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July 22, 2024

**Georgia State Election Board (the “Board”)**  
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Atlanta, Georgia 30334  
(please distribute as appropriate)

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**Re: SEB 2023-025: Amended and Supplemental Factual Response**

Dear Chairman Fervier and members of the Georgia State Election Board,

On June 13, 2024, Complainants submitted a Request for Rebuttal, Request for a Hearing, and a Factual Response to the May 7, 2024, investigation report and presentation for SEB2023-025. At the time, Complainants were unaware of the document which contained the Investigator conclusions as it pertains to the five (5) problems at issue. The Factual Response that follows has been supplemented to include our rebuttal to those conclusions, including the unauthorized access to the voting systems by Ryan Macias and The Elections Group, or what the SOS investigator refers to as “*Complaint Four*”.

Also included is new evidence which irrefutably establishes that someone intentionally created batches of ballots for the purpose of double scanning those ballots in a way to avoid detection. This is the first evidence of 2020 election fraud that we are aware of.

### **NOVEMBER 3<sup>RD</sup> ELECTION RECORD DEFICIENCIES**

In addition to the issue raised in SEB2023-025 of the ten (10) Advance Voting tabulators, the questionable fidelity of the November 3<sup>rd</sup> auditable record was raised by Dr. Johnston during the meeting; however, Ms. McGowan and the Fulton County attorney objected claiming it was not within the scope of SEB2023-025. Complainants argue that the Respondents repeatedly raise the misleading defense of having counted the ballots three times- as if they matched and were credible (they don't and they weren't). The Respondent's opened the door by raising the three counts, and the first count is one of the three. What's more, the records for the November 3<sup>rd</sup> count form the very foundation and provenance for the subsequent hand count and Recount.

Respondent's admitted failure to retain core election records like the 380,459 ballot images (all of in-person voting), and the intentionally deleted ballot image authentication files (Secure Hash Algorithm, or "SHA" files) for all but 16,032 ballot images of the November 3<sup>rd</sup> count, go to the very origin of the election results- the tabulation of the ballots at issue. As do the unsigned, unwitnessed, and uncertified tabulator closing tapes for some 300,000 ballots which O.C.G.A. § 21-2-483 defines as the "*official returns*". Although Ms. McGowan, who's an attorney, in fact she's the General Counsel for the Secretary of State, described the statutorily required records as merely "...a paper back-up to the memory card that stores ballot tabulation".

Memory cards with no chain of custody which were unlawfully replaced during a live election, and then unlawfully removed at the end of Advance Voting and unlawfully inserted into surrogate tabulators on election night to print the unsigned, uncertified closing tapes bearing the serial number and protective counter number of different machines than those which scanned the ballots. Fulton County's *official returns* are analogous to checks with account numbers that don't match the printed name, are unsigned, and then expecting the bank to cash them even though you don't have an ID. Then there's the absence of any check-in list or the statutorily required numbered list of voters for all of Advance Voting. Also appearing on milk cartons from the most secure election in history were Logic & Accuracy testing, absentee signature verification, and any reconciliation or canvass process- whatsoever.

In conclusion, Fulton County's November 3<sup>rd</sup>, 2020 count is not credible, is not auditable, and is not lawful.

### **HAND-COUNT / AUDIT FACTS**

Additionally, the hand count/audit has been raised by Ms. McGowan, the Chairman, SOS investigators, the Fulton County Elections Director, the Fulton County attorney, and Board member Ghazal in various contexts. Many have made reference to the hand-count/audit in defense of the failures detailed in SEB2023-025. For example, the insinuation that there's nothing to these

Factual Response  
To Georgia State Election Board

complaints because, "...we counted every ballot by hand". Due to the Complainant's role and proximity to the hand count/audit complaint and the thirty-six (36) deficiencies which were recreated, documented and referred to this Board by the Governor (case no. SEB2021-181), we feel a need to inform the new Board members and a responsibility to correct the record and do so here. We provide a detailed counter to each instance and the itemized records to avoid any further "confusion", but here are the quick facts:

1. 36 hand count errors falsely added 6,695 to the total votes and ballots column.
2. Fulton County's hand count/audit results included 528,035 ballots cast (includes the errors).
3. After correcting for the errors, the hand count/audit results total only 521,340 ballots cast-
4. 521,340 is 7,437 ballots less than the certified Nov. 3<sup>rd</sup> total of 528,777.
5. 35 of the 36 errors benefited Joe Biden yielding him a net gain of 4,593 false votes.
6. The analysis from which the 36 errors were derived was only of the 148,318 Absentee ballots cast for one (1) of Georgia's 159 counties.
7. 6,695 out of 148,318 were falsely added, and therefore in error. Only considering the false votes/ballots added, the Fulton County hand-count/audit produced an error rate of 4.5 percent. The margin of victory for the Presidential race state-wide was 11,779 or .23 percent.

Therefore, the hand-count/audit does not confirm or validate the results of the first count or the Recount- but firmly and substantially calls the results into question. Of course, this has been confirmed by every objective review by any honest observer who has taken the time to do the math. The following is from the Declaration of Professor Duncan Buell as filed in the Curling v. Raffensperger case:

***Given the level of tabulation discrepancies in Fulton's November 2020 election, the hand count audit must be considered a failure, and a failure that should have immediately triggered a serious analysis and mitigation of voting system deficiencies to ensure that future elections permit voters to cast an accountable vote.***

Likewise, those who claim that the 36 errors found in Fulton County's hand-count/audit results were "not determinative" or that they didn't change the outcome- should be reminded that the presidential contest extends beyond the jurisdictional boundaries of the one county for which the 36 errors were discovered. Those who make such statements have not checked the results of the other counties. In any case the Complainants have not alleged that Fulton County's hand-count errors (of the absentee ballots) were determinative and such excuses are not responsive.

Furthermore, the objective of the Complainants has never been to overturn the election results, but to correct the record and prevent reoccurrence. In fact, the Complainants have avoided raising even the prospect that the failures could be determinative for concern that it would hinder acknowledgement and correction. Assertions dismissing complaints and/or deficiencies because

Factual Response  
To Georgia State Election Board

they are “not determinative” should be given the weight they deserve.<sup>1</sup> Instead the question which should be asked is how 6,695 false votes were added to the hand-count/audit – thereby “validating” (albeit falsely) the November 3<sup>rd</sup> count, and more importantly, what can be done to prevent it from happening again.

The specific instances of false statements and material misrepresentations surrounding the hand-count/audit by Ms. McGowan, Board member Sarah Ghazal, and the Fulton County Elections Director, Nadine Williams, are addressed in detail following the Response to the SEB2023-025 investigative report.

### **EXECUTIVE SUMMARY OF FACTUAL RESPONSE**

Not one of the issues raised in SEB2023-025 has been properly investigated nor factually explained by Ms. McGowan’s investigation report. **NOT ONE.**

#### **COUNT 1: 3,125 DUPLICATE BALLOTS:**

McGowan says- Duplicate ballot images corroborated but inconclusive if they were counted.

#### **FALSE**

The facts and the Cast Vote Record are irrefutably conclusive that the 3,125 ballots (and votes) were in-fact counted as 6,250 ballots (and votes). Each ballot image has a unique filename and includes a timestamp of when the ballot was scanned and counted. Both the original and duplicate ballot image filenames are included in the Cast Vote Record, and the Cast Vote Record totals match the official certified results. Verification that the identified duplicate ballots were counted only requires consulting the official records. McGowan’s “inconclusive” conclusion is disingenuous and intentionally incomplete at best.

#### **NEW EVIDENCE**

Complainants submit under the penalty of perjury that the evidence and records are conclusive – Fulton County’s 2020 General Election Recount was intentionally and fraudulently manipulated.

Verified evidence reveals that new or unique batches were created with ballots pulled from different batches which had already been scanned- in many cases days earlier. These acts irrefutably establish intentionality and *mens rea*. The newly formed batches were then scanned thereby casting the ballots and votes a second time in violation of O.C.G.A. § 21-

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<sup>1</sup> [How Much Manure Final NPS 091321 \(usu.edu\)](https://www.usu.edu/news/2023/09/13/2023-09-13-how-much-manure-final-nps-091321)

Factual Response

To Georgia State Election Board

**2-587** (Any poll officer who willfully: (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine; shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both).

The duplicates at issue were not the result of mistake or honest human error, but intentional, bonafide election fraud.

# Factual Response To Georgia State Election Board

This tabulator also included 232 of the more than 1561 new ballots introduced into the recount.

30 New In-Person Ballots	
New Ballot 18	
New Ballot 63	
New Ballot 108-116	
New Ballot 118-126	
New Ballot 141	
New Ballot 142	

Tabulator 791	
<b>Batch 23</b> Ballots 1-83 Dec 1, 9:00a	Batch 23 Ballots 2-8
<b>Batch 22</b> Ballots 1-88 Dec 1, 8:44a	Batch 22 Ballots 9-27
<b>Batch 21</b> Ballots 1-22 Dec 1, 8:26a	Batch 21 Ballots 4
<b>Batch 20</b> Ballots 1-85 Nov 30, 3:46p	Batch 20 Ballots 2
<b>Batch 17</b> Ballots 1-100 Nov 30, 3:56p	Batch 17 Ballots 1-100
<b>Batch 18</b> Ballots 1-101 Nov 30, 3:12p	Batch 18 Ballots 1-101
<b>Batch 19</b> Ballots 1-96 Nov 30, 3:25p	Batch 19 Ballots 1-96
<b>Batch 28</b> Ballots 1-36 Dec 1, 9:47p	Batch 28 Ballots 1-36
<b>Batch 29</b> Ballots 1-36 Dec 1, 9:56a	Batch 29 Ballots 1-36
<b>Batch 30</b> Ballots 1-37 Dec 1, 8:56a	Batch 30 Ballots 1-37
<b>Batch 31</b> Ballots 1-39 Dec 1, 10:01a	Batch 31 Ballots 1-39
<b>Batch 32</b> Ballots 1-32 Dec 1, 10:07a	Batch 32 Ballots 1-32

60 New Write-In Ballots	
New Ballot 1-66	
6 New BMD Ballots	
New Ballot 78-83	
7 New BMD Ballots	
New Ballot 1-7	
135 New BMD Ballots	
New Ballot 1-135	

Tabulator 794	
<b>Batch 4</b> Ballots 1-103 Dec 2, 11:56p	Batch 4 Ballots 1-68
<b>Batch 8</b> Ballots 1-56 Dec 2, 12:19p	Batch 8 Ballots 69-81
<b>Batch 9</b> Ballots 1-37 Dec 2, 12:19p	Batch 9 Ballots 82-94
<b>Batch 10</b> Ballots 1-60 Dec 2, 12:21p	Batch 10 Ballots 95-107
<b>Batch 11</b> Ballots 1-29 Dec 2, 12:56p	Batch 11 Ballots 108-116
<b>Batch 12</b> Ballots 1-47 Dec 2, 12:56p	Batch 12 Ballots 117-126
<b>Batch 13</b> Ballots 1-07 Dec 2, 12:57p	Batch 13 Ballots 127-140
<b>Batch 14</b> Ballots 1-17 Dec 2, 12:58p	Batch 14 Ballots 141-142
<b>Batch 15</b> Ballots 1-24 Dec 2, 12:56p	Batch 15 Ballots 143-144
<b>Batch 16</b> Ballots 1-43 Dec 2, 12:36p	Batch 16 Ballots 145-146
<b>Batch 17</b> Ballots 1-86 Dec 2, 12:39p	Batch 17 Ballots 147-156
<b>Batch 18</b> Ballots 1-46 Dec 2, 12:43p	Batch 18 Ballots 157-166
<b>Batch 19</b> Ballots 1-47 Dec 2, 12:44p	Batch 19 Ballots 167-176
<b>Batch 20</b> Ballots 1-46 Dec 2, 12:46p	Batch 20 Ballots 177-186
<b>Batch 21</b> Ballots 1-29 Dec 2, 12:47p	Batch 21 Ballots 187-196
<b>Batch 22</b> Ballots 1-21 Dec 2, 12:48p	Batch 22 Ballots 197-206
<b>Batch 23</b> Ballots 1-29 Dec 2, 12:50p	Batch 23 Ballots 207-216
<b>Batch 24</b> Ballots 1-21 Dec 2, 12:51p	Batch 24 Ballots 217-226
<b>Batch 25</b> Ballots 1-39 Dec 2, 12:52p	Batch 25 Ballots 227-236
<b>Batch 26</b> Ballots 1-7 Dec 2, 12:53p	Batch 26 Ballots 237-246
<b>Batch 27</b> Ballots 1-3 Dec 2, 8:57p	Batch 27 Ballots 247-256
<b>Batch 74</b> Ballots 1-153 Dec 2, 3:46p	Batch 74 Ballots 61-150
<b>Batch 76</b> Ballots 1-84 Dec 2, 3:49p	Batch 76 Ballots 151-177
<b>Batch 77</b> Ballots 1-64 Dec 2, 3:56p	Batch 77 Ballots 178-204
<b>Batch 78</b> Ballots 1-94 Dec 2, 3:56p	Batch 78 Ballots 205-231

## Fulton County, Georgia Doubled Ballots - Recount

692 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon indicates that ballots were put in the scanner upside-down to reverse their order.

The first batches 20-23 fit better when taken in a reverse order. These ballots could have been flipped over when duplicating. Justification is that Scanner 20 has many reverse ordered ballots.

There is an observable transition here as Batch 19 is finished up and a new box of ballots starting at Batch 27 is opened. All of the ballots of the previous boxes are used now except for one straggler.

Batch 27 seems like someone found one last remaining ballot on the ground and added it 5 hours later.

The last 4 batches of the tabulator include several groups of new ballots. Many of the write-in ballots in batch 74 had various filled in names.



**COUNT 2: 17,853 MISSING BALLOT IMAGES:**

McGowan's Report states:

“Fulton County acknowledged that technical issues occurred during the Recount that included failure to properly follow protocols for backing up data to servers. As a result, while Respondent may not have all the ballot images, they do have all the physical ballots, which are still being preserved under seal due to a pending litigation hold.

Furthermore, the preservation of ballot images was not required by law in 2020”

**FALSE**

While the SOS's investigation acquiesces to the fact that ballot images are missing, they falsely claim that they were not required by law to preserve the ballot images. This assertion is false.

Original Rule entitled "Storage of Returns" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020:

**Ga. Comp. R. & Regs. 183-1-12-.13**

(a) After tabulating and consolidating the results, the election superintendent shall prepare an electronic file which shall contain a copy of the information contained on each memory card which shall include all ballot images as well as vote totals and a copy of the consolidated returns from the election management system.

The Dominion software reads a ballot image, not a ballot; therefore, if ballots were actually scanned to produce the 17,852 Cast Vote Records, then ballot images were produced, and Fulton County failed to preserve them in violation of O.C.G.A. 21-2-73, and 52 U.S.C. § 20701 (See *Browning v. Florida Secretary of State* (2008) in which the United States District Court for the Northern District of Florida ruled that digital ballot images are election records that must be preserved under federal law).

**COUNT 3: 16,000 BALLOT RECOUNT SHORTEFALL:**

McGowan says- “it was because ballots for tabulator 816 had to be rescanned”.

**FALSE**

The ballots for tabulator 816 were not rescanned. Not one. All ballots attributed to tabulator 816 were scanned on December 1<sup>st</sup>- (the only scan) and are the ballot images of record. This is very simple to verify.

**COUNT 4: TEN PHANTOM TABULATORS:**

McGowan says- “The allegation that Fulton County did not have records for 10 AV locations for the November 2020 General Election was unsubstantiated. The Respondent provided documentation to establish the existence of all 10.”.

**FALSE**

The poll tapes provided in response to the investigation to establish the existence of the tabulators in question had serial numbers which **matched those of other tabulators already accounted for**.

The affidavits which are somehow intended to stand for records they purportedly have, but “*cannot find right now*” are provably false. Someone had the Affiants perjure themselves. Furthermore, this is regarding the records of a federal election. “Notes from your mom” are not considered in the statute and have no place here.

**COUNT 5: RYAN MACIAS AND THE ELECTIONS GROUP WERE UNAUTHORIZED:**

McGowan - “Respondent provided a Memorandum of Understanding between the Fulton County Board of Registration and Elections and The Elections Group”.

**FALSE.**

The agreement produced in response to the investigation was not signed by the Fulton County Board of Registration and Elections (testimony of Fulton County BRE members, Mr. Mark Wingate, Dr. Kathleen Ruth, and Ms. Vernetta Nuriddin). Also see email correspondence between Complainant and Elections Director Rick Barron.

What’s more, The Elections Group and Mr. Macias were not merely consulting, but intimately and substantially involved with the facilitation of the November 3<sup>rd</sup> election (and hand-count/audit, Recount, and Senate Run-off)- including signature verification, absentee ballot request portal, the hands-on reprogramming of Election Day tabulators and L&A testing. Macias also managed Dominion personnel to assist with L&A testing, which cost Fulton County nearly \$2,000,000.00. This was all without the Fulton County BRE’s knowledge, consent or authorization (for definition of “unauthorized” see RICO indictment of Coffee County Elections Director).



Factual Response  
To Georgia State Election Board

## AMENDED FACTUAL RESPONSE

### COMPLAINT ONE

#### **3,125 BALLOTS SCANNED & COUNTED TWICE**

In the original July 8, 2022 filing of SEB2023-025, Complainants detailed the inclusion of 3,125 ballots which were scanned twice and counted twice for the official Recount of the 2020 General Election.<sup>2</sup> Complainants also provided Investigators with an itemized and detailed spreadsheet specifically identifying the original ballot image and corresponding duplicate ballot image, the identity of the tabulator on which each was scanned, along with the corresponding batch information for all 6,250 ballot images. To be clear, we provided each of the 6,250 ballot image filenames which are each listed and included in the Cast Vote Record (CVR); otherwise known as the official results.

