



MEMORANDUM

TO: Georgia State Election Board
Gilber Humes, Secretary of State Investigator

FROM: Nadine Williams, Director, Fulton County Department of Registration & Elections ^{NW}

RE: Response to July 8, 2022 Complaint regarding the November 3, 2020 Election, received February 20, 2024

DATE: May 2, 2024

The Department of Fulton County Registration & Elections is committed to upholding the highest standards of integrity, transparency, and accuracy in the electoral process. Over the past years, our department has undergone significant transformational processes, implementing rigorous changes, and updating Standard Operation Procedures (SOPs) to enhance the efficiency and reliability of our operations.

We have prioritized accountability and responsiveness to address any concerns raised in the State Election Board Report and Performance Review Report, ensuring that every election conducted under our supervision maintains the trust and confidence of the public. As we respond to the Complaint filed regarding the November 3, 2020 Election, we affirm our dedication to openness and improvements, standing firm in our commitment to fair, honest, and transparent elections.

This memo is our comprehensive response to the Complaint filed on July 8, 2022, regarding the November 3, 2020 Election, which was provided to our office on February 20, 2024. The 2020 Election underwent meticulous scrutiny through hand counts, recounts, and court challenges, but the story remains steadfast; the outcome remains consistent.

Under observation by a Secretary of State Monitor, the Fulton County Department of Registration & Elections conducted:

- the General Election and reported Election Night Results on November 3, 2020
- the Hand Count which confirmed the outcome of the November 3, 2020 Election Results
- the Recount which confirmed the outcome of the November 3, 2020 Election Results

All counts were overseen by a Secretary of State Monitor, Secretary of State Investigators, Fulton County Election Staff, Media, and Political Party Monitors, confirming that there was no undiscovered error, contrary to the claims made in this Complaint.

We would like to provide the following response refuting the claims made regarding the alleged irregularities. The subsequent detailed responses will provide a deeper dive into the intricacies of each aspect of the electoral process, articulating the steps taken to ensure accuracy and transparency.

Recount

This Complaint topic has been noted in:

- *State Election Board Report – Post Election Executive Summary – January 12, 2021*
- *Performance Review Board Report on Fulton County Elections – January 13, 2023*

Upon conclusion of the recount, it was determined that an ICP scanner did not properly upload the recount results due to a duplicate tabulator number. The Dominion Report Tally Reporting (RTR) application is designed to recognize and tabulate results from a single tabulator; hence, if a tabulator result from ImageCastCentral (ICC) (central scanner) is imported/uploaded for the second time, the RTR will override the first result with the new one, and the batches from the new upload will be published. In this case, two

scanners were accidentally labeled identically, so when the second ballot results were uploaded, that upload erased the first result upload, leading to a discrepancy in numbers.

At the conclusion of the recount, Richard Barron notified the Secretary of State of the cause of the discrepancy and advised the Secretary of State that the ballot batches scanned on this tabulator would need to be rescanned. We cannot confirm the verbal total "batches to be rescanned" Rick Barron reported to the SOS. The Secretary of State Monitor was present. Political party monitors were contacted, advised of the issue and were requested to return to observe the rescanning. Upon their arrival, the impacted ballots were rescanned and the final recount total was reported to the Secretary of State. The physical ballots were and are accounted for. There are no "ballots of unknown provenance." This anomaly did not alter the 2020 recount outcome.

Conclusion of Recount Votes Cast Totals

Recount Votes Cast without Tabulator 816 included	506,127
Recount Votes Cast on Tabulator 816	<u>21,798</u>
Total	527,925

Email Correspondences

Regarding the examination of the provided batches loaded report (BLR), it is important to address misconceptions regarding its purpose and the timing of its generation.

First, it is crucial to clarify that the "Batches Loaded Report" was not designed as an elections result file or election summary report. Rather, its primary function was to verify the scanned ballots, ensuring transparency in the process. The BLRs were ongoing, as more batches were uploaded.

Regarding the assertion about the timestamps being within minutes of each other, it's essential to note that this claim is misleading. The proximity of the timestamps could indeed be explained by the report potentially being generated on a previous day and saved. It is plausible that a saved copy was sent to Mr. Barron for forwarding in an email, rather than being generated in real-time and sent simultaneously with the email.

