

MEDIA BULLETIN

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(404) 664-4044

Contact: Garland Favorito

garlandf@msn.com

<http://www.voterga.org>

Ga Voting System Unconstitutional, Banned as of 2020!

ATLANTA, GA – The U.S. District Court of North Georgia **banned** the current Direct Recording Electronic (DRE) voting system from further use in Georgia elections yesterday beginning in 2020. The DRE system produces results that cannot be verified by the voter, audited by election officials or recounted for candidates. The court found the system impairs Georgia voters' Constitutional right to vote in any federal election.

Two different sets of plaintiffs sued the state in federal court over the constitutionality of the system. Lead plaintiffs Donna Curling and Donna Price of [Georgians for Verified Voting](#) were represented by [Morrison & Foerster](#) and lead attorney David Cross. [Coalition of Good Governance](#) plaintiffs were represented by lead attorney [Bruce Brown](#) and included Ricardo Davis, William and Linda Digges and others.

The [landmark ruling](#) essentially **reverses** a 2008 Georgia Supreme Court decision in *Favorito v. Handel* where the court claimed Georgia voters must assume the risk of necessarily different procedures between electronic voting and mail-in paper ballot voting. That court did not explain why the types of voting were “necessarily” different.

The Georgia legislature and Secretary of State's office previously authorized up to \$150 million to purchase ballot marking devices (BMDs) from Dominion Voting Systems but the new BMDs are **totally unverifiable to the voter**. The proposed Dominion ICP/ ICC 5.5.3-0002 scanners accumulate hidden votes that the ICX 5.5.10.30 BMD embeds in encrypted bar codes. Voters see only text selections, not actual votes that are counted.

The legal case is likely to continue as both sets of plaintiffs say they will file motions to stop implementation of the new unverifiable voting system that was recently [rejected](#) for use by the state of Texas. They also plan to raise issues of auditability that experts have found with all ballot marking devices. Judge Amy Totenberg required the state to implement a **backup plan** of hand marked paper ballots using Dominion scanners if the BMD system is not ready for the March Presidential Primary.

The ruling came as no surprise to those who attended the July hearing. That hearing [revealed](#) the state had concealed key internet exposures and vulnerabilities from the court. Totenberg's [comments](#) cited “*inconsistent candor*” by the Defendants in “*denial and dodging*” of the “*broad scale vulnerability*” involving the 2017 internet breach of the election servers at Kennesaw State. She concluded: “*the Defendants' contention that the servers were ... not intentionally destroyed or wiped is flatly **not credible.***”