#### **SOS INVESTIGATIVE FINDINGS:**

##### *“Complaint #1*

*The Complainants' allegation that Fulton County had multiple batches of ballot images that were repeated in another batch was partially substantiated. The investigation identified a series of BMD-printed ballots and hand-marked ballots repeated in the same order in a separate scanned batch from the first batch. A review of the 1,163 hand-marked ballot images appeared to be duplicate ballot images based on the unique markings on the ballot; however, regarding the BMD generated machine ballots, the selections were the same but there were no distinct markings on these ballot images to positively identify them as duplicate ballot images. The investigation also substantiated that Respondent did not follow proper batch management procedures for the Recount in violation of SEB Rule 183-1-15-.03. These investigative findings do not affect the accuracy of the results of the 2020 General Election in Fulton County, which were confirmed as accurate by both the RLA and the Recount.”*

#### **COMPLAINANT’S RESPONSE:**

This complaint is regarding 3,125 ballots (and votes) which have been unlawfully counted twice as 6,250 ballots (and votes). When a paper ballot is scanned, a ballot image is created which the Dominion software analyzes and records the contest selections. If the same paper ballot is scanned again, a new ballot image is created, and the contest selections, or votes, are recorded a second time. The result is that even though there is only one paper ballot, two ballot images and two sets of votes are recorded. And recorded they were.

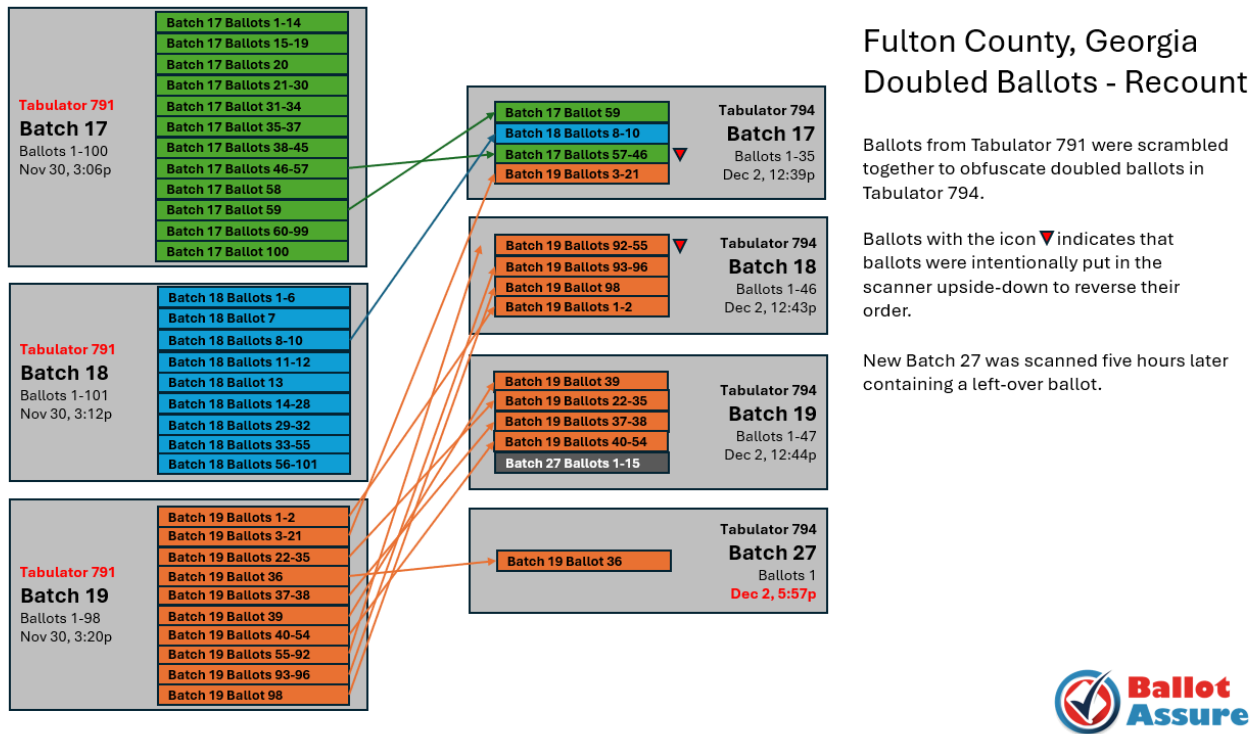
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<sup>2</sup> The Complaint identified as SEB2023-025 is available at [Moncla and Rossi Complaint | Download Free PDF | Elections | Science \(scribd.com\)](#).

## DOUBLE SCANNING OF BALLOTS WAS INTENTIONAL

Georgia lawmakers and members of the State Election Board, Complainants submit verified evidence which irrefutably establishes that thousands of ballots were in fact deliberately and intentionally double-scanned and double-counted. Let us be very clear- the results for the Fulton County 2020 General Election Recount were intentionally manipulated by a fraudulent and unlawful process designed to avoid detection and conceal the unlawful acts.

Batches of ballots were scanned, then days later ballots were pulled from those batches and interspersed to create “new” batches- and then they were scanned. The basis for this “shuffling” was to conceal the fact that ballots were being scanned twice. The duplicate scanning of batches of ballots is commonly detected by identifying the same sequence of ballot codes with the same contest selections- or votes for the same candidates in the same order. The creation of new batches of ballots from many different batches was an effort to conceal their unlawful actions.



In the example provided above, all of the batches on the left were scanned by tabulator 791 on November 30<sup>th</sup>, 2020. Ballots were pulled from those batches to create “new” batches which were then scanned by tabulator 794 on December 2<sup>nd</sup>, 2020.

## Fulton County, Georgia Doubled Ballots - Recount

692 Absentee Ballots from Tabulator 791 were scrambled together to create doubled ballots in Tabulator 794.

Ballots with the icon indicates that ballots were put in the scanner upside-down to reverse their order.

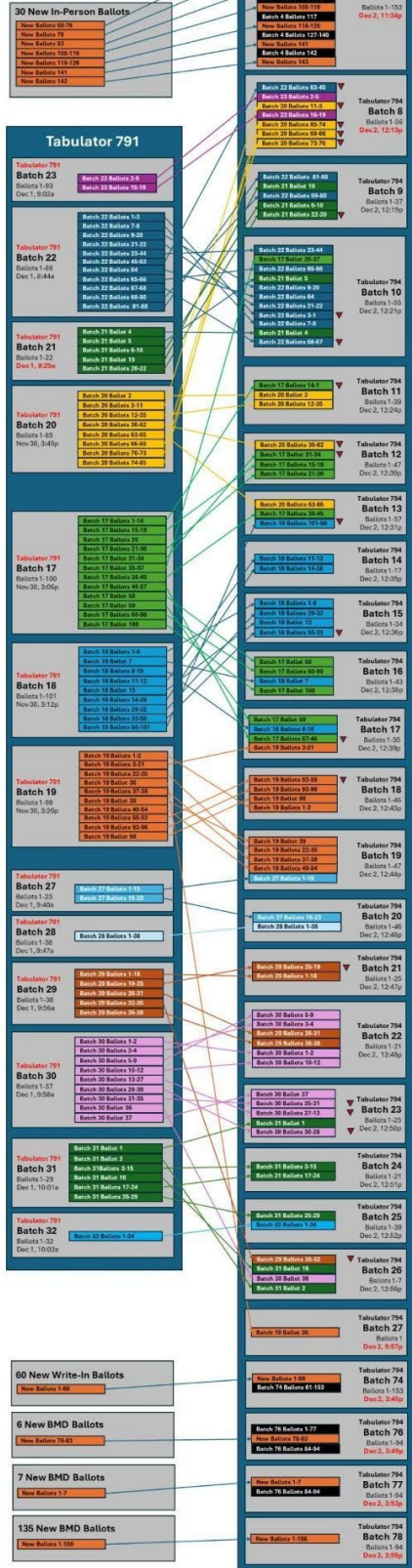
The first batches 20-23 fit better when taken in a reverse order. These ballots could have been flipped over when duplicating. Justification is that Scanner 20 has many reverse ordered ballots.

There is an observable transition here as Batch 19 is finished up and a new box of ballots starting at Batch 27 is opened. All of the ballots of the previous boxes are used now except for one straggler.

Batch 27 seems like someone found one last remaining ballot on the ground and added it 5 hours later.

The last 4 batches of the tabulator include several groups of new ballots. Many of the write-in ballots in batch 74 had various filled in names.

This tabulator also included 232 of the more than 1561 new ballots introduced into the recount.



Could the foregoing explain why Charlene McGowan refuses to provide the ballot image evidence to the State Election Board?:

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## SEB 2023-025 ballot images

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Janice Johnston <jjohnstonmd.seb@gmail.com>

Wed, May 29, 2024 at 11:09 AM

To: "McGowan, Charlene" <cmcgowan@sos.ga.gov>

Cc: "Koth, Sara" <skoth@sos.ga.gov>, John Fervier <jfervier.seb@gmail.com>

Charlene's email states that my request would be treated as an Open Records Request but I did not receive a response. I called Sara Koth yesterday and she had Investigator Gil Humes give me a call. Mr. Humes said that the images will be available for me to review next week. I still do not understand how Exhibit 11 was listed in the Case Summary which should have been available for all of the Board to review well before the meeting. Now I find that Exhibit 11 is still not available. This Exhibit was repeatedly referenced during the Investigator's and Ms. McGowan's presentation. Please help me understand how an Exhibit can be listed, referred to, and questioned about; yet I am still unable to see Exhibit 11. The viewing of Exhibit 11 ballot images does not fully resolve or close the Case.

Thank you,  
Jan

Sent from my iPad

On May 14, 2024, at 10:06 AM, McGowan, Charlene <cmcgowan@sos.ga.gov> wrote:

Dr. Johnston,

I have discussed with the Chairman your request that the electronic ballot images provided by Fulton County in response to a subpoena in the referenced case be provided to you on a flash drive. The Chairman and I agreed that the request can be treated as an Open Records Request. As we would respond to any ORR for these files, there are both chain of custody issues and security concerns with allowing electronic copies of election data files to be distributed among the public. Until I am sure that the files do not have any other data associated with them other than the ballot images, they cannot be released.

However, we can make the files available for inspection, so long as the Board is in agreement that this case is fully resolved and closed. As I've said, this office keeps SEB investigative file materials confidential until the case is fully resolved and closed. If 2023-025 is a closed case, we can make them available to you to review at our office. You can schedule this inspection with Investigations, I would just ask that you limit the time involved to a few hours a week so that it does not disrupt their regular job duties.

Charlene S. McGowan

But there are two (2) other ways to confirm that the duplicates were counted which Ms. McGowan fails to mention. The number of ballots cast in the CVR (1) compared to the number of voters on the enumerated voter list, and/or (2) compared to the number of paper ballots.

As far as the first, Fulton County has no enumerated voter list for advance voting (which the Board should explore and investigate). If they did, it would only take a cocktail napkin and a pencil to determine that the number of ballots and votes cast exceeds the number of people who voted. For the second, during her presentation to the Board Ms. McGowan repeatedly (over)stated the

importance of the paper ballots and “...as long as we have the paper ballots, we have the paper trail that accurately records the voter’s choices.”, but when Board member Janice Johnston asked if the paper ballots should be referenced, there’s a reason McGowan said, “No”.

That reason, or one part of it, is there are far less paper ballots than the number of ballots cast and counted in the CVR. We know it, she knows it, and the Respondents know it. Why else would Ms. McGowan place so much emphasis on the paper ballots but not be willing to access those paper ballots? Not for the SOS’s investigation, and not when Dr. Johnston called her bluff.

Every one of the 3,125 original scan ballot image filenames and their corresponding 3,125 duplicate ballot image filenames are listed in the Cast Vote Record (“CVR”). 3,125 paper ballots yielded 6,250 votes (yes, votes- even if it were a blank, overvote, or undervote).

Each ballot image also has an “AuditMark” appended to the image which shows the votes cast for each contest.

At the May 7, 2024, SEB meeting, Ms. Charlene McGowan opened with the following statement:

**Charlene McGowan:**

*We know that there are not missing votes because we have the paper ballots that document those votes for this election. The paper ballot is the record of the vote. It is the most important document, and it is what is used to tabulate the vote and to tabulate the results. So as long as we have the paper ballot, we have the paper trail that accurately records the voter’s choices.*

Ms. McGowan is incorrect when she says the paper ballots are used to tabulate the vote or when she says that “we have the paper ballots.” The vote is tabulated using ballot images.

Of course, the point of the complaint was to point out all **the evidence in the record demonstrates that the duplicated ballots are not two different paper ballots, but only one paper ballot-two ballot images- and two votes.** Complainant’s experts have confirmed that and are ready to testify to that effect. The same point was proved in SEB 2021-181. See Exhibit FR-1 for a description of how the Complaint in SEB 2021-181 proved that the Hand Recount results included ballots that were simply not there.

Ms. McGowan continued, “*we have all of the paper ballots for Fulton County for the 2020 election and we know that because we have counted those paper ballots three times. They were counted in the original tabulation, they were counted by hand in the Risk Limiting Audit, and then they were counted again during the machine recount, which is what is at issue in this case. All three counts confirmed the results of the presidential contest in 2020.*”

This is not correct. As was demonstrated in SEB 2021-181, the evidence proved that 36 errors falsely added 6,695 ballots/votes to the Hand Count results which did not exist. It is analogous to counting a deposit twice when balancing your checkbook. The error yields more

“dollars” than you actually have- or a balance that is false. Again, it misses the point of the Complaint, which alleges that the “duplicate ballots” are, in fact, duplicates and were double counted in the CVR. And there are not two paper ballots, just two ballot images (one check but two deposits). An investigator could review the paper ballots to determine what we already know- the duplicates are a product of rescanning the same paper ballot more than once.

Finally, Ms. McGowan said the following, which, as already noted, misunderstands the importance of tabulator tapes (official returns) and Georgia law in the posting of the actual election results:

*So, you will hear a great deal during the presentation about documents such as ballot images, batches loaded reports, and um tabulator tapes and all of those documentation. They are all very important and we expect that the counties will keep those, maintain those, and make sure that they are complete. But it's important to note that **they play no role in the actual tabulation of results in an election**. Again, those results are determined by the paper ballots, which we have for 2020. [Emphasis added.]*

Ms. McGowan would have you believe that **tabulator** tapes play no role in **tabulation**. This is not correct, but since Ms. McGowan believes the paper ballots exist, why has she not examined them? Why didn't she subpoena them? If they are the only important record- then why doesn't she want the Board to consult the most important records? Why has Ms. McGowan gone to such great lengths to prevent access to the verifiable paper audit trail?

On the other hand, SOS Investigator Brunson confirmed the existence of the duplicate ballot images:<sup>3</sup>

**Investigator Brunson:**

*The SOS investigators confirmed, as a result of this review, that the batches of ballot images matched the description provided by complainants and that there were sequence of ballot images that appeared to repeat, but in a different sequential order, in the second batch.*

*While at Fulton County, SOS Investigators observed a total of 3,182 ballot images meeting this description of the 3182 ballot images.*

Investigator Brunson also reported that the current Fulton County Elections Director, Nadine Williams, was charged with managing the Recount under Director Rick Barron. Director Williams explained that the duplicate scans were likely “[the] result of poor batch management” (Id at 5):

*Williams confirmed she managed the recount however Barron was regularly kept informed of everything and all the processes that were established for the recount were established by the executive leadership team and ultimately, he made the executive decisions on how things were to operate and proceed.*

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<sup>3</sup> Transcript of May 7, 2024 SEB meeting is available on request.

*Director Williams told investigators because the same groups of sequentially ordered ballot images were found in two separate batches, but in a different sequential order, ... it was most likely result of poor batch management during the recount.*

As detailed above, Ms. McGowan and the SOS's investigator confirmed the existence of over 3,125 duplicate ballot images and did in-fact speculate with the Fulton County Elections Director as to how those duplicates were likely produced. Ms. McGowan then states she doesn't know whether the 3,125 duplicate ballot images were counted:

**Charlene McGowan:**

*The investigation also shows that there are some duplicative ballot images that Fulton County provided, and this suggests that some ballots may have been scanned more than once. But what cannot be decided conclusively or confirmed conclusively is whether or not those duplicative ballot images were included in the count. So, we don't know for certain whether or not those were in the tabulated results, and we will get into uh, why that is during the case presentation.*

Such an assertion by the General Counsel for the Secretary of State after nearly two (2) years of investigation is either disingenuous, grossly negligent, or something else. Setting aside either the gross negligence or willful misconduct for the sake of argument, in each of the 3,125 instances there is only one physical paper ballot that has been scanned twice, thereby producing two ballot images, and two counted votes.

On one hand, Ms. McGowan claims that only the paper ballots are counted, but on the other she says she cannot determine if the duplicate ballot **images** were included in the tabulated results. Her assertions are at odds with one another as both cannot be true. Fulton County has 6,250 ballot images and votes, but only 3,125 paper ballots.

The fact is that at least the 3,125 ballots that Complainants have identified were **scanned twice and counted twice**. This is easily corroborated by two (2) records. First, for every ballot that is successfully scanned and counted a ballot image is produced with a unique file name. Included in that ballot image is a page called an "AuditMark" that shows how the ballot was read by the tabulator (the votes which were counted) along with a timestamp detailing when the ballot was physically scanned. From Dominion:



### Audit Mark

Every single ballot in the election is imaged and appended with Dominion’s patented AuditMark, a record of how the system interpreted the voter’s selections. This ballot-level audit trail allows election officials and other stakeholders to review not only the ballot images, but also the tabulator’s interpretation of each ballot.

Each image is labeled with the tabulator, batch, and sequence number within the batch, which corresponds to the physical ballot in the stack. The AuditMark is appended directly to the image showing how the vote was interpreted at scan time. This AuditMark will also include any adjudications applied to the ballot for voter intent. Even if ballots for a given batch are mixed after scanning, these multiple records provide a way of correlating the digital Cast Vote Record data to the image scanned and finally to the physical paper ballot. While the AuditMark allows ballot-level auditing, it is never tied to the voter.

