

APR 21, 2025 04:29 PM

Niki Sewell

Niki Sewell, Clerk
Coweta Superior Court

IN THE SUPERIOR COURT OF COWETA COUNTY
STATE OF GEORGIA

VOTERGA,
PETITIONER,

vs.

CIVIL ACTION NO.: SUV2022001314

COUNTY OF COWETA, COUNTY OF COBB,
AND COUNTY OF FORSYTH,
RESPONDENTS.

**NOTICE OF FILING AFFIDAVIT IN OPPOSITION
TO MOTIONS FOR SUMMARY JUDGMENT**

COMES NOW, THE PETITIONER, by and through its attorney of record and files this notice of filing of an affidavit in opposition to motions for summary judgment with the Court, with the affidavit attached as Exhibit "A".

Respectfully submitted this the 21st day of April, 2025.

HARDING LAW FIRM, LLC

/s/ Todd A. Harding

Todd A. Harding, For the Firm

Ga. Bar No.: 101562

Attorney for Petitioner

Harding Law Firm, LLC
Attorney at Law
113 E. Solomon Street
Griffin, Georgia 30223
(770) 229-4578
(770) 228-9111 facsimile

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

**VOTERGA,
PETITIONER,**

vs.

CIVIL ACTION NO.: SUV2022001314

**COUNTY OF COWETA, COUNTY OF COBB,
AND COUNTY OF FORSYTH,
RESPONDENTS.**

CERTIFICATE OF SERVICE

COMES NOW, THE PETITIONER, by and through its attorney of record, and certifies that a true and accurate copy of the **NOTICE OF FILING OF AFFIDAVIT IN OPPOSITION TO MOTIONS FOR SUMMARY JUDGMENT** was sent to the Defendants via court approved electronic service addressed as follows:

Daniel W. White (Cobb County)
dwhite@hlw-law.com

Patrick D. Jaugstetter (Forsyth County)
patrickj@jarrand-davis.com

Michael H. Hill (Coweta County)
mhill@gloverdavis.com

Karen Pachuta (Forsyth County)
kpachuta@jarrand-davis.com

Nathan T. Lee (Coweta County)
nlee@gloverdavis.com

Respectfully submitted this the 21st day of April, 2025.

HARDING LAW FIRM, LLC

/s/ Todd A. Harding
Todd A. Harding, For the Firm
Ga. Bar No.: 101562
Attorney for Petitioner

Harding Law Firm, LLC
Attorney at Law
113 E. Solomon Street
Griffin, Georgia 30223
(770) 229-4578
(770) 228-9111 facsimile

EXHIBIT “A”

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

**VOTERGA,
PETITIONER,**

vs.

CIVIL ACTION NO.: SUV2022001314

**COUNTY OF COWETA, COUNTY OF COBB,
AND COUNTY OF FORSYTH,
RESPONDENTS.**

**AFFIDAVIT IN OPPOSITION TO MOTIONS
FOR SUMMARY JUDGMENT**

I, Garland Favorito, do solemnly swear that the following statements are true and correct and are within my personal knowledge. I am over the age of eighteen (18) years of age; I suffer from no disability that would prevent me from executing this affidavit; I further swear and declare under penalty of perjury the following:

1. I am a career Information Technology professional with over forty (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 cyber protection of online banking customer identities, accounts and 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. A summary of my Information Technology experience is attached in Exhibit A.
2. I also have extensive experience in voting system technology and election integrity procedures and have testified as an expert witness in court cases in Georgia and out of state as well as at the Georgia General Assembly and State Election Board. A summary of my voting system technology and election integrity experience is attached in Exhibit B.

3. In 2006, I co-founded the organization Voters Organized for Trusted Election Results in Georgia, (VoterGA), to protect the right of Georgia voters to have their vote counted accurately. VoterGA initiates litigation to protect Georgia voter rights, advocates for legislative improvements, conducts poll worker and poll watcher training and provides voting system security presentations throughout the state and nationally. VoterGA continues to be a leading advocate for Election Integrity in the state.
4. On November 3rd, 2020, Georgia conducted its 2020 General Election which became the most controversial and dubious Georgia election in my lifetime. In this election, the outcome of the Presidential race and U.S. Senate race switched days after the election was conducted. Over the past few years, VoterGA volunteers have assembled and posted on our home page detailed evidence documenting thirteen (13) types of outcome determinative fraud, errors or irregularities that occurred in the 2020 General Election.
5. As a result of vulnerabilities discovered in the 2020 General Election, the Georgia General Assembly began initiatives to better secure Georgia elections by passing SB202 which was signed into law by the Governor as Act 9 in March of 2021.
6. In large part due to the urging our members, SB202 made digital ballot images public record. Ballot images are election records that are produced electronically when a ballot is scanned. Each digital ballot image is analyzed to create a cast vote record that is tabulated to produce total vote results for races that are then certified.
7. From about April 2021 until November 2021, VoterGA issued Open Records Requests to counties for the original ballot images of the 2020 General Election. The counties of Cobb, Coweta and Forsyth received such requests but had preserved only recount ballot images which were not what we requested.

