Hugo Chavez to be re-elected an unlimited number of times.

8. In 2003, I was appointed Director General of Political Parties at the National Electoral Council. At the end of that year there was a national effort to hold a referendum to remove Hugo Chavez from the post of President. In 2004 I was appointed to the Validation Committee that was responsible for reviewing petitions, the requirements of the signatories were their name, their signature, their fingerprint and their identification number. I discovered many ways that the party in power was trying to override requests. One was the change of forms to reflect that the petition was a referendum on the removal of members of the Venezuelan Congress

rather than the removal of the Venezuelan president. The purpose of manipulating petitions was to prevent a referendum to remove President Chavez from office. I investigated the allegations of fraud with the referendum petitions and lobbied for the fraudulent changes to be rectified. Because of my resistance and protests to this voter fraud, I received a letter in March 2004 stating that my position was trusted and trust had been lost in me and I was fired from the service.

9. After my dismissal, I decided to commit to the study of electoral processes both within Venezuela and in other countries, particularly in South American countries that were experiencing electoral unrest and government manipulation of constitutions, laws and elections. I joined a small group of highly educated and informed people who had access to information about the Venezuelan government and its activities. This group and I conduct interviews with Venezuelan citizens, read news publications and specialized treaties, and write evaluating the political, economic, legal and electoral changes taking place in Venezuela, South American countries, and other parts of the world controlled by socialist dictators and oligarchies. I read these treatises, studies, and publications to educate myself on how elections were manipulated and the use of empirical analysis to detect and identify the manipulation of elections and their results. In addition, I have collected copies of official Venezuelan government documents.

10. Official documents of the Venezuelan government include documents showing the bidding process for the implementation of a new electronic voting system in March 2004 and the award of the contract for that new system to Smartmatic. A true and authentic copy of the venezuelan National Electoral Council's tender documents, internal memorandums and contract signed between the Venezuelan government and the SBC Consortium (Smartmatic) are labeled Exhibit 1 and this statement is attached. I received the documents that constitute Exhibit 1 from a reliable person who had taken some notes on the documents and highlighted some parts for my attention. I have not made any alterations to what I have received, and the substantive content of the documents is authentic. For convenience, I've had the Bates document tagged at the bottom right of each page.

11. I have studied the documents contained in Exhibit 1 and have several observations. Exhibit 1 says that it is a contract between the National Electoral Council and the SBC Consortium (Smartmatic) and is dated 15 March 2004. It has a stamp that says Bolivarian Republic of Venezuela, Secretary General of the National Electoral Council. That is the official seal of the Secretary of the National Electoral Council. The initials at the bottom right side confirm the document's authenticity.

12. You would notice that page DIAZ 00002 is important because it shows that the contract is being made on February 16, 2004. Page DIAZ 00027, reflects that on February 14, 2004 at 11:50 a.m., in the Council's session room, Francisco Carrasquero López, Ezequiel Zamora Presilla, Jorge Rodríguez Gómez (Jorge Rodríguez), Sobella Mejías, and William Pacheco Medina, Vice President, the directors of the Secretary General of Electoral Voters respectively, in order to proceed with the delivery to the technical commissions, designated at the meeting dated 13 February 2004, they opened the tender envelopes containing the tenders of the companies that wanted to be awarded a contract for the automation of Venezuela's voting system and the processes used to carry out the 2004 referendum on the revocation of Hugo Chavez's election. Below you can read the amounts of offers made by Smartmatic SBC, Diebold and other bidders.

13. Then, on page DIAZ 000031, there is an internal note from the Director General of Administration, Mr. Medina. It was dated 14 February 2004 and said that a report on the research and evaluation of companies bidding for the automation of the voting system needed to be prepared.

14. It would then draw attention to the page marked DIAZ 000029. It is a document made on February 13, 2004. While this page is out of sequence, it shows the speed at which the decision was made to award the electoral system contract. The tender began on February 13 and had ended on February 16th -- a three-day period to review contracts and evaluate the specifications and performance of bidders' systems, including software, hardware, security, performance and bidding costs for the procurement, installation, training and operation of the systems. By February 16th, a decision to choose Smartmatic was made. This is convincing evidence that there was no genuine competition for the electoral system contract or serious consideration for alternative contracts. There was no due diligence and the bidding was rigged. It is not possible that within three or four days to do the formal investigation to evaluate the bids and award a contract of this size and important. The impropriety of this action is confirmed by the fact that the contract with Smartmatic was signed a month later, on 15 March 2004.


15. After the contract was awarded to Smartmatic, it was learned that Smartmatic had no previous experience in conducting elections and electoral tabulations. More importantly, it was discovered that the Smartmatic voting system contained two-way communication functions that allowed voting data not only to be sent to a central system of operation and voting, but the central voting system in operation and tabulation to send operational instructions and data to voting machines. It is not mentioned in the contract documents and specifications that the system would be bidirectional and would allow the transmission of data and instructions from the central operating system directly to voting machines. One

simply has to examine the system diagram on page DIAZ 000057 of Exhibit 1. If this feature of the Smartmatic system had been disclosed to the Electoral Council, it could not have adequately accepted Smartmatic's offer because it would allow the Smartmatic voting system to be handled in a way that manipulated votes and interfered with the legitimate voting and electoral process by impersonating the will to govern officials with the will of the electorate: the citizens of Venezuela. It was not surprising that Hugo Chávez and his successors then constantly won the election through the use and manipulation of the Smartmatic voting system.

16. In the 16 years since I left my post as Director General of Political Parties at the National Electoral Council of Venezuela, I have studied the electoral systems of Bolivia, Colombia, Ecuador, Guatemala, Honduras and Nicaragua and have observed elections and participated in pro-democratic forums in Colombia, Ecuador, Honduras and Nicaragua. I have also studied and researched electoral processes in Europe, participating in public academic conferences in Spain and Italy on the subject of democratic electoral processes.

17. Based on my specialized experiences with electoral systems, I have a firm view that no legitimate electronic voting system should be allowed to have the ability of two-way communications to send data and instructions between central tabulation operations and voting machines over telephone lines or the Internet. Having such characteristics compromise the integrity of the entire voting process by allowing injection of data and instructions to manipulate voting before, during and after an election and to avoid detection of processes and mechanisms designed to prevent voting manipulation and fraud.

I declare under penalty of perjury that the above is true and correct and that this Statement was prepared in Dallas County, Texas, and executed on November 20, 2020.



Ana Mercedes Díaz Cardozo

Exh. 4

E
X
H
I
B
I
T

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

DONNA CURLING, ET AL.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
vs.)	
)	FILE NO. 1:17-cv-2989-AT
BRAD RAFFENSPERGER,)	
ET AL.,)	
)	
Defendants.)	

DECLARATION OF HARRI HURSTI

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

1. My name is Harri Hursti. I am over the age of 21 and competent to give this testimony. The facts stated in this declaration are based on my personal knowledge, unless stated otherwise.

2. My background and qualifications in voting system cybersecurity are set forth in my December 16, 2019 declaration. (Doc. 680-1, pages 37 *et seq*). I stand by everything in that declaration and in my August 21, 2020 declaration. (Doc. 800-2).

3. I am also an expert in ballot scanning because of extensive background in digital imaging prior by work researching election systems. In addition, in 2005 I started an open source project for scanning and auditing paper ballots from images. As a result, I am familiar with different scanner types, how scanner settings and image processing features change the images, and how file format choices affect the quality and accuracy of the ballots.

4. I am engaged as an expert in this case by Coalition for Good Governance.

5. In developing this declaration and opinion, I visited Atlanta to observe certain operations of the June 9, 2020 statewide primary, and the August 11 runoff. During the June 9 election, I was an authorized poll watcher in some locations and was a public observer in others. On August 11, I was authorized as an expert inspecting and observing under the Coalition for Good Governance's Rule 34 Inspection request in certain polling places and the Fulton County Election Preparation Center. As I will explain below in this declaration, my extensive experience in the area of voting system security and my observations of these elections lead to additional conclusions beyond those in my December 16, 2019 declaration. Specifically:

- a) the scanner and tabulation software settings being employed to determine which votes to count on hand marked paper ballots are likely causing clearly intentioned votes not to be counted;
- b) the voting system is being operated in Fulton County in a manner that escalates the security risk to an extreme level; and
- c) voters are not reviewing their BMD printed ballots, which causes BMD generated results to be un-auditable due to the untrustworthy audit trail.

Polling Place Observations

6. Election observation on Peachtree Christian Church. The ballot marking devices were installed so that 4 out of 8 touchscreen devices were clearly visible from the pollbook check in desk. Voter's selections could be effortlessly seen from over 50 ft away.

7. Over period of about 45 minutes, I only observed one voter who appeared to be studying the ballot after picking it up from the printer before casting it in the scanner. When voters do not fully verify their ballot prior to casting, the ballots cannot be considered a reliable auditable record.

8. The scanner would reject some ballots and then accept them after they were rotated to a different orientation. I noted that the scanner would vary in the amount of time that it took to accept or reject a ballot. The delay varied between 3

and 5 seconds from the moment the scanner takes the ballot until the scanner either accepts the ballot or rejects it. This kind of behavior is normal on general purpose operating systems multitasking between multiple applications, but a voting system component should be running only a single application without outside dependencies causing variable execution times.

9. Further research is necessary to determine the cause of the unexpected scanning delays. A system that is dedicated to performing one task repeatedly should not have unexplained variation in processing time. As security researcher, we are always suspicious about any unexpected variable delays, as those are common telltale signs of many issues, including a possibility of unauthorized code being executed. So, in my opinion changes of behaviors between supposedly identical machines performing identical tasks should always be investigated.

When ballots are the same and are produced by a ballot marking device, there should be no time difference whatsoever in processing the bar codes. Variations in time can be the result of many things - one of them is that the scanner encounters an error reading the bar code and needs to utilize error correcting algorithms to recover from that error. Further investigation is

necessary to determine the root cause of these delays, the potential impact of the error correcting algorithms if those are found to be the cause, and whether the delay has any impact upon the vote.

10. Election observation in Central Park Recreation Center. The Poll place manager told me that no Dominion trained technician had reported on location to help them that morning.

11. The ballot marking devices were originally installed in a way that voter privacy was not protected, as anyone could observe across the room how people are voting on about 2/3 devices.

12. The ballot scanner took between 4 and 6 seconds to accept the ballot. I observed only one ballot being rejected.

13. Generally, voters did not inspect the ballots after taking it from the printer and casting it into the scanner.

14. Election observation in Fanplex location. Samantha Whitley and Harrison Thweatt were poll watchers at the Fanplex polling location. They contacted me at approximately 9:10am about problems they were observing with the operation of the BMDs and Poll Pads and asked me to come to help them

understand the anomalies they were observing. I arrived at FanPlex at approximately 9:30am.

15. I observed that the ballot scanner located by a glass wall whereby standing outside of the building observe the scanning, would take between 6 and 7 seconds to either accept or reject the ballot.

16. For reasons unknown, on multiple machines, while voters were attempting to vote, the ballot marking devices sometimes printed “test” ballots. I was not able to take a picture of the ballot from the designated observation area, but I overheard the poll worker by the scanner explaining the issue to a voter which was sent back to the Ballot-Marking Device to pick up another ballot from the printer tray. Test ballots are intended to be used to test the system but without being counted by the system during an election. The ballot scanner in election settings rejects test ballots, as the scanners at FanPlex did. This caused confusion as the voters needed to return to the ballot-marking device to retrieve the actual ballot. Some voters returned the test ballot into the printer tray, potentially confusing the next voter. Had voters been reviewing the ballots at all before taking them to the scanner, they would have noticed the “Test Ballot” text on the ballot. I observed no voter really questioning a poll worker why a “Test” ballot was printed in the first place.

17. Obviously, during the election day, the ballot marking device should not be processing or printing any ballot other than the one the voter is voting. While the cause of the improper printing of ballots should be examined, the fact that this was happening at all is likely indicative of a wrong configuration given to the BMD, which in my professional opinion raises another question: Why didn't the device print only test ballots? And how can the device change its behavior in the middle of the election day? Is the incorrect configuration originating from the Electronic Pollbook System? What are the implications for the reliability of the printed ballot and the QR code being counted?

18. Election observation Park Tavern. The scanner acceptance delay did not vary as it had in previous locations and was consistently about 5 seconds from the moment the scanner takes the ballot, to the moment the scanner either accepts the ballot or rejects it. The variation between scanners at different locations is concerning because these are identical physical devices and should not behave differently while performing the identical task of scanning a ballot.

19. The vast majority of voters at Park Tavern did not inspect the ballots after taking them from the printer and before casting them in the scanner.

Fulton Tabulation Center Operation-Election Night, August 11, 2020

20. In Fulton County Election Preparation Center (“EPC”) on election night I reviewed certain operations as authorized by Rule 34 inspection.

21. I was permitted to view the operations of the upload of the memory devices coming in from the precincts to the Dominion Election Management System (“EMS”) server. The agreement with Fulton County was that I could review only for a limited period of time; therefore, I did not review the entire evening’s process. Also, Dominion employees asked me to move away from the monitors containing the information and messages from the upload process and error messages, limiting my ability to give a more detailed report with documentation and photographs of the screens. However, my vantage point was more than adequate to observe that system problems were recurring and the Dominion technicians operating the system were struggling with the upload process.

22. It is my understanding the same EMS equipment and software had been used in Fulton County’s June 9, 2020 primary election.

23. It is my understanding that the Dominion technician (“Dominic”) charged with operating the EMS server for Fulton County had been performing

these duties at Fulton County for several months, including during the June 9 primary.

24. During my August 11 visit, and a follow-up visit on August 17, I observed that the EMS server was operated almost exclusively by Dominion personnel, with little interaction with EPC management, even when problems were encountered. In my conversations with Derrick Gilstrap and other Fulton County Elections Department EPC personnel, they professed to have limited knowledge of or control over the EMS server and its operations.

25. Outsourcing the operation of the voting system components directly to the voting system vendors' personnel is highly unusual in my experience and of grave concern from a security and conflict of interest perspective. Voting system vendors' personnel have a conflict of interest because they are not inclined to report on, or address, defects in the voting systems. The dangers this poses is aggravated by the absence of any trained County personnel to oversee and supervise the process.

26. In my professional opinion, the role played by Dominion personnel in Fulton County, and other counties with similar arrangements, should be considered an elevated risk factor when evaluating the security risks of Georgia's voting system.

27. Based on my observations on August 11 and August 17, Dell computers running the EMS that is used to process Fulton county votes appeared not to have been hardened.

28. In essence, hardening is the process of securing a system by reducing its surface of vulnerability, which is larger when a system performs more functions; in principle it is to reduce the general purpose system into a single-function system which is more secure than a multipurpose one. Reducing available ways of attack typically includes changing default passwords, the removal of unnecessary software, unnecessary usernames or logins, grant accounts and programs with the minimum level of privileges needed for the tasks and create separate accounts for privileged operations as needed, and the disabling or removal of unnecessary services.

29. Computers performing any sensitive and mission critical tasks such as elections should unquestionably be hardened. Voting system are designated by the Department of Homeland Security as part of the critical infrastructure and certainly fall into the category of devices which should be hardened as the most fundamental security measure. In my experience, it is unusual, and I find it unacceptable for an EMS server not to have been hardened prior to installation.

30. The Operating System version in the Dominion Election Management computer, which is positioned into the rack and by usage pattern appears to be the main computer, is Windows 10 Pro 10.0.14393. This version is also known as the Anniversary Update version 1607 and it was released August 2, 2016. Exhibit A is a true and correct copy of a photograph that I took of this computer.

31. When a voting system is certified by the EAC, the Operating System is specifically defined, as Windows 10 Pro was for the Dominion 5.5-A system. Unlike consumer computers, voting systems do not and should not receive automatic “upgrades” to newer versions of the Operating System. without undergoing tests for conflicts with the new operating system software.

32. That computer and other computers used in Georgia’s system for vote processing appear to have home/small business companion software packages included. Exhibits B and C are true and correct copies of photographs that I took of the computer located in the rack and the computer located closest to the rack on the table to the right. The Start Menu shows a large number of game and entertainment software icons. As stated before, one of the first procedures of hardening is removal of all unwanted software, and removal of those game icons and the associated games and installers alongside with all other software which is not absolutely needed in the computer for election processing purposes would be

one of the first and most basic steps in the hardening process. In my professional opinion, independent inquiry should be promptly made of all 159 counties to determine if the Dominion systems statewide share this major deficiency.

33. Furthermore, when I asked the Dominion employee Dominic assigned to the Fulton County election server operation about the origin of the Windows operating system, he answered that he believed that “it has been provided by the State.”

34. Since Georgia’s Dominion system is new, it is a reasonable assumption that all machines in the Fulton County election network had the same version of Windows installed. However, not only the two computers displayed different entertainment software icons, but additionally one of the machines in Fulton’s group of election servers had an icon of computer game called “*Homescapes*” which is made by Playrix Holding Ltd., founded by Dmitry and Igor Bukham in Vologda, Russia. Attached as Exhibit C is a true and correct copy of a photograph that I took of the Fulton voting system computer” Client 02”. The icon for *Homescapes* is shown by the arrow on Exhibit C.

35. The *Homescapes* game was released in August 2017, one year after Fulton County’s operating system release. If the *Homescapes* game came with the operating system it would be unusual, because at the time of the release of

Homescapes, Microsoft had already released 3 major Microsoft Windows 10 update releases after build 14393 and before the release of that game. This calls into question whether all Georgia Dominion system computers have the same operating system version, or how the game has come to be having a presence in Fulton's Dominion voting system.

36. Although this Dominion voting system is new to Georgia, the Windows 10 operating system of at least the 'main' computer in the rack has not been updated for 4 years and carries a wide range of well-known and publicly disclosed vulnerabilities. At the time of this writing, The National Vulnerability Database maintained by National Institute of Standards and Technology lists 3,177 vulnerabilities mentioning "Windows 10 Pro" and 203 vulnerabilities are specifically mentioning "Windows 10 Pro 1607" which is the specific version number of the build 14393 that Dominion uses.

37. Even without internet connectivity, unhardened computers are at risk when those are used to process removable media. It was clear that when Compact Flash storage media containing the ballot images, audit logs and results from the precinct scanners were connected to the server, the media was automounted by the operating system. When the operating system is automounting a storage media, the operating system starts automatically to interact with the device. The zero-day

vulnerabilities exploiting this process has been recurrently discovered from all operating systems, including Windows. Presence of automount calls also into question presence of another setting which is always disabled in hardening process. It is autorun, which automatically executes some content on the removable media. While this is convenient for consumers, it poses extreme security risk.

38. Based on my experience and mental impression observing the Dominion technician's activities, Fulton County's EMS server management seems to be an *ad hoc* operation with no formalized process. This was especially clear on the manual processing of the memory cards storage devices coming in from the precincts on election night and the repeated access of the operating system to directly access filesystem, format USB devices, etc. This kind of operation is naturally prone to human errors. I observed personnel calling on the floor asking if all vote carrying compact flash cards had been delivered from the early voting machines for processing, followed by later finding additional cards which had been overlooked in apparent human error. Later, I heard again one technician calling on the floor asking if all vote carrying compact flashes had been delivered. This clearly demonstrates lack of inventory management which should be in place to ensure, among other things, that no rogue storage devices would be inserted into the computer. In response, 3 more compact flash cards were hand-delivered. Less

than 5 minutes later, I heard one of the county workers say that additional card was found and was delivered for processing. All these devices were trusted by printed label only and no comparison to an inventory list of any kind was performed.

39. In addition, operations were repeatedly performed directly on the operating system. Election software has no visibility into the operations performed directly on the operating system, and therefore those are not included in election system event logging. Those activities can only be partially reconstructed from operating system logs – and as these activities included copying election data files, election software log may create false impression that the software is accessing the same file over a period of time, while in reality the file could had been replaced with another file with the same name by activities commanded to the operating system. Therefore, any attempt to audit the election system operated in this manner must include through analysis of all operating system logs, which complicates the auditing process. Unless the system is configured properly to collect file system auditing data is not complete. As the system appears not to be hardened, it is unlikely that the operating system has been configured to collect auditing data.

40. A human error when operating live election system from the operating system can result in a catastrophic event destroying election data or even rendering the system unusable. Human error is likely given the time pressure involved and,

at least in Fulton County, no formal check lists or operating procedures were followed to mitigate the human error risk. The best practice is to automate trivial tasks to reduce risk of human error, increase the quality assurance of overall operations and provide auditability and transparency by logging.

41. Uploading of memory cards had already started before I arrived at EPC. While one person was operating the upload process, the two other Dominion employees were troubleshooting issues which seemed to be related to ballot images uploads. I repeatedly observed error messages appearing on the screen of the EMS server. I was not able to get picture of the errors on August 11th, I believe the error was the same or similar that errors recurring August 17th as shown on Exhibit D and discussed later in this declaration. Dominion employees were troubleshooting the issue with ‘trial-and-error’ approach. As part of this effort they accessed “Computer Management” application of Windows 10 and experimented with trouble shooting the user account management feature. This demonstrates that they had complete access to the computer. This means there are no meaningful access separation and privileges and roles controls protecting the county’s primary election servers. This also greatly amplifies the risk of catastrophic human error and malicious program execution.

42. I overheard the Dominion technician's conversation that they had issues with file system structure and "need 5 files out of EMS server and paste. Delete everything out of there and put it there." To communicate the gravity of the situation to each other they added "Troubleshooting in the live environment". These conversations increased the mental image that they were not familiar the issue they were troubleshooting.

43. After about 45 minutes of trying to solve the issue by instructions received over the phone, the two Dominion employees' (who had been troubleshooting) behavior changed. The Dominion staff member walked behind the server rack and made manual manipulations which could not be observed from my vantage point. After that they moved with their personal laptops to a table physically farther away from the election system and stopped trying different ways to work around the issue in front of the server, and no longer talked continuously with their remote help over phone.

44. In the follow-up-calls I overheard them ask people on the other end of the call to check different things, and they only went to a computer and appeared to test something and subsequently take a picture of the computer screen with a mobile phone and apparently send it to a remote location.

45. Based on my extensive experience, this all created a strong mental impression that the troubleshooting effort was being done remotely over remote access to key parts of the system. Additionally, new wireless access point with a hidden SSID access point name appeared in the active Wi-Fi stations list that I was monitoring, but it may have been co-incidental. Hidden SSIDs are used to obscure presence of wireless networking from casual observers, although they do not provide any real additional security.

46. If in fact remote access was arranged and granted to the server, this has gravely serious implications for the security of the new Dominion system. Remote access, regardless how it is protected and organized is always a security risk, but furthermore it is transfer of control out of the physical perimeters and deny any ability to observe the activities.

47. I also observed USB drives marked with the Centon DataStick Pro Logo with no visible inventory control numbering system being taken repeatedly from the EMS server rack to the Fulton managers' offices and back. The Dominion employee told me that the USB drives were being taken to the Election Night Reporting Computer in another office. This action was repeated several times during the time of my observation. Carrying generic unmarked and therefore unidentifiable media out-of-view and back is a security risk – especially when the

exact same type of devices was piled on the desk near the computer. During the election night, the Dominion employees reached to storage box and introduced more unmarked storage devices into the ongoing election process. I saw no effort made to maintain a memory card inventory control document or chain of custody accounting for memory cards from the precincts.

48. I also visited the EPC on August 17. During that visit, the staff working on uploading ballots for adjudication experienced an error which appeared similar to the one on election night. This error was repeated with multitude of ballots and at the time we left the location, the error appeared to be ignored, rather than resolved. (EXHIBIT D - the error message and partial explanation of the error being read by the operator.).

49. The security risks outlined above – operating system risks, the failure to harden the computers, performing operations directly on the operating systems, lax control of memory cards, lack of procedures, and potential remote access, are extreme and destroy the credibility of the tabulations and output of the reports coming from a voting system.

50. Such a risk could be overcome if the election were conducted using hand marked paper ballots, with proper chain of custody controls. For elections conducted with hand marked paper ballots, any malware or human error involved

in the server security deficiencies or malfunctions could be overcome with a robust audit of the hand marked paper ballots and in case of irregularities detected, remedied by a recount. However, given that BMD ballots are computer marked, and the ballots therefore unauditible for determining the result, no recovery from system security lapses is possible for providing any confidence in the reported outcomes.

Ballot Scanning and Tabulation of Vote Marks

51. I have been asked to evaluate the performance and reliability of Georgia's Dominion precinct and central count scanners in the counting of votes on hand marked paper ballots.

52. On or about June 10th, Jeanne Dufort and Marilyn Marks called me to seek my perspective on what Ms. Dufort said she observed while serving as a Vote Review Panel member in Morgan County. Ms. Dufort told me that she observed votes that were not counted as votes nor flagged by the Dominion adjudication software.

53. Because of the ongoing questions this raised related to the reliability of the Dominion system tabulation of hand marked ballots, I was asked by Coalition Plaintiffs to conduct technical analysis of the scanner and tabulation accuracy. That analysis is still in its early stages.

54. Before addressing the particulars of my findings and research into the accuracy of Dominion's scanning and tabulation, I will address the basic process by which an image on a voted hand marked paper ballot is processed by scanner and tabulation software generally. It is important to understand that the Dominion scanners are Canon off the shelf scanners and their embedded software were designed for different applications than ballot scanning which is best conducted with scanners specifically designed for detecting hand markings on paper ballots.

55. Contrary of public belief, the scanner is not taking a picture of the paper. The scanner is illuminating the paper with a number of narrow spectrum color lights, typically 3, and then using software to produce an approximation what the human eye would be likely to see if there would had been a single white wide-spectrum light source. This process takes place in partially within the scanner and embedded software in the (commercial off the shelf) scanner and partially in the driver software in the host computer. It is guided by number of settings and configurations, some of which are stored in the scanner and some in the driver software. The scanner sensors gather more information than will be saved into the resulting file and another set of settings and configurations are used to drive that part of the process. The scanners also produce anomalies which are automatically removed from the images by the software. All these activities are performed

outside of the Dominion election software, which is relying on the end product of this process as the input.

56. I began reviewing Dominion user manuals in the public domain to further investigate the Dominion process.

57. On August 14, I received 2 sample Fulton County August 11 ballots of high-speed scanned ballot from Rhonda Martin, who stated that she obtained them from Fulton County during Coalition Plaintiff's discovery. The image characteristics matched the file details I had seen on the screen in EPC. The image is TIFF format, about 1700 by 2200 pixels with 1-bit color depth (= strictly black or white pixels only) with 200 by 200 dots per square inch ("dpi") resolution resulting in files that are typically about 64 or 73 kilo bytes in size for August 11 ballots. With this resolution, the outer dimension of the oval voting target is about 30 by 25 pixels. The oval itself (that is, the oval line that encircles the voting target) is about 2 pixels wide. The target area is about 450 pixels; the area of the target a tight bounding box would be 750 pixels and the oval line encircling the target is 165 pixels. In these images, the oval itself represented about 22% value in the bounding box around the vote target oval.

58. Important image processing decisions are done in scanner software and before election software threshold values are applied to the image. These

scanner settings are discussed in an excerpt Dominion's manual for ICC operations. My understanding is that the excerpt of the Manual was received from Marilyn Marks who stated that she obtained it from a Georgia election official in response to an Open Records request. Attached as Exhibit E is page 9 of the manual. Box number 2 on Exhibit E shows that the settings used are not neutral factory default settings.

59. Each pixel of the voters' marks on a hand marked paper ballot will be either in color or gray when the scanner originally measures the markings. The scanner settings affect how image processing turns each pixel from color or gray to either black or white in the image the voting software will later process. This processing step is responsible for major image manipulation and information reduction before the election software threshold values are calculated. This process has a high risk of having an impact upon how a voter mark is interpreted by the tabulation software when the information reduction erases markings from the scanned image before the election software processes it.

60. In my professional opinion, any decision by Georgia's election officials about adopting or changing election software threshold values is premature before the scanner settings are thoroughly tested, optimized and locked.

61. The impact of the scanner settings is minimal for markings made with a black felt pen but can be great for markings made with any color ballpoint pens. To illustrate this, I have used standard color scanning settings and applied then standard conversion from a scanned ballot vote target with widely used free and open source image processing software “GNU Image Manipulation Program version 2.10.18” EXHIBIT G shows the color image being converted with the software’s default settings from color image to Black-and-White only. The red color does not meet the internal conversion algorithm criteria for black, therefore it gets erased to white instead.

62. Dominion manual for ICC operations clearly show that the scanner settings are changed from neutral factory default settings. EXHIBIT H shows how these settings applied different ways alter how a blue marking is converted into Black-and-White only image.

63. The optimal scanner settings are different for each model of scanner and each type of paper used to print ballots. Furthermore, because scanners are inherently different, the manufacturers use hidden settings and algorithms to cause neutral factory settings to produce similar baseline results across different makes and models. This is well-studied topic; academic and image processing studies published as early as 1979 discuss the brittleness of black-or-white images in

conversion. Subsequently, significance for ballot counting has been discussed in academic USENIX conference peer-reviewed papers.

64. On the August 17th at Fulton County Election Preparation Center Professor Richard DeMillo and I participated in a scan test of August 11 test ballots using a Fulton County owned Dominion precinct scanner. Two different ballot styles were tested, one with 4 races and one with 5 races. Attached as Exhibits I and J show a sample ballots with test marks.

65. A batch of 50 test ballots had been marked by Rhonda Martin with varying types of marks and varying types of writing instruments that a voter might use at home to mark an absentee ballot. Professor DeMillo and I participated in marking a handful of ballots.

66. Everything said here concerning the August 17 test is based on a very preliminary analysis. The scanner took about 6 seconds to reject the ballots, and one ballot was only acceptable “headfirst” while another ballot only “tail first.” Ballot scanners are designed to read ballots “headfirst” or “tail first,” and front side and backside and therefore there should not be ballots which are accepted only in one orientation. I observed the ballots to make sure that both ballots had been cleanly separated from the stub and I could not identify any defects of any kind on the ballots.

67. There was a 15 second cycle from the time the precinct scanner accepted a ballot to the time it was ready for the next ballot. Therefore, the maximum theoretical capacity with the simple 5 race ballot is about 4 ballots per minute if the next ballot is ready to be fed into the scanner as soon as the scanner was ready to take it. In a real-world voting environment, it takes considerably longer because voters move away from the scanner, the next voter must move in and subsequently figure where to insert the ballot. The Dominion precinct scanner that I observed was considerably slower than the ballot scanners I have tested over the last 15 years. This was done with a simple ballot, and we did not test how increase of the number of races or vote targets on the ballot would affect the scanning speed and performance.

68. Though my analysis is preliminary, this test reveals that a significant percentage of filled ovals that would to a human clearly show voter's intent failed to register as a vote on the precinct count scanner.

69. The necessary testing effort has barely begun at the time of this writing, as only limited access to equipment has been made available. I have not had access to the high-volume mail ballot scanner that is expected to process millions of mail ballots in Georgia's upcoming elections. However, initial results suggest that significant revisions must be made in the scanning settings to avoid a

widespread failure to count certain valid votes that are not marked as filled in ovals. Without testing, it is impossible to know, if setting changes alone are sufficient to cure the issue.

Scanned Ballot Tabulation Software Threshold Settings

70. Georgia is employing a Dominion tabulation software tool called “Dual Threshold Technology” for “marginal marks.” (See Exhibit M) The intent of the tool is to detect voter marks that could be misinterpreted by the software and flag them for review. While the goal is admirable, the method of achieving this goal is quite flawed.

71. While it is compelling from development cost point of view to use commercial off the shelf COTS scanners and software, it requires additional steps to ensure that the integration of the information flow is flawless. In this case, the software provided by the scanner manufacturer and with settings and configurations have great impact in how the images are created and what information is removed from the images before the election software processes it. In recent years, many defective scanner software packages have been found. These software flaws include ‘image enhancement’ features which have remained enabled even when the feature has been chosen to be disabled from the scanner software provided by the manufacturer. An example of dangerous feature to keep

enabled is ‘Punch Hole Removal’, intended to make images of documents removed from notebook binders to look more aesthetically pleasing. The software can and in many cases will misinterpret a voted oval as a punch hole and erase the vote from the image file and to make this worse, the punch holes are expected to be found only in certain places near the edge of the paper, and therefore it will erase only votes from candidates whose targets are in those target zones.

72. Decades ago, when computing and storage capacity were expensive black-and-white image commonly meant 1-bit black-or-white pixel images like used by Dominion system. As computer got faster and storage space cheaper during the last 2-3 decades black-and-white image has become by default meaning 255 shades of gray grayscale images. For the purposes of reliable digitalization of physical documents, grayscale image carries more information from the original document for reliable processing and especially when colored markings are being processed. With today’s technology, the difference in processing time and storage prices between grayscale and 1-bit images has become completely meaningless, and the benefits gained in accuracy are undeniable.

73. I am aware that the Georgia Secretary of State’s office has stated that Georgia threshold settings are national industry standards for ballot scanners (Exhibit K). This is simply untrue. If, there were an industry standard for that, it

would be part of EAC certification. There is no EAC standard for such threshold settings. As mentioned before, the optimal settings are products of many elements. The type of the scanner used, the scanner settings and configuration, the type of the paper used, the type of the ink printer has used in printing the ballots, color dropout settings, just to name few. Older scanner models, which were optical mark recognitions scanners, used to be calibrated using calibration sheet – similar process is needed to be established for digital imaging scanners used this way as the ballot scanners.

74. Furthermore, the software settings in Exhibit E box 2 show that the software is instructed to ignore all markings in red color (“Color drop-out: Red”), This clearly indicates that the software was expecting the oval to be printed in Red and therefore it will be automatically removed from the calculation. The software does not anticipate printed black ovals as used in Fulton County. Voters have likely not been properly warned that any pen they use which ink contains high concentration of red pigment particles is at risk of not counting, even if to the human eye the ink looks very dark.

75. I listened to the August 10 meeting of the State Board of Elections as they approved a draft rule related to what constitutes a vote, incorporating the following language:

Ballot scanners that are used to tabulate optical scan ballots marked by hand shall be set so that:

- 1. Detection of 20% or more fill-in of the target area surrounded by the oval shall be considered a vote for the selection;*
- 2. Detection of less than 10% fill-in of the target area surrounded by the oval shall not be considered a vote for that selection;*
- 3. Detection of at least 10% but less than 20% fill-in of the target area surrounded by the oval shall flag the ballot for adjudication by a vote review panel as set forth in O.C.G.A. 21-2-483(g). In reviewing any ballot flagged for adjudication, the votes shall be counted if, in the opinion of the vote review panel, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.*

76. The settings discussed in the rule are completely subject to the scanner settings. How the physical marking is translated into the digital image is determined by those values and therefore setting the threshold values without at the same time setting the scanner settings carries no value or meaning. If the ballots will be continuing to be printed with black only, there is no logic in having any drop-out colors.

77. Before the State sets threshold standards for the Dominion system, extensive testing is needed to establish optimal configuration and settings for each step of the process. Also, the scanners are likely to have settings additional configuration and settings which are not visible menus shown in the manual excerpt. All those should be evaluated and tested for all types of scanners approved for use in Georgia, including the precinct scanners

78. As temporary solution, after initial testing, the scanner settings and configuration should be locked and then a low threshold values should be chosen. All drop-out colors should be disabled. This will increase the number of ballots chosen for human review and reduce the number of valid votes not being counted as cast.

Logic and Accuracy Testing

79. Ballot-Marking Device systems inherits the same well-documented systemic security issues embedded in direct-recording electronic (DRE) voting machine design. Such design flaws eventually are causing the demise of DRE voting system across the country as it did in Georgia. In essence the Ballot Marking Device is a general-purpose computer running a general-purpose operating system with touchscreen that is utilized as a platform to run a software, very similar to DRE by displaying a ballot to the voter and recording the voter's intents. The main difference is that instead of recording those internally digitally, it prints out a ballot summary card of voter's choices.

80. Security properties of this approach would be positively different from DREs if the ballot contained only human-readable information and all voters are required to and were capable of verifying their choices from the paper ballot summary. That of course is unrealistic.

81. When voter fails to inspect the paper ballot and significant portion of the information is not in human readable from as a QR barcode, Ballot-Marking Device based voting effectively inherits most of the negative and undesirable security and reliability properties directly from DRE paradigm, and therefore should be subject to the same testing requirements and mitigation strategies as DREs.

82. In response to repeating myriad of issues with DREs, which have been attributed to causes from screen calibration issues to failures in ballot definition configuration distribution, a robust Logic & Accuracy testing regulation have been established. These root causes are present in BMDs and therefore should be evaluated in the same way as DREs have been.

I received the Georgia Secretary of State's manual "Logic and Accuracy Procedures" "Version 1.0 January 2020 from Rhonda Martin. Procedure described in section D "Testing the BMD and Printer" is taking significant shortcuts, presumably to cut the labor work required. (Section D is attached as Exhibit L) These shortcuts significantly weaken the security and reliability posture of the system and protections against already known systemic pitfalls, usability predicaments and security inadequacies.

CONCLUSIONS

83. The scanner software and tabulation software settings and configurations being employed to determine which votes to count on hand marked paper ballots are likely causing clearly intentioned votes not to be counted as cast.

84. The method of using 1-bit images and calculated relative darkness values from such pre-reduced information to determine voter marks on ballots is severely outdated and obsolete. It artificially and unnecessarily increases the failure rates to recognize votes on hand-marked paper ballots. As a temporary mitigation, optimal configurations and settings for all steps of the process should be established after robust independent testing to mitigate the design flaw and augment it with human assisted processes, but that will not cure the root cause of the software deficiency which needs to be addressed.

85. The voting system is being deployed, configured and operated in Fulton County in a manner that escalates the security risk to an extreme level and calls into question the accuracy of the election results. The lack of well-defined process and compliance testing should be addressed immediately using independent experts. The use and the supervision of the Dominion personnel operating Fulton County's Dominion Voting System should be evaluated.

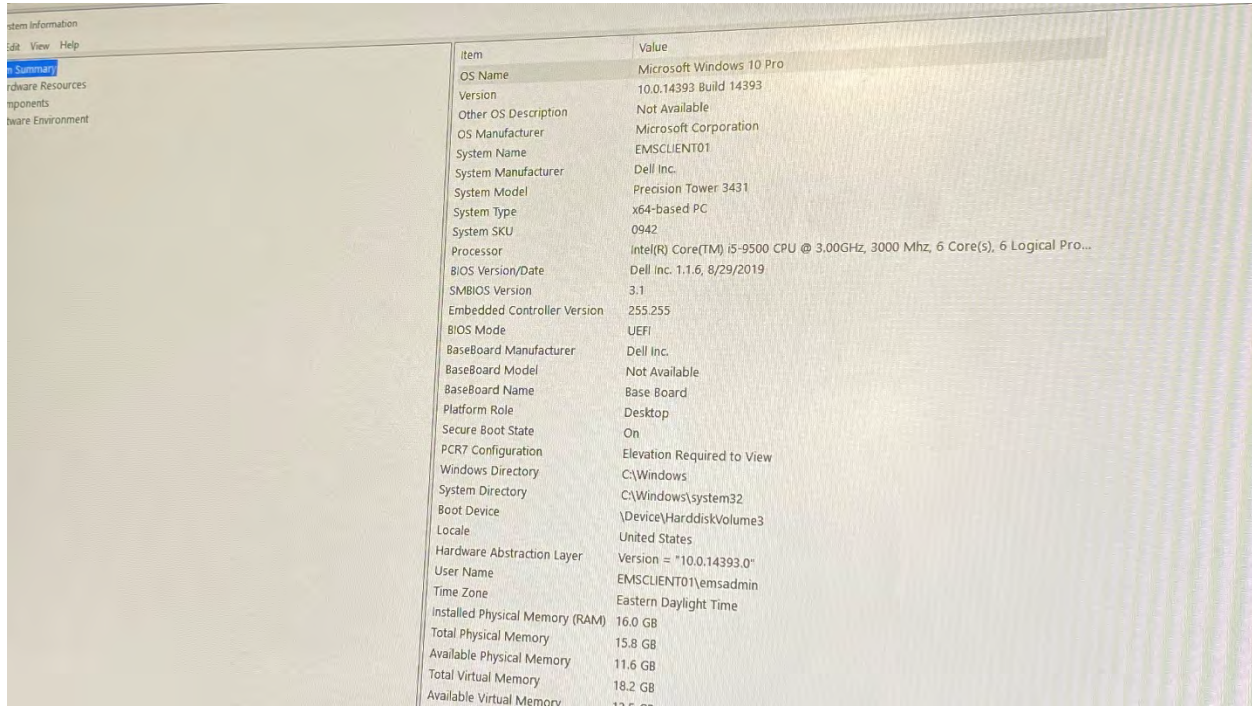
86. Voters are not reviewing their BMD printed ballots before scanning and casting them, which causes BMD-generated results to be un-auditable due to the untrustworthy audit trail. Furthermore, because BMDs are inheriting known fundamental architectural deficiencies from DREs, no mitigation and assurance measures can be weakened, including but not limited to Logic and Accuracy Testing procedures.

This 24th day of August 2020.



Harri Hursti

EXHIBIT A:



The image shows a screenshot of the Windows System Information utility. The window title is "System Information" and it has a menu bar with "File", "View", and "Help". On the left side, there is a navigation pane with the following items: "Summary" (highlighted in blue), "Hardware Resources", "Components", and "Software Environment". The main area of the window displays a list of system information items and their corresponding values.

Item	Value
OS Name	Microsoft Windows 10 Pro
Version	10.0.14393 Build 14393
Other OS Description	Not Available
OS Manufacturer	Microsoft Corporation
System Name	EMSCIENT01
System Manufacturer	Dell Inc.
System Model	Precision Tower 3431
System Type	x64-based PC
System SKU	0942
Processor	Intel(R) Core(TM) i5-9500 CPU @ 3.00GHz, 3000 Mhz, 6 Core(s), 6 Logical Pro...
BIOS Version/Date	Dell Inc. 1.1.6, 8/29/2019
SMBIOS Version	3.1
Embedded Controller Version	255.255
BIOS Mode	UEFI
BaseBoard Manufacturer	Dell Inc.
BaseBoard Model	Not Available
BaseBoard Name	Base Board
Platform Role	Desktop
Secure Boot State	On
PCR7 Configuration	Elevation Required to View
Windows Directory	C:\Windows
System Directory	C:\Windows\system32
Boot Device	\Device\HarddiskVolume3
Locale	United States
Hardware Abstraction Layer	Version = "10.0.14393.0"
User Name	EMSCIENT01\emsadmin
Time Zone	Eastern Daylight Time
Installed Physical Memory (RAM)	16.0 GB
Total Physical Memory	15.8 GB
Available Physical Memory	11.6 GB
Total Virtual Memory	18.2 GB
Available Virtual Memory	12.2 GB

EXHIBIT B:



EXHIBIT C:



EXHIBIT D:

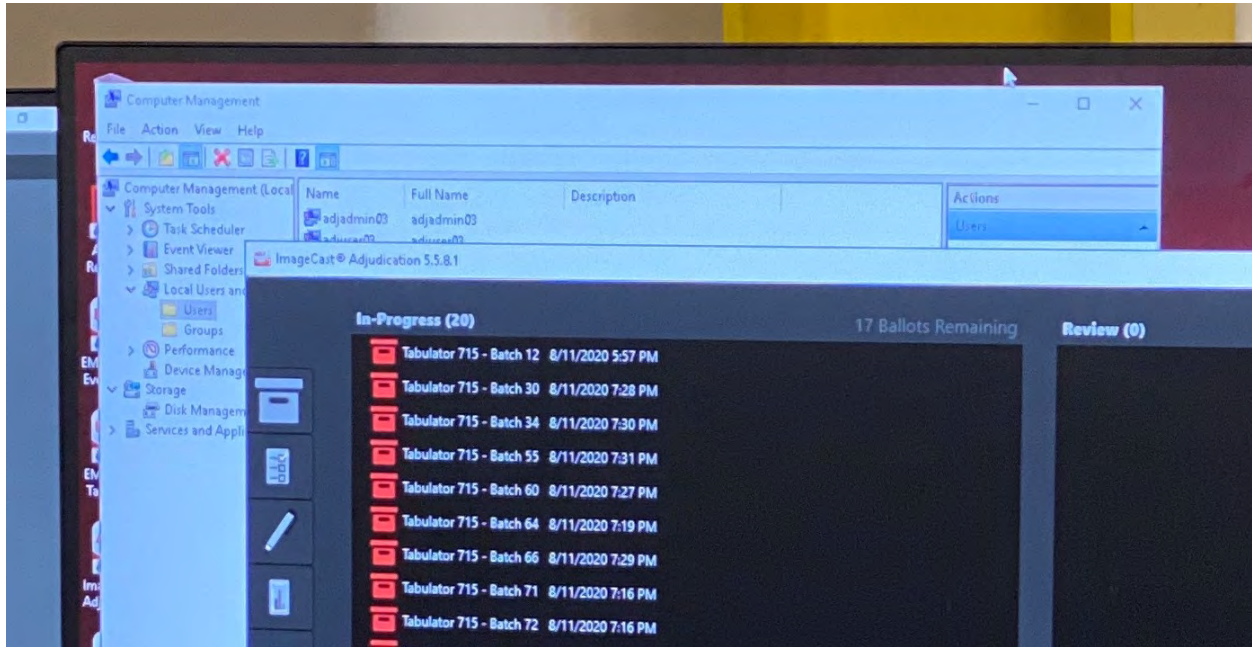



EXHIBIT E:

ICC SCANNER DRIVER SETTINGS DOMINION VOTING

1

- Click on the **ADMINISTRATOR MODE** icon in the lower left corner of the window. Enter the Supervisor password.
- Click the **CONFIGURATION** button option on the left side of the window then click the **Properties** button located in the lower **Scanner** section.



2

Verify/select the following settings:

- Color Drop-out:** Red
- Detect by Length:** Not selected
- Detect by Ultrasonic:** Selected
- Deskew:** Selected
- Edge Cleanup:** Selected
- Doc Orientation:** Portrait
- Brightness:** Set to 90
- Contrast:** 4
- Gamma:** Not selected
- Moire Reduction:** Not selected
- Imprinter:** Not selected

Click the **Apply** button then click the **OK** button.

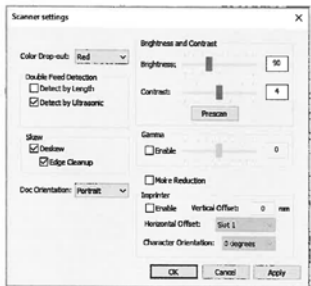


EXHIBIT F:

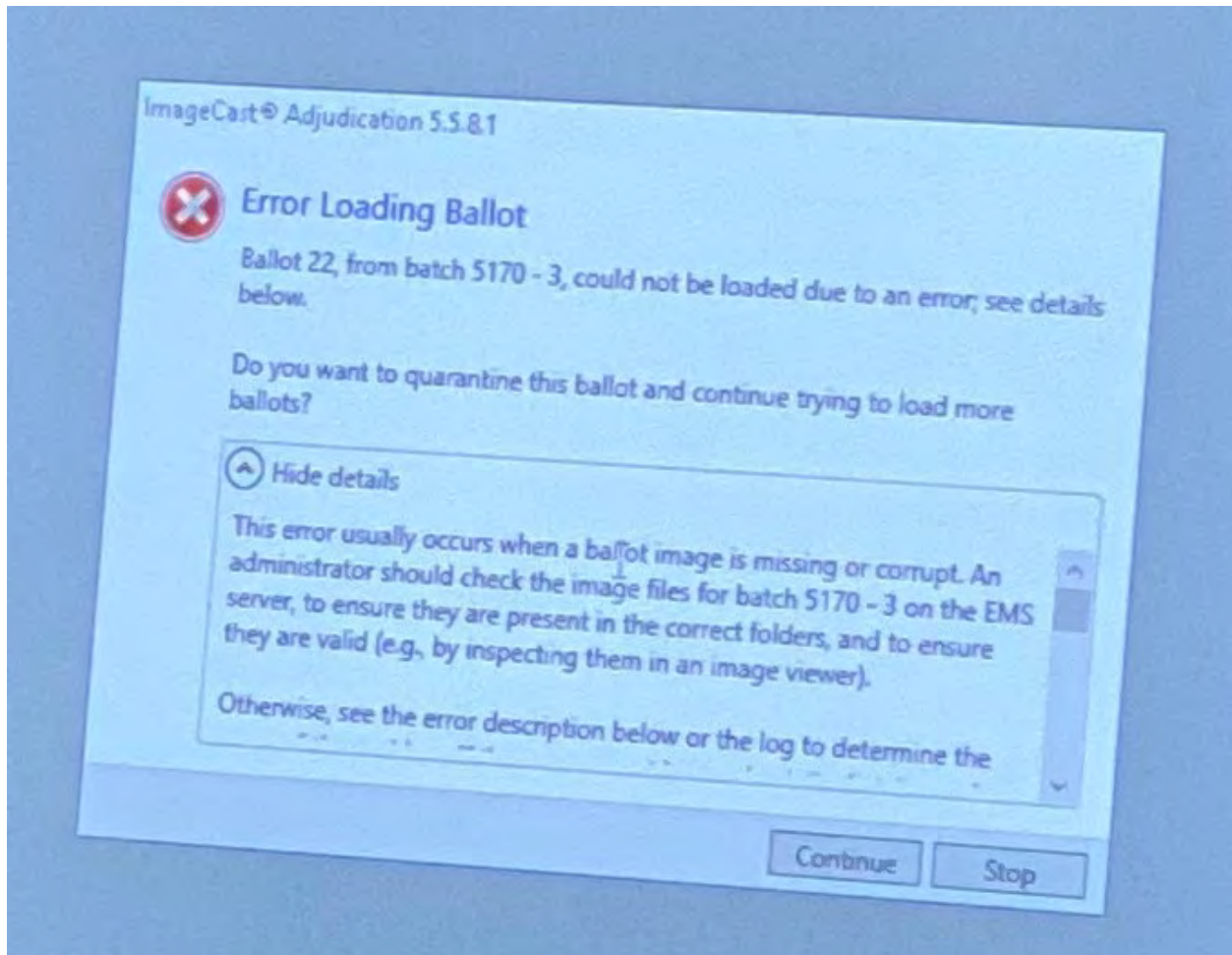


EXHIBIT G:



EXHIBIT H:



EXHIBIT I:

49

Copyright © 2020 Dominion Voting Inc. All Rights Reserved

FULTON COUNTY
993-SC13

OFFICIAL ABSENTEE/PROVISIONAL/EMERGENCY BALLOT

OFFICIAL DEMOCRATIC PARTY PRIMARY AND
NONPARTISAN GENERAL ELECTION RUNOFF BALLOT
OF THE STATE OF GEORGIA
AUGUST 11, 2020

To vote, blacken the Oval (●) next to the candidate of your choice. To vote for a person whose name is not on the ballot, manually WRITE his or her name in the write-in section and blacken the Oval (●) next to the write-in section. If you desire to vote YES or NO for a PROPOSED QUESTION, blacken the corresponding Oval (●). Use only blue or black pen or pencil.

Do not vote for more candidates than the number allowed for each specific office. Do not cross out or erase. If you erase or make other marks on the ballot or tear the ballot, your vote may not count.

If you change your mind or make a mistake, you may return the ballot by writing "Spoiled" across the face of the ballot and return envelope. You may then mail the spoiled ballot back to your county board of registrars, and you will be issued another official absentee ballot. Alternatively, you may surrender the ballot to the poll manager of an early voting site within your county or the precinct to which you are assigned. You will then be permitted to vote a regular ballot.

"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) and 21-2-383(e)]

<p>For State Representative In the General Assembly From 65th District (Vote for One)</p> <p><input type="radio"/> Sharon Beasley-Teague (Incumbent)</p> <p><input checked="" type="radio"/> Mandisha A. Thomas</p>	<p>NONPARTISAN GENERAL ELECTION RUNOFF</p> <p>For Judge, Superior Court of the Atlanta Judicial Circuit (To Succeed Constance C. Russell) (Vote for One)</p> <p><input checked="" type="radio"/> Melynee Leftridge Harris</p> <p><input type="radio"/> Tamika Hrobowski-Houston</p>
<p>For District Attorney of the Atlanta Judicial Circuit (Vote for One)</p> <p><input type="radio"/> Paul Howard (Incumbent)</p> <p><input checked="" type="radio"/> Fani Willis</p>	<p>For Member, Fulton County School Board District 4 (Vote for One)</p> <p><input checked="" type="radio"/> Franchesca Warren</p> <p><input type="radio"/> Sandra C. Wright</p>
<p>For Sheriff (Vote for One)</p> <p><input checked="" type="radio"/> Theodore "Ted" Jackson (Incumbent)</p> <p><input type="radio"/> Patrick "Pat" Labat</p>	

703

EXHIBIT J:

Copyright © 2020 Dominion Voting Inc. All Rights Reserved

FULTON COUNTY
802-UC01A

OFFICIAL ABSENTEE/PROVISIONAL/EMERGENCY BALLOT

OFFICIAL DEMOCRATIC PARTY PRIMARY AND
NONPARTISAN GENERAL ELECTION RUNOFF BALLOT
OF THE STATE OF GEORGIA
AUGUST 11, 2020

To vote, blacken the Oval (●) next to the candidate of your choice. To vote for a person whose name is not on the ballot, manually WRITE his or her name in the write-in section and blacken the Oval (●) next to the write-in section. If you desire to vote YES or NO for a PROPOSED QUESTION, blacken the corresponding Oval (●). Use only blue or black pen or pencil.

Do not vote for more candidates than the number allowed for each specific office. Do not cross out or erase. If you erase or make other marks on the ballot or tear the ballot, your vote may not count.

If you change your mind or make a mistake, you may return the ballot by writing "Spoiled" across the face of the ballot and return envelope. You may then mail the spoiled ballot back to your county board of registrars, and you will be issued another official absentee ballot. Alternatively, you may surrender the ballot to the poll manager of an early voting site within your county or the precinct to which you are assigned. You will then be permitted to vote a regular ballot.

**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) and 21-2-383(a))*

<p>For State Representative In the General Assembly From 65th District (Vote for One)</p> <p><input checked="" type="radio"/> Sharon Beasley-Teague (Incumbent)</p> <p><input type="radio"/> Mandisha A. Thomas</p>	<p>NONPARTISAN GENERAL ELECTION RUNOFF</p> <p>For Judge, Superior Court of the Atlanta Judicial Circuit (To Succeed Constance C. Russell) (Vote for One)</p> <p><input type="radio"/> Melynee Leftridge Harris</p> <p><input checked="" type="radio"/> Tamika Hrobowski-Houston</p>	<p><i>Outstaked on 2nd pass concluded rely Sarah couldn't first pass</i></p>
<p>For District Attorney of the Atlanta Judicial Circuit (Vote for One)</p> <p><input type="radio"/> Paul Howard (Incumbent)</p> <p><input checked="" type="radio"/> Fani Willis</p>		
<p>For Sheriff (Vote for One)</p> <p><input type="radio"/> Theodore "Ted" Jackson (Incumbent)</p> <p><input checked="" type="radio"/> Patrick "Pat" Labat</p>		

731

EXHIBIT K:



Gabriel Sterling
@GabrielSterling



Replying to [@MarilynRMarks1](#) [@rahulbali](#) and 9 others

Again, all Central scanners were set at the industry standard 0-13% is not a mark (the oval is 5%) 14-28% is the ambiguous level to be checked by review panels, 29%+ is a mark. You ar pointing out the inherent issues with HMPBs that we don't see with BMD marked ballots.

8:02 PM · Jun 13, 2020 from [Georgia, USA](#) · [Twitter for iPhone](#)



EXHIBIT L:



- Create a voter card from Poll Pad for each unique ballot style within the designated Polling Location
 - Recommend labels be placed on card identifying what ballot style will be displayed by BMD once card is inserted
 - BMD removes the activation code from the Voter Card once used, therefore create the card again from Poll Pad after each use by a BMD

D. Testing the BMD and Printer

Use a combination of Poll Worker Card with Ballot Activation Codes for the polling location, and Voter Cards created from a Poll Pad loaded with the LA/Advance Voting dataset to bring up ballots on the BMD

- Produce at least one printed ballot from each BMD assigned to the polling location
- Produce a test deck from the BMDs assigned to the polling location for each unique ballot style within the polling location. The test deck must contain at least one vote for each candidate listed in each race within the unique ballot style
 - **Example:** Ballot from BMD 1 contains a vote for only the first candidate in each race listed on Ballot Style 1, Ballot from BMD 2 contains a vote only for the second candidate in each race on Ballot Style 1, and continue through the line of devices until all candidates in all races within the unique ballot style have received a single vote
 - **If Number of BMDs outnumber the number of vote positions on the unique ballot style,** start the vote pattern over until all BMDs have produced one printed ballot
 - **If Number of unique ballot styles in the polling place is greater than 1,** once the vote pattern is complete for a unique ballot style, proceed to the next BMD in line to start the review of the next unique Ballot Style
 - **All unique ballot styles do not have to be tested on each BMD**
- Review BMD-generated Test Deck and confirm the vote content before placing in the designated Polling Place Scanner

E. Testing the Polling Place Scanner

- Scan the BMD-generated Test Deck into the Polling Place Scanner
- Scan one blank optical scan ballot style(s) associated to the Polling Place to verify the Polling Place Scanner will recognize the ballot style in case of emergency
- Verify Scanner(s) shows a number of Ballot Cast equal to the number of ballots in the BMD-generated test deck plus the scanned blank Optical Scan ballot styles
- Firmly place the Security Key Tab in the Security Key Slot
- Touch Close Polls
- Enter the passcode
- Touch Enter
- Touch Yes
- Touch No for additional tapes (Scanner will automatically produce 3 copies of the closing tape)

EXHIBIT M:

THE DOMINION DIFFERENCE

DUAL THRESHOLD TECHNOLOGY (MARGINAL MARKS)

From its early beginnings, Dominion Voting has emphasized the use of digital scanning, and continues to set the standard in digital image acquisition and analysis in the tabulation of digitally scanned ballots. When a ballot is fed into an ImageCast® tabulator - at the precinct level or centrally - a complete duplex image is created and then analyzed for tabulation by evaluating the pixel count of a voter mark. The pixel count of each mark is compared with two thresholds (which can be defined through the Election Management System) to determine what constitutes a vote. If a mark falls above the upper threshold, it's a valid vote. If a mark falls below the lower threshold, it will not be counted as a vote.

However, if a mark falls between the two thresholds (known as the "ambiguous zone"), it will be deemed as a marginal mark and the ballot will be returned to the voter for corrective action (please see diagram below). With this feature, the voter is given the ability to determine his or her intent, not an inspection or recount board after the fact, when it is too late. The chart below illustrates the Marginal Mark threshold interpretation.

Mark	Mark Density	Classification
Mark #1	~10%	Not Counted
Mark #2	~25%	Marginal
Mark #3	~55%	Counted
Mark #4	~95%	Counted

THE DOMINION DIFFERENCE DUAL THRESHOLD TECHNOLOGY **DOMINION VOTING**

Exh. 4B

Exhibit 4

From: Samantha Whitley <cgganalyst2@gmail.com>
Sent: Wednesday, October 7, 2020 9:11 AM
To: elections@lowndescounty.com; elections@lumpkincounty.gov; tdean@mcelections.us; Marion County Elections & Registrations <marioncountyelect@gmail.com>; Phyllis Wheeler <Phyllis.Wheeler3@thomson-mcduffie.net>; Doll Gale <egale@darientel.net>; Patty Threadgill <p.threadgill@meriwethercountyga.gov>; Jerry C <registrars@millercountyga.com>; Terry Ross <tross@mitchellcountyga.net>; Kaye Warren <kwarren@monroecoga.org>; rmoxsand@hotmail.com; Jennifer Doran <jdoran@morgancountyga.gov>; vote@murraycountyga.gov; Nancy Boren <nboren@columbusga.org>; Angela Mantle <amantle@co.newton.ga.us>; Fran Leathers <fleathers@oconee.ga.us>; Steve McCannon <smccannon@oglethorpecountyga.gov>; Deidre Holden <deidre.holden@paulding.gov>; Adrienne Ray <adrienne-ray@peachcounty.net>; Julie Roberts <jroberts@pickenscountyga.gov>; Leah Williamson <leah.williamson@piercecountyga.gov>; Sandi Chamblin <schamblin@pikecoga.com>; Lee Ann George <lgeorge@polkga.org>; quit.judge@gqc-ga.org; twhitmire@rabuncounty.ga.gov; Todd Black <rcc.boe@gmail.com>; Lynn Bailey <lbailey@augustaga.gov>; cynthia.welch@rockdalecountyga.gov; Schley Registrars <registrars_schley@yahoo.com>
Subject: Followup - new unsealed documents and response to Harvey bulletin

Providing the Facts—BMD Security Risks and Software Update

The events of the last 11 days have made it clearer than ever that county election officials have the duty to abandon the county-wide use of BMD touchscreen machines and adopt hand marked paper ballots because the BMD units cannot be used securely or legally---certainly making their deployment “impossible,” “impractical” or “unusable.” [Those are the conditions in the statute and new election rule that call for the superintendent’s decision to use hand marked paper ballots.] We offer more facts as your board makes this significant decision.

The 2020 General Election is underway, and last week the Secretary of State ordered election officials across the state to erase the original certified software from 34,000 Ballot Marking Devices and install new software, which was uncertified and untested.

Channel 11 in Atlanta featured the issue tonight. (https://youtu.be/IMJU2p4_LDM) We are aware that several other reporters are trying to get answers as well, without success.

Yesterday the Court unsealed critical information about the voting system changes, which is important for election officials to read. Meantime, the State is pressuring county officials to comply with their instructions, without considering the consequences.

On Monday Chris Harvey issued a bulletin titled, ***“Be Wary of False and Misleading Information re: ICX Update”***

The extra capitalization probably tipped you off to be wary of what was to follow.

If you've read many of the Court documents in our Curling v. Raffensperger case, you'll be familiar with the pattern: Coalition for Good Governance presents testimony from the nation's most respected expert witnesses, evidence, science, law, and facts. State responds with hyperbole and unsubstantiated claims, and sometimes name-calling.

The State is attempting to force you into a difficult choice –to follow their orders, and trust that nothing goes wrong, or to use your authority do follow what the statutes and election rules require, risking retribution from the State Election Board. It comes down to this - use the un-auditable BMDs with altered software, or use ballots marked by pen for in-person voting.

The experts confirm that installing hastily written software on the eve of in-person voting is akin to redesigning an aspect of an airplane as it is about to take off.

Here's what's wrong with assertions made in the Monday's Bulletin from Chris Harvey:

Fact: EAC certification requires pre-approval of de minimis changes before they are implemented. The vendor declaring software error-correcting changes “de minimis” does not make it so. When you received the new software on Sept 30, with, instructions to immediately wipe your BMDs clean and install it, the test lab had NOT issued its report (dated Oct 2) and Dominion had not submitted the proposed “de minimis” change to the EAC. We can find no evidence that the proposed change has been submitted to the EAC for certification, despite the Secretary's commitment to the Court that it had been done.

Fact: the lab that tested the software change did not test to be sure it did not “cause any other issues with the operation of the ICX.”

Fact: When you were asked to install the software on 9/30, the updated version of the ICX touchscreen software (version 5.5.10.32) was NOT certified by the Secretary of State. It was technically certified (but without conducting the mandated prerequisite tests) yesterday, October 5. This is risk for your voters and their candidates that the county boards simply cannot tolerate.

Fact: The Secretary made no mention that state law requires counties to conduct acceptance testing after installing modified software, and before installing the November programming and conducting LAT, leaving the counties to deal with the consequences of the failure to do so.

With regards to the shocking assertion that the Secretary of State helped draft an intended loophole in the law to make required EAC system certification meaningless – it boggles the imagination. He claims that while the General Assembly ordered that only EAC software be purchased, he can change it behind closed doors to do whatever he wants. The Secretary is shamelessly defending his “election security be damned” policies, despite the his disingenuous “Secure the Vote” logo.

Don’t take our word for any of this. The transcript of the October 1 court conference was just unsealed, along with new declarations from experts Alex Halderman, Kevin Skoglund, and Harri Hursti, plus the Pro V&V test lab letter. We attached them for you to read the grave concerns of the nationally respected experts along with the transcript from the sealed proceedings. The State has been unable to engage experts who support their use of BMDs or this software. Instead they only have (often inaccurate) testimony from vendors.

The SOS wants you to bet your voters’ ballots, and your counties’ candidates’ campaigns, on the high-risk notion that the software change solves the original problem, with no unintended consequences, including the introduction of more errors or malware. Also he wants you to bet that losing candidates won’t challenge the election on the basis of the host of BMD risks, problems and legal non-compliance from ballot secrecy to failing software that may well hide its defects.

The experts are clear: if you use the altered BMDs, your elections will not be defensible.

The only sound choice is to draw a line in the sand and strictly comply with the law. The law holds the County Superintendent responsible for the conduct of elections. And when things go wrong, and the lawsuits come, the Secretary of State **will** blame the counties.

The November 2020 election is consequential. All eyes are on election administrators. And on Georgia. We urge you to put voters first, set aside the problematic BMDs, and use ballots marked by pen for in-person voting as authorized by O.C.G.A 21-2-281 and SEB Rule 183-1-12-.11(2)(c)-(d)—the only legal path before you for conducting an accountable and constitutionally compliant election.

As always, we are happy to hear from you to discuss this further.

Marilyn Marks

Executive Director

Coalition for Good Governance

Marilyn@USCGG.org

704 292 9802

--

Samantha Whitley

Research Analyst

Coalition for Good Governance

Cell: 704 763 8106

cgganalyst2@gmail.com

Exhibit A



OFFICIAL ELECTION BULLETIN

October 5, 2020

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Be Wary of False and Misleading Information re: ICX Update

You may have received correspondence today from activists for hand-marked paper ballots and their attorney. These activists have been suing the state and Georgia counties for years because they disagree with the decision of the Georgia General Assembly to use electronic ballot-marking devices instead of hand-marked paper ballots. Because their preferred policy was not enacted, they have tried to force their preferred policy on the state through litigation. The latest correspondence makes false and misleading allegations regarding the recent update to the ICX (touchscreen) component of Georgia's voting system.

As you know, an issue was discovered during Logic and Accuracy testing that, in certain rare circumstances, caused the second column of candidates in the U.S. Senate Special Election to not correctly display on the touchscreen. The issue was caught prior to any in-person voting due to excellent L&A testing by county election officials. Soon after the issue was brought to our attention, Dominion diagnosed the issue and began to work on a solution.

Dominion's solution required a *de minimis* software update to the touchscreen. That update was tested at Dominion, tested again at the state's EAC-certified test lab, and tested again at the Center for Election Systems to determine that it resolved the display issue and did not cause any other issues with the operation of the ICX. The state only distributed the update after verifying the test results with the EAC-certified test lab and acceptance testing the update at CES prior to distribution to counties. This is the normal process to follow for a state certification update. The updated version of the ICX touchscreen software (Version 5.5.10.32) has been certified by the Secretary of State as safe for use in Georgia's elections. You should continue to install the update as instructed

by CES. You should also confirm both the confidential hash value and the version number on each ICX BMD touchscreen during L&A testing.

The correspondence you may have received today also misstates Georgia law when it says that the update has to first be certified by the EAC. Georgia law required the *initial* system procured to be EAC certified, but it does not require that all updates first be certified by the EAC. The law was drafted that way intentionally, with input from our office, to ensure that the state did not have to wait on the EAC when important updates were needed.¹ Even with these provisions of Georgia law, Dominion advises that it has already submitted the update to the EAC for approval as a *de minimis* change, as recommended by the EAC-certified test lab.

Thank you to the counties whose diligent L&A testing allowed this issue to be identified and resolved quickly. And thank you to all county election officials for your continued hard work in this difficult year for election administration.

¹ You probably remember that the EAC was without a quorum for two years, and therefore unable to take any action.

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

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

**DECLARATION OF
J. ALEX HALDERMAN**

Civil Action No. 1:17-CV-2989-AT

Pursuant to 28 U.S.C. § 1746, J. ALEX HALDERMAN declares under penalty of perjury that the following is true and correct:

1. I hereby incorporate my previous declarations as if fully stated herein. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.

2. I have reviewed the “Letter Report” prepared by Pro V&V concerning version 5.5.10.32 of the Dominion BMD software (Dkt. No. 939). The report makes clear that Pro V&V performed only cursory testing of this new software. The company did not attempt to independently verify the cause of the ballot display problem, nor did it adequately verify that the changes are an effective solution. Pro

V&V also appears to have made no effort to test whether the changes create new problems that impact the reliability, accuracy, or security of the BMD system.

3. This superficial testing is deeply concerning, because Pro V&V's characterization of the source code changes indicates that they are considerably more complicated than what Dr. Coomer previously testified was the threshold for considering a change to be "de minimis": "literally a one-line configuration change in some config file that would have no material impact on the system" (Dkt. No. 905 at 102:18-103:14). Instead, Pro V&V states that Dominion made two kinds of changes and modified lines in five different source code files. In general, changes that affect more lines of source code or more source code files are riskier than smaller change, as there is a greater likelihood that they will have unintended side-effects. Changes to source code files, as Dominion made here, also tend to be riskier than changes to "config[uration] files."

4. The nature of the changes gives me further reason for concern. According to Pro V&V, one change involved changing a "variable declaration" to modify the "type" of a variable. A variable's type determines both what kind of data it holds and how operations on it function. Although changing a variable declaration often involves differences in only one line of source code, the effect is a change to how the program operates everywhere the variable is used, which could involve

many parts of the source code and span multiple files. For this reason, changing a variable's type frequently introduces new bugs that are difficult to detect. I have often experienced such problems while writing software myself.

5. It is not possible to evaluate the effects of such a change by analyzing only the lines of source code that have been modified. Yet Pro V&V's description of its "source code review" is consistent with having done nothing more. The company could have engaged an expert in the specific programming language to analyze the quality of the changes and look for subtle side-effects throughout the code, but it appears that they did not.

6. Instead, the report states that "Pro V&V conducted functional regression testing." Regression testing has a well-defined meaning in computer science: checking that a change to a system does not break its existing functionality. After a change to a voting system like this, rigorous regression testing is essential for ensuring that the system's reliability, accuracy, and security are not degraded. Yet the testing Pro V&V describes performing is not regression testing at all. Instead, the company focused entirely on checking whether the ballot display problem was fixed and makes no mention of testing any other functionality whatsoever.

7. Even for this limited purpose, Pro V&V’s testing methodology is inadequate. They first tried to observe the error while using the current version of the BMD software, 5.5.10.30. They managed to trigger it using an artificial test ballot but failed to reproduce it using the real ballot design from Douglas County (where the problem was observed during L&A testing) even after 400 attempts.¹ They then performed the same checks using the 5.5.10.32 software. Pro V&V’s basis for concluding that the new software corrects the problem is that they were unable to trigger the error with either ballot after 400 tries. Yet this ignores the obvious possibility that the error might simply be eluding them, as it did with the Douglas County ballot under version 5.5.10.30.

8. That is the full extent of the testing described in Pro V&V’s report. They did not test that the other functionalities of the machine are not impacted by the change. They did not test that the BMD selected and printed results accurately, nor did they test that security was unaffected. Tests only answer the questions you ask. Here—regardless of what Pro V&V intended—the only questions asked were: “Is the stated error observed when using the old software?” and “Is the stated error observed when using the new software?” They did not ask, “Is Dominion correct

¹ It is curious that Pro V&V was unable to reproduce the problem experienced in Douglas County, but they appear not to have made any effort to investigate this.

about the cause of the problem?” They did not ask, “Does this change absolutely and completely fix the issue?” Most importantly, they never asked or answered the key question for determining whether the change is de minimis, “Will these modifications have any impact on the rest of the voting system’s functionality?”

9. Even if the change does correct the bug without introducing new problems, it still represents a significant security risk, because of the possibility that attackers could hijack the replacement software to spread malware to Georgia’s BMDs.

10. Defendants say they will guard against this using hash comparisons, but the hash comparison process they have described is inadequate in several ways.² As I have previously explained, examining the hash that the BMD displays on screen provides no security, because malware on the BMD could be programmed to calculate and display the expected hash. Although the State now says it will perform some acceptance testing at a central facility, such testing has limited value at best. Even if performed correctly—by securely computing the hash of the software using a device that is assuredly not affected by malware—acceptance testing can only

² The Pro V&V report lists the hash of a file named ICX.iso, which presumably contains the APK as well as other files. Without access to the ICX.iso file, I cannot confirm whether that the software purportedly being installed on the BMDs is the same as the software Pro V&V built and tested.

confirm that the new software was not modified between Pro V&V and the test facility. It does not ensure that the new software actually matches Dominion’s source code or that it will not be modified during later distribution to counties or installation on the tens of thousands of BMDs statewide.

11. The report mentions that Pro V&V performed a “trusted build” of the new software. This refers to the process by which Pro V&V compiled the source code to produce the APK file for distribution and installation throughout Georgia. The result of compiling source code, often called a software “binary,” is in a non-human readable format, and it is not possible in general to confirm that a binary faithfully matches source code from which it was purportedly compiled. As a result, if Pro V&V were to modify the BMD software to introduce malicious functionality—or if attackers who infiltrated their systems were to do so³—there

³ Notably, Pro V&V’s website (<http://www.provandv.com/>) does not support HTTPS encryption, and modern web browsers warn users that it is not secure, as shown below. In my experience, organizations that fail to support HTTPS are likely to be ignoring other security best practices too, which increases the likelihood of attackers successfully infiltrating their systems.



would be no readily available way for the State or Dominion to detect the change. The State's election security experts themselves have emphasized the risk of election manipulation by so-called "insiders."

12. Defendants state that Pro V&V has submitted the report to the EAC to seek approval for a de minimis change. The EAC's de minimis software change process was introduced less than a year ago, and, as far as I am aware, it has only been invoked on one or two occasions so far. In my opinion, the EAC cannot make an informed determination as to whether the new Dominion software meets the de minimis standard based on the information contained in Pro V&V's report, and I sincerely hope the agency demands more rigorous testing before allowing the software to be used under its certification guidelines.

I declare under penalty of the perjury laws of the State of Georgia and the United States that the foregoing is true and correct and that this declaration was executed this 3rd day of October, 2020 in Ann Arbor, Michigan.

J. ALEX HALDERMAN

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

DONNA CURLING, et al.)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION FILE NO.: 1:17-
)	cv-2989-AT
BRAD RAFFENSPERGER, et al.)	
)	
Defendant.)	
)	

SUPPLEMENTAL DECLARATION OF KEVIN SKOGLUND

KEVIN SKOGLUND declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I hereby incorporate my previous declarations as if fully stated herein. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
2. I have read the Letter Report regarding “Dominion Voting Systems ICX Version 5.5.10.32” from Pro V&V to Michael Barnes dated October 2, 2020 (“Letter Report”).
3. The Letter Report describes Pro V&V’s evaluation of a proposed code change by Dominion to address a flaw in the current ICX software related to reliably displaying two columns of candidates.

4. Pro V&V's evaluation is inadequate to verify Dominion's opinion of the root cause of the error, Dominion's proposed fix for the error, or whether the nature of the proposed change is considered "de minimis" as defined by the U.S. Election Assistance Commission ("EAC").

High Impact Changes

5. The Letter Report describes changes that are potentially high impact.
6. I expected the change to be limited to one or two lines in a configuration file based its description in the hearings. A configuration file change would provide a new value for the existing code to use.
7. The impact of changing a value being *used* by code is far less than the impact of changing the code *itself*, in the same way that changing the furniture in a house has less impact than moving walls. The value may be different but it will travel the same pathways through the code during operation. The structure and governing rules are unchanged.
8. Instead, the Letter Report describes two sets of changes to the source code *itself* in a total of five files. It does not quantify the number of lines changed, but it must be at least five. These are not merely configuration changes. Variable and function definitions in the source code are changed.

9. The changes described may sound minor, for example changing a variable from an integer (e.g., 123) to a string (e.g., "123"), but I would give them no less consideration. I have broken plenty of code making similar changes.
10. One reason is that any code elsewhere in the program that uses a changed variable or function could be impacted. Another part of the code may act correctly when given 123 but act incorrectly when given "123". The first can have numbers added and subtracted, while the second can be searched for a specific character, but the reverse is often not true.
11. The Letter Report describes a source code review limited to the changed lines of source code. The code comparison performed is similar to reviewing the changed text in a legal blackline. It does not appear that Pro V&V looked throughout the source code for other interactions which could prove problematic.
12. The Letter Report states that Dominion believes the problem is a collision of resource identifiers between their software and the underlying operating system. I think it's a fair analogy to say that Dominion's software and the operating system sometimes try to park in the same parking space.
13. In my experience, an abundance of caution is necessary when the operating system and software running on it are working in a shared

space and not playing well together. A misstep could create additional problems in their interactions and any change should be carefully considered and well tested.

14. The Letter Report does not describe any review of the proposed software's interaction with the operating system. It does not mention the involvement of any expert on the operating system or an opinion regarding colliding resource identifiers—the reported cause and the target of the resolution. This is a concerning oversight.

Inadequate Testing of the Root Cause of the Error

15. Pro V&V was unable to reliably reproduce the error with the current version of the software, ICX 5.5.10.30. In fact, they reported producing the error only once out of 810 total attempts.
16. Pro V&V appears to have taken Dominion's word for the root cause of the error. The Letter Report does not mention any independent investigation to determine the cause.
17. The description of Pro V&V's first test, using a sample election database, begins with a procedure likely suggested by Dominion—toggling between font sizes to trigger the error. When the 10th toggle produced the error, Pro V&V considered the root cause to be confirmed. That is in itself not unreasonable.

18. However, the same test procedure was later performed using an actual election database, from Douglas County where logic and accuracy testing had revealed the error previously, and 400 toggles and several reboots could not produce the error. Of two test cases that should have both failed, one failed and one did not.
19. Despite these conflicting test results, Pro V&V did not investigate further. They did not consider what might be different between these two test cases to cause contradictory results. They did not consider if the sample election database at the center of their tests was a poor substitute for a real database. They did not consider that the root cause could be different, or that toggling the font size might not be a good trigger for the error.
20. Pro V&V wrote the Letter Report without having confirmed that Dominion's opinion of the root cause was correct.

Inadequate Testing of the Proposed Fix for the Error

21. It is impossible to verify that a proposed change sufficiently addresses an error if the root cause is unconfirmed. A change may only appear to fix the error due to coincidence. Correlation is not causation. A change may incompletely fix the error or create subtle side effects.
22. I have learned this lesson many times while fixing software bugs during my 23 years as a programmer, and I teach that lesson in a course on

software testing. I have also had the practical experience of taking a car to the auto mechanic over and over as they try different solutions for an uncertain cause.

23. Pro V&V's basis for determining that the error was fully resolved by the proposed change, ICX 5.5.10.32, was that the error was not observed after 400 toggles and several reboots.

24. This is not an ideal test case because "absence of evidence is not evidence of absence." The conclusion requires an assumption that subsequent attempts would not surface the error. Given that the first test required only 10 toggles to trigger the error, after 400 toggles and several reboots I might have made a similar assumption.

25. However, when Pro V&V performed the subsequent test on the Douglas County database and also could not observe the anticipated error after 400 toggles and several reboots, they did not revisit their conclusion about ICX 5.5.10.32. They should have.

26. They did not consider that the error could be eluding them in ICX 5.5.10.32 as it was with ICX 5.5.10.30 using Douglas County's database. They did not consider that their assumption that 400 toggles was enough to surface the error was wrong. They did not consider that the proposed change might be an insufficient remedy for the problem.

27. To be clear, I am not suggesting that Dominion's opinion of the root cause is incorrect or that Dominion's proposed change does not fix it. I am saying that testing was insufficient to verify either one. Pro V&V showed no skepticism about their findings when the results created a logical fallacy.
28. Even more surprising, Pro V&V had a real election database from Douglas County in hand, yet they did not test it with ICX 5.5.10.32. The stated purpose of this eleventh-hour software change was to resolve this error for the current election database, rather than create and distribute a new one. The test lab hired to confirm that the new software will work with the current database in a matter of days did not even check.
29. Pro V&V wrote the Letter Report without having confirmed that Dominion's proposed fix correctly addressed the error, neither on the sample election database nor on the election county database counties are planning to use.

Inadequate Testing of "De Minimis"

30. The EAC defines a de minimis change as:

A de minimis change is a change to a certified voting system's hardware, software, TDP, or data, the nature of which will not materially alter the system's reliability, functionality, capability, or

operation. Under no circumstances shall a change be considered de minimis if it has reasonable and identifiable potential to impact the system’s performance and compliance with the applicable voting Standard.¹

31. The Letter Report does not describe any testing to demonstrate that the nature of the proposed change does not “materially alter the system’s reliability, functionality, capability, or operation” and does not have a “reasonable and identifiable potential to impact the system’s performance and compliance with the applicable voting Standard.”

32. Pro V&V ignored these critical, foundational requirements in their testing.

33. Pro V&V did not test whether *any* other functionalities of the device are impacted. They did not test whether the new build of the software correctly selects candidates in a series of contests and accurately prints them on a ballot. They did not test other screens to ensure that a fix to the two-column layout did not break another. They did not check if it was still possible to change languages or screen contrast, or whether the audio ballot, used by voters with disabilities, was still working. They did not test whether the device’s security was impacted.

¹ “Testing and Certification Program Manual,” Section 3.4.2, available at: https://www.eac.gov/sites/default/files/eac_assets/1/6/Cert_Manual_7_8_15_FINAL.pdf

34. Pro V&V did not answer the litmus test for de minimis. Does the change materially alter the system's reliability, functionality, capability, or operation?
35. The Letter Report describes "functional regression testing," which might help answer this question, but it misuses the term.
36. Regression testing is a "re-running functional and non-functional tests to ensure that previously developed and tested software still performs after a change."² It is so named because a regression is a step backwards in the development of software, the proverbial "two steps forward, one step back."
37. Pro V&V examined the rendering of the two-column layout in their tests. Regression testing would validate that *other* parts of the software still perform correctly.
38. Regardless of Pro V&V's determination, this change is not a de minimis change until the EAC reviews it and approves in writing. "The EAC has sole authority to determine whether any VSTL endorsed change constitutes a de minimis change under this section. The EAC will inform the Manufacturer and VSTL of its determination in writing."³

² "Regression Testing", Wikipedia, available at https://en.wikipedia.org/wiki/Regression_testing

³ "Testing and Certification Program Manual," Section 3.4.3

39. The EAC prohibited *any* software changes to be considered de minimis until recently out of concern that even small changes might alter the system functionality, due to potential ripple effects I described earlier.
40. Given that the process is new, I expect that the EAC will scrutinize any request for a software de minimis change carefully. I expect the EAC to ask for more rigorous testing and reporting than the Letter Report.

Concerns about the Time Remaining for Review and Testing

41. In my previous declaration I expressed concern about a software change at this late date and fear that time pressures may result in less thorough review and testing of the proposed change.
42. The Letter Report is a wholly inadequate review. Its tests are incomplete.
43. The EAC has not yet begun to review this proposed software change. Using the revised software without the EAC's approval will void the federal certification. EAC approval must be granted in the next five business days to allow early voting to commence on the following Monday.
44. Yet the uncertified software has been distributed and counties have been instructed to install it on over 30,000 ImageCast X devices and to begin testing them.

45. Last week, I heard Michael Barnes describe the current procedures for logic and accuracy testing. The procedures do not test every device, for every ballot style, for every candidate. The procedures do not include any additional testing related to this error. This problem and others could pass through logic and accuracy testing undetected.

Executed on this date, October 4, 2020.



Kevin Skoglund

DECLARATION OF HARRI HURSTI

Pursuant to 28 U.S.C. § 1746, HARRI HURSTI declares under penalty of perjury that the following is true and correct:

1. This declaration supplements my prior declarations (Docs. 680-1, 800-2, 809-3, 860-1, 877, and 923-2) and I stand by the statements in those declarations.
2. I arrived at the Fulton County Election Preparation Center (“EPC”) on October 1, 2020 around 3:45pm. I was there in my capacity as an expert engaged by the Coalition Plaintiffs to conduct a Rule 34 inspection. (Exhibit 1) . I was accompanied during part of my visit by Marilyn Marks of Coalition for Good Governance.
3. My goal for this observation and inspection was to review the ongoing updating of the Dominion software for Fulton County ballot marking device (“BMD”) touchscreen units to ICX software version 5.5.10.32. It is my understanding that Fulton has an inventory of over 3,300 BMD touchscreens, all of which are to be updated with this software. A number of the machines were in the EPC warehouse and were staged to be updated or marked after the update had been completed.
4. Upon our arrival, Ms. Marks and I were informed by Derrick Gilstrap, the manager of EPC, that all of the people working to upgrade the devices were

Dominion technicians. Mr. Gilstrap stated that he did not feel comfortable installing a last-minute software change, and did not want Fulton County staff to be responsible for installing it. He told us that he told Dominion to conduct this operation, prior to having his staff install the November 2020 election programming and Logic and Accuracy testing (“LAT”).

5. Mr. Gilstrap told us that after the software update step that LAT would immediately begin, and made no mention of Acceptance Testing that should occur prior to LAT.

6. Acceptance Testing is an almost universally mandated basic test of the hardware and software when a change or repair to either has been made before counties are permitted to install election programming and deploy voting system components. Acceptance testing must be performed on each unit, and cannot be performed on a sample basis. Fulton’s failure to conduct such testing should be a serious warning sign of further recklessness in the installation of inadequately tested software.

7. Mr. Gilstrap stated that Dominion had started the software update project with four workers, but soon realized that the task would take extended periods of time. Mr. Gilstrap stated that Dominion had accordingly increased the workforce to 14 and expected the installation work to be completed on Monday, October 5.

8. The new software was contained on USB sticks. However, there was no inventory management present for the USB sticks. There also was no inventory control for the technician authorization smartcards, which provide access to the controls of the touchscreen. Workers did not sign or otherwise document when they took possession or returned the technician cards and software upgrade USB sticks. Those items were in an open plastic bag which was sometimes placed on table, and sometimes carried around the working area by the manager. Anyone was able to pick up a USB stick or drop them there freely, permitting the easy substitution of USB sticks containing malware or to leave the premises with copies of the software update.

9. Some workers worked one BMD touchscreen machine at the time, while others simultaneously worked on 2 or 3 machines. There was no accountability for how many sticks and technician smart-cards each worker had in their possession. Clearly, the USB sticks were not considered to be security sensitive items at all.

10. Some of the workers had instructions for software update visible in their pockets, while others did not seem to have the instructions readily available. One worker showed me the instructions, but it was different from the instructions I had seen that were sent to the counties. None of the technicians that I observed were following the instructions as they installed the new software.

11. Technicians were not following a common process, and they all made their own variations on the workflow. In my experience, this can negatively affect the quality and reliability of the software installation. Many workers were texting and making phone calls while working and not focusing on their work. As a result, I observed repeated human errors such as skipping steps of the process.

12. Some workers consistently took an extra step to destroy previous application data before uninstalling the old version of the software. Uninstalling software packages results in destroying application data, but that is known to be unreliable in old versions of Android. The step they took is ensuring, among other things, destruction of forensic evidence of Fulton's use of the equipment in prior elections.

13. To avoid destruction of all forensic evidence from the BMDs, a number of images of the electronic data contained on the BMDs should be taken from a sample of them before installation of the new software.

14. As part of the updating process, the workers are directed to enable the "Install from Unknown Sources" setting. This is an insecure mode because it turns off the operating system verification of trusted sources and therefore allows software from any source to be installed. During the 45 minutes of my observation, I observed that many units had been left in insecure mode. I estimate 15% of the units were already in the insecure mode when the work began on them, having

been left that way during the last software installations, or because of interim tampering.

15. As described before, most workers I observed were not focusing on the work they were tasked to do, and as result, they were accidentally skipping steps. I observed that, as result of these human errors, the units were erroneously left in the insecure mode either by the workers skipping the step to place the machine into the secure mode after upgrade, or doing the step at such a fast pace that the system did not register the touch to toggle the switch and the worker did not stop to verify the action.

16. The State Defendants and Dominion have repeatedly overstated the value of their hash test, but my observation showed that they themselves are not relying on such test as a control measure. Dominion workers are not even checking the hash value. I deliberately followed many workers when they processed the units. During over 45 minutes of observation, none of the workers took the step of verifying the hash value. Some workers did not realize that the upgrade had failed and the mistake was only caught by persons who were closing the cabinets when and if they looked at the software version numbers before closing the doors.

17. I also observed random errors that were not caused by humans. For example, software sometimes refused to uninstall because the uninstall button was

disabled, or the installation silently failed. The technicians treated devices with issues by simply rebooting them. Technicians made no effort to diagnose or document the cause of the issues. The casual nature of dealing with the irregularities caused me to conclude that these abnormal incidents are commonplace.

18. Based on my observations of the software update, I would anticipate that these machines are likely to behave inconsistently in the polling place, depending on a number of factors including the care taken in the software installation process.

19. The current abbreviated LAT protocol adopted by Fulton County and the State cannot be relied on to identify problems created by the new software or its installation (or other problems with programming and configuration unrelated to the new software). Even if counties were conducting the full LAT required, it is but one step that is needed, and is quite insufficient for ensuring the reliability of the BMD touchscreens—which at the end of the day, simply cannot be done.

20. In my professional opinion, the methods and processes of adopting and installing this software change is completely unacceptable. The methods and processes adopted by Dominion and Fulton County do not meet national standards for managing voting system technical problems and remedies, and should not be accepted for use in a public election under any circumstances.

21. It is important that full details of the software change made be available for analysis and testing to determine the potential impact of the changes. I concur with Dr. Halderman's opinion in Paragraph 8 of his September 28, 2020 declaration (Doc. 923-1), in which he states that if the problem is as limited as described by Dominion, it could have been addressed with far less risk by the State without making an uncertified, untested software change.

22. In my opinion, the installation of the last-minute software change adds intolerable risk to the upcoming election, and the simple solution of removing the BMD units from the process and adopting hand marked paper ballots is imperative.

23. I note that I wanted to document the upgrading process, but Mr. Gilstrap told me that I was prohibited from taking photographs or video. I showed him the Rule 34 inspection document and pointed out the paragraph permitting photographing. He read that carefully but told me that he needed to clear that with his superiors before I could start taking pictures. He never cleared this with his superiors while we were there.

I declare under penalty of the perjury laws of the State of Georgia and the United States that the foregoing is true and correct and that this declaration was executed this 4th day of October, 2020 in Atlanta, Georgia.



Harri Hursti

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

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' NOTICE OF FILING
REDACTED VOTING SYSTEM TEST LABORATORY REPORT**

Pursuant to the Court's September 30, 2020 docket entry, and as discussed in Defendants' Notice of Filing Regarding the Court's Request for Documentation, [Doc. 929], State Defendants provide notice of filing a redacted copy of the Voting System Test Laboratory Report, attached hereto as **Exhibit 1**.

Respectfully submitted this 5th day of October 2020,

/s/ Carey Miller

Vincent R. Russo
Georgia Bar No. 242628
vrusso@robbinsfirm.com
Josh Belinfante
Georgia Bar No. 047399
jbelinfante@robbinsfirm.com
Carey A. Miller
Georgia Bar No. 976240

cmiller@robbinsfirm.com
Alexander Denton
Georgia Bar No. 660632
adenton@robbinsfirm.com
Robbins Ross Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318
Telephone: (678) 701-9381
Facsimile: (404) 856-3250

Bryan P. Tyson
Georgia Bar No. 515411
btyson@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Diane F. LaRoss
Georgia Bar No. 430830
dlaross@taylorenghish.com
Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenghish.com
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
Telephone: 678-336-7249

Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' NOTICE OF FILING REDACTED VOTING SYSTEM TEST LABORATORY REPORT** has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Carey Miller
Carey Miller

Exhibit 1

Letter Report



To: Michael Barnes
From: Wendy Owens - Pro V&V, Inc.
CC: Jack Cobb - Pro V&V, Inc.
Date: October 02, 2020
Subject: Dominion Voting Systems ICX Version 5.5.10.32

Dear Mr. Barnes:

Pro V&V is providing this letter to report the results of the evaluation effort on the ICX version 5.5.10.32. An examination was performed to confirm that this version of the ICX software corrected the issue with displaying of two column contests found in ICX version 5.5.10.30.

Background

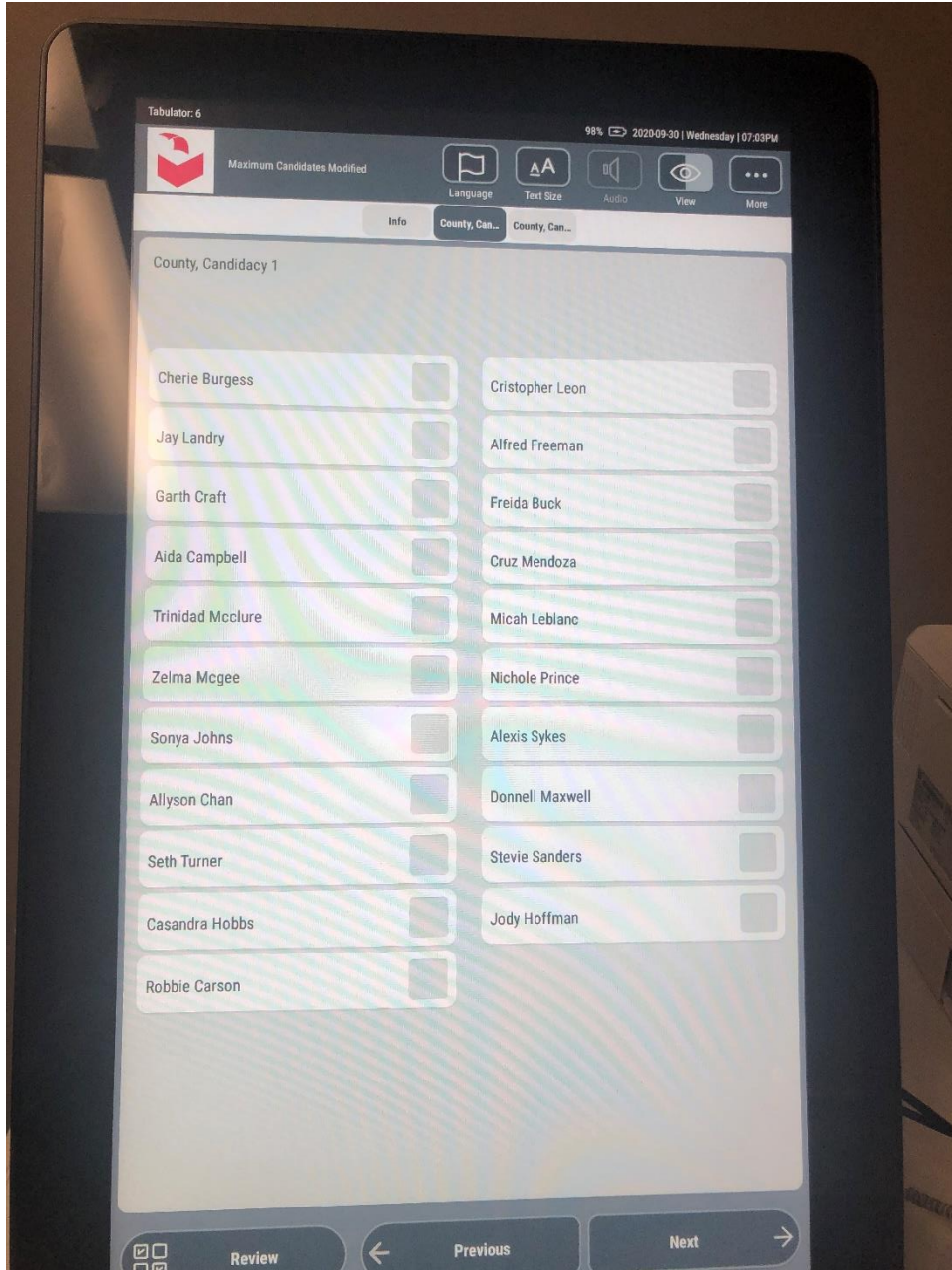
Pro V&V was contacted by Georgia Secretary of State Office and Dominion Voting System to analyze an issue that was discovered in Georgia's Election Logic and Accuracy Testing (L&A testing) for the 2020 General Election. It was discovered during L&A testing that a display error, under certain conditions, would occur where the second column of candidates would not be displayed properly. Dominion Voting Systems researched the issue and found that a static container identifier was causing a collision with an Android automated process for assigning container identifiers. This collision caused the display for the second column candidates not to be rendered on the screen properly and occurred so infrequently that it appeared intermittent.

Test Summary

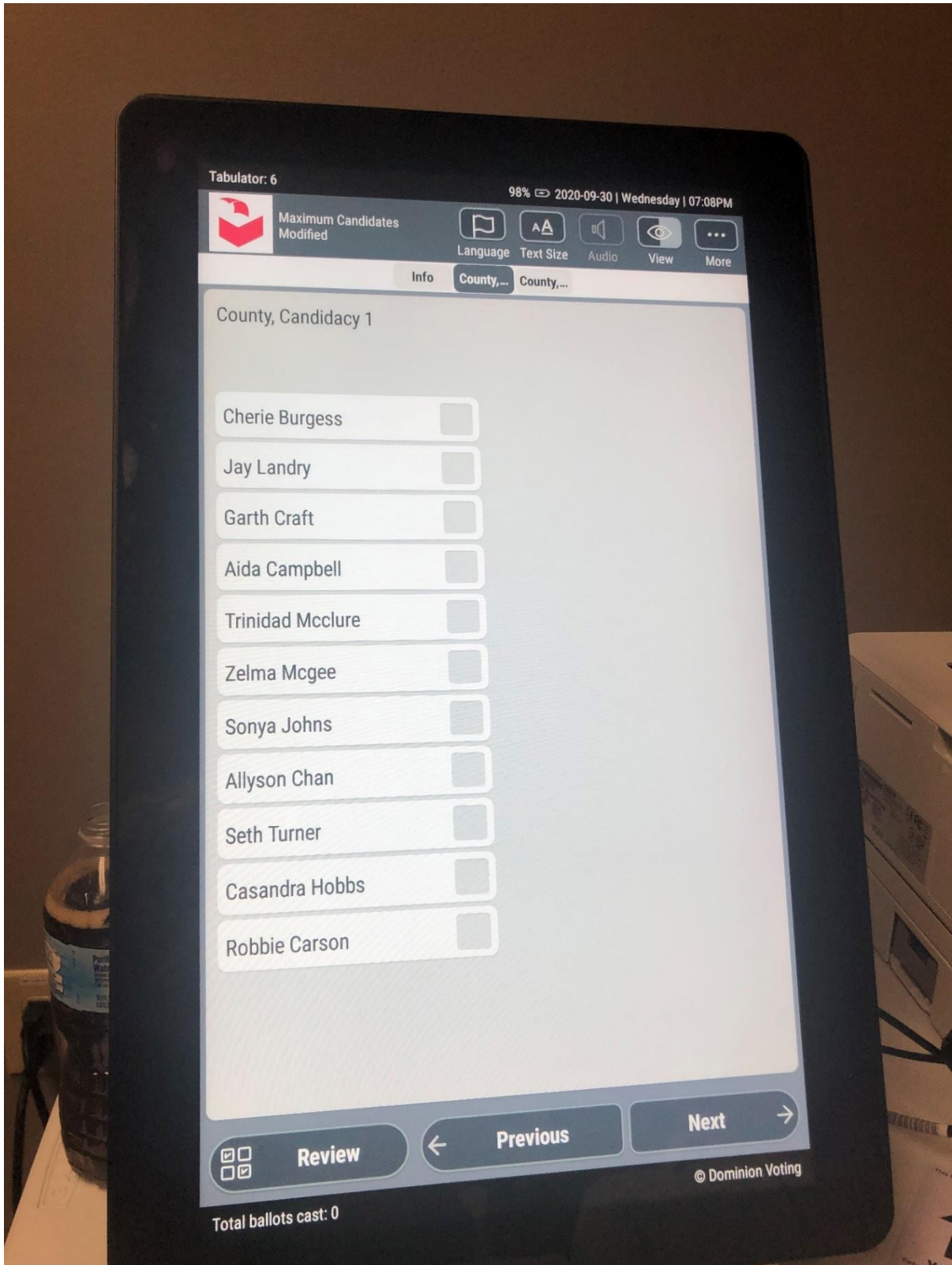
Dominion Voting Systems submitted source code for ICX version 5.5.10.32 to Pro V&V. Pro V&V then conducted a comparative source code review comparing ICX version 5.5.10.32 to the VSTL-provided previous ICX version 5.5.10.30. The source code review found two source code changes in a total of five files. One change was a variable declaration change the variable type to a string from an integer and changing the assignment from a static number to assigning another variable. The other update was to change a function call passing a "wrapper tag" instead of a "wrapper ID". All other source code remained constant. After conducting the source code review, a Trusted Build process was conducted. The Product from this build is the ICX.iso file. The SHA-256 hash for this file is as follows:

ICX.iso - [REDACTED]

Pro V&V conducted functional regression testing using version 5.5.10.30 and 5.5.10.32. An ICX machine was loaded with 5.5.10.30 and an election containing two 2 column contests. Pro V&V toggled between “Normal” and “Big” font sizes. Approximately on the 10th toggle the column disappeared as presented in Photograph 1 and 2 below:



Photograph 1: Max Candidate Election Contest One



Photograph 2: Second column was not rendered.

After reproducing the issue. The same device was load with the ICX version 5.5.10.32 and the same election. Pro V&V toggled 50 times then rebooted, 100 times then rebooted and finally 250 times. Pro V&V never observed the issue.

Pro V&V requested Douglas County Georgia's 2020 General Election database that had produced the issue, but could not reproduce the issue for the ICX software version 5.5.10.30. Even though Pro V&V could not reproduce the issue, Pro V&V ran the same test as the test election toggling 50 times then rebooted, 100 times then rebooted and finally 250 times. Pro V&V never observed the issue.

Conclusion

Based on the review of the source code and nature of the change, Pro V&V recommends the change be deemed as de minimis. Based on the testing performed and the results obtained, it was verified through source code review and functional testing that the issue found in ICX version 5.5.10.30 can not be reproduced in ICX version 5.5.10.32.

Should you require additional information or would like to discuss this matter further, please contact me at 256-713-1111.

Sincerely,



Wendy Owens
VSTL Program Manager
wendy.owens@provandv.com

No. _____

In the United States Court of Appeals for the Eleventh Circuit

CORECO JA'QAN PEARSON, ET AL.,
Plaintiffs-Petitioners,

v.

BRIAN KEMP, ET AL.,
Defendants-Respondents

On Certified Order from the United States District Court
for the Northern District of Georgia, Atlanta Division,
No. 1:20-cv-04809-TCB

PETITIONERS' APPENDIX (VOLUME II)

Sidney Powell
Counsel of Record
SIDNEY POWELL PC
2911 Turtle Creek Blvd., Suite 300
Dallas, TX 75219
(214) 717-1775
sidney@federalappeals.com

L. Lin Wood
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
(404) 891-1402
lwood@linwoodlaw.com

Counsel for Plaintiffs-Petitioners. Additional counsel listed on the next page.

Harry W. MacDougald
CALDWELL, PROPST & DELOACH, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956

Howard Kleinhendler
HOWARD KLEINDLER ESQUIRE
369 Lexington Avenue, 12th Floor
New York, NY 10017
(917) 793-1188

Counsel for Plaintiffs-Petitioners

INDEX TO APPENDIX

<u>Filing</u>	<u>Docket No.</u>
<i>Volume I</i>	
Docket sheets	
Complaint with attachments	D1
Briggs Paper	D1-1
Redacted Affidavit	D1-2
Declaration of Ana Mercedes Diaz Cardozo	D1-3
Declaration of Harri Hursti	D1-4
Various Materials	D1-5
Email from Samantha Whitley	Part of D1-5
Official Election Bulletin	Part of D1-5
Declaration of J. Alex Halderman	Part of D1-5
Supp. Declaration of Kevin Skoglund	Part of D1-5
Declaration of Harri Hursti	Part of D1-5
Filing Notice re: Redacted Dominion	
Lab Report	Part of D1-5
Redacted Dominion Voting	
Lab Report	Part of D1-5
<i>Volume II</i>	
Attachments to Complaint (continued)	
Various Materials (D1-5, continued)	
Transcript of Court Proceedings	Part of D1-5
Dominion Certification by Ga. Secretary of State	D1-6
Dominion Voting Systems Test Report	D1-7
Election Law Journal Article	D1-8
Redacted Declaration	D1-9
Affidavit of Russell James Ramsland, Jr.	D1-10
Affidavit of Mayra Romera	D1-11
Affidavit of Amanda Coleman	D1-12
Affidavit of Maria Diedrich	D1-13
Affidavit of Ursula V. Wolf	D1-14

Volume II (continued)

Attachments to Complaint (continued)

Affidavit of Nicholas J. Zeher	D1-15
Affidavit of Susan Voyles	D1-16
Affidavit of Ibrahim Reyes	D1-17
Affidavit of Consetta S. Johnson	D1-18
Affidavit of Carlos E. Silva	D1-19
Affidavit of Andrea O'Neal	D1-20

Volume III

Attachments to Complaint (continued)

Affidavit of Debra J. Fisher	D1-21
Affidavit of Kevin P. Peterford	D1-22
Exhibit A	Part of D1-22
Exhibit B	Part of D1-22
Texas SOS Report on Dominion	D1-23
Maloney Letter to Paulson	D1-24
Affidavit of Juan Carlos Cobucci	D1-25
Letter of Sen. Warren, et al.	D1-26
Declaration of Eric Quinnell	D1-27
Affidavit of Mitchell Harrison	D1-28
Affidavit of Michelle Branton	D1-29
Emergency Mtn. for Temporary Inj. Relief	D6
Declaration of Shiva Ayyadural	D6-1
Joint Cybersecurity Advisory	D6-2
Proposed Order	D6-3
Notice of Filing Redacted Declaration	D7
Redacted Declaration	D7-1
Order Granting in Part Mtn. for Temp. Inj. Relief.....	D14
Certification Order Under 42 USC §1292(b)	D15
Entry of Appearance by Counsel for Defendants	D16

Volume III (continued)

Amended Certification Order Under 42 USC §1292(b).....D22

Notice of Filing of Affidavit.....D

Notice of Emergency Interlocutory Appeal.....D32

Stay OrderD37

Volume IV

Affiant A..... Pages 1-5

Affiant B..... Pages 6-7

Affiant C..... Page 8

Affiant D..... Page 9-12

Affiant E..... Pages 13-14

Affiant F..... Pages 15-16

Affiant G..... Pages 17-19

Affiant H..... Pages 20

Affiant I..... Pages 21-22

Affiant J..... Page 23

Affiant K..... Page 24

Affiant L Pages 25-26

Affiant M..... Pages 27-28

Affiant N..... Pages 29-30

Affiant O..... Pages 31-53

Affiant Q..... Page 54

Affiant R..... Pages 55-57

Affiant S.....Pages 58-66

Affiant T Pages 67-69

Affiant U..... Page 70

Affiant V..... Page 71

Affiant W.....Pages 72-74

Affiant X.....Pages 75-78

Affiant Y..... Pages 79-81

Affiant Z..... Pages 82-92

Affiant AA..... Pages 93-98
 Affiant AB..... Pages 99-100
 Affiant AC..... Pages 101-104
 Affiant AD..... Pages 105-106
 Affiant AE Pages 107-113
 Affiant AF Page 114
 Affiant AG Pages 115-116
 Affiant AH..... Pages 117-118
 Affiant AI Pages 119-128
 Affiant AJ -..... Pages 129
 Affiant AK Pages 130
 Affiant AL Page 131
 Affiant AM..... Page 132
 Affiant AN Pages 133-135
 Affiant AO.....Pages 136-139
 Affiant AP..... Pages 140-142
 Affiant AQ.....Pages 143-144
 Affiant AR Pages 145-148
 Affiant AS Pages 149-156
 Affiant AT..... Pages 156-157
 Affiant AU Pages 158-159
 Preservation Email from Sidney Powell RE Case No 20-CV-04809-
 TCB..... Pages 160-177
 Request for Evidence RE Case No 1:20-CV-04651-
 SDG..... Pages 178-182
 Civil Action File No 1:20-CV-4809-TCB
 Pages 183-222
 Tweet from Congressman Hice Regarding State Farm
 Arena..... Page 222

CERTIFICATE OF SERVICE

I hereby certify that on **December 3, 2020**, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system.

A true and correct copy of the foregoing will be emailed to the following counsel:

Charlene S. McGowan

cmcgowan@law.ga.gov

Russell D. Willard

rwillard@law.ga.gov

Counsel for Defendants-Respondents Brian Kemp, Brad Raffensperger, David J. Worley, Rebecca N. Sullivan, Matthew Mashburn, and Anh Le.

Adam M. Sparks

sparks@khlawfirm.com

Halsey G. Knapp, Jr.

hknapp@khlawfirm.com

Susan P. Coppedge

coppedge@khlawfirm.com

Adam M. Sparks

sparks@khlawfirm.com

*Counsel for Proposed Intervenor-Defendants
Democratic Party of Georgia, Inc., DSCC, and DCCC.*

/s/ Sidney Powell

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DONNA CURLING, ET AL., :
 :
 :
 PLAINTIFFS, :
 :
 vs. : DOCKET NUMBER
 : 1:17-CV-2989-AT
 BRAD RAFFENSPERGER, ET AL., :
 :
 :
 DEFENDANTS. :

TRANSCRIPT OF ZOOM VIDEO CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE AMY TOTENBERG
UNITED STATES DISTRICT JUDGE

OCTOBER 1, 2020
9:08 A.M.

MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED
TRANSCRIPT PRODUCED BY:

OFFICIAL COURT REPORTER: SHANNON R. WELCH, RMR, CRR
2394 UNITED STATES COURTHOUSE
75 TED TURNER DRIVE, SOUTHWEST
ATLANTA, GEORGIA 30303
(404) 215-1383

A P P E A R A N C E S O F C O U N S E L

**FOR THE PLAINTIFFS DONNA CURLING, DONNA PRICE, JEFFREY
SCHOENBERG:**

DAVID D. CROSS
MORRISON & FOERSTER, LLP

**FOR THE PLAINTIFFS COALITION FOR GOOD GOVERNANCE, LAURA DIGGES,
WILLIAM DIGGES, III, AND RICARDO DAVIS:**

BRUCE BROWN
BRUCE P. BROWN LAW

ROBERT ALEXANDER MCGUIRE, III (VIA VIDEO CONFERENCE)
ROBERT MCGUIRE LAW FIRM

FOR THE STATE OF GEORGIA DEFENDANTS:

VINCENT ROBERT RUSSO, JR.
CAREY A. MILLER
ROBBINS ROSS ALLOY BELINFANTE LITTLEFIELD, LLC

FOR THE FULTON COUNTY DEFENDANTS:

CHERYL RINGER
OFFICE OF THE FULTON COUNTY ATTORNEY

P R O C E E D I N G S

(Atlanta, Fulton County, Georgia; October 1, 2020.)

THE COURT: Good morning. Counsel, would you just check the extra numbers here -- anyone with an extra number here or person here to make sure everyone here is identified with you. I can see what they appear to be.

Mr. Martin, is this everybody that you have let in?

COURTROOM DEPUTY CLERK: Yes, ma'am, this is everybody.

THE COURT: All right. So if -- the two individuals who are just solely appearing by telephone, can you identify yourselves?

MS. RINGER: Phone number ending in 8737 is Cheryl Ringer from Fulton County.

THE COURT: Okay. Very good. That is fine.

And the person whose number ends in 8993, would you identify yourself.

MR. FRONTERA: Your Honor, can you hear me? This is Mike Frontera, general counsel, with Dominion Voting Systems.

THE COURT: Very good. Thank you very much. All right. That is fine. Everyone is authorized to be on.

Thank you, everyone, for being here. I want to say from the start that we have this now on the platform -- a different Zoom platform, and we are -- I am -- I have authorized the videotaping of the hearing solely for the

1 purpose of if I determine that some portion of this really
2 should have been on the public record that it can be made
3 available on the record.

4 Not knowing what was going to be discussed exactly
5 and understanding that there might be some confidentiality
6 issues, I decided that we should just proceed in this way,
7 rather than by making it open and then trying to pull it back.
8 So that is the purpose of videotaping it. I don't really --
9 normally wouldn't do that.

10 But under the emergency circumstances here, I have
11 proceeded this way. And I think it is the soundest way of
12 proceeding in that way. And also I can make any portion of
13 this that would be public be available to the public.

14 Additionally, I want to note though that the
15 videotape is not -- will not be the transcript of record. The
16 only transcript of record of that will be created by Ms. Welch
17 as the court reporter in this matter. And you are not to refer
18 to the videotape at any point as kind of the official record in
19 this matter. And, of course, the transcript will be filed.

20 I am -- just was, frankly, perplexed by the response
21 that the State filed last night. And I know everyone is busy.
22 I'm not trying to in any way minimize how busy you are. And --
23 and Mr. Russo already has told me from the start that he has to
24 be out -- that he has to be complete by 10:00.

25 Are you starting the hearing in front of Judge Brown

1 at 10:00, Mr. Russo?

2 MR. RUSSO: Your Honor, that hearing is at 10:00.

3 But we have sent two of our colleagues there to do it so we
4 could be here. So Mr. Belinfante and Mr. Tyson are there, and
5 Mr. Miller and me are here. So you have got us today.

6 THE COURT: Okay. Very good. Wonderful.

7 MR. MILLER: And I think the 10:00 issue was specific
8 to Dr. Coomer's availability.

9 THE COURT: All right. Very good. So please,
10 everyone, bear that in mind as to Dr. Coomer's availability
11 because if there is something that he needs to address early
12 on, whether it is from the perspective of the Court or the
13 State, let's be sure we just jump ahead and get his input.

14 MR. RUSSO: Your Honor, also, we have the staff from
15 the Secretary's office on standby. We have Mr. Germany, the
16 general counsel, on right now. But Mr. Sterling and Mr. Barnes
17 are -- we told them to continue working since they have
18 election stuff going on and that if you needed something from
19 them we would patch them in accordingly.

20 THE COURT: That's fine. All right. Well, as I
21 understand it, the -- from what you -- from what the State
22 submitted last night -- and it wasn't on the record. That was
23 just, I think, a letter from counsel. It was that you -- that
24 basically the State defendants were proceeding, that you were
25 sending the software out today -- the software to jurisdictions

1 across the state, and basically this is a distraction that I
2 was causing, and it was none of my business. Well, that was
3 the tonality of it. It was a quick letter.

4 But let me just say -- start from the start is that I
5 think I have endeavored to work cooperatively with everyone. I
6 have an order to issue. I need to -- whatever it says, whether
7 it is just simply -- you know, doesn't do anything at all,
8 which is certainly -- you know, given everything I have told
9 you in the past that I am very reluctant to even consider in
10 this election saying, oh, suddenly do a sudden change to the
11 paper ballot.

12 But I still -- this is still a record. And I don't
13 know what will happen in the days ahead. But I think that the
14 Court is entitled to, with respect, be given the information
15 needed to issue an intelligent decision. And this was a change
16 of circumstances.

17 And I am -- I don't know who thought I wouldn't have
18 issued a decision without full knowledge of the circumstances
19 that have arisen. I don't mean this personally against anyone.
20 I think everyone has generally been very professional with me.
21 But this is not an acceptable response, and I know everyone is
22 short on sleep and at their wits' end on some things. So I
23 understand it that way. I sure am very short on sleep too.

24 And there is a lot of stress under these
25 circumstances. So I humanly recognize all of that. And so I

1 just sort of had to breathe in and say, all right, where are we
2 going from now, once I got the response and just say, all
3 right, you know, without any drama, I want to understand what
4 is going on.

5 And that -- the expectation I had was not the -- that
6 things were just proceeding and that I wouldn't basically know
7 what was happening.

8 So I think that is -- just as an initial matter, that
9 is where we're at. I mean, I am, you know, at 95 percent on
10 having an order ready to be timely issued. And I held it back
11 while this is going on.

12 And, of course, that is why on Monday we issued the
13 order on the one thing that was clearest that needed to be
14 acted upon as soon as possible. But I was holding back as soon
15 as I heard anything was going on.

16 So let's just talk about what has happened. My
17 understanding from the letter on September 29th that is on the
18 record that -- as opposed to the letter that I received
19 yesterday from counsel that the acceptance testing -- there
20 would be acceptance testing that would occur before there was
21 going to be distribution.

22 I guess it is a filing now. I'm sorry. I didn't
23 realize that counsel's letter was filed. So excuse me for
24 that.

25 In any event, I thought there was going to be

1 acceptance testing before there was distribution. And maybe
2 there was, and maybe I misunderstood what was instead stated in
3 the brief letter.

4 So, first of all, let's just start off just as to
5 that. Did that occur?

6 MR. RUSSO: Your Honor, yes. So, first, you know,
7 let me say we filed the letter under seal because that is what
8 was discussed on Monday. As a letter, you said to file it
9 under seal. So that is why we filed it that way.

10 THE COURT: That is fine.

11 MR. RUSSO: We didn't necessarily think there was
12 something in there that was attorneys' eyes only or anything to
13 that extent.

14 THE COURT: All right. Then I will lift the seal.
15 Okay. Fine.

16 MR. RUSSO: In terms of the acceptance testing, the
17 Secretary of State's office did conduct acceptance testing
18 prior to distribution of the update. That is correct.
19 Mr. Barnes did that. And then the distribution proceeded.

20 THE COURT: And when did Mr. Barnes do that?

21 MR. RUSSO: I believe his acceptance testing was
22 done -- conducted yesterday. Mr. Miller might -- might know if
23 it was done yesterday or the day before. Frankly, my days are
24 starting to run together right now.

25 THE COURT: Yeah.

1 MR. MILLER: Your Honor, I believe it was done Monday
2 and Tuesday. And so the kind of process through that -- the
3 acceptance testing was, you know, essentially receiving the
4 application from Pro V&V and running through just a typical
5 acceptance testing and, you know, primarily ensuring also that
6 the rendering issue that was discovered in logic and accuracy
7 testing was not recurring.

8 And, importantly, you know, there's -- acceptance
9 testing was not the only thing being done. The voting system
10 test laboratory was also doing its part.

11 And, frankly, Your Honor, as to the filing, we
12 certainly didn't intend any disrespect. We do, you know, have
13 to note our objections. And, of course, it becomes an awkward
14 situation to do so. And we do appreciate your understanding
15 throughout this thing.

16 But we also, frankly, understood that you may be
17 seeking the Pro V&V evaluation, which the formal evaluation we
18 just -- we don't have right now. They have completed the
19 evaluation. The written report is not done yet.

20 MR. RUSSO: That's right, Your Honor. That was in
21 our filing yesterday. And we didn't -- you know, we expect
22 that report -- to have it by the end of the week.

23 To the extent there is any delay from Pro V&V getting
24 us the report, we just didn't want, you know, there to be
25 any -- any misunderstanding about a delay if we made that

1 representation. But we do expect it by the end of the week,
2 and we will file it upon receipt.

3 In terms of the EAC issue, you know, the order said
4 to file -- to file anything that is filed with the EAC,
5 presuming a filing is made with the EAC. Dominion actually
6 does -- Dominion would make the filing with the EAC, not the
7 State. And Dr. Coomer can speak to that.

8 But there appeared to be some misunderstanding in
9 counsel's email yesterday regarding the EAC filing. But to
10 be -- to be clear, we -- since it has not been filed yet, we
11 didn't have any update for you. But that is a Dominion issue,
12 not a Secretary of State issue.

13 THE COURT: Well, it is obviously the responsibility
14 under the state law still though for you to have an
15 EAC-certified system.

16 MR. RUSSO: Well, Your Honor, I mean, the update is a
17 de minimis update. So that is according to Dominion.

18 In terms of what state law requires and what state
19 law doesn't require, I mean, there is not a claim in this case
20 regarding our compliance with state -- with state law. The
21 only state law claim that was in this case was abandoned by
22 plaintiffs earlier and dismissed in Your Honor's order on the
23 dismissal a couple of months ago.

24 THE COURT: All right. Let me just put it this way.
25 I mean, it is an indicia of -- it is an important indicia of

1 what is going on and is this -- and from an evidentiary
2 perspective certainly relevant.

3 So I would -- you know, I went back at least and
4 looked at the most recent regulations issued by the EAC. And I
5 didn't see it as not being a requisite step to -- even a
6 software modification as being requisite. Maybe I will hear
7 differently from Mr. Coomer or Dr. Coomer -- excuse me. And
8 Dr. Coomer is welcome to address at this point where things
9 stand.

10 DR. COOMER: Good morning, Your Honor. This is
11 Dr. Coomer. Yeah. So I'll try to describe the process again.

12 So we identified this change. And it was our feeling
13 that it was de minimis. But we do not make that determination
14 ourselves as a company.

15 So the way the EAC process works is we submit that
16 change to an accredited laboratory, in this case Pro V&V. They
17 analyze the change. They look at the code. And they determine
18 whether it is de minimis or not.

19 If it is de minimis, then they do whatever testing
20 they need to do to prove the nature of the change and verify
21 it. And then they label it a de minimis change. They write a
22 report. And at that point, it is just submitted to the EAC as
23 what is called an ECO, an engineering change order.

24 So there is no new EAC certification effort. It is
25 simply updating the current certification for this ECO. And

1 that is what we --

2 THE COURT: I'm sorry. ECO? I'm sorry.

3 DR. COOMER: ECO, engineering change order. And this
4 is a software ECO. And that is how the process works.

5 So once Pro V&V has the final report, we will submit
6 that to the EAC, Election Assistance Commission, certification
7 as an ECO, engineering change order, for the current
8 EAC-certified system, the 5.5-A.

9 THE COURT: So the November 15 clarification --
10 notice of clarification from the EAC that indicates that a
11 proposed de minimis change may not be implemented as such until
12 it has been approved in writing by the EAC, that is
13 meaningless? That is Provision 3.4.3.

14 DR. COOMER: I have got to be honest. We might be a
15 little bit out of my bounds of understanding of the exact rules
16 and regs there.

17 THE COURT: And Mr. Maguire, as counsel for you -- it
18 looks like he is present.

19 MR. MAGUIRE: Yes. That's correct, Your Honor.

20 THE COURT: Is that said at all?

21 MR. MAGUIRE: I'm sorry. I'm unprepared to address
22 it, Your Honor.

23 THE COURT: All right. That is fine. I didn't ask
24 you to be prepared. I just wanted to -- in case you wanted to,
25 I wanted to give you that opportunity.

1 MR. CROSS: Your Honor, if it is helpful to you,
2 Mr. Skoglund -- this is an area of expertise for him.

3 Your Honor has hit the nail on the head, which what
4 Dr. Coomer's explanation left off was once that EAC paperwork
5 goes in you still have to wait for approval from the EAC. The
6 EAC has to agree that it is a de minimis change and that it can
7 operate under the existing certification.

8 If they disagree, then you have got to get a new
9 certification. But until that is approved, you do not have EAC
10 approval to proceed. And Mr. Skoglund can explain that in more
11 detail. So right now they would be proceeding without EAC
12 approval. That is where we stand. That should be undisputed.

13 THE COURT: Maybe that is what they have determined
14 they must do. But I'll let Mr. Skoglund briefly discuss it. I
15 mean, I think it is sort of evident.

16 But, Mr. Skoglund, can we -- thank you.

17 MR. RUSSO: Your Honor, one quick point. O.C.G.A.
18 21-2-300(a)(3) is clear that the equipment has to be
19 EAC-certified prior to purchase, lease, or acquisition. The
20 ongoing EAC certification that is now being raised, that is not
21 in the statute. But Mr. Skoglund can go ahead and explain the
22 rest of the process.

23 THE COURT: All right. And I'll get back to you,
24 Mr. Russo.

25 MR. SKOGLUND: So I would just agree with what has

1 been represented already. That is correct. You void your
2 certification if you don't have written approval before making
3 this change.

4 So the correct process is to go to the VSTL, then go
5 to the EAC, have them review it. They are the ones who make
6 the determination of de minimis based on the recommendation of
7 the VSTL. But it is really up to them to decide that. And
8 then they are the ones who bless it as being part of the
9 certification.

10 THE COURT: Either Mr. Russo or Dr. Coomer, is there
11 any -- has there been any type of contact at this point with
12 the EAC to say you are in emergency circumstances?

13 DR. COOMER: This is Dr. Coomer. I don't -- I don't
14 believe so. But we were waiting for that final report from Pro
15 V&V. And then that would be immediately submitted to the EAC.

16 MR. RUSSO: That's right. The Pro V&V report --

17 THE COURT: I'm sorry. Who is speaking right now?

18 MR. RUSSO: Vincent Russo.

19 THE COURT: All right. I'm sorry. We've got a lot
20 of people here.

21 MR. RUSSO: No problem. The Pro V&V report or Pro
22 V&V has indicated it is a de minimis change. So as
23 Mr. Skoglund mentioned, the EAC will take that report and that
24 recommendation and proceed from there.

25 But, again, we will file that report with you. And

1 Dominion will move forward with its piece in reliance on that
2 report.

3 MR. MILLER: Your Honor, I do also just want to point
4 out briefly that, you know, EAC certification is not
5 necessarily across the board. There are other states that
6 don't have EAC-certified systems. Of course, we're still
7 seeking to -- Dominion is still seeking to obtain the
8 certification. But I did just want to point that out for the
9 Court as well.

10 THE COURT: This is a -- obviously, it is a provision
11 the EAC has because it is -- no matter whether you call it de
12 minimis or not, it always obviously raises issues when you
13 change a piece of software and then you have to redo
14 everything.

15 You are obviously all doing testing, and I am glad
16 that you are doing the testing. But the fact that you could be
17 in a place that doesn't require anything is one thing. But,
18 you know, we are using a statewide system. So it has larger
19 repercussions when you have a statewide system also.

20 All right. And so the software -- the new software
21 is supposed to be distributed today. And what is the schedule
22 from -- since you have said you are going forward even without
23 the EAC approval or without seeing the actual testing
24 documentation, what is your next plan? What is going to happen
25 next?

1 MR. MILLER: Your Honor, it was distributed
2 yesterday, I think, with the dropoff. And which also I do want
3 to briefly mention, you know, we sent an email about the
4 confidentiality of the dropoff process.

5 At this point, that is no longer confidential. It
6 was the prior to -- you know, it is a schedule of secure
7 transfer of files that was filed on the public docket. And so
8 that is the issue. I did just want to make sure we don't have
9 a loose thread there.

10 But in terms of the process next, the counties will
11 begin engaging in that logic and accuracy testing that was put
12 on pause after the last issue was discovered. And so we
13 started that. The counties will also verify the hash value on
14 the software that was given to them, which has already been
15 verified by Pro V&V, the hash outside of the system at the
16 Center for Election Systems, and additionally a hash again
17 outside of the BMD system before those software was copied to
18 the drives that were sent to the counties in sealed
19 envelopes -- sealed, numbered envelopes via the post-certified
20 investigators connected with the Secretary of State's office
21 who met their county liaisons at Georgia State Patrol posts.
22 That was --

23 THE COURT: What was verified at the Georgia State
24 post?

25 MR. MILLER: That was where the transfer occurred.

1 So when the software was received -- you know, Pro V&V
2 conducted their verification and validation, provided the
3 trusted build hash to the Secretary's office. The Secretary's
4 office then compared that trusted build hash to the hash of the
5 actual software they had received outside of the BMD system.

6 You have heard here before the concept that the BMD
7 can trick you into saying that the hash is verified. But,
8 again, this is wholly outside of the system such that that
9 is -- that is a separate issue entirely.

10 After that delivery to the counties, the counties
11 will also verify the hash and will then conduct their logic and
12 accuracy testing.

13 THE COURT: All right. All I was asking was when you
14 said something was verified when they picked it up at the
15 Georgia State Patrol.

16 That was just the sealing -- the seal of the
17 envelope?

18 MR. MILLER: Your Honor, yes. So the envelope was
19 sealed by -- right, was sealed by the Center for Election
20 Systems. And then the investigators of the Secretary's office
21 met county superintendents at Georgia State Patrol posts.

22 THE COURT: Okay. That's fine. Have you in any way
23 expanded the scope of your logic and accuracy testing in light
24 of these circumstances?

25 MR. MILLER: Your Honor, so I think -- I guess I

1 would separate it out briefly in that the Center for Election
2 Systems conducted their own sort of modified logic and accuracy
3 testing, which I referred to earlier as logic and accuracy
4 testing within CES, on BMDs that they themselves had that have
5 never been used in elections to verify that -- first of all,
6 that that same issue was not recurring but also to continue the
7 logic and accuracy testing such that -- to confirm that there
8 were no ancillary issues brought in to do so.

