

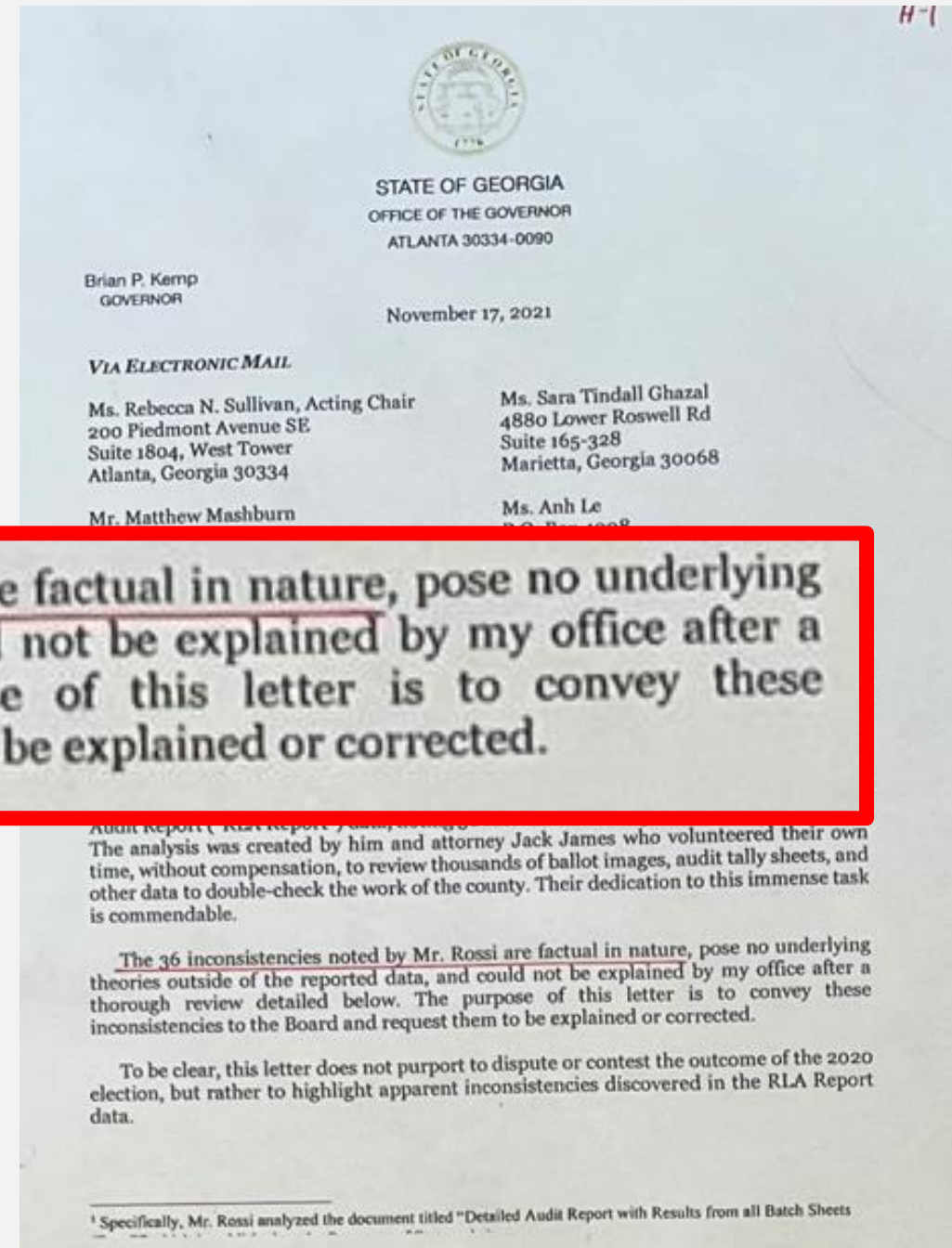
SEB2021-181 – HAND COUNT

SEB2023-025 – CERTIFIED COUNT

FULTON COUNTY VIOLATED GA ELECTION LAW - NOV 2020 ELECTION



HOW THIS STARTED – GOVERNOR’S LETTER 11/17/2021



Mr. Rossi requested my office review his findings and take whatever action may be appropriate to address his concerns. Mr. Rossi never alleged the outcome of the election was in question or asked me to act beyond my constitutional or statutory powers as Governor – the authority to oversee elections in Georgia lies with the State Election Board and the Secretary of State.

To determine whether it was appropriate to address his concerns, I tested the veracity of his work by conducting an audit of each of his 36 claims against the RLA Report data. This audit included reviewing thousands of ballot images and audit data.

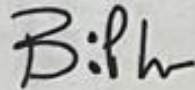
Based on that analysis, as evidence that the RLA Report data is accurate, Board action is warranted.

The data that exists in public view does not inspire confidence. It is sloppy, inconsistent, and presents questions about what processes were used by Fulton County to arrive at the result. Though reasons for, or explanations of, Mr. Rossi's concerns may exist, they are not apparent in the RLA Report data. In reviewing this matter, I believe the Board should consider the following actions:

1. Direct investigators to review Mr. Rossi's findings, just as my office has, and order corrective action as needed to address any verified errors.
2. Determine whether any changes should be made to the RLA Report. If so, the Board should determine whether such changes adversely impact the integrity of the RLA Report as originally reported.
3. Review the audit methodology used in counties across Georgia and create a prescriptive and uniform set of rules that ensure one process is followed by all counties that result in a clear presentation of data.

As you know, I chaired this Board for four years and I know how tough issues to ensure the integrity of the election process can be hard to cheat. It is the responsibility of the Secretary of State and my fellow Georgians must have in the State Election Board must act swiftly, and I urge you to do so.

Sincerely,



Brian P. Kemp

CC:

Brad Raffensperger,
Georgia Secretary of State

The data that exists in public view on the Secretary of State's website of the RLA Report does not inspire confidence. It is sloppy, inconsistent, and presents questions about what processes were used by Fulton County to arrive at the result. Though reasons for, or explanations of, Mr. Rossi's concerns may exist, they are not apparent in the RLA Report data. In reviewing this matter, I believe the Board should consider the following actions:

1. Direct investigators to review Mr. Rossi's findings, just as my office has, and order corrective action as needed to address any verified errors.
2. Determine whether any changes should be made to the RLA Report. If so, the Board should determine whether such changes adversely impact the integrity of the RLA Report as originally reported.
3. Review the audit methodology used in counties across Georgia and create a prescriptive and uniform set of rules that ensure one process is followed by all counties that result in a clear presentation of data.

