

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF GEORGIA GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON,
JOCELYN HEREDIA, and JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK SOMERVILLE,
MARK DAVIS, MARK WILLIAMS, RON
JOHNSON, JAMES COOPER, and JOHN
DOES 1-10,

Defendants.

**Civil Action No.
2:20-cv-00302-SCJ**

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs Fair Fight, Inc., Scott Berson, Jocelyn Heredia, and Jane Doe file this Motion for Summary Judgement pursuant to Fed. R. Civ. P. 56 on their sole claim that Defendants violated Section 11(b) of the Voting Rights Act of 1965, 52 U.S.C. § 10307(b). Plaintiffs submit that there are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of law. The basis for the motion is more fully set forth in the accompanying Statement of Material Facts and Brief in Support of Summary Judgment.

Respectfully submitted, this 16th day of May, 2022.

Allegra J. Lawrence
Georgia Bar No. 439797
Leslie J. Bryan
Georgia Bar No. 091175
Maia Cogen
Georgia Bar No. 832438
LAWRENCE & BUNDY LLC
1180 West Peachtree Street, Suite
1650
Atlanta, GA 30309
Telephone: (404) 400-3350
Fax: (404) 609-2504
allegra.lawrence-
hardy@lawrencebundy.com
leslie.bryan@lawrencebundy.com
maia.cogen@lawrencebundy.com

Dara Lindenbaum
Georgia Bar No. 980780
**SANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK,
P.C.**

1090 Vermont Avenue, NW, Suite 750
Washington, DC 20005
Telephone: (202) 479-1111
Fax: 202-479-1115
lindenbaum@sandlerreiff.com

/s/ Uzoma N. Nkwonta
Marc E. Elias*
Uzoma N. Nkwonta*
Christina A. Ford*
Tina Meng*
Marcos Mocine-McQueen*
Joel J. Ramirez*
Jacob Shelly*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
melias@elias.law
unkwonta@elias.law
cford@elias.law
tmeng@elias.law
mmcqueen@elias.law
jramirez@elias.law
jshelly@elias.law

Counsel for Plaintiffs
*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing *Plaintiffs' Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system, which will automatically send-e-mail notification to all counsel of record.

This 16th day of May, 2022.

/s/ Uzoma Nkwonta
Uzoma Nkwonta
Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON,
JOCELYN HEREDIA, and JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK
SOMERVILLE, MARK DAVIS,
MARK WILLIAMS, RON JOHNSON,
JAMES COOPER, and JOHN DOES 1-
10,

Defendants.

Civil Action No.
2:20-cv-00302-SCJ

**BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

PRELIMINARY STATEMENT	1
A. True the Vote’s “Validate the Vote” initiative originated from a scheme to overturn the presidential election results.	1
B. The Validate the Vote scheme transitioned from the presidential election to the Georgia runoff election.	2
C. Validate the Vote violated federal law.	4
D. Defendants’ scheme intimidated Georgia voters.	6
LEGAL STANDARD	8
ARGUMENT	8
II. Defendants engaged in voter intimidation through True the Vote’s “Validate the Vote” scheme and landmark “Georgia Elector Challenges.”	10
A. True the Vote’s “Validate the Vote” program was originally hatched to overturn the presidential election results.	11
B. After its failed attempt to overturn the presidential election results, True the Vote targeted Georgia’s runoff election.	14
C. Frivolous challenges and false accusations of unlawful conduct intimidate voters.	15
1. NCOA data cannot determine eligibility to vote.	16
2. Improper matching that misidentified voters.	17
3. Voters on the challenge lists were already registered at their new address or had not moved at all.	19
4. Voters on the challenged lists lived near or on military installations.	20
5. Challenge lists include addresses in municipalities with universities.	20
6. True the Vote ignored clear warnings and evidence that its challenge list was error prone.	21
D. True the Vote’s Validate the Vote scheme created an atmosphere of intimidation.	23
1. Offering bounties on reports of fraud and recruiting former Navy SEALs to patrol polling places is objectively intimidating.	24

2. True the Vote publicly amplified false claims and intimidating conduct.	26
3. Defendants encouraged and amplified threats of election-related vigilantism on social media.	28
E. True the Vote’s mass challenges and Validate the Vote scheme put voters in fear of adverse legal consequences and harassment.	31
III. Defendants’ affirmative defenses lack merit.	33
CONCLUSION	35

RETRIEVED FROM DEMOCRACYDOCKET.COM

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Atta v. Cisco Sys., Inc.</i> , No. 1:18-cv-1558-CC-JKL, 2019 WL 12383117 (N.D. Ga. Apr. 26, 2019)	23, 30
<i>Brooks v. Mahoney</i> , No. 4:20-cv-00281 (S.D. Ga. Nov. 11, 2020)	12, 13
<i>Celotex Corp. v. Catrett</i> , 477 U.S. 317 (1986).....	8
<i>Council on Am.-Islamic Rels.-Minn. v. Atlas Aegis, LLC</i> , 497 F. Supp. 3d 371 (D. Minn. 2020).....	28
<i>Democratic Nat’l Comm. v. Republican Nat’l Comm.</i> , 671 F. Supp. 2d 575 (D.N.J. 2009), <i>aff’d</i> , 673 F.3d 192 (3d Cir. 2012)	15, 25, 26
<i>Ga. Pac. Corp. v. Occupational Safety & Health Rev. Comm’n</i> , 25 F.3d 999 (11th Cir. 1994)	34
<i>Irby v. Bittick</i> , 44 F.3d 949 (11th Cir. 1995)	8
<i>League of United Latin Am. Citizens - Richmond Region Council 4614</i> <i>v. Pub. Int. Legal Found.</i> , No. 1:18-CV-00423, 2018 WL 3848404 (E.D. Va. Aug. 13, 2018).....	9, 31
<i>Marion v. DeKalb Cnty.</i> , 821 F. Supp. 685 (N.D. Ga. 1993).....	8
<i>Matsushita Elec. Indus. Co. v. Zenith Radio Corp.</i> , 475 U.S. 574 (1986).....	8
<i>Mont. Democratic Party v. Eaton</i> , 581 F. Supp. 2d 1077 (D. Mont. 2008).....	16

<i>Nat’l Coal. on Black Civic Participation v. Wohl</i> , 498 F. Supp. 3d 457 (S.D.N.Y. 2020)	8, 9, 10, 25
<i>Nat’l Coal. on Black Civic Participation v. Wohl</i> , 512 F. Supp. 3d 500 (S.D.N.Y. 2021)	9
<i>United States v. A Single Fam. Residence & Real Prop. Located at 900 Rio Vista Blvd., Fort Lauderdale</i> , 803 F.2d 625 (11th Cir. 1986)	30
<i>United States v. Clark</i> , 249 F. Supp. 720 (S.D. Ala. 1965)	29
<i>Washington v. Davis</i> , 426 U.S. 229 (1976).....	9
Statutes	
52 U.S.C. § 10307(b)	8
52 U.S.C. § 20507	5
O.C.G.A. § 21-2-230(h)	5
O.C.G.A. § 21-2-571	31
Other Authorities	
Fed. R. Civ. P. 56	8

PRELIMINARY STATEMENT

Since Reconstruction, opportunistic political groups and their affiliates have raised the specter of “voter fraud” to suppress votes and subvert elections. Regrettably, the 2020 election cycle added yet another chapter to this familiar story: True the Vote, a Texas organization trumpeting baseless claims of voter fraud—while banking millions of dollars—embarked on a nationwide scheme involving frivolous lawsuits and legal challenges against voters in Georgia and elsewhere, in a Hail Mary attempt to change the outcome of the presidential and Georgia runoff election in favor of Republicans. But the timing of these efforts and the absence of supporting evidence makes plain they could achieve no lawful objective; they operated solely to intimidate and harass voters.

A. True the Vote’s “Validate the Vote” initiative originated from a scheme to overturn the presidential election results.

Just two days after the 2020 general election, a donor paid True the Vote \$2 million to assist in overturning election results. Statement of Undisputed Material Fact (“SUMF”) ¶ 44. True the Vote proposed to achieve this goal through a national scheme it called “Validate the Vote.” SUMF ¶¶ 45-46. Specifically, True the Vote and its founder, Catherine Engelbrecht,¹ created a funding proposal that outlined an

¹ True the Vote and its founder and current president, Catherine Engelbrecht, are referred to collectively as “True the Vote” unless otherwise specified.

imaginary “[p]roblem” of “Democrat officials” committing “deliberate election fraud” and “counting illegal votes,” and proposed a solution that would involve True the Vote filing lawsuits around the country to “nullify the results of” targeted states’ elections—including Georgia’s—“so that the Presidential Electors c[ould] be selected in a special election or by the state legislature.” SUMF ¶ 46. Engelbrecht even suggested that she had been coordinating efforts with the Trump team, and that the campaign would pay some of True the Vote’s fees. SUMF ¶ 48.

B. The Validate the Vote scheme transitioned from the presidential election to the Georgia runoff election.

True the Vote’s scheme to overturn the presidential election failed because it was unable to produce concrete evidence of voter fraud, even after its funder repeatedly implored the organization to provide specific evidence. SUMF ¶ 53. Rather than subject the organization’s entirely baseless claims to judicial scrutiny, True the Vote abruptly dismissed all four of its federal court lawsuits challenging the presidential results (just days after filing them), and turned its “attention[] . . . towards Georgia” for the Senate runoffs, where it launched its attacks against

citizens directly; “Validate the Vote” became “Validate the Vote Georgia.” SUMF ¶ 55.²

To implement “Validate the Vote Georgia,” True the Vote offered a \$1 million “bounty” for reports of voter fraud, SUMF ¶¶ 145-148, recruited Navy SEALs to confront voters and poll workers, SUMF ¶¶ 150-151, and, with the help of individual Defendants and state Republican Party officials, launched the largest mass challenge effort in Georgia history, targeting hundreds of thousands of voters just two weeks before the January 2021 runoff election. SUMF ¶¶ 58-59, 61. These challenges relied on data from the U.S. Postal Service’s National Change of Address database (“NCOA”) and effectively accused every voter who had filed a request to forward their mail to a different address over the past several years of being unlawfully registered. SUMF ¶¶ 60-61.

But much like True the Vote’s frivolous lawsuits to overturn the presidential election, Defendants knew their “evidence” was thin from the get-go. True the Vote admitted it had no way of knowing whether voters who had filed a change of address

² True the Vote’s funder, Fred Eshelman, would eventually sue the organization, defense counsel James Bopp, the Bopp Law Firm, OpSec, and Gregg Phillips for breach of contract, fraudulent misrepresentation, and conversion. Eshelman alleged that True the Vote misspent his donation on efforts he never agreed to fund, like the “*largely baseless challenges to the eligibility of hundreds of thousands of voters in the 2021 Georgia Senate runoffs.*” SUMF n.2.

had moved away permanently, or just temporarily. SUMF ¶¶ 69-71. And when one of True the Vote’s challengers in Taliaferro County opted to investigate further, he found a list populated with eligible, lawful residents; he was so aghast that he demanded the challenges be withdrawn. SUMF ¶¶ 112-116.

What the Taliaferro County challenger discovered was no one-off problem: True the Vote prepared its bloated challenge lists as part of their plan to “build momentum through broad publicity” and “galvanize Republican” support at the expense of accuracy. SUMF ¶¶ 46, 130. Its challenge lists were riddled with substantial, obvious errors that would have given pause to anyone remotely interested in accuracy. Missing data and missing values in key fields suggest that some voters were misidentified; thousands of entries reported voter addresses near or *on* military installations and in municipalities with universities, which strongly suggests that their address changes were temporary (i.e. to attend college or for military service). SUMF ¶¶ 80-104. And the list of problems only goes on. *See infra* § I.B.1.a.

C. Validate the Vote violated federal law.

Perhaps the most obvious flaw of True the Vote’s scheme is that it asked county officials to violate well-established federal law. The National Voter Registration Act (“NVRA”) makes clear that voters cannot be removed from the

registration rolls and prevented from voting based on a change of address alone unless the following preconditions are met: either (1) the voter has confirmed in writing that their residence has changed, or (2) the voter has both failed to respond to a notice about their change of address and has not voted or appeared to vote in the last two general elections. *See* 52 U.S.C. § 20507(d)(1); *see also* TRO Order at 11-13, ECF No. 29 (rejecting Defendants’ attempts to distinguish challenges to a voter’s eligibility from challenges to a voter’s registration).

The NVRA also prohibits states from conducting “any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A). Defendants’ challenges, however, would have required county officials to do just that, within *two weeks* of the runoff election. O.C.G.A. § 21-2-230(h) (requiring that “the challenged elector’s name shall be removed” from the rolls if the challenged is based on the elector’s qualifications to remain on the “list of electors”). Given the last-minute nature of Defendants’ launch, they could not have expected the counties to complete the procedures mandated by federal law—or even to adjudicate each challenge—in time for the runoff election.

D. Defendants' scheme intimidated Georgia voters.

Defendants' scheme could achieve no lawful objective in the two-and-a-half-week period between True the Vote's public announcement of their mass challenges and the January 2021 runoff. It was supported not by evidence or law, but rather True the Vote's and its donor's desire to influence election outcomes. By True the Vote's admission, the evidence-free allegations of fraud in the Validate the Vote scheme were written "as a promotional piece," to build public momentum and galvanize support; the truth was irrelevant. SUMF ¶¶ 134, 138. And election officials could not possibly have conducted hearings on approximately 366,000 voter challenges in two weeks. Thus, the only plausible outcome of Defendants' challenges and election-subversion activities is voter harassment and intimidation.

That is precisely what happened as the challenges unfolded and voters were informed that their eligibility was in question. Plaintiffs and other voters expressed feelings of fear, anxiety, and in some cases apprehension about voting in future elections. SUMF ¶¶ 152-174. And Plaintiff Fair Fight, a political action committee dedicated to securing the voting rights of Georgians, was forced to divert resources from its get-out-the-vote activities to monitoring Defendants' challenges and assisting voters to respond, including by attending Board of Elections hearings on

the challenges, expending financial and staffing resources to collect and analyze challenge lists, and assisting voters who had been challenged. SUMF ¶¶ 1-19.

True the Vote's actions during the 2021 runoff election are textbook examples of voter intimidation. As Dr. Vernon Burton, a historian with expertise in civil rights and the American South, has explained, mass challenges "[g]rounded on unsubstantiated claims of voter fraud" and "the pretext of purifying elections" feature prominently in Georgia's well-documented history of voter suppression and discrimination in voting. SUMF ¶ 154 & n.9. In fact, voter challenge laws were historically designed to disenfranchise Black voters and were applied with devastating effect. SUMF ¶ 154 & n.9. Defendants' coordinated campaign of frivolous mass challenges, false accusations of fraudulent conduct, and encouragement of harassment of voters and election officials are common tools of voter intimidation and suppression. SUMF ¶ 154 & n.9.

Section 11(b) of the Voting Rights Act ("VRA") empowers courts to protect citizens from these types of sweeping attacks, which are objectively likely to intimidate voters. The undisputed evidence demonstrates that Defendants' mass elector challenges and other elements of the Validate the Vote program have intimidated Georgia voters, and will continue to threaten lawful voters with disenfranchisement, harassment, and fear of legal repercussions absent judicial relief

to ensure that Georgians can fully and freely participate in the electoral process. The Court should grant Plaintiffs’ motion for summary judgment.

LEGAL STANDARD

Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56. The moving party bears the initial burden, but it need not disprove the opposing party’s claims. Instead, the moving party may point out the absence of evidence to support the non-moving party’s case. *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986); *Marion v. DeKalb Cnty.*, 821 F. Supp. 685, 687 (N.D. Ga. 1993). In defending its claims, the non-moving party must do “more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). The non-moving party “must come forward with significant, probative evidence demonstrating the existence of a triable issue of fact.” *Irby v. Bittick*, 44 F.3d 949, 953 (11th Cir. 1995).

ARGUMENT

Section 11(b) of the VRA prohibits all actions or attempts to “intimidate, threaten, or coerce” any person “for voting or attempting to vote.” 52 U.S.C. § 10307(b). These expansive protections for voters reflect the VRA’s “ambitious aims of encouraging true enforcement of the Fifteenth Amendment’s promise of

unencumbered access” to the franchise. *Nat’l Coal. on Black Civic Participation v. Wohl* (“*Wohl I*”), 498 F. Supp. 3d 457, 476 (S.D.N.Y. 2020). The law targets actions that make voters “timid or fearful,” or that “inspire or affect with fear,” or “threaten” through “promise [of] punishment, reprisal, or other distress,” regardless of the perpetrator’s subjective intent. *Nat’l Coal. on Black Civic Participation v. Wohl* (“*Wohl II*”), 512 F. Supp. 3d 500, 509 (S.D.N.Y. 2021) (quoting *United States v. Piervinanzi*, 23 F.3d 670, 677 (2d Cir. 1994)).

Threats or intimidation, moreover, can appear in several forms, and subtler, nonviolent voter-related harm can give rise to a Section 11(b) violation. TRO Order at 22; *Wohl I*, 498 F. Supp. 3d at 477. For instance, “[c]onduct that ‘put[s] [an individual] in fear of harassment and interference with their right to vote’” is “sufficient to support [a] § 11(b) claim.” *Wohl II*, 512 F. Supp. 3d at 509 (citation omitted). Similarly, accusing voters of criminal conduct or suggesting that they are otherwise ineligible to vote also likely violates Section 11(b). *League of United Latin Am. Citizens - Richmond Region Council 4614 v. Pub. Int. Legal Found.* (“*LULAC*”), No. 1:18-CV-00423, 2018 WL 3848404, at *4 (E.D. Va. Aug. 13, 2018). The same is true of “actions or communications that inspire fear of economic harm, . . . privacy violations, and even surveillance,” all of which “constitute unlawful threats or intimidation under the statute.” *Wohl II*, 512 F. Supp. 3d. at 509.

Additionally, actors are “presumed to have intended the natural consequences of [their] deeds” because “[f]requently the most probative evidence” of what an actor intended to do is “objective evidence of what actually happened.” *Washington v. Davis*, 426 U.S. 229, 253 (1976) (Stevens, J., concurring). Thus, as to voter intimidation, courts will consider “[d]efendants’ prior conduct and expressed goals,” taken together with the context of those actions, to identify whether the natural outcome of those actions is voter intimidation. *Wohl I*, 498 F. Supp. 3d at 485.

True the Vote’s coordination, execution, and promotion of the largest mass challenge effort in Georgia history, and the accompanying elements of its Validate the Vote scheme—including its “bounty on fraud” and recruitment of former Navy SEALs to patrol polling stations—fall squarely within the categories of conduct proscribed by Section 11(b). Unrefuted testimony from impacted voters confirm that Defendants’ actions were highly likely to (and did in fact) “intimidate or threaten” individuals for attempting to vote, in violation of the VRA. Thus, Plaintiffs are entitled to judgment as a matter of law.

I. Defendants engaged in voter intimidation through True the Vote’s “Validate the Vote” scheme and landmark “Georgia Elector Challenges.”

Defendants’ actions violate Section 11(b)’s objective test several times over. For one, their mass challenges directly accused hundreds of thousands of voters of

unlawful activity in a manner reasonably likely to put them in fear of adverse legal consequences. These allegations were frivolous as demonstrated by numerous, obvious flaws in True the Vote’s methodology. Nevertheless, consistent with the “Validate the Vote” scheme, True the Vote pressed forward and publicized its false accusations in order to build public momentum and galvanize support—particularly from Republican officials—for unfounded claims of widespread fraud, in a cynical attempt to undermine the 2020 presidential and January 2021 runoff elections. The serious allegations lodged against the individual Plaintiffs, along with the 250,000-plus Georgia voters named in these challenges, intimidated and discouraged eligible citizens, and will continue to do so in future elections absent injunctive relief.

A. True the Vote’s “Validate the Vote” program was originally hatched to overturn the presidential election results.

“Validate the Vote,” the name given to True the Vote’s election subversion scheme, was launched two days after the November 2020 general election, when Republican donor Fred Eshelman enlisted True the Vote’s assistance in overturning the presidential election results in exchange for several million dollars. SUMF ¶ 44. In response, True the Vote prepared a proposal titled “Validate the Vote 2020.” SUMF ¶ 45-46. The plan was to highlight the purported counting of “illegal ballots . . . in Democrat counties,” which True the Vote claimed was the “result of Democrat

officials [sic] refusal to obey state election laws and counting illegal votes.” SUMF ¶ 46.

Of course, True the Vote now admits that it did not have any evidence that this “problem” actually existed. When asked whether True the Vote had evidence supporting these claims, Ms. Engelbrecht (the organization’s founder, current president, and Rule 30(b)(6) witness) said: “No, this was a *promotional piece* that was written.” SUMF ¶ 49. Nor would Ms. Engelbrecht explain why True the Vote sought to challenge the results of only the presidential election, even though the “problem” she identified would affect all ballots, including races won by Republican candidates. SUMF ¶ 49. But her own communications reveal that she was coordinating efforts with the Trump campaign and even believed at one point that the campaign would pay True the Vote’s legal fees. SUMF ¶ 48.

True the Vote nevertheless launched a comprehensive effort to gin up evidence of voter fraud in Georgia and several other “targeted states,” with the ultimate goal of forcing a “special election” where state legislatures, rather than voters, would select presidential electors, or the next president would be selected “by the U.S. House of Representatives.” SUMF ¶¶ 45-46.

The first step of this scheme was to initiate “federal civil rights lawsuit[s]” in four “targeted states,” including Georgia.³ See Compl., *Brooks v. Mahoney*, No. 4:20-cv-00281 (S.D. Ga. Nov. 11, 2020), ECF No. 1. In all four complaints, True the Vote promised to deliver evidence of “illegal votes” by “ineligible voters,” and sought to overturn each state’s election results. See, e.g., *id.* ¶ 45. The lawsuits specifically foreshadowed “sophisticated and groundbreaking analysis” using, among other tools “United States Postal Service records”—the same type of records True the Vote would use to challenge the voting rights of hundreds of thousands of Georgia residents. See, e.g., *id.* And the complaints threw in a raft of radical, evidence-free claims for good measure. In the Georgia case, for instance, True the Vote alleged that over 73,000 “votes were cast for Joe Biden in Georgia by noncitizens,” *id.* ¶ 41, a claim that similarly lacked any evidentiary support.

But True the Vote never mustered *any* proof of ineligible voting in *any* of the lawsuits it filed, despite repeated requests from its funder, Eshelman, imploring the organization to provide “real evidence” supporting their accusations. SUMF ¶ 53. Instead, True the Vote voluntarily dismissed all four cases just days after filing, prompting its funder to later file his own lawsuit accusing True the Vote of fraudulently inducing his donation and ultimately using it—not for the presidential

³ True the Vote also filed lawsuits in Michigan, Wisconsin, and Pennsylvania.

challenges as originally earmarked—but to support “largely baseless challenges to the eligibility of hundreds of thousands of voters in the 2021 Georgia Senate runoffs.” SUMF n.2.

B. After its failed attempt to overturn the presidential election results, True the Vote targeted Georgia’s runoff election.

Following dismissal of True the Vote’s frivolous “election fraud” lawsuits, True the Vote focused its attention on the runoff election. “Validate the Vote” became “Validate the Vote Georgia”: True the Vote “simply took the logo and put the word ‘Georgia’ in the center” but all key elements of the national plan remained. SUMF ¶¶ 55. To execute this plan, True the Vote enlisted OpSec Group and its founder Gregg Phillips, who gained national notoriety after the 2016 presidential election when he claimed, without any basis, that more than three million votes were cast by non-citizens. SUMF ¶ 79.⁴ True the Vote also recruited Defendants Mark Davis and Derek Somerville to serve as collaborators. SUMF ¶¶ 58-59. The U.S.

⁴ In direct contravention of this Court’s December 22, 2021 Order that “Defense Counsel shall not instruct individual and Rule 30(b)(6) witnesses to not answer questions absent compliance with applicable discovery rules and law”—an Order that was necessary after Defense Counsel repeatedly violated this rule during other depositions in this case—Defense Counsel instructed Mr. Phillips not to answer questions about his 2016 claims. Dec. 22 Order at 2, ECF No. 142; OpSec Tr. 42:3–44:19. Because these claims predated OpSec’s creation in 2020, they were necessarily asked in Mr. Phillips’s individual capacity. *See* Ex. 45, G. Phillips Dep. Notice.

Postal Service records that True the Vote alluded to in its prior lawsuits, but failed to show the courts, became the basis for a slapdash elector challenge effort in which True the Vote would accuse several hundred thousand Georgians of being registered illegally.

C. Frivolous challenges and false accusations of unlawful conduct intimidate voters.

This Court previously recognized that the frivolity of Defendants' accusations challenging the eligibility of Georgians to vote "may tend to support Plaintiffs' contentions that these challenges result *only in voter harassment and intimidation.*" TRO Order at 28 (emphasis added). The record establishes that not only were the elector challenges frivolous as a legal matter, but the challenge lists were so hastily and carelessly constructed that widespread errors were inevitable and obvious.

Undisputed evidence shows that True the Vote *knew* its challenge lists were inaccurate and included individuals who were properly registered. SUMF ¶ 66. It also *knew* that its challenges would burden registrants. SUMF ¶ 66. And yet True the Vote took virtually no precautions to minimize the number of eligible voters on their challenge lists. It was thus entirely foreseeable that eligible voters would be included in the challenge lists, would feel intimidated upon receipt of formal notice, and would reluctantly decide in the future that the safer course may be not to vote at all. SUMF ¶¶ 172-174; *Democratic Nat'l Comm. v. Republican Nat'l Comm.*, 671

F. Supp. 2d 575, 612 (D.N.J. 2009) (concluding challenged voters “may choose to refrain from voting rather than wait for the qualifications of those ahead of them to be verified, especially if the verification becomes confrontational”), *aff’d*, 673 F.3d 192 (3d Cir. 2012).

1. NCOA data cannot determine eligibility to vote.

A foundational problem with Defendants’ challenges is that they were constructed from attempts to match the state voter registration records to NCOA data showing individuals who have asked the Postal Service to forward their mail to a different address. SUMF ¶ 60-61. As Defendants admit, individuals who submit an NCOA request do not forfeit their eligibility to vote in their home jurisdiction. SUMF ¶¶ 69- 71. Thus, residency-based voter challenges “are *per se*, that is, on their face, insufficient to cancel an elector’s registration.” *Mont. Democratic Party v. Eaton*, 581 F. Supp. 2d 1077 (D. Mont. 2008).

Having started from the false premise that a voter’s eligibility can be determined from NCOA data alone, Defendants’ search for Georgia voters in the NCOA registry was disastrously fraught with incredibly poor methodology. Even OpSec acknowledges that “the import of verifying identity can’t be overstated in this case.” SUMF ¶ 85. Yet Defendants made no serious effort to do so. Their sloppy, haphazard attempt to match inadequate and incomplete data fields with no

meaningful quality control produced exactly what one would expect: a bloated challenge file rife with errors. Dr. Mayer's unrefuted expert report reviewed the challenge file and identified multiple critical errors for which Defendants are unable to provide any justification. SUMF ¶ 80-125.

2. Improper matching that misidentified voters.

The databases that True the Vote used to construct its challenge lists do not allow for foolproof matching. The public voter file that OpSec relied on includes only one unique identifier—the voter registration number—for each registered voter. SUMF ¶ 81. The file does not include any other potential unique identifiers, such as social security numbers or driver's license numbers. SUMF ¶ 81. Instead, the voter file lists a person's name, address, birth year, race, gender, registration date, and date last voted—none of which is necessarily exclusive to any one person. SUMF ¶ 81. The NCOA registry, in turn, does not include an individual's voter registration number or *any other* unique identifier. SUMF ¶ 82. Thus, the only common fields between the voter file and NCOA registry are a person's name and address, which cannot—and certainly did not—dependably identify a unique individual. SUMF ¶ 82. Thus, even if True the Vote had exactly matched all common fields between the voter file and the NCOA registry, its challenge list still would have been unreliable

because there is nothing to ensure proper reconciliation across these files to establish non-residency.

But True the Vote did not even do that much. Instead, it settled for *partial* matches between the files. SUMF ¶ 83. For example, OpSec accepted purported matches where individuals in the voter file and NCOA registry with the same first and last names had *different* middle initials or *different* name suffixes (e.g., Jr. or Sr.). SUMF ¶ 83. And OpSec did not even care to investigate how frequently this was occurring. SUMF ¶ 83. True the Vote's challenge file is also missing several sources of identification found in the State's voter registration records, including middle name or middle initial, maiden name, suffix, or birth year, which are critical when matching individual records from one database to another. SUMF ¶ 86. Instead, the only fields that appear to have been matched between the voter file and the NCOA registry are first name, last name, and address. SUMF ¶ 86. Because name and address combinations are far from unique in the voter file, this resulted in obvious errors and false matches, SUMF ¶ 87, with a disproportionate racial impact: Black voters comprise 27.3% of all individuals in the challenge file, but 40.3% of instances in which a single NCOA entry matched to multiple voter registration records. SUMF ¶ 88.

True the Vote and OpSec refused to provide more than vagaries about what,

if anything, they did to reduce these and other errors. SUMF ¶ 84.

3. Voters on the challenge lists were already registered at their new address or had not moved at all.

Dr. Mayer found at least five individuals whose registration address and “moved to” address in True the Vote’s challenge file are identical, meaning that the voter had not moved at all. SUMF ¶¶ 89-90. Mr. Phillips admitted that he knew these errors were in the challenge file and that they should have been removed—and yet they were not. SUMF ¶ 89. Mr. Phillips also admitted that he knew voter registrations remain valid where a voter moves within the same county, SUMF ¶ 97, and yet Dr. Mayer found 145 examples where a challenged individual’s registration address and “moved to” address were in the same county. SUMF ¶ 98.

Dr. Mayer also found 6,377 entries where individuals had re-registered at their new address—where they were challenged for having moved to. In other words, True the Vote inexplicably challenged the eligibility of voters who were registered at the very address that True the Vote alleged to be their new home. SUMF ¶ 99. Mr. Phillips testified that True the Vote’s approach to this issue was to throw up their hands and make it someone else’s problem: “[Reviewing for this error] was beyond our capacity so in that case what we would say is submit the challenge and let the county figure it out.” SUMF ¶ 123.

4. Voters on the challenged lists lived near or on military installations.

Defendants knew that Georgia residents who relocate temporarily for military service remain eligible to vote in Georgia. SUMF ¶ 105. Indeed, the only consistent explanation Defendants have provided about how they refined the accuracy of their challenge file is their claim to have removed military voters. SUMF ¶ 105. And yet, Dr. Mayer found 22,956 challenged voters who, according to True the Vote's challenge file, moved to an address near a military installation, including 397 registrants who are listed as living *on* a military base. SUMF ¶ 106. When asked what further analysis True the Vote performed to identify whether military voters who moved to a base retained their eligibility to vote in Georgia, Mr. Phillips admitted the obvious: "We didn't." SUMF ¶ 107.

5. Challenge lists include addresses in municipalities with universities.

True the Vote made no attempt to remove from the challenge lists the names of individuals who had temporarily relocated to attend a college or university. Again, Defendants knew that students remain eligible to vote at their home address. SUMF ¶ 108. Yet they did nothing to screen these individuals from the challenge file.

Dr. Mayer ultimately found 35,056 registrants in the challenge file that were alleged to have moved to a city containing academic institutions that Georgia

residents regularly attend. SUMF ¶ 109. In all, 57,534 registrants in the challenge file—22.9% of the entire list—are alleged to have moved to or near a military installation, or to a municipality with a college or university. SUMF ¶ 110.

6. True the Vote ignored clear warnings and evidence that its challenge list was error prone.

True the Vote’s own recruited challenger and two of its close allies warned the organization of obvious errors in its challenge list to no avail. In Taliaferro County, recruited challenger Joe Martin—who was also the Chair of the Taliaferro County Republican Party—became suspicious upon reviewing the list of 37 names that True the Vote asked him to challenge, and asked: “[H]ow did this list come about? Where did this list come from? Who generated the list?” SUMF ¶ 113.⁵ Rather than challenge all 37 individuals on True the Vote’s Taliaferro County list, Mr. Martin winnowed the list himself and chose to submit letters challenging only the three registrants on the list who had requested an absentee ballot for the runoff elections. SUMF ¶ 114. But Mr. Martin soon discovered that even this small subset was faulty: the three challenged voters were all elderly individuals who either lived

⁵ True the Vote’s regular practice was to submit challenges under a volunteer’s name using a True the Vote email account without telling the volunteer who was being challenged. SUMF ¶ 112. Mr. Martin requested the list of Taliaferro voters before submitting the challenge.

in Taliaferro County or maintained a homestead exemption there, and thus were properly registered. SUMF ¶ 115.

Upon learning this information, Mr. Martin promptly withdrew all challenges and informed True the Vote about the problems with its challenge list: “My experience with the True the Vote data base has not been good,” he wrote in an email, because of “[c]oncerns with the quality of your information.” SUMF ¶ 116. After summarizing the relevant events, he repeated again, “Impact of [] challenges. Not good! Indicates problem with data accuracy and relevance.” SUMF ¶ 116.⁶ Without telling Mr. Martin it was doing so, True the Vote nonetheless challenged all 37 individuals in the Taliaferro County challenge list under Mr. Martin’s signature, SUMF ¶ 117-118, and was subsequently forced to withdraw these challenges in response to complaints from Mr. Martin.

Defendant Mark Davis gave further warnings. While generally supportive of challenge efforts, Davis “took exception” with True the Vote’s challenge methodology. SUMF ¶ 120. A smaller, more focused list, Mr. Davis believed, would have been “more legitimate.” SUMF ¶ 120. But True the Vote insisted on “including as many records as possible [in its] challenge.” SUMF ¶ 121.

⁶ Notably, Mr. Martin—the only challenger who requested to see the list of individuals to be challenged in his county—was also the one challenger to request that his challenges be withdrawn. SUMF n.6.

Regrettably, Mr. Davis created his own challenge file of nearly 40,000 registrants and failed to heed his own advice by neglecting to perform any other review of his NCOA match to remove college students or other potentially eligible voters. SUMF ¶¶ 122, 124. While Mr. Davis and True the Vote were each disinterested in the problems with their own challenge lists, they had no trouble recognizing the flaws in each other's. Mr. Phillips (True the Vote's analyst) specifically criticized Mr. Davis's approach for failing to verify the identity of individuals on the voter rolls before matching to the NCOA. SUMF ¶ 125. His assessment of Mr. Davis's list was blunt: "This is bad process." SUMF ¶ 125.⁷

D. True the Vote's Validate the Vote scheme created an atmosphere of intimidation.

Apart from its frivolous voter challenges, True the Vote announced—just over two weeks before the runoff election—that the Validate the Vote scheme it had adapted to Georgia was “the most comprehensive ballot security effort in Georgia history.” Dec. 15 Press Release. The scheme involved offering “bounties” enticing

⁷ Immediately after Mr. Phillips made this candid admission, counsel for Defendants went off the record over Plaintiffs' counsel's objection and while a question was pending to coach the witness not to share any further criticisms of Mr. Davis's approach. Mid-deposition conferences between counsel and witness are not allowed for this purpose, *see Atta v. Cisco Sys., Inc.*, No. 1:18-cv-1558-CC-JKL, 2019 WL 12383117, at *3 (N.D. Ga. Apr. 26, 2019), and so the Court should not permit Defendants to dispute Mr. Phillips's view that Mr. Davis's challenge process was invalid and unreliable.

Georgians to report their fellow citizens for alleged fraud, and recruiting Navy SEALs to monitor polling places and insert themselves in interactions with poll workers and voters. These actions amplified the atmosphere of intimidation that True the Vote itself had helped to create.

1. Offering bounties on reports of fraud and recruiting former Navy SEALs to patrol polling places is objectively intimidating.

Ms. Engelbrecht was concerned that voters would not come forward with allegations of fraud, ironically, because of the atmosphere of intimidation surrounding the election. In her own words, she was “troubled” by the intimidation suffered by electors. SUMF ¶ 145. Recognizing the “chilling effect” such an environment could have, SUMF ¶ 145, Ms. Engelbrecht decided that she needed to “put[] a bounty on the fraud.” SUMF ¶¶ 147-148. So True the Vote announced a whistleblower fund in excess of \$1 million. SUMF ¶ 146. But as Dr. Burton’s unrefuted expert report explains, bounties historically have been “used to direct suspicion around minority voters” by “incentivizing individuals to create or suspect fraud where there may have been none.” SUMF ¶ 147. Nevertheless, Ms. Engelbrecht promoted the bounty in press releases and on her podcast, repeating that “Validate the Vote is about [] putting a bounty on the fraud.” SUMF ¶ 148.

The bounty encouraged the public to monitor fellow citizens’ voting activities,

which is yet another form of intimidation. The impact of such activities is readily apparent when viewed against the backdrop of Georgia’s history of discriminatory practices rooted in false claims of voter fraud used to disenfranchise Black citizens. *See Wohl I*, 498 F. Supp. 3d at 483 & n.23 (assessing the history of discriminatory practices implicated by the conduct in question, in assessing voter intimidation claim); SUMF ¶ 154 & n.9. Thus, “in context, it is not difficult to see how” True the Vote’s monetary exchange for alleged information about voter misconduct “may cause reasonable Black voters to resist voting out of fear.” *Wohl I*, 498 F. Supp. 3d at 483; Turner Decl. ¶ 11.

True the Vote also promoted a plan to send former combat-trained veterans to polling places precisely because of their intimidating presence. As Ms. Engelbrecht described it, polling places “need[ed] people who were unafraid to call it like they see it,” and if “[y]ou want to talk about people who understand and respect law and order and chain of command, you get some S[EALS] in those polls,” especially so those SEALS could “interact with voters.” SUMF ¶ 151,. Courts have long recognized that these types of “ballot security” measures are likely to intimidate voters, particularly racial minorities who have all too often been the target of these schemes. As one court concluded, a Republican National Committee “ballot security” program that involved “posting off-duty sheriffs and policemen . . . at

polling places in minority precincts”—which for decades had been prohibited under a consent decree—would disenfranchise even those voters whose eligibility was not questioned. *Democratic Nat’l Comm. v. Republican Nat’l Comm.*, 671 F. Supp. 2d 575, 579, 612 (D.N.J. 2009). “Some voters—especially in minority districts where the legacy of racism and history of clashes between the population and authorities has given rise to a suspicion of police and other officials—may choose to refrain from voting rather than wait for the qualifications of those ahead of them to be verified, especially if the verification process becomes confrontational.” *Id.*

2. True the Vote publicly amplified false claims and intimidating conduct.

True the Vote’s press releases and other communications surrounding its campaign in Georgia were designed to “[b]uild public momentum through broad publicity”—a tactic detailed in True the Vote’s Validate the Vote proposal—but misrepresented facts and exaggerated its already bloated allegations of fraud for “promotional purposes.” SUMF ¶ 130. In its December 18, 2020 press release, for instance, True the Vote announced that it had “partner[ed] with Georgians in every county to preemptively challenge 364,541 potentially ineligible voters” in 159 counties. SUMF ¶ 131. Like several other press releases, this one too was part of the Validate the Vote plan to “[b]uild public momentum through broad publicity,” SUMF ¶ 46, and was false, SUMF ¶ 131. True the Vote simply wanted the public to

believe that it was targeting voters in every county. In reality, it had not yet recruited challengers in all or even half of all counties by the time it issued that press release. SUMF ¶ 131.

Ironically, True the Vote's attempts to foment public support for the Validate the Vote scheme stoked the very environment Ms. Engelbrecht recognized was intimidating to voters. She publicly "offer[ed] tips to ordinary Americans to prevent the Democrat plan to steal the election in 2020," SUMF ¶ 134—a plan referenced in True the Vote's Validate the Vote proposal. And despite True the Vote's assertions that the Georgia Elector Challenges did not accuse any voter of "act[ing] improperly" or seek to "remove people . . . from the voter rolls," SUMF ¶ 135, its public communications did just that. Recruiting emails from True the Vote alleged that 99.9% of the voters on the challenged list were incorrectly registered and that if the challenges had occurred in October, "it is very likely Trump would have won Georgia." SUMF ¶ 136. Volunteers wrote back that True the Vote could use their names and signature to "purg[e] the rolls of the deceased, nonexistent and nonresidents of my county." SUMF ¶ 137. Unsurprisingly, True the Vote did not

correct these assumptions or otherwise suggest that these challengers had the wrong idea.⁸

3. Defendants encouraged and amplified threats of election-related vigilantism on social media.

Defendants also used or expressed support for threatening rhetoric on social media. For instance, Mr. Somerville and Mr. Davis published a Facebook post about voters registered with UPS store P.O. boxes, and someone commented “I think a search warrant is in order here,” to which Mr. Davis responded, “great idea!” SUMF ¶ 140. Another individual commented on this post, “[l]et’s see if any one has the balls to prosecute to the max or if they will just get a hand slap!” SUMF ¶ 140. Some comments went even further, expressing a desire to physically harm voters who allegedly violated the state’s election laws. One individual left the comment, “Hang that prick!!!” in reference to a post by Mr. Somerville and Mr. Davis about a voter who appeared to be registered in Georgia and another state. SUMF ¶ 140.

⁸ In keeping with its habit of overstating facts and figures for “promotional” reasons, True the Vote’s recruitment email stated that the challenge list was “99.9 percent likely to be incorrectly registered.” SUMF ¶ 135. The email also stated that True the Vote had identified over 500,000 people on the Georgia voter rolls “that shouldn’t be there.” SUMF ¶ 135. But in her deposition, Engelbrecht stated that the 500,000 number was incorrect and that True the Vote had no way of knowing whether the 99.9 percent figure was correct. SUMF ¶ 135.

All of these messages, which promote criminal prosecution of voters or vigilantism, reflect objectively threatening and intimidating rhetoric supported by Defendants, especially in the context of the “highly divided—and often outright dangerous—environment [the] election season ha[d] fomented.” TRO Order at 26; *see also Council on Am.-Islamic Rels.-Minn. v. Atlas Aegis, LLC*, 497 F. Supp. 3d 371, 379 (D. Minn. 2020) (finding that “[t]he presence of armed ‘guards’ at the polls with no connection to state government is certainly likely to intimidate voters”); *United States v. Clark*, 249 F. Supp. 720, 728 (S.D. Ala. 1965) (finding local sheriff using his law enforcement power “highly intimidatory and coercive” to Black voters).

In yet another example, an organization affiliated with Ms. Engelbrecht and True the Vote publicly threatened to publish the names of all challenged voters. On December 20, 2020—shortly after True the Vote submitted the bulk of its Georgia Elector Challenges—a Twitter account titled “Crusade for Freedom” posted on Twitter: “We just prospectively challenged the eligibility of 360,000 voters in GA. Largest single election challenge in Georgia and American history.” SUMF ¶ 141. Two days later, Crusade for Freedom tweeted: “If the Georgia counties refuse to handle the challenges of 366,000 ineligible voters in accordance with the law, I plan

to release the entire list so America can do the QC.” SUMF ¶ 141. Both tweets added the hashtags #eyesonGA and #validatethevoteGA.

Ms. Engelbrecht admitted that these hashtags mirrored the slogans appearing on several True the Vote documents, an internal invoice between OpSec and True the Vote, and the phrase “validate the vote” was in fact the slogan recommended to True the Vote by a private donor’s consultant. SUMF ¶ 56. Ms. Engelbrecht also admitted that Crusade for Freedom’s logo in its tweets matched the logo in a Facebook post from an organization named Time for a Hero—which was founded by Ms. Engelbrecht and Mr. Phillips—that promised, “Crusade for Freedom coming soon.” SUMF ¶ 142.⁹

Only a week after Crusade for Freedom’s threat to publish the names of challenged voters, Mr. Davis and Mr. Somerville expressed concern that Ms. Engelbrecht would post complaints and challenges of voters on a website. On

⁹ While a question was pending in Ms. Engelbrecht’s deposition about Time for a Hero’s social media posts, defense counsel instructed Ms. Engelbrecht to turn off her video and audio and conferred with Ms. Engelbrecht over Plaintiffs’ counsel’s objection. Because of defense counsel’s improper conduct, *see Atta*, 2019 WL 12383117, at *3, the Court should draw all inferences regarding Ms. Engelbrecht’s involvement in Time for a Hero, Time for a Hero’s relationship with True the Vote, and the Crusade for Freedom tweets in Plaintiffs’ favor. *See United States v. A Single Fam. Residence & Real Prop. Located at 900 Rio Vista Blvd., Fort Lauderdale*, 803 F.2d 625, 630 n.4 (11th Cir. 1986) (concluding “[t]he district court drew a permissible inference” from deponent’s failure to testify “that [deponent’s] testimony would not have been favorable to the claim”).

December 30, 2020, Mr. Davis texted Mr. Somerville, “Derek, we need to stop this. If they publish they will be flooded with defamation complaints.” SUMF ¶ 143. Further, publishing the names would “literally mak[e] good on one of the ‘Threats’ alleged in [Plaintiffs’] complaint.” SUMF ¶144. The threat of publishing names of challenged voters and corresponding allegations that they are ineligible to vote is unquestionably intimidating, as Mr. Davis and Mr. Somerville themselves have admitted. SUMF ¶ 143-145. Such largescale attempts by Defendants to link voters’ names and personal information to condemnations of unlawful voter registration, leading to “adverse publicity, intimidation, embarrassment, [or] fear of harassment associated with their participation in the electoral process” constitute voter intimidation under Section 11(b). *See LULAC*, 2018 WL 3848404, at *1.

E. True the Vote’s mass challenges and Validate the Vote scheme put voters in fear of adverse legal consequences and harassment.

Accusations of illegal conduct are serious. Under Georgia law, a person who “does not possess all the qualifications” to vote commits a felony by knowingly casting a ballot. O.C.G.A. § 21-2-571; *see also id.* § 21-2-573. Punishment can include imprisonment for up to 10 years and fines up to \$100,000. *Id.* § 21-2-571; *see also id.* § 21-2-573. And even if a Georgian does not know the specific consequences they may face for registering or voting illegally, it is common knowledge that doing so is a punishable crime.

Even frivolous challenges to a voter's eligibility can raise fears of adverse legal consequences and intimidate voters. As Dr. Mayer explains, "voters whose eligibility is challenged may perceive a legal risk if they vote, which . . . dramatically increases the cost of voting and discourages turnout even if the individual is eligible." SUMF ¶ 152. This risk is particularly acute for low-information voters or voters of lower socioeconomic status who may lack the resources to navigate the law or understand whether they remain eligible to vote despite being formally challenged. SUMF ¶ 153. Similarly, Dr. Burton explains that "voters may be reasonably hesitant to arrive at the polls to 'prove' their eligibility if [they have] been challenged," particularly in Georgia, which has "launched numerous investigations into voters accused of wrongdoing" over the past decade. SUMF ¶ 154-174.

Voters who were targets of Defendants' challenges expressed feelings of fear, anxiety, and outright intimidation. Plaintiff Jane Doe feared that she or her family would become the target of harassment from Defendants and their supporters if she voted. SUMF ¶ 155. Plaintiff Jocelyn Heredia testified that she was "the only Hispanic" in line at her polling place, and being pulled aside because of the legal challenge "made [her] feel intimidated." SUMF ¶ 158. Ms. Heredia's name was publicly listed as a "challenged voter" on Banks County's website for six months. SUMF ¶ 158. Gamaliel Turner found the experience of being challenged to be

“scary, confusing, and intimidating.” SUMF ¶ 172. As a Black voter growing up in the segregation era, thinking about his experience in the January runoff elections “gives [him] PTSD.” SUMF ¶ 173. Mr. Turner wonders “if it is even worth trying to vote again given the trouble that the voter challenge has caused [him].” SUMF ¶ 174. And the list goes on. SUMF ¶ 163-166. Defendants’ conduct was not just objectively intimidated, it struck fear in lifelong Georgia residents and lawful voters.

II. Defendants’ affirmative defenses lack merit.

When confronted with the obvious consequences of their election subversion scheme, Defendants raised several defenses that misinterpret the VRA and misapply (or ignore entirely) settled precedent, including that: (1) the First Amendment bars relief for voter intimidation; (2) that enforcement of Section 11(b) itself violates the right to vote; and (3) that Section 11(b) would be unconstitutionally vague absent a requirement that Plaintiffs prove intent. The Court rejected these arguments already, and there is no reason for it to revisit its decision.

First, Defendants’ free speech argument fails because Defendants’ conduct at issue is not protected by the First Amendment. As this Court explained, the First Amendment does not protect “true threats,” TRO Order at 17, and even if it did, “preventing voter intimidation and election fraud” is a sufficiently compelling state

interest to survive strict scrutiny under the First Amendment. *Id.* (quoting *Burson v. Freeman*, 504 U.S. 191, 206 (1992)).

Second, Defendants’ argument that the VRA protects their right to keep others from voting turns the landmark civil rights legislation and decades of settled precedent on their head. This Court correctly observed that Defendants’ up-is-down theory is unprecedented in suggesting that those who would prevent others from voting are the real victims of voter suppression. *See* ECF No. 111. at 16–17 & n.9.

Finally, this Court concluded that “a plaintiff need not show animus or an intent to harass or intimidate to succeed on a Section 11(b) claim,” for good reason: the plain language of the statute imposes no such requirement; courts have repeatedly interpreted Section 11(b) to require no showing of intent and have rejected the notion that the terms intimidate, threaten, and coerce are vague. TRO Order at 23. In other words, this is not a case in which a person “of common intelligence must necessarily guess” as to whether a specific act is proscribed by statute—the standard for unconstitutional vagueness. *Ga. Pac. Corp. v. Occupational Safety & Health Rev. Comm’n*, 25 F.3d 999, 1005 (11th Cir. 1994).

The Court should therefore reject Defendants’ affirmative defenses, and grant Plaintiffs’ motion for summary judgment.

CONCLUSION

For the foregoing reasons, Plaintiffs are entitled to summary judgment.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Respectfully submitted, this 16th day of May, 2022.

Allegra J. Lawrence
Georgia Bar No. 439797
Leslie J. Bryan
Georgia Bar No. 091175
Maia Cogen
Georgia Bar No. 832438
LAWRENCE & BUNDY LLC
1180 West Peachtree Street, Suite 1650
Atlanta, GA 30309
Telephone: (404) 400-3350
Fax: (404) 609-2504
allegra.lawrence-
hardy@lawrencebundy.com
leslie.bryan@lawrencebundy.com
maia.cogen@lawrencebundy.com

Dara Lindenbaum
Georgia Bar No. 980780
**SANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK,
P.C.**
1090 Vermont Avenue, NW, Suite 750
Washington, DC 20005
Telephone: (202) 479-1111
Fax: 202-479-1115
lindenbaum@sandlerreiff.com

/s/ Uzoma N. Nkwonta
Marc E. Elias*
Uzoma N. Nkwonta*
Christina A. Ford*
Tina Meng*
Marcos Mocine-McQueen*
Joel J. Ramirez*
Jacob Shelly*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
melias@elias.law
unkwonta@elias.law
cford@elias.law
tmeng@elias.law
mmcqueen@elias.law
jramirez@elias.law
jshelly@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing *Brief in Support of Plaintiffs' Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system, which will automatically send-e-mail notification to all counsel of record.

This 16th day of May, 2022.

/s/ Uzoma Nkwonta
Uzoma Nkwonta
Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), N.D. Ga., I hereby certify that the foregoing ***Brief in Support of Plaintiffs' Motion for Summary Judgment*** has been prepared in accordance with the font type and margin requirements of LR 5.1, N.D. Ga., using a font type of Times New Roman and a point size of 14.

This 16th day of May, 2022

/s/ Uzoma N. Nkwonta
Uzoma N. Nkwonta

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON,
JOCELYN HEREDIA, and JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK
SOMERVILLE, MARK DAVIS, MARK
WILLIAMS, RON JOHNSON, JAMES
COOPER, and JOHN DOES 1-10,

Defendants.

**Civil Action No.
2:20-cv-00302-SCJ**

PLAINTIFFS' STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, Plaintiffs Fair Fight, Inc., Scott Berson, Jocelyn Heredia, and Jane Doe, by and through counsel, offer the following undisputed material facts:

I. The Plaintiffs

A. Fair Fight

1. Plaintiff Fair Fight, Inc. is a political action committee with a non-contribution account, commonly known as a Hybrid PAC, registered with the Federal Election Commission, the Georgia Government Transparency and

Campaign Finance Commission, and various state campaign finance regulators. Ex. 15, Fair Fight Declaration (“Decl.”) ¶ 3.

2. Part of Fair Fight’s mission is to secure the voting rights of Georgians, which includes advocating for voter engagement and voter turn-out, particularly among young people and people of color. *Id.* ¶ 4.

3. Fair Fight’s voter engagement activities include efforts to support and elect pro-voting rights progressive leaders. To encourage voter participation, Fair Fight also conducts programmatic activities including the preparation and sponsorship of digital advertising, mailings, phone banks and calls, and text messaging. *Id.* ¶ 5.

4. Fair Fight also raises money and provides funding for voter engagement activities. *Id.* ¶ 5.

5. For the 2020 general election and the runoff election conducted on January 5, 2021, Fair Fight engaged in voter participation work including educating voters about the voting process, engaging in get-out-the-vote activities, monitoring long lines at polling locations, and helping voters navigate the absentee ballot process. *Id.* ¶ 6.

6. On December 14, 2020, the first day of early voting, Fair Fight learned from a True the Vote press release that True the Vote and the Georgia Republican

Party were partnering to engage in what they termed as “the most comprehensive ballot security initiative in Georgia history.” *Id.* ¶ 7

7. On December 18, Fair Fight learned from a True the Vote press release that True the Vote, and groups of individuals working in concert with True the Vote, including the other Defendants in this case, intended to mount challenges to the eligibility of hundreds of thousands of Georgians to cast their votes in the runoff election. *Id.* ¶ 8.

8. Upon learning about Defendants’ challenges, Fair Fight was forced to redirect efforts of its staff and volunteers to combat Defendants’ actions targeted at limiting ballot access. *Id.* ¶ 10.

9. Specifically, Fair Fight reallocated staff from its voter mobilization activities described above to instead monitoring Georgia’s 159 counties to determine which counties received challenges that Defendants were supporting. That monitoring included in some instances physically attending the Board of Elections hearings on Defendants’ challenges, attempting to learn which voters were being challenged, advocating against those challenges, reporting back to Fair Fight the results of those challenges, and, through a phonebank, and then attempting to inform challenged voters of their rights. *Id.* ¶ 11.

10. During this time, Fair Fight expended additional financial resources in

promoting the Voter Protection Hotline so that voters could obtain assistance if they were challenged, and but for Defendants' actions, Fair Fight would not have expended as many financial resources to this effort and otherwise could have allocated these funds to its get out the vote program. *Id.* ¶ 12.

11. Fair Fight also expended significant financial and staff resources to collect and analyze the challenge lists, some of which they obtained only from attending these Board of Elections challenge hearings. *Id.* ¶ 13.

12. In addition to committing Fair Fight's paid staff to track and respond to Defendants efforts, Fair Fight also redirected its volunteers' time. Fair Fight had organized a large group of volunteers to gather information about general voting logistics, including confirming with counties their early voting locations, dates, and hours for runoff elections. During this time, Fair Fight volunteers were also advocating for extending early voting opportunities, but because of Defendants' challenges, Fair Fight was forced to redirect the above-described efforts of its volunteers to, instead, reaching out to voters on Defendants' challenge lists and attending Boards of Elections meetings, some in-person, across the state. That re-direction of effort required extensive Fair Fight staff involvement coordinate volunteers and took staff away from their voter engagement activities. *Id.* ¶ 14.

13. Because True the Vote and other Defendants in this action have indicated they will continue to file similar challenges in the future, after the Runoff Election, Fair Fight turned its challenge tracking effort into an operational program called Democracy Watch, in order to respond to unlawful voter challenges if and when they are filed, advocate on the voters' behalf, and educate voters about their rights if they are challenged. *Id.* ¶ 15.

14. Democracy Watch is now operational in 31 Georgia counties. By August 2022, it will be operational in 50 counties. *Id.* ¶ 16.

15. Democracy Watch is monitored and overseen by Fair Fight's Research and Voter Protection Staff, and it requires a substantial number of Fair Fight volunteers to operate. To run Democracy Watch, Fair Fight has had to hire two additional staff members and has fully allocated five staff members to oversee the program. These staff hires command a significant portion of Fair Fight's resources. *Id.* ¶ 17. If Fair Fight's Research Staff did not have to oversee the Democracy Watch program, Fair Fight would allocate their time to educating voters about election administration changes, researching better methods to turn out voters, and counteracting election disinformation efforts. *Id.* ¶ 18.

16. Similarly, if Fair Fight's volunteers were not asked to participate in Democracy Watch, Fair Fight would be able to redirect their time to more traditional

voter engagement activities, such voter mobilization and voter education. To date, Fair Fight has limited its voter education efforts to the State of Georgia due to limited volunteer capacity. Absent the drain on its resources caused by Defendants' challenges, Fair Fight would expand its voter education efforts to other states. *Id.* ¶ 19.

17. Fair Fight has also been forced to direct additional funds to promote and educate the public about the Voter Protection Hotline, which voters can call if they find themselves the subject of a voter challenge. This promotion has cost Fair Fight hundreds of thousands of dollars. If Fair Fight did not have to expend these funds on directing voters to resources, should they be challenged, they would have allocated them towards their get out the vote program. *Id.* ¶ 20.

18. Unless and until this litigation is successful, Fair Fight will continue to divert significant staff resources, volunteer time, and money combatting True the Vote and its cooperators' efforts to intimidate voters and restrict access to the polls. *Id.* ¶ 21.

19. The actions that Fair Fight has to take to counteract Defendants' challenges and intimidation are not actions Fair Fight has taken in the past, and as described above, such actions are necessitated by, Defendants' wrongdoing at the center of this case. *See supra* ¶¶ 1-18.

B. Jocelyn Heredia

20. Plaintiff Jocelyn Heredia is a resident and registered voter in Banks County Georgia. Ex. 8, Jocelyn Heredia Dep. Tr. (“Heredia Tr.”) at 11:19-25.

21. In January of 2020, Ms. Heredia submitted a change of address form to USPS when she moved temporarily from her residence in Banks County to be closer to Atlanta for a job. *Id.* 12:17-25.

22. She returned to her Banks County residence in March 2020, where she has resided ever since. *Id.*

23. Ms. Heredia learned that her vote was being challenged when she went to cast her in-person ballot for the runoff election in January 2021. She felt intimidated that she was being targeted in this way, particularly as a person of color in a predominantly white county. *Id.* 44:12-45:8.

24. When Ms. Heredia was pulled aside at her polling location because of Defendants’ challenge, she was one of only two persons of color in polling place line, and the second person of color was pulled aside as well. *Id.* 44:21-45:8.

25. Ms. Heredia was also listed as a “challenged voter” on Banks County’s website for at least six months. *Id.* 31:24-32:3; 61:17-62:20.

26. Ms. Heredia felt intimidated throughout her voting experience both because the legal implications of being challenged were unclear to her, and she also felt she was being targeted as a person of color. *Id.* 44:12-45:8.

27. According to the challenge list obtained from the Banks County website, Ms. Heredia was challenged by both Jerry Boling and Dan Gassaway. Ex. 30, Banks County Challenge List. Jerry Boling was True the Vote's challenge volunteer for Banks County, *see* Ex. 31, True the Vote County Challenger List, and Dan Gassaway was a volunteer challenger who submitted Mr. Davis and Mr. Somerville's challenge lists. Ex. 32, Davis and Somerville County Challenger List.

C. Jane Doe

28. Plaintiff Jane Doe is a resident and registered voter in Clarke County, Georgia. Ex. 16, Jane Doe Decl. ¶ 2.

29. While Jane Doe's permanent residence is in Georgia, and Jane Doe is presently located in Georgia, in 2020, Jane Doe split her time between Georgia and another state where her spouse had accepted a short-term career opportunity. *Id.* ¶ 3.

30. To ensure she would not miss any mail while she was away, Jane Doe completed a USPS change of address form to forward her mail to her spouse's out-of-state address. *Id.* ¶ 4.

31. Jane Doe never intended to give up her residency in Georgia—she still owns a home there, pays taxes in Georgia, and worked in Georgia. *Id.*

32. Jane Doe's name and address appeared on a challenge list prepared by True the Vote and submitted by one of its volunteers named Gordon Rhoden. *Id.* ¶ 5.

33. When Jane Doe learned of the challenge, she was extremely upset because it felt like someone was trying to deprive her of her right to vote—in a very public way. *Id.*

34. Because Defendants claimed that Jane Doe is not eligible to vote, and because Defendants' list containing Jane Doe's name and address had been published online, Jane Doe feared that Defendants and their supporters would subject her to harassment for voting. This fear was based on her own observations of events that occurred in Georgia following the November 2020 election, including reports of the state's election workers getting harassed, threatened, and doxed. *Id.* ¶¶ 7-8.

35. Even though Jane Doe was able to vote in the Runoff Election, the experience of being challenged was stressful. She feared that she could—or her family could—become the next target of harassment from True the Vote and their supporters for having voted, especially because her name and address had

been published online and she had been publicly identified as a challenged voter.

Id. ¶ 9.

36. Although Jane Doe has been fully settled back in Georgia since July 2021, even today her name can be found online as a challenged voter in Clarke County, and she thus fears that she will be challenged again in future elections and that her eligibility to vote will be questioned. *Id.* ¶¶ 10-11.

37. Jane Doe believes that she should not have to worry about being targeted or facing retribution for exercising her right to vote. *Id.* ¶ 12.

II. Defendants collaborated with True the Vote to implement its Validate the Vote scheme in Georgia, and coordinated the largest mass challenge effort in Georgia history.

38. True the Vote is a Texas-based organization founded by Catherine Engelbrecht, who is also its current president. Ex. 12, True the Vote / Catherine Engelbrecht Dep. Tr. (“TTV/Engelbrecht Tr.”) 22:17-20. True the Vote describes itself as a 501(c)(3) organization, but has frequently collaborated with Republican party officials to monitor polling places and challenge voters, among other activities. *See, e.g.*, TTV/Engelbrecht Tr. 112:2-13. True the Vote has been accused of voter intimidation dating back to 2012, including members of Congress Ex. 33, Elijah Cummings 2012 Letter.

39. Derek Somerville is a resident of Georgia who, in the weeks leading up to Georgia's January 2021 runoff, was also involved in analyzing voter address information and coordinating efforts to challenge the eligibility of tens of thousands of voters across the state of Georgia. Ex. 10, Derek Somerville Reopened Dep. Tr. ("Somerville II Tr.") 68:3-16. Over several weeks, Mr. Somerville participated in around a dozen calls with True the Vote, and participated in two or three calls with Ms. Engelbrecht. *Id.* 91:5-12. Mr. Somerville also personally met with Ms. Engelbrecht on at least one occasion, and had half a dozen conversations with Ms. Engelbrecht on the phone on a one-on-one basis. *Id.* 91:9-15. Mr. Somerville also admits that he had, on at least one occasion, told Ms. Engelbrecht that he thought True the Vote's challenge strategy was broad, *id.* 94:11-16, and had copied Ms. Engelbrecht on emails he sent out about voter challenges in an attempt to influence True the Vote's tone on this topic, *id.* 122:8-10.

40. Mark Davis worked collaboratively with Mr. Somerville in analyzing voter data and coordinating efforts to challenge the eligibility of tens of thousands of voters. *Id.* 68:3-16; Ex. 6, Mark Davis First Dep. Tr. ("Davis I Tr.") 45:1-8. At some point, Mr. Davis had a phone call with Mr. Gregg Phillips where Mr. Davis provided Mr. Phillips with a primer on voter data in Georgia and gave Mr. Phillips information to "get started" with analysis into challenges. Davis I Tr. 49:12-50:21.

41. Mark Williams is also a Georgia resident who assisted with the printing of challenge letters that True the Vote would then send to individual counties in support of True the Vote's voter challenges. Ex. 3, Mark Williams Dep. Tr. ("Williams Tr.") 19:4-12. In particular, True the Vote would send Mr. Williams compiled lists of challenged voters, and Mr. Williams would print individual letters for the challenges. *Id.* 22:4-13. Mr. Williams also introduced True the Vote to other individuals who collaborated on the challenges, including Ron Johnson and James Cooper. *Id.* 22:19-23:2.

42. Ron Johnson was previously the Georgia GOP chairman for all counties with less than a population of 80,000 people, and also assisted True the Vote with its efforts in Georgia, specifically in forwarding the names of individuals to True the Vote that could serve as potential challengers in various counties across the state. Ex. 5, Ron Johnson Dep. Tr. ("Johnson Tr.") 35:13-17; 42:18-43:2. Many of these challengers were chairmen of their respective county Republican Party. *Id.* 41:6-8; 42:16-21; 43:6-9.

43. James Cooper, who previously served as the 3rd Vice Chair for the 10th District of the Georgia Republican Party, Ex. 2, James Cooper Dep. Tr. ("Cooper Tr.") 11:9-17, was similarly involved in recruiting challengers for True the Vote across the state. *Id.* 28:2-15; 31:12-17.

A. True the Vote’s “Validate the Vote” initiative started as a coordinated scheme to overturn presidential election results in Georgia and other battleground states.

44. Shortly after the November 2020 election, conservative donor Fred Eshelman contacted Catherine Engelbrecht seeking True the Vote’s assistance in overturning the results of the presidential election. TTV/Engelbrecht Tr. 266:11–15, 285:21–286:4, 292:20–293:3.

45. True the Vote hatched a plan to identify “illegal voters and illegal votes,” “build public momentum” and “[g]alvanize Republican legislative support in key states,” including in Georgia, “to have the state’s election results overturned.” Ex. 1, *Eshelman v. TTV- Validate the Vote 2020* (“Validate the Vote 2020”) at 582. A consultant for True the Vote funder, Fred Eshleman, recommended the name “Validate the Vote,” which True the Vote adopted. TTV/Engelbrecht Tr. 66:12–67:20.

46. On November 5, 2020, two days after the general election, True the Vote shared a proposal summarizing its strategy for implementing the “Validate the Vote” scheme and overturning the presidential election results. The proposal sought to highlight the purported “[p]roblem” of “Democrat officials” and “deliberate election fraud” resulting from the “counting [of] illegal votes,” and included a five-part plan:

- Solicit whistleblower testimonies from those impacted by or involved in elections fraud;
- Build public momentum through broad publicity;
- Galvanize Republican legislative support in key states;
- Aggregate and analyze data to identify patterns of election subversion; and
- File lawsuits in Federal Court with capacity to be heard by the Supreme Court of the United States.

Validate the Vote 2020 at 1.

47. The proposal also identified OPSEC Group, LLC, and its founder and President, Gregg Phillips, as the Data and Research team. *Id.*

48. True the Vote even assured its donor that the Trump campaign would “cover” True the Vote’s legal fees. TTV/Engelbrecht Tr. 305:3–305:8.

49. True the Vote did not have any evidence that the “problem” described in its proposal existed; rather, Ms. Engelbrecht repeatedly described the language used in the Validate the Vote proposal as “promotional.” *See* TTV/Engelbrecht Tr. 269:17–271:13. Nor could Ms. Engelbrecht explain why True the Vote wanted to challenge the results of *only* the presidential election, despite promoting that voter fraud was widespread. *Id.* at 285:13–20. However, Engelbrecht had been engaged in conversations with the Trump campaign, Ex. 41, Email from F. Eshelman, and as noted above, she believed at one point that the campaign would pay True the Vote’s

fees. *See, e.g.*, Ex. 40, Email from C. Engelbrecht.

50. Consistent with its Validate the Vote scheme, True the Vote launched a nationwide effort to gin up evidence of voter fraud with the ultimate goal of forcing one of three scenarios: (1) a “special election” in which voters would choose new electors, (2) state legislatures, rather than voters, would select presidential electors, or (3) the next president would be selected by the U.S. House of Representatives. Validate the Vote 2020 at 1. The organization also enlisted OPSEC to “aggregate and analyze data to identify patterns of election subversion.” *Id.*

51. One of the first steps in the plan was to pursue litigation in battleground states. Days after the 2020 election True the Vote filed lawsuits in Michigan, Wisconsin, Georgia, and Pennsylvania in which they promised to deliver to the court evidence of, among other offenses, “votes by ineligible voters.” *See, e.g.*, Compl. ¶ 45, *Brooks v. Mahoney*, No. 4:20-cv-00281-RSB-CLR (S.D. Ga. Nov. 11, 2020); Compl. ¶ 73, *Bally v. Whitmer*, No. 1:20-cv-01088-JTN-PJG (W.D. Mich. Nov. 11, 2020); Compl. ¶¶ 34, 44, *Langenhorst v. Pecore*, No. 1:20-cv-01701-WCG, (E.D. Wisc. Nov. 12, 2020); Compl. ¶ 26, *Pirkle v. Wolf*, No. 4:20-cv-02088-MWB, (M.D. Pa. Nov. 10, 2020).

52. True the Vote promised a “sophisticated and groundbreaking analysis” using, among other tools “United States Postal Service records”; the same type of

records True the Vote would use when challenging the eligibility of hundreds of thousands of Georgia voters. *See Brooks*, Compl. ¶ 45; *Bally*, Compl. ¶ 73; *Langenhorst*, Compl. ¶¶ 34, 44; *Pirkle*, Compl. ¶ 26. But True the Vote never provided the courts with any such evidence. Days later, on November 16, 2020, True the Vote filed motions to voluntarily dismiss all four the cases.¹

53. None of the promised research or evidence—including the analysis of Postal Service records—materialized, even after its funder repeatedly implored the organization to provide “real evidence.” Ex. 39, Email from N. Howard; TTV/Engelbrecht Tr. 288:11-290:9.² Just days after filing these four lawsuits, True

¹ True the Vote was not alone in bringing such suits and some even depended on Postal Service records. None of the suits challenging Georgia’s election results were deemed meritorious. *Wood v. Raffensperger*, No. 2020-CV-342959 (Ga. Super. Ct., Fulton Cnty. Dec. 8, 2020) (dismissing case alleging tens of thousands of out-of-state residents illegally voted in Georgia’s General Election); *Boland v. Raffensperger*, No. 2020-CV-343018 (Ga. Super. Ct., Fulton Cnty. Dec. 8, 2020) (dismissing case and finding plaintiffs’ claim that tens of thousands of people illegally voted in Georgia based on the National Change of Address registry was based on “speculation rather than duly pled facts”); *Pearson v. Kemp*, No. 1:20-cv04809-TCB, ECF No. 74 (N.D. Ga. Dec. 7, 2020) (dismissing case alleging the National Change of Address registry showed over 20,000 ineligible voters cast ballots in Georgia’s general election).

² True the Vote’s funder, Fred Eshelman, would eventually sue the organization, defense counsel James Bopp, the Bopp Law Firm, OpSec, and Gregg Phillips for breach of contract, fraudulent misrepresentation, and conversion. Eshelman alleged that True the Vote misspent his donation on efforts he never agreed to fund, like the “largely baseless challenges to the eligibility of hundreds of thousands of voters in the 2021 Georgia Senate runoffs.” Ex. 42, Mar. 19, 2021 Verified App. for Temp.

the Vote abandoned them, voluntarily dismissing the cases. TTV/Engelbrecht Tr. 290:10-16.

54. In connection with the Validate the Vote scheme, True the Vote also planned to “[g]alvanize Republican legislative support in key states,” including Georgia. Validate the Vote 2020 at 1. Indeed, Ms. Engelbrecht had previously called for “more collaboration among conservative groups, suggesting that participants at the meeting work with groups like the Republican National Lawyers Association to formulate plans to challenge registrations and disqualify voters.” Ex. 14, Dr. Vernon Burton Expert Report (“Burton Rep.”) at 23 (citation omitted).

B. As the Georgia runoff elections approached, “Validate the Vote” became “Validate the Vote Georgia.”

55. When “attentions turned towards Georgia” for the Senate runoff election, “Validate the Vote” became “Validate the Vote Georgia.” TTV/Engelbrecht Tr. 69:4–7. True the Vote “simply took the logo and put the word ‘Georgia’ in the center of the logo. TTV then made all the resources [it] had available for the national election available in Georgia for the Run-off Election.” Ex. 19, TTV Resp. to Interrogatory No. 3 at 17. But Validate the Vote Georgia remained part of True the Vote’s national effort. TTV/Engelbrecht Tr. 69:4–7.

Inj. ¶¶ 42-43 (emphasis added).

56. The donor’s consultant, who originally proposed the name “Validate the Vote,” also coined the phrase “Validate the Vote Georgia” for True the Vote’s activities directed toward the runoff election. *Id.* at 264:12–16.

57. True the Vote enlisted OPSEC for its efforts in Georgia as well. The invoice that OPSEC issued to True the Vote listed only a single item—“Eyes on Georgia”—an umbrella project which included both OPSEC’s analysis for True the Vote’s Georgia Elector Challenges and its work to gather and analyze data to overturn the presidential election, *id.* at 182:6–183:20; *see also* Def TTV 288; Ex. 21, Dec. 14, 2020 True the Vote Press Release.

C. Defendants launched mass voter challenges.

58. On December 18, 2020, True the Vote issued a press release announcing that it had “partner[ed] with Georgians in every county to preemptively challenge 364,541 potentially ineligible voters.” Ex. 22, Dec. 18, 2020 True the Vote Press Release. The press release also touted that True the Vote was “working alongside patriots across the Peach State,” including Defendants Somerville, Davis, Williams, Johnson, and Cooper. TTV/Engelbrecht Tr. at 251:18–252:14.

59. The press release also stated that True the Vote had “probable cause” to suspect that the 364,151 individuals being challenged did “not meet the qualifications legally required to cast a ballot.” Ex. 22, Dec. 18 Press Release.

60. The challenge lists were constructed by matching the Georgia voter registration database of all registered voters (“voter file”) to the USPS’s National Change of Address (“NCOA”) registry, which lists the names and addresses of individuals who have requested the United States Postal Service to forward their mail to a different address. *See* Ex. 20, TTV Am. Resp. Pls’ First Req. for Admission (“TTV RFA”) Nos. 12-13; Williams Tr. 114:10-115:5; Ex. 13, Dr. Ken Mayer Expert Report (“Mayer Rep.”) at 16.

61. Defendants Mark Davis and Derek Somerville used a similar methodology to prepare 39,141 challenges against Georgia voters. Mark Davis Reopened Dep. Tr. (“Davis II Tr.”) 41:20-17; Davis I Tr. 22:9-23:3; Sommerville II 94:18-20;

62. Ron Johnson and James Cooper—Georgia Republican Party officials—recruited Georgia Republican Party county chairs to lend their names to True the Vote’s mass challenges. *See* Cooper Tr. 31:13–17, 57:17–58:9; Johnson Tr. 34:4-8. Ron Johnson also volunteered to be a challenger himself. Johnson Tr. 91:13-21; TTV/Engelbrecht Tr. 144:9-15.

63. Defendant Mark Williams was referred to True the Vote by David Shafer, “the Chairman of the GOP,” Ex. 34, Dec. 12, 2020 M. Williams Email; *see*

also TTV/Engelbrecht 141:13–142:2,³ and printed True the Vote’s challenges and assisted with finalizing the challenge lists, *see* TTV/Engelbrecht Tr. 222:8–19, 252:9–14.

64. True the Vote and Mr. Davis and Mr. Somerville also had significant contact and collaboration throughout this whole time period. *See* Somerville II Tr. 91:1-15 (Mr. Somerville admitting having several conversations with True the Vote, and around half a dozen one-on-one conversations with Ms. Engelbrecht); *id.* at 94:11-16 (Mr. Somerville admitting he shared with Ms. Engelbrecht concerns about the broadness of True the Vote’s challenge list strategy); *id.* at 104:3-15 (Mr. Somerville admitting he “definitely spoke on the [December 20] call” hosted by True the Vote to update volunteers about the challenge efforts); *id.* at 115:17–116:11 (Mr. Somerville admitting he copied Ms. Engelbrecht on emails about challenge lists to “try to influence their tone”).

65. True the Vote ultimately submitted challenges against 250,783 registrants across 65 counties. Mayer Rep. at 1, 14.

³ David Shafer is also the GOP official with whom True the Vote spoke before announcing it was partnering with the GOP to bring its Georgia Elector Challenges. *See* TTV/Engelbrecht Tr. 141:19–142:2; *see also* Dec. 14 Press Release.

1. Defendants' challenges were frivolous.

66. Defendants knew their challenge lists included eligible Georgia voters who were properly registered, and they knew that their challenges would burden registrants. *See, e.g.*, Ex. 11, OPSEC Group, LLC / Gregg Phillips Dep. Tr. (“OPSEC/Phillips Tr.” 147:20–22, Ex. 9, Davis II Tr. 35:21–37:1; TTV/Engelbrecht Tr. 208:18–209:2 (explaining the importance of not challenging military voters)).

67. “NCOA data are not error-free, and the companies that conduct NCOA matching note that false positives occur “on a regular basis,” which will invariably produce errors in the challenge list. Mayer Rep. at 33.

68. Even where the NCOA entries are accurate, the NCOA registry does not provide sufficiently specific or unique information to reliably match NCOA data to a voter file because the NCOA registry does not include any unique identifier, like a social security number or other identification number that is unique to each voter. Mayer Rep. at 6.

69. Even where it is certain that a registered voter submitted a change of address request, that does not mean the individual changed or abandoned their prior residence. The registrant may be forwarding their mail to a friend’s house, or they may need access to their mail while on vacation. Voting eligibility is not affected, of course, where no move occurred. *Id.* at 14.

70. Individuals who submit a change of address request do not thereby forfeit their eligibility to vote. *See, e.g.*, TTV RFA at 1; Ex. 7, Derek Somerville First Dep. Tr. (“Somerville I Tr.”) at 125:16-126:3 (“There are literally thousands of individuals that legitimately used NCOA to forward their mail out of the county/state but remain legal residents.”).

71. Defendants had no way of knowing whether voters who had filed a permanent change of address had moved away permanently, or just temporarily for a period longer than 12 months. TTV/Engelbrecht Tr. 209:17–211:8; Davis II Tr. 26:2–27:5.

72. True the Vote’s goal was to create a presumption that all voters identified in its challenge lists would not be permitted vote absent further evidence proving their eligibility.

73. Defendants also fundamentally oppose the NVRA’s safeguards; they view the NVRA as “antiquated.” Davis I Tr. 112:16-22.

74. True the Vote explained to its volunteers the challenge process that it hoped to see implemented: “[w]hen the challenge letter is received at your election office[, election officials] are required by G[eorgia] law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are

not dead, or they still live in the same location.” Ex. 28, Email from M. Williams to A. Holsworth.⁴

75. Ms. Engelbrecht confirmed this understanding, testifying that if the challenge process had gone the way she envisioned it, all 360,000-plus voters on its challenge lists would be required to show proof of their residency before being allowed to vote in the runoff election, *see* TTV/Engelbrecht Tr. 158:1–159:5.

76. True the Vote’s voter challenge list did “not come anywhere close to what would be required for valid practices in academic studies of election administration.” Mayer Rep. at 2.

77. True the Vote’s own allies—Defendants Mark Davis and Derek Somerville—warned that the scope of the challenge program was entirely too broad. *See* Davis I Tr. 61:19-62:7; Somerville II Tr. 88:17-89:13.

⁴ Mr. Cooper testified that this explanation was “basically . . . the script” used to educate volunteers about the basis for True the Vote’s challenges and the challenge process. Cooper Tr. 42:20–43:21. Yet Ms. Engelbrecht admitted that this script contains “a number of things . . . that are not correct” and omits critical nuances about True the Vote’s challenges. TTV/Engelbrecht Tr. 231:20–232:5.

2. The data used to construct the challenge file, and the methods used to identify registrants who have allegedly moved, were unreliable and generated tens of thousands of obvious errors.

78. True the Vote retained and collaborated with OPSEC Group, LLC and its founder, Gregg Phillips, to review data files and prepare lists of voters to challenge in each county in Georgia. TTV/Engelbrecht Tr. at 125:22-126:11.

79. Mr. Phillips gained notoriety after the 2016 presidential election when he claimed, without any basis, that more than three million votes were cast by non-citizens. OPSEC/Phillips Tr. 41:6-10; Ex. 29, G. Phillips CNN Interview Tr. at 8. But this allegation was obviously fabricated, as it came before statewide voter records were even available for review, and Mr. Phillips steadfastly refused to provide his data or methodology for outside verification. *See* Phillips CNN Interview Tr. at 8.

80. Dr. Mayer's review of the challenge file prepared by OPSEC and True the Vote uncovered missing data, missing values in key fields, anomalous values and obvious errors, lack of adequate data preparation, challenge file addresses near or on military installations, challenge file addresses in municipalities with universities, and other inadequate data practices for which Defendants are unable to provide any justification. *See infra* ¶¶ -.

i. Mismatches between data files

81. The databases Defendants used do not allow for foolproof matching, as the Georgia voter file contains only one unique identifier—the voter registration number—for each registered voter. Mayer Rep. 16. The remaining information included in the voter file—a person’s name, address, birth year, race, gender, registration date, and date last voted—is not necessarily exclusive to any one person. *Id.* at 16. And the voter file does not include any other potential unique identifiers, such as social security numbers or driver’s license numbers. *Id.* at 15-16.

82. The NCOA registry also does not include a person’s voter registration number or any other unique identifier. *Id.* at 16-17. Nor does a person’s voter registration number appear in any other database that could have been matched to the voter file to establish non-residency. *Id.* Thus, the only common fields between the voter file and NCOA registry are a person’s name and address, which cannot—and certainly did not—dependably identify a unique individual. *Id.* at 16.

83. In preparing the challenge lists, OPSEC accepted partial matches, where individuals in the voter file and NCOA registry had the same first and last names but *different* middle initials or *different* name suffixes (e.g., Jr. or Sr.). OPSEC/Phillips Tr. at 117:5-9, 17-19.

84. True the Vote and OPSEC refused to provide concrete information about how these matching errors were reduced or identified. *See* Mayer Rep. 20-23; OPSEC/Phillips Tr. 109:9-12.

85. As OPSEC admits, “the import of verifying identity can’t be overstated in this case.” OPSEC/Phillips Tr. 136:14-16; *see also* Davis I Tr. 21:2-5.

ii. Missing data

86. True the Vote’s challenge file does not include several sources of identification found in the voter file, including middle name or middle initial, maiden name, suffix, or birth year. Mayer Rep. at 24. Instead, the only fields that appear to have been matched between the voter file and the NCOA registry are first name, last name, and address. *Id.* at 24-25.

87. Because name and address combinations are far from unique in the voter file, this resulted in obvious errors. *Id.* at 25. Dr. Mayer found that there were 85,219 records in the Georgia voter file that had at least one duplicate entry with the same first name, last name, street address, apartment number, city, and zip code. *Id.* Dr. Mayer also found 1,375 entries in True the Vote’s challenge file, where one entry in the NCOA database was linked to multiple individuals who share the same name and address, meaning that at least some of those individuals from the voter file were misidentified and had not submitted a change of address form at all. *Id.* at 26.

88. This error, moreover, had a disparate racial effect: Black voters comprise 27.3% of all individuals in the challenge file, but among the individuals in duplicated records, 40.3% are Black. *Id.*

iii. Missing values in key fields

89. Dr. Mayer found 15,360 records in the challenge file that failed to show any street address in the “moved to” address fields. Mayer Rep. at 26-27. Another 27 records show the “moved to” street address as “general delivery,” *id.* at 27, which Mr. Phillips admitted could mean “dozens” of things, including that the voter “didn’t have an address when they moved” or was homeless. OPSEC/Phillips Tr. 141:10-16.

90. The lack of a “moved to address” is important because this means the challenge lists included thousands of Georgia votes who may not have permanently moved out of their county—indeed, who may not have moved at all. Mayer Rep. at 26-27.

iv. Anomalous values and obvious errors

91. Apart from fields that were entirely missing from the challenge files, there were also fields that were completed incorrectly and inconsistently, exemplified by all of the 9,270 records in the Henry County challenge list containing erroneous zip code data. Mayer Rep. at 27.

92. Additionally, city spellings and abbreviations differ arbitrarily—for example, Dauphin Island, Alabama is only sometimes abbreviated to “Dauphin Isl,” and San Juan Capistrano, California is only sometimes abbreviated to “San Juan Capo.” *Id.* at 28.

93. None of these errors or abbreviations exist in the voter file, further confirming True the Vote settled for approximate matches in putting together their challenge files. *Id.*

94. Dr. Mayer also found 263 examples where the name of the registrant in the challenge file does not match the name in the voter file under the voter registration number provided. *Id.*

95. Dr. Mayer found five examples where the registration address and “moved to” address in the challenge file were identical, indicating that the voter had not, in fact, moved at all, “rais[ing] further questions about the validity of the NCOA matching process used, as well as the lack of quality control in reviewing the results (to the extent they were reviewed at all).” *Id.*

96. Gregg Phillips (OPSEC) admitted that he knew these errors were in the challenge file and that they should have been removed. OPSEC/Phillips Tr. 140:14-22.

97. Mr. Phillips knew that registrations remain valid where a voter moves within the same county, but nonetheless, voters who changed their address to another address within the same county were still included in the challenge lists. *Id.* at 120:22-121:2.

98. Dr. Mayer found 145 instances where a targeted individual's registration address and "moved to" address was in the same county. Mayer Rep. at 28.

99. Dr. Mayer also found 6,377 examples where individuals had already re-registered at their "new" address, indicating that True the Vote inexplicably challenged the eligibility of voters who were registered at the address that True the Vote believe to be their home. Mayer Rep. at 29.

100. Mr. Phillips admitted that "[reviewing for this error] was beyond our capacity so in that case what we would say is submit the challenge and let the county figure it out." OPSEC/Phillips Tr. 146:8-14.

101. Finally, Dr. Mayer found 336 examples where challenged individuals were not registered to vote in Georgia at all, meaning they were wrongfully accused of being registered or voting unlawfully. Mayer Rep. at 29.

v. Lack of adequate data preparation

102. Because True the Vote use any unique identifiers conduct its match, it was especially important to regularize the fields that were matched so that they have a common format. Mayer Rep. at 29.

103. But the address fields in the challenge file do not match the address fields in the voter file. *Id.* The challenge list provides two fields for a street address and apartment or unit number, while the voter file provides four separate fields for house number, street name, street suffix, and apartment or unit number. *Id.*

104. Dr. Mayer found that of the 41,691 records in the challenge file that have a value in the apartment or unit number field, several are not valid: five are recorded as missing rather than blank, one is recorded as either a spreadsheet cell reference or a typographical error (“=g16”), one is recorded as an en dash (“-”), and another is recorded as “Null.” *Id.*

vi. Challenge file included addresses near or on military installations

105. Defendants knew that Georgia residents who temporarily relocate due to military service remain eligible to vote in Georgia. *See, e.g.,* TTV Resp. to First Interrogatories No. 7 at 24; OPSEC/Phillips Tr. 120:14-20.

106. Dr. Mayer found 22,956 registrants who, according to the challenge file, moved to an address on a military installation, including 397 registrants who

are listed as actually living *on a military installation*. Mayer Rep. at 30. For example, the challenge list includes 41 registrants with an address on Fort Knox, KY; 35 on Fort Bragg, NC; 29 on Fort Campbell, KY; 23 on Joint Base Lewis McChord, WA; 16 on Fort Stewart, GA; 15 on Fort Meade, MD; 14 on Eglin Air Force Base, FL; 13 on Fort Irwin, CA; 12 on Camp Lejeune, NC; and nine at the United States Air Force Academy, CO. *Id.*

107. Gregg Phillips (OPSEC) was aware that voters who submit even a *permanent* change of address form to USPS listing their new duty station remain eligible to vote in the state where they registered. OPSEC/Phillips Tr. 126:2-11. However, when asked what further analysis was performed to identify whether military voters who moved to a base retained their eligibility to vote in Georgia, Mr. Phillips admitted “[w]e didn’t.” *Id.* 126:12-15.

vii. Challenge file included addresses in municipalities with universities.

108. Defendants also knew that students remain eligible to vote at their original residence when attending school out of state (or out of county). *See, e.g.,* TTV Resp. to First Interrogatories No. 7 at 24; OPSEC/Phillips Tr. 120:14-21.

109. Dr. Mayer found 35,056 registrants in the challenge file with a “new” address in a city containing academic institutions that Georgia residents regularly attend. Mayer Report at 31. As one example, the small town of Dahlonega is home

to the University of North Georgia, as well as the Army base Camp Merrill. *Id.* at 50. From this town of 7,500 people, True the Vote challenged 273 individuals. *Id.*

110. In all, 57,534 registrants in the challenge file—or 22.9% of the entire list—are alleged to have moved to or near a military installation, or to a municipality with a college or university. *Id.* at 32.

111. Dr. Mayer concluded that the “matching process ostensibly used by True the Vote does not adhere to standard practice in political science.” *Id.* at 32. Because Defendants did not “ensure that data fields were conforming, that missing and anomalous values were identified and corrected, and that implausible matches (such as duplicates and name changes) were either removed or investigated further to identify possible errors,” their validation process was “wholly inadequate.” *Id.*

viii. Volunteer challengers and fellow defendants warned True the Vote of obvious errors.

112. True the Vote’s regular practice was to submit challenges from a True the Vote email account under a volunteer’s name without telling the volunteer who was being challenged. *See* Cooper Tr. 75:3-76:4. However, when Joe Martin, Chair of the Taliaferro County Republican Party, was identified as a registered voter willing to submit True the Vote’s challenge list in his county, Ex. 4, Joseph Martin Dep. Tr. (“Martin Tr.”) 20:17-22, he requested the challenge list for Taliaferro County to submit himself. *Id.* 43:19-44:2.

113. After receiving True the Vote's list of 37 names, Mr. Martin asked: "How did this list come about? Where did this list come from? Who generated the list?" Martin Tr. 38:19-20. Martin expressed that he believed standard practice required providing two sources for the allegation that a voter had changed residency, and nothing about the challenge lists reflected that multiple sources had been consulted. *Id.* 46:20-47:5.

114. Martin was "not comfortable" that the list he received "was valid," *id.* 38:17-19, and so rather than challenge all 37 individuals on True the Vote's Taliaferro County list, Mr. Martin winnowed the list himself and chose to submit letters challenging only the three registrants on the list who had requested an absentee ballot for the runoff elections. *Id.* 55:7-12.

115. But Martin soon discovered that even this limited subset was faulty. According to county elections officials: (1) the first person he challenged did not live in New Jersey, as his challenge letter alleged, and instead was a 100-year-old woman living in Taliaferro County, (2) the second person he challenged lived in a nursing home and maintained a permanent residence in Taliaferro County, and (3) the third person he challenged also lived in a nursing home. Martin Tr. 61:12–66:7.

116. As a result, Martin promptly withdrew all of his challenges and updated True the Vote about the issues he encountered: "My experience with the True the

Vote data base has not been good,” he wrote in an email, because of “[c]oncerns with the quality of your information.” *Id.* 87:4–8, 87:16–18. After summarizing the relevant events, he repeated again, “Impact of 3 challenges. Not good! Indicates problem with data accuracy and relevance.” *Id.* 77:6–78:9; 83:20–84:9.⁵

117. Shortly after Martin shared that his desire to withdraw his challenges, Defendant Cooper emailed Ms. Engelbrecht that he would immediately look for a replacement challenger in Taliaferro County to resubmit the list. Cooper Tr. 105:14–20.

118. True the Vote also proceeded with challenges to all 37 individuals on the Taliaferro County challenge list under Martin’s name but without telling Martin it was doing so. Martin Tr. 56:4–57:9.⁶

119. Defendant Mark Davis also took “exception” to the logic of True the Vote’s challenge methodology. Davis I Tr. 60:15–18.

120. Mr. Davis specifically objected that he “was not on board with the philosophy surrounding [TTV’s] challenge,” as he “felt it was too broad,” and that

⁵ Notably, Mr. Martin—the only challenger who requested to see the list of individuals to be challenged in his county, Cooper Tr. 75:3–76:4—was also the one challenger to request that his challenges be withdrawn. *See* TTV/Engelbrecht Tr. 328:4–13.

⁶ Mr. Martin was “shocked” when he later learned from open records requests that True the Vote had done this. Martin Tr. 57:5–15, 62:21–63:3.

he wanted his challenges to “be more legitimate, more smaller.” *Id.* ; Davis II Tr. 94:14-17.

121. Ms. Engelbrecht and True the Vote, however, were intent on “including as many records as possible within [True the Vote’s] challenge.” Engelbrecht/TTV Tr. 149:20-150:1.

122. Mr. Davis also recognized that many registrants who file a “permanent” change of address form with the postal service only intend to relocate temporarily, and filing a “permanent” change of address form does not indicate that the individual has moved permanently. A “permanent” change of address form is required for mail forwarding that lasts longer than a year; thus, if the registrant is a student or member of the military whose temporary relocation is expected to last longer than one year, they must complete a permanent change of address form to ensure mail forwarding for the duration of their temporary relocation. Davis II Tr. 26:14-27:5.

123. True the Vote did not conduct any such investigation to determine whether voters who filed a “permanent” change of address were students or otherwise away temporarily; instead, Mr. Phillips spent “an hour maybe” reviewing the challenge file to ensure the number of errors looked “reasonable” relative to his expectations, and he deemed that sufficient. OPSEC/Phillips Tr. 140:8-141:10.

124. Unfortunately, Mr. Davis himself also failed to perform the necessary analysis on his own challenge file of 40,000 registrants. He asked Mr. Somerville to manually remove names with addresses that might be affiliated with military bases, but not remove college students or other potentially eligible voters. Davis I Tr. 149:18-150:1.

125. While Mr. Davis and Mr. Phillips (OPSEC) were each disinterested in the problems with their own challenge lists, they had no trouble recognizing each other's flaws. *See* OPSEC/Phillips Tr. 103:13-16. Mr. Phillips specifically criticized Mr. Davis's approach for failing to verify the identity of individuals on the voter rolls before matching to the NCOA, and assessed Mr. Davis's methodology bluntly by stating: "This is bad process." *Id.*

3. True the Vote made good on its call to collaborate and galvanize support from Republicans by coordinating its Validate the Vote scheme with Georgia Republican Party officials.

126. True the Vote also partnered with and "galvanize[d] support" from Republicans in Georgia. In a December 14, 2020 press release, True the Vote announced that it was "partner[ing]" with the Georgia Republican Party to help them "implement the most comprehensive ballot security initiative in Georgia history." Dec. 14 Press Release.

127. For its mass elector challenges, True the Vote recruited challengers solely through two Georgia Republican Party officials, Defendants James Cooper and Ron Johnson, who in turn relied on Republican Party contacts to recruit challengers, several of whom were GOP party officials themselves. Cooper Tr. 33:3–13; 36:11–37:19; 115:15–22; Johnson Tr. 34:4–8; TTV/Engelbrecht Tr. 239:22–240:15; *see also* Cooper Tr. 139:8–14.

128. Mr. Cooper testified that True the Vote ran its recruitment process from the Georgia GOP spreadsheet, recruiting Republican county chairs, and then recruiting a different challenger if a current or former Republican county chair did not want to be a challenger. *See* Cooper Tr. 58:3–9; 129:22–130:4.

129. Joe Martin—the volunteer who ultimately requested that his challenge be withdrawn (and Chair of the Taliaferro County Republican Party)—even thought that Mr. Cooper had recruited him on behalf of the Georgia Republican Party, as Cooper signed his True the Vote recruitment email as coming from the “3rd Vice Chair 10th District Republican Party.” Williams 0377.⁷

⁷ Although True the Vote denied Plaintiffs’ Request for Admission No. 17 that it reached out to the Georgia Republican Party before reaching out to the Democratic Party of Georgia, that denial was false. As Ms. Engelbrecht testified in her deposition on behalf of True the Vote, she reached out to and partnered with the Georgia Republican Party before attempting to contact the Democratic Party of Georgia. *See* TTV/Engelbrecht Tr. 166:14–167:4.

130. True the Vote’s press release announcing its partnership with the Georgia Republican Party was just one of many designed to further the Validate the Vote scheme—specifically, the plan to “[b]uild public momentum through broad publicity.” Validate the Vote 2020 at 1; TTV/Engelbrecht Tr. 274:16–275:12.

4. Defendants’ public statements stoked fears, accused hundreds of thousands of Georgians of acting unlawfully, and exaggerated its efforts to build momentum for its Validate the Vote scheme.

131. True the Vote’s December 18, 2020 press release announcing its mass challenges stated that it had “partner[ed] with Georgians in every county to preemptively challenge 364,541 potentially ineligible voters,” Ex. 22, Dec. 18 Press Release. In fact, it had not. *See* TTV/Engelbrecht Tr. 252:18–22. Instead, Ms. Engelbrecht testified that this language was intended to signal “willingness” to partner with Georgians in every county. *Id.* 251:14–17.

132. Ms. Engelbrecht testified that the point of the press release was “more to show just support for the engagement of citizens,” *id.* 252:16–17, *i.e.*, to build the public momentum necessary to accomplish Validate the Vote’s goals.

133. The press releases had another goal: to elicit donations. Ms. Engelbrecht hoped that as awareness of the Validate the Vote program and its other efforts increased, so too would financial support or donations to True the Vote. *See* TTV/Engelbrecht Tr. 81:2–9. Indeed, True the Vote anticipated having its “legal

fees . . . covered by the Trump campaign” because the campaign was going to use its research collected from the Validate the Vote scheme. *Id.* 305:3–8, 306:18–21.

134. Ms. Engelbrecht has also publicly “offer[ed] tips to ordinary Americans to prevent the Democrat plan to steal the election in 2020,” *see id.* 323:15–324:3—a plan referenced in True the Vote’s Validate the Vote proposal that Ms. Engelbrecht admits was “promotional,” *id.* 269:17–271:13.

135. Despite True the Vote’s assertions that the Georgia Elector Challenges did not accuse any voter of “act[ing] improperly” or seek to “remove people . . . from the voter rolls,” TTV Resp. to Interrogatories No. 5 at 22, its recruitment email stated it was 99.9 percent certain that over 500,000 people on the Georgia voter rolls shouldn’t be there. Williams 0375. But in her deposition, Ms. Engelbrecht stated that the 500,000 number was incorrect and that it had no way of knowing whether the 99.9 percent figure was correct. *See* TTV/Engelbrecht Tr. 232:5–234:15.

136. One of the recruiting emails for the True the Vote challenges claimed that if the challenges had occurred in October, “it is very likely Trump would have won Georgia.” Williams 0389.

137. True the Vote’s volunteers also believed they were removing people from the voter rolls and that the challenged voters were violating the law. Volunteers responded to recruiting emails stating that True the Vote could use their names and

signatures to “challenge the illegal votes.” *See, e.g.*, Ex. 35, Dec. 15, 2020 Dodge County Challenger Email; Ex. 36, Dec. 18, 2020 Jones County Challenger Email; Ex. 37, Dec. 15, 2020 Barrow County Challenger Email; Ex. 38, Dec. 19, 2020 Calhoun County Challenger Email; *see also* TTV/Engelbrecht Tr. 236:6–243:19.

138. True the Vote did not correct these responses: they furthered its mission of building “public momentum” and were consistent with True the Vote’s assertions that “illegal” voting was rampant and those votes were being counted due to the malfeasance of Democratic officials. Validate the Vote 2020 at 1.

139. On November 29, 2020, Defendants Mark Davis and Derek Somerville published a Facebook post about a scenario in which a voter dubbed “Dave” was alleged to have illegally voted in Georgia despite living in New York. In response, one individual wrote: “[c]an we start turning people in for election fraud? I have a list of a few people who should be made sorry they voted in two states,” Ex. 25, Nov. 30, 2020 Davis Facebook Post at 1, of which Mr. Davis expressed support by “liking” the message.

140. Several days later, on December 4, 2020, Mr. Somerville and Mr. Davis published another post about voters registered with UPS store P.O. boxes, and someone commented “I think a search warrant is in order here,” to which Mr. Davis responded, “great idea!” Ex. 26, Dec. 4, 2020 Davis and Somerville Facebook Post

at 3. Another individual commented on this post: “[l]et’s see if any one has the balls to prosecute to the max or if they will just get a hand slap!” *Id.* at 4. Yet another individual commented: “Hang that prick!!!” Ex. 27, Dec. 5, 2020 Davi and Somerville Facebook Post at 6.

141. On December 20, 2020—shortly after True the Vote submitted the bulk of its Georgia Elector Challenges—a group called “Crusade for Freedom” posted: “We just prospectively challenged the eligibility of 360,000 voters in GA. Largest single election challenge in Georgia and American history.” Ex. 23, Crusade for Freedom Tweets. Two days later, Crusade for Freedom tweeted: “If the Georgia counties refuse to handle the challenges of 366,000 ineligible voters in accordance with the law, I plan to release the entire list so America can do the QC.” *Id.*; TTV/Engelbrecht Tr. 264:17–265:3. Both tweets contained the hashtags #eyesonGA and #validatethevoteGA. *Id.*

142. Ms. Engelbrecht admitted that these hashtags mirrored the slogans appearing on several True the Vote documents, an internal invoice between OPSEC and True the Vote. *See* TTV/Engelbrecht Tr. 264:7–16. Ms. Engelbrecht also admitted that she was not aware of any groups other than True the Vote that challenged the eligibility of approximately 366,000 voters in Georgia during the runoff elections. *Id.* 264:2–6. And she admitted that Crusade for Freedom’s logo in

its tweets matched the logo in a Facebook post from an organization named Time for a Hero—which was founded by Ms. Engelbrecht and Mr. Phillips, *id.* 37:4–6—that stated, “Crusade for Freedom coming soon,” *id.* 261:10–11.

143. About a week later, on December 30, 2020, Mr. Davis texted Mr. Somerville, “Derek, we need to stop this. If they publish they will be flooded with defamation complaints.” Davis II Tr. 129:3-10; 129:11-19 (Mr. Davis describing his concern that complaints were going to be made public).

144. Mr. Davis further explained that publishing the names would “literally mak[e] good on one of the ‘Threats’ alleged in [Plaintiffs’] complaint.” Somerville 371. Mr. Davis texted Ms. Englebrecht to implore her not to publish the names.

D. True the Vote threatened to place a bounty on fraud and SEALS at polling places.

145. True the Vote also created a “hotline,” which it used to gather information or data that OPSEC would aggregate for use in overturning electoral results. TTV/Engelbrecht Tr. 70:11–14. Yet Ms. Engelbrecht was “troubled” by the “intimidation” suffered by electors who received threats to themselves and their businesses, TTV/Engelbrecht Tr. 330:4–10, and recognized the “chilling effect” such an environment could have. *Id.* 75:13.

146. True the Vote then announced a whistleblower fund in excess of \$1 million, TTV/Engelbrecht Tr. 315:20–316:2.

147. Historically, bounties in the voting context have been “used to direct suspicion around minority voters” by “incentivizing individuals to create or suspect fraud where there may have been none.” Burton Rep. at 26.

148. Nevertheless, Ms. Engelbrecht promoted the bounty in press releases and on her podcast, stating that “Validate the Vote is about [] putting a bounty on the fraud.” Ex. 43, Engelbrecht Podcast Transcript; TTV/Engelbrecht Tr. 70:6–7.

149. True the Vote did not report any of the tips submitted to the Validate the Vote Georgia hotline to state authorities for action or investigation. *See id.* 94:17–95:3.

150. With respect to the Georgia Senate runoffs, True the Vote characterized its Validate the Vote scheme as part of “the most comprehensive ballot security effort in Georgia history.” Dec. 14 Press Release.

151. That “ballot security” effort also involved soliciting Georgia voters to act as “citizen watchdogs” by reporting “election fraud, manipulation or illegal action taking place.” *Id.* True the Vote targeted specific citizens to serve as “watchdogs”: it launched a “Continue to Serve” initiative that recruited veterans and first responders, including Navy SEALs, to monitor polling places. *See* Ex. 24, Seals at the Polls Podcast Tr. As Ms. Engelbrecht explained, polling places “need[ed] people who were unafraid to call it like they see it,” and if “[y]ou want to talk about

people who understand and respect law and order and chain of command, you get some S[EALS] in those polls.” Ms. Engelbrecht explained how the SEALS could “interact with voters,” TTV/Engelbrecht Tr. 63:18–21, and election officials: “no, no, that is not—this is what it says and this is, this is how we’re going to play the show,” *id.* 62:9–12.

E. Defendants’ actions were objectively intimidating, and, in fact, intimidated voters.

152. “[V]oters whose eligibility is challenged may perceive a legal risk if they vote, which again dramatically increases the cost of voting and discourages turnout even if the individual is eligible.” Mayer Rep. at 41.

153. This risk is particularly acute for low-information voters or voters of lower socioeconomic status who may lack the resources to navigate the law or understand whether they are still eligible to vote. Mayer Rep. at 39-41.

154. “[V]oters may be reasonably hesitant to arrive at the polls to ‘prove’ their eligibility if it has been challenged,” particularly in a state, like Georgia, that has for the past decade “launched numerous investigations into voters accused of wrongdoing,” particularly minority voters. Burton Rep. at 17–20, 25.⁸

⁸ Georgia’s “Elector Challenge” provision, O.C.G.A. § 21-2-230, was enacted over 100 years ago, the Elector Challenge provision was, like True the Vote’s Validate the Vote scheme, “[g]rounded on unsubstantiated claims of voter fraud” and “the

155. When Plaintiff Jane Doe first learned that her eligibility to vote had been challenged by Defendants by reading a local paper that publicly disclosed her name, she feared that she or her family could become the target of harassment from Defendants and their supporters if she voted. Jane Doe Decl. ¶¶ 5, 7, 9.

156. Jane Doe was especially concerned because she had seen reports of Georgia's elections workers being harassed, threatened, and doxed after the general election. *Id.* ¶ 7.

157. Jane Doe's information still remains publicly online to this day, and she fears she will be challenged again in future elections and that her eligibility to vote will be questioned again. *Id.* ¶ 11.

158. Similarly, Plaintiff Jocelyn Heredia testified that she felt intimidated when she was challenged by Defendants. Heredia Tr. 44:21-45:8. Heredia was also publicly listed as a "challenged voter" on Banks County's website for six months.

pretext of purifying elections." Burton Rep. at 8. Designed to disenfranchise Black voters, it was used with devastating effect for decades in mass challenges to suppress Black voting power and steal elections for white supremacists, most famously Eugene Talmadge and Marvin Griffin in 1946. *See id.* 8–14. The Talmadge and Griffin mass challenges were the largest in Georgia history—until True the Vote's. *See id.* 24–25. The Talmadge and Griffin challenges were brought shortly before election day and curbed the ability of Black Georgians, who had just gained access to vote in primaries, the ability to exert influence over the primary process. *See* Burton Rep. at 24. Likewise, True the Vote brought its mass challenges not months before the election, but mere days before Georgia elected its first Black Senator to the United States Congress. *See id.* at 24–25.

Id. 31:24-32:3, 61:17-62:21. For Ms. Heredia, the challenge was an intimidating experience, both because of the unclear legal implications and because she felt she was being targeted as a person of color in a predominantly white county. *Id.* 44:12-45:8.

159. Stephanie Pfeiffer Stinetorf is another voter who experienced anxiety about her ability to participate in the Georgia runoff elections in January 2021 after she was challenged by Defendants. *See infra* ¶¶ 160-166.

160. Stinetorf moved to Georgia in 2018, and registered to vote at the time. Ex. 17, Stinetorf Decl. ¶ 2. She is a civilian employee of the United States Department of Defense, and as part of her job, received military orders to move to Germany in August 2020, at which time she submitted a change of address form to ensure she would continue to receive mail. *Id.* ¶¶ 3-4.

161. When Stinetorf learned that her absentee ballot for the January 2021 runoff election had been challenged, she became “very confused and concerned.” *Id.* ¶¶ 6-8.

162. Stinetorf immediately emailed and called the county registrar to get more information about the challenge, and her “anxiety grew” when she did not hear back for several days. *Id.* ¶ 10.

163. Given the demands of Ms. Stinetorf's job and the time difference between the U.S. and Germany, she was not sure that she could remedy the problem or participate in any challenge hearings to protect her right to vote, which caused her significant amount of stress. *Id.* ¶ 9.

164. Several days after Stinetorf initially found out her ballot had been challenged, she learned that a court order prevented her county from discarding her ballot unless the challenger was able to present further information about her ineligibility. *Id.* ¶ 11.

165. Even though these issues were eventually resolved, Stinetorf found the process of trying to figure out why she had been challenged and how she could prove her eligibility to vote in Georgia was "difficult and confusing," and she is not sure she could have personally resolved the issue if not for the intervening order allowing her ballot to be counted. *Id.* ¶ 12.

166. Stinetorf is also concerned about the impact on her and her husband, who is also a Georgia voter stationed in Germany, of any future challenges and the time and energy it would take for them to defend their right to vote. *Id.* ¶ 13.

167. Another voter, Gamaliel Warren Turner, Sr., is a 68-year-old retired veteran and lifelong Georgia resident who is registered to vote in Muscogee County. Ex. 18, Turner Decl. ¶ 2.

168. Turner registered to vote when he was 18 and has voted in almost every election over the past 50 years. *Id.* ¶ 2.

169. Turner is employed as a government contractor with the United States Navy, and in October 2019 had to temporarily relocate to Camarillo, California for his job. *Id.* ¶ 3. Turner thus submitted a postal service change of address form to avoid missing mail deliveries while away on temporary work assignment; however, he always intended to return to Georgia and thus never registered to vote in California or changed his citizenship or residence from Georgia to another state. *Id.* ¶¶ 3-4.

170. Turner voted by absentee ballot in the 2020 primary and general election, and requested that the registrar mail his ballot to his California address for the runoff election. *Id.* ¶ 6.

171. However, Turner was one of 4,000 voters who had been challenged by Defendants in Muscogee County. *Id.* ¶ 7.

172. As a result of the challenges, Turner became worried about the legality of his participation in the January runoff elections. And while he successfully sued the Muscogee County Board of Elections to ensure his ballot would be counted, the “entire experience was scary, confusing, and intimidating,” as he did not know how

he would resolve the situation in time to vote. *Id.* ¶¶ 8-9. Turner also had to pay an extra charge to send his ballot via FedEx for expedited delivery. *Id.* ¶ 10.

173. As a Black voter and veteran growing up in the segregation era, he found the challenge process discouraging, and “[t]hinking back to the senseless difficulty of [his] voting experience in the January runoff elections gives [him] PTSD.” *Id.* ¶¶ 11-12.

174. Turner wonders “if it is even worth trying to vote again given the trouble that the voter challenge has caused [him].” *Id.* ¶ 11.

Respectfully submitted, this 16th day of May, 2022.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Allegra J. Lawrence
Georgia Bar No. 439797
Leslie J. Bryan
Georgia Bar No. 091175
Maia Cogen
Georgia Bar No. 832438
LAWRENCE & BUNDY LLC
1180 West Peachtree Street, Suite
1650
Atlanta, GA 30309
Telephone: (404) 400-3350
Fax: (404) 609-2504
allegra.lawrence-
hardy@lawrencebundy.com
leslie.bryan@lawrencebundy.com
maia.cogen@lawrencebundy.com

Dara Lindenbaum
Georgia Bar No. 980780
**SANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK,
P.C.**
1090 Vermont Avenue, NW, Suite 750
Washington, DC 20005
Telephone: (202) 479-1111
Fax: 202-479-1115
lindenbaum@sandlerreiff.com

/s/ Uzoma N. Nkwonta
Marc E. Elias*
Uzoma N. Nkwonta*
Christina A. Ford*
Joel J. Ramirez*
Jacob Shelly*
Tina Meng*
Marcos Mocine-McQueen*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
melias@elias.law
unkwonta@elias.law
cford@elias.law
jramirez@elias.law
jshelly@elias.law
tmeng@elias.law
mmcqueen@elias.law

Counsel for Plaintiffs
*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing ***Statement of Undisputed Material Facts*** with the Clerk of Court using the CM/ECF system, which will automatically send-e-mail notification to all counsel of record.

This 16th day of May, 2022.

/s/ Uzoma Nkwonta
Uzoma Nkwonta
Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., et al.,

Plaintiffs,

v.

TRUE THE VOTE, INC., et al.,

Defendants,

Case No. 2:20-CV-00302-SCJ

Index of Exhibits

Exhibit 1	Validate the Vote 2020
Exhibit 2	James Cooper Deposition Transcript
Exhibit 3	Mark Williams Deposition Transcript
Exhibit 4	Joseph Martin Deposition Transcript
Exhibit 5	Ron Johnson Deposition Transcript
Exhibit 6	Mark Davis First Deposition Transcript
Exhibit 7	Derek Somerville First Deposition Transcript
Exhibit 8	Jocelyn Heredia Deposition Transcript
Exhibit 9	Mark Davis Reopened Deposition Transcript
Exhibit 10	Derek Somerville Reopened Deposition Transcript
Exhibit 11	OpSec Group, LLC / Gregg Phillips Deposition Transcript
Exhibit 12	True the Vote / Catherine Engelbrecht Deposition Transcript
Exhibit 13	Dr. Ken Mayer Expert Report
Exhibit 14	Dr. Vernon Burton Expert Report
Exhibit 15	Fair Fight Declaration
Exhibit 16	Jane Doe Declaration
Exhibit 17	Stephanie Pfeiffer Stinetorf Declaration
Exhibit 18	Gamaliel Warren Turner, Sr. Declaration
Exhibit 19	True the Vote Response to Interrogatories
Exhibit 20	True the Vote Amended Responses to Plaintiffs' First Request for Admission
Exhibit 21	Dec. 14, 2020 True the Vote Press Release
Exhibit 22	Dec. 18, 2020 True the Vote Press Release

Exhibit 23	Crusade for Freedom Tweets
Exhibit 24	Seals at the Polls Podcast Transcript
Exhibit 25	Nov. 30, 2020 Davis Facebook Post
Exhibit 26	Dec. 4, 2020 Davis and Somerville Facebook Post
Exhibit 27	Dec. 5, 2020 Davis and Somerville Facebook Post
Exhibit 28	Email from M. Williams to A. Holsworth
Exhibit 29	G. Phillips CNN Interview Transcript
Exhibit 30	Banks County Challenge List
Exhibit 31	True the Vote County Challenger List
Exhibit 32	Davis and Somerville County Challenger List
Exhibit 33	Elijah Cummings 2012 Letter
Exhibit 34	Dec. 12, 2020 M. Williams Email
Exhibit 35	Dec. 15, 2020 Dodge County Challenger Email
Exhibit 36	Dec. 18, 2020 Jones County Challenger Email
Exhibit 37	Dec. 15, 2020 Barrow County Challenger Email
Exhibit 38	Dec. 19, 2020 Calhoun County Challenger Email
Exhibit 39	<i>Eshelman v. TTV</i> – Nov. 16, 2020 Email from N. Howard
Exhibit 40	<i>Eshelman v. TTV</i> – Nov. 16, 2020 Email from C. Engelbrecht
Exhibit 41	<i>Eshelman v. TTV</i> – Nov. 23, 2020 Email from F. Eshelman
Exhibit 42	<i>Eshelman v. TTV</i> – Mar. 19, 2021 Verified App. for Temp. Inj.
Exhibit 43	Engelbrecht Podcast Transcript
Exhibit 44	G. Phillips Deposition Notice

RETRIEVED FROM PUBLIC ACCESS

Validate the Vote 2020



Goal

To ensure the 2020 election returns reflect one vote cast by one eligible voter and thereby protect the right to vote and the integrity of the election.

Problem

There is significant evidence that there are numerous instances of illegal ballots being cast and counted in the 2020 general election. Most of these illegal votes are being counted in Democrat counties and are suppressing legitimate results.

This is a result of Democrat officials refusal to obey state election laws and counting illegal votes. It is also the result of deliberate election fraud. This situation has been aided by the Democrat's deliberate effort to radically expand mail-in balloting, creating myriad opportunities for voter fraud that does not exist with in-person voting.

Furthermore, this flood of illegal votes violates the U.S. Constitution's right to vote by diluting the votes of legitimate voters.

Plan

- Solicit whistleblower testimonies from those impacted by or involved in election fraud - True the Vote
- Build public momentum through broad publicity - True the Vote
- Galvanize Republican legislative support in key states - True the Vote
- Aggregate and analyze data to identify patterns of election subversion - OPSEC Group
- File lawsuits in Federal Court with capacity to be heard by SCOTUS - True the Vote

Tactical Organizing: National, State, with micro-targeting in key counties

Key States: Arizona, Nevada, Georgia, North Carolina, Pennsylvania, Michigan, Wisconsin

Legal Strategy

Jim Bopp, True the Vote General Counsel, lead attorney in Bush v. Gore and Citizens United, will file federal suits in the seven closest battleground states to investigate voter fraud, expose it, and to nullify the results of the state's election, so that the Presidential Electors can be selected in a special election or by the state legislature.

Step 1: A federal civil rights lawsuit will be filed in each targeted state. This will provide the vehicle to serve subpoenas on state election officials to produce critical election data.

Step 2: Along with publicly available data, the produced election data will be analyzed to identify both illegal voters and illegal votes.

Step 3: If sufficient election fraud is proven, making the results of the election doubtful, the lawsuit will seek to have the state's election results overturned, leading to a special election, to selection of Presidential Elector by the state legislature, or to the selection the President by the U.S. House of Representatives.

TEAM

True the Vote

Catherine Engelbrecht
President

Legal

Jim Bopp
True the Vote General Counsel

Public Affairs

David Polyansky
Principal
Catherine Frazier
Principal

Data and Research

OPSEC Group
Gregg Phillips
President

Funding Estimate

Whistleblower Campaign
\$2,000,000

Data and Research
\$1,750,00

Litigation
District Courts \$2,500,00
Appeals \$375,000
US Supreme Court
\$700,000

Total Effort
\$7,325,000

Funding Vehicles

True the Vote
Non-Profit 501c3

OPSEC Group
Limited Liability Corp.

**Engelbrecht
Exhibit 1
(1-26-22)**

WWW.DIGITALEVIDENCEGROUP.COM



True the Vote is a nonpartisan organization recognized under section 501(c)3 of the Internal Revenue Code, Federal Tax ID #27-2860095. Contributions or gifts to the True the Vote are tax-deductible as charitable contributions for federal income tax purposes to the fullest extent permitted by law. Donors do not receive any goods or services in exchange for any part of their contributions..

Donations to True the Vote may be made in a variety of forms:

Physical Delivery:	True the Vote PO Box 3109 #19128, Houston, TX 77253-3109
Wire Transfer:	Wells Fargo Bank NA 420 Montgomery St San Francisco CA 94104 ABA# 121000248 FBO True the Vote Account # 2144597214
Online/Credit Card:	www.truethevote.org
Stock transfer:	Fidelity Investments FBO True the Vote Account # 39900000747965121 Routing # 101205681

For more information, please contact:

Catherine Engelbrecht catherine@truethevote.org | 832.444.7701

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 9

1 answer the question, I will assume that you
2 understand it. Does that sound good?

3 A Yes.

4 Q Okay. If at any point you want to
5 take a break, let me know. I'll try to find a
6 good place to stop.

7 The one exception is that if I'm
8 asking a question, then we have to finish
9 answering that question before we can take the
10 break. Does that sound good?

11 A Unless I need advice from the counsel.

12 Q Sounds good, okay. And as you know,
13 today a court reporter will be recording this
14 session. The court reporter can only record
15 audible responses, so I will ask that you answer
16 with an audible yes or no.

17 A head shake, for instance, won't come
18 out on the transcript, so we need audible
19 responses. Does that sound good?

20 A Yes, sir.

21 Q Okay. And finally, if you could
22 please wait until I'm finished asking a question,

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 10

1 that would be great, because otherwise we'll be
2 talking over each other; that way we have a clear
3 record for the Court. Does that sound good?

4 A Yes.

5 Q Okay, great. All right, so let's dive
6 right in. So first, what did you do to prepare
7 for today's deposition?

8 A Nothing.

9 Q Nothing. Did you meet with anyone
10 regarding this deposition?

11 A Counsel yesterday.

12 Q Okay, yesterday. And have you
13 discussed this deposition with anyone other than
14 your attorneys?

15 A No.

16 Q Okay. All right, so first I want to
17 get a little personal background.

18 How long have you been a resident of
19 Walton County?

20 A 1998.

21 Q Since '98. And are you a registered
22 voter in Walton County?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 11

1 A Yes.

2 Q How long have you been a registered
3 voter there?

4 A Since I moved in 1998. I don't recall
5 the exact date.

6 Q That's fine.

7 And what is your occupation?

8 A Own a trucking company.

9 Q Do you also serve as the 3rd Vice
10 Chair for the 10th District of the Georgia
11 Republican Party?

12 A No longer serve as the 3rd Vice Chair.

13 Q No longer. When did you serve as the
14 Vice Chair?

15 A From the convention of 2019 to the
16 convention of '21.

17 Q '21, great. And during that time,
18 what were your duties as the Vice Chair?

19 A Under our district rules, we have no
20 specific list of duties as a 3rd Vice Chair.

21 Q Okay. So then what did you do like on
22 a daily basis when you fulfilled that role?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 12

1 A You're going to have to ask that
2 again. I'm sorry.

3 Q Sure, no problem.

4 So there were no set duties. On a
5 daily basis while you were serving as the
6 Vice Chair, what did you do?

7 A I did anything that was requested of
8 me by the Chair of the district, as provided in
9 our rules.

10 Q And who was the Chair of the district
11 at the time?

12 A The Chair of the district at the time
13 was Karen Schwinn.

14 Q Can you give me just a few examples of
15 the sorts of things that Karen Schwinn asked you
16 to do as the Vice Chair?

17 A Developed a GOTV for the January
18 runoff and for the November election, general
19 election last year.

20 I reorganized counties that fell into
21 the unorganized category.

22 Q Okay. Did you say GOTV?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 13

1 A Yes, "Get Out The Vote."

2 Q Okay, thank you.

3 Can you describe what that is?

4 A It is plans that we do to turn out
5 Republican votes for Republican nominees.

6 Q And you mentioned two different kinds
7 of counties in the second part of your answer.

8 Can you remind me what those are?

9 A I'm sorry?

10 Q You mentioned two different kinds of
11 counties, I believe, in the second part of your
12 answer. Unorganized I think was one of them.

13 Can you describe what that is?

14 A Unorganized county is when a county
15 does not have a local county party. They are
16 considered unorganized within the party structure.

17 Q Okay. And part of your role is to get
18 them organized?

19 A Yes.

20 Q Okay. So how long have you been
21 involved in Georgia politics?

22 A Since 2010.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 26

1 use to develop this belief?

2 A There's publications out there from
3 places that show voters that have voted that no
4 longer live in the state of Georgia.

5 There's just been a multiple -- I
6 mean, I can't recall all the places that I have
7 been able to pull information from over that
8 period of time, but in my gut, I believe there was
9 fraud in the state of Georgia.

10 Q Okay. And just to clarify then, these
11 things that you read about the people who no
12 longer live in the state of Georgia, none of these
13 sources contained any discussion of the NCOA?

14 A I couldn't recall that specifically.
15 I mean, this was last November.

16 Q Okay. Did Mr. Williams know that you
17 held this belief?

18 A I do not know the answer to that.

19 Q Do you have a sense of why he called
20 you then to invite you to this meeting to discuss
21 the Georgia elector challenges?

22 A As I had said earlier, we worked -- we

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 27

1 have used each other's services for many years.
2 We are members of the Republican Party here in
3 Georgia, we have a long-standing relationship, and
4 most of the time we tend to agree.

5 Q Before getting involved with the
6 True the Vote's Georgia elector challenges, were
7 you acquainted with any of the challengers that
8 ultimately submitted changes through
9 True the Vote?

10 A Some.

11 Q Some. How did you know them?

12 A You would have to ask specifically --
13 I mean, some of them were county chairs, some of
14 them I knew through the party, some of them I did
15 not know.

16 Q Okay. Any of these people that you
17 just referenced, had you worked with any of them
18 on elections or political matters before?

19 A Political matters, some of them, yes.

20 Q Are those were the county chairs?

21 A Correct.

22 Q And what sorts of political matters,

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 28

1 just a list that you can give?

2 A Well, there would be nothing in
3 particular. As a 3rd Vice Chair, I'm in and out
4 of counties within our district, and just talking
5 in general to the county chairs and the members of
6 their party. No specific work relation there,
7 unless I actually had organized their county
8 during that time.

9 Q Got it. So for any of the challengers
10 that you ended up recruiting, did you discuss with
11 them what the challenges were based on?

12 A Based on the National Change of
13 Address Registry. Some I talked to, some I didn't
14 talk to. Everything I did was virtually through
15 email, which y'all have a record of.

16 Q All right. So when you say
17 "talked to" then, do you mean email, or do you
18 mean also on the phone or text?

19 A Well, I would make -- I would -- it
20 just depends on who it was. You know, there was
21 text messages, there was emails, there were some
22 phone calls. I mean, I can't recall who and when

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 29

1 and where.

2 Q Okay, but you said it depends on who
3 it was. Were there certain people in particular,
4 then, that you chose to call as opposed to email?

5 A There were -- there were -- there
6 were -- if I had an email address, I emailed. If
7 I didn't have an email address and could get a
8 phone number, I would talk.

9 Q And how did you have this information,
10 either the email or the phone, beforehand?

11 A Emails typically were people that I
12 already knew, or either were sent through a mutual
13 contact.

14 Q And phones?

15 A Phones were people that I already
16 knew; or they would forward emails out that had my
17 contact on it, they'd call me.

18 Q Okay. And who are these mutual
19 contacts that connected you with some of the
20 challengers?

21 A County party chairmen, people just I
22 know in general. I can't recall specific

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 30

1 individual names.

2 Q When you say county party chairman, do
3 you mean one county in particular, or several
4 counties?

5 A No, there would be -- like I would
6 send -- I would send an email, and basically they
7 would forward it.

8 Q I'm sorry, can you repeat that last
9 part?

10 A When I would send emails sometimes,
11 the people would forward the email.

12 Q And you're talking about county chairs
13 specific here? If you sent them an email, they
14 would forward it?

15 A I don't -- no, not all the county
16 chairs would forward the email.

17 Q Okay. But some of them did?

18 A Some. Yes, I would think some of them
19 did.

20 Q Okay. You don't know for sure?

21 A I do not know for sure.

22 Q Did any of these county chairs that

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 31

1 you emailed, did you have any sort of
2 correspondence with them about the email that you
3 had sent, or any calls, any sort of subsequent
4 communication?

5 A I don't recall. All my emails were
6 turned over.

7 Q All of them?

8 A Yes, sir.

9 Q Okay. So sometimes there were no
10 responses to the emails?

11 A Right.

12 Q Okay, so it's a good time to ask this
13 then. So just generally speaking, what was your
14 role in True the Vote's Georgia elector
15 challenges?

16 A To attempt to recruit people to
17 challenge the voters in the county.

18 Q And were any of the challengers that
19 you recruited suggested to you?

20 A I don't recall if any were actually
21 suggested.

22 Q I believe you mentioned -- did you

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 32

1 know all of the people that you reached out to
2 recruit?

3 A No, sir.

4 Q No. The ones you did know, other than
5 the county chairs, we discussed that part, but
6 other challengers, how did you know them?

7 A Some through the party, some just
8 acquaintances. Some would be party members, some
9 would be just general acquaintances.

10 Q All right. And did you work with
11 anyone else to recruit challengers?

12 A Me personally, did I work with anyone
13 to recruit challengers? Is that the question?

14 Q Yes, sir.

15 A I'm sorry.

16 MR. BOPP: Yeah. Jim, if you don't
17 understand the question, don't rephrase it, just
18 tell him you don't understand the question. He'll
19 be happy to rephrase it so you'll know what it is.

20 THE WITNESS: So could you rephrase
21 the question for me, please, sir?

22

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 33

1 BY MR. RAMIREZ:

2 Q Surely, sure.

3 So when you were recruiting
4 challengers, were you doing that solo? Were you
5 doing that with any other people?

6 A Myself and Ron Johnson were recruiting
7 challengers.

8 Q Okay. Like separately at the same
9 time, or together?

10 A Separately at the same time.

11 Q Okay, got it.

12 A He took basically North Georgia, I
13 took South Georgia.

14 Q Got it. And over what period of time
15 did you recruit challengers for the
16 True the Vote's voter challenge effort?

17 A I don't recall the exact amount of
18 time.

19 Q Do you have a general sense that you
20 can give me?

21 A A week and a half to two weeks.

22 Q Yeah, so end state, start date, if you

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 34

1 can recall?

2 A I can't recall exact dates.

3 Q Generally, would the start be before
4 or after the general election?

5 A It was after the general election.

6 Q Okay. And the end dates -- let's see,
7 two or three weeks. Would that be before or after
8 Christmas?

9 A It was before Christmas.

10 Q Before Christmas.

11 You didn't recruit anyone after
12 Christmas?

13 A No, sir.

14 Q Okay. And, Kenzie, are you my
15 hot seater?

16 THE VIDEOGRAPHER: Yes, I am.

17 MR. RAMIREZ: Okay. If we could pull
18 up Tab 1 and mark it as Exhibit 1.

19 (Cooper Exhibit 1 was marked
20 for identification.)

21 BY MR. RAMIREZ:

22 Q Okay, can you see this, Mr. Cooper?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 35

1 A Yes, sir.

2 Q And the font might be a little small
3 for you, it is on my screen, but hopefully you can
4 read it.

5 Kenzie, is there a way to scroll
6 between the pages?

7 THE VIDEOGRAPHER: Yeah. Do you want
8 side by side, or just one by one?

9 MR. RAMIREZ: Let's see it side by
10 side, see if it's too small, if that works.

11 MR. BOPP: I'm sorry, but that is very
12 difficult for me to see. It's just too small.

13 MR. RAMIREZ: Can we make it bigger,
14 Kenzie? And if we can't, then let's go back to
15 one page and make it larger, and then we can
16 scroll.

17 THE VIDEOGRAPHER: I can make one at a
18 time bigger, if that's what you want. You want to
19 go back to one page?

20 MR. RAMIREZ: I think that looks good.
21 Can you see that, Mr. Bopp?

22 MR. BOPP: I can, thank you.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 36

1 MR. RAMIREZ: Mr. Cooper, can you see
2 that?

3 THE WITNESS: Yes, sir.

4 BY MR. RAMIREZ:

5 Q Okay. So, Mr. Cooper, do you
6 recognize this email?

7 A I do.

8 Q Did you write this email?

9 A I did.

10 Q And to whom did you send it?

11 A This was generic that I sent out to
12 the people that I had the email contact
13 information for; that would have been to some
14 county chairs, I believe, and general
15 acquaintances and whatnot, as I could obtain email
16 addresses.

17 Q And this list of people to whom you
18 sent it, that list you developed yourself? You
19 did not have anyone suggest names to whom to send
20 this email?

21 A The state party had a PDF -- not a
22 PDF, an Excel spreadsheet on the state website

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 37

1 that was a list of the county chairs. That had
2 contact information for all the county chairs, and
3 I used that as a resource.

4 Q All right. So I know we covered this
5 to some extent, but I don't think I've asked this
6 specific question.

7 This particular email, did you know
8 every person to whom you sent it?

9 A No.

10 Q The people you did not know to whom
11 you sent it, how did you obtain their contact
12 information?

13 A Most of the ones that got this that I
14 did not know were on the state website as county
15 party chairmen.

16 Q And the people you did know, these
17 were affiliates of yours either through the
18 party or through personal connection?

19 A Yes, sir.

20 Q Did you know whether each person to
21 whom you sent this email was a registered Georgia
22 voter?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 38

1 A Yes, sir. As far as the county, to
2 hold a county party office or a state party
3 office, you're required to be a Georgia voter, so
4 I did know that they were all registered voters.

5 And my acquaintances that were sent
6 this, yes, I knew they were registered voters.

7 Q Got it. One second.

8 Kenzie, can we see the higher part of
9 this email where it says To and From and that
10 information? Awesome, thank you.

11 Okay, just to clarify, Mr. Cooper,
12 your email address there, does ".gop" stand for
13 Republican party?

14 A No, sir, that's a personal gmail
15 address that I used when I was -- when I got
16 elected as the 3rd Vice Chair, I created that to
17 keep my business and my activity politically
18 separate.

19 Q Okay. So what does GOP stand for in
20 the email address?

21 A Grand Old Party.

22 Q Sorry, can you repeat that?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 40

1 you know, party correspondence as well.

2 Q Okay. Would you say that every person
3 to whom you sent this email in this exhibit was a
4 registered Republican voter?

5 A Could you rephrase? Could you restate
6 the question, please?

7 Q Sure. Actually, it might be easier
8 to -- Kenzie, can we take down the blowup?
9 Thanks. So now you can see the whole email again,
10 Mr. Cooper.

11 My question was, this email that you
12 sent, was it sent only to registered Republican
13 voters?

14 A I can't confirm that.

15 Q Okay. You knew that every person to
16 whom you sent the email was a registered Georgia
17 voter; is that correct?

18 A The people I sent the email to, I did
19 not confirm they were a registered voter, but if
20 they're on our state's list as county chair,
21 they're required to be -- one of the requirements
22 to hold an elected office in the Georgia

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 41

1 Republican Party is to be a registered voter in
2 the county in which you reside.

3 Q Okay. So then is it fair to say that
4 every person to whom you sent this list -- sorry,
5 every person to whom you sent this email that
6 appeared on that list, all those people would have
7 to be registered Republican voters in Georgia?

8 A I'm not sure that I'm understanding
9 exactly what you're asking, sir.

10 Q Okay, I can rephrase.

11 So you stated that the one requirement
12 to be on this state list you have for the Georgia
13 Republican Party, to be on that list, you have to
14 be a registered voter in Georgia; is that correct?

15 A Yes. To be a county party officer or
16 a state party officer, you have to be a registered
17 voter in the county in which you reside.

18 Q Okay. So is it fair to say then, on
19 that list in particular, all those registered
20 voters are registered Republican voters?

21 A In the --

22 Q In Georgia.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 42

1 A Georgia is an open primary state. I
2 don't know if they're registered Republican or
3 not.

4 Q Okay. Helpful, thank you.

5 People not on the list that you knew
6 through personal connections, I want to clarify
7 that's the case.

8 If you sent an email to someone -- if
9 you sent this email to someone, and that person's
10 name wasn't on this state county list, you knew
11 about that person because you knew them
12 personally; is that correct?

13 A Yes, unless this was forwarded to
14 someone from someone else.

15 Q Right, right. So anyone to whom you
16 sent this email that wasn't on the list, did you
17 know whether those people were registered
18 Republican voters in Georgia?

19 A I couldn't confirm that, no.

20 Q Okay. This email that you sent -- and
21 I'm sure you can see it, it's the bottom of this
22 chain of emails in this exhibit.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 43

1 A Mm-hmm.

2 Q Is that the first contact you had with
3 each of the prospective challengers that you
4 recruited or attempted to recruit?

5 A The initial email -- that would be the
6 initial email that I would send, yes.

7 Q Any person to whom you sent the email,
8 did you have any prior contact with them about the
9 Georgia elector challenges?

10 A There were some that I only had a
11 phone number for that I had to call to get an
12 email address.

13 Q Okay. And in those conversations, did
14 you discuss the elector challenges at all?

15 A Basically I would outline what we was
16 doing, just like this initial email, and then get
17 the email address and send them the email.

18 Q Okay. Did you have a script for any
19 of these calls?

20 A Basically you're looking at the
21 script.

22 Q Okay. Other than the people who

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 44

1 forwarded this email, and other than yourself, did
2 anyone else send this email to prospective
3 challengers?

4 A I do not know the answer to that.

5 Q How many people replied to your email?

6 A I couldn't recall the answer to that.

7 Q I'm sorry, just making sure you were
8 finished.

9 Is there a tracker or perhaps a
10 document that would help refresh your memory on
11 that topic?

12 A I'm sorry?

13 Q If you can't recall, is there a
14 tracker or is there a document that would help
15 refresh your memory on that topic, the number of
16 people that responded to this email?

17 A I mean, I turned over all of the
18 emails that I had.

19 Q Did anyone call or text you in
20 response to receiving this email?

21 A I do not recall. I mean, I don't -- I
22 simply just don't remember.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 45

1 Q Okay. Then maybe a more useful
2 question would be, after you sent this email, sort
3 of what happened next as part of your recruitment
4 process?

5 A When I sent this email, if they
6 replied -- if they replied back that they wanted
7 to challenge, I would then forward the email to --
8 oh, my goodness, I can't recall all of the emails,
9 but it was a group of emails. One was to
10 Mark Williams, one was -- I mean, I'd cc
11 Mark Williams in sending it.

12 Because what I'd do is, once they sent
13 in what True the Vote needed as far as their
14 voter ID, their signature, and statement that they
15 could -- you know, they would challenge the voters
16 or the electors in their county, I would then
17 forward that back to Mark Williams, Ron Johnson,
18 Catherine, there was two other gentlemen, and Amy,
19 a lady named Amy, and I believe that was it.

20 So if they replied back to it with
21 permission, I would forward or send their reply,
22 the whole chain, to that group of individuals.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 55

1 So your recruitment work in this case
2 for True the Vote, other than the Defendants in
3 this case, did you discuss that with anyone else?

4 A I'm unsure about what you're actually
5 asking.

6 Q So you were involved in helping to
7 recruit challengers for True the Vote during the
8 runoff, right? Is that correct?

9 A Yes.

10 Q Did you discuss that, your role in
11 recruiting challengers for this effort, did you
12 discuss that with anybody -- with anyone?

13 A With the folks that I was trying to
14 recruit, yes.

15 Q Okay. And I assume also with the
16 other Defendants in this case?

17 A Yes.

18 Q Anyone else?

19 A No, not that I'm aware of.

20 Q Got it. Okay, give me one moment.

21 Kenzie, can we take this one down and
22 pull up Tab 2 and mark it as Exhibit 2?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 56

1 (Cooper Exhibit 2 was marked
2 for identification.)

3 BY MR. RAMIREZ:

4 Q So this one is a little bit longer.
5 It's a few pages. Could we blow this up a bit,
6 just the whole page? Is there a way to do that?
7 Yeah, great, okay.

8 Mr. Cooper, I'll give you a
9 few minutes here to look over this document.
10 There are a few pages here, so I'm not sure if you
11 can scroll. Looks like I cannot, so, Kenzie, you
12 might have to do that for him.

13 Mr. Cooper, go ahead and review this
14 document, and let me know when you're ready.

15 THE VIDEOGRAPHER: And you can just
16 let me know when you're done reading, and I'll
17 scroll down for you.

18 THE WITNESS: Okay, this is starting
19 at the end. Can we go to the beginning first?

20 THE VIDEOGRAPHER: This is the last
21 page of this little bit, and then this is the next
22 to last.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 57

1 MR. BOPP: You're going to have to
2 make that bigger because I can't possibly read
3 that. I'm sorry. Thank you.

4 THE WITNESS: Okay, can we go to the
5 bottom of this, please?

6 (Witness reviewing Exhibit 2
7 on Zoom screen.)

8 THE VIDEOGRAPHER: I believe this is
9 the first page.

10 MR. RAMIREZ: That's right.

11 Okay, can we blow up the first half of
12 the page? Yeah, above that, actually. I want the
13 first email. Yeah, thank you.

14 THE VIDEOGRAPHER: You're welcome.

15 BY MR. RAMIREZ:

16 Q Okay. All right.

17 So Mr. Cooper, do you see where you've
18 written, "I have not updated any shared files with
19 the counties I have sent in"?