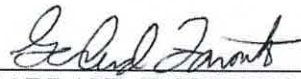
8. Many counties produced their original preserved ballot images for our Open Records Requests at an average cost of about \$50.00 USD for counties the approximate size of Cobb, Coweta and Forsyth. Most counties charged less than that.
9. In July 2021, Cobb County Elections and Registration Director, Janine Eveler, replied: *"We do not have a complete record of the ballot images for the November 2020 election"*. She also falsely replied: *"Since there was no rule or law at the time requiring retention, the images were not saved"*. See Exhibit C.
10. On August, 31, 2021, attorney Karen Pachuta of Jarrard & Davis, replied on behalf of Forsyth County: *"The County does not have a file of scanned ballot images that was created on the actual date of November 3"*. She also falsely replied: *"At that time it was not a requirement to keep an electronic file"*. See Exhibit D.
11. On October 25, 2021, Coweta County Elections Director, Jane Scoggins, replied: *"We do not have the ballot images on the server from the November 2020 election"*. She also falsely replied: *"The recount ballot images are the same as the 'original' images"*. See Exhibit E.
12. Recount ballot images was conducted are not the same as the original ballot images and cannot be used effectively for audit purposes. The time stamps of recount and original absentee ballot images are different. The meta data associated with the original and recount ballot images can also be different.
13. Neither Coweta, Cobb nor Forsyth could produce any evidence that any of their recount ballot images were the same as their original ballot images nor is there any mechanism to do so without access to the original ballots.
14. Ballot images can be altered between an election and a recount. At least one (1) other county produced ballot images that were electronically altered prior to certification thus further emphasizing the need for access to the original ballots or original ballot images.

15. On April 12, 2024, after the two (2) year sealing requirement came to a close, I offered to settle the Cobb, Coweta and Forsyth County cases in exchange for a copy of the 2020 and 2022 election ballots. See Exhibit F.
16. I received only one reply to my offer from Coweta County through my attorney Todd A. Harding but it simply contained the same recount ballot images again.
17. In the 2024 General Assembly session, SB189 was passed and signed into law by the Governor as Act 697 to make election ballots public record. It became effective on January 1, 2025, I then submitted an Open Records Request for the 2020 General Election ballots to Cobb, Coweta and Forsyth counties.
18. On January 7, 2025, I received a response from Coweta County stating that it would take four (4) months to produce a copy of what I believe to be about 76,000 ballots for the 2020 General Election ballots at a cost of over \$10,000.00 USD. See Exhibit G.
19. On January 9, 2025, I received a response from Cobb County stating that it would take six (6) months to produce a copy of their 396,000 ballots for the 2020 General Election at a cost of over \$13,000.00 USD. See Exhibit H.
20. On January 7, 2025, I also received a response from Forsyth County stating that they would provide all 190,000 ballots for the 2020 elections at a cost of over \$49,000. See Exhibit I.
21. Given that Cobb, Coweta and Forsyth counties could have provided the original ballot images we requested at a cost of about \$50.00 USD, we do not understand why we would be forced to pay much more if the counties provide replacement original ballot images for the ones they prematurely destroyed.

