

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 Civil Action No. 1:17-cv-02989-AT

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6 _____
7 DONNA CURLING, et al.,

8 Plaintiffs,

9 vs.

10 BRAD RAFFENSPERGER, et al.,

11 Defendants.
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15 _____

16 REMOTE VIDEOTAPED DEPOSITION OF
17 JAMES A. BARNES, JR.

18 Lakeland, Georgia

19 Wednesday, July 20, 2022
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25 Court Reporter: Michelle M. Boudreaux-Phillips, RPR

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July 20, 2022

9:14 a.m.

Remote videotaped deposition of
JAMES A. BARNES, JR., conducted at the
location of the witness in Lakeland, Georgia,
pursuant to Agreement, before Michelle M.
Boudreaux-Phillips, a Registered Professional
Reporter in the State of Georgia.

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APPEARANCES (Cont'd)
(Via Zoom)

Also Present: Diane LaRoss
Caroline Middleton
Duncan Buell
Ernestine Thomas-Clark
Jenna Conaway
Kevin Skoglund
Logan Wren
Marilyn Marks
Mary Kaiser
Sofia Debbiche
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Videographer: Jonathan Miller

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1 THE VIDEOGRAPHER: We are on the record
2 July 20th, 2022 at approximately 9:14 a.m.
3 Eastern Time. This will be the videotaped
4 deposition of James Barnes, Jr. Appearances
5 today will be noted on the transcript.

6 Would the court reporter please swear in
7 the witness.

8 JAMES A. BARNES, JR.,
9 being first duly sworn, was examined and testified as
10 follows:

11 EXAMINATION

12 BY MR. CROSS:

13 Q Good morning, Mr. Barnes.

14 A Good morning.

15 (Discussion off the written record.)

16 Q (By Mr. Cross) All right. Sorry,
17 Mr. Barnes. We appreciate you taking the time to do
18 this today. I'm sure you can think of a lot of better
19 ways to spend your day than sitting in a deposition.
20 You're here pursuant to a subpoena; is that right?

21 A Yes, that's correct.

22 Q Okay. Where are you physically located right
23 now?

24 A I'm in Lakeland, Georgia.

25 Q All right. And are you at your home, an

1 office, or where?

2 A It's an office.

3 Q What's the address?

4 A It's 162 West Thigpen Avenue.

5 Q Is that where you currently work?

6 A Yes.

7 Q What is your current job?

8 A I work for Lanier County Board of
9 Commissioners, and I work in the EMA office.

10 Q What do you do there?

11 A I help out the EMA director and I also go
12 through and update the codes or the links.

13 Q What is EMA?

14 A Emergency Management Agency.

15 Q Okay. All right, we'll come back to that in
16 a little bit.

17 Is there anyone else with you?

18 A No.

19 Q Do you have any -- like an iPhone or personal
20 devices or any other computer, anything with you
21 besides what you're looking at on the Zoom?

22 A I do, but I've muted them all.

23 Q Okay. So no one is allowed to communicate
24 with you during the deposition, except your own screen
25 where everybody can see and hear it, so just make sure

1 you're not getting, like, text messages or emails or
2 jumping on the web or something, okay?

3 A Understood.

4 Q If there is something that you feel like you
5 need to look at, like if there's a document you think
6 might help you to pull up, just say that and we'll
7 figure that out in the moment, okay?

8 A Fair.

9 Q Have you been deposed before?

10 A No.

11 Q So just briefly, then, the way this works is
12 I'll be asking you some questions today. I know
13 there's at least one other questioner, maybe more, who
14 will have some questions for you today.

15 There's a court reporter that's taking
16 everything down. It's important to speak slowly enough
17 for her to be able to take down what you're saying. I
18 have to be conscious of that myself because sometimes I
19 talk too fast.

20 We also need to not speak over each other, so
21 let me finish a question and I'll try to be sure I let
22 you finish an answer, so the court reporter can take
23 that down. Things like head nods and "uh-huhs" and
24 "uh-uhs" are hard for her to take down. So "yes" or
25 "no," audible answers.

1 If there's a question that anyone asks at any
2 point during the day and you're confused about it or
3 you need some sort of clarity, just feel free to say
4 so. I'm happy to help out with that.

5 You have to ask -- you have to answer every
6 question that's asked of you truthfully and completely
7 unless your counsel instructs you not to. And the only
8 basis on which they should instruct you not to would be
9 if there's a privilege issue.

10 Are there any questions or concerns you have
11 about the deposition?

12 A No.

13 Q Did you say no?

14 A Yes, that's correct. No.

15 Q Okay. Is there any medication you're on
16 today, any other reason you feel like you cannot
17 testify truthfully and completely today?

18 A No.

19 Q And if you need to take a break at any point,
20 just say the word, happy to do it. If we're in the
21 middle of a question and answer, just want to complete
22 that, but otherwise we'll get to a break as quickly as
23 we can, okay?

24 A Okay.

25 Q All right. Did you go to college?

1 A Yes.

2 Q Okay. Where did you go to college?

3 A Valdosta State University.

4 Q Can you spell that?

5 A V-A-L-D-O-S-T-A.

6 Q Where is that?

7 A That's located in Valdosta, Georgia.

8 Q When did you graduate?

9 A I got my master's in 2018.

10 Q Master's in what?

11 A Public administration.

12 Q Okay. And when did you graduate from your
13 undergraduate program?

14 A That was 2014.

15 Q And then you got your master's in 2018, you
16 said?

17 A Yes, correct.

18 Q And did you do anything between the
19 undergraduate program and the master's program, or did
20 you just go straight through?

21 A Pretty much dived right back into it.

22 Q Do you have any other formal education or
23 degrees apart from your undergraduate degree and your
24 master's degree?

25 A I have an associate of criminal justice.

1 Q When did you get that?

2 A That was 2006.

3 Q Where was that?

4 A Georgia Military College.

5 Q And where is your master's from?

6 A Valdosta State University.

7 Q What was your first job after you got your
8 master's?

9 A After I got my master's, I went to work for
10 the Lanier County Board of Commissioners office.

11 Q What did you do there?

12 A I was a deputy clerk.

13 Q Just generally, what were your
14 responsibilities?

15 A Issuing business licenses, all of the account
16 payables, the vendors, payroll for the employees.

17 Q Approximately when did you leave that job?

18 A Well, from working with them, let's see, that
19 would have been -- that would have been March 2021.
20 Well, actually, technically I still work for them, but
21 I was also under the role of assistant supervisor of
22 elections from roughly November 2019 up through
23 February 2021.

24 Q Where were you the assistant supervisor of
25 elections?

1 A Lanier County.

2 Q Got it. So you -- just to make sure I have
3 this right, so after you finished your master's program
4 in 2018, you worked at Lanier County as a deputy clerk
5 until March 2021. But during the same time, from
6 November 2019 to around February 2021, you were also
7 the assistant supervisor of elections; is that right?

8 A That is correct. They sent me over to be
9 able to help out with that, so I got certified as an
10 election official.

11 Q When did you get certified as an election
12 official in Georgia?

13 A That was in March 2020.

14 Q What's involved -- or strike that.
15 What's required to get that certification?

16 A You have to take a series of online courses
17 and be able to pass tests after each one.

18 Q And just generally, what do those courses
19 cover, like what are you expected to learn for that
20 certification?

21 A A lot about cybersecurity, a lot about
22 maintaining election security, and essentially how
23 voter information is similar to HIPAA information and
24 has to be secure.

25 Q Sorry, you said similar -- voter information

1 is similar to what?

2 A Similar to HIPAA information in that it's
3 protected.

4 THE COURT REPORTER: Excuse me one
5 second.

6 (Discussion off the written record.)

7 THE VIDEOGRAPHER: The time is 9:24.
8 We're off the record.

9 (Off the record.)

10 THE VIDEOGRAPHER: The time is 9:25.
11 We're back on the record.

12 Q (By Mr. Cross) Mr. Barnes, just briefly on
13 the certification you were talking about that you got
14 in March of 2020, what do you recall learning about the
15 importance of cybersecurity or election security for
16 that certification?

17 A Well, I mean, it goes into, you know, spear
18 phishing and essentially people trying to send in fake
19 emails to gain access to stuff and that type of thing,
20 basically stuff that should be common sense but often
21 isn't.

22 Q Okay. And when you say "often isn't," why,
23 just based on your experience?

24 A Well, a lot of communities around here are
25 silver-haired communities, and sometimes people get

1 taken advantage of clicking on emails and things.

2 Q Did the certification get into physical
3 security measures like protecting access to voting
4 equipment or servers?

5 A Conferences that we went to and multiple
6 different training that we went to covered all of that.

7 Q And is that -- so those are conferences or
8 trainings that you had while you were an associate
9 supervisor of elections in Lanier?

10 A That's correct.

11 Q Did you attend those sorts of trainings or
12 conferences when you were the elections supervisor in
13 Coffee County?

14 A I went to a conference there, yes.

15 Q Is there a particular organization that puts
16 on those conferences?

17 A Carl Vinson Institute.

18 Q Were those conferences attended by election
19 officials outside of Georgia as well?

20 A I don't have any knowledge of that.

21 Q So the conferences you went to, were they --
22 were the attendees, as you understood, they were only
23 people from Georgia?

24 A It was for Georgia election officials, yes.

25 Q Okay. All right, so we'll come back and talk

1 more about some of those issues, but coming back to
2 your employment, so you left -- in the February/March
3 2021 time frame, you left Lanier County. Where did you
4 go next with your work?

5 A I didn't leave Lanier County. I just
6 continued in my role as the deputy clerk.

7 Q I see, okay. Well, maybe I don't. Hold on.
8 Sorry. I want to make sure I have this.

9 So in February of 2021, you stopped being an
10 associate supervisor of elections at Lanier, right?

11 A That is correct.

12 Q Okay. When -- are you -- at what point did
13 you stop working as a deputy clerk in Lanier County?

14 A That would have been in February.

15 Q Of 2021?

16 A Yes, that's correct.

17 Q Okay. So what was your next job after that?

18 A I just went back to work for the Board of
19 Commissioners office.

20 Q In Lanier County?

21 A Yes, that's correct.

22 Q Okay. And how long did you do that?

23 A That was up until the end of May. End of
24 March, rather. And in April, I started in Coffee
25 County.

1 Q And so April of 2021 is when you took over as
2 the elections supervisor for Coffee County; is that
3 right?

4 A That's correct.

5 Q When did you leave that job?

6 A Let's see. That would be December of 2021.

7 Q How did you get the position of elections
8 supervisor in Coffee County? Did you apply for it?
9 Did you go through some process? What was the process?

10 A Yeah, I applied, along with several other
11 applicants.

12 Q How did you learn about the opening?

13 A Through other elections officials that I had
14 known. It was well known amongst everybody that there
15 was an open position there.

16 Q And how did that become known that there was
17 an opening?

18 A Word just travels on BuzzFeed and all that.
19 They post often for positions. It's a very common
20 practice.

21 Q Okay. Did anyone recommend you for that
22 position?

23 A I got a recommendation from my former
24 supervisor.

25 Q In Lanier County?

1 A Yes.

2 Q Who was that?

3 A Josh Black.

4 Q Can you spell Josh's last name?

5 A B-L-A-C-K.

6 Q How, if at all, did the -- your role as
7 Coffee County elections supervisor differ from the role
8 you had as an associate elections supervisor in Lanier?

9 A A lot more open-records requests.

10 Q Any other differences?

11 A Well, you know, Coffee County is a bit bigger
12 than Lanier County with more sites, also more
13 personnel.

14 Q When you say "more sites," you mean more
15 voting sites, like polling places?

16 A Yeah, exactly, polling locations.

17 Q Okay. About how many polling locations were
18 there in Coffee County when you were there?

19 A If you include early voting, six.

20 Q What if you don't?

21 A Five.

22 Q How many employees worked for Coffee County,
23 specifically for elections, when you were there?

24 A When I was there, we didn't have the full
25 force because we were only having municipal elections,

1 so I would say we had about 10 or 15 people.

2 Q Ten to fifteen people who were responsible
3 for -- some responsibility for administering and
4 organizing elections in the county?

5 A Essentially just poll workers that actually
6 went out with the polling equipment and conducted the
7 election.

8 Q Okay. So 10 to 15 poll workers?

9 A Yes.

10 Q In -- I gather the number of poll workers
11 employed in the county at any point changes based on
12 the needs of the elections that are ongoing. Is that
13 right?

14 A That's correct.

15 Q So a big year like a presidential election
16 typically would have more poll workers than in an off
17 year where you just have municipal elections?

18 A That's correct.

19 Q Are you -- were you involved at all in the
20 process of hiring poll workers?

21 A Actually, I was lucky and quite a few of the
22 very loyal old-school poll workers came back to work.

23 Q Did you have to hire anyone new?

24 A Well, the Board hired a new assistant for me.

25 Q What was that person's name?

1 A Sandy Grantham.

2 Q Can you spell Sandy's last name?

3 A It's G-R-A-N-T-H-A-M.

4 Q What was her role?

5 A Assistant supervisor.

6 Q So same role that you had at Lanier?

7 A That's correct.

8 Q What were her responsibilities?

9 A Essentially overseeing poll workers,
10 answering phone calls, helping to input data into
11 ElectionNet, filing, things of that nature.

12 Q Did she report to you?

13 A Yes, that's correct.

14 Q Did anyone other than Ms. Grantham report to
15 you while you were at Coffee County?

16 A The poll workers.

17 Q Anyone else?

18 A No.

19 Q When the Board hired Ms. Grantham to work for
20 you, were you involved in that decision?

21 A I was present, yes.

22 Q And did you have any views on her employment?
23 Was it something you supported?

24 A I think she was a good enough applicant.

25 Q Okay. When the County hires employees like

1 Ms. Grantham or poll workers, what background checks
2 are performed?

3 A They perform standard background checks.

4 Q And how are those performed? Is that
5 something the County does itself or it hires a third
6 party?

7 A That, I couldn't tell you.

8 Q Where was your office physically located in
9 Coffee County?

10 A Right across from the courthouse.

11 Q What's the address?

12 A Geez. Honestly, I would have to look it up,
13 to tell you the truth.

14 Q That's fine.

15 And was Ms. Grantham in the same physical
16 office with you?

17 A Yes, that's correct.

18 Q Did poll workers have access to that office?

19 A Yes. We would let them in when it was time
20 for an election.

21 Q Okay. Was there ever any election equipment
22 or -- like the election server or other things, were
23 those physically located in that office?

24 A Yes.

25 Q What all was located in that office with

1 respect to election equipment?

2 A All of the equipment.

3 Q Who all had keys to that office or -- well,
4 let me take a step back.

5 MR. DELK: Can I just clarify for the
6 record -- you keep saying "office." I don't
7 want there to be any confusion about his
8 office versus the building. If we could just
9 clarify that for the record, please.

10 MR. CROSS: Sure, yeah.

11 Q (By Mr. Cross) So let's take a step back.
12 The office where you and Ms. Grantham worked, I assume
13 that was in some sort of building?

14 A Yes, that's correct.

15 Q Was there anything in that building other
16 than the office, the physical office, that you and
17 Ms. Grantham were in?

18 A Yes, naturally.

19 Q Okay. The election equipment that we've
20 talked about, like the EMS server, the BMDs, the other
21 things, were those stored in the same physical office
22 that you and Ms. Grantham worked in or some other part
23 of the building?

24 A No, they were not stored actually in the
25 office.

1 Q Okay.

2 A They were behind locked doors.

3 Q Okay. Where in the building were those
4 stored?

5 A The EMS server was actually in a separate
6 room attached to my office that was kept locked, and
7 the scanners and the BMDs and also the poll pads were
8 kept in a climate-controlled room in the rear that was
9 locked.

10 Q The rear of what?

11 A Well, when you walk in the building, that
12 would be a whole section, whole wing to the office
13 complex to the left.

14 Q So that was -- that was outside of the
15 physical part of the building where your office and
16 Ms. Grantham's office was?

17 A No. It's all one large complex; it's one big
18 building.

19 Q Okay. What else was in that building besides
20 the election office?

21 A There were no other offices there besides the
22 elections office. It was strictly for elections and
23 registration.

24 Q Okay. So the whole building was solely for
25 the physical offices -- physical offices of those

1 administering elections in Coffee County; is that
2 right?

3 A That's correct.

4 Q And the people with access to that building
5 were you, Ms. Grantham, and poll workers?

6 A Yes, but the only people with keys to the
7 actual building were Ms. Grantham and myself.

8 Q And so I was going to ask, the access to the
9 building, was it a physical key?

10 A Yes.

11 Q It wasn't like a punch code or something like
12 that?

13 A No, physical key.

14 Q And that was only you and Ms. Grantham?

15 A That's correct.

16 Q None of the election board members, for
17 example, had keys?

18 A No. The only other person that had a key was
19 actually the main Board of Commissioners office, just
20 to have a key in spare.

21 Q And who had that key?

22 A That would have been with the County
23 Administrator's office.

24 Q So who was responsible for securing that key?
25 Someone in that office?

1 A I'm assuming it would be Wesley Vickers.

2 Q Okay. Do you know if anyone at the Secretary
3 of State's office had a key?

4 A No. And I've never heard of them having keys
5 to offices.

6 Q You said the -- the key we're talking about,
7 is that the key to the building?

8 A That's the key to the building, correct.

9 Q Was there a different key to the server room?

10 A Absolutely.

11 Q Who had that key?

12 A I did.

13 Q What about Ms. Grantham?

14 A She had a spare key to that, yes, that's
15 correct.

16 Q What about the Board of Commissioners?

17 A No.

18 Q Anyone else have that key?

19 A No.

20 Q And then you said there was a
21 climate-controlled room for the BMDs and poll pads and
22 other devices. Was that also locked with a key?

23 A That's correct.

24 Q And so that's a third key that we're talking
25 about now?

1 A Yes, separate.

2 Q Did you and Ms. Grantham both have that key?

3 A Yes, we both had that key.

4 Q Anyone else?

5 A No.

6 Q How did you maintain that key? Was it on
7 like a key chain that you carried with you with, like,
8 house keys and stuff for convenience?

9 A Yes, it was on my own personal key ring.

10 Q Okay. And do you know if Ms. Grantham
11 carried it in the same way?

12 A Yes.

13 Q When you took over as Coffee County elections
14 supervisor in April 2021, where did you get your keys,
15 the three keys we just talked about?

16 A I got those from Ms. Ernestine Thomas-Clark,
17 and the County had just rekeyed the outside locks to
18 the building.

19 Q Did they rekey those two inside locks?

20 A I don't know if they did or not, honestly.

21 Q That wasn't something you asked?

22 A No.

23 Q Okay. Do you know why they rekeyed the
24 exterior lock?

25 A I would -- honestly, I don't know. I would

1 assume because some employees still had keys to it.

2 Q Do you know whether it's required or
3 customary practice, when an elections supervisor or an
4 assistant supervisor turns over in a county, that the
5 county rekeys locks to their election facilities?

6 A I'm honestly not sure. That's their security
7 prerogative.

8 Q When you say "their security prerogative,"
9 who is "they"?

10 A The county commissioners, I would assume.

11 Q When you were an assistant elections
12 supervisor in Lanier County, did they ever change any
13 of the locks while you were there?

14 A Well, actually, while I was there, the
15 elections office went into a whole new building. So,
16 yes, all of the locks got changed.

17 Q Apart from moving into a new building, in
18 either the prior building or the new building, was
19 there ever a point where they changed the locks?

20 A Well, it moved into a new building when they
21 got a new supervisor.

22 Q Okay. All right, I understand -- I just to
23 make sure I understand. Let's just break it down.

24 When you worked in the original building, was
25 there ever a point where Lanier County changed the

1 locks, any of the locks?

2 A Not when it was in the courthouse, no.

3 Q Okay. And then when they moved into a new
4 building -- I understand they changed the locks with
5 that move, but once you were in that building, was
6 there ever a point where Lanier County changed any of
7 those locks?

8 A No. And it really wasn't necessary because
9 they had keypad security.

10 Q Okay. Was there ever a point where they
11 changed the keypad -- or, sorry, changed the code?

12 A No.

13 Q Was the keypad just on the new building or
14 also on the original courthouse building?

15 A It was on the new building.

16 Q Okay. So the original building had a
17 physical key?

18 A Yes.

19 Q And in the time that you were there, was
20 there ever any turnover in any of the employees, like
21 assistant supervisors, anyone else?

22 A There wasn't when I left.

23 Q Okay. Do you know whether they changed the
24 code or any of the keys when you left?

25 A Not to my knowledge.

1 Q Was there anyone else who either left
2 employment or started employment in the time that you
3 were at Lanier County?

4 A While I was there in my role as elections
5 supervisor, there wasn't any other turnover other than
6 myself, except for maybe your standard poll workers
7 coming and going.

8 Q Do poll workers in Lanier County have access?
9 Do they have either the key code or a physical key?

10 A No.

11 Q Do you know what background checks are done
12 by the County, just based on your experience in Lanier
13 and Coffee, on poll workers?

14 A Yes, they run background checks on them, but
15 I'm not sure what it is.

16 Q Okay. All right, we'll come back to that as
17 well.

18 Did you work in Lowndes County at some
19 point?

20 A Lowndes County was the regional coordinator's
21 office, basically. So we would go over there for
22 training and different sorts of things.

23 Q And when you say "regional coordinator," what
24 do you mean?

25 A I mean that's the regional office for us.

1 It's different than a liaison, but it's somebody
2 that everybody within this particular region, like
3 Region 11, would go for training and memos from the
4 Secretary of State, different things.

5 Q And training with respect to elections?

6 A Yes, that's correct.

7 Q So does Coffee County sit in a broader region
8 that's managed or overseen by folks in Lowndes County
9 for election purposes?

10 A It's not managed by Lowndes County, no. It's
11 just that is a training hub where you go for
12 information.

13 Q And what training did you go to
14 Lowndes County for with respect to elections?

15 A I went and -- well, when I was in Lanier, we
16 went and trained the poll workers over there at
17 Lowndes County. It was one of the original of the
18 eight pilot organizations that conducted elections with
19 the Dominion voting system originally.

20 Q Were you involved at all with any of the
21 pilots of the Dominion system in 2019?

22 A No, I was not.

23 Q Have you done any work for any political
24 parties?

25 A No.

1 Q All right, Mr. Barnes, you're represented by
2 counsel today, right?

3 A That's correct.

4 Q Who is that?

5 A Stephen Delk.

6 Q Did you seek out counsel or they came to you?

7 MR. DELK: I'm going to object to the
8 form and instruct him not to answer. This is
9 getting into privileged communications.

10 MR. CROSS: You're saying it's
11 privileged whether he contacted you or
12 contacted -- or you contacted him?

13 MR. DELK: Frankly, I think the line of
14 questioning is off base relative to the
15 material. But, I mean, I suppose he can
16 answer that brief question, but it's not
17 going to go much further.

18 Q (By Mr. Cross) So, Mr. Barnes, did you first
19 contact -- were you out looking for counsel and
20 contacted someone in Mr. Delk's office, or did someone
21 there first contact you?

22 A Yes, I initially had made a call seeking
23 counsel.

24 Q Okay. When did you decide to seek counsel?

25 A That was several weeks ago.

1 MR. DELK: Object to form.

2 Q (By Mr. Cross) Go ahead, Mr. Barnes.

3 A I just said it was several weeks ago.

4 Q Okay. And you spoke with me and a couple of
5 our colleagues on the phone a couple times about the
6 deposition, right?

7 A That's correct.

8 Q And at no point did you have counsel when you
9 and I were communicating; is that right?

10 A That's correct.

11 Q So you retained counsel at some point after
12 we had spoken about the deposition and coordinating the
13 logistics; is that fair?

14 A Yes.

15 Q Okay. Are you paying for your counsel or is
16 someone else paying?

17 MR. DELK: Object to form.

18 Don't answer that. That's privileged.

19 MR. CROSS: That is absolutely not
20 privileged.

21 MR. DELK: Well, we can take it up later
22 on.

23 MR. CROSS: What's the basis for saying
24 that it's privileged, who's paying? What's
25 the communication of that? What's the legal

1 advice?

2 MR. DELK: Well, his rates and stuff
3 are -- the payment of that is entirely
4 irrelevant and between us.

5 MR. CROSS: Relevance is not an
6 appropriate objection or instruction.

7 What's the basis for saying that there's
8 legal advice embedded in whether he's paying
9 or you're paying?

10 MR. DELK: I object.

11 MR. CROSS: Okay, I'm going to ask my
12 question again.

13 Q (By Mr. Cross) Mr. Barnes, who's paying for
14 your counsel for this deposition?

15 A Is that actually relevant to this?

16 Q Yes.

17 A Okay. Coffee County is.

18 Q Okay. Thank you.

19 Do you know whether the counsel that
20 represents you here, whether they also represent
21 Coffee County Election Board?

22 A No. I wouldn't have any reason to know that.

23 Q Do you know whether they also represent
24 Eric Chaney?

25 A I have no idea.

1 Q Okay. All right, Mr. Barnes, did you review
2 any documents in advance of your deposition today?

3 A Yes. I looked at the subpoena.

4 Q Did you look at anything else?

5 A Just basic, how depositions go kind of stuff.

6 MR. DELK: Any communication from us,
7 Mr. Barnes, is not subject to the response.

8 THE WITNESS: Yeah.

9 MR. DELK: He's talking about any
10 extraneous documents.

11 THE WITNESS: I got you. No.

12 MR. CROSS: Okay.

13 Q (By Mr. Cross) Did you speak to anyone other
14 than your own counsel about the deposition?

15 A No. Other than just letting my wife know
16 that I had something coming up.

17 Q So you didn't speak to anyone in
18 Coffee County or Lanier County or anywhere else about
19 the deposition?

20 A No. I don't have any reason to.

21 Q Okay. Without getting into any substance
22 with your counsel, did you spend any time with your
23 lawyer preparing for today, just yes or no?

24 A Yes.

25 Q About how much time?

1 A Honestly, I'm not sure. I don't have a
2 watch. I just check, you know.

3 Q Would you say more or less than an hour?

4 A Probably more.

5 Q More or less than two hours?

6 A Probably less than two.

7 Q Okay. Just yes or no, were there any
8 documents you reviewed while you met with your counsel
9 for the deposition?

10 A No.

11 MR. DELK: Object to form.

12 Q (By Mr. Cross) You said no?

13 A No.

14 Q Okay. So you also got a subpoena to produce
15 documents, and we understand from you and your counsel
16 that you didn't find any documents responsive to the
17 subpoena. Is that -- is that right?

18 A That is correct.

19 Q Just walk me through, if you would, what you
20 did to look for documents responsive to the subpoena.

21 A I mean, I checked everything I have at the
22 house, you know, computer, thumb drives, all that kind
23 of stuff, but it's not best practices to take that kind
24 of information home anyway. As I said before, a lot of
25 that's protected voter information, and you don't want

1 to go down that rabbit hole.

2 Q So did you, for example, like search personal
3 email accounts, text messages, anything like that?

4 A Yes, that's correct, but I had a work phone
5 and a work email that I used for that.

6 Q Okay. So when you were the elections
7 supervisor in Coffee County, you never sent any text
8 messages or emails from any personal device, personal
9 email accounts, that related to Coffee County?

10 A I didn't really have a reason to unless it
11 was -- I had a problem taking a picture or something
12 and I had to shoot it over that way, but...

