

AMICUS LETTER

The Acting Chairman of the State Election Board, Mr. Mashburn, has extended an “invitation” to Mr. Rossi to brief the Board on any “...*specific, explicit authority under which “the Board has jurisdiction to hear Complaints against the Secretary of State”*”.¹ The language of the invitation speaks to the current posture of the Georgia State Election Board (the “Board” or “SEB”). The Board having to contemplate whether it has jurisdiction to even hear complaints against the Secretary of State is disturbing. The same suggests that the First Amendment right to petition the government for a redress of grievances as guaranteed by the United States Constitution is now subject to the whimsical fancy of the State Election Board Chairman. Or is it the Secretary of State’s General Counsel? Perhaps it is contingent upon a Complainant’s ability to pass some sort of arbitrary and subjective test, like a brief.

Even the premise must be rejected outright. No matter how low the hurdle. No matter how easy the test. No matter how inexpensive the charge. No matter how hard or easy. Rejected. The freedoms and rights enshrined in the Constitution of this Republic have come at immeasurable cost to those, and the families of those, who have fought and died protecting those rights. We the people choose to exercise our right to petition the government for a redress of our grievances. We do not seek permission and will not compromise the sacrifices made by those to give us this right- as all prerequisites have been met and the steep debt has already been paid.

Therefore, we submit this Amicus letter in protest to prevent those who may be willing to disingenuously exploit the absence of a response as a pretext to justify further inaction.

¹ See invitation from SEB Chairman Mashburn to Mr. Joseph Rossi attached hereto as “Exhibit A”.

CASE HISTORY & BACKGROUND

Beginning in March of 2021, Mr. Joseph Rossi, a retired corporate executive and engineer, sought to address multiple errors he found in the Fulton County hand-count/audit results. After six months and all reasonable attempts to remedy the errors directly with the Secretary of State's office failed, Mr. Rossi sought assistance from Georgia Governor Brian Kemp. The Governor responded immediately and sent his Deputy Chief Counsel to Mr. Rossi's home to review the data and the details of the 36 errors. Governor Kemp tasked several members of his staff to reproduce Mr. Rossi's work, which took approximately eight weeks. In November of 2021 the Governor issued a report detailing the 36 errors and formally referred the matter to the State Election Board for investigation.² In response, the Board opened case no. SEB 2021-181.

Eventually the case was placed on the SEB meeting agenda to determine the disposition of the complaint. During the March 16, 2022, meeting, Mr. Rossi was provided with the opportunity to present his findings to the Board. When Mr. Rossi attempted to explain that the Secretary of State posted the unchecked and error-laden Fulton County hand count/audit results on the SOS's website, Chairman Mashburn removed the Secretary of State as a Respondent. In doing so, the Chairman silenced Mr. Rossi and effectively denied his First Amendment Right to free speech and to petition the government for a redress of grievances. Moreover, Mr. Rossi did not name the Secretary of State as a Respondent. In fact, Mr. Rossi did not name anyone as a Respondent, and neither did the Governor. Mr. Rossi, Governor Kemp, and complaint SEB 2021-181 identified

² A true and correct copy of the Governor's referral to the SEB is attached hereto as "Exhibit B"; Governor's Report is attached hereto as "Exhibit C".

faults and failures that required investigation - not “Respondents”.

The State Election Board voted to refer case SEB 2021-181 to the Attorney General (“AG”) for further investigation. Ultimately the AG verified the Fulton County hand count/audit errors and privately negotiated a Board Stipulated consent agreement (hereinafter “BS Agreement”) with Fulton County, which the State Election Board voted to adopt- sight unseen.³ The innocuous BS Agreement failed to disclose the fact that the thirty-six errors identified by Mr. Rossi, verified by the Governor, the State Election Board, and the office of the Attorney General, falsely added 6,695 votes that did not exist (more than half of the margin of victory in the Presidential contest) to Fulton County’s hand-count total.⁴ More specifically, 35 of the 36 errors favored Joe Biden (1,038 to President Trump; 5,618 to Joe Biden). The BS Agreement describes the purported cause of the 36 inconsistencies as data entry errors by Fulton County elections staff, but no action was taken to correct the results of the hand count/audit as posted on the Secretary of State’s website.

“The results of the investigation showed that Fulton County elections staff misidentified and duplicated audit batch sheet data when entering the data into the Arlo software used by the Secretary of State’s office to manage the risk-limiting audit.

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.”

There was also no added provision, accounting process, or audit protocol which would prevent the same from happening again in future elections, save for the stipulation that effectively translates to “*I didn’t do anything wrong, and I’ll never do it again*”. The “*reported inconsistencies were*

³ A true and correct copy of the consent agreement is attached hereto as “Exhibit D”.

⁴ Based on the findings of the Governor’s office as detailed in the Governor’s report.

the result of human error in entering the data”, *“time limitations”*, and *“sheer amount of ballots”* are little consolation for Georgia voters who have good reason to believe that their votes were not counted accurately- or even counted at all. The BS Agreement acquiesces to -and establishes what we already know- that there are absolutely no means of accounting, reconciliation or checks and balances for Georgia elections, whatsoever. What’s more, what happens next time the same adverse yet excusable conditions (large amounts of ballots and time limitations) return? Second, if we are to accept the excuses given for the “inconsistencies” as officially detailed in the BS Agreement, then we also have to accept that “election staff” can arbitrarily add 6,695 imaginary votes without detection. Third, the 36 errors and the 6,695 false votes that were accidentally and unintentionally created- happened to coincidentally cause the hand count/audit results to “match” the results of the November 3rd count.

The false statement that the hand count or audit results matched the election results has been repeated ad nauseum and wielded by state officials as confirmation that the 2020 General Election results were accurate. That sentiment we now know is materially false. When the 6,695 “votes” are properly removed, the hand-count/audit no longer serves as confirmation of the November 3rd results. The same meter-stick now shows the opposite is true, and unlike before, the fact that the hand count/audit results do not match the November 3rd results- has been verified. Verified by Mr. Joseph Rossi, the Georgia Governor, the State Election Board and the Attorney General.

Lastly, the BS Agreement failed to mention the gross negligence or willful misconduct which permitted such egregious errors to go unchecked and ultimately serve as false confirmation of the 2020 General Election results. The State Election Board’s rubber stamp of the BS

Agreement, which they had never read, ignores the obvious and invites a return performance next election. The State Election Board “must eventually resort to judicial process if the counties fail to perform their election duties.” *Fair Fight Action, Inc. v. Raffensperger*, No. 1:18-cv-5391-SCJ, 2021 WL 9553855 at *11, n. 16 (N.D. Ga. Feb. 16, 2021) or simply enforce their own rules.

SEB-BI-2023-0001 (“BOARD INQUIRY”)

Mr. Rossi filed a separate complaint with the SEB based on the same facts as SEB-2021-181, and specifically named the Secretary of State as a Respondent. Former SEB Chairman, retired Federal Judge William Duffey, opened an official investigation, but it was terminated immediately by the General Counsel for the Secretary of State, Charlene McGowan. In an email to Judge Duffey, McGowan wrote:⁵

“I understand that you have asked Sara to open up a new case on Mr. Rossi's complaint against the Secretary of State's office regarding the posting of the county-level RLA results for the 2020 presidential election. I have instructed our investigations division that this office will not be opening up a case on this complaint, for several reasons.”

“The county's reported numbers for the RLA were posted to the website to be transparent and provide information to the public. The purpose of the RLA was to confirm the accuracy of the original tabulated results; the numbers reported in the RLA were not the final certified results. Conducting pre-certification audits is a county responsibility under OCGA 21-2-498, and the county bears all responsibility for following the applicable statutes and rules for how the audit is conducted and to report the results accurately. None of the code sections cited by Mr. Rossi apply here or state a claim for any violation against the Secretary's staff.”

Second, and more importantly, the SEB has no jurisdiction over this complaint. As I explained in our June 14th meeting, the SEB has no oversight role over the Secretary of State. The reason for this is set forth in AG Opinion 2005-3:

⁵ See Email correspondence from the SOS's General Counsel McGowan to Judge Duffey attached hereto as “Exhibit E”.

Ms. McGowan’s directive that there would be no investigation is deeply concerning because her rationale, like that of Mr. Mashburn, is that the Secretary of State cannot be investigated. This, of course, is absurd. Secondly, McGowan clearly has a conflict of interest- and instead of informing those involved and taking the appropriate steps to avoid “even the appearance of impropriety”, McGowan proceeded to terminate an SEB investigation which was properly initiated by the SEB’s Chairman- again, a retired Federal Judge. Said another way, the Secretary of State’s General Counsel did not recuse herself and her office from the investigation but went so far as to remove the investigation. Based on the plain language of the statute- the Secretary of State has no jurisdiction over the State Election Board’s election-related investigations; therefore, the Secretary of State’s General Counsel had no authority to hinder, interfere with, or close the investigation. It is clear under the statute that the SEB possesses the statutory responsibility and *duty* to **investigate complaints of election violations and irregularities**. O.C.G.A. § 21-2-31 (2022) provides as follows:

“It shall be the **duty** of the State Election Board:

(5) To investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution.”

