

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

DONNA SCHAEFER MORETTI
272 Ryans Run
Jefferson, GA 30549
ACTION

CIVIL

Petitioner, Pro Se

No.

v.

BRAD RAFFENSPERGER in his
official capacity as the Georgia
Secretary of State

JACKSON COUNTY
BOARD OF ELECTIONS
DANIELLE KUNTZ
LARRY EWING
JUDY MCNICHOLS
JAMES WHITE
JEFF HUGHES
Respondents

**VERIFIED COMPLAINT FOR DECLARATORY
JUDGMENT and
INJUNCTIVE RELIEF**

COMES NOW, Donna Schaefer Moretti, (“Petitioner”), Pro Se, and
file this, their

Complaint against Brad Raffensperger in his official capacity as the
Georgia Secretary of State (“SoS”) and the Jackson County Board of

Elections (“BoE”) as listed above. In support of the claims set forth herein, Petitioner alleges and avers as follows:

INTRODUCTION

1. This action seeks Declaratory Judgment and Emergency Injunctive Relief pursuant to O.C.G.A.: 50-13-10 *et seq.*; 9-4-2 *et seq.*; 9-11-65; and 21-2-32. This action arises under O.C.G.A.: 21-2-300(a)(2) and (3); 21-2-321(a), (c) and (e); 21-2-365(8). First, Fourteenth and Twenty Sixth Amendment of the US Constitution. Article I, Section I, Paragraphs I, II, VII, and IX of the Georgia (“GA”) Constitution. Help America Vote Act (“HAVA”) 2002, 52 USC 10307(d), 52 USC 10308 *et seq.* Subject matter jurisdiction and venue are proper and are conveyed to this honorable Court pursuant to GA Code Title 50-13-10. The petitioner is a citizen and taxpayer of Georgia and Jackson County and a registered voter of the same.

2. The Petitioner and People of Georgia (“GA”) have been bringing to the attention of our county Boards of Elections (“BoE”), County Commissioners, State BoE and the GA SoS office proof of

widespread fraud, the fact that the Ballot Marking Devices (“BMD”) and ImageCast X voting system (“ICX”) do not record and count actual votes cast but the ICX’s interpretation of the QR Code or bar code printed on the ballot, and the fact that these BMD’s including all peripheral equipment, hardware and software were not legally certified by the Elections Assistance Commission (“EAC”) at the time they were purchased nor at the times they were used as is required by GA law. Any standard, practice or procedure that results in the abridgment or denial of the right of any citizen to vote ((Footnote (“FN”) 3)) is unconstitutional and illegal (FN 4).

3. The Petitioner nor the People of GA ever voted to move from hand marked paper ballots to electronic machine voting as is required by law.

4. The Petitioner nor the People of GA ever voted to increase the debt of their county’s of residence for the move to electronic voting machines as is required by law.

5. The County BoE’s that have attempted to move to hand marked paper ballots, as is authorized by law, were intimidated by the GA SoS office with threats of exorbitant fines if they followed through with this move.

6. The county BoE's that have attempted to do hand recounts of the original ballots cast were also intimidated by the GA SoS office or their own county attorneys. The only explanation for this is to cover up fraud, or to cover up the fact that the current BMD/ICX voting system is fraught with errors.

7. The Petitioner and the People of Georgia are being stonewalled by either their County BoE's or the GA SoS office for Open Records Requests, that are our right to access, as is stated by GA law. Again, the only explanation would be to cover up fraud or the proof that the current BMD/ICX voting system is fraught with errors.

8. The current voting system is too dependent on technology. This allows for multiple avenues of hostile incursions into our elections. This was testified to by Brian Kemp in 2016 while participating in a Congressional hearing, following his report titled "Critical Infrastructure & DHS Hacking Attempts". Brian Kemp correctly argued at that time, based on the Constitution protecting the right of States to conduct elections, that designating elections as 'critical infrastructure' would cause a lack of transparency for voters and would open the States up to vulnerabilities.

9. The 'critical infrastructure' designation is a usurpation of

State's rights as protected by the United States ("US") Constitution. The 'critical infrastructure' designation is unconstitutional and has effectively federalized our elections. This designation was an overstep of authority by an unelected administrative agency of the Executive Branch. It is in violation of separation of powers, the Tenth Amendment, and Article 1, Section 4 of the Constitution. Only Congress can make law to alter election regulations.

10. The US EAC is the authority for accreditation of vendors responsible for ensuring the electronic voting systems are certified for use. The EAC has now, allegedly, been caught falsifying documents in an attempt to mislead the People into believing these vendors are accredited when they are not and have not been since 2017. This alleged fraud and forgery committed by a federal employee of a federal commission should suspend all actions of the EAC and the vendors they supposedly accredited until a full investigation of these alleged crimes has been completed.

11. The fact that the voting machine manufacturers are the ones that pay the third party Voting System Testing Labs ("VSTL") for certifying that their voting machines meet the standards required by the EAC is an egregious conflict of interest.