13 Q Okay. And did you go back and search all
14 your personal accounts and places to see if you've got
15 photos or text messages or anything like that?

16 A Yeah. Like I said, I don't transfer
17 documents willy-nilly because you have to be on a
18 secured network to really even do that, and I don't
19 have one of those at home.

20 Q But it sounds like there were at least
21 moments when you took a photo that you sent on to
22 someone from a personal device. Did you go back and
23 look for those?

24 A Well, actually, that was on my work phone. I
25 was trying to take a photograph for a voter ID card.

1 Q So did you -- sorry, go ahead.

2 A I just forwarded it along, basically.

3 Q Okay. So as you sit here, you don't recall
4 ever using any personal devices, personal email
5 accounts, or anything of that nature in any way with
6 respect to your work for Coffee County?

7 A Yes, sir, that's correct, because it's --
8 like I said, that's not best practice.

9 Q You said you had a personal phone when you --
10 you had a personal phone and a work phone while you
11 were at Coffee County; is that right?

12 A That's correct.

13 Q And the work phone, was that issued to you by
14 the County?

15 A That's correct.

16 Q So you had that from the moment you started
17 until the moment you left?

18 A Yes.

19 Q Did you ever replace that device while you
20 were there?

21 A No. It was the same one.

22 Q What kind of device was it?

23 A It was an iPhone 13.

24 Q And did that device have access to your work
25 email account?

1 A I believe that's correct, that I had it set
2 up on it.

3 Q Okay. When you left, what happened to that
4 device?

5 A It went to the new supervisor.

6 Q Who was that?

7 A Rachel Roberts.

8 Q Do you know whether the device was wiped when
9 it went to her, or did it keep your old emails and
10 other information for her to reference?

11 A I have no idea what happened to it after she
12 got it.

13 Q When you left, who did you give the phone to?

14 A When I left, I turned it over to the Board of
15 Elections.

16 Q Who specifically?

17 A Ernestine Thomas-Clark, I believe.

18 Q And you physically handed it to her?

19 A Yes.

20 Q And your understanding is that was then given
21 to Rachel Roberts to use in her work --

22 A Yes, that's correct.

23 Q Would you have any reason to expect it to be
24 wiped, or would you expect them to keep the historical
25 information for her?

1 A I would expect that it remained the same as
2 when I turned it over.

3 Q And that would be better for the incoming
4 elections supervisor because then they'd have
5 historical information [indiscernible]?

6 A Absolutely, and also pertinent phone numbers.

7 Q Okay. The elections supervisor immediately
8 before you in Coffee County was Misty Hampton; is that
9 right?

10 A Yes.

11 Q Do you know whether she used the same
12 iPhone 13 that was given to you?

13 A No. It was a new phone.

14 Q Do you know what happened to hers?

15 A The County still has it.

16 Q Why did they get you a new one instead of
17 giving you hers like Ms. Roberts getting yours?

18 A Just felt that, you know, Apple has better
19 security, and that one was actually quite an old phone.
20 I believe it was a Samsung Galaxy S4.

21 Q Did you ever get access to Ms. Hampton's work
22 phone?

23 A Yes. They kept it just in case there was
24 anything useful.

25 Q Where was it kept?

1 A It was kept in the elections office.

2 Q Where specifically?

3 A In a drawer in the front area next to where
4 Sandy Grantham's office was. Or desk, rather.

5 Q So that was something you and Ms. Grantham
6 had access to if you needed to look at historical data,
7 historical information, and contacts?

8 A Yeah, that's correct.

9 Q Was that phone still there when you left?

10 A Yes.

11 Q How often did you or Ms. Grantham look at
12 Ms. Hampton's phone?

13 A Not very often.

14 Q When you first took over and realized you
15 were getting a new phone that wouldn't have that
16 historical information, did you look at Ms. Hampton's
17 phone at that point to try to bring yourself up to
18 speed on contacts and other historical information?

19 A Yeah, I looked to see if there were any
20 necessary contacts, but since I had worked in elections
21 before, I already knew most of the people at the State
22 that I would need to be in contact with.

23 Q So when you first came in, you sat down with
24 her phone and flipped through it; is that fair?

25 A Yes.

1 Q And Ms. Hampton's emails and contacts and
2 other information from the time she was the elections
3 supervisor, that was still on the phone for your -- for
4 you to reference; do I understand that right?

5 A No. I've never had access to her email.

6 Q Okay. So her emails were not on that phone?

7 A No.

8 Q Do you know why not?

9 A I don't know. There wasn't an email account
10 attached to it.

11 Q There was no email app or account on that
12 phone anymore?

13 A No, she didn't have the Coffee County email
14 on there.

15 Q But she originally had it on there before she
16 left, right?

17 A I have no idea.

18 MR. DELK: Object to the form.

19 THE WITNESS: I wasn't there.

20 Q (By Mr. Cross) Let me get it straight.
21 We're talking about the work phone that was issued to
22 Ms. Hampton by the County, just like you got, right?

23 A Yes.

24 Q Okay. And so you'd expect her to have her
25 work email on there since that's her work phone, right?

1 A I don't know because I don't know her.

2 Q Okay. When you first got access to
3 Ms. Hampton's phone, did you ask anyone why there was
4 no email on it?

5 A No. I didn't really think to ask.

6 Q Well, when you left Coffee County, you wanted
7 to make sure your emails were accessible for
8 Ms. Roberts, right?

9 A Yes, that's correct.

10 Q And you thought that would be important for
11 her because there's a lot of historical information in
12 the emails, right?

13 A Yes, that's correct.

14 Q And you never had access to Ms. Hampton's
15 emails at all is what you're saying?

16 A That's correct.

17 Q Did you ask anyone at Coffee County what
18 happened to her emails when you came in?

19 A Well, I did ask about getting access to them.

20 Q Okay. Who did you ask?

21 A The county manager.

22 Q Who was that?

23 A Wesley Vickers.

24 Q So you came in, wanted access to
25 Ms. Hampton's emails, you asked the county manager.

1 What was the response?

2 A He got back in touch with the guy that runs
3 IT for Coffee County.

4 Q Who is that?

5 A I know his name was Charles. I can't
6 remember his last name.

7 Q What happened there?

8 A He did try to go back and access them, but
9 when he had deactivated her account, he didn't archive
10 everything and apparently it was lost.

11 Q When was her account deactivated?

12 A I'm not sure. Basically, since they have a
13 Coffee County network, anybody can log in with those
14 credentials on any Coffee County computer, so they
15 deactivated it.

16 Q So when you came in, you asked for access to
17 Ms. Hampton's emails and you were told they no longer
18 existed; is that right?

19 A Essentially, yes.

20 Q And that they had been lost when her account
21 had been deactivated; do I understand that right?

22 A That's correct.

23 Q When you were in Lanier County as an
24 assistant supervisor, I think you said they replaced
25 the elections supervisor at some point. Is that right?

1 A That's correct.

2 Q What was the practice in Lanier with respect
3 to email accounts when election officials, like the
4 elections supervisor, would get replaced? Did those --
5 was there access to the incoming elections supervisor
6 like you did for Ms. Roberts?

7 A No, there wasn't access for the previous
8 supervisor's email.

9 Q So how was it handled in Lanier?

10 A Well, until recently, they had office email
11 set up. Now they all go through a main office email
12 account where the county clerk actually sets up email
13 accounts for everyone.

14 Q When you were in Lanier, were you aware of
15 any election officials' email accounts being wiped in
16 the way that Ms. Hampton's was?

17 A I just simply don't think anybody had access
18 to it because the supervisor had set that account up.

19 Q Can you explain what you mean?

20 A Exactly like I said. The supervisor actually
21 created the email account for that office; and once she
22 left, nobody had access to it.

23 Q I see. I see. And then from -- after that,
24 Lanier went to a system that sat on a server where
25 other people --

1 A Yes.

2 Q Got it.

3 A Managed their --

4 Q Got it. Okay.

5 Who was the elections supervisor when you
6 started in Lanier?

7 A When I started working there, that was
8 Sherry Griffin.

9 Q And was that the one -- was she the one who
10 set up that personal email that was used there?

11 A That's correct.

12 Q And who replaced her?

13 A Josh Black.

14 Q What email system was used in Coffee County?
15 It was a managed system?

16 A Yes, that's correct. It was done through the
17 IT guy who managed all those accounts.

18 Q Was it an Exchange Server, was it
19 Microsoft Outlook, or what was it?

20 A I'm not exactly sure what software that they
21 were using to manage it. I just know that it was set
22 up for everybody.

23 Q Do you remember what application you would
24 use to get into your work email on your computer? Was
25 it -- would you click on Outlook, would you click on

1 something else?

2 A I used Outlook.

3 Q Were you assigned a computer as the elections
4 supervisor in Coffee County?

5 A Yes, that's correct.

6 Q Was that a laptop or a desktop?

7 A It was a desktop.

8 Q And would you regularly access your work
9 email on that?

10 A Yes, that's correct.

11 Q The desktop that you got, was that the same
12 computer Ms. Hampton had?

13 A Yes, it was.

14 Q Did you ever ask anyone whether any of her
15 prior emails had been stored on that desktop?

16 A Well, they essentially got the IT guy to try
17 to go in, but like I said, once those credentials --
18 since that's attached to the computer and the server,
19 once you don't have that email credential anymore, you
20 can't access any of that.

21 Q So who told you that?

22 A That would be the IT guy.

23 Q Charles somebody?

24 A Yeah. But there were some of her files that
25 were backed up onto the server.

1 Q Yeah, we'll come to that. Thank you.

2 So just sticking with the computer for a
3 moment, you don't have -- you're not aware that when
4 Outlook is used on a -- on a desktop, the emails can
5 get stored locally on that computer?

6 A Well, I'm not an IT guy, so, no, I didn't
7 know that.

8 Q So what was told to you when you were trying
9 to get the historical information in Ms. Hampton's
10 emails was that they were gone from the server, from
11 the network, from her phone, and from her desktop?

12 A I was never aware that she had the emails on
13 her phone.

14 Q Got it. Sorry. That's fair. But they were
15 gone from every device on which she had it that you
16 might get access to; is that fair?

17 A Yes.

18 Q Okay. All right, and then you said she had
19 some files on the server. What are you talking about
20 there?

21 A Stored locally, there's a shared server for
22 the computers in there, and there were some files in
23 there.

24 Q And that's a computer that's connected to the
25 EMS server?

1 A No. The EMS server is a completely closed
2 thing. There's no network to it.

3 Q Okay. So when you say "server," what server
4 are you talking about?

5 A I'm talking about an actual, like, server
6 backup. Just in case a computer got fried or
7 something, you would have all your information stored
8 there.

9 Q So this is a server for the computer system,
10 not for the Election Management System?

11 A That's correct.

12 Q Okay. And then there was a shared computer
13 that was connected to that server, right?

14 A Yes.

15 Q Okay. And the files that were on there, did
16 any of them include any emails?

17 A Not that I'm aware of.

18 Q Do you know whether anyone looked when you
19 were there?

20 A Well, honestly, most of those files in there
21 were older, from, you know, several years ago.

22 Q When you say "several years ago," you mean
23 several years before you took over as --

24 A Yes, that's correct.

25 Q What specific files do you recall on that

1 computer from Ms. Hampton?

2 A It was mostly things about billing, previous
3 elections, various election forms, and things of that
4 nature.

5 Q Any videos or photos?

6 A I believe there were some personal photos on
7 there.

8 Q When you say "personal photos," what do you
9 mean?

10 A Photographs of her family.

11 Q Anything else?

12 A Not that I recall, no. Well, actually, I
13 think there were some board minutes on there that had
14 been typed up.

15 Q Okay. Did you have any understanding of why
16 her account, her email account, had been deactivated
17 when she left?

18 A Not really. But, I mean, the county official
19 acted pretty surprised that that happened. I think it
20 was just something that the kind of contracted-out IT
21 department did.

22 Q And by "county official," were you referring
23 to Mr. Vickers?

24 A Yes, sir.

25 Q Okay. And you said he was surprised that it

1 was deactivated?

2 A That's correct. He was under the
3 understanding that it was still accessible. So I don't
4 believe it was intentional that the IT department just,
5 you know, deactivated it completely. That's why we
6 made a real strong point of making sure that my emails
7 were archived, so that the new supervisor wouldn't be
8 flying blind without all that information.

9 Q And the IT department that you refer to, you
10 said that was contracted out, that was a third party?

11 A Yeah, it's contracted out through some
12 company, I believe, in Homerville, Georgia.

13 Q Do you recall the name of the company?

14 A I can't remember the name of the company,
15 honestly.

16 Q If you wanted to recall the last name of
17 Charles, the IT guy, or recall his full name, who would
18 you ask?

19 A Wesley Vickers usually contacts him whenever
20 somebody needs it, so I'm sure he knows.

21 Q Charles Dial, does that ring a bell?

22 A I believe that might be it.

23 Q Okay. You mentioned a desktop. Was there a
24 laptop issued to you in Coffee County?

25 A There was a laptop there, but I didn't use

1 it. It was older.

2 Q Do you know whether Ms. Hampton used it?

3 A I'm not sure, honestly. I didn't have a
4 password to get into that.

5 Q So you never even accessed the laptop?

6 A No. I did try, but like I said, I didn't
7 know the password and I didn't see it written down
8 anywhere.

9 Q Did you ask for a password?

10 A She would have been the only one to know
11 that.

12 Q Ms. Hampton?

13 A Yes.

14 Q Why wouldn't you expect the IT people to have
15 access to a laptop issued by the County?

16 A I'm not sure of the laptop policies. I just
17 know I never used one while I was there.

18 Q But you never asked anyone at the County or
19 at the IT department whether they had access to the
20 laptop; is that right?

21 A Well, I was told that, you know, that that
22 was her laptop that she had set up, so I don't think
23 anybody knew that.

24 Q Okay. And so I just want to -- I just want
25 to make sure I understand.

1 Did you ever ask anyone specifically at the
2 County or in the IT department if they could access --
3 give you access to her laptop?

4 A Actually, I asked my former supervisor about
5 it, and it looks like it's one of those old ES&S
6 laptops possibly, so it really wasn't any good for
7 anything.

8 Q Okay. But did you ever ask anyone if they
9 could get you access?

10 A No. Honestly, I didn't have any reason to
11 either because she primarily used that desktop, so that
12 was what I was most concerned with.

13 Q How did you know Ms. Hampton primarily used
14 the desktop?

15 A Well, I just assumed that she primarily used
16 the desktop because that's what most people do,
17 considering it's hooked up to the high-speed internet.

18 Q Is there WiFi in the county election office?

19 A There was WiFi in there, yes.

20 Q Was the WiFi secured by log-in?

21 A Yes, that's correct.

22 Q Who had the log-in credentials while you were
23 there?

24 A Well, the log-in actually was through the --
25 like I said, the IT guy, but I had access to that.

1 Q Who else had the log-in credentials?

2 A Just the people in our office.

3 Q So that's you, Ms. Grantham. Did poll
4 workers? Were they allowed on the WiFi?

5 A No. There wasn't any reason for them to be
6 on it.

7 Q So did anyone other than you and Ms. Grantham
8 and the IT department have access to the Coffee County
9 election office WiFi?

10 A No.

11 Q And just to be clear, you don't actually know
12 whether Ms. Hampton primarily used the desktop or the
13 laptop, you were assuming that; is that right?

14 A That's correct, because it was an older
15 laptop.

16 Q Did you ever speak with Ms. Hampton?

17 A No. I've never met her before.

18 Q So you came into the office in April of 2021
19 immediately after her. You didn't reach out to her to
20 get some thoughts or insight or guidance on her
21 experience?

22 A No.

23 Q Did anyone tell you not to do that?

24 A No, nobody told me not to.

25 Q Were you discouraged from that?

1 A No.

2 Q So you came into a -- the Coffee County
3 elections supervisor role, you had no access to her
4 email, her prior files, apart from a handful of things
5 on the shared computer. You didn't -- you didn't think
6 it would be useful to at least have a conversation with
7 her about this new role?

8 A Well, to be fair, all of us in elections had
9 already seen the YouTube video by that point, so I
10 didn't figure it was really worth my time.

11 Q Okay. And just so we're clear we're talking
12 about the same thing, describe the YouTube you're
13 talking about.

14 A That was the YouTube video of her showing --
15 loading ballots into the scanner and it having
16 problems.

17 Q And that video was from December 2020; does
18 that sound right?

19 A I'm not sure when the video was from. I just
20 know that pretty much most of the elections offices had
21 watched it by then, so it wasn't a secret or anything.

22 Q But this is a video that you saw between the
23 November 2020 election and then taking over as the
24 elections supervisor; is that the time frame?

25 A Yes.

1 Q So because of that video, you didn't think it
2 would be useful or valuable or constructive to speak
3 with her. Let me ask a better question.

4 A Well --

5 Q Yeah, let me -- sorry -- let me just ask a
6 better question.

7 What was it about that video --

8 A Well, it wasn't just the video. The office
9 was in a state of disorganization and disarray. And,
10 honestly, it was a little bit difficult finding
11 somebody to come in and take over for her because they
12 understood they were going to be going into a mess, and
13 that was never really hidden.

14 Q Why did you want to step into that?

15 A Well, because like I was told, it's an
16 excellent opportunity because you know you've got
17 nowhere to go but up, so...

18 Q I guess no one told you you might end up in a
19 deposition some day?

20 A No, sir.

21 MR. CROSS: All right, why don't we --
22 we've been going an hour. You want to take a
23 short break?

24 THE WITNESS: It's up to you. We can
25 keep going if you'd like.

1 MR. CROSS: Okay. Why don't we take a
2 short break. Why don't we say like five
3 minutes.

4 THE WITNESS: Okay.

5 THE VIDEOGRAPHER: The time is 10:17.
6 We're off the record.

7 (Recess taken.)

8 THE VIDEOGRAPHER: The time is 10:30
9 a.m. We're back on the record.

10 Q (By Mr. Cross) Mr. Barnes, do you have the
11 Exhibit Share application in front of you?

12 A Yes, sir.

13 Q Okay. All right, so just hang on to that.
14 We're going to look at something in just a moment.

15 A couple things I just want to make sure I
16 understand. Are you saying that you never used a
17 laptop while you were the elections supervisor in
18 Coffee County?

19 A It wasn't necessary to use one simply because
20 we had a nice, actual tower computer.

21 Q So did you ever visit, like, polling sites,
22 for example?

23 A Yes, we did go on site.

24 Q Did you ever have meetings with the Board,
25 for example, that were not in your office?

1 A No. We always met in the conference room.

2 Q In the conference room, not sitting in your
3 office where your desktop was, right?

4 A No.

5 Q Okay. So when you would go to, like, polling
6 sites, for example, or you'd have meetings with the
7 Board in a conference room, you didn't have a laptop
8 with you?

9 A No.

10 Q The laptop that you found for Ms. Hampton,
11 can you just describe that in as much detail as you
12 can, like what color was it, how big was it, what make
13 or model was it?

14 A It was just a gray laptop, maybe 17-inch
15 screen.

16 Q Do you remember the maker?

17 A No.

18 Q Did you power it on?

19 A I did power it on just to see, but like I
20 said, it didn't have any access to it. It didn't
21 really seem relevant either because it was an older
22 model, like I said. I don't think anybody had used it
23 in a long time.

24 Q When you powered it on, was there a log-in
25 screen that came up?

1 A Yes.

2 Q Was it running Windows? Was it like --

3 A Yes.

4 Q -- a typical Window --

5 A Yeah.

6 Q Okay. The Outlook email that you used at
7 Coffee County, was that -- did you click on an icon
8 that opened an app, or did you log in to like a
9 webpage?

10 A No, I clicked on an icon.

11 Q So this wasn't like a web-based email, this
12 was something that -- it was an app that was locally on
13 your computer?

14 A Yes, that's correct.

15 Q All right, pull up Exhibit Share if you
16 would. I'm going to give you a document here. Let me
17 just move it over.

18 All right, so if you click on -- are you in
19 the folder for your deposition?

20 A Yes.

21 (Exhibit 1 marked for identification.)

22 Q (By Mr. Cross) Okay, if you refresh your
23 screen, you should see a document pop up. It's going
24 to be labeled Exhibit 1.

25 A Is it supposed to be under "Marked Exhibits"?

1 (Discussion off the written record.)

2 Q (By Mr. Cross) Okay, so Exhibit 1, you'll
3 see that at the top there's an email from Charles Dial
4 to Tracie Vickers, Jennifer Herzog, and Mr. Barnes.
5 That's you, right?

6 A Yes.

7 Q Tracie Vickers, is that the person that you
8 were talking about earlier?

9 A Tracie Vickers is the county clerk for
10 Coffee County.

11 Q So it's a different Vickers?

12 A Yes, that's correct.

13 Q Okay. So if you go down to the bottom,
14 you'll see that Tracie Vickers, here indicated
15 "County Clerk, Coffee County Commissioners," sends an
16 email to Charles Dial on October 27, 2021. Do you see
17 that?

18 A Yes.

19 Q Tracie is a woman; is that right?

20 A Yes, that's correct.

21 Q And Ms. Vickers writes, "Could you please
22 confirm that the County can or cannot retrieve
23 Misty Hampton's emails prior to her leaving the
24 County? Or do we have them stored in any format for
25 access to them in the event of any open-records request

1 for inquiry?" Do you see that?

2 A Yes.

3 Q And then Mr. Dial responds the same day that
4 he was not told to preserve the emails and basically
5 indicating they're gone, right?

6 A Yes.

7 Q Do you know what prompted Ms. Vickers' email
8 on October 27 of 2021 to see if Ms. Hampton's emails
9 were available?

10 A I'm assuming it was because of an
11 open-records request. But we had contacted him --
12 well, she hadn't contacted him, but I had been in
13 contact with him previously about the same thing, and
14 he more or less told me that as well, that they were
15 gone.

16 Q Okay. So just to make sure I have the timing
17 right, you came in in April 2021 and you immediately
18 realized that her emails were not available?

19 A Yes. We were going through the process of
20 trying to find out who we needed to contact to get
21 access to her emails and also be able to log in with
22 her credentials on the computer and access that.

23 Q And so when you came in, you couldn't get
24 access to her emails or files on anything other than
25 the few things that you found on the shared computer

1 connected to the backup server, right?

2 A That is correct.

3 Q Okay. And then in October of 2021, what's
4 your understanding as to why Ms. Vickers was looking
5 for Ms. Hampton's emails since it was known, from what
6 you're telling us, that her emails were long gone?

7 A Well, I'm not entirely sure that Tracie knew
8 that they were long gone; but, I mean, I did and, you
9 know, the Board did.

10 Q When Mr. Dial indicates that he was not told
11 to preserve the emails and he removed the Office 365
12 license, did you ever discuss with Mr. Dial why he
13 removed the Office 365 license for her?

14 A No. It was -- what I was basically told
15 essentially -- Wesley was told this also -- is that,
16 you know, when an employee leaves there, they
17 deactivate their account because that's how they log in
18 to the all the computers systems and all that.

19 Q Right, but I think we established earlier
20 when you left, you made your that your emails were
21 archived for Ms. Roberts, right?

22 A Yes, I did because I didn't want her to have
23 to go through the same trouble that I did, not have any
24 kind of context for anything that was going on.

25 Q Did you have access to any emails or files

1 from -- for any elections supervisor at Coffee County
2 who preceded Ms. Hampton?

3 A No.

4 Q So there was no historical files or data when
5 you came into the office; is that right?

6 A Just what was on that backup server, some of
7 which was fairly old.

8 Q And there were no emails on that server,
9 right?

10 A No. I never found any emails.

11 Q In your communications with Mr. Dial, was it
12 your understanding that he was -- he was directed by
13 someone in Coffee County not to preserve Ms. Hampton's
14 account? Is that right?

15 MR. DELK: Object to form.

16 THE WITNESS: I was never under any kind
17 of understanding that he was told to delete
18 anything. Like I said previously, everybody
19 seemed kind of surprised that they couldn't
20 access it.

21 Q (By Mr. Cross) If the ordinary course is to
22 deactivate an account and that wipes out the emails,
23 why was everyone surprised that that happened?

24 A I'm not sure if everybody even gets an
25 account like that. I mean, I don't know what their

1 standard HR practices are.

2 Q So you're saying it's standard practice to
3 deactivate an account, wipe everything out, but at the
4 same time, everybody in Coffee County was surprised
5 that Ms. Hampton's emails were gone?

6 MR. DELK: Object to form.

7 THE WITNESS: No. I'm saying I don't
8 work in HR, so I don't have any idea what
9 their standard procedure is.

10 Q (By Mr. Cross) Okay, so I just want to make
11 sure, you're not -- you're not suggesting that what
12 Ms. [sic] Dial did here with Ms. Hampton's emails and
13 deactivating her account, you're not testifying that
14 that is standard practice; is that right?

15 MR. DELK: Object to form.

16 THE WITNESS: I don't know what the
17 standard practice is.

18 Q (By Mr. Cross) You're just not offering a
19 view one way or the other on whether that was standard
20 practice?

21 A Correct.

22 Q Okay.

23 A That would be speculation.

24 Q Got it. Thank you, Mr. Barnes.

25 When you left and made sure your emails were

1 archived for Ms. Roberts, walk me through the steps you
2 took to make sure that happened.

3 A I contacted Mr. Dial and talked about what
4 could be done to preserve the emails so that she would
5 have access to all my contacts and all. And he said
6 that he could archive them and attach them to her email
7 address under like a subfolder, and that's what he did.

8 Q Okay. Was there anything else you archived
9 or made sure that was preserved for Ms. Roberts?

10 A Essentially, she just -- she got all my
11 emails. And what I did is prior to when I left, I made
12 sure that I copied all the files over onto a thumb
13 drive and transferred that over to her so that she
14 wouldn't lose any of that. And, also, she had access
15 in, through the network, through the server, to my old
16 computer as well. We made sure of that.

17 Q Did she -- so she had access to the desktop
18 that you used?

19 A Yes, that's correct.

20 Q And did you delete anything on that desktop
21 before you left?

22 A No.

23 Q Did you delete anything from any of the
24 servers in the election county office before you left?

25 A No.

1 Q At any point when you were the elections
2 supervisor for Coffee County, did you change any of the
3 passwords on any of the election equipment, like the
4 EMS server, ICC, anything?

5 A No.

6 Q Did you have administrative rights to do
7 that? Was that something you were capable of?

8 A Honestly, I don't know. I don't think you
9 can, but I never was told that you could.

10 Q And why do you think you would not be able
11 to?

12 A Because it's a very secure system. That's
13 the way we were all told.

14 Q So based on your understanding, who had
15 administrative privileges in the system to change the
16 password on, say, the EMS server?

17 A Well, as I was told through CES, nobody
18 should be able to do that. I would assume it would
19 only be the State that could to do that.

20 Q And who told you that through CES?

21 A I believe it was Mr. Prateek Patel.

22 Q I'm sorry, could you spell that one?

23 A Let's see. I believe it's

24 P-R-I-T-E-C-K [sic]. I believe that's correct.

25 Q What's his role in CES, your understanding of

1 it?

2 A Well, everybody at CES is essentially, like,
3 IT for the Secretary of State's office, so they're all
4 the computer-savvy guys. He was the one that built the
5 election databases for me, ballot databases.

6 Q So do I understand correctly that the -- the
7 password for an EMS server for the County, did that get
8 set by the State when that server comes in?