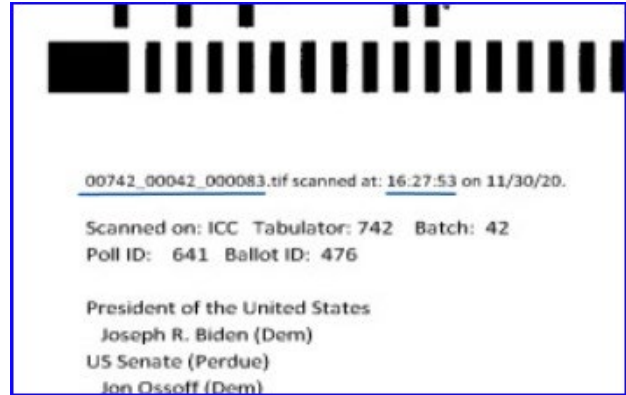
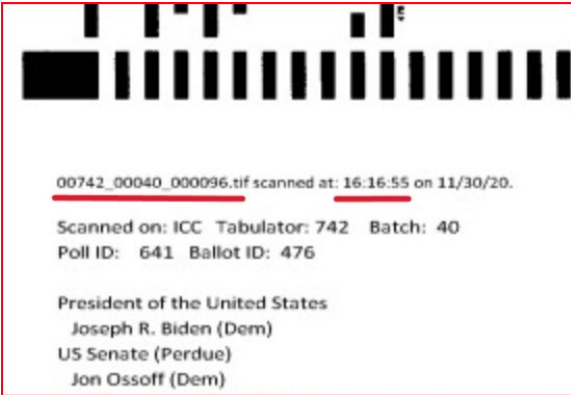
### Dual Threshold

When a hand-marked ballot is scanned by 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 are customer configurable) to determine what constitutes a vote.

08002\_00001\_00001.tif scanned at 14:31:27 on 02/09/14.  
Scanned on ICC Tabulator 1  
Ballot ID: 2  
GOVERNOR  
Vote for AMELIA EARHART  
SUPERVISOR DISTRICT 1  
Vote for VINCENT PRICE  
MAYOR OF CENTRAL CITY  
Vote for MARY BAILEY  
GOVERNING BOARD MEMBER  
BLANK VOTE  
"Adjudicated\* Vote Accepted for  
THOMAS EDISON

4

[web.archive.org/web/20220210234144/http://seeforyourself.us:8080/displayduplicates.php?cname=Fulton&bid2=00742\\_00042\\_000083&bid1=00742\\_00040\\_000096](http://web.archive.org/web/20220210234144/http://seeforyourself.us:8080/displayduplicates.php?cname=Fulton&bid2=00742_00042_000083&bid1=00742_00040_000096)



The AuditMark for each ballot (above) reveals another unique characteristic, which is the scan time. The ballot image on the left (00742\_00040\_000096.tif) was scanned at 16:16:55. That exact same ballot was scanned again at 16:27:53, and the ballot image (00742\_00042\_000083.tif) was created and counted, as shown on the right.

Secondly, each of the 3,125 ballots appear twice in the Cast Vote Record (“CVR”) specifically identifiable by filename (red and blue underlined above).<sup>5</sup> During the course of the Board’s investigation, Complainants provided the SOS’s investigator with a spreadsheet specifically identifying each of the 3,125 ballots initial scan and the corresponding *fraudulent* second scan, which the CVR irrefutably confirms **both were counted**.<sup>6</sup> The CVR is the electronic record of each ballot, including all details, ballot style, contest selections (votes), and other information (think of a spreadsheet and each row represents a ballot). There are only 3,125 ballots, but there are 6,250 ballot images, 6,250 ballots cast and 6,250 votes for President counted. The fact that **6,250 ballot images** were counted refutes McGowan’s bold statement that only the paper ballots are counted. **They are not.** The **ballot images** are counted, and scanning a ballot more than once produces the corresponding number of ballot images – and votes, which are each counted.

Additionally, the declaration of Professor Philip Stark (expert and inventor of the Risk-Limiting Audit (“RLA”)) as filed in the *Curling v. Raffensperger* case, states as follows:

<sup>5</sup> [Cast Vote Records Common Data Format Specification Version 1.0 \(nist.gov\)](https://www.nist.gov/cast-vote-records-common-data-format-specification-version-1.0)

<sup>6</sup> Complainants use of the word “fraudulent” to describe the second scan is because a ballot is only valid to be counted once (one person, one vote). In this case, the second scan counted the ballot- and the votes it contained, again.

65. It is nonetheless possible to use the produced images to show that Fulton County’s election results included many votes more than once in the reported tabulations. The full extent of this multiple-counting problem cannot be determined without additional discovery, but there is ample evidence that it added thousands of bogus votes to the reported machine-count results. That is, thousands of Fulton County voters’ votes were included in the reported totals more than once. From the production so far, it is not possible to determine conclusively whether any voter’s votes were omitted from the reported totals.

Professor Stark states that the multiple-counting problem “...added thousands of bogus votes to the reported machine-count results”. His declaration was cited and attached by exhibit to the original filing of SEB2023-025. Apparently Ms. McGowan and the Investigators ignored this declaration. Complainants have also referenced declaration of Professor Duncan Buell, also filed in the Curling v. Raffensperger case.<sup>7</sup> Prof. Buell states:

*28. By creating “signatures” for each ballot image available, Coalition Plaintiffs’ analysts identified examples of ballot images that appeared to be duplicate and triplicate images of exactly the same ballot and presented them to me for review. While it is infeasible to visually review all ballot images, I reviewed a significant number of images which appear to me to be of duplicates or triplicates of the same ballot. **I can confirm from the cast vote records that these identical ballot images were actually counted in the tabulation multiple times.** (emphasis added)*

*29. This is not a normal expected typical election administration error. It is completely unacceptable for a system to operate in a manner where widespread double and triple-counting of ballots can occur undetected. Certainly this represents a failure of both the post election audit and the certification and canvassing process, although we do not know the root cause of the multiple counts of the same ballots.*

*30. Coalition Plaintiffs analysts currently estimate the vote count effect of the double counted ballots to be approximately 400 additional ballots in the original count and about 3,000 in the presidential recount. These estimates seem reasonable in my view based on the analysis I have conducted, however it is infeasible to attempt to personally confirm*

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<sup>7</sup> Available at <https://www.scribd.com/document/671203484/20220111-Buell-Expert-Report-Final-Served>.

Professor Buell makes a damning conclusion with respect to the General Election in 2020 in Fulton County: “The number of anomalies and discrepancies between the various sets of data provided are too great to assume they are simply the occasional errors made in an enterprise as large as a quadrennial election in Georgia.” [p.1].

*every ballot image suspected of being counted multiple times. Additionally, some 700 estimated duplicates of BMD ballot images that are part of the nearly 18,000 missing Fulton recount images cannot be visibly visually confirmed but reasonable conclusions can be drawn by noting identical characteristics in sequences of BMD cast vote records that indicate that such sequences of ballots were double and triple counted.*

### **Fulton County's Response**

Fulton County provided a response to complaint SEB2023-025 which includes the following as it pertains to the 3,125 ballots scanned and counted twice:

#### *Duplicate Ballot Images*

*This Complaint topic was noted in the:*

- *State Election Board Report – Post Election Executive Summary – January 12, 2021*
- *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.***

In contrast to Ms. McGowan's assertions, the Fulton County Elections Director, Nadine Williams, concedes the fact that ballots were scanned more than once and counted more than once (albeit reluctantly). She dismisses the "discrepancy" because, in her view, it didn't change "the outcome." Fulton County is only one of 159 counties in the state, and the sole contest at issue for the recount, the office of the President, extends beyond the jurisdictional boundaries of Fulton County. The fact that this error is now known to have occurred in other counties is something that could have been investigated at the time of the election and the recount – if a competent election official were overseeing Fulton County's elections.

Furthermore, her insinuation that counting over three thousand ballots twice doesn't matter because it doesn't change the outcome, is as negligent as it is absurd. Ms. Williams, like Ms. McGowan, somehow fails to see the significance that the double-counting of thousands of ballots represents. The fact that such an egregious number of successive failures were allowed to occur is in-and-of-itself *prima facie* evidence that Georgia's elections *have been* vulnerable to exploitation. That the layers of safeguards, checks and balances, and oversight we have been told protect our elections from potential manipulation, do not exist in Fulton County.

Ms. Williams and Ms. Ghazal have asserted that the double-scanning of ballots has already been investigated. The Carter Jones report referenced by Ms. Williams states the following:

*As has already been reported, Secretary Investigators substantiated the allegations that two batches totaling almost 200 ballots were double scanned during the initial count of the November 2020 election.*

Didn't they say double counting of the ballots was "inconclusive"? This fails just on intellectual dishonesty alone. The instance of double-counted ballots which was confirmed by SOS investigators and Carter Jones was from the "initial count" and only 200 ballots. SEB2023-025 is about the double scanning and counting of 3,125 ballots from the Recount.

Ms. Williams either doesn't seem to know – or doesn't care, that for every ballot there must be a voter, and if ballots are counted twice then the number of voters, like the number of paper ballots, **will not reconcile with the results.** One person= One vote.

Complainants have only raised the evidence showing the violations of the Election Code already presented. But an investigator, lawmakers, and/or the Board on its own motion – may want to note that the voting system tabulators used do not meet the required standards of O.C.G.A.§ 21-2-365:

*No optical scanning voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:*

*(5) A ballot scanner shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;*

It appears that Georgia's ballot scanners (tabulators) are not in compliance with Georgia law as they did in fact count votes from the same elector for the same candidate for the same office more than once.<sup>8</sup> Williams goes on to say...

*"...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"*

The Fulton County Elections Director refuses to acknowledge failure after failure and therefore does nothing to prevent reoccurrence. With the "process improvement" SOPs she implemented, included "having 2 persons assigned to each scanner to monitor scanning, revised ballot container labeling and container placement," it is no surprise that Fulton County's legacy

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<sup>8</sup> The verified total number of Fulton County ballot images which were counted at least twice for the recount now exceeds 3,930, but was not included in the original Complaint. This problem is pervasive in every county that has been examined in Georgia, and probably tens of thousands of duplicate votes were cast in the 2020 general election.

of election problems persist. Statute requires comparing the number of ballots cast to the number of electors- by precinct. Fulton County does not perform such a reconciliation or canvass process.

In conclusion to Complaint One, and as established by Fulton County’s own election records (ballot images, AuditMark, and CVR), admission by the Fulton County Elections Director, and the declarations of two subject matter experts (analysis of records produced under federal court order), the irrefutable fact is that **at least 3,125 ballot images counted in the 2020 General Election have no corresponding paper ballot.** An investigator could ask, or the Board on its own motion could ask, who was disenfranchised by this error? How can it be corrected? Do we really care that we say “one person, one vote?” and most importantly, “Where did the voters for these ballots come from?”

Inarguably there were 3,125 additional votes for which there were no voters; therefore, 3,125 voters were artificially and unlawfully given credit for voting.

## **COMPLAINT TWO**

There are two main issues under the umbrella of what the investigation report calls, “Complaint Two”.

1. The official results for the Recount includes 17,852 recorded votes for which there are no corresponding ballot images.
2. Where did the difference in the totals shown in BLR1<sup>9</sup> (on or about December 2<sup>nd</sup> at midnight), to those of BLR2 (as certified on the morning of December 4<sup>th</sup>) come from?

## **17,852 MISSING BALLOT IMAGES**

### **BACKGROUND**

The official results for the Recount which were certified by Fulton County on December 4<sup>th</sup>, 2020, totaled 527,925 ballots cast. The Cast Vote Record includes 527,925 ballot records; however, Fulton County only produced 510,073 corresponding ballot images. This is the same amount that Fulton County produced to the Plaintiffs under court order in the Curling v. Raffensperger case, and short some 17,852 ballot images.

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<sup>9</sup> “BLR” refers to the “batches loaded report,” or the report which shows all batches loaded into the election management system. BLR1 was Fulton County’s recount results as submitted a few minutes after the midnight of December 2, 2020 recount deadline. BLR2 was the report after it “reconciled” the numbers and reflects the results as certified (closer to the original count, but without credible justification, as we shall see).

## Fulton County, Georgia – Missing Ballot Images - Recount

Tabulator	Missing Ballot Images
Tabulator 801	Batches 113-119 973 ballots
Tabulator 802	Batches 81-86 1,604 ballots
Tabulator 803	Batches 2, 7, 20-23, 26, 45-46, 70, 81-88 4,985 ballots
Tabulator 804	Batches 73-75 268 ballots
Tabulator 805	Batches 85-88 674 ballots
Tabulator 806	Batches 124-126 457 ballots
Tabulator 816	Batches 53-97 8,887 ballots
Tabulator 5170	Batch 3 4 ballots

Total of 376,567 missing ballot images in original count.  
Total of 17,852 missing ballot images in recount.

*Yellow – Batches are doubled, or the source of the doubled.  
Blue – 286 of the 326 ballots in the batch are missing.*



## RECOUNT RECONCILIATION

### BACKGROUND

The Recount results were required to be posted in the election management system by 12:00 pm midnight on December 2, 2020. Our Complaint shows that the total number of ballots cast reported that night (or shortly after midnight and technically December 3<sup>rd</sup>) was 511,543 – short by 17,234 from the November 3<sup>rd</sup> count of 528,777. According to Rick Barron, at some time on December 03, 2024, the SOS directed Fulton County to “reconcile.” Less than twenty-four hours later, on December 4<sup>th</sup>, Fulton County certified the Recount results with a total number of ballots cast of 527,925.<sup>10</sup>

<sup>10</sup> The investigation report erroneously claims that Fulton County certified the Recount results on December 7, 2020. Fulton County certified their results before noon on December 4, 2020.

## **SOS INVESTIGATIVE FINDINGS:**

### **Complaint #2**

The allegation that Respondent uploaded vote totals of 511,543, which was 17,234 votes fewer than votes counted on Election Night was **unsubstantiated**. The investigation uncovered that the Complainants erroneously conflated ballots cast with total votes. As a ballot can be cast without a vote for the presidential contest, the two terms cannot be considered interchangeable. Furthermore, the investigation revealed Respondent reported its Recount results late due to a count discrepancy caused by a scanner programming error. As a result, Respondent did not submit official results until December 3, 2020, which was after the December 2, 2020 deadline. Lastly, the document the Complainants relied upon to suggest the Respondent submitted official results on December 2, 2020, was a Batches Loaded Report; however, counties are not required to use those forms and the BLR is not used to report official results. Respondents acknowledged BLR's were used in discussions about the discrepancy but only used as a reference in determining what the totals were and should have been, and in determining the cause of the discrepancy. There is no record of the Respondent submitting official results to the SOS on December 2, 2020.

### **COMPLAINANT'S RESPONSE:**

First, the notion that the basis for the complaint was unsubstantiated because the “...*Complainants erroneously conflated ballots cast with total votes*” is ludicrous. The two are effectively synonymous when discussing the hand-count/audit and the Recount as both are only counting the Presidential contest. Moreover, a ballot cast without a vote for the race for President (an undervote) is still a ballot. As Board member Dr. Janice Johnston pointed out in response to the hollow explanation (made either out of ignorance or intended to confuse), ballots with undervotes were accounted for as the hand-count/audit and Recount results total number of ballots counted make clear (hand-count/audit total number of ballots counted was in excess of 528,000, Recount total number of ballots counted was in excess of 527,000. Both in excess of the total number of votes cast for the presidential contest, thereby rendering Ms. McGowan's votes-ballots-undervote discrepancy defense, meritless.

For the record, there is an exception to the total number of ballots cast equaling the total number of votes. As explained in response to Complaint One, scanning ballots more than once produces votes without ballots. It somehow also produces votes without voters. Basic, vital, and clearly missing election accounting practices would prevent such failures.

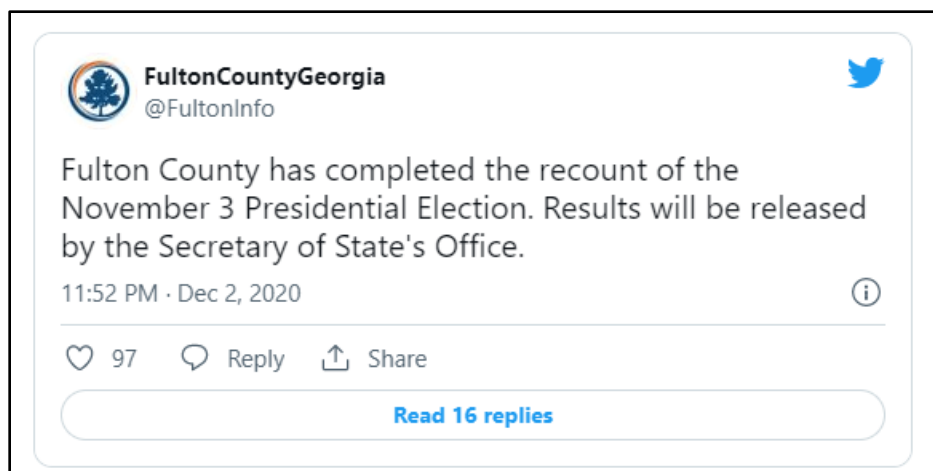
Second, the investigator/Ms. McGowan completely misstate what is at issue in this complaint. It is not whether or not Fulton County initially uploaded the Recount results with substantially fewer “votes” than that which was counted on Election Night as that has been admitted and established.