There appear to be no limitations on the delegation of this duty from the State Legislature – the entity charged under the United States Constitution with the plenary authority to determine the manner of elections. Furthermore, SB-202 makes clear:

(h) The Secretary of State **shall**, upon the request of the State Election Board, provide any and all necessary support and assistance that the State Election Board, **in its sole discretion** determines is necessary to enforce this chapter or to carry out

or conduct any of its duties. (emphasis added)

It says, “*The Secretary of State **shall**...*”, and the other operative phrase, “the State Election Board *in its **sole discretion***”. The State Election Board has not delegated its duties to any administrative agency, any *member* of the Board, nor to the General Counsel of the Secretary of State, who took such action to terminate an investigation which was beyond the lawful authority of her office. Likewise, Mr. Mashburn acted to remove the Secretary of State from the investigation of the original complaint (SEB 2021-181) which the Georgia Governor himself referred to the SEB.

O.C.G.A. § 21-2-31 (2022) states that it is the **duty** of the State Election Board, “...to *investigate, or authorize the Secretary of State to investigate...administration of election laws and frauds and irregularities in primaries and elections....*”. First, SB-202 removed the Secretary of State as Chairman of the State Election Board and handed control of that position to the state Legislature. If the SEB can “authorize” the Secretary to investigate something, it only follows that the SEB’s investigatory powers are broader than those of the Secretary. Thus, while the Secretary may not be subject to day-to-day direction by the SEB, the statute contemplates that the Secretary is subordinate to the SEB, at least with respect to investigations into election administration. In fact, the Legislature determined in 2021 that the Secretary of State would no longer control the SEB and changed the role of the Secretary of State from serving as Chairman of the SEB, to a non-voting *ex officio* member of the SEB. That is a clear indication that the Legislature intended for there to be a separation of responsibility between the SEB and the Secretary of State, and this complaint certainly underscores why such a separation is necessary for the proper administration of elections in Georgia.

There are a number of important factors supporting the argument that the SEB possesses the authority to investigate the Complaint, and which argue against dismissal of the Complaint for lack of jurisdiction. That was not the intention of the Legislature, and it is not the result of the changes in the statute in 2021. In fact, the changes in the law in 2021 (giving more independence to the SEB) was a clear indication in the opposite direction that the Legislature wanted a check and balance over the Secretary of State's office, whereby the SEB, "*in its sole discretion*" can have that oversight and the Secretary of State cannot escape responsibility for compliance with the Election Code.

Finally, if the SEB contends that it lacks jurisdiction to investigate the Secretary or his staff, then which governmental entity does have that authority? For the SEB to conclude that it does not have such authority is to condemn complainants to a 'no man's land' where the Secretary of State can never be investigated for improper administration of the election laws. For all of these reasons, the undersigned submits that the State Election Board has the authority, the jurisdiction and *the duty* to conduct the investigation of the Complaint. There is no exception or prohibition excluding the Secretary of State- or any other person, for if there were it would raise arguments as to potential violations of the Equal Protection Clause (See 14th Amendment to the United States Constitution).

Mr. Mashburn, you ask what gives the State Election Board the authority to investigate the Secretary of State? Georgia law, Mr. Mashburn. O.C.G.A. § 21-2-31 not only gives the SEB authority, but the *duty* to investigate "...the administration of election laws and frauds and irregularities in primaries and elections..." – no matter where or to whom the evidence points. Although conflicts of interest may arise, methods and processes exist to accommodate such

situations, such as recusing the office of the Secretary of State’s General Counsel and retaining the services of independent investigators or appointing an independent person or committee to investigate. The actions of these government officials are not in the spirit of remedying what is clearly broken, in the pursuit of justice, or even simply doing what is right. To the contrary, memories are still fresh of those wishing to pursue indictments of the former President for Obstruction of Justice for even having considered the termination of the Russia collusion hoax Special Counsel investigation. The actions of Chairman Mashburn and the SOS’s General Counsel McGowan signal a paradigm shift. They have both boldly not only obstructed- but prevented and prohibited investigation of the Secretary of State, even though the facts have already been established.

In addition to her assertion that the State Election Board cannot investigate the Secretary of State, Ms. McGowan makes the following arguments about the merit of Mr. Rossi’s complaint (after she terminated the investigation):

“The county’s reported numbers for the RLA were posted to the website to be transparent and provide information to the public. The purpose of the RLA was to confirm the accuracy of the original tabulated results; the numbers reported in the RLA were not the final certified results. Conducting pre-certification audits is a county responsibility under OCGA 21-2-498, and the county bears all responsibility for following the applicable statutes and rules for how the audit is conducted and to report the results accurately. None of the code sections cited by Mr. Rossi apply here or state a claim for any violation against the Secretary’s staff.”

Ms. McGowan’s contention is that the Risk Limiting Audit (“RLA”) is “a county responsibility” and that “...the county bears all responsibility for following the applicable statutes and rules for how the audit is conducted...”; however, the following is from the Secretary of State’s Official

Election Bulletin (“OEB”), dated November 12, 2020:⁶

“SEB Rule 183-1-15-.04 requires that the Superintendent follow instructions issued by the Secretary of State on how to specifically conduct the audit.”

In an Official Election Bulletin to county election officials, the Secretary of State’s office cites SEB Rule 183-1-15-04, requiring the “...Superintendent follow the instructions issued by the Secretary of State on how to specifically conduct the audit.” (emphasis added). It appears the Secretary of State and his General Counsel have opposing positions on this issue. It is also important to note that the 2020 hand count/audit was facilitated, centrally managed state-wide, and the results aggregated using ARLO software provided by Voting Works, who was contracted- not by the counties, but by the Secretary of State.

The B.S. Agreement between Fulton County and the Attorney General’s office characterizes the use of the ARLO software, “...*used by the Secretary of State’s office to manage the risk-limiting audit.*”. The same document includes a statement from Fulton County which states:

“THE DEPARTMENT OF FULTON COUNTY REGISTRATION & ELECTIONS FOLLOWS THE STANDARD OPERATION PROCEDURES OUTLINED BELOW BY THE GEORGIA SECRETARY OF STATE IN REGARDS TO CONDUCTING RISK LIMITING AUDITS:”

There is little room for any misconceptions as to who is in control of Georgia’s Risk Limiting Audits (albeit usurped). With authority comes responsibility, and of course, potential liability. Perhaps the SOS’s General Counsel can remedy the disconnect simply by advising her client and the counties that, “...*conducting pre-certification audits is a county responsibility under OCGA 21-2-498, and the county bears all responsibility for following the applicable statutes and rules for how the audit is conducted and to report the results accurately.*”, because apparently the counties didn’t get the memo. They got the Secretary of State’s instead.

⁶ A true and correct copy of the November 12, 2020, OEB is attached hereto as “Exhibit F”.

McGowan also asserts, “*The purpose of the RLA was to confirm the accuracy of the original tabulated results; the numbers reported in the RLA were not the final certified results.*”, but this too is at odds with the Secretary of State’s contemporaneous directive to the counties. The following is from the November 12, 2020, OEB:

“In cases like this, where the risk-limiting audit of the selected contest has led to a full manual tally of the ballots cast, the vote counts according to the manual tally shall replace the vote previously reported vote counts and each county shall recertify the new counts for the audited race, if necessary, prior to November 20, 2020.”

The Secretary of State directed counties to observe the hand-count/audit results and “*replace the previously reported vote counts and each county shall recertify the new counts...*” (emphasis added). Said another way, the hand count/audit results, as directed by the Secretary of State, did in fact become “official”. Next McGowan contends:

“Second, and more importantly, the SEB has no jurisdiction over this complaint. As I explained in our June 14th meeting, the SEB has no oversight role over the Secretary of State. The reason for this is set forth in AG Opinion 2005-3:”

At a minimum, the demands of justice point in favor of exercising jurisdiction. Jurisdiction is not foreclosed by any statute. Nor does the 2005 Opinion of the Attorney General cited by the Secretary of State’s office stand for the conclusion that the Secretary of State’s counsel asserts. The 2005 AG Opinion states only that neither the Secretary of State nor the SEB may compel the other to make policy or conduct its operations in a certain way. Further, the 2005 AG opinion specifically provides that the “Office of the Secretary of State” IS subject to “oversight” from the SEB. To take it one step further, investigation typically is encompassed within oversight. The language of O.C.G.A. § 21-2-31 (2022) is clear and unambiguous:

“It shall be the **duty** of the State Election Board:

(5) To investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution.

O.C.G.A. § 21-2-31 (2022) represents the intent of the Legislature and has precedence over a non-binding Opinion of the Attorney General from almost twenty years ago.

Lastly, Ms. McGowan states “*The county's reported numbers for the RLA were posted to the website to be transparent and provide information to the public.*”. If transparency were truly the objective, then there would be no opposition to correcting the erroneous results on the Secretary of State’s website. Failing to remove the 6,695 false votes conceals from the public the fact that the audit results did not match, and therefore did not verify, the November 3rd General Election results. The people are left unknowing that the clerical errors of just the absentee ballots for one county yielded nearly half the margin of victory in the Presidential contest. Voters are found unaware that the hand count/audit had absolutely no credibility and was subject to the unchecked numbers entered in to a centrally managed and unregulated software application that the Secretary of State “*required*” the counties to use. Potential jurors are not being exposed to the officially substantiated and thrice-verified basis that exists to question Georgia’s 2020 General Election results. Revealing only that which is beneficial to the Secretary of State is called advocacy- not transparency.

For the sake of argument, let us assume that the State Election Board's hands are tied, and it isn't the Board's lack of political will or courage that forestalls investigation. Hypothetically speaking, let's say something else prohibits the SEB from investigating the Secretary of State. What could the Board do to prevent the same hand count/audit "input errors" from reoccurring? Forgive me, but another radical question- What actions have the Board *already taken* to prevent the same 2020 hand count/audit "input errors" from reoccurring? Has the Board even considered why state-managed ARLO software- or any software for that matter, is required for a "*hand-count*"? Has the Board required oversight, reconciliation, verification and certification of at least the hand count or RLA in the future? Or are the audits just an unaccountable free for all without restriction or accountability- to rubber-stamp the unchecked, unreconciled, unverifiable black box results like those of 2020?

