

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONALD J. TRUMP, in his capacity as )  
a candidate for President of the United )  
States, )

Plaintiff, )

v. )

BRIAN P. KEMP, in his official )  
capacity as Governor of the State of )  
Georgia; BRAD RAFFENSPERGER, in )  
his official capacity as Georgia Secretary )  
of State, )

Defendants. )

CIVIL ACTION NO.  
1:20-cv-05310-MHC

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**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR EXPEDITED DECLARATORY AND INJUNCTIVE  
RELIEF**

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## INTRODUCTION

On November 3, 2020, approximately 5 million Georgians voted for President of the United States (“the Election”). Pursuant to U.S. Const. art. II, § 1, cl. 2, 3 U.S.C. §§ 1, 5 and 6, O.C.G.A. §§ 21-2-10 and 21-2-499, these votes were counted, hand counted during an audit, certified, recounted, and re-certified under Georgia law. The slate of presidential electors has been sent by Governor Kemp to the Archivist of the United States in conformity with 3 U.S.C. § 6. Pursuant to U.S. Const. art. II, § 1, cls. 2 and 3, 3 U.S.C. §§ 7, 8, 9, 10, 11 and 12, and O.C.G.A. § 21-2-11, the electors have already met and cast their votes for President. The election, certification, and casting of ballots are final and over. The matter is now before Congress as set forth in 3 U.S.C. § 15 to count the certified votes. Georgia has completely complied with all requirements under the United States Constitution, federal and state election law.

There have been numerous suits filed since the November 3, 2020, general election, challenging most of the issues set forth in Plaintiff’s motion. In all resolved suits, the claims have been flatly rejected. Plaintiff nevertheless seeks to disenfranchise millions of Georgia voters at the thirteenth hour—despite Plaintiff’s own dilatory and confusing actions. Plaintiff lacks standing to bring the claims at issue, the Court should abstain from deciding this matter, and Plaintiff’s claims are

moot and otherwise frivolous. Moreover, trial is currently scheduled for Friday, January 8, 2020, in the Superior Court of Fulton County, Georgia to address Plaintiff's claims. Plaintiff's request for preliminary injunction should be denied as Plaintiff has no likelihood of success on the merits of his claims, he has been dilatory in asserting his claims, and the equities weigh in favor of denying preliminary injunctive relief.

## **FACTUAL BACKGROUND**

Pursuant to United States Constitution art. II, Georgia has legislatively chosen to permit election of presidential electors by popular vote. *See* O.C.G.A. § 21-2-10. On November 3, 2020, nearly 5 million Georgians cast ballots in the Election pursuant to this legislatively-enacted framework. The majority of votes cast were in favor of Joseph Biden. On November 11, 2020, Secretary Raffensperger announced a risk-limiting audit pursuant to O.C.G.A. § 21-2-498. While the Secretary could have merely selected a sampling of ballots of any race to conduct this audit, he authorized a hand recount of all the nearly 5 million ballots cast. This audit confirmed the outcome of the election, and on November 20, 2020, Secretary Raffensperger and the Governor certified that Joseph Biden had prevailed over President Donald Trump. ***See Exhibit A.***

On November 21, 2020, President Trump submitted his official request for a recount of the results of the election pursuant to O.C.G.A. § 21-2-495(c). *See Exhibit B*. This recount concluded on December 4, 2020. Secretary Raffensperger certified the results again on December 7, 2020. *See Exhibit C*. Governor Kemp certified the results of the recount on December 7, 2020, and submitted the Certificate of Ascertainment to the Archivist of the United States pursuant to 3 U.S.C. § 6. *See Exhibit D*. Georgia's presidential electors met on December 14, 2020 and cast their ballots for president.

Under Georgia law, neither the Secretary of State's certification of the Election results nor the Governor's certification of the slate of electors pursuant to O.C.G.A. § 21-2-499(b) can be undone. That section provides:

The Secretary of State shall also upon receiving the certified returns for the presidential electors, proceed to tabulate, compute, and canvass the votes for each slate of presidential electors and shall immediately lay them before the Governor. Not later than 5:00 P.M. on the seventeenth day following the date on which such an election was conducted, the Secretary of state shall certify the votes cast for all candidates described in subparagraph (a)(4)(A) of Code section 21-2-497 and upon all questions voted for by the electors of more than one county and shall no later than that same time lay the returns for the presidential election before the Governor. The Governor shall enumerate and ascertain the number of votes for each person so voted and shall certify the slates of presidential electors no later than 5:00 P.M. on the eighteenth day following the date on which [the] election was conducted.

The people, the Secretary, and the Governor all complied with and discharged their obligations under Georgia and federal law—as have the presidential properly certified presidential electors.

Had Plaintiff not acted in a dilatory manner, Plaintiff could have sought relief under O.C.G.A. § 21-2-499(b), which provides: “Notwithstanding the deadlines specified in this Code section, such times [for certification by the Governor and the Secretary of State] may be altered for just cause by an order of a judge of the superior court.” Plaintiff, having never exercised his right to seek or secure the sole relief provided by the General Assembly to delay certification of the presidential election, cannot now seek to retroactively undo the completed acts.

Moreover, while Plaintiff blames the Superior Court of Fulton County for not acting in timely manner to adjudicate his rights, Plaintiff himself is the cause of any delay in the superior court. Plaintiff never asserted the challenges he raised in the Superior Court in Fulton County prior to the Election. Nor did Plaintiff file any challenge in the month after the Election. Rather, Plaintiff waited to file his challenge until December 4, 2020, in Fulton County Superior Court. Plaintiff’s filing was initially rejected because he failed to pay filing fees. That suit was accordingly not docketed until December 7, 2020—the same day the Secretary and the Governor

again certified the Election results and the day the Governor transmitted the certification of the slate of presidential electors to the Archivist of the United States.

Despite his late filing, Plaintiff also sought “emergency relief” seeking to stop the election certification in the superior court on December 7, 2020. **See Exhibit E.** Plaintiff voluntarily withdrew that request the following day. **See Exhibit F.** On December 10, 2020, Petitioners filed a motion to appoint a judge in the superior court election matter pursuant to O.C.G.A. § 21-2-523 **See Exhibit G.** The *next day*, on December 11, 2020, Plaintiff *simultaneously* filed a Second Motion for Emergency Injunctive Relief asking the superior court to decertify the election, and a “notice of appeal and intention to seek writ of certiorari to the Supreme Court of Georgia.” **See Exhibits H and I.** That appeal, though improvident, ill-conceived, and meritless, divested the Superior Court of Fulton County of any jurisdiction over the matter. The Superior Court of Fulton County reminded Plaintiff of this on December 29, 2020, when it entered an order noting that Plaintiff’s appeal had divested the superior court of jurisdiction and thus the “Court [could] not consider [Plaintiffs’ request to appoint a judge pursuant to O.C.G.A. § 21-2-523] until either the appeal is concluded or the notice of appeal is withdrawn.” **See Exhibit J.**

Rather than acting immediately, Plaintiff waited until the next day, December 30, 2020 to actually withdraw the appeal. **See Exhibit K.** The superior court then,

that same day, entered an order to start the judicial appointment process and that same day, the Honorable Adele Grubbs was appointed to hear Plaintiff's election dispute. **See Exhibit L.** The day after she was assigned, Judge Grubbs set the trial date in the state court matter for January 8, 2020. That same day, December 31, 2020, Plaintiff filed the present suit.

## ARGUMENT AND CITATION OF AUTHORITIES

### **I. The Court Lacks Subject Matter Jurisdiction because Plaintiff Cannot Establish Article III Standing.**

The Eleventh Circuit recently emphasized that federal courts are not “constituted as freewheeling enforcers of the Constitution,” and “may not entertain post-election contests about garden-variety issues of vote counting and misconduct that may properly be filed in state courts.” *Wood v. Raffensperger*, No. 20-14418, 2020 U.S. App. LEXIS 37971 at \*2, 10 (11th Cir. Dec. 5, 2020). Accordingly, federal courts have an independent obligation to ensure that subject-matter jurisdiction exists before reaching the merits of a dispute. *Jacobson v. Fla. Sec’y of State*, 974 F.3d 1236, 1245 (11th Cir. 2020). “For a court to pronounce upon . . . the constitutionality of a state or federal law when it has no jurisdiction to do so is, by very definition, for a court to act ultra vires.” *Id.* (citation omitted).

Article III of the Constitution limits the subject-matter jurisdiction of federal courts to “Cases” and “Controversies.” U.S. Const. art. III, § 2. A party invoking

federal jurisdiction bears the burden of establishing standing at the commencement of the lawsuit. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992). As an irreducible constitutional minimum, Plaintiff must show he has (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendants, and (3) that is likely to be redressed by a favorable judicial decision. *Id.* at 561. As the party invoking federal jurisdiction, Plaintiff bears the burden at the pleadings phase of “clearly alleg[ing] facts demonstrating each element.” *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016).

Plaintiff’s Complaint alleges two constitutional violations: (1) that Defendants violated the Electors Clause, U.S. Const. art. II, § 1, cl. 2, by certifying the general election results (Count I); and (2) that Defendants violated the Due Process Clause of the Fourteenth Amendment by certifying the general election results while the state election contest was pending (Count II). (Doc. 1 at 27-28). In support of standing, Plaintiff alleges that he has “a cognizable interest in the outcome of the 2020 election” and that the presidential election results in Georgia “are not accurate as they contain illegal votes and should have been invalidated had the state contest proceeding been properly conducted and properly allowed to proceed to conclusion.” (Doc. 1 at 21, ¶¶ 51, 52). However, because Plaintiff’s allegations are insufficient to establish an injury in fact that is traceable to the Defendants, he cannot

establish standing and the Court lacks jurisdiction to consider the merits of Plaintiff's motion.

**A. Plaintiff lacks standing to assert a claim under the Electors Clause.**

Plaintiff alleges that the general election was “not conducted in accord with election laws established by the Legislature.” (Doc. 1 at 27 ¶ 71). However, federal courts are not venues for parties to assert a bare right “to have the Government act in accordance with law.” *Allen v. Wright*, 468 U.S. 737, 754 (1984).

Specifically, courts have held that only state legislatures have standing to bring a claim under the Electors Clause. In *Bognet v. Secretary Commonwealth of Pennsylvania*, No. 20-3214, 2020 U.S. App. LEXIS 35639 (3d Cir. Nov. 13, 2020), the Third Circuit held that a candidate for federal office, along with four individual voters, lacked standing to sue for alleged injuries attributable to a state government's violations of the Elections Clause and Electors Clause. *Id.* at \*19. The Court stated, “[b]ecause Plaintiffs are not the General Assembly, nor do they bear any conceivable relationship to state lawmaking processes, they lack standing to sue over the alleged usurpation of the General Assembly's rights under the Elections and Electors Clauses.” *Id.* at \*21; *see also Lance v. Coffman*, 549 U.S. 437, 442 (2007) (“The only injury plaintiffs allege is that the law—specifically the Elections Clause—has not been followed.”); *Dillard v. Chilton Cty. Comm'n*, 495 F.3d 1324, 1332-33 (11th



Cir. 2007) (holding that an allegation that the law has not been followed is “the kind of undifferentiated, generalized grievance about the conduct of government” that will not satisfy standing); *Wood v. Raffensperger*, No. 1:20-cv-04651-SDG, 2020 U.S. Dist. LEXIS 218058, at \*15-16 (N.D. Ga. Nov. 20, 2020) (holding that private plaintiff lacked standing to sue under Electors and Elections Clauses).<sup>1</sup>

Because Plaintiff is not a member of the Georgia General Assembly, he lacks standing to sue under the Electors Clause, and the Court lacks jurisdiction to entertain Count I.

**B. Plaintiff lacks standing to assert a claim under the Due Process Clause.**

Plaintiff’s due process claim is based on his allegations that “illegal votes were counted” and that Defendants “improperly certified” the general election results “while a statutory election contest was pending.” (Doc. 1 at 27-28, ¶¶ 73, 74). Setting aside the fact that Defendants had a statutory duty to certify the presidential electors by November 20, 2020, Plaintiff’s allegations fail to satisfy the causation requirement of standing, which requires that “a plaintiff’s injury must be ‘fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court.’” *Jacobson*, 974 F.3d at

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<sup>1</sup> Because the Electors and Elections Clauses have “considerable similarities,” they are interpreted similarly with respect to standing. *Bognet*, 2020 U.S. App. LEXIS 35639 at \*19.

1253 (citation omitted); *see also Hollywood Mobile Estates Ltd. v. Seminole Tribe of Fla.*, 641 F.3d 1259, 1265 (11th Cir. 2011) (holding that an injury sufficient to establish standing cannot “result [from] the independent action of some third party not before the court.”).

Here, Plaintiff’s allegation that “illegal” votes were counted is traceable to the actions of *county* elections officials—not the Defendants. Under Georgia law, county elections officials are solely responsible for processing, validating, and tabulating both absentee and in-person ballots. *See* O.C.G.A. §§ 21-2-386; 21-2-493. As such, Plaintiff’s claimed injury resulting from alleged irregularities in the signature verification process for absentee ballots or the tabulation of votes is not traceable to or redressable by the Secretary or the Governor. *See Jacobson*, 974 F.3d at 1253 (concluding that alleged injury from state’s ballot order statute was not traceable to or redressable by the Secretary of State because county election superintendents were “independent officials who are not subject to the Secretary’s control”).

Recently, the Eleventh Circuit denied a motion for an injunction pending appeal of the district court’s dismissal of an elections case brought by the Perdue and Loeffler Senate campaigns for lack of standing. *Ga. Republican Party, Inc. v. Ga. Sec’y of State*, No. 20-14741-RR, 2020 U.S. App. LEXIS 39969, at \*5-7 (11th

Cir. Dec. 21, 2020). Finding that the Secretary does not control the processing and counting of absentee ballots by county officials, the Court cited *Jacobson* in holding that the “Campaigns have failed to make a strong showing that they have standing to bring their constitutional claims because they have failed to demonstrate that any alleged injury is traceable to, and redressable by, the State.” *Id.* at \*7.

