



# Georgia 6th District Election Reporting Problems - Root Cause Analysis



By VoterGA

This document provides a Root Cause Analysis of the 6th District Special Election reporting problems that occurred in Fulton County on April 18. The analysis finds that voting equipment security flaws and improper election scheduling by state and local governments were the root causes of a human error that occurred. The error was corrected manually but several hours of delay in election reporting and the change in election results generated national skepticism about the trustworthiness of the election.

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Garland Favorito

Ricardo Davis

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**VoterGA Authors:**

*Garland Favorito*

*Ricardo Davis*

### **ABOUT THE AUTHORS**

Garland Favorito and Ricardo Davis are the co-founders of VoterGA. The acronym represents the phrase Voters Organized for Trusted Election Results in Georgia. VoterGA a non-partisan, non-profit, all volunteer organization dedicated to restoring the integrity of Georgia elections. Its primary objective is to advocate for verifiable, auditable and recount capable voting in Georgia. It also advocates for fair and equal ballot access for all Georgia citizens.

Davis and Favorito are two career Information Technology professionals with over 70 years of combined work experience. This in-depth experience includes computer systems analysis, database administration, application development methodology, systems integration, systems development life cycles, server administration, computer programming, project management and multi-factor security implementations.

Their experience is centered on medium and large scale mission critical applications in nearly all facets of American business. This includes banking financial systems, health care, accounting, manufacturing, inventory, purchasing, retailing, utilities, telecommunications, insurance, software development and the service industry.

Davis and Favorito also have a combined 30 years of part-time involvement in regards to Georgia's voting machines dating back to 2002 before the machines were purchased and implemented. This includes research, analysis, documentation, presentation and implementations of Georgia's current voting systems. As a result of their work VoterGA is now nationally recognized as the leading election integrity organization in Georgia.

### BACKGROUND

The State of Georgia held a special election on April 18, 2017 to fill the seat vacated by U.S. 6<sup>th</sup> District Congressman Tom Price. Rep. Price was appointed by President Trump as Secretary of Health and Human Services. A field of 18 candidates participated, including 11 Republicans, 5 Democrats and 2 independents. The election garnered national attention as one of the first since the closely contested Presidential election in November 2016.

The 6<sup>th</sup> district spans the counties of [Cobb](#), [DeKalb](#) and [Fulton](#), Georgia's largest and most populous county. Fulton experienced a rare error that caused vote count tabulation delays during Election Night although Cobb and DeKalb did not. Fulton has experienced one other vote counting problem with a write-in candidate in 2006. Georgia counties, particularly Cobb, have previously experienced a variety of vote counting problems as explained in the Appendix.

The scope of this analysis is limited to April 18 Election Night vote count tabulation problems experienced by Fulton County for 6<sup>th</sup> District results. On that same day, Fulton County also conducted a Georgia State Senate District 32 special election, a South Fulton City special election, a Johns Creek City Council special election and a Roswell City Council Runoff. The two former elections are immaterial to the to the 6<sup>th</sup> District tabulation problems that occurred while the two latter ones are directly related and are referenced in this analysis.

Throughout Election Night the interim reporting percentages for 6<sup>th</sup> District vote leader, Jon Ossoff hovered in the 50s but declined gradually to just over 50%. Once Fulton County the rare error was corrected just before midnight, the leader's vote totals dropped below 50%, thus necessitating a runoff with the second place candidate according to Georgia law. That candidate, Karen Handel was nearly 30 points behind with 19% of the vote. The [results](#) and sequence of events for the evening drew national skepticism about the validity of the election. This skepticism continued a trend of national criticism that Georgia has received since 2002 when the state implemented what national election experts call "unverifiable elections".

(See also Exhibit 1)

The county, [Secretary of State](#) and local media outlets attributed the problem to human error involving a mix up of vote count memory cards but these claims raise serious questions such as:

- Why didn't the voting software technology prevent the human error?
- Why was Fulton County conducting three redundant elections on the same day?
- Can more details be provided so that the public can trust published election results?

