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March 28, 2022

**RE: OFFICIAL COMPLAINT**

Board Members:

We are part of a group who have been researching the 2020 General Election. Our research has prompted a larger comprehensive investigation, including a citizen's audit. Our efforts are in pursuit of verification, accountability, transparency, and the implementation of logical protocols. This complaint consists of **two separate but related matters** having to do with ballot scanners.

**Part 1: Ballot Scanner Poll Closing Complaint**

This official complaint is submitted as required by the following:

*Ga. Comp. R. & Regs. 183-1-14-.02 (17) Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.*

Each ballot scanner is configured/programmed by the county prior to their use. This process involves inserting a pre-programmed flashcard into the ballot scanner. The flashcard contains the election project, including ballot styles, counting parameters (rules), assigned Tabulator ID and name for each ballot scanner (for example: East Point Library ICP 1; Tabulator ID: 2660).

The flashcard in the machine stores the ballot images as they are scanned and the tally of votes for each election contest. This count remains open until the poll is closed at the end of Election Day, at which time the votes are totaled, and an encrypted results file is stored on the flashcard.

After configuration and Logic and Accuracy testing, county officials affix a seal to each of the ballot scanner flashcard slots, thereby preventing the removal of the flashcards. There are 2 flashcard slots for redundancy, with both containing the same data. The ballot scanners are then distributed to the polling locations with the flashcards in place and seals intact. Before the polls open, the poll manager powers on the machine and prints a zero tape which is to establish the identity of the machine and ensure that the count is zero. The zero or opening tape also details the protective counter number (explained below). The flashcards and seals should remain untouched throughout Advance Voting. After 7pm on October 30<sup>th</sup>, the ballot scanner is to be sealed and then transported to the county tabulation center where it is to remain until 7 pm on election day. Then, the verification and poll closing procedure is to be performed on each Advance Voting ballot scanner. Finally, the closing tapes are printed, witnessed and signed.

It's important to understand that the ballot scanner only prints its own serial number and protective counter number, no matter what flashcard is in the machine. The protective counter is like an odometer, but instead of counting miles, it counts ballots scanned. And like an odometer, the protective counter cannot be reset. Besides these two numbers, the remainder of the information printed on the poll tapes is sourced from the flashcard. For example, ballot scanner A scans 100 ballots, but then the flashcard is removed and inserted into ballot scanner B. Ballot scanner B is used to print the poll closing tape. The closing tape will have ballot scanner B's serial number and protective counter, along with the results of the 100 ballots. Without the poll opening tape, there is no way to know what machine actually scanned the ballots. The protective counter number of ballot scanner B will also be printed on the tape but is not affected or changed because the protective counter only increases on the ballot scanner scanning the ballots. For example, if ballot scanner B's protective counter is at 15,508 before the flashcard from ballot scanner A is inserted, the closing tape it prints for ballot scanner A will show an unchanged 15,508. Both the serial number and protective counter are established at the factory and cannot be changed or reset.

Fulton County's poll closing process for their ballot scanners was far removed from the rules and regulations as set forth by the SEB. Fulton County's violations are as follows:

**At the end of Advance Voting (October 30<sup>th</sup>), with the ballot scanner polls still open, the seals were broken and the flashcards were removed. These acts are in violation of:**

**Ga. Comp. R. & Regs. 183-1-14-.02** *"The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff";*

**Ga. Comp. R. & Regs. 183-1-14-.02 (13)** *At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot*

scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet.”;

After Advance Voting ended, Fulton County transported the ballot scanners from the polling locations to a leased facility (GWCC). There the ballot scanners were reconfigured for Election Day, in violation of:

**Ga. Comp. R. & Regs. 183-1-14-.02 (14)** *By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center.*

After the polls closed on election day, the flashcards used for Advance Voting were inserted into different ballot scanners at the English Street Warehouse. The surrogate ballot scanners were used to close the polls and print the AV closing tapes.

**Because the polls were closed on a different ballot scanner, the serial number and protective counter number printed on the closing tape are not from the ballot scanner which actually scanned the ballots, but from the surrogate machine that printed the closing tape.**

Election systems expert, Harri Hursti, personally witnessed the Fulton County poll closing procedures on election night, and recently shared his experience:



**Harri "scofield" Hursti**  
@HarriHursti

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Replying to @KevinMoncla @noodlesfordogs and @philipbstark

I was personally in Fulton County English Street election warehouse on election night. Limited set of voting machines were stationed near server and those were used to print out poll tapes from some memory cards. That explains both close times and the same serial number.

3:27 PM · Jan 28, 2022 · Twitter Web App

**The procedures followed above produced fraudulent tapes with a different serial number and protective counter number.** The unapproved protocols masked the identity of the original ballot scanner, and circumvented the security feature of the protective counter. This is analogous to replacing a cars odometer with that of another car, and the same applies to the serial number.

The ballot scanners used to scan the ballots for Advanced Voting was not on-site, therefore, its protective counter could not be accessed, documented nor compared to the scanner recap sheets as required. Additionally, the seals had been broken and the flashcards removed. These actions violated the following:

**Ga. Comp. R. & Regs. 183-1-14-.02** *The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately, and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent;*

**Ga. Comp. R. & Regs. 183-1-14-.02 (15)** *After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.*

Our claims can be verified by reviewing the closing tapes for Advance Voting. The flashcards from 136 ballot scanners used for Advance Voting were closed on 12 different ballot scanners! (A True and Correct Copy of the closing tapes are attached as “Exhibit A”, and official certification from the Fulton County Attorney and Custodian of Records, Steven Rosenberg, is attached hereto as “Exhibit B”)

Examples of closing tapes showing that the ballot scanners used for Advance Voting were closed on different tabulators shown below:

