

Will the Real Karen Handel Please Stand Up?

An in-depth analysis from a former supporter

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BASICs

A Comprehensive Plan for Reforming Georgia's Elections



By: *Karen Handel*

*Fulton County Commission Chairman
Republican Candidate for Secretary of State*

When running for Secretary of State in 2006, Karen Handel created a Basics report that correctly stated:

- *"The electronic voting machines currently used in Georgia's elections are already obsolete..."*
- *"Voters should have the ability to review their ballot both electronically and manually on paper",*
- *"Procedures must be established for audits of elections to verify that the electronic vote totals are accurate."*
- *"The paper audit trail should be the determining factor in discrepancies in the vote and should be the ballot of record."*

During her election and afterwards, she received the below \$25,000 in direct contributions plus untold indirect contributions from friends, family and employees of the voting machine vendor lobbyist, Massey Bowers.

She then immediately reversed her position. Although making no changes to the voting machines during her tenure, in 2009 she falsely stated: **"Georgia has the most secure elections in the nation..."** She has maintained that position since.

FilerID	Type	LastName	FirstName	City	State	Employer	Date	Election	Election	Cash	Amou	In	Kind	Am
C2009000047	Monetary	Bowers	Bette	Commerce	GA	Realtor	1/5/2010 0:00	Run-Off Primary	2010	\$	300.00	\$	-	-
C2009000047	Monetary	Bowers	Bette Rose	Commerce	GA	Retired	3/25/2010 0:00	Primary	2010	\$	3,600.00	\$	-	-
C2009000047	Monetary	Massey	Charlotte	Commerce	GA	Retired	3/25/2010 0:00	Primary	2010	\$	200.00	\$	-	-
C2009000047	In-Kind	Massey and Bowers LLC		Atlanta	GA		11/19/2009 0:00	Primary	2010	\$	-	\$	915.20	-
C2009000047	Monetary	Massey and Bowers LLC		Atlanta	GA		11/19/2009 0:00	Primary	2010	\$	1,000.00	\$	-	-
C2009000047	Monetary	Bowers	Bette	Commerce	GA	Information Requested	5/11/2009 0:00	Primary	2010	\$	6,100.00	\$	-	-
C2009000047	Monetary	Bowers	Deena	Marietta	GA	N/A	8/3/2009 0:00	Primary	2010	\$	1,000.00	\$	-	-
C2006000168	Monetary	Bowers	Michael	Commerce	GA	Balch and Bingham	8/23/2007 0:00	Primary	2008	\$	2,500.00	\$	-	-
C2006000168	Monetary	Bowers	Bette Rose	Atlanta	GA	Retired	10/23/2006 0:00	General	2006	\$	250.00	\$	-	-
C2006000168	Monetary	Bowers	Bruce	Marietta	GA	Massey Bowers, LLC	10/15/2006 0:00	General	2006	\$	2,500.00	\$	-	-
C2006000168	Monetary	Bowers	Michael	Commerce	GA	Balch and Bingham	7/19/2006 0:00	Run-Off Primary	2006	\$	2,000.00	\$	-	-
C2006000168	Monetary	Bowers	Michael	Commerce	GA	Balch and Bingham	8/15/2006 0:00	Primary	2006	\$	1,000.00	\$	-	-
C2006000168	In-Kind	Simms	Robert	Atlanta	GA	Massey Bowers, LLC	10/25/2006 0:00	General	2006	\$	-	\$	461.06	-
C2006000168	Monetary	Simms	Robert	Atlanta	GA	Massey Bowers, LLC	10/25/2006 0:00	General	2006	\$	500.00	\$	-	-
C2006000168	Monetary	Simms	Robert	Atlanta	GA	Massey Bowers, LLC	7/10/2006 0:00	Primary	2006	\$	500.00	\$	-	-
C2006000168	Monetary	Simms	Robert	Atlanta	GA	Massey Bowers, LLC	7/21/2006 0:00	Run-Off Primary	2006	\$	1,000.00	\$	-	-
C2006000168	Monetary	Simms	Robert	Atlanta	GA	Massey Bowers, LLC	6/21/2006 0:00	Primary	2006	\$	1,000.00	\$	-	-
										\$	23,450.00	\$	1,376.26	

In 2009, she attempted to prosecute an innocent voting machine technician named Laura Gallegos for certification failures of a county election official who was her friend. I spent 100 hours of my personal time to help the technician get her case dismissed.

