

**BEFORE THE STATE ELECTION BOARD
STATE OF GEORGIA**

In the matter of:

**FULTON COUNTY BOARD OF
REGISTRATION AND
ELECTIONS,**

Respondent.

**SEB Case 2021-181
2022-025
Fulton County**

CONSENT ORDER

The State Election Board, by and through counsel, and the Fulton County Board of Registration and Elections (“Respondent”), hereby enter into the following Consent Order for use in SEB Case Nos. 2021-181 and 2022-025 before the State Election Board in lieu of an evidentiary hearing.

FINDINGS OF FACT and CONCLUSIONS OF LAW

The findings of fact and conclusions of law set forth in the following Paragraphs 1 through 5 have been asserted against Respondent.¹ Respondent denies any willful misconduct but desire that the above-captioned case be resolved in its entirety in order to avoid further litigation. Respondent acknowledges that there is evidence of a *prima facie* case supporting the following assertions and enters into this negotiated Consent Order to resolve the issues that arose related to the 2020 General Election in Fulton County, Georgia.

1.

A complaint was submitted to the State Election Board and the Secretary of State’s office regarding the risk-limiting audit conducted by Fulton County elections officials for the General

¹ SEB Case 2021-181 also names Richard Barron as an additional Respondent. Mr. Barron is no longer the Elections Director for Fulton County, and he is hereby dismissed.

Election held on November 3, 2020.²

2.

The complainant alleged that there were 36 inconsistencies discovered in the batch tally sheets for the risk-limiting audit conducted following the 2020 General Election, which were included in the data uploaded to the Secretary of State's website.

3.

A thorough investigation into the complaints was conducted by the Secretary of State's investigations division. Investigators met with the complainant, reviewed all of the data and documentation submitted by the complainant, and interviewed other relevant witnesses with knowledge. The results of the investigation showed that Fulton County elections staff misidentified and duplicated audit batch sheet data when entering the data into the Arlo software used by the Secretary of State's office to manage the risk-limiting audit.

4.

By failing to enter all of the audit batch sheet data accurately, Respondent violated SEB Rule 183-1-15-.04 regarding audits. The investigators further concluded that the reported inconsistencies were the result of human error in entering the data, which were not discovered in time to make corrections due to time limitations in completing the risk-limiting audit and the sheer amount of ballots, and not due to intentional misconduct by Fulton County elections staff.

5.

The discovered errors were a fractional number of the total votes counted and did not

² The State Election Board heard the recommendation of the investigators regarding SEB Case No. 2021-181 at the March 16, 2022 Board meeting and voted to bind the case over to the Attorney General's office. On March 31, 2022, an additional complaint was received and designated as SEB Case No. 2022-025. The Secretary of State's investigators determined that SEB Case No. 2022-025 is the same complaint that is at issue in SEB Case No. 2021-181. This Consent Order resolves the allegations against Respondent in both SEB Case Nos. 2021-181 and 2022-025.

affect the result of the 2020 General Election Fulton County, which were confirmed as accurate by the risk-limiting audit. The purpose of the risk-limiting audit was to confirm whether the results of the original tabulation of ballots were accurate, which the audit confirmed.

ORDER

1.

This Consent Order addresses and resolves all matters regarding Respondent in connection with SEB Case Nos. 2021-181 and 2022-025.

2.

The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondent cease and desist from further violations of the Election Code.

3.

Respondent hereby agrees to implement written policies and procedures for risk-limiting audits for all elections for which risk-limiting audits are required under SEB Rule 183-1-15-.04, which are attached as **Exhibit A**. Respondent hereby certifies to the State Election Board that it has already implemented these policies and procedures and did so for the 2022 General Election.

4.

Respondent agrees to adequately train all of its elections staff involved in conducting the risk-limiting audit on the policies and procedures in advance of each election.

5.

Members of the Fulton County Board of Registration and Elections have been provided with a copy of this Consent Order and have acknowledged that they understand the contents. Respondent understands that it has a right to a hearing in this matter. Respondent knowingly and voluntarily waives such right to a hearing, as well as any other rights under the Georgia

Administrative Procedure Act pertaining to notice and hearing for contested cases, by entering into this Consent Order.

6.

This Consent Order is entered in settlement of disputed matters, and the Consent Order entered herein is not to be construed as an admission of guilt or liability on the part of Respondent but is entered herein to resolve this State Election Board case. This Consent Order is a civil settlement and has no criminal ramifications.

7.

This Consent Order, inclusive of its Stipulations and Order, shall not become effective unless and until approved by the State Election Board at its June 8, 2023, meeting, and the State Board of Elections. If not approved by and executed on behalf of either board, , neither the stipulations nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the State Election Board or Respondents to adjudicate this matter.

This 8 day of June, 2023.

Consented to:

FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS

BY: *Robert M. Woolan Jr*

Sworn to and subscribed before me this 8 day of June, 2023.