9 At the time it is sent to the counties, the counties
10 will then conduct their logic and accuracy testing, which now
11 also includes before inserting anything into the BMD verifying
12 that hash number, verifying it is the correct software. That
13 is kind of the initial step, which I believe -- I don't have
14 the letter in front of me. But we laid out kind of that first
15 couple of steps of the logic and accuracy testing.

16 THE COURT: All right. But you haven't decided at
17 this juncture -- to your knowledge that there have been no
18 change in the logic and accuracy testing protocols or just
19 going from one electoral race to the next in the machines so
20 that you don't do the entire ballot on every -- on a larger
21 number of machines in each of the counties?

22 And that is the process you-all described, one race
23 for one and then round-robin.

24 MR. MILLER: And I'm not sure I can speak to any of
25 the -- any detailed adjustments. What I will say is the

1 testing that was done within CES included five different ballot
2 styles that were chosen from Dekalb County being a county that
3 would have large ballot styles -- basically, you know, a number
4 of races, number of different types of ballots on there. And
5 then they were conducted on those different styles and also
6 conducted on the four different machines and printing out
7 basically hundreds of ballots to confirm the testing.

8 THE COURT: Well, as far as you know, there has been
9 no -- no one has considered trying to test a larger range of
10 the ballot -- the full ballot in a larger range of machines as
11 testified to in -- at the hearing and which was the protocol
12 that Mr. Harvey indicated was the protocol in his testimony?
13 Is that right?

14 MR. MILLER: Your Honor, as I understand it, the full
15 ballot is tested on all of the machines.

16 THE COURT: That wasn't his testimony. The testimony
17 was -- is that one race -- you picked a race. You went to the
18 next machine, and it would do the next race. And then you
19 would -- if you exhaust the race, which in Georgia you probably
20 wouldn't exhaust the race, you would start with the next one --
21 if you had 12 machines, you did the 12 first races. Then you
22 would go back to Number 1 machine, and you would go -- and it
23 would do the 13th race. Then it would go to Number 2 machine,
24 and it would do the 14th race.

25 That is what I'm getting at. So that, really, you

1 have a fraction of the machines that are actually doing the
2 race at issue. But it might screw up other races. So that is
3 really what I'm trying to get at.

4 But it doesn't sound like there have been any change
5 in the process, in any event, from what you know.

6 MR. MILLER: Your Honor, I would defer to the
7 testimony and the written instructions on logic and accuracy
8 testing. But yes. To answer your question, I couldn't comment
9 as to any sort of very specific minutia within that.

10 THE COURT: All right. I'm really not asking you to
11 testify yourself as to it.

12 As far as you know, no one has indicated to you that
13 they changed any of the --

14 MR. RUSSO: That's correct, Your Honor. As far as we
15 know, the process is the same as Mr. Harvey has discussed
16 previously.

17 THE COURT: That's all I'm trying to get at.

18 MR. RUSSO: You know, with respect to printing the
19 ballots and each race that we discussed at the hearing, that
20 hasn't changed. The only change is with the logic and accuracy
21 testing are to ensure that the hash value -- check the hash
22 value of the new software and the version on the front end.

23 THE COURT: And does Dr. Coomer know what was -- what
24 type of testing was done on the software at PV&V?

25 DR. COOMER: Your Honor, I'm not sure of the complete

1 test plan that they completed. Again, Pro V&V themselves
2 determine what test plan is necessary based on their analysis
3 of the code itself.

4 THE COURT: They didn't tell you?

5 DR. COOMER: I don't have the details. I would
6 just -- I could probably get that. But I don't have the
7 details.

8 THE COURT: When did they complete it?

9 DR. COOMER: I believe they completed that either
10 late Monday or Tuesday.

11 THE COURT: Do you know who was performing the
12 testing there?

13 DR. COOMER: The individual employees' names, no, I
14 do not.

15 THE COURT: I mean, is there a head of the unit that
16 deals with security or not at this point? Because we had very
17 vague testimony of that at the hearing.

18 DR. COOMER: I don't know the makeup of Pro V&V's
19 employees.

20 THE COURT: And do you have a backup plan in case, in
21 fact, there are issues that are arising in connection with
22 this? I mean, you are hoping for the best. You are thinking
23 the best will occur. But what -- if there are issues again,
24 what is the plan?

25 DR. COOMER: We'll work with our -- we'll work with

1 our partners at the State to do whatever is necessary.

2 MR. RUSSO: Your Honor, this issue, as you recall,
3 came up as a result of this U.S. Senate special election having
4 too long of a -- too many candidates and the Secretary of State
5 not wanting to have any candidates claim that they were
6 unfairly treated by being on the second page because surely
7 someone would say that by being on the second page they lost
8 votes.

9 We are not aware of any other issues with the BMDs
10 that would change, you know, the processes going forward. I
11 mean, Mr. Barnes conducted logic and accuracy -- his logic and
12 accuracy testing -- his acceptance testing I should say -- on
13 the machines.

14 The machines will go through acceptance testing. If
15 anything new is discovered in that process, we'll, of course,
16 have to address that. But we have no reason to believe at this
17 juncture there is anything new since this issue with the
18 ballot -- the number of candidates being on one screen has been
19 resolved.

20 THE COURT: Dr. Coomer, did you get an opportunity to
21 read Dr. Halderman's affidavit that was filed that if it really
22 was just simply only the first time ran on a machine why
23 wouldn't it have been adequate essentially to address this by
24 just basically running it the first time?

25 DR. COOMER: Well, so there is a

1 mischaracterization -- I'm not sure where that came from. So I
2 did not have a chance to --

3 THE COURT: Uh-oh. Everyone put themselves on mute,
4 and we'll try to --

5 DR. COOMER: So I didn't read -- I didn't have time
6 to read the entire declaration. But I will say that -- and not
7 to disparage Dr. Halderman whatsoever. But he is making
8 assumptions when he does not have an understanding of the
9 actual issue.

10 If I had time and charts and I could work on a
11 whiteboard, I could explain exactly what the issue is. But it
12 is not that it happens the first time. I said that it only
13 happens once -- can -- not that it always does -- but can
14 happen only once during a voting cycle. And that is a power
15 cycle of the machine. It is a rare occurrence that based on --
16 not just the ballot layout but, you know, the sequence of how
17 the voters have gone through the ballot.

18 There are essentially some indexes that are created
19 by Android operating systems. And we have an index that we are
20 referencing. And if there is a collision between those two,
21 the issue happens. And it can only happen once because Android
22 keeps incrementing these indexes.

23 So it can only collide once. And there is a very
24 specific set of circumstances that leads to this collision.
25 And it doesn't happen every time.

1 Our analysis showed us how to actually reproduce that
2 deterministically. So I have seen some other things -- I'm not
3 sure if it was in Dr. Halderman's declaration or not -- that we
4 didn't understand the root cause of this and it was
5 undetermined how and when this could happen. And those
6 statements are not correct either.

7 So this is why we felt very confident in this change
8 because it is very minimal. Instead of referencing this
9 particular ID, we reference it now as what is called a tag.
10 There is no collision possible between our tag and these
11 Android IDs.

12 And then just to hit on this point, you know, asking
13 what if something else happens, well, this version -- you know,
14 the certified version that is being used in Georgia has been --
15 has been used by millions of voters across the U.S.

16 This is the first time we have seen this issue. And,
17 again, it is due to the unique layout to handle the special
18 Senate contest with the two columns of candidates.

19 So I just wanted to sort of make that known. You are
20 still on mute, Your Honor.

21 THE COURT: Can you explain to me what the -- to make
22 sure I don't misunderstand what you mean by power cycle, is
23 it -- basically it could happen every time that -- is it when
24 you turn the power on and then the next time when you turn the
25 power on?

1 DR. COOMER: Correct. Yeah. When you turn the power
2 off and you turn it back on, Android starts those indexes back
3 over.

4 THE COURT: All right. Then does it happen each time
5 just in the beginning or any time in the cycle? That was the
6 other part that was a little confusing to me because I had
7 thought you indicated before or somebody had indicated it was
8 right at the start of the cycle.

9 DR. COOMER: No, it is not right at the start.
10 Again, it depends on a variety of factors. So, you know, it
11 depends on the number of -- the number of display elements that
12 are on the ballot itself and how the voters walk through.

13 So it could be -- it could be several voters. And,
14 again, it doesn't happen all the time because you have to have
15 this unique overlap, you know. And that is wholly dependent
16 on, you know, the sort of behavior of the voters going through
17 the ballot of whether they just happened to hit on this unique
18 circumstance. But it is not -- it is not necessarily within,
19 you know, X number of voters.

20 THE COURT: Okay. And it is not -- so if you -- it
21 is not dependent on the fact that this is the first time
22 you've -- it is not the first ballot in any event?

23 DR. COOMER: Correct.

24 THE COURT: It is not the voter who gets -- who is
25 the first one in line who gets it necessarily?

1 DR. COOMER: Correct.

2 MR. CROSS: Your Honor, could I ask a quick
3 clarifying question?

4 THE COURT: Yes.

5 MR. CROSS: I just want to make sure I understand.
6 On Monday, Dr. Coomer said -- he said this happens only once
7 for one voter during a complete machine cycle. That was where
8 Dr. Halderman's understanding was coming from.

9 So is it right that it is not just once for one voter
10 during a machine cycle? It could happen more than once?

11 DR. COOMER: No, not during the machine cycle. When
12 I say machine cycle, I was referring to power cycle. So it can
13 only happen once.

14 MR. CROSS: So then why is Dr. Halderman wrong? Why
15 couldn't you just power it on?

16 DR. COOMER: Because once is not the same as first.

17 **(Unintelligible cross-talk)**

18 MR. RUSSO: We are here to answer your questions,
19 frankly. Plaintiffs can go do discovery if they would like to.
20 We are in discovery. So you can continue to answer for now.
21 But I did want to raise that before we --

22 THE COURT: I think -- Mr. Russo, I appreciate that.
23 But it was -- I certainly had the impression that Mr. Cross did
24 too. So I'm very happy that Dr. Coomer is explaining it.

25 So if Mr. Cross had a misunderstanding too, then I

1 think he is entitled to try to --

2 MR. RUSSO: And that is fine. I just wanted to make
3 sure before we got too far down this road that I raised this.

4 THE COURT: All right.

5 MR. CROSS: So, Dr. Coomer, all I was asking you: It
6 will happen only once in a power cycle, but you don't know when
7 it will happen, meaning you couldn't just do a single test
8 ballot? You would have to do test ballots until it happened
9 the one time and then you --

10 DR. COOMER: Right. And, again, to be clear, it
11 doesn't always happen. Right? It is this unique way of going
12 through the ballot. So you could -- you could say, oh, I'm
13 going to wait until this happens and it never happens because
14 you have passed those conditions.

15 MR. CROSS: Got it. Okay. Thank you. That is
16 really helpful, Dr. Coomer.

17 DR. COOMER: Sure.

18 THE COURT: So -- and maybe one has to have
19 Mr. Barnes here or someone else from the department present.
20 So I'm just trying to understand how the logic and accuracy
21 testing that is being performed at this juncture mirrors
22 that -- those conditions since it is not necessarily the first
23 time it has been done.

24 What were -- what are the instructions to make sure
25 that it doesn't happen, partially because, you know, the point

1 really is the size -- the vote should be counted properly is
2 you just don't -- it could -- there are repercussions if it
3 does in terms of people getting confused at the polls and other
4 sorts of problems that can happen there that it triggers -- the
5 people are worried about their votes and one comes to a halt,
6 et cetera.

7 MR. CROSS: Your Honor, could I ask one more
8 question?

9 Dr. Coomer, you mentioned that you could do -- you
10 figured out a way to do it deterministically, which means you
11 could trigger it. Would that work to -- rather than doing new
12 software, could the counties trigger it using this
13 deterministic approach? Then you could trust it wouldn't
14 happen again with the existing software. Would that be a fix?

15 DR. COOMER: I mean, that is -- theoretically, that
16 is possible because it depends on, again, a lot of variables.
17 So each -- you know, obviously each county and each machine
18 has -- may have a different set of ballots on there.

19 So like -- so what we did is -- obviously, this was
20 identified in two counties. And we know the ballot styles that
21 they were testing in those counties. So we zeroed in on that
22 and found a way using those two projects how to make it happen.

23 We would have to do that for every machine in every
24 location because it is dependent on the ballots that are in
25 that machine to then want to determine whether you could make

1 those IDs collide.

2 Does that -- does that clarify? That would be,
3 again, theoretically possible. A nightmare. And then that
4 whole process would have to be done every time the machine is
5 turned on.

6 THE COURT: Let me start this way simply: You-all
7 did some logic and accuracy testing yourself when you were
8 trying to do the software modification?

9 DR. COOMER: Oh, extensive testing. Extensive.

10 THE COURT: All right. How did you modify -- how did
11 you do it so that -- in light of these circumstances in terms
12 of the protocol so that you would -- it would be at least
13 randomly captured?

14 DR. COOMER: Right. So -- well, the first thing we
15 did is obviously analyze the projects where it was -- where the
16 issue arose. And that led us to figuring out what the root
17 problem was.

18 Then our initial testing was we actually set up a
19 quick project where -- knowing how the code behaved we knew
20 exactly the steps to take within a few clicks to make this
21 issue happen. Right? And so we set that up, verified on
22 multiple machines that we could make it happen according to
23 step A, B, C.

24 So then we applied the change and then redid those
25 steps, verified that that issue no longer arose, and then we

1 took that back to, you know, the actual -- some of the actual
2 real Georgia elections that would be tested and ran full
3 regression tests over several days to verify that nothing else
4 was impacted.

5 THE COURT: You ran full regression tests to
6 determine what? I didn't hear the last part of your sentence.

7 DR. COOMER: That no other functionality was
8 impacted.

9 THE COURT: So have you made any recommendation to
10 the State regarding any additional measures that should be
11 taken in order to test the functionality of both the fix as
12 well as that it didn't impact anything else?

13 DR. COOMER: So I don't -- I don't know all of the
14 information that was communicated to the State. But I believe
15 we did -- again, as I mentioned, we had those two counties
16 where we -- you know, where the issue was experienced. We know
17 how to make it happen in those two counties. I believe we
18 provided those steps to the State for verification. But,
19 again, I'm not the one that is actually communicating the
20 operational aspects directly with the State.

21 And then as far as the other functionality again, the
22 pre-logic and accuracy testing process we feel is enough to
23 verify that the system as a whole is still functioning as it
24 should.

25 THE COURT: Let me just say that in your testimony

1 before this Court you indicated that you had not been aware
2 that -- that the full ballot had been tested in each machine.

3 So I guess would it be wise to have more of the full
4 ballot tested in every machine? I mean, for instance, among
5 other things, this particular race?

6 DR. COOMER: I'm not sure -- I'm not sure I'm
7 following. But, again, you know, the logic and accuracy
8 testing that I'm aware of from the State I believe is adequate.

9 THE COURT: I don't want to get into a
10 cross-examination with you myself about that. But you do
11 understand that there is only a small fraction of the machines
12 each that are tested for -- for instance, as to this particular
13 race that are going to be out in the field?

14 DR. COOMER: Again, I don't -- I don't know every
15 single detail of the L&A that they are doing.

16 THE COURT: All right. That is fine. Then we'll
17 just -- we'll stop at that then.

18 Mr. Russo and Mr. Miller, is there anyone who is
19 familiar with the -- what the instructions have been to the
20 field with the State available just to talk for -- speak for a
21 minute or two?

22 I know Dr. Coomer has to leave in four minutes. So
23 before we do that, I want to make sure that there is not
24 anything else that counsel wish for Dr. Coomer to address.

25 MR. BROWN: Your Honor, this is Bruce Brown. I have

1 one question for Dr. Coomer.

2 Our information is that the version of the software
3 that was certified was .30 and the current version is .32.

4 What was .31, and what is .32? And have the
5 incremental changes from the various versions been tested,
6 certified, or approved?

7 MR. MILLER: Your Honor, we're just going to raise
8 the same objection earlier as far as cross-examination of the
9 witness right now.

10 THE COURT: Well, I think it is --

11 DR. COOMER: Version numbers change for a variety of
12 reasons. I'm not even sure what that question is trying to get
13 at.

14 THE COURT: Well, it is trying to understand if there
15 have been software change or some other change between the
16 5.5-A, I guess, .30 and 5.5-A.32, which this is. In other
17 words, what happened -- do you know what was .31?

18 DR. COOMER: There is absolutely no other change than
19 the one we supplied that we alluded to.

20 MR. BROWN: So why are there two version numbers?

21 DR. COOMER: There is not two version numbers. There
22 are a variety of reasons why when you do a build a version
23 number turns out the way it does.

24 I don't know what you are digging at. But I can tell
25 you -- I can state as fact -- and I just did -- that the

1 only --

2 MR. MILLER: Your Honor --

3 DR. COOMER: -- between those two builds is this
4 change that we submitted.

5 THE COURT: All right.

6 MR. BROWN: So there is not a version 31?

7 **(Unintelligible cross-talk)**

8 MR. MILLER: Your Honor, we just reraise the same
9 objection. Dr. Coomer is here voluntarily right now. Dominion
10 is not a party to this. He is trying to be helpful to the
11 Court. And we are going down a path of cross-examination
12 again.

13 MR. CROSS: Why are they scared to answer questions?

14 THE COURT: All right. No more commentary, let me
15 just say. My understanding --

16 DR. COOMER: I'm not scared to answer your questions.

17 THE COURT: All right.

18 MR. CROSS: I wasn't talking to you, Dr. Coomer.

19 THE COURT: My understanding just from what
20 Dr. Coomer said was very -- there were a lot of people
21 speaking -- is that Dr. Coomer said that there was no separate
22 change from the 5.5-A that has been made so that there is -- to
23 the extent the other one had a .30, there was no .31 separate
24 change.

25 DR. COOMER: That's correct.

1 THE COURT: Is that correct?

2 DR. COOMER: That's correct.

3 THE COURT: All right. Fine. Thank you. Is there
4 anything else?

5 All right. Doctor, you are welcome to stay as long
6 as you want to stay. But I understood that you had a hard
7 deadline.

8 DR. COOMER: Yeah. I do have a hard stop, and I do
9 appreciate that.

10 THE COURT: All right. Thank you very much.

11 MR. CROSS: Thank you, Dr. Coomer.

12 THE COURT: Is it Mr. Barnes who is giving directions
13 to people in the field about the L&A testing at this point?

14 MR. RUSSO: I think Mr. Barnes would be the best
15 person to try to answer your questions. He is involved with
16 the development of logic and accuracy testing.

17 THE COURT: All right. Is he --

18 MR. RUSSO: We're going to -- if you can give us one
19 minute here to get in touch with him.

20 THE COURT: That is fine.

21 **(There was a brief pause in the proceedings.)**

22 THE COURT: Good afternoon, again, or good morning.
23 Morning, Mr. Barnes, also.

24 I just -- we were discussing the circumstances around
25 the software being distributed and subject to logic and

1 accuracy testing again. And I wanted to find out whether there
2 were -- to your knowledge, whether there were any additional
3 instructions about conducting logic and accuracy testing that
4 was given to any -- all or any of the counties relative to the
5 software.

6 MR. BARNES: The one additional instruction was for
7 the counties to verify the new hash signature for the new
8 version number of the ICX application.

9 THE COURT: And therefore am I to assume that there
10 were no -- there was no other modification and in particular
11 there was no expansion as to the number of the ICX machines
12 that were going to be tested for purposes of looking at that
13 race in particular or any other races?

14 MR. BARNES: Again, we did not give them another list
15 of instructions to follow for their L&A testing. Part of their
16 normal L&A testing is to check every vote position on every
17 ballot as they go through the ballot style. And that is how
18 the occurrence was found with the old version. So we were just
19 going to have counties follow the same protocols with the new
20 version.

21 THE COURT: Mr. Harvey had confirmed before though
22 that the instructions were that you would run the ballot --
23 let's say -- let's -- just consider that there were ten
24 machines, let's say, that were being tested. That you would
25 run race Number 1, which would presumably be the presidential

1 race, on Number 1 machine. Then you would run race Number 2 in
2 priority on machine Number 2. And when you had finished the
3 ten, then you would go back -- the 11th race would be tested
4 again -- would be tested on the machine Number 1 again.

5 Is that something different than you know of?

6 MR. BARNES: No. What my understanding of the L&A
7 procedure is is the ballot is loaded on to the L&A -- on to the
8 test screen ballot. And then the first race of the ballot is
9 displayed. And then on that race, they will mark each -- they
10 will touch the first candidate, validate that the mark is
11 there; proceed to the next race on the ballot; mark the
12 candidate, make sure it is there; and proceed all the way
13 through the ballot until they arrive to the summary screen.
14 And they validate that they see those selections on the summary
15 screen.

16 They then backtrack. Go back to the first race in
17 the ballot, remove the mark from the first candidate, and then
18 mark the second candidate in that race and proceed through the
19 ballot again all the way through the summary screen.

20 And this is done to make sure that every vote
21 position is responsive and that the system shows that summary
22 selection at the end. They will produce one printed ballot
23 through that exercise with at least one of those candidates per
24 contest marked. But they won't produce a ballot for every
25 instance, for every candidate in every race on every machine.

1 They will just produce one printed ballot at the end of that
2 test of that particular BMD.

3 THE COURT: And have you looked at the instructions
4 that were given in January via Mr. Harvey's office?

5 MR. BARNES: Yes, ma'am.

6 THE COURT: And that is what you think is consistent
7 with what -- what you have described is consistent with the
8 protocol described?

9 MR. BARNES: Yes, ma'am.

10 THE COURT: Well, let me walk through it again.
11 Because that certainly was not my understanding from the
12 testimony provided or from the observations that were provided
13 by people at the -- observers at the polling.

14 So I'm not -- so you are saying basically the member
15 of the staff who was testing it will go in and vote on the
16 presidential race? And just walk me through it again so I can
17 stop you now that I have heard the whole -- what you think is
18 supposed to happen.

19 MR. BARNES: Okay. So we'll take it as a single
20 race, single -- single ballot, single race. And we will say
21 the presidential race, which has four candidate options.

22 On the testing, they would load the ballot, bring up
23 the contest that shows the four -- the four contestants. They
24 will mark the first contestant and then leave that screen and
25 go to the summary screen to validate that that mark is showing.

1 They would then go back to the race itself, remove
2 the mark, and then put a mark for the second candidate and then
3 proceed back to the summary screen, confirm that that is
4 showing. Go back again to the ballot, remove the mark, mark
5 the third candidate in the race, proceed to the summary screen,
6 confirm that is showing. And then go back to the race, remove
7 the mark of the third candidate, put a mark for the fourth
8 candidate, which is the write-in, type in some form of a name,
9 proceed to the summary screen, verify again that that is
10 showing.

11 Then they would backtrack, go back to the race
12 itself, remove the mark, go to the summary screen, verify that
13 that mark again is not showing. Then go back to the race. And
14 now they are going to put a mark on the ballot so that they can
15 produce a printed ballot from the machine.

16 And they may select the first candidate or second
17 candidate or third candidate depending on what they are needing
18 to produce for their test deck. So they may do the first
19 candidate and then proceed back to the summary screen and then
20 print the ballot.

21 THE COURT: So is the printed ballot the one with all
22 of the choices?

23 MR. BARNES: The printed ballot will only have the
24 one selection made at that last operation. The ballot can only
25 have one mark for the race.

1 THE COURT: I don't -- because I don't know
2 whether -- is anyone with you from -- are you able to receive
3 an email if I send counsel the L&A procedure -- January
4 procedure and they sent it to you at this point?

5 MR. BARNES: Yes, ma'am. I have access to email.

6 THE COURT: I don't want to be the person directly
7 sending it to you. But -- all right. But if counsel doesn't
8 have it directly offhand, Ms. Cole can send it to one of you
9 right away so you can send it on.

10 Send it both to Mr. Miller and Mr. Russo.

11 LAW CLERK COLE: Okay. I can also send it to Harry,
12 and he can share it on the screen.

13 THE COURT: Okay. Why don't we do both? Why don't
14 we send it because it is harder for -- let's do both and give
15 Mr. Barnes an opportunity to look at it. All right?

16 **(There was a brief pause in the proceedings.)**

17 MR. BARNES: I haven't received anything as of yet.

18 LAW CLERK COLE: Mr. Martin has it now if you want
19 him to share his screen.

20 THE COURT: I want Mr. Barnes to be able to review it
21 without having to see it on the screen first.

22 MR. RUSSO: My email might be running a little slow.
23 So I emailed it. So it is just a matter of --

24 THE COURT: That is fine.

25 Ms. Cole, can you pull up Mr. Harvey's affidavit

1 also?

2 LAW CLERK COLE: Yes.

3 MR. RUSSO: Do you know what docket number that is?

4 THE COURT: Well, the affidavit?

5 MR. RUSSO: Yes, ma'am.

6 LAW CLERK COLE: My recollection is it is 834-3.

7 MR. RUSSO: Thank you. I was just trying to look
8 through the transcript for that explanation. I was not finding
9 it. I appreciate that.

10 MR. CROSS: Do you mind forwarding that document that
11 Ms. Cole sent you so that I can pull it up too?

12 MR. RUSSO: Yes.

13 MR. CROSS: Thank you.

14 THE COURT: Does everyone have the procedure?

15 Mr. Barnes, you don't have it still?

16 MR. BARNES: No, Your Honor, I do not.

17 THE COURT: Mr. Russo, did you send it?

18 MR. RUSSO: I did. Let me try again.

19 THE COURT: Okay. Very good.

20 MR. MILLER: I think we both actually sent it.

21 THE COURT: All right.

22 **(There was a brief pause in the proceedings.)**

23 THE COURT: All right. Mr. Barnes, did you get it
24 yet?

25 MR. BARNES: Yes, Your Honor. I just received it.

1 THE COURT: Very good. Let me give you an
2 opportunity -- I'll give you the opportunity to read the
3 portion that deals with the process for looking -- testing the
4 polling place scanner, that one -- I'm sorry -- right above it,
5 testing the BMD and printer.

6 And have you had an opportunity to look at that, that
7 Section D?

8 MR. BARNES: Yes, ma'am. I'm reviewing that.

9 **(There was a brief pause in the proceedings.)**

10 MR. BARNES: Your Honor, I've read it.

11 THE COURT: Thank you very much. So my understanding
12 both from Mr. Harvey's testimony on this particular procedure
13 and what the witnesses to the L&A testing observed when they
14 were able to observe this in a -- because it was public was
15 that the description provided in the text under -- in
16 connection with the word example was what was occurring, that
17 there was not -- every race was not in a particular ballot --
18 ballot machine -- every race that was listed on the ballot was
19 not, in fact, tested on that one machine. That, in fact, it
20 was -- you went from machine to machine as described under the
21 word example.

22 MR. BARNES: My -- excuse me.

23 THE COURT: Yes. Go ahead.

24 MR. BARNES: My reading of the document outlines that
25 the ballot style will be displayed on, we'll say, machine one

1 and that the process of creating the ballot that is going to be
2 used for the test deck for machine one would be that the --
3 that the operator would select the first candidate not for just
4 one race but the first candidate in every race on that ballot,
5 proceed through the whole ballot, and then at the end would
6 then print that one ballot that had the first candidate
7 selected.

8 So that the machine one would have ballot style one
9 and then it would have the selection of the first candidate in
10 every race selected and print it.

11 On the second machine, the ballot would be loaded.
12 And then from that machine, the ballot that would be printed
13 for the test deck would be the second candidate in each race.
14 And then that ballot would be printed for the test deck.

15 And then they would go to machine three, load the
16 ballot. And on this one, the ballot that would be produced for
17 the test deck would be the third candidate in each race within
18 that ballot and so forth and so on.

19 THE COURT: Well, that certainly is somewhat
20 different than my understanding the testimony and evidence.
21 And -- but I understand what you are saying.

22 What is the -- so just to summarize again is that you
23 understood that if I -- whoever was Number 3 in each race would
24 have been picked -- if you were on the third machine, you would
25 have picked Number 3 -- the candidate in the third position for

1 every single race?

2 MR. BARNES: Yes, Your Honor.

3 THE COURT: And what if there wasn't a candidate?

4 MR. BARNES: If there is not a third -- if one race
5 has four candidates but the second race only has two
6 candidates, then you do not make a selection at all. You would
7 skip. There is not a third option to choose. So you would
8 leave that race blank.

9 THE COURT: Then you would continue down the ballot?

10 MR. BARNES: Yes, Your Honor.

11 THE COURT: I think this is sufficiently a material
12 change in the way that perhaps it has been presented. I'm not
13 saying anything -- that you are wrong in any way or -- but I
14 just think that I would like to make sure there is nothing that
15 the plaintiffs want to ask in light of that testimony.

16 And have you observed this yourself or not?

17 MR. BARNES: I have not been in the field to observe
18 the L&A testing with the new system, Your Honor.

19 THE COURT: All right. So you haven't been in the
20 field to observe their application of this procedure?

21 MR. BARNES: That's correct.

22 THE COURT: All right.

23 MR. RUSSO: Your Honor, I pulled up Mr. Harvey's
24 declaration, and I'm looking at that. And he seems to indicate
25 that all -- that testing the ballots -- a test deck where you

1 use every permutation would be overly burdensome and
2 unnecessary, as the Coalition plaintiffs urge, in other words,
3 to generate test ballots so that all candidates in all races
4 within the unique style have received a single vote.

5 I think maybe that is where some confusion is coming
6 into play. And I think Mr. Harvey was under the impression --
7 and his declaration seems clear to me. But to the extent there
8 is some confusion that maybe you thought every permutation on
9 the ballot maybe had to run a test deck with every combination,
10 is that -- and I'm just maybe trying to understand it also
11 myself -- where the disconnect is here, frankly.

12 THE COURT: Mr. Skoglund was, I think, the
13 Coalition's witness or -- is that right? Or was he Mr. Cross'
14 witness?

15 MR. CROSS: Mr. Skoglund was a witness for the
16 Coalition.

17 THE COURT: Okay.

18 MR. BROWN: I'm sorry, Your Honor.

19 THE COURT: So I'm assuming that you spent some more
20 time -- particular time on this, Mr. Brown.

21 So are there any -- anything you want to point out or
22 ask Mr. Barnes about?

23 MR. BROWN: Thank you, Your Honor. My question would
24 be, sort of to cut to the chase -- and that is: On the logic
25 and accuracy testing as described by Mr. Barnes, all of the way

1 through tabulation, there is only one ballot that is actually
2 tested and that the other testing that Mr. Barnes described was
3 testing the accuracy of the summary screen rather than the
4 accuracy of the final output.

5 Is that correct, Mr. Barnes?

6 MR. BARNES: What I was describing was the generation
7 of the test deck that has to be generated at the end of the L&A
8 testing.

9 THE COURT: Wait a second. I think we should put
10 ourselves on -- everyone but you on mute so that we make sure
11 that we --

12 Go ahead.

13 MR. BARNES: Again, what I was describing was the
14 generation of -- it is two parts. It is the L&A test to
15 validate display of ballot operation of the touchscreen being
16 receptive to touch and then the generation of the record from
17 each device that is used to organize the test deck that is then
18 scanned by the scanner.

19 So the tester wants to go through and look at each
20 race on the ballot, make sure that all the candidates are
21 displayed, make sure that all candidates are receptive to
22 touch, and take that all the way to the end of the summary
23 screen. And then they back out and continue that through all
24 positions.

25 But when they have completed that, they have to

1 produce a record. But they are only required to produce one
2 printed record from that BMD. And then they accomplish to get
3 all positions voted and a vote registered by doing the machine
4 one, the machine two, the machine three through the ballot
5 style.

6 MR. BROWN: Thanks.

7 MR. CROSS: Your Honor, could I ask a follow-up
8 question?

9 Mr. Barnes, did I understand you right so if you've
10 got -- well, let's just take a concrete example. There is a
11 Senate race this year that has, as we understand it, it sounds
12 like 20 or so candidates.

13 So that means you would generate a test ballot that
14 has -- you would generate a separate test ballot for each of
15 those candidates on however many machines correspond. Right?

16 So let's say there are 20 candidates. You would
17 generate 20 separate test ballots on 20 consecutive machines
18 selecting each candidate in turn.

19 Do I have that right?

20 MR. BARNES: What you would do -- let's say that
21 there are -- let's say that there are 20 machines. We'll make
22 a balanced number. Let's say -- actually we'll say there are
23 10 machines and there's 20 candidates.

24 Then you will start with machine one, check all the
25 races, check all of the candidates, make sure they are

1 responsive. But when you are done with that machine, at the
2 end of that machine, you would select the first candidate in
3 that Senate race and produce a ballot printout.

4 Then you would go to the second machine. The second
5 machine, again, you would check the full race, check all
6 positions, check responses. But when you are done with that,
7 you would produce one ballot from the second machine and that
8 would have the second candidate.

9 And you would repeat that process through those ten
10 machines. When you got to the 11th candidate, you would be
11 returning back to machine Number 1. And on machine Number 1,
12 you would now select -- again, you have already looked at all
13 of the candidates again already. So on that machine, you are
14 going to produce a second ballot. And that second ballot is
15 going to have the 11th candidate selected.

16 And then you will continue to proceed in that manner
17 until you have produced a record that -- a vote record that has
18 every candidate in that race voted one time.

19 MR. CROSS: And if you have got -- if the other
20 elections have fewer candidates -- right? So let's say you are
21 at candidate 6 out of the 20 and all of the other races have
22 fewer than 6 candidates, at that point forward, you would not
23 have any candidates selected on those races for the test
24 ballots?

25 MR. BARNES: That's correct.

1 MR. CROSS: So that would mean if we have got a race
2 this year of, say, 20 or so candidates, you would have a pretty
3 large number of test ballots coming out of machines that have
4 no candidate selected for some of those races?

5 MR. BARNES: That would be correct.

6 MR. CROSS: Thank you.

7 THE COURT: Just state that again, what you were
8 saying, Mr. Cross.

9 MR. CROSS: Because this year we've got a Senate race
10 that has a large number of candidates -- it sounds like 20 or
11 more -- and because once you get over -- say the next highest
12 number of votes is -- I'm trying to think of the easiest way to
13 say what I just said.

14 Once you get over the next highest number of -- say
15 every other race had two -- only two selections. Right? Once
16 you get to the race that has three or more candidates, you stop
17 selecting any candidates in all of those other races. You
18 don't go back and just select one that you have already
19 selected.

20 So that means once you get to 3, 4, 5, 6, on up
21 through 20-something candidates when you are testing it, all
22 the other races on the ballot would have no selections on any
23 of those test ballots for all of those machines. So you would
24 be going machine to machine to machine.

25 THE COURT: You are only going by position number. I

1 see.

2 MR. CROSS: So with this particular year with a race
3 with that many selections -- you are talking a pretty large
4 number of BMDs that would have test ballots with only a single
5 candidate selected, which then gets printed and tabulated.
6 Those BMDs would not have test ballots for candidates for all
7 but one race.

8 MR. RUSSO: I mean, there's always going to be
9 elections where you only have maybe one person in a race. So,
10 Mr. Barnes, that is what you would do, for example, if you had
11 a county commission race also on the ballot and you've got one
12 person in that race. Right. You would put that -- you could
13 check that person off the first -- on the first test ballot.
14 But going forward -- I mean, there is going to be other
15 contested races, of course. You know, maybe you have a house
16 race, a state house race with three candidates. So you have
17 got to go through those three times. But the county commission
18 race with only one candidate would only have -- be selected the
19 first time through.

20 MR. BARNES: Correct. Correct. And if --

21 MR. RUSSO: We have had this happen in every
22 election.

23 THE COURT: Well, I'm not sure that really helps
24 because, of course, when you have only a single -- a single
25 individual then they are in position one. So they are going to

1 be tested -- those races are all going to be counted as
2 position one.

3 The problem here we have is position -- the fact that
4 there might not be any others races that have Position 10 and
5 so -- or Position 8. So that basically in the very race that
6 sort of seemed to have -- on the ballot that had created a
7 quirk, you are going to have the least amount of L&A testing --
8 that's all -- in terms of output.

9 MR. CROSS: Well, yeah. I'm not sure that is quite
10 right, Your Honor. Let me back up.

11 They will test every candidate in that Senate race.
12 So that particular race that has a large number of
13 candidates -- right? -- that will get tested.

14 What it means is that for all of those ballots
15 beyond, say, the first three or four candidates, depending on
16 what else you have there, there will be no L&A testing for any
17 of those other races.

18 THE COURT: Right.

19 MR. RUSSO: Well, they are tested the first time. I
20 mean, I think we are saying the same thing.

21 MR. CROSS: No. No, they are not. What Mr. Barnes
22 is saying is there is no ballot that will be printed at all
23 from those BMDs that gets printed and scanned and tabulated
24 that has any candidate selected from any race other than the
25 Senate race once you get beyond the max number of candidates in

1 those other races.

2 And given a lot of those races are only going to have
3 maybe 2 or 3 candidates but we have got a race with 20 or more,
4 you are talking about maybe 50 to 20 machines each time that
5 are not having a single candidate tested to get printed and
6 scanned and tabulated.

7 MR. RUSSO: I understand what you are saying. But
8 you would have had -- that person who is -- you know, if it is
9 a race of three people, you would have had a test ballot that
10 would have had that person -- the third ballot would have been,
11 you know, in this example that you gave a race of three people.

12 Now, when you get to person four -- Mr. Barnes can
13 explain it. And if I'm wrong, I'm wrong. Mr. -- I'll let
14 Mr. Barnes explain it.

15 MR. CROSS: Because once you get to selection --
16 again, Mr. Barnes, I thought I -- let me just try my question
17 again. I thought we had it straight.

18 Let's say the maximum number of candidates on a
19 ballot was 4. That is the most you have in any race is 4,
20 except for you have got the Senate race, let's say, that has 20
21 candidates.

22 Are you with me?

23 MR. BARNES: Yes.

24 MR. CROSS: Once you get to selection five to test
25 that, meaning printing a ballot and scanning it, in the Senate

1 race, you are going to do that and that ballot is not going to
2 have any other candidate selected for the test ballot; right?

3 MR. BARNES: On that ballot style. But when there
4 are multiple ballot styles within the polling location, once
5 you complete ballot style one, you then have to do the same
6 thing for the next unique ballot style within that -- within
7 that polling location. So there is opportunity for more
8 ballots to be generated with more selections.

9 MR. CROSS: Right. But most -- particularly on
10 election day -- putting aside early voting, on election day,
11 most of your ballots -- most of your polls are going to have a
12 single ballot style; right? Otherwise, you are talking about a
13 polling site that has multiple precincts.

14 MR. BARNES: There is -- every precinct in the state
15 is different. Some only have one ballot style. Some have
16 many. It is a potpourri out there.

17 MR. CROSS: But with my example, you would have --
18 unless you are printing multiple ballot styles on that BMD, you
19 are going to have selections -- you are going to have machines
20 five through -- you are going to have 15 machines -- remaining
21 5 to 20, you are going to have 15 machines for which your test
22 ballot has only a single selected candidate just in that Senate
23 race; right?

24 MR. BARNES: The ballot that is printed for the test
25 deck, yes. But every position would have been looked at on

1 that ballot during the examination.

2 MR. CROSS: On the screen?

3 MR. BARNES: Correct.

4 MR. CROSS: And looking at the screen does not tell
5 you what actually gets tabulated; right?

6 MR. BARNES: The screen is the interaction and the
7 intent of the voter. The ballot is what will be the official
8 record.

9 MR. CROSS: Right. So --

10 THE COURT: And the next step is, of course, the
11 scanner tabulator?

12 MR. BARNES: Correct.

13 THE COURT: And you can't really test that just from
14 looking at the screen?

15 MR. BARNES: Again, that is why we produce the record
16 from the machine so that the scanner can also be used to
17 validate that what is coming from the system is what the
18 scanner then tabulates.

19 THE COURT: I think that the -- I mean, I'm not sure
20 that what is happening in the field is what you are describing.
21 But, you know, I'm just -- based on what the evidence is and
22 the way that Mr. Harvey described it but -- and why he thought
23 everything else was too burdensome.

24 But that is -- you know, I understand what you are
25 saying at this juncture. I mean, I'm looking at my -- at a

1 sample ballot here. And -- and basically when we get down to
2 number -- where we were actually thinking of four candidates,
3 we get down to the fifth one, only one of the major leaders
4 here who is in that first top four is Doug Collins.

5 So all the testing that would relate to other --
6 identified at least by the polls leaders in this race are after
7 Number 4. So testing of their -- any ballot, including them,
8 would be -- it would be fewer. But that is if it is, in fact,
9 the way it is indicated.

10 I'm just looking at Paragraph 6 of Mr. Harvey's
11 affidavit and also testimony. And I can't really know at this
12 point that what Mr. Barnes describes based on the testimony and
13 the evidence presented is exactly what is happening.

14 But, Mr. Skoglund, did you get an opportunity to be
15 present during any of the L&A testing? Remind me.

16 MR. SKOGLUND: No, Your Honor, I have not been
17 present for any of it.

18 Can I offer a thought about this?

19 THE COURT: Yes.

20 MR. SKOGLUND: So I think that, as I testified
21 before, you know, logic and accuracy testing depends on what
22 questions you are asking. Right? And the quality of the
23 question you ask depends on the quality of the test. So it
24 really makes sense to think about what questions you are
25 asking, what are you trying to find out.

1 And I think, you know, this is -- this is more logic
2 and accuracy testing that some jurisdictions do. But I think
3 that is not the standard. I think the question is: Does it
4 meet Georgia statute, which I think is quite good and quite
5 strong? I would go further, if it were me.

6 I think that the way I would do -- conduct a logic
7 and accuracy test and the way I have seen other people do it is
8 you create a spreadsheet essentially ahead of time with the
9 test pattern for votes for what you plan to do. And in that,
10 you try overvotes and undervotes and races where you vote for
11 two and the audio ballot and trying it in Spanish language.
12 And, you know, you try a variety of scenarios.

13 And then, you know, knowing that you have good
14 coverage in that spreadsheet, then you go to the machine and
15 ask each machine to accomplish that set of tests. That is
16 closer to what I think the Georgia statute requires.

17 THE COURT: Well, I just would like to know what is
18 actually going to be -- and whether everyone is going to be
19 doing something different actually. That is my concern at this
20 juncture but -- based on the evidence introduced.

21 But the other thing was simply because this was the
22 -- the alleged tweak that involving this particular ballot one
23 would really want to know it was -- all permutations of that.

24 It is hard for me to know without -- what I do know
25 is what -- the issue that Mr. Cross elicited. And it might

1 behoove the State to consider whether to modify at least this
2 in a way -- whatever the process is, if it is, in fact, like
3 what Mr. Barnes describes as opposed to the inference that was
4 given from the procedure as I identified and witnessed by
5 others who were watching the L&A testing in the last election,
6 it really behooves everyone to think about is there something
7 you want to beef up under the circumstances since you have a
8 software change particularly affecting that race.

9 I can't really say more at this juncture. I'm going
10 to go back and look. But there's really some material
11 differences between the way Mr. Barnes described it and the way
12 it was otherwise described.

13 MR. MILLER: Your Honor, I don't have the transcript
14 in front of me from the hearing, so I can't speak exactly of
15 Mr. Harvey's testimony.

16 But as far as the declaration and as I recall the
17 hearing, I think the concept was the concept that Mr. Barnes
18 described of the difference between printed ballots versus the
19 test on the screen. And so I don't think there is --

20 **(Unintelligible cross-talk)**

21 MR. MILLER: -- necessarily inconsistency there but
22 different topics.

23 THE COURT: Yeah. I mean, there is no question that
24 it was supposed to be getting at the difference as to whether
25 there was a difference between the way it tabulated and the way

1 it printed and the ballot.

2 But it was -- but it was much more helter-skelter
3 because -- as opposed to just testing one office per machine
4 and sometimes more depending on how large the ballot was. So
5 that -- I mean, that is exactly what -- not just through
6 Mr. Harvey's testimony but through the affidavit of people who
7 were witnessing it.

8 So, Mr. Harvey, are you -- is Mr. Harvey in charge of
9 giving you instructions or -- I gather? Are his folks out in
10 the field at all, or is it -- I'm not -- or is it your folks
11 who are doing the L&A testing? I mean Mr. Barnes.

12 I mean, it is somebody from the county. But who is
13 the technical adviser, if there is anyone?

14 MR. BARNES: Logic and accuracy testing is a county
15 responsibility. So it is in the hands of the county.

16 THE COURT: And do they -- are they relying then on
17 that 2000 -- January 2020 procedures manual in determining how
18 to proceed?

19 MR. BARNES: To my understanding, yes, Your Honor.

20 THE COURT: And this is not something that you have
21 given directions to anyone about in the field, I gather?

22 MR. BARNES: That would be correct.

23 THE COURT: And do you have any idea whatsoever why
24 there was an impression that it was a database that is going to
25 be distributed rather than software in the communication?

1 MR. BARNES: Your Honor, I do not know why they chose
2 the word database for distribution. It was always that
3 application install -- an application upgrade installation.

4 MR. MILLER: Your Honor, I believe we can speak to a
5 little bit of clarity on that in that the form that you saw
6 attached to the email that, I believe, Mr. Brown filed is a
7 standard form that is used when databases are delivered to say,
8 here is the schedule, here is where we're coming through.

9 And so that form didn't change because it was the
10 same type of run. So it is the same type of thing that the
11 counties are used to doing and that the investigators and
12 liaisons sent out. And, you know, frankly, I think it may have
13 been a bit of a misunderstanding amongst the county liaisons
14 who were the direct contact as to what was being delivered but
15 they knew something was being delivered on this schedule.

16 THE COURT: I would like to just take a short break
17 so I can talk to Ms. Cole privately, and then -- then we'll
18 resume.

19 MR. RUSSO: Your Honor, could we let Mr. Barnes go
20 or --

21 THE COURT: Let him stay for just a minute. I won't
22 keep him much more. Thank you.

23 **(A brief break was taken at 11:00 A.M.)**

24 THE COURT: Mr. Brown, Mr. Miller? Let me just say
25 to counsel -- and I realize this is not Mr. Barnes' direct

1 responsibility. But he also described the process as he
2 envisioned it at least and testified. So that has some value.

3 At the very least -- and I would say perhaps more
4 than that -- the procedure that was identified on the January
5 memo is susceptible to a very different interpretation or
6 multiple interpretations.

7 And given the importance of the software -- the L&A
8 testing, I can't tell you that you are mandated, but I think
9 you would be really behooved -- it would strongly behoove the
10 State in the interest of everyone involved here that there be
11 clarification of what the process is.

12 You are using -- even though it has been identified
13 as a de minimis change, even if it hadn't been a change, it
14 would have been important for there to be -- in this first use
15 statewide in a major election to have this strong L&A testing.

16 And even if it is construed the way Mr. Barnes says
17 with the effect of it after you get to position four you are
18 going to have fewer tests, you will still have a lot of tests.
19 But, you know, it would have been -- it would be a better thing
20 to have a different process for dealing with this wrinkle.

21 But even so, I don't think that -- from what the
22 evidence was in the record that it is -- that the L&A testing
23 is being pursued in the way that -- the more pristine manner
24 described by Mr. Barnes. And maybe it is in some places, but
25 in many places it is not.

1 So, you know, to the extent that, you know, it is
2 still in process, which it definitely is -- it is just
3 beginning -- I would really encourage the State to think about
4 providing clearer directions, you know, thinking about
5 having -- not just relying on a written one but having some
6 sort of video conference to discuss it. And maybe you-all feel
7 like it is not necessary and that is -- but I think the
8 evidence might point to the contrary and --

9 MR. MILLER: Your Honor, I would want to say that,
10 you know, the memorandum that Mr. Barnes drafted that was
11 distributed by the elections director, that is not in a vacuum.
12 They conduct monthly webinars. They send various instructions
13 through Firefly. And those kind of things just haven't come
14 into evidence in this case because it, frankly, wasn't at that
15 point as much of a disputed issue.

16 We, frankly, thought we were talking about malware on
17 ballot-marking devices. But suffice it to say, Your Honor,
18 that there is a significant amount of additional kind of
19 guidance and instructive material to the county superintendents
20 throughout the election process through webinars and things of
21 that nature.

22 THE COURT: Well --

23 MR. MILLER: And it touches on this and other issues.
24 And, again, I could go into things that, frankly, are
25 definitely not an issue in this case as to candidate

1 qualification challenges, things of that nature.

2 THE COURT: I think that this case deals with a
3 variety of things that relate to the machine translating the
4 vote cast by the citizen that walks into the booth or cast in a
5 different way. So I'm just -- that is -- I'm just making these
6 comments.

7 I encourage you because of the way the evidence came
8 in and what it shows. I'm not saying -- I'm not in any way
9 obviously in a position to say that you -- Mr. Miller, that the
10 individual messages haven't gone out.

11 But the -- I still have the testimony in front of me.
12 I have the January procedures, which are the official
13 procedures from the Secretary of State about doing this --
14 preparing for an election that were in front of me. And then I
15 have voters as well as others who were on the board -- on the
16 boards' affidavits. So that is what I'm relying on in just
17 mentioning it to you. But, you know --

18 MR. MILLER: I understand, Your Honor. I'm not
19 trying to add additional evidence now.

20 THE COURT: I'm talking about the long run here. My
21 interest is not -- you know, even though it is described as I'm
22 interfering, my interest is in seeing that the voting system
23 works and the voters' votes are counted and that there are no
24 screwups on elections that end up having you back in court.
25 That is -- and to deal with the case in front of me and to deal

1 with it in an honest and straightforward way.

2 And I wouldn't be having this conference otherwise so
3 I can really understand what is going on. And --

4 MR. MILLER: We understand.

5 THE COURT: So this is a change. So that is what I'm
6 dealing with.

7 I still would -- as soon as you do have the --
8 whatever the submission is from Pro V&V, I would like it to be
9 submitted on the record so that we have it. And the same
10 thing -- and what the submission is to the EAC.

11 And if there is any further clarification that is
12 provided on L&A testing, I would like to be notified of that.
13 Because right now I have -- I mean, this is exactly what I'm
14 dealing with. I have to issue an order, and I don't want my
15 order to be inaccurate in any respect factually.

16 You may contest the conclusions. But I don't want it
17 to be inaccurate. And we have all worked really long enough to
18 know that is a concern always.

19 All right. Now --

20 MR. MILLER: Yes, Your Honor. I apologize. And I do
21 just to -- as we started off today, I do just want to reiterate
22 that we are appreciative of that and your attention to this.
23 And, frankly, the Secretary has the same goal of ensuring that
24 the election can go forward in the most efficient and effective
25 manner.

1 And, Your Honor, we are appreciative and will remain
2 responsive to the Court's requests. But it is truly a -- you
3 know, we are at crunch time. And our local election officials
4 are trying to administer elections while they are performing
5 inspections for the Coalition plaintiffs. Our State election
6 officials are trying to help out. And in practical
7 realities -- and I understand the Court did not intend -- and
8 we did not intend to have a negative tone towards the Court.

9 THE COURT: All right. We'll look at -- when
10 Ms. Welch gets her transcript out, I'll determine if there are
11 any -- what portions of the video could be made available on
12 the public docket.

13 I don't want to get myself in another problem with
14 not having a hearing being in public that should be. And
15 that's really again -- and there might be nothing here that is
16 confidential.

17 But you are welcome to send me, just having
18 participated in this, any of your position about this and about
19 what portion should be in the public or if all of it can be in
20 the public.

21 If you are going to do that, just simply so I can
22 proceed on a timely basis, I would appreciate your letting me
23 know -- let's see. It is 11:00 today. If you could let us
24 know by 4:00.

25 MR. RUSSO: Your Honor, are we going to get a copy --

1 how do we go about doing that? Do we get a copy of the video?

2 I mean, I do think probably Dr. Coomer's testimony is
3 something that may not need to be public. However, I just want
4 to make sure we understand the process here. We review the
5 video and send something to you or just --

6 THE COURT: Well, I think at this point I'm not sure
7 we're going to be able to -- I have to find out from IT. If we
8 have the video, we'll give it to you. And if not, you're going
9 to have to just simply go by your recollection -- your joint
10 recollection --

11 MR. RUSSO: Okay.

12 THE COURT: -- of counsel there.

13 MR. RUSSO: You say by 4:00 today?

14 THE COURT: By 4:00. But I'll let you -- we'll let
15 you know right away whether we can get you a video.

16 MR. RUSSO: Okay. I didn't know how that -- I have
17 never had a recording.

18 THE COURT: It is either yes or no that we can do it.
19 All right.

20 MR. CROSS: Your Honor, could I ask just -- because
21 it is something that may be breaking, we have heard a lot of
22 new information today. Could we just have Dr. Halderman just
23 briefly respond to a couple of points? Because it sounds like
24 this is stuff you are considering for Your Honor's order.

25 THE COURT: All right. But I would like to release

1 Mr. Barnes so that he can go back to work, unless you have an
2 objection.

3 MR. CROSS: No.

4 MR. BROWN: No objection.

5 THE COURT: All right. Mr. Barnes, you are -- you
6 can go on with life.

7 MR. BARNES: Thank you, Your Honor.

8 THE COURT: All right. Thank you very much.

9 Go ahead.

10 MR. MILLER: Your Honor, before Dr. Halderman begins,
11 because I don't want to interrupt, we just do want to state our
12 objection on the record to the continued expansion of the
13 evidence at issue.

14 THE COURT: Well, I think that to the extent that he
15 has something useful that helps me understand what has been
16 said, I think the plaintiffs have an opportunity to --

17 MR. RUSSO: It may be -- you know, to the extent that
18 Dr. Coomer needs to listen to this -- and I don't know --

19 THE COURT: You can show -- you are welcome to try to
20 reach Dr. Coomer. But it seemed like he had a conflict.

21 MR. RUSSO: I guess I could show him the video maybe.

22 THE COURT: Or you could get Ms. Welch --

23 MR. RUSSO: And he could respond to any --

24 THE COURT: You could see if you could get her to
25 give you just his portion of the testimony.

1 MR. RUSSO: Okay. I just want to make sure we get to
2 respond since there was a disputed issue earlier between the
3 two.

4 THE COURT: Ms. Welch, are you able just to -- just
5 produce Mr. Halderman's -- we don't know how long it is. But
6 let's say it is 20 minutes. Are you able to do that -- turn
7 that around fairly quickly?

8 COURT REPORTER: I can turn it all around very
9 quickly, Judge. Whatever they ask of me, I do.

10 **(There was a brief pause in the proceedings.)**

11 THE COURT: All right. We'll get it to you one way
12 or the other. Very good.

13 Can we unmute Dr. Halderman?

14 DR. HALDERMAN: Hello. Can you hear me, Your Honor?

15 THE COURT: Yes.

16 Mr. Cross, did you want to structure this and give
17 him some questions?

18 MR. CROSS: Yeah. I mean, I think he's been
19 listening.

20 Probably the easiest way is: Dr. Halderman, it
21 sounds like there are a few points that you had to respond to.
22 Go ahead.

23 DR. HALDERMAN: Yes, of course. And however I can be
24 helpful to the Court in this manner.

25 First, just to respond to the point that Dr. Coomer

1 made about my suggestion in my most recent affidavit that
2 procedural remedies could cure this problem, I think his
3 response seems to indicate that the problem that we're
4 attempting to or the State is attempting to fix here is a
5 complex one, that it is possible to reproduce it but
6 reproducing it reliably, he testified, requires operating with
7 a simpler version of the ballot.

8 And that just gives me further concern about whether
9 the software fix can be adequately tested given the time that
10 is available.

11 Now, beyond that, I would like to reiterate the
12 substance of the security concerns that I have. We have to be
13 clear that even if the change to the source code is a small
14 one, as Dominion says it is, the process of updating this
15 software requires replacing completely the core of the Dominion
16 software on every BMD.

17 We know that because the update instructions are to
18 uninstall the APK, that is, the package that contains almost
19 all of the Dominion software that runs on the ballot-marking
20 device, and install a new APK, a new copy of all of that
21 software.

22 So this is, frankly, quite alarming from a security
23 perspective. Replacing the BMD software at this juncture so
24 close to the election is an ideal opportunity for attackers who
25 might want to infiltrate the machines.

1 If attackers have gained access to Dominion's
2 systems, to Pro V&V's systems, to the CES systems, or to the
3 county systems that are going to be creating and distributing
4 this software change, that would be an opportunity for the
5 attackers to subvert the software that runs on election day.
6 And, frankly, none of the procedures I have heard described
7 here today would be adequate to stop that.

8 So beyond the security questions, the change at this
9 point seriously concerns me from an accuracy and correctness
10 standpoint. As I said, the software change is fixing a problem
11 that is complex to reproduce. It is difficult to test to
12 ensure that the fix actually does correct that problem and
13 that -- and it is virtually impossible at this last minute to
14 thoroughly test that it doesn't create new problems.

15 So quite often last-minute changes to complex systems
16 do create other unknown consequences. And while the previous
17 version of the BMD software at least had been tested through
18 use in elections, as Dr. Coomer testified millions of voters in
19 aggregate, this new software has only existed for a matter of
20 days.

21 I myself personally have spent more time testing the
22 old version of the software than anyone has spent testing the
23 new version of the software because it has only existed for
24 such a short time.

25 Pro V&V hasn't even had an opportunity to write up

1 its findings. Those finding have not been reviewed by EAC,
2 which has introduced this de minimis testing categorization for
3 emergency fixes in small -- that are small in nature. But the
4 State isn't even following that -- that special case process
5 that has been put in place by EAC. It seems that that process
6 itself is being circumvented. It just seems quite extreme
7 in -- under these circumstances to forgo even that level of
8 compliance.

9 I wanted to just briefly address the L&A procedures
10 that we heard described. I think two key points about that are
11 that the L&A testing we have heard about would be trivial for
12 malware to detect and bypass. It has a very clear signature
13 that the BMD can see, that ballots are being printed, that are
14 being marked in the same position across every race.

15 It would be absolutely simple if you were programming
16 malware for the BMDs to have it avoid cheating on ballots that
17 are marked in the same position across each race.

18 So the security value of this L&A testing is minimal.
19 And we have also heard -- and I think this point came out
20 clearly for the first time today -- that the L&A testing isn't
21 even checking to make sure that each BMD correctly produces a
22 ballot for each -- for the entire set of candidates in every
23 race.

24 You don't have to test necessarily every permutation
25 of candidates in order to check that. But the least that I

1 would expect from an L&A procedure would be that it checks that
2 each BMD can correctly mark a ballot for each candidate.

3 And as we have heard today, because of the length of
4 the Senate race, many BMDs apparently will not even be tested
5 to make sure that they can print a ballot that is marked for
6 each candidate in the presidential race. And that concerns me
7 because a particular BMD might have a corrupted somehow copy of
8 the database -- of the programming that goes into it.

9 And the L&A procedures, as described, because they
10 don't involve printing a ballot from each BMD that has been
11 marked for every candidate, wouldn't be able to pick up that
12 problem. You have to actually test that each candidate has
13 been marked and can be tabulated correctly.

14 THE COURT: Wait a second.

15 DR. HALDERMAN: Apparently someone is sawing on the
16 outside of my building, and I may have to quickly move to
17 another room.

18 But I think I have addressed the points that I had in
19 mind. But I'm very happy to answer any questions.

20 MR. CROSS: Dr. Halderman, just a couple of follow-up
21 questions. And the Court may have questions or Mr. Russo.

22 In your experience looking at elections over the
23 years, is there any election that comes to mind where a state
24 was replacing the software with new software less than two
25 weeks before the --

1 DR. HALDERMAN: No, nothing comes to mind. This
2 is -- this is not a typical procedure to be going through. In
3 an emergency, perhaps you would need to. But even then, it
4 would be an extremely risky thing to be doing both from a
5 correctness standpoint and from a security standpoint.

6 MR. CROSS: And just two final questions. Are there
7 real world examples you have seen where a software change that
8 even had been fully vetted and was intended to fix one discrete
9 problem that that then had unintended consequences that were
10 quite significant?

11 DR. HALDERMAN: Well, the most significant recent
12 example, of course, is the 737 MAX aircraft where after most of
13 the testing had been completed Boeing introduced what they
14 believed was a relatively small design change to the control
15 system that they didn't believe needed to be rigorously tested
16 because it was the equivalent of de minimis.

17 But that unfortunately reportedly had fatal
18 consequences and has been tied to crashes that have killed
19 several hundred people. But I think that is an illustration.
20 I think it is a good parallel because both the Georgia election
21 system and the aircraft are examples of complex software
22 systems.

23 Georgia's election system is millions of lines of
24 source code that are in the Dominion products. And for that
25 reason, small, even seemingly trivial changes can have

1 consequences that are difficult to understand.

2 It is just -- it is why we normally in the voting
3 system testing and certification process demand such extended
4 testing for accuracy. That kind of testing can't necessarily
5 rule out security problems. But it does a lot to help ensure
6 that votes are going to be counted correctly in the absence of
7 an attacker.

8 And it is those processes that are being bypassed
9 here and substituted with apparently less than a week of -- of
10 very rapid-fire testing of some sort. Nothing like the testing
11 that goes into a voting system in the course of a normal
12 software change.

13 MR. CROSS: Last question, Dr. Halderman. You
14 mentioned that the LAT, the logic and accuracy testing --

15 **(There was a brief pause in the proceedings.)**

16 MR. CROSS: Dr. Halderman, you said that there is a
17 clear signature of testing under this L&A process. For
18 example, the candidates are selected in the same position.

19 DR. HALDERMAN: Yes.

20 THE COURT: Does anyone have somebody speaking in the
21 background?

22 **(There was a brief pause in the proceedings.)**

23 MR. CROSS: It seems like it got quieter. Is this
24 better?

25 Okay. Let me try it again.

1 Dr. Halderman, the question was: You said that there
2 is a clear signature for the machine to see that it is being
3 tested during the logic and accuracy testing. One example, of
4 course, is all the candidates are in the same position; right?
5 They are all selected in Position 3.

6 Just to show the Court this is not a hypothetical
7 concern, that the malware can trick the machine during testing,
8 is there a real world example of where that has happened?

9 DR. HALDERMAN: Of where malware would -- of malware
10 detecting such a thing?

11 MR. CROSS: Yes. Testing and then --

12 DR. HALDERMAN: Detecting testing. Well, of course,
13 the prominent example of that is the BMW -- excuse me -- the
14 Volkswagen emissions testing scandal, Dieselgate scandal, where
15 Volkswagen programmed its emission systems to detect -- they
16 were going through EPA testing and emit less pollutants under
17 those circumstances.

18 So the parallel here is detect that the ballot has
19 been marked in the same position across all races and in that
20 case don't cheat; otherwise, cheat with some probability. That
21 would be -- for malware running on a BMD, that would be
22 absolutely a simple thing to program.

23 MR. CROSS: Thank you, Your Honor.

24 THE COURT: Let me just make sure I understand from
25 your perspective what this meant in terms of the testing

1 that -- in terms of the printing of ballots. Any time -- any
2 ballots -- let's say that there were -- because we were using
3 the example previously of four, that there would not be ballots
4 printed with -- that would reflect any other ballot choices as
5 you -- as they -- for any of the -- any of the times where
6 people had cast ballots for candidates five and onward.

7 DR. HALDERMAN: Yes, Your Honor. My understanding of
8 the testimony we heard today is that one BMD would be used to
9 print a ballot marked in the first position across every race,
10 another the second position, another the third position, et
11 cetera and that races that had fewer than that number of
12 positions the race would just be left blank on the BMD that was
13 being tested.

14 So each BMD produces one printout that is marked in
15 one equivalent position across every race. And that, of
16 course, has the problem that for a given BMD most of the
17 possible positions that could be marked are not going to be
18 exercised all the way through being printed and being
19 tabulated.

20 So if a particular BMD has a database that is somehow
21 corrupted and programmed differently from the other BMDs under
22 testing, the problem would not be discovered.

23 THE COURT: All right. Anything else, Counsel?

24 MR. CROSS: Not for us, Your Honor. This is David
25 Cross. If they want to ask questions, they are welcome to.

1 MR. RUSSO: Your Honor, I don't think we have any
2 questions.

3 THE COURT: All right. Well, thank you-all very
4 much.

5 MR. CROSS: Your Honor, I'm sorry. There was one
6 final thing that we wanted to clear up if we could. Mr. Brown
7 sent an email in this morning. I don't know if you saw it.

8 THE COURT: No, I did not.

9 MR. CROSS: We're just trying to confirm -- Mr. Tyson
10 sent in an email indicating that there was a message that went
11 out from Mr. Harvey clarifying that there were no new databases
12 coming out as opposed to a software change. He indicated that
13 message went to the counties on Tuesday. The copies that we
14 have -- we have multiple copies from the counties -- indicated
15 it went yesterday around the same time of Mr. Tyson's email.

16 Vincent or Carey, do you know when that actually went
17 out to the counties?

18 MR. RUSSO: I mean, I believe that it is -- so we
19 looked at it earlier -- what Bruce sent. Buzz is a webface.
20 It is a web portal. So I think Mr. Harvey posted it on Buzz in
21 accordance with what Mr. Tyson represented. And the email went
22 out the following day due to however Buzz, the program,
23 populates the email that automatically goes out.

24 MR. CROSS: Okay. Thank you.

25 That is all, Your Honor. Thank you.

1 THE COURT: All right. Thank you very much. And
2 we'll be -- we'll be in touch. I mean, I'm trying to get an
3 order out this week. So I appreciate everyone scurrying to get
4 this in front of me.

5 MR. CROSS: Thank you, Your Honor.

6 MR. RUSSO: Thank you, Your Honor.

7 (The proceedings were thereby concluded at
8 11:32 A.M.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 76 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 1st day of October, 2020.

Shannon R. Welch

SHANNON R. WELCH, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

Exh. 5



OFFICE OF SECRETARY OF STATE

*I, Brad Raffensperger, Secretary of State of the State
of Georgia, do hereby certify that*

the Dominion Voting System (EAC Certification Number DVS-DemSuite5.5-A), consisting of the Democracy Suite 5.5-A Election Management System Version 5.5.12.1, EMS Adjudication Version 5.5.8.1, ImageCast X Prime (ICX BMD) Ballot Marking Device Version 5.5.10.30, ImageCast Precinct (ICP) Precinct Scanning Device Version 5.5.3-0002, and ImageCast Central (ICC) Central Scanning Device Version 5.5.3-0002, manufactured by Dominion Voting Systems, Inc., 1201 18th Street, STE 210, Denver, Colorado 80202, has been thoroughly examined and tested and found to be in compliance with the applicable provisions of the Georgia Election Code and Rules of the Secretary of State, and as a result of this inspection, it is my opinion that this kind of voting system and its components can be safely used by the electors of this state in all primaries and elections as provided in Chapter 2 of Title 21 of the Official Code of Georgia; provided however, that I hereby reserve my opinion to reexamine this voting system and its components at anytime so as to ensure that it continues to be one that can be safely used by the voters of this state.

Exh. 6



Test Report

**Dominion Voting Systems
D-Suite 5.5-A Voting System
Georgia State Certification Testing**

Approved by: Michael L. Walker

Michael Walker, VSTL Project Manager

1 INTRODUCTION

The purpose of this Test Report is to document the procedures that Pro V&V, Inc. followed to perform certification testing of the Dominion Voting Systems D-Suite 5.5-A Voting System Voting System to the requirements set forth for voting systems in the State of Georgia Election Systems Certification Program.

1.1 Authority

The State of Georgia has a unified voting system whereby all federal, state, and county elections are to use the same voting equipment. Beginning in 2020, the unified voting system shall be an optical scanning voting system with ballot marking devices.

The Georgia Board of Elections, under the authority granted to it by the Georgia Election Code, has the duty to promulgate rules and regulations to obtain uniformity in the practices and procedures of local election officials as well as to ensure the fair, legal, and orderly conduct of primaries and elections. The Georgia Board of Elections is to investigate frauds and irregularities in primaries and elections and report violations for prosecution. It can issue orders, after the completion of appropriate proceedings, directing compliance with the Georgia Election Code.

The Georgia Secretary of State is designated as the Chief Election Official and is statutorily tasked with developing, programing, building, and reviewing ballots for use by counties and municipalities on the unified voting system in the state. The Georgia Election Code provides that the Secretary of State is to examine and approve an optical scanning voting system and ballot marking devices prior to their use in the state. County Boards of Elections (CBE) may only use an optical scanning voting system and ballot marking devices that have been approved and certified and that may be continuously reviewed for ongoing certification, by the Secretary of State. The Secretary of State has authority to decertify voting systems. The Secretary of State has promulgated rules and regulations that govern the voting system certification process.

1.2 References

The documents listed below were utilized in the development of this Test Report:

- Election Assistance Commission Testing and Certification Program Manual, Version 2.0
- Election Assistance Commission Voting System Test Laboratory Program Manual, Version 2.0

- National Voluntary Laboratory Accreditation Program NIST Handbook 150, 2016 Edition, “NVLAP Procedures and General Requirements (NIST HB 150-2016)”, dated July 2016
- National Voluntary Laboratory Accreditation Program NIST Handbook 150-22, 2008 Edition, “Voting System Testing (NIST Handbook 150-22)”, dated May 2008
- Pro V&V, Inc. Quality Assurance Manual, Revision 7.0
- United States 107th Congress Help America Vote Act (HAVA) of 2002 (Public Law 107-252), dated October 2002
- Dominion Voting Systems D-Suite 5.5-A Technical Data Package

1.3 Terms and Abbreviations

The terms and abbreviations applicable to the development of this Test Plan are listed below:

“BMD” – Ballot Marking Device

“COTS” – Commercial Off-The-Shelf

“EAC” – Election Assistance Commission

“EMS” – Election Management System

“FCA” – Functional Configuration Audit

“PCA” – Physical Configuration Audit

“TDP” – Technical Data Package

“VSTL” – Voting System Test Laboratory

“2005 VVSG” – EAC 2005 Voluntary Voting Systems Guidelines

1.4 Background

The State of Georgia identified the Dominion Voting Systems D-Suite 5.5-A Voting System to be evaluated as part of this test campaign. This report documents the findings from that evaluation.

functions, which are essential to the conduct of an election in the State of Georgia, were evaluated.

The scope of this testing event incorporated a sufficient spectrum of physical and functional tests to verify that the D-Suite 5.5-A Voting System conformed to the State of Georgia requirements. Specifically, the testing event had the following goals:

- Ensure proposed voting systems provide support for all Georgia election management requirements (i.e. ballot design, results reporting, recounts, etc.).
- Simulate pre-election, Election Day, absentee, recounts, and post-election activities on the corresponding components of the proposed voting systems for the required election scenarios.

2 TEST CANDIDATE

The D-Suite 5.5-A Voting System is a paper-based optical scan voting system consisting of the following major components: The Election Management System (EMS), the ImageCast Central (ICC), the ImageCast Precinct (ICP), and the ImageCast X (ICX) BMD. The D-Suite 5.5-A Voting System configuration is a modification from the EAC approved D-Suite 5.0 system configuration. The D-Suite 5.5-A Voting System will be configured with the KNOWiNK Pollpad which utilizes the ePulse Epoll data management system, for voter registration purposes.

The following table provides the software and hardware components of the D-Suite 5.5-A Voting System that were tested, identified with versions and model numbers:

Table 2-1 D-Suite 5.5-A Voting System

D-Suite 5.5-A Voting System Component	Firmware/Software Version	Hardware Model
<i>Software Applications</i>		
EMS Election Event Designer (EED)	5.5.12.1	---
EMS Results Tally and Reporting (RTR)	5.5.12.1	---
EMS Application Server	5.5.12.1	---
EMS File System Service (FSS)	5.5.12.1	---
EMS Audio Studio (AS)	5.5.12.1	---
EMS Data Center Manager (DCM)	5.5.12.1	---
EMS Election Data Translator (EDT)	5.5.12.1	---
ImageCast Voter Activation (ICVA)	5.5.12.1	---

Table 2-1 D-Suite 5.5-A Voting System (continued)

D-Suite 5.5-A Voting System Component	Firmware/Software Version	Hardware Model
Device Configuration File (DCF)	5.4.01 20170521	---
<i>Polling Place Scanner (PPS) and Peripherals</i>		
ImageCast Precinct (ICP)	5.5.3-0002	PCOS-320C
ICP Ballot Box	---	BOX-330A
<i>EMS Standard Configuration</i>		
Dell Server R640	---	R640
Dell Precision 3430	---	3430
Dell Network Switch	---	X10206P
<i>EMS Express Configuration</i>		
Dell Precision 3420	---	3420
Dell Monitor	---	P2419H
Dell Network Switch	---	X1008
<i>Central Scanning Device (CSD) Components</i>		
ImageCast Central	5.5.3.0002	---
Canon DR-G1130 Scanner	---	DR-G1130
Canon DR-M160II Scanner	---	DR-M160II
Dell Optiplex 3050AIO Computer	Windows 10 Pro	3050AIO
<i>ADA Compliant Ballot Marking Device</i>		
Avalue ImageCast X Prime 21" BMD	5.5.10.30	HID-21V
HP M402dne Printer	---	M402dne
<i>ePollbook Solution</i>		
KNOWiNK Poll Pad	---	iPad Air Rev. 2
KNOWiNK ePulse Epoll Data Management System	---	---

2.1 Testing Configuration

The following is a breakdown of the D-Suite 5.5-A Voting System components and configurations for the test setup:

Standard Testing Platform (D-Suite 5.5-A):

The system will be configured in the EMS Standard configuration with an Adjudication Workstation. This platform will be used to test all components included in the election

The precinct polling station setup will consist of ImageCast X Prime 21” BMD’s and ImageCast Precinct tabulators with plastic ballot boxes. The ImageCast X Prime 21” BMD’s will be set up as accessible voting stations.

The KNOWiNK Epollbook solution consisting of the Poll Pad and ePulse Epoll data management system, will be setup and interfaced as required with the EMS Standard configuration.

Dominion Voting Systems is expected to provide all previously identified software and equipment necessary for the test campaign along with the supporting materials listed in section 2.2. The State of Georgia is providing the election definitions and ballots.

Express Testing Platform (D-Suite 5.5-A):

The system will be configured in the EMS Express configuration. This platform will be used to test all scenarios as provided by the election definition.

The central office setup will be an EMS Express configuration accompanied by both Canon DR-G1130 and Canon DR-M160II Central Scan tabulators and their associated PC’s.

The precinct polling station setup will consist of ImageCast X Prime 21” BMD’s and ImageCast Precinct tabulators with plastic ballot boxes. The ImageCast X Prime 21” BMD’s will be set up as accessible voting stations.

The KNOWiNK Epollbook solution consisting of the Poll Pad and ePulse Epoll data management system, will be setup and interfaced as required with the EMS Standard configuration.

Dominion Voting Systems provided all previously identified software and equipment necessary for the test campaign along with the supporting materials ,election definitions, and ballots

2.2 Test Support Equipment/Materials

The following materials, if required, were supplied by Dominion Voting Systems to facilitate testing:

- USB Flash Drives

- Ballot Paper
- Marking Devices
- Pressurized air cans
- Lint-free cloth
- Cleaning pad and isopropyl alcohol
- Labels
- Other materials and equipment as required

3 TEST PROCESS AND RESULTS

The following sections outline the test process that was followed to evaluate the D-Suite 5.5-A Voting System under the scope defined in Section 1.5.

3.1 General Information

All testing was conducted under the guidance of Pro V&V by personnel verified by Pro V&V to be qualified to perform the testing. The examination was performed at the Pro V&V, Inc. test facility located in Cummings Research Park, Huntsville, AL.

3.2 Testing Initialization

Prior to execution of the required test scenarios, the systems under test underwent testing initialization to establish the baseline for testing and ensure that the testing candidate matched the expected testing candidate and that all equipment and supplies were present.

The following were completed during the testing initialization:

- Ensure proper system of equipment. Check connections, power cords, keys, etc.
- Check version numbers of (system) software and firmware on all components.
- Verify the presence of only the documented COTS.
- Ensure removable media is clean
- Ensure batteries are fully charged.
- Inspect supplies and test decks

- Retain proof of version numbers.

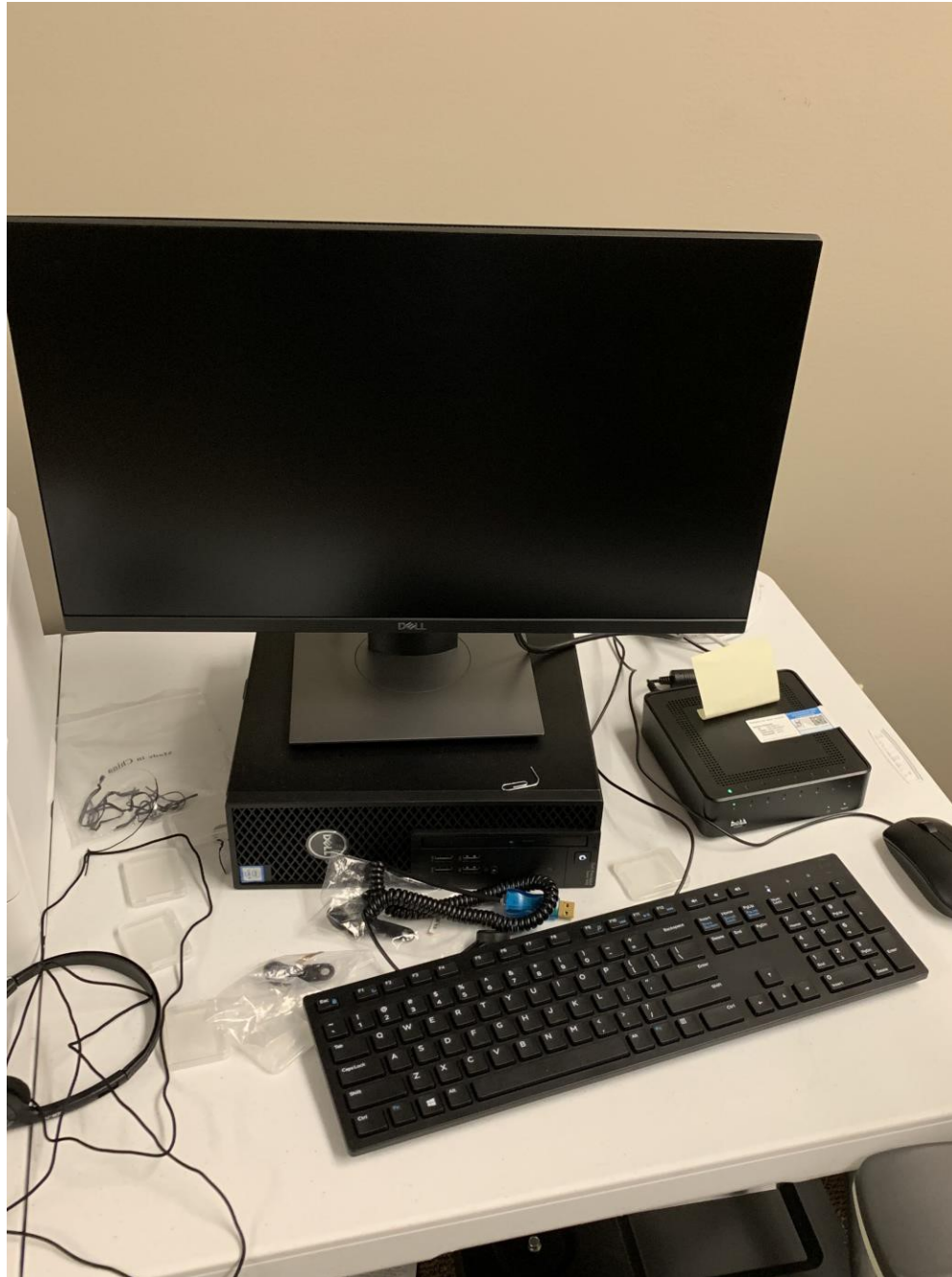
3.3 Summary Findings

The voting system was evaluated against the requirements set forth for voting systems by the State of Georgia. A Conditions of Satisfaction Checklist was developed based on each identified test requirements. Throughout the test campaign, Pro V&V executed tests, inspected resultant data and performed technical documentation reviews to ensure that each applicable requirement was met. The Conditions of Satisfaction Checklist is presented in Section 4 of this test report. The Summary Findings from each area of evaluation are presented in the following sections.

3.3.1 Physical Configuration Audit (PCA) and Setup

Prior to test initiation, the D-Suite 5.5-A Voting System was subjected to a Physical Configuration Audit (PCA) to baseline the system and ensure all items necessary for testing were present. This process included validating that the hardware and software components received for testing matched hardware and software components proposed and demonstrated to the State during the RFP process. This process also included validating that the submitted components matched the software and hardware components which have obtained EAC certification to the Voluntary Voting System Guidelines (VVSG) Standard 1.0, by comparing the submitted components to the published EAC Test Report. The system was then setup as designated by the manufacturer supplied Technical Documentation Package (TDP).

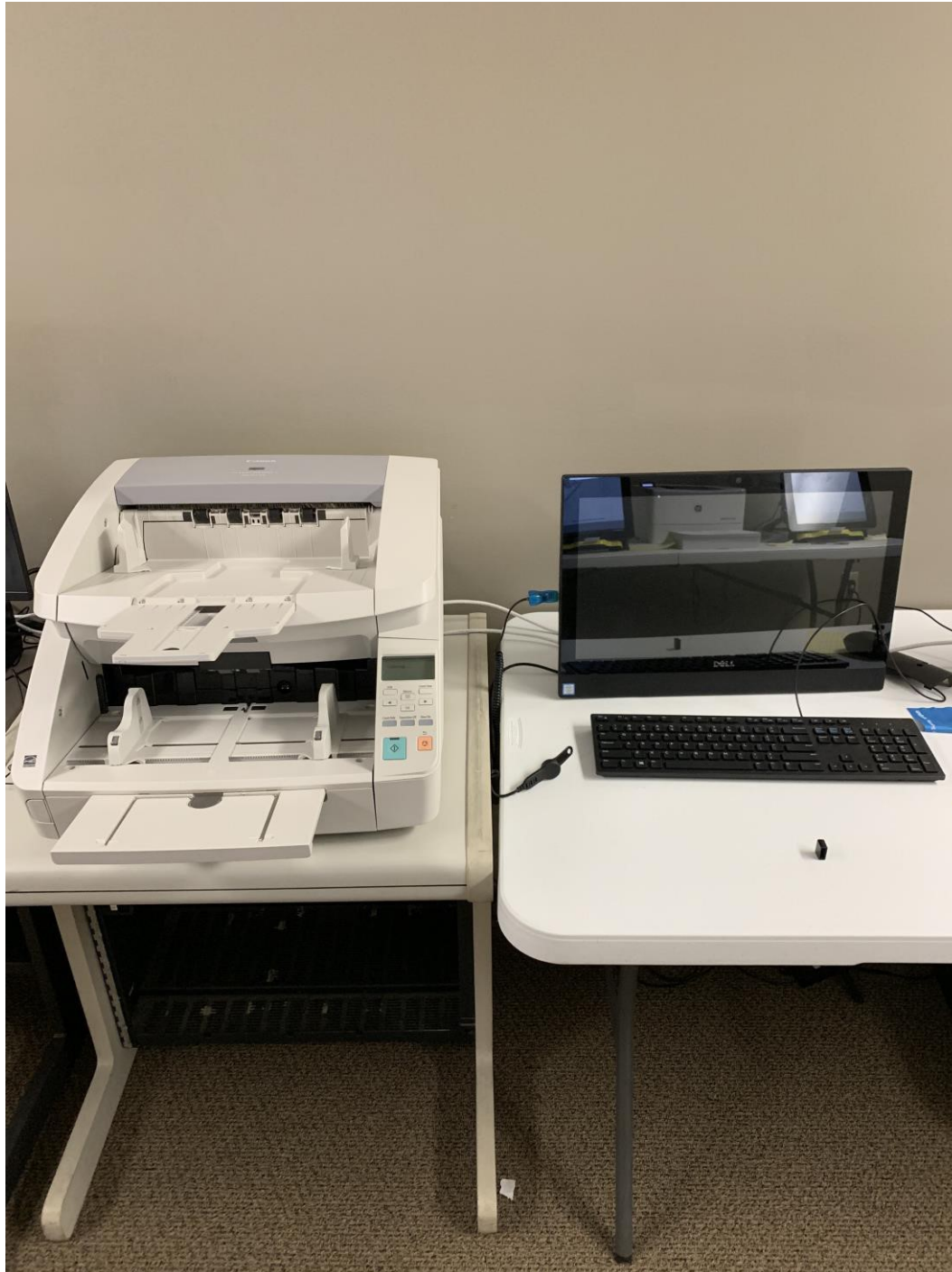
Photographs of the system components, as configured for testing, are presented below:



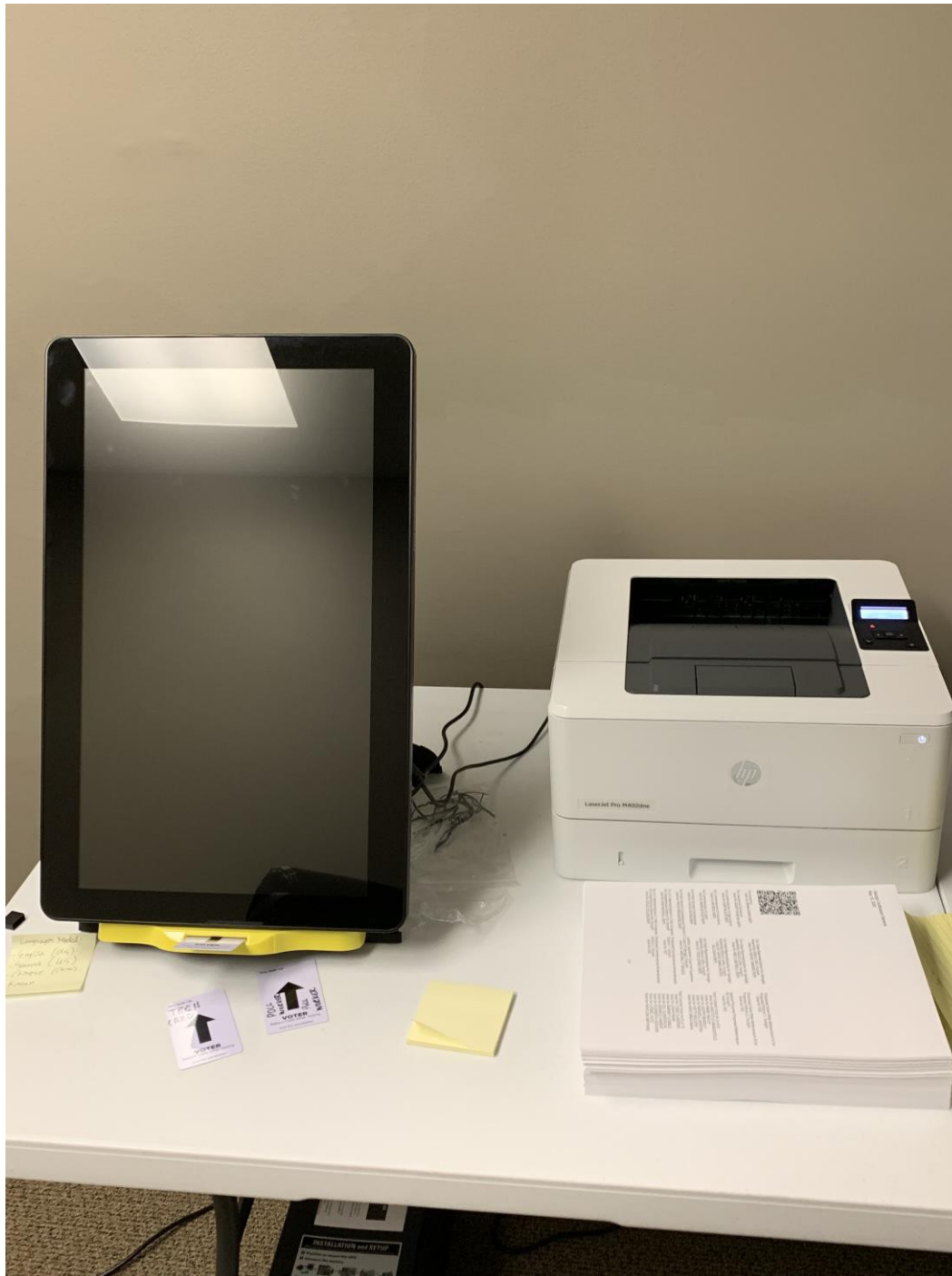
Photograph 1: EMS Express Configuration



Photograph 2: EMS Standard Configuration









Photograph 6: ePollbok

A pre-certification election was then loaded and an Operational Status Check was performed to verify satisfactory system operation. The Operational Status Check consisted of processing ballots and verifying the results obtained against known expected results from pre-determined

Summary Findings

During execution of the test procedure, the components of the D-Suite 5.5-A system were documented by component name, model, serial number, major component, and any other relevant information needed to identify the component. For COTS equipment, every effort was made to verify that the COTS equipment had not been modified for use. Additionally, the Operational Status Check was successfully completed with all actual results obtained during test execution matching the expected results.

3.3.2 System Level Testing

System Level Testing included the Functional Configuration Audit (FCA), the Accuracy Test, the Volume and Stress Test, and the System Integration Test. This testing included all proprietary components and COTS components (software, hardware, and peripherals).

During System Level Testing, the system was configured exactly as it would for normal field use per the manufacturer. This included connecting the supporting equipment and peripherals.

3.3.2.1 Functional Configuration Audit (FCA)

The Functional Configuration Audit (FCA) encompassed an examination of the system to the requirements set forth by the State of Georgia Election Systems Certification Program as designed in the Test Plan, and which are included in this report in the Conditions of Satisfaction Checklist.

Summary Findings

The D-Suite 5.5-A system successfully passed the FCA Tests without any noted issues. The individual testing requirements and their results can be seen in the included Conditions of Satisfaction Checklist.

3.3.2.2 Accuracy Testing

The Accuracy Test ensured that each component of the voting system could process at least 1,549,703 consecutive ballot positions correctly within the allowable target error rate. The Accuracy Test is designed to test the ability of the system to “capture, record, store, consolidate and report” specific selections and absences of a selection. The required accuracy is defined as

Summary Findings

The D-Suite 5.5-A system successfully passed the Accuracy Test. It was noted during test performance that the ICP under test experienced a memory lockup after scanning approximately 4500 ballots. The issue was presented to Dominion for resolution. Dominion provided the following analysis of the issue:

The ICP uClinux operating system does not have a memory management unit (MMU) and, as such, it can be susceptible to memory fragmentation. The memory allocation services within the ICP application are designed to minimize the effects of memory fragmentation. However, if the ICP scans a large number of ballots (over 4000), without any power cycle, it can experience a situation where the allocation of a large amount of memory can fail at the Operating System level due to memory fragmentation across the RAM. This situation produces an error message on the ICP which requires the Poll Worker to power cycle the unit, as documented. Once restarted, the ICP can continue processing ballots without issue. All ballots scanned and counted prior to the power cycle are still retained by the unit; there is no loss in data.

Pro V&V performed a power cycle, as instructed by Dominion, and verified that the issue was resolved and that the total ballot count was correct. Scanning then resumed with no additional issues noted.

A total of 1,569,640 voting positions were processed on the system with all actual results verified against the expected results. The individual testing requirements and their results can be seen in the included Conditions of Satisfaction Checklist.

3.3.2.3 Volume and Stress Testing

The Volume & Stress Tests consisted of tests designed to investigate the system's ability to meet the requirement limits and conditions set forth by the State of Georgia Election Systems Certification Program as designed in the Test Plan, and which are included in this report in the Conditions of Satisfaction Checklist.

Summary Findings

The D-Suite 5.5-A system successfully passed the Volume and Stress Tests without any noted issues. The individual testing requirements and their results can be seen in the included

3.3.2.4 System Integration Test

System Integration is a system level test that evaluates the integrated operation of both hardware and software. System Integration tests the compatibility of the voting system software components, or subsystems, with one another and with other components of the voting system environment. This functional test evaluates the integration of the voting system software with the remainder of the system.

During test performance, the system was configured as it would be for normal field use, with a new election created on the EMS and processed through the system components to final results.

Summary Findings

The D-Suite 5.5-A system successfully passed the System Integration Test without any noted issues. The individual testing requirements and their results can be seen in the included Conditions of Satisfaction Checklist.

3.3.3 e-Pollbook Testing

The ePollbook Test evaluated the ability of the designated ePollbook to produce voter activation cards that could be successfully processed by the BMD.

Summary Findings

The D-Suite 5.5-A system successfully passed the ePollbook Test without any noted issues. The individual testing requirements and their results can be seen in the included Conditions of Satisfaction Checklist.

3.3.4 Ballot Copy Testing

The Ballot Copy Test evaluated the ability of a photocopy of a ballot produced by the system to be successfully processed by the system's tabulators.

Summary Findings

The D-Suite 5.5-A system successfully passed the Ballot Copy Test without any noted issues. The individual testing requirements and their results can be seen in the included Conditions of

3.3.5 Trusted Build and Software Hash Delivery

At test campaign conclusion, HASH signatures and software installation packets of the tested software were generated for delivery to the State of Georgia.

4 Conditions of Satisfaction

The voting system was evaluated against the requirements set forth for voting systems by the EAC 2005 VVSG and the State of Georgia. Throughout this test campaign, Pro V&V executed tests, inspected resultant data and performed technical documentation reviews to ensure that each applicable requirement was met. The Conditions of Satisfaction Checklist developed for this test campaign is presented in Table 4-1.

Table 4-1 Conditions of Satisfaction Checklist

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
FCA	Single FCA Test Election database(s) containing Republican and Democratic Primaries (Open Primary) and one Non-Partisan election	PASS
FCA	Database is being built for a single county jurisdiction	PASS
FCA	Republican Primary = 5 Races (1 statewide, 2 countywide, 3 county district level)	PASS
FCA	Democratic Primary = 5 Races (1 statewide, 1 countywide, 1 state district level, 2 county district level)	PASS
FCA	Non-Partisan Election = 1 Race (1 statewide)	PASS
FCA	Republican and Democratic races contain 1 to 8	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
FCA	Non-Partisan race contains 4 candidates and 1 write-in	PASS
FCA	All races are Vote for One	PASS
FCA	County contains 5 Precincts, for results reporting purposes	PASS
FCA	Each precinct is split at both state district and county district level	PASS
FCA	Election Day Voting [4 total], 1 Vote Center containing 2 precincts	PASS
FCA	Election Day Voting [4 total], 3 Polling Locations containing 1 precinct each	PASS
FCA	Advance Voting [2 total], Each polling location houses all 5 Precincts	PASS
FCA	Prepare election media from EMS to program PPS's (Polling Place Scanners) and BMD's for Advance Voting Polling locations	PASS
FCA	Prepare election media from EMS to program PPS's and BMD's for Election Day Polling locations	PASS
FCA	Prepare election media from EMS to program CSD's (Central Scan Devices) system for processing of mail-out absentee ballots and provisional ballots	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
FCA	Prepare election media from EMS to program CSD's for processing Advance Voting ballots generated by BMDs	PASS
FCA	Prepare election media from EMS to program CSD's for processing Election Day ballots generated by BMDs	PASS
FCA	Produce watermarked Sample ballots for public distribution	PASS
FCA	Prepare a test deck (Deck 1) of voted ballots with a known result using all available vote positions on all ballot styles generated by the test scenario, including write-ins, overvotes, undervotes, and blank ballots.	PASS
FCA	Prepare an Absentee test deck (Deck 2) of voted absentee ballots with a known result, to be used on the CSD, including write-ins, overvoted races, and blank ballots.	PASS
FCA	Vote test deck (Deck 1) on each BMD and print BMD ballots for each ballot in the test deck	PASS
FCA	Scan ballots created from the BMD's into the associated PPS's	PASS
FCA	Scan the Absentee test deck (Deck 2) on the CSD and confirm the CSD separates ballots by various conditions for physical review when scanning (i.e..	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
FCA	Prepare printouts from PPS's documenting results tabulated and verify them against test deck	PASS
FCA	Prepare printouts from CSD documenting results tabulates and verify them against test deck	PASS
FCA	Scan ballots created from BMD's on the CSD	PASS
FCA	Prepare printouts from CSD documenting results tabulated and verify them against Absentee test deck (Deck 2)	PASS
FCA	Upload to EMS the election media used in PPS and CSD devices	PASS
FCA	Prepare printouts from EMS documenting the results tabulated and verify them against test deck contents	PASS
FCA	Prepare printouts documenting results at various reporting levels:	PASS
FCA	Prepare printouts documenting results at various reporting levels: Precinct	PASS
FCA	Prepare printouts documenting results at various reporting levels: Polling Place	PASS
FCA	Prepare printouts documenting results at various reporting levels: vote Type	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
Accuracy	General election	PASS
Accuracy	21 Contests in election	PASS
Accuracy	2 Column Ballot	PASS
Accuracy	5 Precincts	PASS
Accuracy	Election is produced at County Level	PASS
Accuracy	No Counting Groups	PASS
Accuracy	Incumbency is supported	PASS
Accuracy	No Straight Party Voting	PASS
Accuracy	Non-Partisan contests only (Candidates are not directly linked to parties, but are labeled by party on the ballot)	PASS
	Parties (for labeling purposes): o Democratic	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
Accuracy	Write-Ins present in all races	PASS
Accuracy	Proposed State Wide Referendums	PASS
Accuracy	Advance Voting (Early Voting)	PASS
Accuracy	Elections for Judges are Non-Partisan	PASS
Accuracy	N of M Voting o Test N of M – 6 of 8 o Test N of M – 8 of 10	PASS
Accuracy	1000 Ballots printed from BMD using 3 units as follows (Unit 1: 250 ballots, unit 2: 250 ballots, unit 3: 500 ballots)	PASS
Accuracy	Run the Accuracy Test Election on BMD & Verify results against known expected results	PASS
Accuracy	Run the Accuracy Test Election on PPS & Verify results against known expected results	PASS
Accuracy	Run the Accuracy Test Election on CSD & Verify results against known expected results	PASS
Accuracy	Reporting: Winners: Contest reports review	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
Accuracy	Election Night Reporting: Export Election Night Results in the following formats: o Common Data Format (CDF)	PASS
Accuracy	Election Night Reporting: Export Election Night Results in the following formats: o Non-CDF	PASS
Accuracy	Accuracy in ballot counting and tabulation shall achieve 100% for all votes cast (1,549,703 ballot positions)	PASS
V&S	Volume & Stress Open Primary Election	PASS
V&S	400 Precincts	PASS
V&S	1 County	PASS
V&S	150 Ballot Styles	PASS
V&S	30 Ballot Styles in 1 Precinct	PASS
V&S	3 Languages (English, Spanish, Korean)	PASS
		PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
V&S	30 candidates in 1 contest	PASS
V&S	Referendum (Approximately 15000 words)	PASS
V&S	Referendum: Test using 10pt Arial Font (Currently used in State of Georgia)	PASS
V&S	Referendum: Test using 12pt Sans Serif font (To Accommodate future changes)	PASS
V&S	Referendum: Verify at Normal Size	PASS
V&S	Referendum: Verify when Zoomed-In (Text size increased)	PASS
V&S	Candidate Name Lengths – (Must support 25 characters) – Verify to make sure they display properly	PASS
V&S	Candidate Name Lengths – Check Translations	PASS
V&S	Candidate Name Lengths – Check appearance on BMD Printed Ballot	PASS
V&S	Candidate Name Lengths – Check appearance on Ballot Review Screen	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
V&S	Tabulator Reports – Tabulators print 3 copies of Zero Proof Reports, and Results Reports	PASS
V&S	Run the V&S Test Election on BMD & Verify results against known expected results	PASS
V&S	Run the V&S Test Election on PPS & Verify results against known expected results	PASS
V&S	Run the V&S Test Election on CSD & Verify results against known expected results	PASS
V&S	Reporting: Winners: Contest reports review	PASS
V&S	Reporting: Results: Precinct summary reports, precinct-based reporting, reporting by Congressional District Level	PASS
Epollbook	Verify that the Pollbook can program voter activation cards for BMD	PASS
Epollbook	Verify that voter activation cards activate the correct ballot styles when used on the BMD's	PASS
Ballot Copy	Verify whether or not a ballot produced by the BMD, can be photocopied, and then have the photocopied ballot be successfully cast on:	PASS

Table 4-1 Conditions of Satisfaction Checklist *(continued)*

DOMINION Conditions of Satisfaction Checklist		
Area	Condition	Test Result
System Integration	Run the SI Test Election on BMD & Verify results against known expected results	PASS
System Integration	Run the SI Test Election on PPS & Verify results against known expected results	PASS
System Integration	Run the SI Test Election on CSD & Verify results against known expected results	PASS
System Integration	Reporting: Winners: Contest reports review	PASS
System Integration	Reporting: Results: Precinct summary reports, precinct-based reporting, reporting by Congressional District Level	PASS

Exh. 7

Accepted for publication in *Election Law Journal*

Ballot-Marking Devices (BMDs) Cannot Assure the Will of the Voters

Andrew W. Appel[†]
Princeton University

Richard A. DeMillo[†]
Georgia Tech

Philip B. Stark[†]
Univ. of California, Berkeley

February 14, 2020

Abstract

The complexity of U.S. elections usually requires computers to count ballots—but computers can be hacked, so election integrity requires a voting system in which paper ballots can be recounted by hand. However, paper ballots provide no assurance unless they accurately record the votes as expressed by the voters.

Voters can express their intent by indelibly hand-marking ballots, or using computers called ballot-marking device (BMDs). Voters can make mistakes in expressing their intent in either technology, but only BMDs are also subject to hacking, bugs, and misconfiguration of the software that prints the marked ballots. Most voters do not review BMD-printed ballots, and those who do often fail to notice when the printed vote is not what they expressed on the touchscreen. Furthermore, there is no action a voter can take to demonstrate to election officials that a BMD altered their expressed votes, nor is there a corrective action that election officials can take if notified by voters—there is no way to deter, contain, or correct computer hacking in BMDs. These are the essential security flaws of BMDs.

Risk-limiting audits can assure that the votes recorded on paper ballots are tabulated correctly, but no audit can assure that the votes on paper are the ones expressed by the voter on a touchscreen: Elections conducted on current BMDs cannot be confirmed by audits. We identify two properties of voting systems, *contestability* and *defensibility*, necessary for audits to confirm election outcomes. No available EAC-certified BMD is contestable or defensible.

[†]Authors are listed alphabetically; they contributed equally to this work.

1 Introduction: Criteria for Voting Systems

Elections for public office and on public questions in the United States or any democracy must produce outcomes based on the votes that voters *express* when they indicate their choices on a paper ballot or on a machine. Computers have become indispensable to conducting elections, but computers are vulnerable. They can be hacked—compromised by insiders or external adversaries who can replace their software with fraudulent software that deliberately miscounts votes—and they can contain design errors and bugs—hardware or software flaws or configuration errors that result in misrecording or mis-tabulating votes. Hence there must be some way, *independent* of any software in any computers, to ensure that reported election outcomes are correct, i.e., consistent with the expressed votes as intended by the voters.

Voting systems should be *software independent*, meaning that “an undetected change or error in its software cannot cause an undetectable change or error in an election outcome” [30, 31, 32]. Software independence is similar to tamper-evident packaging: if somebody opens the container and disturbs the contents, it will leave a trace.

The use of software-independent voting systems is supposed to ensure that if someone fraudulently hacks the voting machines to steal votes, we’ll know about it. But we also want to know *the true outcome* in order to avoid a do-over election.¹ A voting system is *strongly software independent* if it is software independent and, moreover, a detected change or error in an election outcome (due to change or error in the software) can be corrected using only the ballots and ballot records of the current election [30, 31]. Strong software independence combines tamper evidence with a kind of resilience: there’s a way to tell whether faulty software caused a problem, and a way to recover from the problem if it did.

Software independence and *strong software independence* are now standard terms in the analysis of voting systems, and it is widely accepted that voting systems should be software independent. Indeed, version 2.0 of the Voluntary Voting System Guidelines (VVSG 2.0) incorporates this principle [11].

But as we will show, these standard definitions are incomplete and inadequate, because the word *undetectable* hides several important questions: *Who* detects the change or error in an election outcome? How can a person *prove* that she has detected an er-

¹Do-overs are expensive; they may delay the inauguration of an elected official; there is no assurance that the same voters will vote in the do-over election as voted in the original; they decrease public trust. And if the do-over election is conducted with the same voting system that can only detect but not correct errors, then there may need to be a do-over of the do-over, *ad infinitum*.

ror? *What happens* when someone detects an error—does the election outcome remain erroneous? Or conversely: How can an election administrator *prove* that the election outcome not been altered, or prove that the correct outcome was recovered if a software malfunction was detected? The standard definition does not distinguish evidence available to an election official, to the public, or just to a single voter; nor does it consider the possibility of false alarms.

Those questions are not merely academic, as we show with an analysis of ballot-marking devices. Even if some *voters* “detect” that the printed output is not what they expressed to the BMD—even if some of *those* voters report their detection to election officials—there is no mechanism by which the *election official* can “detect” whether a BMD has been hacked to alter election outcomes. The questions of *who detects, and then what happens*, are critical—but unanswered by the standard definitions.

We will define the terms *contestable* and *defensible* to better characterize properties of voting systems that make them acceptable for use in public elections.²

A voting system is *contestable* if an undetected change or error in its software that causes a change or error in an election outcome can always produce *public* evidence that the outcome is untrustworthy. For instance, if a voter selected candidate A on the touchscreen of a BMD, but the BMD prints candidate B on the paper ballot, then this A-vs-B evidence is available to the individual voter, but the voter cannot demonstrate this evidence to anyone else, since nobody else saw—nor should have seen—where the voter touched the screen.³ Thus, the voting system does not provide a way for the voter who observed the misbehavior to prove to anyone else that there was a problem, even if the problems altered the reported outcome. Such a system is therefore not *contestable*.

While the definition of software independence might allow evidence available only to individual voters as “detection,” such evidence does not suffice for a system to be contestable. Contestability is software independence, plus the requirement that “detect” implies “can generate public evidence.” “Trust me” does not count as public evidence. If a voting system is not contestable, then problems voters “detect” might never see the light of day, much less be addressed or corrected.⁴

²There are other notions connected to contestability and defensibility, although essentially different: Benaloh et al. [6] define a *P-resilient canvass framework*, *personally verifiable P-resilient canvass framework*, and *privacy-perserving personally verifiable P-resilient canvass frameworks*.

³See footnote 17.

⁴If voters are the only means of detecting and quantifying the effect of those problems—as they are for BMDs—then in practice the system is not strongly software independent. The reason is that, as we will show, such claims by (some) voters *cannot* correct software-dependent changes to other voters’ ballots, and *cannot* be used as the basis to invalidate or correct an election outcome. Thus, BMD-based

Similarly, while strong software independence demands that a system be able to report the correct outcome even if there was an error or alteration of the software, it does not require *public evidence* that the (reconstructed) reported outcome is correct. We believe, therefore, that voting systems must also be *defensible*. We say that a voting system is defensible if, when the reported electoral outcome is correct, it is possible to generate convincing public evidence that the reported electoral outcome is correct—despite any malfunctions, software errors, or software alterations that might have occurred. If a voting system is not defensible, then it is vulnerable to “crying wolf”: malicious actors could claim that the system malfunctioned when in fact it did not, and election officials will have no way to prove otherwise.

By analogy with *strong software independence*, we define: A voting system is *strongly defensible* if it is defensible and, moreover, a detected change or error in an election outcome (due to change or error in the software) can be corrected (with convincing public evidence) using only the ballots and ballot records of the current election.

In short, a system is contestable if it can generate public evidence of a problem whenever a reported outcome is wrong, while a system is defensible if it can generate public evidence whenever a reported outcome is correct—despite any problems that might have occurred. Contestable systems are publicly tamper-evident; defensible systems are publicly, demonstrably resilient.

Defensibility is a key requirement for *evidence-based elections* [39]: defensibility makes it possible in principle for election officials to generate convincing evidence that the reported winners really won—if the reported winners did really win. (We say an election *system* may be defensible, and an *election* may be evidence-based; there’s much more *process* to an election than just the choice of system.)

Examples. The only known practical technology for contestable, strongly defensible voting is a system of *hand-marked paper ballots*, kept demonstrably physically secure, counted by machine, audited manually, and recountable by hand.⁵ In a hand-marked paper ballot election, ballot-marking software cannot be the source of an error or change-of-election-outcome, because no software is used in marking ballots. Ballot-scanning-and-counting software can be the source of errors, but such errors can be

election systems are not even (weakly) software independent, unless one takes “detection” to mean “somebody claimed there was a problem, with no evidence to support that claim.”

⁵The election must also generate convincing evidence that physical security of the ballots was not compromised, and the audit must generate convincing public evidence that the audit itself was conducted correctly.

detected and corrected by audits.

That system is *contestable*: if an optical scan voting machine reports the wrong outcome because it miscounted (because it was hacked, misprogrammed, or miscalibrated), the evidence is *public*: the paper ballots, recounted before witnesses, will not match the claimed results, also witnessed. It is *strongly defensible*: a recount before witnesses can demonstrate that the reported outcome is correct, or can find the correct outcome if it was wrong—and provide public evidence that the (reconstructed) outcome is correct. See Section 4 for a detailed analysis.

Over 40 states now use some form of paper ballot for most voters [19]. Most of the remaining states are taking steps to adopt paper ballots. But *not all voting systems that use paper ballots are equally secure*.

Some are not even software independent. Some are software independent, but not strongly software independent, contestable, or defensible. In this report we explain:

- *Hand-marked paper ballot* systems are the only practical technology for contestable, strongly defensible voting systems.
- *Some ballot-marking devices (BMDs)* can be software independent, but they not strongly software independent, contestable, or defensible. Hacked or misprogrammed BMDs can alter election outcomes undetectably, so elections conducted using BMDs cannot provide public evidence that reported outcomes are correct. If BMD malfunctions are detected, there is no way to determine who really won. Therefore BMDs should not be used by voters who are able to mark an optical-scan ballot with a pen.
- *All-in-one BMD or DRE+VVPAT voting machines* are not software independent, contestable, or defensible. They should not be used in public elections.

2 Background

We briefly review the kinds of election equipment in use, their vulnerability to computer hacking (or programming error), and in what circumstances risk-limiting audits can mitigate that vulnerability.

Voting equipment

Although a voter may form an intention to vote for a candidate or issue days, minutes, or seconds before actually casting a ballot, that intention is a psychological state that cannot be directly observed by anyone else. Others can have access to that intention through what the voter (privately) *expresses* to the voting technology by interacting with it, e.g., by making selections on a BMD or marking a ballot by hand.⁶ Voting systems must accurately record the vote as the voter *expressed* it.

With a *hand-marked paper ballot optical-scan* system, the voter is given a paper ballot on which all choices (candidates) in each contest are listed; next to each candidate is a *target* (typically an oval or other shape) which the voter marks with a pen to indicate a vote. Ballots may be either preprinted or printed (unvoted) at the polling place using *ballot on demand* printers. In either case, the voter creates a tamper-evident record of intent by marking the printed paper ballot with a pen.

Such hand-marked paper ballots may be scanned and tabulated at the polling place using a *precinct-count optical scanner* (PCOS), or may be brought to a central place to be scanned and tabulated by a *central-count optical scanner* (CCOS). Mail-in ballots are typically counted by CCOS machines.

After scanning a ballot, a PCOS machine deposits the ballot in a secure, sealed ballot box for later use in recounts or audits; this is *ballot retention*. Ballots counted by CCOS are also retained for recounts or audits.⁷

Paper ballots can also be hand counted, but in most jurisdictions (especially where there are many contests on the ballot) this is hard to do quickly; Americans expect election-night reporting of unofficial totals. Hand counting—i.e., manually determining votes directly from the paper ballots—is appropriate for audits and recounts.

A *ballot-marking device* (BMD) provides a computerized user interface that presents

⁶We recognize that voters make mistakes in expressing their intentions. For example, they may misunderstand the layout of a ballot or express an unintended choice through a perceptual error, inattention, or lapse of memory. The use of touchscreen technology does not necessarily correct for such user errors, as every smartphone user who has mistyped an important text message knows. Poorly designed ballots, poorly designed touchscreen interfaces, and poorly designed assistive interfaces increase the rate of error in voters' expressions of their votes. For the purposes of this report, we assume that properly engineered systems seek to minimize such usability errors.

⁷Regulations and procedures governing custody and physical security of ballots are uneven and in many cases inadequate, but straightforward to correct because of decades of development of best practices.

the ballot to voters and captures their expressed selections—for instance, a touchscreen interface or an assistive interface that enables voters with disabilities to vote independently. Voter inputs (expressed votes) are recorded electronically. When a voter indicates that the ballot is complete and ready to be cast, the BMD prints a paper version of the electronically marked ballot. We use the term *BMD* for devices that mark ballots but do not tabulate or retain them, and *all-in-one* for devices that combine ballot marking, tabulation, and retention into the same paper path.

The paper ballot printed by a BMD may be in the same format as an optical-scan form (e.g., with ovals filled as if by hand) or it may list just the names of the candidate(s) selected in each contest. The BMD may also encode these selections into barcodes or QR codes for optical scanning. We discuss issues with barcodes later in this report.

An *all-in-one touchscreen voting machine* combines computerized ballot marking, tabulation, and retention in the same paper path. All-in-one machines come in several configurations:

- DRE+VVPAT machines—direct-recording electronic (DRE) voting machines with a voter-verifiable paper audit trail (VVPAT)—provide the voter a touchscreen (or other) interface, then print a paper ballot that is displayed to the voter under glass. The voter is expected to review this ballot and approve it, after which the machine deposits it into a ballot box. DRE+VVPAT machines do not contain optical scanners; that is, they do not read what is marked on the paper ballot; instead, they tabulate the vote directly from inputs to the touchscreen or other interface.
- BMD+Scanner all-in-one machines⁸ provide the voter a touchscreen (or other) interface to input ballot choices and print a paper ballot that is ejected from a slot for the voter to inspect. The voter then reinserts the ballot into the slot, after which the all-in-one BMD+scanner scans it and deposits it into a ballot box. Or, some BMD+Scanner all-in-one machines display the paper ballot behind plexiglass for the voter to inspect, before mechanically depositing it into a ballot box.

Opscan+BMD with separate paper paths. At least one model of voting machine (the Dominion ICP320) contains an optical scanner (opscan) and a BMD in the same cabinet,⁹ so that the optical scanner and BMD-printer are not in the same paper path; no possible configuration of the software could cause a BMD-marked ballot to be deposited in the ballot box without human handling of the ballot. We do not classify this as an *all-in-one* machine.

⁸Some voting machines, such as the ES&S ExpressVote, can be configured as either a BMD or a BMD+Scanner all-in-one. Others, such as the ExpressVoteXL, work only as all-in-one machines.

⁹More precisely, the ICP320 optical scanner and the BMD audio+buttons interface are in the same cabinet, but the printer is a separate box.

Hacking

There are many forms of computer hacking. In this analysis of voting machines we focus on the alteration of voting machine software so that it miscounts votes or mis-marks ballots to alter election outcomes. There are many ways to alter the software of a voting machine: a person with physical access to the computer can open it and directly access the memory; one can plug in a special USB thumbdrive that exploits bugs and vulnerabilities in the computer's USB drivers; one can connect to its WiFi port or Bluetooth port or telephone modem (if any) and exploit bugs in those drivers, or in the operating system.

“Air-gapping” a system (i.e., never connecting it to the Internet nor to any other network) does not automatically protect it. Before each election, election administrators must transfer a *ballot definition* into the voting machine by inserting a *ballot definition cartridge* that was programmed on election-administration computers that may have been connected previously to various networks; it has been demonstrated that vote-changing viruses can propagate via these ballot-definition cartridges [18].

Hackers might be corrupt insiders with access to a voting-machine warehouse; corrupt insiders with access to a county's election-administration computers; outsiders who can gain remote access to election-administration computers; outsiders who can gain remote access to voting-machine manufacturers' computers (and “hack” the firmware installed in new machines, or the firmware updates supplied for existing machines), and so on. Supply-chain hacks are also possible: the hardware installed by a voting system vendor may have malware pre-installed by the vendor's component suppliers.¹⁰

Computer systems (including voting machines) have so many layers of software that it is impossible to make them perfectly secure [24, pp. 89–91]. When manufacturers of voting machines use the best known security practices, adversaries may find it more difficult to hack a BMD or optical scanner—but not impossible. Every computer in every critical system is vulnerable to compromise through hacking, insider attacks or exploiting design flaws.

¹⁰Given that many chips and other components are manufactured in China and elsewhere, this is a serious concern. Carsten Schürmann has found Chinese pop songs on the internal memory of voting machines (C. Schürmann, personal communication, 2018). Presumably those files were left there accidentally—but this shows that malicious code *could* have been pre-installed deliberately, and that neither the vendor's nor the election official's security and quality control measures discovered and removed the extraneous files.

Election assurance through risk-limiting audits

To ensure that the reported electoral outcome of each contest corresponds to what the voters expressed, the most practical known technology is a *risk-limiting audit* (RLA) of trustworthy paper ballots [35, 36, 23]. The National Academies of Science, Engineering, and Medicine, recommend routine RLAs after every election [24], as do many other organizations and entities concerned with election integrity.¹¹

The *risk limit* of a risk-limiting audit is the maximum chance that the audit will not correct the reported electoral outcome, if the reported outcome is wrong. “Electoral outcome” means the political result—who or what won—not the exact tally. “Wrong” means that the outcome does not correspond to what the voters expressed.

A RLA involves manually inspecting randomly selected paper ballots following a rigorous protocol. The audit stops if and when the sample provides convincing evidence that the reported outcome is correct; otherwise, the audit continues until every ballot has been inspected manually, which reveals the correct electoral outcome if the paper trail is trustworthy. RLAs protect against vote-tabulation errors, whether those errors are caused by failures to follow procedures, misconfiguration, miscalibration, faulty engineering, bugs, or malicious hacking.¹²

The risk limit should be determined as a matter of policy or law. For instance, a 5% risk limit means that, if a reported outcome is wrong solely because of tabulation errors, there is at least a 95% chance that the audit procedure will correct it. Smaller risk limits give higher confidence in election outcomes, but require inspecting more ballots, other things being equal. RLAs never revise a correct outcome.

RLAs can be very efficient, depending in part on how the voting system is designed and how jurisdictions organize their ballots. If the computer results are accurate, an efficient RLA with a risk limit of 5% requires examining just a few—about 7 divided by the margin—ballots selected randomly from the contest.¹³ For instance, if the margin of victory is 10% and the results are correct, the RLA would need to examine about $7/10\% = 70$ ballots to confirm the outcome at 5% risk. For a 1% margin, the RLA would need to examine about $7/1\% = 700$ ballots. The sample size does not depend

¹¹ Among them are the Presidential Commission on Election Administration, the American Statistical Association, the League of Women Voters, and Verified Voting Foundation.

¹² RLAs do not protect against problems that cause BMDs to print something other than what was shown to the voter on the screen, nor do they protect against problems with ballot custody.

¹³ Technically, it is the *diluted margin* that enters the calculation. The diluted margin is the number of votes that separate the winner with the fewest votes from the loser with the most votes, divided by the number of ballots cast, including undervotes and invalid votes.

much on the total number of ballots cast in the contest, only on the margin of the winning candidate's victory.

RLAs assume that a full hand tally of the paper trail would reveal the correct electoral outcomes: the paper trail must be trustworthy. Other kinds of audits, such as *compliance audits* [6, 23, 39, 37] are required to establish whether the paper trail itself is trustworthy. Applying an RLA procedure to an untrustworthy paper trail cannot limit the risk that a wrong reported outcome goes uncorrected.

Properly preserved hand-marked paper ballots ensure that expressed votes are identical to recorded votes. But BMDs might not record expressed votes accurately, for instance, if BMD software has bugs, was misconfigured, or was hacked: BMD print-out is not a trustworthy record of the expressed votes. Neither a compliance audit nor a RLA can possibly check whether errors in recording expressed votes altered election outcomes. RLAs that rely on BMD output therefore cannot limit the risk that an incorrect reported election outcome will go uncorrected.

A paper-based voting system (such as one that uses optical scanners) is systematically more secure than a paperless system (such as DREs) *only if the paper trail is trustworthy and the results are checked against the paper trail using a rigorous method such as an RLA or full manual tally*. If it is possible that error, hacking, bugs, or miscalibration caused the recorded-on-paper votes to differ from the expressed votes, an RLA or even a full hand recount cannot provide convincing public evidence that election outcomes are correct: such a system cannot be *defensible*. In short, paper ballots provide little assurance against hacking if they are never examined or if the paper might not accurately reflect the votes expressed by the voters.

3 (Non)Contestability/Defensibility of BMDs

A BMD-generated paper trail is not a reliable record of the vote expressed by the voter. Like any computer, a BMD (or a DRE+VVPAT) is vulnerable to bugs, misconfiguration, hacking, installation of unauthorized (fraudulent) software, and alteration of installed software.

If a hacker sought to steal an election by altering BMD software, what would the hacker program the BMD to do? In cybersecurity practice, we call this the *threat model*.

The simplest threat model is this one: In some contests, not necessarily top-of-the-ticket, change a small percentage of the votes (such as 5%).

In recent national elections, analysts have considered a candidate who received 60% of the vote to have won by a landslide. Many contests are decided by less than a 10% margin. Changing 5% of the votes can change the margin by 10%, because “flipping” a vote for one candidate into a vote for a different candidate changes the difference in their tallies—i.e., the margin—by 2 votes. If hacking or bugs or misconfiguration could change 5% of the votes, that would be a very significant threat.

Although public and media interest often focus on top-of-the-ticket races such as President and Governor, elections for lower offices such as state representatives, who control legislative agendas and redistricting, and county officials, who manage elections and assess taxes, are just as important in our democracy. Altering the outcome of smaller contests requires altering fewer votes, so fewer voters are in a position to notice that their ballots were misprinted. And most voters are not as familiar with the names of the candidates for those offices, so they might be unlikely to notice if their ballots were misprinted, even if they checked.

Research in a real polling place in Tennessee during the 2018 election, found that half the voters *didn't look at all* at the paper ballot printed by a BMD, even when they were holding it in their hand and directed to do so while carrying it from the BMD to the optical scanner [14]. Those voters who did look at the BMD-printed ballot spent *an average of 4 seconds* examining it to verify that the eighteen or more choices they made were correctly recorded. That amounts to 222 milliseconds per contest, barely enough time for the human eye to move and refocus under perfect conditions and not nearly enough time for perception, comprehension, and recall [28]. A study by other researchers [8], in a simulated polling place using real BMDs deliberately hacked to alter one vote on each paper ballot, found that only 6.6% of voters told a pollworker something was wrong.¹⁴¹⁵ The same study found that among voters who examined their hand-marked ballots, half were unable to recall key features of ballots cast moments before, a prerequisite step for being able to recall their own ballot choices. This finding is broadly consistent with studies of effects like “change blindness” or “choice blindness,” in which human subjects fail to notice changes made to choices

¹⁴You might think, “the voter really *should* carefully review their BMD-printed ballot.” But because the scientific evidence shows that voters *do not* [14] and cognitively *cannot* [17] perform this task well, legislators and election administrators should provide a voting system that counts the votes *as voters express them*.

¹⁵Studies of voter confidence about their ability to verify their ballots are not relevant: in typical situations, subjective confidence and objective accuracy are at best weakly correlated. The relationship between confidence and accuracy has been studied in contexts ranging from eyewitness accuracy [9, 13, 42] to confidence in psychological clinical assessments [15] and social predictions [16]. The disconnect is particularly severe at high confidence. Indeed, this is known as “the overconfidence effect.” For a lay discussion, see *Thinking, Fast and Slow* by Nobel economist Daniel Kahnemann [21].

made only seconds before [20].

Suppose, then, that 10% of voters examine their paper ballots carefully enough to even *see* the candidate's name recorded as their vote for legislator or county commissioner. Of those, perhaps only half will remember the name of the candidate they intended to vote for.¹⁶

Of those who notice that the vote printed is not the candidate they intended to vote for, what will they think, and what will they do? Will they think, "Oh, I must have made a mistake on the touchscreen," or will they think, "Hey, the machine is cheating or malfunctioning!" There's no way for the voter to know for sure—voters do make mistakes—and there's *absolutely* no way for the voter to prove to a pollworker or election official that a BMD printed something other than what the voter entered on the screen.¹⁷¹⁸

Either way, polling-place procedures generally advise voters to ask a pollworker for a new ballot if theirs does not show what they intended. Pollworkers should void that BMD-printed ballot, and the voter should get another chance to mark a ballot. Anecdotal evidence suggests that many voters are too timid to ask, or don't know that they have the right to ask, or are not sure whom to ask. Even if a voter asks for a new ballot, training for pollworkers is uneven, and we are aware of no formal procedure for resolving disputes if a request for a new ballot is refused. Moreover, there is no sensible protocol for ensuring that BMDs that misbehave are investigated—nor can there be, as we argue below.

Let's summarize. If a machine alters votes on 5% of the ballots (enabling it to change the margin by 10%), and 10% of voters check their ballots carefully and 50% of the voters who check notice the error, then optimistically we might expect $5\% \times 10\% \times 50\%$ or 0.25% of the voters to request a new ballot and correct their vote.¹⁹ This

¹⁶We ask the reader, "do you know the name of the most recent losing candidate for county commissioner?" We recognize that some readers of this document *are* county commissioners, so we ask those readers to imagine the frame of mind of their constituents.

¹⁷You might think, "the voter can prove it by showing someone that the vote on the paper doesn't match the vote onscreen." But that won't work. On a typical BMD, by the time a paper record is printed and ejected for the voter to hold and examine, the touchscreen no longer shows the voter's choice. You might think, "BMDs should be designed so that the choices still show on the screen for the voter to compare with the paper." But a hacked BMD could easily alter the on-screen choices to match the paper, *after* the voter hits the "print" button.

¹⁸Voters should *certainly not* videorecord themselves voting! That would defeat the privacy of the secret ballot and is illegal in most jurisdictions.

¹⁹This calculation assumes that the 10% of voters who check are in effect a random sample of voters: voters' propensity to check BMD printout is not associated with their political preferences.

means that the machine will change the margin by 9.75% and get away with it.

In this scenario, 0.25% of the voters, one in every 400 voters, has requested a new ballot. You might think, “that’s a form of *detection* of the hacking.” But isn’t, as a practical matter: a few individual voters may have detected that there was a problem, but there’s no procedure by which this translates into any action that election administrators can take to correct the outcome of the election. Polling-place procedures *cannot correct or deter hacking, or even reliably detect it*, as we discuss next. This is essentially the distinction between a system that is merely software independent and one that is contestable: a change to the software that alters the outcome might generate evidence for an alert, conscientious, individual voter, but it does not generate public evidence that an election official can rely on to conclude there is a problem.

Even if some voters notice that BMDs are altering votes, there’s no way to correct the election outcome. That is, BMD voting systems are *not contestable, not defensible* (and therefore *not strongly defensible*), and *not strongly software independent*. Suppose a state election official wanted to detect whether the BMDs are cheating, and correct election results, based on actions by those few alert voters who notice the error. What procedures could possibly work against the manipulation we are considering?

1. How about, “If at least 1 in 400 voters claims that the machine misrepresented their vote, void the entire election.”²⁰ No responsible authority would implement such a procedure. A few dishonest voters could collaborate to invalidate entire elections simply by falsely claiming that BMDs changed their votes.
2. How about, “If at least 1 in 400 voters claims that the machine misrepresented their vote, then investigate.” Investigations are fine, but then what? The only way an investigation can ensure that the outcome accurately reflects what voters expressed to the BMDs is to void an election in which the BMDs have altered votes and conduct a new election. But how do you know whether the BMDs have altered votes, except based the claims of the voters?²¹ Furthermore, the investigation itself would suffer from the same problem as above: how can one

²⁰Note that in many jurisdictions, far fewer than 400 voters use a given machine on election day: BMDs are typically expected to serve fewer than 300 voters per day. (The vendor ES&S recommended 27,000 BMDs to serve Georgia’s 7 million voters, amounting to 260 voters per BMD [34].) Recall also that the rate 1 in 400 is tied to the amount of manipulation. What if the malware flipped only one vote in 50, instead of 1 vote in 20? That could still change the margin by 4%, but—in this hypothetical—would be noticed by only one voter in 1,000, rather than one in 400. The smaller the margin, the less manipulation it would have taken to alter the electoral outcome.

