

Georgia's 2022 Primary Voting System



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Georgia's voting system must:

- *"...print an elector verifiable paper ballot"*

O.C.G.A. § 21-2-2(7.1);

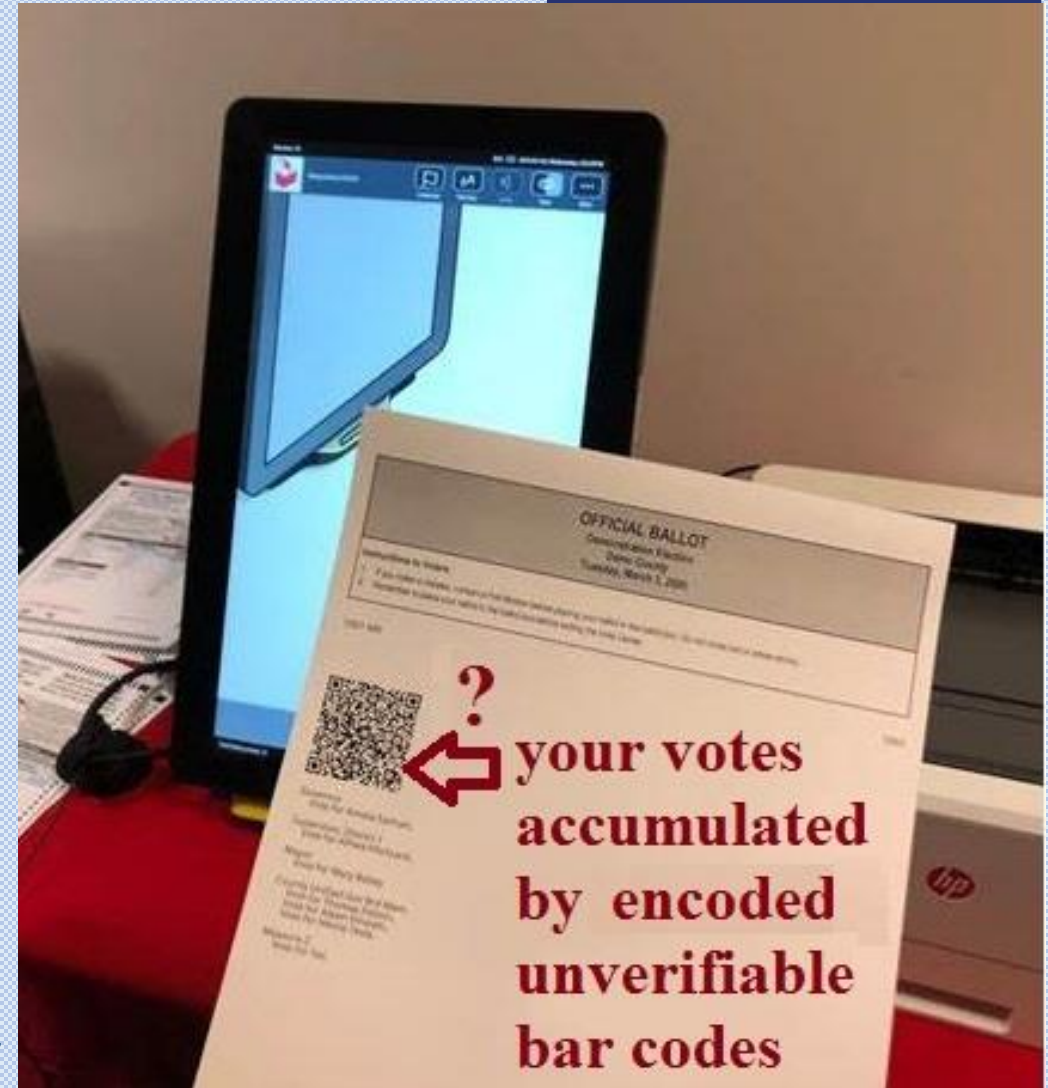
- *"...produce paper ballots which are marked with the elector's choices in a format readable by the elector"*

O.C.G.A. § 21-2-300(a)(2)

U.S. District Court finding: (2020)

- *"Plaintiffs and other voters who wish to vote in-person are required to vote on a system that does none of those things."*