12. The recent advisory issued by the Cybersecurity and Infrastructure Security Agency (“CISA”) (Ex. J) lists a multitude of vulnerabilities that cannot be addressed with any assurances. This list of vulnerabilities prove that not only is it quite simple to install malware with a variety of avenues, but that these voting systems indeed have illegal internet access capability.

STATEMENT OF FACTS

13. Brad Raffensperger, in his official capacity as the GA SoS, had a duty to ensure these Dominion voting systems were certified prior to purchase. The applicable GA code reads - *O.C.G.A. 21-2-300 (a)(3)* - *The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition.* This was not done. Brad Raffensperger acquired the Dominion voting system in violation of O.C.G.A. 21-2-300(a)(3). Therefore, the current ICX system is illegal in the state of GA and the usage of this system should be immediately discontinued.

14. A cursory inspection of the US EAC website shows the

accreditation for Pro V&V expired February 24, 2017 (Ex. A). No later documents showing accreditation exist on the EAC website until February 1, 2021

(Ex. A1). Even this document is not valid since these certificates require expiration dates per VSTL Program Manual Section 3.6.1.3 which states *“The effective date of the certification, which shall not exceed a period of two (2) years”*. This is a complete failure on the part of the SoS office.

15. The EAC attempted to gloss over their and Pro V&V’s oversight by issuing a memo dated 1/27/2021 (Ex. A2) in which they blamed COVID-19. This is ludicrous since the Pro V&V renewal period for their accreditation expired over three years prior to COVID-19 appearing in the US. Pro V&V was required to submit application for renewal between December 24, 2016 and January 24, 2017, which is 30 to 60 days prior to expiration, as is required by law. The EAC again attempted to gloss over their and Pro V&V’s failings by stating the EAC did not vote to revoke Pro V&V’s accreditation. This, again, is ludicrous as the accreditation had expired as of February 24, 2017 which adheres to the guidelines set forth in the VSTL Program Manual. The EAC admits a grant of accreditation is valid for a period

not to exceed two years and that the date of expiration is required to be annotated on the certificate in this 'memo'.

16. The failings of the EAC and Pro V&V do not mitigate the malfeasance, nonfeasance of office and official misconduct perpetrated by Brad Raffensperger. It also does not abrogate his responsibilities and duty to the People and laws of GA. If accreditation seemed questionable, which it still does, Brad Raffensperger as the SoS of this state and the individual in charge of elections, should have been able to discern these glaring issues. This is an obvious violation of O.C.G.A. 45-11-4.

17. Brad Raffensperger continued to expound on Pro V&V being EAC accredited on multiple occasions. Multiple times in a court of law, in the *Donna Curling, et al. v. Brad Raffensperger, et al. CIVIL ACTION NO. 1:17-cv-2989-AT*, as well as on the SoS website, where it was stated, "Secretary of State Brad Raffensperger last week ordered Pro V&V, a U.S. Election Assistance Commission certified testing laboratory, to do an audit of a random sample of machines to confirm no hack or tamper." (emphasis added) (Ex. B). These are just a few examples. There are many more. There is another issue with this statement as put forward by the GA SoS, Pro V&V nor any VSTL

is qualified nor accredited through the EAC to perform any type of forensic audit of the voting systems. Though, the People of GA paid them, under the direction of Brad Raffensperger, for this service they are not accredited, nor perhaps qualified, to do. It is also an obvious conflict of interest to have the company that supposedly ‘certified’ the voting machines to also perform the audit.

18. Brad Raffensperger was aware of the fact that Pro V&V was not accredited through the EAC since at least September 11, 2019. Ryan Germany, General Counsel for the GA SoS, received an email from an attorney, Robert McGuire, who was representing the Coalition for Good Governance in the pending *Curling v. Raffensperger* lawsuit. The pertinent portion of this email, dated September 11, 2019, reads, “*Finally, we understand that Pro V&V served as the testing agent for the EAC and also to provide some functional testing for the State’s certification of the BMD system. We have been unable to find a current EAC certificate of accreditation for Pro V&V. The certificates seem to have been removed from the EAC website, and the latest ones we can locate expired in 2017. Can you please advise whether Pro V&V is an accredited testing lab, certified by the EAC?*” (Ex. C pg 5).

19. On September 17, 2019, six days *after* this email was received by Ryan Germany, a 'document' mysteriously appears on the EAC website. This 'document' titled "Pro V&V Letter of Agreement.pdf" was neither signed nor dated as is required pursuant to EAC's VSTL Program Manual Section 3.4.2. (<https://www.eac.gov/voting-equipment/manuals-and-forms>). This 'Letter of Agreement', seems to have been created by the EAC Testing and Certification Director, Jerome Lovato (Ex. C), and put out to the public via the EAC website as a document submitted by Jack Cobb of Pro V&V.