Moreover, Plaintiff’s allegation that he has been injured because his election contest has not yet been heard in state court is also not the result of any action by the Defendants. Defendants complied with their statutory obligations to certify the presidential electors in a timely manner. Any delay in the hearing of Plaintiff’s election contest was caused by Plaintiff’s own dilatory actions in pursuing his claim and his improvidently-filed appeal. In sum, having failed to establish that he has suffered an injury in fact, or that his purported injury is traceable to or redressable by the Defendants, Plaintiff lacks standing and his motion should be denied.

## **II. Plaintiff’s Claims are Moot.**

The Election is over, the votes have been counted three times, the votes are certified, and the presidential electors have cast their ballots. As it relates to any relief that could be afforded against the Secretary of State and the Governor, this matter is moot. The Election and certification processes followed the course proscribed by both the Georgia General Assembly and federal law. *See* O.C.G.A. §§

21-2-210, 21-2-11, 21-2-499; 3 U.S.C. §§ 1, 6, 7, 8, 9, 10, 11 and 12. The deadlines for the Governor and Secretary of State to certify the presidential election were not altered pursuant to O.C.G.A. § 21-2-499(b). Thus all relief sought by Plaintiff has been mooted by their delay.

The Eleventh Circuit held in *Wood* that federal challenges seeking to undo the certification of the presidential election results in Georgia are moot. “‘We cannot turn back the clock and create a world in which’ the 2020 election results are not certified.” *Wood*, 2020 U.S. App. LEXIS 37971 at \*19 (quoting *Fleming v. Gutierrez*, 785 F.3d 442, 445 (10th Cir. 2015)). Accordingly, the case “no longer presents a live controversy with respect to which the court can give meaningful relief.” *Troiano v. Supervisor of Elections in Palm Beach Cty., Fla.*, 382 F. 3d 1276, 1282 (11th Cir. 2004). Mootness is jurisdictional; a federal court may only adjudicate cases and controversies, and a ruling that cannot provide meaningful relief is an impermissible advisory opinion. *Id.*

The Court “cannot prevent what has already occurred.” *De La Fuente v. Kemp*, 679 F. App’x 932, 933 (11th Cir. 2017). While Plaintiff purportedly seeks “decertification” of the certifications that Secretary Raffensperger and Governor Kemp have already executed, he cites to no authority whatsoever to support the notion that a court could order such relief. The Georgia General Assembly has

provided for no process for decertification of election results and thus none exists. This Court should not now intervene in or alter the election process chosen by the General Assembly without running afoul of *Bush v. Gore*, 121 S. Ct. 525, 530-35 (2000), in which the Supreme Court stated, “[w]ith respect to a Presidential election, the court must be both mindful of the legislature’s role under Article II [of the U.S. Constitution] in choosing the manner of appointing electors and deferential to those bodies expressly empowered by their legislatures to carry out its constitutional mandate.” *Id.*

Plaintiff could have timely sought and obtained an order to halt or extend the certification pursuant to O.C.G.A. § 21-2-499(b), but he did not do so. The General Assembly’s choice to place certification deadlines in O.C.G.A. § 21-2-499(b) and to place a deadline by which the presidential electors must vote in O.C.G.A. § 21-2-11, shows that the General Assembly wanted to ensure Georgia’s presidential electoral votes would be counted and timely cast under federal law. *See* 3 U.S.C. §§ 2, 5, 6, 7, 11, 12, 13, and 14. This choice cannot be undone.

### **III. Plaintiff’s Claims are Barred by Laches.**

In addition to his claims being moot, Plaintiff’s inexcusable delay in bringing his claims warrants denial of his motion. Laches bars a request for equitable relief when (1) the plaintiff delays in asserting the claim; (2) the delay is not excusable,

and (3) the delay causes the non-moving party undue prejudice.” *United States v. Barfield*, 396 F.3d 1144, 1150 (11th Cir. 2005). In the context of elections, “any claim against a state electoral procedure must be expressed expeditiously.” *Fulani v. Hogsett*, 917 F.2d 1028, 1031 (7th Cir. 1990). As time passes, the state’s interest in proceeding with the election increases in importance as resources are committed and irrevocable decisions are made. *Id.*

First, the Plaintiff failed to timely assert his claims. Plaintiff’s Complaint contains two counts for alleged constitutional violations and a prayer for relief that mirrors the petition he filed in the Superior Court of Fulton County over a month ago.<sup>2</sup> All of the Plaintiff’s (baseless) allegations of misconduct occurred months ago, or at the latest, shortly after the Election. Nevertheless, the Plaintiff waited until almost two months after the election, immediately before the election certification, and a mere six days before the federally required tabulation of electoral votes by the United States Congress, to file the instant suit. Rather than bring his claims in a timely manner and provide the Defendants and the Court the opportunity to consider their allegations in a more thoughtful way, the Plaintiff manufactured a crisis, with

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<sup>2</sup> As fully set forth in Defendant Raffensperger’s Motion to Dismiss filed in the Fulton County Superior Court, Petitioners’ claims in that suit were also barred by Laches for these same reasons. The fact that these same claims were brought almost a month ago in a different forum further demonstrate Plaintiff’s inexcusable delay in filing the instant suit.

the goal being less about policing the electoral system and more about thrusting Georgia into an electoral and constitutional maelstrom.

Every one of Plaintiff's counts in the Complaint could have been brought significantly sooner than December 31, 2020. In Counts I and II, the Plaintiff broadly alleged that the "evidence" of fraud outlined in their Complaint caused the State of Georgia to "improperly certif[y] the November 3, 2020 General Election Results." *See* Complaint, ¶¶ 70-75. But these supposed failures, assuming they occurred at all, occurred either months before the election (in the case of Plaintiff's claims concerning the Consent Decree) or immediately after the election. Allegations of improprieties with the sending out of absentee ballots or voter registration (which closed in early October) could have, and should have, been made months ago. *See Boland v. Raffensperger*, No. 2020CV343018, slip op. at 6 (Fulton Cty. Sup. Ct. Dec. 8, 2020) (dismissing election challenge as barred by laches "where Plaintiff challenge[d] the validity of the presidential election after it ha[d] already been conducted based on procedures which were adopted long before the election and upon which elections officials and voters alike relied.").

This is also the case with the alleged unconstitutional Settlement Agreement. This Settlement Agreement was finalized in March of 2020, and the Plaintiff could have challenged the agreement then, but neglected to do so. When the Settlement

Agreement was challenged in 2020 by Lin Wood, the Court found the Settlement Agreement was constitutional. *See Wood v. Raffensperger*, 2020 WL 6817513, at \*4.

Second, these delays are not excusable. As it relates to the allegations of illegal votes, this information was known to the Plaintiff, at the very least, shortly after the election. There is simply no reason for the Plaintiff's delay until December 31, just days before the electoral votes are counted. Furthermore, and perhaps most importantly, many of the delays associated with both the Fulton County case and the instant case are the result of procedural errors by the Plaintiff. For example, Plaintiff filed his original challenge in Fulton County on December 4, 2020, yet Plaintiff failed to pay the filing fee. Then, once the action was properly filed the following week, the Plaintiff filed, then withdrew, his Request for Emergency Relief. Then, the Plaintiff improperly filed a premature and dilatory Notice of Appeal to the Georgia Supreme Court, "effectively depriving [Fulton County Superior Court] of its ability to take any actions on this matter, including any reassignment." *Trump v. Raffensperger*, No. 2020CV343255, slip op. at 2 (Fulton Cty. Sup. Ct. Dec. 30, 2020). Once the Plaintiff withdrew his improper appeal, the matter was properly referred to a judge in accordance with the Georgia Election Code. With respect to the instant suit, the Plaintiff also did not follow proper procedures for a timely



hearing. As explained in this Court's January 4, 2020 Order, this Court was not even made aware of the Plaintiff's filing until today as a result of the Plaintiff's failure to properly use the Court's ECF system for an emergency hearing. As such, the Plaintiff's delays in obtaining judicial relief are due to Plaintiff's own errors.

Finally, allowing this action to go forward would cause severe undue prejudice. The United States Congress is slated to meet and tabulate the electoral votes on January 6, 2021—just two days from today. The Plaintiff knew of many of the allegations in his Complaint months ago, and waited until the eleventh hour to file this suit. Granting Plaintiff's requested relief would thrust the State of Georgia into constitutional chaos, would deprive millions of Georgians of their legally cast votes, and would cost the state millions of tax payer dollars. Such an absurd result should not be permitted.

#### **IV. Plaintiff's Claims are Barred by the Eleventh Amendment.**

Plaintiff's claims against Governor Kemp and Brad Raffensperger in their official capacities are also barred by the Eleventh Amendment. The Eleventh Amendment bars suit against a State or one of its agencies, departments or officials, absent a waiver by the State or a valid congressional override, when the State is the real party in interest. *Kentucky v. Graham*, 473 U.S. 159, 169 (1985). Because claims against public officials in their official capacities are merely another way of pleading

an action against the entity of which the officer is an agent, “official capacity” claims against a state officer are included in the Eleventh Amendment’s bar. *Id.* at 165.

While *Ex Parte Young* provides for an exception to Eleventh Amendment immunity, it does so only for prospective injunctive relief grounded in a violation of *federal* law. See *Pennhurst State School & Hosp. v. Halderman*, 465 U.S. 89, 105–106 (1984). In other words, “the *Young* doctrine rests on the need to promote the vindication of *federal* rights,” and is “inapplicable in a suit against state officials on the basis of *state* law.” *Id.* at 105–06 (emphasis added). Here, Plaintiff nominally alleges a federal right, but he has not indicated how the state law actually burdens any such right.

Moreover, the *Young* exception is limited to suits against state officers for prospective injunctive relief. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 69 n. 24 (1997). “A federal court cannot award retrospective relief, designed to remedy past violations of federal law.” *Id.* Plaintiff’s claims for injunctive and declaratory relief, premised on the conduct of the November general election and the certification of results that have already taken place, are barred because they are retrospective in nature. “Retrospective relief is backward-looking, and seeks to remedy harm ‘resulting from a past breach of a legal duty on the part of the defendant state officials.’” *Seminole Tribe of Fla. v. Fla. Dep’t of Revenue*, 750 F.3d 1238,

1249 (11th Cir. 2014) (citation omitted). “Simply because the remedy will occur in the future, does not transform it into ‘prospective’ relief. The term, ‘prospective relief,’ refers to the ongoing or future threat of harm, not relief.” *Fedorov v. Bd. of Regents*, 194 F. Supp. 2d 1378, 1387 (S.D. Ga. 2002). Plaintiff’s claims for any relief related to the miscounting of votes or election irregularities are entirely retrospective and barred by the Eleventh Amendment.

**V. The Court Should Abstain from Hearing Plaintiff’s Claims While the State Election Contest is Pending.**

Plaintiff seeks unprecedented and extraordinary relief at the thirteenth hour seeking to challenge state court determinations and litigate issues raised previously in a state court proceeding initiated weeks before the commencement of this parallel federal proceeding. This Court should decline to entertain the relief sought by Plaintiff, as the state courts have the full authority and expertise to consider the issues raised by Plaintiff *and would have done so were it not for the actions of Plaintiff*. The relief that Plaintiffs seeks is a setting aside of the *state law process* for the election and certification of the slate of presidential electors for Georgia and the creation, by judicial fiat, of a non-statutory remedy that would disenfranchise the electorate of Georgia.

There are numerous problems with this proposed relief. First, it violates the principles of federalism. Second, the *Pullman* doctrine warrants dismissal. Finally,

and at the very least, this lawsuit should be stayed, and all emergency relief should be denied at this juncture, pending the outcome of Plaintiff's state election challenge pursuant to the *Colorado River* doctrine. There is no indication in the record, nor any legitimate or supported argument propounded by Plaintiff, that the state court action will not proceed expeditiously now that the improvidently chosen interlocutory appellate strategy *employed by the Plaintiff* has been abandoned and jurisdiction has been returned to the superior court.

Plaintiff pays lip service to his claims being made under federal law, but the actual arguments that he advances belie that assertion. Instead, Plaintiff comes to this court arguing that "violations of *state* law ... occurred in the election of November 3, 2020," and that these *state* law violations led to a violation of the Electors Clause, art. II, § 1, cl. 2. Complaint, ¶67 (emphasis added). Additionally, Plaintiff asserts factually unsupported and risible allegations about non-party *county* officials who allegedly allowed tens of thousands of unqualified individuals to cast ballots. Plaintiff continues with assertions again against non-party *county* officials that those county officials allegedly impeded observation of the tabulation process. Even assuming there was *any* merit to the delusive claims raised by Plaintiff, core principles of federalism prevent a federal court from intruding on the decisions that

a state sovereign has made in establishing the electoral system for casting, tabulating, and certifying election results.

Consistent with the express authority granted to it under the Electors Clause, the Georgia Legislature has established the manner of appointing presidential electors, to wit: a statewide vote. Concurrent with that statutory process, and likewise by statutory enactment, the Legislature has delegated authority to the State Board of Elections to issue regulations to ensure that this happens, including the statutory prescription to “obtain uniformity in the practices” amongst local election officials. O.C.G.A. § 21-2-31. Plaintiff attacks a settlement agreement entered into by the State Election Board on March 6, 2020, almost eight full months prior to Plaintiff’s loss in the November 3, 2020, election (and which has been in place through the imminent conclusion of Georgia’s *fifth* statewide election during this election cycle).

