

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

Lori Portillo, Pro Se

Petitioner

CIVIL ACTION  
No. 22CVE1890

v.

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

CHEROKEE COUNTY GEORGIA  
BOARD OF ELECTIONS  
ALAN SHINALL  
MIKE BYRD  
RACHEL KINSEY  
CINDY COSTELLO  
DONALD SAMS

Respondents

**PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER**

Petitioner, Lori Portillo, has filed her original petition in this case seeking a Declaratory Judgment and Injunctive Relief against Brad Raffensperger, the Cherokee County Board of Elections, Alan Shinall, Mike Byrd, Rachel Kinsey, Cindy Castello, and Donald Sams.

COMES NOW, Petitioner Lori Portillo, pursuant to O.C.G.A. 9-11-65(b), request for an Ex Parte Temporary Restraining Order in the same cause of

action. It appears from facts set forth in Petitioner's original petition and the exhibits and sworn affidavits attached thereto, that unless the Respondents are immediately restrained from the acts prohibited below, Respondents will continue to commit such acts before notice can be given and hearing can be held on Petitioner's request for Declaratory Judgment and Injunctive Relief in this honorable court. Furthermore, Respondents will continue their deceptive tactics and misrepresentations, promulgated by the Secretary of State's office, and continue to use electronic voting equipment to cast and count votes through the upcoming elections before judgment can be rendered. Such injury is imminent and irreparable. Continued use of this voting equipment may well cause votes to be uncounted or reversed, disenfranchising thousands of qualified electors and abridging Petitioner's, the People's of Cherokee County and the state of Georgia right to vote. There is no possibility of adequate compensation or restitution when one's vote is not cast or counted as the voter intended.

1. WHEREAS, It has been determined from Cherokee County's ScanVote Audit Logs (Ex A) that Cherokee County electronic voting systems have the same software errors as reported by Williamson County, TN. These software errors cause a large percentage of votes to be uncounted or reversed, thereby abridging a voter's right to ensure their vote being counted as cast. This is in violation of the First, Fourteenth and Twenty Sixth Amendments of the United States Constitution, Article I, Section I, Paragraphs I, II, and VII, Article II, Section I,

Paragraphs I and II of the Georgia Constitution and O.C.G.A. 1-2-6 *et seq.*, and O.C.G.A. 21-2-365(8). Therefore, since these software issues call in to question the validity of the vote count, do not alert the poll supervisors as to these errors, and do not have the ability to be fixed, the use of these voting systems needs to cease immediately.

2. WHEREAS, These software errors occurred in 97% of counties in Georgia that provided the ScanVote Audit Logs. This provides factual evidence of this software issue being a widespread crisis and not a localized, one-time problem. The evidence shows Georgia vote counts to be off by as much as 19%. Therefore, the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

3. WHEREAS, The evidence proves these counting 'errors' are inherent in the software programming of the electronic voting system and not caused by 'human error' as promulgated by the Secretary of State's office and the voting system manufacturer. Therefore, the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

4. WHEREAS, If there were cause to believe these inaccurate tabulations were due to 'human error', it is happening too often and in too high of a percentage of counties in Georgia to be disregarded. Therefore, the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

5. WHEREAS, The Cherokee County Board of Elections has been informed and aware of said software programming issues as evidenced by the August 1, 2022 BoE meeting where they declined to vote for a hand recount of the May 24, 2022 primary after threat of financial consequences by County Election Board attorney Anne Brumbaugh. I personally attended said meeting and was witness to these events. If the counting of votes continues via the use of the electronic tabulators, the 'Certification of Election' cannot legitimately be perfected or signed without a hand count of each vote on every original ballot cast. This was the method attested to by John Poulos, the voting system manufacturer CEO, as the only way to verify an accurate vote count during the State Board of Elections meeting earlier this month. Therefore, the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

6. WHEREAS, The State Board of Elections has been notified, orally, in writing and by a number of Verified Notices and Demand of Emergency Review. (EX B) These Notices include evidence of vote tabulator 'errors' throughout Georgia. Thus, once again, proving this software programming issue as not being a one-time, localized 'human error' problem but rather a widespread, statewide crisis. The State Board of Elections has thus far ignored or disregarded these software programming issues that disenfranchise thousands of voters. No legitimate 'Certification of Election' for the state of Georgia can be perfected or signed without a hand count of all votes on each original ballot cast. Therefore,

the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

7. WHEREAS, Blake Evans, Elections Director of the Secretary of State's office, is attempting to forestall hand counting of the original cast votes by misrepresenting the software programming 'errors' as only occurring on Dominion 5.5B versus 5.5A which is used in Georgia. The evidence provided in Exhibit A attached, proves this to be a false statement. If this were a true statement or if any of the reasons given by Evans for this 'error' code manifesting were true, then each time a ballot is reversed it would show the 'error' code 'QR Code Signature Mismatch'. The evidence shows there are multiple 'error' codes which are causing the ballots to be reversed. Therefore, the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

8. WHEREAS, Though the 'QR Code Signature Mismatch' is not the only 'error' code causing scanned ballots to be reversed, there is no such thing as a QR Code 'misread'. QR codes have a signature or checksum within the code itself. The QR code contains a mathematical validation method which means a QR code is either read or not read but cannot be 'misread'. And Whereas, the QR code not being human readable was determined to be non-compliant with Georgia law by Federal Judge Amy Totenberg in 2020 during the *Curling v.*

*Raffensperger* suit. Therefore, the use of these tabulating machines for counting votes in Cherokee County and Georgia needs to cease immediately.

9. WHEREAS, The 'QR Code Signature Mismatch' error code also causes the tabulator's protective counter to not increment. This protected counter is a meter, required by law, which counts every ballot scanned. This protected counter is not supposed to be able to be suspended, manipulated, or reset. It is coded to the hardware of the machine. However, this QR Code Signature Mismatch 'error' causes the protective counter to not incrementally add to the ballots scanned count, nor does it update the count that appears on the poll tape when it happens. Therefore, the only way to ensure every vote cast is counted as intended by the qualified elector is to hand count each vote on each original ballot and immediately cease the use of the tabulating machines.

10. WHEREAS, Despite the Secretary of State's office and the voting system manufacturer's assertion that this coding error is limited to Democracy Suite 5.5B and C, it has been confirmed to exist in the software version used in Georgia on both the Image Cast Precinct and Image Cast Central tabulators. Therefore, the only way to ensure every vote cast is counted as intended by the qualified elector is to hand count each vote on each original ballot and immediately cease the use of the tabulating machines.

11. WHEREAS, The results of the 2022 Dekalb primaries prove this 'error' pair did in fact change the vote count in the election of Michelle Long Spears when an

additional 2,810 votes were ‘found’ during a vote recount of the original cast ballots. Thus, the Secretary of State’s office and the voting system manufacturer’s assertions of this ‘error’ not affecting the Georgia Democracy Suite version is untrue. Therefore, the only way to ensure every vote cast is counted as intended by the qualified elector is to hand count each vote on each original ballot and immediately cease the use of the tabulating machines.