The mere fact that ballots were scanned on the afternoon and night of December 3<sup>rd</sup>-purportedly to correct what the investigator/Ms. McGowan characterize as a “scanner programming error” acquiesces to the fact that there was a problem which occurred after the



deadline of midnight of December 2<sup>nd</sup>. But McGowan is surreptitiously attempting to make it seem as though Fulton County never initially submitted Recount results (which were short) at the time of the December 2<sup>nd</sup> deadline, and that the Complainants based the allegations on a report (Batches Loaded Report) which is unofficial. Allow us to remedy it:

1. Fulton County **themselves** issued notice to the public that they had completed the Recount on December 2<sup>nd</sup>. The timestamp on the post below is “11:52 PM Dec 2, 2020”, and was included in the original complaint (SEB2023-025 at 4):



Ms. McGowan fails to acknowledge the Respondent’s own post and would have us believe that Fulton County did not submit results until after they rescanned ballots on December 3<sup>rd</sup>:

***“... Respondent reported its Recount results late due to a count discrepancy caused by a scanner programming error. As a result, Respondent did not submit official results until December 3, 2020, which was after the December 2,2020 deadline.”***

2. To support her conclusion that the complaint was “unsubstantiated” Ms. McGowan’s report also makes the following intentional misrepresentation:

***“There is no record of the Respondent submitting official results to the SOS on December 2, 2020.”***

The following details the first upload of results based on McGowan’s schedule of exhibits:

***“7) December 2020 Machine Recount upload printout, December 3, 2020, at 12:16 a.m. with corresponding results report.”*** (emphasis added)

Ms. McGowan takes advantage of semantics and deceptively fails to inform the Board that the initial upload of results is logged only sixteen (16) minutes after the midnight deadline, and before the purported issue of rescanning ballots due to a programming

error which did not begin until nearly eighteen (18) hours later (6pm -7:40pm on the evening of December 03, 2020).

In her written response, Fulton County Elections Director, Nadine Williams, states:

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.”<sup>11</sup> (emphasis added)

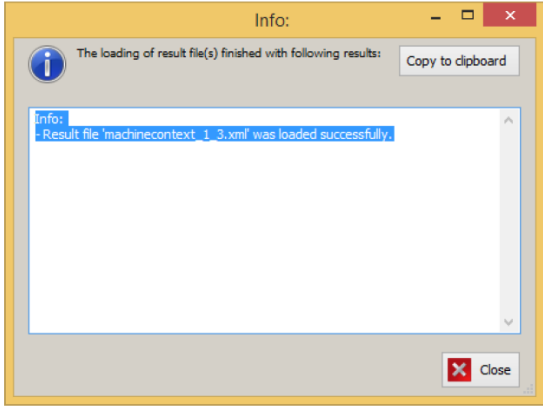
Ms. Williams direct testimony is that “...if a tabulator result ... is imported/uploaded for the second time, the RTR will override the first result with the new one”. This is direct testimony, not speculation; she describes it again:

***“In this case, two scanners were accidentally labeled identically, so when the second ballot results were uploaded, that upload erased the first result upload...”***

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<sup>11</sup> In the first line above, Ms. Williams mistakenly attributes an “ICP” scanner as being involved with the issue at hand, but no ImageCastPrecinct scanners were used for the Recount. Complainants do not take issue with this and understand that it’s a simple mistake- but note the same as a factual matter to avoid confusion.

Dominion's RTR manual shows that this cannot happen on the Dominion systems:



The screenshot shows a standard Windows-style dialog box titled "Info:". The main text area contains the message: "Result file 'machinecontext\_1\_3.xml' was loaded successfully." There is a "Copy to clipboard" button in the top right and a "Close" button in the bottom right.

24. If the result file you are trying to load has already been loaded into the EMS Results Tally & Reporting application, Load Results dialog appears to notify you that the result for that tabulator has already been loaded, as seen in Figure 7.18.

Figure 7.18: Tabulator Message

If you want to load new result files for the same tabulator, delete the previous result file. This can be done in two ways as described in 9 of this document:

- Delete Result Files
- Purge Results

Because of a long history and propensity for disingenuous tactics and excuses by Ms. McGowan and Ms. Williams, Complainants are unsure if her direct testimony is simply wrong or being deliberately deceitful, but she contradicts the Investigator's Report and the interview of herself:

*SOS Investigators interviewed Director Williams regarding the BLRs and the uploads to the RTR for the Recount. She reported that certain batches of ballots were initially scanned with an Image Cast Central (ICC) Scanner programmed with the same tabulator and batch numbers, so the RTR interpreted them as one and **rejected scanned ballots as a duplicate batch**. Respondent looked into the cause of the discrepancy, and eventually isolated the discrepancy to the duplicative programming of the ICC scanner.*

Because of the two conflicting statements which are attributed to the same person and are included in the same report, Complainants have to assume that no one really cares about the root cause of this issue. In our view, the cause of the issue is that there are too few ballots to support the vote count.

The Investigators, Ms. McGowan, the Carter Jones report, and Ms. Williams all agree on a factual matter that will be proven to be false -- that the tabulator identified as "ICC16", and by Tabulator ID "816" (hereinafter "816") was the sole cause for the initially reported shortfall. All claim that the ballots scanned on December 3<sup>rd</sup> were all because of batches and results of the same name for tabulator 816. From the investigation report:

*Prior to rescanning, Fulton County made sure representatives from each political party, the SEB's independent monitor, and others were aware of the discrepancy, what caused the discrepancy, and were present to witness the rescan. **Respondent confirmed at that point, they had a total of 506,127 scanned ballots. After they rescanned the initially-rejected batches of ballots totaling 21,798 votes from tabulator 816 (Exhibit #10), the final total ballots scanned was 527,925.***

Below is an excerpt from the Carter Jones Report:

- Technological issues abounded during the recount. The server crash on November 29 was a costly error caused by a failure to properly follow protocols for backing up and uploading data to the servers. This mistake cost Fulton taxpayers several days' worth of staff time as the entirety of the ballots had to be rescanned for a fourth time. Additionally, **the small typographical mistake of accidentally naming two scanners "ICC16" on the fourth count led to a great deal of confusion and another full day of staff time for solving the problem.** Fulton technological team must work more slowly, carefully, and in accordance with all protocol to ensure that these mistakes do not happen in the future.

It is important to note that Carter Jones specifically states, "ICC 16" and that this issue led to "another full day of staff time for solving the problem."

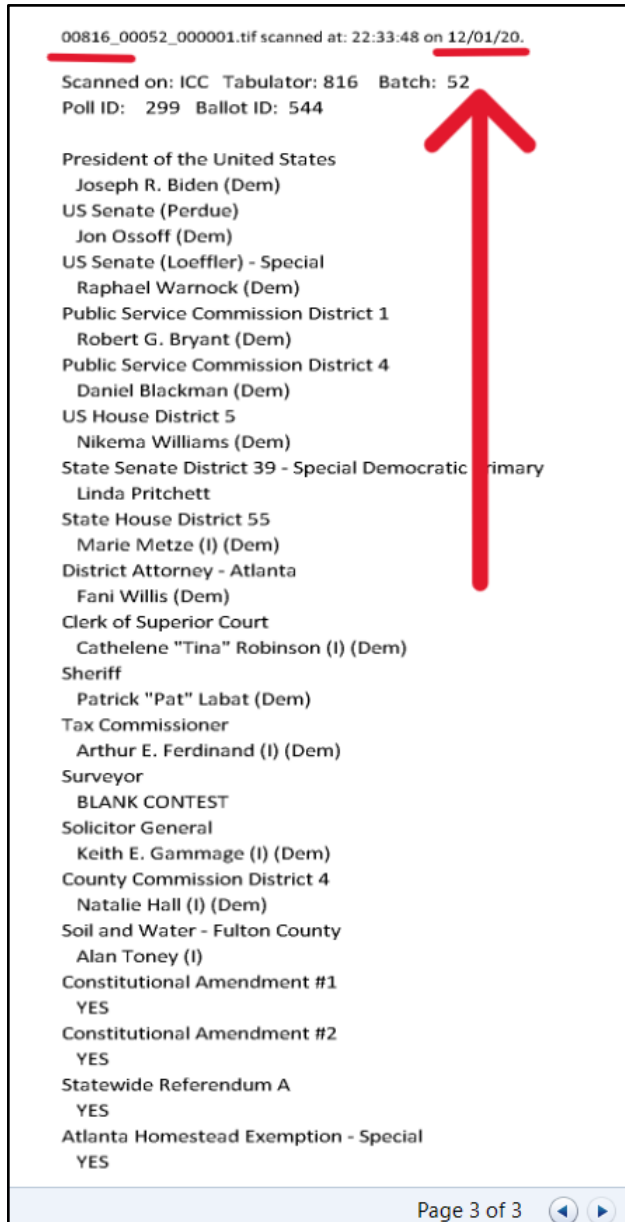
**This is false. NO batches or ballots from tabulator 816 were removed or rescanned between Batches Loaded Report 1 (before reconciliation) and Batches Loaded Report 2.** We have compared the first and second Batches Loaded Reports. See Exhibit FR-2, which compares BLR-1 and BLR-2. The times of upload for all batches attributed to tabulator 816 were all before the reconciliation on December third. Exhibit FR-3 documents all upload times for tabulator 816. Every batch from tabulator 816 (Early Vote ICC 16) was uploaded and published on 12/2/2020 between 4:25-4:35pm. The batches and ballots cast from this tabulator were included in the first Batches Loaded Report, the results remained unchanged and were not modified from their initial upload from the first to the second Batches Loaded Report.

The 21,798 ballots scanned on tabulator 816 (Early Vote ICC 16) were included and unchanged across both Batches Loaded Reports. Batch one from tabulator 816 was uploaded to the RTR at 12/2/2020 16:26:17 (4:26:17 p.m.), and the last batch (97) 12/2/2020 16:34:42 (4:34:42 p.m.)

From the investigator's report:

*“Respondent confirmed at that point, they had a total of 506,127 scanned ballots. After they rescanned the initially-rejected batches of ballots totaling 21,798 votes from tabulator 816 (Exhibit #10), the final total ballots scanned was 527,925.”*

The ballots from tabulator 816 **WERE NOT** rescanned, and the cause which was used as the pretext for ballots to be added between reports to reconcile the vote count was false. If it were tabulator 816- then all ballot images from tabulator 816 would have timestamps of December 3<sup>rd</sup>. **not** December 1<sup>st</sup>:



ALL ballot images from tabulator 816 include a Dominion AuditMark timestamp of December first, not December third.

What has been done here is ***dangerous*** and falsely corroborated by many who simply took the word of those in Fulton County, and erroneously included in the Seven Hills Strategies report by 2020 monitor, Mr. Carter Jones.<sup>12</sup> The SOS’s investigative report literally cites the true and correct number of ballots cast on tabulator 816 (21,798), and then reverses that number from the total. Using the actual number of ballots cast on tabulator 816 to calculate how many ballots needed to be rescanned- is a fabricated and materially false assertion.

With regard to “Complaint Two” and tabulator 816, there are thousands of ballot images missing for results attributed to tabulator 816. There are also 2,015 duplicate ballots attributed to tabulator 816.

In summary, the 16,000-plus ballots/votes which were added between December 2<sup>nd</sup> and December 3<sup>rd</sup> at midnight, are not from the source Fulton County and Ms. McGowan claimed, and not for the reasons submitted.

### **COMPLAINT THREE**

#### **“MISSING” 10 TABULATORS**

Complaint is in regard to the November 3<sup>rd</sup> count and 20,000 ballots attributed to ten (10) advance voting tabulators for which there are no supporting records or chain of custody.

#### **BACKGROUND**

Complainants’ investigation into Fulton County’s 2020 General Election has been based on recreating the results from the official record. The ballot images from the November 3<sup>rd</sup> count were first sought, but Fulton County failed to retain 380,459 ballot images for all Advance (early) and Election Day in-person voting.<sup>13</sup> This is in violation of both state and federal law which mandate the preservation of all election records (specifically including ballot images)<sup>14</sup> Out of the 528,777 ballots cast, there are only a total of 148,318 ballot images for the November 3<sup>rd</sup> count, all of which are hand-marked absentee.

Only 16,038 absentee ballot images could be authenticated, because the remaining 132,280 were missing their .sha hash code authentication file which is automatically produced when the ballot image is created.<sup>15</sup> It is important to note that there is no (credible) reason for ballot image

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<sup>12</sup>

<sup>13</sup> See a true and correct copy of Fulton County’s answer to a request for admissions in the Curling v. Raffensperger case in which they admitted to failing to preserve all in-person ballot images from the November 03, 2020 General Election, attached hereto as “Exhibit \_\_\_”.

<sup>14</sup> Ga. Code § 21-2-73; Ga. Comp. R. & Regs. 183-1-12-.13; 52 U.S.C. § 20701 (see *Browning v. Florida Secretary of State* (2008), in which the United States District Court for the Northern District of Florida ruled that digital ballot images are election records that must be preserved under federal law. Additionally, *NAACP v. Browning* (2008), the Eleventh Circuit Court of Appeals reinforced the importance of preserving all election records, including digital images of ballots.)

<sup>15</sup> The ballot image files were part of the election records produced under federal court order in the Curling v. Raffensperger case, and the fact that the .sha files were missing was documented in the expert declarations of Philip Stark and Duncan Buell.

.sha files to be missing and the same suggests manipulation, malfeasance, or malware.<sup>16</sup> Complainants inquired directly with Director Rick Barron about the missing .sha files who forwarded our request to former Dominion employee and Fulton County's IT Director, Dominic Olomo, and then provided Mr. Olomo's response:

**Kevin Moncla** <kmondla@gmail.com> Mon, Jan 10, 2022 at 11:53 AM  
To: "Barron, Richard L." <Richard.Barron@fultoncountyga.gov>

Thanks.

You could also ask him why you only have 16,034 SHA files out of 148,318. That will be made public this week. Just FYI.  
[Quoted text hidden]

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

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

**Dominic Olomo**  
Information System Manager  
Department of Registration & Elections  
404-612-8730 (office)

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<sup>16</sup> Declaration of Professor Duncan Buell at 9 (attached hereto as "Exhibit \_\_\_"):

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

Needless to say, our numerous attempts to follow up with Mr. Olomo went unanswered, and so has the question, why are 132,280 ballot image .sha files missing from the record provided pursuant to a court order?

Because there were essentially no credible ballot images with which to recreate the election results, Complainants sought the tabulator tapes- or “*official returns*”. For each voting center tabulator there should be one “open” or “zero” tape (hereinafter “zero tape”) and one poll closing tape. The zero tape is produced just prior to the opening of the polls- to ensure that the tabulator has scanned and counted “zero” ballots/votes. The closing tape is printed at the time the polls close on Election Day and includes the results of each contest.

Complainants submitted Open Records Requests (“ORR”) for the tabulator tapes and painstakingly logged all information on each tape for those that were returned. Once complete, the number of ballots cast for advance voting tabulators was over twenty thousand short from that of the official results. It was eventually determined that there were ten (10) tabulators to which results were attributed, but no closing tapes were provided. Complainants submitted ORRs for those specific tabulators and Fulton County returned “no such records”. After several email exchanges the Fulton County Custodian of Records, Steve Rosenberg, said the closing tapes for the ten tabulators “do not exist”.

There was also another issue that was discovered during this process that all of the advance voting poll closing tapes were unsigned, uncertified and unwitnessed.<sup>17</sup> Complainants confirmed through Director Barron and Mr. Rosenberg that there were no signed “copies”, Mr. Rosenberg officially certified that the advance voting tabulator closing tapes provided were in fact the complete and official record.<sup>18</sup>

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<sup>17</sup> Each unsigned and uncertified poll closing tape (138 in the official record below, and two provided as exhibits to the Report of Investigation) is a violation of Georgia Code § 21-2-483.

<sup>18</sup> A true and correct copy of the advance voting poll closing tapes, as certified, are available here: [Fulton 2020 Av Poll Tapes Certified | Download Free PDF | Elections \(scribd.com\)](https://www.scribd.com/document/481111111/Fulton-2020-Av-Poll-Tapes-Certified-Download-Free-PDF-Elections)

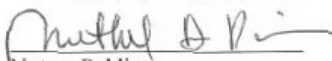


**CERTIFICATION OF RECORDS**

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



Sworn to and subscribed  
Before me, this 22<sup>nd</sup>  
day of March, 2022.

  
Notary Public  
My Commission Expires:



Further investigation confirmed the number of tabulators distributed to the advance voting polling locations in question were accounted for; however, the CVR attributed results to the ten additional tabulators at issue in this complaint.

**SOS INVESTIGATIVE FINDINGS:**

**Complaint #3**

The allegation that Fulton County did not have records for 10 AV locations for the November 2020 General Election was unsubstantiated. The Respondent provided documentation to establish the existence of all 10.

The investigator’s report oversimplifies the Complainant’s allegation regarding ten advance voting tabulators. In response to Open Records Requests (ORR) submitted to Fulton County for the poll closing tapes of ten (10) advance voting tabulators Complainants were told there were “no such records”. After several emails back and forth explaining that results were attributed to the ten tabulators, the response was that “they don’t exist”. Our response was “Did you lose them or spill coffee on them or they don’t exist”. Fulton County: “They don’t exist”.

The Investigator also states:

*Complainants thus concluded that no documentation for the 10 advanced voting tabulators exists and that no documentation of the balance tabulated on those scanners exist. It is important to note, the purpose of the poll tapes, the tapes are produced by the precinct scanner after the polls have closed. **They serve as a paper back-up to the memory card that stores ballot tabulation and are not part of the process by which official results are reported by counties to the SOS.***

He reiterates the same further in the report (id at 9):

*“But again, the tapes are merely back up documentation for the paper ballots tabulated by the precinct scanner.”*

The investigator (or Ms. McGowan) is incorrect. The poll tapes don’t merely “*serve as a paper back-up to the memory card*”. **The statute defines the poll tapes as the “official returns”:**

**Georgia Code § 21-2-483**

The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted. The ballots, spoiled, defective, and invalid ballots, and returns shall be filed and retained as provided by law.