Plaintiff’s belated attack on the sovereignty of the decisions made by Georgia’s legislature, as well as the repeated assaults of the legitimacy of democratic elections, all fly in the face of our federal framework for selecting our elected leaders. Instead, Plaintiff advocates for the judicial rejection of the state’s selected framework for resolving disputes in the selection of presidential electors under 3 U.S.C. § 5 with a non-statutory procedure that apparently Plaintiff believes may

reject the expressed will of the Georgia electorate and hand Georgia's *already cast* electoral votes into his column. This argument is incompatible with all principles of democracy and federalism as well as Congress's deference to state-court mechanisms for resolving presidential election disputes.

The relief sought here is particularly offensive to federalism principles in light of the fact that the presidential election was conducted over two months prior and there are pending election challenges in Georgia state court that significantly mirror the claims brought in this lawsuit. It is hard to imagine a more significant challenge to federalism than for a party to request a federal court to usurp a state sovereign's delegation to its own state judiciary the authority to adjudicate electoral disputes in currently pending state court cases, especially when any delay in the state court administration was *caused by the actions of the Plaintiff*.

These concerns are recognized by the *Pullman* doctrine, which provides that "a federal district court is vested with discretion to decline to exercise or to postpone the exercise of its jurisdiction in deference to state court resolution of underlying issues of state law." *Harman v. Forssenius*, 380 U.S. 528, 534, (1965) (citing *Railroad Comm'n v. Pullman Co.*, 312 U.S. 496, 61 (1941)). The need to abstain under the *Pullman* doctrine arises and is proper "[w]here resolution of the federal constitutional question is dependent upon, or may be materially altered by, the

determination of an uncertain issue of state law, . . . in order to avoid unnecessary friction in federal-state relations, interference with important state functions, tentative decisions on questions of state law, and premature constitutional adjudication.” *Harman*, 380 U.S. at 534.

Here, the constitutional issue presented, whether there is some federal constitutional violation arising from the woefully unsupported rambling about alleged violations of state law, is plainly a state law question masquerading as an alleged federal constitutional deprivation. In other words, the Court cannot answer the constitutional question without first deciding whether state actors violated their authority under *state law*. This is a classic *Pullman* situation, which examines and requires that “(1) the case presents an unsettled question of state law, and (2) the question of state law is dispositive of the case or would avoid, or substantially modify, the constitutional question presented.” *Rindley v. Gallagher*, 929 F. 2d 1552, 1554-55 (11th Cir. 1991) (citing *Duke v. James*, 713 F.2d 1506, 1510 (11th Cir. 1983)). Even assuming *arguendo* that this Court believes that there is a question as to whether the acts of the state officials exceeded their statutory authority, this Court should decline to entertain Plaintiff’s request for emergency relief under *Pullman*.

For a similar reason, Plaintiffs’ requested relief violates the *Colorado River* Doctrine. *Plaintiff* has a pending state election challenge, for which trial is set to commence this Friday, January 8, 2020. That action raises identical claims as the Plaintiff raises here, except that this case also seeks to argue that state officials have violated the Plaintiff’s right to a speedy state court resolution of his claims *due entirely to Plaintiff’s own inept handling of his state court action*. The Eleventh Circuit has indicated that a stay of federal proceedings is clearly warranted in this type of situation under the *Colorado River* doctrine, which “authorizes a federal ‘district court to dismiss or stay an action when there is an ongoing parallel action in state court.’” *Moorer v. Demopolis Waterworks & Sewer Bd.*, 374 F.3d 994, 997–98 (11th Cir. 2004) (citing *LaDuke v. Burlington Northern Railroad Co.*, 879 F.2d 1556, 1558 (7th Cir.1989)).

Factors considered in the *Colorado River* analysis include: the desire to “avoid piecemeal litigation,” whether state or federal law governs the issue, and whether the state court can protect all parties’ rights. *Id.* at 987 (citation omitted). Each of these factors warrants staying the litigation. Plaintiff’s complaint attacks state and non-party county officials’ actions that purportedly violate state law: who can lawfully cast a Georgia ballot under Georgia law and how county election officials should verify the legitimacy of lawfully cast absentee ballots under Georgia law.



Thus, the possibility of piecemeal litigation is real, concrete, and exceedingly likely to occur. Finally, the relief that the parties in the state court challenges can obtain would protect all parties' rights. The remedies available to Georgia courts when ruling on election challenges are spelled out in state law. *See* O.C.G.A. § 21-2-527(d). To the extent that Plaintiff may now be precluded from *obtaining* that relief due to his own dilatory state court litigation strategy, that does not counsel against application of the *Colorado River* doctrine. Instead, under the circumstances of this litigation, the *Colorado River* factors are satisfied, and the election challenge should proceed in state court while this Court abstains from entertaining Plaintiff's belated attempt to circumvent the state court process.

#### **VI. Plaintiff Fails to Establish the Required Elements for Injunctive Relief.**

Finally, even if Plaintiff could overcome the jurisdictional defects that are fatal to his claims, he still fails to satisfy the requirements for the extraordinary injunctive relief they seek. "A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 24 (2008). To prevail on their motion, Plaintiffs are required to show: (1) a substantial likelihood of prevailing on the merits; (2) that the plaintiff will suffer irreparable injury unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damages the proposed injunction may cause the opposing party; and (4) the

injunction would not be adverse to the public interest. *Duke v. Cleland*, 954 F.2d 1526, 1529 (11th Cir. 1992). The Court “should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 24.

**A. Plaintiff is not likely to succeed on the merits of his claims.**

Election returns are presumed valid. *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193, 267 (2019); *Middleton v. Smith*, 273 Ga. 202, 203 (2000); *Bailey v. Caldwell*, 263 Ga. 111, 111 (1993). Registered electors are presumed to be qualified voters. *See, e.g., id.*; O.C.G.A. § 21-2-217(b) (“the decision of the registrars to whom such [voter] application is made shall be presumptive evidence of a person’s residence for voting purposes”); O.C.G.A. § 21-2-522.1 (“Notwithstanding any other provision of this chapter, for the purposes of election contests, a vote cast by a person who has been listed on the official list of electors for a period of ten years or longer shall be rebuttably presumed to be a legal vote despite an unsigned voter registration card . . . .”). In addition “public officer[s,]” including election officials, are “presumed, until the contrary appears, to have properly performed [their] official duties and not to have exceeded [their] authority.” *Fine v. Dade Cty.*, 198 Ga. 655, 663 (1944); *see also Scott v. DeKalb Cty. Hosp. Authority*, 169 Ga.

App. 257, 257 (1983). Given these presumptions, “great weight” is afforded to election results. *Meade v. Williamson*, 293 Ga. 142, 143 (2013).

“In the majority of cases in which [the Georgia Supreme Court] has affirmed an order setting aside an election, [it has] required the evidence to show that a sufficient number of electors voted illegally or were irregularly recorded in the contest being challenged to change or cast doubt on the election.” *Id.* (citation and quotations omitted).

Indeed, the setting aside of an election in which the people have chosen their representative is a drastic remedy that should not be undertaken lightly, but instead should be reserved for cases in which a person challenging an election has clearly established a violation of election procedures and has demonstrated that the violation has placed the result of the election in doubt.

But that is not all. [The Georgia Supreme Court] h[as] explained that it is not sufficient to show irregularities which simply erode confidence in the outcome of the election, and that elections cannot be overturned on the basis of mere speculation.

*Martin*, 307 Ga. at 193-94 (citation, quotations, and punctuation omitted) (emphasis added). One challenging the election must show specific evidence of a sufficient number of illegal or irregular ballots to put the election in doubt. *Id.*

On top of this, “when the state legislature chooses to a statewide election as the means to implement its power to appoint members of the electoral college” under

U.S. Constitution, Art. II, § 1, as the Georgia General Assembly did in O.C.G.A. § 21-2-10, “the right to vote as the legislature has prescribed is fundamental.” *Bush*, 121 S. Ct. at 529. That right should accordingly not be disturbed lightly especially after “millions of people lawfully cast their ballots.” *Wood*, 2020 WL 6817513 at \*38.

Plaintiff seeks the unprecedented remedy of “de-certifying” the election results, effectively disenfranchising millions of Georgians and precluding Georgia’s votes in the 2020 presidential election from being counted at all. Plaintiff does this based on so little, so late. The ballots have not only been cast, but they have been counted three times—including through a statewide hand recount of every single vote cast in Georgia. Additionally, Plaintiff’s allegation regarding absentee vote counting has been rebutted through extensive investigations by the Georgia Bureau of Investigation and the Secretary. *See, e.g.*, ABM Signature Audit Report attached as **Exhibit M**. The Secretary has further found absolutely no credible evidence of voter fraud or other issues that would affect the outcome of the presidential election. For instance, Plaintiff challenges the votes in Cherokee County, Georgia. The Secretary’s investigation into those purported issues, including through recounting all the ballots by hand, showed that votes cast were all valid. *See* Affidavit of Frances Watson attached as **Exhibit N** at ¶¶ 11-15. Additionally, claims that “dead people”

were voting and that there was mischief in the vote counting have been investigated and debunked. *See id.* at ¶¶ 5-10.

The Secretary has also investigated the claims of Plaintiff's purported "experts" in the state court action. That investigation has found that these "experts" admitted speculation was both wrong and junk science. *See, e.g.*, Affidavit of Chris Harvey attached as **Exhibit O**; Declaration of Charles Stewart III attached as **Exhibit P**; Daubert Motion attached as **Exhibit Q**. Plaintiff's attacks on the March 2020 Settlement Agreement are not only wrong on the law, but they have already been debunked by this Court. *See Wood*, 2020 U.S. Dist. LEXIS 218058, at \*31 (rejecting arguments that the Settlement Agreement is invalid and noting that it "is a manifestation of Secretary Raffensperger's statutorily granted authority. It does not override or rewrite state law. It simply adds an additional safeguard to ensure election security by having more than one individual review an absentee ballot's information for accuracy before the ballot is rejected.").

When weighing whether the Plaintiff is likely to prevail on the merits given the numerous recounts, the presumption of voter validity, and the absence of any substantial evidence showing otherwise, it is evident Plaintiff is likely not going to prevail on his claims—either in this Court or in state court. In his numerous legal challenges, Plaintiff has propounded numerous theories and allegations in the hope

that “something will stick.” A barrage of allegations and suits does not undermine the facts and should not undermine our democracy.

**B. The harm to Plaintiff in denying the injunction is far outweighed by the harm to the Defendants and the public if the injunction were issued.**

Plaintiff contends he will suffer irreparable injury without an injunction because, without Georgia’s electoral votes, he could lose the election. Even accepting that is a legitimate harm, it is far outweighed by the substantial, indeed fundamental, harm to the interests of the Defendants and the public should this court issue an injunction nullifying the results of the presidential election.

The remaining injunction factors—balancing the equities and public interest—are frequently considered “in tandem” by courts, “as the real question posed in this context is how injunctive relief at this eleventh-hour would impact the public interest in an orderly and fair election, with the fullest voter participation possible.” *Curling v. Kemp*, 334 F. Supp. 3d 1303, 1326 (N.D. Ga. 2018), *aff’d in part, appeal dismissed in part*, 761 F. App’x 927 (11th Cir. 2019). The Court must “balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief,” paying “particular regard as well for the public consequences in employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 24.

Here, “the threatened injury to Defendants as state officials and the public at large far outweigh any minimal burden on [Plaintiff].” *Wood*, 2020 U.S. Dist. LEXIS 218058 at \*38. “Confidence in the integrity of our electoral process is essential to the functioning of our participatory democracy,” and court orders affecting elections “can themselves result in voter confusion and consequent incentive to remain away from the polls.” *Purcell*, 549 U. S. at 4-5. For this reason, the Supreme Court “has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S.Ct. 1205, 1207 (April 6, 2020) (per curiam).

The Eleventh Circuit has held that the *Purcell* principle applies with even greater force when voting has already occurred. See *New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1283 (11th Cir. 2020) (“[W]e are not on the eve of the election—we are in the middle of it, with absentee ballots already printed and mailed. An injunction here would thus violate *Purcell*’s well-known caution against federal courts mandating new election rules—especially at the last minute.”); see also *Sw. Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 919 (9th Cir. 2003) (“Interference with impending elections is extraordinary, and interference with an election after voting has begun is unprecedented.”). Here, the election has already been conducted, and the slate of presidential electors has been certified.

Granting Plaintiff's extraordinary relief would only serve to "disenfranchise [] voters or sidestep the expressed will of the people." *Donald J. Trump for President, Inc. v. Sec'y Pennsylvania*, No. 20-3371, 2020 U.S. App. LEXIS 37346 at \*28 (3d Cir. Nov. 27, 2020).

As the district court in *Wood* correctly recognized, "To interfere with the result of an election that has already concluded would be unprecedented and harm the public in countless ways." 2020 U.S. Dist. LEXIS 218058 at \*37-38. Plaintiff seeks even broader relief than that sought in *Wood*. If granted, Plaintiff's requested relief would disenfranchise not only Georgia's absentee voters but would invalidate all votes cast by Georgia electors.

### CONCLUSION

For the foregoing reasons, Plaintiff's motion for expedited declaratory and injunctive relief should be denied.

Respectfully submitted, this 4th day of January, 2021.

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing has been formatted using Times New Roman font in 14-point type in compliance with Local Rule 7.1(D).

/s/ Christopher S. Anulewicz

Christopher S. Anulewicz

Georgia Bar No. 020914

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing **DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR EXPEDITED DECLARATORY AND INJUNCTIVE RELIEF** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for all parties of record via electronic notification.

Dated: January 4, 2021.