Mariska Bodison
NOTARY PUBLIC

My commission expires: March 22, 2027



Approved by the State Election Board this 21st day of June, 2023.

STATE ELECTION BOARD

BY: 
WILLIAM S. DUFFEY, JR.
CHAIRPERSON

Exhibit A

**THE DEPARTMENT OF FULTON COUNTY REGISTRATION & ELECTIONS
FOLLOWS THE STANDARD OPERATION PROCEDURES OUTLINED BELOW BY
THE GEORGIA SECRETARY OF STATE IN REGARDS TO CONDUCTING
RISK LIMITING AUDITS:**

Summary of Steps to Complete in Arlo to Prepare for Audit

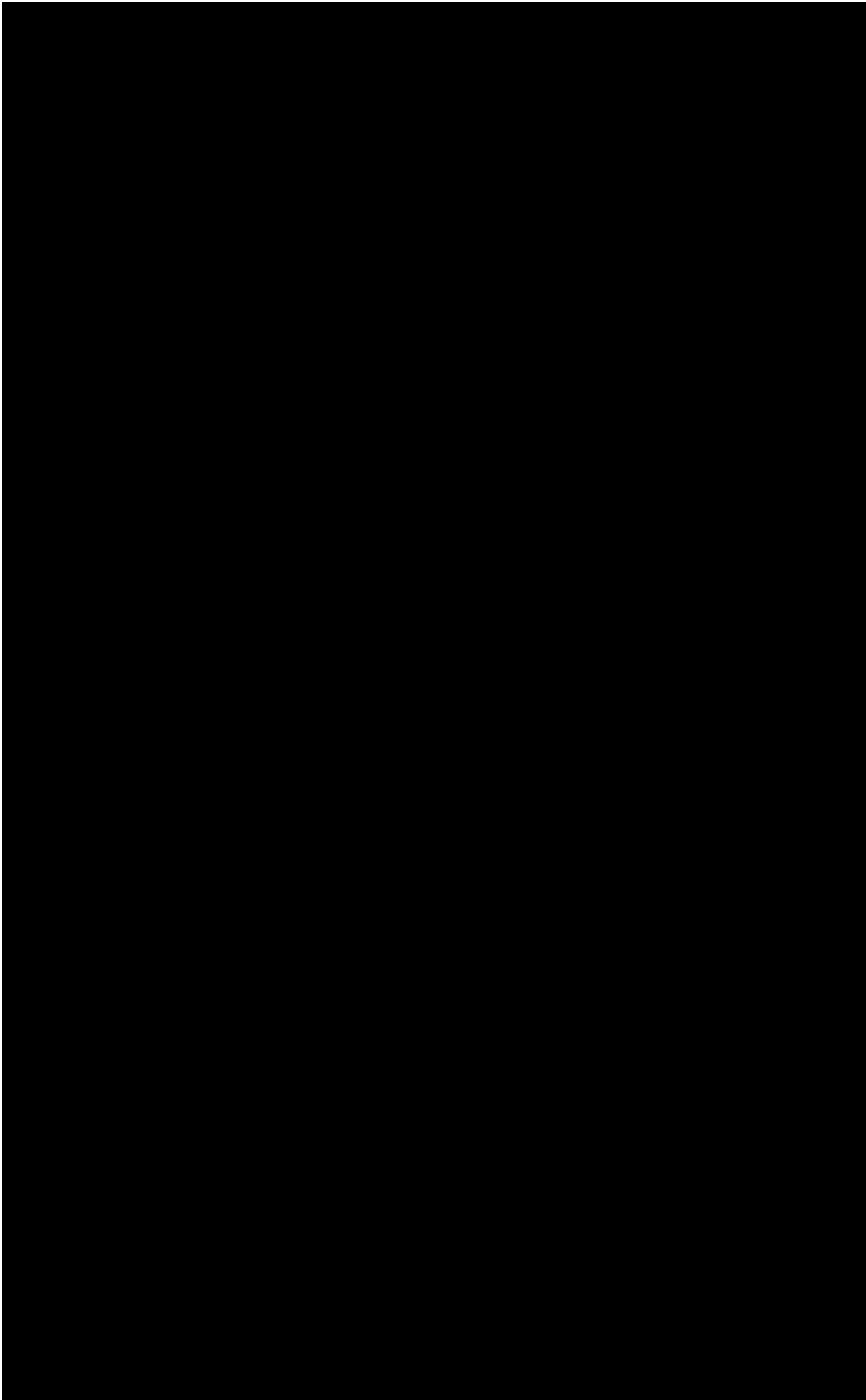
*Please note that all counties should review the October 13th RLA training, which can be found on Firefly at this location: [Webinars > 2022 Webinars > 10.13.2022 RLA Audit Training](#). **Steps:***

