

April 29, 2024

Members of the State Election Board

Mr. John Fervier, Chairman

Ms. Sara Tindall-Ghazal

Dr. Janice Johnston

Mr. Edward Lindsey

Mr. Rick Jeffares

2 MLK Jr. Drive
Suite 802 Floyd West Tower
Atlanta, Georgia 30334

VIA EMAIL

Re: Complaint--Urgent investigation needed into allegations that Ware County voting system was obtained by the Trump campaign.

Dear Members of the State Election Board of Georgia:

As you know, our organizations¹ were primarily responsible for exposing the multiple voting system software breaches in Coffee County through discovery in the Curling v. Raffensperger² lawsuit.³ Last month we wrote to you to alert you to a sworn declaration claiming that the voting system in Bibb County had been analyzed by unauthorized parties, possibly indicating another unauthorized voting system breach in Georgia.

We write to you again to alert you to concerning evidence that suggests a voting system component from Ware County may have been obtained by the Trump campaign in 2020, in support of Donald Trump's effort to reverse the results of Georgia's 2020 presidential election. Like the Coffee County voting system breach, this evidence surfaced during the Curling discovery and again at trial. We urge the State Election Board to promptly initiate an investigation into the

¹ Free Speech For People is a non-profit, non-partisan public interest legal organization that works to renew our democracy and our United States Constitution for the people. As part of our mission, we are committed to promoting, through legal actions, secure, transparent, trustworthy and accessible voting systems for all voters. Coalition for Good Governance is a non-profit, non-partisan organization focused on election security, protecting voter privacy, and election transparency.

² No. 17-cv-02989-AT (N.D. Ga. filed Aug. 8, 2017).

³ Kate Brumback, "Video shows 'unauthorized access' to Ga. election equipment," The Associated Press, (September 20, 2022). Available at: <https://apnews.com/article/2022-midterm-elections-technology-voting-lawsuits-378bdd712f73ebee18e79cbbceb0d84d>

allegations that a voting machine was obtained by the Trump campaign in December 2020, and to include an inquiry into Ware County's attorney, Anthony Rowell regarding his knowledge of and potential connections to the alleged plot.

In the course of document production in Curling discovery, an image of a text message was produced that suggests that Anthony Rowell, the attorney for Ware County, appeared to receive and share confirmation on December 5, 2020 that a voting machine was obtained by the Trump campaign. Moreover, Ware County has represented to Free Speech For People that Rowell did not share this information with his client, Ware County, which raises very serious questions regarding the attorney's possible knowledge of and connection to an effort to improperly obtain a voting machine from Ware County, and his motivation for failing to alert Ware County and state officials to this information.

The text messages are between Blake (Ed) Voyles, a former Chairman of the Coffee County Board of Election (whose service ended years prior to 2020) and Anthony (Tony) Rowell, an attorney with the firm Hall Booth Smith. Hall Booth Smith is engaged to represent both Ware and Coffee Counties, and Anthony Rowell serves as counsel to both Ware and Coffee County.

Surveillance camera footage of the January 7, 2021 voting system breach in Coffee County shows Mr. Voyles present in the elections office for more than eight hours during the course of the unauthorized voting system access and software acquisition. According to the videos he interacted directly with the operatives accessing the voting systems. The videos evince he was, at a minimum complicit in the unlawful Coffee County breach. Although four individuals involved in the breach have been criminally indicted, Mr. Voyles was not charged.

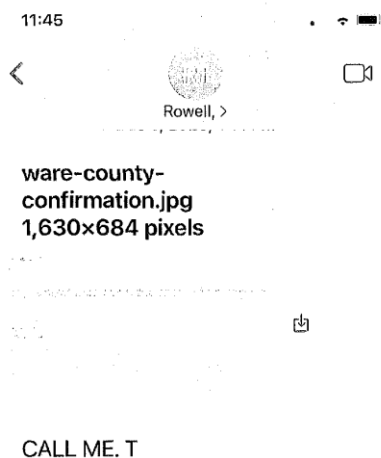
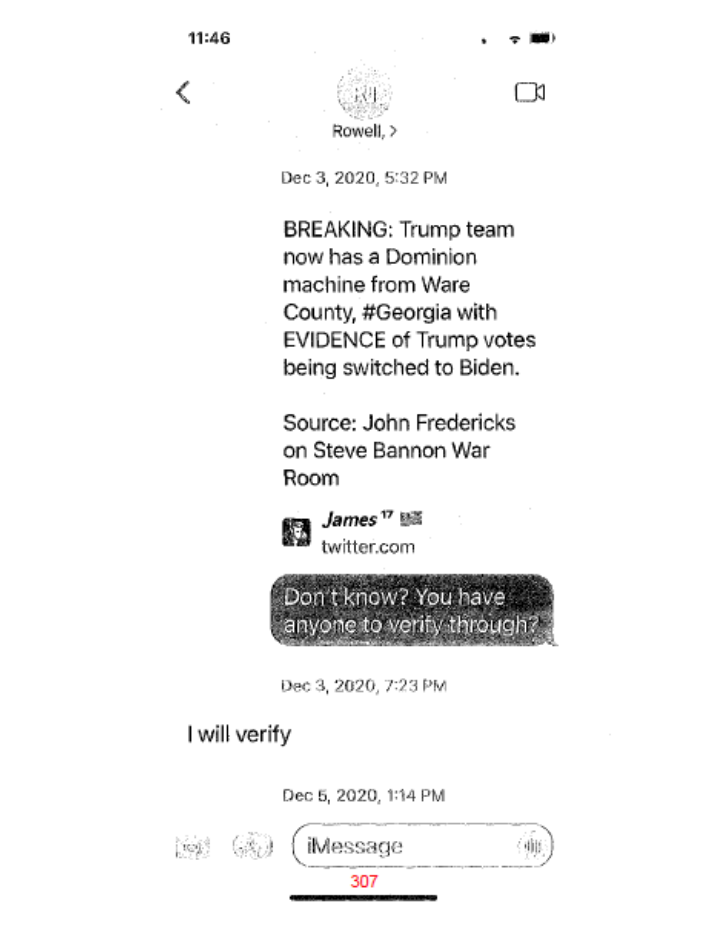
Security video also shows Mr. Rowell and Mr. Voyles meeting and reviewing election records for several hours, over a number of days, in the Coffee election office in December 2020, although Mr. Voyles was a private citizen with no official position with the county.⁴

