

SUPREME COURT
OF GEORGIA
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2023 MAR 30 AM 11:02

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THE SUPREME COURT OF GEORGIA

SARAH E. THOMPSON,

Plaintiff-Appellant,

CASE NO. S23A0665

**BRIEF OF MOUNTAIN PATRIOTS AS AMICUS CURIAE
IN SUPPORT OF PETITION FOR
DECEMBER 6, 2022 GENERAL ELECTION BALLOT**

Mountain Patriots

Carol Chamberlain
42 Pond Road
Epworth, GA 30541
Chairman

Robert Covert
245 Laurel Creek Road
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Election Integrity

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United States Constitution, Amdt1.8.2.2 Election Laws

Georgia Code Title 21 Elections

**STATEMENT OF IDENTITY INTEREST AND SOURCE OF AUTHORITY
OF THE FILER.**

This amicus brief is in support of Sarah E. Thompson’s December 6, 2022 General Election Ballot brief, Supreme Court of Georgia Case No. S23A0665. Robert Coovert, Carol Chamberlain and qualified electors and taxpayers who are members of the Mountain Patriots believe our federal and state rights to vote have been infringed upon.

In addition to the non-human readable barcode that exists on ballots, the “voting machines” used in Georgia have not been certified. O.C.G.A. § 21-2-300 et seq. Paragraph c (a)(2) states that elections “shall be conducted” on aforesaid “certified” equipment “unless otherwise authorized by law.”

A member of our team has thirty years of experience in leading and conducting event investigations in US and International Nuclear Industries. This experience along with skilled professionals throughout Georgia helped our team identify serious concerns with the Georgia elections, the ballots and machines used to record and tabulate the results. 1. The Dominion voting machines used in the Georgia 2022 general election to scan barcode ballots are still in service after a staged audit. 2. Election law decisions made by law makers in Georgia and Washington D.C. may have been influenced by a spurious Georgia audit report. 3.

The Dominion voting machines used in Georgia have not been certified as required by Georgia law. 4. Maladministration and deception by those who manage Georgia elections continues to disenfranchise voters in Georgia.

ARGUMENTS

1. THE DOMINION VOTING MACHINES USED IN THE GEORGIA 2022 GENERAL ELECTION TO SCAN BARCODE BALLOTS ARE STILL IN SERVICE AFTER A STAGED AUDIT. The Dominion Voting Systems voting machines audit conducted by Pro V&V did not occur as described by the Georgia Secretary of State. Secretary Raffensperger stated in his 10-page letter to the U. S. Congress dated January 6, 2021.

“Pro V&V conducted an audit of a random sample of Dominion Voting Systems voting machines throughout the state using forensic techniques, including equipment from Cobb, Douglas, Floyd, Morgan, Paulding, and Spalding Counties. ICP (precinct ballot scanners), ICX (ballot marking devices), and ICC (central absentee ballot scanners) components were all subject to the audit. In conducting the audit, Pro V&V extracted the software or firmware from the components to check that the only software or firmware on the components was certified for use by the Secretary of State's office. The testing was conducted on a Pro V&V laptop independent of the system. According to the Pro V&V audit, all of the software and firmware on the sampled machines was verified to be the software and firmware certified for use by the Office of the Secretary of State.”

“Through each of these actions, I can definitively say that the results reported by the Dominion Voting System used in Georgia were accurate.”¹

¹ Raffensperger, letter to U.S. Congress, (2021)

Through the Georgia open records request process, we obtained replies from the six counties that Secretary Raffensperger stated the audit was conducted in.

Election Officials from five of the counties replied that the Pro V&V audit did not take place in their county. Morgan County was the only county contacted by a member of the Secretary of States Office.

Floyd County – No audit via phone call with election supervisor 9/12/22.

Douglas County – No audit via email election supervisor ORR 9/07/22.

Paulding County – No audit via email election supervisor ORR 9/07/22.

Cobb County – No audit via email from Cobb County via Kevin Moncla.