Fulton County is not missing “*paper back-ups*”, but the **official returns** for the ten tabulators in question. The documents provided as exhibits to the investigative report presented on May 7, 2024 which were purported to serve as evidence that the 10 tabulators in question did exist, provide evidence that the opposite is true. The 10 tabulators at issue are:

AV-East Point Library ICP3  
AV-So Fulton Srv Center ICP3  
AV-Wolf Creek Library ICP4  
AV-Park Place at Newtown ICP3  
AV-Northeast Library ICP3

AV-Ponce De Leon Library ICP3  
AV-Johns Creek ENV Campus ICP2  
AV-State Farm Arena ICP 3  
AV-State Farm Arena ICP 10  
AV-State Farm Arena ICP 11

Fulton County provided Zero tapes for some, closing tapes, and recap sheets for others, but did not provide both an open and close tape for any of the tabulators at issue. The ones provided are also problematic-

For example, Fulton County provided an “Open” or “Zero” tape for the tabulator identified as “AV-East Point Library ICP3”. Shown below is the top and bottom of the tape provided:

**AV EAST POINT LIBRARY ICP3**

Voting Location  
AV-East Point Library

Report Printed  
Oct 28/2020 15:18:17

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

Total Scanned: 0  
Total Voters: 0

WE, THE UNDERSIGNED, HEREBY  
AFFIRM AND CERTIFY THE OPENING OF  
THE POLLS AND THE END OF THIS  
RECORD AND CERTIFY THAT ALL  
CANDIDATE VOTE TOTALS ARE ZERO  
AT THIS TIME.

M. C. Henderson  
Name  
*M. C. Henderson*  
Signature  
Clemmie Key  
Name  
*Clemmie Key*  
Signature  
Rhonda Taylor  
Name  
*Rhonda Taylor*  
Signature

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

Tabulator Name  
AV-East Point Library ICP 3

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



This is wrong. The serial number reflected in the records for AV East Point Library ICP3 is the same as the serial number for AV East Point Library ICP2 as identified by the checklist produced in response to an Open Records Request for each tabulator before they were distributed:

AV Tabulator Checklist

Poll Zero Tape (investigation)

PRECINCT: East Point Library

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confir Secur Key
1	AAFAJJPO137	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	AAFAJJPO214	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Voting Location  
AV-East Point Library

Report Printed  
Oct 28/2020 15:18:17

Unit Model: PCOS-320C (Rev 1072)  
Unit Serial: AAFAJJPO214  
Protective Counter: 7274  
Software Version: 5.5.3-0002

Total Scanned: 0  
Total Voters: 0

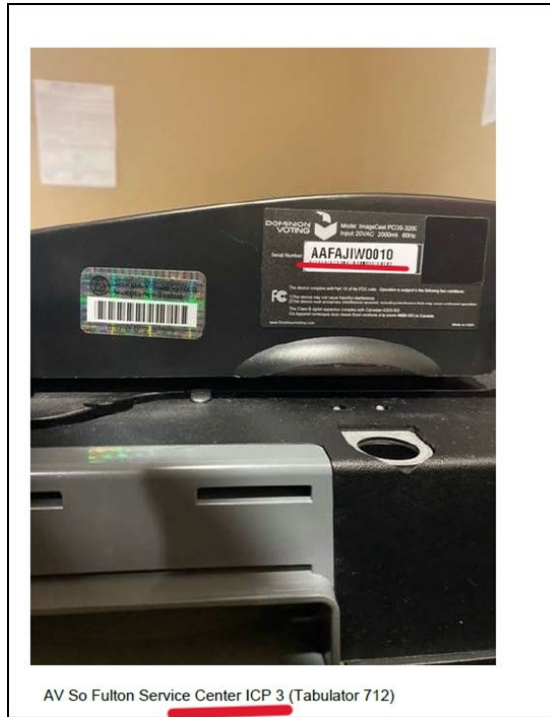
It's also important to note that the checklist only shows two (2) tabulators- not three (3); which is because there were never three (3) tabulators at East Point Library for Advance Voting.

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

Logic and Accuracy Checklist for Polling Place Scanner (v1\_2020)

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confir Security Key	Diagnostic Passed	Confirm Version S.S.3- 0002	Open Polls	Confirm Polling Place Assigned	Confirm Zero Count	Scan Test Each Combo of 6000 Governmental & Optical Scan Modules	Clear Polls	Confirm Printed Receipt Matches Expected Result	Power Off	Remove Full Width CF Card & Update to RTR	Insert Full Width CF Card	Power On	Confir Security Key	Re-Zero & Print Zero Tape	Power Off	Confirm Ballot Box & All Ball Trays	Seal # (Admin-CP Seal)	Seal # (Poll Worker CP)	Seal # (Ballot Box)	Initials of Tech
1	AAFAJJPO137	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0408704	228710	3107585	[Signature]	
2	AAFAJJPO214	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0408770	228721	3107853	[Signature]	
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

Similarly, the following image and detailed identification was provided by the investigators for “AV So Fulton Service Center ICP3”:



AV So Fulton Service Center ICP 3 (Tabulator 712)

But the following checklist for Advance Voting tabulators distributed to South Fulton Service Center only show two (2) tabulators:

PRECINCT: South Svc Ctr FULTON COUNTY, GA ELECTION DATE: November 3, 2020

Logic and Accuracy Checklist for Polling Place Scanner (v1\_2020)

	Serial # (2-Digit) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confirm Security Key	Diagnostic Passed	Confirm Service S.S.B. #002	Open Polls	Confirm Polling Place Assigned	Confirm Zero Count	Scan Test Deck Correlates of BMD Generated & Optical Scan Ballets	Close Polls	Confirm Polling Result Matches Documented Result	Power Off	Remove Poll Worker CF Card & Update to ETR	Insert Poll Worker CF Card	Power On	Confirm Security Key	Re-Zero & Print Zero Tape	Power Off	Confirm Ballot Box A, All Slots Empty	Seal # (Admin CF Slot)	Seal # (Poll Worker CF)	Seal # (Ballot Box)	Initials of Tech
1	AAFAJW0010	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0902251	228750	5071555	JP
2	AAFAJW0010	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0902241	228738	5071557	JP
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

South Svc Ctr  
Print → 228742  
Poll → 228738

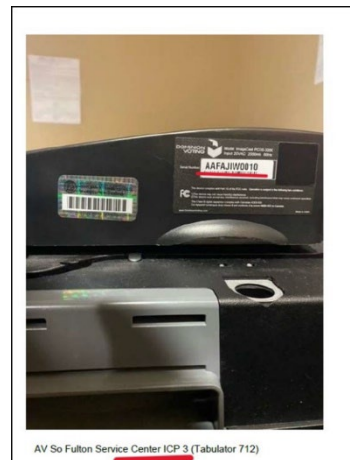
Once again, the serial number provided for the third tabulator (ICP3), matches that of the second tabulator identified on the checklist – the third tabulator never existed. We can speculate, as can the SOS office, as to how these ballots were added. But any addition was in violation of the chain of custody procedures required by the Election Code.

**AV Tabulator Checklist**

PRECINCT: South Svc Ctr

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On
1	AAFAJX0142	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	AAFAJIW010	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>

**Photograph (investigation)**



Again, the following “Open” or “Zero” tape was provided by investigators for “AV Wolf Creek Library ICP4” or purportedly the fourth tabulator at Wolf Creek Library for Advance Voting:

```

*****
County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Wolf Creek Library ICP 4

Tabulator #
714

Voting Location
AV-Wolf Creek Library

Report Printed
Oct 21/2020 07:42:10

-----
Unit Model: PCDS-320C (Rev 1072)
Unit Serial: AAFAJKL0081
Protective Counter: 3707
Software Version: 5.5.3-0002
-----

Total Scanned: 0
Total Voters: 0
  
```

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

PRECINCT: Wolf Creek Library      FULTON COUNTY, GA      ELECTION DATE: November 3, 2020

Logic and Accuracy Checklist for Polling Place Scanner (v1\_000)

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confirm Security Key	Diagnostic Passed	Confirm Version 5.5.3-0002	Open Polls	Confirm Polling Place Assigned	Confirm Zone Count	Scan Test: Back Counter of BMD Generated & Optical Scan Balances	Confirm Polls	Confirm Polls Match Expected Results	Power Off	Remove Poll Worker ID Card & Upload to BMD	Insert Poll Worker ID Card	Power On	Confirm Security Key	End-Zero & Print Zero Tape	Power Off	Confirm Ballot Box & All Boxes Empty	Serial # (Admin ID Box)	Serial # (Poll Worker ID)	Serial # (Ballot Box)	Initials of Tech
1	AAFAJTB284	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0361730	230693	3117465	R.G.
2	AAFAJY0364	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0361729	230217	3117466	R.G.
3	<u>AAFAJKL0061</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0361705	230283	3117461	R.G.
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

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

```

*****
COUNTY
FULTON NOV 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Wolf Creek Library ICP 3

Tabulator ID
326

Voting Location
AV-Wolf Creek Library

Report Printed
Oct 12/2020 05:42:28

-----
Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJKL0061
Protective Counter: 421
Software Version: 5.5.3-0002

-----
Total Scanned: 0
Total Voters: 0
    
```

PRECINCT: Wolf Creek Library

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Conf Security Key
1	AAFAJTB284	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	AAFAJY0364	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	<u>AAFAJKL0061</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

```

*****
County
Fulton Nov 2020
General
Tuesday, November 3, 2020

Tabulator Name
AV-Wolf Creek Library ICP 4

Tabulator ID
714

Voting Location
AV-Wolf Creek Library

Report Printed
Oct 21/2020 07:42:10

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

-----
Total Scanned: 0
Total Voters: 0
    
```

Therefore, the Investigator's Report failed to provide evidence as to the existence of the tabulators in question. What they did provide is evidence that the security seals for thirty-seven (37) Advance Voting tabulators were broken and the memory cards were unlawfully removed during a live election. It is critical to understand that the precinct tabulators (ImageCast Precinct "ICP") memory cards are the only data storage/drive for the ballot images, logs, and election results. After the polls are opened-all the way through the polls being closed and the results tapes are printed- the election data, vote tallies, and other information held on the memory cards are in a raw – and unencrypted state. The ONLY layer of protection for the election results and data on the memory cards during an election is the physical chain of custody which can only be verified by the serial number of the security seals.

The sworn testimony of those who signed affidavits as produced for this investigation is now a problem:

- III. While the paperwork pertaining to the scanners' usage and submission has not been located at this time, I affirm that all necessary paperwork was ~~completed and submitted~~ according to the procedures outlined by the relevant Georgia Code.
- IV. I confirm that all ballots and scanners (with memory cards inserted,) including those whose tapes were displaced, were retrieved by Fulton County Registration & Election Couriers and a Chain of Custody was signed for transport to the tabulating center in accordance with all applicable Code sections and State Election Board (SEB) Rules.

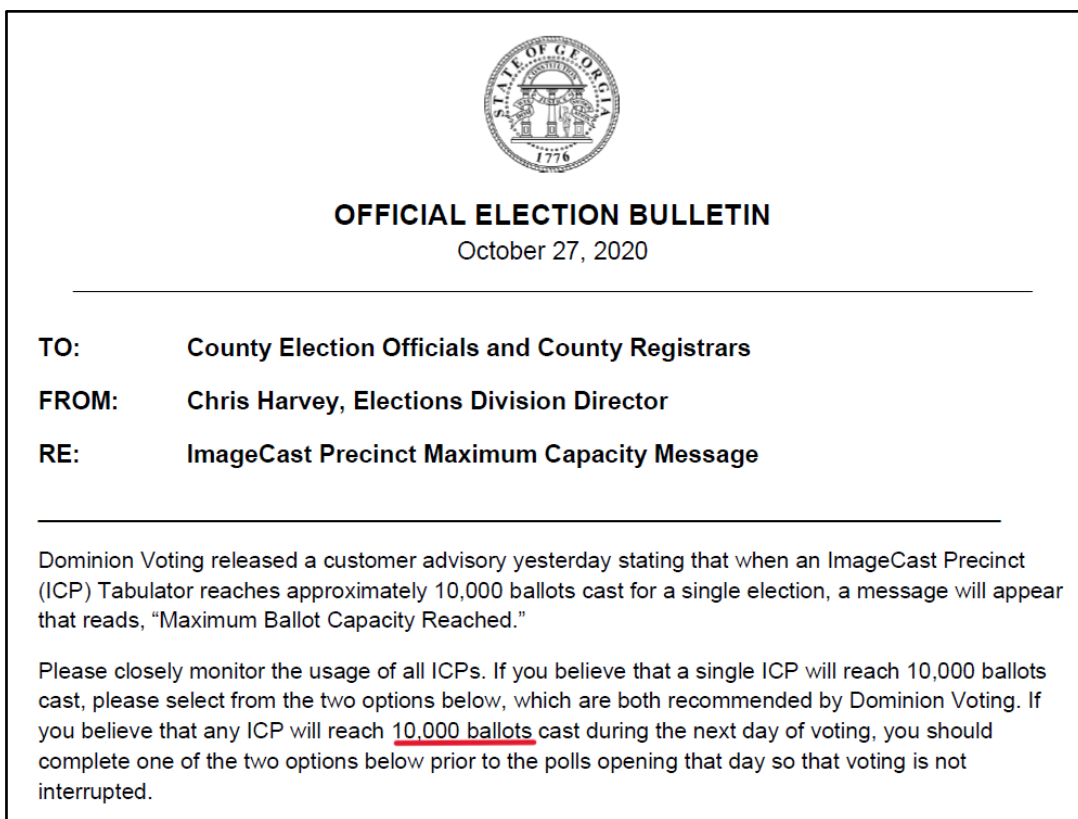
The statements above made under oath are materially false. There are more memory cards than tabulators. Th



The fact is that 111 tabulators were distributed for Advance Voting but results from 148 tabulators were reported and included in the results. 37 cards were swapped out during a live election with no chain of custody or provenance. What our investigation has determined is that the memory cards of multiple tabulators were replaced with ones programmed with a different identity. Each instance a separate violation of:

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

It is also important to note that the total number of ballots cast on each of the thirty-seven (37) tabulators described above were nowhere near the ten thousand (10,000) ballot capacity of the memory cards.



In fact in almost every instance the total number of ballots stored on the second – or replacement memory card exceeded the number of the first. Why were these cards being swapped out?

Further, Advance Voting ended on October 30<sup>th</sup>. The security seals were broken (again) and the memory cards from each tabulator were removed. Four days later, when the polls closed on Election Day, each of the memory cards were inserted into 1 of 12 surrogate tabulators and the poll tapes were printed. Each one another violation, adding 148 additional violations of **Ga.**

**Comp. R. & Regs. 183-1-14-.02.** The result is tabulator closing tapes which all have one of twelve (12) serial numbers and one of twelve (12) Protective Counter numbers. For example:

<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-New Beginnings Sr Ctr IOP 1</p> <p>Tabulator ID 267</p> <p>Voting Location AV-New Beginnings Sr Ctr</p> <hr/> <p>Poll Opened Oct 14/2020 07:25:41</p> <p>Poll Closed Nov 03/2020 20:33:54</p> <p>Report Printed Nov 03/2020 20:52:41</p> <hr/> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: <u>AAFAJIV0104</u> Protective Counter: <u>2481</u> Software Version: 5.5.3-0002</p> <hr/> <p>Total Scanned: 1 Total Voters: 1</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Wellcome All Rec Ctr 2</p> <p>Tabulator ID 324</p> <p>Voting Location AV-Wellcome All Rec Ctr</p> <hr/> <p>Poll Opened Oct 12/2020 06:39:43</p> <p>Poll Closed Nov 04/2020 02:14:52</p> <p>Report Printed Nov 04/2020 02:21:40</p> <hr/> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: <u>AAFAJIV0104</u> Protective Counter: <u>2481</u> Software Version: 5.5.3-0002</p> <hr/> <p>Total Scanned: 603 Total Voters: 603</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Ocee Library IOP 3</p> <p>Tabulator ID 703</p> <p>Voting Location AV-Ocee Library</p> <hr/> <p>Poll Opened Oct 15/2020 15:07:51</p> <p>Poll Closed Nov 03/2020 22:41:16</p> <p>Report Printed Nov 03/2020 22:46:51</p> <hr/> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: <u>AAFAJIV0104</u> Protective Counter: <u>2481</u> Software Version: 5.5.3-0002</p> <hr/> <p>Total Scanned: 3594 Total Voters: 3594</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Wellcome All Rec Ctr IOP 4</p> <p>Tabulator ID 713</p> <p>Voting Location AV-Wellcome All Rec Ctr</p> <hr/> <p>Poll Opened Oct 20/2020 09:38:59</p> <p>Poll Closed Nov 03/2020 21:22:32</p> <p>Report Printed Nov 03/2020 21:27:24</p> <hr/> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: <u>AAFAJIV0104</u> Protective Counter: <u>2481</u> Software Version: 5.5.3-0002</p> <hr/> <p>Total Scanned: 2600 Total Voters: 2600</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Metropolitan Library IOP 4</p> <p>Tabulator ID 758</p> <p>Voting Location AV-Metropolitan Library</p> <hr/> <p>Poll Opened Oct 27/2020 12:16:13</p> <p>Poll Closed Nov 03/2020 2:52:16</p> <p>Report Printed Nov 03/2020 2:54:17</p> <hr/> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: <u>AAFAJIV0104</u> Protective Counter: <u>2481</u> Software Version: 5.5.3-0002</p> <hr/> <p>Total Scanned: 2284 Total Voters: 2284</p>
--	--	--	--	--

Note that for each of the tabulator closing tapes shown above, from five (5) different polling locations, all share the exact same serial number “AAFAJIV0104”, and all share the same Protective Counter number of “2,481”. The Protective Counter is like that of an odometer for the tabulator and maintains a count of every ballot successfully scanned for the life of the machine. It is also a statutorily recognized metric which is **required** to perform the **mandatory reconciliation and canvass processes**.

- The “Protective Counter” is required by federal law as a means of validating the use of voting machines. It is also required to be maintained and referenced by state law and regulations.