SEB2021-181 HAND AUDIT FULTON COUNTY

- 36 Errors – Over 6000 duplicate ballot counts
- 4081 Net False Absentee Votes for Biden
- Election Law Violated
- Consent Order

H2

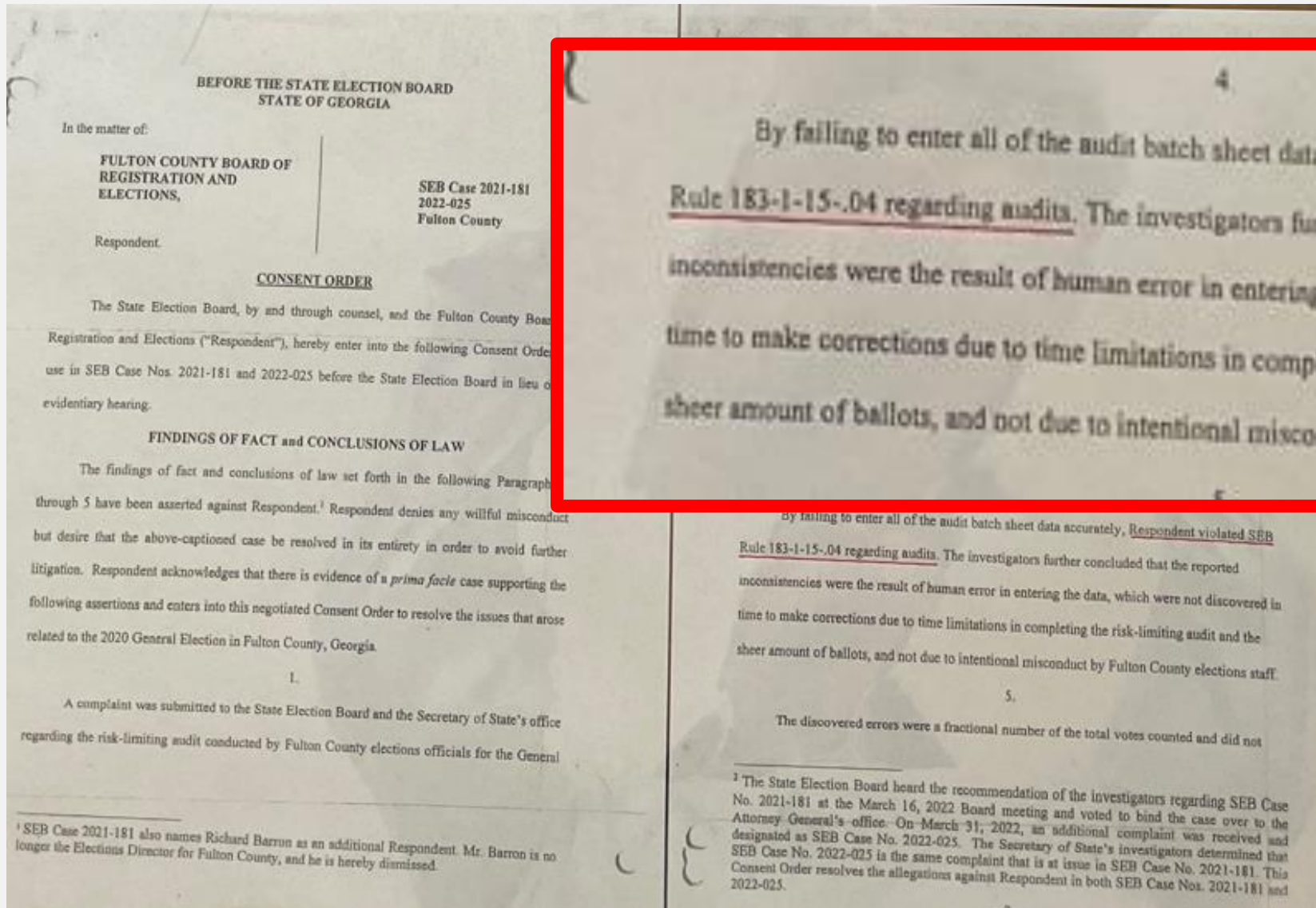
1. THE ERRORS – SOS WEBSITE RLA AUDIT REPORT – FULTON

***** BATCH RESULTS *****										
Jurisdiction	Batch Name	Batch Type	Donald J. T.	Joseph R. B.	Jo Jorgensen	Invalid Write-in	Valid Write-in	Blank/Undervote	Overvote	
FULTON	AbsenteeScanner2Batch243	Absentee By M.	7	90	1	0	0	1	0	10 BALLOT IMAGE TOTAL FOR SAME BATCH TRUMP BIDEN JORGENSEN OTHER FALSE DELTA 0 21 73 2 0
FULTON	AbsenteeScanner2Batch244-249	Election Day	110	556	7	0	0	2	1	1 DUPE DUPE DUPE DUPE 31 MISMATCH 446 DUPED
FULTON	AbsenteeScanner2Batch244-249	Absentee By M.	110	556	7	0	3	2	1	110 564 7 8
FULTON	AbsenteeScanner3Batch174-178	Absentee By M.	96	392	3	0	0	0	0	15 BALLOT IMAGE TOTAL FOR SAME BATCH TRUMP BIDEN JORGENSEN OTHER 0 96 392 4 1 FALSE DELTA
FULTON	AbsenteeScanner3Batch175-176	Absentee By M.	96	392	3	0	0	2	0	57 137 1 296
FULTON	AbsenteeScanner3Batch177	Absentee By M.	96	392	3	0	0	0	0	9 89 1 296

ERRORS 10 AND 15 RESULT IN NET FALSE BIDEN VOTES = 1069

TOTAL OF 36 ERRORS FOUND AND VERIFIED BY GOVERNOR'S TEAM RESULT IN NET FALSE BIDEN VOTES = 4081

CONSENT ORDER



BEFORE THE STATE ELECTION BOARD
STATE OF GEORGIA

In the matter of:

FULTON COUNTY BOARD OF
REGISTRATION AND
ELECTIONS,

SEB Case 2021-181
2022-025
Fulton County

Respondent.

CONSENT ORDER

The State Election Board, by and through counsel, and the Fulton County Board of Registration and Elections ("Respondent"), hereby enter into the following Consent Order in SEB Case Nos. 2021-181 and 2022-025 before the State Election Board in lieu of evidentiary hearing.

FINDINGS OF FACT and CONCLUSIONS OF LAW

The findings of fact and conclusions of law set forth in the following Paragraphs through 5 have been asserted against Respondent.¹ Respondent denies any willful misconduct but desire that the above-captioned case be resolved in its entirety in order to avoid further litigation. Respondent acknowledges that there is evidence of a *prima facie* case supporting the following assertions and enters into this negotiated Consent Order to resolve the issues that arose related to the 2020 General Election in Fulton County, Georgia.

1.

A complaint was submitted to the State Election Board and the Secretary of State's office regarding the risk-limiting audit conducted by Fulton County elections officials for the General

¹ SEB Case 2021-181 also names Richard Barron as an additional Respondent. Mr. Barron is no longer the Elections Director for Fulton County, and he is hereby dismissed.