Spalding County – No audit via phone call with election supervisor 9/12/22.

Morgan County – email from M. Barnes from the SoS office 9/22/2022.

Morgan County was contacted by Michael Barnes of the Secretary of State office.

In a quote from the email, Mr. Barnes to the election official, *“Representatives from Pro V&V will be arriving shortly to perform a field audit of equipment on behalf of the Secretary of State’s office. These individuals will need access to a*

random selection of your voting equipment for only a few minutes.” Morgan

County Elections Supervisor, stated she did not receive an audit report or any

information from the individuals who arrived. The communications to the county

of the audit, findings, and conclusions are required by the Elections Assistance Commission (EAC). In discussions with election board members from seven Georgia counties, no county received a copy of the Pro V&V Field Report or audit results.

2. ELECTION LAW DECISIONS MADE BY LAW MAKERS IN GEORGIA AND WASHINGTON D.C. MAY HAVE BEEN INFLUENCED BY A SPURIOUS GEORGIA AUDIT REPORT. Information provided via open record requests confirms the Georgia Pro V&V audit report was fabricated to make it appear as if an audit occurred. Our investigation determined the Georgia Pro V&V Field Audit Report from the Secretary of States Office is not an audit report at all. It is a document to make one believe an audit took place. The report does not state what counties the audit took place in. The report does not list serial numbers or models of the machines selected. The report does not list the security seal numbers and if they were intact. There is no confirmable data within the Georgia report so the audit is unverifiable.² In contrast, Pro V&V conducted a similar audit for the same general election in Maricopa County, Arizona. The Maricopa audit report lists serial numbers, front and rear security seals, and the tests conducted which would allow the audit to be verified and validated for those machines.³

² Georgia, Pro V&V Field Audit Report (2021)

³ Maricopa County, AZ, Pro V&V Field Audit Report (2021)

3. THE DOMINION VOTING MACHINES USED IN GEORGIA HAVE NOT BEEN CERTIFIED AS REQUIRED BY GEORGIA LAW.

O.C.G.A. § 21-2-300 (a)(3)-“The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition.”

A formal complaint made on September 12, 2022, to the Georgia State Election Board authored by Kevin Moncla and David Cross provides evidence to the fact that Pro V&V accreditation did terminate and fraudulent efforts were taken to cover it up. Page 13 of the complaint states,

“GEORGIA’S VOTING SYSTEM WAS NEVER PROPERLY CERTIFIED Pro V&V performed the testing on Georgia’s Dominion Democracy Suite 5.5A(G) system and submitted the final report to the EAC on August 7, 2019. Because Pro V&V’s VSTL accreditation expired in February of 2017 (or February of 2019 if we accept the EAC’s flawed excuses) and system certification requires testing by an EAC accredited VSTL, the EAC certification of Georgia’s voting system is not valid.”

“The actions of the EAC as detailed herein extend far beyond mere failure. The EAC has fabricated a fraudulent record for Pro V&V and has repeatedly, knowingly, and intentionally misrepresented the expired accreditation status of a Voting Systems Testing Laboratory to the American people. The EAC’s deceptive practices have fostered a false sense of security and materially violated their responsibilities under the HAVA in both letter and spirit of the law. The inherent standard of any established institution or industry does not exist with voting systems in the United States. There is no benchmark, no independent method of testing, no oversight, and therefore there is no alternative but for the States to perform their own due diligence in testing our voting systems. Wherefore, the Georgia State Election Board must immediately suspend use of the Dominion voting systems until a thorough, review by a panel of independent experts can be performed.”⁴

⁴ Monca Cross, Official Complaint GA SEB (2022)

Continued research conducted by Moncla and Cross revealed that deficiencies discovered with Georgia's Dominion Democracy Suite 5.5A(GA) election equipment is consistent with those found last year in Williamson County, TN. The County immediately suspended use of Dominion voting systems and replaced the machines with those of another manufacturer. This discovery was confirmed by the Election Assistance Commission (EAC).