12. WHEREAS, A ‘risk limiting audit’ *after* the election is not an acceptable remedy. It does not allow for the confirmation that each vote cast by qualified electors is being counted as intended. It only allows for a very small percentage of votes to be audited. The ‘risk limiting audit’ will not be necessary if the original votes as cast are hand counted. Per title 52 USC 10310(c) (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.*

13. WHEREAS, The Supreme Court of Georgia has recently determined that, *“injury need not always be individualized; sometimes it can be a generalized grievance shared by community members, especially other residents,*

*taxpayers, voters, or citizens.”, “...Georgia has long recognized that members of the community, whether as citizens, residents, taxpayers or voters, may be injured when their local government fails to follow the law. Government at all levels has a legal duty to follow the law; a local government owes that legal duty to its citizens, residents, taxpayers, or voters (i.e., community stakeholders), and the violation of that legal duty constitutes an injury that our caselaw has recognized as conferring standing to those community stakeholders even if the Plaintiff suffered no individual injury.”* This Supreme Court precedent gives Petitioner standing in this cause of action. (*SONS OF CONFEDERATE VETERANS, et al. v. HENRY COUNTY BOARD OF COMMISSIONERS, S22G0039 Supreme Court of Georgia, SONS OF CONFEDERATE VETERANS, et al. v. NEWTON COUNTY BOARD OF COMMISSIONERS, S22G0045 Supreme Court of Georgia, October 25, 2022*)

THEREFORE, the Petitioner asks:

(a) That, this honorable Court set a hearing as soon as possible and direct Respondents to appear before this Court and show just cause why the demands of the Petitioner should not be granted; And That, due to imminent irreparable harm to the qualified electors of Cherokee County and the state of Georgia, time is of the essence;

(b) That, this honorable Court restrain and enjoin Respondents from the ability to use the electronic voting system tabulators;



(c) That, this honorable Court direct Respondents to hand count, under the supervision of an equal number of bi-partisan poll watchers, all votes on the original cast ballots;

(d) That, this honorable Court direct Respondents to remove the original ballots cast during early voting from the tabulators so the votes on these ballots can be counted as cast and intended by the qualified elector; And That, any early voting ballots that are cast from this point until the end of early voting be treated the same;

(e) That, this honorable Court direct Respondents to hand count votes as intended by the qualified elector on any and all mailed in ballots, absentee ballots or provisional ballots that have gone through the verification and validation process; And That, these ballots are not to be processed via the electronic tabulators;

(f) That, this honorable Court make findings of fact and conclusions of law concerning the issues in this case;

(g) That, Petitioner have such other and further relief as this honorable Court may deem just and proper; And That, this honorable Court award Petitioner costs for having to bring this action;

(h) That, the Respondents be served a copy of this Petition and Ex Parte Restraining Order as is required by law;

(i) That, this honorable Court enjoin and restrain Respondents from destroying, encumbering, secreting, or otherwise disposing of or removing from the jurisdiction of this Court any and all election documents;

(j) That, this honorable Court issue this Ex Parte Temporary Restraining Order, to protect the rights of qualified electors of Cherokee County and the state of Georgia to cast their vote and have it accurately counted as is protected by the Constitution(s) and the laws of the state of Georgia, and to ensure the accuracy and integrity of our elections, until the original Petition for Declaratory Judgment and Injunctive Relief can be heard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lori Portillo", written over a horizontal line.

Lori Portillo, Petitioner Pro Se  
210 Carmichael Road  
Woodstock, GA 30189

# Exhibit A

22 CVE 1890

# Cherokee Co. GA -

## Teasley ICP shows 28 instances

|                      |                  |  |
|----------------------|------------------|--|
| Apr 22/2022 08:53:10 | Security         | SHA self test passed.                                      |
| Apr 22/2022 08:53:10 | Security         | SHA-256 test #3:   |
| Apr 22/2022 08:53:15 | Security         | SHA self test passed.                                      |
| Apr 22/2022 08:54:11 | Admin Audit      | Admin chose Utilities Options                              |
| Apr 22/2022 08:54:14 | Admin Audit      | Admin chose Diagnostics Options                            |
| Apr 22/2022 08:54:16 | Diagnostics      | STARTING SIMPLE DIAGNOSTICS                                |
| Apr 22/2022 08:54:48 | Diagnostics      | MEMORY PASSED  |
| Apr 22/2022 08:54:48 | Diagnostics      | COMPACT FLASH PASSED                                       |
| Apr 22/2022 08:54:48 | Diagnostics      | EEPROM PASSED  |
| Apr 22/2022 08:54:48 | Diagnostics      | THERMAL PRINTER PASSED                                     |
| Apr 22/2022 08:54:48 | Diagnostics      | LCD PASSED   |
| Apr 22/2022 08:54:48 | Diagnostics      | INTERNAL CLOCK PASSED                                      |
| Apr 22/2022 08:54:48 | Diagnostics      | POWER PASSED   |
| Apr 22/2022 08:54:48 | Diagnostics      | SCANNER PASSED   |
| Apr 22/2022 08:54:48 | Diagnostics      | SIMPLE DIAGNOSTICS PASSED                                  |
| Apr 22/2022 08:55:00 | Admin Audit      | Admin chose to Open Poll                                   |
| Apr 22/2022 08:55:04 | Report           | Printing 1 copy of ZERO TAPE                               |
| Apr 22/2022 08:56:40 | Admin Audit      | Administrator declined to print another copy of ZERO TAPE. |
| Apr 22/2022 08:56:40 | Admin Audit      | Poll Opened for Voting Location ID 340, Tabulator ID 340   |
| Apr 22/2022 08:56:40 | Election         | Saving Poll-Open time.                                     |
| Apr 22/2022 09:20:43 | Security         | Generated first Random Ballot Id.                          |
| Apr 22/2022 09:20:43 | ScanVote Warning | + Ballot format or id is unrecognizable.                   |
| Apr 22/2022 09:20:44 | Security Error   | QR code Signature mismatch.                                |
| Apr 22/2022 09:20:45 | ScanVote         | Ballot has been reversed.                                  |
| Apr 22/2022 09:20:50 | ScanVote Warning | + Ballot format or id is unrecognizable.                   |
| Apr 22/2022 09:20:51 | Image Warning    | Image scan could not find QR code on ballot.               |
| Apr 22/2022 09:20:52 | ScanVote         | Ballot has been reversed.                                  |
| Apr 22/2022 09:20:58 | ScanVote Warning | + Ballot format or id is unrecognizable.                   |
| Apr 22/2022 09:20:59 | Image Warning    | Image scan could not find QR code on ballot.               |
| Apr 22/2022 09:21:00 | ScanVote         | Ballot has been reversed.                                  |
| Apr 22/2022 09:21:06 | ScanVote Warning | + Ballot format or id is unrecognizable.                   |
| Apr 22/2022 09:21:09 | ScanVote         | Detected machine-generated ballot.                         |
| Apr 22/2022 09:21:17 | ScanVote         | Ballot 229 processed successfully.                         |
| Apr 22/2022 09:21:17 | ScanVote         | Total number of ballots = 1.                               |
| Apr 22/2022 09:21:35 | ScanVote         | Ballot 186 processed successfully.                         |
| Apr 22/2022 09:21:35 | ScanVote         | Total number of ballots = 2.                               |
| Apr 22/2022 09:32:15 | ScanVote         | Ballot 229 processed successfully.                         |
| Apr 22/2022 09:32:15 | ScanVote         | Total number of ballots = 3.                               |
| Apr 22/2022 09:32:29 | ScanVote         | Ballot 186 processed successfully.                         |
| Apr 22/2022 09:32:29 | ScanVote         | Total number of ballots = 4.                               |
| Apr 22/2022 09:32:41 | ScanVote         | Ballot 34 processed successfully.                          |
| Apr 22/2022 09:32:41 | ScanVote         | Total number of ballots = 5.                               |
| Apr 22/2022 09:32:55 | ScanVote         | Ballot 186 processed successfully.                         |
| Apr 22/2022 09:32:55 | ScanVote         | Total number of ballots = 6.                               |
| Apr 22/2022 09:33:10 | ScanVote         | Ballot 229 processed successfully.                         |
| Apr 22/2022 09:33:10 | ScanVote         | Total number of ballots = 7.                               |

# Exhibit B

22CvE1890

**Kevin M. Moncla**  
824 Lake Grove Drive  
Little Elm, TX 75068  
469-588-7778  
[KMoncla@gmail.com](mailto:KMoncla@gmail.com)

**David Cross**  
4805 Spring Park Circle  
Suwanee, GA 30024  
678-925-6983  
[DCross108@protonmail.com](mailto:DCross108@protonmail.com)

October 11, 2022

Georgia State Election Board  
2 MLK Jr. Drive  
Suite 802 Floyd West Tower  
Atlanta, Georgia 30334

Judge William Duffey Jr.  
[wduffey.seb@gmail.com](mailto:wduffey.seb@gmail.com)

Mr. Matt Mashburn  
[mmashburn@georgia-elections.com](mailto:mmashburn@georgia-elections.com)

Dr. Jan Johnston  
[JJohnstonMD.seb@gmail.com](mailto:JJohnstonMD.seb@gmail.com)

Mrs. Sara Tindall Ghazal  
[SaraGhazal.seb@gmail.com](mailto:SaraGhazal.seb@gmail.com)

Mr. Edward Lindsey  
[Edwardlindsey.seb@gmail.com](mailto:Edwardlindsey.seb@gmail.com)

Ex officio:  
Mr. Brad Raffensperger  
Secretary of State  
214 State Capitol  
Atlanta, Georgia 30334

### **VERIFIED NOTICE AND DEMAND FOR EMERGENCY REVIEW**

Members of the board:

Kevin Moncla and David Cross, hereinafter “complainants”, are submitting this Official Notice and Demand for Emergency Review regarding deficiencies discovered with Georgia’s Dominion Democracy Suite 5.5A(GA) election equipment. These problems are consistent with that found last year in Williamson County, TN, and confirmed by the Election Assistance Commission (EAC) as further explained below. Following this incident, Williamson County immediately suspended use of Dominion voting systems and replaced the machines with those of another manufacturer.