20. The many and varied, glaringly obvious, discrepancies included in this 'Letter': it is addressed to Mr. Brian Hancock who retired in February 2019; the file's metadata shows the document was created by Jerome Lovato, not Jack Cobb of Pro V&V; metadata revealed the document was created on September 17, 2019, six days after Brad Raffensperger's office received the email notifying them of Pro V&V not being certified; when the document was opened in PhotoShop, artifacts revealed the 'Pro V&V letterhead' was cut and pasted and not one image; the Pro V&V address was misspelled and there was no phone number or email address (these items are required per the VSTL Program Manual Section 3.4.1.6); the address

used for the EAC on the 'Letter' changed in 2013, well before the supposed date of the 'Letter'.

21. Based on the metadata and PhotoShop artifacts, it appears Jerome Lovato of the EAC and not Jack Cobb of Pro V&V 'authored' this 'Pro V&V Letter of Agreement.pdf' on September 17, 2019. EAC officials have gone to great lengths to fraudulently represent documents and give a false account of laws, rules and regulations, in order to misrepresent Pro V&V's accreditation status. This is in clear violation of the Help America Vote Act ("HAVA") of 2002 (52 USC 20901 to 21145), it may also be a violation of 18 USC 1512 - *conduct intended to illegitimately affect the presentation of evidence in a Federal proceeding*, since this document seems to have been created due to the question posed by the Plaintiff's attorney during the *Curling v. Raffensperger* lawsuit. This presents another avenue that requires investigation.

22. The EAC continues in their attempt to propagate misleading interpretations of the laws, regulations and guidelines associated with VSTL accreditation processes. Currently posted on the EAC website is this explanation as to Pro V&V's missing documentation and certifications required for February 24, 2017 to 2019 and February

24, 2019 to 2021, “Pro V&V was accredited by the EAC on February 24, 2015. Federal law provides that EAC accreditation of a VSTL cannot be revoked unless the EAC Commissioners vote to revoke the accreditation.” . This regulation has nothing to do with the fact that the Pro V&V accreditation expired. VSTL Program Manual, Version 1, effective July 2008 and Version 2, effective May 2015 Section 3.8 reads – Expiration and Renewal of Accreditation. - A grant of accreditation is valid for a period not to exceed two years. A VSTL’s accreditation expires on the date annotated on the Certificate of Accreditation. Therefore, the Pro V&V accreditation legally expired two years after issuance as is set forth by the EAC VSTL guidelines. There are no documents archived for Pro V&V between the dates of 02/24/2015 and 01/27/2021 as is shown on the EAC website (Ex. A3).

23. The VSTL Program Manual Section 3.6.2. reads - Post Information on Web Site. - The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC’s Web site. This information shall include (but is not limited to): 3.6.2.1. NIST’s Recommendation Letter; 3.6.2.2. The VSTL’s Letter of Agreement; 3.6.2.3. The VSTL’s Certification of

Conditions and Practices; 3.6.2.4. The Commissioner's Decision on Accreditation; and 3.6.2.5. The Certificate of Accreditation. None of these documents are posted on the EAC website for Pro V&V between the dates of 02/24/2015 and 02/01/2021. Therefore, Pro V&V was not an accredited VSTL, nor could have legally certified the ICX systems, at the time Brad Raffensperger negotiated for, purchased or held elections on the Dominion ICX voting systems. The current certificate is also illegal based on VSTL Program Manual Guidelines.

24. Pro V&V does not seem an innocent victim in this alleged document contrivance perpetrated by the EAC. Pro V&V, knowing they had not sent their application package for re-accreditation within the time allowed by law, still led the People of GA and America to believe they were accredited. Jack Cobb, Laboratory Director of Pro V&V, characterized this company as accredited through the EAC, testified, and provided affidavits, during the *Curling v.*

Raffensperger action stating, “Georgia certified the Dominion Voting’s Democracy Suite 5.5-A in August 2019. Pro V&V did not test this specific version of the voting system for the EAC, but had previously engaged in testing the baseline system (D-Suite 5.5),” (Doc. 821-6 at 3-4.). This testimony is more evidence that Pro V&V

did not certify the actual version being used in GA. Their actions of continuing to illegally certify voting systems, and self-promotion of being EAC accredited would seem to portray their complicity in this scheme.

25. The lack of EAC accreditation was brought to the attention of Jack Cobb (Ryan Jackson Cobb) by a letter sent to him on October 31, 2017 by US Senator Ron Wyden (KS). This letter advised Cobb of the importance of being certified and pointed out to him the last EAC certificate issued to Pro V&V had expired on February 24, 2017. US Senate Majority Leader Mitch McConnell was also informed on or about October of 2017, via a sworn affidavit, that the elections of 2017 may be null and void due to the lack of EAC certifications (Ex. D).

26. During the *Curling v. Raffensperger* lawsuit Judge Totenberg stated, “*Mr. Cobb represented in his affidavits filed by Defendants that the Dominion system’s security was fortified by the encryption of the QR code and accompanying digital signature code as well as various other security measures such as use of a built in security feature that generates SHA-256 hash values.*” (Doc. 821-6 at 4.)

