

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

GARLAND FAVORITO, MICHAEL SCUPIN,)	
TREVOR TERRIS, SEAN DRAIME,)	
CAROLINE JEFFORDS, STACEY DORAN,)	
CHRISTOPHER PECK, ROBIN SOTIR)	
and BRANDI TAYLOR,)	
Petitioners,)	CIVIL ACTION FILE NO.:
)	2020CV343938
v.)	
)	JUDGE AMERO
)	
MARY CAROLE COONEY, VERNETTA)	
KEITH NURIDDIN, KATHLEEN RUTH,)	
AARON JOHNSON, MARK WINGATE,)	
and RICHARD BARRON in their individual)	
capacities,)	
Respondents.)	
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RESPONDENTS MARY CAROLE COONEY, VERNETTA NURIDDIN, KATHLEEN RUTH, AARON JOHNSON, MARK WINGATE, AND RICHARD BARRON'S OBJECTION TO PETITIONERS' NOTICE TO INSPECT, COPY, OR SCAN TO THE RESPONDENTS AND THIRD PARTIES PURSUANT TO GA. CODE ANN. § 9-11-34

COME NOW, Respondents Mary Carole Cooney, Vernetta Nuriddin, Kathleen Ruth, Aaron Johnson, Mark Wingate, and Richard Barron in their individual capacities and official capacities as members of the Fulton County Board of Registration and Elections; and respectfully files this, Objection to Petitioners' Notice to Inspect, Copy, or Scan to the Respondents and Third Parties Pursuant to GA. Code Ann. § 9-11-34 as follows:

Respondents object to this Proposed Notice as the request is outside the scope of what is permitted under O.C.G.A. § 9-11-34, beyond the parameters of election observations set forth by state law and is unduly burdensome.

An impermissible burden on Fulton County voters' rights to vote in secret, without interference and intimidation, is at stake if Petitioners and their agents are allowed to receive and scan absentee ballots. Fulton County elections staff should not have to be burdened with Petitioners attempts to act as overseers of Respondents because the conduct of elections is supervised by the Secretary of State and is subject to penalty the State Election Board. Without waiving any objection to Plaintiffs' Proposed Notice of Inspection, the Fulton County Respondents respond to the particulars of the Notice as follows:

(1) Separately and distinctly each original unique native electronic ballot image cast for all mail in and absentee ballots which were counted in the November 3, 2020 General Election in Fulton County, Georgia containing the original metadata of the original electronic ballot image with:

(a) a resolution of at least 300 DPI in TIFF image, and also,

(b) a resolution of at least 300 DPI in PDF image, and also,

(c) a resolution of at least 300 DPI in JPG image.

Respondents do not oppose Plaintiffs being treated like any other member of the public. However, O.C.G.A. § 9-11-34 does not require allowing the disclosure and copying of documents that are otherwise prohibited by law; copying ballot images are prohibited by O.C.G.A. § 21-2-500. Additionally, there is nothing in O.C.G.A. § 9-11-34 that allows Petitioners to scan absentee ballots. Therefore, Respondents object to the provision of ballots, ballot images, and Petitioners' request to scan absentee ballots.

(2) Reports from the Dominion electronic election management system, including:

a) Dominion Electronic Cast Vote Record

b) Ballot Images - Raw Images

c) Ballot Images - Ballot Audit and Review

- d) Vote-by-Mail Ballot Report*
- e) Provisional Ballot Report*
- f) Conditional Voter Registration Ballot Report*
- g) Cast Vote Record (Raw data) - JSON*
- h) ImageCast Central Logs*
- i) Ballot Scanning/Tabulation Machine Logs*
- j) Ballot Scanning/Tabulation Machine Tape*
- k) Ranked-Choice Voting: Board of Supervisors, Final Detailed Report _*

These systems generated reports should be provided as (a) an XML file, and (b) a JSON file, and also (c) a TXT file.

Copying ballot images are prohibited by O.C.G.A. § 21-2-500. Therefore, the Fulton County Respondents object to the portions of this request concerning the copying of printouts of ballot images.

(3) The native electronic ballot images cast for all mail-in absentee ballots shall be produced a native original separate electronic ballots and shall not be combined into a single file and not have changes to the metadata of the original electronic ballot.

Copying ballot images are prohibited by O.C.G.A. § 21-2-500. Therefore, the Fulton County Respondents object to the portions of this request concerning the copying of printouts of ballot images.

(4) Produce for inspection and scanning each and every mail-in ballot that was counted, audited, or recounted in the November 3, 2020 General Election in Fulton County, Georgia.

Respondents are no longer in possession of these materials, which have been transmitted to the Fulton County Superior Court, pursuant to O.C.G.A. § 21-2-500.

CONCLUSION

For the foregoing reasons, Respondents request that this Court deny Petitioners any requested inspection that is beyond that afforded by Georgia Law and requests that this Court allow Fulton County to conduct its elections, free from disruptions and violations of the law committed by Petitioners or their agents.

Respectfully submitted this 27th day of January, 2021.

OFFICE OF THE COUNTY ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed this Certificate of Service of using **RESPONDENTS MARY CAROLE COONEY, VERNETTA NURIDDIN, KATHLEEN RUTH, AARON JOHNSON, MARK WINGATE, AND RICHARD BARRON'S OBJECTION TO PETITIONERS' NOTICE TO INSPECT, COPY, OR SCAN TO THE RESPONDENTS AND THIRD PARTIES PURSUANT TO GA. CODE ANN. § 9-11-34** using the Odyssey e-File GA system, which automatically sends email notification of such filing to all attorneys of record.

Todd A. Harding, Esquire
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Attorneys at Law
113 E. Solomon Street
Griffin, GA 30223

Respectfully submitted, this 27th day of January, 2021.

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/s/ David R. Lowman

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