

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

**MICHAEL J. DAUGHERTY,
CONTESTANT,**

v.

CIVIL ACTION NO.: 2021CV344953

**FULTON COUNTY REGISTRATION
AND ELECTION BOARD,
DEKALB COUNTY REGISTRATION
AND ELECTION BOARD, COFFEE
COUNTY BOARD OF REGISTRATION
AND ELECTIONS, GEORGIA STATE
ELECTION BOARD, BRAD RAFFENSPERGER,
IN HIS OFFICIAL CAPACITY AS SECRETARY
OF STATE, RAPHAEL G.
WARNOCK, AND THOMAS
JONATHAN OSSOFF,
DEFENDANTS.**

PETITION FOR ELECTION CONTEST

COME NOW, THE CONTESTANT, by and through his attorney of record, and file this petition for election contest pursuant to Ga. Code Ann. § 21-2-520 et seq., as follows:

PRELIMINARY STATEMENT

Pursuant to Ga. Code §21-2-522, this case contests the certified results of the elections for the United States Senate that began on November 3, 2020 and continued until January 5, 2021. The Contestant, Mike Daugherty, alleges and will seek to prove that the results of these elections do not accurately reflect the intent of eligible Georgia voters. He alleges and will prove that there is sufficient evidence of the types of misconduct articulated in Ga. Code §21-2-522 that would be sufficient to “place in doubt the result”, and that, as a result, it is not possible to determine who actually won these elections. Mr. Daugherty therefore contests the certifications of Jon Ossoff and Raphael Warnock as the winners of the election for Georgia’s U.S. Senate seats, and that a new election conducted on paper ballots is required under Ga. Code §21-2-334.

THE PARTIES

1.

The Contestant avers that Michael J. Daugherty is a resident of Fulton County, Georgia and was an elector who was entitled to vote, and who voted in the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021.

2.

The Contestant avers that Defendant Fulton County Registration and Elections Board is the legal entity that conducted the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and may be served at: 130 Peachtree Street, Suite 2186, Atlanta, GA 30303.

3.

The Contestant avers that the Defendant DeKalb Registration and Elections Board is the legal entity that conducted the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and may be served at: 4380 Memorial Drive, #300, Decatur, GA 30032.

4.

The Contestant avers that the Defendant Coffee Registration and Elections Board is the legal entity that conducted the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and may be served at: 224 W. Ashley Street, Douglas, GA 31533-2340.

5.

The Contestant avers that the Defendant Brad Raffensperger, in his official capacity as Georgia Secretary of State and the Georgia State Elections Board are legal entities that conducted the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and may be served at: 214 State Capitol, Atlanta, GA 30334.

6.

The Contestant avers that Defendant Thomas Jonathan Ossoff was a candidate in the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and he may be served at: 825 B & C Hart Office Building, Washington, D.C., 20510.

7.

The Contestant avers that Defendant Raphael G. Warnock was a candidate in the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and he may be served at: B40D Dirksen Senate Building, Washington, D.C., 20510.

JURISDICTION AND VENUE

8.

The Contestant avers that jurisdiction is proper in this Court.

9.

The Contestant avers that venue is proper before this Court.

STATUTORY REQUIREMENTS

10.

The Contestant avers that he was entitled to vote for or against David Perdue, Thomas Jonathan Ossoff, Kelly Loeffler, and Raphael G. Warnock in the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021.

11.

The Contestant avers that he desires to contest the result of the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 and Thomas Jonathan Ossoff's eligibility to run in the January 05, 2021 election.

12.

The Contestant avers that Thomas Jonathan Ossoff, David Perdue, Kelly Loeffler, and Raphael G. Warnock were the candidates in the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 that he desires to contest.

13.

The Contestant avers that the results of the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 were certified on January 19, 2021.

14.

The Contestant avers that the Respondent Fulton County Board of Registration and Elections, the Respondent Dekalb County Board of Registration and Elections were the election superintendents who conducted the Georgia senatorial elections that began on November 3, 2020 and continued through January 5, 2021 within their respective jurisdictions.

15.

The Contestant avers that the Respondents, jointly and severally, have violated the Georgia Election Code.

16.

The Contestant avers that the Respondents, jointly and severally, have violated State Election Board Rules and Regulations.

17.

The Contestant avers that the Contested Election has been timely and appropriately contested per Ga. Code Ann. § 21-2-522 et seq.

18.

The Contestant avers and incorporates by reference as if state verbatim herein Exhibits 1-

Count 1

Georgia Code §21-2-522(1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;

As reflected in Count 1, prior to the November 3, 2020 general election and through the January 5, 2021 continuation and thereafter, all Defendants had knowledge or notice of facts reflecting irregularities giving notice of a potential violation of the following Georgia statutes which governed requirements to support a valid election:

- a. Ga. Code §21-2-300(2) required the Georgia Secretary of State to certify that the voting machines to be used, and which were used in the November 3, 2020 election and the January 5, 2021 continuation were, safe and practicable for use. The Secretary of State's certification failed to reflect that the machines were not safe and were not practicable for use, and thus no certification required by statute should have been provided and the certification that was provided was inaccurate.
- b. Ga. Code §21-2-322(16) requires that the voting machines to be used, and which were used in the November 3, 2020 election and the January 5, 2021 continuation, must have registered or recorded correctly and accurately every vote that was cast. The voting machines used in the November 3, 2020 election and the January 5, 2021 continuation failed to register or record correctly and accurately every vote that was cast.

- c. Ga. Code §21-2-367(d) required the voting machines used in the November 3, 2020 election and the January 5, 2021 continuation to be in good working order. The voting machines used in the November 3, 2020 election and the January 5, 2021 continuation were not in good working order, as proven in the video of the Fulton County Board of Registration and Elections meeting on 01/19/2021. [ADD LINK](#)
 - d. Ga. Code §21-2-324(b) requires the voting machines to be examined and certified by the Secretary of State that they can be safely and accurately used by electors at primaries and elections as provided by law. The voting machines used in the November 3, 2020 election and the January 5, 2021 continuation were not able to be safely and accurately used by electors as provided by law.
2. Defendants had notice of significant misconduct and other legal irregularities committed by election officials during the preliminary round of the election for two United States Senators conducted during the June, 2020 primary and thereafter through the November 3, 2020 general election. Defendants neither investigated nor prevented violations of the Georgia Elections Code that occurred during the continued election conducted on January 5, 2021, specifically:
 - a. That some county election officials reported to the Secretary of State that the results were “patently inaccurate” and that, after repeated attempts, they were unable to reconcile reported anomalies in the vote counts found during the election efforts;
 - b. That the Secretary of State “demand[ed] certification” of these “patently inaccurate results” from county officials, notwithstanding notice that there were “anomalies” that could not be reconciled; and
 - c. That, as a result, the numbers certified in the November 3 general election recount “lack credibility” and therefore “place in doubt the result[ing]” vote totals certified for that portion of the senate elections. [Incorporating by reference Exhibit 10] that “[n]o local election board has the ability to reconcile the anomalies in the attached”. (Exhibit 1).

3. Defendants conducted the June primary and senatorial elections on November 3, 2020 and January 5, 2021 on electronic voting equipment whose use they knew, had notice or should have known, had been rejected or questioned by other states and experts for reasons of security and verifiability, and did not assure that such issues had been satisfactorily resolved in Georgia, specifically:
 - a. The State of Texas rejected for security reasons a Dominion Democracy Suite system similar to that which was used in Georgia. (Exhibit 2); and that evidence will show security breaches during the November and January Senate elections was sufficient “sufficient to ... place in doubt the result;”
 - b. The Dominion Democracy Suite 5.5 system used in Georgia accumulates votes that are unverifiable to the voter because they are hidden in a QR code that is unreadable by a voter (Exhibit 3) and that the State of Colorado banned the use of the similar Dominion Democracy Ballot Marking Device (BMD) used in Georgia because of disqualifying verifiability and security concerns. (Exhibit 3).
4. The creator of the Risk Limiting audit procedure used in Georgia for the Dominion voting machines has written to Georgia officials explaining that widespread use of BMD’s in Georgia with the Dominion voting machines undermines election integrity and that the audit procedure cannot be used to meaningfully audit BMD systems. (Exhibit 4). Defendants participated in or ratified actions that violate Georgia election law, specifically:
 - a. Both Fulton County and DeKalb County election officials entered results of the hand count directly into an ARLO system maintained by the SOS during the hand count audits conducted on November 13th, 14th and 15th 2020 without maintaining, as required, a separate set of hand count audit totals for the hand count audits conducted on November 13th, 14th and 15th 2020. (Exhibit 5).
 - b. Test ballots were not properly secured as required during Fulton County ballot testing on live ballot stock for the 11/03/2020 election. (Exhibit 6).
 - c. Up to nine ballot bags were observed unsecured as required by a monitor for the recount of the 11/03/2020 election. (Exhibit 7).
 - d. Defendants failed to ensure that the ballot processing center room center at the State Farm Arena 604 Suite Level Event Space 360 had full visibility so as to be in open view of the public, as required by Ga. Code § 21-2-408; Ga. Code § 21-2-483 (b), and

that this misconduct made it impossible for an observer have a complete and unobstructed view of all aspects of ballot processing, including:

