

**Bulletin**

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Contact: Garland Favorito  
(404) 664-4044

## **GA Early Voting Begins without Completing Required Tests**

ATLANTA GA – Early voting begins in Georgia today but Georgia counties did not have time to perform the required system testing for the rollout. The crunch came when the Secretary of State’s office was forced to make a last minute update to all statewide voting system software due to a defect found during previous testing. A [transcript](#) from an October 1<sup>st</sup> attorney conference call in the *Curling v. Raffensperger* U.S. District Court case described the updates that were applied.

The call was held after the Coalition for Good Governance (CGG) [requested](#) an emergency conference. CGG discovered a September 25<sup>th</sup> [Email](#) from State Elections Director Chris Harvey telling county Elections Directors that election files they previously received must be updated. He explained they should not waste their time on Logic and Accuracy testing prior to receipt and install of the update.

The conference [transcript](#) revealed that upgrades were needed for impartiality in allowing all 20 U.S. Senate candidates to appear on a single page. The problem was not discovered until the counties performed Logic and Accuracy testing in late September. The state argued at the conference that the update was “*de minimis*” and does **not** require re-certification. CGG contends Secretary Brad Raffensperger prematurely certified the software **prior to the still uncompleted testing**.

A [letter](#) from CGG attorney Bruce Brown informed Fulton County they were being forced by the state to make a software upgrade that is **illegal** because it wipes out the previous software version in violation of a two year retention requirement for election records and files. The letter further explained how counties such as Fulton are **skipping** the necessary acceptance testing for the change. The counties also did not perform testing of *all* Dominion Ballot Marking Devices (BMD) for *all* candidates and *all* questions as required by Georgia law. [O.C.G.A. 21-2-379.25(a),(c)]

Such problems are not new for Georgia. Professor Britain Williams who led the 2002 implementation of Georgia’s previous Direct Recording Electronic (DRE) system admitted in a [deposition](#) for a 2009 Georgia Supreme Court case that the system was updated before the election, and not recertified as required by law.

Last night’s federal court [ruling](#) offered no preliminary injunctive relief for the Nov. 3<sup>rd</sup> election but the court gave more indications it may rule against the BMD system that has already been rejected in Texas and banned next year Colorado.