9 A Yes, the State initially sets that up.

10 Q And your understanding is the County wouldn't
11 then be able to change that password, that's something
12 they'd have to work with the Secretary's office on?

13 A That was my understanding.

14 Q And is that the same for the ICC?

15 A Yes, that's my understanding of that as well.

16 Q Okay. So you said you would -- well, sorry,
17 before we get to that, you mentioned earlier the
18 video of Misty Hampton running ballots through a
19 Coffee County scanner.

20 What was it about that video that led you to
21 decide not to reach out to her once you became the
22 elections supervisor?

23 A Well, all the equipment was completely
24 functional and, you know, if you -- you're supposed to
25 take those scanners and actually clean them every now

1 and then, because if you don't you'll get ink smudges
2 and things like that that will jam them up. And when I
3 cleaned it, I never had any problem with it.

4 Q Sorry, I'm not sure how that relates to what
5 I just asked.

6 A I'm essentially saying that she didn't even
7 know basic maintenance for the equipment.

8 Q Your understanding is she did not clean the
9 scanners or didn't have them cleaned?

10 A Yes.

11 Q And what's your basis for that understanding?

12 A Well, that's a basic maintenance thing you're
13 supposed to do, but yet I didn't see any wipes there.
14 And, also, I had to buy the cleaning cards for the big
15 scanners because there were never any there. So it was
16 my understanding that none of the scanners had ever
17 been cleaned through the various elections.

18 Q Just to be clear we're talking about the same
19 video, when you refer to a YouTube video, are you
20 talking about a video where she shows that a scanner at
21 Coffee County will scan the same ballots twice,
22 including after she overvotes them?

23 A Yes, that's correct.

24 MR. DELK: Object to form.

25 MR. CROSS: Okay.

1 Q (By Mr. Cross) So, again, what was it about
2 that video that led you to decide that there was no
3 value at all in talking to your predecessor?

4 A Well, for one thing, she's using the
5 adjudication process to try to show that somebody could
6 change votes when there's clearly a digital log for
7 every time somebody does that in there.

8 Q Where does that digital log get stored?

9 A It gets stored there on the server.

10 Q Which server?

11 A That should be on the EMS server.

12 Q So you saw this video and just decided this
13 wasn't somebody you wanted to talk to about --

14 A No. She kind of made a laughingstock of all
15 the elections officials, honestly.

16 Q Was there anything you saw on that video that
17 concerned you about the security of the voting system
18 in Coffee County or elsewhere in Georgia?

19 A Not at all because she wasn't using the
20 normal practices.

21 Q She was using the equipment, right?

22 A She was using the equipment, correct.

23 Q Did it concern you that the Dominion scanner
24 will scan and tabulate the same ballots multiple times?

25 A Well, see, it's not supposed to do that, and

1 there was functionally no problem with that equipment.
2 Like I said, when I came in there, I tested all that
3 equipment and there were no issues with it. I mean,
4 that's one of the things you're supposed to do, you're
5 supposed to go in there and, every single election, you
6 have to do logic and accuracy testing. And every
7 single instance where I did logic and accuracy testing,
8 the equipment was fully functional, so I can only
9 believe that it was user error.

10 Q Is your understanding that logic and accuracy
11 testing is a cybersecurity test of voting equipment?

12 A The logic and accuracy testing goes through
13 and basically makes sure that it will accept
14 undervotes, overvotes. It tests everything,
15 essentially. Just like you would if you were actually
16 tabulating the election. It goes through the entire
17 process, basically, of running an election start to
18 finish and matches the numbers and makes sure that
19 everything matches up.

20 Q I'm asking you a more precise question,
21 Mr. Barnes.

22 Is it understanding that logic and accuracy
23 testing constitutes cybersecurity testing of the
24 equipment, or do you just not know one way or the
25 other?

1 A Logic and accuracy is not really about
2 cybersecurity. They're supposed to be closed systems
3 that are not networked out and supposed to be in a
4 locked door with only minimal access to -- of a few
5 people to them. So unless there's user error, there
6 shouldn't be cybersecurity issues.

7 Q And the testing that you did when you came
8 in, you're talking about logic and accuracy testing,
9 correct?

10 A Yes, that's correct.

11 Q In the time that you were at Coffee County,
12 are you aware of any cybersecurity testing that was
13 done on any of the election equipment there?

14 A No, sir. When it comes to us, it's certified
15 by the State.

16 Q So you rely on the State for that; is that
17 fair?

18 A Yes.

19 Q You mentioned earlier that you would
20 participate in meetings with the Coffee County Election
21 Board from time to time, right?

22 A That's correct.

23 Q How frequently was that?

24 A The Board had a monthly meeting every month.

25 Q And you participated in those meetings,

1 typically?

2 A Yes, sir.

3 Q What were those meetings -- what was the
4 general purpose of those meetings?

5 A The general purpose of those meetings is
6 updates on the status of the office and elections
7 from -- from my part, and also them going over budget
8 items or getting things that I've requested.

9 Q Were there regular reports that you provided
10 to the board?

11 A Yes, that's correct.

12 Q Were those written reports or oral or both?

13 A They were typed reports and then I would
14 also -- I would have the agenda, you know, and then I
15 would also go over it verbally and also provide like
16 the budget report.

17 Q And were those -- the written reports, were
18 those maintained on your desktop?

19 A They should be on the desktop, but there's
20 also a folder that has them all in it as well.

21 Q Like hard copy --

22 A And each one of the board members have a hard
23 copy also.

24 Q Okay. When you say "a folder," you mean a
25 hard-copy folder?

1 A Yes, that's correct.

2 Q Did you email them out as well?

3 A No.

4 Q And what was the general topics covered in
5 your monthly report?

6 A Like I said, generally just the status of the
7 office, you know, people coming in and getting voter ID
8 cards, people applying for registration in Georgia's
9 voter system, also expenditures and requests for
10 various things. The office was a little old and out of
11 date, so we were trying to update various things and
12 I'd give them status updates on that.

13 Q Any security updates?

14 A No, but I did mention that it would probably
15 be a good idea to get a, you know, keypad security
16 system like ADT or something like that.

17 Q When did you suggest that?

18 A Fairly early on, because we had one of those
19 in Lanier and it was beneficial.

20 Q Why is that beneficial?

21 A Because that way if somebody tries to gain
22 access to the office, it will immediately call whoever
23 is on the list to call and also starts police on the
24 way there unless you stop it.

25 Q Did the Coffee County election office, while

1 you were there, have any sort of security system?

2 A No. That was why I was bringing that up.

3 Q Was that implemented while you were there?

4 A No. It was my understanding that they were
5 trying to wait until the new fiscal year to do that.

6 Q Do you know whether it was ever implemented?

7 A I'm not sure.

8 Q In the time that you were the Coffee County
9 elections supervisor, did you meet with -- beyond just
10 the meetings with the Coffee County board, did you meet
11 with any other election officials at the county or
12 state level as part of your responsibilities?

13 A Well, naturally, I met with other elections
14 officials when I would go to the regional meetings.
15 Usually had one of those once a month or once every
16 couple of months.

17 Q And what are the regional meetings?

18 A That was the ones I was talking about, the
19 regional-level meetings in Valdosta. Usually everybody
20 in that area that was an elections supervisor would
21 come to those. And sometimes we'd get briefings from
22 the Secretary of State's office there as well.

23 Q Did you ever hear any concerns at any of
24 these regional meetings from other election officials
25 about the BMD system?

1 A No.

2 Q Did you ever have any briefings at those
3 meetings from the Secretary of State or otherwise on
4 security of the system?

5 A No. Mostly it was -- there's one tab on
6 there that's a secure tab. We were always told that if
7 you mess up and take that off, it immediately has to
8 get sent back to CES.

9 Q Secure tab is on what?

10 A The ballot-marking device.

11 Q Is that a physical tab?

12 A Yes, that's correct.

13 Q Are you talking about the seals that go on
14 there?

15 A It's a -- it's a braided metal and then
16 clamped in plastic seal.

17 Q Right. And so if that seal is broken or
18 missing, the machine is supposed to go back to CES?

19 A That's correct.

20 Q Why is that?

21 A Because then it would pose a security hazard.

22 Q How so?

23 A I'm not entirely sure. That's just what I
24 was told.

25 Q So if any of the seals -- these security

1 seals, if any of the security seals that are on a BMD
2 are broken or missing, you're not supposed to use it in
3 an actual election; is that fair?

4 A Yes, if that seal from the State is broken,
5 you're not supposed to use it.

6 Q Are there any seals on the BMDs apart from
7 the ones from the State?

8 A There's the ones that we put on there.

9 Q Why does the County put its own seals?

10 A Because there's certain things you have to
11 do. Like, to be able to upload the election data for
12 the individual election on there, you have to put it in
13 through a USB thumb drive, and then we put a plastic
14 seal on there again just to be able to check -- every
15 single day when we open and close polls, we check those
16 to make sure that no civilian person has come in there
17 and tampered with it.

18 Q And presumably, if you come in the next day
19 and one of those county seals is broken or missing, you
20 wouldn't use that in an actual election either, right?

21 A That's correct.

22 Q The state seal that goes on the BMDs, those
23 have numbers that are registered with the Secretary of
24 State's office, right?

25 A That's correct.

1 Q Is that true for the county seals too?

2 A No, but the county seals, we write those down
3 on state documentation, and we have to turn that in
4 with all the other election materials at the end.

5 Q So the Secretary of State's office, or at
6 least CES, would have a list of the numbers for both
7 the state seals and the county seals on each machine,
8 right?

9 A That's correct.

10 Q Did you have any meetings with anyone from
11 the Secretary of State's office while you were in
12 Coffee County as the elections supervisor?

13 A Yes. I met with them at the regional
14 meetings, of course, and then occasionally state
15 investigators would be in contact about old cases and
16 things.

17 Q And what kind of cases did you hear from the
18 state investigators on?

19 A Mostly just older ones from 2018 and '19.
20 They apparently had quite the backlog.

21 Q What did those cases involve, just generally?

22 A Generally, just inquiring about voters being
23 registered properly or living out of state or the --
24 the general run-of-the-mill.

25 Q Any election security issues that were

1 investigated?

2 A I was never -- I never talked to anybody
3 about any election security issues, no.

4 Q Did you hear from state investigators
5 involving any -- about any investigation related to the
6 time that Misty Hampton was there?

7 A Yes, I was.

8 Q Who contacted you?

9 A Let's see. Well, I kind of get them mixed up
10 because I was contacted by quite a bit of investigators
11 throughout the course. But, let's see, Josh Blanchard,
12 Mr. Paris -- I can't remember his first name -- Robert
13 Hernandez.

14 Q Any other names come to mind?

15 A No, not other than that.

16 Q And those were state investigators who
17 contacted you about some investigation that involved
18 Coffee County during the period Misty Hampton was the
19 elections supervisor?

20 A Well, they contacted me, yes. She would have
21 been the supervisor back in 2018, so that's correct.

22 Q And so did any state investigator contact you
23 about an investigation involving events that happened
24 in, say, late 2020 to 2021?

25 A I don't remember anybody contacting me about

1 that. But like I said, since they had a backlog, they
2 may not have gotten to it yet while I was there.

3 Q So all the investigations you recall being
4 contacted about were 2018 or 2019 or maybe earlier?

5 A Yes, sir.

6 Q Did you ever have any communications with
7 anyone from the Secretary's office outside of the
8 regional meetings and outside of these
9 investigations -- these three investigators you
10 mentioned?

11 A No, sir, other than contacting CES and, you
12 know, I emailed Chris Harvey. Actually, I emailed most
13 of the people in the Secretary of State's office at
14 various points for different things, especially for
15 election materials to get replenished.

16 Q We'll come back to that in a little bit.

17 Did you ever have any communications with
18 anyone with Dominion while you were there?

19 A The -- Dominion did send us out some emails.

20 Q Who did you email with at Dominion?

21 A I wasn't emailing anybody. Dominion just
22 sent out some, like, broad emails to elections
23 officials.

24 Q So you never sent any emails yourself to
25 anyone at Dominion?

1 A No. There wasn't any reason to. CES handles
2 our issues.

3 Q You never had a phone call with anyone at
4 Dominion?

5 A No, not that I recall. Mostly, like I said,
6 I contact the State on that.

7 Q Did you ever have any communications with any
8 Dominion techs, folks who come out and help with the
9 equipment and machines?

10 A No, we didn't have a Dominion tech assigned
11 to us.

12 Q So any time you have an issue, performance
13 and operation issue with any of the election equipment,
14 you go to CES for that?

15 A Yes, that's correct.

16 Q Was that the same in Lanier?

17 A Yes, that's correct.

18 Q Why did you leave the elections supervisor
19 position in December 2021?

20 A Essentially, I got offered a job that's right
21 down the road from where I live with a little bit
22 better pay and I'm able to be closer to the kids. If
23 one of them gets sick in daycare or something, I can
24 just swing down there and grab them. So convenience,
25 really.

1 Q And when you left -- I know we talked about
2 your emails, you archived your emails. Ms. Roberts had
3 access to that. You didn't -- you said you didn't
4 delete any of your work-related materials.

5 Was there anything, other than the emails,
6 you specifically made sure was archived? Or did you
7 just make sure you didn't delete anything?

8 A Well, like I said, I made sure that she had
9 access to everything that was on the computer just in
10 case whenever it was switched over, it was going to
11 lose any of -- it would drop some of it into the server
12 files, and I also made a hard copy on a high-capacity
13 thumb drive and turned that over to her.

14 Q Did anyone ever offer any explanation to you
15 for why Ms. Misty Hampton left the elections supervisor
16 position?

17 A I was under the understanding there were some
18 issues with timesheets and that they had opted to
19 resign for that reason.

20 Q That Misty Hampton had resigned over that?

21 A Yes.

22 Q And what -- who gave you that understanding?

23 A That's what I was told by the Board, and I
24 actually did see both her and Jil Riddlehoover's
25 original resignation letters, and that's what they said

1 as well.

2 Q You saw resignation letters specifically from
3 Ms. Hampton and -- I'm sorry, what's the other one,
4 Riddle -- I'll get the name wrong.

5 A Jil Riddlehoover.

6 Q Riddlehoover.

7 So you actually saw resignation letters
8 signed by Ms. Riddlehoover and Ms. Hampton where they
9 indicated they were resigning because of concerns about
10 timesheets?

11 A That's correct.

12 Q And who provided you those?

13 A Actually, that was just in the folders that
14 were maintained by the Board of Elections members. I
15 went back through some of the old minutes and all just
16 to kind of get up to speed on things, and that was
17 there.

18 Q Who on the Board specifically did you speak
19 with about Ms. Hampton leaving her position?

20 A It came up in a standard board meeting, so I
21 would assume it would basically be everybody.

22 Q Was it the first meeting you had, that's
23 where it came up?

24 A Yes, sir.

25 Q What all was discussed about Ms. Hampton in

1 that meeting?

2 A Essentially, just like I had told you, that,
3 you know, there had been some falsification of
4 timesheet data and that they had been caught with it
5 and opted to resign and be able to go and apply
6 somewhere else rather than getting disciplinary action.

7 Q How soon after you started did that meeting
8 take place, just approximately?

9 A Oh, geez, let's see. Maybe a week or two
10 after I started.

11 Q Were there any other concerns expressed about
12 Ms. Hampton in that meeting?

13 A No.

14 Q Did the YouTube video that you mentioned
15 before, did that come up in that meeting?

16 A Not in that meeting, but they did mention it
17 to me that, you know, Coffee County was a little bit
18 famous during the hiring process.

19 Q Okay. And what was mentioned to you during
20 the hiring process?

21 A Just essentially that it was a fixer-upper
22 office and it was going to take a lot.

23 Q That YouTube video was part of why it was a
24 fixer-upper?

25 A Well, that's partly why, yeah.

1 Q Was there anything else said to you during
2 the hiring process about Ms. Hampton?

3 A No.

4 Q Once you took over as elections supervisor,
5 was there ever any discussion between you and anyone
6 else in the County about Ms. Hampton and the YouTube
7 video that you mentioned?

8 A No, not really.

9 Q So no one on the Board, no one in the County
10 ever came to you and said, "We have concerns about what
11 Ms. Hampton did in that video and let's talk about it"?

12 A Essentially, the main thing was everybody was
13 focused on trying to move forward and just get the
14 office up to speed. Quite frankly, there was a lot to
15 do.

16 Q Did you learn that in that video Ms. Hampton
17 had a password that was readable posted on her desk or
18 on her screen?

19 A Yeah, I actually did see the Post-it note.

20 Q Was there ever any discussion, once you came
21 in as the elections supervisor, about that's not a good
22 practice, you shouldn't be doing that, any concerns
23 about that?

24 A Oh, well, absolutely that's not best practice
25 to be putting your password around like that. That's

1 not something I do.

2 Q Right, but more specifically, was there any
3 discussion that you were in about the fact that
4 Ms. Hampton had done that and whether that posed any
5 security risk for Coffee County's election system?

6 A No, I didn't have a conversation about that
7 with anybody. I just didn't do that.

8 Q Sorry, you may have said this earlier. You
9 never had any communications, written or oral, in
10 person, with Ms. Hampton ever; is that right?

11 A That's correct.

12 Q You've never met her?

13 A No.

14 Q Did she have an assistant elections
15 supervisor?

16 A That's correct.

17 Q Was that --

18 A Jil Riddlehoover.

19 Q Right, that was Ms. Riddlehoover?

20 A Yes.

21 Q So when you came in, it was new staff in the
22 Coffee County office, right?

23 A Yes, that's correct.

24 Q But you said some of the poll -- or actually
25 a lot of the poll workers had been folks who had worked

1 in the county before, right?

2 A That's correct.

3 Q Did you ever have any communications with any
4 of the poll workers about their experience working with
5 Ms. Hampton?

6 A Essentially, they had just said that she
7 wasn't very hands-on, so they were kind of left on
8 their own.

9 Q Any other communications with poll workers
10 about their experience with Ms. Hampton?

11 A Not really, no.

12 Q None of the poll workers came in and said,
13 "Hey, I saw this video. It's pretty crazy. What do
14 you think"?

15 A Well, they didn't like the fact that, you
16 know, Coffee County got drug into national news
17 coverage. I don't think anybody would. I mean, we're
18 a small town in south Georgia here.

19 Q Right.

20 Did any of the poll workers express any
21 concern about the reliability of the voting system or
22 the office there in light of that video?

23 A No, everybody seemed to like the system okay,
24 and one of the main things is just making sure that
25 they had adequate training and they were comfortable

1 with the system.

2 Q And the poll worker training, is that
3 provided by the State or by you guys, by the County?

4 A Poll worker training is provided by the
5 County, but generally speaking, I try to look at how
6 some of the bigger, more successful offices do theirs
7 and mirror that.

8 Q Have you ever met Ms. Riddlehoover?

9 A No.

10 Q Ever spoken with her?

11 A No.

12 Q No emails, text messages, phone calls, no
13 contact with her at all?

14 A No contact whatsoever.

15 Q And did you decide not to contact her for the
16 same sort of reasons you decided not to contact
17 Ms. Hampton?

18 A That's correct.

19 Q When you came in, had Ms. Hampton left you
20 like a note, instructions, anything directed to you?

21 A No.

22 Q And Ms. Riddlehoover did not either?

23 A That's correct. It was my understanding that
24 they had left in February, and I came in in April,
25 so...

1 Q And who was managing the election program in
2 Coffee County in that window; do you know?

3 A I don't -- I don't know who would have been
4 doing it.

5 Q That wasn't something you asked
6 [indiscernible]?

7 A Well, it was my understanding that, you know,
8 the phone calls for the elections office were being
9 rerouted through the county commissioner's office.

10 Q So the county commissioner's office had took
11 on some level of responsibility while the State was
12 looking to replace -- or, sorry, while the County was
13 looking to replace Ms. Hampton?

14 A That's correct.

15 Q When you were in Lanier, when you started at
16 Lanier, the State was using the old DRE voting system,
17 right?

18 A That's correct.

19 Q And then they switched over to the BMD
20 system, right?

21 A That's correct.

22 Q And are you aware that the judge in this case
23 that you're here for, in August of 2019, ordered the
24 State to stop using the DRE system?

25 A Yes, and to go to a paper ballot.

1 Q When did you first learn that?

2 A That would be 2019.

3 Q How did you learn that?

4 A I learned that because when I started with
5 elections, it was right before the new system rolled
6 out.

7 Q So you learned that as part of your work in
8 Lanier?

9 A Yes, that's correct.

10 Q Who told you that -- strike that.

11 I just kind of want to understand sort of the
12 circumstances of how you learned this. Approximately
13 when did you learn that the court had issued that
14 order?

15 A Well, it was common knowledge. I mean, when
16 we were getting trained on the new DREs, I mean, it was
17 said that this is what they're replacing and why, so
18 everybody knew that.

19 Q Everybody knew that the "why" was because the
20 judge had issued this order?

21 A Yes, that's correct.

22 Q I see.

23 I think you said earlier you didn't have any
24 involvement in the pilots of the DRE [sic] systems that
25 were in the November election season of 2019. Right?

1 A That's correct, I didn't have any.

2 Q So your first experience as an election
3 official with the BMD system -- sorry, I think I
4 misspoke. I think I said the of pilots of the DREs. I
5 meant the pilots of the BMDs. Let me ask a new
6 question.

7 Your first experience as an election official
8 with the BMD system would have been in 2020 in
9 Lanier?

10 A That's correct. It would have been the
11 presidential preference primary.

12 Q And I assume you heard about a lot of the
13 challenges that a lot of the counties had across the
14 state with that new system, particularly the June
15 presidential primary. Do you remember that?

16 A Yes, I remember that.

17 Q And when you were the assistant elections
18 supervisor in Lanier County, did you guys experience
19 some of the similar challenges with the new system?

20 MR. DENTON: Object to the form.

21 THE WITNESS: I don't recall ever having
22 any issues with the system.

23 Q (By Mr. Cross) How many voters are there
24 typically in Lanier?

25 A Let's see. About 6500.

1 Q Much smaller than, say, Fulton or Cobb or
2 DeKalb County?

3 A Oh, absolutely.

4 Q Fair to say that in Lanier and Coffee County,
5 just because you're dealing with so many fewer voters,
6 you don't tend to run into issues along the lines like
7 in the denser counties?

8 A Yeah, it's a much different ballgame for us.

9 Q Who specifically first informed you that the
10 State was going to the BMD system because of this court
11 order? Do you remember who told you that?

12 MR. DENTON: Object to form.

13 THE WITNESS: I believe it was the
14 supervisor, but like I said, we all knew
15 about it.

16 MR. CROSS: Right.

17 THE WITNESS: I don't think there's a
18 single supervisor of elections that didn't
19 know about that, because quite a few of them
20 are older and set in their ways and didn't
21 really want to change over.

22 Q (By Mr. Cross) When you say "the
23 supervisor," you mean your elections supervisor that
24 you worked for in Coffee -- sorry, in Lanier County?

25 A That's correct.

1 Q It sounds like some of the election officials
2 were disappointed that the court was requiring them to
3 make a change and do something new?

4 MR. DENTON: Object to form.

5 THE WITNESS: Well, it's common for
6 people to be set in their ways and
7 comfortable.

8 MR. CROSS: Right.

9 Q (By Mr. Cross) Were you surprised to learn
10 that the new system the court -- sorry, that the State
11 was going to was ballot-marking devices as opposed to
12 hand-marked paper ballots?

13 MR. DENTON: Object to form.

14 THE WITNESS: Not really. I mean,
15 everybody had used those for years and years.
16 And it's pretty common in other states, too,
17 to use some kind of digital-marking device.

18 Q (By Mr. Cross) Are you aware of any other
19 state in the country that requires all in-person voters
20 to use BMDs?

21 A I don't know what states, but I know that
22 they're in other locations.

23 Q Would it surprise you to learn that there's
24 no other state that uses BMDs as the primary in-person
25 voting means other than Georgia?

1 A Well, I mean, take a look at somewhere like
2 Florida where everybody is out for their own, picking
3 their voting machines. So nothing much surprises me
4 when it comes to that. Everywhere is different.

5 Q Are you aware that most states rely on
6 hand-marked paper ballots?

7 MR. DENTON: Object to form.

8 THE WITNESS: No, I'm not aware of that.
9 I thought the dangling [sic] chad issues kind
10 of got rid of that.

11 Q (By Mr. Cross) And what's your understanding
12 of how dangling [sic] chads relate to hand-marked paper
13 ballots?

14 A Well, it said there can be issues when
15 they're doing hand-marked paper ballots. I mean, I'm
16 sure everybody remembers that back in, what was it,
17 2000.

18 Q And just so I -- it's your understanding that
19 hand-marked paper ballots would involve something like
20 poking through a chad or -- that issue would still
21 arise if you're doing that?

22 A Well, I don't get paid the big bucks --

23 MR. DENTON: Object to form.

24 A -- to decide things.

25 Q Are you aware that you can vote by

1 hand-marked paper ballot at the polls the same way you
2 would with an absentee ballot where you bubble in a
3 circle and it gets scanned?

4 A I believe that you're referring to -- what's
5 the terminology here -- when somebody doesn't have what
6 they need to be able to vote on the machines, that they
7 can fill out a provisional ballot.

8 Q Provisional or an emergency ballot, right?

9 A Yes, that's correct.

10 Q And voting by hand on a -- on a hand-marked
11 paper ballot where you're bubbling in a circle, that
12 wouldn't involve a hanging chad, right?

13 A No.

14 Q Have you ever voted by a hand-marked paper
15 ballot in Georgia, absentee?

16 A I've voted absentee before.

17 Q Do you tend to vote more by absentee or more
18 in person?

19 A I tend to vote more by absentee just to avoid
20 all the people.

21 Q Fair to say you don't -- you don't have any
22 concerns about whether your absentee vote, which you
23 mark by hand, whether it's going to get counted
24 correctly in Georgia, right?

25 A I don't have any concerns.

1 Q Just to pick up where we were talking a
2 moment ago, you are aware, through your experience both
3 in Lanier County and in Coffee County as an election
4 official, that Georgia state law does allow counties to
5 use hand-marked paper ballots for emergency purposes,
6 right?

7 A Yes, that's correct.

8 Q And that's a decision that the county
9 elections supervisor makes, whether that becomes
10 necessary or appropriate; is that fair?

11 A Well, I mean, if you're getting to a point
12 where your machines all go down and you're going to
13 have to go to emergency ballots, you're supposed to
14 contact the State anyway to let them know about it.

15 Q Right, you want to inform the State, but it's
16 the elections supervisor's decision, right?

17 A Well, yeah, because you have to keep the
18 election going; otherwise, you end up with a court
19 order to extend it.

20 Q And the emergency circumstances wouldn't
21 necessarily be the machines going down, right, there
22 could be other circumstances? Like, if you had really
23 long lines, that could support the elections supervisor
24 deciding to go to hand-marked paper ballots if the
25 elections supervisor thought it would speed up the

1 process; is that fair?

2 A Well, when it comes to long lines, we're
3 supposed to give reports regularly to the State about
4 how long the line times are; and if the State thinks
5 that the lines are too long, then they'll give us
6 directive on that. That's really -- that's really up
7 to them to give us the go-ahead on something like that.

8 Q So to your understanding, the elections
9 supervisor doesn't have the authority to make that
10 decision, they need to turn to the State for that?