/s/ Christopher S. Anulewicz

Christopher S. Anulewicz

Georgia Bar No. 020914

# EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM



## *Certificate of Ascertainment*

On November 3, 2020, the following sixteen people were appointed Electors of President and Vice President of the United States for the State of Georgia, each receiving 2,474,507 votes:

Stacey Yvonne Abrams  
Gloria S. Butler  
Wendy Davis  
Bobby L. Fuse, Jr.  
Deborah Gonzalez  
Steve Henson

Van R. Johnson  
Pedro "Pete" Marin  
Fenika Thomas Miller  
Ben E. Myers, Jr.  
Rachel Paule  
Calvin Smyre

Bob Trammell, Jr.  
Sachin Varghese  
Nikema Williams  
Cathy Woolard

The following electors received 2,461,837 votes:

Joseph Brannan  
James "Ken" Carroll  
Vikki Townsend Consiglio  
Carolyn Hall Fisher  
Patrick M. Gartland  
Gloria Kay Godwin

David G. Hanna  
Mark W. Hennessy  
Susan Holmes  
John A. Isakson  
Cathleen Alston Latham  
Daryl Moody

CJ Pearson  
David Shafer  
Shawn Still  
C.B. Yadav

The following electors received 62,138 votes:

Christine Austin  
Stephanie Sage Aylworth  
Nelson M. Barnhouse  
Robert Cortez  
Danny Dolan  
Eric Fontaine

Ryan Graham  
Gretchen Mangan  
Edward T. Metz  
Mark Mosley  
Chase Russell Oliver  
Robert Rouse

David R. Shock  
John Turpish  
Laura Williams  
Nathan Wilson

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of Georgia to be affixed at the Capitol in Atlanta, Georgia, this 20<sup>th</sup> day of November 2020.



  
GOVERNOR

ATTEST:

  
EXECUTIVE SECRETARY

# EXHIBIT B

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NOVEMBER 21, 2020

VIA HAND DELIVERY AND EMAIL TO: [rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov); [jfuchs@sos.ga.gov](mailto:jfuchs@sos.ga.gov)

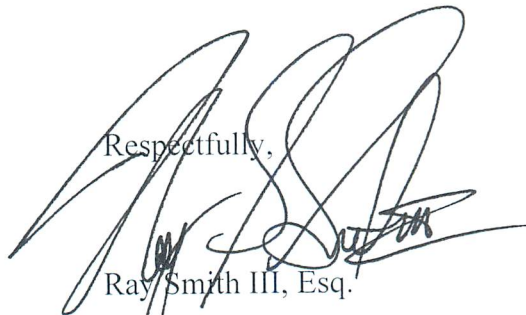
Hon. Brad Raffensperger  
Secretary of State  
State of Georgia  
214 State Capitol  
Atlanta, Georgia 30334  
Attention:  
Jordan Fuchs, Deputy Secretary of State  
Ryan Germany, General Counsel

**RE: RECOUNT DEMAND**

Dear Mr. Secretary:

On behalf of President Donald J. Trump, in his capacity as the Republican candidate for President of the United States and President Donald J. Trump for President, Inc., a recount is hereby demanded pursuant to O.C.G.A. §21-2-495 (c) and State Election Board Rule 183-1-15-.03.

Respectfully,



Ray Smith III, Esq.

Counsel for  
President Donald J. Trump in his capacity as  
the Republican nominee for President of the  
United States, and Donald J. Trump for  
President, Inc.

# EXHIBIT C

RETRIEVED FROM DEMOCRACYDOCKET.COM





## OFFICE OF SECRETARY OF STATE

*I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that*

Attached are the results as shown on the certified Recount for the General Election for the Republican Party Presidential Electors, Democratic Party Presidential Electors and Libertarian Party Presidential Electors held on the 3<sup>rd</sup> day of November 2020; all as the same appear on file and record of this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 7th day of December, in the year of our Lord Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fifth.

*Brad Raffensperger*  
Brad Raffensperger, Secretary of State





Georgia Secretary of State  
Election Report  
**Presidential Recount**  
**December 7, 2020**



State Contest	County	Choice	Votes	Vote %
President of the United States	APPLING	Donald J. Trump (I) (Rep)	6,570	78.31%
		Joseph R. Biden (Dem)	1,784	21.26%
		Jo Jorgensen (Lib)	36	0.43%
		<b>Votes For Seat in County:</b>	<b>8,390</b>	
	ATKINSON	Donald J. Trump (I) (Rep)	2,300	72.90%
		Joseph R. Biden (Dem)	825	26.15%
		Jo Jorgensen (Lib)	30	0.95%
		<b>Votes For Seat in County:</b>	<b>3,155</b>	
	BACON	Donald J. Trump (I) (Rep)	4,017	86.07%
		Joseph R. Biden (Dem)	625	13.39%
		Jo Jorgensen (Lib)	25	0.54%
		<b>Votes For Seat in County:</b>	<b>4,667</b>	
	BAKER	Donald J. Trump (I) (Rep)	897	57.68%
		Joseph R. Biden (Dem)	652	41.93%
		Jo Jorgensen (Lib)	6	0.39%
		<b>Votes For Seat in County:</b>	<b>1,555</b>	
	BALDWIN	Donald J. Trump (I) (Rep)	8,903	48.78%
		Joseph R. Biden (Dem)	9,140	50.08%
		Jo Jorgensen (Lib)	208	1.14%
		<b>Votes For Seat in County:</b>	<b>18,251</b>	
	BANKS	Donald J. Trump (I) (Rep)	7,795	88.57%
		Joseph R. Biden (Dem)	932	10.59%
		Jo Jorgensen (Lib)	74	0.84%
		<b>Votes For Seat in County:</b>	<b>8,801</b>	
	BARROW	Donald J. Trump (I) (Rep)	26,804	70.68%
		Joseph R. Biden (Dem)	10,453	27.57%
		Jo Jorgensen (Lib)	664	1.75%
		<b>Votes For Seat in County:</b>	<b>37,921</b>	
	BARTOW	Donald J. Trump (I) (Rep)	37,672	74.65%
		Joseph R. Biden (Dem)	12,091	23.96%
		Jo Jorgensen (Lib)	701	1.39%
		<b>Votes For Seat in County:</b>	<b>50,464</b>	
	BEN HILL	Donald J. Trump (I) (Rep)	4,111	62.63%
		Joseph R. Biden (Dem)	2,393	36.46%
		Jo Jorgensen (Lib)	60	0.91%



Georgia Secretary of State  
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State Contest	County	Choice	Votes	Vote %
President of the United States	BERRIEN	<b>Votes For Seat in County:</b>	<b>6,564</b>	
		Donald J. Trump (I) (Rep)	6,419	82.90%
		Joseph R. Biden (Dem)	1,269	16.39%
		Jo Jorgensen (Lib)	55	0.71%
	BIBB	<b>Votes For Seat in County:</b>	<b>7,743</b>	
		Donald J. Trump (I) (Rep)	26,559	37.56%
		Joseph R. Biden (Dem)	43,408	61.39%
		Jo Jorgensen (Lib)	747	1.06%
	BLECKLEY	<b>Votes For Seat in County:</b>	<b>70,714</b>	
		Donald J. Trump (I) (Rep)	4,329	75.84%
		Joseph R. Biden (Dem)	1,312	22.99%
		Jo Jorgensen (Lib)	67	1.17%
	BRANTLEY	<b>Votes For Seat in County:</b>	<b>5,708</b>	
		Donald J. Trump (I) (Rep)	6,993	90.24%
		Joseph R. Biden (Dem)	700	9.03%
		Jo Jorgensen (Lib)	56	0.72%
	BROOKS	<b>Votes For Seat in County:</b>	<b>7,749</b>	
		Donald J. Trump (I) (Rep)	4,261	60.01%
		Joseph R. Biden (Dem)	2,791	39.30%
		Jo Jorgensen (Lib)	49	0.69%
	BRYAN	<b>Votes For Seat in County:</b>	<b>7,101</b>	
		Donald J. Trump (I) (Rep)	14,240	66.74%
		Joseph R. Biden (Dem)	6,738	31.58%
		Jo Jorgensen (Lib)	357	1.67%
	BULLOCH	<b>Votes For Seat in County:</b>	<b>21,335</b>	
		Donald J. Trump (I) (Rep)	18,387	61.11%
		Joseph R. Biden (Dem)	11,248	37.38%
		Jo Jorgensen (Lib)	455	1.51%
	BURKE	<b>Votes For Seat in County:</b>	<b>30,090</b>	
		Donald J. Trump (I) (Rep)	5,400	50.55%
		Joseph R. Biden (Dem)	5,208	48.75%
		Jo Jorgensen (Lib)	75	0.70%
		<b>Votes For Seat in County:</b>	<b>10,683</b>	



Georgia Secretary of State  
Election Report  
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State Contest	County	Choice	Votes	Vote %
President of the United States	BUTTS	Donald J. Trump (I) (Rep)	8,406	71.41%
		Joseph R. Biden (Dem)	3,274	27.81%
		Jo Jorgensen (Lib)	91	0.77%
		<b>Votes For Seat in County:</b>	<b>11,771</b>	
	CALHOUN	Donald J. Trump (I) (Rep)	923	41.99%
		Joseph R. Biden (Dem)	1,263	57.46%
		Jo Jorgensen (Lib)	12	0.55%
		<b>Votes For Seat in County:</b>	<b>2,198</b>	
	CAMDEN	Donald J. Trump (I) (Rep)	15,249	64.38%
		Joseph R. Biden (Dem)	7,967	33.64%
		Jo Jorgensen (Lib)	470	1.98%
		<b>Votes For Seat in County:</b>	<b>23,686</b>	
	CANDLER	Donald J. Trump (I) (Rep)	3,133	70.71%
		Joseph R. Biden (Dem)	1,269	28.64%
		Jo Jorgensen (Lib)	29	0.65%
		<b>Votes For Seat in County:</b>	<b>4,431</b>	
	CARROLL	Donald J. Trump (I) (Rep)	37,476	68.80%
		Joseph R. Biden (Dem)	16,236	29.81%
		Jo Jorgensen (Lib)	760	1.40%
		<b>Votes For Seat in County:</b>	<b>54,472</b>	
	CATOOSA	Donald J. Trump (I) (Rep)	25,167	77.22%
		Joseph R. Biden (Dem)	6,932	21.27%
		Jo Jorgensen (Lib)	494	1.52%
		<b>Votes For Seat in County:</b>	<b>32,593</b>	
	CHARLTON	Donald J. Trump (I) (Rep)	3,419	74.85%
		Joseph R. Biden (Dem)	1,105	24.19%
		Jo Jorgensen (Lib)	44	0.96%
		<b>Votes For Seat in County:</b>	<b>4,568</b>	
	CHATHAM	Donald J. Trump (I) (Rep)	53,232	39.90%
		Joseph R. Biden (Dem)	78,247	58.65%
		Jo Jorgensen (Lib)	1,929	1.45%
		<b>Votes For Seat in County:</b>	<b>133,408</b>	
	CHATTAHOOCHEE	Donald J. Trump (I) (Rep)	880	55.63%
		Joseph R. Biden (Dem)	667	42.16%
		Jo Jorgensen (Lib)	35	2.21%



Georgia Secretary of State  
Election Report  
**Presidential Recount**  
**December 7, 2020**



State Contest	County	Choice	Votes	Vote %
President of the United States	CHATTOOGA	<b>Votes For Seat in County:</b>	<b>1,582</b>	
		Donald J. Trump (I) (Rep)	8,064	80.24%
		Joseph R. Biden (Dem)	1,854	18.45%
		Jo Jorgensen (Lib)	132	1.31%
	CHEROKEE	<b>Votes For Seat in County:</b>	<b>10,050</b>	
		Donald J. Trump (I) (Rep)	99,585	68.77%
		Joseph R. Biden (Dem)	42,779	29.54%
		Jo Jorgensen (Lib)	2,451	1.69%
	CLARKE	<b>Votes For Seat in County:</b>	<b>144,815</b>	
		Donald J. Trump (I) (Rep)	14,450	28.14%
		Joseph R. Biden (Dem)	36,055	70.22%
		Jo Jorgensen (Lib)	841	1.64%
	CLAY	<b>Votes For Seat in County:</b>	<b>51,346</b>	
		Donald J. Trump (I) (Rep)	637	44.39%
		Joseph R. Biden (Dem)	791	55.12%
		Jo Jorgensen (Lib)	7	0.49%
	CLAYTON	<b>Votes For Seat in County:</b>	<b>1,435</b>	
		Donald J. Trump (I) (Rep)	15,811	14.08%
		Joseph R. Biden (Dem)	95,466	84.99%
		Jo Jorgensen (Lib)	1,053	0.94%
	CLINCH	<b>Votes For Seat in County:</b>	<b>112,330</b>	
		Donald J. Trump (I) (Rep)	2,105	73.58%
		Joseph R. Biden (Dem)	744	26.00%
		Jo Jorgensen (Lib)	12	0.42%
	COBB	<b>Votes For Seat in County:</b>	<b>2,861</b>	
		Donald J. Trump (I) (Rep)	165,436	42.02%
		Joseph R. Biden (Dem)	221,847	56.35%
		Jo Jorgensen (Lib)	6,445	1.64%
	COFFEE	<b>Votes For Seat in County:</b>	<b>393,728</b>	
		Donald J. Trump (I) (Rep)	10,578	69.53%
		Joseph R. Biden (Dem)	4,511	29.65%
		Jo Jorgensen (Lib)	125	0.82%
		<b>Votes For Seat in County:</b>	<b>15,214</b>	





