

Greeting County Board of Elections Members,

The purpose of this collection is to assist your review and understanding of the authority you hold and the proper execution of your oaths.

Spalding County Board of Elections just voted to properly certify their elections by officially hand counting the paper ballots produced by the BMD machines and tallied by the Dominion scanner as recommended by the Dominion CEO, John Poulos. This provides you with an **affirmative defense** that If a member of your board makes the motion to hand count for proper certification, it is then recorded that you as a sworn member of the board attempted to do right by the laws of our state. We the People encourage you to demonstrate leadership by exercising your authority on behalf of the electorate.

References:

[A link to the rumble video presented by Kim Brooks of data errors found on our state's voter rolls.](#)

<https://rumble.com/v31032m-georgia-patriots-discuss-massive-ballot-vote-and-voter-roll-manipulation-ac.html>

Petitions:

<https://wfaf.org/paperballotp petition-mobile/> Petition By Regan Box

<https://wfaf.org/paperballotp petition-mobile/> Petition By Women for America First

[https://oneclickpolitics.global.ssl.fastly.net/messages/edit?promo\\_id=20926](https://oneclickpolitics.global.ssl.fastly.net/messages/edit?promo_id=20926)

Dominion CEO recommendation to hand count.

<https://rumble.com/v2o3hze-dominion-ceo-confirms-paper-ballots-are-the-part-that-can-not-be-hacked.html>



Ted Metz  
P.O. Box 32  
Austell, GA 30168

## **NOTICE TO ALL MEMBERS OF ELECTION BOARDS AND ELECTION SUPERVISORS**

The purpose of this NOTICE is to elucidate and inform all who read this document on the authorities vested in county election officials vis a vis the authority of the Secretary of State. The fact is that the Secretary of State has no lawful authority over county elections officials as is plainly stated below by Judge Timothy Batten in his order in the Pearson v Kemp case cited below.

[Case 1:20-cv-04809-TCB Document 14 Filed 11/29/20 Page 2 of 4](#)

machines in Cobb, Gwinnett, and Cherokee Counties. The Court conducted a Zoom hearing at 7:45 p.m. EST to consider Plaintiffs' motion.

During the hearing, Defendants' counsel argued that the secretary of state has no lawful authority over county election officials, citing *Jacobson v. Florida Secretary of State*, 974 F.3d 1236, 1256–58 (11th Cir. 2020). Plaintiffs' counsel responded that Plaintiffs could amend

Download Judge Batten's order for yourself here:

[https://storage.courtlistener.com/recap/gov.uscourts.gand.284055/gov.uscourts.gand.284055.14.0\\_6.pdf](https://storage.courtlistener.com/recap/gov.uscourts.gand.284055/gov.uscourts.gand.284055.14.0_6.pdf)

The only authority over elections granted in the Constitution for the State of Georgia to the Secretary of State is to certify election results submitted by the counties.

Within the Official Code of Georgia Title 45, Chapter 13 no language exists granting the Secretary of State authority over how counties run their elections. Read it for yourself here: [O.C.G.A. § 45-13-20](#).

Throughout the Official Code of Georgia Title 21 there are no references to authorities granted to the Secretary of State to control county election officials, there are only references to the performance of ministerial duties mandated by law duly passed by the Legislature that the Secretary of State must perform. Read it for yourself here: [O.C.G.A. Title 21](#).

Any assertions or actions made by the Secretary of State or persons representing the office of the Secretary of State, contrary to lawful authorities, are usurpations of powers not granted to the office.

More than one judge in cases involving the Secretary of State, or the office of the Secretary of State have written in their opinions that contentions made by counsel for the Secretary of State were “not credible.”

The Secretary of State makes the assertion that the Dominion Voting System equipment must be used in all elections, citing [O.C.G.A. § 21-2-300](#), **(a)(1)** The equipment used for casting and counting votes in county, state, and federal elections shall be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.

Please note that nowhere within that code section is any language mandating counties to actually use any equipment at all. If indeed it were the case that all votes must be cast strictly with the proscribed “equipment” then Absentee ballots would not be lawful since they are not produced using the “equipment” as is also the case with UOCAVA ballots, which is alluded to in subparagraph 2, “...unless otherwise authorized by law.”

Furthermore, the “unless otherwise authorized by law” may be construed as a reference to [O.C.G.A. § 21-2-334](#) which states, “...voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, or if, **for any other reason**, at any primary or election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots.”

In Judge Amy Totenberg’s October 11, 2020 opinion in *Curling V Raffensperger* it was found that the Dominion Voting System violates both [O.C.G.A. § 21-2-2](#) (7.1) and [O.C.G.A. § 21-2-300](#) (a)(2). Read it for yourself on pages 81 and 82 of the order found here:

<https://www.documentcloud.org/documents/7224814-Curling-v-Raffensperger-Rulling-101120.html>

As elected officials, having sworn an oath to uphold the laws of Georgia, and deferring to the common definition of impracticable as being “incapable of being performed or accomplished by the means employed,” it is a reasonable conclusion that using a voting system that does not comply with Georgia law renders the voting system impracticable and therefore no further justification is necessary to arrange voting conducted on paper ballots.

Georgia is a Home Rule state and regardless of the guidance issue by the Secretary of State or County Attorneys, counties are free to decide how to run their elections.

In Liberty,

Ted Metz

A lot of you have stepped-up and accepted your appointments to these Boards. You did so with little or no prior experience in government service. For that willingness, we thank you.

However, we now deem it prudent to inform you of a situation of no small concern to us and to you. To that end, we recommend that you, personally, acquaint yourself with the law. You may not rely any further upon the “advice of counsel”.

You see, folks, both the current law, and the provable facts, are telling us that, since at least August 12, 2019, no in-person voter has cast a legal ballot, and the piece of paper they placed into the tabulation machines were, as a matter of law and fact, ballots being cast by Dominion Software. In other words, illegal ballot, forced upon the Electors by a corrupt state and corporate enterprise. The legal result of this on-going crime of deception is that, in the state of Georgia and in the United States, we do not have ANY legally elected executive or legislative office holders unless they were elected before August of 2019 to terms not yet expired.

