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

**DONNA CURLING, et al.**

**Plaintiff,**

**vs.**

**BRAD RAFFENSPEGER, et al.**

**Defendant.**

**CIVIL ACTION FILE NO.:  
1:17-cv-2989-AT**

**SUPPLEMENTAL DECLARATION OF JEANNE DUFORT**

**JEANNE DUFORT** declares, under penalty of perjury, pursuant to 28 U.S.C.

§1746, that the following is true and correct:

1. My name is Jeanne Dufort.
2. This declaration supplements my declarations of June 17, 2019, September 10, 2018, December 16, 2019, and January 14, 2020. I stand by all of the content of those declarations.
3. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.,
4. I am a registered voter in Morgan County, and routinely attend the Morgan County Board of Elections and Registration and stay current with the issues related to the new voting system being implemented statewide. I also

observed the BMD pilot election on December 3, 2019 in Valdosta and am familiar with many of the physical and logistical difficulties of installing the system. For the combined Presidential Preference and General Primaries, I served as a Poll watcher, Poll watcher coordinator, and Vote Review Panel member in Morgan County, appointed by the local Democratic Committee.

### **Use of New Dominion System and Hand Marked Paper Ballots**

5. On June 9 in Morgan County, 4 out of 7 precincts opened late: Rec Center – 10 minutes, Bethany-Springfield – 20 minutes, Clack – 24 minutes, Centennial – 51 minutes late. Problems reported to me in my roles noted above included incorrect passwords, Poll Pads that needed to be unplugged and rebooted, Poll Pads incorrectly showing a voter had already voted. I obtained these reports in my duties with the Democratic Party in the above-mentioned roles.
6. In my capacity as Poll Watcher, I visited the polling place and spoke with the poll manager at Precinct 7/North Morgan in Bostwick, about 9am. He advised me that he had some problems that prevented voters from using the Ballot Marking Devices earlier, and gave a few voters Emergency Paper Ballots so they were not delayed. He was concerned that the scanners would not accept the ballots, but deposited them in the secure scanner compartment. It appeared that he was clearly prepared to switch to hand

marked paper ballots when BMD use was impractical, and voters were processed in a timely manner, as provided by the Emergency Ballot Election Rule.

7. A storm blew through in the afternoon, causing three polling locations to lose power. The backup batteries supported equipment in two of the polling places, but they failed in Centennial/Clack and voting was interrupted for about 90 minutes until the tech arrived and got the equipment working. To my knowledge, the Centennial/Clack poll manager did not offer Emergency Paper Ballots to voters. I arrived at the Polling Place about an hour after voting halted, and there were approximately 30 people in line.
8. I was dismayed that the Centennial/Clack poll manager did not offer emergency ballots to voters, which she had on hand and could have immediately permitted the voters to vote, rather than having them stand in line during a time of the pandemic where election officials should be working to reduce polling place congestion. It is my understanding that Morgan County poll managers are trained to immediately switch to hand marked paper ballots if such emergencies occur. Our poll watchers are aware of the Emergency Ballot rule and are trained to anticipate an immediate switch to hand marked ballots.

9. I observed very closely as Athens-Clarke County made such a switch with ease over one night after the Board of Elections determined that the BMDs could not provide absolute ballot secrecy.
10. I attended the Athens Clarke County (“ACC”) Board of Elections meeting on March 3, 2020, when they voted to adopt “Plan B” – to use hand marked paper ballots for most in-person voting (with a BMD station available for HAVA compliance), effective the following day when early voting resumed. The standard voting method was changed literally overnight with no publicly reported administrative or voter problems. From March 4 through March 11, ACC voters used hand marked paper ballots for early voting, and cast their ballots in the precinct scanner. Following a March 11 order by the State Election Board, ACC voters resumed voting on Ballot Marking Devices on March 12. Attached as Exhibit E is a true and correct copy of an email I received from Jesse Evans, Chair of the ACC BOE, confirming the timeline.

#### **Vote Review Panel Observations and Vote Counting**

11. On June 9, I arrived at the Election office about 8pm to attend to my duties as a Vote Review Panel member. I was asked to assist the team opening mail absentee ballots – they had begun at 3pm and there were still many to be opened. I spent the next 3 hours, with six other people, opening the

remainder of the approximately 3000 mail ballots. Scanning began about 10pm and continued until about 2am.