20 A I have not updated -- I have not
21 updated any files with the counties I have sent
22 in, yes.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 58

1 Q Yes. So what are those shared files
2 that you're referring to?

3 A That would be the -- that would be
4 that spreadsheet that was downloaded from the
5 state party's website that would go in, and if it
6 was the county chair that was going to challenge,
7 their information was already there. And if it
8 was not the county chair, Amy would put in the
9 name of the person that was challenging.

10 Q And what do you mean by the counties
11 that you have sent in?

12 A Well, if you go in the order of this
13 email, you will have seen that I had Clarke,
14 Hancock, Dodge, and I don't recall the other
15 counties listed in the email at the beginning of
16 this, but none of those counties were updated, and
17 that's what this email was referring to.

18 Q Okay. So "sent in" refers to updating
19 the shared file?

20 A Correct.

21 Q Got it. So this email dated
22 December 17 at 9:40 a.m., do you see that?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 59

1 A Yes, sir.

2 Q Okay. By this time, had you finished
3 recruiting challengers for the Georgia elector
4 challenge?

5 A I don't remember.

6 Q Can we exit out of this, Kenzie?
7 Thanks. And then let me see if we can see it.
8 Can we blow up the next email in this thread?

9 THE VIDEOGRAPHER: Starting with "Good
10 morning everyone"?

11 MR. RAMIREZ: Yeah. Great, thank you.
12 Okay.

13 BY MR. RAMIREZ:

14 Q Mr. Cooper, do you see where
15 this email from James Williams references
16 "final files"?

17 A Let me move this out of the way so it
18 doesn't cover it up. Yes.

19 Q So what does that mean, "final files"?

20 A I do not know exactly what "final
21 files" mean. Mr. Williams was the one that was
22 doing the printing of the letters, so I really

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 60

1 don't know what his final files would be -- would
2 mean.

3 Q Does it perhaps mean the shared files
4 that you reference in the next email?

5 A I do not know.

6 Q Okay. Did you send Mr. Williams any
7 information regarding the voter challenges after
8 he sent you this email?

9 A I do not remember.

10 Q Okay. Can we take this one down,
11 Kenzie? Thanks. And can we actually pull this
12 one down and put Exhibit 1 back up? Okay.

13 And then can we blow up the last piece
14 of this email where it says "On Wednesday," there
15 to the end? Great, thanks.

16 Okay, Mr. Cooper, do you see where you
17 write we have identified over 500,000 people in
18 the state of Georgia?

19 A Yes.

20 Q How did you come up with that 500,000
21 number?

22 A That is -- that is what in the meeting

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 73

1 Q Okay. You never called him?

2 A I didn't call him, I don't believe.

3 Honestly, I couldn't -- I couldn't swear to that.

4 I really can't remember.

5 Q Okay. All right, Kenzie, can we take

6 this one down and put up Tab 3 and mark it as

7 Exhibit 3?

8 (Cooper Exhibit 3 was marked

9 for identification.)

10 BY MR. RAMIREZ:

11 Q How are you doing, Mr. Cooper? Do you

12 need a break, or we're doing good?

13 A I'm good.

14 Q All right, great. Okay, let's see if

15 we can blow this up. Is this just one page? Two

16 pages.

17 THE VIDEOGRAPHER: Do you want side by

18 side again, or just pull up the first one?

19 MR. RAMIREZ: Can we blow up the

20 second one, actually.

21 THE VIDEOGRAPHER: Okay.

22 MR. RAMIREZ: Great, okay.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 74

1 BY MR. RAMIREZ:

2 Q Okay, so Mr. Cooper, the last
3 paragraph, I suppose, of the last email that
4 starts "Another question," do you see that?

5 A Which -- you're talking about the
6 bottom one, the one that I sent, or the top one
7 where it says, "Mark, can you extract the names
8 for this request?"

9 Q The bottom one.

10 A Yes.

11 Q Okay. This is another question that
12 you refer to in that paragraph that you're getting
13 from folks. How are you getting that question?
14 How are they communicating with you?

15 A This was in reference to Mr. Martin
16 there in Taliaferro County wanting to see the list
17 of names before he agreed to challenge.

18 Q Just him?

19 A Yes, sir.

20 Q Okay. And you say afterwards --

21 A Yeah, I went ahead and read that. Go
22 ahead and ask your question.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 75

1 Q Yeah. So what does that mean,
2 "afterwards"? After what?

3 A I was -- I had some people ask if they
4 could get the list that they challenged after the
5 challenges were made so that they would know if
6 they was to be asked a question who they had
7 challenged.

8 Q How many people about would you say
9 asked you for this afterwards?

10 A I don't know the exact number of
11 people that had asked.

12 Q Ballpark figure?

13 A Maybe three or four.

14 Q Okay. So then for those three or four
15 people, does that mean that the challenges were
16 submitted in their names before they saw the
17 lists?

18 A Yes.

19 Q Was that true of all the people you
20 recruited?

21 A No. Mr. Martin wanted to see the list
22 before he agreed to challenge.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 76

1 Q Right. And is he the only one that
2 actually saw the list before submitting
3 challenges?

4 A To the best of my memory, yes.

5 Q Okay. So this first paragraph in the
6 email you sent, "I have one chair in the 10th,"
7 that refers to Mr. Martin?

8 A Yes, sir.

9 Q Okay. And forgive me if this is a
10 stupid question, but what is he the chair of?

11 A Taliaferro County Republican Party.

12 Q Okay. Which is in the 10th --

13 A 10th Congressional District.

14 Q Okay, got it.

15 And did you know Mr. Martin previously
16 before communicating with him about the Georgia
17 elector challenges?

18 A I did.

19 Q How did you know him?

20 A I was the 3rd Vice Chair of the
21 10th District, and he was the Chair in the
22 10th District.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 77

1 Q Okay. So does that mean he -- let me
2 just clarify. I got a little confused.

3 I think you mentioned a Karen Sweeney,
4 is that correct, earlier?

5 A Chairman Schwinn, Chairwomen Schwinn
6 was the Chair.

7 Q She was the District Chair of the
8 10th?

9 A She was the District Chair of the
10 10th.

11 Q And Mr. Martin was?

12 A He was the County Chairman of
13 Taliaferro County.

14 Q Got it, okay.

15 When did you first contact Mr. Martin
16 about the Georgia elector challenges?

17 A I do not recall the exact date.

18 Q Was that initial outreach email that
19 we pulled up before in Exhibit 1, was that the
20 first contact you made, or did you contact him
21 before sending that email?

22 A I don't recall, honestly.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 78

1 Q If you had contacted him, would it
2 have been by email or phone?

3 A I don't recall how I contacted him
4 initially.

5 Q Okay. But your subsequent
6 communications with him, they were all email?

7 A Yes, to the best of my recollection.

8 Q When did Mr. Martin first ask you to
9 see the list of names that he was challenging?

10 A I don't recall.

11 Q So this email was dated December 16.
12 Do you see that?

13 A Yes, sir.

14 Q Is it fair to say that he asked you to
15 see the list of names before you sent this email?

16 A Yes, sir.

17 Q Okay. This is at 3:25 p.m.

18 Kenzie, can we take this down for a
19 second and put Exhibit 1 back up? And then can we
20 blow up the last email which starts "On
21 Wednesday"? Okay.

22 Do you see the date on this email as

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 103

1 challenge list?

2 A Not that I recall.

3 Q What was the extent of your
4 communication with Ms. Engelbrecht as part of this
5 challenge effort?

6 A Email.

7 Q What did you discuss with her?

8 A Instances like this where I forwarded
9 the challenge -- this request of Mr. Martin, and
10 all of the challenges that -- or challengers that
11 agreed to challenge, she received the cc's.

12 Q How often did she respond to the --
13 like this, like email. How often did she reply by
14 email to the emails that you had forwarded to her?

15 A I don't remember.

16 Q Was it for more or less than 50% of
17 the challengers you recruited?

18 A Honestly, I don't remember.

19 Q Did you ever have a phone conversation
20 with Ms. Engelbrecht about the elector challenges?

21 A I don't remember.

22 Q You mentioned at least one, the

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 104

1 meeting at Mr. Williams' house where you said she
2 was on the phone.

3 A Yes, she was on conference call in the
4 initial meeting.

5 Q Right. Were there any other instances
6 where Ms. Engelbrecht spoke to you over the phone
7 regarding the elector challenges?

8 A Not directly, no.

9 Q What do you mean, not directly?

10 A I believe there was one Zoom meeting
11 after the -- with the attorneys.

12 Q Okay. After what?

13 A After we received the lawsuit.

14 Q Got it, okay.

15 So in this email from Ms. Engelbrecht,
16 do you see where she refers to putting together a
17 one-pager to support challengers?

18 A Yes, sir.

19 Q Did she ever send that one-pager to
20 you?

21 A I don't remember. I don't believe so.

22 Q Were you ever provided anything from

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 105

1 True the Vote to send to the challengers you
2 recruited?

3 A Say that one question one more time,
4 please.

5 Q Sure. Were you ever provided anything
6 from True the Vote to send to the challengers you
7 recruited?

8 A No.

9 Q No. So all the communications you had
10 with the challengers, those were -- that wasn't a
11 script or anything? That was something that you
12 yourself drafted, wrote, sent to them?

13 A Correct.

14 Q Okay. And then do you see in your
15 email here where you state, "I'll look for someone
16 else in Taliaferro county"?

17 A Yes.

18 Q Are you referring to another
19 challenger?

20 A Yes.

21 Q Did you find another challenger?

22 A No.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 106

1 Q No. So to your knowledge, were any
2 challenges submitted in Taliaferro County after
3 you sent this email?

4 A I do not know.

5 Q When you were looking for someone
6 else, as it says in this email, what were you
7 doing?

8 A In looking for a challenger, I
9 basically go back to a list of acquaintances that
10 I know personally, and at the same time that this
11 was going on, I was also recruiting for the
12 other -- the other south portion of the state.

13 So to the best that I can recall, I
14 didn't even attempt to reach out to anyone else in
15 Taliaferro County.

16 Q Okay. So if you weren't reaching out
17 to anybody, what were you doing when you were
18 looking for someone else, as that sentence says?

19 A Well, the sentence states that I will
20 look for someone else. It didn't say I was going
21 to get someone else. So I basically focused on
22 other counties.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 107

1 Q Got it, okay.

2 So after you sent this email, you did
3 not attempt to recruit someone else in Taliaferro
4 County?

5 A Not that I can remember, no.

6 Q Okay. The end of this email that you
7 sent, you wrote from having talked to individuals
8 over the weekend. Do you see that?

9 A Yes.

10 Q Were these people that you talked to
11 challengers?

12 A These people that I was talking to, I
13 was trying to recruit as challengers.

14 Q Okay. So they were not challengers
15 yet? They had not yet given permission?

16 A Correct.

17 Q Okay. Why would those people have
18 been contacted by the counties to make their case?

19 A It was in the news here in the state
20 of Georgia about the elector challengers, and it
21 was widely known that county election offices was,
22 you know, trying to -- was making people make

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 113

1 but I don't know.

2 Q Yeah, just to be clear, I'm not asking
3 you to make assumptions, just anything that you
4 were told in these conversations. Did these
5 people explain to you why they didn't want to make
6 their case?

7 A Not that I remember.

8 Q No one did? Did Mr. Martin explain --
9 well, let me take a step back.

10 So you say that -- do you see where
11 you say, "Now that's not the case with Joe"?

12 A Right. Mr. Martin's reason for
13 wanting to withdraw is in his email.

14 Q Okay. But that means that he
15 didn't -- the reason why he wanted to withdraw is
16 different than the other people you reference in
17 this email; is that correct?

18 A Correct.

19 Q Okay. And when you say that's not the
20 case with Joe, do you mean that he is not running
21 off?

22 A No. It means that the reason that he

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 114

1 is wanting to withdraw is different than the folks
2 that I was trying to recruit.

3 Q Okay, meaning that Mr. Martin was fine
4 making his case?

5 A Correct.

6 Q Okay. So I'm going to ask a few more
7 questions about this one, but I want to refer back
8 to a different exhibit that we have, Mr. Cooper.

9 So, Kenzie, can we pull this down and
10 put Exhibit 1 back up? Thanks. And then just the
11 first half of this exhibit up until -- let's go
12 down to where it says, "Best, Caesar Gonzalez."
13 Yeah, that's great, thanks.

14 So I know we've already seen this
15 exhibit, Mr. Cooper, but I want to just confirm
16 that you recognize this first email as well
17 because I don't think we've talked about it yet.

18 A Yes.

19 Q Okay. So how did you know
20 Mr. Gonzalez?

21 A He was -- Mr. Gonzalez was referred to
22 me. I don't remember who he was referred by.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 115

1 Q I just want to make sure I understand.

2 So some of the people you reached out
3 to were referred to you to reach out to?

4 A Yes.

5 Q And who referred them to you?

6 A I don't remember who referred
7 Mr. Gonzalez.

8 Q Do you have a sense of who it might
9 have been? Would it be -- would it be one of the
10 county chairs perhaps?

11 A I don't remember who referred
12 Mr. Gonzalez.

13 Q Okay. And you don't know -- how do I
14 phrase this?

15 Any referrals you would have received,
16 would they have been from your professional
17 network, so your capacity as a business owner?

18 A No.

19 Q Would it have been through people that
20 know you through your involvement in GOP politics
21 in Georgia?

22 A Yes.

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 116

1 Q Okay. So in this email to Mr. Cooper,
2 Mr. Gonzalez said he got a call from Douglas
3 County asking how he wants to handle the
4 challenged ballots. Do you see that?

5 A Yes.

6 Q Is this an example of the kind of
7 conversations that you were having in the last
8 exhibit we looked at?

9 We can pull that back up if you need
10 to see it again.

11 A Yes, I can't remember exactly the
12 call, but he was being requested to come in and
13 present his case.

14 Q Okay. So this is after his challenge
15 was submitted?

16 A Yes.

17 Q Okay. And he asks you, "How do I
18 handle this?" Do you see that?

19 A Yes.

20 Q So what did you tell him?

21 A Yes, I see that now.

22 Q Okay. And what did you tell him?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 117

1 A That was -- when I spoke with him, I
2 told him basically the same thing that Catherine
3 had referred in the past email, is that it is not
4 required.

5 Q Okay. And did you reply to this email
6 to tell him that? Did you call him? How did you
7 tell him that?

8 A I don't remember.

9 Q Okay. Did you ever reply to this
10 email?

11 A I do not remember.

12 Q Okay. So you said you told him
13 essentially what Catherine Engelbrecht told you,
14 that he was not required to show up to make his
15 case; is that correct?

16 A I'm pretty sure that that's what was
17 told to him.

18 Q Okay. Did you give similar advice to
19 the other challengers who talked to you about
20 their concerns that the county is contacting them?

21 A I don't remember.

22 Q Well, would it have been the same

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 137

1 Did True the Vote instruct you to
2 reach out to those chairs?

3 A No.

4 Q Did anyone instruct you to reach out
5 to them?

6 A No.

7 Q So at this initial meeting we
8 discussed where -- at Mark Williams' -- I think
9 you said place of business; is that correct?

10 A Correct.

11 Q At that meeting, did they ask you to
12 recruit challengers?

13 A They asked if I would be willing to
14 help recruit challengers, yes.

15 Q And why did they ask you that?

16 A I don't know.

17 Q Did they indicate why they thought you
18 would be a good person to do recruiting?

19 A I do not know. Mark Williams called
20 me and asked me to come to the meeting.

21 Q Did he say why he thought you should
22 be involved in the meeting?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 138

1 A He thought that I would be interested
2 in what they was going to discuss.

3 Q Okay. But he didn't suggest to you
4 that you should do recruiting?

5 A Prior to the meeting, no.

6 Q And at the meeting --

7 A At the meeting, I was asked if I would
8 be willing to recruit.

9 Q And who asked you that?

10 A It would have been -- I can't remember
11 the gentleman's name again. Oh, Gregg Phillips
12 and Catherine Engelbrecht.

13 Q And when they asked you to recruit,
14 did they say why they thought you should be the
15 one to do that?

16 A No. They just asked if I would be
17 willing to help them in recruiting.

18 Q Did they -- do you know if they -- did
19 they mention, other than yourself and Ron Johnson,
20 whether they were looking to enlist anyone else to
21 help with the recruitment part of the challenges?

22 A I don't remember the exact whole

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 139

1 conversation that evening.

2 Q How long was the conversation?

3 A I don't remember exactly.

4 Q Were you aware of any other similar
5 conversations that True the Vote was having with
6 the volunteers in Georgia?

7 A No.

8 Q Did you recruit any democratic county
9 chairs to be challengers?

10 A Not that I'm aware of.

11 Q Did you attempt to reach out to any of
12 them?

13 A No. I do not have access to Democrat
14 Party chairmen's list.

15 Q Do you know who they are or their
16 contact information?

17 A I do not.

18 Q No. So that's not like on a website
19 where the information for the GOP chairs is?

20 A I do not know.

21 Q Do you know if any of the individuals
22 you recruited were registered Democrats?

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 140

1 A I do not know. Georgia is an open
2 primary state, so there's no requirement of
3 registration by party affiliation.

4 Q Okay. Kenzie, can we take down this
5 exhibit and pull up Exhibit 1 again? Great. And
6 then can we blow up the last email starting "On
7 Wednesday." Yeah, thank you. Give me a second
8 here.

9 Okay, Mr. Cooper, do you see at the
10 end of the second paragraph here, starting the
11 sentence, "If this very type action had been taken
12 in October it is very likely Trump would have won
13 Georgia! We can't look back now we must look
14 forward and save the senate!"

15 A That's correct.

16 Q This email comes from your .gop
17 address; is that right?

18 A Yes.

19 Q So did you send this email to -- you
20 said you don't know, that Georgia is an open
21 primary state, but do you know specifically
22 whether any individual to whom you sent this email

9/22/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

James Cooper

Page 141

1 was a Democratic voter?

2 A Do not know.

3 Q Okay. What do you mean by "save the
4 senate" here?

5 A I am a Republican, I vote Republican,
6 and by "saving the senate," I meant exactly save
7 the senate.

8 Q I'm not sure what you mean, though, by
9 "save the senate." Can you elaborate?

10 A Republicans control the senate at this
11 time. If we lose the two Republican senate seats
12 in the state of Georgia, we lose the senate as
13 Republicans.

14 Q Okay. Is it safe to say that one of
15 the goals that you wanted to forward with getting
16 involved with the True the Vote project was to
17 make sure that Republicans won the runoff
18 election?

19 A Wanted to make sure that the election
20 was fair.

21 Q Even if that meant that Democrats won?

22 A Even if that means Democrats win.

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 17

1 this e-mail?

2 A. No.

3 MS. KRAMER: Counsel, can you guys
4 please zoom in to this e-mail. Even on my
5 laptop, it's kind of hard to see, if you
6 don't mind. That's much better. Thank you.

7 BY MS. TAYLOR:

8 Q. Mr. Williams, can you still see the
9 exhibit?

10 A. Yes, I can read it fine on my phone.

11 Q. Great.

12 It looks like, from your reply, that
13 Catherine Engelbrecht was cc'd on the e-mail.

14 Did you know who she was before this
15 e-mail?

16 A. No.

17 Q. Okay. And had you heard of True the
18 Vote before this e-mail?

19 A. No.

20 Q. Okay. So this was your first contact
21 with them or with anyone at True the Vote?

22 A. Let me clarify that answer. The

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 18

1 chairman of the GOP told me that he had given them
2 my number. And that's the first I've heard of them.
3 So this was -- this was a follow-up e-mail to that,
4 but that was the first I've heard of them.

5 Q. Okay. And who is the chairman of the
6 GOP that's being referenced here?

7 A. David Shafer.

8 Q. And is he the chairman of the Georgia
9 state GOP or county?

10 A. State.

11 Q. And how do you know -- how do you know
12 Mr. Shafer?

13 A. We do a lot of printing with them and
14 things like that, so he knows me as a printer.

15 Q. Okay. And do you know what his
16 relationship with True the Vote is?

17 A. I have no idea.

18 Q. He just reached out to you and put you
19 in touch -- or let you know that they would be
20 reaching out to you, rather?

21 A. Correct.

22 Q. Okay. And we'll get into this a

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 19

1 little bit more a little later on, but can you just
2 describe for me at a very high level your
3 involvement with True the Vote after this e-mail.

4 A. I met with Gregg. And he explained
5 that they were trying to -- they needed to print the
6 letters and explained the job to me. And I told him
7 what we can do and things along those lines. So
8 they were bringing that to me.

9 Q. When you say "letters," are you
10 referring to the challenge letters that True the
11 Vote issued in the January runoff election?

12 A. Correct.

13 Q. And who did you generally
14 communicate -- during the scope of this printing
15 project that you were doing with True the Vote, who
16 did you communicate with?

17 A. I believe it was almost always Gregg.
18 I believe that's correct.

19 Q. Did you have any other interactions
20 with Catherine Engelbrecht?

21 A. I spoke with her on the phone a few
22 times, but I think that's about it.

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 20

1 Q. What about with James Cooper; did you
2 work with him at all for this project?

3 A. Vaguely. Very vaguely.

4 Q. When you say "vaguely," just so that
5 we're clear, what do you mean by that?

6 A. I introduced them -- James Cooper to
7 them. And so -- and so I didn't work with him in
8 any capacity, but I did introduce them.

9 Q. How do you know James Cooper?

10 A. I've known him many years through
11 mostly Republican party stuff.

12 Q. Did you work with a Ron Johnson at
13 all?

14 A. In the same capacity.

15 Q. Did you know him previous?

16 A. Yes, I've known him for a long time,
17 too.

18 Q. Through your printing company?

19 A. Through Republican party mostly.

20 Q. Okay. And what about Mark Davis?

21 A. Yes, I know Mark Davis.

22 Q. And Derek Somerville?

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 21

1 A. Met Mark [inaudible] Derek Somerville,
2 I think.

3 Q. Do you recall working with anyone else
4 at True the Vote during this time?

5 A. Not -- no, I don't.

6 Q. How about anyone else at OPSEC?

7 A. At where?

8 Q. OPSEC, which was Gregg Phillips'
9 company.

10 A. No. No, not at all.

11 Q. When you were generally communicating
12 with these people, you said mostly you were
13 interacting with Gregg Phillips for this project,
14 was that mostly over e-mail? Or how were you
15 communicating?

16 A. It was almost all phone calls just
17 about. And we didn't have a lot of interaction,
18 just -- it was basically just a customer/vendor
19 relationship.

20 Q. Okay. What -- can you broadly
21 describe what those -- what types of customer/vendor
22 interactions you're talking about?

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 22

1 A. Well, they brought the project here
2 and we discussed it. And then once we did, then we
3 produced the job and got it to them.

4 Q. So what did True the Vote ask you to
5 do with regard to compiling these challenge lists?

6 A. They sent us lists and we printed
7 them. They sent us the list -- well, they sent us
8 the individual letters, is what they sent us, files
9 with the individual letters, and we printed them and
10 gave them the copies.

11 Q. So you printed the letters and then
12 gave them back to True the Vote?

13 A. Yes.

14 Q. Did you do anything else?

15 A. Not that I recall.

16 Q. Okay. Why did you agree to work with
17 True the Vote?

18 A. Well, as I said, it was a
19 customer/vendor relationship. And when they told me
20 that they were trying to -- that they had intentions
21 of working to challenge a lot of the votes and
22 things, I introduced them to a couple of people,

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 23

1 which was Ron Johnson and James Cooper. And then it
2 went from there, so that was it.

3 Q. Okay. Did you reach out to anyone to
4 ask them to become a challenger on behalf of True
5 the Vote?

6 A. Not that I recall.

7 Q. Okay. But you did reach out to James
8 Cooper and to Ron Johnson?

9 A. Correct, to introduce them to Gregg
10 and his group.

11 Q. Okay. And do you know what Ron
12 Johnson and James Cooper did for True the Vote?

13 A. I wasn't involved in that part, so not
14 really.

15 Q. You have no idea?

16 A. No idea.

17 Q. When you introduced them, what were
18 you -- what did you think you were introducing them
19 for?

20 A. For their connections to people all
21 across the state, that they might be able to help
22 them make connections across the state.

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 24

1 Q. Connections for what?

2 A. To -- I guess to do the challenges. I
3 just knew that both of these guys were real big in
4 the party and stuff and held positions and things
5 like that. So I just assumed that they would be
6 able to help them be introduced to people and
7 things. So I introduced them to them.

8 Q. Did True the Vote -- or did Gregg ask
9 you to reach out to anybody you might know who might
10 be able to do that?

11 A. No. He described what they were
12 doing. And I thought there was a couple people that
13 might be able to help him, so I just introduced
14 them.

15 Q. So how did you reach out to Mr. Cooper
16 and to Mr. Johnson in order to introduce them to
17 Mr. Phillips and True the Vote?

18 A. To the best of my recollection, it was
19 phone calls.

20 Q. What did you tell them?

21 A. That I had somebody that they probably
22 should meet and have a discussion with.

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 25

1 Q. No other details?

2 A. Not that I recall.

3 Q. Did you tell them anything about the
4 project True the Vote was working on?

5 A. I don't recall.

6 Q. Okay. So you just asked them to come
7 meet this guy you knew?

8 A. Yes. That they were working on
9 something they might be interested in, I think is
10 what I said.

11 MS. TAYLOR: Kenzie, can we pull up
12 0759.

13 (Exhibit 2, Bates Nos. Def Williams
14 0759-780, E-mail Chain, received and marked.)

15 BY MS. TAYLOR:

16 Q. Mr. Williams, this is a very long
17 e-mail thread, unfortunately. And you're more than
18 welcome to scroll through the whole thing, but I can
19 represent to you today that it's a series of
20 forwarded e-mails that all end up with you at the
21 end.

22 And I'd like to turn your attention to

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 112

1 did you believe were the problems with this
2 election?

3 A. Well, I do believe that there was a
4 lot of votes that were placed that were not -- that
5 shouldn't have been placed. And the NCOA is the
6 place that it was showing up and exposing that. And
7 I felt like we were the -- and that's why I agreed
8 to do the Gwinnett County challenge or I chose to do
9 the Gwinnett County challenge, because I felt like
10 it was -- there was some things going on and I
11 wanted it exposed.

12 Q. Just so that we're clear, are you
13 referring to this happening with the general
14 election in November or with the runoff election in
15 January or both?

16 A. I would say both.

17 Q. And did this -- did this feeling you
18 have inform your decision to work with True the Vote
19 for this challenge project?

20 A. Yes -- well, not for the printing
21 project. It gave me the -- the want to be the
22 challenger in my county, but as far as working with

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 113

1 the project, the project itself here was just a
2 printing project. So that was -- it's almost like
3 two different issues.

4 MS. TAYLOR: Can we pull up
5 Document 0855 and mark it as the next
6 exhibit.

7 (Exhibit 19, Bates Nos. Def Williams
8 0855, 12/17/20 Letter, received and marked.)

9 BY MS. TAYLOR:

10 Q. Do you recognize this, Mr. Williams?

11 A. Hold on just a second. Let me see.

12 (Document review.)

13 THE WITNESS: Yes.

14 BY MS. TAYLOR:

15 Q. Is this your challenge letter or one
16 of them?

17 A. Yes.

18 Q. And is this what all of the challenge
19 letters you would have helped print for True the
20 Vote looked like?

21 A. Mostly so, yes.

22 Q. When you say "mostly so," what were

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 114

1 the variations?

2 A. I don't know that there was any
3 variations. I'm just leaving that out there. But,
4 yes, this should have been what the letters looked
5 like.

6 Q. Okay. Save for the name and -- the
7 names of who's being challenged and who's issuing
8 it; correct?

9 A. Correct.

10 Q. In this letter, you write, "Based on
11 available data from the United States Postal Service
12 and other commercially available sources."

13 The "data from the US Postal Service,"
14 is that referring to the NCOA registry?

15 A. Yes.

16 Q. And what are the other commercially
17 available sources?

18 A. I believe that's just encompassing. I
19 don't believe that there was -- and I say this -- I
20 don't know because I didn't actually compile the
21 data myself, but I believe that was just
22 encompassing.

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 115

1 Q. So your understanding was the
2 challenges were based solely on the NCOA registry;
3 is that right?

4 A. I was comfortable with that being the
5 source of the information.

6 Q. Okay. What did you hope the effect of
7 these challenges would be, the ones that you issued?

8 A. Well, I wanted to -- and my personal
9 view was to expose this. If there was wrongdoing, I
10 wanted to expose it and take it from there.

11 Q. Can you elaborate on what you mean by
12 "wrongdoing."

13 A. I believe that a lot of votes were
14 voted in a place where -- in a district where people
15 didn't actually live and weren't allowed to vote.

16 Q. And you said you challenged roughly
17 32,000 voters; is that right?

18 A. I believe that's correct.

19 Q. How do you think your challenges to
20 those voters would have affected those voters?

21 A. I have no idea how it would have
22 affected them.

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 116

1 Q. Well, if your challenges had been
2 accepted, they wouldn't have been eligible to vote;
3 is that right?

4 A. Yes. And that was the -- that was the
5 thought there, was that these people voted in an
6 election they're not supposed to be voting in. Did
7 they vote twice? Did they vote illegally? What was
8 the story here? That was the thought process there.

9 Q. And do you know what would have
10 happened had the Board of Elections in Gwinnett
11 County at that hearing voted to actually consider
12 your challenges? Do you know what would have
13 happened to the voters who had been challenged?

14 A. Well, it would have been vetted. By
15 the laws set up, it would have been vetted out the
16 way it should have been and it would have been found
17 out if each one had been eligible to vote or not.
18 And if they weren't, their vote would have been
19 pulled out.

20 Q. What's your understanding of that
21 vetting process?

22 A. To verify where they lived and where

9/23/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Williams

Page 117

1 they -- and where they were eligible to vote at the
2 time, to verify that and if they did actually vote
3 in an improper place.

4 Q. Do you know how that would have been
5 verified?

6 A. I don't know.

7 Q. Given the chance, would you issue
8 these challenges again?

9 A. Absolutely.

10 Q. Is there anything that you would have
11 done differently?

12 A. As far as the challenges, no.

13 Q. What's the qualification as far as the
14 challenges?

15 A. What are you asking there? What do
16 you mean?

17 Q. You qualified your answer that you
18 wouldn't have done anything differently as far as
19 the challenges.

20 Are you implying that you would have
21 done something differently as far as something else
22 related to this?

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 32

1 who they might contact.

2 Q. Okay. Just to make sure
3 I understand this. Does that mean that --
4 say -- let me use an example so we're
5 understanding each other.

6 Say there was someone named
7 Bob. And you thought Bob might potentially
8 be a challenger. Does that mean you called
9 up Bob to ask, "Will you be a challenger?"
10 Or did you just give True the Vote Bob's
11 name?

12 A. I just gave True the Vote Bob's
13 name.

14 Q. Okay. Thank you. That's
15 helpful.

16 When were you approached about
17 helping with this project?

18 A. Actually, I don't recall when.
19 It was sometime after meeting Gregg.

20 Q. Okay. And it was -- was it
21 after the 2020 general election?

22 A. No. It was before.

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 33

1 Q. It was before. Okay.

2 Does that mean at the time you
3 started talking about this, you already had
4 the idea in mind to challenge people in the
5 2021 runoff election?

6 A. Yes, I already had the idea to
7 challenge some of them in Jackson County
8 because of the woman that was registered at
9 my house and didn't live there.

10 Q. Okay. So what was your
11 understanding of the goal of the challenges
12 for the runoff election?

13 A. As a matter of fact, my opening
14 statement to the Jackson County Election
15 Board is, "I'm not here to drop anybody off
16 the voter rolls. What I'm here for is to
17 make sure the people vote in the county they
18 legally live in."

19 Q. Okay. So what were you hoping
20 that the challenge would accomplish then?

21 A. That we would get the people
22 legally registered in their own counties; and

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 34

1 the ones that live out of state, not to be
2 registered in Georgia.

3 Q. Okay. All right.

4 How many names did you forward
5 to True the Vote?

6 A. How many names did I?

7 Q. Yes.

8 A. Probably 15.

9 Q. Okay. And when you were coming
10 up with names, were you looking for any
11 particular kind of person?

12 A. No. I was looking for an
13 American.

14 Q. What do you mean by that?

15 A. That anybody that lived in
16 America that was legally able to vote. It
17 didn't matter who they were.

18 Q. Okay. And were you given any
19 sort of instructions as to who you should
20 look for?

21 A. No.

22 Q. Okay. Do you remember who

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 35

1 explicitly asked you to send names over from

2 True the Vote?

3 A. No, I can't recall that name.

4 Q. Okay. Were you asked to send

5 names for any specific counties?

6 A. No, I was not.

7 Q. Okay. And how did you reach

8 out to these -- actually, I'm sorry.

9 So you said you personally did

10 not reach out to any of these potential

11 challengers?

12 A. No, I did not.

13 Q. Okay. So all you did was

14 forward a name to someone at True the Vote

15 and provided contact information for that

16 person?

17 A. Yes.

18 Q. Okay. So at that point, was it

19 then True the Vote's responsibility to go

20 contact that person to see if they would be

21 willing to be a challenger?

22 A. Yes.

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 36

1 Q. Okay. And, to your knowledge,
2 did True the Vote do that?

3 A. I'm not -- I don't recall that
4 because I wasn't involved with that part of
5 the process.

6 Q. Okay. When you sent True the
7 Vote information of the names, how did you
8 forward that information?

9 A. I believe I texted it to them.

10 Q. Okay.

11 A. To the person I was dealing
12 with.

13 Q. And who was that person?

14 A. I've already told you numerous
15 times: I don't recall that person's name.

16 Q. After you had done that, did
17 any of the people who you forwarded their
18 information contact you to ask about the
19 challenge program?

20 A. No, they did not.

21 Q. Okay. So just to make sure I'm
22 clear and I understand: You forwarded these

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 37

1 names to True the Vote, but you never had any
2 conversations with any of these -- any of
3 these individuals about participating in the
4 challenge program?

5 A. That's correct.

6 Q. Okay.

7 MS. FORD: Dan, can we pull up
8 Exhibit B.

9 (Ford Exhibit B, E-mail string,
10 top e-mail to James Cooper from Amy
11 Holsworth, 12/17/20, Bates Def
12 Williams 0745 to -749, was marked for
13 identification, as of this date.)

14 MS. FORD: Can we scroll down
15 to page 2. Scroll down just slightly
16 further to where -- right here is
17 great. Actually, can you scroll up
18 just a little bit more? Perfect.

19 BY MS. FORD:

20 Q. Mr. Johnson, I believe, before,
21 you said -- and I might have misheard you --
22 you recruited, you think -- sorry, not

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 39

1 said that if it wasn't true?

2 A. I might have had a list coming
3 to her that had that many on there, names,
4 just names and phone numbers --

5 Q. Okay.

6 A. -- of challengers. I think...

7 MS. FORD: Dan, can we actually
8 keep this up here for just a second.

9 BY MS. FORD:

10 Q. Mr. Johnson, can you explain
11 what you meant by "What I need is the last of
12 the counties that we are actually going to
13 have challenges"?

14 A. (Document[s] reviewed.)

15 I wanted to get a list of the
16 counties that they already had challenges
17 from, not the challenge -- not the list of
18 the people, the list of the people that I had
19 given their names.

20 Q. So, Mr. Johnson, when I read
21 this, this sounds to me like you were asking
22 True the Vote for what counties they plan to

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 40

1 do a challenge in.

2 Is that not your understanding?

3 A. (Document[s] reviewed.)

4 What I wanted to get with them
5 at the time was the list of the counties that
6 they thought they already had that they were
7 going to challenge in because I wanted to
8 make sure the people I was giving them were
9 getting contacted.

10 Q. Okay. Okay. So does that mean
11 you understood that there was some kind of
12 list of counties that True the Vote wanted to
13 put a challenge in?

14 A. No, no. I knew True the Vote
15 was doing 159 of them. At the time, I was
16 the chairman of all the counties under 80,000
17 in population. And I wanted to know if the
18 chairmans of those counties were actually
19 doing anything.

20 Q. Can you explain what you mean
21 by that?

22 A. By what?

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 41

1 Q. "If the chairmans were doing
2 anything."

3 A. If the chairmans of those
4 counties were actually going to do the
5 challenges.

6 Q. Okay. And when you say
7 "chairmans," you mean chairmen of the GOP?

8 A. Chairmen of the county GOPs.

9 Q. Okay. Does that mean that if
10 the county GOP was not planning to do their
11 own challenge, that True the Vote would step
12 in and do the challenge in that county?

13 A. Absolutely not. They're not
14 allowed to by law. It has to be somebody in
15 that county, a registered voter in that
16 county.

17 Q. Sorry.

18 What I meant by True the Vote
19 is: Would True the Vote take it upon itself
20 to prioritize finding a challenger for that
21 county if the county GOP was not going to do
22 it?

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 42

1 MS. KRAMER: Objection.

2 Speculation.

3 A. Yeah, I have no idea what their
4 organization does.

5 BY MS. FORD:

6 Q. Okay. All right. So when you
7 were working on recruiting names -- sorry,
8 finding names to forward, was it your
9 understanding that True the Vote planned to
10 submit a challenge in all 159 counties in
11 Georgia?

12 A. I have no idea what they were
13 going to do. I assumed that they were
14 probably going to do the big counties, but
15 they might want to do the small counties.

16 And I wasn't recruiting
17 anybody. I was giving them a name that was
18 the county chairman of those counties. I was
19 the chairman of the counties that were
20 under -- that are under 80,000 in population
21 for the Georgia GOP. I was that chairman.
22 And what I was doing was I forwarded those

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 43

1 names and how to contact them to True the
2 Vote.

3 Q. Understood.

4 So --

5 A. I didn't recruit anybody.

6 Q. Every name that you forwarded,
7 then, was that person that county's GOP
8 chairman --

9 A. Yes.

10 Q. -- or -woman?

11 Yes. Okay.

12 Is it your understanding today
13 that True the Vote did not challenge --
14 submit a challenge in all 159 counties?

15 A. I have no idea what they
16 submitted. I knew they submitted one to
17 Jackson County. And I know they submitted a
18 couple in other counties because I know those
19 GOP chairmen.

20 Q. Okay. Going back to what you
21 said a minute ago, you assumed that True the
22 Vote would submit them or would prioritize

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 44

1 the big counties.

2 Why did you assume that?

3 A. Because that's where we have
4 the most problem with voting fraud.

5 Q. Can you explain what you mean
6 by that?

7 A. Yeah. We have ballots that
8 show up three days later to the election
9 office.

10 Q. What do you mean by "three days
11 later"?

12 A. Like, I mean, three days later,
13 after the polls close.

14 Q. And are you telling me that you
15 think that those votes are counted
16 improperly?

17 A. Actually, that's what I
18 believe. It doesn't take three days to go
19 from a precinct to the election office
20 anywhere in this state.

21 Q. And do you think that's less of
22 a problem in the small counties?

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 89

1 A. Oh, ten years or more.

2 Q. And you do that for all kinds
3 of texts that you receive?

4 A. Yes. It doesn't matter who.

5 Q. Okay. So does that mean by the
6 time you received this lawsuit, which
7 I believe would have been right before
8 Christmas, you had already deleted all
9 communications about --

10 A. Yes.

11 Q. -- these challenge efforts or
12 forwarding names?

13 A. Yes.

14 Q. Okay. Did anyone instruct you
15 to delete any communications you had about
16 this?

17 A. No, they did not.

18 Q. Did anyone instruct you to
19 preserve any communications related to this?

20 A. No, they did not.

21 Q. Okay. All right.

22 I just have a few more

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 90

1 questions. Mr. Johnson, do you believe that
2 voter fraud occurred during the 2020 general
3 election?

4 A. Yes, I believe there was. I
5 don't believe anything happened with the
6 machines. I believe it was in the absentee
7 ballot area and harvesting of ballots.

8 I believe that people in other
9 states got ballots. Our ballots did not have
10 a watermark on them. Anybody could have
11 printed them up in any print shop in the
12 world. So I believe that that's what's
13 happening.

14 And I'm working on a bill with
15 some other people and state legislators and
16 state senate with the chain of custody. So
17 we're going to try to stop that problem from
18 happening.

19 I'm not a conspiracy thinker
20 about the machines or any of that, but I do
21 think something happened with those ballots,
22 so...

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 91

1 Q. And was that part of the
2 motivation of submitting the challenges that
3 you did submit, that you thought there
4 was ballot harvesting?

5 A. No. I submitted them
6 beforehand.

7 Q. Right. Were you worried
8 about -- were you worried about the potential
9 for ballot harvesting?

10 A. Absolutely.

11 Q. Okay. Just one moment.

12 (Pause.)

13 All right. And I think maybe
14 my last question is: For the challenges that
15 you did submit to Jackson County before the
16 general election, do you remember how that
17 was submitted? Was it sent by mail? Was it
18 e-mailed?

19 A. I believe it was -- I really
20 don't know. I don't know how it was done.
21 I think it was done by e-mail.

22 Q. Okay. But someone else sent it

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 92

1 for you?

2 A. Yes.

3 Q. Okay. And someone affiliated

4 with True the Vote sent it for you?

5 A. Yes.

6 Q. Okay. But you just can't

7 remember who precisely?

8 A. No.

9 Q. Okay.

10 Mr. Johnson, are you continuing

11 to delete your text messages and e-mails

12 every other day?

13 A. Yes.

14 Q. All right. So you've continued

15 that practice?

16 A. Yes. I will continue to do

17 that practice.

18 Q. Okay. And, Mr. Johnson, during

19 the break, did you discuss any of your

20 answers with your counsel?

21 A. No, I did not. She actually

22 had to go to the ladies' room.

9/29/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Ron Johnson

Page 93

1 Q. Okay.

2 MS. FORD: All right,

3 Mr. Johnson. Those are all the

4 questions that I have for you today.

5 THE DEPONENT: Okay. Thank

6 you.

7 MS. KRAMER: I don't have any

8 questions, Counsel.

9 THE VIDEOGRAPHER: All right.

10 So if there's no further statements

11 for the record, we're going to go off.

12 The time is 11:27 a.m.,

13 September 29th, 2021. We're going off

14 the record, completing today's

15 video-recorded session.

16 (Time noted: 11:27 a.m. EDT)

17

18

19

20

21

22

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 18

1 A. Yes, I believe so.

2 Q. Okay. We may cover some things today
3 that are included on that, and it's totally fair if
4 you don't recall, you can -- you can say you don't
5 know or you don't recall. But, I do want to cover
6 some things that may touch on those discovery
7 responses that you've already submitted responses to,
8 all right?

9 A. Do you want me to dig up a copy of
10 that so that I can quote that precisely? I mean, I
11 don't think its --

12 Q. There's no need, Mr. Martin. I
13 actually have a copy of that.

14 A. I mean the dates and even the times
15 on all of those are in that package, somewhere.

16 Q. That's fair. And, I actually have a
17 copy of your responses here, that if we need to
18 reference them today, I can mark those as an exhibit
19 and pull them up.

20 I want to return quickly to the call
21 you received from Mr. Cooper. Can you give me a
22 ballpark estimate around roughly that may have been

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 19

1 just, for the record? It doesn't have to be precise.

2 MS. KRAMER: Counsel, can I just
3 clarify for my client real fast?

4 MS. TAYLOR: Sure.

5 MS. KRAMER: Joe, if you don't
6 recall, that's -- it's okay to say that. It's okay.
7 You don't need the papers in front of you right now.
8 Just whatever you remember right now, during this
9 deposition, that's how you should answer.

10 THE WITNESS: Well, I want to be
11 precise. And, it's written down, you have the -- I
12 believe you have a specific timeline of any
13 interactions that I had with James, James Cooper.
14 It's, you know.

15 Q. Mr. Martin, just to be clear, I'm not
16 asking for a precise date. Just roughly the month,
17 year, even, that you may have spoken with him. And
18 you mentioned that this was a phone call, for
19 example.

20 A. It was during the election cycle.

21 Q. Okay. And, when you say "election
22 cycle" are you referring to the general election, or

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 20

1 the runoff election, or both?

2 A. I believe it was the runoff election.

3 Q. Okay. So, the runoff election was in

4 January of 2021. Would you say you spoke with Mr.

5 Cooper that month? Or, the month before, perhaps?

6 Roughly speaking. It doesn't have to be precise.

7 A. Now, again, it's in the written -- I

8 believe there's a complete timeline in the written

9 documentation.

10 Q. Okay. And it's okay if you don't

11 remember, Mr. Martin.

12 A. I mean if you want to ask me -- if

13 you want to quote what I said in the written

14 documentation, I'll verify that.

15 Q. Understood, Mr. Martin. We can move

16 on.

17 Did -- can you explain to me what

18 you -- what that phone conversation with Mr. Cooper

19 entailed?

20 A. I believe our initial conversation

21 was he asked me to find a voter who would be willing

22 to challenge out-of-state/out-of-county voters.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 21

1 Q. And by "voters" you mean, voters who
2 are registered in the state and in the county?

3 A. No, someone who is registered in
4 Taliaferro County.

5 Q. Okay. But was actually out of state
6 or out of the county?

7 A. No. Someone who was a registered
8 voter, living in Taliaferro County, who would be
9 willing to challenge voters who presumably did not
10 live in the county or in the state.

11 Q. Okay. I think we were saying the
12 same thing there, just a little bit differently.

13 When Mr. Copper reached out to you
14 asking you to identify a voter, did he represent to
15 you that he was affiliated with True the Vote in any
16 way?

17 A. No.

18 Q. Okay. In what capacity did he reach
19 out to you, with this request?

20 A. I was under the impression he was
21 reaching out to me as a member of the 10th District
22 GOP.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 22

1 Q. Okay. And are you a member --

2 A. On the initial -- on the initial
3 request.

4 Q. And are you a member of the 10th
5 District GOP as well, Mr. Martin?

6 A. At the time I was the chairman of the
7 Taliaferro County GOP.

8 Q. And for how long were you in that
9 position?

10 A. Probably four years.

11 Q. And, you said "at the time." So, you
12 are no longer the chairman; is that correct?

13 A. That is correct.

14 Q. And, when did that tenure end?

15 A. I guess it was February this year.

16 Q. Do you have any record of that
17 initial phone call you received from Mr. Cooper?

18 A. You mean did I record it? No.

19 Q. For example, did you take any notes
20 or did he send you any documents?

21 A. I believe we began corresponding by
22 E-mail after that.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 36

1 A. No.

2 Q. -- of issuing these challenges?

3 A. No.

4 Q. Did you discuss anything else in
5 general about -- about the issuance of these
6 challenges, aside from -- and, like I said, we'll get
7 into -- kind of the actions that you took on your own
8 afterwards. But, in this initial time zone here,
9 where you agreed to serve as at the challenger, did
10 you have any other additional conversations with
11 Mr. Cooper, or anyone at True the Vote, about --
12 about the process, or what it would entail?

13 A. Again, you're using the word
14 "conversations." I do not believe we had discussed
15 anything on the phone. And, all the written
16 documentation would be in the E-mail. And I believe
17 you have that E-mail traffic in its entirety.

18 Q. Okay. And just to be clear, when I
19 reference conversations, I'm including E-mail, any --
20 any kind of communication that you may have had with
21 anyone at True the Vote, or Mr. Cooper. Does that
22 make sense?

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 37

1 A. I did not have any discussions with
2 anyone from True the Vote, except for James Cooper.

3 Are you done with the text over here?

4 Q. Yes.

5 A. Good. Okay.

6 MS. TAYLOR: You can pull that down.

7 Thank you, Henry.

8 BY MS. TAYLOR:

9 Q. So, can you walk me through the
10 process of issuing the challenges? And again, not --
11 not getting into, quite yet, the specific individual
12 actions that you took. But, what it actually
13 entailed, as far as submitting the challenges?

14 A. Please clarify. There's -- are you
15 speaking of the challenges that True the Vote sent in
16 regarding to the December 13th letter, that you just
17 had up on the screen? Is that what you're referring
18 to?

19 Q. Yes. Mr. Martin, I believe that was
20 dated December 17th, but --

21 A. I'm sorry, 17th.

22 Q. -- Yes. I'm referring to the

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 38

1 challenges that you agreed to submit, in your name,
2 in connection with True the Vote, on behalf of
3 Taliaferro County.

4 A. Okay. Now -- now let's go back to
5 your specific question. What specifically were you
6 asking regarding that list of 37 individuals?

7 Q. I'm -- I'm asking if you could just
8 walk me through what the challenge process was. How
9 you would go about challenging those 37 individuals?

10 A. Yes. I did nothing, with regards to
11 the entirety of the list of 37 people. I believe
12 it -- it came to -- I attempted to validate that the
13 list was real. And I took a different path to
14 challenge.

15 Q. Can you explain that a little bit?

16 A. Again, it's in the -- it's in the --
17 it's in the -- it's in the written documentation. I
18 was not comfortable that -- that the -- the list was
19 valid. How -- how did this list come about? Where
20 did this list come from? Who generated the list?
21 And, I asked an individual with the 10th District
22 GOP, I sent him the list and said: Can you help me

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 39

1 out here; what's going on? And again, I believe you
2 have that E-mail.

3 At that point in time, that
4 individual said three of these people have already
5 voted, have sent in absentee ballots. Don't ask me
6 how they knew that. They just said three of these
7 people, which caused an urgency for me; that if it
8 was true that these people did not live in the
9 county, and that they were voting, that seemed to be
10 not right at all.

11 Q. And, just to clarify what you said
12 just then, who was it that you spoke with; who told
13 you that three of the people on the list had already
14 voted?

15 A. Again, I don't have his name right in
16 front of me. It's in the documentation that -- that
17 you should have there. If you don't have his name
18 there, then I'll have to go offline and try and dig
19 out -- I don't have a copy of the written
20 documentation, and I don't have a recollection of
21 specifically. I believe he was the treasurer of the
22 10th District GOP.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 40

1 Q. Okay. That's fair if you don't

2 recall --

3 A. Do you have that name in -- do you

4 have that name in the paperwork you have there?

5 Q. I'm not actually sure that we do.

6 And, we can go back and look. But, there's no need

7 for you to go back and look at everything. I'm

8 asking you today is just what you remember sitting

9 here today about everything that I'm asking you about

10 today. So, no need for you to go back and look. And

11 we can certainly go back and look on our side.

12 MS. TAYLOR: Henry, can you please

13 pull up and mark as the next exhibit the document

14 Ending in Bates 0052.

15 (Whereupon, Exhibit 2, E-mail String

16 beginning Bates No. OPSEC 0052 was marked for

17 identification.)

18 BY MS. TAYLOR:

19 Q. Mr. Martin, can you see this

20 document?

21 A. I can see it. Yes, yes.

22 Q. Okay. And, I know you're not on this

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 41

1 E-mail thread. But, if I could turn your attention
2 to the -- to the second page.

3 MS. TAYLOR: Actually, Henry, if we
4 could. Yeah, right here.

5 BY MS. TAYLOR:

6 Q. So, this is an E-mail from James
7 Cooper at the bottom here. And he says, "I have one
8 chair in the 10th that wants the names of the folks
9 he will be challenging. He is the Taliaferro county
10 Chair. He said he wants to do it, but will not
11 unless he sees the names."

12 Did I read that correctly?

13 A. Correct.

14 Q. And is that you referring to you,
15 Mr. Martin? Are you the Taliaferro County Chair?

16 A. Yes.

17 Q. Okay.

18 A. And you see please note -- please
19 note that that sign, the "3rd Vice Chair," the "10th
20 District Republican Party, GOP State Committee," Mr.
21 James Cooper.

22 Q. Right. And so, just for the record,

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 42

1 you're referring to James Cooper's signature in his
2 E-mail; is that correct?

3 A. In the E-mail where he indicates that
4 I want the list. Because -- yes.

5 Q. And is that -- is this E-mail
6 address, jamescooper.gop@gmail.com, is that the
7 E-mail you would have been corresponding with
8 Mr. Cooper on -- with? As far as you can recall?

9 A. Yeah. Again, I'd have to look at my
10 address book right here and see if I have another
11 address for him. But yes, I mean, I presume so.
12 Look at the E-mails that you have with my name
13 corresponding to him. Again, you have that
14 documentation. You're asking me to remember an
15 E-mail address from two years ago, and you have it
16 right in front of you.

17 Q. That's fair, Mr. Cooper. I'm just
18 asking what --

19 A. Martin.

20 Q. Sorry, Mr. Martin. I'm just asking
21 what you recall. And you pointed out that he has
22 that signature below his name in this E-mail. Why --

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 43

1 why is it that of note?

2 A. Well, I'm reemphasizing that it's
3 not -- he didn't sign that as representing True the
4 Vote. He signed that as Republican Party. I'm just
5 em- -- just highlighting -- you've highlighted he was
6 referring to me and I said yes. And I'm saying he's
7 referring to me, but he's signing that as, you know.

8 MS. KRAMER: Counsel, do you mind if
9 we take a quick 5, 10-minute break.

10 MS. TAYLOR: Yes, that should be
11 fine.

12 MS. KRAMER: Okay. Thank you.

13 THE TECH: All right. Stand by,
14 please. The time is 9:50 a.m., off the record.

15 (Recess taken.)

16 THE TECH: The time is 10:00 a.m.,
17 back on the record.

18 BY MS. TAYLOR:

19 Q. So, Mr. Martin, before we went off
20 the record just then, we were looking at an E-mail in
21 which it indicated that you had asked to see the
22 names of the -- the folks you would be challenging,

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 44

1 correct? Before you --

2 A. Correct.

3 Q. Okay. And, did you ask to see that
4 list of names before you agreed to serve as the
5 challenger for Taliaferro County?

6 A. I believe so. This is dated the
7 16th. It would be the day before I signed the --

8 Q. And, you'll see here Mr. Cooper
9 writes, "He said he wants to do it, but will not
10 unless he sees the names."

11 Does that sound right to you?

12 A. Say again.

13 Q. Mr. Cooper writes in this E-mail that
14 "He said he wants to do it, but will not unless he
15 sees the names."

16 I believe in reference to you?

17 A. Yes, yes.

18 Q. That sounds accurate?

19 Okay. So, did you ask Mr. Cooper for
20 this list?

21 A. Yes. As I explained to you, he is
22 the only person that I communicated with that, yes.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 45

1 Q. Okay. And, what was his response to
2 that request; when you asked to see the list of
3 names?

4 A. Well, I eventually got the list of
5 names. Because I sent it to the -- to the treasurer
6 of the GOP.

7 Q. Okay.

8 MS. TAYLOR: Henry, can we pull up
9 and mark as the next exhibit, the document ending in
10 Bates stamp 257.

11 (Whereupon, Exhibit 3, List of Names,
12 was marked for identification.)

13 BY MS. TAYLOR:

14 Q. Mr. Martin, do you recognize this?

15 A. Not yet, no. But I assume if we
16 count down there, and there are 37 names on it, that
17 would be the list that he sent me.

18 Q. Okay. And I'll -- I can represent to
19 you today, Mr. Martin, that I have counted. There
20 are 37 names on this list. So, is it fair to say
21 that this is the list of names that you received from
22 Mr. Cooper?

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 46

1 A. Yes, in some form or other. It just
2 doesn't look familiar. But, yes.

3 Q. Okay.

4 A. Those are the names.

5 Q. Yes. I believe originally this must
6 have been an Excel spreadsheet of some sort. And
7 it's just been converted into a PDF here; so the
8 formatting might be a little bit different.

9 When did you see this for the first
10 time?

11 A. Sometime in December.

12 Q. And, it was Mr. Copper that showed it
13 to you?

14 A. Again, Mr. Copper and I were
15 communicating by E-mail. So, it would have been sent
16 to me by E-mail.

17 Q. Okay. And you mentioned having some
18 questions about how this list was generated; is that
19 correct?

20 A. Yes. I wanted some, you know,
21 single-source documents are -- in my line of work,
22 when you only have a single source of validation,

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 47

1 you -- you -- you want two sources. You want to know
2 that it's a good -- how it came about. Where is
3 the -- what do you call it? Providence, or how did
4 it come about? How was it generated? I didn't get
5 any of that information. I just got this list.

6 Here if you have somebody, for
7 example, Beatrice Davis Paterson, Passaic, New
8 Jersey. Where did that come from?

9 You know, Larry Ratliff, Grady,
10 Oklahoma. Well, I knew Larry. He had moved to
11 Oklahoma. So that validated -- well, that's somebody
12 that actually moved. And the next question in my
13 mind was: Did any of these people vote? Or, what --
14 what's the process to see that they don't vote? If
15 they really don't live in Taliaferro County, Georgia.

16 Q. So, did you ask Mr. Copper how the
17 list was generated? Or was that something you looked
18 into on your own?

19 A. Again, I don't recall. You know --
20 my skepticism of wanting to have it validated and
21 wanting to know before I put my name on something,
22 was, you know, I may have asked him, you saw him ask

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 48

1 somebody else for the list.

2 So, you know, I didn't know how this
3 was generated. I didn't know how you would get this
4 information. I know a lot more now than I did at the
5 time. But, at the moment when I got the list -- this
6 list, it was just a list.

7 Q. Do you recall sitting here today
8 whether or not you had a conversation, at any time,
9 with Mr. Copper, about how the list was generated, or
10 where the names came from?

11 A. Yeah. Again, I'm -- I may have, it
12 would be in -- if I asked him that question, it would
13 be in the E-mail traffic.

14 Q. But sitting here today, you don't
15 recall?

16 A. Well, I'm sure I asked him for the
17 list. And I'm sure in the process I said, where did
18 you get this? That may have been when he said, well,
19 he got it from True the Vote. I don't know. That
20 may have been when, you know -- that other -- the --
21 the document you just showed me, showed him asking
22 somebody else. It wasn't even True the Vote. Wasn't

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 49

1 it -- was Phillips or somebody. And it was Austine
2 something. That other thing. So, I didn't know any
3 of that.

4 Q. You anticipated my next question a
5 little bit.

6 Were you told anything about who
7 generated the list? Were you told it was True the
8 Vote?

9 A. I would think so.

10 Q. Okay. And you mentioned recognizing
11 a couple of names on this list. Is that right?

12 A. Right.

13 Q. That you recognized at the time of
14 your initial review of the list?

15 A. Correct.

16 Q. Can you describe for me what other
17 independent research you may have done into the names
18 that appeared on this list, to the extent you did
19 any?

20 A. Yes. I sent the list to -- and I
21 don't have the name right off -- but I believe he was
22 the treasurer of the 10th District GOP. And he

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 54

1 At that point in time, I thought it
2 was important to challenge those three individuals.
3 Because at that point in time, I had this list that
4 said they didn't live here. And I had the fact that
5 they had already submitted absentee ballots.

6 I believe you have in your package
7 three letters that I sent to both the superintendent
8 of elections, with a copy to the registrar,
9 identifying, I believe, the individuals' names from
10 this list; and, I believe, the Georgia statute that
11 says that any voter can challenge any person.

12 At that point in time, as the
13 chairman of the GOP, I felt if these people didn't
14 live in Taliaferro County, they should not be voting
15 in Taliaferro County.

16 Let us call those challenges "the
17 three challenges," that I personally took.

18 Q. Okay.

19 A. Okay. So, we have two sets of
20 challenges. 37 and three.

21 Q. Real quick, Mr. Martin. Just to
22 clarify. Those three that you took, they are a part

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 55

1 of the 37; is that correct?

2 A. They are individuals that are on the
3 list of 37, yes.

4 Q. Okay.

5 A. The information that they didn't live
6 in Taliaferro County came from the list of 37.

7 Q. Understood. So, you issued a
8 specific challenge to three of the voters that were
9 on the list of 37, apart from the list of 37 names
10 that were being challenged that was issued by True
11 the Vote, with your name?

12 A. Correct.

13 Q. Okay. And, you submitted the
14 names -- or excuse me. You submitted the challenges
15 to those three specific individuals before or after
16 True the Vote submitted the challenges with your name
17 for the 37 as a whole?

18 A. Yeah. Again you're asking me for a
19 timeline. To my knowledge True the Vote, James
20 Cooper, had not submitted 37 names. I did not find
21 out they actually transmitted that by E-mail at some
22 point in time.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 56

1 Again, you're talking about over two
2 or three days here, of a lot of activity. And I was
3 moving in one direction to make sure that illegal
4 votes weren't counted. Not to be -- and I did not
5 know what True to Vote was doing. So, and they did
6 not copy me on the -- on the E-mail where they sent
7 the 37 votes -- 37 names in. And you know, they --
8 and they -- again, it was -- it looked like, when I
9 looked at it in some package somewhere, it's some
10 funny number, 336 something. You know, it looks like
11 it's a generic E-mail that goes to every county or
12 something. I couldn't figure out how that worked.

13 Am I being clear or no?

14 Q. So you're not -- I think I'm
15 following. Just a follow-up to make sure that I'm
16 understanding.

17 You were not copied on the submission
18 of the challenges in your name --

19 A. Correct.

20 Q. -- of the 37 voters?

21 A. Correct.

22 Q. Okay. And so, you're not sure

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 57

1 exactly as to the exact date when that may have
2 happened?

3 A. Right.

4 Q. That makes sense.

5 A. I did not become aware that they
6 actually sent that in until we began the written
7 deposition; when I went back and asked the county
8 registrar under an Open Records Request for all
9 information related to this subject matter.

10 Q. Okay.

11 A. And that was way later than anything
12 that occurred.

13 At that point in time, you know, I
14 was sort of shocked that they had actually sent that
15 in.

16 Q. And, did Mr. Copper, at any point,
17 tell you that voters who were registered in
18 Taliaferro County but did not live in Taliaferro
19 County weren't eligible to vote there? Or, how did
20 you come to that understanding?

21 A. I mean is it not logical? I mean, if
22 you don't live -- if your -- don't live here, you

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 58

1 shouldn't be voting here, should you?

2 Q. Okay. So, you came to that
3 conclusion logically on your own, would you say?

4 A. Well, I would think so.

5 Q. Okay.

6 MS. TAYLOR: Henry, can we pull up
7 and mark as the next exhibits -- its actually three
8 documents, but we can look at them one at a time.
9 The ones that ends in Bates 0001, 0002 and 0003.

10 THE TECH: Okay. So, should I bring
11 up one first.

12 MS. TAYLOR: You can bring up one
13 first. Yeah. And then we can just click through
14 them for Mr. Martin.

15 (Whereupon, Exhibit 4, Letter
16 beginning Bates No. Martin 0001, was marked for
17 identification.)

18 (Whereupon, Exhibit 5, Letter
19 beginning Bates No. Martin 0002, was marked for
20 identification.)

21 (Whereupon, Exhibit 6, Letter
22 beginning Bates No. Martin 0003, was marked for

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 59

1 identification.)

2 Q. Mr. Martin, let Henry know when
3 you've had a chance to look at this and we can click
4 to the next one.

5 A. Yep. You see this is dated the 18th.
6 You see the dates on these are -- see? 17th and then
7 this is dated the 18th.

8 Q. Uh-huh.

9 And, we'll go through these kind of
10 collectively. I just want to let you put your eyes
11 on them.

12 A. Yes.

13 MS. TAYLOR: Henry, could you go to
14 0002.

15 THE TECH: Got it.

16 MS. TAYLOR: And then 0003.

17 Q. So, I assume the answer is yes. But,
18 you recognize these letters, Mr. Martin?

19 A. Yes. Absolutely.

20 Q. Okay. And are -- these are the three
21 individuals that you challenged on your own, separate
22 and apart from the list of 37 that True the Vote

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 60

1 challenged on your behalf. Is that correct?

2 A. Correct.

3 Q. Okay. And these are challenges that
4 you also withdraw later?

5 A. Correct.

6 Q. Okay.

7 A. But they -- it was based on the
8 information that Mr. Cooper had provided me that they
9 did -- you'll see all the addresses are from the
10 list -- the previous list of 37.

11 Q. That's right.

12 So you got these three names from the
13 list of 37?

14 A. Right. What was concerning me was
15 these people are already asked for absentee ballots
16 or had already submitted absentee ballots.

17 Q. Okay. And, is this your handwriting
18 at the very bottom of the document?

19 A. Which one?

20 Q. Well, let's do both. The -- let's
21 start with the very bottom here. "I hereby retract
22 this challenge."

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 61

1 Is that your handwriting and
2 signature?

3 A. Absolutely, yes.

4 Q. Okay. And then, the handwriting
5 right above that, whose is that? Do you know?

6 A. The -- I believe that's Ms. Vivian
7 Miller, the Taliaferro County Voter Registrar.

8 Q. Okay. So, can you walk me through
9 the withdrawal process for these challenges?

10 Let's start with, how you came to the
11 decision to withdraw each of these three?

12 A. Let's go to 001 first. So, I gave it
13 to him on the 17th.

14 Q. Okay.

15 A. And it was my under -- I didn't know
16 who Beatrice Davis was. You know, I would never
17 recognize her. But the list said she was living in
18 Patterson, New Jersey. And, Georgia Code 22-230 says
19 any person has a right to challenge a person that is
20 not living in the county. So, I challenged it as
21 chairman of the Georgia Republican Party. I didn't
22 know whether she was a Republican or a Democrat or

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 62

1 what.

2 Q. Okay.

3 A. And that's my voter ID. Georgia code
4 says any registered voter -- I'm a registered voter.
5 And I sent it to the superintendent of elections --
6 it probably should have gone directly to the Voter
7 Registrar. Judge Stevens, who's the superintendent
8 of elections, called up Mrs. Davis. Said she lives
9 in Taliaferro County. Ms. Vivian Milner told me
10 that. You know, who was I to disagree with a judge,
11 who was validating that somebody lived in Taliaferro
12 County. So I went, oh, and -- and on the 18th
13 retracted the challenge.

14 Q. Okay.

15 A. So -- and that definitely made me
16 concerned about the list of 37.

17 Q. And, at this time, Mr. Martin, you
18 still weren't aware if True the Vote had submitted
19 that list of 37 challenges with your name on it yet,
20 right?

21 A. I was not aware that True to Vote
22 submitted the list of 37 until an Open Records

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 63

1 Request by me sometime in January. True the Vote
2 never CCed me on anything, nor informed me, to my
3 knowledge, that they had submitted it.

4 And, in the process of discussing
5 this with Mrs. Milner, she indicated to me, when they
6 received this, probably on the 18th, when -- when we
7 talked about this, she said they would schedule a
8 hearing and I would have to validate that she did not
9 live -- that these people did not live here. And I
10 said no, that's not what -- then we read Georgia law.
11 Georgia law says it's the registrar's responsibility
12 to validate where somebody lives. But, since Judge
13 Stevens, on this particular case said they don't live
14 here -- I mean she said they live here. I was not
15 going to argue with the judge. Right? I mean, who's
16 going to argue with a judge. Right? So, I retracted
17 the challenge.

18 And then began to question, oh boy,
19 now what's the list of 37, the validation of the 37.

20 Do you want to go to 002? Or do you
21 have any questions about this one?

22 Q. We can move on to 002. I have a

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 64

1 couple of questions about the whole process, but
2 let's get through why you withdrew each of these,
3 specifically first.

4 A. Sure. Again, this is Simons and the
5 current residence was Greene County. So, I
6 challenged that. If you live in Greene County, you
7 ought to vote in Greene County. The Taliaferro
8 County tax commissioner, Ms. Milner went to the
9 Taliaferro County tax commissioner, and the tax
10 commissioner said that Mr. Clifford has a homestead
11 exemption on a house in this County.

12 Well, the law says if you have a
13 homestead exemption, that's your residence. Even
14 though they were living in and residing in Greene
15 County.

16 Well, I wasn't going to argue that
17 the homestead exemption was illegal or inappropriate.
18 So, how could I argue with that? Even though they
19 were living in a different county. They had claimed
20 a homestead exemption in Taliaferro County. The law
21 says that the homestead exemption makes them --
22 that's their residence. I don't have -- she didn't

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 65

1 write down the law -- maybe she did. 21-217 of the
2 Georgia code.

3 So, again, here was information
4 provided by True the Vote, that -- okay, yeah, they
5 didn't live here, but -- gee. Legally you're not
6 going to win this case. So, I retracted the
7 challenge.

8 Q. Okay.

9 A. Are we on the third one?

10 MS. TAYLOR: Yeah. Henry, can we
11 pull up 0003, please?

12 Q. And, the third one.

13 A. And, I must say, through this process
14 Ms. Milner, the registrar, you know, we were working
15 together. She was very proactive, you know. And we
16 were working -- it wasn't an adversarial
17 relationship, so to speak.

18 Q. Okay.

19 A. Okay. Melba Carmichael, again -- the
20 list of 37 showed her living in Wilkes County. She
21 had actually asked for an absentee ballot in
22 Taliaferro County. She had lived in Wilkes County.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 66

1 Mrs. Milner called her. She asked that her name be
2 removed from the Taliaferro County list. And, at
3 this time, her ballot was rejected. Because she
4 lived out of county, tried to vote in the county
5 and -- but she lived -- she was a resident of Wilkes
6 County. So, therefore, I was happy with that. I
7 retracted the challenge.

8 Q. Just to be clear, you said she asked
9 for the name to be removed. Are you referring to
10 Ms. Carmichael or Ms. Milner asked --

11 A. I'm going to read what's -- what
12 Ms. Milner unsigned says, "Voter requested name be
13 removed from Taliaferro County voter registration
14 list. 21-2-232(a)." I believe that's the Georgia
15 code says if you don't live in the county, you can't
16 vote. "Ballot voted in 1/5/21 election rejected.
17 21-2-230(g)."

18 So, I believe this is Ms. Milner's
19 writing. And I believe at that point in time,
20 undated, I withdrew the challenge. Because I was
21 satisfied that they had taken action, appropriate
22 action. So 33 percent of the test cases that I've

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 67

1 tested had voted basically illegally, in my mind.

2 And 66 percent of them, in my mind, were

3 questionable. Two-thirds of the -- of the test cases

4 -- looking at the three test cases, 66 percent of

5 them, in my mind, didn't live in the county, but had

6 voted in the county. 33 percent of them, one-third

7 of them, the ballot, at this point in time was

8 rejected.

9 Q. Okay.

10 A. Based on those, not my -- my

11 challenge, but those laws, I believe 21-2-232 and

12 21-2-230, are Georgia laws. I believe that all that

13 was written by Mrs. Milner, the -- the Taliaferro

14 County voter registrar, chief registrar.

15 Q. So it was your belief that 66 percent

16 of these three test cases, in other words, two out of

17 the three were people who voted in Taliaferro County

18 but were not residents of Taliaferro County, but the

19 votes were still legal; is that right?

20 A. No, no, no. 66 percent of the three

21 test cases, in my mind, had voted in Taliaferro

22 County. And, of those 66 percent -- 66 percent, a

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 68

1 third of them, one of them was rejected. The other
2 one, in my mind, shouldn't have voted in Taliaferro
3 County. But, I didn't have grounds to argue that
4 point. Because the law says, if you have a homestead
5 exemption, that's your residence. So, I would have
6 to argue that they didn't have a legal homestead
7 exemption before I could argue that they voted
8 illegally. So, anybody that has -- say somebody has
9 a house here in Taliaferro County and they moved to
10 anywhere in Georgia; if they maintain a homestead
11 exemption in Taliaferro County, they can vote in
12 Taliaferro County even if they never live here. The
13 homestead exemption may be inappropriate or illegal;
14 but the law says that that's their residence, as I
15 understand it.

16 Q. Okay.

17 A. So, you can see from these, as I call
18 them, test cases, there's a lot of nuances to all of
19 this. You know, it's not clear-cut. It's not, yeah,
20 you have an address out of -- you have an address
21 that's not in the county, but it's not clear-cut
22 that -- that the individual has a right to vote in

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 75

1 from me to -- can you go -- I can't see.

2 BY MS. TAYLOR:

3 Q. Are you able to see both pages of the
4 document side by side?

5 A. Okay. Let me -- okay.

6 Q. Okay. Mr. Martin, and would you
7 agree that this E-mail that you sent on December 20th
8 at 9:54 a.m. to Amy Holsworth copying James Cooper,
9 it's a version of the same E-mail we just looked at
10 previously; is that correct?

11 A. Right.

12 Q. Okay. And, if we could turn to 0187
13 now --

14 A. But -- but I do not recall -- I'm
15 certainly clear that it says it's from me; but I do
16 not recall who Amy Holsworth, Amy@truethetvote is, or
17 was.

18 Q. Okay. This is the next E-mail. Take
19 a look at it.

20 A. Right.

21 Q. Okay. And, is this also an E-mail
22 similar to the last two?

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 76

1 A. Correct.

2 Q. Okay. And this one is sent to
3 Catherine Engelbrecht, copying James Cooper on
4 December 20th at 9:45 a.m.; is that right?

5 A. That's what it looks like.

6 Q. Okay. So, these last two E-mails,
7 you sent within the hour of the first one that we
8 looked at. Do you know why you followed up with
9 these later two E-mails?

10 A. No.

11 Q. But you see that they are sent to
12 different people; is that right?

13 A. Right, and I -- as I said earlier, I
14 was not -- I'm not aware -- I was not aware that I
15 sent anything to True the Vote.

16 Q. Okay. Do you know who Catherine
17 Engelbrecht is?

18 A. She's True the Vote.

19 Q. And when you say "she's True the
20 Vote," what do you mean by that?

21 A. Her name, you know, when you get
22 anything from True the Vote, her name is on it.

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 77

1 Q. Okay.

2 MS. TAYLOR: Let's pull back up the
3 first one, if we could, Henry. It's 0005. Just --
4 we'll just go over that one.

5 BY MS. TAYLOR:

6 Q. In all three of these, Mr. Martin,
7 you write, "Impact of challenges. Not good!"
8 What -- what did you mean by that
9 statement?

10 A. Well, you know, they were --
11 supposedly didn't live in the county. You know, the
12 data -- again, this is the two-source validation of
13 the data. You had a list of 37 people. I tested
14 three of them. One of them sure didn't look like she
15 lived in Patterson, New Jersey. The other one didn't
16 live in the county, but she had a homestead exemption
17 here, so that was a little iffy. And then, the third
18 one, at this point in time, there was no resolution
19 yet. But in my mind, you know -- but then when we
20 got the resolution of the third one, one-third of the
21 people that were tested did not live in the county
22 but had voted in the county. So one-third, you know,

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 78

1 I don't know if that's good or bad. You know, in
2 batting averages, that's pretty good. But, some
3 other averages, that's not very good.

4 So, I was just providing feedback
5 that, hey -- you know, I didn't want to be -- I
6 didn't know what the list of 37. And, after the
7 experience of working with the registrar, I didn't
8 want to put her through the painful process of
9 validating those 37 individuals.

10 Q. Okay.

11 A. And believe me, at this point, I did
12 not know they had already submitted 37.

13 Q. Right.

14 A. This was my way of checking the list.

15 Q. Right. You highlight for Mr. Cooper
16 and Mr. Marsh here, that "Ms. Davis is 100 years old
17 and not living in Patterson, NJ."

18 And based on that, you retracted the
19 challenge. Can you just, I know this is very basic,
20 but state for me why that fact was important?

21 A. Well, the superintendent of elections
22 confirmed -- you know, she called up -- you know, she

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 79

1 took it personal that I had challenged this lady.

2 And she called her up and said where do you live?

3 And the lady said, you know, I'm not living in

4 Patterson, New Jersey.

5 Q. Okay.

6 A. What would you do? I mean, I

7 retracted the challenge.

8 Q. But the fact that she was not living
9 in Patterson, New Jersey, what did that mean to you?

10 A. Well, at that point in time, it made
11 me question the list -- the list of 37.

12 Q. Because it implied that she was, in
13 fact, living in Taliaferro County and was
14 appropriately registered there?

15 A. Right, the superintendent of the --
16 the first line, highlight the first line. Beatrice
17 Davis listed as out of state. But the superintendent
18 of elections confirmed Mrs. Davis is living in
19 Taliaferro County with a personal phone call to her
20 Taliaferro County address. How can you argue with
21 that? I wasn't going to call her up. I certainly
22 wasn't going to drive by her address to see if she

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 80

1 was living there. But the judge did. The probate
2 judge did. How could you argue with that?

3 Q. And then you end that paragraph about
4 Beatrice Davis in parentheses, "(Not sure where the
5 out of state residence information came from. But it
6 appears incorrect)."

7 Did I read that right?

8 A. You absolutely read that right.

9 Q. Okay. And then in the next
10 paragraph, this kind of summarizes what you found
11 out?

12 A. Now, remember, these are all people
13 who have already asked for an absentee ballot.

14 Q. Right, and who had voted, right? Or
15 had just asked for a ballot?

16 A. Again, I'd have to look at what
17 Mr. Marsh -- what Mr. Marsh's reply to me -- and I
18 don't know how -- I don't have a clue how he could
19 confirm either one of those. But, he said these
20 people -- I believe he said they had voted absentee.
21 Whether that meant they had asked for an absentee
22 ballot or they had filed an absentee ballot. It was

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 81

1 obviously that Ms. Carmichael had already voted. The
2 other two, I -- you know.

3 Q. Not sure.

4 But in this -- this next paragraph
5 about Clifford Simons, it says, "She is living in a
6 nursing home in Greene County, but still has a house
7 in Taliaferro County." And that she has a homestead
8 exemption; is that right?

9 A. Correct.

10 Q. And again, this is very basic, but
11 why were those facts important to you?

12 A. The list of 37 said she lived in
13 Greene County. The registrar, we have a history --
14 Taliaferro County has history of people who do not
15 live here voting. Or let me use the word "local
16 lore."

17 Q. Okay.

18 A. That people and -- and I've been --
19 in a public hearing, a senior government official
20 told me that his sister lives in Augusta, but she
21 votes in Taliaferro County. This was a number of
22 years ago, when I first moved here. And he said

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 82

1 that's her home place. You always vote at your home
2 place. And I was like, wow, that's something I never
3 heard of before. Maybe that's the way they do it in
4 Georgia. But, not where I'm from.

5 Q. Okay.

6 A. So, here we have a person who lives
7 in Greene County. And, you know, we had a
8 discussion, me and -- the registrar and I, whether or
9 not she can vote in Taliaferro County. And I said, I
10 don't think she can. So, the chief registrar went to
11 the tax commissioner; found out Ms. Simons has a
12 house, and is paying taxes, and she has a homestead
13 exemption. The law states, again, 21-2-230, I
14 believe that's in the voter registration law, states
15 that a person who has a homestead advantage, that's
16 presumed to be their residence. So, I wasn't going
17 to go back and challenge the homestead exemption.

18 Q. Fair enough. And then, at the end of
19 this paragraph, you write again, "Again not sure
20 where the out of county residence information came
21 from."

22 A. Yeah. Again, the first one was out

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 83

1 of state. So this was a perfect test case. One was
2 out of state. It appeared to be incorrect. And, you
3 know, I'm kind of going, where did it come from? The
4 second one was out of county. Where did the
5 information come from?

6 Q. And, did you ever receive a response
7 from Mr. Cooper; where this out of state information
8 came from, and the out of county information?

9 A. Again, not to my recollection. But,
10 you may have something that will surprise me.

11 Q. I'm not sure that I do, Mr. Martin.
12 But, after you submitted these first three, as
13 we're -- we've been calling them test challenges; did
14 you go back to the list of 37 and check any more of
15 the names on the list?

16 A. No.

17 Q. And, why not?

18 A. What do I say? Burned once, your
19 fault; burned twice, my fault.

20 Q. So, in other words, you identified
21 some concerning areas, or some concerns about the out
22 of state and out of county information already on the

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 84

1 list; and you did not find it worth your time to --
2 to verify any of the other names at that point? Is
3 that right?

4 A. Right. And at this point in time, I
5 did not know that Carmichael was going to be
6 disqualified.

7 Q. Right. It says -- it says for --

8 A. This was written on the 20th of
9 December. We were batting 100 percent strikeouts.

10 Q. All right. As you mentioned, it says
11 in this E-mail here, "No resolution as of yet," in
12 reference to Ms. Carmichael. Presumably, that was
13 resolved a couple of days later? Or?

14 A. Yeah, I believe it was resolved. If
15 you go back to 003, I believe it resolved later that
16 day --

17 Q. Okay.

18 A. -- but this was 9:00 in the morning.
19 I believe it was resolved. It's not dated. But, I
20 withdrew that challenge when her ballot was rejected.

21 Q. And she requested to be removed from
22 the voter rolls herself, too?

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 85

1 A. Correct.

2 Q. All right. Okay. Aside from these
3 three E-mails now, where you have mentioned the
4 impact of the challenge is not good, that you sent
5 around 9:00, 10:00 a.m. on the 20th; did you tell
6 anyone else that you had withdrawn these three
7 challenges?

8 A. Not that I recall.

9 Q. Okay.

10 MS. TAYLOR: And, Henry, if you could
11 zoom out of this cropped part of the -- yeah, that
12 would be great.

13 Q. And the bottom E-mail down here,
14 Mr. Martin, it looks like you write on the 17th
15 around 4:00 p.m., "I will be providing these three
16 letters to the Registrar and Superintendent
17 tomorrow."

18 Are those three letters you're
19 referring to the challenge letters for these three
20 individuals?

21 A. Yeah, I believe so. 001, 002 and
22 003, if you -- I believe you --

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 86

1 Q. Okay. That makes sense.

2 MS. TAYLOR: All right. Henry, if
3 you could pull up 0181, which is another version of
4 this E-mail that we looked at, Mr. Martin. This one
5 was the one that you had send to Amy Holsworth
6 copying James Cooper.

7 BY MS. TAYLOR:

8 Q. In this E-mail, you write at the top,
9 "My experience that the True the Vote database has
10 not been good."

11 Again, can you just explain to me
12 what you mean by that statement?

13 A. Yeah, I'll be honest with you, I have
14 no idea why I was communicating with Amy. I don't
15 know where I got her -- Amy Holsworth, I have no idea
16 where I got her name or -- or why I sent this; unless
17 James Cooper told me to tell her, you know, because
18 at this point in time on the 20th, three days later,
19 I was very concerned with them using my name on the
20 list of 37.

21 Q. That's all right.

22 A. So, I was trying to get my -- you

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 87

1 know, I had given him my signature and said, yeah, go
2 ahead and submit it. I believe that was on the 17th.
3 But, at this point in time, I was uncomfortable.

4 Q. And that would explain --

5 A. Hence, the first statement there.

6 Q. Yeah --

7 A. "My experience with the True the Vote
8 data base has not been good."

9 Q. And the next line that says, "Please
10 hold on to any challenge letters to Taliaferro
11 County"?

12 A. Yes.

13 Q. Okay.

14 A. And, that's at 9 -- that's
15 December 20th, 9:54 in the morning.

16 Q. That is right.

17 A. And I said, "Concerns with the
18 quality of your information. Submitted three
19 challenge letters Thursday evening for individuals on
20 the True the Vote list who had already asked for
21 absentee ballots."

22 See, that clarifies who had already

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 88

1 asked for absentee ballots in Taliaferro County. So,
2 evidently the database was absentee ballots
3 requested, not submitted.

4 Q. Okay. As you read just there, it
5 says, "Concerns with the quality of your
6 information."

7 MS. TAYLOR: And then, Henry, if you
8 go to the next page, where his E-mail continues.

9 Q. At the top it says, "Indicates a
10 problem with data accuracy and relevance."

11 What were you referring to, just to
12 be clear for the record, when you say "data"? Are
13 you talking about the names themselves and the
14 addresses?

15 A. Well, the addresses specifically.
16 The names -- you know, the names -- it appears the
17 names were all Taliaferro County names. At one point
18 in time they -- they were or are Taliaferro County
19 voters. But, the data I was referring to is the
20 reference to them being out of state or out of
21 county. And that reiterates the information -- you
22 know, I'm feeding back realtime data here. This is

9/28/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Joseph Martin

Page 89

1 real -- you know, you sent me a list of 37 names, and
2 this is my results of the test cases; three test
3 cases. As you can see, I'm uncomfortable. Please
4 hold onto any challenge letters to Taliaferro County.

5 Q. Did you receive a response to this
6 E-mail?

7 A. You know -- if I did, it's in the
8 package that we provided to you. If not, then it
9 isn't. I don't -- I don't recall.

10 Q. Okay.

11 A. Again, I'll repeat, I was not aware,
12 when True the Vote sent the list of 37 to -- to
13 Taliaferro County.

14 Q. And like you said, you write again
15 here, "Please hold on to any challenge letters to
16 Taliaferro County." Were you under the impression,
17 at the time, that your challenge letters to
18 Taliaferro County were being held after you sent this
19 E-mail?

20 A. I was aware that they had not been
21 sent. I was not aware -- let me put it the other
22 way. I was not aware they had been sent. And I was

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 19

1 nuts.

2 Q. Would you consider data
3 processing to be your strong suit?

4 A. Yes.

5 Q. And why is that?

6 A. I've been admitted to testify
7 as an expert witness in data analytics 5
8 times over the last 20 years in various
9 disputed elections. I've been working with
10 voter data for longer than most people have.
11 I know it well. And I'm -- I've testified in
12 court over residency issues and redistricting
13 errors and things like that.

14 Q. And what happens if a client or
15 you try to perform a project without good
16 data processing?

17 A. I'm not sure I understand the
18 question.

19 Q. Sure.

20 MR. SHELLY: Henry, can you
21 pull up Exhibit L.

22 (Davis Exhibit L,

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 20

1 Printout of Data Productions'
2 website, No Bates, was marked
3 for identification, as of this
4 date.)

5 BY MR. SHELLY:

6 Q. Mr. Davis, do you recognize
7 this? This is the website for Data
8 Productions.

9 A. It appears to be.

10 MR. SHELLY: Can you scroll
11 down to page 2, Henry?

12 BY MR. SHELLY:

13 Q. That paragraph right there, in
14 the middle, "Why Data Processing?" The
15 website says, "Data processing is the dull
16 older cousin to big data. But without good
17 data processing," it says, "big data is just,
18 well, a big mess."

19 Do you agree with that?

20 A. To a certain extent, that's
21 fluff that my web developer put in there.
22 But, in general, I would say that I agree

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 21

1 that data processing is very important.

2 Q. Fair to say that the quality of
3 processing affects of validity of the
4 conclusions that can be drawn from the data?

5 A. Yes.

6 MR. SHELLY: Thank you. Henry,
7 you can take that one down.

8 BY MR. SHELLY:

9 Q. Mr. Davis, you mentioned that
10 you perform National Change of Address
11 processing as part of your data processing
12 services. Is that right?

13 A. Yes.

14 Q. And roughly how many times a
15 year would you say you perform NCOA
16 processing?

17 A. I don't know the answer to that
18 question off the top of my head, but it's
19 often. It's regular. I would say I probably
20 will process 50, 60 million records this
21 year.

22 Q. And when you say "process those

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 22

1 records," can you describe a little bit about
2 what that process is?

3 A. I license software that allows
4 me to run CASS certification as well as
5 National Change of Address processing. And
6 I own -- I buy an annual subscription that
7 allows me to run up to a hundred million
8 records a year.

9 Q. And so am I to understand that
10 you're matching the NCOA list against some
11 other file?

12 A. That's not quite the way it
13 works. That's a bit of an
14 oversimplification.

15 The way it works is the
16 software -- it refers to the needed fields
17 that are in a particular database --
18 transmits that data to an NCOA compiler
19 that's got a special license from the Postal
20 Service to provide those services.

21 They actually do the matching
22 according to very strict USPS compliance

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 23

1 rules. And then the information comes back
2 to me, and it's merged back into the original
3 database.

4 Q. Okay. And is there one firm,
5 it sounds like, who performs the actual match
6 that you use?

7 A. In my particular case, it's
8 BCC. But there are a number of them.

9 Q. Okay. And where did you learn
10 to do the part of this process that you do?

11 A. I forget what year it was, but
12 at some point, the Postal Service mandated
13 compliance with move update requirements for
14 First-Class Mail. Years later, they also
15 required compliance with move update
16 requirements for Presorted Standard or what
17 we commonly refer to as "bulk mail."

18 So I don't remember exactly
19 what years those were, but it was quite a few
20 ago.

21 Q. And does the NCOA processing
22 ever produce a false match, where there's --

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 43

1 So my objection stands.

2 MR. SHELLY: Okay. Well, how
3 about I get through a few more
4 questions on a different subject, and
5 then depending on the one -- where
6 those lead, we can perhaps revisit
7 this in a bit.

8 MS. SIEBERT: That sounds good.

9 BY MR. SHELLY:

10 Q. Mr. Davis, you mentioned at
11 this initial meeting with Ms. Engelbrecht --
12 well, let me first ask: Was that your only
13 conversations with Ms. Engelbrecht, the
14 initial discussion that you mentioned with
15 Gregg Phillips and Derek Somerville?

16 A. That was my initial
17 conversation with anyone with True the Vote.

18 As far as subsequent
19 conversations with Catherine, I don't recall
20 any in specifics. I do recall participating
21 in a Zoom call, or maybe two, that were
22 general, you know, "everyone's invited" kind

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 44

1 of broadcast. And I tuned in to just keep
2 current with what they were doing.

3 But I don't recall other
4 specific conversations. We may have talked
5 on other occasions. There was so much
6 activity in November, I just don't recall
7 specifics.

8 Q. When you say you participated
9 in these conversations where everyone was
10 invited, were those open to the public? Or
11 what did you mean by that?

12 A. I believe they were open to
13 basically anyone on True the Vote's list.
14 They may have been open to the public, for
15 all I recall.

16 But it was not a two-way
17 conversation. I didn't speak in those
18 meetings. I just tuned in to see what they
19 were up to.

20 Q. Do you know why you were
21 invited or how you ended up on those calls?

22 A. I don't.

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 45

1 Q. You mentioned Derek Somerville
2 in this call.

3 How do you know him?

4 A. I met Derek, I believe, in
5 November. He expressed similar interests
6 about the quality of the voter file. And we
7 continued to kind of work collaboratively on
8 it.

9 He's a former investigator -- a
10 former special agent with the FBI, and
11 I thought it would be useful to have him dig
12 into some specifics -- specific sort of
13 random samples from the data to see if he
14 could sort of independently verify whether or
15 not there was additional evidence or
16 corroborating evidence on these changes of
17 address that he could find. And he spent
18 quite a bit of time doing that.

19 Q. Did you reach out to him in the
20 first instance?

21 A. No. We met on a conference
22 call -- I can't remember which conference

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 46

1 call -- but we established a relationship
2 after that and began to work collaboratively.

3 Q. Did you discuss challenging
4 voters with him?

5 A. We did discuss the possibility
6 of doing it not affiliated with True the
7 Vote.

8 Q. And was that before or after
9 the call with Ms. Engelbrecht that you
10 mentioned?

11 A. I don't recall.

12 Q. Okay. Did he ask for your
13 assistance challenging any Georgia voters?

14 A. Well, we did discuss creating
15 our own challenges, but not True the Vote's
16 challenges.

17 Q. And did you pursue that?

18 MS. SIEBERT: I'm going to
19 object to this question. Again,
20 beyond the scope.

21 This lawsuit is about the
22 challenges that were, quote, in

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 47

1 concert with True the Vote. So this
2 is beyond the scope of this lawsuit.

3 Mark, you can go ahead and
4 answer.

5 A. I did do data processing for
6 other people to file challenges, not in
7 coordination with True the Vote, not
8 affiliated with True the Vote. A totally
9 different perspective than True the Vote.
10 I'll stop there.

11 BY MR. SHELLY:

12 Q. Okay. And who were these other
13 groups?

14 A. Excuse me?

15 Q. What other group were you
16 providing -- were you assisting with voter
17 challenges?

18 A. No group in particular.

19 Q. Are there other individuals?

20 A. They were created to permit
21 other interested individuals to file them if
22 they wished to file them.

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 48

1 Q. And how did you provide your
2 analysis to these other individuals?

3 MS. SIEBERT: Again, I'm going
4 to object that this is beyond the
5 scope of the litigation. And same
6 objections as before.

7 Mark, you can go ahead and
8 answer.

9 A. I generated files for each
10 county and put them -- made them available on
11 the internet for interested parties who
12 wanted to file them to download them.

13 BY MR. SHELLY:

14 Q. And was that accessible to the
15 public?

16 A. No. It was only accessible to
17 people that we provided access to.

18 Q. And, just ballpark, how many
19 people had access to this?

20 MS. SIEBERT: Same objection.

21 Mark, go ahead and answer this.

22 But, again, I'm going to shut down

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 49

1 this line of questioning pretty soon.

2 Beyond the scope.

3 A. I don't know the answer to that
4 question. In fact, I don't know who
5 specifically filed what where or anything
6 like that.

7 I did do the data processing.
8 I did create the data to do challenges, but
9 I did not organize them or recruit people to
10 file them or anything of that nature.

11 BY MR. SHELLY:

12 Q. You mentioned Gregg Phillips
13 was on this initial call with
14 Ms. Engelbrecht.

15 How did you meet Mr. Phillips?

16 A. I actually did not say that.
17 I said that I had a conference call with him
18 and Derek.

19 I believe that Catherine and
20 Gregg had taken Derek out to dinner one day
21 previous to that and wanted to meet me. And
22 Catherine was not available for the call, but

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 50

1 Gregg was, so if I recall correctly, it was
2 just me and Derek and Gregg Phillips on that
3 call.

4 Q. And what did you discuss on
5 this call?

6 A. We compared our backgrounds in
7 data processing and data analytics and
8 working with voter data.

9 He, I believe, comes from
10 Texas, and I'm from Georgia. We talked about
11 how different states store data differently.

12 And I just basically kind of
13 gave him a little bit of a primer on data
14 that's available from the state, where to get
15 it, what it looks like, what's in it, those
16 kinds of things.

17 They were looking to do their
18 own analysis of the Georgia Voter Database,
19 and I just basically gave them some
20 information about, you know, how to get
21 started.

22 Q. Did you recommend -- if I

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 51

1 remember the acronym -- BCC to perform the
2 actual processing?

3 A. No. I left it up to them,
4 which provider they wanted to use. There's
5 several dozen of them.

6 Q. And did you have any more
7 conversations with Mr. Phillips after this
8 one?

9 A. Not that I recall.

10 Q. How about: Did you communicate
11 with Mr. Mark Williams last year about
12 perceived voting irregularities in Georgia?

13 A. Not that I recall. But Mark
14 and I are old friends, and we've talked about
15 those kinds of issues over the years a number
16 of times. But I don't recall a specific
17 discussion with him last year about it.

18 Q. Do you recall any discussions
19 specifically about challenging Georgia voters
20 who were suspected of having changed their
21 address?

22 A. Not that I recall.

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 58

1 way, I would hope that Mr. Davis would
2 answer.

3 MS. SIEBERT: All right. Mark,
4 go ahead.

5 A. I'm not aware of residency
6 challenges that were filed before the
7 general, but it wouldn't surprise me to learn
8 that there were. There weren't any that I
9 was involved with.

10 BY MR. SHELLY:

11 Q. Do I understand correctly that
12 filing these challenges were your idea in the
13 first instance? Or did someone else first
14 provide that idea?

15 A. It certainly was not my
16 original idea. That's been a topic that's
17 been discussed for quite some time.

18 There have been previous
19 challenges in previous elections filed on
20 residency issues, as far as I'm aware. It's
21 not a new idea by any stretch.

22 Q. Did you support these

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 59

1 challenges -- I'll make this one specific to
2 the post-November challenges that True the
3 Vote filed. Did you support those
4 challenges?

5 A. In general, I support any
6 effort to clean up the voter rolls and ensure
7 people don't vote with residency issues
8 because they're casting ballots for people
9 that don't represent them.

10 So to that extent, I would
11 support efforts to prevent people from
12 casting illegal ballots.

13 Q. And what did you hope the
14 impact of these challenges would be on the
15 voters?

16 A. I hoped that the counties that
17 accepted challenges would simply give them
18 additional scrutiny to make sure that they
19 retained the eligibility to vote in a
20 particular election.

21 In other words, under Georgia
22 law, if they move from one county to another

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 60

1 more than 30 days before the election, and
2 that is a permanent change of address, then
3 they lose their residency in their previous
4 county. And they must be registered in their
5 new county in order to vote lawfully in that
6 county.

7 Under Georgia law, outside that
8 30-day grace period, we're only permitted to
9 vote in the county we actually live in.

10 Q. Have you ever filed a voter
11 challenge?

12 A. No.

13 Q. Why not?

14 A. I've never felt the need to.

15 Q. But you supported the
16 challenges that True the Vote filed?

17 A. I took exception with some of
18 their logic. It's not the way I would have
19 done it, but I had no input into the criteria
20 used for their challenges or the data
21 processing they did for their challenges or
22 any of that kind of stuff.

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 61

1 You know, that was their
2 project; it was not mine. And I did not
3 participate in it.

4 Q. What would you have done
5 differently than what they did?

6 A. I probably would have narrowed
7 the scope. But other than that, from what
8 I understand about what they did, they
9 identified people they believed to have
10 potential residency issues and wanted the
11 registrars to give them increased scrutiny
12 just to make sure that they did retain the
13 eligibility to vote in a particular election.
14 So in -- as far as that's
15 concerned, I'm all in favor of preserving the
16 integrity of the vote and making sure that
17 people who are properly qualified are able to
18 vote and vote lawfully.

19 Q. And what do you mean when you
20 say that you wished they had reduced the
21 scope?

22 A. They did a larger challenge

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 62

1 than I thought was best. I would have
2 limited the scope to people that had voted in
3 the general election because, for example,
4 you know, there are over a quarter million
5 people who moved out of Georgia. And
6 I wouldn't have expected very many of them to
7 cast ballots here. Thousands of them did.

8 But, at the same time, if they
9 don't live here anymore, then they shouldn't
10 be voting here. So it's not that I really
11 object to their criteria, but I probably
12 personally wouldn't have done it that way.

13 Q. And you say you worked with
14 people who had a different perspective than
15 True the Vote.

16 Was that perspective -- are you
17 referring to the scope or were there other
18 areas where their perspectives differed?

19 A. I don't -- it wasn't my
20 intention to put it quite the way you just
21 did.

22 From what I have since learned

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 63

1 about their challenge, I would have done it
2 differently. I didn't have any input into
3 their challenge or the logic behind it or
4 their data processing criteria or the way
5 they did it. That was all up to them.

6 Q. Is there anything else you
7 would have done differently besides narrowing
8 it to people who had voted in the
9 November election?

10 A. Not that I can think of off the
11 top of my head.

12 Q. Did you ever urge anyone to
13 participate in the challenge process?

14 A. I did have a Facebook post
15 where I encouraged people -- where
16 I basically reposted a post from Derek
17 looking for volunteers. Other than that,
18 I don't recall urging any specific person.

19 Q. Did you ever talk with anybody
20 about the methodology for developing a
21 challenge list?

22 A. I did talk with people about

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 64

1 the methodology that I used in my own, but
2 not True the Vote's, that I recall.

3 Well, in thinking about that,
4 it's entirely possible I did discuss the
5 differences between the two with people.
6 I just don't recall specifics of who and when
7 and all that kind of stuff.

8 Q. When you say "the differences
9 between the two," are you referring to the
10 difference between yours and SureBill's?

11 A. No.

12 Q. Between yours and True the
13 Vote's?

14 A. Yes.

15 Q. And did you discuss those
16 differences with True the Vote?

17 A. I don't recall. Like I said,
18 I didn't have input or really attempt to have
19 input that I recall into what they were
20 doing. That was their business. I didn't
21 try to tell them what to do.

22 I may have told them what

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 92

1 Normally, when I'm processing the voter
2 database, I'll run NCOA on the mailing
3 address and the physical address. So when
4 you're talking about 7.6 million records,
5 you're talking about double that in an NCOA
6 run.

7 Q. How long does that process
8 take, from start to finish, to do it right?

9 A. It really depends on the
10 workload that my compiler has at the time.
11 I will typically kick it off on maybe a
12 Friday afternoon and then just forget about
13 it for a day. When I come back the next day,
14 it's usually done.

15 I don't know about -- exactly
16 how many hours. It's not like I'm sitting
17 there at my computer having to watch it.
18 Once I start the process, it just runs.

19 Q. Okay. Okay. Returning to this
20 document in paragraph 7, you say you've been
21 brought in as an expert witness in a total of
22 five election disputes, which I think you

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 93

1 mentioned earlier.

2 Can you tell me about those
3 five cases?

4 MS. SIEBERT: Again, I'm
5 objecting to relevance.

6 A. Well, I can't tell you what
7 those cases were off the top of my head. I'd
8 have to research that. But off the top of my
9 head, I couldn't tell you the exact document
10 name.

11 Two of them related to a
12 dispute election in House District 1 back in,
13 I believe it was, 2002; two them were related
14 to a dispute in House District 28, I believe
15 in 2018 or 2019, or both -- there was two
16 cases surrounding that one as well; and then
17 the fifth case was in Long County, Georgia,
18 just after the primary of 2020.

19 BY MR. SHELLY:

20 Q. And was any of your testimony
21 about data processing related to the address
22 of potentially ineligible voters?

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 94

1 A. Yes.

2 Q. In how many of them?

3 A. All of them.

4 Q. And were those conclusions as a
5 result of the same processing you've been
6 describing here?

7 A. Yes and no.

8 Some residency issues are
9 caused by redistricting or districting
10 issues. Usually those are errors made by the
11 county. And some are caused by people
12 moving. Some are caused just by people
13 straight up being assigned to the wrong
14 county. Some people claim to live somewhere
15 that they don't.

16 There's any number of issues
17 that can cause residency- or districting-type
18 issues, so I can't really give you a pat
19 answer for all circumstances.

20 Q. Okay. Let's skip down to
21 paragraph 14. I read it to say, "Although
22 our state laws on residency appear to be

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 95

1 clear, there is obvious conflict between the
2 effective implementation and administration
3 of those laws and the 1993 National Voter
4 Registration Act, as well as some existing
5 Georgia case law which has only made the
6 situation worse."

7 Can you tell me what you meant
8 by "obvious conflict"?

9 A. Well, as you may be aware, when
10 a Secretary of State gets an NCOA match,
11 they're required to contact the voter to
12 investigate that NCOA match. Basically ask
13 the voter: Do you still claim residency at
14 the current address you're registered at or
15 have you moved?

16 You have to send out those
17 letters and investigate that. And the
18 Secretary of State is prohibited by the
19 1993 National Voter Registration Act from
20 doing so-called list maintenance within
21 90 days of a federal election.

22 And here, in Georgia, 21-2-233

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 96

1 permits a Secretary of State to run that
2 National Change of Address processing, it
3 appears, pretty much at its discretion. In
4 fact, I believe that term "discretion" is
5 used. Yet the 1993 NVRA prohibits what it
6 can actually do with that information.

7 So our Secretary of State is on
8 record blaming the 1993 National Voter
9 Registration Act and its prohibitions,
10 preventing him from preventing some of these
11 votes that have been cast with residency
12 issues.

13 He and his staff have admitted
14 on multiple occasions that such errors do
15 happen, but they claim that the NVRA
16 prohibits them from being able to address
17 them in a meaningful way.

18 Q. And so you say that voter
19 challenges then is as a way to get around
20 those NVRA restrictions?

21 A. It's not really --

22 MS. SIEBERT: Objection --

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 110

1 those are going to be valid. And, of course,
2 certainly not anywhere close to that number
3 actually cast ballots in the election.

4 Q. Do you have any idea how many
5 of those 267,255 voters may have been
6 military or student voters?

7 A. No, I do not.

8 Q. In paragraph 24, you calculate
9 122,231 voters who moved across state [sic]
10 lines but within Georgia.

11 Would your methodology have
12 identified all of the registered voters who
13 submitted NCOA notices for an address outside
14 of their county but within Georgia?

15 A. Well, to start with, as
16 I mentioned earlier, I completed this
17 analysis just before testifying. And after
18 that testimony, I realized some of those had
19 changed their addresses to P.O. Boxes. So
20 I would revise that number of 122- to
21 approximately 110-.

22 But, yes, the USPS data shows

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 111

1 that they moved from one county to another
2 county in Georgia. And based on the move
3 effective date they gave the Post Office when
4 they filed their change of address, that move
5 effective date was more than 30 days in
6 advance of the election. But, of course, not
7 all those people cast ballots.

8 Q. True the Vote calculated this
9 figure in their challenges within state
10 movers to be 124,114.

11 Do you know why there would be
12 a discrepancy?

13 A. I wasn't involved in their
14 processing. I couldn't tell you.

15 I would imagine they would have
16 done different dates. That might be one
17 possible explanation. Because, as I
18 mentioned earlier, NCOA is a window. It's
19 either looking back 18 months or it's looking
20 back 48 months.

21 So when you process NCOA, it's
22 a particular snapshot at a particular moment

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 112

1 in time. So that, alone, could easily
2 account for the disparity.

3 I just recently ran NCOA again,
4 and, you know, the numbers had gone up
5 considerably as far as the number of hits
6 statewide. So it's really a moving target.

7 And that's part of the reason
8 for the certification, is one of the primary
9 reasons for the certifications, is in order
10 to be in compliance with United States Postal
11 Service move update requirements, the
12 processing has to be done within a certain
13 amount of time of when you do the mailing or
14 you can risk losing your postage discounts.

15 Q. And then can we look at
16 paragraph 36. You refer to the antiquated
17 Voter Registration Act.

18 A. Yes.

19 I believe the 1993 National
20 Voter Registration Act should be amended so
21 that it's more helpful in keeping our
22 nation's voter rolls cleaner.

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 113

1 I would advocate for the use of
2 a national voter data clearinghouse, not
3 federalized elections or federalized voter
4 registration but something similar to or
5 perhaps even ERIC, E-R-I-C, the Electronic
6 Registration Information Clearinghouse.

7 Somewhere in the neighborhood
8 of half of our states are participating
9 states. My understanding is it's an NGO, and
10 that each state sends a designee to
11 participate in the governance of ERIC.

12 And the states will submit
13 voter data with a hatched version of the full
14 date of birth and Social Security number so
15 that that information remained confidential,
16 but at the same time can be matched against
17 other member states.

18 It's very useful in determining
19 if a voter is registered in more than one
20 state, which happens often. As an example,
21 the 267,000 that moved out of Georgia, some
22 large number of them probably are registered

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 114

1 in other states.

2 I'm not privy to the results of
3 the analysis that ERIC does, but I would
4 imagine that they routinely find people who
5 have moved from one state to another. And
6 when they move to their new state, they got a
7 driver's license and registered to vote and
8 never cancelled their voter registration in
9 Georgia.

10 So, yes, I do believe that, you
11 know, in this day and age, that's nearly a
12 30-year-old law there. And technology has
13 advanced considerably since those days.

14 Yes, I do believe that we can
15 do better and that we can keep our voter
16 rolls cleaner and we can help ensure people
17 are able to vote and vote lawfully and vote
18 for people who actually represent them.

19 MR. SHELLY: Henry, can we look
20 at Exhibit C now.

21 (Davis Exhibit C,
22 Mark Davis Facebook Post, May 7 at

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 147

1 I've asked everything that I have on
2 my list?

3 MS. SIEBERT: Sounds good.

4 THE VIDEOGRAPHER: The time is
5 11:49 a.m. Going off the record.

6 (Recess taken.)

7 THE VIDEOGRAPHER: The time is
8 11:54 a.m. Back on the record.

9 BY MR. SHELLY:

10 Q. I do have just a few final
11 questions for you, Mr. Davis. I want to make
12 sure I understand the mechanics of this
13 matching, as I'm calling it, the best I can.
14 Another example: If a person's
15 last name is hyphenated in one file but not
16 the other, would that show up as a match?
17 Or, my understanding, that that would depend
18 entirely on the algorithm that is being used?

19 A. It depends on the matching
20 algorithm used by the Postal Service.

21 If there is -- if there's not a
22 match, then I would not be provided with a

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 148

1 new address, so they wouldn't be on the list
2 to begin with.

3 Q. Okay. Your list of
4 approximately 40,000 names that you
5 identified of people who voted in the general
6 or otherwise you were concerned about their
7 eligibility to vote, did that include anyone
8 who was registered or moved to a military
9 base?

10 A. Derek is also a former Marine,
11 and we did the best that we could to scrub
12 military bases out of there.

13 But, again, as I mentioned
14 earlier, when someone files a permanent
15 change of address when they really intend to
16 go away temporarily, that is something that
17 needs to be addressed with some sort of
18 investigation, either mailing them a letter
19 or a notice, as the Secretary of State does,
20 or sending an investigator to ask that
21 person, you know: Did you move from this
22 address to that address? Was it a temporary

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 149

1 move or a permanent move? Or an
2 investigation by a county that accepts a
3 challenge.

4 There's additional data to be
5 gathered. This is a place to begin the
6 process, but it's not the be all end all of
7 any of these processes.

8 Q. You mentioned -- did
9 Mr. Somerville remove the military names, or
10 is that something that you did yourself?

11 A. I had him do it because he's
12 aware of where the big military bases are and
13 did his best to scrub any of them out of the
14 data.

15 Q. Okay. Do you have -- do you
16 know how many names that removed?

17 A. I don't recall.

18 Q. And did you do any similar
19 scrubbing for other reasons? A person could
20 be in a similar situation? For example,
21 people who are registered and on a college
22 campus?

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 150

1 A. Not that I recall. I know
2 there's a very low number of college-age
3 voters on the list. But, again, those issues
4 are basically the subject of the inquiry,
5 whether that's done through the mail by the
6 Secretary of State or done by the county
7 board of elections in reviewing a challenge
8 or done by the Secretary of State's office as
9 they continue to investigate these issues.

10 Q. And do you think that the
11 county boards of election could do the proper
12 investigation for 40,000 names before the
13 runoff election?

14 A. Well, that's a statewide
15 number. No county has near that total.

16 Q. But -- so did you think that
17 each county could perform all the
18 investigations they needed to do before the
19 election?

20 A. I don't know. That's for the
21 county to determine. It's up to the county
22 to accept or reject a challenge. And, as

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 151

1 you're aware, many of them did reject them.

2 You know, that was part of the
3 reason that I, you know, limited the scope of
4 the challenges, is because, A, since they had
5 already voted in the general and many of them
6 already with potential residency issues, I
7 felt like that was on stronger footing, as
8 far as the counties go, in their ability to
9 process a challenge as well as and the
10 strength of the challenge itself.

11 So, yeah, I would agree that
12 the larger the number is, the more difficult
13 it is on the counties. And, in part, I think
14 that may be part of the reason that some of
15 the counties rejected challenges, because
16 they just didn't want to deal with it.

17 And then part of the other
18 reason is the threat of a lawsuit backed by
19 an organization with millions of dollars
20 behind them. A lot of voters were
21 intimidated and a lot of counties were
22 intimidated.

10/4/2021

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark Davis

Page 152

1 Q. Do you intend to file any
2 challenges in the future?

3 A. I hope that I don't have to.
4 I hope that these issues will be addressed by
5 our elected officials.

6 I do intend to keep researching
7 these issues in the future and identifying
8 and calling attention to these issues as I've
9 done for 20 years. I intend to remain an
10 advocate for election integrity, yeah.

11 I don't think it's okay for
12 people to vote in districts they don't live
13 in for people who don't represent them.
14 I think all Americans should view it that
15 way. Voting for our representatives is the
16 bedrock of our Constitutional republic.
17 I don't think it's acceptable that we have
18 people casting unlawful ballots.

19 Q. A second ago you mentioned that
20 this process has resulted in the intimidation
21 of a lot of voters.

22 Can you elaborate on what you

10/6/2021

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Derek Somerville

Page 123

1 But I would hope their motivation was
2 to create a buffer so that we don't see
3 brinkmanship within the electoral process
4 inadvertently permitted by federal statute.

5 So I think the process that requires a
6 significant amount of due diligence, significant
7 amount of interaction with the voter, and
8 provides for some blackout periods within
9 certain proximities of elections is a very, very
10 good thing.

11 Q. Okay.

12 And just to put a fine point on that,
13 so I am sure that I understand you, is the point
14 of that need for interaction with the voter a
15 fact that just appearing on the NCOA list does
16 not mean that someone is ineligible to vote?

17 And that investigation is needed?

18 A. Yeah -- that's a very -- very specific
19 fine point that you have put on there, but it's
20 one of many points. There is a number of
21 variables that could influence why an individual
22 may or may not be an eligible voter.

10/6/2021

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Derek Somerville

Page 124

1 So my assumption is that that's a
2 process to ensure that we are not wholly relying
3 on any one piece of information.

4 You know, my understanding and my
5 belief that the NCOA is -- it is an indicator
6 that there may be an anomaly, but then that
7 needs to be substantiated through subsequent
8 diligence.

9 That's my understanding of how it
10 works in the state -- that at no point would any
11 of these challenges prevent an eligible voter
12 from voting. That's not the intent.

13 The intent is to identify if there is
14 a data anomaly, then put in motion a process
15 that ultimately, when fully adjudicated,
16 identifies whether or not an individual -- with
17 their participation, hopefully -- whether or not
18 they are eligible or not.

19 I firmly believe -- and I -- I don't
20 mean to go long here -- that there are
21 individuals that are unaware that they are still
22 registered at their own county. So this is a

10/6/2021

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Derek Somerville

Page 125

1 good process to notify people that there is a
2 process in place to ensure that you can vote and
3 vote eligibly.

4 Q. Okay.

5 MS. FORD: Can we please pull up
6 Exhibit I and mark it as Exhibit I?

7 (Exhibit I, Single-page document
8 bearing heading: Jim Flenniken (no Bates No.),
9 marked for identification)

10 (Pause)

11 MS. FORD: Could we make the comment
12 by Mr. Somerville a little bit bigger so we all
13 can read, please?

14 BY MS. FORD:

15 Q. This is a comment from your Facebook
16 page in which you appear to write: There are
17 literally thousands of individuals that
18 legitimately used NCOA to forward their mail out
19 of the county/state but remain legal residents.

20 Did you write this?

21 A. Yes, I did.

22 Q. I assume you believed that to be true

10/6/2021

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Derek Somerville

Page 126

1 at the time you wrote it?

2 A. I believe that to be true at the time,
3 and I believe that to be true now.

4 Q. Here you write back to Mr.
5 Flenniken -- I believe his name is -- that there
6 is a process in place to make sures his wife
7 wasn't taken off the rolls improperly, as he had
8 noted in his comment to you.

9 You say: At some point if your wife
10 filed an NCOA, the state will send her a note
11 and ask her to verify if she is still a
12 resident. She would, of course, indicate she is
13 and the matter would end there.

14 But since that process hasn't been run
15 by the state since early 2019, and given the
16 unprecedented reliance on -- this cycle on
17 mail-in ballots, our challenges sought to force
18 that verification.

19 And I assume you wrote this as well?

20 A. I did.

21 Q. Were you speaking about the challenges
22 that you helped organize in December when you

10/6/2021

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Derek Somerville

Page 127

1 said, "Our challenges sought to force that
2 verification"?

3 A. Well, I think I was speaking more
4 broadly on the data integrity effort. I think
5 the word "challenge" just became common
6 vernacular.

7 As it turned out, not that many were
8 ultimately submitted.

9 But I think this captures well the
10 point, which was that there is a process to
11 protect voters, but that process needs to be
12 undertaken in order to identify those votes that
13 are not eligible and would otherwise
14 disenfranchise the very voters that we're trying
15 to protect.

16 Q. Here you seem to be recognizing that
17 the NVRA traditional NCOA process was not going
18 to occur in the few months or weeks before the
19 runoff election.

20 Is that correct?

21 A. I don't -- I don't know if that's what
22 I was acknowledging.

10/6/2021

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Derek Somerville

Page 128

1 I think -- I think what I was trying
2 to indicate here is that there is a process and
3 we should follow it; and that our data file,
4 based on our estimation from looking at it, had
5 not been maintained in a very long time; and
6 that that was creating a significant number of
7 anomalies.

8 But those people that were eligible
9 voters are well-protected under the current laws
10 and current processes; and I didn't see a high
11 probability that anybody that -- that appeared
12 on an NCOA file but did not, in fact, legally
13 change a resident would be prevented from
14 voting. I still confidently believe that.

15 And I think --

16 Q. Okay.

17 A. -- and to go further -- I know you
18 didn't -- well, that's okay.

19 Q. I'm sorry. I don't mean to cut you
20 off.

21 A. Well, I guess my point is I think the
22 thrust of this response was to also make a

1 MS. KRAMER: Counsel, I would ask that
2 we have the witness be in a room by herself, just for
3 the purposes of the deposition --

4 THE WITNESS: Okay.

5 MS. KRAMER: -- if possible.

6 MS. FORD: Jocelyn, is it easy enough
7 to ask your friend to go to a different room?

8 THE WITNESS: Yeah; they can go to a
9 different room.

10 MS. FORD: Okay.

11 THE WITNESS: They're working from
12 home, so give me one second.

13 REPORTER: Did we want to go off the
14 record, or just stand by for a second?

15 MS. KRAMER: I would just stand by for
16 a second, unless it takes longer than, you know, 30
17 seconds.

18 REPORTER: Okay.

19 THE WITNESS: Okay.

20 BY MS. KRAMER:

21 Q Thank you. And since I'm not in the actual
22 room with you, I'm not able to see what you have in
23 front of you or if someone else enters the room. Can
24 you let me know if someone does enter the room at any
25 point during this deposition?

1 A Yes. I can.

2 Q Thank you. And then, Ms. Heredia, do you
3 understand that you cannot ask your attorney's help to
4 respond to a particular question that's asked?

5 A I understand.

6 Q Okay. And your attorney may object to a
7 question that I ask, but you should still respond
8 unless your attorney instructs you not to respond.
9 Does that make sense?

10 A That makes sense.

11 Q Okay. And finally, if at any time you need
12 a break, just let me know, and we can go off the
13 record for five or ten minutes if that's needed.
14 Hopefully it won't take too long, so that won't be
15 necessary, but if you need a break, just let me know.

16 A Sounds good.

17 Q Okay.

18 MS. KRAMER: And at this time, can we
19 please put up what is marked as Exhibit A?

20 TECH CONCIERGE: Please stand by. This
21 is Exhibit A.

22 (Exhibit A was marked for
23 identification.)

24 BY MS. KRAMER:

25 Q Ms. Heredia, can you see this document?

1 A Yes.

2 Q Do you recognize this document?

3 A Yes, I do.

4 Q Okay. I just want to confirm that you
5 understand that you're appearing today pursuant to
6 this Notice.

7 A I understand.

8 Q Great. Okay. So I just have some
9 background questions I want to start with.

10 MS. KRAMER: Bailey, you can take the
11 exhibit off. Thank you.

12 Q Ms. Heredia, where is your current address
13 in Georgia?

14 A It is in Banks County. It is -- the actual
15 address is 304 Borders Road, Commerce, Georgia 30530.

16 Q And how long have you resided there for?

17 A That's a tough question. Approximately four
18 years.

19 Q And are you registered to vote from this
20 address?

21 A Yes.

22 Q How long have you voted from that address?

23 A So I can't recall, but I did vote from that
24 address for the presidential election and the -- the
25 special election.

1 Q Okay. So the November election -- the 2020
2 election -- and the January runoff?

3 A That's correct.

4 Q Okay. Great. And what is your current
5 occupation?

6 A I am a remote worker, and I'm a researcher.

7 Q For what company?

8 A For AT&T.

9 Q What kind of research do you do for AT&T?

10 A User experience research.

11 Q And that's the only company that you
12 currently work for?

13 A That's correct.

14 Q Okay. And how long have you worked there
15 since?

16 A Approximately -- less than two years.

17 Q Okay. Great. When did you live in Atlanta,
18 Georgia?

19 A I lived in Atlanta in January and February
20 of 2020.

21 Q And why did you live in Atlanta during those
22 two months?

23 A Sure. For this job, the AT&T job, I -- so
24 I -- I got the job, and it was a temporary position at
25 the time, so I moved to Atlanta for the job.

1 Q Okay. And when you moved there for your
2 job, did you change your mailing address to reflect
3 where you lived in Atlanta for that job?

4 A I did.

5 Q And it was just a temporary job?

6 A Yes. At the time it was.

7 Q So you changed your address with the Postal
8 Service. And did you change it back once you moved
9 from Atlanta?

10 A I did not. Because I still had access to
11 the apartment, so, you know, if I needed the mail, I
12 could get it. And to be honest, I don't even get that
13 much mail.

14 Q Did you have intentions of moving back to
15 that address, if you kept your mailing address in
16 Atlanta?

17 A That's hard to say. So in March, the
18 COVID-19 pandemic hit, and we were told that we would
19 be remote. And we were told that we -- that they
20 weren't even sure when we would go back to the office.
21 So, you know, I would be remote until my job told me
22 that I had to be in person.

23 Q Have you been in person with that job yet?

24 A In February, yes.

25 Q Of this year?

1 A Of 2020.

2 Q So -- sorry; I guess I'll clarify. You're
3 working remotely right now; is that what you --

4 A Correct.

5 Q Okay. And so, since February of last year,
6 have you gone back to working in person in Atlanta?

7 A No.

8 Q Okay. And is your mailing address still in
9 Atlanta?

10 A It's not.

11 Q It's not. Okay. When did you change your
12 address?

13 A I changed it -- I can't recall the exact
14 date, but I -- so we were supposed to be back into the
15 office in October, and then our job told us that we
16 would have to -- oh. And then in September, our job
17 told us that we would not go back into the office for
18 the rest of this year, and we would be remote
19 indefinitely, until they let us know otherwise. So
20 recently I changed my address back to Banks County,
21 because I don't know where I'll be. But ...

22 Q Okay. Okay. Thanks for clarifying that.
23 Okay. Let's start with a few questions just about the
24 2020 election. Did you vote in the 2020 primary
25 election?

1 A That's correct. I did not see her seal the
2 ballot.

3 Q Did you see any other people at the polling
4 location that day, while you were there, have to fill
5 out a paper ballot?

6 A Yes. I did, actually. A lady behind me.
7 She was, I believe, of Asian descent; I can't confirm.
8 She looked Asian -- of Asian descent. She also had to
9 fill out a paper ballot.

10 Q And when she finished filling out that
11 ballot, did you see where her ballot was placed?

12 A I did not. So I was in line before her, so,
13 you know, I -- I gave my ballot with the envelope to
14 the worker, and she said that I would need to provide
15 two forms of identification with my mailing address in
16 order for my vote to count. And then that's when she
17 went to the hallway, into a room.

18 And then at the same time, I could see that
19 this lady that was behind me was filling out a paper
20 ballot. But then at that point I left to go to
21 find -- either go home to find two forms of
22 identification, or -- I was going to -- I was going to
23 check my car to see if I had two forms of
24 identification there. So I didn't actually see what
25 happened to her ballot.

1 Q Okay. And I just want to clarify that
2 before you gave your ballot to the election worker, or
3 who you believe was the election worker, you did place
4 it in the envelope. Right?

5 A No. I did not place it in the envelope.

6 Q Okay. So you gave her the open ballot and
7 then the envelope in the other hand? Or did she have
8 the envelope? I'm just trying to figure out how --

9 A Yeah. So I provided the envelope, and then
10 I provided my ballot. But I can't remember if I
11 folded it or I just gave it to her. But I do remember
12 that I did not put it inside the envelope. And I did
13 not seal it --

14 Q Okay.

15 A -- I provided both.

16 Q Okay. Thanks for clarifying that. And then
17 I just want to touch real fast on the lady behind you.
18 You said she was filling out a provisional ballot. Do
19 you know why she was?

20 A I don't know.

21 Q Okay. So you don't know if the lady behind
22 you was a voter being challenged or if she chose to
23 vote on a paper ballot?

24 A I -- I don't know. Yeah. I -- I wasn't --
25 like, they would talk to the people individually. So

1 I -- I don't -- I don't know. I didn't overhear
2 anything.

3 Q Okay. So they talked to her individually.
4 So when the election worker told you that your vote
5 was being challenged, did they talk to you
6 individually about that as well?

7 A Yes, they did. And it wasn't, like,
8 individually, like, in a room or anything. It was --
9 you know, people are around; there's people close by
10 submitting their ballot in -- on a machine; there's
11 people in line. But she would keep her voice down
12 when she was speaking to -- to certain people.

13 Q Okay. So she didn't, like, raise her voice
14 when she was telling you that you were being
15 challenged. It wasn't some announcement to the
16 polling location.

17 A Right. It wasn't an announcement. But
18 whoever was voting by paper ballot, they would make --
19 you know, they made me and the other woman step aside
20 as other people were able to cast their ballot on the
21 machine.

22 Q Okay. But it was not public why people were
23 voting by paper ballot, based on your experience?

24 A While I was there, it was not public. But I
25 do know that my name, along with other challenged

1 voters' names, were published on the Banks County
2 website. And it was public information for six
3 months.

4 Q Okay.

5 MS. KRAMER: Bailey, can we please pull
6 up Exhibit E?

7 TECH CONCIERGE: This is Exhibit E.
8 (Exhibit E was marked for
9 identification.)

10 BY MS. KRAMER:

11 Q Ms. Heredia, does this look familiar to
12 you -- this PDF of the website of Banks County?

13 A Yes. That's familiar. That's what I was
14 referencing --

15 Q Okay.

16 A -- in my previous question.

17 Q Okay, perfect. So can you tell me who -- or
18 I guess can you clarify: This is obviously the Banks
19 County website, and not another organization's website
20 that has, I guess, the challenge list that you're
21 referring to?

22 A Correct. This is the Banks County website.

23 Q Okay. And was this challenge list published
24 on any other website, to your knowledge?

25 A To my knowledge, no. But anything that's on

1 the internet can be downloaded, replicated, put
2 elsewhere. So it could be anywhere else.

3 Q I understand that. But I'm just kind of
4 more asking that to your knowledge, that you know of,
5 you have not seen this challenge list any other place
6 but the Banks County website?

7 A Correct.

8 Q Okay. Give me one second, Ms. Heredia. On
9 this website, did you personally ever click or
10 download the challenge list?

11 A I clicked on it, but I did not download
12 it -- downloaded it for my reference.

13 Q Do you know of anybody that did download it?

14 A I'm not.

15 Q Okay. So to your knowledge, this hasn't
16 really been put elsewhere. Like I said, to your
17 knowledge, this list hasn't been put elsewhere but
18 just this website.

19 MS. FORD: I'm going to just object
20 that it calls for some speculation.

21 THE WITNESS: Right.

22 MS. KRAMER: I understand. I'm just
23 asking the witness just to her knowledge, just right
24 now, if she knows of it being published anywhere else.

25 THE WITNESS: I don't know.

1 BY MS. KRAMER:

2 Q Okay. And I just want to clarify that what
3 you're viewing, and also to your knowledge, this
4 website's not operated by True the Vote; correct?

5 A That's correct.

6 Q And it doesn't appear to be operated by any
7 of the defendants, in your opinion?

8 A That's correct. To what I can see on
9 this -- until "Banks County, Georgia," until the
10 "Resources" line, I -- I don't remember --

11 Q We can scroll.

12 A -- recently.

13 MS. KRAMER: Thank you, Bailey.

14 Q So, Ms. Heredia, did you see any of the
15 defendants' names on this website?

16 A I did not.

17 Q Okay. Thank you.

18 MS. KRAMER: Bailey, can we please pull
19 up Exhibit F again?

20 TECH CONCIERGE: This is Exhibit F.

21 MS. KRAMER: Perfect. Perfect.

22 BY MS. KRAMER:

23 Q Okay. Ms. Heredia, I just want to go back
24 and just kind of discuss the basis of the challenge,
25 from what's in the complaint and from what you

1 VIDEOGRAPHER: The time is 15:09; we're
2 back on the record.

3 MS. KRAMER: Great. Bailey, can we
4 please pull up Exhibit L?

5 TECH CONCIERGE: Please stand by. This
6 is Exhibit L.

7 (Exhibit L was marked for
8 identification.)

9 BY MS. KRAMER:

10 Q Ms. Heredia, does this document look
11 familiar to you?

12 A Yes. I provided this document.

13 Q And was this what you received from U.S.P.S.
14 when you changed your mailing address?

15 A That's correct.

16 Q And just so I know, because I don't believe
17 it has it on this document, this was when you changed
18 your mailing address from Banks County to Atlanta
19 during 2020; right?

20 A That's correct.

21 Q Okay. And you have not submitted another
22 one of these forms until September of 2021?

23 A Actually, I submitted another one previously
24 to September of 2021.

25 Q When did you submit another one of these?

1 A I believe it was March of 2021, because
2 the -- this mailing -- this mailing -- this forwarding
3 mailing address was set to Decatur, Georgia, and the
4 contract for the apartment for this -- for
5 Decatur -- expired. So I wanted to have another, you
6 know -- I -- so because the contract expired for the
7 Decatur apartment, I then got another apartment in
8 West Midtown. So I submitted a change of address to
9 West Midtown in March of 2021. And then I submitted
10 another change of address for Banks County in --
11 around September 2021.

12 Q Okay. So just to clarify, you had not
13 submitted a change of address form -- let me rephrase
14 that. To clarify, during the 2020 election cycle,
15 this was the only change of address form that you had
16 filed with U.S.P.S.?

17 A Yes. That's correct.

18 Q And this is what they had on file -- the
19 Atlanta address -- as your mailing address. Right?

20 A Yes. That's correct.

21 Q Okay. And from March 2021 to September of
22 2021, your mailing address was then West Midtown?

23 A That's correct.

24 Q Okay. And it wasn't until recently -- I'm
25 just trying to get these dates right. And it wasn't

1 until recently that you submitted another change of
2 address form to have your mailing address be in Banks
3 County?

4 A Correct. I don't know the exact date, but
5 it was around September.

6 Q So fairly recently.

7 A Fairly recent; correct.

8 Q Okay. Okay. Just wanted to clarify that.
9 Great.

10 MS. KRAMER: Bailey, we can take this
11 exhibit down.

12 Q So Ms. Heredia, I want to discuss with you
13 next kind of like the basis for this lawsuit under
14 which you felt as though you were being intimidated
15 and targeted. What made you feel intimidated?

16 A So when I went to go vote, I -- you know,
17 I'm relatively new to voting. And I thought it would
18 be a super-easy process; you know, just get in line
19 and you cast your vote. But it ended up being a
20 longer process for me.

21 I -- I learned that my vote was being
22 challenged as I was there, and I actually didn't know
23 what that even meant. And -- and when I was
24 challenged, I was the only Hispanic there voting. And
25 I noticed that the only other race besides white who I

1 believe was also challenged -- well, she casted a
2 paper ballot -- was Asian.

3 I put it -- you know, I connected the two,
4 and I thought that they were -- people of color were
5 being challenged. And that made me feel intimidated.
6 And like I said, I didn't know what that even was, and
7 I didn't even know if it was legal. So that made me
8 feel intimidated.

9 Q But to clarify what you testified earlier,
10 you don't know if the lady that was behind you -- the
11 Asian lady -- if she was being challenged or not. You
12 just know that she was voting by provisional ballot.
13 Right?

14 A That's correct.

15 Q Okay. And while you were at the polling
16 location, you said that you voted via provisional
17 ballot and this other lady. About how long would you
18 say that you were at that polling location for?

19 A Maybe three to four hours. So I -- when I
20 went to vote, I think I voted early -- actually, I
21 can't remember. But there was a line and, you know, I
22 got in line to vote; and then when I casted my vote
23 through the paper ballot, I was told that I would have
24 to provide two forms of identification saying that I
25 do live in Banks County.

1 And so because of that, I either had to go
2 all the way home and find, you know, the forms of
3 identification; or, you know, at the time, I decided
4 to search my car. So I searched my car for those two
5 forms, and then I had to get back in line -- like, the
6 back of the line -- and wait in line again. So it
7 took longer than I expected.

8 Q I understand. Just a guess: How long were
9 you actually inside the physical polling location for?
10 Not the line, but where you go to actually vote and
11 give the election worker your ID and things like that.
12 How long would you say you were in that room for?

13 A Twenty minutes, roughly.

14 Q Okay. And you don't remember if you voted
15 early or if you voted on election day?

16 A I -- I don't remember.

17 Q Okay. So you were inside that room where
18 the voters are for about 20 minutes, and you were the
19 only Hispanic person that you saw, being challenged
20 during that time. Are you aware that there were
21 multiple days to go vote in person in Georgia?

22 A Yes. I'm aware.

23 Q Okay. So there could have been other people
24 being challenged on different days, but you didn't see
25 any of them.

1 MS. FORD: Objection. Calls for
2 speculation.

3 MS. KRAMER: I'll rephrase.

4 BY MS. KRAMER:

5 Q So you say that you felt intimidated because
6 you were the only Hispanic person there that was being
7 challenged, that you saw. I'm just clarifying that
8 that you were only in that room for a period of
9 approximately 20 minutes out of the entire time of
10 early voting and election day voting. And that's that
11 time period in which you felt intimidated.

12 A So the Banks County -- where you go vote in
13 Banks County, it's a very, very small room. I believe
14 there's only two machines, and they were only letting
15 two people vote, and then one person who was in line,
16 in the location.

17 So in that little tight space, I was only
18 there for 20 minutes; but actually at the location
19 where, you know, the line -- the line actually wrapped
20 around the building, because there was just not enough
21 space to be inside the voting -- like, inside the
22 actual building, which -- so I was actually there for
23 around three to four hours. And that's the period
24 that I felt very intimidated. Like, even when I went
25 home, I was still shocked.

1 whether my vote was counted, and it was on the Banks
2 County website -- the phone number. And I called
3 several times, and nobody picked up.

4 Q When was the last time that you called Banks
5 County to figure out if your vote was counted?

6 A Maybe February of 2020. So like, within the
7 same time frame; not recently.

8 Q Do you mean to say February 2021?

9 A Oh, sorry. February of 2021.

10 Q That's okay. And so at what point -- about
11 when did Fair Fight reach out to you?

12 A I don't remember the exact date, but I
13 remember it was months later.

14 Q Months later. So like, months had passed
15 since the last time you had tried to call the
16 elections office to figure out if your vote was
17 counted?

18 A It was so long ago that I don't remember the
19 exact date. But it could have been a month later,
20 months later -- I can't -- I can't say when it was. I
21 just don't remember.

22 Q Okay. That's fine. When you tried to reach
23 the elections office in Banks County, did you ever
24 leave a message with the County?

25 A I don't remember if that was possible.

1 Q Did you ever file a complaint with the
2 County?

3 A No.

4 Q Did you ever email the County?

5 A No. I don't -- I don't even know where --
6 like, who to email about it.

7 Q Okay. So who did you call at Banks County,
8 if you went to the website?

9 A At this point in time, I don't remember. So
10 on the website, there was just -- it said, like, you
11 know, polling hours; you know, information on how to
12 vote; and then it was, like, if you have any
13 questions, issues, whatever, the number was there.

14 Q Okay. Do you have a guess of about how many
15 times you called that number -- just a rough guess?

16 A Maybe, like, five times.

17 Q Okay. But you didn't try to reach out to
18 the County another -- or did you look through the
19 County website to find if there was an email address?

20 A I was looking for, like, any type of contact
21 information. So I feel like if there was an email, I
22 would have found it. All I remember was there being a
23 phone number.

24 Q Okay. Besides calling the elections office
25 and the voter rights hotline, did you call any

1 other -- well, I guess you talked to the Secretary of
2 State, you said. Did you talk to any other hotlines
3 or people, officials, about your concerns about your
4 vote?

5 A I just talked to Christina when -- I just
6 talked to the hotline, and then Christina contacted me
7 from Fair Fight. So just them and the Banks County
8 contact.

9 Q Okay. Have you talked to anybody from Banks
10 County up to this point?

11 A No.

12 Q Were you ever notified that you had been
13 removed from the voter list?

14 A I have not been -- have I been contacted?

15 Q Correct.

16 A I have not been contacted.

17 Q So to your knowledge, you are still on that
18 voter list in Banks County?

19 A To my knowledge, I could still be on that
20 challenged voter list.

21 Q Okay. I'm just clarifying that no one's
22 contacted you, and that you haven't received anything
23 notifying you, that you're in jeopardy of being taken
24 off the list.

25 A You say in jeopardy of being taken off the

1 list of challenged voters?

2 Q No; not of challenged voters. Of being
3 taken off the list of registered voters for Banks
4 County.

5 A Correct. I have not been contacted by
6 anyone from Banks County.

7 Q Okay. And just to clarify, since February
8 of this year, you haven't tried to reach back out to
9 Banks County to find out if your vote was counted?

10 A That's correct. I haven't contacted Banks
11 County. But I did -- I don't know, I guess
12 recently -- look at the voter registration page to see
13 if there was anything that would say if my vote was
14 counted or not.

15 Q Okay. And you're still able to log into the
16 Banks County -- are you still able to log into your
17 voter registration page for the State of Georgia?

18 A Yes.

19 Q And it still says that you're a registered
20 voter?

21 A Yes.

22 Q Okay. Just making sure. So after Fair
23 Fight reached out to you -- or I guess -- who from
24 Fair Fight reached out to you?

25 A The only person I remember is Christina.

1 Q You haven't talked to anybody else involved
2 with Fair Fight about this?

3 A My lawyer, Uzoma; and that's all, I believe.

4 Q And did she approach you, I guess, about
5 being a plaintiff in this lawsuit?

6 MS. FORD: Objection to the extent this
7 is going to get into attorney-client, confidential
8 conversations.

9 MS. KRAMER: I'll rephrase.

10 BY MS. KRAMER:

11 Q Did you ask to be a plaintiff in this
12 lawsuit, or did someone ask you to be a plaintiff in
13 this lawsuit?

14 MS. FORD: Jocelyn, I'm just going to
15 object and instruct you not to answer, to the extent
16 that you're going to reveal any conversations that you
17 had with me or Uzoma.

18 Q Who all did you communicate with regarding
19 your concerns about being intimidated as a voter?

20 A The hotline and Christina.

21 Q When you called the hotline, did they have
22 you fill out any kind of complaint or form or
23 documentation describing your experience?

24 A They took my story and what happened, and
25 that was all.

1 Q And did they only communicate with you via
2 phone, or did they ever communicate with you in other
3 ways?

4 A Just phone. Oh -- yeah; just phone --

5 Q Do you know --

6 A -- the hotline.

7 Q Oh, sorry.

8 A So for the hotline, it was just phone. And
9 then I've communicated with Christina through email.

10 Q Okay. I understand that. I was just more
11 trying to verify for the hotline that you called. And
12 do you recall the name of that hotline or where you
13 found that phone number?

14 A I don't remember the phone number; don't
15 remember, like, the actual name of the hotline. I
16 just know it was a voter rights hotline.

17 Q Okay. I'm trying to figure out where you
18 found that number. Did you Google it? Did you ask a
19 friend? How did you come across -- how did you know
20 to call this hotline?

21 A I'm pretty sure I Googled it.

22 Q Do you recall what you Googled when you were
23 trying to find out who to call?

24 A I think I -- so before I even called the
25 hotline, I did research on what being a challenged

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 24

1 Of course, we'll instruct him to
2 answer, but if okay with you, I'd like to just
3 lodge a continuing objection for the record.

4 MS. MENG: Thank you, Melena, that's
5 noted. And I would say that these questions are
6 based off of documents that were produced, and
7 so --

8 MS. SIEBERT: No, of course. Of
9 course.

10 BY MS. MENG:

11 Q So Mr. Davis, could you just take a
12 moment a take a look at this document in front of
13 you. I believe it's an email chain, and it may be
14 multiple pages, but I'd like to just focus you on
15 the first page for now.