This analysis provides some answers for these questions from publicly available information as well as forensic evidence received from Open Records Requests.

### PRELIMINARY ANALYSIS

#### Georgia Election Environment:

In 2002, Georgia conducted a statewide voting system implementation of AccuVote TS voting machines. They were produced by Global Election Management Systems (GEMS) which was acquired by Diebold before the contract was signed in May of that year. County election servers using GEMS software were also purchased as part of the contract. The server software runs on the Windows 2000 Operating System with Service Pack 4 installed. The voting machine software runs on a modified version of the Windows/CE operating system. The server database is built on a version of the Microsoft *Joint Engine Technology* (JET) engine. In 2011, the voting machine software was upgraded to the Ballot Station 4.5.2 version and the GEMS software was upgraded in 2011 to GEMS Version 1.18.22 as part of a statewide voting software upgrade.

In 2012, the Georgia Secretary of State Kemp executed a contract to publish its state election results through Clarity Elections ENR that is produced by Tampa based SOE Software. SOE was a subsidiary that had just been acquired by the Spanish owned [SCYTL](#) in January of that year. Cobb County reported its votes using Clarity software in 2014 and Fulton County began reporting its votes using Clarity software in 2016.

The vendor supporting Georgia's statewide voting system implementation is Election Systems & Software (ES&S). [ES&S](#) acquired hardware and software support rights from Premier Election Solutions in 2010 while the intellectual property rights were sold to Canadian based [Dominion Voting Systems](#). Premier Election Solutions was a new name given to the Diebold Election Systems subsidiary in 2007 after the company received negative nationwide publicity for its voting equipment. Diebold acquired Global Election Systems in 2002 when it established its election subsidiary. Both Global and ES&S originally started in 1979 as Data Mark, which was renamed American Information Systems in 1980. The companies were founded by Bob and Todd Urosevich, who separated to form Global Election Systems and ES&S, respectively.

The Georgia voting system implementation is also supported by the [Center for Election Systems](#) (CES) at [Kennesaw State University](#) (KSU). CES has been under contract with the state since the original voting machines were purchased in 2002. Former professor Britain Williams also participated in a voting equipment evaluation conducted by Secretary of State Cathy Cox in 2001.

### Election Scheduling:

On April 18, 2017, Fulton County became the first county in Georgia to ever be required to administer three election databases and three completely separate elections on the same day. Separate databases were needed for the 6<sup>th</sup> Congressional District special election, the Roswell City Council Runoff and a Johns Creek special election. Normally local and federal races can be combined on a single ballot however special circumstances regarding ballot readiness prevented these races from being combined.

After former 6<sup>th</sup> District Rep. Tom Price was confirmed on February 10<sup>th</sup>, Governor Deal issued a [writ](#) by Executive Order for the 6<sup>th</sup> Congressional District special election to be held on April 18<sup>th</sup>. The order was executed in conformance with Art. V. Sec II. Para. V. of the [Georgia Constitution](#) and [O.C.G.A. § 21-2-543](#) of the Georgia Election code. April 18 was also previously scheduled as a runoff day for candidates in the March 21 Roswell City Council election. Lori Henry and Marie Willsey qualified for the April 18<sup>th</sup> Post 4 Runoff as a result of that March 21 election. On or about February 27, the City of Johns Creek called for a special election that was required to fill a vacant Post 4 seat left by Bob Gray. Councilman Gray qualified to run for the 6<sup>th</sup> District U.S. Congressional seat during the qualification period of February 15-17. Johns Creek also selected April 18<sup>th</sup> as the day for their special election to replace him.

Federal election law requires ballots to be readied, printed and distributed to overseas military personnel 45 days in advance of an election. Thus, the ballots would have to be published before March 5. The Roswell Runoff candidates could not be known until March 21, thus there was no way for the candidates to be included in a separate race on the same ballot with the 6<sup>th</sup> District candidates. The Johns Creek special election did not have qualification until March 6-8. Therefore, those candidates could not have been known in time to be included in a separate contest with the candidates on the 6<sup>th</sup> District ballot.