The reason we are informing you of this travesty is because you have the authority of law to bring a remedy to this, by ordering the use of paper ballots with a hand counting of the results. But what is even more important for each of you is that you must understand the legal consequences to you, personally, should you not provide us with competent elections in which we, the Electors, can have a reasonable belief of transparency and accuracy.

Each of you has taken an Oath of Office. That Oath requires you, not anyone else, to perform one very specific thing above all else, and that is found in our Constitution in Article I, sec. I, par. II ... “Protection to person and property is the paramount duty of government ...”. As of this writing, you, individually, have not performed that duty.

The Oath of Office is a very serious matter in this society. It is so serious that the willful and intentional refusal to comply with it is made, by the people of this state, a crime. If one is prosecuted for, and convicted of, a violation of that law, OCGA 16-10-1, there is no monetary penalty; there is only a prison term to be served from 1 year up to 5 years. In the words of a Chatham County Grand Jury, who returned a presentment for election fraud on July 29, 1791,

we, too, must now seek our lawful remedy in bringing actions against each of you “for so daring an attack on the liberties of a free people.”

In short, Ladies and Gentlemen, it is time that you stop letting lying and thieving lawyers tell you what the law is and go read it yourself, then look to the evidence plainly in your face, and do that which rightly must be done.

We have borne, patiently, the treason against us in the hope that a majority of you would see the evil perpetrated against us, and that you would rise, as our servants, to the occasion and bring our relief. But this evil is no longer bearable, and we will protect ourselves should you continually give heed to the deception of these vile traitors who are subverting our laws and turning the law, and you, into instruments of plunder. Remaining ignorant of the Law is no longer a viable reliance on your part.

After your receipt of this Demand and Notice, any semblance of compassion for your situation shall no longer exist. We are including a list of the Law, though not exclusive, of which you are required to know, and to aid your understanding of what we now know, a Bill of Particulars.

Sincerely,

---

Georgia and Federal Laws

Ga. Const. Art. I, § II, par. I, Ga. Const. Art. I, § I, par. II, Ga. Const. Art. I, § II, par. II, O.C.G.A. § 1-3-6, O.C.G.A. § 15-19-17, O.C.G.A. § 16-1-3 (13), O.C.G.A. § 16-8-2 as to "intangible property", O.C.G.A. § 16-10-1.	O.C.G.A. § 21-2-2 O.C.G.A. § 21-2-300 O.C.G.A. § 21-2-334 O.C.G.A. § 21-2-366 52 U.S.C. § 21081(a)(1)(A)(i) and (a)(6)
--	--

**BILL OF PARTICULARS**  
**TO THE BOARDS OF ELECTIONS**

Petitioners allege the following as to the Legislative Enactment of HB 316 and the Dominion – Georgia Contract Execution:

1. The General Assembly enacted and the Governor signed into law, on **April 2, 2019**, HB 316, the Georgia Elections Law, codified at Chapter 2 of Title 21,<sup>1</sup>
2. Dominion Voting Systems, Inc. and the Georgia Secretary of State, Brad Raffensperger entered into a Contract, the MASTER SOLUTION PURCHASE AND SERVICES AGREEMENT BY AND BETWEEN DOMINION VOTING SYSTEMS, INC. as Contractor (Dominion), and SECRETARY OF STATE OF THE STATE OF GEORGIA as State (Brad Raffensperger), finally dated and executed as of **August 12, 2019**, (hereafter Contract) whereby proprietarily protected electronic voting equipment and software was supplied to Georgia,
3. Upon execution, said contract provided for, inter alia, a Ballot Marking Device (BMD) for all in-person voting, which reads in pertinent part as follows:
  - 3.1 Application: ... For all modes of voting, after the voter reviews the ballot selections, a paper ballot is created for the voter from a printer in the voting booth. The printed ballot contains a written summary of the voter’s choices, as well as a 2D barcode which is read by Dominion’s ImageCast Precinct or Central tabulator. No votes are stored on the ImageCast X-BMD unit. All votes can be tabulated and stored both the ImageCast Central and Precinct Tabulators.<sup>2</sup>
4. Said Contract subparagraph (3.1) clearly implies that the BMD would contain computational software the function of which is to send ballot printing instructions to an attached printer for the purpose of “printing an elector’s ballot” for the elector to read and verify, along with a 2 dimensional “barcode” of unspecified utility, prior to “casting” or “voting” said ballot, and said “barcode” would not be readable or verifiable prior to the casting or voting of the ballot,

---

<sup>1</sup> A review of the codified sections of HB 316 reveals the State of Georgia’s legislature complied with the Federal Law codified at 52 U.S.C. § 21081(a)(1)(A)(1) and (a)(6), but the contract does not comply with Federal Law.

<sup>2</sup> This contract provision violates 52 U.S.C. § 21081(a)(1)(A)(i), “... verify ... votes selected ... before the ballot is cast and counted;” and violates 52 U.S.C. § 21081(a)(1)(A)(ii), “provide the voter ... opportunity ... to change ... or correct any error before the ballot is cast and counted ...”

5. Said computational software also, impliedly though not specifically stating, processed the elector's selections into this encoded/encrypted 2 dimensional "barcode" to be additionally printed on the same specially prepared paper stock to be placed in the tabulator to be "cast" or "voted" by an elector. The said "barcode" is unreadable, not decipherable, and therefore, unverifiable by any elector or election official,

6. For the purpose of tabulating the ballot's "marked selections", when being "cast" or "voted" by the elector, the Tabulation machine reads ONLY the encoded/encrypted "barcode" graphic for the purpose of counting votes encrypted therein and ignores the selections printed in English,

7. Said computational elector-unverifiable encrypting/encoding software function was not, and is not, authorized by the enactment and signing into law of HB 316, codified, inter alia, at O.C.G.A. § 21-2-2 (7.1), § 21-2-300, etc. and violates Federal Law codified at 52 U.S.C. § 21081 (a)(1)(A)(i) of which public officials, specifically Brad Raffensperger and John Poulos, knew, or reasonably should have known, prior to the execution of the said contract.