The serial number printed on each Advance Voting closing tape for the 2020 General Election is **NOT** of the tabulator which scanned the ballots. The Protective Counter printed on each Advance Voting closing tape is also **NOT** from the tabulator which scanned the ballots. A tabulator always prints its own serial number and Protective Counter number, no matter what memory card is inserted into the tabulator. This surreptitious process completely circumvented the following:

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

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

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

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

**Ga. Comp. R. & Regs. 183-1-14-.02 (15)** *After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. (emphasis added)*

In other words, all of the 148 Advance Voting tabulators/memory cards which accounted for 320,338 of the approximate 528,777 ballots cast, were not subjected to the authentication, verification or reconciliation processes as required by Georgia law. Election officials could not “*verify the seal numbers of each ballot scanner*”, because the seals had been broken and the memory cards had already been removed. **Every** advance voting tabulator **was** “tampered with”, yet the unchecked results were processed. **None** of the tabulator election counters were compared with the numbered list of electors and the ballot recap forms to ensure there were no discrepancies in accordance with the mandatory process because the memory cards had been removed, they did not “...*deliver all of the ballot scanners used for advance voting...to the election superintendent or the tabulating center.*”

Further:

- With the exception of four polling locations, the ballot recap forms for advance voting have still not been located after nearly four years, and
- there is no numbered list of electors for advance voting

Because of all these lapses, there is no way to validate most of the early voting results in Fulton County. The chain of custody was broken on each and every memory card and tabulator used for advance voting. This resulted in multiple violations for each of the 148 Advance Voting tabulator memory cards. In addition, there are no chain of custody records for the advance voting

memory cards from the end of advance voting on October 30, 2020, until the polls closed four (4) days later on the evening of November 3, 2020. Because the tabulator memory cards were removed before the results were tabulated, the data and vote tallies were left raw and unencrypted. Nothing was to prevent tampering during that period – it would be impossible to prove tampering could have occurred, which is why we have the rule in the first place.

Fulton County BRE member Mark Wingate, recently gave the following testimony about the reasons for his decision not to certify the 2020 General Election results (Jeff Clark Bar trial transcript at 1026-1027):

*“But from that, in the 2020 election itself, I had, and other board members had requested that we obtain the chain of custody documentation from the department. And none of that was ever delivered. It was not delivered at the time of request leading up to the election and was certainly not given -- we weren't given -- was given nothing, you know, even leading up to the certification.*

*And, you know, in terms of the memory cards that are being delivered so that they can be kept, you know, in security, there's the same level chain of command -- chain of custody documentation that is delivered **for all of the memory cards coming in from early voting locations** and, of course, on election day from each of the precincts. (emphasis added)*

*Okay. Well, that -- you know, since we asked and **did not receive any of it**, that to me is just one reason well, how can I trust, you know, as a board member and certify this election **when I cannot receive even a sampling, anything at all, with regards to chain of custody documents?**”*

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

*The **official returns** of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared **shall be certified and promptly posted.***

## **COMPLAINT FOUR**

This complaint is regarding the unauthorized involvement and hands-on participation in the administration of the 2020 General Election, hand-count/audit, Recount, and 2021 Senate Runoff by Ryan Macias and the Elections Group.

### **BACKGROUND**

As described in the original complaint which overlaps with Complaint Two detailed herein, on or about a few minutes after twelve-noon on December 03, 2020 (twelve hours past the Recount deadline), Fulton County Elections Director, Rick Barron, sent an email to Ryan Macias of the Elections Group. The email, shown below, had no subject nor text in the body but did include an attached file which was the Batches Loaded Report at issue in Complaint Two:

<b>From:</b>	<a href="#">Barron, Richard L.</a>
<b>To:</b>	<a href="mailto:RYan.macias@electionsgroup.com">RYan.macias@electionsgroup.com</a>
<b>Date:</b>	Thursday, December 3, 2020 12:13:15 PM
<b>Attachments:</b>	<a href="#">Batches Loaded Report.xml</a>

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The attached file showed the Recount results total of 511,543 ballots cast. Fulton County Board of Registration and Elections (“BRE”) officially certified the results less than twenty-four (24) hours later, on December 04, 2020, with a total of 527,935 ballots cast. As established in Complainant’s response to Complaint Two, questions as to the cause of the shortfall and how the difference was made-up, remain unanswered. We can state with certainty that it was not for the reasons that the SOS investigator, Ms. McGowan, and Nadine Williams claimed, nor in the amount of ballots asserted, and not from the tabulator they lied about.

Complainants submitted ORRs to Fulton County for any contracts, agreements, payments, proposals, etc. for Mr. Macias, The Elections Group, and RSM Technologies, which all returned “no such records”. Further investigation included the review of BRE meeting minutes, agenda items and resolutions without any records for the group or its members, which is the basis for their involvement being questioned and raised in SEB2023-025.

As will be shown below, the unauthorized and intimate involvement of Ryan Macias and the Elections Group in nearly all facets of Fulton County’s 2020 General Election, Recount, and 2021 Senate Run-off, including the incident above, has not been properly investigated. In fact, like all allegations in this complaint, it has been unlawfully excused based on false pretenses by the General Counsel for the Secretary of State.

**SOS INVESTIGATIVE FINDINGS:**

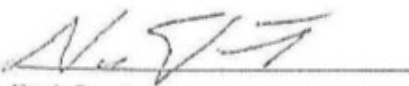


The allegation that Ryan Macias was not a contractor with the Fulton County Board of Elections and Registration was unsubstantiated. The Respondent provided a Memorandum of Understanding signed off by the County Attorney's Office and the County Manager's Office approving Ryan Macias to serve as a consultant for Respondent during the 2020 Election cycle.


**COMPLAINANT’S RESPONSE:**

First, the allegation is properly stated by the investigator- in that Ryan Macias (and the Elections Group) were not a contractor with the Fulton County Board of Registration and Elections. The signature page for the Memorandum of Understanding, upon which the SOS's investigator and General Counsel, Charlene McGowan base their conclusion that Complainant's allegation was "*unsubstantiated*" is below:

**The Elections Groups LLC**

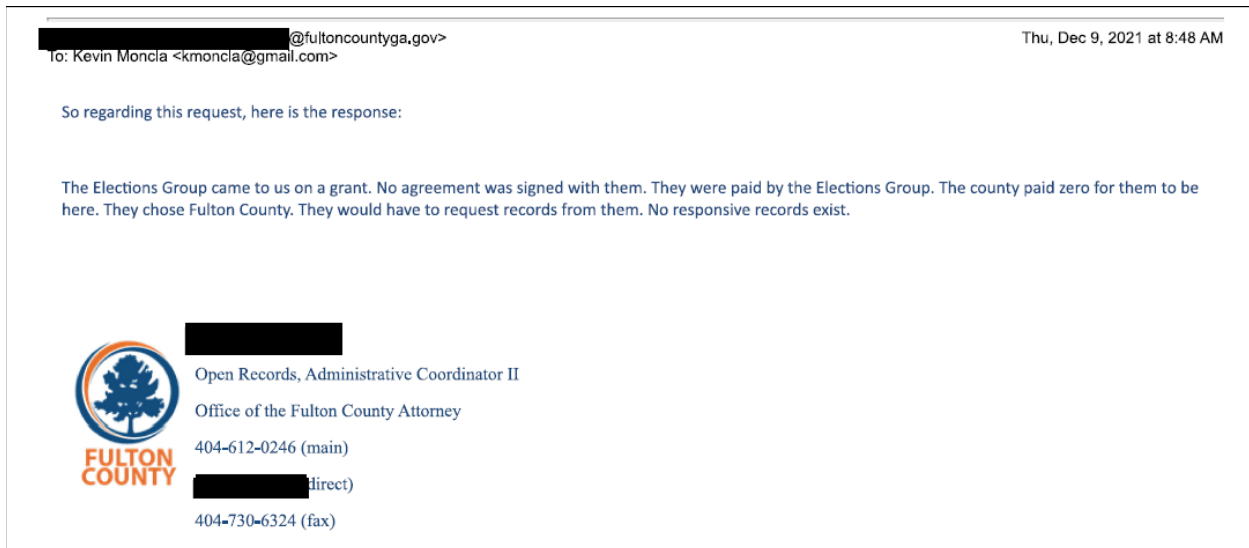
(but not less than reasonable care); and (d) it will not disclose, publish, or provide access to the Confidential Information to any person, corporation, or other organization, except to The Elections Group, LLC's Representatives, without the prior written consent of County.

<p>ELECTIONS GRUP, LLC:</p>  <hr/> <p>Noah Praetz Partner</p>	<p>FULTON COUNTY, GEORGIA</p>  <hr/> <p>Richard Anderson County Manager</p>
<p>APPROVED AS TO FORM:</p>  <hr/> <p>Fulton County Attorney's Office</p>	
<p>APPROVED AS TO SUBSTANCE:</p> <hr/> <p>Department of Registration and Elections</p> <hr style="border: 2px solid red;"/>	



Aside from the fatal absence of a signatory for the Fulton County Board of Registration and Elections (“FCBRE” or “the Board”), the General Counsel for the Secretary of State knew, or should have known, that the United States and Georgia Constitutions grant the state legislature with the authority to prescribe the manner and methods of holding elections. Pursuant to Ga. Code § 21-2-40(b), the Board “...shall have the powers and duties of the election superintendent relating to the conduct of primaries and elections”.

The Fulton County Board of Registration and Elections is vested with the authority to conduct elections by the state legislature. Not the county manager. Not the county attorney’s office. However, the county attorney’s office did provide Complainants with the following :



It states:

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

“No agreement was signed with them”. Not by the Board, and not by the Director, Rick Barron. There was no vote and no resolution by the Board. The Memorandum of Understanding was never executed- and therefore there was no “meeting of the minds”. Yet the General Counsel for the Secretary of State found Complainant’s allegation that Mr. Macias and the Elections Group were unauthorized, “unsubstantiated”? The Board is the Election Superintendent. The Board never adopted, nor voted to adopt a resolution authorizing the Elections Group to participate in the administration of the 2020 General Election, Risk Limiting Audit (“RLA”), Recount, or 2021 Senate Runoff.

To be clear, the Elections Group was not simply consulting, but was granted full access to election systems and the hands-on management and administration of the county's elections. For example, the following is from Fulton County Commissioner Bridget Thorne to the SEB:

Thank you for your response. I do not know Ms. McGowan. I hope to learn how my complaints were handled. I had several since I was a Tech with Fulton County for 6 days prior to the November 2020 election from 8am-10pm. I reached out to SOS Investigator J. Todd Merrifield prior to the election but after talking to his boss, he was only concerned about the ACLU clerks. Here are a few of my complaints:

- No security in or out of Georgia World Congress Center (GWCC) where L&A testing was going occurring. Anyone could come and go. Normal Election staff was quarantined for 14 days during this time. Dominion used temporary staffing agencies. Temp Staff often stayed until 2am despite no work to be done. Most workers were from outside Fulton. Some workers were from out of state.
- No proper notification by Fulton County to notify the public that L&A testing was occurring at this location. Fulton's Jessica Corbitt (External Affairs) cannot give a "proper" response.
- Improper handling of the 40,000+ early voting ballots and tabulators that came into GWCC from State Farm Arena on Friday, October 30. No security and no chain of custody. Ballots were found on the floor the next day.
- Test Ballot area and test ballots were not secured nor accounted for by Dominion. Ballots were often missing or misprinted and there was no spoiling of ballots. Anyone had access to ballot printing stations and paper.
- On November 1 @10pm, Dominion's Dominic Olomo and The Election's Group's Mike Prendergast were printing ballots for no apparent reason. Precinct testing was nearly finished.
- I intentionally ran a faulty test on a tabulator and it passed.
- On Election Day, I was missing 400 absentee ballots from my JC13A precinct. Someone had put 400 photocopied ballots with a cover page in my Provisional supply box. I did have proper JC13B ballots. I sent a clerk to the warehouse to get proper ballots but was told they didn't have any. Later, I found out Dwight Broward had ordered a whole extra set of ballots in case they couldn't use the machines.
- ACLU clerks were placed in every precinct to clear absentee ballots. My clerk was not trained to obtain an affidavit. These clerks had access to the entire voter database on their PERSONAL laptops. They had the ability to clear voters and mark voters. They had the ability to see who/who had not voted.

I do believe I had valid concerns and it is imperative that they were addressed. Can someone let me know what was presented on my behalf?

Thank you for the work that you all do. Let me know if there is anything that I can do to assist.

Sincerely,



3/28/24, 12:52 PM

Gmail - Re: No interview - Bridget Thorne



Fulton County Government Center  
Board of Commissioners



The highlighted portion states, “On November 1 @ 10pm, Dominion’s Dominic Olomo and The Election’s Group’s Mike Prendergast were printing ballots for no apparent reason.” “Consulting” is not printing test ballots. Furthermore, Mr. Prendergast, Mr. Macias and the Elections Group participated in, and managed the programming and Logic & Accuracy testing of the Election Day voting systems by Dominion staff, **behind closed doors**:

**From:** [Ryan Macias](#)  
**To:** [Barron, Richard L.](#)  
**Cc:** [Cummings, Timothy](#); [Gilstrap, Derrick](#); [Geetha Lingham](#); [Dayna Caushy](#)  
**Subject:** Re: L&A Log  
**Date:** Sunday, October 25, 2020 8:13:15 PM  
**Attachments:** [L&A Log.xlsx](#)

---

All,

Attached is the updated L&A Log with the updates from today. The log shows that all of the equipment being shipped on Monday is ready. As we discussed, the 09E equipment is still at the warehouse and needs to be brought to GWCC, but the L&A on it has been completed. Note that some of the information for Tuesday is highlighted. If a precinct has not been started, it is highlighted in red. If the precinct is highlighted in orange, it is already in process, and then the one completed precinct is not highlighted. Additionally, the precincts that have not been started are prepared and the media is burned, so the staff can start on it first thing in the morning.

I will be at Peachtree in the morning, so I will not be back at GWCC until around 10/11am. I will make sure to get all updates that occurred in the morning as soon as I arrive.

Thanks,  
Ryan

On Sun, Oct 25, 2020 at 9:33 AM Ryan Macias <[ryan.macias@electionsgroup.com](mailto:ryan.macias@electionsgroup.com)> wrote:  
He and Tim both came in this morning. They just left to go back to the warehouse.

On Sun, Oct 25, 2020, 9:32 AM Barron, Richard L. <[Richard.Barron@fultoncountyga.gov](mailto:Richard.Barron@fultoncountyga.gov)> wrote:  
Has Dominic arrived?

**Who assigns the dominion people to show up?**

I'm on my way there now.

Sent from my iPhone

On Oct 25, 2020, at 9:25 AM, Ryan Macias <[ryan.macias@electionsgroup.com](mailto:ryan.macias@electionsgroup.com)> wrote:


All,

Attached is the updated L&A Log with all the updates from yesterday, Saturday, October 25, 2020, including the work that was completed last night after I left (i.e., between 1930-2200). Therefore, this reflects the current status as of 0800 this morning when we started. There are 17 Precincts that will be delivered tomorrow that are not completed; of those 15 have been assigned and someone has started them (highlighted in Yellow) but the other 2 have not been started (highlighted in Red). Please note the 15 that have been started does not mean people are working on them yet today, as only about 5 people are currently here voting. Those solely mean someone has started them over the past 2-3 days (i.e., we found one this morning that was assigned Friday and still has not been completed).

Additionally, I have highlighted in Red the critical precincts that need to get started for Tuesday; this was verified this morning against the latest delivery log. This is mainly for us to know what precincts need to have paperwork pulled and/or cards made, as well as it **gives the supervisors and Dominion staff knowledge of today's priorities.**

If you have any questions regarding any of this information, do not hesitate to reach out.