**12.**I observed the following while handling mail absentee ballots:

- a. Inconsistent paper stock – some stiffer, some more flimsy
- b. Ragged/torn edges where the top tab was detached
- c. We had to remove the top tab for a number of ballots
- d. Voters marking choices in a number of ways, including filling in the oval, circling the oval, making X or check marks, and one who made smiley faces in the oval to mark their selection.

**13.**The scanning team reported difficulty in scanning due to the ragged edges where the tab was removed. This was solved by using scissors to clean up the edge in some cases.

**14.**On June 10 afternoon, the Vote Review Panel convened. Morgan County used the adjudication tool provided by Dominion. The Vote Review Panel consisted of Election Supervisor Jennifer Doran, local attorney Stephen Morris on behalf of the Republican Party, and me on behalf of the Democratic Committee. We were assisted by a Dominion tech, with Board of Elections member Helen Butler observing.

**15.**Ms. Doran instructed the tech to pull up all ballots with overvotes and ambiguous marks – there were about 150 ballots to review, out of

approximately 3000 hand marked ballots. I have attached a screen shot (Exhibit A) that was published in the New York Times that depicts the same type of screen images and flagging for adjudication that I saw and worked with in Morgan County as a Vote Review Panel member.

- 16.** Votes deemed cast were highlighted in green with a heavy check mark over the voter mark. The voter marks deemed ambiguous were highlighted in yellow. All contests deemed requiring adjudication were outlined in red. Contests with no highlights were deemed a “blank contest” by the software.
- 17.** The first time we encountered a contest with no highlights, but a clearly marked vote, I asked the Dominion tech whether that vote was counted, and he said “of course, that’s a vote,” and assured me it was counted. We moved on to the next ballot. The next time, I asked him to show me the cast vote record (“Audit Mark”) for the ballot. The Audit Mark showed “blank contest” for the race with no highlights, despite the presence of a clear vote. By unanimous agreement, we adjudicated that contest to show the vote, overriding the inaccurate tabulator software.
- 18.** Then we returned to the previous ballot and did the same. During the course of review about 150 ballots, I estimate we found and adjudicated about 20 votes that were clearly marked by the voters, but the software was categorizing as “blank contest”.

**19.** Discovering that the new system was not counting some clearly marked votes was highly disturbing; together with Marilyn Marks of the Coalition for Good Governance, I was able to have a discussion on the evening of June 10<sup>th</sup> with Harri Hursti, one of the world's leading experts on election technology, and Coalition Plaintiff's expert. I learned from Mr. Hursti that many factors can affect the accuracy of how software interprets a scanned image, including paper and ink type, humidity, brand and model of scanner used, among them. Based on this conversation I became concerned about our duties as Vote Review Panel members to be certain that all votes are fairly counted.

**20.** I attended The Morgan County Election Board met on Thursday, June 11, where I spoke during public comment time to relay the findings of the Vote Review Panel and my concerns about uncounted votes remaining in the 2,700 unreviewed mail ballots. BOER member Helen Butler, who had observed the adjudication session, asked the Board to vote to expand the adjudication process to review the remaining 2700 mail ballots to see if there were additional uncounted votes. By 3-2 vote, her motion was denied.

**21.** The Morgan County Election Board met again on June 18, to certify results. By that time, more Georgia counties had confirmed that the software had failed to count many valid votes, and some counties, including Oconee

County, had chosen to review additional ballots, reportedly finding more uncounted votes.

22. Again Ms. Butler made a motion that Morgan County review all ballots before certifying, in light of confirmation that the software fails to count some votes. Again by 3-2 vote, her motion was denied. As a result, Morgan County voters cannot be sure that all of their votes have been counted, while voters in other counties can be more certain.
23. In my role as Vote Review Panel member, we also adjudicated a few dozen ballots that needed to be duplicated, because the ballots were physically damaged and could not go through the scanner. I have confidence that the ballots were faithfully duplicated – Ms. Doran marked the duplicate ballot while Fred Johnson, the Republican and I took turns calling the votes and confirming her marks. But I am alarmed that the audit trail back to the original voter marked ballot was not faithfully kept. Duplicates were marked as such, but not cross referenced to the original voter marked ballot, as required under statute. Robust audits are a cornerstone of safe elections, and you cannot have a reliable audit if you cannot examine the original ballot.
24. On June 13, the Associated Press posted a story (Exhibit B) about the discovery by multiple Vote Review Panel members that the new system was not counting some votes. Gabriel Sterling, chief operating officer for the

Secretary of State, challenged the Associated Press story using his personal Twitter account, saying “the AP is simply wrong” and “0-13% isn’t a mark” (Exhibit C). He further complained that the “activist in Morgan County who is making the claim did not inform the state, either directly or through the county elections division”.