4

By failing to enter all of the audit batch sheet data accurately, Respondent violated SEB Rule 183-1-15-.04 regarding audits. The investigators further concluded that the reported inconsistencies were the result of human error in entering the data, which were not discovered in time to make corrections due to time limitations in completing the risk-limiting audit and the sheer amount of ballots, and not due to intentional misconduct by Fulton County elections staff.

5

By failing to enter all of the audit batch sheet data accurately, Respondent violated SEB Rule 183-1-15-.04 regarding audits. The investigators further concluded that the reported inconsistencies were the result of human error in entering the data, which were not discovered in time to make corrections due to time limitations in completing the risk-limiting audit and the sheer amount of ballots, and not due to intentional misconduct by Fulton County elections staff.

The discovered errors were a fractional number of the total votes counted and did not

¹ The State Election Board heard the recommendation of the investigators regarding SEB Case No. 2021-181 at the March 16, 2022 Board meeting and voted to bind the case over to the Attorney General's office. On March 31, 2022, an additional complaint was received and designated as SEB Case No. 2022-025. The Secretary of State's investigators determined that SEB Case No. 2022-025 is the same complaint that is at issue in SEB Case No. 2021-181. This Consent Order resolves the allegations against Respondent in both SEB Case Nos. 2021-181 and 2022-025.

MOTION FROM SEB 5/7/2024

- **Board Member Ed Lindsey
Motion for Fulton
monitoring**

Fulton, SOS, SEB failed to reach a monitor agreement. Lindsey motion from 5/7 meeting.

His direct quote of clarification to the Chairman, the Board, all parties and the public.

"If I may, as part of that, let the Board know that should an agreement not be reached as to a monitor in July, I will come back with a motion to reconsider..."

They have no option other than reconsider... unless someone shuts 2023-25 down.

SEB2023-025 – CERTIFIED COUNT – REBUTTAL SUMMARY

-
1. 3125 BALLOTS WERE
TABULATED AND COUNTED
TWICE
 2. 17,852 VOTES WERE
COUNTED BUT HAVE MISSING
BALLOT IMAGES
 3. FROM THE ORIGINAL
MACHINE COUNT – THERE ARE
20,713 VOTES COUNTED THAT
HAVE NO CORRESPONDING
TABULATOR TAPE

SEB2023-025

Certified Machine Count2 – ELECTION LAW VIOLATED

Complaint 1:

- **3125 Ballots Scanned and Counted Twice**
- **McGowan – Misleading Statement**

Charlene McGowan:

“The investigation also shows that there are some duplicative ballot images that Fulton County provided, and this suggests that some ballots may have been scanned more than once. But what cannot be decided conclusively or confirmed conclusively is whether or not those duplicative ballot images were included in the count. So, we don’t know for certain whether or not those were in the tabulated results, and we will get into uh, why that is during the case presentation.”

FACTUAL REBUTTAL AUDIT MARK – 1 Ballot – 2 Files – 2 Counts

The fact is that at least the 3,125 ballots that Complainants have identified were scanned twice and counted twice. This is easily corroborated by two (2) records. First, for every ballot that is successfully scanned and counted a ballot image is produced with a unique file name. Included in that ballot image is a page called an “AuditMark” that shows how the ballot was read by the tabulator (the votes which were counted) along with a timestamp detailing when the ballot was physically scanned. From Dominion:

Exhibits
June 12, 2024

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<p>For District Attorney of the Atlanta Judicial Circuit (Vote for One)</p> <p><input checked="" type="radio"/> Paul Hill Democrat</p> <p><input type="radio"/> Write-In</p>	<p>- 2 -</p> <p>Waives state and local sovereignty in favor of the United States, state and federal constitutions. House Resolution 1033 Act No. 598</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
<p>For Clerk of Superior Court (Vote for One)</p> <p><input checked="" type="radio"/> Catherine "Tina" Robinson Incumbent/Democrat</p> <p><input type="radio"/> Write-In</p>	<p>"Shall the Constitution of Georgia be amended to waive sovereignty in favor of the United States of Georgia to petition the superior court for relief from governmental actions outside the scope of local authority or which violate the laws of this state, the Constitution of Georgia, or the Constitution of the United States?"</p>
<p>For Sheriff (Vote for One)</p> <p><input checked="" type="radio"/> Patrick "Pat" Lane Democrat</p> <p><input type="radio"/> Write-In</p>	<p>STATEWIDE REFERENDUM</p> <p>- A -</p> <p>Establishes a tax exemption for certain real property owned by charities. House Bill 244 Act No. 162</p>
<p>For Tax Commissioner (Vote for One)</p> <p><input checked="" type="radio"/> Arthur E. Famborn Incumbent/Democrat</p> <p><input type="radio"/> Write-In</p>	<p>"Shall the Act be approved which provides an exemption from all ad valorem taxes for all real property owned by a charity public charity. If such charity is a corporation organized under Section 501(c)(3) of the Internal Revenue Code and such real property is held exclusively for the purpose of building or repairing single-family homes to be transferred such that shall not bear interest?"</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
<p>For Solicitor-General of State Court of Fulton County (Vote for One)</p> <p><input checked="" type="radio"/> Mark E. Gannage Incumbent/Democrat</p> <p><input type="radio"/> Write-In</p>	<p>SPECIAL ELECTION CITY OF ATLANTA</p> <p>City of Atlanta Homebased Exemption (Vote for One)</p> <p>"Shall the Act be approved which provides a new homebased exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount of \$200,000 for each residence of the City of Atlanta with residential property registered in the name of the owner on or before January 1, 2024, and which is used exclusively for residential purposes and which is not used for any other purpose?"</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
<p>For Fulton County Soil and Water Conservation District Supervisor (Vote for One)</p> <p><input checked="" type="radio"/> Alan Toney Incumbent</p> <p><input type="radio"/> Write-In</p>	<p>PROPOSED CONSTITUTIONAL AMENDMENTS</p> <p>- 1 -</p> <p>Authorizes dedication of fees and taxes to their intended purposes by general state law. House Resolution 154 Act No. 587</p> <p>"Shall the Constitution of Georgia be amended so as to authorize the General Assembly to dedicate revenues derived from fees or taxes to the public purposes for which such fees or taxes were assessed?"</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