²¹Forensic examination of the BMD might show that it *was* hacked or misconfigured, but it cannot prove that the BMD *was not* hacked or misconfigured.

distinguish between voters who detected BMD hacking or bugs from voters who just want to interfere with an election?

This is the essential security flaw of BMDs: few voters will notice and promptly report discrepancies between what they saw on the screen and what is on the BMD printout, and even when they do notice, there's nothing appropriate that can be done. Even if election officials are convinced that BMDs malfunctioned, *there is no way to determine who really won.*

Therefore, BMDs should not be used by most voters.

Why can't we rely on pre-election and post-election logic and accuracy testing, or parallel testing? Most, if not all, jurisdictions perform some kind of *logic and accuracy testing* (LAT) of voting equipment before elections. LAT generally involves voting on the equipment using various combinations of selections, then checking whether the equipment tabulated the votes correctly. As the Volkswagen/Audi "Dieselgate" scandal shows, devices can be programmed to behave properly when they are tested but misbehave in use [12]. Therefore, LAT can never prove that voting machines performed properly in practice.

Parallel or "live" testing involves pollworkers or election officials using some BMDs at random times on election day to mark (but not cast) ballots with test patterns, then check whether the marks match the patterns. The idea is that the testing is not subject to the "Dieselgate" problem, because the machines cannot "know" they are being tested on election day. As a practical matter, the number of tests required to provide a reasonable chance of detecting outcome-changing errors is prohibitive, and even then the system is not *defensible*. See Section 6.

Suppose, counterfactually, that it was practical to perform enough parallel testing to guarantee a large chance of detecting a problem if BMD hacking or malfunction altered electoral outcomes. Suppose, counterfactually, that election officials were required to conduct that amount of parallel testing during every election, and that the required equipment, staffing, infrastructure, and other resources were provided. Even then, the system would not be *strongly defensible*; that is, if testing detected a problem, there would be no way to determine who really won. The only remedy would be a new election.

Don't voters need to check hand-marked ballots, too? It is always a good idea to check one's work, but there is a substantial body of research (e.g., [29]) suggesting

that preventing error as a ballot is being marked is a fundamentally different cognitive task than detecting an error on a previously marked ballot. In cognitively similar tasks, such as proof reading for non-spelling errors, ten percent rates of error detection are common [29, pp 167ff], whereas by carefully attending to the task of correctly marking their ballots, voters apparently can largely avoid marking errors.

A fundamental difference between hand-marked paper ballots and ballot-marking devices is that, with hand-marked paper ballots, voters are responsible for catching and correcting *their own errors*, while if BMDs are used, voters are also responsible for catching *machine errors, bugs, and hacking*. Voters are the *only* people who can detect such problems with BMDs—but, as explained above, if voters do find problems, there's no way they can prove to poll workers or election officials that there were problems and no way to ensure that election officials take appropriate remedial action.

4 Contestability/defensibility of hand-marked opscan

The most widely used voting system in the United States optical-scan counting of hand-marked paper ballots.²² Computers and computer software are used in several stages of the voting process, and if that software is hacked (or erroneous), then the computers will deliberately (or accidentally) report incorrect outcomes.

- Computers are used to prepare the PDF files from which (unvoted) optical-scan ballots are printed, with ovals (or other targets to be marked) next to the names of candidates. Because the optical scanners respond to the *position on the page*, not the name of the candidate nearest the target, computer software could cheat by reordering the candidates on the page.
- The optical-scan voting machine, which scans the ballots and interprets the marks, is driven by computer software. Fraudulent (hacked) software can deliberately record (some fraction of) votes for Candidate A and votes for Candidate B.
- After the voting machine reports the in-the-precinct vote totals (or, in the case of central-count optical scan, the individual-batch vote totals), computers are used to aggregate the various precincts or batches together. Hacked software could cheat in this addition process.

Protection against any or all of these attacks relies on a system of risk-limiting

²²The Verifier – Polling Place Equipment – November 2020, <https://www.verifiedvoting.org/verifier/>, Verified Voting Foundation, fetched February 8, 2020.

audits, along with compliance audits to check that the chain of custody of ballots and paper records is trustworthy. Without such audits, optical-scan ballots (whether hand marked or machine marked) are neither contestable nor defensible.

We analyze the contestability/defensibility of hand-marked optical-scan ballots with respect to each of these threats, assuming a system of RLAs and compliance audits.

- Hacked generation PDFs leading to fraudulently placed ovals. In this case, a change or error in the computer software *can* change the election outcome: on thousands of ballots, voters place a mark next to the name of candidate A, but (because the candidate name has been fraudulently misplaced on the paper), the (unhacked) optical scanner records this as a vote for candidate B. But an RLA will correct the outcome: a human, inspecting and interpreting this paper ballot, will interpret the mark as a vote for candidate A, as the voter intended. The RLA will, with high probability, conclude that the computer-reported election outcome cannot be confirmed, and a full recount must occur. Thus the system is *contestable*: the RLA produces public evidence that the (computer-reported) outcome is untrustworthy. This full recount (in the presence of witnesses, in view of the public) can provide convincing public evidence of its own correctness; that is, the system is *defensible*.
- Hacked optical-scan vote counter, reporting fraudulent vote totals. In this case, a change or error in the computer software *can* change the election outcome: on thousands of ballots, voters place a mark next to the name of candidate A, but the (hacked) optical scanner records this as a vote for candidate B. But an RLA can detect the incorrect outcome (just as in the case above); the system is *contestable*. And a full recount will produce a correct outcome with public evidence: the system is *defensible*.
- Hacked election-management system (EMS), fraudulently aggregating batches. A risk-limiting audit can detect this problem, and a recount will correct it: the system is contestable and defensible. But actually, contestability and defensibility against this attack is even easier and simpler than RLAs and recounts. Most voting machines (including precinct-count optical scanners) print a “results tape” in the polling place, at the close of the polls (in addition to writing their results electronically to a removable memory card). This results tape is (typically) signed by pollworkers and by credentialed challengers, and open to inspection by members of the public, before it is transported (with chain-of custody protections) along with the ballot boxes to a secure central location. The County Clerk or Registrar of Voters can (and in many counties, does) inspect these paper records to verify that they correspond to the precinct-by-precinct machine-reported aggregation. Errors (or fraud) in aggregation can be detected and cor-

rected without the need to inspect individual ballots: the system is contestable and defensible against this class of errors.

5 End-to-end verifiable (E2E-V) systems

In all BMD systems currently on the market, and in all BMD systems certified by the EAC, the printed ballot or ballot summary is the only channel by which voters can verify the correct recording of their ballots, independently of the computers. The analysis in this paper applies to all of those BMD systems.

There is a class of voting systems called “end-to-end verifiable” (E2E-V), which provide an alternate mechanism for voters to verify their votes [7] [2]. The basic idea of an E2E-V system is that a cryptographic protocol encodes the vote; mathematical properties of the cryptographic system allow the voters to verify (probabilistically) that their vote has been accurately counted, but does not compromise secret ballot by allowing voters to prove how they voted. E2E-V systems have not been adopted in public elections (except that Scantegrity was used for municipal elections in Takoma Park, MD in 2009 and 2011).

Each E2E-V system requires its own analysis of contestability/defensibility.

Scantegrity [10] is a system of preprinted optical-scan ballots, counted by conventional precinct-count optical scanners, but with an additional security feature: when the voter fills in an oval with a special pen, the oval is mostly darkened (so it’s counted conventionally by the optical scanner), but two-letter code is also revealed that the voter can (optionally) use in the cryptographic protocol. Scantegrity is contestable/defensible, but not because of its E2E-V properties: since it’s an add-on to a conventional optical-scan system with hand-marked paper ballots, RLAs and compliance audits can render this system contestable/defensible.

Prêt-à-Voter [33] is the system in which the voter separates the candidate-list from the oval-target list after marking the ballot and before deposit into the optical scanner. This system can be made contestable, with difficulty: the auditing procedure requires participation of the voters in an unintuitive cryptographic challenge. It is not clear that the system is defensible: if this cryptographic challenge proves that the blank ballots

have been tampered with, then no recount can reliably reconstruct the true result with public evidence.

STAR-Vote [5] is a DRE+VVPAT system with a smart ballot box. Voters interact with a device that captures their votes electronically and prints a paper record that voters can inspect, but the electronic votes are held “in limbo” until the paper ballot is deposited in the smart ballot box. The ballot box does not read the votes from the ballot; rather, depositing the ballot tells the system that it has permission to cast the votes it had already recorded from the touchscreen. The claimed advantage of STAR-Vote (and other systems that use the “Benaloh challenge”) is that RLAs and ballot-box chain-of-custody are not required in order to obtain software independence. To assure that the E2E-V cryptographic protocol has correctly recorded each vote, the voter can “challenge” the system to prove that the cryptographic encoding of the ballot records the vote actually printed on the paper ballot. To do so, the voter must discard (void) this ballot and vote a fresh ballot; this is because the challenge process reveals the vote to the public, and a voting system must preserve the secrecy of the (cast) ballots. Thus, the voter cannot ensure the correct encoding of their true ballot, but (since STAR-Vote must print the ballot before knowing whether the voter will challenge), the voter can ensure it with any desired *error probability*.

STAR-Vote is software independent but it is not contestable or defensible. The reason is that, while the challenge can produce public evidence that a machine did not accurately encrypt the plaintext vote on the ballot, if the machine prints the wrong plaintext vote and a correct encryption of that incorrect vote, there is no evidence the voter can use to prove that to anyone else.

No E2E-V system is currently certified by the EAC, nor to our knowledge is any such system under review for certification, nor are any of the 5 major voting-machine vendors offering such a system for sale.²³

²³Some vendors, notably Scytl, have sold systems advertised as E2E-V in other countries. Those systems were not in fact E2E-V. Moreover, serious security flaws have been found in their implementations. See, e.g., [22].

6 Parallel testing of BMDs

Wallach [41] has proposed (in response to earlier drafts of this paper) that contestability/defensibility failure of BMDs could be mitigated by *parallel testing*, which he also calls “live auditing.” Stark [38] has analyzed Wallach’s proposal in detail. Here we provide a summary of the proposal and the analyses.

One might like to test each BMD before the election to make sure it’s not hacked. Unfortunately, since the computer in a voting machine (including BMDs) has a real-time clock, the software (including fraudulent vote-stealing software) knows whether it’s election day or not. Fraudulent software can make sure not to cheat except on election day.

The idea of parallel testing is to have trained auditors test the BMDs, at random times during an actual election: use the BMD to prepare a ballot, inspect that ballot to ensure it’s marked correctly, then discard the ballot. The same BMDs in use during the polling will be selected, from time to time, for such test, right there in the polling places.

If the BMDs cheat with uniform random probability p , and if the BMD cannot distinguish an auditor from an ordinary voter, then after n random audits the probability of detecting the malware is $1 - (1 - p)^n$. If $p = 5\%$ and $n = 240$, then the probability of detection is 91%.

Unfortunately, the attacker is not constrained to cheat with uniform random probability; or, to put it another way, BMD malware may indeed be able to distinguish auditors from ordinary voters. Stark [38] discusses many ways in which the “signature” of how auditors interact with the BMD may differ from ordinary voters, enough to give clues to the malware about whether to cheat.²⁴ Therefore, one cannot simply multiply $(1 - p)^n$ and calculate a probability of detection.

While auditors might try to build an accurate model of voter behavior for live audits, that approach is doomed by privacy concerns and by the “curse of dimensionality”: election officials would have to record every nuance of voter behavior (preferences

²⁴For example, BMDs do “know” their own settings and other aspects of each voting session, so malware can use that information to target sessions that use the audio interface, increase the font size, use the sip-and-puff interface, set the language to something other than English, or take much longer than average to vote. (Voters who use those settings might be less likely to be believed if they report that the equipment altered their votes.) For parallel testing to have a good chance of detecting all outcome-changing problems, the tests must have a large chance of probing *every* combination of settings and voting patterns that includes enough ballots to change any contest result. It is not practical.

across contests; language settings, font settings, and other UI settings; timing, including speed of voting and hesitation; on-screen review; etc.) for million of voters to accurately approximate voter behavior.

There are many logistical problems with “live auditing.” It would require additional voting machines (because testing requires additional capacity), staff, infrastructure, and other resources, *on election day* when professional staff is most stretched. One must be prepared to perform the audits at the busiest times of day, even that will cause lines of voters to lengthen, because otherwise the malware can simply cheat only at the busy times. Live auditing must be done in view of the voters (one cannot carry the voting machine into another room to do it), but some election officials are concerned that the creation of test ballots in the polling place could be perceived as a threat of ballot-box stuffing.

No state, to our knowledge has implemented parallel testing or live auditing of BMDs.

In any case, we can assess the contestability and defensibility of parallel testing.

With a sufficiently high rate of parallel testing, and a sufficiently sophisticated randomization of auditor behavior, it may be possible to make BMDs with parallel testing *contestable*: an audit could detect *and prove* mismarking of paper ballots.

But BMDs with parallel testing is not *defensible*. It will be extremely difficult for an election official to generate convincing public evidence that the audit *would have* detected mismarking, if mismarking were occurring. To generate that public evidence, the election official would have to reveal substantial detail about the parallel-testing protocol: how, exactly, the random selection of times to test is made; how, exactly, the random selection is made of what candidates to vote for in the tests. Revealing such details of the protocol allows the attacker to analyze the protocol for clues about how and when to cheat with less chance of detection.

Furthermore, parallel testing has a severe disadvantage in comparison with other contestable/defensible paper-ballot-based voting systems: If the auditors detect that the BMDs have mismarked a ballot—even once—the entire election must be invalidated, and a do-over election must be held. This is because the auditor will have detected evidence that the BMDs in this election have been systematically mismarking ballots for some proportion of *all* voters. No recount of the paper ballots can correct this.

In contrast, if optical scanners are hacked to cheat on hand-marked paper ballots,

the correct outcome can be calculated by a full hand recount of the paper ballots.²⁵

Wallach also suggests, instead of parallel testing, the use of spoiled-ballot rates as a measure of BMD cheating. Suppose, when BMDs are not cheating the baseline rate of spoiled ballots (i.e., voters asking for a “do-over” of their BMD marked ballot) is 1%. Suppose the machines are cheating on 5% of the ballots, and 6% of voters notice this, and ask for a do-over. Then the spoiled ballot rate increases to 1.3%. The election administrator is supposed to act upon this discrepancy. But the only meaningful action the administrator could take is to invalidate the entire election, and call for a do-over election. This is impractical.

Moreover, the underlying “natural” rate of spoilage will not be known exactly, and will vary from election to election, even if the machines function flawlessly. The natural rate might depend on the number of contests on the ballot, the complexity of voting rules (e.g., IRV versus plurality), ballot layout, and many other factors. For any rule, there will be a tradeoff between false alarms and failures to detect problems.

To continue the previous hypothetical, suppose that spoiled ballots follow a Poisson distribution (there is no reason to think that they do). Imagine that the theoretical rate is known to be 1% if the BMDs function correctly, and known to be 1.3% if the BMDs malfunction. How many votes must be cast for it to be possible to limit the chance of a false alarm to 1%, while ensuring a 99% chance of detecting a real problem? The answer is 28,300 votes. If turnout is roughly 50%, jurisdictions (or contests) with fewer than 60,000 voters could not in principle limit the chance of false positives and of false negatives to 1%—even under these optimistic assumptions and simplifications. Twenty-three of California’s 58 counties have fewer than 60,000 registered voters.

7 Other tradeoffs, BMDs versus hand-marked opscan

Supporters of ballot-marking devices advance several other arguments for their use.

- **Mark legibility.** A common argument is that a properly functioning BMD will generate clean, error-free, unambiguous marks, while hand-marked paper ballots may contain mistakes and stray marks that make it impossible to discern a voter’s intent. However appealing this argument seems at first blush, the data are not nearly so compelling. Experience with statewide recounts in Minnesota

²⁵Provided, of course, that secure chain of custody of the ballot boxes can be demonstrated.

and elsewhere suggest that truly ambiguous handmade marks are very rare.²⁶ For instance, 2.9 million hand-marked ballots were cast in the 2008 Minnesota race between Al Franken and Norm Coleman for the U.S. Senate. In a manual recount, between 99.95% and 99.99% of ballots were unambiguously marked.^{27 28} In addition, usability studies of hand-marked bubble ballots—the kind in most common use in U.S. elections—indicate a *voter* error rate of 0.6%, much lower than the 2.5–3.7% error rate for machine-marked ballots [17].²⁹ Thus, mark legibility is not a good reason to adopt BMDs for all voters.

- **Undervotes, overvotes.** Another argument offered for BMDs is that the machines can alert voters to undervotes and prevent overvotes. That is true, but modern PCOS systems can also alert a voter to overvotes and undervotes, allowing a voter to eject the ballot and correct it.
- **Bad ballot design.** Ill-designed paper ballots, just like ill-designed touchscreen interfaces, may lead to unintentional undervotes [25]. For instance, the 2006 Sarasota, Florida, touchscreen ballot was badly designed. The 2018 Broward County, Florida, opscan ballot was badly designed: it violated three separate guidelines from the EAC’s 2007 publication, “Effective Designs for the Administration of Federal Elections, Section 3: Optical scan ballots.” [40] In both of these cases (touchscreens in 2006, hand-marked optical-scan in 2018), undervote rates were high. The solution is to follow standard, published ballot-design guidelines and other best practices, both for touchscreens and for hand-marked ballots [3, 25].
- **Low-tech paper-ballot fraud.** All paper ballots, however they are marked, are vulnerable to *loss*, *ballot-box stuffing*, *alteration*, and *substitution* between the time they are cast and the time they are recounted. That’s why it is so important

²⁶States do need clear and complete regulations for interpreting voter marks.

²⁷“During the recount, the Coleman and Franken campaigns initially challenged a total of 6,655 ballot-interpretation decisions made by the human recounters. The State Canvassing Board asked the campaigns to voluntarily withdraw all but their most serious challenges, and in the end approximately 1,325 challenges remained. That is, approximately 5 ballots in 10,000 were ambiguous enough that one side or the other felt like arguing about it. The State Canvassing Board, in the end, classified all but 248 of these ballots as votes for one candidate or another. That is, approximately 1 ballot in 10,000 was ambiguous enough that the bipartisan recount board could not determine an intent to vote.” [1] See also [26]

²⁸We have found that some local election officials consider marks to be ambiguous if *machines* cannot read the marks. That is a different issue from *humans* being unable to interpret the marks. Errors in machine interpretation of voter intent can be dealt with by manual audits: if the reported outcome is wrong because machines misinterpreted handmade marks, a RLA has a known, large chance of correcting the outcome.

²⁹Better designed user interfaces (UI) might reduce the error rate for machine-marked ballots below the historical rate for DREs; however, UI improvements cannot keep BMDs from printing something other than what the voter is shown on the screen.

to make sure that ballot boxes are always in multiple-person (preferably bipartisan) custody whenever they are handled, and that appropriate physical security measures are in place. Strong, verifiable chain-of-custody protections are essential.

Hand-marked paper ballots are vulnerable to alteration by anyone with a pen. Both hand-marked and BMD-marked paper ballots are vulnerable to substitution: anyone who has poorly supervised access to a legitimate BMD during election day can create fraudulent ballots, not necessarily to deposit them in the ballot box immediately (in case the ballot box is well supervised on election day) but with the hope of substituting it later in the chain of custody.³⁰

All those attacks (on hand-marked and on BMD-marked paper ballots) are fairly low-tech. There are also higher-tech ways of producing ballots indistinguishable from BMD-marked ballots for substitution into the ballot box if there is inadequate chain-of-custody protection.

- **Accessible voting technology.** When hand-marked paper ballots are used with PCOS, there is (as required by law) also an accessible voting technology available in the polling place for voters unable to mark a paper ballot with a pen. This is typically a BMD or a DRE. When the accessible voting technology is not the same as what most voters vote on—when it is used by very few voters—it may happen that the accessible technology is ill-maintained or even (in some polling places) not even properly set up by pollworkers. This is a real problem. One proposed solution is to require all voters to use the same BMD or all-in-one technology. But the failure of some election officials to properly maintain their accessible equipment is not a good reason to adopt BMDs for *all* voters. Among other things, it would expose all voters to the security flaws described above.³¹ Other advocates object to the idea that disabled voters must use a different method of marking ballots, arguing that their rights are thereby violated. Both HAVA and ADA require reasonable accommodations for voters with physical and cognitive impairments, but neither law requires that those accommodations must be used by all voters. To best enable and facilitate participation by all voters, each voter should be provided with a means of casting a vote best suited to their abilities.
- **Ballot printing costs.** Preprinted optical-scan ballots cost 20–50 cents each.³²

³⁰Some BMDs print a barcode indicating when and where the ballot was produced, but that does not prevent such a substitution attack against currently EAC-certified, commercially available BMDs. We understand that systems under development might make ballot-substitution attacks against BMDs more difficult.

³¹Also, some accessibility advocates argue that requiring disabled voters to use BMDs compromises their privacy since hand-marked ballots are easily distinguishable from machine marked ballots. That issue can be addressed without BMDs-for-all: Accessible BMDs are already available and in use that mark ballots with marks that cannot easily be distinguished from hand-marked ballots.

³²Single-sheet (one- or two-side) ballots cost 20-28 cents; double-sheet ballots needed for elections

Blank cards for BMDs cost up to 15 cents each, depending on the make and model of BMD.³³ But optical-scan ballots must be preprinted for as many voters as *might* show up, whereas blank BMD cards are consumed in proportion to how many voters *do* show up. The Open Source Election Technology Institute (OSET) conducted an independent study of total life cycle costs³⁴ for hand-marked paper ballots and BMDs in conjunction with the 2019 Georgia legislative debate regarding BMDs [27]. OSET concluded that, even in the most optimistic (i.e., lowest cost) scenario for BMDs and the most pessimistic (i.e., highest cost) scenario for hand-marked paper ballots and ballot-on-demand (BOD) printers—which can print unmarked ballots as needed—the total lifecycle costs for BMDs would be higher than the corresponding costs for hand-marked paper ballots.³⁵

- **Vote centers.** To run a vote center that serves many election districts with different ballot styles, one must be able to provide each voter a ballot containing the contests that voter is eligible to vote in, possibly in a number of different languages. This is easy with BMDs, which can be programmed with all the appropriate ballot definitions. With preprinted optical-scan ballots, the PCOS can be programmed to *accept* many different ballot styles, but the vote center must still maintain *inventory* of many different ballots. BOD printers are another economical alternative for vote centers.³⁶
- **Paper/storage.** BMDs that print summary cards rather than full-face ballots can save paper and storage space. However, many BMDs print full-face ballots—so they do not save storage—while many BMDs that print summary cards (which could save storage) use thermal printers and paper that is fragile and can fade in a few months.³⁷

with many contests cost up to 50 cents.

³³Ballot cards for ES&S ExpressVote cost about 15 cents. New Hampshire's (One4All / Prime III) BMDs used by sight-impaired voters use plain paper that is less expensive.

³⁴They include not only the cost of acquiring and implementing systems but also the ongoing licensing, logistics, and operating (purchasing paper stock, printing, and inventory management) costs.

³⁵BOD printers currently on the market arguably are best suited for vote centers, but less expensive options suited for polling places could be developed. Indeed, BMDs that print full-face ballots could be re-purposed as BOD printers for polling place use, with modest changes to the programming.

³⁶Ballot-on-demand printers *may* require maintenance such as replacement of toner cartridges. This is readily accomplished at a vote center with a professional staff. Ballot-on-demand printers may be a less attractive option for many small precincts on election day, where there is no professional staff—but on the other hand, they are less necessary, since far fewer ballot styles will be needed in any one precinct.

³⁷The California Top-To-Bottom Review (TTBR) of voting systems found that thermal paper can also be covertly spoiled wholesale using common household chemicals <https://votingsystems.cdn.sos.ca.gov/oversight/ttbr/red-diebold.pdf>, last visited 8 April 2019. The fact that thermal paper printing can fade or deteriorate rapidly might mean it does not satisfy the federal requirement to preserve voting materials for 22 months. <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title52-section20701&num=0&edition=prelim>, last visited 8

Advocates of hand-marked paper ballot systems advance these additional arguments.

- **Cost.** Using BMDs for all voters substantially increases the cost of acquiring, configuring, and maintaining the voting system. One PCOS can serve 1200 voters in a day, while one BMD can serve only about 260 [34]—though both these numbers vary greatly depending on the length of the ballot and the length of the day. OSET analyzed the relative costs of acquiring BMDs for Georgia’s nearly seven million registered voters versus a system of hand-marked paper ballots, scanners, and BOD printers [27]. A BMD solution for Georgia would cost taxpayers between 3 and 5 times more than a system based on hand-marked paper ballots. Open-source systems might eventually shift the economics, but current commercial universal-use BMD systems are more expensive than systems that use hand-marked paper ballots for most voters.
- **Mechanical reliability and capacity.** Pens are likely to have less downtime than BMDs. It is easy and inexpensive to get more pens and privacy screens when additional capacity is needed. If a precinct-count scanner goes down, people can still mark ballots with a pen; if the BMD goes down, voting stops. Thermal printers used in DREs with VVPAT are prone to jams; those in BMDs might have similar flaws.

These secondary pros and cons of BMDs do not outweigh the primary security and accuracy concern: BMDs, if hacked or erroneously programmed, can change votes in a way that is not correctable. BMD voting systems are not contestable or defensible. Audits that rely on BMD printout cannot make up for this defect in the paper trail: they cannot reliably detect or correct problems that altered election outcomes.

Barcodes

A controversial feature of some BMDs allows them to print 1-dimensional or 2-dimensional barcodes on the paper ballots. A 1-dimensional barcode resembles the pattern of vertical lines used to identify products by their universal product codes. A 2-dimensional barcode or QR code is a rectangular area covered in coded image *modules* that encode more complex patterns and information. BMDs print barcodes on the same paper ballot that contains human-readable ballot choices. Voters using BMDs are expected to verify the human-readable printing on the paper ballot card, but the presence of barcodes with human-readable text poses some significant problems.

April 2019.

- **Barcodes are not human readable.** The whole purpose of a paper ballot is to be able to recount (or audit) the *voters'* votes in a way independent of any (possibly hacked or buggy) computers. If the official vote on the ballot card is the barcode, then it is impossible for the voters to verify that the official vote they cast is the vote they expressed. Therefore, before a state even *considers* using BMDs that print barcodes (and we do not recommend doing so), the State must ensure by statute that recounts and audits are based *only* on the human-readable portion of the paper ballot. Even so, audits based on untrustworthy paper trails suffer from the verifiability the problems outlined above.
- **Ballot cards with barcodes contain two different votes.** Suppose a state does ensure by statute that recounts and audits are based on the human-readable portion of the paper ballot. Now a BMD-marked ballot card with both barcodes and human-readable text contains two different votes in each contest: the barcode (used for electronic tabulation), and the human-readable selection printout (official for audits and recounts). In few (if any) states has there even been a discussion of the legal issues raised when the official markings to be counted differ between the original count and a recount.
- **Barcodes pose technical risks.** Any coded input into a computer system—including wired network packets, WiFi, USB thumbdrives, *and barcodes*—pose the risk that the input-processing software can be vulnerable to attack via deliberately ill-formed input. Over the past two decades, many such vulnerabilities have been documented on *each* of these channels (including barcode readers) that, in the worst case, give the attacker complete control of a system.³⁸ If an attacker were able to compromise a BMD, the barcodes are an attack vector for the attacker to take over an optical scanner (PCOS or CCOS), too. Since it is good practice to close down all such unneeded attack vectors into PCOS or CCOS voting machines (e.g., don't connect your PCOS to the Internet!), it is also good practice to avoid unnecessary attack channels such as barcodes.

8 Insecurity of All-in-One BMDs

Some voting machines incorporate a BMD interface, printer, and optical scanner into the same cabinet. Other DRE+VVPAT voting machines incorporate ballot-marking, tabulation, and paper-printout retention, but without scanning. These are often called

³⁸An example of a barcode attack is based on the fact that many commercial barcode-scanner components (which system integrators use to build cash registers or voting machines) treat the barcode scanner using the same operating-system interface as if it were a keyboard device; and then some operating systems allow “keyboard escapes” or “keyboard function keys” to perform unexpected operations.

“all-in-one” voting machines. To use an all-in-one machine, the voter makes choices on a touchscreen or through a different accessible interface. When the selections are complete, the BMD prints the completed ballot for the voter to review and verify, before depositing the ballot in a ballot box attached to the machine.

Such machines are especially unsafe: like any BMD described in Section 3 they are not contestable or defensible, but in addition, if hacked they can print votes onto the ballot *after* the voter last inspects the ballot.

- The ES&S ExpressVote (in all-in-one mode) allows the voter to mark a ballot by touchscreen or audio interface, then prints a paper ballot card and ejects it from a slot. The voter has the opportunity to review the ballot, then the voter redeposits the ballot into the same slot, where it is scanned and deposited into a ballot box.
- The ES&S ExpressVoteXL allows the voter to mark a ballot by touchscreen or audio interface, then prints a paper ballot and displays it under glass. The voter has the opportunity to review the ballot, then the voter touches the screen to indicate “OK,” and the machine pulls paper ballot up (still under glass) and into the integrated ballot box.
- The Dominion ImageCast Evolution (ICE) allows the voter to deposit a hand-marked paper ballot, which it scans and drops into the attached ballot box. *Or*, a voter can use a touchscreen or audio interface to direct the marking of a paper ballot, which the voting machine ejects through a slot for review; then the voter redeposits the ballot into the slot, where it is scanned and dropped into the ballot box.

In all three of these machines, the ballot-marking printer is in the same paper path as the mechanism to deposit marked ballots into an attached ballot box. This opens up a very serious security vulnerability: the voting machine can mark the paper ballot (to add votes or spoil already-cast votes) after the last time the voter sees the paper, and then deposit that marked ballot into the ballot box without the possibility of detection.

Vote-stealing software could easily be constructed that looks for *undervotes* on the ballot, and marks those unvoted spaces for the candidate of the hacker’s choice. This is very straightforward to do on optical-scan bubble ballots (as on the Dominion ICE) where undervotes are indicated by no mark at all. On machines such as the ExpressVote and ExpressVoteXL, the normal software indicates an undervote with the words NO SELECTION MADE on the ballot summary card. Hacked software could simply leave a blank space there (most voters wouldn’t notice the difference), and then fill in that space and add a matching bar code after the voter has clicked “cast this ballot.”

An even worse feature of the ES&S ExpressVote and the Dominion ICE is the *auto-*

cast configuration setting (in the manufacturer’s standard software) that allows the voter to indicate, “don’t eject the ballot for my review, just print it and cast it without me looking at it.” If fraudulent software were installed in the ExpressVote, it could change *all* the votes of any voter who selected this option, because the voting machine software would know *in advance of printing* that the voter had waived the opportunity to inspect the printed ballot. We call this auto-cast feature “permission to cheat” [4].

Regarding these all-in-one machines, we conclude:

- Any machine with ballot printing in the same paper path with ballot deposit is not *software independent*; it is *not* the case that “an error or fault in the voting system software or hardware cannot cause an undetectable change in election results.” Therefore such all-in-one machines do not comply with the VVSG 2.0 (the Election Assistance Commission’s Voluntary Voting Systems Guidelines). Such machines are not contestable or defensible, either.
- All-in-one machines on which all voters use the BMD interface to mark their ballots (such as the ExpressVote and ExpressVoteXL) *also* suffer from the same serious problem as ordinary BMDs: most voters do not review their ballots effectively, and elections on these machines are not contestable or defensible.
- The auto-cast option for a voter to allow the paper ballot to be cast without human inspection is particularly dangerous, and states must insist that vendors disable or eliminate this mode from the software. However, even disabling the auto-cast feature does not eliminate the risk of undetected vote manipulation.

Remark. The Dominion ImageCast Precinct ICP320 is a precinct-count optical scanner (PCOS) that also contains an audio+buttons ballot-marking interface for disabled voters. This machine can be configured to cast electronic-only ballots from the BMD interface, or an external printer can be attached to print paper optical-scan ballots from the BMD interface. When the external printer is used, that printer’s paper path is *not* connected to the scanner+ballot-box paper path (a person must take the ballot from the printer and deposit it into the scanner slot). Therefore this machine is as safe to use as any PCOS with a separate external BMD.

9 Conclusion

Ballot-Marking Devices produce ballots that do not necessarily record the vote expressed by the voter when they enter their selections on the touchscreen: hacking, bugs, and configuration errors can cause the BMDs to print votes that differ from what the

voter entered and verified electronically. Because outcome-changing errors in BMD printout do not produce public evidence, BMD systems are not *contestable*. Because there is no way to generate convincing public evidence that reported outcomes are correct despite any BMD malfunctions that might have occurred, BMD systems are not *defensible*. Therefore, BMDs should not be used by voters who can hand mark paper ballots.

All-in-one voting machines, which combine ballot-marking and ballot-box-deposit into the same paper path, are even worse. They have all the disadvantages of BMDs (they are not contestable or defensible), and they can mark the ballot after the voter has inspected it. Therefore they are not even *software independent*, and should not be used by those voters who are capable of marking, handling, and visually inspecting a paper ballot.

When computers are used to record votes, the original transaction (the voter's expression of the votes) is not documented in a verifiable way.³⁹ When pen-and-paper is used to record the vote, the original expression of the vote *is* documented in a verifiable way (if demonstrably secure chain of custody of the paper ballots is maintained). Audits of elections conducted with hand-marked paper ballots, counted by optical scanners, can ensure that reported election outcomes are correct. Audits of elections conducted with BMDs *cannot* ensure that reported outcomes are correct.

References

- [1] A.W. Appel. Optical-scan voting extremely accurate in Minnesota. *Freedom to Tinker*, January 2009. <https://freedom-to-tinker.com/2009/01/21/optical-scan-voting-extremely-accurate-minnesota/>.
- [2] A.W. Appel. End-to-end verifiable elections. *Freedom to Tinker*, November 2018. <https://freedom-to-tinker.com/2018/11/05/end-to-end-verifiable-elections/>.
- [3] A.W. Appel. Florida is the Florida of ballot-design mistakes. *Freedom to Tinker*, November 2018. <https://freedom-to-tinker.com/2018/11/14/florida-is-the-florida-of-ballot-design-mistakes/>.

³⁹It is conceivable that cryptographic protocols like those used in E2E-V systems could be used to create BMD-based systems that are contestable and defensible, but no such system exists, nor, to our knowledge, has such a design been worked out in principle. Existing E2E-V systems that use a computer to print (encrypted) selections are neither contestable nor defensible, as explained in Section 1.

- [4] A.W. Appel. Serious design flaw in ESS ExpressVote touchscreen: “permission to cheat”. *Freedom to Tinker*, September 2018. <https://freedom-to-tinker.com/2018/09/14/serious-design-flaw-in-ess-expressvote-touchee-screen-permission-to-cheat/>.
- [5] J. Benaloh, M. Byrne, B. Eakin, P. Kortum, N. McBurnett, O. Pereira, P.B. Stark, , and D.S. Wallach. Star-vote: A secure, transparent, auditable, and reliable voting system. *JETS: USENIX Journal of Election Technology and Systems*, 1:18–37, 2013.
- [6] J. Benaloh, D. Jones, E. Lazarus, M. Lindeman, and P.B. Stark. SOBA: Secrecy-preserving observable ballot-level audits. In *Proceedings of the 2011 Electronic Voting Technology Workshop / Workshop on Trustworthy Elections (EVT/WOTE '11)*. USENIX, 2011.
- [7] Josh Benaloh, Ronald L. Rivest, Peter Y. A. Ryan, Philip B. Stark, Vanessa Teague, and Poorvi L. Vora. End-to-end verifiability. *CoRR*, abs/1504.03778, 2015.
- [8] Matthew Bernhard, Allison McDonald, Henry Meng, Jensen Hwa, Nakul Bajaj, Kevin Chang, and J. Alex Halderman. Can voters detect malicious manipulation of ballot marking devices? In *41st IEEE Symposium on Security and Privacy*, page (to appear). IEEE, 2020.
- [9] R. K. Bothwell, K.A. Deffenbacher, and J.C. Brigham. Correlation of eyewitness accuracy and confidence: Optimality hypothesis revisited. *Journal of Applied Psychology*, 72:691–695, 1987.
- [10] D. Chaum, A. Essex, R.T. Carback III, J. Clark, S. Popoveniuc, A.T. Sherman, and P. Vora. Scantegrity: End-to-end voter verifiable optical-scan voting. *IEEE Security & Privacy*, 6:40–46, 2008.
- [11] Election Assistance Commission. Voluntary voting systems guidelines 2.0, September 2017. https://www.eac.gov/assets/1/6/TGDC_Recommended_VVSG2.0_P_Gs.pdf.
- [12] Moritz Contag, Guo Li, Andre Pawlowski, Felix Domke, Kirill Levchenko, Thorsten Holz, and Stefan Savage. How they did it: An analysis of emission defeat devices in modern automobiles. In *2017 IEEE Symposium on Security and Privacy*, pages 231–250. IEEE, 2017.
- [13] K. Deffenbacher. Eyewitness accuracy and confidence: Can we infer anything about their relation? *Law and Human Behavior*, 4:243–260, 1980.

- [14] R. DeMillo, R. Kadel, and M. Marks. What voters are asked to verify affects ballot verification: A quantitative analysis of voters' memories of their ballots, November 2018. <https://ssrn.com/abstract=3292208>.
- [15] S.L. Desmarais, T.L. Nicholls, J. D. Read, and J. Brink. Confidence and accuracy in assessments of short-term risks presented by forensic psychiatric patients. *The Journal of Forensic Psychiatry & Psychology*, 21(1):1–22, 2010.
- [16] D. Dunning, D.W. Griffin, J.D. Milojkovic, and L. Ross. The overconfidence effect in social prediction. *Journal of Personality and Social Psychology*, 58:568–581, 1990.
- [17] S.P. Everett. *The Usability of Electronic Voting Machines and How Votes Can Be Changed Without Detection*. PhD thesis, Rice University, 2007.
- [18] A.J. Feldman, J.A. Halderman, and E.W. Felten. Security analysis of the Diebold AccuVote-TS voting machine. In *2007 USENIX/ACCURATE Electronic Voting Technology Workshop (EVT 2007)*, August 2007.
- [19] Verified Voting Foundation. The verifier – polling place equipment – november 2018, November 2018. <https://www.verifiedvoting.org/verifier/>.
- [20] P. Johansson, L. Hall, and S. Sikstrom. From change blindness to choice blindness. *Psychologia*, 51:142–155, 2008.
- [21] D. Kahnemann. *Thinking, fast and slow*. Farrar, Straus and Giroux, 2011.
- [22] S. J. Lewis, O. Pereira, and V. Teague. Ceci n'est pas une preuve: The use of trapdoor commitments in Bayer-Groth proofs and the implications for the verifiability of the Scytl-SwissPost Internet voting system, 2019. <https://people.eng.unimelb.edu.au/vjteague/UniversalVerifiabilitySwissPost.pdf>.
- [23] M. Lindeman and P.B. Stark. A gentle introduction to risk-limiting audits. *IEEE Security and Privacy*, 10:42–49, 2012.
- [24] National Academies of Sciences, Engineering, and Medicine. *Securing the Vote: Protecting American Democracy*. The National Academies Press, Washington, DC, September 2018.
- [25] L. Norden, M. Chen, D. Kimball, and W. Quesenbery. Better Ballots, 2008. Brennan Center for Justice, <http://www.brennancenter.org/publication/better-ballots>.

- [26] Office of the Minnesota Secretary of State. Minnesota's historic 2008 election, 2009. <https://www.sos.state.mn.us/media/3078/minnesotas-historic-2008-election.pdf>.
- [27] E. Perez. Georgia state election technology acquisition: A reality check. OSET Institute Briefing, March 2019. https://trustthevote.org/wp-content/uploads/2019/03/06Mar19-OSETBriefing_GeorgiaSystemsCostAnalysis.pdf.
- [28] K. Rayner and M.S. Castelhana. Eye movements during reading, scene perception, and visual search, 2009. *Q J Experimental Psychology*, 2009, August 62(8), 1457-1506.
- [29] J. Reason. *Human Error (20th Printing)*. Cambridge University Press, New York, 2009.
- [30] R.L. Rivest and J.P. Wack. On the notion of software independence in voting systems, July 2006. <http://vote.nist.gov/SI-in-voting.pdf>.
- [31] Ronald L Rivest. On the notion of 'software independence' in voting systems. *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences*, 366(1881):3759–3767, 2008.
- [32] Ronald L Rivest and Madars Virza. Software independence revisited. In *Real-World Electronic Voting*, pages 19–34. Auerbach Publications, 2016.
- [33] P.Y.A. Ryan, D. Bismark amnd J. Heather, and S. Schneiderand Z. Xia. The prêt à voter verifiable election system. *IEEE Transactions on Information Forensics and Security*, 4:662–673, 2009.
- [34] Election Systems and Software. State of Georgia Electronic Request for Information New Voting System Event Number: 47800-SOS0000035, 2018. <http://sos.ga.gov/admin/files/ESS%20RFI%20-%20Final%20-%20Redacted.pdf>.
- [35] P.B. Stark. Conservative statistical post-election audits. *Annals of Applied Statistics*, 2:550–581, 2008.
- [36] P.B. Stark. Risk-limiting post-election audits: P -values from common probability inequalities. *IEEE Transactions on Information Forensics and Security*, 4:1005–1014, 2009.

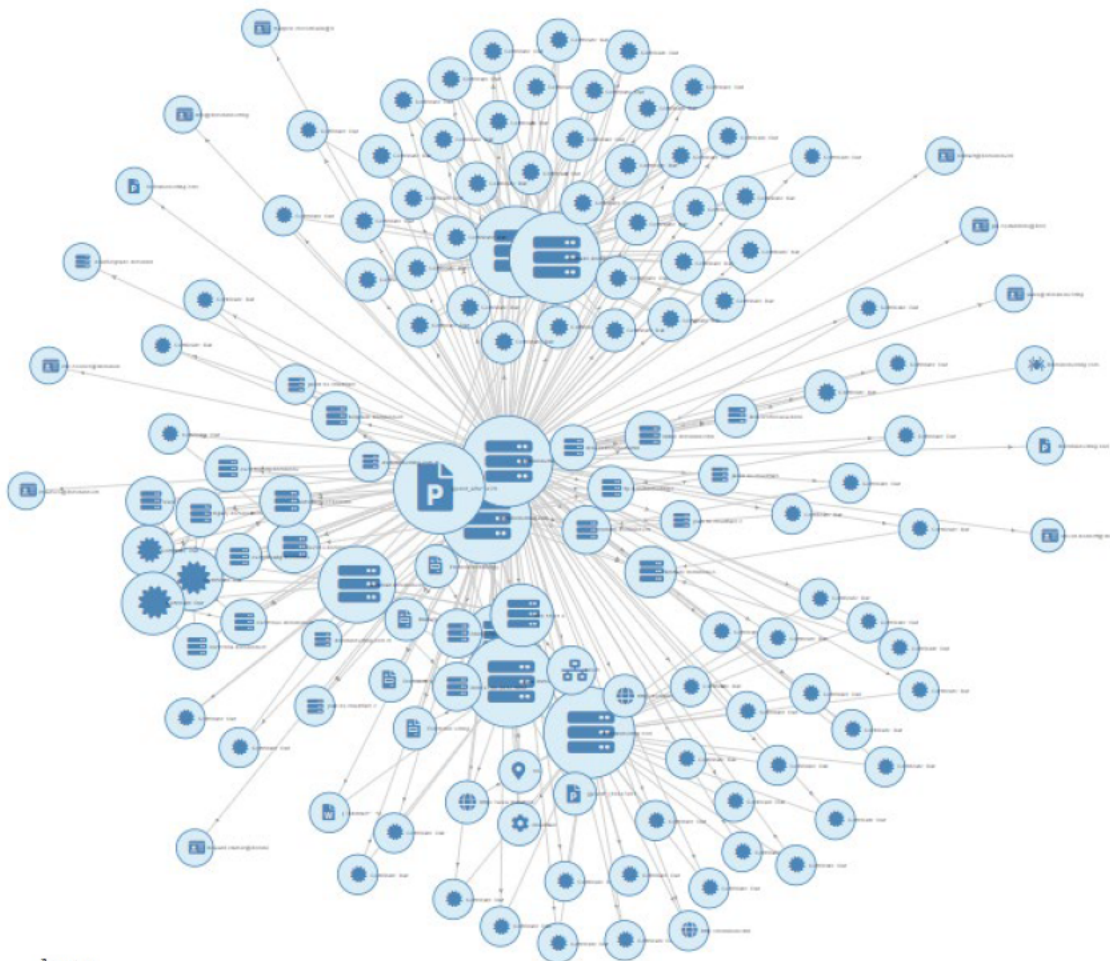
- [37] P.B. Stark. An introduction to risk-limiting audits and evidence-based elections, 2018. Testimony prepared for the California Little Hoover Commission, <https://www.stat.berkeley.edu/~stark/Preprints/lhc18.pdf>.
- [38] P.B. Stark. There is no reliable way to detect hacked ballot-marking devices. <https://arxiv.org/abs/1908.08144>, 2019.
- [39] P.B. Stark and D.A. Wagner. Evidence-based elections. *IEEE Security and Privacy*, 10:33–41, 2012.
- [40] U. S. Election Assistance Commission. Effective designs for the administration of federal elections, June 2007. https://www.eac.gov/assets/1/1/EAC_Effective_Election_Design.pdf.
- [41] Dan S. Wallach. On the security of ballot marking devices, December 2019.
- [42] J.T. Wixted and G.L. Wells. The relationship between eyewitness confidence and identification accuracy: A new synthesis. *Psychological Science in the Public Interest*, 2017.

Exh. 7

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, [REDACTED] make the following declaration.

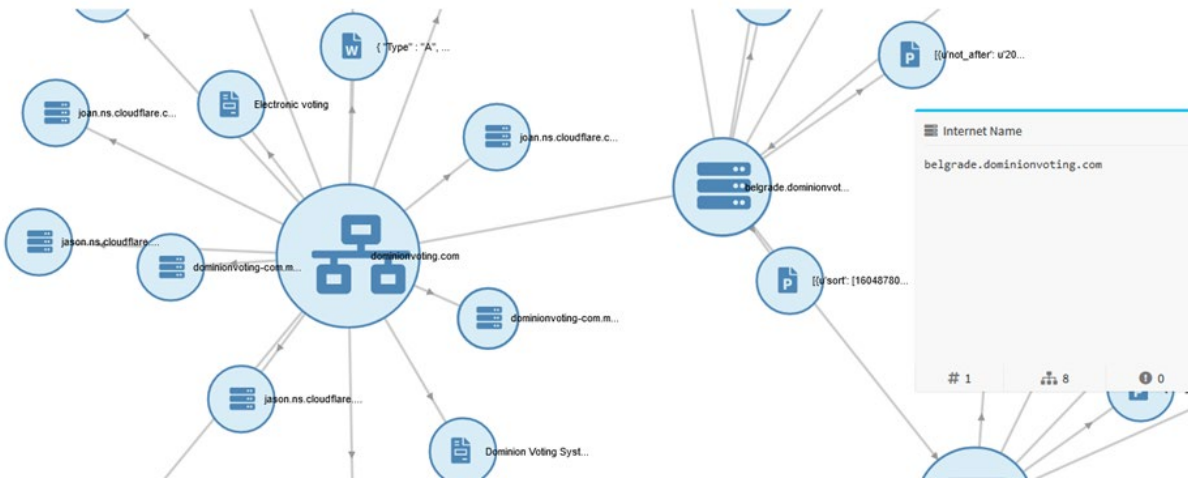
1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I was an electronic intelligence analyst under 305th Military Intelligence with experience gathering SAM missile system electronic intelligence. I have extensive experience as a white hat hacker used by some of the top election specialists in the world. The methodologies I have employed represent industry standard cyber operation toolkits for digital forensics and OSINT, which are commonly used to certify connections between servers, network nodes and other digital properties and probe to network system vulnerabilities.
3. I am a US citizen and I reside [REDACTED] location in the United States of America.
4. Whereas the Dominion and Edison Research systems exist in the internet of things, and whereas this makes the network connections between the Dominion, Edison Research and related network nodes available for scanning,
5. And whereas Edison Research's primary job is to report the tabulation of the count of the ballot information as received from the tabulation software, to provide to Decision HQ for election results,
6. And whereas Spiderfoot and Robtex are industry standard digital forensic tools for evaluation network security and infrastructure, these tools were used to conduct public security scans of the aforementioned Dominion and Edison Research systems,
7. A public network scan of Dominionvoting.com on 2020-11-08 revealed the following inter-relationships and revealed 13 unencrypted passwords for dominion employees, and 75 hashed passwords available in TOR nodes:



```
Array
(
  [id] => 544167324
  [user] => ian.macvicar
  [domain] => dominionvoting.com
  [password] => jamley
)

7
Array
(
  [id] => 599400504
  [user] => jelena.tanaskovic
  [domain] => dominionvoting.com
)
```

8. The same public scan also showed a direct connection to the group in Belgrade as highlighted below:





→ robtex.com/dns-lookup/dominionvoting.com

8 results shown.

IP numbers of the name servers	Subdomains/Hostnames
2400:cb00:2049:1::adf5:3bb3	Domains or hostnames one step under this dom
2606:4700:50::adf5:3aad	barracuda.dominionvoting.com
2803:f800:50::6ca2:c0ad	belgrade.dominionvoting.com
2803:f800:50::6ca2:c1b3	webmail.dominionvoting.com
2a06:98c1:50::ac40:20ad	www.dominionvoting.com
108.162.192.173	4 results shown.
108.162.193.170	

9. A cursory search on LinkedIn of “dominion voting” on 11/19/2020 confirms the numerous employees in Serbia:

- 
Vukašin Đorđević • 3rd
 Software Developer at Dominion Voting Systems
 Serbia
- 
Edvan Sabanovic • 3rd
 Senior Full-stack Web Developer
 Belgrade, Serbia
 Past: Senior Web Developer at Dominion Voting Systems

10. An additional search of Edison Research on 2020-11-08 showed that Edison Research has an Iranian server seen here:



Inputting the Iranian IP into Robtex confirms the direct connection into the “edisonresearch” host from the perspective of the Iranian domain also. This means that it is not possible that the connection was a unidirectional reference.

The screenshot shows the Robtex interface for the host 'edisonresearch.xn--mgb3a4fra.ir'. The 'QUICK INFO' section provides a summary of the host name and a table of general information:

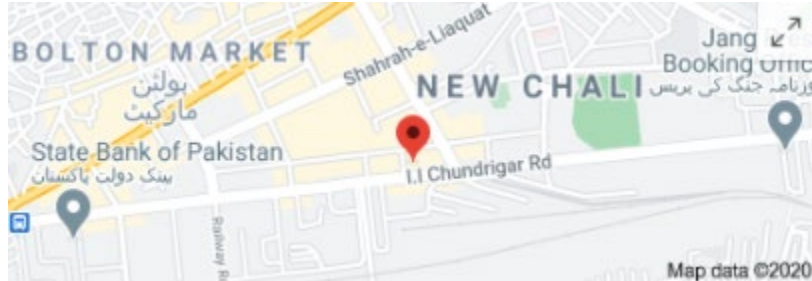
General	
FQDN	edisonresearch.xn--mgb3a4fra.ir
Host Name	edisonresearch
Domain Name	xn--mgb3a4fra.ir
Registry	ir
TLD	ir

The 'SHARED' section shows related hostnames and IP numbers, with a sub-section 'On other TLD:s and domains' listing:

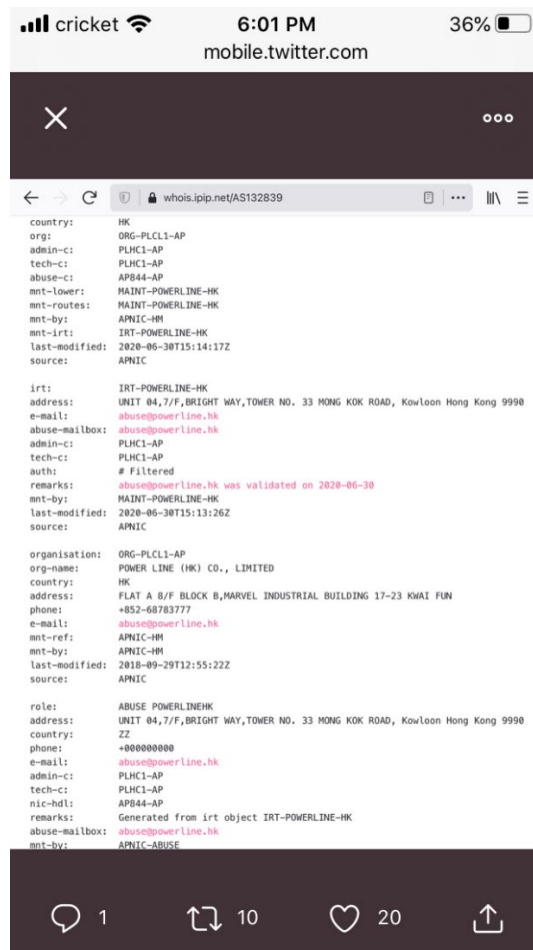
- xn--mgb3a4fra.com
- xn--mgb3a4fra.net
- xn--mgb3a4fra.tk

3 results shown.

A deeper search of the ownership of Edison Research “edisonresearch.com” shows a connection to BMA Capital Management, where shareofear.com and bmacapital.com are both connected to edisonresearch.com via a VPS or Virtual Private Server, as denoted by the “vps” at the start of the internet name:



Dominionvoting is also dominionvotingsystems.com, of which there are also many more examples, including access of the network from China. The records of China accessing the server are reliable.



CHINA UNICOM China169 Backbone - Fraud Risk

Low Risk

← Lowest Risk Highest Risk →

0 Fraud Score: 3 100

We consider **CHINA UNICOM China169 Backbone** to be a potentially low fraud risk ISP, by which we mean that web traffic from this ISP potentially poses a low risk of being fraudulent. Other types of traffic may pose a different risk or no risk. They operate 1,889,865 IP addresses, some of which are running

6 77 126

Domain Name: dominionvotingsystems.com
Registry Domain ID: 2530599738_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Updated Date: 2020-05-26T15:48:58Z
Creation Date: 2020-05-26T15:48:57Z
Registrar Registration Expiration Date: 2021-05-26T15:48:57Z
Registrar: GoDaddy.com, LLC
Registrar IANA ID: 146
Registrar Abuse Contact Email: abuse@godaddy.com
Registrar Abuse Contact Phone: +1.4806242505
Domain Status: clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>
Domain Status: clientUpdateProhibited <http://www.icann.org/epp#clientUpdateProhibited>
Domain Status: clientRenewProhibited <http://www.icann.org/epp#clientRenewProhibited>
Domain Status: clientDeleteProhibited <http://www.icann.org/epp#clientDeleteProhibited>
Registrant Organization:
Registrant State/Province: Hunan
Registrant Country: CN
Registrant Email: Select Contact Domain Holder link at
<https://www.godaddy.com/whois/results.aspx?domain=dominionvotingsystems.com>
Admin Email: Select Contact Domain Holder link at
<https://www.godaddy.com/whois/results.aspx?domain=dominionvotingsystems.com>
Tech Email: Select Contact Domain Holder link at
<https://www.godaddy.com/whois/results.aspx?domain=dominionvotingsystems.com>
Name Server: NS1.DNS.COM
Name Server: NS2.DNS.COM
DNSSEC: unsigned

Overview - [dominionvotingsystems.com](#)

DNS Records 4

Type	Value	OSH	Security score
A	45.195.162.194 - AS132839 - POWER LINE DATACENTER	2	15
NS	ns1.dns.com	9	100
	27.152.186.193 - AS133776 - Quanzhou	8	100
	119.167.180.131 - AS4837 - CHINA UNICOM China169 Bac... 218.96.111.202 - AS21859 - ZNET	14	100
NS	ns2.dns.com	6	100
	183.253.57.193 - AS9808 - Guangdong Mobile Communic... 121.12.104.65 - AS134763 - CHINANET Guangdong provin...	4	100
SOA	ns1.dns.com Hostname dnsadmin.dns.com		

[View all DNS Records](#)

Domains with same A records - [dominionvotingsystems.com](#)

1 Domains with same A records

Domain	Site Title	Alexa rank	DNS A	OSH	DNS CNAME
boanglobal.com	-	-	45.195.162.194 - AS132839 - POWER LINE DATACENTER	2	-

CVE - [dominionvotingsystems.com](#)

22 CVE

ID	Base Score	Severity	Vector	Source	Description
CVE-2018-20685	2.6	LOW	AV:N/A/C/M:N/P:R/N	45.195.162.194	In OpenSSH 7.8, scp.c in the scp client allows remote SSH servers to bypass intended access restrictions via the filename of, or an empty filename. The impact is modifying the permissions of the target directory on the client side.
CVE-2018-4564	4.9	MEDIUM	AV:N/A/C/M:N/C:C/CAC	45.195.162.194	Use-after-free vulnerability in the mon_answer_pam_base_ctx function in monitor.c in sshd in OpenSSH before 7.8 on non-OpenBSD platforms might allow local users to gain privileges by leveraging control of the sshd uid to send an unexpectedly early MONITOR_REQ_PAM_FREE_CTX request.
CVE-2016-1908	7.5	HIGH	AV:N/A/C/M:N/P:R/P	45.195.162.194	The client in OpenSSH before 7.2 mishandles failed cookie generation for untrusted X11 forwarding and relies on the local X11 server for access control decisions, which allows remote X11 clients to trigger a fallback and obtain trusted X11 forwarding privileges by leveraging configuration issues on this X11 server, as demonstrated by lack of the SECURITY extension on this X11 server.
CVE-2016-19010	4.9	MEDIUM	AV:N/A/C/M:N/C:C/CAC	45.195.162.194	sshd in OpenSSH before 7.4, when privilege separation is not used, creates forwarded Unix-domain sockets as root, which might allow local users to gain privileges via unspecified vectors, related to serverloop.c.
CVE-2016-4515	7.8	HIGH	AV:N/A/C/M:N/N/A/C	45.195.162.194	The auth_password function in auth-passwd.c in sshd in OpenSSH before 7.3 does not limit password lengths for password authentication, which allows remote attackers to cause a denial of service (crypt CPU consumption) via a long string.
CVE-2015-5680	8.5	HIGH	AV:N/A/C/M:N/N/A/C	45.195.162.194	The libidn2_check_function in auth2-chall.c in sshd in OpenSSH through 6.8 does not properly restrict the processing of keyboard-interactive devices within a single connection, which makes it easier for remote attackers to conduct brute-force attacks or cause a denial of service (CPU consumption) via a long and duplicative list in the ssh-askpassInteractiveDevices option, as demonstrated by a modified client that provides a different password for each pam element on this list.
CVE-2015-4843	1.9	LOW	AV:N/A/C/M:N/P:R/N	45.195.162.194	The monitor component in sshd in OpenSSH before 7.8 on non-OpenBSD platforms accepts extraneous username data in MONITOR_REQ_PAM_UNT_CTX requests, which allows local users to conduct impersonation attacks by leveraging any SSH login access in conjunction with control of the sshd uid to send a crafted MONITOR_REQ_PAM_UNT request, related to monitor_answer.c.
CVE-2018-15819	5	MEDIUM	AV:N/A/C/M:N/N/A/N	45.195.162.194	Remotely observable behaviour in auth_gss.c in OpenSSH through 7.8 could be used by remote attackers to detect existence of users on a target system when GSSAPI is in use. NOTE: the discover status. We understand that the OpenSSH developers do not want to treat such a username enumeration (or "oracle") as a vulnerability.
CVE-2020-15778	6.8	MEDIUM	AV:N/A/C/M:N/P:R/P	45.195.162.194	scp in OpenSSH through 8.3p1 allows command injection in the scp.c:tomove function, as demonstrated by backslash characters in the destination argument. NOTE: the vendor reportedly has stated that they intentionally omit validation of "anomalous argument transfers" because that could "stand a great chance of breaking existing workflows."
CVE-2019-6130	4	MEDIUM	AV:N/A/C/M:N/P:R/P	45.195.162.194	In OpenSSH 7.8, due to accepting and displaying arbitrary stderr output from the server, a malicious server (or Man-in-the-Middle attacker) can manipulate the client output, for example to use ANSI control codes to hide additional files being transferred.
CVE-2016-19011	2.1	LOW	AV:L/A/C/M:N/P:R/N	45.195.162.194	authfile.c in sshd in OpenSSH before 7.4 does not properly consider the effects of malloc on buffer contents, which might allow local users to obtain sensitive private-key information by leveraging access to a privilege-separated child process.
CVE-2016-19013	7.2	HIGH	AV:L/A/C/M:N/C:C/CAC	45.195.162.194	The shared memory manager (associated with pre-authentication compression) in sshd in OpenSSH before 7.4 does not ensure that a bounds check is enforced by all crates, which might allow local users to gain privileges by leveraging access to a standardized privilege separation process, related to the m_block and m_sib data structures.
CVE-2013-5352	4.3	MEDIUM	AV:N/A/C/M:N/P:R/P	45.195.162.194	The x11_open_helper function in channels.c in ssh in OpenSSH before 6.8, when ForwardX11Trusted mode is not used, lacks a check of the refusal deadline for X connections, which makes it easier for remote attackers to bypass intended access restrictions via a connection outside of the permitted time window.
CVE-2018-8225	7.2	HIGH	AV:L/A/C/M:N/C:C/CAC	45.195.162.194	The do_setup_env function in session.c in sshd in OpenSSH through 7.3p1, when the UseLogin feature is enabled and PAM is configured to read pam_environment files in user home directories, allows local users to gain privileges by triggering a crafted environment for the PAM/login program, as demonstrated by an LD_LIBRARY_PATH environment variable.
CVE-2016-19009	7.5	HIGH	AV:N/A/C/M:N/P:R/P	45.195.162.194	Untrusted search path vulnerability in ssh-agent.c in ssh-agent in OpenSSH before 7.4 allows remote attackers to execute arbitrary local PKCS#11 modules by leveraging control over a forwarded agent socket.
CVE-2016-12708	5	MEDIUM	AV:N/A/C/M:N/N/P	45.195.162.194	sshd in OpenSSH before 7.4 allows remote attackers to cause a denial of service (NULL pointer dereference and daemon crash) via an out-of-sequence NEWKEYS message, as demonstrated by Honggfuzz, related to kex.c and packet.c.
CVE-2019-6109	4	MEDIUM	AV:N/A/C/M:N/P:R/P	45.195.162.194	An issue was discovered in OpenSSH 7.8. Due to missing character encoding in the progress display, a malicious server (or Man-in-the-Middle attacker) can employ crafted object names to manipulate the client output, e.g., by using ANSI control codes to hide additional files being transferred. This affects refresh_progress_meter() in progressmeter.c.
CVE-2016-6220	4.3	MEDIUM	AV:N/A/C/M:N/C:P/N/A/N	45.195.162.194	sshd in OpenSSH before 7.3, when SHA256 or SHA512 are used for user password hashing, uses BLOWFISH hashing on a static password when the username does not exist, which allows remote attackers to enumerate users by leveraging the timing difference between responses when a large password is provided.
CVE-2020-14145	4.3	MEDIUM	AV:N/A/C/M:N/C:P/N/A/N	45.195.162.194	The client side in OpenSSH 5.7 through 8.3 has an Observable Discrepancy leading to an information leak in the algorithm negotiation. This allows in-the-middle attackers to target initial connection attempts (before no host key for the server has been cached by the client).
CVE-2016-3115	5.5	MEDIUM	AV:N/A/C/M:N/C:P:R/P	45.195.162.194	Multiple CVE injection vulnerabilities in session.c in sshd in OpenSSH before 7.2p2 allow remote authenticated users to bypass intended shell-omitted restrictions via crafted X11 forwarding data, related to the (1) do_authenticated() and (2) session_x11_req functions.

11. BMA Capital Management is known as a company that provides Iran access to capital markets with direct links publicly discoverable on LinkedIn (found via google on 11/19/2020):

www.linkedin.com > muhammad-talha-a0759660

Muhammad Talha - BMA Capital Management Limited

Manager, Money Market & Fixed Income at **BMA Capital Management Limited**. **BMA Capital ...**

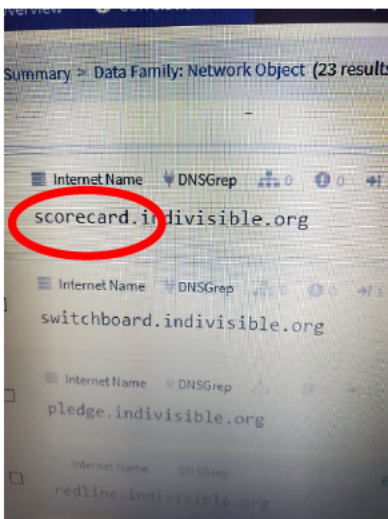
Manager-FMR at Pak Iran Joint Investment Company, Pakistan.

Pakistan · Manager, Money Market & Fixed Income · BMA Capital Management Limited

The same Robtex search confirms the Iranian address is tied to the server in the Netherlands, which correlates to known OSINT of Iranian use of the Netherlands as a remote server (See Advanced Persistent Threats: APT33 and APT34):



12. A search of the indivisible.org network showed a subdomain which evidences the existence of scorecard software in use as part of the Indivisible (formerly ACORN) political group for Obama:



13. Each of the tabulation software companies have their own central reporting “affiliate”.
Edison Research is the affiliate for Dominion.

14. Beanfield.com out of Canada shows the connections via co-hosting related sites, including
dvscorp.com:

This domain redirects to **beanfield.com**

DNS

View domain name system records, including but not limited to the A, CNAME, MX, and TXT records. View API →

A	96.45.195.194	5 Domains →
MX	10 barracuda.dominionvoting.com.	2 Domains →
NS	ns29.domaincontrol.com.	56,979,357 Domains →
	ns30.domaincontrol.com.	56,979,357 Domains →

Co-Hosted

There are **5 domains** hosted on **96.45.195.194** (AS21949 Beanfield Technologies Inc.). [Show All →](#) View API →

guta.ca	ndbgroup.ca	dvscorp.com
aiyokuacardioulounge.com	grantdyer.com	

This Dominion partner domain “dvscopr” also includes an auto discovery feature, where new in-network devices automatically connect to the system. The following diagram shows some of the related dvscopr.com mappings, which mimic the infrastructure for Dominion and are an obvious typo derivation of the name. Typo derivations are commonly purchased to catch redirect traffic and sometimes are used as honeypots. The diagram shows that infrastructure spans multiple different servers as a methodology.

The screenshot shows a network analysis tool interface with the following details:

- Page Title:** dvs
- Navigation:** Overview, Correlations..., Browse by..., Starred, Visualize..., Settings, Logs.
- Data Summary:** Data Type: Similar Domain (10 results)
- Table:**

Data Element	Source Data Element
Similar Domain TLD Searcher 1 0 1 0 dvscopr.ايران.ir	Internet Name SpiderFoot UI 9 0 0 1 dvscopr.com
Similar Domain Tool - DNSTwist 1 0 1 1 0 dv.scopr.com	Domain Name SpiderFoot UI 7 0 0 1 dvscopr.com
Similar Domain Tool - DNSTwist 1 0 1 1 0 dvscorp.com	Domain Name SpiderFoot UI 7 0 0 1 dvscopr.com
Similar Domain TLD Searcher 0 0 0 1 1 0 dvscopr.台湾	Internet Name SpiderFoot UI 9 0 0 1 dvscopr.com
Similar Domain TLD Searcher 0 0 0 1 1 0 dvscopr.fin.ci	Internet Name SpiderFoot UI 9 0 0 1 dvscopr.com

The screenshot displays a list of domain entries from a discovery tool. The first entry is for 'dsvcorp.com', showing its registry details: Domain Name: DSVCORP.COM, Registry Domain ID: 134773082_DOMAIN_COM-VRSN, Registrar WHOIS Server: whois.bookmyname.com, Registrar URL: http://www.bookmyname.com, and Expiration Date: 2020-08-31T10:00:00Z. Below this, a WHOIS record for 'dvscorp.ایران' is shown, indicating it is an IRNIC server v1.6.2. The rest of the list shows similar domains like 'dvscoopr.caa.li', 'dvscoopr.hasura-app.io', 'dvscoopr.rackmaze.com', 'dvscoopr.devices.resinstaging.io', and 'dvscoopr.cust.dev.thingdust.io', each with associated tool icons and counts.

The above diagram shows how these domains also show the connection to Iran and other places, including the following Chinese domain, highlighted below:

This is a close-up of the domain discovery tool interface. The entry 'dvscoopr.台湾' is highlighted with a green rectangular box. To its right, the text 'Chinese Domain' is displayed in orange. Below it, another entry 'dvscoopr.fin.ci' is visible.

15. The auto discovery feature allows programmers to access any system while it is connected to the internet once it's a part of the constellation of devices (see original Spiderfoot graph).
16. Dominion Voting Systems Corporation in 2019 sold a number of their patents to China (via HSBC Bank in Canada):

Assignment details for assignee "HSBC BANK CANADA, AS COLLATERAL AGENT"

Assignments (1 total)

Assignment 1

Reel/frame 050500/0236	Execution date Sep 25, 2019	Date recorded Sep 26, 2019	Pages 7
Conveyance SECURITY AGREEMENT			
Assignors DOMINION VOTING SYSTEMS CORPORATION	Correspondent CHAPMAN & CUTLER LLP 1270 AVENUE OF THE AMERICAS, 30TH FLOOR ATTN: SOREN SCHWARTZ NEW YORK, NY 10020	Attorney docket	
Assignee HSBC BANK CANADA, AS COLLATERAL AGENT 4TH FLOOR, 70 YORK STREET TORONTO M5J 1S9 CANADA			

Properties (18)

Patent	Publication	Application	PCT	International registration
8844813	20130306724	13476836		
8913787	20130301873	13470091		
9202113	20150071501	14539684		
8195505	20050247783	11121997		
9870666	20120232963	13463536		
9710988	20120259680	13525187		
9870667	20120259681	13525208		
7111782	20040238632	10811969		
7422151	20070012767	11526028		
D599131		29324281		

[View all](#)

This searchable database contains all recorded Patent Assignment information from August 1980 to the present.

When the USPTO receives relevant information for its assignment database, the USPTO puts the information in the public record and does not verify the validity of the information. Recordation is a ministerial function—the USPTO neither makes a determination of the legality of the transaction nor the right of the submitting party to take the action.

[Release 2.0.0](#) | [Release Notes](#) | [Send Feedback](#) | [Legacy Patent Assignment Search](#) | [Legacy Trademark Assignment Search](#)

Of particular interest is a section of the document showing aspects of the nature of the patents dealing with authentication:

Patent assignment 050500/0236

SECURITY AGREEMENT [↗](#)

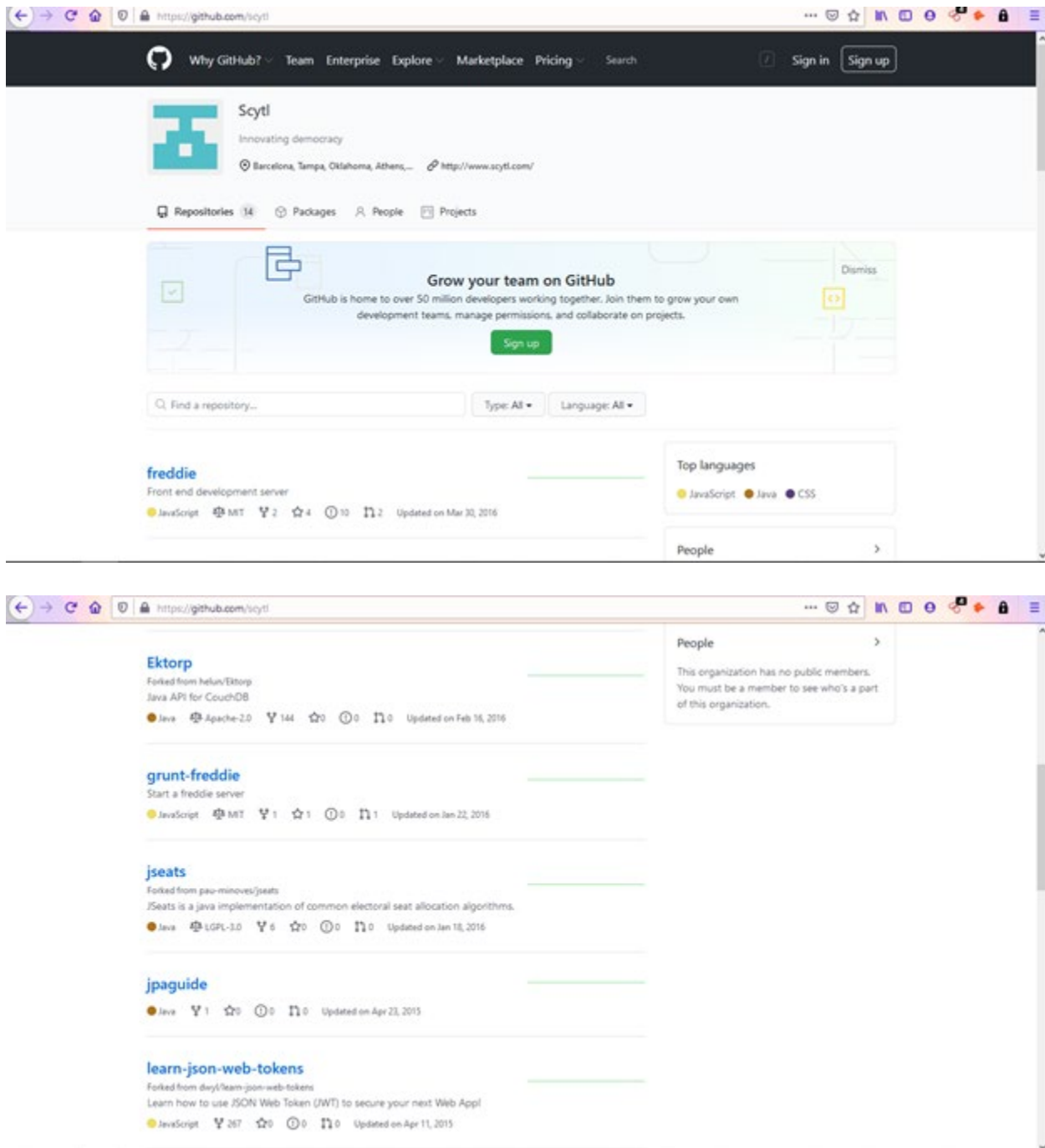
Date recorded Sep 26, 2019	Reel/frame 050500/0236	Pages 7
Assignors DOMINION VOTING SYSTEMS CORPORATION	Execution date Sep 25, 2019	
Assignee HSBC BANK CANADA, AS COLLATERAL AGENT 4TH FLOOR, 70 YORK STREET TORONTO M5J 1S9 CANADA	Correspondent CHAPMAN & CUTLER LLP 1270 AVENUE OF THE AMERICAS, 30TH FLOOR ATTN: SOREN SCHWARTZ NEW YORK, NY 10020	

Properties (18 total)

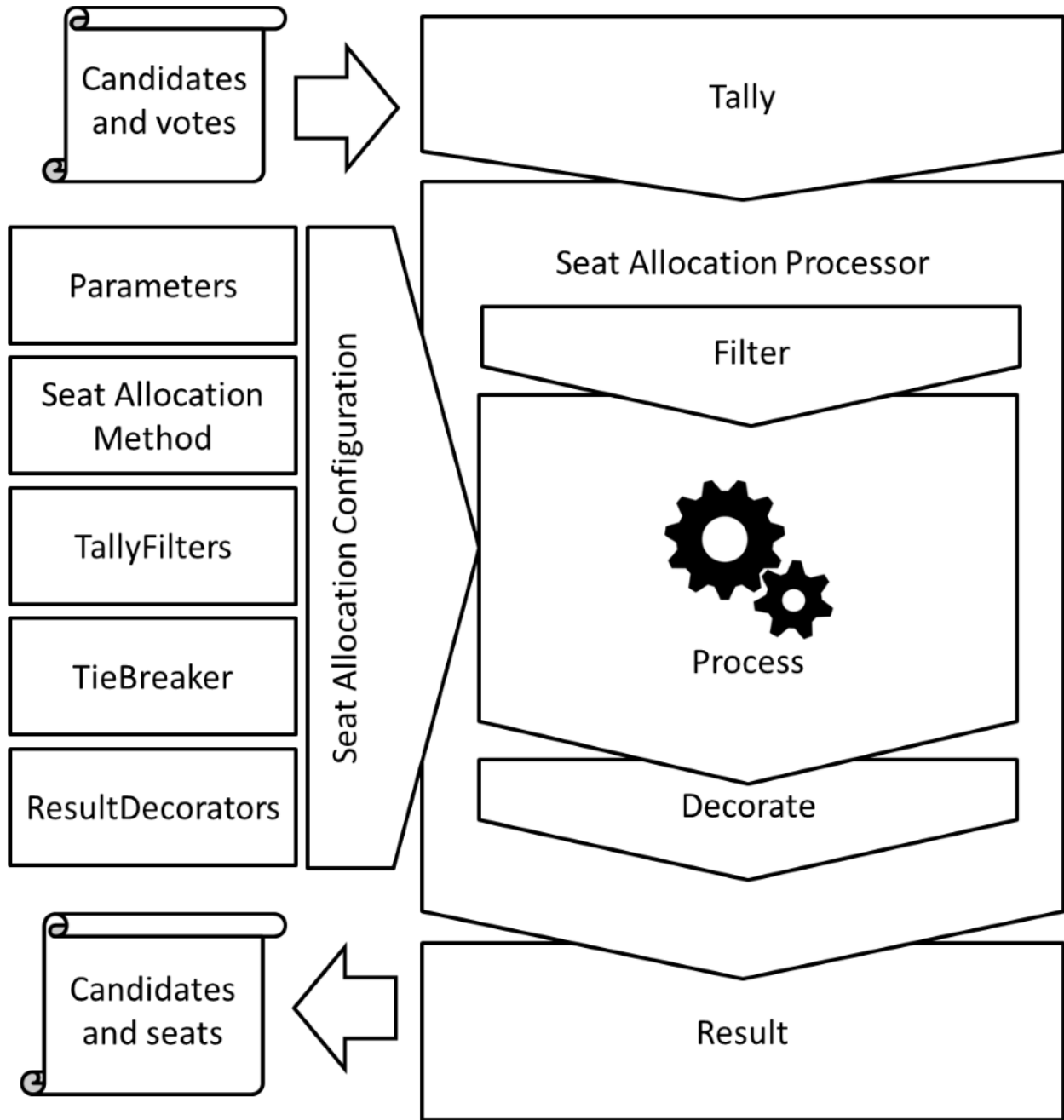
Patent	Publication	Application
1. SYSTEMS AND METHODS FOR PROVIDING SECURITY IN A VOTING MACHINE Inventors: JOHN PAUL HOMEWOOD, THOMAS E. KEELING, PAUL DAVID TERWILLIGER, MARC R. LATOUR		
7111782 Sep 26, 2006	20040238632 Dec 2, 2004	10811969 Mar 30, 2004
2. SYSTEM, METHOD AND COMPUTER PROGRAM FOR VOTE TABULATION WITH AN ELECTRONIC AUDIT TRAIL Inventors: JOHN POULOS, JAMES HOOVER, NICK IKONOMAKIS, GORAN OBRADOVIC		
8195505 Jun 5, 2012	20050247783 Nov 10, 2005	11121997 May 5, 2005
3. SYSTEMS AND METHODS FOR PROVIDING SECURITY IN A VOTING MACHINE Inventors: JOHN PAUL HOMEWOOD, THOMAS E. KEELING, PAUL DAVID TERWILLIGER, MARC R. LATOUR		
7422151 Sep 9, 2008	20070012767 Jan 18, 2007	11526028 Sep 25, 2006
4. BALLOT LEVEL SECURITY FEATURES FOR OPTICAL SCAN VOTING MACHINE CAPABLE OF BALLOT IMAGE PROCESSING, SECURE BALLOT PRINTING, AND BALLOT LAYOUT AUTHENTICATION AND VERIFICATION Inventors: ERIC COOMER, LARRY KORB, BRIAN GLENN LIERMAN		



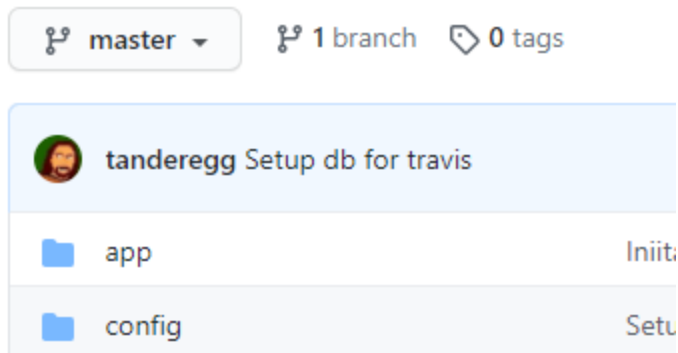
17. Smartmatic creates the backbone (like the cloud). SCYTL is responsible for the security within the election system.



18. In the GitHub account for ScytI, ScytI Jseats has some of the programming necessary to support a much broader set of election types, including a decorator process where the data is smoothed, see the following diagram provided in their source code:



19. Unrelated, but also a point of interest is CTCL or Center for Tech and Civic Life funded by Mark Zuckerberg. Within their github page (<https://github.com/ctcl>), one of the programmers holds a government position. The Bipcoop repo shows tanderegg as one of the developers, and he works at the Consumer Financial Protection Bureau:



Tim Anderegg

tanderegg

Follow

...

38 followers · 23 following · 133

Consumer Financial Protection Bureau

Washington DC

20. As seen in included document titled

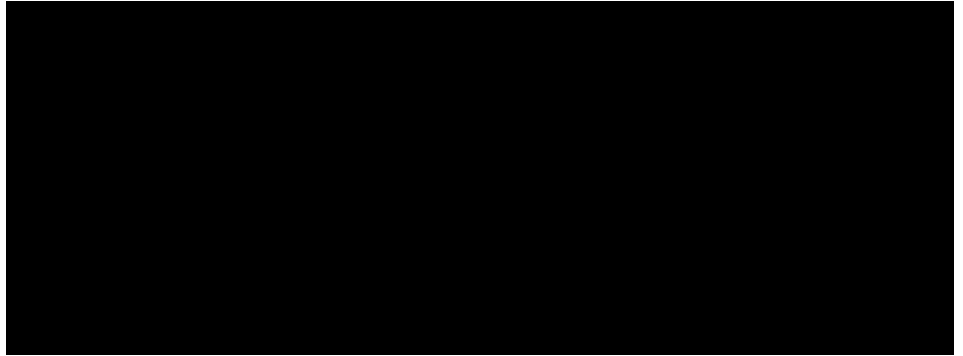
“AA20-304A-

Iranian_Advanced_Persistent_Threat_Actor_Identified_Obtaining_Voter_Registration_Data” that was authored by the Cybersecurity & Infrastructure Security Agency (CISA) with a Product ID of AA20-304A on a specified date of October 30, 2020, CISA and the FBI reports that Iranian APT teams were seen using ACUTENIX, a website scanning software, to find vulnerabilities within Election company websites, confirmed to be used by the Iranian APT teams buy seized cloud storage that I had personally captured and reported to higher authorities. These scanning behaviors showed that foreign agents of aggressor nations had access to US voter lists, and had done so recently.

21. In my professional opinion, this affidavit presents unambiguous evidence that Dominion Voter Systems and Edison Research have been accessible and were certainly compromised by rogue actors, such as Iran and China. By using servers and employees connected with rogue actors and hostile foreign influences combined with numerous easily discoverable leaked credentials, these organizations neglectfully allowed foreign adversaries to access data

and intentionally provided access to their infrastructure in order to monitor and manipulate elections, including the most recent one in 2020. This represents a complete failure of their duty to provide basic cyber security. This is not a technological issue, but rather a governance and basic security issue: if it is not corrected, future elections in the United States and beyond will not be secure and citizens will not have confidence in the results.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge. Executed this November 23th, 2020.



Exh. 9

AFFIDAVIT OF RUSSELL JAMES RAMSLAND, JR

1. My name is Russell James Ramsland, Jr., and I am a resident of Dallas County, Texas. I hold an MBA from Harvard University, and a political science degree from Duke University. I have worked with the National Aeronautics and Space Administration (NASA) and the Massachusetts Institute of Technology (MIT), among other organizations, and have run businesses all over the world, many of which are highly technical in nature. I have served on technical government panels.

2. I am part of the management team of Allied Security Operations Group, LLC, (ASOG). ASOG is a group of globally engaged professionals who come from various disciplines to include Department of Defense, Secret Service, NSA, and the Central Intelligence Agency. We also contract with statisticians when needed. It provides a range of security services, but has a particular emphasis on cybersecurity, open source investigation and penetration testing of networks. We employ a wide variety of cyber and cyber forensic analysts as employees, consultants and contractors. We have patents pending in a variety of applications from novel network security applications to SCADA (Supervisory Control and Data Acquisition) protection and safe browsing solutions for the dark and deep web. For this report, I have relied on these experts and resources.

3. Our team has extensive experience as white hat hackers and employ many methodologies and tools to trace and certify connections between servers, network nodes and other digital properties and probe for network system vulnerabilities. In addition to Robtex and Spiderfoot, we also employ such tools as Whois, GeoIpLookup, nslookup, host, ipinfo.io, etc.

4. I have read the redacted declaration by Spider and can attest to it's credibility and accuracy from our own company's work that has found many of the same connections, relationships and vulnerabilities. Further, Clarity Elections and Scytl are integral to the network as well as Dominion and Edison Research and they too have multiple vulnerabilities and their vulnerabilities represent further vulnerabilities into Dominion and Edison Research.

5. For instance, inside the SCYTL System at a point called staging.scytl.us, malware called QSnatch is visible. QSnatch represents a deep vulnerability to any election system that touches it such as Dominion and Edison Research. QSnatch characteristics include:
 - **CGI password logger** - This installs a fake version of the device admin login page, logging successful authentications and passing them to the legitimate login page.
 - **Credential scraper** – This grabs the credentials of any administrator whose system loads any information into Scytl or Clarity Elections which includes Dominion and Edison Research. This means the credentials of every county of every state where Dominion manages elections in the U.S. are vulnerable. This includes all of Georgia.
 - **SSH backdoor** – This allows the cyber actor to execute arbitrary code on a device.
 - **Exfiltration** – When run, steals a predetermined list of files which includes system configuration & log files. Encrypted with hacker's public key and sent to their infrastructure over HTTPS.
 - **Webshell functionality** – Allows an attacker remote access

- **Persistence & Mitigation** – The malware itself can make it impossible to run needed firmware updates. Once infected, a full factory reset must be done on the device prior to doing a firmware update to stop vulnerability.

Here is its location:



Here it can be seen embedded:

```
"iid": 14271845,  
"type": "ip",  
"indicator": "13.32.202.113",  
"risk": "none",  
"risk_recommended": "none",  
"manualrisk": 0,  
"retired": null,  
"stamp_added": "2020-08-16 07:19:05",  
"stamp_updated": "2020-09-21 18:57:23",  
"stamp_seen": "2020-09-15 01:15:00",  
"stamp_probed": "2020-09-21 18:57:23",  
"stamp_retired": null,
```

6. Source code for Dominion can be easily obtained on the dark web so that an attacker knows all the vulnerable points and can plant any malicious code the attacker desires. Here is a small sample of what can be seen on Pirate Bay TORR:

```
"ProductCode","ProductName","ProductVersion","OpSystemCode'  
Type"  
11818,"OpenElect","1.0","189","1422","English","Voting"  
15134,"Hart Voting System Software Files  
(BallotNow)","3.3.12","189","2049","English","Voting"  
15134,"Hart Voting System Software Files  
(BallotNow)","3.3.12","366","2049","English","Voting"  
15542,"Open Elect Release","1.2","51","1422","English","Vo"  
16786,"OpenElect","1.3","51","1422","English","Voting"  
17345,"Installed files for D-Suite 4.14-D,WinEDS 3.1.012, \\  
4.0.175","2016-01-12","786","2530","English","Voting"  
17429,"Democracy Suite Election Event Designer (EED) Insta'  
File","4.14.37","365","2530","English","Voting"  
17430,"Democracy Suite ImageCast Central (ICC) Installed  
File","4.14.17","365","2530","English","Voting"  
17431,"Democracy Suite Adjudication (ADJ) Installed  
File","2.4.1.3201","365","2530","English","Voting"
```

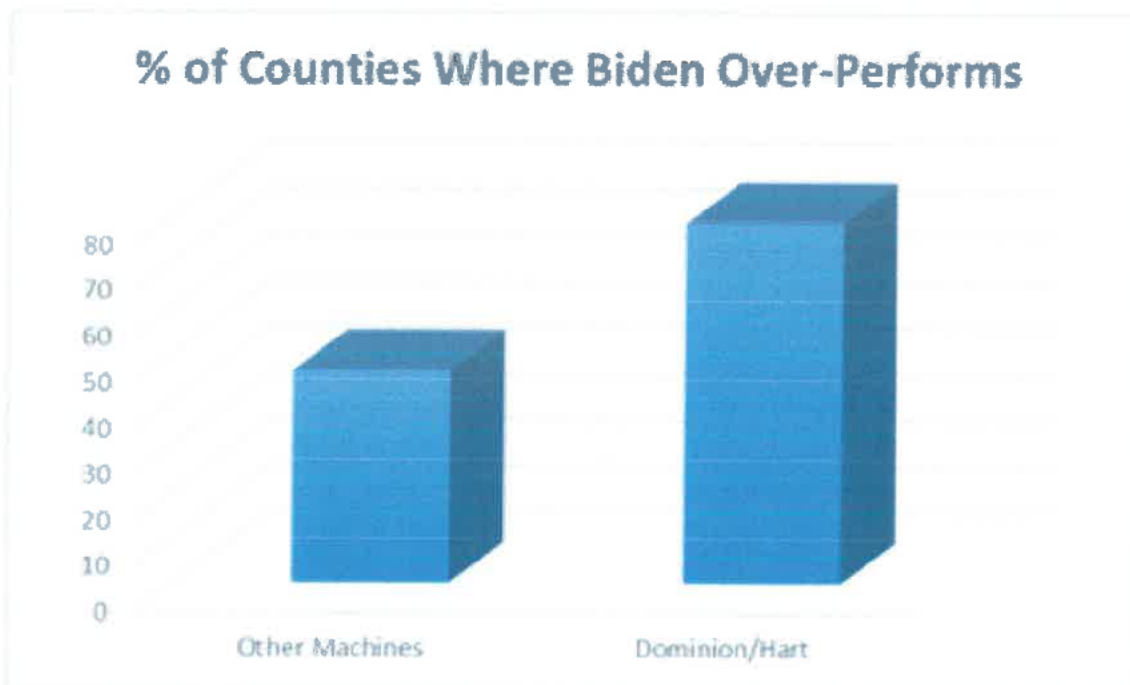
7. This situation is especially dangerous and egregious because the Dominion Election Management System's central accumulator does not include a protected real-time audit log that maintains the date and time stamps of all significant election events. Key components of the system

utilize unprotected logs. Essentially this allows the internal operator or an external attacker the opportunity to arbitrarily add, modify, or remove log entries, causing the machine to log election events. The system makes the creation and maintenance of various logs voluntary, so that the user has a choice to “not retain” or “conceal” their actions. Further, when logs are left unprotected and can be altered, they no longer serve the functional purpose of provided a transparent audit log to the public or election officials.

8. With the already observed level of vulnerabilities to malicious actors, internal or external, we decided to look at our data to determine if the election results were the same in counties that used Dominion machines compared to the rest of the counties as a method to determine whether solid evidence existed that Dominion was in fact acting strangely. Our data included votes for each county in the United States and U.S. Census variables from 2017. We conducted multiple regression analysis using U.S. Census data to develop a model/equation to predict in any county what percentage of the vote could reasonably be expected to go to candidate Biden. We tested the model and while naturally the percentage Biden actually achieved in each county fluctuates from the predicted value, we found for most counties the model does a good job in predicting what should be Biden's percentage of votes won. After we developed our predictive model, we obtained a data file from the U.S. Election Assistance Commission showing the voting machines used by each county in the United States.
9. Our first test looked at Biden performance by machine type. To aid in this research we calculated the number of percentage points Biden was over or under our predicted value in each county. Our initial analysis

then examined Biden's over/under performance against voting machine type. The results for any machine type should average around zero. The results for most machine types are as we would expect; Biden's over/under performance averages near zero for most counties/machines. **However, the election results from counties using Hart machines and the ImageCast X/ICX BMD from Dominion Voting Systems have an abnormally high average of over-achievement by candidate Biden.**

10. The following graph shows that in counties that used the Hart machine or the Dominion BMD device, Biden's performance was approximately five percentage points higher (Dominion BMD) or six percentage points higher (Hart) than it should have been. **In Georgia this translates into 123,725 votes that are statistically invalid.**



11. Next, we counted, for each machine type, the number of counties in which Biden over-performs expectations and the number of counties in

which he under-performs. In normal circumstances any candidate should perform above expectations roughly 50% of the time and under-perform roughly 50% of the time. We see this normal result in the "Other" machine counties, with candidate Biden performing "above" expected values 46% of the time. However, in the Dominion/Hart machine counties, Biden performs above expectations 78% of the time. **This is highly indicative (and 99.9% statistically significant) that something strange is occurring with the Dominion/Hart machines.**

12. We checked this finding by doing a CHAID analysis (Chi-Squared Automatic Interactions Detection) where the CHAID algorithm searched through the different types of voting machines used – and grouped the machines together that show similar results. **We saw that ultimately, in counties using the Dominion or Hart machines, Biden received 5.5 percentage points higher than he was expected to achieve – or likely would have achieved if the counties used any other type of machine. This represents 136,098 votes that are in serious question. This was very much in line with our previous findings of a 5% advantage when using Dominion equipment in paragraph 10 above.** The above findings are statistically significant at the 99.9% level or higher.

13. The next question to answer was whether this average of 5.5% was from relatively few counties having extraordinarily high results for Biden, or if several of the "Dominion" counties were showing unusually high results. The graph below clearly shows that the votes from counties using Dominion machine follows a distinct and unusual pattern, which is in fact a very predictable mathematical pattern. This is consistent with our findings in Michigan on Dominion machines where its clear the

RCV algorithm was used to allocate votes, instead of the winner being decided by the votes themselves (see paragraph 16). If the Dominion counties were acting as they should – like all the other counties – then the green dots (representing Biden's results in counties with Dominion/Hart machines) in the graph below would overlay the blue dots (Biden results in all other counties) in a similar, "mixed up"/random fashion. But we do not see this. Instead, we see the green dots centered higher than the center of the blue dots, meaning the Dominion counties were, on average, performing continuously above the predicted values for Biden had the counties using any other machines. **This indicates the fraud was widespread and impacted vote counts in a systematic method across many machines and counties.**

**Graph: Dominion/Hart BMD Machines vs. Other Machines
(Green = Dominion/Hart, Blue = All Others)**



14. Further research indicated many other red flags in Georgia itself providing evidence that the system's many vulnerabilities were indeed being exploited by actors internal or external in the 2020 election.
15. The first red flag comes from mail-in ballots dates. The voter records of the counties show that 96,600 mail-in ballots were voted, yet the county records show they were never received back. Further, 42 mail-in ballots were received back completed *before* they were mailed out to the voter by the county, 1,887 mail-in ballots were received back completed *the same day* they were mailed out to the voter by the county, 1,786 mail-in ballots were received back completed *one day after* they were mailed out to the voter by the county and 2,275 mail-in ballots were received back completed only *two day after* they were mailed out to the voter by the county. This impossible phenomenon occurred throughout the counties of Georgia and were not an isolated event. Following is a summary:.

GEORGIA MAIL-IN BALLOT ISSUES

Ballots received back completed BEFORE they were mailed out	42
Ballots received back completed THE SAME DAY they were mailed out	1,887
Ballots received back completed ONE day after they were mailed out	1,786
Ballots received back completed TWO days after they were mailed out	2,275
Total Ballots with impossible mail out and received back completed dates	<u>5,990</u>
Ballots with NO RETURN RECORD AT ALL	231,188
Ballots with NO RETURN RECORD & Cancelled	134,588
Ballots with NO RETURN RECORD & Voted	<u>96,600</u>
	<u>231,188</u>

Therefore, from this data I conclude to a reasonable degree of professional certainty that at least 96,600 votes were illegally counted in the Georgia general election.

16. The following data from Michigan strongly suggests that the additive algorithm (a feature enhancement referred to as "ranked choice voting algorithm" or "RCV") was activated in the code as shown in the Democracy Suite EMS Results Tally and Reporting User Guide, Chapter 11, Settings 11.2.2. It reads in part, "RCV METHOD: This will select the specific method of tabulating RCV votes to elect a winner". For instance, blank ballots can be entered into the system and treated as "write-ins." Numerous reports of write-in votes mysteriously appearing on poll closing tapes have been reported by poll workers, such as that of Keith Kaminski of Detroit, MI, attached. The operator can then enter an allocation of the write-ins among candidates as he or she wishes. The result then awards the winner based on "points" that the algorithm computes, not actual voter votes. The fact that we observed raw vote data in the Edison Research feed and data coming directly from the Dominion data feed that includes decimal places proves that the winner was selected by an algorithm, and not individual voter's choice. Otherwise, votes would be solely represented as whole numbers (votes cannot possibly be added up and have decimal places reported). Below is an excerpt from Dominion's direct feed to news outlets showing actual calculated votes with decimals. Use of the RCV algorithm is completely consistent with the mathematical advantage for Biden when using Dominion or Hart equipment as demonstrated in paragraphs 9, 10, 11 and 12 above.

state	timestamp	eevp	trump	biden	TV	BV
michigan	2020-11-04T06:54:48Z	64	0.534	0.448	1925865.66	1615707.52
michigan	2020-11-04T06:56:47Z	64	0.534	0.448	1930247.664	1619383.808

michigan	2020-11-04T06:58:47Z	64	0.534	0.448	1931413.386	1620361.792
michigan	2020-11-04T07:00:37Z	64	0.533	0.45	1941758.975	1639383.75
michigan	2020-11-04T07:01:46Z	64	0.533	0.45	1945297.562	1642371.3
michigan	2020-11-04T07:03:17Z	65	0.533	0.45	1948885.185	1645400.25

17. In my professional opinion, this presents unambiguous evidence that Dominion Voter Systems, Edison Research, Clarity Elections and Scytl have been accessible and were certainly compromised by rogue actors, such as Iran and China among others. Numerous easily discoverable leaked credentials combined with servers and employees connected with rogue actors and hostile foreign influences neglectfully allowed foreign adversaries to access data and intentionally provided access to their infrastructure in order to monitor and manipulate elections without a trace due to poor or changeable audit logs, including the most recent election in 2020. This represents a complete failure of their duty to provide basic cyber security. This is not a technological issue, but rather a governance and basic security issue. This 2020 election was not secure and citizens should not have confidence in the results.

18. Based on the foregoing, we believe this presents unambiguous evidence that using multiple statistical tools and techniques to examine if the use of voting machines manufactured by different companies affected 2020 US election results, we found the use of the Dominion X/ICX BMD (Ballot Marking Device) machine, manufactured by Dominion Voting Systems, and machines from HART InterCivic, appear to have abnormally influenced election results and **fraudulently and erroneously attributed from 123,725 to 136,098 votes to Biden in**

Georgia. Those votes must be disregarded when tabulating the election results.

Key Findings:

- In counties using Dominion BMD voting machines, candidate Biden appears to have consistently received 5% more votes than he should have received
- Biden over-performed predicted/expected values in 78 % of the counties that used Dominion or Hart machines. In counties with other machines, Biden over-performed only 46% of the time (anything close to 50% is normal/expected)

19. Based on the foregoing, I believe that these statistical anomalies and impossibilities compels the conclusion to a reasonable degree of professional certainty that the vote count in Georgia for candidates for President contain **at least 96,600, and as many as 136,098 illegal votes that must be disregarded.**

Further Affiant sayeth naught



Dated: 11/25/2020

Russell James Ramsland, Jr.

Sworn to before me 11/25/2020



Exh. 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

AFFIDAVIT OF MAYRA ROMERA IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER

I, Mayra Romera, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.
2. I am a Florida Bar licensed paralegal.
3. I am a registered Democrat.
4. I was interested in the election process in this country and wanted to be an observer in the Georgia recount process.
5. On Monday, November 16, 2020, I presented myself to Cobb County Poll Precinct located at 2245 Callaway Road SW, Marietta, GA. I was able to be on the floor observing the recount process in Room C. I observed the poll workers not calling out verbally the names on each ballot. They simply passed each ballot to each other in silence.
6. It was of particular interest to me that hundreds of these ballots seemed impeccable, with no folds or creases. The bubble selections were perfectly made (all within the circle), only observed selections in black ink, and all happened to be selections for Biden.
7. It was also of particular interest to me to see that signatures were not being verified and there were no corresponding envelopes seen in site.

8. At one point in time, while on the floor, I overheard a woman tell someone else that they should keep an eye on the guy with a blue blazer and a pocket square, that he was not allowed to come on the floor and observe past the yellow tape. They also kept an eye on him as he took photographs and video of some boxes being stored on a rack. Shortly thereafter, I observed a police officer standing at the door. I had not observed a police officer present up until that moment. They began to walk towards him to stop him as he was photographing those boxes, but at that point, he walked away from that area.

9. Based on my observations, I believe there was fraud was committed in the presidential election and question the validity of the Georgia recount process.

[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct.



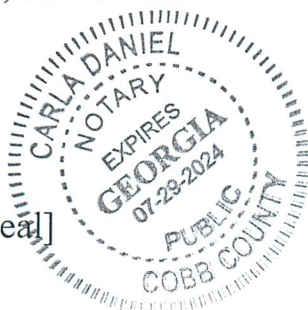
Mayra L. Romera


STATE OF GEORGIA

COUNTY OF FULTON

Mayra L. Romera appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.

[Affix Seal]





Notary Public

My Commission Expires 07-29-2024

Exh. 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF AMANDA COLEMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Amanda Coleman, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.

2. I volunteered to be a monitor for the Donald J. Trump Presidential Campaign, Inc. (the "Trump Campaign") in connection with what was identified to me as the "hand count" of votes cast in the November 3, 2020 presidential election. I was assigned to monitor the hand count on November 15, 2020 by Alyssa Specht from the Trump Campaign, on behalf of the Georgia Republican Party (the "Republican Party").
3. Ms. Edmunds of the Republican Party told to arrive at 285 Andrew Young International Blvd. between 8:00 a.m. and 9:00 am on the morning of November 15. The address was for the Georgia World Congress Center, and there was no exterior activity at that address when I arrived. There were no instructional or directional signs.
4. After I made a series of phone calls ending with Matthew Honeycutt, he gave me directions to go to the bottom rear of the building to an "employee entrance." I arrived at 9:00 a.m.
5. As I arrived, a large crowd was leaving, saying that they had "just finished" the hand recount.
6. Another volunteer and I walked into the counting area to verify what had been said and to observe any activity, as we had been requested to do. Some counting activity appeared to still be going on.

7. We signed in, and then were told that there were “too many” volunteers on the floor and that we would not be permitted to walk the floor and observe.
8. I saw a few people here and there walking the floor. But there were no other observers at the tables where counting activity was happening. There were two people per table and they appeared to be sticking ballots into piles. We were not close enough to see much of anything else because we were not allowed.
9. I believed that we were there to watch actual “hand counting” as had been announced in the newspapers and by the Secretary of State when he requested a “hand count.”
10. There was no way to tell if any counting was accurate or if the activity was proper.

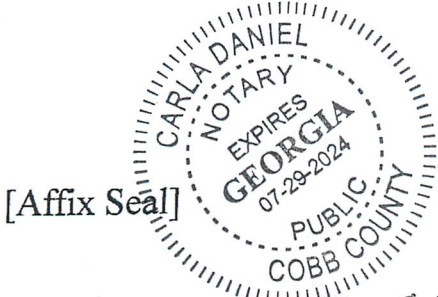
[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct

Amanda Coleman
Amanda Coleman

STATE OF GEORGIA
COUNTY OF FULTON

Amanda Coleman, appeared before me, a Notary Public in and for the above jurisdiction, this 16th day of November 2020, and after being duly sworn, made this Declaration, under oath.



Carla Daniel
Notary Public

My Commission Expires 07-29-2024

Exh. 12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)
_____)

CIVIL ACTION
FILE NO. _____

**AFFIDAVIT OF MARIA DIEDRICH IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Maria Diedrich, declare under penalty of perjury that the following is true
and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal
knowledge of the matters stated herein. I am a resident of Fulton County.

2. I volunteered to be a monitor for the Donald J. Trump Presidential Campaign, Inc. (the "Trump Campaign") in connection with what was identified to me as the "hand count" of votes cast in the November 3, 2020 presidential election. I was assigned to monitor the hand count on November 14 and 15, 2020 by Alyssa Specht from the Trump Campaign, on behalf of the Georgia Republican Party (the "Republican Party").
3. I believed that we were there to watch actual "hand counting" as had been announced in the newspapers and by the Secretary of State when he requested a "hand count."
4. On November 15, 2020, I arrived at the Georgia world Congress Center at 8:00 a.m. to monitor the hand counting. By 9:15 a.m., officials announced that voting was complete and sent everyone home. I spoke to a security guard who was shocked because he planned to be there until 10 p.m. He had been at that location until 10:00 p.m. on the previous night.
5. The officials announced that they had counted all the absentee on November 14 at night and they were already boxed up.
6. The only ballots left to count (for me to observe) were electronic ones, which were being counted in stacks or rows (not consistent).

7. There was no consistency on counting. Only a few tables (of the 170+) were verbally doing the pass count, so there was no way to see that the correct candidate was being put into the correct pile.
8. I observed (and told an election worker) that one counter seemed to be making piles of 9 (but counting them as 10). It took a while for me to get someone to help me, so by the time they came to observe him, the batch was counted and they did not make him recount the stack.
9. Counters were writing the number of ballots for each candidate on scrap paper (no one had the same paper, some was torn, some was colored) and then adding manually. This is where I noticed some manual entry errors, specifically when an elderly counter wrote down the number ballots, she couldn't remember the number, the person with her said a different number, they finally agreed on a number, she added numbers on a scratch paper before putting the number onto the official Audit Board Batch Sheet.
10. The batch sheets were taken to Arlo to input but there was no independent verification or monitoring of the numbers being input.
11. Five times between 8:00 a.m. and 9:00 a.m., I noticed tables with ballots on the table, but both workers had gone to get food. The ballots were left unattended. Drinks were on the tables with ballots. I noticed two tables of a

single person counting, the partner had gone to get food. After I mentioned this to the election official, they told both tables to wait.

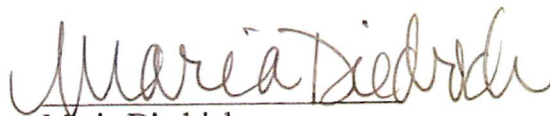
12. At 9:00 a.m., county officials announced that there were too many party monitors and asked the Republican watchers to gather and decide which 17 would be on the floor. There were only 2 paid Republican campaign workers and they tried to organize 17 from about 30 total personnel who had volunteered. Within 10 minutes, we had completed the reorganization.

13. At that point, county officials told most of the counters to go home. There were probably 10 tables still counting.

14. There had been no meaningful way to review or audit any activity.

[SIGNATURE AND OATH ON NEXT PAGE]

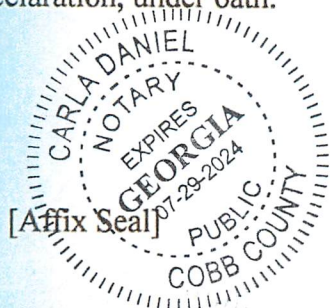
I declare under penalty of perjury that the foregoing statements are true and correct.



Maria Diedrich

STATE OF GEORGIA

COUNTY OF FULTON

Maria Diedrich , appeared before me, a Notary Public in and for the above jurisdiction, this 16th day of November 2020, and after being duly sworn, made this Declaration, under oath.




Notary Public

My Commission Expires 07-29-2024

Exh. 13

Exh. 14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF NICHOLAS J. ZEHER IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Nicholas J. Zeher, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.

2. I am an attorney licensed to practice law in the state of Florida.
3. On Sunday November 15, 2020 Alyssa Specht appointed me to serve as a Monitor for the duration of the Risk Limiting Audit in DeKalb County (the “DeKalb Appointment Letter”). A true and accurate copy of the appointment letter is attached to this Affidavit as **Exhibit “A.”**
4. On Sunday at around 12:30 p.m., I showed up to 2994 Turner Hill Road, Stonecrest, Georgia 30038 to begin observing as a Monitor. Prior to my arrival, I was sent a handout titled “Audit/Recount Monitor and Vote Review Panel Handout” which outlined the rules in place as well as provided guidelines for observation. A true and accurate copy of the Audit/Recount Monitor and Vote Review Panel Handout is attached to this Affidavit as **Exhibit “B.”**
5. After signing in and providing the DeKalb appointment letter to the check-in desk, I was permitted to roam throughout the facility to conduct observations.
6. The first thing I noticed was signs taped to each table (the “Review Table” or “Review Tables”) indicated a place for ballots for Trump, Biden, and Jorgenson and other signs for “Blanks” (no vote for President) or overvotes (multiple votes for President). At each Review Table were two people

manually reviewing each ballot (the “Recounter”). The first Recounter would pick up the ballot and orally announce which candidate the ballot was cast for. The first Recounter would then pass the ballot to the second Recounter who would again orally announce which candidate the ballot was cast for. The ballot was subsequently placed in the pile designated for that candidate as discussed above.

7. Due to the COVID restrictions, we were instructed to stay a minimum of six feet away from any Recounter sitting at one of the Review Tables.
8. The ballots would be brought to the Review Table in a cardboard box by another worker. I was never able to get close enough to read any writing on any of the cardboard boxes. After the cardboard box was opened, stacks of ballots were removed and placed on the Review Table. There were notes on each stack but again, I was never able to get close enough to read what was written.
9. Once the stack of ballots was on the Review Table, the process of reviewing the ballot began in the manner outlined above in paragraph 6.
10. At no time did I witness any Recounter or any individual participating in the recount verifying signatures.

11. If one of the Recounters encountered a ballot that was questionable, he or she raised a piece of paper with a “?” and what seemed to be a supervisor would come to that Review Table. A short conversation was had and the supervisor would provide the Recounters with instructions. Again, I was never able to get close enough to hear what was said.
12. When a Review Table completed reviewing a cardboard box full of ballots, one of the Recounters would write some information (I assume it was the number of ballots for each candidate the box contained) on a piece of paper and place it on top of the cardboard box. Then one of the Recounters would hold a piece of paper with a “√” (check mark) on it in the air and someone would come pick up the box full of ballots.
13. There was no person verifying the number of votes that the Recounter would write on the paper.
14. At one point, I was able to get close enough to a Review Table to see the ballots and the markings on them. It was strange—there were many ballots where just Joseph Biden was filled in and no other candidate whatsoever.
15. At another table, I watched the Recounters pull out a stack of ballots that appeared to be strange too. The bubble filled out for Joseph Biden looked to be a perfect black mark.

16. I spoke to other Observers present that day and they had witnessed the same thing. Other Observers also informed me that fellow Observers were removed for getting too close to the Review Tables. That when they would get close enough to see what was actually filled in on the ballot, one of the Recounters would begin making a big scene and call over a supervisor. The supervisor would then remove the Monitor permanently.
17. While in DeKalb County, I saw a lot of hostility towards Republicans and none towards Democrats.
18. On the evening of November 15, 2020, Alyssa Specht appointed me as an Monitor in Henry County for the whole duration of the Risk Limiting Audit (“Henry County Appointment Letter”). A true and accurate copy of the Henry County Appointment Letter is attached to this Affidavit as **Exhibit “C.”**
19. I arrived at 562 Industrial Boulevard, McDonough, Georgia 30253 at around 9:30 a.m.
20. When I entered the building, I was halted by a woman at the door who immediately informed me that I was not needed and that all the position had been filled. At this time, the woman neither asked who I was nor why I was present. I asked this woman to speak to the person in charge.

21. Within a few seconds, I was greeted by Ameika Pitts (“Ms. Pitts”), Henry County’s Elections Director. Ms. Pitts informed me that my assistance was not needed, and I was free to go. Again, this was told to me prior to her asked why I was there and who I was.
22. I then pulled the Henry County Appointment Letter up on my phone and presented it to her. Ms. Pitts immediately told me that I was not able to have my phone inside the building even though the recount was allegedly being “live streamed.” After a brief conversation, I send Ms. Pitts a copy of the letter and was permitted to enter the building, but only in the public observation area.
23. Fortunately, after speaking to several Republican Party volunteers, Ms. Pitts was provided my name from the Henry County Republican Chairwoman and I was permitted to enter into the observation area.
24. Once inside the observation area, I saw that it was set up very similar to DeKalb County with the Review Tables having the same designations and each Review table having two Recounters as described in paragraph 6 above.
25. As I began walking around, I noticed several differences between DeKalb County and Henry County. In Henry County, the ballots were brought to each Review Table in a red, plastic box with security ties used to hold the

box closed. Those ties were cut, and the ballots were then removed and placed on top of the Review Table in stacks that were wrapped in a rubber bands and had a pink sticky note on each stack which displayed the number of ballots each stack contained. The Recounter would then remove the rubber band and sticky note and begin counting the same was described in paragraph 6 above.

26. At around 12:05 p.m. I was observing table “G” when the two recount workers sorted a pile of ballots that had a note which said “93” as the number of ballots. When the two workers finished sorting and counting the ballots, there were only 92. The director of the election committee, Ms. Pitts came to the two workers and simply signed a separate sheet of paper saying that there were only 92 ballots. Ms. Pitts never recounted to make sure. This happened several times and Ms. Pitts informed us that she has been directed to just sign off on the number of ballots the recount worker said was there.

27. While in Henry County, I personally witnessed ballots cast for Donald Trump being placed in the pile for Joseph Biden. I witnessed this happen at table “A.”

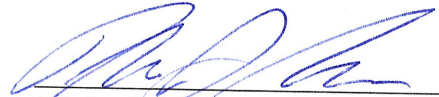
28. I interviewed a few Observers that same day who informed me that on multiple occasions, Recounters at tables “A,” “B,” “G,” and “O” were seen

placing ballots cast for Donald Trump placed in the pile for Joseph Biden. When this was brought to Ms. Pitts attention, it was met with extreme hostility. At no time did I witness any ballot cast for Joseph Biden be placed in the pile for Donald Trump.

29. Based on my personal observations, I believe that additional absentee ballots were cast for Donald Trump but counted for Joseph Biden. I further believe that there was widespread fraud favoring Joseph Biden. This is my personal experience.

[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct


Nicholas J. Zeher

STATE OF FLORIDA

COUNTY OF PALM BEACH

Nicholas Zeher, appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.

[Affix Seal]


Notary Public

My Commission Expires _____

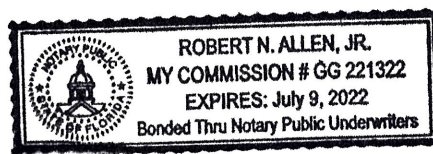


Exhibit A



November 15, 2020

Monitor Designee – Risk Limiting Audit

To Whom it May Concern:

This letter serves as proper notice, pursuant to O.C.G.A. § 21-2-408, § O.C.G.A. 21-2-483, State Election Board Rule 183-1-13-.06, and/or State Election Board Rule 183-1-14-0.9-.15. The listed designees are to serve as a Monitor for the whole duration of the Risk Limiting Audit in DeKalb County:

- William McElligott
- Oleg Otten
- Kevin Peterford
- Nicholas Zeher
- Scott Strauss
- Michael Sasso

A handwritten signature in black ink, appearing to read "D. Shafer". The signature is stylized with large, sweeping letters.

David J. Shafer
Chairman

A handwritten signature in black ink, appearing to read "Michael Welsh". The signature is cursive and somewhat difficult to decipher.

Michael Welsh
Secretary

Exhibit B

Audit/Recount Monitor and Vote Review Panel Handout

Audit Observer Handout

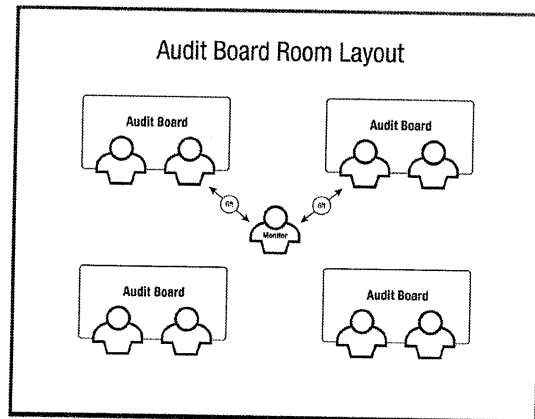
Arrival:

- Arrive 30 minutes prior to the start of your shift.
- The public is to watch the opening procedures before the audit begins and after the audit ends for the day.
- Be respectful and professional, not adversarial.

Audit Observers/Designated Monitors:

- Each political party may have one designated monitor per 10 Audit Teams or a minimum of two designated monitors per room.
- Designated monitors may roam the audit room and observe the audit process
- Observe the Check-in and Check-out process of the ballots
- Must wear badges that identify them by name.
- Are allowed to observe but may not obstruct orderly conduct of election.
- May not speak to or otherwise interact with election workers.
- Are not allowed to wear campaign buttons, shirts, hats or other campaign items.
- Do not touch any ballot or ballot container
- Observe and ensure the room is properly set-up, the Audit Teams are completing their tasks, and the Table is set up properly (see below).
- **Must pose questions regarding procedures to the clerk/election worker for resolution.**

Room Set up



Audit Teams Responsibilities

When reviewing a ballot and determining the voter's mark, audit boards must consider "if the elector has marked his or her ballot in such a manner that he or she has indicated clearly and without question the candidate for whom he or she desires to cast his or her vote." O.C.G.A. 21-2-438(c).

As a batch is delivered from the check-in/out station:

- Record the County Name, Batch Name, and Batch Type (Absentee, Advanced Voting, Provisional, Election Day), and verify the container was sealed on the Audit Board Batch Sheet.

- Unseal the container.
- Recount the Ballots using the "Sort and Stack" method:
 - Pull the ballots out of the container and stack neatly on the table.
 - If the container contains more than 1000 ballots, ballots should be removed from the container and sorted in manageable stacks (using an Audit Board Batch Sheet for each stack), leaving the rest of the ballots in the container until the previous stack is done.
 - For each ballot: audit board member (ABM) #1 picks up a single ballot from the stack and reads the vote for the Presidential contest aloud, then hands the ballot to ABM #2. ABM #2 verifies the vote that is on the ballot is indeed what ABM #1 read, then places the ballot in the "stack" that corresponds to the vote. ABM #1 should watch to make sure the ballot is placed in the right stack. There will be 8 stacks as follows:
 - Trump
 - Biden
 - Jorgensen
 - Overvoted ballots - one pile for any ballot where the voter made more than one selection for President.
 - Blank/Undervoted ballots - one pile for any ballot where the voter made no selection for President.
 - Write-In - one pile for any ballot containing a write-in vote for President. (The board does *NOT* need to determine whether the write-in is for a qualified candidate: the Vote Review Panel does that.)
 - Duplicated ballots - one pile for ballots marked as duplicated.
 - Undetermined - one pile for any ballot where the audit board cannot agree on the voter's intent.
 - Candidate Ballot Tallies – Count the ballots in each stack by having one member of the audit board verbally count the ballot while handing it to the other member for verification. Count the ballots in groups of 10, stacking the groups at right angles to each other, so you can easily count the complete groups when you are done. (For instance, if you have seven groups of 10 ballots each plus an extra 3 ballots, the total tally would be 73.) Record the total tally for each candidate on the Audit Board Batch Sheet.
 - Write-In, Duplicated, and Undetermined Ballots - count the ballots in the write-in duplicated, and undetermined ballot piles and record on the Audit Board Batch Sheet. Each type should go in a designated folder or envelope by batch.
 - Write-in, Duplicated, and Undetermined ballot folders must be set aside for delivery to the Vote Review Panel.
 - Return the other ballots to the original container and seal the container.
 - Sign the Audit Board Batch Sheet.
 - Raise your check mark sign for the check-in/out station to come retrieve your container, batch sheet, and any ballots for the Vote Review Panel.

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 Audit Totals
Donald J. Trump	
Joseph R. Biden	
Jo Jorgenson	
Overvote	
Blank/Undervote	

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.

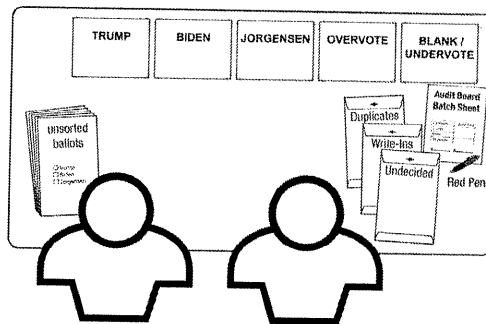
Was the container resealed by the audit board? Yes

X _____ X
(Audit Board Member) (Audit Board Member)

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

Table Set up

Audit Board Table Top Organization



No Photography is allowed in the observation area.

Check-in/out Process

- Two election workers are required to observe the check in and check out process of ballots to ensure there is a secure chain of custody and inventory of ballots is kept proper.
 - One person is to be kept with the ballot containers
 - One person delivers the containers to and from the audit boards (“runner”)
- There should be at least one “runner” for every 5 audit boards
- When a new container arrives, the election works must record:

- batch name
- audit board number
- Upon completion, the election worker must:
 - Verify proper completion of the *Audit Board Batch Sheet*
 - Ensure contain is resealed
 - Return the container and batch sheet to the check-in/out station
 - Note the return of the container of the Ballot Container Inventory Sheet
 - Deliver any necessary ballots/envelopes to the Vote Review Panel
 - Duplicates, write-ins, and undermined
 - Enter candidate totals for the batch in Arlo, mark as “entered”

Closing of Audit Room:

- **All eligible monitors are able to observe the closing and conclusion of the audit.**

Monitor Observes Issue...What to Do?

1. Respectfully raise issue with precinct clerk for resolution.
2. Do NOT speak to or interact with election workers.
3. Do NOT take pictures or videos.
4. If unresolved, leave polling room and call GOP GA Legal Hotline with your name, county, and location.

Be on the lookout for:

1. Lapses in procedure
2. Food or beverage on audit tables (it should be under the table)
3. Any ballots not being delivered from the runners in the regular course

Statewide Observer and VRP member Hotline: 470-410-8762

Incident Report Form (attached) and at: <https://gagop.org/auditreport/>

The Vote Review Panel

Vote Review Panel (VRP) Member:

- Each political party must have 1 member per VRP
- You must object when you cannot agree
 - If there is a disagreement between the two VRP members, the Superintendent or their designee breaks the tie.
- Manually log each ballot that should be adjudicated
- Must wear badges that identify them by name.
- May not speak to or otherwise interact with election workers.
- Are not allowed to wear campaign buttons, shirts, hats or other campaign items.
- **Must pose questions regarding procedures to the clerk/election worker for resolution.**

Three types of Ballots:

- Duplicated Ballots
 - Retrieve the original ballot and compare the duplicated ballot to ensure proper duplication. Using the original ballot, record the vote tally for the duplicated ballots using the Vote Review Panel Tally Sheet.
- Undetermined Ballots
 - Review the undetermined ballots where the audit board could not agree on the voter's intent to make a determination. Record the vote tally for the undetermined ballots using the Vote Review Panel Tally Sheet.
- Write-In Ballots
 - Review the write-in ballots to determine if a voter has voted for a qualified or invalid write-in candidate. Record the number of votes for each qualified write-in candidate on the Qualified Write-In Candidate Tally Sheet.

Vote Review Panel Tally Sheet		County: _____		Page: _____ of _____							
Ballot Name	Ballot Type (Duplicate, Write-In, Undetermined)	# of Ballots in Batch	Votes for Trump	Votes for Biden	Votes for Ingraham	Overvotes	Blank/ Undervotes	Invalid Ballots	Valid Ballots	Marked Tally Sheet	Entered into Aris
Example	Duplicate	5	2	2	1	0	0	0	3	✓	✓

Common Adjudication Scenarios

Common Adjudication Scenarios

OVERVOTES
With corrections from voters

HESITATION MARKS

MARKING ERRORS
Consistent patterns

MARKING ERRORS
Inconsistent patterns

STRAY MARKS IN TARGET AREAS

The image displays six sample ballots for the position of Supervisor, District 1, with candidates Alfred Hitchcock and Vincent Price. Each ballot is annotated with checkmarks or crosses to indicate specific marking errors. The scenarios shown are: 1) Overvotes with corrections, where voters have marked both candidates and the ballot is marked as overvoted. 2) Hesitation marks, where voters have made partial or unclear marks. 3) Marking errors with consistent patterns, where voters have used the same mark for both candidates. 4) Marking errors with inconsistent patterns, where voters have used different marks for the two candidates. 5) Stray marks in target areas, where voters have made marks in the wrong area of the ballot.

Exhibit C



November 15, 2020

Monitor Designee – Risk Limiting Audit

To Whom it May Concern:

This letter serves as proper notice, pursuant to O.C.G.A. § 21-2-408, § O.C.G.A. 21-2-483, State Election Board Rule 183-1-13-.06, and/or State Election Board Rule 183-1-14-0.9-.15. The listed designees are to serve as a Monitor for the whole duration of the Risk Limiting Audit in Henry County:

- William McElligott
- Oleg Otten
- Kevin Peterford
- Nicholas Zeher
- Ibrahim Reyes-Gandara
- Juan Carlos Elso
- Carlos Silva
- Mayra Romera

A handwritten signature in black ink, appearing to read 'David J. Shafer'.

David J. Shafer
Chairman

A handwritten signature in black ink, appearing to read 'Michael Welsh'.

Michael Welsh
Secretary

Exh. 15

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)
_____)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF SUSAN VOYLES IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Susan Voyles, declare under penalty of perjury that the following is true
and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal
knowledge of the matters stated herein.

2. I am a poll manager at Precinct SS02 A and B (Sandy Springs). The Fulton County Board of Elections (“BOE”) sent an email soliciting poll managers and assistant poll managers for the purpose of participating in the “hand count” audit of votes cast in the November 3, 2020 presidential election. I accepted the assignment.
3. My direct supervisor, Marie Wright, asked me if I could confirm that I could show up to participate as an auditor in the recount from Saturday, November 14 until Wednesday, November 18, 2020. I was told that it was a requirement of the accepting the assignment to be available from 7:00 a.m. until 5:00 p.m on each of those five days. I was to be paid \$200 per day.
4. The BOE also solicited Fulton County employees generally, such as workers from the public libraries. Most had no election experience (other than perhaps voting themselves).
5. On Saturday at 7:00 a.m., I showed up to the Georgia World Congress Center at 285 Andrew Young International Blvd. in downtown Atlanta. We had to watch a very short training video (probably less than 5 minutes) -- there was no audio, but there were captions. I watched it three times to ensure I had captured all the information, but there were some things that were not

covered, like what an auditor should do if he or she saw matters of concern.

I did not see any helpful written materials on that issue.

6. We were required to sign an oath saying that we would conduct an audit impartially and fairly to the best of our ability, and were told that if we did anything wrong we would have to go before the State Board of Elections.
7. The BOE did not appear to have standardized operating procedures for the conduct of the audit. Everything was in total disarray at the counting location. The organizers did not have sufficient tables for all the committed volunteers. (When I arrived at 7:00 a.m., 134 tables were set up and I was assigned to table 136; ultimately, I believe 170 tables were set up.)
8. Counting began shortly after 7:00 a.m., as best as I could tell, but we were held to the side. After 90 minutes of counting had passed, we were assigned a table from additional tables that had been brought into the counting area.
9. Signs taped to the table indicated a place for ballots for Trump, Biden, and Jorgenson and to make a separate pile for “Blanks” (no vote for President) or overvotes (multiple votes for President). One person was to pick up the ballot and state the vote out loud, and the other was to confirm that selection and place the ballot in the appropriate location.