Interesting that Mr. Cobb attested to, and supposedly tested the fact that the QR codes are fortified by encryption since Dominion has

since admitted that the QR codes are *not* encrypted and that they had no plans to encrypt them. Judge Totenberg stated, “*The evidence plainly contradicts any contention that the QR codes or digital signatures are encrypted here, as ultimately conceded by Mr. Cobb and expressly acknowledged later by Dr. Coomer during his testimony.*” (Tr. Vol. II at 123, 146, 237, 243.) These outright lies, under oath, in a federal proceeding are not only chargeable offenses, but should have nullified any and all testimony provided by Cobb.

27. During the *Curling v. Raffensperger* action, Mr. Cobb’s first affidavit discloses that Pro V&V did not itself conduct any form of penetration or security testing of the 5.5-A software version specifically to be used in Georgia but relied on another company’s security testing of earlier versions of the Dominion Democracy Suite software (*Doc. 865-1 at 5; Tr. Vol. II, at 233.*) Eric Coomer, an officer of Dominion, testified that there is a difference between the 5.5 and 5.5-A Dominion Democracy Suite versions – a change to the ICX software that was not deemed de minimis (*Tr. Vol. II at 138.*). This adds to the overwhelming evidence that the current ICX voting system was not, in fact, certified prior to purchase and use and that Pro V&V, Dominion and Raffensperger all seemed aware of this fact.

28. Brad Raffensperger, being the state official in charge of elections, was responsible for ensuring Pro V&V was legally able to certify the ICX system prior to spending \$107 million tax payer dollars. The contract for the ICX voting system should have been canceled by Brad Raffensperger no later than September 11, 2019. When his office was informed that Pro V&V may not be accredited by the opposition's attorney in a federal proceeding, Raffensperger should have done his duty and with due diligence confirmed the accreditation status of Pro V&V by this time. In fact, Raffensperger signed certifications and affixed the Great Seal of GA to them, testifying that the electronic voting systems used in GA had been inspected and certified for use since February of 2019 (Ex. E), even though the Pro V&V accreditation had expired in February 2017. This is a complete failure of due diligence and alleges a glaring example of malfeasance of office and a violation of 52 USC 10307(d). The SoS should have been well aware of Pro V&V's lack of accreditation before affixing his signature and Seal to these documents.

29. Brad Raffensperger attested to the fact that he retained Pro V&V during the *Curling v. Raffensperger* action. Judge Totenberg stated, "*The Secretary of State retained Pro V&V to perform a*

review of its newly adopted BMD voting system, as required for EAC certification purposes, for submission to the EAC for approval. Pro V&V originally certified the Dominion Voting's Democracy Suite 5.5-A system in August 2019 and has certified a modified version since that time – once in November 26, 2019 and once on October 2, 2020.” At no time during these supposed reviews was Pro V&V legally accredited to ‘review’ or certify the SoS’s new voting system.

30. Perhaps SoS Raffensperger’s most egregious failure of duty to his office, the People of GA, and his Oath was the lack of investigation into the fact that GEMS (Global Election Management System), was manifested from SOE (Standard Operating Environment) software that was purchased by SCYTL (provider of electronic voting systems located in Barcelona, Spain) developers that runs on ALL election machines that now operate. This software now runs under the name of DOMINION. Akamai Technologies services SCYTL. Akamai Technologies houses all State government sites as well as all Foreign government sites. Akamai Technologies has locations throughout the world including China and Iran. The GEMS (now flagged DOMINION) system connects ALL Akamai locations together. Akamai Technologies merged with UNICOM (Chinese Telecom) in

2018. Akamai Technologies makes the COTS (Commercial off-the-shelf products) for the Dominion ICX voting system. This allows for access by foreign entities into our voting systems, via the Akamai servers, since all State and Foreign governments are on the same system. It utilizes servers that are owned and operated by China and allows for internet connectivity and foreign interference of our elections (Ex. D).

31. GA uses SCYTL during elections to ‘mix/shuffle our votes for anonymity’. The Dominion Software Election Management System sends the votes to SCYTL where this occurs, then sends those totals back to the SoS and to the AP (Associated Press). When this mixing/shuffling occurs, there is no ability to know that the vote coming out on the other end is actually the vote that was cast. Therefore, this creates zero integrity of the votes. These procedures are explained in detail in a published paper from University College London (Ex. D section 47 – 63).

32. On September 12, 2022 an Official Complaint was filed with the State Board of Elections (Ex. C) detailing some of the above allegations. In addition to the previously stated facts, this Complaint not only details additional proof of the lack of official certification of

GA's electronic voting system by the EAC but also contains evidence of alleged document tampering by officials of the EAC.