County	County	County	County	County
Fulton Nov 2020	Fulton Nov 2020	Fulton Nov 2020	Fulton Nov 2020	Fulton Nov 2020
General	General	General	General	General
Tuesday, November 3, 2020	Tuesday, November 3, 2020	Tuesday, November 3, 2020	Tuesday, November 3, 2020	Tuesday, November 3, 2020
Tabulator Name AV-New Beginnings Sr Ctr ICP 1	Tabulator Name AV-Welcome All Rec Ctr ICP 2	Tabulator Name AV-Ocee Library ICP 3	Tabulator Name AV-Welcome All Rec Ctr ICP 4	Tabulator Name AV-Metropolitan Library ICP 4
Tabulator ID 287	Tabulator ID 324	Tabulator ID 703	Tabulator ID 713	Tabulator ID 758
Voting Location AV-New Beginnings Sr Ctr	Voting Location AV-Welcome All Rec Ctr	Voting Location AV-Ocee Library	Voting Location AV-Welcome All Rec Ctr	Voting Location AV-Metropolitan Library
-----	-----	-----	-----	-----
Poll Opened Oct 14/2020 07:25:41	Poll Opened Oct 12/2020 06:38:43	Poll Opened Oct 15/2020 15:07:51	Poll Opened Oct 20/2020 09:38:59	Poll Opened Oct 27/2020 12:16:13
Poll Closed Nov 03/2020 20:33:54	Poll Closed Nov 04/2020 02:14:52	Poll Closed Nov 03/2020 22:41:16	Poll Closed Nov 03/2020 21:22:32	Poll Closed Nov 03/2020 21:52:16
Report Printed Nov 03/2020 20:52:41	Report Printed Nov 04/2020 02:21:40	Report Printed Nov 03/2020 22:46:51	Report Printed Nov 03/2020 21:27:24	Report Printed Nov 03/2020 21:54:17
-----	-----	-----	-----	-----
Unit Model: PCOS-320C (Rev 1072)	Unit Model: PCOS-320C (Rev 1072)	Unit Model: PCOS-320C (Rev 1072)	Unit Model: PCOS-320C (Rev 1072)	Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AFAJIV0104	Unit Serial: AFAJIV0104	Unit Serial: AFAJIV0104	Unit Serial: AFAJIV0104	Unit Serial: AFAJIV0104
Protective Counter: 2481	Protective Counter: 2481	Protective Counter: 2481	Protective Counter: 2481	Protective Counter: 2481
Software Version: 5.5.3-0002	Software Version: 5.5.3-0002	Software Version: 5.5.3-0002	Software Version: 5.5.3-0002	Software Version: 5.5.3-0002
-----	-----	-----	-----	-----
Total Scanned: 1	Total Scanned: 603	Total Scanned: 3594	Total Scanned: 2600	Total Scanned: 2264
Total Voters: 1	Total Voters: 603	Total Voters: 3594	Total Voters: 2600	Total Voters: 2264

Note that the Unit Serial Number “AFAJIV0104” is the same for all 5 Advance Voting ballot scanner closing tapes. The fact that all 5 have the same serial number removes any possibility that the ballot scanners were closed in accordance with the SEB Rules and Regulations detailed above. There are a total of 15 ballot scanners that were closed on serial number “AFAJIV0104”.

Also evidenced by the example above is the Protective Counter number, which is 2481 for all 5 tapes. Fulton County’s self-defined protocol subverted this important and legally required security anchor-point. This is analogous to a car rental company who charges by the mile, but their cars have broken odometers.

Below are two ballot scanner tapes. The tape on the left is a “Status Tape” for Advance Voting which is printed automatically every day when the ballot scanner is powered on. (After months of requests, we only have been given 5 AV status tapes and 3 AV Zero tapes).

The Status tape shows the actual serial number and protective counter of the machine scanning the ballots. The tape on the right is an Election Day poll closing tape. These two tapes have the same serial number which shows the ballot scanner used for Advance Voting was redeployed for election day as evidenced by the tape on the right having a “Poll Opened” date of Nov 3, 2020.

County	County
Fulton Nov 2020	Fulton Nov 2020
General	General
Tuesday, November 3, 2020	Tuesday, November 3, 2020
Tabulator Name	Tabulator Name
AV-Chastain Park Rec Center	AP09A-AP09B ICP 1
ICP 1	
Tabulator ID	Tabulator ID
2630	1060
Voting Location	Voting Location
AV-Chastain Park Rec Center	AP09A-AP09B
-----	-----
Unit Model: PCOS-320C (Rev 1072)	Unit Model: PCOS-320C (Rev 1072)
Unit Serial: AAFAJJ02211	Unit Serial: AAFAJJ02211
Protective Counter: 898	Protective Counter: 2196
Software Version: 5.5.3-0002	Software Version: 5.5.3-0002
-----	-----
	Poll Opened
	Nov 03/2020 09:25:09
	Poll Closed
	Nov 03/2020 19:08:19
	Report Printed
	Nov 03/2020 19:12:24
	-----

Because the Advance Voting ballot scanners were redeployed for election day renders any prospect of compliance with the SEB Rules and Regulations, impossible.

**Poll closing tapes are the only personally certified, signed, witnessed, legally recognized, hard-copy documentation of the people’s votes that are tabulated by each ballot scanner.**

**Fulton County’s Advance Voting poll closing tapes are a fraudulent, un-certified, un-signed, and un-checked false representation of over 311,000 ballots that no court could legally accept.**

## **Part 2: Ballot Scanner Tampering Complaint**

During our investigation and analysis, we submitted an Open Records Request to Fulton County for the “Batches Loaded Report” from the 2020 general election, which was subsequently returned. The Batches Loaded Report lists each batch of ballots counted, the “Tabulator ID” for the ballot scanner that scanned the ballots, and the time and date it was “published” or officially reported. In short, the report has all batches from all ballot scanners for the entire election.