16 A Sorry, did you ask for a response?

17 Q Oh, no. I just wanted you to review
18 it, and let me know when you've had a chance to
19 look it over.

20 A I recall this email.

21 Q Okay. And do you agree that this is
22 an e-mail chain between you and Mr. Somerville

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 25

1 about some efforts to begin analyzing data?

2 A Yes. A discussion was had early on
3 about replicating my work elsewhere, which is hard
4 to do because not a lot of people do the kind of
5 voter data analytics that I typically get involved
6 with, but this effort was basically to try to
7 replicate the NCOA processing that I did from
8 another source just to give it added credibility,
9 and this I believe was one of the initial emails
10 where that was discussed.

11 Q Great. So at the bottom of the first
12 page, in the last two paragraphs, you write, "Our
13 purpose here is to identify voters who moved
14 across county lines."

15 And then in the paragraph following,
16 you say, "This investigation has also revealed
17 many out of state voters, presumably mostly
18 students, military, but some of those are probably
19 also illegitimate."

20 Did I read that correctly?

21 A Yes.

22 Q Okay. And Mr. Davis, why did you

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 26

1 single out military voters here?

2 A Well, when you file a National Change
3 of Address with the Postal Service, you have the
4 option of classifying it as temporary or
5 permanent, and when you're going to the beach for
6 the summer or something like that, you know, say
7 for six months, you can file a temporary change of
8 address, and when you do that, they will forward
9 your mail to the beach for you, but they won't
10 turn around and tell the folks sending you that
11 mail to update their database to your new address
12 because it's filed as a temporary change of
13 address.

14 So what tends to happen is, because
15 you can't file a temporary change of address for
16 longer than one year, people who are moving
17 temporarily for longer than one year end up filing
18 those changes of address as permanent changes of
19 address when they leave, and then typically they
20 will file another permanent change of address when
21 they come back.

22 So a student going away for four years

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 27

1 of college or a member of the military going away
2 for a tour of duty likely would file permanent
3 changes of address when they leave and permanent
4 changes of address when they come back, which
5 makes them difficult to distinguish in the data.

6 Q Okay. And you mentioned students as
7 well, so --

8 A I'm sorry?

9 Q You mentioned students as well in this
10 sentence and the answer that you just gave, so
11 could you just clarify? When you noted that,
12 presumably, mostly students and military are
13 out-of-state voters, but some of those are
14 probably also illegitimate, were you trying to
15 convey that these student and military voters
16 would be legitimate voters despite them being out
17 of state?

18 A No. In the situation where a person
19 leaves the state temporarily, even if it does
20 exceed the one year allowed by the Postal Service
21 to file as a temporary change of address,
22 a student or a member of the military who leaves

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 28

1 for some period of time intending to return,
2 there's no issue with them voting.

3 Q Okay. So in the eventual list of
4 about 40,000 voter challenges that you and
5 Mr. Somerville pulled together, were the names of
6 voters who forwarded their -- were the names of
7 voters who forwarded their mail to an address on a
8 military base therefore excluded?

9 A Well, the number you're quoting --
10 based on the number you're quoting, I think I need
11 to draw some distinctions here.

12 That initial list that I output of
13 40,100 something, I'd have to look at the count,
14 that list I don't think is really relevant to this
15 case. That list was produced basically for the
16 Trump attorneys and for me to continue as a
17 starting point to work with. That was not used to
18 challenge voters in the runoff election.

19 The selection criteria for that file,
20 and the processing that I did for that file, were
21 different. So I just want to draw that
22 distinction.

1 Q Sure. Thank you for that
2 clarification.

3 So in the list that you eventually did
4 pull together for voter challenges, did you
5 exclude names of military voters?

6 A Well, in the absentee voter database,
7 there are UOCAVA voters in there, and those are
8 military typically, or subject to the Act, so
9 basically military and their families, so those
10 were dropped.

11 And Derek Somerville, being
12 ex-military, is pretty familiar with where
13 military bases are, so to what extent we could, we
14 did attempt to suppress as much as possible what
15 could likely be members of the military. But at
16 the end of the day, ferreting out those kinds of
17 issues is what investigations are for.

18 So, you know, the number of records
19 was quite large, wasn't really possible for
20 private citizens like us to do those kinds of
21 investigations, so it's up to our county elections
22 officials or state elections officials, whatever

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 33

1 Q Okay, that's helpful. Thank you,
2 Mr. Davis.

3 And just to ask a follow-up question
4 to your point about this list that was provided to
5 the Trump attorneys, when was that list put
6 together, or when did that analysis begin?

7 A Well, the NCOA run that I did I
8 believe was November 25th, if I'm not mistaken,
9 and an initial copy of that analysis would have
10 gone to them in some period not long thereafter.

11 Had that case continued, I certainly
12 would have revisited that file and refined it
13 more. That was just an initial draft, an initial
14 look, but it ended up not going farther, so that's
15 where it sat.

16 Q And when you say "case," can you
17 clarify what you mean by that? Was it a lawsuit
18 or --

19 A Well, there was a challenge filed by
20 the Trump attorneys and Republican Party Chairman
21 David Shafer that I had been in communication with
22 a number of attorneys about that case, and they

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 34

1 had asked for my analysis.

2 There were a number of analysts that
3 they were in discussions with at the time
4 regarding various issues that different people had
5 raised.

6 Residency issues are in my lane, so to
7 speak, so I was asked to submit what I was aware
8 of that were issues with regard to those as they
9 related specifically to the general election.

10 Q Okay. And you had said before that
11 that list was about 40,205 voters, correct?

12 A The initial version of it was roughly
13 40,000 voters, a little more than that.

14 Q Okay.

15 A You have a copy of it, by the way.

16 Q Okay, thank you.

17 So, Mitch, if you could pull up
18 Exhibit E for us and label it as Exhibit 5.

19 (Davis Exhibit 5 was marked
20 for identification.)

21 BY MS. MENG:

22 Q Mr. Davis, could you take a moment

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 35

1 just to take a look at this email communication,
2 and let me know when you've been able to skim it
3 over.

4 A Yeah, I think -- I do recognize this,
5 and I think we basically just went over that.

6 Again, we had assumed that changes of
7 address that the Secretary of State likely picked
8 up when they did their list maintenance activities
9 in 2019, we didn't want to recover that same old
10 ground.

11 O.C.G.A. § 21-2-234 requires the
12 Secretary of State to do list maintenance in the
13 first six months of every odd year, so they would
14 have done list maintenance activities, unless
15 prevented by some sort of special election or
16 something like that.

17 They would have done their list
18 maintenance activities in the first six months of
19 2019, so I recall limiting our challenged voters
20 to the period beyond that.

21 Q Okay. And at the top here, you see a
22 message that Mr. Somerville sent you that said,

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 36

1 "Done. No way to catch them all, but I'm sure I
2 removed a few thousand records."

3 Do you see that?

4 A I think he's talking about the
5 military scrub I asked him to do.

6 Q Okay. And just to clarify the time
7 frame here, these e-mails were sent in the middle
8 of December, so based on what you were saying with
9 the previous list that you did for the general
10 election, would this list have been for -- this
11 analysis have been for the runoff election; is
12 that correct?

13 A Yes.

14 Q Okay. And what did you believe
15 Mr. Somerville meant by there's no way to catch
16 them all?

17 A Well, the scrub he did would have been
18 military bases, people living on base, but there's
19 also people who live off base, some closer than
20 others.

21 So I think what he was saying is he
22 did his best effort to suppress as much military

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 37

1 as possible, but there's no way to catch them all.

2 At the end of the day, as I said, you
3 know, that's what investigations are for, and so
4 it's a best efforts kind of situation. We made a
5 good-faith effort to do what we could with regard
6 to the military.

7 Q Okay. And how confident were you in
8 how accurate your analyses were in capturing or
9 removing the data that you were seeking to remove?

10 A As far as the military or --

11 Q Military, or any other type of
12 category, like student voters, et cetera.

13 A Well, I have a lot of experience doing
14 this kind of work, and I gave my best efforts to
15 the cause as well.

16 Our goal was to produce legitimate
17 challenges as much as possible. We didn't want to
18 inconvenience people unnecessarily, but at the
19 same time, it appears to me, or at least the data
20 indicates, that there likely were a lot of
21 unlawful votes that were cast in the general
22 election, and because we were seeing that, we were

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 38

1 making an effort to try to prevent the same from
2 happening in the runoff.

3 So I have a lot of experience doing
4 this kind of stuff, and I gave it my best effort,
5 so I'm confident that I did the best that I could.

6 Q Okay. Mitch, do you mind pulling up
7 Exhibit F, and we can mark that as Exhibit 6.

8 (Davis Exhibit 6 was marked
9 for identification.)

10 BY MS. MENG:

11 Q Mr. Davis, if you could take just a
12 moment to look over this email communication.

13 A I recognize it.

14 Q Okay. And this appears to be an email
15 sharing an analysis of challenged voters by
16 categories related to votes in the presidential
17 election, partisan affiliation, and I believe
18 geographic proximity to Atlanta; is that correct?

19 A I don't think it has to do with
20 partisan affiliation.

21 There was an email, I believe -- well,
22 not an email, but a text message from Derek asking

1 if I happened to have a count by county, and I
2 just did a quick SQL query and generated one and
3 sent it to him because he had asked for it. And
4 then, of course, the count by county was based on
5 our final challenge list for the runoff.

6 And so having that, for whatever
7 reason, this is an analysis that he did. I didn't
8 particularly see the reason for it, but apparently
9 he did, so, you know, it would probably be best to
10 ask him about it.

11 Q Okay. And this grand total number of
12 39,941, would you say that's the number of voter
13 names that you had put together for challenges
14 related to the runoff election?

15 A I'd have to look for the exact number,
16 but it was in that range for sure. That more than
17 likely is the correct number. I don't have it in
18 front of me, so I can't --

19 Q Sure.

20 A I can't say that definitively.

21 Q So I guess posed another way, is the
22 county count and the number -- the analysis that

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 92

1 Q Sure. Let's take a five-minute break
2 and come back at around 11:05, 11:06.

3 A Thank you so much.

4 THE VIDEOGRAPHER: We're going off the
5 record. The time is 11:01.

6 (A break was taken.)

7 THE VIDEOGRAPHER: We're going back on
8 the record. The time is 11:08 a.m.

9 BY MS. MENG:

10 Q So Mr. Davis, I'd like to ask you a
11 couple of questions about your interactions with
12 True the Vote.

13 How many times would you say you've
14 been on calls with True The Vote or any
15 representative from True the Vote?

16 A I recall two. It's been a while.

17 I had just met -- well, I've never
18 actually met True the Vote people in person, but I
19 had been introduced to True the Vote shortly
20 before all of this started following the general
21 election. I had not known them for very long.

22 Q So sorry, just to clarify that

1 timeline, you said that you met them before the
2 general election; is that correct?

3 A I had a phone call with Gregg Phillips
4 following the general election; and then there was
5 a -- it was a Zoom meeting that Catherine
6 Engelbrecht had hosted; and then I think there was
7 one occasion where I ended up speaking with her on
8 the phone at one point that I had forgotten about
9 until recently when it came up.

10 Q Okay. And so you'd say that you've
11 communicated directly with Ms. Engelbrecht on the
12 phone about one time that you can recall; is that
13 correct?

14 A I recall one. I'm not discounting the
15 possibility there could have been others. There
16 was so much activity going on following the
17 general election, it's kind of a blur, but my best
18 recollection is one, but I'm not going to sit here
19 and say there might not have been others.

20 Q Okay. And do you -- have you ever
21 texted, messaged, or contacted Ms. Engelbrecht
22 directly in a non-phone conversation context?

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 94

1 A There was a message that I sent her
2 during a Zoom call that she hosted, and then there
3 was another occasion that I recall texting her
4 with a concern about some activity that they were
5 going to be -- or they had proposed doing on the
6 web.

7 Q Okay. And have you ever had any
8 disagreements with anyone at True the Vote?

9 A Quite a few.

10 Q Okay. Can you just briefly describe
11 what some of those are? We may get into some
12 detail about that later, but if you could just
13 give a brief overview.

14 A I was not on board with the philosophy
15 surrounding their challenge. I felt it was too
16 broad. From my own perspective, I wanted mine to
17 be more legitimate, more smaller. I wanted our
18 challenge to be focused.

19 As I think I mentioned before, I think
20 our average number of challenged voters per county
21 was under 250. Of course, the larger counties
22 with larger staffs would have received larger

1 challenges, and some of the smallest counties
2 might have received very, very few. So I had a
3 disagreement in terms of the scope.

4 One of the issues that popped up early
5 on was my desire to make sure everyone was aware
6 that our challenge was not True the Vote's, and
7 vice versa, and I wanted people to be aware of the
8 difference in the philosophies surrounding the
9 challenges.

10 And then the other instance that I
11 recall was there was some talk about publishing
12 voter data on the website, and I think I may have
13 misunderstood what they were doing, and I had
14 expressed a concern about what I thought their
15 plans to be, but I think it turns out some of my
16 concerns were unfounded.

17 Q Okay. And you had referred to,
18 you know, wanting your challenges to be more
19 legitimate. Can you elaborate on what you mean by
20 "legitimate"?

21 A I don't mean to imply that theirs were
22 illegitimate. Theirs was broader than the one

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 96

1 that I contemplated.

2 I felt like my approach was the
3 correct approach. I mean, obviously, that's why
4 we pursued ours the way that we did and with the
5 philosophy that we pursued it.

6 Does that answer your question?

7 Q Sure, it does.

8 So, Mitch, can we pull up Exhibit N?
9 And this will be labeled as Exhibit 12, please.

10 Mitch, are you there? Oh, okay.

11 Thank you. Sorry about that.

12 THE VIDEOGRAPHER: I'm sorry, N or M?

13 MS. MENG: N as in Nancy.

14 THE VIDEOGRAPHER: I gotcha. My bad.

15 There you go.

16 MS. MENG: And we'll mark this as

17 Exhibit 12.

18 (Davis Exhibit 12 was marked
19 for identification.)

20 BY MS. MENG:

21 Q So Mr. Davis, are you familiar with
22 this document?

1 there was something either he or I wanted to
2 discuss in depth and didn't want to sit there and
3 type it all into a text message. There's a lot of
4 that all the way through these text messages.

5 I would assume we spoke. I don't
6 recall specifically if we spoke. I can't
7 really --

8 Q And do you recall -- okay.

9 And do you recall the content, if you
10 had had a call, what that would have been about?

11 A I don't. I'm sorry.

12 Q At the top of the screenshot on
13 page 173, there's a text message from
14 Mr. Somerville referring to a call scheduled for
15 10:00 a.m. that was postponed.

16 Were you on that call?

17 A I don't know what call that
18 references, or who it was with, or really anything
19 about it.

20 Q Okay. Mitch, can you go to page 180
21 and 181? So Mr. Davis, you'll see at the bottom
22 of 180, extending onto 181, you say, "Derek, I am

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 128

1 telling you you need to send me Catherine's
2 contact info and get us on a cal [sic] ASAP."

3 Do you see that?

4 A Did you have a question or --

5 Q Yeah. I just wanted to see if you had
6 located the text message I was speaking about.

7 A I see it, yes.

8 Q Okay. Why did you urgently need
9 Ms. Engelbrecht's contact information?

10 A I don't remember. It may have been
11 about my concerns about the website. I just don't
12 recall specifically what that was about. It's
13 been quite some time.

14 Q And you refer here to a call that you
15 were requesting between the three of you ASAP.

16 Do you remember if a call ever
17 resulted from your text message here?

18 A I don't recall having a call. I
19 suppose it may have been possible that we did, but
20 I don't recall any specifics about any call.

21 Q Mitch, can you go to page 189 and 190?
22 Actually, Mitch, can you just scroll up a little

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 129

1 bit on 189 to the previous page to get a time and
2 date stamp? Okay, perfect.

3 So Mr. Davis, you see this a text
4 conversation starting on December 30th?

5 A Okay.

6 Q Okay. And you send Mr. Somerville a
7 text that reads, "Derek we need to stop this. If
8 they publish they will be flooded with defamation
9 complaints." Do you see that on page 189?

10 A I do, yes.

11 Q So when did you first hear about this
12 publishing effort that you referred to?

13 A I don't remember when or where or what
14 the context was, but I had heard there was going
15 to be a website launched that voter data was to be
16 loaded into that was going to collect information
17 from the public to be used for challenges, and my
18 perception at the time was that the complaints for
19 the public were going to be public as well.

20 Since that time, I've actually gotten
21 on that website, and they have a flowchart on
22 there about how it works, and I believe I may have

1 misunderstood what they were doing.

2 It does not appear that -- while it
3 does appear publicly available voter data is being
4 used, it doesn't appear to indicate that
5 complaints from the general public are going to be
6 published to the public. It indicates instead
7 that those concerns would be compiled into
8 challenges for elections officials, which would be
9 the proper venue for those concerns.

10 So my panic, if you will, over that
11 may have been misplaced. My concerns may have
12 been misplaced.

13 Q And so who did you hear about this
14 publication effort from in the first instance?

15 MS. SIEBERT: And I'm just going to
16 object again to this line of questioning as
17 irrelevant.

18 Mark, you can go ahead and answer, but
19 I just wanted to assert that objection over this
20 line of questioning.

21 THE WITNESS: I honestly don't
22 remember. I think you asked that previously, and

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 131

1 I don't remember where I heard about it. It's
2 been quite some time, and I just can't recall.

3 BY MS. MENG:

4 Q And you previously stated that you've
5 been on this website before.

6 Do you know the URL address or the
7 name of the website?

8 A I went just the other day on the
9 True the Vote website, and it was under one of the
10 categories, and I had found it, and I read the
11 information that was contained on the website, and
12 I saw their flowchart, and I was definitely very
13 concerned about the approach that they were taking
14 when I first heard about it, but I may have
15 misunderstood what their intentions for the
16 website were.

17 Q So I think you previously stated the
18 website would publicize names and information of
19 voters; is that correct?

20 A My understanding is that they intended
21 to load the voter file in there, and of course,
22 the voter database is public record. So if that's

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 136

1 that she waived whatever privileges applies.

2 A I recall her assuring me that their
3 plans had been vetted with legal counsel.

4 Q Sure, but did she say anything about
5 the motivations or the purpose of the website?

6 A Well, my understanding generally of
7 the purpose of the website was that it was to help
8 make voter data public so that it could be easily
9 accessed by the public and reviewed by the public,
10 so that if the public saw issues with the voter
11 rolls, they could provide comments to
12 True the Vote that could be compiled together and
13 used to file challenges with the local elections
14 officials, if there were issues that needed to be
15 addressed.

16 That was my general understanding from
17 the get-go. I don't recall specifics of the
18 conversation, but I would imagine she reiterated
19 those goals.

20 Q Mitch, if you could scroll and put 190
21 and 191 on the screen.

22 So Mr. Davis, do you see here you, in

1 relaying a copy of a text message to
2 Mr. Somerville, you say, "You can do it after the
3 election with a short list of guaranteed
4 defensible examples. I can help with that."

5 Do you see that?

6 A Yes.

7 Q So can you elaborate on what you meant
8 by a short list of guaranteed defensible examples?

9 A Well, if she, through the website,
10 identifies voters that may have voted illegally,
11 and those voters get referred to the Secretary of
12 State's office for an investigation, and that
13 investigation concludes that they did vote
14 illegally and they're referred to the
15 Attorney General for prosecution, that's public
16 record. That's what I had in mind in those
17 comments.

18 Q Okay. And can you give us a little
19 bit more detail on your offering to help with
20 that?

21 A Well, I assume that she knows how to
22 submit a challenge, and she knows that she can

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 138

1 also request an investigation from the Secretary
2 of State's office, and if she needed to contact
3 people to do that with, I could have given that to
4 her.

5 I didn't mean that I was going to get
6 involved and do all the heavy lifting, but I
7 certainly could offer her some of my advice on how
8 to proceed on those things.

9 But I think the point I was trying to
10 make there is that it's important to be pretty
11 careful before you start making public allegations
12 against any particular individual voter, and it's
13 best not to do that. As we've discussed
14 previously, the appropriate venue for those
15 complaints would be our elections officials rather
16 than taking it public.

17 Q Okay. And on page 191, that text
18 message states, "But if you do it now you're
19 literally making good on one of the 'Threats'
20 alleged in their complaint."

21 Do you see that?

22 A Right.

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 139

1 Q What complaint are you referring to?

2 A Yours.

3 Q The one in this case, correct?

4 A Yes.

5 Q Okay. And did you believe the
6 publishing of voter challenge or allegation
7 information would be threatening?

8 A Well, we did not publish challenge
9 information on particular voters. That
10 information went to the appropriate venue.

11 Now, the public can request -- you
12 know, file an Open Records Request and obtain that
13 information, but that's not us publishing it.

14 Q Okay. And so, therefore, you had no
15 concerns if that information ended up being
16 public, as long as you yourself was not publishing
17 it?

18 A I don't have any control over Open
19 Records Requests to county governments.

20 I don't know what else to say.

21 Q And so in this message when you're
22 referring to the threats and the public

1/19/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Mark A. Davis

Page 140

1 information, you're referring to what exactly?

2 The information that you believed at the time
3 would be revealed on this website?

4 A Well, your organization has alleged
5 that True the Vote and myself has intimidated
6 voters. I'm not aware of any contact that we've
7 engaged in that would constitute intimidation of
8 any particular voter.

9 Challenging a voter on its face I
10 don't think is voter intimidation. That is a
11 First Amendment petition to your government for
12 redress of grievances, and it is specifically
13 protected under Georgia law in 21-2-230. A
14 challenge is a lawful vehicle for petitioning your
15 government for redress of grievances. I don't
16 believe that constitutes voter intimidation. I
17 guess we're going to see what the court system
18 believes on that.

19 But as long as challenges are handled
20 appropriately, and we're not publishing them to
21 the public or trying to intimidate voters, I don't
22 see any issue with them. It seemed perfectly

1 lawful to me.

2 Q And so just focusing on -- putting
3 aside challenges and just focusing on what at the
4 time you had described your understanding of what
5 would be made public on this particular website,
6 what information specifically did you perceive to
7 be making good on the threats in the Complaint in
8 this case that would have appeared on that
9 website?

10 A I feel like we've been over this
11 repeatedly, but I'll state it again.

12 My initial understanding of the
13 website was that it was going to be publishing
14 voter data, which is public record, and collecting
15 allegations against individual voters from the
16 public, and my fear was that those were going to
17 be published on the website as well.

18 Since that time, I've come to believe
19 that my concerns were misplaced and that's not
20 actually going to be happening because the website
21 seems to be indicating that those issues with any
22 particular voter are going to be gathered and

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 66

1 A. Yeah. I'm trying to remember.

2 So is the blue me and -- or is the blue Mark?

3 Q. The blue -- I believe you

4 produced this, so the blue should be you and

5 the black should be Mark.

6 A. Okay. I got it. I see the

7 word "dude" in blue. That is most certainly

8 me.

9 Well, let me read this again.

10 One moment.

11 (Document[s] reviewed.)

12 Yeah, again, so if this is me,

13 I don't recall what we're talking about

14 investigating. But at this point, we would

15 have brought a lot of attention to the data

16 issues in the voter file, most certainly,

17 which were, frankly, not flattering on the

18 performance of the Secretary of State's

19 office.

20 And through the same process,

21 we would have drawn attention to

22 registrations at places I mentioned; for

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 67

1 example, commercial mail-receiving agencies
2 that are forbidden by law and those kind of
3 conditions underneath Georgia law. We would
4 have drawn a fair amount of attention to
5 that.

6 So, again, this is recollection
7 that I'm trying to develop while we're
8 speaking, but I suspect what I'm talking
9 about is just the attention that we were
10 trying to bring to this issue, which I feel
11 we did a fairly good job of bringing
12 attention to, to the issues in the voter
13 file.

14 Q. Okay. Thank you.

15 MS. FORD: And, Mitch, can we
16 go to page 137 and 138 of the same
17 exhibit.

18 (Complied.)

19 BY MS. FORD:

20 Q. Mr. Somerville, I realize we're
21 skipping around, so I do want to orient you.
22 We're back in December 2020, December 15th

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 68

1 specifically.

2 A. Right.

3 Q. And here, Mark says, "The
4 challenge files are out there."

5 And you respond, "10-4. I have
6 had no luck with our election super. What
7 was the total count for all the challenge
8 files?"

9 Mark responds, "39,141."

10 And you respond, "10-4. Let's
11 touch when you're able to discuss next steps,
12 sharing with the public, et cetera."

13 And just to clarify: This is
14 talking about the challenges that you and
15 Mr. Davis prepared; correct?

16 A. Correct.

17 Q. Okay. Can you explain what you
18 meant by discussing next steps and sharing
19 with the public?

20 A. Well, again, this is looking
21 back on a conversation in December. So
22 I don't have a specific recollection of what

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 69

1 was precisely on my mind at the time, but,
2 you know, we were sharing publicly, you
3 know -- I say "publicly," through social
4 media, that this effort was underway, which,
5 again, I know you're well aware of, as we've
6 produced all of those -- all of that
7 information.

8 And so I suspect that just is
9 how do we -- you know, how do we -- again, at
10 that time -- so we have to remember the
11 context, too; right?

12 So there's a tremendous amount
13 of noise regarding the election at that time.
14 How do we properly frame our effort, if asked
15 about it? You know, how do we equip others
16 who are engaged, again, like the folks that
17 volunteered, to properly discuss it?

18 I suspect that that's what
19 I intended by that.

20 Q. And just to --

21 A. Christina, if I can just add.

22 Q. Sure.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 70

1 A. You know, we can't overstate
2 how much vitriol was being spewed at that
3 point in time. And I know Mark didn't, and
4 I certainly didn't, want our effort to be
5 looped into any of that.

6 So all of our conversations
7 about this in the public, you know, I think
8 needed to be subject to the same level of
9 discipline as the work itself.

10 Q. To follow up on that --
11 I completely understand, you know, you -- you
12 were trying to make sure you were not part of
13 the vitriol.

14 Did you have a concern that
15 someone would take this and run with it and
16 it would become part of that narrative?

17 A. No, no, because I didn't think
18 that we left any room for that. But, again,
19 there was so much -- it was such a loud
20 period, if that makes sense.

21 And I'm cognizant of the forum
22 here, so I'm trying to be very specific. But

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 82

1 start outing these -- I said, "Perhaps we
2 should start outing these abusers by name?"

3 I think what's instructive is
4 we've never outed anybody by name. So this
5 is back-and-forth banter, the tone of which
6 it's hard to determine, at what time of day,
7 what was going on, what was happening.

8 Obviously we didn't believe in
9 outing people by name because we never outed
10 anybody by name. It's also posed as a
11 question. So I don't -- I don't believe it's
12 anything.

13 Q. So --

14 A. Banter on Facebook.

15 Q. At the end of the day, do you
16 think it would be inappropriate to out voters
17 by name?

18 A. Well, I think my actions have
19 answered that question already. We've never
20 done it; we never intended to do it.

21 Q. So why publish this, then?

22 A. Publish what, Christina?

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 83

1 Q. Publish this comment, which, in
2 my interpretation, at least, is not to one
3 person, but it's just you elaborating on your
4 initial post.

5 A. Well, the abusers, number one,
6 that I think I'm referencing are the ones
7 that are specifically manipulating the
8 system. And that's with reference to those
9 commercial mail-receiving agencies. So
10 that's number one.

11 Number two is it's posed as a
12 question; it's not posed as a statement. I'm
13 not saying we should. I'm simply saying
14 perhaps we should.

15 Again, this is -- there's a lot
16 of context here. There are a lot of things
17 that you say in those contexts that don't
18 necessarily reveal a fundamental base
19 opinion.

20 We've got thousands upon
21 thousands upon thousands of lines of material
22 out there. You've drawn attention to one

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 84

1 line in, literally, tens of thousands of
2 pages of context, I'm sure, that posed as a
3 rhetorical question of: Should we out these
4 abusers by name?

5 We've never done it, not once.

6 So clearly we didn't think that was the right
7 thing to do. It's just a rhetorical question
8 in a stream of comments in Facebook.

9 Obviously didn't guide our process because we
10 never did that, nor would we.

11 MS. FORD: Can we please scroll
12 to the next page, Mitch.

13 (Complied.)

14 MS. FORD: Sorry. Actually,
15 can we scroll up just a little bit
16 more?

17 BY MS. FORD:

18 Q. Mr. Somerville, I know you say
19 you were being hyperbolic here and it was a
20 rhetorical question, but, you know, a
21 response from someone named Kristel Kretchmer
22 is, "Yes! Out the abusers by name."

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 85

1 Do you agree it seems that some
2 people took that suggestion seriously?

3 A. Well, based on what I'm looking
4 at, three people did. And that's one
5 person's opinion that -- I don't doubt that
6 there's plenty of people that think that all
7 these people should be -- that -- I don't
8 doubt there are people throughout the state
9 that have any myriad of opinions on how
10 things should be handled. That's not what
11 guided our effort.

12 So I, frankly, don't put a
13 great deal of weight in that exchange. But
14 I certainly don't know who Kristel is. And
15 I don't agree with outing the abusers.

16 What's -- at the end of the
17 day, that's not what we did, that's not what
18 we would have done.

19 Q. Okay.

20 A. It's hyperbolic. Exactly.
21 That's exactly what it is.

22 Q. And, Mr. Somerville, further

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 86

1 down, about the middle of the way down, you
2 respond to someone named Brandon.

3 And you say, "As Mark states, I
4 would anticipate formal challenges being
5 filed in all counties for those voters who
6 appear ineligible. If that happens as
7 planned, all documentation will be public."

8 So did you think there was
9 value in publicizing voter information
10 through formal challenges?

11 A. Well, I'm not sure how you're
12 interpreting that statement.

13 So what I intended by that, and
14 how I interpret it now, is that any challenge
15 that we do -- anytime you engage the
16 government, that material is going to become
17 public record.

18 Now, how the government treats
19 that is beyond our purview, it's beyond our
20 influence. But I would imagine that any
21 challenge that was filed, obviously that data
22 has to be made public, at least be made

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 87

1 accessible to people who want it.

2 Certainly I didn't think that
3 the Boards of Elections were going to nail
4 these lists on the front door, and I don't
5 know that they did that. But I think all
6 exchange with the government ultimately needs
7 to be public.

8 Q. Did you have any concerns that
9 once these lists became part of the public
10 record, that some of the individuals who
11 engaged in more of the vitriol that you've
12 talked about would take some of these names
13 and run with it?

14 A. No. Maybe I'm giving too much
15 benefit to humanity.

16 But, no, I -- number one is
17 what's being -- what's being communicated to
18 the Board of Elections in these challenge
19 files is that an individual has a National
20 Change of Address record. That's -- that
21 doesn't indicate anything other than there's
22 probable cause to believe that they may have

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 88

1 moved.

2 So I don't think, number one,
3 that being on that list is inflammatory or
4 incendiary or would incite any type of
5 punitive response, because it's simply -- you
6 know, as much as these proceedings try to
7 have -- you know, use the word "targeted"
8 over and over and over again, there's no
9 people targeted here.

10 Data conditions are targeted,
11 and that is that there's probable cause to
12 believe, as provided for under the NVRA and
13 in our state code, that the individual may
14 have moved.

15 And we have a very, very
16 balanced and very measured process for the
17 Board of Elections to use to follow up with
18 those individuals and determine whether or
19 not they have, in fact, moved.

20 So I've never viewed the
21 Section 230 challenges as an incendiary
22 process, if you will. And, in fact, I'm not

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 89

1 quite certain how anybody would know, nor
2 care to know, why somebody was on a challenge
3 list, because the process is benign.

4 It's -- you know, they don't
5 throw people in jail for being on that list,
6 that I'm aware of. You get a card from the
7 Board of Election that asks you whether or
8 not you moved.

9 So -- and, you know -- and I
10 want to make sure we're not conflating two
11 different issues. There's the CASS
12 certification that identified addresses that
13 were not legal addresses in Georgia.
14 That's different than the NCOA
15 list that indicated that people had moved on
16 the challenge list, which I believe is the
17 sole basis for the 39,000 individuals that we
18 challenged.

19 But, again, to conclude on this
20 piece: Going in, finding an individual line,
21 reasonably, you know, as you say, hyperbolic
22 exchange with a complete stranger on

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 90

1 Facebook, I don't think that's demonstrative
2 of our intent or expectations of outcome.
3 I think our work product speaks for itself.

4 Q. Okay. Thank you.

5 MS. FORD: Mitch, we can take
6 this down. We finally won't have
7 exhibits for a minute.

8 BY MS. FORD:

9 Q. Mr. Somerville, I'd like to ask
10 you a couple of questions about your
11 interactions with True the Vote.

12 How many times would you say
13 you've been on calls with True the Vote or
14 any representatives from True the Vote?

15 And I should clarify. By
16 "calls," I mean a Zoom call, a -- you know...

17 A. If you will permit me just to
18 think, here.

19 Q. Sure.

20 A. It's an impressively low
21 number.

22 (Pause.)

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 91

1 I can't imagine I've had more
2 than a dozen calls, per se. And likely much
3 less. Very limited interaction, in my
4 definition.

5 Q. And how many times have you
6 directly communicated with Ms. Engelbrecht?

7 A. Again, an impressively low
8 number of times.

9 I've met once with her in
10 person. I believe in terms of conference
11 calls, which include related to these
12 proceedings, three -- two or three, maybe.
13 Very few. And then in terms of one-on-one
14 conversations on the phone, half a dozen,
15 maybe.

16 Q. And I just want to clarify
17 that.

18 You're not speaking about
19 talking to her in the context of this
20 specific lawsuit; right?

21 A. No. I mean at one point, she
22 called and said, you know, "You're going to

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 92

1 see that you've been named in a lawsuit."

2 You know -- so prior to these proceedings
3 going underway.

4 Q. Right.

5 Have you spoken with her one on
6 one since then?

7 A. I don't believe I have, no.

8 Q. Okay. Have you ever had any
9 disagreements with anyone at True the Vote?

10 A. Well, can we clarify "anyone"?
11 Or would you like me to?

12 I'm aware of two people at True
13 the Vote.

14 Q. So I would include
15 Ms. Engelbrecht in this category. I would
16 include Ms. Holsworth in this category. And
17 I guess I can separately ask about Gregg
18 Phillips, who was affiliated but, my
19 understanding is, not officially.

20 A. Okay. So, for the record, I do
21 not know that second name. It's not familiar
22 to me at all.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 93

1 So the only interactions I've
2 had with anybody at True the Vote -- and I'm
3 now learning that Gregg is affiliated with
4 but not part of -- is I've spoken with
5 Ms. Engelbrecht and I've spoken with Gregg
6 Phillips.

7 In terms of disagreements --
8 and I'm not trying to be difficult here --
9 can you further qualify here what you mean by
10 "disagreement"?

11 Q. Sure.

12 Did you ever have differences
13 of opinion on things they did or approaches
14 they were taking, I would say, specifically
15 about the voter challenge effort, you know,
16 starting in the fall/winter of 2020 and
17 onward?

18 A. Okay. Thank you for that.

19 You know -- well, I think,
20 first, as is evidenced by our work, we took
21 fundamentally different paths in our approach
22 to the NCOA effort.

1 I think prior testimony,
2 I indicated that we were unaware that True
3 the Vote was engaged in the effort in
4 Georgia, and learned about it kind of at the
5 last minute. And if my memory serves me
6 correctly, literally maybe the day before the
7 press release.

8 So we did not have the benefit
9 of understanding nor influencing their
10 methodology.

11 So that said, with specific
12 kind of regard to your question: I felt at
13 the time -- I've indicated it in prior
14 testimony and I shared with Catherine, I'm
15 sure -- that I thought that their strategy
16 was broad, in terms of the record count.

17 Obviously we started with,
18 I think, you know, 580,000, or north of half
19 a million hits on the NCOA, and we whittled
20 that down to 39,000. And I believe that our
21 approach was the right approach for what we
22 were trying to accomplish.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 95

1 It's not the approach that True
2 the Vote took. So -- but I'm not also
3 privileged to what they were trying to
4 accomplish.

5 So I guess that's a roundabout
6 way of saying that had we to do this effort
7 over again, we would employ the same level of
8 discipline and same process. We would not
9 have adopted the approach that True the Vote
10 took.

11 Q. Okay. And I guess separate
12 from the challenge lists, in terms of, you
13 know, a strategy for publicity or media, did
14 you ever have any disagreements with them?

15 A. The only conversation we ever
16 had about media was the press release that
17 they were -- that Mark and I were included
18 in. But "disagreement" is probably strong.
19 It was just the -- well, let me answer your
20 question first.

21 So other than that press
22 release where Mark and my name appear, we

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 96

1 never had any discussion around any other
2 press activities, to my recollection.

3 Q. Okay. Thank you.

4 MS. FORD: Mitch, could we
5 please pull up Exhibit [sic] N.

6 THE STENOGRAPHER: This will be
7 marked Exhibit 12.

8 (Somerville Exhibit 12,
9 E-mail string, was marked for
10 identification, as of this
11 date.)

12 BY MS. FORD:

13 Q. Mr. Somerville, this appears to
14 be an e-mail you sent to Mr. Davis. And
15 I just want you to take a few seconds to
16 refresh your recollection. And let me know
17 when you're finished.

18 A. (Document[s] reviewed.)

19 Okay. For the parts that I can
20 see, I'm good.

21 Q. Okay. Great.

22 So this appears to me to be --

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 97

1 let's start with the first e-mail that you
2 sent on December 16th at 10:22 p.m.

3 It appears to be an e-mail that
4 you sent to -- we actually don't -- the
5 recipients are blocked out, but it's a
6 message about thanking people for helping
7 with the elector challenges and giving some
8 instructions.

9 And it appears to me that you
10 forward this to Mr. Davis. And you said,
11 "FYI, this went out to a few key people to
12 start getting it into the broader networks."

13 Do you agree with that summary?

14 A. I do.

15 Q. Okay. Can you elaborate on who
16 the few key people were?

17 A. I'm sorry. I don't recall who
18 those would have been, nor is there any
19 reason -- I must have just cut this into that
20 document. I don't -- I don't know who those
21 would have been. I apologize. It may come
22 to me as we discuss, but I don't recall.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 98

1 Q. Okay. And what did you mean by
2 "getting it into the broader networks"? What
3 networks was that in reference to?

4 A. Again, this is, you know,
5 over-a-year-old recollection. I suspect "the
6 broader networks" means the individuals
7 within the counties that intended to
8 volunteer to conduct a challenge.

9 Q. Okay.

10 A. Yeah, that "networks" is not
11 media. Let me be crystal clear, if that's
12 where you're headed. "The broader networks"
13 would be just the network of, largely,
14 grassroots individuals that wanted to
15 participate in the challenge process.

16 Q. Okay.

17 MS. FORD: Mitch, we can take
18 this down. And if we could pull up
19 Exhibit [sic] 0 and mark this as
20 Exhibit 13.

21 (Somerville Exhibit 13,
22 E-mail string, was marked for

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 99

1 identification, as of this

2 date.)

3 BY MS. FORD:

4 Q. Mr. Somerville, if you could
5 just take a few seconds to review. And let
6 me know when you've at least skimmed it.

7 A. (Document[s] reviewed.)

8 Okay. Thank you.

9 Q. Okay. This appears to be an
10 e-mail conversation between you and Mr. Davis
11 about an upcoming True the Vote Zoom call.

12 Do you agree with that summary?

13 A. I do.

14 Q. Okay. And in this e-mail, you
15 state to Mr. Davis that the call is to talk
16 about next steps.

17 And what next steps were you
18 referring to?

19 A. Well, I don't know that I would
20 have actually known what specific next steps.
21 I think, literally, it would have meant
22 learning about what the next steps were.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 100

1 So I'm not entirely certain
2 that we knew what those next steps were.

3 Q. Okay. That makes sense.
4 That's a fair point.

5 A. And, I'm sorry, that sounds
6 like an -- evasive, but it's not. I don't
7 know. I think that's probably why we wanted
8 to be on that call.

9 And if my memory serves me
10 correct, I don't know that we were on the
11 original -- again, we may have learned about
12 the call late. I just don't recall. I do
13 recall the call, but I don't recall this
14 specifically.

15 Q. And here, you say, the call
16 will be attended -- "Will be largely attended
17 as they invited all of their volunteers (many
18 of which were also our volunteers)."

19 I understand that to mean, at
20 the point of going into the call, you already
21 had some visibility into the fact that the
22 two groups shared at least some volunteer

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 113

1 looking at the first page here -- "...it's
2 why I was so pissed when I saw their press
3 release and it's also why I was concerned
4 when they shared with me their numbers."

5 And I would just ask you to
6 elaborate on what you meant by why you were
7 concerned when they shared numbers with you.

8 A. Yeah, sure.

9 And obviously in that post, I'm
10 sure there's -- in that same message, there's
11 other context with respect to Mark and how he
12 felt. But the initial press release that I
13 received did not acknowledge Mark at all.

14 So that was issue number one,
15 because, again, it's -- it is -- this is
16 Mark's -- I know I stressed this already, but
17 this is Mark's life passion. This is what he
18 does. He's incredibly good at it.

19 And I was highly sensitive to
20 the idea -- and it's not necessarily True the
21 Vote's fault. They would not have known
22 that. But they met with me, so I become the

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 114

1 face of the effort. And that was not my
2 intent. And I was very concerned about that.

3 And I was probably using a
4 little bit of heightened language here to
5 show Mark empathy. But I was certainly
6 concerned -- I mean, not upset. I'm a combat
7 veteran. I don't upset the way most people
8 upset. But I was concerned about the press
9 release mentioning -- excuse me -- me and not
10 Mark.

11 And, of course, we've never
12 adopted the methodology that everybody should
13 have been included in the challenge list that
14 showed up on the NCOA, although I don't
15 know -- I mean, so many of those are inactive
16 individuals, to begin with, that haven't --
17 you know, again, so I don't know the
18 consequence of that.

19 It just wasn't the methodology
20 that we would have implemented, and obviously
21 not one we agreed with or we would have done
22 that ourselves.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 115

1 But I think, if you don't mind,
2 as you read into that same text bubble, if
3 you will, meaning that's the same context
4 that I shared with those two messages, is
5 making sure that -- as I say here, that I've
6 been a good vehicle to work that he's done.

7 So, you know, this is really
8 kind of an effort to empathize with Mark, to
9 calm him down and let him know that, Hey,
10 I appreciate what you do. I appreciate your
11 expertise. They may not have understood that
12 or recognized that, and it upset me as well.

13 Q. That makes sense.

14 A. And if I may, Christina, I know
15 I'm -- I hate to continue to add to this.

16 I don't think that that was --
17 I think that was entirely inadvertent, that
18 Mark was -- felt -- you know, that I think
19 Mark was not permitted to speak.

20 So I don't believe that that
21 was deliberate, by any stretch of the
22 imagination. I think these are individuals

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 116

1 that, you know -- that all of us had known
2 each other, literally, for a couple days at
3 that point.

4 So I do want to go on record as
5 saying I don't think that was deliberate.

6 Q. And by that, you just mean
7 Catherine allowing Mr. Davis to speak on the
8 call, or acknowledgment of his work?

9 A. Yeah. Correct. I don't
10 believe that was deliberate.

11 Q. Okay. And can you explain what
12 you meant at the very end of this text when
13 you say, "We're simply pawns to them here in
14 Georgia"?

15 A. Yeah. You know, there is a
16 feeling, especially in the -- when you
17 initially meet organizations that come in
18 from out of town, that -- and this is not
19 specific to True the Vote. I need to stress
20 that.

21 This is the general feeling
22 that I had about this time, where we had all

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 117

1 of these actors coming in from out of state
2 telling us about our data, telling us about
3 our problems.

4 And I was reasonably suspicious
5 of anybody and everybody that was popping
6 into Georgia all of a sudden to have
7 conversations about the integrity of our
8 elections, when we've been mindful of those
9 for years and years. And, indeed, Mark has
10 for three decades.

11 And so, you know, there's very
12 much a sense -- and that comment isn't
13 necessarily directed at True the Vote, but
14 just the broader sense of organizations
15 coming in. They're going to do their thing,
16 they're going to leave, and we're going to be
17 left behind. And that's just how it is.

18 So that's the spirit in which
19 that was shared. And I'm probably -- again,
20 you know, I'm taking a bit of a poke at them
21 to empathize with Mark, to get him talking,
22 because he was pretty upset.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 118

1 Q. Thank you.

2 MS. FORD: And, Mitch, can we
3 please go to page 192 and 193.

4 BY MS. FORD:

5 Q. And, Mr. Somerville, for
6 context, this is a December 31st -- I believe
7 this to be 2020, which is the same date of
8 the preliminary injunction hearing in this
9 case, at the very beginning.

10 Did you watch that hearing?

11 A. I did.

12 Q. Okay. And I just want to read
13 this into the record so that the record
14 reflects what we're speaking about.

15 Here, you say, "I always felt
16 the size of the TTV challenge was too big and
17 was going to invite the argument the
18 opposition is now using to call this
19 systemic."

20 And Mark responds, "The hell of
21 it is they're literally sitting there
22 defending a challenge that didn't even come

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 120

1 lot of people, who was doing what.

2 And I believe -- and, again,
3 this is subject to kind of the degradation of
4 my memory over time here -- that this was in
5 relationship to a challenge that was being
6 attributed to True the Vote, and for which an
7 injunction was being sought, but was not True
8 the Vote's challenge. If that makes sense.

9 Q. It does. I know that there
10 were a lot of people filing challenges around
11 this time.

12 Do you know who did file those
13 challenges that Mark was speaking about?

14 A. I do not.

15 Q. Okay.

16 MS. FORD: And can we please
17 pull up Exhibit [sic] P.

18 THE STENOGRAPHER: This will be
19 marked Exhibit 14.

20 (Somerville Exhibit 14,
21 E-mail, was marked for
22 identification, as of this

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 121

1 date.)

2 BY MS. FORD:

3 Q. Mr. Somerville, this is a
4 version of an e-mail we've seen before today,
5 the subject line of which is: Citizen
6 Challenges: Update and Encouragement.

7 And you appear to be providing,
8 although we can't see it, some talking points
9 and some background and instructions on the
10 challenges.

11 Does that seem right to you?

12 A. It does.

13 Q. Okay. And in the recipient
14 line, you appear to have included
15 Ms. Engelbrecht. Do you agree with that?

16 A. Let me -- we're a size 2 font
17 right now. Forgive me.

18 Q. And I'm not talking about the
19 To line. I'm talking about the CC line.

20 A. Okay. I do see her on the copy
21 line, yes.

22 Q. Okay. Great.

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 122

1 Can you explain why
2 Ms. Engelbrecht was included on this e-mail?

3 A. Absolutely. I felt then, as I
4 feel now, that we had engaged in a very
5 disciplined process. And I felt like our
6 messaging, our instruction, and our tone was
7 very responsible, given the environment at
8 the time. And so I would have copied
9 Catherine to try to influence their tone as
10 well.

11 And some of these talking
12 points, you know -- unfortunately, I can't
13 scroll down there. But, you know, there is
14 several points in this e-mail that I thought
15 were important for people that were not from
16 Georgia to read.

17 THE DEPONENT: Thank you for
18 that.

19 A. You know, as you go through
20 there -- because you get the tone of this
21 e-mail, which is, number one, they're
22 permitted by law -- right? -- that this is

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 123

1 your process. You know, that the Secretary
2 of State's office themselves had challenged
3 voters during this time who had moved out
4 based on, you know, NCOA.

5 I make very clear in the point
6 that we have gone to great lengths to
7 mitigate the impact on the military. And
8 that -- finally, that the victory really is
9 in challenging the government to perform at a
10 higher standard.

11 Those are all -- the tone and
12 text and content of that, as an overarching
13 theme for our challenges, was very important
14 to me. And I would have copied anybody that
15 I thought that sentiment might influence.

16 Q. And when you say you were
17 trying to influence the tone here, did you
18 have concerns about True the Vote's tone in
19 relation to the challenges?

20 A. I didn't, only because we
21 didn't have enough time to understand -- you
22 know, again, I don't -- if you can scroll up

2/20/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Derek Somerville

Page 124

1 to the date. I'm sure this came out -- if
2 you don't mind scrolling up to the date.

3 I mean, by this point -- again,
4 you know, we have literally met
5 Catherine days prior. And so, you know, my
6 tendency in business, as well, is if we're
7 engaged in something that I think is a good
8 effort, I want to spread that as far as I
9 can, independent of a concern or not.

10 So I didn't have any concerns,
11 per se, maybe with their tone, but I didn't
12 fully -- to this day, I still don't fully
13 understand the organization or how they
14 operate.

15 I did think, as indicated
16 before, the size of their challenge was not
17 as targeted -- I don't like that word, so I
18 shouldn't use that word -- wasn't as specific
19 as ours. And I didn't agree with that, but
20 I've made that perfectly clear.

21 But I think proactively
22 influencing individuals is as important, you

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 39

1 THE WITNESS: What's the question? I'm

2 sorry.

3 BY MR. SHELLY:

4 Q. In your November 2016 tweet, you

5 tweeted --

6 A. I'm sorry. I don't see that I wrote

7 those tweets. There's some misinformation in

8 there, and I don't -- I don't recall those exact

9 words, and I'm not certain that I actually tweeted

10 them.

11 Q. Did you speak with anyone at True the

12 Vote about non-citizen voting in the six target

13 states after the November 2016 election?

14 A. Not specifically the six states.

15 Q. Did you speak with True the Vote about

16 analysis that would have included those six

17 states?

18 A. You need to clarify the question. I

19 mean, I don't know whether you're talking about

20 before or after. I mean, you're -- I just can't

21 answer a question that I don't understand.

22 Q. Did you speak to True the Vote in

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 40

1 November 2016 about non-citizen voting?

2 A. When?

3 Q. In November 2016.

4 A. Probably not.

5 Q. Did you discuss initiating legal action
6 with True the Vote related to non-citizen voting
7 in the 2016 election?

8 A. At some point post November probably,
9 but not in November.

10 Q. Who did you discuss this with at True
11 the Vote?

12 A. I don't recall specifically.

13 Q. Did you or True the Vote ever initiate
14 legal action related to your findings?

15 A. No.

16 Q. Why not?

17 A. Because we were threatened and my family
18 was threatened and we decided that it just wasn't
19 appropriate to take action and put us in further
20 danger.

21 Q. Okay.

22 MR. SHELLY: Mr. White, can you pull up

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 41

1 Exhibit R.

2 (Phillips Deposition Exhibit 4 was
3 marked for identification and attached to the
4 transcript.)

5 BY MR. SHELLY:

6 Q. Mr. Phillips, did you conduct an
7 interview with CNN in January 2017 about
8 allegations of non-citizen voting in the 2016
9 election?

10 A. Yes.

11 MR. SHELLY: Can we go to page 10.

12 Great.

13 BY MR. SHELLY:

14 Q. This is the third paragraph down
15 starting with "Obviously." Reading ahead a few
16 sentences, you say, "When we complete this
17 analysis, we're going [to] lay it out to the
18 public. We're going to lay out our methodologies.
19 We're going to lay out our hypothesis. We're
20 going to lay out our outputs. We're going to lay
21 out the raw data for everyone to see."

22 Did I read that correctly?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 42

1 A. Yes, but I don't recall the exact words.

2 You read what's on the screen.

3 Q. Okay. And do you agree that this was in
4 the context of analysis of non-citizen voting in
5 the 2016 election?

6 A. I don't recall --

7 MR. BOPP: I object. The question goes
8 beyond the limit of the six states and, therefore,
9 you're violating the court's order, and I instruct
10 him not to answer.

11 MR. SHELLY: This is an interview that
12 he gave with CNN. I'm not asking about Oregon or
13 any state that's not among the six states. I'm
14 just asking him about what he told CNN related to
15 the 2016 election.

16 MR. BOPP: I've made my objection to
17 your question.

18 MR. SHELLY: And I understand you're
19 instructing him not to answer in his 30(b)(6) or
20 his individual capacity?

21 MR. BOPP: I did instruct him not to
22 answer because your --

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 43

1 MR. SHELLY: Okay. I just want to make
2 sure that I heard correctly. I will continue with
3 my questions.

4 BY MR. SHELLY:

5 Q. When did you complete this analysis,
6 Mr. Phillips?

7 A. I don't recall.

8 MR. BOPP: Same --

9 Gregg, you need to pause for just a
10 second so I can enter -- because, you know, half
11 of his questions are completely in violation of
12 the court order, so I need to be able to interject
13 with an objection.

14 So I object. Your question goes beyond
15 the court's limitation on your questions. And it
16 needs to be the six states and also be 2012
17 forward. I instruct him to not answer.

18 BY MR. SHELLY:

19 Q. And what did you find when you completed
20 your analysis?

21 MR. BOPP: Same objection and same
22 instruction.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 44

1 BY MR. SHELLY:

2 Q. Did you ever release your methodology?

3 MR. BOPP: Same objection. Same
4 instruction.

5 BY MR. SHELLY:

6 Q. Did you ever release your raw data?

7 MR. BOPP: Same objection. Same
8 instruction.

9 BY MR. SHELLY:

10 Q. Do you plan to release your analysis,
11 methodology or raw data?

12 MR. BOPP: Same objection. Same
13 instruction.

14 BY MR. SHELLY:

15 Q. Did any independent third party ever
16 confirm your allegations related to the 2016
17 election?

18 MR. BOPP: Same objection. Same
19 instruction.

20 MR. SHELLY: You can take this down,
21 Mr. White.

22 THE VIDEOGRAPHER: My apologies. What?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 45

1 MR. SHELLY: I'm all done with this

2 exhibit. You can take it down. Thank you.

3 THE VIDEOGRAPHER: Okay.

4 BY MR. SHELLY:

5 Q. Mr. Phillips, what do you do for a

6 living now?

7 A. I own a technology company.

8 Q. Is that OpSec?

9 A. No.

10 Q. What's the name of the company?

11 A. CoverMe Services.

12 Q. Did you found OpSec?

13 A. Yes.

14 Q. Are you the managing partner at OpSec?

15 A. Yes.

16 Q. And these are positions that you

17 continue to hold today?

18 A. Yes.

19 Q. Okay. Just to clean up the previous

20 section about the 2016, Mr. Phillips, can you just

21 confirm that you intend to follow your attorney's

22 instruction not to answer?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 46

1 A. Yes, I intend to follow my attorney's
2 instructions.

3 Q. Thank you.

4 What services does OpSec perform?

5 A. Research, election intelligence
6 gathering, some operational activities.

7 Q. And what kinds of operational
8 activities?

9 A. It depends on the situation.

10 Q. I think you told me that OpSec was
11 founded in 2020.

12 Do you remember when in 2020 it was
13 founded?

14 A. Formally founded in 2020, yes.

15 Q. Was that -- do you know what part of the
16 year?

17 A. I don't.

18 Q. Before the fall elections?

19 A. Yes.

20 Q. How many employees does OpSec have?

21 A. No legitimate employee. No full-time
22 employees beyond me. We hire contractors.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 101

1 the file that was used?

2 A. I don't know right off the top of my
3 head, no.

4 Q. Is that something you looked into in
5 preparation for this deposition?

6 A. No, just because that's not what we were
7 doing. You're asking about data cleanliness. And
8 what we were trying to do is ascertain whether
9 people still lived in the jurisdiction or not.
10 And we were compelled to assist the challenging
11 voters to give a specific reason.

12 And it's up to the counties to determine
13 reasonable suspicion or probable cause or whatever
14 it is in Georgia. A challenger has to give a
15 specific reason. The specific reason is they
16 don't live in the jurisdiction anymore.

17 Q. If your window for including people who
18 submitted an NCOA request goes back in time far
19 enough, is there a possibility that they could
20 have moved back to Georgia, but would still be on
21 your list because of their previous move out of
22 state?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 102

1 A. Sure. It's possible.

2 Q. But I'm understanding you're not sure
3 how far back those requests would have been
4 included for your lists?

5 A. No. It's not relevant.

6 Q. Okay.

7 MR. SHELLY: Can we pull up Exhibit S.

8 (Phillips Deposition Exhibit 7 was
9 marked for identification and attached to the
10 transcript.)

11 MR. SHELLY: You can scroll down a page
12 or two.

13 BY MR. SHELLY:

14 Q. So this is an NCOALink processing
15 summary report that was produced by Mr. Davis, who
16 attempted to match the Georgia voter file with
17 NCOA data.

18 Take a look at this and tell me, was
19 anything like this produced during your matching
20 process?

21 A. We don't use this particular tool. And
22 no. It's irrelevant.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 103

1 Q. Okay.

2 MR. SHELLY: Can you go to bottom of
3 page 5 of this document, Mr. White.

4 BY MR. SHELLY:

5 Q. Do you see here, at the bottom left
6 corner, there are some counts for insufficient
7 data, address not found, multiple responses?

8 A. Yeah.

9 Q. Am I understanding correctly that you
10 did not develop any similar counts for your
11 analysis?

12 A. No, my guess is he didn't use either
13 CASS or DPV. And I would suggest that he didn't
14 clean the rolls as it relates to identity
15 verification first or he wouldn't have had this.
16 This is bad process.

17 Q. Okay. What should Mr. Davis have done?

18 MR. BOPP: Excuse me. I need to talk to
19 my client for a second, so we will go off.

20 THE VIDEOGRAPHER: Do you want to go off
21 the record, Counsel?

22 MR. SHELLY: I just want to reiterate my

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 104

1 objection to conferring between the witness and
2 counsel about how to answer my questions.

3 (Pause from the record.)

4 MR. BOPP: Okay. We're back. You can
5 resume your questioning.

6 BY MR. SHELLY:

7 Q. Mr. Phillips, you were telling me that
8 there was -- that this document illustrates that
9 Mr. Davis used a bad process.

10 Can you explain what you meant by that?

11 A. I was just speculating. It was not
12 appropriate. We don't do it this way.

13 Q. What does this document indicate was not
14 done that should have been done?

15 A. I really can't speculate. I'm sure that
16 Mr. Davis is doing a good job.

17 Q. Is this -- is your answer informed by
18 off-the-record discussions you just had with
19 counsel?

20 A. No.

21 Q. Did you discuss your testimony with
22 counsel during that recess?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 105

1 MR. BOPP: You know, your Honor -- I
2 mean, your Honor -- Jacob, there was no pending
3 question when I sought to consult with my client.
4 There was no pending question, no pending answer.
5 So --

6 But go ahead, Gregg, you can answer.

7 THE WITNESS: No, I don't -- I don't --
8 I'm not as aware of Mr. Davis' process as I should
9 be to make a comment, so I don't know.

10 MR. SHELLY: You can take this exhibit
11 down.

12 BY MR. SHELLY:

13 Q. For complex record linkage, do you think
14 it is important that fields used to link records
15 in different databases conform with respect to
16 data format and data type?

17 A. What was the question?

18 Q. For complex record linkage, do you think
19 it is important that fields used to link records
20 in different databases conform with respect to
21 data format and data type?

22 A. Sure.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 106

1 Q. So would you agree that it's
2 important --

3 A. So assuming that you're performing an
4 actual linkage, yes.

5 Q. Did you perform an actual linkage?

6 A. Can you define what you mean by
7 "linkage."

8 Q. Well, I'm repeating the term that you
9 just used.

10 What do you understand that to mean?

11 A. No, that's not true. You just said
12 "linkage."

13 What do you mean by "linkage"?

14 Q. Is that not the term that you just used?

15 A. You asked me a question about linkage.
16 Read the question.

17 Q. Did you attempt to link information
18 between Georgia's voter rolls and other data sets?

19 A. What do you mean by "link"?

20 Q. Match.

21 A. Match? Sure.

22 Q. When you performed that matching, do you

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 107

1 agree that it's important that the fields conform
2 with respect to data format and data type?

3 A. Yes.

4 Q. Do you agree that it would be important
5 that both databases used for the match use
6 standardized abbreviations?

7 A. We have a separate approach that we use
8 for that because we verify identity first.

9 Q. Okay. Can you tell me about how you
10 verify the identity?

11 A. No.

12 Q. Why not?

13 A. Because it's a proprietary service that
14 my company used.

15 Q. Okay. This case has a protective order
16 in place specifically so we can understand these
17 questions.

18 A. It's a 4,000-row algorithm.

19 What do you want to know?

20 Q. I want to know what you do to verify the
21 identities before you perform the matching.

22 A. Assessing -- assessing identity involves

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 108

1 a complex series of mostly common algorithms,
2 things like dissimilarity indexes, similarity
3 indexes. We use some fuzzy logic. We use a
4 number of different things. That's my answer.

5 Q. Okay. What is fuzzy logic?

6 A. Fuzzy logic is a set of -- in identity
7 is a set of algorithms that's designed to
8 ascertain whether something similar is near
9 similar enough to assume that identity is
10 accurate. And if it's not, then it assigns a risk
11 factor to it.

12 Q. And is this something that you developed
13 yourself or you used an outside vendor for it?

14 A. Yes. I developed --

15 Q. Which one? Is that something --

16 A. I developed it myself in 2006.

17 Q. Okay. Has its accuracy ever been
18 analyzed by anybody else?

19 A. Its accuracy. We use it every day in
20 our business. So it's used in practice, and we've
21 done 43 million cases, so its accuracy is pretty
22 well known.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 109

1 Q. Has it been independently verified by
2 anybody else?

3 A. Nope.

4 Q. Who performed the match between the
5 voter rolls and the other lists that you were
6 analyzing?

7 A. What individual?

8 Q. That's my question, yes.

9 Are you thinking of an answer or was my
10 question unclear?

11 A. I answered you.

12 Q. Who was the individual?

13 A. Me.

14 Q. Oh.

15 Did anybody else assist with that
16 matching effort?

17 A. Not that I recall.

18 Q. Approximately on what date was the match
19 completed?

20 A. Mid December.

21 Q. Can you tell me a few examples -- can
22 you give me a complete list of all of the

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 110

1 technology that you used to perform that match?

2 A. No -- I mean, yeah, I can tell you. It
3 was co-done by me and my company.

4 Q. Okay. What was -- I believe you said
5 you used a vendor called TrueNCOA?

6 A. That's one of the ones we used, yes.

7 Q. Can you tell me what their role was
8 exactly?

9 A. Their role wouldn't be anything other
10 than just being the group that performed -- that
11 made the match.

12 MR. BOPP: I'm sorry, Jacob. I need to
13 take this call for a second. Do you mind if we
14 suspend for just a second?

15 MR. SHELLY: Sure. That's fine.

16 MR. BOPP: Yeah.

17 MR. SHELLY: You can go off the record.

18 THE VIDEOGRAPHER: Okay. The time is
19 12:53 p.m. We are now off the record.

20 (Recess from the record.)

21 THE VIDEOGRAPHER: The time is 1:13 p.m.

22 We are now on the record.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 111

1 BY MR. SHELLY:

2 Q. Mr. Phillips, I understood at one point
3 you said that you personally performed the match,
4 I also understood you to say that TrueNCOA
5 performed the match.

6 Can you clarify anything that I may have
7 misunderstood with that?

8 A. I thought you meant the person that
9 uploaded it. I uploaded it. I'm sorry.

10 Q. You uploaded -- you uploaded it to
11 TrueNCOA?

12 A. And -- we wouldn't do just one. There
13 were probably more. SmartyStreets is one that we
14 used sometimes. I mean, there are others.

15 Q. SmartyStreets is in addition to
16 TrueNCOA?

17 A. At times. Depending on the results we
18 get back, we can use both.

19 Q. So you would upload it to TrueNCOA. You
20 would get a match back, and then sometimes you
21 would provide match data to SmartyStreets?

22 A. It might not go in that direction. I

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 114

1 algorithm that my company owns that we use
2 primarily for the identity and residency
3 resolution.

4 Q. Okay. Are you willing to produce that
5 algorithm or provide it in a format that we can
6 review?

7 A. No.

8 Q. Okay. And in the same context, can you
9 tell me what queries you used?

10 A. Well, the query would be a query against
11 the True- -- in this case, TrueNCOA and possibly
12 SmartyStreets. So they would -- they would pass
13 it through their CASS system to clean it up,
14 perform some hygiene on it. They'd look at
15 delivery point verifications and those kind of
16 things. If we found some anomalies, we might
17 access another system like a SmartyStreets, but
18 that's it. That's the query.

19 Q. So when you say you performed "hygiene,"
20 can you give me a concrete example of what it
21 would mean to provide hygiene to a piece of data
22 that you analyzed here?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 115

1 A. Well, I think the USPS definition of
2 "CASS" is pretty clear. I mean, I think they --
3 you know, it basically standardizes -- goes
4 through and standardized addresses, finds missing
5 things, kind of rearranges, fixes it up. Like it
6 might add a ZIP plus four.

7 You know, if there was a typo in the --
8 maybe a lowercase in an address, they might make
9 it upper case. So they perform that
10 data-cleansing process and then produce the list.

11 And then we would go through and -- or
12 they would go through and push it through another
13 one of their queries for -- you know, to see if
14 the address was -- they could validate the
15 delivery point, so could an address actually be
16 delivered on that. And that might push us off
17 into something else, to maybe look for something
18 else.

19 Q. Okay.

20 A. But it was done in a matter of minutes.
21 This wasn't a lengthy process.

22 Q. So if there was an -- if a voter had an

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 116

1 address, say, 123 Main, in a city that had a Main
2 Street and a Main Avenue, how would know the CASS
3 system know or SmartyStreets -- would either of
4 those systems know how to complete it? Or what
5 would it do in that situation?

6 A. You would have to ask them how they
7 would do it. To us, I mean, again, it's a
8 function of whether or not it's likely to be the
9 same person, organization or street. And then it
10 assigns sort of a risk score to it. And then it's
11 processed differently.

12 That might be a case where we would go
13 and look at, say, a SmartyStreets to see if we can
14 ascertain what the situation is. In the cases
15 where we cannot, we would kick it out and not
16 include it.

17 Q. Okay. And when you say it would assign
18 a "risk score," is that like a scale of 1 to 10?
19 Or what kind of risk score can be given?

20 A. We have risk scoring built into our
21 scoring mechanisms inside of our algorithms.

22 Q. So I'm trying to figure out what's

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 117

1 the -- will it tell you that this is high risk,
2 medium risk, low risk or is that like 1 to 100?

3 A. It would likely give you a number.

4 Q. And what would the scale be?

5 A. On this, I don't know what was used. So
6 zero to 100, likely.

7 Q. Okay. And 100 would mean very, very
8 high risk?

9 A. No, low risk.

10 Q. Low risk. Okay.

11 And so how low would the number need to
12 be? In other words, how high would the risk need
13 to be for you to perform further analysis? If it
14 returns a risk score of like 2, would you perform
15 further analysis on that?

16 A. We might depending on what it is.
17 Again, verifying identity is important. The
18 problem in places like Georgia is that they don't
19 give you all the info you need to get a good
20 perfect verification on identity, but that too has
21 risk to it as well. So you look at risk across
22 the board with the data.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 118

1 Q. Were you able to eliminate the risk?

2 A. You can never eliminate all of the risk.

3 Q. Did you analyze every piece of data that
4 was flagged as a risk of potential inaccuracies?

5 A. The quality control algorithms would,
6 yes, in seeking to remove any false positives or
7 false negatives that might be in the system.

8 Q. And that's something that you did
9 in-house or that's something that TrueNCOA would
10 have done or something different?

11 A. No, that's something our algorithm does.

12 Q. And you run the data through your
13 algorithm on the back end after you -- after
14 TrueNCOA performs the match; is that correct?

15 A. Yes.

16 Q. And do you know how TrueNCOA or these
17 others assign risk?

18 A. How they assign risk? I have no idea.

19 Q. Moving on to the next clause in this
20 answer, what regression techniques did you use?

21 A. Our modeling is pretty significant. We
22 use some k-means modeling. We use a variety of

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 119

1 different techniques in our scoring. And then we
2 use a model management process to identify the
3 regression technique most likely to produce an
4 accurate result.

5 Q. And in what stage in the process were
6 you running these regressions?

7 A. They're run through the process. It's
8 all baked into the system. Again, this whole
9 thing took a few minutes.

10 Q. Am I understanding that you did these
11 regressions after you received the preliminary
12 match back from TrueNCOA, and then you're
13 providing your own further analysis on it?

14 A. I didn't say that.

15 Q. Can you clarify what I misunderstood?

16 A. The formulas and algorithms that we use
17 execute. As they need information, they pull
18 information in from an outside entity, say,
19 TrueNCOA or whatever. It feeds it into the system
20 and then it continues to process it and keeps
21 working to solve -- solve for the risk. And
22 ultimately we come up with a list.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 120

1 MR. SHELLY: Okay. You can take this
2 exhibit down, Mr. White.

3 BY MR. SHELLY:

4 Q. When you were matching the voter
5 registration rolls to the NCOA list, what fields
6 were matched between those files?

7 A. We just uploaded the file. CASS does
8 the matching -- I'm sorry. The source does the
9 matching, TrueNCOA or SmartyStreets.

10 Q. Okay.

11 A. In this case TrueNCOA first.

12 Q. Are you familiar with the term "unique
13 identifier" in the context of data matching?

14 A. Sure.

15 Q. Are there any common unique identifiers
16 between the voter registration rolls and NCOA
17 lists?

18 A. Well, that -- not as many as there
19 should be, and that's why we seek to resolve
20 identity first.

21 Q. Are there any unique identifiers common
22 between those two lists?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 121

1 A. I don't have the Georgia list right off
2 the top of my head.

3 Q. Do you think that the lack of unique
4 identifiers could affect the accuracy of the
5 lists?

6 A. Sure.

7 Q. Am I understanding correctly from your
8 previous answers that the records are matched on
9 partial matching rather than exact matching, these
10 other databases would fill in any partial
11 information?

12 A. That's not what I said.

13 Q. Was an exact match required between the
14 data that you provided and the NCOA list?

15 A. You can never get an exact match. So
16 when you provide the list to -- when you provide
17 the list to the vendor, whoever it is, TrueNCOA or
18 whoever, they take what you give them. They
19 perform a little bit of a cleaning process on it.
20 They try to update the addresses. They run it
21 through CASS. They try to get it right. And then
22 they send it back.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 122

1 Q. Could individuals with the same first
2 name and last name, but different middle initials
3 be flagged as a match?

4 A. That's why you try to verify identity
5 first, but yes.

6 Q. The answer is, yes, it could be?

7 A. Of course.

8 And -- but that's why you use fuzzy
9 logic and some of the other things I mentioned
10 earlier.

11 MR. BOPP: Gregg, no question was
12 pending.

13 BY MR. SHELLY:

14 Q. Could names be matched if they had
15 different name suffixes, like junior or senior?

16 A. Sure. I mean, you could do that.

17 Q. How many duplicates did you identify
18 where a record in the NCOA registry matched more
19 than one record in the voter file?

20 A. I have no idea.

21 Q. Are you aware if any such duplicates
22 were identified?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 123

1 A. I have no idea.

2 Q. Did you investigate whether there were
3 any such duplicates?

4 A. I have no idea. I don't -- it wasn't a
5 topic.

6 MR. SHELLY: Can we pull up Exhibit C
7 again, the one we just had up.

8 BY MR. SHELLY:

9 Q. This is page 13 again. And I have a
10 question about number 6, "OpSec removed from the
11 list any names that did not meet the standards of
12 the Georgia code."

13 What standards do you understand the
14 Georgia code to require?

15 A. I'm not sure what we were -- what we
16 were referring to there. I'm not sure what we
17 meant.

18 Q. Did you take any steps to remove names
19 that did not meet the standards of the Georgia
20 code?

21 A. I think that was just poorly worded.

22 Q. Okay. Do you have any idea how you

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 124

1 could reword that in a different way?

2 A. I think it was referring to number 5
3 above. Because the code -- the relevant code
4 section is pretty clear that any voter can do the
5 challenge against any other voter in the
6 jurisdiction. And so there's not much room for
7 standard in the word "any."

8 Q. Okay. So is it -- am I understanding
9 correctly that you do not think you removed any
10 names that did not meet the standards of the
11 Georgia code?

12 A. I'm not sure what it means. It must
13 have been poorly worded. I'm not sure what that
14 paragraph -- or what that sentence means.

15 Q. Okay.

16 MR. SHELLY: You can take this exhibit
17 down.

18 BY MR. SHELLY:

19 Q. Is it your understanding, Mr. Phillips,
20 that an individual who submits an NCOA, change of
21 address, is no longer eligible to vote?

22 A. No, that's not correct.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 125

1 Q. What are some reasons you are aware of
2 that someone could submit an address change to the
3 postal service while remaining eligible to vote
4 where they are registered?

5 A. I have no speculation on that point.

6 Q. Okay. Just to clarify, you understand
7 that someone can submit an NCOA list and still be
8 properly registered, but you're not sure in what
9 scenarios that may be the case?

10 A. I didn't understand that's what you
11 asked. Is that what you're asking?

12 Q. So my second question was, what are some
13 reasons you're aware of that someone can submit an
14 address change to the postal office while
15 remaining eligible to vote where they are
16 registered?

17 A. Maybe they're being deployed in the
18 military. Maybe -- might have something to do
19 with school. Those kind of things.

20 Q. Any other examples you're aware of?

21 A. Moved inside the county or inside the
22 jurisdiction in which they were registered.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 126

1 There's a few.

2 Q. Is it your understanding that someone
3 who moved for other non-military government
4 service could still be eligible to vote in
5 Georgia?

6 A. I don't have a perfect list to offer
7 you. You asked me for some ideas. Those were
8 three.

9 Q. And now I'm offering you some more and
10 asking if they're consistent with what you would
11 have understood the requirements to be.

12 So, one, would you have understood
13 someone who moved for non-military government
14 service to remain eligible to vote in Georgia even
15 if they submitted an NCOA?

16 A. Sure.

17 Q. And would you understand someone to
18 remain eligible to vote in Georgia if they had a
19 temporary move or a part-time job or to visit
20 family?

21 A. It depends on the circumstance, but yes.

22 Q. And would you recognize that someone

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 127

1 would remain eligible to vote if they forwarded
2 their mail for some mail-specific purpose, for
3 example, if they were on vacation and needed their
4 mail to be forwarded?

5 A. Yep.

6 Q. And if someone intended to move and so
7 filed an NCOA request, but did not actually move,
8 you would agree that they would remain eligible to
9 vote in Georgia?

10 A. It depends on their circumstance. I
11 can't answer that.

12 Q. And the question is, if someone is
13 living in Georgia, they intend to move so they
14 file an NCOA request to forward their mail, and
15 then they change their mind and do not actually
16 move, you would agree that they're still eligible
17 to vote in Georgia?

18 A. Sure. If they still submitted the
19 permanent move change, yeah.

20 Q. Okay. Who was responsible for removing
21 the names of eligible voters such as these from
22 the challenge lists?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 128

1 A. We did our best to -- first of all, the
2 code. Let's put it that way.

3 Q. Okay. To go through those examples
4 again, would the code be able to identify someone
5 who is deployed for military service?

6 A. As best we can, yes. We pulled out
7 300,000 voters off the initial query.

8 Q. Okay. I'll ask you another question
9 about that in a second, but would the code be able
10 to recognize someone who moved because they were a
11 college student?

12 A. It might.

13 Q. How would it do that?

14 A. If they submitted a permanent change or
15 a temporary change.

16 Q. Okay. Would the code --

17 A. We also --

18 Q. -- also identify --

19 A. I'm sorry. Go ahead.

20 Q. Go ahead.

21 A. Go ahead.

22 Q. Would the code be able to identify

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 134

1 BY MR. SHELLY:

2 Q. My question for you --

3 A. I don't understand the question.

4 Q. My question for you, when you say that
5 it would not matter, is that because Mr. Williams
6 had access to the hard copies, but any changes to
7 the hard copies would not be reflected in the
8 electronic versions?

9 A. No, that doesn't mean that. It means we
10 chose not to mail hard copies.

11 Q. And Mr. Williams was responsible for the
12 hard copies; is that correct?

13 A. Printing the hard copies.

14 Q. Okay. Did Mr. Williams have access to
15 the electronic copies?

16 A. He had access to a -- whatever, an Excel
17 spreadsheet or something with them on there, yeah.

18 Q. Would he have been able to remove
19 addresses that suggested they were military bases?

20 A. I don't know the circumstance, so I just
21 don't know. I didn't -- I don't recall.

22 Q. Okay. Returning to the Moody Air Force

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 135

1 Base example, do you know what town Moody Air

2 Force Base is closest to in Georgia?

3 A. Macon? I don't know.

4 Q. I'll represent to you that I believe
5 it's Valdosta.

6 A. Yeah, that's right.

7 Q. Did you examine whether any addresses
8 with a Valdosta address could be in the military
9 or family of someone in the military?

10 A. We probably did, yeah.

11 Q. Would you have removed those voters?

12 A. Assuming that it met the matching
13 requirement, sure.

14 MR. SHELLY: You can take this exhibit
15 down, Mr. White.

16 BY MR. SHELLY:

17 Q. Mr. Phillips, are you familiar with
18 UOCAVA?

19 A. Of course.

20 Q. Did you examine whether any voters on
21 your list had requested a UOCAVA ballot?

22 A. As best we can. As you know, UOCAVA

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 136

1 ballots and postcard ballots in general are not
2 handled by the state; they're handled by the
3 counties individually.

4 Q. How would you have researched or sought
5 to identify whether an individual had requested a
6 UOCAVA ballot?

7 A. Almost impossible because the counties
8 don't publicize that.

9 Q. Okay. When you say "almost impossible,"
10 so was there anything you did to identify whether
11 a voter had requested a UOCAVA ballot?

12 A. No, I am not aware of any way to do that
13 effectively.

14 Q. Did you -- I think you said you did --
15 well, let me just ask the question.

16 Did you take any steps to remove all the
17 names of college or university students who were
18 temporarily away from home?

19 A. Anyone temporary that had registered the
20 temporary address change, yes. Permanent address
21 changes, what we tried to do was eliminate the ZIP
22 codes in and around the schools.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 137

1 Q. And how did you identify which ZIP codes
2 were appropriate?

3 A. I don't recall what our methodology was.

4 Q. Were you only looking at -- were you
5 looking at ZIP codes in Georgia or out of Georgia
6 or both?

7 A. I don't know.

8 Q. Do you think an address in, for example,
9 Notre Dame, Indiana, would suggest the person
10 lives on a college campus?

11 A. Not necessarily.

12 Q. Why not?

13 A. What?

14 Q. So Notre Dame is a school within the
15 city of South Bend, but if the address said Notre
16 Dame, Indiana, is it your understanding that that
17 person would not be living on a college campus?

18 A. Did the person submit a permanent change
19 of address out of Georgia?

20 Q. This question wasn't about whether they
21 would be eligible to vote; it would have been
22 whether they moved to a college campus.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 138

1 A. I don't have any opinion about moving to
2 college campuses.

3 Q. I didn't hear you. Could you repeat
4 that last part.

5 A. I don't have any opinion on your
6 question.

7 Q. Is it your understanding that most
8 students who attend college reside in a dormitory?

9 A. I would believe that to be false.

10 Q. Did you take any steps to remove the
11 names of individuals who were temporarily
12 attending college, but did not live in a
13 dormitory?

14 A. Did they register as permanent moves
15 from the NCOA?

16 Q. Am I gathering correctly that your
17 analysis of whether voters were eligible turned on
18 whether they filed a permanent or temporary change
19 of address?

20 A. It might. As I said, it's a complex
21 algorithm. It's 4,000 rows long. It doesn't --
22 it doesn't work like your brain does.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 139

1 Q. Did you research which colleges Georgia
2 high school students are most likely to attend?

3 A. No.

4 Q. Approximately how many names did you
5 identify and remove of individuals you suspected
6 were enrolled in a college or university?

7 A. I have no idea.

8 Q. What steps did you take to confirm
9 whether an individual who submitted an NCOA
10 request actually moved?

11 A. Well, we submitted it to TrueNCOA. We
12 possibly submitted it to SmartyStreets if it
13 needed more work. And I think, in Georgia, we
14 submitted the new address. So we told them where
15 we thought the person went.

16 Q. Approximately how many -- approximately
17 how many matches did TrueNCOA identify?

18 A. I don't recall. It's all part of the
19 equation. We don't look at it that way.

20 Q. Approximately how many did you send
21 along to SmartyStreets?

22 A. I don't know the answer to that either.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 140

1 Q. Do you know what proportion of the
2 original list that TrueNCOA flagged that you would
3 have sent along for further verification?

4 A. I recall that we probably got -- the
5 initial cut was probably 700,000 or so. And then
6 it ultimately got down to, what, 360-, so whatever
7 that delta is.

8 Q. Approximately how much time did you
9 spend reviewing the names that were matched
10 between the voter file and the NCOA registry? Or
11 am I understanding correctly that the code did all
12 the analysis and you personally did not do any
13 further?

14 A. There's a little bit of sort of
15 reviewing the quality of reports to ensure that
16 we're within something we consider reasonable on
17 the false positives and false negatives, but an
18 hour maybe.

19 Q. Okay. And what would you have
20 considered reasonable?

21 A. Maybe a standard deviation.

22 Q. Can you just explain that a little bit

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 141

1 more? A standard deviation of what?

2 A. Relative to the potential error rate
3 that we might expect. That's the best way to
4 frame it.

5 Q. Okay. And what error rate did you
6 expect?

7 A. Less than one standard deviation.

8 Q. If you had had more time, would you have
9 done anything more?

10 A. No.

11 Q. Did you do anything to correct for
12 potential matches of individuals in the voter file
13 who share a first name, last name and reside at
14 the same address? Or am I understanding that you
15 relied on TrueNCOA to determine whether that would
16 be a match?

17 A. I never said that, but the import of
18 verifying identity can't be overstated in this
19 case. And that would come as a result of helping
20 verify identity.

21 Q. Okay. So when you pulled the voter
22 file, there was -- if there were two individuals

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 142

1 who shared a first name, last name and address,
2 you would have done some further analysis of that
3 at the front end; is that correct?

4 A. Yes.

5 Q. And that analysis would be by running it
6 through a code, and they would try to fill in more
7 information to distinguish these individuals? Or
8 how exactly would you be able to distinguish them?

9 A. There are elements of risk in any
10 determination. And eliminating as many of the
11 elements of risk as you can is important. The
12 absolute verification of identity, again, has to
13 be done by the counties because they have access
14 to the state DMV file. They have access to other
15 things that citizens and voters don't have.

16 The citizens and voters were compelled
17 to identify -- give a specific reason for why they
18 thought someone was ineligible, and having moved
19 was the reason. And so our -- our ability to
20 identify -- verify identity is limited by the fact
21 that Georgia only gives year of birth rather than
22 day and month and year of birth.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 143

1 Q. Are you aware that thousands of records
2 in the challenge list do not show a street address
3 in the "moved to" field?

4 A. Yes. Because sometimes people move and
5 they don't give their address. They don't give
6 their forwarding address.

7 Q. And what is the reason for challenging
8 someone on the basis of residency when you do not
9 have evidence of where the person moved?

10 A. Because that's the specific -- the law
11 compels a voter to challenge based on a specific
12 reason. The specific reason is they believe they
13 moved.

14 Q. How could a voter be notified of a
15 challenge if you do not know the forwarding
16 address?

17 A. How would a voter be notified?

18 Q. Yes.

19 A. Okay. We don't notify the voters. The
20 county notifies the voter when they come in to
21 vote.

22 Q. Okay.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 144

1 MR. SHELLY: Can we pull up Exhibit F.

2 (Phillips Deposition Exhibit 9 was
3 marked for identification and attached to the
4 transcript.)

5 BY MR. SHELLY:

6 Q. Are you familiar with this table,
7 Mr. Phillips?

8 A. No, I don't know. It doesn't ring a
9 bell. I don't know that I saw it yesterday. What
10 is it?

11 Q. This is a document that you -- that
12 OpSec produced in response to our discovery
13 requests.

14 A. Okay. What's the question?

15 Q. Did you create this table?

16 A. It looks like it was created out of the
17 system.

18 Q. Why does it only include nine counties?

19 A. I have no idea, actually.

20 Q. How would you have used this
21 information?

22 A. We wouldn't use this information at all.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 145

1 It was system-generated.

2 MR. SHELLY: You can take this down,
3 Mr. White.

4 BY MR. SHELLY:

5 Q. Mr. Phillips, did you review the
6 challenge lists for instances where the name of
7 the registrant in the challenge file does not
8 match the name in the voter file or the registrant
9 with that registration number?

10 A. We would have, yes.

11 Q. And if you had noticed that, would you
12 still -- should that person have been included in
13 the challenge list if their name in the challenge
14 list did not match the name assigned to that
15 registration number in the registration rules?

16 A. That likely would have been an exception
17 and would have been kicked out, but it's possible
18 it could be included.

19 Q. Did you review the challenge list for
20 instances where the address an individual is
21 registered at and the address where a registrant
22 moved to are identical?

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 146

1 A. There are some anomalies like that, yes.

2 Q. Should those anomalies have been removed
3 from the challenge list?

4 A. I would like to think they would, but
5 it's possible they wouldn't. There are some other
6 reasons why, especially if it was a different
7 name.

8 Q. Would you review the challenge list to
9 confirm whether an individual reregistered at the
10 address where the NCOA match suggested the
11 individual moved to?

12 A. That was beyond our capacity. So in
13 that case, what we would say is submit the
14 challenge and let the county figure it out.

15 Q. Do you know what it would mean when a
16 record shows a "moved to" street address of
17 general delivery?

18 A. It could mean a lot of things. They
19 didn't give an address. They didn't have an
20 address when they moved. It's possibly a homeless
21 person. There are dozens of reasons.

22 Q. Would you still understand that to

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 147

1 provide probable cause for a challenge?

2 A. We don't determine probable cause. We
3 determine the reason that the voter would make the
4 challenge. The county determines probable cause.

5 Q. Did I hear you correctly earlier to
6 suggest that the challenge lists ultimately
7 included approximately 360,000 individuals?

8 A. We didn't challenge that many. That's
9 how many we identified. The counties didn't take
10 up the challenges in most cases.

11 Q. Okay. Of that whole list that you had
12 prepared, the 360,000, how many do you think of
13 those individuals were actually ineligible to
14 vote?

15 A. Well, that would be for the county to
16 determine. We don't know.

17 Q. Do you have any anticipation of what
18 that figure would have been?

19 A. I'm not going to speculate.

20 Q. Do you accept that some individuals on
21 the challenge list may be eligible to vote?

22 A. Sure.

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 148

1 Q. Did you discuss the potential inaccuracy
2 of the list with anybody?

3 A. I don't recall.

4 Q. Do you think that 99 percent of the
5 names on the challenge list were ineligible to
6 vote?

7 A. As I said, I have no idea.

8 Q. Are you aware of any challengers who
9 retracted their challenge after concluding that
10 the lists you prepared were unreliable?

11 A. I'm not, but I wouldn't have had that
12 communication.

13 Q. Did you use the Social Security Death
14 Index as part of your process?

15 A. Not in this instance.

16 Q. "This instance" referring to the Georgia
17 challenge lists?

18 A. Yes.

19 Q. Are there any other data sources you
20 believe could have enhanced the accuracy of the
21 challenge lists?

22 A. Not for the purposes for which we

1/25/2022

Fair Fight, Inc. et al. v. True the Vote, et al.

Gregg Phillips

Page 149

1 were -- we were called to work.

2 Q. How many counties did you prepare
3 challenge lists for?

4 A. I think we did them all.

5 Q. And in how many counties were challenge
6 lists actually submitted?

7 A. I don't know the answer to that.
8 Catherine can answer that.

9 Q. Do you know how counties were chosen for
10 lists to be submitted?

11 A. I believe it's where we found a Georgia
12 voter that lived in the jurisdiction to make the
13 challenge.

14 Q. After you conducted the initial match,
15 did you analyze demographic information or other
16 characteristics of the individuals you identified?

17 A. Not until after you sued us.

18 MR. SHELLY: Can we pull up Exhibit H.

19 (Phillips Deposition Exhibit 10 was
20 marked for identification and attached to the
21 transcript.)

22

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 20

1 A. Yes.

2 Q. Great.

3 MR. NKWONTA: You can take that
4 down. And can we pull up Document 75,
5 please.

6 (Exhibit 75 marked for
7 identification.)

8 BY MR. NKWONTA:

9 Q. Ms. Engelbrecht, do you recognize
10 Document 75? Have you seen this document before?

11 A. Yes.

12 Q. And this is a deposition notice
13 issued to you individually; is that correct?

14 A. Yes.

15 Q. And do you understand that you are
16 also being deposed today in your individual
17 capacity?

18 A. Yes.

19 Q. Okay. And as we have done with the
20 prior deposition in this case, we will ask that
21 you agree that your answers today will be
22 attributed to you and/or True the Vote, unless we

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 21

1 specify otherwise, or you specify otherwise in
2 the deposition in response to that question. Is
3 that fair?

4 A. Yes.

5 MR. NKWONTA: And do you agree to
6 that, counsel.

7 MR. BOPP: Do I agree to what?

8 MR. NKWONTA: That Ms. Engelbrecht's
9 answers will be attributed to Ms. Engelbrecht
10 and True the Vote, unless she specifies
11 otherwise in response, just as we did
12 yesterday?

13 MR. BOPP: I assume your questions
14 are directed at her in both capacities.

15 THE VIDEOGRAPHER: And counsel,
16 sorry. I apologize. This is Joe. I just
17 want to make sure for clarity that
18 Document 75 and 76, will those be entered
19 into as exhibits?

20 MR. NKWONTA: Yes, those will be
21 entered in as exhibits.

22 I think what might be best is I will

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 22

1 continue to refer to them throughout the
2 deposition as 75 and 76. And then we can
3 decide after the fact whether we want to
4 number them sequentially. Is that fair?

5 THE VIDEOGRAPHER: Understood.

6 BY MR. NKWONTA:

7 Q. Ms. Engelbrecht, I want to start
8 with some background questions for you.

9 Where do you currently reside?

10 A. In Cat Spring, Texas.

11 Q. Are you a Texas native?

12 A. Yes.

13 Q. And what do you do for a living?

14 A. In addition to my work with True the
15 Vote, I am the co-founder of a healthcare fintech
16 software company.

17 Q. What is your role with True the
18 Vote?

19 A. I am both the founder of the
20 organization and its current president.

21 Q. Sorry, I didn't hear the last bit of
22 your answer. Do you mind repeating that?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 23

1 A. So sorry. Sure, with respect to
2 True the Vote, I am the founder of the
3 organization and its current president.

4 MR. BOPP: And, Catherine, please
5 don't interrupt him. Let -- if he needs to
6 say something, just sit tight. Okay?

7 THE WITNESS: Sure.

8 BY MR. NKWONTA:

9 Q. When was True the Vote founded? You
10 mentioned that you are the founder.

11 When did you launch True the Vote?

12 A. We started as a organization in late
13 2009 and filed official paperwork for its
14 designation under the IRS rules as a nonprofit in
15 2010, in the summer of 2010.

16 Q. What was True the Vote's mission
17 when the organization first launched in 2009 or
18 2010?

19 A. We had learned that there were not
20 enough poll watchers or poll workers broadly.
21 And that seemed like a good project to take on
22 just to encourage people to work in the polls.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 24

1 And then from there we became more aware of other
2 challenges in the system.

3 Q. And what types of activities did
4 True the Vote engage in when it first launched in
5 2009/2010?

6 A. First, understanding the process
7 where we started which was in Harris County,
8 Texas.

9 So, understanding the process of our
10 elections. Understanding the need for volunteers
11 and where those volunteers -- how they can be
12 placed and the rules around those placements.
13 And that was the origin of the organization and
14 our activities.

15 Q. You mentioned assessing the need for
16 volunteers and where those volunteers needed to
17 be placed.

18 In that initial period when you
19 launched True the Vote, where did you, your
20 organization determine the greatest needs were?

21 A. Well, to make that determination we
22 met with -- in Harris County there is a -- the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 35

1 terms of your role with the organization.

2 How many employees did King Street
3 Patriot have when the organization was first
4 launched?

5 A. Oh, first launched, none. We didn't
6 have any employees for several years.

7 Q. And did you ever have employees or
8 did you rely solely on volunteers and outside
9 contractors?

10 A. We did have, as I recall, one or two
11 employees, but it was far and away run by
12 volunteers.

13 Q. Were you also in charge of the
14 day-to-day operations with respect to
15 communications including press or other types of
16 media?

17 A. I would have certainly had a
18 leadership role, or as I commented earlier, would
19 have made it a goal to always look at things that
20 were being published.

21 But it was, with King Street
22 particularly more volunteer oriented and less, or

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 36

1 less structured.

2 Q. So, just to be a little bit more
3 specific, if there was a press release issued by
4 King Street Patriots, would that press release
5 have come from an employee or from you, or would
6 it have been something that you would have
7 overseen or supervised?

8 A. It could have -- really any of those
9 could have been accurate. It may have been
10 something that a volunteer wrote. It would
11 certainly have been something that I would have
12 wanted to have seen.

13 Although I can't attest to having
14 seen everything, unfortunately.

15 Q. The standard practice was to, -- was
16 for you to be able to approve all of the
17 communications and the media that would come out
18 of King Street Patriots, is that fair?

19 A. That was the goal. That was the
20 goal.

21 Q. Have you heard of the organization
22 called Time for a Hero?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 37

1 A. Yes.

2 Q. And what is your connection to that
3 organization?

4 A. The organization no longer is
5 active, but that was an organization started by
6 myself and Gregg Phillips.

7 The purpose of that organization was
8 to assist with the needs of Special Forces
9 Veterans. And it started out sort of broadly
10 looking to support the needs that ultimately
11 turned into sort of a medical missions driven
12 program.

13 And it was --

14 Q. When did --

15 A. Sorry, go ahead.

16 Q. No, you finish your answer.

17 A. It was -- well, I was about to say
18 I'm not even really -- I don't quite remember
19 when it started or ended. It was -- I'm sorry,
20 please ask your question.

21 Q. I was going to ask when it started.

22 A. Let me think. 20 -- I don't clearly

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 38

1 remember, is probably my best answer. 2018'ish,
2 2019. But, I don't clearly remember.

3 Q. So, after 2015, is that fair to say?

4 A. Yes, yes.

5 Q. And is that organization still in
6 existence or still in operation?

7 A. No.

8 Q. When did the organization cease
9 to -- cease all operations, I should say?

10 A. As a practical matter we stopped
11 doing -- we stopped doing activities, I guess, in
12 2020, in late 2019 and early 2020.

13 But then submitted paperwork to the
14 IRS, the final tax filing and so forth in 2020.

15 Q. And why did the organization cease
16 operations?

17 A. We had the -- for a variety of
18 reasons. The hope of the organization was to
19 support the medical needs or certain of the
20 medical needs of Special Forces Veterans with
21 traumatic brain injuries. And that is a tall
22 order.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 39

1 There is a lot of things that you
2 don't think about that will come with that. And
3 so, and there is so many new organizations that
4 were better equipped to, I think, handle that.

5 And you know, we were just doing
6 what we could. I think we helped other
7 organizations kind of find their footing but then
8 at that point there was no real need for us to
9 continue on.

10 Q. Sounds like a lot of work.

11 A. You know, it is, it is a lot. It is
12 a lot.

13 Q. What was your role within Time for a
14 Hero?

15 A. I don't remember the structural --
16 my structural designation in terms of the
17 paperwork. I don't remember if I was president
18 or vice president.

19 But it was very sort of equally,
20 equally yoked between Greg Phillips and myself.
21 And primarily what I did was support the, support
22 the intake, the review of applications for

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 43

1 contractor, were both veterans themselves and
2 very single-minded in their desire to
3 communicate.

4 And so they oftentimes just
5 communicated without --

6 Q. And again --

7 A. -- clear oversight from the Board.

8 Q. And would they communicate on their
9 own behalf or on behalf of Time for a Hero?

10 A. I did not -- I have not seen
11 everything that was ever put out.

12 I would, I would venture to say that
13 it would -- their approach would have found it to
14 be a little bit of both. That they would have
15 communicated personally with their own
16 experiences and then on behalf of the
17 organization.

18 Q. And would you have seen all of the
19 communications that have come out from Time for a
20 Hero?

21 A. No. No, I would -- I don't think
22 so.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 44

1 Q. Do you have access to any of the
2 organizations' press releases or statements?

3 A. I may have some. I don't have all.
4 Certainly I don't have all. I don't have access
5 to any of the social media stuff anymore.

6 Q. Did you at any point have access to
7 any of the organizations' social media accounts?

8 A. I would have known their log-ins. I
9 never posted anything that I recall.

10 But in the later periods of the
11 organization, the individual who was organizing
12 that or was overseeing the operation used it --
13 changed the passwords and we didn't have them.

14 Q. So, the two gentlemen that you spoke
15 of who were also involved with the organization,
16 what were their names?

17 A. The first gentleman who ran the
18 organization for a period was Travis -- I cannot
19 remember his last name. I apologize. And then
20 the second gentleman was short lived. His name
21 escapes me. I apologize. I don't recall his
22 name. I should. I just don't. It is not coming

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 45

1 to me right now.

2 Q. What was his position?

3 MR. BOPP: I have to unmute myself.

4 I would like to talk to my client for one
5 minute here.

6 So, if Catherine, you would turn off
7 your video and your audio, I will do the same
8 and I will call you.

9 MR. NKWONTA: Mr. Bopp --

10 THE WITNESS: Okay.

11 MR. NKWONTA: Mr. Bopp, I, I assert
12 an objection to you conferring with your
13 client about a pending question. As you know
14 that is improper under the federal rules, and
15 I would ask that you allow --

16 MR. BOPP: You can purport to
17 instruct me however you wish. Good-bye.

18 THE VIDEOGRAPHER: Counsel, do you
19 want to go off the record?

20 MS. BRYAN: Are we still on the
21 record?

22 MR. NKWONTA: No, I believe Joe said

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 46

1 we are off the record.

2 MS. BRYAN: I would recommend that
3 you stay on the record and record the time
4 that Bob left and the time Bob comes back on.

5 MR. NKWONTA: We can do that, but
6 that will still be reflected on the --
7 whether we are on or off the record, right?

8 MS. BRYAN: Well, that is true. You
9 are right.

10 MR. NKWONTA: So, let's go off the
11 record just to save time.

12 THE VIDEOGRAPHER: We are now going
13 off the video record, the time is 8:50 a.m.

14 (Recess taken -- 8:50 a.m.)

15 (After recess -- 8:55 a.m.)

16 THE VIDEOGRAPHER: We are now going
17 back on the video record. The time is
18 8:55 a.m.

19 BY MR. NKWONTA:

20 Q. Ms. Engelbrecht, we just took a
21 short break. Now we are back on the record.

22 Do you recognize that you are still

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 47

1 under oath?

2 A. Yes.

3 Q. During the break, did you discuss
4 with your counsel any of the questions that I
5 asked or the response to the question that I had
6 asked before you took a break?

7 And I'm asking this without
8 disclosing the, what you actually discussed. I'm
9 asking whether you discussed the content of the
10 question that I asked before we took a break?

11 A. No.

12 Q. So, you did not discuss any of my
13 questions about Time for a Hero before we took a
14 break?

15 A. No.

16 Q. During that break you did not
17 discuss any of the questions that I asked
18 regarding Time for a Hero with Mr. Bopp?

19 A. No.

20 MR. NKWONTA: Okay. Joe, could we
21 pull up Exhibit 74, please.

22 (Exhibit 74 marked for

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 60

1 volunteers working inside of elections.

2 And the thought behind the outreach
3 was that these were folks that are very good at
4 chain of command, at understanding process.

5 And in our experience they make
6 great volunteers for these kinds of things,
7 because often when you have people who are very
8 well intended, but they are not as familiar with
9 that construct of, you know, ordered processing
10 and very observant of standards and time periods
11 in which things must be reported in an orderly
12 fashion, that can throw people.

13 And for people that come out of
14 backgrounds that are more oriented towards that
15 chain of command, that works, they do really
16 well. And so that was the thought behind
17 Continue to Serve.

18 MR. NKWONTA: Joe, can you pull up
19 Exhibit 65 or Document 65.

20 (Exhibit 65 marked for
21 identification.)

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 61

1 Q. Ms. Engelbrecht, Document 65 is a
2 transcript of a statement that you made which we
3 had transcribed and which we -- which True the
4 Vote acknowledged in response to one of our
5 requests for admission that this was a correct --
6 it is a true and correct transcript.

7 MR. NKWONTA: Joe, can you go to --

8 MR. BOPP: I'm sorry, I have a
9 question. I didn't understand what you just
10 said.

11 What is the date of this, did you
12 say?

13 MR. NKWONTA: The date of this
14 transcript?

15 MR. BOPP: Yes. You gave a date.

16 MR. NKWONTA: August 13, 2021.

17 MR. BOPP: Okay, all right, thank
18 you. Sorry, I didn't understand what you
19 said.

20 MR. NKWONTA: Joe, can you go to the
21 second page of this transcript.

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 62

1 Q. Ms. Engelbrecht, can you read this
2 second paragraph into the record.

3 A. "Of interest here, we have a new
4 initiative called Continue to Serve which is
5 about recruiting veterans and first responders to
6 work inside the polls. You want to talk about
7 people who understand and respect law and order
8 and chain of command, you get Seals in the polls.

9 "And they're going to say no, no,
10 that is not -- this is what it says and this is,
11 this is how we're going to play the show. And
12 that's what we need."

13 Q. When you were making this statement
14 and when you were referring to Seals in the
15 polls, who did you envision them referring to or
16 interacting with?

17 A. Well -- I'm sorry. Can you repeat
18 the question?

19 Q. Sure. Who did you envision -- when
20 you were making the statement, who did you
21 envision the Seals interacting with or talking
22 to?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 63

1 A. Depending upon the capacity in which
2 they were working, things can get very confusing
3 in polling places. And the thought was just the
4 individuals that are, as I say here, familiar
5 with that kind of law of order and chain of
6 command and understanding process are very
7 decisive in their, this is how we need to do
8 this, this is what the rules say.

9 So, I'm familiar with this entire
10 situation and how this came about. And I would
11 say that, you know, it was taken out of context.
12 That is, what I have just explained to you was
13 the, the rationale behind the comment.

14 Q. And you anticipate that these Seals
15 would be interacting with people in the polling
16 place including voters or election officials; is
17 that correct?

18 A. I would say that veterans and first
19 responders, working inside the polls, depending
20 upon their capacity, may interact with voters,
21 also depending upon the state.

22 If they were serving in the capacity

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 64

1 of poll watcher, they would not engage with
2 anyone. If they were working as a judge or a
3 clerk, then they may.

4 And certainly with one another as
5 part of the team working at the polls which can
6 get very confusing, they would interact together
7 working with others there at the polling place.

8 Q. Who is Ed Hiner? H-I-N-E-R is the
9 last name.

10 A. He temporarily was the spokesperson
11 for Continue to Serve.

12 Q. You say temporarily. Did he stop
13 being a spokesperson at some point?

14 A. He did, yes.

15 Q. Why is that?

16 A. He also had a program that was a
17 leadership program for after school, like after
18 school programs.

19 And that -- in California. And that
20 really got busy. And he was also writing a book
21 or had written a book and was promoting that
22 book. And, you know, the oversight of an effort

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 65

1 like this is, takes a lot of time. And he just
2 didn't have that time to devote because there
3 were so many other interests in play for him.

4 Q. Have you seen or are you familiar
5 with news articles or news reports in which Ed
6 Hiner claimed that he withdrew after realizing
7 how partisan the program had become?

8 A. No, I'm not aware of that.

9 Q. Do you have any reason to dispute
10 that those were his reasons for withdrawing?

11 A. Well, the reasons for his withdrawal
12 were, as I have stated, he didn't have the time.

13 He was shocked by how mean spirited
14 comments can be about these kinds of efforts.
15 And he didn't have any political background and
16 didn't want it to -- he didn't, he didn't want
17 the, the animus that comes oftentimes,
18 unfortunately, with detractors who are looking to
19 try to find a partisan angle here when there is
20 none. But that is not what the media will
21 report.

22 Q. And did you discuss Mr. Hiner's

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 66

1 concerns with him?

2 A. Yes, I recall that we talked about
3 it and I understand. I mean it is a lot.

4 Q. And when you talked about it with
5 him did he relay the concerns about the program
6 being partisan?

7 A. Not the program. No, our program
8 was not partisan. He was shocked at, you know,
9 how could it be that the comments were taken and
10 twisted in a way that made things seem negative.
11 That was a shock to him.

12 Q. I want to ask you about a different
13 program. Have you heard or used the phrase,
14 Validate the Vote?

15 A. Yes.

16 Q. And where did that phrase come from?

17 A. It was a recommended name given to,
18 or suggested to me, by a consultant of a donor
19 that had come to us and had suggested, the
20 consultant suggested the name, Validate the Vote,
21 and I have used it.

22 Q. Is that phrase -- is that name, is

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 67

1 that specific to True the Vote?

2 A. I don't know.

3 Q. Have you heard of any other
4 organizations that have used that phrase for any
5 of their programs?

6 A. I have. I have.

7 Q. Which ones?

8 A. The consultant who suggested that we
9 use that name went on to start his own
10 organization or had some other affiliation with
11 an organization that was using that name.
12 Whether or not they are still doing anything I
13 don't know.

14 But I recall seeing the -- I was
15 shocked to see that that had occurred.

16 Q. When did the consultant recommend
17 this name to you?

18 A. On November the 5th.

19 Q. What year?

20 A. Oh, sorry, 2020.

21 Q. And when did you see the consultant
22 start a different organization and use that same

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 68

1 phrase?

2 A. I do not recall. Shortly
3 thereafter, but I do not recall.

4 Q. Other than that, do you recall any
5 other instances of organizations announcing sort
6 of Validate the Vote issues?

7 A. I do -- I cannot give you a specific
8 organization to direct your intentions to, but
9 that term I have seen many times, often with the,
10 you know, with the state attached to it, Validate
11 the Vote in a certain state or something like
12 that.

13 So, my recollection is I have read
14 it and seen it other places, but I can't give you
15 any other specifics about where to look.

16 Q. And during the 2020 election cycle
17 and the lead up to the 2021, the January 2021
18 runoff in Georgia, was Validate the Vote or the
19 phrase or the name of one of the programs that
20 True the Vote was initiating in Georgia and
21 elsewhere?

22 A. Validate the Vote was used broadly.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 69

1 We had an election integrity hotline, and it
2 didn't have a name so to speak. So we named it
3 Validate the Vote.

4 And then when the attentions turned
5 towards Georgia, as I recall, we would say
6 Validate the Vote Georgia, but it was still a
7 national effort.

8 Does that answer your question?

9 Q. Yes, it does. You have used the
10 word, bounty on fraud, before, correct? In
11 discussing the Validate the Vote program?

12 A. I don't -- I have read through this
13 in the preparation for this. I don't recall
14 saying that but -- I don't recall saying that,
15 but -- well, I will leave it at that. I don't
16 recall saying it.

17 MR. NKWONTA: Joe, can you pull up
18 Exhibit 64, please. And if we can go to
19 Page 3 of Exhibit 64.

20 (Exhibit 64 marked for
21 identification.)

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 70

1 Q. Ms. Engelbrecht, can you look -- can
2 you read into the record that starting with the
3 first full sentence -- or starting on the second
4 line, first full sentence, could you read that
5 sentence into the record?

6 A. Sure, sure. "And what Validate the
7 Vote is about is putting a bounty on the fraud.
8 Creating an environment for whistleblowers to
9 come forward and tell the story, make sure that
10 they have protections, make sure that they have
11 compensation, and further, creating a space for
12 people to come and share what they know or share
13 with us what they know and then let us try to
14 aggregate it."

15 Q. So, Exhibit 64 is a transcript of
16 some remarks you gave during a podcast.

17 Do you recall this podcast?

18 A. I did host a podcast for a brief
19 period of time. I absolutely recall that.

20 Q. When you used the term, Validate the
21 Vote and the Bounty on Fraud here, can you
22 describe what you were referring to?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 71

1 A. Sure. These were extemporaneous
2 unscripted, just me talking.

3 And, I used that word for -- clearly
4 it is there. I don't recall saying it, but
5 clearly it was there. It was very much just sort
6 of a riff of trying to explain, you know, what
7 Validate the Vote was going to try to do.

8 And that is the nature of all of the
9 comments, which is just sort of a riff of trying
10 to explain it.

11 Q. In addition to the protection that
12 you mentioned that you wanted to offer to
13 whistleblowers, did that also include legal
14 support? Did you also discuss offering legal
15 support to whistleblowers?

16 A. I do recall in other instances
17 saying that it would be -- you know, legal
18 support would be one of the things that we would
19 hope to be able to offer.

20 Q. And why did you want to offer legal
21 support to whistleblowers?

22 A. There were people coming to us and

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 72

1 just over the years, you know, people that have
2 information that they would like to share and are
3 concerned.

4 And want to not be left hanging if
5 they say something that, you know, would lead to
6 a place of needing counsel, you know, needing
7 some kind of representation. And, you know, I
8 can appreciate that.

9 So we just wanted to create an
10 environment where if they wanted to say something
11 we would, we would be with them.

12 Q. Did you offer that in order to, in
13 order to encourage whistleblowers to come
14 forward?

15 A. Is the question did we offer to pay
16 for legal counsel in order to encourage the
17 whistleblowers to come forward? Is that -- I'm
18 sorry --

19 MR. BOPP: Catherine, Catherine --

20 THE WITNESS: Could you repeat it?

21 Could you repeat the question?

22 MR. BOPP: Excuse me, I am speaking.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 73

1 MR. NKWONTA: She is speaking as
2 well, but you have to assert an objection.
3 What is your objection?

4 MR. BOPP: If you stop talking, I
5 will interpose my objection.

6 My objection is, Catherine, you are
7 not to rephrase the question. You are to
8 answer the question.

9 If you don't know the -- if you
10 can't answer the question because it is
11 unclear or whatever, then ask him to rephrase
12 the question. And that is my objection.

13 THE WITNESS: Could you repeat the
14 question?

15 BY MR. NKWONTA:

16 Q. Certainly.

17 MR. NKWONTA: Before I do, I want to
18 state for the record, Mr. Bopp's objections
19 are actually not objections under any
20 definition of the federal rules. It is
21 actually coaching the witness.

22 So, I object to you coaching your

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 74

1 witness during the testimony. And I ask that
2 you refrain from doing that further in this
3 deposition.

4 You have not asserted any objections
5 to my questions. You don't get to object to
6 your witness's own testimony.

7 BY MR. NKWONTA:

8 Q. Ms. Engelbrecht, I will repeat my
9 question. Did you offer legal support because
10 you thought it would encourage whistleblowers to
11 come forward?

12 A. Thank you. I thought that by making
13 it known that there would be legal support for
14 people who came forward, that it may encourage
15 people who were otherwise concerned about not
16 being able to withstand the whirlwind that these
17 things came to elicit.

18 Q. So, was it your view that concerns
19 about legal ramifications would keep some
20 whistleblowers from coming forward?

21 A. I'm sorry, can you repeat the
22 question?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 75

1 Q. Sure. Was it your view that
2 concerns about potential legal ramifications
3 would keep some whistleblowers from coming
4 forward?

5 A. It was my concern that, or my belief
6 that, in the environment in which we find
7 ourselves, it seems that it doesn't take too much
8 to end up being caught into a lawsuit.

9 And that we have all watched as
10 people who never thought they would find
11 themselves involved in anything like this do.
12 And that keeps a lot of people -- that has a very
13 chilling effect.

14 And so the thought was to try to
15 create an environment, as I say here on this
16 exhibit that is on the screen, to create a space
17 for people to come to and know that they wouldn't
18 be alone.

19 Q. So, and just to make sure I am fully
20 understanding, I think I am following what you
21 are saying.

22 A. Sure. Sure.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 76

1 Q. To make sure I'm fully
2 understanding.

3 Was it your concern that without
4 providing that legal support people may not come
5 forward because they were concerned about
6 potential legal ramifications?

7 MR. BOPP: I object. Asked and
8 answered now multiple times. You are
9 harassing the witness.

10 But you may answer if you, you know,
11 and if you -- you may answer.

12 THE WITNESS: Yeah, I feel like I
13 have answered it. I feel like I have
14 answered the question.

15 We thought that creating or making
16 it known that if people came forward and
17 needed some kind of legal support that we
18 would help support that. That was the reason
19 that I said what I said.

20 BY MR. NKWONTA:

21 Q. I understand that you feel like you
22 have answered the question. I do, I do want to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 77

1 get clarity on your answer.

2 A. Sure.

3 Q. Just to make sure that I am
4 following. And I understand that Mr. Bopp has
5 objected that it is asked and answered.

6 MR. NKWONTA: I am willing to take
7 that as a standing objection, unless you want
8 to interject again.

9 BY MR. NKWONTA:

10 Q. But I want to just ask the question
11 once more and just make sure that I get, I fully
12 understand your answer.

13 The question I'm asking is slightly
14 different, I think. What I am asking is not just
15 why you offered legal support, but whether you
16 felt like the potential legal ramifications of
17 being a whistleblower or coming forward might
18 prevent people from whistleblowing or from coming
19 forward?

20 A. I don't want to rephrase the
21 question, but no, that -- as I understand the
22 question again repeated, no, that that was not

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 79

1 Q. You make the statement there of the
2 last paragraph. It says, "That is going to be a
3 standing offer and the dollars will continue to
4 increase as awareness grows."

5 What did you mean by that?

6 A. Give me one second to read the
7 preceding paragraph.

8 Q. Sure.

9 A. Again these were just, you know,
10 riffs, but I, having read the preceding
11 paragraph, when I said that is going to be a
12 standing offer, that would have necessarily tied
13 to my previous comments about how they could
14 reach to the various outlets, the websites, the
15 phone number, support, financial support, legal
16 support. I used the term, whistleblower
17 immunity.

18 So, so that is what I was referring
19 to.

20 Q. So, I want to break that down --

21 A. Oh, I'm sorry -- okay. Yes, please.

22 Q. No. Please continue.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 80

1 A. You also asked about the dollars
2 will continue to grow.

3 That was a -- the more that these
4 types of services or types of supports are
5 required, the more expensive that would become.

6 And there was nothing behind that
7 other than to say, you know, more people would be
8 willing to support and donate and help if that
9 became necessary.

10 And that was my opinion and that is
11 I'm sure what was going through my mind at the
12 time.

13 Q. So, more people would be willing to
14 support and donate to what exactly?

15 A. It's in the instance that people
16 were sharing information, that lawsuits were, you
17 know, on the radar. That a broad support was
18 potentially necessary of a variety of types, I
19 would imagine.

20 That the people that support the
21 work that True the Vote does, would have a part
22 for seeing the, you know, the people that came

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 81

1 forward would be taken care of and not just left.

2 Q. So, is one way to read this then is
3 that the dollars or the support, the financial
4 support or donations or dollars of True the
5 Vote -- and True the Vote's efforts will increase
6 as awareness of the Validate the Vote program and
7 these other efforts grows.

8 Is that, is that a fair reading?

9 A. Yes, I think that is fair.

10 Q. You also had a Validate the Vote
11 program hotline; is that right?

12 A. Yes.

13 Q. Was it called a Validate the Vote
14 Program Hotline or was there a specific name for
15 it?

16 A. Well, not initially. Every election
17 cycle we host a hotline that is both available
18 online, and then we have a toll free number that
19 people can call and share any manner of things.

20 And that has been consistent over a
21 number of cycles.

22 In the most recent cycle, we had

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 82

1 started the hotline in late September. And we
2 didn't begin to use the name Validate the Vote
3 until, as I mentioned, November 5th or 6th,
4 something like that.

5 Q. But the hotline itself doesn't have
6 a specific name separate from Validate the Vote;
7 is that right?

8 A. Just the Election Integrity Hotline.

9 Q. And someone didn't have any ideas
10 for that?

11 A. No.

12 Q. Well, it is the Validate the Vote
13 hotline that you initiated, when did that hotline
14 take off for the 2020 election? Or when was that
15 hotline officially opened?

16 A. In, in, the hotline itself, just the
17 election integrity hotline, that is actually up
18 on our website right now. But we added the -- we
19 expanded the use of it for, to host live, live
20 operators taking calls and so forth. That
21 started in late September of 2020.

22 Q. So, that hotline started in late

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 83

1 September 2020, and it is still ongoing or is
2 there a period in which the hotline stopped
3 receiving calls?

4 A. It is still available. People still
5 report things. Certainly the focus is no longer
6 what it was then, but we do still have that up.
7 And it is a useful way for people to help
8 organize their thoughts about their questions and
9 what it is that they are seeking help with.

10 Q. Did you keep track of the reports
11 that came in through the hotline?

12 A. As best as we could, yes.

13 Q. And what did you do with those
14 reports?

15 A. They were provided to me and to the
16 True the Vote team on a routine basis to review,
17 and I'm sure they have been archived somewhere.

18 MR. NKWONTA: Joe, can you pull up
19 Document 35 or Exhibit 35. And we are going
20 to need to blow that up significantly or
21 magnify that so we can look at some of these
22 entries.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 84

1 (Exhibit 35 marked for
2 identification.)

3 BY MR. NKWONTA:

4 Q. Do you recognize Exhibit 35,
5 Ms. Engelbrecht?

6 A. I recognize it from the package of
7 exhibits that was included for the purposes of
8 this deposition. So, I reacquainted myself. I
9 couldn't read it myself when I was looking at it
10 but --

11 Q. Is this one of the -- sorry. Were
12 you finishing your answer?

13 A. Yes.

14 THE WITNESS: Is it possible maybe
15 to enlarge it a little bit more? Perfect.
16 Can you scroll to the right so I can see the
17 headings?

18 Yes. I'm sorry. Could you repeat
19 your question?

20 BY MR. NKWONTA:

21 Q. I wanted to ask, is this the list of
22 the report of the incidents that you received

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 92

1 A. I would have to -- I can't confirm
2 that. I would have to -- I can't confirm that.
3 It should have just been a, you know, dump out to
4 fulfill the requirement, but I can't confirm it.

5 MR. NKWONTA: Let's see if we can
6 blow up a document. That might help.

7 Can we pull up Exhibit 79?

8 (Exhibit 79 marked for
9 identification.)

10 MR. NKWONTA: And can you enlarge
11 that a little bit and scroll to Page 8.

12 BY MR. NKWONTA:

13 Q. Ms. Engelbrecht, Exhibit 79 is the
14 Second Amended Response -- True the Vote's Second
15 Amended Response to Plaintiff's Second Request
16 for Production.

17 Do you recognize this document?

18 A. Yes.

19 Q. Now, if you look at the Request
20 Number 18, Request Number 18 seeks, "All
21 documents and communications relating to True the
22 Vote's Election Integrity Hotline as described in

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 93

1 your responses to Interrogatories 2 and 3,
2 including, but not limited to, all documents and
3 communications surrounding the launch of the
4 hotline, follow-up with users of the hotline,
5 vetted reports, and follow-up with the
6 authorities charged with investigating such
7 claims as described in your response to
8 Interrogatory Number 3."

9 Is that a correct reading of Request
10 Number 18?

11 A. That is a correct reading, yes.

12 Q. And in your response you state that,
13 "The defendant True the Vote has produced the
14 record of all hotline contacts relevant to
15 Georgia during the time frame of the runoff
16 election." Is that correct?

17 A. Yes. And that would be relevant to
18 Georgia at the time of the runoff collection --
19 runoff election, yes.

20 Q. You also state that, in the second
21 paragraph, "None of these contacts resulted in
22 the need for True the Vote to follow up or report

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 94

1 the contact information to appropriate
2 authorities."

3 Is that correct?

4 THE WITNESS: Can we -- I apologize.
5 Could we just scroll down so I can see that
6 in the response?

7 MR. NKWONTA: Keep scrolling.

8 THE WITNESS: I can go -- yes.

9 MR. NKWONTA: The next page.

10 THE WITNESS: The next page.

11 MR. NKWONTA: And then the paragraph
12 starting with None of these concepts.

13 Can you scroll down a little bit
14 more, Joe?

15 THE WITNESS: Yes. Yes.

16 BY MR. NKWONTA:

17 Q. Is it accurate that none of the
18 reports to your election integrity hotline or
19 Validate the Vote hotline resulted in the need
20 for True the Vote to report anything to
21 authorities?

22 A. Specific to this request for

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 95

1 production around the Georgia runoff and the
2 exhibit that we have looked at, that would be the
3 case, yes.

4 MR. NKWONTA: You can pull that
5 down, Joe. I would like to ask about some of
6 your other election related efforts.

7 If we could pull up Exhibit 61. And
8 can we scroll to the next page.

9 (Exhibit 61 marked for
10 identification.)

11 BY MR. NKWONTA:

12 Q. Do you recognize this document,
13 Ms. Engelbrecht?

14 A. Yes.

15 Q. What is it?

16 A. This was, based on its formatting,
17 this would have been taken from our website. And
18 it just describes that we launched the Election
19 Integrity Hotline specific to the runoff period.

20 Q. And this is a press release issued
21 by True the Vote, correct?

22 A. Yes. Or a blog post, but yes.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 96

1 Q. Or a blog post?

2 A. Or a blog post. I'm not certain
3 that this was a press release, but it most
4 certainly was posted on our website.

5 Q. Now, this press release makes
6 reference to efforts to provide signature
7 verification along with -- sorry, signature
8 verification training, absentee ballot drop box
9 monitoring, and other nonpartisan election
10 integrity initiatives.

11 Is that correct?

12 A. Yes.

13 Q. I want to explore each of those.
14 What signature training did you provide or what
15 signature verification training did you provide?

16 A. We posted online a signature
17 verification training course.

18 For that program particularly we had
19 worked with a signature verification specialist,
20 someone who is accredited in that field and has
21 worked in law enforcement and even in elections.

22 And so, she led the course, again

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 97

1 online, but led the course in describing for
2 volunteers who would be potentially working in
3 that capacity what to look for.

4 And, you know, when you are looking
5 at signature verifications, how do you, if you
6 are going to compare two signatures, what are
7 some key traits that to an untrained eye you
8 might want to look at first. These are people
9 that -- most of them had never worked in that
10 capacity before.

11 So, just some basic understandings
12 of signature verification. And then the process
13 behind that.

14 So, taking the actual process of
15 looking at the signature and then in the greater
16 context of what that means inside of an election.
17 And the standards particularly in Georgia were
18 changing and how to do as best as you could to,
19 as a volunteer to be useful in that -- for the
20 state in that capacity.

21 Q. Who provided the training?

22 A. I do not remember her name. We

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 110

1 training what did that entail?

2 A. How to -- again, recognizing that
3 every state handles this process differently, but
4 a broad overview of the definition of an absentee
5 ballot, what one might expect to experience from
6 the different elements of the absentee ballot.

7 Package from the carrier envelope to
8 the ballot. Just very high level explanations
9 that the goal of which was to share with the
10 volunteer that, you know, this is probably what
11 happens but every state has their own process.

12 Q. What was the target audience for the
13 training?

14 A. Anybody that wanted to take the
15 training.

16 Q. And what was the purpose of the
17 training?

18 A. To create a transparency that would
19 encourage volunteers, of which there are not
20 enough, to get a basic understanding of what they
21 might be able to expect, and direction on how
22 they can connect with the locality to serve if

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 111

1 they so chose.

2 Q. And in what way would these
3 individuals serve that would allow them to
4 implement this training?

5 A. They would -- if they had watched
6 the election or the absentee ballot training and
7 they went on to serve in the Absentee Ballot
8 Review Board, that would be, you know, a point of
9 connection or a point of familiarity of the broad
10 process.

11 But there are any number of
12 positions that they may end up working in.

13 Q. You also referenced monitoring
14 absentee ballot drop boxes in this press release.
15 And I'm still referring to Exhibit 61.

16 What did that entail?

17 A. I don't recall. I'm glad to review
18 the exhibit again, but I don't recall.

19 MR. NKWONTA: One second. Can we
20 put that exhibit back up, Joe? That is
21 Exhibit 61. So, if we can scroll to the last
22 page, to Page 3.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 112

1 BY MR. NKWONTA:

2 Q. Ms. Engelbrecht, can you read that
3 last paragraph, starting with this week, into the
4 record?

5 A. "The week, True the Vote also
6 announced its partnership with the Georgia
7 Republican party, in addition to the Georgia
8 Election Integrity Hotline. True the Vote will
9 assist with the Senate runoff election process,
10 including publicly available signature
11 verification training, monitoring absentee ballot
12 drop boxes and other nonpartisan election
13 integrity initiatives."

14 Q. To cue up my question again, what
15 did monitoring absentee ballot drop boxes entail?

16 A. We did not do any monitoring of
17 absentee ballot drop boxes for -- that is a
18 misstatement.

19 Q. And why did True the Vote announce
20 that it was conducting absentee ballot drop
21 boxes -- or absentee ballot drop box monitoring?

22 A. I do not recall. There was no

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 113

1 monitoring of absentee ballot drop boxes. Just,
2 it is not what volunteers did.

3 Q. Has True the Vote monitored absentee
4 ballot drop boxes in prior elections or during
5 the 2020 general election or outside of Georgia?

6 A. No. No.

7 Q. Can you think of an instance in the
8 past where True the Vote monitored absentee
9 ballot drop boxes?

10 MR. BOPP: Excuse me, I object.

11 That goes beyond the six states that are
12 specified in the court's order that you are
13 directed to limit your questions to.

14 It also goes to the history of the
15 world as opposed to being confined to 2012.

16 And I will instruct her not to
17 answer it because that would violate the
18 court order.

19 MR. NKWONTA: Are you also
20 instructing the witness not to answer in her
21 individual capacity?

22 MR. BOPP: I have been, no -- well,

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 114

1 excuse me. Yes. Because the -- you are
2 obligated to comply with the court order.
3 You are violating the court order.

4 And so you can't ask about things
5 that are not permitted. And you are to
6 adhere to the limits of the court's discovery
7 order.

8 MR. NKWONTA: I think you are
9 actually misreading and violating the court
10 order. And I also think that regardless of
11 what you feel about the scope of the topics,
12 there are no 30(b)(6) topics for
13 Ms. Engelbrecht in her individual capacity.
14 So, I will ask her -- I understand
15 that you have instructed her not to answer as
16 a 30(b)(6) witness for True the Vote which I
17 will object to as improper.

18 But I will ask Ms. Engelbrecht, in
19 her individual capacity --

20 BY MR. NKWONTA:

21 Q. Whether you are aware of any
22 instance in which True the Vote or any of its

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 123

1 Our website is full of nonpartisan
2 information. There was information around --
3 specific to Georgia, there was information around
4 dates for when you can vote and drop box
5 locations. And things that you would, you know,
6 just good guidance kinds of stuff.

7 Maybe that is -- would qualify for
8 other initiatives.

9 Q. Other than materials posted on the
10 True the Vote website, are there any other
11 election integrity initiatives that True the Vote
12 engaged in?

13 A. Can you define the time frame? I
14 want to make sure I'm answering properly.

15 Q. Certainly. So, the time frame would
16 have been the same time frame in which this press
17 release was issued. So in that period through
18 the runoff election. It is between the November
19 general election and the runoff election.

20 A. Well, the -- we were working on
21 the -- we had, we had had individuals that had
22 requested support for knowing, because they knew

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 124

1 that the rolls had not been cleaned.

2 So, we were looking at the project
3 around -- during this time we have been looking
4 at the project around the elector challenges.

5 Q. Which individuals had requested
6 assistance or noted that the rolls had not been
7 cleaned?

8 A. I mean, it was broadly known that
9 the rolls hadn't been cleaned. That was well
10 publicized.

11 Just, you know, various people,
12 volunteers, people who follow True the Vote
13 had -- we received e-mails saying could we do
14 anything because the rolls aren't clean. I mean
15 very loose sort of realizations that people
16 wanted to do something about it.

17 Q. All right. Well, let's turn to some
18 of those activities and some of the folks
19 involved with those activities.

20 How do you know Gregg Phillips?

21 A. Gregg Phillips and I were introduced
22 in late 2013, early 2014, because he -- at the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 125

1 time I was undergoing some pretty extensive
2 targeting by the government.

3 And he had had his information, some
4 of his donations released to -- kind of in the
5 same vein. And so there was an introduction
6 based on that sort of common, this was happening
7 to a lot of people.

8 From -- so then that is how I know
9 him. I was introduced in that vein of shared,
10 just shared experience.

11 Q. And when did True the Vote start
12 working with OPSEC Group?

13 A. It would have been late, late summer
14 of 2020.

15 Q. And True the Vote had worked with
16 OPSEC Group before the late summer of 2020; is
17 that right?

18 A. No.

19 Q. Had True the Vote worked with Gregg
20 Phillips before the late summer of 2020?

21 A. Yes.

22 Q. And am I right that True the Vote

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 126

1 worked with Gregg Phillips to conduct similar
2 data and voter analysis to the landmark election
3 challenge that True the Vote launched in the 2021
4 runoff; is that correct?

5 A. I'm sorry, could you ask that again?

6 Q. Sure. Did True the -- I will
7 rephrase the question.

8 Did True the Vote work with Gregg
9 Phillips on data analysis and voter analysis
10 before September of -- or the summer of 2020?

11 A. Yes.

12 Q. Can you describe the types of voter
13 analysis and data analysis that True the Vote
14 worked with Gregg Phillips on?

15 A. We reviewed a variety of things
16 including reviewing how the changing laws
17 around -- or changing guidance around the 2020
18 election was impacting voters' engagements, you
19 know, with respect to absentee ballots and so
20 forth.

21 So, that was an example.

22 We have looked at, in the State of

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 127

1 Texas, we looked at the distinctions between the
2 way that counties managed their rolls or reported
3 actions taken during the election via the voter
4 rolls versus what counties were reporting to the
5 secretaries of state, those kinds of data
6 projects.

7 Q. Did True the Vote work with Gregg
8 Phillips on identifying voters who may have
9 changed their addresses or who may have filed
10 notices of a change of address with the Postal
11 Service?

12 A. We did, we worked -- yes, yes. But
13 it -- yes. Yes.

14 Q. When was that?

15 A. That would have been probably
16 starting the second week of December of 2020.

17 Q. Before that, had True the Vote done
18 any of that type of work with Gregg Phillips,
19 meaning identifying voters who had moved or who
20 had filed change of address notices?

21 A. I don't recall.

22 Q. Let me ask it this way.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 128

1 Was December 2020 the first time
2 that True the Vote had attempted to identify
3 voters who had changed their address or had moved
4 out of their current voting jurisdiction?

5 A. It was not the first time True the
6 Vote had done that, no.

7 Q. When had True the Vote done that in
8 the past?

9 A. In Texas, True the Vote in 2020, had
10 reviewed voter records that -- for that type of
11 disqualification potential.

12 And done so recognizing the voter
13 challenge that enabled citizens to ask those
14 questions of their counties, encourage their
15 counties to take a look at the record.

16 Q. When in 2020 did that occur?

17 A. I'm sorry. I didn't -- if I said
18 2020 that was a mistake. I meant 2012. I
19 apologize.

20 Q. When True the Vote conducted that
21 analysis in 2012, what did True the Vote do with
22 that information?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 139

1 you have been told?

2 A. That is my personal knowledge.

3 Q. Have you used Smarty Streets before?

4 A. Yes.

5 Q. And did you use Smarty Streets to
6 refine an NCOA list?

7 A. Yes.

8 Q. And in what context? For the
9 Georgia election law challenges?

10 A. Yes. I should say, I did not
11 personally do that, but that was my understanding
12 as part of what was being used to, broadly to
13 refine the NCOA list itself.

14 Q. And you mentioned other databases
15 like the Social Security database and a few
16 others. Do you know if OPSEC conducted all of
17 those -- all of that analyses internally or
18 whether it outsourced some of that analysis?

19 A. I do not know.

20 Q. How did you first get in contact
21 with Mark Williams?

22 A. Mark Williams is a printer that

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 140

1 OPSEC was introduced to and that was the extent
2 of my introduction.

3 Q. Who introduced OPSEC to Mark
4 Williams?

5 A. I do not know.

6 MR. NKWONTA: Could we pull up
7 Document 15. Could we zoom in a little bit
8 on the document below the redacted portion.

9 (Exhibit 15 marked for
10 identification.)

11 BY MR. NKWONTA:

12 Q. Ms. Engelbrecht, Document 15 or now
13 Exhibit 15 is an e-mail from Mark Williams to
14 Gregg Phillips and you are copied as well. Is
15 that your e-mail address on the cc line?

16 A. Yes.

17 Q. Do you recognize this e-mail?

18 A. I do not.

19 Q. But you don't dispute that this was
20 an e-mail that was sent to you, right?

21 A. No, I don't dispute it. I just
22 don't recall it.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 141

1 Q. And then in the e-mail below, it is
2 actually forwarding an e-mail or adding you to an
3 e-mail chain below.

4 It says -- the e-mail from below is
5 from Gregg Phillips. And it says, "Mark, you
6 were referred to us by the chairman of the GOP.
7 We have a large print job for which we need help.
8 Please let me know if you have ten minutes to
9 discuss."

10 Is that a correct reading of the
11 e-mail from Gregg Phillips?

12 A. Yes.

13 Q. And the reference to Chairman of
14 GOP -- of the GOP, is that the same individual,
15 David Shafer, whom you spoke with before
16 announcing True the Vote's partnership with the
17 GOP in the press release that we discussed
18 earlier?

19 A. David Shafer is the Chairman of the
20 GOP, yes.

21 Q. And that was the same individual
22 that you spoke with before True the Vote

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 142

1 announced its partnership with the GOP?

2 A. Yes.

3 MR. NKWONTA: You can pull that
4 down, Joe.

5 BY MR. NKWONTA:

6 Q. How did you first get in contact
7 with Mr. James Cooper?

8 A. James Cooper I have never met. I
9 have been in e-mail communication with him. And
10 he was a friend or an acquaintance of Mark
11 Williams.

12 Q. And how did you first get in contact
13 with James Cooper?

14 A. I don't recall.

15 Q. What was James Cooper's role in the
16 Georgia elector challenges?

17 And by the Georgia elector
18 challenges I'm referring to the landmark voter
19 challenge program that True the Vote launched?

20 A. Sure. He was interested in
21 participating and was interested in, knew other
22 Georgians who were also interested in

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 143

1 participating. That was my connection.

2 Q. When you say interested in
3 participating, what do you mean by that?

4 A. Interested in participating in the
5 cleaning of their rolls, locally -- or not
6 cleaning, but the elector challenges, to be more
7 to the point.

8 And was interested in what could be
9 accomplished in that regard.

10 Q. And he expressed that interest to
11 you?

12 A. No. He expressed that interest to
13 Mark Williams which led to that introduction to
14 OPSEC.

15 Q. And what did you discuss with
16 Mr. Cooper regarding his participation in the
17 elector challenges?

18 A. I do not specifically recall.

19 Q. Did you ask him to be a challenger?

20 A. I don't specifically recall.

21 Q. How about Ron Johnson, when did you
22 first get connected with Ron Johnson?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 144

1 A. My headphones are going dead so I
2 may have to -- give me a second if I have to
3 switch out.

4 Same situation, he was an
5 acquaintance of Mark Williams. And that was the
6 extent of my introduction. He was interested in
7 participating in the program to look at their
8 local voter rolls.

9 Q. What was Ron Johnson's role in the
10 challenges?

11 A. He was a challenger. He was an
12 elector challenger. And then he, he was very
13 familiar with other people in the state and
14 had -- there was e-mail back and forth between
15 Ron and other -- others.

16 Q. What was James Cooper's role in the
17 challenges?

18 A. I do not recall. I do not recall if
19 he was a challenger.

20 Q. Do you recall if he had any other
21 role?

22 A. He was sort of proximate to the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 145

1 initiative, and as I mentioned, knew other people
2 who had expressed interest in being elector
3 challengers in their county. I just don't
4 remember if he himself participated.

5 Q. How did you first get in contact
6 with Derek Somerville?

7 A. Through OPSEC, through Gregg who had
8 been referred to him. And then Gregg suggested
9 that I reach out to Derek.

10 Q. Who referred Gregg to
11 Mr. Somerville?

12 A. I am not certain; I don't recall.

13 Q. When was your first communication
14 with Mr. Somerville?

15 A. I don't recall that either. Around
16 that time, but I don't recall the date.

17 Q. Was there a phone call or was there
18 an e-mail or a text?

19 A. It was a phone call and then we --
20 yes, it was a phone call and then we had dinner.

21 Q. And what did you discuss with
22 Mr. Somerville at that dinner?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 146

1 A. They were also -- he and another
2 individual were also working through elector
3 challenges and the thought was not to be at cross
4 purposes. And, you know, that is really the
5 extent of it.

6 Q. Was that other individual Mark
7 Davis?

8 A. Yes.

9 Q. In what way were the challenges
10 potentially at cross purposes?

11 A. They were doing a much smaller
12 challenge scope that included different -- a
13 different approach to counties that I -- you
14 know, a different approach to counties and a
15 different approach to the registry as a whole,
16 looking at only active voters where we looked at
17 both active and inactive voters.

18 Q. And in what ways was their challenge
19 effort at cross purposes with True the Vote?

20 A. I think only inasmuch as the fact
21 that these challenges were going to be submitted
22 around the same time and certainly for the same

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 147

1 concerns. And to not cause any undue, you know,
2 consternation or just general confusion, because
3 they had already been at work at, you know, at
4 their project.

5 MR. NKWONTA: Could we pause for a
6 second maybe to announce a counsel who just
7 joined.

8 MS. SIEBERT: Good afternoon. Yeah,
9 my name is Melena Siebert. I will be
10 representing Ms. Engelbrecht and True the
11 Vote here.

12 MR. NKWONTA: Hi, Melena.

13 MS. SIEBERT: Hello.

14 BY MR. NKWONTA:

15 Q. I will go back to my question,
16 Ms. Engelbrecht. Was there any potential for
17 confusion between the two challenges?

18 Was that the concern, or were you
19 concerned with confusion among election
20 officials?

21 A. We were just being observant that
22 what they were doing, we could not, you know,

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 148

1 attest to or confirm whether or not their
2 methodology was, you know, based upon, for
3 example, the active versus inactive, those kinds
4 of things, because certainly with it all
5 happening so proximate to one another, we were
6 just aware, just broadly aware.

7 Q. Did you all discuss the differences
8 in methodology?

9 A. To a limited degree. I'm not sure
10 exactly how their process worked.

11 But those examples that I gave, I
12 was aware of.

13 Q. Other than the distinction between
14 inactive and active voters, what other, what
15 other differences in methodology created the
16 different sizes and scope of the challenges that
17 True the Vote submitted versus --

18 A. I'm not sure other than to say that
19 we reviewed the entire state. And they, to the
20 best of my understanding, did not review the
21 entire state.

22 I don't have any more information

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 149

1 about why.

2 Q. Did you have any concerns about
3 Mr. Somerville's and Mr. Davis's methodology?

4 A. My observation was that for our
5 purposes the way to be most exacting was to not
6 limit anything. Any record that was available
7 for review should be reviewed equally.

8 And so, to the extent that any other
9 group did not do that, you know, they -- that was
10 just not our choice. We wanted to look at
11 everything equally.

12 Q. In other words you wanted to include
13 as many people as possible within your challenge?

14 A. We wanted to review as many records,
15 recognizing that the state hadn't cleaned their
16 rolls in two years. And recognizing all of the
17 new rules around the election process that would
18 have impact. We wanted to do as much as we could
19 to afford an even review.