22. Cobb, Coweta and Forsyth Counties have failed to provide the digital ballot images of the original count for the 2020 General Election per our request even though those images were initially produced to tabulate the certified votes.
23. We have never sought recount ballot images that the counties produced in December, 2020, a month after the election because those images have different time stamps and meta data and there is no mechanism to ensure they would be the same as the original images.
24. Cobb, Coweta and Forsyth Counties have never independently scanned the original ballots from 2020 General Election and provided them to us as a substitute for failing to preserve the original ballot images as required by federal and state law.
25. Cobb, Coweta and Forsyth Counties have not attempted to allow us to scan the original ballots of the 2020 General Election or participate in some way to help reduce the alleged costs of the ballot image production.
26. I believe that the facts cited above, including excessive cost estimates in my opinion, show that the counties have not attempted to operate in good faith but instead have attempted to frustrate our access to the ballots.
27. The previously described resistance is an affront to the transparency Georgia voters expect in the conduct of elections and only serves to cast additional doubt on the accuracy of reported results of the 2020 General Election, which is already viewed by many as the most corrupt in Georgia history.
28. I certify that the documents attached hereto are true and accurate copies of the documents and unaltered from when I received them.

FURTHER AFFIANT SAYETH NOT.

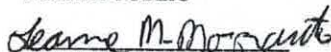
Respectfully submitted this the 18th day of April, 2025.



**GARLAND FAVORITO,
ON BEHALF OF VOTERGA**

SUBSCRIBED AND SWORN BEFORE ME
this the 18 day of April, 2025, to certify and
witness my hand and official seal.

NOTARY PUBLIC


[AFFIX NOTARIAL SEAL]

LEANNE M MAZZANTI
NOTARY PUBLIC
Fayette County
State of Georgia
My Comm. Expires Aug. 18, 2027

Favorito Ballot Image Destruction Affidavit Exhibits

- Exhibit A: Garland Favorito IT Summary
- Exhibit B: Garland Favorito Election Integrity CV
- Exhibit C: Cobb Co. 2021 Ballot Image ORR Reply
- Exhibit D: Coweta Co. 2021 Ballot Image ORR Reply
- Exhibit E: Forsyth Co. 2021 Ballot Image ORR Reply
- Exhibit F: Favorito County Settlement Offer Letter
- Exhibit G: Coweta Co. 2025 Ballot ORR Reply
- Exhibit H: Cobb Co. 2025 Ballot ORR Reply
- Exhibit I: Forsyth Co. 2025 Ballot ORR Reply

EXHIBIT “A”

Garland Favorito
Information Technology
Summary of Experience

Mr. Favorito is a career Information Technology specialist with over 40 years of experience in a wide variety of mission critical, large-scale applications. His professional expertise includes computer programming, business systems analysis, data administration, internet systems design, software architecture, systems development methodology and cyber security techniques . Prior to retiring, he obtained Certified Systems Professional status from the Association for Systems Management.

As a systems development methodologist, he developed and enhanced full life cycle methodologies needed by large scale corporations to implement, mission critical application systems. These methodologies include systems analysis, database design, re-engineering, application development, structured testing, auditing measures, quality assurance and many other time-tested procedures. The methodology products he developed or enhanced were marketed to large corporations and top national accounting firms who provided the methodologies with their branding to their customers during consulting engagements.

Mr Favorito also consulted nationally in all aspects of large-scale systems development. His industry experience includes banking, financial systems, health care, accounting, manufacturing, inventory, purchasing, retailing, utilities, telecommunications, insurance, government, software development and the residential service industry.

For the last 13 years of his professional career, he served as a systems analyst to help develop and implement online banking applications for corporate, retail and small business transaction systems at a leading financial institution. These online banking systems served over 1.5 million customers worldwide without any known penetration by an unauthorized intruder. Mr. Favorito's accomplishments include integration of each of these systems with the institution's Online Identity Management system, which he helped design, develop and integrate to protect the identity, accounts and financial transactions for all online banking users.

The Online Identity Management system successfully ensures proper authentication of all online banking customers and proper authorization of all online banking financial transactions. Mr Favorito's online cyber security intrusion prevention experience includes techniques such as multi-factor authentication, silent mode data collection, out of band authentication, challenge response messaging, encrypted key tokens and software firewall architecture.

EXHIBIT “B”



GARLAND FAVORITO

Supplemental Curriculum Vitae for Electronic Voting Systems and Election Integrity Procedures

EXPERIENCE SUMMARY:

- Over 40 years of Information Technology experience in a wide variety of disciplines including computer programming, systems analysis, data administration, development methodology and transaction security;
- Over 20 years of part-time analysis, research and reporting for verifiability, auditability, transparency and recount capabilities of electronic voting systems, election procedures and legislative initiatives;
- Co-founded *Voters Organized for Trusted Election Results in Georgia* in 2006;
- Served as volunteer Elections Director for the Constitution Party of Georgia since 2004.