CONCLUSION

Let us be honest, the emperor is naked. The hard facts are being hidden from the people of Georgia and this country. The facts are clear- as is the pattern and practice of both the SOS and the Board to silence and suppress the credible complaints (and complainants) that threaten to unveil the truth. Transparency? Transparency is revealing the unmitigated disaster that is Georgia elections. Every one of General Counsel McGowan's arguments have each been refuted herein by the Secretary of State's very own directives to county election officials. But even if they weren't- Georgia Legislature through SB-202 has made clear that the Secretary of State's General Counsel **does not** have authority over the SEB.

Chairman Mashburn's concerns have been sufficiently addressed by the clear and unambiguous language of the statute and intent of the Legislature. He's an attorney and presumably can read,

but as demonstrated with the Board's ratification of the BS Agreement sight unseen, whether he chooses to read is another matter. In any case, the problem here is not a question of the authority to investigate, rather it is a question of *will*. The other concerns raised by Mr. Mashburn, such as contemplating the perceived effect an investigation may have on the "symbiotic relationship" between the SEB and the Secretary of State are so ridiculous that I honestly cannot decide whether it was included as a genuine matter of inquiry by the Chairman, or to run out the clock, or that the Chairman has run out of meds. Quite frankly, it is insulting.

Perhaps it would be more fitting for *Mr. Mashburn* to draft a brief for the people of Georgia describing *why he believes* the Secretary of State cannot be investigated and to include what effect *not* performing an investigation may have on the future relationship between Georgia voters and Freedom. Chairman Mashburn is more worried about what effect an investigation may have on the SEB's future relationship with the Secretary of States's office than the very integrity of Georgia's elections. The fact is -and I don't make this claim lightly or without cause- after three years of dedicated investigation, the submission of multiple meticulously documented complaints (the majority of which the SEB has ignored), Georgia's elections are an unverifiable, discredited, irreconcilable disaster for which there is no accountability. How can there be when the Chairman of the State Election Board refuses to enforce their own rules? The Georgia Legislature's first order of business must be to appoint a new Chairman for the State Election Board.

Respectfully submitted,


Kevin M. Moncla

EXHIBIT A

Exhibit A
{Letterhead of the State Election Board}

October 20, 2023

Via Certified Mail
Return Receipt Requested
Signature Required

Mr. Joseph Rossi
2007 Cedar Ridge Drive
Perry, Georgia 31069

Dear Mr. Rossi –

As the State Election Board (the "Board") carefully considers and examines its options as initiated in an email to you from former Chair, Duffy on August 5, 2023 the Board members have decided to extend you the option, if you wish to do so, to brief the Board on any specific, explicit authority, under which you contend the Board has jurisdiction to hear Complaints against the Secretary of State.

For any authority you cite, you should explain the scope and limits of such authority. For example, you should highlight whether the authority you cite grants the Board jurisdiction only over the Secretary of State or over some or all of the Secretary of State staff and office employees (including receptionists, and any other “public facing” employees). You should specifically demonstrate how the authority you cite grants the Board jurisdiction to hear Complaints against the Secretary of State's investigators who are performing investigations on behalf of the Board. You should address what impact, if any, that such would have on the “symbiotic relationship” between the Board and the Secretary of State's office as described in GA Att'y. Gen. Op. No – 2005–3 (April 15, 2005) that continues to exist even in light of the passage by the General Assembly of SB 202, in 2022, as well as SB 222 in 2023.

You may take up to 30 days from the date of your receipt of this letter (which receipt is presumed to be three days following the mailing hereof). You need not take the full thirty days, but it is made available to you. You should limit your briefing to fifteen 8-1/2 x 11 pages, single-side, double spaced with 12 point font.

This invitation to you does not limit the SEB in any way from seeking input or advice from any other person or persons as it considers the serious Constitutional questions and operational challenges raised by Judge Duffy’s August 5, 2023, email, nor does it set or establish any deadline within which the board is constrained to act. This is not a command or a direction, but completely voluntary on your part whether you wish to participate or not.

Very truly yours

/s/ T. Matt Mashburn
T. Matt Mashburn
Acting Chair
Georgia State Election Board

EXHIBIT B



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0090

Brian P. Kemp
GOVERNOR

November 17, 2021

VIA ELECTRONIC MAIL

Ms. Rebecca N. Sullivan, Acting Chair
200 Piedmont Avenue SE
Suite 1804, West Tower
Atlanta, Georgia 30334

Ms. Sara Tindall Ghazal
4880 Lower Roswell Rd
Suite 165-328
Marietta, Georgia 30068

Mr. Matthew Mashburn
P.O. Box 451
Cartersville, Georgia 30120

Ms. Anh Le
P.O. Box 4008
Decatur, Georgia 3003

Dear Members of the State Election Board,

I write to refer the following matter to the Board for its review and consideration. As you know, I called on Georgians with information about inconsistencies or complaints regarding the 2020 election to notify the proper state authorities. To date, the complaint outlined below is the only instance where a complainant has referred an issue to my office *and* provided all requested information for me and my staff to fully evaluate its veracity.

On September 3, 2021, Mr. Joseph Rossi, a retired executive from Houston County, Georgia, contacted my office. Mr. Rossi presented an analysis of the 2020 Risk-Limiting Audit Report (“RLA Report”) data, noting 36 inconsistencies reported by Fulton County.¹ The analysis was created by him and attorney Jack James who volunteered their own time, without compensation, to review thousands of ballot images, audit tally sheets, and other data to double-check the work of the county. Their dedication to this immense task is commendable.

The 36 inconsistencies noted by Mr. Rossi are factual in nature, pose no underlying theories outside of the reported data, and could not be explained by my office after a thorough review detailed below. The purpose of this letter is to convey these inconsistencies to the Board and request them to be explained or corrected.

To be clear, this letter does not purport to dispute or contest the outcome of the 2020 election, but rather to highlight apparent inconsistencies discovered in the RLA Report data.

¹ Specifically, Mr. Rossi analyzed the document titled “Detailed Audit Report with Results from all Batch Sheets (Excel)” which is published on the Secretary of State website.

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 refer Mr. Rossi's claims to you, my office tested the veracity of his work by independently repeating the research Mr. Rossi conducted on each of his 36 claims. My office analyzed each of Mr. Rossi's 36 claims against the RLA Report data. This process was extensive, required a manual review of thousands of ballot images and audit data, and took weeks to complete.

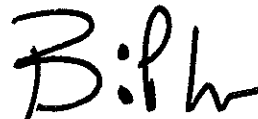
Based on that analysis, as evidenced in the attached report, I believe a referral to the Board is warranted.

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.

As you know, I chaired this Board for nine years. During that time, we tackled many tough issues to ensure the integrity of Georgia's elections and make it easy to vote and hard to cheat. It is the responsibility of this Board to safeguard the confidence I and all my fellow Georgians must have in our elections. This is one issue where I believe this Board must act swiftly, and I urge you to do so in this case.

Sincerely,



Brian P. Kemp

CC:

Brad Raffensperger,
Georgia Secretary of State

EXHIBIT C



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

**REVIEW OF INCONSISTENCIES IN THE
DATA SUPPORTING THE RISK LIMITING AUDIT REPORT**

November 17, 2021

OVERVIEW

The following inconsistencies were initially discovered by Joe Rossi through comparisons of the Fulton County vote counts included in the document titled “Detailed Audit Report with Results from all Batch Sheets (Excel)” (“Detailed Audit Report”) and the ballot images obtained by the Atlanta Journal-Constitution Open Records Request (“Ballot Images”). Mr. Rossi’s analysis (“Rossi Count”) and the review conducted by the Office of the Governor (“Internal Count”) were performed by manually counting the Ballot Images for Fulton County. The Ballot Images only include absentee ballots.

Ballot Images obtained by the Atlanta Journal-Constitution Open Records Request are available at the link below:

<https://theatlantajournalconstitution.sharefile.com/share/view/s3c2d5cd a4b5a42a88b6a76990379d181/fo8028bo-c150-45f5-911d-f9959144930e>

The Detailed Audit Report (audit-report-November-3-2020-General-Election-2020-11-19) is available at the link below:

https://sos.ga.gov/index.php/elections/2020_general_election_risk-limiting_audit

Within the Detailed Audit Report and Mr. Rossi’s analysis, ballot scanners were referred to as Scanners 1 through 5. The Atlanta Journal-Constitution referred to the same scanners as Tabulator 5150 (Scanner 1), Tabulator 5160 (Scanner 2), Tabulator 5162 (Scanner 3), Tabulator 5164 (Scanner 4), and Tabulator 0729 (Scanner 5).

References to “Row XXXXX” refer to the row number listed on the Detailed Audit Report.

As used in the batch entries in the Detailed Audit Report, “I W/I” means “Invalid Write-In Vote”, “V W/U” means “Valid Write-In Vote”, and “B/U” means “Blank Vote or Undervote”.

INCONSISTENCY 1: MISIDENTIFIED AND DUPLICATED BATCH ENTRY

The batch entries on Row 19492 and Row 19493 are each identified as “AbsenteeScanner3Batch111” yet report different vote counts. **One of these entries appears to be misidentified.**

Additionally, Row 18786, identified as “AbsenteeScanner1Batch111,” reports an identical vote count as Row 19493. One of these entries appears to be duplicated.