20 Q. And affording that even
21 comprehensive review, that meant including as
22 many records as possible within your challenge?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 150

1 A. Correct.

2 Q. Did Mr. Somerville or Mr. Davis
3 express any concerns about True the Vote's
4 methodology?

5 A. They -- as I recall, Mr. Somerville,
6 did want to know the methodology. But beyond
7 that I don't, I don't believe so.

8 Q. Other than Mr. Somerville and
9 Mr. Davis, was anyone else at that dinner?

10 A. It was just Mr. Somerville and
11 myself and Gregg Phillips.

12 Q. And aside from the methodologies,
13 what else did you discuss at the dinner relating
14 to the challenges?

15 A. I don't recall anything else.

16 Q. What role did Mr. Somerville and
17 Mr. Davis take going forward in the challenges?

18 A. As the challenges began to be
19 submitted, we became aware of some of the
20 volunteers who had, who had indicated they wanted
21 to be a part of challenging the records with the
22 True the Vote project were also working with the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 151

1 other projects.

2 So, we were aware of that. And that
3 caused some need to try to understand how to
4 avoid that.

5 And then beyond that, when the
6 animus around the project became more extreme,
7 and our challengers were being threatened and
8 more confused about what would have seemed to
9 have been a very simple process that took a very
10 different turn, we then were in communication
11 with Derek and Mark as a broader group of, you
12 know, people that were just generally involved in
13 elector challenges and trying to understand what
14 was happening.

15 Q. What do you mean by a simple process
16 that --

17 MR. BOPP: Excuse me, excuse me.

18 I'm sorry, I don't mean to interrupt, but I
19 am bowing out. Melena will take over here
20 and defend the deposition, so good luck and
21 thank you. And we will -- I will talk to
22 you, Melena after everything is done. All

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 152

1 right?

2 MS. SIEBERT: Sounds good.

3 MR. BOPP: I am logging off. Bye
4 Cathy.

5 THE WITNESS: All right.

6 BY MR. NKWONTA:

7 Q. Ms. Engelbrecht, could you explain
8 what you meant by what should have been a simple
9 process that, I forget your exact words, but went
10 off the rails or something along those lines?

11 A. Sure, sure. Would you like me to
12 describe the process as I understood it should
13 have been conducted?

14 Q. Yes, please.

15 A. Okay. So, the way that the standard
16 reads and what we were expecting was -- and this
17 was informed by a meeting we had with the
18 Secretary of State, which I'm sure we will get
19 to.

20 But the elector challenges should
21 have been taken in by the -- or accepted by the
22 counties. They should have been reviewed for the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 156

1 There is reason for concern that
2 there would be no way to know whether or not an
3 absentee ballot was sent to an inaccurate address
4 because the basic maintenance requirement had not
5 been fulfilled by the state.

6 THE WITNESS: Give me one second.
7 Hang on guys.

8 MR. NKWONTA: Can we just take a
9 minute and go off the record while
10 Ms. Engelbrecht changes her headphones.

11 THE VIDEOGRAPHER: We are now going
12 off the video record. The time is 12:34 p.m.

13 (Pecess taken -- 12:34 p.m.)

14 (After recess -- 12:35 p.m.)

15 THE VIDEOGRAPHER: We are now going
16 back on the video record. The time is
17 12:35 p.m.

18 BY MR. NKWONTA:

19 Q. Ms. Engelbrecht, you took issue with
20 my phrasing according to plan so let me rephrase
21 that.

22 If the challenges had been addressed

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 157

1 the way you had expected them to, or the way you
2 envisioned they would have been, all 364,000
3 challenged voters would have been required to
4 provide evidence of their residence if they
5 attempted to vote in Georgia. Is that correct?

6 A. They would have been expected to
7 show an identification that shows their residence
8 which is also Georgia law, so they wouldn't have
9 had to do anything other than what they would
10 have normally had to have done in casting a
11 ballot.

12 Q. Well, you just indicated that would
13 not have been required for absentee voters.
14 Absentee voters would not have been required to
15 present identification, right?

16 So, and, and that may not have been
17 required for in-person voters, if their
18 identification was from, you know, from somewhere
19 else.

20 So, let me pose my question again.
21 Not having addressed those sort of underlying
22 assumptions, let me pose my question again.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 158

1 If the challenges had gone according
2 to the way you had envisioned them being
3 addressed, it would have resulted in 364,000-plus
4 challenged voters being required to present
5 evidence of residency before voting in the
6 Georgia runoff elections; is that correct?

7 A. Well, for those voters that were
8 voting in-person, they would have, by law, been
9 required to show identification that supports
10 their residency. That is -- that would have been
11 true in any case, whether or not a challenge
12 would have been issued.

13 You are right, with respect to
14 absentee ballots. This was a change in standard
15 where the absentee ballot recipient did not have
16 to show any form of identification.

17 And so, there, what -- that, in that
18 instance, had somebody been challenged. But it
19 is important to remember that the only records
20 that were challenged were those records that the
21 elector had also notified the United States
22 Postal Service that they had permanently changed

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 159

1 their residence.

2 So, this was not without, you know,
3 causation. But yes, then in the case of absentee
4 ballots, that would have been given the curing
5 process -- or resolved during the curing process.

6 Q. And what would -- we'll return to
7 the specific operation of the curing process and
8 of the challenge process. I do want to get back
9 to the meeting between you and Mr. Davis and
10 Mr. Somerville.

11 MR. NKWONTA: Joe, could we pull up
12 Exhibit 19. And can we enlarge that a little
13 bit as well. Great.

14 (Exhibit 19 marked for
15 identification.)

16 BY MR. NKWONTA:

17 Q. Do you recognize Exhibit 19,
18 Ms. Engelbrecht?

19 A. Yes.

20 Q. What is it?

21 A. That was a notice that was sent from
22 True the Vote to all the elector challengers who

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 160

1 we were working with.

2 And this, as I mentioned earlier,
3 was part of the discussions that we had with
4 Derek, because of the confusion and concern that
5 was being experienced by the elector challengers
6 who were a part of our project.

7 And so this was an invitation to
8 participate in a Zoom call where we could talk
9 about what people were experiencing.

10 Q. And what did you all discuss during
11 those Zoom calls?

12 A. The process that was to have been
13 followed. And the people shared their concerns
14 of threats that they were receiving. And we gave
15 direction as to where to submit those to so that
16 we would have them on record.

17 Q. And where did you ask them to submit
18 the threats to?

19 A. I don't recall. Somewhere, within
20 True the Vote. I don't recall the specific
21 e-mail address or whatever.

22 Q. And do you still have a record of

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 161

1 those threats?

2 A. Yes.

3 MR. NKWONTA: Could we pull that
4 down and pull up Exhibit 30.

5 (Exhibit 30 marked for
6 identification.)

7 MR. NKWONTA: And then before I get
8 into this, I will note that I have referred
9 to these documents as either document number
10 or exhibit number interchangeably.

11 We will just say either Document
12 Number 30 or Exhibit Number 30. I'm
13 referring to the exhibits.

14 BY MR. NKWONTA:

15 Q. So, Exhibit Number 30 is an e-mail
16 from you Ms. Engelbrecht to Brian Robinson. And
17 beneath it an e-mail to Senator Williams; is that
18 correct?

19 A. Yes.

20 Q. Do you recognize that e-mail?

21 A. Yes.

22 Q. And what was the date of that

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 164

1 the following week I reached out to the
2 Democratic Party.

3 So, it is accurate to say that the
4 introduction to the Georgia Republican Party
5 came, preceded my outreach to the Democratic
6 Party, but we did not initiate that outreach to
7 the Republican Party, sorry.

8 MR. NKWONTA: Could we pull up
9 Exhibit 81, please.

10 (Exhibit 81 marked for
11 identification.)

12 BY MR. NKWONTA:

13 Q. Ms. Engelbrecht, Exhibit 81 is the
14 response that True the Vote filed to Plaintiffs'
15 First Interrogatories.

16 MR. NKWONTA: And, Joe, can you go
17 to Page 25. Can you scroll up a little bit
18 to catch the Interrogatory No. 8? Scroll up
19 a little bit to the end of Page 24. Okay.

20 BY MR. NKWONTA:

21 Q. Ms. Engelbrecht, Interrogatory No. 8
22 says, "Describe your self-proclaimed partnership

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 165

1 with the Georgia Republican Party to assist with
2 the Senate runoff election process as announced
3 in your December 14, 2020 press release,
4 including but not limited to the names and
5 contact information of each of the entities and
6 individuals with whom True the Vote has been and
7 intends to work with in this partnership and the
8 approximate date when the partnership began and
9 the purpose and/or goals of the partnership."

10 Is that a correct reading of
11 Interrogatory No. 8?

12 THE WITNESS: Can we advance to the
13 Page 25?

14 Yes.

15 BY MR. NKWONTA:

16 Q. And the response, the first sentence
17 of the response says, "The partnership with the
18 Georgia Republican Party was announced on
19 December 14, 2020, shortly after a meeting with
20 David Shafer, Executive Director Stewart Bragg,
21 and Florida Elections Day Operations Director
22 Alyssa Gonzalez Specht."

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 166

1 Is that a correct reading of the
2 first sentence of the response?

3 A. Yes.

4 Q. Is it your testimony that that is
5 not outreach to the GOP?

6 A. We did not -- we were introduced. I
7 was introduced. I did not initiate that
8 introduction.

9 Q. But at some point you would have to
10 have reached out in order to schedule a meeting
11 and conduct a meeting, correct?

12 A. I mean, yes, we could say it that
13 way, yes.

14 Q. So, it is fair to say that True the
15 Vote had some outreach with the GOP before
16 reaching out to any Democratic Party official or
17 legislator and announced the partnership with the
18 GOP before reaching out to any Democratic
19 official or legislator?

20 A. We -- I would say that the outreach
21 consisting of acknowledgment that we would meet
22 or be at a place where these folks were. And

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 167

1 inasmuch as partnership meant them, to make them
2 aware of the, of the election integrity
3 initiatives that were already posted on line,
4 then yes.

5 MR. NKWONTA: You can pull down
6 Exhibit 81.

7 BY MR. NKWONTA:

8 Q. I would like to talk about True the
9 Vote's coordination with the Secretary of State's
10 office. Did True the Vote reach out to the
11 Secretary of State's office before launching the
12 challenge effort?

13 A. Yes.

14 Q. Can you walk me through how that
15 outreach occurred?

16 A. We were working with a
17 communications consultant who knew the staff at
18 the Secretary of State's office.

19 And so, through him I asked to set
20 up a meeting. And we attended that meeting -- or
21 I attended take meeting.

22 Q. Who was the communications

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 168

1 consultant?

2 A. Brian Robinson.

3 Q. And when you attended that meeting,
4 who was present at the meeting?

5 A. Jordan Fuchs, Ryan Germany, Brian
6 Robinson, for a brief period of time Secretary
7 Raffensperger, and myself. And that is all I
8 recall.

9 Q. When did this meeting occur?

10 A. I don't recall specifically. It was
11 in, you know, mid-December, somewhere in there.

12 Q. How long did it last?

13 A. I don't recall that, either.

14 Q. What did you all discuss at this
15 meeting?

16 A. I went with the express purpose of
17 describing the elector challenge and the wanting
18 to make sure that we understood, as best as we
19 could, what that process would look like at the
20 county level for the electors who wanted to
21 participate in their -- with their counties to
22 avoid any friction or inappropriate process.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 169

1 And, I expressed that I was
2 concerned about the size of the number, how large
3 it was. And I expressed that, you know, even
4 though we had done what we could to refine the
5 list so to be, you know, as exact as possible,
6 but the number was still large.

7 Secretary Raffensperger quickly
8 commented that he thought the number was about
9 right because they hadn't been able to clean the
10 list and so people move. And he did some fast
11 math in his head, yeah, XYZ, it should be about
12 that number.

13 And I remember the feeling of
14 saying, you know, this is a -- the only way we
15 can see to do this is to run the whole list, and
16 he agreed.

17 And again it is a process that
18 electors can participate in, and it is afforded
19 in state law. And that was kind of it. And then
20 we went through the specific steps of what would
21 happen.

22 Another thing I recall crisply is my

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 180

1 requires standardization. That is the reference
2 to ETL.

3 And then you know they indicate here
4 analyses, so that would come back to us over time
5 in the form of analysis.

6 And litigation support, which was
7 another, you know, a manner, a matter of their
8 involvement.

9 Q. When did this work start?

10 A. I am not sure. I don't know.

11 Q. Did this work start before
12 December 7th?

13 A. I don't recall.

14 Q. So, it is possible this work started
15 after December 7th?

16 A. No, because litigation support would
17 have occurred in November.

18 Q. What does that term, litigation
19 support, mean? Litigation support for what
20 exactly?

21 A. We had served in support of OPSEC's
22 analyses for lawsuits that were filed post the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 181

1 general election that were heavily dependent on
2 OPSEC's ability to review data that should have
3 been made available by the state.

4 And, so that was their -- that was
5 their role and we were supporting that effort.

6 Q. Are you referring to the lawsuits
7 filed in battle ground states like Georgia,
8 Michigan, Pennsylvania, Wisconsin?

9 A. Yes.

10 Q. And the lawsuits filed shortly after
11 the November general election?

12 A. Yes.

13 Q. So, part of this invoice includes
14 work that was done in connection with lawsuits
15 that were filed shortly after the November
16 presidential election?

17 A. Yes.

18 Q. Can you identify other line items
19 that relate to the November general election,
20 aside from litigation support?

21 A. Well, all of the data acquisition
22 could conceivably have been used for the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 182

1 litigation support.

2 Q. So, this invoice and all of the
3 analysis is not specific to the Georgia runoff
4 election?

5 A. No.

6 Q. It is all combined; it is all one
7 invoice?

8 A. Yeah, just a listing of all manner
9 of things.

10 Q. But in terms of the work OPSEC was
11 doing for True the Vote, was it sort of all one
12 combined project?

13 In other words, the analyses for the
14 general election or the November presidential
15 election and the analyses for the runoff, was it
16 all one combined project?

17 A. No, the analyses for the lawsuits
18 that were filed post election would have been in
19 support of those lawsuits specifically.

20 And True the Vote was, you know,
21 the, financially supporting the effort, but it
22 was being used in lawsuits or should have been

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 183

1 used in lawsuits.

2 Q. Right. I'm saying there is no
3 differentiation here between analysis for those
4 lawsuits and the analysis for the Georgia elector
5 challenges suit?

6 So I'm asking whether there was all
7 one project, at least as far as OPSEC was
8 concerned?

9 A. Yeah, I don't, I don't recall.

10 Q. So, I understand you may not recall
11 exactly how it was set up.

12 But, the invoice does reflect --
13 they are combined on the invoices; is that
14 correct?

15 A. Yes. I mean there is an element of
16 combination here, yes.

17 Q. What does Eyes on Georgia mean?

18 A. That was the term that OPSEC had,
19 and I guess they in their system set that up for
20 part of the description.

21 Q. What were they describing?

22 A. At that point it would have -- I

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 184

1 mean their terminology for looking at what could
2 be, what could be addressed in Georgia or what
3 could be -- let me say that a little differently.

4 What could be done to address the
5 concerns of Georgians relative to citizen
6 engagement. What could be done. And that is
7 where you see where it says Georgia Code
8 Analysis. That is kind of the beginning of
9 figuring out, you know, what could we do for
10 citizens.

11 Q. What other types of analyses did
12 OPSEC conduct aside from generating a list of
13 challenged voters in Georgia?

14 A. I know that they looked at, looked
15 post the -- sorry guys, post -- my apologies,
16 give me a second. A rogue pet. Hang on.

17 They looked at other data
18 elements -- I'm sorry. Can you repeat the
19 question?

20 Q. Sure. What other types of analyses
21 did OPSEC conduct in Georgia aside from preparing
22 challenge lists for the runoff election?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 185

1 A. They looked at other data elements
2 that are tracked in the Georgia file. When it
3 was mentioned that there was bias, we wanted to
4 see what the records of the state would show, so
5 they did that analysis.

6 Q. What other analysis did they
7 conduct?

8 A. Relative to all of this, I don't
9 recall.

10 Q. Is there anyone from True the Vote
11 who would recall? Are there any -- sorry, let
12 me -- you were -- I think you were shaking your
13 head but I will let you answer.

14 A. Sorry, no. I'm sorry, no. I'm --
15 that is my thinking nod. No, I don't think so.
16 No.

17 Q. Are there any documents that you
18 could review that would help refresh your
19 recollection of any other analyses that you
20 conducted?

21 A. No. I don't recall. I don't think
22 so.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 206

1 challenges was to bring to the -- to help
2 electors bring to the attention of their local
3 counties, records that appeared not to comply
4 with eligibility standards.

5 And it is within state law for them
6 to -- for citizens to participate in that way to
7 ask that question. And that is the extent of the
8 elector challenge.

9 Q. And if the challenges, as True the
10 Vote claims, does not result in a person be
11 removed, then why go through the effort of
12 scrubbing military addresses?

13 A. As I have said, it was just a choice
14 that we made to not -- I mean, there are, you
15 know, deployments. There are different ways in
16 which addresses are identified.

17 And because there is a filter that
18 exists within the expanded NCOA, we just chose to
19 remove them.

20 Q. You chose to remove them because
21 there are a lot of valid reasons why someone in
22 the military might file a notice of change of

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 207

1 address even while maintaining permanent
2 residence in Georgia; is that right?

3 A. No. To be clear, NCOA is in the
4 database of, that is NCOA is the result of the
5 resident notifying -- ostensibly is the result of
6 the resident notifying the United States Postal
7 Service that they have permanently moved their
8 residence.

9 It is also worth noting that inside
10 of the expanded NCOA you can, you can as a
11 resident or as a reviewer of the data, you can
12 select a temporary move, right, so who moved only
13 temporarily. And there are classifications
14 around all of that.

15 So, we only looked at permanence.
16 Nonetheless, I just, our recognition that
17 military, because of the nature of the military,
18 can fall outside of some of the stricter
19 standards in postal and in the delivery services,
20 it was really just a choice to not take that --
21 not include them.

22 Q. So, according to True the Vote's

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 208

1 claims then, the challenge list would have only
2 included members of the military who indicated or
3 provided a notice of permanent address changes;
4 is that right?

5 A. That would have been true for the
6 entire list. That we would have only been given
7 notice based upon our aggregation of the data
8 from USPS as they provide it.

9 They are attestation through that
10 data is that the selection had been made by the
11 resident. That the move -- the residential move
12 to a new address was permanent.

13 Q. And that would be true for -- that
14 would be true for members of the military as
15 well, right?

16 A. For everyone. According to what we
17 were provided, uh-huh.

18 Q. So, what I am -- the question I am
19 trying to get at is what prompted the exception
20 for members of the military who had already
21 indicated that their move was permanent?

22 A. As I said, it is just a -- I think

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 209

1 being aware of the sensitivities around the
2 military, because they do move so often. And as
3 I have mentioned, because of the number of
4 elector challenges, because the rolls had not
5 been cleaned in two years, the number was already
6 so large that that seemed like -- and because the
7 filters were available, that seemed like an
8 appropriate action to take.

9 Q. Did -- what is the difference
10 between a temporary move and a permanent move
11 when it comes to reporting through the NCOA?

12 A. Um --

13 Q. Let me rephrase it this way. I
14 think I can make my question a little bit
15 clearer.

16 A. Sure.

17 Q. Am I right that any move that lasts
18 longer than a year is considered a temporary --
19 is considered a permanent move?

20 A. I'm not certain what time lines are
21 put on the -- I'm not sure what time lines govern
22 the actual input when a resident goes to USPS or

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 210

1 through some other forum, puts the date in. I
2 don't know if the year is the governance or not.

3 I think -- I should leave it at
4 that. I'm not certain. But there are
5 distinctions between permanent and temporary.

6 We chose only to look at permanent.
7 And we chose only to look at permanent with the
8 date that was at minimum 90 days -- how do I say,
9 90 days pre the generals. So that it would have
10 been a substantial period of time, so that when
11 we rescreened everything, if there was a change,
12 we would have caught that.

13 I hope that makes sense. That is
14 confusing.

15 Q. If an individual wanted to change
16 their address for 18 months, would they be able
17 to do that by filing a temporary address change,
18 or would they be forced to file a permanent
19 address change and then file another address
20 change when they return home?

21 A. I know that you can submit the dates
22 that you want the change to be effective for.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 211

1 I'm not certain what other guidance USPS may
2 follow.

3 Q. As you sit here today, you can't
4 tell me what definition of a permanent move is
5 according to the USPS guidelines or according to
6 the reporting on the NCOA database?

7 A. I can't affirm exactly what their
8 statutes or their guidelines say, no.

9 Q. Did you scrub the challenge list for
10 college students as well who tend to move often?

11 A. I, I, it was discussed. I'm not
12 sure whether or not that was done in whole or in
13 part. I'm not sure.

14 Q. Has True the Vote participated in
15 challenges involving students in the past in
16 Georgia?

17 A. Not that I recall.

18 MR. NKWONTA: Could we pull up
19 Exhibit 46, please. I would like to show you
20 Exhibit 46 to see if you recall this.

21 (Exhibit 46 marked for
22 identification.)

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 220

1 BY MR. NKWONTA:

2 Q. Ms. Engelbrecht, do you recognize
3 that e-mail?

4 A. Can you enlarge --

5 Q. E-mail in Exhibit 9 from you to
6 Gregg Phillips -- or from you to Mark Williams,
7 copying Gregg Phillips.

8 THE WITNESS: An you enlarge just a
9 bit.

10 THE VIDEOGRAPHER: I apologize,
11 Catherine. It is stuck. Bear with me for
12 one second. Sorry.

13 MR. NKWONTA: Keep scrolling. Keep
14 scrolling, there we go.

15 BY MR. NKWONTA:

16 Q. Do you recognize this e-mail,
17 Ms. Engelbrecht?

18 A. It is my e-mail.

19 Q. And this was addressed to Mark
20 Williams?

21 A. Uh-huh, yes.

22 Q. And Mark Williams is the printer,

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 221

1 right? Or he owns the print shop, right?

2 A. The print, yes.

3 Q. In the e-mail in the third
4 paragraph, or the third line, fourth line, it
5 says, "Also please remove addresses that would
6 suggest that they are military bases." And lists
7 some potential military bases; is that correct?

8 A. Yes.

9 Q. So, as you were sending the
10 challenge list to the printer, you were also
11 instructing him to remove the addresses that
12 would suggest that they are military bases; is
13 that right?

14 A. Yes.

15 Q. That would suggest that they were
16 not scrubbed; is that right? At least not in the
17 analysis?

18 A. No, that would have suggested that,
19 if they saw anything that slipped through, just
20 to try to notate it and remove it.

21 Q. In other words, was it your view
22 that there may have been some military addresses

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 222

1 or addresses on military bases that still
2 remained on the list when the list went to
3 Mr. Williams?

4 A. It would -- conceivably, yes.

5 MR. NKWONTA: Could we pull up
6 Exhibit 13 now.

7 BY MR. NKWONTA:

8 Q. Exhibit 13 is Mark's response. And
9 it says, "We will replace them on our files as we
10 go forward. It's not going to matter enough on
11 the printed ones to back up and reprint. Just
12 remove them from the electronic copy as you send
13 them."

14 Do you know whether those military
15 addresses were ever removed?

16 A. As I stated, we did all of the
17 filtering out on our side and gave Mark notice
18 that if they were to see any, remove them. That
19 is really all I can attest to.

20 This also has to do with, you know,
21 whether or not anything even needed to be
22 printed. Whether or not Mark even needed to be

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 223

1 involved because we have been given indication
2 from the Secretary of State that they didn't need
3 printed copies.

4 So, there is a lot of there is a lot
5 that is inherent within this trying to understand
6 what the process was going to be going forward.

7 Q. Are you able to testify today that
8 your challenge list did not include voters who
9 lived on military installations?

10 A. No. I can testify that we did -- we
11 put the data through all of the filters and
12 followed the process that I have described.

13 But, data is data. It is possible.

14 MR. NKWONTA: We can pull down

15 Exhibit 9 -- or Exhibit 13.

16 BY MR. NKWONTA:

17 Q. Ms. Engelbrecht, how did you go
18 about recruiting challengers to submit these
19 challenges in various counties in Georgia?

20 A. Some had already -- some Georgians
21 had already come to us which was really the
22 impetus behind the idea that there might be

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 224

1 something that we could help them with.

2 And Georgia's elector challenge laws
3 are unique in that it did afford an opportunity
4 for citizens to engage in that way.

5 So, there were some that had come to
6 us initially.

7 And our thought was that others that
8 would be interested would either come to us or be
9 referred if that was something that was of
10 interest.

11 Q. Were some of these voters referred
12 by Republican Party officials?

13 A. They were referred by, that group of
14 James Cooper and Mark Williams as people that
15 they knew for different counties, but we never
16 did any deeper dives into their affiliations.

17 Q. Were any of the voters who
18 approached you, were any of them referred by the
19 Republican Party officials?

20 A. I don't recall. I don't think so,
21 but I don't recall specifically.

22 Q. When the voters approached you or

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 229

1 Williams 374, at the bottom of Page 1 of
2 Exhibit 36.

3 MR. NKWONTA: Can you scroll down so
4 we can get the full e-mail. The other way.
5 Great.

6 THE WITNESS: I'm sorry, could you
7 ask your question again?

8 BY MR. NKWONTA:

9 Q. Well, I wanted you to take a minute
10 to review the e-mail.

11 A. Oh, sure. Okay.

12 Q. And this is a communication that
13 went to potential challengers, correct?

14 A. I can't, I can't confirm that -- let
15 me, let me state that differently.

16 I guess if we looked at the address
17 and if that was one of the challengers, but there
18 are some things in this e-mail that give me pause
19 sufficient to not be able to confirm that this
20 came from Amy yet. I'm not sure.

21 Q. Okay. Well, let's scroll down to
22 Page 4 of this exhibit. And is part of that

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 230

1 because of the redactions in the e-mail?

2 A. No.

3 THE WITNESS: Would you continue to
4 scroll? This is just a different take on it.

5 MR. NKWONTA: Yes. If you could
6 stop there.

7 BY MR. NKWONTA:

8 Q. It shows on December 17th, 2020, Amy
9 Holsworth wrote, and it shows Amy's e-mail
10 address there.

11 And this document was produced, by
12 the way, by one of the defendants.

13 A. Yeah, I mean it appears in this, in
14 this exhibit as though it came from Amy's e-mail
15 address. There are a number of things that stand
16 out to me as not being normal.

17 But, it does appear, according to
18 this, that it came from Amy's e-mail address.

19 MR. NKWONTA: And can you scroll a
20 little bit so we can see the full e-mail? I
21 think there are a few more lines down.
22 Perfect.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 231

1 BY MR. NKWONTA:

2 Q. Do you want to take a minute just to
3 read that e-mail?

4 A. Okay.

5 Q. How many challengers did the True
6 the Vote reach out to?

7 How many potential challengers did
8 True the Vote reach out to in order to seek
9 assistance in submitting these challenges?

10 A. I don't know.

11 Q. Did True the Vote try to recruit
12 challengers in all Georgia counties?

13 A. We were open to that for sure and
14 prepared the analysis to support that.

15 But as far as the individuals and
16 the voters who wanted to participate that was --
17 you know, as much as people coming to us as it
18 was people being referred that were also coming
19 to us, so --

20 Q. So this e-mail that went to
21 potential challengers stated that True the Vote
22 has identified over 500,000 people on the Georgia

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 232

1 voter list that shouldn't be there.

2 Is that correct that True the Vote
3 identified over 500,000 people in the Georgia
4 voter lists?

5 A. They are in -- yeah, there are a
6 number of things in this e-mail that are not
7 correct which is what is giving me pause, so --

8 Q. Okay. So, we will start first with
9 that 500,000 figure. Is that correct?

10 A. Sure. Um, that is not the number
11 that we had for our challenges, no.

12 Q. And states that the 500,000 people
13 should not be on the challenge list.

14 Is it True the Vote's position that
15 all individuals on those challenges should not be
16 registered in Georgia or should not be on the
17 voter list?

18 A. It was and is our position that
19 according to the analysis that we provided, or
20 that we supported, records corresponded with
21 individual decisions to permanently change their
22 residence.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 233

1 And therefore it would have made
2 their record ineligible and appropriate in the
3 scope of an elector challenge.

4 That sentence is -- doesn't indicate
5 those nuances that I think are critical.

6 Q. At that point had True the Vote
7 concluded that these voters should not be on the
8 voter rolls or that they were not legally
9 registered?

10 A. Well, again on the basis of our
11 analysis, the, all that is and should have been
12 done was the recognition of the information that
13 was available and the provision of that to the
14 counties.

15 This is, you know -- this e-mail is,
16 doesn't clearly make those distinctions known or
17 understood.

18 Q. The e-mail also, I think the fourth
19 paragraph down asked the voter to take a photo of
20 and scan your signature and e-mail it with their
21 voter registration information.

22 But it doesn't offer the voter an

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 234

1 opportunity to review the list, does it?

2 A. This e-mail does not offer that, no.

3 Q. At the third paragraph from the
4 bottom, in the last sentence of that paragraph,
5 it says, "True the Vote has assured me that the
6 list that they are challenging is 99.9 percent
7 likely to be incorrectly registered."

8 Do you have any way of knowing
9 whether 99.9 percent of your challenge list is
10 incorrectly registered?

11 A. No. And my data background would
12 never make that kind of statement. And the
13 statement itself is odd in the way the sentence
14 is written, "True the Vote has assured me that
15 the list."

16 It seems odd that Amy would have
17 written that because Amy was part of the True the
18 Vote team. That is a distinction that you
19 probably didn't -- well, you didn't ask for, no.

20 But specific to your inquiry about
21 the 99.9, this data is -- data is data. You
22 shouldn't make assertions like that.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 235

1 Q. And regardless of who wrote it, you
2 don't dispute that Amy sent it, right?

3 A. I, according to what I'm looking at
4 on the screen, the markings are there to support
5 it.

6 It just does not --

7 Q. If Amy testified that she sent it,
8 would you have any reason to --

9 A. No, if Amy testified that she sent
10 it, if she said she sent it, then she sent it.

11 Q. And if this document was produced by
12 defendants, would you have any reason to doubt
13 that this was sent by defendants?

14 A. I mean if they said they did this,
15 then they did this.

16 MR. NKWONTA: Can we go to Page 16
17 of Exhibit 36. And can you scroll a little
18 bit so we get that full e-mail below from
19 James Cooper.

20 THE VIDEOGRAPHER: Sorry, guys. It
21 is just -- stand by.

22 MR. NKWONTA: Okay.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 236

1 THE VIDEOGRAPHER: And then you said

2 Page 16 of 36?

3 MR. NKWONTA: Yes, Page 16.

4 THE VIDEOGRAPHER: Roger that.

5 BY MR. NKWONTA:

6 Q. And then you see that the e-mail
7 from James Cooper is also on -- in Exhibit 36,
8 and also includes similar language?

9 A. Yes.

10 Q. And if you look at the second
11 paragraph, second to the last sentence, there is
12 an additional sentence there that says, "If this
13 very type action" -- I think there is a typo. I
14 will start again.

15 "If this very type action had been
16 taken back in October, it is very likely Trump
17 would have won Georgia." Do you see that there?

18 A. I do.

19 Q. At the very top, do you see the
20 response from the voter to James Cooper that
21 says, "True the Vote has my permission to use my
22 signature to challenge the illegal votes in Cobb

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 237

1 County."

2 Is that right?

3 A. That is what it says, yes.

4 Q. You mentioned that the challenges
5 were not technically meant to remove voters from
6 the voter rolls.

7 But isn't it true that some voters
8 got that impression from the communications that
9 were issued to these voters?

10 MS. SIEBERT: Objection. You are
11 asking her to testify about other people's
12 state of mind.

13 Catherine, go ahead.

14 THE WITNESS: I mean, this is what
15 James Cooper wrote. It is really all I can
16 say. It is what somebody else wrote.

17 MR. NKWONTA: Could we pull up
18 Exhibit 39, please.

19 (Exhibit 39 marked for
20 identification.)

21 BY MR. NKWONTA:

22 Q. Exhibit 39 is a little bit clearer.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 238

1 And you will see at the top of Exhibit 39, James
2 Cooper forwards the e-mail chain below to a
3 number of individuals, including yourself.

4 And you can see that the body of the
5 e-mail below that he forwarded is similar; is
6 that right?

7 A. Yes.

8 Q. And in response to James Cooper's
9 e-mail, the perspective challenger responds,
10 "James, Here is my," it is redacted. I'm
11 assuming it is a registration number.

12 "I give True the Vote permission to
13 use my name and signature in the pursuit of
14 purging the rolls of the deceased, nonexistent
15 and nonresidents of my county."

16 Is that a correct reading of the
17 proposed challenger's response?

18 THE WITNESS: Can you scroll up a
19 little bit, Joe? Or down. Sorry. Yes.

20 So, that is what you just read and
21 that is what the document says, yes.

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 239

1 Q. So, you would agree that that
2 proposed challenger was of the belief that he or
3 she was purging the voter rolls?

4 A. I -- that is what that statement
5 indicates.

6 MR. NKWONTA: Can we pull that down
7 and pull up Exhibit 38.

8 (Exhibit 38 marked for
9 identification.)

10 BY MR. NKWONTA:

11 Q. Exhibit 38 is an e-mail that was
12 also forwarded to you, Ms. Engelbrecht?

13 Do you see that?

14 A. Yes.

15 Q. And do you recognize this exhibit?

16 A. I don't recall this, but --

17 Q. Do you dispute that you received
18 this e-mail?

19 A. I mean, all of the indications in
20 this exhibit would suggest that I would have
21 received this e-mail, yes.

22 Q. And the response to James Cooper's

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 240

1 e-mail below, the one that he forwarded to you
2 and others states, the voters name is redacted.
3 "Has agreed to be the designated challenger for
4 Jones County and True the Vote has expressed
5 permission to use her attached digital signature
6 for the limited and specific purpose of
7 challenging voter registrations in Jones County."

8 Is that an accurate reading of the
9 proposed challenger's response?

10 A. That is what it says.

11 Q. And this e-mail came from the Jones
12 County GOP Chairman, right?

13 MR. NKWONTA: Could you scroll to
14 the bottom.

15 THE WITNESS: To James Cooper, yes.

16 MR. NKWONTA: Could we take that
17 down and pull up Exhibit 40.

18 (Exhibit 40 marked for
19 identification.)

20 BY MR. NKWONTA:

21 Q. Exhibit 40 is another e-mail that
22 was forwarded to a number of folks, including

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 241

1 yourself.

2 Do you see that?

3 A. Yes.

4 Q. And the response from the proposed
5 challenger or the challenger below says, "True
6 the Vote has my permission to use my name for
7 challenging the voters in my county that I
8 believe voted illegally."

9 And then the voter provides their
10 address.

11 Is that a correct reading of that
12 prospective challenger's response?

13 A. That is a correct reading, yes.

14 MR. NKWONTA: Could we take that
15 down and pull up Exhibit 37.

16 (Exhibit 37 marked for
17 identification.)

18 BY MR. NKWONTA:

19 Q. Exhibit 37 is another e-mail that
20 James Cooper forwarded to a number of people,
21 including yourself.

22 MR. NKWONTA: If you scroll down to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 242

1 the response from the prospective challenger.

2 BY MR. NKWONTA:

3 Q. It says, "James, Please find my
4 digital signature and in the body of this e-mail
5 you will find the necessary information you
6 requested. You and True the Vote have my
7 permission to use my name, digital signature and
8 other necessary information to challenge voter
9 registrations in my County of Dodge."

10 Is that a correct reading of the
11 prospective challenger's response?

12 A. Yes.

13 Q. These prospective challengers that
14 are shown, would you agree that they believed
15 they were either purging voters or asserting
16 challenges to purge voters from the rolls or to
17 accuse voters of voting illegally?

18 MS. SIEBERT: Again, objection to
19 the extent that you are asking her for
20 somebody's state of mind.

21 But, go ahead, Catherine.

22 THE WITNESS: Yeah, I mean this

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 243

1 is -- this is between what James sent out and
2 the response.

3 If those people for whom the, their
4 information has been redacted went on to be
5 associated with, as an elector in their
6 county and work through the True the Vote
7 arrangement, there would have been
8 distinctions throughout.

9 So at this point, I can't state to
10 their state of mind, but this is between
11 James Cooper and people, other people. So, I
12 don't know.

13 BY MR. NKWONTA:

14 Q. In their responses, they are
15 expressly providing permission to challenge voter
16 registrations, to challenge illegal voting, or to
17 purge the voter rolls; is that correct?

18 A. That is what these e-mails, you
19 know, how they read, yes.

20 MR. NKWONTA: We can pull down
21 Exhibit 37. I want to ask you a little bit
22 about the data analysis once again. And I

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 244

1 want to return to Exhibit 8.

2 (Exhibit 8 marked for
3 identification.)

4 BY MR. NKWONTA:

5 Q. I guess this is the first time you
6 are seeing Exhibit 8 in this deposition.

7 Ms. Engelbrecht, do you recognize
8 Exhibit 8?

9 A. This is the first time I have seen
10 it.

11 Q. And you have never seen any analysis
12 of any political party breakdown or racial or
13 demographic breakdown of the challenge lists?

14 A. No, I have seen that. I have seen
15 that.

16 Q. Where did you see that?

17 A. It was provided when there were
18 comments being made of, you know, as I mentioned
19 earlier of bias being entered in. And because
20 Georgia uniquely tracks those elements, you can
21 run, you know, the data or an analysis around
22 whether or not that was true or whether or not

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 245

1 the, what the data shows.

2 So, I knew that that had occurred.

3 Q. Do you know when this analysis was
4 first conducted?

5 A. The analysis on this exhibit? Or --

6 Q. The analysis of the demographic
7 breakdown of the challenge list.

8 A. I don't know exactly. It came later
9 as a form of reputation of the assertion that
10 there was -- that that was part of this.

11 But, I don't know the date, no.

12 Q. True the Vote announced its
13 challenge program on December 18th, 2020; is that
14 correct?

15 A. I don't recall exactly. It would
16 have been around then, yes.

17 Q. And if I told you the date was --
18 the date that had been provided by defendants was
19 December 18th, would you have any reason to
20 dispute that?

21 A. No real reason to dispute it, no.

22 Q. And if you look at this file here,

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 249

1 Q. And would this analysis have been
2 conducted by Gregg Phillips or OPSEC?

3 A. Yeah, I would believe so, yes.

4 Q. Would that have been done at True
5 the Vote's direction?

6 A. I just, I don't recall. It is -- I
7 don't recall. It is possible. I don't recall.

8 MR. NKWONTA: We can pull this down.
9 BY MR. NKWONTA:

10 Q. The text file you were referring to,
11 under what circumstances did you have a chance to
12 review that text file?

13 A. You asked me if I had ever seen
14 anything. I'm just saying I recall seeing
15 something like that. And it would have been -- I
16 mean I just from the recesses of my mind I recall
17 seeing it.

18 And in my, in my background in data
19 and technology, I associate the look of something
20 a little bit different than what I just saw.

21 But, I hope that is helpful.

22 MR. NKWONTA: I would like to turn

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 250

1 next to the press release, the launch that we
2 have discussed, the December 18th launch of
3 the elector challenges. Could we pull up
4 Exhibit 62, please.

5 (Exhibit 62 marked for
6 identification.)

7 MR. NKWONTA: And could we go to the
8 second page, Exhibit 2 or Exhibit 62.

9 BY MR. NKWONTA:

10 Q. Ms. Engelbrecht, do you recognize
11 Exhibit 62?

12 A. Yes.

13 Q. What is it?

14 A. A post to our website that describes
15 the challenge of, the elector challenge.

16 Q. The title of the post says, "True
17 the Vote partners with Georgians in Every County
18 to preemptively challenge 364,541 potentially
19 ineligible voters."

20 When you issued this post, had you
21 in fact partnered with Georgians in Every County
22 to preemptively challenge 364,000-plus voters?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 251

1 A. No. This was just the beginnings of
2 the -- I mean this is the first announcement. We
3 had people that had come to us, but we were, you
4 know, had already -- we were prepared to,
5 certainly. But, no.

6 Q. So, why does it say True the Vote
7 partners with Georgians in Every County to
8 preemptively challenge 364,000 potentially
9 ineligible voters?

10 A. Partnering in the sense of capable
11 of partnering with, it is the best I can explain.

12 Q. Would it be fair to say that it is
13 not accurate?

14 A. No. I wouldn't, I wouldn't think
15 that is fair. This is sort of a forward looking
16 statement of the willingness to partner with
17 Georgians in Every County.

18 Q. And the next paragraph you state,
19 "We are proud to be working alongside patriots
20 across the Peach State, Derek Sommerville of
21 Forsyth County and Mark Davis of Gwinnett County
22 who have been leading citizen efforts to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 252

1 highlight issues in Georgia's voter rolls."

2 And you also mention Mark Williams
3 and Ron Johnson and James Cooper.

4 What did you mean by working
5 alongside these individuals?

6 A. Just that they were also involved
7 in -- in the case of Derek and Mark Davis, they
8 were -- you know, they were working through their
9 own elector challenges. And in the case of the
10 other gentlemen, you know, the Mark Williams'
11 support with helping to work on the printing and
12 the fact that he had connected the other
13 gentlemen who were, you know, interested in
14 participating.

15 And frankly, it was a comment meant
16 more to show just support for the engagement of
17 citizens.

18 Q. So, at the time you issued this
19 press release, is it fair to say that you had not
20 submitted 364,541 elector challenges?

21 A. That is correct. We did not do
22 that.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 253

1 Q. And at the time you issued this
2 press release is it fair to say that you had not
3 identified challengers in all 159 counties?

4 A. Yeah, I think that is fair to say,
5 yes.

6 Q. How many challengers had you
7 identified at the time True the Vote issued this
8 press release?

9 A. That I do not recall.

10 Q. Do you know how many counties or how
11 many challenges True the Vote had submitted at
12 the time that it issued this press release or
13 website post?

14 A. At this point I don't believe that
15 there had been any submitted. But I do not --
16 let me rephrase that.

17 I do not specifically recall that.
18 I have a general recollection, but I do not
19 specifically recall.

20 Q. How many challenges did True the
21 Vote end up filing for the, for the runoff
22 election?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 254

1 A. We ended up with electors that
2 wanted to challenge, totaling 65 total counties.
3 And, so submissions were made in those counties
4 on behalf of those electors.

5 Q. And why didn't True the Vote file
6 challenges in all 159 counties as it stated in
7 the press release?

8 THE WITNESS: Guys, I just got a
9 password required notice. Can you all see
10 that on the screen or is it just me?

11 THE VIDEOGRAPHER: Sorry, Catherine.
12 This is Joe. That might be on your end. I'm
13 not sure what it is relating to.

14 THE WITNESS: It is, it is. I
15 apologize. I just Xed out of it and it is
16 gone. I apologize.

17 THE VIDEOGRAPHER: Okay.

18 THE WITNESS: I'm sorry, could you
19 repeat the question?

20 BY MR. NKWONTA:

21 Q. Sure.

22 MR. NKWONTA: Can the court reporter

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 255

1 read back the question, please.

2 (Whereupon, the record was read by
3 the reporter as requested.)

4 THE WITNESS: Again, I think the
5 press release was meant to acknowledge that
6 we had done the analysis to support that.
7 The reason that we didn't ultimately is
8 because it wasn't for us to do.

9 It was for electors in the, in their
10 respective counties. And that is just the
11 way the process works.

12 BY MR. NKWONTA:

13 Q. But True the Vote said it was going
14 to do this in the press release, in the very
15 first line, right?

16 A. Yeah. Again, I think that the
17 intent of the line was to suggest that we -- that
18 True the Vote was prepared to do that and do that
19 in every county.

20 But, you know, we go quickly into
21 the description of an elector challenge. And it
22 is, you know, the qualifications therein, so that

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 256

1 is, that is what was -- that is how it was meant
2 to be taken.

3 Q. So, True the Vote did not actually
4 intend to file challenges in all 159 counties?

5 A. Oh, no. We were definitely prepared
6 to do that, but it was up to electors.

7 I mean the reason the True the Vote
8 exists is to help support citizens who want to
9 engage in their process. And this is a process
10 in Georgia that is afforded to electors and, you
11 know, that is -- we were ready to do that.

12 But, the process is that you only
13 work with electors from their specific counties.

14 MR. NKWONTA: Can we take a brief
15 five-minute break?

16 THE VIDEOGRAPHER: We are now going
17 off the record --

18 MR. NKWONTA: Is that okay with you
19 all?

20 MS. SIEBERT: Sure.

21 THE VIDEOGRAPHER: The time is
22 3:00 p.m.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 259

1 Q. Who would be able to confirm whether
2 Time For A Hero has a Facebook page?

3 A. The last person who ran the
4 organization managed all of the social media, so
5 he would be able to.

6 Q. And who was that person?

7 A. I couldn't recall his name earlier,
8 but his name is Ty Bathurst.

9 Q. How do you spell that?

10 A. T-Y, B-A-T-H-U-R-S-T.

11 Q. And do you have any reason to doubt
12 that this is Time for a Hero's Facebook page?

13 A. Well, Time for A Hero is no longer
14 an organization that I am connected with. I
15 filed their closing tax return a couple years
16 ago. If this was still there I, I am -- I can't
17 say that I have reason to doubt it, but I
18 can't -- I don't know about it.

19 MR. NKWONTA: Can we go to Page 19.

20 But before we do, I noticed some sound issues
21 when Ms. Engelbrecht was responding. I just
22 want to make sure that we were able to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 260

1 capture the response. If there is anything to
2 resolve.

3 THE REPORTER: I'm happy to read
4 back the answer if you'd like or do you want
5 her -- do you want me to read back what I
6 have?

7 MR. NKWONTA: Yes, please.

8 (Whereupon, the record was read by
9 the reporter as requested.)

10 BY MR. NKWONTA:

11 Q. And you have no reason to doubt that
12 Time For A Hero created a Facebook page? In fact
13 you acknowledged that Time For A Hero created a
14 Facebook page?

15 A. I, acknowledge that when the
16 organization was active, we had somebody that was
17 managing, or, you know, overseeing social media.

18 And so, it is not outside of the
19 realm of possibility, but I can't confirm it.

20 I mean I can confirm that I'm
21 looking at a document that says Time For A Hero,
22 but I can't confirm anything past that.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 261

1 MR. NKWONTA: Could we go to Page 19
2 of the Facebook page, of Exhibit 72.

3 BY MR. NKWONTA:

4 Q. Is that -- is that you in that
5 Facebook post from August 8, 2020?

6 A. That is me, that is me.

7 MR. NKWONTA: And could we go to the
8 next post on the following page, Page 20.

9 BY MR. NKWONTA:

10 Q. It says, "Crusade for Freedom coming
11 soon."

12 What is the Crusade for Freedom?

13 A. I don't, I don't know. I don't have
14 any affiliation with Crusade for Freedom.

15 I, I guess that Ty was posting some
16 stuff from True the Vote here just to keep stuff
17 on social media. I don't know about Crusade for
18 Freedom.

19 Q. So, he was posting stuff from where?

20 A. From True the Vote. But, I don't
21 know about this.

22 Q. Uh-huh. Have you heard that phrase

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 262

1 before?

2 A. Have I heard the phrase, Crusade for
3 Freedom?

4 Q. Yes.

5 A. I don't recall.

6 Q. Have you seen this symbol before?

7 A. This --

8 Q. This diagram, this symbol here, this
9 Crusade for Freedom symbol?

10 A. Not specific to this. I feel like I
11 have seen it broadly before. May I ask, is this
12 current? Is this currently -- I don't know if I
13 can ask that.

14 But, is this currently on Facebook?

15 Q. Yes, if you look at the top left
16 corner, you will see the download date.

17 A. I didn't know if that is when it
18 was.

19 Q. Yes.

20 A. Okay. Well, okay. Thank you.

21 MR. NKWONTA: So, we can pull down
22 Exhibit 72. Could we pull up Exhibit 73.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 263

1 (Exhibit 73 marked for
2 identification.)

3 BY MR. NKWONTA:

4 Q. And could we go to the second page.

5 Ms. Engelbrecht, do you recognize
6 that tweet in Exhibit 73, the tweet at the top?

7 A. No.

8 Q. The Twitter handle and the name on
9 top of it states Crusade for Freedom, right?

10 A. Uh-huh.

11 Q. It is the same -- it is the same
12 slogan that was on the Time For A Hero Facebook
13 page; is that right?

14 A. Yes.

15 Q. And that symbol, the logo or the
16 symbol for that Twitter handle, that is the same
17 or similar logo that was on the Time For A Hero
18 Facebook page, correct?

19 A. Yes.

20 Q. And the tweet says, "We have just
21 prospectively challenged the eligibility of
22 360,000 voters in Georgia." Is that right?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 264

1 A. That is what it says, yes.

2 Q. Are you aware of any other groups
3 that challenged the eligibility of approximately
4 360,000 voters in Georgia during the runoff
5 elections?

6 A. No.

7 Q. The hashtag, Eyes on Georgia, that
8 was the same slogan that has appeared on several
9 True the Vote documents, I think including that
10 invoice from OPSEC, correct?

11 A. Yes.

12 Q. And then the second hashtag,
13 Validate the Vote Georgia, that was the slogan
14 that was recommended to you by the consultant; is
15 that correct?

16 A. Yes, yes.

17 Q. And that tweet was followed up by
18 the one right under it. It says, "If the Georgia
19 counties refuse to handle the challenges of
20 366,000 ineligible voters in accordance with the
21 law, I plan to release the entire list so America
22 can do the QC."

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 265

1 Is that a correct reading of the
2 tweet underneath?

3 A. It is a correct reading of it, yes.

4 Q. And this tweet also has a Crusade
5 for Freedom Twitter handle name and symbol that
6 appeared on the Time For A Hero page?

7 A. Yes.

8 Q. And the hashtags underneath say
9 Validate the Vote Georgia, which is the slogan
10 that is the True the Vote uses, correct?

11 And Eyes on Georgia, which is
12 another slogan that True the Vote uses, correct?

13 A. During that period, yes, that is
14 correct.

15 Q. And this tweet was dated
16 December 20, 2020, correct?

17 A. Correct.

18 Q. So, moving on from those tweets, I
19 wanted to ask you specifically about the Validate
20 the Vote program.

21 And I wanted to explore that in a
22 little bit more depth.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 266

1 MR. NKWONTA: Could we pull up
2 Exhibit 1, please. Can we -- is there any
3 way to enlarge that a little bit?

4 (Exhibit 1 marked for
5 identification.)

6 BY MR. NKWONTA:

7 Q. Ms. Engelbrecht, do you recognize
8 this document?

9 A. Yes.

10 Q. What is it?

11 A. This is a one-page document that was
12 asked for by, asked to be provided to a donor who
13 had come to True the Vote and wanted a one-page
14 document to describe some of the activities that
15 we were planning to work through.

16 Q. And did the donor have any requests
17 or any suggestions for activities that True the
18 Vote should engage in?

19 A. This donor is connected with the
20 consultant that I mentioned earlier.

21 So, the contribution was to use the
22 name Validate the Vote and to put a one-pager

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 267

1 together for this donor's use.

2 Q. And is this, this one pager, is this
3 essentially the framework for the Georgia elector
4 challenge or the activities that occurred in
5 Georgia afterward?

6 A. I -- no. This doesn't have any -- I
7 mean, we could look at it. I would like to look
8 at the whole thing. But, I don't believe so, no.

9 Q. So, this document -- let's look at
10 the first sentence underneath which says, "Goal:
11 To ensure the 2020 election returns reflect one
12 vote cast by one eligible voter and therefore
13 protect the right to vote and the integrity of
14 the election."

15 Is that correct? Does that reflect
16 your understanding?

17 A. Yes.

18 Q. And, underneath that, the Problem,
19 it says, "There is significant evidence that
20 there are numerous instances of illegal ballots
21 being cast and counted in the 2020 general
22 election. Most of these illegal votes are being

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 268

1 counted in Democratic counties and are
2 suppressing legitimate results."

3 Do you see that first paragraph
4 underneath Problem?

5 A. I do.

6 Q. And who wrote that?

7 A. Pardon me, sorry. I don't, I don't
8 specifically recall.

9 Q. But the document came from True the
10 Vote, right?

11 A. That is correct, yes.

12 Q. How did True the Vote determine that
13 most of the illegal votes were being counted in
14 Democratic counties?

15 A. I would not know why that would have
16 been written that way.

17 Q. This was prepared shortly after the
18 November presidential election, correct?

19 A. Yes.

20 Q. Before new results had been
21 published --

22 A. That's correct.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 269

1 Q. -- or certified I should say; is
2 that correct?

3 A. That is correct.

4 Q. And by then True the Vote had
5 indicated in this Validate the Vote document that
6 there is significant evidence of illegal ballots,
7 most of which were being counted in Democratic
8 counties; is that right?

9 A. That is what this says, yes.

10 Q. The next paragraph starts with,
11 "This is a result of Democrat official's refusal
12 to obey state election laws and counting illegal
13 votes." Is that --

14 A. That is what it says, yes.

15 Q. How did True the Vote reach that
16 conclusion?

17 A. I, as a -- you know, as a
18 promotional piece, this was, you know, those --
19 that phraseology was used. I, you know, I don't
20 really have much more to say about that than
21 that.

22 Q. The next sentence says, "It is also

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 270

1 the result of deliberate election fraud."

2 What evidence did True the Vote have
3 to make that statement?

4 A. I don't recall.

5 Q. The next sentence, "The situation
6 has been aided by the Democrat's deliberate
7 effort to radically expand mail-in balloting,
8 creating myriad opportunities for voter fraud
9 that does not exist with in-person voting."

10 Did True the Vote have any evidence
11 to support that statement?

12 A. That statement in particular I would
13 say yes in that the -- there was an effort to
14 radically expand mail-in balloting or mail-in
15 voting.

16 And it has been documented over time
17 that mail-in balloting, mail-in voting does
18 increase the opportunity for vote fraud or
19 election fraud.

20 Q. Had True the Vote identified any
21 flood of illegal votes as referenced in that
22 following paragraph?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 271

1 A. This was a promotional piece. I
2 believe that the third paragraph there was to tie
3 to the one above saying that there was a radical
4 expansion and therefore it would precipitate a
5 flood.

6 Q. It says, "This flood of illegal
7 votes violates the U.S. Constitution's right to
8 vote," and the sentence continues, "by diluting
9 the votes of legitimate voters."

10 But, had True the Vote identified
11 any flood of illegal votes at this point?

12 A. No, this was a promotional piece
13 that was written.

14 Q. And then we get to the plan. It
15 says, "Solicit whistleblower testimonies for
16 those impacted by or involved in election fraud."

17 Did True the Vote obtain those
18 whistleblower testimonies?

19 MS. SIEBERT: I'm sorry. I'm just
20 going to object one more time. And maybe it
21 is just a point of clarification.

22 Are you limiting these questions to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 272

1 the six states, the jurisdictions?

2 MR. NKWONTA: I don't believe I have
3 to. This is specifically about the Validate
4 the Vote program which is -- so this is in --
5 in other words I don't read our deposition
6 notice or the court's order to say every
7 single topic is constrained to these six
8 states.

9 So, if I ask Ms. Engelbrecht, for
10 instance, what Validate the Vote program
11 means, you can't limit her testimony to six
12 states.

13 MS. SIEBERT: Well, the court's
14 order says that "True the Vote shall present
15 a witness that is adequately prepared to
16 answer questions relating to topics listed in
17 the plaintiff's respective 30(b)(6)
18 deposition notice with the following
19 limitations:

20 "Plaintiff shall limit their
21 questions regarding True the Vote's and OPSEC
22 Group LLC's pre and post-election activities

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 273

1 to 2012, onward, and the following states:
2 Georgia, Texas, Ohio, Pennsylvania, Michigan,
3 Wisconsin."

4 So, the court specifically stated
5 the topics listed in the 30(b)(6) were to be
6 limited and would include that following
7 limitation.

8 So that is directly part of the
9 court's order.

10 MR. NKWONTA: I understand your
11 point. I disagree that we cannot ask her
12 about soliciting whistleblower testimonies
13 unless we say soliciting whistleblower
14 testimonies in a specific state, because we
15 are literally asking to explain a document.

16 So, if -- my question to you is are
17 you instructing her not to answer this
18 question with respect to any state outside of
19 the target jurisdictions that we have
20 identified?

21 MS. SIEBERT: Yes, I am.

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 274

1 Q. Ms. Engelbrecht, are you going to
2 follow your counsel's instruction?

3 A. Yes, I will.

4 Q. So, can you answer my question with
5 respect to the six target states that we
6 discussed?

7 A. Can you repeat the question?

8 Q. Sure.

9 MR. NKWONTA: Can the court reporter
10 read back the question.

11 (Whereupon, the record was read by
12 the reporter as requested.)

13 THE WITNESS: We did not obtain any
14 whistleblower testimonies.

15 BY MR. NKWONTA:

16 Q. The second bullet in the plan says,
17 "Build public momentum through broad publicity."

18 Does that include -- well, why don't
19 you explain to me what type of broad publicity
20 was anticipated.

21 A. Again, this is the first -- I have
22 seen an orientation of a one-pager like this.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 275

1 This is the first time I have seen this one-pager
2 with some of this language.

3 So, I can only respond to -- you
4 know, I mean, to repeat back build public
5 momentum through broad publicity. We didn't do
6 any advertising of any sort. I had a podcast, I
7 mean that was it.

8 Q. Would you consider a press
9 release --

10 A. Oh, I'm so sorry. Yes, and if we
11 did press releases, that would be considered in
12 that, in that bullet, yes.

13 Q. The next bullet, "Galvanize
14 Republican legislative support in key states."

15 Why the focus on Republican
16 legislative support?

17 A. I, I don't know. I don't know why
18 that was written that way.

19 Q. The next is, "Aggregate and analyze
20 data to identify patterns of election
21 subversion." And that task is assigned to OPSEC
22 group. Do you see that?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 276

1 THE WITNESS: Can you scroll up, can
2 you scroll a little bit, Joe?

3 That would have been going back to
4 the litigation support for the cases that
5 were being filed shortly after the election.

6 BY MR. NKWONTA:

7 Q. So, the items that we discussed on
8 that OPSEC invoice including litigation support,
9 that was part of the aggregating and analyzing
10 data to identify patterns of election subversion
11 that we see in this document?

12 A. I mean I would, aggregate and
13 analyze data to identify patterns full stop.
14 But, that would have been part of that, yes.

15 Q. "File lawsuits in federal court with
16 capacity to be heard by SCOTUS," the Supreme
17 Court of the United States; is that correct?

18 A. That is what it says, yes.

19 Q. And is that referring to the
20 lawsuits that were filed in Georgia,
21 Pennsylvania, Michigan, Wisconsin, Arizona?

22 And also it lists the key states

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 277

1 here below as well, Arizona, Nevada --

2 A. Uh-huh.

3 Q. Are those the lawsuits or legal
4 actions that that plan is referring to?

5 A. Yes. Those would have been in that
6 timeline of lawsuits.

7 Q. And then next it goes on to the
8 legal strategy for the Validate the Vote program.

9 And it states that, "Jim Bopp will
10 file federal suits in the seven closest
11 battleground states to investigate voter fraud,
12 expose it and nullify the results of the state's
13 election so that the presidential electors can be
14 selected in a special election or by the state
15 legislature."

16 Why was the goal to nullify the
17 results of the state's election even before the
18 election had been certified?

19 A. I do not know why this was -- I
20 don't -- that was not the goal. Let me answer it
21 that way. That was not the goal.

22 As we discussed earlier the goal was

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 283

1 Is that a correct reading of
2 Paragraph 41?

3 A. Yes, it is a correct reading.

4 Q. And other than that link, did True
5 the Vote have any evidence to support the
6 allegation that noncitizens, or as many as
7 70,000-plus noncitizens, voted for Joe Biden in
8 Georgia?

9 A. I think it was just this link. No.
10 No.

11 Q. Are you aware of any analysis or any
12 study that has been done to confirm this or any
13 additional corroborating evidence that has been
14 provided to support this?

15 A. No.

16 Q. Do you believe this to be true?

17 A. I believe that Just Facts wrote that
18 article. Yes, I would have to look at the
19 underpinnings but I mean that is plausible,
20 certainly.

21 Q. If we go to the Prayer for Relief,
22 starting on Page 20 and which spills over to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 284

1 Page 21.

2 Under Paragraph 65, would you agree
3 that that paragraph seeks to invalidate the
4 defendant counties' presidential election
5 results?

6 A. That is what that communicates, yes.

7 Q. And just the counties that were
8 named as defendants in this lawsuit, correct?

9 A. I apologize. Can you restate the --

10 Q. Sure. So, this request to
11 invalidate the results, this request is to
12 invalidate the results of the counties that were
13 named as defendants in this lawsuit; is that
14 right?

15 A. Well, the -- what it says is in
16 contested counties or in the state overall.

17 So that the -- oh, so that the
18 counties -- yeah, I, I -- that appears to be what
19 it communicates. I'm not a lawyer, but that
20 appears to be what it communicates.

21 Q. The Validate the Vote program
22 document that I showed you earlier made reference

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 285

1 to targeting Democratic counties.

2 Does this complaint carry out that
3 that strategy?

4 A. I would have to, I guess look at --
5 I mean I would have to run the numbers to see if
6 the counties were leaning in that way. I
7 don't -- it is certainly not part of my mindset
8 on any of it, so --

9 Q. Why is True the Vote focused on
10 enjoining the results of the presidential
11 election in this lawsuit -- let me rephrase.

12 A. Sure.

13 Q. There were a number of elections
14 that occurred in November, both elections for
15 president -- both for the presidential race and
16 there were a number of other state and federal
17 races on the same ballot.

18 This lawsuit is focused on the
19 presidential election results only. Why is that?

20 A. I don't know.

21 Q. The Validate the Vote program
22 document that we just discussed, Exhibit 1, would

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 286

1 you agree that was also focused on overturning
2 the results of the presidential election?

3 A. That was the language on that page,
4 yes.

5 MR. NKWONTA: Could we take a quick
6 ten-minute recess, I just want to see how
7 much I have left.

8 THE VIDEOGRAPHER: We are now going
9 off the video record. The time is 3:49 p.m.

10 (Recess taken -- 3:49 p.m.)

11 (After recess -- 4:00 p.m.)

12 THE VIDEOGRAPHER: We are now going
13 back on the video record the time is
14 4:00 p.m.

15 BY MR. NKWONTA:

16 Q. Ms. Engelbrecht, we just took a
17 short break. You understand you are still under
18 oath?

19 A. Yes.

20 Q. So, before we went on break we
21 discussed the Georgia lawsuit that was filed
22 immediately after the November election.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 287

1 Did True the Vote also participate
2 in filing a lawsuit in Pennsylvania shortly after
3 the November general election?

4 A. Yes.

5 Q. And in that lawsuit True the Vote
6 sued specific counties, correct?

7 A. I don't recall.

8 Q. Do you have any reason to dispute
9 that?

10 A. No. I mean the briefing will show
11 it. So, no, it is whatever the briefing says.

12 Q. And do you dispute that that lawsuit
13 also sought to enjoin certification of the
14 election results in specific counties?

15 A. If that is what the brief says,
16 then --

17 Q. Does True the Vote have or did True
18 the Vote submit any evidence to support the
19 allegations of voter fraud in the Pennsylvania
20 lawsuit?

21 A. There were a number of --

22 I'm sorry, could you repeat the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 288

1 question? I want to make sure I get it right.

2 MR. NKWONTA: Could the court
3 reporter read the question back, please.

4 (Whereupon, the record was read by
5 the reporter as requested.)

6 THE WITNESS: I'm aware that there
7 were points added into the filing that
8 supported the concerns around election fraud
9 so that is what I would say.

10 BY MR. NKWONTA:

11 Q. Beyond what was written in the
12 actual filings, are you aware of any evidence or
13 have any additional evidence to support the
14 claims of voter fraud in the Pennsylvania
15 lawsuit?

16 A. At the time, what we had was what
17 was put into the file with the -- yeah, that is
18 at the time it was just what was filed.

19 Q. Did you obtain any additional
20 evidence since then?

21 A. For the purposes of the lawsuit, no.

22 Q. I will ask you the same question

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 289

1 about Michigan.

2 Did True the Vote participate in
3 filing a lawsuit in Michigan shortly after the
4 November election to challenge the election
5 results or to prevent certain counties from
6 certifying the election results?

7 A. Yes.

8 Q. And does True the Vote have any
9 evidence, other than what was written in the
10 filings, to support the claims of voter fraud
11 asserted in the Michigan complaint?

12 A. What was put in the brief was what
13 we had.

14 Q. And True the Vote hasn't obtained or
15 does not have any additional evidence beyond?

16 A. None of the suits were dismissed, so
17 no.

18 Q. I will ask you the same question for
19 Wisconsin.

20 Did True the Vote participate in the
21 filing of a lawsuit in Wisconsin shortly after
22 the November general election?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 290

1 A. Yes.

2 Q. And does True the Vote have or did
3 True the Vote collect any additional evidence
4 beyond what was written in the complaints to
5 support the allegations of voter fraud in the
6 Wisconsin lawsuit?

7 A. No. Not beyond what was in the
8 filing we didn't -- nothing else was done and
9 then the case was dismissed.

10 Q. And that case -- those cases that I
11 just mentioned, the Georgia case, the Michigan
12 case, the Pennsylvania case, the Wisconsin case,
13 all of those cases were voluntarily dismissed.
14 Is that correct, by the plaintiffs?

15 A. Yes, or withdrawn. I'm not certain
16 what the proper term is. But, yes.

17 Q. And those lawsuits were voluntarily
18 dismissed without providing any additional
19 evidence or support to the court; is that
20 correct?

21 A. Correct.

22 Q. Why were those lawsuits dismissed

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 291

1 shortly after they were filed?

2 A. The data that was necessary to be
3 exact in the support of the filing or in --
4 not support necessarily but in the ongoing filing
5 and the way that the case would naturally sort of
6 unfold, that data was not available.

7 And that specifically would have
8 been the complete record from the state of voters
9 who actually voted in the 2020 election. And
10 then we had quite a number of other documents
11 that we were requesting, but most specifically it
12 was the final register of who voted in the 2020
13 election which was not available for months.

14 MR. NKWONTA: I would like to pull
15 up another exhibit. Exhibit 71 please. And
16 I would like to go to Page 246 of Exhibit 71.

17 (Exhibit 71 marked for
18 identification.)

19 THE VIDEOGRAPHER: I'm so sorry, I
20 missed that page. I apologize.

21 MR. NKWONTA: Sure. Page 246.

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 292

1 Q. Ms. Engelbrecht, do you recognize
2 this document, Page 246 of Exhibit 71?

3 A. Yes.

4 Q. What is it?

5 A. This was an e-mail sent to me by
6 Fred Eshelman -- excuse me. This is an e-mail
7 sent to, sent by Fred Eshelman to his consultant
8 and copied me.

9 Q. And was the e-mail directed to you?

10 A. I'm not sure.

11 THE WITNESS: Could we scroll down?

12 I don't know. It could have been
13 either to me or his consultant who he worked
14 very closely with.

15 MR. NKWONTA: Okay. Could you
16 scroll backup to the first e-mail.

17 BY MR. NKWONTA:

18 Q. So first can you tell me who is Fred
19 Eshelman?

20 A. Fred Eshelman is someone who, on
21 November the 5th, ostensibly at the behest of his
22 two consultants, Tom Crawford being one, called

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 293

1 True the Vote, first the consultants and then
2 they put Mr. Eshelman on, in the interests of
3 making a donation.

4 And that was the first time I had
5 ever heard of or spoken with any of the three of
6 them, the two consultants or Mr. Eshelman.

7 Q. In Mr. Eshelman's e-mail, the second
8 sentence says, "However I do want to know what
9 money is accomplishing and where this is headed
10 and the odds of winning."

11 What is he referring to?

12 A. I, I don't know specifically. I
13 will say that his consultants, from what I
14 gathered, had other activities going on that were
15 more political that I don't know, I can't speak
16 to.

17 Q. Was his goal to overturn the results
18 of the election?

19 A. I don't know what his goal was.

20 Q. Did he express to you or to anyone
21 at True the Vote that his interest in overturning
22 the results of the election?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 294

1 THE VIDEOGRAPHER: Catherine, this
2 is Joe. It is not your -- I don't think it
3 is your headset. I'm checking your
4 bandwidth. And when it dips low, you cut
5 out. I don't think it is anything that you
6 can control, but if you have a new set of
7 headphones, we will try that.

8 Counsel just so everyone knows the
9 bandwidth is dipping quite low and it is
10 cutting her off.

11 THE WITNESS: Is this any better?

12 THE VIDEOGRAPHER: You sound great.

13 THE WITNESS: Okay. So the answer
14 is not as far as I know with respect to what
15 he communicated to True the Vote, no.

16 Whatever else they had going on, I
17 don't know.

18 BY MR. NKWONTA:

19 Q. And if you look below at, there are
20 a couple of references to the likelihood of a
21 favorable outcome. What is that referring to,
22 what outcome?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 295

1 A. I'm going to make sure that I'm
2 tracking with you. Likelihood of a favorable
3 outcome.

4 I, I don't know. I would presume
5 this is what he is talking to his consultant
6 about and I'm copied, but I don't specifically
7 know.

8 MR. NKWONTA: Can we jump to
9 Page 300, please.

10 BY MR. NKWONTA:

11 Q. Do you recognize the e-mail on
12 Page 300, Ms. Engelbrecht?

13 A. Yes, yes.

14 Q. And can you tell me, you know, what
15 is Mr. Eshelman seeking here in this e-mail?

16 A. He is reaching out to me for
17 information that -- actually let me take another
18 second to read it because it has been a minute
19 since I have seen this.

20 Q. And actually can I ask that you read
21 the e-mail out loud into the record.

22 A. Sure. "Catherine, I hope we are all

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 303

1 A. I, I don't know. I don't know if
2 that refers to other activities he had going on
3 with Tom. I don't know. Or maybe that he is
4 reacting to the news. I shouldn't speculate. I
5 don't know. I do not know. That is my answer.
6 I don't know.

7 Q. If we go to Item Number 3, can you
8 read into the record the action item there under
9 Item Number 3?

10 A. It says Number 3, "Status of Bopp
11 cases by state, deal with Trump people and
12 details, dates for orders by state, how long to
13 implement. Who is forensic team deciding bases
14 for tests to prove fraud and present to courts?
15 Strategy still county by county
16 disqualification?"

17 Q. What does the reference to deal with
18 Trump people and details mean?

19 A. In this context I -- deal with
20 details -- I don't recall.

21 Q. Were there any communications or
22 coordinations with the Trump campaign or the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 304

1 Trump people relating to this effort?

2 A. I know that others, you know, were
3 in touch with them. We were not.

4 So, yeah, I mean, further up in this
5 you can see where there was a comment made that
6 Jim, in his individual capacity, had been on a
7 call, but we were not otherwise engaged in any of
8 that.

9 MR. NKWONTA: Can we go to Page 314.

10 BY MR. NKWONTA:

11 Q. Ms. Engelbrecht, do you recognize
12 Page 314?

13 A. Yes.

14 Q. What is it?

15 A. This is an e-mail that I sent to
16 Mr. Eshelman post, post a call that we had.

17 Q. And this was dated
18 November 16th, 2020?

19 A. Yes.

20 Q. Can you read the first paragraph of
21 that e-mail into the record?

22 A. "Fred, I have attached the budget we

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 305

1 provided to Tom and Dikran on November 5th. Our
2 not having full funding was well known and often
3 discussed. I had written in my 11/14 e-mail to
4 you that it appeared our legal fees would have
5 been covered by the Trump campaign which I
6 described in a statement of our cash position,
7 described as best as possible given the tight
8 timeline with so many moving parts."

9 Q. What do you mean -- sorry, continue.

10 A. I didn't know if you wanted me to
11 read the second paragraph.

12 Q. Sure.

13 A. Go ahead with your question.

14 Q. Sure, why don't you read the second
15 paragraph.

16 A. "We have done a tremendous amount of
17 work in the 11 days since we first met. Have
18 talked with Tom routinely about status and
19 provided him with access to all comms, press
20 releases and briefings.

21 "Tom and Dikran both asked that I
22 communicate directly through them and indicated

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 306

1 that the information was being passed to you.
2 Moving forward I will keep you directly apprised
3 of continued developments in the whistleblower
4 situation unless I hear otherwise from you."

5 Q. Now going back to the first
6 paragraph and the second sentence, what did you
7 mean that it appears that your legal fees would
8 have been covered by the Trump campaign?

9 A. Initially we had thought that our
10 lawsuits would be, would, you know, be very
11 expensive and cost -- you know, we had a budget
12 anticipated around those lawsuits.

13 This is, this is a -- that is a
14 ham-handed way of saying that the research was --
15 and I don't understand all of the legal
16 maneuverings or how cases come together
17 necessarily.

18 But that our research was possibly
19 going to be used in the move forward of the cases
20 that would have been part of the Trump defense, I
21 guess, or cases.

22 And, what this was attempting to

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 307

1 communicate was that there would not be any legal
2 fees.

3 So, when Mr. Eshelman was asking
4 about the budget and so forth, I have -- you
5 know, I had written this to say we would not have
6 those expenses if the research was going to be
7 used in a different direction. That is all that
8 meant.

9 Q. So it was your belief that the Trump
10 campaign would pay for True the Vote's legal fees
11 to pursue evidence of voter fraud and to pursue
12 the lawsuits that True the Vote had filed?

13 A. No, it was, this was just not --
14 this was ill worded, but the intent was to say
15 that we would not have legal expenses for these
16 cases. The cases wouldn't -- we wouldn't be a
17 part of those anymore.

18 That, the, you know, they would
19 be -- we wouldn't have that expense.

20 Q. Because the phase would be covered
21 by the Trump?

22 A. Again, it is a ham-handed way to say

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 308

1 it, but it was the research that was being done
2 that we were covering the research for, we would
3 no longer be a part of. If the Trump campaign
4 wanted to use it, they would cover that and we'd
5 be out, so we wouldn't have those expenses.

6 Q. Why was the Trump campaign
7 interested in covering your fees?

8 A. Well, it wouldn't be covering our
9 fees. It would just be -- well, it wouldn't be
10 covering our fees. It would, we would have not
11 needed to pursue the lawsuits.

12 Q. And we discussed earlier how the
13 post election effort in Georgia, and when I say
14 post election, I'm referring to post November
15 presidential election, the immediate post
16 election effort in Georgia and the data analysis
17 conducted by OPSEC was combined with the analysis
18 conducted by OPSEC in advance of the, of the
19 elector challenges for the runoff election.

20 Do you recall that?

21 A. I recall us talking about broadly
22 that in the context of that invoice and what it

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 313

1 audiences and targeting based on the above."

2 Q. This seems to be another discussion
3 about upcoming Georgia work.

4 Do you recognize any of that or is
5 any of that related to the work that you did with
6 Gregg Phillips?

7 A. Absolutely not, no. This is a --
8 they are referring to -- Mr. Eshelman comes from
9 North Carolina. I had a sense from conversations
10 with Tom that they had done things in North
11 Carolina. But, I don't know. We didn't do
12 anything with them on any of this.

13 MS. SIEBERT: I'm sorry. Sorry to
14 interrupt. What is the exhibit number here?
15 I missed that.

16 MR. NKWONTA: 71.

17 MS. SIEBERT: Thank you.

18 BY MR. NKWONTA:

19 Q. Did Mr. Eshelman fund any of the
20 post-election activities that True the Vote
21 engaged in, in Georgia?

22 A. No.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 314

1 Q. I would like to turn back to True
2 the Vote's statements about the election and
3 activity and post election activities.

4 MR. NKWONTA: Can we pull this down
5 and pull up Exhibit 63.

6 (Exhibit 63 marked for
7 identification.)

8 BY MR. NKWONTA:

9 Q. Ms. Engelbrecht, do you recognize
10 Exhibit 63?

11 A. That was a blog post to our website.

12 Q. And is that posted on
13 November 10th, 2020?

14 A. According to this document, yes.

15 Q. And that would have been
16 approximately a week after the November election?

17 A. Yes.

18 Q. And can you read the third paragraph
19 on Page 2 into the record, starting with, "Never
20 in our history".

21 A. "Never in our history has there been
22 such blatant disregard for election integrity.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 315

1 During these pivotal times we refuse to stand on
2 the sidelines.

3 "True the Vote will keep fighting to
4 ensure 2020 election returns reflect the
5 principle of one vote for one voter and to repair
6 our broken elections once and for all."

7 Q. And following that statement, the
8 release makes reference to the Validate the Vote
9 initiative that True the Vote recently launched;
10 is that correct?

11 A. Yes.

12 Q. And that is the same initiative we
13 discussed in Exhibit 1, correct?

14 A. Yes. Well, I'm not sure what
15 Exhibit 1 was any longer, but we have discussed
16 that, yes.

17 Q. But that Validate the Vote document,
18 right?

19 A. I know the name is the same, yes.

20 Q. So, True the Vote announces that it
21 is launching this initiative that was described
22 in Exhibit 1, and announces a whistleblower fund

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 316

1 in excess of \$1 million. Is that correct?

2 A. Yes.

3 Q. And was the purpose of that million
4 dollars to reward people that came forward with
5 evidence of voter fraud?

6 A. The fund was to -- or the idea of
7 the fund was to support people that would come
8 forward, as we discussed previously, to have
9 funds available should they be necessary for
10 their legal support.

11 Also through this we were funding
12 the state election or county election lawsuits.

13 Q. Did you present any of the evidence
14 that you obtained through this initiative to any
15 of the courts or to -- or to Mr. Eshelman?

16 A. I don't recall. I talked to his
17 consultants daily. I don't recall anything in
18 specific.

19 Q. Did True the Vote obtain any
20 evidence of -- any credible evidence of criminal
21 malfeasance as referenced in this press release
22 after announcing this initiative?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 317

1 A. We did have some reports that we
2 considered credible.

3 Q. And did you submit those reports to
4 anyone?

5 A. Yes. They have been submitted.

6 Q. Where did you submit those reports?

7 A. There are active investigations in
8 Georgia and in Arizona, and I guess, those are
9 the two active states.

10 Q. What was the criminal malfeasance or
11 misconduct identified in those reports or alleged
12 in those reports?

13 A. I don't -- I mean those are active
14 investigations and our approach to this point has
15 been that we don't comment on active
16 investigations.

17 Q. So, you are not willing to disclose
18 or identify the nature of any of the reports of
19 fraud or evidence of fraud that you received?

20 THE WITNESS: May I consult with
21 counsel and just make sure I am answering the
22 question properly? I just want to make sure

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 318

1 I'm being respectful of all of the
2 considerations here.

3 MS. SIEBERT: Um, okay. I'm sorry.
4 I'm coming in -- I came in halfway through
5 this deposition and so I'm a little bit
6 behind the eight ball as far as what has been
7 testified to or not, regarding that before
8 and the objections made.

9 MR. NKWONTA: I can give you a quick
10 playback of where this is coming from.

11 MS. SIEBERT: Thank you, yes.

12 MR. NKWONTA: So, Jim and I had
13 several discussions about consulting with the
14 witness regarding a pending question. And I
15 objected on numerous occasions that it was
16 improper to consult with the witness on a
17 pending question, and I think that is
18 probably where some of this is coming from.

19 But, I will caveat and say if the
20 witness is consulting for the purpose of
21 determining whether privilege applies, then
22 you know, I for this, you know, one instance

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 321

1 my question to be limited to the jurisdictions
2 identified in the 30(b)(6) notice for True the
3 Vote.

4 And you may answer. And you can
5 also interpret my question to be limited to
6 evidence obtained before this lawsuit was filed.

7 MS. SIEBERT: Thank you for that
8 clarification.

9 MR. NKWONTA: Can the court reporter
10 read back the last question before we went --
11 before we went off the record.

12 (Whereupon, the record was read by
13 the reporter as requested.)

14 THE WITNESS: Shall I answer? We
15 have reported to the State of Georgia. We
16 have filed three complaints about
17 observations and concerns that we have
18 witnessed.

19 But that is the extent of it as we
20 have filed these complaints that are now
21 under active investigation.

22 BY MR. NKWONTA:

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 322

1 Q. Are you willing to disclose what
2 those concerns are or what the subject of those
3 complaints are?

4 MS. SIEBERT: Again, I just want to
5 clarify my objection as far as scope and
6 timeline and limited to the states in
7 question.

8 Is that correct, are we still under
9 that understanding?

10 MR. NKWONTA: Yes.

11 MS. SIEBERT: Okay.

12 THE WITNESS: Okay. So, to that end
13 I would say that what we -- the basis of our
14 filings were regarding things that, and
15 information post the filing of this lawsuit.

16 MR. NKWONTA: I would like to turn
17 your attention to Exhibit 47.

18 (Exhibit 47 marked for
19 identification.)

20 BY MR. NKWONTA:

21 Q. This is an article published by Jim
22 Hoft from the Gateway Pundit. Can you read the

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 323

1 title of this article?

2 A. "It's now clear: Trump will win the
3 election -- Democrats will steal -- True the Vote
4 offers essential tips on what you can do to stop
5 the steal."

6 Q. Do you recall offering comments or
7 insight on this issue for this article?

8 A. I do not recall.

9 MR. NKWONTA: Can you scroll down to
10 Page 2 and to the highlighted paragraph on
11 Page 2 -- or sorry, the paragraph right --
12 third paragraph from the bottom, starting
13 with, "Tonight."

14 BY MR. NKWONTA:

15 Q. So the article says, "Tonight the
16 Gateway Pundit reached out to Catherine
17 Engelbrecht at True the Vote to offer tips to
18 ordinary Americans to prevent the Democrat plan
19 to steal the election in 2020. Catherine
20 Engelbrecht wrote back with these essential
21 tips."

22 Do you dispute this characterization

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 324

1 or this statement from this article?

2 A. No, it is entirely possible that he
3 called me.

4 Q. And it is possible that you
5 responded with essential tips?

6 A. And it is possible that I responded,
7 yes.

8 MR. NKWONTA: Could we pull up
9 Exhibit 44.

10 (Exhibit 44 marked for
11 identification.)

12 BY MR. NKWONTA:

13 Q. Ms. Engelbrecht, have you stated
14 publicly or elsewhere before that some counties'
15 ballots are counted in Spain?

16 A. I don't recall. I'm generally aware
17 of the ballot counting software platforms that
18 are multinational. But I don't, I don't -- I
19 have never seen this document before and I'm not
20 certain what it might contain.

21 Q. Have you expressed a view before
22 that some states have their votes counted in

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 325

1 Spain?

2 A. I don't recall.

3 Q. Do you have any reason to dispute
4 this quote in this Brightbart article?

5 A. I have no context around it. I'm
6 aware of softwares that are used by states that
7 have, as a practical matter of their structure,
8 server ports in Spain. That is the extent of
9 what I do know is true, but that is not at all
10 uncommon in software.

11 So, I don't know what this -- you
12 know, what else may be here. I don't know.

13 MR. NKWONTA: Can you scroll down to

14 Page 3.

15 BY MR. NKWONTA:

16 Q. And Page 3 of this article quotes
17 you. Can you read that quote into the record?

18 A. "There is a tabulation company
19 called Sidel that does" --, jeez, spelling.

20 "There is a tabulation company
21 called Sidel that does have Cloud, I guess,
22 cold-based servers in Barcelona. And yes, it is

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 326

1 true that the tabulation of votes occurs in that
2 way in many states that could use that system."

3 Q. Is that an accurate quote?

4 A. There is a tabulation company called
5 Sidel that has cloud-based servers in Barcelona,
6 yes, that is true.

7 Q. And is it your view, based on that
8 that, that some states have their ballots counted
9 in Spain?

10 A. I think that that is a leap to a
11 conclusion, but it is certainly true that if you
12 are using a company that has cloud-based servers
13 in Spain, and that is in Barcelona, that is a
14 part of a process that may or may not impact the
15 vote count. But it is part of a process
16 nonetheless.

17 Q. Briefly I want to return back to the
18 voter challenges.

19 Are you familiar or aware of any
20 challengers who withdrew or asked to withdraw
21 their challenges during the, during the --

22 A. Yes, I am familiar with one, yes.

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 327

1 Sorry, sorry.

2 Q. And who is that challenger that
3 asked to withdraw their challenge?

4 A. I don't recall his name.

5 Q. Was it Joe Martin?

6 A. That does sound familiar, yes. That
7 sounds correct.

8 Q. And do you recall why Joe Martin
9 chose to withdraw his challenge?

10 A. My general recollection is that in
11 looking at names on a challenger list he
12 identified that a couple of them were at long --
13 were residents at long-term care facilities.
14 And he didn't -- for that purpose he
15 didn't want to move forward. And he notified
16 Amy. And we notified -- as I understand it, we
17 notified the county. And that was -- that is the
18 end of it as far as I know or as far as I recall.

19 Q. And did you determine or make any
20 efforts to determine whether those voters were
21 properly included in the challenge list?

22 A. We didn't submit the challenge list

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 328

1 after he declined to participate. We, on his
2 behalf, just rescinded the challenges, as I
3 recall.

4 Q. So you submitted the challenges, but
5 then withdrew them after Mr. Martin requested
6 that they be withdrawn; is that correct?

7 A. I believe that that is correct. I
8 am not certain, but I believe that that is
9 correct.

10 Q. Were there any other challengers who
11 requested that their challenges be withdrawn?

12 A. None that I am aware of or that I
13 recall.

14 Q. And you submitted, at some point in
15 this case, a True the Vote and other defendants
16 submitted a counterclaim or asserted a
17 counterclaim for voter intimidation.

18 And can you explain -- can you
19 explain what caused that intimidation?

20 MS. SIEBERT: I'm going to object to
21 that. That counterclaim has been completely
22 dismissed and it is no longer relevant or a

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 329

1 part of this complaint.

2 The court has already dismissed
3 those claims. It wouldn't be relevant to any
4 claim or defense in this case.

5 BY MR. NKWONTA:

6 Q. You may answer, Ms. Engelbrecht.

7 A. I will just take advice of counsel
8 on that.

9 MS. SIEBERT: Catherine, you can go
10 ahead and answer. I'm sorry. I didn't make
11 that clear. You can go ahead and answer but
12 that is our objection.

13 THE WITNESS: Okay. I'm so sorry.
14 I just want to make -- can you repeat the
15 question again. I want to make sure I'm
16 framing it properly in my mind.

17 BY MR. NKWONTA:

18 Q. Sure. And I will narrow the
19 question a little bit.

20 In what way were -- was True the
21 Vote and perhaps yourself as well intimidated by
22 these legal proceedings?

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 330

1 A. Well, True the Vote, you know,
2 received e-mails and calls particularly to the
3 election hotline that were, you know, unkind.

4 But that was really not the
5 intimidation. The intimidation that I was most
6 troubled by was that suffered by the electors who
7 participated, and as a consequence of that had
8 their, there were docs online, had businesses
9 targeted, had threats sent to them in e-mail and
10 calls, you know, to their businesses.

11 Q. And so you've told me about the
12 electors.

13 And in talking about True the Vote
14 and yourself specifically, were you intimidated
15 by the legal proceedings or by the allegations in
16 the lawsuit?

17 MS. SIEBERT: Same objections. I
18 will just make a continuing objection based
19 upon the same -- for this entire line of
20 questioning as earlier.

21 THE WITNESS: Yeah, was I
22 intimidated by the lawsuit? No. I mean, I'm

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 331

1 just concerned about what was happening to
2 the volunteers.

3 MR. NKWONTA: And can we take a
4 quick five-minute break. I think I am just
5 about done. I just want to make sure that we
6 have covered everything.

7 THE VIDEOGRAPHER: We are now going
8 off the video record. The time is 5:04 p.m.

9 (Recess taken -- 5:04 p.m.)

10 (After recess -- 5:09 p.m.)

11 THE VIDEOGRAPHER: We are now going
12 back on the video record. The time is
13 5:09 p.m.

14 BY MR. NKWONTA:

15 Q. Ms. Engelbrecht, we just took a
16 short break. Do you understand you are still
17 under oath?

18 A. Yes.

19 Q. I just have a couple of quick
20 questions remaining.

21 First, can you explain to me the
22 term or have you heard of the term the Photo

1/26/2022

Fair Fight, Inc. et al. v. True the Vote, et al.
Confidential - Pursuant to Protective Order

Catherine Engelbrecht 30(b)(6)

Page 332

1 Ernesto Program?

2 A. Yes.

3 Q. What is the Photo Ernesto
4 Initiative?

5 A. That was an initiative we had, True
6 the Vote had for a brief period of time, maybe, I
7 don't recall the years, 2012/2013, somewhere in
8 there.

9 And, it was led by someone. And her
10 point and focus in the initiative was to --
11 basically everything we did was translated into
12 Spanish and focused on working in Latino
13 communities in that regard.

14 And it was -- and the spokesperson
15 for that was Latina and, you know, was very
16 active in that community and speaking Spanish
17 fluently so it was useful for those folks.

18 Q. What exactly was True the Vote doing
19 in those Latino communities?

20 A. Everything from helping to do
21 training for voter registration guides,
22 clarifying on voter registration intake or how to

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., et al.,

Plaintiffs,

v.

TRUE THE VOTE, INC., et al.,

Defendants,

Case No. 2:20-CV-00302-SCJ

DECLARATION OF DR. KENNETH MAYER

I, Dr. Kenneth Mayer, make the following declaration:

1. I was retained by Plaintiffs in this case to provide the expert opinions set forth in my expert report attached as Exhibit A to this declaration.
2. The statements in my expert report, attached as Exhibit A, are true and correct to the best of my personal knowledge.
3. If called as a witness, I will testify to the expert opinions and conclusions offered in my expert report and the bases for those opinions, all of which are matters within my personal knowledge.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of May, 2022.

Kenneth Mayer
Dr. Kenneth R. Mayer


Exhibit A

RETRIEVED FROM DEMOCRACYPOCKET.COM

Fair Fight Inc., et al. v. True the Vote, Inc., et al., Case No. 2:20-CV-00302-SCJ

United States District Court for the Northern District of Georgia

Expert Report of Kenneth R. Mayer, PhD



Kenneth R. Mayer, Ph.D.

May 14, 2021

RETRIEVED FROM DEMOCRACYDOCKET.COM

I. Introduction

I have been asked by counsel in this matter to analyze and evaluate files (referred to herein as the “challenge file”) generated by True the Vote, Inc., that purport to identify registered voters across 65 counties in Georgia who are allegedly ineligible to vote because they appear to have moved to a different address, either out-of-state or to a different county in Georgia, than the address on file with county election officials.

True the Vote appears to have attempted to conduct a “record linkage” process in which names and addresses in Georgia’s statewide file of registered voters (the “voter file”) are matched to names and addresses in what is commonly referred to as the National Change of Address (“NCOA”) Registry—a national file of individuals who have submitted an NCOA request to the U.S. Postal Service. The names and addresses that “matched” across the voter file and the NCOA Registry were extracted and placed into True the Vote’s “challenge file,” with each matched record claiming to represent an ineligible registrant. As I show below, the practice of record linkage is extremely difficult and error-prone when there are no unique identifiers that identify the same individual in the files being linked, as is the case here. In fact, names and addresses are far from unique in the voter file, where over 85,000 name and address combinations appear more than once. It is possible that True the Vote relied on data besides the NCOA Registry, given the nonspecific references to

“available government and commercially available information” in its explanation of methods (see section VIII), but that would not change any of my conclusions, because the errors in the challenge file are apparent in any case.

The result is a challenge file generated by True the Vote that is riddled with errors; has no meaningful checks on the validity of its results; contains false positives, missing data, incorrect matches, improperly formatted and entered data, and mistakes in the matching fields; and almost certainly links between an NCOA record and a different individual in the voter file, registrants who have changed their names, registrants who clearly have not moved, and individuals who are not registered to vote in Georgia. The results do not come anywhere close to what would be required for valid practices in academic studies of election administration (Ansolabehere and Hersh 2017; Enamorado, Fifield, and Imai. 2019; Huber et al. 2021).

Moreover, *even if* True the Vote had identified with 100% accuracy every registrant who had moved (and it most decidedly has not), the fact that a voter has moved *does not* mean that the voter’s eligibility is in question. Tens of thousands of records in True the Vote’s challenge file show an address near or on a military installation (including hundreds of records in which the address itself is a military base), or in or near a municipality with a university. I identified over 55,000 registrants in the challenge file who fall into one of these categories.

Finally, challenging voters based on an NCOA match alone has a clear disparate racial effect. Generally, African American voters are more likely to be incorrectly flagged through these processes, and the disparities in this instance are exacerbated by the fact that True the Vote has selected only 65 of Georgia's 159 counties for challenges. I show that the probability that a county was selected for challenges increases as the percentage of African American registrants within that county increases. One effect of this bias is that African Americans constitute a much higher percentage of challenged in-state movers (38.4%) than their representation in the voter file (29.9%). Because of these racially disproportionate and invalid challenges to their eligibility, African American registrants are more likely than white registrants to be deterred from voting altogether.

In sum, True the Vote has relied on a fundamentally unreliable method using flawed data, which produced erroneous results with a clear disparate racial effect.

II. Summary of Conclusions

My overall conclusions in this report are summarized as follows:

A. The data used to construct the challenge file, and the methods used to identify registrants who have allegedly moved, are unreliable.

First, True the Vote's descriptions of its methodology to conduct the record linkage are entirely inadequate from an academic or scientific perspective and provably incorrect. The descriptions lack basic information that would be provided in any credible effort, such as how the voter file data was matched to the NCOA file,

who performed the match, the date the match was performed, the date the underlying files were generated, what fields were used to match, whether the records were matched based on exact or partial matching, whether or how the data were pre-processed prior to the NCOA match, and how many records were removed from the list of matched records (and why).

Second, the matching across the voter file and NCOA file appears to have been conducted using only a registrant's first name, last name, and address—a field triplet with over 85,000 records duplicated at least once in the voter file (e.g., two or more John Smiths registered at the same address in the voter file). This guarantees that matching errors will occur: individuals in the NCOA registry will be linked to a different individual in the voter file.

Third, True the Vote did not conduct any meaningful checks on the validity of its data, relying on demonstrably inadequate methods. These included relying on a printing company, with no apparent experience in analyzing voter files, to review the matches before printing the challenged voter lists.¹

Fourth, the challenge file shows tens of thousands of errors—a result of True the Vote and its partners failing to adhere to commonly accepted practices in complex record linkage—including: (1) ensuring that fields used to link voter

¹ OPSEC 0033.

records in different databases conform with respect to data format, values, and data type, (2) ensuring that fields used to identify individuals are unique (or as close to unique as the data permit), and (3) ensuring that the underlying data are accurate, and checking the validity of the results.

Fifth, True the Vote's challenge file contains huge numbers of missing values for crucial fields. For example, no middle initials or name suffixes are recorded for anyone in the challenge file. This inevitably increases the number of erroneous matches because middle names and suffixes provide additional identifying information and reduce the number of duplicate records. Other examples of missing or erroneous fields include:

- Over 15,000 records in the challenge file have a missing value for the street address where a registrant is alleged to have *moved to*.
- Over 9,000 records in the challenge file from Henry County incorrectly list the municipality name as the registrant's zip code.

Finally, True the Vote appears to have received reports on the results of the matching process that included data on registrants in the challenge file that bears no conceivable connection to the purported goal of identifying ineligible voters, including: the percentage of registrants who own a business, median income, household income distribution, gender, home ownership rates, home values,

charitable giving, marital status, net worth, occupation, political party, religion, and presence of children in the household.

B. The unreliable methods employed in constructing the challenge lists generated tens of thousands of obvious errors.

Keeping in mind that every record in the challenge file purports to identify an individual who is ineligible to vote, the challenge file contains tens of thousands of obvious errors, including:

- Duplicated matches to non-unique records in the voter file. In other words, the same person in the NCOA file is linked to multiple individuals in the voter file, and there is no way to know if the individual in the NCOA registry is linked to the same individual in the voter file;
- Registrants who have not moved at all;
- Registrants in the challenge file who are linked to a voter with an entirely different name in the voter file;
- Registrants alleged to have moved but who have no new address (a blank field);
- Registrants who have already re-registered at their new address; and
- Individuals who are not even registered to vote in Georgia.

C. NCOA data cannot be used to conclude a registrant is ineligible to vote.

Even if the NCOA match process was conducted perfectly (it was not), and even if the data identified with 100% accuracy voters who have moved (it did not), the fact that a registrant appears in the NCOA Registry cannot be used to conclude that these registrants are ineligible to vote. Tens of thousands of registrants in the challenge file, even if they have actually changed addresses, have plausible reasons for moving while still retaining their eligibility to vote in Georgia. For example:

- Nearly 23,000 registrants in the challenge file show a new address near (or in some cases, *on*) a military installation.
- Over 34,000 registrants in the challenge file show a new address in or near a municipality with a major college or university. The challenge file data is consistent with data from Georgia educational authorities regarding the colleges and universities that graduating high school seniors are most likely to attend.

Military personnel serving at an installation away from home and college students moving to attend school are archetypes of legitimate absentee voters.

D. True the Vote's challenges were targeted toward counties with disproportionately higher minority populations.

The challenge file consists of data from only 65 of Georgia's 159 counties. Counties in the Atlanta area were more likely to be selected for challenges than

counties elsewhere in the state. Counties with higher percentages of African American voters were also more likely to be selected for challenges. Peer-reviewed research has shown that use of NCOA matching has a disproportionate effect on minority voters and is more likely to produce inaccurate results for minority voters compared to white voters.

E. Erroneous accusations of unlawful voting or ineligibility impose significant costs.

Allegations of ineligibility deter voting, both by raising the administrative costs for registrants who must take additional steps to prove their eligibility, and by increasing the perceived legal risks of voting even if the individual is properly registered and eligible to vote in Georgia. True the Vote's mass challenges forced targeted voters to incur what may be perceived to be a legal risk in voting—even if they are properly registered and eligible to vote—and will force them to incur the cost of proving their eligibility and potentially attending a hearing to ensure that their vote is counted and to avoid suspicion. The political science literature on voting has conclusively established that these types of costs often deter qualified individuals from exercising their right to vote, and they weigh most heavily on members of the electorate who have fewer resources and are least equipped to overcome additional barriers in the voting process.

III. Qualifications and Expertise

I have a Ph.D. in political science from Yale University, where my graduate training included courses in econometrics and statistics. My undergraduate degree is from the University of California, San Diego, where I majored in political science and minored in applied mathematics. I have been on the faculty of the political science department at the University of Wisconsin-Madison since August 1989. My curriculum vitae is attached to this report as Appendix C.

All publications that I have authored and published in the past ten years appear in my curriculum vitae. Those publications include the following peer-reviewed journals: *Journal of Politics*, *American Journal of Political Science*, *Election Law Journal*, *Legislative Studies Quarterly*, *Presidential Studies Quarterly*, *American Politics Research*, *Congress and the Presidency*, *Public Administration Review*, *Political Research Quarterly*, and *PS: Political Science and Politics*. I have also published in law reviews, including the *Richmond Law Review*, the *UCLA Pacific Basin Law Journal*, and the *University of Utah Law Review*. My work on campaign finance has been published in *Legislative Studies Quarterly*, *Regulation*, *PS: Political Science and Politics*, *Richmond Law Review*, the *Democratic Audit of Australia*, and in an edited volume on electoral competitiveness published by the Brookings Institution Press. My research on campaign finance has been cited by the

U.S. Government Accountability Office and by legislative research offices in Connecticut and Wisconsin.

My work on election administration has been published in the *Election Law Journal*, *American Journal of Political Science*, *Public Administration Review*, *Political Research Quarterly*, and *American Politics Research*. I was part of a research group retained by the Wisconsin Government Accountability Board to review their compliance with federal mandates and reporting systems under the Help America Vote Act and to survey local election officials throughout the state. I serve on the Steering Committee of the Wisconsin Elections Research Center, a unit within the UW-Madison College of Letters and Science. In 2012, I was retained by the U.S. Department of Justice to analyze data and methods regarding Florida's efforts to identify and remove claimed ineligible noncitizens from the statewide file of registered voters.

In the past five years, I have testified as an expert witness in trial or deposition in the following cases:

Federal: *Fair Fight Action v. Raffensperger*, No. 1:18-cv-05391-SCJ (N.D. Ga. 2019); *Kumar v. Frisco Independent School District*, No. 4:19-cv-00284 (E.D. Tex. 2019); *Vaughan v. Lewisville Independent School District*, No. 4:19-cv-00109 (E.D. Tex. 2019); *Dwight, et al. v Raffensperger*, No: 1:18-cv-2869-RWS (N.D. Ga. 2018); *League of Women Voters of Michigan, et al. v. Johnson*, No. 2:17-cv-14148-DPH-SDD (S.D. Mich. 2018); *One Wis. Institute, Inc. v. Thomsen* 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016).

State: *North Carolina Alliance for Retired Americans et al. v. North Carolina State Board of Elections* (Wake Cnty., NC); *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cnty., Mont. 2020); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cnty., Mo. 2018).

Courts consistently have accepted my expert opinions and the basis for those opinions. No court has ever excluded my expert opinion under *Daubert* or any other standard. Courts have cited my expert opinions in their decisions, finding my opinions reliable and persuasive. *See Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cnty., Mont., 2020); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. Cole Cnty., Mo. 2018); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016); *One Wis. Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Baldus v. Members of Wis. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012); *Milwaukee Branch of the NAACP v. Walker*, 851 N.W. 2d 262 (Wis. 2014); *Baumgart v. Wendelberger*, No. 01-C-0121, 2002 WL 34127471 (E.D. Wis. May 30, 2002).

I am being compensated at my standard rate of \$450 an hour. My compensation is not dependent on my conclusions.

IV. Data Sources

In reaching my opinions in this report, I relied on the following data:

- Excel files that claim to show registered voters in Georgia, with a registration address in one of 65 counties, who filed a National Change of Address form with the U.S. Postal Service. I refer to the combined data including records from all 65 counties as the “challenge file.”

- Files I understand to have been produced in discovery:
 - a. TrueAppend report of demographic characteristics (OpSec 0009-0029);
 - b. December 16, 2020 email from Catherine Engelbrecht to Mark Williams requesting the removal of addresses “that would suggest they are military bases” (OpSec 0032-0033);
 - c. flowchart of data related to the Georgia voter file (OpSec 0049-0050);
 - d. graphic appearing to show deceased names associated with two Georgia addresses (OpSec 0059);
 - e. spreadsheet summarizing NCOA data for nine Georgia counties (OpSec 0051);
 - f. spreadsheet with two lines of identifying information about one Georgia individual (OPSEC 0060);
 - g. December 28, 2020 email from Catherine Engelbrecht to Amy Holsworth listing four steps taken to analyze NCOA data (Def TTV 1453); and
 - h. OpSec Group LLC Subpoena - Exhibit A Amended Responses, 12-13.
- A Georgia voter file of registered voters generated December 14, 2020;
- Georgia voter history files for the November 3, 2020 general election and the January 5, 2021 special election; and
- The peer reviewed academic literature and other sources cited in this report.

I conducted my analyses using Stata SE v. 16.1, a statistical package, and QGIS, an open source graphical information systems program.

V. Analysis

A. The False Premise of True the Vote's Voter Challenges

Before even turning to the data, I note that the entire effort to identify allegedly ineligible voters—flawed as it is—is also based on an entirely false set of premises.

First, there is no evidence that material numbers of ineligible voters are casting ballots in Georgia. In particular, the results of the 2020 general election have been repeatedly confirmed through multiple recounts, and Georgia Secretary of State Brad Raffensperger declared that an audit of absentee ballots in Cobb County (one of the counties where True the Vote challenged voter eligibility) failed to identify even a single fraudulent absentee ballot.²

Time after time, the academic literature has found that voter fraud claims are vastly exaggerated, with no evidence of any material levels of fraud (Minnite 2010; Eggers, Garro and Grimmer 2021a; Eggers, Garro and Grimmer 2021b). Georgia is no exception.

Second, there is no evidence that ineligible registrants remaining on voter lists leads to invalid voters casting ballots. While all voter lists inevitably contain “deadwood” of registrations no longer eligible (it is impossible to immediately

² Georgia Secretary of State/Georgia Bureau of Investigation, *ABM Signature Audit Report*. Cast Number SEB2020-427, December 29, 2020.

update lists with information from other types of administrative data) there is no evidence that material numbers of ineligible voters cast ballots. If anything, registrants are far more likely to be *improperly removed* by “challenge” practices in which the eligibility of registrants is questioned than to vote while ineligible (Merivaki 2020; Brater 2018). And, as I discuss below, list maintenance processes are far more likely to affect minority voters, who are twice as likely to be improperly removed (Huber et al. 2021).

Third, the fundamental premise of True the Vote’s challenge effort is that a voter who appears to have filed a change of address is ineligible to vote. This premise is utterly false. As I explain below, the fact that someone has filed a change of address request does not, by definition, mean that they are no longer eligible to vote at the address where they are registered.

True the Vote’s effort to challenge the eligibility of voters was fundamentally flawed, based on a faulty set of assumptions, conducted with inaccurate data, sloppily executed, and rife with errors.

B. The Data

True the Vote’s challenge file consists of 250,783 records, each of which purports to represent a voter who has allegedly moved to a different out-of-county address and whose eligibility to vote in Georgia was challenged by True the Vote, through one of its affiliates. Each record consists of a voter’s first name, last name,

and registration address (with 2 fields for street address, and separate fields for city, county, state and ZIP code), and the same fields for an address where a voter has allegedly moved. The challenge file contains records from the 65 counties in which True the Vote (through its affiliates) submitted voter challenges.

My understanding is that True the Vote hired a firm that attempted to match the Georgia voter file with the NCOA Registry in order to compile the challenge file. As a result, True the Vote included in the challenge file registrants whose name and address, they claim, matched a name and address in the NCOA Registry for a voter who has moved out of the state or out of the county where they are currently registered.

As I explain below, matching—or more properly, “record linkage”—is the process of identifying the same individual in different administrative files, “linking” the records so that the information in each file can be connected to the same individual. This can be straightforward in cases where there is a unique identifier for the same individual in *both files*: i.e., a Social Security number, for example, or a unique driver’s license number in each file. In such an instance, we can be virtually certain that the information in both files is attached to the same individual (barring an entry or administrative error).

Here, True the Vote is claiming that if an individual in the voter file merely has the same name and address as someone who has filed an NCOA, then the records

in each file must be referring to the same person. This process is represented graphically in Figure 1:

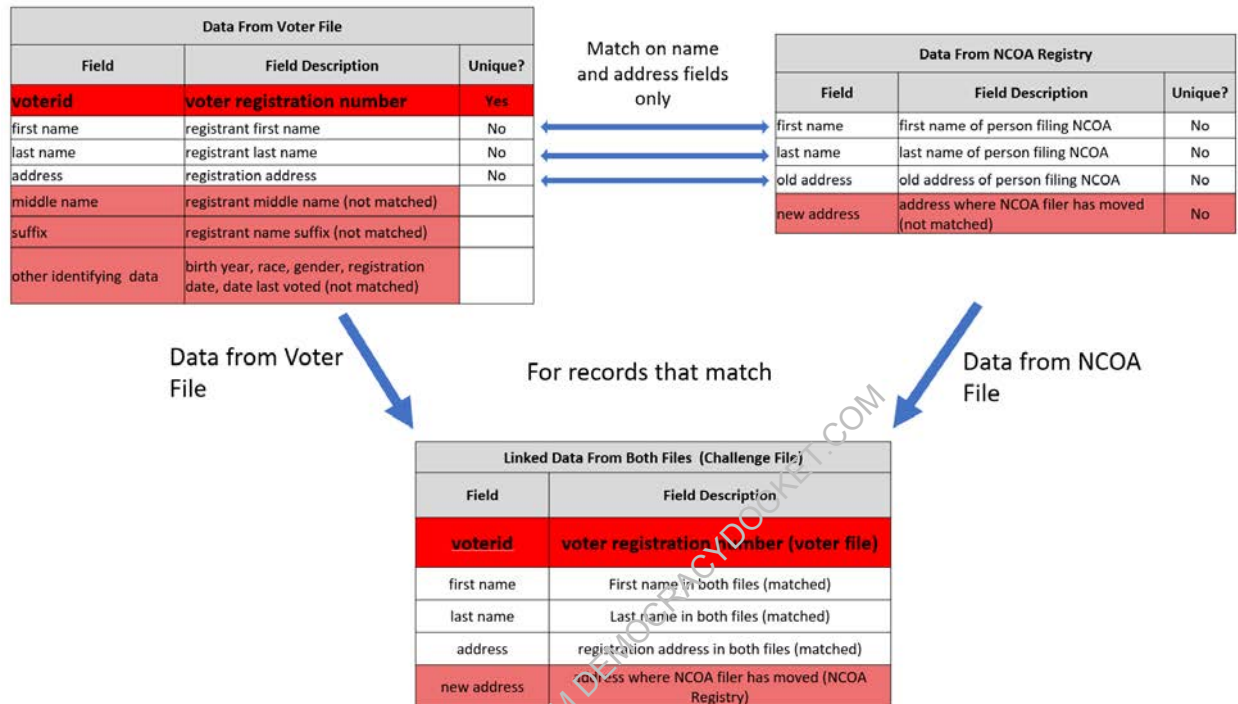


Figure 1 – The Record Linkage Process

The unshaded fields are the name and address fields on which the “matching” was purportedly conducted. It is crucial to note that these are not unique identifiers, and as a result we cannot be certain that the matches that occurred are in fact the same person. This is because the only unique identifier—i.e., the only way to uniquely identify every individual—is the voter identification number, which is found *only* in the Georgia voter file (shaded dark red). This number does not appear in the NCOA registry, and in fact, there is no unique identifier in the NCOA registry

at all. It is also crucial to note that additional key identifying information in the voter file, such as a registrant's middle name, name suffix, birth year, race, and gender are not used to match, and the NCOA filer's *new* address is not used for matching (all fields not used for matching are shaded light red).

To emphasize: True the Vote is purportedly matching first name, last name, and address combinations alone—none of which are unique identifiers. As a result, True the Vote is assuming that these matches are always the same person. As I show below, this is plainly wrong.

Further, the counties where True the Vote submitted challenges are conspicuously unrepresentative of the state as a whole. Figure 2 below shows the counties chosen for NCOA matching (highlighted in red). True the Vote submitted challenges in most of the counties in the Atlanta area (Forsyth County is the exception).

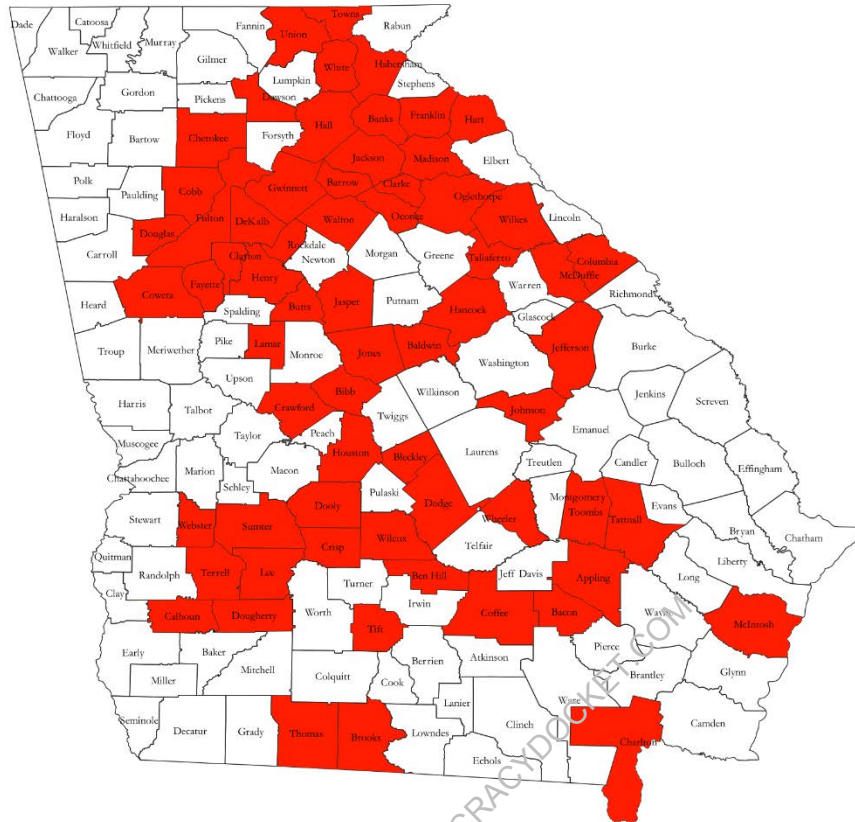


Figure 2 – Georgia Counties Subjected to NCOA Match

True the Vote submitted challenges in 65 of Georgia's 159 counties overall (38%). The selected counties are concentrated in the northern portion of the state and in the Atlanta region. Of the eleven counties that immediately surround and include Atlanta, True the Vote challenged voters' eligibility in 10 of those counties (91%). True the Vote also submitted challenges in 17 of the 29 counties (59%) in the Atlanta Metropolitan Statistical Area.³ I analyze these patterns further in Section IX, below.

³ Twenty-nine County Metropolitan Statistical Area: Atlanta-Sandy Springs-Roswell, GA, Ga. Dep't of Cmty. Health, <https://dch.georgia.gov/sites/dch.georgia.gov/files/Atlanta%20Service%20Area%20Map.pdf>.

C. Methods

To analyze the reliability of the challenge file, I linked the records in the file to the December 14 2020 Georgia voter file, using the voter identification number in both files (a unique identifier for every individual that is present in both the challenge file and the voter file).

1. True the Vote's Unreliable NCOA Matching

Section VI described the process True the Vote appears to have used to identify registered voters who have filed an NCOA. As I note, record linkage is difficult (and often inaccurate) when no unique identifiers exist in both files. This is a well-known problem with voter file matching across states, or matching voter file data to other administrative files such as the NCOA Registry (Huber et al. 2021; NASS 2017; Wisconsin Elections Commission 2021; Goel 2020; Merivaki 2020).

True the Vote's description of its matching process appears in two places, both of which give different and inconsistent information about their methods. In one instance, the process is described as follows:

- OpSec evaluated the challenge requirements of the Georgia code, in addition to any specific requirements related to runoff elections.
- OpSec's representatives met with the Georgia Secretary of State's representatives to confirm the accuracy of its methodology.
- OpSec loaded the Georgia voter registration file into its system, which is publicly available
- OpSec compared, using algorithms, queries, and various regression techniques, the addresses in the registration file to government and commercially available information in order to identify people who have

either moved out of the county in which they are registered or who live outside the State of Georgia.

- OpSec reviewed the results of this comparison and ran algorithms to exclude potential students, military, or non-permanent movers. For instance, OpSec eliminated addresses associated with college dorms or military bases.
- OpSec removed from the list any names that did not meet the standards of the Georgia code.
- OpSec reviewed the final results and prepared the final spreadsheet for distribution to challengers, counties, and the Georgia Secretary of State.⁴

A second document, a December 28, 2020 email from Catherine Engelbrecht to multiple recipients, describes the process quite differently: “[A]fter we analyzed the data through the NCOA, we did the following:

1. We rescreened the findings through an enhanced NCOA search to remove all identifiable military addresses.
2. Using the above subset, we then screened through a database called Smarty Streets to complete incomplete address formats, then rescreened again through NCOA.
3. We ran subset (*sic*) from #2 through Social Security Death Index to remove any deceased voters on the list.
4. We ran subset (*sic*) from #3 through scripts written to remove any records that appeared to be duplicates.”⁵

These descriptions do not provide an adequate explanation of any actual methodology used to conduct the initial match. In the first document, the claim that OpSec used “algorithms, queries, and various regression techniques” to identify

⁴ OpSec Group LLC Subpoena - Exhibit A, Amended Responses, 12-13.

⁵ Email, December 28, 2020, Def TTV 1453.

people in the voter file who have moved is woefully insufficient—one would need to know, at an absolute minimum, *what* algorithms, queries and regression techniques were used, none of which is actually provided. Nor is it clear from the explanation what “government and commercially available information” was used to conduct the analysis. The same inadequacies are found where OpSec claims it used “algorithms to exclude potential students, military, or non-permanent movers,” which, in addition to being nonsensically ambiguous, is wrong because, as I’ve found in my review, there remained 397 targeted registrants in the challenge file who list an address literally *on* a military base. Further, OpSec provided no information about how it identified addresses of college or university dorms, or how it “reviewed the final results.” As I show throughout this report, the tens of thousands of obvious errors in the challenge file reveal the complete inadequacy of whatever process or method was actually used, opaque as it is to any outside review.

In True the Vote’s second alleged description of its processes, phrases like “analyzed the data through the NCOA,” “enhanced NCOA search,” “rescreened,” and “ran” are similarly undefined and ambiguous. Moreover, it is not clear how “deceased voters” were identified, as there is no Social Security data (such as Social Security numbers, or even full dates of birth) in the Georgia voter file. We further know that steps 2 and 4 were demonstrably insufficient, as numerous duplicate

records and military addresses remain in the challenge file (see Section IX(A), below).⁶

In addition, neither of these descriptions provides information necessary to properly review legitimate record linkage, such as: the dates the underlying files were generated, the date the match was conducted, how the individuals in the NCOA match file were identified, whether the files were linked through exact matching (requiring a character-for-character match between fields) or some form of probabilistic matching,⁷ whether the matches were generated through a formal NCOA match process (called NCOA^{LINK})⁸ or through some other method,⁹ or what fields were used to determine if a match existed. We do not know if True the Vote included records that did not match exactly, but *partially* matched, and we do not have the matching codes returned in an NCOA match, indicating why a record did

⁶ Note, by contrast, the five-page 3,900-word description of record linkage methods, data preparation, and validity checking in Ansolabehere and Hersh (2017, 2-6).

⁷ Probabilistic matching (often called “fuzzy matching”) allows matches to include variants of field values, or matches on a percentage of characters in a field, with the results expressed as a probability that the match is correct, a false positive, or false negative (Ansolabehere and Hersh 2017, 2).

⁸ See U.S. Postal Service, NCOALINK, <https://postalpro.usps.com/mailling-and-shipping-services/NCOALink>.

⁹ The U.S. Postal Service Guide for NCOA Link allows users to specify matching rules, and allows for “normalizing” last names to match variants. See U.S. Postal Service, NCOA^{LINK} *User’s Technical Reference*, Version 10, July 5, 2018, https://postalpro.usps.com/mnt/glusterfs/2018-07/User_Tech_Info.pdf.

not match, or whether it was a partial match.¹⁰ We do not know how many records were removed from the NCOA match file prior to the creation of the challenge file. Without a detailed description and accounting of the methodology used, the challenge file cannot be regarded as reliable.¹¹

Critically, there is incomplete information about *who* conducted the match: access to the NCOA registry is available only to licensed entities who market their services to businesses or other organizations that submit files for matching or use it for their own analyses. Several types of licenses are available, and although I do not have access to the current number of entities with access to the registry, in 2014 the USPS Inspector General found 515 companies with NCOA license agreements (USPS 2014, 9). It is not clear if OpSec itself has the requisite licensing, or whether it engaged another entity to perform the match.

The likelihood of errors is compounded when different individuals have similar names or the same name and live at the same address—including, for example, individuals with name suffixes such as John Smith Sr., Jr., III, etc. As I

¹⁰ The formal NCOA return codes include numerous reasons for nonmatches, many of which show *partial* matches on some fields but not others, different middle names, initials in one data set and full names in the other, different genders, different ZIP codes or a five-digit ZIP code in one file and a ZIP+4 code in the other, or multiple matches. See U.S. Postal Service, *NCOA^{LINK} User's Technical Reference*, Version 10, July 5, 2018, pp. 12-19.

¹¹ If OpSec relied on a commercial data set such as Lexis/Nexis or a national data analytics firm to identify movers, much of the address information those sources rely on still comes from the NCOA Registry, which would result in the same errors and inadequacies I have identified.

show below, there are tens of thousands of records in the voter file that contain duplicate name and address fields, and it is clear that True the Vote has matched one individual who has submitted an NCOA to multiple individuals with the same name in the voter file. Importantly, the name fields that True the Vote has apparently used to conduct the match do not include either middle names or name suffixes (these are not present in the challenge files).

The resulting challenge file is therefore wholly unreliable and, as demonstrated below, has resulted in numerous errors.

2. Data Errors

Even without a full description of the method, it is apparent that the challenge file contains tens of thousands of errors. These errors include missing data, missing values in matching fields, anomalous values in matching fields, voters who clearly have not moved, voters who have not moved out of the county in which they are registered, and voters who have re-registered at a new address.

a) Missing Data

The voter file includes identifying information for registrants, including first name, last name, middle initial or maiden name, suffix (Jr., Sr., III, etc.), and birth year. The challenge file includes only first name and last name. None of the records include a middle name or initial or maiden name, suffix, or birth year. As far as I

have been able to determine, the NCOA-voter file match used only first name, last name, and address to link the two files (the NCOA file and the Georgia voter file).

This has led to obvious and myriad errors, because name and address combinations are not unique in the voter file (or, almost certainly, in the NCOA Registry). There are 85,219 records in the voter file with at least one duplicate on the first name, last name, and address triplet (fields which include street address, apartment number, city and ZIP code). Often these records show multiple generations living at the same address, with identical first and last names (e.g., John Smith, John Smith Jr., and John Smith III).

Matching NCOA data using first name, last name, and address (where there are duplicate records) to the voter file using first name, last name, and address (where there are duplicate records) is virtually guaranteed to link the *wrong individuals* in the two files. To give a concrete example, the challenge file lists two registrants named Eric Jones at the same address in Gwinnett County, neither of whom show an NCOA street address for the location they have moved to. But there are *three* Eric Joneses in the voter file at the same address as the two in the challenge file, with three different birth years and three different middle names, one of whom is a “Jr.” It is impossible to tell which individual is the correct match because the voter registration number, birth year, middle name, and suffix fields are not included in the NCOA file.

And, indeed, incorrect links have occurred. The challenge file includes 1,375 records duplicated on the first name, last name, and address triplet. The reason these duplicated records exist in the challenge file is that *all* of them link to records in the voter file that are duplicated on the same fields, even when the records in the voter file refer to *different* individuals (based on unique voter registration numbers). At least one of the duplicated records in the challenge file is almost certainly incorrectly linked to the voter file: what has happened is that a single name and address in the NCOA file has linked to multiple individuals in the voter file who have the same name and address. It is not possible to correct this error in the challenge file, as I am unable to determine *which* voter in the voter file (if any) is the correct match to the NCOA record.

In total, there are 1,375 duplicated records in the challenge file, and a disproportionate number of the duplicate records identify racial minorities. While 27.3% of individuals overall in the challenge file are African American, 40.3% of the individuals in duplicated records are African American.

b) Missing Values in Key Fields

The challenge file purports to identify Georgia registrants who have moved to a different address, listing the address in the voter file where a voter is currently registered and the address from the NCOA Registry where the registrant is claimed to have moved. However, 15,360 records in the challenge file *do not show a street*

address in the “moved to” address fields. Another 27 records show a “moved to” street address of “general delivery.” True the Vote is claiming that these voters have moved, but they do not know *where* the voters are alleged to have moved to.

This raises two serious problems. First, it strongly suggests an error in the matching process or NCOA data, and a lack of quality control in compiling records of allegedly ineligible voters. It is not clear why someone would file an NCOA without actually entering a new address.

A second, more serious, issue is that a clerk relying on this data to notify a voter that their eligibility has been challenged has no way to contact the voter. If a voter has in fact moved, sending a notification to the old address in the registration files cannot be forwarded to the new address (as there is none). And sending a notification to the new address is similarly impossible, as no address is listed. A challenged registrant (who is identified by registration number) may have no way of knowing that their eligibility has been challenged.

c) Anomalous Values and Obvious Errors

Many records include obviously incorrect field values. For example, all of the 9,270 records in the Henry County challenge file have erroneous ZIP code data. Rather than what should be a five- or nine-digit ZIP code, the field shows the municipality where a voter is registered.

As another example, the “movedtocity” field in each challenge file shows different abbreviations and spelling variants for city names, including: “Charlottesville” and “Charlottesvle” VA; “Fort Leavenwrth” and “Fort Leavenworth” KS; “Twentynin Palms” and “Twentynine Palms,” CA; “Dauphin Isl” and “Dauphin Island,” AL; “Canal Wnchstr” and “Canal Winchester,” OH; “”Salt Lake Cty” and “Salt Lake City,” UT; “Jeffersonvll” and “Jeffersonville,” IN; “Washingtonvle” and “Washingtonville,” NY; “San Juan Capo” and “San Juan Capistrano,” CA; and more—I have not compiled a complete listing of all of these inconsistencies and differences. The origin of these inconsistencies is not clear, but the errors clearly exist in the NCOA data as none of the errors exist in the registration data in the voter file.

Furthermore, in 263 cases, the name of the registrant in the challenge file does not match the name in the voter file for the registrant with that registration number.

In five cases, the registration address and “movedstreet1” address in the challenge file is identical, indicating that the voter has not in fact moved. This raises further questions about the validity of the NCOA matching process used, as well as the lack of quality control in reviewing the results (to the extent they were reviewed at all).

In 145 cases, the registration address and address the registrant is alleged to have moved to are in the same county.

In 6,377 cases, individuals have re-registered at the address the NCOA match shows that they have moved to. True the Vote is therefore inexplicably challenging the eligibility of voters who are registered at their new address.

In 336 cases, the individual whose eligibility True the Vote is challenging is not registered to vote in Georgia.

d) Lack of Adequate Data Preparation

In the absence of a unique identifier in both files that can be linked, record linkage is a probabilistic process. At the very least, the fields used to link files should be regularized so that they have a common format. But even that did not occur here.

For example, an immediate problem is that the address fields in the challenge file do not match the address fields in the voter file. The challenge file lists “registrationstreet1” and “registrationstreet2” for the street address of a registrant. “registrationstreet2” appears to be an apartment or unit number. The voter file uses entirely different fields, splitting the registrant’s street address into house number, street name, street suffix, and apartment or unit number fields.

I located 41,691 records in the challenge file that have a value in the “registrationstreet2” field (which is, again, presumably an apartment or unit number), but several of those values are not valid: five are recorded as missing rather than blank, one is recorded as either a spreadsheet cell reference or a typographical error (“=g16”), one is recorded as an en dash (“-”), and another is recorded as “Null.”

e) Challenge File Addresses Near or on Military Installations

One indicator of the fundamental unreliability of True the Vote's challenge file is that it includes 397 registrants who are listed as actually *living on a military installation* (based on the "movedcity" field). The challenge list includes 41 registrants with an address on Fort Knox, KY; 35 on Fort Bragg, NC; 29 on Fort Campbell, KY; 23 on Joint Base Lewis McChord, WA; 16 on Fort Stewart, GA; 15 on Fort Meade, MD; 14 on Eglin Air Force Base, FL; 13 on Fort Irwin, CA; 12 on Camp Lejeune, NC; and nine at the United States Air Force Academy, CO. True the Vote claims to have removed military addresses from the challenge file, but it clearly did not. In total, the challenge list includes registrants with an address specifically *on* 59 different military installations.

I also identified registrants who appear in the challenge file as moving to a city on or in the same standard metropolitan area of a military installation. Appendix A lists these cities, installation names, and the number of challenged residents in each, and shows 22,956 registrants who, according to the challenge file, submitted an NCOA with an address on or near one of 189 military installations.

f) Challenge File Addresses in Municipalities with Universities

A second common reason for moving to another address is attending a college or university. In 2018 approximately 60,000 graduating high school seniors in

Georgia enrolled at a college or university within 12 months.¹² This means that at any given time hundreds of thousands of Georgia students are pursuing a post-secondary degree, many of whom moved away from home temporarily to attend college. A student living away from home is a classic example of a legitimate absentee voter.

I identified cities with four-year colleges and universities, including public universities in Georgia, Mississippi, Florida, Alabama and Texas; all ACC, SEC, Big 12, and Big 10 conference schools; Ivy League schools; and schools identified by the Governor's Office of Student Achievement as being a top destination of Georgia high school graduates.¹³

The challenge file shows 35,056 registrants moving to a city where one of these academic institutions is located.¹⁴ True the Vote claims that removing addresses in college dorms solves the problem of identifying potential students, but this is clearly incorrect.¹⁵ According to the American Association of Colleges and

¹² State of Georgia, Governor's Office of Student Achievement, Graduate Outcomes – Year After High School Graduation, 2018, <https://hsgrad.gosa.ga.gov/noauth/extensions/HighSchoolGraduateOutcome2020/HighSchoolGraduateOutcome2020.html>.

¹³ The office tracks the top five destinations for every high school in each county; I tracked the 100 schools with the most top five rankings in 2017-2018 combined, excluding for-profit, online, and community and technical colleges.

¹⁴ I excluded cities with populations of more than 1 million (New York, Los Angeles, Chicago, Houston, Phoenix, Philadelphia, San Antonio, San Diego, Dallas, and San Jose).

¹⁵ This also adds yet another unexplained aspect of True the Vote's method, which is how it identified the addresses of on-campus housing units nationwide.

Universities, only 13% of *first year students* at a college or university live on campus.¹⁶ Appendix B shows these cities, the corresponding institutions, and the number of challenged registrants with addresses in these cities.

In total, I identified 57,534 registrants in the challenge file who appear to have moved to or near a military installation, or to a municipality with a college or university.¹⁷ This constitutes 22.9% of the registrants in the challenge file.

g) Inadequate Data Practices

The matching process ostensibly utilized by True the Vote does not adhere to standard practice in political science. An accurate process would, at minimum, ensure that data fields were conforming, that missing and anomalous values were identified and corrected, and that implausible matches (such as duplicates and name changes) were either removed or investigated further to identify possible errors (Ansolabehere and Hersh 2017; Enamorado, Fifield, and Imai, 2019). As far as I can tell, none of those practices occurred here. The validation process described in Def TTV 1453 is wholly inadequate.

¹⁶ See *Misconceptions about Today's College Students*, Ass'n Am. Colleges & Univs. (Nov. 2018), [https://www.aacu.org/aacu-news/newsletter/2018/november/facts-figures#:~:text=More%20than%20half%20\(57%20percent,actually%20does%2C%20the%20report%20said.](https://www.aacu.org/aacu-news/newsletter/2018/november/facts-figures#:~:text=More%20than%20half%20(57%20percent,actually%20does%2C%20the%20report%20said.)

¹⁷ I placed cities with both a military installation and a college or university in Appendix A, to avoid double-counting.

3. Eligibility Cannot Be Determined Based on NCOA Matching

Even if done perfectly, NCOA data cannot be used by itself to determine voter eligibility. First, as discussed above, the NCOA data are not error-free, and the companies that conduct NCOA matching note that false positives occur “on a regular basis.”¹⁸

NCOA matching may be one element in the process of a state’s voter list maintenance (i.e., the practice of regularly updating voter registration files to identify registrants who are no longer eligible to vote). But states do not use an NCOA match alone as a reason for removing a voter from the list of registered voters. The reason is quite simple: NCOA registries are known to produce false positives (errors occurring when individuals who have not moved are on the registry), and even voters who have moved can remain eligible to vote in Georgia.

The academic literature has identified a clear pattern that errors in voter maintenance processes have a disproportionate effect on minority voters, who are more likely to be incorrectly removed from voter lists or to be placed in inactive status because of administrative errors. These errors include being falsely identified as having moved because of an incorrect NCOA match. Minority registrants are

¹⁸ See *Understanding NCOA Processing*, NCOA Source, https://www.ncoasource.com/ncoa_processing.htm.

twice as likely as white registrants to vote at their registration address after they have been incorrectly flagged as moving (Huber et al. 2021, 3).

4. Distribution of Counties Selected

True the Vote submitted challenges in 65 counties—less than 39% of the 159 counties in Georgia. Why were these counties selected? I have seen no explanation from either True the Vote or OpSec. In methodological terms, the mechanism of choice is unobserved. All we know is that a county was selected, or not selected, for NCOA matching.

I can, however, draw some inferences about the collection of counties True the Vote selected based on patterns in the observed data. For example, it is clear from Figure 2 that counties in the Atlanta region were more likely to be selected than counties elsewhere in the state.

The choice of counties, furthermore, is not representative because counties with larger shares of African American and other minority voters were more likely to be selected. True the Vote challenged voters in:

- The three counties with the highest percentage of African American registrants;
- Ten of the 20 counties with the highest percentage of African American registrants; and
- Only four of the 20 counties with the smallest percentage of African American registrants.

This simple comparison indicates True the Vote was between 2 ½ and 3 times more likely to challenge voters in counties with high concentrations of African American voters than counties with low concentrations of African American voters.

The consequences are apparent: African Americans are a disproportionately large share of alleged “in-state” movers, i.e., registrants who appear in the challenge file as moving to a new address in Georgia. Overall, the 2021 voter registration file shows that 29.9% of registrants are African American. But among alleged in-state movers in True the Vote’s challenge file, 38.4% are African American.

A simple multivariate analysis confirms the relationship. Probit is an appropriate regression technique for binary dependent variables, where the values are either 0 or 1 (Greene 2012, 688). In this case, a county was either selected for challenge (1) or not (0). I use the natural log of the total number of registrants [$\ln(\text{registrants})$] in a county as a control variable. The results are:

Table 2 – Probit Estimates

Independent Variable: County selected for Challenge	
Independent variable	Coefficient
$\ln(\text{registrants})$ in county	.23 (.08)
% African American registrants in county	.92 (.62)
Observations: 159 Likelihood ratio χ^2 : 8,95 Standard errors in parentheses	

This analysis shows that the higher a county's percentage of African American registrants, the higher the probability that True the Vote selected that county for voter challenges. While the coefficient for percentage African American does not meet the traditional threshold for statistical significance, the observed racial pattern is unlikely to be random. Statistical significance, formally, is a measure of the probability that the coefficient is non-zero. This probability is estimated using a quantity called the "t-ratio," calculated as the coefficient divided by the standard error. The t-ratio for the coefficient for the percentage of African Americans is 1.48. This indicates an 86% probability that counties with higher percentages of African American voters were more likely to be selected for challenges, and the coefficient estimate remains the most likely value.¹⁹

Another way of showing the consequences of True the Vote's county selection is to examine the marginal effect of changes in the African American share of registered voters on the estimated probability that a county was selected. For a county with the mean number of registered voters (48,864), the estimated probability

¹⁹ Statistical significance is often used improperly as a binary threshold for concluding that an effect is real; or, more properly, that we cannot reject the null hypothesis that a coefficient is zero (Amrhein, Greenland, and McShane 2019; Wasserstein and Lazar 2016; Wasserstein, Schirm, and Lazar, 2019).

of being selected increases from 39.3% to 63.4% as the African American share of registered voters increases from 10% to 80%.

To be clear, I am not making a causal claim that True the Vote selected counties for challenges *because* they had a higher percentage of African Americans. I *am* making an empirical claim that the *effect* of True the Vote's selection process is that counties with higher percentages of African American registrations were more likely to be selected for challenges.

We also know that not every county that True the Vote matched with the NCOA registry resulted in a challenge. The TrueAppend document (OpSec 0009-0029) provides some context. This document reports that a file named "moved_out_of_state_or_county.csv" has been processed and gives a variety of quantities related to different elements of the file. The report goes on to provide multiple measures of the "moved_out_of_state_or_county.csv" file output, few of which have any conceivable connection to any process of identifying ineligible registrants. Among the categories provided: the percentage of registrants who own a business, median income, household income distribution, gender, home ownership, home value, charitable giving, marital status, net worth, occupation, political party, religion, and presence of children in the household.

D. The Burdens of Registration Challenges on Eligible Voters

Challenges to voter eligibility impose significant costs on registrants. Under O.C.G.A. § 21-2-230, challenged voters must “answer the grounds of the challenge” if they vote in person, and an absentee voter’s ballot is treated as challenged. The challenged voter is subject to a hearing or other examination, § 21-2-230(g). This could require the voter to present additional documentation and expend additional time to prove their eligibility, significantly increasing the costs of voting.

To evaluate the potential effects of these challenges, I turn first to the models and methods used to study voter turnout.

1. The Cost of Voting

For at least 60 years, political scientists and economists have accepted the model of voter turnout as a function of the costs and benefits of voting. As an intellectual framework, it is canonical.

The basic model, originally proposed by Riker and Ordeshook (1968, 28), postulates that the utility of voting is expressed in the following form:

$$\text{Utility of voting} = BP - C + D$$

B is the benefit a voter receives if her candidate wins; P is the probability of a voter casting the decisive vote; C is a measure of the cost of voting; and D is a theoretical measure of the non-material satisfaction a voter derives from the act of casting a ballot (from such sources as participating in an important civic ritual, or compliance

with the social expectation of voting). The probability that an individual votes rises as the utility goes up.

Because the probability that a single vote will be decisive is extremely low (meaning that BP is very close to zero), theorists have paid attention to the cost side of the voting calculus (as measured by C). This conceptual relationship prompted decades of scholarship confirming the broad outlines of the basic theory (Sanders 1980; Rosenstone and Wolfinger 1982; Aldrich 1993; Darmofal 2010; Leighley and Nagler 2014; Blais et al., 2019). As a rule, increasing the direct or indirect costs associated with voting—such as through higher information costs, inconvenient polling place locations or times, long lines, complex administrative processes, or confusing eligibility requirements—will reduce turnout, both in the aggregate and in the probability that a given individual votes. Similarly, lowering the costs of voting—through practices such as convenience voting, election day registration, and no excuse absentee voting, for instance—will, *ceteris paribus*, increase turnout.²⁰

A clear demonstration of the validity of “cost” considerations is the connection between socioeconomic status and voter turnout, a relationship uncontested in the academic literature. Education and income are the most strongly linked to higher turnout (Leighley and Nagler 2014, 27-29; Ojeda 2018; Burden et

²⁰ Turnout is a multidimensional phenomenon, and electoral laws have both direct and indirect effects that are not always immediately apparent and can be unexpected (Burden et al. 2014).

al. 2014). “The relationship between education and voter turnout,” note Sondheimer and Green (2010, 174), “ranks among the most extensively documented correlations in American survey research.” Turnout is also associated with health (Pacheco and Fletcher 2015; Blakely, Kennedy and Kawachi 2001), unemployment, poverty and income loss (Rosenstone 1982; Sha and Wichowsky 2018). Higher income and education levels are also associated with more accurate information about complex administrative requirements such as what types of photo identification qualify as voter ID (DeCrescenzo and Mayer 2019).

Voters better positioned to overcome the costs of compliance with administrative and regulatory requirements for voting have higher turnout. Voters less able to overcome those costs are less likely to vote. Leighley and Nagler summarize this effect: the ability to overcome costs occurs “by enhancing individuals’ cognitive skills (and therefore reducing information costs), by increasing the gratification that individuals receive from politics (thus increasing benefits), and by providing (bureaucratic) experience that is useful in dealing with the costs of voting such as voter registration” (2014, 58-59). Similarly, income affects turnout via analogous mechanisms: people living in poverty have less time to expend on nonessential day-to-day activities, while wealthy people are more likely to live in a context where political engagement is a norm and perceive that they have higher stakes in election outcomes (2014, 58- 59).

2. The Effects of Voter Challenges

The Cost of Voting model provides a framework for evaluating the effects of voter challenges. A voter whose eligibility challenge has been accepted by county election officials is now in a position of having to affirmatively re-prove their eligibility, *even if they have already voted*.