- i. Activities that occurred in the tabulating center room that occurred during the false report of a “water main break” that is alleged to have occurred or at or about 6:07 a.m. on 11/03/2020; (Exhibits 8 and 12).
- ii. The introduction into the tabulating center room at or about 8:21 a.m. on 11/03/2020 of a skirted table that obstructed observers’ view as to what was under the skirted table contrary to Ga. Code Ann. 21-2-483 (b). (Exhibits 8 and 12).
- iii. Misleading statements of fact to observers and the news media that were intended to shield the counting process from observers contrary to Ga. Code § 21-2-408; Ga. Code § 21-2-483 (b), specifically, that, at or about 9:57 p.m. on 11/03/2020 a Supervisor announced to the media and observers that ballot processing would cease for the night when the undisputed facts show that
 - a. Processing continued after observers and the media left the building. (Exhibits 8 and 12).
 - b. Four (4) ballot processors remained after the observers and Fox5 reporter departed at or about 10:56 p.m. and did, in fact, continue processing ballots after that time (Exhibits 8 and 12)
- e. Contrary to Ga. Code § 21-2-408; Ga. Code § 21-2-483 (b), Fulton County election officials knowingly processed ballots after having informed observers that counting would cease with the intent that the observers depart and not observe the following, specifically:
 - i. At or about 11:02 p.m. on 11/03/2020 one (1) ballot processor pulled a case of ballots from under the skirted table. (Exhibits 8 and 12).
 - ii. At or about 11:03 p.m. on 11/03/2020 another ballot processor pulled a second case of ballots from under the skirted table. (Exhibits 8 and 12).
 - iii. At or about 11:04 p.m. on 11/03/2020 another ballot processor pulls a third case of ballots from under the skirted table. (Exhibits 8 and 12).
 - iv. By 11:11 p.m. on 11/03/2020 the ballot processors are illegally scanning ballots onto memory cards contrary to Ga. Code Ann. 21-2-483 (b), 21-2-492

and 21-2-493, and that this illegal ballot processing continued until or about 12:51 a.m. on 11/04/2020. (Exhibits 8 and 12).

- v. Five scanners were used for the illegal ballot processing and that each DR-G2140 or comparable scanner has the capacity to scan 3,000 ballots per hour.
- vi. The total number of ballots illegally processed during this period is unknown at this time, but, on information and belief, contributed to the spike in Ossoff's and Warnock's votes reported at or about 1:34 a.m. on 11/04/2020 eroded Perdue's lead. (Exhibit 9).

5. Under Ga. Code Ann. § 21-2-70, the Defendants had a duty to investigate all credible reports of "misconduct, fraud, or irregularity by any primary or election official or officials" in order to eliminate the possibility that such "misconduct, fraud or irregularity" would be "sufficient to change or place in doubt the result. Defendants were informed, both formally and informally, of misconduct, irregularities, and potential fraud, specifically:

- a. Garland Favorito made the Fulton County Election Board aware of the suspicious vote spike irregularities during public comments for the 11/13/2020 board meeting prior to certification of the election results and during public comments for the 12/10/2020 prior to recount certification (Exhibit 10 and 11), and testified about his election fraud concerns before a Georgia House Committee on 12/10/2020 and the Georgia House Committee on 12/30/2020. (Exhibit 12 and 13).
- b. Susan Voyles testified about specific irregularities and her election fraud concerns before a Georgia Senate Committee on 12/03/2020 and the Georgia House Committee on 12/30/2020. Ms. Voyles Thorne was employed by Fulton County as a poll manager. (Exhibit 8 and 12).
- c. Bridget Thorne testified about specific irregularities and her election fraud concerns before the Georgia House Committee on Governmental Affairs on 12/03/2020. Ms. Thorne was employed by Fulton County as a poll manager and poll worker trainer.
- d. Ms. Voyles and Ms. Thorne were terminated on 12/17/2020 because they publicly expressed their concerns. (Exhibit 8, Exhibit 14, and Exhibit 15). On December 18th the Secretary of State condemned the "political firing" of Voyles and Thorne stating that it was a "retribution against whistleblowers" that "poses a threat to the continued

strength and vibrancy of our democracy”. (Exhibit 16), yet their articulated concerns have not been reconciled.

- e. The Secretary of State signed a contract for voting machines and support services with Dominion knowing that it contained a provision preventing State officials from discharging their lawful required duties and preventing voters from their lawful right to a full forensic audit, including their right to have audited the software in the machine in order to determine whether the machine “accurately and securely” tabulates ballots, among other issues. Ga. Code § 21-2-324.

COUNT 2:

GEORGIA CODE §21-2-522(3) “When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;”

1. The Contestant avers that there is sufficient, credible evidence that illegal votes have been received and that legal votes have been rejected in sufficient numbers, in combination with violation of election procedures required by law, “to ... place in doubt the result” of the Georgia senatorial elections that began on November 3, 2020 and continued through the January 5, 2021. Specifically:
 - a. The number of ballots “adjudicated” during the November 2, 2020 election was unacceptably high. The Fulton County Elections Director confirmed that elections officials adjudicated approximately 106,000 out of 113,000 ballots (93.8%). Barron Interview Link: <https://youtu.be/ksR1fivmxSg> The number of ballots adjudicated during the January 5, 2021 election is unknown. “Adjudication” is important here because an elections official determines the alleged “intent” of the voter, the number “adjudicated” ballots from November 2020 is sufficient “to place in doubt the result”:
 - i. In the absence of required poll watchers, as required by Ga. Code § 21-2-408 and Ga. Code § 21-2-483 (b), “adjudication” of ballots to determine elector intent violates the secrecy of the ballot required by Ga. Const. art. II §1, and permits the adjudicator to substitute his or her intent for that of the electors who cast the ballot.
 - ii. The Coffee County election staff produced a video shown to the Georgia House Government Affairs Committee on December 10, 2020 that shows how

election workers can and did change the votes of qualified electors using the Dominion adjudication system. (Exhibits 9).

- b. The hand count audit of the November 3, 2020 session of the senatorial election conducted in Fulton County on November 14th and 15th 2020 and in DeKalb County from November 13th through 15th 2020 did not ensure that a member of opposition political parties or candidate campaign teams was seated as an auditor at each table as required by law, Ga. Code §§21-2-408, 21-2-483, thus casting in doubt the accuracy of the audit (Exhibit 5)
 - c. Fulton County consistently refused access for monitors to be able to monitor the data upload point for the hand count tally sheets produced by the auditors during the hand count audit conducted on November 14th and 15th 2020, contrary to law, Ga. Code §§21-2-408, 21-2-483. (Exhibit 5).
 - d. DeKalb County placed the data upload entry table against a wall in a manner that data entry of the hand count tally sheets produced by the auditors could not be monitored during most of the hand count audit conducted on November 13th to 15th 2020 contrary to law, Ga. Code §§21-2-408, 21-2-483. (Exhibit 5).
 - e. Credible election observers reported multiple ballot boxes with abnormal, statistically suspect high percentages of ballots for the candidates of the Democratic Party. In one case, the observer reported three (3) boxes where more than 98% of the ballots purportedly favored the Democratic candidates. (Exhibits 17 and 18),
2. Exhibits 19, 20, 21, 22, 23, 24, 25, and 26, which are incorporated here by reference, contain credible evidence that hand count auditors observed the inclusion of an unknown, but substantial (and perhaps determinative), number of counterfeit or fabricated absentee ballots sufficient “to ... place in doubt the result” of the Georgia senatorial elections, specifically in that the suspect absentee ballots:
- a. ... were not creased and bore no indication that they had been physically processed as required by Ga. Code §21-2-386;
 - b. ... were different in the stock or paper used, casting doubt on whether they were “official ballots” produced and distributed in accordance with Ga. Code §21-2-280,
 - c. ... were identical in the candidates chosen from top to bottom of the ballot; and

- d. ... were not marked with a writing instrument, but appeared to have been marked with toner, thus casting doubt on whether they were marked by a qualified Georgia elector.
3. Exhibits 8, 12, and 9, which are incorporated by reference here, report the inclusion of potentially illegal ballots in the Fulton County tally, as follows:
 - f. Between 11:02 p.m. on 11/03/2020 and 11:04 p.m. three (3) cases of ballots were pulled from under a skirted table that had been brought into the Fulton County ballot processing center at or about 8:21 a.m. on 11/03/2020. In addition to observers being asked to leave the premises on the pretext that no more ballot counting would continue, the table skirt obstructed observers' view as to what was under the skirted table contrary to Ga. Code § 21-2-483 (b). (Exhibits 8 and 12).
 - g. Contrary to Ga. Code §21-2-483 (b), 21-2-492 and 21-2-493, these ballot processors began scanning an unknown number of questionable ballots onto memory cards, and that the scanning process continued until or about 12:51 a.m. on 11/04/2020;
 - h. Five scanners were used for this unobserved activity, and therefore illegal ballot processing effort. Since DR-G2140 or a comparable scanner has the capacity to scan 3,000 ballots per hour, or 50 ballots per minute, the number of ballots illegally included in the count would be approximately 25,000 (50 per minute x 5 machines x 100 minutes) in Fulton County alone.
 - i. The number of illegally counted ballots – and the resulting spike in votes attributed to candidates Ossoff and Warnock – resulting from this incident constitute facts “sufficient to change” the Fulton County vote tally, and “to place in doubt the result” of the November 3, 2020 senatorial election.
 6. Legal votes for qualified write-in candidates were rejected, and did not appear in the official statement of votes cast.