In the email exchange above, Fulton County Elections Director, Rick Barron, asks Ryan Macias, “Who assigns the dominion people to show up?” The “Dominion people” were performing Logic & Accuracy testing (“L&A”) at the rate of \$2,000 per person, per day, a county function which is supposed to be reserved for election officials,. The “on site support” for L&A testing (and assembling voting machine cabinets), and support services through November cost Fulton County taxpayers one million nine hundred sixty-five thousand dollars (\$1,965,000.00), without a contract nor approval from the Fulton County BRE and managed by the unauthorized Elections Group:

		<table border="1"> <tr> <td>Invoice Date</td> <td>3/31/2021</td> </tr> <tr> <td>Invoice #</td> <td>DVS138563R1</td> </tr> <tr> <td>Page</td> <td>1</td> </tr> </table>		Invoice Date	3/31/2021	Invoice #	DVS138563R1	Page	1
Invoice Date	3/31/2021								
Invoice #	DVS138563R1								
Page	1								
P.O.Box #343 Broomfield CO 80038 United States FED ID#27-0565149		<b>Bill To:</b> Fulton County, GA Rick Barron 130 Peachtree St, Ste 2186 F Atlanta GA 30303		<b>Ship To:</b> Fulton County, GA Rick Barron 130 Peachtree St, Ste 2186 F Atlanta GA 30303					
Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.			
	USGAFULTON	STUCKER	BEST WAY	Net 30	3/31/2021	43,044			
Ordered	Shipped	B/O	Item Description	Discount	Unit Price	Ext. Price			
			Item Number						
			<b>Services for Week Ending October 25</b>						
213.00	213.00	0.00	Services (213 days @ \$2,000)	\$ 0.00	\$ 2,000.00	\$ 426,000.00			
368.55	368.55	0.00	Services (368.55 Overtime hours @ \$250)	\$ 0.00	\$ 250.00	\$ 92,137.50			
			<b>Services for Week Ending November 1</b>						
165.00	165.00	0.00	Services (165 Days @ \$2,000)	\$ 0.00	\$ 2,000.00	\$ 330,000.00			
526.93	526.93	0.00	Services (526.93 Overtime hours @ \$250)	\$ 0.00	\$ 250.00	\$ 131,732.50			
			<b>Services for Week Ending November 8</b>						
41.00	41.00	0.00	Services (41 Days @ \$2,000)	\$ 0.00	\$ 2,000.00	\$ 82,000.00			
110.13	110.13	0.00	Services (110.13 Overtime hours @ \$250)	\$ 0.00	\$ 250.00	\$ 27,532.50			
			<b>Services for Week Ending November 15</b>						
37.00	37.00	0.00	Services (37 Days @ \$2,000)	\$ 0.00	\$ 2,000.00	\$ 74,000.00			
126.68	126.68	0.00	Services (126.68 Overtime hours @ \$250)	\$ 0.00	\$ 250.00	\$ 31,670.00			
			<b>Services for Week Ending November 22</b>						
33.00	33.00	0.00	Services (33 Days @ \$2,000)	\$ 0.00	\$ 2,000.00	\$ 66,000.00			
72.75	72.75	0.00	Services (72.75 Overtime hours @ \$250)	\$ 0.00	\$ 250.00	\$ 18,187.50			



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

Invoice #	DVS138563R1
Invoice Date	3/31/2021
Page	2

**Bill To:**

Fulton County, GA  
 Rick Barron  
 Atlanta GA 30303

**Ship To:**

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

Purchase Order No.		Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
USGAFULTON		STUCKER		BEST WAY	Net 30	3/31/2021	43.044
Ordered	Shipped	B/O	ItemDescription	Item Number	Discount	Unit Price	Ext. Price
9.00	9.00	0.00	Services for Week Ending November 29				
			Services (9 Days @ \$2,000		\$ 0.00	\$ 2,000.00	\$ 18,000.00

VENDOR: VS0000038315  
 PO: 265 21DOMINION4621C-MH  
 RC: 040821-4471 (Line 1)  
 FL: 100-265-2634-1160  
 NO CONTRACT

APPROVAL TO PAY *Frank McCloud*

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

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

Subtotal	\$ 1,297,260.00
Tax	\$ 0.00
Freight	\$ 0.00
Trade Discount	\$ 0.00
<b>Total</b>	<b>\$ 1,297,260.00</b>

Comments:

# DOMINION VOTING



Invoice Date	1/31/2021
Invoice #	DVS139583
Page	1

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

**Bill To:**

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

**Ship To:**

Fulton County, GA  
 Rick Barron  
 1365 English Street N.W.  
 Atlanta GA 30318

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
	USGAFULTON	STUCKER	BEST WAY	Net 30	2/4/2021	42,448

Ordered	Shipped	B/O	Item Description	Discount	Unit Price	Ext. Price
33.00	33.00	0.00	On-Site Services - Non-Election Day (/day) (Post-Election Support. 11 people for 3 days)	\$ 0.00	\$ 2,000.00	\$ 66,000.00
70.00	70.00	0.00	On-Site Services - Non-Election Day (/day) (Setup. 7 people for 10 days)	\$ 0.00	\$ 2,000.00	\$ 140,000.00
11.00	11.00	0.00	On-site Services - Election Day (Election Day Support. 11 people)	\$ 0.00	\$ 5,000.00	\$ 55,000.00

**VENDOR: VS000038315**  
**PO: 265 21DOMINION129612C-MH**  
**RC: 032921-3939 (Lines 1)**  
**FL: 100-265-2634-1160 (Line 1)**  
**NO CONTRACT**

**APPROVAL TO PAY** *Bruce L. McCloud*

<b>REMIT TO:</b> Dominion Voting Systems, Inc. P.O. Box 538214 Atlanta, GA 30353-8214	<b>COURIER ADDRESS:</b> Dominion Voting Systems, Inc. Lockbox #538214 1669 Phoenix Parkway, Suite 210 College Park, GA 30349	<b>Subtotal</b>	\$ 261,000.00
		<b>Tax</b>	\$ 0.00
		<b>Freight</b>	\$ 0.00
		<b>Trade Discount</b>	\$ 0.00
		<b>Total</b>	\$ 261,000.00

Comments:  
 SF0013225

**DOMINION  
VOTING**



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

**Bill To:**

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

Invoice Date	1/31/2021
Invoice #	DVS139582
Page	1

**Ship To:**

Fulton County, GA  
Rick Barron  
1365 English Street N.W.  
Atlanta GA 30318

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.										
	USGAFULTON	STUCKER	BEST WAY	Net 30	2/4/2021	42,449										
Ordered	Shipped	B/O	Item Description	Discount	Unit Price	Ext. Price										
110.00	110.00	0.00	On-Site Services - Non-Election Day (/day) (Setup. 11 people for 10 days)	\$ 0.00	\$ 2,000.00	\$ 220,000.00										
33.00	33.00	0.00	On-Site Services - Non-Election Day (/day) (Advanced In Person Voting Prep)	\$ 0.00	\$ 2,000.00	\$ 66,000.00										
33.00	33.00	0.00	On-Site Services - Non-Election Day (/day) (Post-Election Support. 11 people for 3 days)	\$ 0.00	\$ 2,000.00	\$ 66,000.00										
11.00	11.00	0.00	On-site Services - Election Day (Election Day Support. 11 people)	\$ 0.00	\$ 5,000.00	\$ 55,000.00										
<p><b>VENDOR: VS000038315</b>  <b>PO: 265 21DOMINION129361C-MH</b>  <b>RC: 032921-3940 (Lines 1)</b>  <b>FL: 100-265-2634-1160 (Line 1)</b>  <b>NO CONTRACT</b></p> <p><b>APPROVAL TO PAY</b> <i>Brend McCloud</i></p>																
<b>REMIT TO:</b> Dominion Voting Systems, Inc. P.O. Box 538214 Atlanta, GA 30353-8214			<b>COURIER ADDRESS:</b> Dominion Voting Systems, Inc. Lockbox #538214 1669 Phoenix Parkway, Suite 210 College Park, GA 30349		<table border="1"> <tr> <td>Subtotal</td> <td>\$ 407,000.00</td> </tr> <tr> <td>Tax</td> <td>\$ 0.00</td> </tr> <tr> <td>Freight</td> <td>\$ 0.00</td> </tr> <tr> <td>Trade Discount</td> <td>\$ 0.00</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$ 407,000.00</b></td> </tr> </table>		Subtotal	\$ 407,000.00	Tax	\$ 0.00	Freight	\$ 0.00	Trade Discount	\$ 0.00	<b>Total</b>	<b>\$ 407,000.00</b>
Subtotal	\$ 407,000.00															
Tax	\$ 0.00															
Freight	\$ 0.00															
Trade Discount	\$ 0.00															
<b>Total</b>	<b>\$ 407,000.00</b>															

Comments:  
SF0013226

No other large county paid Dominion to perform their L&A testing. It is also important to note that there is no record of the statutorily required L&A testing for the voting machines and tabulators used for advance voting, which began on October 12, 2020. Not in public or even

behind closed doors. Also, the \$2,000,000.00 will be important to remember for the Respondent's and Ms. McGowan's forthcoming response.

But the Elections Group's involvement in Fulton County's elections did not stop with programming the voting machines and L&A testing. They were involved with voter signature verification:

**From:** [Barron, Richard L.](#)  
**To:** [Omar Sheikh](#)  
**Cc:** [Jones, Ralph](#); [Ryan Macias](#)  
**Subject:** Re: Signature Verification Status Update 12/23/20  
**Date:** Wednesday, December 23, 2020 5:19:14 PM

---

Thanks

Sent from my iPhone

On Dec 23, 2020, at 5:15 PM, Omar Sheikh <[omar@electionsgroup.com](mailto:omar@electionsgroup.com)> wrote:

Rick and Ralph,

Attached is the Signature Verification Spreadsheet. The second tab is the high-level summary of how many are in each status, as well as how many were processed today (note that the first two columns were pulled off the spreadsheet Ralph provided earlier in the day, so it may be a little behind).

The first tab lists all ballot packages that were checked out for signature verification and are just an electronic copy of Monique and Keisha's logs. They are listed by date and batch number. Each batch is then broken down by how many have been resolved as "Accepted" and "Removed" (i.e., for further research).

There were no batches left incomplete.

[Signature Verification Status Update 12/23/20](#)

**Omar Sheikh** | Consultant

And it seems that one of the Elections Group staff (Geetha L) was given a Fulton County email address and access to the signature verification server:

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

Fwd: Help!

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

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

Copying them both on the ticket

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

Sent from my iPhone

Begin forwarded message:

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

Even “potential vote adjustment” suggestions to the current Elections Director, Nadine Williams:

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

---

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

Thanks again for everything.

Mike Prendergast  
[REDACTED]

This is a very serious situation. Unauthorized individuals were surreptitiously involved in the facilitation of Fulton County’s elections, accessing the county’s electronic voting systems, tabulators, voter registration PII data behind closed doors- before, during and after the 2020 General Election, and there were no agreements, contracts, and the Board was not even informed. Nor was the public. In fact, their involvement was concealed.





## EXHIBIT FR-1

### SEB 2021-181: A RECAP OF MISSING BALLOTS

In SEB 2021-181. Mr. Joseph Rossi presented evidence – confirmed by the Governor’s staff – that the “Hand Recount” was intentionally changed with false entries to make it appear that the Hand Recount had found the exact same number of mail-in ballots as had been counted in the original count after Election Day 2020. That was certainly a lie, as affirmed by Dr. Philip B. Stark of the University of California at Berkeley in his Declaration in the *Curling* litigation is available online at [Philip Stark CGG 9 | Download Free PDF | Government \(scribd.com\)](#).<sup>19</sup>

Mr. Chairman, you specifically asked the following during the May 7<sup>th</sup> SEB meeting (SEB Transcript at 38):

**Chairman:** (5:30:57)

Let me ask you a question. There were 3 counts on this, right? You had the original election night, you had a hand recount, then you had a machine count all kept with substantially the same numbers, within a thousand or 2 votes, whatever, correct?

**Investigator #2:**

Correct.

The answer you were given, Mr. Chairman, was *not* correct. The total number of ballots counted for the November 3<sup>rd</sup> count was 528,777. The official hand count results, after removing the 6,695 false votes/ballots is 521,340 (when the bank makes an error, they don’t continue to use the wrong numbers, nor does anyone else in any other facet of life). The Governor’s office confirmed the errors- and in fact found additional errors over and above those presented by the Complainants. Remember, those errors were just from the absentee ballots of one county.

While one is free to ponder the statistical likelihood that 35 of the 36 errors just so happened to randomly benefit one candidate (35:1 are the house odds of Roulette<sup>20</sup>), the facts, however, are not open for debate. The records, ballot images and the 36 errors are both verifiable and indisputable. False ballots and votes totaling over half of the margin of victory were found in the absentee ballots of one county alone.

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<sup>19</sup> Dr. Stark is a “statistics professor widely recognized as the inventor of risk-limiting audits,” See T. Pratts, “Why Georgia’s Unscientific Recount Horrified Experts,” THE NATION (Nov. 20, 2020). His 32 page Declaration is replete with indictments of the Fulton County “audit” and the Secretary of State. For example, in noting that the number of “audit” batch reports did not match the number of lines in the audit report, he notes, “This sort of ‘sanity check’ is simple to perform, but apparently was not performed by the auditors, [Fulton] County, or the Secretary of State.”

<sup>20</sup> [Guide to Roulette Odds 2024 - Best Roulette Payouts Explained \(techopedia.com\)](#)

Georgia statute required that a Risk Limiting Audit (“RLA”) be performed on one race for the 2020 General Election. The Secretary of State (“SOS”) chose the Presidential contest, but purportedly due to the narrow margin of victory, the SOS thought it made sense to perform a full hand count of all ballots. Because a hand-count and an RLA are different, the circumstances are confusing and the two are being conflated- it’s important to define the two.

A Risk Limiting Audit (“RLA”) is a type of random sampling audit in which a random sampling of ballots are selected, the votes are counted and the results are extrapolated to represent the whole. The premise behind an RLA is that it can be mathematically calculated based on the margin and number of ballots cast- how many ballots must be sampled to *limit the risk* (to an acceptable percentage- e.g. 95%) that the wrong candidate takes office.

But a full hand-count/audit was performed instead of an RLA. A hand-count/audit is a count of all ballots by hand- to verify, or *audit* the machine counted results.

As established by SEB2021-181, the hand-count/audit was riddled with errors- for the absentee ballots of just one county. The Fulton County Elections Director, General Counsel for the SOS, and the Attorney General have each made the assertion that Fulton County’s hand-count/audit errors were “not determinative”; however, if we were to take Fulton County’s same error rate, ratio and distribution of false votes added to the results (35:1 Biden to Trump) and extrapolate for the absentee ballots of the remaining 158 counties, then determinative it certainly is. Same principle and mathematical basis as a random sampling audit).

Said another way, the following is from the declaration of election expert and Professor, Duncan Buell as filed in the Curling v. Raffensperger case. In the following excerpt he describes the difference between counts:

***“Vote counting errors of this magnitude (more than 2-1/2%) are unacceptable for any voting system or election tabulation process. I have not examined or heard of an election in the United States with errors of this type or this magnitude.”***

The man specifically says he ***has not examined or even heard of*** errors of this type or magnitude in the United States. He also states:

***“Given the level of tabulation discrepancies in Fulton’s November 2020 election, the hand count audit must be considered a failure, and a failure that should have immediately triggered a serious analysis and mitigation of voting system deficiencies to ensure that future elections permit voters to cast an accountable vote.”***

How about from the very inventor of the Risk Limiting Audit, Berkley Professor Dr. Philip Stark:

***Fulton County’s chaotic, unaccountable curation and processing of cast ballots, cast BMD printout, and electronic records make a true risk-limiting audit impossible. It is unreasonable for voters to trust that their votes were counted at all, much less counted***

*correctly. Voters have good reason to believe that some votes counted more than others: some votes were included twice or thrice in the totals. There is no way to know how many votes were omitted from the tabulation, absent access to the physical ballots and BMD printout and evidence that the chain of custody is intact. From the records produced so far, it is impossible to determine whether malware, bugs, misconfiguration, or malfeasance disenfranchised voters or altered the election results.*

Ms. McGowan, who is the general counsel for the SOS and intimately knows the deficiencies included in SEB2021-181, **knowingly** and **materially** misrepresented the facts:

**Chairman:** (5:33:11)

But the hand recount had substantially similar results to the original election and the uh, machine count?

**Charlene McGowan:**

Correct.

Board member Ghazal also materially misrepresented the facts:

**Sara Tindall Ghazal:**

Excuse, Excuse me. This has been adjudicated and the numbers are entirely different that were, that were found by our investigators 2 years ago. I cannot let those numbers stand on the record because they are incorrect and our investigators found numbers and it was in the hundreds not in the thousands.

**Mr. Joesph Rossi:** (5:39:59)

This is not meant to be a back and forth but, when Dr. Johnson asked the investigators when they did their investigation, told me, tell me the totality of the errors, you can go back and look at the transcript. Investigator Zagorin said, and you can almost quote me, We did not go into that for this investigation. Look at the transcript please.

***It was thousands.*** Six-thousand six-hundred and ninety-five (6,695) falsely added ballots and votes. And as far as the (former) investigator, Mr. Zagorin, the transcript of his testimony for the March 16, 2022, SEB meeting referenced by Mr. Rossi is very clear:

**DR. JOHNSTON:**

So, I have a question. How much off were these numbers when you looked at all of this again?

**MR. ZAGORIN:**

I just looked at these that were sent in in the complaint. Like I said, a few times, I would find others that I would stumble across it. But I didn't pull those into this. But I didn't go back through to take out the ones that were in there twice and try to figure out exactly what the number was. But I could tell what the issue was. I could that, like I said, 97 wasn't in there twice; it was 97 and 47. Then the ones that were in there twice, I didn't sit there and write out the --the specific number. I didn't go that far with this.

Very clear, indeed. The investigator says, *“I didn't sit there and write out the—specific number. I didn't go that far with this.”* He didn't *“...write out the specific number”* and didn't *“...try to figure out exactly what the number was”*.

And Ghazal said, *“I cannot let those numbers stand on the record because they are incorrect and our investigators found numbers and it was in the hundreds not in the thousands.”*

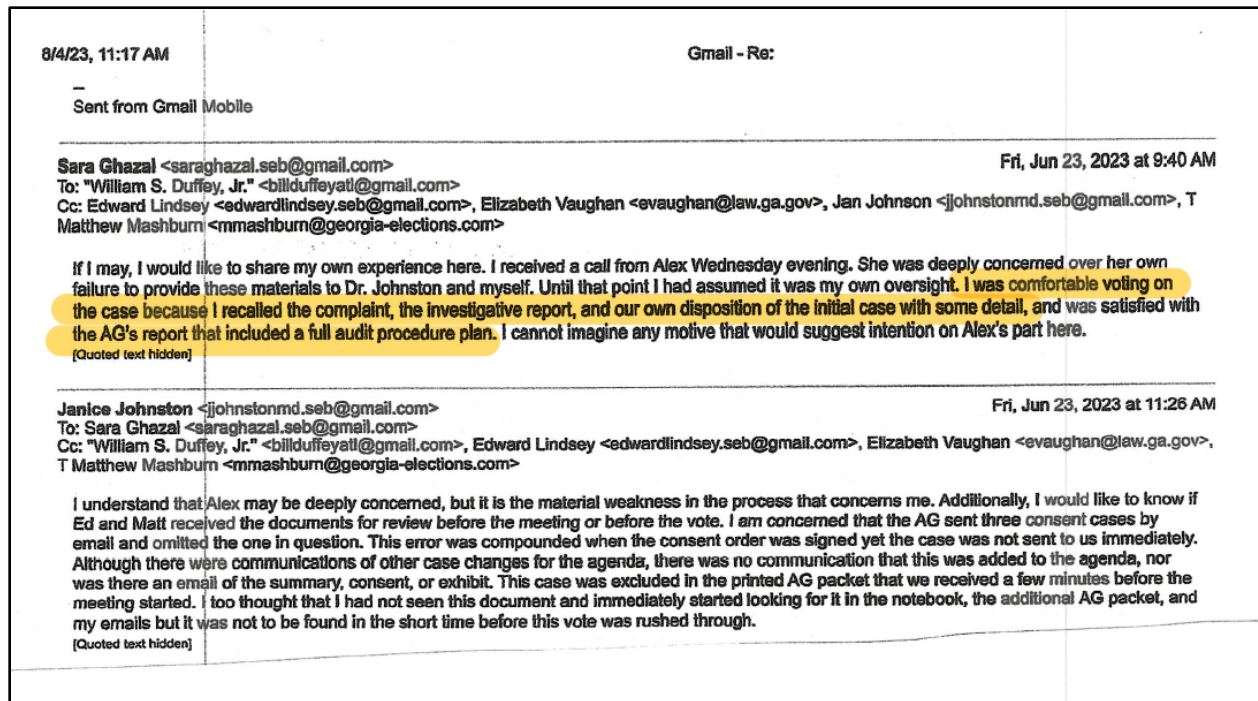
Ms. Ghazal's assertions were false. She continues:

**Sara Tindall Ghazal:** (5:40:20)

There is a concept called *res judicata*, which is the civil equivalent of double jeopardy, we have already heard this. It has been done, it is finished, this is not the case at hand. The, the audit which is never intended to have an equal total, the audit is intended to identify the candidate who won and whether or not the total is accurately identified. That I want to make sure we're doing the right thing that we're actually talking in this in the correct language here. And that the record reflects accuracy and truth.