10. After counting, we were instructed to pick up each individual “pile” and count the ballots in each pile and place them in alternating stacks of 10 each. After counting the final tally, we were instructed to compare the number with the original number from the opening tally sheet. (The tally sheet provided a road map to the number that was needed to reconcile with the original reported results.)
11. We began counting around 9:00 a.m. We were given a tally sheet to record our findings, and manila envelopes for write-in candidates and disputed ballots. Again, we were not given any information or standards on how to interpret spoiled ballots or other discrepancies.
12. We noticed that the supervisors seemed selective as to how to allocate the assignments. For our first assignment, we were given a cardboard box that contained only absentee ballots. It was taped shut with packing tape with the seal of the Secretary of State. But the seal was blank, signed by no one, and no information had been supplied. There were no markings indicating the provenance of the box. The box was marked as Box No. 5 – Absentee – Batch Numbers 28-36.
13. Inside the box were stacks of ballots of approximately 100 ballots each. Each stack contained an original tally sheet that said the location where the

ballots were picked up. I am assuming these ballots came from the pervasive ballot boxes that had been placed throughout Fulton County.

14. Most of the ballots had already been handled; they had been written on by people, and the edges were worn. They showed obvious use. However, one batch stood out. It was pristine. There was a difference in the texture of the paper – it was if they were intended for absentee use but had not been used for that purposes. There was a difference in the feel.

15. These different ballots included a slight depressed pre-fold so they could be easily folded and unfolded for use in the scanning machines. There were no markings on the ballots to show where they had come from, or where they had been processed. These stood out.

16. In my 20 years' of experience of handling ballots, I observed that the markings for the candidates on these ballots were unusually uniform, perhaps even with a ballot-marking device. By my estimate in observing these ballots, approximately 98% constituted votes for Joseph Biden. I only observed two of these ballots as votes for President Donald J. Trump.

17. We left at approximately 4:45 on Saturday. There will still much to be done. We were told to come back on Sunday. It was estimated at that time that the

ballot recount would not be completed until Monday evening at the earliest – that’s how many ballots were left.

18. On our way out, we spoke to a GWCC officer and thanked him for being there and his service. We asked him if he would be leaving shortly, and he said he was not scheduled to leave until 11:00 p.m. At that point, other officers would come and guard the room from 11:00 p.m. to 7:00 a.m.

19. On Sunday morning we arrived at approximately 6:45 a.m. Initially, the fact that there were so few auditors in the room indicated that others were just late. However, by 7:15 a.m., we realized that because so few additional auditors had arrived, there would not be a lot of auditors present for the Sunday count.

20. Interestingly, we were told to go back to our original table. Even though the room was sparsely occupied, we were surrounded with two auditors immediately in front of us and two auditors immediately behind us. We began to notice a greater disparity in the distribution of workloads. Although the auditing tables surrounding us arrived later, they were assigned large boxes of ballots before we were given. When our box arrived – after a 45 minute wait – I opened the ballot box to find only 60 ballots from the Quality Living Center in South Atlanta, a men’s housing facility for recovering

addicts. The other auditing tables received boxes with over 3,000 ballots each.

21. After we completed our first ballot box, we raised our “check card” for more ballots. After waiting for an extended period, we were told our assistance was no longer needed and thanked for our work. We were told to go home.

22. We offered to help on some larger piles that were still evident, and the officials present were adamant that they did not need any help. I sat at the table for a while longer and noticed how other auditors were treated. We were explicitly told we could not have drinks or food of any kind on the table -- that was understandable. The people behind us and in front of us however had open water bottles, breakfast burritos supplied by the BOE, and snacks on their table.

23. Also, those tables were not counting as a team, with a pass-off from one to the other. Each auditor was counting individually. The purpose of the pass-off was to make sure that each auditor agreed that the call for each ballot was accurate.

24. This recount process was consistent with the lack of preparation, contingency plans, and proper procedures that I experienced in this unusual election. For example, in the setup for Election Day, we typically receive

the machines – the ballot marking devices – on the Friday before the election, with a chain of custody letter to be signed on Sunday, indicating that we had received the machines and the counts on the machines when received, and that the machines have been sealed. In this case, we were asked to sign the chain of custody letter on Sunday, even though the machines were not delivered until 2:00 a.m. in the morning on Election Day. The Milton precinct received its machines at 1:00 a.m. in the morning on Election Day. This is unacceptable and voting machines should not be out of custody immediately prior to an Election Day. It is possible that these ballot marking devices could have been used for other purposes during that period.

25. When I was asked to sign the chain of custody letter, I only signed the letter with the added language to state that I was accepting chain of custody for equipment, BMDs, and pole pads that had not been delivered.

26. My precinct should have received the poll pads on Sunday and should have been able to store them inside the ballot marking devices. We could not do that, since we did not receive the ballot marking devices in a timely manner.

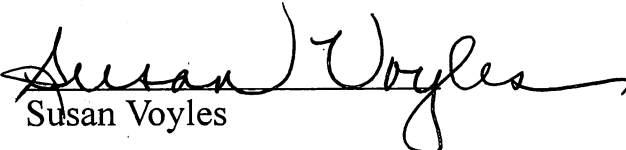
27. When we did receive the machines, they were not sealed or locked, the serial numbers were not what were reflected on the related documentation, and the

green bar coded tags that are supposed to cover the door covering the memory card was broken. The supervisor told us to use the machines in that condition. As a poll manager of over 20 years, I knew this was not the standard operating procedure for the BMDs and therefore I did not put them into service.

28. I believe my honesty in this affidavit will lead to my arrangement as a poll worker in Fulton County being compromised. However, the BOE operations were sloppy and led me, in the case of at least one box I reviewed, to believe that additional absentee ballots had been added in a fraudulent manner. This is my personal experience.

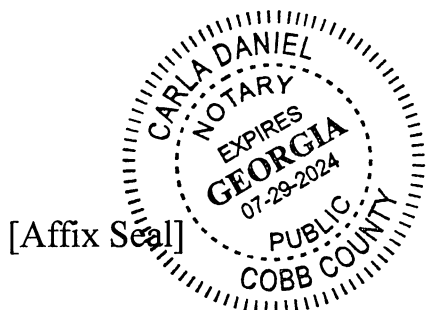
[SIGNATURE AND OATH ON NEXT PAGE]

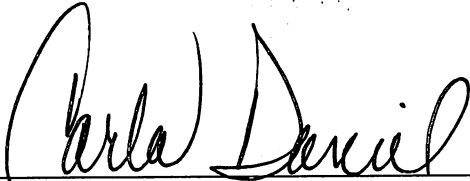
I declare under penalty of perjury that the foregoing statements are true and correct


Susan Voyles

STATE OF GEORGIA
COUNTY OF FULTON

Susan Voyles, appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.




Notary Public

My Commission Expires 07-29-2024

Exh. 16

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)

of Georgia, REBECCA N. SULLIVAN,)

in her official capacity as Vice Chair of)

the Georgia State Election Board,)

DAVID J. WORLEY, in his official)

capacity as a Member of the Georgia)

State Election Board, MATTHEW)

MASHBURN, in his official capacity as)

a Member of the Georgia State Election)

Board, and ANH LE, in her official)

capacity as a Member of the Georgia)

State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

AFFIDAVIT OF IBRAHIM REYES, ESQUIRE IN
SUPPORT OF PLAINTIFF’S MOTION FOR TEMPORARY
RESTRAINING ORDER

I, Ibrahim Reyes, declare under penalty of perjury that the following is true and correct:

1. My name is Ibrahim Reyes. I am an attorney licensed to practice law in the State of Florida since 2002, my office address is 236 Valencia Avenue, Coral Gables, FL 33134, and my email address is ireyes@reyeslawyers.com.

2. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.

3. I volunteered to assist in the manual recount in the State of Georgia and was assigned to work as a Monitor and as a member of the Vote Review Panel.

4. On November 16, 2020, I went to Clayton County from 8:00 A.M. to 6:00 P.M.

5. I identified myself as a Monitor and Vote Review Panel associated with the Republican Party, and the person in charge of the Clayton County precinct, Erica Johnston, said that I could not be present on the floor until I received a badge with my name, that it would be printed shortly, within thirty minutes, but could stand in the observers area, away from the counting tables.

6. I did not receive my identification badge until three hours, so I was prevented from acting as a Monitor all morning.

7. However, as an observer, I observed that the precinct had twelve (12) counting tables, but only one (1) monitor from the Republican Party. I brought it up to Erica Johnston since the recount rules provided for one (1) monitor from each Party per ten (10) tables or part thereof.

8. Erica Johnston said that I was wrong, that there were only ten tables counting and explained that because there were ten tables, not twenty, only one monitor was allowed. I explained to her that there were twelve tables counting, and

that the rules did not state what she said, and read to her the rule, which I had on my phone.

9. Erica Johnston proceeded to tell me that it did not matter, that she was in charge, and that unless there were twenty tables, one monitor for twelve tables was fine because of the limited space. I explained that I did not note an exception where due to limited space, she could individually determine how many Monitors to allow, and that she had created her own rules for the manual recount, which precluded Republican Monitors from monitoring the recount. Erica Johnston said that if I continued to insist on having one more Monitor for the Republican Party, she would call the Police.

10. We were inside the Clayton County Police Department. I pointed her where a Police officer was and asked her to call her over. I explained to the female police officer that the Clayton County precinct was not counting ballots following the rules for counting ballots, and I was requesting Erica Johnston to follow the rules. The police officer told me that she could not do anything about it.

11. A Clayton County journalist named Robin Kemp of @RKempNews, overheard the exchange, as a member of the media went in and photographed the twelve (12) counting tables, confirmed to me that she had seen twelve counting tables, and published it in Twitter.

12. Soon thereafter, before noon, we were notified that the location would close, and the recount would be moved to Jackson Elementary to allow for more space and more monitors.

13. The recount resumed at Jackson Elementary on or about 1:30 P.M., after boxes of ballots were brought in a Clayton County white van with tag GV57976 and taken into Jackson Elementary.

14. I had my identification badge by then, so I went in and noticed that one Republican Monitor was allowed, yet now there were twenty six (26) tables, and informed Erica Johnston that, again, if there were twenty six tables for recounting, three (3) monitors from each Party were to be permitted.

15. Erica Johnston told me that she was in charge, and that I should stop interfering with the process. I informed Erica Johnston that she was interfering with the process, since she was not following the recount rules, knowingly.

16. At that point in time, a young man named Trevin McKoy, associated with the Georgia Republican Party, told Erica Johnston that the Republicans were entitled to three, not one, Monitor, since there were twenty-six tables. Erica Johnston called over a Police officer, Officer Johnson, and Erica Johnston asked Officer Johnson to remove Mr. McKoy from the building.

17.I intervened and explained to Officer Johnson that Erica Johnston was not following the rules, and Officer Johnson replied that Erica Johnston was in charge, and that we were not in a Courtroom.

18.I walked outside with Trevin McKoy, and so did the journalist, Robin Kemp, who proceeded to publish the violation of rules on her Twitter account.

19.Within five minutes of the Twitter having been published, Erica Johnston approached me and told me that the Republicans could have two additional Monitors, and two additional Monitors went on the floor.

20.She also offered me to participate in the Voting Review Panel, which I did until 6:00 P.M.

21.As a Voting Review Panel member, I sat next to two counting tables, and monitored whether counters were following the rules.

22.For example, the procedure required that the two counters sitting next to each other would recite the name of the candidate for whom the vote was cast, one first, the second after, to confirm agreement, and then place the 'ballot' on the appropriate stack, Trump, Biden, etc.

23.The counters on the two tables next to my table were not doing that, and I served as a next to them for over three hours. One would give a 'ballot' to the next, and the next would place it on top of one of the stacks, without confirmation from counter 2 to counter 1.

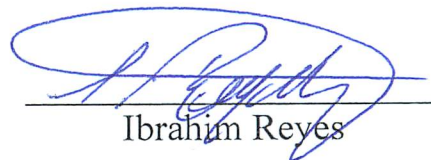
24.I witnessed that Erica Johnston did not follow the rules until I complained, and journalist Robin Kemp published the violations on her Twitter account.

25.I also witnessed that Officer Johnson, of the Clayton County Police Department, removed Trevin McKoy from the Jackson Elementary precinct only because Erica Johnston told him to remove him, even though Trevin McKoy had not done or said anything improper.

26.I also observed that the precinct had Democratic Party monitors, Republican Party monitors, and Carter Center monitors, and only Republican Monitors were being mistreated by Erica Johnston and by Officer Johnson.

[SIGNATURE AND OATH ON NEXT PAGE]

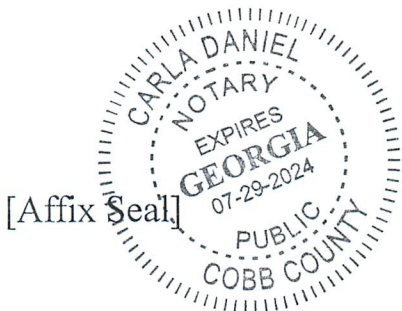
I declare under penalty of perjury that the foregoing statements are true and correct


Ibrahim Reyes

STATE OF GEORGIA

COUNTY OF FULTON

Ibrahim Reyes appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.




Notary Public

My Commission Expires 07-29-2024

Exh. 17

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF CONSETTA S. JOHNSON IN SUPPORT OF
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Consetta S. Johnson, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.

2. I was a volunteer audit monitor at the Jim R. Miller Park for the recount process on November 16, 2020.
3. As a floor monitor, I could see by the markings that the ballots being audited were absentee ballots.
4. I witnessed two poll workers placing already separated paper machine receipt ballots with barcodes in the Trump tray, placing them in to the Biden tray.
5. I also witnessed the same two poll workers putting the already separated paper receipt ballots in the "No Vote" and "Jorgensen" tray, and removing them and putting them inside the Biden tray.
6. They then took out all of the ballots out of the Biden tray and stacked them on the table, writing on the count ballot sheet. A copy of the video reflecting this is attached as **Exhibit A**.
7. Although I observed a supervisor provide guidance and instructions, the process was not uniform, and most poll workers were working in their own format and style.
8. I also observed the poll workers not calling out verbally the names of each ballot. They simply passed each ballot to each other in silence.
9. I believe the Board of Elections operations were sloppy, unorganized, and suspicious. As an observer I could not observe presidential vote preference

because the font size of the machine paper printed ballots were difficult to read from my distance. This is my personal experience.

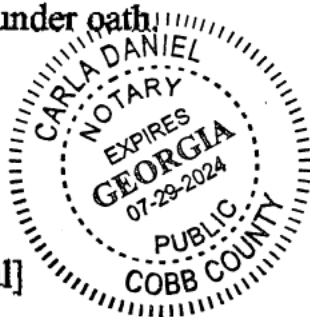
I declare under penalty of perjury that the foregoing statements are true and correct

Consetta S. Johnson
Consetta S. Johnson

STATE OF GEORGIA

COUNTY OF COBB

Consetta S. Johnson appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.



[Affix Seal]

Carla Daniel
Notary Public

My Commission Expires 07-29-2024

Exh. 18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF CARLOS E. SILVA IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Carlos E. Silva, declare under penalty of perjury that the following is true
and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.
2. I am and have been a Florida trial lawyer for over 26 years.
3. I am a registered Democrat.
4. Me and several people from my firm were very interested in the election process in this country and wanted to be observers in the Georgia recount process to see if we had a valid, secure and non-biased voting system.
5. On Sunday, November 15, 2020 I arrived to Dekalb County Poll Precinct located at 2998 Turner Hill Road, Stonecrest, GA 30038.
6. I was allowed to be an observer and walked over to a table of two women counting votes.
7. I watched them pull out a pile of what I observed to be absentee ballots and noticed two very distinct characteristics that these ballots had. One, I noticed that they all had a perfect black bubble and were all Biden select. I was able to observe the perfect bubble for a few minutes before they made me move away from the table. At no time did I speak to the poll workers or obstruct them in any way. I heard them go through the stack and call out Biden's name over 500 times in a row.

8. On the following day, on November 16, 2020, I presented myself to Cobb County Poll Precinct located at 2245 Callaway Road SW, Marietta, GA. At first, I was standing next to the panel reviewers in Room B, where I observed absentee ballots being reviewed with the same perfect bubble that I had seen the night before at Dekalb County. All of these ballots had the same two characteristics: they were all for Biden and had the same perfect black bubble.
9. After being there for over an hour, I walked over to Room C where the absentee ballots were being manually recounted (audited). While in this room, I did not hear a verbal callout as to each ballot as I had heard the day before in Dekalb County. It was instead, done in a silent manner between both poll workers.
10. I was able to visualize the perfect bubble with the name Biden on it for approximately ten minutes before a female middle aged (blonde hair with glasses) supervisor in a ski jacket asked me to move ten feet away and refused to give me her name. Later on, one of the people traveling with me from my office, heard her say to keep an eye on the guy with a blue blazer and a pocket square, he is not allowed to come on the floor and observe past the yellow tape. I was the only one wearing a blue blazer with a pocket square.

11. I also observed a dispute at one of the tables between an observer and a male supervisor (perhaps in his mid-thirties) who stated that a box had been certified incorrectly because the recount number was different than the original number. The observer was also upset because nothing was done about it.
12. I also saw absentee ballots for Trump inserted into Biden's stack and were counted as Biden votes. This occurred a few times.
13. I also observed throughout my three days in Atlanta, not once did anyone verify signatures on these ballots. In fact, there was no authentication process in place and no envelopes were observed or allowed to be observed.
14. I saw hostility towards Republican observers but never towards Democrat observers. Both were identified by badges.
15. Lastly, after my frustrating experience, I decided to try to speak one of the poll workers after hours. I identified myself as an observer that wanted to know more about the process and any pressure he may have been under. He advised that they, as poll workers, have been prohibited to speak to observers at any time, and that the pressure they have been under by their supervisors has been great. Not only in the speed of counting, but in reference to

irregularities that he was not at liberty to discuss with me. I asked him if he could find some time to speak with me after he was done counting and relieved of his duties and he said he was advised to never speak to anyone about the process.

16. Based on my observations, I have reached the conclusion that in the counties I have observed, there is widespread fraud favoring candidate Biden only. There were thousands of ballots that just had the perfect bubble marked for Biden and no other markings in the rest of the ballot.

[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct.

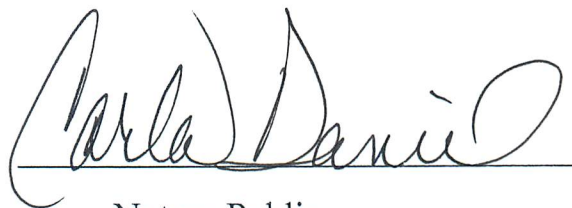
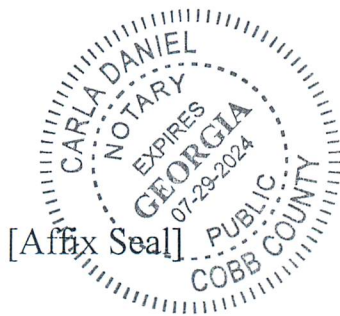


Carlos E. Silva

STATE OF GEORGIA

COUNTY OF FULTON

Carlos E. Silva appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.



Notary Public

My Commission Expires 07-29-2024

Exh. 19

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)
_____)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF ANDREA O'NEAL IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Andrea O'Neal, declare under penalty of perjury that the following is true
and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal
knowledge of the matters stated herein.

2. I volunteered to be a monitor for the Donald J. Trump Presidential Campaign, Inc. (the “Trump Campaign”) in connection with what was identified to me as the “hand count” of votes cast in the November 3, 2020 presidential election. I was assigned to monitor the hand count on November 14, 2020 at the Lithonia Voting Facility in Lithonia, Georgia.
3. I voted early on October 12 at the precinct at Lynwood Park in Brookhaven. Because of irregularities at the polling location, I called the voter fraud line to ask why persons were discussing my ballot and reviewing it to decide where to place it. When I called the state fraud line, I was redirected to a worker in the office of the Secretary of State.
4. I asked to speak with a person in charge of fraud. The worker said he didn’t really have anyone to forward me to. He gave me the number to someone named Leigh at the State level, and then the DeKalb voting office. I left a message with Leigh, I never received a call back. I called DeKalb, again it was given an administrative worker, then a supervisor, but there was no dedicated resource against the fraud.
5. I became alarmed at what I was seeing and volunteered to watch in the hand recount. At the Lithonia location, I was originally scheduled to watch from 1:00 p.m. until 5:00 p.m. on November 16th. I initially saw counters who were

separated and not reading to each other, as was required by the instructions for the hand recount. A supervisor came over and told the workers to work together.

6. Around 3:00 p.m., I observed an auditor incorrectly collecting batches into odd numbers. I told a supervisor and she made the auditors at that table start over again.
7. We were too far away from the ballots to see who they were being voted for. If the auditors were not recording correctly, we would have no one of knowing whether the call out of any name was what was reflected on the ballot.
8. Around 4:00 pm. I saw another auditor incorrectly sort Biden votes without verification from another auditor. That auditor was collecting ballots that he said were voted for Biden and sorting them into 10 ballot stacks. But he did not show the ballots to anyone else. This violated the whole purpose of verifying the ballots as counted.
9. I was the only poll monitor near the table at the time. I went and told one of the supervisors who immediately went over to check and then went and spoke with “Gavin,” the Republican supervisor/attorney. By the time I went back over the original Republican monitor was there with a different poll supervisor (“Twyla”) and a group of 4 Democratic monitors had formed around the table.

10. The Republican poll monitor was recalling what she had seen, but confronted by the Audit Board members, who were refuting her comments vigorously. I stated that I had observed the exact same thing. The 4 Democratic monitors that were standing around the table accused us of ganging up on the table to watch them. They also stated that they were there watching and I was lying. None of them were there for the 5 minutes that I observed the improper actions, but they may have observed proper counting at a prior time, and I allowed this.

11. Nonetheless, Twyla stated that we were ganging up with "malice". I stated to Twyla that the table was not following proper procedure. She argued that a counted stack is a counted stack, no matter how they did it.

12. Two other Republican monitors firmly stated that all tables needed to be following proper procedure and this table was in clear violation. The workers were relieved from their shift and Twyla stated that the box they had been working on would get recounted.

13. I told Twyla that I had noticed each table counting its own way – some independently, some not, some out loud, some without discussion – and each table was sorting stacks by different counts. There was no uniform system. Written instructions state that stacks should be sorted in batches of 10. I


observed tables counting by 25, and one table that was counting stacks by 100s.

14. All of this may have been a problem with the limited training that the workers received, or the limitations of the mission – it is not clear what the “hand recount” is supposed to generate.

15. These problems may have been avoided with more training. I told Twyla that they needed to make sure everyone had proper training to follow the protocols as written. It was not easy to monitor where in the process of sorting and counting each table was at due to lack of consistency.

[SIGNATURE AND OATH ON NEXT PAGE]

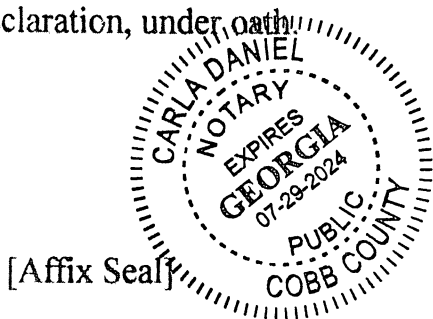
I declare under penalty of perjury that the foregoing statements are true and correct

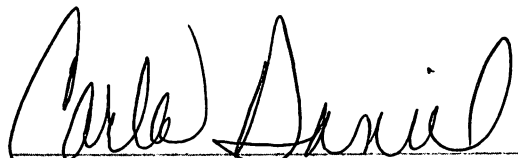

Andrea O'Neal

STATE OF GEORGIA
COUNTY OF FULTON

Andrea O'Neal, appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this

Declaration, under oath.




Notary Public

My Commission Expires 07-29-2024

No. _____

In the United States Court of Appeals for the Eleventh
Circuit

CORECO JA'QAN PEARSON, ET AL.,
Plaintiffs-Petitioners,

v.

BRIAN KEMP, ET AL.,
Defendants-Respondents

On Certified Order from the United States District Court
for the Northern District of Georgia, Atlanta Division,
No. 1:20-cv-04809-TCB

PETITIONERS' APPENDIX (VOLUME III)

Sidney Powell
Counsel of Record
SIDNEY POWELL PC
2911 Turtle Creek Blvd., Suite 300
Dallas, TX 75219
(214) 717-1775
sidney@federalappeals.com

L. Lin Wood
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
(404) 891-1402
lwood@linwoodlaw.com

Counsel for Plaintiffs-Petitioners. Additional counsel listed on the next page.

Harry W. MacDougald
CALDWELL, PROPST & DELOACH, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956

Howard Kleinhendler
HOWARD KLEINDLER ESQUIRE
369 Lexington Avenue, 12th Floor
New York, NY 10017
(917) 793-1188

Counsel for Plaintiffs-Petitioners

INDEX TO APPENDIX

<u>Filing</u>	<u>Docket No.</u>
<i>Volume I</i>	
Docket sheets	
Complaint with attachments	D1
Briggs Paper	D1-1
Redacted Affidavit	D1-2
Declaration of Ana Mercedes Diaz Cardozo	D1-3
Declaration of Harri Hursti	D1-4
Various Materials	D1-5
Email from Samantha Whitley	Part of D1-5
Official Election Bulletin	Part of D1-5
Declaration of J. Alex Halderman	Part of D1-5
Supp. Declaration of Kevin Skoglund	Part of D1-5
Declaration of Harri Hursti	Part of D1-5
Filing Notice re: Redacted Dominion	
Lab Report	Part of D1-5
Redacted Dominion Voting	
Lab Report	Part of D1-5
<i>Volume II</i>	
Attachments to Complaint (continued)	
Various Materials (D1-5, continued)	
Transcript of Court Proceedings	Part of D1-5
Dominion Certification by Ga. Secretary of State	D1-6
Dominion Voting Systems Test Report	D1-7
Election Law Journal Article	D1-8
Redacted Declaration	D1-9
Affidavit of Russell James Ramsland, Jr.	D1-10
Affidavit of Mayra Romera	D1-11
Affidavit of Amanda Coleman	D1-12
Affidavit of Maria Diedrich	D1-13
Affidavit of Ursula V. Wolf	D1-14

Volume II (continued)

Attachments to Complaint (continued)

Affidavit of Nicholas J. Zeher	D1-15
Affidavit of Susan Voyles	D1-16
Affidavit of Ibrahim Reyes	D1-17
Affidavit of Consetta S. Johnson	D1-18
Affidavit of Carlos E. Silva	D1-19
Affidavit of Andrea O'Neal	D1-20

Volume III

Attachments to Complaint (continued)

Affidavit of Debra J. Fisher	D1-21
Affidavit of Kevin P. Peterford	D1-22
Exhibit A	Part of D1-22
Exhibit B	Part of D1-22
Texas SOS Report on Dominion	D1-23
Maloney Letter to Paulson	D1-24
Affidavit of Juan Carlos Cobucci	D1-25
Letter of Sen. Warren, et al.	D1-26
Declaration of Eric Quinnell	D1-27
Affidavit of Mitchell Harrison	D1-28
Affidavit of Michelle Branton	D1-29
Emergency Mtn. for Temporary Inj. Relief	D6
Declaration of Shiva Ayyadural	D6-1
Joint Cybersecurity Advisory	D6-2
Proposed Order	D6-3
Notice of Filing Redacted Declaration	D7
Redacted Declaration	D7-1
Order Granting in Part Mtn. for Temp. Inj. Relief.....	D14
Certification Order Under 42 USC §1292(b)	D15
Entry of Appearance by Counsel for Defendants	D16

Volume III (continued)

Amended Certification Order Under 42 USC §1292(b).....D22

Notice of Filing of Affidavit.....D

Notice of Emergency Interlocutory Appeal.....D32

Stay OrderD37

Volume IV

Affiant A..... Pages 1-5

Affiant B..... Pages 6-7

Affiant C..... Page 8

Affiant D..... Page 9-12

Affiant E..... Pages 13-14

Affiant F..... Pages 15-16

Affiant G..... Pages 17-19

Affiant H..... Pages 20

Affiant I..... Pages 21-22

Affiant J..... Page 23

Affiant K..... Page 24

Affiant L Pages 25-26

Affiant M..... Pages 27-28

Affiant N..... Pages 29-30

Affiant O..... Pages 31-53

Affiant Q..... Page 54

Affiant R..... Pages 55-57

Affiant S.....Pages 58-66

Affiant T Pages 67-69

Affiant U..... Page 70

Affiant V..... Page 71

Affiant W.....Pages 72-74

Affiant X.....Pages 75-78

Affiant Y..... Pages 79-81

Affiant Z..... Pages 82-92

Affiant AA.....	Pages 93-98
Affiant AB.....	Pages 99-100
Affiant AC.....	Pages 101-104
Affiant AD.....	Pages 105-106
Affiant AE	Pages 107-113
Affiant AF	Page 114
Affiant AG	Pages 115-116
Affiant AH.....	Pages 117-118
Affiant AI	Pages 119-128
Affiant AJ	Pages 129
Affiant AK	Pages 130
Affiant AL	Page 131
Affiant AM.....	Page 132
Affiant AN	Pages 133-135
Affiant AO.....	Pages 136-139
Affiant AP.....	Pages 140-142
Affiant AQ.....	Pages 143-144
Affiant AR	Pages 145-148
Affiant AS	Pages 149-156
Affiant AT.....	Pages 156-157
Affiant AU	Pages 158-159
Preservation Email from Sidney Powell RE Case No 20-CV-04809-TCB.....	Pages 160-177
Request for Evidence RE Case No 1:20-CV-04651-SDG.....	Pages 178-182
Civil Action File No 1:20-CV-4809-TCB.....	Pages 183-221
Tweet from Congressman Hice Regarding State Farm Arena.....	Page 222

CERTIFICATE OF SERVICE

I hereby certify that on **December 3, 2020**, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system.

A true and correct copy of the foregoing will be emailed to the following counsel:

Charlene S. McGowan

cmcgowan@law.ga.gov

Russell D. Willard

rwillard@law.ga.gov

Counsel for Defendants-Respondents Brian Kemp, Brad Raffensperger, David J. Worley, Rebecca N. Sullivan, Matthew Mashburn, and Anh Le.

Adam M. Sparks

sparks@khlawfirm.com

Halsey G. Knapp, Jr.

hknapp@khlawfirm.com

Susan P. Coppedge

coppedge@khlawfirm.com

Adam M. Sparks

sparks@khlawfirm.com

*Counsel for Proposed Intervenor-Defendants
Democratic Party of Georgia, Inc., DSCC, and DCCC.*

/s/ Sidney Powell

Exh. 20

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)

of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)

the Georgia State Election Board,)
DAVID J. WORLEY, in his official)

capacity as a Member of the Georgia)
State Election Board, MATTHEW)

MASHBURN, in his official capacity as)
a Member of the Georgia State Election)

Board, and ANH LE, in her official)
capacity as a Member of the Georgia)

State Election Board,)
)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF DEBRA J. FISHER IN SUPPORT OF
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**


I, Debra J. Fisher, declare under penalty of perjury that the following is true
and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.
2. On November 16, 2020 I witnessed the various issues on military and overseas ballots.
3. All military and overseas ballots I reviewed were very clean. No bubbles were colored outside of the line. Not one ballot used an “x” or check mark. The ballots I observed were marked in black ink and were for Biden. Not one ballot had a selection crossed out to change the vote selection.
4. I noticed that almost all of the ballots I reviewed were for Biden. Many batches went 100% for Biden.
5. I also observed that the watermark on at least 3 ballots were solid gray instead of transparent, leading me to believe the ballot was counterfeit. I challenged this and the Elections Director said it was a legitimate ballot and was due to the use of different printers.
6. Many ballots had markings for Biden only, and no markings on the rest of the ballot. This did not occur on any of the Trump ballots I observed.
7. Ballots were rejected because people chose 2 or more candidates. I found it odd that none of this happened with the military ballots.

8. The military ballots did not have one specific precinct code on them. Instead, they had multiple precincts printed on it (a “combo”). I challenged this as when this is done, you do not know what precinct the voter is registered in.
 9. Based on my observations above and the fact that signatures on the ballots were not being verified, I believe the military ballots are highly suspicious of fraud.
- I declare under penalty of perjury that the foregoing statements are true and correct.

[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct



Debra J. Fisher

STATE OF GEORGIA

COUNTY OF COBB

Debra J. Fisher appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.




Notary Public

My Commission Expires 07-29-2024

Exh. 22

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

**AFFIDAVIT OF KEVIN P. PETERFORD IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Kevin P. Peterford, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.

2. I am an attorney licensed to practice law in the state of Florida.
3. On Sunday November 15, 2020 Alyssa Specht appointed me to serve as a Monitor for the duration of the Risk Limiting Audit in DeKalb County (the “DeKalb Appointment Letter”). A true and accurate copy of the appointment letter is attached to this Affidavit as **Exhibit “A.”**
4. On Sunday at around 12:30 p.m., I showed up to 2994 Turner Hill Road, Stonecrest, Georgia 30038 to begin observing as a Monitor. Prior to my arrival, I was sent a handout titled “Audit/Recount Monitor and Vote Review Panel Handout” which outlined the rules in place as well as provided guidelines for observation. A true and accurate copy of the Audit/Recount Monitor and Vote Review Panel Handout is attached to this Affidavit as **Exhibit “B.”**
5. After signing in and providing the DeKalb appointment letter to the check-in desk, I was permitted to roam throughout the facility to conduct observations.
6. The first thing I noticed was signs taped to each table (the “Review Table” or “Review Tables”) indicated a place for ballots for Trump, Biden, and Jorgenson and other signs for “Blanks” (no vote for President) or overvotes (multiple votes for President). At each Review Table were two people

manually reviewing each ballot (the “Recounter”). The first Recounter would pick up the ballot and orally announce which candidate the ballot was cast for. The first Recounter would then pass the ballot to the second Recounter who would again orally announce which candidate the ballot was cast for. The ballot was subsequently placed in the pile designated for that candidate as discussed above.

7. Due to the COVID restrictions, we were instructed to stay a minimum of six feet away from any Recounter sitting at one of the Review Tables.
8. The ballots would be brought to the Review Table in a cardboard box by another worker. I was never able to get close enough to read any writing on any of the cardboard boxes. After the cardboard box was opened, stacks of ballots were removed and placed on the Review Table. There were notes on each stack but again, I was never able to get close enough to read what was written.
9. Once the stack of ballots was on the Review Table, the process of reviewing the ballot began in the manner outlined above in paragraph 6.
10. At no time did I witness any Recounter or any individual participating in the recount verifying signatures.

11. If one of the Recounters encountered a ballot that was questionable, he or she raised a piece of paper with a “?” and what seemed to be a supervisor would come to that Review Table. A short conversation was had and the supervisor would provide the Recounters with instructions. Again, I was never able to get close enough to hear what was said.
12. When a Review Table completed reviewing a cardboard box full of ballots, one of the Recounters would write some information (I assume it was the number of ballots for each candidate the box contained) on a piece of paper and place it on top of the cardboard box. Then one of the Recounters would hold a piece of paper with a “√” (check mark) on it in the air and someone would come pick up the box full of ballots.
13. There was no person verifying the number of votes that the Recounter would write on the paper.
14. At one point, I witnessed a fellow monitor chase after a ballot box that was supposedly finished being counted.
15. Once this monitor was towards the back of the room, with this ballot box, the supervisor in charge chased after him, directing him to go back to the main part of the room and to leave the ballot box.

16. It was later learned that this ballot box needed to be recounted because a 0 (zero) had been incorrectly added to the Biden count, making it approximately 10,000 plus votes for Biden, when it should only have been in the thousands.
17. I spoke to other Observers present that day and they had witnessed the same thing. Other Observers also informed me that fellow Observers were removed for getting too close to the Review Tables. That when they would get close enough to see what was actually filled in on the ballot, one of the Recounters would begin making a big scene and call over a supervisor. The supervisor would then remove the Monitor permanently.
18. While in DeKalb County, I saw a lot of hostility towards Republicans and none towards Democrats.
19. Further, I noticed a Democrat Monitor speaking to a Recounter, which was strictly against the rules of conduct during the recount.
20. On the evening of November 15, 2020, Alyssa Specht appointed me as an Monitor in Henry County for the whole duration of the Risk Limiting Audit (“Henry County Appointment Letter”). A true and accurate copy of the Henry County Appointment Letter is attached to this Affidavit as **Exhibit** “C.”

21. I arrived at 562 Industrial Boulevard, McDonough, Georgia 30253 at around 9:30 a.m.
22. When I entered the building, I was halted by a woman at the door who immediately informed me that I was not needed and that all the position had been filled. At this time, the woman neither asked who I was nor why I was present. I asked this woman to speak to the person in charge.
23. Within a few seconds, I was greeted by Ameika Pitts (“Ms. Pitts”), Henry County’s Elections Director. Ms. Pitts informed me that my assistance was not needed, and I was free to go. Again, this was told to me prior to her asked why I was there and who I was.
24. I then pulled the Henry County Appointment Letter up on my phone and presented it to her. Ms. Pitts immediately told me that I was not able to have my phone inside the building even though the recount was allegedly being “live streamed.” After a brief conversation, I send Ms. Pitts a copy of the letter and was permitted to enter the building, but only in the public observation area.
25. Fortunately, after speaking to several Republican Party volunteers, Ms. Pitts was provided my name from the Henry County Republican Chairwoman and I was permitted to enter into the observation area.

26. Once inside the observation area, I saw that it was set up very similar to DeKalb County with the Review Tables having the same designations and each Review table having two Recounters as described in paragraph 6 above.
27. As I began walking around, I noticed several differences between DeKalb County and Henry County. In Henry County, the ballots were brought to each Review Table in a red, plastic box with security ties used to hold the box closed. Those ties were cut, and the ballots were then removed and placed on top of the Review Table in stacks that were wrapped in a rubber bands and had a pink sticky note on each stack which displayed the number of ballots each stack contained. The Recounter would then remove the rubber band and sticky note and begin counting the same was described in paragraph 6 above.
28. At around 12:05 p.m. I was observing table "G" when the two recount workers sorted a pile of ballots that had a note which said "93" as the number of ballots. When the two workers finished sorting and counting the ballots, there were only 92. The director of the election committee, Ms. Pitts came to the two workers and simply signed a separate sheet of paper saying that there were only 92 ballots. Ms. Pitts never recounted to make sure. This

- happened several times and Ms. Pitts informed us that she has been directed to just sign off on the number of ballots the recount worker said was there.
29. While in Henry County, I personally witnessed ballots cast for Donald Trump being placed in the pile for Joseph Biden. I witnessed this happen at table "A."
30. I interviewed a few Observers that same day who informed me that on multiple occasions, Recounters at tables "A," "B," "G," and "O" were seen placing ballots cast for Donald Trump placed in the pile for Joseph Biden. When this was brought to Ms. Pitts attention, it was met with extreme hostility. At no time did I witness any ballot cast for Joseph Biden be placed in the pile for Donald Trump.
31. Based on my personal observations, I believe that additional absentee ballots were cast for Donald Trump but counted for Joseph Biden. I further believe that there was widespread fraud favoring Joseph Biden. This is my personal experience.

[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct



Kevin Peterford

STATE OF FLORIDA

COUNTY OF PALM BEACH

Kevin Peterford, appeared before me, a Notary Public in and for the above jurisdiction, this 17th day of November 2020, and after being duly sworn, made this Declaration, under oath.

[Affix Seal]



Notary Public

My Commission Expires _____

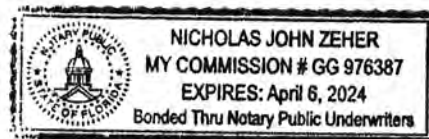


Exhibit A



November 15, 2020

Monitor Designee – Risk Limiting Audit

To Whom it May Concern:

This letter serves as proper notice, pursuant to O.C.G.A. § 21-2-408, § O.C.G.A. 21-2-483, State Election Board Rule 183-1-13-.06, and/or State Election Board Rule 183-1-14-0.9-.15. The listed designees are to serve as a Monitor for the whole duration of the Risk Limiting Audit in DeKalb County:

- William McElligott
- Oleg Otten
- Kevin Peterford
- Nicholas Zeher
- Scott Strauss
- Michael Sasso

A handwritten signature in black ink, appearing to read "D. Shafer". The signature is stylized with large, sweeping letters.

David J. Shafer
Chairman

A handwritten signature in black ink, appearing to read "Michael Welsh". The signature is cursive and somewhat difficult to decipher.

Michael Welsh
Secretary

Exhibit B

Audit/Recount Monitor and Vote Review Panel Handout

Audit Observer Handout

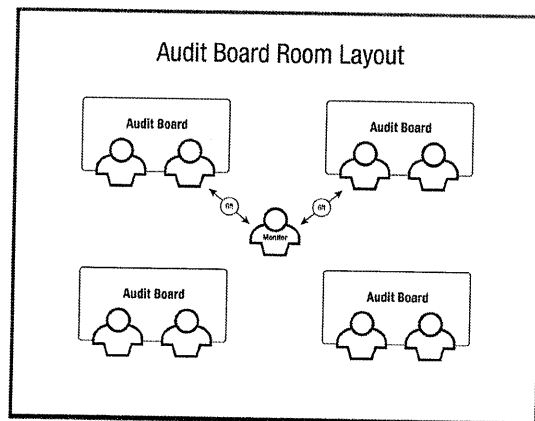
Arrival:

- Arrive 30 minutes prior to the start of your shift.
- The public is to watch the opening procedures before the audit begins and after the audit ends for the day.
- Be respectful and professional, not adversarial.

Audit Observers/Designated Monitors:

- Each political party may have one designated monitor per 10 Audit Teams or a minimum of two designated monitors per room.
- Designated monitors may roam the audit room and observe the audit process
- Observe the Check-in and Check-out process of the ballots
- Must wear badges that identify them by name.
- Are allowed to observe but may not obstruct orderly conduct of election.
- May not speak to or otherwise interact with election workers.
- Are not allowed to wear campaign buttons, shirts, hats or other campaign items.
- Do not touch any ballot or ballot container
- Observe and ensure the room is properly set-up, the Audit Teams are completing their tasks, and the Table is set up properly (see below).
- **Must pose questions regarding procedures to the clerk/election worker for resolution.**

Room Set up



Audit Teams Responsibilities

When reviewing a ballot and determining the voter's mark, audit boards must consider "if the elector has marked his or her ballot in such a manner that he or she has indicated clearly and without question the candidate for whom he or she desires to cast his or her vote." O.C.G.A. 21-2-438(c).

As a batch is delivered from the check-in/out station:

- Record the County Name, Batch Name, and Batch Type (Absentee, Advanced Voting, Provisional, Election Day), and verify the container was sealed on the Audit Board Batch Sheet.

- Unseal the container.
- Recount the Ballots using the "Sort and Stack" method:
 - Pull the ballots out of the container and stack neatly on the table.
 - If the container contains more than 1000 ballots, ballots should be removed from the container and sorted in manageable stacks (using an Audit Board Batch Sheet for each stack), leaving the rest of the ballots in the container until the previous stack is done.
 - For each ballot: audit board member (ABM) #1 picks up a single ballot from the stack and reads the vote for the Presidential contest aloud, then hands the ballot to ABM #2. ABM #2 verifies the vote that is on the ballot is indeed what ABM #1 read, then places the ballot in the "stack" that corresponds to the vote. ABM #1 should watch to make sure the ballot is placed in the right stack. There will be 8 stacks as follows:
 - Trump
 - Biden
 - Jorgensen
 - Overvoted ballots - one pile for any ballot where the voter made more than one selection for President.
 - Blank/Undervoted ballots - one pile for any ballot where the voter made no selection for President.
 - Write-In - one pile for any ballot containing a write-in vote for President. (The board does *NOT* need to determine whether the write-in is for a qualified candidate: the Vote Review Panel does that.)
 - Duplicated ballots - one pile for ballots marked as duplicated.
 - Undetermined - one pile for any ballot where the audit board cannot agree on the voter's intent.
 - Candidate Ballot Tallies – Count the ballots in each stack by having one member of the audit board verbally count the ballot while handing it to the other member for verification. Count the ballots in groups of 10, stacking the groups at right angles to each other, so you can easily count the complete groups when you are done. (For instance, if you have seven groups of 10 ballots each plus an extra 3 ballots, the total tally would be 73.) Record the total tally for each candidate on the Audit Board Batch Sheet.
 - Write-In, Duplicated, and Undetermined Ballots - count the ballots in the write-in duplicated, and undetermined ballot piles and record on the Audit Board Batch Sheet. Each type should go in a designated folder or envelope by batch.
 - Write-in, Duplicated, and Undetermined ballot folders must be set aside for delivery to the Vote Review Panel.
 - Return the other ballots to the original container and seal the container.
 - Sign the Audit Board Batch Sheet.
 - Raise your check mark sign for the check-in/out station to come retrieve your container, batch sheet, and any ballots for the Vote Review Panel.

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 Audit Totals
Donald J. Trump	
Joseph R. Biden	
Jo Jorgenson	
Overvote	
Blank/Undervote	

Ballots sent to the Vote Review Panel (if any)

Write-in	
Duplicated	
Undetermined	

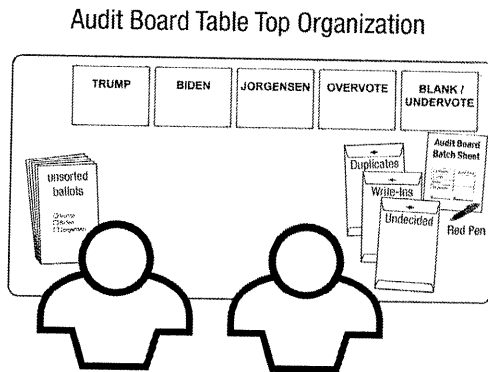
When work is completed, return all ballots (except Vote Review Panel ballots) to the ballot container and seal container.

Was the container resealed by the audit board? Yes

X _____ X
(Audit Board Member) (Audit Board Member)

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

Table Set up



No Photography is allowed in the observation area.

Check-in/out Process

- Two election workers are required to observe the check in and check out process of ballots to ensure there is a secure chain of custody and inventory of ballots is kept proper.
 - One person is to be kept with the ballot containers
 - One person delivers the containers to and from the audit boards (“runner”)
- There should be at least one “runner” for every 5 audit boards
- When a new container arrives, the election works must record:

- batch name
- audit board number
- Upon completion, the election worker must:
 - Verify proper completion of the *Audit Board Batch Sheet*
 - Ensure contain is resealed
 - Return the container and batch sheet to the check-in/out station
 - Note the return of the container of the Ballot Container Inventory Sheet
 - Deliver any necessary ballots/envelopes to the Vote Review Panel
 - Duplicates, write-ins, and undermined
 - Enter candidate totals for the batch in Arlo, mark as “entered”

Closing of Audit Room:

- **All eligible monitors are able to observe the closing and conclusion of the audit.**

Monitor Observes Issue...What to Do?

1. Respectfully raise issue with precinct clerk for resolution.
2. Do NOT speak to or interact with election workers.
3. Do NOT take pictures or videos.
4. If unresolved, leave polling room and call GOP GA Legal Hotline with your name, county, and location.

Be on the lookout for:

1. Lapses in procedure
2. Food or beverage on audit tables (it should be under the table)
3. Any ballots not being delivered from the runners in the regular course

Statewide Observer and VRP member Hotline: 470-410-8762

Incident Report Form (attached) and at: <https://gagop.org/auditreport/>

The Vote Review Panel

Vote Review Panel (VRP) Member:

- Each political party must have 1 member per VRP
- You must object when you cannot agree
 - If there is a disagreement between the two VRP members, the Superintendent or their designee breaks the tie.
- Manually log each ballot that should be adjudicated
- Must wear badges that identify them by name.
- May not speak to or otherwise interact with election workers.
- Are not allowed to wear campaign buttons, shirts, hats or other campaign items.
- **Must pose questions regarding procedures to the clerk/election worker for resolution.**

Three types of Ballots:

- Duplicated Ballots
 - Retrieve the original ballot and compare the duplicated ballot to ensure proper duplication. Using the original ballot, record the vote tally for the duplicated ballots using the Vote Review Panel Tally Sheet.
- Undetermined Ballots
 - Review the undetermined ballots where the audit board could not agree on the voter's intent to make a determination. Record the vote tally for the undetermined ballots using the Vote Review Panel Tally Sheet.
- Write-In Ballots
 - Review the write-in ballots to determine if a voter has voted for a qualified or invalid write-in candidate. Record the number of votes for each qualified write-in candidate on the Qualified Write-In Candidate Tally Sheet.

Vote Review Panel Tally Sheet		County: _____		Page: _____ of _____							
Ballot Name	Ballot Type (Duplicate, Write-In, Undetermined)	# of Ballots in Batch	Votes for Trump	Votes for Biden	Votes for Ingraham	Overvotes	Blank/ Undervotes	Invalid Ballots	Valid Ballots	Marked Tally Sheet	Entered into Aris
Example	Duplicate	5	2	2	1	0	0	0	3	✓	✓

Common Adjudication Scenarios

Common Adjudication Scenarios

OVERVOTES
With corrections from voters

HESITATION MARKS

MARKING ERRORS
Consistent patterns

MARKING ERRORS
Inconsistent patterns

STRAY MARKS IN TARGET AREAS

The image displays six sample ballots for County of Contra Costa, Supervisor, District 1. Each ballot lists candidates Alfred Hitchcock and Vincent Price. The scenarios shown are: 1) Overvotes with corrections, where voters have checked both candidates and made handwritten corrections. 2) Hesitation marks, where voters have checked a candidate but also made a mark in the adjacent column. 3) Marking errors with consistent patterns, where voters have made similar marks across multiple candidates. 4) Marking errors with inconsistent patterns, where voters have made different marks across candidates. 5) Stray marks in target areas, where voters have made marks in the target area but not on the candidate's name.

Exhibit C



November 15, 2020

Monitor Designee – Risk Limiting Audit

To Whom it May Concern:

This letter serves as proper notice, pursuant to O.C.G.A. § 21-2-408, § O.C.G.A. 21-2-483, State Election Board Rule 183-1- 13-.06, and/or State Election Board Rule 183-1-14-0.9-.15. The listed designees are to serve as a Monitor for the whole duration of the Risk Limiting Audit in Henry County:

- William McElligott
- Oleg Otten
- Kevin Peterford
- Nicholas Zeher
- Ibrahim Reyes-Gandara
- Juan Carlos Elso
- Carlos Silva
- Mayra Romera

A handwritten signature in black ink, appearing to read 'David J. Shafer'.

David J. Shafer
Chairman

A handwritten signature in black ink, appearing to read 'Michael Welsh'.

Michael Welsh
Secretary

Exh. 23

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughes
Secretary of State

REPORT OF REVIEW OF DOMINION VOTING SYSTEMS DEMOCRACY SUITE 5.5-A

PRELIMINARY STATEMENT

On October 2-3, 2019, Dominion Voting Systems (“Dominion” or the “Vendor”) presented the Democracy Suite 5.5-A system for examination and certification. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Tom Watson, an expert in electronic data communication systems;
2. Mr. Brian Mechler, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Mr. Charles Pinney, an expert in election law and procedure.

Pursuant to Section 122.035(a), the Texas Attorney General appointed the following examiners:

1. Dr. Jim Sneeringer, an expert in electronic data communication systems; and
2. Mr. Ryan Vassar, an employee of the Texas Attorney General.

On October 2, 2019, Mr. Pinney, Mr. Mechler, and Dr. Sneeringer witnessed the installation of the Democracy Suite 5.5-A software and firmware that the Office of the Texas Secretary of State (the “Office”) received directly from the Independent Testing Authority. The next day, Mr. Pinney examined the accessibility components of the ImageCast X Ballot Marking Device.

On October 3, 2019, the Vendor demonstrated the Democracy Suite 5.5-A system and answered questions presented by the examiners. Test ballots were then processed on each voting device. The results were accumulated and later verified for accuracy by staff of the Secretary of State.

Examiner reports regarding the Democracy Suite 5.5-A system are attached hereto and incorporated herein by this reference.

On December 27, 2019, pursuant to Section 122.0371 of the Texas Election Code, the Office held a public hearing for interested persons to express views for or against the certification of the Democracy Suite 5.5-A system.

BRIEF DESCRIPTION OF DEMOCRACY SUITE 5.5-A

The Democracy Suite 5.5-A system is an updated version of the Democracy Suite 5.5 system, which was denied certification by the Office on June 20, 2019. The Democracy Suite 5.5-A system includes certain software and hardware updates to the Suite 5.5 version.

Democracy Suite 5.5-A has been evaluated at an accredited independent voting system laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). Democracy Suite 5.5-A was certified by the Election Assistance Commission (EAC) on January 30, 2019.

The components of Democracy Suite 5.5-A are as follows:

Component	Version	Description
EMS – Election Management System	5.5.12.1	Election Management System
ADJ – Adjudication	5.5.8.1	
ICC – ImageCast Central	5.5.3.0002	Central scanner
ICX – ImageCast X BMD	5.5.10.30	Ballot marking device
ICP – ImageCast Precinct	5.5.3-0002	Precinct scanner

FINDINGS

The following are the findings, based on written evidence submitted by the Vendor in support of its application for certification, oral evidence presented at the examination, and the findings of the voting system examiners as set out in their written reports.

The examiner reports identified multiple hardware and software issues that preclude the Office of the Texas Secretary of State from determining that the Democracy Suite 5.5-A system satisfies each of the voting-system requirements set forth in the Texas Election Code. Specifically, the examiner reports raise concerns about whether the Democracy Suite 5.5-A system is suitable for its intended purpose; operates efficiently and accurately; and is safe from fraudulent or unauthorized manipulation. Therefore, the Democracy Suite 5.5-A system and corresponding hardware devices do not meet the standards for certification prescribed by Section 122.001 of the Texas Election Code.

CONCLUSION

Accordingly, based upon the foregoing, I hereby deny certification of Dominion Voting Systems' Democracy Suite 5.5-A system for use in Texas elections.

Signed under my hand and seal of office, this 24th day of January 2020.



JOSE A. ESPARZA
DEPUTY SECRETARY OF STATE

Exh. 24

Congress of the United States

Washington, DC 20515

October 6, 2006

Henry M. Paulson, Jr.
Secretary
Department of the Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

Dear Mr. Secretary:

I am writing to follow up on my letter of May 4, 2006, to Secretary Snow, seeking review by the Committee on Foreign Investment in the United States of the acquisition of Sequoia Voting Systems by Smartmatic, a foreign-owned company. I believe this transaction raises exactly the sort of foreign ownership issues that CFIUS is best positioned to examine for national security concerns. As discussed below, publicly reported information about Smartmatic's ownership and about the vulnerability of electronic voting machines to tampering raises serious concerns. I strongly urge CFIUS to independently verify the information provided to American officials and the public by Sequoia/Smartmatic, and to take all appropriate measures to safeguard our national security.

It is undisputed that Smartmatic is foreign-owned and it has acquired Sequoia, one of the three major voting machine companies doing business in the U.S. According to a Sequoia press release in May 2006 (copy attached) Sequoia voting machines were used to record over 125 million votes during the 2004 Presidential election in the United States. As we confront another election, Americans deserve to know that the Administration has made sure that any foreign ownership of voting machines poses no national security threat.

Although many press reports have tried, it appears that it is not possible to discern the true owners of Smartmatic from information available to the public. Smartmatic now acknowledges that Antonio Mugica, a Venezuelan businessman, has a controlling interest in Smartmatic, but the company has not revealed who all the other Smartmatic owners are. According to the press, Smartmatic's owners are hidden through a web of off-shore private entities. (See attached articles.)

The opaque nature of Smartmatic's ownership is particularly troubling since Smartmatic has been associated by the press with the Venezuelan government led by Hugo Chavez, which is openly hostile to the United States. According to press reports, Smartmatic shared a founder, officers, directors and a principal place of business with Bizta, a company in which, according to Smartmatic, the Venezuelan government previously held a 28% stake. Mugica is also a director of Bizta.

Henry M. Paulson, Jr.
October 6, 2006
Page 2

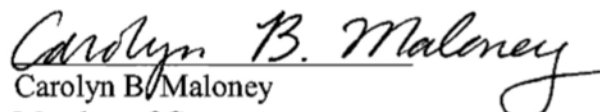
According to Smartmatic press releases, (copies attached) Smartmatic and Bizta were part of the consortium that received the government contract to provide the voting machines for the 2004 referendum election to recall Chavez as Venezuela's president, and have since been awarded other contracts by the Venezuelan government.

Smartmatic's possible connection to the Venezuelan government poses a potential national security concern in the context of its acquisition of Sequoia because electronic voting machines are susceptible to tampering and insiders are in the best position to engage in such tampering. The 2005 Government Accountability Office Report on electronic voting, GAO-05-956, and other private sector studies consistently support this conclusion. Thus, the reports that Sequoia brought Venezuelan nationals to the United States to work on the Chicago 2006 primary election raises questions about whether these individuals are subject to direction from a foreign interest that might pose a threat to the integrity of the election. Similarly, the use of Smartmatic software and machines developed in Venezuela, such as the HAAT software that was at issue in Chicago, raises questions as to whether this software is susceptible to manipulation by its unknown creators. Reportedly, Smartmatic may soon be introducing into the United States the type of electronic voting machines that were used (with Bizta software) in the controversial 2004 Venezuelan recall election, under the label AVC Edge II Plus.

In reviewing the Smartmatic acquisition of Sequoia, it is important that CFIUS understand the products and services that are of Venezuelan origin and evaluate Smartmatic's ownership to determine who could have influence and control over these and other Sequoia products and services that are in use or intended for use in U.S. elections. In light of Smartmatic's failure fully to answer these questions to date, this issue demands the most thorough independent investigation by CFIUS.

Thank you for your consideration of this letter.

Sincerely,


Carolyn B. Maloney
Member of Congress

Attachments

Exh. 25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

L. LIN WOOD, JR.,)

Plaintiff,)

v.)

BRAD RAFFENSPERGER, in his official)
capacity as Secretary of State of the State)
of Georgia, REBECCA N. SULLIVAN,)
in her official capacity as Vice Chair of)
the Georgia State Election Board,)
DAVID J. WORLEY, in his official)
capacity as a Member of the Georgia)
State Election Board, MATTHEW)
MASHBURN, in his official capacity as)
a Member of the Georgia State Election)
Board, and ANH LE, in her official)
capacity as a Member of the Georgia)
State Election Board,)

Defendants.)

CIVIL ACTION FILE NO.
1:20-cv-04651-SDG

AFFIDAVIT OF JUAN CARLOS COBUCCI IN SUPPORT OF PLAINTIFF'S MOTION
FOR TEMPORARY RESTRAINING ORDER

I, JUAN CARLOS COBUCCI, declare under the penalty of perjury that the following is true and correct:

1. My name is Juan Carlos Cobucci. I am over the age of 18 and competent to testify. I have personal knowledge of the matters stated herein.

2. I was born in Carracas Venezuela in 1967 and migrated to the United States in 2015 on a business visa.
3. In 1979 my family started a company called Panavideo Instalaciones y Servicios C.A. The company sold safety systems for banks. The systems included CCTV cameras, electronic access points, and other machinery to assist with verifying authenticity of checks and cash. The company focused on providing security for not only employees, customers, but also currency.
4. In 1974, my cousin, Antonio Jose Mugica, was born. He is the son of my uncle Antonio Mugica. Antonio Jose was always a strong student, he graduated with honors from Emil Friedman High School and continued his education in Germany and Spain. Antonio Jose also studied at Simon Bolivar School in Venezuela where he focused on electronic engineering, graduating first in his class.
5. In 1994, my father retired from Panavideo Instalaciones y Servicios C.A. citing irreconcilable differences with other family members.
6. In 1997, Antonio Jose graduated from Simon Bolivar University and began to work with his father, Antonio Mugica at Panavideo Instalaciones y Servicios C.A.
7. In 2000, after the State of Florida elections, Antonio Jose incorporated Smartmatic in Delaware. Antonio told me that he maintained a majority control over the company but allowed his father, Antonio Mugica, along with other cousins to have an ownership interest. In addition to the family members, Antonio Jose allowed several Venezuelan citizens to obtain an ownership interest.

8. In approximately 2000, Antonio Jose was introduced to Jorge Rodriguez through Alejandro Caribas. Alejandro Caribas was the president of FOGADE, Fondo de Proteccion Social de los Depositos Bancarios. Antonio Jose explained to me that this fund was created to steal and centralize all Venezuelan financial interests.
9. Shortly after the introduction, Antonio Jose and Jorge Rodriguez traveled to Italy in order to test and observe additional voting software.
10. In approximately 2002, Smartmatic contracted with the Venezuelan government to provide the software necessary to conduct the elections that took place in August of 2004, the "Venezuelan Recall Referendum." Prior to the elections, I saw Antonio Jose in person and on television numerous times promoting the veracity, transparency, and security of the Smartmatic voting software. Antonio Jose became known as el "Nino Barbudo." He told me that he grew his beard to appear older and fit the profile in order to gain credibility with the Venezuelan government and other future clients of Smartmatic.
11. In January of 2004, I went to Clinica el Avila in Caracas, Venezuela for the birth of my niece. While at the hospital I saw my uncle, Antonio Mugica, and we engaged into a lengthy conversation about my cousin, Antonio Jose's, recent success with Smartmatic. During the conversation, my uncle's demeanor changed. He was clearly saddened and distraught when discussing Antonio Jose and Smartmatic. When I pressed him on the issue, my uncle confided in me that Antonio Jose had converted to communism as a result of his connections with the Venezuelan government. In addition, my uncle told me with a heavy heart that Antonio Jose manipulated the Smartmatic system utilized during the election to ensure that President Chavez was successful during the 2004 elections.

12. He further explained that Antonio Jose was able to manipulate the approximately 31,000 voting machines utilized throughout Venezuela by limiting the number of votes against President Chavez to either 232 or 236. All of the remain votes were counted in favor of retain President Chavez. During what should have been a time of joy, my uncle, Antonio Mugica, was exhibiting signs of remorse, sadness, and shame over the actions taken by his son, Antonio Jose.
13. Following this encounter with my uncle, Antonio Mugica, I confronted Antonio Jose on the issues regarding the 2004 elections and he confirmed that he had converted to communism and as a result worked with the Venezuelan government to manipulate the Smartmatic systems in order to prevail during the 2004 elections in Venezuela and make sure that the communist party never lost another election in Venezuela. Antonio Jose told me that his ability to manipulate the Smartmatic systems would allow him to dominate the world.
14. Antonio Jose admitted to me that he was paid tens of millions of dollars by the Venezuelan government from 2003 through 2015 for the use of his Smartmatic systems. He also explained that his goal was to have Smartmatic implemented in every country, including the United States.
15. Over the next ten years, Antonio Jose traveled the world over selling his Smartmatic systems to various countries. He told me that the Venezuelan government provided him with numerous contacts and he ultimately sold Smartmatic systems to the Philippines, Nigeria, and other African countries.

16. In approximately 2006, Antonio Jose came to the United States and established a headquarters for Smartmatic in Boca Raton, Florida. In addition, he told me that he purchased Sequoia Systems in the United States and his goal was to one his voting systems to determine the outcome of the United States elections.
17. In 2013, my cousin Antonio Jose recruited and employed our cousin, Javier Fernandez. Javier assisted Antonio Jose with preparing the elections, allocating voting machines, and overall logistics.
18. Shortly after learning that Antonio Jose had hired Javier, I confronted Javier with the information Antonio Jose had provided about his ability to manipulate the Smartmatic systems and Javier confirmed that Antonio Jose was able to control the outcome of the voting.
19. A copy of my passport is attached hereto as Exhibit A.

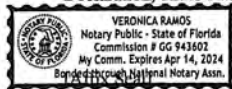
I declare under penalty of perjury that the foregoing statements are true and correct

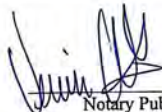

JUAN CARLOS COBUCCI

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

JUAN CARLOS COBUCCI, appeared before me, a Notary Public in and for the above jurisdiction, this 29 day of November 2020, and after being duly sworn, made this Declaration, under oath.

FL DL C120-423-67-191-i





Notary Public

My Commission Expires 4/14/2024

Exh. 26

Congress of the United States

Washington, DC 20510

December 6, 2019

Sami Mnaymneh
Founder and Co-Chief Executive Officer
H.I.G. Capital, LLC

Tony Tamer
Founder and Co-Chief Executive Officer
H.I.G. Capital, LLC

Dear Messrs. Mnaymneh and Tamer:

We are writing to request information regarding H.I.G. Capital's (H.I.G.) investment in Hart InterCivic Inc. (Hart InterCivic) one of three election technology vendors responsible for developing, manufacturing and maintaining the vast majority of voting machines and software in the United States, and to request information about your firm's structure and finances as it relates to this company.

Some private equity funds operate under a model where they purchase controlling interests in companies and implement drastic cost-cutting measures at the expense of consumers, workers, communities, and taxpayers. Recent examples include Toys "R" Us and Shopko.¹ For that reason, we have concerns about the spread and effect of private equity investment in many sectors of the economy, including the election technology industry—an integral part of our nation's democratic process. We are particularly concerned that secretive and "trouble-plagued companies,"² owned by private equity firms and responsible for manufacturing and maintaining voting machines and other election administration equipment, "have long skimmed on security in favor of convenience," leaving voting systems across the country "prone to security problems."³ In light of these concerns, we request that you provide information about your firm, the portfolio

¹ Atlantic, "The Demise of Toys 'R' Us Is a Warning," Bryce Covert, July/August 2018 issue, <https://www.theatlantic.com/magazine/archive/2018/07/toys-r-us-bankruptcy-private-equity/561758/>; Axios, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," Dan Primack, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," June 11, 2019, <https://www.axios.com/shopko-bankruptcy-sun-capital-547b97ba-901c-4201-92cc-6d3168357fa3.html>.

² ProPublica, "The Market for Voting Machines Is Broken. This Company Has Thrived in It.," Jessica Huseman, October 28, 2019, <https://www.propublica.org/article/the-market-for-voting-machines-is-broken-this-company-has-thrived-in-it>.

³ Associated Press News, "US Election Integrity Depends on Security-Challenged Firms," Frank Bajak, October 28, 2019, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>.

companies in which it has invested, the performance of those investments, and the ownership and financial structure of your funds.

Over the last two decades, the election technology industry has become highly concentrated, with a handful of consolidated vendors controlling the vast majority of the market. In the early 2000s, almost twenty vendors competed in the election technology market.⁴ Today, three large vendors—Election Systems & Software, Dominion Voting Systems, and Hart InterCivic—collectively provide voting machines and software that facilitate voting for over 90% of all eligible voters in the United States.⁵ Private equity firms reportedly own or control each of these vendors, with very limited “information available in the public domain about their operations and financial performance.”⁶ While experts estimate that the total revenue for election technology vendors is about \$300 million, there is no publicly available information on how much those vendors dedicate to research and development, maintenance of voting systems, or profits and executive compensation.⁷

Concentration in the election technology market and the fact that vendors are often “more seasoned in voting machine and technical services contract negotiations” than local election officials, give these companies incredible power in their negotiations with local and state governments. As a result, jurisdictions are often caught in expensive agreements in which the same vendor both sells or leases, and repairs and maintains voting systems—leaving local officials dependent on the vendor, and the vendor with little incentive to substantially overhaul and improve its products.⁸ In fact, the Election Assistance Commission (EAC), the primary federal body responsible for developing voluntary guidance on voting technology standards, advises state and local officials to consider “the cost to purchase or lease, operate, and maintain a voting system over its life span ... [and to] know how the vendor(s) plan to be profitable” when signing contracts, because vendors typically make their profits by ensuring “that they will be around to maintain it after the sale.” The EAC has warned election officials that “[i]f you do not manage the vendors, they will manage you.”⁹

Election security experts have noted for years that our nation’s election systems and infrastructure are under serious threat. In January 2017, the U.S. Department of Homeland Security designated the United States’ election infrastructure as “critical infrastructure” in order to prioritize the protection of our elections and to more effectively assist state and local election

⁴ Bloomberg, “Private Equity Controls the Gatekeepers of American Democracy,” Anders Melin and Reade Pickert, November 3, 2018, <https://www.bloomberg.com/news/articles/2018-11-03/private-equity-controls-the-gatekeepers-of-american-democracy>.

⁵ Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁶ Id.

⁷ Id.

⁸ Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁹ U.S. Election Assistance Commission, “Ten Things to Know About Selecting a Voting System,” October 14, 2017, <https://www.eac.gov/documents/2017/10/14/ten-things-to-know-about-selecting-a-voting-system-cybersecurity-voting-systems-voting-technology/>.

officials in addressing these risks.¹⁰ However, voting machines are reportedly falling apart across the country, as vendors neglect to innovate and improve important voting systems, putting our elections at avoidable and increased risk.¹¹ In 2015, election officials in at least 31 states, representing approximately 40 million registered voters, reported that their voting machines needed to be updated, with almost every state “using some machines that are no longer manufactured.”¹² Moreover, even when state and local officials work on replacing antiquated machines, many continue to “run on old software that will soon be outdated and more vulnerable to hackers.”¹³

In 2018 alone “voters in South Carolina [were] reporting machines that switched their votes after they’d inputted them, scanners [were] rejecting paper ballots in Missouri, and busted machines [were] causing long lines in Indiana.”¹⁴ In addition, researchers recently uncovered previously undisclosed vulnerabilities in “nearly three dozen backend election systems in 10 states.”¹⁵ And, just this year, after the Democratic candidate’s electronic tally showed he received an improbable 164 votes out of 55,000 cast in a Pennsylvania state judicial election in 2019, the county’s Republican Chairwoman said, “[n]othing went right on Election Day. Everything went wrong. That’s a problem.”¹⁶ These problems threaten the integrity of our elections and demonstrate the importance of election systems that are strong, durable, and not vulnerable to attack.

H.I.G. reportedly owns or has had investments in Hart InterCivic, a major election technology vendor. In order to help us understand your firm’s role in this sector, we ask that you provide answers to the following questions no later than December 20, 2019.

1. Please provide the disclosure documents and information enumerated in Sections 501 and 503 of the *Stop Wall Street Looting Act*.¹⁷
2. Which election technology companies, including all affiliates or related entities, does H.I.G. have a stake in or own? Please provide the name of and a brief description of the services each company provides.

¹⁰ Department of Homeland Security, “Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector,” January 6, 2017,

<https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

¹¹ AP News, “US election integrity depends on security-challenged firms,” Frank Bajak, October 29, 2018, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

¹² Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf.

¹³ Associated Press, “AP Exclusive: New election systems use vulnerable software,” Tami Abdollah, July 13, 2019, <https://apnews.com/e5e070c31f3c497fa9e6875f426ccde1>.

¹⁴ Vice, “Here’s Why All the Voting Machines Are Broken and the Lines Are Extremely Long,” Jason Koebler and Matthew Gault, November 6, 2018, https://www.vice.com/en_us/article/59vzgn/heres-why-all-the-voting-machines-are-broken-and-the-lines-are-extremely-long.

¹⁵ Vice, “Exclusive: Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials,” Kim Zetter, August 8, 2019, https://www.vice.com/en_us/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials.

¹⁶ New York Times, “A Pennsylvania Country’s Election Day Nightmare Underscores Voting Machine Concerns,” Nick Corasaniti, November 30, 2019, <https://www.nytimes.com/2019/11/30/us/politics/pennsylvania-voting-machines.html>.


¹⁷ Stop Wall Street Looting Act, S.2155, <https://www.congress.gov/bill/116th-congress/senate-bill/2155>.

- a. Which election technology companies, including all affiliates or related entities, has H.I.G. had a stake in or owned in the past twenty years? Please provide the name of and a brief description of the services each company provides or provided.
 - b. For each election technology company H.I.G. had a stake in or owned in the past twenty years, including all affiliates or related entities, please provide the following information for each year that the firm has had a stake in or owned this company and the five years preceding the firm's investment.
 - i. The name of the company
 - ii. Ownership stake
 - iii. Total revenue
 - iv. Net income
 - v. Percentage of revenue dedicated to research and development
 - vi. Total number of employees
 - vii. A list of all state and local jurisdictions with which the company has a contract to provide election related products or services
 - viii. Other private-equity firms that own a stake in the company
3. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with the EAC's Voluntary Voting System Guidelines? If so, please provide a copy of each EAC noncompliance notice received by the company and a description of what steps the company took to resolve each issue.
 4. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with any state or local voting system guidelines or practices? If so, please provide a list of all such instances and a description of what steps the company took to resolve each issue.
 5. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, been found to have violated any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such violations.
 6. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the last twenty years, reached a settlement with any federal or state law enforcement entity related to a potential violation of any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such settlements.

7. Has any election technology company, including all affiliates or related entities, in which H.I.G. has an ownership stake or has had an ownership stake in the past twenty years, reached a settlement with any state or local jurisdiction related to a potential violation of or breach of contract? If so, please provide a complete list, including the date and description, of all such settlements.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



Amy Klobuchar
United States Senator



Ron Wyden
United States Senator



Mark Pocan
Member of Congress

Congress of the United States
Washington, DC 20510

December 6, 2019

Michael McCarthy
Chairman
McCarthy Group, LLC



Dear Mr. McCarthy:

We are writing to request information regarding McCarthy Group, LLC's (McCarthy Group) investment in Election Systems & Software (ES&S), one of three election technology vendors responsible for developing, manufacturing and maintaining the vast majority of voting machines and software in the United States, and to request information about your firm's structure and finances as it relates to this company.

Some private equity funds operate under a model where they purchase controlling interests in companies and implement drastic cost-cutting measures at the expense of consumers, workers, communities, and taxpayers. Recent examples include Toys "R" Us and Shopko.¹ For that reason, we have concerns about the spread and effect of private equity investment in many sectors of the economy, including the election technology industry—an integral part of our nation's democratic process. We are particularly concerned that secretive and "trouble-plagued companies,"² owned by private equity firms and responsible for manufacturing and maintaining voting machines and other election administration equipment, "have long skimmed on security in favor of convenience," leaving voting systems across the country "prone to security problems."³ In light of these concerns, we request that you provide information about your firm, the portfolio companies in which it has invested, the performance of those investments, and the ownership and financial structure of your funds.

Over the last two decades, the election technology industry has become highly concentrated, with a handful of consolidated vendors controlling the vast majority of the market. In the early

¹ Atlantic, "The Demise of Toys 'R' Us Is a Warning," Bryce Covert, July/August 2018 issue, <https://www.theatlantic.com/magazine/archive/2018/07/toys-r-us-bankruptcy-private-equity/561758/>; Axios, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," Dan Primack, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," June 11, 2019, <https://www.axios.com/shopko-bankruptcy-sun-capital-547b97ba-901c-4201-92cc-6d3168357fa3.html>.

² ProPublica, "The Market for Voting Machines Is Broken. This Company Has Thrived in It.," Jessica Huseman, October 28, 2019, <https://www.propublica.org/article/the-market-for-voting-machines-is-broken-this-company-has-thrived-in-it>.

³ Associated Press News, "US Election Integrity Depends on Security-Challenged Firms," Frank Bajak, October 28, 2019, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>.

2000s, almost twenty vendors competed in the election technology market.⁴ Today, three large vendors—ES&S, Dominion Voting Systems, and Hart InterCivic—collectively provide voting machines and software that facilitate voting for over 90% of all eligible voters in the United States.⁵ Private equity firms reportedly own or control each of these vendors, with very limited “information available in the public domain about their operations and financial performance.”⁶ While experts estimate that the total revenue for election technology vendors is about \$300 million, there is no publicly available information on how much those vendors dedicate to research and development, maintenance of voting systems, or profits and executive compensation.⁷

Concentration in the election technology market and the fact that vendors are often “more seasoned in voting machine and technical services contract negotiations” than local election officials, give these companies incredible power in their negotiations with local and state governments. As a result, jurisdictions are often caught in expensive agreements in which the same vendor both sells or leases, and repairs and maintains voting systems—leaving local officials dependent on the vendor, and the vendor with little incentive to substantially overhaul and improve its products.⁸ In fact, the Election Assistance Commission (EAC), the primary federal body responsible for developing voluntary guidance on voting technology standards, advises state and local officials to consider “the cost to purchase or lease, operate, and maintain a voting system over its life span ... [and to] know how the vendor(s) plan to be profitable” when signing contracts, because vendors typically make their profits by ensuring “that they will be around to maintain it after the sale.” The EAC has warned election officials that “[i]f you do not manage the vendors, they will manage you.”⁹

Election security experts have noted for years that our nation’s election systems and infrastructure are under serious threat. In January 2017, the U.S. Department of Homeland Security designated the United States’ election infrastructure as “critical infrastructure” in order to prioritize the protection of our elections and to more effectively assist state and local election officials in addressing these risks.¹⁰ However, voting machines are reportedly falling apart across the country, as vendors neglect to innovate and improve important voting systems, putting our

⁴ Bloomberg, “Private Equity Controls the Gatekeepers of American Democracy,” Anders Melin and Reade Pickert, November 3, 2018, <https://www.bloomberg.com/news/articles/2018-11-03/private-equity-controls-the-gatekeepers-of-american-democracy>.

⁵ Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁶ Id.

⁷ Id.

⁸ Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁹ U.S. Election Assistance Commission, “Ten Things to Know About Selecting a Voting System,” October 14, 2017, <https://www.eac.gov/documents/2017/10/14/ten-things-to-know-about-selecting-a-voting-system-cybersecurity-voting-systems-voting-technology/>.

¹⁰ Department of Homeland Security, “Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector,” January 6, 2017, <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

elections at avoidable and increased risk.¹¹ In 2015, election officials in at least 31 states, representing approximately 40 million registered voters, reported that their voting machines needed to be updated, with almost every state “using some machines that are no longer manufactured.”¹² Moreover, even when state and local officials work on replacing antiquated machines, many continue to “run on old software that will soon be outdated and more vulnerable to hackers.”¹³

In 2018 alone “voters in South Carolina [were] reporting machines that switched their votes after they’d inputted them, scanners [were] rejecting paper ballots in Missouri, and busted machines [were] causing long lines in Indiana.”¹⁴ In addition, researchers recently uncovered previously undisclosed vulnerabilities in “nearly three dozen backend election systems in 10 states.”¹⁵ And, just this year, after the Democratic candidate’s electronic tally showed he received an improbable 164 votes out of 55,000 cast in a Pennsylvania state judicial election in 2019, the county’s Republican Chairwoman said, “[n]othing went right on Election Day. Everything went wrong. That’s a problem.”¹⁶ These problems threaten the integrity of our elections and demonstrate the importance of election systems that are strong, durable, and not vulnerable to attack.

McCarthy Group reportedly owns or has had investments in ES&S, a major election technology vendor. In order to help us understand your firm’s role in this sector, we ask that you provide answers to the following questions no later than December 20, 2019.

1. Please provide the disclosure documents and information enumerated in Sections 501 and 503 of the *Stop Wall Street Looting Act*.¹⁷
2. Which election technology companies, including all affiliates or related entities, does McCarthy Group have a stake in or own? Please provide the name of and a brief description of the services each company provides.
 - a. Which election technology companies, including all affiliates or related entities, has McCarthy Group had a stake in or owned in the past twenty

¹¹ AP News, “US election integrity depends on security-challenged firms,” Frank Bajak, October 29, 2018, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

¹² Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf.

¹³ Associated Press, “AP Exclusive: New election systems use vulnerable software,” Tami Abdollah, July 13, 2019, <https://apnews.com/e5e070c31f3c497fa9e6875f426ccde1>.

¹⁴ Vice, “Here’s Why All the Voting Machines Are Broken and the Lines Are Extremely Long,” Jason Koebler and Matthew Gault, November 6, 2018, https://www.vice.com/en_us/article/59vzgn/heres-why-all-the-voting-machines-are-broken-and-the-lines-are-extremely-long.

¹⁵ Vice, “Exclusive: Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials,” Kim Zetter, August 8, 2019, https://www.vice.com/en_us/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials.

¹⁶ New York Times, “A Pennsylvania Country’s Election Day Nightmare Underscores Voting Machine Concerns,” Nick Corasaniti, November 30, 2019, <https://www.nytimes.com/2019/11/30/us/politics/pennsylvania-voting-machines.html>.

¹⁷ Stop Wall Street Looting Act, S.2155, <https://www.congress.gov/bill/116th-congress/senate-bill/2155>.

years? Please provide the name of and a brief description of the services each company provides or provided.

- b. For each election technology company McCarthy Group had a stake in or owned in the past twenty years, including all affiliates or related entities, please provide the following information for each year that the firm has had a stake in or owned this company and the five years preceding the firm's investment.
 - i. The name of the company
 - ii. Ownership stake
 - iii. Total revenue
 - iv. Net income
 - v. Percentage of revenue dedicated to research and development
 - vi. Total number of employees
 - vii. A list of all state and local jurisdictions with which the company has a contract to provide election related products or services
 - viii. Other private-equity firms that own a stake in the company
3. Has any election technology company, including all affiliates or related entities, in which McCarthy Group has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with the EAC's Voluntary Voting System Guidelines? If so, please provide a copy of each EAC noncompliance notice received by the company and a description of what steps the company took to resolve each issue.
4. Has any election technology company, including all affiliates or related entities, in which McCarthy Group has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with any state or local voting system guidelines or practices? If so, please provide a list of all such instances and a description of what steps the company took to resolve each issue.
5. Has any election technology company, including all affiliates or related entities, in which McCarthy Group has an ownership stake or has had an ownership stake in the last twenty years, been found to have violated any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such violations.
6. Has any election technology company, including all affiliates or related entities, in which McCarthy Group has an ownership stake or has had an ownership stake in the last twenty years, reached a settlement with any federal or state law enforcement entity related to a potential violation of any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such settlements.
7. Has any election technology company, including all affiliates or related entities, in which McCarthy Group has an ownership stake or has had an ownership stake in the


past twenty years, reached a settlement with any state or local jurisdiction related to a potential violation of or breach of contract? If so, please provide a complete list, including the date and description, of all such settlements.

Thank you for your attention to this matter.


Sincerely,



Elizabeth Warren
United States Senator



Amy Klobuchar
United States Senator



Ron Wyden
United States Senator



Mark Pocan
Member of Congress

Congress of the United States

Washington, DC 20510

December 6, 2019

Stephen D. Owens
Managing Director
Staple Street Capital Group, LLC

Hootan Yaghoobzadeh
Managing Director
Staple Street Capital Group, LLC

Dear Messrs. Owens and Yaghoobzadeh:

We are writing to request information regarding Staple Street Capital Group, LLC's (Staple Street) investment in Dominion Voting System (Dominion) one of three election technology vendors responsible for developing, manufacturing and maintaining the vast majority of voting machines and software in the United States, and to request information about your firm's structure and finances as it relates to this company.

Some private equity funds operate under a model where they purchase controlling interests in companies and implement drastic cost-cutting measures at the expense of consumers, workers, communities, and taxpayers. Recent examples include Toys "R" Us and Shopko.¹ For that reason, we have concerns about the spread and effect of private equity investment in many sectors of the economy, including the election technology industry—an integral part of our nation's democratic process. We are particularly concerned that secretive and "trouble-plagued companies,"² owned by private equity firms and responsible for manufacturing and maintaining voting machines and other election administration equipment, "have long skimmed on security in favor of convenience," leaving voting systems across the country "prone to security problems."³ In light of these concerns, we request that you provide information about your firm, the portfolio

¹ Atlantic, "The Demise of Toys 'R' Us Is a Warning," Bryce Covert, July/August 2018 issue, <https://www.theatlantic.com/magazine/archive/2018/07/toys-r-us-bankruptcy-private-equity/561758/>; Axios, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," Dan Primack, "How workers suffered from Shopko's bankruptcy while Sun Capital made money," June 11, 2019, <https://www.axios.com/shopko-bankruptcy-sun-capital-547b97ba-901c-4201-92cc-6d3168357fa3.html>.

² ProPublica, "The Market for Voting Machines Is Broken. This Company Has Thrived in It.," Jessica Huseman, October 28, 2019, <https://www.propublica.org/article/the-market-for-voting-machines-is-broken-this-company-has-thrived-in-it>.

³ Associated Press News, "US Election Integrity Depends on Security-Challenged Firms," Frank Bajak, October 28, 2019, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>.

companies in which it has invested, the performance of those investments, and the ownership and financial structure of your funds.

Over the last two decades, the election technology industry has become highly concentrated, with a handful of consolidated vendors controlling the vast majority of the market. In the early 2000s, almost twenty vendors competed in the election technology market.⁴ Today, three large vendors—Election Systems & Software, Dominion, and Hart InterCivic—collectively provide voting machines and software that facilitate voting for over 90% of all eligible voters in the United States.⁵ Private equity firms reportedly own or control each of these vendors, with very limited “information available in the public domain about their operations and financial performance.”⁶ While experts estimate that the total revenue for election technology vendors is about \$300 million, there is no publicly available information on how much those vendors dedicate to research and development, maintenance of voting systems, or profits and executive compensation.⁷

Concentration in the election technology market and the fact that vendors are often “more seasoned in voting machine and technical services contract negotiations” than local election officials, give these companies incredible power in their negotiations with local and state governments. As a result, jurisdictions are often caught in expensive agreements in which the same vendor both sells or leases, and repairs and maintains voting systems—leaving local officials dependent on the vendor, and the vendor with little incentive to substantially overhaul and improve its products.⁸ In fact, the Election Assistance Commission (EAC), the primary federal body responsible for developing voluntary guidance on voting technology standards, advises state and local officials to consider “the cost to purchase or lease, operate, and maintain a voting system over its life span ... [and to] know how the vendor(s) plan to be profitable” when signing contracts, because vendors typically make their profits by ensuring “that they will be around to maintain it after the sale.” The EAC has warned election officials that “[i]f you do not manage the vendors, they will manage you.”⁹

Election security experts have noted for years that our nation’s election systems and infrastructure are under serious threat. In January 2017, the U.S. Department of Homeland Security designated the United States’ election infrastructure as “critical infrastructure” in order to prioritize the protection of our elections and to more effectively assist state and local election

⁴ Bloomberg, “Private Equity Controls the Gatekeepers of American Democracy,” Anders Melin and Reade Pickert, November 3, 2018, <https://www.bloomberg.com/news/articles/2018-11-03/private-equity-controls-the-gatekeepers-of-american-democracy>.

⁵ Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁶ Id.

⁷ Id.

⁸ Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

⁹ U.S. Election Assistance Commission, “Ten Things to Know About Selecting a Voting System,” October 14, 2017, <https://www.eac.gov/documents/2017/10/14/ten-things-to-know-about-selecting-a-voting-system-cybersecurity-voting-systems-voting-technology/>.

officials in addressing these risks.¹⁰ However, voting machines are reportedly falling apart across the country, as vendors neglect to innovate and improve important voting systems, putting our elections at avoidable and increased risk.¹¹ In 2015, election officials in at least 31 states, representing approximately 40 million registered voters, reported that their voting machines needed to be updated, with almost every state “using some machines that are no longer manufactured.”¹² Moreover, even when state and local officials work on replacing antiquated machines, many continue to “run on old software that will soon be outdated and more vulnerable to hackers.”¹³

In 2018 alone “voters in South Carolina [were] reporting machines that switched their votes after they’d inputted them, scanners [were] rejecting paper ballots in Missouri, and busted machines [were] causing long lines in Indiana.”¹⁴ In addition, researchers recently uncovered previously undisclosed vulnerabilities in “nearly three dozen backend election systems in 10 states.”¹⁵ And, just this year, after the Democratic candidate’s electronic tally showed he received an improbable 164 votes out of 55,000 cast in a Pennsylvania state judicial election in 2019, the county’s Republican Chairwoman said, “[n]othing went right on Election Day. Everything went wrong. That’s a problem.”¹⁶ These problems threaten the integrity of our elections and demonstrate the importance of election systems that are strong, durable, and not vulnerable to attack.

Staple Street reportedly owns or has had investments in Dominion, a major election technology vendor. In order to help us understand your firm’s role in this sector, we ask that you provide answers to the following questions no later than December 20, 2019.

1. Please provide the disclosure documents and information enumerated in Sections 501 and 503 of the *Stop Wall Street Looting Act*.¹⁷
2. Which election technology companies, including all affiliates or related entities, does Staple Street have a stake in or own? Please provide the name of and a brief description of the services each company provides.

¹⁰ Department of Homeland Security, “Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector,” January 6, 2017,

<https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

¹¹ AP News, “US election integrity depends on security-challenged firms,” Frank Bajak, October 29, 2018, <https://apnews.com/f6876669cb6b4e4c9850844f8e015b4c>; Penn Wharton Public Policy Initiative, “The Business of Voting,” July 2018, <https://publicpolicy.wharton.upenn.edu/live/files/270-the-business-of-voting>.

¹² Brennan Center for Justice, “America’s Voting Machines at Risk,” Lawrence Norden and Christopher Famighetti, 2015, https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf.

¹³ Associated Press, “AP Exclusive: New election systems use vulnerable software,” Tami Abdollah, July 13, 2019, <https://apnews.com/e5e070c31f3c497fa9e6875f426ccde1>.

¹⁴ Vice, “Here’s Why All the Voting Machines Are Broken and the Lines Are Extremely Long,” Jason Koebler and Matthew Gault, November 6, 2018, https://www.vice.com/en_us/article/59vzgn/heres-why-all-the-voting-machines-are-broken-and-the-lines-are-extremely-long.

¹⁵ Vice, “Exclusive: Critical U.S. Election Systems Have Been Left Exposed Online Despite Official Denials,” Kim Zetter, August 8, 2019, https://www.vice.com/en_us/article/3kxzk9/exclusive-critical-us-election-systems-have-been-left-exposed-online-despite-official-denials.

¹⁶ New York Times, “A Pennsylvania Country’s Election Day Nightmare Underscores Voting Machine Concerns,” Nick Corasaniti, November 30, 2019, <https://www.nytimes.com/2019/11/30/us/politics/pennsylvania-voting-machines.html>.


¹⁷ Stop Wall Street Looting Act, S.2155, <https://www.congress.gov/bill/116th-congress/senate-bill/2155>.

- a. Which election technology companies, including all affiliates or related entities, has Staple Street had a stake in or owned in the past twenty years? Please provide the name of and a brief description of the services each company provides or provided.
 - b. For each election technology company Staple Street had a stake in or owned in the past twenty years, including all affiliates or related entities, please provide the following information for each year that the firm has had a stake in or owned this company and the five years preceding the firm's investment.
 - i. The name of the company
 - ii. Ownership stake
 - iii. Total revenue
 - iv. Net income
 - v. Percentage of revenue dedicated to research and development
 - vi. Total number of employees
 - vii. A list of all state and local jurisdictions with which the company has a contract to provide election related products or services
 - viii. Other private-equity firms that own a stake in the company
3. Has any election technology company, including all affiliates or related entities, in which Staple Street has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with the EAC's Voluntary Voting System Guidelines? If so, please provide a copy of each EAC noncompliance notice received by the company and a description of what steps the company took to resolve each issue.
 4. Has any election technology company, including all affiliates or related entities, in which Staple Street has an ownership stake or has had an ownership stake in the last twenty years, been found to have been in noncompliance with any state or local voting system guidelines or practices? If so, please provide a list of all such instances and a description of what steps the company took to resolve each issue.
 5. Has any election technology company, including all affiliates or related entities, in which Staple Street has an ownership stake or has had an ownership stake in the last twenty years, been found to have violated any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such violations.
 6. Has any election technology company, including all affiliates or related entities, in which Staple Street has an ownership stake or has had an ownership stake in the last twenty years, reached a settlement with any federal or state law enforcement entity related to a potential violation of any federal or state laws or regulations? If so, please provide a complete list, including the date and description, of all such settlements.

7. Has any election technology company, including all affiliates or related entities, in which Staple Street has an ownership stake or has had an ownership stake in the past twenty years, reached a settlement with any state or local jurisdiction related to a potential violation of or breach of contract? If so, please provide a complete list, including the date and description, of all such settlements.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



Amy Klobuchar
United States Senator



Ron Wyden
United States Senator



Mark Pocan
Member of Congress

Exh. 27 – Declaration of Eric Quinnell

Declaration of Eric Quinnell

1. My name is Dr. Eric Quinnell. I am over 18 years of age, and I am competent to testify in this action. All of the facts stated herein are true and based on my personal knowledge. All scientific conclusions herein are made to a reasonable degree of scientific certainty in my fields of expertise.

2. I received a Bachelor of Science Degree in Engineering in May of 2004, a Master of Science in Circuit Design in May of 2006, and a Doctorate in Computer Arithmetic in May of 2007, all from The University of Texas at Austin.

3. I have extensive professional experience as an engineer designing and leading teams engaged in various aspects of circuit architecture and processing. In this capacity, I frequently engage in complex and sophisticated predictive mathematical modeling and statistical analysis. I am required to prepare reports and analysis on the same for presentations to executives and other decision makers. I make this declaration in my personal capacity.

Executive Summary

4. I was asked to analyze the results of the 2020 General Election in Fulton County, Georgia to determine if there were any statistical anomalies in voting, and if so, to perform a predictive modeling analysis to analyze those anomalies.

5. When compared to the 2016 General Election Democrat to Republican voting ratio, the voting distribution gains for 2020 are well outside the 2016 ratio of a multiple of 2.52. Specifically, for every one additional voter for President Donald J. Trump ("Trump") over the full total from the 2016 General Election in Fulton County, former Vice-President Joseph R. Biden ("Biden") gained 4.2 additional voters over the full total from 2016 in Fulton County.

6. The Biden distribution kurtosis or “4th moment” shows a value classifying it as “platykurtic”, which indicates as compared to the standard normal, the distribution lacks a “tail”. This fact is irregular as we often expect our data to be close to a normal distribution. Significant deviations from the normalized distribution can indicate an event that is statistically unlikely. With the number of data points we have, it is reasonable to expect normal-like behavior.

7. At a county or district level of analysis, statistical anomalies appear in even greater ratios. For example, CountyJC, which was a majority Republican county in the 2106 General Election, showed Biden gained 4.6 new voters to every 1 new Trump voter. Biden also achieved >100% of all additional new votes above 2016 General Election total vote sum in some of CountyJC’s districts—meaning Biden not only captured all votes in the district above the total from 2016, but took extra votes lost by the Libertarian column. In one specific district, Biden’s new voter gains exceed 150% of the total new registrations over 2016 registrations in the same district.

8. Such local mathematical anomalies are not seen in all counties of Fulton County, but rather only a select few.¹

9. I constructed a mathematical model that subtracted out local statistical anomalies and renormalized them according to their 2016 ratios, all while keeping pace with the additional turnout for Trump as a control. This allowed me to quantize a predicted number of anomalous votes per county, which are listed at the end of the Declaration. In all, I identified some 32,347 votes as statistically anomalous.

¹ Fulton is split into “counties” with each county having a letter/number prefix and letter/number suffix, representing what is classically considered elsewhere a “precinct”. Several precincts share prefixes as a super-group. Hereafter, I shall refer to the super-groups with common letter/number prefixes as “counties” and their sub-divisions unique by letter/number suffix as “districts”.

Data Set Selection

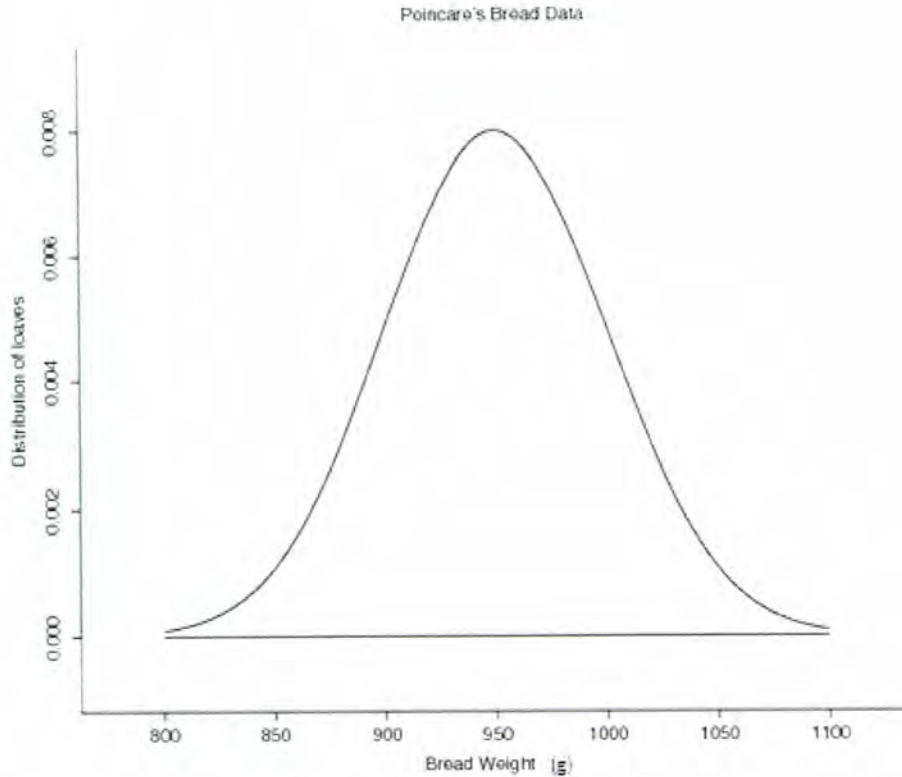
10. I retrieved publicly available data from the <https://data.fultoncountyga.gov/Elections/Election-Results-General-Election-November-8-2016/eiwi-wrhe> website containing the official Fulton County 2016 General Election Results. I also retrieved the publicly available unofficial Fulton County 2020 General Election Results from <https://results.enr.clarityelections.com/GA/Fulton/105430/web.264614/#/detail/1> website as of November 11, 2020.

Basic Methodology

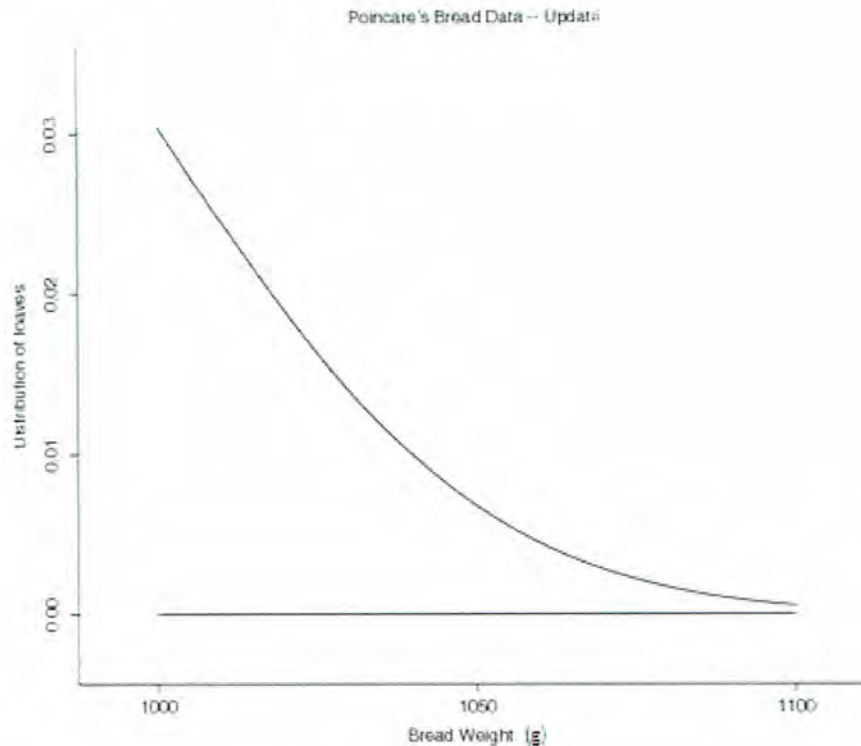
11. The anecdote of the 19th century French mathematician Henri Poincaré and a bread baker under his employ illustrate how one can use statistical inference to detect when agents are adjusting the data of the events under consideration. In particular, even if we only see part of behavior, we can often infer the rest.

12. Henri wished for a bakery he owned in Paris to produce bread that averaged 1kg in weight and provided capital accordingly to his baker. Every morning, the baker would bring bread to Henri, who, being a mathematician, would weigh the bread and record the weight in a log. After a year, Henri sued the baker for making bread consistently lighter than 1kg.

13. Henri's accusation was backed by the normal distribution of data (more commonly known as the "bell curve" or sometimes "Gaussian") of natural variation across a year of different bread. Henri said that the average (or "mean") of the weight of the bread was centered around 950g, and only weighing 1kg at a lower frequency. This means primitively that the weight of the bread he received was under the specified 1kg more than half the time.



14. The baker admitted his scheme, paid a fine, and was given a second chance to start being honest while working for Henri's bakery. The following year, the pattern repeated—the baker would bring bread to Henri, who would chart the weight. At the end of the year, Henri fired the baker for his continued scheme by showing him the plot of his newly logged bread-weight data.



15. The baker, caught again, asked how Henri managed to root out the scheme with this new graph, as it clearly says the bread was always at least 1kg. What Henri noticed is that when he plotted the frequencies of weights of the loaves, he did not see a distribution, but instead just a tail. This plot is indicative of the baker throwing away all data points less than 1kg. Henri told the baker that he inferred he didn't change his behavior, but merely always brought him the heaviest piece of bread in the day's batch.

16. Henri's correct observation of the statistical anomaly in this particular anecdote is an abuse of the "tail of the curve". In natural phenomena, nearly all repeated behaviors in nature have a universal variance—or a bell curve, albeit of different variants of shapes. History continues to show examples of such observable mathematical anomalies to the tail of a variance curve.

17. Most recently the 2008 sub-prime mortgage risk management featured an "abuse of the tail" when risk management bankers stuffed sub-prime risk into the tail of that very curve—allowing for immediate positive returns. However, when one stacks the tail over

and over with bad risk, eventually the tail becomes the center of the curve (called “platykurtic”) and the bad risk finally materializes.

18. In addition to the mean² and the standard deviation³, one can look at other statistics to get a sense of the shape of the distribution. The next two are the skewness⁴ and the kurtosis⁵. These statistics are normalized by dividing by the standard deviation, so they are all of a comparable scale; the standard normal has a skewness of 0 and a kurtosis of 3. As we often expect our data to be close to a normal distribution, significant deviations from these values can indicate an event that is statistically anomalous.

Mathematical Signature of Differential Vote Gain Anomaly

19. To set a baseline of the variability of Atlanta’s vote pattern changes from the 2016 General Election, I plot the natural distribution of gain/lost votes per specific district in a histogram plot for both Trump in Figure 1 and Biden in Figure 2 vote gains vs the 2016 General Election in the same areas:

² “Mean” is the average value of a dataset.

³ “Standard Deviation” is the scale of fluctuations about the mean.

⁴ “Skew” or the “3rd moment” is the expected value of the cube of the fluctuations about the mean divided by the standard deviation. This tells us which side of the distribution has more mass.

⁵ “Kurtosis” or the “4th moment” is the expected value of the fourth power of the fluctuations about the mean divided by the standard deviation, which informs us on how much of the tail is outside the main distribution.

Trump Distribution	
MEAN	59.70
STDEV	169.05
3-sigma	507.16
Skew	0.82
Kurtosis	20.10

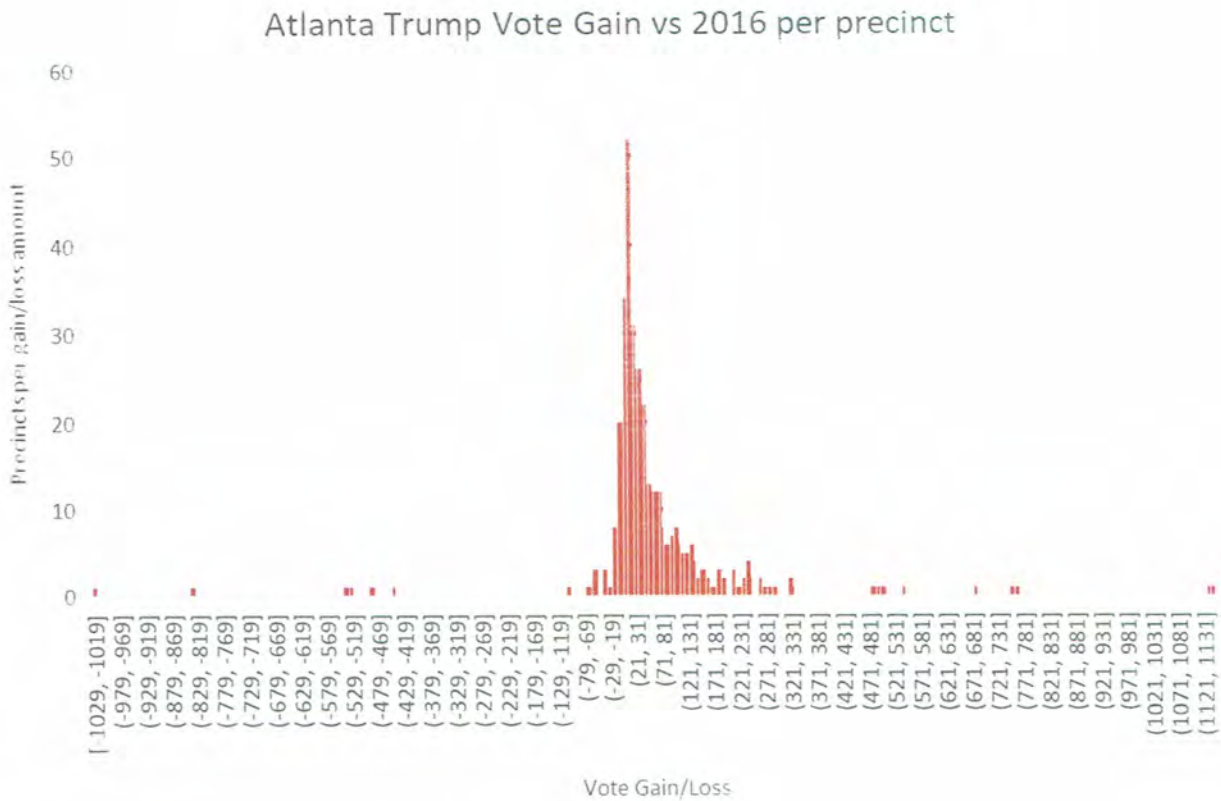


Figure 1. Trump Vote Gain Distribution

**Biden
Distribution**

MEAN	250.89
STDEV	340.59
3-sigma	1021.77
Skew	0.92
Kurtosis	2.74

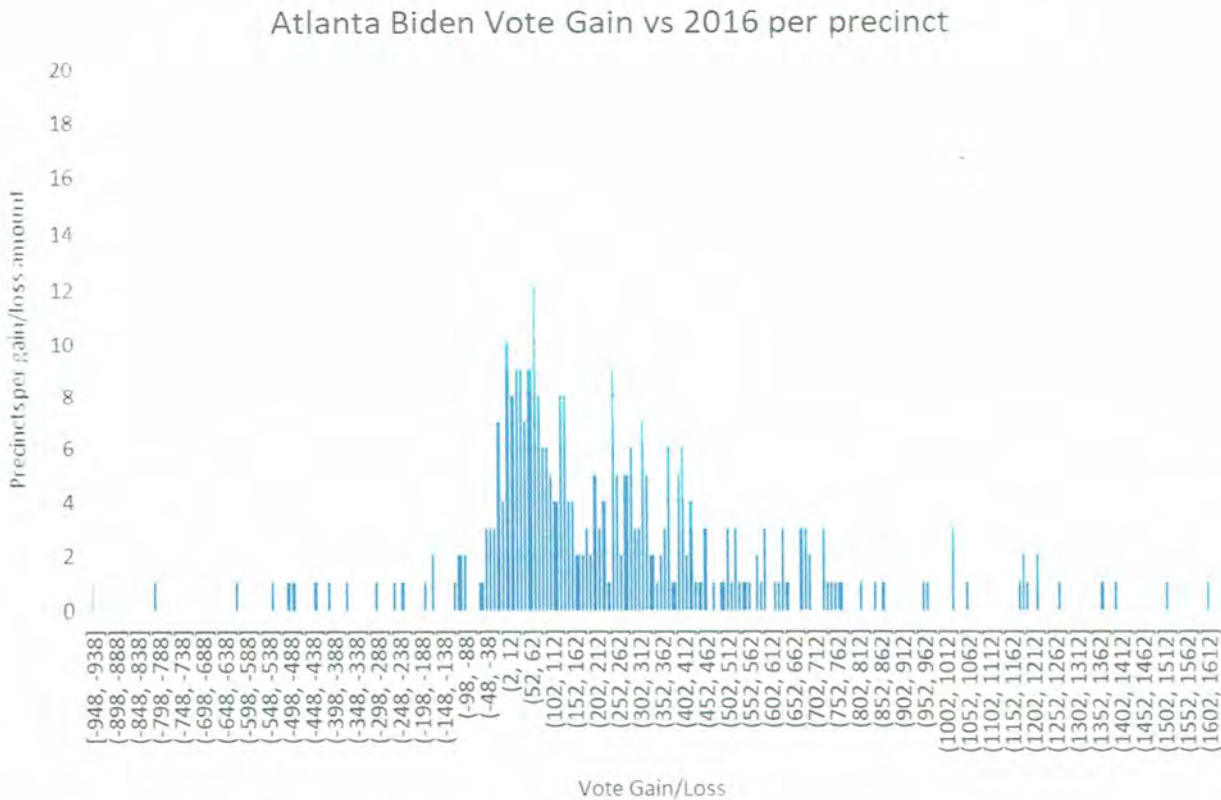


Figure 2. Biden Vote Gain Distribution

20. The “tail of the curve” in Biden’s vote gain visually seems most unusual. To quantify, what’s even more surprising are the values of the kurtosis of the distribution.

21. The kurtosis, or the measure of how much of the distribution is considered “the tail” is the real oddity here. Any numbers less than 3 in kurtosis make it platykurtic, with 3 being the kurtosis of a standard normal distribution as a baseline.

22. A distribution that is platykurtic roughly states that the tail of the distribution is not a tail, but rather part of the mean itself. To pull from the same example already cited, the 2008 mortgage collapse occurred when the sub-prime risk became platykurtic—meaning the high-risk sub-prime mortgages became the main risk curve and the bad bets were finally part of the mean.

23. Further, by calculating the gain in votes for both Trump and Biden over the respective 2016 total from the same districts, the Democratic/Republican ratio (D/R ratio or DEM/GOP ratio) of added votes gained for Biden over Trump was a high 4.2x.

	Gained Votes Avg. per District
<i>Trump</i>	59.7
<i>Biden</i>	250.89
<i>Diff</i>	191.19
<i>2020 DEM/GOP New Vote Gain Ratio</i>	4.2
<i>%</i>	81D / 19R
<i>2016 DEM/GOP Ratio</i>	2.52
<i>%</i>	69D / 27R

24. While this gain is quite anomalous, especially considering the historical voting ratio of the city—technically both the abnormal tail of Biden’s curve and gained ratio fall under the standard deviation of the 200,000 new registered voters presumed from the new Georgia “motor-voter” law. Registrations from this law netted an average of 652 new registrations with a standard deviation of 699 new registrations vs 2016. In context, this mean and standard deviation infers that some counties lost voters, while others more than doubled their mean.

25. At the Fulton County level, the new influx of overwhelmingly Democratic new votes technically fits registration deviations. However, in select counties, when the new vote distribution is broken down into per county and per district changes, the ratios appear well outside the normal.

26. What's truly anomalous is that the ratios well outside the normal occurred commonly in districts roughly 50D/50R, or even in districts from the 2016 General Election which were leaning Republican. Some districts in this county show that Biden picked up over >100% of the new votes in excess to 2016 General Election totals—despite the fact that Trump also picked up votes in most of the same districts. Note yet another oddity in JC13B, where votes in excess of 2016 exceeds the registrations in excess of 2016.

** means redistricted
 2016 Results

County	2016 Results			Ratio Dem/Rep	Turnout	2020 Gain/Loss in Votes over 2016					New Vote % of	
	Trump	Clinton	Votes			Dem % of Voters	Trump Gain	Biden Gain	New Votes	Gain Dem/Rep	Additional Registrations over 2016	Dem % of New Voters
JC01**	1322	1870	3312	1.41	78.3%	44.2%	251	1032	1194	4.1	72.9%	86.4%
JC02	697	722	1454	1.04	79.2%	39.3%	200	584	766	2.9	65.8%	76.2%
JC03A	199	196	412	0.98	87.1%	41.4%	-1	87	74	-87	61.2%	117.6%
JC03B	373	549	960	1.47	78.4%	44.9%	72	228	283	3.2	72.2%	80.6%
JC04**	1455	1501	3116	1.03	80.3%	38.7%	56	766	704	13.7	79.7%	108.8%
JC05	651	736	1468	1.13	78.8%	39.5%	49	318	315	6.5	64.8%	101.0%
JC06	1025	713	1793	0.70	76.3%	30.3%	-58	381	291	-6.6	59.4%	130.9%
JC07	1207	1390	2704	1.15	78.1%	40.1%	196	755	882	3.9	73.1%	85.6%
JC08	964	872	1946	0.90	81.3%	36.4%	49	395	362	8.1	67.5%	109.1%
JC09	806	1059	1954	1.31	78.1%	42.3%	141	367	450	2.6	60.2%	81.6%
JC10	619	800	1488	1.29	77.5%	41.6%	106	446	510	4.2	70.8%	87.5%
JC11	1224	897	2198	0.73	78.7%	32.1%	140	417	513	3.0	73.0%	81.3%
JC12	1177	579	1797	0.49	81.8%	26.4%	151	328	464	2.2	73.1%	70.7%
JC13A	1011	449	1521	0.44	80.1%	23.7%	56	319	327	5.7	78.0%	97.6%
JC13B	153	38	200	0.25	77.2%	14.7%	3	38	35	12.7	152.2%	108.6%
JC14	1000	708	1768	0.71	80.5%	32.2%	40	334	335	8.4	81.5%	99.7%
JC15	202	294	525	1.46	77.7%	43.5%	64	136	181	2.1	64.0%	75.1%
JC16	907	802	1811	0.88	82.5%	36.5%	69	306	300	4.4	58.6%	102.0%
JC18	1100	791	1991	0.72	81.1%	32.2%	51	355	340	7.0	84.6%	104.4%
JC19	1239	1251	2633	1.01	81.7%	38.8%	123	543	582	4.4	61.1%	93.3%
TOTAL	Trump	Clinton	Votes	2016 Dem/Rep	Turnout	Dem % of Voters	Trump Gain	Biden Gain	New Votes	Gain Dem/Rep	New Vote % of Additional Registrations over 2016	Dem % of New Voters
JC	17331	16217	35051	0.9	79.6%	49.4%	1758	8135	8908	4.6	70.0%	91.3%
	2016 D/R JC			~48D / 52 R			2020 D/R JC Gain			~82D / 18R		

Predictive Model to Identify Mathematically Anomalous Vote Totals

27. I constructed a reverse engineered predictive model to try and identify where such anomalies existed at a district level by using the 2016 General Election D/R total ratio per district and comparing

them to the same ratio in the same district in 2020. The Trump 2020 General Election vote gains are used as a control for the increase in turnout (generally) in Georgia as applied to both campaigns. The model is not presuming a standard normal distribution, but rather one with a mean that increases according to the 2016 General Election D/R ratio within a reasonable variance. The model is also constrained to attempt a result with a positive kurtosis above 3 (or with “excess kurtosis”).

28. To achieve this, I did not create a distribution model from scratch. Rather, I began with the actual Biden 2020 General Election vote distribution and corrected anomalies from the original, district by district, until the distribution targets were achieved.

29. The predictive mathematical model creates a Biden vote gain distribution seen in Figure 3. The predictive vote gain distribution lacks a visually unusual tail. The model’s mean is equal to the multiple of D/R ratios seen in the 2016 General Election and brings the Biden new vote skew to a 2x multiple of mass in the curve over Trump’s skew. Finally, and likely most importantly, the prediction pulls the kurtosis back outside a platykurtic distribution.

	Predicted Biden Distribution
<i>MEAN</i>	150.63
<i>STDEV</i>	274.30
<i>3-sigma</i>	822.90
<i>Skew</i>	1.67
<i>Kurtosis</i>	6.03

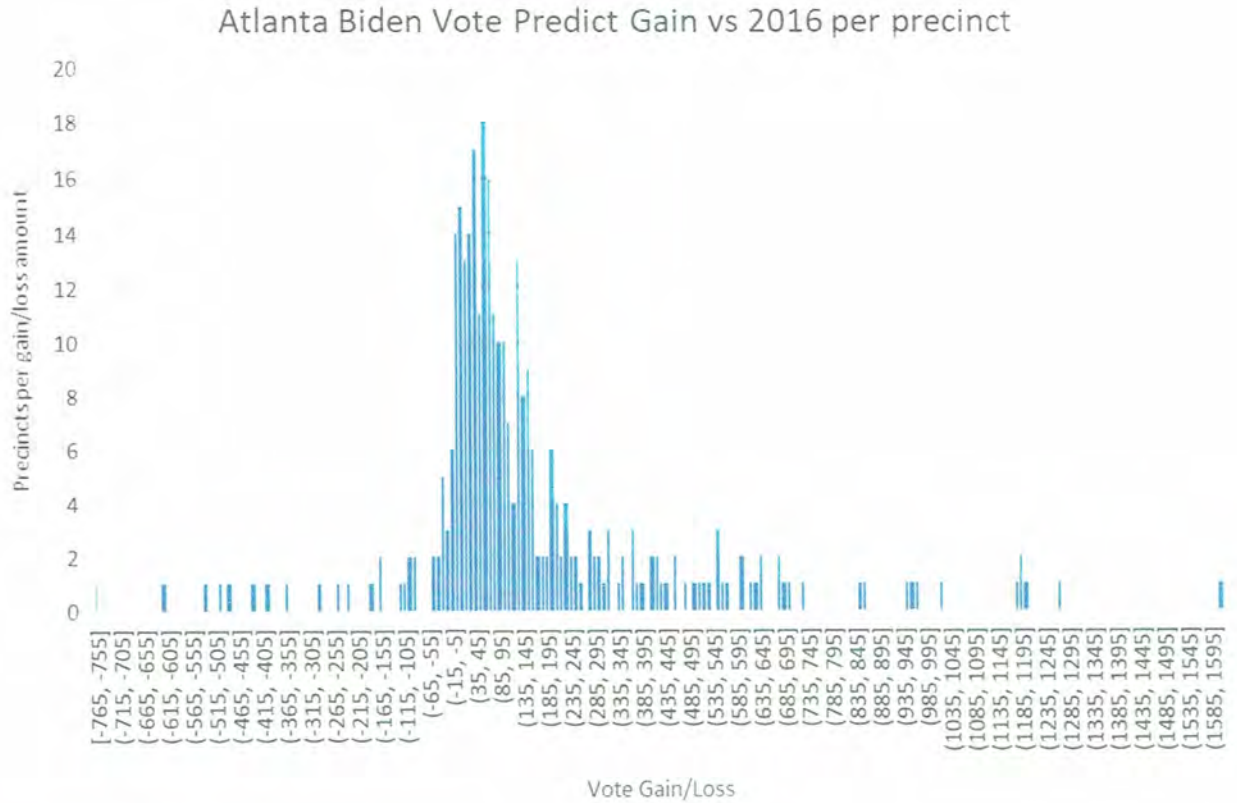


Figure 3. Biden Distribution Predicted Correction

30. The difference between the raw 2020 General Election data and the reverse-engineered predictive model follows.

The 2020 General Election raw data results are below:

	2020	Register	Voted	Biden	Trump	D/R
	Total	799612	520760	377586	136946	2.76
Turnout - <i>underinflated b/c motor-votor</i>		65.13%	share	72.51%	26.30%	

The predicted model, holding turnout and 2016 General Election ratios consistent and correlated to the Trump baseline in the 2020 General Election, are below:

Predicted 2020	Registered	Voted	Biden	Trump	D/R	Biden Vote Diff
Total	799612	488576	345402	136946	2.52	32347
Turnout	61.10%	Share	70.70%	28.00%	2016 ratio	

The difference between the 2020 General Election raw data and the predicted correction show exceedingly large vote block gains to only specific counties.

31. An observation of the actual election results in select counties identifies several thousands of anomalous votes distributed within their districts. The picture in Figure 4 communicates the necessary effect to reconstruct the actual election data from the predicted model.

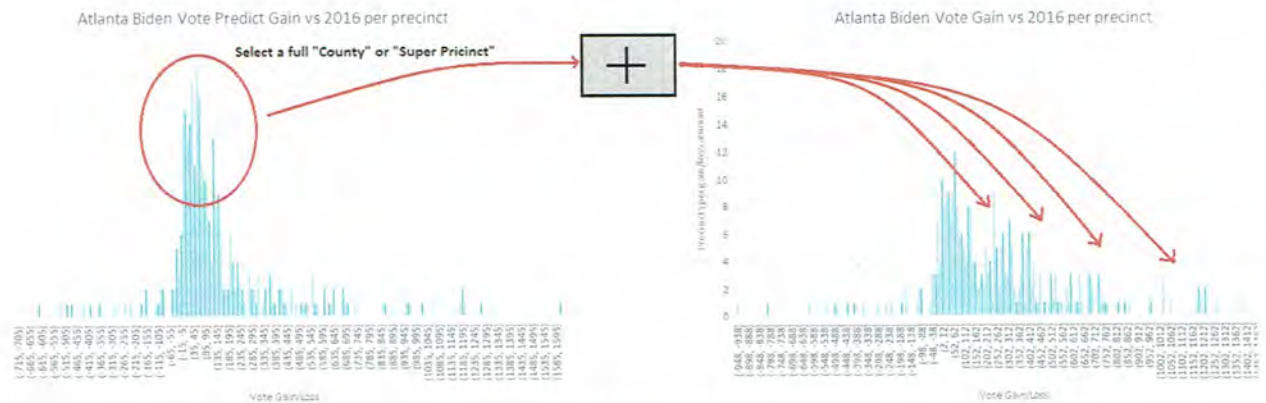


Figure 4. Reconstructing actual election data from predicted model

Full Predictive List of Biden Vote Gains Outside the Predicted Distribution in Fulton County

32. While some counties hold their 2016 ratio gains well within the historical variance and match the model perfectly, other counties or super districts stand out. Specifically, 139 districts of ~320 districts have a sum of ~32,347 votes exceeding the predicted model. These votes are statistically anomalous.

<i>County Totals</i>	
<i>County</i>	Total Biden Votes Above Prediction
<i>County RW</i>	6135
<i>County JC</i>	5822
<i>County SS</i>	4388
<i>County 07</i>	3239
<i>County 08</i>	2713
<i>County ML</i>	1704
<i>County 06</i>	1576
<i>County AP</i>	1142
<i>County 09</i>	1295
<i>County 02</i>	1139
<i>County SC</i>	541
<i>County HP</i>	269
<i>County PA</i>	258
<i>County 03</i>	182
<i>County 01</i>	169
<i>County UC</i>	148
<i>County CP</i>	139
<i>County 04</i>	81
<i>County 05</i>	67
<i>County CH</i>	34
<i>County 12</i>	7

33. As an example, a particular county well exceeding the model looks like this:

**** means redistricted from 2016**

<i>County</i>	District	Total Biden Votes above Prediction
County RW	TOTAL	6135
	RW01	526
	RW02	443
	RW03	401
	RW04	32
	RW05	190
	RW06	386
	RW07A	59
	RW07B	0
	RW08	270
	RW09**	591
	RW10	248
	RW11A	242
	RW12**	749
	RW13	487
	RW16	162
	RW17	224
	RW19	171
	RW20	245
	RW21	310
	RW22A	401

34. The entire list, sorted by total votes exceeding expected per district, is as follows. The ** indicates some form of re-districting versus 2016, which lowers the confidence of prediction in that specific district slightly due to unknown specifics of the partition.

**** means redistricted from 2016**

<i>District</i>	Total Biden Votes above Prediction
07A	881
FA01**	813
06D**	792
RW12**	749
JC04**	708
JC01**	677
AP09A	621
SC211	600
RW09**	591
JC07	529
RW01	526
07C	509
RW13	487
SC07**	466
08J	458
07D	446
RW02	443
09M	425
JC19	419
RW03	401
RW22A	401
08B	400
RW06	386
JC02	377
ML05	373
SS11A	369
JC08	351
ML01**	339
09F	336
02L2	332
02A**	323
ML03**	319
07F	318
JC18	318
JC11	314


<i>RW21</i>	310
<i>JC10</i>	309
<i>ML06B</i>	306
<i>JC14</i>	306
<i>SS09B</i>	305
<i>SS17</i>	304
<i>CP011</i>	302
<i>JC13A</i>	294
<i>SS12</i>	294
<i>AP01C</i>	285
<i>SS29A</i>	282
<i>06J</i>	278
<i>RW08</i>	270
<i>HP01</i>	269
<i>ML04</i>	263
<i>JC05</i>	263
<i>PA01</i>	258
<i>08L</i>	256
<i>JC12</i>	254
<i>08A</i>	251
<i>RW10</i>	248
<i>08P</i>	245
<i>JC16</i>	245
<i>RW20</i>	245
<i>08G</i>	244
<i>RW11A</i>	242
<i>SS08D</i>	240
<i>07M</i>	237
<i>07J</i>	233
<i>09G</i>	232
<i>08F1</i>	225
<i>RW17</i>	224
<i>SS06</i>	220
<i>02E</i>	217
<i>SC05**</i>	216
<i>07H</i>	208
<i>SS09A</i>	201
<i>SS03</i>	200
<i>SS31</i>	199
<i>08N2</i>	194

<i>SS08A</i>	192
<i>RW05</i>	190
<i>CP012</i>	186
<i>JC09</i>	182
<i>SS07A</i>	181
<i>SS05</i>	177
<i>09A</i>	174
<i>RW19</i>	171
<i>RW16</i>	162
<i>02B</i>	161
<i>07B</i>	153
<i>UC031</i>	148
<i>SS19A</i>	147
<i>08E</i>	145
<i>SS11B</i>	142
<i>06F</i>	142
<i>SS07B</i>	139
<i>AP07A</i>	136
<i>08C</i>	133
<i>SS02A</i>	130
<i>01B</i>	130
<i>09H</i>	129
<i>07E</i>	127
<i>07N</i>	127
<i>SS2**</i>	125
<i>JC03B</i>	122
<i>JC06</i>	116
<i>03M</i>	114
<i>02W</i>	106
<i>ML06A</i>	104
<i>08N1</i>	102
<i>SS15A</i>	102
<i>CP02</i>	98
<i>06I</i>	97
<i>SS08C</i>	82
<i>04I</i>	81
<i>06B</i>	80
<i>SS15B</i>	77
<i>06L1</i>	73
<i>06Q</i>	69

<i>03P1A</i>	67
<i>05J</i>	65
<i>AP10</i>	61
<i>08K</i>	60
<i>RW07A</i>	59
<i>SC04</i>	58
<i>SS11D</i>	57
<i>SS08B</i>	56
<i>SC08F</i>	56
<i>SS16</i>	54
<i>SS02B</i>	52
<i>06E</i>	44
<i>CP05B</i>	40
<i>01D</i>	39
<i>AP03</i>	38
<i>JC13B</i>	37
<i>CH05</i>	34
<i>RW04</i>	32
<i>SS11C</i>	32
<i>SS18B</i>	21
<i>12G</i>	7
<i>SS18A</i>	6
<i>05D</i>	3
<i>SS07C</i>	3
<i>JC03A</i>	1

I declare under the penalty of perjury that the foregoing is true and correct.

November 19, 2020



Eric Quinnell, Ph.D.

Exh. 28 – Affidavit of Mitchell Harrison

STATE OF GEORGIA

COUNTY OF CHEROKEE

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths in said State and County, Mitchell Harrison, who after being duly sworn, deposes and says upon oath:

1. My name is Mitchell Harrison, and I am a resident of Cherokee County Georgia. I am a college student, but also work for the Georgia Republican party as a Field Organizer. I am over the age of 18 and make these statements based on my personal knowledge of the facts, matters and events described herein.
2. As part of my assignment with the Georgia Republican party, I was to monitor ballot counting and processing in Fulton County. On the evening of election night, November 3, 2020 I reported to the Fulton elections office located at 1365 English Street in Atlanta. There I met with Brandon Moye, the Regional Field Director. Brandon assigned Michelle Branton and I to go observe the counting of absentee and military ballots at the State Farm arena location in downtown Atlanta. I understood that Michelle and I were to be involved in closely monitoring the ballot counting process.
3. After arrival at State Farm Arena, Michelle and I were taken to an observation area located on Level 5. Besides Michelle and myself, there was also a news crew from Fox News and I believe 11 Alive. For Fox News this included their broadcaster, photographer, and producer. The observation area itself was roped off, leaving us very far away from the ballot counting activity we were assigned to monitor. Also, there were certain areas of the large counting room that we could not see at all due to angles, doors, and walls. We were specifically instructed by Fulton officials that we could not leave that area to observe from any other location or vantage point.
4. The room where the ballot processing took place is a very large room and there were at least 25 employees working there, I am not sure of the exact number. Michelle and I noted that Robb Finn, the Chairman of the Fulton County Commission was in the counting room and stayed there

Appendix 576

for much of the night. Also, Joe Carr, another Fulton Commission member was in the counting room area, and he usually spoke with us.