Garland Favorito

HERE IS THE FULL STORY REPRINTED FROM 2010

Will the Real Karen Handel Please Stand Up?

Many of us have encountered politicians who say one thing and do another. We already know the drill. A candidate runs for office on a given platform or set of promises and then after being elected, ignores the platform or sometimes even embarks in the complete opposite direction. There may be no more perfect an example of such a total flip-flop on an important current issue in Georgia than that of former Secretary of State (SOS), Karen Handel on Georgia's statewide unverifiable voting. But the story is deeper than just a reversal of position. It entails deception, a betrayal of constituents, and politically motivated power abuses that local news media outlets are unwilling to touch. It also illustrates how contributions from vendor lobbyists can negatively impact public policy.

I. THE UNMISTAKABLE REVERSAL OF POSITION

In 2006, Karen Handel demonstrated that she clearly understood the deficiencies of our voting equipment as well or better than any of the ten Secretary of State candidates in the race. She also showed promise that she was willing to do something about the equipment that was implemented in 2002 at a cost of \$54 million. Although she cleverly avoided making a quotable commitment, her "Basics" report perfectly articulated the problems with Georgia's voting machines. It stated:

- ***"The electronic voting machines currently used in Georgia's elections are already obsolete..."***
- ***"Voters should have the ability to review their ballot both electronically and manually on paper",***
- ***"Procedures must be established for audits of elections to verify that the electronic vote totals are accurate."***
- ***"The paper audit trail should be the determining factor in discrepancies in the vote and should be the ballot of record."***

Many E-Voting rights activists, including myself supported her. I personally helped create scorecards outlining her positions in the primary versus Bill Stevens. I also assisted in securing a sizeable political donation for her campaign. I even convinced hundreds of Democrats to cross party lines and vote for her over opponent Gail Buckner, who staunchly opposed all forms of verifiable voting legislation. But after her election, Karen took no substantive action to correct the problems. We were forced to continue our lawsuit challenging the removal of election audit capabilities all the way to the Georgia Supreme Court, which ruled to uphold unverifiable voting in Georgia.

In response to the ruling on September 28, 2009, a weekly Gwinnett County based news service that ran ads for Karen Handel published an article that falsely portrayed our lawsuit as a challenge to all electronic voting. Several plaintiffs, including me, had actually worked hard at the state legislature in support of auditable electronic voting. That article contained an official statement from Secretary Handel that completely reversed her 2006 position. It read:

"Georgia has the most secure elections in the nation due to four levels of security testing on touch-screen voting machines, our partnership with nationally renowned elections experts at the Kennesaw State University Center for Elections Systems, the dedication by county election officials to provide secure and fair elections at the local level and our photo ID requirement".

Former Secretary Handel uses the slogan "Bring it On" and boasts that she can take on the tough issues. But she completely ducked this key issue altogether and reversed herself on the position. She did not take action to ensure that the state will protect the fundamental voting right for its citizens. She put Georgia at more risk of unnecessary federal intervention which can set new precedents for a bigger, more intrusive, federal government. At the same time she also disingenuously claims to be a state's rights candidate. Many people would call that hypocritical. But worse yet, her final position on this issue is not just a complete reversal but also highly deceptive.