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State Contest	County	Choice	Votes	Vote %
President of the United States	COLQUITT	Donald J. Trump (I) (Rep)	11,777	73.21%
		Joseph R. Biden (Dem)	4,190	26.05%
		Jo Jorgensen (Lib)	119	0.74%
		<b>Votes For Seat in County:</b>	<b>16,086</b>	
	COLUMBIA	Donald J. Trump (I) (Rep)	50,013	62.07%
		Joseph R. Biden (Dem)	29,232	36.28%
		Jo Jorgensen (Lib)	1,330	1.65%
		<b>Votes For Seat in County:</b>	<b>80,575</b>	
	COOK	Donald J. Trump (I) (Rep)	4,900	69.65%
		Joseph R. Biden (Dem)	2,059	29.27%
		Jo Jorgensen (Lib)	76	1.08%
		<b>Votes For Seat in County:</b>	<b>7,035</b>	
	COWETA	Donald J. Trump (I) (Rep)	51,501	67.06%
		Joseph R. Biden (Dem)	24,210	31.52%
		Jo Jorgensen (Lib)	1,088	1.42%
		<b>Votes For Seat in County:</b>	<b>76,799</b>	
	CRAWFORD	Donald J. Trump (I) (Rep)	4,428	72.57%
		Joseph R. Biden (Dem)	1,615	26.47%
		Jo Jorgensen (Lib)	59	0.97%
		<b>Votes For Seat in County:</b>	<b>6,102</b>	
	CRISP	Donald J. Trump (I) (Rep)	4,985	62.06%
		Joseph R. Biden (Dem)	2,982	37.12%
		Jo Jorgensen (Lib)	66	0.82%
		<b>Votes For Seat in County:</b>	<b>8,033</b>	
	DADE	Donald J. Trump (I) (Rep)	6,066	81.60%
		Joseph R. Biden (Dem)	1,261	16.96%
		Jo Jorgensen (Lib)	107	1.44%
		<b>Votes For Seat in County:</b>	<b>7,434</b>	
	DAWSON	Donald J. Trump (I) (Rep)	13,398	83.32%
		Joseph R. Biden (Dem)	2,486	15.46%
		Jo Jorgensen (Lib)	197	1.23%
		<b>Votes For Seat in County:</b>	<b>16,081</b>	
	DECATUR	Donald J. Trump (I) (Rep)	6,755	58.11%
		Joseph R. Biden (Dem)	4,782	41.14%
		Jo Jorgensen (Lib)	88	0.76%



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State Contest	County	Choice	Votes	Vote %
President of the United States	DEKALB	<b>Votes For Seat in County:</b>	<b>11,625</b>	
		Donald J. Trump (I) (Rep)	58,377	15.75%
		Joseph R. Biden (Dem)	308,162	83.12%
		Jo Jorgensen (Lib)	4,207	1.13%
	DODGE	<b>Votes For Seat in County:</b>	<b>370,746</b>	
		Donald J. Trump (I) (Rep)	5,843	72.39%
		Joseph R. Biden (Dem)	2,172	26.91%
		Jo Jorgensen (Lib)	56	0.69%
	DOOLY	<b>Votes For Seat in County:</b>	<b>8,071</b>	
		Donald J. Trump (I) (Rep)	2,159	52.59%
		Joseph R. Biden (Dem)	1,911	46.55%
		Jo Jorgensen (Lib)	35	0.85%
	DOUGHERTY	<b>Votes For Seat in County:</b>	<b>4,105</b>	
		Donald J. Trump (I) (Rep)	10,441	29.59%
		Joseph R. Biden (Dem)	24,568	69.62%
		Jo Jorgensen (Lib)	278	0.79%
	DOUGLAS	<b>Votes For Seat in County:</b>	<b>35,287</b>	
		Donald J. Trump (I) (Rep)	25,454	36.83%
		Joseph R. Biden (Dem)	42,814	61.95%
		Jo Jorgensen (Lib)	838	1.21%
	EARLY	<b>Votes For Seat in County:</b>	<b>69,106</b>	
		Donald J. Trump (I) (Rep)	2,710	52.24%
		Joseph R. Biden (Dem)	2,450	47.22%
		Jo Jorgensen (Lib)	28	0.54%
	ECHOLS	<b>Votes For Seat in County:</b>	<b>5,188</b>	
		Donald J. Trump (I) (Rep)	1,256	87.16%
		Joseph R. Biden (Dem)	167	11.59%
		Jo Jorgensen (Lib)	18	1.25%
	EFFINGHAM	<b>Votes For Seat in County:</b>	<b>1,441</b>	
		Donald J. Trump (I) (Rep)	23,361	74.00%
		Joseph R. Biden (Dem)	7,718	24.45%
		Jo Jorgensen (Lib)	492	1.56%
		<b>Votes For Seat in County:</b>	<b>31,571</b>	



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State Contest	County	Choice	Votes	Vote %
President of the United States	ELBERT	Donald J. Trump (I) (Rep)	6,226	67.89%
		Joseph R. Biden (Dem)	2,879	31.39%
		Jo Jorgensen (Lib)	66	0.72%
		<b>Votes For Seat in County:</b>	<b>9,171</b>	
	EMANUEL	Donald J. Trump (I) (Rep)	6,553	68.94%
		Joseph R. Biden (Dem)	2,886	30.36%
		Jo Jorgensen (Lib)	66	0.69%
		<b>Votes For Seat in County:</b>	<b>9,505</b>	
	EVANS	Donald J. Trump (I) (Rep)	2,888	68.00%
		Joseph R. Biden (Dem)	1,324	31.17%
		Jo Jorgensen (Lib)	35	0.82%
		<b>Votes For Seat in County:</b>	<b>4,247</b>	
	FANNIN	Donald J. Trump (I) (Rep)	12,169	81.95%
		Joseph R. Biden (Dem)	2,570	17.31%
		Jo Jorgensen (Lib)	110	0.74%
		<b>Votes For Seat in County:</b>	<b>14,849</b>	
	FAYETTE	Donald J. Trump (I) (Rep)	37,956	52.72%
		Joseph R. Biden (Dem)	33,062	45.92%
		Jo Jorgensen (Lib)	976	1.36%
		<b>Votes For Seat in County:</b>	<b>71,994</b>	
	FLOYD	Donald J. Trump (I) (Rep)	28,906	69.92%
		Joseph R. Biden (Dem)	11,917	28.83%
		Jo Jorgensen (Lib)	518	1.25%
		<b>Votes For Seat in County:</b>	<b>41,341</b>	
	FORSYTH	Donald J. Trump (I) (Rep)	85,123	65.83%
		Joseph R. Biden (Dem)	42,208	32.64%
		Jo Jorgensen (Lib)	1,980	1.53%
		<b>Votes For Seat in County:</b>	<b>129,311</b>	
	FRANKLIN	Donald J. Trump (I) (Rep)	9,069	84.25%
		Joseph R. Biden (Dem)	1,593	14.80%
		Jo Jorgensen (Lib)	103	0.96%
		<b>Votes For Seat in County:</b>	<b>10,765</b>	
	FULTON	Donald J. Trump (I) (Rep)	137,247	26.20%
		Joseph R. Biden (Dem)	380,212	72.59%
		Jo Jorgensen (Lib)	6,320	1.21%





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State Contest	County	Choice	Votes	Vote %
President of the United States	GILMER	<b>Votes For Seat in County:</b>	<b>523,779</b>	
		Donald J. Trump (I) (Rep)	13,429	81.26%
		Joseph R. Biden (Dem)	2,932	17.74%
		Jo Jorgensen (Lib)	164	0.99%
	GLASCOCK	<b>Votes For Seat in County:</b>	<b>16,525</b>	
		Donald J. Trump (I) (Rep)	1,402	89.58%
		Joseph R. Biden (Dem)	155	9.90%
		Jo Jorgensen (Lib)	8	0.51%
	GLYNN	<b>Votes For Seat in County:</b>	<b>1,565</b>	
		Donald J. Trump (I) (Rep)	25,617	61.01%
		Joseph R. Biden (Dem)	15,882	37.83%
		Jo Jorgensen (Lib)	489	1.16%
	GORDON	<b>Votes For Seat in County:</b>	<b>41,988</b>	
		Donald J. Trump (I) (Rep)	19,405	80.74%
		Joseph R. Biden (Dem)	4,384	18.24%
		Jo Jorgensen (Lib)	244	1.02%
	GRADY	<b>Votes For Seat in County:</b>	<b>24,033</b>	
		Donald J. Trump (I) (Rep)	7,034	65.70%
		Joseph R. Biden (Dem)	3,619	33.80%
		Jo Jorgensen (Lib)	54	0.50%
	GREENE	<b>Votes For Seat in County:</b>	<b>10,707</b>	
		Donald J. Trump (I) (Rep)	7,066	62.84%
		Joseph R. Biden (Dem)	4,087	36.35%
		Jo Jorgensen (Lib)	91	0.81%
	GWINNETT	<b>Votes For Seat in County:</b>	<b>11,244</b>	
		Donald J. Trump (I) (Rep)	166,400	40.19%
		Joseph R. Biden (Dem)	241,994	58.45%
		Jo Jorgensen (Lib)	5,629	1.36%
	HABERSHAM	<b>Votes For Seat in County:</b>	<b>414,023</b>	
		Donald J. Trump (I) (Rep)	16,637	81.43%
		Joseph R. Biden (Dem)	3,562	17.43%
		Jo Jorgensen (Lib)	232	1.14%
		<b>Votes For Seat in County:</b>	<b>20,431</b>	



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State Contest	County	Choice	Votes	Vote %
President of the United States	HALL	Donald J. Trump (I) (Rep)	64,183	70.89%
		Joseph R. Biden (Dem)	25,033	27.65%
		Jo Jorgensen (Lib)	1,321	1.46%
		<b>Votes For Seat in County:</b>	<b>90,537</b>	
	HANCOCK	Donald J. Trump (I) (Rep)	1,154	27.79%
		Joseph R. Biden (Dem)	2,976	71.66%
		Jo Jorgensen (Lib)	23	0.55%
		<b>Votes For Seat in County:</b>	<b>4,153</b>	
	HARALSON	Donald J. Trump (I) (Rep)	12,330	86.55%
		Joseph R. Biden (Dem)	1,791	12.57%
		Jo Jorgensen (Lib)	125	0.88%
		<b>Votes For Seat in County:</b>	<b>14,246</b>	
	HARRIS	Donald J. Trump (I) (Rep)	14,319	71.63%
		Joseph R. Biden (Dem)	5,457	27.30%
		Jo Jorgensen (Lib)	215	1.08%
		<b>Votes For Seat in County:</b>	<b>19,991</b>	
	HART	Donald J. Trump (I) (Rep)	9,465	74.36%
		Joseph R. Biden (Dem)	3,157	24.80%
		Jo Jorgensen (Lib)	106	0.83%
		<b>Votes For Seat in County:</b>	<b>12,728</b>	
	HEARD	Donald J. Trump (I) (Rep)	4,519	83.78%
		Joseph R. Biden (Dem)	824	15.28%
		Jo Jorgensen (Lib)	51	0.95%
		<b>Votes For Seat in County:</b>	<b>5,394</b>	
	HENRY	Donald J. Trump (I) (Rep)	48,259	39.24%
		Joseph R. Biden (Dem)	73,443	59.71%
		Jo Jorgensen (Lib)	1,296	1.05%
		<b>Votes For Seat in County:</b>	<b>122,998</b>	
	HOUSTON	Donald J. Trump (I) (Rep)	41,540	55.51%
		Joseph R. Biden (Dem)	32,239	43.08%
		Jo Jorgensen (Lib)	1,059	1.42%
		<b>Votes For Seat in County:</b>	<b>74,838</b>	
	IRWIN	Donald J. Trump (I) (Rep)	3,134	75.19%
		Joseph R. Biden (Dem)	1,008	24.18%
		Jo Jorgensen (Lib)	26	0.62%



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State Contest	County	Choice	Votes	Vote %
President of the United States	JACKSON	<b>Votes For Seat in County:</b>	<b>4,168</b>	
		Donald J. Trump (I) (Rep)	29,502	78.31%
		Joseph R. Biden (Dem)	7,642	20.28%
		Jo Jorgensen (Lib)	531	1.41%
	JASPER	<b>Votes For Seat in County:</b>	<b>37,675</b>	
		Donald J. Trump (I) (Rep)	5,822	76.16%
		Joseph R. Biden (Dem)	1,761	23.04%
		Jo Jorgensen (Lib)	61	0.80%
	JEFF DAVIS	<b>Votes For Seat in County:</b>	<b>7,644</b>	
		Donald J. Trump (I) (Rep)	4,695	81.36%
		Joseph R. Biden (Dem)	1,028	17.81%
		Jo Jorgensen (Lib)	48	0.83%
	JEFFERSON	<b>Votes For Seat in County:</b>	<b>5,771</b>	
		Donald J. Trump (I) (Rep)	3,537	46.30%
		Joseph R. Biden (Dem)	4,058	53.12%
		Jo Jorgensen (Lib)	44	0.58%
	JENKINS	<b>Votes For Seat in County:</b>	<b>7,639</b>	
		Donald J. Trump (I) (Rep)	2,161	62.55%
		Joseph R. Biden (Dem)	1,266	36.64%
		Jo Jorgensen (Lib)	28	0.81%
	JOHNSON	<b>Votes For Seat in County:</b>	<b>3,455</b>	
		Donald J. Trump (I) (Rep)	2,850	69.51%
		Joseph R. Biden (Dem)	1,222	29.80%
		Jo Jorgensen (Lib)	28	0.68%
	JONES	<b>Votes For Seat in County:</b>	<b>4,100</b>	
		Donald J. Trump (I) (Rep)	9,940	66.56%
		Joseph R. Biden (Dem)	4,882	32.69%
		Jo Jorgensen (Lib)	112	0.75%
	LAMAR	<b>Votes For Seat in County:</b>	<b>14,934</b>	
		Donald J. Trump (I) (Rep)	6,331	69.99%
		Joseph R. Biden (Dem)	2,620	28.97%
		Jo Jorgensen (Lib)	94	1.04%
		<b>Votes For Seat in County:</b>	<b>9,045</b>	