**25.** I was shocked at his response for a number of reasons: 1) I expected Georgia elections officials to be concerned that the system was not counting some valid votes and 2) I had raised the concern at my county Board of Elections meeting three days earlier, within 24 hours of the discovery.

**26.** I attended the August 10 State Election Board meeting via Zoom, and advised the State Board of my discovery during public comments (Exhibit D). It’s my understanding that the purpose of Vote Review Panels is to review ballots that cannot be automatically processed by the system tools, and that we are obligated to count all votes in which voter intent is clear. In my view, scanners and scanning software are used in elections to expedite tabulation. They cannot be used to throw otherwise valid votes away.

**27.** During the same August 10 State Election Board meeting, a new rule

([https://sos.ga.gov/admin/files/SEB%20Rule%20183-1-15-.02\(2\)%20and%20.04%20-%20To%20Post%20For%20Public%20Comment.pdf](https://sos.ga.gov/admin/files/SEB%20Rule%20183-1-15-.02(2)%20and%20.04%20-%20To%20Post%20For%20Public%20Comment.pdf)) was posted for public

comment that will purportedly change what constitutes a vote in Georgia by changing scanner software settings used to count votes. The proposed language is:

- a. (k) Ballot scanners that are used to tabulate optical scan ballots marked by hand shall be set so that: 1. Detection of 20% or more fill-in of the target area surrounded by the oval shall be considered a vote for the selection; 2. Detection of less than 10% fill-in of the target area surrounded by the oval shall not be considered a vote for that selection; 3. Detection of at least 10% but less than 20% fill-in of the target area surrounded by the oval shall flag the ballot for adjudication by a vote review panel as set forth in O.C.G.A. 21-2-483(g). In reviewing any ballot flagged for adjudication, the votes shall be counted if, in the opinion of the vote review panel, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

**28.** SOS counsel Ryan Germany introduced the proposal, saying “in the primary, the scanners are set using the factory settings, which are a minimum percent fill in is 12%. So anything below 12% was not counted, and anything above 35% of a bubble filled in was counted, and anything in between 12 and 35 was in the ambiguous cell.” He advised that the “ambiguous zone is a new feature in Georgia elections and I think it led to some, it basically led to some instability that was not previously present in old voting system.”

**29.** Reducing the upper ambiguous threshold from 35% to 20% should logically result in more votes being automatically counted, without further review. And reducing the lower threshold from 12% to 10% will likely reduce the

number of uncounted votes. But from the perspective of a Vote Review Panel Member charged with the responsibility of ensuring that all votes count, as long as voter intent can be determined – I would ask why the State has confidence that 10% is the correct bottom threshold.

**30.** During the meeting the State Board did not discuss the factual basis for the new range, nor any research that would indicate that it was a conservative range that would ensure that all reasonably detectable voter marks for candidates were recorded and counted.

**31.** Allowing software settings to assign “blank contest” when there are marks that a Vote Review Panel unanimously agree are clear votes is simply an affront to democracy. In my opinion, lowering the threshold further simply shifts the judgement to a Vote Review Panel to determine whether voter intent is clear, while keeping it artificially high robs a citizen of a vote. It’s not a close call – the bottom threshold should be lowered to de minimis value determined by experts that will reasonably ensure capturing all votes.

**32.** Based on my experience in June, I am concerned that if the software is not counting all votes in November, our Vote Review Panel will again not be permitted to review the images or the paper ballots to count the marginal vote marks that can clearly be understood as intended votes.

Executed on this date, August 23, 2020.

A handwritten signature in blue ink, appearing to read "Jeanne Dufort", is written over a solid horizontal line. The signature is stylized and cursive.

Jeanne Dufort

Dufort declaration 082320

Exhibit A

17th  
Georgia

Should every Georgian that has served their sentence for a crime they committed be allowed to have their voting rights restored?

YES

NO

**NONPARTISAN  
GENERAL ELECTION**

For Justice,  
**Supreme Court of Georgia**  
(To Succeed Charlie Bethel)  
(Vote for One)

Elizabeth "Beth" Beskin

Charlie Bethel  
(Incumbent)

Write-in \_\_\_\_\_

For Justice,  
**Supreme Court of Georgia**  
(To Succeed Sarah Hawkins Warren)  
(Vote for One)

Hal Moroz

Sarah Hawkins Warren  
(Incumbent)



## Activists cite tabulation flaw in mail-in ballots in Georgia

Politics Jun 13, 2020 12:28 PM EDT

Faulty software or poorly calibrated vote-tabulation scanners used to count mailed-in ballots in this week's chaotic Georgia primary may have prevented thousands of votes from being counted, election officials and voting integrity activists say.

