Curling v. Raffensperger

December 15, 2023

Election Integrity Network

Garland Favorito

Curling Plaintiffs,
Coalition Plaintiffs
now Ricardo Davis
vs.
Brian Kemp now
Brad Raffensperger
State Election Board

A non-partisan, non-profit Georgia Election Integrity leader since 2006

Judge Totenberg's Landmark Orders

Aug. 15, 2019: Found that SOS office Diebold DRE voting system was unconstitutional, banned it for 2020 federal elections and future elections

Oct. 11, 2020: Found replacement QR coded Dominion BMD System violates two Georgia statutes for verifiability of ballot

Nov. 10, 2023: Found adequate evidence for a January 9, 2024 hearing to determine if Dominion BMD system has constitutional deficiencies

435 pages of orders – most comprehensive evidence ever assembled

Dominion's Constitutional Deficiencies

As of March 2023:

Mr. Davis sought to call deposed individuals who actually examined Sullivan Strickler's image copy or directed tests on the Coffee Co. server and scanners:

Ben Cotton – a highly credentialed cyber forensics expert not allowed to testify about remote access vulnerabilities in the Coffee server image.

Jeff Lenberg – a nation state vulnerability testing expert with 30 years of experience at Sandia National Labs not allowed to testify about real-time remote changes affecting ballot rejections.

The record shows corroborating evidence of remote wireless access by Dominion personnel during the 2021 U.S. Senate runoff to correct a ballot rejection issue.

No Way to Secure a Digital Ballot Image

Dr. Stark's March 9, 2020, proffered declaration findings show Fulton Co. certified over 17,000 votes that have no corresponding ballot images at all.

A VoterGA report submitted by Mr. Davis corroborates his findings and confirms Fulton Co. 2020 digital ballot images were electronically altered prior to final certification.

A proffered SEB2023-025 election board complaint documents several other types of electronic vote manipulation occurring in the Fulton Co. 2020 General Election.

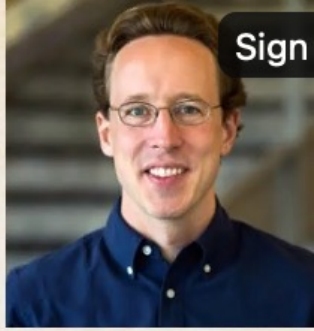
State expert Dr. Juan Gilbert identified this severe electronic voting risk stating *"There is no known way to secure a digital ballot image."*

Logic and Accuracy Facade

Dr. Appell confirmed a key finding in Alex Halderman's Security Analysis when he explained systems have internal clocks and malware can be programmed to cheat on certain days.

Dr. Halderman's Security Analysis also explains that malware can be programmed so that it *"skips cheating on the first n ballots…"*

Dr. Halderman concluded *"No practical method of pre-election or parallel testing can rule out malware-based fraud."*



Dr. Halderman's Particular Concern

Dr. Halderman testified that he is *" particularly concerned"* about the danger of spreading of malware from the election preparation center through county servers.

He confirmed that *"the Dominion equipment could be hacked by loading malware on a machine that could then spread across the system via the EMS".*

It is self evident an infected CES server can spread malware to all county servers (EMS).

It is also self evident that infected county servers (EMS) can spread malware to every component in any county system for every election.

Is Dominion Responsible for cybersecurity?

Defendants called no one from Dominion to provide evidence that Georgia's voting system has any cybersecurity protection.

Dominion is not responsible to protect CES infrastructure.

Is Mr. Barnes in Charge of cybersecurity?

Michael Barnes - Dep. Dir.

Q. "And you have no responsibility, no direct responsibility for cybersecurity, correct?
A. Correct."

Q. "And you're also not aware of how malware can be designed to defeat logic and accuracy testing on voting equipment, right?
A. Correct."

A. "The people that maintain for the Secretary of State's office their infrastructure security measures are the Secretary of State's IT division."

Q. And who there, historically, in the last ten years has been responsible for that?
A. "Merritt Beaver has been our CIO."

1-11-24 Vol 5A, 58:14-17, 59:12-20, 159:16-160:8

Is Mr. Beaver in Charge of cybersecurity?

Merritt Beaver - CTO

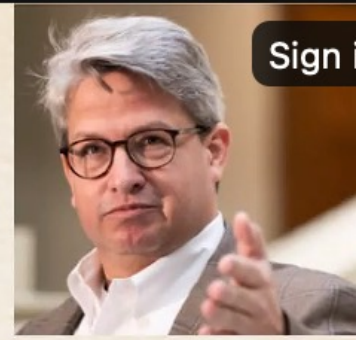
"I can't speak to the Dominion system. I have already said that. We outsource the security for the Dominion system to Dominion."

