

Via email and certified mail

November 1, 2023

Chatham County Board of Elections
Mr. Thomas Mahoney III, Chair
Ms. Marianne Heimes, Vice Chair
Mr. James Hall, Member
Ms. Trish Brown, Member
Ms. Glynda Jones, Member
Mr. Billy Wooten, Supervisor of Elections

Subject: Election legality, Security and Liability

Dear Mr. Mahoney, Mr. Wooten, and Board Members:

As you are aware, the Federal District Court for the 11th District has ruled that the Dominion Voting System violates Georgia law and cyber security experts from University of Michigan, among others, have determined the Dominion System to be unsecure.

Therefore, conducting any future elections forcing voters to use this illegal and hackable system would be a willful violation of law.

The only legal and secure way to conduct an election is by hand marked paper ballots printed on security paper and counted in public.

Over the past several months, dozens of citizens have expressed their concerns over your use of the Dominion Voting System in conducting of Chatham County elections. The following sets forth in writing the information that has been provided to you orally during the public comment portions of your Board meetings.

Background

Violation of Georgia Law

The first and most obvious violation of law is the existence of the QR code on the ballot image produced by the Dominion BMD. The information contained in the QR code is not readable/verifiable to the voter. (See OCGA 21-2-2(7.1) and OCGA 21-2-300 (a)(2))

Next, to comply with the law, any voting system must accurately record votes. (See OCGA 21-2-365(8) and 21-2-324 (c)) Again, the Dominion voting system does not meet this simple requirement.

In 2020, Coffee County made three attempts to recount the votes in that election and each time the Dominion System gave clearly erroneous results, which even Dominion technicians were unable to resolve.

In the only 2022 primary race that was fully audited, DeKalb County found that the Dominion System not only failed to accurately record the votes cast, but it also declared the wrong winner. No candidate alignment issue explains why 1805 votes were not counted at all.

These incidences are alarming on their own; but one cannot help but wonder how many other inaccuracies would have been uncovered at the county level if audits had been performed?

Based on the experiences described above, the Dominion Voting System has been proven to be inaccurate and therefore, violates the Georgia statute requiring accuracy.

Unresolvable Vulnerability to Hacking

The Halderman Security Analysis was submitted as expert testimony in the case of Curling v. Kemp (Federal District Court for the 11th District). This report concludes that the Dominion voting system has unresolvable security vulnerabilities, including:

- The machines can be set so that it skips cheating on a predetermined number of ballots, or so that cheating only occurs on the day of the election. In this way, it thwarts the single test ballot.
- The machine can be exploited to subvert all its security mechanisms.
- Malicious software can be installed on the machine either with temporary physical access or remotely.
- Attackers can spread malware to all machines across a county or the entire state.
- The scanners cannot detect photocopied ballots.

Any of this can be accomplished with only moderate technical skills.

The Cybersecurity and Infrastructure Security Agency (CISA) validated the Halderman report.

Mitre's rebuttal of the Halderman report was unsigned, funded by Dominion, produced without access to the voting system, based on the false premise of perfect security controls, and derided by 29 cybersecurity and computer science experts from Harvard, Yale, Princeton, Berkley, Oxford and so forth who called the Mitre report dangerous and ridiculous.

Here are an additional five reasons to heed the Halderman report:

- Counties have no means to detect malware delivered to their servers – the systems can be compromised, and you’d never find out.
- Federal certification tests are funded by voting system vendors – it’s the fox guarding the henhouse
- Nearly all voting systems are fully assembled in foreign nations, including countries that are our adversaries.
- Servers are enabled to connect to the internet and thus are vulnerable to hacking
- No study has ever found that electronic voting systems are secure

And if that weren’t enough, Georgia counties waste \$10M per year for licensing, testing, certification, storage, and logistics for these illegal and hackable voting machines.

Accountability, Responsibility, and Liability for Local Elections

As local election officials, you and you alone are responsible for the legality and security of the local elections.

You cannot look to the governor or the secretary of state for direction and simply follow orders. You must obey the laws of Georgia directly with no intermediary.

In *Pearson v. Kemp*, the defendants, Kemp, Raffensperger and the State Election Board used that very argument to remove themselves from responsibility.

They put forth that they have no legal authority over county election officials, citing *Jacobson v. Florida Secretary of State* (11th circuit, 2020).

That case points out that local election officials are independent and not subject to the control of the Secretary of State (SOS). They are not appointed by the SOS, nor are they paid by the SOS. Thus, liability is on those local election officials who will cause any future injury; it is not on the SOS.

Your continued use of the illegal and hackable Dominion voting system would cause injury to every Chatham County voter, would be a willful violation of Georgia law and would be a breach of your oath of office.

Demand

For security, legality, accuracy, verifiability, and cost effectiveness, your only choice is to:

- Use secure and marked paper ballots (40 states currently use hand-marked paper ballots)
- Hand count all races publicly
- Audit all races before certification and the transfer of ballots to court
- Seek a court order to unseal all previous and future ballots

In this way, you could verify results, you could detect counterfeit ballots, and you would restore voter confidence in our elections.

Sincerely,

The following citizens and registered voters of Chatham County (in random order):

Name

Address