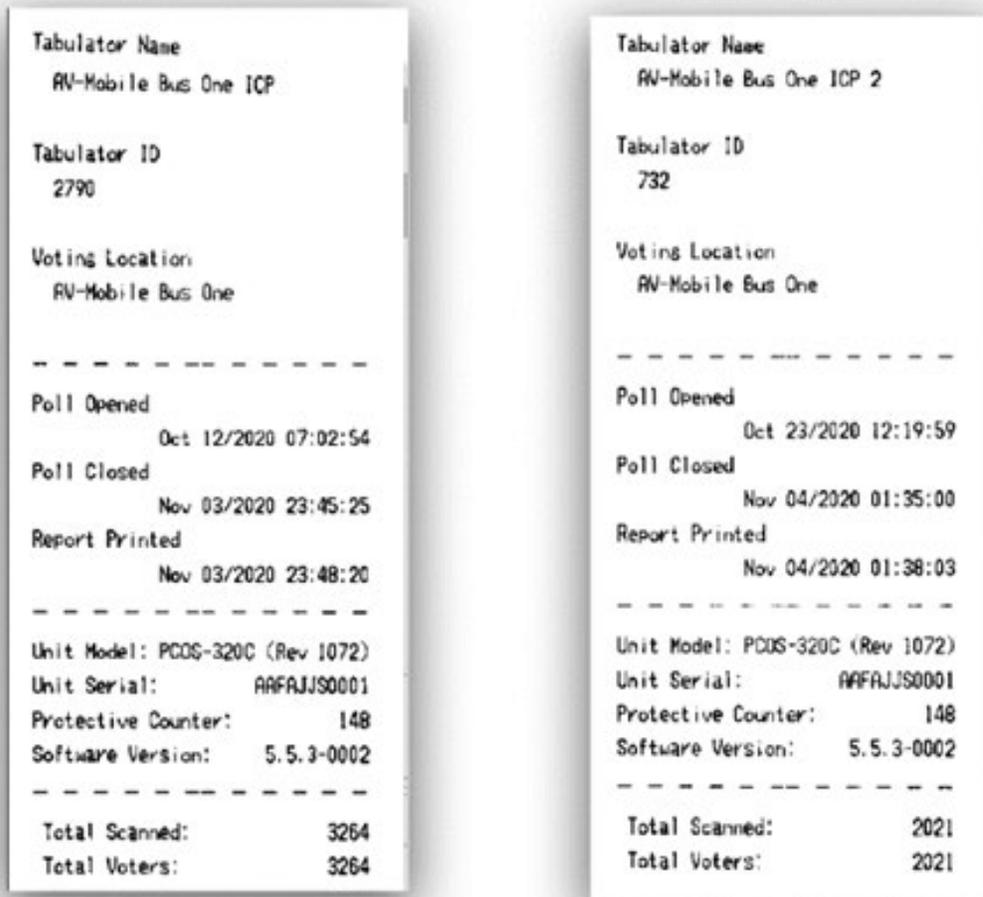
The Tabulator ID is an assigned number representing a ballot scanner associated with a specific polling location. For example, Tabulator ID 2690 is for Roswell Library ICP 1 (ICP stands for Image Cast Precinct- the type of ballot scanner). From this data, we were able to compound a list of every ballot scanner that returned results by unique Tabulator ID number. As such, every Tabulator ID number should have a corresponding poll open and closing tape. This analysis and aggregation of data helped determine what poll tapes were missing from those provided by Fulton County.

The total number of closing tapes far exceeded the number of ballot scanners in Fulton’s inventory. One reason for this was due to the Advance Voting ballot scanners being redeployed for Election Day, as shown above. Each ballot scanner used for both Advance Voting and Election Day had one Tabulator ID for Advance Voting, and a different Tabulator ID for Election Day. One ballot scanner with two Tabulator ID numbers.

This realization brought the numbers of unidentified ballot scanners down significantly, but there remained ballot scanners that **could not be accounted for - a problem that persisted for months.**

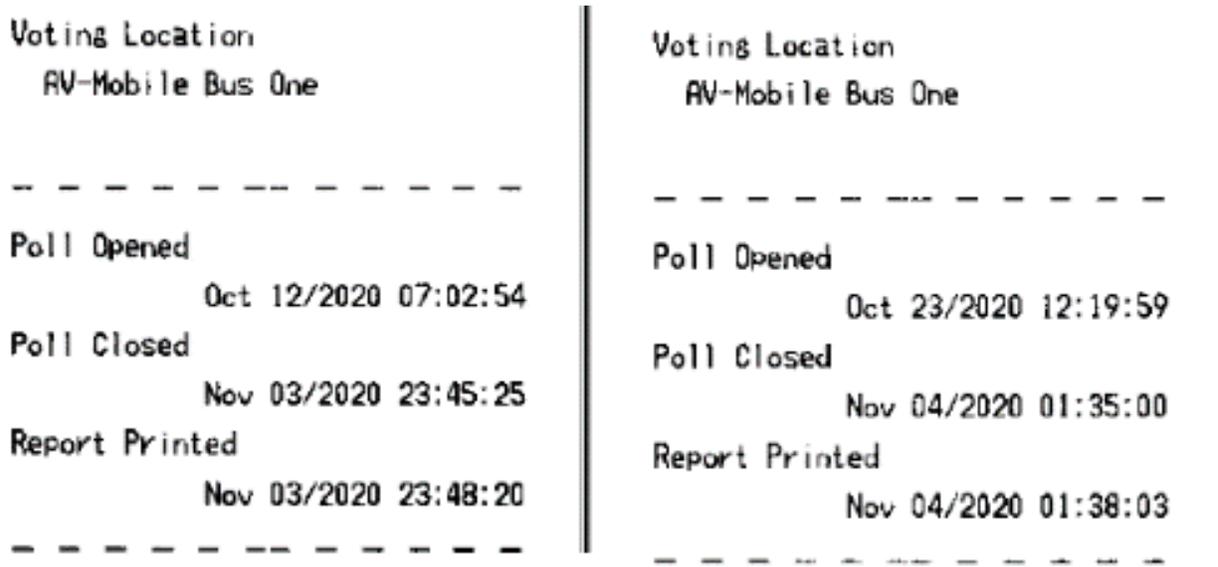
We recently discovered that many of the Advance Voting ballot scanners were being reprogrammed during the election. Advance Voting began on October 12<sup>th</sup> and ended on October 30<sup>th</sup>. For example, Fulton County has two Mobile Buses and each has only one ballot scanner, but there are 2 closing tapes for each bus with 2 different Tabulator IDs. This made it appear as though each bus had 2 ballot scanners.