GENERAL ACCOMPLISHMENTS:

- Conducted dozens of presentations throughout the state of Georgia on principles of election integrity, usages and risks in Georgia's voting systems and the process and procedures of Georgia elections;
- Produced studies for technical deficiencies of electronic voting systems, anomalies in Georgia election results and cybersecurity vulnerabilities in Georgia's election preparation;
- Produced a requirements study and presented written recommendations for Georgia's Secure, Accurate and Fair Election (SAFE) Voting System Commission in 2018;
- Trained Georgia poll workers and poll watchers on the history of electronic voting, the components of Georgia's Dominion voting system and the internal ballot processing flow of the software;
- Served as an audit monitor, recount monitor, tabulation observer, mail-in ballot processing observer, poll watcher coordinator and poll watcher in the 2020 election.

GOVERNMENTAL ACHIEVEMENTS:

- Successfully lobbied to make digital ballot images public record in 2021 and ballots public in 2024;
- Successfully petitioned the State Election Board to adopt two reconciliation rules for fraud prevention;
- Participated in defining Fulton County 2020 hand count audit irregularities that were used to form the vast majority of Gov. Kemp's 36-point study and letter to the State Election Board in November 2021;
- Successfully litigated to force Gwinnett County to produce ballot images for their 2020 primary.

PREVIOUS TESTIMONY:

- Called as expert witness in 2008-2024 voting system cases involving election irregularities both in Georgia out of state and for federal cases in Washington D.C.;
- Testified before the Georgia 2020 Senate Judiciary Sub Committee and House Government Affairs Committee in regards to potential fraud, errors, irregularities and illegalities in the 2020 election;
- Testified as petitioner expert on election irregularities presented to State Election Board;
- Served as Plaintiff technical advisor in *Curling v. Raffensperger* U.S. District Court case;
- Testified as an expert for Georgia House bill sponsor in support of HB790 election audit bill in 2006;
- Scheduled as expert witness for several pending local Georgia criminal trials.

NATIONAL RECOGNITION:

- Presented cybersecurity white paper entitled "*Unresolved Security Risks of Ballot Marking Devices*" at the 2019 National Voting Rights Task Force in Berkeley, California as only speaker receiving two time slots;
- Presented Georgia Election Integrity updates at the 2019 National Voting Rights Task Force, 2022 National Election Integrity Summit in Crystal City, Va. and 2022 Moment of Truth Summit in Springfield, Mo;
- Appeared on numerous TV shows, radio programs, internet podcasts and printed interviews that are broadcasted and distributed throughout America.

EXHIBIT “C”

Garland Favorito

From: Welch47 <welch47@aol.com>
Sent: Saturday, July 31, 2021 10:51 AM
To: Garland Favorito
Subject: Fw: Open Records Request

Sent from the all new AOL app for Android

— Forwarded Message —

From: "Eveler, Janine" <Janine.Eveler@cobbcounty.org>
To: "ElectionsORR" <ElectionsORR@cobbcounty.org>, "Welch47" <welch47@aol.com>
Sent: Tue, Jul 27, 2021 at 9:18 AM
Subject: RE: Open Records Request

We do not have a complete record of the ballot images for the November 2020 election. Since there was no rule or law at the time requiring retention, the images were not saved. Some images are still available on memory cards or on the scanners, but the data is incomplete. Memory cards are reused each election and in many cases were overwritten. After a special request made in a December 1, 2020 Official Election Bulletin, we did send a complete set of ballot images to the Secretary of State after the November recount, so you could request the November images from the Secretary of State's office. If you want us to provide what we have, knowing they are incomplete, please let me know and we can provide you with a time and cost estimate.

Janine Eveler

Director,

Cobb County Elections & Registration

770-528-2312

770-528-2519 Fax

678-315-0439 Cell

www.CobbElections.org

Register...then Vote!

EXHIBIT “D”

Garland Favorito

From: Scoggins, Jane <jscoggins@coweta.ga.us>
Sent: Monday, October 25, 2021 10:35 AM
To: Garland Favorito
Cc: Gay, Ashley
Subject: RE: ORR Follow Up Question

The recount ballot images are the same as the "original" ballot images. We do not have the ballot images on the server from the November 3, 2020, election.
Please let me know if you need additional information.