Those same anomalies, among others, have been witnessed in several separate incidents and the same errors have been documented in 65 of the 67 counties, some 97%, across the state of Georgia. We have evidenced these specific problems having occurred during the 2020 general election and again during the recent 2022 primaries. Without intervention, the material effect on mid-term election contests and the risk of disenfranchisement of hundreds of thousands of Georgia voters is **imminent**.

Therefore, we are seeking Immediate Emergency Review by the Georgia State Election Board, and for cause state as follows:

Two issues have been found in 65 of the 67 counties from which we’ve been able to obtain the requisite records:

1. The same “*QR code signature mismatch*” and “*Ballot format or ID unrecognizable*” error pair has been found across the state of Georgia as that evidenced as the triggering event of the anomaly in the EAC’s investigation into the Williamson incident.
2. Tabulator ballot reversal attributed to error, followed by the same ballot being subsequently accepted by the scanner. In other words, when a voter attempts to scan their ballot, the scanner returns it to the voter, but then accepts it. This sequence is found in tandem with the error pair detailed in number 1 above and is consistent with that found by the EAC’s Williamson incident investigation. Our investigation has revealed the same rejected-then-accepted pattern occurring in concert with several other errors, and at an alarming volume affecting approximately 20% of all ballots cast from across the state of Georgia.

The deficiencies noted above are also associated with several instances in which ballots were found to be scanned by the tabulator but not reflected in the tabulator count. This too is consistent with the manifestation of the anomaly as found with the Williamson incident. This bears repeating. The anomalies have not only been identified by locating the same errors in common with the Williamson Incident, but have also been realized by the discovery of ballots having been scanned but not included in the tabulator results:

- A. Dekalb County, 2022 Primaries- Hand-count revealed approximately 2800 ballots which had been scanned but votes were not included in the tabulator results.
- B. Gwinnett County, 2020 General Election- Approximately 1600 ballots were scanned but not included in the tabulator results.
- C. Floyd County, 2020 General Election- Hand-count found approximately 2800 ballots which were scanned but not included.

Additionally, complainants have also found the same error pair in Coffee County for the 2020 general election. This is significant as the irregularities witnessed by county election officials are consistent with those found in conjunction with the Williamson Incident.

## **THE WILLIAMSON INCIDENT**

On October 26, 2021, a municipal election was held in Williamson County, Tennessee. An astute poll watcher meticulously documented the happenings at one of the polling locations as the polls closed. Poll workers began their reconciliation process which included hand-counting the paper ballots and comparing it to the number of ballots cast as reported by the 2 tabulators. One tabulator had 163 paper ballots but the poll closing tape only showed 79 ballots counted. The second tabulator contained 167 paper ballots and the corresponding

poll closing tape showed only 19 ballots had been counted.

**Tabulator ID: 5**  
**Polling Location:** Lonsay Middle School  
**Poll Opened:** Oct 26/2021 08:33:45  
**Poll Closed:** Oct 26/2021 19:10:13  
**Report Printed:** Oct 26/2021 19:10:43  
**Unit Model:** PCDS-320C (Rev 1072)  
**Unit Serial:** RRFJJP0262  
**Protective Counter:** 3243  
**Software Version:** 5.5.31.1  
**Total Scanned:** 19  
**Total Voters:** 19

**Report Printed:** Oct 26/2021 18:50:42  
**Unit Model:** PCDS-320C (Rev 1072)  
**Unit Serial:** RRFJJP0101  
**Protective Counter:** 5457  
**Software Version:** 5.5.31.1  
**Total Scanned:** 79  
**Total Voters:** 79

| ALDERMAN AT-LARGE<br>POSITION C (1) |           |
|-------------------------------------|-----------|
| BABRINIA                            | 26        |
| JOHN E.                             | 6         |
| BHAVANI SURAN KUNVALA               | 1         |
| ALAN SIKHIS                         | 41        |
| Write-in                            | 0         |
| <b>Total Votes</b>                  | <b>74</b> |

At one polling location, 330 ballots were scanned, and only 98 ballots were counted. The same scenario repeated itself in several polling locations, with 7 of the 18 tabulators having scanned significantly more ballots than those counted.

This led to the Secretary of State performing their own investigation where they were able to repeat the anomaly but could not find the cause. The EAC performed an investigation on site, and after multiple rounds of testing were able to associate the error which was triggering the anomaly (A true and correct copy of the EAC's report is attached hereto as "Exhibit A"). From the EAC's report:

*Analysis of audit log information revealed entries that coincided with the manifestation of the anomaly; a security error "QR code signature mismatch" and a warning message "Ballot format or id is unrecognizable" indicating a QR code misread occurred. When these events were logged, the ballot was rejected. Subsequent resetting of the ICP scanners and additional tabulation demonstrated that each instance of the anomaly coincided with the previously mentioned audit log entries, though not every instance of those audit log entries resulted in the anomaly.*

*Further analysis of the anomaly behavior showed that the scanners correctly tabulated all ballots until the anomaly was triggered. Following the anomaly, ballots successfully scanned and tabulated by the ICP were not reflected in the close poll reports on the affected ICP scanners.*

The EAC report then states:



*“The direct cause of the anomaly was inconclusive.”*

This statement, as admitted in the conclusion of the EAC’s report, frames the scope of this problem. The EAC is admitting that they do not know what caused the Dominion voting machines not to count ballots. Even so, the EAC defers to Dominion:

*On February 11, 2022, Dominion submitted a Root Cause Analysis (RCA) to the EAC. The report indicates that erroneous code is present in the EAC certified D-Suite 5.5-B and D-Suite 5.5-C systems. The RCA report states that when the anomaly occurs, it’s due to a misread of the QR code. If the QR code misread affects a certain part of the QR code, the ICP scanner mistakenly interprets a bit in the code that marks the ballot as provisional. Once that misread happens, the provisional flag is not properly reset after that ballot’s voting session. The result is that every ballot scanned and tabulated by the machine after that misread is marked as provisional and thus, not included in the tabulator’s close poll report totals.*

The first problem with the paragraph above is that Dominion indicates:

*“...erroneous code is present in the EAC certified D-Suite 5.5-B and D-Suite 5.5-C systems.”*

There is no explanation or definition of erroneous code, nor how it got there. Was it malware? Second is Dominion’s claim that the anomaly is:

*“...due to a misread of the QR code, the ICP scanner mistakenly interprets a bit in the code that marks the ballot as provisional.”*

A QR code has a signature or checksum within the code itself. In other words, the QR code contains a mathematical validation method. Therefore, a QR code is either read or it isn’t, but it cannot be misread. This fact alone, asserting an impossibility, negates that which Dominion’s Root Cause Analysis identified as the root cause.

Third, tabulators do not scan provisional ballots, at least not in the United States. A provisional ballot is one that is held subject to a deficiency being cured and is always a hand marked paper ballot- with no QR code. A provisional ballot is customarily placed in an envelope and addressed by election officials after the polls close. If the deficiency is cured then the ballot is no longer a provisional ballot, rather just a ballot, and can be scanned as such. The provisional “feature” or option is one that we now know exists. The same can be easily exploited to essentially hide or “stuff the ballot box” by using the flashcard’s provisional folder, which the Williamson Incident has taught us, is effectively hidden from the tabulator and poll workers.