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State Contest	County	Choice	Votes	Vote %
President of the United States	LANIER	Donald J. Trump (I) (Rep)	2,509	70.16%
		Joseph R. Biden (Dem)	1,019	28.50%
		Jo Jorgensen (Lib)	48	1.34%
		<b>Votes For Seat in County:</b>	<b>3,576</b>	
	LAURENS	Donald J. Trump (I) (Rep)	14,493	63.76%
		Joseph R. Biden (Dem)	8,074	35.52%
		Jo Jorgensen (Lib)	164	0.72%
		<b>Votes For Seat in County:</b>	<b>22,731</b>	
	LEE	Donald J. Trump (I) (Rep)	12,007	71.84%
		Joseph R. Biden (Dem)	4,558	27.27%
		Jo Jorgensen (Lib)	149	0.89%
		<b>Votes For Seat in County:</b>	<b>16,714</b>	
	LIBERTY	Donald J. Trump (I) (Rep)	7,959	37.20%
		Joseph R. Biden (Dem)	13,104	61.25%
		Jo Jorgensen (Lib)	331	1.55%
		<b>Votes For Seat in County:</b>	<b>21,394</b>	
	LINCOLN	Donald J. Trump (I) (Rep)	3,173	68.37%
		Joseph R. Biden (Dem)	1,432	30.86%
		Jo Jorgensen (Lib)	36	0.78%
		<b>Votes For Seat in County:</b>	<b>4,641</b>	
	LONG	Donald J. Trump (I) (Rep)	3,527	62.35%
		Joseph R. Biden (Dem)	2,035	35.97%
		Jo Jorgensen (Lib)	95	1.68%
		<b>Votes For Seat in County:</b>	<b>5,657</b>	
	LOWNDES	Donald J. Trump (I) (Rep)	25,692	55.42%
		Joseph R. Biden (Dem)	20,116	43.40%
		Jo Jorgensen (Lib)	547	1.18%
		<b>Votes For Seat in County:</b>	<b>46,355</b>	
	LUMPKIN	Donald J. Trump (I) (Rep)	12,163	78.31%
		Joseph R. Biden (Dem)	3,126	20.13%
		Jo Jorgensen (Lib)	242	1.56%
		<b>Votes For Seat in County:</b>	<b>15,531</b>	
	MACON	Donald J. Trump (I) (Rep)	1,783	38.24%
		Joseph R. Biden (Dem)	2,858	61.29%
		Jo Jorgensen (Lib)	22	0.47%



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State Contest	County	Choice	Votes	Vote %
President of the United States	MADISON	<b>Votes For Seat in County:</b>	<b>4,663</b>	
		Donald J. Trump (I) (Rep)	11,326	75.83%
		Joseph R. Biden (Dem)	3,411	22.84%
		Jo Jorgensen (Lib)	200	1.34%
	MARION	<b>Votes For Seat in County:</b>	<b>14,937</b>	
		Donald J. Trump (I) (Rep)	2,275	62.76%
		Joseph R. Biden (Dem)	1,312	36.19%
		Jo Jorgensen (Lib)	38	1.05%
	MCDUFFIE	<b>Votes For Seat in County:</b>	<b>3,625</b>	
		Donald J. Trump (I) (Rep)	6,169	59.01%
		Joseph R. Biden (Dem)	4,168	39.87%
		Jo Jorgensen (Lib)	118	1.13%
	MCINTOSH	<b>Votes For Seat in County:</b>	<b>10,455</b>	
		Donald J. Trump (I) (Rep)	4,016	59.98%
		Joseph R. Biden (Dem)	2,612	39.01%
		Jo Jorgensen (Lib)	68	1.02%
	MERIWETHER	<b>Votes For Seat in County:</b>	<b>6,696</b>	
		Donald J. Trump (I) (Rep)	6,524	59.98%
		Joseph R. Biden (Dem)	4,287	39.41%
		Jo Jorgensen (Lib)	66	0.61%
	MILLER	<b>Votes For Seat in County:</b>	<b>10,877</b>	
		Donald J. Trump (I) (Rep)	2,066	72.90%
		Joseph R. Biden (Dem)	748	26.39%
		Jo Jorgensen (Lib)	20	0.71%
	MITCHELL	<b>Votes For Seat in County:</b>	<b>2,834</b>	
		Donald J. Trump (I) (Rep)	4,935	55.07%
		Joseph R. Biden (Dem)	3,993	44.55%
		Jo Jorgensen (Lib)	34	0.38%
	MONROE	<b>Votes For Seat in County:</b>	<b>8,962</b>	
		Donald J. Trump (I) (Rep)	11,057	70.92%
		Joseph R. Biden (Dem)	4,385	28.13%
		Jo Jorgensen (Lib)	148	0.95%
		<b>Votes For Seat in County:</b>	<b>15,590</b>	



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State Contest	County	Choice	Votes	Vote %
President of the United States	MONTGOMERY	Donald J. Trump (I) (Rep)	2,960	74.62%
		Joseph R. Biden (Dem)	980	24.70%
		Jo Jorgensen (Lib)	27	0.68%
		<b>Votes For Seat in County:</b>	<b>3,967</b>	
	MORGAN	Donald J. Trump (I) (Rep)	8,231	70.31%
		Joseph R. Biden (Dem)	3,353	28.64%
		Jo Jorgensen (Lib)	122	1.04%
		<b>Votes For Seat in County:</b>	<b>11,706</b>	
	MURRAY	Donald J. Trump (I) (Rep)	12,944	84.11%
		Joseph R. Biden (Dem)	2,301	14.95%
		Jo Jorgensen (Lib)	144	0.94%
		<b>Votes For Seat in County:</b>	<b>15,389</b>	
	MUSCOGEE	Donald J. Trump (I) (Rep)	30,107	37.39%
		Joseph R. Biden (Dem)	49,446	61.41%
		Jo Jorgensen (Lib)	961	1.19%
		<b>Votes For Seat in County:</b>	<b>80,514</b>	
	NEWTON	Donald J. Trump (I) (Rep)	23,869	44.01%
		Joseph R. Biden (Dem)	29,789	54.93%
		Jo Jorgensen (Lib)	576	1.06%
		<b>Votes For Seat in County:</b>	<b>54,234</b>	
	OCONEE	Donald J. Trump (I) (Rep)	16,595	65.94%
		Joseph R. Biden (Dem)	8,162	32.43%
		Jo Jorgensen (Lib)	411	1.63%
		<b>Votes For Seat in County:</b>	<b>25,168</b>	
	OGLETHORPE	Donald J. Trump (I) (Rep)	5,592	68.76%
		Joseph R. Biden (Dem)	2,439	29.99%
		Jo Jorgensen (Lib)	102	1.25%
		<b>Votes For Seat in County:</b>	<b>8,133</b>	
	PAULDING	Donald J. Trump (I) (Rep)	54,517	63.86%
		Joseph R. Biden (Dem)	29,695	34.78%
		Jo Jorgensen (Lib)	1,160	1.36%
		<b>Votes For Seat in County:</b>	<b>85,372</b>	
	PEACH	Donald J. Trump (I) (Rep)	6,506	51.83%
		Joseph R. Biden (Dem)	5,922	47.18%
		Jo Jorgensen (Lib)	125	1.00%





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State Contest	County	Choice	Votes	Vote %
President of the United States	PICKENS	<b>Votes For Seat in County:</b>	<b>12,553</b>	
		Donald J. Trump (I) (Rep)	14,110	82.19%
		Joseph R. Biden (Dem)	2,824	16.45%
		Jo Jorgensen (Lib)	233	1.36%
	PIERCE	<b>Votes For Seat in County:</b>	<b>17,167</b>	
		Donald J. Trump (I) (Rep)	7,898	87.30%
		Joseph R. Biden (Dem)	1,100	12.16%
		Jo Jorgensen (Lib)	49	0.54%
	PIKE	<b>Votes For Seat in County:</b>	<b>9,047</b>	
		Donald J. Trump (I) (Rep)	9,127	85.14%
		Joseph R. Biden (Dem)	1,505	14.04%
		Jo Jorgensen (Lib)	88	0.82%
	POLK	<b>Votes For Seat in County:</b>	<b>10,720</b>	
		Donald J. Trump (I) (Rep)	13,587	78.10%
		Joseph R. Biden (Dem)	3,657	21.02%
		Jo Jorgensen (Lib)	152	0.87%
	PULASKI	<b>Votes For Seat in County:</b>	<b>17,396</b>	
		Donald J. Trump (I) (Rep)	2,815	68.98%
		Joseph R. Biden (Dem)	1,230	30.14%
		Jo Jorgensen (Lib)	36	0.88%
	PUTNAM	<b>Votes For Seat in County:</b>	<b>4,081</b>	
		Donald J. Trump (I) (Rep)	8,291	69.94%
		Joseph R. Biden (Dem)	3,448	29.08%
		Jo Jorgensen (Lib)	116	0.98%
	QUITMAN	<b>Votes For Seat in County:</b>	<b>11,855</b>	
		Donald J. Trump (I) (Rep)	604	54.61%
		Joseph R. Biden (Dem)	497	44.94%
		Jo Jorgensen (Lib)	5	0.45%
	RABUN	<b>Votes For Seat in County:</b>	<b>1,106</b>	
		Donald J. Trump (I) (Rep)	7,474	78.11%
		Joseph R. Biden (Dem)	1,984	20.74%
		Jo Jorgensen (Lib)	110	1.15%
		<b>Votes For Seat in County:</b>	<b>9,568</b>	



Georgia Secretary of State  
Election Report  
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State Contest	County	Choice	Votes	Vote %
President of the United States	RANDOLPH	Donald J. Trump (I) (Rep)	1,390	45.23%
		Joseph R. Biden (Dem)	1,671	54.38%
		Jo Jorgensen (Lib)	12	0.39%
		<b>Votes For Seat in County:</b>	<b>3,073</b>	
	RICHMOND	Donald J. Trump (I) (Rep)	26,780	30.78%
		Joseph R. Biden (Dem)	59,119	67.95%
		Jo Jorgensen (Lib)	1,110	1.28%
		<b>Votes For Seat in County:</b>	<b>87,009</b>	
	ROCKDALE	Donald J. Trump (I) (Rep)	13,014	29.13%
		Joseph R. Biden (Dem)	31,237	69.91%
		Jo Jorgensen (Lib)	430	0.96%
		<b>Votes For Seat in County:</b>	<b>44,681</b>	
	SCHLEY	Donald J. Trump (I) (Rep)	1,800	79.12%
		Joseph R. Biden (Dem)	462	20.31%
		Jo Jorgensen (Lib)	13	0.57%
		<b>Votes For Seat in County:</b>	<b>2,275</b>	
	SCREVEN	Donald J. Trump (I) (Rep)	3,915	59.08%
		Joseph R. Biden (Dem)	2,661	40.15%
		Jo Jorgensen (Lib)	51	0.77%
		<b>Votes For Seat in County:</b>	<b>6,627</b>	
	SEMINOLE	Donald J. Trump (I) (Rep)	2,613	67.21%
		Joseph R. Biden (Dem)	1,256	32.30%
		Jo Jorgensen (Lib)	19	0.49%
		<b>Votes For Seat in County:</b>	<b>3,888</b>	
	SPALDING	Donald J. Trump (I) (Rep)	18,104	59.93%
		Joseph R. Biden (Dem)	11,828	39.15%
		Jo Jorgensen (Lib)	279	0.92%
		<b>Votes For Seat in County:</b>	<b>30,211</b>	
	STEPHENS	Donald J. Trump (I) (Rep)	9,367	78.81%
		Joseph R. Biden (Dem)	2,386	20.08%
		Jo Jorgensen (Lib)	132	1.11%
		<b>Votes For Seat in County:</b>	<b>11,885</b>	
	STEWART	Donald J. Trump (I) (Rep)	801	40.25%
		Joseph R. Biden (Dem)	1,162	59.40%
		Jo Jorgensen (Lib)	7	0.35%





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President of the United States	SUMTER	<b>Votes For Seat in County:</b>	<b>1,990</b>	
		Donald J. Trump (I) (Rep)	5,733	47.19%
		Joseph R. Biden (Dem)	6,314	51.98%
		Jo Jorgensen (Lib)	101	0.83%
	TALBOT	<b>Votes For Seat in County:</b>	<b>12,148</b>	
		Donald J. Trump (I) (Rep)	1,392	39.52%
		Joseph R. Biden (Dem)	2,114	60.02%
		Jo Jorgensen (Lib)	16	0.45%
	TALIAFERRO	<b>Votes For Seat in County:</b>	<b>3,522</b>	
		Donald J. Trump (I) (Rep)	360	38.79%
		Joseph R. Biden (Dem)	561	60.45%
		Jo Jorgensen (Lib)	7	0.75%
	TATTNALL	<b>Votes For Seat in County:</b>	<b>928</b>	
		Donald J. Trump (I) (Rep)	6,054	73.96%
		Joseph R. Biden (Dem)	2,062	25.19%
		Jo Jorgensen (Lib)	69	0.84%
	TAYLOR	<b>Votes For Seat in County:</b>	<b>8,185</b>	
		Donald J. Trump (I) (Rep)	2,420	62.99%
		Joseph R. Biden (Dem)	1,388	36.13%
		Jo Jorgensen (Lib)	34	0.88%
	TELFAIR	<b>Votes For Seat in County:</b>	<b>3,842</b>	
		Donald J. Trump (I) (Rep)	2,825	65.18%
		Joseph R. Biden (Dem)	1,488	34.33%
		Jo Jorgensen (Lib)	21	0.48%
	TERRELL	<b>Votes For Seat in County:</b>	<b>4,334</b>	
		Donald J. Trump (I) (Rep)	2,004	45.38%
		Joseph R. Biden (Dem)	2,376	53.80%
		Jo Jorgensen (Lib)	36	0.82%
	THOMAS	<b>Votes For Seat in County:</b>	<b>4,416</b>	
		Donald J. Trump (I) (Rep)	12,969	59.29%
		Joseph R. Biden (Dem)	8,708	39.81%
		Jo Jorgensen (Lib)	195	0.89%
		<b>Votes For Seat in County:</b>	<b>21,872</b>	