The issue was identified in at least four counties, DeKalb, Morgan, Clarke and Cherokee, according to officials who discovered them, including activists who have sued the state for alleged election mismanagement.

"The fact that it is in multiple counties tells me that it's probably systemic," Richard DeMillo, a Georgia Tech computer scientist who has testified for the plaintiffs, because identical scanners and software were used to count all absentee ballots across the state. DeMillo said the only way to know for sure is through audits.

A top Georgia voting official, voting implementation manager Gabriel Sterling, said Friday that he had seen no evidence yet of the issue and found it difficult to believe the reports were "an active description of what is happening on the ground."

"These are activists who have an ax to grind," he said.

Nearly 1.1 million Georgians voted by mail for Tuesday's primary, which had been delayed twice due to the coronavirus pandemic.

In-person voting Tuesday was beset by **cascading failures**. Voters waited up to five hours to cast ballots at some polling places due to equipment problems, poll worker unfamiliarity with a new voting system and social distancing measures taken because of the virus. Many voters also showed up to vote in person because absentee ballots they requested never arrived by mail.

The scanners and **ballot-marking devices** used in all 159 Georgia counties Tuesday are part of a voting equipment package the state purchased for \$120 million from Dominion Voting Systems after a federal judge ordered it to scrap an outdated, untrustworthy system.

In post-election reviews, bipartisan panels in all four counties detected unregistered votes while examining ballot images flagged by the vote-tallying scanner's software for anomalies.

In Morgan County, Republican-dominated and just southeast of Atlanta, panelists discovered at least 20 votes on scanned ballot images that the program had not recorded, said Jeanne Dufort, a Democrat on the panel. She said it appeared the votes did not register because ovals that were supposed to be filled in were instead checked or marked with X's.

All three panelists agreed to add the unregistered votes to the electronic tally, said Dufort. But on Thursday, the county elections board voted 3-2 not to audit the rest of the roughly 3,000 absentee ballots. The other two panelists, a Republican appointee and the election director, did not return emails and phone calls seeking comment.

"It is a head-in-the-sand approach," Dufort complained.

In Clarke County, vote review panelist Adam Shirley estimated at least 30 ballots out of about 300 flagged for anomalies had votes that "the system had not marked at all, that had not processed at all."

Shirley, a Democrat, recommended a review of all 15,000 absentee ballots.

In an email Friday to fellow board members, county election board chair Jesse Evans said "it's not just possible but probable that a ballot whose voter had clearly but not completely marked their vote would not have its votes counted by the software."

In an email to Evans, Shirley said he found it disturbing that the software did not flag the uncounted votes. "We only noticed them by sheer luck as we were adjudicating other, flagged contests on ballots."

In Cherokee County, the problem was detected in less than 5% of the flagged ballots, said an elections official who spoke on condition they not be further identified, citing fear of political harassment. The official said the number of flagged ballots was in the hundreds.

In DeKalb, County, review panel member Elizabeth Burns estimated finding between 20-50 uncounted votes on 530 flagged ballots and said her team had so far only reviewed half its 100,000 absentee ballots. Like Shirley, she said her team had stumbled upon the issue. She said she wondered how many other counties were aware of it.

"Maybe not everyone has been as thorough as us and noticed this," she said.

"The detection of this major problem was only because of diligent citizen oversight. The officials charged with the duty to fully test the equipment recklessly failed to responsibly do so, or to audit it," said Marilyn Marks, executive director of the Coalition for Good Governance, which is demanding in court that the state scrap the ballot-marking devices.

Dominion spokeswoman Kay Stimson referred questions to the state, but said in an email that her company's systems "are designed to support robust post-election audits, and we support them as a recommended best practice for elections."

Sterling, the state official, said authorities are willing to consider audits if merited.

Voting security expert Harri Hursti said inadequate pre-election testing may be the cause of the issue. A fix could be as simple as adjusting the contrast settings in the image-capturing software. Or it could be a different coding issue.

The Dominion election system used on Tuesday is proprietary. Hursti said it has never been subjected to an independent security review.

It was, however, **denied certification** by Texas, which cited "multiple hardware and software issues" identified by state-appointed examiners. They cited a complex installation process and one called the suite "fragile and error prone."