The EAC’s report goes further to explain how Dominion addressed the deficiency:

*Dominion has submitted Engineering Change Orders (ECO)s for the ICP software in the D-Suite 5.5-B and D-Suite 5.5-C systems: ECO 100826 and ECO 100827. Modified ICP source code was submitted by Dominion that resets the provisional flag following each voting session.*

Here the EAC says that Dominion modified the source code to reset the provisional flag presumably after each ballot is scanned. This does not address the cause which has not been identified and does not prevent a ballot being erroneously flagged as provisional and then sent to the provisional folder. Dominion's code only resets the flag, yet there should be no function on a U.S. voting machine which allows for the flagging or segregation of "provisional ballots". The presence of that code and functionality presents a hazard to the integrity and accuracy of elections.

Lastly, the EAC's report concludes with the following:

*The analysis and testing of the ECOs has demonstrated that the anomaly was successfully fixed. No instance of the anomaly or the associated error or warning messages in the ICP audit logs were observed during the testing. The EAC has approved ECO 100826 and ECO 100827 on March 31, 2022.*

Nearly as stunning as the EAC's admission that the direct cause of the anomaly was inconclusive, is the statement on the very same page that the anomaly was successfully fixed. The contradiction, "We don't know what caused it, but it's fixed" wouldn't be acceptable coming from a car mechanic, much less the Election Assistance Commission addressing the systems (critical infrastructure) which tally our votes.

Another interesting point which was discovered during the EAC's investigation but has not been addressed is the fact that this anomaly suspiciously caused the tabulator's protective counter not to increment.<sup>1</sup> The protective counter is a legally required meter which counts every ballot scanned, including test ballots, for the life of the tabulator. Like a car's odometer, the protective counter cannot be suspended, manipulated, or reset and is coded to the hardware of the machine; however, this anomaly somehow caused the protective counter not to count the ballots being scanned when the corresponding ballot images were hidden in the provisional folder.

Said another way, the security feature used to reconcile the number of ballots scanned by a tabulator was disabled during the same event that hid ballots and prevented the tabulator from counting them. That's two separate counters, controlled by two separate mechanisms (software and hardware) both suppressed in tandem by functionality not used in the United States.

---

<sup>1</sup> See Engineering Change Order Analysis Form attached hereto as "Exhibit B".

Also, important to note is that the erroneous code and errors both survived Logic and Accuracy Testing across seven tabulators.

Lastly, if the “erroneous code” was not due to malware and was a mistake by Dominion’s programmers, then how did it survive certification testing? This would also suggest that the “erroneous code” could have affected several past elections in these various locales unbeknownst to anyone. Dominion claims it only affected Democracy Suite 5.5B and 5.5C, but doesn’t state from what point in time.

The significance of the Williamson Incident is not only its direct and instant effects, but it has also established the fact that a ballot has the capacity to alter the behavior of the tabulator, including how and which votes are counted. Both Dominion and the EAC have acknowledged this fact by affirming that the anomaly was triggered by the scanning of a QR code. This capacity alone is clearly a threat to the integrity of the voting systems and thus our critical infrastructure because it demonstrates the self-evident risk that covert, undetected or untested functionality may be present and triggered by unauthorized parties.

## **QR CODE SIGNATURE MISMATCH IN GEORGIA**

Despite Dominion’s assertion that the anomaly was limited to Democracy Suite 5.5B and 5.5C, it has now been confirmed to exist in the software version used in Georgia’s Democracy Suite 5.5A. Complainants have acquired the Dominion Image Cast Precinct (tabulator) system log files showing the same error pair as that of the Williamson Incident in 64 of the 66 counties for which they have obtained records. (See the tabulator System Log file for each county with the corresponding error pair for each of the 64 counties, attached hereto as “Exhibit C”).

Additionally, the same QR Code signature mismatch error is not limited to the ICP but has now been confirmed with the Image Cast Central (ICC) tabulator as well.

The Williamson Incident was uncovered through the reconciliation process at the polling location. Specifically, the poll workers counted the number of paper ballots then compared that number to the poll closing tape of the scanner and the discrepancy was revealed.

Georgia has no such process for early voting as the tabulators are not closed until after the polls close on election night, and not by the early voting poll managers, but by third parties. Therefore, there is no way by which any discrepancy could be uncovered. Furthermore, we have previously documented the early-voting tabulator closing process practiced in several counties was devoid of any reconciliation whatsoever and in violation of nearly all Rules and Regulations defining the same.<sup>2</sup> Because of the lack of basic election accounting, both by design and practice, it becomes clear there is essentially no way such a phenomenon

---

<sup>2</sup> See Official Complaint submitted to the Georgia State Election Board (SEB) regarding tabulator closing protocol attached hereto as “Exhibit D”.

could be caught in Georgia as it was in Williamson County, Tennessee during the normal conduct of an election.

There are several documented incidents in Georgia that are consistent with the Williamson Incident in that ballots were scanned by the tabulator, but not counted by the tabulator. Important to note that these were discovered by happenstance. Three such incidents are detailed below:

## **DEKALB 2022 PRIMARIES**

After the results came in, Michelle Long Spears, Candidate for the May 24<sup>th</sup> Dekalb County Commission 2 race, found herself in 3<sup>rd</sup> place and seemingly out of the run-off. Spears demanded a hand-count after several precincts showed that she had received zero votes, including her own precinct where she and her husband had cast votes for her. The hand-count revealed that she not come in last, but that she had won. The error in counting was purportedly caused by tabulators not being properly updated when a candidate had dropped out of the race- causing votes to be attributed to the wrong candidates. This same scenario was said to have caused the problem in Antrim County, Michigan during the 2020 General Election in which Joe Biden erroneously received several thousand votes which voters had actually cast for President Trump. Yet this software deficiency remains.

In addition to votes being credited to the wrong candidate in Dekalb, the hand count also revealed approximately 2,810 ballots that had been scanned by the tabulators, but not counted by the tabulators. The candidate-removed-from-the-ballot theory may explain the misattributed votes, but does not explain the 2,810 additional uncounted votes. An article<sup>3</sup> covering the issue states:

*“The press release does not explain the large discrepancy between the machine count on Election Night and the subsequent hand count. It also doesn’t explain the appearance of 2,810 more votes cast than were initially reported.”*

Indefensibly, the uncounted ballots are not addressed nor explained; however, the Dekalb County tabulator System Log files from the May primaries reveal the presence of the same “QR code Signature mismatch” error pair as that which the EAC found triggered the Williamson Incident anomaly:

```
May 26/2022 20:02:21: Ballot 38:          Id=464, 465 Cast.
May 26/2022 20:02:21:      Security Error  QR code Signature mismatch.
May 26/2022 20:02:21:      ScanVote Warning + Ballot format or id is unrecognizable.
May 26/2022 20:02:21: Ballot 39:          - Problem Ballot - saved as C:\DVS\Ashford
```

---

<sup>3</sup> [Hand count in District 2 DeKalb Commission race changes runoff picture – Decaturish - Locally sourced news](#)

While there may be another explanation than the cause and effect consistent with the Williamson Incident for the uncounted ballots, there is not one which can be found in the public record and no matter the cause, the deficiency remains. The post-election discovery of 2,810 uncounted votes further establishes that no effective reconciliation, accounting, or canvass process exists to protect the integrity of elections in Georgia, for if it did then the same would have revealed a discrepancy and the fact that votes were missing from the count.

## FLOYD COUNTY 2020 GENERAL ELECTION

Following the 2020 General Election, the Georgia Secretary of State, Brad Raffensperger, ordered a hand count of all paper ballots. During the course of the hand count, several counties found ballots which were not included in the November 3<sup>rd</sup> results. In all incidents, the uncounted ballots were attributed to flashcards that had not been uploaded or included in the results. Floyd County was one where approximately 2,700 ballots were not included in the November 3<sup>rd</sup> results, but despite reports to the contrary, the uncounted ballots were not due to an unreported flashcard.