11 MR. DENTON: Object to form.

12 THE WITNESS: It's my understanding that
13 we tell the State about our line times, and
14 if the line times get too long, then they'll
15 direct us what to do.

16 Q (By Mr. Cross) As an elections supervisor
17 or as the assistant supervisor in both Lanier and
18 Coffee County, did you have or did the County have
19 discretion to determine whether to use BMDs or not in
20 any given election, or did they rely on the State to
21 determine that?

22 A We're supposed to use BMDs if at all
23 possible, yes. It's usually -- that's reserved more
24 for, really, emergency situations, like a tornado came
25 through and knocked everything out and you don't have

1 any other option, at which point you would still let
2 the State know that a tornado came through and knocked
3 everything out.

4 Q So fair to say in Georgia, the State
5 determines the means of voting across the state?

6 A That is correct.

7 Q And that's the Secretary of State's office,
8 right?

9 A Yes.

10 Q Have you ever been in a situation as an
11 election official where hand-marked paper ballots were
12 used to vote in person, not absentee?

13 A Provisional ballots mostly. Never had an
14 emergency ballot situation.

15 Q When you were the elections supervisor in
16 Coffee County, about how many voters, just
17 percentage-wise, voted absentee versus in person? How
18 did the numbers break down?

19 A Actually, it was quite a relatively small
20 number that voted absentee compared to in person.

21 Q What about Lanier?

22 A Same thing in Lanier, most people wanted to
23 come in person.

24 Q Again, you guys have the benefit of not
25 running into long lines there, right, in Lanier and

1 Coffee?

2 A Yeah, and plus it's kind of an event where,
3 you know, "Hey, there's Joe's mother's brother's
4 cousin," you know, so...

5 Q In smaller counties, people tend to know each
6 other, smaller communities?

7 A Yeah. Yeah, and it gives everybody a chance
8 to be nosy about who's out and about.

9 Q Is it -- in your experience, is it fair to
10 say that that's -- that tends to be important to
11 voters, to be able to show up at the polls and vote in
12 person?

13 A Oh, yeah, absolutely.

14 Q Why is that?

15 A Well, a lot of people just say that they just
16 want to make sure that, you know, they're casting their
17 ballot in person and they know what happened. I think
18 it just makes a lot of people more comfortable,
19 especially the older folks.

20 Q And fair to say that for lot of people, it's
21 important to be part of that democratic process, right,
22 being there in person?

23 A Oh, yeah. I think the participation and
24 getting the sticker is a big part of that.

25 Q Have you ever discussed any election security

1 concerns with the Coffee County board, election board?

2 A Other than just making sure that, you know,
3 all the equipment is secured properly and stored
4 properly with climate control. And then also, of
5 course, I brought up the server issue because, you
6 know, I couldn't get into that and we had an upcoming
7 election.

8 Q Right, and we'll come to that.

9 Any other -- any other election security
10 issues you discussed with the State?

11 A No. Well, now, are you talking about the
12 State or Coffee County? Because initially you said
13 Coffee County.

14 Q Oh, yeah. I'm sorry. I mean with
15 Coffee County. I'm just focusing on that. Nothing
16 else with Coffee County beyond what you identified?

17 A Correct.

18 Q Okay. And did you ever discuss any election
19 security issues, while you were with Coffee County,
20 with the State?

21 A Yes. The server issues.

22 Q Okay. And that was when you could not get
23 access to the EMS server?

24 A That's correct.

25 Q And that included the ICC too, right?

1 A Yes, that's correct.

2 Q Any other equipment, as part of the election
3 system in Coffee County, you did not have access to
4 that you --

5 A No.

6 Q -- raised with the State?

7 A No, I didn't have any other issues.

8 Q All right, we'll come back to that.

9 Did you ever get any communications from
10 anyone on behalf of the State about election security
11 concerns?

12 A Well, we commonly get little memos and all.
13 And, you know, of course, most of the time we're
14 involved with CISA, and they give out cybersecurity
15 bulletins. And then like I said, of course, the
16 Dominion Voting kind of blast-out to everybody's email
17 just warning about third-party people trying to gain
18 access.

19 Q And CISA, you're talking about the
20 cybersecurity/infrastructure agency that's part of DHS,
21 the federal level?

22 A Yes, that's correct. And they also have like
23 a [indiscernible] for elections that gives out
24 elections bulletins to everybody.

25 Q And so do I understand right, in your

1 experience in Coffee County and Lanier, the Counties
2 look both to the State and to the federal agency to
3 provide guidance on election security?

4 A That's correct.

5 Q Were you aware that in July of 2021, there
6 was an election security expert named Alex Halderman
7 who did a security analysis of Dominion voting
8 equipment from Fulton County?

9 A No, I was not aware of that.

10 Q Is that something you've ever heard before
11 now?

12 A No.

13 Q So that wasn't something that was conveyed to
14 you when you were the elections supervisor in
15 Coffee County?

16 A No. I don't recall that.

17 Q Never read any press around that?

18 A No.

19 Q So no one from the State ever reached out,
20 for example, and said, "Hey, there's -- we have this
21 100-page report from an election security expert that's
22 identified a lot of security vulnerabilities with the
23 Dominion voting equipment used in Georgia"?

24 A I don't recall any emails of that nature.

25 Q If those types of vulnerabilities existed, if

1 a report had gone to the Secretary's office identifying
2 those vulnerabilities, would you expect to hear that
3 from the State so that you could take remedial
4 measures?

5 MR. DENTON: Object to form.

6 THE WITNESS: Honestly, like I said, I
7 couldn't say. I don't -- I don't get paid
8 the big bucks like they do to decide things.

9 MR. CROSS: All right, pull up the next
10 exhibit if you would, please.

11 THE WITNESS: All right.

12 MR. CROSS: Just let me know when you've
13 got it. It's Exhibit 2.

14 THE WITNESS: Okay, I've got it.

15 (Exhibit 2 marked for identification.)

16 Q (By Mr. Cross) All right, do you see that
17 this is an advisory that was issued by CISA on June 3rd
18 of 2022?

19 A Yes.

20 Q And this is the same federal agency we were
21 just talking about that would send you election
22 security guidance from time to time as an election
23 security official, right?

24 A Yes, that's correct.

25 Q Have you seen this before?

1 A I have seen something like this before.

2 Q Have you seen this particular one, Exhibit 2,
3 before?

4 A I believe I've seen this, but I'm not
5 entirely sure.

6 Q You're not still working as an election
7 official in Georgia, right?

8 A No, that's correct. I'm out of elections.

9 Q And you said you think you may have seen this
10 before from June of 22 -- sorry, from June of 2022.
11 Why do you think you may have seen this before?

12 A Well, because we usually get a lot of those
13 emails out about these different things.

14 Q Okay. This is from June of this year. In
15 what context would you have received that this year?

16 A Well, then I probably haven't seen it. Like
17 I said, I've seen things similar to that. That's why I
18 said I'm not sure.

19 Q Okay. Understood. And that's why I just
20 wanted to make sure you were focusing on the year,
21 because this would have -- this would have come out
22 after you left Coffee County, obviously.

23 A Yes, that's correct.

24 Q Okay. I didn't expect that you would have
25 seen this.

1 So this advisory that came out in June of
2 2022 is the product of CISA looking at the July 2021
3 expert report I told you about earlier. They looked at
4 that report, they met with that expert, they met with
5 Dominion, and then issued this advisory in June of this
6 year. So you're not familiar with any of that?

7 A No, I've never heard about any updates to any
8 of it, so that's new to me.

9 Q Okay. If you look under the summary, you see
10 where it says, "This advisory identifies
11 vulnerabilities affecting versions of the Dominion
12 Voting Systems Democracy Suite ImageCast X"? Do you
13 see that?

14 A Yes.

15 Q And so here CISA has confirmed specific
16 vulnerabilities that Dr. Halderman had identified in
17 July of 2021.

18 Would you have expected the Secretary of
19 State's office to alert you to those vulnerabilities as
20 a county elections supervisor using that equipment?

21 MR. DENTON: Object to form.

22 THE WITNESS: Well, I would -- I would
23 assume that this notice should have went out
24 to all the county officials anyway if they're
25 keeping track with ES-ISAC and CISA.

1 Q (By Mr. Cross) Right, but this came out in
2 June of 2022 because it took some time to get
3 Dr. Halderman's report to CISA and then have CISA send
4 the -- do its work and send its own advisory out. My
5 question is a little bit different.

6 Given that these same vulnerabilities were
7 disclosed to the Secretary's office in Georgia in July
8 of 2021, would you have expected them to alert
9 elections supervisors at the county level that these
10 vulnerabilities were present so that you'd be aware of
11 them?

12 MR. DENTON: Object to form.

13 THE WITNESS: Well, once again, I will
14 simply say that if a county official is doing
15 their job, they should be up to date on the
16 federal releases as well, so it shouldn't be
17 an issue of whether or not somebody got it.

18 Q (By Mr. Cross) But you understand in 2021,
19 there was no federal release on these vulnerabilities
20 because CISA had not gotten Dr. Halderman's report yet?
21 Do you understand that?

22 A Yes, I understand that.

23 Q Okay. So the only way the counties could
24 have learned about these vulnerabilities is if the
25 Secretary's office had informed counties about

1 Dr. Halderman's report from July 2021. Are you with
2 me?

3 MR. DENTON: Object to form.

4 THE WITNESS: I understand what you're
5 saying, but like I said, I've never read
6 that, so I wouldn't begin to speculate on
7 that.

8 Q (By Mr. Cross) Well, as a county elections
9 supervisor, wouldn't you want to be aware of any
10 vulnerabilities that affect the security and
11 reliability of the equipment that you're responsible
12 for?

13 A I would want to be aware of any trouble, but
14 I also defer to the State's judgments, generally
15 speaking, on things.

16 Q One of the findings of Dr. Halderman, and
17 this is public, is that a voter could walk into a
18 voting booth with a Dominion BMD system and plug in a
19 flash drive into a USB port and upload malware and that
20 that could happen in a matter of minutes. Have you
21 ever heard that before?

22 MR. DENTON: Object to form.

23 THE WITNESS: No, I've never heard that,
24 but we do keep seals on there for that very
25 purpose right there, and you're supposed to

1 check those just to make sure that nobody has
2 that tampered with it. That's the purpose of
3 them.

4 Q (By Mr. Cross) Are you aware that there are
5 USB ports available on the voting equipment that's used
6 in the voting booth that does not have a seal on it?

7 A No, I've never heard that.

8 Q The printer, for example, has a USB port.
9 Were you aware of that?

10 A Yes. Most printers do now.

11 Q Right. And there's no seal on the printer
12 that's used, the seals are on the BMDs, correct?

13 A That's correct.

14 Q So as someone who was responsible for
15 administering elections in two separate counties,
16 wouldn't you have wanted to know that you needed to
17 take some measures to protect those USB ports?

18 MR. DENTON: Object to form.

19 THE WITNESS: Well, it's always nice to
20 have all the tools you can in your toolbox,
21 of course, but like I said, I'm not the one
22 in charge of all that kind of data release.

23 Q (By Mr. Cross) But does it surprise you that
24 the Secretary of State's office had the support for the
25 last year and didn't convey any of that information to

1 the counties, instead had to wait for CISA to do it
2 almost a year later?

3 MR. DENTON: Object to form.

4 THE WITNESS: Well, it doesn't surprise
5 me because I assume that they had their
6 reasons for it. I don't know what that is,
7 but since I don't have all the knowledge, I
8 would only be speculating at this point.

9 Q (By Mr. Cross) So as a county elections
10 supervisor, you trust the State to determine election
11 security across the state, fair?

12 A That's correct.

13 Q All right. So when you came in to
14 Coffee County, at some point you tried to access the
15 EMS server and you couldn't access it, right?

16 A That's correct.

17 Q When did that happen?

18 A That would have been towards the end of
19 April, I believe, and I contacted CES about that and
20 described the problem to them, and they said that they
21 would be down next week to check it out. Initially,
22 there was the assumption that maybe I had fat-fingered
23 in the 16-digit-long password.

24 Q And the 16-digit password was one that was
25 provided by the State; is that right?

1 A That's correct.

2 Q And why was it that you didn't try to access
3 the EMS server or the ICC until a few weeks after you
4 arrived?

5 A Because there wasn't an election for a while
6 out, so there wasn't really any need to. And there was
7 quite a bit of other work to do, also, catching up on
8 voter registrations and things like that.

9 Q So you didn't try to access the EMS server or
10 the ICC with the password you had until a need arose
11 with an upcoming election?

12 A That's correct.

13 Q Where did you get the 16-digit password that
14 you were trying to use?

15 A Initially, that was the same one that had
16 gotten left there by Ms. Hampton. And I called CES up
17 to make sure that that was, in fact, the correct
18 password, they verified that that should be the correct
19 password, and when I tried it several times and it
20 didn't work, they said that they would come down and
21 take a look.

22 Q You said it was left by Ms. Hampton. Where
23 did you find it?

24 A It was still up there attached to the
25 computer screen.

1 Q On the Post-it note?

2 A Yeah.

3 Q Okay. And how did you confirm with CES that
4 that was the password that they had provided initially?

5 A By calling up there to the CES office.

6 Q So you called someone at CES, you read the
7 16-digit password, they said, "Yeah, that's the one
8 that we have for this equipment," and you pointed out
9 it didn't work?

10 A That's correct.

11 Q Was the 16-digit password in Coffee County
12 the same one that you used for the EMS or ICC in
13 Lanier?

14 A No.

15 Q So Lanier had a different password?

16 A That's correct.

17 Q Also 16-digit?

18 A Yeah, they're all the 16-digit,
19 Google-generated type passwords.

20 Q Okay. And they're all provided by the State?

21 A That's correct.

22 Q What did CES say when you contacted them and
23 said the password doesn't work?

24 A Like I said, they tried to go back through it
25 several times with me and just make sure that I

1 wasn't -- it wasn't a user error on my part. And then
2 when it continued not to work, they said that they
3 would come down and take a look at it the following
4 week.

5 Q Do you recall who specifically you spoke with
6 at CES?

7 A I believe it was Prateek Patel that I spoke
8 to because, like I said, I know him better than most
9 since he builds my ballot databases.

10 Q Sorry, give me the name one more time.

11 A Prateek Patel.

12 Q Patel is P-A-T-E-L?

13 A Yes, that's correct.

14 Q And this was sometime in late April of 2021?

15 A Yes, I believe that's correct.

16 Q Did you ask or was there any discussion with
17 him or anyone else at the Secretary's office about why
18 the password wasn't working?

19 A Well, when he came down, he brought another
20 gentleman with him named Chris. I'm not sure about his
21 last name. I just know he works at CES. And initially
22 they -- you know, first thing he did was try that
23 password just to see if it worked, because in the past
24 people have just messed it up and not done it right.
25 And they didn't know why the password had been changed,

1 said that it shouldn't have been able to be changed,
2 and that's basically where that stood. So I have no
3 idea why or how.

4 Q But they -- Mr. Patel came in and someone
5 else named Chris, both from CES, right?

6 A Yes, that's correct.

7 Q And they looked at the ICC and the EMS server
8 and their assumption was that somebody had changed the
9 password?

10 A I'm not sure, actually. They just seemed
11 surprised to me because, like he said, they're not
12 supposed to be able to change it. So I'm not sure that
13 they knew exactly what had happened --

14 Q Got it.

15 A -- at that juncture.

16 Q All they could tell was the password didn't
17 work?

18 A Yes, that's correct.

19 Q And they explained that people at the county
20 level aren't supposed to have administrative rights to
21 change a password?

22 A Yes, that's correct.

23 Q So what happened next?

24 A After that, I was told that they were going
25 to have to replace the server and take it back to CES,

1 try to gain access to it. They tried to move over as
2 much as they could kind of back-door style, but it was
3 impossible to retrieve all the data at that time.

4 Q When you say -- sorry, the last thing you
5 said, retrieve data, what were you talking about?

6 A All the election files that are stored there
7 on the server, they were unable to retrieve all of that
8 simply based on the nature of it being in lock-down.

9 Q They were -- was CES able to retrieve any
10 files or data from the EMS server?

11 A I don't know if they ever were or not, but at
12 that point in time, they were unable to retrieve it.

13 Q What about the ICC, did they ever get access
14 to that?

15 A I'm not sure, to tell you the truth.

16 Q How soon after Mr. Patel came in and
17 confirmed the password didn't work did the State take
18 the ICC and the server?

19 A That was the same day. They just had an
20 extra one with them, just depending on whatever the
21 problem might be, just in case.

22 Q So you contacted Mr. Patel in late April of
23 2021, right?

24 A Yes.

25 Q And that was a phone call?

1 A Yes, that's correct.

2 Q Did you email anyone about this?

3 A No.

4 Q Did you contact Chris Harvey or anyone else
5 beyond Mr. Patel about not having access?

6 A No, I didn't contact anybody else about not
7 having access.

8 Q So Mr. Patel was the only person you ever
9 spoke with or emailed or communicated with about not
10 having access to the ICC and the EMS server?

11 A That's right.

12 MR. DENTON: Object to form.

13 Q (By Mr. Cross) I'm sorry, did you say that's
14 right?

15 A Yes.

16 Q Okay. How quickly after you called Mr. Patel
17 did he arrive?

18 A It was about like what they said; it was
19 about a week before the two people from CES came.

20 Q It was a week after you called them?

21 A Yeah, roughly. It was probably the next
22 week.

23 Q Okay. And when they came, they had with them
24 a replacement server and a replacement ICC?

25 A Yes, that's correct.

1 Q And they replaced them on the spot?

2 A That's correct.

3 Q Did they replace anything else besides the
4 EMS server and the ICC?

5 A No.

6 Q In the room where the EMS server is, is there
7 a computer that's connected directly to that server?

8 A The ICC and the EMS are both networked
9 together, but there's no other equipment.

10 Q But if you want to -- when you go to log in
11 to the EMS server, there's a keyboard and a screen that
12 you're trying to log in on, right?

13 A Yes, that's correct.

14 Q Does that sit in the room with the EMS
15 server?

16 A Yes, the screen and keyboard are in there for
17 each one of those.

18 Q Okay. And the screen and keyboard, when
19 you're trying to log in to the EMS server, are those
20 hardwired into the server or they're connected to a
21 separate computer terminal of some sort?

22 MR. DENTON: Object to form.

23 THE WITNESS: Each one of them is
24 connected to the computer terminal that
25 you're using.

1 Q (By Mr. Cross) Okay, so when Mr. Patel came
2 and replaced the EMS server, did he replace the
3 keyboard, the screen, any computer terminal, any wires,
4 any other equipment, or was it just the server that got
5 replaced?

6 A I don't recall anything else being replaced.

7 Q Beyond the server?

8 A That's correct.

9 Q And same with the ICC, the only thing they
10 replaced was the ICC itself, no other peripherals or
11 anything attached to it?

12 A As far as I know, that's correct.

13 Q Were you there with them when they were
14 replacing the equipment?

15 A Yes, I was there with them for the majority
16 of that time. I was doing other work.

17 Q Okay. So they left, took the ICC and the
18 server with them, and you don't know one way or the
19 other whether anyone ever got access to the data or the
20 files on the --

21 A That's correct.

22 Q What's your understanding of where the new
23 server and ICC came from that they brought that day?

24 A I would assume it came from their main office
25 in Marietta, but I'm not sure.

1 Q You didn't ask?

2 A No.

3 Q Did you have any understanding as to whether
4 these were a new EMS server and ICC or whether they
5 were taken from another county or had been used before
6 or just no understanding one way or the other?

7 A I just got the new server in there and it was
8 working, and that's what mattered to me because I had
9 an election coming up.

10 Q So you didn't ask -- you didn't ask them,
11 "Where did this come from"? All you needed was it to
12 work?

13 A Yeah, I didn't ask where it came from.

14 Q And after Mr. Patel and Chris left with the
15 ICC and the server, what follow-up did you have with
16 Mr. Patel or anyone else about this issue?

17 A I didn't have any follow-up with them.

18 Q Did you ever talk to Mr. Patel again?

19 A Yeah, in the normal course of business.

20 Q So he was one of -- he was, I think you said
21 earlier, your primary contact at CES, right?

22 A Yeah, I had asked -- I had asked him at one
23 point in time were they ever able to get, you know,
24 anything off of there because I had an open-records
25 request, and they said that -- "No, if you don't -- if

1 you don't have it, then you don't have it," so...

2 Q What does that mean, "if you don't have it,
3 you don't have it"?

4 A Well, he said if I don't have it there on the
5 server, then I don't have anything responsive to that.
6 So I took that to mean that he didn't have it either.

7 Q So you got an open-records request related to
8 the EMS server that had been replaced, you contacted
9 Mr. Patel, and he said if you don't have something
10 locally in Coffee County, you don't have anything to
11 produce?

12 A Yes, that's correct because -- I don't know
13 what that meant as far as his side. I just assumed it
14 meant they hadn't gained access either.

15 Q But you didn't ask him specifically if they
16 had been able to access the server themselves?

17 A Well, it was my understanding that when I
18 asked him if they had been able to access it because I
19 needed to get this equipment, he said that if I don't
20 have it locally, then, you know, I just don't -- I
21 don't have anything, that they hadn't been able to
22 access it. That's generally what you would assume if
23 an IT guy tells you that.

24 Q Right, but he -- I just want to be really
25 precise. And I apologize, because we're lawyers, words

1 matter.

2 Did he -- at any point, did Mr. Patel ever
3 say to you explicitly that no one at the Secretary of
4 State's office, including CES, had been able to access
5 the EMS server that was taken?

6 A He did not specifically say that, but I had
7 asked them if they had accessed it to be able to get
8 that -- if there was any way I could get that. And he
9 responded in the negative to that, so I took that to
10 mean that, no, they had not.

11 Q When you say "he responded in the negative,"
12 he said if you don't have it locally, you don't have
13 anything to produce for the open records, right?

14 A Yes, he said if I don't have a copy of it
15 physically there in my office, then there's nothing
16 available to give them.

17 Q Okay. So as you sit here today, you don't
18 know for certain whether anyone at the Secretary's
19 office ever got access to the ICC or the EMS server?

20 A No, I don't.

21 Q And the conversation you had with Mr. Patel
22 about the open-records request, do you remember
23 approximately when that was?

24 A Honestly, I'm not sure.

25 Q Would you say the latter half of 2021, like

1 closer to the time that you left, or closer to the time
2 you arrived?

3 A It was the latter half of 2021. It's just
4 typically the elections office gets so many
5 open-records request, it's hard to keep track of them.

6 Q Sure. And was this a phone conversation or
7 an email exchange?

8 A A phone conversation.

9 Q So you never sent an email or a text message
10 or created any written document about replacing the EMS
11 server or the ICC?

12 A No.

13 Q Why is that? It's not a small thing to get a
14 new ICC and a new EMS. Why not create a report on
15 this?

16 A Well, say in your office, if you contact an
17 IT guy with a problem, do you usually email him or do
18 you usually call him up because it's simpler?

19 Q Well, for us it's easier to email.

20 A I got you. Well, for me it's easier to walk
21 through a problem talking, so that's just typically why
22 I do.

23 Q Okay. No, and I understand that, I
24 understand the phone call to Mr. Patel. I'm sorry.
25 I'm asking a different question, which is: The point

1 at which you -- the State replaced the ICC and the EMS
2 and you realized the password didn't work, I'm curious
3 why you -- why you didn't write a report to provide for
4 the Board, for example, or to have posterity for the
5 incoming -- you know, the next elections supervisor, on
6 what had happened here and what had been done.

7 A Well, like I said, you have to understand
8 that the office was in quite a bit of disarray and
9 there was a lot to do in there. So kind of trying to
10 tackle one emergency at a time, you know.

11 Q But it never occurred to you to put anything
12 in writing on something as substantial as replacing an
13 ICC and an EMS server?

14 A Well, what my job was, was there was a
15 problem and to get the problem fixed, so that's what I
16 did.

17 Q What did you share with the Board, if
18 anything, the election board, about this situation?

19 A We had a conversation about it because I was
20 letting them know that, you know, "Hey, we had some
21 guys from the State that had to come because there's a
22 problem with the server and I can't access it, and
23 we've got an upcoming election."

24 Q And when was that approximately?

25 A I'm not entirely sure. It would have been

1 around the beginning of May.

2 Q So shortly after the situation arose, you
3 alerted the Board in some fashion that this had
4 happened?

5 A Yeah.

6 Q And who specifically did you alert?

7 A I believe it was just brought up in the
8 meeting, as I may recall, but it's been a while.

9 Q So your memory is Mr. Patel comes in,
10 replaces the server and the ICC, and then at the next
11 monthly board meeting, you provided some sort of oral
12 report to the Board on that?

13 A Yes.

14 Q And your memory is that -- were all the board
15 members present for that, to your recollection? Were
16 any missing?

17 A I'm not sure if everyone was there or not
18 because you know how it is trying to schedule meetings.

19 Q And this would have been one of the meetings
20 in the conference room in your office that you
21 mentioned?

22 A Yes, that's correct.

23 Q And since you provided the Board a monthly
24 report, why not include this in that monthly report as
25 well when you were preparing that report?

1 A Honestly, I'm not sure if it was in the
2 minutes or not.

3 Q The minutes of the board meetings, are those
4 public?

5 A Yes, that's correct.

6 Q Okay. And would it surprise you that there's
7 no indication of discussion of this?

8 A Not really. Like I said, I was more
9 concerned with the election than going through the
10 issues of documenting down everything. I don't
11 typically make it a point to document a lot of things
12 other than my emails, which are open, and my phone
13 records, which are open, and if I have some reason to
14 write a report to the State.

15 Q It didn't -- it didn't trouble you that you
16 came in to an office where the prior two election
17 officials had been at least encouraged to leave for
18 what you said was not being honest or accurate about
19 their time records, it didn't trouble you that the EMS
20 server and the ICC were no longer even accessible? You
21 didn't view that as a security concern?

22 MR. DENTON: Object to the form.

23 THE WITNESS: Definitely, because I
24 contacted the State about it. But like I
25 said, it's not my job to speculate on what

1 anything may or may not be. It's my job to
2 report a problem if I have one, which I did.

3 Q (By Mr. Cross) And did you contact -- so you
4 didn't contact -- you didn't think this warranted
5 communicating to law enforcement, for example, like the
6 GBI?

7 A No. It's simply I couldn't get into it, they
8 came and replaced it and fixed it for me. That was
9 that.

10 Q Were you concerned that the fact that the
11 password never -- no longer worked, that maybe that was
12 an indication that someone had done something they
13 weren't supposed to do on that server and on the ICC?

14 A Like I said, I don't get paid to speculate
15 and investigate. That's why the State has
16 investigators.

17 Q So from your perspective, you walked in, the
18 password didn't work, you did what you were supposed to
19 do, contacted the State, and you left it for them to
20 investigate and figure out if there was a bigger issue?

21 A That's correct.

22 Q And did you ever hear from anyone at the
23 State again about this particular issue, that the
24 password didn't work and they had to replace these two
25 pieces of equipment?

1 MR. DENTON: Object to form.

2 THE WITNESS: No, I did not, but it's
3 not unusual for the State not to follow back
4 up with us. I mean, there's 159 counties.
5 They'd have to have more employees to follow
6 up with everybody on everything, I'm sure.

