

IN THE SUPERIOR COURT

_____ COUNTY

STATE OF GEORGIA

IN RE: NOVEMBER 8, 2022 GENERAL
ELECTION BALLOT

§
§ Case No. _____
§
§

BALLOT COMPLAINT

COMES NOW the undersigned Complainant and seeks the relief of this Honorable Court.

I. JURISDICTIONAL AND VENUE

This Court has jurisdiction pursuant to O.C.G.A. 21-2-412 for the purpose of securing ... a free, fair, and correct computation and canvass of votes cast at such primary or election. During such period the court shall issue process, if necessary, to enforce and secure compliance with the primary or election laws and shall decide such other matters pertaining to the primary or election as may be necessary to carry out the intent of this chapter.

II. PARTY

The undersigned Complainant is a citizen of the State of Georgia and

_____ County. Complainant is a registered voter of said County.

III. GENERAL FACTUAL ALLEGATIONS

1. On November _____, 2022, Complainant proceeded to his early voting place located at _____, _____ Georgia.
2. Complainant was processed into the status of an elector, assigned an appropriate card and preceded to a machine in order to make his selections for the offices and questions presented for selection.

3. Complainant made the selections appropriate to his discretion and completed the balloting process.
4. Upon completion, the printer produced a ballot for Complainant's reading and verification in preparation for submitting his ballot for casting or voting.
5. Upon viewing the ballot, it became apparent that there was printed, on the face of the ballot, what appeared to be TWO separate 2-dimensional bar codes additional to the information required. This code was unreadable and created no small amount of apprehension as to exactly how Complainant's ballot would be processed for a tabulation of his vote.
6. There being no other immediate method for casting a readable or verifiable vote, Complainant took a picture of HIS ballot, now being in possession thereof, and took possession of his ballot, leaving the building with the same, to produce both to this Honorable Court as an evidentiary matter.

IV. CONCLUSION

7. Title 21, Chapter 2 of the Code of Georgia contains the Legislative intent concerning the items which, by law, may appear on the face of a legal ballot. Nowhere is there to be found a statutory authorization for a bar code on the face of a ballot produced by a Ballot Marking Device (BMD).
8. Quoting from the findings of fact and conclusion of law by Judge Amy Totenberg, in the case of *Curling v. Raffensperger*, 493 F.Supp.3d 1264, 1308-09 (2020), we read,
 - ... The statutory provisions mandate voting on "electronic ballot markers" that: (1) use "electronic technology to independently and privately mark a paper ballot at the direction of an elector, interpret ballot selections, communicate such interpretation for elector verification, and print an elector verifiable paper ballot;" and (2) "produce paper

ballots which are marked with the elector's choices in a format readable by the elector" O.C.G.A. § 21-2-2(7.1); O.C.G.A. § 21-2-300(a)(2).

Plaintiffs and other voters who wish to vote in-person are required to vote on a system that does none of those things. Rather, the evidence shows that the Dominion BMD system does not produce a voter-verifiable paper ballot or a paper ballot marked with the voter's choices in a format readable by the voter because the votes are tabulated solely from the unreadable QR code. Thus, under Georgia's mandatory voting system for "voting at the polls"^[73] voters must cast a BMD-generated ballot tabulated using a computer generated barcode that has the potential to contain information regarding their voter choices that does not match what they enter on the BMD (as reflected in the written text summary), or could cause a precinct scanner to improperly tabulate their votes.

As a result, each of the Plaintiffs attest that they are forced to forego their right to full and unfettered participation in the political process and to alternatively exercise their right to vote...

9. Quoting also from *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion), we read,

The "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."
10. The Georgia-Dominion contract, finally signed on August 12, 2019, contains a provision in Exhibit B, par. 3.1 requiring the placement of a barcode on the fact of each ballot.
11. Nowhere in the prior enactment of HB 316 is there any language requiring the placement of such a mark anywhere on a ballot to be voted, the result thereof being an illegal function of a Ballot Marking Device, in violation of O.C.G.A. § 21-2-2 (7.1) which, in turn, prints an illegal ballot in violation of O.C.G.A. § 21-2-300.
12. Requiring a citizen to use illegal equipment and vote an illegal ballot is an abridgment of the 1st Amendment and is a violation, by the State of Georgia, of the 14th Amendment, §1, c.2 (second sentence), violating 18 U.S.C. § 241 and § 242.