An astute investigative journalist and reporter, Heather Mullins, chronicled the incident in real-time.<sup>4</sup> In an interview with Floyd County election officials and Dominion technicians present, Mullins directly asks if the discrepancy could be caused by a flashcard that wasn't uploaded. The official says "No, they have ruled out a flashcard". He goes on to say that they don't know why the ballots weren't counted. The Floyd County tabulator System Log files show the presence of the same "QR code signature mismatch" error pair as that which the EAC found triggered the Williamson Incident anomaly:

```
Nov 30/2020 14:32:18: Security Error QR code Signature mismatch.
Nov 30/2020 14:32:18: ScanVote Warning + Ballot format or id is unrecognizable.
Nov 30/2020 14:32:18: Ballot 47: - Problem Ballot - saved as C:\DVS\ICC
advanced\Project\NotCastImages\NotCast_038_001_002.tif.
```

While there may be another explanation than the cause and effect consistent with the Williamson Incident for the uncounted ballots, there is not one which can be found in the public record and no matter the cause, the deficiency remains. The report of uncounted ballots and/or outstanding flashcards further establishes that no effective reconciliation, accounting, or canvass process exists to protect the integrity of elections in Georgia, for if it

---

<sup>4</sup> (1) Heather Mullins on Twitter: "Floyd County, GA: After a FULL day of rescanning, counting, & software techs troubleshooting, election officials (while VERY transparent), still had NO answer as to what caused 2700 votes to go uncounted. Dominion techs said they could not comment. Listen to this! @RealAmVoice <https://t.co/v6j9lMatXH>" / Twitter

did then the same would have revealed a discrepancy and the fact that ballots were missing from the count.

## **GWINNETT COUNTY 2020 GENERAL ELECTION**

A Declaration filed by Marilyn Marks in the Curling V. Raffensperger case describes a problem witnessed by Ms. Marks during the 2020 General Election count in Gwinnett County.<sup>5</sup> Specifically, Marks states:

*12. During the November 3, 2021 election, Harri Hursti and I visited Gwinnett County Elections for several hours on multiple days as they were having significant problems with the Dominion server processing certain batches of scanned ballot images uploaded on precinct scanner memory cards. County officials disclosed in public announcements that several thousand ballots (tens of thousands of votes) in the batches could not be processed. Mr. Hursti and I watched Dominion technicians make repeated unsuccessful efforts to process the ballots.*

*13. A Dominion technical expert, David Moreno, was flown in from Denver to attempt to remedy the vote tabulation problem, County spokesman Joe Sorenson repeated explained that ballots were simply failing to be processed by the system, and that thousands of ballots were caught up in the failure.*

*14. Based on contemporaneous discussions with Mr. Hursti, who was watching Mr. Moreno's actions and computer screens, it appeared that that Mr. Moreno made software code changes in real time to circumvent the problem to force the system to process most, but not all, of the uncounted ballots. After most of the ballots were processed and counted, Gwinnett quickly closed and certified the election. I estimated that at the time the election was certified at least 1,600 ballots remained uncounted. I asked county officials repeatedly, in emails and on site, for an accounting of these ballots, but received no response.*

*15. A few days later a statewide hand count audit of the presidential race was conducted. I was an authorized monitor of the audit process in several counties including Gwinnett. According to the audit summary published by the Secretary of State, attached hereto as Exhibit 1, during the audit Gwinnett discovered 1,642 more ballots than were originally counted. This confirmed my belief that over 1,600 ballots had not been counted even after Dominion made real time software changes and the Gwinnett Board of Elections certified the result.*

Marks meticulously details the fact that there were 1,642 more ballots than originally counted "...even after Dominion made real time software changes and the Gwinnett Board

---

<sup>5</sup> See a true and correct copy of the referenced Declaration by Marilyn Marks attached hereto as "Exhibit E".

*of Elections certified the result.”*. The tabulator System Log files from the Gwinnett County General Election reveal the same “QR code signature mismatch” error pair as that which the EAC found triggered the Williamson Incident anomaly:

Nov 04/2020 13:32:44: Security Error QR code Signature mismatch.

Nov 04/2020 13:32:44: ScanVote Warning ± Ballot format or id is unrecognizable.

Nov 04/2020 13:32:44: Ballot 40: - Problem Ballot - saved as C:\DVS\Nov 2020 AV-Shorty Howell ICC 2B 79-156\Project\NotCastImages\NotCast\_001\_002\_001.tif.

While there may be another explanation than the cause and effect consistent with the Williamson Incident for the uncounted ballots, there is not one which can be found in the public record and no matter the cause, the deficiency remains. The outstanding ballots further establish that no effective reconciliation, accounting, or canvass process exists to protect the integrity of elections in Georgia, for if it did then the same would have revealed a discrepancy and the fact that ballots were missing from the count.

Furthermore, if the anomalous results described herein are somehow found to be not exactly the result of that which caused the Williamson Incident (which would be difficult given that the cause has not been identified) the same must be investigated to conclusion as the same symptoms are present and have been specifically documented in several incidents in several counties.

It's also worth noting that Ms. Mark's Declaration indicates the alteration of software code within a previously certified voting system in real-time during its operation for an election in violation of Georgia election code. The actions Marks described clearly violated the voting system certification and all use of that system should have been immediately halted and further use prohibited until such time as the system could be brought back into compliance and properly tested.

## **OTHER ERRORS**

Although the “QR code signature mismatch”, along with the “Ballot format or ID unrecognizable” pair were the only errors acknowledged by Dominion and the EAC to affect the tabulator counting process, there are several other errors potentially yielding the same result.

When the tabulator produces an error, the ICP “reverses” or returns the ballot to the voter. Aside from a genuine mechanical or folded paper error, the ICP should reverse the same ballot for the same error no matter how many times the ballot is scanned (within acceptable tolerances). For example, A “QR code signature mismatch” error should be reversed on the second, third, and 25<sup>th</sup> attempt; however, the logs and corroborating reports reveal that ballots are being reversed on the first attempt but accepted on the second or subsequent scanning attempts. This too is consistent with what the investigations by the Tennessee Secretary of State and the EAC found in Williamson, TN as it was found that the ballot that triggered the anomaly was initially reversed due to error, but subsequently accepted.

Because the same ballot which initially triggers an error causing it to be reversed is subsequently accepted, evidence strongly suggests that either the error as initially returned is not really an error, or the voting system is grossly inaccurate. Complainants have effectively ruled out inaccuracy as the same pattern repeats itself in county after county thousands of times. The ballot is scanned and then reversed due to an error, followed by the ballot being accepted seconds later with no error.

What's more, we have been able to identify the exact ballots which triggered various errors as each time an error is generated, the ballot is reversed and the image of the deficient ballot which triggered the error is placed in the "Not Cast Images" folder. For example, the tabulator log file below shows that a ballot was reversed due to the error "*Image scan could not find QR code on ballot*" and an image of the "problem ballot" is saved.

```
Nov 25/2020 17:57:26: Ballot 28:      Id=3 Cast.  
Nov 25/2020 17:57:26: Ballot 29:      Id=3 Cast.  
Nov 25/2020 17:57:27:      Image Warning  Image scan could not find QR code on ballot.  
Nov 25/2020 17:57:27:      ScanVote Warning + Ballot format or id is unrecognizable.  
Nov 25/2020 17:57:27: Ballot 30:      - Problem Ballot - saved as C:\DVS\RECOUNT ADVANCE  
VOTING\Project\NotCastImages\NotCast_057_001_001.tif.  
Nov 25/2020 17:57:27: Nov 25/2020 Ballot 31:      Skipped.
```

The image of the problem ballot, named "NotCast\_057\_001\_001.tif" is shown below:





**BIBB COUNTY  
OFFICIAL BALLOT  
GENERAL AND SPECIAL ELECTION  
OF THE STATE OF GEORGIA  
NOVEMBER 3, 2020**

*"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." (O.C.G.A. 21-2-284(e), 21-2-285(h) and 21-2-383(a))*

503-EM4



For President of the United States (Vote for One) (NP)  
Vote for Joseph R. Biden (Dem)

For United States Senate (Perdue) (Vote for One) (NP)  
Vote for Jon Ossoff (Dem)

For United States Senate (Loeffler) - Special (Vote for One) (NP)  
Vote for Raphael Warnock (Dem)

For Public Service Commissioner (Vote for One) (NP)  
Vote for Robert G. Bryant (Dem)