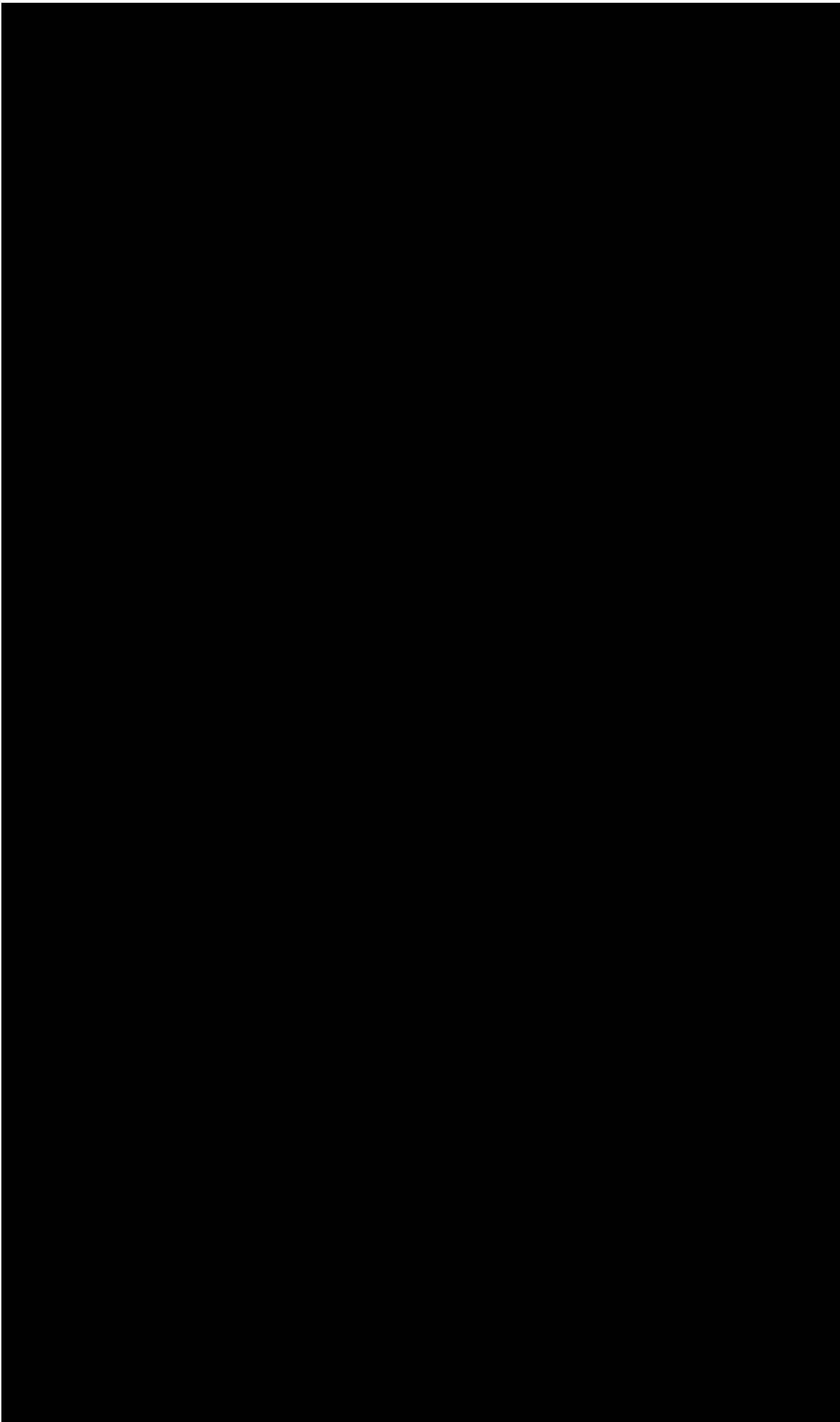
- 1. Sign up for your Arlo account. (You will not need to do this if you already have an account from November)**
 - a. Your county office can have 2 Arlo administrator accounts. Those administrator accounts will be able to create accounts for additional users in your office. Only the 2 administrators will be able to complete submission to the Secretary of State at the end of the audit **If you need to create an account, please email rla@vx.support.**
- 2. As soon as you certify your results at the county level, generate your Cast Vote Records and Tabulator Status Reports.**
 - a. For instructions on how to generate these reports, review Appendix A.
 - b. Make sure you use the Tabulator Status report that does not have To_Excel in the file name.
- 3. Upload your Cast Vote Records and Tabulator Status Reports into Arlo.**
 - a. For instructions on how to upload these reports, review pages 1 and 2 of Appendix B.
- 4. Download your Batch Inventory Worksheet and verify the ballot counts in the worksheet. Once you have verified the numbers, confirm that you have completed the worksheet by checking the appropriate box in Arlo. Then hit “Continue.”**
 - a. Review pages 2 and 3 of Appendix B for more information.
- 5. Based on the data you provide, Arlo will generate 2 files: 1. Ballot Manifest; and 2. Candidate Totals by Batch. Download both files, and save them so you can easily access the files.**
 - a. Review page 4 of Appendix B for more information.
- 6. After you click, “Return to Audit Source Data,” scroll down to the Ballot Manifest and Candidate Totals by Batch sections. Upload the Ballot Manifest file that you just saved, and then upload the Candidate Totals by Batch file that you just saved.**
- 7. Wait for your random batch selections to appear in Arlo. The dice roll will be held in the State Capitol on Tuesday, December 13, 2022 in the morning and batch selections should appear in Arlo after 5:00 P.M. for you to download.**
- 8. Participating counties will complete the audit by 5:00 P.M. on Thursday, December 15, 2022.**