II. AN IMMACULATE DECEPTION

Former Secretary Handel's last position statement is a textbook example of how a politician can use phrases to mislead uninformed voters. Only someone who is intimately familiar with the facts would realize that there are **five deceptive or false implications in that one single sentence!** I think it is worth the time to dissect the phrases in this one sentence and point out the counter facts that reveal an astonishingly different picture:

- **Handel:** *"Georgia has the most secure elections in the nation.."*
- **Counter Facts:** *In 2004, Free Congress Foundation rated Georgia as having the worst voting systems in the nation in regards to "system reliability and recount preparedness"* No significant change has been made in voting equipment since then.
- **Handel:** *"...due to four levels of security testing on touch-screen voting machines"*
- **Counter Facts:** The Federal Election Assistance Commission's (EAC) Technical Guidelines Development Committee concluded that: *"The National Institute of Standards and Testing & EAC Security & Transparency Subcommittee do not know how to write testable requirements to satisfy that the software in a DRE is correct"* Therefore, no amount of testing levels can assure vote recording accuracy.
- **Handel:** *"our partnership with nationally renowned elections experts at the Kennesaw State University [KSU] Center for Elections Systems [CES] ..."*
Counter Facts: Former KSU Professor Britain Williams oversaw 2001 and 2002 certification testing for voting equipment that did not have an independent audit trail of each vote cast as required by law at the time. ^[21-2-301(b) of GEC 2001] Former KSU CES Elections Director, Ray Cobb admitted to being *"unaware of any audit trails that are independent of the equipment"* The CES has downplayed voting machine deficiencies and advocated unverifiable voting which financially benefits KSU to the detriment of all Georgia voters.
- **Handel:** *"..the dedication by county election officials to provide secure and fair elections at the local level"*
- **Counter Facts:** An investigation conducted by Inspector General, Shawn LaGrua, provided overwhelming evidence that the Lowndes County Elections officials:
 - a. Forced 947 test votes into the live elections results for the 2008 general election,
 - b. Failed to reconcile the voter poll book totals to the voting machine vote totals to detect the discrepancy;
 - c. Certified the incorrect results;
- In another case an investigation found that in 2008 Douglas County election officials:
 - a. Failed to advertise logic and accuracy testing of all voting machines used on Election Day,
 - b. Solicited KSU to create a second ballot unauthorized by the SOS for use on Election Day;
 - c. Took election results home in a spreadsheet and approved them;
 - d. Allowed a Diebold (Premier) employee to manually enter the Election Day results from the spreadsheet into the county tabulation serve (GEMS);
 - e. Failed to certify the recounted results in all county and state races except one

The original investigation by LaGrua, who was appointed by Handel, protected the Lowndes County officials. To date, the Attorney General's office has taken no substantive action against any of the officials in either county.

- **Handel:** *"and our photo ID requirement,"*
- **Counter Facts:** The photo ID requirement for voter registration has nothing to do with the Georgia Supreme Court case to which the Secretary responded in her statement. Regardless of personal beliefs on the issue, most people agree that the stringency of Voter ID requirements has partisan implications between Democrats and Republicans. Karen Handel fought consistently and valiantly for highly stringent Voter ID requirements that are perceived to benefit fellow Republicans. But when it came to the non-partisan issues of opening the ballot to all candidates or ensuring that the votes of all citizens could be properly verified, audited and recounted, Karen Handel took no significant action. Our potentially corrupt voting system still contains the flaws she acknowledged in 2006.

III. THE TEXT BOOK CASE OF LOBBYIST INFLUENCE PEDDLING

To understand why former Secretary Handel would reverse a popular position and replace it with such a deceptive position, an informed citizen needs only to follow the money. That money flowed from what may be the most powerful and strategically well placed lobbying firm in Georgia. Here is the story:

In 2002, former SOS Cathy Cox signed a \$54 million contract for Diebold voting equipment that did not have an independent audit trail of each vote cast as required by law. [O.C.G.A. 21-2-30(b) of the 2001 Georgia Election Code] Kennesaw State's former director of the Center for Election Systems, Ray Cobb, since admitted under oath in deposition that the voting machines have no audit trail that is independent. Sec. Cox's office chose not to include the audit trail recommendation from the 21st Century Voting Commission report in the Request for Proposal. At least two other vendors at that time met the audit requirement but were not seriously considered. Secretary Cox entered into the agreement despite numerous warnings from governmental sources and the general public. Her former boss and former SOS, Lewis Massey, was the lobbyist for the voting machine vendor, Diebold Election Systems.