Count 3:

Georgia Code § 21-2-522(4): For any error in counting the votes or declaring the result of the primary or election, if such error would change the result;

1. Contestant avers that reports from county election officials indicate that Georgia's new voting system has significant problems detecting and reporting the intent of Georgia's qualified electors, and that the cumulative impact of these failures would arguably change the

result of the Georgia Senate election held between November 3, 2020 and the January 5, 2021 election, specifically:

- a. The Coffee County Election Board could not certify electronic recounts produced by Georgia's Dominion voting system for the November 3rd election, and so informed the Secretary of State, because the electronic recount produced results that did not match the original certified results and the difference was inexplicable. (Exhibit 1).
 - i. Coffee County elections officials scanned an additional 185 missing ballots into Coffee County's election results, but the Dominion electronic recount found no change in candidate votes during a second recount attempt. (Exhibit 1).
 - ii. Coffee County elections officials ran the recount a third time with the 185 additional ballots and the electronic recount still found no change in candidate votes. (Exhibit 1).
 - iii. Dominion technicians were unable to resolve the recount tabulation problem when Coffee County presented it to them. (Exhibit 1).
- b. The large numbers of votes sent for "adjudication" during the November 3, 2020 and January 5, 2021 election confirm that the system is beset by inherent problems that raise serious questions concerning the accuracy of the vote count across the state. (Exhibits 28 and 29)
- c. The Fulton County Election Board certified election results without detecting a failure of the voting system to tabulate results for at least two Fulton County precincts. (Exhibit 27).
- d. In Floyd County, the hand count audit identified approximately 2,700 votes that were not included in the results for the November 3rd election. (Exhibit 30).
 - i. Floyd County election officials determined a voting system scanner at an early voting precinct failed to put ballots on its memory card to validate, tabulate and publish. (Exhibit 30).
 - ii. Dominion technicians at Floyd County were unable to retrieve the 2,700 ballots separately and were forced to rescan all votes for the early voting precinct where the ballots were lost. (Exhibit 30).

- iii. When Floyd County officials and Dominion technicians rescanned all votes in the precinct, the voting system produced a total of over 3,000 ballots. (Exhibit 30).
 - iv. Floyd County election officials and technicians determined approximately 400 ballots were duplicated and thus had to be removed from the results. (Exhibit 30).
2. The Defendants knew, or should have known, that other states had raised questions concerning the reliability and security of the voting system, and that its performance in the 2020 elections casts sufficient doubt on the reliability of the vote tallies it reports that county officials have publicly questioned not only the credibility of the numbers, but also their own ability to reconcile the anomalies produced in an effort to audit them (Exhibit 1), specifically:
 - a. In Columbia County, the voting system and poll books were unable to operate successfully on January 5, 2021, and caused a three hour delay. (Exhibit 31).
 - b. In Columbia County the voting system and poll books were incorrectly programmed when it failed to activate on January 5, 2021. (Exhibit 31).
 - c. The Coffee, Fulton and Floyd County accuracy failures mentioned above.
3. Notwithstanding credible reports of both inaccuracies and security breaches, the defendants have failed to exercise their duty to ensure that Georgia elections are fairly conducted and that the votes tallied reflect the intent of only qualified Georgia electors.
 - a. The Secretary of State signed the contract with Dominion knowing that it contained a provision preventing State officials and voters from examining or auditing the operations, security, and integrity of the voting system in the machine in order to determine whether the machine accurately tabulates ballots. As a result, is unable to certify that the voting machines could have been “safely and accurately” Ga. Code § 21-2-324.

WHEREFORE, THE CONTESTANT prays:

- a). that process **ISSUES** and service be **EFFECTUATED**;
- b). that the Court **CONDUCTS** a trial by jury pursuant to Ga. Code Ann. § 21-2-526 on all issues triable before a jury;
- c). that the Court **DECLARES** that Defendant Thomas Jonathan Ossoff was

ineligible to be a candidate in the 01/05/2021 Georgia Senate Runoff Election against David Purdue;

- d). that the Court **DECLARES** that the results of the 01/05/2021 Runoff Election are invalid, as a matter of law;
- e). that the Court **ORDERS** that a second election be had within forty-five (45) days of the entry of this order;
- f). that the Court **ISSUES** a permanent injunction preventing the use of Dominion voting machines by the Defendants in all future elections had after the entry of this order;
- g). that the Court **ORDERS** the Defendants to allow the Contestant and his representatives immediate access to all mail-in paper ballots from the November 3, 2020 General Election for visual inspection;
- h). that the Court **ORDERS** that the Defendants allow the Contestant and his representatives to immediately scan all mail-in paper ballots from the November 3, 2020 General Election for technical inspection and validation;
- i). that the Court **ORDERS** the Defendants to produce the existing Dominion ballot images and election reports from the 11/03/2020 General Election for technical inspection and validation;
- j). that the Court **ORDERS** the Respondents to allow a physical and forensic review of all Dominion voting machines in the November 2020 general election and January 05, 2021 continuation in a manner consistent with the integrity of the equipment; **AND**
- k). for any other relief the Court **DEEMS** just and proper.

Respectfully submitted this the 24th day of January, 2021


MADDOX & HARDING, LLC

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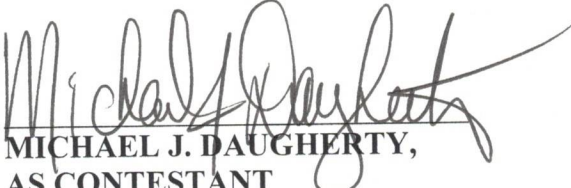
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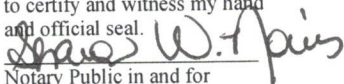
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DEFENDANTS.

VERIFICATION

COMES NOW, THE CONTESTANT, in the above style action, and personally appeared before the undersigned officer duly authorized to administer oaths, and on oath deposes and says that he believes the facts alleged therein are true, that according to the best of his knowledge and belief, the contested result of the senatorial elections that began on November 3, 2020 and concluded at the runoff election held on January 5, 2021 is illegal, and the return thereof is incorrect and the petition for election contest of the same is made in good faith.

Respectfully submitted this the 24th day of January, 2021.


MICHAEL J. DAUGHERTY,
AS CONTESTANT

SUBSCRIBED AND SWORN BEFORE ME
this the 24th day of January, 2021.
to certify and witness my hand
and official seal.

Notary Public in and for
Spalding County, Georgia.

[AFFIX NOTARIAL SEAL]
Sharon L. Noms
NOTARY PUBLIC
Spalding County, Georgia
My Commission Expires 6/24/2024

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DEFENDANTS.

CERTIFICATE OF SERVICE

COMES NOW, THE CONTESTANT, by and through his attorney of record,
and certifies that a true and accurate copy of the **VERIFIED PETITION FOR
ELECTION CONTEST** has been served by certified delivery, with Return Receipt
Requested No.: 7011 0470 0003 7074 8861 upon:

Sec. Brad Raffensperger, As Chairman of the Georgia State Elections Board
214 State Capitol
Atlanta, GA 30334

Respectfully submitted this the 24th day of January, 2021.



Todd A. Harding, For the Firm
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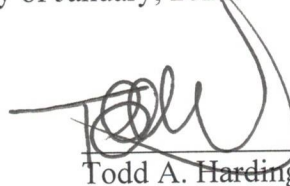
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JONATHAN OSSOFF,
DEFENDANTS.

CERTIFICATE OF SERVICE

COMES NOW, THE CONTESTANT, by and through his attorney of record,
and certifies that a true and accurate copy of the **VERIFIED PETITION FOR
ELECTION CONTEST** has been served by certified delivery, with Return Receipt
Requested No.: 7011 0470 0003 7074 9127 upon:

Christopher Carr, Attorney General
40 Capitol Square, SW
Atlanta, GA 30334

Respectfully submitted this the 24th day of January, 2021.



Todd A. Harding, For the Firm
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**COFFEE COUNTY BOARD OF
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Brad Raffensperger
2 MLK Jr. Dr. S.E. Ste. 814
Floyd W Tower
Atlanta, Ga. 30334



November 11, 2020

Dear Mr. Raffensperger,

During the election conducted on 11/3/2020 the Coffee County Board of Elections and Registration discovered deficiencies in the current Dominion election system. We are writing to ensure you are aware of these and that they may be immediately rectified.

The adjudication process allows the ICC operator to choose how adjudication occurs, i.e. ambiguous marks, over vote, under vote, blank ballots, or ALL ballots. With the setting on “all ballots” we could adjudicate and change votes on all ballots, even if the ballot was correctly and cleanly voted. We believe a statewide standard would be appropriate.

Using the old Diebold system, absentee ballots by mail that have errors would duplicate the voter’s intent on a new ballot on all races possible. A representative from the Democratic and Republican Party plus a board member, would all agree on the marking or duplicating the ballot. We, also, all 3 sign the top tab of the ballot that we attach to the void ballot so that we may recreate the process and see who was making the changes. We have proof it was agreed by all.

During the adjudication process with the Dominion system, no such trail can be created. This allows ANYONE to make a change to the vote so there

is no accountability. We also believe that the adjudication process may not be observed from any distance beyond that of the operator of the ICC. Given the computer screen it is not possible to observe the change being completed from any further distance.

In a Mockup election we were able to count ballot multiple times. It was during this mockup election we have verified and recreated the above deficiencies

Respectfully,

Ernestine Thomas-Clark

Wendell Stone

Matthew McCullough

Eric Chaney

Delivered by: Overnight and fax 404-656-0513

The State of Texas



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www.sos.state.tx.us

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David Whitley
Secretary of State

MEMORANDUM



TO: Keith Ingram, Director of Elections, Texas Secretary of State

FROM: Chuck Pinney, Staff Attorney, Elections Division, Texas Secretary of State

DATE: February 16, 2019

RE: Dominion Voting Systems – Democracy Suite 5.5 Voting System Examination

In accordance with my appointment by the Texas Secretary of State as a voting system examiner under Tex. Elec. Code §122.067, I present my report on the voting system examination which took place on January 16-17, 2019, in the offices of the Texas Secretary of State at the James E. Rudder Building, 1019 Brazos, Austin, Texas 78701.