Judge Amy Totenberg
Curling v Raffensperger

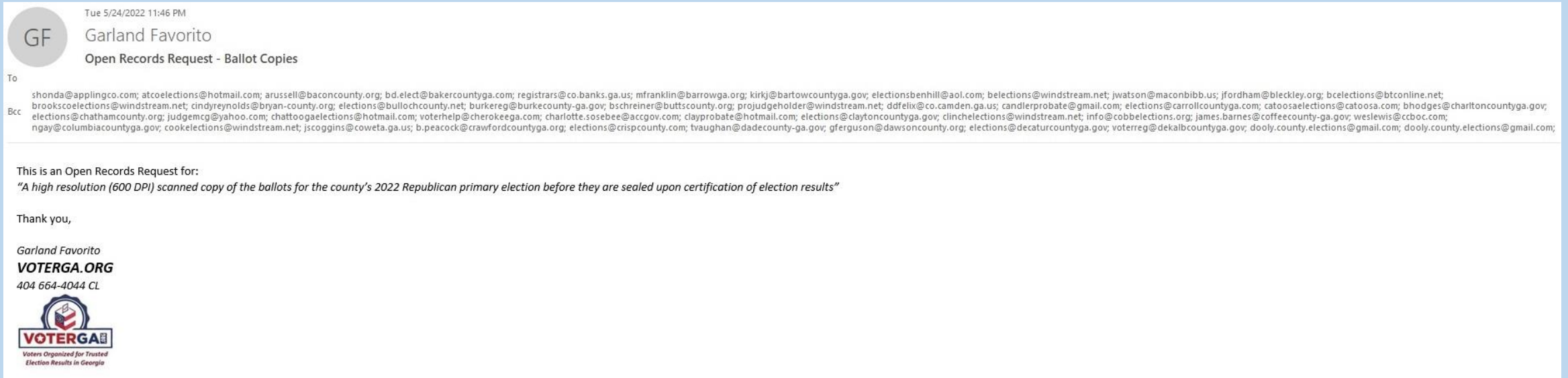


Why Ballot Images Cannot Be Trusted



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- SB202 explicitly made the Dominion digital ballot images public record
- We found all 2020 Fulton images were electronically altered in 12 ways before certification
- Actual ballots are the only way to verify the electronic results
- On election night we filed an ORR for an independent copy of the Republican ballots





- The controlling statutes for ORRs: [O.C.G.A. 5-18-71, 72, 73,74]
- Ballots are non exempt records subject to disclosure prior to certification and transmission to the Clerk of the Court where they are then sealed
- Counties must comply or cite an exemption in ORR law if they refuse
- Counties are exempted from any liability if they comply in good faith
- Counties should honor our ORR before transmitting the ballots to the Clerk of Court even if it is after certification

Open Records Request (ORR) Law



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O.C.G.A. § 50-18-71

- (a) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure.
- (b) (1) (a) Agencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request;
- (d) In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting

O.C.G.A. § 50-18-72 – Provides list of exempt records that does not include ballots

O.C.G.A. § 50-18-73

- Any agency or person who provides access to information in good faith shall not be liable in any action on account of such decision

O.C.G.A. § 50-18-74

- Anyone refusing to provide access to records not subject to exemption from this article, or refusing to provide access to such records within the time limits, or by knowingly and willingly attempting to frustrate the access to records by intentionally making records difficult to obtain or review shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000.00 (**\$2,500 for subsequent violations**)



- **Irrelevant:** "OCGA 21-2-574 makes possession of ballots by 'any person, other than an officer charged by law with the care of ballots' a felony." **Our ORR did not request for us to possess or touch ballots**
- **False:** "Physical ballots should always be in your custody and control prior and required to be kept under seal". **Ballots are only required to be kept under seal after the Clerk of Court receives them** O.C.G.A. 21-2-500
- **False:** "The argument made by the requestors that the ballots are not yet under seal is wrong and has been specifically rejected by Georgia courts." **The referenced case refers to a CD-ROM with proprietary information that was already under seal** Smith V. DeKalb County, 288 Ga. App.574 (2007)
- **False:** "Under no circumstances should local election officials make copies of voted ballots as this would open you up to allegations of copying ballots or attempting to stuff the ballot box" **ORR law explicitly states that the county has no liability for fulfilling a request in good faith** O.C.G.A. 50-18-73
- **False:** "Physical ballots other than the ballot images that will be part of your certified election project are not subject to public disclosure and are specifically prohibited by law from being open to public disclosure." **All records are subject to disclosure unless exempt.** O.C.G.A. 50-18-71 **Ballots are not exempt** O.C.G.A. 50-18-72