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Fulton Officials Claimed No Ballots Existed 4 Times Before Seizure

ATLANTA, GA. FEBRUARY 26, 2026 – VoterGA co-founder Garland Favorito [presented](#) a new State Election Board (SEB) [complaint](#) he filed against Fulton County last Monday for **illegally refusing 2024 and 2025 Open Records Requests (ORRs) to produce the 2020 General Election ballots recently seized** for a criminal investigation by the Federal Bureau of Investigation (FBI). It was the first SEB complaint he has filed in 20 years. It continues a five-year saga of **the county’s refusal to produce the ballots for the State Election Board, the U.S. Justice Department Civil and Criminal Divisions, a state criminal Defendant and three civil cases beginning with the Favorito Plaintiffs’ lawsuit filed on December 23, 2020.**

Favorito showed four 2024 and 2025 ORRs where Fulton County’s Clerk and Board of Registrations and Elections **officially replied four times that they had no responsive records** to his ORRs requesting copies of the ballots. The clerk’s office replied they had no such records in the requested format and were not obligated to copy them despite ORR law stating the contrary. **The ballots Favorito requested were the same 2020 ballots that the FBI seized** along with other 2020 election records on January 28, 2026 at the Fulton County Elections Hub and Warehouse in Fairburn, Georgia. [\[O.C.G.A. § 50-18-71, 72\]](#)

Fulton County has since filed the *Pitts v. U.S.* [lawsuit](#) in an attempt to get the ballots returned and have even laughingly asked the court to prevent the FBI from looking at them during their criminal investigation. The lawsuit makes claims involving the 1st and 4th Amendments and federal criminal procedure 41(g). It contends the FBI had no probable cause of crimes for the seizure. The 1st Amendment claim falsely argues that the seized records can be used to link ballots to voters. There is no such link from a ballot to a voter and if true, Fulton County would have continually violated Georgia Constitutional ballot secrecy.

Fulton Plaintiffs include the Commission, Chairman Robb Pitts, the Board of Registration and Elections, the County and Clerk Che Alexander. However, Favorito pointed out that **none of the Plaintiffs have standing**. Government agencies do not have Constitutional rights, only citizens do. None of the individual Plaintiffs own the ballots and cannot be aggrieved parties as is required by federal criminal procedure.

Favorito argued that facts leading to probable cause were established through Fulton County admissions, SEB criminal referrals, a study by Governor Kemp’s office, sworn affidavits and expert SEB testimony. He [outlined](#) publicly available evidence supporting probable cause for all five search warrant claims alleging:

- Missing Digital Records;
- Vote Count Discrepancies;
- Double Scanned Ballots;
- Counterfeit Absentee Ballots;
- Unsourced Ballot Batches.

Favorito concluded: *“Fulton County has spent five years and millions of taxpayer dollars trying to hide their 2020 ballots from Georgians. It has become obvious to any unbiased observer that there is probable cause for crimes and Fulton is trying to cover-up criminal activity that occurred in the 2020 General Election.”* A hearing is scheduled Friday for 9am at the Richard Russell building in Judge J.P. Boulee’s Courtroom 1908.

VoterGA is a non-partisan, 501(c)3 registered non-profit organization created by a coalition of citizens working to restore election integrity in Georgia. We advocate for independently verifiable, auditable, recount capable, transparent and tamper proof elections.