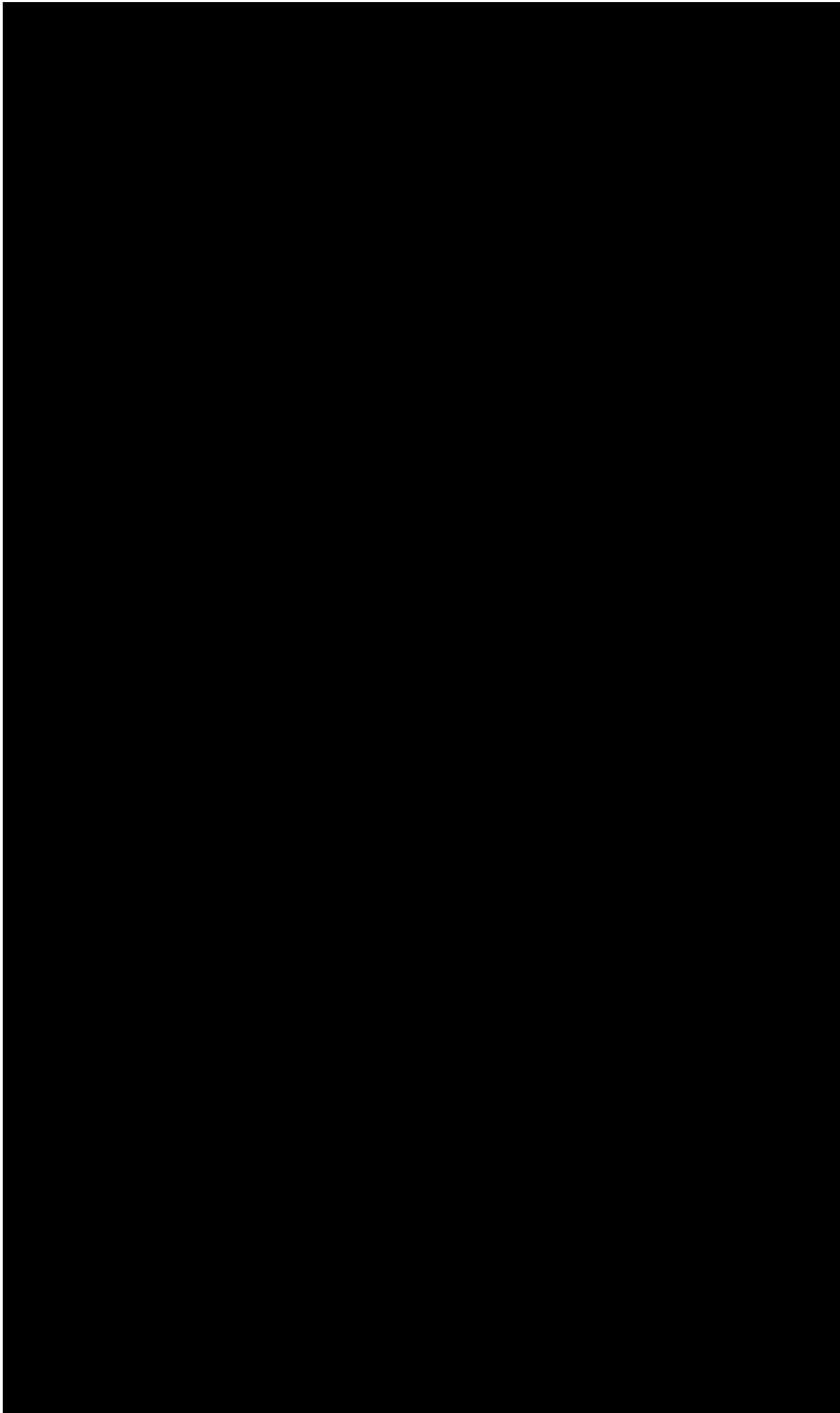
BALLOT INVENTORY TOOL WHAT YOU WILL GENERATE