On January 16-17, 2019, the examiners appointed by the Texas Secretary of State and the Texas Attorney General examined Democracy Suite 5.5, a voting system that was presented by Dominion Voting Systems, Inc. for certification in Texas. According to the revised Form 100 that was provided to the office of the Texas Secretary of State during the examination, the equipment, software, and components that were considered for certification are the following:

Component	Version	Previous Texas Certification Date
EMS – Election Management System	5.5.12.1	None
ADJ – Adjudication	5.5.8.1	None
ICC – ImageCast Central	5.5.3.0002	None
ICX – ImageCast X BMD (Ballot Marking Device)	5.5.10.25	None
ICX – ImageCast X DRE w/ VVPAT (Direct Recording Electronic w/ Voter Verified Paper Audit Trail)	5.5.10.25	None
ICP – ImageCast Precinct	5.5.3.0002	None
ICX – ImageCast X BMD Classic 15”	5.5.10.25	None
ICX – ImageCast X BMD Classic 21”	5.5.10.25	None

For the reasons outlined below, I am unable to recommend that this system be certified by the Texas Secretary of State under Tex. Elec. Code §§122.031 and 122.039.

Background

Dominion Voting Systems previously sought certification in Texas for the Assure 1.3 Voting System in August of 2012. That certification was denied in March 2013.

The present voting system, Democracy Suite 5.5, was certified by the U.S. Election Assistance Commission (“EAC”) on September 14, 2018.

Summary of the Examination

The bulk of the examination of Democracy Suite 5.5 took place on January 16-17, 2019. However, throughout the course of the examination, several complications occurred which made it challenging to properly assess the voting system provided by the vendor and which caused delays in the examination process.

First, although the agenda provided to the vendor indicated that the majority of the first day of the examination would involve the installation of the software and firmware for the equipment from a trusted build of the software provided by the EAC, the vendor arrived with all firmware and software already installed on all of the equipment. The vendor was instructed to remove all software before the examination could begin, so that the examiners could verify that the version of the software being examined was the same version that had been previously certified by the EAC.

Second, at the time of the examination, Dominion was unable to prepare the ImageCast X BMD Classic devices for the accessibility testing phase. As a result, the accessibility testing did not take place until the following week on January 23, 2019.

Third, the vendor had to revise portions of their documentation and provide current versions of their EAC reports on multiple occasions throughout the exam. The current version of the Form 100 was revised multiple times during the course of the examination to include all equipment that the vendor sought certification for and to correct mistakes on the reported version numbers for multiple pieces of equipment.

Other errors occurred throughout the set-up and installation process. While none of those errors individually would be a basis for a recommendation to deny certification, as a whole the frequency of those errors raises substantial questions about the quality of the system and whether a county with low technical knowledge would be able to effectively implement this equipment without experiencing numerous and substantial errors that may impact the efficiency of the election process.

Analysis

The standards for a voting system in Texas are outlined in Texas Election Code Chapter 122. Specifically, the system may only be certified for use in Texas if it satisfies each of an enumerated list of requirements contained in Texas Election Code §122.001. Because the system does not satisfy each of those requirements, I would recommend against certification of this system.

Several issues occurred during the exam that support this conclusion, including:

- The ICP precinct scanner / ballot box system presents some issues relating to ballot secrecy. First, when a paper jam occurs while scanning a ballot, the only way to clear that paper jam is to break the seals, detach the ICP scanner, and physically remove the ballot. During this process, a poll worker would be able to see the voter's choices. Second, the emergency ballot slot on the ballot box is a punch-out slot that cannot be resealed once it is open. This may result in unauthorized access to those ballots and would require a new ballot box each time the emergency slot is used.
- The ICX Prime DRE with VVPAT presented an issue which indicates that it is not suitable for the purpose for which it is intended. During the examination one of the examiners was able to disconnect the "pigtail" connector which linked the VVPAT printer to the DRE device. When the VVPAT device was reconnected, the DRE device presented an error message then shut itself down. The fact that an individual could easily disconnect a component of the system and disable the ballot casting device indicates that the device is not suitable for its intended purpose.
- The ICX Prime BMD also presented an issue which indicates that it is not suitable for the purpose for which it is intended. During a voting session during the accessibility testing, the printer tray somehow became dislodged without the examiner noticing. The examiner was not alerted to the issue until the end of the voting session when the ballot was cast and attempted to print. The device presented an error message that had to be cleared by the poll worker. Once that error message was cleared and the printer tray was fixed, the device returned to the start screen and all the voter's choices were lost without printing a ballot reflecting those choices.
- The UI for casting a ballot may not be fully compliant with the straight-party voting requirement. The system allows a straight-party vote to be cast, but when a voter makes a "cross-over" selection for a candidate of a different party than their straight-party selection, the straight-party selection is unselected. The candidates who had already been selected by the straight-party vote remained selected, but the straight-party vote itself had been unselected. This may cause confusion for voters who attempt to vote straight-party using this system.
- The Adjudication and EMS software components encountered several issues during the set-up and configuration process which demonstrate that they may not be suitable for the purpose for which they are intended. During the setup process, the adjudication software had to be restarted multiple times due to configuration issues with other EMS software components.

The vendor appeared to have some difficulty addressing these errors, which raises questions about whether political subdivisions with low technical expertise would be able to use the software without relying heavily on support from the vendor.

- The system does not provide an adequate solution for the non-sequential ballot numbering requirement. The system itself does not provide a means for those serial numbers to be printed during the voting process. A political subdivision could still comply with this requirement if this system were adopted, but they would have to hand-write or pre-print those serial numbers on the ballot paper and then manually arrange them in a non-sequential manner.
- The ICP precinct scanner system has a number of suitability issues. First, the scanner has a very low resolution, meaning that the scanned ballot images were very difficult to read during the adjudication process. While the scanner could count the normally tabulated votes, this presented problems when trying to identify write-in candidates, since the names were nearly illegible with a normal pen. The names were more legible when a thick Sharpie was used to write the name, but it was still a challenge to identify the write-in name. Second, the scanner was very slow in scanning ballots. While this is not a significant flaw on its own, that slow scanning speed could create additional delays at the polling place.
- The ICX ballot casting devices also presented problems during the accessibility testing portion of the exam which demonstrate that it may not be suitable as an accessible voting system. While the system provides audio instructions during an accessibility session, there are no written instructions on the screen when using the paddles or the sip-and-puff device. An individual with a hearing disability who also requires the accommodation of one of those devices would have no guidance in navigating the system.

The paddles also function in a manner that is inconsistent with the labels on the paddles themselves. One button on the paddles is labelled “select”, while the other is labelled “scroll”. However, the “select” button is used to scroll through the choices, and the “scroll” button is used to select choices. This could cause significant confusion for voters using that accessibility device.

These are the more significant issues that indicate that the system does not comply with the requirements of Texas law. Other examiners have also highlighted additional technical and design issues which may present problems for voters and political subdivisions if this system were to be adopted for use in Texas elections.

The system has many positive features that would be helpful to political subdivisions if the system were certified. The use of commercial off-the-shelf products may result in lower costs for political subdivisions who adopt them. The system also provides flexibility for political subdivisions in setting up their elections, and the ballot casting devices are generally very user-friendly and easy to navigate. If the vendor were able to resolve the issues highlighted by the examiners, then future versions of this system may be suitable for use in Texas elections. However, I would recommend denying certification for the current version of Democracy Suite.

Conclusion and Recommendation

Democracy Suite 5.5 fails to meet the necessary standards for certification under Texas Election Code §122.001. Therefore, I would recommend denying certification for the current version of Democracy Suite. Future versions of that system may be certifiable if the issues encountered by the examiners can be resolved to bring the system in compliance with Texas law.



Colorado
Secretary of State
Jena Griswold

Menu



News Release

State of Colorado Department of State

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Deputy Secretary of State

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Colorado Secretary of State Takes Action to Increase Cyber Security, Announces Initiative to Remove QR Codes from Ballots

Denver, September 16, 2019 – Colorado Secretary of State Jena Griswold announced that Colorado will stop using ballots with QR codes. The removal of QR codes will increase the security of vote tabulation and ensure voters can accurately verify that their ballots are correctly marked. With foreign countries actively trying to exploit voting vulnerabilities, this is a first-in-the nation added security measure.

"I am proud that Colorado continues to lead the nation in election cybersecurity," said Secretary of State Jena Griswold. "Voters should have the utmost confidence that their vote will count. Removing QR codes from ballots will enable voters to see for themselves that their ballots are correct and helps guard against cyber meddling."

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Colorado will be the first state to require voting systems to tabulate all ballots using only human-verifiable information and not QR codes. Because of this initiative, an enhanced system is being developed and it will be tested and certified before it is deployed starting after the 2020 election. Once fully implemented, all ballots voted in Colorado will be tabulated using the marked ovals on the ballot rather than information from a QR code.

The U.S. intelligence community has concluded that Russian operatives executed a campaign to influence the outcome of the 2016 Presidential Election, and warns that efforts will continue in the future. Cybersecurity experts and election integrity advocates have raised questions about the security and verifiability of paper ballots containing a QR code. Secretary Griswold is proactively leading the nation to reduce future vulnerabilities.