Detailed Audit Report:

Row 19492: AbsenteeScanner3Batch111

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 8 | 90 | 0 | 0 | 0 | 0 | 0 |

Row 19493: AbsenteeScanner3Batch111

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 4 | 95 | 1 | 0 | 0 | 0 | 0 |

Row 18786: AbsenteeScanner1Batch111

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 8 | 90 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 3 (Tabulator 05162), Batch 111

- Count not provided by Mr. Rossi.

Absentee Scanner 1 (Tabulator 05150), Batch 111

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 9 | 90 | 0 | 2 |

Internal Count:

Absentee Scanner 3 (Tabulator 05162), Batch 111

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 5 | 94 | 1 | 0 |

Absentee Scanner 1 (Tabulator 05150), Batch 111

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 9 | 90 | 0 | 2 |

INCONSISTENCY 2: DUPLICATED BATCH ENTRY

The batch entry on Row 18840, identified as “AbsenteeScanner1Batch18,” reports an identical vote count as the batch entry on Row 20288, identified as “Scanner 1/18.” **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 18840: AbsenteeScanner1Batch18

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 26 | 72 | 1 | 0 | 0 | 0 | 0 |

Row 20288: Scanner 1/18

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 26 | 72 | 1 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 1 (Tabulator 05150), Batch 18

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 26 | 72 | 0 | 0 |

Internal Count: Absentee Scanner 1 (Tabulator 05150), Batch 18

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 26 | 72 | 1 | 0 |

INCONSISTENCY 3: DUPLICATED BATCH ENTRY

The batch entry on Row 18911, identified as "AbsenteeScanner1Batch 25," nearly matches the same vote count reported by the batch entry on Row 20296, identified as "Scanner 1 /25." The lone exception being that Row 20296 reports an additional valid write-in vote. **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 18911: AbsenteeScanner1Batch 25

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 21 | 77 | 0 | 0 | 0 | 1 | 0 |

Row 20296: Scanner 1 /25

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 21 | 77 | 0 | 0 | 1 | 1 | 0 |

Rossi Count: Absentee Scanner 1 (Tabulator 05150), Batch 25

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 21 | 77 | 0 | 2 |

Internal Count: Absentee Scanner 1 (Tabulator 05150), Batch 25

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 21 | 77 | 0 | 2 |

INCONSISTENCY 4: BATCH ENTRIES REFLECTING 100% VOTE COUNTS FOR ONE CANDIDATE

The batch entry on Row 19120, identified as "AbsenteeScanner2Batch19," reports all 100 votes for Biden. The batch entry on Row 19131, identified as "AbsenteeScanner2Batch20," reports all 100 votes for Biden. The batch entry on Row 19142, identified as "AbsenteeScanner2Batch21," reports all 150 votes for Biden.

The Ballot Images corresponding to Batches 19, 20, and 21, of Absentee Scanner 2 (Tabulator 05160) do not reflect unanimous vote counts for one candidate.

Detailed Audit Report:

Row 19120: AbsenteeScanner2Batch19

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 100 | 0 | 0 | 0 | 0 | 0 |

Row 19131: AbsenteeScanner2Batch20

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 100 | 0 | 0 | 0 | 0 | 0 |

Row 19142: AbsenteeScanner2Batch21

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 150 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 2 (Tabulator 05160), Batch 19

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 10 | 87 | 1 | 1 |

Absentee Scanner 2 (Tabulator 05160), Batch 20

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 25 | 74 | 1 | 0 |

Absentee Scanner 2 (Tabulator 05160), Batch 21

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 8 | 97 | 1 | 0 |

Internal Count provided on next page.

Internal Count:

Absentee Scanner 2 (Tabulator 05160), Batch 19

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 10 | 87 | 2 | 0 |

Absentee Scanner 2 (Tabulator 05160), Batch 20

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 25 | 74 | 1 | 0 |

Absentee Scanner 2 (Tabulator 05160), Batch 21

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 8 | 97 | 1 | 0 |

INCONSISTENCY 5: BATCH ENTRY REFLECTING 100% VOTE COUNT FOR ONE CANDIDATE

The batch entry on Row 19153, identified as "AbsenteeScanner2Batch22," reports all 200 votes for Biden.

The Ballot Images corresponding to Batch 22 of Absentee Scanner 2 (Tabulator 05160) do not reflect a unanimous vote count for one candidate.

Detailed Audit Report: Row 19153: AbsenteeScanner2Batch22

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 200 | 0 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batch 22

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 12 | 85 | 3 | 0 |

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batch 22

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 12 | 85 | 2 | 1 |

INCONSISTENCY 6: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19165 is identified as "AbsenteeScanner2Batch237." The batch entry on Row 20308 is identified as "scanner2/237." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Detailed Audit Report:

Row 19165: AbsenteeScanner2Batch237

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 25 | 74 | 0 | 0 | 0 | 0 | 0 |

Row 20308: scanner2/237

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 3 | 95 | 0 | 0 | 1 | 1 | 2 |

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batch 237

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 4 | 93 | 2 | 0 |

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batch 237

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 4 | 93 | 2 | 0 |

INCONSISTENCY 7: DUPLICATED BATCH ENTRY

The batch entry on Row 19166, identified as "AbsenteeScanner2Batch238," reports an identical vote count as the batch entry on Row 19587, identified as "AbsenteeScanner3Batch238." One of these entries appears to be duplicated.

Detailed Audit Report:

Row 19166: AbsenteeScanner2Batch238

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 22 | 59 | 0 | 0 | 0 | 0 | 0 |

Row 19587: AbsenteeScanner3Batch238

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 22 | 59 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 2 (Tabulator 05160), Batch 238

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 25 | 74 | 0 | 0 |

Absentee Scanner 3 (Tabulator 05162), Batch 238

- No count was provided by Mr. Rossi.

Internal Count:

Absentee Scanner 2 (Tabulator 05160), Batch 238

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 25 | 74 | 0 | 0 |

Absentee Scanner 3 (Tabulator 05162), Batch 238

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 57 | 1 | 0 |

INCONSISTENCY 8: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19167 is identified as "AbsenteeScanner2Batch240." The batch entry on Row 19168 is identified as "AbsenteeScanner2Batch 240." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Detailed Audit Report:

Row 19167: AbsenteeScanner2Batch240

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 10 | 90 | 0 | 0 | 0 | 0 | 0 |

Row 19168: AbsenteeScanner2Batch 240

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 31 | 62 | 1 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batch 240

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 31 | 62 | 1 | 2 |

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batch 240

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 31 | 62 | 1 | 2 |

INCONSISTENCY 9: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19169 is identified as "AbsenteeScanner2Batch241." The batch entry on Row 19170 is identified as "AbsenteeScanner2Batch 241." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Detailed Audit Report:

Row 19169: AbsenteeScanner2Batch241

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 34 | 63 | 0 | 0 | 0 | 1 | 0 |

Row 19170: AbsenteeScanner2Batch 241

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 11 | 88 | 1 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batch 241

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 11 | 88 | 1 | 2 |

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batch 241

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 11 | 88 | 1 | 2 |

INCONSISTENCY 10: DUPLICATED BATCH ENTRIES

The vote count reported by the batch entry on Row 19172, identified as “AbsenteeScanner2Batch243,” does not match the vote count of the corresponding Ballot Images. The vote count reported by the batch entry on Row 19174, identified as “AbsenteeScanner2Batch244-249” (which appears to report the vote counts of six separate batches), also does not match the vote count of the corresponding Ballot Images.

However, when the corresponding Ballot Images of Row 19172 are considered in addition to the corresponding Ballot Images of Row 19174, the aggregate vote count of the Ballot Images matches the vote count reported by Row 19174 in the Detailed Audit Report. **Accordingly, Row 19172 appears to be misidentified.**

Additionally, Row 19173, identified as “AbsenteeScanner2batch244-249,” nearly matches the same vote count reported by the batch entry on Row 19174. **The entry appears to be duplicated.** Of note, Row 19173 reports “Election Day” ballots, as opposed to “Absentee By Mail” ballots.

Detailed Audit Report:

Row 19172: AbsenteeScanner2Batch243

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 7 | 90 | 1 | 0 | 0 | 1 | 0 |

Row 19173: AbsenteeScanner2batch244-249

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 110 | 556 | 7 | 0 | 0 | 2 | 1 |

Row 19174: AbsenteeScanner2Batch244-249

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 110 | 556 | 7 | 0 | 3 | 2 | 1 |

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batches 244-249

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 110 | 564 | 7 | 8 |

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batches 243 and 244-249

| Batch | Trump | Biden | Jorgensen | Other |
|------------|-----------|-----------|-----------|----------|
| 243 | 21 | 73 | 2 | 2 |
| 244 | 9 | 88 | 1 | 1 |
| 245 | 21 | 79 | 0 | 0 |
| 246 | 4 | 93 | 1 | 0 |
| 247 | 9 | 93 | 0 | 1 |
| 248 | 34 | 60 | 1 | 2 |
| 249 | 12 | 80 | 2 | 0 |
| Totals | 110 | 566 | 7 | 6 |

INCONSISTENCY 11: MISIDENTIFIED AND DUPLICATED BATCH ENTRY

The batch entry on Row 19219 is identified as “AbsenteeScanner2Batch297.” The batch entry on Row 19220 is identified as “AbsenteeScanner2Batch 297.” Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Additionally, Row 18951, identified as “AbsenteeScanner1Batch297,” reflects an identical vote count as Row 19219. **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19219: AbsenteeScanner2Batch297

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 42 | 56 | 1 | 0 | 0 | 0 | 0 |

Row 19220: AbsenteeScanner2Batch 297

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 27 | 71 | 0 | 0 | 0 | 0 | 0 |

Row 18951: AbsenteeScanner1Batch297

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 42 | 56 | 1 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 2 (Tabulator 05160), Batch 297

- Count not provided by Mr. Rossi.