Turn Ballot Over To Continue Voting

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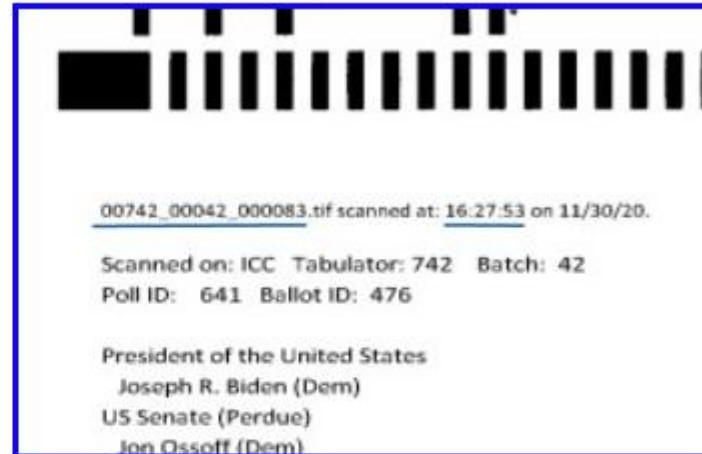
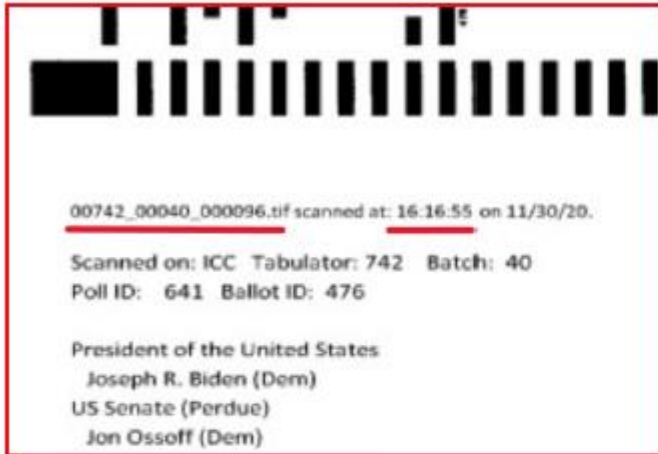
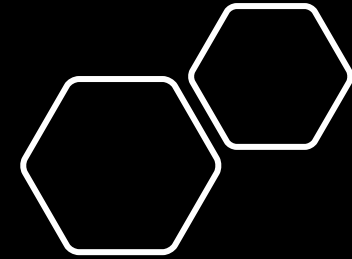
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<p>For Clerk of Superior Court (Vote for One)</p> <p><input checked="" type="radio"/> Catherine "Tina" Robinson Incumbent/Democrat</p> <p><input type="radio"/> Write-In</p>	<p>"Shall the Constitution of Georgia be amended to waive sovereignty in favor of the United States of Georgia to petition the superior court for relief from governmental actions outside the scope of local authority or which violate the laws of this state, the Constitution of Georgia, or the Constitution of the United States?"</p>
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<p>For Solicitor-General of State Court of Fulton County (Vote for One)</p> <p><input checked="" type="radio"/> Mark E. Gannage Incumbent/Democrat</p> <p><input type="radio"/> Write-In</p>	<p>SPECIAL ELECTION CITY OF ATLANTA</p> <p>City of Atlanta Homebased Exemption (Vote for One)</p> <p>"Shall the Act be approved which provides a new homebased exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount of \$200,000 for each residence of the City of Atlanta with residential property registered in the name of the owner on or before January 1, 2024, and which is used exclusively for residential purposes and which is not used for any other purpose?"</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
<p>For Fulton County Soil and Water Conservation District Supervisor (Vote for One)</p> <p><input checked="" type="radio"/> Alan Toney Incumbent</p> <p><input type="radio"/> Write-In</p>	<p>PROPOSED CONSTITUTIONAL AMENDMENTS</p> <p>- 1 -</p> <p>Authorizes dedication of fees and taxes to their intended purposes by general state law. House Resolution 154 Act No. 587</p> <p>"Shall the Constitution of Georgia be amended so as to authorize the General Assembly to dedicate revenues derived from fees or taxes to the public purposes for which such fees or taxes were assessed?"</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

Turn Ballot Over To Continue Voting

FACTUAL REBUTTAL

AUDIT MARK –

1 Ballot – 2 Files – 2 Counts



The AuditMark for each ballot (above) reveals another unique characteristic, which is the scan time. The ballot image on the left (00742_00040_000096.tif) was scanned at 16:16:55. That exact same ballot was scanned again at 16:27:53, and the ballot image (00742_00042_000083.tif) was created and counted, as shown on the right.

EXPERT TESTIMONY

Additionally, the declaration of Professor Philip Stark (expert and inventor of the Risk-Limiting Audit (“RLA”)) as filed in the *Curling v. Raffensperger* case, states as follows:

65. It is nonetheless possible to use the produced images to show that Fulton County’s election results included many votes more than once in the reported tabulations. The full extent of this multiple-counting problem cannot be determined without additional discovery, but there is ample evidence that it added thousands of bogus votes to the reported machine-count results. That is, thousands of Fulton County voters’ votes were included in the reported totals more than once. From the production so far, it is not possible to determine conclusively whether any voter’s votes were omitted from the reported totals.

Professor Stark states that the multiple-counting problem “...added thousands of bogus votes to the reported machine-count results”. His declaration was cited and attached by exhibit to the original filing of SEB2023-025. Apparently Ms. McGowan and the Investigators ignored this declaration. Complainants have also referenced declaration of Professor Duncan Buell, also filed in the *Curling v. Raffensperger* case.⁷ Prof. Buell states:

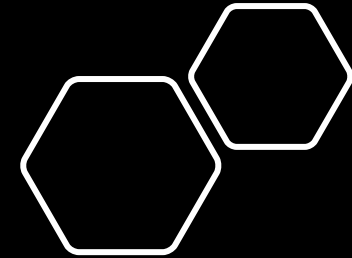
28. By creating “signatures” for each ballot image available, Coalition Plaintiffs’ analysts identified examples of ballot images that appeared to be duplicate and triplicate images of exactly the same ballot and presented them to me for review. While it is infeasible to visually review all ballot images, I reviewed a significant number of images which appear to me to be of duplicates or triplicates of the same ballot. I can confirm from the cast vote records that these identical ballot images were actually counted in the tabulation multiple times. (emphasis added)

29. This is not a normal expected typical election administration error. It is completely unacceptable for a system to operate in a manner where widespread double and triple-counting of ballots can occur undetected. Certainly this represents a failure of both the post election audit and the certification and canvassing process, although we do not know the root cause of the multiple counts of the same ballots.

CONCLUSION COMPLAINT 1

In conclusion to Complaint One, and as established by Fulton County's own election records (ballot images, AuditMark, and CVR), admission by the Fulton County Elections Director, and the declarations of two subject matter experts (analysis of records produced under federal court order), the irrefutable fact is that **at least 3,125 ballot images counted in the 2020 General Election do not exist**. An investigator could ask, or the Board on its own motion could ask, who was disenfranchised by this error? How can it be corrected? Do we really care that we say "one person, one vote?" and most importantly, "Where did the voters for these ballots come from?"

Inarguably there were 3,125 additional votes for which there were no voters; therefore, either 3,125 voters were artificially and unlawfully given credit for voting, or Fulton County failed to perform the statutorily required reconciliation / canvass process. There are no other lawful possibilities.