On December 3, 2020 at 5:32pm, Ed Voyles forwarded Tony Rowell a tweet that said: "BREAKING: Trump team now has a Dominion machine from Ware County, #Georgia with EVIDENCE of Trump votes being switched to Biden. Source: John Fredricks on Steve Bannon War Room." With the forwarded tweet,

⁴ See Exhibit 1 from Curling et al v Coffee County Board of Elections (So. District of GA) (Doc.31 at 10-12) and Exhibit 2 (Doc 31-9)

Voyles asked Rowell, “Don’t know? You have anyone to verify through[sic]?” At 7:23pm, the same day, Rowell responded “I will verify”.

Two days later, on December 5, 2020 at 1:14pm Rowell sent Voyles a .jpg attachment labeled “ware-county-confirmation” and texted Voyles “CALL ME. T”.



These exchanges indicate that, in attempting to verify the claim that the Trump campaign obtained a Dominion voting machine from Ware County, Ware County attorney Anthony Rowell forwarded to Voyles a record labeled “ware-county-confirmation.jpg”, suggesting that the record was a confirmation of the claim. (The photo itself is not visible in the text message record produced in Curling discovery.)

Free Speech For People has sought to obtain the referenced “confirmation” photograph from Ware County through Georgia’s Open Records Law. However, the efforts were unsuccessful. Mr. Rowell’s colleague at Hall Booth Smith, Jennifer Herzog, responded to the open records request on behalf of Ware County claiming that there were no responsive records. When we disputed this response citing the text messages between Rowell and Voyles, Ms. Herzog responded that, *“this was a private text sent from a private citizen to the Ware County attorney in his capacity as a private citizen and has never been in the possession of Ware County and therefore is not a Ware County public record.”*⁵

In other words, Ware County’s attorney investigated allegations that the Trump campaign unlawfully obtained a voting device from Ware County, but is claiming-implausibly – that he did so in his private capacity and that inquiry was not related to his position as Ware County attorney. Further, his colleague confirmed he did not share the record “ware-county-confirmation.jpg” with Ware County election officials, although it was in reference to unauthorized voting system access.

Not only does this raise important concerns regarding the possibility that the allegations in the tweet may have been true, but it also shows that Ware County’s counsel, Anthony Rowell, was aware of the allegations, received a record deemed a “confirmation,” and chose not to share that record Ware County. It also raises serious questions regarding Mr. Rowell’s possible connections to the allegations that must be probed.

Furthermore, we wish to point out that the image of the text messages was produced to State Defendants (this Board and the Secretary of State) in the Curling litigation in November, 2022, and were raised in Voyles’s deposition,⁶ meriting an investigation by the State.

⁵ Email on file with Free Speech For People.

⁶ Curling v Raffensperger Doc. 1611 Tr. 128 :17-129 :15

During the Curling trial, Gabe Sterling was asked about the alleged Ware access. His testimony suggested there was only an informal inquiry of Ware County focused on a physical inventory at the time of the inquiry. We have no indication from Ware County that there has been any follow up by the Secretary of State's office.

We urge the Board to inquire as to what specific investigation steps may have already been taken by the Secretary of State. We again respectfully request that this Board engage independent qualified investigators, and not delegate the investigation to the Secretary of State.

We also request that the SEB use its powers to promptly undertake its duty to investigate this matter, including using its subpoena powers under O.C.G.A. §21-2-33 to compel testimony and document production from Mr. Rowell, Mr. Voyles and Ware County election officials.

We respectfully reiterate our request that the alleged security breaches be promptly, vigorously and thoroughly investigated by the SEB, with mitigations for 2024 elections quickly planned and implemented.

Thank you for your time and attention to this very important matter. We stand ready assist in any way we can.

Sincerely,

Susan Greenhalgh
Senior Advisor for Election Security
Free Speech For People
susan@freespeechforpeople.org

Marilyn Marks
Executive Director
Coalition for Good Governance
marilyn@uscgg.org