V. PRAYER

WHEREFORE, Complainant prays this Honorable Court to enter an Order for the following relief:

- A. That this court enter its own findings of fact and state separately its conclusion of law as to the lawfulness of the use of a 2-dimensional bar code on the face of a ballot as being unreadable and not verifiable,
- B. That this court find that the original contract between the State of Georgia and Dominion Systems, signed on July 29th by Dominion and August 12, 2019 by Brad Raffensperger, contained a provision in its Exhibit B, par. 3.1 which was not permitted by the enactment of HB 316 enacted on April 2, 2019, or any later amending enactments, and that said Contract, or at least para. 3.1 was, and still is, in violation of The Election Laws of this state at that time and has remained an illegal provision since that time, and the BMD was and is an illegal piece of equipment.
- C. That this Court find that the Secretary of State, Brad Raffensperger, has illegally required the citizens of this State to use an illegal BMD which has produced illegal Ballots since before, or at least since, the signing of said contract and that such act is in violation of the Privileges and Immunities Clause of the 14th Amendment in creating a violation of the 1st Amendment Right of a citizen of the United States.
- D. That this Court find that the Contract in question, along with all ballots voted in-person have been illegal and that all elections in which such illegal equipment and ballots have been used are VOID since the signing of the Georgia-Dominion Contract.¹
- E. That this Court, in order that there not be further irreparable injury to the Citizens of this state through another VOID election brought on by the use of illegal equipment and ballots, Order, by Injunction, that the BMDs now in use be continued for this

¹ *Kemp v Mitchell County Democratic Executive Committee*, 216 Ga. 276, 282-283 (1960), "It has long been the rule in this State that ... where statutory requirements pertaining to the holding of an election are not complied with, the election is void, ..."

2022 election as the readable portion of the ballot is verifiable by any Elector, that the scanning equipment for counting and tabulating ballots not be used as its resulting computational process affords Elector no reasonable presumption of veracity as to its results, and that all ballots in this Election, in all Counties, be hand counted, and that the use of the current BMDs and other Dominion Equipment be enjoined in future elections pending Legislative enactments.

F. Other than this Court requesting to see Complainant's ballot, or the photographic image thereof, and/or taking Complainant's testimony and any other evidentiary material, that this Court's decision be based upon this pleading, the law, and any other or further testimony of this Complainant.

Further, Complainant prayeth not.

Respectfully submitted November [REDACTED], 2022

[REDACTED] (Signature)
[REDACTED], Pro se

p) [REDACTED]



MASTER SOLUTION PURCHASE AND SERVICES AGREEMENT

BY AND BETWEEN

**DOMINION VOTING SYSTEMS, INC.
as Contractor,**

and

**SECRETARY OF STATE OF THE STATE OF GEORGIA
as State**

Dated as of July 29, 2019

Contract No. [●]

IN WITNESS WHEREOF, the parties have caused this Master Solution Purchase and Services Agreement to be executed by their duly authorized representatives as of the date first written above.

STATE OF GEORGIA OFFICE OF THE SECRETARY OF STATE	Dominion Voting Systems, Inc.
By: <u></u>	By: <u></u>
Name: <u>BRAD RAFFENSPERGER</u>	Name: <u>John Poulos</u>
Title: <u>SECRETARY OF STATE</u>	Title: <u>President & CEO</u>
Date: <u>8/12/2019</u>	Date: <u>7/29/2019</u>
By: <u></u>	
Name: <u>Gabriel Sterling</u>	
Title: <u>Chief Operating Officer</u>	
Date: <u>8/9/2019</u>	

EXHIBIT B
To Master Solution Purchase and Services Agreement

SOLUTION ORDER

THIS SOLUTION ORDER is dated this _____ day of _____, 20__ (“**Solution Order Effective Date**”) and is subject to the terms of the Master Solution Purchase and Services Agreement (the “**Agreement**”) dated as of _____, 20109 by and between _____ (“**State**”) and _____ (“**Contractor**”). Unless otherwise defined herein, all capitalized terms used herein have the same meanings as is set forth in the Agreement, which is hereby incorporated by reference. The undersigned State Entity hereby orders delivery for the following pieces of Solution from Contractor. Contractor agrees to deliver the items ordered herein in accordance with the Agreement and in compliance with all Applicable Laws including with the provisions of O.C.G.A. Title 21, as amended and the State of Georgia Election Board and Secretary of State Rules contained in Sections 183 and Sections 590 of the Georgia Administrative Code respectively.