SEB2023-025

Certified Machine Count2 – ELECTION LAW VIOLATED

Complaint 2:

- **17,852 Missing Ballot Images**

There are two main issues under the umbrella of what the investigation report calls, “Complaint Two”.

1. Where did the difference from the totals shown in BLR1⁹ (on or about December 2nd at midnight), to those of BLR2 (as certified on the morning of December 4th) come from?
2. The official results for the Recount includes 17,852 recorded votes for which there are no corresponding ballot images.

BACKGROUND

The Recount results were required to be posted in the election management system by 12:00 pm midnight on December 2, 2020. Our Complaint shows that the total number of ballots cast reported that night was 511,543 – short by 17,234 from the November 3rd count of 528,777. According to Rick Barron, the SOS directed Fulton County to “reconcile.” Less than twenty-four

⁹ “BLR” refers to the “batches loaded report,” or the upload of the “batch cover sheets” into the election management system. BLR1 was the first recount, which was required to be completed and uploaded by midnight on December 2, 2020. BLR2 was the report after it “reconciled” the numbers – closer to the original count, but without credible justification, as we shall see.

SEB2023-025 Certified Machine Count2 – ELECTION LAW VIOLATED

Complaint 2:

- McGowan False Statement

The Investigators, Ms. McGowan, the Carter Jones report, and Ms. Williams all agree on a factual matter that can be proved to be untrue -- that the tabulator identified as “ICC16”, and by Tabulator ID “816” (hereinafter “816”) was the sole cause for the shortfall. All claim that the ballots scanned on December 3rd were all because of batches and results of the same name for tabulator 816. From the investigation report:

Prior to rescanning, Fulton County made sure representatives from each political party, the SEB's independent monitor, and others were aware of the discrepancy, what caused the discrepancy, and were present to witness the rescan. Respondent confirmed at that point, they had a total of 506,127 scanned ballots. After they rescanned the initially-rejected batches of ballots totaling 21,798 votes from tabulator 816 (Exhibit #10), the final total ballots scanned was 527,925.

Below is an exert from the Carter Jones Report:

- Technological issues abounded during the recount. The server crash on November 29 was a costly error caused by a failure to properly follow protocols for backing up and uploading data to the servers. This mistake cost Fulton taxpayers several days' worth of staff time as the entirety of the ballots had to be rescanned for a fourth time. Additionally, the small typographical mistake of accidentally naming two scanners “ICC16” on the fourth count led to a great deal of confusion and another full day of staff time for solving the problem. Fulton technological team must work more slowly, carefully, and in accordance with all protocol to ensure that these mistakes do not happen in the future.

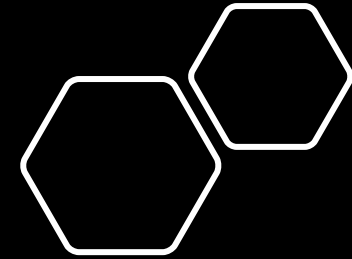
FACTUAL REBUTTAL

This is false. NO batches or ballots from tabulator 816 were removed or rescanned between Batches Loaded Report 1 (before reconciliation) and Batches Loaded Report 2. We have compared the first and second Batches Loaded Reports. See Exhibit FR-2, which compares BLR-1 and BLR-2. The times of upload for all batches attributed to tabulator 816 remain unchanged and are all before reconciliation on December third. Exhibit FR-3 documents all upload times for tabulator 816. Every batch from tabulator 816 (Early Vote ICC 16) was uploaded and published on 12/2/2020 between 4:25-4:35pm. The batches and ballots cast from this tabulator were included in the first Batches Loaded Report, the results remained unchanged and were not modified from their initial upload from the first to the second Batches Loaded Report.

The 21,798 ballots scanned-in on tabulator 816 (Early Vote ICC 16) were included and unchanged across both Batches Loaded Reports, and were not the ballots added between reports to reconcile the vote count.

What has been done here is dangerous and falsely corroborated by many who simply took the word of those in Fulton County. The investigative report literally cites the true and correct number of ballots cast on tabulator 816 (21,798), and then reverses that number from the total. Except the tabulator they cite (816) is the wrong tabulator, and by using the actual number of ballots cast on tabulator 816 to calculate how many ballots needed to be rescanned- is a fabricated and materially false representation.

With regard to “Complaint Two” and tabulator 816, there are thousands of ballot images missing for results attributed to tabulator 816. There are also over one third of the duplicate ballots attributed to tabulator 816. But the results and scans for 816 were uploaded on December 2nd and were in BLR1.



CONCLUSION COMPLAINT 2

Do facts support the allegations in the Complaint? There seems to be some confusion created by the investigator's report as to whether there are missing ballot images. The Investigator's report stated that the investigator had "found" a flash drive with 518,619 ballot images ("Exhibit 11") but the Secretary of State refuses to allow access to Exhibit 11.

Even so, that is not good enough. There are still missing ballot images. That means there are votes being counted in the CVR for which there are no ballot images. And we know the investigator is not right. In fact, based on prior discovery in the *Curling* litigation, we believe Exhibit 11 contains only 510,073 ballot images that are images of actual ballots cast. The remaining "ballot images" are certain categories of non-cast ballot images.

As we have stated before, Dr. Stark independently confirmed the exact missing ballot images number – 17,852. Now we believe the investigator has (*independently*) confirmed that.

The missing ballot images have still not been found, and we believe that – properly understood – the flash drive that Ms. McGowen referred as Exhibit 11 in the Investigator's Report would confirm the Complaint, not rebut it, as Ms. McGowan believes. But we need to see Exhibit 11 and the SOS has refused to turn Exhibit 11 over to the Board or the Complainants for review. This is unacceptable – and unlawful. An independent investigator could help determine the truth. But if there are no ballot images, then the only alternative is to access the paper ballots.

SEB2023-025

Certified Machine Count2 – ELECTION LAW VIOLATED

Complaint 3:

- **Missing tabulator tapes for 20,713 votes counted for Machine Count 1**
- **McGowan Team False Statement**

“MISSING” 10 TABULATORS

The investigator’s report oversimplifies the Complainant’s allegation regarding ten advance voting tabulators that Complainants were told (by Fulton County) “do not exist” in a response to a third open records request.

The Investigator also states:

Complainants thus concluded that no documentation for the 10 advanced voting tabulators exists and that no documentation of the balance tabulated on those scanners exist. It is important to note, the purpose of the poll tapes, the tapes are produced by the precinct scanner after the polls have closed. They serve as a paper back-up to the memory card that stores ballot tabulation and are not part of the process by which official results are reported by counties to the SOS.