These three elections had to be run on three separate databases with three separate sets of procedures. Roswell and John Creek voters who wanted to vote in both elections and were qualified to do so, had to check in twice and vote twice on separate machines for the local and 6<sup>th</sup> District races. Roswell and Johns Creek precinct workers had to perform all standard precinct functions such as printing, results posting and card management twice instead of once. Fulton county election officials had to perform county functions such as consolidation, export and reporting three times instead of once. This redundancy led to delays in election reporting but it alone is not the primary root cause of the overall delay.

### **Fulton County Election Process and Statistics:**

Fulton County, Georgia's largest and most populous county operates three collection sites using AccuVote TSX voting machines that communicate with the central elections warehouse over a phone line. These sites are used to collect voting cards and poll books from each precinct and upload individual voting machine cards for tabulation to the central server warehouse at 1365 English St. Although somewhat unique in Georgia, our research indicates that the process of uploading voted memory cards is certified for TSX machines in one or more other states.

To perform the collection and upload functions on Election Night, the Fulton elections staff established temporary services with on-site technical experts. The sites used on April 18 were the North Service Center Annex on Roswell Rd. the South Annex in College Park and the Roswell City Hall.

To try and compensate for the need to process three elections on the same night, Fulton County implemented cost effective color coded dots for the voting machine memory cards. They also used separate color coded storage baskets that contained memory cards for Roswell and Johns Creek. These precautions helped reduce the risk of elections staff confusing memory cards among different races.

On April 18, 2017, 192,569 ballots were cast in the 6<sup>th</sup> District Congressional special election. 87,041 of those ballots were cast in Fulton County. For all five races Fulton County operated 117 polling locations with 524 poll workers. They received 87,381 ballots for an average voter turnout of 40.54%. Of the total ballots cast 29,821 were from early voting. Two polling locations experienced operational problems that delayed their opening for about a half hour and were allowed to stay open roughly one half hour later by court order to compensate. These exceptions are immaterial to this analysis and any tabulation problems experienced.

### April 18 Election Night Procedures

On April 18<sup>th</sup> 2017 when the polls closed after 7pm, the poll workers in Roswell and Johns Creek had to close out two elections instead of one. After completing both elections they carried the election poll books and vote count memory cards to the Roswell City Hall for uploading. The memory cards for both elections were uploaded by placing the cards into the AccuVote TSX and pressing an Upload button. The equipment indicated that all uploads were successful.

The central warehouse received the cards from the precincts, on the GEMS server there and began to export the precinct results to an encrypted folder for publication by the Clarity ENR software. However, after the first export, the central warehouse was unable to export more precinct results. The GEMS export software displayed a rare generic error code that was not descriptive enough to be helpful in resolving the issue.

Fulton elections staff contacted the CES for assistance. The CES staff was able to determine that an invalid memory card had been loaded into the server but GEMS had no software mechanism to determine which one was invalid during the retrieval and export. Thus, the invalid memory card had to be found manually. After trying to resolve the problem in other ways, The CES suggested a creative manual approach that eventually resolved the problem. They recommended that Fulton staff delete precincts one at a time and export again after each card was deleted. Once the export was successful, the Fulton staff would know that the last precinct deleted had the bad memory card. The Fulton staff followed this approach, successfully resolved the problem and reprocessed the deleted precincts. However, at least an hour and a half elapsed while the two teams of personnel “debugged” the problem.

The Fulton staff was able to determine that during uploading one Roswell Runoff memory card apparently from the East Roswell Library RW20 precinct was uploaded with the memory cards for the 6<sup>th</sup> Congressional District of the same precinct. From that point on, processing resumed as normal beginning with the third export described below. The Clarity ENR exports that were completed along with the time, number of complete precincts and number of ballots exported unofficially are:

1. 8:22 – 29,281 ballots - after Early voting and absentee ballot uploads
2. 9:19 – 37,788 ballots - upload total: 19/116 precincts
3. 11:49 – 76,972 ballots - upload total: 83/116 precincts
4. 12:42 – 83,269 ballots - upload total: 91/116 precincts
5. 2:17 – 87,381 ballots - upload of all precincts