Georgia Secretary of State  
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State Contest	County	Choice	Votes	Vote %
President of the United States	TIFT	Donald J. Trump (I) (Rep)	10,784	66.24%
		Joseph R. Biden (Dem)	5,318	32.67%
		Jo Jorgensen (Lib)	177	1.09%
		<b>Votes For Seat in County:</b>	<b>16,279</b>	
	TOOMBS	Donald J. Trump (I) (Rep)	7,873	72.14%
		Joseph R. Biden (Dem)	2,938	26.92%
		Jo Jorgensen (Lib)	103	0.94%
		<b>Votes For Seat in County:</b>	<b>10,914</b>	
	TOWNS	Donald J. Trump (I) (Rep)	6,384	80.01%
		Joseph R. Biden (Dem)	1,550	19.43%
		Jo Jorgensen (Lib)	45	0.56%
		<b>Votes For Seat in County:</b>	<b>7,979</b>	
	TREUTLEN	Donald J. Trump (I) (Rep)	2,101	68.28%
		Joseph R. Biden (Dem)	952	30.94%
		Jo Jorgensen (Lib)	24	0.78%
		<b>Votes For Seat in County:</b>	<b>3,077</b>	
	TROUP	Donald J. Trump (I) (Rep)	18,142	60.38%
		Joseph R. Biden (Dem)	11,577	38.53%
		Jo Jorgensen (Lib)	328	1.09%
		<b>Votes For Seat in County:</b>	<b>30,047</b>	
	TURNER	Donald J. Trump (I) (Rep)	2,349	61.96%
		Joseph R. Biden (Dem)	1,409	37.17%
		Jo Jorgensen (Lib)	33	0.87%
		<b>Votes For Seat in County:</b>	<b>3,791</b>	
	TWIGGS	Donald J. Trump (I) (Rep)	2,370	53.33%
		Joseph R. Biden (Dem)	2,044	45.99%
		Jo Jorgensen (Lib)	30	0.68%
		<b>Votes For Seat in County:</b>	<b>4,444</b>	
	UNION	Donald J. Trump (I) (Rep)	12,650	81.31%
		Joseph R. Biden (Dem)	2,800	18.00%
		Jo Jorgensen (Lib)	108	0.69%
		<b>Votes For Seat in County:</b>	<b>15,558</b>	
	UPSON	Donald J. Trump (I) (Rep)	8,606	66.69%
		Joseph R. Biden (Dem)	4,203	32.57%
		Jo Jorgensen (Lib)	96	0.74%



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State Contest	County	Choice	Votes	Vote %
President of the United States	WALKER	<b>Votes For Seat in County:</b>	<b>12,905</b>	
		Donald J. Trump (I) (Rep)	23,173	78.94%
		Joseph R. Biden (Dem)	5,770	19.66%
		Jo Jorgensen (Lib)	411	1.40%
	WALTON	<b>Votes For Seat in County:</b>	<b>29,354</b>	
		Donald J. Trump (I) (Rep)	37,839	74.06%
		Joseph R. Biden (Dem)	12,683	24.82%
		Jo Jorgensen (Lib)	571	1.12%
	WARE	<b>Votes For Seat in County:</b>	<b>51,093</b>	
		Donald J. Trump (I) (Rep)	9,903	69.79%
		Joseph R. Biden (Dem)	4,169	29.38%
		Jo Jorgensen (Lib)	117	0.82%
	WARREN	<b>Votes For Seat in County:</b>	<b>14,189</b>	
		Donald J. Trump (I) (Rep)	1,166	44.00%
		Joseph R. Biden (Dem)	1,468	55.40%
		Jo Jorgensen (Lib)	16	0.60%
	WASHINGTON	<b>Votes For Seat in County:</b>	<b>2,650</b>	
		Donald J. Trump (I) (Rep)	4,668	49.26%
		Joseph R. Biden (Dem)	4,743	50.05%
		Jo Jorgensen (Lib)	66	0.70%
	WAYNE	<b>Votes For Seat in County:</b>	<b>9,477</b>	
		Donald J. Trump (I) (Rep)	9,987	78.15%
		Joseph R. Biden (Dem)	2,688	21.03%
		Jo Jorgensen (Lib)	104	0.81%
	WEBSTER	<b>Votes For Seat in County:</b>	<b>12,779</b>	
		Donald J. Trump (I) (Rep)	748	53.77%
		Joseph R. Biden (Dem)	640	46.01%
		Jo Jorgensen (Lib)	3	0.22%
	WHEELER	<b>Votes For Seat in County:</b>	<b>1,391</b>	
		Donald J. Trump (I) (Rep)	1,583	69.28%
		Joseph R. Biden (Dem)	689	30.15%
		Jo Jorgensen (Lib)	13	0.57%
		<b>Votes For Seat in County:</b>	<b>2,285</b>	



Georgia Secretary of State  
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State Contest	County	Choice	Votes	Vote %
President of the United States	WHITE	Donald J. Trump (I) (Rep)	12,222	82.49%
		Joseph R. Biden (Dem)	2,411	16.27%
		Jo Jorgensen (Lib)	183	1.24%
		<b>Votes For Seat in County:</b>	<b>14,816</b>	
	WHITFIELD	Donald J. Trump (I) (Rep)	25,644	69.75%
		Joseph R. Biden (Dem)	10,680	29.05%
		Jo Jorgensen (Lib)	442	1.20%
		<b>Votes For Seat in County:</b>	<b>36,766</b>	
	WILCOX	Donald J. Trump (I) (Rep)	2,402	73.25%
		Joseph R. Biden (Dem)	861	26.26%
		Jo Jorgensen (Lib)	16	0.49%
		<b>Votes For Seat in County:</b>	<b>3,279</b>	
	WILKES	Donald J. Trump (I) (Rep)	2,823	56.12%
		Joseph R. Biden (Dem)	2,160	42.94%
		Jo Jorgensen (Lib)	47	0.93%
		<b>Votes For Seat in County:</b>	<b>5,030</b>	
	WILKINSON	Donald J. Trump (I) (Rep)	2,665	55.87%
		Joseph R. Biden (Dem)	2,074	43.48%
		Jo Jorgensen (Lib)	31	0.65%
		<b>Votes For Seat in County:</b>	<b>4,770</b>	
	WORTH	Donald J. Trump (I) (Rep)	6,830	73.56%
		Joseph R. Biden (Dem)	2,395	25.79%
		Jo Jorgensen (Lib)	60	0.65%
		<b>Votes For Seat in County:</b>	<b>9,285</b>	
Total:	Donald J. Trump (I) (Rep)		2,461,854	49.26%
	Joseph R. Biden (Dem)		2,473,633	49.50%
	Jo Jorgensen (Lib)		62,229	1.25%
	<b>Total Voters For Seat:</b>		<b>4,997,716</b>	

# EXHIBIT D

RETRIEVED FROM DEMOCRACYDOCKET.COM



STATE OF GEORGIA  
OFFICE OF THE GOVERNOR  
ATLANTA 30334-0900

Brian P. Kemp  
GOVERNOR

December 7, 2020

The Honorable David S. Ferriero  
Archivist of the United States  
National Archives and Records Administration  
c/o Office of the Federal Register (F)  
7 G Street, NW  
Suite A-734  
Washington, DC 20401

Dear Mr. Ferriero:

Pursuant to 3 U.S.C. § 6, as the chief executive of the State of Georgia, I am hereby transmitting to you an official Certificate of Ascertainment (Amendment and Re-certification) for presidential electors from and under the seal of said State, with vote totals amended pursuant to the recount conducted by the Georgia Secretary of State. As required by the National Archives and Records Administration, I am also enclosing two additional original Certificates.

If you need any further information, please contact my Executive Counsel, Mr. David B. Dove, Esq., at 404-651-7760 or [David.dove@georgia.gov](mailto:David.dove@georgia.gov).

Sincerely,

A handwritten signature in black ink that reads "B:PK".

Brian P. Kemp  
Governor

BPK:rw

Enclosures





*Certificate of Ascertainment (Amendment and Re-certification)*

On November 3, 2020, the following sixteen people were appointed Electors of President and Vice President of the United States for the State of Georgia, each receiving 2,473,633 votes:

Stacey Yvonne Abrams  
Gloria S. Butler  
Wendy Davis  
Bobby L. Fuse, Jr.  
Deborah Gonzalez  
Steve Henson

Van R. Johnson  
Pedro "Pete" Marin  
Fenika Thomas Miller  
Ben E. Myers, Jr.  
Rachel Paule  
Calvin Smyre

Bob Trammell, Jr.  
Sachin Varghese  
Nikema Williams  
Cathy Woolard

The following electors received 2,461,854 votes:

Joseph Brannan  
James "Ken" Carroll  
Vikki Townsend Consiglio  
Carolyn Hall Fisher  
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Gloria Kay Godwin

David G. Hanna  
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David Shafer  
Shawn Still  
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The following electors received 62,229 votes:

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Eric Fontaine

Ryan Graham  
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Edward T. Metz  
Mark Mosley  
Chase Russell Oliver  
Robert Rouse

David R. Shock  
John Turpish  
Laura Williams  
Nathan Wilson

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of Georgia to be affixed at the Capitol in Atlanta, Georgia, this 7<sup>th</sup> day of December 2020.



*B. P. L.*

GOVERNOR

ATTEST:

*[Signature]*  
EXECUTIVE SECRETARY



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*B. Ph*

GOVERNOR

ATTEST:

*Mark M*  
EXECUTIVE SECRETARY



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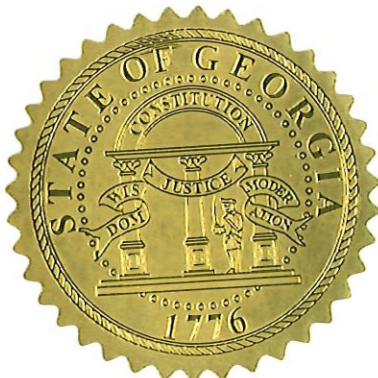
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IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of Georgia to be affixed at the Capitol in Atlanta, Georgia, this 7<sup>th</sup> day of December 2020.



  
GOVERNOR

ATTEST:

  
EXECUTIVE SECRETARY





*Certificate of Ascertainment (Amendment and Re-certification)*

On November 3, 2020, the following sixteen people were appointed Electors of President and Vice President of the United States for the State of Georgia, each receiving 2,473,633 votes:

Stacey Yvonne Abrams  
Gloria S. Butler  
Wendy Davis  
Bobby L. Fuse, Jr.  
Deborah Gonzalez  
Steve Henson

Van R. Johnson  
Pedro "Pete" Marin  
Fenika Thomas Miller  
Ben E. Myers, Jr.  
Rachel Paule  
Calvin Smyre

Bob Trammell, Jr.  
Sachin Varghese  
Nikema Williams  
Cathy Woolard

The following electors received 2,461,854 votes:

Joseph Brannan  
James "Ken" Carroll  
Vikki Townsend Consiglio  
Carolyn Hall Fisher  
Patrick M. Gartland  
Gloria Kay Godwin

David G. Hanna  
Mark W. Hennessy  
Susan Holmes  
John A. Isakson  
Cathleen Alston Latham  
Daryl Moody

CJ Pearson  
David Shafer  
Shawn Still  
C.B. Yadav

The following electors received 62,229 votes:

Christine Austin  
Stephanie Sage Aylworth  
Nelson M. Barnhouse  
Robert Cortez  
Danny Dolan  
Eric Fontaine

Ryan Graham  
Gretchen Mangan  
Edward T. Metz  
Mark Mosley  
Chase Russell Oliver  
Robert Rouse

David R. Shock  
John Turpish  
Laura Williams  
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GOVERNOR

ATTEST:

  
EXECUTIVE SECRETARY

# EXHIBIT E

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a )  
Candidate for President, DONALD J. )  
TRUMP FOR PRESIDENT, INC., and )  
DAVID J. SHAFER, in his capacity as a )  
Registered Voter and Presidential Elector )  
pledged to Donald Trump for President, )

Petitioners, )

v. )

CIVIL ACTION FILE NO.