8. The single piece of printed special-paper, purported to be an "Official Ballot", is, as a matter of law and of fact, two separate ballots; one portion of the paper represents the selections of the elector, readable and verifiable; the other is an encrypted/encoded selection which is the proprietary property of Dominion Voting Systems, Inc. which is not readable or verifiable, and this is clearly the stated situation in the language of the Contract provision 3.1 which states:

*"The printed ballot contains a written summery of the voter's choices, as well as a 2D barcode which is read by Dominion's ImageCast Precinct or Central Tabulator."*

There is NO statement therein, in the nature of an assurance, that the barcode accurately represents an elector's selection. There is no provision in Chapter 2 of Title 21 allowing for such additional markings. State law provides, with clear specificity, the allowable markings to appear on a single ballot,

9. The tabulating system in use does not provably count the votes submitted in the English Language, rather it tabulates whatever is encoded/encrypted in Dominion's selection and printed, as an additional ballot selection, in the form of a proprietary 2D barcode, and is not authorized in State or Federal Law,

10. To state this reality of fact as succinctly as possible, every in-person "ballot" submitted for tabulation in all elections in Georgia, from August 12, 2019 to the present, was not provably, and has not been proven to be, the vote of an elector. The

papers, designated under the pretext of “Official Ballots” contained two separate voting selections rather than one, but the only votes counted, as made plain by the words of the Contract, were the votes selected by Dominion, encoded/encrypted in its proprietary 2 D barcode, unreadable and unverifiable by an elector, for which no provision is made in Georgia or Federal Statute, and violates, inter alia, O.C.G.A. § 21-2-300 and violated the elector’s Right to Know for whom his vote was tolled. The papers generated by the Dominion BMD, with two ballots printed thereon, their form and tabulation thereof are not authorized in either Georgia or Federal law as “legal ballots”.

February \_\_\_\_\_, 2024

Dear \_\_\_\_\_ County Board of Commissioners,

I am providing you with a copy of an Official Petition which was served upon the members of the \_\_\_\_\_ County Board of Elections on \_\_\_\_\_. Over the past couple of years, many have been alerting the County and State Boards of Elections of the potential for security issues with our voting system. On 1/19/2024, Dr. J. Alex Halderman testified and demonstrated before Judge Amy Totenberg in the *Curling et.al. v. Raffensperger, et.al.* case, in the Northern District Federal Court of Georgia, the ease in which this voting system can be hacked, and the vote tabulations changed.

During this demonstration Dr. Halderman proved that the illegal access of the voting system, as well as any changes of the vote totals, would be completely undetectable. This demonstration was performed using a simple ball point pen and showed complete super-user system access within approximately 7 seconds.

Also, during the *Curling* case, the counsel for the Secretary of State, proclaimed that he had no authority over the county boards of elections. He proclaimed that any election activity that was unlawful fell squarely in the laps of the county boards of elections and that they were the responsible party. Counsel for the Secretary of State testified that the Secretary of State's office only offers "suggestions" and if these are not compliant with Georgia election laws or constitution, and the election officials proceed with these suggestions, then the fault is theirs.

It's past time for the county board of elections to take responsibility for their actions. They are not acting in compliance with multiple election laws of Georgia nor the constitutions. Their Oaths of office require adherence to the law, and to uphold the constitution. This is not being done. Their Oath also requires them to, "...make a true and perfect return of such primaries and elections..." which is impossible while using the current voting system pursuant to the Halderman testimony and demonstration described above.

The County Boards of Commissioners and the County Boards of Elections serve at the pleasure of the people and are required to have the consent of the governed. WE DO NOT CONSENT to the use of a voting system that can neither be safely nor accurately used. We demand our elections be held on hand-marked, hand-counted, counterfeit proof paper ballots which are counted at the precincts they were voted upon with members of every party in attendance as witnesses.

Signed,

\_\_\_\_\_

a \_\_\_\_\_ county resident, taxpayer and voter

# OFFICIAL PETITION TO COUNTY BOARD OF ELECTIONS

## GA STATE ELECTION LAWS

### O.C.G.A. 21-2-70 – Superintendents Powers and Duties

GA Code § 21-2-70 (2022) Each superintendent within his or her county or municipality shall exercise all the powers granted to him or her by this chapter and shall perform all the duties imposed upon him or her by this chapter, which shall include the following:

1. **To receive and act upon all petitions presented by electors**, the board of registrars, or the county executive committee of a political party for the division, redivision, alteration, change, or consolidation of precincts;
4. **To select and equip polling places for use in primaries and elections in accordance with this chapter;**
5. To purchase, except voting machines, preserve, store, and maintain election equipment of all kinds, including voting booths and ballot boxes and **to procure ballots and all other supplies for primaries and elections;**
13. To conduct all elections in such manner as to guarantee the secrecy of the ballot and **to perform such other duties as may be prescribed by law;**

**15. B.** In the case of a board of elections, each member of the board shall take an oath in the following form upon becoming a member of the board which shall apply to all primaries and elections conducted by the board throughout such person's tenure on the board: I, \_\_\_\_\_, do swear (or affirm) that I will as a member of the board of elections duly attend all ensuing primaries and elections during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, **that I will make a true and perfect return of such primaries and elections**, and **that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws** to the best of my judgment and ability.

**C.** In the case of an election supervisor or designee for a board of elections or board of elections and registration, the election supervisor or designee shall take an oath in the following form upon being appointed as an election supervisor or designee of the board which shall apply to all primaries and elections conducted by the board throughout such person's tenure:

I, \_\_\_\_\_, do swear (or affirm) that I will duly attend all ensuing primaries and elections during the continuance thereof, **that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections**, and that I will at all times truly, impartially, and **faithfully perform my duties in accordance with Georgia laws** to the best of my judgment and ability.