Absentee Scanner 1 (Tabulator 05150), Batch 297

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 42 | 56 | 1 | 0 |

Internal Count:

Absentee Scanner 2 (Tabulator 05160), Batch 297

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 27 | 71 | 1 | 0 |

Absentee Scanner 1 (Tabulator 05150), Batch 297

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 42 | 56 | 1 | 1 |

INCONSISTENCY 12: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19323 is identified as "AbsenteeScanner2Batch400." The batch entry on 20252 is identified as "sc 2- 400." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Detailed Audit Report:

Row 19323: AbsenteeScanner2Batch400

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 6 | 92 | 0 | 0 | 0 | 0 | 0 |

Row 20252: sc 2- 400

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 36 | 60 | 1 | 0 | 0 | 3 | 0 |

Rossi Count: Absentee Scanner 2 (Tabulator 05160), Batch 400

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 36 | 60 | 0 | 0 |

Internal Count: Absentee Scanner 2 (Tabulator 05160), Batch 400

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 36 | 60 | 1 | 3 |

INCONSISTENCY 13: DUPLICATED BATCH ENTRY

The batch entry on Row 19482, identified as "AbsenteeScanner3Batch1," reports an identical vote count as the batch entry on Row 20317, identified as "Scanner 3/1." **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19482: AbsenteeScanner3Batch1

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 42 | 55 | 2 | 0 | 0 | 0 | 1 |

Row 20317: Scanner 3/1

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 42 | 55 | 2 | 0 | 0 | 0 | 1 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 1

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 44 | 55 | 2 | 0 |

Internal Count provided on the next page.

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 1

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 44 | 55 | 2 | 0 |

INCONSISTENCY 14: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19524 is identified as "Absentee Scanner 3 Batch 158." The batch entry on Row 20332 is identified as "scanner 3 /158." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Detailed Audit Report:

Row 19524: Absentee Scanner 3 Batch 158

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 30 | 68 | 1 | 0 | 0 | 1 | 0 |

Row 20332: scanner 3 /158

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 3 | 99 | 0 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 158

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 30 | 68 | 2 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 158

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 30 | 68 | 1 | 1 |

INCONSISTENCY 15: DUPLICATED BATCH ENTRIES

The batch entry on Row 19535, identified as “AbsenteeScanner3Batch174- 178,” reports an identical vote count as the batch entry on Row 19537, identified as “AbsenteeScanner3BatchBatch 177.” The batch entry on Row 19536, identified as “AbsenteeScanner3Batch175-176,” nearly matches the vote counts reported in Row 19535 and Row 19537 with the lone exception being that Row 19536 reports two additional blank/undervotes. **One or more of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19535: AbsenteeScanner3Batch174- 178

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 96 | 392 | 0 | 0 | 0 | 0 | 0 |

Row 19536: AbsenteeScanner3Batch175-176

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 96 | 392 | 0 | 0 | 0 | 2 | 0 |

Row 19537: AbsenteeScanner3Batch177

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 96 | 392 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 3 (Tabulator 05162) Batches 174-178

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 96 | 392 | 6 | 1 |

Absentee Scanner 3 (Tabulator 05162), Batches 175-176

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 57 | 137 | 1 | 0 |

Absentee Scanner 3 (Tabulator 05162), Batch 177

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 9 | 89 | 1 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batches 174-178

| Batch | Trump | Biden | Jorgensen | Other |
|--------|-------|-------|-----------|-------|
| 174 | 22 | 75 | 1 | 1 |
| 175 | 26 | 67 | 0 | 1 |
| 176 | 31 | 70 | 0 | 0 |
| 177 | 9 | 89 | 0 | 1 |
| 178 | 8 | 91 | 2 | 1 |
| Totals | 96 | 392 | 3 | 4 |

INCONSISTENCY 16: DUPLICATED BATCH ENTRY

The batch entry on Row 19538, identified as "AbsenteeScanner3Batch18," reports an identical vote count as the batch entry on Row 20336, identified as "scanner 3/18." **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19538: AbsenteeScanner3Batch18

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 1 | 79 | 0 | 0 | 0 | 0 | 0 |

Row 20336: scanner 3/18

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 1 | 79 | 0 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 18

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 2 | 78 | 0 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 18

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 2 | 77 | 0 | 1 |

INCONSISTENCY 17: DUPLICATED BATCH ENTRY

The batch entry on Row 19560, identified as "AbsenteeScanner3Batch21," reports an identical vote count as the batch entry on Row 20344, identified as "scanner 3/21." **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19560: AbsenteeScanner3Batch21

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 24 | 74 | 0 | 0 | 0 | 0 | 0 |

Row 20344: scanner 3/21

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 24 | 74 | 0 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 21

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 25 | 75 | 0 | 2 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 21

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 25 | 73 | 0 | 2 |

INCONSISTENCY 18: DUPLICATED BATCH ENTRY

The batch entry on Row 19563, identified as "AbsenteeScanner3Batch212," reports an identical vote count as the batch entry on Row 20345, identified as "SCANNER- 3/212." **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19563: AbsenteeScanner3Batch212

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 11 | 86 | 1 | 0 | 0 | 0 | 0 |

Row 20345: SCANNER- 3/212

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 11 | 86 | 1 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 212

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 11 | 86 | 1 | 1 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 212

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 11 | 86 | 1 | 1 |

INCONSISTENCY 19: DUPLICATED BATCH ENTRY

The batch entry on Row 19589, identified as “AbsenteeScanner3Batch24,” reports an identical vote count as the batch entry on Row 20349, identified as “scanner 3/24.” **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19589: AbsenteeScanner3Batch24

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 5 | 92 | 0 | 0 | 0 | 0 | 0 |

Row 20349: scanner 3/24

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 5 | 92 | 0 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 24

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 5 | 92 | 0 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 24

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 5 | 92 | 0 | 0 |

INCONSISTENCY 20: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19625 is identified as "AbsenteeScanner3Batch3." The batch entry on Row 19626 is identified as "AbsenteeScanner3 Batch3." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Detailed Audit Report:

Row 19625: AbsenteeScanner3Batch3

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 2 | 85 | 2 | 0 | 0 | 0 | 0 |

Row 19626: AbsenteeScanner3 Batch3

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 24 | 56 | 1 | 0 | 0 | 1 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 3

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 4 | 84 | 2 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 3

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 3 | 84 | 2 | 1 |

INCONSISTENCY 21: MISIDENTIFIED OR DUPLICATED BATCH ENTRY

The batch entry on Row 19647 is identified as "AbsenteeScanner3Batch 320." The batch entry on Row 20353 is identified as "scanner 3/320." Though the entries report different vote counts, the difference is slight with Row 19647 reporting five additional votes for Trump and five less votes for Biden. **One of these entries appears to be misidentified or duplicated.**

Detailed Audit Report:

Row 19647: AbsenteeScanner3Batch 320

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 35 | 64 | 0 | 0 | 0 | 0 | 0 |

Row 20353: scanner 3/320

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 30 | 69 | 0 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 320

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 30 | 70 | 0 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 320

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 30 | 70 | 0 | 0 |

INCONSISTENCY 22: MISIDENTIFIED BATCH ENTRIES

The batch entry on Row 19659, identified as “AbsenteeScanner3Batch339-346,” appears to report the vote counts of eight separate batches. The batch entry on Row 20264 is identified as “sc 3 (339),” a batch that would appear to be included in the vote count of Row 19659. The batch entry on Row 20265 is identified as “sc 3 (340),” a batch that would appear to be included in the vote count of Row 19659.

When considering the corresponding Ballot Images, Row 20264 and Row 20265 appear to be misidentified.

Detailed Audit Report:

Row 19659: AbsenteeScanner3Batch339-346

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 143 | 625 | 10 | 0 | 0 | 3 | 0 |

Row 20264: sc 3 (339)

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 76 | 214 | 6 | 0 | 0 | 1 | 0 |

Row 20265: sc 3 (340)

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 6 | 72 | 1 | 0 | 0 | 2 | 0 |

Rossi Count:

Absentee Scanner 3 (Tabulator 05162), Batches 339-346

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 146 | 619 | 10 | 0 |

Absentee Scanner 3 (Tabulator 05162), Batch 339

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 34 | 64 | 1 | 0 |

Absentee Scanner 3 (Tabulator 05162), Batch 340

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 4 | 95 | 0 | 0 |

Internal Count provided on next page.

