



OFFICE *of the* STATE INSPECTOR GENERAL

BRIAN P. KEMP
Governor

SCOTT MCAFEE
State Inspector General

April 5, 2022

Office of the Governor
206 Washington Street
Suite 203, State Capitol
Atlanta, Georgia 30334

Via e-mail: david.dove@georgia.gov

OIG File No. 22-0023-I

Dear Mr. Dove,

On February 2, 2022, Deputy Executive Counsel Evan Meyers with the Office of the Governor provided the Office of the State Inspector General (OIG) a summary letter and several attached documents sent by complainant Robert Covert. In the letter, Mr. Covert requests an investigation into the Secretary of State's (SOS) handling of the 2020 general election, specifically citing 27 different "items" of concern. Mr. Covert serves as Chairman of the Election Integrity Committee for the Mountain Patriots, a political advocacy group based in Fannin County, Georgia.

Under Executive Order 01.13.03.02, the duties of OIG include investigating the management and operation of state agencies within the executive branch to determine whether acts of fraud or corruption have been committed. Once such a determination has been made, OIG is mandated to report its findings in a detailed report to the Governor and any other appropriate regulatory agency. Article V, Section III, Paragraph I of the Georgia Constitution of 1983 describes the SOS as an "elected executive officer," thus placing the agency within OIG's jurisdiction.

Critically in this case, matters generally concerning an agency or elected official's public policy decision-making or diligence are well beyond OIG's investigative purview. For example, OIG did not assess the portions of this complaint criticizing the alleged "poor administration" of the election or faulting the SOS for certain investigative decisions.

However, as outlined in items 10 and 13, Mr. Covert also asserts that the SOS "staged a fake election audit" and that, based on documents obtained through an Open Records request, nothing was done by the auditing organization until July 15, 2021. Such a timeline would contradict the SOS's statements that the audit occurred immediately following the 2020 November general election. Because this aspect of the complaint was supported by documentation that on its face corroborated the allegation, and would, if true, implicate potential fraud, OIG found "reasonable cause" to review the issues raised concerning the 2020 audit conducted by Pro V&V, Inc. (Pro

V&V). *See* Executive Order 01.13.03.02 (detailing that OIG “shall ... receive complaints ... [and] determine whether the complaints allege facts that give reasonable cause to investigate”).

After conducting multiple interviews and examining official files and documents, OIG has concluded its review. This letter summarizes our findings and whether any acts of fraud were substantiated.

First, the concern that the Pro V&V audit never occurred until July 2021 is based on a single document: A memo (“Subject: Field Audit”) from Jack Cobb, Laboratory Director for Pro V&V, to Michael Barnes, SOS Director at the Center for Election Systems, detailing a requested field audit “to verify the voting system” and “certified hardware and software” in certain locations. The version provided by Mr. Coovert features a memo heading with “Date: 7/16/21.”

After reviewing the original document and a number of emails sent by Pro V&V to the SOS, OIG finds this allegation unfounded. The memo was first emailed from Jack Cobb to Michael Barnes in Microsoft Word format on November 11, 2020. When opened in “protected view” in Microsoft Word, that same date (11/12/20) is listed in the memo heading. However, this date is formatted as a field dialog box, meaning that if one chooses to “enable editing,” the memo date will update to the current date.¹ Other emails sent by Pro V&V in November 2020 detailing the work performed and various revisions to the final report further corroborate the actual time frame of the audit. In addition, Jack Cobb confirmed the date discrepancy in an interview with OIG, and generally described the work he and his employees conducted.²

Second, the initial memo previously described lists four audit locations in Floyd, Douglas, Paulding, and Cobb counties. However, the final Field Audit Report dated December 2, 2020, states that six counties were evaluated. But this change in the scope of the audit does not undermine the fact that the audit occurred. Again, OIG reviewed emails that show that Morgan and Spalding counties were added to the list of the inspected counties. Further, interviews with Cobb and Barnes confirmed that the initial scope of the audit expanded to include two additional counties after Pro V&V’s work had already commenced.

Finally, Mr. Coovert provided a 2015 Certificate of Accreditation issued to Pro V&V by the United State Election Assistance Commission (EAC). The EAC is a bipartisan federal agency whose responsibilities include certifying voting equipment and accrediting voting system test laboratories (VSTL’s).³ VSTL’s, such as Pro V&V, are independent, non-federal laboratories that test voting systems to federal standards. The 2015 Certificate provided contained an “effective date” through

¹ OIG notes that the complainant appears to have obtained a copy of this memo via an open records request submitted to the SOS by Kevin Moncla. OIG confirmed that on July 16, 2021, Mr. Moncla received two copies of the memo, one in PDF format and the other in Microsoft Word format in “protected view.” The Word document listed the correct date, “11/12/20.”

² During this interview, OIG did not cover qualitative aspects of the audit, as this topic is beyond OIG’s jurisdiction.

³ About The U.S. EAC, U.S. Election Assistance Commission, <https://www.eac.gov/about-the-useac> (last visited March 28, 2022).

February 24, 2017, suggesting that Pro V&V was not accredited at the time of the 2020 Georgia audit.

However, 52 U.S.C.S. § 20971 states that “[t]he accreditation of a laboratory [] may not be revoked unless the revocation is approved by a vote of the Commission.” As outlined on its website, the EAC has never voted to revoke the accreditation of Pro V&V,⁴ and “EAC generated certificates or lack thereof do not determine the validity of a VSTL’s accreditation status.”⁵ Further, “[e]ven though the EAC failed to reissue the certificate” due to self-described administrative errors, “Pro V&V’s audit was completed in 2018 and again in early 2021 as the scheduled audit of Pro V&V in 2020 was postponed due to COVID-19 travel restrictions.” *Id.* The EAC issued a new Certificate of Accreditation on February 2, 2021, emphasizing that accreditation remains effective until revoked. Thus, the contention that Pro V&V was not accredited in 2020 lacks merit.

OIG thanks SOS for their assistance with this matter, which included immediate and responsive access to internal documents and witnesses.

OIG does not expect a response to this report. However, should you require additional information or assistance in this or any other matter, OIG remains available at your convenience.

Sincerely,


Scott McAfee
Inspector General

cc: Ryan Germany, General Counsel, Office of the Secretary of State
Robert Coovert

⁴ Pro V&V, U.S. Election Assistance Commission, <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv> (last visited March 28, 2022).

⁵ VSTL Certificates and Accreditation, U.S. Election Assistance Commission, https://www.eac.gov/sites/default/files/voting_system_test_lab/files/VSTL%20Certificates%20and%20Accreditation.pdf (last visited March 28, 2022).