7 Q (By Mr. Cross) But we're talking about a
8 county where the elections supervisor reportedly had
9 been asked to leave for not being honest with time
10 records, where she put up a video that had the original
11 password for this machine publicly accessible, and then
12 the password didn't work when you showed up and all her
13 emails were gone. That doesn't strike you as sort of
14 circumstances where somebody might want to dig a little
15 deeper beyond just replacing the equipment?

16 A Well, like I said, I'm not paid to be an
17 investigator. I'm paid to be an elections supervisor.
18 And normally my follow-up is if I get an invitation to
19 a State Election Board case.

20 Q But you said it doesn't surprise you
21 initially they didn't follow up because they're busy
22 and they have lots of things, but we're not talking
23 about an ordinary situation here, right? We agree on
24 that, this is not an ordinary situation?

25 A Well --

1 MR. DENTON: Object to form.

2 A -- here's the thing, they investigate all of
3 these things. And usually I hear back about it because
4 there will or there will not an SEB case on it. So
5 it's not unusual for me not to hear back from them
6 unless it's because it's going to the State Board.
7 That's not unusual for anybody, as far as I know.

8 Q But as you sit here today, you don't -- you
9 never got any indication from anyone at the State,
10 Secretary's office, or the SEB, that any investigation
11 was conducted into why the password wasn't working,
12 right?

13 MR. DENTON: Object to form.

14 THE WITNESS: I have no idea whether
15 there was an investigation or not, and I
16 don't -- I don't get SEB case updates
17 anymore, so I have no idea if there's one
18 ongoing right now or not.

19 Q (By Mr. Cross) Is there anyone else you
20 communicated with about this password issue?

21 A No.

22 Q For example, did you reach out to former
23 colleagues in Lanier that you were close with or
24 Mr. Vickers?

25 A Oh, well, I did -- I did reach out to Josh

1 about it because I was a little confused on why it
2 would happen and all. But he said, you know, just
3 contact about CES about it because that's the best
4 thing to do, you know.

5 Q So you contacted Josh Black before you
6 contacted CES?

7 A No. I contacted CES already because I knew
8 that was what I was supposed to. I just mentioned it
9 to him in passing because it was odd.

10 Q I see. Okay. And what all did you discuss
11 with Mr. Black?

12 A Essentially just that I had an issue getting
13 into the server and, you know, had to have our servers
14 replaced.

15 Q And all he said was deal with CES? Did he
16 offer any other views or opinions or concerns?

17 A No, he didn't have anything else to offer.

18 Q But he agreed it was odd, right?

19 A I don't know if that happens on a regular
20 basis or not, but all I know is I didn't know how to
21 access the -- change a password, and I don't know
22 anybody else that knew how to.

23 Q Anyone else you communicated about this? You
24 didn't initially remember Mr. Black. Is there anyone
25 else you can think of?

1 A Not to my knowledge, and that was more
2 because it was an odd election event and, you know, we
3 tend to talk amongst ourselves.

4 Q Did you communicate with Mr. Vickers about
5 it?

6 A I don't recall if I talked to Wesley Vickers
7 about it or not. Usually I let him know if it's
8 something bigger.

9 Q When they provided the new ICC and new EMS
10 server, did the State give you a new password?

11 A Yes, that's correct.

12 Q And it was another 16-digit password?

13 A Yeah. It was a different 16-digit password.

14 Q And what's the guidance from the Secretary's
15 office on how you're supposed to maintain that
16 password?

17 A Well, they said that we're not supposed to
18 put it on Post-it notes and things like that. I mean,
19 you're supposed to keep it secure.

20 Q Right. Is there specific guidance on how to
21 secure it, like where you should maintain it, where you
22 should keep it, where you should store it?

23 A No. You're not -- you're just not supposed
24 to keep it out in a public place, anything like that,
25 where anybody else can access it.

1 Q Where did you keep it so that you could
2 remember it? That's a long number to keep up with.

3 A Yeah, that's a fairly long number. Yeah, I
4 kept it on my person.

5 Q When you say on your person, what do you
6 mean?

7 A I mean whenever it's election time, I kept it
8 on my person. Otherwise, I kept it locked up when it's
9 not election.

10 Q And so -- and how did you keep it locked up?
11 It was, like, written down on a piece of paper?

12 A Filing cabinet.

13 Q Filing cabinet in your office?

14 A (No audible response.)

15 Q I'm sorry, did you say yes?

16 A Yes, that's correct.

17 Q And was it written -- like, what was it
18 written on?

19 A I just had it written on a small piece of
20 paper.

21 Q And that was locked in a filing cabinet in
22 your office?

23 A Yes, that's correct. And my office was
24 always locked as well.

25 Q Who had access to the filing cabinet, just

1 you and Ms. --

2 A Nobody but me.

3 Q Ms. Grantham did not?

4 A No.

5 Q And that was a key that you kept with you?

6 A Yes, that's correct.

7 Q And then when elections were going on, you
8 would keep that piece of paper with you just for easy
9 access?

10 A Just whenever I had to type something in, I
11 kept it on me. When I was having to set up the servers
12 for the election or whenever I was having to get back
13 into it at the end to tabulate, but not just
14 constantly, no.

15 Q And a need never came to change the password
16 on any of that equipment while you were there, right?

17 A No.

18 Q When you provided the report on this to
19 the -- to the Board, what was the reaction of the Board
20 that you had to replace this equipment and the password
21 didn't work?

22 A Well, I mean, naturally they were surprised
23 by it.

24 Q Did anyone express concerns in that meeting?

25 A Well, the main concern was, was I able, you

1 know, to get the new system up and running and were we
2 going to be okay in the upcoming election. And, of
3 course, all that was fine.

4 Q Well, for example, did anyone say, "Hey, this
5 is kind of weird, we had this weird situation with
6 Ms. Hampton. Maybe we should look into whether there's
7 a broader issue here"?

8 A Well, generally speaking, I believe that was
9 just more or less deferred over to the State because,
10 you know, having dealt with state investigators
11 previously, they, I'm sure, knew that there was going
12 to be a state investigation.

13 Q The Board knew there would be a state
14 investigation of this password situation, you're
15 saying?

16 A I'm saying that, you know, they've had enough
17 experiences with them to assume that there's going to
18 be an investigation into that. They'd already dealt
19 with quite a few.

20 Q And why would you assume there would be an
21 investigation into that?

22 A Because if we take a step, there's an
23 investigation. I mean, it doesn't take much to get
24 one. All it takes is one person saying one thing.

25 Q Okay. And understanding the Board would --

1 I understand your testimony, the Board would defer the
2 investigation to the State. I was asking a more
3 specific question.

4 Did any of the board members in that meeting
5 express concern about what the situation might mean for
6 the security or the reliability of the equipment that
7 you had or whether Ms. Hampton or anyone else had done
8 something they weren't supposed to do?

9 A Not any concerns over the equipment we had,
10 but like I said, we really changed the security
11 procedures since I'm there. So it's more of a "Oh, no,
12 this happened in the past but things are better now"
13 kind of situation.

14 Q You said you changed the security practices
15 in Coffee County. How so?

16 A Well, we just kept all the doors locked
17 unless there was a need not to. You know, like all the
18 storage for the equipment was locked at all times, the
19 main door past the lobby that goes into where our
20 office space was was kept locked. Whenever I wasn't
21 there, I locked the office door that I had, and the
22 server door was locked. Essentially, we just changed
23 the ways we did things.

24 Q And making sure everything was locked, that
25 was a change, that wasn't a historic practice at

1 Coffee County; is that your understanding?

2 A Yes, that's correct. And I also kept regular
3 voters and people from going back there into the inner
4 office. We just dealt with them at the countertop up
5 front.

6 Q And that was a change from prior practice in
7 Coffee County?

8 A Yes.

9 MR. CROSS: Okay, why don't we take
10 another break. Let's go off the record.

11 THE VIDEOGRAPHER: The time is 12:05.
12 We're off the record.

13 (Recess taken.)

14 THE VIDEOGRAPHER: The time is 12:27.
15 We're back on the record.

16 Q (By Mr. Cross) All right, sorry, just trying
17 to pull something up real quick.

18 All right, Mr. Barnes, I want to make sure I
19 got -- I understood something right.

20 So when the State took the ICC and the EMS
21 server, was that documented, like was there chain of
22 custody paperwork that you signed on that?

23 A I don't recall signing chain of custody
24 paperwork. Maybe I did. I'm not sure. It's been a
25 while, but...

1 Q But you expect to, right? That's a pretty
2 major change, to bring in a new ICC and EMS and get rid
3 of the old one. There would be chain of custody
4 documentation, right?

5 MR. DELK: Object to form.

6 THE WITNESS: If there was, the State
7 would have that option.

8 Q (By Mr. Cross) The County wouldn't keep a
9 copy of their own chain of custody documents so that
10 there's a record of replacing the ICC and the EMS?

11 A I'm not aware of any documentation about it
12 being taken, but then again, it was the state employees
13 coming to get it, so...

14 Q And you don't recall them handing you
15 paperwork to sign?

16 A I don't recall, no.

17 Q But you agree that chain of custody is
18 important, right?

19 MR. DELK: Object to form.

20 MR. DENTON: Object to the form.

21 THE WITNESS: Yeah, chain of custody is
22 important.

23 (Exhibit 3 marked for identification.)

24 MR. CROSS: Grab Exhibit 3, if you
25 would, please, sir. Just let me know when

1 you've got it.

2 THE WITNESS: I've got it.

3 MR. CROSS: All right.

4 Q (By Mr. Cross) Do you see at the top there's
5 an email that you sent to Robert Hernandez on May 6,
6 2021?

7 A Yes, that's correct.

8 Q And Robert Hernandez is one of the state
9 investigators you mentioned before that you dealt with
10 while you were at Coffee County?

11 A Yes.

12 Q And you see in your email, you write in your
13 second sentence, "You will find a response letter from
14 our office attached." Do you see that?

15 A Yes.

16 Q If you come down to the second page, you see
17 the letter that you sent to Mr. Hernandez there?

18 A Yes.

19 Q And at the end of that -- well, you point
20 out -- you start the letter by saying, "I assumed the
21 position of Supervisor of Elections on April 1st,
22 2021." Do you see that?

23 A Yes.

24 Q In the last paragraph, you wrote, "The
25 Coffee County Board of Elections fully understands the

1 requirement of maintaining absentee ballot transfer
2 sheets and chain of custody documents, and will ensure
3 this occurs for any future elections."

4 Do you see that?

5 A Yes.

6 Q And yet as you sit here, you don't recall
7 whether there were any chain of custody documents
8 maintained by the County or even signed for something
9 as significant as replacing your ICC and EMS server; is
10 that right, sir?

11 A Well, I understand your implications here;
12 however, there's not even paperwork around to be able
13 to fill out for this. It's not like this is something
14 anybody ever planned to happen. We don't even have a
15 chain of custody document for replacing servers.

16 Q 159 counties in Georgia, no one has ever had
17 to replace an ICC or a scanner -- or a server before?

18 MR. DENTON: Object to form.

19 MR. DELK: Object to the form.

20 Q (By Mr. Cross) Is that what you're saying?

21 A I'm not sure about all the other 159
22 counties.

23 Q You think in all the time that the State has
24 had electronic voting equipment across 159 counties,
25 they've never had to replace a server or an ICC

1 scanner?

2 MR. DELK: Object to the form.

3 MR. DENTON: Object to form.

4 THE WITNESS: The only thing I can
5 account to is I've never seen a form for
6 transferring those items.

7 Q (By Mr. Cross) And you don't think the State
8 has chain of custody documents, forms, or -- for
9 something as significant as replacing that election
10 equipment? You just think --

11 MR. DENTON: Object to form.

12 THE WITNESS: I've never seen it.

13 Q (By Mr. Cross) When Mr. Patel took the
14 equipment, did you ask him, did you say, "Hey, think I
15 should sign something here, maybe we should have some
16 kind of documentation that we've done this"?

17 A No, because both of the gentlemen that were
18 there were higher up [indiscernible] state employees,
19 and I trusted them.

20 Q Has anyone ever indicated to you that the
21 Secretary of State's office actually cannot take that
22 equipment and the data on it without a court order?
23 Has anybody ever discussed that with you?

24 A No.

25 Q As the elections supervisor, did you have an

1 understanding of whether your office was supposed to be
2 legally the custodian of records of everything on that
3 equipment?

4 A My understanding, there were legal custodians
5 of things, but how are you supposed to access it if you
6 don't have a password that works for it?

7 Q Well, I'm not asking about access right now.
8 I'm just asking you. You were the legal -- you
9 understand the County is the legal custodian of the
10 election data on those pieces of equipment, but you
11 handed them over to the State and didn't even document
12 it. I mean, that's the testimony today, right, sir?

13 MR. DENTON: Object to form.

14 THE WITNESS: I turned it over to the
15 State.

16 Q (By Mr. Cross) You mentioned something
17 earlier, and I just want to make sure I didn't
18 misunderstand. You said when they -- when Mr. Patel
19 first came in and was trying to access the data on the
20 EMS server, you said something to the effect that
21 they -- that they were able to move some data back-door
22 style?

23 A Well, they were able to --

24 MR. DENTON: Object to form.

25 THE WITNESS: It ended up being mostly

1 just file folders. There wasn't really any
2 significant data that was transferred over.
3 I'm not sure of the ins and outs as to why or
4 why not because I'm not an IT guy.

5 MR. CROSS: I see.

6 Q (By Mr. Cross) That transfer, did they do
7 that on site at Coffee County or they did that after
8 they took the server?

9 A Yes, they attempted to do it on site, but I
10 think they had some issues.

11 Q What did they connect to the server to do
12 that back-door-style transfer?

13 A I'm not sure what they connected.

14 Q Did they -- did you see them -- did they have
15 like a laptop that they connected to the server to
16 transfer data?

17 A No, I didn't see a laptop.

18 Q But your understanding is there were some
19 files they were able to pull off that EMS server in
20 some fashion?

21 A Yes, that's my understanding.

22 Q And that was something Mr. Patel explained to
23 you?

24 A Yes.

25 Q And do you know what was in those files?

1 A Like I said, mostly it was just empty files
2 and just, like, our basic election setup, but there was
3 not a large cache of information.

4 Q And where would -- where did that -- when
5 that information was transferred, what was it
6 transferred to?

7 A The new server.

8 Q So there were some -- there were some files
9 that were taken off the old EMS server and transferred
10 to the new server?

11 A Yes.

12 Q Okay. Are those files stored in a particular
13 location on the new server so that you can identify
14 them as coming from the old server?

15 A Yes.

16 Q Okay. Do you remember what that -- what that
17 folder was called where all those stores were filed on
18 the server, the new server?

19 A No. It just -- it just had the election name
20 from the older election on it.

21 Q And were those files from the prior server,
22 were those still on the new server when you left your
23 position in Coffee County?

24 A That's correct.

25 Q When you -- any of the calls that you had

1 with Mr. Patel about replacing the ICC or the EMS
2 server, what phone did you use?

3 A I believe that was just the office phone.
4 I've called him sometimes on my personal -- not the
5 personal cell, but work cell. There should be records
6 of me having called him on that because once I had his
7 cell phone number, it was easier to contact him on the
8 work phone.

9 Q Okay.

10 A Or, rather, the work cell phone.

11 Q And your work cell phone was, I think you
12 said, an iPhone 13?

13 A Yes, that's correct.

14 Q And you said the one that Ms. Hampton had was
15 older, was a Samsung Galaxy?

16 A Yes.

17 Q Did you ever have a Samsung Galaxy that you
18 used for work?

19 A No.

20 (Exhibit 4 marked for identification.)

21 Q (By Mr. Cross) All right, Mr. Barnes, if you
22 would grab Exhibit 4, please, and just let me know when
23 you've got that in front of you.

24 A All right.

25 Q So you see at the top, Exhibit 4 is an email

1 that you sent to Breanna Thomas on May 17, 2021?

2 A Yes.

3 Q And you'll see in this email thread -- well,
4 let's just be clear. Ms. Breanna Thomas was the
5 training administrator at the State Elections Division,
6 right?

7 A Yes, that's correct.

8 Q And this email thread begins with an email
9 that you sent on April 5th of 2021 where you were
10 asking for access to Firefly and ENet. Do you see
11 that?

12 A Yes.

13 Q And if you come down to the bottom,
14 immediately below your original email, do you see where
15 it says "Sent from my Verizon, Samsung Galaxy
16 smartphone"?

17 A Let's see. Yes, I do.

18 Q And in your email, you wrote in the last
19 sentence, "This is my official County email." Do you
20 see that?

21 A Yes.

22 Q Does this refresh your recollection that you
23 actually did use a Samsung Galaxy smartphone?

24 MR. DELK: Object to the form.

25 THE WITNESS: I did use a Samsung Galaxy

1 smartphone at one point in time just to have
2 my work email connected to it, but I got
3 disconnected from that work email when I
4 left, which means I have no access to that
5 whatsoever, just like I don't have access to
6 it in any other capacity. They deactivated
7 my account. I thought I made that clear.

8 Q (By Mr. Cross) All right, so let's --
9 sorry -- let's just slow down. I want to make sure I
10 have this right.

11 So you did use a Samsung Galaxy phone while
12 you were at Coffee County, right?

13 A At one point in time, I had the email on the
14 phone.

15 Q Okay. And was that a phone that was issued
16 by the County, or was that a personal device?

17 A No, this was my personal phone. I just kept
18 county email on there so that way I could see if
19 anything popped up whenever I was off.

20 Q Okay. And how did you get your county email
21 onto your Samsung Galaxy smartphone? Did the IT folks
22 at Coffee County or did the State help with that?

23 A No. I think I had it on my Outlook.

24 Q So you were able to -- you were able to set
25 up your Coffee County Outlook email account on your

1 personal Samsung device on your own?

2 A Yes, because I had the username and password.

3 Q Right. And so while you were the elections
4 supervisor, you had your work email on both your work
5 phone and your personal phone just for convenience's
6 sake?

7 A Yes, that's correct.

8 Q And then when you left in December 2021, you
9 turned your work phone -- I think you said earlier you
10 handed that to Ms. Ernestine?

11 A That's correct.

12 Q Okay. Are you sure you handed it to
13 Ms. Ernestine, or was it somebody else?

14 A I believe it was Ms. Ernestine. I might have
15 given it directly to Rachel.

16 Q Okay. Rachel Roberts?

17 A Yes.

18 Q Okay. And then when you left, did you delete
19 your work email account from your personal phone?

20 A Yeah, because they deactivated it.

21 Charles Dial killed the account, so I had already
22 deleted that off of there. Plus there wasn't any
23 reason to keep it anymore.

24 Q So when you left, it's your understanding
25 that Charles Dial deactivated your Office 365 Outlook

1 account just like he did with Misty Hampton?

2 MR. DENTON: Object to the form.

3 THE WITNESS: I know he did.

4 Q (By Mr. Cross) You know he did, right, but
5 we do know that your emails -- the deactivation of your
6 email account did not delete your emails because you
7 made sure those were archived for Ms. Roberts, right?

8 A What happened is he archived them over into
9 her email account under a subfolder, so they're all
10 still there.

11 Q Right, so -- right, so he deactivated your
12 account, but your emails were still preserved in
13 Ms. Roberts' account?

14 A Yes, because he made a subfolder and put,
15 like, "James Barnes" or something to that nature on
16 there and then pulled them over into that, so they
17 should all be there.

18 Q Yeah.

19 A That's how they're able to get them in a
20 Freedom of Information request, because it's still on
21 her commuter.

22 Q Got it.

23 The calls that you made to Mr. Patel, were
24 some of those using your Samsung phone?

25 A No. I didn't have anybody's work number

1 saved in that phone.

2 Q So you never made any work calls on your
3 Samsung phone?

4 A No, because I had all the people that I
5 needed to talk to with work on the actual work cell
6 phone.

7 Q Did you search your Samsung phone for
8 responsive documents to the subpoena?

9 A Yes, I did, but I don't have any. Like I
10 said, the only reason why I had email attached on that
11 is because I'm not super iPhone savvy about how they
12 get it on there.

13 Q Who deleted your work emails from your
14 Samsung phone?

15 A I just took the account off of there whenever
16 I got done working there.

17 Q So what specific steps did you take to see if
18 your work emails are still on that phone?

19 A Well, I mean, I went back into the app that I
20 used for my email; but, I mean, like I said, I deleted
21 that whole section off of there when it became
22 inactive.

23 Q Okay.

24 A No reason to keep something that doesn't
25 work.

1 Q Do you know if -- the password for the ICC
2 and the EMS server, will the system lock you out if you
3 enter the wrong password after so many times?

4 A I believe that's correct, that it does lock
5 you if you do it too many times.

6 Q Is that a permanent lock until an IT
7 administrator comes in to fix it, or will it reset
8 after some period of time?

9 A I'm not sure one way or the other, honestly.

10 Q When Mr. Patel came in and tried the password
11 on the ICC and the EMS, was there any discussion of
12 whether it was just an inadvertent lockout because
13 someone had entered --

14 A No.

15 Q No, that wasn't discussed?

16 A No.

17 Q He just came in, tried the password, didn't
18 work, and he gave you new equipment?

19 A Well, they tried the password multiple times,
20 but there wasn't like a lock screen or anything. It
21 was the standard log-in screen.

22 Q I see. Okay.

23 When Mr. Patel came in, did you see him try
24 to circumvent the locked screen to try to get into the
25 operating system when the -- when the server was coming

1 on and booting up?

2 A No, I did not see that.

3 Q Have you ever had IT folks -- for example, if
4 you had a computer problem, have they ever shown you
5 how they can get access to the operating system without
6 going through the log-in?

7 A Well, I know that you can gain access to
8 operating systems sometimes depending on what the
9 software is, but doesn't that usually cause you to lose
10 the users?

11 Q I will get out of my depth quickly, and I
12 don't want to speculate on something. I'm just trying
13 to understand what your knowledge is.

14 You're aware that certain operating systems,
15 when a computer is booting up, you know, an IT person
16 can hit certain keys, for example, and that combination
17 of keys will bring up like a DOS operating system, for
18 example, a DOS prompt? Have you seen that?

19 A Yes.

20 Q Okay. Do you know whether that was tried by
21 Mr. Patel or Chris with the EMS server or the ICC?

22 A I'm not sure if they tried to do anything
23 like that or not, because I think their main goal was
24 trying to preserve the data on there and not disrupt
25 anything.

1 Q Okay. Do I understand correctly that for the
2 EMS server and the ICC, each county has just one
3 password to access those systems?

4 A The password on that is -- each one is
5 different. There's a 16-digit one that we use to get
6 into that, and then there's a separate password for the
7 ICC.

8 Q I see. Okay.

9 So that -- it was two passwords that weren't
10 working when you came in, for the ICC and for the EMS
11 server?

12 A To my recollection, the ICC password was
13 actually functional, but the other one was not.

14 Q Oh. So why did the State take the ICC too?

15 A I would assume just based -- that it's just
16 because there's a problem with this one, let's just
17 double-check and make sure there's not an issue with
18 that as well, which is understandable.

19 Q Yeah, okay. I see.

20 So it wasn't that you had a password issue or
21 that the ICC wasn't functioning; Mr. Patel made a
22 decision or someone at the State made a decision, since
23 they were taking the server, to go ahead and take the
24 ICC too?

25 A Yes, that's my understanding.

1 Q Did you specifically have a discussion, did
2 you ask Mr. Patel, "Oh, why are you taking the ICC
3 since it works"?

4 A No, because I assumed obviously there was
5 problems with the one and there could be issues with
6 that one as well. I mean, if it's been compromised in
7 any way, I can't use it in an election.

8 Q What do you mean by that?

9 A I mean simply what I said, if it has been
10 compromised in any way, I can't use it in an election.

11 Q Sorry, when you say "compromised," I'm just
12 trying to understand what you mean.

13 A I mean if somebody had gone in and changed
14 the password on there, then that would mean that I
15 can't use that system because of what else could have
16 been done. It's no longer trustworthy.

17 Q So that -- I see what you're saying. So the
18 concern was the password no longer working, that might
19 suggest a compromise and so you should replace both to
20 be safe?

21 A Yes.

22 Q In the time that you were the elections
23 supervisor for Coffee County, was anyone ever allowed
24 in the EMS server room apart from you and your
25 assistant?

1 A No.

2 Q So in the whole time you were there, you're
3 not aware of anyone ever being in that room apart from
4 the two of you?

5 A No, because I kept the key to it on me.

6 Q So no one from the Coffee County election
7 board, for example, was ever in that room, to your
8 knowledge?

9 A No.

10 Q And was that one of the changes that you made
11 for security after Ms. Hampton left?

12 A Well, now, hold on a second. They were
13 allowed in there during the adjudication process
14 because, of course, as you know, you've got to have two
15 people from the -- each party and you've got to have an
16 election board member there. So, yes, people were in
17 there during that period of time, but I was right there
18 at the actual server myself. So nobody was ever in
19 there unsupervised.

20 Q So for adjudication process, that happens in
21 the same room where the EMS server is?

22 A Yes, because the ICC and the EMS are both
23 right there together. They have to be networked
24 together by a cable.

25 Q And so the ICC sits in the same room as the

1 EMS server?

2 A Yes. They're both on the same desk,
3 actually.

4 Q I see. Okay. And so the ICC is the central
5 scanner that's used for paper ballots, right?

6 A Yes, that's correct.

7 Q So, for example, when voters vote absentee in
8 Coffee County, the County runs those through the ICC,
9 right?

10 A Yes.

11 Q And who is responsible for running ballots
12 through the ICC?

13 A I run the ballots through the ICC.

14 Q Did your -- did you assistant ever do that?

15 A No.

16 Q That's not something poll workers did?

17 A No.

18 Q So you were the sole person to run ballots
19 through the ICC?

20 A Correct.

21 Q And then when there was an adjudication
22 process, who all was typically in the room for that
23 with the EMS server and the ICC?

24 A Like I said, it would be the two
25 representatives from each party and two of the board

1 members and myself would be in there. And they would
2 be there basically just to say, yes, if there's an
3 issue, we all agree that this was voter intent.

4 Q And is that the same setup in Lanier County
5 when you were there?

6 A Yes, it's the same thing.

7 Q Is it your understanding that's how all the
8 counties are set up, that the adjudication process
9 happens in the room with the EMS server?

10 A Yes.

11 Q All right, let me show you something else.

12 (Discussion off the written record.)

13 (Exhibit 5 marked for identification.)

14 Q (By Mr. Cross) All right, grab Exhibit 5, if
15 you would, please.

16 A Okay, let's see here.

17 All right, I've got it.

18 Q So I just want to make sure we are talking
19 about the same thing.

20 You said earlier that when you came in as the
21 elections supervisor in Coffee County, the password for
22 the EMS that Ms. Hampton had had was still posted to
23 the screen on her computer, just like you had seen in
24 that YouTube video. Do you remember that?

25 A Yes, sir.

1 Q And this is a screenshot we took from the
2 YouTube video. Is this -- is this how you found it,
3 what's reflected here in Exhibit 5?

4 A Yes, that's correct.

5 Q Okay. And the password that's on Exhibit 5,
6 that's the password you tried and it didn't work?

7 A Yes.

8 Q Okay. Were you aware that after the November
9 2020 election, Coffee County had trouble certifying the
10 election results?

11 A Yes, I do remember that.

12 Q And what are you aware about that?

13 A Apparently they were having trouble getting
14 their numbers to match up, so they refused to certify.

15 Q And do you understand the report from
16 Coffee County was that when they ran the paper ballots
17 through the scanner again for recount, it would
18 generate a different total number of ballots, of votes,
19 than what was recorded on the election night?