Duplicate Ballot Images

This Complaint topic was noted in the:

- o *State Election Board Report – Post Election Executive Summary – January 12, 2021*
- o *Performance Review Board Report on Fulton County Elections – January 13, 2023*

Fulton County Registration & Elections acknowledges that duplicate ballot scans during the recount may have occurred due to human error, human fatigue, and needed process improvements. Standard Operation Procedures have been revised to avoid these reoccurrences, to include, having 2 persons assigned to each scanner to monitor scanning, revised ballot container labeling and container placement. The Secretary of State Investigator review of the possible duplicate ballot images alleged in this complaint, do not equate to votes for any one candidate and include undervotes and uncounted overvotes. Even with accounting for this discrepancy, the recount results still confirm the victor determined from Election Night Tabulation and the Risk Limiting Audit/Hand Recount for the November 3, 2020 Election.

Missing Ballot Images

Be advised the total number of ballot images were not required to be reported for election night, hand count, or recount; votes cast were reported. The Fulton County Department of Registration & Elections

has noted a difference between the total number of ballot images and the total result file from the EMS server. The Secretary of State review of any missing ballot images do not equate to votes for any one candidate and would include undervotes and uncounted overvotes. Despite some images not being transferred, the total results are accounted for and remain unchanged. All result files were collected from the ImageCastCentral (ICC) and transferred to the EMServer via USB. No manual entry was done on the EMServer and the mode of upload can be verified on the Result Talley and Reporting (RTR).

Tabulator Results

All tabulator results for the November 3, 2020 election are accounted for as evident by records from the project on the EMServer. Missing tabulator tapes may have been misfiled. Standard Operation Procedures for filing and securing tabulator tapes have been revised to avoid a reoccurrence.

To refute the allegation in this complaint, our Department contacted the 2020 Advance Voting Managers assigned to the location of the scanners in question. Per a signed affidavit, the 2020 Advance Voting Managers assigned to the locations for the scanners in question, have confirmed that the scanner in question existed and were utilized by voters to scan their ballots during the course of Advance Voting for the November 3, 2020 Election.

Along with the affidavit, the alleged “unreported and unidentifiable tabulators” are identified and accounted for as follows:

<u>Advance Voting ICPs November 3, 2020</u>	<u>Supporting Documents</u>
Av State Farm ICP 3	Zero Tape/ Poll Manager Affidavit
Av State Farm ICP 10	Zero Tape & Form / Poll Manager Affidavit
Av State Farm ICP 11	Zero Tape & Form / Poll Manager Affidavit
AV South Fulton Service Center ICP 3	Zero Tape & Form / Scanner Recap / Poll Manager Affidavit
AV Wolf Creek ICP 4	Zero Tape / Scanner Security Verification Form / Poll Manager Affidavit
AV Park Place at Newtown ICP 4	Results Tape / Scanner Recap / Poll Manager Affidavit
AV Northeast Library ICP 3	Results Tape / Scanner Recap / Poll Manager Affidavit
AV Ponce De Leon Library ICP 3	Zero Tape / Scanner Recap / Poll Manager Affidavit
AV East Point Library ICP 3	Zero Tape / Poll Manager Affidavit
Av Johns Creek ENV Campus ICP 2	Zero Tape / Scanner Recap / Scanner Security Verification Form/ Poll Manager Affidavit

Conclusion

Please note these numerous inquiries regarding the November 3, 2020 Election, over a 3 year time span, have only served as a distraction to the electoral processes being conducted for current Elections. Our department has not willfully lost or destroyed any records that it may not be able to locate as of this date. Nor has any of these complaints discredited the outcome of the November 3, 2020 election.

This Complaint makes no mention of the Hand Count / Risk Limiting Audit conducted by over 400 persons who physically touched each ballot and visually counted each vote while live-streamed and observed by political party observers, the media, Secretary of State Monitors etc. which confirmed the outcome of the November 3, 2020 Election. The Hand Count/Risk Limiting Audit, along with the explanations in this memo, refute the goal of this Complaint, to discredit the November 3, 2020 election outcome.

As you are aware, there is no such thing as a perfect election. Per the SOS Investigator review of the possible duplicate ballot scans in the recount, this equates to a possible error rate of approximately 0.22% and did not alter the outcome of the election. Fulton County is committed to being as error free as humanly possible.

As reported in over 3 years regarding the November 3, 2020 Election, through reports, hearings, and court cases, the Fulton County Department of Registration & Elections has not been found to have any instances of dishonesty, fraud, or intentional malfeasance.

Through diligent efforts and steadfast adherence to best practices, we have successfully navigated challenges, updated our procedures, and strengthened our operations. The successful passage of the State Election Board (SEB) Performance Review Board underscores our department's dedication to upholding the highest standards of professionalism and accountability.

The Department of Fulton County Registration & Elections will continue to implement procedural improvements and streamlines to conduct fair, honest, and transparent elections and hopes that this is the final inquiry regarding, the over 3 year old, 2020 Election.