“Those same anomalies, among others, have been witnessed in several separate incidents and the same errors have been documented in 65 of the 67 counties, some 97%, across the state of Georgia. We have evidenced these specific problems having occurred during the 2020 general election and again during the recent 2022 primaries.”

Moncla / Cross detail these anomalies in their Immediate Emergency Review sent to the Georgia State Election Board (SEB) submitted on October 11, 2022.⁵

Per Georgia law either of these events should have caused the equipment to be immediately revoked by the Secretary of State or at the request of the SEB.

O.C.G.A. § 21-2-368 (c) No kind of optical scanning voting system not so approved shall be used at any primary or election and if, upon the reexamination of any optical scanning voting system previously approved, it shall appear that the optical scanning voting system so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such optical scanning voting system shall thereafter be purchased for use or be used in this state.

O.C.G.A. § 21-2-324 (b) The Secretary of State shall thereupon require such machine to be examined or reexamined by three examiners whom he or she shall

⁵ Moncla Cross, Emergency Review to GA SEB (2022)

appoint for the purpose, of whom one shall be an expert in patent law and the other two shall be experts in mechanics, and shall require of them a written report on such machine, attested by their signatures; and the Secretary of State shall examine the machine and shall make and file, together with the reports of the appointed examiners, his or her own report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion and in consideration of the reports of the examiners aforesaid, the kind of machine so examined can be safely and accurately used by electors at primaries and elections as provided in this chapter. If his or her report states that the machine can be so used, the machine shall be deemed approved; and machines of its kind may be adopted for use at primaries and elections as provided in this chapter.

O.C.G.A. § 21-2-324 (c) No kind of voting machine not so approved shall be used at any primary or election and if, upon the reexamination of any voting machine previously approved, it shall appear that the machine so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such voting machine shall thereafter be purchased for use or be used in this state.

4. MALADMINISTRATION AND DECEPTION BY THOSE WHO MANAGE GEORGIA ELECTIONS, CONTINUES TO DISENFRANCHISE VOTERS IN GEORGIA.

On November 17, 2021 Governor Kemp sent a letter to the SEB and Secretary Raffensperger asking them to take corrective actions associated with “36 inconsistencies noted by Mr. Rossi are factual in nature, pose no underlying theories outside of the reported data, and could not be explained by my office after a thorough review”.⁶ Per Mr. Rossi’s complaint the inconsistencies stated by the Governor added up to 42,000 votes.⁷

⁶ Kemp, SEB, (2021)

⁷ Rossi, Kemp (2021)

On June 22, 2022, Secretary Raffensperger spoke to members of the January 6 Committee and made no mention of the 42,000-vote count difference between the 2020 election and the recount certified in December 2020. He also did not correct Adam Schiff concerning the fact a forensic audit has never been completed in Georgia.

Adam Schiff: (01:29:56) *“And Mr. Secretary, as I understand it, your office took several steps to ensure the accuracy of the vote count in Georgia, reviewing the vote count in at least three different ways. These steps included a machine recount, a forensic audit and a full hand recount of every one of the 5 million ballots cast. Did these efforts, including a recount of literally every ballot cast in the State of Georgia confirmed the result?”*

Secretary Raffensperger: (01:30:20) *“Yes they did. We counted the ballots where the first tabulation would be scanned. Then when we did our 100% hand audit of the entire all 5 million ballots in the State of Georgia, all cast in place, all absentee ballots, they were all hand recounted and they came remarkably close to the first count. And then upon the election being certified, President Trump, because he was in within half percent, excuse me, could ask for a recount. And then we recounted them again through the scanners and we got, remarkably, the same count. Three counts, all remarkably close, which showed that President Trump did come up short.”⁸*

We can no longer accept the words of the Secretary of State as truth.

