

EXHIBIT B

From: [Bruce Brown](#)
To: [Bryan Tyson](#); [Robert McGuire](#); [Cross, David D.](#); [J. Matthew Maguire, Jr.](#)
Cc: [Vincent Russo](#); [Cary Ichter](#); [Josh Belinfante](#); [Jonathan Crumly](#); [Hedgecock, Lyle F.](#); [Halsey G. Knapp, Jr.](#); [Adam M. Sparks](#); [Alexander Denton](#); [Loree Anne Paradise](#); [Bryan Jacoutot](#); [Diane LaRoss](#); [Ascarrunz, Veronica](#); [Brogan, Eileen M.](#); cheryl.ringer@fultoncountyga.gov; kaye.burwell@fultoncountyga.gov; david.lowman@fultoncountyga.gov; [Conaway, Jenna B.](#); [Carey Miller](#)
Subject: Re: Letter on Behalf of Judge Totenburg
Date: Sunday, September 27, 2020 5:44:40 PM
Attachments: [SOS Notice of LAT Cancellation.pdf](#)

External Email

Bryan,

In preparation for our call with the Court tomorrow, we need to confirm our understanding of the issues related to Mr. Harvey's email of Friday concerning the statewide suspension of the LAT and the rebuilding of the databases for all 159 counties. (See attached notice.)

It is our understanding that serious problems have been encountered in the November LAT relating to the failure of hand-marked ballots to accurately scan and tabulate in the mail ballot high volume scanner (ICC scanner). Separately, there has been the occasional disappearance from the BMD display screen of one group of candidates in the special election for US Senate. But Deputy Secretary Fuchs only reported the latter problem to the press:

"Logic and Accuracy testing discovered an issue where if a user flips back and forth multiple times between the Senate special election and the previous race, which is not typical, the second column would in rare occasions not appear," deputy secretary of state Jordan Fuchs said."

<https://www.gpb.org/news/2020/09/26/error-found-in-election-testing-causes-georgia-counties-pause-some-prep>

Please describe the universe of errors and issues reported to the Secretary, or that the Secretary is aware of, that influenced the decision to rebuild the databases, as well as a description of how each error or issue is going to be remediated. Please also address the impact of this delay on the timing for county officials to undertake the work necessary to review the accuracy of the database, as required by Election Rule 1-183-12.07(1). We would also appreciate knowing the timing for the anticipated delivery of new databases, and the anticipated impact on the revised LAT schedule. We would appreciate being provided with a copy of any additional communications sent to the counties on this topic, prior to the call with the Court

In addition, please address two other serious questions. First, based on the information available to the Secretary, is there any risk that some of the estimated 1.314 million ballots already mailed to voters are incompatible with the current database or will be incompatible with the new database, or may require replacement?

Second, has the Secretary modified the instructions for conducting LAT after considering Plaintiffs'

concerns regarding the shortcuts in LAT procedures that do not comply with the statutorily mandated testing?

Thanks,

Bruce

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On Sep 27, 2020, at 10:13 AM, Holly Cole <Holly_Cole@gand.uscourts.gov> wrote:

Dear Counsel,

Coalition Plaintiffs filed at 11pm on Friday an *Emergency Notice of Supplemental Evidence Relating to Motions for Preliminary Injunction* which the Court has just become aware of. In light of the urgent nature of this information and the imminence of the Court's issuance of an Order, Judge Totenberg requires the parties' participation in a telephone conference (and directs that the State make Mr. Harvey and Dr. Coomer available as well at the conference) to address the Court's questions and concerns raised by these recent events with the database for the November election.

Please respond to this email **as soon as possible** to indicate availability for this telephone conference: (a) any time this evening, (b) tomorrow morning at 8am, or (c) tomorrow morning at 11am.

Regards,

Holly Cole
Law Clerk
Chambers of the Honorable Amy Totenberg
United States District Court
Northern District of Georgia
404-215-1404
Holly_Cole@gand.uscourts.gov

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