## **FEDERAL ELECTION LAW 52 USC 10308 - Civil and criminal sanctions**

**(a) Depriving or attempting to deprive persons of secured rights** - Whoever shall deprive or

attempt to deprive any person of any right secured by section 10301, 10302, 10303, 10304, or 10306 of this title or shall violate SECTION 10307(A) OF THIS TITLE, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

**(c) Conspiring to violate or interfere with secured rights** Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 10301, 10302, 10303, 10304, 10306, or 10307(a) of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

NOTE: MEMBERS OF THE COUNTY BOE CAN BE HELD CIVILLY AND CRIMINALLY LIABLE BOTH AS AN OFFICIAL AND AS AN INDIVIDUAL THIS SUBJECTS ALL PERSONAL PROPERTY TO ATTACHMENT IN THE EVENT OF ANY DAMAGES AWARDED.

## **O.C.G.A. 21-2-290 Superintendent to Provide Number of Ballots Equal to Number of Registered Electors in Precinct**

**The superintendent shall provide**, for each precinct in which a primary or election is to be held, a **sufficient number of ballots equal to the number of active registered electors**.

**1.** "Ballot" means "official ballot" or "paper ballot" and shall include the instrument, whether paper, mechanical, or electronic, by which an elector casts his or her vote.

NOTE: A blank piece of paper does not equal a ballot. Therefore, this statute MANDATES the BoE Superintendents to have enough paper ballots for each active registered voter in the county.

## **O.C.G.A. 21-2-285 Form Of Official Election Ballot**

**a).** At the top of each ballot for an election shall be printed in prominent type the words "OFFICIAL BALLOT," followed by the name and designation of the precinct for which it is prepared and the name and date of the election.

**b). 1.** Directions that explain how to cast a vote and how to obtain a new ballot after one is spoiled shall appear immediately under this caption on a ballot presenting the names of candidates for election to office as specified by the rules and regulations of the State Election Board.

**2. Marks made in violation of these directions shall be disregarded in the counting of the votes cast.** The names of persons inserted on the ballot by the elector shall be written only within the write-in space provided and **the insertion of such names outside such column or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited.**

NOTE: PURSUANT TO THESE STATUTES, IT IS ILLEGAL TO COUNT/TABULATE VOTES USING A QR/2D BAR CODE. THE INSERTION OF A QR/2D BAR CODE ON OUR BALLOTS IS PROHIBITED AND RENDERS OUR BALLOTS UNOFFICIAL AND THEREFORE ILLEGAL.

(See also OCGA 21-2-284 and 21-2-480)

Furthermore refer to Curling v Raff 1:17-cv-2989-AT 10/11/2020 Judge Totenberg ruled that the QR code that appears on the ballots is non compliant with GA election law because they are non human readable and renders the elections inauditable.

### **O.C.G.A. 21-2-280. Requirement as to Conduct of Primaries and Elections by Ballot; Requirement as to Use of Official Ballots Only**

All primaries and elections in this state shall be conducted by ballot, except when voting machines are used as provided by law. All ballots used in any primary or election shall be provided by the superintendent or municipal governing authority in accordance with this article, and **only official ballots** furnished by the superintendent or governing authority **shall be cast or counted in any primary or election in any precinct in which ballots are used.**

### **2 U.S.C. 9 Title 2 - THE CONGRESS CHAPTER 1 - ELECTION OF SENATORS AND REPRESENTATIVES Sec. 9 - Voting for Representatives**

All votes for Representatives in Congress must be by written or printed ballot, or voting machine the use of which has been duly authorized by the State law; and **all votes received or recorded contrary to this section shall be of no effect.**

NOTE: The current voting system was not duly authorized in accordance with the GA Constitution nor election laws of Georgia. These machines were not certified pursuant to federal law when they were purchased nor when they were implemented (refer to EAC.gov VVSG Guidelines). The referendum votes to move from paper ballots to machine voting were never held (pursuant to O.C.G.A. 21-2-321 which included counties at the time) or for the increase in debt or taxes necessary to pay for this voting system as is required by the GA constitution Article IX, Section V, Paragraph I(a).

### **O.C.G.A. 21-2-334 Voting by Paper Ballot When Use of Voting Machine Impossible or Impracticable:**

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, ***or if, for any other reason,*** at any primary or election the use of voting machines wholly or in part is not practicable, **the superintendent may arrange to have the voting** for such candidates or offices or for such questions **conducted by paper ballots.** In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used.

### **§ 21-2-300. Provision of New Voting Equipment by State; Uniform System for All Elections to Be Conducted With Use of Scanning Ballots Marked by Electronic Ballot Markers; Pilot Programs Authorized; County Responsibilities; Education; County and Municipal Contracts for Equipment**

A 2 As soon as possible, once such equipment is certified by the Secretary of State as safe and practicable for use, all federal, state, and county general primaries and general elections as well as special primaries and special elections in the State of Georgia shall be conducted with the use of

scanning ballots marked by electronic ballot markers and tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in person, **unless otherwise authorized by law**; provided, however, that such electronic ballot markers shall produce paper ballots which are marked with the elector's choices in a **format readable by the elector**.

**§ 21-2-379 - Arrangements for appropriate ballots when use of optical scanning voting systems impracticable**

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of optical scanning voting systems is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated **for any office renders the use of optical scanning voting systems for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of optical scanning voting systems wholly or in part is not practicable**, the superintendent may arrange to have the voting for such candidates or offices or for such questions **conducted by any other lawful method authorized in this chapter**. In such cases, appropriate ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such method.

NOTE: BOE AND SUPERINTENDENT HAVE THE AUTHORITY AND DUTY TO USE HAND MARKED, HAND COUNTED PAPER BALLOTS UPON DISCOVERY THAT THE BALLOTS IN USE DO NOT STRICTLY ADHERE TO GA ELECTION LAWS (WHICH ARE MANDATES) FOR WHAT CONSTITUTES THE FORM OF OFFICIAL ELECTION BALLOT. FURTHER, REFER TO :

CIVIL ACTION FILE NO. 1:20-cv-4809-TCB PEARSON V KEMP During the hearing, Defendants' counsel argued that the secretary of state has no lawful authority over county election officials, citing *Jacobson v. Florida Secretary of State*, 974 F.3d 1236, 1256–58 (11th Cir. 2020).