Lewis Massey then established Massey & Bowers in partnership with Bruce Bowers, son of Bette Rose Bowers and former gubernatorial candidate Michael Bowers. Massey & Bowers is the lobbying firm that represents the voting machine vendor. That vendor, Diebold, has since changed the name of its division to Premier Election Systems and sold the division to Electronic Systems & Software after intense national scrutiny and ridicule.

In 2006, then SOS Candidate, Karen Handel, eloquently explained the nationally recognized voting machine problems in her white paper entitled "*Basics*". She was elected, in part, with non-partisan support after showing promise that she would help correct the problems. However, late in her campaign she acknowledged that she had received significant financial help from Michael Bowers. Once elected, she reversed her position on the voting machines and appointed former Massey & Bowers partner, Rob Simms, as her Deputy Secretary.

A simple review of campaign contributions for the last five years reveals that Bowers family members and other Massey & Bowers employees have directly contributed about \$25,000 toward the campaigns of Karen Handel. In fact, Rob Simms left his deputy position in the last few months of Karen Handel's tenure to raise funds full time for her gubernatorial campaign. The indirect campaign funds he has raised are still yet to be identified but one thing is clear. Karen Handel has a vested interest that necessitated her reversal of position and forced her to make highly deceptive statements to protect the various business interests of the voting machine vendor lobbyist who had so heavily supported her campaigns. Likewise, Karen Handel and her Inspector General, Shawn LaGrua, had a vested interest to ensure that elections investigations would not expose flaws in the voting machines that could further jeopardize the interests of their lobbyists.

IV. CLASSIC POLITICALLY MOTIVATED INVESTIGATIONS

When Karen Handel took over the Secretary of State's office in 2007 she established the position of Inspector General (IG) and hired Shawn LaGrua to fill it. The position is responsible for conducting elections, securities and licensing investigations. Several elections investigations, if properly conducted by LaGrua for the State Election Board (SEB), could have exposed flaws in the voting machine acquisition, certifications and operations.

In a January 2009 SEB meeting, David Chastain spoke on the controversial 2005 Cobb County SPLOST tax referendum. In October, he was surprised to find out from SEB meeting minutes that Shawn LaGrua opened an investigation about the matter but no investigator ever contacted him. The controversies were never investigated and LaGrua shut down the investigation claiming everything was in order. Chastain replied to the board with a list of his questions that were never answered. In that particular election, 285 blank voted ballots were cast by voters although the referendum was the only item on the ballot. The referendum was decided by only 114 votes out of 39,780 votes cast. The contest was plagued by unexplained modem transmission difficulties, reporting delays and

a shift in preliminary results that took the SPLOST from apparent defeat to a razor thin victory. Roughly a billion dollars in new taxes were then assessed, the majority of which is being paid by Cobb County residents.

Also In January 2009, I sent a letter to request an investigation into the initial acquisition and certification of \$54+ million in voting equipment that is currently being used in Georgia. Over the next few months, I contacted Chris Brown of the IG office several times. He repeatedly confirmed that the IG office received my request but could not provide a status of whether the complaint was accepted for investigation or rejected. Finally, I wrote a formal letter to the State Election Board members in October requesting a response. Inspector General Lagrua replied in a December letter that the office could not locate my complaint. When I asked Chris Brown why he thought the office had my request before but not now he replied: "That's a good question."