The two closing tapes for Mobile Bus One are below:



Because the flashcards were closed out on different machines, the serial number of the original ballot scanner was masked. It is important to note there was only one ballot scanner in Mobile Bus One, not two. Notice at the top of the closing tapes: Top left tape reads “AV-Mobile Bus One ICP”, and the tape on the right reads “AV-Mobile Bus One ICP 2”. The Tabulator ID on left is 2790 and the right is 732. By all indications from the closing tapes, there appears to be two different ballot scanners, but there was only one.

The revealing detail is the “Poll Opened” timestamp. Shown below are the magnified relevant portions of the tapes above. The tape on the left shows that the ballot scanner with Tabulator ID 2790 has a Poll Opened timestamp dated October 12th, which is the first day of Advance Voting. The tape on the right has a Poll Opened timestamp of October 23<sup>rd</sup>. This is because the polling location’s only ballot scanner was **reprogrammed on October 23<sup>rd</sup> and assigned a new Tabulator ID.**



Below is the Logic and Accuracy form for Mobile Bus One, and it lists only one ballot scanner:

PRECINCT: Mobile #1

FULTON COUNTY, GA

ELECTION DATE: November 3, 2020

Logic and Accuracy Checklist for Polling Place Scanner (v1\_2020)

	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confirm Security Key	Diagnostics Passed	Confirm Version 5.5.3- 0002	Open Polls	Confirm Polling Place Assigned	Confirm Zero Count	Scan Test Deck Combo of BMD Generated & Optical Scan Ballots	Close Polls	Confirm Printed Result Matches Expected Result	Power Off	Remove Poll Worker CF Card & Upload to RTR	Insert Poll Worker CF Card	Power On	Confirm Security Key	Re-Zero & Print Zero Tape	Power Off	Confirm Ballot Box & All Bins Empty	Seal # (Admin CF Slot)	Seal # (Poll Worker CF)	Seal # (Ballot Box)	Initials of Inspector
1	DAFA1520217	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0361725	230266	31071597	LC
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Further investigation revealed that during the course of Advance Voting, many ballot scanners had been reprogrammed. Specifically, the flashcards were removed from the machines with the poll still open. New flashcards were inserted which reprogrammed the ballot scanner with a new name and new Tabulator ID number.

For another example, the following is the Advance Voting, Logic and Accuracy checklist for Alpharetta Library:

PRECINCT: Alpharetta Library

FULTON COUNTY, GA

ELECTION DATE: November 3, 2020

Logic and Accuracy Checklist for Polling Place Scanner (v1\_2020)

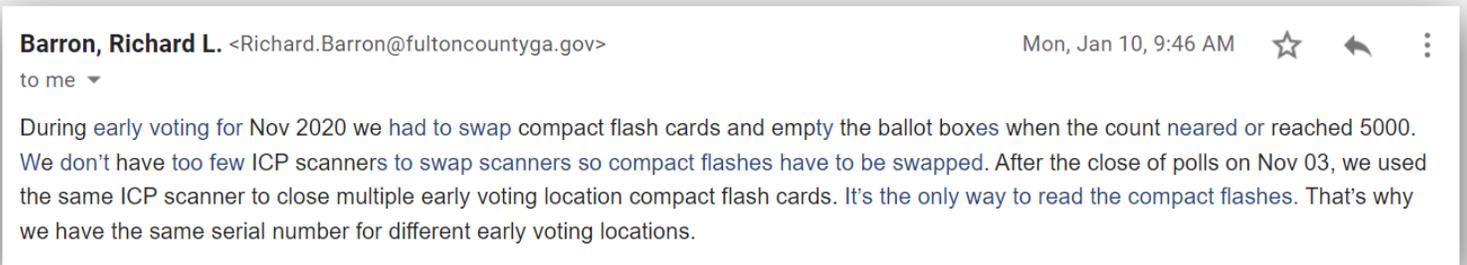
	Serial # (11 Digits) or Cabinet #	Insert Compact Flash (CF) Cards	Power On	Confirm Security Key	Diagnostics Passed	Confirm Version 5.5.3- 0002	Open Polls	Confirm Polling Place Assigned	Confirm Zero Count	Scan Test Deck Combo of BMD Generated & Optical Scan Ballots	Close Polls	Confirm Printed Results Matches Expected Result	Power Off	Remove Poll Worker CF Card & Upload to RTR	Insert Poll Worker CF Card	Power On	Confirm Security Key	Re-Zero & Print Zero Tape	Power Off	Confirm Ballot Box & All Bins Empty	Seal # (Admin CF Slot)	Seal # (Poll Worker CF)	Seal # (Ballot Box)	Initials of Tech
1	AAFAJJSW0083	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0361712	226874	3103450	LC
2	AAFAJK1012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	0361746	226826	3103447	LC
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Alpharetta Library had only 2 ballot scanners which, before the election, were programmed, flashcards inserted, Logic and Accuracy tested, seals were applied and the 2 machines were delivered to the polling location. **Yet Alpharetta library produced 5 closing tapes:**