This is substantially more onerous than the regular process of voter list maintenance, in which voters who are matched to the NCOA file by state election authorities and do not respond to a mailing asking them to confirm their registration status are moved to inactive status; they are automatically restored to active status the next time they vote, and are removed from the voter rolls only after failing to vote in two consecutive federal general elections. Moreover, voters whose eligibility is challenged may perceive a legal risk if they vote, which again dramatically increases the cost of voting and discourages turnout even if the individual is eligible (Minnite 2010).

Further, the standards used to assess the credibility of voter challenges, and the likelihood that a challenge will be accepted, may vary from one county to another, and the standards may be applied differently to challenged voters based on their race. Such inconsistent implementation practices are well established in the academic literature on election administration (White, Nathan and Faller 2015; Cobb, Greiner and Quinn 2010; Stewart 2013).

The political science literature has conclusively established that these types of administrative costs and burdens reduce the likelihood that a person votes (Sanders 1980; Rosenstone and Wolfinger 1982; Aldrich 1993; Darmofal 2010; Burden et al. 2014; Moynihan and Herd 2010; Leighley and Nagler 2014; Blais et al., 2019; Cantoni 2020).

VI. Conclusion

The following is a summary of the errors in True the Vote's file of 250,783 challenged registrants:

- No records in the challenge file show registrant middle names or name suffixes;
- 1,325 records are duplicates, and almost certainly link to the wrong registrant in the voter file;
- 15,360 records do not list an address to where the registrant has moved;
- 9,270 records list a city name in the ZIP code field for a registrant's address;
- 263 records have a registrant name that does not match the name in the voter file;²¹
- 6,377 records list a registrant who has already re-registered at their new address;
- 145 records list a registrant who has not moved to a different county;
- 397 records list a registrant who has moved to a new address *on* a military installation;

²¹ Based on the December 14, 2020 voter file.

- 22,956 records list a registrant who has moved to a city near a military installation;
- 34,578 records list a registrant who has moved to a city with a college or university;
- 336 records list an individual who is not registered to vote in Georgia.

These errors are precisely the sort that is expected when record linkage in large administrative files is conducted with non-unique identifiers, and by a source unfamiliar with the problems inherent in record linkage. The result is a mistake-prone list that is rife with tens of thousands of obvious errors, and which would be immediately rejected as unreliable among election administration scholars.

Moreover, True the Vote's challenge file unquestionably has a disproportionate racial impact, with higher probabilities of challenges occurring in counties with large percentages of African American registrants, and a disproportionately high percentage of African Americans challenged who have purportedly moved within Georgia.

And even if True the Vote could have executed this match with 100% reliability, the results still would not provide reliable information about whether a voter is ineligible. Registrants can move to another address, even outside of Georgia, without losing their eligibility, and the fact that a move *appears* to have occurred is not sufficient cause to question a voter's eligibility.

In sum, True the Vote submitted mistake-prone lists of challenged voters, based on flawed premises, faulty data, and shoddy procedures, which disproportionately impacts African American voters who are alleged to have moved in-state to another county. These erroneous mass challenges impose significant costs on eligible voters who may be forced to affirmatively prove their eligibility, and who may not even know that their eligibility has been challenged until they try to vote or after they have voted.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Sources

- Aldrich, John H. 1993. "Rational Choice and Turnout." *American Journal of Political Science* 37:246-278.
- Amrhein, Valentin, Sander Greenland, and Blake McShane. 2019. "Retire Statistical Significance." *Nature* 567: 305-307.
- Ansolabehere, Stephen, and Eitan D. Hersh. 2017. "ADGN: An Algorithm for Record Linkage Using Address, Gender, Date of Birth, and Name." *Statistics and Public Policy* 4:1-10/
- Blais, André, Jean-François Daoust, Ruth Dassonneville, Gabrielle Péloquin-Skulski. 2019. "What is the Cost of Voting?" *Electoral Studies* 59:145-157.
- Braconnier, Céline, Jean-Yves Dormagen, and Vincent Pons. 2017. "Voter Registration Costs and Disenfranchisement: Experimental Evidence from France." *American Political Science Review* 111:584-604.
- Brady, Henry E. and John E. McNulty. 2011, "Turning Out to Vote: The Costs of Finding and Getting to the Polling Place." *American Political Science Review* 105-115-134.
- Brater, Jonathan. 2018. *Voter Purges: The Risks in 2018*. Brennan Center for Justice, New York University.
- Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2014. "Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform." *American Journal of Political Science* 58:95-109.
- Cantoni, Enrico. 2020. "A Precinct Too Far: Turnout and Voting Costs." *American Economic Journal: Applied Economics* 1:61-85.
- Darmofal, David. 2010. "Reexamining the Calculus of Voting." *Political Psychology* 31:149-174.

- DeCrescenzo, Michael G. and Kenneth R. Mayer. 2019. “Voter Identification and Nonvoting in Wisconsin – Evidence from the 2016 Election.” *Election Law Journal* 18:342-359.
- Eggers, Andrew C., Haritz Garro, and Justin Grimmer. 2021a. “No Evidence for Voter Fraud: A Guide to Statistical Claims About the 2020 Election.” Manuscript. University of Chicago and Stanford University.
- Eggers, Andrew C., Haritz Garro, and Justin Grimmer. 2021b. “Comment on ‘A Simple Test for the Extent of Voter Fraud with Absentee Ballots in the 2020 Presidential Election.’” Stanford University, Hoover Institution.
- Enamorado, Ted, Benjamin Fifield, and Kosuka Imai. 2019. “Using a Probabilistic Model to Assist Merging of Large-Scale Administrative Records.” *American Political Science Review* 113:353-371.
- Feder, Catalina, and Michael G. Miller. 2020. “Voter Purges After *Shelby*.” *American Politics Research* 48:687-692.
- Greene, William H. 2012. *Econometric Analysis*, 7th ed. New York: Prentice Hall.
- Herzog, Thomas N., Fritz J. Scheuren, and William E. Winkler. 2007. *Data Quality and Record Linkage Techniques*. New York: Springer Verlag.
- Huber Gregory A., Marc Meredith, Michael Morse, and Katie Steele. 2021. “The Racial Burden of Voter List Maintenance Errors: Evidence from Wisconsin’s Supplemental Movers Poll Books.” *Science Advances*. February 17.
- Kim, Seo-young Silvia, Spencer Schneider, and R. Michael Alvarez. 2020. “Evaluating the Quality of Changes in Voter Registration Databases.” *American Politics Research* 48:670-676.
- Leighley, Jan E. and Jonathan Nagler. 2014. *Who Votes Now? Demographics, Issues, Inequality, and Turnout in the United States*. Princeton: Princeton University Press.
- Mehrbani, Rudy. 2017. *Heritage Fraud Database: An Assessment*. Brennan Center for Justice. New York University.

- Merivaki, Thessalia. 2020. "Our Voter Rolls Are Cleaner Than Yours: Balancing Access and Integrity in Voter List Maintenance." *American Politics Research* 48:560-570.
- Minnite, Lorraine C. 2010. *The Myth of Voter Fraud*. Ithaca: Cornell University Press.
- Moynihan, Donald and Pamela Herd. 2010. "Red Tape and Democracy: How Rules Affect Citizenship Rights." *The American Review of Public Administration* 40:654-670.
- National Association of Secretaries of State. 2017. *NASS Report: Maintenance of State Voter Registration Lists – A Review of Relevant Policies and Procedures*.
- Ojeda, Christopher. 2018. "The Two Income-Participation Gaps." *American Journal of Political Science* 62:813-829.
- Pacheco, Julianna, and Jason Fletcher. 2015. "Incorporating Health Into Studies of Political Behavior: Evidence for Turnout and Partisanship." *Political Research Quarterly* 68: 104-116.
- Rosenstone, S.J. and R.E. Wolfinger. 1978. "The Effect of Registration Laws on Voter Turnout." *American Political Science Review* 72 45.
- Riker, William H. and Peter C. Ordeshook. 1968. "A Theory of the Calculus of Voting." *The American Political Science Review* 62:25-42.
- Sanders, Elizabeth. 1980. "On the Costs, Utilities, and Simple Joys of Voting." *Journal of Politics* 42:854-863.
- Shah, Paru and Amber Wichowsky. 2019. "Foreclosure's Fallout: Economic Adversity and Voter Turnout." *Political Behavior* 41:1099-1115.
- Sondheimer, Rachel Milstein and Donald P. Green. 2010. "Using Experiments to Estimate the Effects of Education on Voter Turnout." *American Journal of Political Science* 54:174-189.

U.S.P.S. 2020. *National Change of Address Program: Audit Report*. Report IT-AR-14-010. United States Postal Service, Office of Inspector General. September 24.

Wasserstein, Ronald L., and Nicole A. Lazar. 2016. “The ASA’s Statement on p -Values: Context, Process, and Purpose.” *The American Statistician* 70:129-133.

Wasserstein, Ronald L., Allen L. Schirm, and Nicole A. Lazar. 2019 “Moving to a World Beyond ‘ $p < 0.05$ ’.” *The American Statistician* 73:1-19.

Wisconsin Elections Commission. 2020. *Electronic Registration Information Center (ERIC) Movers List Update*. February 3, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Appendix A - Challenged Registrants Listed as Moving to City Near or on Military Installation		
Cities Listed as New Addresses in Challenge File (Directly from Challenge File)	Number of Challenged Registrants in This Location	Military Installation Name
Aberdeen Proving Ground, MD	7	Aberdeen Proving Ground
Aberdeen, MD	18	Aberdeen Proving Ground
Alamogordo, NM	19	Holloman Air Force Base
Alexandria, VA	386	Pentagon
Altus, OK	7	Altus Air Force Base
Anchorage, AK	63	JB Elmendorf Richardson
Andrews Air Force Base, MD	7	Andrews Air Force Base
Annandale, VA	11	Pentagon
Annapolis, MD	78	Naval Academy
Anniston, AL	112	Anniston Army Depot, Fort McClellan
Arlington, VA	259	Pentagon
Augusta, GA	972	Fort Gordon, Augusta University
Aurora, CO	278	Buckley Air Force Base
Ayer, MA	2	Fort Devens
Barksdale Afb, LA	5	Barksdale Air Force Base
Beale Afb, CA	3	Beale Air Force Base
Beaufort, SC	216	MCAS Beaufort
Bedford, MA	6	Hanscom Air Force Base
Bellevue, NE	31	Offutt Air Force Base
Bethesda, MD	67	Naval Support Activity Bethesda, Walter Reed
Biloxi, MS	85	Keesler Air Force Base
Bolling Afb, DC	10	Bolling Air Force Base
Bremerton, WA	22	Bremerton Navy Base and Hospital
Burke, VA	22	Pentagon
Camp H M Smith, HI	1	Camp HM Smith
Camp Lejeune, NC	12	Camp Lejeune
Camp Pendleton, CA	10	Camp Pendleton
Carlisle, PA	28	Army War College
Chambersburg, PA	23	Letterkenny Army Depot
Charleston Afb, SC	1	Joint Base Charleston
Charleston, SC	473	Joint Base Charleston
Chesapeake, VA	204	NAS Norfolk
Cheyenne, WY	25	Warren Air Force Base
Clarksville, TN	266	Fort Campbell
Colorado Springs, CO	549	NORAD, USAF Academy

Dahlgren, VA	3	NSWC Dahlgren
Dahlonaga, GA	273	Camp Merrill, University of North Georgia
Daphne, AL	177	USCG Aviation Training Center
Dayton, OH	260	Wright-Patterson Air Force Base
Dothan, AL	191	Fort Rucker
Dover Afb, DE	2	Dover Air Force Base
Dover, DE	54	Dover Air Force Base
Dulles, VA	45	Pentagon
Dyess Afb, TX	2	Dyess Air Force Base
Edwards, CA	3	Edwards Air Force Base
Eglin Afb, FL	14	Eglin Air Force Base
Eielson Afb, AK	4	Eielson Air Force Base
El Paso, TX	217	Fort Bliss
Ellsworth Afb, SD	1	Ellsworth Air Force Base
Fairbanks, AK	17	Eielson Air Force Base
Fairchild Afb, WA	3	Fairchild Air Force Base
Fairchild Air Force Base, WA	1	Fairchild Air Force Base
Fairfax, VA	100	Pentagon
Fairfield, CA	27	Travis Air Force Base
Falls Church, VA	84	Pentagon
Fayetteville, NC	305	Fort Bragg
Fort Belvoir, VA	27	Fort Belvoir
Fort Bragg, NC	35	Fort Bragg
Fort Campbell, KY	29	Fort Campbell
Fort Drum, NY	2	Fort Drum
Fort George G Meade, MD	10	Fort Meade
Fort Hood, TX	43	Fort Hood
Fort Irwin, CA	13	Fort Irwin
Fort Knox, KY	41	Fort Knox
Fort Leavenworth, KS	11	Fort Leavenworth
Fort Leonard Wood, MO	6	Fort Leonard Wood
Fort Meade, MD	15	Fort Meade
Fort Mitchell, AL	27	Fort Benning
Fort Riley, KS	26	Fort Leavenworth
Fort Rucker, AL	6	Fort Rucker
Fort Sill, OK	9	Fort Sill
Fort Smith, AR	30	Fort Chaffee
Fort Stewart, GA	16	Fort Stewart
Fort Wainwright, AK	5	Fort Wainwright
Fort Walton Beach, FL	71	Eglin Air Force Base
Ft Leavnwrth, KS	5	Fort Leavenworth
Ft Leonard Wd, MO	5	Fort Leonard Wood

Ft Mitchell, KY	3	Fort Mitchell
Ft Wainwright, AK	6	Fort Wainwright
Goodfellow Afb, TX	1	Goodfellow Air Force Base
Goose Creek, SC	64	Joint Base Charleston
Gulfport, MS	146	Keesler Air Force Base
Hampton, VA	146	NAS Norfolk
Hanscom Afb, MA	5	Hanscom Air Force Base
Harker Heights, TX	24	Fort Hood
Hattiesburg, MS	67	Camp Shelby Joint Forces Training Center
Havelock, NC	25	MCAS Cherry Point
Henderson, NV	258	Nellis Air Force Base
Herndon, VA	70	Pentagon
Hill Afb, UT	5	Hill Air Force Base
Holloman Afb, NM	2	Holloman Air Force Base
Holloman Air Force Base, NM	1	Holloman Air Force Base
Honolulu, HI	140	Various
Huntsville, AL	447	UAB Huntsville, Redstone Arsenal
Jacksonville Beach, FL	116	NAS Jacksonville
Jacksonville, AR	23	Little Rock Air Force Base
Jacksonville, FL	1865	NAS Jacksonville
Jacksonville, NC	117	MCAS New River, Coastal Carolina University
Jbsa Ft Sam Houston, TX	4	Fort Sam Houston
Joint Base Lewis Mcchord, WA	23	JB Lewis McChord
Joint Base Mdl, NJ	3	Joint Base McGuire-Dix-Lakehurst
Killeen, TX	167	Fort Hood
Las Vegas, NV	840	Nellis Air Force Base
Lawton, OK	40	Fort Sill
Leesburg, VA	54	Pentagon
Little Rock, AR	125	Camp Robinson
Lompoc, CA	12	Vandenberg Air Force Base
Luke Afb, AZ	1	Luke Air Force Base
Madison, AL	253	Redstone Arsenal
Manassas, VA	86	Pentagon
March Air Reserve Base, CA	2	March Air Force Base
Mc Lean, VA	48	Pentagon
Mcchord Afb, WA	2	JB Lewis McChord
Mechanicsburg, PA	49	Naval Support Activity Mechanicsburg
Meridian, MS	46	NAS Meridian
Milton, FL	211	NAS Pensacola
Minot Afb, ND	4	Minot Air Force Base
Mobile, AL	331	USCG Aviation Training Center
Montgomery, AL	380	Maxwell Gunter Air Force Base, Alabama State

Navarre, FL	204	NAS Pensacola
Nellis Afb, NV	1	Nellis Air Force Base
Newport News, VA	150	NAS Norfolk
Newport, RI	11	Naval Station Newport
Norfolk, VA	206	NAS Norfolk
North Charleston, SC	142	Joint Base Charleston
North Las Vegas, NV	137	Nellis Air Force Base
Oak Harbor, WA	21	NAS Whidbey
Oceanside, CA	68	Camp Pendleton
Offutt Afb, NE	1	Offutt Air Force Base
Ogden, UT	69	Hill Air Force Base
Oklahoma City, OK	194	Tinker Air Force Base
Omaha, NE	148	Offutt Air Force Base
Panama City Beach, FL	333	Eglin Air Force Base
Panama City, FL	450	Eglin Air Force Base
Patrick Afb, FL	5	Patrick Air Force Base
Patuxent Rvr, MD	2	NAS Patuxent
Pensacola, FL	594	NAS Pensacola
Phenix City, AL	189	Fort Benning
Port Royal, SC	24	MCRD Parris Island
Portsmouth, VA	64	Portsmouth Navy Base
Prince George, VA	7	Fort Lee
Quantico, VA	7	Marine Corps Base Quantico
Radford, VA	14	Radford Army Ammunition Plant
Rapid City, SD	31	Ellsworth Air Force Base
Reston, VA	65	Pentagon
Riverview, FL	326	MacDill Air Force Base
Saint Augustine, FL	329	NAS Jacksonville
Saint Marys, GA	41	Kings Bay Naval Base
Saint Petersburg, FL	348	MacDill Air Force Base
San Angelo, TX	53	Goodfellow Air Force Base
San Antonio, TX	693	Lackland Air Force Base
San Diego, CA	470	Various
Savannah, GA	365	Hunter Army Air Field, Fort Stewart
Scott Afb, IL	3	Scott Air Force Base
Scott Air Force Base, IL	7	Scott Air Force Base
Seale, AL	14	Fort Benning
Sewanee, TN	8	Arnold Air Force Base
Shaw Afb, SC	1	Shaw Air Force Base
Sheppard Afb, TX	4	Sheppard Air Force Base
Shirley, MA	1	Fort Devens
Smiths Sta, AL	20	Fort Benning

Smiths Station, AL	17	Fort Benning
Spokane, WA	68	Fairchild Air Force Base
St Augustine, FL	373	NAS Jacksonville
St Petersburg, FL	281	MacDill Air Force Base
Sumter, SC	93	Shaw Air Force Base
Tacoma, WA	108	Joint Base McChord
Tampa, FL	1075	MacDill Air Force Base, University of South Florida
Tomah, WI	3	Fort McCoy
Travis Afb, CA	9	Travis Air Force Base
Triangle, VA	13	Marine Corps Base Quantico
Tucson, AZ	285	Davis Monthan Air Force Base
Tullahoma, TN	14	Arnold Air Force Base
Twentynin Plm, CA	10	Fort Irwin
Twentynine Palms, CA	7	Fort Irwin
Usaf Academy, CO	9	USAF Academy
Valdosta, GA	294	Moody Air Force Base
Vienna, VA	35	Pentagon
Virginia Beach, VA	378	NAS Norfolk
Wahiawa, HI	32	Wheeler Airfield
Warner Robins, GA	518	Warner Robins Air Force Base
Washington, DC	640	Pentagon
Watertown, NY	35	Fort Drum
West Point, NY	17	United States Military Academy
Whiteman Afb, MO	3	Whiteman Air Force Base
Whiteman Air Force Base, MO	1	Whiteman Air Force Base
Wichita Falls, TX	48	Sheppard Air Force Base
Yorktown, VA	28	NAS Norfolk
Yuma, AZ	37	MCAS Yuma

Appendix B - Challenged Registrants Listed as Moving to University Cities		
Cities Listed as New Addresses in Challenge File	Number of Challenged Registrants in This City	Institution Name
Aiken, SC	315	University of South Carolina - Aiken
Albany, GA	493	Albany State University
Ames, IA	16	Iowa State University
Ann Arbor, MI	97	University of Michigan
Asheville, NC	399	UNC-Asheville
Athens, GA	1044	University of Georgia
Atlanta, GA	13318	Multiple
Auburn, AL	385	Auburn University
Austin, TX	761	University of Texas - Austin
Baton Rouge, LA	247	Louisiana State University
Berea, KY	12	Berea College
Berkeley, CA	30	UC Berkeley
Birmingham, AL	987	University of Alabama Birmingham
Blacksburg, VA	34	Virginia Tech University
Bloomington, IN	68	Indiana University
Boone, NC	44	Appalachian State University
Boulder, CO	91	University of Colorado
Brevard, NC	84	Brevard College
Cambridge, MA	73	Harvard, MIT
Central, SC	26	Southern Wesleyan University
Champaign, IL	54	University of Illinois
Chapel Hill, NC	150	University of North Carolina
Charlotte, NC	1804	UNC Charlotte, Johnson& Wales
Charlottesville, VA	72	University of Virginia
Charlottesvle, VA	56	University of Virginia
Chattanooga, TN	663	University of Tennessee Chattanooga
Chestnut Hill, MA	3	Boston College
Clemson, SC	30	Clemson University
College Park, MD	13	University of Maryland
College Sta, TX	22	Texas A&M University
College Station, TX	22	Texas A&M University
Columbia, MO	51	University of Missouri
Columbia, SC	639	University of South Carolina, Benedict College
Columbus, OH	359	Ohio State University
Commerce, TX	3	Texas A&M Commerce
Coral Gables, FL	22	University of Miami
Coralville, IA	9	University of Iowa

Corvallis, OR	15	Oregon State University
Dayton, TN	24	Bryan College
Daytona Beach, FL	245	Bethune-Cookman
Durham, NC	429	Duke University
East Lansing, MI	25	Michigan State University
Evanston, IL	45	Northwestern University
Fairfield, AL	9	Miles College
Fayetteville, AR	71	University of Arkansas
Gainesville, FL	269	University of Florida
Greensboro, NC	357	North Carolina A&T
Greenville, SC	696	Furman University
Harrogate, TN	2	Lincoln Memorial University
Iowa City, IA	20	University of Iowa
Ithaca, NY	25	Cornell University
Itta Bena, MS	2	Mississippi Valley State University
Jackson, MS	130	Jackson State University
Jackson, TN	56	Lane College
Jacksonville, AL	45	Jacksonville State University
Jefferson City, MO	12	Lincoln University
Jefferson City, TN	10	Carson-Newman University
Kennesaw, GA	716	Kennesaw State University
Knoxville, TN	604	University of Tennessee
Lakeland, FL	341	Southeastern University
Lawrence, KS	37	Kansas University
Lexington, KY	218	University of Kentucky
Lincoln, NE	64	University of Nebraska
Louisville, KY	567	University of Louisville
Lubbock, TX	59	Texas Tech University
Lynchburg, VA	66	Liberty University
Madison, WI	99	University of Wisconsin-Madison
Manhattan, KS	41	Kansas State
Marianna, FL	24	Chipola College
Martin, TN	4	University of Tennessee - Martin
Maryville, TN	116	Maryville College
Middleton, WI	11	University of Wisconsin-Madison
Minneapolis, MN	376	University of Minnesota
Morgantown, WV	33	West Virginia University
Murfreesboro, TN	369	Middle Tennessee State University
Nashville, TN	952	Tennessee State, Vanderbilt
New Haven, CT	58	Yale University
Newberry, SC	17	Newberry College
Newton, MA	8	Boston College

Norman, OK	53	University of Oklahoma
Notre Dame, IN	1	University of Notre Dame
Opelika, AL	167	Auburn University
Orangeburg, SC	58	South Carolina State University
Orlando, FL	1114	University of Central Florida
Oxford, MS	66	University of Mississippi
Palo Alto, CA	24	Stanford University
Pittsburgh, PA	317	University of Pittsburgh
Princeton, NJ	26	Princeton University
Provo, UT	22	Brigham Young University
Raleigh, NC	549	North Carolina State University
Rocky Mount, NC	46	North Carolina Wesleyan University
Saint Cloud, MN	11	St. Cloud State University
South Bend, IN	69	University of Notre Dame
Starkville, MS	52	Mississippi State University
State College, PA	49	Pennsylvania State University
Statesboro, GA	141	Georgia Southern University
Stillwater, OK	24	Oklahoma State University
Syracuse, NY	90	Syracuse University
Talladega, AL	39	Talladega College
Tallahassee, FL	699	Florida State University
Tempe, AZ	95	Arizona State University
Tifton, GA	103	Abraham Baldwin Agricultural College
Troy, AL	32	Troy University
Tuscaloosa, AL	183	University of Alabama
Tuskegee, AL	15	Tuskegee University
Urbana, IL	26	University of Illinois
Waco, TX	36	Baylor University
West Lafayette, IN	41	Purdue University
Williamsburg, KY	4	University of the Cumberlands
Winston Salem, NC	309	Wake Forest University
West Lafayette, IN	41	Purdue University
Williamsburg, KY	4	University of the Cumberlands
Winston Salem, NC	309	Wake Forest University

Appendix C - Mayer CV

Kenneth R. Mayer

Department of Political Science
Phone: 608-263-2286
Affiliate, La Follette School of Public Affairs
Email: krmayer@wisc.edu
110 North Hall / 1050 Bascom Mall
University of Wisconsin – Madison
Madison, WI 53706

Education

Yale University, Department of Political Science, Ph.D., 1988.
Yale University, Department of Political Science, M.A., M.Phil., 1987.
University of California, San Diego, Department of Political Science, B.A., 1982.

Positions Held

University of Wisconsin, Madison. Department of Political Science.
Professor, July 2000-present.
Associate Professor, June 1996-June 2000.
Assistant Professor, August 1989-May 1996.
Fulbright-ANU Distinguished Chair in Political Science, Australian National University (Canberra, ACT), July-December 2006.
Director, Data and Computation Center, College of Letters and Science, University of Wisconsin-Madison, June 1996-September 2003
Consultant, The RAND Corporation, Washington DC, 1988-1994. Conducted study of acquisition reform, and the effects of acquisition policy on the defense industrial base. Performed computer simulations of U.S. strategic force posture and capabilities.
Contract Specialist, Naval Air Systems Command, Washington D.C., 1985-1986. Responsible for cost and price analysis, contract negotiation, and contract administration for aerial target missile programs in the \$5 million - \$100 million range.

Awards

American Political Science Association, State Politics and Policy Section. Award for best Journal Article Published in the *American Journal of Political Science* in 2014. Awarded for Burden, Canon, Mayer, and Moynihan,

“Election Laws, Mobilization, and Turnout.”

Robert H. Durr Award, from the Midwest Political Science Association, for Best Paper Applying Quantitative Methods to a Substantive Problem Presented at the 2013 Meeting. Awarded for Burden, Canon, Mayer, and Moynihan, “Election Laws and Partisan Gains.”

Leon Epstein Faculty Fellow, College of Letters and Science, 2012-2015

UW Housing Honored Instructor Award, 2012, 2014, 2017, 2018

Recipient, Jerry J. and Mary M. Cotter Award, College of Letters and Science, 2011-2012

Alliant Underkofler Excellence in Teaching Award, University of Wisconsin System, 2006

Pi Sigma Alpha Teaching Award, Fall 2006

Vilas Associate, 2003-2004, University of Wisconsin-Madison Graduate School.

2002 Neustadt Award. Awarded by the Presidency Research Group of the American Political Science Association, for the best book published on the American presidency in 2001. Awarded for *With the Stroke of a Pen: Executive Orders and Presidential Power*.

Lilly Teaching Fellow, University of Wisconsin-Madison, 1993-1994.

Interfraternity Council award for Outstanding Teaching, University of Wisconsin-Madison, 1993.

Selected as one of the 100 best professors at University of Wisconsin-Madison, Wisconsin Student Association, March 1992.

Olin Dissertation Fellow, Center for International Affairs, Harvard University, 1987-1988

Service as an Expert Witness

1. *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill County Board of Elections, et al.*, No. 1:20-CV-00266-LAG (M.D. Ga), election administration (2020).
2. *Pearson et al. v. Kemp et al.*, No. 1:20-cv-4809-TCB (N.D. Ga), election administration (2020)
3. *North Carolina Alliance for Retired Americans et al. v. North Carolina State Board of Elections* (Wake Cty., NC), absentee ballots (2020).
4. *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cty., MN), absentee ballots (2020).
5. *Michigan Alliance for Retired Americans et al. v Benson et al.* No 2020-000108-MM (Mich. Court of Claims), absentee ballots (2020).
6. *The New Georgia Project et al. v. Raffensperger et al.* No. 1:20-CV-01986-EL0052 (N.D. Ga.), absentee ballots (2020).

7. *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cty., MT), absentee ballots (2020).
8. *The Andrew Goodman Foundation v. Bostelmann*, No. 19-cv-955 (W.D. Wisc.), voter ID (2020).
9. *Kumar v. Frisco Independent School District et al.*, No.4:19-cv-00284 (E.D. Tex.), voting rights (2019).
10. *Fair Fight Action v. Raffensperger* No. 1:18-cv-05391-SCJ (N.D. Ga.), voting rights (2019)
11. *Vaughan v. Lewisville Independent School District*, No. 4:19-cv-00109 (E.D. Texas), voting rights (2019).
12. *Dwight et al. v Raffensperger*, No: 1:18-cv-2869-RWS (N.D. Ga.), redistricting, voting rights (2018).
13. *Priorities U.S.A.et al. v. Missouri et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cty., MO), voter ID (2018).
14. *Tyson v. Richardson Independent School District*, No. 3:18-cv-00212 (N.D. Texas), voting rights (2018).
15. *League of Women Voters of Michigan, et al. v. Johnson*, No. 2:17-cv-14148-DPH-SDD (S.D. Mich.), redistricting (2018).
16. *One Wisconsin Institute, Inc., et al. v. Nichol, et al.*, 198 F. Supp. 3d 896 (W.D. Wis.), voting rights (2016).
17. *Whitford et al. v. Gill et al*, 218 F. Supp. 3d 837, (W.D. Wis.), redistricting (2016).
18. *Milwaukee NAACP et al. v Scott Walker et. al*, N.W.2d 262 (Wis. 2014), voter ID (2012).
19. *Baldus et al. v. Brennan et al.*, 849 F. Supp. 2d 840 (E.D. Wis.), redistricting, voting rights (2012).
20. *County of Kenosha v. City of Kenosha*, No. 22-CV-1813 (Wis. Cir. Ct., Kenosha Cty.) municipal redistricting (2011).
21. *McComish et al. v Brewer et al.*. 2010 WL 2292213 (D. Ariz.), campaign finance (2009).
22. *Baumgart et al. v. Wendelberger et al.*, 2002 WL 34127471 (E.D. Wis.), redistricting (2002).

Grants

“A Multidisciplinary Approach for Redistricting Knowledge.” Principal Investigator. Co-PIs Adeline Lo (UW Madison, Department of Political Science), Song Gao (UW Madison, Department of Geography), and Barton Miller and Jin-Yi Cai (UW Madison, Department of Computer Sciences). University of Wisconsin Alumni Research Foundation (WARF), and UW

Madison Office of the Vice Chancellor for Research and Graduate Education. July 1, 2020-June 30, 2022. \$410,711.

“Analyzing Nonvoting and the Student Voting Experience in Wisconsin.” Dane County (WI) Clerk, \$44,157. November 2016-December 2017. Additional support (\$30,000) provided by the Office of the Chancellor, UW-Madison.

Campaign Finance Task Force, Stanford University and New York University, \$36,585. September 2016-August 2017.

Participant and Board Member, 2016 White House Transition Project, PIs Martha Joynt Kumar (Towson State University) and Terry Sullivan (University of North Carolina-Chapel Hill).

“How do You Know? The Structure of Presidential Advising and Error Correction in the White House.” Graduate School Research Committee, University of Wisconsin, \$18,941. July 1, 2015-June 30, 2016.

“Study and Recommendations for the Government Accountability Board Chief Inspectors’ Statements and Election Incident Report Logs.” \$43,234. Co-PI. With Barry C. Burden (PI), David T. Canon (co-PI), and Donald Moynihan (co-PI). October 2011-May 2012.

“Public Funding in Connecticut Legislative Elections.” Open Society Institute. September 2009- December 2010. \$55,000.

“Early Voting and Same Day Registration in Wisconsin and Beyond.” Co-PI. October 2008- September 2009. Pew Charitable Trusts. \$49,400. With Barry C. Burden (PI), David T. Canon (Co-PI), Kevin J. Kennedy (Co-PI), and Donald P. Moynihan (Co-PI).

City of Madison, Blue Ribbon Commission on Clean Elections. Joyce Foundation, Chicago, IL. \$16,188. January-July 2008.

“Wisconsin Campaign Finance Project: Public Funding in Connecticut State Legislative Elections.” JEHT Foundation, New York, NY. \$84,735. November 2006-November 2007.

“Does Public Election Funding Change Public Policy? Evaluating the State of Knowledge.” JEHT Foundation, New York, NY. \$42,291. October 2005-April 2006.

“Wisconsin Campaign Finance Project: Disseminating Data to the Academic, Reform, and Policy Communities.” Joyce Foundation, Chicago, IL. \$20,900. September 2005- August 2006.

“Enhancing Electoral Competition: Do Public Funding Programs for State and Local Elections Work?” Smith Richardson Foundation, Westport, CT. \$129,611. December 2002-June 2005

WebWorks Grant (implementation of web-based instructional technologies), Division of Information Technology, UW-Madison, \$1,000. November

1999.

“Issue Advocacy in Wisconsin during the 1998 Election.” Joyce Foundation, Chicago, IL. \$15,499. April 1999.

Instructional Technology in the Multimedia Environment (IN-TIME) grant, Learning Support Services, University of Wisconsin. \$5,000. March 1997.

“Public Financing and Electoral Competitiveness in the Minnesota State Legislature.” Citizens’ Research Foundation, Los Angeles, CA, \$2,000. May-November 1996.

“The Reach of Presidential Power: Policy Making Through Executive Orders.” National Science Foundation (SBR-9511444), \$60,004. September 1, 1995-August 31, 1998. Graduate School Research Committee, University of Wisconsin, \$21,965. Additional support provided by the Gerald R. Ford Library Foundation, the Eisenhower World Affairs Institute, and the Harry S. Truman Library Foundation.

The Future of the Combat Aircraft Industrial Base.” Changing Security Environment Project, John M. Olin Institute for Strategic Studies, Harvard University (with Ethan B. Kapstein). June 1993-January 1995. \$15,000.

Hilldale Student Faculty Research Grant, College of Letters and Sciences, University of Wisconsin (with John M. Wood). 1992. \$1,000 (\$3,000 award to student)

“Electoral Cycles in Federal Government Prime Contract Awards” March 1992 – February 1995. National Science Foundation (SES-9121931), \$74,216. Graduate School Research Committee at the University of Wisconsin, \$2,600. MacArthur Foundation, \$2,500.

C-SPAN In the Classroom Faculty Development Grant, 1991. \$500

Professional and Public Service

Education and Social and Behavioral Sciences Institutional Review Board, 2008-2014. Acting Chair, Summer 2011. Chair, May 2012- June 2014.

Participant, U.S. Public Speaker Grant Program. United States Department of State (nationwide speaking tour in Australia, May 11-June 2, 2012).

Expert Consultant, Voces de la Frontera. Milwaukee Aldermanic redistricting, (2011).

Expert Consultant, Prosser for Supreme Court. Wisconsin Supreme Court election recount (2011).

Chair, Blue Ribbon Commission on Clean Elections (Madison, WI), August 2007-April 2011.

Consultant, Consulate of the Government of Japan (Chicago) on state politics in Illinois, Indiana, Minnesota, and Wisconsin, 2006-2011.

Section Head, Presidency Studies, 2006 Annual Meeting of the American Political Science Association.
Co-Chair, Committee on Redistricting, Supreme Court of Wisconsin, November 2003-December 2009.
Section Head, Presidency and Executive Politics, 2004 Annual Meeting of the Midwest Political Science Association, Chicago, IL.
Presidency Research Group (organized section of the American Political Science Association) Board, September 2002-present.
Book Review Editor, *Congress and the Presidency*, 2001-2006.
Editorial Board, *American Political Science Review*, September 2004-September 2007.
Consultant, Governor's Blue Ribbon Commission on Campaign Finance Reform (Wisconsin), 1997.

PUBLICATIONS

Books

Presidential Leadership: Politics and Policymaking, 11th edition. Lanham, MD: Rowman and Littlefield, 2020. With George C. Edwards, III and Steven J. Wayne. Previous editions 10th (2018).
The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake. Lanham, MD: Lexington Press, 2017. Co-edited with Amnon Cavari and Richard J. Powell.
The Enduring Debate: Classic and Contemporary Readings in American Government. 8th ed. New York: W.W. Norton & Co. 2017. Co-edited with David T. Canon and John Coleman. Previous editions 1st (1997), 2nd (2000), 3rd (2002), 4th (2006), 5th (2009), 6th (2011), 7th (2013).
Faultlines: Readings in American Government, 5th ed. New York: W.W. Norton & Co. 2017. Co-edited with David T. Canon and John Coleman. Previous editions 1st (2004), 2nd (2007), 3rd (2011), 4th (2013).
The 2012 Presidential Election: Forecasts, Outcomes, and Consequences. Lanham, MD: Rowman and Littlefield, 2014. Co-edited with Amnon Cavari and Richard J. Powell.
Readings in American Government, 7th edition. New York: W.W. Norton & Co. 2002. Co-edited with Theodore J. Lowi, Benjamin Ginsberg, David T. Canon, and John Coleman). Previous editions 4th (1996), 5th (1998), 6th (2000).
With the Stroke of a Pen: Executive Orders and Presidential Power. Princeton, NJ: Princeton University Press. 2001. Winner of the 2002 Neustadt Award from the Presidency Studies Group of the American Political Science Association, for the Best Book on the Presidency Published in 2001.
The Dysfunctional Congress? The Individual Roots of an Institutional Dilemma.

Boulder, CO: Westview Press. 1999. With David T. Canon.
The Political Economy of Defense Contracting. New Haven: Yale University Press. 1991.

Monographs

2008 Election Data Collection Grant Program: Wisconsin Evaluation Report. Report to the Wisconsin Government Accountability Board, September 2009. With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald P. Moynihan.

Issue Advocacy in Wisconsin: Analysis of the 1998 Elections and A Proposal for Enhanced Disclosure. September 1999.

Public Financing and Electoral Competition in Minnesota and Wisconsin. Citizens' Research Foundation, April 1998.

Campaign Finance Reform in the States. Report prepared for the Governor's Blue Ribbon Commission on Campaign Finance Reform (State of Wisconsin). February 1998. Portions reprinted in Anthony Corrado, Thomas E. Mann, Daniel Ortiz, Trevor Potter, and Frank J. Sorauf, ed., *Campaign Finance Reform: A Sourcebook*. Washington, D.C.: Brookings Institution, 1997.

"Does Public Financing of Campaigns Work?" *Trends in Campaign Financing*. Occasional Paper Series, Citizens' Research Foundation, Los Angeles, CA. 1996. With John M. Wood.

The Development of the Advanced Medium Range Air-to-Air Missile: A Case Study of Risk and Reward in Weapon System Acquisition. N-3620-AF. Santa Monica: RAND Corporation. 1993.

Barriers to Managing Risk in Large Scale Weapons System Development Programs. N-4624-AF. Santa Monica: RAND Corporation. 1993. With Thomas K. Glennan, Jr., Susan J. Bodilly, Frank Camm, and Timothy J. Webb.

Articles

"The Random Walk Presidency," *Presidential Studies Quarterly* 51: 71-95 (2021)

"Voter Identification and Nonvoting in Wisconsin - Evidence from the 2016 Election." *Election Law Journal* 18:342-359 (2019). With Michael DeCrescenzo.

"Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study." *Political Research Quarterly* 71 (2019). With Robert M. Stein, Christopher Mann, Charles Stewart III, et al.

"Learning from Recounts." *Election Law Journal* 17:100-116 (No. 2, 2018). With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.

- “The Complicated Partisan Effects of State Election Laws.” *Political Research Quarterly* 70:549-563 (No. 3, September 2017). With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- “What Happens at the Polling Place: Using Administrative Data to Look Inside Elections.” *Public Administration Review* 77:354-364 (No. 3, May/June 2017). With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jacob R. Neiheisel.
- “Alien Abduction, and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment.” *Election Law Journal* 13:460-475 No.4, December 2014). With John S. Ahlquist and Simon Jackman.
- “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform.” *American Journal of Political Science*, 58:95-109 (No. 1, January 2014). With Barry C. Burden, David T. Canon, and Donald P. Moynihan. Winner of the State Politics and Politics Section of the American Political Science Association Award for the best article published in the *AJPS* in 2014.
- “Executive Power in the Obama Administration and the Decision to Seek Congressional Authorization for a Military Attack Against Syria: Implications for Theories of Unilateral Action.” *Utah Law Review* 2014:821-841 (No. 4, 2014).
- “Public Election Funding: An Assessment of What We Would Like to Know.” *The Forum* 11:365-485 (No. 3, 2013).
- “Selection Method, Partisanship, and the Administration of Elections.” *American Politics Research* 41:903-936 (No. 6, November 2013). With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald Moynihan.
- “The Effect of Administrative Burden on Bureaucratic Perception of Policies: Evidence from Election Administration.” *Public Administration Review* 72:741-451 (No. 5, September/October 2012). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- “Early Voting and Election Day Registration in the Trenches: Local Officials’ Perceptions of Election Reform.” *Election Law Journal* 10:89-102 (No. 2, 2011). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- “Is Political Science Relevant? Ask an Expert Witness,” *The Forum*: Vol. 8, No. 3, Article 6 (2010).
- “Thoughts on the Revolution in Presidency Studies,” *Presidential Studies Quarterly* 39 (no. 4, December 2009).
- “Does Australia Have a Constitution? Part I – Powers: A Constitution Without Constitutionalism.” *UCLA Pacific Basin Law Journal* 25:228-264 (No. 2, Spring 2008). With Howard Schweber.

- “Does Australia Have a Constitution? Part II: The Rights Constitution.” *UCLA Pacific Basin Law Journal* 25:265-355 (No. 2, Spring 2008). With Howard Schweber.
- “Public Election Funding, Competition, and Candidate Gender.” *PS: Political Science and Politics* XL:661-667 (No. 4, October 2007). With Timothy Werner.
- “Do Public Funding Programs Enhance Electoral Competition?” In Michael P. McDonald and John Samples, eds., *The Marketplace of Democracy: Electoral Competition and American Politics* (Washington, DC: Brookings Institution Press, 2006). With Timothy Werner and Amanda Williams. Excerpted in Daniel H. Lowenstein, Richard L. Hasen, and Daniel P. Tokaji, *Election Law: Cases and Materials*. Durham, NC: Carolina Academic Press, 2008.
- “The Last 100 Days.” *Presidential Studies Quarterly* 35:533-553 (No. 3, September 2005). With William Howell.
- “Political Reality and Unforeseen Consequences: Why Campaign Finance Reform is Too Important To Be Left To The Lawyers,” *University of Richmond Law Review* 37:1069-1110 (No. 4, May 2003).
- “Unilateral Presidential Powers: Significant Executive Orders, 1949-1999.” *Presidential Studies Quarterly* 32:367-386 (No. 2, June 2002). With Kevin Price.
- “Answering Ayres: Requiring Campaign Contributors to Remain Anonymous Would Not Resolve Corruption Concerns.” *Regulation* 24:24-29 (No. 4, Winter 2001).
- “Student Attitudes Toward Instructional Technology in the Large Introductory US Government Course.” *PS: Political Science and Politics* 33:597-604 (No. 3 September 2000). With John Coleman.
- “The Limits of Delegation – the Rise and Fall of BRAC.” *Regulation* 22:32-38 (No. 3, October 1999).
- “Executive Orders and Presidential Power.” *The Journal of Politics* 61:445-466 (No.2, May 1999).
- “Bringing Politics Back In: Defense Policy and the Theoretical Study of Institutions and Processes.” *Public Administration Review* 56:180-190 (1996). With Anne Khademian.
- “Closing Military Bases (Finally): Solving Collective Dilemmas Through Delegation.” *Legislative Studies Quarterly*, 20:393-414 (No. 3, August 1995).
- “Electoral Cycles in Federal Government Prime Contract Awards: State-Level Evidence from the 1988 and 1992 Presidential Elections.” *American*

- Journal of Political Science* 40:162-185 (No. 1, February 1995).
- “The Impact of Public Financing on Electoral Competitiveness: Evidence from Wisconsin, 1964-1990.” *Legislative Studies Quarterly* 20:69-88 (No. 1, February 1995). With John M. Wood.
- “Policy Disputes as a Source of Administrative Controls: Congressional Micromanagement of the Department of Defense.” *Public Administration Review* 53:293-302 (No. 4, July-August 1993).
- “Combat Aircraft Production in the United States, 1950-2000: Maintaining Industry Capability in an Era of Shrinking Budgets.” *Defense Analysis* 9:159-169 (No. 2, 1993).

Book Chapters

- “Is President Trump Conventionally Disruptive, or Unconventionally Destructive?” In *The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake*. Lanham, MD: Lexington Press, 2017. Co-edited with Amon Cavari and Richard J. Powell.
- “Lessons of Defeat: Republican Party Responses to the 2012 Presidential Election. In Amnon Cavari, Richard J. Powell, and Kenneth R. Mayer, eds. *The 2012 Presidential Election: Forecasts, Outcomes, and Consequences*. Lanham, MD: Rowman and Littlefield. 2014.
- “Unilateral Action.” George C. Edwards, III, and William G. Howell, *Oxford Handbook of the American Presidency* (New York: Oxford University Press, 2009).
- “Executive Orders,” in Joseph Bessette and Jeffrey Tulis, *The Constitutional Presidency*. Baltimore: Johns Hopkins University Press, 2009.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” In Gerald C. Lubenow, ed., *A User’s Guide to Campaign Finance Reform*. Lanham, MD: Rowman & Littlefield, 2001.
- “Everything You Thought You Knew About Impeachment Was Wrong.” In Leonard V. Kaplan and Beverly I. Moran, ed., *Aftermath: The Clinton Impeachment and the Presidency in the Age of Political Spectacle*. New York: New York University Press. 2001. With David T. Canon.
- “The Institutionalization of Power.” In Robert Y. Shapiro, Martha Joynt Kumar, and Lawrence R. Jacobs, eds. *Presidential Power: Forging the Presidency for the 21st Century*. New York: Columbia University Press, 2000. With Thomas J. Weko.
- “Congressional-DoD Relations After the Cold War: The Politics of Uncertainty.” In *Downsizing Defense*, Ethan Kapstein ed. Washington DC: Congressional Quarterly Press. 1993.

“Elections, Business Cycles, and the Timing of Defense Contract Awards in the United States.” In Alex Mintz, ed. *The Political Economy of Military Spending*. London: Routledge. 1991.

“Patterns of Congressional Influence In Defense Contracting.” In Robert Higgs, ed., *Arms, Politics, and the Economy: Contemporary and Historical Perspectives*. New York: Holmes and Meier. 1990.

Other

“Campaign Finance: Some Basics.” Bauer-Ginsberg Campaign Finance Task Force, Stanford University. September 2017. With Elizabeth M. Sawyer.

“The Wisconsin Recount May Have a Surprise in Store after All.” *The Monkey Cage* (Washington Post), December 5, 2016. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.

Review of Jason K. Dempsey, *Our Army: Soldiers, Politicians, and American Civil-Military Relations*. *The Forum* 9 (No. 3, 2011).

“Voting Early, but Not Often.” *New York Times*, October 25, 2010. With Barry C. Burden.

Review of John Samples, *The Fallacy of Campaign Finance Reform* and Raymond J. La Raja, *Small Change: Money, Political Parties, and Campaign Finance Reform*. *The Forum* 6 (No. 1, 2008).

Review Essay, *Executing the Constitution: Putting the President Back Into the Constitution*, Christopher S. Kelley, ed.; *Presidents in Culture: The Meaning of Presidential Communication*, David Michael Ryfe; *Executive Orders and the Modern Presidency: Legislating from the Oval Office*, Adam L. Warber. In *Perspective on Politics* 5:635-637 (No. 3, September 2007).

“The Base Realignment and Closure Process: Is It Possible to Make Rational Policy?” Brademas Center for the Study of Congress, New York University. 2007.

“Controlling Executive Authority in a Constitutional System” (comparative analysis of executive power in the U.S. and Australia), manuscript, February 2007.

“Campaigns, Elections, and Campaign Finance Reform.” *Focus on Law Studies*, XXI, No. 2 (Spring 2006). American Bar Association, Division for Public Education.

“Review Essay: Assessing The 2000 Presidential Election – Judicial and Social Science Perspectives.” *Congress and the Presidency* 29: 91-98 (No. 1, Spring 2002).

Issue Briefs (Midterm Elections, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform) 2006

- Reporter's Source Book*. Project Vote Smart. 2006. With Meghan Condon.
- "Sunlight as the Best Disinfectant: Campaign Finance in Australia." Democratic Audit of Australia, Australian National University. October 2006.
- "Return to the Norm," *Brisbane Courier-Mail*, November 10, 2006.
- "The Return of the King? Presidential Power and the Law," *PRG Report* XXVI, No. 2 (Spring 2004).
- Issue Briefs (Campaign Finance Reform, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform), *2004 Reporter's Source Book*. Project Vote Smart. 2004. With Patricia Strach and Arnold Shober.
- "Where's That Crystal Ball When You Need It? Finicky Voters and Creaky Campaigns Made for a Surprise Electoral Season. And the Fun's Just Begun." *Madison Magazine*. April 2002.
- "Capitol Overkill." *Madison Magazine*, July 2002.
- Issue Briefs (Homeland Security; Foreign Affairs and Defense Policy; Education; Economy, Budget and Taxes; Social Welfare Policy), *2002 Reporter's Source Book*. Project Vote Smart. 2002. With Patricia Strach and Paul Manna.
- "Presidential Emergency Powers." *Oxford Analytica Daily Brief*. December 18, 2001.
- "An Analysis of the Issue of Issue Ads" *Wisconsin State Journal*, November 7, 1999.
- "Background of Issue Ad Controversy." *Wisconsin State Journal*, November 7, 1999.
- "Eliminating Public Funding Reduces Election Competition." *Wisconsin State Journal*, June 27, 1999.
- Review of *Executive Privilege: The Dilemma of Secrecy and Democratic Accountability*, by Mark J. Rozell. *Congress and the Presidency* 24 (No. 1, 1997).
- "Like Marriage, New Presidency Starts In Hope." *Wisconsin State Journal*. March 31, 1996.
- Review of *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, by Lani Guinier. *Congress and the Presidency* 21: 149-151 (No. 2, 1994).
- Review of *The Best Defense: Policy Alternatives for U.S. Nuclear Security From the 1950s to the 1990s*, by David Goldfischer. *Science, Technology, and Environmental Politics Newsletter* 6 (1994).
- Review of *The Strategic Defense Initiative*, by Edward Reiss. *American Political Science Review* 87:1061-1062 (No. 4, December 1993).

- Review of *The Political Economy of Defense: Issues and Perspectives*, Andrew L. Ross ed. *Armed Forces and Society* 19:460-462 (No. 3, April 1993)
- Review of *Space Weapons and the Strategic Defense Initiative*, by Crockett Grabbe. *Annals of the American Academy of Political and Social Science* 527: 193-194 (May 1993).
- “Limits Wouldn't Solve the Problem.” *Wisconsin State Journal*, November 5, 1992. With David T. Canon.
- “Convention Ceded Middle Ground.” *Wisconsin State Journal*, August 23, 1992.
- “CBS Economy Poll Meaningless.” *Wisconsin State Journal*, February 3, 1992.
- “It's a Matter of Character: Pentagon Doesn't Need New Laws, it Needs Good People.” *Los Angeles Times*, July 8, 1988.

Conference Papers

- “Voter Identification and Nonvoting in Wisconsin – Evidence from the 2016 Election.” Presented at the 2018 Annual Meeting of the Midwest Political Science Association, Chicago, IL April 5-8, 2018. With Michael G. DeCrescenzo.
- “Learning from Recounts.” Presented at the Workshop on Electoral Integrity, San Francisco, CA, August 30, 2017, and at the 2017 Annual Meeting of the American Political Science Association, San Francisco, CA, August 31-September 3, 2017. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- “What Happens at the Polling Place: Using Administrative Data to Understand Irregularities at the Polls.” Conference on New Research on Election Administration and Reform, Massachusetts Institute of Technology, Cambridge, MA, June 8, 2015. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neiheisel.
- “Election Laws and Partisan Gains: What are the Effects of Early Voting and Same Day Registration on the Parties' Vote Shares.” 2013 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 11-14, 2013. Winner of the Robert H. Durr Award.
- “The Effect of Public Funding on Electoral Competition: Evidence from the 2008 and 2010 Cycles.” Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Amnon Cavari.
- “What Happens at the Polling Place: A Preliminary Analysis in the November 2008 General Election.” Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neiheisel.
- “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of

- Election Reform.” 2010 Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 2010. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “Selection Methods, Partisanship, and the Administration of Elections. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 22-25, 2010. Revised version presented at the Annual Meeting of the European Political Science Association, June 16-19, 2011, Dublin, Ireland. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections.” Annual Meeting of the American Political Science Association, Toronto, Canada, September 3-5, 2009. With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- “Comparative Election Administration: Can We Learn Anything From the Australian Electoral Commission?” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007.
- “Electoral Transitions in Connecticut: Implementation of Public Funding for State Legislative Elections.” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007. With Timothy Werner.
- “Candidate Gender and Participation in Public Campaign Finance Programs.” Annual Meeting of the Midwest Political Science Association, Chicago IL, April 7-10, 2005. With Timothy Werner.
- “Do Public Funding Programs Enhance Electoral Competition?” 4th Annual State Politics and Policy Conference,” Akron, OH, April 30-May 1, 2004. With Timothy Werner and Amanda Williams.
- “The Last 100 Days.” Annual Meeting of the American Political Science Association, Philadelphia, PA, August 28-31, 2003. With William Howell.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” Citizens’ Research Foundation Forum on Campaign Finance Reform, Institute for Governmental Studies, University of California Berkeley. August 2000.
- “The Importance of Moving First: Presidential Initiative and Executive Orders.” Annual Meeting of the American Political Science Association, San Francisco, CA, August 28-September 1, 1996.
- “Informational vs. Distributive Theories of Legislative Organization: Committee Membership and Defense Policy in the House.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Department of Defense Contracts, Presidential Elections, and the Political-

Business Cycle.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.

“Problem? What Problem? Congressional Micromanagement of the Department of Defense.” Annual Meeting of the American Political Science Association, Washington DC, August 29 - September 2, 1991.

Talks and Presentations

“Turnout Effects of Voter ID Laws.” Rice University, March 23, 2018; Wisconsin Alumni Association, October 13, 2017. With Michael DeCrescenzo.

“Informational and Turnout Effects of Voter ID Laws.” Wisconsin State Elections Commission, December 12, 2017; Dane County Board of Supervisors, October 26, 2017. With Michael DeCrescenzo.

“Voter Identification and Nonvoting in Wisconsin, Election 2016. American Politics Workshop, University of Wisconsin, Madison, November 24, 2017.

“Gerrymandering: Is There A Way Out?” Marquette University. October 24, 2017.

“What Happens in the Districting Room and What Happens in the Courtroom” Geometry of Redistricting Conference, University of Wisconsin-Madison October 12, 2017.

“How Do You Know? The Epistemology of White House Knowledge.” Clemson University, February 23, 2016.

Roundtable Discussant, Separation of Powers Conference, School of Public and International Affairs, University of Georgia, February 19-20, 2016.

Campaign Finance Task Force Meeting, Stanford University, February 4, 2016.

Discussant, “The Use of Unilateral Powers.” American Political Science Association Annual Meeting, August 28-31, 2014, Washington, DC.

Presenter, “Roundtable on Money and Politics: What do Scholars Know and What Do We Need to Know?” American Political Science Association Annual Meeting, August 28-September 1, 2013, Chicago, IL.

Presenter, “Roundtable: Evaluating the Obama Presidency.” Midwest Political Science Association Annual Meeting, April 11-14, 2012, Chicago, IL.

Panel Participant, “Redistricting in the 2010 Cycle,” Midwest Democracy Network,

Speaker, “Redistricting and Election Administration,” Dane County League of Women Voters, March 4, 2010.

Keynote Speaker, “Engaging the Electorate: The Dynamics of Politics and Participation in 2008.” Foreign Fulbright Enrichment Seminar, Chicago, IL, March 2008.

Participant, Election Visitor Program, Australian Electoral Commission, Canberra, ACT, Australia. November 2007.

Invited Talk, "Public Funding in State and Local Elections." Reed College Public Policy Lecture Series. Portland, Oregon, March 19, 2007.

Fulbright Distinguished Chair Lecture Tour, 2006. Public lectures on election administration and executive power. University of Tasmania, Hobart (TAS); Flinders University and University of South Australia, Adelaide (SA); University of Melbourne, Melbourne (VIC); University of Western Australia, Perth (WA); Griffith University and University of Queensland, Brisbane (QLD); Institute for Public Affairs, Sydney (NSW); The Australian National University, Canberra (ACT).

Discussant, "Both Ends of the Avenue: Congress and the President Revisited," American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Presenter, "Researching the Presidency," Short Course, American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Discussant, Conference on Presidential Rhetoric, Texas A&M University, College Station, TX. February 2004.

Presenter, "Author Meets Author: New Research on the Presidency," 2004 Southern Political Science Association Meeting, January 8-11, New Orleans, LA.

Chair, "Presidential Secrecy," American Political Science Association Meeting, August 28-31, 2003, Philadelphia, PA.

Discussant, "New Looks at Public Approval of Presidents." Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL.

Discussant, "Presidential Use of Strategic Tools." American Political Science Association Meeting, August 28-September 1, 2002, Boston, MA.

Chair and Discussant, "Branching Out: Congress and the President." Midwest Political Science Association Meeting, April 19-22, 2001, Chicago, IL.

Invited witness, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, U.S. House of Representatives. *Hearing on Executive Order and Presidential Power*, Washington, DC. March 22, 2001.

"The History of the Executive Order," Miller Center for Public Affairs, University of Virginia (with Griffin Bell and William Howell), January 26, 2001.

Presenter and Discussant, Future Voting Technologies Symposium, Madison, WI May 2, 2000.

Moderator, Panel on Electric Utility Reliability. Assembly Staff Leadership Development Seminar, Madison, WI. August 11, 1999.

Chair, Panel on "Legal Aspects of the Presidency: Clinton and Beyond." Midwest Political Science Association Meeting, April 15-17, 1999, Chicago, IL.

Session Moderator, National Performance Review Acquisition Working Summit,

Milwaukee, WI. June 1995.
American Politics Seminar, The George Washington University, Washington D.C.,
April 1995.
Invited speaker, Defense and Arms Control Studies Program, Massachusetts
Institute of Technology, Cambridge, MA, March 1994.
Discussant, International Studies Association (Midwest Chapter) Annual Meeting,
Chicago IL, October 29-30, 1993.
Seminar on American Politics, Princeton University, January 16-17, 1992.
Conference on Defense Downsizing and Economic Conversion, October 4, 1991,
Harvard University.
Conference on Congress and New Foreign and Defense Policy Challenges, The
Ohio State University, Columbus OH, September 21-22, 1990, and
September 19-21, 1991.
Presenter, "A New Look at Short Term Change in Party Identification," 1990
Meeting of the American Political Science Association, San Francisco, CA.

RETRIEVED FROM DEMOCRACYDOCKET.COM

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., et al.,

Plaintiffs,

v.

TRUE THE VOTE, INC., et al.,

Defendants,

Case No. 2:20-CV-00302-SCJ

DECLARATION OF DR. VERNON BURTON

I, Dr. Vernon Burton, make the following declaration:

1. I was retained by Plaintiffs in this case to provide the expert opinions set forth in my expert report attached as Exhibit A to this declaration.
2. The statements in my expert report, attached as Exhibit A, are true and correct to the best of my personal knowledge.
3. If called as a witness, I will testify to the expert opinions and conclusions offered in my expert report and the bases for those opinions, all of which are matters within my personal knowledge.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of May, 2022.

Vernon Vernon Burton

Dr. Vernon Burton

Exhibit A

RETRIEVED FROM DEMOCRACYPOCKET.COM

Fair Fight Inc., et al. v. True the Vote, Inc., et al., Case No. 2:20-CV-00302-SCJ

United States District Court for the Northern District of Georgia

Expert Report of Orville Vernon Burton, Ph.D.

A handwritten signature in black ink, appearing to read "Orville Burton". The signature is written in a cursive, flowing style.

Dr. Orville Vernon Burton

May 14, 2021

RETRIEVED FROM DEMOCRACYDOCKET.COM

I. STATEMENT OF INQUIRY

I have been asked by Plaintiffs' counsel to serve as an expert witness in litigation surrounding voter intimidation in Georgia. Plaintiffs' counsel asked me to give an overview of prior voter intimidation efforts in Georgia, particularly as they relate to the historical use of voter challenges, and to assess the extent to which True the Vote's activities in Georgia in advance of the 2021 runoff elections align with voter intimidation tactics historically aimed at disfranchising Black and other minority voters.

I am being compensated at \$350 per hour for my work on this case. My compensation is not contingent on or affected by the substance of my opinions or the outcome of this case.

II. SUMMARY OF FINDINGS

Georgia's voter challenge provision, first introduced in the early 1900s, was explicitly envisioned as a means to exclude Black Georgians from the ballot box under the guise of "purifying" elections. Since its inception, the voter challenge provision has been repeatedly exploited in a racist, exclusionary, and intimidating manner. In the late 1940s and 1950s, for example, after the white primary system was ruled unconstitutional, white candidates in Georgia used voter challenges to great effect to purge and exclude Black Georgians from the voter rolls. The challenges largely succeeded at diminishing the votes cast by Black citizens, in part because many Black voters were either unable to appear or intimidated from appearing to defend the challenges against their eligibility to vote.

Voter challenges did not stop in Georgia in the 1950s; instead, they continued through the 1980s and 2000s, and many—if not all—of these challenge efforts were directed toward Georgia's minority voters. True the Vote, an organization that filed mass challenges in advance of Georgia's 2021 runoff election, has its own history of using the pretext of voter fraud to engage in voter

suppression. As demonstrated in this report, True the Vote's mass challenges and other activities initiated by the organization in advance of the Senate runoff elections are consistent with the types of voter intimidation tactics that have been used historically to disfranchise voters, especially Black Georgians and other minority groups.

III. QUALIFICATIONS

I received my undergraduate degree from Furman University in 1969 and my Ph.D. in American History from Princeton University in 1976. I have been researching and teaching American History at universities since 1971. Currently I am the Judge Matthew J. Perry Distinguished Professor of History and Professor of Pan-African Studies, Sociology and Anthropology, and Computer Science at Clemson University. From 2008 to 2010, I was the Burroughs Distinguished Professor of Southern History and Culture at Coastal Carolina University. I am an emeritus University Distinguished Teacher/Scholar, University Scholar, and Professor of History, African American Studies, and Sociology at the University of Illinois. I am a Senior Research Scientist at the National Center for Supercomputing Applications (NCSA), where I was Associate Director for Humanities and Social Sciences from 2004–2010. I am also the founding Director of the Institute for Computing in Humanities, Arts, and Social Science (ICHASS) at the University of Illinois and currently chair the ICHASS Advisory Board.

I am the author or editor of more than twenty books and two hundred articles, many of which can be found at my Curriculum Vitae attached to the end of this report. I have received several academic awards and honors. I was selected nationwide as the 1999 U.S. Research and Doctoral University Professor of the Year (presented by the Carnegie Foundation for the Advancement of Teaching and by the Council for Advancement and Support of Education). My book, *The Age of Lincoln: A History*, published in 2007, won the *Chicago Tribune* Heartland

Literary Award for Nonfiction. One reviewer proclaimed, “If the Civil War era was America’s ‘Iliad,’ then historian Orville Vernon Burton is our latest Homer.” The book was featured at sessions of the annual meetings of the African American History and Life Association, the Social Science History Association, and the Southern Intellectual History Circle. I was also one of ten historians selected to contribute to the *Presidential Inaugural Portfolio* (January 21, 2013) by the Joint Congressional Committee on Inaugural Ceremonies. I have also been elected president of the Southern Historical Association and the Agricultural History Society, and I was elected to the Society of American Historians. I also edit two academic press series for the University of Virginia Press: *The American South* Series and the *A Nation Divided: Studies in the Civil War Era* Series.

Over the past forty years, I have been retained to serve as an expert witness and consultant in numerous voting rights cases by the Voting Section of the Civil Rights Division of the United States Department of Justice, the Voting Rights Project of the Southern Regional Office of the American Civil Liberties Union, the Brennan Center, the NAACP, the Legal Defense Fund of the NAACP, the Mexican American Legal Defense and Educational Fund, the California Rural Legal Association, the League of United Latin American Citizens, the Lawyers’ Committee for Civil Rights Under Law, the Legal Services Corporation, the Southern Poverty Law Center, and other individuals and groups.

I have extensive experience in analyzing social and economic status, discrimination, and historical intent in voting rights cases, as well as group voting behavior. I have been qualified as an expert in the fields of districting, reapportionment, and racial voting patterns and behavior in elections in the United States. My testimony has been accepted by federal courts regarding statistical analyses of racially polarized voting and socioeconomic analyses of the population, as well as on the history of discrimination and the discriminatory intent of laws. In 2014, for example,

my testimony and my expert report were favorably cited by the U.S. District Court for the Southern District of Texas in the court's finding that the Texas in-person Voter ID Law was racially motivated and had a disparate effect on minorities. *See Veasey v. Perry*, 71 F.Supp.3d 627 (S.D. Tex. 2014). My testimony and reports have also been cited by the U.S. Department of Justice. In 2012, for example, my expert report was cited by the Justice Department as a reason for their objection to South Carolina's Voter ID law. *See* Dkt. 118-1, *South Carolina v. United States*, No. 1:12-cv-00203-CKK-BMK-JDB (D.D.C. June 29, 2012).

To the best of my knowledge and memory, in the last five or so years, I have given testimony and/or depositions in the following cases: (i) *Community Success Initiative v. Moore*, No. 19-cv-15941 (N.C. Superior Court) (2020); (ii) *Perez v. Perry* (5:11-CV-00360, W.D. Tex.); (iii) *South Carolina v. United States* (1:12-cv-00203, D.D.C.); and (iv) *Veasey v. Perry* (2:13-CV-193, S.D. Tex.). In addition, I testified on the Voting Rights Act in a Congressional Briefing on December 4, 2015.

As a scholar, I have had a long relationship with Georgia. I was born in Royston, Georgia, and I own the family farm in Madison County, Georgia. My book, *In My Father's House Are Many Mansions: Family and Community in Edgefield, South Carolina* (1985), is an intense study of a large section of South Carolina that is only separated from Georgia by the Savannah River. That area has strong ties to Georgia and especially to the city of Augusta, which I have studied since before my Ph.D. I have researched and written about Georgia, and I have researched in the archives of the University of Georgia, Emory University, and Morehouse College. I have served on Ph.D. committees, and am serving on one currently, at the University of Georgia. I gave one of Georgia's annual humanities lectures in connection with the state's Governor's Awards for the Humanities. I also keynoted one of the annual meetings of the Georgia Historical Society. I am

currently serving on the Advisory committee for the Atlanta History Museum to develop new exhibits on the modern South. I have been invited to present papers and talks and to participate in seminars at a number of Georgia institutions and universities, including the Carter Center, University of Georgia, Augusta University, Payne College, Mercer University, Morehouse College, Georgia State University, Georgia Southern University, Fort Valley State University, Berry College, Emory University, the Georgia Institute of Technology, and Young Harris College.

IV. METHODOLOGY AND SOURCES

In this report, I have employed the standard methodology used by historians and other social scientists in investigating the adoption, application, and maintenance of election laws. When analyzing political decision-making, historians examine the circumstantial evidence regarding the political, institutional, and social context in which a decision is made, as well as direct evidence of the reasons asserted for the decision. We examine relevant scholarly studies; newspaper coverage of events; reports of local, state or federal governments; relevant court decisions; and the record in court cases, including expert reports, deposition and trial testimony, and statistical data. In writing this report, I have examined a wide range of sources. I have relied on primary and secondary sources available to me at the time of writing this report. This report makes extensive use of primary sources, especially contemporary newspapers that record debates and speeches and help to provide a barometer of public sentiment. Where possible, I have consulted newspaper accounts from multiple perspectives and checked for accuracy. I have also read the records of both houses of the Georgia General Assembly, the journals and debates of the constitutional conventions of Georgia, bill histories, and public statutes. I have consulted secondary works on politics and race relations in Georgia specifically, as well as in the South as a whole. I also reviewed the Amended Complaint and TRO Motion filed in this case, both of which were provided

to me by Plaintiffs’ counsel. This report features extensive footnotes to allow readers to assess the accuracy and credibility of my evidence and my conclusions.

V. FINDINGS

A. Since its inception, Georgia’s voter challenge provision has repeatedly been used in an intimidating manner against minority voters.

1. Georgia adopted voter challenges as a tool to disfranchise Black Georgians.

From the time Black Americans received the right to vote, Georgia has sought to deny it. In 1868, the *Atlanta Constitution* insisted that “the negro [was] incapable of self-government” and that the “interest of the white race . . . should be held as paramount to all perilous experiments upon an alien race.”¹ Samuel Bard of the *Atlanta Daily New Era* similarly reassured his readers that “Reconstruction does not make negro suffrage a permanency” and promised that “as soon as the State is once more in its place . . . they can amend their Constitution, disfranchise the negroes, and restore suffrage to the disfranchised whites.”²

Following the success of multiracial alliances in the 1880s and 1890s Populist movement, Southern Democrats in Georgia promulgated disfranchising measures predicated on the specter of voter fraud, echoing vitriolic Reconstruction-era rhetoric regarding who deserves the rights of citizenship and the sanctity of the ballot. As Governor Hoke Smith argued, “the first step toward purifying the ballot” was “the exclusion of the ignorant and purchasable negro.”³ John M. Brown,

¹ *The Atlanta Constitution* (Atlanta, GA), July 30, 1868.

² “Reconstruction and the Southern Whites,” *The Atlanta Daily New Era* (Atlanta, GA), January 4, 1868. For a scholarly overview of these post-Civil War and post-Reconstruction disfranchising measures, see Laughlin McDonald, Michael B. Binford, and Ken Johnson, “Georgia,” in *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965–1990*, eds. Chandler Davidson and Bernard Grofman (Princeton: Princeton University Press, 1994), 67–70.

³ “Hoke Smith Writes of Campaign Issues,” *The Atlanta Georgian and News* (Atlanta, GA), July 29, 1910. On Populism in Georgia see J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910* (New Haven: Yale University Press, 1974), 41–42, 62, 78, 214–21.

the editor of *The Bainbridge Democrat*, argued that “the negro as a voter—by a very large majority—is purchasable,” and without disfranchisement a “minority of the whites” could control Black voters and take Georgia hostage.⁴ Indeed, white Democrats blamed “fraudulent negro voters” for Republican rule during Reconstruction and falsely claimed that denying African Americans the right to vote would eliminate fraud.⁵ The false claim that African American votes were fraudulent thus began during Reconstruction and continues today.

Grounded on unsubstantiated claims of voter fraud, the pretext of purifying elections was used to justify the wholesale disfranchisement of Black voters in Georgia in the early twentieth century, primarily through a pair of laws: a disfranchisement law, and a registration law containing a challenge provision allowing a voter to challenge the registration of other voters. In 1907, the Georgia General Assembly decisively passed the Felder-Williams disfranchisement bill. The bill, though broadly written to disfranchise many Georgians, targeted Black men by adding specific exceptions that permitted white men to retain their voter registrations. These exceptions included owning a certain amount of land, being descendants of certain persons, or being “persons of good character who understand the duties and obligations of citizenship.”⁶ In his message to the General Assembly delivered on June 24, 1908, Governor Smith noted that the “disfranchisement act” would require that a new registration of voters be held after its adoption by popular vote.⁷ Smith insisted on the need for “honest elections in Georgia,” which could begin by “keeping registration

⁴ “For Negro Disfranchisement,” *The Bainbridge Democrat* (Bainbridge, GA), September 3, 1908.

⁵ *The Atlanta Constitution* (Atlanta GA), June 16, 1898.

⁶ Laughlin McDonald, *A Voting Rights Odyssey: Black Enfranchisement in Georgia* (Cambridge: Cambridge University Press, 2003), 41.

⁷ *Journal of the House of Representatives of the State of Georgia, 1908* (Atlanta, GA: Franklin-Turner Company, 1908), 11.

lists above suspicion.”⁸ The Felder-Williams bill was adopted by the white voting citizens of Georgia as an amendment to the Georgia constitution in October 1908.⁹

That same year, the Georgia General Assembly also passed a “pure registration law” that amended the process for registering voters, including for the Black men whose registrations had been stripped. The *Cartersville News* explained that this law provided that “the registration list shall be placed on exhibit in the office of the clerk of the court, *where all may inspect and may challenge those who are thought not to be worthy of a place.* (emphasis added)”¹⁰ The bill further stipulated that “the list from the voters’ books . . . shall be open to public inspection, and any citizen of the county shall be allowed to contest the right of registration of any person whose name appears upon the voters’ list.”¹¹ This “challenge” provision was incorporated into the 1910 Code of the State of Georgia.

The purpose of the disfranchisement law and the registration law was clear: to disfranchise Black Georgians and keep it that way. Governor Smith explained that during his tenure, “we adopted a registration law” that “was intended to make complete and fully effective the disfranchisement law.”¹² The *Atlanta Semi-Weekly Journal* reported that “this registration provision is a part of the pure election law which guarantees the ballot to every real white citizen

⁸ *Journal of the House of Representatives of the State of Georgia*, 1908, 19.

⁹ Georgia’s 1908 voter challenge provision remains substantively unchanged to this day. Originally codified as § 34-605, the 1908 voter challenge provision was preserved in substantially the same form through extensive reorganization and modernization of the Georgia Election code in 1964 and 1981, when it was re-codified at § 21-2-230. As observed in the editor’s note for the 2008 edition of *The Official Code of Georgia, Annotated* § 21-2-230, the voter challenge provision of the reorganized 1981 *Official Code of Georgia* was so similar to the 1933 *Code*’s voter challenge statute that any legal opinions decided under the older code would apply to § 21-2-230. See O.C.G.A. § 21-2-230 (2008).

¹⁰ “Laws to Govern Georgia Elections,” *The Cartersville News* (Cartersville, GA), August 20, 1908.

¹¹ Part I, Title VII, *Acts and Resolutions of the General Assembly of the State of Georgia, 1908* (Atlanta, GA: Charles P. Byrd, 1908), 60.

¹² “Hoke Smith Writes of Campaign Issues,” *The Atlanta Georgian and News* (Atlanta, GA), July 29, 1910.

of the state and which guarantees further that his ballot's power shall not be vitiated by a corrupt and floating element"¹³—i.e. the “purchasable” Black voter whose vote was “fraudulent.”

Together, the disfranchisement amendment and the registration law were devastatingly effective. In 1908, 33,816 Black Georgians were registered to vote. Two years later, in 1910, only 7,847 Black voters were registered—a decrease of more than 75 percent. In comparison, less than 6 percent of white voters were disfranchised by Georgia's new election laws.¹⁴ Just prior to the passage of the 1965 Voting Rights Act, there were only three Black officials elected in the entire state, all elected in the three years before the Voting Rights Act was passed. Less than a third of eligible Black voters were registered in the state.¹⁵ As two scholars who carefully studied Georgia during this time concluded, “This exclusion from the normal political process was not fortuitous; it was the result of two centuries of deliberate and systematic discrimination by the state against its minority population.”¹⁶

2. Georgia's voter challenge law has been repeatedly exploited to exclude voters, and particularly Black Georgians, from the ballot box.

Unsurprisingly, Georgia's voter challenge provision has had a powerful discriminatory and exclusionary effect. It was used to disfranchise Black voters even as federal courts struck down other Jim Crow-era methods that had been used to deny Black Georgians their right to vote, such as literacy tests, poll taxes, and white-only primaries. As described below, Georgia's voter challenge laws have continued to be used to disfranchise Black voters from the 1946 gubernatorial election through the modern era. Though the voter challenges have often lacked merit, they

¹³ “A Puerile Attack on a Great Law,” *The Atlanta Semi-Weekly Journal* (Atlanta, GA), June 24, 1910.

¹⁴ “A Puerile Attack on a Great Law,” *The Atlanta Semi-Weekly Journal* (Atlanta, GA), June 24, 1910.

¹⁵ *U.S. Commission on Civil Rights, Political Participation: A Study of the Participation by Negroes in the Electoral and Political Processes in Ten Southern States since the Passage of the Voting Rights Act of 1965* (Washington, D.C.: U.S. Government Printing Office, 1968), 216–17, 232–39; McDonald, Binford, and Johnson, “Georgia.”

¹⁶ McDonald, Binford, and Johnson, “Georgia,” 67.

nevertheless have been devastatingly effective at preventing Black Georgians from accessing the ballot box.

a. Voter Challenges in Georgia's 1946 Gubernatorial Election

The voter challenges that would plague Georgia's 1946 gubernatorial election came on the heels of federal court decisions that had just expanded access to the ballot for Black Americans, and particularly Black Georgians. In 1944, the U.S. Supreme Court in *Smith v. Allwright* held in a landmark decision that political parties could not prohibit Black Americans from participating in the party's primary elections, thereby prohibiting the widely used white primary system.¹⁷ One year later, in *King v. Chapman*, the U.S. District Court for the Middle District of Georgia ruled that the Muscogee County Democratic Executive Committee and the state of Georgia had violated the Fourteenth, Fifteenth, and Seventeenth Amendment rights of Primus E. King, a Black Georgian who had been turned away when he had attempted to vote in the Democratic Party's primary in Columbus, Georgia, in July 1944.¹⁸

Following these cases, Georgia saw a massive surge in voter registration, especially among Black voters. Georgia governor Ellis Arnall ultimately decided not to attempt to "circumvent the [*Chapman*] decision," and groups like the NAACP-backed All Citizens Registration Committee led extensive organizing efforts to register voters. By June 13, 1946, 897,000 voters had registered, including 116,345 Black voters. By the July 17 primary, 118,387 Black Georgians had qualified

¹⁷ *Smith v. Allwright*, 321 U.S. 649 (1944).

¹⁸ *King v. Chapman*, 62 F. Supp. 639 (M.D. Ga. 1945); *Chapman v. King*, 154 F.2d 460 (5th Cir. 1946); *Chapman v. King*, 327 U.S. 800 (1946); "Judge Rules Negroes May Vote," *The Atlanta Constitution* (Atlanta, GA), October 13, 1945; "Georgia Reform Faces Test in Hot Primary," *The Sunday News* (Lancaster, PA), July 14, 1946; Ronald H. Bayor, *Race and the Shaping of Twentieth-Century Atlanta* (Chapel Hill, NC: University of North Carolina Press, 1996), 34.

to vote. According to the *Jackson Progress-Argus* of Jackson, Georgia, this was “by all odds the largest registration in Georgia’s primary.”¹⁹

Black Georgians’ registration progress, however, was met by outright hostility from two candidates in the 1946 gubernatorial election. One Democratic gubernatorial candidate, Eugene Talmadge, explicitly campaigned on a platform of white supremacy and Black disfranchisement. He threatened that if the “Democratic White Primary is not restored and preserved,” Black voters, “directed by influences outside of Georgia,” would control the Democratic Party.²⁰ His words echoed earlier language, such as Governor Smith’s, that questioned the legitimacy of Black voters. Talmadge’s supporters claimed that if he were not elected, Georgia would be ushered into an era of “carpet-bagger rule” propagating the “horrors of Reconstruction,” a common trope and scare tactic. Voters were urged to “vote right and keep our state white,” and by so doing preserve white supremacy.²¹ Marvin Griffin, a candidate for lieutenant governor, also made white supremacy a cornerstone of his campaign and announced that he believed that “the White Democratic Party should be kept white in Georgia, and that carpet baggers and scalawags should not be permitted to take over this state and destroy southern racial traditions.”²²

As the 1946 gubernatorial race progressed, both Griffin’s and Talmadge’s campaigns depended on voter challenges to steal the election from their opponents, disfranchise Black voters,

¹⁹ “Total Registration in Georgia May Reach Million When Deadline Falls,” *The Jackson Progress-Argus* (Jackson, GA), June 20, 1946; “118, 387 Qualified to Vote in Georgia Primary Election,” *The Plaindealer* (Kansas City, KS), July 19, 1946.

²⁰ “Georgia CAN Restore the Democratic White Primary and Retain County Unit System,” *The Forsyth County News* (Cummings, GA), July 4, 1946.

²¹ “Our Last Chance for WHITE SUPREMACY,” *The Jackson Herald* (Jefferson, GA), July 11, 1946; “Georgia’s State Campaign To Be Red Hot Affair,” *The Gaffney Ledger* (Gaffney, SC), April 25, 1946.

²² *The Houston Home Journal* (Perry, GA), May 30, 1946

and repudiate *King v. Chapman* and *Smith v. Allwright*.²³ In particular, Talmadge responded to *Smith v. Allwright* by mounting challenges to Black voters' registrations in more than thirty counties, purging an estimated 15,000 to 25,000 Black registrants.²⁴ In Putnam County, the Talmadge machine challenged every Black voter on the rolls before the July 17 primary, and the Board of Registrars issued a subpoena for every challenged voter to appear before them.²⁵ In Houston County, a supporter of Marvin Griffin single-handedly submitted around 700 challenges against Black voters.²⁶ Collectively, around 20,000 Black voters across Georgia—in Appling, Atkinson, Ben Hill, Butts, Coffee, Colquitt, Glynn, Hall, Houston, Lamar, Pierce, Putnam, Spalding, and eighteen other counties—faced challenges from Talmadge's and Griffin's campaigns.

Although the state law required specific grounds for voiding registrations, Talmadge's crew cited spurious reasons. They had pre-filled forms with spaces to fill in the challenged voter's name and county, with reasons such as "the voter was not a resident, was not eighteen, was not a person of good character, could not read the English language, and so forth." The Talmadge machine did not know the specific circumstances or qualifications of the voters they challenged: "What they did know was that they were black, and that was enough."²⁷ Ultimately, the Talmadge machine challenged so many voters that it proved impossible to process all of the challenges.²⁸

Austin Dean, editor of the *Gainesville Eagle*, argued that "this challenge is a mean trick of the

²³ "Talmadge 'Purge' of Negro Voters Boggling Down in Georgia Counties," *The Atlanta Constitution* (Atlanta, GA), July 12, 1946.

²⁴ McDonald, *Voting Rights Odyssey*, 52–54.

²⁵ "Primary Plans Set for Wednesday July 17," *The Eatonton Messenger* (Eatonton, GA), July 11, 1946.

²⁶ "Friday Is Last Day to Register to Vote," *The Houston Home Journal* (Perry, GA), July 4, 1946.

²⁷ McDonald, *Voting Rights Odyssey*, 52–54.

²⁸ McDonald, *Voting Rights Odyssey*, 53.

Talmadge forces” and “an obvious effort to disqualify these voters for no other reason than it is known they will not vote for a man who has low-rated and reviled them.”²⁹

In the summer of 1946, federal courts were called upon to intercede and stop Talmadge’s and Griffin’s voter challenges. The U.S. District Court for the Southern District of Georgia issued a temporary injunction on challenges in Atkinson and Bibb Counties, and the U.S. District Court for the Middle District of Georgia pledged to continue a hearing on an injunction ending the purge in Ben Hill County “until September” in order to stop what was described as a “statewide conspiracy to deprive Negroes . . . of their right of franchise.”³⁰ Despite the federal courts’ efforts, the challengers, who “used pretexts that the Negroes were ineligible because they couldn’t write, couldn’t ‘interpret’ the constitution, or weren’t ‘good citizens,’” were largely successful in their efforts to disqualify Black voters. The *Courier-Journal* of Louisville, Kentucky, reported that, in one Georgia county, 90 percent of Black voters were disqualified by Georgia’s voter challenge provisions, in part because many of those Black voters were laborers who were unable to take a day off from work to respond to the challenge.³¹

b. Voter Challenges in Georgia, 1948–1957

Voter challenges against Black voters persisted in Georgia in the late 1940s and throughout the 1950s. Following Governor Talmadge’s death shortly after his election in 1946, voter challenges were used in the 1948 Georgia gubernatorial special election to disfranchise Black

²⁹ “Negroes Purged from Rolls, Two Ware Registrars Resign,” *The Atlanta Constitution* (Atlanta, GA), July 6, 1946.

³⁰ “Talmadge ‘Purge’ of Negro Voters Boggling Down in Georgia Counties,” *The Atlanta Constitution* (Atlanta, GA), July 12, 1946; “The Talmadge Purge of Negro Voters,” *The Courier-Journal* (Louisville, KY), July 15, 1946; “Colored Citizens Challenged By Butts Citizens,” *The Jackson Progress-Argus* (Jackson, GA), July 11, 1946; “Judge Halts Vote Purge in Georgia,” *The Pittsburgh Courier* (Pittsburg, PA), July 20, 1946; “U.S. Studies Negro Purge,” *The Los Angeles Times* (Los Angeles, CA), July 14, 1946.

³¹ “The Talmadge Purge of Negro Voters,” *The Courier-Journal* (Louisville, KY), July 15, 1946.

voters. Just one month before the 1948 primary, nearly three-quarters of the 2,477 Black voters who were registered to vote in Laurens County were purged from the rolls after their right to vote was challenged and they did not personally appear before the Board of Registrars. Eventually, however, the Laurens County Tax Collector was forced to re-register the purged voters after a grand jury found the action illegal.³² Attempts to purge Black voters before the primary election also occurred in Marion County, where Black voters were challenged because of their supposed “lack of education.” The Board of Registrars, however, ultimately stepped in and prevented the disqualification of more than 2,000 voters in that county.³³ The day before the 1948 Democratic primary election, 558 Black voters were purged from Spalding County’s registration list.³⁴ Attempts to challenge and purge Black voters from voter registration lists also occurred in Lowndes, Marion, Schley, and Twiggs Counties.

Attempts to use voter challenges to disfranchise Black voters continued into the 1950s. In 1956, Georgia’s challenge laws were used to strike 25 percent of Black voters from Pierce County’s voting lists after one individual challenged the voting rights of 300 Black voters. As a result of those challenges, around 130 Black voters were purged from the list of qualified voters when they did not attend a qualification hearing.³⁵ The following year, in 1957, Governor Marvin Griffin—whose campaign had filed thousands of challenges against Black voters in 1946—formed a state election law revision committee that introduced new voter requirements “aimed

³² “Tax Collector of Laurens County Puts Negroes Back on List,” *The Butler Herald* (Butler, GA), June 17, 1948.

³³ “‘Vote Purge’ Evidence Said Insufficient,” *The Atlanta Constitution* (Atlanta, GA), August 29, 1948; “Twiggs Board Directed to Enroll Negroes,” *The Atlanta Constitution* (Atlanta, GA), August 14, 1948.

³⁴ “Marion County Striking 400 From Voting List,” *The Butler Herald* (Butler, GA), August 26, 1948; “Attempts to Intimidate Voters Told,” *The Alabama Tribune* (Montgomery, AL), September 17, 1948.

³⁵ “FBI to Probe ‘Purge’ of Pierce Negro Voters,” *The Atlanta Constitution* (Atlanta, GA), October 25, 1956; “Suit by Negroes to Regain Vote in Pierce Won’t Affect FBI Probe,” *The Atlanta Constitution* (Atlanta, GA), October 26, 1956.

primarily . . . at curbing potential Negro voting strength in Georgia.” Voters could be disqualified for offenses like “moonshine liquor law violations, adultery and child abandonment,” and a new, more stringent voter qualification test was proposed. Rather than forcing a re-registration to ensure that all 1.2 million registered voters in the state could meet the new requirements, the new requirements were intended to “be invoked against a registered voter upon challenge by another voter.”³⁶ Griffin’s insistence that the legislation include a \$1.00 poll tax and bi-annual re-registration, however, led to the bill’s failure in the General Assembly.³⁷

c. Voter Challenges in Georgia, 1980s–2000s

In 1981, white Republicans on the northside of Atlanta formed the Voter Information Project (VIP), which used Georgia’s voter challenge law to dispute the right to vote of more than 50,000 registered voters in Fulton County. Of these challenged voters, 58 percent were Black. Ben O’Callaghan, one of the directors of the VIP, argued that the challenges were necessary because there were “thousands” of fraudulent votes cast in Fulton County elections. Though Fulton County Chief Registrar Joe Honstein resisted a “mass execution” of voters, one in five registered voters was purged from Fulton County’s voter rolls as a result of the mass challenge.³⁸

Voter challenges against minority voters in Georgia also persisted into the early 2000s. During the 2004 presidential election, Jerry Metts, a county commissioner in Atkinson County, persuaded non-citizen Latinos to register to vote. The ensuing fear that non-citizens would vote

³⁶ William M. Bates, “Crime Barriers and Stiffer Tests Proposed to Curb Negro Voting,” *The Atlanta Constitution* (Atlanta, GA), November 22, 1957.

³⁷ “Griffins Poll Tax, Voter Registration Bids Face Scuttling Move in House,” *The Atlanta Constitution* (Atlanta, GA), February 13, 1958.

³⁸ Barry King, “Notices Sent on Fulton Voter Purge,” *The Atlanta Constitution* (Atlanta, GA), March 3, 1981; Jim Walls, “One in Five Voters Dropped From Rolls,” *The Atlanta Constitution* (Atlanta, GA), April 16, 1981; Frederick Allen, “Voter Challenges Seen Through a Glass Darkly,” *The Atlanta Constitution* (Atlanta, GA), September 15, 1981.

became a reason for white voters in Atkinson to challenge “all Hispanic voters whom they did not know to be citizens.” Leslie Lobos, who represented Atlanta’s Mexican American Legal Defense and Education Fund, argued that the challenges in Atkinson (as well as earlier challenges in Long County) were “racial profiling” and could “be used to discourage voters.”³⁹

As recently as 2016, the Hancock County Board of Elections and Registration, which at the time was majority white, challenged 174 residents of Sparta, Georgia, nearly all of whom were Black. Though the Hancock County attorney, Barry A. Fleming, denied that this purge was about race, the Georgia State Conference of the NAACP, the Georgia Coalition for the People’s Agenda, and four voters who had their registrations challenged sued the Hancock County Board of Elections seeking an injunction to force the Board to end their use of the challenge procedures to intimidate and target Black voters. The parties agreed to a negotiated settlement, but a U.S. District Court ordered the defendants to pay the plaintiffs’ attorney fees, and the terms of the consent agreement specified that the Board of Elections would follow a strict process that required the Board to notify the plaintiffs’ counsel if the Board made any voter challenges.⁴⁰

B. Recent Georgia elections have been defined by voter investigations and continued voter challenges.

The voter challenges that have plagued Georgia’s history throughout the twentieth century have persisted into the modern era. These voter challenges have also come at a time of rapid demographic shifts in Georgia’s electorate and calls for investigations into Georgia voters by both the State itself and private groups like True the Vote.

³⁹ Teresa Borden, “Latino Voters Challenged,” *The Atlanta Journal-Constitution* (Atlanta, GA), October 28, 2004.

⁴⁰ Wines, Michael, “Critics See Efforts by Counties and Towns to Purge Minority Voters from Rolls,” *The New York Times* (New York, NY), July 31, 2016; *Ga. State Conference of the NAACP v. Hancock Cnty. Bd. of Elections & Registration* (CIVIL ACTION No. 5:15-CV-00414 (CAR) (M.D. Ga. Mar. 30, 2018)).

1. State-Sponsored Voter Investigations

As in Georgia's past, modern-day elected officials, law enforcement officers, and political activists have continued to harass and intimidate Black voters and candidates in order to maintain political power. Nowhere is this more obvious than in Quitman, Georgia—a predominantly Black city in otherwise predominantly white Brooks County. In the early 2000s, Nancy Dennard, a Black educator, won a 2009 special election to the Brooks County School Board through a campaign that targeted citizens “who had never voted before” and who had problems getting to the polls on election day. At the time, Dennard's opponent complained about the large number of absentee ballots cast for Dennard. The Georgia secretary of state's office conducted a brief investigation but found no evidence of fraud.⁴¹

The next year, two more Black women and allies of Dennard—Diane Thomas and Linda Troutman—ran for seats on the school board and again worked to increase voter turnout through absentee voting. This time, the Brooks County School Board hired a private investigator to track Dennard and her allies. More than 1,400 Black voters participated in the Democratic primary election for school board that year—three times the turnout in previous midterm elections—and Thomas and Troutman were elected as the Democratic Party's nominees. In response, then-Secretary of State Brian Kemp (in cooperation with the Georgia Bureau of Investigation) opened a formal investigation into the 2010 election in Quitman.⁴²

Six weeks after Thomas and Troutman won seats on the school board, state and local police arrested Dennard, Thomas, Troutman, and seven other people. Two more women were arrested a year later. The “Quitman 10+2,” as they came to be known, were collectively charged with 102

⁴¹ John Ward, “How a Criminal Investigation in Georgia Set an Ominous Tone for African-American Voters,” Yahoo! News, August 6, 2019, <https://news.yahoo.com/how-a-criminal-investigation-in-georgia-set-a-dark-tone-for-african-american-voters-090000532.html> (accessed April 27, 2021).

⁴² Ward, “How a Criminal Investigation in Georgia Set an Ominous Tone for African-American Voters.”

felony counts. Prosecutors alleged that organizers had provided unlawful assistance to voters and had unlawfully possessed ballots when they delivered sealed ballots to the post office. Despite a paucity of evidence, Kemp doggedly pursued a case against the Quitman 10+2, only backing down in 2016 when Georgia's attorney general issued an opinion clarifying that it was not a violation of the law for organizers to mail absentee ballots.

Afterward, Dennard argued the investigation and prosecution were an attempt to disqualify Black officeholders and stifle Black political activism. She insisted, "[T]hey thought they could make an example out of me, and that would kill the spirit of this movement."⁴³ Thomas interpreted the Quitman 10+2's arrest and investigation by explaining that "the message sent to our citizens was, if you don't want the GBI to come visiting and put you in jail, you better not vote."⁴⁴

In 2014, while speaking to a group of Republican voters in Gwinnett County, then-Secretary Kemp made clear the connection between minority voting rights and election victories when he remarked that "the Democrats are working hard . . . registering all these minority voters that are out there and . . . if they can do that, they can win these elections in November."⁴⁵ Around the same time, Kemp's office launched an investigation into the New Georgia Project, an organization with the explicit goal of registering Georgia's unregistered minority voters. The New Georgia Project was cleared of any wrongdoing. Kemp's office also launched an investigation into the Asian American Legal Advocacy Center (AALAC), an organization that had criticized Kemp

⁴³ Ward, "How a Criminal Investigation in Georgia Set an Ominous Tone for African-American Voters."

⁴⁴ Ariel Hart, "Voting Case Mirrors National Struggle," *The Atlanta Journal-Constitution*, December 13, 2014; Gloria Tatum, "Voter Fraud Charges from 2020 Fizzle in Quitman, South Georgia," *The Atlanta Progressive News*, September 18, 2014, <http://atlantaprogressivenews.com/2014/09/18/voter-fraud-charges-from-2010-fizzle-in-quitman-south-georgia/> (accessed April 27, 2021).

⁴⁵ Steve Benen, "Georgia GOP Official Express Concerns about 'Minority Voters,'" MSNBC, September 11, 2014, <https://www.msnbc.com/rachel-maddow-show/georgia-gop-official-express-concerns-about-minority-voters-msna410401> (accessed April 27, 2021).

for not registering all voters who had submitted voter registrations to Georgia.⁴⁶ Kemp pursued the investigation for more than two years, and though he found no evidence of wrongdoing, the investigation had an effect: it created an atmosphere of fear. One journalist tracking these investigations described them as “legal terrorism, exploiting the law to intimidate and discourage citizens from accessing their constitutional right to vote.”⁴⁷ In other words, the threat of investigation or allegation of wrongdoing—even when not backed up by any substantive evidence—has sowed terror in Georgia’s minority communities, particularly when it comes to voting.

2. Private Voter Investigations and Challenges: True the Vote

True the Vote’s mass challenges and other tactics in advance of Georgia’s 2021 Senate runoff election are consistent with the long history of using voter challenges to disfranchise and intimidate minority voters. Moreover, True the Vote has its own history of using the pretext of voter fraud to engage in voter suppression.

a. History of True the Vote

True the Vote began as an initiative of the King Street Patriots, a Tea Party organization founded in Houston, Texas, in 2008. From its earliest attempts to intimidate voters, True the Vote has relied on allegations of voter fraud. In 2010, True the Vote dispatched a thousand volunteer poll watchers to voting sites across Houston. As Patrick Michels of the *Texas Observer* wrote in 2011, though it “generated little evidence of voter fraud, the King Street Patriots’ effort did result

⁴⁶ Spencer Woodman, “Register Minority Voters in Georgia, Go to Jail,” *The New Republic*, May 5, 2015, <https://newrepublic.com/article/121715/georgia-secretary-state-hammers-minority-voter-registration-efforts> (accessed May 10, 2021).

⁴⁷ Austin Adkins, “Opinion: Voter Fraud Investigations Weaponized to Suppress Voters,” *The Mainline*, November 3, 2019, <https://www.mainlinezine.com/voter-fraud-investigations-weaponized-to-suppress-voters/>.

in complaints about voter intimidation and breached ethics, a lawsuit from the Texas Democratic Party, and an investigation by the U.S. Department of Justice.”⁴⁸ True the Vote’s actions in 2010 caused a flurry of voter intimidation complaints in minority neighborhoods in Houston, where poll watchers were accused of “‘hovering over’ voters, ‘getting into election workers’ faces’ and blocking or disrupting lines of voters waiting to cast their ballots.”⁴⁹ In the end, True the Vote found no evidence of fraud but did generate 56 complaints about the group’s behavior during the 2010 election.⁵⁰

In November 2011, the King Street Patriots hosted conservative columnist Matthew Vadum shortly after he had argued in an essay, “Registering the Poor to Vote is Un-American,” that “registering the unproductive to vote” would “destroy the country.” Like Hoke Smith a century earlier—who had argued that “the first step toward purifying the ballot” was “the exclusion of the ignorant and purchasable negro”—Vadum argued that “welfare recipients are particularly open to demagoguery and bribery.” He recommended that disfranchising huge swaths of society was necessary to avoid political corruption.⁵¹ Pointing to True the Vote’s support of Vadum and his theory, scholar Ian Haney López argues that “True the Vote and [Catherine] Engelbrecht

⁴⁸ Patrick Michels, “King Street Patriots Go National,” *The Texas Observer* (Austin, TX), December 28, 2011, <https://www.texasobserver.org/king-street-patriots-go-national/> (accessed March 30, 2021).

⁴⁹ Joe Holley, “Some Harris County Early Voters Upset by Poll Watchers,” *Houston Chronicle* (Houston, TX), October 18, 2010, <https://www.chron.com/news/houston-texas/article/Some-Harris-County-early-voters-upset-by-poll-1705867.php> (accessed March 30, 2021).

⁵⁰ Abby Rapoport, “What’s the Truth about True the Vote?,” *The American Prospect*, October 12, 2021, <https://prospect.org/power/truth-true-vote/> (accessed March 30, 2021).

⁵¹ Matthew Vadum, “Registering the Poor to Vote is Un-American,” *American Thinker*, September 1, 2011, https://www.americanthinker.com/articles/2011/09/registering_the_poor_to_vote_is_un-american.html (accessed March 30, 2021); Ryan J. Reilly, “Columnist: ‘Registering the Poor to Vote Is Un-American’ Piece ‘Indelicately Worded,’” *Talking Points Memo*, November 15, 2011, <https://talkingpointsmemo.com/muckraker/columnist-registering-the-poor-to-vote-is-un-american-piece-indelicately-worded> (accessed March 30, 2021).

demonstrate that the campaign against voting fraud is intimately connected with dog whistle concerns”—that is, cries of voter fraud are in fact a kind of coded racial appeal.⁵²

By the 2012 presidential election, True the Vote had expanded its efforts to thirty states. As its founder, Catherine Engelbrecht, explained, the organization’s “exportable, comprehensive True the Vote model” had been used to create a network of poll watchers. That same year, one of those state-affiliates, the Ohio Voter Integrity Project, faced allegations of voter suppression after challenging more than 1,077 voters in Hamilton County alone.⁵³ A majority of these challenges were found to lack merit and were thrown out, but that did not stop every challenged voter from receiving a letter notifying them that their right to vote had been challenged. Reverend Rousseau A. O’Neal, a Black minister from Cincinnati, described the efforts of the Ohio Voter Integrity Project as “bigotry of the highest order.”⁵⁴

By the end of the 2012 election, True the Vote faced condemnation from Representative Elijah Cummings and Senator Barbara Boxer for alleged voter intimidation. In particular, Cummings argued in a letter to Engelbrecht that “an effort to challenge voter registrations by the thousands” could be evidence of voter intimidation.⁵⁵

⁵² Ian Haney López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (New York: Oxford University Press, 2014), 160.

⁵³ Dan Harris and Melia Patria, “Is True the Vote Intimidating Minority Voters from Going to the Polls?,” ABC News, November 1, 2012, <https://abcnews.go.com/Politics/true-vote-intimidating-minority-voters-polls/story?id=17618823> (accessed March 30, 2021).

⁵⁴ Michael Finnegan, “Tea Party Groups Work to Remove Names from Ohio Voter Rolls,” *The Los Angeles Times* (Los Angeles, CA), September 26, 2012, <https://www.latimes.com/la-xpm-2012-sep-26-la-na-ohio-voting-fight-20120927-story.html> (accessed March 14, 2021).

⁵⁵ Finnegan, “Tea Party Groups Work to Remove Names from Ohio Voter Rolls”; Mariah Blake, “The Ballot Cops,” *The Atlantic*, October 2012; “Election Digest,” *The Austin American-Statesman* (Austin, TX), October 6, 2012. Michael Finnegan, “Congressman Opens Voting Rights Probe of Tea Party Group,” *The Los Angeles Times* (Los Angeles, CA), October 5, 2012.

b. True the Vote's 2020 Voter Challenge Effort

True the Vote's aggressive efforts to hunt down alleged instances of voter fraud threatened to suppress minority voter turnout in Georgia's 2020 general election and 2021 Senate runoff election. In the months before the 2020 general election, True the Vote sketched out an aggressive campaign to recruit off-duty police officers and former Navy Seals to patrol polling places. As True the Vote founder Catherine Engelbrecht described, True the Vote sought individuals "who understand and respect law and order and chain of command" and are "unafraid to call it like they see it." True the Vote endeavored to recruit such individuals in its "absolute front-line fight" against voter fraud.⁵⁶ At the same conference where Engelbrecht discussed True the Vote's plans to recruit law enforcement and military veterans as poll watchers, she also reportedly "called repeatedly for more collaboration among conservative groups, suggesting that participants at the meeting work with groups like the Republican National Lawyers Association to formulate plans to challenge registrations and disqualify voters."⁵⁷ Then, just weeks before the Georgia Senate runoff election, True the Vote issued a press release announcing "its partnership with the Georgia Republican Party to assist with the Senate runoff election process."⁵⁸ As the Georgia Republican Party Chairman, David Shafer, explained in that press release, True the Vote's

⁵⁶ Lee Fang and Nick Surgery, "Conservative Operatives Float Plan to Place Retired Military, Police Officers as GOP Poll Watchers on Election Day," *The Intercept*, April 11, 2020, <https://theintercept.com/2020/04/11/republican-poll-watchers-vote-by-mail-voter-fraud/> (accessed May 9, 2021).

⁵⁷ Fang and Surgery, "Conservative Operatives Float Plan to Place Retired Military, Police Officers as GOP Poll Watchers on Election Day."

⁵⁸ True the Vote, "True the Vote Partners with Georgia GOP to Ensure Transparent, Secure Ballot Effort for Senate Runoff Elections," December 14, 2021, <https://truethevote.org/true-the-vote-partners-with-georgia-gop-to-ensure-transparent-secure-ballot-effort-for-senate-runoff-elections/> (accessed May 11, 2021).

resources would “help [the Georgia Republican Party] implement the most comprehensive ballot security initiative in Georgia history.”⁵⁹

Four days later, on December 18, 2020, True the Vote announced a “landmark coordinated” effort “to preemptively challenge 364,541 potentially ineligible voters” in all 159 counties in Georgia.⁶⁰ Compared to past voter challenges, True the Vote’s Georgia challenges are notable for their size. Before December 2020, the largest private voter challenge efforts in Georgia had been the Talmadge and Griffin machines’ challenges in the 1940s. Though significant in size for their day, those challenges pale in comparison to the magnitude of True the Vote’s challenges in 2020.

True the Vote’s 2020 Georgia voter challenges are also notable for their timing. Like the challenges filed by the Talmadge and Griffin campaigns, True the Vote’s challenges were filed not months before the election, but immediately before election day. As demonstrated by the Talmadge and Griffin challenges, one risk of filing myriad challenges so close to the election is that local jurisdictions will not have the capacity to process the voters who arrive to “prove” their eligibility to vote.

From a historical perspective, the timing of True the Vote’s challenges is also notable because they were filed immediately before Black Georgians exercised their full political power. In the 1940s, the Talmadge and Griffin machines used the voter challenge provisions to exclude Black Georgians from primary elections as soon as Black Georgians gained legal access to the primaries and would have otherwise been able to exert influence over the primary process.

⁵⁹ True the Vote, “True the Vote Partners with Georgia GOP to Ensure Transparent, Secure Ballot Effort for Senate Runoff Elections.”

⁶⁰ True the Vote, “True the Vote Partners with Georgia GOP to Ensure Transparent, Secure Ballot Effort for Senate Runoff Elections.”

Similarly, True the Vote filed the voter challenges on the eve of Georgians electing their first Black Senator to the United States Congress.

Though True the Vote stated in its press release that no voter would be disfranchised due to these challenges if the voter could “prove” their eligibility to vote,⁶¹ as history demonstrates, voters may be reasonably hesitant to arrive at the polls to “prove” their eligibility if it has been challenged, even if the voter is in fact eligible to vote. This hesitancy is especially prevalent in a state that, in the past decade, has launched numerous investigations into voters accused of wrongdoing. Fear of being confronted about one’s eligibility to vote may also be exacerbated in minority communities because groups like True the Vote have publicly recruited law enforcement and similar groups who claim to be “unafraid to call it like they see it” when they patrol the polls.⁶²

c. True the Vote’s 2020 “Validate the Vote” Effort

True the Vote’s voter challenge effort must also be viewed through their contemporaneous rewards for Georgians who report evidence of voter fraud. In November 2020, True the Vote began a new initiative, “Validate the Vote,” designed to “provide that the 2020 election returns reflect the principle of ‘one vote for one voter.’” This endeavor, according to Engelbrecht, was intended “to provide the resources needed that will ensure voters, election workers, and volunteers who are observing the extended ballot counting process . . . have the resources they need to document and report the malfeasance with the confidence that these issues will be pursued.” A crucial part of this campaign was the “Whistleblower Compensation Fund,” which made more than a million dollars

⁶¹ True the Vote, “True the Vote Partners with Georgians in Every County to Preemptively Challenge 364,541 Potentially Ineligible Voters,” December 18, 2021, <https://truethevote.org/true-the-vote-partners-with-georgians-in-every-county-to-preemptively-challenge-364541-potentially-ineligible-voters/> (accessed May 11, 2021).

⁶² Fang and Surgery, “Conservative Operatives Float Plan to Place Retired Military, Police Officers as GOP Poll Watchers on Election Day.”

available as an incentive for individuals who reported fraud.⁶³ True the Vote also paired this reward fund with a 24/7 hotline for “citizen watchdogs” to report fraud.⁶⁴

These types of rewards can risk incentivizing individuals to create fraud out of whole cloth. In 1944, after a private “fair elections committee” offered a \$100 reward for evidence of election fraud in Burlington, North Carolina, state officials warned that the group could be accused of subornation of perjury through their “blanket offer . . . to pay for information about crimes not known to have been committed.” One unnamed state official observed, “I know a lot of folks who would tell a lie” for \$100.⁶⁵

Rewards or bounties for voter fraud can also be used to direct suspicion around minority voters. In 1900, antilynching crusader Ida B. Wells observed the role that rewards could play in arousing public opinion, noting that “the leading journals inflame the public mind to the lynching point with scare-head articles and offers of rewards.”⁶⁶ Since the nineteenth century, the promise of rewards has been used to stir up racial animosity and to silence voices of reform—from offering rewards in Georgia to capture abolitionists,⁶⁷ to offering rewards to prevent individuals from speaking out about integration.⁶⁸ True the Vote’s own “bounty” for fraud presented similar risks—incentivizing individuals to create or suspect fraud where there may have been none, and casting

⁶³ True the Vote, “True the Vote Launches ‘Validate the Vote’ Initiative and Whistleblower Compensation Fund to Ensure Election Validity, Process Integrity,” November 6, 2020, <https://truethevote.org/true-the-vote-launches-validate-the-vote-initiative-and-whistleblower-compensation-fund-to-ensure-election-validity-process-integrity/> (accessed April 20, 2021).

⁶⁴ True the Vote, “True the Vote Launches Georgia Election Integrity Hotline as Part of the Most Comprehensive Ballot Security Effort in Georgia History,” December 15, 2020, <https://truethevote.org/true-the-vote-launches-georgia-election-integrity-hotline-as-part-of-the-most-comprehensive-ballot-security-effort-in-georgia-history/> (accessed May 11, 2021).

⁶⁵ “Subornation,” *The Daily Times-News* (Burlington, NC), September 13, 1944.

⁶⁶ Ida B. Wells-Barnett, “Lynch Law in America,” *The Arena* 23 (January 1900), 15–24.

⁶⁷ *Liberator*, March 12, 1836.

⁶⁸ Allida Mae Black, *Casting Her Own Shadow: Eleanor Roosevelt and the Shaping of Postwar Liberalism* (New York: Columbia University Press, 1996), 176.

suspicion on voters who have been historically and consistently singled out as “unworthy” of participation in Georgia’s elections.

C. Conclusion

In order to understand the rationale for the current attempts to intimidate and to eliminate or reduce the number of minority voters, one must understand the false trope created by southern whites about the “tragedy of Reconstruction,” a story that was successfully marketed to much of the country by the end of the nineteenth century and continues today. The idea that only a “qualified” few, rather than all citizens, should be permitted to vote propagates white Democrats’ rhetoric from Reconstruction about the illegitimacy of freedmen’s votes. It echoes Governor Hoke Smith’s accusations of the “purchasable negro.” And, like poll taxes and literacy tests before the Voting Rights Act banned such practices—and like the use of voter challenges today—it sustains the discriminatory use of laws to disfranchise minority voters in the modern age.

True the Vote seems to accept the premise that fewer voters are better than a true democracy. Rather than celebrating high voter turnout, the organization is haunted by imagined fraud. Its tactics are in line with disfranchising measures that date back to Reconstruction. The question of who deserves the rights of citizenship was settled by the Thirteenth, Fourteenth, Fifteenth, and Nineteenth Amendments, and then enforced through the Voting Rights Act. In the state of Georgia, however, this question seems to continue to be an open one. It continually forces citizens to prove their qualifications as voters and creates a situation where the mere act of voting—especially while Black, or Asian, or Hispanic—risks citizens running afoul of the criminal justice system. Georgia Republicans and conservatives, in a desperate bid to cling to power, have terrorized legitimate, qualified minority voters, even though the Constitution—and more than 250

years of debates, protests, and bloodshed—ensures that all Americans should have the right to vote without fear.

RETRIEVED FROM DEMOCRACYDOCKET.COM

ORVILLE VERNON BURTON

History Department, 126 Hardin Hall, 403 Calhoun Drive, Clemson University, Clemson, SC 29634-0527; O: 864/656-3153 C: 217/649-0608; Fax: 864/656-1015; H: 864/543-2552
Home: 107 Baywood Circle, Ninety Six, SC 29666 or 110 Houston St., Clemson, SC 29631
yburton@clemson.edu <https://ageoflincoln.app.clemson.edu>

Education: 1976, Ph.D. Princeton University Ph.D. dissertation: "Ungrateful Servants? Edgefield's Black Reconstruction: Part I of the Total History of Edgefield County, South Carolina." Advisors Sheldon Hackney and James McPherson
1969, B.A. Furman University, magna cum laude

Military Service: active service 1969, 1974 U.S. Army, Honorably Discharged as Captain, 1977

Academic Positions:

Clemson University, 2010-

The Judge Matthew J. Perry, Jr. Distinguished Professor of History
Professor Sociology and Anthropology, Clemson University, 2014-
Creativity Chair of Humanities, Clemson University, 2013-15
Professor Pan-African Studies, 2012-
Professor Computer Science, Clemson University, 2011-
Director Clemson CyberInstitute, 2010-
Associate Director Humanities, Arts, and Social Sciences, Clemson CyberInstitute, 2010
Professor of History, Clemson University, 2010-

Burroughs Distinguished Prof. Southern Hist. & Culture, Coastal Carolina University, 2008-10
University of Illinois at Urbana-Champaign (UIUC), 1974-2008

2009- Chair, Advisory Board for Institute for Computing in Humanities, Arts, and
Social Science (I-CHASS)

2008-11, Consultant for Humanities to Chancellor's and Provost's Office

2004-09, Founding Director I-CHASS

2008 - Emeritus University Distinguished Teacher/Scholar, University Scholar, and
Professor History, African American Studies, and Sociology

2006-08, Professor African American Studies

1989-2008, Professor History

1989-2008, Professor Sociology

1988-2008, Graduate College Statistics Faculty

1986-2008, Campus Honors Program

1985-2006, Faculty Affiliate, African American Studies and Research Program

1982-1989, Associate Professor, History

1976-1982, Assistant Professor History

1974-1976, Instructor

National Center for Supercomputing Applications (NCSA)

2002-10, Associate Director, Humanities and Social Sciences

1993-2002, Head, Initiative for Social Sciences and Humanities

1986- Senior Research Scientist

Princeton University

1972-74, Assistant Master, Woodrow Wilson Residential College

1971-72, Instructor, Mercer County Community College, NJ

Burton, page 2

College of Charleston

2001-, Executive Director, Program in the Carolina Lowcountry and the Atlantic World (CLAW) <http://claw.cofc.edu>

1987, Professor of History, Governor's School of South Carolina

Selected Honors, Fellowships, Awards

U.S. Professor of the Year, Outstanding Research and Doctoral Universities Professor (Council for Advancement and Support of Education and Carnegie Foundation for the Advancement of Teaching), 1999

American Historical Association Eugene Asher Distinguished Teaching Prize, 2004

Chicago *Tribune's* Heartland 2007 Literary award for nonfiction for *The Age of Lincoln*

Illinois House Resolution of Congratulations, HR 0711, 2007. The Illinois State legislature passed a special resolution acknowledging my contributions as a scholar, teacher, and citizen of Illinois.

South Carolina Governor's Award for Lifetime Achievement in the Humanities, presented by the SC Humanities Council, 2017 (selected 2016)

Society of American Historians, Elected 2012

Fellow, National Humanities Center (NEH Senior Scholar Award), 1994-95

Fellow, Woodrow Wilson International Center for Scholars, 1988-89

Fellow, Pew Foundation, 1996

National Fellowship Program for Carnegie Scholars, 2000-2002

Rockefeller Humanities Fellowship, 1978

Earl and Edna Stice Lectureship in the Social Sciences at the University of Washington, 2005

Strickland Visiting Scholar, Department of History, Middle Tennessee State University, 2006

Pew-Lilly Foundation Graduate Professor, Notre Dame University, 2001

Mark W. Clark Distinguished Chair of History, The Citadel, 2000-01

Elected to honorary life membership in BrANCH (British American Nineteenth-Century Historians)

Organization of American Historians Distinguished Lecturer, 2004-

Choice Outstanding Academic Book for *The Age of Lincoln*, 2008

Choice Outstanding Academic Title for *Slavery and Anti-Slavery: Transnational Archive*, 2009

Booklist's Editors' Choice Title for *Slavery and Anti-Slavery: A Transnational Archive*, 2009

Choice Outstanding Academic Book for *Computing in the Social Sciences and Humanities*, 2003

Richard F. Fenno Prize, Legislative Studies Section, American Political Science Association, for *Quiet Revolution*, 1995

President Southern Historical Association, 2011-12

President Agricultural History Society, 2001-02

Elected to the South Carolina Academy of Authors, 2015, inducted 2016.

Certificate of Excellence from the Carnegie Academy for the Scholarship of Teaching and Learning for Work that Advances the Practice and Profession of Teaching In Support of Significant Student Learning, 2001

H-Net received the James Harvey Robinson Prize for teaching from the American Historical Association, 1997 (I was one of the founders, and the first treasurer).

Award of Distinction in the Film/Video-History/Biography category from the International Academy of the Visual Arts, 16th Annual Communicator Awards, for "People: A Lincoln Portrait" television interstitial series (The Communicator Awards is the leading international awards program honoring creative excellence for communications professionals), 2010 (part of program I put together for Lincoln commemoration at

Burton, page 3

UIUC).

SC African American Heritage Commission's 2009 "Preserving Our Places in History" Project Award for Claw's (Executive Director, College of Charleston Carolina Lowcountry and Atlantic World) work in commemorating the banning of the international slave trade
 Florida Historical Society, Medallion Lecture, 2002
 Auburn University, Eminence in the Arts and Humanities Fellows Lectures Medallion, "awarded to persons of distinguished achievement in the arts and humanities: writers, artists or renowned scholars in one or more of the liberal arts disciplines," 2012
 Senior Research Fellow, Southern Studies, University of South Carolina, 1988
 Phi Beta Kappa, Furman University, 1986
 Princeton University Scholar Award, 1969
 National Defense Educational Award Title IV Fellowship, 1971 (Princeton University)
 Clark Foundation Scholarship, 1966-69 (Furman University)
 Wicker Award for Outstanding Student (sophomore), Furman University, 1967
 Endel History Award, Furman, 1969
 Bradshaw-Feaster General Excellence Award (Furman's highest honor for the graduating senior selected by faculty), 1969

Honors Clemson University and Recognition

College of Architecture, Art, and Humanities (CAAH), Dean's Award for "Outstanding Service," 2019
 Inaugural Class 2018 University Research Scholarship and Artistic Achievement Award
 Inaugural Judge Matthew J. Perry Distinguished Chair of History, 2017-
 CAAH, Dean's Award for "Excellence in Research," 2016
 CAAH, Creativity Professor Humanities, 2013-15
 Featured Clemson Homepage 2017, "Meet a Tiger," <http://newsstand.clemson.edu/meet-a-tiger-vernon-burton/>

UIUC Honors and Teaching Awards and Recognition

Inaugural University "Distinguished Teacher/Scholar," 1999-2008
 University Scholar, 1988 – 2008
 Campus Award for Excellence in Public Engagement, 2006
 Graduate College Outstanding Mentoring award, 2001-02
 Fellow, Center for Advanced Study, 1982, Associate, 1994
 Burlington Northern Faculty Achievement Award (UIUC), 1986
 Study in a Second Discipline, Statistics and Demography, 1984
 All-Campus Award for Excellence in Undergraduate Teaching, 1999
 LAS Dean's Award for Excellence in Undergraduate Teaching, 1999
 LAS Award for Distinguished Teaching, 1986
 School of Humanities Teaching Award, 1986
 George and Gladys Queen Excellence in Teaching Award in History, 1986
 Undergraduate Instructional Award (UIUC), 1984
 Every semester and for every undergraduate course that I taught at the University of Illinois (excluding large survey classes of between 300-750 students), I was deemed excellent in the UIUC "Incomplete List of Excellent Teachers." I was noted on the list for more than twenty different courses. I was noted as "outstanding" from 1979 as long as they used that designation.
 Recognized by the Pan-Hellenic Council at as an "outstanding staff member for furthering scholastic achievement"

Burton, page 4

Selected by History Department as the “one instructor whom you believe best at creating intellectual excitement in students” for an educational study of teaching practices of college teachers, 1978

Received the Resident Hall Association Award for the Best Educational Program for lectures/discussion on *Gone With the Wind* and *Jubilee* for Black History Month, 1996

The Honor Society of Phi Kappa Phi, UIUC, Vice President, 2002-03; President, 2003-04

Ronald E. McNair Scholars Program Dedicated Service Award for service to Minority Students, 1996

Associate Vice Chancellor Academic Affairs award for contributions to the Student Research Opportunities Program and work with minority students (1995, 2006)

Publications:

Books:

(with Armand Derfner) *Justice Deferred: Race and the Supreme Court*. Cambridge: Belknap Press, Harvard University Press, 2021.

(with Beatrice Burton and Megan Shockley) *Fort Sumter and Fort Moultrie National Historical Park, Charleston, SC Administrative History*. Washington, DC: The National Park Service, November, 2020.

Penn Center: A History Preserved. Athens: University of Georgia Press, 2014; paperback edition, 2017.

The Age of Lincoln. NY: Hill and Wang, 2007. (Audio: Blackstone Audio Books). Paperback edition 2008. Selection for Book of the Month Club, History Book Club, Military Book Club. *The Age of Lincoln* was nominated by Farrar, Straus, and Giroux for the Pulitzer Prize. Three historical associations featured sessions on the book, Association for the Study of African American Life and History, 2008; Social Science History Association, 2008; The Southern Intellectual History Circle, 2009.

(with Judy McArthur) “*A Gentleman and an Officer*”: *A Military and Social History of James B. Griffin's Civil War*. NY: Oxford University Press, 1996; second printing 1999.

In My Father's House Are Many Mansions: Family and Community in Edgefield, South Carolina. Chapel Hill: University of North Carolina Press, 1985. Paperback edition 1987; 5th printing 1998. *In My Father's House* was nominated by the University of North Carolina Press for the Pulitzer Prize. Two Historical Associations featured this book in sessions at their annual meetings: Social Science History Association, 1986; Southern Historical Association, 1987.

Editor, *Becoming Southern Writers: Essays in Honor of Charles Joyner*. Columbia: University of South Carolina Press, 2016.

(edited with Ray Arsenault) *Dixie Redux: Essays in Honor of F. Sheldon Hackney*. Montgomery, AL: New South Books, 2013.

(edited with Jerald Podair and Jennifer L. Weber) *The Struggle for Equality: Essays on Sectional Conflict, the Civil War, and the Long Reconstruction in Honor of James M. McPherson*. Charlottesville: University of Virginia Press, 2011.

Editor, *The Essential Lincoln*. NY: Hill and Wang, 2009.

(edited with David O'Brien) *Remembering Brown at Fifty: The University of Illinois Commemorates Brown v. Board of Education*. Urbana: University of Illinois Press, 2009.

(edited with Winfred B. Moore, Jr.) “*Toward the Meeting of the Waters*”: *Currents in the Civil Rights Movement in South Carolina during the Twentieth Century*. Columbia: The University of South Carolina Press, 2008. Paperback 2011.

Editor, *Slavery in America: Gale Library of Daily Life*, 2 vols. NY, Detroit: Gale Cengage Learning, 2008.

Burton, page 5

(edited and annotated with Georganne B. Burton, introduction pp. 1-48) *"The Free Flag of Cuba": The Lost Novel of Lucy Pickens* [orig. pub. 1854] in the Library of Southern Civilization series, edited by Lewis P. Simpson. Baton Rouge: Louisiana State University Press, 2002. Paperback 2003.

Editor, *Computing in the Social Sciences and Humanities*. Urbana: University of Illinois Press, 2002.

(edited with David Herr and Terence Finnegan) *Wayfarer: Charting Advances in Social Science and Humanities Computing*. Urbana: University of Illinois Press, 2002. This CD-ROM contains more than 65 essays and research and teaching applications, including illustrative interactive multimedia materials.

(with et al.) *Documents Collection America's History*, vol. 1, to accompany James Henretta, et al., *America's History*, 2nd ed. NY: Worth Publishers, 1993.

(edited with Robert C. McMath, Jr.) *Class, Conflict, and Consensus: Antebellum Southern Community Studies*. Westport, Conn: Greenwood Press, 1982.

(edited with Robert C. McMath, Jr.) *Toward a New South? Studies in Post-Civil War Southern Communities*. Westport, Conn: Greenwood Press, 1982.

In Press:

(edited with Brent Morris) *Reconstruction at 150: Reassessing the Revolutionary "New Birth of Freedom"*. Charlottesville: University of Virginia Press, expected 2022.

(edited with Peter Eisenstadt) *Lincoln's Unfinished Work*. Baton Rouge: Louisiana State University Press, expected 2022.

Promised, but not Finished:

Air Conditioning and the Voting Rights Act: The Voting Rights Act of 1965 in Historical Perspective. Stice Lectures University of Washington. Seattle: University of Washington Press contracted, (withdrawn from press to include the 2013 recent challenge to Sections 5, which ended preclearance in 2013, and the recent challenges to Section 2, the in-person Voter Id controversies, and partisan redistricting challenges).

Lincoln and the South Revisited. Under contract. Carbondale: University of Southern Illinois Press.

The South as Other: The Southerner as Stranger—The Contradictions of Southern Identity. The expansion of my presidential address for the Southern Historical Association. Promised to University of South Carolina Press.

Plays:

(with Georganne Burton) "Abraham Lincoln's Beardstown Trial: The Play" Premiered Sept. 29, 2009, Beardstown, IL. (Endorsed by the Congressional Abraham Lincoln Bicentennial Commission, November 2009; Play available upon request);

<http://www.lincolnbicentennial.gov/calendar/beardstown-trial-11-10-09.aspx>;

<http://www.civilwar.org/aboutus/events/grand-review/2009/almanac-trial.html>

Editor, Book Series, *A Nation Divided: Studies in the Civil War Era Series*, University of Virginia Press, 2011-

Editor, Book Series, *The American South Series*, University of Virginia Press, 2013-

Introductions and Forewords to Books:

"Foreword," pp. ix-liv to *Born to Rebel: An Autobiography* by Benjamin Elijah Mays. Athens: University of Georgia Press Brown Thrasher edition, 1987, also in paperback edition

Burton, page 6

(book without foreword originally published by Charles Scribner's Sons, 1971). Revd. Foreword 2003.

- "Introduction," pp. 9-11 to *Roll the Union On: Southern Tenant Farmers Union*. As told by its Co-founder, H.L. Mitchell. Chicago: Charles H. Kerr Publishing Company, 1987.
- "Introduction," pp. xiii-xviii to *Soldiering with Sherman: The Civil War Letters of George F. Cram*. Jennifer Cain Bohrnstedt, ed., DeKalb: Northern Illinois University Press, 2000.
- "Introduction," pp. x-xxxiv to *Pitchfork Ben Tillman: South Carolinian* by Francis Butler Simkins, for the reprint edition of the Southern Classics Series of the Institute for Southern Studies. Columbia: University of South Carolina Press, 2002 (book without Introduction originally published by Louisiana State University Press, 1944).
- (with James Barrett) "Foreword," pp. xi-xxv to paperback edition of *Cause at Heart: A Former Communist Remembers* by Junius Irving Scales with Richard Nickson. Athens: University of Georgia Press, 2005 (book without Foreword originally published 1987).
- "Foreword," pp. vii-xi to *Recovering the Piedmont Past: Unexplored Moments in Nineteenth-Century Upcountry South Carolina History*, edited by Timothy P. Grady and Melissa Walker. Columbia: University of South Carolina Press, 2013.
- "Foreword," pp. vii-xiii to *Our Ancestors – Our Stories: The Memory Keepers*, edited by Harris Bailey, et al. Suwanee, Georgia: The Write Image, 2014.
- "Foreword," pp. iv-xiv, to Kevin M. Cherry, *Virtue of Cain, Biography of Lawrence Cain* Washington: *From Slave to Senator*: Takoma Park, MD. Rocky Pond Press, 2019.
- "Foreword," pp. vi-x, to Frankie Felder, *OURstory Unchained and Liberated from HIStory*. Anderson, S.C.: Edelweiss Publishers, 2021.

Journals Edited:

- Special issue on the "Digital South," *Southern Quarterly: A Journal of Arts and Letters in the South*, 58: 1-2 (Fall 2020/Winter 2021).
- "Three Articles from a Century of Excellence: The Best of *The South Carolina Historical Magazine*," pp. 182-89 for *South Carolina History Magazine* 101: 3 (July 2000).
- "Introduction," pp. 161-65 for *Social Science Computer Review* 12:2 (Summer 1994).
- Co-editor, "Technology and Education," *International Journal of Social Education* 5:1 (Spring 1990).

History Articles, Chapters, and Essays:

- "The South as Other, The Southerner as Stranger," Presidential address for the Southern Historical Association, *The Journal of Southern History* LXXIX:1 (February 2013): 7-50.
- "Reaping What We Sow: Community and Rural History," Presidential address for the Agricultural History Society in *Agricultural History* (Fall 2002): 631-58.
- "Building the Transcontinental Railroad," *Presidential Inaugural Portfolio*, Joint Congressional Committee on Inaugural Ceremonies, January 21, 2013.
- "The Creation and Destruction of the Fourteenth Amendment During the Long Civil War," *Louisiana Law Review*, Vol. 79 (Fall 2018): 189-239.
- "Mystery and Contradiction: My Story of Ninety Six," in *State of the Heart: South Carolina Writers on the Places They Love*, Vol. 3, pp. 18-27. Edited by Aida Rogers (Columbia: University of South Carolina Press, 2018)
- "Reconstructing South Carolina's Reconstruction," keynote South Carolina Historical Association, 2017 (Columbia: Proceedings of the South Carolina Historical Association, 2018), pp 7-40.

Burton, page 7

- “The Birth of a Nation: A Roundtable,” (Roundtable Discussion of film on 1831 Nat Turner Insurrection), edited Ryan Keating in *Civil War History* 64 (March 2018), pp. 56-91.
- (with Anderson R. Rouse) “Southern Identity,” pp. 40-53, in *The Routledge History of the American South*. Edited by Maggi M. Morehouse (New York: Routledge, 2018).
- (with Anderson R. Rouse) “Religious Practices,” pp. 111-26, in *The Routledge History of the American South*. Edited by Maggi Morehouse (New York: Routledge, 2018).
- “Reconstructing South Carolina’s History Through the South Caroliniana Library, 80th Annual Meeting Address by Dr. Orville Vernon Burton,” The University South Caroliniana Society 81st Annual Meeting, 22 April 2017, pp. 2-32.
- “From Clarendon County to the Supreme Court,” pp. 84-88 and “Eating with Harvey Gantt and Mathew Perry: Myth and Realities of “Integration with Dignity,” pp.139-40 accompanying Cecil Williams’ photographs of South Carolina’s Civil Rights Movement in Cecil Williams, *Unforgettable, Life Hope Bravery, 1950-1970: Celebrating a Time of Bravery* (Orangeburg: Cecil J. Williams Photography/Publishing, 2017).
- “Localism and Confederate Nationalism: The Transformation of Values from Community to Nation in Edgefield, South Carolina,” pp. 107-123, 233-39 in Robert H. Brinkmeyer, Jr., ed., *Citizen Scholar: Essays in Honor of Walter B. Edgar* (Columbia: University of South Carolina Press, 2016).
- “Lincoln, Secession, and Emancipation,” pp. 81-104 in Paul Finkelman and Donald R. Kennon, eds., *Lincoln, Congress, and Emancipation*, for the U.S. Capitol Historical Society (Athens: Ohio University Press, 2016).
- “Stranger Redux,” pp. 38-49 in Orville Vernon Burton, Editor, *Becoming Southern Writers: Essays in Honor of Charles Joyner* (Columbia: University of South Carolina Press, 2016)
- “Tempering Society’s Looking Glass: Correcting Misconceptions About the Voting Rights Act of 1965 and Securing American Democracy” *Louisiana Law Review* Lead article for Vol. 76:1 (2015): 1-42.
- “Perceptions and Meaning of the Confederate Flag,” *The Proclamation* (President Lincoln’s Cottage), XXVIII (Summer 2015): 8- 14 (longer unedited version on-line at: <http://www.lincolncottage.org/perceptions-and-meaning-of-the-confederate-flag-an-interview-with-two-scholars/> and with Edna Medford)
- “Revisiting the Myth of the Black Matriarchy,” pp. 119-65 in Orville Vernon Burton and Ray Arsenault, eds., *Dixie Redux: Essays in Honor of F. Sheldon Hackney* (Montgomery, AL: New South Books, 2013).
- “The Passage of Lincoln’s Republic: Providence in Progress,” pp. 13-36 in Stephen Engle, ed. *The War Worth Fighting: Abraham Lincoln’s Presidency and Civil War America* (Gainesville: University of Florida Press, 2015).
- “Bertram Wyatt-Brown: An Honorable Man and a Man of Grace,” *Georgia Historical Quarterly* XCIX, No. 3(Fall, 2015): 2013-18.
- (with Michael LeMahieu), “Civil War Memory in the Civil Rights Movement and Contemporary Commemoration,” *Journal of American Studies* (with American Studies International, *AMSJ*) 53:4 (2014): 107-18.
- Remembering the Civil War,” pp. 278-85 in *The Civil War as Global Conflict*. Edited by Simon Lewis and David Gleeson (Columbia: University of South Carolina, 2014).
- “The Gettysburg Address Revisited.” In *1863: Lincoln’s Pivotal Year*. Edited by Harold Holzer and Sara Vaughn Gabbard (Carbondale: Southern Illinois University Press, 2013), pp. 137-55.
- (with Ian Binnington) “And Bid Him Bear A Patriot’s Part”: National and Local Perspectives on Confederate Nationalism in *Deconstructing Dixie*, pp 126-155. Edited by Jason Kyle Phillips (Athens: University of Georgia Press, 2013).

Burton, page 8

- “The Silence of a Slaveholder: The Civil War Letters of James B. Griffin,” in *The Battlefield and Beyond: Essays on the American Civil War*. Edited by Clayton E. Jewett (Baton Rouge: Louisiana State University Press, 2013), pp. 13-27.
- “Abraham Lincoln,” in *The Oxford Encyclopedia of American Political and Legal History*. Edited by Donald T. Chrichtlow and Philip R. VanderMeer, 1:560-64. 2 vols. (NY: Oxford University Press, 2012).
- (with Lewie Reece) “Abraham Lincoln,” Essential Civil War Curriculum, <http://www.essentialcivilwarcurriculum.com/>. Edited by William C. Davis and James I. Robertson, Sesquicentennial Project of the Virginia Center for Civil War Studies and the History Department of Virginia Polytechnic Institute and State University (Virginia Tech, 2013).
- “Family,” in *Enslaved Women in America: An Encyclopedia*. Edited by Daina R. Berry and Deleso Alford Washington (Santa Barbara & Westport, CN: Greenwood Press, 2012), pp. 83-87.
- “Lincoln at Two Hundred: Have We Finally Reached Randall's Point of Exhaustion?” In *The Living Lincoln: Essays from the Harvard Lincoln Bicentennial Symposium*, pp. 204-25. Edited by Thomas A. Horrocks, Harold Holzer, and Frank J. Williams (Carbondale: Southern Illinois University Press, 2011), pp. 204-25.
- (with Nick Gaffney) “South Carolina,” Vol. 2: pp. 745-764 in *Black America: A State by State Encyclopedia*. Edited by Alton Hornsby (Westport, CN: Greenwood Press, 2011).
- “Mays, Benjamin” in *The New Encyclopedia of Southern Culture*. Vol. 19 *Education*, Edited by Clarence Mohr. (Chapel Hill: University of North Carolina Press, 2012), pp. 254-255.
- “The Age of Lincoln: Then and Now,” Keynote for the South Carolina Historical Association Annual Meeting, *The Proceedings of the South Carolina Historical Association*, 2010, pp. 7-22. Edited by Robert Figueira and Stephen Lowe (Columbia: South Carolina Department of Archives and History, 2010). Reprinted pp 11- 26 in Michael Bonner and Fritz Hamer (eds.) *South Carolina in the Civil War and Reconstruction Eras: Essays from the Proceedings of the South Carolina Historical Association* (Columbia: University of South Carolina Press, 2016).
- (with Larry McDonnell and Troy D. Smith) “Slavery and Anti-Slavery: A Transnational Archive,” pp. 121-26 in *L'abolition de l'esclavage au Royaume-Uni 1787-1840 : débats et dissensions The abolition of slavery in Britain 1787-1840 : debate and dissension.* Edited by Susan Finding (Paris: ArmandColin, November 2009).
- “Abraham Lincoln at Two Hundred,” *OAH* (Organization of American Historians) *Newsletter*, 37:4 (November 2009), pp. 1, 8, 12.
- “Author’s Response to the Southern Intellectual History Circle Forum on *The Age of Lincoln.*” *The Journal of the Historical Society* IX:3 (September 2009): 355-72.
- (with Georganne Burton) “Lucy Holcombe Pickens: Belle, Political Novelist, and Southern Lady,” in *South Carolina Women: Their Lives and Times*, Vol 1. Edited by Marjorie Julian Spruill, Valinda W. Littlefield, and Joan Marie Johnson (Athens: University of Georgia Press, 2009), pp.273-98.
- Three essays in the *International Encyclopedia of Revolution and Protest: 1500 to the Present*. Edited by Immanuel Ness. (Oxford: Wiley-Blackwell, 2009).
- “Radical Reconstruction, United States, Promise and Failure of” VI: 2798-2801
http://www.revolutionprotestencyclopedia.com/public/tocnode?query=burton%2C+vernon&widen=1&result_number=3&from=search&id=g9781405184649_chunk_g97814051846491238&type=std&fuzzy=0&slop=1;
- (with Beatrice Burton) “American Civil War and Slavery,” I: 70-72
http://www.revolutionprotestencyclopedia.com/public/tocnode?query=burton%2C+vernon&widen=1&result_number=1&from=search&id=g9781405184649_chunk_g97814051846491238&type=std&fuzzy=0&slop=1

Burton, page 9

[464940&type=std&fuzzy=0&slop=1;](http://www.revolutionprotestencyclopedia.com/public/tocnode?query=burton%2C+vernon&widen=1&result_number=2&from=search&id=g9781405184649_chunk_g9781405184649925&type=std&fuzzy=0&slop=1)

(with Beatrice Burton) "Lincoln, Abraham (1809-1865) and African Americans," Volume V: 2121-2123"

http://www.revolutionprotestencyclopedia.com/public/tocnode?query=burton%2C+vernon&widen=1&result_number=2&from=search&id=g9781405184649_chunk_g9781405184649925&type=std&fuzzy=0&slop=1>;

- "Imagine Another Ending: Tweaking History to Shape an Alternative World," pp. 48-50 in *A New Birth of Freedom, 1809*2009: Abraham Lincoln's Bicentennial*. Edited by Don Wycliff (Washington, D.C.: The Lincoln Bicentennial Commission, 2009).
- (with Simon Appleford and Beatrice Burton) "Seeds in Unlikely Soil: The *Briggs v. Elliott* School Segregation Case," pp. 176-200 in *Toward the Meeting of the Waters: Currents in the Civil Rights Movement of South Carolina during the Twentieth Century*. Edited by Orville Vernon Burton and Winfred B. Moore, Jr. (Columbia: The University of South Carolina Press, 2008).
- (with Lewie Reece) "Palmetto Revolution: The Coming of Desegregation in South Carolina," pp. 59-91, 283-94 in *With All Deliberate Speed: Implementing Brown v. Board of Education*. Edited by Brian Daugherty and Charles Bolton. (Fayetteville: University of Arkansas Press, 2008).
- "Civil Rights Movement in South Carolina," pp. 178-80; "Benjamin Mays," pp. 601-02; (with Beatrice Burton) "Francis Butler Simkins," 866; (with Beatrice Burton) "Lucy Pickens"; (with Beatrice Burton) "Sharecropping/ Tenantry," pp. 952-54 in *The South Carolina Encyclopedia* [A project of the South Carolina Humanities Council]. Edited by Walter Edgar. (Columbia: University of South Carolina Press, 2006).
- "African Americans," pp. 245-248 in *The Encyclopedia of the Midwest* [a project of the Institute for Collaborative Research and Public Humanities at The Ohio State University]. Edited by Richard Sisson, et al. (print version, Bloomington: Indiana University Press, 2007).
- "The Voting Rights Act," pp. 1134-1136 in Vol. 4: *Postwar America: An Encyclopedia of Social, Political, Cultural, and Economic History*. Edited by James Ciment. (M.E. Sharpe, 2006).
- "Emancipation," pp. 237-42, "Sharecropping," pp. 563-67, "South Carolina," pp. 584-593, "Suffrage," pp. 614-20, "Wade Hampton, III," pp. 306-08, in *Encyclopedia of the Reconstruction Era*. Edited by Richard Zuczek. (Westport, CN: Greenwood Press, 2006).
- (with David Herr) "Religious Tolerance and the Growth of the Evangelical Ethos in South Carolina," pp. 146-64 in *The Dawn of Religious Freedom in South Carolina*, Edited by James Lowell Underwood and W. Lewis Burke. (Columbia: University of South Carolina Press, 2006).
- (with Beatrice Burton) "Jefferson Davis," pp. 43-44 in *The Frederick Douglass Encyclopedia*. Edited by Julius E. Thompson, James L. Conyers, Jr., and Nancy J. Dawson. (Westport, CN: Greenwood Press, 2010).
- "The 1965 Voting Rights Act in the South," in *History Vol. 3* (2007) *The Encyclopedia of Southern Culture*, 2nd revised ed. Edited by Charles Reagan Wilson. (Chapel Hill: University of North Carolina Press, 2007); and revised in James W. Ely, Jr. and Bradley G. Bond, eds., *Law and Politics Vol. 10 of The New Encyclopedia of Southern Culture*, pp. 399-401 (2008); and revised in Thomas C. Holt and Laurie B. Green, eds., *Race Vol. 24*, pp. 265-68 of *The New Encyclopedia of Southern Culture* (2013).
- "Problems and Methods in Family History Research," *Journal of Humanities* (National Central University at Chuugli/Taoyuen), 2006.