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batches 339-346

| Batch | Trump | Biden | Jorgensen | Other |
|------------|-----------|-----------|-----------|----------|
| 339 | 34 | 64 | 1 | 1 |
| 340 | 4 | 96 | 0 | 0 |
| 341 | 5 | 94 | 1 | 0 |
| 342 | 19 | 82 | 0 | 0 |
| 343 | 6 | 69 | 2 | 2 |
| 344 | 45 | 54 | 1 | 2 |
| 345 | 16 | 79 | 4 | 1 |
| 346 | 16 | 83 | 1 | 0 |
| Totals | 145 | 621 | 10 | 6 |

INCONSISTENCY 23: DUPLICATED BATCH ENTRY

The batch entry on Row 19676, identified as "AbsenteeScanner3Batch 368," nearly matches the same vote count reported by the batch entry on Row 19677, identified as "Absentee Scanner 3 Batch 368." The lone exception being that Row 19677 reports an additional vote for Jorgensen. **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19676: AbsenteeScanner3Batch 368

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 4 | 93 | 0 | 0 | 1 | 0 | 0 |

Row 19677: Absentee Scanner 3 Batch 368

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 4 | 93 | 1 | 0 | 1 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 368

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 4 | 93 | 0 | 1 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 368

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 3 | 92 | 0 | 3 |

INCONSISTENCY 24: MISIDENTIFIED BATCH ENTRY OR DUPLICATED BATCH ENTRY

The batch entry on Row 19678 is identified as "AbsenteeScanner3Batch369." The batch entry on Row 19679 is identified as "Absentee Scanner 3 Batch 369." Though the entries report different vote counts, the difference is slight with Row 19678 reporting four additional votes for Trump and Row 19679 reporting one additional vote for Jorgensen. **One of these entries appears to be misidentified or duplicated.**

Detailed Audit Report:

Row 19678: AbsenteeScanner3Batch369

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 12 | 88 | 0 | 0 | 0 | 0 | 0 |

Row 19679: Absentee Scanner 3 Batch 369

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 8 | 88 | 1 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 369

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 8 | 88 | 1 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 369

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 8 | 88 | 0 | 2 |

INCONSISTENCY 25: MISIDENTIFIED BATCH ENTRY AND MISALLOCATION OF VOTES

The batch entry on Row 19744 is identified as "AbsenteeScanner3Batch89." The batch entry on Row 19745 is identified as "Absentee Scanner 3 Batch 89." Each of these entries report different vote counts. **One of these entries appears to be misidentified.**

Additionally, the batch entry on Row 19745 reports 76 votes for Trump, 22 votes for Biden, 1 vote for Jorgensen, and 2 overvotes. The Ballot Images corresponding to Batch 89 of Absentee Scanner 3 (Tabulator 05162) show 22 votes for Trump, 76 votes for Biden, 1 vote for Jorgensen, and 2 other votes. **It appears that the votes for Trump and Biden were misallocated.**

Detailed Audit Report:

Row 19744: AbsenteeScanner3Batch89

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 27 | 71 | 2 | 0 | 0 | 0 | 0 |

Row 19745: Absentee Scanner 3 Batch 89

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 76 | 22 | 1 | 0 | 0 | 0 | 2 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 89

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 22 | 76 | 1 | 2 |

Internal Count: Absentee Scanner 3 (Tabulator 05162), Batch 89

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 22 | 76 | 1 | 2 |

INCONSISTENCY 26: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19748, identified as “Absentee Scanner 3 Batch 91-97,” appears to report the vote counts of seven separate batches. The batch entry on Row 19747 is identified as “AbsenteeScanner3Batch91,” a batch that would appear to be included in the vote count of Row 19748.

When considering the corresponding Ballot Images, Row 19747 appears to be misidentified.

Detailed Audit Report:

Row 19748: Absentee Scanner 3 Batch 91-97

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 128 | 558 | 6 | 0 | 0 | 1 | 0 |

Row 19747: AbsenteeScanner3Batch91

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 2 | 98 | 1 | 0 | 0 | 1 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 01562), Batches 91-97

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 128 | 561 | 6 | 1 |

Internal Count: Absentee Scanner 3 (Tabulator 01562), Batches 91-97

| Batch | Trump | Biden | Jorgensen | Other |
|-----------|-----------|-----------|-----------|----------|
| 91 | 28 | 70 | 2 | 0 |
| 92 | 2 | 97 | 2 | 0 |
| 93 | 5 | 90 | 2 | 0 |
| 94 | 36 | 64 | 0 | 0 |
| 95 | 3 | 96 | 0 | 0 |
| 96 | 24 | 77 | 0 | 1 |
| 97 | 30 | 66 | 2 | 3 |
| Totals | 128 | 560 | 6 | 4 |

INCONSISTENCY 27: BATCH ENTRY REFLECTING 100% VOTE COUNT FOR ONE CANDIDATE

The batch entry on Row 19810, identified as "AbsenteeScanner4Batch36," reports all 100 votes for Biden. The batch entry on Row 19811, identified as "AbsenteeScanner4Batch37," reports all 100 votes for Biden.

The Ballot Images corresponding to Batches 36 and 37 of Absentee Scanner 4 (Tabulator 05164) do not reflect unanimous vote counts for one candidate.

Detailed Audit Report:

Row 19810: AbsenteeScanner4Batch36

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 100 | 0 | 0 | 0 | 0 | 0 |

Row 19811: AbsenteeScanner4Batch37

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 100 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 4 (Tabulator 05164), Batch 36

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 78 | 4 | 0 |

Absentee Scanner 4 (Tabulator 05164), Batch 37

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 40 | 60 | 0 | 0 |

Internal Count:

Absentee Scanner 4 (Tabulator 05164), Batch 36

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 78 | 2 | 2 |

Absentee Scanner 4 (Tabulator 05164), Batch 37

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 40 | 60 | 0 | 0 |

INCONSISTENCY 28: DUPLICATED BATCH ENTRY

The batch entry on Row 19814, identified as “AbsenteeScanner4Batch40,” reports an identical vote count as the batch entry on Row 19815, identified as “AbsenteeScanner 4Batch40.” **One of these entries appears to be duplicated.**

Detailed Audit Report:

Row 19814: AbsenteeScanner4Batch40

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 2 | 95 | 0 | 0 | 0 | 0 | 0 |

Row 19815: AbsenteeScanner 4Batch40

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 2 | 95 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

- No count was provided by Mr. Rossi.

Internal Count: Absentee Scanner (Tabulator 05164), Batch 40

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 2 | 97 | 0 | 0 |

INCONSISTENCY 29: MISIDENTIFIED AND DUPLICATED BATCH ENTRY

The batch entry on Row 19862, identified as “AbsenteeScanner4Batch99-108,” appears to report the vote counts of ten separate batches. The batch entry on Row 19753 is identified as “AbsenteeScanner4Batch 107,” a batch that would appear to be included in the vote count of Row 19862.

When considering the corresponding Ballot Images, Row 19747 appears to be misidentified.

Additionally, the batch entry on Row 19862 reports an identical vote count as the batch entry on Row 20006, identified as “Etris Community Ctr.” **Despite the distinct identifications, one of the entries appears to be duplicated.**

Of note, the batch type of Row 20006 is also identified as “Advance” ballots as opposed to “Absentee By Mail” ballots. **These ballots could not be reviewed as only Absentee By Mail ballot images were provided in the related open records request.**

Detailed Audit Report:

Row 19862: AbsenteeScanner4Batch99-108

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 166 | 745 | 12 | 0 | 0 | 15 | 0 |

Row 19753: AbsenteeScanner4Batch107

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 8 | 90 | 1 | 0 | 0 | 0 | 0 |

Row 20006: Etris Community Ctr.

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 166 | 745 | 12 | 0 | 0 | 15 | 0 |

Rossi Count: Absentee Scanner 4 (Tabulator 05164), Batches 99-108

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 166 | 747 | 22 | 7 |

Internal Count provided on next page.

Internal Count: Absentee Scanner 4 (Tabulator 05164), Batches 99-108

| Batch | Trump | Biden | Jorgensen | Other |
|------------|----------|-----------|-----------|----------|
| 99 | 16 | 74 | 3 | 4 |
| 100 | 9 | 84 | 2 | 2 |
| 101 | 43 | 51 | 3 | 0 |
| 102 | 17 | 75 | 3 | 2 |
| 103 | 43 | 52 | 1 | 0 |
| 104 | 12 | 83 | 2 | 2 |
| 105 | 8 | 87 | 2 | 1 |
| 106 | 7 | 67 | 2 | 0 |
| 107 | 3 | 93 | 3 | 0 |
| 108 | 8 | 81 | 1 | 2 |
| Totals | 166 | 747 | 22 | 13 |

INCONSISTENCY 30: MISIDENTIFIED OR DUPLICATED BATCH ENTRY

The batch entry on Row 19873, identified as “AbsenteeScanner5Batch15-20,21,24,25,” appears to report the vote counts of nine separate batches. The batch entry on Row 19874 is identified as “AbsenteeScanner5Batch17 -Military.” **Row 19874 appears to be misidentified or a duplicated report of the vote count reported in Row 19873.**

Detailed Audit Report:

Row 19873: AbsenteeScanner5Batch15-20,21,24,25

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 149 | 752 | 14 | 0 | 4 | 2 | 1 |

Row 19874: AbsenteeScanner5Batch17-Military

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 7 | 17 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

- No count was provided by Mr. Rossi.
-

Internal Count: Absentee Scanner 5 (Tabulator 00729), Batches 15-20, 21, 24, 25

| Batch | Trump | Biden | Jorgensen | Other |
|-----------|-----------|-----------|-----------|----------|
| 15 | 27 | 72 | 2 | 0 |
| 16 | 5 | 93 | 0 | 1 |
| 17 | 11 | 85 | 3 | 0 |
| 18 | 23 | 73 | 2 | 1 |
| 19 | 28 | 64 | 4 | 3 |
| 20 | 28 | 71 | 0 | 1 |
| 21 | 5 | 105 | 0 | 0 |
| 24 | 21 | 76 | 0 | 1 |
| 25 | 23 | 92 | 4 | 0 |
| Totals | 171 | 731 | 15 | 7 |

INCONSISTENCY 31: BATCH ENTRIES REFLECTING 100% VOTE COUNTS FOR ONE CANDIDATE

The batch entry on Row 19875, identified as “AbsenteeScanner5Batch1 – Military,” reports all 950 votes for Biden. The batch entry on Row 19879, identified as “AbsenteeScanner5Batch2-Military,” reports all 130 votes for Trump.