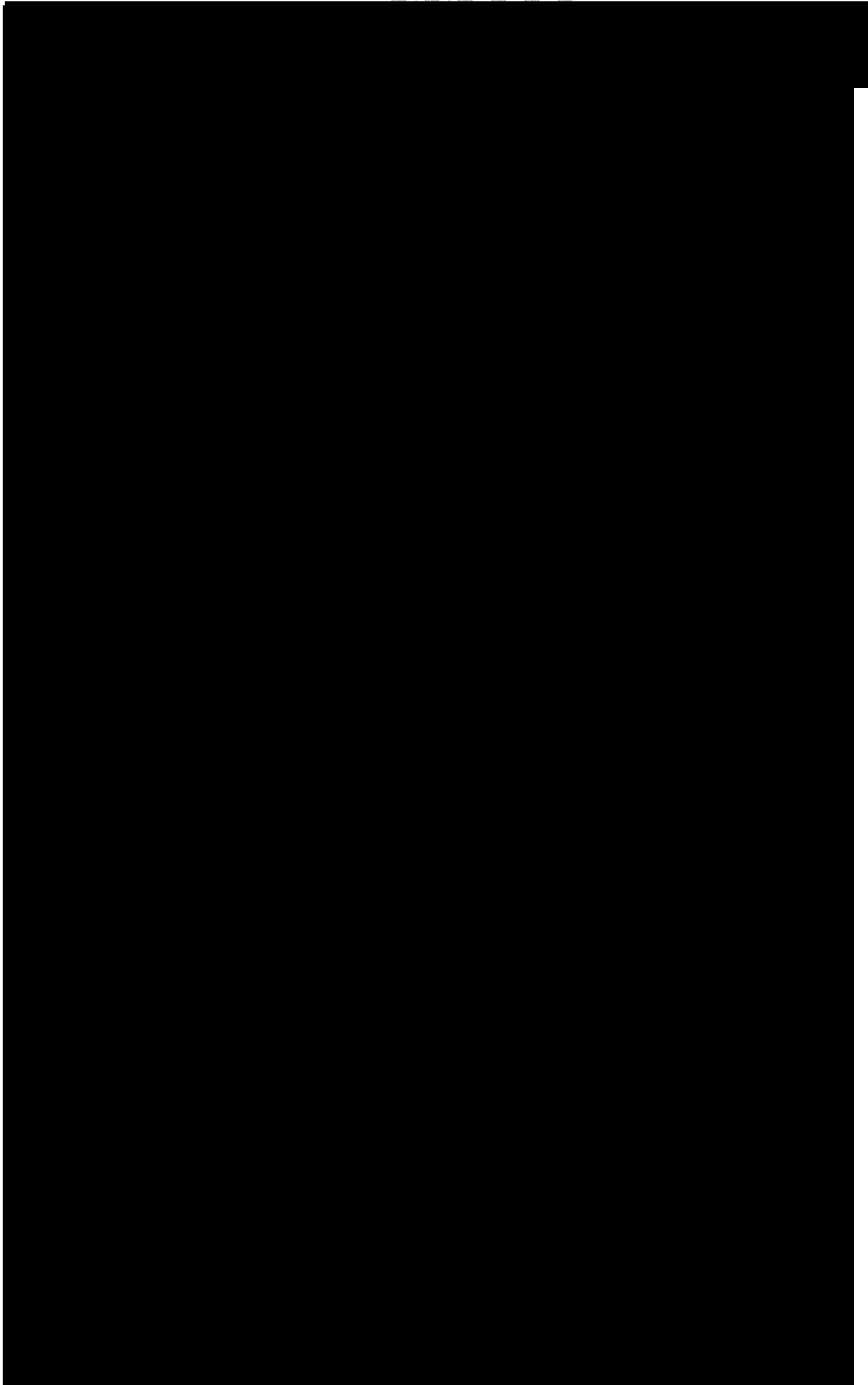
APPENDIX A - PAGE 1 OF 5

- **Cast Vote Records**
 - This report lists every ballot scanned during the entire election along with how the voting system recorded the voter's selections.
 - You will check the tabular format option in order to export the file as a CSV.
 - This is the same as the file type that you generate in response to Open Records Requests.
- **Tabulator Status Report**
 - This report lists every tabulator contained in your database along with how many ballots were recorded by that tabulator.
 - Any tabulators with uploaded results will have a "Load Status" of 1.
 - Any tabulators with a "Load Status" of 0 either were not uploaded or were never downloaded and used.
 - *Remember that it is up to you to ensure that all your votes have been uploaded to the RTR System – the system will not check that for you.*









