

A RESOLUTION SUPPORTING A RULING ON EMERGENCY HAND MARKED PAPER BALLOTS

WHEREAS, Official Code of Georgia Annotated O.C.G.A. § 21-2-300(a)(2) mandates voting on "electronic ballot markers" that ... (2) produce paper ballots which are marked with the elector's choice in a format readable by the elector". Pursuant to an OPINION AND ORDER by US District Judge Amy Totenberg in Curling vs Raffensperger, dated October 11, 2020, the current electronic voting system in Georgia utilizing the Dominion ballot marking devices (BMD), scanning equipment and software violates Georgia Statute by utilizing "an unencrypted, humanly unverifiable QR code that can be subject to external manipulation and does not allow proper voter verification and ballot vote auditing." This humanly unreadable QR code negates the voters right to know exactly how their vote is tabulated and undermines transparency and trust in the process and renders their use **impracticable**;

AND WHEREAS, the electronic voting machines in Georgia continue to run on the original software suite approved by Election Assistance Commission (EAC) in 2019. Since that time, four (4) software upgrades have been approved by the EAC that address security vulnerabilities and provide the option to remove illegal QR code used for tabulation of votes;

AND WHEREAS, The Cybersecurity & Infrastructure Security Agency (CISA) Advisory has recommended upgrading the Dominion software on 6/3/2022. The Halderman Report released 6/2023, a report held secret for almost 2 years, provides damning evidence of the vulnerability of the Dominion ImageCast X Ballot Marking Devices (ICX BMD). The Secretary of State defended his inaction based on the MITRE Report. This was followed by a letter from 29 cyber security experts demanding a retraction of MITRE Report as a dangerous and misleading risk assessment;

AND WHEREAS, Dominion software updates were released in 2019, 2020, 2022 and 2023, yet there's been no effort to install. SOS Raffensperger has known of the Halderman Report since 10/2020. In addition, the SOS has had the CISA Advisory since 6/3/2022. The failure to implement the EAC approved software updates and correct the vulnerabilities is ongoing. In fact, based on these third-party reports and advisories on the security of the software, the SOS might be guilty of violating O.C.G.A. 21-2-324 and 21-2-379.24. Further, municipalities are to "provide voting machines in good working order" per O.C.G.A. 21-2-323. The election superintendent, Board of Registrars, Board of Commissioners may be complicit of wrongdoing by certifying future elections that lack appropriate cybersecurity updates;

AND WHEREAS, ballot marking devices (BMD's) were intended as an accessibility device, not mandated for 100% of the voters and did not meet the requirements of HB316 to provide for absolute secrecy. This violates Georgia law and federal laws guaranteeing the right to a vote by secret ballot;

AND WHEREAS, since the QR code does not meet the intent of HB316 and GA Statutes OCGA 21-2-300(a)(2) and OCGA 21-2-2(7.1), the electors are mandated to vote in a format that is not readable by the elector, therefore the elector is injured;

AND WHEREAS, because of the unreadable QR code, the true intent of the voter cannot be determined and the QR code presents a foreign mark that spoils the ballot;

NOW THEREFORE BE IT RESOLVED that the Ballot Marking Devices (BMD's) as currently implemented creates an impractical situation for local Boards of Elections and Election Superintendents; and,

BE IT FURTHER RESOLVED O.C.G.A. 21-2-334 provides "If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, **in which the use of voting machines is not possible or practicable**, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, **or if, for any other reason**, at any primary or election the use of voting machines wholly **or in part** is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots."; and,

BE IT FURTHER RESOLVED that citizens for paper ballots desire that the Georgia State Election Board provide clarity to election boards and superintendents of their authority under the law to utilize emergency hand marked paper ballots rules and procedures per R&R 183-1-12-.11(2)(c)&(d); and,

BE IT FINALLY RESOLVED that a copy of this resolution will be delivered to the Georgia State Election Board, Secretary of State Brad Raffensperger, Governor Brian Kemp, Attorney General Chris Carr, Speaker of the House Jon Burns, and Senate Pro Tempore John F. Kennedy as well as all county Election Boards and Election Superintendents.

Approved on October 3, 2023 by:

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