

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

**CIVIL ACTION FILE NO.:
1:17-cv-2989-AT**

DECLARATION OF MARILYN MARKS

MARILYN MARKS declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I have personal knowledge of the facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
2. I am the Executive Director of Coalition for Good Governance (“CGG”).
3. In the ordinary course of CGG’s work, CGG obtains records from members, voters, government agencies, experts, and others in the field of election security and governance, and makes many of those records available to interested parties. These records include government reports, responses to Open Records Act requests, academic and scientific studies, emails, correspondence, and other

records. Attached to this declaration are true and correct copies of documents that CGG obtained and maintained in the regular course of its work.

4. Exhibit 1 is a true and correct copy of an October 11, 2022 email from Dr. J. Alex Halderman to Director of Elections Blake Evans, of the Secretary of State's office, which email encloses Dr. Halderman's October 10, 2022 paper entitled "Vulnerability Disclosure: Privacy Flaw Affecting Dominion ICP and ICE Tabulators." Dr. Halderman sent this email to me in response to my request.

5. Exhibit 2 is a true and correct copy of a paper by Dr. Halderman and others entitled, "Unclear Ballot: Automated Ballot Image Manipulation." I obtained this paper from Dr. Halderman's website at <https://jhalderm.com/pub/papers/unclear-evoteid19.pdf>

6. Exhibit 3 is a true and correct copy of the Georgia Secretary of State's Power Point training presentation on Emergency Back Up Procedures and Provisional Ballots that CGG obtained in response to an records request.

7. Exhibit 4 is a true and correct copy of the Cobb County Emergency Action Plan provided to Cobb County Poll Workers and obtained by CGG in response to an open records request.

8. Exhibit 5 is a true and correct copy of The Carter Center's report entitled *Performance Review Board Report on Fulton County Elections* conducted

for the State Election Board. I obtained the report from the Secretary of State's website:

<https://sos.ga.gov/sites/default/files/forms/Performance%20Review%20Board%20Report%20on%20Fulton%20County%20Elections%20%281-13-23%29.pdf>

9. Exhibit 6 is a true and correct copy of The Carter Center's report entitled *2022 General Election Observation: Fulton County, Georgia*. I obtained the report from The Carter Center's website:

https://www.cartercenter.org/resources/pdfs/peace/democracy/u_s_elections/fulton-county-election-observation-report.pdf. CGG also obtained a copy of this report

from Fulton County in response to an open records request.

10. Exhibit 7 is a true and correct copy of training materials for Georgia's county election officials regarding post-election audits, which I obtained from the Cobb County Elections Office in response to an open records request.

11. Exhibit 8 is a true and correct copy of certification statements for the Dominion Voting System as located on the Georgia Secretary of State's website https://sos.ga.gov/sites/default/files/2022-02/2020_seb.pdf (specifically March 11, 2020 meeting transcript Exhibit 2.)

12. Exhibit 9 is a true and correct copy of the Secretary of State's online publication *A Guide for Registered Voters, An Overview of Georgia's Absentee*

Voting Process available at

https://sos.ga.gov/sites/default/files/forms/Absentee_Voting_In_Georgia_Rev_3-30-22.pdf

13. Exhibit 10 is a true and correct copy of an October 3, 2020 letter sent by CGG's counsel Bruce Brown to counsel for the Fulton County Board of Registration and Elections.

14. Exhibit 11 is a true and correct copy of the DeKalb County Voter Registration & Elections Board material for the July 14, 2022 meeting regarding the May 24, 2022 Commissioner District 2 Election Analysis, excerpted from the complete board book available at

<https://www.dekalbcountyga.gov/sites/default/files/users/user3597/Board%20Materials%202022-07-14.pdf>

15. Exhibit 12 is a true and correct copy of a June 3, 2022 press release entitled "Georgia Election System Ensures Accuracy of DeKalb Results" posted on the Georgia Secretary of State's website at <https://sos.ga.gov/news/georgia-election-system-ensures-accuracy-dekalb-results> .

16. Exhibit 13 is a true and correct copy of a June 7, 2022 e-mail I received from Dr. Alex Halderman concerning a ballot image in the May 24, 2022 DeKalb election.

17. Exhibit 14 is a true and correct copy of a July 12, 2022 press release entitled *Secretary of State Trains Local Officials on New Voter Registration System*. <https://sos.ga.gov/news/secretary-state-trains-local-officials-new-voter-registration-system>

18. Exhibit 15 is a true and correct copy of a ballot image from the Barrow County November 3, 2020 election produced by the State Defendants in the discovery process in this case.

19. Exhibit 16 is a photograph of a document included in the mail ballot packet that Fulton County Elections Office sent to voters in connection with the June 6, 2020. Exhibit 16 was sent to me by Dr. Richard DeMillo who stated it was included in his mail ballot packet. It is identical to other notices that CGG received from other Georgia voters with questions about the instruction.

20. Exhibit 17 is a true and correct copy of email exchanges on which I was copied between CGG counsel, State Defendant's counsel, and Cobb County counsel regarding the retention and production of Cobb County ballot images for the November 2020 election.

21. Exhibit 18 is a true and correct copy of the Election Assistance Commission ("EAC") publication, "*Ten Things to Know About Selecting a Voting System*" available on the EAC website at

<https://www.eac.gov/documents/2017/10/14/ten-things-know-about-selecting-voting-system>.

22. Exhibit 19 is a true and correct copy of the transcript of Georgia's State Election Board meeting of September 28, 2022 posted on the Secretary of State's website at

https://sos.ga.gov/sites/default/files/forms/2022%20Transcripts_3.pdf

23. Exhibit 20 is a screenshot I made of the list of elections for which the Secretary of State's Office has published results on its website for the period January 28, 2020 through January 31, 2023.

<https://results.enr.clarityelections.com/GA/>

Executed on this date, February 4, 2023



Marilyn Marks