20 A Yes, I had heard that.

21 Q Was that something you looked into when you
22 came on, to determine whether there was a glitch or a
23 problem or a compromise with the system in
24 Coffee County?

25 A Whenever I had tested the system out, like I

1 said, with logic and accuracy testing, I never saw any
2 discrepancies between what it was supposed to be and
3 anything else.

4 Q Okay. So you didn't yourself -- you didn't
5 participate in any kind of inquiry or investigation or
6 analysis to determine whether there was a problem with
7 the Coffee County system based on the certification
8 challenges they had reported?

9 A Well, being as I got a completely new server,
10 if there was any issue in that, it would have been
11 resolved.

12 Q And a new scanner?

13 A I don't believe we got a new scanner. But I
14 did clean that one because it had never been cleaned
15 before, and I didn't notice any issues with it.

16 Q The ICC is the scanner, right?

17 A No, the ICC is the computer that's attached
18 to the scanner.

19 Q Right. Sorry. Sorry, I'm getting mixed up.
20 The computer attached to the scanner is what
21 was replaced?

22 A Yes.

23 Q Yeah, and so the EMS server and that computer
24 were replaced. So, in your mind, if there had been a
25 challenge like that reported by Coffee County in late

1 2020, replacing those pieces of equipment would have
2 resolved it?

3 A Those were the only pieces of equipment that
4 ran, like, complicated software on there. So if there
5 was an issue, that should have resolved it. I know I
6 certainly didn't experience any kind of
7 [indiscernible].

8 Q Okay. So in the time that you were there,
9 did you ever run a recount after an election?

10 A Let's see. I don't believe that we had to
11 run a recount because we didn't -- we didn't have a
12 challenge on it.

13 Q So you were never in the position that
14 Coffee County was in December 2020 when they counted
15 an -- they counted the ballots from an election twice,
16 both election night and then on a recount, to see
17 whether the tallies were the same? That's not a
18 situation you found yourself in?

19 A I was not in that situation in Coffee County,
20 only in Lanier.

21 Q And, sorry, I forgot to ask something.

22 When -- the State has indicated that the --
23 or the documentation we've gotten from the State
24 suggests that the -- or indicates that the EMS server
25 and the ICC were replaced in Coffee County on June 8 of

1 2021, but that sounds much later than you were thinking
2 because you reached out to Mr. Patel in April.

3 Does that date sound right to you?

4 A I thought that it -- I thought that it got
5 replaced in May, but I could be wrong.

6 Q Okay. Do you recall -- did the State do
7 acceptance testing on the new EMS server?

8 A Yes, they did.

9 Q And did they do that locally on site in
10 Coffee County?

11 A Yes. It was -- it was all set up on site.

12 Q So you were there for that?

13 A Yes.

14 Q In addition to the acceptance testing, did
15 they do logic and accuracy testing?

16 A They ended up actually, you know, testing it
17 with the paper ballots just to make sure it scanned
18 everything okay.

19 Q And that was all there on site with you in
20 Coffee County?

21 A Yes, that's correct.

22 Q Sorry, I don't remember off the top of my
23 head. Were there any elections in Coffee County
24 between the time you started as the supervisor and
25 June 8?

1 A No, there weren't any elections in that
2 period of time.

3 Q Did you keep a calendar when you were there?

4 A Yes, we had a calendar.

5 Q Do you recall, like, creating an appointment
6 or a meeting, something on a calendar that would have
7 indicated when they came in to replace the server?

8 A No, not that I can think of. I know that we
9 had to have -- well, let me see. I think that we
10 had -- we weren't going to end up doing -- yeah, we did
11 a primary election for the city council, and I want to
12 say that was held sometime in June. And that was the
13 reason why I had reached out to them, because we had to
14 make sure back in May, with a little bit of time, you
15 know, that everything was going to be good to go.

16 Q Okay. And did Mr. Patel or Chris or anyone
17 else, did they send you an email or text message or
18 anything saying, "Hey, this is when we're going to
19 come, this is the date and time"?

20 A No. What he said when I had talked to him
21 was that they would just be there next week.

22 Q But they set a specific date and time so you
23 knew they were coming, right?

24 A Yes.

25 Q And all of the communications about this were

1 oral, nothing was in writing?

2 A Unless he sent me a text message on the work
3 phone. That's possible.

4 Q Do you recall whether he sent you a text
5 message on your work phone?

6 A He may have in reference to that, as far as
7 when he was coming.

8 Q So sometimes, like when you're dealing with
9 CES on IT issues, they might shoot you a text?

10 A Yeah.

11 Q On your work phone?

12 A Yes.

13 Q Do you know why they replaced just the ICC
14 computer and not the scanner itself?

15 A I'm not sure because I don't know what their
16 policy is.

17 Q So you didn't ask why they were taking the
18 ICC computer but not the scanner?

19 A No.

20 Q When you came in to Coffee County, one of the
21 things that you found that had been left behind was a
22 business card from an organization called Cyber Ninjas,
23 right?

24 A Yes, that's correct.

25 Q And when you found that, you alerted

1 Chris Harvey to it at the State, right?

2 A Later on I notified him because, honestly, I
3 didn't even know what it was at the time. I just make
4 it a practice of keeping all business cards from a
5 former employee just in case I ever need it.

6 Q I see. So when you first came in on
7 April 1st, went through documents, files, things in the
8 office, you found the Cyber Ninjas card at that point,
9 but you didn't know what it was?

10 A That's correct.

11 Q And then about a month or so later, you
12 alerted Mr. Harvey to it; does that sound about right?

13 A Yes, that's correct.

14 Q What was it that happened in the intervening
15 weeks that made you think "I should probably let
16 Chris Harvey know about this"?

17 A Well, there was a letter -- or email, rather,
18 from Dominion that circulated around to all the county
19 offices warning about, you know, third-party actors
20 possibly trying to gain access to the servers, and
21 Cyber Ninjas was one of the groups that was mentioned,
22 and also the situation where they had done the forensic
23 audit in Arizona was mentioned as an example of what
24 they might be trying to do. And when I noticed that, I
25 figured, you know, hey, I've got a Cyber Ninjas card

1 over here; maybe I should forward that along and let
2 the State take over on that.

3 Q So you emailed Mr. Harvey and let him know
4 about the card, right?

5 A Yes, that's correct.

6 Q Why did you email him instead of calling him?

7 A Just because I wasn't sure what to do with
8 it. I had contacted a former supervisor about it and
9 said, "Hey, this doesn't look good." And he said,
10 "Well, why don't you go ahead and email Chris and let
11 him know." So that's what I did.

12 Q So when you came in and you realized that you
13 couldn't get access to the ICC and the EMS server, you
14 didn't email anyone about it, you only used the phone,
15 but when you thought about the Cyber Ninjas card might
16 be an issue, you emailed. Why treat them differently?

17 MR. DENTON: Object to form.

18 THE WITNESS: Well, just because it was
19 suggested that I email Chris Harvey, so
20 that's what I said. I mean, there's no
21 special, magic sauce to it. It's just how it
22 happened.

23 MR. CROSS: Okay.

24 (Exhibit 6 marked for identification.)

25 Q (By Mr. Cross) So pull up Exhibit 6, if you

1 would, please.

2 I'm sorry. Was Josh Black the one who
3 suggested you email Mr. Harvey?

4 A Yes, that's correct.

5 Q Just let me know when you've got this.

6 A I've got it.

7 Q All right. So if you look at the first page,
8 you'll see there's an email thread there. Do you see
9 that?

10 A Yes.

11 Q And if you come down to the bottom, there's
12 an email from you to Chris Harvey on May 7, 2021. Do
13 you see that?

14 A Yes.

15 Q But it's -- the full email is not there, but
16 you can see it reads, "The Dominion email today,
17 pertaining to Cyber Ninjas, was alarming to me. When I
18 took over at the Coffee County office, the attached
19 business card was at the base of Misty Hayes' computer
20 monitor."

21 And then if you scroll down, you'll see the
22 whole email of what you said. Do you see that?

23 A Yes.

24 Q And then you say, "I thought nothing of it
25 until I heard about the situation in Arizona with the

1 DOJ. If she did not use them, she was at the very
2 least in contact." Do you see that?

3 A Yes.

4 Q And then if you go all the way to the bottom,
5 you'll see a copy of the Cyber Ninjas card that you
6 sent to Mr. Harvey.

7 A Yes.

8 Q What was the situation in Arizona with DOJ
9 that prompted your concern?

10 A Well, that was mentioned in that Dominion
11 email, you know, where the Department of Justice had
12 come in and stopped that -- stopped them from, you
13 know, tampering with the equipment. So I just felt
14 like it would be pertinent to look into that.

15 Part of the reason is -- you can see why that
16 was sent in email form, is because I scanned the card
17 just to show, hey, this Douglas Logan guy had a
18 business card here.

19 Q Got it. Yep.

20 And then -- so do I understand correctly your
21 concern was you got an -- you got the alert from
22 Dominion, you understood the situation with DOJ in
23 Arizona --

24 A Yes.

25 Q -- with Cyber Ninjas, and you thought there

1 at least potentially could be a similar compromise
2 issue in Coffee County, and so you thought you should
3 alert Chris Harvey to that? Is that fair?

4 A Yes. And, of course, I was also, you know,
5 thinking about the situation -- if somebody had come in
6 and, you know, touched any of the equipment or done
7 anything.

8 Q Right. And did it occur to you that that
9 might explain why the password no longer worked on the
10 ICC and the EMS, that someone like Cyber Ninjas may
11 have come in and done something?

12 A Yeah, the thought did cross my mind.

13 Q And was that something you discussed with
14 Mr. Harvey or Mr. Patel or others when they were
15 looking into the server and replacing it?

16 A Well, when I was talking with them about it,
17 part of my concern was that, you know, potentially
18 somebody had done something to that server.

19 Q Did you speak specifically with Mr. Patel,
20 for example, about maybe it was Cyber Ninjas?

21 A Honestly, I thought that I had sent that to
22 Chris before they ever got the servers, but it may have
23 been after that.

24 Q So your thinking is that you sent this email
25 to Mr. Harvey with the Cyber Ninjas card before they

1 replaced the server and the ICC?

2 A That was what I thought.

3 Q Okay.

4 A Honestly, to be sure about that, I'd have to
5 see the call log on the phone.

6 Q Right. And that timing would suggest that
7 you didn't realize that the passwords weren't -- that
8 the password wasn't working on the server until
9 sometime after your May 7 email?

10 A That's what I thought, yes.

11 Q So now your recollection is --

12 A Well, I'm not sure which one came first, but
13 I don't recall having a conversation with them, when
14 they came, about Cyber Ninjas.

15 Q "Them" being Mr. Patel and Chris from --

16 A Yes, that's correct.

17 Q So you don't recall ever speaking to them
18 about Cyber Ninjas?

19 A No, I don't recall.

20 Q You only communicated with Chris Harvey?

21 A Yes, that's correct.

22 Q And so Mr. Harvey here writes you back four
23 days later. You sent your email on a Friday afternoon.
24 He responds on Tuesday, May 11th. "I think it might be
25 prudent to see if there has been any contact between

1 the person on the card and anyone in your office and/or
2 if they have had any access to any of your equipment.
3 I have let our investigations division and CES know,
4 and they might follow up with you." Do you see that?

5 A Yes.

6 Q So a few questions on this. Did anyone ever
7 follow up with you from the State on this issue?

8 A I never heard anything back from anybody at
9 the State.

10 Q So no further communications from anyone at
11 the State about the concern that Mr. Harvey notes here
12 about whether there might have been access to any of
13 the equipment at Coffee County?

14 A No, I never heard anything else back from
15 them.

16 Q And you can see on Mr. Harvey's email back to
17 you, he copies Frances Watson. Do you see that?

18 A Yes.

19 Q And do you recall she was formerly the head
20 of the investigations unit at the Secretary's office?

21 A Yes, that's correct.

22 Q So you never heard from Ms. Watson?

23 A No.

24 Q Never heard -- you mentioned a number of
25 investigators that you spoke with during your time at

1 Coffee County.

2 None of those or any other investigator ever
3 raised any issue with you at all about Cyber Ninjas or
4 potential access to Coffee County?

5 A No, I never heard from any of them.

6 Q And Michael Barnes here, head of CES, also
7 copied on your email -- do you see that --

8 A Yes.

9 Q -- never heard from Mr. Barnes about this
10 issue?

11 A No, sir.

12 Q And, again, the State has provided a document
13 indicating that the EMS server was replaced on June 8,
14 so about a month after this, and already we can see
15 that Mr. Harvey has alerted CES to the Cyber Ninjas
16 issue. But do I understand correctly that throughout
17 all of your communications with CES on replacing that
18 server, no one ever suggested to you that it had
19 anything to do with the Cyber Ninjas concern or an
20 improper access concern?

21 A I don't recall any conversation of that.

22 Q So no one from the State ever came to
23 Coffee County, for example, to look at any of the
24 equipment there forensically to determine whether there
25 had been any improper access while you were at that

1 office; is that right?

2 MR. DELK: Object to form.

3 THE WITNESS: Not while I worked
4 there.

5 Q (By Mr. Cross) No one came in and looked at
6 any hard-copy files while you were there?

7 A I don't recall anybody coming to look at
8 anything like that.

9 Q No one spoke with your assistant, to your
10 knowledge?

11 A No, not to my knowledge.

12 Q No one spoke with any member of the board, to
13 your knowledge?

14 A As far as the board goes, I couldn't say. I
15 never heard anything from them about it.

16 Q But if an investigator from the State had
17 contacted your assistant or a board member about
18 possible improper access to voting equipment, would you
19 expect them to let you know that that outreach had
20 occurred, given you were the elections supervisor?

21 A I would tend to think I would have heard
22 about it.

23 Q Okay. Did you follow up with Mr. Harvey
24 after his May 11th email about the Cyber Ninjas card
25 and potential improper access to the equipment there?

1 A No, I never reached back out to him. I
2 wasn't able to ever find anything.

3 Q Why didn't you follow up with Mr. Harvey or
4 Mr. Barnes or anyone else?

5 A Like I said, because when I looked into it,
6 apparently, you know, the video cameras in the office
7 are set on a certain time period, and then after that
8 it kind of deletes it to make room for more, so I
9 didn't have any footage to look at from back then or
10 anything like that, so I just kind of left it to them.

11 Q So the election -- the head of elections from
12 the State of Georgia told you on May 11 that there was
13 at least some concern about access to any of your
14 equipment, your election equipment, and he was going to
15 have the State investigate it, and you never heard from
16 anyone and you didn't -- you didn't want to follow up
17 yourself to understand whether there was a concern you
18 might need to deal with?

19 MR. DELK: Object to form.

20 THE WITNESS: Like I said before,
21 sometimes they have a backlog of
22 investigations and they may end up having to
23 come back to it at a later date. I may just
24 simply not have heard from them yet. It's
25 entirely possible they'll contact me at some

1 point and follow up.

2 Q (By Mr. Cross) So Coffee County continued to
3 use election equipment -- BMDs, poll pads, printers, a
4 scanner, a central scanner, polling place scanners --
5 in elections in 2021, while you were there, after the
6 head of elections for the State said that there was a
7 potential access concern that needed to be
8 investigated; is that right?

9 A We used the same --

10 MR. DENTON: Object to form.

11 A -- poll pads and ballot-marking devices.

12 Q I'm sorry, can you say that again?

13 A We use the same poll pads and ballot-marking
14 devices and scanners.

15 Q And the same printers, right?

16 A Yes.

17 Q And you said the same scanners?

18 A Yes.

19 Q After the email you got from Chris Harvey on
20 May 11th, right?

21 A Yes, that's correct.

22 Q If you see here, Ms. Watson sends the email
23 internally to Pamela Jones within about half an hour of
24 Mr. Harvey's email. Do you see that?

25 A Is it just further down in this one?

1 Q It's the very top, the most recent email on
2 the first page.

3 A Yes, I see it.

4 Q And here Ms. Watson, the head of the state
5 investigative unit at that time, writes, "Can you
6 contact the County and verify what, if any, contact
7 Cyber Ninjas had with any election equipment?" Do you
8 see that?

9 A Yes.

10 Q And you're saying you never heard from
11 Pamela Jones?

12 A I never heard from anybody asking about
13 contact with the equipment or Cyber Ninjas. It's
14 possible that they reached out and asked somebody else.

15 Q Well, it's only you and your assistant
16 responsible for elections in the state beyond -- or in
17 Coffee County beyond the Board, right?

18 A Yes, that's correct. I'm just saying it's
19 possible that they reached out to somebody at the
20 actual county commissioner's office because, of course,
21 we have cameras in there but we don't have a terminal
22 for them on site.

23 Q All right. So you mentioned cameras a couple
24 of times. I want to make sure I understand that. What
25 cameras are you talking about?

1 A Just the cameras in the office.

2 Q And that's in the office where you work or
3 worked?

4 A Yes.

5 Q And what cameras were in the election office
6 at Coffee County when you were there?

7 A There was one in the front lobby. There was
8 one over there, let's see, near Sandy Grantham's desk.
9 And then there was one down in the big room where
10 there's a portion for early voting.

11 THE WITNESS: My headset is about to
12 die, so I'm going to have to switch over to
13 the computer.

14 MR. CROSS: Okay.

15 (Discussion off the written record.)

16 Q (By Mr. Cross) So no -- there was no cameras
17 in your office?

18 A No, not in that office.

19 Q And no cameras in the room where the EMS
20 server and the ICC were?

21 A No. I don't -- I don't believe that there's
22 a camera in the big room where the scanners are.

23 Q And the only access to the room with the EMS
24 server is through a door specifically to that room, but
25 they first have to get into your office?

1 A Yes, sir.

2 Q And you said you yourself looked to see if
3 there was any footage after you found the Cyber Ninjas
4 card; is that right?

5 A Yes. I contacted Charles Dial just to see,
6 you know, what, if anything, there was, if anybody had
7 come. I asked board members about it as well.

8 Q And did Mr. Dial tell you there was no
9 available footage for those cameras?

10 A Yes.

11 Q Did he explain why that was?

12 A He said it had already been overwritten. It
13 only kept maybe like about a three-month period on it.

14 Q And where is the footage from those cameras
15 maintained? Who has that?

16 A That would be up there at the county office.

17 Q So did you alert -- or did you reach out to
18 Mr. Dial about this before or after you emailed
19 Mr. Harvey?

20 A I'm not sure about that.

21 Q Was it roughly around the same time?

22 A Yeah, roughly around that time period,
23 because I followed up, basically, and did what Chris
24 had recommended me to do.

25 Q Chris Harvey?

1 A Yes.

2 Q What did Chris Harvey recommend you to do?

3 A In that email, he says it would be prudent to
4 see if anybody had gained access to the county office.
5 So that's what I was more or less trying to find out,
6 were there any unusual people that had been coming and
7 going, but that footage was not available.

8 Q I see.

9 Was there anything else you did besides see
10 if that footage was available?

11 A Well, that was mostly all I could do. I did
12 talk with the board members and some people about had
13 there ever been anybody, but nobody had any knowledge
14 about it, and the poll workers didn't know of anybody
15 having come in either, so...

16 Q All right. So you contacted Mr. Dial. Did
17 you email him, or how did you contact him about this?

18 A I called him about it.

19 Q Did you put anything in writing with Mr. Dial
20 about this issue?

21 A No.

22 Q With Mr. Harvey, anything in writing besides
23 the email thread we just saw?

24 A No, because that was the only contact I had
25 with him about the issue.

1 Q So when Mr. Harvey emailed you back on
2 May 11th, you didn't respond at all, you didn't call
3 him, you didn't send him an email, nothing?

4 A No, I didn't respond back because he had said
5 that somebody would probably be in contact with me.
6 And, like I said, I didn't find anything, so...

7 Q Did you ever speak on the phone with
8 Mr. Harvey about this?

9 A No.

10 Q Did you ever speak on the phone with
11 anyone beyond Mr. Dial? It sounds like Mr. Dial was
12 the only person you spoke with on the phone about the
13 Cyber Ninjas issue. Is that it?

14 A No. I believe what it was is initially I
15 talked with Wesley about that; and, you know, he had
16 gotten in touch with Mr. Dial about that issue. Any
17 time it's tech stuff, pretty much you have to go
18 through Charles because the County has a pretty
19 closed-up system. We can't even add an app onto our
20 computers without having him first.

21 Q And by "Wesley," you mean Wes Vickers?

22 A Yes, that's correct.

23 Q So you also spoke with Mr. Vickers about the
24 Cyber Ninjas concern?

25 A No, I don't believe I spoke with him about

1 the Cyber Ninjas. I would just talk with him about the
2 video footage or seeing if there was anybody
3 suspicious.

4 Q I see. Okay.

5 Did you explain to Mr. Vickers about why you
6 were asking about whether there was anything
7 suspicious? Did you tell him about the Cyber Ninjas
8 card?

9 A No, I don't recall telling him anything about
10 the card.

11 Q So you just contacted him and said, "I'm
12 looking to see if there's been any suspicious activity
13 around the office"?

14 A Yes. But, I mean, you know, we had -- we had
15 to replace the server, so it wasn't unusual to be
16 checking.

17 Q And you said you had to replace the server.
18 Why does that -- why does that matter here?

19 A It doesn't. It's all interconnected in.
20 It's the same kind of stuff. But, no, I didn't
21 specifically go into details about Cyber Ninjas with
22 him because, at that point in time, it was more or less
23 conjecture and speculation. I didn't know that anybody
24 had specifically talked with them or if they were just
25 at a conference and saw a business card and picked it

1 up. I mean, there's no way for me to know that. I
2 wasn't even really sure anything had happened. It's
3 just, you know, "better safe than sorry" was my theory.

4 Q You didn't -- you didn't reach out to
5 Ms. Hampton and ask her about the card?

6 A No.

7 Q Or talk -- same with Ms. Riddlehoover, you
8 didn't ask her about the card?

9 A No.

10 Q You said you did contact the board members
11 about this issue. What did you communicate with the
12 board members about this issue, the Cyber Ninjas card?

13 A Just more or less that we had -- that I had
14 found it, you know, and that I emailed the State about
15 it just to be on the safe side.

16 Q Did you share Mr. Harvey's email with anyone
17 on the board?

18 A No.

19 Q I'm sorry, what?

20 A Honestly, at -- no, I didn't. Honestly, at
21 the time, I just sent it to him just to be on the safe
22 side. I didn't even really think there was anything to
23 it.

24 Q Well, you wrote an email that was quite
25 specific; you were in the context of having just

1 received an alert from Dominion about people trying to
2 get improper access to voting equipment; you
3 specifically referenced an issue in Arizona where DOJ
4 was involved and specifically Cyber Ninjas was involved
5 in these situations, the Dominion alert; and you sent
6 that on to the head of elections for the entire state
7 of Georgia. So you certainly had some concern here,
8 right, that Cyber Ninjas may have been in Coffee County
9 or at least been in contact --

10 A That they may have been, yes --

11 MR. DELK: Object to form.

12 A -- but I didn't know for sure.

13 Q Right, you didn't know for sure, but you had
14 a concern about that, and you rightly raised it with
15 the State?

16 A Yes, that's correct.

17 Q You never heard back?

18 A I never heard anything back other than that
19 email response.

20 Q When you were -- and I'm going to wrap up
21 here soon, Mr. Barnes -- when you were in your position
22 as the elections supervisor, did you ever hear from
23 anyone that in January of 2021, sometime around January
24 2021, individuals had come in to the Coffee County
25 election office and had gotten access to the EMS server

1 or other equipment in there?

2 A I was never privy to any information about
3 that.

4 Q Have you since read any press reports about
5 this situation?

6 A Yes, sir, I did.

7 Q We just lost you. Are you still there,
8 Mr. Barnes?

9 A [Audio drop] Washington Post article.

10 Q Sorry, we lost you for a second. Are you
11 still there?

12 A Can you hear me now? I had a power glitch
13 because it's storming pretty bad here --

14 Q Okay.

15 A -- but what was the question again?

16 Q I just said you've read some press, and you
17 had mentioned a Washington Post article. What
18 Washington Post article did you read?

19 A It was the one that came out here a few
20 months ago.

21 Q And in that article -- this is the one that
22 reported that there were indications that some
23 individuals associated with the "Stop the Steal"
24 movement may have gotten access to the Coffee County
25 EMS server in or around January of 2021, right?

1 A Yes, that's what I read.

2 Q And you're saying that article is the first
3 time you had ever heard that that may have happened?

4 A Yes, that's correct.

5 Q So in all the time you were working as the
6 elections supervisor, you never heard from the State,
7 for example, about any investigation into that
8 situation that was reported in the Washington Post?

9 A No, I never heard anything about that.

10 THE COURT REPORTER: I'm sorry,
11 Mr. Barnes, can you repeat your answer?

12 THE WITNESS: I never heard anything
13 about that.

14 THE COURT REPORTER: Thank you.

15 Q (By Mr. Cross) Beyond the press reports that
16 you just mentioned, have you -- have you ever heard
17 of -- that anyone obtained copies of election software
18 from Coffee County?

19 A No. It's only been from the press reports
20 that I've heard it.

21 Q Did you alert anyone at Dominion to the
22 concern about the Cyber Ninjas card?

23 A No, I did not.

24 Q So no communications with anyone at Dominion
25 about that?

1 A No, but typically we didn't really
2 communicate with Dominion because they've already, you
3 know, turned the equipment over to the State, and then
4 they brought it to us, so...

5 MR. CROSS: All right, Mr. Barnes, I
6 think I am done, but can we go off the record
7 and just give me like two minutes to check
8 with my group before I hang it up?

9 THE WITNESS: No problem.

10 THE VIDEOGRAPHER: The time is 1:29.
11 We're off the record.

12 (Recess taken.)

13 THE VIDEOGRAPHER: The time is 1:43.
14 We're back on the record.

15 Q (By Mr. Cross) All right, a few more things,
16 Mr. Barnes, and then I'm almost done.

17 Did you ever speak with Chris [sic] Dial or
18 anyone else in the IT department about trying to get
19 access to the EMS server when you were having trouble
20 with the password?

21 MR. DELK: Charles Dial, you mean?

22 MR. CROSS: Charles Dial.

23 MR. DELK: Okay.

24 MR. CROSS: Yeah.

25 THE WITNESS: No, I didn't talk to any

1 of them about it. They didn't have access.

2 Q (By Mr. Cross) Did you ask anyone there
3 whether they could help, or you just went straight to
4 CES?

5 A No, I went straight to CES.

6 Q In the time that you were an election
7 official at Lanier County or Coffee, were there any
8 requests that came in for forensic images of any of the
9 voting equipment or data or software?

10 A I didn't get any request for anything
11 forensic at all, so no.

12 Q So no open-records request, for example,
13 asking for forensic images of anything?

14 A I had gotten some open-records requests at
15 Coffee asking for the ballot images, yes.

16 Q And that was what I was going to ask you
17 next, about ballot images.

18 Tell me about the open-records request for
19 ballot images in Coffee County.

20 A It was more or less just a request for those
21 because that was something that was allowable
22 [indiscernible] open records.

23 Q That was something that was what?

24 A That was allowable to be requested.

25 Q Sorry, you're breaking up again.

1 A That was allowable to be requested through
2 open-records requests.

3 Q So when you were the elections supervisor in
4 Coffee County, did the County provide any ballot images
5 in response to open-records requests?