<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Alpharetta Library ICP 1</p> <p>Tabulator ID 2520</p> <p>Voting Location AV-Alpharetta Library</p> <p>-----</p> <p>Poll Opened Oct 12/2020 07:14:42</p> <p>Poll Closed Nov 03/2020 23:15:59</p> <p>Report Printed Nov 03/2020 23:19:19</p> <p>-----</p> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: AAFAJK10043 Protective Counter: 3824 Software Version: 5.5.3-0002</p> <p>-----</p> <p>Total Scanned: 2280 Total Voters: 2280</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Alpharetta Library ICP 2</p> <p>Tabulator ID 2525</p> <p>Voting Location AV-Alpharetta Library</p> <p>-----</p> <p>Poll Opened Oct 12/2020 07:15:53</p> <p>Poll Closed Nov 03/2020 22:57:11</p> <p>Report Printed Nov 03/2020 23:03:03</p> <p>-----</p> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: AAFAJK0135 Protective Counter: 48 Software Version: 5.5.3-0002</p> <p>-----</p> <p>Total Scanned: 3834 Total Voters: 3834</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Alpharetta Library ICP 3</p> <p>Tabulator ID 705</p> <p>Voting Location AV-Alpharetta Library</p> <p>-----</p> <p>Poll Opened Oct 17/2020 08:10:42</p> <p>Poll Closed Nov 04/2020 00:29:14</p> <p>Report Printed Nov 04/2020 00:34:09</p> <p>-----</p> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: AAFAJ20088 Protective Counter: 303 Software Version: 5.5.3-0002</p> <p>-----</p> <p>Total Scanned: 5529 Total Voters: 5529</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Alpharetta Library ICP 4</p> <p>Tabulator ID 737</p> <p>Voting Location AV-Alpharetta Library</p> <p>-----</p> <p>Poll Opened Oct 25/2020 12:03:58</p> <p>Poll Closed Nov 04/2020 01:48:58</p> <p>Report Printed Nov 04/2020 01:52:49</p> <p>-----</p> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: AAFAJY0174</p> <p>-----</p> <p>Total Scanned: 1232 Total Voters: 1232</p>	<p>County Fulton Nov 2020 General Tuesday, November 3, 2020</p> <p>Tabulator Name AV-Alpharetta Library ICP 5</p> <p>Tabulator ID 753</p> <p>Voting Location AV-Alpharetta Library</p> <p>-----</p> <p>Poll Opened Oct 25/2020 12:50:58</p> <p>Poll Closed Nov 03/2020 21:20:03</p> <p>Report Printed Nov 03/2020 21:23:38</p> <p>-----</p> <p>Unit Model: PCDS-320C (Rev 1072) Unit Serial: AAFAJK0135 Protective Counter: 48 Software Version: 5.5.3-0002</p> <p>-----</p> <p>Total Scanned: 1232 Total Voters: 1232</p>
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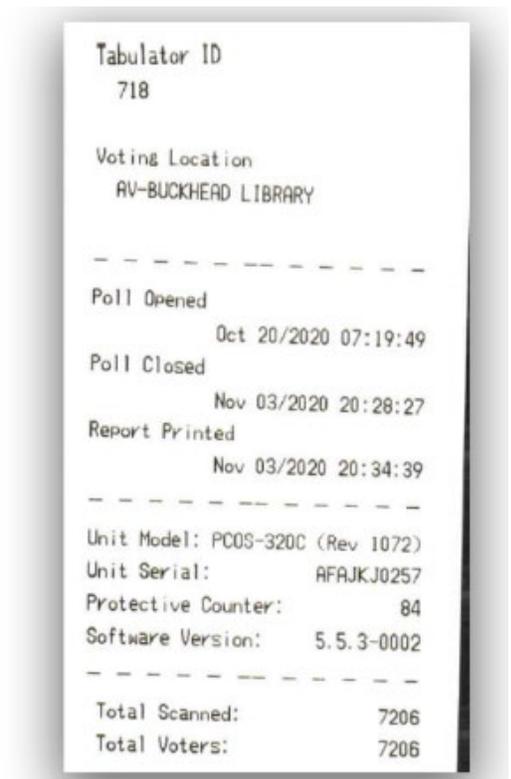
Starting from left, the first two were opened as expected on October 12<sup>th</sup>. Then on October 17<sup>th</sup> the flashcard was removed from ICP 1, a new flashcard was inserted (ballot scanner reprogrammed) and it became ICP 3. Then on October 25<sup>th</sup>, both ballot scanners had their flashcards removed and replaced thereby creating ICP 4 and ICP 5. 2 ballot scanners produced results for 5 ballot scanners.

Rick Barron, Fulton County Elections Director stated that the flashcards had to be swapped when the ballot count neared or reached 5,000, the capacity of the flashcard.



However, this is incorrect for a number of reasons.

- First, election records reveal that ballot scanners were being reprogrammed with new flashcards at various and wide-ranging ballot counts. There appears to be no correlation between the number of ballots scanned and replacing the flashcards. Certainly not anything consistent with the ballot count approaching the stated 5,00-count threshold.
- Second, Fulton County's own records negate that the flashcard storage capacity is 5,000 ballot images. There are several Advance Voting ballot scanners that far exceed the given benchmark, the largest of which scanned 7,206 ballots. Ironically, the largest "Total Scanned" number of 7,206 was amassed by a ballot scanner **after it had been reprogrammed**, purportedly because it neared capacity.
- Third, If capacity was the sincere concern which precipitated the flashcard replacement, why is it that after the cards were replaced, they were allowed to scan much larger numbers than those they replaced as shown here?



- A memo from the state elections director to all Georgia counties, dated October 27<sup>th</sup>, informed elections officials that the flashcard capacity was not 5,000, but 10,000 ballot images. The memo (provided on the next page) included instructions should a ballot scanner approach capacity, along with documentation from Dominion. Interestingly, Fulton County began replacing cards 11 days before the first and only memo from the state.



## OFFICIAL ELECTION BULLETIN

October 27, 2020

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**TO: County Election Officials and County Registrars**  
**FROM: Chris Harvey, Elections Division Director**  
**RE: ImageCast Precinct Maximum Capacity Message**

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Dominion Voting released a customer advisory yesterday stating that when an ImageCast Precinct (ICP) Tabulator reaches approximately 10,000 ballots cast for a single election, a message will appear that reads, "Maximum Ballot Capacity Reached."