The Ballot Images corresponding to Batches 1 and 2 of Absentee Scanner 5 (Tabulator 00729) do not reflect unanimous vote counts for one candidate.

Row 19875: AbsenteeScanner5Batch1 – Military

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 950 | 0 | 0 | 0 | 0 | 0 |

Row 19876: AbsenteeScanner5Batch2-Military

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 130 | 0 | 0 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 5 (Tabulator 00729), Batch 1

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 6 | 92 | 2 | 0 |

Absentee Scanner 5 (Tabulator 00729), Batch 2

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 5 | 94 | 0 | 1 |

Internal Count:

Absentee Scanner 5 (Tabulator 00729), Batch 1

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 6 | 92 | 1 | 1 |

Absentee Scanner 5 (Tabulator 00729), Batch 2

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 5 | 94 | 0 | 1 |

INCONSISTENCY 32: MISIDENTIFIED BATCH ENTRIES AND DUPLICATED BATCH ENTRIES

The batch entry on Row 20385, identified as “scanner 5/55-67-71-75,” appears to report the vote counts of 4 separate batches. The batch entry on Row 19895 is identified as “AbsenteeScanner5Batch55,” a batch that would appear to be included in the vote count of Row 20385. The batch entry on Row 19902 is identified as “AbsenteeScanner5Batch67,” a batch that would appear to be included in the vote count of Row 20385.

When considering the corresponding Ballot Images, Row 19895 appears to be duplicated (as its vote count was included in the vote count of Row 20385) and Row 19902 appears to be misidentified.

Detailed Audit Report:

Row 20385: scanner 5/55-67-71-75

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 74 | 217 | 2 | 3 | 0 | 2 | 0 |

Row 19895: AbsenteeScanner5Batch55

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 10 | 72 | 2 | 0 | 0 | 0 | 0 |

Row 19902: AbsenteeScanner5Batch67

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 2 | 94 | 1 | 0 | 0 | 0 | 0 |

Rossi Count:

Absentee Scanner 5 (Tabulator 00729), Batches 55, 67, 71, 55

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 97 | 277 | 5 | 6 |

Absentee Scanner 5 (Tabulator 00729), Batch 55

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 10 | 73 | 2 | 1 |

Absentee Scanner 5 (Tabulator 00729), Batch 67

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 18 | 77 | 1 | 3 |

Internal Count: Absentee Scanner 5 (Tabulator 00729), Batches 55, 67, 71, 75

| Batch | Trump | Biden | Jorgensen | Other |
|-----------|-----------|-----------|-----------|----------|
| 55 | 10 | 73 | 2 | 1 |
| 67 | 18 | 77 | 1 | 3 |
| 71 | 28 | 70 | 1 | 1 |
| 75 | 41 | 57 | 1 | 1 |
| Totals | 71 | 277 | 5 | 6 |

INCONSISTENCY 33: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 19909 is identified as "AbsenteeScanner5Batch92." The batch entry on Row 19910 is identified as "AbsenteeScanner5Batch92Military." Each of these entries reports different vote counts. **One of these entries appears to be misidentified.**

Additionally, the Ballot Images corresponding to Batch 92 of Absentee Scanner 5 (Tabulator 00729) do not correlate to the vote counts reported by Row 19909 or Row 19910.

Detailed Audit Report:

Row 19909: AbsenteeScanner5Batch92

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 45 | 46 | 1 | 0 | 0 | 0 | 0 |

Row 19910: AbsenteeScanner5Batch92Military

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 37 | 178 | 2 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 5 (Tabulator 00729), Batch 92

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 92 | 2 | 0 |

Internal Count: Absentee Scanner 5 (Tabulator 00729), Batch 92

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 92 | 2 | 0 |

INCONSISTENCY 34: MISIDENTIFIED AND DUPLICATED BATCH ENTRY

The batch entry on Row 19911, identified as “AbsenteeScanner5Batch95,” reports an identical vote count as the batch entry on Row 20397, identified as “scanner 5/94.” **Despite the distinct identifications, one of the entries appears to be duplicated.**

Additionally, the Ballot Images corresponding to Batches 94 and 95 of Absentee Scanner 5 (Tabulator 00729) do not correlate to the vote counts reported by Row 19911 and 20397. **These entries also appear to be misidentified.**

Detailed Audit Report:

Row 19911: AbsenteeScanner5Batch95

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 19 | 102 | 1 | 0 | 0 | 1 | 0 |

Row 20397: scanner 5/94

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 19 | 102 | 1 | 0 | 0 | 1 | 0 |

Rossi Count:

Absentee Scanner 5 (Tabulator 00729), Batch 95

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 27 | 42 | 3 | 1 |

Absentee Scanner 5 (Tabulator 00729), Batch 94

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 16 | 60 | 0 | 0 |

Internal Count:

Absentee Scanner 5 (Tabulator 00729), Batch 95

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 27 | 42 | 3 | 1 |

Absentee Scanner 5 (Tabulator 00729), Batch 94

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 16 | 60 | 1 | 1 |

INCONSISTENCY 35: MISIDENTIFIED BATCH ENTRY

The batch entry on Row 20277 is identified as "SCAN 1-97." The batch entry on Row 20303 is identified as "scanner 1/97." Each of these entries report different vote counts. Additionally, the Ballot Images corresponding to Batch 97 of Absentee Scanner 1 do not correlate to either Row 20277 or Row 20303. **These entries appear to be misidentified.**

Detailed Audit Report:

Row 20277: SCAN 1-97

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 31 | 74 | 3 | 0 | 0 | 0 | 0 |

Row 20303: scanner 1/97

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 43 | 45 | 1 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 1 (Tabulator 05150), Batch 97

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 41 | 55 | 1 | 0 |

Internal Count: Absentee Scanner 1 (Tabulator 05150), Batch 97

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 41 | 55 | 1 | 0 |

INCONSISTENCY 36: APPARENT MISALLOCATION OF VOTES

The batch entry on Row 20361, identified as “scanner 3/66,” reports zero votes for Trump, 77 votes for Biden, 23 votes for Jorgensen, and zero other votes. The Ballot Images corresponding to Batch 66 of Absentee Scanner 3 (Tabulator 05162) show 23 votes for Trump, 77 votes for Biden, and zero other votes. **It appears that 23 votes in Row 20361 were misallocated from Trump to Jorgensen.**

Detailed Audit Report:

Row 20361: scanner 3/66

| Trump | Biden | Jorgensen | I W/I | V W/I | B/U | O |
|-------|-------|-----------|-------|-------|-----|---|
| 0 | 77 | 23 | 0 | 0 | 0 | 0 |

Rossi Count: Absentee Scanner 3 (Tabulator 05162), Batch 66

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 77 | 0 | 0 |

Internal Count: Absentee Scanner 3 (Tabulator (05162), Batch 66

| Trump | Biden | Jorgensen | Other |
|-------|-------|-----------|-------|
| 23 | 77 | 0 | 0 |

EXHIBIT D

**BEFORE THE STATE ELECTION BOARD
STATE OF GEORGIA**

In the matter of:

**FULTON COUNTY BOARD OF
REGISTRATION AND
ELECTIONS,**

Respondent.

**SEB Case 2021-181
2022-025
Fulton County**

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 for use in SEB Case Nos. 2021-181 and 2022-025 before the State Election Board in lieu of an evidentiary hearing.

FINDINGS OF FACT and CONCLUSIONS OF LAW

The findings of fact and conclusions of law set forth in the following Paragraphs 1 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.

Election held on November 3, 2020.²

2.

The complainant alleged that there were 36 inconsistencies discovered in the batch tally sheets for the risk-limiting audit conducted following the 2020 General Election, which were included in the data uploaded to the Secretary of State's website.

3.

A thorough investigation into the complaints was conducted by the Secretary of State's investigations division. Investigators met with the complainant, reviewed all of the data and documentation submitted by the complainant, and interviewed other relevant witnesses with knowledge. The results of the investigation showed that Fulton County elections staff misidentified and duplicated audit batch sheet data when entering the data into the Arlo software used by the Secretary of State's office to manage the risk-limiting audit.

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.

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

² 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.

affect the result of the 2020 General Election Fulton County, which were confirmed as accurate by the risk-limiting audit. The purpose of the risk-limiting audit was to confirm whether the results of the original tabulation of ballots were accurate, which the audit confirmed.

ORDER

1.

This Consent Order addresses and resolves all matters regarding Respondent in connection with SEB Case Nos. 2021-181 and 2022-025.

2.

The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondent cease and desist from further violations of the Election Code.

3.

Respondent hereby agrees to implement written policies and procedures for risk-limiting audits for all elections for which risk-limiting audits are required under SEB Rule 183-1-15-.04, which are attached as **Exhibit A**. Respondent hereby certifies to the State Election Board that it has already implemented these policies and procedures and did so for the 2022 General Election.

4.

Respondent agrees to adequately train all of its elections staff involved in conducting the risk-limiting audit on the policies and procedures in advance of each election.

5.

Members of the Fulton County Board of Registration and Elections have been provided with a copy of this Consent Order and have acknowledged that they understand the contents. Respondent understands that it has a right to a hearing in this matter. Respondent knowingly and voluntarily waives such right to a hearing, as well as any other rights under the Georgia

Administrative Procedure Act pertaining to notice and hearing for contested cases, by entering into this Consent Order.