### FINDINGS

The root causes of the human error described in the previous section are:

1. The Ballot Station 4.5.2 software on the AccuVote TSX voting machines at the collection sites cannot identify invalid election cards that may be uploaded to a different election database for accumulation. **This is a critical security flaw.** The software has the ability to distinguish when a Precinct ID of a memory card being loaded is different than the previously loaded one. In that case, it produces the appropriate error message. However, the software is not able to detect when an Election ID changes and is different than the Election ID that the receiving server is expecting. This proved to be a direct root cause of the April 18<sup>th</sup> problems. **This critical software flaw allows memory cards for a foreign election to be loaded and transmitted into results of a different election.** It is likely that this flaw has always existed without detection since it was implemented.
2. The GEMS 1.18.22 server database used on the Windows 2000 servers has no data edit facility to identify invalid Election ID data that is uploaded to it for processing. **This is another security flaw that is even more critical than the first** and it is also another direct root cause of the April 18<sup>th</sup> problems. Even if a remote upload failed to detect an invalid memory card, the database at the central sever should have adequate security provisions to edit and validate data that it receives prior to providing precinct totals. Otherwise, virtually any type of data or commands could be injected into an election database. **The GEMS database at the central site has no feature to distinguish invalid Election ID data and protect the integrity of election results.** It is likely that this flaw has existed without detection since the servers were purchased in 2002.
3. The GEMS 1.18.22 export facility on the Windows 2000 central warehouse tabulation server cannot specifically identify the problem it encountered when it malfunctions as it did on April 18<sup>th</sup>. When the export could not produce a message to identify exactly what type of malfunction it experienced, Fulton and CES election officials spent nearly two hours to manually locate the source of the malfunction. The export facility was unable to alert election officials that it had detected invalid precinct results that were for another election. **This is a serious security flaw that was another direct root cause of the April 18 delay.** It is also likely that this security flaw has been present since 2002.

The software edit and validation checks necessary to detect the security flaws cited in this section likely should have been included as requirements, defined as acceptance criteria, verified with test cases and resolved as defects in 2001-2002 when the voting systems were evaluated and implemented. Similar activities could also have been performed in 2011 when the equipment was upgraded. However, software defects are not the only root causes:

4. The state erred in selecting April 18, 2017 as the date for the 6<sup>th</sup> District Congressional special election because a complete ballot including Roswell Runoff candidates could not be produced 45 days in advance of the election according to federal law. The Roswell Runoff candidates could not be determined until Roswell City Council Election was held on March 21 over two weeks after the ballots were due to be complete. No known legal reason dictated the April 18<sup>th</sup> date in the Governor's writ according to his staff. [Art. V. Sec II. Para. V of the [Georgia Constitution](#) and [O.C.G.A. § 21-2-543](#) of the Ga Election Code]

The date was selected based on information given to the Governor's office from the legal counsels in the office of Secretary of State. Open records requests fulfilled by the Governor's office show that two Secretary of State legal counsels approved April 18<sup>th</sup> as a viable election date for the 6<sup>th</sup> District Special Election. (See Exhibit 3) These approvals did not take into consideration the impossibility of consolidating the Roswell City Council Runoff with the 6<sup>th</sup> District Special Election. The Roswell Runoff candidates could not be known until March 21 weeks after the 45 day advance deadline to distribute ballots overseas for the April 18<sup>th</sup> federal election.

**This election scheduling error committed by the Secretary of State's office forced the Center for Election Systems to create separate ballots for the two races and caused Fulton County to operate two redundant elections with separate databases and procedures on the same day.** A memory card from the separate Roswell runoff was subsequently uploaded with 6<sup>th</sup> District memory cards. Thus, **improper scheduling of the 6<sup>th</sup> District election was a direct root cause of the April 18<sup>th</sup> problems.** The selection of this date by the office of the Secretary of State greatly increased the risk of election problems.