5. It was frustrating during the time Michelle and I were there because we were kept so isolated from where the ballot processing and counting activity was actually taking place. The location and layout of the observation area, ironically, made it difficult to observe much that was going on in the ballot counting area.

6. For example, the machine that copied the UOCAVA electronically received ballots (sometimes called military ballots) onto paper copies could only be viewed from the side and the doors to that area were positioned in a way that prevented us from any viewing of this process. Additionally, the scanners that scanned the absentee ballots were not visible to us at all.

7. The only way we knew that the scanners were located across this large room and was that Regina Waller, Public Affairs Manager for Elections spoke to us at one point and she described the process to Michelle and to me. There were several different news crews that came and went that evening from this same observation area.

8. Sometime after 10 o'clock p.m., the counting activity slowed. Shortly afterward, a younger lady with long braided but blond hair yelled out to all of them they should stop working and come back tomorrow (the next day, Wednesday November 4th) at 8:30 A.M.. Thereafter, all but 4 election employees left State Farm, leaving just the blond haired lady (who Michelle and I assumed was the supervisor), two older ladies and Regina Waller at the location. This lady had appeared through the night and Michelle and I believed her to be the supervisor.

9. Another task we had been given by Brandon was to inquire how many ballots had been processed and how many were still left to go. We posed these questions to Regina Waller, the Public Affairs Manager for Elections. She seemed uncomfortable at times answering us, and she called someone which we interpreted as asking for help on how to respond to us. Ultimately, she refused to answer our questions and told us we had to "look it up on the website". In all, we asked Regina Waller for this information at least three separate times and she would not give us an answer.

10. After concluding that Regina Waller would not give us this information on the number processed versus the ones still to be processed, we along with the Fox News crew left the

State Farm Arena shortly after 10:30 p.m. When we left, Regina, the "supervisor" and only two other people remained in the arena at the arena.

11. We were then told to return to the Fulton County Board of Election Warehouse on English Street. Shortly after we arrived at the Warehouse Facility, Regina Waller entered the facility within 15-30 minutes of when we arrived. The English Street facility is a huge warehouse storing election machines, scanners and other election equipment.

12. Sometime thereafter while still at English Street, we heard from news crews that ballot counting was still going on at State Farm Arena, even though we were told it had ceased for the night and would not resume until Wednesday morning. So, Brandon Moye asked Trevin McKoy and I to go back to State Farm arena. This was just before 1:00 A.M. on Wednesday morning.

13. When Trevin McKoy and I arrived at State Farm, we were told that counting had been going on, but had just ended in the last few minutes. We asked the security representative to take us to the ballot counting area, initially he was hesitant and called his supervisor for instruction. That second person arrived and he agreed to take us in. He told us his name was Phillip. When we arrived at the same observation area, there was no one counting ballots. Again we were told that those counting the ballots had "just finished" and that there had been about 5 people there. Trevin and I thought that was odd because at 10:30 P.M., Regina Waller and the supervisor lady had said they were done counting for the night, and would not resume until 8:30 A.M. the next morning.

FURTHER THE AFFIANT SAYETH NOT.



Mitchell Harrison

Sworn to and subscribed before me
this ____ day of November, 2020.

Notary Public

Appendix 578

Exh. 29 – Affidavit of Michelle Branton

AFFIDAVIT

STATE OF GEORGIA

COUNTY OF COBB

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths in said State and County, Michelle Branton, who after being duly sworn, deposes and says upon oath:

1. My name is Michelle Branton, and I am a resident of Cobb County Georgia. I am employed by Georgia Republican party as a Field Organizer. I am over the age of 18 and make these statements based on my personal knowledge of the facts, matters and events described herein.
2. As I stated, I am employed by the Georgia Republican Party and so for the November 3, 2020 General Election, I was to be involved in monitoring the ballot counting process. On the night of the November 3rd election, I was assigned by Regional Field Director Brandon Moye to be a Poll Watcher and to report to the Fulton County Board of Elections Warehouse, located at 1365 English Street NW, Atlanta, Georgia, at 6:30 p.m..
3. After arrival, I was then reassigned to the State Farm Arena in downtown Atlanta to watch the processing of Absentee Ballots and arrived at around 8:15 p.m. At State Farm arena, I joined Mitchell Harrison, Field Organizer for the GAGOP. Mitchell and I entered the State Farm Arena at the same time as the news crew from Fox News which included their broadcaster, photographer, and producer.
4. Upon arrival in the processing room located on Level 5 of State Farm Arena, we were supposed to watch the processing of the Absentee Ballots from the observation area which was delineated by a fenced area of roping secured by posts. This observation area we were put in was very distant from the staff actually processing the ballots. The room where the ballot processing took place is a very large room, and this distance effectively prevented our actual observation of the process. In addition, other areas of this -- again very large -- room were not visible at all from our observation area.
5. For example, the machine that copied the UOCAVA electronically received ballots (sometimes called military ballots) onto a paper copy of same could only be viewed from the side and the

doors to that area were positioned in a way that prevented us from any viewing of this process. Additionally, the scanners that scanned the absentee ballots were not visible to us at all.

6. The only way we knew that the scanners were located across this large room and was that Regina Waller, Public Affairs Manager for Elections was onsite and she described the process to Mitchell and me. There were several different news crews that came and went that evening from this same observation area. The Chairman of the Fulton County Commission, Robb Pitts, was there most of the night along with his personal assistant, another lady, and his security guard. At the time, I thought it was unusual that the Commission Chairman would be personally involved in the processing of ballots. Chairman Pitts left before the processing stopped later that evening. Additionally, Joe Carn, another Fulton County Commissioner was also onsite. Mr. Carn stayed until right before the processing stopped and spoke with Mitchell and me. Regina Waller, Public Affairs Manager for Elections for Fulton County was also onsite for the entire time and was still onsite when we departed.

7. As the night progressed, most of the staff processing the removal of the inner envelopes and ballots from the outer envelope of the Absentee Ballots stopped working; however, there was one employee that continued working when the others had stopped. That last employee to finish was a younger woman. 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. This lady had appeared through the night and Mitchell and I believed her to be the supervisor. The supervisor was an approximately 35-35 year old female, with hair that was blonde and braided which came at least to the middle of her back in length.

8. After the "supervisor" gave her instruction, nearly all of the staff workers left, except the supervisor described above, another much older lady that had a shirt on that said "Ruby" on it, and one other lady that I cannot recall her appearance, and Regina Waller, the Public Affairs Manager for Elections. so, at the time that work stopped at about 10:30 I recall those four employees remaining.

9. At this same time,, we along with the Fox News crew were the only other persons as I recall left in the room. We had been instructed by Brandon Moye to obtain the number of ballots processed and the number that were still remaining to be processed We attempted to obtain

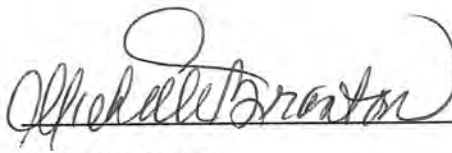
this information three separate times from Regina Waller and she would not give an answer and she also appeared to be calling someone asking them for advice on how to respond to our request. Afterwards, Regina Waller would only say "it could be obtained on the website".

10. After concluding that Regina Waller would not give us this information on the number processed versus 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. When we left, Regina, the "supervisor" and only two other people remained in the area of the scanners, the lady with the "Ruby" on her shirt was sanitizing the tables and tablecloths, and the third lady was further across the room and I could not tell what she was doing. Regina Waller was sending an email, as she relayed to us, when we left.

11. We were then told to return to the Fulton County Board of Elections Warehouse on English Avenue. Shortly after we arrived at the Warehouse Facility, Regina Waller entered the facility within 15-20 minutes of when we arrived. The English Avenue facility is a huge warehouse storing election machines, scanners and other election equipment.

12. Sometime thereafter while still at English Avenue, Mitchell Harrison and Brandon Moye advised they heard counting was still going on at State Farm Arena and Mitchell Harrison and Trevin McKoy, field organizers, were sent to confirm the ballots were again being counted at the State Farm Arena. I did not go with them on the return to State Farm.

FURTHER THE AFFIANT SAYETH NOT.



Michelle Branton

Sworn to and subscribed before me
this 8th day of November, 2020.



Notary Public



**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION**

**CORECO JA'QAN PEARSON, VIKKI TOWNSEND
CONSIGLIO, GLORIA KAY GODWIN, JAMES
KENNETH CARROLL, CAROLYN HALL FISHER,
CATHLEEN ALSTON LATHAM and BRIAN JAY
VAN GUNDY,**

**CASE NO.
1:20-cv-4809-TCB**

Plaintiffs,

v.

**BRIAN KEMP, in his official capacity as Governor of
Georgia, BRAD RAFFENSPERGER, in his official
capacity as Secretary of State and Chair of the Georgia
State Election Board, DAVID J. WORLEY, in his
official capacity as a member of the Georgia State
Election Board, REBECCA N. SULLIVAN, in her
official capacity as a member of the Georgia State
Election Board, MATTHEW MASHBURN, in his
official capacity as a member of the Georgia State
Election Board, and ANH LE, in her official capacity as
a member of the Georgia State Election Board,**

Defendants.

**PLAINTIFFS' EMERGENCY MOTION FOR DECLARATORY,
EMERGENCY, AND PERMANENT INJUNCTIVE RELIEF AND
MEMORANDUM IN SUPPORT THEREOF**

TABLE OF CONTENTS

Table of Authorities iii
Statement of Facts..... 1
 I. Mail-In Ballots and a Pattern of Fraud 2
 II. Ballot Stuffing..... 7
Argument and Citation of Authority 14
 I. Plaintiffs Have Standing..... 14
 II. Plaintiffs are Entitled to Injunctive Relief. 15
 1. Plaintiffs Have a Substantial Likelihood of Success on the Merits..... 16
 2. The Plaintiffs Will Suffer Irreparable Harm. 21
 3. Weighing Harm to the Opposing Party and the Public Interest..... 21
Font Certificate 24
Certificate of Service 25

TABLE OF AUTHORITIES

Cases

Anderson v. United States, 417 U.S. 211 (1974) 18

Baker v. Carr, 369 U.S. 186 (1962)..... 19

Burson v. Freeman, 504 U.S. 191 (1992) 18

Bush v. Gore, 531 U.S. 98 (2000) 16, 20

Bush v. Palm Beach Cty. Canvassing Bd., 531 U.S. 70 (2000) 15

Carson v. Simon, 978 F.3d 1051 (8th Cir. 2020)..... 15

Common Cause Georgia v. Kemp, 347 F. Supp. 3d 1270 (11th Cir. 2018) 15, 21

Cunningham v. Adams, 808 F.2d 815 (11th Cir. 1987) 16

Dunn v. Bloomstein, 405 U.S. 330 (1972) 20

Ex parte Yarbrough, 110 U.S. 651 (1884) 18

Levi Strauss & Co. v. Sunrise Int'l Trading Inc., 51 F.3d 982 (11th Cir. 1995)..... 15

McPherson v. Blacker, 146 U.S. 1 (1892) 15

Mead v. Sheffield, 278 Ga. 268 (1994) 15

New Ga. Project v. Raffensperger, 2020 U.S. Dist. LEXIS 155901 (N.D. Ga. Aug. 31, 2020) 21

Nken v. Holder, 556 U.S. 418, 129 S. Ct. 1749 (2009)..... 21

Oregon v. Mitchell, 400 U.S. 112 (1970)..... 18

Prichard v. United States, 181 F.2d 326 (6th Cir. 1950)..... 19

Purcell v. Gonzalez, 549 U.S. 1 (2006)..... 18

Reynolds v. Sims, 377 U.S. 533 (1964)..... 17, 18, 19

Slaughter-House Cases, 83 U.S. 36 (1873) 17

Twining v. New Jersey, 211 U.S. 78 (1908) 17

United States v. Classic, 313 U.S. 299 (1941) 18

United States v. Lambert, 695 F.2d 536 (11th Cir. 1983) 16

Statutes

O.C.G.A. § 21-2-31 16

O.C.G.A. § 21-2-386	17
O.C.G.A. § 21-2-520	14, 15
O.C.G.A. § 21-2-522	20
O.C.G.A. § 24-4-404	4
O.C.G.A. § 21-2-33.1	16
Other Authorities	
Joint Cybersecurity Advisory Iranian Advanced Persistent Threat Actor Identified Obtaining Voter Registration Data.....	10
Rules	
Fed. Rules of Evidence 404(b)	4

**PLAINTIFFS' EMERGENCY MOTION FOR DECLARATORY,
EMERGENCY, AND PERMANENT INJUNCTIVE RELIEF AND
MEMORANDUM IN SUPPORT THEREOF**

COMES NOW Plaintiffs, by and through their undersigned counsel, and file this Emergency Motion for Declaratory, Emergency, And Permanent Injunctive Relief and Memorandum of Law in Support Thereof, respectfully requesting relief for the following reasons:

STATEMENT OF FACTS

The facts establishing the Plaintiffs' right to the relief sought herein are set forth in detail in the Complaint and its accompanying exhibits, all of which are incorporated herein by reference. We present only a summary of certain highlighted facts for the convenience of the court, and because the Complaint is in excess of 100 pages with 29 exhibits.

After a general election and hand recount audit, Vice President Biden was declared the winner of Georgia's General Election for President by a margin of 12,670 votes on November 20, 2020. But the vote count certified by the Defendants on November 20 is wrong. Tens of thousands of votes counted toward Vice President Biden's final tally were the product of illegality, and physical and computer-based fraud leading to "outright ballot stuffing."

On November 27, 2020, Union County officials advised that they are going to wipe the voting machines of all data and bring the count back to zero on

Monday, November 30, 2020. Resetting the machines would destroy relevant evidence now existing on each voting machine. This cannot be allowed.

I. MAIL-IN BALLOTS AND A PATTERN OF FRAUD

Sworn affidavit testimony and detailed analyses of reported election results demonstrate that 96,600 mail-in votes were illegally cast. (See Compl. Exh. 9, Ramsland Aff., par. 11). As Plaintiffs' expert, Russel Ramsland, explains:

The first red flag comes from mail-in ballots dates. The voter records of the counties show that 96,600 mail-in ballots were voted, yet the county records show they were never received back. Further, 42 mail-in ballots were received back completed *before* they were mailed out to the voter by the county, 1,887 mail-in ballots were received back completed *the same day* they were mailed out to the voter by the county, 1,786 mail-in ballots were received back completed *one day after* they were mailed out to the voter by the county and 2,275 mail-in ballots were received back completed only *two days after* they were mailed out to the voter by the county. This impossible phenomenon occurred throughout the counties of Georgia and were not an isolated event. Following is a summary:

GEORGIA MAIL-IN BALLOT ISSUES

Ballots received back completed BEFORE they were mailed out	42
Ballots received back completed THE SAME DAY they were mailed out	1,887
Ballots received back completed ONE day after they were mailed out	1,786
Ballots received back completed TWO days after they were mailed out	2,275
Total Ballots with impossible mail out and received back completed dates	5,990

Ballots with NO RETURN RECORD AT ALL	231,188
Ballots with NO RETURN RECORD & Cancelled	-134,588
Ballots with NO RETURN RECORD & Voted	96,600

(See Ex. 9 at pars. 15 – 19.)

Separately, evidence gathered by Matt Braynard in the form of recorded calls and declarations of voters, and analyzed by Plaintiffs' expert, William M. Briggs, Ph.D., shows that, based on a statistically significant sample, **the total number of mail ballots that voters mailed in, but were never counted, have a 95% likelihood of falling between 31,559 and 38,886 total lost votes.** This range exceeds the margin of loss of President Trump of 12,670 votes by at least 18,889 lost votes and by as many as 26,196 lost votes. (See Ex. 1, Dr. Briggs' Report).

Further, as calculated by Matt Braynard, there exists clear evidence of 20,311 absentee or early voters in Georgia that voted while registered as having moved out of state. Specifically, these persons were shown on the National Change of Address Database (NCOA) as having moved, or as having filed subsequent voter registration in another state. The 20,311 votes by persons documented as having moved exceeds the margin by which Donald Trump lost the election by 7,641 votes. (See Compl. at par. 120).

Additionally, Plaintiffs have presented evidence of a wide-spread fraud in a pattern of incidents that shows an absence of mistake – and always in the favor of

Vice President Biden. Rules of Evidence, 404(b), applicable to civil matters makes clear that, “(b) Evidence of other crimes, wrongs, or acts shall not be admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, including, but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” O.C.G.A. § 24-4-404; Fed. Rules of Evidence 404(b).

Specifically, an Affiant testified about the lack of process and the hostility only towards the Republican party, which is a violation of the Equal Protection Clause:

I also observed throughout my three days in Atlanta, not once did anyone verify these ballots. In fact, there was no authentication process in place and no envelopes were observed or allowed to be observed. I saw hostility towards Republican observers but never towards Democrat observers. Both were identified by badges.

(See Compl. at par. 86; Exh. 18 at par. 12, Aff. of Carlos Silva).

Another Affiant explained that his ballot was not only not processed in accordance with election law, he witnessed people reviewing his ballot to decide where to place it, which violated the privacy of his ballot, and when he tried to report it to a voter fraud line, he never received any contact or cooperation:

I voted early on October 12 at the precinct at Lynwood Park ... Because of irregularities at the polling location, I called the voter fraud line to ask why persons were discussing my ballot and reviewing it to decide where to place it. When I called the state fraud line, I was directed to a worker in the office of the Secretary of State...

(Exh. 19, Andrea ONeal Aff, at par. 3). This Affiant further testified that when they were an Observer at the Lithonia location, they saw many irregularities, and specifically **“saw an auditor sort Biden votes that he collected and sorted into ten ballot stacks, which [the auditor] did not show anyone.”** (*Id.* at par. 8).

Another Affiant testified about the use of different paper for ballots, that would constitute fraud, stating:

I noticed that almost all of the ballots I reviewed were for Biden. Many batches went 100% for Biden. I also observed that the watermark on at least 3 ballots were solid gray instead of transparent, leading me to believe the ballot was counterfeit. I challenged this and the Elections Director said it was a legitimate ballot and was due to the use of different printers. Many ballots had markings for Biden only, and no markings on the rest of the ballot.

(*See Compl.* at par. 85).

An Affiant, who attended the Audit testified: “While in Henry County, I personally witnessed ballots cast for Donald Trump being placed in the pile for Joseph Biden. I witnessed this happen at table ‘A’”. (*See Exh.* 13, at par. 29).

Another Affiant testified that

I witnessed two poll workers placing already separated paper machine receipt ballots with barcodes in the Trump tray, placing them in to the Biden tray. I also witnessed the same two poll workers putting the already separated paper receipt ballots in the “No Vote” and “Jorgensen” tray, and removing them and putting them inside the Biden tray. They then took out all of the ballots out of the Biden tray and stacked them on the table, writing on the count ballot sheet.

(*See Exh.* 17, Johnson Aff., pars. 4-5).

Another Affiant, a Democrat, testified in his sworn affidavit, before he was forced to move back to where he could not see, that he had in fact seen “absentee ballots for Trump inserted into Biden’s stack, and counted as Biden votes. This occurred a few times.” (See Compl. at par. 132).

“A Republican National Committee monitor in Georgia’s election recount, Hale Soucie, told an undercover journalist there are individuals counting ballots who have made continuous errors,” writes O’Keefe. Project Veritas, Watch: Latest Project Veritas Video reveals “Multiple Ballots Meant for Trump Went to Biden in Georgia.¹ (See Compl. at par. 88). An Affiant in his sworn affidavit testified, that while at the Audit in Henry County, **“I personally witnessed ballots cast for Donald Trump being placed in the pile for Joseph Biden. I witnessed this happen at table “A”**”. (See Compl. at par. 76).

The expert analysis of Dr. Shiva Ayyadurai explains that the electronic data files must be analyzed before any wiping of data occurs.

This Declaration has presented, in multiple counties in Georgia, a consistent pattern of “High Republican, Low Trump” vote pattern anomalies that are improbable. In addition, it was discovered that when ethnic distributions were applied to three (3) counties, the only plausible

¹ <https://hannity.com/media-room/watch-latest-project-veritas-video-reveals-multiple-ballots-meant-for-trump-went-to-biden-in-georgia/>

explanation for the vote distribution was that President Trump received near zero Black votes, which is also highly improbable.

Analysis of DeKalb County enabled the discovery of a “weighted race” algorithm that transferred, using a “weight” of 1.22, approximately 48,000 votes from President Trump to Mr. Biden. In DeKalb County, 373,000 votes were cast. The approximate 48,000 votes transferred to Mr. Biden represents approximately 13% of the total votes cast in DeKalb County.

When one considers the entire State of Georgia, the number of votes cast in DeKalb county represents a mere 7.5% of the total number of votes cast in the entire State of Georgia, which was reported by the Secretary of State of Georgia to be 4,998,482 votes. The analysis herein reveals the number of voters may likely not equal of the number of votes given algorithms were in place to manipulate the tabulation of votes. This result demands that ballot images, log files, CVR, and electronic data files from each precinct be reviewed to validate the integrity of the election in Georgia. Until that time, the election results are unverifiable.

(See Ex. A to this Motion, at par. 121).

The expert analyses of proven illegal ballots counted from mail-in votes together with first-hand testimonials of fraudulent activity by election officials compels the conclusion that the Defendants’ certification of the election in Vice President Biden’s favor must be reversed.

II. BALLOT STUFFING

Georgia’s election process depends entirely on voting machines, tabulators and software purchased from Dominion Voting Systems Corporation (“Dominion”) that was compromised. Computerized vote recording and tabulations are controlled by software programs that were designed to cheat, and which were open to human

manipulation. In 2020, ballot stuffing is not simply counting votes of dead people, illegal aliens or out of state residents -- all of which clearly occurred here. See Exh. 1, Briggs Report; Exh. 9, Ramsland Affid. Instead, sworn affidavit testimony and detailed analyses of reported election results demonstrate that over 135,000 votes were illegally transferred from President Trump to Vice President Biden through an algorithm embedded in Dominion's software. (See Exh. 9, Ramsland Aff., para.11).

Manipulation of votes was apparent shortly after the polls closed on November 3, 2020. At approximately 10:00 pm, election officials evacuated State Farm arena where votes were being counted. Fulton County election officials claimed that a plumbing leak represented a threat. This was a lie. Video of the location at the time shows that there was no flood and no emergency. Instead, after all challengers and other personnel left, several election workers stayed behind and continued to feed votes into Dominion tabulators for over three hours, until 1:00 a.m. on November 4. (Compl. at par. 117).

Without supervision or challengers, election officials could have processed tens of thousands of votes from phony vote machine memory cards and thumb drives. They could also have processed thousands of illegal mail-in ballots that were cast by third-parties or even blank ballots that were counted over and over. This kind of voter manipulation would not be uncovered during a recount because

the voting ballots and memory cards with the phony information would just be counted again and run through the same tainted tabulation machines.

The election software and hardware from Dominion, only recently purchased and rushed into use by Defendants Governor Brian Kemp, Secretary of State Brad Raffensperger, and the Georgia Board of Elections, was unsecure, and capable of being manipulated. (See Compl. at par. 4). This is shown by compelling evidence presented in *Curling, et al. v. Kemp, et. al*, Case No. 1:17-cv-02989 and reviewed in a lengthy order by Judge Totenberg at Doc. No. 964. It is also shown by the expert testimony presented with the Complaint, particularly Exhibits 8² (“Spider Declaration”) and 9 (Ramsland Affidavit).

Sworn testimony by a former military intelligence expert is consistent with the above Federal Government advisory, and confirms foreign interference through the electronic Voting Systems:

I was an electronic intelligence analyst under 305th Military Intelligence with experience gathering SAM missile system electronic intelligence. I have extensive experience as a white hat hacker used by some of the top election specialists in the world. The methodologies I have employed represent industry standard cyber operation toolkits for digital forensics and OSINT, which are commonly used to certify connections between servers, network nodes and other digital properties and probe to network system vulnerabilities.

² Exhibit 8 to the Complaint had a slip sheet that erroneously labeled it Exh. 7.

In my professional opinion, this affidavit presents unambiguous evidence that Dominion Voter Systems and Edison Research have been accessible and were certainly compromised by rogue actors, such as Iran and China. By using servers and employees connected with rogue actors and hostile foreign influences combined with numerous easily discoverable leaked credentials, these organizations neglectfully allowed foreign adversaries to access data and intentionally provided access to their infrastructure in order to monitor and manipulate elections, including the most recent one in 2020. This represents a complete failure of their duty to provide basic cyber security. This is not a technological issue, but rather a governance and basic security issue: if it is not corrected, future elections in the United States and beyond will not be secure and citizens will not have confidence in the results.

(See Compl. Exh. 8, Aff. at pars. 1 and 21).

The Federal government issued the following Advisory on October 20, 2020:

This joint cybersecurity advisory was coauthored by the Cybersecurity and Infrastructure Security Agency (CISA) and the Federal Bureau of Investigation (FBI). CISA and the FBI are aware of an Iranian advanced persistent threat (APT) actor targeting U.S. state websites to include election websites. CISA and the FBI assess this actor is responsible for the mass dissemination of voter intimidation emails to U.S. citizens and the dissemination of U.S. election-related disinformation in mid-October 2020.1 (Reference FBI FLASH message ME-000138-TT, disseminated October 29, 2020). Further evaluation by CISA and the FBI has identified the targeting of U.S. state election websites was an intentional effort to influence and interfere with the 2020 U.S. presidential election.

(Joint Cybersecurity Advisory Iranian Advanced Persistent Threat Actor Identified Obtaining Voter Registration Data, Attached as Exhibit B).

The Advisory further states,

Following the review of web server access logs, CISA analysts, in coordination with the FBI, found instances of the cURL and FDM User Agents sending GET requests to a web resource associated with voter

registration data. The activity occurred between September 29 and October 17, 2020. Suspected scripted activity submitted several hundred thousand queries iterating through voter identification values and retrieving results with varying levels of success [Gather Victim Identity Information (T1589)]. A sample of the records identified by the FBI reveals they match information in the aforementioned propaganda video.

(*Id.* at pp. 4-5).

Defendants Kemp and Raffensperger rushed through the purchase of Dominion voting machines and software in 2019 for the 2020 Presidential Election³. The certificate was awarded to Dominion but is undated. (*See Compl.* at par. 12). Similarly, a test report is signed by Michael Walker as Project Manager but it too is undated. (*See Id.*). They disregarded all the concerns that caused Dominion software to be rejected by the Texas Board of elections in 2018 because it was deemed vulnerable to undetected and non-auditable manipulation. They also ignored House Bill, HR 2722, that passed the House in 2019 mandating certain security precautions for voting machines, including that they not be connected to the internet and have security controls such as paper ballots, unlike those in the Dominion Voting Systems Democracy Suite package: “*This bill addresses election*

³ Georgia Governor Inks Law to Replace Voting Machines, The Atlanta Journal-Constitution, AJC News Now, Credit: Copyright 2019 The Associated Press, June 2019. <https://www.ajc.com/blog/politics/georgia-governor-inks-law-replace-voting-machines/xNXs0ByQAOvtXhd27kJdqO/>

security through grant programs and requirements for voting systems and paper ballots” (See Compl. at par. 112).

An industry expert, Dr. Andrew Appel, Princeton Professor of Computer Science and Election Security Expert recently observed with reference to Dominion voting machines: **“I figured out how to make a slightly different computer program that just before the polls were closed, it switches some votes around from one candidate to another. I wrote that computer program into a memory chip and now to hack a voting machine you just need 7 minutes alone with it and a screwdriver.”** (See Compl. at par. 13).

Evidence of a pattern of voter manipulation from the lack of physical security and compliance with professional standards, “the breaches” and the “glitches” recently seen in a Dominion system used in one Georgia County, where it is reported that 3,300 votes were found on memory sticks not loaded plus in Floyd county, another 2,600 were unscanned, and the “found votes” reduced Vice President Biden’s lead over President Trump⁴. (See Compl. at par. 112).

The opportunity to perform the unauthorized manipulation of votes

⁴ *Recount find thousands of Georgia votes*, Atlanta Journal-Constitution by Mark Niese and David Wickert, 11/19/20. <https://www.ajc.com/politics/recount-finds-thousands-of-georgia-votes-missing-from-initial-counts/ERDRNXP3REQTM4SOINPSEP72M/>

presented on multiple occasions, including when it was widely reported that as of 7 p.m. on Wednesday Fulton County Elections officials said 30,000 absentee ballots were not processed due to a pipe burst. Officials reassured voters that none of the ballots were damaged and the water was quickly cleaned up. (See Compl. at par. 81). But the emergency delayed officials from processing ballots between 5:30 a.m. and 9:30 a.m. Officials say they continued to count beginning at 8:30 a.m. Wednesday. The statement from Fulton County continued:

Tonight, Fulton County will report results for approximately 86,000 absentee ballots, as well as Election Day and Early Voting results. These represent the vast majority of ballots cast within Fulton County.

As planned, Fulton County will continue to tabulate the remainder of absentee ballots over the next two days. Absentee ballot processing requires that each ballot is opened, signatures verified, and ballots scanned. This is a labor-intensive process that takes longer to tabulate than other forms of voting. Fulton County did not anticipate having all absentee ballots processed on Election Day. Officials said they will work to ensure every vote is counted and all laws and regulations are followed.⁵

(See Compl. at par. 114.)

Plaintiffs have learned that the representation that “a water leak affecting the room where absentee ballots were counted” was false. The only water leak that

⁵ 4,000 remaining absentee ballots being counted in Fulton County, Fox 5 Atlanta, November 3, 2020, <https://www.fox5atlanta.com/news/pipe-burst-at-state-farm-arena-delays-absentee-ballot-processing>

needed repairs at State Farm Arena from November 3 to November 5 was a toilet overflow that occurred on November 3. It did not affect the room with ballot counting, but the water break representation led to “everyone being sent home.” Nonetheless, first six (6) people, then three (3) people stayed until 1:05 a.m. working on the computers. (See Compl. at par. 115)

In sum, there are multiple independent bases for concluding that the Defendants’ certification of the election in Vice President Biden’s favor was incorrect. With only 12,670 votes separating the candidates out of a total of 4,998,482 cast, the evidence shows far more illegal or fraudulent ballots than necessary to change the results. Defendant’s certification of the election must be set aside.

ARGUMENT AND CITATION OF AUTHORITY

I. PLAINTIFFS HAVE STANDING

Plaintiffs Pearson, Consiglio, Godwin, Carroll, Fisher and Latham are registered Georgia voters and are nominees of the Republican Party to be Presidential Electors on behalf of the State of Georgia. (Complaint, pars. 23-28). They each have standing to bring this action as voters and as candidates for the office of Elector under O.C.G.A. § 21-2-520, et seq. (election procedures for Georgia election contests). Presidential Electors “have a cognizable interest in ensuring that the final vote tally reflects the legally valid votes cast,” as “[a]n

inaccurate vote tally is a concrete and particularized injury to candidates such as the Electors.” *Carson v. Simon*, 978 F.3d 1051, 1057 (8th Cir. 2020) (affirming that Presidential Electors have Article III and prudential standing to challenge actions of secretaries of state in implementing or modifying state election laws); *see also McPherson v. Blacker*, 146 U.S. 1, 27 (1892); *Bush v. Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 76 (2000) (per curiam).

II. PLAINTIFFS ARE ENTITLED TO INJUNCTIVE RELIEF.

Under Georgia state law, the Georgia Supreme Court has made clear that, “[Plaintiffs] need not show how the [] voters would have voted if their [absentee] ballots had been regular. [they] only had to show that there were enough irregular ballots to place in doubt the result.” *Mead v. Sheffield*, 278 Ga. 268, 272 (1994) (citing O.C.G.A. § 21-2-520, et seq.) (emphasis added).

The Eleventh Circuit recently held that, “To support a preliminary injunction, a district court need not find that the evidence positively guarantees a final verdict in plaintiff’s favor.” *Common Cause Georgia v. Kemp*, 347 F. Supp. 3d 1270, 1288 (11th Cir. 2018) (citing *Levi Strauss & Co. v. Sunrise Int’l Trading Inc.*, 51 F.3d 982, 985 (11th Cir. 1995)). To obtain a preliminary injunction the movant must satisfy four elements: 1) the likelihood of success on the merits; 2) irreparable harm; 3) the balance of equities favors the movant; and 4) whether the relief sought is in the public interest. *Cunningham v. Adams*, 808 F.2d 815, 818-19 (11th Cir.

1987); *see also United States v. Lambert*, 695 F.2d 536, 539 (11th Cir. 1983). All elements are met here.

“When the state legislature vests the right to vote for President in its people, the right to vote as the legislature has prescribed is fundamental; and one source of its fundamental nature lies in the equal weight accorded to each vote and the equal dignity owed to each voter.” *Bush v. Gore*, 531 U.S. 98, 104 (2000). The evidence shows not only that the Defendants failed to administer the November 3, 2020 election in compliance with the Georgia Election Code, but also that illegal or fraudulent votes were counted to make certain the election of Vice President Biden as President of the United States. This conduct violated Plaintiffs’ equal protection and due process rights as well their rights under Georgia law.

1. PLAINTIFFS HAVE A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS.

Through detailed fact and expert testimony, including documentary evidence contained in the Complaint and its exhibits, Plaintiffs have made a compelling showing the rights of Georgia citizens to select their leaders under the process established by the Georgia Legislature were violated. Indeed, they have committed election frauds and illegalities that violated Georgia laws intended to establish and maintain “the legality and purity of elections,” including O.C.G.A. §§ 21-2-31, 21-2-33.1, Article 10 of Chapter 2 of Title 21 of the Georgia Code pertaining to

absentee voting, including particularly the absentee ballot processing and signature match requirements of O.C.G.A. § 21-2-386, and Part 5 of Article 11 of Chapter 5 of Title 21 of the Georgia Code pertaining to voting by Optical Scanning Voting Equipment. These acts also violated the Equal Protection Clause of the United States Constitution.

The tally of ballots certified by Defendants giving Vice President Biden a 12,670 vote margin cannot possibly stand in light of the thousands of illegal mail-in ballots that were improperly counted and the vote manipulation caused by the Dominion software and the lack of election law procedure.

Plaintiffs' equal protection claim is straightforward. The right of qualified citizens to vote in a state election involving federal candidates is recognized as a fundamental right under the Fourteenth Amendment of the United States Constitution. *See Reynolds v. Sims*, 377 U.S. 533, 554 (1964) (The Fourteenth Amendment protects “the right of all qualified citizens to vote, in state as well as in federal elections.”). Indeed, ever since the *Slaughter-House Cases*, 83 U.S. 36 (1873), the United States Supreme Court has held that the Privileges or Immunities Clause of the Fourteenth Amendment protects certain rights of federal citizenship from state interference, including the right of citizens to directly elect members of Congress. *See Twining v. New Jersey*, 211 U.S. 78, 97 (1908) (*citing Ex parte*

Yarbrough, 110 U.S. 651, 663-64 (1884)); *see also Oregon v. Mitchell*, 400 U.S. 112, 148-49 (1970) (Douglas, J., concurring) (collecting cases).

The fundamental right of citizens to vote protected by the Fourteenth Amendment is cherished in our nation because it “is preservative of other basic civil and political rights.” *Reynolds*, 377 U.S. at 562. Voters have a “right to cast a ballot in an election free from the taint of intimidation and fraud,” *Burson v. Freeman*, 504 U.S. 191, 211 (1992), and “[c]onfidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.” *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam).

“Obviously included within the right to [vote], secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted” if they are validly cast. *United States v. Classic*, 313 U.S. 299, 315 (1941). “[T]he right to have the vote counted” means counted “at full value without dilution or discount.” *Reynolds*, 377 U.S. at 555, n. 29, *quoting South v. Peters*, 339 U.S. 276, 279 (1950) (Douglas, J., dissenting).

“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.” *Anderson v. United States*, 417 U.S. 211, 227 (1974); *see*

also *Baker v. Carr*, 369 U.S. 186, 208 (1962). Invalid or fraudulent votes “debase[]” and “dilute” the weight of each validly cast vote. *Id.* at 227.

“The right to an honest [count] is a right possessed by each voting elector, and to the extent that the importance of his vote is nullified, wholly or in part, he has been injured in the free exercise of a right or privilege secured to him by the laws and Constitution of the United States.” *Id.* at 226 (quoting *Prichard v. United States*, 181 F.2d 326, 331 (6th Cir. 1950), *aff’d due to absence of quorum*, 339 U.S. 974 (1950)).

Practices that promote the casting of illegal or fraudulent ballots, or that fail to contain basic minimum guarantees against such, can violate the Fourteenth Amendment by leading to the dilution of validly cast ballots. *Reynolds*, 377 U.S. at 555 (“[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.”).

States may not, by arbitrary action or other unreasonable impairment, burden a citizen’s right to vote. *See Baker v. Carr*, 369 U.S. 186, 208 (1962) (“A citizen’s right to a vote free of arbitrary impairment by state action has been judicially recognized as a right secured by the Constitution”). “Having once granted the right to vote on equal terms, the state may not, by later arbitrary and disparate treatment,

value one person's vote over that of another." *Bush v. Gore*, 531 U.S. 98, 104-05 (2000). Among other things, "specific rules designed to ensure uniform treatment" in order to prevent "arbitrary and disparate treatment of voters" are required. *Id.* at 106-07; *see also Dunn v. Bloomstein*, 405 U.S. 330, 336 (1972) (providing that each citizen "has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction").

Additionally, as candidates for election, Plaintiffs seek redress under Georgia law, O.C.G.A. § 21-2-522, which provides:

A result of a primary or election may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result; or
- (5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

As set forth above, all of the conditions in these subsections, except for subsection (2) which is not applicable, support the relief Plaintiffs seek.

Accordingly, Plaintiffs have established a likelihood of success on the

merits.

2. THE PLAINTIFFS WILL SUFFER IRREPARABLE HARM.

“It is well-settled that an infringement on the fundamental right to vote amounts to an irreparable injury.” *New Ga. Project v. Raffensperger*, 2020 U.S. Dist. LEXIS 155901, at 86, (N.D. Ga. Aug. 31, 2020). The irreparable nature of the harm to Plaintiffs is apparent. If the Georgia count was defective, including defective absentee ballots and illegal out of state voters in an amount sufficient to place the outcome in doubt, then Georgia’s election results are improper and suspect, resulting in Georgia’s electoral college votes going to Democrats, including Vice President Biden, contrary to the votes of the majority of Georgia’s qualified electors. Consequently, Plaintiffs will be directly and irreparably harmed by the wrongful denial of their right to cast their votes in the Electoral College for President Trump.

3. WEIGHING HARM TO THE OPPOSING PARTY AND THE PUBLIC INTEREST.

The remaining two factors for the preliminary injunction test, “harm to the opposing party and weighing the public interest, merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 129 S. Ct. 1749, 1753 (2009).

The Eleventh Circuit recently addressed a claim related to Georgia’s voting system in *Common Cause Georgia v. Kemp*, 347 F. Supp. 3d 1270 (11th Cir. 2018).

The Court found,

In summary, while further evidence will be necessary in the future, the Court finds that the combination of the statistical evidence and witness declarations in the record here (and the expert witness evidence in the related *Curling* case which the Court takes notice of) persuasively demonstrates the likelihood of Plaintiff succeeding on its claims. Plaintiff has shown a substantial likelihood of proving that the Secretary's failure to properly maintain a reliable and secure voter registration system has and will continue to result in the infringement of the rights of the voters to cast their **vote** and have their **votes** counted.

Id. at 1294-1295.

First, an immediate temporary restraining order is necessary to preserve the forensic data on the voting machines, which may get “wiped” as this motion is filed.

Second, while it is true that invalidating the results of an election in which millions of people have cast valid votes is a momentous decision, it must be recognized that there is no legitimate harm to the opposing party or any legitimate public interest in enforcing the results of an election decided by illegally cast ballots – a point made indisputably clear by the availability of election invalidation as a remedy in Georgia’s election contest statutes.

Plaintiffs are entitled to an order de-certifying Georgia’s election results or a stay in the delivery of the certified results to the Electoral College to preserve the status quo while this case proceeds. The Plaintiffs are further entitled to an order making the voting machines available for forensic analysis before they are reset for

the machine recount, and other equitable relief, on an emergency basis, due to the irreparable harm and impending Electors' vote.

The low costs to Defendants and high potential harm to Plaintiffs make this a case with a substantial net harm that an immediate and emergent injunctive relief can prevent. Therefore, it is respectfully requested that the Court grant Plaintiffs' Motion. A proposed form of Order is attached.

Respectfully submitted, this 27th day of November 2020.

/s Sidney Powell*
Sidney Powell PC
Texas Bar No. 16209700

2911 Turtle Creek Blvd, Suite 300
Dallas, Texas 75219
(214) 707-1775

*Application for admission pro hac vice
forthcoming

Of Counsel

Emily P. Newman (VA Bar No. 84265)*
Julia Z. Haller (DC Bar No. 466921)*

CALDWELL, PROPST & DELOACH, LLP

/s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

CALDWELL, PROPST & DELOACH, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956 – Telephone
(404) 843-2737 – Facsimile

hmacdougald@cpdlawyers.com

L. Lin Wood
GA Bar No. 774588
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
Telephone: (404) 891-1402

Howard Kleinhendler
Howard Kleinhendler Esquire
New York Bar No. 2657120
369 Lexington Avenue, 12th Floor
New York, New York 10017
Office (917) 793-1188
Mobile (347) 840-2188
howard@kleinhendler.com
www.kleinhendler.com

*Application for admission pro hac vice
forthcoming

Attorneys for Plaintiffs

FONT CERTIFICATE

The undersigned certifies that the foregoing document was prepared in 14-point Times New Roman font and in accordance with the margin and other requirements of Local Rule 5.1.

s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

CERTIFICATE OF SERVICE

This is to certify that I have on this day e-filed the foregoing document with the Clerk of Court using the CM/ECF system, and that I have delivered the filing to the Defendants by email and FedEx at the following addresses:

This 27th day of November, 2020.

Governor Brian Kemp
206 Washington Street
111 State Capitol
Atlanta, GA 30334

Secretary of State Brad Raffensperger
214 State Capitol
Atlanta, Georgia 30334
brad@sos.ga.gov
soscontact@sos.ga.gov

Rebecca N. Sullivan
Georgia Department of Administrative Services
200 Piedmont Avenue SE
Suite 1804, West Tower
Atlanta, Georgia 30334-9010
rebecca.sullivan@doas.ga.gov

David J. Worley
Evangelista Worley LLC
500 Sugar Mill Road
Suite 245A
Atlanta, Georgia 30350
david@ewlawllc.com

Matthew Mashburn
Aldridge Pite, LLP
3575 Piedmont Road, N.E.
Suite 500

Atlanta, Georgia 30305
mmashburn@aldridgepate.com

Anh Le
Harley, Rowe & Fowler, P.C.
2700 Cumberland Parkway
Suite 525
Atlanta, Georgia 30339
ale@hrflegal.com

s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

Caldwell, Propst & DeLoach, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
404-843-1956

Exh. A

Declaration of Dr. Shiva Ayyadurai

DECLARATON OF SHIVA AYYADURAI, PHD

I, Dr. Shiva Ayyadurai, hereby submit this Declaration, under the penalty and pains of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein.
2. I am an engineer with vast experience in engineering systems, pattern recognition, mathematical and computational modeling and analysis. My Curriculum Vitae (CV) is attached to this Declaration.
3. Recently I had cause to analyze the flow of electronic votes between the candidates in the 2020 Presidential election held in the States of Arizona, Michigan, and Georgia.
4. Paper ballots are marked by voters to document selection. Voters, based on a precinct, may use touch-screen equipment, which records their vote digitally without any paper involved.
5. Digital scanners scan paper ballots and create an electronic image of the paper ballot. This raw image file is called *the ballot image* and is an electronic file with an assigned file name. This raw file is held within the scanning machine and is used to tabulate the vote count.
6. During tabulation, ballot images are analyzed to generate the Cast Vote Record (CVR) that contains the counts of the ballots cast.
7. When the machine exports the ballot images, it may be exported as raw files or converted into a different file format as determined by the Election Management System used. Formats such as PDF, TIF, PNG, and PBM are examples of popular image formats.

8. Crucially, the file names could be changed making it difficult to ascertain the link between and the CVR. This makes examination of the original file names mandatory to confirm the link with the actual voters.
9. These ballot image files are imported into the higher jurisdiction's Election Management System from any and all voting system scanners or imaging components (for example: poll-site based, absentee count board-based, central-based) used at the local precinct level, including polling place scanners, and high-speed or other centrally-based scanners used for absentee vote counting.
10. The Cast Vote Record is usually maintained in XLSX, CSV, XML, or JSON formats. This makes it easy to import them into spreadsheets.
11. The List of Vote Records (LVR), also called the Vote Cast Log, Cast Ballot Log, or other designation, is a record or set of records that consists of a spreadsheet, with each row displaying contents of one ballot, or contents of one Cast Vote Record (CVR). This record may consist of more than one file. (For clarity, here is a sample page of this record obtained from Hillsborough County, Florida, which may be viewed at this link: <https://tinyurl.com/y2yl3hbp>).
12. When votes are tabulated, it is the electronic ballot image that is evaluated by the tabulation software. This makes the electronic ballot image *the actual ballot used* to count the vote. The paper ballot is merely stored physically by elections officials to serve as the audit trail backup record. Thus, no conclusions about the accuracy of the electronic vote count may be made without access to the actual raw ballot images used to tabulate the vote. Naturally, the electronically tabulated vote count must be identical to the paper ballot hand count in order for election integrity to be established. It is thus mandatory to

gain access to the raw ballot images and tabulate a vote count using those very images when the final tally is in dispute.

13. When votes are tabulated, it is the electronic ballot image that is evaluated by the tabulation software. This makes the electronic ballot image *the actual ballot used* to count the vote. The paper ballot is merely stored physically by elections officials to serve as the audit trail backup record. Thus, no conclusions about the accuracy of the electronic vote count may be made without access to the actual raw ballot images used to tabulate the vote. Naturally, the electronically tabulated vote count must be identical to the paper ballot hand count in order for election integrity to be established. It is thus mandatory to gain access to the raw ballot images and tabulate a vote count using those very images when the final tally is in dispute.

MATHEMATICAL ANALYSES OF ELECTRONIC DATA
FROM GEORGIA REVEALS MASSIVE ANOMALIES IN REPUBLICAN VOTING
PATTERNS AND ETHNIC DISTRIBUTION OF VOTES

14. I had cause to perform mathematical analyses of actual voting data from six counties in the State of Georgia. Screenshots follow documenting the results. I shall explain each graph as we proceed.
15. Analysis of Chatham County – Republican Voting Pattern and Ethnic Demographics
- a. The Party Demographics of the County is as follows:
 - Republican: 39.9%
 - Democrat: 58.7%

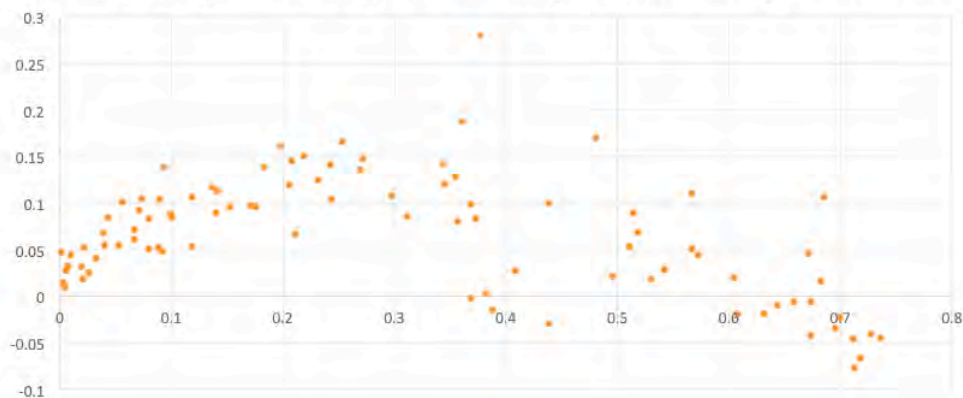
- Independent: 1.4%

b. The Ethnic Demographics of the County is as follows:

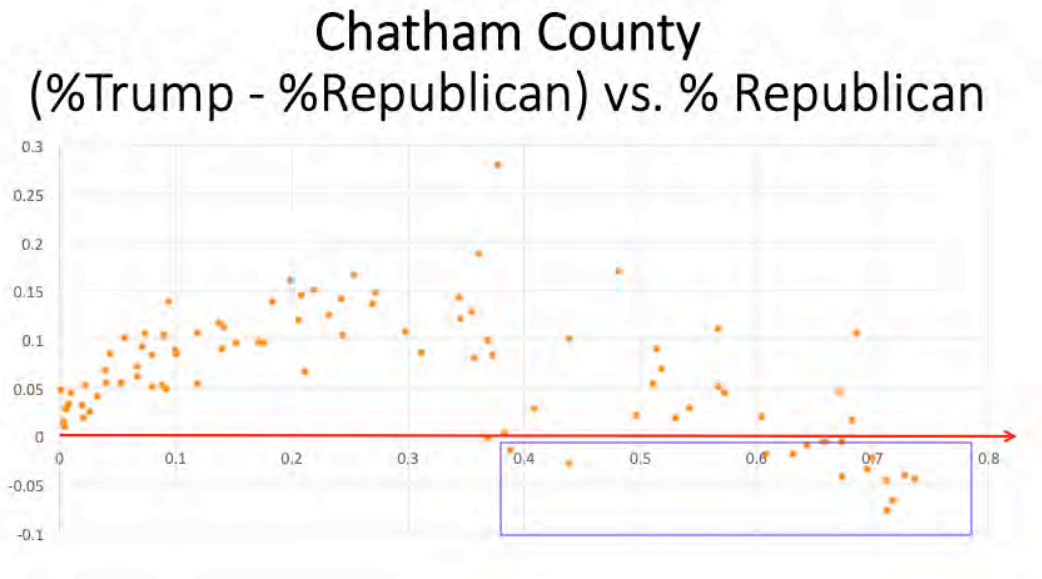
- 49% White
- 37% Black
- 2.5 % Hispanic
- 1.5% Asian
- 8% Unspecified
- 2% Other

c. Now follows a graph that shows that as the percentage of Republicans in precincts increases, President Trump gets fewer votes. Each dot on the graph represents a single precinct with the County. The x-axis is the percentage of Republicans in a precinct represented in decimal numbers. The y-axis is a measure of the difference in the percentage of voters who voted for President Trump in that precinct and the percentage of Republicans in that precinct.

Chatham County
(%Trump - %Republican) vs. % Republican

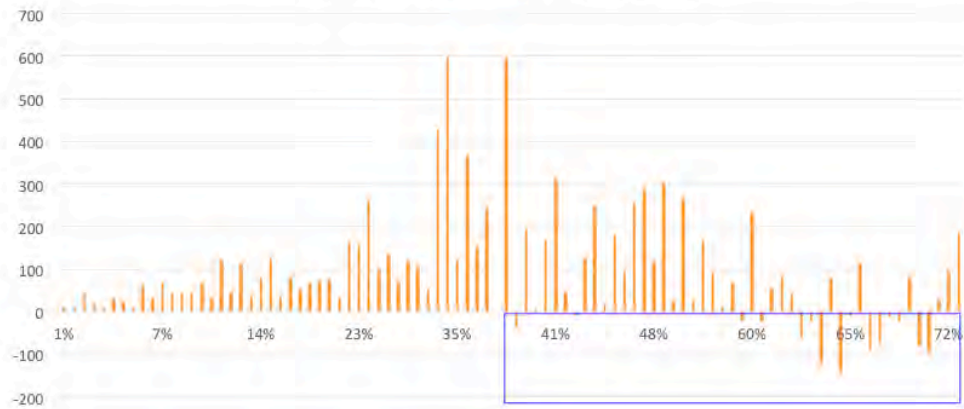


- d. The graph below with the red arrow at the zero line serves to highlight the precincts, indicated within the blue box that apparently is “High Republican, But Low Trump.”



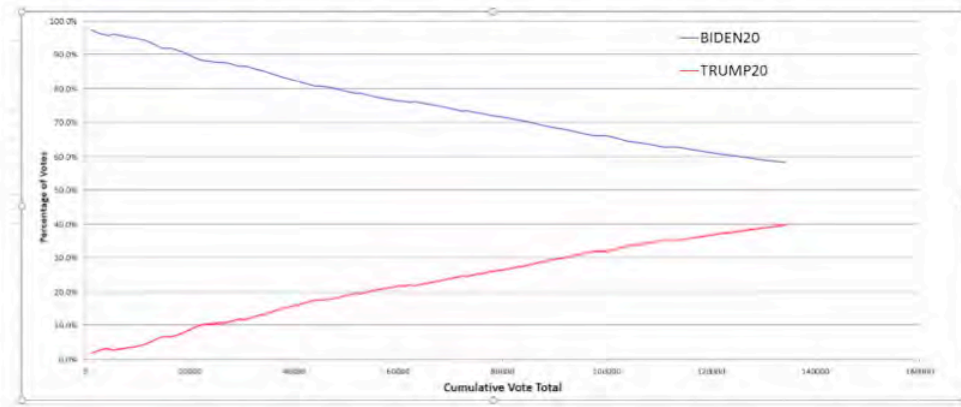
- e. The graph below plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again shows that President Trump apparently lost votes in the same pattern as above - “High Republican, But Low Trump.”

Chatham County (Trump Actual Votes – Projected Republican Votes) vs. Republican Precincts



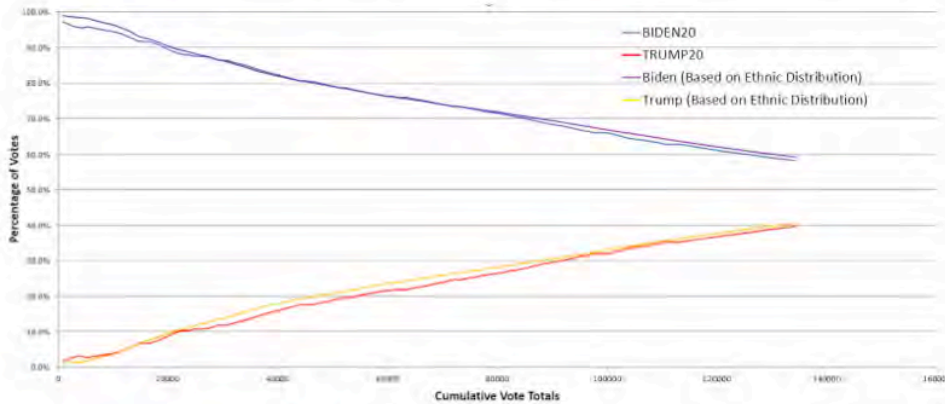
- f. The graph below plots the actual number of votes, reported by the Secretary of State of Georgia for the County, as received by Mr. Biden (in blue) and President Trump (in red) as the number of votes accumulates from small to large on the x-axis. The end points on the right are the final number of votes received by Mr. Biden and President Trump as reported by the Secretary of State.

Chatham County Actual Votes – Biden and Trump



- g. The graph below contains two new lines: one in purple, and one in yellow. The line in purple plots the number of votes for Mr. Biden based on the ethnic demographic distribution that matches the pattern of actual votes reported by the Secretary of State reported for Mr. Biden (in blue). The line in yellow plots the number of votes for President Trump based on the same ethnic demographic distribution to match the pattern of actual votes reported by the Secretary of State reported for President Trump (in red).

Chatham County Analysis of Votes Based on Ethnic Distribution



h. The above analysis reveals that although the percentage of Whites and Blacks in the County are 49% and 37%, respectively, the only plausible way to explain the results, reported by the Secretary of State, is if President Trump did not receive one single Black vote, and the demographic distribution of votes between Mr. Biden and President Trump was as follows:

- **Demographic distribution analysis of Actual Vote Results**

	White	Black
Biden	30%	100%
Trump	70%	0%

16. Analysis of Fulton County - Republican Voting Pattern and Ethnic Demographics

a. The Party Demographics of the County is as follows:

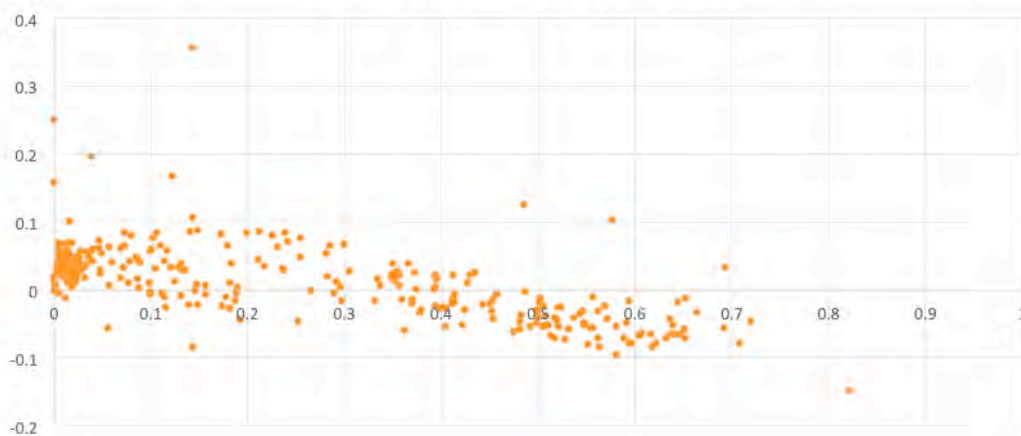
- Republican: 26.3%
- Democrat: 72.5%
- Independent: 1.2%

b. The Ethnic Demographics of the County is as follows:

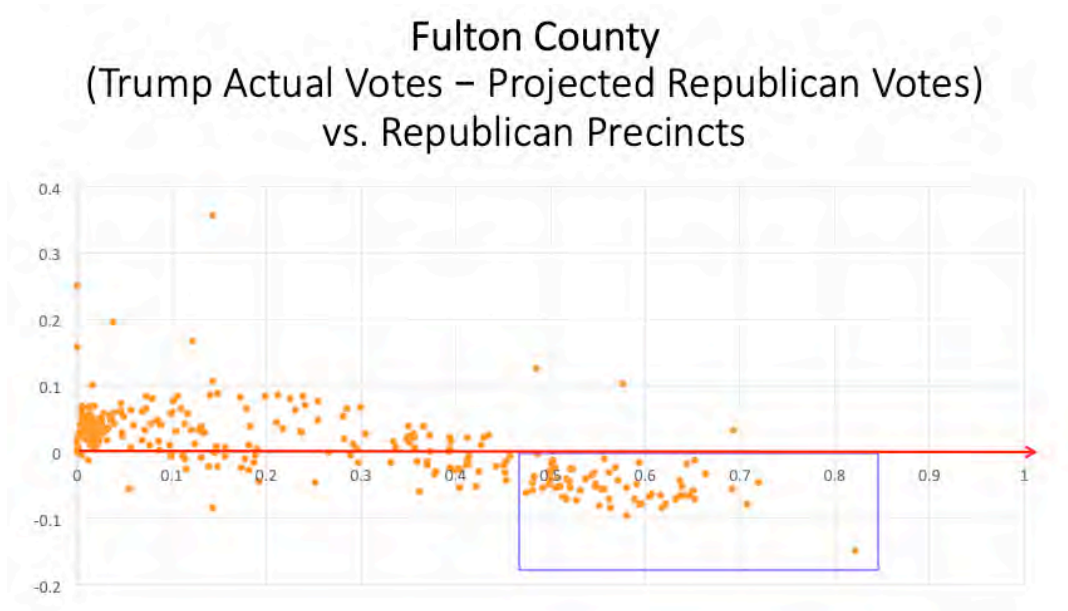
- White: 38%
- Black: 42%
- Hispanic: 3%
- Asian: 3%
- Unspecified: 12%
- Other: 2%

c. Now follows a graph that shows that as the percentage of Republicans in precincts increases, President Trump gets fewer votes. Each dot on the graph represents a single precinct with the County. The x-axis is the percentage of Republicans in a precinct represented in decimal numbers. The y-axis is a measure of the difference in the percentage of voters who voted for President Trump in that precinct and the percentage of Republicans in that precinct.

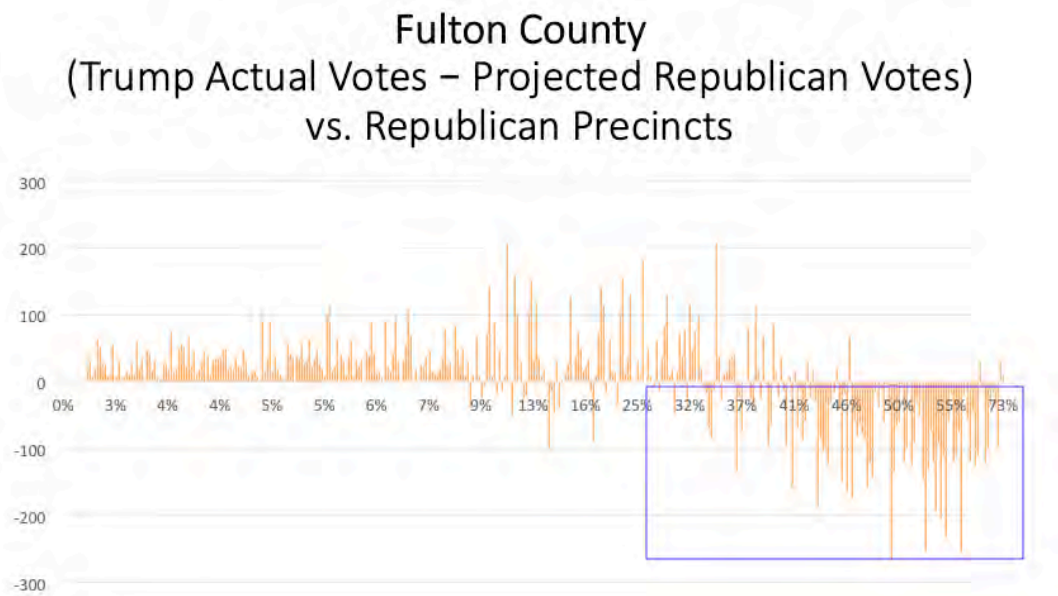
Fulton County
(Trump Actual Votes – Projected Republican Votes)
vs. Republican Precincts



- d. The graph below with the red arrow at the zero line serves to highlight the precincts, indicated within the blue box that apparently is “High Republican, But Low Trump.”

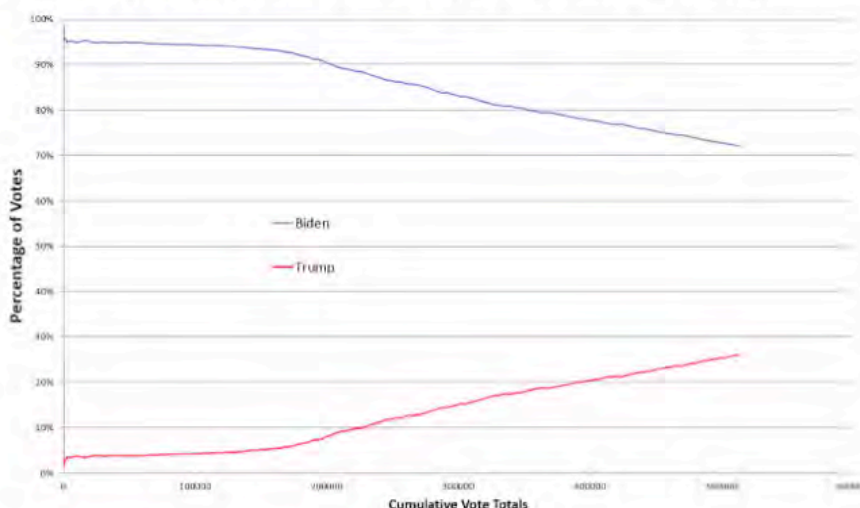


- e. The graph below plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again shows that President Trump apparently lost votes in the same pattern as above - “High Republican, But Low Trump.”



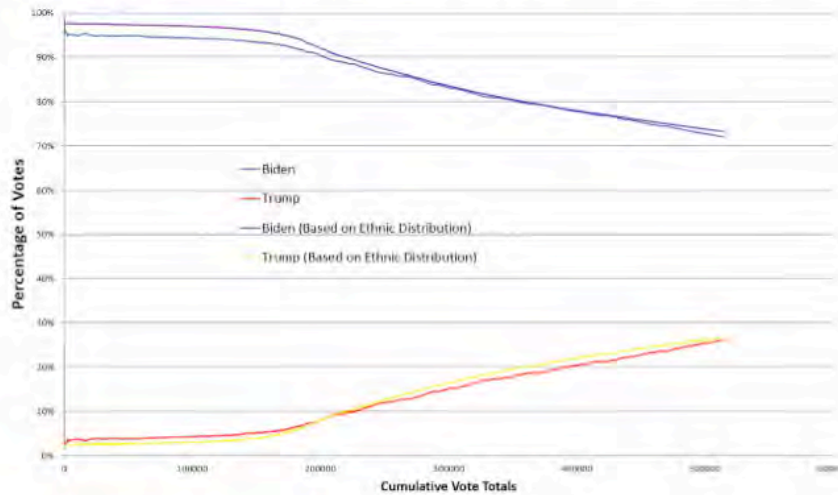
- f. The graph below plots the actual number of votes, reported by the Secretary of State of Georgia for the County, as received by Mr. Biden (in blue) and President Trump (in red) as the number of votes accumulates from small to large on the x-axis. The end points on the right are the final number of votes received by Mr. Biden and President Trump as reported by the Secretary of State.

Fulton County Actual Votes – Biden and Trump



- g. The graph below contains two new lines: one in purple, and one in yellow. The line in purple plots the number of votes for Mr. Biden based on the ethnic demographic distribution that matches the pattern of actual votes reported by the Secretary of State reported for Mr. Biden (in blue). The line in yellow plots the number of votes for President Trump based on the same ethnic demographic distribution to match the pattern of actual votes reported by the Secretary of State reported for President Trump (in red).

Fulton County Analysis of Votes Based on Ethnic Distribution



h. The above analysis reveals that although the percentage of Whites and Blacks in the County are 38% and 42%, respectively, the only plausible way to explain the results, reported by the Secretary of State, is if President Trump received only 2% of the Black vote, and the demographic distribution of votes between Mr. Biden and President Trump was as follows:

- Demographic distribution analysis of Actual Vote Results

	White	Black
Biden	46%	98%
Trump	54%	2%

17. Analysis of Cobb County - Republican Voting Pattern and Ethnic Demographics

a. The Party Demographics of the County is as follows:

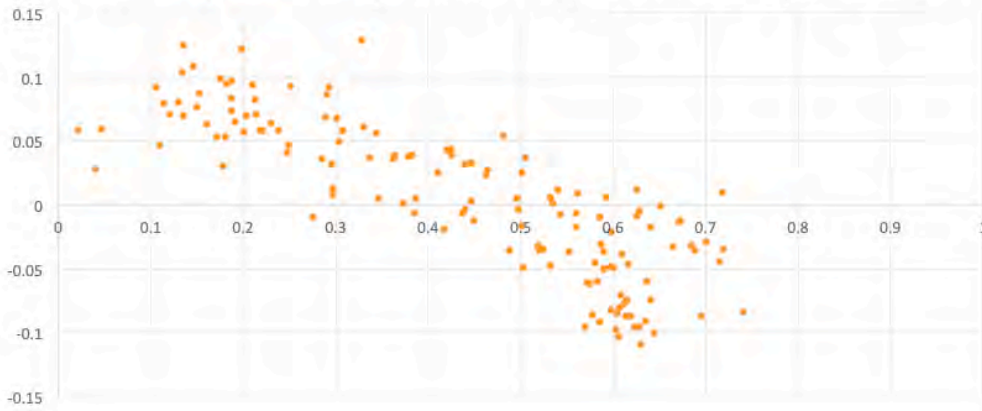
- Republican: 56.3%
- Democrat: 42.1%
- Independent: 1.6%

b. The Ethnic Demographics of the County is as follows:

- White: 54%
- Black: 26%
- Hispanic: 6%
- Asian: 3%
- Unspecified: 7%
- Other: 3%

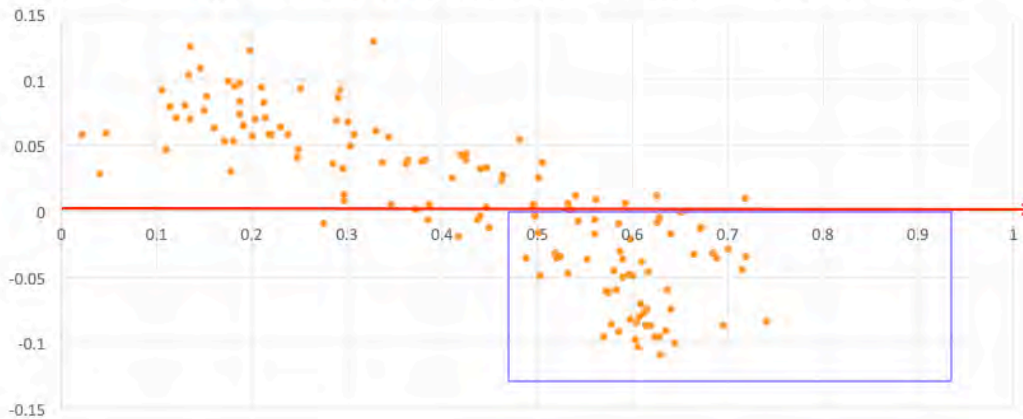
c. Now follows a graph that shows that as the percentage of Republicans in precincts increases, President Trump gets fewer votes. Each dot on the graph represents a single precinct with the County. The x-axis is the percentage of Republicans in a precinct represented in decimal numbers. The y-axis is a measure of the difference in the percentage of voters who voted for President Trump in that precinct and the percentage of Republicans in that precinct.

Cobb County (%Trump - %Republican) vs. % Republican



- d. The graph below with the red arrow at the zero line serves to highlight the precincts, indicated within the blue box that apparently is “High Republican, But Low Trump.”

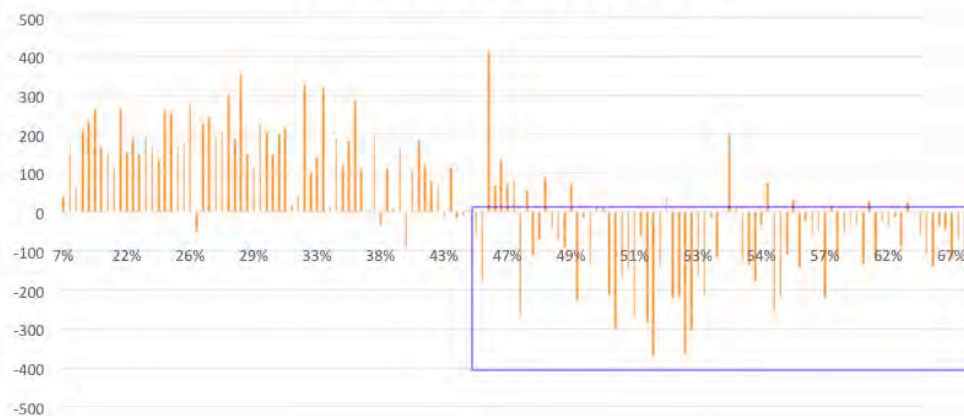
Cobb County (%Trump - %Republican) vs. % Republican



- e. The graph below plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what

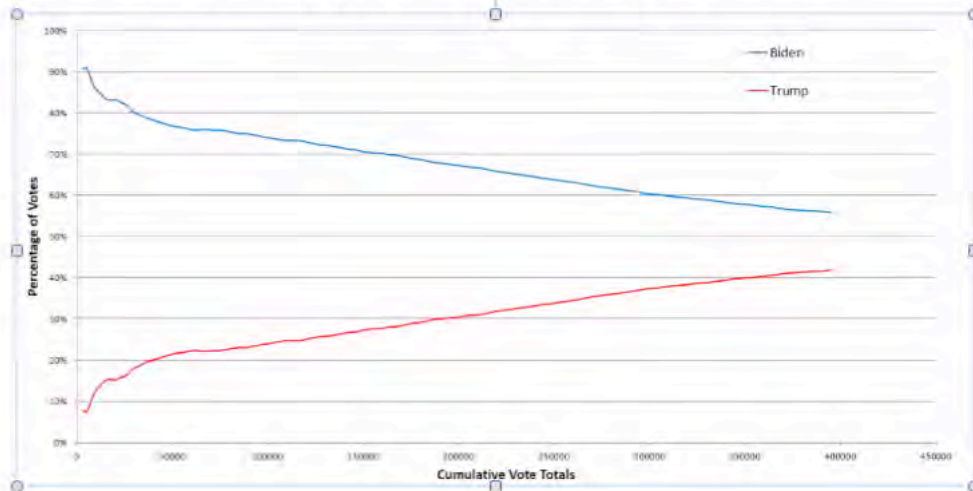
President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again shows that President Trump apparently lost votes in the same pattern as above - “High Republican, But Low Trump.”

Cobb County
(Trump Actual Votes – Projected Republican Votes)
vs. Republican Precincts



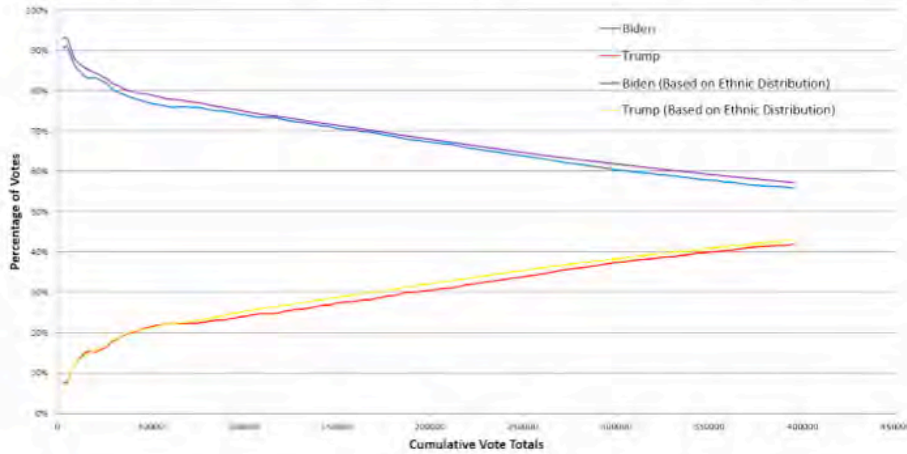
- f. The graph below plots the actual number of votes, reported by the Secretary of State of Georgia for the County, as received by Mr. Biden (in blue) and President Trump (in red) as the number of votes accumulates from small to large on the x-axis. The end points on the right are the final number of votes received by Mr. Biden and President Trump as reported by the Secretary of State.

Cobb County Actual Votes – Biden and Trump



- g. The graph below contains two new lines: one in purple, and one in yellow. The line in purple plots the number of votes for Mr. Biden based on the ethnic demographic distribution that matches the pattern of actual votes reported by the Secretary of State reported for Mr. Biden (in blue). The line in yellow plots the number of votes for President Trump based on the same ethnic demographic distribution to match the pattern of actual votes reported by the Secretary of State reported for President Trump (in red).

Cobb County Analysis of Votes Based on Ethnic Distribution



h. The above analysis reveals that although the percentage of Whites and Blacks in the County are 54% and 26%, respectively, the only plausible way to explain the results, reported by the Secretary of State, is if President Trump received not one single Black vote, and the demographic distribution of votes between Mr. Biden and President Trump was as follows:

- **Demographic distribution analysis of Actual Vote Results**

	White	Black
Biden	29%	100%
Trump	71%	0%

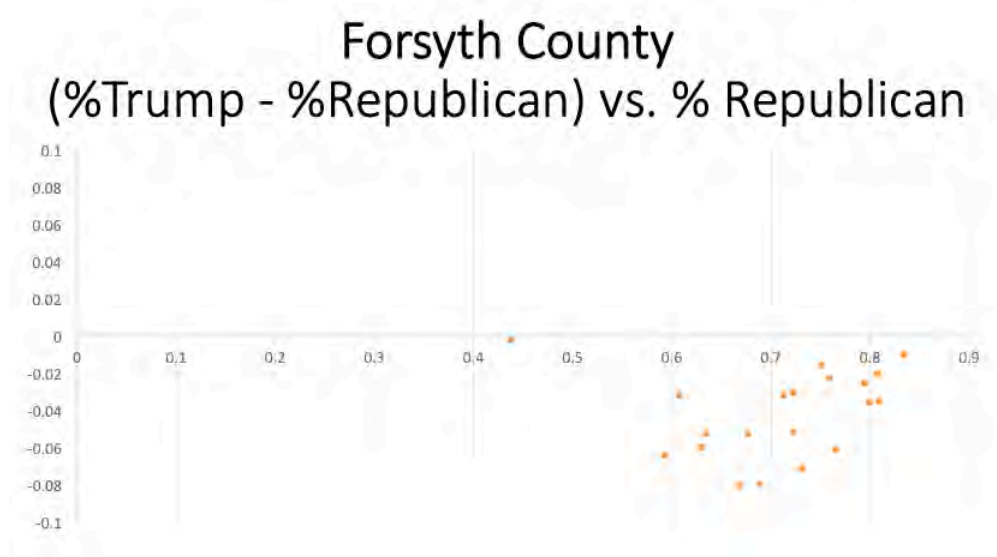
18. Analysis of Forsyth County - Republican Voting Pattern

a. The Party Demographics of the County is as follows:

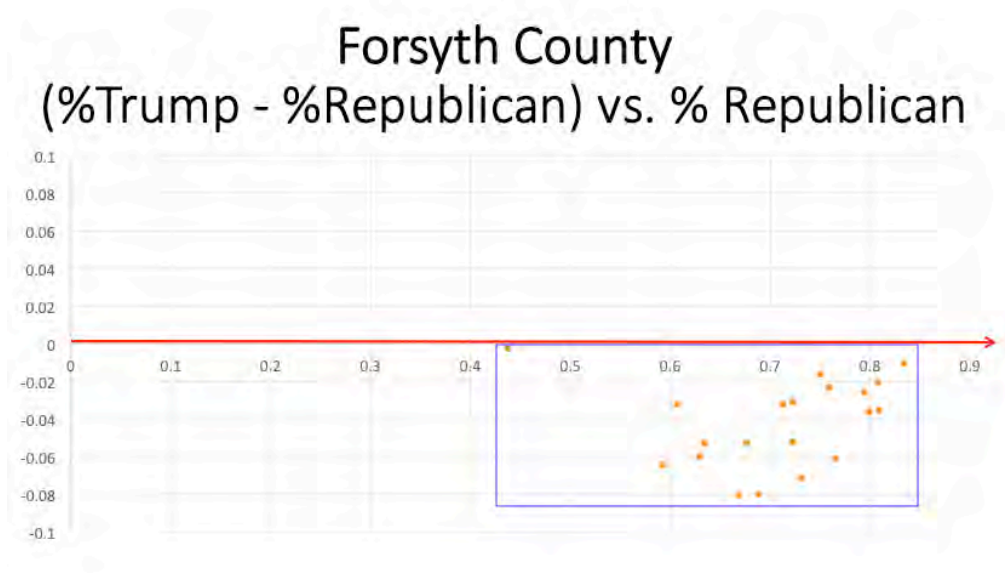
- Republican: 65.8%

- Democrat: 32.6%
- Independent: 1.6%

b. Now follows a graph that shows that as the percentage of Republicans in precincts increases, President Trump gets fewer votes. Each dot on the graph represents a single precinct with the County. The x-axis is the percentage of Republicans in a precinct represented in decimal numbers. The y-axis is a measure of the difference in the percentage of voters who voted for President Trump in that precinct and the percentage of Republicans in that precinct.

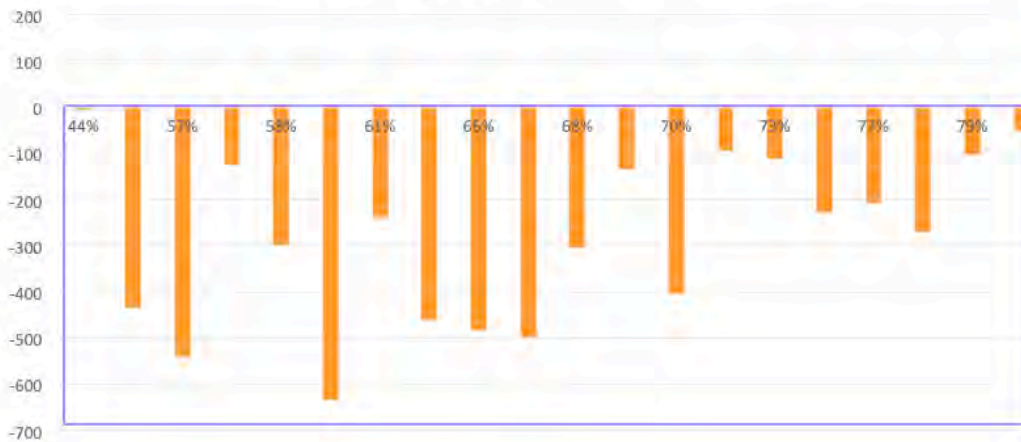


c. The graph below with the red arrow at the zero line serves to highlight the precincts, indicated within the blue box that apparently is “High Republican, But Low Trump.”



- d. The graph below plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again shows that President Trump apparently lost votes in the same pattern as above - “High Republican, But Low Trump.”

Forsyth County (Trump Actual Votes – Projected Republican Votes) vs. Republican Precincts



19. Analysis of Cherokee County - Republican Voting Pattern

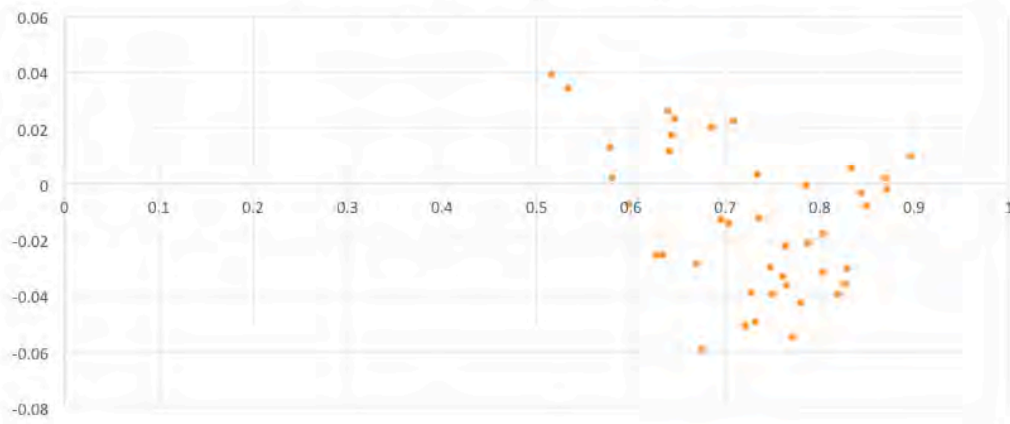
a. The Party Demographics of the County is as follows:

- Republican: 68.8%
- Democrat: 29.5%
- Independent: 1.7%

b. Now follows a graph that shows that as the percentage of Republicans in precincts increases, President Trump gets fewer votes. Each dot on the graph represents a single precinct with the County. The x-axis is the percentage of Republicans in a precinct represented in decimal numbers. The y-axis is a measure of the

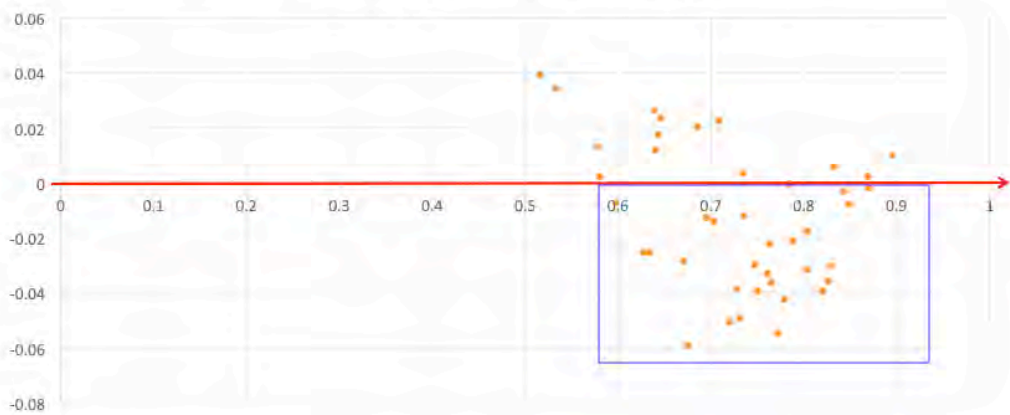
difference in the percentage of voters who voted for President Trump in that precinct and the percentage of Republicans in that precinct.

Cherokee County
(Trump Actual Votes – Projected Republican Votes)
vs. Republican Precincts

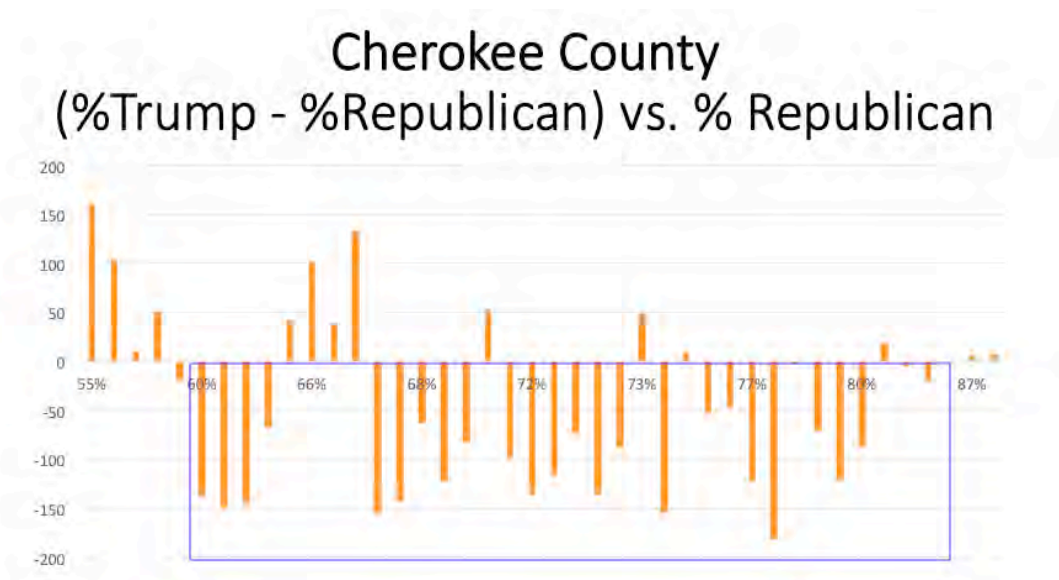


- c. The graph below with the red arrow at the zero line serves to highlight the precincts, indicated within the blue box that apparently is “High Republican, But Low Trump.”

Cherokee County
(Trump Actual Votes – Projected Republican Votes)
vs. Republican Precincts



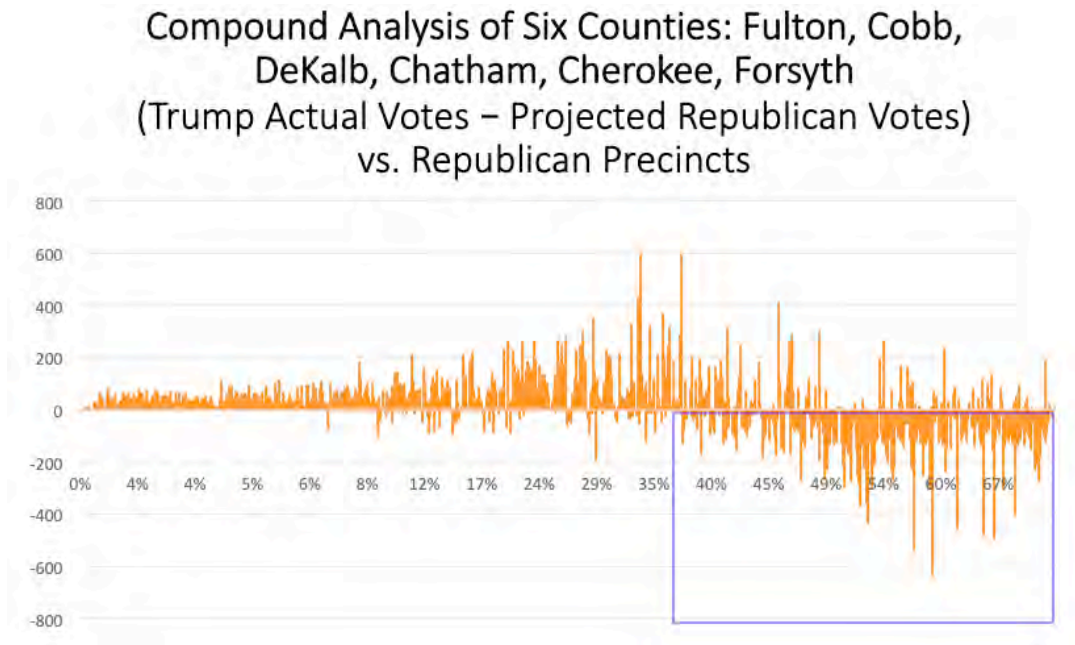
- d. The graph below plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again shows that President Trump apparently lost votes in the same pattern as above - “High Republican, But Low Trump.”



20. Compound Analysis of Six Counties - Republican Voting Pattern

- a. **“High Republican, But Low Trump”** - The graph below is compound analysis of the Republican voting pattern in six counties: Fulton, Cobb, DeKalb, Cherokee, Chatham, Forsyth. The graph plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again

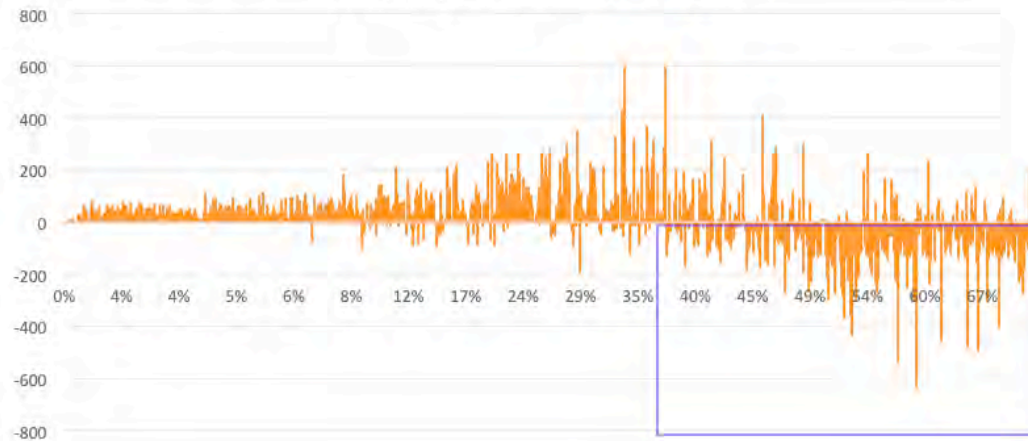
shows that President Trump apparently lost votes in the same pattern as above -
“High Republican, But Low Trump.”



21. Compound Analysis of Six Counties - Republican Voting Pattern

- a. **“High Republican, But Low Trump”** - The graph below is compound analysis of the Republican voting pattern in six counties: Fulton, Cobb, DeKalb, Cherokee, Chatham, Forsyth. The graph plots on the x-axis the percentage of Republicans in a precinct, and on the y-axis the difference in the actual number of votes between what President Trump received and the number of votes he would have received had Republicans in that precinct voted for him. This graph again shows that President Trump apparently lost votes in the same pattern as above - “High Republican, But Low Trump.”

Compound Analysis of Six Counties: Fulton, Cobb,
DeKalb, Chatham, Cherokee, Forsyth
(Trump Actual Votes – Projected Republican Votes)
vs. Republican Precincts

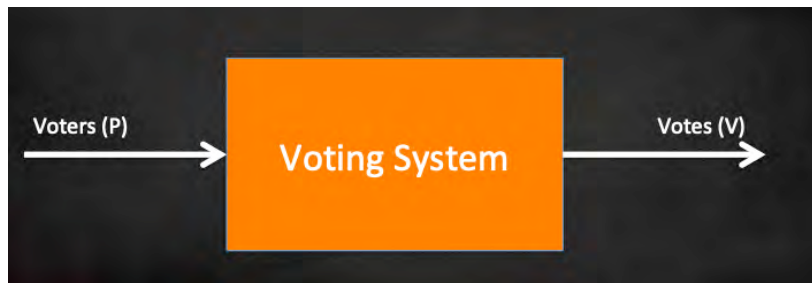


DISCOVERY OF ALGORITHM USED TO ALLOCATE VOTES FROM PRESIDENT
TRUMP TO MR. BIDEN – I.E. ELECTION FRAUD

22. It is assumed in the United States of America, we have “One Person, One Vote.”

However, with the use of electronic voting systems, this is not guaranteed.

23. Consider the diagram below, if P number of voters, vote, we expect V number of votes.

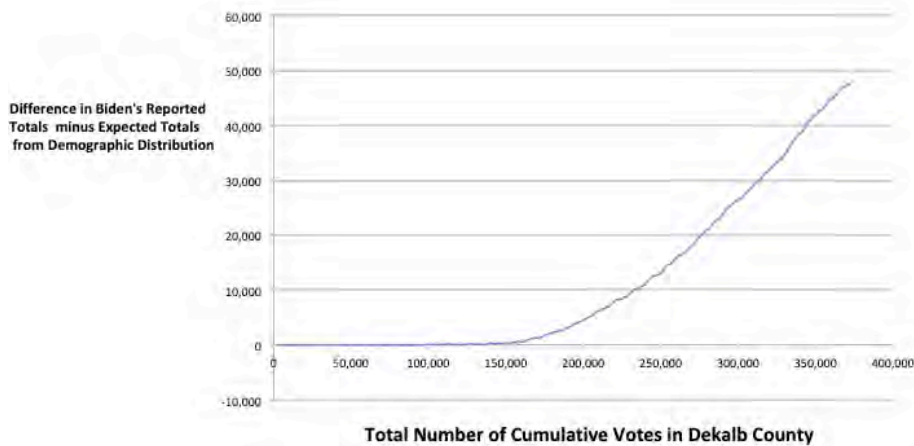


24. In the above diagram, P is equal to the number of registered Republicans PLUS the number registered Democrats PLUS the number of those unregistered in either party –

“Independents” – PLUS the number of those in other parties (i.e. Libertarian, Green, etc.).

25. In the above diagram, V is equal to the number of votes cast for the Republican candidate i.e. President Trump PLUS the number of votes cast for the Democrat candidate i.e. Mr. Biden PLUS the number of votes cast for the other party candidates i.e. Jo Jorgensen PLUS the number of write-in votes PLUS the number of undervotes (blank votes) PLUS the number of overvotes (voting for both candidates).
26. Most of us believe that P will equal V assuming that what goes into the Voting System, as illustrated in the above diagram, will not be manipulated in any manner; however, it is documented in the technical manuals of electronic voting machine software that a “weighted race” feature exists to multiply a voter’s vote by a “weight” – a decimal value - that can be less than 1 or greater than 1. Moreover, documentation exists to show that the vote counts are stored as decimal values, not as integers.
27. The existence of the “weighted race” feature provides a mechanism to employ an algorithm so, “One Person, DOES NOT Equal One Vote.” This means P will equal V if and only if the weights equal 1 (“one”); otherwise, the assumption P equals V is false.
28. In the analysis of DeKalb County, using data provided by the Secretary of State of Georgia, there is unequivocal evidence of an algorithm that has been put in place such that when a precinct nears approximately ten-percent (“10%”) in White voters, a linearly increasing percentage of total votes is transferred from President Trump to Mr. Biden.
29. DeKalb County has approximately 31% White voters, and 52% Black voters.

30. The graph below plots on the x-axis the number of cumulative votes as reported by the Secretary of State of Georgia. As we move from left to right on the x-axis, the percentage of white voters in each precinct increases. The y-axis plots the difference between Mr. Biden's votes as reported by the Secretary of State of Georgia and what he should have received based on the ethnic distribution of DeKalb County.



31. The above graph indicates as the percentage of white voters increases beyond approximately ten-percent (10%), at a total vote count of approximately 150,000 votes, a mathematical algorithm comes into play, to transfer a weighted factor of total votes from President Trump to Mr. Biden in a very specific – un-natural, machine-like manner.

Based on the current data, that weight factor appears to be approximately 1.22.

32. Using the weight factor of 1.22, approximately 48,000 votes were transferred to Mr. Biden to DeKalb County alone.

CONCLUSION

This Declaration has presented, in multiple counties in Georgia, a consistent pattern of “High Republican, Low Trump” vote pattern anomalies that are improbable. In addition, it was

discovered that when ethnic distributions were applied to three (3) counties, the only plausible explanation for the vote distribution was that President Trump received near zero Black votes, which is also highly improbable.

Analysis of DeKalb County enabled the discovery of a “weighted race” algorithm that transferred, using a “weight” of 1.22, approximately 48,000 votes from President Trump to Mr. Biden. In DeKalb County, 373,000 votes were cast. The approximate 48,000 votes transferred to Mr. Biden represents approximately 13% of the total votes cast in DeKalb County.

When one considers the entire State of Georgia, the number of votes cast in DeKalb county represents a mere 7.5% of the total number of votes cast in the entire State of Georgia, which was reported by the Secretary of State of Georgia to be 4,998,482 votes.

The analysis herein reveals the number of voters may likely not equal of the number of votes given algorithms were in place to manipulate the tabulation of votes. This result demands that ballot images, log files, CVR, and electronic data files from each precinct be reviewed to validate the integrity of the election in Georgia. Until that time, the election results are unverifiable.

Respectfully submitted under the pains and penalties of perjury,

November 25, 2020

Dr. Shiva Ayyadurai
701 Concord Ave,
Cambridge, MA 02138
Phone: 617-631-6874
Email: vashiva@vashiva.com

CURRICULUM VITAE

Shiva Ayyadurai, Ph.D.

Education

INSTITUTION AND LOCATION DEGREE YEAR FIELD OF STUDY

MIT, Department of Biological Engineering Ph.D. 2007 Systems Biology
MIT, Department of Mechanical Engineering S.M.M.E. 1990 Applied Mechanics
MIT Media Laboratory, Department of Architecture S.M.V.S. 1989 Scientific Visualization
MIT, Department of Electrical Engineering and Computer Science S.B.E.E. 1986 Operating Systems

Industry & Entrepreneurial Experience

2010-Present Founder, Chairman & CEO, Chief Scientist, CytoSolve, Inc.
2009 Additional-Secretary, Indian Government & CEO, CSIR-Tech, India
2004-Present Board Member, EchoMail, Inc., Enterprise Email Management
2004-Present Founder and Managing Director, General Interactive, LLC, Venture Incubator
1998-2004 Founder, President & CEO, EchoMail, Inc., Enterprise Email Management
1994-1998 Founder, President & CEO, Millennium Productions, Inc., Software & Media Production
1990-1994 Director of Advanced Products, Dataware Technologies, Inc., CD-ROM Search Software,
1986-1990 Senior Engineer, Graphics Software, IBM/Lotus Development Corporation
1984-1986 Senior Engineer, Information Resources, Inc., Marketing Analytics
1983-1984 Consulting Software Engineer, Chase, Inc., Hydrodynamics Software,
1982-1984 Research Engineer, HP Medical Systems, Operating System for Cardiologist Workstation,
1982-1983 Consulting Software Engineer, MIT Civil Engineering, Intelligent Signal Processing,
1981-1982 Consulting Software Engineer, Number Nine, Inc., Advanced Graphics Hardware,

Academic Teaching Experience

2010–Present Lecturer, Systems Thinking Workshops, Systems Health, LLC
2010-2013 Lecturer, Systems Visualization, MIT Comparative Media Studies
2007-2012 Lecturer, MIT Biological Engineering Department
2007 Lecturer, Biological Pathway Design and Implementation, SMA 2007 Boot Camp
2006 Lecturer, Biological Pathway Design and Implementation, SMA 2006 Boot Camp
2006 Teaching Assistant, Control Systems and Dynamics, 2.14, MIT Mechanical Engineering
1994-2004 Industry Expert, “Dr. E-Mail”, Lectures Worldwide, Global 2000 Companies
1992-1994 Lecturer, Information Technology I, MIT Sloan School of Management
1990 Teaching Assistant, Dynamics, 2.03, MIT Department of Mechanical Engineering.
1988 Lecturer, Physics, MITES Program,
1987 Teaching Assistant, Computer Graphics, 4.971, MIT Media Laboratory
1986 Teaching Assistant, Measurements Laboratory, 2.671, MIT Mechanical Engineering
1985 Teaching Assistant, Being There, MIT Humanities Department
1984 Tutor, Circuits and Electronics, 6.002, MIT Electrical Engineering and Computer Science
1983 Tutor, Structures & Programming, 6.001, MIT Electrical Engineering & Computer Science
1982 Lecturer, IAP Course on Indian Art History, MIT Humanities Department

Academic Research Experience

2009-Present Director, International Center for Integrative Systems, Educational & Research Foundation
2013-2014 Visiting Scientist, Sociotechnical Systems Rsrch Ctr., Engineering Systems Division, MIT
2010-2011 Director, MIT Media & Organizational Biomimetics, Comparative Media Studies, MIT
2009 Scientist Level H, Council of Scientific and Industrial Research, New Delhi, India
2007-2009 Fulbright Scholar, Systems Biology-Traditional Medicines, US-India Fulbright Program
2004-2007 Research Associate, MIT Biological Engineering, Computational Systems Biology
1996-2004 Chief Scientist, EchoMail, Inc., Large Scale Architectures for Message Analysis
1992-1996 Chief Technology Officer, Information Cybernetics, Inc., Document Analysis & Modeling
1990-1992 Research Team Leader, Sloan School of Mgmt, Offline Handwriting Recognition, MIT
1988-1990 Graduate Research Assistant, MIT NDE Lab, Wave Propagation Analysis and Modeling
1986-1988 Graduate Research Fellow, MIT Media Laboratory, Automated Graphic Design System
1984-1986 UROP Research, Particle Analysis in Fluidized Bed Reactors, Langer Laboratory, MIT
1983-1984 UROP Research, Cryogenic Embryo Preservation, Health Sciences and Tech., MIT
1982 UROP Research, History of India's Caste System, Prof. Noam Chomsky, MIT
1981-1983 UROP Research, Tadoma and Speech Recognition, Research Lab for Electronics, MIT
1978-1983 Research Associate, Sleep Pattern Analysis, Biomedical Engineering, UMDNJ
1978-1984 Research Fellow, Email System, Laboratory for Computer Science, UMDNJ

Political & Activism Experience

Republican Candidate for U.S. Senate 2020 from Massachusetts

Running for U.S. Senate to represent MA in 2020

Independent Candidate for U.S. Senate 2018 from Massachusetts

Garnered a historic ~100,000 votes running aggressive ground campaign in MA. Number of votes was

five times greater than any other Independent candidate in MA history.

Industry Publications

Dr. Shiva Ayyadurai is the author of over 200 hundred confidential industry publications, white papers

and studies performed in the fields of email technologies and systems biology for global 2000 companies.

The titles of those publications are available upon request. 1992 – Present.

Selected Academic Publications

S. Ayyadurai, P. Deonikar, Modulation of Neural Signaling by Tetrahydrocannabinol (THC), Food

Chemistry, Submitted for Publication, June 2019.

S. Ayyadurai, M. Hansen, J. Fagan, P. Deonikar, *In-Silico* Analysis & *In-Vivo* Results Concur on

Glutathione Depletion in Glyphosate Resistant GMO Soy: Advancing a Systems Biology Framework for Safety Assessment of GMOs, *American Journal of Plant Sciences*, Vol. 7, No. 12, August 19, 2016.

M. Sweeney, S. Ayyadurai, B.V. Zlokovic, Pericytes of the neurovascular unit: key functions and signaling pathways, *Nature Neuroscience*, Vol. 19, No. 6, 771-83, May, 2016.

S. Ayyadurai, P. Deonikar, Do GMOs Accumulate Formaldehyde and Disrupt Molecular Systems Equilibria? Systems Biology May Provide Answers, *Agricultural Sciences*, Vol. 6, No. 7, July 10, 2015.

S. Kothandaram, P. Deonikar, M. Mohan, V. Venugopal, S. Ayyadurai, *In-Silico* Modeling of C1 Metabolism, *American Journal of Plant Sciences*, Vol. 6, No. 9, June 17, 2015.

S. Ayyadurai, The Control Systems Engineering Foundation of Traditional Indian Medicine: the Rosetta Stone for Siddha and Ayurveda, *Systems of Systems Engineering*, Vol. 5, No. 2, 125-149, June, 2014.

A. Koo, S. Ayyadurai, D. Nordsletten, R. Umeton, B. Yankama, S. Ayyadurai, G. García-Cardeña, C. Forbes Dewey Jr., *In Silico* Modeling of Shear-stress-induced Nitric Oxide Production in Endothelial Cells through Systems Biology, *Cell Biophysical Journal*, Volume 104, Issue 10, 2295-2306, May 21, 2013.

S. Ayyadurai, S. Abraham, T. Zawacki, International Small Business Commerce (ISBC): Potential Source of New Revenue for the United States Postal Service, U.S. Postal Service Office of Inspector General, February 15, 2013.

S. Ayyadurai, D. Sparks, L.P. Michelson, S. Abraham, Email Management & Potential Opportunities for United States Postal Service, U.S. Postal Service Office of Inspector General, August 24, 2012.

S. Ayyadurai, D. A. Nordsletten, B. Yankama, R. Umeton, C. F. Dewey Jr., Multi-scale Mathematical Modeling to Support Drug Development, *Proceedings of Biomedical Engineering Society (BMES)*, Hartford, CT, October 12-15, 2011.

S. Ayyadurai, C.F. Dewey, Jr., CytoSolve: A Scalable Computational Method for Dynamic Integration of Multiple Molecular Pathway Models, *Biological Engineering Division*, MIT, Cambridge, MA, June 28, 2011.

S. Ayyadurai, Biomimetics of Communication and Media, 12th International Research Symposium on Service Excellence in Management, Ithaca, NY, June 2-5, 2011.

S. Ayyadurai, C.F. Dewey, Jr., A Distributed Computational Architecture for Integrating Multiple

Biomolecular Pathways, Biological Engineering Division, MIT, Cambridge, MA, March 9, 2011.

S. Ayyadurai, Services-Based Systems Architecture for Modeling the Whole Cell: A Distributed Collaborative Engineering Systems Approach, Communications in Medical and Care Compunctics, Springer Publications, 16 November 2010.

S. Ayyadurai, B. Yankama, R. Umeton, C. F. Dewey Jr., Editing and Aligning Complex Molecular Pathways Using 3D Models, Proceedings of Biomedical Engineering Society (BMES), Austin, TX, October 6-9, 2010.

S. Ayyadurai, Commentary: Innovation Demands Freedom, Nature India, December, 2009.

S. Ayyadurai, Modeling the Cell, Proceedings of BIO-IT Conference, In Silicon Modeling Section, Boston, MA, April 2009.

S. Ayyadurai, Integration of Siddha with Systems Biology, Proceedings of Fullbright Conference 2009, Kolkata, India, March 2009.

S. Ayyadurai, Eva Sciacca, C. Forbes Dewey, Jr., A Web Based Tool for Integration of Molecular Pathway Models, Proceedings of BioInformatics and BioEngineering, 8th IEEE International Conference, 8-10 Oct. 2008.

S. Ayyadurai, Mission of Systems Biology, Bio-IT Beyond Genome Conference Proceedings, June 2008.

S. Ayyadurai, C.F. Dewey, Jr., Scaleable methods for large molecular pathway calculations: application to EGFR, In Biomedical Engineering Society Annual Fall Meeting, Los Angeles, September 2007.

K. R. Stiehl, K. Dang, S. Ayyadurai, B.-S Seah, S. S. Bhowmick, C. Forbes Dewey, Jr., A New Approach to Database Creation Using Ontologies: OWLdb. K. Dang, K. R. Stiehl, S. Ayyadurai, B.-S Seah, S. S. Bhowmick, C. F. Dewey, Jr., An Information Architecture to Support Molecular Pathway

S. Ayyadurai, C.F. Dewey, Jr., Integrating an Ensemble of Biochemical Network Models, In International Society of Computational Biology (ISCB 2007), Vienna, July 2007.

S. Ayyadurai, Cytosolve, In proceedings of the Singapore MIT Symposium for Computational and Systems Biology, January 2007.

S. Ayyadurai, Integrating Biological Pathway Models, In MIT CSBi Oktoberfest Proceedings, Cambridge, October, 2006

S. Ayyadurai, C. Forbes Dewey, Jr., C. Tan, Distributed Computing of Complex Collections of Biological Pathways, In World Congress on Medical Physics and Biomedical Engineering (WC 2006), Seoul, August-September 2006.

S. Ayyadurai, C. F. Dewey, Jr., J. Bassingthwaighte, J. Butterworth, P. Villiger, P. Hunter, Normalization

of Biological Pathways, In World Congress on Medical Physics and Biomedical Engineering (WC 2006), Seoul, August-September 2006.

S. Ayyadurai, C.F. Dewey, Jr., Cytosolve: A Distributed Computational Architecture for the Integration of Biomolecular Pathways, In Biomedical Engineering Society Annual Meeting, Chicago, September 2006.

C. F. Dewey, Jr., S. Ayyadurai, V. Rouilly, C. L. Poh, S. S. Bhowmick, J. Evans, R. I. Kitney, Footprints in the Sand: Supporting External Analysis of Medical and Biological Databases, In World Congress on Medical Physics and Biomecal Engineering (WC 2006), Seoul, August-Sept 2006.

S. Ayyadurai, Modeling Actin Polymerization as a System of Integrated Biomolecular Pathways, In Proceedings of the Annual MIT CSBi Oktoberfest, October 2005.

S. Ayyadurai, C.F. Dewey, Jr., Computing unsteady phenomenon across multiple molecular pathways,

In Biomedical Engineering Society Annual Meeting, Washington, D.C., September 2005.

S. Ayyadurai, S. A. Cimaszewski, J. H. Williams, Jr.: Unsupervised Classification of Fiber Composite

Interphases, In Proceedings of the Second International Conference on Acusto-Electronics, The American Society of Nondestructive Testing, June 24-25, 1993.

A. Gupta, M. V. Nagendraprasad, A. Liu, Patrick Shen-Pei Wang, S. Ayyadurai: An Integrated Architecture for Recognition of Totally Unconstrained Handwritten Numerals, In International Journal of

Pattern Recognition and Artificial Intelligence, Vol. 7, No. 4, pp. 757-773, 1993.

G. V. Novakovic, L. E. Freed, S. Ayyadurai, H. Bernstein, Robert S. Langer and C. L. Cooney, Fluid-

Dynamic Study of the Enzymatic Fluidized Bed Reactor for Blood Dehparinization, Fluidization VI, In

Proceedings of the International Fluidization Conference, Banff, Canada, May 1989.

S. Laxminarayan, O. Mills, L. Rajaram, S. Ayyadurai, L.P. Michelson, Sleep Stage and Apnea Pattern

Analysis, In Proceedings of the International Conference on Medical and Biological Engineering, Espoo, Finland, August 1985.

Books

The Climate of Science

August 2019

The Future of Email: What We Must Do to Protect Ourselves

A review of email's origin and where email is going including opportunities and dangers.

Publisher: General Interactive, Cambridge, 2016

Systems Health

A three-volume set that is the text book for the Systems Health® course.

Publisher: General Interactive, Cambridge, 2016

The Science of Everything

An integration of eastern medicine & western systems theory to reveal the “science of everything.”

Publisher: General Interactive, Cambridge, 2016

Your Body, Your System

How to achieve health and well-being by treating the body as a complex system of systems.

Publisher: General Interactive, Cambridge, 2016

The System and Revolution

Provides an accessible guide to power of systems thinking and how it can revolutionize everything.

Publisher: General Interactive, Cambridge, 2015

The EMAIL Revolution: Unleashing the Power to Connect

Provides the history of email and how modern AI is advancing email across major organizations: small

and large.

Publisher: Skyhorse & Penguin, New York, 2013

The Internet Publicity Guide: How to Maximize your Marketing and Promotion in Cyberspace

Educational guide for online retailers on how to build sales through the emerging online medium.

Publisher: Allworth Press, New York, 1997

Arts and The Internet: A Guide to the Revolution

A guide to educate artists on the power of the Internet for new forms of art and distribution.

Publisher: Allworth Press, New York, 1996

Honors and Awards

“Star” Scientist in Feature Documentary *Poisoning Paradise*

Poisoning Paradise winner of multiple film awards, 2019

Inventor of Email Honor by Government of Argentina

Invited by the Government of Argentina, Tucuman Province and the University of Technology National to give lectures on innovation, June, 2019

Clinical Research Summit 2019

Distinguished Lecture Award, March, 2019

State of the Art Lecture Award

American Society for Clinical Pharmacology and Therapeutics, 2017

MIT Presidential Fellows Distinguished Lecture

Selected to give annual MIT Presidential Fellows Lecture, September 2017

#1 Reviewer’s Choice for The Future of Email Book

Midwest Book Review: Small Press Bookwatch, 2017

Email @33: Inventor of Email Honoring

Digital India Foundation, September 2015

Serial Entrepreneur of the Year

Entrepreneur Magazine, 2015

Nominated National Medal of Technology and Innovation (NMTI)

US Patent and Trademark Office, September 2014

Livingston Hall of Fame

Livingston Educational Foundation (LEF), June 2014

ASSIST World Records Research Foundation Honorary Award

ASSIST World Records Research Foundation, Puducherry, India July 2013

Honorary Doctorate

Vinayaka Missions University, Salem, India July 2013

SKP Lifetime Achievement Award for Science and Technology

SKP Engineering College, Tiruvannamallai, India July 2013

Sri Sakthi Institute of Technology Lifetime Achievement Award

Sri Sakthi Institute of Technology, Coimbatore, **India July 2013**

The Smithsonian's National Museum of American History Acceptance of EMAIL papers, artifacts

National Museum of American History, The Smithsonian Institution, Washington D.C, February 16, 2012

The Man Who Invented Email

Time Magazine, November, 2011

First Outstanding Scientist and Technologist of Indian Origin (STIO/H)

Council of Scientific and Industrial Research (CSIR), India, 2009

Fulbright Scholar

US Fulbright, Washington, DC, 2008-2009

Travel Fellowship Award

ISMB 2007, Vienna, Austria, 2007

Fulbright Scholar

US Fulbright, Washington, DC, 2007

Graduate Research Fellowship

SMA Graduate Research Fellowship, 2004-2007

Communications Solutions™ Product of the Year Award

EchoMail RMOS Product Suite, November, 2003

Customer Interactive Solutions, TMC Labs Innovation Award

EchoMail Customer Care, September, 2002

Massachusetts Interactive Media Council Award (MIMC)

Customer Support Applications, EchoMail CC/BI (Finalist) 2002

Silver Pencil Award, Integrated Branding

Wieden & Kennedy/EchoMail, cK one E-Mail Campaign, 2001

Lotus Beacon Award

EchoMail RMOS Product Suite, 2000

Best of Class Internet Commerce Expo

Customer Service & Fulfillment, EchoMail CC, 1999

Massachusetts Interactive Media Council Award (MIMC)

Groupware/Collaborative Website (Finalist) World Music , 1998

Massachusetts Interactive Media Council Award (MIMC)

Non-Profit/Public Service Online, AccessExpressed.org Online Community (Finalist), 1998

Who's Who in America

Since 1997

IBM/Lotus Beacon Award

Best Messaging Solution, EchoMail Suite, 1997

Massachusetts Interactive Media Council Award

Best E-Mail/ Fax Application, EchoMail suite, 1997
Discover Magazine Award for Technical Innovation
XIVATM Core Technology, 1996
Lemelson-MIT Award for Innovation
XIVATM Core Technology (Finalist), 1996
Verizon (formerly GTE/BBN) Technologies Award
ProVision Award, Interactive Marketing Creative Direction, 1996
PCWeek's Web Site of the Week
Harvard-Square.com Online Community, 1996
Best of Europe Online
Arts-Online.com Online Community, 1996
Yahoo! #1 What's Cool
Harvard-Square.com Online Community, 1996
IBM Best Online Community
Harvard-Square.com Online Community, 1996
DISNEY EPCOT Center Award for Exhibit
Selected to be in Innoventions Exhibit, 1996
First Place, Competition for Automatic Categorization of Electronic Mail
Office of the President, White House, Washington, DC, November, 1994.
Winner, Automatic Categorization of SGML Tagged Documents
Information Handling Services (IHS), Boulder, CO, 1993.
International Fellowship Research Grant, Research in the Cross-Language Translators
Sloan School of Management and Industrial Liaison Program and the Italian Trade Commission, MIT,
Cambridge, MA, 1992.
Elected Session Chairman, Session on Scientific Visualization
International IEEE EMBS Conference, Institute of Electrical and Electronics Engineers (IEEE),
Philadelphia, PA, 1991
Founder and Organizer, Session on Scientific Visualization
International IEEE EMBS Conference, Institute of Electrical and Electronics Engineers (IEEE),
Seattle,
WA, 1990.
Full Member, SIGMA XI
Since 1989
SIGMA XI UROP Award for Outstanding Undergraduate Research
1985
MIT Mennen Scholar
1982-1986
Tau Beta Pi
1984.
ETA KAPPA NU
1984
VI-A Hewlett-Packard COOP Assignment
Biomedical Division, Andover, MA 1983
MIT Varsity Soccer
1982

Awarded Westinghouse Science Talent Search Award

1981

Thomas Alva Edison/Max McGraw Finalist

1981

Accepted to American Legion Jersey Boys State Program

1981

Outstanding Statesman Award, American Legion Jersey Boys State

1981

All-County Soccer Champions

Essex County, New Jersey, 1981

Individual First Place in Advanced Mathematics at New Jersey State Mathematics

Competition

1981

Accepted to Gifted Students Program

New York University Program in Computer Science at Courant Institute of Mathematical Sciences for

gifted students in Eighth Grade of Junior High School, 1977

Patents

Patent No. 6,668,281, V.A. Shiva Ayyadurai, "Relationship management system and method using

asynchronous electronic messaging", April 6, 2004.

Patent No. 6,718,368, V.A. Shiva Ayyadurai, "System and method for content-sensitive automatic reply

message generation for text-based asynchronous communications", April 6, 2004.

Patent No. 6,718,367, V.A. Shiva Ayyadurai, "Filter for modeling system and method for handling and

routing of text-based asynchronous communications", April 6, 2004.

Research and Thesis Supervision

Ceryen Tan, **MIT UROP Project**, Biological Engineering, **Title:** SBML API Programming for Biological

Systems Integration, 2005.

Steven A. Cimaszewski, **MIT Masters Thesis**, Mechanical Engineering, **Title:** Statistical Analysis of Fiber

Composite Interphase Inverse Problem, 1994.

Peter L. Sparks, **MIT Bachelors Thesis**, Electrical Engineering, **Title:** A Hybrid Method for Segmenting

Numeric Character Strings, 1991.

Matthew J. Labrador, **MIT Bachelors Thesis**, Electrical Engineering, **Title:** The Generalized Mass-Spring

Lattice Model with Damping : A Lagrangian Dynamics Approach, 1990.

Professional Societies

TIE, Charter Member

Tau Beta Pi, Lifetime Member

Sigma Xi, Full Member

Eta Kappa Nu, Member

Oxford-Cambridge Society, Member

The Indus Entrepreneur (TIE), Charter Member
Biomedical Engineering Society (BMES), Student Member

Skills

Programming Languages

C++, C, Java, HTML, ASP

Foreign Languages

Spanish, Italian, Tamil, Hindi

General Skills

Problem Solving, Writing, Teaching and Lecturing, Fundraising, Research, Proposal Development,
Software Architecture, Design and Development, User Interface Design, Mathematical Modeling,
Organizational and Business Development, Crisis Management, Mentoring and Career Development,
Negotiations

Invited Lectures (selected ones)

Association of Systems Pharmacologists

Karunya University, National Level Symposium

Address: Inventions and Innovations for Sustainable Development
Coimbatore, India March 2014

Hindustan Educational Institutions

Address: Innovate to Lead
Coimbatore, India March 2014

Indian Institute of Technology, Mumbai

Address: Innovation Anytime, Anyplace by Anybody
Mumbai, India March 2014

Indian Institute of Technology, Delhi

Address: Innovation Anytime, Anyplace by Anybody
New Delhi, India March 2014

Penguin Publication Book Tour

Address: The EMAIL Revolution
India, March 12 to March 25, 2014

Chopra Center: Journey to Healing

Address: Systems Health
San Diego, CA March 2014

Sages and Scientists

Address: Systems and Revolution
San Diego, CA August 2013

MIT Conversations on Sociotechnical Systems

Address: Rethinking Narrative and Systems of Innovation: Innovation Anytime, Anyplace by Anybody
MIT, Cambridge, MA October 2013

Chopra Center: Journey to Health

Address: Systems Health
San Diego, CA August 2013

Hindustan University

Address: Innovation Anytime, Anyplace by Anybody
Chennai, India July 2013

Velammal Vidyalaya

Address: Innovation Anytime, Anyplace by Anybody
Chennai, India July 2013

SCAD Engineering College

Address: Innovation Anytime, Anyplace by Anybody
Tirunelveli District, India July 2013

PSR Engineering College

Address: Innovation Anytime, Anyplace by Anybody
Sivakasi, India July 2013

Kalasalingam University

Address: Innovation Anytime, Anyplace by Anybody
Virudhunagar, India July 2013

Kalaignar Institute of Technology

Address: Innovation Anytime, Anyplace by Anybody
Coimbatore, India July 2013

Sri Sakthi Institute of Technology

Address: Innovation Anytime, Anyplace by Anybody
Coimbatore, India July 2013

SCAD Engineering College

Address: Innovation Anytime, Anyplace by Anybody
Coimbatore, India July 2013

Akshara Vidyaashram

Address: Innovation Anytime, Anyplace by Anybody
Cuddalore, India July 2013

CK College of Engineering & Technology

Address: Innovation Anytime, Anyplace by Anybody
Cuddalore, India July 2013

Sathyabama University

Address: Overcoming Hurdles and Believing in Oneself to Fulfill One's Destiny
Chennai, India July 2013

Infosys

Address: How Innovation can Happen: Innovation Anytime, Anyplace by Anybody
Chennai, India July 2013

GT Aloha Vidyamandir

Address: Integrate and Innovate
Chennai, India July 2013

Vellore Institute of Technology

Address: Siddha: The First Systems Biology
Vellore, India July 2013

Sri Sairam Engineering college & Sri Sairam Homoeopathy Medical College

Address: Innovation and the Invention of Email / Integration of Ancient and Alternative
Medicine

Systems

Chennai, India July 2013

Sona University

Address: Innovation Anytime, Anyplace by Anybody
Salem, India July 2013

Vinayaka Missions University

Address: Innovation Can Happen Anywhere
Salem, India July 2013

Sastha Tamil Foundation

Address: Innovation and Systems
Plano, TX April 2013

The Consortium of Health and Military Performance

Address: A Revolution in Medical Education
Uniformed Universities of Health Sciences, April 2013

MIT Traditional Medicines Society

Address: EAST MEETS WEST: Traditional Medicines + Modern Systems Biology
MIT, Cambridge, MA February 5, 2013 to April 21, 2013

MIT Biological Engineering Department Lecture Series

Address: EAST MEETS WEST: Traditional Medicines + Modern Systems Biology
MIT, Cambridge, MA September 9, 2011 to December 5, 2011

MIT Lecture Series

Address: EAST MEETS WEST: Traditional Medicines + Modern Systems Biology
MIT, Cambridge, MA September 9, 2010 to December 9, 2010

Customer Response Summit

Address: PREDICTING THE FUTURE: Are You REALLY Ready to Listen?
Westin Kierland Resort & Spa, Scottsdale, AZ November 3rd & 4th, 2010

Visual Interpretations Conference

Address: Collaborative Cave Drawings of Social Interactions: Simple Visualizations of Complex Phenomena humanities + digital Visual Interpretations Conference @ MIT, Cambridge, MA May 2010

BIO-IT Conference In Silico Biology

Address: Modeling the Cell
BIO-IT Conference, Boston, MA April 2009

Sri Ramachandra University

Address: Integration of Yogic Science and Systems Biology
Sri Ramachandra University, Chennai, IN, March 2009

SIAM Conference on Multi-Scale Systems

Address: Scalable Architecture for Integrating Multiple Biological Pathway Models
Montreal, CANADA August 2008

Genome Biology Conference - KEYNOTE SPEAKER

Address: The Mission of Systems Biology
Genome Biology Conference, San Francisco, CA June 2007

MIT UROP Panel

Address: Opportunities for Research at MIT
MIT UROP, Cambridge, MA February 2007

MIT Singapore Symposium

Address: Cytosolve
SMA Alliance Symposium, Singapore, January 2007

MIT GAME Seminar

Address: Modeling the Cell

Graduate Mechanical Engineering Students Seminar, Cambridge, MA 2005

Effective E-Mail Marketing Campaigns

Address: Measure your Success: New Metrics for E-Mail Marketing

The Institute for International Research, San Francisco, CA, February 2002

Excellence in E-CRM Conference

Address: The Big Lie of CRM

Allstate Corporation Conference Center, Northbrook, Ill. November 2001

E-Marketing / E-Service Seminar Series

Address: E-Mail Project Solutions

Cambridge Education Center, Cambridge, MA December 2001

EU Conference: Artificial Intelligence

How to Increase Banking Business and Open New Dialogue with On-line Customers

Address: E-Business Strategies for CRM

Realvision Vicenza e NTI UK Italia, *Vicenza, Italy, June 2001*

Pre-Conference Lecture, E-Mail2001 @ MIT Conference

Keynote Address: The Pulse of the Industry

Becton, Dickinson and Company, Franklin Lakes, New Jersey, May 2001

Nothing But New Forum at Fidelity Center for Applied Technology

Keynote Address: E-Mail Marketing Strategies

Fidelity Center for Applied Technologies, *Boston, MA, April 2001*

E-Mail2001@MIT Conference: Intelligent Life

Keynote Address: The Corporate Nervous System

MIT University Park Hotel, *Cambridge, MA, January 2001*

Southern India E-Commerce Conference 2000

Keynote Address: E-Mail = E-Commerce

Advertising Club of Madras, *Chennai, India, December 2000*

Le Potenzialita del Marketing On-line in Italy

Keynote Address: Marketing On-line in Italy: How It Can Be Done

Brodeur Image Time, *Milan, Italy, December 2000*

2000 General Motors Dealer Summit

Keynote Address: eCRM - How E-Mail Helps Your Business

Maritz Performance Improvement Company, *Scottsdale, AZ, October 2000*

Producing Sales in Call Centers

Keynote Address: Implementing Interactive Web

Institute of International Research, *Washington, D.C., June 2000*

Measuring and Managing the Quality of E-Mail Response

Keynote Address: Using Automated Systems to Improve E-Mail Response

InfoCast, *San Francisco, CA, May 2000*

JCPenney Internet Day

Keynote Address: E-Mail - The Ultimate Relationship Builder

JCPenney, *Huston, TX, May 2000*

Annual Investment Conference for Private Companies

Keynote Address: Electronic Customer Relationship Management

Massachusetts Software and Internet Council, World Trade Center, *Boston, MA, April 2000*

Innovators Breakfast Series

Open Discussion: The eCRM Problem

Massachusetts Institute of Technology, New York Academy of Sciences, *New York, NY, April 2000*

Innovators Breakfast Series

Open Discussion: The Power of E-Mail - Brand Loyalty in Real Time

Massachusetts Institute of Technology, National Press Club, *Washington, D.C., April 2000*

American Express, Naples Conference

Keynote Address: Electronic Customer Relationship Management

American Express, *Naples, FL, March 2000*

American Express, Bermuda Conference

Keynote Address: Electronic Customer Relationship Management

American Express Delivery Group, *South Hampton, Bermuda, March 2000*

Customer E-Mail Management

Keynote Address: Using Automated Systems to Improve E-Mail Response

International Quality & Production Center, *London, England, February 2000*

GM e-Wow Speaker Series: Building Customer Relationships Online

Keynote Address: Electronic Customer Relationship Management

General Motors Global Brand Management College, *Detroit, Michigan, February 2000*

Innovators Breakfast Series

Open Discussion: Is software That Answers E-Mail Automatically the Future of On-line Marketing?