Perhaps even more astounding is the case of 947 test votes that the Lowndes County Board of Elections certified in the 2008 general election results. Long time voting machine technician, Laura Gallegos, was charged with testing violations even though she was not present, nor had any role in the error ridden accumulation, reconciliation and certification processes. During cross examination at her hearing, SEB witness, James Long, a voting machine engineer hired by KSU, acknowledged what any legitimate investigator should have already known:

- The 947 test votes were included in the live results when an unidentified election official loaded a memory card during vote accumulation and ignored a warning indicating the card had test votes;
- None of the testing that Mrs. Gallegos performed had anything to do with the inclusion of the 947 test votes into the live results on election night;
- A machine malfunction that Mrs. Gallegos discovered and properly reported during testing caused it not to clear the test votes from that card;
- The superintendent, not Mrs. Gallegos, was responsible for matching the poll book totals to the recap of votes cast to detect potential discrepancies on election night;

Mrs. Gallegos' case was dismissed because she was never even sworn in properly as a voting machine custodian by her supervisor, Mrs. Gallegos spent thousands of dollars in attorney fees, her family suffered a foreclosure, and she was terminated from her job. LaGrua's office could have logically charged the supervisor, Deb Cox, with up to 10 or more accumulation, reconciliation, certification and other violations. However, Mrs. Cox is a well-connected Republican voter and acquaintance of Karen Handel. They had lunch together during a visit by Handel to Lowndes County.

Another politically motivated investigation involved that of Jeff Rayno, a former Chatham County Commissioner. During the December 2009 meeting, Shawn LaGrua stated that Rayno submitted forged petitions that he collected on a drive to help get another commission candidate on the ballot for the general election. Rayno determined that only one or two of 200 signatures he collected were even in question and asked to see the alleged forgeries. LaGrua could not produce any, but still recommended to the board that Rayno be referred to the office of the Attorney General for further investigation and prosecution. Board member, David Worley, sought to remove Rayno from being referred due to lack of evidence but Chairwoman Handel overrode him. She instructed another board member, Mr. Kent Webb, to make a motion and he motioned to refer Rayno to the Attorney General's office. Handel seconded the motion to pass it despite opposition from Mr. Worley. Mr Rayno's sin was that he collected signatures for a candidate who opposed Helen Stone. Stone was well acquainted with Karen Handel and escorted her around the area during a visit by Handel to Chatham County.

V. AN INEVITABLE CONCLUSION

Complaints about these investigations were filed with the State Inspector General's office which reports to Governor Sonny Perdue. They concluded: "Alleging that the SOS IG office conducts investigations based on political motivations is impossible to substantiate or refute because it lacks specificity." I don't know how there could be more specificity than the documents I provided on the Complaints tab at the Voterga.org web site. The office also found that: "The investigation techniques of an investigator ...are issues outside the purview of this office". This means that Georgians have no civil recourse for corrupted investigations.

Any remaining doubt as to whether or not this string of dubious SOS investigations is coincidental or a clear pattern of political motivation can be alleviated with a brief look into Shawn LaGrua's background. Before being hired by Handel, LaGrua was appointed as Dekalb Solicitor General by Sonny Perdue. There she investigated and prosecuted another case involving an investigator named Guy Antinozzi who she also terminated. This case was so controversial that LaGrua's investigation was actually investigated by Fulton County.

The Fulton County District Attorney uncovered evidence that LaGrua initiated a criminal investigation into Antinozzi without authorization from his or her superiors. It was also initiated before her appointment officially began and while she was still a Dekalb Assistant District Attorney. She filed criminal charges of fraudulent time reporting against Antinozzi but never confronted him or his superiors with any evidence that there was an administrative issue. The independent Fulton County investigation exonerated Guy Antinozzi of any wrongdoing although too belatedly to help him.

The investigation noted that his superiors confirmed he was authorized to work flex time and he entered his time as instructed. His superiors also confirmed that his work product was consistent, timely and of high quality while his job performance excelled above and beyond what they expected. The Fulton County investigation concluded that LaGrua's criminal investigation "was motivated by factors other than criminal conduct."

