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November 4, 2022

VIA EMAIL ONLY

Khahilia Shaw
American Oversight
records@americanoversight.org

RE: Open Records Act Request Dated October 26, 2022

Ms. Shaw:

Per our prior correspondence of October 31, 2022, accompanying this correspondence are the records responsive to your request. These records have been redacted pursuant to O.C.G.A. § 50-18-72(a)(20)(A).

Responding to your Open Records Act request resulted in the generation of eight (8) pages at \$.10 per page, thereby resulting in actual copying charges of \$0.80. Additionally, after the first fifteen (15) minutes, it took an Information Technology employee, earning an hourly rate of \$41.78, fifteen (15) minutes to search and compile the requested documents, resulting in an administrative cost of \$10.45. Therefore, the total amount due to Forsyth County for the requested records is **\$11.25**. Please remit a check in this amount made payable to Forsyth County and mail your payment to:

Forsyth County Finance Department
ATTN: Open Records Payment
110 E. Main Street, Ste. 255
Cumming, GA 30040

Kindest regards.

JARRARD & DAVIS, LLP
Page 2 of 2

Sincerely,

JARRARD & DAVIS, LLP

A handwritten signature in blue ink, appearing to read 'Karen Pachuta', is written over the printed name.

Karen Pachuta

KPP/dfp
Enclosures
cc: Forsyth County Finance Department (w/o encl.)

Debbie Prettyman

From: karen mann
Sent: Friday, March 11, 2022 6:11 PM
To: Garland Favorito
Subject: Urgent Notice for County Election Officials
Attachments: County Cloud Notification Letter.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

March 11, 2022

Dear County Election Officials,

I am writing to inform you of two critical concerns regarding the conduct of the 2022 primaries. First, a group of legislators and voters have filed a [complaint](#) and emergency temporary injunction to stay the Secretary of State's (SOS) implementation of the cloud-based voting registration system known as GARvis. This planned implementation not only presents severe control and security issues but it also violates Georgia laws. Specifically, we believe the planned system implementation:

- Violates election privacy laws
- Violates competitive bid practices
- Exceeds the authority given to the SOS by the General Assembly for voter registration systems

The legal citations for these charges are shown in the complaint and more complainants will likely be added. We urge all counties not to participate in this cloud-based voter registration scheme until the legal issues can be resolved for the benefit of the legislators, voters and competing vendors who have been harmed.

In addition, I want to reiterate that the U.S. District Court has found that the Dominion Democracy Suite 5.5 system purchased for Georgia violates two Georgia status. In October, 2020 Judge Totenberg [found](#) in the Curling v. Raffensperger case that the system does not produce an elector verifiable ballot and the voter's choices are not in human readable text as required by law. [Pg 81-82] This week we also released preliminary results from our year-long ballot image analysis. We believe our [15-point analysis](#) clearly proves that nearly all ballot images used to tabulate the November 2020 Fulton County election results were electronically manipulated prior to results certification. Given these horrendous elections conditions, we are making counties aware that the superintendent and county commissioners have other options under Georgia code to conduct a verifiable, legal election in their counties. Since the Georgia voting system is now clearly "impracticable" from a legal and security perspective at this time, the superintendent of each county may implement voting by paper ballot under [O.C.G.A. § 21-2-334](#). In addition, county commissioners have the authority to implement an optical scan system in lieu of the unsecure ballot marking devices for recording and computing the vote at elections held in the county. This authority can be exercised at any regular meeting or special meeting called for that purpose under [O.C.G.A. § 21-2-366](#). If you are thinking about soliciting advise from the office of the Secretary of State in these matters think again. The U.S. District Court has already found the office as "not credible" in their other scathing August 2019 [order](#). [pg70] Therefore, we urge all county election officials to consult with your county attorneys on what are the best options for your voters. If you have questions please don't hesitate to call me.

Garland Favorito

VOTERGA.ORG

404 664-4044 CL

AMERICAN
OVERSIGHT

GA-FORSYTH-22-1127-A-000001





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In addition, county commissioners have the authority to implement an optical scan system in lieu of the insecure ballot marking devices for recording and computing the vote at elections held in the county. This authority can be exercised at any regular meeting or special meeting called for that purpose under O.C.G.A. § 21-2-366.

If you are thinking about soliciting advise from the office of the Secretary of State in these matters think again. The U.S. District Court has already found the office as "*not credible*" in their other scathing August 2019 order. [pg70] Therefore, we urge all county election officials to consult with your county attorneys on what are the best options for your voters. If you have questions please don't hesitate to call me.