Burton, page 10

- (with David Herr) "Defining Reconstruction," pp. 299-322 in *The Blackwell Companion to the Civil War and Reconstruction*. Edited by Lacy Ford. (Boston: Blackwell Publishers, 2005).
- "John H. McCray," pp. 125-27 in the *Dictionary of Twentieth Century Black Leaders*. Edited by Alton Hornsby, Jr. Montgomery. (AL: E-Book Time, LLC, 2005).
- "Stranger in a Strange Land: Crossing Boundaries," pp. 256-283 in *Shapers of Southern History: Autobiographical Essays by Fifteen Historians*. Edited by John Boles. (Athens: University of Georgia Press, 2004).
- "Dining with Harvey Gantt: Myth and Realities of 'Integration with Dignity,'" pp. 183-220 in *Matthew J. Perry: The Man, His Times and His Legacy*. Edited by W. Lewis Burke and Belinda F. Gergel. (Columbia: University of South Carolina Press, 2004).
- "'Tis True that Our Southern Ladies have Done and are Still Acting a Conspicuous Part in this War': Women on the Confederate Home Front in Edgefield, South Carolina," pp. 95-108 in *"Lives Full of Struggle and Triumph": Southern Women, Their Institutions, and Their Communities*. Edited by Bruce L. Clayton and John A. Salmond. (Gainesville: University of Florida Press, 2003).
- (with Georganne Burton) "Lucy Holcombe Pickens and *The Free Flag of Cuba*," *South Carolina History Magazine* 103:4 (October 2002): 296-324.
- (with Ian Binnington) "Civil War: The Homefront in the South," *Encyclopedia of the United States in the Nineteenth Century*, vol. 1, pp. 256-59. Edited by Paul Finkelman. (New York: Charles Scribner's Sons, 2001).
- "Civil War and Reconstruction," pp. 47-60 in *A Companion to Nineteenth Century America*. Edited by William L. Barney. (Oxford, UK: Blackwell Publishers, 2001, paperback 2006).
- "South Carolina" and "South Carolina Democratic Party (PDP)," vol. 2: pp. 692-94 in *Civil Rights in the United States*. Edited by Waldo E. Martin and Patricia Sullivan. (NY: Macmillan, 2000).
- "Bosket Family," pp. 166-68 in vol. 1, *Violence in America: An Encyclopedia*. Edited by Ronald Gottesman. (NY: Charles Scribner's Sons, 1999).
- "Butler, Andrew Pickens," 4:88-90; "Gary, Martin Witherspoon," 8:775-77; "Mays, Benjamin Elijah," 14: 795-97; "Mitchell, Harry Leland," 15: 602-3; "Owsley, Frank Lawrence," 16: 870-72; "Simkins, Francis Butler," 19: 942-44; and "Tillman, Benjamin Ryan," 21: 672-75, in *American National Biography*. Edited by John A. Garraty and Mark C. Carnes, 24 vols. (NY: Oxford University Press, 1999).
- "Legislative and Congressional Redistricting in South Carolina," pp. 290-314 in *Race and Redistricting in the 1990s*. Edited by Bernard Grofman. (NY: Agathon Press, 1998).
- "Race Relations in the Rural South Since 1945," pp. 28-58 in *The Rural South Since World War II*. Edited by R. Douglas Hurt. (Baton Rouge: Louisiana State University Press, 1998).
- "Benjamin E. Mays: Born to Rebel," pp. 21-75 in *Walking Integrity: Benjamin Elijah Mays: Mentor to Generations*. Edited by Lawrence E. Carter, Sr. (Atlanta: Scholars Press of Emory University, 1996; paperback, Mercer University Press, 1998).
- "Edgefield, South Carolina: Home to Dave the Potter," pp. 38-52 in *I Made This Jar: The Life and Works of the Enslaved African-American Potter, Dave*. Edited by Jill Beute Koverman. (Columbia: McKissick Museum University of South Carolina, 1998).
- "African American Status and Identity in a Postbellum Community: An Analysis of the Manuscript Census Returns," *Agricultural History* 72:2 (Spring 1998): 213-240.
- "Confederate States of America: Homefront," pp. 163-64 in *Reader's Guide to American History*. Edited by Peter Parrish. (London: Fitzroy Dearborn, 1997).
- "The 'New' South in a Postmodern Academy: A Review Essay," *Journal of Southern History*, LXII:4 (Nov. 1996):767-786.

Burton, page 11

- “The Ninety Six Story,” pp. 4-7 in *Historic Ninety Six, South Carolina* in 9/6/96 Special Issue.
- “South Carolina” in *Encyclopedia of African-American Culture and History*, vol 5: 2529-2533. Edited by Jack Salzman, et al. (NY: Macmillan, 1996, rev. ed. and CD-ROM 2000).
- “Farm Protest\Populism,” pp. 265-267, and “Tenancy,” pp. 747-749, in *Encyclopedia of Social History*. Edited by Peter N. Stearns. (NY: Garland Publishing, Inc., 1994).
- NSF investigator and principal author (with Terrence R. Finnegan, Peyton McCrary, and James W. Loewen) “South Carolina” chap. 7, pp. 191-232, 420-432, in *The Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990*. Edited by Chandler Davidson and Bernard Grofman. (Princeton: Princeton University Press, 1994). Winner of the 1995 Richard F. Fenno Prize, Legislative Studies Section, American Political Science Association.
- “Society,” 4:1483-1493, “Family Life,” 2:562-565, “Cotton” (with Patricia Bonnin), 1:416-420, and “Tobacco” (with Henry Kamerling), 4:1597-1599, in *Encyclopedia of the Confederacy*. Edited by Richard N. Current. (NY: Simon and Schuster, 1993).
- “Large Questions in Small Places: Why Study Mount Pleasant's Institutions,” pp. 37-48, in *Mount Pleasant's Institutions: Proceedings of the Third Forum of the History of Mount Pleasant*. Edited by Amy Thompson McCandless. (Mount Pleasant, September 1993).
- “Sectional Conflict, Civil War, and Reconstruction,” pp. 131-157, in *Encyclopedia of American Social History*, vol. 1. Edited by Mary Kupiec Cayton, Elliott J. Gorn, and Peter W. Williams. (NY: Charles Scribner's Sons, 1993; with revisions on CD-ROM 1998).
- “The Burden of Southern Historiography: W J. Cash and the Old South,” pp. 59-79, in *The Mind of the South Fifty Years Later*. Edited by Charles W. Eagles. (Oxford: University Press of Mississippi, 1992).
- “‘The Black Squint of the Law’: Racism in South Carolina,” pp. 161-185, in *The Meaning of South Carolina History: Essays in Honor of George C. Rogers, Jr.* Edited by David R. Chesnutt and Clyde N. Wilson. (Columbia: University of South Carolina Press, 1991).
- “Howard Kester,” pp. 401-03 (414-15 2nd rev); “Edward Britt McKinney,” pp. 462-63 (489-90 rev. 2nd); “Henry Leland Mitchell,” pp. 475-76 (502 rev. 2nd); Modjeska Monteith Simkins, pp. 700-01 (747-48 rev. 2nd) in *The Encyclopedia of the American Left*. Edited by Mari Jo Buhle, Paul Buhle, and Dan Georgakas. (NY: Garland Publishing, 1990, University of Illinois Press paperback, 1992 [rev. 2nd ed. Oxford University Press, 1998]).
- “Whence Cometh Rural Black Reconstruction Leadership: Edgefield County, South Carolina,” *The Proceedings of the South Carolina Historical Association, 1988-1989*. Aiken: The South Carolina Historical Association, 1989, pp 27-38. Reprinted as “Edgefield Reconstruction Political Black Leaders, pp. 161- 172, in Michael Bonner and Fritz Hamer (eds.) *South Carolina in the Civil War and Reconstruction Eras: Essays from the Proceedings of the South Carolina Historical Association* (Columbia: University of South Carolina Press, 2016).
- “Fatherhood,” pp. 1106-07; “Motherhood,” pp. 1111-13; “Family, Modernization of,” pp. 1540-41 in *Encyclopedia of Southern Culture*. Edited by Charles Reagan Wilson and William Ferris. (Chapel Hill: The University of North Carolina Press, 1989; paperback 1991; rev. ed.) “Motherhood” and “Fatherhood” in *Myth, Manners, and Memory* vol 4 (2007) and also in *Gender* vol. 13 (2009).
- “Hiring Out,” pp. 320-26, in the *Dictionary of Afro-American Slavery*. Edited by Randall M. Miller and John David Smith. (Westport, Conn.: Greenwood Press, 1988 [rev. 2nd. ed. 1997]).
- “In My Father's House Are Many Leaders: Can the Extreme Be Typical?” *The Proceedings of the South Carolina Historical Association, 1987*. (Aiken: The South Carolina Historical Association, 1988), pp 23-32.

Burton, page 12

- “The Development of the Tenant Farm System in the Postbellum South,” *Tar Hill Junior Historian* 27, #1 (Fall 1987): 16-18.
- “The Effects of the Civil War and Reconstruction on the Coming of Age of Southern Males, Edgefield County, South Carolina,” pp. 204-223 in *The Web of Southern Relations: Women, Family and Education*. Edited by Walter J. Fraser, Jr., R. Frank Saunders, Jr., and Jon L. Wakelyn. (Athens: University of Georgia Press, 1985, paperback ed. 1987).
- “Anatomy of an Antebellum Rural Free Black Community: Social Structure and Social Interaction in Edgefield District, South Carolina,” *Southern Studies: Interdisciplinary Journal of the South* 21 (Fall 1982): 294-325. Special editor, Ira Berlin.
- “The Rise and Fall of Afro-American Town Life: Town and Country in Reconstruction Edgefield County, South Carolina,” pp. 152-92 in *Toward a New South? Studies in Post-Civil War Southern Communities*, Edited by Orville Vernon Burton and Robert C. McMath, Jr. (Westport, Conn: Greenwood Press, 1982). .
- “The Development of Tenantry and the Post-Bellum Afro-American Social Structure in Edgefield County, South Carolina.” In *Presentations Paysannes, Dimes, Rente fonciere et Mouvement de la Production Agricole a l'epoque Preindustrielle: Actes du Colloque preparatoire* (30 juin-let et 2 juillet 1977) au VIIe Congres international d'Histoire economique Section A3. Edimbourg 13-19 aout 1978, Vol. 2: 762-78. Edited by E. LeRoy Ladurie and J. Goy. Paris: Editions De L'Ecole des Hautes Etudes En Sciences Sociales, 1982. Reprinted pp.19-35 in *From Slavery to Sharecropping: White Land and Black Labor in the Rural South, 1865-1900*, vol. 3 of *African American Life in the Post-Emancipation South 1861-1900*. Edited by Donald G. Nieman. (Hamden, CT: Garland Publishing, 1994).
- “Race and Reconstruction: Edgefield County, South Carolina,” *Journal of Social History* 12 (Fall 1978): 31-56. Referenced and summarized in *Sociological Abstracts* 12, #1 (April 1978): 45. Reprinted in *The Southern Common People: Studies in Nineteenth Century Social History*. Edited by Edward Magdol and Jon L. Wakelyn, pp. 221-37. (Westport, Conn: Greenwood Press, 1980). Reprinted pp. 87-112 in *The Politics of Freedom: African Americans and the Political Process During Reconstruction*, vol. 5 of *African American Life in the Post-Emancipation South 1861-1900*. Edited by Donald G. Nieman. (Hamden, CT: Garland Publishing, 1994).
- “The Antebellum Free Black Community: Edgefield's Rehearsal for Reconstruction,” *The Furman Review* 5 (Spring 1974): 18-26.

In press:

- “Modeling the Baptist Faith” in *Walk with Me: Reflections on the Life and Influence of James Milton Pitts*. Edited by Cecil P. Staton and John Adams (Macon, Georgia: Smyth and Helwys, 2021, Expected Sept or Oct).
- “American Slavery Historiography,” *The Journal of Modern Slavery*
- “The Origins of the 14th Amendment” in *Reconstructing the Constitution, Remaking Citizenship, and Reconsidering a Presidential Succession* for the U.S. Capitol Historical Society (Athens: Ohio University Press, expected 2022).
- “Lincoln and the South,” in *Blackwell Companion to Abraham Lincoln*. Edited by Michael Green.

Papers Started and Committed, but not yet completed or submitted:

- “Lincoln and His Faith,” *Fides et Historia*.
- “Datamining for the South: A Digital History Case Study.” Commissioned by Editor of the *American Historical Review*, expected 2023.
- “Picturing Lincoln in the 1850s,” *Journal of the Abraham Lincoln Association*.

Burton, page 13

“Lincoln’s Gettysburg Address in Context of the Emancipation Proclamation and 13th and 14th Amendment,” *Lincoln Lore*.

“Reconsidering Reconstruction,” Peter Parish keynote Lecture, British American Nineteenth Century Historians: BrANCH *American Nineteenth Century History*.

Selected Review Essays:

"A Nation without Borders: The United States and its World in An Age of Civil Wars, 1830-1910," by Steven Hahn (NY: Viking Press, 2016) In the Penguin History of the United States, Eric Foner, Series Editor, H-South Reviews, 2019.

Review essay of Edward L. Ayers, *The Thin Light of Freedom: The Civil War and Emancipation in the Heart of America*, in *The Journal of the Civil War Era*, Vol 9, no. 3, September 2019, pp. 493-496.

“A Monumental Labor,” Review Essay of Walter Edgar’s *South Carolina: A History*,” *South Carolina Historical Magazine* 100:3 (July 1999): 262-268.

Review essay of Elizabeth H. Pleck, *Black Migration and Poverty: Boston, 1865-1900*, in *Social Science History*, vol. 5 (Fall 1981): 483-88.

“Economics as Postbellum Southern History.” A Review Essay of *Old South, New South: Revolutions in the Southern Economy Since the Civil War* by Gavin Wright. (NY: Basic Books, 1986) in *Reviews in American History* 16:2 (June 1988): 233-40.

“Reconstruction,” review essay of Eric Foner's *Reconstruction* in *South Carolina Historical Magazine* 91:3 (July 1990): 217-220.

Articles on Digital History, Statistics, Computing, and Scholarship of Teaching and Learning (SoTL):

(with Simon Appleford) “Cyberinfrastructure for the Humanities, Arts, and Social Sciences,” in *ECAR (Educause Center for Applied Research) Bulletin* 9: 1 (January 13, 2009): 2-11.

(with James Onderdonk and Simon Appleford) “History: The Role of Technology in the Democratization of Learning,” pp. 197-205 in *Ubiquitous Learning*. Edited by Bill Cope and Mary Kalantzis. (Urbana: University of Illinois Press, 2009).

“Teaching Race and Citizenship,” pp. 229-35 in *America on the World Stage: A Global Approach to U.S. History*. Edited by Ted Dickinson and Gary Reichard. Published for the Organization of American Historians by University of Illinois Press, 2008.

(with Simon Appleford) “Digital History: Using New Technologies to Enhance Teaching and Research,” Web Site Reviews in *The Journal of American History* 99 (March 2008): 1329-31.

(With Kevin Franklin, Simon Appleford, Alex Yahja, Santiago Núñez-Corrales), TeraGrid-II: a vision toward the 21st century integrated knowledge infrastructure. (2008) 10.13140/2.1.4283.9849. https://www.researchgate.net/publication/271966013_TeraGrid-II_a_vision_toward_the_21st_century_integrated_knowledge_infrastructure?channel=doi&linkId=54d7e4470cf2464758189594&showFulltext=true

(with James Onderdonk and Simon Appleford) “A Question of Centers: One Approach to Establishing a Cyberinfrastructure for the Humanities, Arts, and Social Sciences,” *Cyberinfrastructure Technology Watch Quarterly* 3:2 (May 2007) –CTWatch, <http://www.ctwarch.org>.

Chapter 3, U.S. History Survey Syllabus (annotated), Teaching Philosophy, and examples, pp. 94-107 in *AP US History Teacher’s Guide*. Edited by Nancy Schick and Warren Hierl (with Marc Singer, Assessment Specialist). (Princeton: College Board Advanced Placement of the Educational Testing Service, 2007). Also available at (http://apcentral.collegeboard.com/apc/public/courses/teachers_corner/3501.html).

Burton, page 14

- “American Digital History,” *Social Science Computer Review* 23: 2 (Summer 2005): 206-220, reprinted in “Essays on History and New Media,” Roy Rosenzweig Center for History and New Media, at <http://chnm.gmu.edu/essays-on-his-new-media/essays/?essayid=30>, published in a Turkish translation, “AMERİKAN DİJİTAL TARİHİ,” *Tuhed* (Turkish History Educational Journal) *Year 2018, Volume 7, Issue 2*, Pages 697 – 719 (<http://dergipark.gov.tr/tuhed/issue/39129/448606>).
- “Creating a Sense of Community in the Classroom,” pp. 131-35 in *The Art of College Teaching: 28 Takes*. Edited by Marilyn Kallet and April Morgan. (Knoxville, University of Tennessee Press, 2005).
- (with Ian Binnington and David Herr) “What Difference Do Computers Make? History, Historians, and Computer-Mediated Learning Environments,” *History Computer Review* 19 (Spring 2003): 98-103.
- (with Ian Binnington and David Herr) “Computer Mediated Learning Environments: How Useful Are They?” *AHR Perspectives: Newsmagazine of the American Historical Association* 41:1 (January 2003): 14, 22 (More detailed Carnegie Report as “Historians Face the E-Future: Findings from the Carnegie Scholar Survey on Computer Mediated Learning Environments,” at AHA Website www.theaha.org/perspectives/issues/2003/0301/0301not3.cfm).
- (with Terence Finnegan and Beatrice Burton) “The Census Workbench: A Distributed Computing U.S. Census Database Linkage System,” in *Wayfarer: Charting Advances in Social Science and Humanities Computing*. Edited by Orville Vernon Burton, David Herr, and Terence R. Finnegan. (Urbana: University of Illinois Press, 2002).
- (with David Herr and Beatrice Burton) “RiverWeb: History and Culture of the Mississippi River Basin American Bottom,” in *Wayfarer: Charting Advances in Social Science and Humanities Computing*. Edited by Orville Vernon Burton, David Herr, and Terence R. Finnegan. (Urbana: University of Illinois Press, 2002).
- “Interviews with Exemplary Teachers: Orville Vernon Burton,” *The History Teacher* 35 (February 2002): 237-251.
- “A Special Kind of Community,” *Furman Magazine* 44, no. 1 (Spring 2001), 16-19.
- “Why Care About Teaching? An interview with an Accomplished Scholar and National Teaching Award Winner,” *The Real Issue* (January/February 2000): 2-5.
- “The Use of Historical and Statistical Data in Voting Rights Cases and Redistricting: Intent and Totality of Circumstances Since the Shaw Cases,” “Understanding Ecological Regression Techniques for Determining Racial Bloc Voting: An Emphasis on Multiple Ecological Regression,” and “Report on South Carolina Legislative Delegation System for *Vander Linden v. South Carolina*, Civ. Non. 2-91-3635-1, December 1995,” in *Conference Workbook*. Lawyer’s Committee for Civil Rights Under Law Voting Rights Project, American University Washington College of Law, Voting Rights Conference, November 19-20, 1999, Washington D.C.
- “Presenting Expert Testimony in Voting Rights Cases” and “Understanding Ecological Regression Techniques for Determining Racial Bloc Voting,” in *Conference Proceedings*. CLE/NAACP Annual Meeting, Indianapolis, IN, 1993.
- (with James W. Loewen, Terence Finnegan, Robert Brischetto) “It Ain’t Broke, So Don’t Fix It: The Legal and Factual Importance of Recent Attacks on Methods Used in Vote Dilution Litigation,” lead article in *The University of San Francisco Law Review* 27:4 (Summer 1993): 737-780.
- “Teaching Historians with Databases,” *History Microcomputer Review* 9:1 (Spring 1993): 7, 9-17.
- (with Terence Finnegan), “Two Societies at War, 1861-1865,” pp. 273-90 in *Documents Collection America’s History*, vol. 1. Edited by Orville Vernon Burton, et al., to

Burton, page 15

- accompany James Henretta, et al., *America's History*, 2nd ed. (NY: Worth Publishers, 1993).
- "Populism," pp. E7-E11, in *Instructor's Resource Manual America's History*, 2nd ed., vol. 2 to accompany James Henretta, et al., *America's History* (NY: Worth Publishing, 1993).
- "Quantitative Methods for Historians: A Review Essay," *Historical Methods* 25:4 (Fall 1992): 181-88.
- "Computers, History, and Historians: Historians and Converging Cultures?" *History Microcomputer Review* 7:2 (Fall 1991): 11-23.
- (with Terence Finnegan) "Historians, Supercomputers, and the U.S. Manuscript Census," in *Proceedings of the Advanced Computing for the Social Sciences Conference*. Edited by Bruce Tonn and Robert Hammond. Washington, D.C.: GPO (U.S. Department of Commerce Bureau of the Census), 1990. Revised edition published in *Social Science Computer Review* 9:1 (Spring 1991), 1-12.
- (with Terence Finnegan) "Developing Computer Assisted Instructional (CAI) Materials in the American History Surveys," *The History Teacher* 24:1 (Nov. 1990): 1-12.
- (with Terence Finnegan) "Teaching Historians to Use Technology: Databases and Computers," *International Journal of Social Education* 5:1 (Spring 1990): 23-35.
- "Complementary Processing: A Supercomputer/Personal Computer U.S. Census Database Project" in *Supercomputing* 88, vol. 2 *Science and Applications*. Edited by Joanne L. Martin and Stephen Lundstrom. Washington, D.C.: IEEE Computer Society Press, 1990, pp. 167-177.
- "History's Electric Future" in *OAH* (Organization of American Historians) *Newsletter* 17: #4 (November 1989): 12-13.
- "New Tools for 'New' History: Computers and the Teaching of Quantitative Historical Methods" in *Proceedings of the 1988 IBM Academic Information Systems University AEP Conference, "Tools for Learning,"* Dallas/Ft. Worth, Texas, June 1988. Edited by Frederick D. Dwyer. Abstract in *Agenda*, pp. 73-74. An expanded and significantly different version with Terence Finnegan as coauthor appears in *History Microcomputer Review* 5:1 (Spring 1989): 3, 13-18.
- (with Robert Blomeyer, Atsushi Fukada, and Steven J. White) "Historical Research Techniques: Teaching with Database Exercises on the Microcomputer," *Social Science History* 11:4 (Winter 1987): 433-448.
- The United States in the Twentieth Century* (History 262). Champaign: University of Illinois Guided Individual Study, Continuing Education and Public Service, 1986.
- "The South in American History" in *American History: Survey and Chronological Courses, Selected Reading Lists and Course Outlines from American Colleges and Universities*, Edited by Warren Susman and John Chambers, vol. 1: 121-27. (NY: Marcus Wiener Publishing, Inc., 1983, rev. 2nd ed. 1987, rev. 3rd ed. 1991).
- "Using the Computer and the Federal Manuscript Census Returns to Teach an Interdisciplinary American Social History Course," *The History Teacher* 12 (November 1979): 71-88. Reprinted with a few changes in *Indiana Social Studies Quarterly* 33 (Winter 1980-81): 21-37.

In Press:

- (with Simon Appleford) "Digital History Memories" *Southern Quarterly: A Journal of Arts and Letters in the South*, 58: 1-2 (Fall 2020/Winter 2021).

Burton, page 16

Collaborative Research With Dermatologists--Medical doctors and Computer Scientists

Articles

With Urso, B, Updyke KM, Domozych R, Solomon JA, Brooks I, Dellavalle RP, MD, PhD. Acne Treatment: Analysis of Acne-Related Social Media Posts and the Impact on Patient Care." 2018 *Cutis* **102**(1): 41-43.

With Updyke KM, Urso B, Ali H, Brooks I, Dellavalle RP, Solomon JA." "Following Autoimmune Diseases Through Patient Interactive Diaries: Continuous Quality Improvement." *Practical Dermatology* 2017; 14 (12) 48-54.

Abstracts & Poster presentations:

Dupuis L, Jueng J, Su A, Kunadia A, Siddiqui F, Harding TP, Brooks I, Solomon JA, Burton V, Dellavalle R, Seyffert J. Comparing Patient Perspectives of Melanoma to Non-Oncologic Dermatological Disease (Non- Oncologic) via Social Media Data Mining. Poster presentation The Autoimmunity Conference, Athens, Greece, November 28, 2020.

Kunadia A, Brooks I, Solomon JA, Burton V, Dellavalle R, Seyffert J, Harding TP. Utilization of Patient Interactive Diaries to Establish a Database of Patient Reported Outcomes Generating a Cycle of Continuous Quality Improvement. Poster presentation accepted for The Autoimmunity Conference, Athens, Greece, November 28, 2020.

Jueng J, Dupuis L, Su A, Kunadia A, Dellavalle R, Brooks I, Sinha R, Maner B, Siddiqui F, Burton V, Seyffert J, Solomon JA. Using Artificial Intelligence to Understand Patient Perspectives Towards Treatment of Dermatologic Diseases. *Journal of Investigative Dermatology*: July 2020 Ed. Abstract

Kunadia A, Brooks I, Solomon JA, Burton V, Dellavalle R, Seyffert J, Harding TP. Combining Social Media Mining and Patient Interactive Diaries for Population-Based Care. E-Poster Exhibit, American Academy of Dermatology Virtual Meeting Experience event, Denver, CO, June 13, 2020.

Su A, Dupuis L, Jueng J, Kunadia A, Brooks I, Sinha R, Siddiqui F, Maner B, Harding T, Burton V, Dellavalle R, Seyffert J, Solomon J A. Use of Artificial Intelligence for Analyzing Emotions vs. Patient Global Impression of Change of Melanoma Treatments. *Journal of Clinical Oncology*. 38: 2020 (suppl; abstr e24177).

Dupuis L, Su A, Jueng J, Kunadia A, Dellavalle R, Brooks I, Sinha R, Maner B, Siddiqui F, Burton V, Seyffert J, Solomon J A. Capturing Patient Perspectives: Natural Language Processing of Social Media to Evaluate Patient Global Impression of Change in Dermatological Treatments. Poster presentation, Cochrane Skin Conference, Denver, CO, March 19, 2020.

Jueng J, Dupuis L, Su A, Kunadia A, Dellavalle R, Brooks I, Sinha R, Maner B, Siddiqui F, Burton V, Seyffert J, Solomon JA. Using Artificial Intelligence to Understand Patient Perspectives Towards Treatment of Dermatologic Diseases. Publication, 2020 Society of Investigative Dermatology Annual Meeting Abstract Booklet, Scottsdale, AZ, March 13, 2020

Kunadia A, Haresh S, Shih S, Brooks I, Solomon JA, Burton V, and Dellavalle, R. Positive Sentiment for Biologic Therapies among Psoriasis Patients on Social Media: An Analysis of 4.8 million Social Media Posts from 2008-2019. ePoster Presentation. 24th World Congress of Dermatology 2019, Milan, Italy 10-15 June 2019

With Updyke KM, Urso B, Solomon JA, Brooks I, Dellavalle RP. "Identifying the most influential social media networks utilized by different populations of patients with autoimmune diseases." Oral poster presentation, 2017 Society for Investigative Dermatology Annual Meeting, Portland, OR. April 2017

With Updyke KM, Urso B, Solomon JA, Brooks I, Dellavalle RP. "An overview of social media posts related to psoriasis patients' perspectives towards Humira." Oral poster

Burton, page 17

presentation, 2017 Society for Investigative Dermatology Annual Meeting, Portland, OR. April 2017

With Urso B, Updyke KM, Domozych R, Solomon JA, Brooks I, Dellavalle RP. "Acne treatment utilization among patients on social media platforms." Oral poster presentation, 2017 Society for Investigative Dermatology Annual Meeting, Portland, OR. April 2017

With Urso B, Updyke KM, Domozych R, Solomon JA, Brooks I, Dellavalle R. Acne treatment utilization among patients on social media platforms (abstract). *J Invest Dermatol.*;137(5):s66, 2017

Updyke KM, Urso B, Solomon JA, Brooks I, Burton V, Dellavalle RP. Identifying the most influential social media networks utilized by different populations of patients with autoimmune diseases (abstract). *J Invest Dermatol.*;137(5):s13, 2017

With Updyke KM, Urso B, Solomon JA, Brooks I, Dellavalle RP. An overview of social media posts related to psoriasis patients' perspectives towards Humira (abstract). *J Invest Dermatol.*;137(5):s13, 2017

Interviews, Reports, and Other Publications:

"A Brief Conversation with James M. McPherson," in *The Struggle for Equality: Essays on Sectional Conflict, the Civil War, and the Long Reconstruction in Honor of James M. McPherson*. Edited by Burton et al., pp. 288-92 (Charlottesville: University of Virginia Press, 2011).

"We must learn not to hide from our racist past," *Greenville News* December 27, 2014.

"Dr. Lacy K. Ford Jr.," *Caroliniana Columns: University of South Caroliniana Society Newsletter*, Issue 35 (Spring, 2014), pp. 3-4.

"A Few Words about Allen Stokes as He Retires as Director of the South Caroliniana Library," *Caroliniana Columns: University of South Caroliniana Society Newsletter*, Spring 2013, pp. 1, 4-5.

"UI Earns Right to be Mr. Lincoln's University: Excerpted from remarks by Prof. Vernon Burton, April 1, 2010 keynote address at the UI College of Law," *The News Gazette* (Champaign, Illinois) May 23, 2010, pp. C-1 and C-4.

"Learning from the Bicentennial: Lincoln's Legacy Gives Americans Something for which to Strive," *The News Gazette* (Champaign, Illinois) February 12, 2010, pp. C-1 and C-4.

"Life of Lincoln Resonates Today," *The Atlanta Journal-Constitution*, Opinion, Dec. 9, 2009, A19.

"Colbert History," *Pan-African Studies*, Fall 2009, p. 3.

"Remarks by Professor Orville Vernon Burton at the October 10, 2009 Celebration of Abraham Lincoln's September 30, 1959 Speech," Delivered at the Milwaukee War Memorial Center at the Invitation of the Wisconsin Lincoln Bicentennial Commission, Appendix pages 166-177 in *Final Report and Appendix of the Wisconsin Lincoln Bicentennial Commission*, To: The Governor of the State of Wisconsin, Jim Doyle, Responsive to: Executive Order #245, Date: February 12, 2010.

"Max Bachmann's Bust of Abraham Lincoln, Circa 1915," pp. 88-89 in *Lincoln in Illinois*, Ron Schramm, Photographer and Richard E. Hart, Compiler and Editor (Springfield: published by the Abraham Lincoln Association, 2009).

"Liberty," in the Fetzer Institute's *Booklet of Notable Lincoln Quotations*, 2009.

"Is There Anything Left to Be Said about Abraham Lincoln?" *Historically Speaking* 9:7 (September/October 2008): 6-8.

"An Interview with Vernon Burton" *Lincoln Lore*, no. 1894 (Fall 2008), pp. 18-24.

"Lincoln's Generation also Faced Crisis Involving Religion and Terrorism," in *History Network Newsletter*, February 25, 2008.

"Abraham Lincoln, Southern Conservative: An Interview with Orville Vernon Burton" (2 Parts),

Burton, page 18

posted by Allen Barra, October 2, 2007.

http://www.americanheritage.com/blog/200710_2_1259.shtml and

http://www.americanheritage.com/blog/200710_2_1260.shtml

Interview by Roy A. Rosenzweig, 2001, "Secrets of Great History Teachers," *History Matters*, at <http://historymatters.gmu.edu/browse/secrets/>.

"Keeping Up With the e-joneses: Information Technology and the Teaching of History," *Proceedings for First Annual Charleston Connections: Innovations in Higher Education Conference. Learning from Each Other: The Citadel, The College of Charleston, The Medical University of South Carolina, Charleston Southern University and Trident Technical College.* June 1 and 2, 2001, The Citadel, Charleston, South Carolina, p. 63.

(with Terence Finnegan and Barbara Mihalas) "Developing a Distributed Computing U.S. Census Database Linkage System," Technical Report 027 (December 1994). National Center for Supercomputing Applications, UIUC.

"On the Study of Race and Politics," *Clio: Newsletter of Politics & History, An Organized Section of the American Political Science Association* 3:1 (Fall & Winter, 1992/1993): 6.

"Benjamin Mays of Greenwood County: Schoolmaster of the Civil Rights Movement," *South Carolina Historical Society News Service*, published in various newspapers, 1990.

"Quantitative Historical U.S. Census Data Base" in *Science: The State of Knowing*. National Center for Supercomputing Applications, Annual Report to the National Science Foundation 1987, p. 29.

"Computer-Assisted Instructional Database Programs for History Curricula" *Project EXCEL*. 1986-87 Annual Report. Office of the Chancellor, UI at Urbana-Champaign, pp. 41-42.

"Postmodern Academy," *The Octopus*, January 24, 1997, p. 6.

(with David Herr and Ian Binnington) "Providing Lessons in Mississippi River Basin Culture and History: riverweb.ncsa.uiuc.edu," in *Touch the Future: EOT-PACI*, 1997, p. 43.

"The Coming of Age of Southern Males During Reconstruction: Edgefield County, South Carolina," Working Papers in Population Studies, School of Social Sciences, University of Illinois at Urbana-Champaign, 1984.

In Memorial – Essays for Charles Joyner, F. Sheldon Hackney, Bertram Wyatt-Brown in the American Historical Association (AHA) *Perspectives*; Thomas Krueger and Philip Paladin in Organization of American Historians *OAH Newsletter*, and F. Sheldon Hackney JSH LXXXI:2 (May 2015), pp. 350-52, and Ernest L. "Whitey" Lander, in *Journal of Southern History*.

"Creating a Major Research Archive on Southern History," *Caralogue: The Journal of the South Carolina Historical Society*, June, 2015.

A number of brief essays about the Clemson CyberInstitute, for example, "Clemson's CyberInstitute encourages Collaboration," <http://features.clemson.edu/inside-clemson/inside-news/clemson%E2%80%99s-cyberinstitute-encourages-collaboration/>

In addition, I have written a number of reports as expert witness for minority plaintiffs in voting rights and discrimination cases.

Digital Publications and Projects:

Editor in Chief, *The Long Civil War: A Digital Research and Teaching Resource*, Alexander Street Publishers (Now Proquest) , 2013-

Editor in Chief, *Slavery and Anti-Slavery: A Transnational Archive*. The Largest Digital Archive on the History of Slavery. Farmington Hills, MI: Thompson-Gale, 2007--14.

<http://www.galetrials.com/default.aspx?TrialID=16394;ContactID=15613>. Advisory Board: Ira Berlin, Laurent Dubois, James O. Horton, Charles Joyner, Wilma King, Dan Littlefield, Cassandra Pybus, John Thornton, Chris Waldrep.

Part I: Debates Over Slavery and Abolition, 2009

Burton, page 19

Part II: Slave Trade in the Atlantic World, 2011

Part III: Institution of Slavery, 2012

Part IV: Age of Emancipation, 2014

Webmaster for the Abraham Lincoln Bicentennial Commission Website, 2007-10, now maintained by the ALB Foundation. <http://www.lincolnbicentennial.gov/>

"Does Southern Exceptionalism Exist," Inside Clemson, May 14, 2014

<http://newsstand.clemson.edu/does-southern-exceptionalism-exist/>

Lincoln Remembered: Nine essays – "Lincoln and the Founding of Democracy's Colleges," "Lincoln: America's "First and Only Choice," "Picturing Lincoln," "Putting His Politics on Paper," "Belief in the Rule of Law," "Taking a Stand Against Slavery," "The Movement Toward Civil Rights," "Political Brilliance on the Path to the Emancipation Proclamation," "Lincoln's Last Speech," commemorating the bicentennial of Lincoln's birth, February 2009 to February 2010. A monthly blog for the Illinois LAS On-line Newsletter; available at <http://www.las.illinois.edu/news/lincoln/>.

Writing the South in Fact, Fiction and Poetry: A Conference Honoring Charles Joyner. Thursday and Friday Sessions. DVD produced of Conference I organized at Coastal Carolina University, Conway, SC, Feb. 17-19, 2011. Produced CD Aug. 2011.

Editor, "Slavery in America in Sources in U.S. History Online." Farmington Hills, MI: Thompson Gale, 2007.

"The Mississippi River in American History," for *Mark Twain's Mississippi*, including essays with Simon Appleford and Troy Smith, on "Economic Development, 1851–1900," "Politics, 1851–1900," "African Americans in the Mississippi River Valley, 1851–1900," "Native Americans in the Mississippi River Valley, 1851–1900," "Religion and Culture, 1851–1900," and "Women in the Trans-Mississippi West, 1851–1900." Edited by Drew E. VandeCreek, Institute of Museum and Library Services (IMSL) Project (2007). Online Resource: <http://dig.lib.niu.edu/twain/>.

RiverWeb: An interdisciplinary, multimedia, collaborative exploration of the Mississippi River's interaction with people over time (now redone as Cultural Explorer). CD-ROM and Website <http://riverweb.ncsa.uiuc.edu/>.

The Illinois RiverBottom Explorer (IBEX). Part of the East Saint Louis Action Research Project (ESLARP) where Faculty and East St. Louis neighborhood groups and local churches work on tangible and visible projects that address the immediate and long-term needs of some of the city's poorest communities. (More is available at <http://www.eslarp.uiuc.edu/>). IBEX serves as a resource for historical documents, primary and secondary sources, and oral history interviews. Website: <http://www.eslarp.uiuc.edu/ibex/archive/default.htm>.

Text96. A collection of primary source electronic texts for teaching American History. Website <http://www.history.uiuc.edu/uitext96/uitexttoc.html>.

"Database Exercises and Quantitative Techniques: Exercise I: Colonial America." Madison, WI: Wiscware, 1987. (for IBM and compatible computers, 1 disk, Instructional Workbook, and Teacher's Instructional Sheet).

"Lessons in the History of the United States." Wentworth, NH: COMPRESS, 1987 (1989 with QUEUE, Fairfield, CT). For IBM color monitor; originally 50 computer exercise modules on 25 computer disks + instructor's manual. An interactive electronic textbook of U.S. history.

Automated linkage and statistical systems Unix Matchmaker, AutoLoad, RuleMatch, DisplayMatch, ViewCreate (Urbana: UI NCSA, 2000).

Website <http://www.granger.uiuc.edu/aitg/maps/1870/htm/default.htm>

"Illinois Windows Dataentry System for U.S. Census." University of Illinois, 1988 (for IBM PS2 and compatible computers with Windows applications, 1 disk, Instructional Sheet)

Burton, page 20

The Age of Lincoln website at <https://ageoflincoln.app.clemson.edu>.

Current Digital Projects include Social Media Learning Center Studies of Elections, Redistricting, Minorities, and Discussions of the American South, Race, and the Civil War. Also text and data analytics (mining) – developing techniques using the HathiTrust, Internet Archive II Digital Book Collection, and Library of Congress Chronicling America U.S. newspaper archive to study “DNA” of writings of Abraham Lincoln, changing views of American South over time, interpretations of Civil War and development of “Lost Cause Mythology.”

In addition, I continue to use Edgefield County, South Carolina to investigate, “large questions in small places.” I have accumulated a quantitative database that includes every person and farm recorded in the U.S. manuscript census returns linked from 1850 to 1880 for old Edgefield District, South Carolina (a region now comprising five different counties). With this unique database I (and my students) can study, test, and suggest themes in American History with details and specificity related to the lives of ordinary folks.

Selected Grants:

National Science Foundation (NSF), GK-12: Ed Grid Graduate Teaching Fellows Program, 2003-09 (\$4,990,015)

NSF, EAGER: Prototype Tool for Visualizing Online Polarization (co-Pi), 2012-14 (\$262,654)

NSF CISE/IRIS Division Award, Grant No. ASC 89-02829, Automated Record Linkage, 1991

NSF Grant No. CDA-92-11139, “Historical U.S. Census Database with High Performance Computing,” 1992

NSF, EPIC Grant, 2006-08 (\$20,000)

NSF Catalyst Grant for Social Science Learning Center (with MATRIX, Michigan State University), 2006-09 (\$175K)

NSF, Senior Investigator on the MRI award, Award #1228312 MRI: Acquisition of High Performance Computing Instrument for Collaborative Data-Enabled Science (\$1,009,160) See:

http://nsf.gov/awardsearch/showAward?AWD_ID=1228312&HistoricalAwards=false

Abraham Lincoln Bicentennial Foundation, Lincoln’s “Unfinished Work”: Conference on The South and Race,” 2012-2018 (\$27,000)

National Parks Service, “*Administrative Histories of Fort Sumter National Monument and Charles Pinckney National Historic Site*,” \$110,000.00

Clemson University, “Tracking Themes Across Time and Space,” 2012 (\$10,000)

National Endowment for the Humanities (NEH) Challenge Grant for Institute for Computing in Humanities, Arts, and Social Science, 2008-11 (\$750,000, 3 mil. Total with challenge matches)

NEH Educational Technologies Grant, ED-20758, 1997-99

NEH Humanities High Performance Computing Advance Research and Technology (HpC): Coordinating High Performance Computing Institutes and the Digital, 2008-09

(\$249,997). To support a total of nine institutes and one joint conference for humanities scholars, to be hosted by three different high-performance computer centers: the National Center for Supercomputing Applications, the Pittsburgh Supercomputing Center, and the San Diego Supercomputer Center.

NEH, NSF, and the Joint Information Systems Committee, “Digging Into Image Data to Answer Authorship Related Questions,” 2009-11 (\$100,000).

(with Max Edelson) NEH, The Cartography of American Colonization Database Project, To support the development of a database of 1000 historical maps illustrating the trajectory of colonization in the Americas. The database will provide a searchable introduction to

Burton, page 21

the mapping of the western hemisphere in the era of European expansion, ca. 1500-1800. 2008-09 (\$24,997)

NEH Conference Grant (with R. C. McMath, Jr., History and Social Sciences, Georgia Institute of Technology), 1978

NEH Summer Research Fellowship, 1983

American Council of Learned Societies (ACLS) Travel grant, 1977

American Council of Learned Societies (ACLS) Grant- to Recent Recipients of the Ph.D., 1977

PT3/Technology Across Learning Environments for New Teachers grant, U.S. Department of Education, 2002-03, 2003-04

Academy of Academic Entrepreneurship, 2006-08

National Archives Record Administration grant for digital records, 2003-05

IBM Shared University Research Grant, 1994

IBM Innovations grant, Educational Technologies Board, 1992

IBM Technology Transfer IBM grant, 1988

IBM EXCEL II, History Database Teaching Project, 1987

IBM EXCEL Project, History Database Teaching Project, 1986

Partnership Illinois Award, 1998 (with Brian Orland, Pennsylvania State University Landscape Architecture, East St. Louis Research Project), RiverWeb 2002-03, 2003-04

East Saint Louis Action Research Program Grant, 2005-06, 06-07, 07-08

Andrew Carnegie Foundation 3-year Baccalaureate Study Grant, 1976

Sloan Center for Asynchronous Learning Environment Grant, 1998

South Carolina Humanities Grant for Lincoln's Unfinished Work, \$7,000, 2018-19

The Humanities Council (South Carolina) Outright Grant (\$8,000), THC grant #10-1363-1 (Writing the South in Fact, Fiction, and Poetry), 2011

South Carolina Humanities Council Conference Grant (with Tricia Glenn), 2005

South Carolina Humanities Council Conference Grant (with Winfred Moore), 2002-03

South Carolina Humanities Council Conference Grant (with Bettis Rainsford), 2000-01 (with Ian Brooks, University of Illinois) "Improving patient outcomes by listening to their social media communications," **Homecare Education And Resource Team Support (H/E/A/R/T/S)**, \$15,000, 2017-19

Grant for Conference on "Lincoln's Unfinished Work," Thomas Watson Brown Foundation, \$17,560, 2017- 18

Grant for Lincoln's Unfinished Work, The Abraham Lincoln Bicentennial Foundation, \$27,000, 2017-20

Self Family Foundation, \$6,000 for Lincoln's Unfinished Work, 2018-19.

The Humanities Council (South Carolina) Outright Grant (\$8,000) for Lincoln's Unfinished Work Conference.

Ford Foundation Grant to bring Minority Students and their Teachers to participate in "Lincoln's Unfinished Work" conference and workshop on how to teach the History of race relations in South Carolina public schools, \$5,000, 2018...

NEH Public Humanities Exhibitions: Implementation Grant (with Rhondda Thomas), 2020-23

Selected Grants from University of Illinois

Office of Continuing Education Grant, 2005-06, 06-07

Chancellor, Provost, and Vice Chancellor Research, RiverWeb Grant, 2004-05 (\$30K)

Advanced Information Technologies Group Research Award, 1994, 96, 97, 2000

Applications of Learning Technologies in Higher Education grant for UI--Text96 Project, 1995--2000 (co-principal investigator with Richard Jensen of UIC campus)

Educational Technologies Board Grant for RiverWeb 1998

Burton, page 22

Guided Individual Study Grant for RiverWeb, 1997-98
 Program for the Study of Cultural Values and Ethics, Course Development Award, 1993
 Arnold O. Beckman Research Grant Award, UIUC Research Board, 1989, 1992
 Language Laboratory Computer Assisted Instruction Award, 1988
 Research Board Humanities Faculty Research Grant, 1986
 Graduate Research Board, support for various projects, 1976-08

Selected Grants from Clemson University

2011/2012 University Research Grant Committee (URGC) Program (\$10,000)
 2013-14 CAAH & Library Digital Humanities Grant (\$4000)
 2018- Clemson Humanities Hub Short Term Visiting Humanities Fellowship, a grant to help fund the Conference on Lincoln's Unfinished Work (\$5,000)
 CAAH Equipment Grant, \$1,500, 2021.
 CAAH Faculty Research and Development Grant, \$5,000, 2021-22.

Selected Professional Activities and Service:

Officer Congressional Abraham Lincoln Bicentennial Commission Foundation, 2008-2010;
 Board of Directors, Abraham Lincoln Bicentennial Foundation, interim President, 2010, vice-chair 2010-17
 Southern Historical Association, President 2011-12, President Elect, 2011, Vice President Elect, 2010, Executive Council, 2005-08, 09-15; Program Committee 1989, 1998; 2005 (Chair); Membership Committee, 1986-87, 1991-92; 1995-98; 2002; Committee on Women, 1992-95, Nominating Committee, 1999-2000, Chair H.L. Mitchell Book Award Committee, 2000-02
 Agricultural History Society, President 2001-02, Vice President 2000-01, Executive Committee, 1997-2006; Committee to Review and Revise Constitution and By-Laws, 2004-05; Nominating Committee, 1991-94, chair 1993-94; Committee to Select first Group of Fellows for Society, 1995; Committee to select new Secretary/Treasurer, 2009-10
 Organization of American Historians, Included in the Organization of American Historians Race Relations Expert Guide, 2015-, OAH/ALBC (Abraham Lincoln Bicentennial Commission) Abraham Lincoln Higher Education Awards Committee, 2007-09; ABC-CLIO "America: History and Life" Award Committee, 1997-99; Membership Committee, 1990-94, nominated for executive board 1989.
 Social Science History Association, Executive Committee 2000-03; Nominating Committee 1990-91; Program Committee 1989, 1993; Community History Network Convener, 1976-79; Rural History Network Convener, 1988-90, 1993-94
 Social Science Computing Association, Executive Council, 1993-2002; Organizing Committee Chairperson for Annual Conference, 1993, Conference on Computing for the Social Sciences (CSS93); program committee 1993-95, 2001
 American Historical Association, Nominated for Vice President for Teaching, 2009
 Southern Association for Women Historians, Membership Committee, 1996-99
 The Society of Civil War Historians, Chair Thomas Watson Brown Book Award for the best book published on the causes, conduct, conduct, and effects, broadly defined, of the Civil War, 2017-18.
 South Carolina Historical Association, Executive Board, 2009-12
 H-Net, founding member of H-Net, Treasurer and Executive Committee, 1993-99; Chair, committee to evaluate multimedia NEH grant; Editor H-South (book review editor 1997-2000); Editorial Board of H-Rural, H-Slavery, and H-CivWar.
 Scholarly Advisory Group, President Lincoln's Cottage at the Soldier's Home, 2012-
 Executive Council, The University South Caroliniana Society, 2011-15

Burton, page 23

University of South Carolina, Search Committee for Director South Caroliniana Library, 2012
 Executive Board South Carolina Jubilee Project, 2012-14
 Member South Carolina Abraham Lincoln Bicentennial Commission, 2008-2010
 Member Champaign County, Illinois, Abraham Lincoln Bicentennial Commission, 2006-10
 Council, U.S. Civil War Sesquicentennial Commission, 2009-15
 Historical Advisory Committee to the "Fort Sumter/Fort Moultrie Trust," charged with
 organizing Sesquicentennial Activities in Charleston and South Carolina Lowcountry,
 2010-15
 The Illinois Humanities Council Scholar, 2004-05
 Presented to President's Information Technology Advisory Commission (PITAC), 9-16-2004
 Invited to NEH Digital Humanities Initiative Mini-Conference, March 2006 and Digital
 Humanities Summit, April 2011, December 2007
 Digital Library Federation Scholars' Advisory Panel, 2004-7
 University of Tennessee Knoxville Horizon Project Steering Committee, 2014-
 Peer Reviewer, ACH/ALLC/SDH-SEMI Joint Digital Humanities Conferences, 2007-13
E-Docs, (one of 3 founding members) Editorial Board, 1998-2005
 Mentor for Southern Regional Council Minority Scholars Program, 1992-96
 UIUC Representative to Lincoln Presidential Library Committee: Educational Activities
 Committee, 2001; Fellowship Committee, 2002
 Faculty Associate, Council for International Exchange of Scholars, 2002-03
 Evaluator/Referee (one of two for history) for the Pew Foundation Faculty Research
 Fellowships, 1997-98, 1998-99; 2001 (for graduate students for summer seminar)
 Evaluator and Referee for American Council of Learned Societies Grants, 2005-08
 National Endowment Humanities, Review Panels: Scholarly Editions Program, 2007-08, for
 Digital Humanities Grants, 2010, NEH Division of Public Programs Panel, "America's
 Historical and Cultural Organizations" (AHCO) grant initiative, 2013; Humanities
 Connections, 2016
 National Science Foundation Review Panel for Knowledge and Distributed Intelligence grants,
 1998, 1999
 Humanities, Arts, Science, and Technology Advanced Collaboratory (HASTAC), Steering
 Committee and Planning Committee, 2003-04, Program Committee, 2009, 2010, 2013-14
 Advisory Committee, American Studies Program, Bureau of Educational and Cultural Affairs,
 U.S. Information Agency, 1989-93
 Delegate to the Mexican/American Commission on Cultural Cooperation, Mexico City, June
 1990; Chairperson of United States delegation (Co-Chairperson with Mexican
 counterpart), U.S. Studies Working Group
 Advisor for "Crossroads of Clay": NEH Alkaline Glazed Stoneware Exhibition and Catalog,
 McKissick Museum, University of South Carolina, 1987-90
 Advisory Committee Film Project for Historic Southern Tenant Farmers Union, 1986-90
 Consultant, Commercial film, "Roll the Union On" about H.L. Mitchell and the Southern Tenant
 Farmers Union
 Consultant on the Renewal of the 1965 Voting Rights Act, 1981-82, 2004-07, including
 consultation for an NBC TV Special.
 Consultant for Documentary, "Behind the Veil," 1995-2005
 Board of Directors of the Abraham Lincoln Historical Digitization Project, 1997-
 Advisory Council for the Lincoln Prize at Gettysburg College, 1997-
 Prize Committee for the Technology and History Award, The Gilder Lehrman Institute of
 American History, 2000-01
 International Committee on Historic Black Colleges and Universities, 2001-15

Burton, page 24

Consultant, Belle Meade and The Hermitage and Vanderbilt University. Presentations of slavery.

Consultant, Morven Park, 2010-12

Consultant, for Matt Burrows, documentary “The Assassination of N.G. Gonzales by James H. Tillman,” 2010-

Consultant, for Chris Vallilo musical performance, “This Land is Your Land: Woody Guthrie and the Meaning of America,” 2010-

Organizing and Founding Committee International Society for the Scholarship of Teaching and Learning (IS-SOTL), 2003-7. Drafted initial mission statement for Society.

Furman University Alumni Council Board, 2010-16

International African American Museum (IAAM) Program Subcommittee (Charleston, SC), 2016-

IAAM, Content team for an exhibit wall located in the Carolina Gold gallery entitled Built on Slavery, 2018-

Dr. Benjamin E. Mays Historical Preservation Site Foundation Board, 2015-

Advisory Board for “History of the American South,” Atlanta History Center, 2021-

Editorial Boards:

Associate Editor for History, *Social Science Computer Review*, 2012- (reappointed 2020-)

Editorial Board, [International Journal of Humanities and Social Science Research](#), 2015-

Editorial Board, Digital Humanities Series, University of Illinois Press, 2005-

Editorial Board, *Change and Continuity*, 1995-

Editorial Board *Fides et Historia*, 2010-

Editorial Board *Proceedings of the South Carolina Historical Association*, 2009-14

Editorial Board, *History Computer Review*, 1990-2003

Editorial Board, *Locus: An Historical Journal of Regional Perspectives on National Topics*, 1994-96

Editorial Advisory Board, *The South Carolina Encyclopedia*, gen. editor Walter Edgar, 2000-06

Other Advisory Boards:

Advisory Board for *International Journal of Social Education*, 1986-2000

Advisory Reviewer for *The Journal of Negro History* (since 2002, *The Journal of African American History*), 1992-

Advisory board for the online *South Carolina Encyclopedia*. Southern Studies Institute, University of South Carolina, 2015-

Advisory Board, Digital Library on American Slavery, University of North Carolina, Greensboro, 2004-10

Advisory Board, Biographies: The Atlantic Slaves Data Network (ASDN), 2010-

Advisory Board, Simms Initiatives of the Library at the University of South Carolina, 2009-14

Advisory Board, American Insight, 2013- (www.AmericanINSIGHT.org)

Strategic Advisory Council for MATRIX: The Center for Humane Arts, Letters and Social Sciences On-line at Michigan State University, 2004-

Advisory board, of the Michigan State University MATRIX online project, “Mapping Civil War Politics”

External Advisory Board (EAB) of proposed Center of Data for the Public Good, University of North Carolina, Chapel Hill

Advisory Board, The Virtual Archives for Land-Grant History Project, Association of Public-Land Grant Universities, 2012-

Burton, page 25

External Advisory Board, National Historic Preservation Research Commission (NHPRC)
 “Effective User-Centered Access For Heterogeneous Electronic Archives” project,
 Illinois Institute of Technology, 2003-05
 Advisory Board, *Postwar America: An Encyclopedia of Social, Political, Cultural, and
 Economic History*
 External Advisory Board (EAB) of the proposed NSF Center for Data Science and Engineering,
 University of North Carolina, Chapel Hill, 2014-
 National Advisory Board to Alan Lomax’s Global Jukebox: 1993-2015
 The Civil Rights Project at University of California, Berkeley, Advisory Board for “The Decade
 Ahead: Reauthorization of the Voting Rights Act and the Future of Democratic
 Participation,” 2004-07
 Advance Research and Technology Collaboratory for the Americas (ARTCA) –Organization of
 American States, Advisory Board Chair, 2008-
 History Advisor for Gullah-Geechee Corridor Board, 2019-
 Reconstruction and Civil Rights Movement National Park Service Advisory Board for Beaufort
 area

Service Clemson University:

Chair, Search committee for Dean of the Library, 2017-18
 Search Committee for Dean of CAAH, 2019-20
 Search for University Historian, 2019-20
 Screening committee for the new University Historian, 2021
 Faculty Advisory Committee for Education & Interpretation MAP - Historic Properties,
 in process of becoming an official Faculty Museum committee, 2021-
 Provost’s Research Strategy Committee, 2014-16
 Martin Luther King, Jr. program planning committee, 2013-
 Pan-African Advisory Committee, 2014-17; Steering Committee, 2017-, Chair Speaker’s
 committee, 2018-19
 History Department Graduate Committee, 2017-18
 Search Committee for Director Digital History Ph.D. Program, 2019-20
 History Department Civil War Sesquicentennial Committee, 2010-15
 History Department Digital MA, then Digital Ph.D. committee, 2011-
 Clemson Center for Geospatial Technologies Advisory Committee, 2017-
 GIS Steering Committee, 2012-
 Clemson University Computational Advisory Team (CU-CAT), 2010-
 University Academic Technology Council, 2010-
 Ex-officio Steering Committee, Clemson CyberInstitute, 2010-
 University Committee to commemorate 50th Anniversary Integration Clemson, 2011-13
 Outstanding Staff Employee Award, Academic Affairs Selection Committee, 2011
 University Morrill Act Anniversary Celebration, 2011-13
 Ben Robertson Society (BRS) Foundation Advisory Board, 2013-
 Chair, Clemson University Humanities Grid committee, 2012-14
 Chair, CAAH Digital Humanities Computing committee, 2013-15
 CAAH, Digital Humanities Ph.D. taskforce, 2014-16
 CAAH taskforce on undergraduate “Creativity Certificate”
 History Department committee to review university signage, 2015-
 First Faculty in Residence (Norris Hall), 2011-13
 Workshop on Diversity and Inclusion, 2013
 Lincoln’s Unfinished Work Conference, 2018

Burton, page 26

Service - University of Illinois (three campus system – Urbana, Chicago, Springfield)
 UI Senate Conferences (elected), all three campuses of the University of Illinois, 2006-09,
 Presiding officer (chair) 2007-08
 Lincoln Bicentennial Commission, 2006-09
 Academic Affairs Management Team, 2007-08
 Task Force for Global Campus, 2006-07
 External Relations Management Team, 2006-09
 Strategic Plan Committee, 2005-06

Service (selected) University of Illinois at Urbana-Champaign
 Faculty Senate (elected), 1999-2001, 2002-03; 2005-06, 2006-07, Presiding Officer (Chair, Senate Executive Committee), 2005-06, 2006-07 (was Senate Council) elected 2000-01, 2003-04; 2005-06; 2006-07; Chair, Education Policy Committee, 2002-03, Chair 2003-04; Budget and Priorities Committee, 1999-01, Chair 2000-01
 As Chair Faculty Senate Executive Committee, 2005-07 represented faculty at Board of Trustee meetings, and CIC meetings. Led in developing ideas of shared governance, helped in the drafting and implementing of a strategic plan for both the University of Illinois and the Urbana-Champaign campus. Oversaw establishment of the Illinois Informatics Institute (I3) and the School of Earth, Society, and Environment. Dealt with issues of multi-year contracts for research faculty and staff policy, rehiring of retirees, Global Campus, and led study of Academic effects of Chief Illini and diversity issues.
 Organizer and Chair, Planning Committee for the Lincoln Bicentennial, 2006-09
 Task Force for Diversity and Freedom of Speech, 2007-08
 Convocation address, August 21, 2000
 Search Committee for Chancellor, vice-chair, 2004-5
 Association of American Colleges and Universities campus representative and Assoc., 2004-05
 Martin Luther King, Jr., Week Planning Committee, co-chair, 2002-03, 03-04, 04-05, 05-06
 Strategic Plan Committee, 2005-06
 Chancellor's Task Force ("Kitchen Cabinet") for the Humanities, 2002-04
 Provost's ad hoc Committee on Evaluating Public Service for Promotion and Tenure, 2003-04
 Brown Jubilee Planning Committee, Diversity Initiative, 2002-04
 Law-Education *Brown* Jubilee Conference Program Committee, 2002-04
 East St. Louis Action Research Projects (ESLARP) Campus Advisory Committee, 2004-9
 University Planning Council, 2000-01
 Selection Committee for University Scholars, 1999 -- 2000, Chair Subcommittee for Social Sciences, Humanities, FAA, Communications, Education, Law 2000
 UI President's Distinguished Speakers Program, 2000-02, 2006-08
 University of Illinois Press Board, 1995-2000, Chair 1998-2000
 Search Committee for Director University of Illinois Press, 1998-99
 Committee on University Publishing, 1997-98
 Graduate College Executive Committee, 1998-2000; Committee to Evaluate Dean of Graduate College, Committee to Review and Implement Graduate Program Revisions, Graduate Student Grievance Policy Committee
 Graduate College Office of Minority Affairs Strategic Planning Committee, 1999-2000
 University Administration Budget and Benefits Study Committee, 2000-02
 Budget Strategies Committee, 1993-94, Subcommittee for Library. Subcommittee for Faculty Productivity and Teaching Models
 Illinois Program for Research in the Humanities (IPRH) Advisory Committee, 2001-03
 Center for Democracy in a Multicultural Society, Advisory Committee, 2002-08
 Center for Advanced Study George A. Miller Committee, 2000-03

Burton, page 27

African American Studies and Research Program (AASRP), later Department of African American Studies, Advisory Council, 1982-86; Curriculum Development & Faculty Recruitment Committee, 2002-2003; Research and Course Competition Committee, 1991-94, Chair 93-94; Electronic Networking Committee, 1996-2000, Chair 1997-98; Library Advisory Committee, 1997-2003

UI-Integrate Faculty Advisory Committee, 2003-04

Graduate College Area Subcommittee for the Humanities and Creative Arts, 1996-98

Campus-wide Advisory Committee for the Center for Writing Studies, 2000-01

Committee on Institutional Cooperation (CIC), Selection Committee for CIC Research Grants in the Humanities, 1993-94

Chancellor's Task Force for Minority Graduate Students, 1989-92

Chair, Subcommittee for Summer Program for Minority Graduate Students, 1990

Computer Resources Development Committee, Program for the Study of Cultural Values and Ethics, 1991-93

High Performance Computing Committee for the Social Sciences, 1989-95

Rural History Workshop Convener, 1989-94 (with Sonya Salamon)

Faculty Fellow, 1990-2003

Graduate College Fellowship Committee, 1988

Selection Committee for Lily Fellows, 1987

Social Studies Committee for the Preparation of Teachers, Council on Teacher Education, 1986

Chair, Search Committee for African-American Scholar, 1986-87

Search Committee, Director for AASRP, 1985-86, Chair 87-88

Graduate College Appeals Committee, 1984

Chancellor's Allerton Conference, 1988; Chancellor's Beckman Conference, 2001-06; Chancellor's Conference on Diversity, 2002, faculty facilitator

Combating Discrimination and Prejudice Workshop, 1988

Krannert Art Museum, Committee on The Black Woman as Artist, 1992

H. W. Wilson Faculty Panel, 1993

Advanced Information and Technology Committee, 1992-97, Advisory Committee, 1993-94

Honors Symposium for UI recruitment of High School Seniors, 1993

Search Committee for Archivist, UIUC Computing and Communications Service Office, 1993

Search Committee for Research Librarian, UIUC Library, 1997; Undergraduate Library Advisory Committee, 2002-9

Member Human Dimensions of Environmental Systems Group, 1997-2017

Faculty Learning Circle for 2003-04

Illini Days Speaker, 1999, 2000, 2002

Public Interest Fund of Illinois Representative, 1996- 08

Facilitator for Interinstitutional Faculty Summer Institute on Learning Technologies, UIUC, 2000, 2002

Board Advisors, Collaborative for Cultural Heritage and Museum Practices (CHAMP), 2005-08

Faculty Mentor for Campus Honors Program, 1980-2008

Service - College of Liberal Arts and Science UI:

Lecturer at Pedagogy 2000: Teaching, Learning and Technology, Annual UIUC Retreat on Active Learning (2000)

Keynote Address at LAS Awards Banquet, 2000 and Keynote at UIUC Campus Awards Banquet, 2000

Dean's Committee to Evaluate Chair of History Department (1 of 3 elected by History Department), 1996

Oversight Committee Computing for the Social Sciences, 1993-95

Burton, page 28

Committee to select nominees for election to College Executive Committee, 1992
 Academic Standards Committee, 1983-85, Chair 1984-85
 School of Humanities Scholarship and Honors, 1986-88, Chair 1987-88
 Social Sciences and Humanities Respondent to the Joint Task Force on Admission Requirements and Learning Outcomes, 1988
 Advisory Committee, Social Sciences Quantitative Laboratory, 1987-88, 1989-93
 Alumni Association Annual Speaker, 1990
 General Education Committee, 1990-91
 Awards Committee, Chair, 1991-92
 Race & Ethnicity, Class & Community Area Committee of Sociology Graduate Program, 1993-2009
 LAS Alumni Association Speaker, 2000
 Cohn Scholars Honors Mentoring Program (choosing the 10 best Humanities first-year students), 1986-88, 1989-90, 1992-93, 1995-96, 1998-99, 2002 -05
 Faculty Mentor, Committee of Institutional Cooperation Summer Research Opportunities Program for Minority Students, 1987, 1991-95, 1997-2000, 2002, 2003
 Faculty Mentor, McNair Minority Scholars, 1993-94, 1996-97
 Summer Orientation and Advance Enrollment Program, Faculty Leader, 1991-93, 2000, 2002, 2004
 Gender Inclusivity Seminar, 1992
 The African-American Experience: A Framework for Integrating American History: An Institute for High School Teachers of History, instructor 1992, 1994
 Faculty Advisor for UIUC Law School Humanities Teaching Program, 1998-99
 Senior Faculty Mentor, LAS Teaching Academy, 1999-2008

Service - Department of History UI:

Lincoln Bicentennial Committee, Chair, 2005-06, co-Chair 2006-08
 Department Distance Learning and Global Campus committee, 2007-08
 Carnegie Initiative on the Doctorate, 2003-05
 Ethical Conduct Liaison, 2004-05
 Phi Alpha Theta Faculty Advisor, 2005-06
 Graduate Placement Officer, 1990, 1991-94, 1997-99
 Graduate Admissions Officer, 1990-91
 Graduate Committee, 1990-93
 Organizer of OAH Breakfast Meeting, 1989-90, 1993-94
 Computer Resources, 1976-88, 1989-91, 1995-99, Chair 1976-85, 1997-99
 Teaching Awards, 1986-88, 1992-93, 1997-98, 1999-2000, Chair, 1987-88, 1997-98, 1999-2000
 T.A. Evaluation, 1975-76, 1978-82, 1984-88, 1990-91, 1995, 1998-99, 2002, 2005-06
 Speakers and Colloquia, 1981-82
 Grants and Funding, 1981-82
 Capricious Grading, 1985-86, 2002-03
 Social Science History Committee, 1980
 Advisor, History Undergraduate Club, 1976-78
 Swain Publication Prize Essay Committee, 1991
 Proposal-Writing Workshop, 1991-92, 2002
 Teaching Workshop, 1993
 Chair Library Committee, 1996-97
 Faculty Advisor for Phi Alpha Theta, 2005-06
 American History Search Committee, 1991-92
 Chair, American History Search Committee, 1993-94

Burton, page 29

James G. Randall Distinguished Chair Search Committee, 1999-2000

Service Coastal Carolina University:

Search committee for Archaeologist, 2008-09

Selection Committee for Clark Chair of History, 2010

Third Year Assistant Professor Faculty Review Committee, 2010

A more complete list of Service and Public Engagement is available upon request.

Conferences Organized (selected list):

In 1978, I (with Robert C. McMath, Jr.) organized and chaired a National Endowment for the Humanities Conference on Southern Communities at the Newberry Library. In 1993, I organized, hosted, and chaired the annual meeting of the Conference on Computing for the Social Sciences at the National Center for Supercomputing Applications. In 1999, I organized and hosted the 12th Annual Meeting of the Southern Intellectual History Circle (SIHC) in Edgefield and Ninety Six, S.C, and again hosted SIHC for its 16th Annual meeting in 2004 at the College of Charleston, and the 2013 meeting in Edgefield. In 2001, I organized a workshop and conference on diversity and racism in the classroom with Carnegie Scholars at The Citadel in Charleston, S.C. In 2001, I organized a South Carolina Humanities Council Edgefield Summit History Conference. In January 2003, I organized a Workshop on Diversity and Racism and a Conference on the Scholarship of Teaching and Learning, both at the University of Illinois. In March 2003 I organized The Citadel Conference on the South: "The Citadel Symposium on the Civil Rights Movement in South Carolina." I organized the Humanities, Arts, Science, and Technology Advanced Collaboratory (HASTAC) meeting in January 2004 in Washington, D.C. I organized and hosted a Humanities Computing Summit in August 2004 at NCSA and UIUC. In 2005, I planned and hosted the British American Nineteenth Century History (BrANCH) Conference in Edgefield, South Carolina and a symposium honoring Jim McPherson's retirement in April 2005 in Princeton. As program chair I helped organize the Southern Historical Annual meeting in Atlanta in November 2005. In 2011, I organized a conference in honor of Charles Joyner, *Writing the South in Fact, Fiction, and Poetry*, at Coastal Carolina University. In 2013, I organized a conference honoring F. Sheldon Hackney at Martha's Vineyard. On Nov. 28-Dec 1, 2018, I organized and hosted an international conference on "Lincoln's Unfinished Work," and on the afternoon of Dec. 2 lead a workshop for teachers on how to teach about the history of race in South Carolina k-12 schools. As Director of I-CHASS, I regularly organized conferences and workshops, at least two major conferences a year such as "Computing in Humanities, Arts, and Social Sciences" (2005), "Spatial Thinking in the Social Sciences and Humanities" (2006), and the "e-Science for Arts and Humanities Research: Early Adopters Forum" (2007). In 2007 we hosted the annual international meeting of The Alliance of Digital Humanities Organizations including The Association for Computers and the Humanities. As Director of the Clemson CyberInstitute, I regularly organized workshops, brownbags, conferences, and meetings. And as Executive Director of the College of Charleston Atlantic World and Lowcountry (CLAW) Program, I regularly work with others to organize conferences and meetings.

Reviews:

I have reviewed books for numerous journals and book manuscripts for numerous presses. In addition, I have refereed article manuscripts for numerous journals. I have also reviewed

Burton, page 30

proposals for various granting agencies. I have also reviewed and written outside letters of recommendation for promotion, tenure, and endowed chair decisions for more than a hundred cases at various colleges and universities. Lists of these reviews, presses, journals, universities, and granting agencies are available upon request.

Invited lectures and conference participation available upon request. Recently, selected invited lectures include those at Harvard University, University of Pennsylvania, Black Congressional Caucus on Lincoln (2009), Printers Row Book Fair, Society of Civil War Historians, Society of Historians of Early America, Abraham Lincoln Bicentennial Commission (ALBC), Atlanta Town Hall meeting on Race at Morehouse College and at Jimmy Carter Presidential Library Center, the Crown Forum Martin Luther King, Jr. lecture at Morehouse College, Western Illinois University, Drake University, University of Illinois Law School, Union League Club of Chicago, Association of Archivists and Librarians, CASC, University of Georgia, Lawrence University, Wisconsin Lincoln Bicentennial, University of Wisconsin at Milwaukee, University of Wisconsin at Madison, University of Wisconsin at Eau Claire, University of Kansas, Samford University, Talladega University, ALBC Morrill Act Conference, Arkansas State University, San Francisco State University, Lewis University, Notre Dame, University of Oklahoma, University of Florida, University of Southern Florida, Florida State University, University of South Carolina, South Carolina State University, North Greenville University, Anderson University, Augusta State University, Auburn University, Mercer University, American Historical Association, Organization of American Historians, Southern Historical Association, Agricultural History Society, Wheaton College, University of Illinois, Florida Atlantic University, Lincoln College, Claflin University, Francis Marion University, Policy Studies Association, Southern Studies Association Meeting (regional affiliate of American Studies Association), Association for the Study of African American Life and History (ASALH), Penn Center, Coastal Carolina University, Virginia Polytechnic Institute and State University (Virginia Tech), South Carolina Historical Society, South Carolina Department of Archives and History Civil War Symposium, Supercomputing11 (Seattle), History Miami, William Patterson University, USC Upstate, University of Hawaii, University of North Carolina at Charlotte, University of North Carolina at Chapel Hill, The Lincoln Forum, Abraham Lincoln Presidential Library and Museum, Furman University, Berry College, High Noon series at S.C. Upstate Museum, Erskine College, Mississippi State University, University of Manchester, Cambridge University, Edinburg University, University of London, Oxford University.

Samples of recognition given to me or my work:

The Chronicle of Higher Education, Vol. L: 2 (September 5, 2003), cover page, A37-38. On-line at <http://chronicle.com/prm/weekly/v50/i02/02a03701.htm>

C. Vann Woodward, "District of Devils," *New York Review of Books*, xxxii #15: 30-31

Chicago Tribune, October 13, 2007, cover of the Book Review Section, "Orville Vernon Burton's Heartland Prize-winning *The Age of Lincoln*." Catherine Clinton, "Lincoln and His Complex Times," pp. 4-5; Cover page 1988 on *In My Father's House*

Washington Post, Hannah Natanson, "Lincoln's forgotten legacy as America's first 'green president'" in the *Washington Post* on Feb. 16, 2020

(<https://www.washingtonpost.com/.../lincoln-green-president-e.../>)

USA Today, February 25, 2010, Larry Bleiberg, 10 Civil Rights Sites You Should See before Black History Month Comes to a Close,"

<https://www.usatoday.com/story/travel/destinations/10greatplaces/2020/02/25/black-history-month-10-civil-rights-sites-you-should-check-out/4832666002/>

Burton, page 31

Featured as example of “Faculty Excellence” on UIUC Homepage:

<http://www.uiuc.edu/overview/explore/>

Call out in Sonia Sotomayor, *My Beloved World* (NY: Alfred A. Knopf, 2013), p. 132, and her Commencement Address at the University of South Carolina, 2011 (on C-Span) and “Supreme Court Justice Sonia Sotomayor uses vivid examples from two key figures in her life—her mother and South Carolina native and historian [Vernon Burton](#)”; Wayne Washington, “You Learn Values from Your Family, Supreme Court Justice Tells Grads,” *The Columbia State*, May 9, 2011;

<http://www.thestate.com/2011/05/07/1808978/sotomayor-parents-are-key.html#storylink=misearch#ixzz1NljBBgHA> and

<http://dailygamecock.com/news/item/1422-sonya-sotomayor-delivers-personal-inspiring-message-at-university-of-south-carolina-graduation>; and at Clemson 2017 with Supreme

Court Justice Sonia Sotomayor, <https://www.youtube.com/watch?v=Sn3GbXen58c>;

<https://www.youtube.com/watch?v=zq1LAQmHh0I> (4 April 1992 on history and high performance computing);

The South Carolina Encyclopedia Guide to South Carolina Writers. Edited by Tom Mack (Columbia: University of South Carolina Press, 2014), pp. 33-35 (SC Humanities)

In last few years, numerous international, national and local television, radio interviewed me (especially about the murders at Mother Emanuel in Charleston and the removal of the Confederate battle flag from the statehouse grounds).

A number of interviews about the Voting Rights Act (VRA) or Voter ID, for example, Congressional Briefing on the Voting Rights Act (2015), [Voting Rights Act 1965, Dec 4 2015 | Video | C-SPAN.org](#) and [Historians Expert Witnesses Civil Rights, Jan 7 2017 | C-SPAN.org](#), NPR—for example, June 27, 2013, “On Point” discussing the Supreme Court Ruling on VRA, Sections 4 and 5-- <http://onpoint.wbur.org/2013/06/27/scotus-voting-rights>; and <http://wbur.fm/138DolQ>, and NPR and BBC, see for example recently, Jorge Valenca, Feb. 26, 2020, “The Abroad Primary,” ([For overseas voters, a primary of their own www.pri.org › stories › overseas-voters-primary-their-o...](#)) and commercial, and other media interviews and programs, including several C-SPAN Book TV (for example, “President Lincoln and Secession,” <http://www.c-spanvideo.org/program/293631-3>) and a two-hour Clemson University lecture on Southern Identity at “Lectures in History,” <http://www.c-span.org/History/> – downloaded 492,791 times in first year after it debuted October 25, 2012. Numerous appearances on SC ETV for documentaries.

In Feb., 2019 the Clemson Area Pledge to End Racism (CAPER) began using a training video featuring Vernon Burton speaking on racism (Video on youtube at ([CAPER Burton Video](#))). In May 2021 *The Last Rice River* is a half-hour experience examining the rise and fall of the Rice Kingdom on South Carolina’s Combahee River. “Rediscovered Ancestry: a Family Learns the Story of Their Remarkable Ancestor, Senator Lawrence Cain,” interviewed by Walter Edgar, *South Carolina Public Radio*, Columbia, SC, Apr. 12, 2021.

<https://www.southcarolinapublicradio.org/show/walter-edgars-journal/2021-04-12/rediscovered-ancestry-a-family-learns-the-story-of-their-remarkable-ancestor-senator-lawrence-cain>;

“Confederate Monuments Continue to Come Down in Racial Justice Protests,” interviewed by Jeremy Hobson, *NPR*, Boston, MA: WBUR, June 19, 2020.

<https://www.wbur.org/hereandnow/2020/06/19/confederate-monuments-come-down>

.(more complete list available upon request).

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF GEORGIA GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON,
JOCELYN HEREDIA, and JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK SOMERVILLE,
MARK DAVIS, MARK WILLIAMS, RON
JOHNSON, JAMES COOPER, and JOHN
DOES 1-10,

Defendants.

**Civil Action No.
2:20-cv-00302-SCJ**

DECLARATION OF ESOSA OSA

I, Esosa Osa, make this declaration in support of Plaintiffs' Motion for Summary Judgment.

1. I am over the age of 18 and I make this declaration based upon my personal knowledge and experience.

2. I am the Deputy Executive Director of Fair Fight, Inc. ("Fair Fight"), one of the Plaintiffs in the above-captioned litigation. I am authorized to provide this Declaration for Fair Fight.

3. Fair Fight is a political action committee with a non-contribution account, commonly known as a Hybrid PAC, registered with the Federal Election

the Georgia Government Transparency and Campaign Finance Commission, and various state campaign finance regulators.

4. In addition to its other work, one of Fair Fight's missions is to secure the voting rights of Georgians, a mission that includes voter engagement and voter turn-out, particularly among young people and people of color.

5. Fair Fight's voter engagement activities include efforts to support and elect pro-voting rights progressive leaders. To encourage voter participation, Fair Fight handles programmatic activities including the preparation and sponsorship of digital advertising, mailings, phone banks and calls and text messaging. Fair Fight raises money and provides funding for voter engagement initiatives, including voter mobilization and get out the vote activities.

6. In anticipation of the January 2021 Runoff Election for U.S. Senate, Fair Fight conducted voter participation work including educating voters about the voting process, engaging in get out the vote activities, monitoring long lines at polling locations, and helping voters navigate the absentee ballot process.

7. On the first day of early voting, December 14, 2020, Fair Fight learned from a True the Vote press release that True the Vote and the Georgia Republican Party were partnering to engage in what they termed as "the most comprehensive ballot security initiative in Georgia history."

8. On December 18, Fair Fight learned from a True the Vote press release that True the Vote, and groups and individuals working in concert with True the Vote, intended to mount challenges to the eligibility of hundreds of thousands of Georgians to cast their votes in the runoff election.

9. Upon learning about True the Vote and its cooperators' challenges, Fair Fight was immediately concerned because these challenges were consistent with the tactics of voter intimidation that had for too long persisted in Georgia.

10. As a result of True the Vote's plans, Fair Fight was forced to shift its focus to combatting True the Vote and its cooperators' efforts to intimidate voter and limit ballot access. This change in Fair Fight's activities impeded Fair Fight's planned voter engagement efforts.

11. Specifically, to counteract True the Vote's efforts to intimidate voters, and the efforts of those working in concert with True the Vote, Fair Fight reallocated staff from its voter engagement and mobilization activities described above to instead overseeing an effort to track and monitor the activities of Georgia's 159 county election boards to determine which counties received challenges that True the Vote was supporting. Because many counties did not livestream these challenge hearings, Fair Fight often had to physically send volunteers to these board meetings. At these hearings, Fair Fight volunteers would attempt to learn which voters were being challenged, advocate against the challenge, and report back to Fair Fight the

results of the challenge, so that Fair Fight could contact the challenged voters to assist them. Fair Fight did so through a phonebank, in which Fair Fight attempted to inform challenged voters of their rights.

12. During this time, Fair Fight also expended additional financial resources in promoting the Voter Protection Hotline so that voters could obtain assistance if they were challenged. Fair Fight would not have expended as many financial resources to this effort but for Defendants' actions, and otherwise could have allocated these funds to its get out the vote program.

13. Fair Fight also expended significant financial and staff resources to collect and analyze the challenge lists, some of which they obtained only from attending these Board of Elections challenge hearings.

14. In addition to committing Fair Fight's paid staff to track and respond to True the Vote's actions, Fair Fight redirected the time of Fair Fight volunteers to this effort. At that time, Fair Fight had organized a large group of volunteers to gather information about general voting logistics, including confirming with counties their early voting locations, dates, and hours for the runoff elections. At this time, Fair Fight volunteers were also advocating for extending early voting opportunities. Because of True the Vote's attempt to restrict the right of hundreds of thousands of Georgians to vote in the runoff election, Fair Fight was forced to redirect its volunteers to, instead, contacting voters on True the Vote's challenge lists and

attending Boards of Elections meetings, some in-person, across the state. That re-direction of effort required extensive Fair Fight staff involvement coordinate volunteers and took staff away from their voter engagement activities.

15. Because True the Vote and other Defendants in this action have indicated they will continue to file similar challenges in the future, after the Runoff Election, Fair Fight turned its challenge tracking effort into an operational program called Democracy Watch, in order to respond to unlawful voter challenges if and when they are filed, advocate on the voters' behalf, and educate voters about their rights if they are challenged.

16. Democracy Watch is now operational in 31 Georgia counties. By August 2022, it will be operational in 50 counties.

17. Democracy Watch is monitored and overseen by Fair Fight's Research and Voter Protection Staff, and it requires a substantial number of Fair Fight volunteers to operate. To run Democracy Watch, Fair Fight has had to hire two additional staff members and has fully allocated five staff members to oversee the program. These staff hires command a significant portion of Fair Fight's resources.

18. If Fair Fight's Research Staff did not have to oversee the Democracy Watch program, Fair Fight would allocate their time to educating voters about election administration changes, researching better methods to turn out voters, and counteracting election disinformation efforts.

19. Similarly, if Fair Fight's volunteers were not asked to participate in Democracy Watch, Fair Fight would be able to redirect their time to more traditional voter engagement activities, such voter mobilization and voter education. To date, Fair Fight has limited its voter education efforts to the State of Georgia due to limited volunteer capacity. Absent the drain on its resources caused by Defendants' challenges, Fair Fight would expand its voter education efforts to other states.

20. Fair Fight has also been forced to direct additional funds to promote and educate the public about the Voter Protection Hotline, which voters can call if they find themselves the subject of a voter challenge. This promotion has cost Fair Fight hundreds of thousands of dollars. If Fair Fight did not have to expend these funds on directing voters to resources, should they be challenged, they would have allocated them towards their get out the vote program.

21. Unless and until this litigation is successful, Fair Fight will continue to divert significant staff resources, volunteer time, and money to combatting True the Vote and its cooperators' efforts to intimidate voters and restrict access to the polls.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 5/15/2022

Esosa Osa

Esosa Osa

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON,
JOCELYN HEREDIA, and JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK
SOMERVILLE, MARK DAVIS,
MARK WILLIAMS, RON JOHNSON,
JAMES COOPER, and JOHN DOES 1-
10,

Defendants.

Civil Action No.
2:20-cv-00302-SCJ

NOTICE OF FILING REDACTED JANE DOE DECLARATION

Pursuant to this Court's January 1, 2021 Order permitting Plaintiff Jane Doe to proceed anonymously, *see* ECF No. 29, Plaintiffs' counsel has redacted the personal identifying information within Jane Doe's Declaration in Support of Plaintiffs' Motion for Summary Judgment. Consistent with this Court's prior order, Plaintiffs will separately submit the original declaration to the Court for *in camera* review.

Respectfully submitted, this 16th day of May, 2022.

Allegra J. Lawrence
Georgia Bar No. 439797
Leslie J. Bryan
Georgia Bar No. 091175
Maia Cogen
Georgia Bar No. 832438
LAWRENCE & BUNDY LLC
1180 West Peachtree Street, Suite 1650
Atlanta, GA 30309
Telephone: (404) 400-3350
Fax: (404) 609-2504
allegra.lawrence-
hardy@lawrencebundy.com
leslie.bryan@lawrencebundy.com
maia.cogen@lawrencebundy.com

Dara Lindenbaum
Georgia Bar No. 980780
**SANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK,
P.C.**
1090 Vermont Avenue, NW, Suite 750
Washington, DC 20005
Telephone: (202) 479-1111
Fax: 202-479-1115
lindenbaum@sandlerreiff.com

/s/ Uzoma N. Nkwonta
Marc E. Elias*
Uzoma N. Nkwonta*
Christina A. Ford*
Tina Meng*
Marcos Mocine-McQueen*
Joel J. Ramirez*
Jacob Shelly*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
melias@elias.law
unkwonta@elias.law
cford@elias.law
tmeng@elias.law
mmcqueen@elias.law
jramirez@elias.law
jshelly@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., et al.,

Plaintiffs,

v.

TRUE THE VOTE, INC., et al.,

Defendants,

Case No. 2:20-CV-00302-SCJ

DECLARATION OF [REDACTED]

I, [REDACTED], make this declaration in support of Plaintiffs' Motion for Summary Judgment

1. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a permanent resident of Athens, Georgia and a registered voter in Clarke County, Georgia. I have lived in Georgia for the past twelve years, where I own a home, have a family, and maintain a permanent job. In all respects, Georgia is my home.

3. In 2020, my spouse was offered a short-term career opportunity in [REDACTED], which my spouse accepted. For that reason, in 2020 I traveled back and forth between Georgia and [REDACTED] to see my spouse.

4. Because I did not want to miss any mail while I was away from home, I

decided to forward my mail to my spouse's temporary location. By doing this, I did not intend in any way to give up my residency in Georgia. I still owned a home in Georgia, paid taxes in Georgia, and worked in Georgia.

5. During the 2021 Runoff Election, I was extremely upset when I learned that my eligibility to vote had been challenged by True the Vote, through a man named Gordon Rhoden. I learned that I was a challenged voter when I read a story in the local paper about True the Vote's challenges and saw my name and address had been published online.

6. Participating in elections is extremely important to me. I found the challenge upsetting precisely because it felt like someone was trying to deprive my right to vote, and in a public way.

7. While I was away from Georgia for the general election, I saw the consequences of claims of voter fraud in that election. I watched as our election workers, in particular, were harassed, threatened, and doxxed.

8. Because my county, Clarke County, rejected the challenge to my eligibility shortly after the challenges were filed, the challenge did not prevent me from voting in the Runoff Election. While I had planned to vote absentee in that election, the challenge made me nervous about whether my ballot would actually be counted. For that reason, I made the effort to vote in person in the Runoff Election so that I could physically see and know that my ballot was accepted.

9. Even though I was able to vote in the Runoff Election, the experience of being challenged was stressful. I feared that I could—or my family could—become the next target of harassment from True the Vote and their supporters for having voted, especially because my name and address had been published online and I had been publicly identified as a challenged voter.

10. After the Runoff Election, I continued to travel between Georgia and [REDACTED] for my husband's work. Since [REDACTED], however, we have fully settled back in Georgia, where we continue to own a home, pay taxes, and work.

11. Even today, however, you can find my name online as a challenged voter in Clarke County as result of these challenge on our city's local news website at <https://flagpole.com/news/in-the-loop/2020/12/19/republicans-challenge-thousands-of-athens-voters-residency/> (last accessed May 13, 2022).¹ I fear that I will be challenged again in future elections and that my eligibility to vote will be questioned.

12. I should not have to worry about being targeted or facing retribution for exercising my right to vote.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 5/15/2022

¹ Attached to this declaration is an exhibit including the website where the list of challenged voters can still be found, along with an excerpt of the linked challenged file showing my name.

By: [REDACTED] —

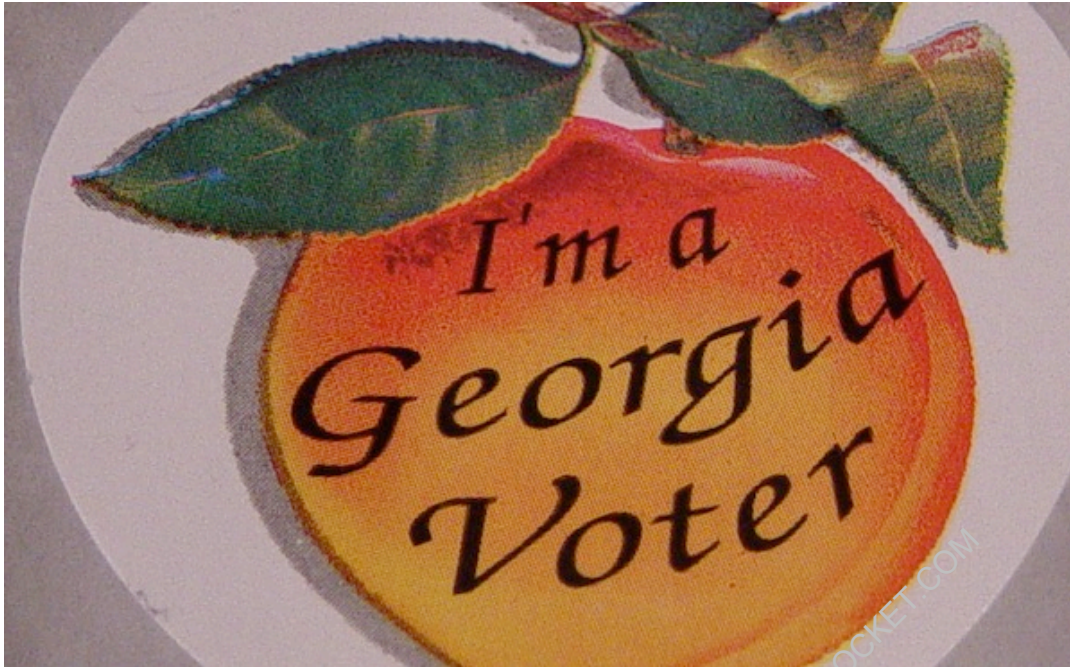
[REDACTED]

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

Republican Challenges Thousands of Athens Voters' Residency



by Blake Aued

December 19, 2020

With two U.S. Senate runoffs fast approaching, the chairman of the Athens Republican Party is seeking to have nearly 3,000 voters removed from the Athens voter rolls on the grounds that they may have moved away.

Gordon Rhoden sent the Athens-Clarke County Board of Elections a list of voters he believes may no longer live in Athens. Rhoden said in a letter to election officials dated Dec. 16 that those names came up when Clarke County voter registration data was compared to the National Change of Address Registry.

The Board of Elections has scheduled a called meeting for Monday at 4:30 p.m. to discuss the challenge.

Similar challenges have been filed all over the state. A Texas-based conservative group called True the Vote is [behind the challenges](#), WJXT in Jacksonville reported, and has said it's working with Georgia residents in all 159 counties to challenge the residency of 364,000 voters. Georgia law allows any registered voter to challenge any other voter's eligibility within the same county.

The Georgia Democratic Party's executive director, Scott Hogan, called the voter challenges "blatant efforts to suppress the vote." An attorney for the American Civil Liberties Union said they violate federal law.

In Cobb County, the GOP chairman challenged the residency of 16,024 voters on the same grounds. It took less than 20 minutes on Friday for the Cobb County Board of Elections to decide the challenges there didn't even warrant a hearing, [according to 11 Alive](#).

Attorneys for Cobb County said a change of mailing address isn't probable cause for disqualifying voters. There are legitimate reasons why someone might have mail forwarded while still retaining legal Georgia residency—for example, temporarily working out of state or caring for a loved one during the pandemic, one attorney said. State law also provides exceptions for military service or attending college out of state.

Rhoden appears to have cut-and-pasted the Cobb County letter. In one instance, his letter refers to Cobb rather than Clarke County. It also references 16,024 voters, which is the number challenged in Cobb County. The file accompanying Rhoden's letter contains 2,948 names.

Want to know if you're on the list? [View a Google Doc with all of the names here.](#)

Like what you just read? Support Flagpole by [making a donation today](#). Every dollar you give helps fund our ongoing mission to provide Athens with quality, independent journalism.

RETRIEVED FROM DEMOCRACYDOCKET.COM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., et al.,

Plaintiffs,

v.

TRUE THE VOTE, INC., et al.,

Defendants,

Case No. 2:20-CV-00302-SCJ

DECLARATION OF STEPHANIE PFEIFFER STINETORF

Pursuant to 28 U.S.C. § 1746, I, Stephanie Pfeiffer Stinetorf, declare as follows:

1. I am over the age of 18 and I make this declaration based upon my personal knowledge and experience.
2. I moved to Columbus, Georgia, in May 2018. I purchased a house and registered to vote at that time in Muscogee County.
3. My husband and I are civilian employees at the United States Department of Defense. We received military orders to move to Germany in August 2020, and are still both serving overseas.
4. I submitted a postal service change of address in August 2020 to ensure I continued to receive mail while I was away from Georgia.

5. I received my absentee ballot for the January 2021 runoff elections on or about November 19, 2020. I promptly marked and returned the ballot.

6. After returning my ballot, I checked the My Voter Page on the Georgia Secretary of State website almost every day to track when my ballot would be received and counted.

7. On December 20, 2020, the My Voter Page reflected the status of my ballot as “Challenged.”

8. I was very confused and concerned by the challenge. I was not provided any information about why I had been challenged or what I would need to do to make sure my ballot was counted.

9. I was also stressed out about whether I would be able to fix the problem at all. I work in an office where I cannot easily make private, personal phone calls, and the six-hour time difference meant that a hearing to resolve my eligibility that might be scheduled during regular business hours in Georgia could be in the middle of the night in Germany. And there was no way I could have returned to Georgia on short notice to resolve this issue in person.

10. After I learned that my ballot had been challenged, I immediately emailed the county registrar to find out what was going on. I also made several calls to the county registrar. For several days I heard no response, and my anxiety grew.

11. Finally, on December 23, 2020, I received a phone call from the county registrar informing me that my ballot had been accepted and the “Challenged” status on the My Voter Page had been changed. I later learned that a court order prevented Muscogee County from discarding my ballot.

12. Even though the challenge to my ballot eventually was resolved, the process of trying to figure out why I had been challenged and how I would have to prove my eligibility to vote in Georgia was difficult and confusing. Had litigation not succeeded in requiring my ballot to be counted, I am not sure how I could have resolved the problem.

13. If additional challenges are made in future elections that are again based on mail-forwarding requests, I worry about the effect that will have on me and my husband, whose experience in the runoff election was similar to mine. I remain concerned about the time and energy it will take to make sure our right to vote is vindicated while we are serving overseas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this ¹²_____ day of May, 2022

Stephanie P Stinetorf

Stephanie Pfeiffer Stinetorf

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., et al.,

Plaintiffs,

v.

TRUE THE VOTE, INC., et al.,

Defendants,

Case No. 2:20-CV-00302-SCJ

DECLARATION OF GAMALIEL WARREN TURNER, SR.

Pursuant to 28 U.S.C. § 1746, I, Gamaliel Warren Turner, Sr., declare as follows:

1. I am over the age of 18 and I make this declaration based upon my personal knowledge and experience.

2. I am 68 years old and a retired veteran. I have lived in Georgia for almost my entire life and am registered to vote in Muscogee County. I registered to vote in Georgia when I turned 18 and have voted in almost every election for the past 50 years.

3. I am employed as a government contractor with the United States Navy. In October 2019, my contract required me to temporarily relocate to Camarillo, California. I submitted a postal service change-of-address notification to avoid missing mail deliveries while away on temporary work assignment.

4. I do not plan to remain in California, and have always intended, and continue to intend, to return to Georgia. For this reason, I have never considered registering to vote in California or otherwise changing my citizenship or residence to California.

5. I own a home in Columbus, Georgia. My nephew is currently house-sitting at the residence while I am away. He does not pay any rent, and the utilities remain in my name. I also continue to pay taxes on my property. I have never changed my drivers' license from Georgia. Both of my cars are registered in Muscogee County.

6. I voted by absentee ballot in the 2020 primary and general elections in Georgia. Because of my temporary assignment in California, I have requested that the registrar mail my ballot to my California address until I return to Georgia.

7. When I had not received my absentee ballot for the January 2021 runoff elections by late December 2020, I became anxious that any additional delay would jeopardize my ability to receive and return my absentee ballot in time for it to be counted. I raised my concern with a clerk at the Muscogee County registrar's office, who informed me that the voter system reflected that I was one of approximately 4,000 voters in Muscogee County who had been challenged for requesting an absentee ballot to be sent out-of-state.

8. Because my eligibility to vote had officially been challenged, I became worried about the legality of my participation in the January runoff elections.

9. I successfully sued the Muscogee County Board of Elections to ensure my ballot would be counted, but the entire experience was scary, confusing, and intimidating. Until the Court ruled in my favor, I did not know how I would be able to prove my residency in Georgia or whether I would be able to get everything straightened out in time.

10. Once I received my ballot in the mail, I had to immediately fill out my ballot and send it back to Georgia so that it arrived at the county registrar's office in time to be counted for the election. To ensure that happened, I had to send the ballot via FedEx and pay the extra charge to expedite delivery. The additional cost I had to incur to ensure my ballot was counted is equivalent to a modern-day poll tax.

11. I am a Black voter and a veteran, and I grew up in an era of segregation when it was common for public officials and certain members of our communities to make it difficult for us to vote. Having to deal with these kinds of obstacles still today is both discouraging and aggravating, and makes it seem like we should just give up.

12. Thinking back to the senseless difficulty of my voting experience in the January runoff elections gives me PTSD and increased anxiety and anguish about the great lengths I have to go through in order to make my voice heard. I wonder if

it is even worth trying to vote again given the trouble that the voter challenge has caused me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this ¹²_____ day of May, 2022

Warren Turner

Gamaliel Warren Turner, Sr.

RETRIEVED FROM DEMOCRACYDOCKET.COM

**United States District Court
Northern District of Georgia
Gainesville Division**

Fair Fight, Inc., John Doe, and Jane Doe,

*Plaintiffs and
Counter-Defendants,*

v.

**True the Vote, Inc., Catherine
Engelbrecht, Derek Somerville, Mark
Davis, Mark Williams, Ron Johnson,
James Cooper, and John Does 1-10,**

*Defendants
and Counter-Plaintiffs,*

Fair Fight Action, Inc.,
Counter-Defendants.

Civ. No. 2:20-cv-00302-SCJ

Hon. Steve C. Jones

Defendant True the Vote, Inc.’s Responses to Plaintiffs’ First Interrogatories

Pursuant to Federal Rule of Civil Procedure 33, Defendant True the Vote, Inc. (“TTV”) responds to Plaintiffs’ First Interrogatories.

General Objections

1. Defendant TTV objects to these requests to the extent that they purport to call for the production of documents/information that: (a) contain privileged

**Def. TTV
Resp. to Interrog.**

attorney-client communications; (b) constitute attorney work product; (c) disclose the mental impressions, conclusions, opinions, or legal theories of any attorneys or other representatives of the Plaintiffs; (d) were prepared in anticipation of litigation; or (e) are otherwise protected from disclosure under applicable privileges, immunities, laws, or rules.

2. Defendant TTV objects to these requests to the extent that they are vague, not limited in scope, unreasonably broad and burdensome, or beyond the scope of either category of permissible discovery under Fed. R. Civ. P. 26(b)(1).

3. Defendant TTV objects to the instructions accompanying the requests to the extent that they purport to impose obligations beyond those imposed by the Federal Rules of Civil Procedure, or any order promulgated by this Court.

4. Defendant TTV objects to discovery requests that are not proportional to the needs of the case and that are not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1).

5. Defendant TTV objects to requests for information the benefit of which is outweighed by its lack of importance in resolving the issues at stake in this case, the amount in controversy, the parties’ relative access to relevant information, the

parties' resources, and whether the burden or expense of the proposed discovery outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(1). Consistent with this rule, Defendant TTV does not produce multiple copies of a communication, e.g., where one email chain has multiple communications, earlier included ones are not produced as separate documents.

6. Subject to and without waiving any of the foregoing General Objections, which are hereby incorporated into each specific response, Defendant TTV (a) makes further objections in response to individual requests and (b) makes the required good-faith attempt to fulfill the duty to provide all responsive information readily available without undue labor and expense.

7. Defendant TTV objects to producing individuals' personal information, including emails and phone numbers, based upon privacy and relevancy.

Definitions

Except as specifically defined below, the terms used in these requests shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning.

1. "Communication" means any transfer of information, whether written, oral,

electronic, or otherwise, and includes transfers of information via email, report, letter, text message, voicemail message, written memorandum, note, summary, and other means. It includes communications entirely internal to True the Vote, as well as communications that include or are with entities and individuals outside of that organization.

2. “Comprehensive Ballot Security Initiative” means your program announced in your December 15, 2020 Press Release, including, but not limited to, the Election Integrity Hotline, plans to monitor absentee ballot drop boxes, and “other nonpartisan election integrity initiatives.”

3. “County” means any county in Georgia, as well as all employees, staff, agents, and representatives of the county, including the county boards of registrar’s offices, county registrars, or any other person with a responsibility for conducting or supervising elections in the county.

4. “Date” means the exact day, month, and year, if ascertainable, or, if not, the best available approximation (including relationship to other events).

5. “December 18, 2020 Press Release” means the press release posted on your Website on that date, attached hereto as Exhibit A.

6. “December 14, 2020 Press Release” means the press release posted on your Website on that date, attached hereto as Exhibit B.
7. “December 15, 2020 Press Release” means the press release posted on your Website on that date, attached hereto as Exhibit E.
8. “Describe” means explain with particularity.
9. “Document” is synonymous in meaning and scope to the term “document” as used under Federal Rule of Civil Procedure 34 and the definitions for “writings and recordings” as set forth in Federal Rule of Evidence 1001, and it includes records, reports, lists, data, statistics, summaries, analyses, communications (as defined above), any computer discs, tapes, printouts, emails, databases, and any handwritten, typewritten, printed, electronically recorded, taped, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original.
10. “Election” means any special or regularly-scheduled general election or run-off election held in the State of Georgia for any publicly elected office.

11. “Georgia Elector Challenges” means the challenges to voter eligibility of registered Georgia voters in advance of the Run-off Election in which you have been and are involved and which are described, among other places, in your December 18, 2020 Press Release.

12. “Georgia Republican Party” means the state and/or county committees of the Republican Party, which works to elect Republican candidates to elected office, and their former, current, and/or future employees, staff, agents, consultants, and representatives. This term specifically encompasses the Georgia Republican Party that you announced a “partnership” with in your December 14, 2020 Press Release.

13. “Identify,” when used in reference to a communication, means to state when and where the communication was made; each of the makers and recipients thereof, in addition to all others present; the medium of communication; and its substance.

14. “Identify,” when used in reference to a government agency, firm, partnership, corporation, proprietorship, association, other entity, or person, means to state its, his, or her full name and present or last-known address.

15. “Identify,” when used in reference to processes or steps taken by you or others with whom you have worked on the matters at issue in this litigation, means to chronologically detail each and every action taken by any and all entities or persons, to identify the actor, and to detail how and when that action was or will be taken and for how long.

16. “Including” means “including but not limited to.”

17. “November 10, 2020 Press Release” means the press release posted on your Website on that date, attached hereto as Exhibit C.

18. “November Election” means the most recent election that was held in Georgia that culminated on Election Day on November 3, 2020, to include the general election and the special election held on that date.

19. “Person” means not only natural persons, but also firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, trust groups, and organizations; federal, state, or local governments or government agencies, offices, bureaus, departments, or entities; other legal, business, or government entities; and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof or any combination

thereof.

20. “Relating to,” “regarding,” and their cognates are to be understood in their broadest sense and shall be construed to include pertaining to, commenting on, memorializing, reflecting, recording, setting forth, describing, evidencing, or constituting.

21. “Run-off Election” means the January 5, 2021 Senate Run-off election held in Georgia.

22. “Targeted Voter” or “Targeted Voters” means the registered Georgia voters who are the subject of the Georgia Elector Challenges.

23. “True the Vote Website” or “Website” means your website maintained at <https://truethevote.org>, a hard copy of the current home page is attached hereto as Exhibit D.

24. “Validate the Vote” Program refers to the initiative announced in your November 10, 2020 Press Release which you claim “[e]stablishes a whistleblower fund in excess of \$1 million to support those who come forward with credible evidence of criminal malfeasance; takes the steps to resolve illegal actions through litigation and ensure the final vote tally is valid to maintain public confidence in

U.S. election system.”

25. “Voter” means any registered voter in Georgia and all persons who may properly register to vote in the state by the close of discovery in this case.

26. “You” and “your” means the organization that goes by the name of True the Vote, Inc., its officers, directors, partners, members, managers, employees, representatives, agents, consultants, or anyone acting on its behalf.

Interrogatories

Interrogatory No. 1: Describe with particularity your “Landmark” Voter Challenge Program, including the individuals or entities involved in the program, their role, and their expertise, if any, relevant to their role; the date when the program was initiated; the purposes and/or goals of the program; and the methodology employed in determining which voters to challenge.

Response:

Overview of Landmark Voter Challenge Program

The Georgia Elector Challenge project was an effort that TTV started in order to support Georgians who were concerned about the accuracy of their elections and wanted to do whatever they could improve the transparency and

Def. TTV

Resp. to Interrog.

accuracy of the upcoming Special Election. To that end, TTV undertook an effort to identify electors who appeared not to meet the qualifications legally required to cast a ballot. This effort began towards the end of November. The goal was to file Section 230 challenges preemptively, before absentee ballots were opened to help ensure only legal, eligible votes were going to be counted in the Run-off Election.

To the best of TTV's knowledge, there has been no organization that has supported a statewide elector challenge at the scale required in Georgia. The size of the challenge was notable only because the voting rolls have not been cleaned in two years. TTV reviewed the rolls for the whole state because we were not targeting based on county, voting profile, or any other demographic.

Individuals and Entities Involved in Landmark Voter Challenge Program

Entities that were involved in the Georgia Elector Challenges include True the Vote, Inc., OpSec Group LLC ("OpSec"), and various print shops throughout Georgia. The individuals who were directly involved include Catherine Engelbrecht, Amy Holsworth, James Cooper, Ron Johnson, Mark Williams, and Gregg Phillips.

Catherine Engelbrecht is the Founder and President of TTV, and her

expertise includes over a decade of election integrity work, including supporting citizen-led voter challenges in a number of states. Amy Holsworth coordinated communications with challengers and communications support for both challengers and county representatives. Mark Williams, James Cooper, and Ron Johnson assisted with recruiting hundreds of voter challengers across the state of Georgia. Mark Williams owns a printing company and coordinated among eight print shops to expedite printing of individual challenges, when necessary. For the purposes of these interrogatories, any reference to Ms. Engelbrecht is a reference to her actions in her official capacity as President of TTV.

Gregg Phillips, managing partner of OpSec, has more than three decades of experience project management, elections and big data. OpSec developed formulas to assess the fit, risk and reliability of data analytics across multiple industries. OpSec uses complex analytical approaches to investigate complex issues, evaluate the risk in decisions, and build measured solutions. OpSec observes, researches and interprets results using applications and data known to law enforcement, program integrity and election professionals. OpSec's approach to analytics is measured and balanced.

Goal of Voter Challenge Program

The goal of the Georgia Elector Challenge was simple: to preserve and promote election integrity in the State of Georgia.

TTV believes and is founded on the principle that every person legally authorized to vote in any particular election should do so if he or she chooses, and no one who is legally authorized to vote should be prevented from doing so. Likewise, people who are not authorized under law to cast a ballot should not be allowed to do so, as illegal ballots not only dilute the effect of legally cast ballots, but also cause people to question the results of the democratic process fundamental to our system of governance.

To that end, TTV supports efforts at the local and state levels across the country to ensure all those casting ballots are legally authorized to do so. TTV does this through a variety of programs, including data analysis, at issue here.

Methodology

TTV's methodology began with acquiring the Georgia voter rolls, obtained from the Secretary of State, current as of December 5, 2020. TTV contracted with OpSec to produce the county-by-county list of voters to be challenged on the basis

of residency only. TTV gave OpSec explicit instructions to exclude records of voters whose identities could not be resolved, whose names appeared as being deceased according to the Social Security Death Index database, and whose addresses appeared to correlate with military installations or college campuses. TTV limited OpSec's review to only those records in which the voter appeared to have provided USPS with a permanent change of address notice ninety days prior to January 5th. OpSec also removed any records that appeared to be duplicated with the dataset properly defined. OpSec then used the NCOA, as well as other commercially available data and tools, as well as identity resolution algorithms to identify and review records of those voters who appeared to have filed permanent change of address notices with USPS. After this process of identification, review, and reconciliation, OpSec provided TTV with digital spreadsheets of the challenged voters to send via email to the respective County Board of Elections on behalf of the Georgia volunteers serving as challengers for various Georgia counties. When necessary, Mark Williams coordinated getting the lists of challenged voters printed in order to submit as hard copies to various Georgia counties.

Interrogatory No. 2: Describe with particularity your “Comprehensive Ballot Security Initiative,” including the individuals or entities involved in the initiative, their role, and their expertise, if any; the date when the program was initiated; the purposes and/or goals of the program; and the methodology of the program.

Response: TTV has worked to support comprehensive ballot security efforts since our founding in 2010. For the state of Georgia specifically, the elector challenge effort started in November 2020 to assist and serve as a resource to Georgia Voters and Volunteers in the Run-off Election. In addition to the Georgia Elector Challenges, TTV launched an Election Integrity Hotline that offered live bilingual support 24 hours a day for Georgians who had questions or concerns, or who have witnessed potential election fraud, potential vote manipulation, or potential illegal actions taking place at polling locations. The Initiative also included various features such as publicly available signature verification training and volunteer recruitment.

The goal was to help to recruit, train, mobilize, and support concerned citizens to be active in election integrity efforts, to be alert to potential problems

that can manifest at polling locations that can impact election integrity, and to respectfully engage with the appropriate authorities when questions or concerns related to election integrity arise. TTV never counsels or trains volunteers to confront or approach individuals who are attempting to vote with any concerns that may arise. TTV always trains and counsels its volunteers to work through the proper authorities with any questions or concerns.

Virtually every absentee ballot drop box had security cameras recording for the entire period of time relevant to the Run-off Election. TTV did not install these security cameras—county or state election authorities installed and maintained them. TTV has reviewed, and is in the process of reviewing, publicly available video footage from these government-installed security cameras. If there is security footage that in TTV's view, gives rise to a concern surrounding election integrity, TTV will alert whatever government body is charged with investigatory authority to the concern. This process was what TTV was referring to when it mentioned "monitoring absentee ballot drop boxes" in its press releases. TTV did not train, encourage, or direct volunteers or any other individual to monitor absentee ballot drop boxes.

Ms. Engelbrecht has longstanding involvement with citizen engagement and ballot security initiatives and was directly involved in the Initiative. Amy Holsworth coordinated the volunteer support and general outreach that was involved. Communications were done by Genevieve Carter and her team.

Interrogatory No. 3: Describe with particularity your Validate the Vote Program, including the individuals or entities involved in the program, their role, and their expertise, if any; the date when the program was initiated; the purposes and/or goals of the program; and the methodology of the program.

Response: Initiated on November 6, 2020, the Validate the Vote program was an initiative to provide that the 2020 election returns reflected the principle of “one vote for one voter.” The initiative aimed to protect the integrity of our nation’s electoral system and ensure public confidence and acceptance of election outcomes critical to American democracy. Ms. Engelbrecht decided that it was time for TTV to step in and provide resources to help ensure voters, election workers, and volunteers who are observing the extended ballot counting process – and seeing firsthand the illegal actions taking place – had the resources they needed to document and report the malfeasance with the confidence that these

issues will be pursued by every available legal channel and that they would be supported legally, if necessary.

TTV created the “Validate the Vote” program for the national presidential election and from that TTV created “Validate the Vote Georgia.” When TTV came to Georgia, we simply took the logo and put the word “Georgia” in the center of the logo. TTV then made all the resources we had available for the national election available in Georgia for the Run-off Election. TTV started an election integrity hotline where anyone who witnessed an alleged incident of fraud could call and report it or submit a report online. From there, TTV volunteers would follow up with the appropriate authorities charged with investigating such claims.

In addition, TTV coordinated the Georgia Elector Challenges and Comprehensive Ballot Security Initiative, described in Response Nos. 1-3.

Interrogatory No. 4: Identify each of the entities and individuals, including the “Georgia voters” referred to in your December 18, 2020 Press Release, with whom you worked on the Elector Challenges. Include their name, their contact information, their role in the challenge efforts (including the county or counties in which they were involved in the challenge efforts), and how you became

connected to them.

Response: The individuals who were referenced in the Press Release include Derek Somerville, Mark Davis, Mark Williams, Ron Johnson, and James Cooper.

On December 15, 2020, Ms. Engelbrecht had dinner with Derek Somerville and Gregg Phillips. During this dinner, everyone introduced themselves to each other and provided one another with information on their background and interest in election integrity efforts.

On December 17, 2020, Ms. Engelbrecht sent a text message to Derek Somerville, informing him that TTV had a meeting with the Georgia Secretary of State's office. Ms. Engelbrecht never had any further conversation with Mr. Somerville about that meeting, nor did that text lead to any coordination between Mr. Somerville or TTV.

On December 19, 2020, Mr. Somerville sent an email to Catherine Engelbrecht which contained talking points for elector challengers that he had constructed on his own accord. Mr. Somerville did not ask Ms. Engelbrecht to share these talking points with TTV's volunteers, but after reviewing the

information, Ms. Engelbrecht did send the information contained in his talking points to TTV's volunteer challengers. Ms. Engelbrecht added some additional detail to the message as well.

On December 20, 2020, Mr. Somerville and Mark Davis participated in a "Citizen Challenge Q&A" Zoom call hosted by Catherine Engelbrecht. In that meeting, Ms. Engelbrecht explained TTV's election integrity activities. Mr. Somerville offered some encouragement to challengers during this Zoom call, but did not contribute to or assist in any actual component of TTV's elector challenges.

The list of Georgia Elector Challengers includes approximately 70 people. Challengers were either already connected with TTV, having gone through our training or participated in one of our past projects, or they were referred to us via word of mouth from other challengers.

TTV contacted each challenger, explained the project and challenge methodology, and secured written authorization to name them as challengers in their county of residence. TTV then submitted the challenges on behalf of the challengers to each of their respective counties, either electronically or in printed

hard copy, or where required, both electronically and in printed hard copy. TTV submitted all of the electronic challenges via the email address: gaelectorchallenge@truethevote.org. TTV used this email address to submit the Georgia Elector Challenges in order to protect the individual challengers' personal emails from the spam and inevitable harassment TTV anticipated would come from the challenges.

TTV objects to Interrogatory No. 4 to the extent it calls for any individual's personal and private information that may be protected by such individual's right to privacy under the U.S. Constitution or the Georgia State Constitution.

TTV's counsel contacted Plaintiffs' counsel to seek agreement that the parties would seek a protective order, which would preclude publication of confidential information and would require the parties to seek a motion for leave to file under seal if any documents containing personal information were to be filed with the Court. In addition, TTV's counsel asked Plaintiffs' counsel if they would agree not to sue any person identified as an individual challenger. While Plaintiffs' counsel was willing to discuss a protective order and filing under seal, as allowed, they were not willing to agree not to sue individual challengers.

Therefore, TTV objects to Interrogatory Number 4 to the extent it seeks information protected by the First Amendment to the United States Constitution, namely the right of association and the right to petition the government for a redress of grievances, both of which are protected from undue disclosure and investigation.

Further, TTV objects to Interrogatory Number 4 to the extent it seeks information that would likely lead to intimidation or harassment of individual challengers in violation of Section 11(b) of the Voting Rights Act. *See* Defendants' Answer to Plaintiffs' Complaint for Declaratory and Injunctive Relief, Affirmative Defenses, and Counterclaims Against Plaintiffs and Defendant Fair Fight Action, Inc., ECF No. 40.

Interrogatory No. 5: Describe in detail the steps you have taken, if any, to guard against the risk that challenged voters whose names are included in the Elector Challenges will suffer from harassment or will be otherwise deterred from voting in Georgia's Elections, including the Run-off Election. If you have taken no such steps, state that you have taken none.

Response: As noted in Response No. 2, TTV never counsels or trains

volunteers to confront or approach individuals who are attempting to vote with any concerns that may arise. TTV always trains and counsels its volunteers to work through the proper authorities with any questions or concerns.

In bringing the Georgia Elector Challenges on behalf of individual voters, TTV followed the steps under Section 230 of the Georgia Election Code. By following the law as written in Section 230, no challenged voters would be subject to any intimidation or harassment by TTV or its volunteers, as neither TTV nor its individual volunteers had any contact with the challenged voters.

Ms. Engelbrecht sent an email to Georgia Elector Challengers stating that the challenger was “*not alleging any voter has acted improperly*, only that probable cause, as established under both Federal and State law, supports my challenge to believe the voter (elector) has changed their residence. Further, I am not asking the Board of Elections to remove the people on my list from the voter rolls, only to confirm with each voter whether or not they have moved. So, by following the law and flagging these voters, it can be further investigated.” (emphasis added). TTV did not accuse, either directly or indirectly, any voter of acting improperly, and it certainly did not seek to prevent those legally authorized

to vote from doing so.

Interrogatory No. 6: Describe in detail the “voter registry research” that, per your December 18, 2020 Press Release, you claim to have done to identify the challenged voters, including but not limited to (1) the identities of any person involved in such research and their experience and/or qualifications for conducting such research and accurately identifying voters; (2) any and all data and/or databases used in this process or for this purpose, including each of the “other supporting commercial databases” referred to in your December 18, 2020 Press Release; (3) the methodology used to identify the challenged voters, including but not limited to what information was used to “match” voters (e.g., first and last names, dates of birth, etc.) and the basis upon which you concluded that the voters’ inclusion in the database made them ineligible to vote under Georgia law; and (4) any evaluation or analysis of the individual characteristics of any challenged voters, including racial, partisan, or geographic makeup or characteristics.

Response: *See* Response No. 1.

Interrogatory No. 7: State whether it is True the Vote’s position that a

Def. TTV

Resp. to Interrog.

Georgia voter who files a change-of-address with the U.S. Postal Service to an address in another state has invalidated their Georgia voter registration, and/or has become ineligible to vote in Georgia.

Response: TTV's position is that if a person of his or her own free will submits documented notice to the USPS of their permanent relocation to an address outside of the state or county, and if precautionary exclusions are considered with respect to voters who have moved due to military service or college attendance, then it is reasonable to consider whether, in fact, the voter truly no longer resides in the state or county and thus is no longer legally authorized to vote in that county. Further, TTV also considers it true that the change of address information provides probable cause for the county board of elections for a valid Section 230 Challenge.

Interrogatory No. 8: Describe your self-proclaimed "partnership" with the Georgia Republican Party "to assist with the Senate runoff election process," as announced in your December 14, 2020 Press Release, including but not limited to the names and contact information of each the entities and individuals with whom True the Vote has been and intends to work with in this partnership, the

approximate date when the partnership began, and the purpose and/or goals of the partnership.

Response: The partnership with the Georgia Republican Party (“GA GOP”) was announced on December 14, 2020, shortly after a meeting with Chairman David Shafer, Executive Director Stewart Bragg, and Florida Elections Day Operations Director Alyssa Gonzalez Specht. The term “partnership” was used only to emphasize the party’s seeming interest in nonpartisan election integrity efforts.

In this meeting, Ms. Engelbrecht presented the tools that TTV could provide in the interest of election integrity. Ms Engelbrecht discussed how TTV would be offering a variety of nonpartisan programs in Georgia, including recruiting volunteers for general service, sponsoring publicly available election worker and signature verification training, a statewide voter hotline, and other election integrity initiatives. These initiatives were all publicly available and provided at no cost. TTV’s communications director, Genevieve Carter, drafted a press release and received verbal approval from the GA GOP for a press release. After this, TTV and the GA GOP had no further communications.

TTV extended this same partnership offer to the Democratic Party, but to no avail as there was no response from Senator Nikema Williams.

Contact Information:

David Shafer: Email: david@gagop.org

Stewart Bragg: Email: stewart@gagop.org

Alyssa Gonzalez Specht: Email: aspecht@donaldtrump.com

Interrogatory No. 9: Identify all individuals or entities that you have reason to believe may have communications or documents relevant to this litigation, that are not within True the Vote's custody or control. If you have reason to believe that a particular entity or individual has documents specifically responsive to any of the requests for production set forth in Plaintiffs First Requests for Production to True the Vote, identify the relevant number or numbers of each request for production when you identify that person or entity.

Response: I believe that Brad Raffensperger, Ryan Germany, Gabe Sterling, Jordan Fuchs, and the Georgia Secretary of State's office as a whole relevant to Interrogatory 6.

I believe that OpSec has information relevant to the creation of the lists of

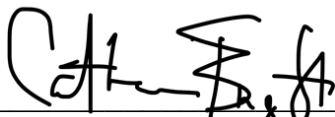
challenged voters.

I believe Stacey Abrams and Mark Elias have communications or documents relevant to Interrogatory 5.

Further, I believe that Senator Nikema Williams has communications or documents relevant to Interrogatory 8.

I, the undersigned, affirm under the penalties for perjury that the foregoing answers to Plaintiff's Interrogatories are true and correct.

Date: 03/15/21


Catherine Engelbrecht, President
True the Vote, Inc.

Dated: March 15, 2021

/s/ Ray Smith, III

Ray Smith, III, GA # 662555

rsmith@smithliss.com

SMITH & LISS, LLC

Five Concourse Parkway

Suite 2600

Atlanta, GA 30328

Telephone: (404) 760-6000

Facsimile: (404) 760-0225

Local Counsel for Defendants

Respectfully Submitted,

James Bopp, Jr.,* IN # 2838-84

jboppjr@aol.com

Jeffrey P. Gallant,* VA # 46876

jgallant@bopplaw.com

Courtney Turner Milbank,* IN#

32178-29

cmilbank@bopplaw.com

/s/ Melena Siebert

Melena Siebert,* IN # 35061-15

msiebert@bopplaw.com

THE BOPP LAW FIRM, PC

1 South 6th Street

Terre Haute, Indiana 47807

Telephone: (812) 232-2434

Facsimile: (812) 235-3685

Lead Counsel for Defendants

**Admitted Pro hac vice*

Def. TTV

Resp. to Interrog.

Certificate of Service

I hereby certify that the foregoing document was served electronically on
March 15, 2021, upon all counsel of record via email.

/s/ Melena S. Siebert

Melena S. Siebert

Indiana Bar No. 35061-15

Counsel for Defendants

**Admitted Pro hac vice*

RETRIEVED FROM DEMOCRACYDOCKET.COM

United States District Court
Northern District of Georgia
Gainesville Division

Fair Fight, Inc., Scott Berson, Jocelyn Heredia, and Jane Doe,

Plaintiffs,

v.

True the Vote, Inc., Catherine Engelbrecht, Derek Somerville, Mark Davis, Mark Williams, Ron Johnson, James Cooper, and John Does 1-10,
Defendants

Civ. No. 2:20-cv-00302-SCJ

Hon: Steve C. Jones

**Defendant True the Vote, Inc.'s Amended Responses to
Plaintiffs' First Requests for Admissions**

Pursuant to Federal Rule of Civil Procedure 36, Defendant True the Vote, Inc. ("TTV") responds to Plaintiffs' First Requests for Admission.

Requests for Admission

Request for Admission No. 1: Admit that registered Georgia Voters do not automatically become ineligible to vote in Georgia simply because they changed their mailing address to an out-of-county or out-of-state address.

Response: Admitted.

Request for Admission No. 2: Admit that an individual's appearance on the U.S. Postal Service's National Change of Address registry is not sufficient by itself to render the individual ineligible to vote in Georgia.

Response: Admitted to the extent that TTV maintains that a person's appearance on the NCOA due to submitting a permanent change of address notice to the USPS can provide probable cause and legal support under Georgia law for a Section 230 Challenge.

Request for Admission No. 3: Admit that prior to submitting the Elector Challenges, you were aware that other voter challenges were submitted to Georgia Counties during the November Election based on data from the U.S. Postal Service's National Change of Address registry, and those challenges were denied.

Response: Denied.

Request for Admission No. 4: Admit that the Voter Challenge Lists were constructed, at least in part, by matching Georgia's voter file with the U.S. Postal Service's National Change of Address registry.

Response: Admitted.

Request for Admission No. 5: Admit that you and your partners did not submit Elector Challenges in all 159 Counties.

Response: Admitted.

Request for Admission No. 6: Admit that you and your partners selected the specific counties in which you submitted Elector Challenges.

Response: Admitted, to the extent that TTV submitted Elector Challenges in the Georgia Counties in which a Georgia Voter agreed to submit that Challenge. The availability of a qualified Challenger was the only criteria TTV used to determine whether an Elector Challenge would be submitted in any particular Georgia County.

Request for Admission No. 7: Admit that you did not take steps to remove from the Challenge Lists the names of individuals who temporarily changed their mailing address while enrolled at a college, university, or other institution of learning.

Response: Denied.

Request for Admission No. 8: Admit that you did not take steps to remove from the Challenge Lists the names of individuals who moved to engage in government service.

Response: Denied.

Request for Admission No. 9: Admit that you did not take steps to remove

from the Challenge Lists the names of individuals who changed their address for temporary purposes only, with the intention of returning.

Response: Denied.

Request for Admission No. 10: Admit that prior to submitting the Elector Challenges from the gaelectorchallenge@truethevote.org email account, you did not provide the Challenge Lists to the Georgia citizens who signed the challenges.

Response: Denied. The Challenge Lists were available for review to any Elector Challenger who requested such. Not all Elector Challenges requested such review. Regardless, all Elector Challenges were informed of the process TTV used to arrive at the Challenge Lists, and acknowledged their acceptance of that process by virtue of their signature.

Request for Admission No. 11: Admit that the Georgia citizens who signed the Elector Challenges issued from the gaelectorchallenge@truethevote.org email account did not review the Challenge Lists before the challenges were submitted to Georgia Counties.

Response: Denied. *See* Response to Request for Admission No. 10.

Request for Admission No. 12: Admit that prior to submitting the Elector Challenges, you were aware that some of the individuals on the Challenge Lists

were in fact residents of the Georgia Counties in which they were registered and were eligible to vote in their respective counties.

Response: Denied. In all cases, TTV started with a data set from the NCOA, which only contained names of people *who had themselves reported a permanent change of address* to the USPS. TTV then performed more sophisticated analysis on that data set, using the methodology described by both TTV and by OpSec Group, LLC. If, after running that analysis, TTV had been made aware, before an Elector Challenge for a county was submitted, of proof that any particular Challenged Voter was in fact eligible to vote in his or her county, TTV would have removed that person from the Challenge List.

Request for Admission No. 13: Admit that your Challenge Lists include Voters who live on military installations.

Response: Denied. In all cases, TTV started with a data set from the NCOA, which only contained names of people *who had themselves reported a permanent change of address* to the USPS. TTV then performed more sophisticated analysis on that data set, using the methodology described by both TTV and by OpSec Group, LLC. If, after running that analysis, TTV had been made aware, before an Elector Challenge for a county was submitted, of proof that

any particular Challenged Voter lived on a military installation, but was otherwise eligible to cast a legal ballot in Georgia, TTV would have removed that person from the Challenge List.

Request for Admission No. 14: Admit that your Challenge Lists include Voters who are enrolled in universities in other states.

Response: Denied. In all cases, TTV started with a data set from the NCOA, which only contained names of people *who had themselves reported a permanent change of address* to the USPS. TTV then performed more sophisticated analysis on that data set, using the methodology described by both TTV and by OpSec Group, LLC. If, after running that analysis, TTV had been made aware, before an Elector Challenge for a county was submitted, of proof that any particular Challenged Voter was in fact enrolled in another state's university, but who was otherwise eligible to cast a legal ballot in Georgia, TTV would have removed that person from the Challenge List.

Request for Admission No. 15 : Admit that your Challenge Lists include Voters who are in fact residents of the Georgia Counties in which they are registered.

Response: Denied. In all cases, TTV started with a data set from the

NCOA, which only contained names of people *who had themselves reported a permanent change of address* to the USPS. TTV then performed more sophisticated analysis on that data set, using the methodology described by both TTV and by OpSec Group, LLC. If, after running that analysis, TTV had been made aware, before an Elector Challenge for a county was submitted, of proof that any particular Challenged Voter was in fact a resident of that county, and otherwise eligible to cast a legal ballot in Georgia, TTV would have removed that person from the Challenge List.

Request for Admission No. 16: Admit that you were aware of the public statements made by Georgia officials regarding violence, intimidation, or harassment directed toward election officials or Georgia citizens relating to the January 5 Run-off Election before submitting Elector Challenges in Georgia.

Response: Denied.

Request for Admission No. 17: Admit that, in December 2020, you reached out to and announced a partnership with the Georgia Republican Party before reaching out to the Democratic Party of Georgia.

Response: Denied. *See* TTV Resp. to Int. No. 8.

Request for Admission No. 18: Admit that you communicated with

Republican Party officials regarding the selection of Counties in which you submitted Elector Challenges.

Response: Denied.

Request for Admission No. 19: Admit that you did not communicate with Democratic Party officials regarding the selection of Counties in which you submitted Elector Challenges.

Response: Admitted, to the extent that TTV never communicated with any party officials, of any political party, regarding the “selection” of Counties in which TTV submitted Elector Challenges. Although some people who helped recruit Challengers or who served as Challengers also happened to serve in various capacities in their respective political party, the Challenges were made in any County in which a Challenger volunteered to serve, without consideration of partisanship. The only “selection” criteria TTV used to decide whether to submit a Challenge List in any particular County was whether a Georgia Voter volunteered to serve as a Challenger in that County.

Request for Admission No. 20: Admit that you have no written communication, plan, or other document explaining the methodology employed in constructing the Challenge Lists.

Response: Denied, to the extent consistent with TTV's Responses to Interrogatories and Requests for Production and OpSec Group, LLC's Responses to Plaintiffs' Subpoena.

Request for Admission No. 21: Admit that you filed a lawsuit on November 11, 2020, on behalf of four Georgia Voters, seeking to exclude the Election results in certain Counties for the purposes of certifying presidential electors.

Response: Denied.

I, the undersigned, affirm under the penalties for perjury that the foregoing answers to Plaintiffs' Requests for Admission are true and correct.

Date: _____

Catherine Engelbrecht,
True the Vote
Founder and President

Dated: October 9, 2021

/s/ Courtney Kramer

Courtney Kramer, GA No. 483608
ckramer@bopplaw.com

Courtney Kramer, Of Counsel
THE BOPP LAW FIRM, PC
821 Atlanta St.
Roswell, GA 30075
Telephone: (770) 715-2646
Facsimile: (812) 235-3685
Local Counsel for Defendants

Respectfully Submitted,

James Bopp, Jr.,* IN # 2838-84
jboppjr@aol.com
Jeffrey P. Gallant,* VA # 46876
jgallant@bopplaw.com
Courtney Turner Milbank,* IN#
32178-29
cmilbank@bopplaw.com
Melena Siebert,* IN # 35061-15
msiebert@bopplaw.com
THE BOPP LAW FIRM, PC
1 South 6th Street
Terre Haute, Indiana 47807
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Lead Counsel for Defendants
**Admitted Pro hac vice*

Certificate of Compliance

The undersigned counsel certifies that the foregoing has been prepared in Times New Roman (14 point) font, as required by the Court in Local Rule 5.1(B).

Respectfully submitted October 9, 2021.

THE BOPP LAW FIRM, PC

/s/ Courtney Kramer

Courtney Kramer, GA No. 483608

ckramer@bopplaw.com

Local Counsel for Defendants

RETRIEVED FROM DEMOCRACYDOCKET.COM



News, December 14, 2020

TRUE THE VOTE PARTNERS WITH GEORGIA GOP TO ENSURE TRANSPARENT, SECURE BALLOT EFFORT FOR SENATE RUNOFF ELECTIONS

SPREAD THE WORD

True the Vote Partners With Georgia GOP to Ensure Transparent, Secure Ballot Effort for Senate Runoff Elections

True the Vote Reached Out to Both Parties to Offer Assistance With Critical Election Training and Resources



ATLANTA, Georgia – True the Vote today announced its partnership with the Georgia Republican Party to assist with the Senate runoff election process, including publicly available signature verification training, a statewide voter hotline, monitoring absentee ballot drop boxes, and other election integrity initiatives. Early in-person voting began today, December 14, for the January 5 runoff, and mail-in voting has already started.

"Georgia is Ground Zero in the fight to begin restoring integrity to America's election process. That's why True the Vote is working around the clock to engage volunteers from all across the state to participate in this important effort with the goal of preventing a repetition of the uncertainties that arose from the November general election," **said True the Vote Founder and President Catherine Engelbrecht**. "We have focused our 'Eyes On Georgia' in these critical final days before the runoff, and we are thrilled to partner with the Georgia Republican Party, Chairman Shafer, and his team to ensure the law is upheld and law-abiding voters have their voices heard. True the Vote is already on the ground and proud to be serving Georgia voters with a laser focus on the effort to ensure a free, fair, and secure election for all Georgia voters irrespective of political party."

"We are grateful for the help of the True the Vote team in the fight for election integrity," **said Georgia Republican Party Chairman David Shafer**. "We are calling on all Georgians who care about the future of our country and the integrity of our elections to sign up as election day volunteers. The resources of True the Vote will help us organize and implement the most comprehensive ballot security initiative in Georgia history."

An offer to extend the same support to the Georgia Democratic Party by partnering in the interest of non-partisan election integrity has not received a reply to date. The letter, addressed to the party and to party chair Senator Nikema Williams, [is available here \[PDF\]](#).

#

True the Vote (TTV) is an IRS-designated 501(c)3 voters' rights organization, founded to inspire and equip volunteers for involvement at every stage of our electoral process. TTV empowers organizations and individuals across the nation to actively protect the rights of legitimate voters, regardless of their political party affiliation. For more information, please visit www.truethethevote.org.



Related Posts

In the news

ABC's George Stephanopoulos And Senator Rand Paul Spar Over Election Integrity

January 30, 2021

On the January 24th episode of ABC's This Week, host George Stephanopoulos spoke with guest Sen. Rand Paul about the results of the 2020 presidential

Read More

RETRIEVED FROM DEMOCRACYDOCKET.COM

[In the news](#)

Another Whipsaw Week

August 15, 2021

It was another whipsaw week, so let's get to it. Starting with what we're doing at True the Vote: If you're a regular reader of our updates, you know we've

[Read More](#)

RETRIEVED FROM DEMOCRACYDOCKET.COM

[In the news](#)

Arizona Live Stream Camera 4

July 16, 2020

[Read More](#)

Sign up to stay informed

NAME*

EMAIL*

STATE

Alabama

SIGN UP

DONATE

RETRIEVED FROM DEMOCRACYDOCKET.COM

[About](#)[News](#)[My State](#)[IV3 Project](#)[Training](#)[Tip Line](#)[Contact](#)[Privacy Policy](#)[Terms and Conditions](#)

Connect With Us



PO Box 3109 #19128

Houston, TX 77253-3109

713-401-6017

Copyright © 2022 True the Vote. All Rights Reserved.

RETRIEVED FROM DEMOCRACYDOCKET.COM

TRUE THE VOTE



News, December 18, 2020

TRUE THE VOTE PARTNERS WITH GEORGIANS IN EVERY COUNTY TO PREEMPTIVELY CHALLENGE 364,541 POTENTIALLY INELIGIBLE VOTERS

RETRIEVED FROM DEMOCRACYDOCKET.COM

SPREAD THE WORD

True the Vote Partners with Georgians in Every County to Preemptively Challenge 364,541 Potentially Ineligible Voters

Citizen-led Effort Seeks to Confirm All Votes Cast in U.S. Senate Runoff Elections are Legal, While Ensuring Any Voter Challenged Has Full Opportunity to Prove Their Voting Eligibility

ATLANTA, Georgia – True the Vote announced today it is submitting 364,541 Elector Challenges on behalf of Georgia voters representing all 159 counties. An Elector Challenge is a unique feature in Georgia law (GA. CODE ANN. § 21-2-230). It allows a voter to challenge the eligibility of any other voters in his or her county if probable cause exists to show that the challenged voter does not meet the qualifications legally required to cast a ballot. It represents one of the few vehicles that states have to update voter rolls ahead of an election without compromising any legitimate voters' right to have their vote counted.

"Ongoing debates about the November election throughout the country have Americans focused intently on improving the integrity of our elections and restoring the faith of voters. Today we assisted concerned Georgia voters in taking a stand for the sanctity of every legal vote," **said Catherine Engelbrecht, the founder and president of True the Vote.** "It is our hope that this historic challenge marks the beginning of the great awakening of American voters to serve our democracy by getting involved in the process."