So what were those factors? Guy Antinozzi's crime was that he worked for Democrat, Gwendolyn Keyes-Fleming who had resigned her position as Solicitor General to run for District Attorney against LaGrua's superior, Republican, Jeffrey Brickman. Any type of scandal within Keyes' office, even a manufactured one, would have damaged her chances of winning. Gwen Keyes-Fleming was elected to the position anyway but the career of Guy Antinozzi, a top notch employee who had done nothing wrong, was almost totally destroyed.

LaGrua's actions in Dekalb were officially investigated more than once. When she lost the 2006 Dekalb Solicitor election, Handel created a new Inspector General position for her as she took over the SOS functions. We made Karen Handel aware of the problems with LaGrua's slanted SOS investigations but Karen chose to defend her. In the case of Jeff Rayno, she even created the prejudiced prosecution herself. Karen Handel also had to know about the Antinozzi case and Shawn LaGrua's background before she hired her.

LaGrua previously worked at Fulton County where Karen Handel, later became Fulton County Chairwoman. Prior to that, Karen Handel served as the Chief of Staff for Sonny Perdue. Just days after his office was notified of the complaints against Shawn LaGrua about these investigations, Sonny Perdue appointed LaGrua to a judgeship on the Atlanta Judicial Circuit. She will become a Fulton County Superior Court judge in July 2010.

VI. THE AFTERMATH

Many of the politically motivated bouts that Karen Handel had with the federal court system, the U.S. Justice Dept and civic organizations are somewhat famous. The cases mentioned here are lesser known, politically motivated investigations of the Handel SOS administration intended to more fully inform any reader. As these investigations were being exposed, more individuals came forward with more information about how Karen Handel ran the SOS office. The picture they paint is one depicting Karen Handel as the Hillary Clinton of Georgia Republicans.

While investigations may be politically slanted on occasion, it is obvious that those investigations should not protect potentially corrupt officials nor attempt to destroy innocent people. Ironically, while Democratic Party leadership turned a blind eye to these affairs, some grass roots conservative Republicans tried to expose the wrongdoings. They led a commendable effort to clean up corruption in their own party, which eventually resulted in over 50 articles of impeachment filed against Shawn LaGrue in the Georgia General Assembly. Republican Judiciary Chairman, Wendell Willard, received letters from at least five individuals who had first-hand knowledge and were willing to testify at an impeachment trial in support of evidence cited in the articles. He took no action.

Handel has since rightfully left the office of Secretary of State in disarray to run for governor but Georgia elections are still in disarray. There is clear evidence that she ran the SOS office for the benefit of the Republican Party and to the detriment of the people of Georgia. Her allegiance to her party over the people is unacceptable to many Georgians and even some of her fellow Republicans. Worse yet, Karen Handel, Sonny Purdue and Shawn LaGrue seem to have formed an epicenter of totalitarianism that threatens the very freedom of all Georgians.

Despite a flip flop for lobbyist dollars, obvious deception and politicizing of the SOS office (or maybe because of these things), some Republican power brokers claim that Karen Handel is "clean". Several media outlets, like the Atlanta Journal Constitution (AJC) have repeated these assertions and portray the former secretary as some new form of ethics queen. The AJC, which endorsed her bid in 2006, is particularly interesting in this regard. They did an expose on almost all of Handel's 2010 gubernatorial primary competitors but have chosen to give her a free pass and suppress virtually all these topics just previously outlined.

The media has even gone so far as to tout Handel's plans to offer her own ethics package to clean up the General Assembly. The bitter irony of it all is that the ethics issues just presented show that she may be more ethically challenged than any legislator or any other candidate seeking higher office. Since the topic of ethics is now at the forefront of Georgia politics, this report was grudgingly necessary. It is intended to do what the media should have already done in hopes that Georgians, including myself, won't get fooled again.

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