NOTE: Raffensperger was removed as a defendant in this case due to his representation that the SOS has no lawful authority over the county boards of elections. Therefore, if members of the BoE believe they are not accountable for the laws being upheld and that they can say “they were only doing what they were told to by the SoS office”, they are sorely mistaken.

**Curling V Raffensperger updates:**

On Friday (1/19/24), in U.S. District Court In Atlanta, Georgia, University of Michigan Professor of Computer Science and Engineering, J. Alex Halderman, testified and demonstrated in front of Judge Amy Totenberg's courtroom, how easy it is to hack Dominion voting machines that have been used in Georgia elections since 2020. During his demonstration, Halderman was able to HACK A DOMINION VOTING MACHINE and change the tabulation in front of U.S. District Judge Amy Totenberg in the courtroom. Halderman USED ONLY A PEN TO CHANGE VOTE TOTALS that were completely undetectable.

On Thursday 2/1/24 Bryan Tyson attorney for State of GA (1:17-CV-2989-AT) stated” We've had the *Fair Fight* decision that covered that. And ultimately, again in a post Jacobson world, you cant bind the counties through the Secretary because the counties have their own independent legal obligations for how they conduct elections.” And goes on to say, “So in terms of the evidence that you have heard,

the evidence also shows that any sort of relief that plaintiffs are asking for would generally be costs on the counties, whether that is the purchase of additional printers, whether that is other things they would have to do. Those would be costs borne by counties. And enjoining 21-2-300 where nonparty counties could then decide to use a different voting system, for example, than the ballot-marking device system would still not redress the plaintiffs' injuries because the counties would still be able to choose whether to use the BMD system or not." And then Mr Tyson states " Finally, on audits, the evidence also shows that audits are carried out by counties. And the Secretary has no authority to order counties to conduct more audits under the current legal structure today"

Mr Miller representing SOS and State Election Board on 2/2/24 "All of these counties have Dominion voting equipment sitting in their office. They have been trained on it. It is ready to go. The court can enjoin the State if they can carry their burden. The Court can enjoin the State from enforcing 21-2-300. But the counties have an independent legal obligation to supply their polling places. Some may go to paper ballots."

Therefore, these systems produce unlawful, unofficial ballots in which (pursuant to GA and Federal law) the votes are invalid and of no affect. This system also causes an unconstitutional infringement, deprivation and dilution of my right to vote since it cannot be safely used or used with any verification of accuracy. Federal and GA law mandate that our elections must be auditable. This system also fails that mandate.

I am demanding this BoE immediately move to hand-marked, hand-counted at the precinct, counterfeit proof paper ballots. I expect a response to this petition (see O.C.G.A. 21-2-70 above) from you within 30 days.

Signed,

---

Georgia voter, resident and taxpayer

Link to report of Halderman testimony and demonstration:

<https://www.thegatewaypundit.com/2024/01/gig-is-up-exclusive-local-reporter-describeselection>

October 28th, 2024

**PROJECT 437**

To: Georgia Sheriffs and Senior Deputies in All Counties  
Georgia Election Officials in All Counties

**RE: PROJECT 437 TO ENFORCE UNIFORMITY OF ELECTION LAW IN THE NOVEMBER 5th PRESIDENTIAL GENERAL ELECTION FOR COUNTING OF VOTES AND CERTIFYING BY PAPER BALLOT**

This demand for immediate enforcement of the law is a result of repeated and imminent failure of our state and county government to execute the HUMAN counting of our votes by O.C.G.A. § 21-2-437, since the March 2020 Presidential Primary. State law and the Georgia Supreme Court require that our elections be conducted by paper ballot; poll officers must work together to count our votes by hand and generate ink tally papers as part of the required accounting for certifiable returns on Election Day. Georgia citizens are counting on you to enforce State law and avoid a repeat failure on November 5th!

**The U.S. The Constitution** requires that the **Times, Places, and Manners** of holding elections shall be prescribed in each State by the Legislature. (art. 1, § 4, cl. 1). **Article II of the Georgia Constitution requires that all elections be conducted in accordance with State laws.** This protects constitutional provisions and the rights of citizens. We the People call upon you to protect our state sovereignty in your jurisdiction.

Federal law defines “vote” to include the casting **and counting** of the vote. Federal voting areas in Georgia include over 2,700 Voting Precincts and hundreds of advance in-person polling locations within all county jurisdictions (52 U.S.C. § 10101(e)). These are **fixed locations** of election per O.C.G.A. § 21-2-265(a), where **hand count of paper ballot returns and ink tallies must occur as required accounting.**

Poll returns of paper ballot vote counts must be duly certified by **sworn** poll officers based upon O.C.G.A. §§ 21-2-420 & 21-2-437. This must occur **prior to transferring** the voted paper ballot property to county election superintendents and their staff. Yet, the forced transfer of this property within minutes of the closing of the polls on Nov. 5th is imminent.

Uniformity of law is essential, and lawless acts in our elections should **never be encouraged.** In an October 20, 2024 interview by The Washington Post, Secretary of State

Brad Raffensperger directly intimidated county-level compliance by calling hand counting of paper ballots “misguided and risky”<sup>1</sup>

This statement is astounding since The Georgia Supreme Court ruled in *Rhoden v. Athens-Clarke Brd of Elections* (Oct. 19, 2020) that O.C.G.A. § 21-2-437 is in full force and effect, **despite having assistant technology of the optical scanning system.** Georgia taxpayers funded a system of **paper ballots**, which is stated in the definition for “optical scanning voting system” (O.C.G.A. § 21-2-2(19.1)). Therefore, the paper ballots **MUST BE HUMAN COUNTED FROM OUR PAPER BALLOTS AT OUR PRECINCT LOCATIONS.**

O.C.G.A. § 21-2-493(g), which governs county-level tabulation of returns states: “The figures **announced for all precincts shall be compared** by one of the assistants **with the tally paper** from the respective precincts.” There is no provision of Georgia Election Law allowing county agents to reconcile or consolidate the duly certified precinct returns with generated reports of any electronic system.