Please closely monitor the usage of all ICPs. If you believe that a single ICP will reach 10,000 ballots cast, please select from the two options below, which are both recommended by Dominion Voting. If you believe that any ICP will reach 10,000 ballots cast during the next day of voting, you should complete one of the two options below prior to the polls opening that day so that voting is not interrupted.

**Option 1 (Preferred) – If you have additional ICPs to deploy, follow these steps:**

1. Add a tabulator in your election project.
2. Create memory cards for the new tabulator.
3. Insert the memory cards into the ICP that you are preparing for deployment.
4. Perform logic and accuracy testing on the ICP prior to deployment. Make sure that the public count is reset to zero once you are finished with testing.
5. Deploy the new ICP.
  - a. If you are replacing an ICP that is displaying the "Maximum Ballot Capacity Reached" message, then remove the ICP displaying the message from service and store it securely. If you had to use the emergency box for any ballots, make sure to properly scan those ballots through the new ICP.

**Option 2 – If you do not have additional ICPs to deploy, follow these steps:**

1. Add a tabulator in your election project. You will need to complete this step even if you are not adding a physical tabulator.
2. Create new memory cards to replace the cards in the ICP at or nearing maximum capacity.

Finally, many of the Advance Voting locations reprogrammed one ballot scanner, while another was present but barely used. Consider the 3 closing tapes from Etris Recreational Center below.



The two tapes on the left are from the only two ballot scanners at that polling location. The third tape, far right, was created by the ballot scanner in the middle being reprogrammed on October 20<sup>th</sup>, effectively creating “AV-Etris Rec Ctr ICP 3”. Not only was the ballot scanner reprogrammed needlessly as the 1,820 Total Scanned number was nowhere near the stated but incorrect 5,000 ballot image capacity, but the location’s other ballot scanner had only scanned 475 ballots.

Therefore, even if we were to entertain flashcard capacity as the motivating factor for reprogramming the ballot scanners, and even if the ballot image capacity was only half of the actual 10,000, and even if the total count on the ballot scanner was anywhere near that number, there was another, properly prepared, legitimately tested, “like-new” ballot scanner ready for use. Then there’s the “Preferred” option, as described in the memo above, which was to deploy an additional ballot scanner to the polling location. Fulton County had at least another 200 ballot scanners which weren’t being used until election day.

In total, 39 ballot scanners were reprogrammed using new flashcards during the Advance Voting period. Those 39 ballot scanners were credited with scanning 106,483 ballots, and this is only counting those *after* they were reprogrammed.

For perspective, that number is just over one third of the total 315,000 ballots counted for all of Advance Voting. (A list of the 39 ballot scanners by name and Tabulator ID number is

attached hereto as “Exhibit C”).

In summary, because the flashcards were removed and replaced at varying ballot counts without being near the *perceived* 5,000 mark, effectively negates flashcard capacity altogether as the reason behind the ballot scanner reprogramming. What’s more is that flashcard capacity was of no concern when the replacement cards exceeded 5 thousand, 6 thousand, 7 thousand ballot scans. The cards were of the same size. It’s important to note that flashcard capacity was the specific reason provided by Fulton County’s Election Director. However, Fulton County’s own election records, actions, memo from the state, and documentation from Dominion, prove otherwise.

The 39 replacement flashcards were not subject to testing, oversight or verification. Because it is clear that flashcard capacity was not the true reason for the swaps, we must consider logic. Each replacement flashcard may have been inserted into the ballot scanners loaded with thousands of votes. Which is why zero tapes are printed and signed, but those too have remained elusive.

### **VIOLATIONS:**

Ballot scanner seals were broken, flashcards were removed and replaced in violation of:

**Ga. Comp. R. & Regs. 183-1-14-.02** *“The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff”*

Because the flashcards were replaced in violation of the rule above, the seals could not have matched and should have triggered the course of action described below. No such action was taken in violation of:

**Ga. Comp. R. & Regs. 183-1-14-.02** *The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately, and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.*

The memory cards which replaced those used in the ballot scanners were not yet created at the time of Logic and Accuracy testing, and as a result, were not checked for malicious software or data and avoided the required Logic and Accuracy testing prior to their use in the 2020 general election. This is in violation of:

**Ga. Comp. R. & Regs. 183-1-12-.07 -6.** *The Superintendent shall check that the memory cards used in the ballot scanner are formatted and contain no extraneous software or data prior to use in an election. The ballot scanner memory cards shall be named to indicate the polling place where they will be used. If more than one ballot scanner is to be used in a single polling place, the memory card name shall differentiate between the scanners;*

**Ga. Comp. R. & Regs. 183-1-12-.08 -e.** *Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot. If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. The component failure should be documented and reported to the superintendent. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place.”)*

Should the State Election Board find that ballot scanners were tampered with by anyone for any reason besides good faith efforts in pursuit of a lawful election, you are compelled to forward this complaint to the State Attorney General for criminal investigation.

**Ga. Code § 21-2-580** *Any person who:(1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot marker or tabulating machine to be used or being used at any primary or election;(2) Willfully prepares a voting machine or an electronic ballot marker or tabulating machine for use in a primary or election in improper order for voting; or(3) Prevents or attempts to prevent the correct operation of such electronic ballot marker or tabulating machine or voting machine shall be guilty of a felony.*

**Ga. Code § 21-2-582** *Any person who tampers with or damages any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device shall be guilty of a felony.*

**Ga. Code § 21-2-582** *Any person who tampers with or damages any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any direct recording electronic (DRE) equipment or electronic ballot marker or tabulating machine or device shall be guilty of a felony*

Fulton County failed to comply with the Rules and Regulations as set forth by the SEB and made repeated violations of basic election procedures. Removing the ballot scanner flashcards before the polls were closed **left the cards open to manipulation**. There was nothing to prevent someone from inserting the flashcards into any ballot scanner and scanning additional ballots over the 3-day window between the end of Advance Voting and the time the polls were closed on election day. This activity could have occurred without detection because the ballot scanners had been repurposed and with them went the seals and the means to validate the counts with the protective counter number. The security and chain of custody is maintained by proper process, not by the machine. The record indisputably shows that neither proper process nor the chain of custody were maintained.