Sincerely,
Garland Favorito
Co-founder





Debbie Prettyman

From: GARLAND FAVORITO <GARLANDF@voterga.net>
Sent: Friday, March 8, 2019 11:35 AM
To: Undisclosed recipients
Subject: Fw: HB316 new \$2 per registered voter unfunded mandate on counties

From: GARLAND FAVORITO <GARLANDF@voterga.net>
Sent: Friday, March 8, 2019 11:26 AM
Subject: HB316 new \$2 per registered voter unfunded mandate on counties

Georgia County Commissioners,

I am writing to inform you that the implementation of a new voting system under HB316 will result in an **unfunded mandate of about \$2 per voter** on all Georgia counties. These expenses are needed to cover maintenance, testing, logistics and licensing fees of 27,000 new electronic ballot marking devices that the bill requires the state to purchase. This is **double the cost to the counties** of our recommended options: hand marked, paper ballots or ballot on demand systems. Furthermore, since **the type of new system that the bill requires is considered unsafe and not auditable by nearly every cybersecurity expert, information technology professional and election integrity advocate in the country.** Therefore, **the system will expose counties to a variety of lawsuits** similar to those that already exist against the current unverifiable system [slides 6-9]. In fact attorneys for Plaintiffs in one set of those matters have already informed attorneys in the office of the Secretary of State that HB316 will not resolve the constitutional issues of their complaint. IF you have any questions about our calculations please feel free to call me.

Sincerely,

Garland Favorito

VoterGA.Org

404 664-4044

Debbie Prettyman

From: GARLAND FAVORITO <GARLANDF@voterga.net>
Sent: Monday, August 20, 2018 6:47 PM
Subject: Fw: Response to GA Election Director's Aug. 1 Letter - County Commissioners

[Response - PDF](#)

VOTERGA

Voters Organized for Trusted Election Results in Georgia

August 20, 2018

Dear County Commissioners and Elections Officials,

I am writing on behalf of our members to express concern regarding a letter you received on or about August 1st from State Election Director Chris Harvey. We believe that this letter contained a significant amount of highly deceptive or false information as I will explain by paragraphs.

I am the co-founder of VoterGA which has consistently led Election Integrity (EI) advocacy in Georgia for that last 13 years. I have over 40 years of Information Technology (IT) experience in a variety of disciplines and have researched voting systems part time for 16 years. I advocated against purchasing our current system in 2002 because of its inability to produce verifiable, auditable and recount capable results. Professor Britain Williams, who led the implementation, and then Asst. Dir. Michael Barnes authenticated my Emails in depositions under oath.

Evidence we have collected from 2002 to the present day refutes the vast majority of Mr. Harvey's remarks to you as follows:

- Page 1, Para. 5 – *“Long before the public spotlight turned to the realm of elections, we recognized the real threat of people and entities – both foreign and domestic- seeking to interfere with our electoral process”*

The affidavit of internet researcher Logan Lamb shows the elections office did not recognize the threat of foreign or domestic interference. In 2016 and again in 2017, Lamb found that the central elections preparation server was exposed for hacking by foreign and domestic sources. The server housed elections databases, administration files, supervisor passwords, training material and a copy of the entire voter registration database that counties downloaded when they conduct elections. These critical election files and databases were exposed through defects in **severely outdated Drupal software that was still in use.** Even after Lamb warned of the exposure in 2016, the risk was not mitigated. Open Record Requests for communications show that Mr. Harvey did not proactively recognize the threat after it was uncovered. If the elections office recognized such a threat they would have ensured the state purchase a voting system that can produce verifiable, auditable and recount capable results years ago.

- Page 2, Para. 2 – *“Many people are pleasantly surprised to hear that Georgia builds its encrypted ballot databases on machines which are never connected to the internet”*

Open Records Requests to Kennesaw State University (KSU) show that ballot building was conducted on the elections.kennesaw.edu server as confirmed by the Director of the Center for Election Systems (CES). This is

the same server that internet researchers Logan Lamb and Christopher Grayson found **was exposed to the internet** from 2016 to 2017 and vulnerable to foreign and domestic hacking. Neither KSU nor the Secretary of State (SoS) office have been able to establish the original date of exposure despite our Open Records Requests to do so. Based on our research we believe that the exposure dates to the Cathy Cox administration over 10 years prior. Database encryption provides no added security given that **the encryption server was likely exposed to contamination before said election databases were encrypted.**

- Page 2, Para. 3 - *"...the assertion that counties can unilaterally elect to stop using DRE voting equipment ... is not an accurate statement of Georgia law."*

O.C.G. A. § 21-2-366 **expressly authorizes county governing authorities to direct the use of optical scan equipment if they vote to do so.** The O.C.G. A. § 21-2-300 code section cited by Mr. Harvey requires only that the counties continue to use the **same vendor and type** of optical scan equipment that they already have. It does not preclude any county from conducting early voting and Election Day voting on the same type of equipment used for mail-in processing.