Massachusetts Institute of Technology, *Cambridge, MA, February 2000*

Internet Customer Relationship Management

Keynote Address: Electronic Customer Relationship Management

The Institute for International Research, *San Diego, CA, January 2000*

Electronic Commerce World 1999 Conference

Educational Track: E-Mail--The Ultimate Relationship Builder

EC World 2001 Conference, *Orlando, FL, October 1999*

Technology Based Customer Care ICM Conference

Keynote Address: E-Mail = E-Commerce

ICM Conferences, Atlanta, *Georgia, February 1999*

DISNEY INSTITUTE/ OOPS Conference

Address: Object Oriented Programming, 1998

Other Seminar Leaders: Alan Kay

Books and Chapters in Books

The EMAIL Revolution

Author: V.A. Shiva

Publisher: Allworth Press, New York, 1997

E-Mail: The Ultimate Relationship Builder, Volume (In Progress)

Volume I, Volume II, Volume II

Author: V.A. Shiva

The Internet Publicity Guide: How to Maximize your Marketing and Promotion in Cyberspace

Author: V.A. Shiva

Publisher: Allworth Press, New York, 1997

Arts and The Internet: A Guide to the Revolution,

Author: V.A. Shiva

Publisher: Allworth Press, 1996, New York

Chapter on Electrodynamics, Dynamics,

Chapter in Book by Prof. Williams

Chapter in Communications Arts

Computer Assisted Automatic Indexing

Document Analysis Conference, October, 1994

Author: V.A. Shiva Ayyadurai, Submitted for Publication

Unsupervised Hierarchical Clustering of Fiber Interphases for Materials Classification

American Society of Non-Destructive Testing (ASNT) Conference, April, 1993

Authors: V.A. Shiva Ayyadurai, S. Cimaszewski, J.H. Williams. Jr.

Neural Network Based Hybrid System for Handwritten Character Recognition

Sloan School of Management Technical Report Fall, 1991

Author: Shiva Ayyadurai

Visualization of Wave Propagation in Anisotropic Media

Master of Science Thesis, MIT Media Laboratory February, 1990

Author: S. Ayyadurai

A Workstation for Particle Motion and Flow Analysis

IEEE Computers in Medicine, New Orleans, LA, November, 1988

Authors: Ayyadurai, Novakovic, Gordana, Langer, Bob

Blood Deheparinization in a Fluidized Bed Reactor

Proceedings of the Canadian Conference on Fluid Dynamics, 1987

Author: Novakovic, G., Ayyadurai, S., Michelson, L.

Prototype Expert System for Bridge Deck Deteriorization

Project Report to NSF, September, 1986

Authors: Maser, Ken, Schott, Jean-Pierre, Ayyadurai, Shiva

Sleep Stage and Apnea Pattern Analysis, pp. 505-506

Journal of the International Federation of Medical and Biological Engineering, Espoo Finland, August, 1985

Authors: Laximinarayan, S. Ayyadurai, S., Michelson, L.,

Ayyadurai's Four Point Theorem

The Mathematics Teacher, Spring, 1981

Author: Shiva Ayyadurai

Industry RFP Awards

Allstate Corporation, Business Intelligence and Customer Care Technology (\$1,500,000.00)

AT & T, Business Intelligence and Customer Care Technology (\$120,000.00)

American Express, Business Intelligence and Customer Care Technology (\$4,120,000.00)

BancOne Services Corporation, Business Intelligence and Customer Care Technology (\$920,000.00)

BThree (Warner), Business Intelligence and Customer Care Technology (\$520,000.00)

Bausch & Lomb, Business Intelligence and Customer Care Technology (\$25,000.00)

Becton Dickinson, Business Intelligence and Customer Care Technology (\$1,110,000.00)

Bush for President, Inc., Business Intelligence and Customer Care Technology (\$820,000.00)

Cendant, Business Intelligence and Customer Care Technology (\$20,000.00)

Citigroup, Business Intelligence and Customer Care Technology (\$3,150,000.00)

Calvin Klein Cosmetics Company, Business Intelligence and Customer Care Technology (\$830,000.00)
Classified Ventures, Inc., Business Intelligence and Customer Care Technology (\$710,000.00)
Dial Corporation, Business Intelligence and Customer Care Technology (\$110,000.00)
Entertainment Media Services, Inc., Business Intelligence and Customer Care Technology (\$150,000.00)
Fireman's Fund Insurance Company, Business Intelligence and Customer Care Technology (\$80,000.00)
Gateway, Business Intelligence and Customer Care Technology (\$1,170,000.00)
GEICO, Business Intelligence and Customer Care Technology (\$2,250,000.00)
Hasbro Interactive, Inc., Business Intelligence and Customer Care Technology (\$510,000.00)
Hershey Foods Corporation, Business Intelligence and Customer Care Technology (\$9,500.00)
Hilton Hotel, Business Intelligence and Customer Care Technology (\$1,050,000.00)
HomePortfolio, Inc., Business Intelligence and Customer Care Technology (\$315,000.00)
The IT Group, Business Intelligence and Customer Care Technology (\$25,000.00)
John Hancock Financial Services, Business Intelligence and Customer Care Technology (\$660,000.00)
JCPenney, Business Intelligence and Customer Care Technology (\$5,230,000.00)
LA Times, Business Intelligence and Customer Care Technology (\$20,000.00)
Lycos, Inc., Business Intelligence and Customer Care Technology (\$670,000.00)
Kimberly Clark Corporation, Business Intelligence and Customer Care Technology (\$130,000.00)
People, Business Intelligence and Customer Care Technology (\$120,000.00)
Procter & Gamble Company, Business Intelligence and Customer Care Technology (\$340,000.00)
Purina, Business Intelligence and Customer Care Technology (\$280,000.00)
QVC, E-Mail Management: Inbound and Outbound E-Mail (\$890,000.00)
Rx.com, Inc., Business Intelligence and Customer Care Technology (\$70,000.00)
Salomon Smith Barney, Business Intelligence and Customer Care Technology (\$120,000.00)
Silicon Graphics, Inc., Business Intelligence and Customer Care Technology (\$310,000.00)
Sprint Spectrum, Business Intelligence and Customer Care Technology (\$850,000.00)
TELUS Corporation, Business Intelligence and Customer Care Technology (\$90,000.00)
Time Incorporated, Business Intelligence and Customer Care Technology (\$45,000.00)
Turner Entertainment, Business Intelligence and Customer Care Technology (\$9,500.00)
United States Senate, Business Intelligence and Customer Care Technology (\$890,000.00)
Unilever Consumer Services, Business Intelligence and Customer Care Technology (\$780,000.00)
Professional ART RFP Awards
Aaron Concert Management, Art Promotional Support Online Branding Grant (\$15,000.00)
American Indian Contemporary Arts, Art Promotional Support Online Branding Grant (\$15,000.00)
Allworth Press, Art Promotional Support Online Branding (\$15,000.00)
Alvin Ailey American Dance Theater, Art Promotional Support Online Branding Grant (\$80,000.00)
Art Complex Museum, Art Promotional Support Online Branding Grant (\$15,000.00)
Boston Ballet, Art Promotional Support Online Branding Grant (\$40,000.00)

Boston Casting Company, Art Promotional Support Online Branding Grant (\$15,000.00)
Cambridge Art Cooperative, Art Promotional Support Online Branding Grant (\$15,000.00)
Cambridge Multi-Cultural Art Center, Art Promotional Support Online Branding Grant (\$15,000.00)
Dance Umbrella, Art Promotional Support Online Branding Grant (\$15,000.00)
Fashion Cafe, Art Promotional Support Online Branding (\$15,000.00)
Green Linnet/Xeonphile, Art Promotional Support Online Branding (\$15,000.00)
Handle & Haydn Society, Art Promotional Support Online Branding Grant (\$15,000.00)
Honolulu Academy of Arts, Art Promotional Support Online Branding Grant (\$15,000.00)
International Arts Manager, Art Promotional Support Online Branding Grant (\$15,000.00)
Houston Ballet, Art Promotional Support Online Branding Grant (\$15,000.00)
Lyric Stage, Art Promotional Support Online Branding Grant (\$15,000.00)
MMC Recordings, Art Promotional Support Online Branding (\$15,000.00)
MUSICIAN Magazine, Art Promotional Support Online Branding (\$40,000.00)
National Association Performing Artists Managers of America (NAPAMA), Online Branding Grant (\$15,000.00)
New Age Voice, Art Promotional Support Online Branding Grant (\$15,000.00)
Poetry Alive! Art Promotional Support Online Branding Grant (\$15,000.00)
Sedia Furniture Design, Art Promotional Support Online Branding Grant (\$15,000.00)
Sculpture Review, Art Promotional Support Online Branding Grant (\$15,000.00)
Strand Theater, Art Promotional Support Online Branding Grant (\$15,000.00)
Very Special Art, National, Art Promotional Support Online Branding Grant (\$70,000.00)
Very Special Art, Massachusetts, Art Promotional Support Online Branding Grant (\$30,000.00)
World Music, Art Promotional Support Online Branding Grant (\$15,000.00)
Young Concert Artists, Art Promotional Support Online Branding Grant (\$15,000.00)
ZIMA, Art Promotional Support Online Branding Grant (\$15,000.00)

PROFESSIONAL ART WORKSHOPS

Arts & The Internet

Art Promotional Through Online Branding

Arts & The Internet: A Guide to the Revolution

Empowering the artist and art organization to reach a global audience, using new technological tools.

MIT Classroom of the Future, 1996

Research Interests

Mathematical Modeling, Email Technologies, Systems Thinking, Organizational Structure and Planning, User Interface Design, Visual Arts, Politics, Nutrition & Health

Community Interests

MIT Graduate Alumni Consortium for Improving MIT Community, Very Special Arts, World Music, Read Across America, Spare Change, The Meena Scholarship Fund for Gifted South Indian Students, Kauai Hindu Temple Construction Fund

Exh. B

Joint Cybersecurity Advisory Iranian Advanced Persistent Threat Actor Identified Obtaining Voter Registration Data



TLP:WHITE

Product ID: AA20-304A

October 30, 2020

Iranian Advanced Persistent Threat Actor Identified Obtaining Voter Registration Data

SUMMARY

This advisory uses the MITRE Adversarial Tactics, Techniques, and Common Knowledge (ATT&CK®) framework. See the [ATT&CK for Enterprise](#) framework for all referenced threat actor techniques.

This joint cybersecurity advisory was coauthored by the Cybersecurity and Infrastructure Security Agency (CISA) and the Federal Bureau of Investigation (FBI). CISA and the FBI are aware of an Iranian advanced persistent threat (APT) actor targeting U.S. state websites—to include election websites. CISA and the FBI assess this actor is responsible for the mass dissemination of voter intimidation emails to U.S. citizens and the dissemination of U.S. election-related disinformation in mid-October 2020.¹ (Reference FBI FLASH message ME-000138-TT, disseminated October 29, 2020). Further evaluation by CISA and the FBI has identified the targeting of U.S. state election websites was an intentional effort to influence and interfere with the 2020 U.S. presidential election.

TECHNICAL DETAILS

Analysis by CISA and the FBI indicates this actor scanned state websites, to include state election websites, between September 20 and September 28, 2020, with the Acunetix vulnerability scanner (*Active Scanning: Vulnerability Scanning [T1595.002]*). Acunetix is a widely used and legitimate web scanner, which has been used by threat actors for nefarious purposes. Organizations that do not regularly use Acunetix should monitor their logs for any activity from the program that originates from IP addresses provided in this advisory and consider it malicious reconnaissance behavior.

Additionally, CISA and the FBI observed this actor attempting to exploit websites to obtain copies of voter registration data between September 29 and October 17, 2020 (*Exploit Public-Facing*

¹ See FBI FLASH, ME-000138-TT, disseminated 10/29/20, <https://www.ic3.gov/Media/News/2020/201030.pdf>. This disinformation (hereinafter, “the propaganda video”) was in the form of a video purporting to misattribute the activity to a U.S. domestic actor and implies that individuals could cast fraudulent ballots, even from overseas. <https://www.odni.gov/index.php/newsroom/press-releases/item/2162-dni-john-ratcliffe-s-remarks-at-press-conference-on-election-security>.

To report suspicious or criminal activity related to information found in this Joint Cybersecurity Advisory, contact your local FBI field office at www.fbi.gov/contact-us/field, or the FBI’s 24/7 Cyber Watch (CyWatch) at (855) 292-3937 or by e-mail at CyWatch@fbi.gov. When available, please include the following information regarding the incident: date, time, and location of the incident; type of activity; number of people affected; type of equipment used for the activity; the name of the submitting company or organization; and a designated point of contact. To request incident response resources or technical assistance related to these threats, contact CISA at Central@cisa.dhs.gov.

This document is marked TLP:WHITE. Disclosure is not limited. Sources may use TLP:WHITE when information carries minimal or no foreseeable risk of misuse, in accordance with applicable rules and procedures for public release. Subject to standard copyright rules, TLP:WHITE information may be distributed without restriction. For more information on the Traffic Light Protocol, see <https://us-cert.cisa.gov/tlp>.

TLP:WHITE

Application [T1190]). This includes attempted exploitation of known vulnerabilities, directory traversal, Structured Query Language (SQL) injection, web shell uploads, and leveraging unique flaws in websites.

CISA and the FBI can confirm that the actor successfully obtained voter registration data in at least one state. The access of voter registration data appeared to involve the abuse of website misconfigurations and a scripted process using the cURL tool to iterate through voter records. A review of the records that were copied and obtained reveals the information was used in the propaganda video.

CISA and FBI analysis of identified activity against state websites, including state election websites, referenced in this product cannot all be fully attributed to this Iranian APT actor. FBI analysis of the Iranian APT actor's activity has identified targeting of U.S. elections' infrastructure (*Compromise Infrastructure* [T1584]) within a similar timeframe, use of IP addresses and IP ranges – including numerous virtual private network (VPN) service exit nodes – which correlate to this Iran APT actor (*Gather Victim Host Information* [T1592]), and other investigative information.

Reconnaissance

The FBI has information indicating this Iran-based actor attempted to access PDF documents from state voter sites using advanced open-source queries (*Search Open Websites and Domains* [T1539]). The actor demonstrated interest in PDFs hosted on URLs with the words “vote” or “voter” and “registration.” The FBI identified queries of URLs for election-related sites.

The FBI also has information indicating the actor researched the following information in a suspected attempt to further their efforts to survey and exploit state election websites.

- YOURLS exploit
- Bypassing ModSecurity Web Application Firewall
- Detecting Web Application Firewalls
- SQLmap tool

Acunetix Scanning

CISA's analysis identified the scanning of multiple entities by the Acunetix Web Vulnerability scanning platform between September 20 and September 28, 2020 (*Active Scanning: Vulnerability Scanning* [T1595.002]).

The actor used the scanner to attempt SQL injection into various fields in `/registration/registration/details` with status codes 404 or 500:

```
/registration/registration/details?addresscity=-1 or 3*2<(0+5+513-513) --  
&addressstreet1=xxxxx&btbeginregistration=begin voter  
registration&btnnextelectionworkerinfo=next&btnnextpersonalinfo=next&btnnextresde  
tails=next&btnnextvoterinformation=next&btsubmit=submit&chkageverno=on&chkagever  
yes=on&chkcitizenno=on&chkcitizenyes=on&chkdisabledvoter=on&chkelectionworker=on&  
chkresprivate=1&chkstatecancel=on&dlnumber=1&dob=xxxx/x/x&email=sample@email.tst&
```


TLP:WHITE

```
firstname=xxxxx&gender=radio&hdnaddresscity=&hdngender=&last4ssn=xxxxx&lastname=x  
xxxxinjjeuee&mailaddresscountry=sample@xxx.xxx&mailaddressline1=sample@email.tst&  
mailaddressline2=sample@xxx.xxx&mailaddressline3=sample@xxx.xxx&mailaddressstate=  
aa&mailaddresszip=sample@xxxx.xxx&mailaddresszipex=sample@xxx.xxx&middlename=xxxx  
x&overseas=1&partycode=a&phoneno1=xxx-xxx-xxxx&phoneno2=xxx-xxx-  
xxxx&radio=consent&statecancelcity=xxxxxxx&statecancelcountry=usa&statecancelstat  
e=XXaa&statecancelzip=xxxxx&statecancelzipext=xxxxx&suffixname=esq&txtmailaddress  
city=sample@xxx.xxx
```

Requests

The actor used the following requests associated with this scanning activity.

```
2020-09-26 13:12:56 x.x.x.x GET /x/x v[$acunetix]=1 443 - x.x.x.x  
Mozilla/5.0+(Windows+NT+6.1;+WOW64)+AppleWebKit/537.21+(KHTML,+like+Gecko)+Chrome/41.  
0.2228.0+Safari/537.21 - 200 0 0 0
```

```
2020-09-26 13:13:19 X.X.x.x GET /x/x voterid[$acunetix]=1 443 - x.x.x.x  
Mozilla/5.0+(Windows+NT+6.1;+WOW64)+AppleWebKit/537.21+(KHTML,+like+Gecko)+Chrome/41.  
0.2228.0+Safari/537.21 - 200 0 0 1375
```

```
2020-09-26 13:13:18 .X.x.x GET /x/x voterid=;print(md5(acunetix_wvs_security_test));  
443 - X.X.x.x
```

User Agents Observed

CISA and FBI have observed the following user agents associated with this scanning activity.

```
Mozilla/5.0+(Windows+NT+6.1;+WOW64)+AppleWebKit/537.21+(KHTML,+like+Gecko)+Chrome  
/41.0.2228.0+Safari/537.21 - 500 0 0 0
```

```
Mozilla/5.0+(X11;+U;+Linux+x86_64;+en-  
US;+rv:1.9b4)+Gecko/2008031318+Firefox/3.0b4
```

```
Mozilla/5.0+(X11;+U;+Linux+i686;+en-  
US;+rv:1.8.1.17)+Gecko/20080922+Ubuntu/7.10+(gutsy)+Firefox/2.0.0.17
```

Exfiltration

Obtaining Voter Registration Data

Following the review of web server access logs, CISA analysts, in coordination with the FBI, found instances of the cURL and FDM User Agents sending GET requests to a web resource associated with voter registration data. The activity occurred between September 29 and October 17, 2020. Suspected scripted activity submitted several hundred thousand queries iterating through voter

TLP:WHITE

identification values, and retrieving results with varying levels of success [*Gather Victim Identity Information* (T1589)]. A sample of the records identified by the FBI reveals they match information in the aforementioned propaganda video.

Requests

The actor used the following requests.

```
2020-10-17 13:07:51 x.x.x.x GET /x/x voterid=XXXX1 443 - x.x.x.x curl/7.55.1 -  
200 0 0 1406
```

```
2020-10-17 13:07:55 x.x.x.x GET /x/x voterid=XXXX2 443 - x.x.x.x curl/7.55.1 - 200 0  
0 1390
```

```
2020-10-17 13:07:58 x.x.x.x GET /x/x voterid=XXXX3 443 - x.x.x.x curl/7.55.1 - 200 0  
0 1625
```

```
2020-10-17 13:08:00 x.x.x.x GET /x/x voterid=XXXX4 443 - x.x.x.x curl/7.55.1 - 200 0  
0 1390
```

Note: incrementing `voterid` values in `cs_uri_query` field

User Agents

CISA and FBI have observed the following user agents.

```
FDM+3.x
```

```
curl/7.55.1
```

```
Mozilla/5.0+(Windows+NT+6.1;+WOW64)+AppleWebKit/537.21+(KHTML,+like+Gecko)+Chrome  
/41.0.2228.0+Safari/537.21 - 500 0 0 0
```

```
Mozilla/5.0+(X11;+U;+Linux+x86_64;+en-US;+rv:1.9b4)+Gecko/2008031318+Firefox/3.0b4
```

See figure 1 below for a timeline of the actor's malicious activity.

TECHNICAL FINDINGS

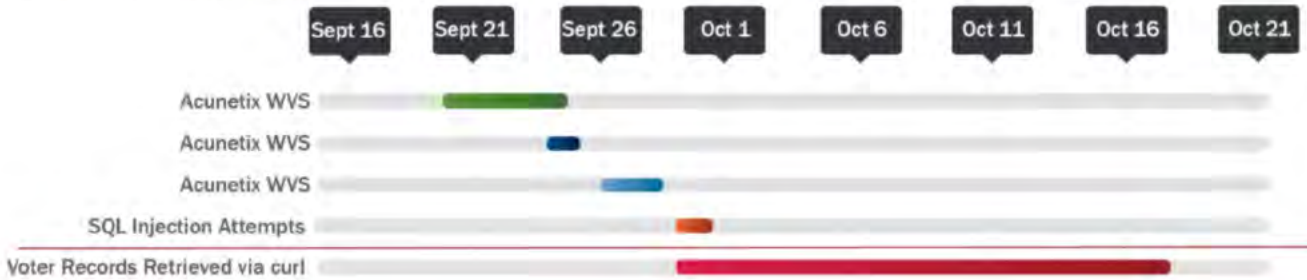


Figure 1: Overview of malicious activity

MITIGATIONS

Detection

Acunetix Scanning

Organizations can identify Acunetix scanning activity by using the following keywords while performing log analysis.

- `$acunetix`
- `acunetix_wvs_security_test`

Indicators of Compromise

For a downloadable copy of IOCs, see [AA20-304A.stix](#).

Disclaimer: Many of the IP addresses included below likely correspond to publicly available VPN services, which can be used by individuals all over the world. Although this creates the potential for false positives, any activity listed should warrant further investigation. The actor likely uses various IP addresses and VPN services.

The following IPs have been associated with this activity.

- 102.129.239[.]185 (Acunetix Scanning)
- 143.244.38[.]60 (Acunetix Scanning and cURL requests)
- 45.139.49[.]228 (Acunetix Scanning)
- 156.146.54[.]90 (Acunetix Scanning)
- 109.202.111[.]236 (cURL requests)
- 185.77.248[.]17 (cURL requests)
- 217.138.211[.]249 (cURL requests)
- 217.146.82[.]207 (cURL requests)
- 37.235.103[.]85 (cURL requests)
- 37.235.98[.]64 (cURL requests)
- 70.32.5[.]96 (cURL requests)

TLP:WHITE

- 70.32.6[.]20 (cURL requests)
- 70.32.6[.]8 (cURL requests)
- 70.32.6[.]97 (cURL requests)
- 70.32.6[.]98 (cURL requests)
- 77.243.191[.]21 (cURL requests and FDM+3.x (Free Download Manager v3) enumeration/iteration)
- 92.223.89[.]73 (cURL requests)

CISA and the FBI are aware the following IOCs have been used by this Iran-based actor. These IP addresses facilitated the mass dissemination of voter intimidation email messages on October 20, 2020.

- 195.181.170[.]244 (Observed September 30 and October 20, 2020)
- 102.129.239[.]185 (Observed September 30, 2020)
- 104.206.13[.]27 (Observed September 30, 2020)
- 154.16.93[.]125 (Observed September 30, 2020)
- 185.191.207[.]169 (Observed September 30, 2020)
- 185.191.207[.]52 (Observed September 30, 2020)
- 194.127.172[.]98 (Observed September 30, 2020)
- 194.35.233[.]83 (Observed September 30, 2020)
- 198.147.23[.]147 (Observed September 30, 2020)
- 198.16.66[.]139 (Observed September 30, 2020)
- 212.102.45[.]3 (Observed September 30, 2020)
- 212.102.45[.]58 (Observed September 30, 2020)
- 31.168.98[.]73 (Observed September 30, 2020)
- 37.120.204[.]156 (Observed September 30, 2020)
- 5.160.253[.]50 (Observed September 30, 2020)
- 5.253.204[.]74 (Observed September 30, 2020)
- 64.44.81[.]68 (Observed September 30, 2020)
- 84.17.45[.]218 (Observed September 30, 2020)
- 89.187.182[.]106 (Observed September 30, 2020)
- 89.187.182[.]111 (Observed September 30, 2020)
- 89.34.98[.]114 (Observed September 30, 2020)
- 89.44.201[.]211 (Observed September 30, 2020)

Recommendations

The following list provides recommended self-protection mitigation strategies against cyber techniques used by advanced persistent threat actors:

- Validate input as a method of sanitizing untrusted input submitted by web application users. Validating input can significantly reduce the probability of successful exploitation by providing

TLP:WHITE

protection against security flaws in web applications. The types of attacks possibly prevented include SQL injection, Cross Site Scripting (XSS), and command injection.

- Audit your network for systems using Remote Desktop Protocol (RDP) and other internet-facing services. Disable unnecessary services and install available patches for the services in use. Users may need to work with their technology vendors to confirm that patches will not affect system processes.
- Verify all cloud-based virtual machine instances with a public IP, and avoid using open RDP ports, unless there is a valid need. Place any system with an open RDP port behind a firewall and require users to use a VPN to access it through the firewall.
- Enable strong password requirements and account lockout policies to defend against brute-force attacks.
- Apply multi-factor authentication, when possible.
- Maintain a good information back-up strategy by routinely backing up all critical data and system configuration information on a separate device. Store the backups offline, verify their integrity, and verify the restoration process.
- Enable logging and ensure logging mechanisms capture RDP logins. Keep logs for a minimum of 90 days and review them regularly to detect intrusion attempts.
- When creating cloud-based virtual machines, adhere to the cloud provider's best practices for remote access.
- Ensure third parties that require RDP access follow internal remote access policies.
- Minimize network exposure for all control system devices. Where possible, critical devices should not have RDP enabled.
- Regulate and limit external to internal RDP connections. When external access to internal resources is required, use secure methods, such as a VPNs. However, recognize the security of VPNs matches the security of the connected devices.
- Use security features provided by social media platforms; use [strong passwords](#), change passwords frequently, and use a different password for each social media account.
- See CISA's Tip on [Best Practices for Securing Election Systems](#) for more information.

General Mitigations

Keep applications and systems updated and patched

Apply all available software updates and patches and automate this process to the greatest extent possible (e.g., by using an update service provided directly from the vendor). Automating updates and patches is critical because of the speed of threat actors to create new exploits following the release of a patch. These "N-day" exploits can be as damaging as zero-day exploits. Ensure the authenticity and integrity of vendor updates by using signed updates delivered over protected links. Without the rapid and thorough application of patches, threat actors can operate inside a defender's patch cycle.²

² NSA "NSA'S Top Ten Cybersecurity Mitigation Strategies" <https://www.nsa.gov/Portals/70/documents/what-we-do/cybersecurity/professional-resources/csi-nsas-top-10-cybersecurity-mitigation-strategies.pdf>

TLP:WHITE

Additionally, use tools (e.g., the OWASP Dependency-Check Project tool³) to identify the publicly known vulnerabilities in third-party libraries depended upon by the application.

Scan web applications for SQL injection and other common web vulnerabilities

Implement a plan to scan public-facing web servers for common web vulnerabilities (e.g., SQL injection, cross-site scripting) by using a commercial web application vulnerability scanner in combination with a source code scanner.⁴ Fixing or patching vulnerabilities after they are identified is especially crucial for networks hosting older web applications. As sites get older, more vulnerabilities are discovered and exposed.

Deploy a web application firewall

Deploy a web application firewall (WAF) to prevent invalid input attacks and other attacks destined for the web application. WAFs are intrusion/detection/prevention devices that inspect each web request made to and from the web application to determine if the request is malicious. Some WAFs install on the host system and others are dedicated devices that sit in front of the web application. WAFs also weaken the effectiveness of automated web vulnerability scanning tools.

Deploy techniques to protect against web shells

Patch web application vulnerabilities or fix configuration weaknesses that allow web shell attacks, and follow guidance on detecting and preventing web shell malware.⁵ Malicious cyber actors often deploy web shells—software that can enable remote administration—on a victim's web server. Malicious cyber actors can use web shells to execute arbitrary system commands commonly sent over HTTP or HTTPS. Attackers often create web shells by adding or modifying a file in an existing web application. Web shells provide attackers with persistent access to a compromised network using communications channels disguised to blend in with legitimate traffic. Web shell malware is a long-standing, pervasive threat that continues to evade many security tools.

Use multi-factor authentication for administrator accounts

Prioritize protection for accounts with elevated privileges, remote access, or used on high-value assets.⁶ Use physical token-based authentication systems to supplement knowledge-based factors such as passwords and personal identification numbers (PINs).⁷ Organizations should migrate away from single-factor authentication, such as password-based systems, which are subject to poor user

³ <https://owasp.org/www-project-dependency-check/>

⁴ NSA "Defending Against the Exploitation of SQL Vulnerabilities to Compromise a Network" <https://apps.nsa.gov/iaarchive/library/ia-guidance/tech-briefs/defending-against-the-exploitation-of-sql-vulnerabilities-to-cfm>

⁵ NSA & ASD "CyberSecurity Information: Detect and Prevent Web Shell Malware" <https://media.defense.gov/2020/Jun/09/2002313081/-1/-1/0/CSI-DETECT-AND-PREVENT-WEB-SHELL-MALWARE-20200422.PDF>

⁶ <https://us-cert.cisa.gov/cdm/event/Identifying-and-Protecting-High-Value-Assets-Closer-Look-Governance-Needs-HVAs>

⁷ NSA "NSA'S Top Ten Cybersecurity Mitigation Strategies" <https://www.nsa.gov/Portals/70/documents/what-we-do/cybersecurity/professional-resources/csi-nas-top-10-cybersecurity-mitigation-strategies.pdf>

TLP:WHITE

choices and more susceptible to credential theft, forgery, and password reuse across multiple systems.

Remediate critical web application security risks

First, identify and remediate critical web application security risks. Next, move on to other less critical vulnerabilities. Follow available guidance on securing web applications.^{8,9,10}

How do I respond to unauthorized access to election-related systems?

Implement your security incident response and business continuity plan

It may take time for your organization's IT professionals to isolate and remove threats to your systems and restore normal operations. In the meantime, take steps to maintain your organization's essential functions according to your business continuity plan. Organizations should maintain and regularly test backup plans, disaster recovery plans, and business continuity procedures.

Contact CISA or law enforcement immediately

To report an intrusion and to request incident response resources or technical assistance, contact CISA (Central@cisa.gov or 888-282-0870) or the FBI through a local field office or the FBI's Cyber Division (CyWatch@ic.fbi.gov or 855-292-3937).

RESOURCES

- CISA Tip: [Best Practices for Securing Election Systems](#)
- CISA Tip: [Securing Voter Registration Data](#)
- CISA Tip: [Website Security](#)
- CISA Tip: [Avoiding Social Engineering and Phishing Attacks](#)
- CISA Tip: [Securing Network Infrastructure Devices](#)
- Joint Advisory: [Technical Approaches to Uncovering and Remediating Malicious Activity](#)
- CISA Insights: [Actions to Counter Email-Based Attacks on Election-related Entities](#)
- FBI and CISA Public Service Announcement (PSA): [Spoofed Internet Domains and Email Accounts Pose Cyber and Disinformation Risks to Voters](#)
- FBI and CISA PSA: [Foreign Actors Likely to Use Online Journals to Spread Disinformation Regarding 2020 Elections](#)
- FBI and CISA PSA: [Distributed Denial of Service Attacks Could Hinder Access to Voting Information, Would Not Prevent Voting](#)
- FBI and CISA PSA: [False Claims of Hacked Voter Information Likely Intended to Cast Doubt on Legitimacy of U.S. Elections](#) FBI and CISA PSA: [Cyber Threats to Voting Processes Could Slow But Not Prevent Voting](#)

⁸ NSA "Building Web Applications – Security for Developers" <https://apps.nsa.gov/iaarchive/library/ia-guidance/security-tips/building-web-applications-security-recommendations-for.cfm>

⁹ <https://owasp.org/www-project-top-ten/>

¹⁰

https://cwe.mitre.org/top25/archive/2020/2020_cwe_top25.html

TLP:WHITE

- FBI and CISA PSA: [Foreign Actors and Cybercriminals Likely to Spread Disinformation Regarding 2020 Election Results](#)

Exh. C

Proposed Order

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION**

**CORECO JA'QAN PEARSON, VIKKI TOWNSEND
CONSIGLIO, GLORIA KAY GODWIN, JAMES
KENNETH CARROLL, CAROLYN HALL
FISHER, CATHLEEN ALSTON LATHAM and
BRIAN JAY VAN GUNDY, JASON M. SHEPHERD
ON BEHALF OF THE COBB COUNTY
REPUBLICAN PARTY**

**CASE NO. 1:20-
cv-4809**

Plaintiffs,

v.

**BRIAN KEMP, in his official capacity as Governor of
Georgia, BRAD RAFFENSPERGER, in his official
capacity as Secretary of State and Chair of the
Georgia State Election Board, DAVID J. WORLEY,
in his official capacity as a member of the Georgia
State Election Board, REBECCA N.SULLIVAN, in
her official capacity as a member of the Georgia State
Election Board, MATTHEW MASHBURN, in his
official capacity as a member of the Georgia State
Election Board, and ANH LE, in her official capacity
as a member of the Georgia State Election Board,**

Defendants.

ORDER GRANTING EMERGENCY INJUNCTIVE RELIEF

THE COURT has before it Plaintiffs' Emergency Motion for Injunctive
Relief filed. November 27, 2020, seeking:

1. An order directing Governor Kemp, Secretary Raffensperger and the Georgia State Board of Elections to de-certify the election results;
2. An order enjoining Governor Kemp from transmitting the currently certified election results to the Electoral College;
3. An order requiring Governor Kemp to transmit certified election results that state that President Donald Trump is the winner of the election;
4. An order that no votes received or tabulated by machines that were not certified as required by federal and state law be counted;
5. A declaratory judgment declaring that Georgia Secretary of State Rule 183-1-14-0.9-.15 violates O.C.G.A. § 21-2-386(a)(2) and the Electors and Elections Clause, U.S. Const. Art. I, § 4;
6. A declaratory judgment that Georgia's failed system of signature verification violates the Electors and Elections Clause by working a de facto abolition of the signature verification requirement;
7. A declaratory judgment declaring that current certified election results violate the Due Process Clause, U.S. Const. Amend. XIV;
8. A declaratory judgment declaring that mail-in and absentee ballot fraud must be remedied with a Full Manual Recount or statistically valid sampling that properly verifies the signatures on absentee ballot envelopes and that invalidates the certified results if the recount or

- sampling analysis shows a sufficient number of ineligible absentee ballots were counted;
9. An emergency declaratory judgment that voting machines be seized and impounded immediately for a forensic audit by plaintiffs' experts;
 10. A declaratory judgment declaring absentee ballot fraud occurred in violation of Constitutional rights and election laws under state law;
 11. A permanent injunction prohibiting the Governor and Secretary of State from transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering; and
 12. Immediate production of 36 hours of security camera recording of all rooms used in the voting process at State Farm Arena in Fulton County, GA from 12:00 AM November 3, 2020 to 12:00 PM on November 4, 2020.

Plaintiffs also contend that on November 27, 2020, Union County officials advised that they are going to wipe or reset the voting machines of all data and bring the count back to zero on Monday, November 30, 2020 for purposes of a machine recount commencing that day. Plaintiffs contend this act and any like it must be immediately enjoined across the state of Georgia pursuant to 52 U.S.C. § 20701 (preservation of voting records) because resetting the machines would destroy the evidence on them and make impossible any forensic computer audit of

the election computer systems for the 2020 General Election. Plaintiffs therefore ask for an injunction to prevent any wiping of data, and to ensure forensic analysis can take place.

Plaintiffs further ask for emergency injunctive to expedite the flow of discovery material and to preserve the Voting Systems computer data information;

The Court has reviewed the terms and conditions of this Emergent Injunctive Relief Order, and for good cause shown IT IS HEREBY ORDERED THAT:

1. A Temporary Restraining Order is immediately in effect to preserve the voting machines in the State of Georgia, and to prevent any wiping of data, until such time as a full computer audit is completed.
2. Governor Kemp, Secretary Raffensperger and the Georgia State Board of Elections are to de-certify the election results.
3. Governor Kemp is hereby enjoined from transmitting the currently certified election results to the Electoral College.
4. Governor Kemp is required to transmit certified election results that state that President Donald Trump is the winner of the election.
5. It is hereby Ordered that no votes received or tabulated by machines that were not certified as required by federal and state law be counted.

6. A declaratory judgment is hereby issued declaring that Georgia Secretary of State Rule 183-1-14-0.9-.15 violates the Electors and Elections Clause, U.S. Const. art. I, § 4.
7. A declaratory judgment declaring that Georgia's failed system of signature verification violates the Electors and Elections Clause by working a de facto abolition of the signature verification requirement is hereby issued.
8. A declaratory judgment declaring that current certified election results violates the Due Process Clause, U.S. Const. Amend. XIV is hereby issued.
9. A declaratory judgment declaring that mail-in and absentee ballot fraud must be remedied with a Full Manual Recount or statistically valid sampling that properly verifies the signatures on absentee ballot envelopes and that invalidates the certified results if the recount or sampling analysis shows a sufficient number of ineligible absentee ballots were counted is hereby issued.
10. An emergency declaratory judgment that voting machines in Fulton County be seized and impounded immediately for a forensic audit—by plaintiffs' experts is hereby issued.

11. A declaratory judgment declaring absentee ballot fraud occurred in violation of Constitutional rights, Election laws and under state law Is hereby issued.
12. A permanent injunction prohibiting the Governor and Secretary of State from transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering.
13. Immediate production of 36 hours of security camera recording of all rooms used in the voting process at State Farm Arena in Fulton County, GA from 12:00 AM November 3, 2020 to 12:00 PM on November 4, 2020 is hereby ordered.

It is so Ordered, this _____ day of _____ 2020.

Timothy C. Batten
U.S. District Court Judge
Northern District of Georgia
Atlanta Division

Presented by:

Sidney Powell*
Sidney Powell PC
Texas Bar No. 16209700
2911 Turtle Creek Blvd, Suite 300
Dallas, Texas 75219

*Application for admission pro hac vice
forthcoming

Harry W. MacDougald
Georgia Bar No. 463076
CALDWELL, PROPST & DELOACH, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956 – Telephone
(404) 843-2737 – Facsimile
hmacdougald@cpdlawyers.com

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION**

**CORECO JA'QAN PEARSON, VIKKI TOWNSEND
CONSIGLIO, GLORIA KAY GODWIN, JAMES
KENNETH CARROLL, CAROLYN HALL FISHER,
CATHLEEN ALSTON LATHAM and BRIAN JAY
VAN GUNDY,**

Plaintiffs,

v.

**BRIAN KEMP, in his official capacity as Governor of
Georgia, BRAD RAFFENSPERGER, in his official
capacity as Secretary of State and Chair of the
Georgia State Election Board, DAVID J. WORLEY,
in his official capacity as a member of the Georgia
State Election Board, REBECCA N. SULLIVAN, in
her official capacity as a member of the Georgia State
Election Board, MATTHEW MASHBURN, in his
official capacity as a member of the Georgia State
Election Board, and ANH LE, in her official capacity
as a member of the Georgia State Election Board,**

Defendants.

CASE NO.

1:20-cv-4809

NOTICE OF FILING OF REDACTED DECLARATION

Come now the Plaintiffs and give notice of the filing of a redacted
declaration regarding Union County, Georgia attached hereto as Exhibit "A."

Respectfully submitted, this 29th day of November 2020.

/s Sidney Powell*
Sidney Powell PC
Texas Bar No. 16209700

2911 Turtle Creek Blvd, Suite 300
Dallas, Texas 75219
(214) 707-1775

*Application for admission pro hac vice
forthcoming

CALDWELL, PROPST & DELOACH, LLP

/s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

CALDWELL, PROPST & DELOACH, LLP

Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956 – Telephone
(404) 843-2737 – Facsimile
hmacdougald@cpdlawyers.com

Counsel for Plaintiffs

Attorneys for Plaintiffs

The undersigned certifies that the foregoing document was prepared in 14-point Times New Roman font and in accordance with the margin and other requirements of Local Rule 5.1.

s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

CERTIFICATE OF SERVICE

This is to certify that I have on this day e-filed the foregoing document with the Clerk of Court using the CM/ECF system, and that I have delivered the filing to the Defendants by email and FedEx at the following addresses:

This 29th day of November 2020.

Governor Brian Kemp
206 Washington Street
111 State Capitol
Atlanta, GA 30334

Secretary of State Brad Raffensperger
214 State Capitol
Atlanta, Georgia 30334
brad@sos.ga.gov
soscontact@sos.ga.gov

Rebecca N. Sullivan
Georgia Department of Administrative Services
200 Piedmont Avenue SE
Suite 1804, West Tower
Atlanta, Georgia 30334-9010
rebecca.sullivan@doas.ga.gov

David J. Worley
Evangelista Worley LLC
500 Sugar Mill Road
Suite 245A
Atlanta, Georgia 30350
david@ewlawllc.com

Matthew Mashburn
Aldridge Pite, LLP
3575 Piedmont Road, N.E.

Suite 500
Atlanta, Georgia 30305
mmashburn@aldridgepite.com

Anh Le
Harley, Rowe & Fowler, P.C.
2700 Cumberland Parkway
Suite 525
Atlanta, Georgia 30339
ale@hrfllegal.com

s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

Caldwell, Propst & DeLoach, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
404-843-1956

DECLARATION OF [REDACTED]

I, [REDACTED], this 28th day of November, under the penalties of perjury and upon personal knowledge that the contents of this Declaration are true, accurate and correct and that I am competent to testify:

1. My name is [REDACTED].
2. I am a resident of Union County, Georgia.
3. I, through the GOP of Union County, Georgia worked as an authorized poll worker and worked before the election as ballot review member, on the day of election, November 3 and during the hand recount. I will be working on the second machine recount tomorrow, Monday, November 30.
4. On or about October 29, 2020 I worked with Union Country as a ballot review member, our assignment was to take the already opened Overseas Absentee Ballots and create new ballots that we transferred the information over to, so that it could be fed into the machines.
5. We filled out the new ballots on the official legal size ballot paper, which was heavy.
6. We performed this duty in teams of two.
7. Then on Election Day, I worked at the polls from 6AM to 8PM. I stood by the machine as people fed their ballots into the feeders.
8. The chief of our polling place, at the end of the day, locked up and took the card from the machine.

9. On or about November 4 or 5, after the election, I went to work again to help on the hand recount.
10. When I arrived, we had approximately 15,500 ballots to separate into piles.
11. We had three (3) teams and were told to put the ballots in piles of either Trump or Biden.
12. They were given to us in piles of 100. There was no “opening” of these ballots. They came in uniform regular size paper with a QR code on them. After we had noted the votes, we recounted the ballots and gave them back to the supervisor.
13. We only looked at the Presidential vote, not down ballot.
14. These ballots were different from the absentee overseas ballots we reviewed pre-election, which we had transferred to legal size ballot paper on October 29, 2020 in Union County.
15. Instead, these ballots that we put in piles for Trump or Biden after the election, were on short paper, not legal size, and not the same as the longer paper that the voter had put into the machines on election day. These had a QR code written in the top left corner. Infrequently, some of the ballots had two QR codes, which we noted.
16. We then heard that there would be a second recount, though this time it would be a machine recount, not by hand. I received an email from the election manager about the continuing work for the recount, and I attach that email.
17. The election leader, who I work with as a poll worker, told us that the machines are going to be “wiped to 0” Monday and so that a new set of ballots can issue from the machines to count, this process she called “L&A.” The email is below:

Original Message-----

From: [REDACTED]

Sent: Wednesday, November 25, 2020 11:23am

To: [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]

Cc: [REDACTED] [REDACTED]
[REDACTED]

Subject: Machine Recount

Union County Board of Elections will perform a machine recount of the Presidential race from the Nov 3rd general election on Monday, November 30. We will begin at 9:00 am and work until we are finished. The process will begin with an L & A - resetting the machine to “zero” to begin the recount. All ballots will be scanned and Union County totals will be transmitted to Atlanta. We will know the results for UC before we transmit.

The process is not expected to take more than the day, as we are planning to work until done. However, there is a risk that we may carry over to Tuesday - so please check to see if you would be available to return on Tuesday morning, if needed.

I need to know who can volunteer to be a monitor on Monday morning. [REDACTED] [REDACTED] has volunteered for the afternoon - 1:00 pm until we finish. I need a volunteer for the morning - 8:45 am until 1:00 pm. In this role, you will be able to observe the process closely - you can't touch any materials in the room

nor can you ask questions. If you have a question, you will ask either George Burch or me to step out of the room to ask the question.

We will have a Vote Review Panel in the event a ballot rejects. [REDACTED] will perform this function for us.

There will be a Democrat Monitor and Vote Review Panel representative. We are allowed 2 monitors for each party. Because our facilities are small, and to allow for some distancing, we agreed to have only 1 monitor per party. There may be a rep from the SOS office to observe part of the time. We will also have our tech team and someone from Dominion Systems present. Masks will be required!

Please advise if you can participate on Monday morning by responding to this email or call me. I would like to confirm one and have a backup in the event there is a need. Most of the activity will be in the morning.

George - anything you want to add?

Thank you for volunteering and representing UUGOP throughout this process!

Call me if you have questions! 706-745-2112

FYI - this is open to the public - anyone who comes to watch will have to sit outside the workroom and observe through one of 2 doors.

I then texted the election manager in response and said this:

“[REDACTED] because the plan on Monday is to wipe the voting machines clean, and start from 0 so that we can recount using those machines, I’m concerned by what I am reading online. I am seeing lots of notices from lawyers about possibly impounding the machines. Lawyers are now saying that the machines should be confiscated immediately before this happens to protect forensic data. They are

saying those machines need to be impounded ASAP. Yikes. Maybe I'm being overly paranoid but let's be sure this is what we're supposed to be doing."

Her response: "It's what we are supposed to do. It will take a court order to stop this process - so I guess we need to keep watching the news. If we get a court order to stop, we will see it in our sos information. The issue is, the Atlanta area has already started."

18. When I asked, will that wipe forensic evidence on the machines, she answered that Atlanta already did it.

Summary: There was a single day for "ballot review" on October 29, I believe. The first batch of ballots were overseas and largely (95%+) for Biden. They had already been opened by the registrar's office I was told. The overseas ballots needed to be rewritten on the official ballot paper so they could be put into the machine. The rest of the day we were given absentee ballots that had been rejected from the machine for too many markings, rips, or folds.

Then, on about November 4th or 5th, we had our first hand recount. In three teams, we were given stacks in 100 ballot increments to put into Trump/Biden piles. I am assuming that these were the machine ballots, though they looked entirely different, with a big QR code and regular size paper. There were 15,500 of them approximately and I believe they were the regular ballots. Our entire county has only about 29,000 people, so that number is not surprising. The upcoming 2nd recount will be a machine recount this Monday, November 30. That is probably why they are planning to reset the machines to zero.

Sincerely,

██████████

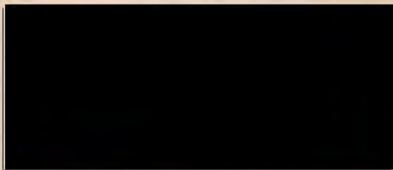
saying those machines need to be impounded ASAP. Yikes. Maybe I'm being overly paranoid but let's be sure this is what we're supposed to be doing."

Her response: "It's what we are supposed to do. It will take a court order to stop this process - so I guess we need to keep watching the news. If we get a court order to stop, we will see it in our sos information. The issue is, the Atlanta area has already started."

18. When I asked, will that wipe forensic evidence on the machines, she answered that Atlanta already did it.

Summary: There was a single day for "ballot review" on October 29, I believe. The first batch of ballots were overseas and largely (95%+) for Biden. They had already been opened by the registrar's office I was told. The overseas ballots needed to be rewritten on the official ballot paper so they could be put into the machine. The rest of the day we were given absentee ballots that had been rejected from the machine for too many markings, rips, or folds.

Then, on about November 4th or 5th, we had our first hand recount. In three teams, we were given stacks in 100 ballot increments to put into Trump/Biden piles. I am assuming that these were the machine ballots, though they looked entirely different, with a big QR code and regular size paper. There were 15,500 of them approximately and I believe they were the regular ballots. Our entire county has only about 29,000 people, so that number is not surprising. The upcoming 2nd recount will be a machine recount this Monday, November 30. That is probably why they are planning to reset the machines to zero.



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

CORECO JA'QAN PEARSON,
VIKKI TOWNSEND
CONSIGLIO; GLORIA KAY
GODWIN; JAMES KENNETH
CARROLL; CAROLYN HALL
FISHER; CATHLEEN ALSTON
LATHAM; and BRIAN JAY VAN
GUNDY,

Plaintiffs,

v.

BRIAN KEMP; BRAD
RAFFENSPERGER; DAVID J.
WORLEY; REBECCA N.
SULLIVAN; MATTHEW
MASHBURN; and ANH LE,

Defendants.

CIVIL ACTION FILE

NO. 1:20-cv-4809-TCB

ORDER

Plaintiffs have filed an emergency motion [6] for temporary injunctive relief. In their motion, Plaintiffs seek an order directing Defendants to allow Plaintiffs' expert(s) to inspect the Dominion voting

machines in Cobb, Gwinnett, and Cherokee Counties. The Court conducted a Zoom hearing at 7:45 p.m. EST to consider Plaintiffs' motion.

During the hearing, Defendants' counsel argued that the secretary of state has no lawful authority over county election officials, citing *Jacobson v. Florida Secretary of State*, 974 F.3d 1236, 1256–58 (11th Cir. 2020). Plaintiffs' counsel responded that Plaintiffs could amend their complaint to add the elections officials in Cobb, Gwinnett, and Cherokee Counties, thus obviating the issue of whether the proper officials had been named as Defendants to this case.

Defendants' counsel also argued that allowing such forensic inspections would pose substantial security and proprietary/trade secret risks to Defendants. Plaintiffs' counsel responded that Defendants' concerns could be alleviated by an order from the Court (1) allowing Defendants' own expert(s) to participate in the requested inspections, which would be video-recorded, and (2) directing the experts to provide whatever information they obtain to the Court—and no one else—for an *in camera* inspection.

After considering the parties' email submissions today and the arguments advanced at the Zoom hearing, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1.

Defendants shall have until Wednesday, December 2, at 5:00 p.m. EST, to file a brief setting forth in detail the factual bases they have, if any, against allowing the three forensic inspections. The brief should be accompanied and supported by affidavit or other evidence, if appropriate.

2.

Defendants are hereby ENJOINED and RESTRAINED from altering, destroying, or erasing, or allowing the alteration, destruction, or erasure of, any software or data on any Dominion voting machine in Cobb, Gwinnett, and Cherokee Counties.

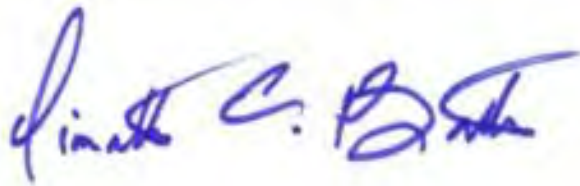
3.

Defendants are ORDERED to promptly produce to Plaintiffs a copy of the contract between the State and Dominion.

4.

This temporary restraining order shall remain in effect for ten days, or until further order of the Court, whichever comes first.

IT IS SO ORDERED this 29th day of November, 2020, at 10:10 p.m. EST.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", is written over a light blue rectangular background.

Timothy C. Batten, Sr.
United States District Judge

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

CORECO JA'QAN PEARSON,
VIKKI TOWNSEND
CONSIGLIO; GLORIA KAY
GODWIN; JAMES KENNETH
CARROLL; CAROLYN HALL
FISHER; CATHLEEN ALSTON
LATHAM; and BRIAN JAY VAN
GUNDY,

Plaintiffs,

v.

BRIAN KEMP; BRAD
RAFFENSPERGER; DAVID J.
WORLEY; REBECCA N.
SULLIVAN; MATTHEW
MASHBURN; and ANH LE,

Defendants.

CIVIL ACTION FILE

NO. 1:20-cv-4809-TCB

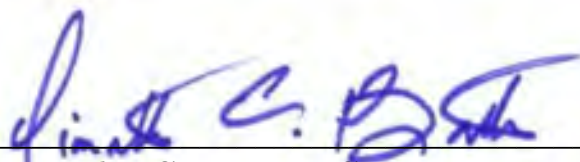
ORDER

The Court finds that its November 29 order partially granting Defendants' motion for a temporary restraining order involves a controlling question of law as to which there is substantial ground for

difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation. 28

U.S.C.A. § 1292(b).

IT IS SO ORDERED this 30th day of November, 2020.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", is written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge

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

CORECO JA'QAN PEARSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.
v.)	1:20-cv-4809-TCB
)	
BRIAN KEMP, <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF APPEARANCE

COMES NOW Charlene S. McGowan, Assistant Attorney General, and hereby makes an entry of appearance in the above-styled action on behalf of Defendants Governor Brian Kemp, Secretary of State Brad Raffensperger, and State Election Board Members Rebecca Sullivan, David Worley, Matthew Mashburn, and Anh Le (collectively, "State Defendants"). Please direct all further pleadings, notices, orders, and other matters to her at the following:

Office of the Attorney General
40 Capitol Square, SW
Atlanta, Georgia 30334
Telephone: (404) 458-3658
E-Mail: cmcgowan@law.ga.gov

Respectfully submitted, this 30th day of November, 2020.

/s/ Charlene S. McGowan
CHARLENE S. MCGOWAN 697316
Assistant Attorney General

Office of the Georgia Attorney General
40 Capitol Square SW
Atlanta, GA 30334
cmcgowan@law.ga.gov
Tel: 404-656-3389
Fax: 404-651-9325

Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing has been formatted using Times New Roman font in 14-point type in compliance with Local Rule 7.1(D).

/s/Charlene S. McGowan
Charlene S. McGowan
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **NOTICE OF APPEARANCE** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for the parties of record via electronic notification.

Dated: November 30, 2020.

/s/ Charlene S. McGowan
Charlene S. McGowan
Assistant Attorney General

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

CORECO JA'QAN PEARSON,
VIKKI TOWNSEND
CONSIGLIO; GLORIA KAY
GODWIN; JAMES KENNETH
CARROLL; CAROLYN HALL
FISHER; CATHLEEN ALSTON
LATHAM; and BRIAN JAY VAN
GUNDY,

Plaintiffs,

v.

BRIAN KEMP; BRAD
RAFFENSPERGER; DAVID J.
WORLEY; REBECCA N.
SULLIVAN; MATTHEW
MASHBURN; and ANH LE,

Defendants.

CIVIL ACTION FILE

NO. 1:20-cv-4809-TCB

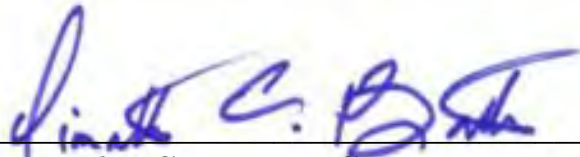
ORDER

The Court finds that its November 29 order partially granting Plaintiffs' motion for a temporary restraining order involves a controlling question of law as to which there is substantial ground for

difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation. 28

U.S.C.A. § 1292(b).

IT IS SO ORDERED this 30th day of November, 2020.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", is written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge

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

CORECO JA'QAN PEARSON, VIKKI
TOWNSEND CONSIGLIO, GLORIA KAY
GODWIN, JAMES KENNETH CARROLL,
CAROLYN HALL FISHER, CATHLEEN
ALSTON LATHAM and BRIAN JAY VAN
GUNDY,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as
Governor of Georgia, BRAD
RAFFENSPERGER, in his official capacity as
Secretary of State and Chair of the Georgia
State Election Board, DAVID J. WORLEY, in his
official capacity as a member of the Georgia
State Election Board, REBECCA N.SULLIVAN,
in her official capacity as a member of the
Georgia State Election Board, MATTHEW
MASHBURN, in his official capacity as a
member of the Georgia State Election Board,
and ANH LE, in her official capacity as a
member of the Georgia State Election Board,

Defendants.

CASE NO.

1:20-cv-4809-TCB

NOTICE OF EMERGENCY INTERLOCUTORY APPEAL AS OF RIGHT

Plaintiffs Coreco Ja'Qan Pearson, et al., hereby file an emergency appeal to the United States Court of Appeals for the Eleventh Circuit from this Court's interlocutory order of November 29, 2020 (Doc.14) to the extent it denies the full relief Plaintiffs requested in their motion for a temporary restraining order. *See Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005) ("Although we ordinarily do not have jurisdiction over

appeals from orders granting or denying temporary restraining orders, in circumstances such as these, ‘when a grant or denial of a TRO might have a serious, perhaps irreparable, consequence, and can be effectively challenged only by immediate appeal, we may exercise appellate jurisdiction.’” (quoting *Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995)).¹

Plaintiffs respectfully ask that this Court immediately transmit this notice of appeal to the Eleventh Circuit today so that that court may docket the matter, thus enabling Plaintiffs to file a motion for an expedited briefing schedule pursuant to which Plaintiffs propose to file their brief by midnight December 2, 2020, and Appellee’s brief by December 4, 2020.

Moreover, this Notice of Appeal as of right should divest the district court of jurisdiction. If not, Plaintiffs would request a stay of the hearing currently scheduled in the district court for December 4, 2020, until this Court has ruled on the questions raised by the appeal, including whether Plaintiffs must add to the suit each of the 600-plus county election officials in

¹ While this Court, pursuant to 42 U.S.C. §1292(b), has certified its order as involving a “controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation,” (Doc.15), Plaintiffs would seek permission to appeal under §1292(b) only in the alternative, if the Eleventh Circuit deems that necessary. Plaintiffs file this notice, however, as a matter of right, pursuant to *Schiavo*. (“In these circumstances we treat temporary restraining orders as equivalent to preliminary injunctions or final judgments, either of which are appealable.”) *Schiavo*, 403 F.3d at 1225 (citing 28 U.S.C. §§1291, 1292(a)(1)).

addition to the Secretary of State for Georgia, who by law is responsible for Georgia elections and spent \$107 million taxpayer dollars to purchase Dominion voting systems for the entire state.

/s Sidney Powell*

Sidney Powell PC

Texas Bar No. 16209700

2911 Turtle Creek Blvd, Suite 300

Dallas, Texas 75219

(214) 707-1775

*Application for admission pro hac vice forthcoming

/s Howard Kleinhendler

NEW YORK BAR NO. 2657120

Howard Kleinhendler Esquire

369 Lexington Avenue, 12th Floor

New York, New York 10017

Office (917) 793-1188

Mobile (347) 840-2188

howard@kleinhendler.com

www.kleinhendler.com

(Admitted pro hac vice)

CALDWELL, PROPST & DELOACH, LLP

/s/ Harry W. MacDougald

Harry W. MacDougald

Georgia Bar No. 463076

CALDWELL, PROPST & DELOACH, LLP

Two Ravinia Drive, Suite 1600

Atlanta, GA 30346

(404) 843-1956 – Telephone

(404) 843-2737 – Facsimile

hmacdougald@cpdlawyers.com

Counsel for Plaintiffs

Attorneys for Plaintiffs

The undersigned certifies that the foregoing document was prepared in 13-point Century Schoolbook font and in accordance with the margin and other requirements of Local Rule 5.1.

s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

CERTIFICATE OF SERVICE

This is to certify that I have on this day e-filed the foregoing **NOTICE OF EMERGENCY INTERLOCUTORY APPEAL AS OF RIGHT** with the Clerk of Court using the CM/ECF system which will cause service to be made upon counsel of record therein.

This 1st day of December 2020.

s/ Harry W. MacDougald
Harry W. MacDougald
Georgia Bar No. 463076

Caldwell, Propst & DeLoach, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
404-843-1956

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

CORECO JA'QAN PEARSON,
VIKKI TOWNSEND
CONSIGLIO; GLORIA KAY
GODWIN; JAMES KENNETH
CARROLL; CAROLYN HALL
FISHER; CATHLEEN ALSTON
LATHAM; and BRIAN JAY VAN
GUNDY,

Plaintiffs,

v.

BRIAN KEMP; BRAD
RAFFENSPERGER; DAVID J.
WORLEY; REBECCA N.
SULLIVAN; MATTHEW
MASHBURN; and ANH LE,

Defendants.

CIVIL ACTION FILE

NO. 1:20-cv-4809-TCB

ORDER

On November 29, the Court entered an order [14] granting modest injunctive relief in order to preserve the status quo. This afternoon, Plaintiffs filed a notice of appeal [32] with respect to that order.

However, this Court's November 29 order is a temporary restraining order, not a preliminary injunction because, inter alia, it is of a limited duration—ten days.¹ And generally, temporary restraining orders are not directly appealable. *See, e.g., Mitsubishi Int'l Corp. v. Cardinal Textile Sales, Inc.*, 14 F.3d 1507, 1515 (11th Cir. 1994). Although Plaintiffs cite *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005), in their notice of appeal, this Court is of the opinion that its November 29 order is not within the scope of *Schiavo's* exception to the unappealable nature of a temporary restraining order.

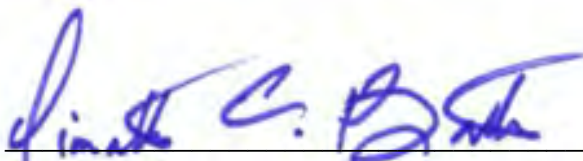
Plaintiffs' notice of appeal states that it divests this Court of jurisdiction. If the circuit court disagrees with Plaintiffs, it will dismiss their appeal, whereupon this Court will probably need to reschedule the hearing presently set for Friday, December 4 (since the parties' briefs, due tomorrow and Thursday, probably will have not been filed). Any delay in conducting the hearing on the claims in Plaintiffs' complaint

¹ Moreover, the scope of relief sought in Plaintiffs' motion [6] for emergency relief is narrower than the scope of Plaintiffs' complaint.

would be attributable to Plaintiffs—not this Court—since Plaintiffs are the ones who filed the notice of appeal.²

Accordingly, the scheduling order [17] docketed November 30 is hereby stayed, subject to further order of the Court if Plaintiffs' appeal is dismissed.

IT IS SO ORDERED this 1st day of December, 2020.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge

² The Court's November 30 order [22] certifying the November 29 order for immediate appellate review pursuant to 28 U.S.C.A. § 1292(b) does not render the November 29 order directly appealable. This is because the court of appeals has not, as of this time, granted Plaintiffs permission to appeal.

No. _____

In the United States Court of Appeals for the Eleventh Circuit

CORECO JA'QAN PEARSON, ET AL.,
Plaintiffs-Petitioners,

v.

BRIAN KEMP, ET AL.,
Defendants-Respondents

On Certified Order from the United States District Court
for the Northern District of Georgia, Atlanta Division,
No. 1:20-cv-04809-TCB

PETITIONERS' APPENDIX (VOLUME IV)

Sidney Powell
Counsel of Record
SIDNEY POWELL PC
2911 Turtle Creek Blvd., Suite 300
Dallas, TX 75219
(214) 717-1775
sidney@federalappeals.com

L. Lin Wood
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
(404) 891-1402
lwood@linwoodlaw.com

Counsel for Plaintiffs-Petitioners. Additional counsel listed on the next page.

Harry W. MacDougald
CALDWELL, PROPST & DELOACH, LLP
Two Ravinia Drive, Suite 1600
Atlanta, GA 30346
(404) 843-1956

Howard Kleinhendler
HOWARD KLEINDLER ESQUIRE
369 Lexington Avenue, 12th Floor
New York, NY 10017
(917) 793-1188

Counsel for Plaintiffs-Petitioners

INDEX TO APPENDIX

Filing **Docket No.**

Volume I

Docket sheets

Complaint with attachments D1

 Briggs Paper D1-1

 Redacted Affidavit D1-2

 Declaration of Ana Mercedes Diaz Cardozo D1-3

 Declaration of Harri Hursti D1-4

 Various Materials D1-5

 Email from Samantha Whitley Part of D1-5

 Official Election Bulletin Part of D1-5

 Declaration of J. Alex Halderman Part of D1-5

 Supp. Declaration of Kevin Skoglund Part of D1-5

 Declaration of Harri Hursti Part of D1-5

 Filing Notice re: Redacted Dominion

 Lab Report Part of D1-5

 Redacted Dominion Voting

 Lab Report Part of D1-5

Volume II

Attachments to Complaint (continued)

 Various Materials (D1-5, continued)

 Transcript of Court Proceedings Part of D1-5

 Dominion Certification by Ga. Secretary of State D1-6

 Dominion Voting Systems Test Report D1-7

 Election Law Journal Article D1-8

 Redacted Declaration D1-9

 Affidavit of Russell James Ramsland, Jr. D1-10

 Affidavit of Mayra Romera D1-11

 Affidavit of Amanda Coleman D1-12

 Affidavit of Maria Diedrich D1-13

 Affidavit of Ursula V. Wolf D1-14

Volume II (continued)

Attachments to Complaint (continued)

Affidavit of Nicholas J. Zeher D1-15
 Affidavit of Susan Voyles D1-16
 Affidavit of Ibrahim Reyes D1-17
 Affidavit of Consetta S. Johnson D1-18
 Affidavit of Carlos E. Silva D1-19
 Affidavit of Andrea O’Neal D1-20

Volume III

Attachments to Complaint (continued)

Affidavit of Debra J. Fisher D1-21
 Affidavit of Kevin P. Peterford D1-22
 Exhibit A Part of D1-22
 Exhibit B Part of D1-22
 Texas SOS Report on Dominion D1-23
 Maloney Letter to Paulson D1-24
 Affidavit of Juan Carlos Cobucci D1-25
 Letter of Sen. Warren, et al. D1-26
 Declaration of Eric Quinnell D1-27
 Affidavit of Mitchell Harrison D1-28
 Affidavit of Michelle Branton D1-29

Emergency Mtn. for Temporary Inj. ReliefD6
 Declaration of Shiva Ayyadural D6-1
 Joint Cybersecurity Advisory D6-2
 Proposed Order D6-3

Notice of Filing Redacted DeclarationD7
 Redacted Declaration D7-1

Order Granting in Part Mtn. for Temp. Inj. Relief.....D14

Certification Order Under 42 USC §1292(b)D15

Entry of Appearance by Counsel for DefendantsD16

Volume III (continued)

Amended Certification Order Under 42 USC §1292(b).....D22

Notice of Filing of Affidavit.....D

Notice of Emergency Interlocutory Appeal.....D32

Stay OrderD37

Volume IV

Affiant A..... Pages 1-5

Affiant B..... Pages 6-7

Affiant C..... Page 8

Affiant D..... Page 9-12

Affiant E..... Pages 13-14

Affiant F..... Pages 15-16

Affiant G..... Pages 17-19

Affiant H..... Pages 20

Affiant I..... Pages 21-22

Affiant J..... Page 23

Affiant K..... Page 24

Affiant L Pages 25-26

Affiant M..... Pages 27-28

Affiant N..... Pages 29-30

Affiant O..... Pages 31-53

Affiant Q..... Page 54

Affiant R..... Pages 55-57

Affiant S..... Pages 58-66

Affiant T Pages 67-69

Affiant U..... Page 70

Affiant V..... Page 71

Affiant W..... Pages 72-74

Affiant X..... Pages 75-78

Affiant Y..... Pages 79-81

Affiant Z..... Pages 82-92

Affiant AA..... Pages 93-98
 Affiant AB..... Pages 99-100
 Affiant AC..... Pages 101-104
 Affiant AD..... Pages 105-106
 Affiant AE Pages 107-113
 Affiant AF Page 114
 Affiant AG Pages 115-116
 Affiant AH..... Pages 117-118
 Affiant AI Pages 119-128
 Affiant AJ Pages 129
 Affiant AK Pages 130
 Affiant AL Page 131
 Affiant AM..... Page 132
 Affiant AN Pages 133-135
 Affiant AO.....Pages 136-139
 Affiant AP..... Pages 140-142
 Affiant AQ.....Pages 143-144
 Affiant AR Pages 145-148
 Affiant AS Pages 149-156
 Affiant AT..... Pages 156-157
 Affiant AU Pages 158-159
 Preservation Email from Sidney Powell RE Case No 20-CV-04809-
 TCB..... Pages 160-177
 Request for Evidence RE Case No 1:20-CV-04651-
 SDG..... Pages 178-182
 Civil Action File No 1:20-CV-4809-TCB
 Pages 183-221
 Tweet from Congressman Hice Regarding State Farm
 Arena..... Page 222

CERTIFICATE OF SERVICE

I hereby certify that on **December 3, 2020**, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system.

A true and correct copy of the foregoing will be emailed to the following counsel:

Charlene S. McGowan

cmcgowan@law.ga.gov

Russell D. Willard

rwillard@law.ga.gov

Counsel for Defendants-Respondents Brian Kemp, Brad Raffensperger, David J. Worley, Rebecca N. Sullivan, Matthew Mashburn, and Anh Le.

Adam M. Sparks

sparks@khlawfirm.com

Halsey G. Knapp, Jr.

hknapp@khlawfirm.com

Susan P. Coppedge

coppedge@khlawfirm.com

Adam M. Sparks

sparks@khlawfirm.com

*Counsel for Proposed Intervenor-Defendants
Democratic Party of Georgia, Inc., DSCC, and DCCC.*

/s/ Sidney Powell

State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

On November 3, 2020, I was working as a credentialed Republican poll watcher at the EMa New Griswoldville Baptist Church located at 3023 Trull Place in Macon, Georgia, 31211. The first concerning issue that I observed was that poll workers made selections on the voting screen for the voter; by 7:30 a.m., I made a note that "Peter [a poll worker] is way too involved with voters at the machines." This behavior continued throughout the day. A conservative estimate is that poll workers selected candidates on the ballots for voters 12 times; for at least one voter, at 2:50 p.m., I observed the poll manager Lastacia Evans complete the entire ballot on the voting machine. I was seated in a location where all of the selection screens were facing me, and I could see the workers touching the machines.

A second issue was non-poll workers assisting others in voting or voting for them. At 9:25 a.m., two women were at machine #1, and one of the women was making selections on the screen for the voter. At 1:50 p.m. on machine #2, there were two individuals at one machine. One individual (a woman) was pointing to candidates on the screen and instructing the voter to select those individuals. At 2:40 p.m., at machine #10, a middle-aged woman was making selections on the screen for a younger voter. The woman actually voted on machine #9. At 5:28 p.m., on machines #7 and #1, there were two voters who each had another individual beside them making their voting selections. At 5:48 p.m., on machine #4, a middle-aged man came in and as he was checking in at the counter, he asked if he would be able to get help with the voting machine. A woman in a Biden/Harris shirt came in, walked with the man to the voting booth, and inserted his voter card into the machine. The woman voted FOR the man. The woman did not obtain a card to vote for herself. These are the most egregious examples, but individuals making selections on the voting screen for voters occurred multiple times per hour, NONE of the voters or accompanying individuals filled out any paperwork to document who they were, how they were related to the voter, or why they were voting for the voter; only 3 people asked for permission or help voting and the rest simply voted.

A third issue was voters coming to the precinct to vote when they had requested an absentee ballot. I observed 21 individuals who came to vote in person and the poll workers stated that the voter had received an absentee ballot; each of the 21 voters stated that he or she either hadn't voted, hadn't brought their absentee ballot with them, or hadn't received their absentee ballot. For all but one person, I observed the poll manager fill out a affidavit card with the voter; however, she only called in 3 of those voters names to the Board of Election for verification that they were eligible to submit a ballot (the first three in the morning) before allowing them to vote. All of the individuals voted on the voting machines, not on paper ballots. At 3:55 p.m., I observed one individual who voted on the voting machine before he even signed the affidavit.

The final count that I was given by the poll manager was 383 votes on the machines and 1 paper ballot.

I have attached 4 Exhibits to this Affidavit—my original notes.

I know and understand the contents of the statement above; and I do swear or affirm the statement to be true. Today's date is November 10, 2020

[REDACTED]
(PRINT YOUR NAME HERE)

ADDRESS [REDACTED]

TEL./CELL [REDACTED] FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS THE 10th day of November, 2020.
Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



Poll Watcher Incident Report: Please Print in Blue or Black Ink. EMAIL TO GAEDO@DONALDTRUMP.COM

DATE OF INCIDENT	COUNTY	ELECTION WATCHER NAME	PHONE/EMAIL
11/3/2020	Bibb	[REDACTED]	[REDACTED]
LOCATION NAME	LOCATION ADDRESS	LOCATION CITY	
New Groundville Baptist church EM4	3003 Truit Pl. Macon, GA 31211	Macon	
ISSUE(S)	BRIEF SUMMARY OF INCIDENT		
	Poll manager Lastacia Evans; Voters + poll workers helping voters without submitting their information. Person allowed inside with campaign materials. Poll worker using his phone on the poll floor.		
TIME	INCIDENT FACTS - DETAILED DESCRIPTION		
7:18	Peter, a poll worker, was touching a voters machine and selecting multiple buttons. I was unable to hear any conversation but he was located at machine 6.		
7:20	A man and woman came in together to vote. The woman was selecting votes on the man's screen, Machine 8.		
7:30	Peter is helping another voting, touching the machines, he is way too involved with voters at the machines.		
7:50	Voter claimed his card stated that someone already voted with that card. Poll manager issued him a new card.		
9:25	Another lady is helping a voter by touching buttons on her screen, Machine 1.		
9:32	When I attempted to relocate myself closer to the ID table I was told I could not wander around and had to be seated in my designated chair. I let the poll manager know I could go anywhere on the poll floor including in view of the ID process so long as I was not interfering with voters + workers. She concurred and let me move.		
10:35	Peter was on his smart phone on the poll floor while 2 people were voting. This happened on another occasion later in the day.		
10:49	Voter, Peter Smith Tru, said his listed address was incorrect. He signed for his voter card and voted. After voting the poll manager allowed the voter to change his address.		
1:50	Two people were at the same machine. One person was showing the other person who to vote for, and she was selecting pointing to specific candidates on the screen. The woman helping did not vote. Machine 2.		
2:40	A woman was helping a younger man vote select votes on the machine, Machine 10. The woman then voted on Machine 9.		
3:55	A man voted before the signing his absentee ballot affidavit.		
5:28	Opp machine 1 + 7 both voters have people helping them + selecting their votes on the screens.		
5:45	Lady with Biden/Harris shirt came into the polls to help a man. She grabbed his voter card, inserted it into the machine, and voted FOR the man.		
7:50	The poll manager was selecting votes for a woman who said she could not see the screen. Continued →		

I affirm/certify under penalty of perjury under the laws of this state that the information I have provided in this document (and any attachments) is true and correct to the best of my knowledge and belief. Executed on November 4th 2020 at Macon, GA (State).



Poll Watcher Incident Report: Please Print in Blue or Black Ink. EMAIL TO GAEDO@DONALDTRUMP.COM

DATE OF INCIDENT	COUNTY	ELECTION WATCHER NAME	PHONE/EMAIL
11/3/2020	Bibb	[REDACTED]	[REDACTED]
LOCATION NAME		LOCATION	
New Grubbsville EMU		Macon	
ISSUE(S)	BRIEF SUMMARY OF INCIDENT		
TIME	INCIDENT FACTS - DETAILED DESCRIPTION		
7:15 am.	Absentee voter came in card did not bring absentee ballot.		
	Poll manager - Stacey, made a call to secret to do.		
	Made voter fill out an affidavit.		
7:18	Peter, a poll worker was touching a voter's machine and selecting buttons.		
	I was unable to hear the conversation. 5th machine in from right.		
7:20	3rd machine in from right a lady was helping a voter voter. She was not a worker but was selecting votes on his screen. Man was in walker grey pants woman in green pants. Both had a black coat. Left machine @ 7:25		
7:30	Peter's WAY to interact with voters @ the machines.		
7:50	Voter said his card stated someone had already voted on that card. Poll manager, Stacey, was informed and voter was issued a new card.		
9:25	Lady helping a voter + touching buttons on her screen, Machine 1.		
9:50	I was told I could not roam around by poll manager when I attempted to stand by ID table to ensure proper checking. →		

I affirm/certify under penalty of perjury under the laws of this state that the information I have provided in this document (and any attachments) is true and correct to the best of my knowledge and belief. _____, at _____ (State).

USCA11 Case: 20-14480 (738 F.955) 2/04/2020 Page: 12 of 229
Poll Watcher Incident Report: Please Print in Blue or Black Ink. EMAIL TO GAEDO@DONALDTRUMP.COM

DATE OF INCIDENT	COUNTY	POLL WATCHER NAME	PHONE/EMAIL
11/3/2020	Bibb	[REDACTED]	Phone: mail:
LOCATION NAME	LOCATION ADDRESS	LOCATION CITY	
New Gravelville E.M. 4		Macon	
ISSUE(S)	BRIEF SUMMARY OF INCIDENT		
TIME	INCIDENT FACTS - DETAILED DESCRIPTION		
10:14	Issue with young voter's ID. Stacey was called to check-in. She was signing & doing work on the check-in screen. Voter was able to vote.		
10:33	Voter was on his phone out in the open at the polling station. There were 2 people @ the polls during that time.		
10:49	Voter Robert Lee Smith Jr. said his address was wrong. Let him change address after voting comment and submitting ballot.		
11:05	Voter was issued an absentee ballot & he did not bring it. He claimed all of his mail goes to his mother's house. Poll manager Stacey issued him a new ballot after he signed an affidavit. Seems like his address was wrong?? 11:22 Stacey had to issue ballot & check-in.		
11:40	Voter told to go elsewhere to vote. Stacey pulled out paperwork & was sent to personal ballot booth. Stacey was filling out orange slip & needed voter's ID. One poll worker was standing & nearby the voter in the booth. Was later joined by another poll worker.		
12:00	Voter was issued an absentee ballot & he did not bring it. He claimed all of his mail goes to his mother's house. Poll manager Stacey issued him a new ballot after he signed an affidavit. Seems like his address was wrong?? 11:22 Stacey had to issue ballot & check-in.		
1:50	Machine two. There were two voters @ the same machine. One voter was showing the other who to vote for. She was pointing to specific candidates on the screen. The other woman helping did not vote.		
2:40	Machine 10 a woman voter was helping another younger voter with his selections on the machine. The woman then voted on machine 9.		
3:53	Gentleman voted before he signed his missing absentee form.		
5:28	Machine 7 & Machine 1 both have people helping them & selecting their vote on the screen.		
5:45	Machine #4 lady with Biden/Barris shirt came into polls to help a voter & voted FOR him.		

I affirm/certify under penalty of perjury under the laws of this state that the information I have provided in this document (and any attachments) is true and correct to the best of my knowledge and belief. Executed on _____, at _____, (State).

[REDACTED]

State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

Throughout early voting and on election day, I was a credentialed poll watcher designated through the Bibb County GOP. I watched at the polls on October 13, 14, 16, 20, 21, 24, 29, and November 3, 2020. The following issues were observed by me in my official capacity.

On October 13, I was at the Elaine Lucas Senior Center. After showing the poll manager, [REDACTED] my credentials and letter, and then I checked the absentee ballot box because [REDACTED] another poll watcher, asked me to confirm that it had been sealed. As of 9:57 a.m. when I checked the box, it was not sealed on the back side. I pointed it out to [REDACTED] and she then placed the second seal.

I asked for a count from the polling machines and tabulators, and [REDACTED] told me that her supervisor told her she did not have to give me that information and she would not give it to me.

I was told to sit in a location where I could not see much of what was going on based on how my chair was positioned. I observed the poll workers going into the voting booths with many voters. I couldn't tell if they were voting with or voting for those people, but it happened many times. Repeatedly, I observed the election workers did not actually check the ID presented by the voters – they never looked up to confirm that the identity on the card matched the person.

I observed that when voters would come into the polls with absentee ballots, they would take them up to whatever registration station was available, and the absentee ballot would be given to the poll worker at that station, who would pile up the absentee ballots on the table beside them. At 11:55 a.m., I observed [REDACTED] to collect ID papers and absentee ballots from the stations; those ballots had been sitting out on the tables, openly accessible. She would carry all of the absentee she collected to another table where she would go through them. I observed that she did not stamp every one of the absentee ballots. She would carry them all to the table where she had a canvas "Secure the Vote" bag, a tote bag which had no zipper or buttons and no way to secure it. She would lay the ballots down, then get busy on something else. Eventually, she would come back and shove the ballots into the bag, then leave the table again. This happened repeatedly through the day. I called the voter hotline when I was seeing this happen.

At 12:20 pm, I requested a machine count from [REDACTED]. At the time, there were no voters in the precinct. But I was told by [REDACTED] that her supervisor said I couldn't have them.

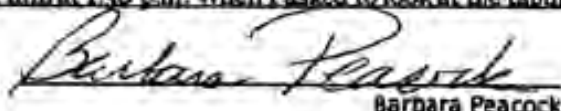
At 1:25 pm, while [REDACTED] was at lunch, an incident occurred. Previously, Barbara told me that I WAS NOT ALLOWED TO TALK TO THE POLL WORKERS. A woman walked in and went over to one of the poll workers with her absentee ballot. He opened her absentee ballot and inspected it. The woman asked to have her absentee ballot sealed and spoiled in front of her before she voted on the machines. Dianne Glover, a poll worker who was assigned to the tabulator, walked over to the table, and took the ballot back out of the envelope, looked at it, put it back into the envelope, and the voter told her, "I would like for my ballot to be sealed and stamped so I can go vote." I got up, walked over, and told Ms. [REDACTED] what the woman wanted was to have her ballot sealed so that her information was protected before she went to vote. [REDACTED] put her hand in my face, yelling at me, "Get back, get back, you're not supposed to be over here!"

I said, "She wants it taped and stamped." I stood there until she got the tape, then I proceeded outside and got the hotline.

At the end of the day, at 5:30 p.m., I requested a final count for the day, but I also headed over toward the machines to check the count myself. I was able to see that there were 19 votes on the first machine, but [REDACTED] blurted out that I was not supposed to go over there, and Barbara Jackson repeated that "you cannot do that," and at that point, I left.

On October 14, I spoke to a lawyer who informed me that I had done nothing wrong in the previous day by speaking to a poll worker. I went to the Board of Elections on Pio Nono Ave. for the day. [REDACTED] told me that if I had some sort of problem, I should come directly to her.

A man came in and showed [REDACTED] some form of "badge," and he was allowed to look at the tabulators while they were in use. He then went outside and was inspecting the absentee box and took pictures of it. He then went and was talking on the phone to someone, and I took a picture of him at 1:50 p.m. When I asked to look at the tabulators, I was told



Barbara Peacock

an issue. There was a lot of loud talking in the hallways and around the voting center, and the poll workers were not helping the voters. There was also an advertisement in the voting room for a fall festival sponsored by a candidate on the ballot, and I had to ask the poll workers to remove it. Eventually, I had to ask for the poll workers to return to helping the voters who needed help.

At 3:58 p.m., a voter came in and filled out an absentee ballot and voted with it. I overheard her say to someone else that she had already voted at the Board of Elections on Pio Nono.

Again, I was not allowed to see the tabulator totals.

On October 29, 2020, I arrived at Elaine Lucas Center at 3:42 p.m., and the absentee ballot box was not secured on one end. I was told to sit where I could not observe if anyone interfered with the ballots. Around 4:10 p.m., a woman who I presumed to be from the Board of Elections came with a man. Their ID badges were not visible, but they were people I have never seen before. They were taking the unsecured ballots and voter registration information cards to a back room where there were no Republican watchers and I was not allowed to observe what they were doing with those ballots.

Late in the afternoon, a man and a woman were at the voting machines. The man was leaning back, watching the woman beside him, who he did not come with and did not appear to know, enter her ballot. None of the poll workers addressed it or corrected him. Around 5:10, I observed a poll worker voting while still wearing her poll tag. Shortly thereafter, a woman and her son came in, and son had the woman's absentee ballot. She voted in person, then handed her ballot to her son, who laid it on a table. She almost left without her ballot being cast into the tabulator, and none of the workers stopped her. I pointed out to her that her ballot was lying on the table.

At 5:30 p.m. on October 29 was the first time that I had observed Barbara Jackson to use a secured bag to package up the absentee ballots. Every other day, what I observed was her using unsecured canvas bags to transport the ballots.

On November 3, 2020, I working at a precinct on Jeffersonville Road. I was not allowed to look at the tabulators to see if the starting numbers were zero. Again, I was told that I did not see or get the numbers. Some of the workers who were from the Elaine Lucas Senior Center were now working there. Before I arrived, the securing tapes on the machines and tabulators had already been removed at 5:30 a.m. The precinct manager, Rasra Brown, said that she hoped there would be no problems today - and she was very clear in her tone that she meant ME not "making problems." When there were issues in the precinct, [REDACTED]

Voting at the precinct began at 6:57 a.m. Throughout the day, I observed irregularities in voting similar to the ones that had previously been observed by me. At 8:00 a.m., a worker voted at the precinct. It's unclear that it was the right precinct or that the worker was even registered. At 9:04 a.m., a man said he didn't get his absentee ballot but the computer showed he had voted. The poll worker made a phone call, then allowed him to vote on a regular ballot. This happened many times, that the computer showed someone had already voted on an absentee ballot, the person said they had not, and so the poll workers had them sign an affidavit and then vote on a machine. Again, on voting day, I was not allowed to look at any of the numbers on the tabulators. The only way I was able to get the numbers was off of the door.

I know and understand the contents of the statement above; and I do swear or affirm the statement to be true. Today's date is 11-14-2020

Barbara Peacock
(PRINT YOUR NAME HERE)

FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFOR ME
THIS THE 14th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



Barbara Peacock
Barbara Peacock

State of Georgia
County of Crawford

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

On October 19, 2020, during early voting in Bibb County, Georgia, I was in the parking lot of the Bibb County Board of Elections Facility on Pio Nono Avenue in Macon. Early voting hours ended at 5:30 p.m., and I arrived in the parking lot at approximately 6:00 p.m. and remained in the parking lot until approximately 8:30 p.m.

At approximately 7:00 p.m., a black or dark blue Toyota Camry with a Georgia Tag RDE3839 with two occupants inside pulled in the parking lot. The vehicle parked and a passenger exited the vehicle while the driver remained inside. The passenger was carrying a large black bag resembling a shopping bag (a rectangular-in-shape, thick paper shopping bag with loop handles at the top) and a backpack was slung over one shoulder. Both bags were obviously bulging. After standing at the door to the Board of Elections looking inside and knocking on the glass for several minutes, the door was unlocked and opened from inside the building and the person carrying the bags went into the building, remaining in the building for approximately fifteen minutes. During this time, I took a picture of the license plate of the vehicle. At around 7:15 p.m., the individual exited the building, no longer carrying the shopping bag, and with the backpack, now obviously empty, being carried by hand. The individual returned to the front passenger side of the vehicle, got in, and the Toyota drove away.

() CHECK IF STATEMENT IS CONTINUED ON NEXT PAGE

I know and understand the contents of the statement above and I do swear or affirm the statement to be true.

Today's date is 11/10/2020

Clifford R. Howard
(PRINT YOUR NAME HERE)

FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS THE 10th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



**AFFIDAVIT OF DAVID CROSS HERE IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

I, [REDACTED] declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.
2. I attended the 2nd Georgia election recount at The Georgia World Congress Center on Wednesday, November 24th, 2020.
3. I identified 9 ballot transport bags that were not secure and were missing their security zip tabs.
4. The ballot transport bags without security tags are as follows:

12J	08 B/C	07 C
08 D	12 KIN or 12 K/N	07 A
AP 05 (zero 5)	12 F	10K 11H

5. Ballot transport bag 10K 11H is shown below with no security tags and a close-up is shown below the first picture.



6. I notified 3 other official recount witnesses about the unsecure ballot transport bags and walked them over to the area where they are stored. When I approached the ballot transport bags, I used my foot to point to one of the bags that had no

security tag. I was immediately accused of touching the bag and told that I must leave.

7. I notified a member of the press, [REDACTED] and her photographer about the unsecured ballot transport bag, told them I was being asked to leave, and I asked them to document the unsecured bag.

8. Officer [REDACTED] and [REDACTED] were summoned to escort me out. Before we left, I showed both officers the unsecured ballot transport bag.

9. Photographs were taken (the photo above) and I made a statement to the reporter.

10. A news story was made and is accessible here


https://www.ntd.com/security-concerns-during-georgia-recount_532930.html

[SIGNATURE AND OATH ON NEXT PAGE]

I declare under penalty of perjury that the foregoing statements are true and correct.



STATE OF Georgia
COUNTY OF Gwinnett

 appeared before me, a Notary Public in and for the above jurisdiction, this 27th day of November 2020, and after being duly sworn, made this Declaration, under oath.

[Affix Seal]

Shawn H Cross
Notary Public

My Commission Expires June 29, 2021



AFFIDAVIT

I, [REDACTED], being first duly sworn, do hereby state under oath and under penalty of perjury that the following facts are true:

I worked as a Trump Victory Team Field Organizer, deployed from Florida to Georgia to observe ballot processing during the 2020 Presidential Election. I witnessed in Dekalb County, GA many irregularities. As the poll workers received the mailed ballots from overseas voters, I witnessed the poll workers duplicating the ballots. At each of four table there were 3 poll workers. One opened the mailed envelopes, one duplicated the ballot onto a new ballot, and the third would put ballots together into a tray. In the attached picture I observed poll workers writing and marking the original mailed ballots, and then reading the results of what she marked to the person duplicating the new (blank) ballots. Also, pictured in the attached picture was a poll worker using multiple different types of pens to mark the new ballots, some of the pens being the felt-tipped pens that cause the ballots to bleed through. There was no supervisor/monitor in the room as these things were occurring. When a monitor did finally come into the room, I spoke to her, and she refused to address these issues or even inquire with the people manipulating the ballots. This occurred at 1300 Commerce Drive Decatur, GA 30030.

FURTHER AFFIANT SAITH NOT

Respectfully submitted,

[REDACTED SIGNATURE]

11-10-2020
Date

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me by Elizabeth Maclean, who is personally known to me as identification and who executed the foregoing and who has acknowledged to and before me that she executed the same freely and voluntarily for the purposes therein expressed.

IN WITNESS WHEREOF, I have set my hand and official seal, this 10th day of November, 2020.


NOTARY PUBLIC



William B. Price
Comm. #HH060059
Expires: Nov. 3, 2024
Bonded Thru Aaron Notary



State of Georgia
County of Crawford

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

I was a poll watcher for early voting at the Elaine Lucas Senior Center polling location in Macon, Georgia, on October 13, 21, 22, 2020. I observed that there was an absentee ballot drop box on a desk in a location accessible to voters, poll workers, or any passersby. The absentee ballot drop box was only sealed on one end; the other end had no seal and could be opened by anyone to access the absentee ballots. At times, the box was completely unmonitored when the person who was working that area left the area to help others. These ballots were not the "spoiled" ballots; I observed the poll manager receiving the absentee ballots brought in by voters who voted in person on voting machines. The poll manager marked the outside of the ballot envelope with a red stamp and place those ballots into an open-top canvas bag marked with "Secure the Vote," which had no zipper, buttons, or other mechanism to actually secure the ballots.

The poll manager had TWO identical "Secure the Vote" bags; she put the spoiled absentee ballots in one of the bags and she put completed (voted on) absentee ballots in the other. Neither bag was secured. On October 13, 2020, at 5:30 p.m., I observed the poll manager, [REDACTED] open the lockbox of completed absentee ballots and remove the ballots. [REDACTED] and two other poll workers were standing in such a way that I could not see the ballots going into the bag, but later, I asked Barbara what happened to the ballots and she told me that one poll worker delivered them to the Board of Elections—in the unsecured canvas bags. On October 21 and 22, I waited outside and took pictures of the lone poll worker taking the ballots in the unsecured canvas bags in their personal vehicle.

I asked on October 21 and 22 to see the end of the day vote count on the voting machines and I was not allowed to see them.

While I was working as a credentialed poll watcher, on November 3, 2020, at the Covenant Life Cathedral Church, 4543 Bloomfield Road, Macon, there were two Democrat poll watchers, one from DeKalb County, Georgia, who was outside, and from Los Angeles, California, who was inside. The poll watcher from California had no credentials or badge, and she stated that she never got a badge.

One voter inserted her voting card into the voting machine, and she received an alert that she had already voted. Without making any telephone calls, completing any paperwork, or doing anything else to verify her voting status, poll manager Nathan Foster instructed poll workers to "fix" her card. The voter returned to the voting machine and voted.

Affidavit continues on page 2.

I know and understand the contents of this affidavit and the facts stated herein are true. Today's date is 11/10/2020

Janet Carter
(PRINT YOUR NAME HERE)



ADDRESS: 1865 Sandy Point Road, Knoxville, Crawford County, Georgia 31050

TEL./CELL: 478-447-2080

FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS THE 10th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



Janet Carter Affidavit

Page 2

Two voters came in with uncompleted absentee ballots in their hands and presented them to the poll manager, and after some uncertainty about how to handle the situation, he took the ballots and tossed them into a wire basket on a shelf behind the table, and a bag was placed on top of them. The individuals voted on the machines, and their absentee ballots were left unsecured for many hours.

Multiple times, I observed poll workers helping voters at the voting machines without filling out any documentation of who was help, by whom, or why the voter needed help.

Three men stood outside the polling precinct on voting day. Two of them were wearing "Election Protection" shirts, and one of them was wearing a "Fair Fight" shirt. These men remained within 25 feet of the building, at times the one in the "Fair Fight" shirt was actually sitting on the building.

At the end of voting day, when we were waling out of the building, I asked the poll manager where the provisional ballots were (4 were cast), and he said forgot to get them. He went back into the building, came back out, and still did not have the ballots. It was unclear what happened to the ballots.



State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

I began working at the Bibb County Board of Elections on October 27 through November 3, 2020, as an employee at the Board of Elections office on Pio Nono Avenue in Macon. I was part of the Ballot Review Panel, however, we did not start this process until Thursday, October 29th.

From Tuesday the 27th until Thursday the 29th, I worked with others. I opened, separated, counted, and sorted absentee ballots; we separated clean ballots from ballots with discrepancies. Once I (and people working with me) finished opening and separating the ballots from their envelopes and separated the ballots into those with discrepancies and those with no problems. The bulk of the ballots were stored outside, in an unsecured area, and trays were taken to the back as needed. I was informed that Board of Elections employees began processing absentee ballots on October 19, 2020, before the VRP were requested to come in.

On Tuesday through Thursday, Democrat representatives repeatedly tried to get me thrown out of the process for trivial reasons, such as because I didn't have my mask covering my nose while drinking coffee; this created a hostile environment and almost resulted in me getting removed, until Jeanetta Watson realized that her other employees were not wearing their masks "properly," and the effort to get me ejected because of my mask stopped. Jeanetta told them "I can't kick him out if you're going to do the things I'm kicking him out for," and it ended.

I continued working, and on Thursday afternoon around 4, the VRP began scanning the absentee ballots into the Dominion scanners. One of the scanners was kicking out every ballot for "replication" and it took two and a half hours to get through one batch of fifty ballots. During the scanning, we ran across a ballot with SPOILED written across the entire ballot in big letters, in red marker; I said it was spoiled and shouldn't be counted, while the Democrat and the county worker, Angela, insisted it should be counted and they counted the vote for Biden and Ossoff. Biden and Ossoff were the ONLY TWO selections entered on the ballot. The Democrat and county worker were arguing for why the ballot should be counted, where I was arguing that it was very clear that the ballot should be spoiled.

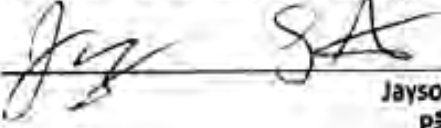
I observed that when the ballots come into the board of elections from the post office, they were taken to a back room where there is no Republican witness. The addresses and precincts from the outside of the ballot are supposed to be compared with the voter records, but no one is able to observe that process take place and the ballots are not seen by Republicans until they are brought out to the table. There is no record of how many ballots come into the Board of Elections back office and how many are brought out to be counted.

I observed that when we completed the process of opening the ballots, separating the ballots from the envelopes, and separating the ballots into those with problems and those without problems, the "good" ballots are again taken to a back room where there is no Republican witness to watch as the ballots are separated into bundles of 50 ballots.

On Thursday, we only made it through scanning one batch of 50 ballots. At 6:30 p.m., I had to leave. They stopped counting ballots because of the ongoing trouble with the machines, and on Friday, when I returned to the Board of Elections, they said we would scan more ballots later. I was given more absentee ballots to open and separate. No scanning took place on Friday, and I was told there would be no scanning through the weekend. I asked Jeanetta Watson, Bonnie, and Angela, and they all said that there would be no scanning through the weekend. The ballots were left under the tables or behind the screen in the corner of the room.

I observed that every night, the board of elections employees would put all of the ballots in a plastic US mail crate, set another US mail crate upside down on top of the box of ballots, and either slid the mail under the counting table or set them on a rolling cart behind a rolling partition. At no point were the absentee ballots stored overnight in a secured bag or in a locked room. From the first day that I worked there, this is how the ballots were stored. Twice, I arrived at the Board of Elections before anyone else, and I could plainly see through the glass that the ballots were stored under the table.

On Monday, an "expert" from Atlanta arrived and we began re-scanning ballots. The machine that was broken on Thursday was still not working, it was kicking out almost every ballot for replication errors. Work was delayed again and another expert came down from Atlanta. After a great deal of consternation, they determined there was a scratched lens. No one had checked for this. Another new machine had to be sent from Atlanta. It does not appear that any of these machines were calibrated or checked for validity.


Jayson Stone
P31e 17/3

Later on Monday, [REDACTED] demanded that we run the piles of ballots with discrepancies, even though we already knew that there were issues with those ballots.

On Monday, during the process of replication and adjudication, I had to battle with the Democratic representative because she used any excuse to try to find that it was a vote for Biden even when it was clearly a "NULL" vote.

On the Friday before the election, I was working. Early voting had just ended and Bonnie came out with a spreadsheet that she was sending to the Secretary of State's office. I was able to look at the spreadsheet. It showed that 21,026 absentee ballots were sent out by all vendors, including state and military. Bibb received approximately 19,112 absentee ballots back. It showed that there were 33,803 in person early votes, for total of 52,915 early votes. I reported this information to Calvin Palmer, Bibb GOP chair, who stated that Jeanetta Watson reported to him that 33,000 absentee ballots were sent out.

On Tuesday, November 3rd, one of my observations was that there were 5 occasions of someone coming in with between 20 and 30 ballots and place them in the absentee ballot box outside the building. I found this peculiar because during the time we were opening ballots and inspecting them for irregularities, I found numerous stacks of ballots that all of the same selections and they were filled out identically. (For instance, one of the sets of ballots was all filled out in teal ink; on another, everything was filled in with tiny X's instead of bubbling.) These were always ballots selecting Biden. When I raised this as a possible issue, Jeanetta, Angela, and Bonnie all dismissed my concerns and stated they must have come from one family or one nursing home. However, since the envelopes were separated from the ballots, there was no way for me (or anyone else) to verify that all the ballots came from a nursing home or one address.

Early on Friday, November 6th, Todd Tolbert, Attorney Alisha Weeks, and I were together and Jeanetta Watson came out and announced that "We received 25,000 absentee ballots."

I said to her, "So you sent out 21,000 absentee ballots and you received 25,000 absentee ballots back. Wow, that's an amazing turnout."

She said, "Yes, what a great turnout."

I looked at the attorneys in the room, and they smirked. Jeanetta admitted to receiving back more absentee ballots than she claimed were sent out.

Later, I worked with the provisional ballots. I opened ballots, separated them from their envelopes, and then they were removed to the back office. Again, I was not allowed to observe what was happening in the back office. When the ballots were returned to the front, I scanned them, following the same procedure as previously. I also worked on military ballots. We had to replicate all of the military ballots. Again, any opportunity to dispute the vote and try to switch from Trump to Biden, they would try to do it.

On Friday, November 13, 2020, I was present at the Bibb County Board of Elections for the Risk Limiting Audit as a Republican Representative Monitor. Per the diagram of the Secretary of State Office, there were four tables set up. There were several Republican monitors present. We watched a video from the SOS detailing the procedure to be followed. Shortly after the video, Jeanetta had two more tables set up, then quickly added two more tables, for a total of eight. I asked if we would be allowed more monitors, and she said no because the SOS instructions said two. I responded that the SOS also said there would be 4 tables, not 8. She refused to add monitors.

As the counting began, I pointed out that the counters were making mistakes; for instance, a Trump ballot was put in the Biden pile. When I said something about this, Jeanetta got angry and said I was not allowed to speak to the counters. We disagreed about how to handle it. I also observed that the counters did not fill out the documentation that the SOS provided. Again, I got in trouble for bringing up that they were not following directions.

I began watching again, trying to keep an eye on 4 tables. I saw errors, and they continued to reprimand me for speaking out loud, but there was no better system for pointing out a mistake. Once the batches were starting to be completed, they moved them to a table where they were being entered into the computer, the ARLO system. The other watcher, Katie, and I realized that we needed to watch the person entering the numbers into the computer to make sure that they matched what was on the paper. We asked for a third monitor to watch what was being entered. We decided to have one of us watch the computer and the other to watch the eight counting tables.

Jeanetta told us that we could watch the data entry, but we had to be six feet away. The computer was set in a corner and we were told to stand to the side of the computer table, and try to see over a large stack of papers that blocked our view of the papers and the computer screen. Katie tried her best to see what was being entered into the computer.

With 8 tables of counters and one computer entry, ballots backed up significantly. This created a great deal of tension.

About an hour before lunch, one of the employees said to me that I had to go sit down and let some other people in. I asked what she was talking about, and she said that I had to let another person come and monitor. The BOE had no authority to determine how long an individual monitor can be present, but she was insistent that I needed to sit down and stop monitoring.

I went outside and called Calvin Palmer and explained to him that they didn't want me monitoring them; I felt this was because I was finding errors. Calvin suggested that I return as an observer and just sit and watch people. That's when I realized that the monitors who were there had not seen the video and they didn't know what to be looking for, so they were missing things.

We all stopped for lunch. When I returned, I went back to the counting section and took my previous placement to watch the counting. Jeanetta told me, "Mr. Stoane, you have to leave the area and go sit down to allow other people in." TO BE CLEAR: NO Republicans were raising this issue.

I said, "That's not true. I was sent here by the GOP office, and I am allowed to be back here as long as I wish."

Jeanetta said, "No, I am in charge of this area and it's not fair to keep others from having the opportunity to watch."

I said, "It's not about fair - it's about us watching what you're doing, and I can stay here as long as I want."

She said, "No, you can't." She pointed to the Deputy Sheriff and said, "He needs to leave."

I grabbed my stuff off the chair, and I said, "I will go. But you screwed up."

I left. The deputy followed me out. I went to the far end of the parking lot and left a message for Mike Kaplan and I talked to Calvin Palmer. Calvin goes inside, talked to people, and came out, and he said how outraged he was. Calvin texted Sheriff Davis to tell him what had happened and said that if Jeanetta is going to bring the law into this, there needs to be an official report.

On Saturday, November 14, 2020, I received a text message from Mike Kaplan apologizing for what had happened yesterday and saying that he didn't want me to think that I would be arrested for coming in today. Then Calvin Palmer called me to say that he talked to Mike and they talked to Jeanetta and they contacted the officer from that day, who confirmed that she used him to remove me from the building. A law enforcement report was made.

I do swear or affirm the statement to be true. Today's

GA Driver's License



SWORN TO AND SUBSCRIBED BEFORME,
THIS THE 14th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024

Jay Stone
Jayson Stone
Page 19 of 3

[REDACTED]
2675 Birchwood Dr NE
Atlanta GA 30305
Cell: 678 232 8700

I, [REDACTED], make the following declaration regarding my personal vote in the general election on November 3, 2020.

I voted in person on Election Day, Tuesday, Nov. 3 at 2nd Ponce Baptist Church in Fulton County, Atlanta, Georgia at approximately 2:50 pm.

I was confirmed as registered to vote in that location, was handed a card and told to cast my vote at a monitor.

There was only one other person voting at this location at this time.

I proceeded to vote and print out a piece of paper. I then walked to another monitor with a scanner where I was assisted by someone standing by to properly scan my paper for voting confirmation.

The scan was successful, and the screen showed confirmation that my vote was counted. I got my "I voted" sticker and left.

On November 10th, I started receiving messages from friends that their votes disappeared, and so I asked where to call to check on mine.

I called the Fulton County Voting Office at 404-612-3816 on 11/10/2020 at about 10:55 am to make sure my vote was counted.

I spoke to Mrs. Canada at the voting office and gave her my information to see if my vote was recorded.

After entering my information into her database, she found me and said that my vote was not recorded in the system. She said that she was very surprised and was sorry she could not find my vote.

[REDACTED] then remarked that this had been happening all day. She said that people were calling and the votes were not being found. She remarked that she felt horrible about it and did not know what to say.

[REDACTED] remarked that she had no idea what was going on but that the phones were ringing off the hook and that it "was like an emergency room triage where there was no blood without the blood."

[REDACTED]

[REDACTED]

Lynda Nesbitt
NOTARY PUBLIC
Cobb County, GEORGIA

My Commission Expires 10/09/2023

Lynda Nesbitt
date
Commission exp 10/09/2023

State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

On October 12, 2020, I was an authorized, credentialed poll watcher monitoring early voting at the Theron Ussery Community Center at approximately 8:30 a.m.

I observed that the absentee ballot box was right by the door, with only one seal on the front side of the box and the back side of the box unsealed so that anyone could have removed or added ballots to the ballot box easily. No one was monitoring the box, and people were streaming in past the box.

I left the Theron Ussery Community Center and went to the Elaine Lucas Senior Center, where I met up with Janet Carter. I entered the center around 9:15 a.m. The absentee box there was also unsecured on one end; we asked the poll manager if there was supposed to be a seal on the back of the box, and the poll manager stated that she hadn't had time to seal the box. Again, no one was monitoring the box.

On election day, November 3, 2020, I was a credentialed poll watcher at the Robert J. Williams Complex at Ballard Hudson, 1780 Anthony Road, Macon, 31204. I observed a man named Keith Wilson checking in. The registration machine said he had already voted, and Mr. Wilson said that he had not voted. The poll worker gave him a green voting machine card and the man voted at a voting booth without signing an affidavit or any checking or confirming of whether the man was being truthful.

Later, a man came to vote without photographic ID. He had a piece of paper, and I heard the poll worker say that it was a poll watcher paper, but I did not see the paper itself. He then voted on a green voting card.

At 10:55 a.m., a group began handing out food, water, gloves, face masks, and other "gifts" to voters.

At 1:50 p.m., there was a man who called himself "Mr. Hyatt," and he had a man with him, "Drew Dragon" and both of them stayed outside sitting in chairs with backpacks and computers. Mr. Hyatt stayed in the parking lot the whole time. The men said they were Democrats who were sent from Birmingham, Alabama, to watch the polls. He had a computer with him the whole time, and I am uncertain what he was doing with his computer.

In the afternoon, a lady named Ms. Eady came in. The computer system came up stating that she had already voted, so they had her sign an affidavit and then allowed her to vote on a green voting card.

At 5:10 p.m., Mr. Hinley came in to vote and the registration showed that he had already voted. He said he didn't. They gave him an affidavit form and allowed him to vote on the voting machine.

AFFIDAVIT CONTINUES TO NEXT PAGE.

I know and understand the contents of the statement above, and I do swear or affirm the statement to be true. Today's date is November 14, 2020

[REDACTED]

[REDACTED]

[REDACTED] ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS THE 14th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



AFFIDAVIT PAGE 2

A couple came in with a woman who was registered in Fulton County and a Fulton driver's license and a man who didn't appear to be registered. The man claimed to be from New York. Their automobile had a Florida license plate. They argued with Jeanetta and Mike Kaplan, and then Jeanetta Watson allowed them to vote on provisional ballots. I heard Mike Kaplan say that "we're just going to rip up [the provisional ballot] on Monday," but I don't know if that happened.

On November 13, 2020, at the Board of Elections of Bibb County, on Pio Nono, I was present to observe the recounting of ballots. There was no audit of signatures or names on absentee and provisional ballots. Ballots were being counted on 8 separate tables by employees of the Board of Elections. There were NOT one Republican and one Democrat at each table. Later in the evening, there was a problem with "Batch 39" and they would not explain to me what the problem was. The employees were very evasive in explaining the problems. Then, all of us, poll watchers, were told to leave. Jeanetta and the Board of Elections employees did not leave -- the ballots were not locked up or secured for the night.

The process being used at the Board of Elections is unsecured. The ballots come in on one end of the room, travel in wheeled suitcases around the room being counted at one of eight different tables, then the open boxes of ballots are transferred to another table where a BOE worker enters tallies into a computer, then the ballots are transferred to Jeanetta Watson, Elections Supervisor, who is "doing her own thing" and from Jeanetta, the unsecured and unsealed cases are taken out of the room. Only TWO Republican poll watchers are allowed to watch the counting, and the room is the size of a elementary school gymnasium and there is no way for the two watchers to see what's happening at each table. Further, the woman who is entering information into the computer is backed into a corner so that watchers cannot see what she is entering or determine if what she's entering is valid.



Lauren Deal
Nov. 14, 2020
My commission
expires 1/14/2024.



State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

At 7:45 a.m. on November 3, 2020, I was a poll watcher at Turning Point Church HO3, and I observed an individual who said he was a new resident. His name was spelled incorrectly. He brought a ballot with him and the poll workers walked him away from the voting area to a reception area, and then he returned and left. I do not know accepted his absentee ballot or not. At 8:15 a.m., a voter who stated that he "didn't bring his ballot" was allowed to vote in person. Also at 8:15 a.m. another voter said that he didn't bring his absentee ballot, and he conferred with a supervisor. At 8:40 a.m., a voter was returned to the sign in table from his voting terminal; a poll worker came with him and stated that "he was challenged," then three poll workers returned to the terminal with the voter.

() CHECK IF STATEMENT IS CONTINUED ON NEXT PAGE

I know and understand the contents of the statement above; and I do swear or affirm the statement to be true.

Today's date is 11-10-2020

LIANNE PASCHETTE
(SIGN YOUR NAME HERE)



ADDRESS: 1644 Bass Road, Ste. 2212, Macon, Georgia 31210

TEL./CELL: 321-474-2994

FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS THE 10 day of November, 2020.

Lauren Deal

NOTARY PUBLIC

My commission expires: 1/14/2024



State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

On November 9, 2020, I was working as an appointed Republican poll watcher at the Godfrey 5 Polling Precinct at Harvest Cathedral, 2254 Rocky Creek Road, Macon, Georgia, 31206. I arrived at about 6:15 a.m. Upon arrival, I was assigned a seat by a poll manager, from which I could see most of the voting machines, from quite a distance, and the 2 tabulator machines. The table where the voters were registered and received their green voting card was in a different room, which I could neither see nor hear from my "assigned" seat. Due to my inability to observe all activities from one location, I moved periodically between three locations. Around 11:55 a.m., the poll manager told me that I had to sit in the assigned seat. "per Jeanetta Watson." I told the poll manager that I was unable to observe the voting process from my assigned seat, and I attempted to call Jeanetta Watson myself. I left a voicemail message with my name and number. I called again, was told that she was "unable to be disturbed at that time," and left another message with the person who answered the phone. She never responded to my call. At 12:15 p.m., the poll manager asked me to leave if I would not stay in my assigned seat, where I couldn't see everything that was happening. I called Mike Kaplan, Chair of the Board of Elections, at about 1 p.m. I met with Mike Kaplan at the polling location at 2 p.m., and explained the situation to him. After a heated discussion, he told me that I could sit in my assigned seat, or in the other room in a different assigned seat: after more heated discussion, he agreed that I could go back and forth. (During the time that I was having to argue my right to observe the election freely, I was NOT able to perform my duties as a poll watcher.) Before 12:15 p.m., I had been checking the numbers on the tabulators as I moved between the three locations, but Mr. Kaplan instructed me that I could not look at the tabulators anymore because the poll workers put the numbers on the door every two hours, and I had to get the information from their postings.

Before speaking to [REDACTED] during my morning observations, I saw an older female voter who appeared to be having trouble, but it was not trouble with her voting card. (I did see other voters who had trouble with their voting card and had to have it reset so they could vote). She requested help and a poll worker came behind her voting screen. From my position, I could see the poll worker's hand moving around behind the screen, and then the poll worker went and got the poll manager, who also went behind the screen, and I also saw her hand moving around behind the screen. I could not determine if the poll worker or manager were voting for the woman, because I was unable to get close enough to hear what was going on, and the poll manager sent me away.

At the end of the voting period, when the precinct closed, I was not allowed to view the voting machines, but I was allowed to see the tapes off of the tabulator.

I know and understand the contents of the statement above; and I do swear or affirm the statement to be true. Today's date is November 10, 2020, [REDACTED]

[REDACTED]

FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFOR ME,
THIS THE 10th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



AFFIDAVIT OF [REDACTED]

Comes now, [REDACTED] and after being duly sworn makes the following statement under oath

1. My name is [REDACTED]

2. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

3. I reside at 1182 Shepherds LN NE, Atlanta, Georgia 30324 in DeKalb County, Georgia.

4. I arrived on ELECTION DAY (November 3, 2020) AT ABOUT 6:30 P.M. at the POLLING PRECINCT at AB Briar Vista Elementary School.

5. I presented my i.d. to vote and was given a voter card to activate a voting machine, and I inserted the card and followed the instructions on the voting machine to cast my votes in the different races and on the ballot questions.

6. I was told that at least one of the voting machines at my Polling Precinct was "having difficulty reading the card" which was a statement that concerned me.

Affidavit of Mary Margaret Brown

7. Because of my concern, I checked the public voter logs once home and was distressed to find that on the *My Voter Page* there was no confirmation that I had voted in the 2020 Election, so I believe my vote was not counted.

I declare under penalty of perjury that the foregoing is true and correct.

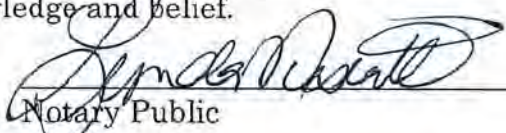
Executed this _____ day of November, 2020.



State of Georgia

County of DeKalb, to wit:

Appeared before me on this 21 day of November 2020, Mary Margaret Brown and after being duly sworn, stated the forgoing statements are true and correct to the best of her knowledge and belief.



Notary Public

My commission expires 10/09/2023

Lynda Nesbitt
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 10/09/2023

Declaration of [REDACTED]

[REDACTED] to 28 U.S.C Section 1746, I, [REDACTED] make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.

2. I am a small business owner in Atlanta, Georgia. I graduated from The University of Mississippi in 1991 with BA in Psychology and a Minor in French. I interned at The American Embassy in Paris during my senior year in college and upon graduation I moved to Prague where I worked for Saatchi & Saatchi Advertising for several years. I moved to San Francisco in 1994 to pursue a graduate degree in Graphic Design at The Academy of Art University with an emphasis on web development. I took continuing education classes Computer Science at The University of California Berkeley. Upon graduation I worked as a Graphic Designer for the Investment Banking Division at Goldman Sachs specifically with the M&A teams. I relocated to Atlanta and focused on raising a family. I went back into the workforce as a small business owner and I continue to work and live in Atlanta, Georgia where my teenagers are in middle school and highschool.

[REDACTED]


4. My affidavit highlights the fact as per the State of Georgia's public voting records I was told that my vote was not being counted as of November 17, 2020.

5. My experience voting on November 3, 2020 is as follows. I voted at approximately 6:30pm at BRIAR VISTA ELEMENTARY SCHOOL, 1131 BRIAR VISTA TERRACE, ATLANTA, GA, 30324.

6. I presented my ID at the check in table for identification purposes. The man asked me to sign an ipad positioned vertically bulbous stylus pen. My signature is elaborate and neat when I write my signature with a ball point pen as reflects on my State of Georgia Drivers License and United States of America Passport. I expressed concern that it is difficult to write on an ipad that is standing on it's end and impossible to replicate my signature on it. The man did not respond to my concern. He handed me the chip and told me to choose any machine. I took a photo of my printed paper ballot after I voted. I proceeded to the front of the room where two women were standing at a machine. One woman reached out to grab my ballot from my hand and I instinctively hesitated and pulled my elbow back. I said I was not confident my in the election process this year and that something crazy always happens in Atlanta on election day. This was before the alleged and undocumented leak at State Farm Arena occurred. As I stood there they both looked at what was written on my ballot. I allowed the woman to pull my ballot from my hand the second time she grabbed it. She said "you can watch me put it in" and she held my ballot an inch from the slot that receives

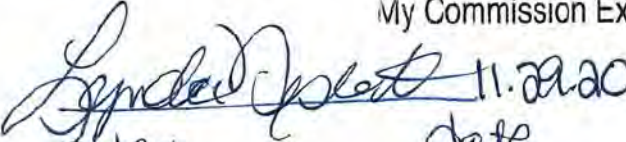
the paper for a few seconds before sticking it in the machine. When it disappeared she said "there's your receipt." I left feeling very uncomfortable and violated.

7. As of today November 29, 2020 my vote has not been counted. Georgia's current election system does not allow voters to have confidence that their vote is accurately counted. The Dominion machines are proven to be easily hacked and the Arlo software had never before been used to upload ballot manifests therefore they are both unreliable. My experience as a voter is proof that Georgia's election results are invalid. The voting systems put in place by Governor Brian Kemp and Secretary of State Brad Raffensperger are less reliable, less trustworthy and most Georgia residents have zero confidence in the state's election results. I know many people who experienced a various array of irregularities voting this year.

[Redacted]
[Redacted]

[Redacted]

Lynda Nesbitt
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 10/09/2023

[Redacted]
[Redacted]
[Redacted]


Notary date

Commission exp 10/09/2023

[Redacted]

AFFIDAVIT OF [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

I ran for Mayor of Atlanta in 2009 and again in 2017. In both elections, I was ahead until late night reporting of precincts.

In both instances, the addition of these late-night precincts caused the elections results to flip and my opponent won. In both instances, the final margin of loss was essentially identical:

2009: 84,383 votes cast. I lost by 714: 49.58%

2017: 92,169 votes cast. I lost by 759: 49.59%

Campaign supporters in both elections found evidence of fraud, but not enough to “turn the election” so I had to concede both times.

In 2018, one of my supporters, [REDACTED] a Professional Engineer and a Certified Public Accountant, analyzed the election and filed a complaint with the Georgia Secretary of State. The Secretary of State launched an investigation into the 2017 Atlanta Mayoral Runoff in May 2018.

During 2018 and 2019, I met several times with members of the Secretary of State’s staff; giving them additional information and asking for their findings from their investigation of the 2017 Mayoral Runoff. To date, I have not received a report nor any conclusions about what they found—two and one half years later.

Most importantly, in March 2019, I met with Secretary of State Raffensperger and members of his staff at the State Capitol. [REDACTED] the Chairman of the Fulton County Republican Party, arranged the meeting. During that meeting, I outlined a simple procedure for obtaining updated signatures, so a “real signature match” could be made.

(I served on the Fulton Board of Registration and Elections from January 2013 to August 2013, so I was familiar with the process of voters receiving a 4-1/4 inch by 5 ½ inch card with current information on their Polling Precinct location.)

I explained that a simple solution would be to send voters in GA that card with a “tear off” that would contain the identical voter information, but would also have a place for their signature. That “tear off” would be pre-postaged and returned to the SOS or the County Elections Office.

This fall, shortly before the election, I received a postcard similar to what I had outlined; however, the return “tear off” was ONLY for a change of address. That made no sense. If the voter no longer lived at the current address from the voter rolls, the card couldn’t reach them. The ONLY way the card could reach them would be if the USPS was forwarding their mail. And it wouldn’t capture the VAST MAJORITY of voters’ signatures.

AFFIDAVIT OF MARY B. NORWOOD

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: Nov 29, 2020 F



Sworn to and subscribed before me this 29 of November of 2020.

Lynda Nesbitt

My Commission expires 10/09/2023

Lynda Nesbitt
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 10/09/2023



May 29, 2018

VIA ELECTRONIC MAIL

RE: December 5, 2017 City of Atlanta Runoff Election – Mayoral Contest

Forensic Analysis, Opinions and Complaints of State Election Code Violations

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

Over the past 5 months, I have attempted to work with the Fulton County Board of Registration and Elections (“FCBRE”) regarding December 5, 2017 election concerns as a life-long resident of the City of Atlanta. I have not engaged with Legal Counsel or with a specific Client on this matter. It is simply a civic engagement which as a Forensic Accountant (CPA) I take very seriously.

The Chair of the FCBRE, in an email dated May 18, 2018, advised me that the FCBRE would no longer respond to my well documented election concerns of irregularities identified in FCBRE “Audit” Documents (see **Attachment A**). The Chair of the FCBRE did commit that the FCBRE would respond to further information requests (see **Attachment B**).

I have exhausted all potential remedies with FCBRE. As a result, I’m formally filing Complaints of State Election Code (“Code”) Violations for the December 5, 2017 elections conducted by the FCBRE for the City of Atlanta (“Atlanta”) based on my findings to date. I intend to amend the Complaints as I complete additional analysis.

May 22, 2018

Page 2 of 21

Beyond the fact that the analysis discussed herein took a great deal of time to construct, this filing has been delayed until after FCBRE Certification of the May 22, 2018 elections because I did not want to interfere in the election processes.

Summary of Opinions

The basic construct of this forensic analysis and the Complaints is a simple accounting of the Ballots cast to Persons who voted. As this is a human process, I expect that mistakes will occur. But as the Complaints detail, the issues go well beyond simple error. As this effort has involved over 1,000 man-hours, in addition to other civic volunteers, the "road-map" developed in this effort can be helpful to Investigators. I am aware that on or about May 15, 2018 the Fulton County Superior issued an order to the FCBRE to provide election documents to the Georgia Secretary of State ("*Secretary of State*").

On December 15, 2017 the Mayoral contest of December 5, 2017 was Certified. The burden was on the FCBRE to conduct and Certify the election on behalf of their Client, the City of Atlanta. While the FCBRE has a duty to be transparent, the FCBRE Director has been evasive and non-responsive as well as the Fulton County Attorney's Office. Hundreds of critical and required election documents remain missing. As a Forensic Accountant, critical missing and required documents and non-responsiveness raise a "red-flag".

The Certification of an Election in Fulton County, by the FCBRE, involves four (4) critical documents which must be Certified and submitted to the Secretary of State. This Complaint only discusses two of those documents; *MVPR – Fulton – 12-5-17 (Complete).csv* and *Fulton County Voter List 12-5-17.csv*. In both cases, I will demonstrate that these documents should not have been Certified by the FCBRE Board as they are fatally flawed. Further, that the updated voter file (MVP) is fatally flawed and invalidates the original Certified MVPR.

If this was a financial matter, I would express a concern that substantial and systematic fraud has occurred. That the "Balance Sheet of Ballots Cast to Persons" identified as voting is fatally flawed. Further, that there has been an organized effort to deceive the Board (FCBRE), Regulators (Secretary of State and Fulton County District Attorney) as well as shareholders (Atlanta eligible voters). But as I'm not an Attorney and this is not a financial matter, I will not opine on Election

May 22, 2018

Page 3 of 21

fraud, but instead refer to areas where significant and material impropriety has occurred, in my opinion.

In context, the FCBRE refunded Atlanta \$264,725.73 for the Atlanta General Municipal Run-Off Election of December 5th. This is an indication that the FCBRE had more than adequate funding resources to hire competent staff and perform the duties required under the Georgia Election Code.

Summary of Complaint(s)

Hereafter, the FCBRE "Official Results" will be referred to as "*FCBRE Total Ballots Cast*"; the FCBRE April 2018 MVP (Persons credited for voting file update) will generally be referred to as "*April 2018 Update of Persons Identified as Voting*" or "*April 2018 Update*"; the FCBRE December 15, 2017 Certified MVPR that contains the original and Certified voter database of (Persons credited for voting) will be referred to as the "*December 2017 Certified MVPR*"; the FCBRE December 15, 2017 Certified Fulton Voter County Voter List will be referred to as "*FCBRE Certified Voter List*". While the State Elections Code refers to the Superintendent as the Executive in charge of elections, FCBRE refers to the Superintendent as Director, the Superintendent will be referred to as "*Director*".

The Complaints are summarized as follows:

1. State Elections Code Section 21-2-70 (8), (9) and others that may apply.

The FCBRE December 2017 Certified MVPR and April 2018 Update of Persons Identified as Voting Contain Substantial and Material Errors and Omissions.

- a. Two (2) Active Voter Precincts omitted from the December 2017 Certified MVPR.
- b. Two (2) Inactive Voter Precincts included in the December 2017 Certified MVPR.
- c. The April 2018 MVP continues to omit a substantial Atlanta Voter Precinct and includes an Ineligible Precinct from the City of Hapeville was included in the April 2018 MVP.

2. State Elections Code Section 21-2-417, 21-2-493, 21-2-99, 21-2-400, 21-2-454, 21-2-401, 21-2-379.11, 21-2-220.1, 21-2-590, 21-2-419, 21-217 and otherTs that may apply.

- a. Failure to Reconcile Voting Records with More Ballots Cast than Persons Voting, December 2017 Certified MVPR is Fatally Flawed.

May 22, 2018

Page 4 of 21

A total of at least 913 Persons remain unaccounted for in the December 2017 Certified MVPR. On a Precinct level basis, 110 of the 159 (70%) of Voting Precincts reported a total of more ballots cast than Persons identified as having voted. While this is theoretically acceptable under my reading of the State Elections Code, the broad scope of missing Persons from the voter file is certainly a substantial and material irregularity that should have triggered investigation by the Director.

b. Failure to Investigate "Palpable" Error(s), Failure to Report to Candidates, Failure to Report Error(s) to Fulton County District Attorney

Upon information and belief and the analysis discussed in (a.) above, the Director did not properly investigate, notify the Candidates or report the "Palpable Errors" to the FCBRE Board, Fulton County District Attorney or the Secretary of State.

- i. The Code does not allow for more ballots cast for a specific contest than Persons that can be identified as having voted (e.g. Atlanta Mayor). This occurrence crosses a critical threshold in State Election Code and is deemed a "Palpable Error". Before Voting Precincts that fail this test can be included in the results, the Director must investigate, inform the Candidates and report the findings to the District Attorney. In total, 46 of 159 Voting Precincts (29%) failed this critical test as there were more ballots cast for Atlanta Mayor than Persons identified as voters in the December 2017 Certified MVPR.
 - ii. The records of Persons identified as voting include a substantial number of ineligible voters discussed in subsequent sections of the Complaint.
- c. Provisional Vote Does Not Reconcile, Significant Out of Jurisdiction Votes Cast in the Atlanta Mayoral contest.
- i. A reconciliation of the FCBRE *Numbered List of Provisional and Challenged Voters* shows a significant number of outside of City (out of jurisdiction) Persons who voted for Atlanta Mayor in this election. The FCBRE documents show that greater than 40 ballots were accepted from non-Atlanta jurisdiction voters that cast a vote in Atlanta Voting Precincts. Further, analysis indicates these non-Atlanta jurisdiction Persons cast a vote for Atlanta Mayor.

May 22, 2018

Page 5 of 21

- ii. The December 2017 Certified MVPR includes only four (4) provisional ballots under the "regular" ballot type, though the FCBRE certainly had voter registration numbers for the entirety (or should have) of Provisional Ballots accepted. As of the April 2018 Update of Persons Identified as Voting, 134 have been identified. However, 60 ballots cast cannot be identified with a Person of a total of 194 Provisional ballots cast.
- d. The FCBRE April 2018 Update of People Identified as Voting (MVP) Invalidates December 2017 Certified MVPR Voter File, Indications of Substantial Impropriety

On or before April 15, 2018, the FCBRE provided an update to the Secretary of State for Persons identified as voting on December 5th. The changes to the Persons credited for voting is of a magnitude that effectively invalidates the Certified MVPR file.

- i. Analysis of the April 2018 Update shows that Ballots cast in the election now exceed Persons identified as voting by 1,550 Persons. This equals greater than 1.8% of all ballots cast. The updated file shows a net loss of 768 Persons identified as voting from the Certified MVPR of December 2017.
- ii. The April 2018 Update includes over 1,414 changes to Registration numbers (1.7% of Ballots Cast in the Election) from the December 2017 Certified MVPR.
 - 1. A total of 961 Persons were removed.
 - 2. A total of 453 Persons were added, including 122 voters from the City of Hapeville.
 - 3. A total of 8 Persons were changed from City of Atlanta voters to the City of Hapeville, not included in the numbers above.
 - 4. The "Palpable Error" identified has increased to 95 of 159 Voting Precincts, excluding the ineligible Hapeville Precinct.
- iii. The records of Persons identified as voting include a substantial number of ineligible voters discussed in subsequent sections of the Complaint.