EQUIPMENT, SOFTWARE, DELIVERY DATES AND PURCHASE PRICE(S)

1. Democracy Suite (EMS) Software description

Democracy Suite is an Election Management System (EMS) that supports all ImageCast voting channels: early votes, vote by mail votes, Election Day votes from touchscreen ballot marking devices (ICX) and Scanner, and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) votes, from a single comprehensive database.

The structure of the election files, as well as the content of the iButton security keys, is bit-level sensitive with regards to accuracy and precision. This means that a single bit change can influence system behavior. The structure of these interfacing entities is dependent on the election domain business logic implemented within the system. Therefore, within the EMS EED application, election files and iButton security keys can only be created when the election project is in the “ballot generated” state.

From an accuracy point of view, CRC checks are implemented. From a security point of view, election files utilize SHA256 (keyed hash HMAC) or digital certificates and AES encryption for data integrity and confidentiality. The figure below presents an overview of the EMS interfaces, focusing on the Democracy Suite internal and external entities.

3. ImageCast X -Prime Touchscreen Ballot Marking Device (ICX-BMD)

- 3.1 **Application:** ImageCast X-Prime BMD is a touchscreen in-person voting device and ballot marking device. Voting sessions are initiated on the tablet by either a smart card or the entry of a numeric code based on activation. The ballot is loaded directly onto the standalone device. All voting activity is performed at the tablet, including accessible voting. Accessible voting interfaces connect to the tablet via an Audio Tactile Interface or ATI. For all modes of voting, after the voter reviews the ballot selections, a paper ballot is created for the voter from a printer in the voting booth. The printed ballot contains a written summary of the voter's choices, as well as a 2D barcode which is read by Dominion's ImageCast Precinct or Central tabulator. No votes are stored on the ImageCast X-BMD unit. All votes can be tabulated and stored both the ImageCast Central and Precinct Tabulators.
- 3.2 **Components:** ImageCast X-Prime BMD is composed of a 21.5" Avalue touchscreen, Android OS 5.1, DC 19V input, HP LaserJet Pro M402dne laser printer.
- 3.3 **Additional included items:** Three (3) ICX smartcards (to be used for activation, pollworker or technician), battery, 6' cable and 8GB flash drive.

4. ImageCast Precinct Tabulator (ICP)

ImageCast Precinct Scanner and Tabulator is an optical scan ballot tabulator used to scan marked paper ballots, interpret voter marks on the paper ballot, communicate these interpretations back to the voter and upon voter acceptance, deposits the ballot in the ballot box. The ImageCast consists of the following:

- 4.1. Two (2) optical imaging scanners for creating a duplex scanned image of each side of the ballot. Ballots can be fed in all four (4) orientations.
- 4.2. Linux Operating System.
- 4.3. Two memory cards ports for storage capabilities. Two (2) 8GB memory cards are provided and located behind two securable doors (Administrator Door and Pollworker Door).
- 4.4. An integrated interactive electronic display in the form of an ultra-high contrast graphical color 5.7" LCD screen, and a built-in touch screen for administration purposes.
- 4.5. An internal 3" thermal printer and one (1) 3" paper roll for generating reports.
- 4.6. Two (2) administrative security key (iButton) used with an integrated receptacle (physically attached to the top of the unit and electrically connected to the motherboard) used for a variety of verification and security tasks such control, data confidentiality and integrity functions.
- 4.7. A motorized paper feed mechanism for detecting and moving the ballot within the scanner. Ballots used with the ImageCast must be 8.5" wide by a variable length (11", 14", 17" and 22"). The paper feed mechanism is physically capable of moving the ballot forward into the machine, across image sensors, enabling complete image capture of both sides of the ballot.
- 4.8. Power supply module uses 120 Vac, 60 Hz, one phase power. It has a power consumption of 0.07 Amps at 120 Volts AC.
- 4.9. An internal battery which is rated to provide two-and-a-half (2.5) hours of normal use in the absence of AC power. In addition to internal 2.5 hours battery an internal 6 hours battery option is also available. There is also a connection for an external 12VDC SLA battery.