For Public Service Commissioner (Vote for One) (NP)  
Vote for Daniel Blackman (Dem)

For U.S. Representative in 117th Congress From the 2nd Congressional District of Georgia (Vote for One) (NP)  
Vote for Sanford Bishop (I) (Dem)

For State Senator From 26th District (Vote for One) (NP)  
Vote for David E. Lucas, Sr. (I) (Dem)

For State Representative in the General Assembly From 143rd District (Vote for One) (NP)

Vote for James Beverly (I) (Dem)

For District Attorney of the Macon Judicial Circuit (Vote for One) (NP)  
Vote for Anita Reynolds Howard (Dem)

For Clerk of Superior Court (Vote for One) (NP)  
Vote for Erica L. Woodford (I) (Dem)

For Sheriff (Vote for One) (NP)  
Vote for David Davis (I) (Dem)

For Tax Commissioner (Vote for One) (NP)  
Vote for S. Wade McCord (I) (Dem)

For Solicitor of State Court of Macon-Bibb County (Vote for One) (NP)  
Vote for Rebecca Liles Grist (I) (Dem)

Constitutional Amendment #1 (NP)  
Vote for YES

Constitutional Amendment #2 (NP)  
Vote for YES

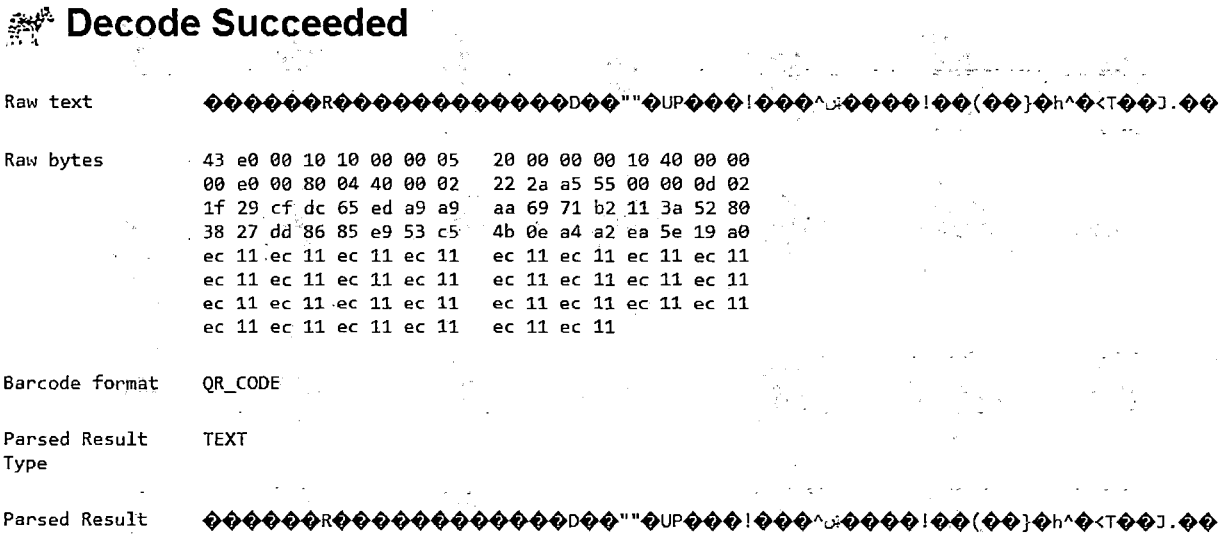
Statewide Referendum A (NP)  
Vote for YES



The QR code is clearly visible and is in exactly the correct position on the ballot. Also, the image is crisp with no visible deficiency whatsoever. It's important to note that the same imaging devices which capture the image also read the QR code. This removes the possibility that dirt, ink or dust caused the error. For if it did, the image above would reflect the deficiency, as that is the very image the tabulator read and reversed. Therefore, if that very ballot image was scanned

it should return the very same error, but it does not.

Complainants scanned the ballot image using the very same third-party QR code software that Dominion tabulators are supposed to use to read QR codes<sup>6</sup> which is available online at [www.zxing.org](http://www.zxing.org). The image that was reversed due to error scanned successfully:



The same software that Dominion tabulators use to read QR codes was not only able to find the QR code but also read and decode it successfully. This shows that no actual error condition existed at the time it was scanned because the image above is the actual image that triggered the error.

The following is another example. The System Log file shows a ballot was rejected due to a "QR code Signature mismatch" error (same error that the EAC named as triggering the anomaly in the Williamson Incident).

```
Nov 25/2020 18:05:50: Ballot 9: Id=58 Cast.
Nov 25/2020 18:05:50: Security Error QR code Signature mismatch.
Nov 25/2020 18:05:50: ScanVote Warning + Ballot format or id is unrecognizable.
Nov 25/2020 18:05:50: Ballot 10: - Problem Ballot - saved as C:\DVS\RECOUNT ADVANCE
VOTING\Project\NotCastImages\NotCast_067_001_001.tif.
Nov 25/2020 18:05:50: Nov 25/2020 Ballot 11: Skipped.
```

<sup>6</sup> See Dominion Democracy Suite 5.5A software configuration as tested on pg. 19 of the "As Run Test Plan" located here: [\\*VVSG 2005 Cert Test Plan \(eac.gov\)](#)

The image of the problem ballot listed in the log above, "NotCast\_067\_001\_001.tif" that was rejected due to the "QR code Signature mismatch" error is shown below:

**BIBB COUNTY  
OFFICIAL BALLOT  
GENERAL AND SPECIAL ELECTION  
OF THE STATE OF GEORGIA  
NOVEMBER 3, 2020**

*"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." [O.C.G.A. 21-2-284(e), 21-2-285(h) and 21-2-383(a)]*

510-HA4A



For President of the United States (Vote for One) (NP)  
Vote for Donald J. Trump (I) (Rep)

For United States Senate (Perdue) (Vote for One) (NP)  
Vote for David A. Perdue (I) (Rep)

For United States Senate (Loeffler) - Special (Vote for One) (NP)  
Vote for Doug Collins (Rep)

For Public Service Commissioner (Vote for One) (NP)  
Vote for Jason Shaw (I) (Rep)

For Public Service Commissioner (Vote for One) (NP)  
Vote for Lauren Bubba McDonald, Jr. (I) (Rep)

For U.S. Representative In 117th Congress From the 2nd Congressional District of Georgia (Vote for One) (NP)  
Vote for Don Cole (Rep)

For State Senator From 18th District (Vote for One) (NP)  
Vote for John F. Kennedy (I) (Rep)

For State Representative in the General Assembly From 141st District (Vote for One) (NP)  
Vote for Dale Washburn (I) (Rep)

For District Attorney of the Macon Judicial Circuit (Vote for One) (NP)  
Vote for Anita Reynolds Howard (Dem)

For Clerk of Superior Court (Vote for One) (NP)  
Vote for Erica L. Woodford (I) (Dem)

For Sheriff (Vote for One) (NP)  
Vote for J. T. Ricketson (Rep)

For Tax Commissioner (Vote for One) (NP)  
Vote for S. Wade McCord (I) (Dem)

For Solicitor of State Court of Macon-Bibb County (Vote for One) (NP)  
Vote for Rebecca Liles Grist (I) (Dem)

Constitutional Amendment #1 (NP)  
Vote for NO

Constitutional Amendment #2 (NP)  
Vote for YES

Statewide Referendum A (NP)  
Vote for NO

Complainants once again used the [www.zxing.org](http://www.zxing.org) website and the same software used by Dominion to read the QR code ballot. The very ballot image that was rejected due to a QR code signature mismatch error, was somehow successfully decoded using the very same software.



## Decode Succeeded

Raw text

5'E~xG=O-Ns<1H{b

Raw bytes

```
43 e0 00 10 10 00 00 02 c0 00 00 00 13 a0 00 00
00 e0 00 80 08 82 00 00 44 4a a9 4c 80 00 00 d3
52 74 57 e9 ae 97 84 73 de 3f b8 84 f2 d4 e7 3b
d0 6b ad 53 ca 66 ca 7c 1b 3f f4 87 b0 6c a6 20
ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11
ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11
ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11
ec 11 ec 11 ec 11 ec 11 ec 11 ec 11 ec 11
```

Barcode format

QR\_CODE

Parsed Result Type

TEXT

Parsed Result

5'E~xG=O-Ns<1H{b

Again, a QR code is either read or it isn't read, but it cannot be misread. Complainants have tested hundreds of these ballot images reversed due to error and they are all read and decoded successfully.

