

**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

**STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS  
ON NEW ELECTION SYSTEM VENDOR CONTRACT**

After the State announced its selection of Dominion Voting Systems as the vendor to replace its current voting machines, this Court requested printed copies of the contract and other documents related to the procurement from the State. Following that review, the Court directed State Defendants to respond to two questions related to Section 10.8 of the Master Solution Purchase and Services Agreement by 1:00 p.m. on July 30, 2019: “(i) confirm whether Section 10.8 indicates that the State contemplates or intends to import data from the existing GEMS Server and GEMS database for use with the new Dominion election management system software and programming of ballots to be used by the Ballot Marking Devices; and (ii) identify a representative from the Secretary of State’s

office with knowledge of the contract negotiation process and content of the Agreement who can provide testimony regarding the intent of this provision if necessary.” This document provides the requested information.

**1. Import of data from existing election systems.**

As has been discussed extensively in this challenge to the use of DREs, the State is purchasing a new voting system that creates a voter-verifiable paper audit trail using ballot-marking devices, as recommended by the National Academy of Sciences and others. This new system replaces the entirety of the existing DRE system, including the GEMS servers, DREs, and ExpressPoll units.

The new system from Dominion **will not import any data from the current GEMS Server or GEMS Databases.** Dominion’s new Election Management System (“EMS”) completely replaces the existing GEMS system and the systems cannot communicate with one another. State Defendants will not be importing any information from the existing GEMS system into the new EMS.

The portion of Section 10.8 referenced by the Court refers to how other election data that is unrelated to the existing GEMS system will be brought into the new EMS. As this Court will recall, precinct data and various district splits form “ballot combos” that dictate the ballot style for a particular voter is stored in the state’s voter registration database (a ballot combo is all the races that a voter is

eligible to vote in based on their residency). That information is required for building ballots, because ballot builders must know how many ballot styles to create.

The database that is referred to in Section 10.8 is the **voter registration database**. The voter registration database creates a flat, delimited text export file that contains no executable code and includes precinct and ballot combo information for import into the EMS.

Pursuant to the requirements of H.B. 392 and Ga. Comp. R. & Regs. 590-8-3-.01(b)(2), that text file must be scanned “with anti-malware software” before it can be imported into the new EMS. The only alternative to importing the information is to enter it by hand, which would be time consuming and error-prone.

State Defendants confirm that they will not be utilizing or importing any part of the existing GEMS Databases or GEMS Servers into the new EMS.

**2. Person with knowledge.**

The person in the Secretary of State’s office with the most knowledge of the contract negotiation process and content of the Agreement is Ryan Germany, the Secretary of State’s General Counsel.

Respectfully submitted this 30th day of July, 2019.

/s/ Vincent R. Russo  
Vincent R. Russo

Georgia Bar No. 242628  
vrusso@robbinsfirm.com  
Josh Belinfante  
Georgia Bar No. 047399  
jbelinfante@robbinsfirm.com  
Carey A. Miller  
Georgia Bar No. 976240  
cmiller@robbinsfirm.com  
Kimberly Anderson  
Georgia Bar No. 602807  
kanderson@robbinsfirm.com  
Alexander Denton  
Georgia Bar No. 660632  
adenton@robbinsfirm.com  
Brian E. Lake  
Georgia Bar No. 575966  
blake@robbinsfirm.com  
Robbins Ross Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318  
Telephone: (678) 701-9381  
Facsimile: (404) 856-3250

Bryan P. Tyson  
Georgia Bar No. 515411  
btyson@taylorenghish.com  
Bryan F. Jacoutot  
Georgia Bar No. 668272  
bjacoutot@taylorenghish.com  
TAYLOR ENGLISH DUMA LLP  
1600 Parkwood Circle  
Suite 200  
Atlanta, GA 30339  
Telephone: (678)336-7249

*Counsel for State Defendants*

**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS ON NEW ELECTION SYSTEM VENDOR CONTRACT** has been prepared in Times New Roman, 14 pt., a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Vincent R. Russo  
Vincent R. Russo  
Georgia Bar No. 242628

**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing **STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS ON NEW ELECTION SYSTEM VENDOR CONTRACT** with the Clerk of Court using the CM/ECF system, which will automatically send counsel of record e-mail notification of such filing:

This 30th day of July, 2019.

/s/ Vincent R. Russo  
Vincent R. Russo