**Georgia has only one chance to get this right - on Election Day, November 5th. An election is absolutely void** when not held at the proper TIME and PLACE by persons qualified to hold it. *Smiley v. Gaskin*, 115 Ga. App. 547 (1967). This includes the election of presidential electors pursuant to 3 U.S.C. § 1 and U.S. Congressman per 2 U.S.C. § 9. Sworn election officials must perform their ministerial mandates of law required for PRECINCT, COUNTY, and STATE CERTIFICATION of only lawful returns per O.C.G.A. §§§ 21-2-437, 21-2-493 and 21-2-499, respectively. Poll officers must duly certify based on human hand count of the paper ballots and ink tallies of the votes printed on the paper ballots. County election officials cannot perform without duly certified precinct returns. Furthermore, the Governor cannot issue lawful certificates of election and commissions per O.C.G.A. § 21-2-502 without lawful county certifications. *Julie Adams v. Fulton County et al.*, Order 10.14.24.

All sworn poll officers, amounting to approximately 16,000 - 20,000 citizens, must receive the protection of these State laws in the conduct of their duties. Election officials must also be protected in the performance of their sworn duties. You must ensure that State laws are uniformly promulgated throughout your county to maintain order. This is so that the federal voting rights of each citizen are protected at the TIME and PLACE they vote.

**Law enforcement officers must ensure** that no sworn election official or poll officer should live in fear of arrest or criminal charges by the government for conducting paper ballot procedures according to O.C.G.A. § 21-2-437. This conclusion is upheld by an unambiguous ruling of The Georgia Supreme Court in *Rhoden*. Broad unlawful activities are imminent, as outlined in Attachment 1.

---

<sup>1</sup> *Press Release: Raffensperger Defends Georgia’s Election Integrity Act from Last Minute Changes*, <https://sos.ga.gov/news/raffensperger-defends-georgias-election-integrity-act-last-minute-changes-delaying-election> (last visited Oct 20, 2024). (Sec. Raffensperger stated: “Misguided efforts to impose new procedures like hand counting ballots at polling locations make it likely that Georgians will not know the results on Election Night. Additionally, having poll workers handle ballots at polling locations after they have been voted introduces a new and significant risk to chain of custody procedures.”)

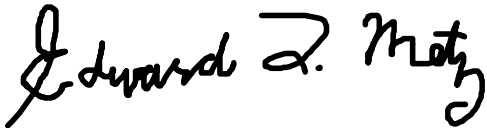
Any attempt through your county administration to charge poll officers with the commission of crimes in the performance of the lawful act of duly certifying the returns by accounting methods required in O.C.G.A. § 21-2-437 is against the interest of your citizens.

Each individual has ONE FIXED PLACE where they vote, called a Voting Precinct. The federal voting right includes the casting of the ballot, **counting** of the votes, and **including the counts in the certifiable vote totals**. Each citizen in your jurisdiction has a federal voting right derived directly from the U.S. Constitution, Art. 1, § 4. Therefore, you have an oath and duty to protect it. Election property belongs to the voters and taxpayers of your county. It appears that politicians are attempting to continue a four-year pattern of lawlessness.

Rules, regulations or policies cannot supersede State law. Any public officers or sworn poll officer involved in transferring our voted ballots property **BEFORE poll officers DULY CERTIFY** our votes at our Precinct Election Locations would appear to be acting contrary to O.C.G.A. § 21-2-437 and other laws included in Attachment 1.

**Home Rule Your County.** In preparation for November 5th, we call upon you to take all law enforcement and administrative action to prevent an unlawful and possibly voidable election. Our urgent request is following the strict requirements of Georgia Law and to avert any apparent criminal activity by government officials. It is not possible for law enforcement officers to avoid responsibility for this issue, as LEOs are implicated in these acts by Ga Rule and Reg. 183-1-12-.12 (a)(7). **We ask you to contact us by email with your decision to align with constitutional advocates and compliant counties by November 1, 2024.**

Respectfully submitted,



Edward T. Metz (Cobb County) U.S. VETERAN  
Mableton, GA 30126  
TedMetz@gmail.com



Sarah E. Thompson (Bulloch County) U.S. VETERAN  
Statesboro, GA 30461  
freedomwinsusa@protonmail.com



Susan P. Opraseuth, (Fulton County)  
Alpharetta, GA 30005  
SusanUSA@protonmail.com

\_\_\_\_\_ County Citizen

Attached:

- 1 - Laws Governing Current Elections by Paper Ballot in the State of Georgia
- 2 - O.C.G.A §21-2-437. Procedure as to count and return of votes generally.
- 3 - Proposed Executive Order to Governor Kemp, 10.24.24, Disregarded.

**LAWS GOVERNING CURRENT PUBLIC  
ELECTIONS BY PAPER BALLOT TO SUPPORT  
ARTICLE IX COUNTY HOME RULE  
THROUGHOUT THE STATE OF GEORGIA**

---

*Rhoden v. Athens-Clarke Brd. of Elections* 310 Ga. 266, 850 S.E.2d 146 (2020).

An election conducted with the optical scanning voting systems employing paper ballots on which electors cast votes with electronic ballot markers was an election conducted **with paper ballots** [not voting machines]. The system and ballot markers are “not a substitute for paper ballots.” O.C.G.A. § 21-2-437 properly applied. This law mandates Human Counting (a) & (b).

**U.S. CONSTITUTION**

**Article 1, § 4, Cl. 1**

The **TIMES, PLACES, AND MANNER** of holding elections for Senators and Representatives, shall be prescribed in each State by the **Legislature thereof**.