Jane Scoggins
Elections Director
Coweta County
22 East Broad Street
Newnan, GA 30263
Telephone: 678-854-0015
Fax: 678-854-0017

From: Garland Favorito <garlandf@voterga.org>
Sent: Monday, October 25, 2021 10:29 AM
To: Scoggins, Jane <jscoggins@coweta.ga.us>
Cc: Elaine Kilgore <ewkilgore@att.net>; Maari Bennett <mbennett@gaconstitutionparty.org>
Subject: ORR Follow Up Question

Good morning Director Scoggins, (Coweta Co. 678 854-0015)

Elaine recently requested and paid for the original ballot images for the November 3rd election and we received ones from the recount instead. Could you please confirm whether or not you have the original ballot images and if so, how we can obtain them for her Open Records Request?

Thank you,

Garland Favorito
VOTERGA.ORG
404 664-4044 CL



WARNING: This email originated outside of the Coweta County Email System. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

EXHIBIT “E”



JARRARD & DAVIS, LLP

222 WEBB STREET
CUMMING, GEORGIA 30040

KAREN PACHUTA
ASSOCIATE
KPACHUTA@JARRARD-DAVIS.COM

PHONE: 678-455-7150
FAX: 678-455-7149
WWW.JARRARD-DAVIS.COM

January 7, 2025

VIA EMAIL and U.S. MAIL

Garland Favorito
VoterGA
220 Tallow Box Dr.
Roswell, GA 30076
garlandf@voterga.org

**Re: Open Records Act Request dated January 2, 2025
JustFOIA Request No. ORR-2025-10**

Mr. Favorito:

This office and the undersigned represent Forsyth County, Georgia. Forsyth County is in receipt of your Open Records Act ("ORA") request dated January 2, 2025. In accord with O.C.G.A. § 50-18-71, *et seq.*, Forsyth County responds to your request for the following:

"...a scanned, electronic copy of the county's 2020 election ballots pursuant to Act 697 of the Georgia General Assembly which was signed by the Governor on May 6, 2024 of this year to revise O.C.G.A. 21-2-493 effective as of January 1, 2025. The request is for a standard 600 DPI, 16 bit color copy all 2020 election ballots in the clerk's possession to be unsealed and copied with public observation."

As an initial matter, please accept this as a respectful reminder of O.C.G.A. § 50-18-71(e). This provision requires ORA requests related to pending litigation be copied on the jurisdiction's city or county attorney. As you know, VoterGA initiated litigation against the County (Civil Action File No: 22-CV-1314) alleging violations of the ORA related to the production of 2020 ballot images. That matter remains pending in the Superior Court of Coweta County.

While prior requests for *copies* of original ballots (independent of the images created by the election voting system) were denied because those ballots were sealed (See O.C.G.A. § 21-2-500), the Georgia legislature enacted legislation, effective January 1, 2025, to provide for the *scanning* of such ballots. This legislation, O.C.G.A. § 21-2-493(j.2), provides that: 1) requests for scanned ballot images must be made via the ORA; 2) the County must scan the ballots at no less than 600 dots per inch ("dpi") which is higher than the current 200 dpi of the scanned ballot images created by the election system; and 3) only authorized election officials may touch or handle any physical ballots, though the requestor is permitted to observe the scanning process. The legal custodian of the original ballots remains the Clerk of the Superior Court; under O.C.G.A. § 21-2-

493(j.2)(2), the election superintendent is permitted to access the sealed ballots for the purpose of scanning same.

Pursuant to the ORA, the County is authorized to charge for the search, retrieval, and production involved in responding to your request, after the first fifteen (15) minutes of department employee time expended, at the hourly rate of the lowest-paid, full-time employee who possesses the necessary skill to respond (which will be, as required, an authorized election official). Further, pursuant to O.C.G.A. § 50-18-71(c), the County may charge for the cost of the storage media to hold the scanned records. Each container of ballots and election materials will require retrieval and formal unsealing, with a log created of such activities. Furthermore, scanning at 600 dpi is a significantly lengthier process than scanning at the normal 200 dpi (the resolution for the election scanners).