5. The city of Johns Creek erred in calling the Johns Creek Post 4 special election for April 18, 2017 because it did not conform to the newly enacted Georgia special election code for counties and municipalities. O.C.G.A. § 21-2-540 previously stipulated that special elections for counties and municipalities can only be held in March, June, September or November. The law was changed when [HB42](#) was introduced on January 11, passed in

the General Assembly and signed by Gov. Deal as Act 7 on February 23. The new law allows local special elections to be combined with federal elections “*provided all other provisions of law regarding such elections are met.*” On February 27, when Johns Creek [called for their special election](#) they also set qualifying on March 6-8 (See Exhibit 2). The qualification period for Johns Creek candidates occurred after the 45 day advance deadline to have the ballots finalized and mailed for the 6<sup>th</sup> District election as required by the [Military and Overseas Voter Empowerment Act](#) (MOVE).

If the Johns Creek election had been scheduled for June in compliance with federal law, Johns Creek candidates would have been known far enough in advance for the election to be combined with the 6<sup>th</sup> District on the same ballot. **The Johns Creek election caused Fulton to operate a third redundant database, and set of election procedures on the same day.** The election caused some further delay due to duplicate precinct close-out and upload procedures but was not a root cause of the problems experienced. However, **Johns Creek election call appears to violate both federal and state law.** Johns Creek notified Fulton County to conduct the election and the state prepared the ballots.

### CONCLUSIONS

All computer software should be designed to reduce and prevent human error wherever possible. The human error that occurred on the Election Night of April 18<sup>th</sup> revealed two critical security flaws that exist for all Georgia counties within the voting machine and county server software.

The sequence of events that occurred in Fulton County publicly confirm that **the GEMS databases at any county will accept invalid election data from a remote or local source and inject the invalid data into live election results for totaling and publishing.** These statewide critical security risks were uncovered by the unusual redundant processes that Fulton County was forced to use as a result of improper election scheduling by the state and Johns Creek. However, these same critical security flaws are not unique to Fulton. They clearly exist on every GEMS server and database in every county as well as any voting machine that may upload data to a county server.

Two other serious flaws were discovered in this analysis. One is in the export facility. It cannot identify the invalid data before exporting the results for publishing and public consumption. This flaw is responsible for much of the lost time on Election Night of April 18. Another was discovered in the electronic poll books which were out of scope as part of this analysis. That flaw may have prevented some people from voting.

This analysis should become as little surprise. During the past thirteen years, hundreds of critical and serious security flaws have been documented by a variety of studies that examine the same type of voting equipment that is employed in Georgia. These studies have been conducted by universities such as Stanford, MIT and Johns Hopkins, technology firms such as Compuware, SAIC and Raba Technologies and states such as Maryland, Ohio, Nevada and California.

Although justifiable suspicions were raised throughout the country from the way in which results were reported on April 18<sup>th</sup> in the 6<sup>th</sup> District election, no evidence has been found at that any type of vote counting fraud occurred. However, these findings present concrete evidence that **the GEMS servers are vulnerable to fraud and critical errors that can dramatically alter the results of an election.** While this particular critical human error was manually detected, **other error and fraud scenarios could occur without detection.** Given the urgent nature of these circumstances it is incumbent upon Secretary of State to act immediately.

### SCOPE CONSTRAINTS

This VoterGA analysis has been independently produced from open records requests, meetings of the Fulton election board and [county commission](#) (5:20.00), technical interviews and previously collected documentation about the conduct of Georgia elections. It has been reviewed by out of state technology professionals and election experts. The scope of this study is election technology and scheduling for the April 18<sup>th</sup> Special Election.