"We live in a constantly changing threat environment. Hostile actors will continue their efforts to discover vulnerabilities in the attempt to undermine confidence in our elections. We must continually assess all election systems to identify areas that should be improved. Our adversaries are not standing still, and neither can we," continued Secretary Griswold.

Currently, when a Coloradan votes at a polling location, they may use a ballot marking device that prints a paper ballot that displays both the voter's choices and a QR code embedded with the voter's choices. Although voters can see their vote choices, they cannot verify that the QR code is correct. These ballots are tabulated by machines that decode the votes contained in the QR code. QR codes could be among the next target of an attack and are potentially subject to manipulation. Colorado will be the first state to require ballots from ballot marking devices to be tabulated using only human-verifiable information and not QR codes.

Unlike Colorado, many states do not have safeguards built in to catch manipulations. Colorado is the only state to have successfully conducted a statewide risk-limiting audit, in which bipartisan teams count randomly selected ballots and compare those results to the machine tallies of the same ballots. This statistically-proven method allows Coloradans to have confidence in our state's election outcomes and guards against QR code manipulation.

There is no evidence that any of Colorado's voting systems have been targeted or attacked by malicious actors. By design, in Colorado the computers and devices that mark and count ballots and votes are completely independent from online systems. Colorado prohibits voting system components from being directly or indirectly connected to the internet, and imposes multiple layers of security to ensure that threats are not spread to a tabulation system by other means.

Secretary Griswold's decision to move away from QR codes furthers Colorado's status as the safest state in the nation to cast a ballot.

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Philip B. Stark • Dept. of Statistics • University of California • Berkeley, CA 94720-3860

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Rep. Bruce Williamson
Rep. Jay Powell (Ex-Officio)
Rep. Micah Gravley (Ex-Officio)
Subcommittee on Voting Technology of Government Affairs Committee
Georgia House of Representatives
Atlanta, GA

February 18, 2019

Ballot-marking devices (BMDs) are not secure election technology

Dear Chair Powell and members of the Subcommittee on Voting Technology:

I am Professor of Statistics and Associate Dean of Mathematical and Physical Sciences at the University of California, Berkeley. I serve on the Board of Advisors of the U.S. Election Assistance Commission (EAC) and on the Board of Directors of Verified Voting Foundation. I invented “Risk-Limiting Audits,” a method for checking whether reported election outcomes are correct, endorsed by the National Academy of Sciences, Engineering and Medicine; the Presidential Commission on Election Administration; the American Statistical Association; the League of Women Voters; Verified Voting Foundation; and other organizations concerned with election integrity. My CV is online at <https://www.stat.berkeley.edu/~stark/bio.pdf>

I write as an individual, not as a representative of my employer, the US EAC, or any other entity. The opinions expressed below are my own.

I advocate hand-marked paper ballots for voters who have the eyesight and dexterity to use them, and ballot-marking devices (BMDs) for those who need assistive

technology—but not for all voters. I attach a letter expressing that opinion to Georgia’s SAFE commission, signed by 24 experts in election integrity, security, and audits, including me.

There are many reasons I share this opinion, but the main issue is security: widespread use of BMDs makes voters responsible for ensuring that BMDs function correctly. However, BMDs do not provide voters a way to demonstrate to pollworkers or election officials that a BMD has malfunctioned, and the available evidence suggests that voters are not able to check BMDs effectively or reliably, as I shall explain. This makes auditing elections that were conducted primarily using BMDs meaningless: an audit could easily confirm an incorrect outcome, because a BMD-generated paper trail is not a trustworthy record of voter intent.

I believe these are the main considerations in hand-marked ballots versus BMDs:

1. **Mark legibility.** A properly functioning BMD will generate clean, unambiguous marks. However, experience with statewide recounts in Minnesota and elsewhere suggest that truly ambiguous handmade marks are very rare.¹ Thus mark legibility is not a good reason to adopt BMDs for all voters.
2. **Availability of accessible options.** If everyone voted on an accessible device, it would guarantee that an accessible device had been set up for voters who benefit from using one. This is not a good reason to adopt BMDs for all voters.
3. **Paper/storage.** BMDs that print summary cards rather than full-face ballots can save paper and storage space. That would be an advantage for BMDs, but for the security and cost issues. However, evidence suggests that the usability of summary cards to verify one’s selections is very problematic, especially for long ballots with many contests. To my knowledge, there has been no testing of summary ballots or BMD-printed ballots for usability for voter verification.
4. **Cost.** Using BMDs for all voters substantially increases the cost of acquiring, configuring, and maintaining the voting system.
5. **Mechanical reliability and capacity.** Pens are likely to have less downtime than BMDs. It is easy and inexpensive to get more pens and privacy booths. If a precinct-count scanner goes down, people can still mark ballots with a pen; if the BMD goes down, voting stops.
6. **Security and responsibility.** I believe that a well designed and perfectly functioning BMD can help a voter avoid undervotes and other errors *as long as the device is trustworthy*. The problem is that no computer can be trusted to be running the software it is supposed to be running, nor can any software be trusted to be bug-free, especially in a high-stakes “critical infrastructure” role such as

¹States do need clear and complete regulations for adjudicating voter intent from voter marks.

recording and tabulating votes. BMDs have all the security and configuration vulnerabilities of the direct-recording electronic (DRE) devices currently used in Georgia. A voter might make his/her selections perfectly on the screen—and verify those selections—but the BMD could print something else on the paper, through error or malfeasance. Only the voter can check for that: auditors can only see what’s on the paper. This is where security falls apart for BMDs. Universal use of BMDs makes every voter responsible for checking whether the BMD is functioning correctly, but a BMD does not give voters the evidence they would need to prove that a machine registered their vote incorrectly.² This is obviously a bad combination. According to the available evidence,

- very few voters check the BMD printout
- when they do, they generally do not notice errors
- if they notice errors, shame or inconvenience might keep them from requesting another ballot
- if they notice problems, there is no way for a voter to prove that the BMD printed the wrong thing, rather than that the voter erred, so there’s no way to catch a cheating or misconfigured BMD
- pollworkers are not trained to take a machine offline (and start a forensic investigation) if a number of voters complain that the BMD is printing their selections incorrectly.

Hence, the best-case scenario is that (some) voters who notice problems get to mark a new ballot. But if a bug, misconfiguration, or malicious hack caused a machine to swap, say, 30% of on-screen votes for Alice into printed votes for Bob, most of those swaps would not be noticed, and those that were noticed would be unlikely to trigger an investigation. There’s no feedback mechanism to ensure that election officials find out that the machines are not performing as intended, to stop and repair the damage, or to prevent future damage.

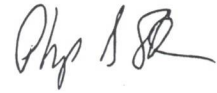
Even worse, some BMDs (for instance, the ES&S ExpressVote XL with the “autocast” feature) can print on ballots after voters no longer have an opportunity to check what the ballot shows, making it completely impossible to catch errors or malfeasance in such a system.

Security design that relies on voters to check the equipment and programming is doomed. Good security design *allows* voters to check things, but does not *rely on them* to check that the equipment is functioning correctly. For this reason, widespread use of BMDs undermines election integrity, and I recommend hand-marked paper

²Auditors can check whether an opscan system is functioning correctly, but not whether the BMD printed the voter’s selections correctly.

ballots for voters who have the dexterity and vision to use them.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil B Stark". The signature is written in a cursive, flowing style.

Philip B. Stark



AFFIDAVIT OF GARLAND FAVORITO

I, Garland Favorito, of Roswell Ga., do solemnly declare the following statements to be true and correct based on my 40+ year career as an IT professional and my experience as the co-founder of Voters Organized for Trusted Elections Results in Georgia (VoterGA). I am over the age of 18 years and declare under penalty of perjury the following:

1. I prepared this affidavit to explain serious deficiencies that compromised the Georgia hand count audit and recount processes used for the 2020 Presidential election and inhibited them from detecting election fraud
2. I did not vote for either of the two Presidential candidates who may have interest in this affidavit nor am I a member of either political party of the two candidates.
3. I am a career Information Technology professional with over 40 years of experience including internet systems design, business systems analysis, database administration, application development, systems development methodology, systems integration, systems development life cycles, computer programming, project management, and multi-factor security implementations for financial transactions. My experience includes medium- and large-scale mission-critical applications in banking, financial systems, health care, accounting, manufacturing, inventory, purchasing, retailing, utilities, telecommunications, insurance, software development and services.
4. I have spent roughly 18 years in part-time research, analysis, production of studies and conducting of presentations throughout Georgia regarding the

states current and previous voting systems. In 2006, I co-founded Voters Organized for Trusted Elections Results in Georgia (VoterGA) which continues to be a leading advocate for Election Integrity in the state. VoterGA is a non-partisan, non-profit, all volunteer, dues free organization.

