

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

**DECLARATION OF
JEFFREY H. E. SCHOENBERG
IN SUPPORT OF CURLING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Civil Action No. 1:17-CV-2989-AT

Pursuant to 28 U.S.C. § 1746, JEFFREY H. E. SCHOENBERG, declares under penalty of perjury that the following is true and correct:

1. My name is Jeffrey H. E. Schoenberg. I am an elector of the State of Georgia and a resident of DeKalb County. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.
2. I hereby incorporate my previous declarations as filed in this case as if fully restated verbatim herein.
3. I am currently registered to vote in Dunwoody, Georgia.

4. I intend to vote in all future elections for which I am eligible—including in the upcoming November 3, 2020 presidential elections.

5. I have observed and followed developments in Georgia’s method of conducting elections for nearly 20 years. Given my knowledge and concern that Georgia’s GEMS/DRE system cannot be secured from malicious tampering and provides no durable, software-independent record of votes against which to verify the outcome of an election, I have little reason to believe in the integrity of any Georgia election under that system.

6. Unfortunately, my faith in Georgia’s election integrity has continued to fall in recent years. Persistent revelations, including through the litigation of this lawsuit, about Georgia’s failures to take action to address our election vulnerabilities, and its own actions that have compounded those vulnerabilities, have only added to my concerns.

7. The adoption of the BMD-based election system awarded to Dominion Voting Systems, Inc. by the Georgia Secretary of State’s office (the “Election System”) has not inspired new confidence in Georgia elections. The Election System requires the use of ballot-marking devices (BMDs) for in-person voting. The paper ballots produced by the BMDs include an unverifiable, non-human-readable Quick-

Response (“QR”) code. Those ballots are then fed into scanners/tabulators that tabulate votes based on barcodes, rather than any human-readable marks or text.

8. Just as with Georgia’s GEMS/DRE system, then, votes will be recorded, tallied, or reported by machine, with no way for a voter (prior to causing his ballot to enter a scanner/tabulator) or an auditor (after results have been tabulated) to determine accurately and reliably by examining a given ballot what selections the voter casting that ballot intended to make.

9. Without the use of hand-marked paper ballots as the primary method of recording electors’ votes, I have no confidence that a meaningful audit is possible, even if one were to be required for every election.

10. Although I prefer to vote in person, I will be forced to vote by absentee ballot because I am concerned about the reliability of the BMD-based voting system. This deprives me of the civic experience and right to cast my vote in person alongside my fellow citizens.

11. I am also concerned about the reliability of voting by absentee ballots in light of reports of mail delays and problems with obtaining absentee ballots when requested and of having them counted when returned.

12. Were the Court to order that Georgia cannot implement and use the Election System, but must instead use hand-marked paper ballots, which a voter can

review to verify that his votes are cast as intended and will be counted as cast, I would perceive less risk in casting my ballot in-person.

I declare under penalty of the perjury laws of the State of Georgia and the United States that the foregoing is true and correct and that this declaration was executed this 19th day of August, 2020 in Dunwoody, Georgia.



JEFFREY H. E. SCHOENBERG