Fulton County caused nearly all forms of validation, verification, security, fraud prevention, accountability, transparency, and even the most basic reconciliation and accounting processes to be nullified, ignored or falsified. Fulton County's reckless disregard for SEB Rules and their purpose was coupled with zero effort to supplement election records and compliance with the required Recap Sheet documentation. The lack of process could have been used as way to falsify election results. The Recap sheets were treated with the same indifference and lack of process leading any reasonable person who actually reviewed the records, to have zero confidence in the official results.

Fulton County Board of Registration and Elections (BRE) was the legally recognized Election Superintendent for the 2020 General Election. The Fulton County BRE is responsible for certifying the 2020 general election results that they did not properly verify, as **proper verification was impossible**. The Fulton BRE is either willfully negligent or complicit, but in either case responsible for the protocols and processes which made the election results impossible to verify. Therefore, there is simply no conceivable way by which the Fulton County 2020 general election results should have been certified.

After over a year of review and thousands of hours of investigation, our dedicated group has come to the determination that with the records provided, the election results are not only irreconcilable, but unsupported by the official records. Our efforts have been constantly challenged by Fulton County's refusal to return public election records in response to our Open Records Requests. An irrefutable documentation of the same will be provided in a separate but forthcoming complaint.

For these reasons we are seeking the following relief:

1. Order Fulton County to immediately preserve and then release the following records for the 2020 general election to complainants, without condition or cost, within 2 weeks so a proper reconciliation can be performed:
  - a. ALL ballot images for the 2020 general election. Should Fulton County fail to produce the ballot images, in the alternative, order

complainants access to the original paper ballots for inspection.

- b. ALL paper envelopes for Absentee by Mail ballots
- c. ALL ballot scanner tapes, including zero tapes and daily status tapes
- d. ALL election system SLOG files for all ballot scanners and servers.
- e. ALL Dominion system audit logs.
- f. ALL Logic and Accuracy Testing records.
- g. ALL Poll-Pad voter check-in lists for Advance Voting.

Order Fulton County to derive the records from any source necessary, including from system backups, archives, disaster recovery systems, the Secretary of State, or the voting system vendor (Dominion Voting Systems).

Order a substantial daily financial or alternative penalty should Fulton County fail to produce the records as ordered.

If Fulton County fails to produce any of the election records listed above, or if the records have been destroyed, please forward the matter to both the State Attorney General and the United States Attorney for failure to maintain election records as required by Georgia State Statute and Federal Law.

- 2. Order Fulton County to strictly comply with all SEB Rules and Regulations and take actions necessary to ensure proper compliance in the future. Consider providing complainants with election monitor credentials for the 2022 mid-term elections.
- 3. Order Fulton County to recertify their election results for only those votes which can be authenticated, and for which a verifiable chain of custody can be established.
- 4. Fulton County should be held accountable with fines and criminal charges for violations by the parties responsible.

Respectfully submitted,



Kevin M. Moncla



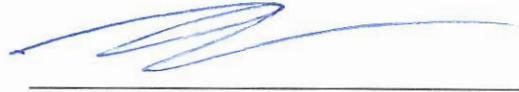
David A. Cross

# Exhibit A

# Exhibit B

**CERTIFICATION OF RECORDS**

I, **Steven Rosenberg**, as Open Records Custodian in the Office of the Fulton County Attorney, do hereby certify and declare that the attached request and responses to Request Reference # R008635-120121 seeking *all Tabulator Poll Tapes for the 11/3/2020 General Election, including those used for advanced voting and Logic and Accuracy Testing* are true and correct copies and are maintained in the normal course of Fulton County business.



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Sworn to and subscribed  
Before me, this 22<sup>nd</sup>  
day of March, 2022.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:



✉ On 1/2/2022 1:23:06 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R008635-120121

**Body:**

January 02, 2022

**SENT VIA EMAIL:**

Dear Kevin Moncla:

This correspondence is in response to your Open Records Act Request Reference#: R008635-120121 dated December 01, 2021. Your request sought the following:

*Please provide all Tabulator Poll Tapes for the 11/3 2020 General Election, advanced voting.*

After reviewing the aforementioned request, we have identified responsive records. Records that were previously discussed are available electronically, you will not be charged.

Fulton County has uploaded the response records to your request to the portal. You can log into the system at [Open Records Center](#).

Please feel free to contact me at if you have any questions.

Sincerely,

Mariska Bodison  
Registration & Elections

xc: Steven E. Rosenberg, Open Records Custodian  
Shana Eatmon, Legal Assistant  
Unique McCray, Administrator Coordinator II

↩ On 12/14/2021 5:58:55 PM, Kevin Moncla wrote:

Please provide the advanced polling tapes that you referenced were provided for a previous request.

✉ On 12/8/2021 11:30:19 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R008635-120121

**Body:**

December 08, 2021

**SENT VIA EMAIL:**

Dear Kevin Moncla:

This correspondence is in response to your Open Records Act Request Reference#: R008635-120121 dated December 01, 2021. Your request sought the following:

*Please provide all Tabulator Poll Tapes for the 11/3 2020 General Election, including those used for advanced voting and Logic and Accuracy Testing.*

After reviewing the aforementioned request, we believe we may have responsive records. As permitted by O.C.G.A. § 50-18-71(c), a fee will be charged to cover the administrative costs associated with the time spent searching for, retrieving, redacting, and supervising access to the requested documents. The fee represents the hourly rate of the lowest paid full-time employee(s) with the necessary skill and training to respond to your request. However, no charge will be made for the first fifteen minutes of staff time expended in complying with your request. Unless otherwise provided by law, the charge for copies is generally \$0.10 per page, as permitted by O.C.G.A. § 50-18-71(c).