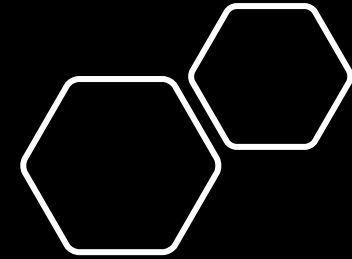
FACTUAL REBUTTAL

The investigator (or Ms. McGowan?) is incorrect. The poll tapes don't merely “*serve as a paper back-up to the memory card*”. The statute defines the poll tapes as the *official returns*:

Georgia Code § 21-2-483

The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted. The ballots, spoiled, defective, and invalid ballots, and returns shall be filed and retained as provided by law.

Fulton County is not missing “paper back-ups”, but the *official returns* for the ten tabulators in question.



FACTUAL REBUTTAL

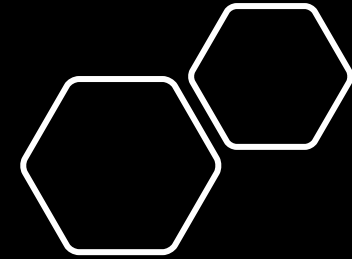
Once again, the serial number provided for the third tabulator (ICP3), matches that of the second tabulator identified on the checklist – the third tabulator never existed. We can speculate, as can the SOS office, as to how these ballots were added. But any addition was in violation of the chain of custody procedures required by the Election Code.

AV Tabulator Checklist

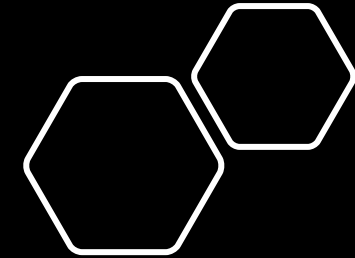
PRECINCT: South Svc Ctr

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On
1	AAFAJJX0142	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	AAPAJIW0010	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>

Photograph (investigation)



CONCLUSION COMPLAINT 3



2. ADDED TABULATOR RESULTS

In addition to the problems detailed above, the original Election Night vote count includes results for ten (10) Advance Voting tabulators for which Fulton County has no records. That is, the tabulators do not exist – there are no poll open tapes, no daily status tapes and no poll closing tapes. We submitted Open Records Requests to Fulton County specifically seeking the 10 tabulator tapes, but Fulton County responded by saying that they had “*No such records*”.

To follow up, we sent two emails to the Fulton County Records Department and the Fulton County Custodian of Records, Steve Rosenberg, seeking clarification to determine if the records were missing or if they exist; the Records Department replied, “*The records do not exist.*” See attached emails and official certification of records.

These ten (10) tabulator tapes total 20,713 votes, all of which were included in Election Night results:

NAME	TAB ID	VOTES
AV-State Farm Arena ICP 3	303	133
AV-State Farm Arena ICP 10	311	188
AV-State Farm Arena ICP 11	312	558
AV-So Fulton Srvc Center ICP3	712	3377
AV-Wolf Creek Library ICP4	714	2252
AV-Park Place at Newtown ICP3	724	4216
AV-Northeast Library ICP3	727	2511
AV-Ponce De Leon Library ICP3	754	1830
East Point Library ICP3	763	1396

**SEB2021-181 and
SEB2023-025**

THE COVERUP

SEB2021-181 and SEB2023-025 – The Cover Up

TIMELINE 1 – 3/17/21

STERLING EMAIL 3/17/21

Mr. Sterling, 4th follow up email regarding the above 5 questions. Respectfully look forward to your response. Once again Senator Walker and Representative Blackmon, requesting that you please contact Mr. Sterling regarding these 5 questions. Thanks to all of you for your timely response.

Sterling, Gabriel <gsterling@sos.ga.gov>

Wed, Mar 17, 2021 at 10:02 AM

To: Joseph Rossi <josepharossi12@gmail.com>, "Ralph Jones@fultoncountyga.gov" <Ralph.Jones@fultoncountyga.gov>, "nadine.williams@fultoncountyga.gov" <nadine.williams@fultoncountyga.gov>, "jkjlaw22@gmail.com" <jkjlaw22@gmail.com>, "Larry.Walker@senate.ga.gov" <Larry.Walker@senate.ga.gov>, "shaw.blackmon@house.ga.gov" <shaw.blackmon@house.ga.gov>

Joseph,

Our office wants to investigate your concerns. Further, please note that the data you are reviewing are not from certified results. The certified results are from machine counts. The hand tally was intended to confirm that the outcome of the election was correct, and it does that. The hand tally will always have errors and it will never be as precise as machine counts because it is conducted 100% by people. No machines were used for the hand audit. The mistakes you are finding are clearly human error (which as I stated is to be anticipated), and they reveal discrepancies that should be explained by the counties that conducted the audit.

Since your questions are about Fulton's conduct of the audit, Fulton is the entity that ultimately needs to provide responses. That stated, please send all 23 of your concerns to our office, and we will direct Fulton to provide an accounting for those.

PDF 25 3/17/21 GS-JR
• Fulton is the entity
GS recap 5

SEB2021-181 and SEB2023-025 – The Cover Up

TIMELINE 2 – 12/4/21

MCGOWAN PHONE CALL TO ATTY JAMES 12/4/21

NOTES Charlene McGowan

1. She called office at 10:42 Thursday, 12/3/21. Left message to call 1-404-458-3658
2. Returned call Friday morning at about 12:00. Left message to call office or cell phone.
3. She called at about 1:50 pm. Talked for about 20 minutes.
 - She started by introducing herself, attorney from Ga. Attorney General's office representing State Elections Board.
 - Calling reference Joe Rossi's calls to Ms. Sullivan. She wanted to assure me that an investigation would be held on the matter.
 - I said we were concerned about an independent investigation. How can the SOS office investigate itself?
 - Her response, the investigation would essentially be of Fulton County since that is where the errors were generated. I agreed that Fulton County appeared to have made the errors, but that since the SOS has responsibility for elections it is also responsible for the errors. She said no, the County BOE does not report to the SOS so the SOS is not responsible.
 - But, again, since the SOS has election responsibility doesn't that make it responsible. Again no.
 - I then posed the issue of the audit results being on the SOS website and that they were incorrect. She again said that the SOS was not responsible, the counties were.
 - I brought up the issue of the SOS certifying the election results, thus it was ultimately responsible for the vote counts. Her response: the SOS was just certifying that the counties had themselves certified the vote count, not that the SOS was certifying the results.
4. I asked her if the investigation had started yet, she did not know.
5. I asked her if an investigator had been appointed, she did not know. I asked her to call me with that information, she said she would.
6. The purpose of her call was apparently to convince me that the SOS has no responsibility for the errors exposed in Fulton County. I said Mr. Rossi and I believe the SOS has the ultimate responsibility, thus we disagree on the issue of responsibility.
7. Georgia Constitution & Laws (not discussed with Ms. McGowan)
 - Georgia Constitution instructs legislature to pass laws to have voting results sent to the SOS.
 - OCGA 21-2-50(6) requires the SOS to receive and count votes
 - OCGA 21-2-50(15)(b) characterizes the SOS as the "state's chief election official"
8. Important Code Section. OCGA 21-2-499(a) requires the SOS to notify a county if an error is found in the county's certified returns and direct the county to correct the error and recertify the results.