APPENDIX B - PAGE 1 OF 4

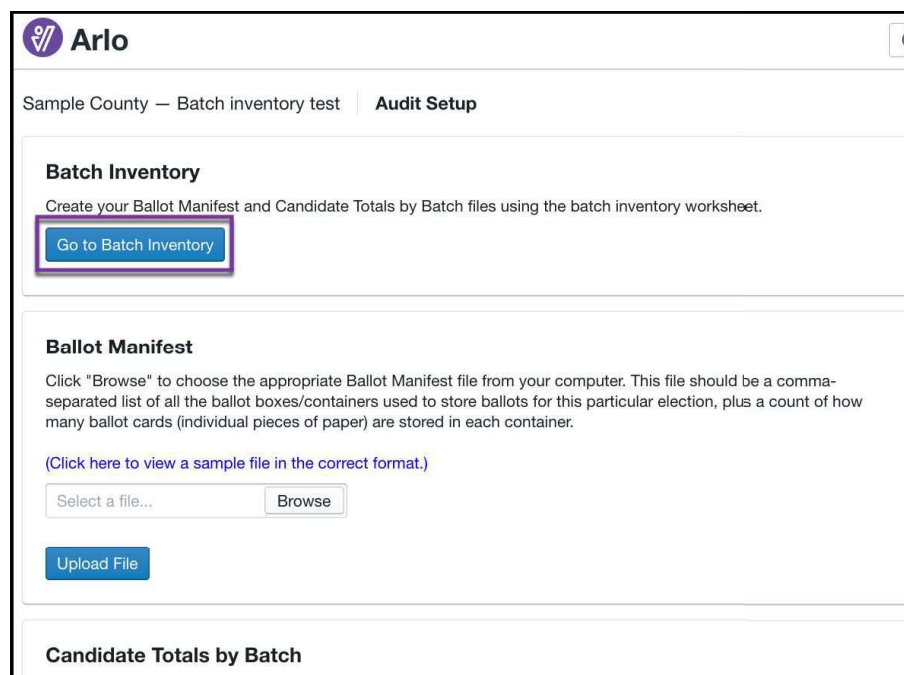
Georgia Batch Inventory Tool Guide

The Batch Inventory in Arlo, allows counties a quick inventory list to use to verify their stored batch inventory prior to the start of an audit.

To use this tool, simply [log in to Arlo](#) as you would for an audit by entering your email address in the box and selecting Log in to your audit. A code will be sent to your email address to be used as your login credential.



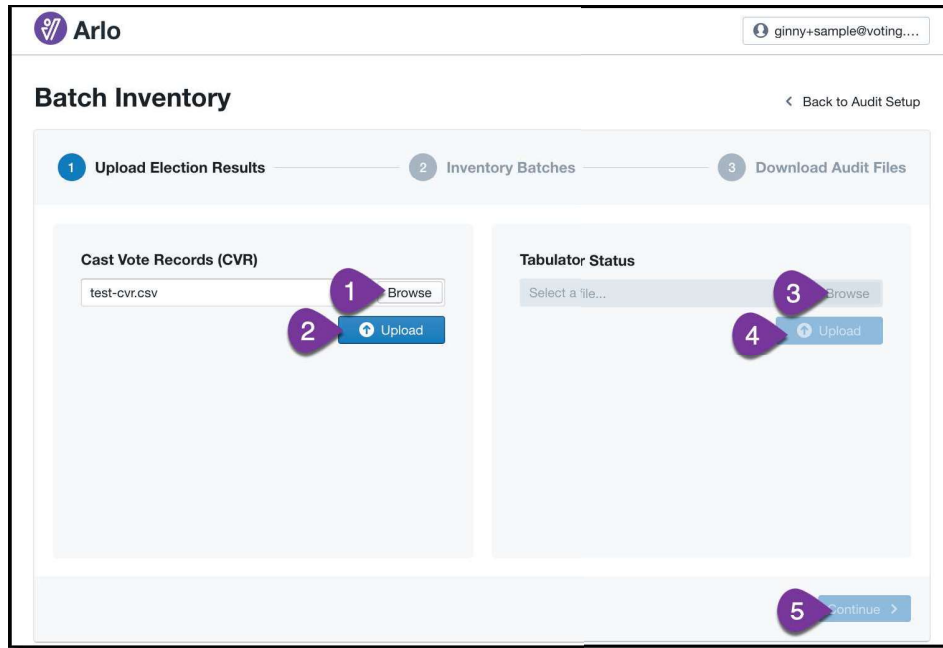
Next, select Go to Batch Inventory.