**Let the record show the truth is that Mr. Rossi was accurate.** It **was** thousands. He was also right that Mr. Zagorin admitted that he had never calculated the numbers. Furthermore, the case 2021-181 was not being argued, but simply being referenced -likely because the hand count was repeatedly and disingenuously being used to falsely substantiate the accuracy of the results.

As far as “*res judicata*”, SEB2021-181 was resolved with the explicit confirmation of all 36 inconsistencies, which the record shows Ms. Ghazal never challenged nor contested during the pendency of the case. In fact, Ms. Ghazal, a licensed attorney (at the time of this writing), in her official capacity as a state election official and public trustee on behalf of the people of Georgia, did vote to adopt a consent agreement to resolve 2021-181- **without ever seeing or reading the document**. Let me repeat - Sarah Ghazal voted to adopt a consent agreement to resolve SEB2021-181 **WITHOUT READING IT**:



Ghazal writes, “I was comfortable voting on the case because I recalled the complaint, the investigative report, and our own disposition of the initial case with some detail and was satisfied with the AG’s report that included a full audit procedure plan.”

She recalled the defective and incomplete investigative report that “*didn’t go that far*” so well that she essentially called Mr. Joe Rossi and the Governor of Georgia liars during the May 7<sup>th</sup>, 2024, SEB meeting- that the 36 errors only affected hundreds of false ballots and votes- not thousands. Ms. Ghazal was attempting to change what was already decided, done, and finished. Complainants would otherwise hasten to remind Ms. Ghazal that the legal concept she disingenuously raised applies to her assertions- that the hand count errors only affected hundreds- not thousands of votes/ballots; however, **res judicata only applies to a matter decided on the merits by a court of competent jurisdiction.**

And the AG’s “full audit procedure plan” which provided Ms. Ghazal with the confidence to blindly adopt the agreement Is exactly the same audit procedure plan that was used in 2020. The “Board Stipulated” consent agreement (hereinafter “BS Agreement”) essentially says that Fulton County agrees that they did nothing wrong- and won’t ever do it again. An “audit plan” that admittedly allows for someone to repeat what was done in 2020- simply input (inject) false votes into the audit – UNCHECKED. This is not theory nor supposition, the BS agreement includes the following under the section titled “**FINDINGS OF FACT**”:

“Respondent acknowledges that there is evidence of a prima facie case supporting the following assertions and enters into this negotiated Consent Order to resolve the issues that arose related to the 2020 General Election in Fulton County, Georgia.”

“The complainant alleged that there were 36 inconsistencies discovered in the batch tally sheets for the risk-limiting audit conducted following the 2020 General Election, which were included in the data uploaded to the Secretary of State’s website.”

**“The results of the investigation showed that Fulton County elections staff misidentified and duplicated audit batch sheet data when entering the data into the Arlo software used by the Secretary of State’s office to manage the risk-limiting audit.”**

“The investigators further concluded that **the reported inconsistencies were the result of human error in entering the data**, which were not discovered in time to make corrections due to time limitations in completing the risk-limiting audit and the sheer amount of ballots, and not due to intentional misconduct by Fulton County elections staff.”

The BS agreement has done nothing but protect and preserve Fulton County’s ability to input random errors as necessary.

“The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondent **cease and desist from further violations of the Election Code.**”

This is why the Rules of Professional Conduct exist- to prevent attorneys from not reading documents, ratifying those same documents on behalf of the people of Georgia, and pretending that they don’t know what those documents say. Those rules are supposed to prevent the deceit, intellectual dishonesty, gaslighting, and willful misconduct shamelessly on display. Such conduct has no place in the legal profession, especially with regard to the facilitation and oversight of our elections. But when the very members of the State Election Board who are attorneys cross the more-defined and brighter lines drawn for entrusted public officials who must avoid even the appearance of impropriety, it severely and genuinely erodes the public’s trust in our elections- and **must not be tolerated.**

*Rule 8.4 - Misconduct, Ga. R. Prof. Cond. 8.4 (“[6] Persons holding public office assume responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.”)*

For Sarah Ghazal- who failed to investigate the complaint, failed to read the consent agreement before blindly and willingly voting to adopt it, who falsely represented the findings of the investigator, and then had the audacity to publicly impugn the unimpeachable integrity of Mr. Joseph Rossi - has crossed the line for this Complainant. As a member of the SEB- Ghazal implicitly represents the Board, and her defamatory statements are actionable in tort. It would be

wise for Ms. Ghazal to do what the Rules of Professional Conduct require- correct the record immediately. Then resign.

As to the Board’s liability, failure to correct the record is nothing short of gross negligence. Prohibiting the Complainants from speaking denies their right to be heard and furthers the injury, but also implicitly and publicly endorses the “disinformation” by Ms. Ghazal *and* Ms. McGowan.

The Hand Count was not the manual process one would expect. Instead, the SOS required counties to use a centrally managed software application called ARLO to aggregate the results. Each batch of ballots is sorted by votes for each candidate, and then the number of ballots for each candidate are counted and the sum is recorded on a “batch tally sheet” as shown below:

**Absentee Scanner 2 Batch 22**

**Audit Board Batch Sheet**

County Fulton

Batch Name Sc #2 (22)

Batch Type:  Absentee    Advance    Election Day    Provisional    Other

Was the container sealed when received by the audit board?  Yes

Candidates	Enter Stack Totals
Donald J. Trump	
Joseph R. Biden	200
Jo Jorgensen	
Overvote	
Blank/Undervote	

As the Governor’s office found on Line 19153 of the Hand Recount summary, Absentee Scanner 2 scanned on Batch 22 of the presidential recount the following:

Candidate	Biden	Trump	Jorgensen	Other
<b>Vote Total in Batch</b>	85	12	2	1

A person or persons – there has been no investigation of who – changed that batch tally sheet in the Hand Recount to record 0<sup>21</sup> votes for Trump and 200 for Biden:

<sup>21</sup> “Zero” is defined as a number with a value of none. <https://sciencenotes.org/number-zero-definition-and-facts/>.

Candidate	Biden	Trump	Jorgensen	Other
<b>Vote Total in Batch</b>	200	0	0	0

The same persons or persons<sup>22</sup> changed a total of 78 batch totals and added 6,695 “votes” to the Hand Recount – votes that were not supported by the images counted in that recount – to ensure that the Hand Recount came up with the number reported on Election Night. Of the 6,695 votes “added,” a total of 1,035 were added to the Trump count and 5,618 votes were added to the Biden count, for a net to Biden of 4,583 votes.

These errors were documented by Mr. Rossi. The same was then recreated and verified by the Governor’s office, which produced a report chronicling each instance in which the official batch results did not accurately represent the corresponding batch tally sheets and/or ballots. The Governor sent the report of his staff to the Board on November 17, 2021, with a request that the Board review and correct the record:

“The 36 inconsistencies noted by Mr. Rossi are factual in nature, pose no underlying theories outside of the reported data, and could not be explained by my office after a thorough review detailed below. The purpose of this letter is to convey these inconsistencies to the Board and request them to be explained or corrected.” Letter from Governor Brian P. Kemp to Georgia State Election Board 1 (Nov. 17, 2021).

Governor Kemp reminded the Board of its duties:

“As you know, I chaired this Board for nine years. During that time, we tackled many tough issues .... It is the responsibility of this Board to safeguard the confidence I and all my fellow Georgians must have in our elections. This is one issue where I believe this Board must act swiftly, and I urge you to do so in this case.” *Id.* at 2.

The Governor further proposed that the Board consider the following actions:

- “1. Direct investigators to review Mr. Rossi's findings, just as my office has, and order corrective action as needed to address any verified errors.
2. Determine whether any changes should be made to the RLA Report. If so, the Board should determine whether such changes adversely impact the integrity of the RLA Report as originally reported.
3. Review the audit methodology used in counties across Georgia and create a prescriptive and uniform set of rules that ensure one process is followed by all counties that result in a clear presentation of data.” *Id.*

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<sup>22</sup> The responsible “person or persons” may have been the SOS office, since the final entries in the Hand Recount were loaded using the ARLO system controlled by the SOS. Since there has never been an independent investigation of SEB 2021-181 by disinterested observers, there is no way to know.



The Board did not take any of these steps or consider doing so. Instead, the Board referred the matter to the Attorney General for investigation and action. Rather than investigate this matter further the Attorney General reverted with a “consent agreement” requiring Fulton County to count correctly in the future. This milquetoast resolution was recommended to the Board despite the serious implications of the research that had been confirmed by the Governor, academics, the Secretary of State’s own staff, the Atlanta Journal-Constitution<sup>23</sup>, and apparently admitted to by Fulton County.

Neither the Complainant in that case nor the public was allowed to review the results of the investigation (evidence suggests there was no further investigation) or rebut the conclusions or the “consent decree” at an open hearing. Chairman Bill Duffey swept the entire matter under the rug, asking for approval of the consent decree by the Board without even showing the Board a copy of what they were approving, as we now know from open records requests.<sup>24</sup>

All parties are aware that the SEB 2021-181 showed that 6,695 ballots identified as being “present and accounted for” in the Hand Recount were simply not there. A still unidentified person modified batch tally sheets to include votes that were not present in the batches or supported by ballots.

And got away with it.

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<sup>23</sup> M. Niese, Georgia Investigation Finds Errors in Fulton Audit,” Atlanta J.-Const. (July 17, 2023) <https://www.ajc.com/politics/georgia-investigation-finds-errors-in-fulton-audit-of-2020-election/BZ7D5JXOMRBPZIU4PNVYIHQZR4/>

<sup>24</sup> The new members of the Board may be interested in this appalling lack of interest in serious discrepancies in Fulton County by the investigators, the Fulton County elections Director and the Board of Registration and Elections, and the Secretary of State.

**EXHIBIT FR-2**

**BLR1 TO BLR2**

**[SEE NEXT PAGE]**

Factual Response  
Exhibit FR-2

BUR 3				# of Voter Status	BALLOT IMAGE DATA			
Tab. #	Ballot #	Tabulator Name	Received/Published Date & Time		Total Ballots	1st Ballot Image File Name	1st Ballot Image Scan Time	1st Ballot Image File Name
799	129	Early Voting-CC 1	11/2/2020 11:51:23 PM	1				
799	129	Early Voting-CC 1	11/2/2020 11:51:23 PM	151				
799	129	Early Voting-CC 1	11/2/2020 11:51:24 PM	129				
799	129	Early Voting-CC 1	11/2/2020 11:51:23 PM	129				
799	129	Early Voting-CC 1	11/2/2020 11:51:24 PM	147				
799	129	Early Voting-CC 1	11/2/2020 11:51:23 PM	92				
799	129	Early Voting-CC 1	11/2/2020 11:51:23 PM	132				
799	129	Early Voting-CC 1	11/2/2020 11:51:23 PM	143				
799	129	Early Voting-CC 1	11/2/2020 11:51:24 PM	143				
799	129	Early Voting-CC 1	11/2/2020 11:51:24 PM	179				
799		Early Voting-CC 1		1299				
800	113	Early Voting-CC 2	11/2/2020 11:40:29 AM	93	01			
800	114	Early Voting-CC 2	11/2/2020 11:40:29 AM	135	135			
800	115	Early Voting-CC 2	11/2/2020 11:40:29 AM	304	304			
800	116	Early Voting-CC 2	11/2/2020 11:40:29 AM	326	326			
800	117	Early Voting-CC 2	11/2/2020 11:40:29 AM	26	26			
800	118	Early Voting-CC 2	11/2/2020 11:40:30 AM	149	149			
800	119	Early Voting-CC 2	11/2/2020 11:40:29 AM	5	5			
800		Early Voting-CC 2		673	673			
800	80	Early Voting-CC 3	11/2/2020 11:51:03 PM	80	80			
800	82	Early Voting-CC 3	11/2/2020 11:51:03 PM	200	200			
800	83	Early Voting-CC 3	11/2/2020 11:51:03 PM	769	769			
800	84	Early Voting-CC 3	11/2/2020 11:51:03 PM	408	408			
800	85	Early Voting-CC 3	11/2/2020 11:51:03 PM	208	208			
800	86	Early Voting-CC 3	11/2/2020 11:40:09 AM	274	274			
800		Early Voting-CC 3		1604	1604			
800	81	Early Voting-CC 4	11/2/2020 11:44:39 AM	316	316			
800	82	Early Voting-CC 4	11/2/2020 11:44:39 AM	243	243			
800	83	Early Voting-CC 4	11/2/2020 11:44:39 AM	205	205			
800	84	Early Voting-CC 4	11/2/2020 11:44:39 AM	233	233			
800	85	Early Voting-CC 4	11/2/2020 11:44:39 AM	294	294			
800	86	Early Voting-CC 4	11/2/2020 11:44:39 AM	234	234			
800	87	Early Voting-CC 4	11/2/2020 11:44:39 AM	205	205			
800	88	Early Voting-CC 4	11/2/2020 11:44:39 AM	308	308			
800		Early Voting-CC 4		1604	1604			
800	23	Early Voting-CC 5	11/2/2020 11:51:39 PM	269	269			
800	24	Early Voting-CC 5	11/2/2020 11:51:39 PM	59	59			
800	25	Early Voting-CC 5	11/2/2020 11:51:39 PM	105	105			
800		Early Voting-CC 5		268	268			
800	86	Early Voting-CC 6	11/2/2020 11:51:57 PM	276	276			
800	86	Early Voting-CC 6	11/2/2020 11:51:58 PM	80	80			
800	87	Early Voting-CC 6	11/2/2020 11:51:57 PM	273	273			
800	88	Early Voting-CC 6	11/2/2020 11:51:57 PM	150	150			
800		Early Voting-CC 6		674	674			
800	128	Early Voting-CC 7	11/2/2020 11:51:07 PM	275	275			
800	129	Early Voting-CC 7	11/2/2020 11:51:08 PM	93	93			
800	129	Early Voting-CC 7	11/2/2020 11:51:08 PM	149	149			
800		Early Voting-CC 7		497	497			
800	1	Early Voting-CC 25	11/2/2020 11:14:09 PM	237				
800	2	Early Voting-CC 25	11/2/2020 11:14:09 PM	136				
800	3	Early Voting-CC 25	11/2/2020 11:14:07 PM	180				
800	4	Early Voting-CC 25	11/2/2020 11:14:07 PM	157				
800	5	Early Voting-CC 25	11/2/2020 11:14:07 PM	140				
800	6	Early Voting-CC 25	11/2/2020 11:14:09 PM	140				
800	7	Early Voting-CC 25	11/2/2020 11:14:03 PM	150				
800	8	Early Voting-CC 25	11/2/2020 11:14:02 PM	3				
800	9	Early Voting-CC 25	11/2/2020 11:14:04 PM	173				
800	10	Early Voting-CC 25	11/2/2020 11:14:29 PM	273				
800	11	Early Voting-CC 25	11/2/2020 11:14:32 PM	147				
800	12	Early Voting-CC 25	11/2/2020 11:14:30 PM	286				
800	13	Early Voting-CC 25	11/2/2020 11:14:30 PM	306				
800	14	Early Voting-CC 25	11/2/2020 11:14:32 PM	257				
800	15	Early Voting-CC 25	11/2/2020 11:14:29 PM	146				
800	16	Early Voting-CC 25	11/2/2020 11:14:29 PM	306				
800	17	Early Voting-CC 25	11/2/2020 11:14:29 PM	325				
800	18	Early Voting-CC 25	11/2/2020 11:14:29 PM	306				
800	19	Early Voting-CC 25	11/2/2020 11:14:29 PM	306				
800	20	Early Voting-CC 25	11/2/2020 11:14:29 PM	202				
800	21	Early Voting-CC 25	11/2/2020 11:14:29 PM	140				
800	22	Early Voting-CC 25	11/2/2020 11:14:30 PM	306				
800	23	Early Voting-CC 25	11/2/2020 11:14:30 PM	293				
800	24	Early Voting-CC 25	11/2/2020 11:14:30 PM	276				
800	25	Early Voting-CC 25	11/2/2020 11:14:48 PM	149				
800	26	Early Voting-CC 25	11/2/2020 11:14:59 PM	173				
800	27	Early Voting-CC 25	11/2/2020 11:14:30 PM	179				
800	28	Early Voting-CC 25	11/2/2020 11:14:34 PM	295				
800	29	Early Voting-CC 25	11/2/2020 11:14:34 PM	303				
800	30	Early Voting-CC 25	11/2/2020 11:14:44 PM	203				
800	31	Early Voting-CC 25	11/2/2020 11:14:45 PM	223				
800		Early Voting-CC 25		6637	0			
TOTAL EARLY VOTING BALLOTS ADDED AFTER BUR 3				13877	674			

**EXHIBIT FR-3**  
**TABULATOR 816**  
**[SEE NEXT PAGE]**