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TIMELINE 3 – 12/2012

INVESTIGATOR ZAGORIN – 12/2021 MEETING

[00:28:55]

Speaker A: Whatever the case may be or fine, has been fined several times or find whatever they did wrong. I think you're saying because it's on our website, it's our responsibility. These are not our responsibility.

[00:29:07]

Speaker C: I respectfully disagree with that, but I have two questions. One, I would like to know if the hand audit data posted on the Secretary of state's website from that Excel spreadsheet. I would like to know if that was checked at all. I would tend to agree with you that this is not calculus here. This is basic math. I would bet that nobody checked it because you would scroll through there and you would have seen this stuff in 15 minutes as I did.

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TIMELINE 4 – 3/16/22

INVESTIGATOR ZAGORIN – 3/16/22 HEARING

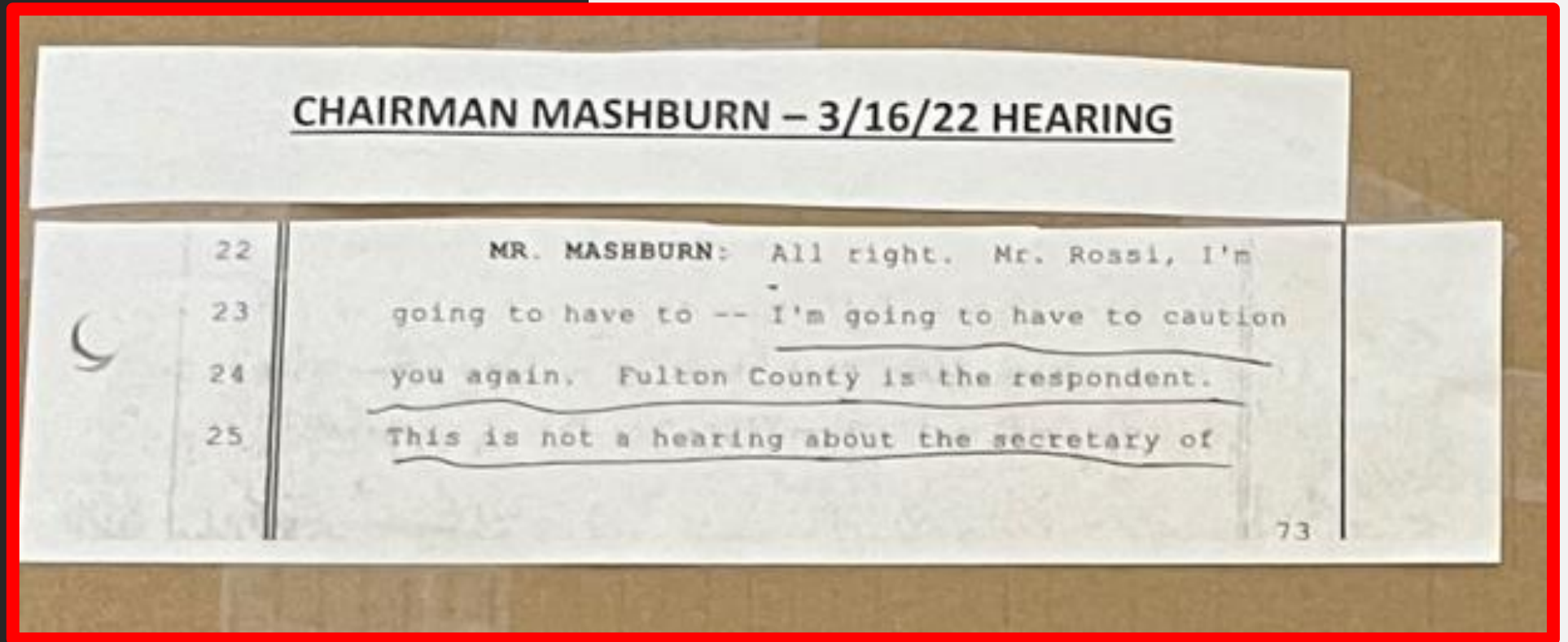
4 DR. JOHNSTON: So I have a question. How
5 much off were these numbers when you looked at
6 all of this again?

7 MR. ZAGORIN: I just looked at these that
8 were sent in in the complaint. Like I said, a
9 few time I would find others that I would stumble
10 across it. But I didn't pull those into this.

11 But I didn't go back through to take out the
12 ones that were in there twice and try to figure
13 out exactly what the number was. But I could
14 tell what the issue was. I could that, like I
15 said, 97 wasn't in there twice; it was actually
16 97 and 47. Then the ones that were in there
17 twice, I didn't sit there and write out the --
18 the specific number. I didn't go that far with
19 this.

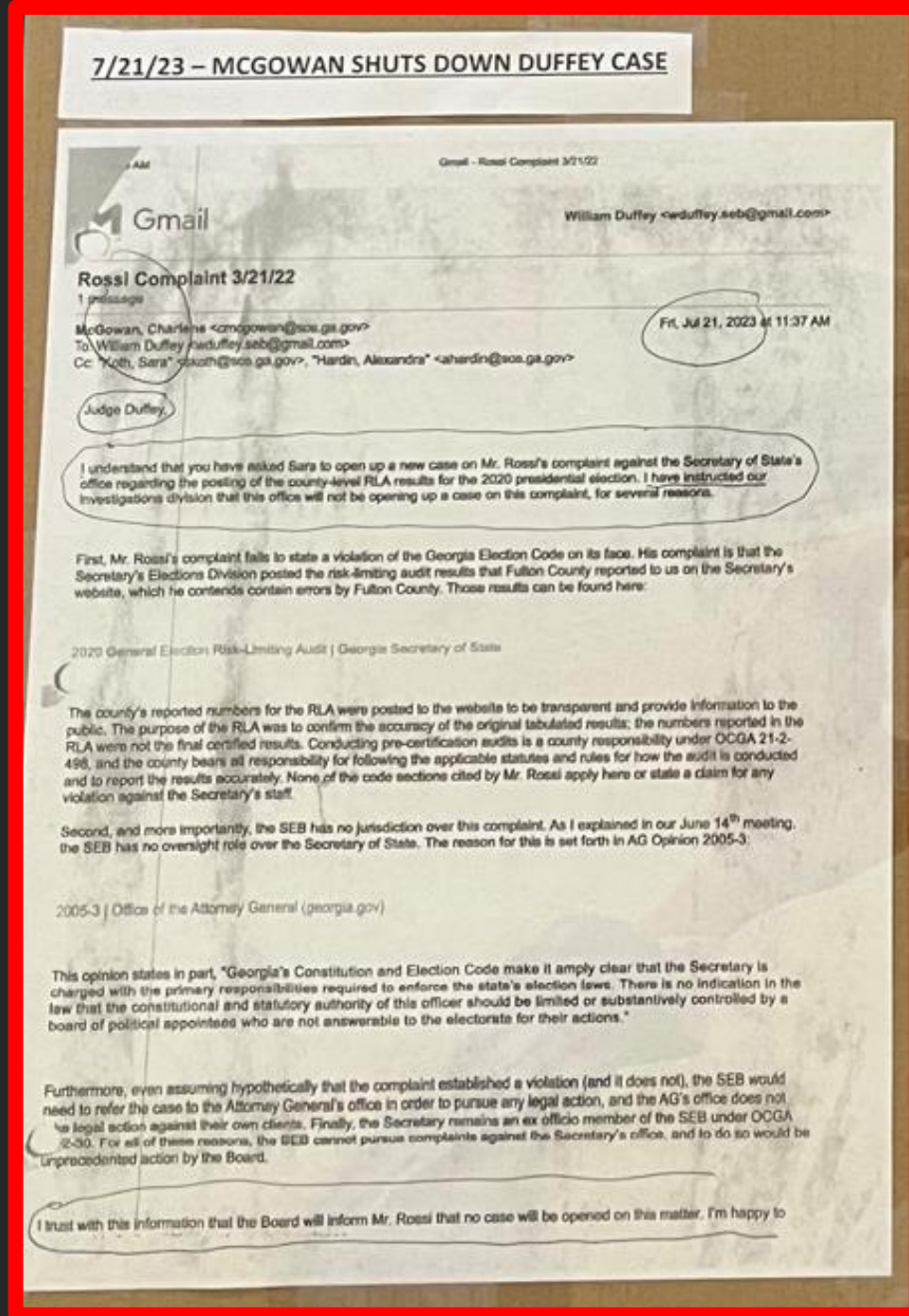
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TIMELINE 5 – 3/16/22