As Judge Totenberg said of the Secretary and his office, “they are not credible”. “The Defendant (Raffensperger et al.) have previously minimized, erased, or dodged the issues underlying this case. Thus, the Court has made sure that the past is recounted frankly in this Order, to ensure transparency for the future.”⁹

Former Senator Ligon, served as the Municipal Court Judge for the City of

Brunswick for 16 years, sent the senate investigative report from the 2020 general

⁸ Raffensperger, US House Jan.6 Comm. (2022)

⁹ Curling v Raffensperger, Doc 579, (2019)

election to the Secretary Raffensperger, Governor Kemp, and the voters of Georgia on December 17, 2020.¹⁰ Senator Ligon is a seasoned expert in determining evidence and compliance with Georgia law and election law.

Finding #2 “The Secretary of State and the State Elections Board failed to enforce the law as written in the Georgia Code, and furthermore, created policies that contravened State law. As Senator Matt Brass concluded at the December 3 hearing, “We have heard evidence that State law was not followed, time after time after time.”

Finding #9 “The oral testimonies of witnesses on December 3, 2020, and subsequently the written testimonies submitted by many others, provide ample evidence that the 2020 Georgia General Election was so compromised by systemic irregularities and voter fraud that it should not be certified.”

When we asked Mr. Ligon, what did the Secretary of State do with the Senate’s findings, he stated, “He did nothing”.

On December 22, 2020, (just 5 days after the Ligon Senate Report was issued) Secretary of State office press release was issued, “*Georgia Secretary of State Brad Raffensperger is coordinating a whole of government effort to combat illegal voting in Georgia, coordinating with the Governor’s office, the Georgia Bureau of Investigation (GBI), and local elections departments on the initiative. The Office of the Secretary of State has already launched over 250 investigations into credible elections concerns this year and begun a signature audit in Cobb County*”.¹¹

On January 6, 2021, just two weeks after *coordinating a whole of government effort*. Secretary Raffensperger sent a letter to the United States Congress and then Vice-president Pence. In the 10-page document Secretary Raffensperger told the U.S. Congress, “*that no fraud or irregularities occurred at all in Georgia.*”¹² This

¹⁰ Ligon, GA Congress, (2020)

¹¹ Raffensperger, Press Release, (2020)

¹² Raffensperger, U.S. Congress, (2021)

document was not made public for months. Upon analysis of the “Letter to Congress” by Voter GA and others revealed that the document contains 42 false statements that Raffensperger made to the U.S. Congress. ¹³

We have spoken to hundreds of voters in North Georgia, this is this kind of maladministration and deception that has destroyed voter confidence in our Great State.

CONCLUSION:

Following the 2020 General Election Governor Kemp sent these words word out to reaffirm the citizens of Georgia.

“Free and fair elections are the foundation of our American government. Any allegations of intentional fraud or violations of election law must be taken seriously and investigated. We trust that our Secretary of State will ensure that the law is followed as written and that Georgia’s election result includes all legally-cast ballots and only legally-cast ballots. We will continue to follow this situation to ensure a fair and transparent process.”¹⁴

Without intervention, the continued maladministration, deception, lack of transparency, and disregard for Georgia laws, will continue to disenfranchise Georgia voters.

¹³ Voter GA, Study, 2022

¹⁴ Kemp, Press Release, 2020

Investigations performed by the Mountain Patriots and other Georgia Election Integrity Groups have identified election irregularities and violations of election laws in Georgia. We have communicated our findings with Governor Kemp and his Executive Counsel, the late Speaker David Ralston, in addition to State Inspector General Scott McAfee and the District Attorney for the Appalachian Circuit. We pray that our brief provides insight of the destruction of Georgia elections to the Honorable Justices of the Supreme Court of Georgia. We pray that the results of our work will help restore transparency and trust in Georgia Elections.

**DISCLOSURE OF ANY PARTY WHO FINANCIALLY
CONTRIBUTED TO THE BRIEF.**

No party provided a financial contribution to this brief.

STATEMENT OF COMPLIANCE

The authors of this amicus brief have met the requirements of the *Rules of the Supreme Court of Georgia* to the best of their knowledge.

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