Since production of this analysis began, Secretary Kemp concluded that Fulton officials are ultimately responsible for a “user error” that caused April 18<sup>th</sup> problems. He then opened an investigation to support that conclusion. The scope of that investigation is limited to “training and basic procedure” according to Secretary Kemp’s April 20 [Fox Atlanta public statement](#):

- *“This is user error, not an equipment malfunction, and Fulton officials are ultimately responsible for the error. We have opened a formal investigation, and we will continue to gather the facts to find out exactly why this failure in training and basic procedure occurred,”* (See Exhibit 4)

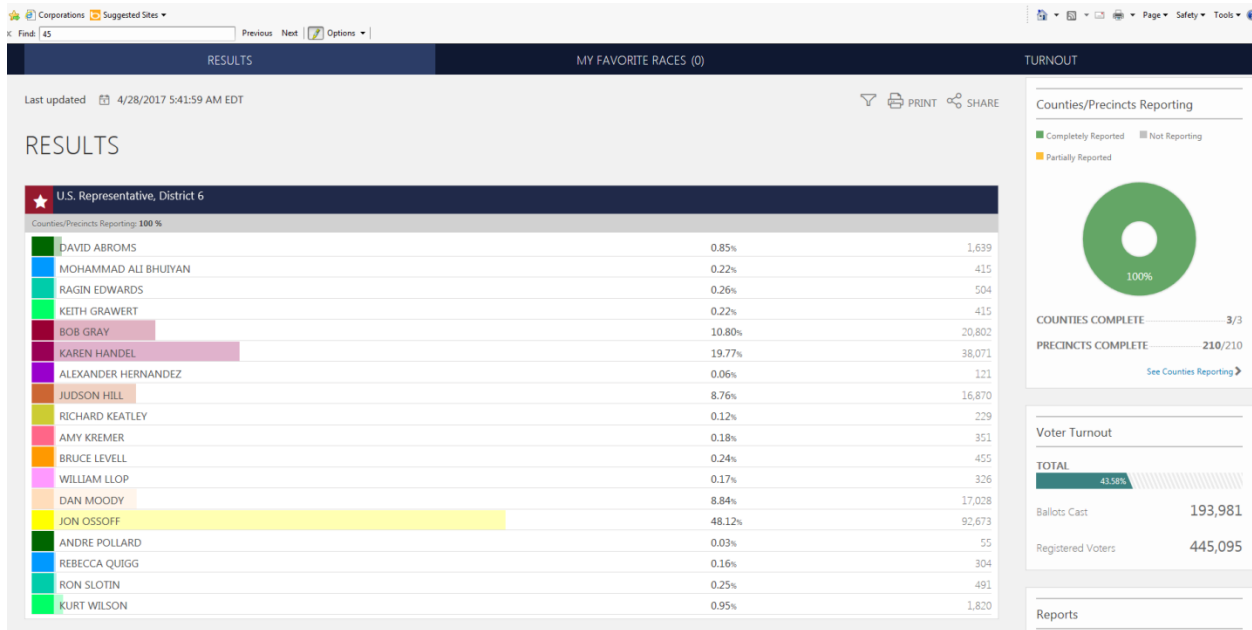
A preliminary version of this analysis was released before that SOS investigation started. CES and SOS election officials, declined to answer questions or provide documents while that SOS investigation is in process even though such an Open Records exception applies only to criminal investigations. [\[O.C.G.A. § 50-18-72 \(a\)\(4\)\]](#) The SOS investigation will have no impact on the results of this analysis based on the stated scope of that investigation as defined by Secretary Kemp.

During the course of producing this analysis **another serious defect was identified with the current poll book software**. This defect appears to have resulted in Fulton County voters being misdirected to the wrong precinct under certain conditions. Analysis of the impact, root cause and conditions causing this defect are **not** within the scope of this analysis that covers vote count tabulation only. A defect resolution process must be in place with the voting machine vendor so that Fulton County and Kennesaw State University will be able to resolve it.