**Article 2, § 1, Cl. 3**

The Person having the greatest Number of **Votes** shall be the President, if such Number be a Majority of the whole Number of Electors appointed;

**Federal Law**

**3 USC § 1 Time of appointing electors.** The electors of President and Vice President shall be appointed, in each State, **on election day**, in accordance with the laws of the State enacted prior to election day.

**2 USC § 9 Voting for Representatives.** All votes for Representatives in Congress must **be by written or printed ballot**, or voting machine the use of which has been duly authorized by the State law; and all votes received or recorded contrary to this section shall be of **no** effect.

**52 USC § 10101(e) Voting Rights.** The word “**vote**” includes **all action necessary to make a vote effective** including, but not limited to, registration or other action required by State law prerequisite to voting, **CASTING** a ballot, and having such ballot **COUNTED** and **INCLUDED** in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words “**affected area**” shall mean any subdivision of the State in which the laws of the State relating to voting...

---

**GEORGIA STATE CONSTITUTION**

**Art. 2, § II, Para. 1**

Method of Voting. Elections by the people shall be by secret ballot and shall be conducted in accordance **with procedures provided by law**. [State Legislature, Not State Executives].

### **Georgia's Legislated Prescription for Constitutional Elections**

**TIME:** The Day of Election is the day by which ballots must be both cast by voters and received by state officials. State law is preempted by the uniform federal Election Day. (affirmed by U.S. Court of Appeals for 5th Circuit 10.25.24).

**PLACES:** Federal Voting Areas in Georgia are Voting Precincts (2,700+), which are geographical areas established by law, from which all electors vote at one polling place (O.C.G.A. § 21-2-2(6) & (28)). Polling places are fixed rooms within voting precincts / elections districts (O.C.G.A. § 21-2-265(a)). **Voting procedures** (O.C.G.A. § 21-2-437(a) & (b)) **and requisite accounting must be conducted before any election property is moved** (O.C.G.A. § 21-2-420). [Criminal statutes prevent the moving of property prior to requisite accounting.]

**MANNER OF COUNTING OF VOTES:** Poll officers are the chief managers, assistant managers, and clerks required to conduct elections in any precinct in accordance with this chapter. (O.C.G.A. § 21-2-2(26) & Elections are by paper ballot. (O.C.G.A. § 21-2-437, affirmatory order in *Rhoden v. Athens-Clarke* (2020)).

---

### **GEORGIA SUPREME COURT OCTOBER 19, 2020 JUDGMENT**

*Rhoden v. Athens-Clarke County Board of Elections*, 310 Ga. 266, 850 S.E.2d 146 (2020) :

“As the trial court rightly noted, optical scanning voting systems and electronic ballot markers are **technologies that assist** elections boards in conducting elections **via paper ballots**. In that regard they are simply an adjunct to an election conduct **with paper ballots – not a substitute for paper ballots**. Accordingly, under Jones, the provisions governing the use of paper ballots, including O.C.G.A. §§ 21-2-437 (d) and 21-2-438 (a), applied to this election. Ga. Code Ann. §§ 21-2-2(2.1), 21-2-2(19.1), 21-2-437, 21-2-438. Judgment affirmed. All the Justices concur, except Warren, J., not participating.

**O.C.G.A. § 21-2-2 (19.1)** defines "optical scanning voting system" as "a system employing **paper ballots on which electors cast votes** with a ballot marking device or electronic ballot marker after which votes are counted by ballot scanners."

**O.C.G.A. § 21-2-437(a) & (b). Precincts Using Paper Ballots. Procedure as to count and return of votes generally; void ballots. [See pg. 8 of this document]**

## **OATHS FOR PUBLIC OFFICIALS WITHIN THE STATE OF GEORGIA**

### **Official Oath for Every Public Officer and Employee O.C.G.A. § 43-3-1**

Every public officer shall (1) Take the oath of office, (5) Swear that he or she **will support the Constitution of the United States and of this state**

### **Oath of a Georgia County Sheriff: O.C.G.A. § 15-16-4**

"Swear that I will faithfully execute all... processes directed at me as sheriff of this county ...which I can **lawfully** execute, ...and in all things well and truly without malice or partiality, perform the duties of the office of \_\_\_\_\_ County ...So help me God."

### **Oath of the Election Superintendent: O.C.G.A § 21-2-70**

Each superintendent within his or her county or municipality ...shall include the following: (1) To make and issue such rules, regulations, and instructions, **consistent with law**...for the guidance of poll officers, ...To instruct poll officers (9) To receive from poll officers the returns ...to certify, as soon as practicable following ...results thereof to such authorities as may **be prescribed by law**;...to perform such other duties as may be **prescribed by law**; ...and in state and federal law and procedures related to elections. ...OATH (15): "I, \_\_\_\_\_, do swear (or affirm) ...that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of the said election ...faithfully perform my duties **in accordance with Georgia laws** to the best of my judgment and ability."

### **Oath of a Poll Officer - Manager at Voting Precincts: O.C.G.A § 21-2-94**

"I, \_\_\_\_\_, do swear (or affirm) that I will as manager duly... that I will not vexatiously delay or refuse to permit any person **to vote** ...I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return ...faithfully perform my duties therein to the best of my judgment and ability."

### **Oath of a Poll Officer - Clerk at Voting Precinct: O.C.G.A § 21-2-95**

"I, \_\_\_\_\_, do swear (or affirm) ...that I will use my best endeavors to prevent any **fraud, deceit**, or abuse in carrying on the same, and that I will at all times truly, impartially, and faithfully perform my duties therein to the best of my judgment and ability."

