

## GEORGIA STATE AUDIT TRAIL CHRONOLOGY

In the November 2000 Georgia election, approximately 82% of Georgians cast ballots on optical scan or punch card systems while roughly 17% cast their ballots on lever machines.

In January of 2001, former Secretary of State, Cathy Cox, produced a report entitled "*The 2000 Election: A Wake Up Call for Change and Reform.*"

In February 2001, Sen. Jack Hill introduced SB213, in pertinent part "...to authorize the Secretary of State to conduct a pilot project to test electronic recording voting systems during the 2001 municipal elections..." and "...to create the Twenty-first Century Voting Commission..."

In March, 2001 Senate State and Local Government Operations Committee (SLOGO), State Senate, House Governmental Affairs Committee, State House passed substitute or amended versions. The bill was signed by the governor as Act 166 of the Georgia Legislature on or about April 18, 2001 and it included the provision that: "Such voting systems shall be required to have an independent audit trail for each vote cast."

In June 2001, the Twenty-first Century Voting Commission authorized seven DRE vendors to participate in the pilot and the Office of Secretary of State entered into contracts with the six certified vendors to provide equipment and support for the pilots. The vendors were Diversified Dynamics, Election Systems & Software, Global Election Systems (Now Diebold), Hart InterCivic, Shoup Voting Solutions, and Unilect.

In December 2001, the 21st Century Voting Commission issued a report that documented pilot project experiences and made recommendations for the future. (One recommendation was that such machines "have an independent paper ballot audit trail for each vote cast").

In January 2002, the Georgia Technology Authority issued a Request for Proposal that was drafted by the office of Secretary of State. (It did not contain the 21st Century Voting Commission recommendation or the legal requirement for an independent audit trail of each vote cast.)

On or about February of 2002, Sen. Jack Hill introduced SB414 in pertinent part "...to provide that the state shall provide a uniform system of direct recording electronic voting equipment for use by counties in the state by 2004..."

On or about February 7, 2002, the Senate Rules Committee referred SB414 to the Senate Ethics Committee where SB414 bill sponsor, Jack Hill, was Vice Chairman.

Between February 7, 2002 and April 12 2002, the Ethics Committee, State Senate, House Governmental Affairs Committee and State House passed substitute or amended versions of the bill.

On May 3, 2002, former Secretary of State, Cathy Cox and former Georgia Technology Authority Director, Larry Singer, entered into a contract with Diebold.

On May 9, 2002 the Governor signed SB414 bill into law as Act 789 of the Georgia Legislature.

In November 2002, Georgia became the only state in the U.S. to conduct statewide elections on electronic voting machines. (To this date no other state uses electronic voting machines produced by a single vendor statewide).

On March 4, 2004, vendors, Avante and TruVote, demonstrated their voter verified paper ballot audit trail (VVPAT) equipment to the Senate SLOGO Committee.

On March 11, 2004 Senate SLOGO Committee passed SB500 in pertinent part "...to provide all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter; to provide that voters have an opportunity to verify such record after voting; to provide that such paper records be retained for use in recounts and election challenge proceedings...". The legislature took no further action on the bill.

In March of 2006, the State Election Board voted to acquire Diebold electronic poll books at a cost of approximately 17 million dollars, roughly the same amount of money that the former Secretary had estimated would be needed to outfit existing voting machines with VVPAT printers if Diebold would support such an addition.

On or about February 1, 2006 Sen. Bill Stephens introduced another SB500 bill, LC 28 2814, in pertinent part "...so as to require all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter; to provide that voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on electronic recording voting systems; to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties..."

On or about February 9, 2006 the Senate SLOGO Committee adopted an emended version, LC 28 2884S.

On or about February 22, 2006, the Senate Rules Committee withdrew a version of the bill from the calendar and recommitted it to the SLOGO Committee. On or about February 28, 2006, the version that was presented to the committee had been modified to be self repealing and read in pertinent part: "...so as to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties; to require that all electronic recording voting systems used in such pilot project produce a permanent paper record of the votes recorded on such systems for each voter; to provide that such voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings...". The SLOGO committee adopted an amended version, LC 28 2953S.

On or about March 21, 2006 the House Governmental Affairs Committee voted to pass a committee substitute bill, LC 28 3088S, providing in pertinent part for a randomly selected, public precinct audit of one race.

On March 24, 2006, the Drenner amendment, AM 28 0708, that sought to restore SB500 provisions in pertinent part "...to require all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter;..." was defeated on the floor of the House by a vote of 91-63.

On or about March 27, 2006 the Senate disagreed with the House amended version of SB500 and a conference committee was established.

On or about March 29, 2006, the Conference Committee voted to drop the precinct hand count language from the SB500 bill at the request of the author, Senator Stephens.

On March 31, 2005 the General Assembly passed SB500 by a vote of 49-1 in the Senate and 151-0 in the House. The Governor signed the self repealing bill into law as Act 646 on April 28,

2006.

In July of 2006, a group of Plaintiffs brought this Complaint alleging five counts of legal, constitutional or other voting rights violations against the current method of voting and two additional counts against the 2006 pilot.

After the 2006 elections, the Plaintiffs sought to amend the suit by adding candidates to help ensure that the Plaintiffs had appropriate standing. During discovery, the Plaintiffs determined that the violations they alleged were likely a result of the machines being acquired illegally. They also uncovered evidence that voting machines were improperly certified for a variety of reasons including the lack of certification reports. The Plaintiffs then requested to amend the suit a second time to add counts that challenge the legality of the acquisition and certification. While preparing the first Motion for Summary Judgment, the attorneys for the Plaintiffs identified potential federal violations of due process and equal protection. The Plaintiffs then amended their suit a third time to add those counts in conjunction with the motion.

NOTES:

On or about March 1, 2001 the Senate State and Local Government Operations Committee (SLOGO) passed SB213.

On or about March 13, 2001 the House Government Affairs Committee passed the bill.

On or about March 21, 2001, the General Assembly passed the bill that was amended by the House and it was signed by the governor as Act166 of Georgia Legislature on or about April 18, 2001.

The Ethics Committee passed SB414 on or about March 7, 2002 and the House Governmental Affairs Committee passed the bill on or about April 1, 2002.

The General Assembly passed the bill that was amended by the House on or about April 12, 2002.