May 22, 2018

Page 6 of 21

- e. The FCBRE Certified Voter List Contains Substantial Errors and Omissions and is Fatally Flawed
- i. It contains a total of 327,750 records of eligible voters in City of Atlanta Precincts.
 - ii. It contains a total of 2,223 records which do not have a Voting Precinct and it cannot be easily determined where the voters are Registered.
 - iii. When comparing the FCBRE Certified Voter List to the Secretary of State Voter List with History "*SOS Voter List*" with the appropriate registration deadline, Atlanta Precincts have a difference of 839 Registration Numbers.
 1. This includes 202 Registration Numbers added.
 2. This includes 637 Registration Numbers subtracted.
 3. Other Differences will be discussed in an Amended Complaint.
- f. A Substantial Number of Ineligible Voters Cast Ballots in the Atlanta Election
- i. The December 2017 Certified MVPR includes 78 ineligible voters based on the SOS Voter List.
 - ii. The April 2018 Update of Persons Identified as Voting includes 329 ineligible voters based on the SOS Voter List.
 - iii. The reconciliation is made even more difficult, because the April 2018 Update includes eight (8) City of Hapeville voters. These Persons were previously identified in the December 2017 Certified MVPR as Atlanta voters.
- g. Given the inability of the FCBRE to reconcile Persons to Ballots Cast, the requirements for voter identification were not met.
3. State Elections Code Section 21-2-72, 21-2-73, 21-2-379.11 and others that may apply.

The FCBRE has not produced Critical Required Documents which are to be retained by law (discussed in 2e. above). The Code Section that would apply depends upon if these Critical Required Documents are missing or that FCBRE has simply chosen to be non-responsive. Information provided by FCBRE does indicate substantial and material Code violations and irregularities.

- a. Critical Required Documents Missing, Not Responsive to Public Information Requests, or
- b. Critical Required Documents Missing, Document Retention Requirements Not Met

May 22, 2018

Page 7 of 21

The FCBRE has not produced hundreds of required documents which are to be retained by law. This includes the DRE Recap Sheet, Express Poll Recap Sheet, Provisional/Challenged Recap Sheet, or the Daily Absentee Recap Sheet as well as errors and omissions discussed in Complaint #1 ("Critical Required Documents"). As an apparent substitute, the FCBRE provided 268 "Audit Forms", 22% of which were missing. The "Audit Forms" identified hundreds of irregularities and indications of State Elections Code violations.

c. Hundreds of Code Violations or Irregularities Identified in FCBRE "Audit" Documents

While analysis can be conducted based on "Official and Complete Results" and Certified documents, these missing Critical Required Documents may provide further indications of irregularities and violations of State Election Code as well as additional documents for reconciliation.

Background and Context

I have attempted to work with the FCBRE to address December 5, 2017 election concerns. The following timeline provides a summary of the extensive efforts to work with the FCBRE that I have undertaken.

- On January 16, 2018, I sent a 12-page letter outlining many election concerns to the Director of the FCBRE. My offer to meet with Mr. Barron to discuss the issues was declined in a three (3) paragraph response on January 31, 2018, copied to the three (3) Fulton County Attorney(s).
- On April 12, 2018, the FCBRE Board allowed me extended time within the public comment section of the Board Meeting to present findings of my analysis examining the December 5, 2018 Atlanta municipal elections as of that date. The "Wiedeman Presentation" included a 20-page PowerPoint Slide presentation (Hand-out) with five (5) attachments totaling 18 pages. On that day, the FCBRE Board voted 4-1 to have the FCBRE Director address the issues brought before the Board. I note that the Board meeting minutes reflect a 4-0-1 vote on the matter, indicating a change of vote by Board Member Johnson (based on my personal video recording of the meeting). Rather than get into that issue, I'm simply providing the facts as I understand them.

[REDACTED]
May 22, 2018

Page 8 of 21

- On April 28, 2018, I sent an information request for "Audit" documents referred to in a March 2018 Monthly Operating Report by the Director and received a response April 30, 2018.
- On May 7, 2018, I received a letter from the Director of the FCBRE dated May 2, 2018 ("Barron Response") to the Wiedeman Presentation which included three (3) pages of discussion with an attachment related to a Georgia Supreme Court ruling on annexation of Loch Lomond.
- On May 17, 2018, I sent a letter with Preliminary Findings regarding the FCBRE "Audit" documents and an amended/updated information request (**Attachment A**).
- On May 18, 2018, I received a response from the FCBRE Board Chair indicating that I would receive no further response to questions, but that the FCBRE would respond to requests for public documents (**Attachment B**).
- On May 22, 2018, I received a response from the Fulton County Attorney (Custodian of Records) on behalf of the FCBRE that no additional information responsive to my request was available. On that date, I sent an email back to the Fulton County Attorney and copied to the FCBRE that documents they claimed to have sent were not sent with an attachment that included the format of the required State Election code forms versus the "Audit Forms" that were provided.

Discussion of Analysis - Complaint #1

The FCBRE December 2017 Certified MVPR and April 2018 Update of Persons Identified as Voting contain substantial and material errors and omissions.

Discussion of Key Election Documents for Reconciliation Analysis

The FCBRE largely relies upon digital voting machines to cast ballots and tabulate votes. The results of which are in the FCBRE Total Ballots Cast. The FCBRE provides this document on their website as "Official and Complete" in Excel format for all ballots cast and all ballots cast in each Contest which can be analyzed.

For In-Person voting, the voting process starts with an application to vote at the Express Polling station where voters provide are required to provide identification and are recorded as voting before they receive an electronic ballot. Persons recorded as voting must appear on

May 22, 2018

Page 9 of 21

the Certified MVPR, a credit for voting list of Persons voting for all ballot types. This document is ultimately Certified by the FCBRE Board along with other lists. The FCBRE then has 45 days (as I understand the Code) to update the list for errors and/or omissions.

a. Active Voter Precincts Omitted from the December 2017 Certified MVPR

The Certified MVPR does not include Precinct 02J or 01I which are listed in the FCBRE Total Ballots Cast (**Attachment C**) by Voter Precinct included on the FCBRE website as well as the Fulton Master list of Voting Precincts (**Attachment D**) dated November 1, 2017. The FCBRE Total Ballots Cast (which are not certified) identify a total of 617 votes cast from Voting Precinct 02J.

b. Inactive Voter Precincts Included in the December 2017 Certified MVPR

Voting Precincts 05I and 05G provide credit for Persons voting in the Certified MVPR, (1) one vote in each Voting Precinct, but the FCBRE Master Voter Precinct Listing (**Attachment D**) identifies these as Inactive Precincts. The FCBRE Total Ballots Cast (**Attachment C**) posted on the FCBRE website do not show voting results for either 05I or 05G.

c. Omission of Substantial Precinct and Inclusion of Ineligible Precinct in the FCBRE April 2018 MVP

The April Update of Persons Identified as Voting does not identify Persons from Precinct 02J and includes an ineligible City of Hapeville Voting Precinct (HP01).

Discussion of Analysis - Complaint #2

Construction of Database(s) and Analysis

Database(s) were constructed for the purposes of analyzing large voter data sets and providing comparisons. The database relies on critical source documents obtained from the FCBRE and Secretary of State. ' provides a list and discussion of source and other documents.

a. Failure to Reconcile Voting Records with More Ballots Cast than Persons Voting, December 2017 Certified MVPR is Fatally Flawed

May 22, 2018

Page 10 of 21

i. City-wide Total of Votes Cast Significantly Exceeding Persons Identified as Voting

The total of votes cast By-Mail and by Digital means In-Person is significantly greater than the number of Persons identified as voting. It should be noted that **Table 1** does not provide a reconciliation for the missing Voting Precinct 02J (Discussed in Item 1.) which is a significant Voting Precinct.

**Table 1 – December 2017 Certified MVPR
Ballots Cast Reconciliation to Persons (Voters)**

Source Document/Results	Total Votes Cast or Identified
FCBRE Total Votes Cast	84,006
December 2017 Certified MVPR (Persons)	83,093
Ballots Cast Exceeding Persons Identified	913

ii. Voting Precincts Ballots Cast Exceeding Persons Identified

1. See **Schedule 1** for a reconciliation of Ballots Cast to Persons credited for voting in all Voting Precincts.
2. More important than the city-wide total of unidentified Persons voting is the Voting Precinct level differences.
3. A total of 70% (110 of 159) of Voting Precincts failed a reconciliation of ballots cast to a Person. This does not include the FCBRE omitted 02J Precinct.
4. With greater than 1% of ballots cast unaccounted for with Persons voting, the Director should not have sought Certification from the FCBRE Board.
5. **Table 2** provides the results of the Voting Precinct level analysis for Voting Precincts where more ballots were cast than Persons identified as voting. The analysis excludes the FCBRE omitted Precinct 02J, but this should have been known to the Director at the time the results were Certified by the FCBRE Board.

May 22, 2018

Page 11 of 21

- iii. The records of Persons identified as voting include a substantial number of ineligible voters that have not been excluded from the summary in Table 1 and Table 2 and are discussed in subsequent sections of the Complaint.

Table 2 – December 2017 Certified MVPR

Precinct Level Ballots Cast Exceeding Persons Identified as Voting

Source Document/Results	Total Votes Cast or Identified
Voting Precincts Identified	110 of 159
Total Votes Cast in Excess of Voters Identified	313

- b. Director Failed to Reconcile, Investigate and Report “Palpable Errors” at the time of FCBRE Certification

Upon information and belief, the FCBRE Director failed to reconcile, properly investigate or report “palpable errors” of voting results. State Election Code section excerpts 21-2-493 (b) excerpt:

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.

- i. **Schedule 2** identifies the Voting Precincts which failed the critical test of having more Mayoral Votes cast than Persons identified as voting (excluding Precinct 02J). The results are summarized in **Table 3**.

**Table 3 – Precincts with “Palpable Error” Based
on December 2017 Certified MVPR
Total Votes for Mayoral Contest Exceed Persons Identified**

Results of Analysis	Total Votes Cast or Identified
Voting Precincts with Mayoral Ballots Cast Exceeding Persons Identified	46 of 159
Voting Precinct % Range of Unidentified Persons to Mayoral Ballots Cast	Up to 4%

- ii. The records of Persons identified as voting include a substantial number of ineligible voters that have not been excluded from Table 3 and are discussed in subsequent sections of the Complaint.
- c. Provisional Vote Does Not Reconcile, Significant Out of Jurisdiction Votes Cast in the Atlanta Mayoral contest.

In context of the reconciliation of Provisional Votes cast and Persons identified as voting, the FCBRE published a Provisional Recap Notice shown in **Figure 1** immediately following the December 5th election. The document provided a summary of Provisional Ballot statistics for all of Fulton County elections as well as Atlanta. It does not provide the required data included in the Provisional/Challenged Recap Notice (see Attachment F) required by Georgia Election Code. This appears to be an internal use document that has terms and definitions that are not defined and do not reconcile with the FCBRE results.

May 22, 2018

Page 13 of 21

While the FCBRE Provisional Summary indicates that only 21 Ballots were accepted out of a total of 351 total received County-wide, the FCBRE Total Ballots Cast for the Atlanta Mayoral contest identifies 194 Accepted Ballots with 192 Votes for Mayor.

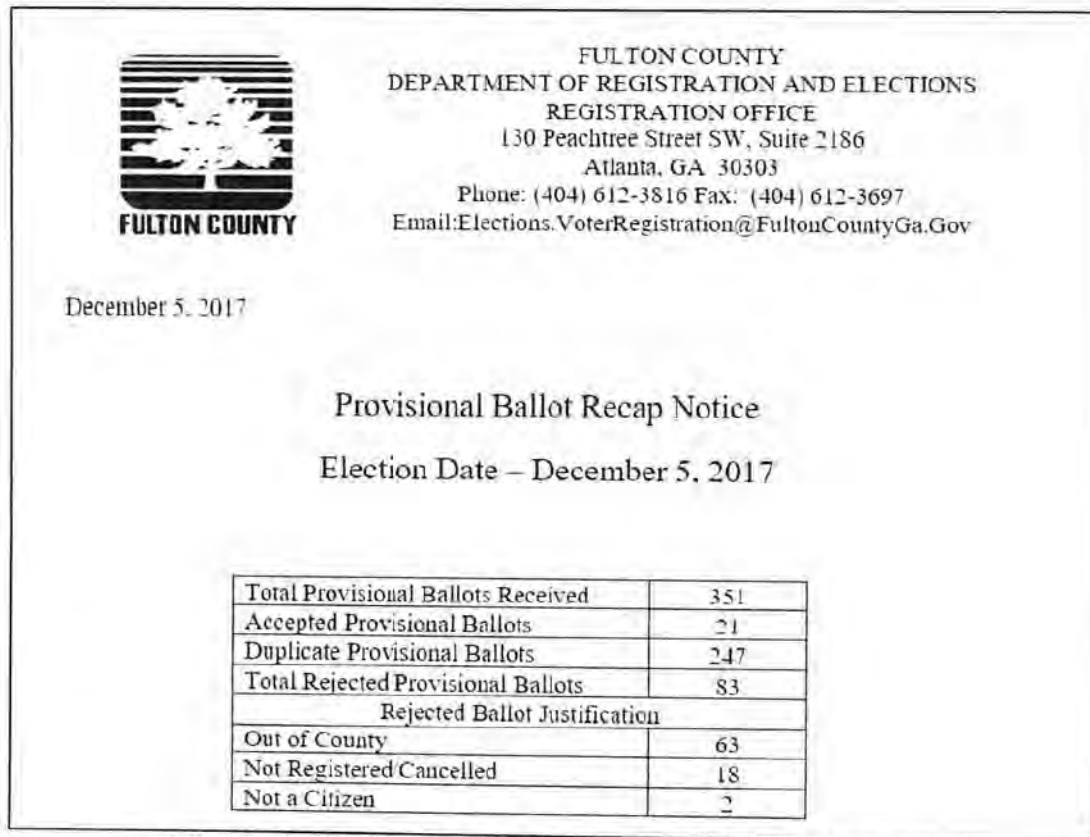


Figure 1 – Fulton County Provisional Recap Notice

On April 12, 2018 I presented these facts to the FCBRE Board. The FCBRE voted to have the Director of FCBRE respond to this issue and many others. In response to this issue, the May 2, 2018 Director’s Response Letter stated:

“You also questioned the totals of provisional ballots (p. 16 of your presentation). The seeming discrepancy is attributable to the fact that we accepted 268 provisional ballots countywide, 194 of which were in the City of Atlanta.”

The response did not include discussion of why the Provisional Recap Notice was in error, what the terms mean and did not provide a reconciliation to explain the differences.

May 22, 2018

Page 14 of 21

- i. The reconciliation of Provisional Voters is based on the 82-page *Numbered List of Provisional/Challenged Voters* ("Provisional Voter List"). This required extensive analysis and the construction of an excel spreadsheet. The Provisional Voter List identifies Accepted and Rejected Ballots. But in many cases, there is no indication of either acceptance or rejection. **Table 4** shows the results of the analysis of the compiled Provisional Voter list.

Table 4 – Provisional Voter Reconciliation

Source Document/Results	Accepted	No Indication	Reconciliation
City Voters With Valid Registration #	141	7	148
Outside of City Voters Voting in Atlanta Precincts	44	2	46
Total	185	9	194

- ii. The FCBRE allowed not only Out of Precinct (Provisional Code OP) voting which is permissible under the code, but out of jurisdiction voting in Atlanta Voting Precincts. Out of jurisdiction voters included voters from the City of Sandtown, Sandy Springs, College Park, Fairburn and many others.
- iii. The Provisional Voters having valid Atlanta voter registration numbers according to the SOS Voter List were compared to the December 2017 Certified MVPR and the April 2018 Updated file of Persons identified as voting from the Secretary of State's Office. The results of the analysis are in **Table 5**.

Table 5 – Provisional Voters Remaining Unidentified

Source Document/Results	Certified MVPR as of December 15, 2017	MVP Provided by Secretary of State as of April 15, 2018	Difference
Provisional Voter Registration #'s Identified	4	134	130
Total Provisional Ballots Cast in Official Results		194	
Remaining Unidentified Provisional Voters		60	

- iv. It appears that the FCBRE began to input the Persons voting Provisional and then stopped at the time of the December 2017 Certification of results. Clearly,

www.SargentAdvisory.com

May 22, 2018

Page 15 of 21

someone must have recognized that out of City voters had voted in the Atlanta election.

d. The FCBRE April 2018 Update of People Identified as Voting (MVP) Invalidates December 2017 Certified MVPR Voter File, Indications of Substantial Impropriety

In April 2018, I received an updated FCBRE voter file (MVP) from the Secretary of State's Office. I've compared the Certified MVPR as of December 15, 2017 to the April 2018 Update of People Identified as Voting as well as to the FCBRE Total Ballots Cast.

**Table 6 – FCBRE Ballots Cast Exceeding Persons Voting for FCBRE
April 2018 Update of Persons Identified as Voting**

Source Document/Results	Total Votes Cast or Identified
FCBRE Total Ballots Cast (Election Result)	84,006
April 2018 Update of Persons Identified as Voting	82,585
Adjusted for Hapeville Precinct Added	(130)
April 2018 Update Of Persons without Hapeville	82,455
Votes Exceeding Actual Persons Identified	1,551
April 2018 Update of People Identified as Voting	82,455
December 2017 MVPR Persons Identified Voting	83,093
Net Persons No Longer Credited for Voting	(768)

- i. The document includes a Hapeville Precinct which is presumably an error, but the Sample Ballot for Precinct HP01 should be reviewed to determine if this was an error or represents illegal votes cast in the election. A total of 8 Persons were changed from City of Atlanta eligible voters to the City of Hapeville, not included in the numbers above.
- ii. Neither the Certified December 2017 MVPR or the April 2018 Update of Persons voting from Precinct 02J which had a substantial number of ballots cast in the Official Results (617).

May 22, 2018

Page 16 of 21

- iii. With a total of approximately 1,550 Persons voting not identified, the April 2018 Update dropped a net of 768 Persons identified as voting from the December 2017 Certified MVPR.
- iv. Evaluating the additions and subtractions on a Voting Precinct basis provides an indication of the magnitude of changes to the Persons identified as voting in **Table 7**.

Table 7 – FCBRE Changes to Persons Identified as Voting from FCBRE December 2017 Certified MVPR to FCBRE April 2018 Updated MVP File

Source Document/Results	Total Votes Cast or Identified	% of Ballots Cast
Voters Added to December 2017 Certified MVPR	453	
Voters Subtracted from December 2017 Certified MVPR	-961	
Total of All Changes to December 2017 Certified MVPR	1414	1.7%

- v. The April 2018 Update invalidates the December 2017 Certified MVPR 1.7% of the voter file (Persons identified as casting a vote) changed.
- vi. The Precinct level analysis identifies 96 Precincts (when including the Hapeville Precinct) with ballots cast for a Mayoral Candidate exceeding the voters identified as having voted based on the April 2018 Update. With several Precincts approaching 10% unidentified Persons casting ballots. See **Schedule 3** for the Precinct level analysis.
- vii. The records of Persons identified as voting include a substantial number of ineligible voters, in addition to the City of Hapeville, that are discussed in subsequent sections of the Complaint. These persons have not been omitted from **Table 6**, **Table 7** or **Schedule 3**.

May 22, 2018

Page 17 of 21

e. The FCBRE Certified Voter List Contains Substantial Errors and Omissions and is Fatally Flawed

The FCBRE Certified Voter List has a substantial number of Persons without a Voting Precinct and does not reconcile with the SOS Voter List. The results of the database analysis are shown in **Table 8** and **Table 9**.

Table 8 – FCBRE Certified List of Registered Voters Reconciliation of Voters in Atlanta Precincts and Voters Without a Precinct Identified

Source Document/Results	Total Registered Voters	Reconciliation
FCBRE December 2017 Certified Fulton County Voter List 12-5-17	329,973	
<u>Reconciliation of FCBRE Certified Voter List</u>		
Total of Atlanta Registered Voters with a Voting Precinct Identified		327,750
Total of Registered Voters without a Voting Precinct Identified		2,223
FCBRE December 2017 Certified Fulton County Voter List 12-5-17		<u>329,973</u>

i. On April 12, 2018 at the FCBRE Board meeting the Director was asked to respond to the issue of differences between the SOS Voter List and the FCBRE Certified Voter List. This was the response provided by the Director in a letter dated May 2, 2018:

“You questioned the total number of registered voters for the December 5, 2017 elections (p. 9 of your presentation). The total number of registered voters in the City of Atlanta that we enter into our Global Election Management System (GEMS) comes from the Secretary of State. The numbers that you offered on page nine of your presentation reflect Active Voters and Inactive Voters pulled from ElectionNet on different dates.”

ii. The Director’s explanation did not provide reconciliation or numbers, though the FCBRE Board directed him to respond to this and other Election concerns. The date upon which the data was “pulled” should not change the eligibility of voters in this election. Additional registrations should not have been made

May 22, 2018

Page 18 of 21

between the general election on November 7 and the December 5th runoff election.

Table 9 – FCBRE Certified List of Registered Voters Reconciliation with SOS List of Voters for the December 5, 2017 Election

Source Document/Results	Total Registered Voters	Reconciliation
<u>FCBRE Certified Fulton County Voter List 12-5-17</u> Atlanta Precincts Only	327,750	
<u>Secretary of State Database Voter List/History</u> Atlanta Precincts Only	328,185	
Difference	435	
<u>Reconciliation of Database Differences</u>		
FCBRE Additions to Secretary of State Voter List		202
FCBRE Subtractions from Secretary of State Voter List		637
Difference Reconciled		435
Difference in Voter Registration Atlanta Precincts Only		839

f. Ineligible Voters Identified in December 2017 Certified MVPR and April 2018 MVP

The Hapeville Precinct included in the April 2018 Update of People Identified as Voting is obviously not eligible to vote in the City of Atlanta. The Hapeville Precinct was not included in the December 2017 MVPR. However, eight (8) City of Hapeville voters were identified as City of Atlanta voters in the December 2017 Certified MVPR which complicates the reconciliation. Discussion of other Precinct and Jurisdiction for Persons identified as voting in will be discussed in an Amended Complaint.

The analysis of ineligible Persons casting ballots in the Election are summarized in Table 10. The Persons identified as Voting in the December 2017 Certified MVPR and April 2018 Update are compared to the FCBRE Certified List of Voters and separately to the SOS Voter List.

Table 10 – Persons Recorded as Voting in Atlanta Election that Are Ineligible Based on FCBRE Certified Voter List or SOS Database

Source Document/Results	Ineligible Voters	Ineligible Voter Reconciliation
FCBRE Certified List of Registered Voters		
December 2017 Certified MVPR - No Voter Reg #	7	
April 2018 MVP - No Voter Reg Number	126	126
April 2018 MVP - Non-Atlanta Voter Reg #	220	
<u>Reconciliation of April 2018 MVP for Hapeville Precinct</u>		
Hapeville Precinct		122
Other Non-Atlanta Voters		98
Reconciliation Total		220
April 2018 FCBRE Updated Voter File Total Ineligible Voters		348
Secretary of State List of Registered Voters		
December 2017 Certified MVPR	78	
April 2018 FCBRE Updated Voter File	329	
<u>Reconciliation of April 2018 MVP for Hapeville Precinct</u>		
Hapeville Voters in April 2018 FCBRE Voter File		130
Ineligible Voters in Atlanta Precincts		199
Reconciliation Total		329

g. Total Ballots Cast Exceed Persons Identified, Voter Identification Requirements Not Met

The requirements for voter identification clearly have not been met as the total of ballots cast far exceeds the Persons that are identified as voting. Those Persons that were required to provide identification and were input through the electronic Express Poll (ID electronically verified) should be compared to the various voting lists and put into a category of compliance with the requirements. However, those Persons not validated through that process and appearing on Supplemental lists should be the focus of further investigation, given the findings of this Complaint. I suspect this will lead to substantial additional findings, but this information has not been made available by the FCBRE.

May 22, 2018

Page 20 of 21

Discussion - Complaint #3

- a. Critical Required Documents Missing, Not Responsive to Public Information Requests.
 - i. FCBRE has provided "Audit Forms" with specific sections that review the required Recap Sheets for December 5th day of voting indicating the missing documents existed.
 - ii. The FCBRE "Audit Forms" do not substitute for the required forms, examples shown in **Attachment E**.
- b. Hundreds of Potential Irregularities Identified in "Audit Forms"

Although Critical Required Documents are missing, the "Audit Forms" provide substantial indications of irregularities and potential code violations. See **Attachment A** for more detailed discussion of Preliminary Findings.

- i. 22% of Voting Precincts do not have completed "Audit Forms", no information is available on these Precincts because the required Recap sheets for DRE, Express Poll, Supplemental lists and others are missing.
- ii. Approximately 180 potential irregularities were identified in the "Audit Forms".

While I am not an attorney and this Complaint should not be interpreted as legal opinion, I have extensive experience in providing expert testimony in litigation as a Professional Engineer as well as a CPA.

If you have any questions or would like additional information, please contact me.

Sincerely,

Justin Wiedeman, CPA

justin@sargentadvisory.com

Cc: Board of Fulton County Department of Registration and Elections
Board of Fulton County Commissioners
Ryan Germany, Secretary of State Elections Investigator

May 22, 2018

ATTACHMENTS NOT INCLUDED:

Page 21 of 21

Mary Norwood – November 29, 2020

Enclosures/Attachments:

Schedule 1 – Reconciliation of Total Ballots Cast to Persons Identified in December 2017 Certified MVPR

Schedule 2 – Voting Precincts that Should Not Have Been Certified in Mayoral Contest with Mayoral Ballots Cast for Mayor Exceeding Persons Identified as Voting

Schedule 3 – April 2018 Update of People Identified (from MVPR) as Voting File Analysis of Precincts that Fail Certification Requirements with More Mayoral Ballots Cast than Persons Identified as Voting

Attachments:

Attachment ? – Source Documents

Attachment A – Analysis of FCBRE Internal Post Election “Audit” Document Review, Examples of FCBRE Provided Forms to Required Forms.

Attachment B – Response of FCBRE Board Chair and Fulton County Attorney to Attachment A Submittal

Attachment C – FCBRE Unofficial Results for Runoff (Distributed at FCBRE Certification Meeting), FCBRE Total Ballots Cast by Precinct Available on FCBRE Website

Attachment D – FCBRE Voting Precinct Master List for Fulton County-Atlanta

Attachment E – Form of Required Polling Recap Sheets (Missing Critical Documents)

The card and "tear off" – front and back – have been photocopied and shown below.

CARD:

VOTER REGISTRATION OFFICE
130 PEACHTREE STREET 2186
SW
ATLANTA GA 30303 - 3460
PHONE: 404-612-7020

FIRST CLASS MAIL
U.S. POSTAGE PAID
Atlanta, GA
PERMIT No: 2604

FULTON COUNTY PRECINCT CARD

REG. DATE 10/03/1989
ISSUE DATE 07/21/2020
REG. No. 02530032

RETURN SERVICE REQUESTED

VOTING DISTRICTS:

005 006 054 ATLA 3 08 4
CONG SENATE HOUSE JUD COMM CITYL MUNIB



ATTENTION: This is your NEW Voter Registration Precinct Card. Keep for your records.
(Cut or fold on the dotted line for wallet card)

If you change your address within the county, complete the attached Change of Address Postcard and mail.

Note: Change of address must be postmarked at least 30 days preceeding any election.

If you move to another county or if there is a change in your legal name, you must complete a new voter registration application in order to remain qualified to vote.

This card may not be used as evidence to prove United States Citizenship or as identification to vote. (ref.1996 United States Public Law 104-99)

Fold Here

PRECINCT NAME: 08M
POLLING PLACE:
PEACHTREE PRESBYTERIAN CHURCH
3434 ROSWELL RD NW
ATLANTA, GA 30305 - 1231

CITY PRECINCT : 08M
POLLING PLACE:
PEACHTREE PRESBYTERIAN CHURCH
3434 ROSWELL RD NW
ATLANTA, GA 30305 - 1231



For Android

From the Secretary of State website, www.sos.ga.gov, a registered voter with a valid Georgia driver's license or identification card issued by the GA Department of Driver Services may change his or her name or address using Online Voter Registration. You may also access Online Voter Registration by downloading the GA Votes app.

Visit our website @ www.mvp.sos.ga.gov/MVP, download the GA Votes app or contact your local registrar's office.



For Apple

TEAR OFF:

CHANGE OF ADDRESS CARD

TO UPDATE YOUR NEW RESIDENTIAL ADDRESS WITHIN COUNTY
(PLEASE PRINT)

Voter Name : [REDACTED]

Reg No. : [REDACTED] 3832 [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

City [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] SIGNATURE (REQUIRED) Date



NO POSTAGE
NECESSARY IF
MAILED IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 19242 ATLANTA, GA

POSTAGE WILL BE PAID BY ADDRESSEE

SECRETARY OF STATE
PO BOX 105325
ATLANTA, GA 30348-9562

State of Georgia
County of Bibb

AFFIDAVIT

I, Robert A. Russell, personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

On November 3, 2020, I was working as a designated Republican poll watcher at St. Matthew's Baptist Church at 1211 Shurling Drive in Macon, Georgia, when I observed that the voting machines were not ready at 7:00 a.m., but it appeared that a lot of activity was going on. The poll workers did not count the number of votes cast on the voting machine on a regular, hourly basis. They counted them when they thought about it, and they didn't count all 7 machines at the same time. At 7:00 p.m., only person was voting and there was no line. Approximately 7:05 p.m., the precinct manager told me to leave the building and wait out front, so that I was not able to watch the counting of the ballots. The only people allowed to remain in the counting area were the poll workers. The precinct manager told me that she would send a worker out with a sheet to show the vote tabulation "in 10 minutes," and I waited 50 minutes, and they never came out or allowed me back into the building. The precinct manager also said that she would post the counts outside the church. After 50 minutes I left. I returned to the precinct the next morning, around 10 a.m., and the vote tabulation still was not posted.

() CHECK IF STATEMENT IS CONTINUED ON NEXT PAGE

I know and understand the contents of the statement above; and I do swear or affirm the statement to be true.
Today's date is NOV 10 2020

Robert A. Russell
(PRINT YOUR NAME HERE)



ADDRESS: 3870 Jeffersonville Road, Macon Georgia 31217-5349

TEL./CELL: 478-973-6887

FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFOR ME,
THIS THE 10 day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



STATE OF GEORGIA

COUNTY OF COBB

AFFIDAVIT OF S [REDACTED]

Personally appeared before me this 25th day of November, 2020, the Deponent, [REDACTED] and hereby swears and affirms pursuant as follows:

1.

My name is [REDACTED] and I reside in the State of Georgia.

2.

On Friday November 20th, 2020, I was at work when I received a phone call at around 11:15 am, from a mutual friend to [REDACTED] and me. I was told that [REDACTED] was at Jim R. Miller Park on Callaway Road, Cobb County, Georgia, witnessing the destruction of documents by a truck. There was dire concern as this was the location of the stored ballots of the November 3rd election.

3.

I immediately left work in a rush and drove from my office to Jim R. Miller Park. When I arrived, I saw S [REDACTED] on the phone with 911, trying to get the police to come make a report and observe the events. There was a person who appeared to be an employee of the Cobb Board of Elections who said, "that's a popular truck today", and walked in the building. There was an A-1 Shredding employee who was closing the shredding apparatus and readying the truck to leave.

4.

It was loud with the truck running, and I tried to speak with the driver of the truck who climbed into the driver's side and held a paper up to the window so as to hide his face. He sat there for some time with someone on the phone. A few minutes later he moved the truck back then forwards and turned around to leave. I got in my vehicle and followed the truck to see where it was going. It had been conveyed to me that there were shredded ballots from the recent election in the truck.

5.

I followed the truck left out of Jim R. Miller Park, up to Austell Road where it made a right. It continued on Austell Road heading south and crossed the East-West Connector. It then

made a right into the Kohl's shopping center parking lot, drove through the lot to the East-West Connector so as to lose me or see if I was following, made a right on the East-West Connector, drove back to Austell Road and took a right to continue in the same direction it was originally traveling.

6.

Not long thereafter, I pulled into a gas station and got into the same vehicle as [REDACTED]. Shortly thereafter we received a call back from Cobb County 911 to indicate there was a police officer at Jim Miller Park. The assumption was that the officer would make a report but I do not know that to be a fact. We were told not to follow the truck by the dispatcher.

7.

The truck continued south on Austell road in the left-hand lane. When we approached Thornton Road, it appeared to be taking a right onto Thornton Road to head east, but quickly crossed over three lanes of traffic and took a right onto Thornton Road. It then took a right onto Veteran's Memorial Highway, and in about 3/4th of a mile pulled into the center turn lane, seemingly checking to see if we were still following. After a few minutes the truck pulled back into the roadway, continued on and exited onto Austell Road heading back north toward Marietta. We took the same path of travel but lost sight of the truck.

8.

While following the truck we received a phone call from an attorney who agreed to meet with us at Jim Miller Park. We went back to the park. When we pulled back into the parking lot I noticed a Red Ford Ranger pickup truck with ballot type boxes being loaded into the back. Once the realized we were back they appeared to unload them back into the building and close all the doors. I had to use the restroom and tried the front door. A young man greeted me and I told him I just needed to use the restroom wherein he gave me admittance to the building and I went to the bathroom. When I exited the bathroom I was greeted by a woman who seemed to work for the Board of Elections (who I later found out was a Jim Miller Park employee), who told me I could not be in there. I told her my purpose was to use the restroom and I was leaving. She escorted me to the door. Thereafter, the rollup dock doors were closed and no employees were outside.

9.

While there, two Cobb County Deputy Sheriffs approached us to find out what was going on as they were apparently told to meet us there. While we were recounting the events with the shredding truck, several supposed Cobb County Parks individuals approached us. At that time we were told that the park was not open to the public and we had to leave. We were told that they were park employees, not employees of the Board of Elections.

10.

We then met with the deputies who told us we would have to leave. I requested that the deputies take down a report of Suspicion of Vote Fraud, and they refused. Two Cobb County Police Officers came to the scene and I requested that I be permitted to make a report with them. I was told by the Cobb County Sheriff's Deputies that the only one who could take a report at Jim Miller Park was a Ranger, and the Rangers were not there on Friday, November 20th, 2020, that they were at a meeting.

11.

At that time, we left, and per instruction of another official, we went to the Cobb County Police Department Precinct 2 to make a report. Again, we were refused and were told to make a report to the Secretary of State for the State of Georgia, (which we did). We were further told that they had just gotten word not to take any report for Suspicion of Election Fraud, and that if we needed further reporting assistance, to contact the Georgia Bureau of Investigation.

12.

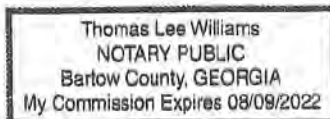
We then proceeded to retrieve my vehicle. At all times during the following of the truck we obeyed the rules of the road and did not violate any State or Federal Law.

FURTHER AFFIANT SAITH NOT

Thomas Lee Williams
Notary Public



8/9/22
My commission expires



POLL WORKER'S AFFIDAVIT OF ELECTION FRAUD
GWINNETT COUNTY, GEORGIA, NOVEMBER, 2020

BACKGROUND AND CHARACTER STATEMENT

1. My name is [REDACTED] and I have worked at the polls in Gwinnett County, Georgia off and on for the last six (6) months. I had been interested in doing election work for a local precinct so when a friend referred me to the County Elections department last year (2019), I went to apply. My application was accepted and I was told that I would receive a call when the need arose. An Election Poll Manager called me in March of this year (2020).

2. I was trained on-line and in person on at least six different occasions, initially as a Non-Issuing Clerk Poll Worker and then as an Issuing Clerk Poll Worker. For the Advanced Voting, I worked as a Non-Issuing Clerk because I was out of state helping my elderly mother and was unable to go to a required in-person training (although I did complete the on-line portion of the training). I was assigned to the Mountain Park Advanced Voting location of Gwinnett County to work all even numbered days starting from October 12th through October 30th, 2020. My duties were to sanitize the electronic ballot machines and printers after each voter use, to direct voters to available machines as they were sanitized and available, and keep the lines moving in a timely way. I was also to monitor any cell phone activity which was strictly forbidden (frequently, there were voters using their phones to call someone on how they should vote). I worked about 15 hours a day and quickly became familiar with how to answer various voter questions concerning how to use the machines (**Dominion** brand electronic ballot machines, which had the option of either English or Spanish language), and what certain computer-generated warning messages meant before printing the hard-copy ballots. We were trained not to advise on any candidate or referendum, were also **not** to view or touch either the electronic or hard-copy ballots, and **not** to indicate any personal or

political opinions while working. Another item in question was whether people could vote together at the same booth to help/advise others how to vote. The blue "Voting Certificate," which was filled out by every physical voter, contained blanks for names, addresses and other usual information; there was, however, an additional box to check and sign **if the voter was being assisted by someone**, or if the voter was assisting someone who could (1) could not read English (illiterate), or (2) was handicapped in some way (physically, or in some cases, of elderly relatives who would have had difficulty navigating the ballot machine. The cases of the elderly did not necessarily mean they were mentally or physically impaired, just that some elderly people were not familiar with electronic devices). The precinct was a very busy polling place and we processed between 900 - 1200 voters a day.

3. I am a very ethical person. My values are based on Roman Catholicism and I have been a practicing Catholic my entire life; both of my Midwestern-grown parents were adult converts to Catholicism. My values were further reinforced by being the oldest child of a career Special Forces Army officer. My father graduated from a military high school in Boone, Missouri, and then was ROTC when attending and then graduating from the University of South Dakota. Proper behavior and etiquette were expected at all times, and patriotism and doing the "right thing" were a given. We moved frequently, and by the time I was thirteen, I had lived half my life out of the US: three years at three different locations in Germany, and three (3) years on the island of Okinawa (not yet returned to Japan). I attended military dependents' schools or Catholic schools when available (one being an international Catholic school on Okinawa where only six (6) students in the school were American; another being [this was during segregation] a "black" Catholic school when the "white" Catholic school outside of Ft. Bragg, North Carolina was already full); as a result of this, I have been exposed to many types/nationalities of people. In addition, my paternal grandfather was a medical doctor pressed into military service during World War II (rank: full colonel, Army), and was

responsible for setting up and implementing protocols for the initial field hospital in the battle for Okinawa. The majority of my work as an adult included roles as executive secretary, medical secretary and legal (commercial real estate) secretary; these roles were privileged and confidential.

4. I read the election training manuals, attended the classes, and I have worked as a poll worker since March of 2020, so I am versed in election laws and protocol. There were probably a higher number of Democrats vs Republicans working in the precinct. The 25-member team that I worked with at Mountain Park included Denise Stephanopoulos. When I queried Denise about her famous last name, she proudly said, “Yes George is my cousin.”

FACTUAL STATEMENTS

5. During this Advanced Voting period, I noticed from a flyer that had been left behind that a Democrat group had put together a transportation group that were bringing in a lot of elderly people or citizens of foreign origin (Gwinnett County is the most diverse county in Georgia), or first-time voters in to vote. Now you are not allowed to bring anyone into the actual voting booth with you unless you cannot read English or are medically disabled. There is a box for either of those options on the voting certificate which must be check-marked and signed to be allowed to vote with someone. There are no other options to vote together, such as married people or friends, etc.

6. Generally when people come with family members they identify themselves as her sister or her mother or her daughter; there is a familial bond that is noticeable. However, with the transportation group there was no sense of familiarity between the person going into the voting booth and the senior citizen or citizen of foreign origin, or first-time voter they were taking into the voting booth. I initially asked the voter and “assistant” which poll worker told them that this was allowed, especially for first-time voters and

they pointed to Denise Stephanopoulos. I quickly (we were very busy!) walked over to ask about why Denise had allowed them to do this. Denise told me that “we want to make sure that these “assistants” helping the voters would see to it that the voters would vote right (correctly) for...Joe Biden!” I was very bothered about this and it set off red flags for me because I knew that prior to this third and final week, most voters in the Mountain Park area had voted Republican. I did ask our Poll Manager why this voting together was OK now and she responded that the Election Board workers had said it was OK if both parties (the voter and the “assistant”) check-marked the box and signed the blue “Voters Certificate.” How did I know that most votes were Republican before this transportation group started bringing in these the senior citizens or citizens of foreign origin, or first-time voters? Every night after voting ended, it was also one of my duties to help (along with other clerks) unlock the scanners, remove all hard-copy ballots and then to stack ballots face side up according to precinct. The ballots were then put into special sealed, plastic envelopes, and after labeling, the envelopes were put into a wheeled carrier which was zipped and then a special numbered, red plastic, locking tab was put through both parts of the zipper; red tab numbers were recorded and then two people, one, the poll manager and the other being a poll worker (various over the three weeks) from our 25 person team would ride up to Lawrenceville (the Gwinnett County seat) in the **same** vehicle to the Elections Board. The wheeled carrier was then taken to special election workers that would snap open the red locking tab, record the tab number and then remove the sealed, plastic envelopes containing the hard-copy ballots; this was all in the presence of both the Poll Manager and assigned poll worker for that evening. Anyway, the reason I knew that the first two (2) weeks of Advanced Voting were highly Republican was because several people on the team from Mountain Park would notice that high numbers of the ballots were Republican (no names or addresses were legible to us...that information was in a bar code on each ballot). It seemed highly suspicious that things just **suddenly** seemed to switch to high numbers of Democrat votes at about the same time that the transportation group started

bringing in all these people “who needed help” voting. It raises questions about what motivated these voters to vote (because the “assistants” wanted them, too?), and what influenced these “special” needs voters such as money, fear/intimidation or lies.

7. It became increasingly obvious that the type of elderly they were bringing in had very little idea of what they were doing at the voting location or what was going on. It became even more worrying as more and more of these people were in wheelchairs with many of them being non-verbal and not even cognizant of where they were. They did not engage with me when I greeted them and often times, just had blank stares. Many of them would have not have passed a cognitive test. The other (temporary) clerk who assisted me in sanitizing the screens commented on how many people seemed to show up a second time, even on the same day of their own voting, but not at the same time as their own voting; these were some of the “assistants.” I commented that I noticed that, too, because some of the “assistants” had very distinctive clothing, masks or hairstyles. I made a point to greet each voter in line (while waiting for available ballot machines), and often asked them about their t-shirts, hats or masks...some were Halloween themed...some were patriotic wear, etc.

8. I would estimate the total number of people brought in from this transportation group was perhaps 200 per day over a period of the last week of voting (approximately seven (7) days, but especially heavy on the last day of Advanced Voting).

9. When I tried to question the Issuing Clerks and then the Poll Manager, why these people we're being allowed to vote for these elderly people some of whom were in serious mental and physical decline, and did not seem to have the mental acuity to vote, and others of them who were simply just old, not obviously disabled and it seemed that they could go in the voting booth and vote by themselves. My observation was brushed

aside and I was told that they were the voter “assistants” and “that it was ok if they both check-marked the box and signed on the blue Voting Certificate.”

10. Every single “assistant” for the elderly person, first-time voter, etc. asked for a Democrat Ballot. When I tried to confront one of these Democrat “transportation workers” who were bringing the elderly in, they would very rudely brush me off and tell me things like I said above, “I’m her assistant and I’m going to help her vote,” and some “assistants” would just rush into the voting booth before I could ascertain if the elderly person was of enough of a sound mind to vote (another legal issue). When I tried to speak to other poll workers and my poll manager about this they just said they had been told from higher up to allow voting together to happen if the Voter Certificate indicated that both parties and check-marked and signed.

11. We were so busy trying to process so many people it was impossible to stop the whole voting process to challenge these people in every instance even as it became increasingly evident that everyone was just expected to ignore these violations of the blue Voting Certificate, and let voting together happen as long as both parties signed. No one seemed concerned enough to want to stop it though. I would estimate that this happened with about 50 to 200 voters a day during my shift which was on the even-numbered days (October 12, 14, 16, 18, etc.), but mostly in the third and final week of Advanced Voting, October 23rd through October 30th, 2020.

12. In the last week of my working at the Mountain Park location, a woman came in who appeared to be in her sixties with a very young teenaged girl who looked like she was about 14 -16 but could have possibly been 18. They were well-dressed and the older woman told me she was going in the voting booth with her “granddaughter.” Since it was my job to call them over to the voting booth after sanitizing the voting booth I

informed the older woman that she could not go in the voting booth with the granddaughter as was required by my job.

13. The young girl herself was very meek and intimidated by this 60-ish year old woman and never said a word while this woman took over for her. The girl, a first-time voter, seemed uncomfortable. She did not appear to be disabled and the guardian never claimed that she could not read English or was disabled in any way. In fact it didn't seem like the woman was the grandmother because the girl was cowering. There did not seem to be any type of familial bond between the two of them and at one point the older woman changed from calling herself the grandmother to saying that she was the young girl's legal guardian.

14. When I tried to explain that she could only go in the voting booth if the young girl could not read English, or was disabled, the older woman became very ill-tempered and snippy answering me by saying, "What do you know about it...I already got permission from someone else, I guess one hand doesn't know what the other hand is doing." So it was obvious that this woman who was proclaiming to be the grandmother and guardian thought that whomever she "got permission from" was a higher authority than the law. There seemed to be some kind of plan in place to get this young girl to vote for Biden.

15. Upon inquiring of Denise Stephanopoulos who was also working in my group, what I observed happening, she overrode election law by saying, "Well we're going to allow them both to go into the voting booth and we just went ahead and check-marked it for her and the "assistant" because we want to make sure that the first-time voter votes for the right (correct) President, Joe Biden " I was horrified that Denise was so arrogant as to just boldly proclaim that she could ignore election laws and so blatantly pronounce it as if it were policy that the rest of us were supposed to follow and go along with. Of all people, I expected Denise to know better than to so boldly speak like this...we were

all instructed in election classes to absolutely refrain from any political favoritism, but she did not seem the least bit afraid to do it or worried about others knowing it.

16. Later I asked my polling manager about this specific instance, and other instances where people went into the polling booth with people that were not disabled and could read English, and I said, "I don't understand why all these people are being allowed into the voting booths which is against the two (2) options on the blue Voting Certificate." I brought up what the blue Voting Certificate said and she just replied, "I know what the blue Voting Certificate says, but that's what "they" (higher ups at the Lawrenceville Elections office) told us to do." (This was a suspicious thing because I thought authorities needed to follow up on who "they" are, because someone in a higher position could have been using undue influence.)

17. Based on the numbers I observed, it would be a fair estimate to attribute several hundred of these unduly influenced votes for each day the voting place was open during that final week of voting, October 23rd through October 30th, 2020, and perhaps, some before that. The total number of days the Mountain Park location was open was nineteen (19), and can be ascertained from the polling manager, as well as the Gwinnett County Election Board in Lawrenceville, Georgia.

PENALTY OF PERJURY STATEMENT

I am of age and of sound mind and I have personal knowledge of all facts above. They are true and not misleading or meant to be misleading, and I acknowledge that if I am willfully false, I may be subject to the penalties of perjury.



This certificate pertains to a 8 page document dealing with/entitled Poll Workers' Affidavit of Election Fraud and signed on 11/16/2020

Acknowledgment for an Individual

State of Georgia
County of DeKalb

This record was acknowledged before me on 11/16/2020

by  _____
Pr _____

who is

personally known

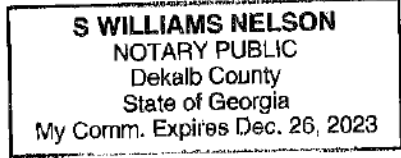
or

proved to me on the basis of satisfactory evidence to be the person
who appeared before me.

S Williams Nelson
(signature of notary public)
Notary Public, State of Georgia

Stamp/Seal

My commission expires: 12/26/2023



2020 Affidavit statement

798 Argonne Avenue NE
Atlanta, Ga. 30308

I, [REDACTED], make the following declaration regarding my personal vote in the general election on November 3rd, 2020.

On Tuesday November 3rd, 2020 I went in person to Park Tavern, Precinct 02K, Fulton County, Georgia to cast my vote. I arrived at 5:40 am. I was the first person in line. When the polls opened at 7:00 am I was the first person to cast a vote. Upon checking in, a poll worker checked my identification, gave me a voter card and I cast my vote. The voting machine printed my paper ballot and I inserted my ballot into the scan machine. The entire process seemed normal.

A few days later I became concerned after hearing about the claims of voter/election fraud in the state of Georgia. On Friday November 6th, 2020 I called the Fulton County elections office to have them check to see if my vote was recorded. They informed me that it was not recorded. On Wednesday November 11th, 2020 I found out per the public voter rolls for the state of Georgia that my vote was not recorded. On Friday November 13th, 2020 I reported my findings to the Georgia Secretary of State website on the "stop voter fraud" link. I have included a copy of the email reply I received from Frances Watson, Chief Investigator for Georgia Secretary of State stating "there is no place to check election day voting". This is not true. It is available through state voting records per a public request.

Thank you,

[REDACTED]

Lynda Nesbitt
Notary
11.29.20
date

Lynda Nesbitt
NOTARY PUBLIC
Cobb County GEORGIA
My Commission Expires 09/2023

Commission #40 10/09/2023



[REDACTED]

(no subject)

1 message

Sat, Nov 14, 2020 at 3:25 PM

[REDACTED]
<fwatson@sos.ga.gov>

To: [REDACTED]

There is no place to check election day voting

[REDACTED]

Chief Investigator

Investigations Division

Georgia Secretary of State

Main: 478-312-2774

Cell: 404-683-3226



My Voter Page

[Redacted voter information]

Click here to apply

Precinct 02K
PARK TAVERN
900 10TH ST NE
ATLANTA, GA 30309
Election Day polling place hours are 7:00 am - 7:00 pm

Click Here for Early Voting Locations and Times
Click Here for Municipal Polling Place

NOTE: Non-specific rural addresses may not be available

If you prefer to vote off-site, mail, fax or email your absentee ballot application to your county registrar

Click here for an Absentee Ballot Application

Click here for Absentee Ballot/Early Voting status

- Candidates Elected: [Officials Elected Statewide](#)
- District Maps: [Congressional District Maps](#)
- U.S. Congress: [District 005](#)
- Georgia Senate: [District 035](#)
- Georgia House: [District 059](#)
- Judicial: [Atlanta District](#)
- Commission: [District 004](#)
- City Council: [District 002](#)
- Muni Brd Educ: [District 001](#)

Click Here for Qualified Electorate

Please Note: Polling places are subject to change. Always check your designated polling place location via this website prior to going to vote

Newly Registered Voters: Please review your registration date which is located under your name and address above. You must be registered on or before the established deadlines to vote in upcoming elections. Please view the current election calendar to confirm the first election in which you will be eligible to vote.

- Georgia Voter ID
- Stop Voter Fraud
- Elections Decision
- Elections Advisory Council
- Georgia VoteSafe

State of Georgia
County of Bibb

AFFIDAVIT

I, [REDACTED] personally appeared before the undersigned notary public. I am over the age of 18 years of age, a bona fide resident of the State of Georgia, and competent to make this Affidavit. Under oath, I do hereby swear or affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief. The statement below is based on my own observations of what I have witnessed:

I was an approved Republican poll watcher at Turning Point at Mabel White Baptist Church HO3, on November 3, 2020, when I observed unused provisional ballots which were counted and left unsecured. They were placed on top of a suitcase. Later, they were placed in an open crate. As they were taking the final load of ballots, the poll manager asked where they were, and none of the poll workers answered, I had to tell him where they were.

Only one of the ballot suitcases was secured with a red seal. I asked why the second one was not sealed, and I was told by the poll manager that it was not needed.

I was not allowed to witness the counts on the machines; I asked to see the numbers, and I was told that they would give the counts to me.

I know and understand the contents of the statement above; and I do swear or affirm the statement to be true. Today's date is 11/10/2020

[REDACTED]

[REDACTED]

ADDRESS: 132 Brighton Court, Macon Georgia 31210

TEL./CELL: 478-361-1105 FORM OF ID: GA Driver's License

SWORN TO AND SUBSCRIBED BEFOR ME,
THIS THE 10th day of November, 2020.

Lauren Deal
NOTARY PUBLIC
My commission expires: 1/14/2024



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I, [REDACTED] make the following declaration regarding my personal vote in the general election on November 3rd, 2020.

On Tuesday November 3rd, 2020 I went in person to vote at Park Tavern, precinct 02K, Fulton county, georgia. I arrived at 5:40 am. I was the second person in line. Everything seemed normal, show ID, get voter card, vote and scan in printed ballot.

There is no record of my vote on Georgia's my voter page -
[https://www.google.com/url?q=https://www.mvp.sos.ga.gov/MVP/mvp.do&source=gmail-
imap&ust=1607294080000000&usg=AOvVaw1GQMRUOURIVSDfXOMIId3Z](https://www.google.com/url?q=https://www.mvp.sos.ga.gov/MVP/mvp.do&source=gmail-imap&ust=1607294080000000&usg=AOvVaw1GQMRUOURIVSDfXOMIId3Z)

[REDACTED]

Lynda Nesbitt
Notary
11.29.20
date

Lynda Nesbitt
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 10/09/2023

commission exp 10/09/2023

STATE OF GEORGIA

COUNTY OF FULTON

DECLARATION OF [REDACTED]

Pursuant to 28 U.S.C. 1746, I, [REDACTED] make the following declaration:

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
2. I am a resident of Fulton County, Georgia.
3. On Sunday, November 29, 2020, I was present as an observer for the Republican Party at the Georgia World Congress Center to observe the recount of the November 3, 2020 election for Fulton County. I was there from 8:00 a.m. to approximately 1:30 p.m.
4. At around 11:00 a.m. I noticed that the recount appeared to have stopped.
5. I asked a group of observers for the Democrat Party why they were taking a break and they replied that they were waiting for "the change" to take place from the early voting recount to election day voting recount. I understood that to mean there would need to be made a change in the system in order to continue with the election day voting recount.
6. It was noteworthy that the Democrat observers were privy to information that the Republican observers were not given.

7. I proceeded to ask the person supervising the recount, a woman by the name of Mable (her last name was unknown to me), who would be making “the change” in the system needed to go from early voting recount to the election day recount. She replied it would be a man who was presently in the back. She did not give me his name.

8. I asked the supervisor when the change to the system would be completed. She said that she did not know, and then said that perhaps it would be after lunch.

9. I drew the logical conclusion that “the change” to which the supervisor and Democrat observers were referring was a change in the software of either the voting machines and/or the scanners as these were involved in the recount. All that was clear is that they could not proceed with a recount of the election day ballots because they were making some change to the voting system.

10. Around 1:00 p.m. I asked the supervisor once again when the change in the system would be completed, as the recount remain stopped.

11. The supervisor responded that the man who was making the system change “left to get something he needed.”

12. When I left the Georgia World Congress Center at approximately 1:30 p.m. the alleged “change” in the system was still not completed and the recount had still not restarted.

13. I was present at the Georgia Congress Center on Wednesday, November 25, 2020 for approximately five hours to serve as an observer of the recount for the Republican Party. At no point did I observe a stop in the recounting or the need to make any changes to the system (voting machines or scanners).

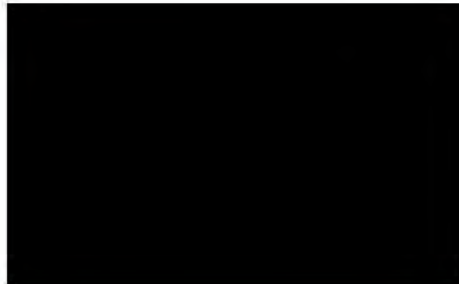
14. I am a technology professional with over thirty years experience. I find it highly questionable that the recount would have been stopped for the alleged reason given, and for that length of time, for several reasons: (1) The ballots used for the early voting are the same as those used as on election day, the only difference being the date on which they were received; (2) Having just gone through an election, it should not have been necessary to make changes to the system at this point; and 3) Taking 2 ½ hours or more to make changes to the system so that the election day recount could proceed seemed unreasonable.

15. I am concerned that the reasons given for stopping the election day recount appears to be pretextual. This begs the question of what was truly being done to the voting system during this time.

16. I am further concerned that changes that were being made may interfere with the ability to recover the full history of what transpired in the use of the voting machines and scanners in this election.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 30, 2020



Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. Briana Cauffman is my daughter. She is 33 years old. In 2019 she was convicted of committing a Federal crime and sentenced to serve 3 years in prison and 3 year probation period. In 2020 I received Official Election Ballots in the mail for the 2020 Election, Exhibit A. On November 6, 2020, I received a Postcard thanking her for being a 1st time voter and stating "How you vote is secret, but whether you vote is Public information." Exhibit B.
3. [REDACTED]
4. Unrequested Official Ballots mailed to my home for someone that is a convicted felon, currently incarcerated, and her Rights have not been restored, including her Right to Vote.
5. Photograph of Ballots described as Exhibit A.
6. Photograph of Postcard described as Exhibit B.
7. Photograph of Envelope from Briana Cauffman, Inmate #84173298, from Federal Prison Camp, Phoenix, AZ, Inmate correspondence, date stamped November 19, 2020 as Exhibit C.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Exhibit A

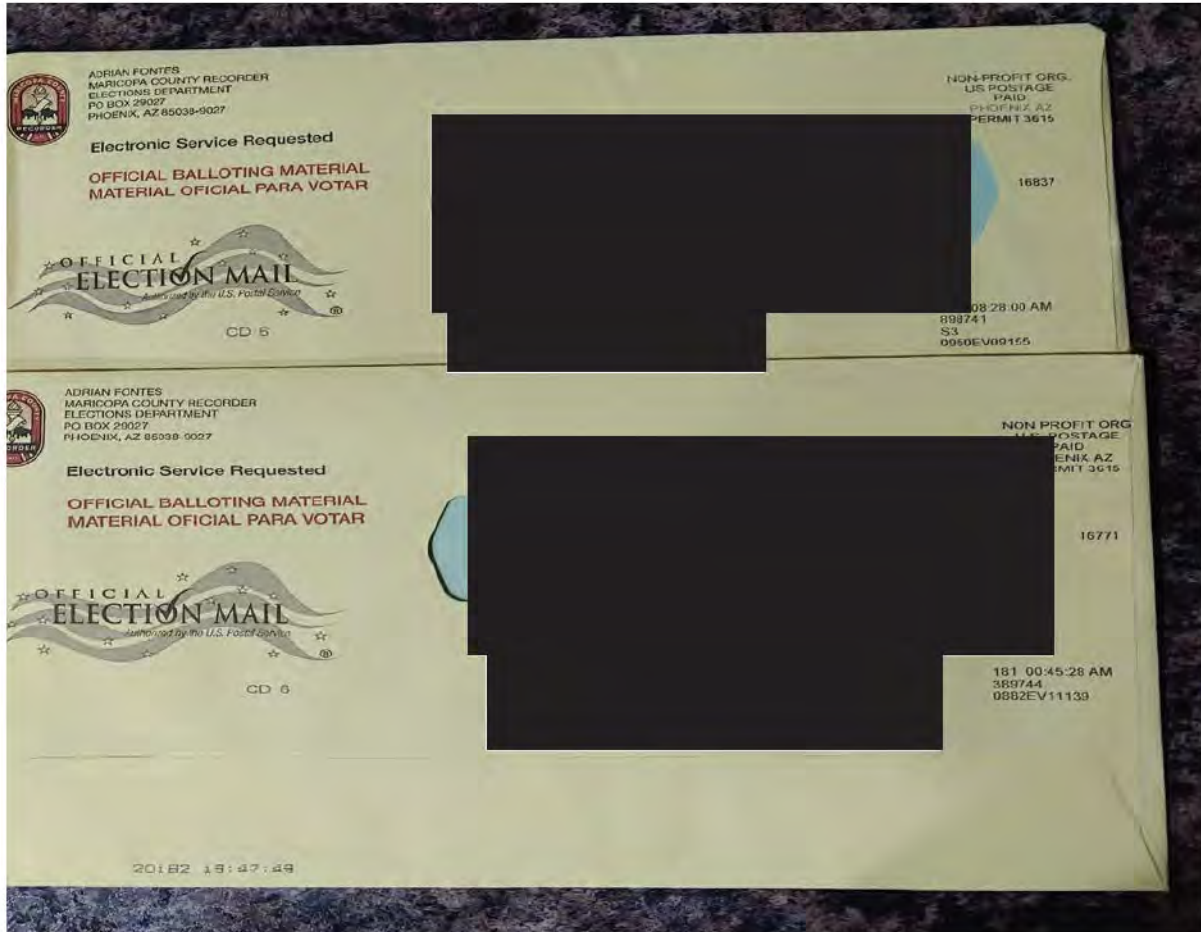


Exhibit B

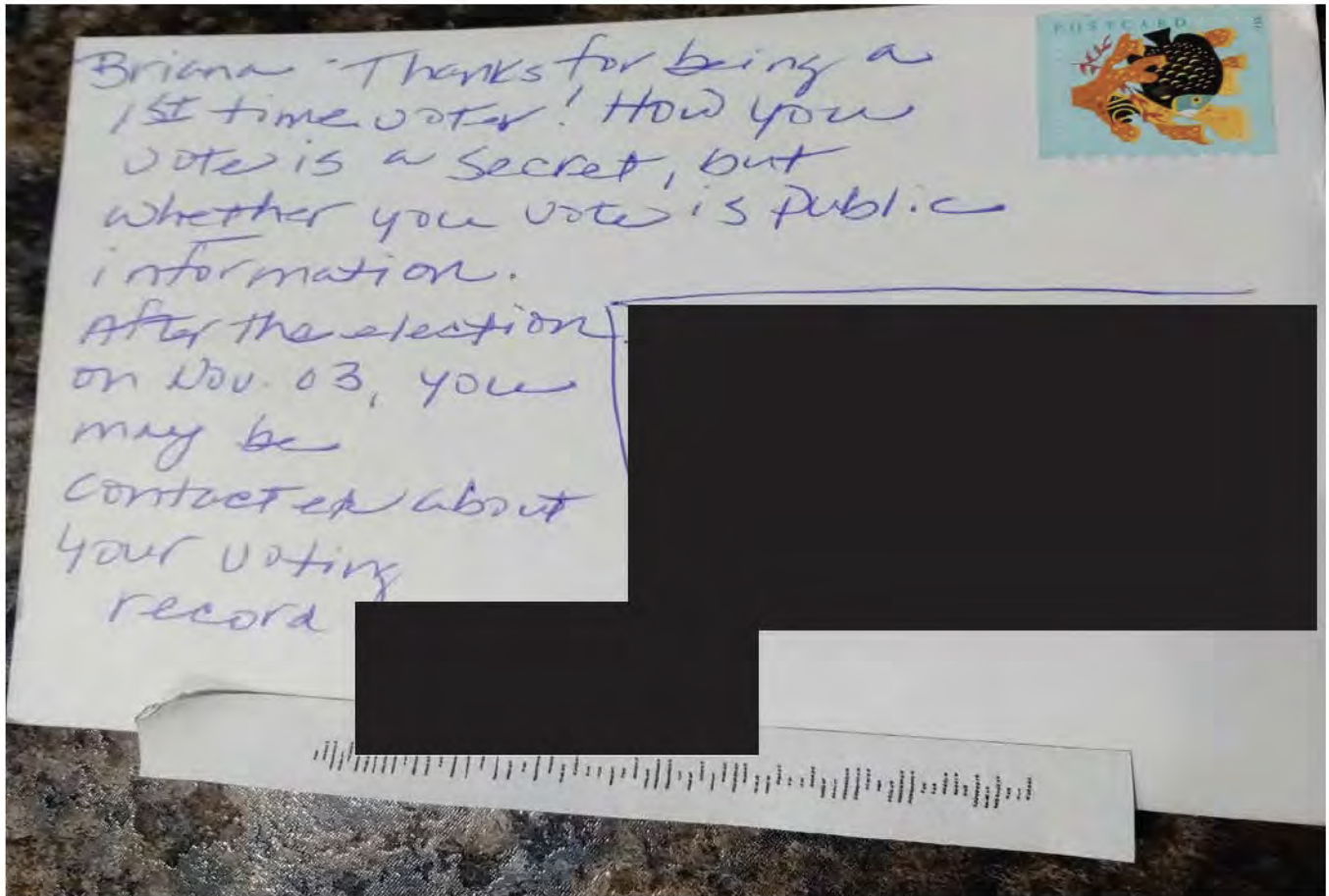
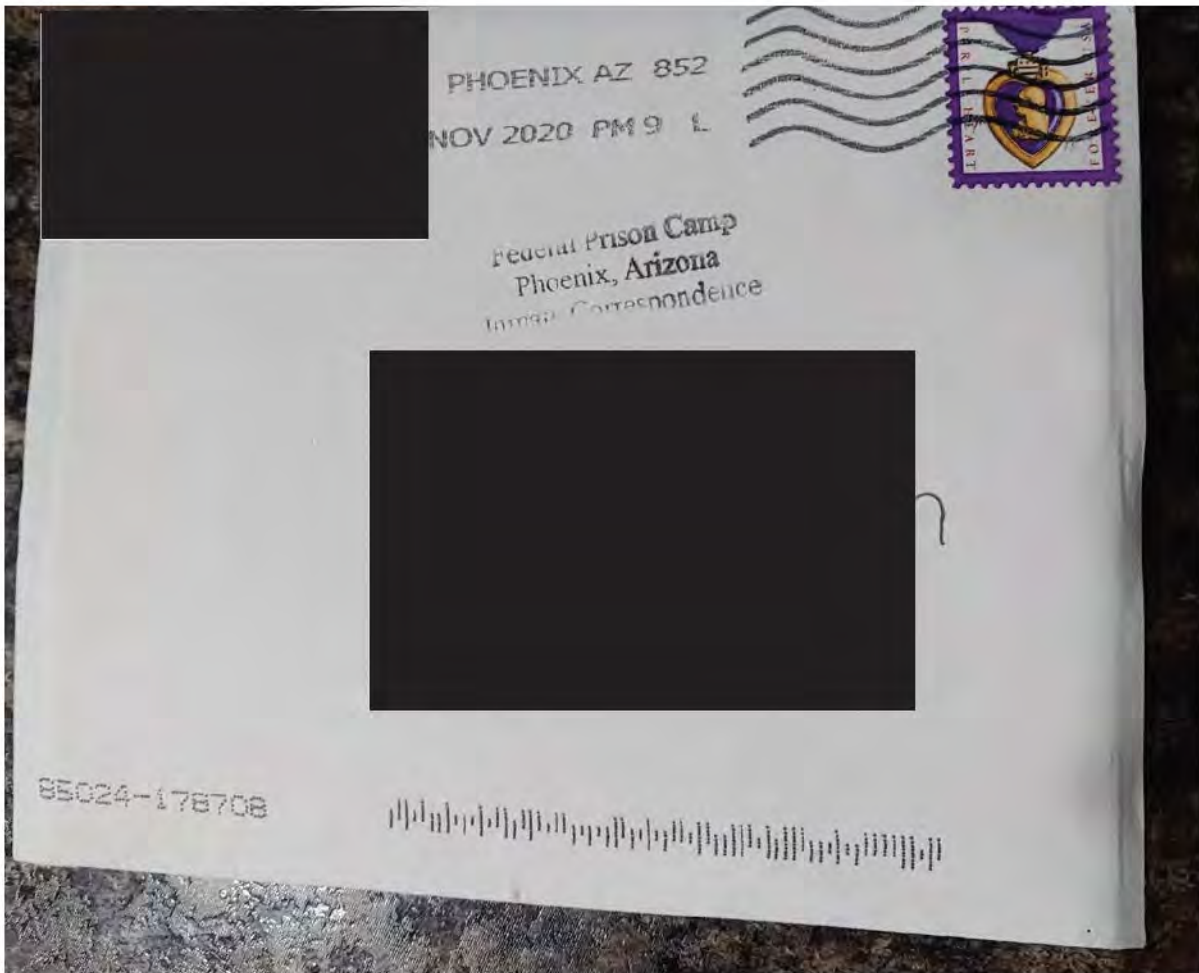


Exhibit C



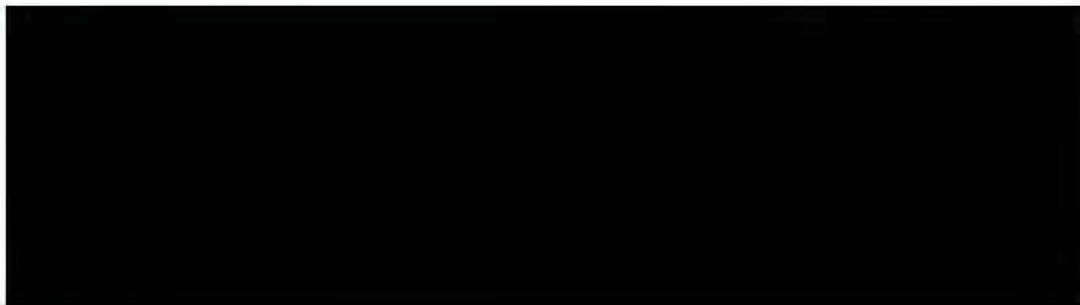
Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am a trained physical therapist, serving as a captain in the United States Air Force.
3. I reside at Keesler Air Force base at 211 Vandenberg Drive, Biloxi, MS, 39531
4. My affidavit highlights that I received multiple ballots for the general and runoff elections (November 3, 2020 and January 5, 2021.) It also highlights that I voted for President Trump and all Republicans on the ticket.
5. At the end of September, I requested UOCAVA absentee ballots from the McDonough elections office. The e-ballots I had previously requested would not print correctly. The watermark and printing capacity failed multiple times, leading my wife and me to request mail-in ballots. She was told by McDonough elections office worker, Jan Mayo, that the watermark did not matter and reassured her that they compare each ballot with our signatures. Concerned that our ballot would be rejected due to cosmetic variance, we each requested mail in ballots.

6. We received our first ballots from Elections and Registration (Postmarked on the 26th of September, 2020) from the address: 40 Atlanta St. McDonough, GA, 30253. These ballots included duplicate run off ballots for January 5th (printed on normal paper, one missing an envelope) and a ballot and envelop for a runoff December 1st. We each filled out our November 3rd ballots, voting for President Trump, Senator Kelly Loeffler and all other listed Republicans. We sent these in around the 12th of October.
7. Probably a week or two later, my wife and I received a new set of ballots (which we have kept for proof) from the Georgia Secretary of State, Elections Division located at 2 Martin Luther King Jr. Dr. SE. 802 West Tower. Atlanta, GA, 30334. These came via presorted First Class mail, marked in the top right corner "PAID GEORGIA SECRETARY OF STATE." I could not find a watermark on the envelopes so do not have the exact date of their arrival. These did not include run off ballots. The envelops were not in color, came from the Georgia Secretary of State, and came from a different address. However, the return address was to the McDonough elections office, not the address in Atlanta from which they came. All these minor details concerned me. The ballots appeared official and had
Copyright 2020 Dominion Voting Inc All Rights Reserved at the top.
8. Concerned that fraud was occurring, my wife left two voicemails for Jan Mayo at the McDonough election office. She never heard back from her.

9. Finally, postmarked the 20th of November, we each received another set of runoff ballots for January 5th. These came from Elections and Registration at 40 Atlanta Street, McDonough, GA. 30253. They were printed on official cardstock paper and came in the normally colored red envelope. These were, in summary, the third set of ballots we received for a runoff election January 5th.
10. If 100% of military absentee ballots in GA were reported to have voted for presidential nominee Joe Biden, there is no doubt that there was voting fraud since my wife and I went to great effort to ensure that our votes were submitted for President Trump. We took them to the post office, carefully filled in each selection, and have kept every piece of extra ballots we have received as evidence.



Declaration of [REDACTED]

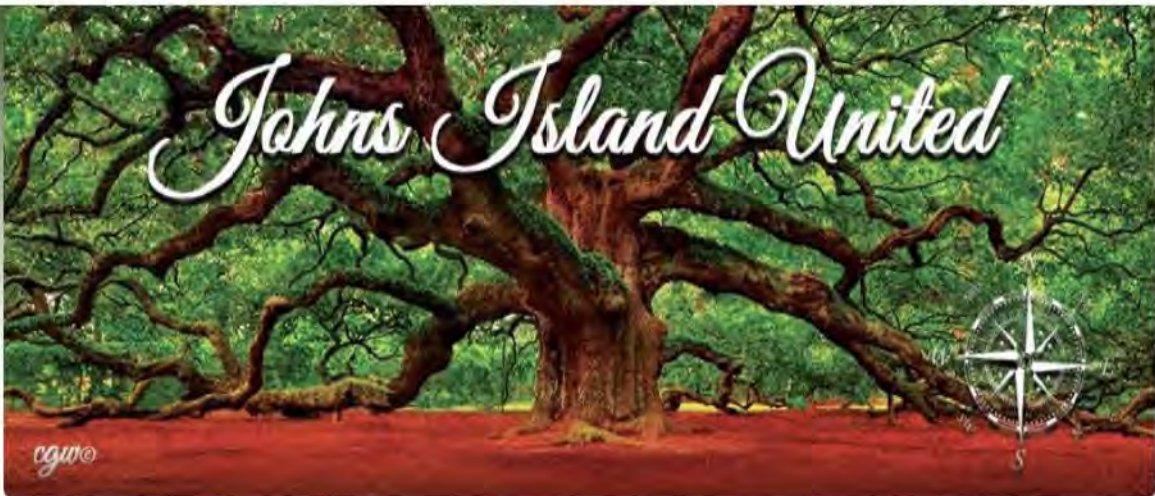
[REDACTED] 28 U.S.C Section 1746, I, (Name), make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. Detail background and qualifications: SC resident, mother, wife, voter, concerned citizen with Masters in Ed, Guidance, BA Psych, BA Health Car Admin.
3. [REDACTED]
4. My affidavit highlights: noticed mail irregularities(5), election day concerns(6), and GA ballot harvesting as a non GA resident(7).
5. Info: October 2020: I noticed we had not received some bills, packages and other mail in a timely fashion. October 13 I posted a message to a local facebook page “Johns Island United Discussion Group” 52 comments are attached. Word and pdf of screenshots are attached. Much of the conversation references lost, slow mail, missing, destroyed and lost ballots, confusing guidance on ballots vs voting in person, one resident contacted Joe Cunningham and a congressional inquiry was made, voter concern, contact with businesses who claim mail is slow everywhere.
6. Info: Election day: We were assigned a new venue, Berkely Electric on Johns Island. Berkely has very little public parking available for such an event. We arrived at 6:30 a.m. & a.m. we were told computers were down. A man ran from the building to a car for an extension cord, 15-20 minutes later we slowly began to enter. Between the delay and poor parking availability, I witnessed cars

leaving without voting. Cars pulled in the lot and quickly pulled back out.

7. Info: Sat Nov 21- I received this text: Hi Katie, this is Molly, a volunteer with Fair Fight. On January 5th, Georgia voters have the chance to elect 2 U.S. Senators who can expand access to healthcare throughout the state and lift our families out of our current public health crises. We also have the chance to elect a Public Service Commissioner who will advocate for clean and affordable utilities for hardworking families like ours. We can't afford to sit this election out. Request your mail-in ballot for the January 5 election TODAY at <https://ballotrequest.sos.ga.gov/>. Can we count on you to request your ballot today? [STOP2QUIT] ***I have no affiliation with Georgia, I did not request a ballot and Fair Fight is a Democrat voter harvest scam as far as I researched.
8. I am just one person noticing 3 separate concerns in an uncontested state.





Johns Island United Discussion Group

Private group · 8.0K members



About Discussion Announcements Members Events Media Files Search More

Anyone else with delayed mail? We just received an item we should have received over a week ago. Same issue for our direct neighbor, if nothing else comes of this, I would definitely suggest you vote in person.

18 likes 52 Comments

Like Comment

Just had a package that said delivered at my mailbox at 7:31. No package.

Like Reply 6w

I totally agree ... still waiting for my ballot!

Like Reply 6w

Got ours today in Shell Point

About

Welcome to Johns Island United Discussion Group ****READ THE PIN POST FOR THE RULES OF THIS GROUP!****

Members read these rules and remember that t...
[See More](#)

Private
Only members can see who's in the group and what they post.

Visible
Anyone can find this group.

Johns Island, South Carolina

General Group

 **Johns Island United Discussion Group**

 [REDACTED]
Got ours today in Shell Point
Like · Reply · 6w

 Write a reply...    

 [REDACTED]
That's funny I'm getting my mail on time and also get my ballot and mailed it off with no problem.
Like · Reply · 6w  1

 [REDACTED] sounds like you're one of the lucky few.
Like · Reply · 6w  1

 Write a reply...    

 [REDACTED]
Have not received any mail since last Friday on Betsy Kerrison Pkwy.
Like · Reply · 6w

 [REDACTED]
We are on Seabrook and it's been terribly slow
Like · Reply · 6w

 [REDACTED]
Still no ballot that was mailed on September 29.
Like · Reply · 6w

 [REDACTED]
Joan Frey Loughry go vote at the coliseum. We didn't get ours either.
Like · Reply · 6w

 [REDACTED]
Ed-Loretta Mccoy i was told by election officials that we can't vite in person since we signed uo for absentee. How did you do it?
Like · Reply · 6w

 [REDACTED]
Joan Frey Loughry yes you can. They even have an

1 ...  (2) Johns Island Uni...



Johns Island United Discussion Group

Like · Reply · 6w



yes you can. They even have an extra line for the ones that were going to vote absentee and didn't get their ballots. Very easy.

Like · Reply · 6w



thank you! Even the election office doesn't know its own rules.

Like · Reply · 6w



You can also take your mail in ballot with you and surrender it to poll workers, then vote in person.

Like · Reply · 6w



that's the problem, We haven't recieved our ballot!

Like · Reply · 6w



I returned my completed application on 9/15 and received my ballot on 10/8. My neighbors got theirs the same day. You can go on the website to check the status of your ballot, but who knows how accurate the dates are.

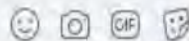
Like · Reply · 6w



thanks but i did that. Still no ballot



Write a reply...



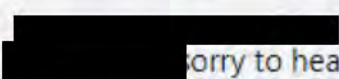
I emailed Cunningham about the same thing happening to me, and they opened a congressional inquiry. No joke, now all my mail gets held at the post office. It's like they are punishing me for speaking up.



Johns Island United Discussion Group

now all my mail gets held at the post office. It's like they are punishing me for speaking up.

Like · Reply · 6w · Edited

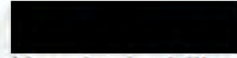


Sorry to hear that and frankly, very concerning. 😞

Like · Reply · 6w



Write a reply...



Yep...had a bill payment take 13 days to get to a credit union. Called them and they said the problem is all over the nation and they had recieved tons of calls about delayed payment matters...and this is supposed to work how with mail-in ballots??

Like · Reply · 6w

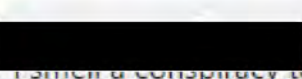
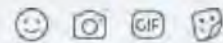


that's why everyone should vote in-person! 👍

Like · Reply · 6w



Write a reply...



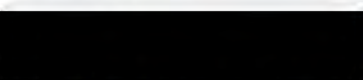
I smen a conspiracy to surpress voters. Hmmm I wonder who's behind this? I've been fighting with the election office for a week now. Multiple phone calls. Even called the Post and Courier to get them to do an investigation.

Like · Reply · 6w



This is why we are going to drop off our ballots in person

Like · Reply · 6w



we plan to drop ours off too. If only we could get our ballot.

Like · Reply · 6w



Johns Island United Discussion Group

Like · Reply · 6w



[REDACTED] we plan to drop ours off too. If only we could get our ballot.

Like · Reply · 6w

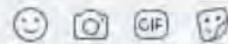


[REDACTED] Us too! We sit and wait...

Like · Reply · 6w



Write a reply...



[REDACTED] About a month ago I notice a definite trend in mail slowness. Took 9 business days for a card to get to me from NJ. A few weeks ago everyone in my development was talking about the mail that Informed Delivery said was delivered but wasn't.

Like · Reply · 6w



[REDACTED] This is happening in our small town in PA. It takes 9 days to get a bill or letter sent. The Postal service has cut down staff and there were other reasons that were explained to her. It's not just here.

Like · Reply · 6w



[REDACTED] Yep! Today we didn't get ANYTHING!

Like · Reply · 6w

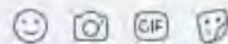


[REDACTED] I make jokes all the time that our carrier only works 2days a week! 😊

Like · Reply · 6w



Write a reply...



[REDACTED] A letter we're trying to mail is still sitting in our mailbox. Received no mail today either (of course). What's going on?!



Johns Island United Discussion Group



[REDACTED]
A letter we're trying to mail is still sitting in our mailbox. Received no mail today either (of course). What's going on?!

Like · Reply · 6w



[REDACTED]
Mailed my ballot and get text messages about its progress in delivery

Like · Reply · 6w



[REDACTED]
Sign up for Usps updates of what should be delivered to you today. As for your ballots, drop them at the boxes at the post office. We dropped ours Friday and got text and email confirmation they had arrived at the voting hq Sat evening.

Like · Reply · 6w



[REDACTED]
Still waiting for my husband's two birthday cards I mailed on August 19 to come to our house.

Like · Reply · 6w



[REDACTED]
Still have not received ballot that supposedly was mailed 9/29!!!

Like · Reply · 6w



[REDACTED]
Call the Director of Elections for the state of South Carolina. Her name is [REDACTED]. She's very helpful and needs to know what is going on here in Charleston!

Like · Reply · 6w



[REDACTED]
[REDACTED] tried her but no answer. Called local support and they said 29455 was running late (really !) and they should arrive by Friday. If not, call (843) 744-8683 and update their info. Ballots did not go out until 10/2 as opposed to 9/29 date published.



Johns Island United Discussion Group

(really !) and they should arrive by Friday. If not, call (843) 744-8683 and update their info. Ballots did not go out until 10/2 as opposed to 9/29 date published.

Like · Reply · 6w



[REDACTED] she had our absentees ballots reissued. Said they got chewed up in a machine (?). I was told all ballots were mailed from either Maryland or Florida (where they were printed) on Monday October 5. I wish the elections office would get their story straight!

Like · Reply · 6w



1



Write a reply...



[REDACTED] I filed a complaint with the postal service for not receiving mail for over a week and a Johns Island postal worker called me. She said they do not hold any mail at the Johns Island location. We received no mail last week and then 3 checks and 3 packages all at once yesterday. Two checks were mailed 2 weeks ago and one was mailed on Friday of last week. So the mail is being held SOMEWHERE. Maybe not on Johns Island but somewhere. It makes zero sense!

Like · Reply · 6w



3



[REDACTED] feel that neither the elections office nor the USPS is being honest. Could they be on a mail carriers car? Stuffed in a back room at the PO? Or something more sinister? Hmmm

Like · Reply · 6w

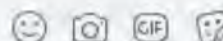


[REDACTED] definitely concerning

Like · Reply · 6w



Write a reply...





Johns Island United Discussion Group

[Redacted] Loughry definitely concerning

Like · Reply · 6w



Write a reply...



[Redacted]
It's the Post Office for sure, Johns Island population as almost tripled since 2000. Yet they still close between 1-2:30 everyday, when I asked they said it's to conserve energy !
Haha

Like · Reply · 6w



↳ [Redacted] Replies



[Redacted]
I also spoke with Marci Andino, the Executive Director of the State Election Commission and she was very helpful. She suggested those who have not received their ballots to give it until Friday of this week. She said there were about 1,000 ballots that got damaged and were mailed yesterday. If you do not receive it by Friday, you should call the Charleston County Election Commission.

Like · Reply · 6w



[Redacted] thanks for this helpful information!

Like · Reply · 6w



[Redacted] Thank you for the info ! I've been checking everyday , and still no ballot . I'm planning to vote in person at this stage - don't trust the mail in !

Like · Reply · 6w



[Redacted] giving it a little more time, but tracking it closely.

Like · Reply · 6w



Write a reply...





[Redacted]

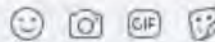


[Redacted] giving it a little more time, but tracking it closely.

Like · Reply · 6w



Write a reply...



[Redacted]

I got my ballot in mail after requesting it and arrived promptly. Spouses as well. Mail service seriously lagging behind because we usually get good service. Been waiting on a package with delivery date last week. Heard thousands of ballots were sent incorrectly so resending those but this was in WA area. not JZI.

Like · Reply · 6w



[Redacted]

yes! I received several bills (I've already paid) in the mail TODAY that I typically receive around the 9th.

Like · Reply · 6w



[Redacted]

I talked to the postmaster at the JZI post office about the appearance of the grounds between the road and the parking lot. There are dead trees that have been there for almost 2 years and the grass should be cut more often. It's an eyesore. He told me it was because of Covid. I told him that had nothing to do with covid! That was 2 months ago and nothing has been done! I'm not giving up! The James Island P.O. doesn't look this bad! If you know who I should contact, please message me! Again, I am not giving up!!

Like · Reply · 6w



[Redacted] up Cunningham's office! They have a congressional coordinator who can file a complaint with USPS. If you go to his website, there's an option to shoot him an email 🙌

Like · Reply · 6w



[Redacted]

Thank you!!

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I hold dual Doctorates and dual Masters in Economics and Management Science & Engineering from Stanford University and a BS in Economics from Arizona State University. I hold roles in the public sector, private sector, and higher education.
3. I [REDACTED].
4. Georgia uses Dominion Voting Systems (DVS), which has a history with technical glitches that have not been fixed. DVS was rejected three times in Texas because of its inherent defects. It has caused multiple anomalies and delays. In Gwinnett County alone, these software glitches have affected roughly 80,000 mail-in ballots.

Although election officials have said that these glitches have been corrected and are not reflected in the final tallies, it is hard to take these statements on faith without any evidence, particularly given DVS' bad track record. Moreover, it is also possible that there are many other instances of "glitches" that were not caught.

5. These glitches are on top of those that occurred in Morgan and Spalding counties. Marcia Ridley, elections supervisor at Spalding County Board of Election, said that the company "uploaded something last night, which is not normal, and it caused a glitch," preventing poll workers from "using the pollbooks to program the

smart cards that voters insert into voting machines” and causing delays for voters.

6. Roughly 1.5 million Georgia voters requested absentee ballots, which is far above the 200,000 absentee ballots from 2016, and is 30% of their estimated 5 million voter turnout. As of November 6th at 6pm, Georgia election officials said that more than 14,200 provisional ballots needed to be counted. Jeff Greenburg, a former Mercer County elections director, remarked that over his 13 years in the role, he had only processed 200 provisional ballots in total and it would take his county 2.5 days to process 650 provision ballots. That implies nearly 55 days to approve, which suggests that the current pace they are approving provisional ballots is implausibly fast if they intend to call the election soon.

It is also curious that the correlation between the number of mail-in votes for Biden net of Trump and the 2016 share of votes for Clinton is stronger than the total votes for Biden net of Trump. This evidence is consistent with the view that manipulation is easier with mail-in votes and more likely to occur where there is less Republican competitive oversight (e.g., poll watchers turned away).

7. The counties with the greatest reported software glitches and delays are also the counties with the biggest swings in votes for Biden. The list of numbers below tabulates the percent change in Democrat votes from one election to the other for some of the most Democrat counties in the state. Importantly, the increase between 2020 and 2016 is systematically larger than the 2008 to 2012 or 2012 to 2016 increases: for example, the median (mean) increase from 2016 to

2020 for these counties was 27% (30.6%), whereas they were only 11.5% (9.8%) and -4% (-2.8%).

These are anomalies that evidence a high likelihood of fraudulent alterations within the software or the system.

Increase in Democrat Votes from Election-to-Election, in %

County 2008-2012 2012-2016 2016-2020

Fulton -6% 16% 28%

DeKalb -6% 6% 22%

Gwinnett 3% 25% 45%

Cobb -6% 20% 38%

Chatham -4% 3% 26%

Henry 8% 14% 46%

Muscogee -4% -6% 24%

Bibb -1% -5% 18%

Douglas 2% 9% 37%

Clarke -14% 16% 22%

Mean -2.8% 9.8% 30.6%

Median -4% 11.5% 27%

These changes alone are highly suspect. The 2016 to 2020 increase in Democratic votes is at least over double in these counties. Moreover, all

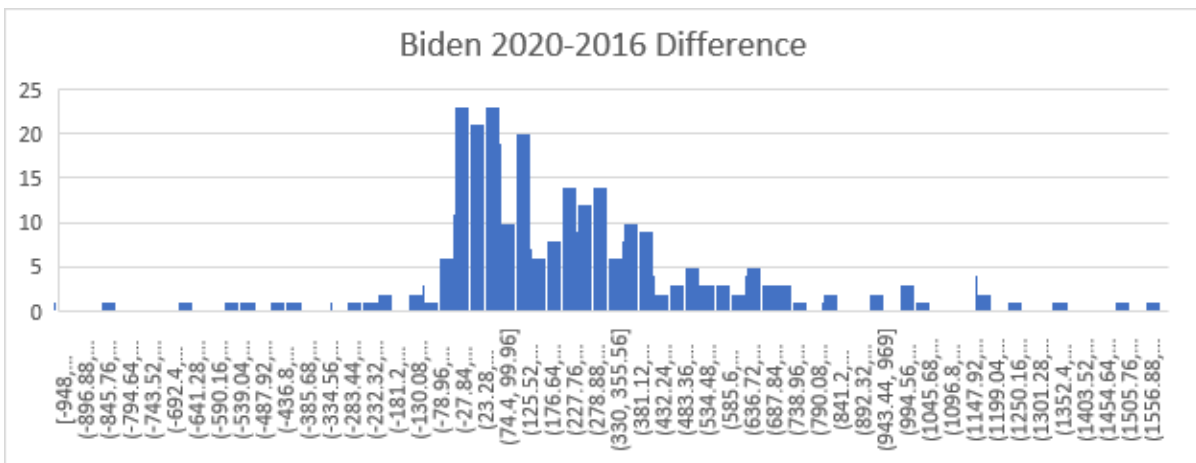
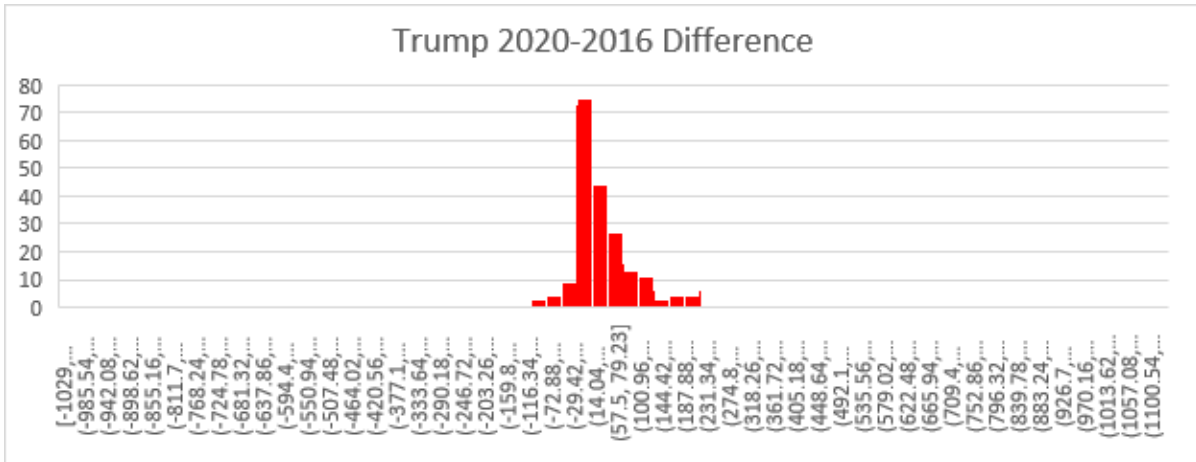
it takes is one or two counties, like Fulton, to become a hotspot for fraud for it to sway the overall election outcome, particularly via Atlanta.

Moreover, as a control group, consider the fact that counties that are on the Northeastern border of Alabama have a much lower increase in Democrat votes for Biden. These counties are comparable given their proximity, making the especially large surge in Georgia more suspect.

There are also many precincts within these counties that have highly suspect numbers. For example, 97% of the votes are for Biden in SC16A (Fulton County) and 97% in Snapfinger Road (DelKab). Many more examples abound. The distribution is also highly skewed towards Biden: whereas 10% of the precincts have an over 95% Biden vote, none of the precincts have an over 90% Trump vote. Given the historical distribution of votes from 2016, this fact pattern is suspect.

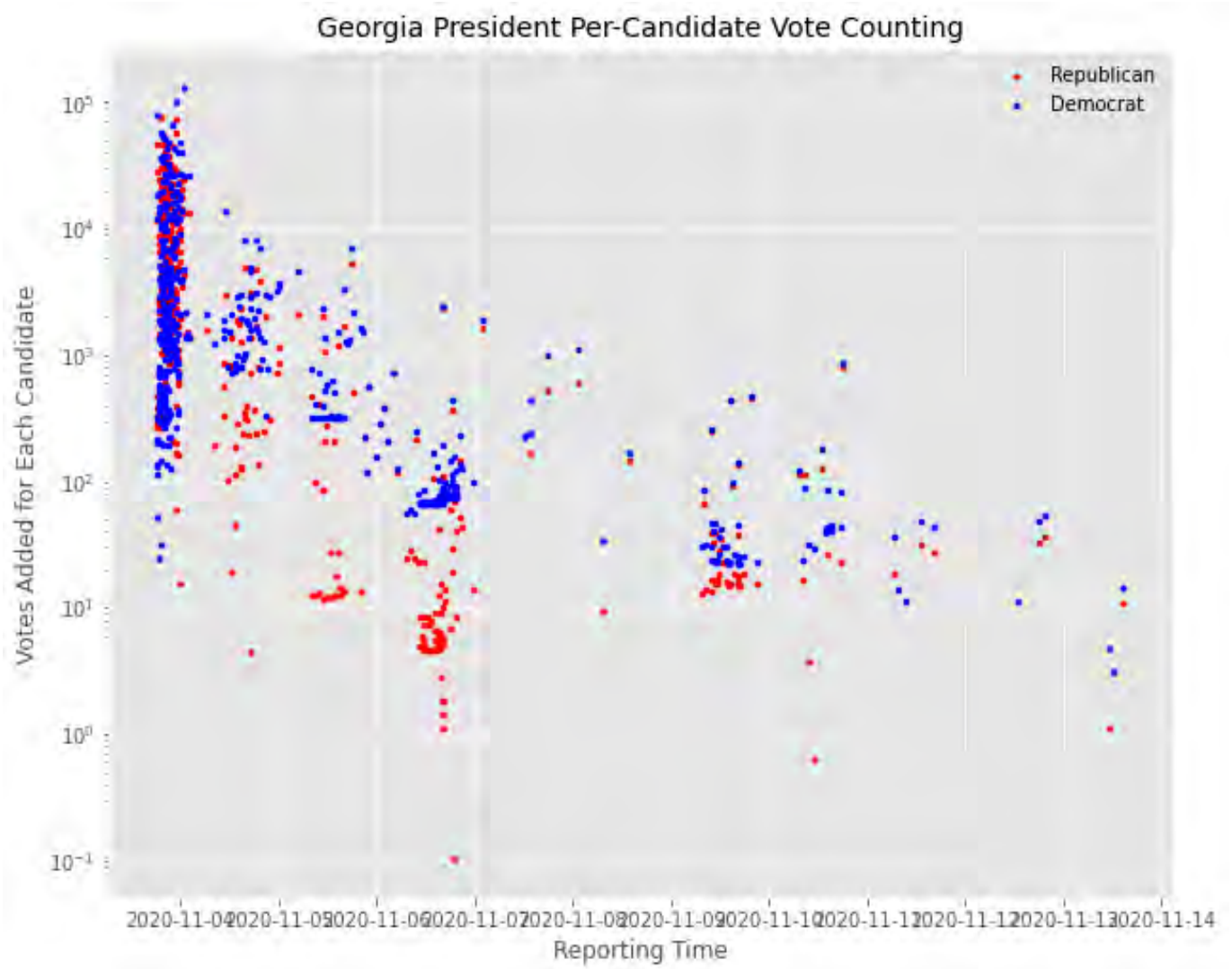
8. One diagnostic for detecting fraud involves Benford's law. In the case of election fraud, that means looking at the distribution of digits across votes within a specified geography. Using precinct level data for Georgia, my research identified 1,017 suspicious precincts out of 2,656 when we look at advance ballots. Even more precincts (1,530) were flagged as suspicious for election day votes. While Benford's law is not a silver-bullet for identifying fraud on its own, it suggests suspicious activity that warrants additional attention.
9. Yet another way of detecting statistical anomalies involves looking at the distribution of the change in 2020 to 2016 vote shares of Trump and Biden. Whereas the distribution for Trump is perfectly "normal," the distribution for Biden is non-normal: it is skewed heavily to the

right. This is not present in other states that do not have similar concerns about fraudulent activity, but is present in the states with those concerns (e.g., Pennsylvania too).

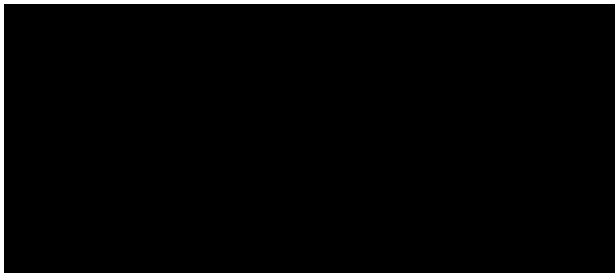


- There were many puzzling incidents across states, including Georgia, where surges of votes for Biden were observed at odd hours of the morning of November 4th. In particular, preliminary analysis on the live Edison Research data reveals that new ballots were coming in increasingly more slowly, but they were larger for Democrats than for Republicans. The combination of the pattern and

timing is puzzling, particularly since it is not present in other states, like Florida, that do not have similar concerns about fraud.



I declare under penalty of perjury that the forgoing is true and correct.
Executed this November 16, 2020.



Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED] make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. My background and qualifications:

I retired on March 22, 2013 after developing software for 32 years. When I retired I was the IT manager of the County of San Bernardino's PeopleSoft HRMS/Payroll application known as EMACS. I was the IT project leader during initial implementation in 1998 and had been managing all IT aspects of the system since then. I've been through four application upgrades and three Oracle upgrades. The County's EMACS system profile; PeopleSoft HRMS 9.0/PeopleTool 8.48.17 on Oracle 11.2.0.3.0 on Win 2008 R2. We implement core HRMS, Benefits Administration, Payroll for North America, Time and Labor, eBenefits, ePay. We paid 19,000 employees in 29 benefit groups approximately \$34,000,000 biweekly.

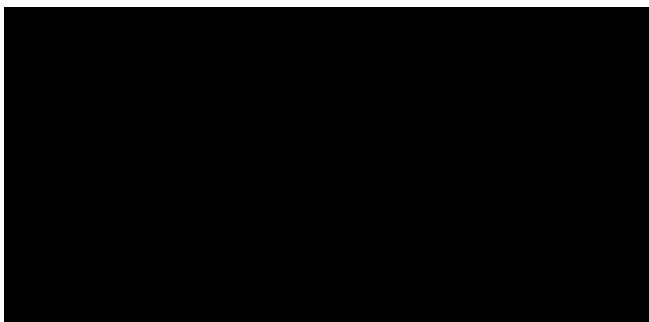
Prior to my involvement with the EMACS system I was the project manager responsible for design, development and implementation of the following applications for the County of San Bernardino:

- FAS Financial Accounting System
- San Bernardino County Employee Retirement Payroll system
- San Bernardino County Employee Retirement Contribution Tracking system

Prior to my work at the County of San Bernardino I worked as a consultant for a company called Computer Assistance Inc. and I worked on two fixed priced projects for the City of Los Angeles;

- Animal Management System
- Application Management system (recruitment application). One of my responsibilities was to program the scanning machines to capture the results of employee scantron tests into the system.

3. I reside at ***** Riverside California
4. I performed an analysis of the 4,505,777 absentee ballot records from the Nov 2020 election I obtained from the Georgia election website (<https://elections.sos.ga.gov/Elections/voterabsenteefile.do>) and I found approximately 589 people who appear to have two or more records that were accepted (ballot status='A') without a corresponding cancel (ballot status='C'). My logic included looking for the same name (first, last, middle and suffix) and street name and reporting any duplicates with a different voter registration number.
5. The records in the spreadsheet appear to me to be people who voted twice. A manual lookup of these records in Georgia's voting system would confirm my findings.
6. I mailed the spreadsheet and SQL logic used to produce the spreadsheet to Lin Wood on Nov 25, 2020.
7. On Nov 27, 2020 I was contacted by an associate of Lin Wood. We discussed my findings, and I was asked if I'd be willing to provide a signed affidavit.



12/3/2020

Date: _____

Declaration of [REDACTED]

Pursuant to 28 U.S.C. Section 1746

I, [REDACTED] make the following Declaration.

1. I am over the age of 21 years and I am under no legal disability which would prevent me from giving this declaration.
2. I reside at [REDACTED]. I am retired from the Forsyth County School System. I am currently on Disability and last voted in the 2012 General elections
3. On Sept. 8, 2020 I checked the Status of my voter Registration and confirmed my address and obtained the location of my polling place.
4. On Oct. 13, 2020 I went to the polling station located at
Precinct 03
DAWSON CO EMS STATION 2
145 LIBERTY DRIVE
DAWSONVILLE, GA, 30534
5. After going through th voting process which included
 - A. Showing and verifying my ID against my voter registration
 - B. Obaining my "key" card and making my selections via

the computer terminal.

C: Inspecting the on screen Ballot before printing the paper copy to scan and cast my official vote and,

D: Scanning my paper ballot and getting my "I voted" sticker

6. I took a selfie of myself and my Husband proudly displaying our "I voted" stickers and posted the image to FaceBook

7. On 11/24/2020 My Daughter and Son-in-Law informed me that the mvp.sos.ga.gov website shows my current voter status as accepted but states that;

A: On Oct.13, 2020 I requested an Absentee/Early voter Ballot

B: On Oct. 15, 2020 The Absentee/Early Voter Ballot was Issued

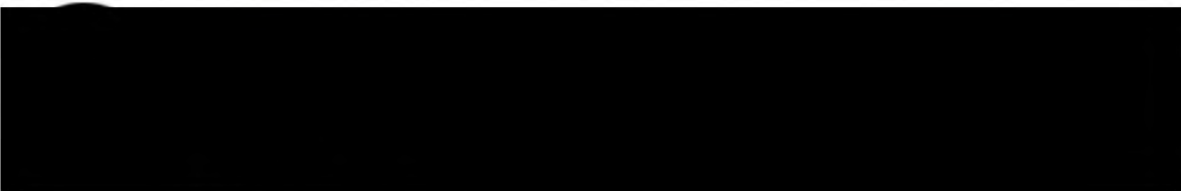
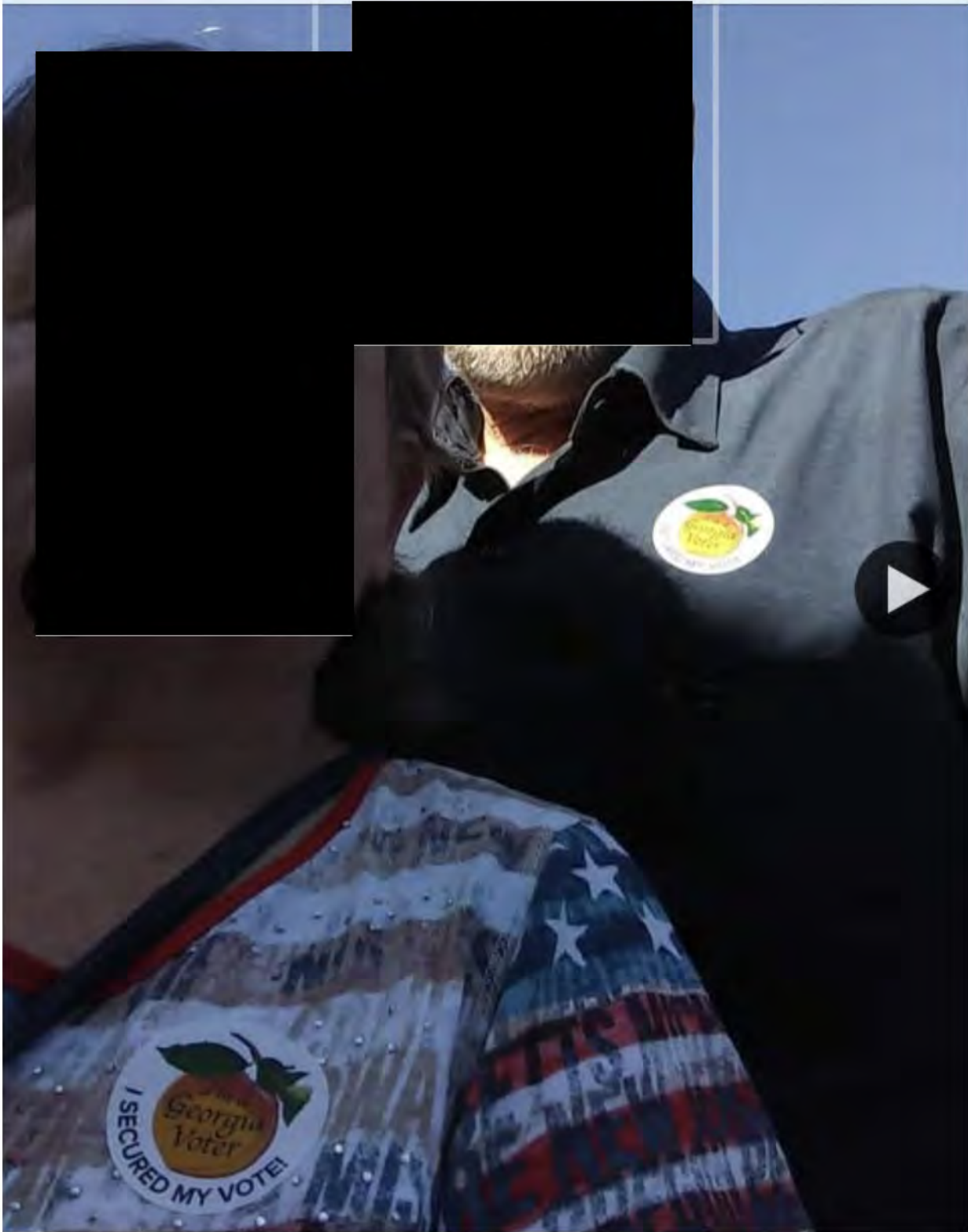
C: On Oct. 15, 2020 The Absentee/Early Voter Ballot was recieved.

D: A note at the bottom of the box denotes the following:

NOTE: Voting Early in Person will have all three dates the same above.

8. At no time have I ever requested an Absentee Ballot, I declare that I voted in person at the polling place I was assigned





Oct 13 · 🌐

[View Full Size](#) · [More Options](#)

My Voter Page



GEORGIA
SECRETARY OF STATE
BRAD RAFFENSPERGER

Elections

News Room

Professional Licensing Boards

Securities

Charities

Page

Polling Place for State, County, and Municipal Elections

Absentee Ballot Status

Election Date : 11/03/2020

Election Name : NOVEMBER 3, 2020 GENERAL/SPECIAL ELECTION

Election Type : GENERAL

Absentee App/Early Vote In person request received : 10/13/2020

Absentee/Early Vote In person Ballot issued : 10/15/2020

Absentee/Early Vote In person Ballot received : 10/15/2020

Status : Accepted

Reason :

NOTE: Voting Early in Person will have all three dates the same above.

Back

Pursuant to 28 U.S.C. Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am a lifelong resident of Fulton County and the mother of a United States Navy Ensign who graduated from the United States Naval Academy in May of 2020. He currently resides in Perdido Key, FLA while undergoing flight training at Naval Air Station Pensacola.
3. I reside at [REDACTED]
4. My son, [REDACTED] is currently registered to vote in Fulton County in Atlanta, GA (his home for 18 years up until June 2016, when he was given an appointment to attend the U.S. Naval Academy in Annapolis, Maryland.) He voted by military absentee ballot in Fulton County in 2016 and again by military absentee ballot in this year's 2020 Presidential Election. On October 12, 2020, I watched him print his military absentee ballot per the Navy's instructions. I watched him fill the ballot out and sign his signature. He voted for President Donald J. Trump, Senator David Perdue, and Congressman Doug Collins for Senate. He voted a straight red ticket the rest of the ballot all the way down. I placed the ballot in a plain white envelope and addressed it to the Fulton County Board of Elections. I wrote the words *Military Ballot* on the outside of the envelope. On October 13, while he was en route back to Pensacola, I drove to a secure drop box location (North Training Center) located at 5025 Roswell Rd., Sandy Springs, GA 30350 and deposited his ballot in the dropbox at 1:41pm. I took a screenshot of the mailbox and sent it to him to let him know I had mailed it. The screenshot is attached. I later looked on the Fulton Votes app, and it showed his ballot was received and accepted.



November 29th, 2020
3895 Club Drive NE
Atlanta, Georgia 30319
404-291-7144
Dianedjones@comcast.net

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am the owner and sole proprietor of an educational publishing company, State Standards Publishing, serving the needs of schools in Georgia and the United States.
3. I reside at [REDACTED].
4. My affidavit highlights possible voting irregularities in Columbus, Muscogee County, Georgia.
5. 10/19/20—I arrived to vote at a Muscogee County early voting location on Citizens Way in Columbus, GA. Upon arrival, all voters were instructed to complete an intake form while standing in line and to **FILL OUT ALL HIGHLIGHTED AREAS**. It appeared that the county was re-using forms prepared for the earlier primary, and as a result, one of the highlighted areas we were instructed to complete was to circle whether we were voting one of three choices: Democratic, Nonpartisan, Republican. Obviously, this is private business during the general election. Yet people all around me were dutifully filling this out. Anyone looking at the form would know exactly who I voted for on my official ballot!! I questioned the poll worker about this, who just shrugged his shoulder that he didn't have an answer. At that point, a sheriff announced that a less crowded polling station had been opened (Columbus Trade Center). I

took my intake form and went there to vote. Upon leaving, I called the county registrar and spoke to Assistant Director Tamika Geist. She assured me that she was using the forms that had been prepared for the earlier primary but that the situation would be fixed immediately.

LOCATIONS AFFECTED:

All early voting locations in Columbus, Muscogee County, Georgia beginning Monday, October 12, 2020.

MY CONCERNS ARE AS FOLLOWS:

(A) One’s vote in a general election is private business and SHOULD NOT be shared or required to be reported/exposed to workers at a polling station either during or after voting, and that (B) anybody with a stack of those intake forms in hand would have a nice little road map about who voted this way or that and could, theoretically, pick out ballots they didn’t happen to agree with and make those ballots disappear. Any requirement to stipulate voting intention in a general election is irregular (if not illegal!) and opens up the potential for voting manipulation and fraud.

6. 10/19/20—I submitted the following Fraud Report to the Georgia Secretary of State using their online submission form, expressing the above concerns:

*On arrival to vote 10/23 (corrected to 10/19), all voters were instructed to complete an intake form while standing in line and to **FILL OUT ALL HIGHLIGHTED AREAS**. The county re-used forms prepared for the earlier primary, and as a result, one of the*

highlighted areas we were instructed to complete was to circle whether we were voting one of three choices: Democrat, Nonpartisan, Republican. Obviously, this is private business during the general election. Yet people all around me were filling this out. Anyone looking at the form would know exactly who I voted for on my official ballot!! I contacted the county registrar (Asst. Dir.), who assured me this would be fixed immediately. I just want to make sure that it HAS been fixed. This is very disturbing and opens the potential for anyone involved to tamper with results they don't particularly like. Please let me know the outcome, if at all possible. I can provide you with a photo of my form if needed. Thank you!

Outcome: No response.

7. 11-04-20—I emailed the following elected officials, including a copy of the SOS Fraud Report and photo of the Muscogee County intake form:

Randy Robertson	GA State Senate
Richard Smith	GA House of Representatives
Drew Ferguson	US House of Representatives
David Perdue	US Senate
Kelly Loeffler	US Senate

Outcome: No response from any of these elected officials.

8. 11-10-20—Upon learning of the appointment of Congressman Doug Collins to head up a Georgia recount, I contacted his Voter Fraud Hotline and reported all of the above to a young woman named Ashley. She instructed me to email her the intake form photo and

background. I submitted this information to her at gaedo@donaldtrump.com.

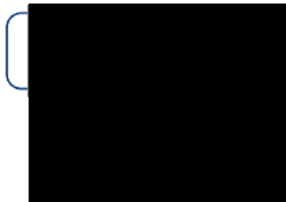
Outcome: Unknown.

9. 11-20-20—Almost immediately after my conversation with the Voter Fraud Hotline, I received a call from Chris Harvey in the GA SOS office (404-985-6351). He stated that the Muscogee County form would not have helped support vote tampering in any way and was perfectly okay and appropriate. He asked me to clarify my concern, and I did so, reiterating the two-fold point made above; namely, that one's vote in a general election is private business and SHOULD not be shared, and that anybody with knowledge of how someone voted could theoretically locate and destroy ballots they didn't agree with. He countered my concern by saying that this would never happen, and the forms would not help anyone do that in any way. Perhaps that's so; as I further explained to him, I have no idea how people are breaking the law and tampering with votes, but somebody's doing just that . . . and I didn't appreciate him dismissing my concern as invalid. (He pointed out that he never used the word "invalid." To which I replied, "Oh, let's split hairs, shall we?" If he's supposed to be the community relations outreach, that office is in sad need of a fresh perspective. Anyway, the conversation was patronizing, to say the least.)

Outcome: Unknown.

(But I hope the Georgia Secretary of State will get the comeuppance he so richly deserves.)

10. 11-28-20—Upon learning about the Georgia lawsuits, I contacted the office of Lin Wood and was invited to submit this declaration. Thank you for your courage and personal sacrifice in pursuing the perpetrators of this fraud upon the American people.



November 28, 2020



ATTACHMENTS TO THIS DECLARATION:

- 1 of 2—Photo of Muscogee County voter intake form
- 2 of 2—Fraud Report to the Georgia Secretary of State

***** OFFICIAL USE ONLY *****

BALLOT# _____ REG# _____ ID TYPE _____ (GA DL/ID#)
PRECINCT# _____ COMBO# _____ PRECINCT NAME _____
ELIGIBLE: YES NO DATE _____ APPROVED BY _____

If voter is ineligible to receive an AIP ballot, give REASON FOR REJECTION:

***** MUSCOGEE COUNTY RESIDENTS ONLY *****

Failure to complete and sign the oath will void your application

BALLOT TYPE:

(Required for PRIMARY ELECTIONS)

DEMOCRATIC NONPARTISIAN REPUBLICAN

- _____ MARCH 24, 2020 Presidential Preference Primary (PPP) and Special Election
- _____ MAY 19, 2020 General Primary Election, Nonpartisan General Election and Special Election
- _____ JULY 21, 2020 General Primary Runoff, Nonpartisan General Runoff and Special Runoff
- NOVEMBER 3, 2020 General Election and Special Election
- _____ DECEMBER 1, 2020 General Election and Special Election Runoffs for Local and State Offices
- _____ JANUARY 5, 2021 General Election Runoff for Federal Offices

Name As Registered: _____

Address As Registered: _____

(If the above address is no longer current, or your name has changed, please complete a Voter Change Form before leaving today.)

X

SIGNATURE

X

SIGNATURE OF PERSON PREPARING APPLICATION

OATH OF ELECTOR:

I, the undersigned, do swear (or affirm) that I am a citizen of the United States and the State of Georgia; that my residence address is in Muscogee County, Georgia; that I possess the qualifications of an elector required by the laws of the State of Georgia; that I am entitled to vote in the precinct containing my residence in the primary or election in which this ballot is to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed any other ballot, nor will I mark or mail another absentee ballot for voting in such primary or election; nor shall I vote therein in person; and that I have read and understand the instructions accompanying this ballot; and that I have carefully complied with such instructions in completing this ballot. 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 as act of voter fraud and is a felony under Georgia law. O.C.G.A. Section 21-2-384(c), and O.C.G.A. Section 21-2-570.

Elector's Birthdate: 8/15/52 Signature or Mark of Elector: _____

OATH OF PERSON ASSISTING ELECTOR:

I, the undersigned, do swear or affirm that I assisted the above named elector in marking such elector's absentee ballot as such elector personally communicated such elector's preference to me, and that such elector is entitled to receive assistance in voting under provisions of subsection (a) of Code Section 21-2-409.

Signed on this, the _____ day of _____, 2020. Name of person assisting elector (PRINT) _____

Signature of person assisting elector _____

112

Reason for assistance: (Check One) Elector is unable to read English. Elector requires assistance due to physical disability.


OFFICE OF SECRETARY OF STATE

Thank You


Thank you for submitting your question or comment to the Office of Secretary of State.

We will respond to your inquiry as quickly as possible.

You submitted the following information:



State: GA
Zip Code: 31909
County: Muscogee



Location of Violation: All early voting locations in Muscogee County.

Description of Violation: On arrival to vote 10/23, all voters were instructed to complete an intake form while standing in line and to FILL OUT ALL HIGHLIGHTED AREAS. The county re-used forms prepared for the earlier primary, and as a result, one of the highlighted areas we were instructed to complete was to circle whether we were voting one of three choices: Democrat, Nonpartisan, Republican. Obviously, this is private business during the general election. Yet people all around me were filling this out. Anyone looking at the form would know exactly who I voted for on my official ballot!!! I contacted the county registrar (Asst. Dir), who assured me this would be fixed immediately. I just want to make sure that it HAS been fixed. This is very disturbing and opens the potential for anyone involved to tamper with results they don't particularly like. Please let me know the outcome, if at all possible. I can provide you with a photo of my form if needed. Thank you!

Pursuant to 28 U.S.C Section 1746.

I, [REDACTED] make the following declaration.

I am over the age of 21 years old, and I am under no legal disability, which would prevent me from giving this declaration.

I received a letter and ballot from The Forsyth Democrats (which I did not request) for the Run OFF Election in Jan 2021. It contained no information on the ballot, (My name, address, etc) and no return envelope. It was signed by a Jen C, a Democratic volunteer. I have never voted, nor requested a ballot for an election. My address is:

[REDACTED]

If any further information is needed, please do not hesitate to contact me.

[REDACTED]

Declaration of Garland Favorito

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration regarding my observations of the full hand count audit conducted by Fulton County for the November 3rd 2020 Presidential race and the associated recount where a Dominion server malfunction forced the recount process to stop and be repeated.

I am a career Information Technology professional with over 40 years of experience in a variety of technical disciplines including programming, analysis, development methodologies, internet system design, financial transaction processing and multi-factor online systems security.

In 2006, I co-founded *Voters Organized for Trusted Election Results in Georgia* (VoterGA), a nonpartisan, non-profit, all-volunteer, dues free organization that has been a leader in the Georgia election integrity movement for 16 years. During that time, I performed extensive research, made many presentations around the state and produced several studies such as the one entitled: "[Unresolved Security Risks in Ballot Marking Devices](#)" which I presented at the National Voting Rights Task Force in 2019.

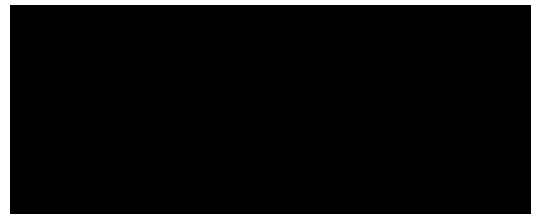
I reside at [REDACTED]

My declaration highlights that the conduct of the full hand count audit and recount I observed clearly warrant an immediate court order to inspect absentee ballots and to preserve certain Dominion system components for forensic review to ensure the integrity of the election.

Declarations:

1. After the November 3, 2020 election, I monitored the hand count audit and re-count conducted by Fulton County, for the Presidential race in November at the World Congress Center;
2. On November 14, 2020, I participated as a monitor in the full hand count audit conducted by Fulton County. During the first day of that audit, four hand count auditors who counted ballots confided to me and other monitors how they noticed potentially fraudulent absentee ballots. These were not marked with a writing instrument, not creased from mailing and not on normal ballot stock. All four of the hand count auditors are highly experienced poll workers and have submitted notarized affidavits of their findings to attorneys.
3. On November 29, 2020, Fulton County experienced a Dominion server malfunction during the recount. The malfunction caused the county election staff to be unable to upload previously scanned ballot images to a central Dominion county server for tabulation AND further caused the county election staff to be unable to upload previously scanned ballot images to a new replacement server that was brought on site but not set up with a matching Election ID and election files.
4. The malfunction was so severe that Fulton County election officials had to call for a Dominion software technician to be flown in from Colorado in an attempt to correct the problems;

5. The malfunction was ALSO so severe that Fulton County election officials decided to begin scanning all ballot images a second time in case the technician would be unable to resolve the problem once on site;
6. The onsite Dominion technician established new election files on the same Dell All-in-One computers that contained the ballot images previously scanned and the staff began scanning the ballot images again to the same Dell- All-In-One computers that still contained the previously ballot images;
7. This highly unusual deviation of standard recount processing for the 2020 Georgia Presidential election is NOT necessarily nefarious BUT it opens a door for new security risks and potential errors in terms of duplication of ballot scanning, technical ballot images transfers and eventual tabulation of already questionable election results,
8. In addition, VoterGA has independently confirmed that the Dominion voting system flipped votes from President Trump to former Vice President Biden in at least one Georgia County. In Ware County the electronic vote totals shorted President Trump by 37 votes and allocated those votes to former Vice President Biden as proven by their hand count audit. This irregularity was discovered thanks to the extra due diligence Ware County election officials performed in producing their own system of record source totals for the hand count audit to double check totals contained in the Secretary's ARLO system ;
9. In summary, four highly experienced hand count auditors detected potentially fraudulent ballots during the Fulton County hand count audit, there is a known instance of the Dominion voting system flipping votes in the Ware County Presidential election results, the reported malfunction of the Fulton County server has introduced new potential for security risks and errors;
10. The closeness of the Presidential election, the impact of Fulton County results on Georgia election results and the impact of Georgia election results on the national Presidential election demands a court to act to protect the integrity of the 2020 Presidential election in Georgia counties,
11. In light of the evidence above, I believe it is imperative for a court to order an immediate inspection of Fulton County absentee ballots, preservation of the Ware County Dominion voting system equipment as well as preservation of the malfunctioning Fulton County server, scanned ballot images, associated memory devices containing those images and the new server onto which the scanned ballot images will be transmitted.
12. These specific actions if taken by a Georgia court are essential to ensure that all Georgians can be confident that Fulton County and Georgia election results are accurate.
13. I am prepared to sign a sworn affidavit for the above statements to ensure any court of their veracity;



Date: December 1, 2020

Location: Roswell, GA

Declaration of James Nelson

Pursuant to 28 U.S.C Section 1746, I, [REDACTED] make the following declaration.

I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.

I am a retired business owner and military veteran of the Vietnam era.

I reside at [REDACTED]

My affidavit highlights anomalies and red flags during monitoring the scanning of recounted absentee ballots at the world Congress Center in Atlanta Georgia November 25, 2020.

The most important thing about them is some absentee ballots didn't look folded or creased which I only started looking for near the end of my day after someone told me to look for them. It's strange that they were not folded because you have to return them in two envelopes.

I saw one box marked No. 98 that were military absentee ballots but they were on election day ballot forms, the smaller forms. It is strange to me that they were not regular absentee ballots and folded or creased since, to my knowledge, all absentee ballots must be in two envelopes, one with the voter's signature. Scanner one kept breaking down and I saw it take more than one ballot at a time. It kept breaking down several times, had error messages that said it should be restarted. The first operator on scanner one seemed need several consultations to learn the procedure and the lady at Scanner two was helping him several times. Most of the operators seemed experienced but several did not appear to be experienced. I gave a list of which operators I thought were experienced to another monitor to compare with his lost of who we thought was experienced and who was not. I witnessed two workers reproducing ballots that would not go through scanners, each on their own with no one watching. In other words, they could have input any candidate by mistake or otherwise and how would anyone know. One lady hid her input when I started watching her. Only two monitors from each party were allowed on the flow to cover thirteen scanners, two reproduction computers and two men bringing and taking away boxes of ballots to and from the scanners. Not enough monitors to monitor all that. I got a very intimidating stare from the Fulton Director of Elections, (Mr Berry or Barrett) that lasted 15 to 30 seconds. I assume he was giving body language that said don't monitor us, because this is my territory.

The audit prior, on approximately November 14 when I was monitoring for the Republican Party in Fulton County, I witnessed a stack of Biden ballots of over 5 inches with no Trump ballots. Also, some counters were working alone. In other words, each person at the table were counting on their own.

In Cobb and Fulton the pairs of people counting were not decided by political party. They might both be the same party.

My wife and I voted early in person at the Sandy Planes polling place in Marietta. After we printed our ballots we carried it across the room and a poll worker took our paper ballots

looked at them and put it into the scanner. I learned it is against the law for them to look at or touch our ballot.

02568EB4C38444E...



Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. **BACKGROUND:** I am an automaton engineer who has spent considerable time (30+ years) in manufacturing QA, procedures development, ISO 9000 (QA) certifications of engineering procedures, statistical analysis, process-related bulk data collection/reporting, continuous quality improvements, office/task automation, and many other tasks that generate, collect, and report various types of data. Early in my career, I worked in US DOE nuclear weapons facilities across the Southeastern US where I was required to obtain and maintain a Government “Q” clearance to safeguard *CLASSIFIED* information vital to the national security of our nation. In addition, I have spent much of the last 10 years of my career involved in formalized validation of mfg process data, related computer code, and sequence of operations in general manufacturing settings as well as FDA/DEA regulated pharmaceutical manufacturing industries. In the case of pharma (FDA/DEA) regulated industries, I have managed, authored, and executed protocols (formal testing docs) in the strictly-regulated and procedure-driven validation of manufacturing equipment, processes, and related computer code. Note that FDA regulations regarding data validation are intended to

guide the *PRODUCTION* of the data and code to produce a consistent product, and DEA regulations govern the *SAFEGUARDING* of the product(s) containing controlled substances (narcotics). The regulations in each of these governing bodies are designed to check and double check data along all production steps of the product life cycle and strictly protect the chain of custody of the data. Note also that validation and auditing processes are similar and synonymous, whereas each looks to uncover disparate data (if present) and to prove or disprove through independent unbiased methods that the collected data is accurate and true. If not, the auditing/validation process is halted and investigated further before proceeding to the next step.

3. I reside at [REDACTED].
4. My affidavit highlights my observations and credentialed “monitoring” of the State of Georgia’s presidential race ballot “audit” proceedings that took place over a week in November 2020, when I was present at the Gwinnett County, GA location on 11/14/2020, 11/16/2020, and 11/17/2020. The specific location referenced is Gwinnett County Voter Registration and Elections Office, 455 Grayson Highway, Lawrenceville, GA 30046. I have and can produce a letter from the Georgia GOP stating that I (and my wife) were listed as the party’s designees to serve as a Monitor for the whole duration of the Risk Limiting Audit, pursuant to O.C.G.A. § 21-2-408, § O.C.G.A. 21-2-483, State Election Board Rule 183-1- 13-.06,

and/or State Election Board Rule 183-1-14-0.9-.15.in Gwinnett County.

5. OBSERVATIONS: Over the 3 days that I was present in the Gwinnett County location, I observed and talked with a number of people regarding the process taking place. My primary interest was the data validation process and chain of custody of the data. The key individuals I interfaced with and significant subject matter were:

Kristi Royston, Election Supervisor. Kristi was very accommodating to every issue that was raised by all observers and monitors over the days I (and my wife) was/were present. There were a few issues regarding data tabulation on the manual sheets and data entry into the “ARLO” system (described in more detail herein) that we reported where she immediately went to speak to specific tables. Another item of note is that Kristi indicated on Monday (11/16) that no local spreadsheet was being maintained to serve as backup to the data being sent to the state.

Chantelle Black, one of 3 Assistant Election Supervisor (for this audit/re-count). Chantelle’s fulltime job is the Voter Registration Manager for Gwinnett County. Chantelle was one of the hardest-working officials I saw there. She explained to me the distinction between a re-count and an audit. She indicated that the Dominion system had been used to scan all the paper ballots (mail-in, absentee, in-person) and the audit being performed would manually collect

presidential race data from those same paper ballots as a comparison, and this data was being collected and entered onto a different system that was not connected to the Dominion system. However when I asked software-related questions, hardware-related questions, Chantelle had limited knowledge. She claimed that the system was easy to use, required little training, but she was not knowledgeable about how it worked.