6.

This Consent Order is entered in settlement of disputed matters, and the Consent Order entered herein is not to be construed as an admission of guilt or liability on the part of Respondent but is entered herein to resolve this State Election Board case. This Consent Order is a civil settlement and has no criminal ramifications.

7.

This Consent Order, inclusive of its Stipulations and Order, shall not become effective unless and until approved by the State Election Board at its June 8, 2023, meeting, and the State Board of Elections. If not approved by and executed on behalf of either board, , neither the stipulations nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the State Election Board or Respondents to adjudicate this matter.

This 8 day of June, 2023.

Consented to:

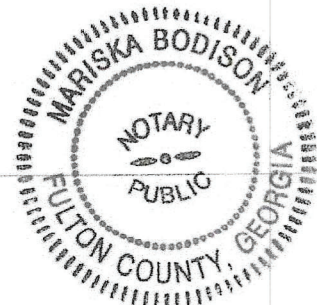
FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS

BY: *Robert M. Woolan Jr*

Sworn to and subscribed before me this 8 day of June, 2023.

Mariska Bodison
NOTARY PUBLIC

My commission expires: March 22, 2027



Approved by the State Election Board this 21st day of June, 2023.

STATE ELECTION BOARD

BY: William S. Duffey, Jr.
WILLIAM S. DUFFEY, JR.
CHAIRPERSON

EXHIBIT E



William Duffey <wduffey.seb@gmail.com>

Rossi Complaint 3/21/22

1 message

McGowan, Charlene <cmcgowan@sos.ga.gov>
To: William Duffey <wduffey.seb@gmail.com>
Cc: "Koth, Sara" <skoth@sos.ga.gov>, "Hardin, Alexandra" <ahardin@sos.ga.gov>

Fri, Jul 21, 2023 at 11:37 AM

Judge Duffey,

I understand that you have asked Sara to open up a new case on Mr. Rossi's complaint against the Secretary of State's office regarding the posting of the county-level RLA results for the 2020 presidential election. I have instructed our investigations division that this office will not be opening up a case on this complaint, for several reasons.

First, Mr. Rossi's complaint fails to state a violation of the Georgia Election Code on its face. His complaint is that the Secretary's Elections Division posted the risk-limiting audit results that Fulton County reported to us on the Secretary's website, which he contends contain errors by Fulton County. Those results can be found here:

[2020 General Election Risk-Limiting Audit | Georgia Secretary of State](#)

The county's reported numbers for the RLA were posted to the website to be transparent and provide information to the public. The purpose of the RLA was to confirm the accuracy of the original tabulated results; the numbers reported in the RLA were not the final certified results. Conducting pre-certification audits is a county responsibility under OCGA 21-2-498, and the county bears all responsibility for following the applicable statutes and rules for how the audit is conducted and to report the results accurately. None of the code sections cited by Mr. Rossi apply here or state a claim for any violation against the Secretary's staff.

Second, and more importantly, the SEB has no jurisdiction over this complaint. As I explained in our June 14th meeting, the SEB has no oversight role over the Secretary of State. The reason for this is set forth in AG Opinion 2005-3:

[2005-3 | Office of the Attorney General \(georgia.gov\)](#)

This opinion states in part, "Georgia's Constitution and Election Code make it amply clear that the Secretary is charged with the primary responsibilities required to enforce the state's election laws. There is no indication in the law that the constitutional and statutory authority of this officer should be limited or substantively controlled by a board of political appointees who are not answerable to the electorate for their actions."

Furthermore, even assuming hypothetically that the complaint established a violation (and it does not), the SEB would need to refer the case to the Attorney General's office in order to pursue any legal action, and the AG's office does not take legal action against their own clients. Finally, the Secretary remains an ex officio member of the SEB under OCGA 21-2-30. For all of these reasons, the SEB cannot pursue complaints against the Secretary's office, and to do so would be unprecedented action by the Board.

I trust with this information that the Board will inform Mr. Rossi that no case will be opened on this matter. I'm happy to discuss this further with you at your convenience.

8/5/23, 6:59 AM

Gmail - Rossi Complaint 3/21/22

Sincerely,

Charlene

Charlene S. McGowan

General Counsel

Georgia Secretary of State

Direct: 470-690-0403

Mobile: 770-417-0755

cmcgowan@sos.ga.gov



EXHIBIT F



OFFICIAL ELECTION BULLETIN

November 12, 2020

TO: County Election Officials and County Registrars
FROM: Chris Harvey, Elections Division Director
RE: Audit Instructions

Pursuant to O.C.G.A. § 21-2-498 and SEB Rule 183-1-15-.04, the Secretary has selected the contest for President of the United States to audit. While many risk-limiting audits rely on samples of ballots, the design of risk-limiting audits combined with the margin of this race mean that this risk-limiting audit is required to be a full manual tally of the votes cast. SEB Rule 183-1-15-.04 requires that the Superintendent follow instructions issued by the Secretary of State on how to specifically conduct the audit. While there will be additional instructions issued regarding more specific processes, initial instructions are below:

1. Start and Completion Times

Each county must start their audit no later than 9:00 a.m. on Friday, November 13, 2020 and must complete their audit no later than 11:59 p.m. on Wednesday, November 18, 2020.

Public notice of the date, time, and location of the audit must be posted on the county election office's website, or, if the county election's office does not have a website, in another prominent location.

2. Public Access and Political Party Monitors

The audit shall be open to the public and the press, but no person except the persons designated by the Superintendent shall touch any ballot or ballot container. The Superintendent shall designate a viewing area from which members of the public and press may observe the audit for the purpose of good order and maintaining the integrity of the audit. The Superintendent may also choose to make the audit proceeding available via livestream or webcast. If any member of the public or press interferes with

the process or persists in not following reasonable regulations and instructions set by the Superintendent, that person shall be removed.

The State Executive Committee of each political party (Republicans and Democrats) shall have the right to have one properly designated person act as monitor of the audit for each ten audit teams that are conducting the audit, with a minimum of two designated monitors in each county per party per room where the audit is being conducted. Properly designated monitors shall have complete access to monitor the audit. They do not have to remain in the public viewing areas. The designated monitors shall be given a letter by the designating entity containing the name of the monitor, his or her address, and the county in which he or she may monitor the audit. A copy of the letter shall be delivered to the county elections superintendent prior to the monitor being allowed to monitor the process. The designating entity shall provide their monitors with name tags that clearly indicate their names and the entity the designated them. Such name tags shall be worn at all times while monitoring the audit.

The Superintendent may make reasonable regulations, including regulations regarding social distancing measures and required personal protective equipment, that designated monitors and public observers shall follow so that they do not interfere with the auditing process. If a designated monitor or public observer interferes with the audit after being warned by an election official, or if he or she violated any of the prohibited activities listed herein, the superintendent may revoke the person's designation to monitor the process, remove them from any further monitoring or observing, and refer the incident to the Secretary of State's office for investigation. Any infraction or irregularity observed by a monitor or observer shall be reported to the superintendent or to the Secretary of State. If a monitor's designation is revoked by the Superintendent, the designating entity shall have the right to designate a new monitor in the manner set forth herein.

While monitoring the process, designated monitors are prohibited from:

- (a) In any way interfering with the audit process;
- (b) Speaking to any member of the audit team or vote review panel;
- (c) When outside of the public viewing area, using any photographic, electronic monitoring or recording devices, cellular telephones, or other electronic equipment;
- (d) Touching any ballot or ballot container; or
- (e) Engaging in any form of campaigning or campaign activity.

Before being allowed to monitor the process, each designated monitor shall execute an oath swearing or affirming, under penalty of perjury, that they understand the prohibitions set forth above, that they will not engage in any prohibited activity, and that

they understand any violations of this rule will be punishable by the State Election Board.

3. Audit Teams

Audit teams shall consist of at least two sworn designees. The Superintendent may designate non-employees to be a member of an audit team, but any non-employees designated to audit teams shall be residents of the State of Georgia. Every member of the audit team shall be a person of good moral character and shall take and sign an oath that they will conduct the audit fairly and accurately prior to conducting the audit. In determining the candidate for which the vote was cast, the audit teams shall refer to and rely on SEB Rule 183-1-15-02 (Definition of a Vote) for Optical Scan Voting Systems.

4. Vote Review Panels

Any ballot where the audit team does not agree on the selection for President shall be sent to a Vote Review Panel. Each Vote Review Panel shall consist of a designee of the Election Superintendent and a nominee of the county or state executive committee of each political party (Republican and Democrat) designated via letter provided to the Superintendent. Notice of the members and location of any Vote Review Panels shall be posted prominently at the office of the Superintendent. Prior to beginning its work, each member of the Vote Review Panel shall take and sign an oath. The panel shall manually review all ballots sent to it by any audit team and shall determine by a majority vote "if the elector has marked his or her ballot in such a manner that he or she has indicated ***clearly and without question*** the candidate for whom he or she desires to cast his or her vote." O.C.G.A. 21-2-438(c). The determination of the Vote Review Panel shall be final. The Superintendent may create multiple Vote Review Panels.

In making its determination, the Vote Review Panel shall refer to and rely on SEB Rule 183-1-15-.02 (Definition of a Vote) for Optical Scan Voting Systems.

5. Re-Certifying if Vote Counts Change

In cases like this, where the risk-limiting audit of the selected contest has led to a full manual tally of the ballots cast, the vote counts according to the manual tally shall replace the vote previously reported vote counts and each county shall re-certify the new counts for the audited race, if necessary, prior to November 20, 2020.