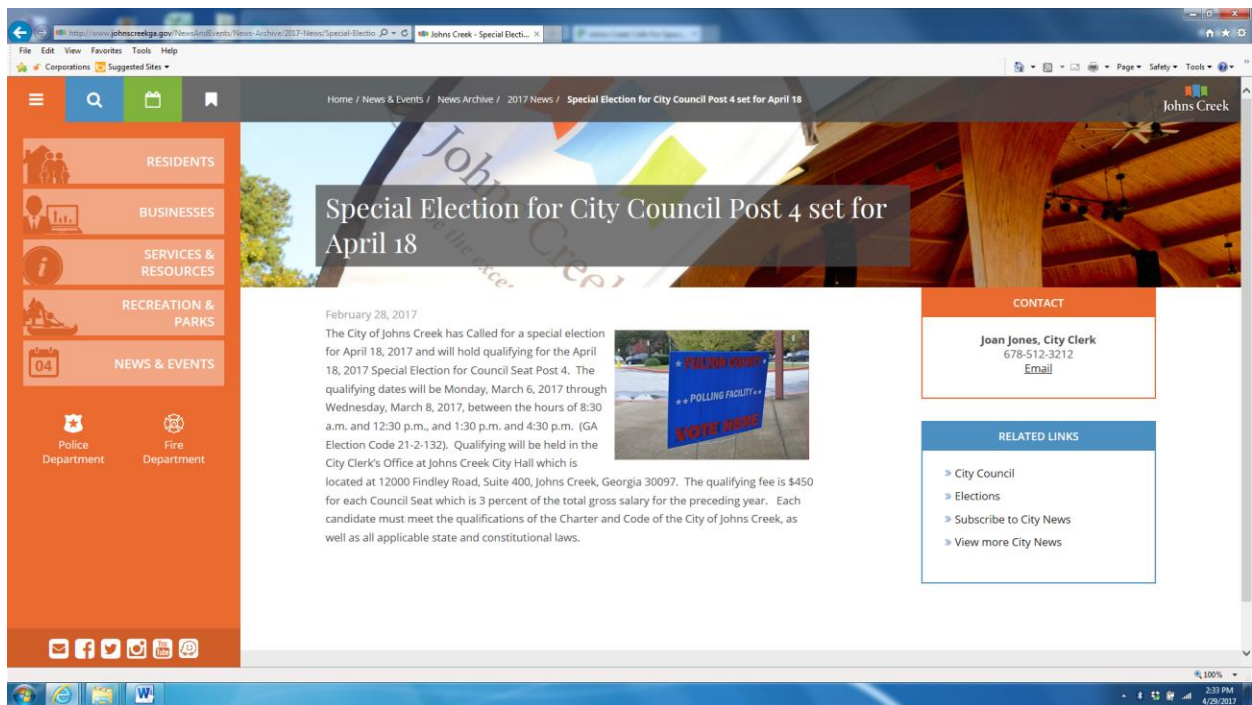
Also during the course of producing this analysis another procedural problem was identified. Early voters at the East Rowell library and potentially other Roswell precincts could not vote in the Roswell Runoff or were asked to come back to vote on the runoff on a different day than when they voted in the 6<sup>th</sup> Congressional District special election. Identifying the reasons for the denial is outside the scope of this analysis. However, it is obvious though that **this problem is directly attributable to the state’s improper election scheduling that required redundant elections and redundant databases to be managed simultaneously** as previously described.

### EXHIBITS

#### Exhibit 1 - 6<sup>th</sup> District Election Results:



#### Exhibit 2 - Johns Creek Call for special election:



### Exhibit 3 – Secretary of State’s Approvals of April 18<sup>th</sup> as a valid 6<sup>th</sup> District Election Date:

**From:** Germany, Ryan <rgermany@sos.ga.gov>  
**Sent:** Thursday, February 9, 2017 4:21 PM  
**To:** Werner, David  
**Subject:** FW: April 18 Special Election Forecast

See below deadline for April 18 special. That is earliest it could feasibly be held given that it’s a federal election and brings in overseas/military voters. Let’s make sure to coordinate as to the timing of the writ for the second round of qualifying if any vacancies are created in the general assembly.

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 C. Ryan Germany  
 Office of Georgia Secretary of State Brian P. Kemp  
 Office: (404) 657-7778 | Cell: (678) 672-9230 | [rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov)

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**From:** Rayburn, Kevin  
**Sent:** Thursday, February 09, 2017 12:56 PM  
**To:** Germany, Ryan <rgermany@sos.ga.gov>  
**Cc:** Harvey, Chris <wharvey@sos.ga.gov>; Simmons, Jessica <jsimmons@sos.ga.gov>  
**Subject:** April 18 Special Election Forecast

Below is the forecast of events if the special election for Dr. Price’s seat is called for April 18<sup>th</sup>. It is going to be important that we communicate with the Governor’s office on the timing of any House/Senate vacancy writs issues for any current members of those bodies that qualify for the US House seat, because the writ cannot be issued prior to Fri. Feb 17 (see 21-2-544(1), election 30-60 days from writ if in session). April 18 is 60 days from Feb 17.