33. The unreadable QR code that prints on the ballot as part of the Dominion ICX voting system was declared noncompliant with GA election law by Judge Totenberg in *Curling v. Raffensperger*, Case 1:17-cv-02989-AT, 493 F. Supp 3d 1264 (2020). The QR code is in violation of O.C.G.A. 21-2-300(a)(2) which reads - *...however, that such electronic ballot markers shall produce paper ballots which are marked with the elector's choices in a format readable by the elector.* The use of ballots with human unreadable QR codes are in violation of the laws of GA. SoS Raffensperger was told this in 2020 by Judge Totenberg. He, obviously, completely ignored this revelation and has no respect for the laws of GA. Therefore, the use of this ICX voting system should be immediately discontinued by the SoS and all county BoE's.

34. O.C.G.A. 21-2-365(8) - Requirements for use of optical scanning voting systems - *No optical scanning voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements: It shall, when properly operated, record correctly and accurately every vote cast. During the Curling v. Raffensperger*

action, testimony and declaration by J. Alex Halderman (Ex. F) disclosed that vote stealing malware would not be detectable by any of the defenses the SoS, Pro V&V or Dominion purports to practice. He describes how malware defeats the QR code authentication, logic and accuracy testing, on screen hash validation, and external APK validation which was used after the November 2020 election. The SoS representatives did not dispute nor address this issue.

35. Further, a poll worker in Williamson county TN kept track of the number of ballots being fed into an ICX tabulator on a notepad. At the end of the evening her count was 187. The tabulator count was 39. This ‘anomaly’ occurred on 7 of 18 ICX tabulators in that precinct. The difference of the vote count issue was reported to the TN SoS who informed the EAC that an investigation was being initiated. The EAC also initiated a formal investigation into this ‘anomaly’. The EAC stated in their report at the conclusion of their investigation that, “the root cause of the anomaly was not determined.” Pro V&V and Dominion staff were involved in this investigation.

36. Audit log information showed the ‘anomaly’ manifested from a “QR code signature mismatch” and a warning message that read, “Ballot format or id is unrecognizable” indicating a QR code misread

occurred. This caused the ballots to be rejected. In the EAC's conclusion of the formal investigation they admit that a direct cause of the 'anomaly' was inconclusive (Ex. G). The EAC determined the ImageCast Precinct ("ICP") scanner, "mistakenly interprets a bit in the code that marks the ballot as provisional". This is not in conformity with O.C.G.A. 21-2-365(8). The machine was operated properly yet it did not record correctly and accurately every vote cast.

37. The QR code misreads would not have been caught without the presence of mind of the poll worker that was keeping track of the ballots. The ICX tabulators do not notify the poll workers of rejected ballots. The cause of the 'anomaly' was never found though, the EAC, Pro V&V and Dominion say it was fixed. Reading the report issued by the EAC, it seems that the way this issue was 'fixed' was to do a software update that resets the 'provisional ballot flag' after each ballot. In other words, the QR code misread was not actually fixed, they just allow the ballots to be rejected one at a time versus in batches.

38. The aforementioned QR code issues defeat Eric Coomer's testimony, as a witness for the defense, during the *Curling v Raffensperger* case. Coomer's testimony as a response to State

Defendants' question regarding what would be necessary to generate a valid (but false) QR code accepted by the ICP scanner, *Dr. Coomer discussed how all physical and software defenses of the system would have to be defeated and source code accessed, which his testimony as a whole suggests he did not think likely (Tr. Vol. II. At 124.)*. This would indicate that all physical and software defenses of the ICX system were, in fact, defeated and the source code accessed. Proving, once again, that this system is not safe, nor does it accurately count every vote cast.

39. The Voluntary Voting Systems Guidelines ("VVSG") issued by the EAC states - ***External Network Connections - VVSG 2.0 does not permit devices or components using external network connections to be part of the voting system. There are significant security concerns introduced when networked devices are then connected to the voting system. This connectivity provides an access path to the voting system through the Internet and thus an attack can be orchestrated from anywhere in the world (e.g., nation state attacks). The external network connection leaves the voting system vulnerable to attacks, regardless of whether the connection is only for a limited period or if it is continuously connected.*** GA Rule

590-8-1-.01. (d)(1) reads - **Certification of Voting Systems** - *the Qualification tests shall comply with the specifications of the Voting Systems Standards published by the EAC.* Therefore, these voting systems cannot be able to connect, or have external network connections.