In addition, O.C.G.A. § 21-2-334 and O.C.G.A. § 21-2-281 provide for the use of paper ballots when other types of voting is "impracticable". It has always been impracticable to conduct elections on a system that cannot produce verifiable, auditable and recount capable results.

- Page 2, Para. 4 - *"Further O.C.G. A. § 21-2-381 requires absentee in-person ballots (early voting) to be on a DRE"*

There is **no statement** in this code section that requires all early voters to use Direct Recording Electronic (DRE) machines as Mr. Harvey claimed. **This section does not preclude a county from using its current hand marked paper ballot scanning technology for early voting and Election Day voting.** The county need only maintain a DRE machine in each precinct for disabled voters and have in its possession or acquire an adequate number of scanners for other voters.

- Page 2, Para. 5 - *"There are numerous ways to ensure our voting machines are accurately counting votes, and elections officials test and demonstrate the accuracy of these machines through logic and accuracy testing before every single use."*

The logic and accuracy testing that elections officials perform **will not detect Election Day counting errors or fraud.** The machines are tested in Test Mode but on Election Day they operate in Election Mode. Experts have confirmed **the machines can count differently during Test Mode than when they run in Election Mode.** Expert statements include a sworn deposition from KSU Prof. Britain Williams, the trial testimony of Princeton's Dr. Ed Felten and the cross examination of former CES Exec. Dir. Merle King.

- Page 3, Para 1 - *"To this day there is no credible evidence that our elections process is anything except secure and accurate"*

Our VoterGA Audit of the elections data destruction at the KSU CES facility represents what we believe to be the **definitive research** that has been conducted and documented on the security of Georgia's election process. **It provides credible evidence of the insecurity in the centralized election preparation process that feeds election databases, and voter registration data to all counties for all elections.**

There is also credible evidence that the results of several races are not accurate:

- The 2017 6th District election and runoff produced questionable results **unprecedented** in electronic voting system history as defined by a VoterGA statistical analysis.
- Results of the 2002 U.S. Senate and Governor's races defied polls and down ballot trending after county servers were patched with revised software illegally and never certified before the General Election. The illegal patches, including one from Diebold President Bob Urosevich, are confirmed in the sworn deposition of Prof. Williams and statements from then Diebold contractors Rob Behler and Chris Hood.

The GEMS servers are missing in the 2002 certification and a letter from the SoS office to Diebold states they were still awaiting certification a month after conducting the election;

- In 2008, a Douglas County Election Board member reviewed elections results in a spreadsheet at home and then ordered a Diebold contractor to enter the results the next morning. The Sheriff Elect and Commission Chairman Elect thought they had won on Election Night only to find out they lost after the election results were manually entered. Mr. Harvey was involved in the investigation of that case but the board member was never investigated.

- Page 3, Para 2 – *“The SAFE commission, working in conjunction with our office, will present recommendations to the General Assembly by this January on how to responsibly move to a new system”*

SAFE commission members have been almost totally inactive for two months since the initial meeting on June 13th. The commission leaders have excluded EI advocates and IT process professionals from the commission makeup and adopted an unorthodox process of viewing vendor solution demonstrations before identifying current system improvement opportunities and defining new system requirements. We have documented many of our concerns on our press release tab. It is highly unlikely that the commission can produce a quality deliverable in the January time frame under such conditions.

In conclusion, we must mention this is not the first time Mr. Harvey’s comments have been disputed on election matters. In his Sept. 22nd 2017 testimony before the House Science and Technology Committee, we documented on video seven instances of false or misleading statements he made during a question and answer period.

Of even further concern to us is the previous experience that Mr. Harvey mentions in the first two paragraphs of Page 1. As he explained, Mr. Harvey was the chief investigator in the offices of the SoS Inspector General and DeKalb County District Attorney where he worked for Shawn LaGrua. We are compelled to point out that during his tenure Mr. Harvey conducted several **horribly politicized investigations**. The details of these investigations are documented in a 2010 HR1714 impeachment resolution filed at the Georgia legislature against Mrs. LaGrua.

If you have questions or concerns about any information in this letter please feel free to contact me.

Sincerely,



Garland Favorito

Co-founder, VoterGA

404 664-4044

garlandf@voterga.net