By - Frank Bajak, Associated Press

Dufort declaration 082320

Exhibit C-1

The screenshot shows a Twitter thread on a web browser. The browser's address bar displays the URL: <https://twitter.com/GabrielSterling/status/1271965205124218880>. The browser's tab bar shows several open tabs, including "qPublicnet - Morgan", "Gamts.com", "Paragon Login", "AOL Mail (6/106)", "Amazon.com", "Facebook", "Paragon Login", "Gabriel Sterling on", and "My Ads".

The Twitter interface shows a tweet by Gabriel Sterling (@GabrielSterling) from June 13. The tweet text reads: "The Associated Press is out with story about election activists raising concerns about the counting of mail-in absentee ballots for Georgia's primary earlier this week. bit.ly/2UFAMKA". Below this, a link is provided: "One of the counties covered in the story is Morgan County. #gapol @fbajak".

The tweet includes a link to a report: "In post-election reviews Wednesday, election panels in all four counties detected unregistered votes while examining ballot images flagged by the vote-tallying scanner's software for anomalies. In Morgan County, Republican-dominated and just southeast of Atlanta, panelists discovered at least 20 votes on scanned ballot images that the program had not recorded, said Jeanne Dufort, a Democrat on the panel. She said it appeared the votes did not register because ovals that were supposed to be filled in were instead checked or marked with X's. All three panelists agreed to add the unregistered votes to the electronic tally, said Dufort. But on Thursday, the county elections board voted 3-2 not to audit the rest of the roughly 3,000 absentee ballots. The other two panelists, both Republicans, did not return emails and phone calls seeking comment." The link is: <https://www.fox40.com/story/news/politics/elections/2020/06/13/georgia-election-panels-find-unregistered-votes/3278110002>.

The tweet has 3 replies, 27 retweets, and 38 likes. The replies are:

- Gabriel Sterling (@GabrielSterling) - Jun 13: "And the AP is simply wrong and they know it. All systems have a setting on what will be considered a mark and what won't be. In GA 0-13% isn't a mark. 14-28% is ambiguous. 29%+ is a mark. This is the inherent problem with Hand Marked Paper Ballots. Ironic that HMPB folks on it." (7 replies, 2 retweets, 2 likes)
- Marilyn Marks #Wear A Mask! (@MarilynRMarks1) - Jun 13: "What is the 'setting' that you instructed the counties to use? What was your plan for counting the legal votes that were check marks or X's?" (1 reply, 1 retweet, 10 likes)
- Gabriel Sterling (@GabrielSterling) - Jun 13: "Again, all Central scanners were set at the industry standard 0-13% is not a mark (the oval is 5%) 14-28% is the ambiguous level to be checked by review panels, 29%+ is a mark. You are pointing out the inherent issues with HMPBs that we don't see with BMD marked ballots." (6 replies, 1 retweet, 1 like)
- Richard DeMillo (@rad\_atl) - Jun 13: "Of course if there's a logic flaw in the software the scanner settings are irrelevant. @GabrielSterling will you make the software available to software engineers for black box testing?" (1 reply, 1 retweet, 7 likes)

A reply from Jeanne Dufort (@dufort\_jeanne) is visible at the bottom of the thread, but the text is partially obscured.

The right sidebar of the Twitter page shows "Relevant people" with profiles for Gabriel Sterling (Following), Richard DeMillo (Following), and Marilyn Marks #W... (Following). Below this is a "What's happening" section with trending topics like "Penguins announce they will not renew contracts for three assistant coaches" and "#Walk2EndAlz".

The Windows taskbar at the bottom shows the search bar with "Type here to search" and several application icons. The system tray shows the time as 11:49 AM on 8/12/2020.

Dufort declaration 082320

Exhibit C-2

qPublicnet - Morgan | x | Gmails.com | x | Paragon Login | x | AOL Mail (86106) | x | Amazon.com | x | Facebook | x | Paragon Login | x | (5) Gabriel Sterling on | x | My Ads | x | + | - | x |

https://twitter.com/GabrielSterling/status/1272148540094062599

**Tweet**

**Gabriel Sterling** @GabrielSterling

Replying to @NFMich

Well, the images that have been posted to social media are sketches, not actual ballots. Further, the activist in Morgan County who is making the claim did not inform the state, either directly or through the county elections division. She went to the press with a claim.