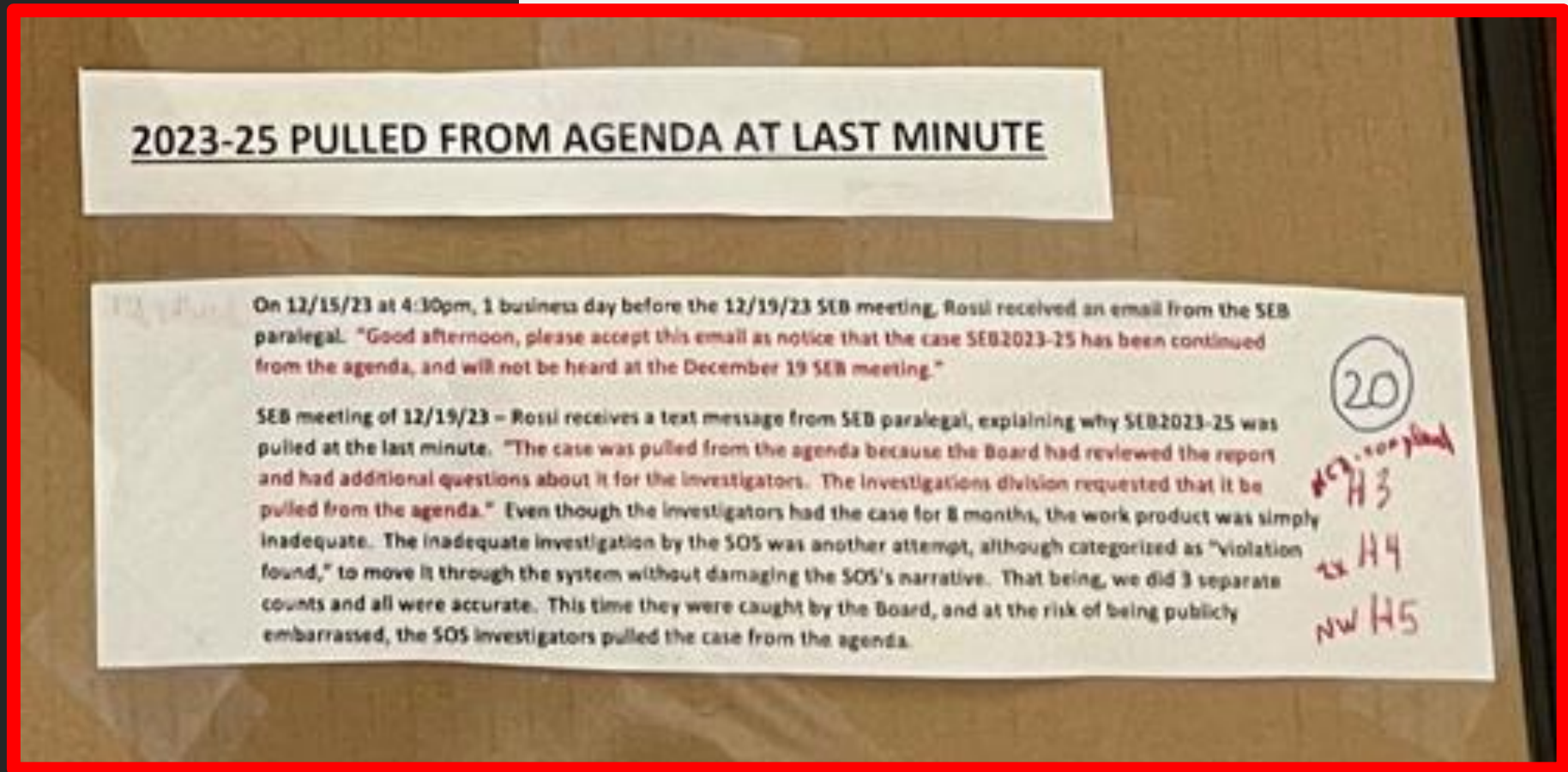
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TIMELINE 6 – 7/21/23



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TIMELINE 7 – 12/15/23 & 12/19/23



SEB2021-181 and SEB2023-025 – The Cover Up

TIMELINE 8 –
6/27/24

“...consider the May 7 SEB meeting testimony and findings by the SOS and investigators concerning the Rossi complaint and the “three counts” of 2020. While the facts are admittedly extraordinarily confusing and in-the-weeds, SOS testimony inaccuracies and disclosures were jaw dropping, and further destroyed public confidence. It was shocking to hear the false testimony of the SOS office stating repeatedly **that there was no way for them to know whether ballots were double counted.** That is simply not true. Yet they claimed that their “investigation” was “exhaustive.” We and our experts have reviewed the cast vote records and tabulations for hundreds of ballots testing for double and triple counting, and it is easy to confirm what ballots were in the final count or not. But worse yet, is the SOS saying that it cannot account for the official tabulation details of an election.”

~ Marilyn Marks, Executive Director, Coalition for Good Governance, June 27, 2024