Per O.C.G.A. § 50-17-71, *et seq.*, we are providing you with a pre-retrieval cost estimate for scanning and producing 600 dpi image files for all 2020 election ballots. There were four (4) separate elections in 2020: the Presidential Preference Primary, the General Primary; the run-off election for both the U.S. and Ga. House of Representatives; and the November 3 General Election. The cumulative number of Forsyth County ballots for 2020 is 190,240. Of those, 58,489 are handwritten ballots (either absentee by mail or provisional) that are double-sided so that both front and back of the ballot will require scanning. The ballots are stored in multiple (over 100) sealed containers that must be removed from storage, unsealed / logged per procedure, and organized for scanning. The estimate for retrieval and processing of the ballots from the containers is 2,500 ballots per hour at the Election Supervisor's hourly rate of \$29.13, less the first fifteen (15) minutes. As such, the cost estimate for the retrieval process (76 hours) is \$2,206.60. In order to provide an accurate estimate for scanning, both our office and elections staff (each using a separate scanner) measured the time it took to scan the ballots at 600 dpi color. On average, it took 36 seconds to scan a page and create a file at that resolution. Thus, it will require 2,487 hours to scan the requested images¹. At the hourly rate of \$18.97 (the hourly rate of an authorized election official), the aggregated estimate to scan the 2020 ballots at 600 dpi is \$47,178.39. The actual cost of a 1 TB flash drive to store the high-resolution images is \$80.00.

Based upon the above methodology, the total pre-retrieval cost estimate is \$49,464.99. I regret the high cost; but scanning 190,240 ballots at 600 dpi is an extremely time intensive, laborious process. Because the estimated costs for production of the records exceed \$500.00, the County does require prepayment prior to the retrieval, scanning or production of the records. When submitting payment, please provide the request number ORR-2025-10. To pay by phone, please call (770) 781-2102. You may submit a check or money order by mail or pay in person at the following address:

Forsyth County Administration
110 E. Main Street, Ste. 210
Cumming, GA 30040

¹ Based on 248,729 pages to be scanned, which includes an estimate of 2 pages per double-sided ballot.

Upon remitting pre-payment to the County, we would appreciate a courtesy email informing us. This will provide us with the opportunity to coordinate with you a schedule for you to observe the process, as required in the new statute. Due to general staffing and the enormous amount of time needed to compile and scan the records at such a high resolution, the actual process will need to be distributed over multiple months.

Please know that the amount set forth in this correspondence is an estimate, and Forsyth County reserves the right to adjust upward or downward depending upon the actual time it takes to respond.

Sincerely,

JARRARD & DAVIS, LLP

/s/ Karen Pachuta
Karen Pachuta

KP/sa

cc: Counsel for VoterGA, Todd Harding
Forsyth County Clerk of Superior Court, Greg Allen
Forsyth County of Board of Voter Registrations and Elections
Forsyth County Elections Supervisor, Mandi Smith

EXHIBIT “F”



April 12, 2024

Dear County Commissioners,

It has come to my attention that you may be unaware of a lawsuit we felt forced to file against the county over the destruction of original Dominion ballot images from the 2020 election. We believe the overwriting of memory cards containing those images and other electronic election records is a violation of both federal and state laws that require all election records to be retained for 22 and 24 months, respectively. Digital ballot images are the most important election records to retain since they can be used to reproduce the electronic results in case of an emergency.

Both before and after the lawsuit was filed, we tried to obtain from the county an independent copy of the physical election ballots to compensate for the destruction of the original ballot images and allow county and state residents to verify the election results. We have been met with what we believe to be unnecessary resistance.

I am writing in an attempt to resolve this matter in case you were not informed of our lawsuit which was filed on November 4, 2022. We have also filed a notice to preserve the ballots as evidence for the case and have requested them through discovery but received no cooperation. New legislation passed in the 2024 General Assembly session will require the county to produce ballots upon request so it is important for the county to prepare to uphold new Georgia laws anyway.

For the best interests of its residents, we ask the county to simply provide a standard 600 DPI electronic copy of the November 2020 General, and May 2022 Primary, Election ballots made independently of the Dominion voting system. In return, I believe we can agree to dismiss the November 4, 2022 lawsuit and hold the county harmless regarding any potential actions that could be taken for non-compliance.

I am happy to discuss this at a commission meeting or your attorney can call our attorney, Todd Harding, at 404 918 5902 to discuss legal details. We are looking forward to resolving this matter in the best interests of all involved.

Sincerely,

A handwritten signature in black ink that reads "Garland Favorito".