"We are proud to be working alongside patriots from across the Peach State; Derek Somerville of Forsyth county and Mark Davis of Gwinnett county who have been leading citizen efforts to highlight issues in Georgia's voter rolls, Mark Williams of Gwinnett County who coordinated among eight print shops to get written challenges printed and delivered within 48 hours, and Ron Johnson of Jackson County and James Cooper of Walton County, who led the charge in recruiting hundreds of volunteer challengers across the state," **Engelbrecht continued.** "Everyone pitched in. This is the power of citizen engagement and the core of what True the Vote exists to do in our pursuit of free, fair and secure elections."

Today's landmark coordinated challenge is the result of True the Vote's voter registry research, which identified 124,114 registered voters who no longer reside in the county of record and 240,427 voters who no longer reside in the state of Georgia, according to filings with the United States Postal Service National Change of Address (NCOA) and other supporting commercial databases. True the Vote's research was performed uniformly across all counties, without regard to any demographic or voting history.

"Filing the challenges preemptively, before absentee ballots are opened, will help ensure only legal, eligible votes are counted in Georgia's January 5 runoff elections," **Engelbrecht concluded.**

According to Georgia law, an Elector Challenge must be filed before a vote is cast. Once a vote has been cast, or in the case of absentee ballots, once the ballot has been

removed from its signed envelope, there is no way to identify which ballot belongs to the ineligible party.

In fact, the best way to ensure only eligible voters are voting in the upcoming runoff elections is through Elector Challenges. States must comply with National Voter Registration Act standards in cleaning their voter rolls. Under Section 8 of the National Voter Registration Act, states are required to conduct a general voter registration list maintenance program that makes a reasonable effort to remove ineligible voters. The NVRA's standards limit removal of names only to very narrow conditions, with ineligible names remaining on the list over an extended period of time.

An Elector Challenge does not remove voter names from the registry. Voters who have been challenged will have the opportunity, via GA. CODE ANN. § 21-2-230 to prove eligibility and still have their vote counted in the upcoming runoff election.

"I've said since Election Day that I must follow the law in the execution of our elections, and I've also encouraged Georgians to report any suspected problems for my office to investigate," **said Georgia Secretary of State Brad Raffensperger**. "Though federal law restricts our ability to update our voter registration lists, the Elector Challenge is a vehicle under our law to ensure voter integrity. I support any effort that builds faith in our election system that follows the proper legal procedure."

#

True the Vote (TTV) is an IRS-designated 501(c)3 voters' rights organization, founded to inspire and equip volunteers for involvement at every stage of our electoral process. TTV empowers organizations and individuals across the nation to actively protect the rights of legitimate voters, regardless of their political party affiliation. For more information, please visit www.truethethevote.org.

 **True the Vote**

Related Posts

[In the news](#)

ABC's George Stephanopoulos And Senator Rand Paul Spar Over Election Integrity

January 30, 2021

On the January 24th episode of ABC's This Week, host George Stephanopoulos spoke with guest Sen. Rand Paul about the results of the 2020 presidential

[Read More](#)

RETRIEVED FROM DEMOCRACYDOCKET.COM

in the news

Another Whipsaw Week

August 15, 2021

Read More

in the news

Arizona Live Stream Camera 4

July 16, 2020

Read More

RETRIEVED FROM DEMOCRACYDOCKET.COM

Sign up to stay informed

NAME*

EMAIL*

STATE

Alabama

SIGN UP

DONATE

[About](#)[News](#)[My State](#)[IV3 Project](#)[Training](#)[Tip Line](#)[Contact](#)[Privacy Policy](#)[Terms and Conditions](#)

Connect With Us



PO Box 3109 #19128

Houston, TX 77253-3109

713-401-6017

Copyright © 2022 True the Vote. All Rights Reserved.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

**Engelbrecht
Exhibit 73
(1-26-22)**

WWW.DIGITALEVIDENCEGROUP.COM



Crusade for Freedom

@Crusade4Freedom



We just prospectively challenged the eligibility of 360,000 voters in GA.

Largest single election challenge in Georgia and American history.

[#eyesonGA](#)

[#validatethevoteGA](#)



Crusade for Freedom

@Crusade4Freedom



If the Georgia counties refuse to handle the challenges of 366,000 ineligible voters in accordance with the law, I plan to release the entire list so America can do the QC.

[#validatethevoteGA](#) [#eyesonGA](#)

12:46 PM · Dec 20, 2020 · Twitter for iPhone

Seals in the Polls

Audio Transcription

RETRIEVED FROM DEMOCRACYDOCKET.COM



DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

1 (Recording begins)

2 CATHERINE ENGELBRECHT: Researching,
3 reporting, and mobilizing. We have an app that's
4 called "Ground" that is useful for organizing, and so
5 we're focusing efforts there. Recruiting and training
6 election integrity teams and individuals.

7 Of interest here, we have a new initiative
8 called "Continue to Serve," which is about recruiting
9 veterans and first responders to work inside the polls.
10 You want to talk about people who understand and
11 respect law and order and chain of command, you get
12 some Seals in those polls. And they're going to say,
13 "No, no, this is what it says and this is what -- this
14 is how we're going to play this show."

15 And that's what we need. We need people who
16 were unafraid to call it like they see it all the way
17 down the line. And that line is long because it's not
18 just election day, it's early election, it's mail-in
19 ballot, it's central count. There are so many places
20 that citizens can be involved.

21 (Recording ends)

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CERTIFICATION

I, Ilene Watson, do hereby certify that
the foregoing is a correct transcript from the
electronic sound recording provided for transcription
and prepared to the best of my professional skills and
ability.

A handwritten signature in cursive script that reads "Ilene Watson". The signature is written in dark ink and is positioned above a horizontal line.

August 13, 2021

Ilene Watson

AAERT Cert. No. 447

Certified Court Transcriptionist



20+



Mark Davis

November 30, 2020 · 🌐

This is the former FBI agent who has been pouring over the voter data I sent him. His posts about the individual voters in the file are fascinating.

BTW - we have dubbed all this "Operation Boswell" in honor of the old man in Banks County who is literally voter registration number 2, which is the lowest in the file.



Derek Somerville is with Mark Davis and 13 others.

November 29, 2020 · 🌐

For those following, I've been grinding through official voter records since my last post.

There's a mountain of data to process, tens of thousands of individuals to investigate, and it's one step at a time. But let me share another one of the many questionable voters. We'll call this fella 'Dave'.

Dave used to live in Fulton County, Georgia, but effective March 1, 2020 Dave requested that the US Postal Service begin forwarding his mail to Brooklyn, New York. It makes sense that Dave would forward his mail to New York, since he moved into a new apartment there that same month after starting a new job as a Territory Manager for a New York metropolitan area company (thank you, internet).

On August 31, six months after requesting moving to Brooklyn, New York, Dave requested a Georgia absentee ballot. He asked the state of Georgia to mail his ballot to, you guessed it, Brooklyn, New York. And, you guessed it, on September 18th, we did.

Dave returned his Georgia absentee ballot, via the US Mail, on October 17th, 2020. And with that, Dave from Brooklyn voted in our election.



13

2 Comments 7 Shares

Like

Share



Randy Culp
Give 'em Hell!!

Like · 1y



Doug Deal
Can we start turning people in for election fraud? I have a list of a few people who should be made sorry they voted in two states.

Like · 1y



5

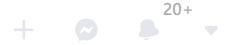


5

Daryl Fleming
Mark Davis
Sherrie Cribbs Jeffers
Mark Kenneth Swanson
Mike Seigle

**Davis Exhibit 9
(1-19-22)**

WWW.DIGITALEVIDENCEGROUP.COM



RETRIEVED FROM DEMOCRACYDOCKET.COM





20+



Mark Davis

December 4, 2020 · 🌐

Folks, this is what Operation Boswell is all about! 👍



Derek Somerville is with Mark Davis.

December 4, 2020 · 🌐

Providing false information on a voter registration application is a FELONY.

This is UPS Store #2215, located at 2870 Peachtree RD NW in Atlanta. 160 Georgians REGISTERED TO VOTE with this UPS store listed as their residential address. Mark and I have discovered over 1,300 other Georgians who did the same thing at other similar stores.

The rules are clear: "A house number and street name must be provided. Business addresses, P.O. boxes, and rural routes are not accepted as residence addresses for voter registration purposes." (p1, Georgia Secretary of State, Voter Registration Rules & Procedures, v1 2012)

Making matters worse, some of these mailbox-residents had their ABSENTEE BALLOTS MAILED OUT OF STATE to places like Texas, Massachusetts, New Jersey, Ohio, and New Mexico. Think about that for a sec.

And here's a neat trick: several listed their mailbox as 'APT#' or 'UNIT#', like 'Jane' who registered to vote with UPS Store #2557 and indicated she lives in 'APT 202'. Of course, "APT 202" is an 8x8 inch box. BTW - Jane had her absentee ballot mailed to a residential address in another county.

We need to identify the abusers, start throwing people in jail, and close the loopholes. Trust me: this is not rocket-science.



32

36 Comments 16 Shares

Like

Share



**Davis Exhibit
10 (1-19-22)**

WWW.DIGITALEVIDENCEGROUP.COM



20+



Mark Davis
 Peter Korman Marci Baer McCarthy Kathleen Kennedy
 Mark Rountree John Cassard Dan Gasaway David
 Shafer Uhland Drane Roberts Brandon Beach Benita
 Cotton-Orr Blake Halberg Jake Evans Noel Fritsch
 Sherena Arrington William Ligon Riley Lowry Bill Simon
 Doug Deal Martin Dekom June Chocallo Julie Bee
 Gordon Barnes III Hank Sullivan Hank Burnham John
 Rhodes Alston Trotter Catherine Bernard Catherine
 Guynn Busse BJ Van Gundy Josh McKoon Larry Savage
 Ken Fiscarelli Brett W. Ladd Corinth Cori Bandy
 Davenport Kent Byers Betsy Ross Patti Peach Chris Carr

Like · 1y · Edited



Peter Korman
 Mark Davis

Thank you, Mark. I got another referral to Derek this afternoon. I will find him and send a friend request.

Like · 1y



Mark Davis



Like · 1y



Peter Korman
 and excellent work, Derek and Mark!

Like · 1y



Julie Bee
 I was just now reading this post when your tag popped up. This makes me so angry

Like · 1y



Brett W. Ladd
 If the local board of elections doesn't care, the ballots go out. This is de facto complicity with intentional fraud. I pray that we can find 15,000 such absentee situations with unlawful ballots being sent out, and get a do-over. And, FWIW, the UPS Stores recommend 'Unit #' so it doesn't appear to be a box nor an apartment....

Like · 1y · Edited



Ken Fiscarelli
 Brett W. Ladd you sound like this is not your first rodeo

Like · 1y



Mark Davis
 For those wondering where the name "Operation Boswell" came from, it is named in honor of an old man up in Banks county who holds the lowest voter registration number in the entire state.

He is literally #2.

This is about making sure Mr. Boswell's vote not only counts, but is also not cancelled out by FRAUD.

Like · 1y · Edited





20+

**Doug Deal**

I used to use a mail store as an address when I was in college, but never as a residence for voting.

It is ridiculous that this isn't checked. Online retailers know what's a real residential address and what's a fake one or commercial.

Like · 1y

**Mark Davis**

Doug Deal yes, it's right there in the CASS software.

Like · 1y

**Doug Deal**

How do you prove you are alive in the first place? Especially in places that don't require id?

Couldn't I just make up a list of names and pretend they are people?

Like · 1y · Edited

**Doug Deal**

I am glad you were there doing a closer look. I only did enough to prove the problem existed but since I stopped keeping up my voter database, it was tedious and relied on too many manual steps.

Thanks for your efforts.

Like · 1y

**Martin Dekom**

This sounds..."systemic"

Like · 1y

**Mark Davis**

Like · 1y

**Mark Davis**

We will be hearing a LOT more about "Systemic Irregularities" -tomorrow.

Like · 1y

**Martin Dekom**

Mark Davis I hate to say this, but this is the exact kind of analysis the SoS should have been doing all along.

Like · 1y

**Kent Byers**

I think a search warrant is in order here and all other UPS Stores statewide....unfortunately a logistical nightmare, but necessary.

Like · 1y

**Mark Davis**

Kent Byers great idea!



Like · 1y

**Kent Byers**

Mark Davis ...then, would it be a SoS investigator job? Or a Sheriff job?



20+



Catherine Gynn Busse
Kent Byers shouldn't UPS or USPS be able to provide a list?

Like · 1y



Kent Byers
Catherine Gynn Busse ...it's a UPS Store in question in the article

Like · 1y



Roberta Cromlish
Let's see if any one has the balls to prosecute to the max or if they will just get a hand slap!

Like · 1y



Kathleen Kennedy
Go get, Boys!!!!

Like · 1y



Eric Cumbee
2016 in bulloch our election super said she had people register with lewis hall's address (an admin building at gsu) she called them up and read them georgia election law and asked them if they would like for her to continue processing their applications. They all declined

Like · 1y



Larry Savage
The video recording of Thursday's hearing can be seen here: <http://www.senate.ga.gov/spo/en-US/VideoBroadcasts.aspx>

SENATE.GA.GOV
VideoBroadcasts

Like · 1y



Jeff E. Quidam
Do we have ANYONE in Georgia's Republican leadership that has even an ounce of courage? Anyone? Seriously, anyone??

Like · 1y · Edited



Doug Deal
Jeff E. Quidam that's a rhetorical question?

Like · 1y



Ken Pullin · Follow
Thanks for your work on this!

Like · 1y



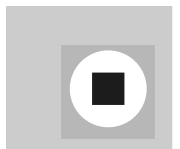
John Cassard
Unbelievable, but not really. Thanks for tagging me Mark Davis. Definitely sharing this with instructions to do the same. Let's call it Operation Wildfire.

Like · 1y



Mark Davis
John Cassard Operation Boswell, in honor of the old man who holds voter registration #2. We're fighting for him, and his rights. We won't let his vote be cancelled by fraud.

Like · 1y · Edited







20+




Mark Davis
I have literally been praying for the man for 30 years. Don't even know him.


Like · 1y · Edited  1

 John Cassard
Mark Davis , how old is he now? 🤔


Like · 1y

 Mark Davis
I have to look. I want to say he was born in the 1930's?


Like · 1y


 June Chocallo
This is horrible! Unbelievable that MSM isn't covering this as they should.

Like · 1y

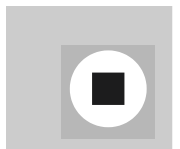
 Matthew Gambill
Agreed! This will be addressed

Like · 1y

 William Reems
I've contested a voter who knowingly and willfully voted illegally. The punishment? Removed them from the voting rolls of the county and sent them a change of registration form to their new county.

Like · 1y  1

RETRIEVED FROM DEMOCRACYDOCKET.COM





20+



Derek Somerville is with Mark Davis.

December 5, 2020 · 🌐

Apologies for the slow 'drip' of findings, but this is a massive undertaking and we want to share fact-based examples of real incidents where our voting process has been compromised. No theories, just facts.

Meet another 'Dave'.

Dave has been registered to vote in Georgia since October of 2008. Dave voted in our November 2020 General election via absentee ballot. He also voted in our 2018 general election via absentee ballot. Dave likes to vote in Georgia and is registered to do so.

But like the tens of thousands we've already shared about, we noticed that two months before the election Dave told the US Post Office to begin forwarding his mail to a North Carolina address. So we turned our attention to the North Carolina State Board of Elections.

Per the NCSBOE, Dave is also registered to vote in North Carolina and has been since 10/5/2012. Dave also voted in North Carolina in the 2020 Presidential elections, and 9 more general and primary elections going back to 2012.

Recap: Dave has been registered to vote in two states since October 2008. Dave voted in in BOTH states for BOTH the 2020 and 2018 general elections, both by mail-in ballot.

Make no mistake, Dave knows what he's doing.

This is why we dig.

VOTER DETAILS

County: WAKE
Status: ACTIVE
Voter Reg Num: 000100300186
NCID: EH960309
Party: DEM
Race: WHITE
Ethnicity: UNDESIGNATED
Gender: MALE
Registration Date: 10/05/2012
NCDMV Customer: No

VOTER HISTORY (10)

YOUR ABSENTEE BALLOT

GEORGIA VOTER DETAIL

Voter: N
GA Voter Reg#: 793
Address on File: GA 30
COUNTY: GA 30
LAST VOTED: 20201103
Absentee Requested: 10/9/2020
Absentee Issued: 10/9/2020
VOTED: 10/22/2020 ABSENTEE BY MAIL
Ballot ID: 00087
Post #: 772

NORTH CAROLINA VOTER DETAIL

NAME: N
ADDRESS: NC 2
County: WAKE
Status: ACTIVE
Voter Reg Num: 000100300
NCID: EH960
VOTED: 11/03/2020 GENERAL ABSENTEE ONESTOP
VOTED: 03/03/2020 PRIMARY IN-PERSON
VOTED: 11/05/2019 MUNICIPAL IN-PERSON
VOTED: 11/06/2018 GENERAL ABSENTEE ONESTOP
VOTED: 11/07/2017 MUNICIPAL IN-PERSON

296

218 Comments 308 Shares

Like

Comment

Share



Linda Menk

Derek - a citizen just sent photos of 2 men ballot harvesting at a gas station here in Newnan - paying cash - need to get his info, statement and photos in good hands. I've spoken to my county GOP chair. Will this info help you?

Like · Reply · 1y



Hide 18 Replies



Derek Somerville

Linda Menk Yes! I'll PM my email. Phone's been ringing off the hook today, so difficult to speak, but email is reliable.

Like · Reply · 1y

Linda Menk
Derek Somerville OK

Like · Reply · 1y



Philip J Singleton

Linda Menk please send to me as well

Like · Reply · 1y



**Davis Exhibit
11 (1-19-22)**

WWW.DIGITALEVIDENCEGROUP.COM



20+

Linda Menk

Philip J Singleton yes Sir - and he's willing to give testimony- I just spoke with him

Like · Reply · 1y



Dwight F Roberts Jr.

Linda Menk so what is ballot harvesting? Grabbing peoples ballot requests? I just don't know what it is. Thank you.

Like · Reply · 1y



Linda Menk

Dwight F Roberts basically a person solicits someone to sign their name to a blank ballot (typically they will offer cash - and in some cases alcohol and / or drugs - or something of value.....basically they are buying, i.e. "harvesting" an unmarked ballot. That unmarked ballot is then filled out and either mailed in OR placed in a ballot drop box. The person who signed it has no idea who the vote was cast for and they don't care

Like · Reply · 1y



Dwight F Roberts Jr.

Linda Menk so they would sign the envelope and ballot. Where would they get these ballots? From someone's mail?

Like · Reply · 1y



Margaret Williamson

Linda Menk good job Linda!

Like · Reply · 1y



Linda Menk

Dwight F Roberts the legal ballots I believe have a watermark buried and the illegal ballots are either multiple duplicates of the same legal ballot showing the same hidden watermark - that's why we're wanting a forensic audit and signature verifications - just because someone signs a blank ballot does not mean they are legally registered to vote or even reside in GA or the USA

Like · Reply · 1y



Dwight F Roberts Jr.

Linda Menk okay thank you. So they are copying these ballots. Goes in line with the testimony I heard yesterday from Suzie Voyles. Appreciate your help.

Like · Reply · 1y



Linda Menk

Dwight F Roberts yes - the watermark I mentioned is unique to every legal ballot and cannot be detected by human eyes. I hope this helps - BTW I've known Suzi for about 12 years and her integrity is above reproach - she and Margaret Williamson are 2 of my Lady heroes

Like · Reply · 1y



Margaret Williamson

Linda Menk I can also attest for **Suzi Voyles** - you can take her testimony to the bank!

Like · Reply · 1y



Margaret Williamson

We also know of an instance of an individual who voted in California in person and then came to GA and voted in person here. He bragged about it to relatives. We can get you that name too if you like.

Like · Reply · 1y



Dwight F Roberts Jr.

Margaret Williamson you may want Derek to look into this.

Like · Reply · 1y





Linda Menk

Margaret Williamson please do - OM me. I'll share with Derek and Philip Singleton, House Rep. and Brant

Facebook


Home Store Friends 1 Groups 20+



Derek Somerville
Margaret Williamson Inquiring minds want to know!
Like · Reply · 1y  2



Margaret Williamson
Linda Menk sent to Derek.
Like · Reply · 1y  1

Linda Menk
Margaret Williamson yes good
Like · Reply · 1y

Write a reply...


Dennis Saint Aubin

Like · Reply · 1y


Derek Somerville
Dennis - You better not be voting in our elections from Boston!!

Like · Reply · 1y  2

Dennis Saint Aubin
Derek Somerville heck no sir, trust me it's hard enough voting in MA as a Republican! There's only like 20 of us here
Like · Reply · 1y   5


View 1 more reply

Deborah Abbey Mege
My husband died in July, 2018. I have received three pieces of mail in his name in the last week asking him to get absentee ballots. I am not home right now, but I will let you know who sent each when I check them tonight.
Like · Reply · 1y



Derek Somerville
Deborah - Terribly sorry about the loss of your husband. Also sorry there are organizations in our state who have no respect for us citizens. I've spoken with investigators about other similar incidents and it appears groups are improperly using aged voter lists to blanket communicate with our citizens. I believe this practice is not legally permitted and know there are good people at the SOS's office pursuing these organizations. If you'd like to share the images or details confidentially via private messenger, I'll be happy to pass them along to proper officials.
Like · Reply · 1y  1

Deborah Abbey Mege
Derek Somerville Sounds like a plan. I will message you tonight or tomorrow. Thank you
Like · Reply · 1y  1

Derek Somerville
PS - this is just one guy. One abuser. But we find them everywhere we look, and because of that we're going to keep looking. I believe there are some extremely committed investigators with the SOS's office who are as committed as they come, but the sheer volume of these abuses coupled with weak laws and weaker enforcement often ties their hands. Citizens can help them though. Perhaps we should start outing these abusers by name???

Like · Reply · 1y  14

Hide 12 Replies

Angie Spooner
Derek Somerville my question is, what happens to Dave? Will he be prosecuted? Because this is so disheartening to honest citizens!
Like · Reply · 1y   5



20+

Kristel Poynton Kretchmer

Derek Somerville YES ! Out the abusers by name

Like · Reply · 1y



Brandon Bramlett

Derek Somerville I think creating accountability (releasing names) would be a great start and perhaps could be useful for Jan 5 ?!

Like · Reply · 1y



Mark Davis

Brandon Bramlett I am contemplating the idea of filing a challenge to these voters. If nothing else, once they've been flagged in the system, it should result in increased scrutiny, and also bolster any legal challenge to the election filed after the runoff.

Like · Reply · 1y · Edited



Derek Somerville

Brandon Bramlett As Mark states, I would anticipate formal challenges being filed in all counties for those voters who appear ineligible. If that happens as planned, all documentation will be public.

Like · Reply · 1y



Brandon Bramlett

Mark - I think that would be a great idea and should cover y'all legally!

Like · Reply · 1y



Brandon Bramlett

Derek Somerville - Outstanding!! You please continue gentleman!

Like · Reply · 1y



Beth Tipton

Derek Somerville if no one would prosecute Hillary, why would the left fear prosecution for lesser crimes. Some way, some how cheating needs to be made painful for those that engage.

Wonder how Ruby's daughter will feel if her mother is convicted of a crime that she brought Ruby into? Never mind, I know already know the answer.

Like · Reply · 1y



Beth Tipton

Angie Spooner Atlanta Dem prosecutors will look the other way. Similar to the way law enforcement was ordered to look the other way by liberal politicians when their comrades were destroying businesses & assaulting innocent citizens.

Like · Reply · 1y



Angie Spooner

Beth Tipton well it's not ok! And we need to stand up and demand justice!!!

Like · Reply · 1y



Beth Tipton

Angie Spooner amen!

Like · Reply · 1y



Derek Somerville

Beth Tipton I was literally saying the same thing about Hillary the other day. We have a real problem with enforcement these days, which is eroding the law and the good order it promotes.

Like · Reply · 1y



Write a reply...



Tim Miles

Wow can I share this brother ?



-  Joe Romanowski
And why is the Secretary of State not investigating? We should start outing these people.
Like · Reply · 1y  1
-  Derek Somerville
Joe Romanowski I think their investigators are eyeballs deep in cases, and have no reason to believe they're not doing everything they can. What concerns me most is the leadership. Or lack thereof.
Like · Reply · 1y  2
-  Tracy Shoemake
Look at prime time Patriots/USB hand off
Like · Reply · 1y
-  Tracy Shoemake
Same blond in braids, Shay Freeman Moss and mother Ruby Freeman stealing USB at State farm Arena.
Like · Reply · 1y  1
-  Bill-Carolyn Hall
Tracy Shoemaker, why aren't these 2 women arrested and never being allowed to work with the voting system, period.
Like · Reply · 1y  1
-  Tracy Shoemake
I wish I knew why, got an idea that everybody in Fulton county are socialist
Like · Reply · 1y
-  Lee Scoggins
Derek Somerville, thank you for the effort on this. It goes without saying you are a genuine patriot...and we need more of those these days.
Like · Reply · 1y  5
-  Derek Somerville
Lee - thanks brother. I appreciate the kind words.
Like · Reply · 1y  1
-  Patrick Owens
Lee Scoggins I wholeheartedly agree!
Like · Reply · 1y
-  Stacy Hall
By name? Nah, I'd rather play FB Live "Guess Who with Derek and Mark" during perp walks.
Like · Reply · 1y  3
-  Denise Burns
Stacy Hall Pay Per View! This is a rally fundraiser I can get behind!
Like · Reply · 1y
-  Doug Deal
There is no evidence Dave is fraudulently voting in two states. Oh wait...
Dave's one vote isn't widespread.
Like · Reply · 1y  3
-  Andy Coleman
Keep it coming.  1
Like · Reply · 1y
-  Derek Somerville
Andy Coleman Just one example, but an example of how this happens. Found several today looking manually; need to do this in an automated fashion.
Like · Reply · 1y  3



20+

Andy Coleman

Derek Somerville, seriously, i might be able to help and/or have some folks.

Like · Reply · 1y



Patrick Bell

So what can be done? It seems the volume means the fraudulent voters get away with this year after year. Does anyone in a position to prosecute even care?

Like · Reply · 1y



Jill Olson

Patrick Bell Database of voters cross-checked each year or election cycle with USPS chang of address. The search would take 2 seconds. Our system is LAZY or broken and needs new leadership.

Like · Reply · 1y



Write a reply...



Ginger Renae Ashworth
May I share?

Like · Reply · 1y



Sandy McCloud

Dave needs to go to jail.

Like · Reply · 1y



Nicole Arrington

These are two screen shots with the same first initial and last initial — means nothing.

We have to out these ppl

Like · Reply · 1y



Kris Crichton

1

Like · Reply · 1y



Chuck Martin

Just curious why hide "Dave's" identity? Voting records are public including addresses. Additionally, has this been turned over for criminal prosecution? Thanks

Like · Reply · 1y



Ken Pullin · Follow

Chuck Martin - I agree with you. Why not share his real name? Let NC and Ga both change him.

Like · Reply · 1y



Chuck Martin

Ken Pullin truth is with a copy of the voter database there is probably enough information to identify the voter, first initial, last initial, portion of voter is, and county

Like · Reply · 1y



Ken Pullin · Follow

Chuck Martin - what's disturbing is private citizens are finding this information. Our SoS has to ensure the voter database is kept up to date and accurate.

Like · Reply · 1y



Mark Davis

Chuck we will be turning over the data to SOS and DOJ investigators once I've repeated the processing on the certified copy of the list of electors for the general.

I think it's best right now to avoid naming real names of individual voters so neither Derek or I has to spend a small fortune on lawsuits.

Like · Reply · 1y · Edited





20+

Like · Reply · 1y



Brandon Bramlett

Mark Davis while I think releasing names is a great idea the more I thought about it I was like idk .. that could turn legal for y'all! Unfortunately I don't have much confidence in the SOS or the DOJ at this point!



Like · Reply · 1y · Edited



Alex Brennan

Mark Davis just so I can respond effectively to push back when I share this and get flack. The names are an exact match here as well as the addresses for the absentee ballots in NC, right?

Like · Reply · 1y · Edited



Chuck Martin

Mark Davis got it

Like · Reply · 1y



Write a reply...



Marketa Leemore

🤔 No one said fraud isn't absolutely going on!! There's fraud in EVERYTHING. The issue is it isn't WIDESPREAD & in the HUNDREDS OF THOUSANDS and definitely not enough to change anything!! Please put your energy into something else!! It's like ppl can't comprehend or something. Y'all weren't crying when GA was red!! The SOS didn't need police protection outside his home then! Wth???



Like · Reply · 1y · Edited

Hide 30 Replies



Cindy Burnham Schian

Marketa, y'all have cried for the last 4 years so give it a rest. You sure didn't put your energy anywhere else!!!



Like · Reply · 1y · Edited



Caro Ri

Cindy Burnham Schian And now y'all are crying 🤔



Like · Reply · 1y



Cindy Burnham Schian

Caro Ri, get a grip. No one is crying. We just don't approve of a fraudulent election. So how many times did you vote? You liberals are just to funny.

Like · Reply · 1y



Marketa Leemore

Cindy Burnham Schian Crying & throwing a whole 1.5 year old tantrum, using peoples money during a pandemic for court cases and recounts, and a slew of other over the top actions is TOTALLLLLLLLLLYYYY different 🤔🤔🤔🤔 I would be SO ASHAMED to be a republican right now because you guys look CRAZY Imaoo



Like · Reply · 1y



Mark Davis

Marketa Leemore the issue is the spread. Right now I think there are about 12,000 votes separating Trump and Biden. Under Georgia law, if we find more than 12,000 illegal votes, a judge can toss our Presidential election.

Looks to me like there are probably many times that.

<https://www.youtube.com/watch?v=lpAqdYGzeEY...>

YOUTUBE.COM

Georgia Witness Hearing: Mark Davis,
President of Data Productions



Like · Reply · 1y



20+

Angie Spooner

Marketa Leemore are you kidding? Fraud needs to be in the HUNDREDS of Thousands to be important and change anything??? Have you done any research at all??? Because if you did, you would see that the margin in Georgia is approximately 14,000 votes. So they can absolutely make a difference. No one is crying. It's called doing things legally. It's kind of important.

Like · Reply · 1y



2



Marketa Leemore

Angie Spooner That's absolutely NOT what I said. I didnt say it wasn't important, didn't say ANY of that! I said its not ENOUGH to OVERTURN his outcome. Trump doesn't give a SHIT about voter fraud being an issue, he's just worried about it NOW because he believes his worked against him this time. Otherwise he would absolutely NOT CARE. Voter fraud didn't JUST start happening this year. Where was the concern before???

Like · Reply · 1y



2



Cindy Burnham Schian

Marketa Leemore , you really do need to get your facts straight!!! You're so wrong you're laughable and look foolish. Now, I'm done, I don't have time to deal with someone that doesn't know facts. When you learn and get actual facts let me know.

Till then have a nice evening. Bye bye

Like · Reply · 1y



2



Marketa Leemore

Mark Davis So, u believe that there's OVER 12,000 invalid fraudulent votes in GA that will ONLY work in the red party favor. You have to be slow. You can't be serious 🤔

Like · Reply · 1y



Marketa Leemore

Cindy Burnham Schian I won't be letting u know anything. You are not anywhere NEAR important enough for that. The nerve!

Like · Reply · 1y



1



Cindy Burnham Schian

Marketa Leemore , by the way, did you forget about the millions the democrats have spent on all their crap, found out to be fake, for 4 years. You should be ashamed supporting all that.

Like · Reply · 1y · Edited



1



Angie Spooner

Marketa Leemore I'm pretty sure it's clear who's slow. Have you not seen all the evidence in Georgia? Are you hiding under a rock? Because the folks at State Farm just got caught on tape scanning in approximately 18,000-20,000 votes for Biden ILLEGALLY!! Enough to fraudulently get Biden the win. Let me show you.

<https://twitter.com/jennybethm/status/1335304530980982784...>
you are welcome.



Like · Reply · 1y



3



Marketa Leemore

Cindy Burnham Schian Looks like the red party is having LOTS of difficulty getting facts 🤔🤔🤔🤔🤔🤔 Bye 🙄

Like · Reply · 1y



2



Marketa Leemore

Angie Spooner No I haven't. The courts haven't either apparently.



20+

Marketa Leemore

Angie Spooner Hey...I could be wrong tho. We'll see how the cases go. Best of luck to you red ppl 😊

Like · Reply · 1y



Cindy Burnham Schian

Marketa, you're just jealous you don't know facts. Oh well. Good luck in your make believe world.

Like · Reply · 1y



Angie Spooner

Marketa Leemore you could be wrong? Didn't do any research and spewed one sided rhetoric....you could be. You are a big part of what is wrong today.

Like · Reply · 1y



Cindy Burnham Schian

Marketa Leemore , dream on!

Like · Reply · 1y



Angie Spooner

Marketa Leemore hope you enjoyed the video! We all got to watch them cheating!!

Like · Reply · 1y



Cindy Burnham Schian

Nura Moshtael you too, apparently. Bye bye

Like · Reply · 1y



Marketa Leemore

Angie Spooner I wouldn't be surprised if ppl were hired to act stuff out. Don't take an election so personal and let it upset you. You'll be alright.

Like · Reply · 1y · Edited



Mark Davis

"So, u believe that there's OVER 12,000 invalid fraudulent votes in GA that will ONLY work in the red party favor. You have to be slow. You can't be serious 🤔"

Marketa Leemore you clearly don't understand the law. It does not matter who an illegal voter cast his or her vote for. If there are more illegal or irregular votes than the spread, a judge can and SHOULD toss the election. I can explain this for you, but I can't understand it for you.

Like · Reply · 1y · Edited



Marketa Leemore

Is hilarious how you are all so upset and in an uproar about this, but told us pipe down and hush up when ppl of my color get killed. Pissed huh?? Calm down!! Anyway, I'm going to get back to real life aside from FB and your lil YouTube skits 🤔

Like · Reply · 1y



Marketa Leemore

Mark Davis If u read with comprehension, you'd see I said THE SAME THING!!! 1 thing about law is it has to be PROVEN and thats not thru YouTube & Twitter. I agree with u!! The PROOF is just not in your favor to show what's needed to do all of this in several states to change the outcome. Its NOT THERE!! Jesus

Like · Reply · 1y



Mark Davis

Marketa Leemore I have made no argument about any state other than Georgia. When when I refer to a judge tossing the election, I am talking about the election here in GEORGIA. What happens in other states happens in other states. As far as proof goes, that will be for the legal system to evaluate.

Like · Reply · 1y



Marketa Leemore

Like · Reply · 1y



20+

Angie Spooner

Marketa Leemore ha ha ha! Try again! Ruby Freeman posted freely on her Facebook and Instagram bragging about what she did! She'll be doing time for that. Don't say I didn't warn you.

Like · Reply · 1y



Jenny Clark

Mark Davis Don't waste your time on the willfully ignorant. Just keep up the good work you and Derek are doing. Many of us are supporting you.

Like · Reply · 1y



Beth Tipton

Marketa Leemore I guess you missed the 140k+ illegal counted votes from dead people, felons, underaged, unregistered voters, etc. Trump/Biden difference is less than 12k. Do the math & you'll see it potentially changes GA.

Like · Reply · 1y



Marketa Leemore

Smh. You're trying to prove all this to the wrong person 🙄🙄 When its time to prove it, the proof falls short at court. Then, u start threatening the SOS & governor's lives, then arguing on FB. Ok 🙄

Like · Reply · 1y · Edited



Mark Davis

And if it doesn't fall short? _(`^_)/

Like · Reply · 1y



Write a reply...



Alex Brennan

Share unredacted or no ones going to believe you.

Like · Reply · 1y



Alex Brennan

Alex Brennan well maybe not "no one". Plenty of folks will believe anything that appears to support their "side"

Like · Reply · 1y



Mark Davis

We will share the data with SOS and DOJ investigators. Not everyone showing up in the data committed a crime, and may not have even realized they were. That said, the folks who voted in two states had to have known better than that.

Like · Reply · 1y · Edited



Derek Somerville

Alex Brennan Hey Alex - I thought I responded already, but don't see it. The information is actually publicly available, so the redacting isn't because the information is sensitive or inaccurate; it's because I don't trust the conduct of people online, and even 'Dave' deserves due-process. We'll hand this and all the others over to the SOS and let them initiate their process. That said, his is as iron-clad an example I've seen.

Like · Reply · 1y



Alex Brennan

Derek Somerville i don't worry about redacted anymore. I may go try and find it myself. I guess the question I still am looking for an answer to is what is the iron clad "proof". I would assume it is that the names match exactly AND some other piece of info (again, assume address). Can you confirm what that 2nd piece of "matching info" is?

Like · Reply · 1y


























Alex Brennan

And PS - thanks for taking the time to answer a schmuck like me that you don't know





-  Derek Somerville
Alex Brennan Ha! You haven't met me, Sir. Thanks for taking the time to discuss and challenge a schmuck like me! You had a response to someone in another string that made me laugh out-loud, so you're good in my book!
Like · Reply · 1y 
-  Johnny Johnson
Alex Brennan that's called DOXING and is illegal unless you're a leftist
Like · Reply · 1y
-  Alex Brennan
Johnny Johnson WRONG. Its not Doxing to publish PUBLIC info.
Like · Reply · 1y
-  Alex Brennan
And if it were illegal, it would bo for leftist and rightist
Like · Reply · 1y
-  Write a reply... 
-  Ken Pullin · [Follow](#)
Derek / Mark - are you guys testifying at the House hearing next week? I hope they are interested in hearing about your research.
Like · Reply · 1y 
-  Mark Davis
Ken Pullin I don't know yet. The Senate Oversight Committee has my affidavit, and the Trump attorneys have that as well. Not sure there is a need for me to do a repeat performance when so many people who wanted to testify weren't able to for lack of time.
Like · Reply · 1y
-  Write a reply... 
-  Adam Rodes
What do/can we do??
Like · Reply · 1y 
- 
-  Mark Davis
We will share the data with SOS and DOJ investigators. Not everyone showing up in the data committed a crime, and those who did may not have even realized they were. That said, the folks who voted in two states had to have known better than that.
Like · Reply · 1y · Edited 
-  Clara DeLay
Adam Rodes Consider getting a life, maybe? LOL!
Like · Reply · 1y
-  Alex Brennan
Clara DeLay thats rich given your posts in other forums, where you equally obsess over Trump, Perdue and Ossoff
Like · Reply · 1y 
-  Dwight F Roberts Jr.
Clara DeLay I'm pretty sure that is a reasonable question any good citizen should ask. What do/can do? Call our reps, help in the research? Sit back with an umbrella drink and watch it unfold?
Like · Reply · 1y 
- 





20+

Mark Davis

Joseph Michael Yates we will do that when we turn the data over to SOS and DOJ investigators. As I've tried to explain repeatedly, not everyone on the list committed a crime, and not all the people who did even know they have. I am not in favor of making public accusations against particular named individuals. I am content to let law enforcement do that.

Like · Reply · 1y



3



Clara DeLay

Dwight F Roberts All of the above...

Like · Reply · 1y



Derek Somerville

Joseph Michael Yates In addition to Mark's good point, I'm not comfortable with the conduct of many people on line. We have due-process in this country, and even 'Dave' is entitled to it. I can assure you, he voted twice in two states and did so knowingly. But, we'll let the SOS initiate their own process.

Like · Reply · 1y



2



Clara DeLay

Alex Brennan Funny how you call discussing factual information "obsessing," when you aren't whining about the fact that it is even being discussed. Now THAT is 'rich!' LOL!

Like · Reply · 1y



Alex Brennan

Clara DeLay ill do you the favor of moderating my own post over in your pet forum. Please continue to do the same with Rodger's repeated BS posts, seemingly hourly.

Like · Reply · 1y



1



Clara DeLay

Alex Brennan Just so you know, a "favor" is requested by the one needing/seeking favor. I have not found it necessary to do either....

Do you, Alex. Just be honest about what you are doing.

Like · Reply · 1y



Alex Brennan

Clara DeLay no, you just whined about whining. So hopefully I saved someone else from flagging/reporting it. You're welcome.

Like · Reply · 1y



1



Alex Brennan

Clara DeLay and when you say "be honest about what you are doing", what exactly am I guilty "of doing"? Asking the moderators to live up to the stated purpose of the forum? Jerry posted a direct post acknowledging the members of that forum wanted it more local. Sorry you have to keep up with the crap some folks bring that doesn't fit that. Maybe you should drop the moderator title? Doesn't seem to be the right fit for you?

Like · Reply · 1y



2



Clara DeLay

Alex Brennan Yeah, having to restrain myself is killing me...

Like · Reply · 1y



1



Write a reply...



Kathy Thompson Seigle

Thanks for your hard work, guys, but is this going to impact the runoffs? I'm worried that we've got more of the same coming in a month.

Like · Reply · 1y



3



Mark Davis

Kathy Thompson Seigle it absolutely will if something isn't done.



2



20+

Derek Somerville

Kathy Thompson Seigle Big motivator for us, Kathy.

Like · Reply · 1y



Kathy Thompson Seigle

Mark Davis, how do we challenge the registrations? And all the people registering to vote, are they being vetted?

Like · Reply · 1y



Kathy Thompson Seigle

Derek Somerville, I thank God for you guys, I do. People say there's no evidence of fraud and I can point to what y'all have found.

Like · Reply · 1y



Mark Davis

Kathy Thompson Seigle we can file a challenge with the State Board of Elections. We will probably do that at about the same time we turn over our data to the SOS investigators.

Like · Reply · 1y



Kathy Thompson Seigle

Mark Davis, bless you!

Like · Reply · 1y



Write a reply...



Clara DeLay

How to Walk and Chew Gum 101:

IF this is true, clearly Dave is wrong and needs to be prosecuted.

ALSO, IF this is true, it affirms what the ACLU found, and that is that brine kkkemp ILLEGALLY PURGED Black voters from the voting rolls. IF his purge was on the up and up, Dave's registration would have been purged, AND, there would be more than white people moaning on about their dead moms and dads receiving and voting.

If you all weren't trying so hard to make a point that has no rational basis, you would know that this "smoking gun" is pointing at brink kkkemp and his abject failure to cover his own webfooted tracks.

Some "wizard" he turned out to be! LOL!!!

Try again...

Like · Reply · 1y



Hide 22 Replies



Derek Somerville

Clara DeLay This is true, but to be completely frank - these are individuals who are being discovered through random samples. This is only evidence that 'Dave' is double voting, and that the processes are vulnerable. That's not good for any of us.

Like · Reply · 1y



Clara DeLay

Derek Somerville No it is not "good for any of us." However, "to be completely frank," the voter suppression that kkkemp engaged in was just not good for the Black votes that he suppressed, but no one seems to care about that.

Like · Reply · 1y





20+

Mark Davis

Clara DeLay it sounds like you don't understand what a Secretary of State can and cannot do under our laws and under the requirements of the 1993 NVRA.

The National Voter Registration Act of 1993 prevents ALL states from purging people who have moved unless they obtain written verification of the change of address, or the person hasn't voted in years, which causes MILLIONS of people to stay on the voter roles of the states they moved out of, often for YEARS.

Then when a Democrat state finally purges those names, the Democrat Party applauds their "Quality List Management", but when a Republican does the exact same thing, Democrats scream, "Republican Voter Suppression!"

"What does the NVRA notice process require to remove a person from the voting rolls based on a change of residence?

In the absence of a written confirmation from a registrant of a change of address outside the jurisdiction, Section 8(d) of the NVRA sets forth a process for removing a person based on change of residence. This process requires sending a forwardable notice, in the form of a postage-prepaid and pre-addressed return card, on which the person may state his or her current address. The notice must include the language required by Section 8(d)(2) of the NVRA. For example, the notice must advise (1) that if the registrant did not change his or her residence, or changed residence but remained in the registrant's jurisdiction, the registrant should complete and return the card not later than the voter registration deadline for the next election; (2) that if the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice; and (3) that if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

The jurisdiction may designate the registrant as inactive if the registrant fails to return the card by the voter registration deadline for the next election after the notice is sent.

The jurisdiction may remove the registrant from the voter rolls after sending the notice in two circumstances. First, if the registrant confirms in writing, such as by completing and returning the notice card, that the registrant has changed residence to a place outside the jurisdiction then the registrant can be removed from the list immediately. Second, if the registrant fails to respond to the notice and fails to vote or to appear to vote in an election beginning on the date the notice is sent and ending on the day after the date of the second federal general election after the notice is sent, then the registrant can be removed from the list after that second federal general election."

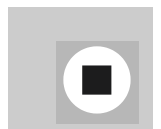
<https://www.justice.gov/.../national-voter-registration...>



JUSTICE.GOV

The National Voter Registration Act Of 1993 (NVRA)

Like · Reply · 1y





20+

Derek Somerville

Clara DeLay I care about that, trust me. I know all anyone wants to do anymore is argue, but our motives are only to contribute to fixing the systems and processes that negatively impact us all. Some more than others perhaps, but us all. I took an oath to defend our country as a Marine, and I took an oath to defend our civil liberties as a federal agent. I'm committed to those oaths, not a political party. I would love to better understand your points and your concerns, truly. FB is a horrible place to communicate, but I'd welcome a civil discussion any time.

Like · Reply · 1y



Alex Brennan

Derek Somerville please answer this question. Is the link here that the forwarding address "Dave" provided to receive the absentee ballots the same as the address if record for NC? If so, that would be something akin to a smoking gun. If not, it sounds like it could be coincidence. Thanks

Like · Reply · 1y



Leo Buehler

Clara DeLay the 'purged' voter roles were registered voters who had not voted in over x years; thus presumed to have moved or been deceased. Voting in recent elections kept them on the roles. I think you are conflating facts, ma'am.

Like · Reply · 1y



Clara DeLay

Leo Buehler No, Im pretty sure I said that the ACLU found that over 200,000 voters had been ILLEGALLY PURGED. I'm not conflating anything, just reciting it.

Like · Reply · 1y



Leo Buehler

Clara DeLay The ACLU said 'illegally'. The courts said otherwise.

Like · Reply · 1y



Derek Somerville

Leo Buehler Correct. These are voters who were moved to 'inactive' status and a confirmation card sent to after either (1) they filed a national change of address saying they've moved to a new address, (2) they had election mail returned as undeliverable, or (3) they hadn't had contact with an election official for the three prior years. Then the state waited 3 years and only purged those with no contact with an election official. Then, they sent a final notice that they will be removed from the rolls. Many years, many opportunities to indicate you're still a resident. That said, if you were removed, you could walk right in and vote on a provisional - then prove you're still alive and still a resident. If they don't purge those roles, they fill up with tens of thousands of deceased people, people who moved out of state, etc.

Like · Reply · 1y



Clara DeLay

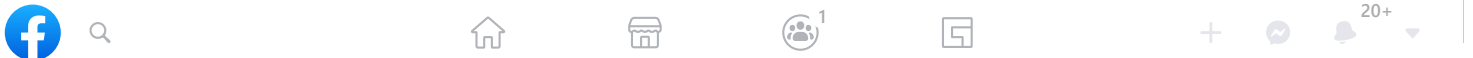
Derek Somerville I welcome the same. This is not an issue I spend a lot of time on, but I do keep up with the news, and last I heard, the ACLU determined that over 200,00 of the more than 700,000 votes purged under kkkemp were ILLEGALLY PURGED, during his time as SOS, and while he was in a campaign for Governor, AFTER being recorded saying that "Black voters were being registered at record numbers and that republicans could not win under those circumstances."

My point is that, if we are "being frank," lets be frank about ALL of it, not just the parts that agree with one particular narrative.

Im willing to discuss that ANYTIME, with ANYBODY!

Like · Reply · 1y · Edited





Clara DeLay

Mark Davis It makes more sense to ensure that the SOS's office was in compliance with that than reciting it to me. I wasn't the one purging voters that were not likely to vote for me because I wasn't campaigning for anything. The same energy you exhibit telling ME what the standards are is the same energy you need to use to ensure that those in position are following them to the letter.

For some reason, the ACLU found that did not happen under kkkemp's watch.

Like · Reply · 1y



Mark Davis

Clara DeLay I really don't care what the ACLU thinks., and that is not the subject of this post.

Kemp did a legal purge that was not motivated by race. It was motivated by the LAW. Our state laws on the subject were passed by a Democrat controlled legislature, signed into law by a Democrat Governor, and rolled out under TWO Democrat Secretaries of State.

Kemp created online voter registration where anyone of ANY color can register to vote 24 hours a day, 7 days a week, 365 days a year.

In recent years we've had the highest minority participation in our states HISTORY.

You'll have to go peddle your Kkkemp rhetoric to someone else. I have zero interest in it. It's a lie.

Like · Reply · 1y · Edited



Clara DeLay

Leo Buehler Please point me in the direction of that ruling, as Im not aware, particularly in light of a recent suit that I was just made aware of. Thanks in advance.

Like · Reply · 1y · Edited



Clara DeLay

Mark Davis feel the same about you peddling your delusional lies. Bless your heart.

Like · Reply · 1y



Mark Davis

Delusional lies? You obviously have NO clue what you're even talking about. Do YOU have a copy of the voter database? Did YOU run NCOA on it? Do YOU know where these people moved?

I have done all those things. ㄟ(ˉ▽ˉ)ㄟ

Like · Reply · 1y



Mark Davis

<https://www.ajc.com/.../supreme.../TJZqgnWEAWOBvUMdB9eDOP/>



AJC.COM

Supreme Court allows voter purges in states like Georgia

Like · Reply · 1y



Derek Somerville

It's Saturday night, friends. Go have a glass of wine and relax! 🍷

Like · Reply · 1y



Clara DeLay

Im not the one in cover my ass mode here. Of course you are the one who needs to be defensive!! Im just reciting the REAL facts.

Like · Reply · 1y



Clara DeLay



20+



Leo Buehler
Mark Davis Well, she got you. She capitalized 'REAL'. Can't argue with type screaming logic. That's social media trolling 101.

Like · Reply · 1y



Derek Somerville
Clara DeLay Thanks Clara. I tend not to believe the news, or for that matter - most things that I can't prove myself. But I do know what my motives are, and I know there are tons of concerned people out there from all political parties, countless different backgrounds and experience, and most just want what's best for us all. There are of course some bad actors out there, but they're in ever corner of society. I only hope we can get better at discussing things civilly and not immediately assuming a person feels one way or the other until we've taken the opportunity to hear them out. Everyone has something to offer to the discussion, but the contentious back and forth gets tiring fast. On that note, have a great weekend.

Like · Reply · 1y



Clara DeLay
Derek Somerville I hear you! I have a whole life outside of politics and now that I am retired, except as it relates to my pro bono work, I am out of the research business. However, I will not sit idly by while someone pisses on my head and tries to convince me it is rain.

That said, I respect your position and what you say your motives and intent are. I look forward to the civil discussions you propose. Not that YOU have done it, but I will NOT be bullied or silenced because people are uncomfortable with anything I have to say.

You have a great week-end as well. Blink, and it is gone!!! LOL!

Like · Reply · 1y



Write a reply...



Jeff E. Quidam
Governor Kemp is incriminating himself by NOT calling our state legislature into session. Raffensperger is already a convict, but doesn't know it yet.

Like · Reply · 1y



Clara DeLay
Oh, and I'm not big on whining, so somebody tell me if this is where I start whining about "how is this reforming dekalb?"

Like · Reply · 1y



Alex Brennan
Clara DeLay this isn't Reform DeKalb. You clicked to the original post

Like · Reply · 1y



Write a reply...



Greg Giglio
Nice work!!! Let's hope Raffensperger was serious when he threatened fraudulent voters.

Like · Reply · 1y



Derek Somerville
Greg Giglio Just an example of what's out there.

Like · Reply · 1y



Write a reply...




Leo Buehler
Sounds like Dave is a felon and needs to making big rocks into little rocks for a while, along with never being allowed to vote in federal





-  Elizabeth Carden Good
Can someone make sure our legislators see this?
Like · Reply · 1y  4
-  Mark Davis
Elizabeth Carden Good They've been read in.
<https://youtu.be/lpAqdYGZeEY>
- YOUTUBE.COM

Georgia Witness Hearing: Mark Davis, President of Data Productions
- Like · Reply · 1y  4
-  Elizabeth Carden Good
Mark Davis THANK YOU!!!! 
- Like · Reply · 1y  3
-  Write a reply...    
-  Kent Byers
And my understanding is that under current laws the SoS is powerless to do anything beyond letting his GA voter registration 'age out' due to inactivity....except that this 'Dave' is active and actively committing felonies in two states 🤔🤔
- Like · Reply · 1y  7
-  Darlene Dodd Whitaker
Is this one of the guys from NC that has already been arrested? I know two Republicans were caught and charged with voter fraud in NC.
- Like · Reply · 1y  5
-  Carmen McClellan
I am a military wife and we moved this past year to another state from Georgia. How do I find out if someone used my name to vote in Georgia or did an absentee ballot?
- Like · Reply · 1y  2
-  Mark Davis
Carmen McClelland If you want to PM me your old address I can check it for you.
- Like · Reply · 1y  1
-  Derek Somerville
This is an easy site for verifying as well:
<https://www.mvp.sos.ga.gov/MVP/mvp.do>
- MVP.SOS.GA.GOV

Georgia My Voter Page
- Like · Reply · 1y  2
-  Carmen McClellan
Derek Somerville thank you so much I will go check!
- Like · Reply · 1y  2
-  Carmen McClellan
Mark Davis I will do that thank you
- Like · Reply · 1y  1
-  Brittany Gardner
Carmen McClelland now I'm curious if you find something lol
- Like · Reply · 1y  2
-  Carmen McClellan
Brittany Gardner we did not find anything thank goodness 🙏
- Like · Reply · 1y  3
-  Write a reply...    



Rick McQueen
Out them all! How can we help?

Like · Reply · 1y



3



Derek Somerville

Rick McQueen It's a question we're getting a lot lately, and frankly aren't that prepared to answer. But we're keeping track of who's offering, and hope to expand the effort. There's a lot of keyboards out there...it would be great to be able to put more to work maintaining the integrity of our elections!

Like · Reply · 1y



3



Rick McQueen
Derek Somerville let me know!

Like · Reply · 1y



1



Brenda Stirlen

If you know someone that died before election can you check their vote?

Like · Reply · 1y



1



Rick McQueen
Brenda Stirlen if you know their birthday, go to myvoter page

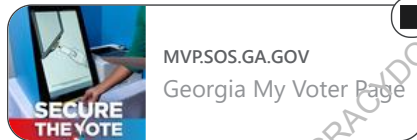
Like · Reply · 1y



2



Rick McQueen
<https://www.mvp.sos.ga.gov/MVP/mvp.do>



Like · Reply · 1y



1



Sharon Romero

Let me know. 30 years experience with the law. Love to look at backgrounds and dig as deep as possible.

Like · Reply · 1y



1



Write a reply...



Pim Tinnin
Are you listening Winston?

Like · Reply · 1y



2



Angie Wensmann Boecker
Lock him up, lock him up

Like · Reply · 1y



4



Sam Urai
Dave is a criminal ... Don't be like Dave 🙄

Like · Reply · 1y



5



Clay Dalton
Dave in the pokey yet?

Like · Reply · 1y



1



Clay Dalton
So why has Governor Brian Kemp said there isnt any vote fraud?

Like · Reply · 1y



3



Mark Davis
If he said there is no salt in the ocean, would that be true?

~(ツ)~

Like · Reply · 1y



4



Kathleen Kennedy
Mark, might be time to change your profile pic. 😬

Like · Reply · 1y



Write a reply...





John Cassard

Go get them, Brother! One at a time if that's what it takes. More importantly, there have to be actual consequences for this shit. I remember you saying before that none of the perpetrators are ever REALLY punished. Maybe if they know they'll get popped, they'll stop. Crime, punishment, and deterrence.

Like · Reply · 1y



Diane Rife

We need 1 flip...Come On PA
MI. AZ GA. WI. NV DEMAND A SPECIAL SESSION NOW!! RALLY FOR
THE TALLY

Like · Reply · 1y



Liz Carter

Dave needs to be charged in both States!

Like · Reply · 1y



Becky Jackanicz

May I share this?

Like · Reply · 1y



Glenn B Starnes



Like · Reply · 1y



Anna Hubbell

Oh looky there, Dave's a demonrat too. Figures

Like · Reply · 1y



Lana Fowler

Well that is proof right there

Like · Reply · 1y



Ron Johnson

So DAVE Should be prosecuted in BOTH STATES for VOTER FRAUD but
he won't be and he's probably going to vote in the run off ANYONE
WANT TO BET oh and get away with that vote also

Like · Reply · 1y · Edited



Bob Snyder

Hang that pick!!!

Like · Reply · 1y



Rick Smith

I think just doing right has become a thing of the past, just sickening

Like · Reply · 1y



Jimmy Boyer

With zero consequences
THAT IS THE PROBLEM

Like · Reply · 1y



Clint Bass

Dave should be Prosecuted to the full intend of the Law for voter
Fraud

Like · Reply · 1y



Jan Shepard

Do your job Raffensperger!

Like · Reply · 1y



Hank Ash

Should be arrested immediately!

Like · Reply · 1y



Jimmie Ann Lamb

Dishonest Democrats!

Like · Reply · 1y



Bobby Breedlove



20+



Sue Pryor Simpson
Bobby Breedlove
 N for name, B for date of birth???

Like · Reply · 1y



Bobby Breedlove
 It says voter at the top?

Like · Reply · 1y



Beatrix Herbst Trixie Purtil
 Oh my word.... Dave is an example name. 🙄

Like · Reply · 1y



Bobby Breedlove
Beatrix Herbst Trixie Purtil of course. This actually would be a direct violation of any rules associated with the election if real. Funny how no one pointed that out.

Like · Reply · 1y



Write a reply...



Brant Jones
Matt Foley 🤔 1

Like · Reply · 1y



Sue Pryor Simpson
 Hope "Dave" will soon have a new residence:
 State Prison.

Like · Reply · 1y



Ronda Martin
 Keep digging. We need all TRUTH to come out!!!!

Like · Reply · 1y



Ronda Martin
 TRUMP. Truth Really Unites More Patriots. TRUMP.

Like · Reply · 1y



Beatrix Herbst Trixie Purtil
 So are they getting arrested for voter fraud yet with 10 years jail time?
 That will stop this 🚫💩

Like · Reply · 1y



Beatrix Herbst Trixie Purtil
 Ps, hope this goes into Gulliani's pile of evidence. Also send all info to attorney Lyn Wood.

Like · Reply · 1y



Brenda Martin
 Brian Kemp said there is no voter fraud because he doesn't want to be re elected

Like · Reply · 1y



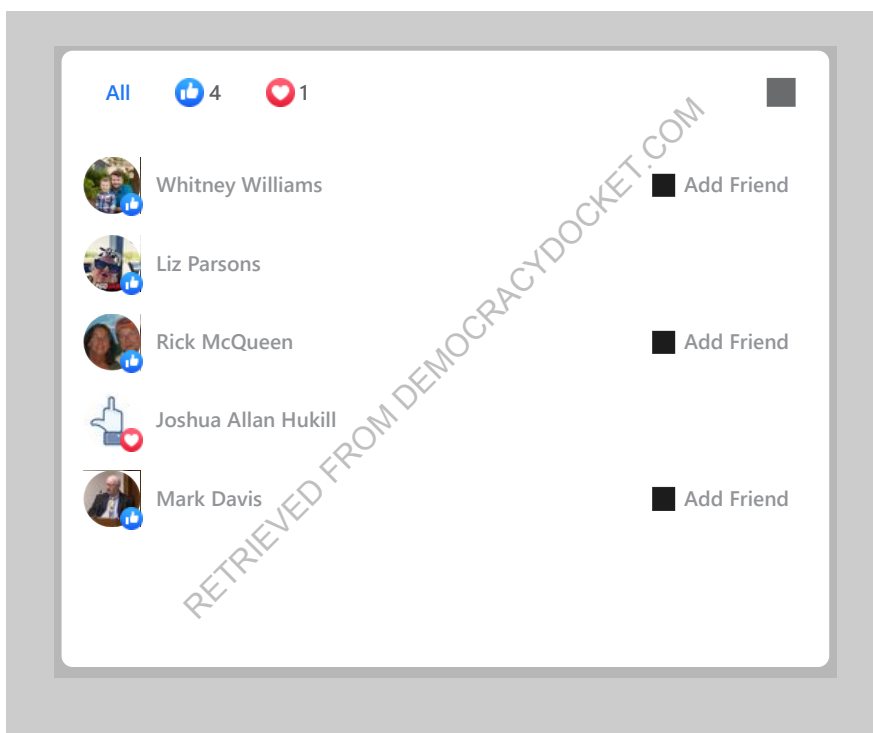
Write a comment...



REPRODUCED FROM DEMOCRACYDOCKET.COM



20+



Archived: Monday, March 29, 2021 12:58:42 PM

From: Mark Williams

Sent: Friday, December 18, 2020 11:46:11 AM

To: Art Department

Subject: Fwd: GA Challenge Email Documentation of Signatures -FYI

Sensitivity: Normal

Attachments:

----- Forwarded message -----

From: Mark Williams <mark@printingtradeco.com>

Date: Fri, Dec 18, 2020 at 11:39 AM

Subject: Re: GA Challenge Email Documentation of Signatures -FYI

To: Amy Holsworth <amy@truethevote.org>

Got it

On Fri, Dec 18, 2020 at 11:36 AM Amy Holsworth <amy@truethevote.org> wrote:

 [Fwd: Permission to use signature.eml](#)

 [Fwd: True the Vote.eml](#)

@

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>

To: [REDACTED]

Cc:

Bcc:

Date: Fri, 18 Dec 2020 10:09:28 -0600

Subject: Re: True The Vote- Urgent! We Need Your Help

Thank you! You should have gotten an email with a form to fill out from us at about 8.40 ish this morning. Go ahead and click the link. That will be an easier way to get this set up!

Thank you so much.

Warmest Regards,

Amy

O

Engelbrecht
Exhibit 36
(1-26-22)

WWW.DIGITALEVIDENCEGROUP.COM

<https://mail.google.com/mail/u/0?ui=2&ik=dfc892fcff&attid=0.1&permmsgid=msg-f:1686429721075862491&th=176766e56f634bdb&view=att&disp=safe>



Virus-free. www.avast.com

On Thu, Dec 17, 2020 at 9:32 PM True The Vote <amy@truethevote.org> wrote:

Def Williams 0374

True The Vote has identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state.

Why am I telling you all this? We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

Would you please be the signer for your county? It's a small requirement for you, but your actions could help ensure the election is secure!.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

Amy Holswoe



Virus-free. www.avast.com

----- Forwarded message -----

From: mvp_noreply@sos.ga.gov

To: Amy@truethevote.org

Cc:

Bcc:

Date: Fri, 18 Dec 2020 04:52:33 +0000

Subject: Precinct Card

Dear [REDACTED],

As Georgia's Secretary of State, I would like to commend you on taking an active role in the election process.

Attached to this email is the precinct card you requested from the Georgia Secretary of State My Voter Page. If you have any questions regarding your precinct card or any of the information contained on your precinct card, please contact your county registrar.

Your county registrar can be contacted at:

Dekalb County Chief Registrar

Mailing Address: 4380 MEMORIAL DRIVE SUITE 300

DECATUR, GA 30032 - 1239

Telephone: (404) 298-4020

Fax: (404) 298-4038

Email: VOTERREG@DEKALBCOUNTYGA.GOV

Website: www.dekalbvotes.com

Sincerely,

Signature

Secretary of State Brad Raffensperger

Do not reply to this email. This email box is not monitored.

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>
To: James Cooper <jamescooper.gop@gmail.com>
Cc:
Bcc:
Date: Thu, 17 Dec 2020 22:43:24 -0600
Subject: Re: True The Vote- Urgent
Thank you!!

Amy

Sent from my iPhone

On Dec 17, 2020, at 10:37 PM, James Cooper <jamescooper.gop@gmail.com> wrote:

\u-257 ?

If he follows the link in the email to the SOS website and then follows the instructions in the email that says to click on the print your registration card it will pull up his card. Only the card will show the ID number.

Def Williams 0376

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

On Thu, Dec 17, 2020 at 11:10 PM Amy Holsworth <amy@truethevote.org> wrote:
This guy couldn't find his voter registration number.

----- Forwarded message -----

From: **Amy Holsworth** <amy@truethevote.org>
Date: Thu, Dec 17, 2020 at 10:02 PM
Subject: Re: True The Vote- Urgent
To: [REDACTED]

Thank you!

Sent from my iPhone

On Dec 17, 2020, at 9:58 PM, [REDACTED] wrote:

\u-257 ?

Here you go..

On Thursday, December 17, 2020, 10:12:28 PM EST, Amy Holsworth <amy@truethevote.org> wrote:

True The Vote has identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state.

Why am I telling you all this? We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go

to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

Would you please be the signer for your county? It's a small requirement for you, but your actions could help ensure the election is secure!.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

Amy Holsworth

<signature example copy.jpg>

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>

To: [REDACTED]

Cc:

Bcc:

Date: Thu, 17 Dec 2020 20:54:48 -0600

Subject: Re: True The Vote- Urgent! We Need Your Help

Thank you so much!

Warmest Regards,

Amy Holsworth

[REDACTED]

[REDACTED], you have my permission to use my digital signature to challenge the voter list on Wheeler County Georgia.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Let me know if you need anything else and thank you!

Sent from my iPhone

On Dec 17, 2020, at 9:23 PM, True The Vote <amy@truethevote.org> wrote:

\u-257 ?

True The Vote has identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state.

Why am I telling you all this? We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go

to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

Would you please be the signer for your county? It's a small requirement for you, but your actions could help ensure the election is secure!.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

Amy Holswoe

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>

To: [REDACTED] >

Cc:

Bcc:

Date: Thu, 17 Dec 2020 20:42:22 -0600

Subject: Re: True The Vote- Urgent! We Need Your Help

Thank you!!

Sent from my iPhone

On Dec 17, 2020, at 8:40 PM, Betsy Young <tcgopchair@gmail.com> wrote:

\u-257 ?

I registered through Ron Johnson

I have given permission to use my name, signature electronically , and I included my voter ID registration card.

[REDACTED]

On Thu, Dec 17, 2020 at 9:23 PM True The Vote <amy@truethevote.org> wrote:

True The Vote has identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state.

Why am I telling you all this? We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

Would you please be the signer for your county? It's a small requirement for you, but your actions could help ensure the election is secure!.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

Amy Holswoe

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Amy Holsworth <amy@truethevote.org>

Cc:

Bcc:

Date: Thu, 17 Dec 2020 21:31:17 -0500

Subject: Re: Crawford County

I don't even know who that is. Sorry.

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

On Thu, Dec 17, 2020 at 7:09 PM Amy Holsworth <amy@truethevote.org> wrote:

Do you have [REDACTED] address?

Amy

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Amy Holsworth <amy@truethevote.org>

Cc:

Bcc:

Date: Thu, 17 Dec 2020 21:30:38 -0500

Subject: Re: Early County

I wouldn't think so. This sheet is for internal party use.

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

On Thu, Dec 17, 2020 at 7:13 PM Amy Holsworth <amy@truethevote.org> wrote:

James,

Is [REDACTED] registered at a PO Box?

Amy

----- Forwarded message -----

From: [REDACTED] >

To: Amy Holsworth <amy@truethevote.org>

Cc:

Bcc:

Date: Thu, 17 Dec 2020 21:20:02 -0500

[REDACTED]
[REDACTED]
[REDACTED] 828

Registration # ???

Sent from my iPhone

> On Dec 17, 2020, at 8:57 PM, Amy Holsworth <amy@truethevote.org> wrote:

>

> \u-257 ?

> Good Evening,

>

> Thank you for agreeing to help with the challenge to the voter rolls in your county.

>

> Please respond with your authorization for True the Vote to file this challenge and to use your signature. Can you also please verify your address and voter registration number?

>

> Warmest Regards,

>

> Amy

----- Forwarded message -----

From: Y [REDACTED] >

To: amy@truethevote.org

Cc:

Bcc:

Date: Fri, 18 Dec 2020 02:14:11 +0000 (UTC)

Subject: Re: White County

Good evening Amy,

My voter id is [REDACTED] in Georgia. The address is [REDACTED] Cleveland GA 30528. I do authorize True the Vote to file a challenge to the voter rolls in

Def Williams 0381

my county (White). Please allow this email as proof of my consent and signature solely for the purpose of filing the challenge.

[REDACTED]

[Sent from Yahoo Mail on Android](#)

On Thu, Dec 17, 2020 at 9:01 PM, Amy Holsworth
<amy@truethevote.org> wrote:

Good Evening,

Thank you for agreeing to help with the challenge to the voter rolls in your county.

Please respond with your authorization for True the Vote to file this challenge and to use your signature. Can you also please verify your address and voter registration number?

Warmest Regards,

Amy

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Mark Williams <mark@printingradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, John David Phillips <johndavid@opsec.group>, Art Department <art@printingradeco.com>

Cc:

Bcc:

Date: Thu, 17 Dec 2020 20:40:07 -0500

Subject: Fwd: True the Vote

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

From: [REDACTED]

Date: Thu, Dec 17, 2020 at 7:52 PM

Subject: Re: True the Vote

To: James Cooper <jamescooper.gop@gmail.com>

Sorry I got wrapped up in things today and forgot to send until I got settled in back at home.

On Thu, Dec 17, 2020 at 9:50 AM James Cooper <jamescooper.gop@gmail.com> wrote:
Thank you for your support! I still need an image of your signature.

Thanks

On Thu, Dec 17, 2020, 8:21 AM Greg Clifton <deeprootsinga@gmail.com> wrote:
Good morning James,

First, let me say thank you to both you and True The Vote for working to insure fair and honest elections. With all the contention and distrust of the system after the November Presidential Election, I view your efforts as essential to reassure the public that future elections are conducted according to the law. Accordingly,

Def Williams 0382

I, [REDACTED], hereby give permission for True The Vote to use my name on challenge letters regarding voters who no longer reside in Fayette County, GA but whose names are still on the active voter list.

My Voter Registration number is: [REDACTED]

My home address is:
[REDACTED]

Best regards,
[REDACTED]

On Wed, Dec 16, 2020 at 9:48 PM James Cooper <jamescooper.gop@gmail.com> wrote:

I am working on a project with True the Vote. We have identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state. If this very type action had been taken back in October it is very likely Trump would have won Georgia! We can't look back now we must look forward and save the senate!

Why am I telling you all this? As I said at the start, I'm working with True the Vote on this very important issue. We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>
To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

I'm the signer for my county here in Walton. Would you please be the signer for your county? It's a small requirement for you, but your actions could save our US Senate elections.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>
To: James Cooper <jamescooper.gop@gmail.com>
Cc:
Bcc:
Date: Thu, 17 Dec 2020 17:35:34 -0600
Subject: Re: Johnson County
Thank you!

On Thu, Dec 17, 2020 at 5:29 PM James Cooper <jamescooper.gop@gmail.com> wrote:

Def Williams 0383

He is the Jefferson County Chairman that agreed to do this. [REDACTED] for Johnson County.

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

On Thu, Dec 17, 2020 at 6:27 PM Amy Holsworth <amy@truethevote.org> wrote:
James, is this gentleman from Jefferson or Johnson County?

Amy

On Wed, Dec 16, 2020 at 4:42 PM James Cooper <jamescooper.gop@gmail.com> wrote:
I agree to allow True the Vote to use my name in challenging voters in Jefferson county.

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, John David Phillips <[johndavid@opsec.group](mailto: johndavid@opsec.group)>, Art Department <art@printingtradeco.com>

Cc:

Bcc:

Date: Thu, 17 Dec 2020 18:19:24 -0500

Subject: Fwd: Absentee voters in Taliaferro County who do not live here.-- True to Vote

----- Forwarded message -----

From: [REDACTED]

Date: Thu, Dec 17, 2020, 3:38 PM

Subject: Absentee voters in Taliaferro County who do not live here.-- True to Vote

To: James Cooper <jamescooper.gop@gmail.com>

James Cooper;

True to Vote has my permission to challenge in my name any voter registered in Taliaferro County who currently does not reside in Taliaferro County.

The Superintendent of Elections in Taliaferro County is:

Superintendent of Elections

Judge Clarris Stevens

Taliaferro County Courthouse

PO BOX 182

Crawfordville, GA 30631

My voter Reg ID Id is [REDACTED]

[REDACTED]

Registration Date: 06/18/2008

VOTER REGISTRATION OFFICE PO BOX 9

CRAWFORDVILLE GA 30631 PHONE: 706-456-3563

TALIAFERRO COUNTY PRECINCT CARD

REG. DATE ISSUE DATE. REG. No.

06/18/2008 12/17/2020. [REDACTED]

Signature:

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, John David Phillips <johndavid@opsec.group>, Art Department <art@printingtradeco.com>

Cc:

Bcc:

Date: Thu, 17 Dec 2020 11:22:01 -0500

Subject: Fwd: Use my signature for True the Vote Butts Co Ga
Butts County

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: [REDACTED] >

Date: Thu, Dec 17, 2020 at 11:13 AM

Subject: Use my signature for True the Vote Butts Co Ga

To: jamescooper.gop@gmail.com <jamescooper.gop@gmail.com>

My phone number is [REDACTED]

Call me if you have questions, thx for your work

[REDACTED]

Get [Outlook for iOS](#)

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, John David Phillips <johndavid@opsec.group>, Art Department <art@printingtradeco.com>

Cc:

Bcc:

Date: Wed, 16 Dec 2020 23:02:12 -0500

Subject: Fwd: True the Vote (Clayton County)

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee*

Def Williams 0385

(770) 652-8238

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Dec 16, 2020 at 9:46 PM
Subject: RE: True the Vote (Clayton County)
To: jamescooper.gop@gmail.com <jamescooper.gop@gmail.com>
Cc: Clayton County GOP <chairmanccgop@gmail.com>

James,

Attached is the scan of my signature. Below is the info you requested:

[REDACTED]

You have my permission to use my digital signature to challenge voters in Clayton County.

Thank you for your efforts to ensure our democracy is not corrupted by voter fraud, be it intentional or unintentional.

[REDACTED]

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>
To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, John David Phillips <johndavid@opsec.group>, Art Department <art@printingtradeco.com>
Cc:
Bcc:
Date: Wed, 16 Dec 2020 23:25:09 -0500
Subject: Fwd: Voter challenge in Oconee County
Oconee county

James C. Cooper

3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Dec 16, 2020 at 11:24 PM
Subject: Voter challenge in Oconee County
To: <jamescooper.gop@gmail.com>

[REDACTED]

True the Vote has my permission to use my digital signature to challenge voters in Oconee County, Georgia.

Def Williams 0386

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, John David Phillips <johndavid@opsec.group>, Art Department <art@printingtradeco.com>

Cc:

Bcc:

Date: Wed, 16 Dec 2020 21:05:41 -0500

Subject: Fwd: True the Vote

Douglas County

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: [REDACTED]

Date: Wed, Dec 16, 2020 at 8:04 PM

Subject: Re: True the Vote

To: James Cooper <jamescooper.gop@gmail.com>

Hello James,

It was a pleasure to speak with you. I would like to be a part of the "True The Vote" effort.

Attached you will find a .pdf of my voter card and a photo of my signature. Through "True The Vote", you have your permission to use my digital signature to challenge voters in Douglas County, Georgia.

[REDACTED]

[REDACTED]

On Wednesday, December 16, 2020, 07:03:01 PM EST, James Cooper <jamescooper.gop@gmail.com> wrote:

I am working on a project with True the Vote. We have identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state. If this very type action had been taken back in October it is very likely Trump would have won Georgia! We can't look back now we must look forward and save the senate!

Why am I telling you all this? As I said at the start, I'm working with True the Vote on this very important issue. We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

I'm the signer for my county here in Walton. Would you please be the signer for your county? It's a small requirement for you, but your actions could save our US Senate elections.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Def Williams 0387

Thank you,

James C. Cooper
3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>
To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, John David Phillips <johndavid@opsec.group>
Cc:
Bcc:
Date: Wed, 16 Dec 2020 15:12:19 -0500
Subject: Fwd: [REDACTED]
Walton County

James C. Cooper
3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Dec 16, 2020 at 1:47 PM
Subject: [REDACTED]
To: <jamescooper.gop@gmail.com>

[REDACTED]

I [REDACTED] do give permission for my signature to be used for only the purpose of challenging votes in Walton County Georgia.

Sent from my iPhone

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>
To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, John David Phillips <johndavid@opsec.group>
Cc:
Bcc:
Date: Wed, 16 Dec 2020 11:27:27 -0500
Subject: Fwd: [REDACTED]
Cherokee County

James C. Cooper
3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

Def Williams 0388

From: [REDACTED]
Date: Wed, Dec 16, 2020 at 11:19 AM
Subject: [REDACTED]
To: James Cooper <jamescooper.gop@gmail.com>

VOTER REGISTRATION OFFICE REG. DATE ISSUE DATE 12/16/2020 REG. No. [REDACTED] MARIETTA HWY Suite 100 08/29/2014 00106507 CHEROKEE COUNTY
PRECINCT CARD VOTING DISTRICTS: 011 CONG 056 SENAT 046 HOUSE BLRD JUDIC 002 COMM 003 SCHOL [REDACTED]
WOODSTOCK GA 30188 -

Voter info for [REDACTED] - also attaching my signature to use - for Cherokee

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>
To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, John David Phillips <johndavid@opsec.group>
Cc:
Bcc:
Date: Wed, 16 Dec 2020 15:13:16 -0500
Subject: Fwd: True the Vote
Cobb County

James C. Cooper
3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Dec 16, 2020 at 11:31 AM
Subject: Re: True the Vote
To: James Cooper <jamescooper.gop@gmail.com>

True the Vote has my permission to use my signature to challenge the illegal votes in Cobb County.
[REDACTED]

On Wed, Dec 16, 2020, 11:20 AM James Cooper <jamescooper.gop@gmail.com> wrote:

I am working on a project with True the Vote. We have identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state. If this very type action had been taken back in October it is very likely Trump would have won Georgia! We can't look back now we must look forward and save the senate!

Why am I telling you all this? As I said at the start, I'm working with True the Vote on this very important issue. We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

Def Williams 0389

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

I'm the signer for my county here in Walton. Would you please be the signer for your county? It's a small requirement for you, but your actions could save our US Senate elections.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, John David Phillips <johndavid@opsec.group>

Cc:

Bcc:

Date: Wed, 16 Dec 2020 11:12:56 -0500

Subject: Fwd: Gordon Rhoden (True the Vote) Clarke County

Clark County

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: **James Cooper** <james.onestrategic@gmail.com>

Date: Wed, Dec 16, 2020 at 11:01 AM

Subject: Fwd: [REDACTED] Clarke County

To: <jamescooper.gop@gmail.com>

----- Forwarded message -----

From: <chairman@athensgop.com>

Date: Wed, Dec 16, 2020, 9:03 AM

Subject: [REDACTED] Clarke County

To: <james.onestrategic@gmail.com>

Cc: [REDACTED]

[REDACTED] gives True the Vote permission to use his name and digital signature in challenging voters in Clarke County Georgia. Digital signature is attached.

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Mark Williams <mark@printingtradeco.com>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, John David Phillips <johndavid@opsec.group>, Ron Johnson <chairman@windstream.net>

Cc:

Bcc:

Date: Wed, 16 Dec 2020 11:18:24 -0500

Subject: Fwd: Me help you save the Senate
Johnson County

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: [REDACTED] >

Date: Wed, Dec 16, 2020 at 2:16 AM

Subject: Re: Me help you save the Senate

To: James Cooper <jamescooper.gop@gmail.com>

Johnson County - True The Vote



You have my permission to use my digital signature to challenge voters in Johnson County,

On Tue, Dec 15, 2020 at 11:53 AM James Cooper <jamescooper.gop@gmail.com> wrote:

I am working on a project with True the Vote. We have identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state. If this very type action had been taken back in October it is very likely Trump would have won Georgia! We can't look back now we must look forward and save the senate!

Why am I telling you all this? As I said at the start, I'm working with True the Vote on this very important issue. We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>
To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been

challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

I'm the signer for my county here in Walton. Would you please be the signer for your county? It's a small requirement for you, but your actions could save our US Senate elections.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

----- Forwarded message -----

From: James Cooper <jamescooper.gop@gmail.com>

To: Mark Williams <mark@printingtradeco.com>, "Chairman@windstream.net" <Chairman@windstream.net>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, John David Phillips <johndavid@opsec.group>

Cc:

Bcc:

Date: Tue, 15 Dec 2020 22:18:21 -0500

Subject: Fwd: True the Vote

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: [REDACTED]

Date: Tue, Dec 15, 2020 at 10:14 PM

Subject: Re: True the Vote

To: James Cooper <jamescooper.gop@gmail.com>

James,

I just realized a typo in my address:

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Tuesday, December 15, 2020 10:10 PM

To: James Cooper <jamescooper.gop@gmail.com>

Subject: Re: True the Vote

Image

RETRIEVED FROM DEMOCRACYDOCKET.COM

I authorize True the Vote to use my signature for challenges in Fulton County, GA.

Thanks,

From: James Cooper <jamescooper.gop@gmail.com>
Sent: Tuesday, December 15, 2020 9:55:55 PM
To: carolinejeffords@hotmail.com <carolinejeffords@hotmail.com>
Subject: True the Vote

I am working on a project with True the Vote. We have identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state. If this very type action had been taken back in October it is very likely Trump would have won Georgia! We can't look back now we must look forward and save the senate!

Why am I telling you all this? As I said at the start, I'm working with True the Vote on this very important issue. We need one person in each county to agree to

Def Williams 0393

be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

I'm the signer for my county here in Walton. Would you please be the signer for your county? It's a small requirement for you, but your actions could save our US Senate elections.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

Thank you,

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>
To: James Cooper <jamescooper.gop@gmail.com>
Cc:
Bcc:
Date: Tue, 15 Dec 2020 19:48:18 -0600
Subject: Re: Signature, etc...
got it!

Amy

On Tue, Dec 15, 2020 at 6:52 PM James Cooper <jamescooper.gop@gmail.com> wrote:
Oglethorpe

James C. Cooper

*3rd Vice Chair 10th District Republican Party
GAGOP State Committee
(770) 652-8238*

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Dec 15, 2020 at 7:41 PM
Subject: Signature, etc...
To: James Cooper <jamescooper.gop@gmail.com>

----- Forwarded message -----

From: Amy Holsworth <amy@truethevote.org>
To: James Cooper <jamescooper.gop@gmail.com>

Def Williams 0394

Cc:

Bcc:

Date: Tue, 15 Dec 2020 19:32:20 -0600

Subject: Re: My Permission

Thank you!

Amy

On Tue, Dec 15, 2020 at 7:23 PM Amy Holsworth <amy@truethevote.org> wrote:

Thank you.

Amy

On Tue, Dec 15, 2020 at 3:07 PM James Cooper <jamescooper.gop@gmail.com> wrote:

Dodge County

RETRIEVED FROM DEMOCRACYDOCKET.COM

[Home](#)[Live TV](#)

TRANSCRIPTS

[Transcript Providers](#)**Phillips Exhibit
4 (1-25-22)**

WWW.DIGITALEVIDENCEGROUP.COM

Shows By Category:[Return to Transcripts main page](#)

Anderson Cooper 360 Degrees

Trump Orders "Extreme Vetting" of Refugees; Man Claims Proof of 3 Million Illegal Votes, Won't Share Data; Trump Cites Unverified Data in Election Fraud. Aired 8-9p ET

Aired January 27, 2017 - 20:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

[20:00:11] JOHN BERMAN, CNN ANCHOR: Good evening. John Berman here, in for Anderson.

We do have breaking news. Details of President Trump's executive action on refugees including this one, a ban on all refugees that will last four months. So, not only have the developments been coming almost hour by hour all week long as the Trump administration gets rolling, they've been coming in every size, shape, and color.

There's what we see, whether it's the executive orders and conversations with world leaders. There's what we hear, is going on behind closed doors, conversations and concerns among Republican lawmakers about just how to fix Obamacare or build a wall with Mexico. And there's also what we have to guess, is the basis for some of his assertions as he continues to push substantiated claims of voter fraud with no evidence to support it.

Tonight, we have stories in all of those categories from all points in a compass, starting with CNN chief national security correspondent Jim Sciutto at the Pentagon where President Trump welcomed his defense secretary to the job and signed that executive action on refugees that is getting a lot of attention tonight, Jim.

Let's talk about that executive action and what the president says institutes extreme vetting of immigrants. What

[Home](#)[Live TV](#)

JIM SCIUTTO, CNN CHIEF NATIONAL SECURITY CORRESPONDENT: Well, John, key measure of this extreme vetting, hard to call it anything else but a religious test. The seven country singled out, they're Muslim majority countries. The exceptions, one of the exceptions in this executive order talks about minority religions in those majority Muslim countries, which, of course, by definition means not Muslim. There's that.

But there's also the question as to what data justifies this. When you look at these countries, Iran, Iraq, Syria, Somalia, Libya, certainly countries that have terror problems but no clear definition of the data that shows that people from those countries, whether they're students or family members, et cetera, have a higher incidence of being terrorists, right, which is what the president describes this as, as a measure to prevent terrorists from entering the U.S. And I'll just note this finally, John, he mentioned the executive

order repeatedly 9/11, but be clear -- the four countries that the 9/11 hijackers were from, including Saudi Arabia, Egypt, United Arab Emirates and Lebanon, none of those four countries are on this list. So, certainly causing great upset from the people affected by it, but the ACLU, Democrats, some Republicans as well.

BERMAN: The president also signed an executive order calling for a more aggressive, you know, military action against ISIS. What exactly does that mean?

SCIUTTO: That's right. Well, I spoke to a defense official tonight who described the meeting between the president, the defense secretary, the joint chief of staffs. He would not specify specific actions but we did have on background earlier in the day some of the things on the table are things like arming rebels inside Syria.

That's a step the Obama administration considered but did not take. They were worried about those weapons getting into the wrong hands. But also more aggressive steps, more American boots on the ground in Syria, the deployment of attack helicopters, U.S. artillery, all things that would certainly increase firepower against ISIS but also put U.S. troops at greater risk.

BERMAN: All right. Jim Sciutto who is obviously not at the Pentagon tonight. Thanks so much, Jim.

SCIUTTO: Of course.

BERMAN: Great to see you, no matter where you are.

[Home](#)[Live TV](#)

religion in the individual's country of nationality. President Trump hinted at this during a conversation with the Christian Broadcasting Network's David Brody.

(BEGIN VIDEO CLIP)

DAVID BRODY, CHRISTIAN BROADCASTING NETWORK: Persecuted Christians. We've talked about this overseas. The refugee program that -- or the refugee changes you're looking to make, as it relates to persecuted Christians, do you see them as a priority here?

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: Yes.

BRODY: You do?

TRUMP: They've been horribly treated. Do you know if you were a Christian in Syria, it was impossible, very, very -- at least very, very tough to get into the United States. If you were a Muslim, you could come in. But if you're a Christian, it was almost impossible.

And the reason that that was so unfair is everybody was persecuted in all fairness, but they were chopping off the heads of everybody -- but more so the Christians. And I thought it was very, very unfair. So, we are going to help them.

(END VIDEO CLIP)

BERMAN: Trump focusing his attention on persecution Christians face especially in places where ISIS holds sway. However, that claim that they are as a group facing discrimination for entry here, that's questionable. New figures from Pew Research show that 44 percent of the refugees entering the country this year are Christian, 46 percent Muslim. So, it's a pretty even split, even though the top countries for refugees entering the country are heavily or virtually, entirely Muslim.

Let's bring in the panel right now. CNN political analyst Carl Bernstein, Kirsten Powers, Trump supporter and contributor to "The Hill", Kayleigh McEnany, Democratic strategist Hilary Rosen, and "The Daily Beast's" Matt Lewis.

[Home](#)[Live TV](#)

prevalent throughout the world."

So, some people have noted the irony when you're talking about love and tolerance throughout the world the same day you're issuing bans on certain people entering the country. Is that consistent?

KAYLEIGH MCENANY, CNN POLITICAL COMMENTATOR: It is consistent, because what Donald Trump sees as he looks around the world and sees that there have been problems with the refugee program, we've seen it in Germany. We've seen this mass flood of immigration and we've seen terrorist attacks waged on German soil and elsewhere, some of which were conducted by refugees. It's a small minority, yes, but nevertheless one that has to be looked at and considered.

And I have to say, you know, this talk about Christians being prioritized, I'm not certain why this is at all controversial because first of all, when you look at the definition of what it means to be a refugee, it means you're persecuted on the basis of religion. We know, Congress, the House passed a resolution 393-0, recognizing the genocide against Christians, Yazidis, and religious minorities across the Middle East.

So, the fact we would prioritize the most marginalized discriminated against group within the Middle East in a refugee program is not a subject of controversy.

BERMAN: Those who are religiously persecuted, yes, they are often the most prioritized refugees. I think the reason it's being discussed tonight is because the president mentioned Christians. He did not in that instance, in that interview mention Yazidis, in this interview with David Brody.

Kirsten Powers, you know, you right a lot about this, about religious persecution throughout the world and you've said you talked to people inside the administration. Does this protection and prioritization that the president is talking about extend to Yazidis, does it extend to Sunnis, does it extend to Sunnis in Syria or Shiites in Sunni countries?

KIRSTEN POWERS, CNN POLITICAL ANALYST: No, I've been taking to human rights lawyers about it. I haven't talked to anyone in the organization, but the human rights lawyers I've talked to said basically what the draft executive order says would apply to the Yazidis. I don't know what other groups. There are small Muslim sects that are horribly discriminated against.

[Home](#)[Live TV](#)

perfect sense that they would be put at the top of the list.

And I think -- actually to defend Donald Trump in this case, he was asked a specific question about Christian persecution. So, he was just answering the question. I don't think -- I think if you look -- if the text is the same as with the draft is, it's quite clear it doesn't just apply to Christians.

BERMAN: But, Hilary Rosen, while Christians are being persecuted, there's no question, inside Syria, a lot of the victims of the Assad regime, a lot of the victims of ISIS there are Muslim.

HILARY ROSEN, CNN POLITICAL COMMENTATOR: Right. I don't have a problem with the point that Kirste just said but I have a problem with Donald Trump somehow suggesting -- he didn't suggest it, he actually said it, that Christians haven't been allowed into our country and Muslims have. When we saw the facts that, you know, at the opening that said that actually there's been a pretty equal amount of Christians coming in and Muslims coming in.

And so, it's just factually not true and it's unnecessarily inflammatory for him to say that there's no -- you know, that Christians have had trouble coming in and that the United States somehow the implication is that the Obama administration, that's his implication, the Obama administration --

MCENANY: Syrian refugees -- he was talking about the Syrian refugee program as of 2016, a study was done, 11,000 Syrian refugees were let in, 56 were Christian of the 11,000. So, the fact presented wasn't really relevant at all to Donald Trump's point.

ROSEN: He didn't actually say that. What he said was Christians are having trouble getting into the country.

POWERS: I think what he was talking about --

(CROSSTALK)

POWERS: I think he probably heard it. He probably -- I don't even if he would know this for sure what some of the human rights people say, the Christians are having trouble on the U.N. side, the U.N. camps basically that are processing them. But, you know --

[Home](#)[Live TV](#)

presumably other Muslims will be let in as well, that there would be a priority of religious prosecution --

BERMAN: Carl, again, critics -- what critics often say is this gets to the character of America, what is America. Is this country a place that is open and welcoming to refugees or for the next 120 days, clearly, it is not.

CARL BERNSTEIN, CNN POLITICAL ANALYST: That's the real question. I'm not sure in this atmosphere if my grandparents came here that they would be admitted to this country the way that they were. I think we need to look at the bigger picture here, and that is that we are seeing Donald Trump addressed his base politically, fuel for the fire, instead of doing a carefully planned, carefully considered factual- based program.

[20:10:09] Has he sat down with the homeland security people? Has he talked to the experts? Has there been real planning for this?

I know of no evidence of this. This is more symbolism and rhetoric than it is rooted in fact from what we can see so far. Also, we have been protected by the measures we have had to a remarkable degree since 9/11.

Our system has worked much better than Europe has. We have not had the attacks that Europe has. Now, if there is a real existing problem that can be identified and there's some way to more carefully vet people without a lot of rhetoric and playing to the base, that's another thing. But I don't see it here.

BERMAN: Matt Lewis, in the exact executive order I do not believe there is the language listing which countries people would be -- that was floated in the draft. I'm not sure the final version listed those countries, but when they were being discussed, none of them were the countries that included the 9/11 hijackers. Pakistan wasn't in there, Afghanistan wasn't in there either.

So, are you preventing -- Belgium wasn't in there. France wasn't in there. We know terrorists are active right now. So, are you preventing what you're saying you're trying to?

MATT LEWIS, SENIOR COLUMNIST, THE DAILY BEAST: Well, right, I mean, I don't know if it makes sense what the countries that he picked. Maybe Saudi Arabia should be on there. I don't know. But I think it does prove that this is not a religious test because he is clearly not -- there are some countries that are predominantly Muslim that are allowed to come here. This is high risk countries. It is for 120 days.

[Home](#)[Live TV](#)

LEWIS: Right. BERMAN: We don't know which countries they're going to pick just yet. So --

(CROSSTALK)

LEWIS: I guess my point here is that I think that this is a big deal, but I don't want to overblow it. It's for 120 days

And, look, I think the bottom line is Americans want to be welcoming and generous. But we live in an incredibly dangerous world, and when we see things that are happening in other countries, thankfully not -- hasn't happened as badly here in America.

This is what Donald Trump got elected to do. In fact, you could argue that this is a moderate position compared to what the American public elected him to do.

BERMAN: This is less than the Muslim ban he first introduced, you know --

LEWIS: It is, and he won an election I think, you know, at least partly because of that position.

BERMAN: All right, guys. Stick around.

There's a lot more to discuss tonight, including my conversation with the man President Trump is citing to back up his claim that millions of Americans cast ballots illegally, depriving him of a victory in popular votes. This is your chance to hear what he has to say and decide for yourself whether any of it amounts to evidence.

And later, Republican lawmakers who campaigned on replacing Obamacare now more than a little worried about having to keep that promise.

(COMMERCIAL BREAK)

BERMAN: No shortage of breaking news. We are learning that Vice President Pence seems on board with the president's stated belief that millions voted illegally. According to "The Washington Post," here's what the vice president said behind closed doors at this week's Republican strategy retreat in Philadelphia.

He said, what I can tell you is what I would anticipate that the administration is going to negotiate a full evaluation

[Home](#)[Live TV](#)

And this morning, the president tweeted, "Look forward to seeing final results of VoteStand. Greg Phillips and crew say at least 3 million votes were illegal. We must do better."

Now, he's referring to the individual who claimed to have evidence of massive voter fraud who tweeted just days after the election that he'd be publishing it within days. He did not. However, President Trump is giving national credence now.

Now, we spoke to Gregg Phillips shortly before air time.

(BEGIN VIDEOTAPE)

BERMAN: Thanks, Gregg, so much for coming in.

You know, it's been about 12 hours since you were on CNN this morning, you said you would not release your evidence that at least 3 million people voted illegally. Will you give us that evidence now?

GREGG PHILLIPS, CLAIMS 3 MILLION VOTED ILLEGALLY IN 2016 ELECTION: I said I wouldn't release it now and it's still now. So, now, we're not prepared to release it. We've had a lot of verification and validation of our own methods and research, and we'll get it out as quick as we can.

BERMAN: So, what does this evidence look like? Are we talking about a list of at least 3 million names?

PHILLIPS: Yes. I mean, we -- we started with a list of 180-some-odd million registered voters in the country. That list has been built over a number of years. We have augmented that list. We've enhanced the list. We've built the list up.

And we have spent a great deal of time building analytics around the list so that we could understand patterns, we could understand what's happening, we could understand who's voting where and when. And it's a very sophisticated operation and we're very proud of it.

BERMAN: Help us understand what types of names are on this list. Will this list include names like Steve Bannon or Jared Kushner or the treasury secretary nominee Steven Mnuchin who are registered in two states? Will those names are going to be on it?

[Home](#)[Live TV](#)

understand that we need to have a national or American voter ID that travels with the person much like your Social Security number.

BERMAN: So your list is 3 million people you say are noncitizens.

PHILLIPS: Correct.

BERMAN: So, we were checking the U.S. Census earlier today and the U.S. Census for 2010 said there are about 22 million people in the United States who are noncitizens, 22 million noncitizens. That includes people by the way who are younger than 18, so not eligible to vote. And of that 22 million, you say a minimum of 3 million voted? That's a huge percentage. That's about 15 percent.

You think 15 percent of the people who are not citizens in this country voted in this last election?

PHILLIPS: Well, I would dispute the 22 million. I think both the census numbers and others discount the number of illegal aliens --

[20:20:01] BERMAN: So, say there are 11 million undocumented, then there are 33 million. It's still a huge percentage.

PHILLIPS: We don't think so. We think that the way the system is set up, it's institutionalized the fraud and has not only allowed it to occur but has facilitated and fostered the means through which it occurred.

BERMAN: We don't think so. Do you know so? You know that upwards of 15 percent, maybe 20 percent, because you say the number may be more than 3 million. You know that that many people who are in the United States and aren't citizens voted in this last election?

PHILLIPS: Well, we believe we do, and that's what we're going back and double-checking and confirming and validating, and when we're complete -- we're complete and we're satisfied that we've teased out all of the false positives and challenges that we might face in the execution of it, then we'll expose the list to the public.

BERMAN: We spoke to Justin Levitt, who's a law professor at Loyola, who's been studying voter fraud issues for years and he said he hasn't come across one person who's gone in and intentionally checked the wrong box. You

[Home](#)[Live TV](#)

PHILLIPS: Our hope is to create an environment where we can develop a data set. Look, if I'm wrong, I'm wrong and I'm going to man up and say I'm wrong.

BERMAN: Look, the ship has sailed on that. Greg, the ship has sailed on, if I'm wrong, I'm wrong. You came out six days after the election saying 3 million people voted illegally and now, the president of the United States is citing your comments and your efforts to say that there's been mass voter fraud in this country. I think that moment has passed for you.

PHILLIPS: Obviously, you just want to fight and not listen. So here's the deal. When we complete this analysis, we're going to lay it out to the public. We're going to lay out our methodologies. We're going to lay out our hypothesis. We're going to lay out our outputs. We're going to lay out the raw data for everyone to see.

BERMAN: Have you contacted any of the 3 million voters that you say you have names of to see if they're U.S. citizens or not?

PHILLIPS: No.

BERMAN: So you haven't checked one name? You haven't called --

PHILLIPS: Why?

BERMAN: You could ask them. You could ask them, hey, did you vote? Are you a U.S. citizen? One name out of 3 million?

PHILLIPS: You do understand I'm a private citizen, right? No one's going to take my call or answer that question.

I'm not a government. I'm not a company. I'm not anything. We're just a bunch of people who believe in the sanctity of the vote and the import of free and fair elections and election integrity.

BERMAN: Well, private citizens can do scholarship. I mean, if you're doing a study, you can cross-check with the actual people on this list. Not one of them?

PHILLIPS: And we are cross-checking with every available data set that we have.

[Home](#)[Live TV](#)

PHILLIPS: It's not my problem.

BERMAN: Your data set isn't your problem, but you're the one producing it.

PHILLIPS: It's not my problem to contact the individual voters. It's inappropriate. I'm -- if we do this and we release those names, we're accusing them of two federal felonies and that's above my pay grade, man. That's something Attorney General Sessions will have to deal with.

BERMAN: But you said you are going to release their names so you are committed to releasing the names of these people you say are committing felonies.

PHILLIPS: We're committed to ensuring that if in fact the federal government decides to get in and Attorney General Sessions decides to engage in this, along with the rest of the administration, then there won't be much for any of us to do and we'll be able to turn it over to them, let them do the technology match and data match, and let them prosecute the cases. It's not for us to do.

BERMAN: But you are going to release the names, just to be clear.

PHILLIPS: We're -- we're -- I mean, there's a debate amongst us. I mean, there's -- again, there's no leader of us. There's no number of people that are in charge of the rest of us.

BERMAN: But we are talking to you, Gregg, because you are the one who has been speaking publicly and tweeting publicly, and you are the one being cited by the president of the United States now. At the top of this interview and this morning, you said the evidence you'll release is the list of names. But now, you're saying you might not release a list of names?

PHILLIPS: I never said that. Said we don't know yet.

BERMAN: All right. Well, Gregg Phillips, you know, again, we are keenly interested in seeing this evidence and I know the president of the United States says he's keenly interested in seeing it also, so we look forward to the results.

[Home](#)[Live TV](#)

BERMAN: Thank you.

(END VIDEOTAPE) BERMAN: All right. For more on this conversation, with Gregg Phillips, go to AC360.com. We're going to post the interview in its entirety on the site.

There's obviously a lot to talk about there. Back now with the panel.

And, Kirsten, I guess I want to start with you. Just your general impressions of what Gregg Phillips is saying. And remember the reason we are talking to him is he is being cited by the United States.

POWERS: It's concerning that this would be the person that the president of the United States would be pointing us to. I mean, by his own account, he said to -- he answered your questions basically saying he's not capable of even doing the kind of study that you would need to do.

[20:25:01] LEWIS: It's above my pay grade, man.

POWERS: Because he's a regular citizen and not calling people. Then why are we supposed to believe anything he says? I'm at a loss.

BERMAN: Matt Lewis, you know, you talk to Republicans around the country and we all do. There are plenty of elected Republicans around the country who think there are issues with voting rules and voter fraud. I don't know whether some of these Republicans who have their concerns would look at this and say, that's what we're talking about. Look at this right here.

LEWIS: No, look, there's no doubt that voter fraud happens. I'm from Maryland. Back in the '90s, Ellen Sauerbrey arguably had a gubernatorial election stolen from her, Dino Rossi up in the Pacific Northwest, arguably had -- but that's different than 3 million votes being stolen and a presidential race which I think is -- strains credulity to imagine.

And I don't -- I didn't get a lot of comfort in watching him in terms of the way he responded to your questions, but I do think this feeds into unfortunately the fake news phenomenon. And there will be people out there who --

(CROSSTALK)

[Home](#)[Live TV](#)

name checking him, you know, on Twitter. And as far as we can tell, there's nothing that Greg Phillips is producing to back up his claims that the president of the United States, you know, is hanging his assertions on.

MCENANY: Yes, look, Greg Phillips obviously needs to produce his evidence. You can't just say something and not produce the evidence to corroborate what you say. Donald Trump, President Donald Trump has said he's seen evidence that's led him to believe this, maybe there's something we don't know that we haven't seen yet.

While I disagree with the fact that millions have voted until I see the evidence, what I do agree with and what I do think President Trump is right about, is there was the peer reviewed study by Mr. Reichmann (ph) that said 100,000 illegal immigrants have voted based on congressional numbers and percentages he took based on congressional data also in line with Harvard.

So, there is a study that suggests we might have thousands or hundreds of thousands, and that should be looked into. But I don't know if it's millions.

BERMAN: The things we know that President Trump has talked about where he's basing some of these claims, things we know that he named by name, the Pew study, which there are questions about if he understands exactly what the Pew study said, there's a story from Bernhard Langer, the professional golfer, and then there's Greg Phillips, who's got this out.

Hilary, I cut you off. Sorry.

ROSEN: No, I think we have to go to this bigger picture, which is we can find anybody to say anything. I've got a study. I've got proof. I've got whatever. There's quacks everywhere, and, by the way, he sounded like bit of a quack in the interview with you.

But the more important thing is why does the president pursue this? And it's -- I don't believe it's just about his ego. You know, he's too smart for that. This is a deliberate attempt to destabilize faith in the democratic system, in the system that denied him the popular vote, that is up again in two years, that every time the Republicans go to the voting issue, they're trying harder and harder to suppress the vote in key states, key battleground states and I just think that this is actually a deliberate attempt on the part of the president to undermine faith in the voting system.

BERMAN: Carl?

[Home](#)[Live TV](#)

ROSEN: What could be worse than that?

BERNSTEIN: -- has embraced a piece of worse than fake news. This is the birther experience all over again. This is Donald Trump at his absolute worst in which he invokes falsehood, proven falsehood, known falsehood, latches on to somebody with a bunch of wild claims, puts it out there so his base once again will run with it, so that we'll talk about it on the air. It will become a part of the national discussion and it has no basis in fact.

It's part of an ideological argument about voter fraud versus voter suppression. Why can't we have a fact-based argument about voting in this country? If the president of the United States really wants to have a fact-based argument and a commission on voting suppression and voting fraud, let's have it. Let's have a congressional investigation. Find out what the hell the facts are.

But we have a president of the United States who in seven days has managed to controvert real established fact and truth over and over and over again. Republicans are talking about it in Washington. They are worried about it. And it's --

BERMAN: Kayleigh, hang on.

BERNSTEIN: -- really an extraordinary --

BERMAN: We'll give you a chance to respond on this and other things just after a quick break. We're going to continue this conversation and we're going to get your take on some other breaking news. Donald Trump says he agrees with Steve Bannon that the media is the opposition party.

So, stay with us.

(COMMERCIAL BREAK)

BERMAN: All right more breaking news. As we have reported, President Trump says, he is launching an investigation to the widely debunked claim massive voter fraud which he says is the reason he lost the popular vote by almost 3 million and it is again targeting the press, in this interview with the Christians Broadcasting Network, David Brody asked the president if he agrees with his chief strategist Steve Bannon that the media is the

[Home](#)[Live TV](#)

(BEGIN VIDEO CLIP)

TRUMP: I think the media is the opposition party in many ways and I think that -- and I'm not talking about all media. I know people -- like yourself. But I know people in the media that I have tremendous respect for, respect them as much as anybody. So I'm not talking about anybody. But a big portion of the media, the dishonesty, the total deceit and deception makes them certainly partially the opposition party.

(END VIDEO CLIP)

BERMAN: Now, you may have also heard that Steve Bannon said the media should keep its mouth shut so what we're going to do is have a long discussion about that. But before we talk about the media, Kayleigh, I want you to finish the discussion we are talking about voter fraud. You wanted to jump in.

[20:35:07] MCENANY: Yeah, I think it actually fits with this story. I just take issue when people call what Donald Trump says that millions voted a lie or a falsehood when in fact we cannot prove that in this country, we don't have voter ID laws and Greg Phillips did make an important point when he said we have a system that's basically institutionalized voting fraud. Even the Supreme Court in 2008, when they upheld Indiana's voter ID laws, they said flagrant examples of voter fraud happened and they've been reported by respected journalist, and then can make a difference in the post-election. That's not me, that's the Supreme Court. So we don't know -- because we don't have a system or we can track this whether it happened or not.

BERMAN: Well, you have problem with lies and false, it ends up being tautological. How about he's making statements for which there is no evidence and are unsubstantiated, because, you know, you can say there's life on Mars, you know, but I can't prove it.

MCENANY: For which he needs to put forth evidence. I entirely -- I completely agree with you there. He needs to put forth evidence of this. But we cannot call it a lie until we know in fact that he doesn't have the evidence. If we know he intentionally deceived us, great, then you can call it that. but no one knows that. We haven't seen the evidence and we should give him time to produce it.

UNIDENTIFIED FEMALE: Really the more that Donald Trump talks about voter fraud, the more Democrats and others think that he was fraudulently elected.

[Home](#)[Live TV](#)

UNIDENTIFIED FEMALE: He actually won, so the idea that he keeps trying to undermine the system that elects him seems crazy to me.

CARL BERNSTEIN, CNN POLITICAL ANALYST: I like the part about life on Mars.

MATT LEWIS, CNN POLITICAL COMMENTATOR: Kayleigh makes a legitimate point that actually is very pertinent to the topic of the media and I would say media bias, and that is did we call what Bill Clinton did a lie? We probably said that he said untruths. We use euphemisms. We didn't say lie. But we're very comfortable now --

MCENANY: Are you kidding? You've been calling Bill Clinton a liar for years.

LEWIS: I don't think Tom Brokaw went on NBC News and said the president lied today.

(CROSSTALK)

BERMAN: Bill Clinton didn't get off easy.

(CROSSTALK)

LEWIS: I'm not saying that. I'm saying the word "lie" is being invoked against Donald Trump in a way that it wasn't in the past. Now, we used euphemisms before, untruths or not 100 percent truthful. Now, we could say that it's because of the partisan or liberal bias or maybe it's just that we've changed, the that the media and our culture has become more blunt and less polite, but it is a difference.

BERMAN: But OK.

UNIDENTIFIED FEMALE: I know.

BERMAN: So there's been a lot of discussion about the lie thing and that's a great discussion for "reliable sources." Tonight we happen say unsubstantiated with no evidence which is pretty damning for some people to, you know, when the president of the United States is saying unsubstantiated --

LEWIS: But I think Steve Bannon's point that the media is an adversary, I'll use a softer term, is partly because we

[Home](#)[Live TV](#)

(OFF-MIC)

POWERS: We should be -- we are the adversary. That is correct. That's what we're supposed to do. We're not their best friends. You know, and that's true whoever's in office. I think we're not supposed to go out of our way to try to harm them, but the point is we're not a party but we are in opposition by nature. Our job is to be holding powerful people accountable. And so this idea that we're supposed to just sit and listen to them, A, as if we're not listening. I'm listening. I think you're listening, I think we're all listening, you know. But so that's what he said to basically, you know, keep your mouth shut and listen and that's not our job.

BERMAN: Carl?

BERNSTEIN: First of all, on the question of lie, Hillary Clinton, many of us said she lied about things having to do with the server. But let's really talk about this whole question. The opposition party in this first week in this presidency is the truth, that's the opposition party to this president so far.

BERMAN: All right, guys. Interesting discussion. Thanks so much for being with us.

Coming up for us, details leak out of a closed door meeting between Republican lawmakers who seem to be concerned about how to replace Obamacare without any specifics from the Trump administration. We'll tell you what we know, next.

(COMMERCIAL BREAK)

[20:43:03] BERMAN: The president held his first White House press conference today in the east room in a very brief briefing and standing beside the British prime minister, it was a different foreign relationship in the spotlight. Jim Acosta reports.

(BEGIN VIDEO CLIP)

JIM ACOSTA, CNN SENIOR WHITE HOUSE CORRESPONDENT: The focus on President Trump's news conference with British Prime Minister Theresa May was less about the special relationship between the U.S. and Britain and more about the frayed relations between his administration and Mexico.

[Home](#)[Live TV](#)

ACOSTA: The president revealed only a few details about his morning phone call with Mexico's President Enrique Pena Nieto, one day after the Mexican leader abruptly canceled his trip to the White House next week and response to Mr. Trump's plan to build a wall on the border during a remarkably brief 18-minute news conference the president still with no details on who's paying for the wall.

TRUMP: We are going to be working on a fair relationship and a new relationship, but the United States cannot continue to lose vast amounts of business, vast amounts of companies, and millions and millions of people losing their jobs. That won't happen with me. We're no longer going to be the country that doesn't know what it's doing.

ACOSTA: The readout of the call from the Mexican government stated that both leaders will now negotiate over the wall in private saying, the two men agree at this point not to speak publicly about this controversial issue. But it's worth noting that line does not appear in White House statement on the call.

TRUMP: This was your choice of a question? There goes that relationship.

ACOSTA: The president and the prime minister may over a question from a British reporter over Mr. Trump's support of the use of torture. President Trump said he would defer to defense Secretary James Mattis who said torture doesn't work.

TRUMP: I don't necessarily agree, but I would tell you that he will override because I'm giving him that power.

THERESA MAY, BRITISH PRIME MINISTER: There will be times when we disagree and issues on which we disagree.

[20:45:03] TRUMP: This is the original in many ways.

ACOSTA: Even though both the president and the prime minister were talking up relations between the U.S. and Britain there was some distance evident over the sanctions on Russia over its invasion of Ukraine.

TRUMP: We'll see what happens as the sanctions. Very early to be talking about that.

MAY: We believe the sanctions should continue.

[Home](#)[Live TV](#)

movements in their countries, though President Trump tried to push back on perceptions of his hard-charging persona.

TRUMP: So, I'm not as brash as you might think. And I can tell you that i think we're going to get along very well You know, it's interesting because I am a people person. I think you are also, Theresa. And I can often tell how I get along with somebody very early and I believe we're going to have a fantastic relationship.

(END VIDEO CLIP)

BERMAN: All right, Jim Acosta joins us right now. One of the questions people are asking is how is he going to get along with Vladimir Putin when they --

ACOSTA: Right. BERMAN: -- speak by phone tomorrow? And of course people are wondering if there's any coincidence he's also speaking with the leaders from France and Germany on the same day.

ACOSTA: I don't think there's any coincidence at all, John. And I think you're right, we're going to be looking at those readouts coming from the Kremlin and the White House very careful to see exactly what President Trump and Vladimir Putin talk about tomorrow. But in addition to that phone call he's talking to the French President Francois Hollande as well as the German chancellor Angela Merkel.

It is no accident I think that those leaders will be on the phone with the president tomorrow. After all Theresa May the British prime minister was really leaning on the president today to keep those sanctions in place on Russia at one point saying she believes that those sanctions should stay in place, she doesn't agree with lifting them.

And even reminded President Trump of what she said he told her behind the scenes, which is that he is a strong supporter of NATO even though in the past he's called that alliance obsolete. So it sounds like a lot of phone conversations going back and forth here at the White House tomorrow, John.

BERMAN: All right, Jim Acosta at the White House for us. Great work. Thanks so much Jim.

ACOSTA: All right, thanks.

BERMAN: One of President Trump's rallying cries beside building the wall was repealing and replacing

[Home](#)[Live TV](#)

push to repeal Obamacare, what are you learning?

PHIL MATTINGLY, CNN CORRESPONDENT: Well, it really comes and stems from the private Republican retreat in Philadelphia that ended today. And just a couple hours ago I got off a plane with a phone call with one of the members who was in that retreat and he really made clear the concerns right now are deep, they are real, and there somewhat diffuse.

The "Washington Post" actually got leaked audio from inside one of the private meetings and it really kind of late it out. I want to kind of bring a couple members' points to the table. The first -- and I think the one you hear the most is repeal is clearly happening, replace maybe not so fast. And that's problematic.

Take a listen to what Tom McClintock had to say in this closed door meeting saying basically, that's going to be called Trump care, Republicans will own that lock, stock, and barrel and we'll be judged in the election less than two years away.

They recognize the political damage if there's a repeal and not a quick replace. And again, there's no coalescing yet around a final replace plan. That's were talked about kind of numerous concerns here and one of them politically is Planned Parenthood. Now, is no secret the Republican Congress and the White House have talked kind of a number of times, about pulling back the funding for Planned Parenthood.

Take a listen to what John Faso had to say in this closed door briefing saying, health insurance is going be tough enough for us to deal with without having millions of people on social media come to Planned Parenthood's defense and sending hundreds of thousands of new donors to the Democratic Senate and Democratic congressional campaign committees. I would urge us to rethink this.

Look, John the train is moving on this, there's no question about it, but the reality remains Republicans, even those who were very supportive of repeal, very supportive of some kind of replace haven't quite figured out all the answers yet.

BERMAN: You know, Phil it is interesting, it does seem like when you get a big party, when the party gets bigger you get a bigger variety of concerns so you're hearing a strange or a wide spectrum from Planned Parenthood on one side to other issues as well.

[Home](#)[Live TV](#)

Vice President Mike Pence, he broke new ground today, he became the highest ranking official to speak at the Annual March for Life, the anti-abortion rally in Washington, D.C.

(COMMERCIAL BREAK)

[20:53:06] BERMAN: Anti-abortion activists gathered on the national mall today for the March For Life, a rally they hold every year around the anniversary of Row versus Wade, the 1970 Supreme Court decision that made abortion legal. A couple of striking differences this year. This march it took place in the wake of the women's march on Washington which drew huge crowds and the new vice president was the big draw in the speaker lineup. Brianna Keilar reports.

(BEGIN VIDEO CLIP)

BRIANNA KEILAR, CNN SENIOR WASHINGTON CORRESPONDENT: Vice President Mike Pence addressing the annual march for life gathering. The highest ranking White House official ever to address the group in person in its 44 years.

MIKE PENCE, VICE PRESIDENT OF UNITED STATES: Life is winning again in America.

KEILAR: A signal from the Trump White House that anti-abortion policies are a priority. While in Congress Pence led efforts to defund Planned Parenthood and he came with a promise from President Trump.

PENCE: I like to say over there at 1600 Pennsylvania Avenue, we're in the promise keeping business. That's why this administration will work with the Congress to end taxpayer funding of abortion and abortion providers. And we will devote those resources to health care services for women across America.

KEILAR: Also at the march top Trump adviser Kellyanne Conway pledging action.

KELLYANNE CONWAY, TRUMP SENIOR ADVISER: Allow me to make it very clear. We hear you. We see you. We respect you. And we look forward to working with you.

KEILAR: Anti-abortion activists are newly optimistic about rolling back Roe versus Wade, the landmark Supreme Court decision that legalized abortion nationwide.

[Home](#)[Live TV](#)

KEILAR: As they look forward to President Trump's announcement next week of his pick to fill the vacancy on the court left by Antonin Scalia's death last year.

[20:55:02] DEANNA WALLACE, AMERICANS UNITED FOR LIFE: We have four years with a president who has promised to consider this issue when choosing his Supreme Court justices and the pro-life movement is sending a message here today, that we are paying attention, we are here and we are expecting President Trump to keep that promise.

KEILAR: In an interview with the Christian Broadcasting Network, President Trump insisted they won't be disappointed.

TRUMP: I think people are going to love it. I think Evangelicals, Christians will love my pick. And will be represented very fairly.

KEILAR: Trump tweeted about the event saying, the march for life is so important. To all of you marching, you have my full support.

(END VIDEO CLIP)

BERMAN: So Brianna, you were out there today during the march. What was the overall mood?

KEILAR: A lot of energy, I'll tell you that, John. And you talk to organizers. They feel like the movement is more energized than it has been in decades. They really think, followers of this movement, that having Donald Trump in the White House and controlling both the Senate and the House of Representatives, so this is their best shot yet for partially rolling back or completely rolling back Roe versus Wade. And you heard Kellyanne Conway, you heard the vice president making big promises. And the folks we heard from are certainly hoping to hold them to that.

BERMAN: Brianna Keilar in Washington, thanks so much. A special edition of "Smerconish" begins at the top of the hour. We'll be right back.

(COMMERCIAL BREAK)

Home

Live TV

Search CNN...



US

World

politics

Business

Opinion

entertainment

Tech

Home

Live TV

Travel

and

Video

Coupons

new

More...

CNN U.S. Edition +

© 2022 Cable News Network. A Warner Media Company. All Rights Reserved.
CNN Sans ™ & © 2016 Cable News Network.

Terms of Use | Privacy Policy | Accessibility & CC | Ad Choices | About us | CNN Studio Tours | CNN Store |
Newsletters | Transcripts | License Footage | CNN Newsource



DROP BOX
Drop Box for Mail Ballots
Free - No Postage Necessary
226 Candler Street, Homer



Andra Phagan

**Provisional
Board of Elections Meeting
Friday, Jan. 8, 2021 at 4:00 p.m.**

56 Provisional Ballots

[Click Here to View Provisional List](#)

18 UOCAVA (Outstanding Military Ballots)

[Click Here to View Challenge Electors List for January 5, 2021 Runoff Election](#)

Resources

[New Voting Equipment](#)
[Online Voter Registration](#)
[Absentee Ballot Application](#)



Download Georgia's New Election Registration
App
for the [iPhone](#)
and the [Android](#)

[ETHICS](#)
Elected Official/Candidate
Login

New Candidate Registration

January 5, 2021

Runoff Elections
Unofficial & Incomplete

US Senate
David A. Perdue (I) Rep - 6,582
Jon Ossoff (Dem) - 829

US Senate
Kelly Loeffler (I) Rep - 6,555
Raphael Warnock (Dem) - 853

Public Service Commissioner District 4
Lauren Bubba McDonald, Jr. (I) Rep - 6,554
Daniel Blackman (Dem) - 795

[Unofficial & Incomplete Results Report](#)

Pursuant to O.C.G.A. 21-2-386 notice is hereby given that the tabulation of the absentee ballots returned of votes cast in the January 5, 2021, Runoff General Election, Special Election will take place in the Office of the Election Supervisor, located at 226 Candler Street, Homer, Georgia, on Tuesday, December 29, 2020 beginning at 9:00 a.m. Ballots will be scanned but no tabulation will occur before 7:00 p.m. on Tuesday, January 5, 2021.

Board of Elections and Voter Registration

Mission:

The Board of Elections' primary responsibility is to ensure election compliance within its jurisdiction. Their responsibilities include the registration of voters, certification of candidates for the ballot, maintenance and set-up of voting machines, appointment and training of election workers, poll workers and certifying of all election results.

Georgia Secretary of State Raffensperger Visits the
Banks County Elections Office



Services:

* 2020 Election Events:

Election	Election Date	Voter Registration Deadline	Mail Voting Period	In-Person Voting Period	Saturday In-Person Voting
Presidential Preference Primary	March 24, 2020	Feb. 24, 2020	Feb. 4 thru March 20	March 2 thru March 20	March 14
General Primary/ Nonpartisan	May 19, 2020	April 20, 2020	March 31 thru May 15	April 27 thru May 15	May 9
General Primary/Nonpartisan Runoff	July 21, 2020	April 20, 2020			
General Election	November 3, 2020	Oct. 5, 2020	Sept. 15 thru Oct. 30	Oct. 12 thru Oct. 30	Oct. 24

Board of Elections

Andra Phagan, Election Supervisor

Board Members:

Eleanor Lewallen, Chairperson

Lynda Garrison

Linda Lewallen

Not Pictured,

Gail Sheppard

Carol Ayers

The Board meets the first Thursday of every month at 9:00 a.m.