8:47 AM · Jun 14, 2020 · Twitter for iPhone

1 Quote

**Marilyn Marks #Wear A Mask!** @MarilynRMarks1 · Jun 14

Replying to @GabrielSterling and @NFMich

You have to be kidding! What obligation did @dufort\_jeanne have to inform "the state?" Her responsibility runs to the Mo.Co. Dem Party--not you guys.

But she immediately gave details to others and in public meeting the next day. What is wrong with that???

**Brad Friedman** @TheBradBlog · Jun 14

Replying to @GabrielSterling and @NFMich

Wasn't "the activist", @dufort\_jeanne a member of the bipartisan adjudication panel examining what the state software presented as under or overbites when the software showed some votes weren't counted at all? Didn't rest of panel (Republicans) agree??

**John Panzer** @jpanzer · Jun 15

Replying to @GabrielSterling and @NFMich

You're saying this is not an image of an actual ballot, with the documented highlight marking added? Because that would mean you're saying Dufort is lying. Please clarify. This is not a "sketch". It is a photo, with annotations.

**Jeanne Dufort** @dufort\_jeanne

Search Twitter

@NFMich Follows you Follow

7th generation Floridian, animal lover, happily married, Catholic, Democrat, #VoteBlue #GoGators #BidenHarris2020 #BlackLivesMatter

**What's happening**

US election · Yesterday

**President Trump responds to Kamala Harris' selection as Biden's VP and political analysts look at how it might impact the race**

Trending with: #VoteBidenHarris2020 and Biden and Harris

**#Walk2EndAlz**

Alzheimer's isn't waiting. Neither are you. Join us.

Promoted by Alzheimer's Association

Politics · Trending

**June Cleaver**

3,046 Tweets

NHL · 26 minutes ago

**Penguins announce they will not renew contracts for three assistant coaches**

Trending with: Gondar

Politics · Trending

**Corey Booker**

28.8K Tweets

Show more

Terms Privacy policy Cookies Ads info More

© 2020 Twitter, Inc.

Messages

Type here to search

11:51 AM 8/12/2020

Dufort declaration 0823

Exhibit D

Remarks to State Election Board, August 10, 2020

My name is Jeanne Dufort. I'm a Morgan County voter, 1<sup>st</sup> Vice Chair of the Morgan County Democrats and a member of the Coalition for Good Governance

I served in a number of capacities on June 9 and during the following 10 days – officially as a poll watcher and vote review panelist, and informally assisting opening and sorting mail ballots.

Like voters in most counties, about half of Morgan County voters chose to vote from home, submitting hand marked absentee ballots that had to be checked in, opened, and scanned in the central office.

We used the adjudication software to resolve questions with ballots – about 5% of the ballots required review. In consultation with the Dominion Tech, we looked at ballots with overvotes and ambiguous marks – to my knowledge, most counties throughout the state used this selection criteria.

Overall, the adjudication tool was easy to navigate and helpful in selecting ballots to review. But I was shocked to find that the scanning software has a serious flaw – it marked some votes as uncounted that our 3-person vote review panel unanimously agreed were clearly votes. First time we encountered this; the Dominion tech assured us that the vote was counted – it was that clear. Next time, we asked to see the cast vote record – and were really shocked to see that vote labeled “unvoted”.

21-2-438(c) is clear: notwithstanding any other provisions of this chapter to the contrary.... If the elector's mark is clear, it SHALL be counted.

Technology MUST support the goals of the business it is used for – its absurd to change the goal based on technology limitations.

Scanners and scanning software are used in elections to expedite tabulation. They cannot be used to throw otherwise valid votes away.

Georgia voters want to be assured that all of their votes will be counted.

**From:** evans.jesse.accboe@gmail.com,  
**To:** jdufort@aol.com,  
**Subject:** Re: ACC sequence of events - HMPB  
**Date:** Sun, Aug 23, 2020 7:31 pm

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March 3  
March 4  
March 11  
March 12

Yes, they used the scanner

On Sun, Aug 23, 2020, 18:39 Jeanne <jdufort@aol.com> wrote:

Jesse

Please confirm the sequence of events regarding the ACC temporary switch to hand marked paper ballots for early voting.

March 2 - ACC BOE votes to adopt Plan B immediately

March 3 - ACC voters begin using hand marked paper ballots for early voting, with one BMD available for HAVA compliance

March 11 -State Election Board orders ACC to switch back to BMDs for all voters

March 12 - ACC voters begin using BMDs for early voting

can you confirm that voters who used hand marked paper ballots from March 3-11 were able to cast their ballots using the precinct scanner?

Thanks

Jeanne Dufort