40. Speckin Forensics LLC was retained by Fulton County PA to acquire forensic images of hard drives of the county's Dominion ICX voting system. This is essentially the same exact voting system used across GA. Speckin's final report, issued September 15, 2022 (Ex. H), is being used as evidence in *County of Fulton v. Dominion Voting Systems, Inc.* filed September 21, 2022, in the 39th Judicial District Court. Speckin's forensic audit of the Dominion hard drives revealed substantial changes to the drives. Speckin's saw the inclusion of over 900 .dll files and links created since the date of install. They stated, "*This .dll additional pathway is a security breach because of the introduction of an unauthorized script.*"

41. Speckin's report disclosed, "*The Adjudication Workstation has a python script installed after the certification date of the system.*", and "*This python script can exploit and create any number of vulnerabilities including, external access to the system, data*

export of the tabulations, or introduction of other metrics not part of or allowed by the certification process.”. Python is a high level programming language that does not run natively on a Windows platform. For this to be installed with the functionality listed in this audit, the framework to run Python had to be intentionally installed with the script itself. Speckin determined, as expected, that each of the drives are interconnected in a system to one another. Therefore, unauthorized access on any one device, allows unauthorized access to any device connected to the network of devices. Since all election systems in the US are interconnected via the Akamai servers, Python allows for access to the entirety of US elections. This also proves, without a doubt, that this Dominion ICX system connects to the internet, making this system illegal both by the standards of the EAC and GA law.

42. Speckin’s report disclosed, *“An external IP address that is associated with Canada is found on the Adjudication. This shows that at least one of the network devices has connected to an external device on an external network. This is the same device that the post certification python script is found.”*. This not only proves external internet connectivity but also indicates foreign interference in our

elections.

43. The petitioner nor the People of Jackson County ever voted, to move from paper ballots to machine voting, via referendum, as is required by GA law. O.C.G.A. 21-2-321 (a), (c) and (f) read - **a)** *The governing authority of any municipality which conducts elections by paper ballot may, upon its own motion, submit to the electors of the municipality, at any election, the question: "Shall voting machines be used in _____ ?"* **c)** *The governing authority shall cause such question to be printed upon the ballots to be used at the election in the form and manner provided by the laws governing general elections. (emphasis added)* **f)** *If a majority of the electors voting on such question or questions shall vote in the affirmative, the governing authority of such municipality shall purchase, lease, or rent voting machines, conforming to the requirements of this part, for recording and computing the vote at all elections held in such municipality.* Therefore, voting machines were installed illegally in Jackson County.

44. The petitioner nor the People of Jackson County ever voted to increase the indebtedness of the county, nor taxes, via referendum, as is required by GA law. O.C.G.A. 21-2-321(e) reads - *Whenever, under*

this Code section, the question of the adoption of voting machines is about to be submitted to the electors of any municipality, it shall be the duty of the governing authority of such municipality to ascertain whether current funds will be available to pay for such machines, if adopted and purchased, or whether it has power to increase the indebtedness of the municipality in an amount sufficient to pay for the machines without the consent of the electors; and, if such current funds will not be available and the power to increase the indebtedness of the municipality in a sufficient amount without the consent of the electors is lacking, it shall be the duty of the governing authority to submit to the electors of the municipality, in the manner provided by law, at the same election at which the adoption of voting machines is to be voted on, the question of whether the indebtedness of such municipality shall be increased, in an amount specified by them, sufficient to pay for such voting machines, if adopted. Therefore, any increase to the indebtedness of Jackson County, due to moving from paper ballots, was done so illegally and unconstitutionally based on the GA constitution's Home Rule (Art. IX, Section V).

45. The opinion of the Attorney General as to O.C.G.A. 21-2-321

reads - *The question of whether to authorize the use of voting machines in a county and the question of whether the indebtedness of the county should be increased sufficiently to pay for voting machines should be separately placed on the ballot and may not be combined (1984 Op. Att'y Gen. No. 84-75.).* This clears up any questions regarding whether O.C.G.A. 21-2-321 applies to counties.

46. O.C.G.A. 21-2-290 reads - *The superintendent shall provide, for each precinct in which a primary or election is to be held, a sufficient number of ballots equal to the number of active registered electors.* Therefore, the move from the illegal ICX voting system would not cause additional expense nor hardship to the county BoE and would save the taxpayers tens of thousands of dollars in each county.

47. O.C.G.A. 21-2-281 reads - *In any primary or election in which the use of voting equipment is impossible or impracticable, for the reasons set out in Code Section 21-2-334, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-334.* O.C.G.A. 21-2-334 reads - *If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of voting*

*machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, **or if, for any other reason, at any primary or election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots.** In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used (emphasis added).*

48. GA law is clear. BoE supervisors have the authority to change to paper ballots 'for any other reason'. O.C.G.A. 21-2-70(4) reads – To **select and equip** polling places for use in primaries and elections in accordance with this chapter (emphasis added). The threats and strong arm tactics being utilized by the GA SoS and various county attorneys are illegal. Also, in *Pearson v. Kemp, No. 1:20-cv-4809-*

TCB, defendant's counsel argued, "the Secretary of State has no lawful authority over county election officials", citing *Jacobson v.*

Florida Secretary of State, 974 F.3d 1236, 1256-58 (11th Cir. 2020).

SoS Raffensperger was also a defendant in the *Pearson v. Kemp* action (Ex. I).