Jesse Harris, I believe that Jesse is a 2nd of 3 Assistant Election Supervisors. The only interaction I had with Jesse was 11/17 during a Q&A session outside the waiting area on or about 8:00 a.m. when he instructed the new Monitors and Observers on what was happening that day and how to conduct themselves once they/we went back to the re-count/audit area.

My questions of Jesse were:

Q: Is the ARLO system that is being used to tally the manually-counted votes connected to the Dominion system?

A: No, the ARLO system is an independent auditing system that is being used to compare with the Dominion system count.

Q: Is the ARLO system being used in the re-counts of all 159 counties in Georgia?

A: Yes

Q: Has the ARLO system ever been used before in the state of Georgia?

A: No.

Dayna Causby, Independent Election Consultant. I observed Dayna helping with logistics of computer and table setups, as well as overseeing the ARLO system. Dayna is from North Carolina, having recently moved from Montana. Her LinkedIn profile is here:

<https://www.linkedin.com/in/daynacausby/>. Dayna never wore a name badge. The 3 days I saw her at the site, she had the same visitor's badge "V-12". Any time I talked to her, I would greet/address her as "V-12". I never knew her name until 11/17 when I said "good bye" and she told me that it was "dana". When I signed out, I saw a name 2 slots under mine: Dayna Causby, with no entry for affiliation. Over the 3 days, I asked Dayna many questions about the Arlo auditing system:

Q: Is a running total being tabulated for this site in ARLO?

A: No. The tally is maintained on a central site elsewhere. All counties feed their numbers there.

Q: Is there an ARLO server here?

A: No. ARLO is an internet cloud-based web application. There is no need for local servers.

Q: How will you know what the total count is (for each presidential candidate) for this county?

A: The state will tell us.

Q: How will that number be validated against an independent backup accounting for the Trump/Biden totals on all those sheets in the green folders? *(note: the green folders held individual ballot batch tallies. My estimate is that there were approx 4000 tally sheets*

to account for the 400,000 votes for President in Gwinnett county).

A: I don't understand the question. The Arlo system **IS** the backup data source to the Dominion system. If there are discrepancies between the Dominion totals and the paper ballots, this ARLO accounting will capture such differences.

Q: I understand that. However, if I send totals up to the mothership's database from my county and the mothership tells me my totals are similar to the Dominion totals, how do I know that the specific totals I sent were representative of what was counted here? Was an independent tally, perhaps in a spreadsheet, (being) maintained?

A: No. I think those might have been maintained in other counties. Not sure. But definitely not here in Gwinnett. We talked (she and supervisor(s)) last night (11/16) about creating such a sheet before they "certified" the count as being finished. We have some final QA checks we will do before informing the state to total the count. We might do and export of the ARLO data into a spreadsheet and approach it that way. The ARLO system data is not easily sorted by batch sheet index number. It would be difficult and time consuming to cross-check the data on the tally sheets in the green folders inside the ARLO app. However, we could easily do this by exporting and then sorting in Excel. If we do this, it must be completed before midnight Wednesday.

Q: If that process is being done, are party Monitors able to monitor?

A: I do not know. Perhaps you can ask a supervisor.

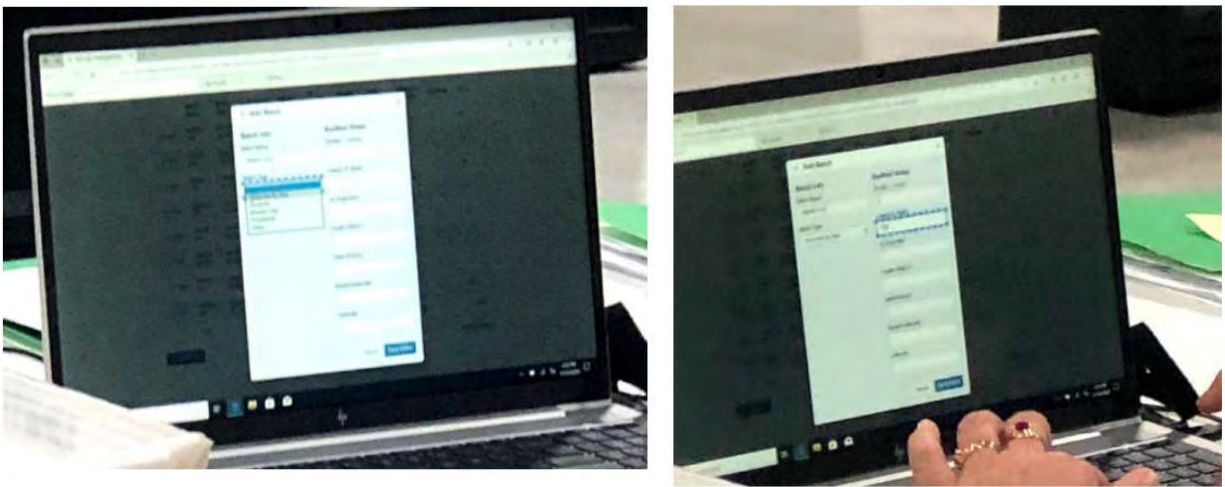
Note: I asked Chantelle and she was unaware that such a count

would occur. I could not find Kristi before I left, so I do not know if such an event took place. I alerted my party representative of this issue.

6. **ADDITIONAL OBSERVATIONS:** In general, my wife and I got the impression that approx 25% of the audit workers followed a consistent 2-person check/balance data collection (manual tally sheets) process and a similar percentage of the during data entry (ARLO) process such that one person checked against the other person's work. These 25% of the audit workers seemed to have a full grasp of the QA backcheck and double check process and they all appear to have been similarly trained. In contrast, the bulk of the workers seemed to deploy a variety of methods to achieve a result (completed tally sheet, ARLO data entered) and seemed to treat the task as rote and mundane and they did not routinely call out their data for verbal verification nor did they routinely and systematically double-check each other. There were many situations when the supervisors addressed individual tables, but it would have been nice to see an overall 5 min re-training announcement on how to best and consistently process the ballots and enter data. I assume they were all trained, but many needed to be re-trained.

7. **ARLO SYSTEM BACKGROUND:** From what I can tell, the ARLO system has been and is being used widely across the country and globe to audit and validate election results. This web-based application appears to be possibly vulnerable to cyber attack, in my

opinion. From the web site, the code is open source (can be easily edited) and there are many ways to alter it, customize it, hack it, etc., if uncompiled versions are used to execute the code. I took the following photos from the “general public” area to illustrate the interface. This evidence can be used to possibly corroborate that a specific ARLO web app was used.



8. TECHNICAL OVERVIEW OF THE ARLO APPLICATION:

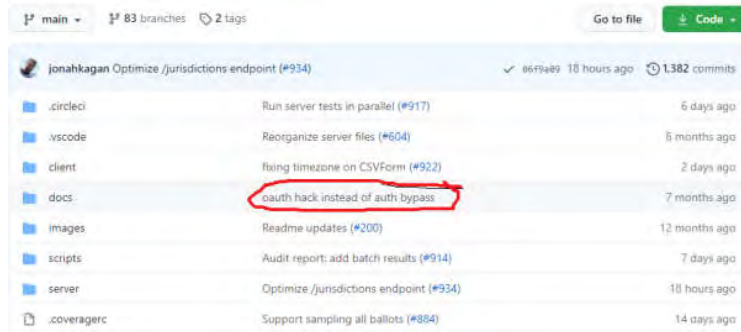
<https://voting.works/risk-limiting-audits/>

On the voting works site, it states that the code for Arlo is open source and freely available. A link leads to another site that is a repository in the public domain where coders around the world share code samples regarding setup, “tweaking”, and also hacking the code.

For further investigation, see

<https://github.com/votingworks/arlo>

See also the sample code for “hacking” and unauthorized bypassing login and masquerading as a user with administrative credentials.



The programmer’s notes at the end of the code example are alarming, in my opinion:

```

14 14  ## Authentication Hack for Load Testing
15 15
16 16 - We have superadmin features that allow for impersonation of any user,
17 17 - and which uses the same cookies as normal logins. Let's reuse that.
18 18 -
19 19 - We'll build a superadmin bypass using a special HTTP header. Because
20 20 - we don't ever want that code in production, we'll keep that code in a
21 21 - special branch, 'loadtesting', that we'll need to rebase every so
22 22 - often on 'master'. We'll also require that 'FLASK_ENV=loadtest' as an
23 23 - extra defense-in-depth measure, just in case we mistakenly merge that
24 24 - branch into 'master'. Belt _and_ suspenders. Reuse of 'FLASK_ENV'
25 25 - makes it unlikely that this environment variable would be changed to
26 26 - 'loadtest' in a production setting.
27 27 -
28 28 - Finally, as an extra safeguard to prevent merging the 'loadtesting'
29 29 - branch, we'll fail CI with 'exit 1'.
30 30
31 31 + We're going to use a special OAuth server in the loadtest server
32 32 + configuration, specifically
33 33 + [nOAuth](https://github.com/votingworks/nOAuth). This lets the test
34 34 + script easily log in as any user it wants to be, without endangering
35 35 + production since production is obviously configured with the right
36 36 + OAuth server (or we'd know immediately.)
37 37
38 38 ## Tool
39 39
40 40

```

I personally cannot supply evidence of hacked code. only suspicion. I have no evidence of the apps being intercepted or tampered with. However, I was present when another GOP monitor reported an incident of a yellow post-it note (that could be clearly seen in the public viewing area) containing the wifi access password that connected 50+ Arlo laptop apps to the internet and cloud-based collection server. I can supply contact info for the GOP lead person who reported that incident to party officials.

Perhaps a legal team can subpoena Arlo records to investigate further.

I do suspect that because no backup data was seen at this ballot tallying site, it will be very difficult for the public to trust in the tallying of 400,00+ Gwinnett County votes. This suspicion might also apply to many (if not all) of the 158 other counties in Georgia.

[REDACTED]

November 25, 2020

Berkeley Lake, Georgia

Declaration of [REDACTED]
Pursuant to 28 U.S.C Section 1746, I, [REDACTED] make the following declaration.

I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.

I am a retired business executive, I reside at [REDACTED] and I am a member of Saint Ann's Catholic Church in Marietta Georgia.

My husband and I voted early in person at the Sandy Planes polling place in Marietta. After we printed our ballots we carried it across the room and a poll worker took our paper ballots looked at them and put it into the scanner. I learned it is against the law for them to look at or touch our ballot.

[REDACTED]

Dr

AFFIDAVIT PAGE 2

A couple came in with a woman who was registered in Fulton County and a Fulton driver's license and a man who didn't appear to be registered. The man claimed to be from New York. Their automobile had a Florida license plate. They argued with Jeanetta and Mike Kaplan, and then Jeanetta Watson allowed them to vote on provisional ballots. I heard Mike Kaplan say that "we're just going to rip up [the provisional ballot] on Monday," but I don't know if that happened.

On November 13, 2020, at the Board of Elections of Bibb County, on Pio Nono, I was present to observe the recounting of ballots. There was no audit of signatures or names on absentee and provisional ballots. Ballots were being counted on 8 separate tables by employees of the Board of Elections. There were NOT one Republican and one Democrat at each table. Later in the evening, there was a problem with "Batch 39" and they would not explain to me what the problem was. The employees were very evasive in explaining the problems. Then, all of us, poll watchers, were told to leave. Jeanetta and the Board of Elections employees did not leave -- the ballots were not locked up or secured for the night.

The process being used at the Board of Elections is unsecured. The ballots come in on one end of the room, travel in wheeled suitcases around the room being counted at one of eight different tables, then the open boxes of ballots are transferred to another table where a BOE worker enters tallies into a computer, then the ballots are transferred to Jeanetta Watson, Elections Supervisor, who is "doing her own thing" and from Jeanetta, the unsecured and unsealed cases are taken out of the room. Only TWO Republican poll watchers are allowed to watch the counting, and the room is the size of a elementary school gymnasium and there is no way for the two watchers to see what's happening at each table. Further, the woman who is entering information into the computer is backed into a corner so that watchers cannot see what she is entering or determine if what she's entering is valid.



Lauren Deal
Nov. 14, 2020
My commission
expires 1/14/2024.



Declaration of Kelly Thornberry

Pursuant to 28 U.S.C. Section 1746, I, [REDACTED] make the following declaration. I am over the age 21 years and I am under no legal disability, which would prevent me from giving this declaration. I am a citizen who volunteered my time on Friday, November 13th at the Forsyth county BOE, as a vote review panelist for the GOP.

I reside at [REDACTED]

My affidavit highlights unsecured ballot boxes, that I witnessed between 9am and 3pm on November 13, 2020.

1. I witnessed numerous ballot boxes, that were brought out to the recount tables, that had the red security tape only partially adhering to the boxes. In other words, the tape was not secure, but rather had "popped" off one side of the box, so that the box was no longer secured by the security tape. At the beginning of the day, the person in charge of the recount, showed us an example of how the boxes would be brought out to the recount tables, and would be opened by cutting the security tape, after they were placed there. But through out the day, I noticed that many of the boxes being brought out were not secured by the red tape, as indicated would be the case.

2. I witnessed several boxes of ballots, being brought out to the recount tables, in non-uniform cardboard boxes. They were varying in sizes, both in height and width. It was as if the boxes were previously used for something else, and were used as make-shift ballot boxes.



My name is [REDACTED] I witnessed some events at [120 Interstate North Parkway, Suite 210, Atlanta, Ga.](#) today, November 30, 2020.

I arrived at the location just before 12:00 p.m. I drove to the back of the office complex. Other Patriots were at the location, which is a temporary office for the Secretary of State. There was a black Secretary of State van parked behind suite 210.

At 12:57 p.m., a large moving van pulled up to the dock that belonged to suite 210. Myself and another Patriot, John, tried to video what they were loading/unloading. The truck driver and another person blocked the visibility with cardboard so we could not video what they were doing. We kept videoing. I could hear things that were being unloaded that sounded like something with wheels, and there were several of them. They were clearly concerned about us videoing the process, as they tried to hide it. Pictures and videos are attached.

At 2:29 p.m., a UPS truck pulled up to the dock at 210 Interstate North Parkway. Absentee ballots were being loaded into the UPS truck. I will send pictures and videos in another email.

I hope this helps with exposing the fraud in this election. I thank you for all that you, Lin, and Sidney are doing to protect our democracy and freedoms! God Bless America!

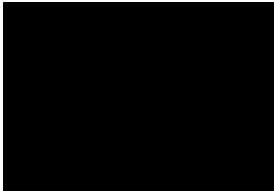
[REDACTED]







Sent from my iPhone



12/1/2020

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, (Name), make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I'm a self employed Utilities Construction Contractor as well as a concerned citizen.
3. I reside at [REDACTED]
4. My affidavit highlights my surveillance of 7000 Highlands PKWY and 120 Interstate North PKWY STE. 210 on November 30 2020.
5. On 11/29/2020 I answered the call from Lin Wood to get down to the Georgia World Congress Center because they were currently wiping the voting machines there. When I arrived all was quiet and there was zero sign of anyone else there that was answering the call. I remained for several hours watching the drama of the judge that didn't know how to make a decision unfold while I waited.
6. Eventually I returned home only to see this tweet from Link Wood.
<https://twitter.com/LLinWood/status/1333182964650348546?s=19>
I decided to go see things for myself and confirm.
I arrived at 7000 Highlands Pkwy SE, Smyrna, GA 30082 at 12:46 a.m. on 11/30/2020.
Here is a link to a location screenshot and video I recorded upon arrival.
https://twitter.com/Quisling_hunter/status/1333286324086956032?s=19
I stayed surveilling that location for approximately 2.5 hours. It was quiet however there was an AT&T van in the parking lot. I did a wifi scan and the only available was Eatonvisitor. Compare that to the video Lin Wood posted. There was more than 10 networks available and 2 SOS named ones. I thought that this is definite proof of trying to hide something.

7. I then decided to go to the Secretary of State Elections warehouse at 120 Interstate N Pkwy E SE, suite 210, Atlanta, GA 30339

I arrived at approximately 4 a.m.

At 4:26 a.m. a Waste Management trash truck pulled into the main entrance of the complex and made a beeline for the dumpster behind suite 210 emptied it and then left the complex through the back entrance. There's more than 50 dumpsters here and it only picked 1. This would indicate a special pickup.

Here is a link to the videos and map.

https://twitter.com/Quisling_hunter/status/1333348935184879617?s=19

8. I remained on site until 5:55 am. I was informed through people I was in contact with through Twitter that another group of concerned citizens was minutes away so I left. They did not stay long so I coordinated with a guy named Kyle to cover until I could return. I returned at approx 9:30 am. Kyle and I agreed to split up. I took over watching the front and he watched the back. I remained in my car in a parking space that viewed the front entrance to suite 210 for several hours observing absolutely nothing. At 1:44 pm I observed 2 Cobb county police cars pass in front of me and go to the back of the building. I pulled around back to see the police talking to several people. I approached them after the police left to find out what was going on. Turns out they had shown up for the same reason as Kyle and I and had been at the back for several hours. They informed that a semi truck with trailer had backed up to suite 210 loading dock. The workers inside the SOS warehouse then blocked off the sides of the trailer at the dock so that no one could observe what was being loaded. (They showed me the video for proof) This caused everyone there to wonder what they were hiding. A couple by the names of John and Valerie decided to follow the truck. The driver went to

Truest park, stopped and went to the guard shack. A few minutes later Cobb County Police showed up. John and Valerie explained what was going on and the officer then went and talked to the driver. When the officer returned to them he informed them that the driver refused to say what he was transporting and that he had no probable cause to search the trailer. (This was a situation where the officer was unaware of commercial trucking regulations. A commercial driver is obligated to disclose what they have on the truck, whether asked by fire or law officials - the cop might not be CDL Cert but that driver is always aware of his obligations.) The officer then informed them they could not follow because it's harassment. He also told them he understands the situation but that he could not follow either because that would be harassment as well. He then offered to follow back to suite 210 and at least file a report. That is where I came in. When John and Valerie were stopped from following Kyle in a Mercedes SUV and another person in a Suburban who's name i do not know decided to pick up the trail. I stayed at suite 210 listening to Kyle on speaker phone describing what was happening. The driver was going in circles all over Cobb county trying to lose them. At 3:30 I had to leave again. I returned at 6:30 pm John and Valerie were still there along with several others. At around 8:00 pm Kyle and the guy in the suburban returned. They filled me in on the rest of their adventure. Shortly after I left they said the truck driver pulled into what they described as a run down roach motel, stopped, opened the back and acted like he was making a delivery. An orange Dodge Charger then pulled up and blocked Kyle's SUV in and the truck driver hopped in the truck and blocked the suburban in. A verbal altercation then ensued. The driver then called into the office at suite 120 on speaker phone and said that these crazy folks that started following me from your parking lot won't leave me alone what do you want me to do. The person from the office

asked if he had a lock and the driver said yes. The office person said to take it to the yard and lock it up then. Everyone got in their vehicles and proceeded to AAA Coopers logistics yard at 1800 Westgate Pkwy SW, Atlanta, GA 30336. (Side note: the truck and trailer both carried the AAA Cooper logo but when we ran the trailer license plate it came back registered to Georgia Dept of Fleet Management) When they arrived Fulton County Sheriffs were waiting and pulled Kyle over. They did not harass him but told him to move on. I fully understand that this is a second hand account but they corroborated everything with pictures and videos. I'm merely providing this for corroboration of a series of very very suspicious events. My biggest concern is why in the world did the driver refuse to go to his destination? I can speculate many reasons, none good, but I will refrain. After all that we settled in for a cold, snowy, uneventful night. I left at 5:45 am. and have not returned.

[REDACTED]

[REDACTED]

November, 11 2020

[REDACTED]

[REDACTED]

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED] make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am an Air Force spouse with a degree in elementary education. I currently stay at home with our children and provide support on our base at Keesler.
3. I reside at [REDACTED]
[REDACTED]
4. My affidavit highlights how my husband and I received multiple ballots for the general and runoff elections (November 3, 2020 and January 5, 2021.) It also highlights that we voted for President Trump and all Republicans on the ticket.
5. At the end of September, we requested UOCAVA absentee ballots from the McDonough elections office. The e-ballots we had previously requested would not print correctly. The watermark and printing capacity failed multiple times, leading us to request mail-in ballots. I was told by McDonough elections office worker, Jan Mayo, that the watermark did not matter and reassured me that they compare each ballot with our signatures. Concerned that our ballots would be rejected due to cosmetic variance, we requested mail in ballots.

6. We received our first ballots from Elections and Registration (Postmarked on the 26th of September, 2020) from the address: 40 Atlanta St. McDonough, GA, 30253. These ballots included duplicate run off ballots for January 5th (printed on normal paper, one missing an envelope) and a ballot and envelop for a runoff December 1st. We filled out our November 3rd ballots, voting for President Trump, Senator Kelly Loeffler and all other listed Republicans. We sent those in around the 12th of October.
7. Probably a week or two later, we received a new set of ballots (which I have kept for proof) from the Georgia Secretary of State, Elections Division located at 2 Martin Luther King Jr. Dr. SE. 802 West Tower. Atlanta, GA, 30334. These came via presorted First Class mail, marked in the top right corner "PAID GEORGIA SECRETARY OF STATE." I could not find a watermark on the envelopes so do not have the exact date of their arrival. These did not include run off ballots. The envelops were not in color, came from the Georgia Secretary of State, and came from a different address. However, the return address was to the McDonough elections office, not the address in Atlanta from which they came. All these minor details concerned me. The ballots appeared official and had Copyright 2020 Dominion Voting Inc All Rights Reserved at the top.
8. Concerned that fraud was occurring, I left two voicemails for Jan Mayo at the McDonough election office. I never heard back from her.
9. Finally, postmarked the 20th of November, we each received another set of runoff ballots for January 5th. These came from Elections and

Registration at 40 Atlanta Street, McDonough, GA. 30253. They were printed on official cardstock paper and came in the normally (red ink) marked envelope. These were, in summary, the third set of ballots we received for a runoff election January 5th.

10. If 100% of military absentee ballots in GA were reported to have voted for presidential nominee Joe Biden, there is no doubt that there was voting fraud since my husband and I went to great effort to ensure that our votes were submitted for President Trump. We took them to the post office, carefully filled in each selection, and have kept every piece of extra ballots we have received as evidence.



Date: November 27, 2020



24 November 2020



REF: Georgia Military Absentee Ballot for 2020 Presidential Election

To Whom It May Concern:

This document contains a summary of my missing Georgia Military Absentee Ballot for the 2020 Presidential Election.

On/around 20 January 2020 I requested an absentee ballot for future elections with the Fulton County Board of Elections as I was mobilized to active duty with the United States Special Operations Command in Tampa, Florida. My home of record during this active duty tour was (and still is) Roswell, Georgia, located in Fulton County. I requested future absentee ballots as I was not physically located in Georgia during the Presidential Primary and subsequent elections as I was expecting to continue on active duty into 2021. I am a Colonel in the United States Army Reserve and was expecting to be on Reserve duty on Election Day 2020.

On 23 September 2020 I received my Presidential Election military absentee ballot at my home of record in Roswell, Georgia.

When early voting in Fulton County commenced around Columbus Day 2020, I filled out my absentee ballot which included a signed affidavit that I was a member of the United States Military and deposited this absentee ballot in a designated Fulton County Absentee Ballot Drop Box at the East Roswell Library, located at 2301 Holcomb Bridge Road, Roswell, GA 30076, at approximately 1400 EDT on Monday 19 October 2020.

On Election Day I wanted to verify that my absentee ballot was received and accepted so I searched the Georgia Secretary of State website and noticed that my ballot was not received nor accepted.

On 4 November I called the Georgia GOP Election Fraud hotline and reported that my ballot was not accepted nor counted according to the Georgia Secretary of State website. I was told to check this site again and call back with status on 6 November. On 6 November I again contacted the Georgia GOP Election Fraud hotline and was informed to contact Fulton County Board of Elections the following week.

On 9 November (my birthday) I contacted the Fulton County Board of Elections regarding the status of my ballot. The individual receiving the phone call asked me "what makes you think your ballot wasn't counted" of which I quickly replied "I just finished checking on the Georgia Secretary of State My Voter Page website." I was informed on this day that all military absentee ballots were being counted and to check back within a week. The individual did take down information including the date and

location I dropped of my absentee ballot at one of the designated drop boxes, but promised nothing else.

On 16 November I again contacted the Fulton County Board of Elections and was told that ballots were still being recounted and to recheck the Georgia Secretary of State website for an updated status within the next week. On 23 November I checked the same website and my ballot is still not being shown as being counted. As of 2100 on Tuesday 24 November my ballot is still not being shown as either being accepted or counted.

It is important to also inform you that from September 2017 to August 2019 I was a Schedule-C Political Appointee in the Trump Administration assigned to the Office of the Secretary of Defense. Thanks to a Freedom of Information Act request from ProPublica, I am identified on internet searches as a former member of the Trump Administration.

Bottom line...my military absentee ballot issued in the State of Georgia in Fulton County was not counted in this recent Presidential Election.

I can be reached at _____ for additional questions or information.

Sincerely,

11/24/2020

Declaration of [REDACTED]

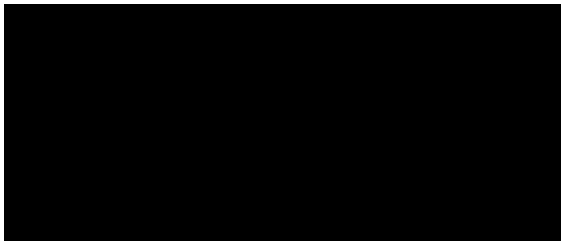
Pursuant to 28 U.S.C Section 1746, I, Seth Keshel, make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am a trained data analyst with experience in multiple fields, including service in the United States Army as a Captain of Military Intelligence, with a one-year combat tour in Afghanistan. My experience includes political involvement requiring a knowledge of election trends and voting behavior.
3. I reside at [REDACTED].
4. My affidavit highlights substantial deviance from statistical norms and results regarding voting patterns in Georgia.
5. All 2020-related voting totals are taken from the Decision Desk HQ unofficial tracker, are not certified, and are subject to change from the time of the creation of this affidavit. Other voting totals are from the Georgia Secretary of State.
6. Georgia has not been won by a Democratic presidential candidate since 1992. Then-Senator Barack Obama received a large increase in Democratic votes in his first campaign (2008), earning 1,844,123 votes; however, his support plunged 3.81% in his reelection campaign, leaving him with 1,773,827 votes. In 2016, Hillary Clinton earned 1,877,963 votes, just 1.8% more than where Obama had been eight years before. Donald Trump had very little improvement over Mitt Romney in 2016, but has improved 17.7%

from his 2016 performance, an addition of 368,899 votes. This strong performance casts substantial doubt on a 31.6% improvement for Joe Biden on top of the Clinton total from just four years ago.

7. Metro Atlanta is full of votes, and the urban and suburban counties support Democratic candidates, while the exurban counties support Republican candidates. This shift was made complete when Cobb and Gwinnett Counties moved away from Donald Trump in 2016. The Atlanta region has added substantial voter registrations, which has not always correlated to a drastic increase in amount of votes cast. This year, Gwinnett and Henry Counties have already cast more than 40% more Democratic votes than in 2016, with Donald Trump still gaining votes in the counties. Cobb and Douglas Counties have now cast over 35% more Democratic votes than 2016, while all other metro Atlanta counties are up substantially from the 2012 and 2016 elections. Population growth can certainly drive turnout higher, but with the reported signature verification issues and transparency violations present in Georgia, these totals are highly suspect. The bar graph highlighting Democratic vote increases in the 12 most heavily Democrat-voting counties is contained in Exhibit A.
8. President Trump improved his margins in just 70 of 159 counties in the state, mostly in the southeast, but also in minority-heavy counties that he did not win. The most shocking losses of margin are in strong Republican counties that are not showing indications of flipping like Cobb or Gwinnett Counties did. President Trump backtracked 14% in Forsyth, 13% in Fayette, 12% in Paulding, 11%

in Cherokee, and 8% in Hall, all while compiling substantially more votes than in 2016, when many nominal Republican voters opted to support minor party candidates. Many rural counties in Northern Georgia have President Trump running 4-8%, or even worse, behind his performance in 2016, despite high voter registration percentages and overall vote increases. The major Republican counties (Forsyth, Fayette, Paulding, Cherokee, Hall) and heavily Republican rural areas showing heavy downward margin shift suggest that vote tabulation errors or machine troubles are present in Georgia and should be audited. Exhibit A contains a side-by-side comparison of the County Classification Map of Georgia and the current analysis of how margins have shifted in 2020 as President Trump struggles to hold on to his margins in Northern Georgia.



17 Nov. 2020

Aledo, Texas

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I have lived in Cherokee County for 18 years. I have been a registered voter throughout that time and have voted in most elections. I was also a poll worker for the general election on November 3, 2020 at the Toonigh Precinct.
3. I reside at [REDACTED]
4. I voted in the General Election on October 15, 2020 at approximately 3:30 pm at the Cherokee County Election Office on Marietta Hwy (see Exhibit 1 copy of post to Facebook after I voted)

I am interested in politics and even worked as a Poll worker for this election. I have been keeping up with the issues related to missing and changed votes in the Georgia general election. Recently (probably Nov 23), I saw a message that encouraged all Georgia voters to check the "My Voter Page" to ensure that their vote was counted. I researched how be sure that my vote was counted and found the attached screenshot of an article (exhibit 4)

<https://www.11alive.com/article/news/politics/how-to-confirm-your-early-vote-is-counted-in-georgia-midterm-election/85-4c1bd2b1-ebff-461d-8866-0752c58c322e>

I followed the instructions and, as described in the article, my "My Voter Page" showed that the "**Click here for Absentee Ballot/Early Voting status**" was "light gray" and would not click through. The instructions in the article state that that means that my vote was not counted. (see exhibit 2)

5. On November 24 (see exhibit 3 A and B), I decided to call the Cherokee election office to find out why it wasn't counted. I spoke with a young woman; her name may have been Logan or something that started with an L. I explained the issue and she looked on the "system." She seemed confused. She said that she would check into it and call me back.
6. On Nov 25, the woman from the Cherokee Election Office called me back and said that they don't know what happened to my vote. She

said that there was a day during early voting that the state system went down and that may be why it is not showing up. She asked if I had printed my ballot and scanned it. She “assured” me that if I did that, then my vote was counted. I don’t feel confident about that.

7. I also tried to find a way to contact the State Elections board. The MVP had a link to “Stop Voter Fraud” (that was the closest thing that I could find to my problem in the list of options) (Exhibit 5). I went into that page and submitted the information. I have not heard back from them.

I solemnly swear that this is the truth,



Nov 28, 2020



Photos



Write a comment...



Less than 30 min at the Marietta Hwy office



3 Comments



Friends



zel



iman



My Voter Page



GEORGIA
SECRETARY OF STATE
BRAD RAFFENSPERGER

GEORGIA
LEADS

[Corporations](#)

[Elections](#)

[News Room](#)

[Professional Licensing Boards](#)

[Securities](#)

[Charities](#)

My Voter Page

Voter Information



Race: White not of Hispanic Origin
Gender: Female Status: Active
Registration Date: [REDACTED]

[Change Voter Information](#)

[Click Here for Sample Ballots](#)

Polling Place for State, County, and Municipal Elections

Precinct 024
LIBERTY ELEMENTARY SCHOOL
10500 BELLS FERRY RD
CANTON, GA, 30114 - 0000
Election Day polling place hours are 7:00 am - 7:00 pm.

[Directions to Polling Place](#)

[Click Here for Early Voting Locations and Times](#)
[Click Here for Municipal Polling Place](#)

NOTE: Non-specific rural addresses may not be available.

Absentee Ballot Request Information

If you prefer to vote off-site, mail, fax or email your absentee ballot application to your county registrar.

[Click Here for an Absentee Ballot Application](#)

[Click here for Absentee Ballot/Early Voting status](#)

Your Elected Officials

Candidates Elected:	Officials Elected Statewide
District Maps:	Congressional District Maps
U.S. Congress:	District 011
Georgia Senate:	District 014
Georgia House:	District 021
Judicial:	Blue Ridge District
Commission:	District 003
School:	District 001
Click Here for Qualified Candidates	

Please Note: Polling places are subject to change. Always check your designated polling place location via this website prior to going to vote.

Newly Registered Voters: Please review your registration date which is located under your name and address above. You must be registered on or before the established deadlines to vote in upcoming elections. Please view the current election calendar to confirm the first election in which you will be eligible to vote.

[Print/Email Precinct Card](#)

[Back](#)



Georgia Voter ID

Learn more about Georgia Voter Identification Requirements.



Stop Voter Fraud

Do Your Part to Help Ensure Secure and Fair Georgia Elections



Elections Division

Georgia Secretary of State's Elections Division



Elections Advisory Council

Share Your Ideas to Help Strengthen Georgia Elections



Georgia VoteSafe

Learn more about the Georgia VoteSafe Program.



November 24 at 11:46 AM · Public

Be sure to check to see if you early vote or absentee vote was counted - my wasn't 🙄🙄

MVP.SOS.GA.GOV

Georgia My Voter Page



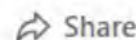
See the results and other info about the 2020 US Election.

[See Election Results](#)



Sue Kearney, Shawn Kudrick Fernandez and 6 others

13 Comments



Did they say why?

Like · Reply · 4d

↳ [redacted] replied · 1 Reply



Here is the article that tells how to check (it says midterm, but it's the same)

<https://www.google.com/amp/s/www.11alive.com/amp/article/news/politics/how-to-confirm-your-absentee-or-early-vote-is-counted-in-georgia-midterm-election/85-4c1bd2b1-ebff-...> See More



11ALIVE.COM

How to confirm your absentee or early vote is counted in Georgia midterm election

Like · Reply · Remove Preview · 3d



Let them know how you feel [redacted] I am so sorry for all this happening to America, your Dad and Mom would be so disappointed.

We will make it right again!!... See More

Love · Reply · 3d



Thanks Shawn i found it. Ours were counted. 🙏🙏🙏 for the 🇺🇸🇺🇸🇺🇸



13 Comments

Like

Comment

Share



Did they say why?

Like · Reply · 4d

replied · 1 Reply



Here is the article that tells how to check (it says midterm, but it's the same)

<https://www.google.com/amp/s/www.11alive.com/amp/article/news/politics/how-to-confirm-your-absentee-or-early-vote-is-counted-in-georgia-midterm-election/85-4c1bd2b1-ebff-...> See More



11ALIVE.COM

How to confirm your absentee or early vote is counted in Georgia midterm election

Like · Reply · Remove Preview · 3d



Let them know how you feel I am so sorry for all this happening to America, your Dad and Mom would be so disappointed. We will make it right again!...

Love · Reply · 3d



Thanks Shawn i found it. Ours were counted. for the

Like · Reply · 3d



Well - I did not get encouraging info. They could not find any info about my vote. They said that there was a day that the state computers went down and some info is not showing up. However, she said that as long as I printed a ballot and scanned it...

Like · Reply · 3d



I would not trust anyone. Be sure your vote gets counted. This election in Georgia is so important!

Like · Reply · 3d



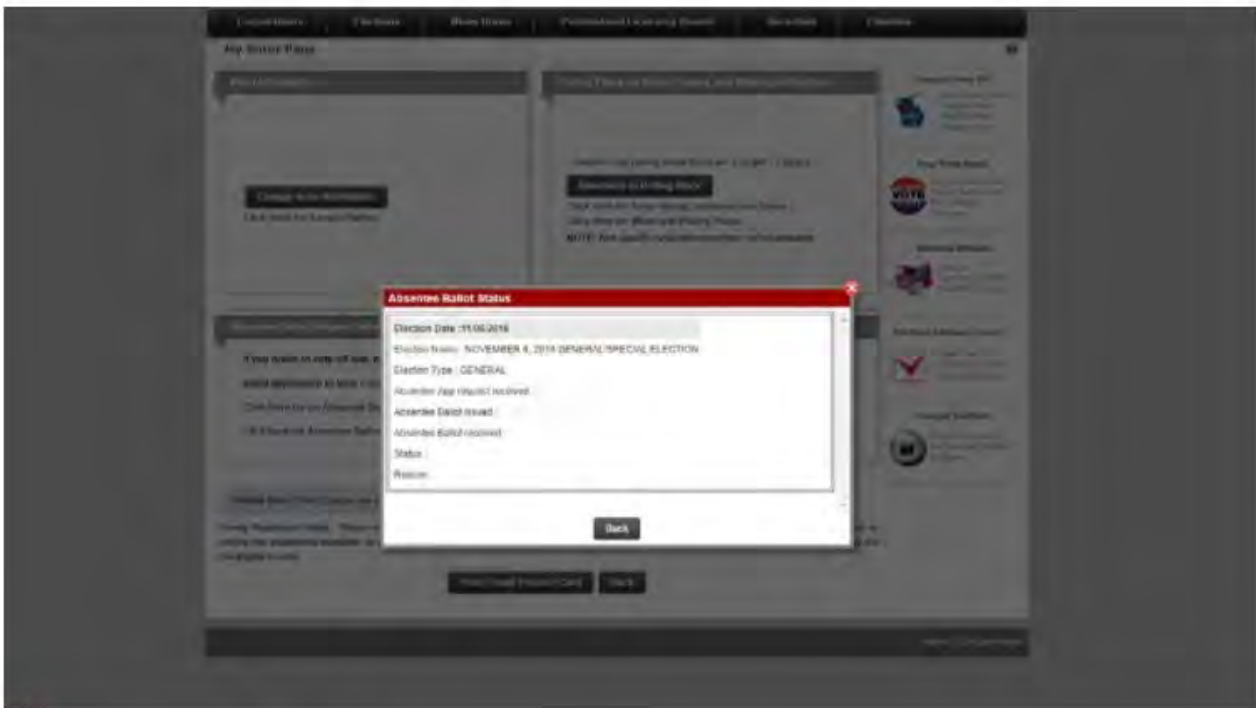
Contact Lin Wood



Credit: Georgia Secretary of State

The My Voter Page for absentee voters registered to in Georgia

3. Click on the text that says, "Click here for absentee ballot status." If the text is light grey and not clickable -- your vote has not been accepted.



Credit: Georgia Secretary of State's Office

Registered voters who filed an absentee ballot in Georgia will see a page like this when checking ballot status. The light grey shading indicates the ballot has not been accepted.

4. If you voted absentee or early, the link will be clickable and you'll see a pop-up window with the date and status of your early vote.

5. If your vote was not recorded, please screenshot the page and also report it to your county elections office.

Several candidates in tight races are encouraging those who are having issues with recorded



My Voter Page



GEORGIA
SECRETARY OF STATE
BRAD RAFFENSPERGER

GEORGIA
LEADS

Corporations

Elections

News Room

Professional Licensing Boards

Securities

Charities

My Voter Page

Voter Information



Race: White not of Hispanic Origin
Gender: Female Status: Active
Registration Date: 03/18/2003

[Change Voter Information](#)

[Click Here for Sample Ballots](#)

Polling Place for State, County, and Municipal Elections

Precinct 024
LIBERTY ELEMENTARY SCHOOL
10500 BELLS FERRY RD
CANTON, GA, 30114 - 0000

Election Day polling place hours are 7:00 am - 7:00 pm.

[Directions to Polling Place](#)

[Click Here for Early Voting Locations and Times](#)
[Click Here for Municipal Polling Place](#)

NOTE: Non-specific rural addresses may not be available.

Absentee Ballot Request Information

If you prefer to vote off-site, mail, fax or email your absentee ballot application to your county registrar.

[Click Here for an Absentee Ballot Application](#)

[Click here for Absentee Ballot/Early Voting status](#)

Your Elected Officials

Candidates Elected:	Officials Elected Statewide
District Maps:	Congressional District Maps
U.S. Congress:	District 011
Georgia Senate:	District 014
Georgia House:	District 021
Judicial:	Blue Ridge District
Commission:	District 003
School:	District 001

[Click Here for Qualified Candidates](#)

Please Note: Polling places are subject to change. Always check your designated polling place location via this website prior to going to vote.

Newly Registered Voters: Please review your registration date which is located under your name and address above. You must be registered on or before the established deadlines to vote in upcoming elections. Please view the current election calendar to confirm the first election in which you will be eligible to vote.

[Print / Email Precinct Card](#)

[Back](#)



Georgia Voter ID

Learn more about Georgia Voter Identification Requirements



Stop Voter Fraud

Do Your Part to Help Ensure Secure and Fair Georgia Elections.



Elections Division

Georgia Secretary of State's Elections Division



Elections Advisory Council

Share Your Ideas to Help Strengthen Georgia Elections



Georgia Votesafe

Learn more about the Georgia Votesafe Program

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED] make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am a retired US citizen. I was a member of the United States Army and served duty in Desert Shield.
3. I reside at [REDACTED]
4. My affidavit highlights my firsthand knowledge of voter fraud committed by my niece, Rachael Marie Tenney (DOB 12/12/1995).
5. My niece moved to Dallas, Texas in the summer of 2019 after accepting a full time position as a registered nurse at Parkland Memorial Hospital.
6. Rachael Tenney permanently resides at 3604 Cedar Springs Rd Apt 440, Dallas, Texas 75219.
7. On October 19, 2020, Rachael flew to Atlanta, Georgia where she remains a registered voter. She voted during her stay (or turned in her absentee ballot) while visiting her family. She flew back home to Dallas, Texas on October 22, 2020.

[REDACTED]

[REDACTED]

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration regarding my observations of the full hand count audit conducted by Fulton County for the November 3rd 2020 Presidential race and the associated recount where a Dominion server malfunction forced the recount process to stop and be repeated.

I am a career Information Technology professional with over 40 years of experience in a variety of technical disciplines including programming, analysis, development methodologies, internet system design, financial transaction processing and multi-factor online systems security.

In 2006, I co-founded *Voters Organized for Trusted Election Results in Georgia* (VoterGA), a nonpartisan, non-profit, all-volunteer, dues free organization that has been a leader in the Georgia election integrity movement for 16 years. During that time, I performed extensive research, made many presentations around the state and produced several studies such as the one entitled: "[Unresolved Security Risks in Ballot Marking Devices](#)" which I presented at the National Voting Rights Task Force in 2019.

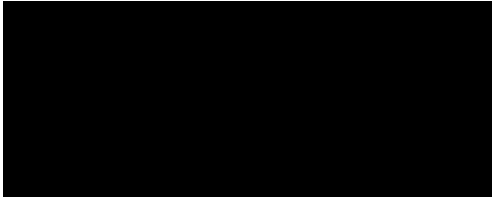
I reside at [REDACTED]

My declaration highlights that the conduct of the full hand count audit and recount I observed clearly warrant an immediate court order to inspect absentee ballots and to preserve certain Dominion system components for forensic review to ensure the integrity of the election.

Declarations:

1. After the November 3, 2020 election, I monitored the hand count audit and re-count conducted by Fulton County, for the Presidential race in November at the World Congress Center;
2. On November 14, 2020, I participated as a monitor in the full hand count audit conducted by Fulton County. During the first day of that audit, four hand count auditors who counted ballots confided to me and other monitors how they noticed potentially fraudulent absentee ballots. These were not marked with a writing instrument, not creased from mailing and not on normal ballot stock. All four of the hand count auditors are highly experienced poll workers and have submitted notarized affidavits of their findings to attorneys.
3. On November 29, 2020, Fulton County experienced a Dominion server malfunction during the recount. The malfunction caused the county election staff to be unable to upload previously scanned ballot images to a central Dominion county server for tabulation AND further caused the county election staff to be unable to upload previously scanned ballot images to a new replacement server that was brought on site but not set up with a matching Election ID and election files.
4. The malfunction was so severe that Fulton County election officials had to call for a Dominion software technician to be flown in from Colorado in an attempt to correct the problems;

5. The malfunction was ALSO so severe that Fulton County election officials decided to begin scanning all ballot images a second time in case the technician would be unable to resolve the problem once on site;
6. The onsite Dominion technician established new election files on the same Dell All-in-One computers that contained the ballot images previously scanned and the staff began scanning the ballot images again to the same Dell- All-In-One computers that still contained the previously ballot images;
7. This highly unusual deviation of standard recount processing for the 2020 Georgia Presidential election is NOT necessarily nefarious BUT it opens a door for new security risks and potential errors in terms of duplication of ballot scanning, technical ballot images transfers and eventual tabulation of already questionable election results,
8. In addition, VoterGA has independently confirmed that the Dominion voting system flipped votes from President Trump to former Vice President Biden in at least one Georgia County. In Ware County the electronic vote totals shorted President Trump by 37 votes and allocated those votes to former Vice President Biden as proven by their hand count audit. This irregularity was discovered thanks to the extra due diligence Ware County election officials performed in producing their own system of record source totals for the hand count audit to double check totals contained in the Secretary's ARLO system ;
9. In summary, four highly experienced hand count auditors detected potentially fraudulent ballots during the Fulton County hand count audit, there is a known instance of the Dominion voting system flipping votes in the Ware County Presidential election results, the reported malfunction of the Fulton County server has introduced new potential for security risks and errors;
10. The closeness of the Presidential election, the impact of Fulton County results on Georgia election results and the impact of Georgia election results on the national Presidential election demands a court to act to protect the integrity of the 2020 Presidential election in Georgia counties,
11. In light of the evidence above, I believe it is imperative for a court to order an immediate inspection of Fulton County absentee ballots, preservation of the Ware County Dominion voting system equipment as well as preservation of the malfunctioning Fulton County server, scanned ballot images, associated memory devices containing those images and the new server onto which the scanned ballot images will be transmitted.
12. These specific actions if taken by a Georgia court are essential to ensure that all Georgians can be confident that Fulton County and Georgia election results are accurate.
13. I am prepared to sign a sworn affidavit for the above statements to ensure any court of their veracity;



Date: December 1, 2020
Location: Roswell, GA

----- Forwarded message -----

From: **Sidney Powell** <sidney@federalappeals.com>

Date: Sun, Nov 29, 2020 at 6:58 PM

Subject: Re: 20-cv-04809-TCB Pearson et al v. Kemp et al

Counsel for Mr. Lin Wood sent a spoliation letter to Fulton County on November 24, 2020, in a separate case. It is attached.

And this recent decision would appear to be dispositive on the issue of the Secretary of State being the proper party. Defendants' authorities concern changes in election law. Jacobson, under Florida law, is inapposite. Curling applies and makes clear the proper parties are named in this suit and they have the authority to grant the relief requested.

This is a simple, short-term preservation of evidence order that should have minimal effect on the interests of the State--which frankly should be primarily be to lay to rest any concern by voters about the Dominion system for which the Secretary of State rushed through a \$107 million dollar contract at taxpayer expense for a system left completely open to hacking by adverse nation states and fraught with vulnerabilities and defects that render it completely untrustworthy. The rule of law and the sacred status of the votes of American citizens mandate the brief injunctive relief Plaintiffs request. The country was already on notice against spoliation. It proceeded anyway,

and the State's attorneys should be held to higher standards that to encourage or allow the destruction of evidence in the face of evidence and concerns of this magnitude. Not only the country but the world is watching the now obvious corruption in Georgia.
Thank you. Sidney Powell

Sidney Powell

Texas Attorney & Author of *Licensed to Lie: Exposing Corruption in the Department of Justice*, available on [Amazon](#) or at www.LicensedtoLie.com + Senior Policy Advisor @AmericaFirstPol and Senior Fellow at the London Center for Policy Research www.FederalAppeals.com

[REDACTED]

Judge Batten needs a response from Defendants as soon as possible on whether the relief Plaintiffs seek is within their control or not.

Thank you,

Katie

From: Sidney Powell <sidney@federalappeals.com>

Sent: Sunday, November 29, 2020 5:25 PM

[REDACTED]

Subject: Re: 20-cv-04809-TCB Pearson et al v. Kemp et al

CAUTION - EXTERNAL:

Sidney Powell

Texas Attorney & Author of *Licensed to Lie: Exposing Corruption in the Department of Justice*, available on [Amazon](#) or at www.LicensedtoLie.com + Senior Policy Advisor @AmericaFirstPol and Senior Fellow at the London Center for Policy Research

www.FederalAppeals.com

Also please see attached directive from the State of Georgia to all county election officials and county registrars to make certain none of the information Plaintiffs request is released under the Open Records Act or except by court order. Obviously, the Secretary of State is calling all the shots and both suppressing and aiding and abetting the destruction of evidence of the massive fraud in Georgia. This Court's immediate action is needed to stop any further destruction of evidence state wide. That any county would begin this today after the state's lawyers had full knowledge of these suits and challenges--including the allegations of fraud--warrants the harshest ruling of this Court. Mr. Harvey, the Elections Director for the Secretary of State, who issued this directive was appointed by Brian Kemp when he was Secretary of State.

----- Forwarded message -----

From: **Sidney Powell** <sidney@federalappeals.com>

Date: Sun, Nov 29, 2020 at 5:00 PM

Plaintiffs request immediate reconsideration of the Court's order reversing its injunction, and Plaintiffs request immediate re-entry of the original order issued today. The Secretary of State purchased the Dominion Voting Machines on behalf of the entire state of Georgia for \$107 million dollars.

The Secretary of State is responsible by law for election results and conducting and overseeing elections across the state of Georgia.

The Secretary of State's website recites that it will produce the ballots for review specifically referring to the Dominion machines.

The Secretary of State for Georgia is the proper party responsible for all elections state-wide.

The Secretary of State wrongly issued directions to all counties not to cooperate with

Jacobson v. Florida Secretary of State, 974 F.3d. 1236 (11th Cir. 2020) is inapposite. That case was about the way candidates were printed out on the ballots but had no power to enforce the layout of the candidates on the ballot.

Georgia law places the Secretary of State in the position of responsibility for the conduct, oversight and enforcement of the proper conduct of statewide elections. Only the Georgia Secretary of State can purchase and control the voting machines required to be used throughout the State and in each county. O.C.G.A. 21-2-70 (5) (excepting voting machines from county duties).

Plaintiffs do not have to sue more than 600 defendants for Georgia's 159 counties to stop the destruction of evidence on machines purchased by the Secretary of State. The Georgia Secretary of State's own website makes that clear. <https://sos.ga.gov/securevoting/>.

The Georgia Secretary of State is responsible for the conduct alleged in Plaintiff's suit as a matter of law. "They are also accountable for investigating election fraud and

enforcing state election laws." This suit clearly seeks to enforce those laws. The defense's arguments are specious.

This is a pure error of law which should be corrected by immediate re-issuance of the emergency injunction to prohibit the wiping of or any alteration of the voting machines throughout the state of Georgia. The Secretary of State is the proper party. *Ex Parte Young*, 209 U.S. 123, 128 (1908) (to be a proper defendant the party need only have "some connection" with the enforcement of the challenged law. *Id.* at 157).

The law does not countenance the willful and deliberate destruction of evidence, which is exactly what is happening right now. This is spoliation of evidence of the worst kind. Indeed, it is obstruction of justice in what should be -- and may soon be--a federal criminal investigation.

Sidney Powell

Texas Attorney & Author of *Licensed to Lie: Exposing Corruption in the Department of Justice*, available on [Amazon](#) or at www.LicensedtoLie.com + Senior Policy Advisor @AmericaFirstPol and Senior Fellow at the London Center for Policy Research www.FederalAppeals.com

On Sun, Nov 29, 2020 at 3:39 PM [REDACTED]

wrote:

Hi counsel,

In light of Defendants' response, Judge Batten intends to issue the attached order instead of the one we sent earlier. Please contact me with any questions.

Thank you,

Katie

[REDACTED]

CAUTION - EXTERNAL:

Dear [REDACTED]

Pursuant to the court's request for a response, this responds to Plaintiffs' claims for extraordinary relief while a statewide recount and local run-off elections are taking place this week and before the Court has even determined that Plaintiffs are entitled to any relief on the merits of their claims.

As a threshold matter, before considering Plaintiffs' requests, the Court must first determine whether it has subject-matter jurisdiction over the action and that Plaintiffs can establish Article III standing. *Jacobson v. Fla. Sec'y of State*, 974 F.3d 1236, 1245 (11th Cir. 2020). The Court must also determine whether this case has been mooted by the state certification of the election results. *Brooks v. Ga. State Bd. of Elections*, 59 F.3d 1114, 1118 (11th Cir. 1995) (explaining that an appeal is moot where it is "impossible for the court to grant any effectual relief whatever to a prevailing party").

Plaintiffs also represent that they "have moved and will continue to move expeditiously." The record belies that assertion, and, when the State is presented with a full opportunity to be heard, it is likely that the Court will find, much like the court in *Wood* just found, that Plaintiffs' unreasonable delay in bringing these claims necessitate that they are either barred by laches or fail to justify the imposition of the extraordinary emergency relief requested.

Additionally, Plaintiffs must demonstrate that emergency injunctive relief is warranted. "A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 24 (2008). In order to prevail on a motion for preliminary injunction, Plaintiffs must *clearly* establish: (1) a substantial likelihood of prevailing on the

merits; (2) that the Plaintiffs will suffer irreparable injury unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damages the proposed injunction may cause the opposing party; and (4) the injunction would not be adverse to the public interest. *Duke v. Cleland*, 954 F.2d 1526, 1529 (11th Cir. 1992). The Court “should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 24.

The State Defendants will show in their responsive pleadings that Plaintiffs will not succeed on the merits and are not entitled to any relief, and State Defendants have a right to be heard on these issues before the Court rules on Plaintiffs’ motion.

State Defendants respond to Plaintiffs’ counsel’s numbered requests as follows:

1. Ballot images

Counties are the custodians of all ballot images, paper ballots, and other voting documents—not the Secretary of State. County election superintendents are required by law to maintain ballots and other voting-related documents under seal. O.C.G.A. § 21-2-500(a). Plaintiffs did not name any county election superintendents as defendants in this case. The Eleventh Circuit has made clear that federal courts do not have the authority to exercise jurisdiction to order relief against county officials who have not been named as parties, especially where those county election officials have already completed their statutory obligations regarding the 2020 general election. *Jacobson*, 974 F.3d at 1253.

2. Impoundment of voting equipment

The State Defendants have a “strong interest in their ability to enforce state election law requirements.” *Hunter v. Hamilton Cty. Bd. of Elections*, 635 F.3d 219, 244 (6th Cir. 2011). For this reason, the Supreme Court “has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S.Ct. 1205, 1207 (April 6, 2020) (per curiam) (citing *Purcell v. Gonzalez*, 549 U. S. 1 (2006)).

The Supreme Court and Eleventh Circuit have not been shy about staying lower court injunctions that altered election rules once the 2020 general election cycle commenced. *See, e.g., Andino v. Middleton*, No. 20A55, 592 U.S. ___, 2020 WL 5887393, at *1 (Oct. 5, 2020) (Kavanaugh, J., concurring) (“By enjoining South Carolina’s witness requirement shortly before the election, the District Court defied [the *Purcell*] principle and this Court’s precedents.” (citations omitted)); *Merrill v. People First of Ala.*, No. 19A1063, 591 U.S. ___, 2020 WL 3604049, at *1 (July 2, 2020); *New Ga. Project v. Raffensperger*, No. 20-13360, 2020 U.S. App. LEXIS 31405, at *11-12 (11th Cir. Oct. 2, 2020) (“[W]e are not on the eve of the election—we are in the middle of it, with absentee ballots already printed and mailed. An injunction here would thus violate *Purcell*’s well-known caution against federal courts mandating new election rules—especially at the last minute.”).

Here, Plaintiffs seek relief that, if granted, would affect not only the currently underway recount of the November 3, 2020, general election but would also have catastrophic impact on election officials ability to conduct both the December 1, 2020, non-federal run-off elections around Georgia as well as the January 5, 2020, special election for two seats in the United States Senate as well as a seat on the Public Service Commission.

Additionally, Plaintiffs have the same redressability issues that infect the vast majority of their complaint. The voting equipment that they seek to impound is in the possession of *county* election officials, and the 11th Circuit has made clear in *Jacobson* that the State Defendants cannot stand in as a proxy for local election officials against whom the relief should be sought. 974 F.3d at 1256-58.

3. Allow imaging and inspection of voting equipment in 10 named counties

The same *Purcell* arguments about interfering with an ongoing election process identified in (2) above apply with equal force here. In addition, Plaintiffs have the same fatal defect as to standing and redressability in light of *Jacobson* that their requested relief in (1) and (2) has.

4. Request additional imaging and inspection of voting equipment beyond the 10 named counties

As noted in (3) above, Plaintiffs' request in 4 The same *Purcell* arguments about interfering with an ongoing election process identified in (2) above apply with equal force here. In addition, Plaintiffs have the same fatal defect as to standing and redressability in light of *Jacobson* that their requested relief in (1), (2), and (3) has.

Plaintiffs' counsel also incorporates a drive-by *ad hominem* attack against Dominion in their request for relief, unsupported by any evidence before the Court. The State Defendants point out that Dominion is not a party to this litigation. The State Defendants reserve the right to address further the unsupported arguments made by Plaintiffs once the State has the opportunity to fully respond to the unsupported allegations made by Plaintiffs.

5. Produce video recordings of voting locations in the 10 named counties

First, discovery has not commenced, and there is no obligation on the part of the State Defendants to produce anything at this juncture, especially when, as Plaintiffs' counsel acknowledges, all of his service on the State Defendants is either partial or inchoate at this juncture. However, setting that aside, this request by Plaintiffs suffers the same fatal defect as to standing and redressability that the requests in (1), (2), (3), and (4) have. Plaintiffs seek recordings which, while they may be in the possession of *county* officials, are *not* in the possession of the State Defendants. Accordingly, no relief can be ordered against the *State* Defendants when the relief can only be effectuated by *county* officials.

6. Produce an executed version of the contract between the State and "Dominion/Smartmatic"

As noted above, discovery has not commenced, and there is no obligation on the part of the State Defendants to produce anything at this juncture, especially when, as Plaintiffs' counsel acknowledges, all of his service on the State Defendants is either partial or inchoate at this juncture. Additionally, while the State has a contract with Dominion, it is our understanding that Smartmatic was an unsuccessful bidder on the project and there is thus no contract between the State and Smartmatic.

Respectfully,

[REDACTED]

[REDACTED]
Senior Assistant Attorney General: Section Chief
Office of the Attorney General Chris Carr
Government Services & Employment
Tel: (404) 458-3316
rwillard@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia, 30334

From: Katie Klimko <Katie_Klimko@gand.uscourts.gov>
Sent: Sunday, November 29, 2020 2:44 PM
To: Sidney Powell <sidney@federalappeals.com>

[REDACTED]
[REDACTED]
[REDACTED] TCB Pearson et al v. Kemp et al

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi counsel,

Please see the attached order. Judge Batten has just signed it, and it will be docketed shortly.

Thank you,

Katie

From: Sidney Powell <sidney@federalappeals.com>
Sent: Sunday, November 29, 2020 2:32 PM
To: Katie Klimko <Katie_Klimko@gand.uscourts.gov>

Cc: Harry MacDougald <hmacdougald@cpdlawyers.com>; Howard Kleinhendler <howard@kleinhendler.com>; Charlene McGowan <CMcGowan@law.ga.gov>; lwood@linwoodlaw.com; Russell D. Willard <rwillard@law.ga.gov>
Subject: Re: 20-cv-04809-TCB Pearson et al v. Kemp et al

CAUTION - EXTERNAL:

We have just received an urgent phone call that software is being reset right NOW in the World Congress Center.

Sidney Powell

Texas Attorney & Author of *Licensed to Lie: Exposing Corruption in the Department of Justice*, available on [Amazon](https://www.amazon.com) or at www.LicensedtoLie.com + Senior Policy Advisor @AmericaFirstPol and Senior Fellow at the London Center for Policy Research www.FederalAppeals.com

On Sun, Nov 29, 2020 at 11:34 AM Katie Klimko <Katie_Klimko@gand.uscourts.gov> wrote:

Hi counsel,

Judge Batten has reviewed your positions and would like Defendants' counsel to respond to Mr. McDougald's email below by 3:00 p.m. today. The response should include a direct reply to each of Plaintiffs' specific requests in Mr. McDougald's email.

Thank you,

Katie

From: Harry MacDougald <hmacdougald@cpdlawyers.com>
Sent: Sunday, November 29, 2020 10:37 AM
To: Katie Klimko <Katie_Klimko@gand.uscourts.gov>
Cc: Sidney Powell <sidney@federalappeals.com>; Howard Kleinhendler <howard@kleinhendler.com>; Charlene McGowan <CMcGowan@LAW.GA.GOV>; lwood@linwoodlaw.com; Russell D. Willard <rwillard@law.ga.gov>
Subject: Re: 20-cv-04809-TCB Pearson et al v. Kemp et al

CAUTION - EXTERNAL:

Ms. Klimko:

We strongly disagree with the State Attorney's request for an adjournment of the pending emergency motion until December 4, 2020.

Defendants' response cements what has been purely a stall tactic since Plaintiffs' counsel notified them of the complaint on November 26, 2020. Despite multiple efforts of outreach by Plaintiffs' local counsel Harry MacDougald, Defendants did not respond until this email to answer correspondence from this Court. Now Defendants ask this Court to *license by delay* the very destruction of evidence Plaintiffs' emergency motion seeks to prevent. They intend to wipe the machines of all data on Monday November 30, 2020, in connection with a machine recount, using the same defective system that has cast a pall of doubt over election results in 29 states and the entire nation. We have filed and attach hereto a redacted declaration from a Union County poll worker attesting to these facts.

The Plaintiffs are Republican Electors for the President, a county GOP chairman, and the assistant secretary of the Georgia GOP.

Fraud has infected this election on an unprecedented level as evidence of its magnitude increases by the day. By federal statute, the electors must be seated and allowed to vote no later than December 14, 2020.

Plaintiffs must be able to present their case and provide sufficient time for the court to rule and for any appellate process to conclude before that date. Plaintiffs have moved and will continue to move expeditiously.

Moreover, Defendants are required by 52 U.S.C. §20701 and O.C.G.A. § 21-2-500 and Secretary of State Rule 183-1-12-.13-to maintain all voting records—including the ballot “image” created by the Dominion system which becomes the actual “vote” read by the Dominion scanner/tabulator and the “AuditMark” images that show how the tabulators interpreted and passed the vote on to next stage of the Election Management System (EMS) before the state ARLO system produces the official tabulation results. The “adjudication” process is rife with opportunity for election fraud.

The Georgia Secretary of State and his Deputy are aware of this problem. Indeed, Dominion was rushed into Georgia by virtue of a rare no-bid contract for the \$100 million system in 2019.^[4] Updates that rendered the system uncertified were conducted by Dominion on October 31, 2020—just three days before the election—and after thirteen days of early voting.

Another equally impermissible and uncertified “update” was performed on the systems in Morgan and Spalding counties the night before the election. Accordingly, Dominion machines could not have been lawfully used in Georgia for the election even under Georgia law—much less under federal law.

The Secretary of State advertises on its website:

“Dominion will be working with the Secretary of State’s office to address perceived concerns regarding use of marked ballots that feature barcodes. For example, the state can make scanned images of all ballots cast in statewide elections available, allowing anyone to do a ballot count to check the accuracy of the results.”

Defendants have the vast resources of the State of Georgia with which to defend this case. The claim that counsel is occupied with briefing in an entirely unrelated case brought by a private party, does not withstand scrutiny. The massive fraud and ballot-stuffing claims which predominate this case and necessitate access to and inspection of the machines are not raised in Mr. Wood’s case on appeal in the 11th Circuit. The claims here are significant and distinct.

The State’s claims about service of process are also unavailing. We have offered numerous ways of delivering the pleadings electronically. And, they are all available on the court’s ECF system. Now that Defendants have finally responded to correspondence from this Court, the Secretary of State should be required to:

1. Immediately produce to Plaintiffs on Monday November 30, 2020, all “scanned images of ballots cast in the statewide election” thereby “allowing anyone to do a ballot count to check the accuracy of results” as stated on its website.
2. Impound all machines used in the creation, assessment, tabulation, submission, and reporting of election results statewide to prevent any additional destruction of evidence for a period of seven days or until further order of this Court. While Plaintiffs understand the public interest in proceeding with a recount, there is much greater public interest in ensuring the integrity of the process to Georgia, to the nation, and to the world which is watching how the United States of America addresses these troubling allegations and evidence of fraud.
3. Allow Plaintiffs to proceed immediately on Monday November 30 to have their experts mirror-image all parts of the Dominion voting process in *ten counties over five days to collect a random sample for analysis*.

The counties should include: **Fulton, Gwinnett, Cobb, DeKalb, Henry, Cherokee, Forsyth, Hart, Paulding, and Hancock.**

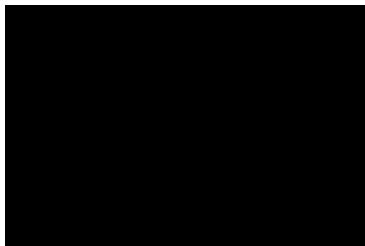
This imaging and the related examinations need to be conducted by Plaintiffs’ experts on the equipment for Dominion at all stages of the process, including the “poll pad,” the “Image Cast ballot marking device,” the “scanner tabulator (ICP) which reads the QR code generated on the image which becomes the ballot, the Central County tabulator (ICC) to include any machines utilized for adjudication, as well as the Election Management System (EMS) equipment, storage devices and the state’s ARLO official tabulation results. This includes

the “English Street Warehouse” located at 1365 English St. NW, Atlanta, GA 30318 for Fulton County and especially its “lunchroom.”

4. Plaintiffs propose to report at least their initial results to the Court by Monday, December 7, 2020, for the Court and parties to evaluate whether additional examinations of machines are warranted. At this stage, it is possible that Dominion has already destroyed the evidence of its fraud, as its own handbook concedes facts establishing that its audit trail amounts to nothing reliable at all. More races are affected by the fraudulent system than merely the presidential race.
5. Moreover, Defendants should be required to produce on Monday, November 30, 2020, the video evidence for all voting locations at all voting sites and ballot boxes for 48 hours surrounding the election in the counties designated above, and especially for the State Farm Arena in Fulton County, Georgia, where the election officials lied about the water leak and witnesses saw three women working on the computers for the voting machines in the wee morning hours after ordering all others to leave the facility.
6. Defendants should also be required immediately to produce the executed version of the contract between Georgia and Dominion/Smartmatic.

Accordingly, we urge the Court to consider and grant Plaintiffs’ Emergency motion—at least to the extent outlined herein. Properly counting the legal vote of American citizens is sacred to maintaining this Republic. The overwhelming public interest demands nothing less than the full transparency provided by the relief requested in Plaintiffs’ Motion for TRO and herein. Time is of the essence.

Respectfully submitted,



ach, LLP

From: Russell Willard <rwillard@law.ga.gov>
Date: Saturday, November 28, 2020 at 9:22 PM
To: 'Katie Klimko' <Katie_Klimko@gand.uscourts.gov>
Cc: Sidney Powell <sidney@federalappeals.com>, Howard Kleinhendler <howard@kleinhendler.com>, Charlene McGowan <CMcGowan@LAW.GA.GOV>, "lwood@linwoodlaw.com" <lwood@linwoodlaw.com>, Harry MacDougald

[<hmacdougald@cpdlawyers.com>](mailto:hmacdougald@cpdlawyers.com)

Subject: RE: 20-cv-04809-TCB Pearson et al v. Kemp et al

Dear Ms. Klimko,

In response to your inquiry, no, the State has not begun preparation of a brief in opposition to the Plaintiffs' motion. While Ms. McGowan and myself are in receipt of certain of Plaintiffs' filings that have been made in this case, the initial filings, including the complaint, were made after hours on the Wednesday before Thanksgiving, and there were apparently some filings made slightly before midnight on Friday, which was also a state holiday. We have not heard directly from nor been able to speak with any of our clients about that correspondence, which included copies of only select filings along with a link to a shared file drive, which many IT systems will not permit download from due to security parameters in place. As Plaintiffs' counsel acknowledges in his email, our clients have not been served nor has counsel sent waiver of service packets to any of the defendants. As Plaintiffs' counsel further acknowledges, a portion of his pleadings were sent by express package delivery after hours last night (with no representation as to whether those were placed in a drop box with Saturday pickup or Monday pickup nor as to what type of package delivery was selected) with a promise to drop off the remaining documents, *including the complaint and all of the exhibits relied upon*, at an express package delivery sometime today. Neither of those representations about inchoate delivery provides meaningful notice to our clients.

We are currently reviewing the filings that we have been able to retrieve, which encompass hundreds of pages and over thirty exhibits including over twenty witness declarations. The State intends to file a brief in opposition to Plaintiffs' motion as soon as possible, and we will be consulting with state elections officials on what declarations may be necessary to refute plaintiffs' allegations. However, those elections officials are preoccupied with the on-going statewide recount, and we expect that it will be several business days before we will be in a position to file a complete response.

Furthermore, several of the claims raised in Plaintiffs' action are currently before the Eleventh Circuit on an expedited appeal in the related case of *L. Lin Wood v. Raffensperger*, Civil Action No. 1:20-cv-04651-SDG (Appeal No. 20-14418). Mr. Wood functions as the sole plaintiff in that litigation, but he makes many of the same or substantially related claims as counsel for the plaintiffs in the instant action. We expect that case, which is under appeal after Mr. Wood's request for emergency relief was denied by Judge Grimberg, will resolve many of the issues before the Court in this action. Pursuant to two orders entered by the 11th Circuit on Wednesday, Ms. McGowan and I have been working through the holiday already (and continue to do so) preparing two separate briefs that the 11th Circuit has ordered be filed in the expedited

appeal on Tuesday, December 1. We are hopeful that the Eleventh Circuit will rule expeditiously during the coming week.

Accordingly, the State respectfully requests that the Court refrain from scheduling a hearing on Plaintiffs' motion prior to December 4, 2020, which should allow the State, after filing the *Wood* briefs, to respond meaningfully to the Plaintiffs' motion. Although Plaintiffs have styled their motion as an "emergency," Plaintiffs waited until the commencement of the Thanksgiving holiday, and 5 days *after* the Secretary of State and Governor certified the slate of presidential electors on November 20th, to bring their claims. Plaintiffs are making the unprecedented request that the Court "de-certify" and set aside the results of the presidential election. It would be highly prejudicial to the State Defendants and to the voters of Georgia to schedule a hearing before the State Defendants have been afforded at least a reasonable period of time to respond to Plaintiffs' belated allegations.

We would be happy to participate in a scheduling conference with the Court to discuss this matter further at the Court's convenience.

Respectfully,

Russell D. Willard
Senior Assistant Attorney General

Russell D. Willard
Senior Assistant Attorney General: Section Chief
Office of the Attorney General Chris Carr
Government Services & Employment
Tel: (404) 458-3316
rwillard@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia, 30334

From: Katie Klimko <Katie_Klimko@gand.uscourts.gov>
Sent: Saturday, November 28, 2020 3:11 PM
To: Harry MacDougald <hmacdougald@cpdlawyers.com>
Cc: Sidney Powell <sidney@federalappeals.com>; Howard Kleinhendler <howard@kleinhendler.com>; Charlene McGowan <CMcGowan@LAW.GA.GOV>; Russell D. Willard <rwillard@law.ga.gov>; lwood@linwoodlaw.com
Subject: RE: 20-cv-04809-TCB Pearson et al v. Kemp et al

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Mr. MacDougald!

Mr. Willard and Ms. McGowan, will you let us know if you are in the process of preparing a brief in opposition to Plaintiffs' emergency motion?

Thank you all!

From: Harry MacDougald <hmacdougald@cpdlawyers.com>
Sent: Saturday, November 28, 2020 1:51 PM
To: Katie Klimko <Katie_Klimko@gand.uscourts.gov>
Cc: Sidney Powell <sidney@federalappeals.com>; Howard Kleinhendler <howard@kleinhendler.com>; Charlene McGowan <cmcgowan@law.ga.gov>; Russell Willard <rwillard@law.ga.gov>; lwood@linwoodlaw.com
Subject: Re: 20-cv-04809-TCB Pearson et al v. Kemp et al

CAUTION - EXTERNAL:

Hi Ms. Kimbo:

Thank you for your email.

As for service, summonses have not yet been issued and there have been no acknowledgments thus far.

However, I emailed the complaint and its exhibits and the subsequent filings to all Defendants other than the Governor and Secretary of State late last night and this morning. I do not have an email address for the Governor, and the address for the Secretary of State that I used rejected the emails as oversized. The emails to the members of the State Board of Elections appeared to go through as I heard back from one of them, Mr. Mashburn.

I also emailed the Complaint and Exhibits on Thursday and the subsequent filings this morning, to two lawyers from the State AG's office who appeared for the State Defendants in Wood v. Kemp, et al, an election case before Judge Grimberg, Charlene McGowan and Russell Willard, whom I am also copying on this email.

The case number was not assigned until mid-day yesterday.

On Friday I asked Ms. McGowan and Mr. Willard if they would acknowledge service.

This morning I emailed the documents filed yesterday to both of them, including the motion for emergency relief.

That describes delivery by email. Now for delivery by FedEx.

A FedEx to the Defendants of hard copies of yesterday's filings was dropped into a FedEx box very late last night.

A FedEx to the Defendants of hard copies of the Complaint and the Exhibits, which are voluminous, is being assembled now and will be turned over to FedEx this afternoon.

I have not heard back from any counsel for any Defendant.

Please note that I have also copied Sidney Powell and Howard Kleinhendler on this email, for whom I am serving as local counsel.

With the Court's permission, if there are any telephone conferences over the weekend, Ms. Powell and Mr. Kleinhendler would also like to participate.

If there are any other questions, please do not hesitate to call on me.

With best regards,

Harry W. MacDougald
Caldwell, Propst & DeLoach, LLP
Two Ravinia Drive
Suite 1600
Atlanta, GA 30346
404-843-1956
Direct 404-843-4109

From: Katie Klimko <Katie_Klimko@gand.uscourts.gov>
Date: Saturday, November 28, 2020 at 1:26 PM
To: Harry MacDougald <hmacdougald@cpdlawyers.com>, "lwood@linwoodlaw.com" <lwood@linwoodlaw.com>
Subject: 20-cv-04809-TCB Pearson et al v. Kemp et al

Hi counsel,

Judge Batten is aware of the pending TRO motion. We wanted to touch base on where things are with service, etc. Have Defendants been served and if not, do you know when you anticipate service? Also, do you know who will be representing Defendants?

Thanks so much,

Katie Klimko

Law Clerk, Hon. Timothy C. Batten, Sr.

United States District Court

Northern District of Georgia

404-215-1420

Katie.Klimko@gand.uscourts.gov

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

[1] Dominion's lobbyist Jared Thomas worked on Governor Kemp's campaigns since his first race for the Georgia Senate in 2002. <https://www.govtech.com/security/Georgia-Awards-107M-Voting-Machine-Contract-to-Dominion.html>

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

EMAIL ATTACHMENT SPOILIATION LETTER BELOW



SMITH & LISS, LLC
ATTORNEYS & COUNSELORS AT LAW

FIVE CONCOURSE PARKWAY
SUITE 2600
ATLANTA, GEORGIA 30328
TELEPHONE: 404-760-6000
FACSIMILE: 404-760-0225

November 24, 2020

VIA U.S. CERTIFIED MAIL
7020 0640 0001 0336 0969

Fulton County Board of Registration & Elections
Attn: Richard Barron, Director
130 Peachtree Street, SW
Suite 2186
Atlanta, GA 30303

Re: *L. Lin Wood, Jr. vs. Brad Raffensperger, et al.*
Case No. 1:20-cv-04651-SDG
Fulton County – Ballot Auditing

To Whom It May Concern:

Please be advised that this office represents L. Lin Wood, Jr. in connection with the above-mentioned matter. It is our understanding that you and/or your agents, and/or representatives are in possession of the certain materials connected to the November 2020 Presidential Election. For purposes of this request (a) “Absentee ballots” shall include, but are not limited to, mail-in ballots or vote by mail; (b) “Audit” refers to the audit conducted by Pro V&V; and (c) “Dominion” refers to Dominion Voting Systems and their subcontractors, including but not limited to KNOWiNK.

Accordingly, we hereby request any and all evidence, including but not limited to:

1. Any and all Absentee ballots and their respective original envelopes;
2. Any and all records that show, or tend to show, the chain of custody of all Absentee ballots;
3. Any and all records that show, or tend to show, the location(s) where Absentee ballots were preserved prior to an STET elections;
4. Any and all records that show, or tend to show, location(s) where Absentee ballots were preserved after the elections;
5. Any and all records certifying the receipt of voting boxes, bins, and/or ballots;
6. Any and all records certifying that voting boxes, bins, and/or ballots received prior to the elections were maintained in a secure location;
7. Any and all policies and procedures regarding the maintenance and security of voting boxes, bins, and/or ballots received prior to the elections;
8. Any policies and procedures provided to auditors, poll workers, managers, and supervisors with regard to November 2020 Presidential Election;
9. Any and all documentation in connection with the Pro V&V Audit, including but not limited to memorandums, emails, letters, etc.;
10. Any and all documentation, including but not limited to emails, correspondence, and/or letters, between any state agency and Pro V&V for the last five (5) years;

11. Any and all bids, contracts, correspondence, or other documentation evidencing discussions with any companies or entities other than Pro V&V for auditing services;
12. Any interoffice memorandums, emails, letters, or other written communications regarding the Audit.
13. Any and all voice recordings or audio messages concerning the Audit;
14. Any and all cellular telephones issued to employees, volunteers, auditors, poll workers, managers, or supervisors;
15. Any and all video surveillance for November 2, 2020 through November 18, 2020;
16. Contact information for all individuals involved in the counting and/or processing of Absentee ballots in connection with the November 2020 Presidential Election;
17. Any and all machines used to calculate votes, including software documentation connected with the machines;
18. Email correspondence, text messages, cellphone records, and/or correspondence between any election officials and Dominion for the last five (5) years;
19. The full contract between Dominion and any Georgia and/or United States government employee or agency;
20. Payments, invoices, made by Dominion and received by Dominion and any and all payments and invoices made by the federal, state and local government to Dominion;
21. Any correspondence with the Federal Government of the United States;
22. Any complaints made by anyone to any election officials, volunteers, employees, etc. related to fraud, voting irregularities and voting machine complaints;
23. Any and all container information sheets;
24. Any Audit board batch sheets;
25. Any and all documentation reflecting the number of votes tallied for each presidential candidate on November 3, 2020;
26. Any and all raw data, intermediate data, and documentation reflecting the number of votes tallied for each presidential candidate at the conclusion of the initial/original count;
27. Any and all raw data, intermediate data, and documentation reflecting the number of votes tallied for each presidential candidate at the conclusion of the recount;
28. Any documentation of complaints or termination paperwork connected with the actions of any poll workers during the November 2020 Presidential Elections;
29. Any protocols, policies, or procedures drafted in connection with the audit, recount, and recanvass conducted by the Georgia Secretary of State;
30. Any documents in connection with the risk limiting audit conducted by the Georgia Secretary of State;
31. Any and all documents in connection with the established procedures to manually count a random sample of ballots in order to ensure that the voting machines was accurate;
32. Any and all protocols or other documents identifying the manner in which employees or volunteers were instructed to count or process votes;
33. Any and all communications with any third-party that participated in the election process, including but not limited to, the Department of Justice, Federal Bureau of Investigation Central Intelligence Agency, Republican National Committee, Democratic National Committee, The Clinton Foundation, any foreign corporations, and/or any foreign governments;
34. Any and all USB, compact flash drives, portable drives, and/or hard drives of any kind that are used for storing data relating to the election process, votes and audits;

35. Any policies or procedures, memorandums, or other documentation concerning poll watchers;
36. Any digital images created by a Ballot Marking Device (BMD) indicating how the voting system interpreted the paper input;

Furthermore, no repairing, maintenance, altering or destroying of said evidence is to be done. You have a legal obligation to preserve evidence, regardless of whether any Court Order, to that effect has ever been entered, because you know or with the exercise of due diligence should know that litigation has risen out of this matter.

Should you not be the persons and/or entity in control or possession of the above referenced evidence, we hereby request that this letter be forwarded immediately to the proper agent who can respond accordingly to this urgent matter. **Finally, please contact us for permission for us to conduct an inspection of the above referenced evidence. Alternatively, you may send us a copy of the evidence or contact my office to make arrangements to have someone recover same.** Thank you for your attention to this matter, and should you require anything further, please do not hesitate to contact me directly.

With kind regards, I am

Very truly yours,

SMITH & LISS, LLC

Ray S. Smith, III

RSS

cc: Rebecca N. Sullivan - Georgia Department of Administrative Services
Christopher M. Carr, Esq. – Attorney General
Vincent R. Russo, Esq. – Robbins Ross Alloy Belinfante Littlefield, LLC
Brian Kemp – Governor of Georgia
Brad Raffensperger - Secretary of State of Georgia

CERTIFIED MAIL®



7020 0640 0001 0336 0969


ITH & LISS, L
Attorneys & Counselors

E PARKWAY

IA 30328

Fulton County Board of Registration & Elections
Attn: Richard Barron, Director
130 Peachtree Street, SW
Suite 2186
Atlanta, GA 30303

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>																	
<p>1. Article Addressed to:</p> <p>Fulton County Board of Registration & Elections Attn: Richard Barron, Director 130 Peachtree Street, SW Suite 2186 Atlanta, GA 30303</p>  <p>9590 9402 5986 0062 4528 27</p>	<p>B. Received by (<i>Printed Name</i>)</p>	<p>C. Date of Delivery</p>																
<p>2. Article Number (<i>Transfer from service label</i>)</p> <p>7020 0640 0001 0336 0969</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>3. Service Type</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>			<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																	
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																	
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																	
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																	
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																	
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																	
<input type="checkbox"/> Insured Mail																		
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																		

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

United States District Court
Northern District Of Georgia
Atlanta Division

Coreco Jaqan Pearson,)
et al.,)
)
Plaintiff,)
)
vs.)
)
Brian Kemp, et al.,)
)
Defendant.)
_____)

Civil Action
File No. 1:20-CV-4809-TCB
Atlanta, Georgia
Sunday November 29, 2020
7:45 p.m.

Transcript of Motions Hearing
Before The Honorable Timothy C. Batten, Sr.
United States District Judge

APPEARANCES:

FOR THE PLAINTIFFS:

Sidney Powell
L. Lin Wood, Jr.
Howard Kleinhendler
Harry MacDougald
Christine Dial Buckler
Attorneys at Law

FOR THE DEFENDANTS:

Russell David Willard
Charlene Swartz McGowan
Attorneys at Law

Lori Burgess, Official Court Reporter
(404) 215-1528

Proceedings recorded by mechanical stenography, transcript
produced by CAT.

1 THE COURT: Hi. I'm Judge Batten.

2 THE CLERK: I think we have everybody here. Harry
3 MacDougald.

4 MR. MACDOUGALD: I want to announce that my
5 associate Christine Buckler is in the office with me but off
6 camera.

7 THE COURT: Thank you, Mr. MacDougald.

8 THE CLERK: Howard Kleinhendler.

9 THE COURT: Howard. Who are you with?

10 MR. KLEINHENDLER: I am with the Plaintiffs.

11 THE COURT: Keep going.

12 THE CLERK: Sidney Powell.

13 THE COURT: I don't see Ms. Powell.

14 MS. POWELL: I am also here with Lin Wood for the
15 Plaintiffs.

16 THE COURT: I don't see either of y'all.

17 THE CLERK: If you will turn on your video, please,
18 Ms. Powell.

19 MS. POWELL: I am not sure it is working properly,
20 but I have given it my best shot.

21 THE COURT: Who else do we have on the call besides
22 Ms. Powell and Mr. Wood?

23 THE CLERK: Charlene McGowan.

24 THE COURT: Is she on the video?

25 THE CLERK: Everyone's video is on except Ms. Powell

1 and Rus Willard.

2 THE COURT: I can't see everybody. I suppose that
3 is okay as long as I can hear everybody. So I think we are
4 ready to proceed. Are the Plaintiffs ready to proceed and are
5 the Defendants ready to proceed? One at a time. Plaintiffs?

6 MS. POWELL: Yes.

7 THE COURT: And the Defendants?

8 MR. WILLARD: Yes, Your Honor.

9 THE COURT: You know, I am not really sure exactly
10 what it is the Plaintiffs are trying to obtain in the case
11 right now regarding these machines. There has been a mention
12 of wiping of a machine at the World Congress Center, and also
13 been a discussion about reference to the fact that Union
14 County is going to wipe their machines. You know, I
15 understand that these county officials are obligated by state
16 law to preserve the data from the election on November 3.
17 What is it exactly that the Plaintiffs want me to order the
18 Secretary of State and/or the other Defendants to do? I am
19 not -- excuse me, I am sorry -- I am not talking about
20 ultimately under the complaint that has been filed, I am
21 talking about this emergency temporary relief right now. I
22 know you want me to throw out the election results and et
23 cetera, but I just mean on the short-term basis, what is it
24 exactly that the Plaintiffs would like? Ms. Powell?

25 MS. POWELL: Right now what you ordered in your

1 first order of the day would be perfect. We need access to
2 the machines as soon as possible so we can do mirror images of
3 the data that is on there and the operations that are on
4 there, because it's well-established throughout Dominion
5 software systems and anybody who knows anything about them
6 that they can be easily altered. And we understand, from what
7 is going on at the Center today, that process has already
8 begun. Apparently from 11:00 to 1:30 they began substituting
9 software in the machines that was completely unnecessary to
10 count the ballots.

11 THE COURT: Let me stop you right there and ask
12 Mr. Willard, first of all, I understand the State's
13 argument that -- the Defendants' argument that the Plaintiffs
14 lack standing. I also understand that they cite *Jacobson* for
15 the proposition that they aren't the right people to be sued
16 to provide this relief and that instead it should have been
17 the county elections officers. I understand all of that. But
18 I am wondering, and I am just trying to get factual
19 information here, what is it about access to the voting
20 machines that the Defendants have a problem with? Why can't
21 the Plaintiffs' experts go ahead and do a forensic
22 examination? Are they going to damage anything or in any
23 other way interfere with the performance of the government
24 officials' duties?

25 MR. WILLARD: Your Honor, I appreciate the

1 opportunity to respond. I apologize about the video. With
2 the weather out there, we've had it bad with issues all
3 weekend in my subdivision. I will say that we've got a
4 concern because what your original proposed order and what the
5 Plaintiffs are seeking is going to basically take certain
6 voting equipment out of the equation for the election
7 scheduled to take place this Tuesday, as well as the election
8 scheduled to take place on January 5th, because Plaintiffs are
9 wanting us to hold and basically mothball and preserve these
10 machines at the county level - not in our possession, not in
11 our custody and control - at the county level. They want to
12 preserve those in the form that they were in after the
13 November 3rd election. Under state law there is an obligation
14 on those county election officials to preserve the data. But
15 the State of Georgia has set up a system where the actual
16 equipment is used at each successive election in the cycle.
17 And there is a certain amount of recalibration in terms of
18 getting them ready. For the individual machines, they are not
19 going to have the November 3rd, 2020 ballot card being
20 inserted in them. They are not going to have that database
21 built in any longer. You're going to have a December 1st,
22 2020 database in the machines and in the tabulation computers.
23 You're going to have a January 5th, 2020 database tabulating
24 the results of the federal and state-wide run-off on January
25 5th. They have cited to *Curling*. *Curling* is inapposite

1 because it was decided before the 11th Circuit's
2 redressability decision in *Jacobson*. In addition, they are
3 wanting you to poke the procedure. You've got election
4 officials who, as of Tuesday morning, have to turn on the
5 lights, conduct in-person voting, Tuesday night of this week
6 have to tabulate results on the very equipment that the
7 Plaintiffs are wanting you to take out of circulation. And
8 that gets -- now it is so broad, based on what Ms. Powell has
9 asked in some of her more recent emails, you've now implicated
10 the *Purcell* line of cases and the progeny as interpreted by
11 this circuit that says Plaintiffs don't get to come in and
12 poke at an election procedure that is currently underway.

13 THE COURT: Let me interrupt you, Mr. Willard.
14 First of all, refresh my recollection. The election in two
15 days, which is December 1, is that the run-off for the Public
16 Service Commissioner? Or is that on January 5, 2021?

17 MR. WILLARD: The Public Service Commission race has
18 been moved to January 5th, 2021.

19 THE COURT: What is December 1?

20 MR. WILLARD: Basically any local race that is still
21 out there that --

22 THE COURT: Okay.

23 MR. WILLARD: For example, the Athens Clarke County,
24 Oconee County and, I forget, I think it's the Northeastern
25 Judicial Circuit, that District Attorney's race is on the

1 ballot for this Tuesday.

2 THE COURT: I remember that.

3 MR. WILLARD: Clarke County and Oconee are going to
4 be voting in that.

5 THE COURT: Right.

6 MR. WILLARD: I am not aware here on Sunday evening
7 at 7:59 what other counties may have races on Tuesday and what
8 may not. We've been sort of struggling ever since the
9 Plaintiffs filed their emergency motion right before midnight
10 on Friday that we saw sometime around lunchtime on Saturday.
11 We've sort of been scrambling. I don't think all of my
12 clients have still seen everything, as Plaintiffs acknowledge.
13 There has been a complete absence of notice requisite to grant
14 any relief as to the temporary hearing at this point, because
15 I haven't been able to communicate with all of my clients to
16 see if all of my clients have even been properly served with
17 the emergency motion.

18 Plaintiffs have been sort of trying to do this by
19 the seat of their pants, and they keep asking for this sort of
20 ever-shifting claim of relief that they are saying isn't going
21 to matter all that much in the grand scheme of things, but in
22 terms of a currently underway election, it is going to be
23 throwing sugar in that gas tank and gumming up the works for
24 not only the December 1st election, but also the January 5th
25 election, as well as the recount that is underway.

1 THE COURT: Well, I am having the impression, from
2 what you've just said, Mr. Willard, that there really is not
3 expected to be much turnout for Tuesday's elections, whatever
4 remains statewide. Obviously we are going to have an enormous
5 turnout January 5th, 2021. I just -- you know, I don't fault
6 the Defendants for complaining about the timing, and the fact
7 that they've been given precious little time to respond to the
8 Plaintiffs' requests. I don't blame them. And my draft
9 proposed orders, the two that we are discussing from today,
10 both reflect a hearing schedule that reflects my understanding
11 of the State's position. In other words, I feel like, you
12 know, you've complained, understandably, about the timing and
13 said you need a little more time, and I feel like I am giving
14 you that by having the hearing on Friday, giving you till
15 Wednesday to file the brief in opposition. Believe me, I am
16 not saying that you are getting an abundance of time, but to
17 me, I divided that baby as fair as I thought I could, and I
18 feel like I am giving you enough time. My point is, if I am
19 going to give you that time, I don't understand why it is
20 asking too much. And forget for just a moment the argument
21 about it's not under the Secretary of State's control. I
22 understand that argument. I am going to deal with that in a
23 minute. Laying that aside for a second, the question is, why
24 isn't there enough already -- let me put it like this. What
25 you are asking for, why should you not correspondingly agree

1 to allow a quick inspection of these machines? And I guess --
2 you know, I don't know how many counties the Plaintiffs are
3 talking about. I think that *Jacobson* may be on point. I am
4 not sure yet. I don't know. It seems to me hard to believe
5 that the Plaintiffs should have to sue 159 elections
6 commissioners to get the relief they want. I understand
7 exactly what *Jacobson* said, but that was a different case.
8 What I am trying to accomplish here is, taking into both
9 sides' consideration, their arguments, their respective
10 positions, but incorporating into them also the law. The
11 Plaintiffs want to seize these and impound these machines for
12 a forensic audit by their experts.

13 Let me go back to Ms. Powell and ask you,
14 Ms. Powell, which machines are we talking about? Are you
15 talking about in every county in Georgia? Where exactly are
16 you talking about?

17 MS. POWELL: No, Your Honor. In our motion we asked
18 specifically for machines in ten counties.

19 THE COURT: Those ten counties that you've
20 highlighted. Okay.

21 MS. POWELL: Yes, sir.

22 THE COURT: And what do you want to do with those
23 machines? How long is it going to take your experts to do
24 their thing on those machines?

25 MS. POWELL: It will take approximately a day of

1 time per county, but we can dispatch three separate teams and
2 be able to do the bulk of it I would think within three days.

3 THE COURT: Okay. What do you say in response to
4 Mr. Willard's argument -- I wasn't -- let me go back to
5 Mr. Willard and just make sure I am clear on this.
6 Mr. Willard, specifically with respect to the Clarke County
7 and Oconee County DA's I guess it is a run-off. I don't
8 remember if it's a run-off or a special election. But for the
9 record, which is it, Mr. Willard?

10 MR. WILLARD: It is a special election run-off.

11 THE COURT: Yeah.

12 MR. WILLARD: Your Honor, if I can clarify for the
13 record, that is just one example of a race that is scheduled
14 to be run on Tuesday. There are a myriad other races that we
15 anticipate are being held throughout Georgia, we just haven't
16 had the opportunity to compile an exhaustive list.

17 THE COURT: I understand.

18 MR. WILLARD: But we are letting you know that there
19 is a race scheduled for Tuesday.

20 THE COURT: Right. I understand. I guess what I am
21 wondering is -- well, I guess -- let me think this through.
22 It seems to me that the question should be, and we might -- I
23 might give y'all a little bit of time to find this out. Other
24 than the -- are there any elections set in these ten counties
25 that are going to take place this Tuesday, December 1? And if

1 so, are the Plaintiffs going to, to get the relief they want,
2 are they going to have to access these machines and not have a
3 -- which would prevent these ten counties from having the
4 machines to use for those Tuesday elections?

5 MR. WILLARD: I'm sorry, Your Honor, is that
6 addressed to me or Ms. Powell?

7 THE COURT: I am kind of thinking out loud and
8 addressing both of you. Basically we have narrowed it from
9 159 down to 10 counties. And the Defendants right now can't
10 tell me, and I don't fault them for that at all, what
11 elections are taking place, if any, in those ten counties this
12 coming Tuesday in two days. So how am I supposed to -- and so
13 that is one issue, is this may be moot if it turns out that
14 there is not even an election taking place in those ten
15 counties on Tuesday, I don't see what the problem would be of
16 me entering a temporary restraining order allowing the
17 Plaintiffs to have quick access to those machines for a
18 forensic examination. On the other hand, if there is going to
19 be an election in any of those ten counties, that raises the
20 question of can they still have the election without those
21 machines. Do you have to look at every single machine? I
22 mean, I don't understand how it works.

23 So I guess I would ask Ms. Powell, let's suppose
24 that in two or three of the ten counties that you are
25 interested in, there are in fact going to be run-off elections

1 on Tuesday, December 1. How can your objective be met, your
2 objective being a forensic examination of those machines in
3 those counties if there is going to be an election there on
4 Tuesday?

5 MS. POWELL: We can get experts to them tomorrow,
6 Your Honor. We've got at least three teams of experts that
7 could be dispatched to three separate counties to collect the
8 information from the machines. The important part is, it's
9 not just the data that comes out of the machines that is
10 crucial to the fraud case that is so rampant across the
11 country, it is the fact that an algorithm we believe was
12 uploaded to the Dominion machines that weighted the votes for
13 Mr. Biden over the votes for President Trump at approximately
14 1.22 versus .78, and that is what would change with any
15 alteration of the software that is crucial to making the proof
16 of the fraud absolutely conclusive and irrefutable. We know
17 they have already gone into the machines in Fulton County to
18 change the software with no basis to do so whatsoever. In
19 fact, there is an attorney that contacted me just earlier
20 today, in fact while I was replying to the last message from
21 the Court. I believe her last name is Broyles, a Ms. Broyles,
22 who had been contacted by a witness who was very concerned by
23 what she had seen down at the Center today, and felt like it
24 was an abject pretense that they were going to be redoing all
25 the same ballots and there was no reason to change the

1 software for any reason whatsoever.

2 THE COURT: All right. Mr. Willard, what is your
3 response to that?

4 MR. WILLARD: Your Honor, I apologize. I am used to
5 dealing with facts and law, not innuendo and accusation. The
6 bottom line here, the Plaintiffs have sent you a copy of the
7 *Curling* order which, as I mentioned earlier, is inapposite
8 because it predates *Jacobson*. But in that case, where the
9 security and reliability of the DRE machines, which have now
10 been retired, even Judge Totenberg recognized that you cannot
11 willy-nilly allow individuals from outside of state and county
12 custody and control procedures to have access to these
13 machines. It poses a security risk for Ms. Powell's minions
14 to go in and image everything, download the software, and
15 figure out for future elections a way to hack in so that their
16 preferred candidates can win. That is in effect what they are
17 seeking here. They want to image, as they just said, not only
18 the data on the machines, but also the entire software package
19 and the security protocols that are set up. That is something
20 that no Federal Court can possibly countenance. Even if they
21 had the appropriate defendants here, which they don't, you
22 cannot allow, during the midst of an election cycle, a third
23 party to come in and get the proverbial keys to the software
24 kingdom. I will say that we are trying to get up to speed on
25 this as much as possible. Our office is not representing the

1 Secretary in the *Curling* litigation because our office was
2 forced to declare a conflict several years ago, but we have
3 Conflict Special Attorneys General who have spent months and
4 years dealing with the security of the State's electronic
5 voting system in Federal Court. There was a whole procedure
6 set up where you had a white room established in Virginia
7 where experts were only permitted to go in and inspect a
8 single machine at that white room after security protocols
9 were set in place where they couldn't remove anything from
10 there, where they weren't able to take anything that could
11 later compromise the system with them when they left.

12 MS. POWELL: Well it's a little bit late to be
13 worrying about the compromise of the system. That happened,
14 as we have evidence that both Iran and China were hacking into
15 the system during our election, not to mention any number of
16 other foreign entities and domestic actors as well. The
17 entire system was built to be both hackable from afar and
18 locally to overwrite votes, to overwrite review of signature,
19 to drag and drop ballots into the trash can as wanted. It was
20 conceived and created by Mr. Chavez's regime for the very
21 purpose of ensuring that he won future elections. As corrupt
22 as it could possibly be. And that's the system that the
23 Georgia Secretary of State decided was appropriate to run in
24 Georgia, despite any number of revelations of the myriad
25 problems it has.

1 THE COURT: The problem I have --

2 MS. POWELL: A two-year-old can hack these machines
3 as they are now, and we are certainly amenable to having an
4 observer and videotaping the process that we use to create the
5 mirror images, and to submitting it and holding it under a
6 protective order.

7 THE COURT: And am I correct in expecting that the
8 Defendants further contend that these are -- there is
9 proprietary information on these machines that should not be
10 publicly disclosed?

11 MR. WILLARD: Yes, Your Honor, as well as from a
12 security protocol standpoint.

13 THE COURT: Right. Okay. Well, here is the
14 problem. It's Sunday, November 29th at 8:12 p.m. This motion
15 did not come in until late Friday night. I was not aware of
16 the motion until Saturday. And the State, including the
17 Secretary of State, the Governor, and the Elections Board
18 members have hardly had any opportunity to respond to these
19 allegations. I don't know if that is anybody's fault. I
20 don't know at this particular point -- I haven't considered
21 the issue of whether the suit should have been brought earlier
22 and the Plaintiffs are guilty of laches. I have no opinion on
23 that issue at this point. But what I do have an opinion on is
24 that the burden is on the Plaintiffs, and the relief that they
25 seek is extraordinary. And although they make allegations of

1 tremendous worldwide improprieties regarding the Dominion
2 voting machines, those allegations are supported by precious
3 little proof. Now let's just suppose hypothetically that the
4 obligations are true, and there simply has not been time to
5 marshal the evidence in support of those allegations. The
6 problem with that is that that doesn't create an exception for
7 me as to whether I should grant this extraordinary relief of a
8 temporary restraining order, which of course can only be
9 granted in truly extraordinary circumstances, and the
10 Defendant -- and it's not even clear to the Court that the
11 named Defendants are the proper parties to this lawsuit with
12 respect to this particular form of relief that the Plaintiffs
13 are seeking. So I am going to deny the Plaintiffs' request
14 for a temporary restraining order on the grounds that the
15 Plaintiffs have failed to carry their burden of showing a
16 substantial likelihood, a real likelihood of prevailing on the
17 merits on this claim, or at least I am going to refrain from
18 granting that relief now. If, in the course of discovery in
19 this case, the Plaintiffs become -- the Plaintiffs acquire
20 additional proof that would support their allegations that
21 might make a difference, I am happy to revisit this order.
22 But for now, that is going to be the order of the Court. I am
23 going to deny the request for temporary injunctive relief.

24 And here is what we are going to do regarding the
25 scheduling. The Plaintiffs' response to Defendants' motion

1 will be due on Wednesday December 2 by -- I am going to change
2 that to 5 o'clock p.m. Eastern Standard Time. If the
3 Plaintiffs choose to file a reply, it will be due 24 hours
4 after the Defendants' response is filed. And we will have an
5 in-person hearing in my Atlanta courtroom this coming Friday
6 at 10 o'clock a.m. to consider the balance of the claims that
7 have been raised by the Plaintiffs in their complaint. All
8 right. Anything else, Counsel?

9 MR. WOOD: Judge Batten, this is Lin Wood. How are
10 you, sir?

11 THE COURT: Yes, sir. How are you doing, sir?

12 MR. WOOD: I am doing well. Please let me make one
13 request.

14 THE COURT: Okay.

15 MR. WOOD: I understand Your Honor's ruling. I kind
16 of live under the theory that he who has nothing to hide hides
17 nothing. Would there be any way -- would there be any way to
18 give us a very limited, such for example let us go in
19 tomorrow, pick two or three counties, and then randomly two or
20 three machines and do the forensics on that? Because at least
21 we would have some information in the event all of these
22 machines end up being wiped clean? Something very --

23 THE COURT: At first blush, I don't have -- I would
24 not have too much of a problem with that. It certainly is
25 more reasonable than what we have talked about. But the

1 problem is, again, the State has represented to me that -- the
2 Defendants have represented to me, through counsel, that there
3 are security concerns that they have, and I am being asked to
4 decide this on a Sunday night, have been received no evidence
5 from the Defendants because they haven't had a chance. So I
6 am going to respectfully deny, Lin, your request. But you
7 know, I am going to leave it with -- it is hard for me to
8 believe -- let me ask this. Let me put it this way. Doesn't
9 sound like 159 counties in Georgia are going to have special
10 run-off elections on Tuesday, special election run-offs, I
11 should say, on Tuesday. Why can't you -- if we can find ways
12 to protect the State's legitimate interest in security and
13 proprietary software, can you not look for the algorithm that
14 you claim is there and any other incriminating evidence from
15 some of the other counties, from one or more of the counties
16 where no election is going to take place Tuesday? Why can't
17 you do that?

18 MR. WOOD: Your Honor, this is Mr. Wood again. We
19 can do that. And in fact, this one solution would be if we
20 identify a very limited number of machines, number of
21 counties, we can have our experts come in and do a mirror
22 image, we can turn it over to the Court so there are no
23 security concerns, and then it can be examined at a different
24 time. But the problem is, once the machines are wiped, the
25 evidence is gone. If there is nothing there, there is nothing

1 there. But at least we will have an opportunity to check on a
2 limited basis and we can preserve it and secure the security
3 of it by having our experts, with their oversight, mirror
4 image and then turn it over to the possession of the Court for
5 a later review. But we don't get that opportunity, once lost
6 we will never get it again. I don't see any harm to the State
7 to preserve this information on a very limited basis.

8 THE COURT: Okay, I am having a hard time
9 identifying any such harm myself. Mr. Willard, what would be
10 wrong with the Plaintiffs being granted access to three of the
11 counties not among -- not in any county where there is going
12 to be an election this coming Tuesday, but tomorrow be granted
13 access in three of these where all of the evidence that are
14 obtained by Plaintiffs' experts will be accompanied by
15 forensic experts from the Defendants. I know you may not be
16 able to line that up by tomorrow, so it probably wouldn't be
17 tomorrow, but where we can have a forensic expert with the
18 Plaintiffs on behalf of the Defendants accompanying and
19 overseeing the Plaintiffs' expert's inspection of the
20 machines; and then with all of the data and all of the
21 information obtained from that inspection, or those three
22 inspections, to be turned over to the Court in camera and not
23 provided to Plaintiffs or their counsel or anybody else until
24 further order of the Court? That's -- I want to hear your
25 response, Mr. Willard. But I have to say, at first blush that

1 doesn't sound very unreasonable to me. What is the response?
2 And again, we are laying aside for a moment whether or not
3 they have sued the right parties. We are not going to address
4 that yet. But let's assume that they did, and let's assume
5 that they do have standing, what is wrong with that proposal
6 that I have just suggested?

7 MR. WILLARD: Well Your Honor, I think you've hit
8 the nail on the head, and it is sort of impossible to set
9 aside *Jacobson*. There is no redressability here as to any of
10 these machines right now. They are not in the custody and
11 control of the State Defendants. You can order us every day
12 this week; we cannot give you access to the Hart County voting
13 machines. I cannot go in and tell the Hart County Elections
14 Superintendent to do squat in regards to discovery in a case
15 that they are not a party to. Second, if you are violating
16 trade secrets and security protocols, it doesn't matter if you
17 are doing it for one machine or the entirety of machines. If
18 Plaintiffs' experts are going to come in with a thumb drive
19 and stick it in and take their screwdrivers out and do
20 everything to these machines, we have no safeguards that we
21 can put in place, in this very compressed time frame that
22 Plaintiffs are wanting to have, where you prevent somebody
23 from sticking that thumb drive in their pocket and walking out
24 the door, or doing something else that is going to impact that
25 machine for future elections.

1 THE COURT: Mr. Wood, I will give you the last word.

2 MR. WOOD: I don't believe we will be using
3 screwdrivers. I think we can do a simple mirror image, they
4 can see it done, and then it will be turned over to the Court.
5 If we've got the wrong parties, we've got the wrong parties.
6 But if we have the right parties, and the Court determines
7 that the Secretary of State does have the authority as we
8 contend that the Secretary of State does, I don't see any
9 harm. We will turn it over to the Court. The battles can be
10 fought. If we win, then we can have -- we can have the
11 examination completed. But if we don't get something, then we
12 end up with nothing, and we don't know whether or not it was
13 erased. I don't see any downside, Your Honor. We turn it
14 over to you and hold it until further rulings in the case. It
15 is just a matter of preserving some reasonably minimum amount
16 of evidence with respect to some of these machines.

17 MS. POWELL: I believe there are no elections Your
18 Honor in Cobb, Gwinnett, Cherokee, or Forsyth, or Paulding, or
19 Hall, or Houston, or Hart, or Hancock, all of which we have
20 requested, or Gwinnett or Henry. In fact, Defendants haven't
21 said where there are any elections at all.

22 THE COURT: Okay.

23 MR. WILLARD: One last point, if I could.

24 THE COURT: Yes.

25 MR. WILLARD: I would point you -- you know, I know

1 there has been some question about whether the *Jacobson*
2 decision applies to voting equipment, and decisions made
3 regarding voting equipment. I would point you to the *Anderson*
4 case, *Anderson versus Raffensperger*, decided by Judge Brown
5 last month, the docket number is 1:20-CV-03263. It is a
6 78-page decision, and it is very well-reasoned. And pages 62
7 through 68 go into great detail about how the failure to
8 include county election officials presented a redressability
9 problem. Remember, Your Honor, you didn't choose who the
10 Plaintiffs sued, I didn't choose who the Plaintiffs sued. The
11 Plaintiffs knew or should have been aware of the *Jacobson* line
12 of cases and its progeny. You --

13 MS. POWELL: *Jacobson* is Florida law.

14 THE COURT: Let him finish.

15 MR. WILLARD: -- cannot craft relief to county
16 defendants --

17 THE COURT: Go ahead.

18 MR. WILLARD: You cannot craft relief that goes to
19 county defendants and equipment in county custody and control
20 where the Plaintiffs have only chosen to sue State Defendants.

21 THE COURT: Ms. Powell, let me ask you this along
22 those lines of what he is saying. I understand the
23 distinction that the Plaintiffs have argued through their
24 counsel's emails to me today between this case and *Jacobson*.
25 But you know, it sounds to me that Mr. Willard is probably

1 correct that as a matter of fact and law, the Secretary of
2 State can't call up to Marietta and tell the Cobb County
3 elections officials what to do with their machine. What you
4 want to do is access the machine. You are not talking about
5 data results from the election. You want to actually access
6 the physical machines for a forensic inspection. And --

7 MS. POWELL: Your Honor.

8 THE COURT: Just a second. And so this is the first
9 time we are really addressing the redressability issue. Tell
10 me what is the Plaintiffs' response to that.

11 MS. POWELL: The machines are owned by the State of
12 Georgia. They were purchased by the State of Georgia for \$107
13 million of taxpayer money. They are controlled by the
14 Secretary of State's office which has legal responsibility
15 both for investigating the fraud and making sure the machines
16 are what are supposed to be used and properly used and
17 enforcing the rules and regulations and laws related to
18 elections for the State of Georgia. It is clear from the
19 *Curling* decision that we do not have to sue 600 people in 159
20 counties to obtain the relief we want. It couldn't be more
21 clear as a matter of law.

22 MR. WOOD: Judge, could I say one last thing?

23 THE COURT: Yes, sir.

24 MR. WOOD: And I appreciate this has all been done
25 with not a lot of time.

1 THE COURT: Right.

2 MR. WOOD: Again, if we don't have the correct
3 parties, we can add the correct parties before the Court would
4 release for further examination the materials that we would
5 collect in the next day or two.

6 THE COURT: I don't understand why the Plaintiffs
7 don't just move to add Cobb County as a party to the case, or
8 the Cobb -- I don't know who it is, Cobb County elections
9 officers? I don't know. I am not going to give you a legal
10 opinion.

11 MR. WOOD: Let me say this. If the Court gives us
12 until Tuesday to examine, we will add the counties that the
13 Court lets us go examine, we will add them tomorrow; add them
14 tonight. I just don't think -- I think that is a procedural
15 issue, and ultimately one the Court can decide, but there is
16 no harm, Your Honor, in preserving what could be critical
17 evidence with respect to this election. We are not asking to
18 look at it until we've got it all down pat and Your Honor is
19 satisfied we are entitled to it, but let's preserve at least
20 some small amount reasonably so we don't find ourselves with
21 no evidence simply because the evidence was erased or
22 destroyed. If there is nothing there, there is nothing there.
23 But, Your Honor, if there is something there, then this state
24 has a serious problem. And I think it ought to be in the
25 interest of the taxpayers and the voters that this material,

1 on a reasonable basis, limited basis, be preserved so that
2 down the road, if we meet all the other qualifications to have
3 it fully examined, we've at least got it preserved. That
4 seems to me to be in the best interest of the citizens of the
5 State of Georgia.

6 THE COURT: Well let me go back --

7 MS. POWELL: We have obtained access to machines in
8 another state, with no problem of damage to the machines or
9 exposure of trade secrets or any other concern, and in that
10 instance we found that there were 1,474 votes on two rolls on
11 a machine, 1,474 which were changed across the two rolls,
12 almost the same number of voters that voted had their votes
13 completely changed on Dominion machines.

14 THE COURT: Where was that?

15 MS. POWELL: That is a county in Michigan.

16 THE COURT: That was this year?

17 MS. POWELL: Yes, sir. Just a few days ago.

18 THE COURT: Right, okay. And again, just for my
19 factual understanding, Mr. Willard, are you telling me that if
20 I grant this relief, let's say to -- if I were to add a couple
21 of these counties as defendants, or whatever the right entity
22 or person is that should be the defendant, are you telling me
23 that if I grant this relief for this forensic inspection,
24 there is no way that any election run-off can take place on
25 Tuesday in that county? Or do you know?

1 MR. WILLARD: That is my understanding right now.
2 Once again, I am working on Sunday night at 8:28 p.m. and
3 something that I've been aware of for a little over 24 hours.
4 But at this point in time, Your Honor has already indicated
5 which way he was going to rule, and now Plaintiffs are trying
6 to shift the ground underneath us. The fact is, as I
7 indicated to your clerk last night, Ms. McGowan and I have now
8 given up the entirety of our Sunday, we have responded in a
9 timely fashion, at the Court's request, first on a
10 three-and-a-half-hour turnaround, and then on an hour
11 turnaround, substantively responding to Plaintiffs' arguments.
12 And their responses have been long on rhetoric and short on
13 any authority. We are at a situation now where if the Court
14 is willing to do what it said it was going to do earlier in
15 this call and earlier this evening via email and deny relief,
16 we go on and we prepare for the Friday hearing. If the Court
17 is inclined to grant the relief, we would ask you to certify
18 it so that we can immediately take it up to the 11th Circuit
19 and the 11th Circuit can reassure the Plaintiff that it meant
20 what it said when it ruled in *Jacobson*.

21 THE COURT: All right, I am going to have to think
22 about it. I am not sure yet what I am going to do, but I need
23 to do some research and think about it a little bit. I am
24 trying to -- I would like, Mr. Willard -- I am sure we are
25 going to talk again tomorrow. I guess we ought to just --

1 let's plan on an 11 o'clock Zoom hearing tomorrow to address
2 some of these issues. And I am going to want to know -- let
3 me just say, in terms of what I am thinking out loud is that
4 if I were to allow -- let me first ask this question of
5 Ms. Powell and Mr. Wood. If I were to allow the forensic
6 inspection of either the Cobb or Gwinnett or Cherokee or Hart,
7 whatever -- wouldn't it just be sufficient to add one of those
8 counties? If it is the same machine?

9 MS. POWELL: No, Your Honor. The counties can read
10 differently. We really request Cobb, Gwinnett, and Cherokee
11 counties at the bare minimum.

12 THE COURT: Okay. I hear you.

13 MS. POWELL: And we can add those as Defendants
14 tonight if that is important to the Court. I really don't
15 think it's necessary as a matter of law, but we can certainly
16 add them.

17 THE COURT: Who exactly would you move to add?

18 MS. POWELL: The Board of Elections of each -- all
19 the members of the boards of those four counties. We would
20 have to add 12 people.

21 THE COURT: I heard three counties. Cobb, Gwinnett,
22 and Cherokee.

23 MS. POWELL: Three counties, but four people per
24 county, is my understanding.

25 THE COURT: Okay. Here is what I would like to do.

1 Mr. Willard, if you could tell me when we resume tomorrow at
2 11:00, if you could tell me, having done a little research,
3 what impact, if any, allowing this forensic examination on
4 these three counties' machines would have on the elections
5 that are supposed to take place Tuesday? It may be that there
6 is no election in any of those counties, there may be an
7 election in all three of them. I have no idea.

8 MS. POWELL: It is my understanding, Your Honor,
9 there is no election in those three counties.

10 THE COURT: Let me have that confirmed. I will give
11 Mr. Willard a chance to confirm that tomorrow. And also --

12 MR. WILLARD: That was Cobb, Gwinnett, and Cherokee.
13 Correct, Your Honor?

14 THE COURT: Yes, sir.

15 MS. POWELL: Correct.

16 THE COURT: I want to hear a little more on the
17 issue of how would -- you know, one of the issues in the
18 decision of whether to grant injunctive relief is what harm
19 the party opposing the injunction would suffer if the relief
20 were granted. That is one of the four factors that I am sure
21 all of you know quite well, I certainly would expect that you
22 do. I know you do. I would like to hear, Mr. Willard, from
23 you tomorrow morning if you could please tell me -- if you
24 could answer that question for me. What harm would it do the
25 State or to these Defendants, including any newly added

1 Defendants, if I were to grant that relief?

2 MR. WILLARD: Your Honor, I will do my best, but it
3 may not be me on the call. As I indicated to your clerk,
4 we've got two brief responses in the *Woods* case due on
5 Tuesday. We've already had to give up our Sunday responding
6 to this, after I asked your clerk last night not to schedule
7 anything until after those briefs were filed. Now because of
8 Plaintiffs' shifting demands, they want to go forward with a
9 hearing in the morning. Whoever is going to respond to that
10 hearing is going to have to take time away from getting the
11 responses filed in the 11th Circuit on Tuesday, including our
12 client, in the midst of an ongoing state-wide recount for
13 President, in the midst of conducting and supporting county
14 election officials with the December 1st election, as well as
15 getting ready for early and advanced voting for the January
16 5th election. We --

17 THE COURT: I understand, Mr. Willard. Let me ask a
18 question of Ms. Powell. If there are in fact no elections
19 taking place in those three counties, why does this have to be
20 done tomorrow? Why do we have to have the answer to this by
21 tomorrow or Tuesday?

22 MS. POWELL: Time is of the essence, Your Honor, on
23 the entire election proceeding.

24 THE COURT: I got you. In other words, the general
25 time-is-of-the-essence principle. It sounds to me like having

1 a response by 11:00 tomorrow is not necessary and would be
2 unreasonable to expect the Secretary of State, the Governor
3 and the Elections Board Defendants to be able to respond so
4 quickly. So here is what I am going to do. I am going to
5 reserve ruling. I am going to keep the schedule regarding
6 briefing and the hearing, and I am going to reserve ruling on
7 the Plaintiffs' request -- I am going to consider it a motion
8 to amend the pleadings, and a motion to add as parties these
9 elections officers in Cobb, Gwinnett, and Cherokee counties.
10 I want the Secretary of State to let me know -- I will give
11 you a deadline in the second, but what I want the Secretary of
12 State and the other Defendants to let me know is what
13 opposition, if any, they have or what conditions they would
14 like to see complied with if these machines are going to be
15 inspected. In other words, if they want their own inspector
16 there, et cetera. I agree with Ms. Powell on the general
17 principle that time is of the essence, but it is not at all
18 reasonable to give the Defendants in this case until 11
19 o'clock tomorrow morning. There is just no way they can do
20 that. I am trying to decide right now how much time to give
21 them. It certainly is going to be this week. I guess,
22 Mr. Willard, what I would like you to do is let me know, as
23 soon as you find out, but in any event you are going to have
24 to let me know by Wednesday. That is what my first blush
25 issue is this issue. I just don't see what the urgency is.

1 The case will still be pending after this week. So I just --
2 you know, I understand the -- I completely understand the
3 general urgency of the case, but the Defendants have got to
4 have a little bit of time to provide that information I want,
5 which again namely is whether they would oppose these three
6 counties' machines being forensically examined, and why they
7 would -- what the basis for any such opposition would be, and
8 I would want that supported with an affidavit or affidavits
9 from an expert or experts or somebody affiliated with the
10 Defendants who could provide evidence to why that would be
11 harmful. Again, we are focusing on the -- I believe is the
12 third prong -- I may have them in the wrong order -- of the
13 four-part test, which is what the harm would be to the party
14 opposing the injunctive relief. So that is going to be the
15 order of the Court. And I will --

16 MR. KLEINHENDLER: Your Honor.

17 THE COURT: Yes, sir?

18 MR. KLEINHENDLER: I wanted to make one point here.
19 And that is, I understand the State's concern about having us
20 go in and look at their machines. However, what we have
21 alleged with affidavit testimony is that they are erasing
22 their machines. So while they are thinking about what the
23 harm is, and while they are figuring out where their elections
24 are that they can't identify, at a minimum, Your Honor, where
25 there are no elections to be taking place, there should be an

1 order entered now that no machine should be erased. Because
2 that is very troubling, it is spoliation, it's irreparable
3 injury. That is point one. I want to make one other point
4 for you, Your Honor. They mentioned that the county is under
5 an obligation to preserve the evidence of the election. Let
6 me explain to you what they preserve. They have these
7 machines that people vote on, and they produce these memory
8 cards. They make a copy of the memory card, but the machine
9 stays the same. It's sort of like you have an iPhone --

10 THE COURT: I understand.

11 MR. KLEINHENDLER: You can take out the sim, right?

12 THE COURT: Right.

13 MR. KLEINHENDLER: So I would ask Your Honor to
14 please order no more erasing machines that are not being --

15 THE COURT: Okay.

16 MR. KLEINHENDLER: -- used for these local
17 elections --

18 THE COURT: That sounds reasonable to me,
19 Mr. Willard, until we resolve this in just a few days. Do
20 your clients have any objection to that? The way I would
21 phrase it, and I am going to give you a chance to respond to
22 this, but my inclination is to order and temporarily restrain
23 the Defendants to the extent it is within their lawful
24 authority, from altering or destroying or erasing or allowing
25 the alteration, destruction, or erasing of any of the computer

1 information on any of the machines in these three counties
2 that we discussed, specifically Cobb, Gwinnett, and Cherokee.
3 What is y'all's response? What is the State's response to
4 that, Mr. Willard?

5 MR. WILLARD: Your Honor, I will say that there are
6 no State officials, there is no one within the direction and
7 control of any of the named State Defendants who is going to
8 be doing anything in regards to this voting equipment this
9 week or in the coming months. So you still have the same
10 redressability issue. You can order us to stop all you want,
11 but if we are not the ones behind the wheel, it is not doing
12 anything.

13 THE COURT: Well then I would think that the
14 Defendants wouldn't have any problem being ordered to stop.
15 If they are not doing anything, there is nothing for them to
16 stop. So that is going to be another feature of this order.
17 And we are not going to enter a written order, it will be in
18 the transcript. But again, to the extent that it's within the
19 Defendants' lawful authority, they shall not alter, destroy,
20 or erase any of this information from any of these three
21 computers, nor will they allow anyone within their control and
22 authority, legal authority, from doing any of those things.
23 It sounds to me like you've been put on notice, Plaintiffs'
24 counsel, by Mr. Willard, quite clearly that you need to direct
25 these concerns towards these county officials. The State, in

1 this -- obviously the Defendants in this case are disavowing
2 any authority or any responsibility or connection with these
3 county machines in this sense, they are not going to be going
4 down to any -- they are not going down to Lawrenceville or
5 Canton, or Marietta to try to erase any of these machines, the
6 concern that -- is Mr. Kleinhendler?

7 MR. KLEINHENDLER: Kleinhendler, Your Honor.

8 THE COURT: I was close. Closer than you usually
9 get, I'll bet. So let's do that. Why don't we do this, why
10 don't we have a Zoom call tomorrow afternoon at 4 o'clock
11 where we will wait to hear back from someone on behalf of the
12 Defendants, if it is either Mr. Willard or someone else, to
13 respond, and let us know if there is something that the Court
14 is missing regarding the inspection, the forensic examination
15 of these machines. So my --

16 MR. WILLARD: Your Honor?

17 THE COURT: Yes, sir.

18 MR. WILLARD: Your Honor, we have moved again from
19 Wednesday. To say --

20 THE COURT: All I want tomorrow, Rus, is an update.
21 If they can give us an update. If you want to update. In
22 fact, I will leave it like that. But if you want to update
23 us, just let us know tomorrow, and we'll be ready for a call
24 at 4 o'clock. But if you don't have anything to report
25 tomorrow, that is perfectly fine. I understand the competing

1 interests that the Defendants have. They are trying to juggle
2 a lot of balls in the air at one time. I understand that.
3 Let me know if you know something tomorrow. And if not -- I
4 guess, you know, I am -- I have to admit, you know, when I
5 think out loud like this, which is not something judges enjoy
6 doing because it gets pointed out to them that they are
7 changing their mind. And I am inclined to agree with
8 Mr. Willard on this. Let's wait until Wednesday to hear back
9 from Mr. Willard. How about something in writing,
10 Mr. Willard, by the same time that the brief is due on
11 Wednesday, 5:00 p.m., in response to this inquiry that the
12 Court has as to the basis for any opposition by the Defendants
13 to this particular relief regarding the forensic examination
14 of the Dominion equipment in these three counties. That is
15 what the order of the Court is going to be. And contrary to
16 what I said a minute ago, I will put it in writing so everyone
17 can see it and it will be clear and you don't have to read the
18 transcript. That order will be entered either tonight or
19 more -- I would say almost certainly not until tomorrow
20 morning. Okay? Anything else, Counsel? Yes, sir?

21 MR. WILLARD: Just two procedural points. One, do
22 you want as a unified filing on Wednesday, or do you want us
23 to make them as two separate filings?

24 THE COURT: Separate filings.

25 MR. WILLARD: All right. So I won't need, I think

1 at this juncture, to ask for a page limit extension, but I may
2 revisit that issue with the Court.

3 THE COURT: You can have however many pages you
4 need. There is no limit on the pages.

5 MR. MACDOUGALD: The Plaintiffs as well, Your Honor?

6 THE COURT: The Plaintiffs' response as well.

7 MR. MACDOUGALD: Thank you.

8 MR. WILLARD: Your Honor, the second point, and now
9 that you have said that you are going to reduce this to
10 writing, I know that there has been a lot of rumor, innuendo,
11 and misinformation spread out there regarding what has taken
12 place in a number of courts around the country, and this Court
13 today, there were a number of social media posts made about
14 this Court's indication of the two earlier rulings.

15 THE COURT: Right.

16 MR. WILLARD: I ask you to make clear in your order
17 that only the State Defendants are being enjoined by anything
18 in your order and it is not enjoining any county officials
19 from doing anything.

20 THE COURT: Not at this time. They are not parties
21 to the case yet.

22 MR. WILLARD: Thank you.

23 MR. WOOD: Judge, for what it's worth, when we add
24 them tonight, we will be sending spoliation litigation hold
25 letters. I think they have already received those a week ago,

1 but we will redo it.

2 THE COURT: And Mr. Willard, just to be clear, you
3 are referring to -- you refer to the Governor and the
4 Secretary of State, not the other members of the Elections
5 Board? Is that right?

6 MR. WILLARD: I am actually referring -- I'm sorry?

7 THE COURT: The Governor and the Secretary of State.
8 Let's see, of course I don't -- the Governor is a party and of
9 course the Secretary of State is a party, and then we have
10 the --

11 MR. WILLARD: The Election Board --

12 THE COURT: -- four other Election Board members.
13 And what you just wanted to make clear to me, or clarify with
14 me, was that it was your understanding that the order I am
15 going to enter would only be enjoining the Governor and the
16 Secretary of State and not the four Election Board members who
17 are also named as Defendants. Am I right about that?

18 MR. WILLARD: No, Your Honor. I am requesting that
19 you make clear in your order that only the State Defendants
20 are enjoined, and there is no injunction against any of the
21 unnamed county defendants.

22 MR. KLEINHENDLER: Your Honor, this is Howard again.
23 I think your language earlier was right on. You said you are
24 going to enjoin the State Defendants and anybody in their
25 control. And our argument is that all these counties are

1 under the control of the Secretary of State. So now if the
2 State wants to play a game and say, well, we have no ability
3 to control the counties, okay, we will deal with that on a
4 sanctions motion. But I think you were very clear, Your
5 Honor, anybody -- the Defendants and anybody under their
6 control. What the State is asking for now is to wiggle out of
7 that order, and I would urge you not to give to them that
8 language. It is enough for you to say the Defendants in the
9 case and anybody under their control.

10 THE COURT: Okay. I understand the issue. The only
11 point I was trying to make with Mr. Willard was I was trying
12 to see if he was trying to exclude the Governor. I understand
13 that his main point was really that I was not ordering
14 directly any county officials to do or not do anything. I
15 understand that that is what he was saying. I think I
16 understand it. I am actually clear on it. So I think
17 everybody has their marching orders, we know what to do. I am
18 the one that has to move next. I have to enter an order that
19 clarifies all of this, and I think I do that with no problem.
20 It will probably be in the morning, okay?

21 MR. MACDOUGALD: Judge, one housekeeping matter. In
22 terms of serving future papers and filings on the Defendants,
23 can we agree or can the Court order that service on
24 Mr. Willard and Ms. McGowan is sufficient service on the State
25 Defendants?

1 THE COURT: I can't order them to waive their right
2 to be served.

3 MR. MACDOUGALD: Okay, but what we would have to do
4 otherwise is send the papers directly to the State Defendants.

5 THE COURT: Right. That is a matter for you and
6 Mr. Willard to discuss when I am not on the line. If the
7 Defendants want to acknowledge and waive service that is fine,
8 and if they don't that is not something that I am going to
9 upset with a ruling.

10 MR. MACDOUGALD: Okay.

11 THE COURT: We are adjourned, and you will hear from
12 me in the morning. Y'all have a good night.

13 (End of hearing at 8:48 p.m.)

14 * * * * *

15 REPORTER'S CERTIFICATION

16
17 I certify that the foregoing is a correct transcript from
18 the record of proceedings in the above-entitled matter.

19

20

21

22

23

24

25

Lori Burgess
Official Court Reporter
United States District Court
Northern District of Georgia

Date: November 30, 2020

Below please find a Tweet of Congressman Jody Hice, including a video proving that the “pipe burst” at the State Farm Arena in Fulton County, Georgia never happened. Further, this shows election workers working in the wee hours of the morning, pulling “votes” out from under the table after they lied to poll workers and sent them home.

<https://twitter.com/CongressmanHice/status/1334609467703521283?s=20>

https://youtu.be/nVP_6oHm4P8