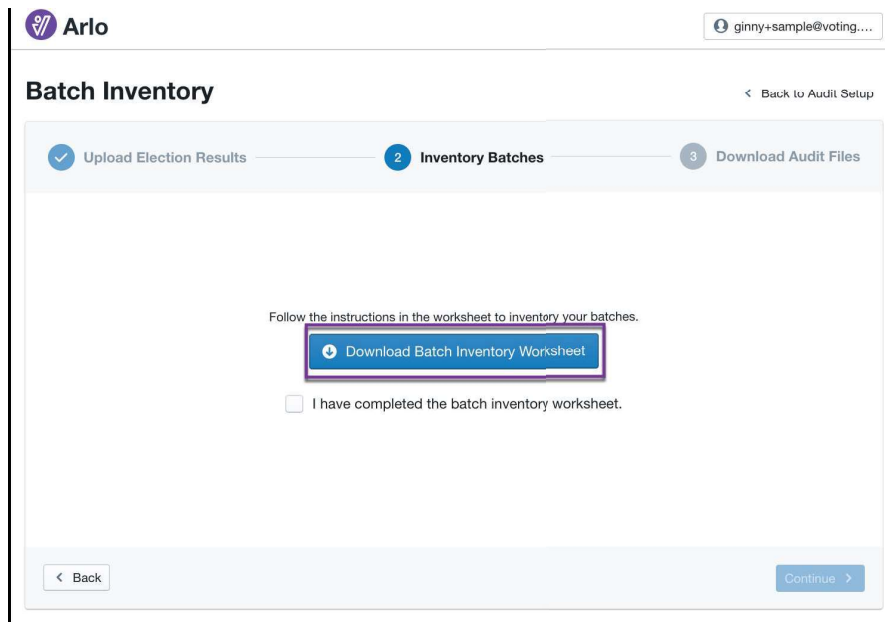
APPENDIX B - PAGE 2 OF 4

Upload your Cast Vote Records (CVRs) and Tabulator Status file by selecting the Browse button and locating the file saved from your Election Management System (EMS) and then selecting Upload for each file. Then select Continue in the lower right corner.

Note: The tabulator status file must be the .xml file that does **not** have “to Excel” in the file name.



Your Batch Inventory Worksheet will be created and can be downloaded by selecting the Download Batch Inventory Worksheet button in the middle of the screen.



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The Ballot Inventory Worksheet is a .csv file that can be opened and printed in a spreadsheet program like Excel and Google Sheets. *Each section of the worksheet should be reviewed carefully and compared to voter check-in data and your physical inventory.*

Section 1 provides totals for each ballot group type, including Absentee by Mail, Advanced Voting, Election Day, and Provisional. Verify these totals match your known voter totals.

Section 2 provides total ballots by batch. Verify each batch is present in your physical inventory and matches your reconciliation form counts. Verify no batches are missing.

If batches are missing, they should be added to your EMS and a new CVR file should be downloaded from the EMS and uploaded into Arlo. If batches are stored differently, please contact us for further instruction.

The screenshot shows an Excel spreadsheet with the following content:

Section 1: Check Ballot Groups

1. Compare the CVR Ballot Count for each ballot group to your voter check-in data.
2. Ensure that ballot numbers match. If there is a large discrepancy, contact the SOS.

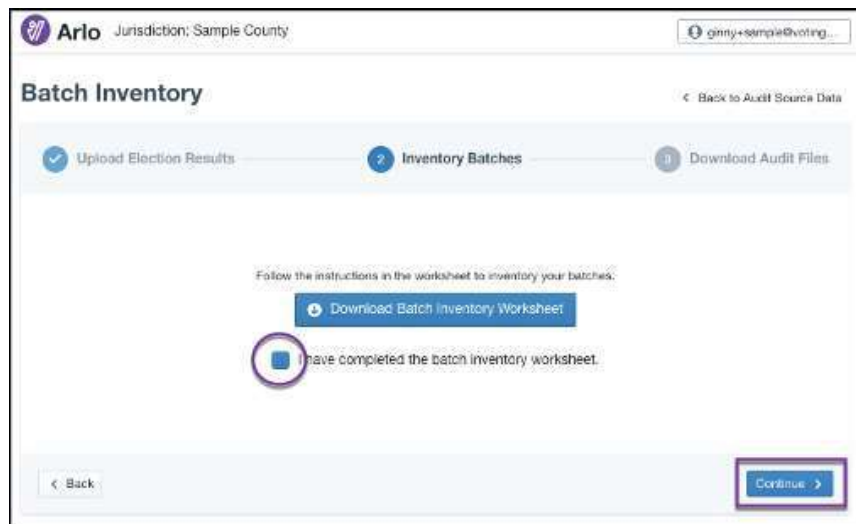
| Ballot Group | CVR Ballot Count | Checked? |
|------------------|------------------|----------|
| Absentee by Mail | 121 | |
| Advanced Voting | 106 | |
| Election Day | 390 | |
| Provisional | 2 | |

Section 2: Check Batches

1. Locate each batch in storage.
2. Confirm the CVR Ballot Count is correct. If there is a large discrepancy, contact the SOS.
3. Make sure there are no batches missing from this worksheet.