6 A I didn't have any ballot images on the server
7 other than the ones from the election I conducted.

8 Q Did you ever provide any ballot images at all
9 from any election while you were there?

10 A None were ever requested for the ones that I
11 did, so no.

12 Q So the requests that came in, the
13 open-records requests, were only for elections that
14 preceded you?

15 A Yes, that's correct.

16 Q And you didn't have the ballot images because
17 the server was gone?

18 A That's right.

19 Q Did you say that's right?

20 A That's correct.

21 Q Were there any open records requests for cast
22 vote records? Would you consider that similar to
23 ballot images, or is that different?

24 A I believe that we had some for that as well.

25 Q And did you -- go ahead.

1 A I don't have any of those either from the old
2 server.

3 Q So all the cast vote records that came in to
4 Coffee County when you were there were for elections
5 that preceded you?

6 A The only ones that were on the server once it
7 got replaced were from when I [indiscernible].

8 Q Sorry, say that again. You're getting
9 garbled again, sir.

10 A I'm sorry. The only ones available on that
11 machine, the new server, are the ones I conducted.

12 Q Right. And so all the open-records requests
13 that came in for cast vote records were for elections
14 that preceded you?

15 A Correct.

16 Q Were all of the open-records requests that
17 came in while you were at Coffee County for ballot
18 images or cast vote records, were they all specifically
19 related to the November 2020 elections?

20 A I believe most of them were November 2020,
21 but I think one also covered the January runoff as
22 well.

23 Q When you were working in Lanier County or
24 Coffee County, were there ever any requests that came
25 in for access by third parties to voting equipment?

1 A I've never heard of it.

2 Q Are you familiar with Doug Logan?

3 A I recognize the name from the Cyber Ninjas
4 card, and I looked it up just to see who it is.

5 Q But you don't know him, you've never had any
6 contact with him?

7 A No, I don't know him.

8 Q Are you familiar with Scott Hall?

9 A After the Washington Post article, yes.

10 Q So that was the first time you had heard of
11 Scott Hall?

12 A Yes, that's correct.

13 Q Ever had any contact with him at all?

14 A No.

15 Q Ever heard of Scott Hall or Doug Logan being
16 in Coffee County?

17 A Prior to the Washington Post article, no.

18 Q Are you familiar with Ben Cotton [phonetic]?

19 A No, I don't recognize that name.

20 Q Ever heard of Scott Hall or Doug Logan being
21 in any Georgia county apart from the Washington Post
22 article you read?

23 A No. That's the only knowledge I have of it.

24 Q One of the things you -- you talked earlier
25 about cleaning up the office, that it was in disarray.

1 One of the things you did was to provide to the clerk
2 of the court, the superior court in Coffee County,
3 certain election records that Misty Hampton had not
4 provided, right?

5 A Yes, that's correct.

6 Q Did someone named Deb Cox help with that?

7 A She was initially who they had contacted, as
8 the regional coordinator, to try to help take stock of
9 the situation.

10 Q So did Ms. Cox help you sort of pull together
11 the materials that you provided to the clerk of the
12 court?

13 A Yes.

14 Q And what specifically do you recall providing
15 the court clerk?

16 A Copies of some of the files that are supposed
17 to be turned over to her because there was a -- kind of
18 a mess of files all over the place.

19 Q Did you provide the clerk of court, for
20 example, election project files?

21 A No, because honestly, once I went through
22 there, I couldn't find the election project files.

23 Q Did you look for them when you came in to the
24 office? Was that one of the things you tried to track
25 down?

1 A Yes, that's correct.

2 Q And would those -- those normally would be on
3 the EMS server; is that right?

4 A Yes, and usually it's also best practice to
5 have them saved on a thumb drive as well.

6 Q So when you came in on April 1st and
7 obviously had a lot to clean up, one of the things you
8 tried to do was to find the election project files on
9 the EMS server or on a flash drive; is that right?

10 A Yes, that's correct.

11 Q So you realized pretty quickly -- like right
12 when you came in to the office, you realized quickly
13 that the EMS server password you had didn't work
14 because it wouldn't work to get you access to the
15 project files?

16 A I didn't initially try to get the project
17 files off of there right off the bat. I originally
18 tried to find it through the thumb drive.

19 Q Right. When you didn't find a thumb drive,
20 you would have turned pretty quickly to the EMS server
21 as the next best source, right?

22 A Yeah, the EMS server would be a good source
23 to get those from.

24 Q Right. So sometime within the first few days
25 or so, you tried the password to the EMS server, trying

1 to clean up, find the election project files, it didn't
2 work; is that right?

3 A No. I didn't try the EMS server until later
4 on, and that's why I contacted CES. I didn't
5 immediately dive in and do that. There were a lot of
6 things that needed work, specifically that and other
7 things.

8 Q Sorry, I want to -- I just want to make sure
9 since -- you come in to the office on April 1st, one of
10 the first things you'd -- wouldn't one of the first
11 things you would do would be to check the password and
12 see if you can get into one of the most important
13 pieces of equipment you have the, EMS server?

14 A Well, that's not the way it happened. I was
15 actually trying to get a lot of other things situated,
16 especially the backlog of all the voter registrations
17 and everything that hadn't been done in months.

18 Q Do you know whether any election project
19 files for elections that occurred during
20 Misty Hampton's period, whether any of those have ever
21 been provided to the court clerk?

22 A You're talking about the project files?

23 Q Yes.

24 A Not to my knowledge, no.

25 Q So you never found those anywhere?

1 A No.

2 Q All right. Let's look at one quick thing and
3 see if this helps. I'm trying to get the timing down a
4 little better.

5 (Exhibit 7 marked for identification.)

6 Q (By Mr. Cross) All right, grab Exhibit 7, if
7 you would, please.

8 A Okay.

9 Q You see Exhibit 7 is a copy of meeting
10 minutes from an April 13, 2021 Coffee County board
11 meeting?

12 A Yes.

13 Q And if you come down to paragraph 6, do you
14 see it references an update that you provided the board
15 then?

16 A Yes.

17 Q And it reads, "James Barnes updated the board
18 on old equipment that was returned to the Secretary of
19 State's office and the Dominion equipment audit. The
20 board was also made aware of new equipment deployment
21 and staffing requirements per SB 202." Do you see
22 that?

23 A Yes.

24 Q The new equipment deployment and the return
25 of old equipment to the Secretary of State, is that the

1 replacement of the ICC and the EMS server?

2 A No. That's actually much older than that.
3 That was returning of the GEMS server cards and things
4 like that that were supposed to have been turned in way
5 back the previous years.

6 Q Got it. Okay.

7 All right, let me look at one more thing.

8 (Exhibit 8 marked for identification.)

9 Q (By Mr. Cross) All right, grab Exhibit 8.

10 A I have it.

11 Q Do you see here this is an invoice from
12 Southeast Georgia Computer Consulting & Engineering?

13 A Yes.

14 Q And is that the third-party IT company that
15 you were talking about?

16 A Yes, that's correct.

17 Q So that's the company Chris [sic] Dial works
18 for?

19 A Yes.

20 MR. DELK: Charles Dial.

21 MR. DENTON: Object to form.

22 MR. CROSS: Sorry, I don't know why I
23 keep saying -- I'm sorry. I keep thinking of
24 the Chris that came with Mr. Patel. Sorry.
25 Thank you for the correction. Let me try

1 that again.

2 MR. DELK: There's a bunch of names
3 floating around. It's okay.

4 Q (By Mr. Cross) So this is --
5 Southeast Georgia Computer Consulting is the company
6 that Charles Dial worked for?

7 A Yes, that's correct.

8 Q All right. Thank you.

9 Now, you see that the invoice is dated
10 April 13?

11 A Yes.

12 Q And if you look, you'll see Item 1,
13 "Task/Ticket: ASAP..."

14 Do you see that under "Description"?

15 A Yes.

16 Q It says, "Please change the log-in
17 credentials for the elections computer from Misty to
18 James Barnes." Do you see that?

19 A That's correct.

20 Q So does that refresh your recollection that
21 at least as of April 13, you were already trying to get
22 access to the EMS server?

23 A No, because I was actually trying to get
24 access to any computer in the office period because I
25 couldn't get in any of them.

1 Q I see. So the work order here from April 13
2 was you had realized by this point that you didn't have
3 log-in credentials for any of the computers in the
4 office?

5 A Yes. And so I had been pestering them about
6 getting me a county email so I could log in to the
7 computers and try to take stock of what was on there.

8 Q I see. I see. And does that include the EMS
9 server and the ICC? Like, at this point you had
10 realized the credentials weren't working for that
11 either?

12 A No, that doesn't include that because, like I
13 said, I still didn't know that that didn't work. This
14 right here was specifically about the actual PCs in the
15 office because I couldn't access any of them.

16 Q So it says "elections computer." What
17 computer is that?

18 A Office computer in Misty's office.

19 Q I see. Okay.

20 Okay, so as you sit here, what is your best
21 recollection of when you first realized that the
22 password that Misty Hampton had left behind did not
23 work for the EMS server or the ICC?

24 A Well, I thought it was around in there,
25 around end of April or beginning of May; but, I mean, I

1 guess if they've got something different on paper, then
2 maybe that's right.

3 Q Okay.

4 A But I could have sworn I had a June election,
5 though, that I had to do, because we had a primary and
6 then, of course, we had the November election.

7 Q Okay. All right.

8 Are any -- is any of the equipment in the
9 room where the EMS server sits, is any of that
10 equipment connected to the internet?

11 A No.

12 Q Is it -- to your knowledge, has any of that
13 equipment ever been connected to the internet?

14 A Not to my knowledge, no, and it shouldn't be.

15 Q Have you ever connected a laptop or a
16 smartphone or a tablet to any of the equipment in that
17 room?

18 A No, definitely not.

19 Q Sorry, did you say no?

20 A I said no, definitely not.

21 Q Do you know whether anyone else has?

22 A Not to my knowledge.

23 Q You sometimes use flash drives with that
24 equipment, right?

25 A Yes, that's correct.

1 Q What do you use flash drives for, for
2 election purposes, to plug into the EMS server or the
3 ICC?

4 A Well, the State sends us the election project
5 on a thumb drive, and then we plug that in to download
6 that information onto there. That's the primary
7 function for that. You're not supposed to plug any
8 outside thumb drives into there. There's no reason to
9 do so, and it can compromise the system.

10 Q And so the flash drives that were plugged
11 into the Coffee County equipment and the EMS server,
12 those were provided by the State, to your knowledge?

13 A Yes.

14 Q Is that the same for your experience at
15 Lanier?

16 A Yes, that's correct.

17 Q How does -- in your experience, how does the
18 County get the election night results from the ICC and
19 EMS to the election night reporting system so that they
20 can upload that to State?

21 A Well, what we -- what we do is -- like I
22 said, they're networked in together, so we pull the
23 information that we've gathered from the scanner and
24 send it over to EMS, then we tabulate that information
25 together, and then we get an election report for that

1 day, and we provide that via email to the State
2 liaison. And, of course, when we send our election
3 materials off, we always send one of those, as well, to
4 them.

5 Q So the EMS server is networked, it's
6 hardwired to the ICC?

7 A That's correct.

8 Q And the ICC is the computer and that's --
9 that manages the central scanner?

10 A Yes.

11 Q And so that computer, the ICC, is hardwired
12 to the central scanner?

13 A Yes, it is.

14 Q But there are election results or election
15 files that are taken off the EMS onto a flash drive by
16 the County?

17 A Yes, because we keep a -- usually you want to
18 keep a backup of your election projects -- your
19 election project on one just in case there's a glitch,
20 the power gets knocked out, something happens.

21 Q Right. And I thought you had said earlier,
22 for example, that you expected there to be election
23 project files from prior elections on a flash drive.

24 A Yes.

25 Q So in addition to the flash drives that the

1 State provides to upload election files for an
2 election, in your experience, the County also has flash
3 drives that it plugs into the EMS to pull down a copy
4 of election project files after an election, right?

5 A Well, usually it's during the election. But,
6 yes, once you complete it, you should update that
7 backup one last time just in case something ever
8 happened to the server and you needed to
9 [indiscernible].

10 Q And in your experience, when that happens,
11 were you using the same flash drive that the State
12 provided before the election or using a different flash
13 drive to pull the election project files off?

14 A No, it's a different one.

15 Q And where did you get that flash drive?

16 A This -- these were the black flash drives
17 that the State originally sent. They sent like a
18 fairly large box full of them.

19 Q When did those come in?

20 A Before I got there.

21 Q I see. And where -- and so when you got
22 there, where did you find these flash drives?

23 A The box of flash drives were just in there in
24 the server room.

25 Q How many were in there approximately?

1 A Maybe 30 or 40, something around that nature.

2 Q You said maybe 30 or 40?

3 A Yes.

4 Q And none of those flash drives had any
5 election project files from elections preceding you?

6 A No. Those were blank.

7 Q They were all blank.

8 How do you know that all 30 or 40 flash
9 drives in that box actually came from the State?

10 A Well, I'm not entirely sure that they did,
11 but it had the -- they were black and had the same
12 writing on it as the one the State sent, so I assumed
13 they were.

14 Q I see. Okay.

15 And you were in -- you were the assistant
16 elections supervisor in Lanier County for the
17 switchover from DREs to BMDs, right?

18 A Yes, that's correct.

19 Q And was it the same method there? So with
20 the DRE system, you'd have a flash drive, you'd pull
21 off the election data onto a flash drive from the old
22 GEMS server, much like you do with the Dominion system
23 now; is that right?

24 A Yes, that's correct.

25 Q And when you were in Lanier County and there

1 was a switchover from the DRE system to the BMD system,
2 you guys already had flash drives on hand to use to
3 pull the election data off of the new Dominion EMS
4 server, right?

5 A Well, all of the old equipment associated
6 with the GEMS server was actually supposed to be turned
7 in to the State to be kept at a -- you know, Kennesaw
8 State. So when we got the new equipment in from the
9 State in Lanier, we also got new black hard drives.
10 They just sent us as many as they did Coffee.

11 Q I see. So when you were in Lanier County,
12 there were some new black -- there were some new flash
13 drives that came in when the BMD system was rolled out?

14 A Yes, that's correct.

15 Q Okay. What happened to the old flash drives?

16 A Presumably, all that got sent back over to
17 the Secretary of State's office because they asked us
18 to return all that [indiscernible].

19 Q Do you know for sure that all went back, in
20 Lanier, or you don't -- somebody else handled it?

21 A We -- well, somebody else handled it, but we
22 didn't have any old flash drives there when I was
23 there.

24 Q But when you got to Coffee County, you found
25 that Coffee County still had a lot of their old GEMS

1 equipment. I think that's one of the things you said
2 you had to turn back in?

3 A Yeah, they had like some of the old voter
4 cards and things like that that you were supposed to
5 turn in back when we switched over.

6 Q Did they have other -- were there any DREs,
7 was there a GEMS server? What all do you recall from
8 that system?

9 A No, there were no DREs or GEMS servers there.
10 It was mostly just the Compaq flash cards and
11 voter ID -- I mean voter cards, things of that nature.

12 Q Have you ever asked the Secretary of State's
13 office for any election project files for
14 Coffee County?

15 A The only ones that we requested was for the
16 municipal election.

17 Q So that's an election that used the new
18 replacement server?

19 A Yes, that's correct.

20 Q Did you ever ask for any election project
21 files from the server they took?

22 A I did go back and say that -- like I told you
23 before, that we were trying -- somebody had open-record
24 requested, you know, the ballot images and whatnot and
25 that I couldn't find any of that and, you know, was

1 there any way I could get it. And I was told no, there
2 was no way to get it.

3 Q What happens to the flash drives -- after you
4 pull the election data off to provide the State or to
5 keep a copy of that, what happens to those flash
6 drives?

7 A Yeah, they're supposed to be maintained along
8 with all the other election file -- election materials,
9 as they call it. And usually best practice is to take
10 a DYMO LabelWriter and print off a label that says, you
11 know, the -- what election it was, what year and date
12 it was, and you always want to label them somehow or
13 another and put them in your boxes [indiscernible].

14 Q Okay.

15 A In my course of being there, I haven't found
16 any of those.

17 Q Right. And do the flash drives get reused,
18 so, for example, from one election to the next, so that
19 you can keep project files in one easy place?

20 A No. It's supposed to just be for that
21 specific election, so that way you can keep track of
22 it.

23 Q And are you -- in your experience at Lanier
24 and Coffee County, were flash drives ever reused?

25 A No. They shouldn't be.

1 Q I know they shouldn't be. Do you recall an
2 instance where they were?

3 A I never did. I don't know about anybody
4 prior to me.

5 Q Okay.

6 MR. CROSS: All right, thank you,
7 Mr. Barnes, I don't have any further
8 questions. I appreciate your time.

9 THE WITNESS: Okay.

10 MR. CROSS: Why don't we go off the
11 record.

12 THE VIDEOGRAPHER: The time is 2:08.
13 We're off the record.

14 (Off the record.)

15 THE VIDEOGRAPHER: The time is 2:09.
16 We're back on the record.

17 MR. ABNEY: Sorry, just tried to connect
18 my ear pods.

19 EXAMINATION

20 BY MR. ABNEY:

21 Q Can you hear me okay, Mr. Barnes?

22 A Yes, sir.

23 Q Perfect. Let me know if there's a problem
24 and I'll switch back to a different microphone, but
25 usually this works the best.

1 My name is Russ Abney. I'm just going to
2 really ask you mostly follow-up questions to -- just
3 things that came to mind when you were being asked
4 earlier questions. I did have one area that I guess
5 I'll cover with you first that I don't think was
6 covered.

7 As an elections supervisor, one of the things
8 you're responsible for is inventory of election
9 equipment; is that correct?

10 A Yes, that's correct.

11 Q And when you came in to Coffee County, do you
12 recall when you did the first inventory on the
13 equipment there?

14 A I believe that was done on week one that I
15 was there, because there was some of it that had not
16 been accepted previously.

17 Q What do you mean "had not been accepted
18 previously"? What does that mean?

19 A Well, when everybody got all the Dominion and
20 poll pad equipment in, they were supposed to accept the
21 equipment, essentially, and let the Secretary of
22 State's office know that they had this number of them.
23 So one of the first things I did was go through and
24 audit all the machines.

25 Q Did you check to see when the most recent

1 audit had been done prior to you getting there?

2 A I'm not honestly sure if there was one,
3 because there was quite a bit of equipment that was
4 still packaged up and had never even been taken out.

5 Q When you did the equipment audit, did you
6 have a list of equipment that you were supposed to have
7 on site?

8 A Yes, that's correct.

9 Q And your job, so to speak, was to audit the
10 physical equipment that you had to see how it matched
11 up to that list; is that right?

12 A Yes, I went through each serial number and
13 made sure that that was present and accounted for.

14 Q And what were the results of your audit?

15 A It came out with all the ballot-marking
16 devices and poll pads that were supposed to be there
17 being present.

18 Q Was there any other equipment that you
19 audited?

20 A Also the printers.

21 Q Anything else?

22 A Well, of course, I had to go back and check
23 and make sure all the scanners were there.

24 Q Okay. Anything else? Any other equipment?

25 A No, no other equipment. That was the main

1 things that had to be checked off on the list.

2 Q So if I've got the list right, we've got
3 BMDs, poll pads, printers, and scanners; is that right?

4 A Yes. And the ICC and EMS server had already
5 previously been accepted.

6 Q And to the best of your recollection, all the
7 equipment that was supposed to be there was there, you
8 weren't short anything, you didn't have anything extra;
9 is that right?

10 A That's right.

11 Q This horse has kind of been beat to death, so
12 I'm afraid to whoop it anymore, but I do want to follow
13 up with one other piece of information.

14 I have seen a memo with the subject line
15 "Transferred Election Materials" that you signed off on
16 on May 7th of 2021 that indicated 27 boxes of election
17 materials had been transferred for storage. Does that
18 sound familiar?

19 A It does.

20 Q Where was -- where were those materials
21 stored?

22 A That would have been with the clerk of court.

23 Q Okay. And that's another requirement of your
24 office, right, is to -- is to transmit certain election
25 materials/records to the clerk of the court?

1 A Yes, that's correct.

2 Q Do you know if that was ever done with
3 respect to the 2020 election materials?

4 A I believe 2020 election materials are over
5 there at the clerk's office.

6 Q Is that something you did or something that
7 was done before you got there?

8 A I put some over there, but I'm not sure if
9 she had put anything over there before or not.

10 Q And I may have misunderstood, but I thought
11 you said earlier that part of what should have been
12 transmitted would have necessarily come off of the EMS
13 server, and that wasn't available to you; is that
14 right?

15 A Yes, sir, that's correct. I didn't have
16 access to that.

17 Q Would you have checked to see if you had
18 access to that material so that you could do your job
19 and deliver it to the clerk of the court before you
20 signed off on this transfer memo on May 7th of 2021?

21 A Yes, I did check for those and I did not find
22 them.

23 Q Okay. My question is a little bit different,
24 or maybe I asked a bad question. Let me try it again.

25 Before May 7th of 2021, when you signed off

1 on the transfer of the election materials to the clerk
2 of the court, would you have checked to see if you
3 could pull those materials off of the EMS server?

4 A Well, actually, what I had done was I had
5 checked to see if we had any of the thumbnail files, as
6 well, that you're supposed to back up, and none of
7 those were present.

8 Q Right. I understood that from your prior
9 testimony. I thought you said, also, at some point you
10 would have looked on the EMS server to see if you could
11 pull them off of the EMS server. Is that not correct?

12 A Yes, usually you would check there as well.

13 Q And so my question is: Would you have
14 checked there before May 7th of 2021 when you
15 transferred these materials to the clerk of the court?

16 A Well, that's what I was saying earlier, I
17 thought I -- that I had actually said something about
18 the server password being messed up more along the
19 lines of end of April, beginning of May.

20 Q And that's the point I'm trying to, like I
21 said, whoop the dead horse on. But when was the first
22 election held that you would have been responsible for
23 in Coffee County?

24 A That would have been June.

25 Q And in your normal practice, how far in

1 advance of the election would you have started getting
2 ready, including checking the server and loading or
3 programming whatever you need to do on that server?

4 A Yeah, usually that would be a month out
5 because, of course, you're always going to have
6 absentee-by-mail ballots, you know, coming in well in
7 advance of that date.

8 Q So that would line up more with the end of
9 April or beginning of May?

10 A Yes, that's correct.

11 Q Sorry, I was kind of thinking out loud there.

12 The May 7th, 2021 date, is it your best
13 recollection that you would have discovered the
14 password issue before or after that date?

15 A I believe I would have discovered the
16 password issue prior to that date.

17 Q I think you've already answered this too, but
18 did the County issue a personal computer to your
19 office -- I'm sorry, did the -- did the County issue a
20 laptop to your office for use with election activities?

21 A They didn't specifically issue one to me.
22 There were a couple of old laptops that were there that
23 were probably from before Misty even took over.

24 Q Okay. You mentioned one that you found
25 earlier. Do you recall there being more than one?

1 A There was another one that was even older
2 than that that was in a box, but...

3 Q Did you ever try to access that computer?

4 A No, because I didn't feel like there would be
5 a need to be because it was pretty obvious it was old
6 enough that nobody should have been using it recently.

7 Q I think you've already testified to this
8 also, but can you remind me who Ms. Cox is?

9 A She's the supervisor of elections in
10 Lowndes County and also the Region 11 coordinator.

11 Q Do you recall if you ever communicated with
12 her at all about the password issue on the server?

13 A I'm not sure if I contacted her about that or
14 not. A lot of times I would contact her about things,
15 just because she's the Region 11 coordinator, to get
16 input.

17 Q Do you recall if she had any input?

18 A No, because I'm not sure that I contacted
19 her.

20 Q There's an email from her to the county
21 commission shortly before you arrived, so you probably
22 would not have seen it, but the gist of it was that she
23 was delaying a visit by a Dominion rep to your county
24 until your position had been filled.

25 And so with that in mind, my question is: Do

1 you remember or recall any visit by any Dominion reps
2 during the first part of your tenure or during your
3 tenure at all at Coffee County?

4 MR. DENTON: Object to form.

5 THE WITNESS: The only person that I
6 remember coming by was -- I believe his name
7 was Greg Whiten, and that was with
8 EasyVote.

9 Q (By Mr. Abney) I'm sorry, was with who?

10 A The gentleman from EasyVote. That's a system
11 that we use. But I don't recall a Dominion
12 representative, no.

13 Q You mentioned obtaining and/or sharing
14 information -- I don't want to put words in your mouth,
15 but that was my recollection -- something to do with
16 BuzzFeed. Do you recall that?

17 A Yes, BuzzFeed is something that most
18 elections officials use.

19 Q What is BuzzFeed?

20 A BuzzFeed is like a comment board that's
21 provided by the Secretary of State's office for people
22 that have a log-in for it. It's used by elections
23 officials a lot of times to advertise for open
24 positions and also to put out equipment that they no
25 longer need to see if anybody else needs it.

1 Q Do you recall any of the Coffee County issues
2 being discussed on the BuzzFeed other than possibly
3 your opening?

4 A No, I don't recall any of the issues prior to
5 my arrival there really being discussed, no. But then
6 again, sometimes we tune that out because it can get
7 pretty busy on there.

8 Q I want to see if you can explain a little bit
9 more about the password situation for the EMS server
10 and the ICC.

11 It's my understanding from your prior
12 testimony that there's a separate, lengthy password for
13 each one of those systems. Is that right?

14 A Yes, you have to log in to each one of them
15 individually.

16 Q And to the best of your knowledge, there's
17 only one password for each of those systems for each
18 county; is that right?

19 A Yes.

20 Q Is there any -- and I know individual
21 computers would have log-in information, but I'm
22 talking about the election equipment or software
23 itself.

24 Do any of those systems have individual
25 passwords per user?

1 A Well, you can set -- or at least I saw
2 multiple user accounts on there, but typically there's
3 only one user account that you would need to log in.
4 There really should only be one person doing the
5 servers.

6 Q What do you mean when you say you saw
7 multiple user accounts?

8 A On the ICC, there were several different
9 users set up.

10 Q Do you recall who those users were?

11 A No. It was just generic names like ICC-1,
12 something similar to that.

13 Q Okay. I take it there's not one, but let me
14 ask. Are you aware of any policy or procedure that's
15 been written down anywhere for how to handle the
16 situation like you faced where you have an EMS server
17 that you can't gain access to using the State-provided
18 password?

19 A No, I'm not aware of any SOP for that
20 situation.

21 Q And I know this topic also was covered, but I
22 want to make sure I got it right.

23 You contacted the State, told them you had a
24 problem with the password, they walked you through some
25 stuff on the phone and said, "Well, looks like we'll

1 come down next week and take care of it." Essentially,
2 that's what happened --

3 A Yes.

4 Q -- right?

5 A That's correct.

6 Q And the question that I was a little confused
7 about was during that phone call, did they tell you --
8 did they schedule a time and date the following week,
9 or was it just, "We'll be down sometime next week"?

10 A It was just that they would -- they would
11 come down and take a look at it next week.

12 Q And is it safe to assume that they didn't
13 just show up unannounced?

14 A Yeah. They gave me a call when they were,
15 you know, going to be coming down.

16 Q Okay. So you recall getting a telephone
17 call?

18 A Yes.

19 Q Who was that call from?

20 A That was Prateek Patel, I believe.

21 Q Okay. And did they call and tell you a day
22 or two in advance? Or was it, "Hey, we're in the car
23 headed your way"?