Because this amount is in excess of \$500, we will delay producing said records until such time as you pay the estimated costs. You may do so forwarding a check, payable to Fulton County, to the attention of Steven Rosenberg, at the address above. The estimated cost for search, retrieval, and copying of the responsive records is \$15,800.00. This amount includes the following fees listed below:

Advanced voting poll tapes was done for a previous request and these will be uploaded as soon as they are located.

L&A Testing polls tapes will be at a cost for personnel for completions.

7 Personnel for completion  
14-21 business days.

It is anticipated that responsive records can be made available by December 08, 2021.

Finally, please be advised that certain requested documents, or portions thereof, have been redacted pursuant to the Georgia Open Records Act. Specifically, the following records may be exempted or redacted:

Please feel free to contact me at if you have any questions.  
Sincerely,

Mariska Bodison  
Registration & Elections

xc: Steven E. Rosenberg, Open Records Custodian  
Shana Eatmon, Legal Assistant  
Unique McCray, Administrative Coordinator II

← On 12/7/2021 2:09:01 PM, Kevin Moncla wrote:

TO: "Fulton County Georgia"[fultoncountyga@mycusthelp.net]  
Thank you Shana  
On Tue, Dec 7, 2021 at 12:56 PM Fulton County Georgia wrote:

✉ On 12/7/2021 1:55:49 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R008635-120121

**Body:**



December 07, 2021

**SENT VIA EMAIL:**

Dear Requester Moncla:

This correspondence is in response to your Open Records Act Request Reference#: R008635-120121 dated December 01, 2021. Your request sought the following:

*Please provide all Tabulator Poll Tapes for the 11/3 2020 General Election, including those used for advanced voting and Logic and Accuracy Testing.*

Fulton County is in receipt of your request for records. We are currently in the process of locating responsive records to the extent they exist. We believe we can provide you with the same by Wednesday, December 8th. Thank you for your consideration.

Sincerely,

Shana Eatmon  
Legal Assistant

xc: Steven E. Rosenberg, Open Records Custodian

✉ On 12/1/2021 4:19:21 AM, Fulton County, Georgia wrote:

Dear Kevin Moncla:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated December 01, 2021 and has assigned the reference number R008635-120121 for tracking purposes.

Record(s) Requested: *Please provide all Tabulator Poll Tapes for the 11/3 2020 General Election, including those used for advanced voting and Logic and Accuracy Testing.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 12/1/2021 4:19:20 AM, Kevin Moncla wrote:

Request Created on Public Portal

# Exhibit C

## BALLOT SCANNER NAME

## TAB. ID

AV-Alpharetta Library ICP 3	705						
AV-Alpharetta Library ICP 4	737						
AV-Alpharetta Library ICP 5	753						
AV-Benson Sr Ctr ICP 4	722						
AV-BUCKHEAD LIBRARY ICP 3	718						
AV-CT Martin Rec Center ICP 4	759						
AV-CT Martin Rec Center ICP 5	761						
AV-East Point Library ICP3	763						
AV-East Roswell Library ICP 3	721						
AV-Etris Rec Ctr ICP 3	716						
AV-Georgia Inter Conv Ctr ICP 4	731						
AV-GS Dennard Library ICP 3	736						
AV-High Museum ICP 3	706						
AV-High Museum ICP 4	756						
AV-Metropolitan Library ICP 3	711						
AV-Metropolitan Library ICP 4	758						
AV-Milton Library ICP 3	719						
AV-Milton Library ICP 4	762						
AV-Mobile Bus One ICP 2	732						
AV-Mobile Bus Two ICP 2	733						
AV-New Beginnings Sr Ctr ICP 3	717						
AV-No Fulton Svc Center ICP 3	734						
AV-NortheEast Library ICP3	727						
AV-Northside Library ICP 3	709						
AV-Northside Library ICP 3	755						
AV-Ocee Library ICP 3	703						
AV-Ocee Library ICP 4	728						
AV-Ocee Library ICP 5	757						
AV-Park Place at Newtown ICP 1	2720						
AV-Park Place at Newtown ICP3	724						
AV-Ponce De Leon Library ICP3	754						
AV-Roswell Library ICP 3	725						
AV-Sandy Springs Library ICP 3	735						
AV-So Fulton Srvc Center ICP3	712						
AV-State Farm Arena ICP 32	704						
AV-State Farm Arena ICP 33	723						
AV-State Farm Arena ICP 34	752						
AV-State Farm Arena ICP 8	308						
AV-Welcome All Rec Ctr ICP 4	713						
AV-Wolf Creek Library ICP4	714						

## AFFIDAVIT OF KEVIN MONCLA

Comes now, KEVIN MONCLA, and after being duly sworn makes the following statement under oath:

1. My name is Kevin Moncla
2. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
3. I am an investigative journalist and a contributing member in a group of volunteers, including David Cross, who are investigating the 2020 General Election.
4. In the combined capacity described above, I submitted Open Records Request R008635-120121, dated December 01, 2021 through the Fulton County Open Records Request Portal for electronic copies of the Advanced Voting tabulator poll closing tapes for the 2020 General Election. On or about January 2, 2022, I received an email from Fulton County in response to request R008635-120121 informing me that the requested records had been uploaded to the portal.
5. On or about the same date, I accessed the portal and downloaded the records Fulton County returned in response to my request
6. The documents returned by Fulton County are not a complete record and do not include all Advance Voting poll closing tapes for the tabulators which reported Results. Specifically, 10 tabulator Closing tapes responsible for, and attributed to, the tabulation and reporting of over 19,000 ballots, remain outstanding. Fulton County Records Department has specifically confirmed that the 10 outstanding tabulator closing tapes do not exist in their records.
7. The records attached are a complete and accurate copy of those received from Fulton County in response to request R008635-120121 (A true and correct copy of the records are attached hereto as "EXHIBIT A")

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of March 2022



Kevin Moncla

State of Texas

County of Denton

Appeared before me, Kevin Moncla, this <sup>28th</sup> day of March, 2020 and after being duly sworn, stated the forgoing statements are true and correct to the best of his knowledge and belief. My commission expires 12/16/2022