Date	Event	Citation
Fri. Feb 10	Vacancy Created	
Fri. Feb 10	Governor Issues Writ	21-2-543
Sun. Feb 12	SOS Publishes Call in AJC and Sends Writ to Superintendents	21-2-543
Mon. Feb. 13 - Wed. Feb. 15	US House Qualifying Period	21-2-132(d)(1) and 21-2-540(b)
Fri. Feb 17 (No earlier)	Governor Issues Writs due to Candidates Vacating Current Offices	21-2-544(1) & Art II, Sect II, Para V
ASAP after Writ(s) Issued	SOS Publishes Call(s) and Send Writs to Election Superintendents	21-2-544
Wed Feb 22 - Fri Feb 24	House/Senate Vacancy Qualifying Period (if needed)	21-2-540
Tue. Feb. 28 - Sat. Mar. 4	UOCAVA	21-2-384(a)(2)
Mon. March 20	Registration Deadline	21-2-224(b)(2)
Mon. March 27	Early Voting Starts	21-2-385(d)
Sat. April 8	Saturday Voting	21-2-385(d)
Tue. April 18	Special Election	21-2-540
Tue. May 16	House/Senate Vacancy Runoff Election	21-2-501(a)(6)
Tue. June 20	US House Runoff Election	21-2-501(a)(5)

Exhibit 4 – Secretary of State Brian Kemp Calls for an Investigation:





### APPENDIX

#### History of Georgia Vote Counting Discrepancies

1. In 2005, a Cobb County Special Purpose Local Option Sales Tax (SPLOST) referendum appeared to be headed for defeat, however, election problems halted the counting and when the errors had been addressed, the SPLOST was declared to have passed by 114 votes even though there were 285 blank voted ballots and the SPLOST was the only contest on the ballot.
2. In 2011, another Cobb County SPLOST was similarly declared passed by 79 votes with 95 blank voted ballots. There was a 9 point percentage difference in verifiable mail-in votes vs. unverifiable electronic early votes and Election Day votes. The SPLOST passed even though it failed to capture a majority of verifiable votes.
3. In 2002, 3,256 test votes were added in live election results in Cobb County. Election officials found the error after the results were published and corrected it.
4. In 2004, two Bibb County machines in separate precincts lost over 200 votes when they could not accumulate them (Rutland 2 - 79, Howard 7 -123)
5. In 2008, 947 test votes were included in live election results for Lowndes County. The Election Director and assistant who loaded the cards and certified the results tried to blame a voting machine technician who was not present for loading or certification
6. In 2008, the results of 25,000 Douglas Co. Election Day ballots were placed into a spreadsheet, reviewed by an Election Board member at his home and then re-entered the next day into the country servers. The outcome of several races changed. An investigation was conducted but the board member and Elections Director were never charged for this specific infraction.
7. In 2008, the State of Georgia failed to count over 100 write-in votes for Constitution Party Presidential candidate Chuck Baldwin, including 75 that were recorded by Cherokee County election officials alone. The state never explained how this occurred or verified the write in results with other counties despite formal inquiries by party officials. This evidence was used in a recent ballot access [lawsuit](#) where the U.S. District Court and 11<sup>th</sup> Circuit Court of Appeals ruled against the state and struck down its restrictive Presidential ballot access law as being unconstitutional
8. In 2006, Fulton County failed to count over 230 votes for Constitution Party Candidate Woody Holmes, who ran for State Representative of District 65, as a write-in candidate. Although Fulton County reported only two write-in votes for Mr. Holmes, the elections office later located 238 more votes after party officials visited their office to find out why his vote totals were wrong