HAND COUNT AUDIT

5. On November 3rd, Georgia conducted its 2020 General Election which included a race for President of the United States.
6. On November 11th, the Secretary of State (SOS) announced the state of Georgia would conduct an audit of the Presidential race. He ordered all counties to perform a full hand count of votes cast.
7. On November 16th, the State Elections Director instructed counties in a memo to certify the Dominion electronic results if all ballots were processed.
8. Upon completion of the full hand count audit on or about November 19th, the SOS certified and published election results on the SOS web site.
9. I served as a monitor for the full hand count audit in Fulton and DeKalb counties prior to state certification.
10. During the Fulton County audit on November 14th, I noticed two Carter Center monitors who were appointed by the SOS office according to county election officials

11. As a monitor, I noticed the counties employed slightly different practices for the audits and recounts within the general guidelines provided by the state and using the equipment owned by the state.
12. During the audit on November 14th and 15th, I noticed that Fulton and DeKalb counties had not done proper due diligence to ensure that each audit table had a counter representing each major candidate or political party
13. During the audit, I noticed monitors were generally not allowed to monitor the data entry point in Fulton and DeKalb counties to determine if audit results were being entered correctly. I also observed a single, unmonitored individual who entered results in Fulton County.
14. During the audit, I noticed that counties entered their data into a central Secretary of State system; they possessed no total results of their own audit, and they relied on the SOS office to tell them what their audit results were.
15. Because the audit reporting procedure adopted by the SOS broke the chain of custody and violated basic principles of bottom up election reporting, VoterGA volunteers engaged in a project to attempt to confirm audit results directly with counties who may have created their own totals for verification.
16. Upon completion of the audit, State Election Director Chris Harvey notified the counties in a November 16th memo to **certify the Dominion electronic results** if all ballots were originally processed and not the results of the actual hand audit.

17. The SOS then allowed counties to reset their systems for upcoming elections thus potentially eliminating capabilities to examine the tabulator logic.
18. The SOS then allowed counties to reset their systems for upcoming elections thus potentially eliminating capabilities to examine the tabulator logic.
19. I am aware that the Carter Center created a report stating that the audit was successful but I do not consider any audit with the distancing, data upload, chain of custody and auditor organization flaws described in this affidavit to be legitimate

RECOUNT

20. On November 25th, after certification of the state election results, Georgia counties began a recount requested by the President.
21. A recount, according to a new State Election Board rule, simply rescans bar codes for in-person votes and reprints their previous unverifiable results. That renders Georgia recounts as meaningless.
22. While serving as a recount monitor in DeKalb County on November 27th, I noticed what seemed to be ballots with the same potentially fraudulent characteristics to those counters noticed in Fulton County.
23. I could not get close enough to confirm whether or not the ballots were valid because a county staffer wanted me to stay at least 6 feet away from the ballot table.

24. The 6' distancing rule imposed by all counties rendered recount and audit monitoring essentially meaningless.
25. The Constitution Party of Georgia supplied dozens of audit and recount monitors in over a dozen counties in part, through my role as Elections Director of the party.
26. During the hand count audit and recount, our Constitution Party of Georgia (CPGA) monitors were consistently denied access to monitor in Cobb and Fulton counties despite the fact that the party had a qualified write-in candidate, Don Blankenship, on the Presidential ticket.
27. County Election Directors blamed the SOS office for the prohibition against CPGA monitors that appears to violate the O.C.G.A. 21-2-495 recount law
28. SOS legal counsel Ryan Germany would not answer personal cell phone calls from our Chairman Ricardo Davis, who attempted to on one occasion to establish a three way call including me to clarify the SOS legal policy
29. SOS Raffensperger would not answer his personal cell phone to clarify their legal policy when I called and texted him.
30. I believe the attempted prohibition of our monitors in Cobb and Fulton counties damaged the quality of the audit and recount as our monitors appeared to be more numerous and better trained than those of other parties
31. During the recount I witnessed a variety of irregularities.
 - A half dozen or more unsecured ballot suitcases.

- Election Day and Advanced In Person ballots accidentally mixed into the same boxes that had to be reopened to separate the ballots.
- A failure to properly backup the election files resulting in a county having to rescan all ballots a second time.

32. I was prepared to offer this testimony and more as the 6th witness of the President's legal team during the December 3rd State Senate hearing but the chairman moved my name to the bottom of the list and closed the hearing without calling me.

33. I have prepared this affidavit in the interest of non-partisan Election Integrity for which I have advocated strongly throughout the last 18 years

34. As I said above, I did not vote for either of the two Presidential candidates mentioned nor am I a member of either political party of the candidates.

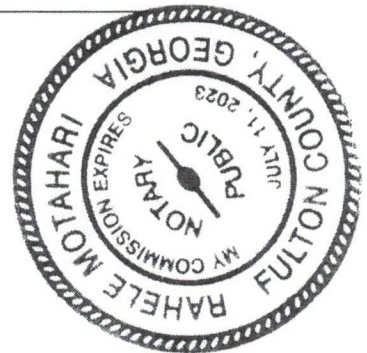
DATED this the 9th day of December, 2020

Gerhard Brown
Signature of Affiant

SWORN to subscribed before me, this 9th day December, 2020

[Signature]
NOTARY PUBLIC

My Commission Expires: July-11-2023





AFFIDAVIT OF BRIDGET THORNE

Comes now, Bridget Thorne, and after being duly sworn makes the following statement under oath:

1. My name is Bridget Thorne.
2. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
3. I reside at 1195 Seale Drive, Alpharetta, GA 30022.
4. I was certified by Fulton County as a voting technician. I was hired as a certified technician to temporarily assist Dominion Voting Systems with preparation for the Fulton County Georgia General Election from October 27 thru November 1, 2020 at the Georgia World Congress Center, Building B, where all of the Fulton County voting machinery was tested and calibrated.
5. The testing and calibration process entailed printing 21 test ballots for each ballot marking device (BMD) from each voting precinct. (The number of test ballots was dictated by the 21 candidates in the Loeffler senate race.)
6. Based on my knowledge and belief, the test ballots could have been run on plain paper, making them easily distinguishable from live Georgia ballots.

7. The test ballots were printed on the same Roland Voter Paper (heavy cardstock) as used for actual ballots, making them, in every way, indistinguishable from live Georgia ballots.

8. Over the entire course of my experience, these test ballots were handled by Dominion employees in a haphazard and careless way. At times there were stacks of “test ballots” unsecured all over the facility.

9. I am personally aware that some batches of test ballots were lost during the process and I was required to reprint entire polling districts test ballots a second time.

10. On October 28, I became concerned that these ballots were unsecure and indistinguishable from live ballots, so I began, with my daughter, Kenedy Thorne (also a technician for Dominion Voting) to “spoil” some of the ballots by either marking through the QR code on the ballot with a pen or simply tearing the ballot.

11. I spoiled approximately a couple thousand test ballots.

12. Based on my knowledge and belief, there were thousands of test ballots that were not spoiled.

13. The test ballots were ostensibly collected for shredding, but I do not know if they were ever shredded.

14. During the testing and calibration process, a consultant from The Elections Group named Mike (LNU) was present.

15. On November 1, 2020 approximately 10 pm, I observed Mike assisting another employee with generating test ballots for a district. Mike, however, was generating random ballots. He was not using the procedure for generating test ballots. I explained to Mike that he needed to generate the test ballots in a particular way, specifically, voting for the first candidate first, the second candidate on the next, etc. Mike asked me, "Do I have to vote for Trump?" I told him he did.

16. During the testing and calibration process, Richard Barron, the Fulton County Supervisor of Elections was present during much of the time.

17. On October 30, 2020, after the conclusion of early voting, all the equipment from the State Farm Arena was brought to Georgia World Congress Center, Building B to be prepared for election day voting.

18. When the equipment was brought in, Dominion personnel began to prep the equipment for election day. As part of the process, the vote tabulators (scanners) were all opened. There were approximately 50 tabulators from State Farm Arena.

19. Every tabulator had voted ballots in the ballot bins. These were, based on my knowledge and belief, actual voted ballots from early voting that were not removed and secured.

20. The ballots were removed by Dominion personnel and stacked, haphazardly. Some were left unattended for periods of time.

21. Based on my knowledge as a poll manager, these voted ballots should have been securely transported using two-person security. These ballots were simply left in the scanners and dropped at the warehouse.

22. There were Dominion personnel alone with scanners in all parts of the facility removing ballots from these machines.

23. During the process, these ballots were eventually gathered in suitcases (ballot cases) and collected into the corner of the facility.

24. At one point, I saw 50-60 ballot cases stacked in the corner. I estimate that each case could have held over 6,000 ballots.

25. I was upset by this. One of the warehouse employees, Tia (LNU) told me, "Bridget, don't worry about it...we've been doing this all week."

26. On election day, I was credentialed as the Poll Manager at the Johns Creek polling location. I was told in an email sent to all poll managers from my regional supervisor (supervisor of elections office) the Sunday before election day that we would have ACLU "clerks" for absentee ballots in each precinct.

27. I replied all and asked what, exactly, these ACLU clerks would be doing. Nobody of authority from Fulton County answered.

28. I was at the Georgia World Congress Center, Building B when the email exchange took place and Richard Barron was behind me, so I went and asked him about the ACLU clerks.

29. He gave me the impression that the supervisor should not have mentioned the ACLU. He said, "She shouldn't have said that [meaning ACLU clerk]. She should have just said you are having absentee clerks," or words to that effect.

30. I looked on the Atlanta ACLU website and they were advertising to have people come to volunteer as absentee clerks.

31. When I arrived at Johns Creek on election day, there was a woman from the ACLU there who served as the absentee clerk.

32. She told me she was a lawyer and was trained earlier that week.


33. I was given a laptop for her to use, but we could not find the password. She told me she would just use her personal laptop.

34. She, apparently, had access on her personal device to the voter database in order to clear the absentee voter.

35. I do not recall if she had a name tag or badge, but she was in the voting area near the poll pad station.

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

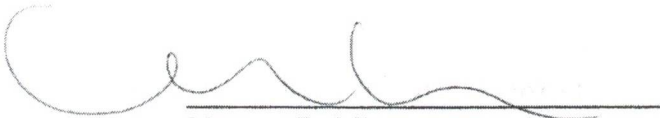
Executed this 17th day of November 2020.