Garland Favorito
Co-founder
404 664-4044

EXHIBIT “G”

Received
January 02, 2025 via web

Requester

Garland Favorito
garlandf@voterga.org
120 Tallow Box Dr, Roswell, GA, 30076
404) 664-4044

Choices

Voices due

Staff assigned

Departments
Elections and Voter Registration
Point of contact
Key Gay

This is an Open Records Request for a scanned, electronic copy of the county's 2020 election ballots pursuant to 697 of the Georgia General Assembly which was signed by the Governor on May 6, 2024 of this year to revise O.C.G.A. 21-2-493 effective as of January 1, 2025. The request is for a standard 600 DPI, 16 bit color copy all 2020 election ballots in the clerk's possession to be unsealed and copied with public observation.

Sincerely,

Garland Favorito

Timeline Documents

Document(s) released to requester

ORR Invoice.pdf

January 7, 2025, 3:18pm by Staff

Message to requester

Coweta County received your open records request.

In accordance with O.C.G.A. § 50-18-71, et seq., Coweta County hereby responds to your request within three business days of receipt.

Due to the voluminous amount of time it will take, our office estimates the cost of your request will be, at minimum, \$10,858.35. Due to the cost exceeding \$500, prepayment will be required. If you would like for our office to proceed with your request, please let us know and make arrangements to bring in payment. Our office anticipates that the documents will be ready by May 16, 2025 or 4 months from the time payment is received. We will not process this request until payment has been received.

January 7, 2025, 3:16pm by Staff

Department assignment

Elections and Voter Registration

January 2, 2025, 4:35pm by the requester

Request opened

Request received via web

January 2, 2025, 4:35pm by the requester

Requester +

Requester +

Anyone with access to this request

Anyone with access to this request

EXHIBIT “H”

Garland Favorito

From: Cobb County Georgia <cobbcountyga@govqa.us>
Sent: Thursday, January 9, 2025 4:19 PM
To: Garland Favorito
Subject: [Records Center] Elections Records Request :: E000001-010225

--- Please respond above this line ---



Good afternoon,

Please see below for cost estimate total and breakdown.

Total estimated cost: \$13,196.32

Total time: 177 working days or 35.5 weeks

Time breakdown: A team of two election officials would spend two hours each working day on scanning the November 2020 ballots as to not interrupt our daily operations.

Estimated cost breakdown:

- 2 hours for pickup and delivery of ballots from storage warehouse
 - 2 staff members to drive, pickup, and deliver - \$19.27/staff member/hour for a total of \$77.08
- 2,250 ballots can be scanned per day, with 396,551 total ballots would place us at 177 days of 2 hours/day
 - The two election officials who would complete the scanning are paid \$18.94 and \$18.12 per hour for a combined hourly rate between the two of them to be \$37.06
 - $\$37.06 \times 2 = \74.12 per day of scanning, times 177 gives a total of \$13,119.24
 - Plus the delivery costs of \$77.08
- **Total cost of \$13,196.32**

Please let us know by Tuesday, 1/14/25 if you would like to move forward with this request.

To monitor the progress or download responsive records from Cobb County, please login to the [Open Records Center](#).

EXHIBIT “I”



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January 7, 2025

VIA EMAIL and U.S. MAIL

Garland Favorito
VoterGA
220 Tallow Box Dr.
Roswell, GA 30076
garlandf@voterga.org

**Re: Open Records Act Request dated January 2, 2025
JustFOIA Request No. ORR-2025-10**

Mr. Favorito:

This office and the undersigned represent Forsyth County, Georgia. Forsyth County is in receipt of your Open Records Act ("ORA") request dated January 2, 2025. In accord with O.C.G.A. § 50-18-71, *et seq.*, Forsyth County responds to your request for the following:

"...a scanned, electronic copy of the county's 2020 election ballots pursuant to Act 697 of the Georgia General Assembly which was signed by the Governor on May 6, 2024 of this year to revise O.C.G.A. 21-2-493 effective as of January 1, 2025. The request is for a standard 600 DPI, 16 bit color copy all 2020 election ballots in the clerk's possession to be unsealed and copied with public observation."

As an initial matter, please accept this as a respectful reminder of O.C.G.A. § 50-18-71(e). This provision requires ORA requests related to pending litigation be copied on the jurisdiction's city or county attorney. As you know, VoterGA initiated litigation against the County (Civil Action File No: 22-CV-1314) alleging violations of the ORA related to the production of 2020 ballot images. That matter remains pending in the Superior Court of Coweta County.