49. On May 27, 2022, Ryan Germany, General Counsel SoS office, sent a memo to County Election Officials and County Registrars (Ex. K). In this memo he threatened the aforementioned officials with felony charges. In the first paragraph of this memo Germany states, "Physical ballots are not subject to public disclosure and Georgia courts have held that such documents are by law prohibited from being open to inspection by the general public." This is a lie. O.C.G.A. 50-18-71 reads – a) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure. O.C.G.A. 50-18-72 provides this list and ballots are NOT exempt. The court case being referenced, *Smith v. DeKalb County*, 288 Ga. App. 574 (2007), DID NOT apply to ballots, it applied to a CD-ROM that contained proprietary information. Germany lied about this as well and interjected his own commentary into this case law by including

the phrase (such as ballots) in an attempt to intimidate election officials. This is another attempt at covering up the fraud or a voting system rife with errors.

CONCLUSION

50. The election laws, rules and regulations in GA are clear, O.C.G.A. 21-2-300(a)(2) and (3), 21-321(a), (c) and (e), 21-2-365(8), are all being violated by Jackson County BoE and Brad Raffensperger. These violations render the acquisition and use of this Dominion ICX voting system illegal and therefore, the use of this voting system should be immediately discontinued.

51. The right to vote is fundamental, and is protected by both the due process and equal protection guarantees of the Fourteenth Amendment of the US Constitution and Article I, Section I, Paragraphs I, II, and VII of the GA Constitution (FN 4 & 6). The definition of voting includes all actions necessary to make a vote effective in any primary, special, or general election, including, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes

are received in an election (FN 3). The petitioner and the People of Jackson County have no idea if their votes are being recorded accurately. This was proved during the GA mid-terms.

52. DeKalb County Commissioner District 2 candidate Michelle Long Spears said that during the primary, May 24, some precincts were reporting she received zero votes – including her own precinct. Dekalb county agreed to a hand count of ballots and determined a “display error” is to blame for the discrepancies. DeKalb Commissioner Ted Terry stated he believed the voting process is to blame.

53. GA’s voting system allocated 3,317 votes to a Fulton County School Board District 7 candidate who was not even on the ballot. This was blamed on a candidate alignment mismatch in the ballot definitions between BMD’s and scanner/tabulators. This is an impossibility. There was over a 1,300 vote difference between the voting system total votes cast and the hand count audit votes cast. This total vote discrepancy has nothing to do with a ballot definition alignment. The current Dominion system simply failed to count those votes regardless of how the candidates are aligned (Ex. L). The QR code is supposed to develop based on a voter’s actual choices.

Obviously, that is not what is happening.

54. An audit monitoring team during the Cobb County Vinings cityhood hand count audit proved the Dominion ICX voting system software magically attributed 15% more votes to SoS Raffensperger during the midterms. The team monitored a majority of those election day ballots in the Vinings 04 precinct that were being hand counted. The monitoring team decided to count the votes of incumbent SoS Raffensperger while the cityhood count was in progress. The team found that Raffensperger received about 53% of the Republican election day votes for SoS in that precinct, though the Dominion voting system awarded Raffensperger 68.4% of those same votes. Therefore, the Dominion software attributed 15% more votes to Raffensperger's totals than the actual ballots seem to show when the monitors hand counted Raffensperger's votes.

55. Based on the foregoing allegations and information provided in this action, no one can guarantee the petitioner nor the People's of GA votes are being counted as cast. This is a violation of the Fourteenth and Twenty Sixth Amendment of the US Constitution, our right to vote (FN 3) is being denied, impaired and adversely affected (FN 4) due to this ICX voting system and the actions taken, or not

taken, by Brad Raffensperger and the Jackson County BoE.

56. Petitioner has standing in that they have proven the injuries suffered are of a legal and constitutionally protected interest.

Petitioner's injuries were caused by the unconstitutional and illegal actions of the defendants in their continued use of a voting system that is non-compliant with GA law, an unconstitutional abridgment of voting rights, and in violation of Article IX of the GA Constitution.

Petitioner's redress is declaratory judgment and injunctive relief for unconstitutional procedures, illegally imposed rules and regulations used by defendants, under color of law, which has caused gross harm and injurious deprivation of the plaintiff's and the People's of Jackson County rights. that are protected by the Constitution(s) and the laws of GA.

57. Brad Raffensperger, in his official capacity as the GA SoS, seems to have disregarded many state and federal laws. The many and varied allegations set forth in this action include: O.C.G.A.:

16-10-1 = Violation of Oath of a Public Officer; 16-10-8 – False official certificates or writings by officers or employees of state and political subdivisions; 16-9-53 – Damaging, destroying, or secreting property to defraud another; 16-10-20 – False statements and

writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions; 16-10-20.1 – Filing false documents; 16-8-3 – Theft by deception; 16-2-20 – Party to a crime; 45-10-3(1),(8) – Code of Ethics; 45-11-1 – Offenses involving public records; 45-11-4 – Malfeasance of Office; 21-2-562 – Fraudulent entries; 21-2-596 – Failure of public or political officer to perform duty; 21-2-603 – Conspiracy to commit election fraud; 18 USC 1512 - conduct intended to illegitimately affect the presentation of evidence in a Federal proceeding; 52 USC 10307(d); 52 USC 10308(b) and (c).