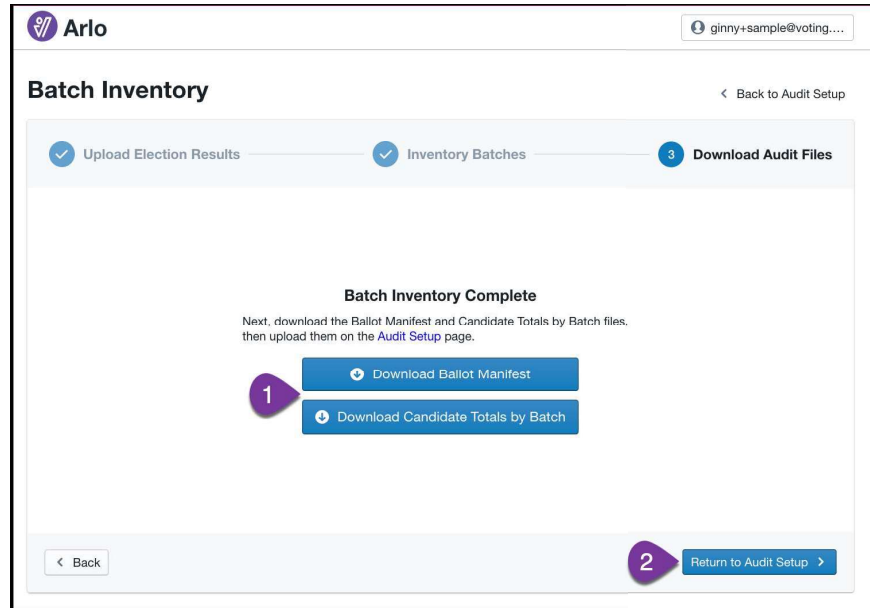
| Batch | CVR Ballot Count | Checked? |
|--------------------------------|------------------|----------|
| ICC - Absentee By Mail - 1 | 22 | |
| ICC - Absentee By Mail - 2 | 20 | |
| ICC - Absentee By Mail - 3 | 20 | |
| ICC - Absentee By Mail - 4 | 20 | |
| ICC - Absentee By Mail - 5 | 20 | |
| ICC - Absentee By Mail - 6 | 19 | |
| AV-VR Office ICP 1 - 0 | 106 | |
| ED-Zena Drive ICP 1 - 0 | 19 | |
| ED-Woodland ICP 1 - 0 | 14 | |
| ED-Cassville ICP 1 - 0 | 19 | |
| ED-Taylorville ICP 1 - 0 | 11 | |
| ED-Hamilton Crossing ICP 1 - 0 | 26 | |
| ED-Kingston ICP 1 - 0 | 13 | |
| ED-White ICP 1 - 0 | 7 | |
| ED-Mission Road ICP 1 - 0 | 24 | |
| ED-Emerson ICP 1 - 0 | 10 | |
| ED-Center ICP 1 - 0 | 18 | |
| ED-Cartersville East ICP 1 - 0 | 36 | |

Once all batches have been confirmed, log back into Arlo and mark the I have completed the batch inventory worksheet box and select Continue.

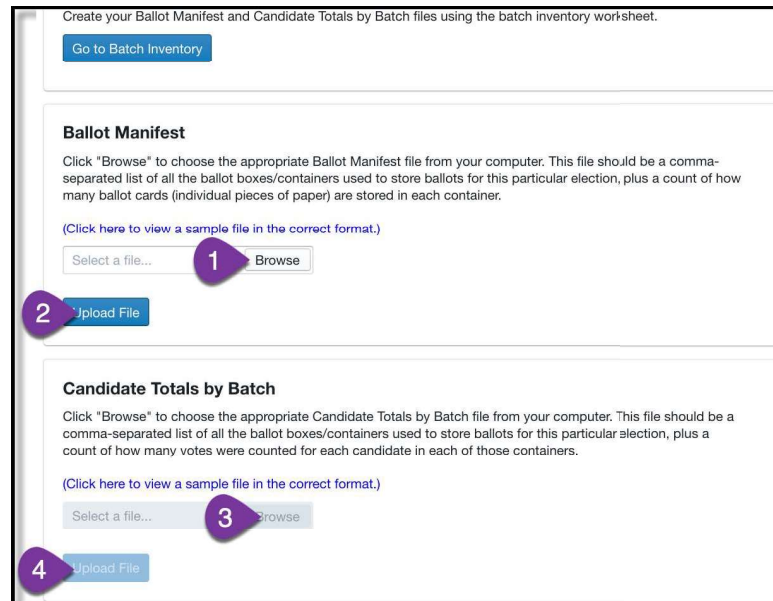


APPENDIX B - PAGE 4 OF 4

The tool will generate your Ballot Manifest and Candidate Totals by Batch files for the audit. Simply download each file and select Return to Audit Setup.



Then upload each file into Arlo for the audit by selecting the Browse button and locating the file saved on your computer and then selecting Upload for each file.



Your pre-audit files are now uploaded and are ready for the audit to be launched by the Department of State.