Because of this, complainants did an analysis on the number of ballots being reversed and why they were being reversed (The report and the breakdown for each county we evaluated is in a report attached hereto as "Exhibit F"). This analysis included 13 randomly selected counties and includes over 100,000 scanned ballots.

Georgia Detailed Error Report Totals  
 Total Counties: 13  
 Total System Log Files: 175

|                     |         |
|---------------------|---------|
| Total Ballots Cast: | 104,821 |
| Avg. Error Rate:    | 23.714% |
| Avg. Reversal Rate: | 18.601% |

| County   | Election            | Ballots Cast | ERRORS                                 |  |                             |   |                          |       | Total SLOG Errors | ERROR | REVERSALS                 |                 |                      | REVERSAL |
|----------|---------------------|--------------|--|--|-----------------------------|---|--------------------------|-------|-------------------|-------|---------------------------|-----------------|----------------------|----------|
|          |                     |              | Ballot format or id is unrecognizable. | Image scan could not find QR code on ballot. | QR code Signature mismatch. | Ballot's size exceeds maximum expected ballot size. | Scanner transport error. |       |                   |       | Ballot has been reversed. | Ballot Not Cast | Total SLOG Reversals |          |
| Barrow   | 2022 05 24 Gen Prim | 8823         | 578                                    | 382  | 50                          | 360   | 313                      | 1683  | 19.075%           |       | 1243                      | 22              | 1265                 | 14.338%  |
| Brantley | 2022 05 24 Gen Prim | 2618         | 239                                    | 163  | 18                          | 111   | 145                      | 676   | 25.821%           |       | 498                       |                 | 498                  | 19.022%  |
| Bryan    | 2022 06 21 Runoff   | 723          | 80                                     | 46   | 6                           | 29  | 16                       | 177   | 24.481%           |       | 127                       | 2               | 129                  | 17.842%  |
| Burke    | 2022 05 24 Gen Prim | 1239         | 121                                    | 27   | 0                           | 80  | 106                      | 334   | 26.957%           |       | 317                       |                 | 317                  | 25.585%  |
| Coffee   | Jan 2021 Runoff     | 4538         | 28                                     | 7  | 4                           | 322   | 367                      | 728   | 16.042%           |       | 717                       |                 | 717                  | 15.800%  |
| Crisp    | 2022 05 24 Gen Prim | 3567         | 155                                    | 82   | 1                           | 194   | 164                      | 596   | 16.709%           |       | 517                       |                 | 517                  | 14.494%  |
| Dawson   | 2022 05 24 Gen Prim | 6965         | 338                                    | 221  | 10                          | 406   | 385                      | 1360  | 19.526%           |       | 1172                      |                 | 1172                 | 16.827%  |
|          | 2022 06 21 Runoff   | 2266         | 111                                    | 67   | 19                          | 185   | 91                       | 473   | 20.874%           |       | 407                       |                 | 407                  | 17.961%  |
| Fayette  | 2022 05 24 Gen Prim | 31,767       | 3592                                   | 2700   | 324                         | 1427  | 1205                     | 9248  | 29.112%           |       | 6261                      | 8               | 6269                 | 19.734%  |
| Heard    | 2022 05 24 Gen Prim | 2132         | 111                                    | 62   | 3                           | 108   | 118                      | 402   | 18.856%           |       | 345                       |                 | 345                  | 16.182%  |
| Irwin    | 2022 05 24 Gen Prim | 1986         | 367                                    | 282  | 38                          | 147   | 179                      | 1013  | 51.007%           |       | 690                       | 3               | 693                  | 34.894%  |
| Madison  | 2022 05 24 Gen Prim | 6898         | 293                                    | 162  | 17                          | 297   | 324                      | 1093  | 15.845%           |       | 925                       |                 | 925                  | 13.410%  |
| McDuffie | 2022 05 24 Gen Prim | 4096         | 383                                    | 320  | 25                          | 205   | 162                      | 1095  | 26.733%           |       | 753                       |                 | 753                  | 18.384%  |
| Paulding | 2022 05 24 Gen Prim | 29821        | 2319                                   | 1431   | 190                         | 1106  | 1203                     | 6249  | 20.955%           |       | 4666                      | 87              | 4753                 | 15.938%  |
| TOTALS   |                     | 107439       | 8715                                   | 5952   | 705                         | 4977  | 4778                     | 25127 |                   |       | 18638                     | 122             | 18760                |          |

According to our review of the Dominion-produced tabulator system log files including over 104,000 ballots, an average of 18.6% of all ballots are being initially reversed due to error. Nearly all ballots reversed are then subsequently accepted without error. The list of errors include:

1. Ballot Format or ID is unrecognizable
2. Image scan could not find QR code on ballot
3. QR code signature mismatch
4. Ballot's size exceeds maximum expected ballot size
5. Scanner transport error

Consider that in 13 counties, the tabulator could not find the QR code on ballot 5,952 times, but then miraculously found the QR code when the ballot was scanned again.<sup>7</sup>

This phenomenon is not isolated to one machine or one race, one county, or even one election.

<sup>7</sup> The scanners are required to read the ballot no matter the orientation, scans both sides simultaneously and the same has been tested out as a contributing factor.

Ballots are being reversed across the state for all elections. Therefore, it is undeniable that the ballots are being reversed for reasons other than errors.

These findings are not supposition, but factual analysis of records produced by Dominion tabulators and provided by counties in response to Open Records Requests.

While it is unknown why ballots are being initially reversed due to error, then subsequently accepted, there is an important reference point in Coffee County.

## COFFEE COUNTY

According to Coffee County election officials and repeatedly documented in emails, text messages and official correspondence, Coffee County experienced problems with their election equipment beginning with the June 2020 primary. Despite numerous requests for help to the Secretary of State, their pleas went unanswered. Following the November 3<sup>rd</sup> General Election, President Donald Trump requested a recount, the results of which Coffee County's Board of Elections unanimously refused to certify. As documented in correspondence to the Secretary of State<sup>8</sup>, the board stated:

*The Coffee County Board of Elections and Registration cannot certify the electronic recount numbers given its inability to repeatably duplicate creditable election results. Any system, financial, voting, or otherwise, that is not repeatable nor dependable should not be used. To demand certification of patently inaccurate results neither serves the objective of the electoral system nor satisfies the legal obligation to certify the electronic recount.*

*I am enclosing a spread sheet which illuminates that the electronic recount lacks credibility. NO local election board has the ability to reconcile the anomalies reflected in the attached. Accordingly, the Coffee County Board of Elections and Registration have voted to certify the votes cast in the election night report. The election night numbers are reflected in the official certification of results submitted by our office.*

The spreadsheet attached to the correspondence is below:

---

<sup>8</sup> A true and correct copy of the Coffee County's correspondence to the Georgia Secretary of State is attached hereto as "Exhibit G".