PRAYER FOR RELIEF

WHEREFORE, petitioner requests the following relief,

- I. That, this honorable court grant the utilization of the illegal Dominion ICX voting systems in Jackson County and GA to be immediately discontinued.
- II. That, this honorable court grant a referendum vote for electors of Jackson County to decide on the use of voting machines, as is required by law, prior to any further machine voting. And that, this referendum vote needs to be done by hand marked, paper ballots as this would have been the process if the law would have been followed

prior to their installation.

III. That, this honorable court grant a referendum vote for electors of Jackson County to decide whether to increase the debt and/or taxes in Jackson County, as is required by law, in order to pay for voting machines needs done prior to any further use. And that, this referendum vote needs to be done by hand marked, paper ballots as this would have been the process if the law would have been followed prior to their installation.

IV. That, this honorable court grant the use of any electronic voter registration verification devices be immediately discontinued since these devices allow for network-wide internet intrusions.

V. That, this honorable court grant the indefinite preservation of all 2020, 2021 and 2022 election documents, written or electronic, until a full investigation into the aforementioned allegations can be completed.

VI. That, based on the scanning errors discovered in the midterm election, and the lack of certification of the Dominion ICX voting system since 2017, this honorable court grant a complete hand recount of the actual paper ballots cast, not the machine created reprints, to be done immediately without the use of scanners/tabulators

for all elections held on the Dominion ICX voting systems since 2020.

VII. That, this honorable Court, in the event the Dominion ICX voting system is used for any future election, require a hand recount of the actual ballots cast, not the machine created re-prints, prior to polls closing and certification of any election.

VIII. That, the petitioner respectfully requests this honorable court impanel a Grand Jury to investigate the numerous, felonious crimes that seem to have been perpetrated against the People of GA. *Decatur County v. Bainbridge Post Searchlight, Inc.*, 632 SE 2d 113, 117 (2006), *The grand jury presentment process, a judicial proceeding conducted under the supervision of the superior courts, authorizes the grand jury to conduct investigations of allegations of official misconduct and to issue reports which can lead to further criminal or civil proceedings where violations of the public trust are revealed.*

The facts disclosed in this action warrant a Grand Jury investigation.

The appearance of collusion, fraud, forgery, conspiracy to defraud, conspiracy to commit election fraud, conspiracy to overthrow government, and the additional charges these crimes generally lead to are painfully obvious. This entire procedure and the actions taken by the parties involved reveal violations of the public trust.

IX. That, this honorable Court, rule in favor of the relief of Injunction and Declaratory Judgment based on the merit of this case.

X. That, should this honorable Court decline ruling on the merit of the case, a trial by jury is requested.

XI. That, this honorable Court grant an award of attorney's fees and costs incurred as a result of this action.

Respectfully submitted this 14th day of October, 2022

Moretti

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By:

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FOOTNOTES

1. 52 USC 10307(d) - Falsification or concealment of material facts or giving of false statements in matters within jurisdiction of examiners or hearing officers; penalties

Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

2. 52 USC 10308(a), (b) and (c) - Civil and criminal sanctions - (a)

Depriving or attempting to deprive persons of secured rights - Whoever shall deprive or attempt to deprive any person of any right secured by section 10301, 10302, 10303, 10304, or 10306 of this title or shall violate section 10307(a) of this title, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Destroying, defacing, mutilating, or altering ballots or official voting records--Whoever, within a year following an election in a political subdivision in which an observer has been assigned (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Conspiring to violate or interfere with secured rights--Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 10301, 10302, 10303, 10304, 10306, or 10307(a) of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

3. 52 USC 10310(c) - Definitions

(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this chapter, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

4. The right to vote is clearly fundamental, and is protected by both the due process and equal protection guarantees of U.S. Const., amend. 14. In either case, any alleged infringement of the right to vote must be carefully and meticulously scrutinized, for a state has precious little leeway in making it difficult for citizens to vote. *Duncan v. Poythress*, 515 F. Supp. 327 (N.D. Ga.), *aff'd*, 657 F.2d 691 (5th Cir. 1981)

5. If the right to vote is denied altogether or abridged in a manner which renders the electoral process fundamentally unfair, a violation of due process may be found. *Duncan v. Poythress*, 515 F. Supp. 327 (N.D. Ga.), *aff'd*, 657 F.2d 691 (5th Cir. 1981)

6. The interests encompassed by the right to vote are among the liberties protected against state infringement by the due process guarantee. *Duncan v. Poythress*, 515 F. Supp. 327 (N.D. Ga.), *aff'd*, 657 F.2d 691 (5th Cir. 1981), *cert. dismissed*, 459 U.S. 1012, 103 S. Ct. 368, 74 L. Ed. 2d 504 (1982)

7. <https://www.eac.gov/voting-equipment/manuals-and-forms>

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