



STATE ELECTION BOARD COMPLAINT
FULTON COUNTY REFUSAL TO PERMIT PUBLIC INSECTION OF DOCUMENTS

Complainant: Garland Favorito

Date: February 16, 2026

Respondent: Fulton County (Board of Elections, County Clerk)

PERTINENT FACTS:

On Jan. 7, 2021, Mr. Favorito and other plaintiffs were granted a temporary injunction issued against Fulton County to preserve its 2020 election ballots.

On May 21, 2021, Mr. Favorito and other plaintiffs were granted a court order against Fulton County to unseal the 2020 election ballots requested. [See Exhibit A]

On Dec. 22, 2022, The Georgia Supreme Court overturned a lower court ruling and confirmed that Mr. Favorito and other plaintiffs had standing to pursue its claims against Fulton County. This ruling reactivated lower court orders to preserve and unseal ballots.

On July 1, 2024 – Mr. Favorito submitted an Open Records Request (ORR) through the Fulton County ORR portal to the Fulton Board of Registrations and Elections (BRE) after changes in Georgia law. The request for a copy of the 527,925 ballots Fulton certified read:

"This request is made pursuant to O.C.G.A. 51-18-71, 72 in which ballots are subject to Open Records Requests and pursuant to the active court order in the Favorito v. Wan case that compels Fulton Co. to unseal its 2020 General Election Ballots. This is an Open Records Request for a standard 600 DPI electronic copy of all 2020 General Election cast ballots made independently of the Dominion voting system hardware and software."

On July 10, 2024, The Fulton BRE replied *"There are no responsive documents to your request"* [See Exhibit B]

On July 11, 2024, Mr Favorito submitted an identical ORR to the Fulton County Clerk of Court via the ORR records center.

By July 31, Mr. Favorito determined he received no reply and found the status of his ORR was falsely labelled *'Duplicate Request'*.

Oct. 17, 2024, Mr. Favorito emailed the same ORR content to the clerk's office after he is told the Clerk is not in the Fulton ORR portal.

On Nov. 12, 2024, Mr. Favorito hand delivered the same ORR to Clerk's office and had it signed by a clerk staff member.



On Nov. 13, 2024, Mr. Favorito emailed Elizabeth Markowitz in the Clerk's office attaching a copy of the hand delivered ORR.

On Nov. 25, 2024, Mr. Favorito followed up with Ms. Markowitz after not receiving a reply to his ORR. Ms. Markowitz replied no such documents exist in the requested format and the clerk is not required to copy the documents and the records are under seal anyway [See Exhibit C]

On Nov. 25, 2024, Mr. Favorito replied, citing the active Fulton Co. unseal order, statutes indicating the sealing requirement expired after two years and ORR statutes 50-18-71(a) stating *"All public records shall be open for personal inspection and copying"*

On Jan. 2, 2025, Mr. Favorito emailed the same ORR to Ms. Markowitz after more changes became effective for public ballots in Georgia law.

On Jan. 15, 2025, Ms. Markowitz replied new statute, O.C.G.A. 21-2-493 (j.2)(1), only applies to the BRE and maintained there are no responsive documents because they have no copy in requested format. [See Exhibit D]

On Feb. 19, 2025, Mr. Favorito filed the same ORR to the Fulton BRE through the Fulton Open Records Request Center Request portal.

On Feb. 19, 2025, the Fulton BRE replied through the portal that: *"There are no responsive documents to your request."* [See Exhibit E]

SUMMARY:

During 2024, and 2025, the Fulton County BRE and Clerk's Office officially and repeatedly replied to Mr. Favorito that they had no responsive records when he clearly and specifically requested a copy of the 2020 election ballots they were required to preserve under state and federal law.

Since January 28, 2026, when the Federal Bureau of Investigation (FBI) executed a search warrant for all Fulton County 2020 election records, the Fulton County Court Clerk, Fulton County Commission Chair, Fulton County Commissioners, Fulton County Election Board members and Fulton County election officials have publicly stated that they had stored ballots in the Fulton County warehouses and the ballots were seized by the FBI.



The Fulton Co. BRE and clerk staff repeatedly gave false replies to Mr. Favorito and refused to permit the legal copying or inspection of the 527,925 ballots cast in the 2020 election. Both the BRE and clerk were aware of the matter as it was subject to litigation.

LEGAL STANDARDS:

O.C.G.A. § 21-2-585 cites penalties for *“Refusal by Superintendent or His or Her Employee to Permit Public Inspection of Documents; Removal, Destruction, or Alteration of Documents”*

O.C.G.A. § 16-10-71 cites penalties for false swearing in an official capacity

O.C.G.A. § 50-18-71 requires all public records to be open for personal inspection and copying

O.C.G.A. § 21-2-72 requires primary and election records must be open to the public

Exhibit A court order specifically required Fulton County to unseal the ballots during the time Mr. Favorito submitted all four ORRs

O.C.G.A. § 21-2-73 requires primary and election records to be preserved for 24 months

52 USC § 20701 requires all election records to be preserved for 22 months

The Exhibit F court order specifically required Fulton County to preserve the ballots Mr. Favorito requested

COMPLAINT PROCESSING:

Mr. Favorito requests that this complaint be handled exclusively by State Election Board investigators given that the Secretary of State and Attorney General filed an amicus brief against him and other plaintiffs on April 2, 2021 in an attempt to prevent them from obtaining copy of the ballots in question. The brief, which contained false information documented in Plaintiffs reply clearly establishes that the SOS and AG offices are compromised in this matter.

Mr. Favorito requests that upon completion of this investigation that the SEB make a criminal referral to the U.S. Attorney’s office in light of the facts that the violations involve federal elections. Mr. Favorito requests that the SEB seek to impose at least a token fine of \$10 per ballot for each of the four times he officially received false information from Fulton County in response to his legally submitted ORRs.



EXHIBITS

[Exhibit A – Court Order to Preserve Ballots](#)

[Exhibit B – July 10, 2024 Fulton BRE Reply No Responsive Records Exist](#)

[Exhibit C - 2024 Fulton Clerk Reply No Responsive Records Exist](#)

[Exhibit D - 2025 Fulton Clerk Reply No Responsive Records Exist](#)

[Exhibit E - 2025 Fulton BRE Reply No Responsive Records Exist](#)

[Exhibit F – Court Order to Unseal Ballots](#)

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