## DISCREPANCIES IN THE NOVEMBER 3, 2020 GENERAL ELECTION AND RECOUNTS

| Date   | Activity                 | Action # | Trump     | Biden     | Jorgensen | Write-IN* | Total Votes | Internal Delta |
|--|--------------------------|----------|-----------|-----------|-----------|-----------|-------------|----------------|
| 11/03/2020   | Election Day 1           | 1        | 10578     | 4511      | 125       | 23        | 15237       |                |
| 11/17/2020   | Hand Recount             | 2        | 10578     | 4511      | 126       | NA        | 15238       |                |
|  | Compare 2 to 1           |          | 0         | 0         | +1        |           | +1          | +1             |
| 11/30/2020   | Electronic Recount       | 3        | 10597     | 4520      | 136       | 0         | 15258       |                |
|  | Compare 3 to 1           |          | +19       | +9        | +11       |           |             | +39            |
|  | Compare 3 to 2           |          | +19       | +9        | +12       |           |             | +40            |
| 11/30/2020   | 2nd uploaded 185 BALLOTS | 4        | NO CHANGE | NO CHANGE | NO CHANGE | 0         | NO CHANGE   |                |
| The tabulated Electronic Recount revealed the above discrepancies  |                          |          |           |           |           |           |             |                |
| Investigation revealed we neglected to run 185 ballots: we then ran these ballots  |                          |          |           |           |           |           |             |                |
| we reviewed the results but there was No Change in Vote Count Despite 185 Ballots Added  |                          |          |           |           |           |           |             |                |
| The on Site Dominion Rep could not explain why system would not update votes   |                          |          |           |           |           |           |             |                |
| The Dominion Rep directed the Board of Elections to make a decision about what to do.  |                          |          |           |           |           |           |             |                |
| FOR SOME REASON NO WRITE-IN COLUMN PRINTED ON THE RECOUNT SUMMARY  |                          |          |           |           |           |           |             |                |
| THERE WAS NO EXPLANATION OR SOLUTION TO THIS PROBLEM   |                          |          |           |           |           |           |             |                |
| 12/02/2020   | Prepare to Certify       | 5        | 10597     | 4520      | 136       | 5         | 15258       |                |
|  | Compare 5 to 1           |          | +19       | +9        | +11       |           |             | +39            |
|  | Compare 5 to 2           |          | +19       | +9        | +12       |           |             | +40            |
| There is a discrepancy between Electronic Recount and total votes for both 1 & 2   |                          |          |           |           |           |           |             |                |
| Stated Differently after 3 counts a clear inconsistency exists as one compares the original election counts, the hand recount, and the electronic recount. |                          |          |           |           |           |           |             |                |
| Anomalies in software recounts create irreconcilable difference in vote count which leaves the Board with no clear guidance as to which count to certify.  |                          |          |           |           |           |           |             |                |
| * Write-IN and NO Votes are NOT included in the Total Votes  |                          |          |           |           |           |           |             |                |

Following additional problems associated with the January 5<sup>th</sup>, 2021 Senate runoff election, Jeff Lenberg, a computer systems expert<sup>9</sup>, went to Coffee County in an attempt to determine the cause of their voting system problems. Mr. Lenberg had the Elections Supervisor run a mock election (Mr. Lenberg had the Election Supervisor control the machines). An equal number of ballots were created for President Trump and Joseph Biden (20 each) which were then scanned several times on an ICP. Out of approximately 480 ballots scanned, 15% of Trump ballots were reversed due to error as opposed to only 2.5% of those ballots for Biden. In other terms, ballots were being reversed at a ratio of 7:1, Trump to Biden.

Mr. Lenberg's findings support that which was witnessed in Coffee County by Cathy Latham on January 5<sup>th</sup> 2021 Senate runoff after the polls closed. From Ms. Latham's affidavit:<sup>10</sup>

*10. As everyone settled in for a long night in a very small room with a tabulation computer, Ms. Hampton began pulling batches to begin scanning. As she put in the first batch, the machine began scanning and then jammed on a ballot with the following screen message: QR CODE Failure.*

*11. This continued, batch after batch, time after time. Dominion tech, Samuel Challandes from Colorado, was an extra tech assigned to Coffee County after scanner issue problems in the June 2020 Primary and November 3*

<sup>9</sup> See Mr. Lenberg's Bio attached hereto as "Exhibit H".

<sup>10</sup> See a true and correct copy of Cathy Latham's affidavit attached hereto as "Exhibit I"

*Presidential Election, and the machine recount. Mr. Challandes recommended to Ms. Hampton that she needed to take a cloth and wipe down the scanner. At times he advised and instructed her to blow canned air at the eye of the scanner to help remove paper debris. This didn't help.*

*12. One thing that was noticed by Ms. Hampton, Mrs. Thomas-Clark, and me was that every ballot that had a QR Code Failure was a ballot for all three Republican candidates: David Perdue, Kelly Loeffler, and Bubba McDonald. At some point during the evening of this, Mrs. Thomas-Clark looked over at me and said, "This isn't right." I agreed with her.*

Mr. Lenberg's testing is consistent with that witnessed by Ms. Latham and Coffee County election officials, which is that ballots were being rejected in a clearly biased manner. The same anomaly was also witnessed in Coffee County during the recount.

It's also important to note that the astute Coffee County Elections Supervisor, Misty Martin, details several important points as captured in the November 10, 2020 County Board of Elections meeting minutes.<sup>11</sup>

*Mr. Chaney asked "So you can scan the same ballot two times, or multiple times. Mrs. Martin replied "Yes". Mr. Peavy said there are check points that have to match. Mrs. Martin replied "yes there are several check points for the honest person, but the honest person is not in every county. Mrs. Martin also stated that "all counties do not have the same check points that I have in place." Ms. Thomas-Clark asked "if you have a ballot and you ran it twenty times, the system would count it 20 times." Mrs. Martin replied "yes". Mrs. Martin said that during advance voting the number on the scanner never matched the number of ballots voted.*

Mrs. Martin describes *her* practice of reconciling the number of physical ballots with the number of ballots cast as reported by the scanner, and that they "*never matched*". Once again, and time after time during early voting, when the number of ballots is compared with the number of ballots cast as reported by the scanner, there seems to be a discrepancy just like that of Williamson County.

## CONCLUSION

Ballots are being reversed due to errors that are not truly errors, and in large numbers across the state of Georgia. Election officials and independent experts have documented the reversals in Coffee County not as random but based on the choice of candidates on the ballot. Because the exact same equipment running the exact same version of software as that of Coffee County is

---

<sup>11</sup> A true and correct copy of the Coffee County November 10, 2020 meeting minutes is attached hereto as "Exhibit J"



being used across the state, there is every reason to believe the other counties are experiencing the exact same results. This is also bolstered by the errors and reversals that the complainants have painstakingly documented and tracked from Dominion's own records from 67 counties spanning 3 separate elections.

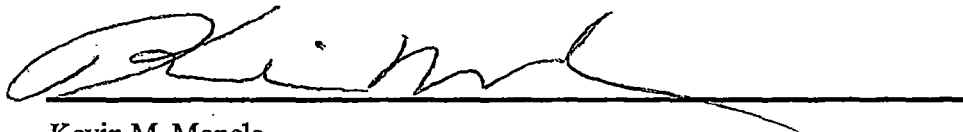
The only possible explanations for the error anomalies are defect, malware, or intentional design with each yielding the same result, the continued disenfranchisement of voters.

In short, due to defect or deficiency the Dominion Voting systems currently being used in Georgia cannot reliably perform their sole purpose and function. To accurately count votes. Furthering this deficiency is Georgia's current lack of even the most basic election accounting practices which could potentially detect or prevent any inaccuracies.

**WHEREFORE**, Complainants respectfully ask this board:

1. To grant relief in the form of immediately suspending the use of the Dominion Voting System, in its entirety, until such time as a thorough forensic review can be performed by an independent panel of experts to find the cause of the anomalies detailed herein.
2. To compel and enforce compliance with existing Rules and Regulations governing the early voting ballot scanner poll closing protocols, specifically those requiring the reconciliation of each tabulator count with that of the ballot scanner recap sheets.
3. To promulgate rules requiring the following during early voting:
  - a. The daily reconciliation of the number of physical ballots scanned, the number of ballots cast according to the ballot scanner daily status tape, and the number of voters checked in at each polling location, certified by the poll manager and two witnesses and submitted to the State Election Board daily via email and posted on the county's website for public review. The same should also have the automatic remedy of a required hand count for any polling location that fails to comply as required.
  - b. The names of all voters who checked in at each polling location, certified by the poll manager and two witnesses, submitted daily to the State Election Board via email. The same should also have the automatic remedy of a required hand count for any polling location that fails to comply as required.
4. Any other relief that this board deems proper to ensure the accuracy and integrity of Georgia's elections.

Respectfully submitted this 11<sup>th</sup> day of October, 2022 via email:

A handwritten signature in black ink, appearing to read "Kevin M. Moncla", written over a solid horizontal line.

Kevin M. Moncla

A handwritten signature in black ink, appearing to read "David A. Cross", written over a solid horizontal line.

David A. Cross