

On September 25, 2020, Georgia Elections Director Chris Harvey informed election officials across the state of an “error in the database” for the state’s new touchscreen ballot marking devices. They had been in the process of conducting pre-election logic and accuracy testing for the November 3 election but were told to stop all testing, and that “new” software would soon be available.

This news is alarming on several fronts. Among major concerns:

1. Advance voting begins in one week, on October 12. It is impossible to conceive of writing new software, testing it, certifying it, distributing it to the counties, installing it in every machine and testing them all for logic and accuracy, performing acceptance testing, and whatever else should take place before machines are ready to be used in actual elections. Apparently, over two days following Mr. Harvey’s communication, new software was put together for every precinct in the state and distributed to all 159 counties.
2. Altering software can cause bugs to be introduced unintentionally, and makes machines vulnerable to malware attacks. This new hurried software has already been installed in many counties, but has not been certified by the Elections Assistance Commission (EAC), as required by Georgia law. Also, in violation of Georgia rules, it has not been tested and certified at the state level or by the Secretary of State. It is doubtful that acceptance testing will take place, as per Georgia’s election rules.
3. The Secretary of State’s office disclosed that the old software had to be completely wiped before the new could be installed. This action violates Georgia Election Code by deleting all data and evidence from previous elections.
4. Factions in our political world are creating doubt and chaos surrounding this election, from undermining the post office to threats of not accepting certified results. **We have a shot at turning Georgia blue**, but conducting an election using illegal software is enough for charges of malfeasance, and having our results discounted.
5. The process has been outsourced to Dominion, the vendor that Georgia contracted with to purchase the system in 2019. This makes the software proprietary, and therefore unavailable to the citizens of the state, and even to cybersecurity experts available to help ensure the system’s safety and security.

The legal solution, according to Georgia Election Code and rules, is to implement hand marking paper ballots in the event that it is impossible or impracticable to use the ballot marking devices. Hand marked paper ballots are the gold standard of election security [according to IT experts](#), and they give voters the confidence that has been lacking in our current election cycle, especially given this new glitch that was so recently discovered.

What clout do we have, either as a county or as a state Committee? Legal action is also in the works, but we should be seen as supporting the rule of law in our elections.

Legal underpinnings can be found here:

https://georgiaelections.weebly.com/uploads/1/0/8/5/108591015/summary_for_counties.pdf

https://www.youtube.com/watch?v=IMJU2p4_LDM&feature=youtu.be&fbclid=IwAR0aeKI7NbrHgVYijBGDDS9pxwy7DMvb_PgYTsDpypYVYwPeyWw7qGjG_1Y

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