While prior requests for *copies* of original ballots (independent of the images created by the election voting system) were denied because those ballots were sealed (See O.C.G.A. § 21-2-500), the Georgia legislature enacted legislation, effective January 1, 2025, to provide for the *scanning* of such ballots. This legislation, O.C.G.A. § 21-2-493(j.2), provides that: 1) requests for scanned ballot images must be made via the ORA; 2) the County must scan the ballots at no less than 600 dots per inch ("dpi") which is higher than the current 200 dpi of the scanned ballot images created by the election system; and 3) only authorized election officials may touch or handle any physical ballots, though the requestor is permitted to observe the scanning process. The legal custodian of the original ballots remains the Clerk of the Superior Court; under O.C.G.A. § 21-2-

493(j.2)(2), the election superintendent is permitted to access the sealed ballots for the purpose of scanning same.

Pursuant to the ORA, the County is authorized to charge for the search, retrieval, and production involved in responding to your request, after the first fifteen (15) minutes of department employee time expended, at the hourly rate of the lowest-paid, full-time employee who possesses the necessary skill to respond (which will be, as required, an authorized election official). Further, pursuant to O.C.G.A. § 50-18-71(c), the County may charge for the cost of the storage media to hold the scanned records. Each container of ballots and election materials will require retrieval and formal unsealing, with a log created of such activities. Furthermore, scanning at 600 dpi is a significantly lengthier process than scanning at the normal 200 dpi (the resolution for the election scanners).

Per O.C.G.A. § 50-17-71, *et seq.*, we are providing you with a pre-retrieval cost estimate for scanning and producing 600 dpi image files for all 2020 election ballots. There were four (4) separate elections in 2020: the Presidential Preference Primary, the General Primary; the run-off election for both the U.S. and Ga. House of Representatives; and the November 3 General Election. The cumulative number of Forsyth County ballots for 2020 is 190,240. Of those, 58,489 are handwritten ballots (either absentee by mail or provisional) that are double-sided so that both front and back of the ballot will require scanning. The ballots are stored in multiple (over 100) sealed containers that must be removed from storage, unsealed / logged per procedure, and organized for scanning. The estimate for retrieval and processing of the ballots from the containers is 2,500 ballots per hour at the Election Supervisor's hourly rate of \$29.13, less the first fifteen (15) minutes. As such, the cost estimate for the retrieval process (76 hours) is \$2,206.60. In order to provide an accurate estimate for scanning, both our office and elections staff (each using a separate scanner) measured the time it took to scan the ballots at 600 dpi color. On average, it took 36 seconds to scan a page and create a file at that resolution. Thus, it will require 2,487 hours to scan the requested images¹. At the hourly rate of \$18.97 (the hourly rate of an authorized election official), the aggregated estimate to scan the 2020 ballots at 600 dpi is \$47,178.39. The actual cost of a 1 TB flash drive to store the high-resolution images is \$80.00.

Based upon the above methodology, the total pre-retrieval cost estimate is \$49,464.99. I regret the high cost; but scanning 190,240 ballots at 600 dpi is an extremely time intensive, laborious process. Because the estimated costs for production of the records exceed \$500.00, the County does require prepayment prior to the retrieval, scanning or production of the records. When submitting payment, please provide the request number ORR-2025-10. To pay by phone, please call (770) 781-2102. You may submit a check or money order by mail or pay in person at the following address:

Forsyth County Administration
110 E. Main Street, Ste. 210
Cumming, GA 30040

¹ Based on 248,729 pages to be scanned, which includes an estimate of 2 pages per double-sided ballot.

Upon remitting pre-payment to the County, we would appreciate a courtesy email informing us. This will provide us with the opportunity to coordinate with you a schedule for you to observe the process, as required in the new statute. Due to general staffing and the enormous amount of time needed to compile and scan the records at such a high resolution, the actual process will need to be distributed over multiple months.

Please know that the amount set forth in this correspondence is an estimate, and Forsyth County reserves the right to adjust upward or downward depending upon the actual time it takes to respond.

Sincerely,

JARRARD & DAVIS, LLP

/s/ Karen Pachuta
Karen Pachuta

KP/sa

cc: Counsel for VoterGA, Todd Harding
Forsyth County Clerk of Superior Court, Greg Allen
Forsyth County of Board of Voter Registrations and Elections
Forsyth County Elections Supervisor, Mandi Smith