Q. Was Dominion then required to report to you with regard to anything regarding the cybersecurity of its electronic voting systems?
A. "Dominion did not report to me."

Q. And then, Mr. Beaver, is there anyone else in the Secretary of State's office that has greater authority than you for cybersecurity on the electronic voting systems?
A. "I report to Gabe Sterling."

1-16-24 Vol 5A, 105:6-113:1

Is Mr. Sterling in Charge of cybersecurity?



Gabriel Sterling - COO

"The physical and the cybersecurity surrounding that would be the responsibility of Michael Barnes and his team there"

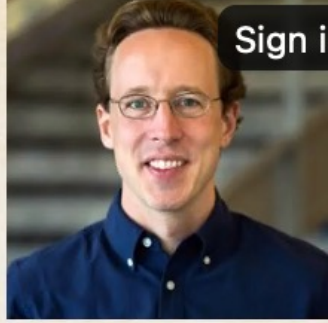
"It falls to Michael Barnes and his team for the physical security, as well as the cybersecurity with the IT team."

And when you say IT team… is there someone over that team?
"We have gone through some personnel changes, and we just hired a new CIO, so I'm not sure whose responsibility it is as I sit here right this second, no."

1-17-24 Vol 6a, 12:20-13-25

Nobody Is Responsible for Cybersecurity

The SOS office is incapable of directing elections that rely on electronic voting components



Three Years of Hacks and No Remediation

We ask the court to take note that three years after Dr. Halderman hacked a BMD in front of the court the SOS office still ignores his findings.

Now, after multiple elections have been conducted on this vulnerable system he returned to court and hacked it again.

This should be enough to prove **the SOS office is unwilling to protect Georgia voters from risks and vulnerabilities that are largely undetectable in conducting elections.**

The Dominion BMD System Bottom Line

Defendants have no evidence Dominion has any software patch that would solve all the problems uncovered in Dr. Halderman's Security Analysis

Dr. Halderman summed up Georgia's Dominion BMD dilemma in his Security Analysis: *"it was developed without sufficient attention to security during design, software engineering, and testing."*

He concluded ***"In my view, it would be extremely difficult to retrofit security into a system that was not initially produced with such a process."***

You Cannot Check Your Vote

Dr. Appell stated in rebuttal *"The consensus among experts is to use hand marked paper ballots and scanners because if scanners don't tabulate correctly, we can always just count the ballots."*

While that may be the consensus amongst experts, Georgians cannot count cast ballots because the Defendants actively oppose sunshine for those ballots even with an amicus court brief.

Georgians have waited over three years to see legally sealed mail-in ballots from Fulton Co.'s 2020 election. Even after a State Supreme Court victory, the public is still unable to detect how many counterfeit ballots there were, nor verify Fulton Co's dubious electronic results.

Dr. Gilbert summed up Georgia's election transparency problem when he stated, *"You can check your bank account but not your vote."*

Georgia Government Has Failed

The Georgia legislature, judicial system and executive branch refuse to protect constitutional rights so Georgians have no other remedy.

The legislature mandated BMDs with HB316 over security objections from many nationally recognized experts.

The SOS office has proven to be wholly inept if not worse at resolving the ensuing problems.

Georgia courts have already ignored this court's previous findings that the Dominion BMD voting system violates two Georgia laws.

How Will This Case be Memorialized?

The court has urged the parties to settle this matter, but the Defendants continue to delay resolution after 6 years.

This case has amassed the most comprehensive set of evidence ever assembled in a Georgia election case.

But if Plaintiffs are not granted full relief from the Dominion BMD system, this case will be remembered for the evidence Mr. Davis attempted to present instead of the evidence it uncovered.

Securing Our 2024 Elections

Georgia's Dominion Democracy Suite 5.5 BMD system was discontinued in Tennessee, replaced in Colorado, and had been rejected in Texas before Georgia purchased it.

The trial record also shows Georgia's approach to auditing is totally inadequate to ensure constitutionally sufficient protection for voters.

The Defendants constant fight against election transparency and secretive permanent storage of election ballots also severely harms Constitutional voting rights.

Relief Requires a Clear Ruling

Because of the Secretary's failures, it is appropriate for this court to step in to protect both Georgia voters and those who are threatened in other states because they vote in federal elections.

We urge the court to conclude **the entire Dominion BMD system is constitutionally deficient** as other states have done without court action.

We urge the court to declare **the Defendants inability to conduct any type of electronic voting election has severely harmed our constitutional rights.**

We further urge the court to recognize the **lack of election transparency also severely burdens our Constitutional rights.**

- Garland thinks judge will take action against SOS for not doing the SOS’s job or acting with competency.
- Will request she appoint a special master to secure the 2024 election.