• Mandated Voter Registration Sites Include: [\(Click to Expand\)](#)

Mandated Voter Registration Sites Include:

- Georgia Department of Motor Vehicle Safety Driver's Services
- Department of Human Resources' Public Assistance Offices (WICS, DFACS, Rehab)
- Public Libraries
- Recruitment Offices
- County courthouses and city halls
- Elections and Voter Registration Office
- Colleges and high schools for students and personnel

• Qualifications To Vote: [\(Click to Expand\)](#)

• Change of Residence: [\(Click to Expand\)](#)

• Precinct Cards: [\(Click to Expand\)](#)

• Where do I vote? [\(Click to Expand\)](#)

• When can I vote on election day? [\(Click to Expand\)](#)

• Do I have to show identification when voting? [\(Click to Expand\)](#)

• How do I vote? [\(Click to Expand\)](#)

• How do I vote an absentee ballot? [\(Click to Expand\)](#)

• How do I apply for an absentee ballot? [\(Click to Expand\)](#)

Select Language | ▼

EMPLOYEE INFORMATION

LEGAL NOTICE

PRIVACY NOTICE

Home
Residents
Businesses
Visitors
Help A to Z

Contact Us
About Us
Media Room
Calendar of Events

Links
SPLOST Dollars at Work
Subscribe for Alerts
Ask the Chairman

E-Verify
#: 104567
Date of
Authorization
March 4, 2008

 Banks County
Chamber CVB

 National Association of Counties
The voice of America's Counties

 ACCG

 GGFA
GEORGIA GOVERNMENT
FINANCE OFFICERS
ASSOCIATION

Site Powered by:  TOTALMARKETING
Beyond Full Circle Marketing

	A	B	C	D	E	F	G
1	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
2	3577991	ADAMS	MICHELLE		Rep Jerry Boling		
3	12468483	AIOSSA	RENE		Rep Jerry Boling		
4	8895390	AKER	JASON	MARK	Dan Gasaway		
5	6568597	ALEXANDER	HAZEL		Rep Jerry Boling		
6	11679699	ALLEN	RHONDA	JEAN	Dan Gasaway		
7	12234492	ALLEN	DUSTY	LEE	Dan Gasaway		
8	12827431	ALLEN	MARY		Rep Jerry Boling		
9	11679699	ALLEN	RHONDA		Rep Jerry Boling		XFR Jackson Co
10	12234492	ALLEN	DUSTY		Rep Jerry Boling		
11	11812125	ALLRED	KYLE		Rep Jerry Boling		
12	12109845	AMSALU	DANIEL		Rep Jerry Boling		
13	10745581	ANDREWS	CHRISTINA		Rep Jerry Boling		
14	1955979	ARIAS	IRIS		Rep Jerry Boling		
15	6657960	ARMOUR	ASHLEY	PAIGE	Dan Gasaway		
16	6657960	ARMOUR	ASHLEY		Rep Jerry Boling		
17	10310388	BAGWELL	JOHN		Rep Jerry Boling		
18	10333596	BAILEY	KIMBERLY		Rep Jerry Boling		XFR Habersham Co
19	10851373	BAKER	TAYLOR	SETH	Dan Gasaway		XFR Habersham Co
20	6054125	BAKER	AMANDA		Rep Jerry Boling		XFR Habersham Co
21	6443652	BAKER	JOSH		Rep Jerry Boling		
22	8394879	BALDWIN	JOSTINA		Rep Jerry Boling		
23	12325877	BALES	FRED		Rep Jerry Boling		
24	10704033	BALLENGER	RICKY		Rep Jerry Boling		
25	6108480	BALLEW	BRANDY		Rep Jerry Boling		
26	10634206	BANTLY	AURORA		Rep Jerry Boling		
27	10634234	BANTLY	CHRISTOPHER		Rep Jerry Boling		
28	8134690	BARKLEY	MANDI		Rep Jerry Boling		
29	11321500	BARNES	KAITLYN		Rep Jerry Boling		
30	2869048	BARRY	JAMES		Rep Jerry Boling		
31	3503033	BARRY	LINDA		Rep Jerry Boling		
32	5182788	BAUGH	CASSIE		Rep Jerry Boling		
33	6696546	BAYLESS	DENA	KELLI	Dan Gasaway		XFR Jackson Co
34	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
35	11809128	BEAN	JENNIFER		Rep Jerry Boling		
36	11808721	BEESO	NANCY		Rep Jerry Boling		
37	8025442	BENNETT	JEREMY		Rep Jerry Boling		
38	11913249	BENNETT	TAMMY		Rep Jerry Boling		
39	10953723	BENSON	SAVANNAH		Rep Jerry Boling		
40	7310279	BENSON	DAMON		Rep Jerry Boling		
41	7310281	BENSON	STACEY		Rep Jerry Boling		
42	7085727	BERK	ERICA		Rep Jerry Boling		
43	6352850	BEST	TOMMIE		Rep Jerry Boling	16-Dec	VIO
44	11460559	BEZAK	GREGORY		Rep Jerry Boling		
45	11472730	BEZAK	ELIZABETH		Rep Jerry Boling		
46	1751794	BILAKI	MICHAEL		Rep Jerry Boling		
47	2792226	BILAKI	CATHY		Rep Jerry Boling		
48	12504131	BINGHAM	ALEX		Rep Jerry Boling		

	A	B	C	D	E	F	G
49	1192753	BLACK	BARBARA		Rep Jerry Boling	14-Dec	VIO
50	8397827	BLUHM	NECOLE		Rep Jerry Boling		
51	10728899	BOLING	MACY	SUMMER	Dan Gasaway		
52	10728899	BOLING	MACY		Rep Jerry Boling		
53	11022643	BRAY	JOYCE		Rep Jerry Boling		
54	8218772	BRIDGES	SHAWN		Rep Jerry Boling		
55	12095640	BRIGHT	BABIE		Rep Jerry Boling		
56	10534320	BROCK	AMBER		Rep Jerry Boling		
57	12210818	BROOKSHER	CAITLYN		Rep Jerry Boling		
58	5234874	BROWN	DAWN		Rep Jerry Boling		
59	12197930	BROWN	KIERRA		Rep Jerry Boling		
60	11175485	BROWNING	QUENTIN		Rep Jerry Boling		
61	5606526	BROWNING	BRANDY		Rep Jerry Boling		
62	2056	BRYANT	JOAN		Rep Jerry Boling		
63	6813619	BRYANT	JOAN		Rep Jerry Boling		
64	7404343	BRYANT	JAMES		Rep Jerry Boling		
65	8612693	BUHOT	ALEXANDER	JOSEPH	Dan Gasaway		
66	6202140	BULLARD	EDWARD	EUGENE	Dan Gasaway		
67	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
68	6202140	BULLARD	EDWARD		Rep Jerry Boling		
69	3723	BURDGE	ANTHONY		Rep Jerry Boling		
70	10420258	BURKE	ROBERT		Rep Jerry Boling		
71	12098745	BURKETT	TARA		Rep Jerry Boling		
72	6922105	BURKHART	STEPHANIE		Rep Jerry Boling		
73	1194735	BURNS	PATRICIA		Rep Jerry Boling		
74	4795	BUSBY	GLORIA JEAN	BICKFORD	Dan Gasaway		
75	4796	BUSBY	JOHN	WAYNE	Dan Gasaway		
76	4795	BUSBY	GLORIA JEAN		Rep Jerry Boling		
77	4796	BUSBY	JOHN		Rep Jerry Boling		
78	6139221	BUSH	ZACHARIAH		Rep Jerry Boling		
79	6104617	BUTCHER	WANDA		Rep Jerry Boling		
80	5154882	BYERS	DORINDA		Rep Jerry Boling		
81	6673083	CAMPBELL	JON		Rep Jerry Boling		
82	7457592	CANNON	GARYN		Rep Jerry Boling		
83	12053733	CANTRELL	STEPHEN		Rep Jerry Boling		
84	2750014	CAREY	GREGORY	LYNN	Dan Gasaway		
85	2750014	CAREY	GREGORY		Rep Jerry Boling		
86	6985856	CARRUTH	LORANZO		Rep Jerry Boling		
87	7494712	CASPER	ANGELITTA		Rep Jerry Boling		
88	11332647	CASSANO	ANN MARIE		Rep Jerry Boling		
89	6985934	CASSANO	WILLIAM		Rep Jerry Boling		
90	6985938	CASSANO	ANN		Rep Jerry Boling		
91	11916734	CERRA	KELLEY		Rep Jerry Boling		
92	956471	CHAFIN	PATSY		Rep Jerry Boling		
93	956472	CHAFIN	CARLOS		Rep Jerry Boling		
94	12245462	CHAPMAN	RONALD		Rep Jerry Boling		
95	8285448	CHAPMAN	DENA		Rep Jerry Boling		
96	12094643	CHAPPELL	PATRICK		Rep Jerry Boling		

	A	B	C	D	E	F	G
97	10333598	CHATHAM	ZACHARY	SCOTT	Dan Gasaway		
98	4685256	CHATHAM	DENNIS		Rep Jerry Boling		
99	10333598	CHATHAM	ZACHARY		Rep Jerry Boling		
100	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
101	5183677	CHEUVRONT	CHRISTINE		Rep Jerry Boling		
102	10709336	CLEVELAND	LOWELL		Rep Jerry Boling		
103	4172572	CLOUSE	STEPHANIE		Rep Jerry Boling		
104	11460285	CLOUSE	AUSTIN		Rep Jerry Boling		
105	11136946	COLEMAN	KAYLA		Rep Jerry Boling		
106	11143813	COLEMAN	BLAISE		Rep Jerry Boling		
107	11235373	COLEMAN	ANSLEY		Rep Jerry Boling		
108	3882690	COLEMAN	TAMMIE		Rep Jerry Boling		
109	8010777	COLLINS	SAMANTHA		Rep Jerry Boling		
110	11651663	COLLINS	GUY		Rep Jerry Boling		
111	11331841	COLLINS	CHRISTINA		Rep Jerry Boling		
112	11354852	COOK	SHEILA		Rep Jerry Boling		
113	6827002	COOK	TIMOTHY		Rep Jerry Boling		
114	11812828	COTTOM	TATE		Rep Jerry Boling		
115	2314418	COULTER	IRA		Rep Jerry Boling		
116	2314420	COULTER	ROBERTA		Rep Jerry Boling		
117	7524132	CRAGG	SHARON		Rep Jerry Boling		XFR Elbert Co
118	3614402	CRAIG	AMANDA		Rep Jerry Boling		
119	11608239	CRANE	LEODEGARIO		Rep Jerry Boling		
120	3977268	CRAVEN	WALTER		Rep Jerry Boling		
121	12101680	CRAVEN	LILLIAN		Rep Jerry Boling		
122	12512842	CROMER	JACOB		Rep Jerry Boling		
123	12512843	CROMER	LACEY		Rep Jerry Boling		
124	10340812	CROWDER	MELINY		Rep Jerry Boling		
125	7780841	CRUMLEY	CHARLES		Rep Jerry Boling		
126	11922582	CRUMLEY	AUBREE		Rep Jerry Boling		
127	8350602	CRUNKLETON	JUSTEN		Rep Jerry Boling		
128	11283464	CUNNINGHAM	NANCY		Rep Jerry Boling		
129	11331628	DAHL	DANIEL		Rep Jerry Boling		
130	6766433	DAHL	JOHN		Rep Jerry Boling		
131	11459548	DAVIS	BRITTANY		Rep Jerry Boling		
132	11201041	DAVIS	JUANITA		Rep Jerry Boling		
133	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
134	7345650	DAY	BRANDIE		Rep Jerry Boling		
135	11683877	DEAL	CHRISTOPHER		Rep Jerry Boling		
136	10711183	DELANEY	LEXXUS		Rep Jerry Boling		
137	12655923	D'EMANUELE	MICHELLE		Rep Jerry Boling		
138	5068083	DENTON	PRISCILLA		Rep Jerry Boling		
139	11548897	DEWOODY	KATHLEEN		Rep Jerry Boling		
140	11612023	DOBBS	ALEXIS	MORGAN	Dan Gasaway		
141	11612023	DOBBS	ALEXIS		Rep Jerry Boling		
142	5532320	DOBY	SHEILA		Rep Jerry Boling		
143	11916844	DOBY	TRISTAN		Rep Jerry Boling		
144	11346933	DODD	SHERRY		Rep Jerry Boling		

	A	B	C	D	E	F	G
145	10712594	DODD	WALTER		Rep Jerry Boling		
146	3749361	DONALDSON	KATHERINE		Rep Jerry Boling		
147	8089798	DORSEY	HORACE	DOUGLAS	Dan Gasaway		
148	5723014	DORWEILER	MAUREEN		Rep Jerry Boling		
149	7702484	DOWDY	CLAIRE		Rep Jerry Boling		
150	4990628	DRAKE	ASHLEY		Rep Jerry Boling		
151	5187872	DRAKE	DUSTIN		Rep Jerry Boling		
152	12100692	DUNCAN	JEREMY		Rep Jerry Boling		XFR Franklin Co
153	5284488	DUNCAN	TIFFANIE		Rep Jerry Boling		XFR Franklin Co
154	4145319	EARLS	RIKKI		Rep Jerry Boling		
155	10522925	EDWARDS	JOCELYN		Rep Jerry Boling		
156	3520634	EHRENBERG	TANYA		Rep Jerry Boling		
157	6141684	ELDRED	STEVE		Rep Jerry Boling		
158	7777844	ELDRED	SYNITHIA		Rep Jerry Boling		
159	12255346	ELIASON	KELSEY		Rep Jerry Boling		
160	11631259	ELLERBEE	ALEXIS		Rep Jerry Boling		
161	10853566	ELROD	BENJAMIN		Rep Jerry Boling		
162	2868289	ENGLAND	CAROLYN		Rep Jerry Boling		
163	2878577	ENGLAND	FREDDIE		Rep Jerry Boling		
164	8908096	FADOOL	DEREK	MICHAEL	Dan Gasaway		
165	4158833	FARAG	HEATHER	MARIE	Dan Gasaway		
166	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
167	4158833	FARAG	HEATHER		Rep Jerry Boling		
168	6926122	FARAG	ASHRAF		Rep Jerry Boling		
169	8502728	FERGUSON	BENJAMIN	HAGEN	Dan Gasaway		
170	11175265	FIATOA	CASEY		Rep Jerry Boling		
171	11651670	FISHER	STARLA	ALEXUS	Dan Gasaway		
172	11651670	FISHER	STARLA		Rep Jerry Boling		
173	7139628	FLINT	JACOB		Rep Jerry Boling		
174	10851625	FORD	CALEB		Rep Jerry Boling		
175	4107181	FORD	DEBORAH		Rep Jerry Boling		
176	12512845	FOUGERAY	ROBERT		Rep Jerry Boling		
177	5913432	FOWLER	ERNEST		Rep Jerry Boling		
178	10463549	FOX	AMY		Rep Jerry Boling		
179	8044540	FRANKLIN	WILLIAM		Rep Jerry Boling		
180	190230	FRANKLIN	LINDA		Rep Jerry Boling		
181	11548838	FRANTZ	TONYA		Rep Jerry Boling		
182	4727	FREEMAN	KATHY		Rep Jerry Boling		
183	3384645	GABLE	ANGELA		Rep Jerry Boling		
184	11560796	GAINES	BRANDON		Rep Jerry Boling		
185	8284966	GAITHER	PORSHA		Rep Jerry Boling		XFR Clarke Co
186	10854424	GARMON	JAMIE		Rep Jerry Boling		
187	6477330	GARRETT	TIFFANY		Rep Jerry Boling		
188	2728278	GLOYD	ROSEMARY		Rep Jerry Boling		
189	2309079	GOOCH	JOYCE		Rep Jerry Boling		
190	8160194	GOZA	ALANA	PAIGE	Dan Gasaway		XFR Elbert Co
191	11334425	GRANT	LISA		Rep Jerry Boling		
192	4045469	GRAVITT	MARTHA		Rep Jerry Boling		XFR Hall Co

	A	B	C	D	E	F	G
193	7039128	GREEN	MELISSA		Rep Jerry Boling		
194	10950677	GREENE	JUSTIN		Rep Jerry Boling		
195	8098556	GREER	ROBERT		Rep Jerry Boling		
196	1042930	GREER	JUDY		Rep Jerry Boling		
197	367845	GRICE	JENNA	DAWN	Dan Gasaway		XFR Hall Co
198	3896610	GRIFFIN	SHEILA		Rep Jerry Boling		
199	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
200	4436	GRIFFIN	ROBERT		Rep Jerry Boling		
201	7771617	GRIFFIN	CHRISTOPHER		Rep Jerry Boling		
202	5479309	GRINDLE	NUCOMA		Rep Jerry Boling		
203	12518722	GUTHRIE	JOSHUA		Rep Jerry Boling		
204	10849246	GUYNN	JACQUIE		Rep Jerry Boling		
205	12555980	HAHN	LEVON		Rep Jerry Boling		
206	5658104	HALL	LEWIS		Rep Jerry Boling		
207	12127640	HAMES	KELLEY		Rep Jerry Boling		
208	3178315	HAMILTON	KAREN		Rep Jerry Boling		
209	10770562	HAMMARLUND	PAIGE		Rep Jerry Boling		
210	10770564	HAMMARLUND	ANDREW		Rep Jerry Boling		
211	6908602	HANCOCK	JEREMY		Rep Jerry Boling		
212	1861382	HAND	KATHLEEN		Rep Jerry Boling		
213	3989962	HANLEY	BOBBY	JASON	Dan Gasaway		XFR Franklin Co
214	5415942	HANLEY	ABBIE	GAIL	Dan Gasaway		
215	5415942	HANLEY	ABBIE		Rep Jerry Boling		
216	4711709	HANSEN	BEVERLY		Rep Jerry Boling		
217	11351535	HARKINS	ELIZABETH		Rep Jerry Boling		
218	2178	HARRIS	BETTY		Rep Jerry Boling		
219	8027249	HATTON	STEPHEN		Rep Jerry Boling		
220	11278354	HAUN	KATELYN		Rep Jerry Boling		
221	10443441	HECHT	TAYLOR		Rep Jerry Boling		
222	11805230	HECK	TERRY		Rep Jerry Boling		
223	12871815	HENDERSON	KAREN		Rep Jerry Boling		
224	10631875	HEREDIA	JOCELYN	CAROLINA	Dan Gasaway		
225	10631875	HEREDIA	JOCELYN		Rep Jerry Boling		
226	3617345	HESTER	MELISSA		Rep Jerry Boling		
227	10853569	HEWELL	MAKAYLA	JAQUETTA	Dan Gasaway		
228	10853569	HEWELL	MAKAYLA		Rep Jerry Boling		
229	10309639	HIGGINBOTHAM	ROBERT		Rep Jerry Boling		
230	10274161	HIGGINSON	STEPHEN		Rep Jerry Boling		
231	10406531	HIGGINSON	CHRISTINE		Rep Jerry Boling		
232	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
233	7079332	HILL	JASON	ALLEN	Dan Gasaway		
234	8441316	HILL	BRANSON	DOUGLAS	Dan Gasaway		
235	7079332	HILL	JASON		Rep Jerry Boling		
236	12102571	HILTS	MALACHI		Rep Jerry Boling		
237	11179256	HINESLEY	DONNA		Rep Jerry Boling		
238	11472743	HISSAM	DYLAN		Rep Jerry Boling		
239	4071455	HOGUE	JACQUALIN		Rep Jerry Boling		
240	3468071	HOLCOMB	STEPHANIE		Rep Jerry Boling		

	A	B	C	D	E	F	G
241	11174601	HOLCOMB	JORDAN		Rep Jerry Boling		
242	3852567	HOLCOMB	CHRISTOPHER		Rep Jerry Boling		
243	4190	HOLCOMB	CARRIE		Rep Jerry Boling		
244	11549742	HOOPER	CHARLIE		Rep Jerry Boling		
245	11330711	HOOSE	JESSY		Rep Jerry Boling		
246	11144106	HORMUTH	JONATHAN		Rep Jerry Boling		
247	7087356	HORNE	JONATHON		Rep Jerry Boling		
248	11158651	HOWELL	GARY		Rep Jerry Boling		
249	12506929	HUDGINS	JESSY		Rep Jerry Boling		
250	12316783	HUFFORD	CARINA		Rep Jerry Boling		XFR Oconee Co
251	11808418	HULSEY	PATRICK		Rep Jerry Boling		
252	4842895	HUNTSINGER	CHARLES		Rep Jerry Boling		XFR Madison Co
253	12367142	ILSLEY	TAMMY		Rep Jerry Boling		
254	10655732	IRVIN	KATHIE		Rep Jerry Boling		
255	11016361	JACKSON	DESTINIE		Rep Jerry Boling		
256	11175098	JARRARD	STONEY		Rep Jerry Boling		
257	5168245	JARRETT	REBECCA		Rep Jerry Boling		
258	7921215	JENNINGS	CHARLEDRA		Rep Jerry Boling		
259	2769550	JOHNSON	TERESA	HELEN	Dan Gasaway		
260	10596217	JOHNSON	AARON	TRENT	Dan Gasaway		
261	11953131	JOHNSON	EDDIE		Dan Gasaway		
262	10596217	JOHNSON	AARON		Rep Jerry Boling		XFR Habersham Co
263	11953131	JOHNSON	EDDIE		Rep Jerry Boling		
264	2769550	JOHNSON	TERESA		Rep Jerry Boling		
265	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
266	12254941	JONES	BRIAN	WILLIAM	Dan Gasaway		
267	12254941	JONES	BRIAN		Rep Jerry Boling		
268	4353547	JONES	JERRY		Rep Jerry Boling		
269	6591437	JONES	JAVONTI		Rep Jerry Boling		
270	6424392	JONES	RUSSELL		Rep Jerry Boling		
271	3533404	JONES	WILLIAM		Rep Jerry Boling		
272	5707849	JONES	ANGELA		Rep Jerry Boling		
273	7479918	JONES	SARAH		Rep Jerry Boling		XFR Madison Co
274	10773502	JONES	BRITTANI		Rep Jerry Boling		
275	11839996	JORDAN	ZACHARY		Rep Jerry Boling		
276	4011275	JOYCE	RONNIE		Rep Jerry Boling		
277	11604985	KABERNAGEL	CHERIE		Rep Jerry Boling		
278	5862334	KABERNAGEL	MICHAEL		Rep Jerry Boling		
279	12085264	KEITH	BRADLY		Rep Jerry Boling		
280	6383220	KELLEY	CRISTAL		Rep Jerry Boling		
281	10309654	KENNEDY	MARIAH		Rep Jerry Boling		
282	3838658	KENYON	JANET		Rep Jerry Boling		
283	11828161	KIMBALL	HANNAH		Rep Jerry Boling		
284	6274888	KING	PEYTON		Rep Jerry Boling		
285	12100433	KING	NICOLE		Rep Jerry Boling		
286	11008863	KNIGHT	CORAL		Rep Jerry Boling		
287	11812843	KRUTROK	KIMBERLY		Rep Jerry Boling		
288	3736611	KYLE	PAMELA		Rep Jerry Boling		

	A	B	C	D	E	F	G
289	11002232	LANGSTON	SIDNEY	KARYL	Dan Gasaway		
290	11002232	LANGSTON	SIDNEY		Rep Jerry Boling		
291	12096720	LASTER	TAMMY		Rep Jerry Boling		
292	12325796	LAUGHTER	JONATHAN		Rep Jerry Boling		
293	10853581	LAWSON	ANNE		Rep Jerry Boling		
294	12197233	LAYMON	EDNA		Rep Jerry Boling		
295	4763970	LAYMON	STANLEY		Rep Jerry Boling		
296	12194961	LAYTON	DOROTHY		Rep Jerry Boling		
297	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
298	12194963	LAYTON	ROBERT		Rep Jerry Boling		
299	4597903	LE	CHERYL		Rep Jerry Boling		XFR Stephens Co
300	5877132	LEQUIER	PETER		Rep Jerry Boling		
301	3335421	LESTER	LLOYD		Rep Jerry Boling		
302	8030571	LILLIE	ASHLEY		Rep Jerry Boling		
303	11161331	LINDSEY	CHARLES		Rep Jerry Boling		
304	4050810	LITTLE	TIMOTHY		Rep Jerry Boling		
305	10334113	LIVINGSTON	JOHNATHAN		Rep Jerry Boling		
306	11143490	LO	MONICA		Rep Jerry Boling		
307	11333048	LO	BRUCE		Rep Jerry Boling		
308	3351432	LODEN	SHIRLEY		Rep Jerry Boling		
309	2752788	LOFTICE	MARVIS		Rep Jerry Boling		
310	2754972	LOFTICE	JERRY		Rep Jerry Boling		
311	11381811	LOGGINS	PAMELA		Rep Jerry Boling		
312	11856009	LORD	SUMMER		Rep Jerry Boling		
313	4355461	LORD	BRYAN		Rep Jerry Boling		
314	6123218	LORD	KRISTY		Rep Jerry Boling		
315	8044564	LORD	ASHLEY		Rep Jerry Boling		XFR Madison Co
316	11314459	LOWE	FELICIA		Rep Jerry Boling		
317	3781057	LOYD	GARY		Rep Jerry Boling		
318	4760613	MACGUANN	TIMOTHY		Rep Jerry Boling		
319	11808803	MACLACHLAN	JAMES		Rep Jerry Boling		
320	11808992	MACLACHLAN	CHERYLL		Rep Jerry Boling		
321	12094728	MACLACHLAN	JACOB		Rep Jerry Boling		
322	8356168	MARKNERS	MATTHEW	THOMAS	Dan Gasaway		
323	8356168	MARKNERS	MATTHEW		Rep Jerry Boling		
324	5837700	MARTIN	DAVID		Rep Jerry Boling		
325	862029	MARTIN	BRADFORD		Rep Jerry Boling		
326	6305204	MATSON	NEIL		Rep Jerry Boling		
327	7327543	MATTHEWS	ANGEL		Rep Jerry Boling		XFR Walton Co
328	4026318	MAYFIELD	MARY		Rep Jerry Boling		
329	8184970	MCCALL	MICAH		Rep Jerry Boling		XFR Cobb Co
330	12025600	MCCLURE	HARLI		Rep Jerry Boling		
331	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
332	3840663	MCDANIEL	JUANITA		Rep Jerry Boling		
333	5720818	MCGOWEN	CHARITY		Rep Jerry Boling		
334	10712119	MCINTYRE	JASON		Rep Jerry Boling		
335	11549749	MCKINNEY	ROSE		Rep Jerry Boling		
336	11136952	MCLANE	NICHOLAS		Rep Jerry Boling		

	A	B	C	D	E	F	G
337	7457647	MCLANE	ZACHARY		Rep Jerry Boling		
338	11290816	MCMILLAN	KRISTIN		Rep Jerry Boling		
339	5580276	MELTON	KERI		Rep Jerry Boling		
340	6360878	MERCER	RONALD		Rep Jerry Boling		
341	11473721	MERCK	HANNAH	MARIE	Dan Gasaway		XFR Barrow Co
342	11473721	MERCK	HANNAH		Rep Jerry Boling		XFR Barrow Co
343	12193040	MINISH	BARBARA		Rep Jerry Boling		
344	3800434	MINISH	BARBARA		Rep Jerry Boling		
345	395286	MIZE	BRENDA	GAE	Dan Gasaway		XFR Hall Co
346	395286	MIZE	BRENDA		Rep Jerry Boling		XFR Hall Co
347	5805566	MOLLER	SANDRA		Rep Jerry Boling		
348	6250536	MOLLER	TANYA		Rep Jerry Boling		
349	11136132	MONEY	KAYLA		Rep Jerry Boling		
350	3621499	MONTGOMERY	SAMUEL		Rep Jerry Boling		
351	6961638	MONTREUIL	JACQUELINE		Rep Jerry Boling		
352	4685723	MORGAN	PEGGY	Y	Dan Gasaway		
353	4685723	MORGAN	PEGGY		Rep Jerry Boling		
354	4230367	MORGAN	RONNIE		Rep Jerry Boling		
355	6877584	MORIAN	HEATHER		Rep Jerry Boling		
356	5574589	MORROW	JUSTIN		Rep Jerry Boling		XFR Oglethrope Co
357	11276379	MOTE	TIFFANY		Rep Jerry Boling		
358	12655897	MOTE	JOSEPH		Rep Jerry Boling		
359	10798332	MULLINS	CHRISTOPHER	BLAINE	Dan Gasaway		
360	10798332	MULLINS	CHRISTOPHER		Rep Jerry Boling		
361	6143345	NEUMYER	KENNETH		Rep Jerry Boling		
362	854997	NEVEILS	CARL		Rep Jerry Boling		
363	5502760	NGUYEN	THAI		Rep Jerry Boling		
364	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
365	11914073	NGUYEN	VINSON		Rep Jerry Boling		
366	12466260	NICHOLS	MELODY		Rep Jerry Boling		XFR Stephens Co
367	7320144	NICHOLSON	ROGER		Rep Jerry Boling		
368	5366251	NORRIS	LONNIE		Rep Jerry Boling		
369	552	OAKES	ELIZABETH		Rep Jerry Boling		
370	11331910	OGLETREE	SOPHIE		Rep Jerry Boling		
371	2252226	OGLETREE	BRYAN		Rep Jerry Boling		
372	4066045	OGLETREE	LISA		Rep Jerry Boling		
373	377690	OGLETREE	ANGELIA		Rep Jerry Boling		
374	11307378	OLSON	SABRINA		Rep Jerry Boling		
375	5264848	ORR	LARRY		Rep Jerry Boling		
376	4149758	ORTIZ	JULIA		Rep Jerry Boling		
377	10534300	OSBORN	TERRI		Rep Jerry Boling		
378	12096609	PADGETT	CEDRIC		Rep Jerry Boling		
379	4161200	PAINTER	KIMBERLY		Rep Jerry Boling		
380	5439888	PANTOJA	TONYA		Rep Jerry Boling		
381	4279	PARKER	RHONDA	SHERRIE	Dan Gasaway		
382	4761939	PARKER	HASSIE	LEANN	Dan Gasaway		
383	4761939	PARKER	HASSIE		Rep Jerry Boling		
384	6419706	PARKER	ANITA		Rep Jerry Boling		

	A	B	C	D	E	F	G
385	7293093	PARKER	CODY		Rep Jerry Boling		
386	4279	PARKER	RHONDA		Rep Jerry Boling		
387	1587413	PARKER	ANITA		Rep Jerry Boling		XFR Oconne Co
388	1587415	PARKER	STEVEN		Rep Jerry Boling		
389	7050264	PARKHILL	ERIC		Rep Jerry Boling		
390	3633756	PASS	CAROL		Rep Jerry Boling		
391	12188730	PATTERSON	MARQUISI		Rep Jerry Boling		
392	11454774	PATTON	ASHLEE		Rep Jerry Boling		
393	12417209	PAYNE	AUSTIN		Rep Jerry Boling		
394	5580056	PEASE	ANDREW		Rep Jerry Boling		
395	7191238	PEREZ	ROBERT	J	Dan Gasaway		
396	7191238	PEREZ	ROBERT		Rep Jerry Boling		
397	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
398	3801580	PETROPOULOS	ETHEL		Rep Jerry Boling		
399	6382780	PETTY	NANCY		Rep Jerry Boling		
400	6382788	PETTY	WILLIAM		Rep Jerry Boling		
401	10404963	PING	JEFFREY		Rep Jerry Boling		
402	7798583	PING	KATHARIN		Rep Jerry Boling		
403	12386712	PINNELL	AMANDA		Rep Jerry Boling		
404	10482303	POLSKI	KEITH		Rep Jerry Boling		
405	10497197	POLSKI	HOLLY		Rep Jerry Boling		
406	1239552	POOLE	DARRIN		Rep Jerry Boling		
407	6754795	PORTER	ROBERT		Rep Jerry Boling		
408	6849759	POSTON	BRANDON		Rep Jerry Boling		
409	1190012	POWER	WILLIAM		Rep Jerry Boling		
410	3720630	PRESLEY	TARA		Rep Jerry Boling		
411	5106133	PRITCHARD	SARAH		Rep Jerry Boling		
412	11881664	PUGH	CHAD		Rep Jerry Boling		
413	6285143	RAM	THOMAS	ALLEN	Dan Gasaway		
414	6285143	RAM	THOMAS		Rep Jerry Boling		
415	10711405	REED	MORGAN		Rep Jerry Boling		
416	11227459	REYES	CHRISTINA		Rep Jerry Boling		
417	11136934	REYNOLDS	ELANOR		Rep Jerry Boling		
418	11006544	REYNOLDS	LISA		Rep Jerry Boling		
419	11548797	REYNOLDS	MICHAEL		Rep Jerry Boling		
420	6187461	RIVERA	STEPHANI	JANIS	Dan Gasaway		
421	6187461	RIVERA	STEPHANI		Rep Jerry Boling		
422	11855939	ROADEN	JAMIE		Rep Jerry Boling		
423	11615772	ROADEN	PENNY		Rep Jerry Boling		
424	4759576	ROBERTS	LEONARD		Rep Jerry Boling		
425	5970206	ROBINSON	KRISTA		Rep Jerry Boling		
426	10730568	RODRIGUEZ	NICOLASA	MARIE	Dan Gasaway		
427	10730568	RODRIGUEZ	NICOLASA		Rep Jerry Boling		
428	6088487	ROJAS	SANDRA		Rep Jerry Boling		
429	7018685	ROLLINS	NICHOLAS		Rep Jerry Boling		
430	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
431	7967388	ROLLINS	AMANDA		Rep Jerry Boling		
432	1027900	ROSS	BARBARA		Rep Jerry Boling		

	A	B	C	D	E	F	G
433	2091263	RUFF	ANGELA		Rep Jerry Boling		
434	12682681	RUSSELL	DEBORAH		Rep Jerry Boling		
435	10518675	RYU	DAVID		Rep Jerry Boling		
436	10518677	RYU	SOOK		Rep Jerry Boling		
437	11679802	SAIN	LEAH		Rep Jerry Boling		
438	6437280	SAPP	JASON		Rep Jerry Boling		
439	11143875	SAVAGE	MICHAEL		Rep Jerry Boling		
440	7950605	SCHIRLING	WHITNEY		Rep Jerry Boling		
441	12234651	SCOGGINS	CADE		Rep Jerry Boling		
442	11336737	SCOGINS	WILLIAM		Rep Jerry Boling		
443	6582860	SCRIBA	TERRY		Rep Jerry Boling		
444	7626349	SEARS	KATIE		Rep Jerry Boling		
445	5316479	SEELEY	JENNY		Rep Jerry Boling		
446	11161230	SELLERS	SHOSHANA		Rep Jerry Boling		
447	445131	SETSER	KENNETH		Rep Jerry Boling		
448	10908875	SEWELL	DAVID	DWAYNE	Dan Gasaway		
449	10908875	SEWELL	DAVID		Rep Jerry Boling		
450	291756	SEWELL	STEPHEN		Rep Jerry Boling		
451	11829139	SHAHAT	RAAFAT		Rep Jerry Boling		
452	11681011	SHOOK	JAMES		Rep Jerry Boling		
453	1333	SIMMONS	MARTHA		Rep Jerry Boling		
454	10582503	SIMMONS	CHAD		Rep Jerry Boling		
455	794	SIMS	FANNIE		Rep Jerry Boling		
456	5188156	SISK	BRYAN		Rep Jerry Boling		
457	11564442	SKINNER	KEVIN		Rep Jerry Boling		
458	11332019	SLOAN	KRISTEN		Rep Jerry Boling		
459	8125042	SMALLWOOD	STEPHEN		Rep Jerry Boling		
460	3952852	SMITH	DAMON	BRYAN	Dan Gasaway		
461	10364818	SMITH	BRITTANY		Rep Jerry Boling		
462	11331782	SMITH	AMBER		Rep Jerry Boling		
463	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
464	12815355	SMITH	RYAN		Rep Jerry Boling		
465	3952852	SMITH	DAMON		Rep Jerry Boling		
466	12129219	SMITH	ASHLEY		Rep Jerry Boling		
467	11143955	SMITH	JOHNATHON		Rep Jerry Boling		
468	3595396	SMITH	JOHNNY		Rep Jerry Boling		
469	366490	SMITH	ANDREA		Rep Jerry Boling		
470	11808629	SMITH	JONATHAN		Rep Jerry Boling		
471	916015	SMITH	BEVERLY		Rep Jerry Boling		
472	916040	SMITH	KENNETH		Rep Jerry Boling		
473	6487225	SNOW	WESLEY		Rep Jerry Boling		
474	5109991	SOSEBEE	JONATHAN		Rep Jerry Boling		XFR Stephens Co
475	5810762	SOSEBEE	CANDICE		Rep Jerry Boling		XFR Stephens Co
476	863229	SPAIN	KIRBY		Rep Jerry Boling		
477	11175065	SQUIRES	JESSICA		Rep Jerry Boling		
478	10571940	SQUIRES	MEGAN		Rep Jerry Boling		
479	10216573	STECK	GARY		Rep Jerry Boling		XFR Forsyth Co
480	11176023	STEWART	JASON		Rep Jerry Boling		

	A	B	C	D	E	F	G
481	11824855	STRONG	JAMES		Rep Jerry Boling		
482	2115177	SUMMERLIN	CHARLOTTE		Rep Jerry Boling		
483	10766850	SUTTON	JUSTIN		Rep Jerry Boling		
484	1033	TAMBLYN	PETER		Rep Jerry Boling		
485	4773180	TAYLOR	KENDAL		Rep Jerry Boling		
486	5676218	TAYLOR	LESLIE		Rep Jerry Boling		
487	11104449	TENCH	WILLIAM		Rep Jerry Boling		
488	4960943	TENCH	JEREMY		Rep Jerry Boling		
489	6649253	TENCH	PAMELA		Rep Jerry Boling		
490	11001592	THOMAS	LEVI	SCOTT	Dan Gasaway		
491	1191357	THOMAS	BLONNIE		Rep Jerry Boling		
492	1466	THOMAS	BRENDA		Rep Jerry Boling		
493	11001592	THOMAS	LEVI		Rep Jerry Boling		
494	11250571	THOMAS	JOSHUA		Rep Jerry Boling		
495	5532540	THOMAS	HEATHER		Rep Jerry Boling		
496	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
497	8695459	THOMPSON	TANNER	MATTHEW	Dan Gasaway		
498	11549274	THOMPSON	BRITTANY		Rep Jerry Boling		
499	12643758	TIPTON	CAMERON		Rep Jerry Boling		
500	12643760	TIPTON	JEANNE		Rep Jerry Boling		
501	8349389	TOLBERT	DAVID		Rep Jerry Boling		
502	11358344	TOMS	DAVID		Rep Jerry Boling		
503	11841816	TOTH	ERNEST		Rep Jerry Boling		
504	12095627	TOTH	KIM		Rep Jerry Boling		
505	4521037	TOTH	MICHAEL		Rep Jerry Boling		
506	6537908	TROTTER	MATTHEW		Rep Jerry Boling		
507	4589697	TURNER	ALISHA		Rep Jerry Boling		
508	11334436	TURNER	COREY		Rep Jerry Boling		
509	11008291	TURNER	WILLIAM		Rep Jerry Boling		
510	11330815	TURPEN	BRIAN		Rep Jerry Boling		
511	11143964	TWEDELL	COLTON		Rep Jerry Boling		
512	11136942	VANDIVER	MICHAEL		Rep Jerry Boling		
513	4030	VAUGHN	DANNY	VERNER	Dan Gasaway		XFR Franklin Co
514	12084173	VAUGHN	DYLAN		Rep Jerry Boling		
515	10501642	WAGNER	JULIA		Rep Jerry Boling		
516	10501643	WAGNER	PETER		Rep Jerry Boling		
517	10745801	WAGNER	LISA		Rep Jerry Boling		
518	4843845	WALDEN	MICHAEL		Rep Jerry Boling		
519	12109864	WALKER	BRAXTON		Rep Jerry Boling		
520	10213975	WALKER	DONNA		Rep Jerry Boling		XFR Lumpkin Co
521	6877255	WALTERS	MISTY		Rep Jerry Boling		
522	4921952	WARD	LISA		Rep Jerry Boling		
523	6573311	WARREN	CHRISTOPHER		Rep Jerry Boling		XFR Hall Co
524	12371676	WATKINS	ASHLEY		Rep Jerry Boling		
525	8112886	WATKINS	SARAH		Rep Jerry Boling		
526	12296051	WATTS	ASHLEY		Rep Jerry Boling		
527	837870	WEBB	CHARLES		Rep Jerry Boling		
528	6738926	WEEKS	SCOTT		Rep Jerry Boling		

	A	B	C	D	E	F	G
529	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
530	11008213	WELCH	GREGORY		Rep Jerry Boling		
531	11459255	WELDON	LISA		Rep Jerry Boling		
532	12868281	WEST	PAUL		Rep Jerry Boling		
533	10712716	WEST	BRUCE		Rep Jerry Boling		
534	10712827	WEST	DEBRA		Rep Jerry Boling		
535	433	WESTBROOKS	JESSIE		Rep Jerry Boling		
536	5389857	WESTMORELAND	ROBERT		Rep Jerry Boling		
537	7429487	WHEELER	AMANDA		Rep Jerry Boling		
538	12095239	WHITE	SHARRI		Rep Jerry Boling		
539	12098092	WHITE	ROBERT		Rep Jerry Boling		
540	12655947	WHITEHEAD	JUSTIN		Rep Jerry Boling		
541	7289552	WHITEHEAD	KELLY		Rep Jerry Boling		
542	12468685	WHITELOCKE JOSEPHS	TANISHA	EDRIS	Dan Gasaway		
543	8134697	WHITEY	MEGAN		Rep Jerry Boling		
544	4429134	WHITFIELD	MARK		Rep Jerry Boling		
545	3275877	WILEY	EDITH		Rep Jerry Boling		
546	10333466	WILEY	TIMOTHY		Rep Jerry Boling		
547	7302083	WILKES	JESSICA		Rep Jerry Boling		
548	3744560	WILLIAMS	MISTY	LEIGH	Dan Gasaway		
549	12095541	WILLIAMS	DAVID		Rep Jerry Boling		
550	3744560	WILLIAMS	MISTY		Rep Jerry Boling		
551	8397792	WILLIAMS	SARAH		Rep Jerry Boling		
552	888	WILLIAMS	BRENDA		Rep Jerry Boling		
553	10578602	WILLIAMS	CHELSEA		Rep Jerry Boling		
554	8253113	WILMOT	AMANDA		Rep Jerry Boling		
555	11158887	WILSON	AMY		Rep Jerry Boling		
556	11589788	WOJCIK	DUSTIN		Rep Jerry Boling		
557	5488525	WOMBLE	KASEY		Rep Jerry Boling		
558	6785166	WOOD	BRANDON		Rep Jerry Boling		
559	10838599	WOODARD	KIMBERLY		Rep Jerry Boling		
560	11788262	WOODRING	ABIGAIL		Rep Jerry Boling		
561	2729	WRIGHT	GAY		Rep Jerry Boling		
562	Registration #	Last Name	First Name	Middle Name	Challenge By	Vote	Comments
563	12098836	WYATT	KALEY		Rep Jerry Boling		
564	5804746	YOST	JULIE		Rep Jerry Boling		
565	4850665	ZDENAHLIK	HOLLY		Rep Jerry Boling		

**Holsworth Exhibit
8 (1-12-22)**

COUNTY	First Name	Last Name	Cell	Home	EMAIL	Cong Dist	ADDRESS	City	State	Zip Code	VOTER ID#	
Appling County	Kandiss	Taylor	912-288-5334		jandisstaylor@gmail.com		83 South Oak Street	Baxley	GA	31513	4581483	done-ah
Atkinson County	Perette	ou	912-592-2801	912-389-6294	pmmorris0405@gmail.com	8	PO Box 153	Willacoochee	GA	31650		
Bacon County	Judy	Carter	912-632-8888	912-632-8889	winwithdarwin@atc.cc	1	1734 W. 4th Street Ext.	Alma	GA	31510	4466103	done-ah
Baker County	Joey	Henderson	229.343.6516		hendersonjoey@bellsouth.net	2	4648 Old Highway 200	Newton	GA	39870		
Baldwin County	Jack	Kraph	478-731-2216		jack.krapf@att.net		236 Old Plantation Trail NW	Milledgeville	GA	31061	3461079	Done-ah
Banks County	Jerry	Boling	678-316-4172	706-677-3307	jboling1@aol.com	9	229 Wells Road	Homer	GA	30547	624	
Barrow County	John	Stevens			johnstevens@barrowga.gov	10	1508 Harmony Grove Church Rd	Auburn	GA	30011	1228651	done=ah
Bartow County	Louis	Debroux	678-492-3182		louis@bartowgop.com; led@gatekeeperbackup.com	11	153 Popham Road	Taylorville	GA	30178		
Ben Hill County	Tommy	Roberts, Jr	229-425-4123	229-425-4123	tommyroberts@benhillga.gov	8	295 Ten Mile Rd	Fitzgerald	GA	31750	6768228	DONE-AH
Berrien County	Jeron	Griner	229-326-2081		jerongriner12@gmail.com	8	118 Heather Lane	Nashville	GA	31639		
Bibb County	Bradley	Emerton	478-320-8507		brademe@protonmail.com	2, 8	1749 Waverland Circle	Macon	GA	31210	6560599	done-ah
Bleckley County	Brandy Perry	Ledbetter	478-308-1089			8	112 N Second St.	Cochran	GA	31014	55410	Good to go James C
Brantley County	Ronald	Hammond	912-294-4953		bp8796@gmail.com	1	108 Thornton Rd	Waynesville	GA	31566		
Brooks County	Arthur	Morin	229-300-1995		am@brookscountyga.gov	8	907 N. Culpepper Street	Quitman	GA	31643	8034097	
Bryan County	Karen	Hewitt	912-665-2943		rkarenh@aol.com	1	101 Ogeechee Dr	Richmond Hill	GA	31324		
Bulloch County	Reid	Derr	478-299-0175		reidderr53@hotmail.com	12	259 Surrey Lane	Statesboro	GA	30458		
Burke County	Fred	Reeves	706-840-0370		fred@reevescustomcoaches.com	12	1457 Spring Church Road	Waynesboro	GA	30830		
Butts County	John	Patterson	770-294-0612		john@buttscountyga.gov		259 Bultrill Road	Jackson	GA	30233	680039	done-ah
Calhoun County	Eldonna	Wilkinson	229-881-3365		eldonna@calhouncountyga.gov	2	4533 N. Depot Street	Leary	GA	39862	593364	done-ah
Camden County	Rachel	Baldwin	912-266-4711		rbaldwin.eds@gmail.com	1	490 S Satilla St	Kingsland	GA	31548		
Candler County	Johnny	Vines	912-243-0519		vi@candlercountyga.gov	12	P.O. Box 1422	Metter	GA	30439		

Carroll County	Rick	Tillman	770-328-7474	770-258-0007	ftillmanfa@m@aol.com	3	900 Indian Creek Road	Bowdon	GA	30108		
Catoosa County	Chris	Arnt	423 883-0016		gaarnts@catt.com	14	145 CANYON TRL	RINGGOLD	GA	30736		
Charlton County	Phil	Lott	912-276-0332	912-496-3446	maximumbrown111@gmail.com	1	1863 N. 3rd Street	Folkston	GA	31537	45466	done-ah
Chatham County	Unorgani zed					1		Savannah	GA	31410		
Chattahoochee County	Unorgani zed					2						
Chattooga County	Eddy	Willingham	706-936-7384		edw3333@gmail.com	14	70 Sunset Dr	Summerville	GA	30747		
Cherokee County	Irish Lyn	MURPHY			lynmurphy@reagan.com		127 BELLEHAVEN DR	Woodstock	GA	30188	106507	
Clarke County	Gordon	Rhoden	706-549-4073		rhodenagency@yahoo.com	9, 10	340 Heather Cove	Athens	GA	30606	2252900	
Clarke County	Carter	Donna	706-372-9584		citizensfortruth@yahoo.com		502 Souther Circle	Athens	GA	30606		
Chatham County	Unorgani zed					1		Savannah	GA	31410		
Chattahoochee County	Unorgani zed					2					1772583	
Chattooga County	Eddy	Willingham	706-936-7384		edw3333@gmail.com	14	70 Sunset Dr	Summerville	GA	30747		
Cobb	Pamela F	Reardon			pameladrealtor@gmail.com		4050 Coyte Dr	Marietta	GA	30062	3615023	done-ah
Coffee County	Cathleen	Latham	912-389-6085		cathyatham@gmail.com	12	95 Bankers Circle	Douglasville	GA	31535	3678321	done-ah
Colquitt County	Hayden	Willis	225-288-3364		haydenwillis@gmail.com	8	2008 2nd Street SE	Moultrie	GA	31768		
Columbia County	Debbie	McCord	706-833-4731		debbie.mccord@outlook.com	10, 12	505 Brandermill Rd	Evans	GA	30809	2269695	done-ah
Cook County	Dorsey	Holt	229-561-7373		dorseyholt1@hotmail.com	8	1001 Bear Creek Rd	Adel	GA	31620		
Coweta County	Vickie	Matlaga			cwacofsg@yahoo.com	3	89 Big Horn Drive	Newnan	GA	30165	86329	done-ah
Crawford County	Janet	Carter	478-447-2980		janetwc82@gmail.com	2	1865 Sandy Point Rd	Knoxville	GA	31050	171321	done-ah
Cris County	Donald	Cole	229-291-7114		don@doncole.com	2	610 Cardinal Ave	Cordele	GA	31015	807461	
Dade County	Tom	Pounds	979-236-3882	706-398-2524	tipounds@gmail.com	14	298 Wild Acres Lane	Rising Fawn	GA	30738		
Dawson County	Seanie	Zappenforf	678-643-9019	706-344-1235	seanie.zappenford@gmail.com	9	113 Scarlett Oak Lane	Dawsonville	GA	30534	7298704	done-ah
Decatur County	Ann Marie	Emmons	609-724-4580		amaemmons@gmail.com	2	1527 Doogwood Dr	Bainbridge	GA	39819		

DeKalb County	Douglas	Hartman	814-360-0073		doug_hartman1@yahoo.com	4, 5, '6	1291 Cumberland Road NE	Atlanta	GA	30306	10079807	
Dodge County	James Kenneth	Carroll			thekencarroll@gmail.com	8	346 Gum Swamp Rd.	Eastman	GA	31023	56764	
Dooly County	E. Shane	Danforth			ericdanforthfire@gmail.com	2	2711 Highway 27	Vienna	GA	31092	801118	done-ah
Dougherty County	Billie	Fletcher	229-854-9443			2	2302 12th Ave	Albany	GA	31707	1219364	Good to go. James C
Douglas County	Cindy	Morley	770-365-2103		cindy.morley@bellsouth.net	13	2366 Iron Horse Dr	Douglasville	GA	30135		
Douglas County	Cesar	Gonzales	(404) 824-5959		mechracer74@yahoo.com		7255 Cowan Mill Road	Winston	GA	30187	8260590	done-ah
Early County	Brad	Hughes	502-645-6297		bradhughes00@gmail.com	2	PO Box 543	Blakely	GA	39823		
Echols County	Terry	Carter	229-292-7539		trrcarter30@gmail.com	1	1033 Tince Rd	Lake Park	GA	31636		
Effingham County	Brittany	Dasher	912-663-7935		bdash7935@yahoo.com	1, 12	PO Box 60	Springfield	GA	31329		
Elbert County	Dustin	Ayers	706-988-4576		ayersdustin@hotmail.com	9	1555 Cromer Road	Elberton	GA	30635		
Emanuel County	Greg	Johnson	912-682-0921		gop.emmanuel@gmail.com	12	888 Golf Drive	Swainsboro	GA	30401		
Evans County	Peggy	Perkins	912-429-5066	912-739-4589	perkfam837@webtv.net ; clarksonlr611@gmail.com	12	PO BOX 837	Hagan	GA	30429		
Fannin County	Joe	Owens	678-427-8767		kk4nte@outlook.com	9	135 Dancing Trees Trail	Morganton	GA	30560		
Fayette County	Gregory Cecil	Clifton			deeproofsiंगा@gmail.com		135 Knights Ct.	Fayetteville	GA	30215	2758385	done-ah
Floyd County	Diane	Lewis	770-324-4720		dewis@lewischem.com	14	414 Tribune St	Rome	GA	30161		
Forsyth County	Patrick	Bell	678-878-9358		patrick@teambello.org	7, 9	1426 Indian Way	Cumming	GA	30040		
Franklin County	Angela	Whidby	404-427-1082		dogsgalore@icloud.com	9	19031 Hwy 106	Toccoa	GA	30577	2768260	done-ah
Fulton County	Caroline	Jeffords			carolinejeffords@hotmail.com		4380 Paran Summit Court NW	Atlanta	GA	30327	3483492	
Fulton County	Trey	Kelly	770-363-6479		trekellynaifa@gmail.com ; angelic@fultongop.org	5, 6, 11, 13	3803 North Stratford Rd	Atlanta	GA	30342		
Gilmer County	Richie	Stone	706-889-8274		chairman.gilmergop@gmail.com	9	15 Nickel Lane #7313	Ellijay	GA	30540		
Glascock County												
Glynn County	Dr. Ginny	Hall	229-425-5060		ginnyhall52@gmail.com	1	100 Hanging Moss Drive	St. Simons Island	GA	31522		

Gordon County	Kathleen	Thorman	404-702-2703		kwthorman@gmail.com	14	1395 Slate Mine Road SE	Fairmount	GA	30139		
Grady County	Gilbert	Jolly	251-753-8972		southernreb18@yahoo.com	2	3126 GA Hwy 188 N, Lot 6	Cairo	GA	39826		
Greene County												
Gwinnett County	Mark	Williams	678-618-0791		mark@prientingtrade.co.com		3312 Canary Trail	Duluth	GA	30096	2836327	
Habersham County	W Carl	Blackburn	706-499-7355		cblackburn1776@gmail.com	9	130 Northridge Dr	Demorest	GA	30535	1240737	
Hall County	Theresa	Webb	404-805-4571	678-833-9196	webb4me@gmail.com	9	3761 Maple Forge Lane	Gainesville	GA	30504	2740041	done-ah
Hancock County	Ernie	Gonzales	703-785-1838		erniegonzales198@gmail.com	10	12471 W Broad Street	Sparta	GA	31087	12357749	done-ah
Haralson County	Robert	Smith	770-605-7558		rws0318@bellsouth.net	14	100 Covered Bridge Rd	Bremen	GA	30110		
Harris County	Mark	Post	706-325-2773	706-221-9371	mark31904@gmail.com	3	215 Woodland Drive	Cataula	GA	31804		
Hart County	Guy	Hagan	404-202-2816		guyhagan@gmail.com	9	9 Sidney Drive	Hartwell	GA	30645		agreed via formstack
Heard County	Sharlene	Joh	706-594-9139		scjoh02@wildblue.net	3	2377 Thaxton Rd	Franklin	GA	30217		
Henry County	Barbara	Jessop		678-372-0070	bjessop@charter.net	3, 10, 13	1102 Huntcrest Ridge	McDonough	GA	30252		
Henry County	Noelle	Kahaian	586-212-5182		noellekahaian@gmail.com		15 Harris Drive	Forest Grove	GA	30248	1.1E+07	done-ah
Houston County	Donna	Sant	478-954-5965		dsantaga@cloudlabs.com	8	100 Corporate Pointe Box C11	Warner Robins	GA	31088	8034097	
Irwin County	Lott	Dill	229-424-5652	229-468-9214	lhdiill@surf.south.com	8	425 Petunia Road	Ocilla	GA	31774		
Jackson	Ronald	Johnson				9	1754 Tugaloo Dr	Jefferson	GA	30549	5242357	done-ah
Jasper County	Mary Alice	Carter	678-449-9701	770-786-8145	marvalicecarter@gmail.com	10	36 Lance Court	Mansfield	GA	30055		
Jeff Davis County	Steven	Roberson	912-253-0012		steve@roberson.biz	12	92 S Williams St	Hazelhurst	GA	31539		
Jefferson County	Alan	York	478-494-6124		york1267@yahoo.com	10	1754 Tugaloo Dr	Louisville	GA	30434	244418	done-ah
Jenkins County	Joe	Sasser	478-494-0732		jandcsasser@bellsouth.net	12	553 Dekle Ave	Millen	GA	30442		
Johnson County	Robert	Colston			robcolston1962@gmail.com	10	503 Hill Salter Rd.	Kite	GA	31049	689852	done-ah
Jones County	Jan	Andrews			jandrews10@cox.net	8	122 Yukon Road	Macon	GA	31217	692735	done-ah
Lamar County	Ashley	Gilles	770-557-9277		ashleyngilles@gmail.com	3	428 Abbott Rd	Barnesville	GA	30204	1.2E+07	done-ah
Lanier County	Brian	Sirmans	229-269-7788		briansirmans@gmail.com	8	1429 River Road	Lakeland	GA	31635		

Laurens County	Abigail	Safford	478-278-9789	478-272-3605	arsafford@gmail.com	12	113 Mary Dr	East Dublin	GA	31027		
Lee County	Gina	Amato			amatog116@gmail.com	2	116 Alachua Lane	Albany	GA	31707	08508673 A	done-ah
Liberty County	Benjamin	O'Neal	678-612-8926		boneal@sclawgroup.com	1	915 Long Frasier Drive	Hinesville	GA	31313		
Lincoln County												
Long County	Ray	Howard	912-256-4986		rlh8004@gmail.com	1	1023 Buster Phillips Rd SE	Ludowici	GA	31316		
Lowndes County	Seth	Demott	229-560-8276		seth.demott@gmail.com	1, 8	2026 Oakdale Dr	Valdosta	GA	31602		
Lumpkin County	Katherine	James	404-386-1398		mkjames37@yahoo.com	9	37 Blueberry Hill	Dahlonega	GA	30533		
Macon County	Unorganized					2						
Madison County	Ralph	Hudgens				9	6509 Highway 106 S	Hull	GA	30646	2250451	done-ah
Marion County	Unorganized					2						
McDuffie County	Bradley	Kitchens			bradkitchens1981@gmail.com		3975 McCorckle Road	Dearing	GA	30876	5887581	Done-ah
McIntosh County	William	Johnson	912-663-3449		bisands64@gmail.com	1	607 Clarke St	Darien	GA	31305	1119155	Done-ah
Meriwether County	Tom	Hagen	706-637-8529		vinchaser01@gmail.com	3	6659 Lone Oak Rd	Hogansville	GA	30230		
Miller County	Unorganized					2						
Mitchell County	Joe	Campbell	229-344-1694	229-336-7416	joemcampbell@yahoo.com	2	4556 Squirrel Haven Road	Camilla	GA	31730		
Monroe County	Todd	Tolbert	478-737-9802		todd@tolbertandasociates.com	8	150 Cory Dr	Macon	GA	31210		
Montgomery County	Unorganized					12						
Morgan County												
Murray County	Kevin	Jones	706-581-5354		kij6887@yahoo.com	14	4717 Hwy 52 Alt	Chatsworth	GA	30705		
Muscogee County	Alton	Russell	706-587-7549	706-324-1546	altonrusse1138@gmail.com	2, 3	1425 Autumnridge Drive	Columbus	GA	31904		
Newton County	Scott	Jay	678-794-7691		storettofovington@bellsouth.net	4, 10	10170 Starr Street SW	Covington	GA	30014		
Oconee County	Patricia	Daughterly			patd105@gmail.com		5041 Price Mill Road	Bishop	GA	30621	4574383	done-ah
Oglethorpe County	Catherine Marie	Ware			catware762@gmail.com	10	52 Creek Ridge	Winterville	GA	30683	2323801	done-ah
Paulding County	Nancy	Hollingshead	678-446-8367		nhollingshead@gmail.com	14	178 Owesmill Path	Dallas	GA	30132		
Peach County	Julie	McCook	478-972-6059		jubug824@aol.com	2	210 Anderson Ave	Fort Valley	GA	31030		

Pickens County	Craig	Stallings	404-307-1889		craig@stallingsindustries.com	9	869 Pioneer Road	Jasper	GA	30143		
Pierce County	Kay	Godwin	912-282-2524		kaygodwin46@gmail.com	1	835 Strickland Avenue	Blackshear	GA	31516		
Pike County	Keith	Hurley	404-425-8740		keefus06@gmail.com	3	702 Ivy Circle	Concord	GA	30206		
Polk County	Marc	Wall	706-766-6669	770-749-0420	brendmarco@cs.com	14	1216 Hightower Road	Cedartown	GA	30125		
Pulaski County	John	McCune	478-783-3080		renam@stel.net	8	800 Wildwood Ave	Hawkinsville	GA	31036		
Putnam County												
Quitman County	Carvel		229-221-8709		cclewis@aol.com	2	1142 Georgia Hwy 39S	Georgetown	GA	39854		
Rabun County	Edward	Henderson					PO Box 1294	Clayton	GA	30525		
Randolph County	Deker	Hixon	229-310-9197		dekerhixon@gmail.com	2	2837 GA Hwy 216	Cuthbert	GA	39840		
Richmond County												
Rockdale County	Toby	Dryer	404-406-8739	678-413-2439	chairman@rockdalega.com	4	2907 Loch Lomond Drive	Conyers	GA	30014		
Schley County	No Paperwork rec'd from County in 2019					2						
Screven County	Stephen	Hammond	912-659-0725		shammond@nctv.com	12	2190 Scarboro Hwy	Sylvania	GA	30467		
Seminole County	Bryan	Wells	229-400-5548		bryanwells64@yahoo.com	2	7930 Parkside Circle	Donalsonville	GA	39845		
Spalding County	Thomas	Ison, Jr	678-858-8895		ti23@minispring.com	3	11 Terrancedale Ct	Griffin	GA	30224		
Stephens County	Rebeckah	Bennett	706-716-9406		rebeckahibennett@yahoo.com	9	1617 Rock Quarry Circle	Toccoa	GA	30577		
Stewart County	Christina-she passed away Sunday	Scribner			cgritchie1@aol.com	2	993 Wall Street	Richland	GA	31825		
Sumter County	Darryl	Hawkins	229-942-0607	229-928-1338	darrylhaeburn@yahoo.com	2	113 N Pointe Circle	Americus	GA	31709	73123	done=ah
Talbot County	Unorganized					2						
Taliaferro County	Joe	Martin	706-817-6575	706-456-3198	joemartin@talco.com	10	3198 Hillman Road NE	Crawfordville	GA	30631	7582034	done-ah
Tartnall County	Marc	Nobles	912-270-6012		noblesmarc@tntnall.com	12	300 E Pecan Road	Glennville	GA	30427	1591000	done-ah
Taylor County	Chuck	Hand	478-662-1681		chuckh.wc@gmail.com	2	171 Dillon Rd	Butler	GA	31006		
Telfair County	Unorganized					8						
Terrell County	Sarah	Webster			sbwebster@yahoo.com	2	7149 FLA Short Rt	Dawson	GA	39842	3513719	done-ah

Thomas County	Bruce	Fykes	904-327-7547	229-227-1425	bryfykes@yahoo.com	8	155 South Gate Dr	Thomasville	GA	31757	done	done
Tift County	Jerold	Cade	229-392-0376		jroldcade@gmail.com	8	4212 Frazier Circle	Tifton	GA	31783	7561317	done-ah
Toombs County	Leesa	Hagan	912-403-9303		mhagan@yahoo.com	12	896 Rodney Stanley Rd	Lyons	GA	30436	8163784	done-ah
Towns County	Betsy	Young	904-382-1912		towsonbetsy@gmail.com	9	1173 Frog Pond Rd	Hiawasse	GA	30546	11290679	done-ah
Treutlen County	Phil	Jennings IV	912-536-5185		phil@sodfather.com	12	3533 East Main Street	Soperton	GA	30457		
Troup County	Helen	Rice	706-333-9794		helenrice@charter.net ; ashleymccoy@synovus.com	3	882 Piney Woods Dr	LaGrange	GA	30240		
Turner County	Unorganized					8						
Twiggs County	Emmitt	Sherling	478-365-5146	478-945-6930	jsherling48@gmail.com	8	3383 Prospect Church Rd	Jeffersonville	GA	31044		
Union County	Dena	Gooch	706-265-9251	706-747-3932	denagooch@windstream.net	9	876 Johnny Gap Rd	Suches	GA	30577	912480	done-ah
Upson County	Hannah	Ellington	706-975-8709		hbellington@gmail.com	3			GA			
Walker County	Nancy	Burton	423-364-5682		n_burton001@comcast.net	14	102 McFarland Rd #4	Lookout Mountain	GA	30750		
Walton County	Lucretia	Hughes	404-422-2558		dave.fallbackproductions@gmail.com	10	4780 Center 14th Church Rd	Loganville	GA	30052	3807	done-ah
Ware County	Jimmy	Carter	912-590-2165	912-338-9551	carterwaycross@outlook.com ; debra610@gmail.com	1	2285 DeVandre Avenue	Waycross	GA	31503		
Warren County	Dennis	Coxwell	706-836-0810		cdc@pine-south.com		307 Wilhoit St	Warrenton	GA	30828	James is going to find registration #	
Washington County												
Wayne County	Ralph	Trapnell	912-294-3325		trapnell0480@gmail.com	1	1671 S Highway 301	Jesup	GA	31546	will send info formstack	
Webster County	Kristy	Blankenship	229-389-1887	229-828-3565	mshill@webstermail.com	2	858 Cemetery Road	Preston	GA	31824	269372	done-ah
Wheeler County	Laura	Brownley	912-568-1671		lbrwnley@gmail.com	12	34 S Broad Street	Alamo	GA	30411		done-ah
White County	Kristopher	Yardley	770-572-3475		kyardley2002@yahoo.com	9	413 Head Street	Cleveland	GA	30528	3320637	
Whitfield	Dianne	Putnam	706-217-5929		dianneputnam@hotmail.com	14	504 Valley Drive	Dalton	GA	30720		
Wilcox	Wayne	McGuinty	229-949-0275	229-365-2489	rwminc1@windstream.net	8	111 Fifth Avenue	Rochelle	GA	31079	192236	done-ah

Wilkes	David A J	Steele	770-403-8195		dajs2000@aol.com	10	509 S Jefferson St	Washington	GA	30673	2757582	
Wilkinson												
Worth	Terry	Achord	229-566-3281	229-776-1019	tachord06@hotmail.com	8	400 Isabella Terrell Road	Poulan	GA	31792		

RETRIEVED FROM DEMOCRACYDOCKET.COM

COUNTYNAME	COUNT	Submitting
APPLING	34	
ATKINSON	19	
BACON	31	
BAKER	15	
BALDWIN	76	
BANKS	50	Dan Gassaway
BARROW	367	
BARTOW	301	Cheryl Odells
BEN HILL	24	
BERRIEN	56	
BIBB	401	
BLECKLEY	38	
BRANTLEY	38	
BROOKS	35	Lee Larko
BRYAN	224	
BULLOCH	174	
BURKE	43	
BUTTS	86	
CALHOUN	10	
CAMDEN	205	Noah Ring
CANDLER	24	
CARROLL	371	
CATOOSA	249	Denise Burns
CHARLTON	17	
CHATHAM	916	
CHATTAHOOCHEE	7	
CHATTOOGA	49	Casie Bryant
CHEROKEE	1094	Debbie Staver
CLARKE	496	
CLAY	5	
CLAYTON	1273	Tina Louis
CLINCH	8	
COBB	3618	Pamela Reardon
COFFEE	46	
COLQUITT	53	Louise Cooper Bannisterlouban@windstream.net
COLUMBIA	638	Jodi Lott
COOK	47	
COWETA	442	Jennifer Ziolkowski
CRAWFORD	21	
CRISP	34	Marie Adamson
DADE	37	Colton Moore
DAWSON	155	
DECATUR	52	
DEKALB	4111	Marci Baer / Lonnie Lo
DODGE	32	
DOOLY	16	

DOUGHERTY	205	
DOUGLAS	742	
EARLY	18	
ECHOLS	7	
EFFINGHAM	196	
ELBERT	31	
EMANUEL	41	
EVANS	22	
FANNIN	99	
FAYETTE	544	
FLOYD	161	Mickey Tuck
FORSYTH	1085	Laurie Cleland
FRANKLIN	64	
FULTON	5599	Steve Sutton
GILMER	76	Jason Williamson
GLASCOCK	11	
GLYNN	262	Jeff Jones
GORDON	98	Kathleen Thorman
GRADY	42	
GREENE	80	
GWINNETT	3387	David Clark
HABERSHAM	99	
HALL	629	Rick McQueen
HANCOCK	18	
HARALSON	74	
HARRIS	132	
HART	50	
HEARD	32	
HENRY	1116	
HOUSTON	393	
IRWIN	31	
JACKSON	294	
JASPER	50	
JEFF DAVIS	32	
JEFFERSON	12	
JENKINS	11	
JOHNSON	13	
JONES	80	
LAMAR	59	Ashley Gillis
LANIER	20	
LAURENS	65	
LEE	156	
LIBERTY	159	
LINCOLN	34	
LONG	39	Jeff Jones
LOWNDES	303	John Corbett
LUMPKIN	100	

MACON	9	
MADISON	79	
MARION	9	Julia Cyrene
MCDUFFIE	42	
MCINTOSH	30	Jeff Jones
MERIWETHER	59	
MILLER	20	
MITCHELL	43	
MONROE	92	
MONTGOMERY	36	
MORGAN	63	Steven Shell
MURRAY	63	
MUSCOGEE	534	
NEWTON	501	
OCONEE	192	
OGLETHORPE	35	
PAULDING	714	Kerstan Kruse
PEACH	100	
PICKENS	95	Kathy Cowan
PIERCE	29	Beverly Dianne Wilson
PIKE	62	Brandon Bramlett
POLK	97	Larry Reynolds
PULASKI	36	
PUTNAM	84	
QUITMAN	7	
RABUN	47	
RANDOLPH	11	
RICHMOND	636	Jodi Lott
ROCKDALE	532	
SCHLEY	11	
SCREVEN	24	
SEMINOLE	20	
SPALDING	181	Michelle Knight
STEPHENS	58	Rebeckah Bennett
STEWART	5	
SUMTER	45	
TALBOT	7	
TALIAFERRO	2	
TATTNALL	32	
TAYLOR	13	
TELFAIR	16	
TERRELL	23	
THOMAS	70	
TIFT	82	
TOOMBS	65	
TOWNS	54	

TREUTLEN	13
TROUP	151
TURNER	14
TWIGGS	27
UNION	86
UPSON	51
WALKER	173
WALTON	334
WARE	63
WARREN	14
WASHINGTON	24
WAYNE	46
WEBSTER	9
WHEELER	5
WHITE	95
WHITFIELD	174
WILCOX	9
WILKES	18
WILKINSON	24
WORTH	37

Ken Pullen took it

Dean Kelley

Danniel Dewitte

Kathy Thompson

Carly Drobnick

39141

RETRIEVED FROM DEMOCRACYDOCKET.COM

Our Status	STATUS	STATUS2
------------	--------	---------

votegasaway@gmail.com

odells2000@yahoo.com

Leelarko@yahoo.com

Noahring53@gmail.com

adeniseburns@gmail.com

casiebc@gmail.com
dharris-staver@comcast.net

RETRIEVED FROM DEMOCRACYDOCKET.COM

REJECTED

ABSURD JUSTIFICATION.

pameladrealtor@gmail.com SUBMITTED

louban@windstream.net
 submitted

Jnlichty@gmail.com

Mbeachn77@gmail.com
 Colton@coltonmoore.com

mmcarthy@ten-inc.com SUBMITTED

mtuck18@comcast.net

laurie.cleland@gmail.com kpbarne@co Kim Pruitt Barnes 2nd submitted

steve@spc-llc.com

SUBMITTED

Williamsongrading@gmail.com

s124@votejeffjones.com

kwthorman@gmail.com

david3clark@gmail.com

rick.mcqueen@charter.net

RETRIEVED FROM DEMOCRACYDOCKET.COM

Ashley.n.gilles@gmail.com

s124@votejeffjones.com

John Corbett <johnncorbett@bellsouth.net>

Daughterjudah@gmail.com

s124@votejeffjones.com

seshell77@aol.com

kerstin.liberty@gmail.com

Kcowan77@gmail.com

mossagate@att.net

Swagged.bb@gmail.com

llr231@gmail.com

submitted

Michelle Knight514 <michelle.knight514@gmail.com>

scgopchairwoman@gmail.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

kenpullin75@gmail.com
nwgateaparty@gmail.com
bulldogs97@yahoo.com

email sent
carly@drobnick.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

COUNTYNAME	COUNT	Submitting
BANKS	50	Dan Gassaway
BROOKS	35	Lee Larko
CAMDEN	205	Noah Ring
CATOOSA	249	Denise Burns
CHATTOOGA	49	Casie Bryant
CHEROKEE	1094	Debbie Staver
COBB	3618	Pamela Reardon
COLQUITT	53	Louise Cooper Bannisterlouban@windstream.net
COLUMBIA	638	Jodi Lott
COWETA	442	Jennifer Ziolkowski
CRISP	34	Marie Adamson
DADE	37	Colton Moore
DEKALB	4111	Marci Baer / Lonnie Lo
FLOYD	161	Mickey Tuck
FORSYTH	1085	Laurie Cleland
FULTON	5599	Steve Sutton
GILMER	76	Jason Williamson
GLYNN	262	Jeff Jones
GORDON	98	Kathleen Thorman
GWINNETT	3387	David Clark
HALL	629	Rick McQueen
LAMAR	59	Ashley Gillis
LONG	39	Jeff Jones
MARION	9	Julia Cyrene
MCINTOSH	30	Jeff Jones
MORGAN	63	Steven Shell
PAULDING	714	Kerstan Kruse
PICKENS	95	Kathy Cowan
PIERCE	29	Beverly Dianne Wilson
PIKE	62	Brandon Bramlett
POLK	97	Larry Reynolds
RICHMOND	636	Jodi Lott
SPALDING	181	Ken Pullen took it
STEPHENS	58	Rebeckah Bennett
UPSON	51	Ken Pullen took it
WALKER	173	Dean Kelley
WALTON	334	Danniel Dewitte
WHITE	95	Kathy Thompson

Our Status	STATUS	STATUS2
votegasaway@gmail.com		
Leelarko@yahoo.com		
Noahring53@gmail.com		
adeniseburns@gmail.com		
casiebc@gmail.com		
dharris-staver@comcast.net		
pameladrealtor@gmail.com	SUBMITTED	
louban@windstream.net		
jodi4ga@gmail.com		
Jnlichty@gmail.com		
Mbeachn77@gmail.com		
Colton@coltonmoore.com		
mmcarthy@ten-inc.com	SUBMITTED	
mtuck18@comcast.net		
laurie.cleland@gmail.com	kpbarnes@co	Kim Pruitt Barnes 2nd submitted
steve@spc-llc.com	SUBMITTED	
Williamsongrading@gmail.com		
s124@votejeffjones.com		
kwthorman@gmail.com		
david3clark@gmail.com		
rick.mcqueen@charter.net		
Ashley.n.gilles@gmail.com		
s124@votejeffjones.com		
Daughterjudah@gmail.com		
s124@votejeffjones.com		
seshell77@aol.com		
kerstin.liberty@gmail.com		
Kcowan77@gmail.com		
mossgate@att.net		
Swagged.bb@gmail.com		
llr231@gmail.com		
jodi4ga@gmail.com		
kenpullin75@gmail.com		
scgopchairwoman@gmail.com		
kenpullin75@gmail.com		
nwgateaparty@gmail.com		
bulldogs97@yahoo.com		
bc.titles@gmail.com		

RETRIEVED FROM DEMOCRACYDOCKET.COM



(<http://twitter.com/oversightdesk> or <http://www.oversightdesk.com>)

Search

Cummings Launches Investigation of “True the Vote”; Raises Questions about Conservative Group’s Campaign to Challenge Legitimate Voters

Oct 5, 2012 | Press Release

Washington, DC—Rep. Elijah E. Cummings, Ranking Member of the House Committee on Oversight and Government Reform, sent a letter ([/sites/democrats.oversight.house.gov/files/migrated/2012-10-04_EEC_to_Engelbrecht_TrueTheVote.pdf](https://sites/democrats.oversight.house.gov/files/migrated/2012-10-04_EEC_to_Engelbrecht_TrueTheVote.pdf)) to Catherine Engelbrecht, President and Founder of True the Vote, requesting documents relating to the group’s “horrendous record” of filing inaccurate voter registration challenges across the country.

“At some point, an effort to challenge voter registrations by the thousands without any legitimate basis may be evidence of illegal voter suppression,” wrote Cummings. “If these efforts are intentional, politically-motivated, and widespread across multiple states, they could amount to a criminal conspiracy to deny legitimate voters their constitutional rights.”

Cummings' letter details how numerous groups affiliated with True the Vote are engaging in a coordinated campaign to challenge legitimate voters across the country, including in Ohio, Wisconsin, North Carolina, and Maryland, although local and state election officials have repeatedly determined that these challenges are baseless.

As a result, legitimate voters—through no fault of their own—often receive letters from local election officials notifying them that their registrations have been challenged and requiring them to take steps to remedy false accusations against them.

"Multiple reviews by state and local government officials have documented voter registration challenges submitted by your volunteers based on insufficient evidence, outdated or inaccurate data, and faulty software and database capabilities," wrote Cummings. "Across multiple states, government officials of both political parties have criticized your methods and work product for their lack of accuracy and reliability."

In his letter, Cummings requests that Engelbrecht provide information about the data True the Vote uses to challenge voter registrations, the training provided to volunteers, and how True the Vote determines where to deploy resources in select jurisdictions.

Today's letter is the latest in Cummings' broader effort to promote the integrity of our nation's elections. On Monday, he sent a letter to Nathan Sproul, the head of Strategic Allied Consulting, the firm recently fired by the Republican National Committee for allegedly conducting voter registration fraud in four states.

The full letter follows:

October 4, 2012

Ms. Catherine Engelbrecht
Founder and President
True the Vote

P.O. Box 27378

Houston, TX 77227

Dear Ms. Engelbrecht:

I am writing to request information about the manner in which True the Vote and its affiliated organizations have been challenging the registration of thousands of legitimate voters based on insufficient, inaccurate, and faulty evidence.

According to your website, the mission of True the Vote is "to restore integrity to the American system of electing its leaders." [1] One of your key initiatives is to train volunteers to challenge the registration of voters before elections, and to provide them with information and data about voters you want to purge from the rolls.

Unfortunately, True the Vote, its volunteers, and its affiliated groups have a horrendous record of filing inaccurate voter registration challenges, causing legitimate voters—through no fault of their own—to receive letters from local election officials notifying them that their registrations have been challenged and requiring them to take steps to remedy false accusations against them.

Multiple reviews by state and local government officials have documented voter registration challenges submitted by your volunteers based on insufficient evidence, outdated or inaccurate data, and faulty software and database capabilities. Across multiple states, government officials of both political parties have criticized your methods and work product for their lack of accuracy and reliability.

Your tactics have been so problematic that even Ohio Republican Secretary of State Jon Husted has condemned them as potentially illegal, stating:

When you cry wolf, and there's no wolf, you undermine your credibility, and you have unjustly inconvenienced a legally registered voter, and that can border on voter intimidation. [2]

Some have suggested that your true goal is not voter integrity, but voter suppression against thousands of legitimate voters who traditionally vote for Democratic candidates. In June, for example, you appeared at a Conservative

Political Action Conference in Chicago that was organized to take “the fight for the future of America directly to President Obama’s backyard” and “energize and mobilize Midwestern conservatives, giving activists the tools needed to defeat the liberal agenda in 2012.”[3] During your appearance at this conference, you claimed that the Obama Administration is “determined to force a radical agenda on us”; you accused the Administration of a stunning “assault on our elections”; and when asked if you are working to get a new “administration in there,” you responded “Absolutely.”[4]

At some point, an effort to challenge voter registrations by the thousands without any legitimate basis may be evidence of illegal voter suppression. If these efforts are intentional, politically-motivated, and widespread across multiple states, they could amount to a criminal conspiracy to deny legitimate voters their constitutional rights.

In order to investigate these serious allegations, I request that you provide information about the data you have been using to challenge voter registrations, the training you have been providing volunteers to conduct these activities, and the manner in which you have been determining where to deploy your resources in select jurisdictions. Given your multiple statements lauding transparency in our nation’s voting process, I trust you will provide the requested information as soon as possible.

Inaccurate Voter Challenges in Ohio

There have been numerous reports of inaccurate voter registration challenges by volunteers at the Ohio Voter Integrity Project, a project “empowered” by True the Vote. For example, as the Los Angeles Times reported:

In Ohio, election records show, one of the project’s top priorities has been to remove college students from the voter rolls for failure to specify dorm room numbers. (As a group, college students are strongly in Obama’s camp.)

Voters challenged include 284 students at the Ohio State University campus in Columbus, 110 at Oberlin College, 88 at College of Wooster, 38 at Kent State—and dozens more from the University of Cincinnati, Miami University, Lake Erie College, Walsh University, Hiram College, John Carroll University and Telshe Yeshiva, a rabbinical college near Cleveland.[5]

According to the Times report, "So far, every county election board that has reviewed the dorm challenges found them invalid." [6]

Many of these faulty registration challenges have been attributed to poor research methods and inaccurate information. For example, Mary Siegel, a leader of the Ohio Voter Integrity Project, reportedly signed 422 "Challenge of Right of Person to Vote" forms based on a Postal Service change-of-address registry and submitted them to the Hamilton County elections board. She withdrew the challenges after the state declared the postal registry to be insufficient grounds to challenge voting rights.[7] According to Ms. Siegel, the Ohio Voter Integrity Project challenged voter registrations in 13 counties in Ohio, nine of which President Obama won in 2008.[8]

Another leader of the Ohio project, Marlene Hess Kocher, reportedly filed 420 challenges in Hamilton County over the last month. These included false allegations that eight members of an African American family were registered to vote at a vacant lot outside Cincinnati. When confronted at an elections board hearing about these illegitimate challenges, Ms. Kocher publicly apologized and claimed that she had "no intention of preventing somebody from voting." [9]

In spite of this deplorable record, you personally commended the work of the Ohio Voter Integrity Project, stating, "This is an excellent example of True the Vote-empowered grassroots groups pushing for transparency and accountability from their local officials." [10]

Inaccurate Voter Challenges in Wisconsin

Problems with the tactics and methodologies employed by your organization were also identified in Wisconsin when a True the Vote affiliate known as Verify the Recall reviewed almost one million signatures on petitions

demanding the recall of Governor Scott Walker. The New York Times reported that "thousands of volunteers helped enter petition signatures into a database, which was then analyzed by the group's software." [11]

According to the Times, however, a non-partisan state regulatory agency consisting of six former state judge appointees known as the Government Accountability Board reviewed True the Vote's work and "criticized its methods" for basic errors:

For example: Mary Lee Smith signed her name Mary L. Smith and was deemed ineligible by the group.

Signatures deemed "out of state" included 13 from Milwaukee and three from Madison.

The group's software would not recognize abbreviations, so Wisconsin addresses like Stevens Point were flagged if "Pt." was used on the petition. [12]

In a memorandum evaluating True the Vote's poor record in Wisconsin, the Government Accountability Board concluded that your organization's results "were significantly less accurate, complete and reliable than the review and analysis completed by the G.A.B." and "would not have survived legal challenge." [13]

The Government Accountability Board also found that software developed by True the Vote was flawed, writing:

It is staff's conclusion that True the Vote's results are at best flawed because of what must be described as a "strict compliance" standard coupled with a model that allows errors to be multiplied via the volunteer data entry. These errors led to many computer determined strikes as the software can only evaluate the information entered, so if it was flawed or incomplete there was no opportunity for determining validity under a substantial compliance standard. [14]

Similar Problems in Other States

The problems documented in Ohio and Wisconsin are similar to those identified in other states. For example, in North Carolina, Jay DeLancy, who runs the Voter Integrity Project of North Carolina, a group he started after attending a True to Vote meeting, told the New York Times that the group recently submitted the names of 30,000 people he claimed were dead, yet remained on state voter rolls. The Times also reported that he challenged more than 500 registered voters he claimed were not American citizens. After reviewing these challenges, North Carolina election officials refuted nearly all of them.[15]

Moreover, North Carolina's Director of Voter Registration and Absentee Voting publicly criticized True the Vote's challenges, stating:

People are concerned about voter fraud, but ... we are not finding evidence of (such fraud). The Voter Integrity Project has not brought forth any information to show that someone is voting in the name of another, and I think citizens in North Carolina need to be aware of that.[16]

Similarly, Election Integrity Maryland, another statewide initiative "empowered" by True the Vote, reportedly filed 11,000 challenges this year with local Maryland election boards.[17] Among these challenges, the group filed a request to review registration records with the Maryland Board of Elections on August 30, 2012, alleging that "it found several potential dead voters, voters who registered after they had died and a living Maryland resident who has been voting twice in elections for years." [18]

Maryland's Director of Voter Registration has reported to Committee staff that, after investigating claims in the article, information provided by the organization "was determined to be inaccurate." Another state election official also reported that one of the leaders of Election Integrity Maryland recently called the Board of Elections to apologize for inaccurate press reports that the group believes mischaracterized its voter registration challenges.[19]

Local and state election officials in Maryland have also "questioned some of the research methods used by Election Integrity such as newspaper obituary notices, which is an unacceptable form of death verification under state law,

and Facebook.”[20] In addition, Maryland election officials report that “they’ve reviewed the challenges and that most of the inconsistencies can be explained, or that they don’t have enough information to take someone off the rolls.”[21] With respect to the volume of voter registration challenges submitted by the group, Maryland election officials “say those numbers are way overblown.”[22]

Request for Documents and Information

In order to examine why your organization appears to be responsible for so many illegitimate voter registration challenges, I request that you provide the following information and documents:

1. a list of all individual voter registration challenges by state, county, and precinct submitted to governmental election entities, including correspondence and determinations by election officials relating to each challenge;
2. copies of all letters sent to states, counties, or other entities alleging non-compliance with the National Voter Registration Act for failing to conduct voter registration list maintenance prior to the November elections;
3. a list of voter registration rolls by state, county, and precinct that True the Vote is currently reviewing for potential challenges;
4. copies of all training materials used for volunteers, affiliates, or other entities;
5. copies of computer programs, research software, and databases used by True the Vote to review voter registration;
6. all contracts, agreements, and memoranda of understanding between True the Vote and affiliates or other entities relating to the terms of use of True the Vote research software and databases;
7. a list all organizations and volunteer groups that currently have access to True the Vote computer programs, research software, and databases; and
8. a list of vendors of voter information, voter registration lists, and other databases used by True the Vote, its volunteers, and its affiliates.

Please provide these documents by October 14, 2012. Thank you for your attention to this matter.

Sincerely,

Elijah E. Cummings
Ranking Member

cc: The Honorable Darrell E. Issa, Chairman

112th Congress



(//twitter.com/share?url=https://oversight.house.gov/news/press-releases/cummings-launches-investigation-of-true-the-vote-raises-questions-about&text=Cummings Launches Investigation of "True the Vote"; Raises Questions about Conservative Group's Campaign to Challenge Legitimate Voters
https://oversight.house.gov/news/press-releases/cummings-launches-investigation-of-true-the-vote-raises-questions-about via @OversightDems)



Share

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Mark Williams <mark@printingtradeco.com>
Date: December 12, 2020 at 2:03:02 PM CST
To: Gregg Phillips <gregg@opsec.group>
Cc: Catherine Engelbrecht <catherine@truethevote.org>
Subject: Re: Referral

Call me on my cell anytime
Would love to talk to you about your project.

Mark Williams

678-618-0791

On Sat, Dec 12, 2020 at 1:28 PM Gregg Phillips <gregg@opsec.group> wrote:

Mark,

You were referred to us by the Chairman of the GOP.

We have a large print job for which we need help.

Please let me know if you have ten minutes to discuss.

Thank you!

Gregg Phillips
Managing Partner
OPSEC Group
www.opsec.group

512-241-9789 (mobile)

"In a time of deceit telling the truth is a revolutionary act." George Orwell

Engelbrecht
Exhibit 15
(1-26-22)

WWW.DIGITALEVIDENCEGROUP.COM

OPSEC 0054



Art Department <art@printingtradeco.com>

Fwd: My Permission

1 message

James Cooper <jamescooper.gop@gmail.com>

Tue, Dec 15, 2020 at 4:07 PM

To: Mark Williams <mark@printingtradeco.com>, "Chairman@windstream.net" <Chairman@windstream.net>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, John David Phillips <johndavid@opsec.group>

Dodge County

James C. Cooper

3rd Vice Chair 10th District Republican Party

GAGOP State Committee

(770) 652-8238

Date: Tue, Dec 15, 2020 at 2:58 PM


Subject: My Permission

To: James Cooper <jamescooper.gop@gmail.com>


James,

Attached, please find my digital signature and in the body of this email you will find the necessary information you requested. You and True the Vote have my permission to use my name, digital signature and other necessary information to challenge voter registrations in my county of Dodge.



Follow me on Twitter: 

"Living Yesterday's Future Today!"

 **CCF_000295.pdf**
134K

**Engelbrecht
Exhibit 37
(1-26-22)**

WWW.DIGITALEVIDENCEGROUP.COM

Def Williams 0551



Art Department <art@printingtradeco.com>

Fwd: True the Vote Project

1 message

James Cooper <jamescooper.gop@gmail.com>

Fri, Dec 18, 2020 at 3:49 PM

To: Mark Williams <mark@printingtradeco.com>, Ron Johnson <chairman@windstream.net>, Art Department <art@printingtradeco.com>, Amy Holsworth <amy@truethevote.org>, Gregg Phillips <gregg@opsec.group>, Catherine Engelbrecht <catherine@truethevote.org>, John David Phillips <johndavid@opsec.group>

----- Forwarded message -----

From: [REDACTED] >
Date: Fri, Dec 18, 2020, 3:43 PM
Subject: True the Vote Project
To: jamescooper.gop@gmail.com <jamescooper.gop@gmail.com>
Cc: [REDACTED] >

Hi James,

[REDACTED] has agreed to be the designated challenger for Jones County and True the Vote has express permission to use her attached digital signature for the limited and specific purpose of challenging voter registrations in Jones County.

[REDACTED] residence address is [REDACTED] Macon, GA 31217. Her voter registration # is [REDACTED]. Her DOB is [REDACTED].

I should let you and the True the Vote folks know that [REDACTED] was a Republican candidate for Jones County Commission this year, losing by an extremely narrow margin (after running a great campaign) only based on absentee ballots in her district, so this is an issue that is near and dear to her heart. She also believes she has some specific information on specific folks that might be worth taking a look at. Jan is copied on this email so the True the Vote folks are able to reach out to her if they desire.

Will True the Vote let the county parties, or at least the designated challenger, know about the number and names of specific challenged registrations in their counties? I'd very much like to know!

Thank you for your work on this and for giving Jones the chance to participate!

Kimberly Schwartz
Jones County GOP Chairman

Engelbrecht
Exhibit 38
(1-26-22)

WWW.DIGITALEVIDENCEGROUP.COM

Def Williams 0567



Art Department <art@printingtradeco.com>

Fwd: True the Vote

1 message

James Cooper <jamescooper.gop@gmail.com>

Tue, Dec 15, 2020 at 7:50 PM

To: Mark Williams <mark@printingtradeco.com>, "Chairman@windstream.net" <Chairman@windstream.net>, Amy Holsworth <amy@truethevote.org>, Art Department <art@printingtradeco.com>, Catherine Engelbrecht <catherine@truethevote.org>, Gregg Phillips <gregg@opsec.group>, John David Phillips <johndavid@opsec.group>

Barrow County

James C. Cooper

*3rd Vice Chair 10th District Republican Party**GAGOP State Committee**(770) 652-8238*

----- Forwarded message -----

Date: Tue, Dec 15, 2020 at 7:47 PM

Subject: Re: True the Vote

To: James Cooper <jamescooper.gop@gmail.com>

James here is my reg [REDACTED] I give True the vote permission to use my Name and Signature in the pursuit of purging the rolls of deceased, non-existent and non-residents of my county!

**Engelbrecht
Exhibit 39
(1-26-22)**

WWW.DIGITALEVIDENCEGROUP.COM

-----Original Message-----

From: James Cooper

Sent: Dec 15, 2020 6:36 PM

To: [REDACTED]

Subject: True the Vote

I am working on a project with True the Vote. We have identified over 500,000 people on the Georgia voter list that shouldn't be there. These folks are registered to vote but do not meet the requirements of a legal voter in the county in which they are registered.

Georgia law allows any registered voter in a county to challenge any other voter in their county. True the Vote is funding a campaign to challenge all 500,000 in the state of Georgia. They are covering all the costs involved. They are printing the challenge letters, and drop shipping them to each election office in the state. If this very type action had been taken back in October it is very likely Trump would have won Georgia! We can't look back now we must look forward and save the senate!

Why am I telling you all this? As I said at the start, I'm working with True the Vote on this very important issue. We need one person in each county to agree to be the signer of the letters for your county.

How does it work? You take a photo of, or scan your signature. Email it to me with your name as on your voter registration, your home address, and your voter registration number. In the email you must say we have your permission to use your digital signature to challenge voters in your county. It's as simple as that. You don't have to do anything else.

To get your voter registration number and to see exactly how your name appears on the voter rolls, go

to: <https://www.mvp.sos.ga.gov/MVP/mvp.do>

To get your registration number you must log in by giving your information and then select the "Print/Email Voter Registration" button at the bottom of the page. Once you do that and then select "Print" you can read your Registration Number. It's in a box near the top of the page. It takes longer to read this than it does to do it.

Def Williams 0570

When the challenge letter is received at your election office they are required by GA law to not let a ballot be cast or counted until the individual that has been challenged comes in and proves they are not dead, or they still live in the same location. True the Vote has assured me that the list they are challenging is 99.9% likely to be incorrectly registered.

I'm the signer for my county here in Walton. Would you please be the signer for your county? It's a small requirement for you, but your actions could save our US Senate elections.

Time is a factor! The absentee ballots will start being opened on the 21st. We must get these challenges in before those ballots are opened!

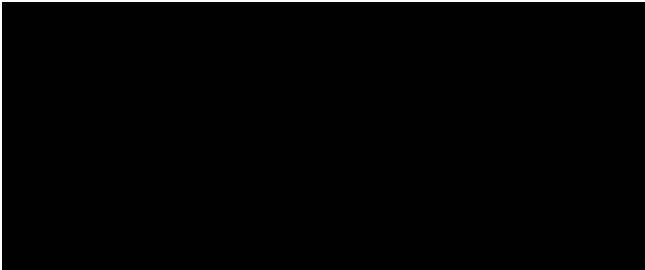
Thank you,

James C. Cooper

3rd Vice Chair 10th District Republican Party

GAGOP State Committee

(770) 652-8238



RETRIEVED FROM DEMOCRACYDOCKET.COM

Archived: Monday, March 29, 2021 1:06:17 PM

From: James Cooper

Sent: Saturday, December 19, 2020 7:03:17 PM

To: Mark Williams; Amy Holsworth; Catherine Engelbrecht; John David Phillips; Gregg Phillips; Art Department; Ron Johnson

Subject: Fwd: True the Vote Eldonna Wilkinson Calhoun County GA

Sensitivity: Normal

The rest of Calhoun

James C. Cooper

3rd Vice Chair 10th District Republican Party

GAGOP State Committee

(770) 652-8238

----- Forwarded message -----

From: [REDACTED]

Date: Sat, Dec 19, 2020 at 6:39 PM

Subject: Re: True the Vote [REDACTED] Calhoun County GA

To: James Cooper <jamescooper.gop@gmail.com>

True the Vote has my permission to use my name, [REDACTED], for challenging the voters in my county that I believe voted illegally.
My address is:

[REDACTED]

Sent from my iPad

On Dec 19, 2020, at 5:24 PM, James Cooper <jamescooper.gop@gmail.com> wrote:

\u257 ?

We need your home address, in the body of the email saying True the Vote has your permission to use your name for challenging voters in your county, and a digital image of your signature.

Thank you,

James C. Cooper

3rd Vice Chair 10th District Republican Party

GAGOP State Committee

(770) 652-8238

Engelbrecht
Exhibit 40
(1-26-22)

WWW.DIGITALEVIDENCEGROUP.COM

Def Williams 0606

11/17/2020

True the Vote Mail - Topics for afternoon call



TRUE the VOTE

Catherine Engelbrecht <catherine@truethevote.org>

Topics for afternoon call

1 message

Nan Howard <nan@eshelmanventures.com>

Mon, Nov 16, 2020 at 9:38 AM

To: Tom Crawford <tomcrawforddc@gmail.com>, "catherine@truethevote.org" <catherine@truethevote.org>,"jboppjr@aol.com" <jboppjr@aol.com>

Cc: Fred Eshelman <fred@eshelmanventures.com>

PLEASE FIND A NOTE BELOW I AM SENDING ON BEHALF OF FRED ESHELMAN

Dear All,

Here is my list of topics for the meeting. I am hoping our call will be truly informative, efficient and result in a cohesive overall plan with objectives, dates, and assignments.

1. DATA/WHISTLEBLOWERS

- Specific, detailed, granular report on exactly what data we have and where. Is it voter/votes data, or just registration data. Have we actually shown fraud anywhere? Which ones of the 9 attributes are we using to screen?
- Specific, detailed report on exactly who the whistleblowers are, where they are, what real info they have, status of vetting. Reward program being used/advertised?

Understand that some of this has been shown to Republican AG(s) and they did not act. These steps are crucial and rate-limiting to other steps/efforts and ultimately the outcome.

2. STATISTICAL ANALYSIS

This not something trivial to be handled by a handful of people. This will be machine scale, with sophisticated algorithms and pre-programmed statistical analyses. Who (names) is doing this, where is the plan/resources,

And how long will it take once data available? Which states first?

3. LEGAL

Status of Bopp cases by state, deal with Trump people and details, dates for orders by state, how long to implement. Who is forensic team deciding bases for tests to prove fraud and present to courts?

Strategy still county by county disqualification?

4. COMMUNICATIONS

Again, must have all details from (1) above. Tom has set up a machine with lots of experienced, professional firms who are on hold for info. Breitbart is not the conduit since he is largely dismissed by the mainstream and often banned on mainstream social media. Also cannot roll out Senator Graham, Hannity etc. without data and overall Comms plan.

11/17/2020

True the Vote Mail - Topics for afternoon call

5. FINANCIAL

Need update on exactly what has been raised for this effort outside of me, and plans. Running out of time. I have personally contacted big potential donors who to a man(woman) are not jumping in until they see some real evidence.

6. ELLISON

Why was he on call with Senator Graham? Is he part of data/analysis solution, is he a potential large donor, other?

7. OVERALL EFFORT

We need to make specific assignments on these areas (Jim, Tom, Catherine, other) and set up real-time, regular internal calls to make adjustments as we go. There can be no hide the ball here.

Nan Howard

Work: 910.558.6885 || Mobile: 910-620-5552 nan@eshelmanventures.com

Eshelman Ventures, LLC || 319 North 3rd Street, Suite 301, Wilmington, NC 28401

RETRIEVED FROM DEMOCRACYDOCKET.COM

11/17/2020

True the Vote Mail - Validate the Vote project



TRUE the VOTE

Catherine Engelbrecht <catherine@truethevote.org>

Validate the Vote project

6 messages

Catherine Engelbrecht <catherine@truethevote.org>

Mon, Nov 16, 2020 at 4:25 PM

To: Fred Eshelman <fred@eshelmanventures.com>, Jim Bopp <jboppjr@aol.com>

Fred -

I've attached the budget we provided to Tom and Dikran on November 5th. Our not having full funding was well known and often discussed. I'd written in my 11/14 email to you that it appeared our legal fees would have been covered by the Trump campaign, which I described in a statement of our cash position, described as best as possible given the tight timeline with so many moving parts.

We have done a tremendous amount of work in the 11 days since we first met, have talked with Tom routinely about status, and provided him with access to all comms, press releases, and briefings. Tom and Dikran both asked that I communicate directly through them and indicated that the information was being passed to you. Moving forward, I will keep you directly apprised of continued developments in the whistleblower situation, unless I hear otherwise from you.

With sincere thanks for your support -
Catherine Engelbrecht



Catherine Engelbrecht
Founder, True the Vote

**Validate the Vote 2020.pdf**

299K

Fred Eshelman <fred@eshelmanventures.com>

Mon, Nov 16, 2020 at 6:48 PM

To: Catherine Engelbrecht <catherine@truethevote.org>

Cc: "Tom Crawford (tomcrawforddc@gmail.com)" <tomcrawforddc@gmail.com>

Catherine,

Very frankly I was physically sick after our call. Tom is totally "globsmacked" as he said. Both of us are very experienced in playing in the big arena. I have been CEO of a number of companies. I am not trying to toot my own horn, but I have to tell you this is a total disaster from a coordination, communication, and representation perspective. I hope that we are all after the same objective from the standpoint of our country, but Tom and I have no interest in being a hero, only getting the job done. We also have no interest in CYA which we had a lot of on the call today. I am going to try to figure out what, if anything, you will accomplish in terms of overall objective, and otherwise will request a refund of contributions. If you and Jim want to realign and cut out the personal stuff, fine. Otherwise I will be requesting a refund of most if not all of my funds. We all need to play to our strengths, and this has not been happening.

I do believe that we are all patriots and want the best for our country. However, I do not think that we are aligned on other things. I am considering what to do next, and quite frankly it is not what was represented on the call today.

Fred

From: Catherine Engelbrecht <catherine@truethevote.org>**Sent:** Monday, November 16, 2020 5:26 PM**To:** Fred Eshelman <fred@eshelmanventures.com>; Jim Bopp <jboppjr@aol.com>**Subject:** Validate the Vote project

11/17/2020

True the Vote Mail - Validate the Vote project

Fred -


I've attached the budget we provided to Tom and Dikran on November 5th. Our not having full funding was well known and often discussed. I'd written in my 11/14 email to you that it appeared our legal fees would have been covered by the Trump campaign, which I described in a statement of our cash position, described as best as possible given the tight timeline with so many moving parts.

We have done a tremendous amount of work in the 11 days since we first met, have talked with Tom routinely about status, and provided him with access to all comms, press releases, and briefings. Tom and Dikran both asked that I communicate directly through them and indicated that the information was being passed to you. Moving forward, I will keep you directly apprised of continued developments in the whistleblower situation, unless I hear otherwise from you.

With sincere thanks for your support -

Catherine Engelbrecht


--

 Catherine Engelbrecht
Founder, True the Vote

Catherine Engelbrecht <catherine@truevote.org>
To: Jim Bopp <jboppjr@aol.com>

Mon, Nov 16, 2020 at 6:54 PM

I don't even know what to do with this.
{Quoted text hidden}

 Catherine Engelbrecht
Founder, True the Vote

Catherine Engelbrecht <catherine@truevote.org>
To: Dee Lynch <deely@mac.com>

Mon, Nov 16, 2020 at 7:15 PM

----- Forwarded message -----
From: **Fred Eshelman** <fred@eshelmanventures.com>
Date: Mon, Nov 16, 2020 at 6:48 PM
Subject: RE: Validate the Vote project
To: Catherine Engelbrecht <catherine@truevote.org>
CC: Tom Crawford (tomcrawforddc@gmail.com) <tomcrawforddc@gmail.com>


Subject: **Validate the Vote project**
Date: 11/16/2020 5:26:07 PM US Eastern Standard Time
From: catherine@truethevote.org
To: fred@eshelmanventures.com, jboppjr@aol.com

Fred -

I've attached the budget we provided to Tom and Dikran on November 5th. Our not having full funding was well known and often discussed. I'd written in my 11/14 email to you that it appeared our legal fees would have been covered by the Trump campaign, which I described in a statement of our cash position, described as best as possible given the tight timeline with so many moving parts.

We have done a tremendous amount of work in the 11 days since we first met, have talked with Tom routinely about status, and provided him with access to all comms, press releases, and briefings. Tom and Dikran both asked that I communicate directly through them and indicated that the information was being passed to you. Moving forward, I will keep you directly apprised of continued developments in the whistleblower situation, unless I hear otherwise from you.

With sincere thanks for your support -
Catherine Engelbrecht

--
 Catherine Engelbrecht
Founder, True the Vote

RETRIEVED FROM DEMOCRACYDOCKET.COM

Climo, Christopher J.

From: Fred Eshelman <fred@eshelmanventures.com>
Sent: Monday, November 23, 2020 9:07 PM
To: Jacobs, Ronald M.
Subject: FW: Invoice 11032020-98753 from Old Town Digital Agency LLC

From: Fred Eshelman
Sent: Sunday, November 15, 2020 1:58 PM
To: Catherine Engelbrecht <catherine@truethevote.org>
Subject: RE: Invoice 11032020-98753 from Old Town Digital Agency LLC

The Old Town Invoice is fine to pay. I got color on it from Tom.
 Thanks.

From: Catherine Engelbrecht <catherine@truethevote.org>
Sent: Saturday, November 14, 2020 10:45 PM
To: Fred Eshelman <fred@eshelmanventures.com>
Subject: Fwd: Invoice 11032020-98753 from Old Town Digital Agency LLC

Fred -

Thanks for taking time to visit with Jim and I earlier today. I'll let you, Tom, and Dikran know what comes from our next conversations with the Trump Team. We spent the balance of the day reviewing data assets that might be helpful to us. This new alignment brings with it significant changes to the cash flow, which can now be easily summarized:

Cash	
Donation	\$2,500,000
Bopp Law Firm Advance	\$500,000
Old Town Digital Agency	\$1,000,000**

*** Upon your approval, we can wire funds to Old Town Digital. Their invoice is included at the bottom of this email. We have not yet received any work product or plan. I know they have a lot of great ideas, and would be glad to consider anything they bring to us. We have also scaled our comms team substantially over the last two weeks to cover pr and bookings.*

At present it is our understanding that we will incur no further legal bills. We will have to continue to fund our research effort separate from the Trump team, but our expenses should be manageable within currently available funds. One exception would be if it's determined that individual voter confirmations are necessary, but we won't know that for about a week and the cost would be entirely determined by scale, which is also unknown.

The whistleblower effort was a huge success. Four whistleblowers: in Nevada, in Arizona, in Georgia, and in the DOJ (which we've discussed). We've secured legal representation for the group in Arizona; Georgia is still coming together. The Nevada case is interesting in that it has roots in Nevada, but it multi-state. We are writing up the briefs on these individuals now to give to Senator Graham and Cruz. At present our expenses are around \$100,000 for the

program, including the live call center. Only one of the whistleblowers (the Georgia whistleblower) is interested in a bounty. We have offered \$50,000 if his evidence leads to prosecution. We will need to obtain counsel for him, as well. When I send the investigation briefs, I'll include a more thorough statement of expenses.

Jim was on a call this evening with Jay Sekulow, Lindsey Graham, Sean Hannity, and Larry Ellison. He explained the work we were doing and they asked for a preliminary report asap, to be used to rally their troops internally, so that's what I'm working on now. Will copy you once it's done.

This is the most important work we've ever done. Thank you so much for your continued support.

All the best-
Catherine

----- Forwarded message -----

From: Old Town Digital Agency LLC <quickbooks@notification.intuit.com>
Date: Fri, Nov 13, 2020 at 9:42 AM
Subject: Invoice 11032020-98753 from Old Town Digital Agency LLC
To: <catherine@truethevote.org>

INVOICE 11032020-98753 DETAILS

Old Town Digital Agency LLC

DUE 11/13/2020

\$1,000,000.00

Print or save

Powered by QuickBooks

Dear Catherine Engelbrecht,

Here's your invoice! We appreciate your prompt payment.

Have a great day,
Old Town Digital Agency LLC

Bill to True The Vote
ATTN:Catherine Engelbrecht

Terms Due on receipt

Services \$1,000,000.00

Digital Media Creation and Distribution
Communication Team and Support Staff
Strategic Consulting Partners

1 X \$1,000,000.00

Balance due \$1,000,000.00

Print or save

Old Town Digital Agency LLC
201 North Union St. Suite 110 #11181 Alexandria, VA 22314 US
cindy@oldtowndigitalagency.com

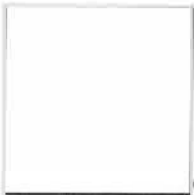
If you receive an email that seems fraudulent, please check with the business owner before paying.



© Intuit, Inc. All rights reserved.

[Privacy](#) | [Security](#) | [Terms of Service](#)

•
•



Catherine Engelbrecht
Founder, True the Vote

RETRIEVED FROM DEMOCRACYDOCKET.COM

NO. 2021V-0015

FREDRIC N. ESHELMAN,

Plaintiff,

v.

TRUE THE VOTE, INC.; CATHERINE
 ENGELBRECHT; WILLIAM ENGELBRECHT;
 OPSEC GROUP LLC; GREGG PHILLIPS;
 THE BOPP LAW FIRM, P.C.; JAMES BOPP,
 JR.

Defendants.

§ IN THE DISTRICT COURT OF
 §
 §
 §
 §
 §
 § AUSTIN COUNTY, TEXAS
 §
 §
 §
 §
 §
 § 155th JUDICIAL DISTRICT

**PLAINTIFF’S VERFIED APPLICATION FOR TEMPORARY INJUNCTION,
 APPLICATION FOR APPOINTMENT OF RECEIVER, REQUEST FOR
 ACCOUNTING, AND MOTION FOR EXPEDITED DISCOVERY**

Plaintiff Frederic N. Eshelman files this Verified Application for Temporary Injunction, Application for Appointment of Receiver, Request for Accounting, and Motion for Expedited Discovery against Defendants True the Vote, Inc. (“True the Vote” or “TTV”); Catherine Engelbrecht; OPSEC Group, LLC (“OPSEC”); Gregg Phillips; The Bopp Law Firm, P.C. (“Bopp Law Firm”); and James Bopp, Jr. (“Jim Bopp”), (collectively, “the Defendants”) and in support thereof respectfully shows the Court as follows:

I. INTRODUCTION

1. As set forth in detail in his Amended Petition and Application for Appointment of Receiver,¹ Plaintiff Fredric Eshelman lost \$2.5 million to the gift of True the Vote and its vendors over the course of 11 days in November 2020. Mr. Eshelman asks this Court to issue a Temporary Injunction to preserve his money from further dissipation and to help track where it has gone. The

¹ Plaintiff filed his Amended Petition and Application for Appointment of Receiver on February 23, 2021. Plaintiff incorporates all factual allegations as if fully set forth herein.

need for the requested relief is only underscored by evidence suggesting that True the Vote may be in the zone of insolvency. To help the Court decide this Application for Temporary Injunction efficiently and expeditiously, Mr. Eshelman also files a Motion for Expedited Discovery to allow Plaintiff to send limited, expedited discovery to help Plaintiff determine the location of his money and to build the evidentiary record before the Court at the Temporary Injunction hearing. In addition, Plaintiff seeks the appointment of a receiver over True the Vote to oversee and manage True the Vote and investigate and account for how Mr. Eshelman's funds were used and to make certain that it is not dissipating assets or engaging in other activity that would limit its ability to satisfy a judgment in favor of Mr. Eshelman. Plaintiff also seeks requests that an accounting be performed of True the Vote to identify the specific location of the Eshelman Funds.

A. THE INITIAL PHONE CALL, REPRESENTATIONS MADE, AND TTV'S FAILURE TO FOLLOW THROUGH

2. On November 5, 2020, Mr. Eshelman and his representatives spoke with Defendant Catherine Engelbrecht, the head of True the Vote. During that call, Plaintiff agreed to fund a plan whereby True the Vote would undertake efforts to unearth potential fraud in the 2020 presidential election. As she has previously admitted, Ms. Engelbrecht memorialized this plan in a one-page summary she circulated to Mr. Eshelman's representatives later that day.² Mr. Eshelman then wired \$2 million to True the Vote. The plan—which was referred to as, “Validate the Vote 2020”—had four prongs:

- (a) Fund rewards for whistleblowers willing to come forward with concrete and actionable allegations of fraud;
- (b) File lawsuits to obtain election data;

² A true and correct copy of the one-page summary of the Validate the Vote 2020 plan that Catherine Engelbrecht provided to Plaintiff is attached hereto as **Exhibit A**.

- (c) Perform complex data analysis on the election data obtained to find large-scale instances of illegal votes; and
- (d) Conduct a robust communications program to highlight the fraud discovered and push back on the mainstream-media narrative that everything was fine (if the data and whistleblowers showed that).

3. As Ms. Engelbrecht and Mr. Eshelman both understood, all of this needed to be done in very short order to meaningfully challenge the election results. In fact, just one week later on November 13, 2020, in order to maintain what he thought was momentum, and again in reliance on Catherine Engelbrecht's representations and conversations with Plaintiff regarding their "mutual work" to accomplish the Validate the Vote 2020 goals, Plaintiff agreed to pay and additional \$500,000 to True the Vote, subject to the same condition that those funds would be used to fund True the Vote's Validate the Vote 2020 efforts (collectively, the \$2.5 million will be referred to as the "Eshelman Payments").

4. Unfortunately, True the Vote and its vendors failed to act expeditiously to accomplish those goals:

- **Whistleblowers:** The plan called for True the Vote to use its existing whistleblower hotline to find evidence of fraud. Ms. Engelbrecht has admitted that Mr. Eshelman specifically directed that \$1 million of his payment should be used to fund rewards to encourage people to come forward. To Mr. Eshelman's knowledge, no such awards were ever made.
- **Litigation:** Defendants Jim Bopp, and his law firm, Bopp Law Firm, were to file lawsuits based upon allegations of fraud in seven battleground states. One purpose of those lawsuits was to obtain access to voter file information that Defendant OPSEC could use to identify potential instances of fraud. Instead of the seven states originally contemplated, Mr. Bopp filed suit in only four states: Pennsylvania, Michigan, Georgia, and Wisconsin over the course of November 10, 11, and 12, 2020. The complaints look remarkably similar, with

large portions appearing to be copied and pasted boilerplate. Despite filing essentially the same complaint in all four states³, James Bopp has claimed that his firm incurred fees of \$183,601.80 over the course of five to seven days as follows:

- Georgia: 61.30 hours with a value of \$18,159.20;
- Michigan: 91.40 hours with a value of \$38,391.60;
- Pennsylvania: 67.30 hours with a value of \$39,516.50; and
- Wisconsin: 164.20 hours with a value of \$87,534.50.

5. Mr. Bopp has further claimed that for the three to six days that those complaints were sitting in court, he and his firm also have claimed to have spent an additional 125.80 hours with a value of \$97,359.10 to “supervise” them.

6. After spending in excess of \$280,000 to draft and file the nearly-identical complaints in those cases, Mr. Bopp and his law firm then dismissed them all just days later on Monday, November 16, 2020 without even telling Mr. Eshelman until after they dismissed. They did not pursue any other efforts to litigate fraud in connection with the 2020 presidential election.

7. Not only is the amount charged for these cookie-cutter complaints unconscionable—and likely impossible given the size of his firm (only five attorneys) and the number of hours available—but the goal was actually unachievable. Plaintiff has since learned that the information Mr. Bopp sought through his four lawsuits would not even exist yet by the time that election results would have been certified.

- ***Statistical Analysis:*** The third prong of the plan was for True the Vote to work with OPSEC to use statistical analysis of the voter rolls to find evidence of fraud or error. It is believed that True the Vote sent OPSEC approximately \$350,000 on November 12, 2020. OPSEC’s

³ A true and correct copy of a chart comparing all four complaints filed by Mr. Bopp and his law firm and highlighting the substantial similarities across those complaints is attached hereto as **Exhibit B**.

owner has stated that he was traveling all over the country to investigate vote fraud claims. That was not what True the Vote told Plaintiff OPSEC would be doing as part of the Validate the Vote 2020 initiative in its discussions with Plaintiff. If that was what OPSEC was doing, then it should not have been using Mr. Eshelman's money to do so, because True the Vote had claimed to Plaintiff that it had a plan to vet calls to its hotline already in place.

- **Communications:** Finally, True the Vote and Mr. Eshelman had discussed the need for an extensive communications plan. Despite agreeing that \$1 million of Mr. Eshelman's payment would be used specifically to fund those communications efforts, they never materialized. Even when Mr. Eshelman's representative met with True the Vote to set up a communications plan, Ms. Engelbrecht refused to execute on it.

B. FAILURE TO FOLLOW THROUGH WITH REPRESENTATIONS, DEMAND FOR RETURN OF MONEY

8. Mr. Eshelman contacted True the Vote and agreed to fund a limited set of efforts related to the 2020 election. That effort was necessarily time limited given the short window available to unearth evidence of fraud and file the necessary challenges to the election. Mr. Eshelman fully expected his \$2.5 million in payments would be fully exhausted as part of that effort and never imagined he would ask for a refund. Unfortunately—and as set forth in greater detail in Mr. Eshelman's Amended Petition—it became clear by November 16, 2020 that True the Vote could not perform on its side of the bargain. Accordingly, on November 17, 2020, Mr. Eshelman instructed True the Vote and Catherine Engelbrecht to stop spending his money, to account for what they had already spent, and to return the rest. True the Vote refused to do so. Instead, they continued spending Mr. Eshelman's money (even after abandoning the Validate the Vote 2020 efforts Mr. Eshelman had specifically agreed to fund).

C. TRUE THE VOTE IS IN THE ZONE OF INSOLVENCY.

9. TTV posted as recently as January 8, 2021 on its Facebook page, “we are uncertain how long we will be here.”⁴ Sometime after that TTV completely deleted its Twitter account. Similarly, there has been no activity on TTV’s YouTube account since early January, and TTV’s Instagram appears to have been dormant since late November. TTV’s website reveals a sudden drop-off in content publication. According to TTV’s website, their last podcast was published in October 2020. In addition, TTV’s last new release was on January 11, 2021 (three days after its Facebook post noting uncertainty about how much longer it would be here). TTV’s last blog-like post was posted on January 30, 2021. Therefore, it is believed that TTV may imminently no longer actively be operating or filing bankruptcy based on its own representations that it is, “uncertain how long we will be here.”

D. RISK OF TRUE THE VOTE’S DISSIPATION OF FUNDS ON OTHER, UNRELATED PROJECTS.

10. The risk that Defendants will dissipate Plaintiff’s funds on matters unrelated to the Validate the Vote 2020 initiative during the pendency of this case is not speculative. In fact, based on recent statements by Mr. Bopp, he has already done so. In fact, it appears that Defendants fully intend to continue spending Mr. Eshelman’s money on projects unrelated to the Validate the Vote 2020 effort Mr. Eshelman specifically agreed to fund. Specifically, Defendants have undertaken to spend Mr. Eshelman’s money in connection with litigation related to the 2021 U.S. Senate runoff elections in Georgia, which efforts Mr. Eshelman never agreed to fund. Given that Defendants have continued spending Mr. Eshelman’s money (despite his demand that they cease and desist), it is highly likely that Defendants are currently and will continue dissipating Mr. Eshelman’s money absent an order from this Court enjoining such conduct.

⁴ A true and accurate copy of a screenshot of TTV’s Facebook page January 8, 2021 entry is attached hereto as **Exhibit C**.

11. To be clear: Mr. Eshelman is not complaining because True the Vote did not find the evidence he thought it might. Rather, he is complaining because True the Vote failed to use his money to fund the efforts it agreed to pursue in exchange for Mr. Eshelman's payment. Moreover, True the Vote and Catherine Engelbrecht made fraudulent misrepresentations in order to induce him to pay \$2.5 million to True the Vote.

E. INJUNCTIVE RELIEF IS NECESSARY.

12. This is not a complicated case, but it is essential for the Court to intercede quickly to protect whatever portion of Mr. Eshelman's \$2.5 million may be left, and to order Defendants to produce an accounting of how the money was spent so that Mr. Eshelman may more fully understand who currently possesses his money. The need for such relief is all the more acute in light of evidence indicating that True the Vote may be on the brink of insolvency or considering winding up its operations.

13. In short, Mr. Eshelman is entitled to the requested relief because he will be able to prove the following:

- Mr. Eshelman has a probable right to relief based on his claim for breach of contract. Specifically, True the Vote breached its agreement to use Mr. Eshelman's payments totaling \$2.5 million to fund specific projects related specifically to True the Vote's Validate the Vote 2020 initiative.
- Mr. Eshelman has a probable right to relief based on his claims for fraudulent misrepresentation. Specifically, True the Vote and Catherine Engelbrecht made both fraudulent misrepresentations about True the Vote's capabilities in order to induce Mr. Eshelman to pay \$2.5 million to True the Vote.

- Mr. Eshelman has a probable right to relief based on his claim for declaratory judgment. Specifically, Mr. Eshelman's payments to True the Vote totaling \$2.5 million were conditioned upon their use to support specific projects related to the Validate the Vote 2020. Because True the Vote completely abandoned those efforts, Mr. Eshelman remains the rightful owner of those funds.
- Mr. Eshelman is likely to suffer a probable, imminent, and irreparable injury absent the requested relief. Specifically, Mr. Eshelman may be deprived of a meaningful remedy if the Court does not grant the requested relief because True the Vote appears to be in the zone of insolvency and there is a substantial risk that True the Vote and the other Defendants will continue to dissipate his assets.

14. Accordingly, Mr. Eshelman respectfully asks this Court to: (1) enter a Temporary Injunction freezing a total of \$2.5 million in the accounts of True the Vote, OPSEC, the Bopp Law Firm, Catherine Engelbrecht, Gregg Phillips, and James Bopp and enjoining them from the dissipation of the Eshelman Payments and any amounts paid by TTV after November 5, 2020 to OPSEC, the Bopp Law Firm, Catherine Engelbrecht, Gregg Phillips, and James Bopp (collectively Eshelman Payments and any amounts paid by TTV after November 5, 2020 to the identified Defendants will be referred to as "Eshelman Funds"); (2) appoint a receiver to oversee and manage True the Vote and investigate and account for how Mr. Eshelman's funds were used and to make certain that it is not dissipating assets or engaging in other activity that would limit its ability to satisfy a judgment in favor of Mr. Eshelman; and (3) require an accounting be performed of True the Vote to identify the specific location of the Eshelman Funds. In anticipation of a hearing on his Application for Temporary Injunction, Mr. Eshelman also asks the Court to grant his Motion for Expedited Discovery to permit him to develop a more complete factual record on these points

that will help the Court decide this Application for Temporary Injunction efficiently and expeditiously.

II. APPLICATION FOR TEMPORARY INJUNCTION

15. Plaintiff re-alleges the foregoing paragraphs and incorporates them here as if fully set forth herein.

16. Plaintiff seeks a temporary injunction order freezing Defendants' bank accounts, enjoining TTV from using any portion of the \$2.5 million and enjoining all other Defendants from using any of the money improperly paid to them by TTV on or after November 5, 2020, to prevent a further depletion of what remains of Plaintiff's payments and placing those funds beyond the reach of this Court.

A. TEMPORARY INJUNCTION STANDARD

17. The purpose of a temporary injunction is to preserve the status quo of the litigation's subject matter pending a trial on the merits. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). To obtain injunctive relief, "the applicant must plead and prove three specific elements: (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparably injury in the interim." *Id.*

18. A temporary injunction applicant must plead a cause of action and present some evidence that tends to sustain it to show a probable right of recovery. *Intercontinental Terminals Co., LLC v. Vopak North America, Inc.*, 354 S.W.3d 887, 897 (Tex. App.—Houston [1st Dist.] 2011, no pet.). "[T]he applicant is not required to establish that it will prevail on final trial." *Texas Kidney, Inc. v. ASD Specialty Healthcare*, No. 14-13-01106-CV, 2014 WL 3002425, at *2 (Tex. App.—Houston [14th Dist.] July 1, 2014, no pet.).

B. THIS COURT SHOULD GRANT A TEMPORARY INJUNCTION FREEZING DEFENDANTS' BANK ACCOUNTS.

19. This Court should grant a temporary injunction freezing Defendants' bank accounts up to a total amount of \$2.5 million, also referred to as the Eshelman Funds, and enjoining the Defendants from further depleting the Eshelman Funds because Plaintiff meets all requirements for a temporary injunction. The verified facts supporting this Application for Temporary Injunction show Plaintiff has a probable right to relief on his claims: (1) breach of contract as to TTV; (2) declaratory judgment; (3) fraudulent misrepresentation as to Defendants True the Vote and Catherine Engelbrecht; and (4) money had and received as to all Defendants.⁵ Specifically, TTV has pocketed \$2.5 million of Plaintiff's funds and has not used the payments according to the requisite conditions, nor has it returned the money. All other Defendants have improperly retained the Eshelman Funds. Plaintiff is entitled to recover these funds, and until then, enjoin Defendants from further depleting any portion of the Eshelman Funds. Moreover, Plaintiff is likely to suffer a probable, imminent and irreparable injury absent a temporary injunction issued by this Court.

a. Mr. Eshelman Has a Probable Right To Relief on His Causes of Action Against Defendants.

i. Breach of Contract as to TTV

20. Plaintiff has a probable right to relief on his breach of contract claim against TTV. To prevail on a breach of contract claim, a plaintiff must show: (1) the existence of a valid contract; (2) performance or tendered performance by the plaintiff; (3) breach of the contract by the defendant; and (4) damages sustained as a result of the breach. *Davis v. Texas Farm Bureau Ins.*, 470 S.W.3d 97, 104 (Tex. App.—Houston [1st Dist.] 2015, no pet.); *B & W Supply, Inc. v. Beckman*, 305 S.W.3d 10, 16 (Tex. App.—Houston [1st Dist.] 2009, pet. denied). Here, on

⁵ These causes of action are also in Plaintiff's Amended Petition and Application for Appointment of Receiver filed with this Court on February 23, 2021.

November 5 and 13, 2020, the parties agreed Plaintiff would supply TTV with \$2.5 million on the condition that Defendant would use the money for the Validate the Vote 2020 initiative. These agreements formed a valid contract, and Plaintiff performed his obligations by providing the \$2.5 million. TTV breached the contract by failing to fulfill its promise to engage in certain actions for the Validate the Vote 2020 project. TTV's inaction caused Plaintiff's damages. Thus, Plaintiff has a probable right to recovery on his breach of contract claim.

ii. Declaratory Judgment

21. Plaintiff has a probable right to relief on his declaratory judgment claim. Plaintiff seeks an order declaring himself to be the rightful owner of the \$2.5 million conditionally paid to TTV and requiring TTV to immediately surrender possession of those funds to him. The Texas Uniform Declaratory Judgment Act gives Texas courts the power to “declare rights, status, and other legal relations whether or not further relief is or could be claimed.” TEX. CIV. PRAC. & REM. §37.003(a). A declaratory-judgment action will lie within the trial court's jurisdiction when a justiciable controversy exists as to the rights and status of the parties before the court for adjudication, and the requested declaration will actually resolve the controversy. *Brooks v. Northglen Ass'n*, 141 S.W.3d 158, 163-64 (Tex. 2004). A justiciable controversy is one in which a real and substantial controversy exists involving a genuine conflict of tangible interest and not merely a theoretical dispute. *Bonham State Bank v. Beadle*, 907 S.W.2d 465, 467 (Tex.1995).

22. Here, this is a real and substantial controversy between the parties. The controversy will be fully resolved if the Court determines that the payment from Plaintiff to TTV was conditional, that TTV failed to fulfill the conditions, and that the remaining funds should be returned. Because Plaintiff did not make an unconditional transfer of property to TTV, he did not unconditionally gift the funds to TTV. A gift is effective only when there is (1) a clear intent by

the donor to make a gift and (2) an immediate and *unconditional* transfer of the property, such that title passes contemporaneously from the donor to the recipient. *Oadra v. Stegall*, 871 S.W.2d 882, 890 (Tex. App.—Houston [14th Dist.] 1994, no writ) (citing *Wells v. Sansing*, 245 S.W.2d 964, 965 (Tex. 1952)).

23. Although Plaintiff paid \$2.5 million to TTV, he did not give TTV the money unconditionally. Thus, no valid gift was made—and unconditional ownership to the money did not vest in TTV—because Plaintiff’s payment was premised on a condition that did not and will not occur. *See McClure v. McClure*, 870 S.W.2d 358 (Tex. App.—Fort Worth 1994, no pet.) (holding “failure of, violation of, or refusal to perform the condition by the donee constitutes good ground for revocation of the gift by the donor” and that gifted money “remains [the donor’s] separate property” if the donee fails to comply with the condition on the gift); *Yates v. Blake*, 491 S.W.2d 751, 754 (Tex. App.—Corpus Christi 1973, no writ) (holding that no valid gift was made where gift was premised upon the giving party’s death, even though recipient already had the property in her possession). Plaintiff’s repeated efforts to reclaim the Eshelman Funds “confirms [his] intention not to vest unconditional ownership” in TTV. *Id.* Consequently, Plaintiff is still the owner of any funds TTV failed to use according to his stated conditions.

iii. Fraudulent Misrepresentation as to TTV and Catherine Engelbrecht

24. Plaintiff also has a probable right to relief on his fraudulent misrepresentation claim. The elements of common law fraudulent misrepresentation are: (1) the defendant made a material representation to the plaintiff; (2) the representation was false; (3) the defendant knew of the representation’s falsity when it was made; (4) the defendant made the representation with the intent that the plaintiff act on it; and (5) the plaintiff detrimentally relied on the defendant’s

misrepresentation. *Baribeau v. Gustafson*, 107 S.W.3d 52, 58 (Tex. App.—San Antonio 2003, pet. denied) (citing *T.O. Stanley Boot Co. v. Bank of El Paso*, 847 S.W.2d 218, 222 (Tex. 1992)).

25. Multiple times in November 2020, Engelbrecht and TTV made material misrepresentations to Plaintiff that, using Plaintiff's payments, TTV would comply with its stated Validate the Vote 2020 efforts. But Engelbrecht and TTV knew at the time those representations were false, as they knew they intended to use Plaintiff's payments for other purposes, such as paying off debts TTV owed, for other matters besides the Validate the Vote 2020 project, and not for the manner in which they told Plaintiff they would use the money. They made these representations intending that Plaintiff rely on them by transferring the Eshelman Payments to TTV. Plaintiff justifiably relied on Defendants' misrepresentations by making payments to TTV and has suffered \$2.5 million in damages.

iv. Money Had and Received as to all Defendants

26. Plaintiff similarly has a probable right to relief on his money had and received claim against Defendants. To prove a claim for money had and received, the plaintiff must establish the defendant holds the money that in equity and good conscience belongs to the plaintiff. *Staats v. Miller*, 243 S.W.2d 686, 687-88 (Tex. 1951). Whether the defendant acquired the money wrongfully is irrelevant. *Doss v. Homecomings Fin. Network, Inc.*, 210 S.W.3d 706, 711 (Tex. App.—Corpus Christi 2006, pet. denied). Rather, the sole inquiry is whether the defendant received money that rightfully belongs to the plaintiff. *Staats*, 243 S.W.2d at 687-88.

27. Here, Defendants hold money that, in equity and good conscience, belongs to Plaintiff. Plaintiff conditionally gave \$2.5 million to TTV, in which Defendants Engelbrecht and Phillips are or were officers and/or directors, and in which Defendants Bopp, The Bopp Law Firm, and OPSEC are agents. Defendants did not meet their obligations to use the money as

contemplated and conditioned by Plaintiff. As demonstrated above, the non-TTV Defendants received a substantial part of the money Plaintiff conditionally paid to TTV, and are currently holding said funds, all of which in equity and good conscience belongs to Plaintiff. Thus, Plaintiff has a probable right to relief on his money had and received claim.

b. Without Injunctive Relief, Mr. Eshelman is Likely to Suffer a Probable, Imminent and Irreparable Injury.

28. Without immediate relief, Plaintiff will suffer imminent and irreparable harm. With each day that passes, the likelihood that Plaintiff will recover the funds misappropriated through Defendants' actions diminishes because of the actual and substantial likelihood that Defendants will conceal, hide, dissipate, or otherwise improperly expend the funds or assets purchased with those funds increases.

29. Moreover, TTV posted as recently as January 8, 2021 on its Facebook page, "we are uncertain how long we will be here."⁶ Sometime after that TTV completely deleted its Twitter account. Similarly, there has been no activity on TTV's YouTube account since early January, and TTV's Instagram appears to have been dormant since late November. TTV's website reveals a sudden drop-off in content publication. According to TTV's website, their last podcast was published in October 2020. In addition, TTV's last new release was on January 11, 2021 (three days after its Facebook post noting uncertainty about how much longer it would be here). TTV's last blog-like post was posted on January 30, 2021. Therefore, it is believed that TTV may imminently no longer actively be operating or filing bankruptcy.

30. The risk that Defendants will dissipate Plaintiff's funds on matters unrelated to the Validate the Vote 2020 initiative during the pendency of this case is not speculative. In fact, based on recent statements by Mr. Bopp, he has already done so. In fact, it appears that Defendants fully

⁶ See screenshot of TTV's Facebook page January 8, 2021, attached hereto as **Exhibit C**.

intend to continue spending Mr. Eshelman's money on projects unrelated to the Validate the Vote 2020 effort Mr. Eshelman specifically agreed to help fund. Specifically, Defendants have undertaken to spend Mr. Eshelman's money in connection with litigation related to the 2021 U.S. Senate runoff elections in Georgia, which efforts Mr. Eshelman never agreed to fund. Given that Defendants have continued spending Mr. Eshelman's money (despite his demand that they cease and desist), it is highly likely that Defendants are currently and will continue dissipating Mr. Eshelman's money absent an order from this Court enjoining such conduct.

31. Further, should Defendants conceal, hide, dissipate, or otherwise expend Plaintiff's funds, it would likely render any judgment entered against Defendants uncollectible. Accordingly, if the bank accounts of Defendants, to which misappropriated funds have been traced, are not frozen, Plaintiff will not have an adequate remedy at law. *See Texas Black Iron, Inc. v. Arawak Energy Int'l, Ltd.*, 527 S.W.3d 579, 586 (Tex. App.—Houston [14th Dist.] 2017, no pet.) (“Texas cases hold that a plaintiff does not have an adequate remedy at law if the defendant faces insolvency or becoming judgment proof before trial.”).

32. In the present case, there is a direct, proven connection between TTV's bank account where Plaintiff wired the money and from which TTV in turn wired money to Defendants Catherine Engelbrecht, OPSEC, Greg Phillips, Bopp Law Firm, and James Bopp, and the wrongful conduct of the Defendants. Therefore, Plaintiff requests the Court to freeze a total of \$2.5 million of the funds in the bank accounts belonging to Defendants and enjoin them from dissipating the funds that are part of the Eshelman Funds in their bank accounts. Accordingly, a temporary injunction order freezing \$2.5 million in those specific accounts is not only permissible, but necessary. *See Texas Black Iron*, 527 S.W.3d at 587 (explaining injunction is not precluded where the assets at issue in the injunction are at issue in and may be used to satisfy claims in the parties’

dispute); *see also G & H Partners, Ltd. v. Boer Goats Int'l Ltd.*, 896 F. Supp. 660, 663 (W.D. Tex. 1995), *aff'd sub nom. G & H Partners v. Boer Goats*, 84 F.3d 432 (5th Cir. 1996) (acknowledging injunctive relief previously granted by the court that “prohibit[ed] the defendants from removing funds located in defendants’ account in the Sunburst Bank in Louisiana [...] because it contained a \$120,000 payment made to defendants for the embryos”); *Janvey v. Alguire*, No. 3:09-CV-724-N, 2010 WL 11626677, at *2 (N.D. Tex. May 28, 2010) (granting injunctive relief where plaintiff “provide[d] evidence that the frozen funds are the product of fraudulent transfer”); *Miller v. K and M P’ship*, 770 S.W.2d 84, 88 (Tex. App.—Houston [1st Dist.] 1989, no writ) (affirming injunctive relief enjoining defendant “selling, assigning, pledging, encumbering, or transferring 800,000 of the 997,500 shares” owed to plaintiff).

33. The harm to Plaintiff described herein is a direct and proximate result of the acts of Defendants. The requested temporary injunction is appropriate to preserve the status quo until a trial can be held.

34. To prevent the unjust and inequitable wasting of the misappropriated funds and any assets purchased with those funds that belong to Plaintiff, Plaintiff requests the entry of a Temporary Injunction that would restrain and enjoin Defendants from spending, transferring, or otherwise dissipating any portion of Plaintiff’s \$2.5 million that can be reasonably traced to them. Plaintiff also asks this Court to order the Defendant’s respective financial institutions to freeze those amounts in Defendants’ accounts to preserve the Court’s ability to render effective judgment in this case. Specifically:

- Because TTV received the full balance of Plaintiff’s payments, Plaintiff seeks to freeze and enjoin TTV from spending, transferring, or otherwise dissipating up to \$2.5 million of funds in its bank account(s).
- Because it appears Bopp Law Firm received hundreds of thousands of dollars of Eshelman’s Payment from TTV in connection with efforts purportedly related to

TTV's Validate the Vote 2020 initiative, Plaintiff seeks to freeze and enjoin The Bopp Law Firm from spending, transferring, or otherwise dissipating up to the same amount of money that Bopp Law Firm has received from TTV in its bank account(s).

- Because it appears OPSEC received hundreds of thousands of dollars of Eshelman's Payment from TTV in connection with efforts purportedly related to TTV's Validate the Vote 2020 initiative, Plaintiff seeks to freeze and enjoin OPSEC from spending, transferring, or otherwise dissipating up to the same amount of money that OPSEC has received from TTV in its bank account(s).
- And because it appears that Catherine Engelbrecht personally paid herself tens of thousands of dollars from the Eshelman Funds, Plaintiff seeks to freeze and enjoin Catherine Engelbrecht from spending, transferring, or otherwise dissipating up to the same amount of money that Catherine Engelbrecht received from TTV in her bank account(s).

35. Plaintiff files this Verified Application for Temporary Injunction pursuant to general principles of equity, Texas Rules of Civil Procedure 680, *et seq.*, and Texas Civil Practice and Remedies Code section 65.011. Plaintiff is willing to post a bond as required by Texas law in an amount determined by the Court.

36. Plaintiff requests this Court to set its Application for Temporary Injunction for hearing, and after a hearing, issue a temporary injunction against Defendants.

VI. APPLICATION FOR APPOINTMENT OF RECEIVER

37. Plaintiff incorporates by reference the foregoing allegations as though fully set forth herein.

38. Pursuant to Texas Civil Practice and Remedies Code Section 64.001(5)–(6), “A court of competent jurisdiction may appoint a receiver . . . (5) for a corporation that is insolvent, is in imminent danger of insolvency, has been dissolved, or has forfeited its corporate rights or (6) in any other case in which a receiver may be appointed under the rules of equity.” TEX. CIV. PRAC. & REM. CODE § 64.001.

39. Texas Courts grant temporary injunctions and appoint a receiver when necessary to protect the property. *See, e.g., Hall v. Universal C.I.T. Credit Corp.*, 298 S.W.2d 858, 859 (Tex. App.—Eastland 1957) (affirming grant of TI enjoining transfer of auto/title certificate inadvertently delivered to defendant after foreclosure of the same from defendant; receiver appointed to hold the property).

40. Because Plaintiff conditionally paid \$2.5 million to Defendant True the Vote, Plaintiff has a probable interest in the money held by Defendant True the Vote and by the other Defendants to whom True the Vote transferred some or all of that money.

41. The money is in danger of being lost or removed by Defendants' misappropriation of the funds through, among other improper actions, Defendants' using the monies to pay off other debts or obligations, to pay expenses not related to the Validate the Vote 2020 initiative, or to pay themselves.

42. Moreover, TTV is in imminent danger of insolvency. At the time of Mr. Eshelman's payments in November 2020, TTV only had a few hundred thousand dollars. TTV posted as recently as January 8, 2021 on its Facebook page, "we are uncertain how long we will be here."⁷ Sometime after that, TTV completely deleted its Twitter account. Similarly, there has been no activity on TTV's YouTube account since early January, and TTV's Instagram appears to have been dormant since late November. TTV's website reveals a sudden drop-off in content publication. According to TTV's website, their last podcast was published in October 2020. In addition, TTV's last new release was on January 11, 2021 (three days after its Facebook post noting uncertainty about how much longer it would be here). TTV's last blog-like post was posted on January 30, 2021. In addition to this litigation, TTV is also engaged in significant—and

⁷ See screenshot of TTV's Facebook page January 8, 2021, attached hereto as **Exhibit C**.

presumably expensive—litigation against Fair Fight in connection with its largely baseless challenges to the eligibility of hundreds thousands of voters in the 2021 Georgia Senate runoffs.⁸ Therefore, TTV may imminently no longer actively be operating or filing bankruptcy.

43. The risk that Defendants will dissipate Plaintiff's funds on matters unrelated to the Validate the Vote 2020 initiative during the pendency of this case is not speculative. In fact, based on recent statements by Mr. Bopp, he has already done so. In fact, it appears that Defendants fully intend to continue spending Mr. Eshelman's money on projects unrelated to the Validate the Vote 2020 effort Mr. Eshelman specifically agreed to fund. Specifically, Defendants have undertaken to spend Mr. Eshelman's money in connection with litigation related to the 2021 U.S. Senate runoff elections in Georgia, which efforts Mr. Eshelman never agreed to fund. Given that Defendants have continued spending Mr. Eshelman's money (despite his demand that they cease and desist), it is highly likely that Defendants are currently and will continue dissipating Mr. Eshelman's money absent an order from this Court enjoining such conduct.

44. As such, Plaintiff requests that the Court appoint a Receiver to oversee and manage True the Vote and investigate and account for how Mr. Eshelman's funds were used and to make certain that it is not dissipating assets or engaging in other activity that would limit its ability to satisfy a judgment in favor of Mr. Eshelman.

VIII. REQUEST FOR ACCOUNTING

45. Plaintiff incorporates by reference the foregoing allegations as though fully set forth herein.

46. Texas courts grant temporary injunctions and order an accounting when necessary to protect the relevant property. *See, e.g., Harmon v. Harmon*, No. 11-14-00343-CV, 2016 WL

⁸ That case is styled *Fair Fight, Inc. v. True the Vote, Inc.*, No. 20-cv-302, in the United States District Court for the Northern District of Georgia.

7649298, at *1 (Tex. App.—Eastland Dec. 15, 2016) (noting trial court’s entry of a temporary injunction that, in part, ordered Defendant to deposit funds with the court and to make an accounting of all activities of the relevant partnership during the relevant time-period); *In re Cantu de Villarreal*, No. 13-08-00408-CV, 2009 WL 888467, at *1 (Tex. App.—Corpus Christi Apr. 2, 2009) (affirming trial court’s order granting motion for a temporary injunction and an accounting based upon an alleged breach of a settlement agreement); *Eichelberger v. Hayton*, 814 S.W.2d 179, 181 (Tex. App.—Houston [1st Dist. 1991, writ denied) (noting trial court granted TI and ordered accounting in divorce proceeding; order was dissolved for failure to set a bond amount).

47. Plaintiff further requests that in addition to the appointment of a receiver, the Court order that the receiver produce an accounting to be conducted of Defendant True the Vote’s books and records to identify where Defendants spent, placed, or paid any part of Plaintiff’s \$2.5 million in payments.

48. Specifically, Plaintiff requests that the Court’s order appointing the receiver requested above include an order that the receiver retain and direct a forensic accountant to examine the books and records of Defendant TTV and take such other appropriate actions to produce a detailed accounting as to the whereabouts of Mr. Eshelman’s \$2.5 million, including the financial institution(s) where said funds are on deposit, the name of the person(s) under whose name the funds are on deposit, the signatories on said account, the type of account, the account number, any subsequent recipient of any portion of the Eshelman Funds, and the available back-up for any payments of the Eshelman Funds by TTV.

IX. MOTION FOR EXPEDITED DISCOVERY

49. Plaintiff further requests that that the Court permit Plaintiff to serve, and order that Defendants respond to, written discovery on a shortened, expedited timetable.

50. Plaintiff must engage in expedited discovery to fully prepare for the evidentiary burden that the Plaintiff must carry at the temporary injunction hearing.

51. Texas Rule of Civil Procedure 191.1 provides that, “the procedures and limitations set forth in the rules pertaining to discovery may be modified in any suit by agreement of the parties or by court order for good cause.” TEX. R. CIV. PROC. 191.1.

52. “Parties frequently seek, and trial courts order, expedited discovery in the course of proceedings pertaining to temporary restraining orders.” *In re Nat’l Lloyds Ins. Co.*, No. 13-15-00390-CV, 2015 WL 6759153, at *4 (Tex. App.—Corpus Christi November 3, 2015, orig. proceeding) (holding trial court did not abuse its discretion in granting a motion to expedite discovery in the course of a TRO). The *In re National Lloyds* Court relied on several examples from courts around Texas where parties obtained expedited discovery in the context of a temporary restraining order or temporary injunction which has the same requirements as a temporary injunction. *See, e.g., In re Tex. Health Res.*, No. 05-15-00813-CV, 472 S.W.3d 895, 2015 Tex. App. LEXIS 8988, 2015 WL 5029272, at *2 (Tex. App.—Dallas Aug. 26, 2015, orig. proceeding) (“The trial court ordered that the discovery take place before the expiration of the temporary restraining order.”); *In re MetroPCS Commc’ns, Inc.*, 391 S.W.3d 329, 332 (Tex. App.—Dallas 2013, orig. proceeding) (“On November 5, 2012, Golovoy filed a ‘Motion for a Temporary Restraining Order and an Order Compelling Expedited Discovery.’”); *In re Meyer*, No. 14-14-00833-CV, 2014 WL 5465621, at *1 (Tex. App.—Houston [14th Dist.] Oct. 24, 2014, orig. proceeding) (“On October 14, 2014, Gulfstream filed an original petition, application for temporary restraining order, application for temporary injunction, and motion for expedited discovery against relators in the trial court.”); *Miga v. Jensen*, No. 02-11-00074-CV, 2012 WL 745329, at *2 (Tex. App.—Fort Worth Mar. 8, 2012, no pet.) (mem. op.) (“Ten days later, Jensen

filed with the trial court an application for a temporary restraining order, injunction, and expedited discovery.”).

53. Here, good cause for expedited discovery exists because with each day that passes, the likelihood that Plaintiff will recover his payments misappropriated through Defendants’ actions diminishes. The actual and substantial likelihood that Defendants will conceal, hide, dissipate, or otherwise improperly expend the payments or assets purchased with those funds increases.

54. Specifically, Plaintiff seeks information regarding the \$2.5 million payments received by TTV from Plaintiff; portions of those payments that TTV in turn paid to Catherine Engelbrecht, OPSEC, Greg Phillips, The Bopp Law Firm, and James Bopp, Jr.; any other payments made related to the \$2.5 million payments; and current location of the \$2.5 million funds. *See* proposed expedited discovery attached as **Exhibit D**.

55. Plaintiff respectfully requests that Defendants’ responses to the expedited discovery be due within seven (7) days after service of this Court’s order granting the expedited discovery.

X. RELIEF REQUESTED

WHEREFORE, Plaintiff Fredric N. Eshelman prays that this Honorable Court would grant the following relief:

1. A temporary injunction or other injunctive relief to preserve the status quo and to freeze Defendants’ bank accounts up to a total amount of \$2.5 million and to enjoin Defendants from disbursing any portion that money while this litigation is pending;
2. An order appointing a Receiver to oversee and manage Defendant True the Vote and investigate and account for how Plaintiff’s funds were used and to make certain that True the Vote is not dissipating assets or engaging in other activity that would limit its ability to satisfy a judgment in favor of Plaintiff;
3. An order directing the appointed Receiver to retain and direct a forensic accountant to examine the books and records of Defendant True the Vote and take other such appropriate action to produce a detailed accounting as to the whereabouts of Mr. Eshelman’s \$2.5 million, including the financial institutions(s) where said funds

are on deposit, the name of the person(s) under whose name the funds are on deposit, the signatories on said account, the type of account, the account number, any subsequent recipient of an portion of the Eshelman Funds, and the available back-up for any payments of the Eshelman Funds by TTV;

4. An order granting Plaintiff's Motion for Expedited Discovery requiring: (1) Defendants to respond to Plaintiff's expedited discovery requests attached to **Exhibit D** within **seven days** after service of this order granting the expedited discovery; and
5. All other relief that the Court deems just and proper.

Dated: March 19, 2021

Respectfully submitted,

/s/ Douglas A. Daniels

Douglas A. Daniels

State Bar No. 00793579

Kristin Kruse Lotz

State Bar No. 24043121

Sabrina R. Tour

State Bar No. 24093271

DANIELS & TREDENNICK PLLC

6363 Woodway Dr., Suite 700

Houston, TX 77057-1759

(713) 917-0024 Telephone

(713) 917-0026 Facsimile

Email: doug.daniels@dtlawyers.com

Email: kristin@dtlawyers.com

Email: sabrina@dtlawyers.com

Luis Amadeus Vallejo

State Bar No. 20435600

Law Office of Luis Amadeus Vallejo

Box 340

La Grange, Texas 78495

(713) 922-1768 Telephone

Email: lav@lavlaw.com

Ronald M. Jacobs (*pro hac vice*)

Christopher J. Climo (*pro hac vice*)

Venable LLP

rjacobs@venable.com

600 Massachusetts Avenue, NW

Washington, D.C. 20001

(202) 344-8215 Telephone
(202) 344-8300 Facsimile

Counsel for Plaintiff Fredric Eshelman

RETRIEVED FROM DEMOCRACYDOCKET.COM

True the Vote Live with Catherine Engelbrecht

Audio Transcription

RETRIEVED FROM DEMOCRACYDOCKET.COM



DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

1 (Recording begins)

2 MS. ENGELBRECHT: Hey everybody, this is
3 Catherine Engelbrecht with True the Vote, and I wanted
4 to give you an update on the latest. So -- I can't
5 believe it's Friday. So, okay. As you all know, we've
6 had our election integrity hotline up for weeks, and we
7 have just been inundated with reports. And when the
8 election went the way that it did, knowing what we knew
9 from the reports that were coming in, we couldn't let
10 that stand.

11 And so we set about planning to figure out
12 what it -- what we could do that would create an
13 environment for whistleblowers to come forward for the
14 crowdsourcing and sharing of data, because there's so
15 much out there online right now, and so -- and look,
16 some of it is not real, and some of it is. And so how
17 do we separate the wheat from the chaff, and how do we
18 create cases that can be taken to court, and that are
19 actionable? Because it's one thing just to talk about
20 all of this on social media and between friends, and
21 it's another to actually put some teeth behind it.

22 And so I am thrilled to tell you that earlier

Page 3

1 today, we launched an initiative called "Validate the
2 Vote." And what Validate the Vote is about, is putting
3 a bounty on the fraud. Creating an environment for
4 whistleblowers to come forward and tell the story,
5 making sure that they have protections, making sure
6 that they have compensation, and further, creating a
7 space for people to come and share what they know, or
8 share with us what they know, and then let us try to
9 aggregate it.

10 Look, this is a -- this is an all-skate.
11 We've got to work together on this, because time is
12 short. The data tells us that there are big problems,
13 but we have got to be very serious and methodical and
14 focused about proving that up. Our findings will --
15 our findings will result in federal court cases that
16 will be filed over the course of next week in at least
17 five states, maybe as many as seven. We will be
18 representing voters who have had their voice diluted,
19 their votes canceled. And this is extremely serious
20 stuff.

21 Right now we have a pool of up to a million
22 dollars for whistleblower reports, but that pool is

Page 4

1 growing, and growing quickly. So what is the message
2 to all of you? If you had an experience in this
3 election that you feel like needs to be investigated,
4 if you saw something, if you know something, if you
5 know someone who knows something, I think what is clear
6 is that there are a lot of unanswered questions. And
7 the fact that there has been this cloak of silence and
8 secrecy around the count has -- has totally shaken the
9 America -- the American electorate's confidence in this
10 election. And so we want to do what we can to restore
11 that confidence by restoring transparency.

12 And so what you can do is, if you know
13 something, or if you want to share something, or if you
14 want to come forward with something, we will give you
15 not only support, financial support, but legal support,
16 and whistleblower immunity where appropriate. You can
17 come to us online at truethevote.org, you can check us
18 out at validatethevote.us, or you can call
19 (855) 702-0702.

20 That's going to be a standing offer, and the
21 dollars will continue to increase as awareness grows.
22 Time is short, and if we're going to be serious about

Page 5

1 this, it's a heavy lift, but it is not impossible. We
2 are a long way from being done. And mind you, the
3 media doesn't decide who the president is. The
4 Electoral College will determine who has the 270 count
5 -- or 270 votes necessary, and if that doesn't work,
6 then it goes to the House of Representatives. There is
7 a Constitutional process that will be followed. It is
8 not the media's job to tell us that it's over. It's
9 not over until the Constitution says it's over.

10 So we're a long way from that. If you know
11 something, if you need something to share, if you -- if
12 you see something that you think we should know about,
13 please join in this. There are a lot of good
14 organizations, and we're trying to work with as many as
15 we possibly can to aggregate data so that we can all
16 come together and have the strongest cases possible.
17 You can come to truethevote.org, you can check us out
18 at validatethevote.us, or call (855) 702-0702.

19 We will continue to update -- this is all
20 breaking, okay, so you can go to the website, you're
21 going to see the basic -- the basic information. It's
22 going to be filled in over the weekend. This is all

Page 6

1 happening very, very, very quickly, but the things that
2 are coming together are very powerful. We've already
3 gotten a couple of whistleblowers to come forward that
4 are going to blow your mind.

5 We need the white light of freedom to shine
6 on this situation. We need the bright, bright light of
7 freedom to shine on this situation.

8 Okay. That's it for me. Thank you for
9 caring enough to stay the course here, and God bless
10 each and every one of you. God bless America, and I'll
11 probably see you tomorrow.

12 (Recording ends)

13
14
15
16
17
18
19
20
21
22

1

C E R T I F I C A T I O N

2

3

I, Lisa Luciano, court-approved transcriber,

4

hereby certify that the foregoing is a correct

5

transcript from the official electronic sound recording

6

of the proceedings in the above-entitled matter.

7

8

9

10

11

12

13

14

15

16

A handwritten signature in blue ink, reading "Lisa Luciano", is written over a horizontal line. A diagonal watermark "RETRIEVED FROM DEMOCRACYDOCKET.COM" is visible across the signature.

17

LISA LUCIANO, AAERT NO. 327

DATE: August 25, 2021

18

ACCESS TRANSCRIPTS, LLC

19

20

21

22

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FAIR FIGHT, INC., SCOTT BERSON,
JOCELYN HEREDIA, and JANE DOE,

Plaintiffs,

v.

TRUE THE VOTE, INC., CATHERINE
ENGELBRECHT, DEREK
SOMERVILLE, MARK DAVIS, MARK
WILLIAMS, RON JOHNSON, JAMES
COOPER, and JOHN DOES 1-10,

Defendants.

Case No. 2:20-CV-00302-SCJ

**PLAINTIFFS' NOTICE TO TAKE THE DEPOSITION
OF GREGG PHILLIPS**

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, Plaintiffs Fair Fight, Inc., Scott Berson, Jocelyn Heredia, and Jane Doe will take the deposition of Gregg Phillips, who shall appear via a remote deposition platform before a person authorized by law to take depositions, on **January 25, 2022, beginning at 10:00 AM EST**. Log-in credential will be provided to counsel separately.

The testimony at the deposition will be transcribed and recorded by videographic, stenographic, audio, audiovisual, and/or real-time computer means, and will be taken remotely.

**Phillips Exhibit
2 (1-25-22)**

This deposition shall be used for all allowable purposes, shall be conducted in accordance with the Federal Rules of Civil Procedure, and will continue from day to day until completed, or until such time as is agreed by the parties.

Dated this 12th day of January, 2022.

Respectfully Submitted,

/s/ Uzoma N. Nkwonta

Allegra J. Lawrence
Georgia Bar No. 439797
Leslie J. Bryan
Georgia Bar No. 091175
Maia Cogen
Georgia Bar No. 832438
LAWRENCE & BUNDY LLC
1180 West Peachtree Street, Suite
1650
Atlanta, GA 30309
Telephone: (404) 400-3350
Fax: (404) 609-2504
allegra.lawrence-
hardy@lawrencebundy.com
leslie.bryan@lawrencebundy.com
maia.cogen@lawrencebundy.com

Dara Lindenbaum
Georgia Bar No. 980780
**SANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK,
P.C.**
1090 Vermont Avenue, NW, Suite 750
Washington, DC 20005
Telephone: (202) 479-1111
Fax: 202-479-1115
lindenbaum@sandlerreiff.com

Marc E. Elias*
Uzoma N. Nkwonta*
Christina A. Ford*
Joel J. Ramirez*
Jacob Shelly*
Tina Meng*
Marcos Mocine-McQueen*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
melias@elias.law
unkwonta@elias.law
cford@elias.law
jramirez@elias.law
jshelly@elias.law
tmeng@elias.law
mmcqueen@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that, on January 12, 2021, in accordance with the parties' agreement and written consent to accept and effect service by email, I caused the foregoing document to be served via electronic mail to all counsel of record at the email address designated in the Court's CM/ECF system.

Dated: January 12, 2022

/s/ Uzoma N. Nkwonta

Uzoma N. Nkwonta

RETRIEVED FROM DEMOCRACYDOCKET.COM