---

## **CRIMINAL PENALTIES CONNECTED TO VIOLATIONS OF THESE LAWS**

O.C.G.A. § § 16-10-20.1 (Filing false documents); § 45-11-1 (Offenses involving public records); § 21-2-562 (Fraudulent entries); § 21-2-604 (Criminal solicitation to commit election fraud; penalties); § 21-2-603 (Conspiracy to commit election fraud); § 16-10-20 (False statements

and writings); § 21-2-596 (Failure of public or political officer to perform duty); § 21-2-600 (Punishment for felonies under chapter); § 16-10-71 (False swearing); § 16-10-1 (Violation of oath by public officer); § 16-9-53 (Damaging, destroying, or secreting property to defraud another); § 16-2-20 (When a person is party to a crime; aiding and abetting) and § 16-2-21 (Who did not directly commit the crime). Possibly § 45-10-3 (Code of ethics for members of boards, commissions, and authorities). Possibly federal crimes pending: 18 U.S.C. § 595 (Election Interference), 18 U.S.C. § 241 (Conspiracy against rights of citizens), 18 U.S.C. § 242 (Deprivation of rights under color of law), 5 U.S.C. § 1502 (State or local officials influencing elections).

OFFICIAL CODE OF GEORGIA, ANNOTATED (2023) O.C.G.A §21-2-437.  
PRECINCTS USING PAPER BALLOTS.

Procedure as to count and return of votes generally; void ballots

All Steps are Directly Cited from this Georgia Election Law

(a) **After the polls close** and as soon as all the ballots have been properly accounted for ... the poll officers shall open the ballot box and take therefrom **all ballots** contained therein ...

**Public Viewing:** All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. [Blake Evans, State Elections Director 10.6.22, *Buzz Post on Ballot Security*: “Members of the public can observe the process.”]

**STEP 1:** The ballots shall then be **counted one by one and a record made** of the total number.

**STEP 2:** Then the chief manager, together with such assistant managers and other poll officers as the chief manager may designate, under the scrutiny of one of the assistant managers and in the presence of the other poll officers, shall **read aloud the names of the candidates marked or written upon each ballot**, together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any; and

**STEP 3:** The other assistant manager and clerks shall carefully **enter each vote as read and keep account of the same in ink on a sufficient number of tally papers**, all of which shall be made at the same time.

**STEP 4:** The poll officers shall immediately proceed **to canvass and compute the votes cast** and shall **not adjourn** or **postpone** the canvass or computation until it shall have been fully completed. [Implied: Law enforcement nor public officials may take the property.]

**STEP 5:** (b) When the **vote cast for the different persons named** upon the ballots and upon the questions, if any, appearing thereon, shall have been **fully recorded in the tally papers and counted, the poll officers** [Implied: ALL of them] **SHALL DULY CERTIFY** to the number of votes cast for each person and question and shall prepare in ink a sufficient number of general returns.

**Preparing the General Precinct Return:** The general returns shall show, in addition to the entries made thereon as aforesaid, the total number of ballots received from the superintendent, the number of ballots cast, the number of ballots declared void, the number of ballots spoiled and canceled, and any blank ballots cast, as well as the **votes cast for each candidate**. At elections, the number of votes cast for each candidate by each political party or body of which such candidate is a nominee shall be separately stated. The poll officers shall immediately proceed to canvass and compute the votes cast and shall not adjourn or postpone the canvass or computation until it shall have been fully completed.

**Exception:** O.C.G.A. 21-2-440 (a) Immediately after the vote has been counted in precincts in which paper ballots are used, all of **the general returns shall be signed by the poll officers** [Ministerial Mandate]. If any poll officer [of the total of all who shall sign], shall refuse to sign or certify the general returns, he or she **shall write his or her reasons therefor upon the general return sheets**.

NOTE: [Bracket words] indicate clarifying information. 100% of other text is the directly quoted State law.

**AS OF OCTOBER 28, 2024, GOVERNOR KEMP AND ATTORNEYS FROM THE DEPARTMENT OF LAW HAVE NOT REPLIED IN ANY KNOWN FORM.**



THE STATE OF GEORGIA

**PROPOSED EXECUTIVE ORDER**

---

FOR THE GOVERNOR:

**Statutory Provisions Governing the Required Human Count and Tally of Votes from Paper Ballots are in Force and Effect on November 5th, 2024.**

Pursuant to a true, perfect, and certifiable state return, this order directly protects the voting rights of Georgia citizens. Sworn election officials act within state and county jurisdictions, while poll officers conduct elections at over 2,700 voting precincts and hundreds of advance in-person polling locations. These fixed places of election are within federal voting affected areas by O.C.G.A. 21-2-265(a) under U.S. Const. Art 1, § 4 and 52 U.S.C. § 10101(e).

Secretary of State Raffensperger has consistently informed the public on behalf of the State of Georgia that all votes are cast utilizing a “paper-ballot system.” On October 19, 2020, The Georgia Supreme Court affirmed that laws for paper ballot procedures must be applied.

Justices concurred in *Rhoden v. Athens-Clarke Brd of Elections* (Oct 2020), specifically, that O.C.G.A. § 21-2-437 “Procedures as to Count and Return of Votes Generally” is in full force and effect. This means that poll officers must hand count (human count) our paper ballots and votes by traditional ink-tally methods from Georgia Code of 1863, § 1234. The judgment states:

“...Optical scanning voting systems and electronic ballot markers are technologies that assist elections boards in conducting elections via paper ballots. In that regard, they are simply an adjunct to an election conducted with paper ballots —not a substitute for paper ballots.” Ga Code Ann. 21-2-2(2.1), 21-2-2(19.1), 21-2-437, 21-2-438.

**ORDERED: That, to ensure uniformity of law and a ministerial mandate, all sworn poll officers will duly certify their general return at their respective voting location based on human count of the cast votes and ink-tallies per O.C.G.A. § 21-2-437(a)(b).**

That election superintendents ensure that this mandate be conducted at fixed voting precincts and advance in-person polling locations to include 100% of our paper ballots cast by any means. That polls officers duly certify before transferring voted paper ballot property to the county superintendent. That election superintendents use **codified paper ballot procedures** as the basis for county-level certification and not that for voting machines.

(3 U.S.C. § 1, O.C.G.A. §§§§ 21-2-420, 21-2-493, 21-2-499, 21-2-501, and 21-2-502).

This Order shall be effective upon signature.

This 24th Day of October 2024.

---

Drafted for the GOVERNOR