Bridget Thorne

State of Georgia
County of Fulton

Appeared before me Bridget Thorne, this 17th day of November 2020 and after being duly sworn, stated the forgoing statements are true and correct to the best of her knowledge and belief.



Notary Public

My commission expires 05/04/2021





AFFIDAVIT OF DAVID CROSS
WITNESS TO EVENTS OF ELECTION FRAUD
IN FULTON COUNTY, GA

I, David A. Cross, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.
2. I attended the 2nd Georgia election recount at The Georgia World Congress Center on Wednesday, November 24th, 2020.
3. As a recount witness, I was one of 6 people allowed to walk the floor for the recount.
4. Ballots were not hand counted during the time I attended. Ballots were fed into high-speed scanners only.
5. No witness was able to read the tally on the computer screens that were in front of the election workers.
6. I noticed well over 100 ballot transport bags and I inspected the bags.
7. I identified a minimum of 9 ballot transport bags that were not secure meaning the bags were missing their security zip tabs.

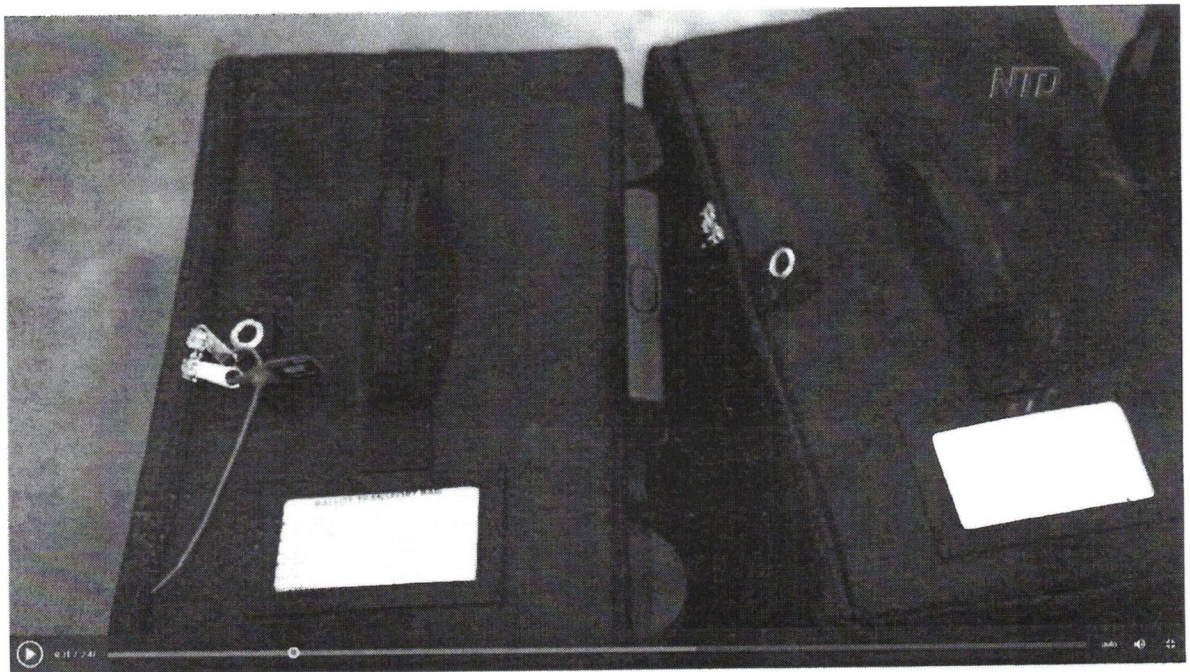
8. Security zip tabs are required to maintain proof of chain of custody.

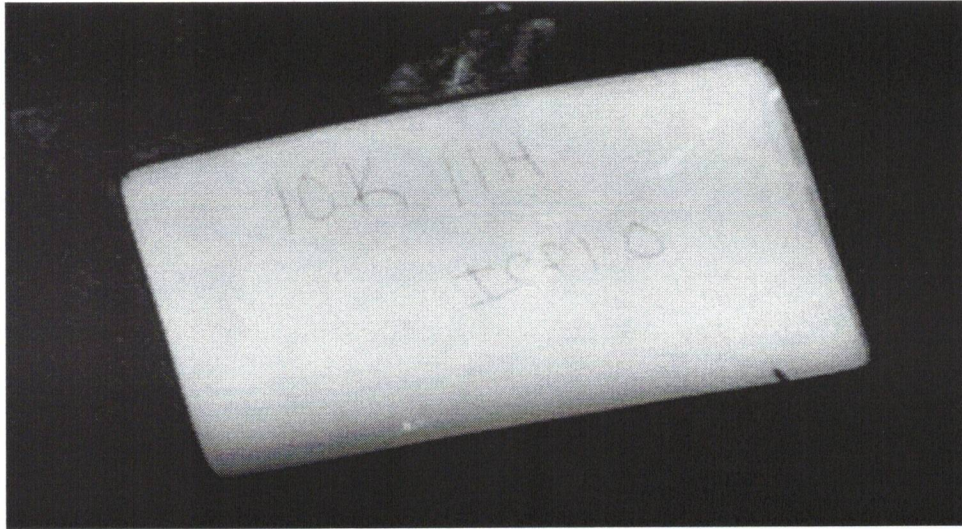
9. I notified other election recount witnesses of the missing security zip tabs. I was told “that’s not possible, every ballot transport bag must have a security zip tab”.

10. The ballot transport bags without security tags are as follows:

12J	08 B/C	07 C
08 D	12 KIN or 12 K/N	07 A
AP 05 (zero 5)	12 F	10K 11H

11. Ballot transport bag 10K 11H is shown below with no security tags and a close-up is shown below the first picture.





12. I walked the 3 of the other election witnesses over to the area where the ballot transport bags were stored. When I approached the ballot transport bags, I used my foot to point to one of the bags that had no security tag. I was immediately accused of touching the bag and told that I must leave.

13. Before I was ejected, I notified a member of the press, Melina Wisecup, and her photographer about the unsecured ballot transport bag, told them I was being asked to leave, and I asked them to document the unsecured bag.

14. Officer Keith McKinnon and Lt. James Swofford were summoned to escort me out. Before we left, I showed both officers the unsecured ballot transport bag.

15. Photographs were taken (the photo above) and I made a statement to the reporter.

16. A news story was made and is accessible here

https://www.ntd.com/security-concerns-during-georgia-recount_532930.html

[SIGNATURE AND OATH ON NEXT PAGE]

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

David A C
DAVID A. CROSS

STATE OF Georgia

COUNTY OF Coweta

DAVID CROSS appeared before me, a Notary Public in and for the above jurisdiction, this 9th day of December 2020, and after being duly sworn, made this Declaration under oath.



Karen Karl
Notary Public

My Commission Expires 6/29/2021

L- GA Senate Judiciary Sub Committee Hearing - 12/3/20

M - GA House Government Affairs Hearing - 12/10/20

Exhibit L Link:

<https://livestream.com/accounts/25225474/events/9117221/videos/214677184>



Exhibit M Link:

<https://livestream.com/accounts/26021522/events/8730585/videos/214364915>



Exhibit O Link:

[Georgia General Assembly - Senate Judiciary Subcommittee on Elections \(ga.gov\)](https://www.ga.gov/ga/senate/judiciary/subcommittee-on-elections)



state	Adjusted Zulu to Local Time	Total Votes	Trump %	Biden %	Trump Votes	Biden Votes	Total	Trump Change from Previous Interval	Biden Change from Previous Interval	Change of Interval	Time from last report
georgia	11/4/20 1:23:49 AM	4,463,227	52.000%	46.700%	2,320,878	2,084,327	4,463,227	22,380	45,124	33%	0:02:00
georgia	11/4/20 1:32:50 AM	4,463,897	52.000%	46.700%	2,320,878	2,084,327	4,463,897	619	313	51%	0:09:01
georgia	11/4/20 1:34:49 AM	4,626,656	50.800%	48.000%	2,350,341	2,220,795	4,626,656	29,115	136,155	18%	0:01:59
georgia	11/4/20 1:36:50 AM	4,671,046	50.600%	48.100%	2,353,549	2,246,772	4,671,046	13,208	25,978	30%	0:02:01
georgia	11/4/20 2:04:51 AM	4,671,331	50.600%	48.100%	2,353,549	2,246,772	4,671,046	286	137	51%	0:28:01
georgia	11/4/20 2:34:55 AM	4,710,000	50.600%	48.100%	2,353,549	2,246,772	4,671,046	38,971	137	69%	0:16:05
georgia	3,000,000								577	48%	0:00:57
georgia	2,500,000							18,788	98%	0:37:02	
georgia	2,000,000							13,035	77%	0:12:01	
georgia	1,500,000							798	49%	0:10:59	
georgia	1,000,000							665	49%	0:16:40	
georgia	500,000							2	49%	0:13:20	
georgia								549	49%	0:15:00	
georgia								4,906	49%	0:12:00	
georgia								9,385	100%	0:00:22	
georgia								2,237	49%	0:01:37	
georgia								1,321	49%	0:02:00	
georgia								2,253	49%	0:02:42	
georgia								253	49%	0:12:20	
georgia								786	49%	0:50:01	
georgia								12,996	78%	0:17:53	
georgia								2,698	49%	0:06:05	
georgia								519	49%	0:02:57	
georgia								1,367	49%	0:22:03	
georgia								368	49%	0:07:58	
georgia								128	49%	0:15:00	