24 A It was the day of.

25 Q And your -- so it was a telephone call. Did

1 he normally call you on your official cell phone?

2 A Yes, usually that's the case. And it might
3 have been the day before, but I believe it was the same
4 day that they were coming.

5 Q I'm assuming you didn't know Ms. Grantham
6 before the day she was hired. Is that --

7 A That's correct.

8 Q -- true?

9 Can you tell me a little bit about her
10 background, whatever you remember being told?

11 A Previously she had worked at several
12 banks, and she had also worked as a dispatcher for
13 P&M Trucking up in Douglas.

14 Q The banks she worked at, were they local
15 banks?

16 A Yes, that's correct.

17 Q I believe you said you conducted some type of
18 investigation to determine whether or not anybody had
19 had contact with the Ninja folks. Is that right?

20 A Well, you know, I asked around to see if
21 anybody unusual had been there and sought out any kind
22 of video footage that might corroborate with that, but
23 I was unable to find anything.

24 Q Who all did you ask about that?

25 A Mostly just board members, you know, poll

1 workers, people like that.

2 Q Did you ask all the board members?

3 A I believe so, yes.

4 Q Did you talk to the county attorney about
5 that, about the Cyber Ninjas?

6 A I don't recall if I mentioned that issue to
7 him or not.

8 Q If a third party was given access improperly
9 to the EMS server, who would most likely have been the
10 one giving them that access?

11 MR. DENTON: Object to the form.

12 THE WITNESS: I really couldn't say who
13 it would be that would do that, just somebody
14 that had access to the office, I suppose, but
15 I'm not sure. I wasn't there then.

16 Q (By Mr. Abney) They would have had to have
17 access to the office and to the closet where it's kept
18 under lock and key, correct?

19 A Yes.

20 Q And before you, that person would have been
21 Misty Hampton?

22 A Well, she was the ultimate one that was in
23 control of it, yes.

24 Q But according to your testimony, you didn't
25 reach out to her to see if she had any information

1 about anybody visiting that may have gained access to
2 the equipment; is that right?

3 A Well, I knew that she was under several
4 active investigations. So, no, I chose not to do that.

5 Q Fair enough.

6 MR. ABNEY: Sorry, I'm just looking over
7 my notes. Going second, I'm trying not to
8 plow too much of the same ground.

9 Q (By Mr. Abney) You were asked about several
10 people, and I didn't make great notes, so I want to ask
11 you about one more or maybe the same one.

12 Russ Ramsland, do you know who that is?

13 A No, I'm not familiar with that name.

14 Q Okay.

15 MR. ABNEY: All right, I think that's
16 all I have. Give me just -- if we can go to
17 the breakout room, give me five minutes and
18 let me make sure I didn't leave out anything
19 major, and I think we'll be done.

20 THE WITNESS: Okay.

21 THE VIDEOGRAPHER: The time is 2:30 p.m.
22 We're off the record.

23 (Recess taken.)

24 THE VIDEOGRAPHER: The time is 2:38.
25 We're back on the record.

1 MR. ABNEY: Mr. Barnes, thank you for
2 your time today and your patience. I do
3 appreciate it. That's all the questions I
4 have. Thank you.

5 THE WITNESS: Okay. Thank you.

6 EXAMINATION

7 BY MR. DENTON:

8 Q Good afternoon, Mr. Barnes. My name is
9 Alexander Denton. I am an attorney for the State
10 defendants in this case. I have a few questions to ask
11 you as well.

12 A Okay.

13 Q I'm going to try to limit my questions based
14 on those you've already been asked. I appreciate your
15 patience and time today.

16 The first question I have for you -- again,
17 hopefully briefly revisiting the timeline question --
18 to your knowledge, the first time anyone in
19 Coffee County provided information to any State
20 officials about the password situation with the EMS
21 server and the ICC was the phone call that you made to
22 your CES contact, right?

23 A Yes, sir.

24 Q And after the events that you described that
25 occurred on that -- during that telephone call, the CES

1 contact told you, "We'll be down in about a week to
2 take a look at it," right?

3 A Yes, that's correct.

4 Q And two folks from CES did, in fact, come
5 down about a week later, right?

6 A Yes, that's correct.

7 Q Mr. Barnes, you have no personal knowledge of
8 any unauthorized access to the Coffee County room
9 containing the EMS server and the ICC, right?

10 A I have no knowledge of it, that's correct.

11 Q And you have no personal knowledge of any
12 unauthorized access to any Coffee County election
13 equipment; is that right?

14 A That's correct.

15 Q Earlier this morning, Mr. Cross stated that
16 he had a conversation with you about this case prior to
17 the time when you were represented by counsel. Do you
18 remember that?

19 A Yes, sir.

20 Q And can you describe to me the circumstances
21 of that conversation between you and Mr. Cross?

22 A It was more or less similar to the questions
23 that he had asked now today. I did make sure that he
24 knew I had not worked there prior to April 1, so
25 there's no way for me to really know anything that

1 happened prior to that.

2 Q So you had a conversation with Mr. Cross
3 where you discussed your knowledge of some of the
4 things that we've talked about today?

5 A Yes, that's correct.

6 Q Do you remember when that conversation
7 occurred?

8 A I believe it was maybe, let's see, maybe two
9 weeks ago or so.

10 Q Who initiated that conversation?

11 A That would have been Mr. Cross and another
12 woman. I can't remember her name.

13 Q Do you have an understanding of who that
14 woman is?

15 A No, not really. She was more or less just
16 bringing him into the call.

17 Q So this conversation occurred on a telephone
18 call?

19 A Yes, that's correct.

20 Q And this woman was the person who initiated
21 that telephone call to you; is that right?

22 A Yes, that's correct.

23 Q Prior to this woman's call to you a couple
24 weeks ago, had you received any communication, either
25 by phone or writing or otherwise, that this call was

1 going to take place?

2 A No, I had not.

3 Q So she called you out of the blue,
4 essentially?

5 A Yes, sir.

6 Q And when she called you, did she speak to you
7 at all before bringing Mr. Cross into the conversation?

8 A It was very brief.

9 Q And what did she relay to you in that --
10 those brief moments?

11 A Just essentially that she was calling in
12 reference to that case and that she wanted to bring
13 Mr. Cross, one of the attorneys, in -- on to talk to me
14 for a moment.

15 Q And you said, "That's fine"?

16 A Honestly, I wasn't really sure what they were
17 wanting. I didn't know if they were just trying to
18 find out if it was worth their time or not, but I had
19 already gotten the subpoena by that point.

20 Q And then Mr. Cross did, in fact, join the
21 call thereafter, right?

22 A Yes, that's correct.

23 Q Did anyone else ever join the call at any
24 point before it concluded?

25 A No, sir.

1 Q Okay. So Mr. -- just so I'm clear, Mr. Cross
2 didn't send you an email or anything, he had somebody
3 call you on his behalf to speak to you over the phone
4 about this important subject, right?

5 A Yes, that's correct.

6 Q And then what did the two of you discuss once
7 Mr. Cross joined the call?

8 A Definitely not as much as we did today, but
9 he was more or less just asking about, you know, was
10 there a password issue with the server, you know, he
11 asked about the Cyber Ninjas card; and, you know,
12 essentially I said the same thing I did today, which is
13 just the limited truth that I know.

14 Q The limited scope of information about --

15 A Yes.

16 Q -- those questions?

17 A Yes, exactly.

18 Q What -- was there anything that Mr. Cross
19 discussed with you on that telephone call that he did
20 not bring up today?

21 A No, I don't recall anything additional
22 besides what I heard today.

23 Q Did he tell you anything about the case
24 generally?

25 A I mean, he had brought up some stuff about,

1 you know, the Washington Post article and things of
2 that nature, but nothing other than that really.

3 Q Sure. Let me ask my question slightly
4 different.

5 Did -- during that telephone call, did
6 Mr. Cross tell you anything about this lawsuit
7 generally?

8 A No, he didn't inform me of anything to do
9 with it.

10 Q Did Mr. Cross introduce himself on the phone
11 call? Did you understand who he was?

12 A He introduced himself as an attorney in the
13 case.

14 Q Did he tell you who he represented in the
15 case?

16 A No, I don't recall him specifically
17 referencing who he represented.

18 Q So you didn't know, based on the information
19 he gave you, whether he represented the Secretary of
20 State's office or some other group?

21 MR. CROSS: Objection.

22 THE WITNESS: No, I believe he mentioned
23 that it was a -- the Donna Curling thing,
24 which I had already gotten a subpoena for.

25 Q (By Mr. Denton) After that phone call ended,

1 have you had any other communications with Mr. Cross
2 before today?

3 A No. I sought out to get an attorney. He
4 scheduled a deposition meeting and sent me a subpoena
5 about that, and then I retained counsel and I didn't
6 speak to him anymore.

7 Q Did he -- after the telephone call, did he or
8 anyone on his behalf send you any written
9 communications directly?

10 A Just about when the deposition was supposed
11 to be coming up and, like, how to log into the Zoom
12 thing.

13 Q So that was by email?

14 A Yes.

15 Q And the contents of the email were limited to
16 logistical information about how to access the Zoom for
17 today?

18 A Yes, that's correct.

19 Q Mr. Barnes, I want to ask you about any
20 awareness of or familiarity with or communications with
21 a list of people, and I'll represent to you that these
22 people either are or have been plaintiffs in this case,
23 all right?

24 A Okay.

25 Q Do you have any familiarity with a person

1 named Donna Curling?

2 A Not until this case happened, no.

3 Q Okay. Is your familiarity with her limited
4 to your knowledge that she's a party to the case?

5 A That's correct.

6 Q Ms. Curling never attempted to contact you or
7 meet with you in any way?

8 A No.

9 Q You never had any communications with her?

10 A No, sir.

11 Q How about Donna Price?

12 A No, I don't recognize that name.

13 Q Do you recognize the name Jeffrey Schoenberg?

14 A No, sir, I don't recognize that name.

15 Q How about Laura Digges, D-I-G-G-E-S?

16 A No, I don't recall that name.

17 Q Do you recall the name William Digges III,
18 again spelled the same way, D-I-G-G-E-S?

19 A No, sir.

20 Q Do you recall the name Ricardo Davis?

21 A No.

22 Q Do you recall the name Megan Missett,
23 M-I-S-S-E-T-T?

24 A No.

25 Q Are you familiar with an organization called

1 the Coalition for Governance [sic]?

2 A Yes. I've received open-records request from
3 them before.

4 Q Do you recall when you first received an
5 open-records request from the Coalition for Good
6 Governance?

7 A I believe it was back in 2020.

8 Q And did you receive that open-records request
9 in 2020 from the Coalition for Good Governance in your
10 capacity as a Lanier County employee?

11 A Yes, that's correct.

12 Q Do you recall the substance of that request?

13 A It was something about documents from a
14 previous election, but I don't remember what it was
15 specifically.

16 Q Was that the only open-records request you
17 received from the Coalition for Good Governance while
18 you worked for Lanier County?

19 A I believe that was the only one.

20 Q Did you receive any other communications from
21 the Coalition while you worked for Lanier County?

22 A I don't believe so, no. I think that they
23 just simply would open-records request us occasionally.

24 Q Sorry, they would open-records request you
25 what?

1 A I said occasionally we got open-records
2 request from organizations like that, but I don't know
3 them.

4 Q And when you say "organizations like that,"
5 what do you mean?

6 A The NGO, nonprofit organizations.

7 Q Do you -- did you receive any open-records
8 requests from the Coalition for Good Governance while
9 you were working for Coffee County?

10 A Yes, I do seem to recall getting one from
11 them.

12 Q Do you recall the substance of that one?

13 A I'm not entirely sure what that specific
14 open-records request was about.

15 Q Outside of the two open-records requests that
16 you received as a county employee, have you had any
17 other communications or interactions with any
18 representative of the Coalition for Good Governance?

19 A Marilyn Marks did contact me prior to the
20 date of the 14th just to see if I was still going to be
21 attending a deposition, because she claimed she wanted
22 to attend as well. So I just simply stated in the
23 affirmative, because at that point in time it was
24 scheduled for the 14th.

25 Q Okay. I apologize, Mr. Barnes, you broke up

1 just a little bit, and so I want to make sure I heard
2 your answer.

3 You testified that Marilyn Marks contacted
4 you prior to the 14th about whether you were going to
5 sit for this deposition; is that right?

6 A Yes, that is correct.

7 Q And so she contacted you prior to the 14th of
8 July of this year; that's what you're referring to?

9 A Yes, she contacted me the day before the
10 deposition to make sure I was going to be there.

11 Q And that was the date of the original -- the
12 originally scheduled date of the deposition, right?

13 A Yes, that's correct.

14 Q And how did she contact you on -- I guess
15 that would be July 13th of this year.

16 A She called me on my phone. I don't know how
17 she had my number, but she did.

18 Q Okay. Do you recall what time of day that
19 was that she called you?

20 A I want to say it was maybe a little after
21 lunch, like early afternoon.

22 Q And you had no advanced notice that a call
23 from Ms. Marks was coming to you pertaining to anything
24 in this case, right?

25 A No.

1 Q And do you recall the specifics of her
2 conversation with you on July 13th in that phone
3 conversation?

4 A It was essentially just, like I said,
5 verifying that I was going to be there because she said
6 that she wanted to be there for it, and she was also
7 asking initially was it, you know, going to be in
8 person or what because she had to make plans well in
9 advance because she lives six hours away or some such,
10 and I said no, it was going to be Zoom, and she said,
11 well, that was better for her. So that was essentially
12 the content of the conversation.

13 Q And in response to her question as to whether
14 you were going to attend, you said yes, right?

15 A Yes. Because at that particular point in
16 time, it was still scheduled to be on.

17 Q Did she provide you any indication of why she
18 was calling you directly to ask about a status of a
19 deposition in this case?

20 A No, she didn't specify exactly why. She just
21 said that she had an interest in the case and just
22 wanted to sit in on the deposition.

23 Q Did she disclose to you during that telephone
24 call that she is a representative of one of the parties
25 in this case?

1 A No, I didn't realize that she was actually
2 one of the plaintiffs in it.

3 Q Was the telephone conversation where
4 Ms. Marks called you July 13th of this year the only
5 time the two of you have spoken?

6 A Yes. I don't recall having ever spoken to
7 her before.

8 Q Has she spoken with you or communicated with
9 you since July 13th?

10 A No, I haven't heard anything from her.

11 Q Mr. Barnes, one more question about the
12 Coalition specifically. Well, let me ask you this:
13 Did Ms. Marks, in that telephone call, identify herself
14 as a representative of the Coalition for Good
15 Governance?

16 A I don't recall her representing herself as
17 that.

18 Q You do not recall?

19 A I do not recall that.

20 Q Mr. Barnes, Ms. Marks apparently is not the
21 only person interested in the proceedings that were
22 rescheduled for today. There are a lot of people on
23 this Zoom deposition. I want to ask you about them as
24 well.

25 So we've already talked about Ms. Marks, who

1 is here today, and I'm going to just run through the
2 list of folks who are here.

3 A Okay.

4 Q Similar questions to the questions I was
5 asking you about the folks who are the plaintiffs in
6 this case, about whether you know any of these people
7 or have had interactions or communications with them.

8 Are you familiar with the name -- and, again,
9 these people that I'm about to list are all people who
10 are participating or attending today's deposition.

11 So Marilyn Marks is the first one. In
12 addition to Ms. Marks, Stephen Delk, that's your
13 attorney, right?

14 A Yes, that's correct.

15 Q And then we have Caroline Middleton. Do you
16 know Ms. Middleton?

17 A No, I don't recognize that name.

18 Q Okay. There's someone logged in with the
19 username "Ernestine's iPad." Do you know whether that
20 refers to Ernestine Thomas-Clark?

21 A I believe that's correct.

22 Q And is Ms. Thomas-Clark a Coffee County
23 employee?

24 A Yes. She's one of the Board of Elections
25 members.

1 Q Another person who's present today is someone
2 named Duncan Buell, B-U-E-L-L. Do you recognize that
3 name?

4 A I don't recognize that name.

5 Q Also attending today is Susan Greenhalgh,
6 G-R-E-E-N-H-A-L-G-H. Do you recognize that name?

7 A No, I do not.

8 Q Also attending today we have Mr. Abney, who
9 just asked you questions. In case it wasn't clear,
10 Mr. Abney represents the Coalition.

11 We've also had today present Sofia Debbiche,
12 D-E-B-B-I-C-H-E. Do you recognize that name?

13 A No, I don't recognize that name.

14 Q Also attending today is someone named Wail
15 Jihadi, W-A-I-L, J-I-H-A-D-I. Do you recognize that
16 name?

17 A No, I do not.

18 Q Also attending today is someone named
19 Kevin Skoglund, S-K-O-G-L-U-N-D. Do you recognize that
20 name?

21 A No, I do not.

22 Q Also attending today is someone named
23 Jenna Conaway, C-O-N-A-W-A-Y. Do you recognize that
24 name?

25 A No, I do not.

1 Q Also attending today is someone named
2 Mary Kaiser, K-A-I-S-E-R. Do you recognize that name?

3 A I don't recognize that.

4 Q Also attending today is someone named
5 Logan Wren, W-R-E-N. Do you recognize that name?

6 A No.

7 Q And the last one I have on my list attending
8 today is Oluwasegun Joseph. That's
9 O-L-U-W-A-S-E-G-U-N, Joseph. Do you recognize that
10 name?

11 A No, I do not.

12 Q I appreciate your patience on that
13 Mr. Barnes. That's, I think, the end of my list of
14 names.

15 I have a few more topics I want to cover with
16 you very briefly. And I hate to have to ask you about
17 your personal voting experience, but Mr. Cross asked
18 you a couple of questions about that, and I just want
19 to round that subject out.

20 MR. CROSS: Objection. I did not ask
21 him any questions about his voting, about how
22 he voted.

23 MR. DENTON: We can revisit the
24 transcript, David, but you did ask him about
25 his personal experience, his voting on

1 absentee-by-mail ballots and so --

2 MR. CROSS: Oh, okay. That's fine.

3 Q (By Mr. Denton) And so I want to ask you,
4 Mr. Barnes, whether you also have voted using BMDs?

5 A Yes, I have voted using BMDs as well.

6 Q And do you have any concern about whether
7 votes that you cast on BMDs were, in fact, counted
8 accurately?

9 A No, I don't have any concerns about that.

10 Q Thank you, Mr. Barnes. I apologize for
11 having to ask that.

12 If you'll give me -- allow me just a few
13 seconds, I want to make sure that I've covered
14 everything I need. I think I may have.

15 A Okay.

16 Q Mr. Barnes, the last subject I'd like to
17 visit with you very briefly is the subject of elections
18 conducted while you were a Coffee County employee.

19 Was it just the one election that you
20 referenced in June?

21 A Yes, that -- the June election and then the
22 November -- actual Election Day, because that was a
23 primary election in June.

24 Q Thank you for clarifying that. So really it
25 was two elections, the June primary --

1 A That's correct.

2 Q -- and the November general, right?

3 A Yes.

4 Q And do you have any concerns about the way
5 that Coffee County conducted either of those elections?

6 A No, sir.

7 MR. DENTON: Thank you, Mr. Barnes.

8 That's all I have today. Thanks again. Nice
9 meeting you.

10 MR. CROSS: Mr. Barnes, I just have a
11 few follow-up questions. I'll be brief.

12 FURTHER EXAMINATION

13 BY MR. CROSS:

14 Q For some reason that's hard to comprehend,
15 Mr. Denton decided to spend almost the entirety of his
16 questions for you about communications with individuals
17 instead of talking about issues that matter in the
18 case.

19 But the call that you and I had, just so the
20 record is clear on this -- I think you said this, but
21 there was nothing you and I discussed in that call that
22 we didn't cover today, correct, sir?

23 A Yes.

24 Q And that call was brief, it lasted a few
25 minutes; is that fair?

1 A Yes, that's fair.

2 Q And the way we left it was you -- we were
3 going to follow up with you on deposition logistics
4 because we offered to do it by Zoom; is that right?

5 A Yes.

6 Q You were asked whether you have concerns
7 about the reliability of the BMDs. Do you remember
8 that?

9 A Yes.

10 Q Can you do me a favor, can you just pull up
11 Exhibit 2 again, please, and just let me know when you
12 got it.

13 A Okay, I've got it up.

14 Q Okay. And you -- I believe you said you had
15 not seen this before I showed it to you today. Is that
16 right?

17 A That is correct.

18 Q And Exhibit 2, just so we're looking at the
19 same thing, this is the advisory from CISA that came
20 out in June of this year addressing "Vulnerabilities
21 Affecting Dominion Voting Systems ImageCast X," right?

22 A Yes.

23 Q And fair to say you haven't studied this
24 today; is that right?

25 A Yes, that's correct.

1 Q If you come down to page 3, do you see a
2 heading that says "2.4 Researcher"?

3 A Yes, I see that.

4 Q And there are two names there: J. Alex
5 Halderman at the University of Michigan and
6 Drew Springall at Auburn University. Do you see that?

7 A Yes, I do.

8 Q And you haven't -- you haven't seen at all
9 the 100-page report we talked about before that
10 precipitated this CISA advisory; is that right?

11 A No, I have not seen it.

12 Q And if you come down to Heading 3,
13 "Mitigations" -- do you see that?

14 A Yes, I do.

15 Q And you see there are about a dozen bullet
16 points here of mitigations that CISA recommends to
17 reduce the risk of exploitation of these
18 vulnerabilities. Do you see that?

19 A Yes, I do.

20 Q So when you answered Mr. Denton's question
21 about whether you have concerns about the BMDs, you
22 don't know what the mitigations are that have or have
23 not been taken in Georgia or even what the
24 vulnerabilities are that CISA confirmed in this report;
25 is that right, sir?

1 MR. DENTON: Object to form.

2 THE WITNESS: Yes, I haven't worked in
3 elections in almost a year.

4 Q (By Mr. Cross) Right, so -- just so we're
5 clear, in answering Mr. Denton's question that you
6 didn't have concerns about the reliability of the BMDs,
7 you don't know what vulnerabilities existed in the BMDs
8 that CISA has confirmed, right?

9 MR. DENTON: Object to form.

10 THE WITNESS: No.

11 Q (By Mr. Cross) You do not know; is that
12 right, sir?

13 A That's correct.

14 Q Did you say that's correct?

15 A Yes.

16 Q Sorry, you -- the sound is cutting out a
17 little bit.

18 And also in answering that question, you
19 don't know whether any of the mitigations, the
20 mitigations that CISA has recommended here, whether
21 they have been taken in Georgia; is that right, sir?

22 A I don't know because I'm not up to speed on
23 current elections, so...

24 Q Right.

25 MR. CROSS: All right, I don't have any

1 further questions. Thank you, Mr. Barnes. I
2 think we can go off the record. I'm sorry,
3 Russ. I'm sorry. Yeah, go ahead.

4 MR. ABNEY: No, that's all right. I
5 just have one quick follow-up.

6 FURTHER EXAMINATION

7 BY MR. ABNEY:

8 Q Mr. Barnes, did Ms. Marks text-message you
9 before you actually spoke on the phone?

10 A Yes, she did right before she called me, I
11 believe, because I had been busy work -- at work that
12 day and I hadn't gotten it.

13 Q Have you read her text message?

14 A Yes, I have read it since then.

15 Q Does her text message introduce her as a
16 representative for CGG?

17 A It's possible. It's possible that it does.
18 I'm not sure.

19 Q Okay. Well, if she had text-messaged you
20 that she was going to call and indicated who she
21 represented, does it stand to reason that she might
22 have assumed you knew who she represented?

23 A Well, she didn't actually text-message me
24 that she was going to call. She just was wanting to
25 know if the deposition was still going to be on the

1 date. The only reason she called me is because I --
2 like I said, I was busy at the time [indiscernible].

3 Q Okay, but you got her text message, right?

4 A Yes, I did get her text message.

5 Q And it identifies what organization she's
6 with, correct?

7 A Yes, the text message does. Like I said, I
8 didn't get that until later on.

9 Q You didn't get it until after you had talked
10 to her?

11 A Well, I didn't get it -- honestly, I didn't
12 see it until near or around the time that she was
13 calling me. She had called me earlier in the day.

14 Q Okay. Did you read her text message before
15 or after you talked to her?

16 A I believe I might have seen it before she
17 called.

18 Q Okay. So when she called, you would have
19 known who she was representing, right?

20 MR. DENTON: Object to form.

21 THE WITNESS: Well, technically, I mean,
22 I know who she is because I've dealt with her
23 in the past through open-records requests.

24 Q (By Mr. Abney) Okay, so it was no mystery
25 who she was representing when she called you, right?

1 A Yes, that's correct.

2 Q And you had received a subpoena that
3 identified the Coalition for Good Governance as a party
4 to the lawsuit, right?

5 A The subpoena mainly put on it
6 Donna Curling. But, of course, it's et al., so I
7 assume there's other groups involved.

8 MR. ABNEY: Okay. That's all I have.

9 Thank you.

10 FURTHER EXAMINATION

11 BY MR. DENTON:

12 Q Mr. Barnes, just a brief follow-up there.

13 Did you -- is your testimony that on
14 July 13th, 2022, Ms. Marks actually called you twice
15 that day?

16 A No, she didn't call me twice. What it is
17 is that she had sent me a text message earlier, prior
18 to that, but I was at work and I didn't get it at that
19 particular time. I got it later.

20 Q And so she sent it to you on your personal
21 cell phone?

22 A Yes, that's correct.

23 Q Okay. And although you may have received it
24 prior to her call, did you read it prior to her call?

25 A I don't remember if I read it prior to her

1 call or not.

2 Q And just --

3 A At that time, I was busy at work and it was a
4 hectic day, so that wasn't really the focus of my
5 energy.

6 Q Sure. And did that text message indicate
7 that she was also going to call you?

8 A No. The text message just was making sure if
9 I was going to be at the deposition at the day and time
10 that was previously acknowledged.

11 MR. DENTON: Thank you, Mr. Barnes.

12 MR. CROSS: Thank you, Mr. Barnes. We
13 can go after the record.

14 THE VIDEOGRAPHER: This concludes the
15 videotaped deposition. The time is
16 approximately 3:07 p.m. Eastern Time. We're
17 off the record.

18 (Deposition concluded at 3:07 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA
COUNTY OF COBB

I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby certify that JAMES A. BARNES, JR., the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July 2022.



MICHELLE M. BOUDREAUX-PHILLIPS, RPR

1 Stephen Delk, Esquire
2 sdelk@hallboothsmith.com

3 July 27, 2022

4 RE: Curling, Donna v. Raffensperger, Brad
5 7/20/2022, James A. Barnes , Jr. (#5331982)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,
23 Veritext Legal Solutions

1 Curling, Donna v. Raffensperger, Brad
2 James A. Barnes , Jr. (#5331982)

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

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21 REASON_____

22 _____
23 _____
24 James A. Barnes , Jr. Date

25

1 Curling, Donna v. Raffensperger, Brad
2 James A. Barnes , Jr. (#5331982)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, James A. Barnes , Jr., do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12

James A. Barnes , Jr.

Date

13

*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

_____ DAY OF _____, 20____.

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NOTARY PUBLIC

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