Trump's lead vanishes in a single vote upload at

- 11/3/207 14:11 PM
- 11/3/207 29:54 PM
- 11/3/207 42:34 PM
- 11/3/207 51:53 PM
- 11/3/208 05:56 PM
- 11/3/208 18:54 PM
- 11/3/208 29:55 PM
- 11/3/208 38:19 PM
- 11/3/208 51:02 PM
- 11/3/208 59:54 PM
- 11/3/209 07:54 PM
- 11/3/209 14:24 PM
- 11/3/209 26:58 PM
- 11/3/209 40:32 PM
- 11/3/209 51:39 PM
- 11/3/20 10:02:54 PM
- 11/3/20 10:16:53 PM
- 11/3/20 10:28:30 PM
- 11/3/20 10:40:13 PM
- 11/3/20 11:00:40 PM
- 11/3/20 11:22:09 PM
- 11/3/20 11:42:34 PM
- 11/3/20 11:58:39 PM
- 11/4/20 12:24:34 AM
- 11/4/20 12:58:03 AM
- 11/4/20 2:04:51 AM
- 11/4/20 12:39:52 PM
- 11/4/20 3:32:50 PM
- 11/4/20 5:24:51 PM
- 11/4/20 7:27:48 PM
- 11/4/20 10:08:39 PM
- 11/5/20 10:48:46 AM
- 11/5/20 7:21:41 PM
- 11/6/20 6:01:02 AM
- 11/6/20 12:20:39 PM
- 11/6/20 2:17:40 PM
- 11/6/20 3:37:40 PM
- 11/6/20 4:51:40 PM
- 11/9/20 8:37:40 AM
- 11/9/20 12:15:40 PM
- 11/9/20 3:43:41 PM
- 11/9/20 8:50:43 PM

Trump Votes Biden Votes

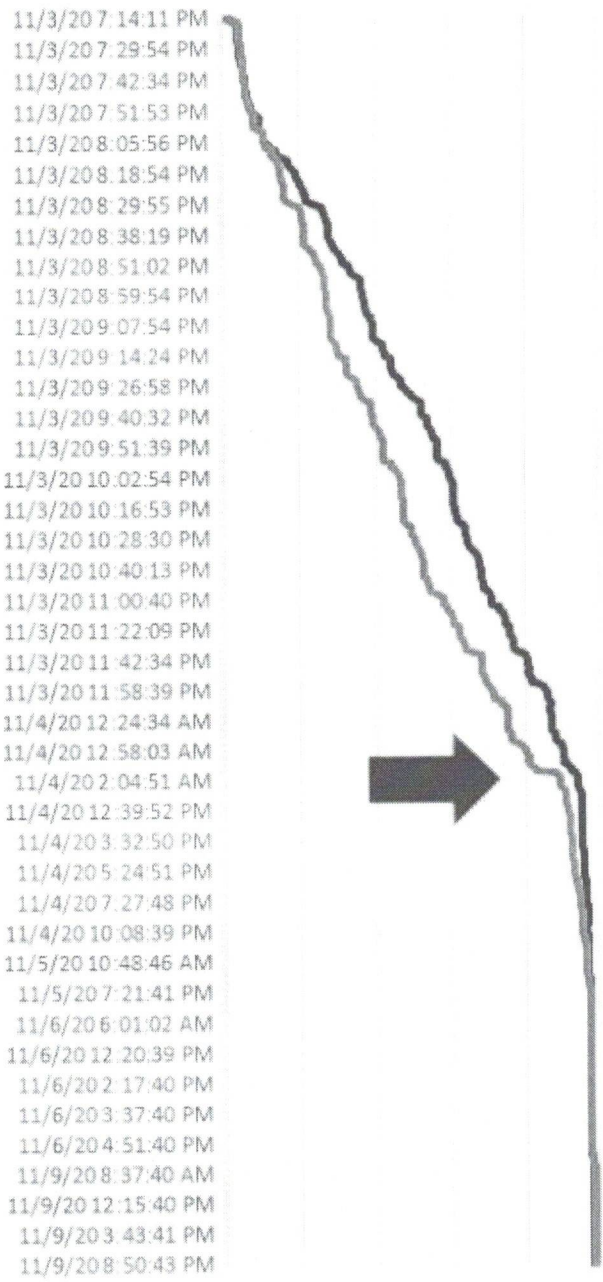
1/6/201

49%

1-41-19

State	Adjusted Zulu to Local Time	Total Votes	Trump %	Biden %	Trump Votes	Biden Votes	Total	Trump Change from Previous	Biden Change from Previous	Interval of Change	Time from last report
Georgia	11/4/20 1:23:49 AM	4,463,227	52.000%	46.700%	2,320,878	2,084,327	4,463,227	22,380	45,124	33%	0:02:00
Georgia	11/4/20 1:32:50 AM	4,463,897	52.000%	46.700%	2,320,878	2,084,327	4,463,227	313	313	5%	0:09:01
Georgia	11/4/20 1:34:49 AM	4,626,656	50.800%	48.000%	2,350,341	2,220,795	4,626,656	29,115	136,155	18%	0:01:59
Georgia	11/4/20 1:36:50 AM	4,671,046	50.600%	48.100%	2,352,549	2,246,772	4,671,046	13,208	25,978	30%	0:02:01
Georgia	11/4/20 2:04:51 AM	4,671,331	50.600%	48.100%	2,352,549	2,246,772	4,671,046	287	137	31%	0:28:01
Georgia	11/4/20 2:34:55 AM	4,740,000	50.000%	48.000%	2,370,000	2,370,000	4,740,000	68,669	137	51%	0:16:05
Georgia									31,245	69%	0:00:57
Georgia								577	18,788	48%	0:37:02
Georgia		3,000,000						13,035	13,035	77%	0:12:01
Georgia		2,500,000						798	665	49%	0:10:59
Georgia		2,000,000						2	2	49%	0:16:40
Georgia		1,500,000						549	549	49%	0:13:20
Georgia		1,000,000						4,906	4,906	49%	0:15:00
Georgia		500,000						9,385	9,385	100%	0:12:00
Georgia								2,237	2,237	49%	0:00:22
Georgia								1,321	1,321	49%	0:01:37
Georgia								2,253	2,253	49%	0:02:00
Georgia								253	253	49%	0:02:42
Georgia								786	786	49%	0:12:20
Georgia								12,996	12,996	49%	0:50:01
Georgia								2,698	2,698	78%	0:17:53
Georgia								519	519	49%	0:06:05
Georgia								1,367	1,367	49%	0:02:57
Georgia								368	368	49%	0:22:03
Georgia								128	128	49%	0:07:58
Georgia										49%	0:15:00

Georgia



█ Trump Votes
 █ Biden Votes

COMMENTS



Thank you Madam Chair, and board members,
I am Garland Favorito a career IT professional and co-founder of VoterGA which stands for Voters Organized for Trusted Elections Results in Georgia. We have been a leader in the Elections Integrity movement in Georgia for 16 years.

On November 5th, I sent the board, elections director and county attorney an Open Records Request for interim results files after I witnessed a bizarre 20,000 vote spike for former Vice President Joe Biden in Fulton interim results. I received no response.

On December 3rd, I submitted an Open Records Request to view the absentee ballots while in custody of the Elections Division prior to publication of the recount results. Again, I received no response. On Monday, I followed up on the request with the board and stated the urgent need to view these ballots given the allegations of election fraud circulating nationally against Fulton County. Again, I received no response.

The Georgia Senate hearing last week provided video footage, testimony and corroborating documents of potential election fraud that appears to be more than enough to change the outcome of the Presidential race in Georgia. The election line feed shows a huge spike in Biden votes just after the alleged illegal activity occurred. You can't just sit back and continue to ignore these concerns given that these activities may have overturned the will of the people in Georgia.

I respectfully ask that you place this matter on the agenda today for discussion. You should immediately decertify the results, establish chain of custody for the Fulton absentee ballots in question and allow public inspection of them beginning tomorrow. All Georgia voters deserve to know who rightfully won the electoral votes of our state. To do this you must be willing to **show us the ballots**.



COMMENTS

Thank you Madam Chair,

I am Garland Favorito a career Information Technology professional co-founder of VoterGA which stands for Voters Organized for Trusted Elections Results in Georgia.

On November 5th, I witnessed an interim election result upload from Fulton County to the office of the Secretary of State (SOS). It showed the Nov 3rd General Election totals for former Vice President Joe Biden increasing by 20,000 votes while President Trump's totals appeared to have decreased by 1,000 votes.

On that evening of November 5th, I notified in writing all members of the Election Board, the county Elections Director and a county attorney about the irregularity. I also made an Open Records Request for interim elections results files that were transmitted to the Secretary of State. These would allow the interim results to be reconstructed so an analysis could determine if there were other irregularities such as this one during the post-Election Day mail-in ballot processing. I **received no written response from anyone in the county.**

I sent you my affidavit that explains such an irregularity would likely result from:

- Malware in the tabulator,
- Improperly harvested ballots or,
- A ballot definition mismatch.

Georgia uses similar Dominion Democracy Suite 5.5 software that is nearly identical to that used in Antrim County, Michigan where **6,000 votes were erroneously swapped from Trump to Biden.** Officials there ordered a **hand count** of all ballots to correct the error **BEFORE** certification. You intend to certify Fulton County results anyway knowing that this irregularity and perhaps more exists. That does not speak well of anyone involved in Fulton County elections.