2020 CV 343255

BRAD RAFFENSPERGER, in his official )  
capacity as Secretary of State of Georgia, )  
REBECCA N. SULLIVAN, in her official )  
capacity as Vice Chair of the Georgia State )  
Election Board, DAVID J. WORLEY, in his )  
official capacity as a Member of the Georgia )  
State Election Board, MATTHEW )  
MASHBURN, in his official capacity as a )  
Member of the Georgia State Election )  
Board, ANH LE, in her official capacity as a )  
Member of the Georgia State Election )  
Board, RICHARD L. BARRON, in his )  
official capacity as Director of Registration )  
and Elections for Fulton County, JANINE )  
EVELER, in her official capacity as )  
Director of Registration and Elections for )  
Cobb County, ERICA HAMILTON, in her )  
official capacity as Director of Voter )  
Registration and Elections for DeKalb )  
County, KRISTI ROYSTON, in her official )  
capacity as Elections Supervisor for )  
Gwinnett County, RUSSELL BRIDGES, in )  
his official capacity as Elections Supervisor )  
for Chatham County, ANNE DOVER, in )  
her official capacity as Acting Director of )  
Elections and Voter Registration for )  
Cherokee County, SHAUNA DOZIER, in )  
her official capacity as Elections Director )  
for Clayton County, MANDI SMITH, in her )  
official capacity as Director of Voter )  
Registration and Elections for Forsyth )  
County, AMEIKA PITTS, in her official )

capacity as Director of the Board of )  
 Elections & Registration for Henry County, )  
 LYNN BAILEY, in her official capacity as )  
 Executive Director of Elections for )  
 Richmond County, DEBRA PRESSWOOD, )  
 in her official capacity as Registration and )  
 Election Supervisor for Houston County, )  
 VANESSA WADDELL, in her capacity as )  
 Chief Clerk of Elections for Floyd County, )  
 JULIANNE ROBERTS, in her official )  
 capacity as Supervisor of Elections and )  
 Voter Registration for Pickens County, )  
 JOSEPH KIRK, in his official capacity as )  
 Elections Supervisor for Bartow County, )  
 and GERALD MCCOWN, in his official )  
 capacity as Elections Supervisor for )  
 Hancock County, )  
 )  
 )  
 )  
 Respondents. )

---

**MOTION FOR EMERGENCY INJUNCTIVE RELIEF AND FOR LEAVE OF COURT  
 TO ADD ALL OTHER ELECTORS AS RESPONDENTS AND INCORPORATED  
 BRIEF IN SUPPORT**

COMES NOW David J. Shafer, in his capacity as a Petitioner in the above styled civil action (“Petitioner”), and through their undersigned counsel of record, and file this, his Motion for Emergency Injunctive Relief And For Leave of Court To Add All Other Electors and Incorporated Memorandum of Law, respectfully showing this Honorable Court as follows:

**I. MOTION FOR LEAVE OF COURT TO ADD ALL ELECTORS**

Petitioners herein request leave of court under the Georgia Election Code to add all remaining slates of electors as Respondents to the above captioned action, as the Georgia Secretary of State has now re-certified the election as of December 7, 2020. O.C.G.A. § 21-2-524. Pursuant to Georgia law, adding parties to an action must be granted by Order of Court. O.C.G.A. § 9-11-19, 9-11-20, 9-11-21. Now that Respondent Raffensberger has re-certified the election results, all slates of remaining electors are necessary and proper parties to this action. There is no prejudice

that will result to any Respondents if the relief sought is granted by the Court. Thus, leave of Court should be freely given to add such parties.

## **II. RELIEF SOUGHT**

Petitioners move for an emergency temporary restraining order, as well as preliminary and interlocutory injunctive relief per O.C.G.A. § 9-11-65 and/or O.C.G.A. §§ 9-5-1, 23-3-1 et seq. to:

- a. Appoint a Superior Court or senior status judge pursuant to O.C.G.A. § 21-2-523.
- b. Enjoin the certification of the results of the Contested Election by Respondent counties and the Secretary of State;
- c. Enjoin the Secretary of State from appointing the Electors to the Electoral College;
- d. Order Respondents to respond to this Petition within 3 days;
- e. Order expedited discovery and strict compliance with all existing and future open records requests;
- f. Order Respondents to preserve any and all evidence concerning election documents as contemplated by O.C.G.A. § 21-2-52, including without limitation, applications, envelopes (whether exterior or interior envelopes, and whether stamped or not), and any and all ballots<sup>1</sup>;
- g. Require Respondents to immediately fulfill their obligations under the Election Code to properly maintain and update Georgia's list of registered voters to remove ineligible voters;

---

<sup>1</sup> Any argument that private information may not be disclosed can be overcome by this Honorable Court entering a Protective Order pursuant to O.C.G.A. § 9-11-26(c).

- h. Prevent Respondents from allowing unqualified, unregistered, and otherwise ineligible individuals from voting in Georgia elections, including but not limited to the upcoming January 5, 2021 run-off<sup>2</sup>;
- i. Require an immediate audit of the signatures on absentee ballot applications and ballots as described in Exhibit 16;
- j. Enjoin and restrain Respondents from taking any further actions or to further enforce the Consent Decree;
- k. **Order a new Presidential Election to occur at the earliest opportune time;** and
- l. For such other relief that this Court deems just and proper under the circumstances.

### III. THIS CASE IS NOT MOOT

1.

The date by which electors must vote in their respective states is not December 8, 2020, but rather January 6, 2020. Thus, Petitioner's Complaint is not moot or rendered moot, and is ripe to be heard on an expedited basis.

2.

Assuming the electors pledged to Trump meet on December 14, 2020, to cast their votes in the state capitol and send their votes to the President of the Senate in time to be opened on January 6, 2020, a Court decision or state legislature action rendered after December 14, 2020 should be considered timely.

3.

As Justice Ginsburg noted in *Bush v. Gore*, the date which has "ultimate significance" under federal law is the "sixth day of January." 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

---

<sup>2</sup> To the extent ineligible voters have already voted absentee for the January 5, 2021, runoff, those votes should be put into a "provisional" voting status.

4.

Such ripeness is further illustrated by precedent from the 1960 presidential election.

5.

In that election, the electors from Hawaii pledged to Vice President Nixon cast their ballots with certificates in hand from the governor of Hawaii certifying that Nixon had won the state by 141 votes.

6.

Kennedy's electors nonetheless met and voted on the day prescribed for the meeting of electors (December 19, 1960).

7.

On the same day, a Hawaii court ordered a recount of the entire state.

8.

On December 28<sup>th</sup> the Hawaii courts issued a final decision finding that Kennedy had in fact won the state by 105 votes.

9.

Because the Kennedy electors had taken care to vote on the proper day and the governor signed an amended certificate of election which was then reissued in time to be counted in Congress the electoral votes were awarded to Kennedy.

10.

As supported by the 1960 Kennedy-Nixon contest, the real safe harbor deadline is therefore January 6, 2021 and *Bush v. Gore*, January 6 is the date the Senate and House meet for the counting of electoral votes and 3 U.S.C. § 15 controls when the Senate and House determine “the validity of electoral votes.” *Id.* 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

11.

Thus, January 6, 2021 is the first date on which any electoral votes are actually counted. On that date, the Twelfth Amendment directs, “[t]he President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.”

Art. II, § 1, cl. 4, gives Congress the power to specify the date “on which [the electors] shall give their votes, which Day shall be the same throughout the United States.” Exercising that power, Congress has mandated that the electors “shall meet and give their votes on the first Monday after the second Wednesday in December” – this year, December 14, 2020 – “at such place in each State as the legislature of such State shall direct.” 3 U.S.C. § 7.

Article II requires that all electors throughout the United States vote on the same day, whether Congress could validly count electoral votes cast on a later date. The basic responsibility of the electors is to “make and sign six certificates of the votes given by them” for President and Vice President, 3 U.S.C. § 9; “seal up the certificates so made by them,” *Id.*, § 10; and forward them by registered mail to the President of the Senate and to other officials. *Id.*, § 11. These actions are carried out without any involvement by state officials.

It is also clear, that if, before the electors cast their votes, the candidates for whom they are voting have been issued certificates of election, it is the duty of the governor to deliver the certificates to the electors “on or before the day” they are required to meet, *Id. at* § 6, and the electors are then to attach the certificates to the electoral votes they transmit to the President of the Senate. *Id.*, § 9.

12.

But nothing in federal law requires States to resolve controversies over electoral votes prior to the meeting of the electors. Indeed, there is no set deadline for a State to transmit to Congress a certification of which slate of electors has been determined to be the valid one. The duty of the state governor is merely to transmit the certification “as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment....” *Id.*, § 6.

13.

The “safe harbor” provision of the Electoral Count Act, which purportedly mandates that a final result reached in a State by the safe harbor date “shall be conclusive” when votes are counted in Congress. 3 U.S.C. § 5. There is no legal authority stating that the Electoral Count Act, enacted by the 5<sup>th</sup> Congress in 1877, can have any binding effect on the 117<sup>th</sup> Congress which will convene on January 3, regarding its authority and obligation to count electoral votes as it sees fit. The Senate, which convenes in January, has the inherent authority to set whatever rules it wishes for deciding challenges to the electoral votes cast in the 2020 election. This is consistent with Art. I, § 5, providing that “[e]ach House may determine the Rules of its Proceedings....”

14.

Thus, since the true deadline is January 6, 2020, this action is not rendered moot and this action is ripe to proceed.



#### IV. LEGAL STANDARD AND RELEVANT FACTS

13.

The emergency relief requested by Petitioner is necessary in light of Defendants' past conduct as alleged in the Verified Petition, incorporated herein by reference, and their stated intentions as to future conduct, including certification of a Presidential election where there is "sufficient evidence to change or place in doubt the result" due to "Misconduct, fraud or irregularity" by any "election official." O.C.G.A. § 21-2-522.

14.

In the absence of an emergency temporary restraining order, preliminary and interlocutory injunctions, Petitioner (and the Citizens of Georgia and the United States) will suffer immediate and irreparable harm for which there is no adequate remedy at law, while injunctive relief, if granted, will cause no harm or prejudice to Respondents, and will uphold the Declared public policy of this State to "protect the integrity of the democratic process and to ensure fair elections for constitutional offices..." O.C.G.A. § 21-5-2.

15.

Respondents have a duty to implement the rules and regulations of the State Election Board which in part is "to obtain uniformity in the practices and proceedings..." of elections as well as "the legality and purity in all .... elections." O.C.G.A. § 21-2-31.

16.

Immediate and irreparable injury, loss, or damage will result to the Petitioners (as well as the Citizens of Georgia and the United States) if the requested emergency injunctive relief is not granted because the Verified Petition alleges and sets forth and attaches actual data proof based on

presumptively<sup>3</sup> accurate government documents that the 2020 election was not “fair[ly], legal[ly] and orderly” conducted. O.C.G.A. § 21-2-50.

17.

There will be immediate and irreparable damage to Petitioner David Schaffer in his capacity as a presidential elector and in his personal capacity as a registered voter in the State of Georgia by being precluded from voting as an elector.

18.

There will be immediate and irreparable damage to the Citizens of Georgia by allowing an illegal, improper, fraudulent, irregular, error-ridden presidential election to be certified by an election official that is a “Violator” as defined in O.C.G.A. § 21-2-2(37), thereby improperly appointing Georgia’s electors for Mr. Biden even though the Contested Election is in doubt and sufficient evidence exists to change the result of the election. *See* Verified Complaint and Declarations/Affidavits attached thereto.

19.

There will be irreparable damage to the Citizens of Georgia through their loss of confidence in the integrity of the democratic election process by virtue of 1) the illegal votes included in the tabulations of the Contested Election, and 2) permitting an election official “Violator” to continue to willfully violate provisions of the Election Code. The foregoing and the declared public policy of this State outweighs any potential harm to Respondents.

---

<sup>3</sup> O.C.G.A. §803-8 et seq.

20.

Granting the requested relief will not disserve the public interest, on the contrary, it is the stated public policy of this State to require such relief in connection with elections.

21.

Petitioners will be irreparably injured in the event the prayed for injunctive relief is not granted. Specifically, President Trump will be denied votes to which he is entitled in the electoral college and potentially denied election to the presidency. Donald J. Trump for President, Inc. will be harmed by being denied from fulfilling its purpose viz. the reelection of President Trump. David Schaffer, will be denied his ability cast a vote as a member of the Electoral College for President Trump, and further his vote as a qualified Georgia voter will be diluted.

22.

It is further in the public interest and public policy to grant Petitioner's request for emergency injunctive relief so that Georgia voters can have confidence that the January 5, 2021, Senate election is conducted in accordance with the Election Code and is a "pure" election free from "misconduct, fraud or irregularity" that substantially alters the election.

23.

Petitioners are further entitled to the injunctive relief sought herein because there is a substantial likelihood of success on the merits as the alleged misconduct, fraud or irregularity calls into question validity of cast ballots that *exceed the delta of the votes* that Mr. Biden currently holds in the election above Petitioner Trump, as Candidate. These same irregularities, if not enjoined, shall substantially impact the upcoming Senate runoffs and will perpetuate fraud, misconduct and irregularity that is repugnant to our democratic process and the required "purity"

(O.C.G.A. § 21-2-31) of elections in the State of Georgia; and the certification will be put in place by a “Violator.” (O.C.G.A. § 21-2-2(37))

24.

The damage to Petitioners is not readily compensable by money.

25.

The balance of equities favors entry of a temporary restraining order, interlocutory, and preliminary emergency injunctive relief, or other equitable relief imposed by this Honorable Court, against Respondents and would not be adverse to any conceivable legitimate public interest.

26.

As early as possible, notice to Respondents of Petitioners’ Motion for emergency injunctive relief will be made via email and / or telephone. Service of the Verified Petition is also in the process of being served on the State Election Board as required by law.

#### **ARGUMENT AND CITATION OF AUTHORITIES**

Pursuant to O.C.G.A. § 9-11-65 *et seq.*, a temporary restraining order and an interlocutory injunction may be issued ***if it clearly appears from specific facts shown by an affidavit or by the Verified Complaint that immediate and irreparable injury, loss or damage will result to Plaintiff.*** O.C.G.A. § 9-11-65 *et seq.* (Emphasis added.) An interlocutory injunction and TRO “are designed to preserve the status quo pending a final adjudication of the case, and in so doing, the trial court must balance the conveniences of the parties pending the final adjudication, with consideration being given to whether greater harm might come from granting the injunction or denying it.” *Bijou Salon & Spa, LLC v. Kensington Enterprises, Inc.*, 283 Ga. App. 857, 860, 643 S.E.2d 531 (2007).

A trial court “may issue an interlocutory injunction to maintain the status quo until the final hearing if, by balancing the relative conveniences of the parties, it determines that they favor the party seeking the injunction.” *Hampton Island Founders v. Liberty Capital*, 283 Ga. 289, 293, 658 S.E.2d 619 (2008). “*There must be some vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.*” *Id.* (Emphasis added.) The granting and continuing of injunctions “shall always rest in the sound discretion of the judge, according to the circumstances of each case” and “this power shall be prudently and cautiously exercised and, except in clear and urgent cases, should not be resorted to.” *O.C.G.A. § 9-5-8*. Moreover, equity itself requires under *O.C.G.A. § 5-9-1, 23-3-1 et seq.* that this Honorable Court exercise its inherently vested “equitable powers” to impose extraordinary measures through equitable relief.

Here, it clearly appears from the Verified Petition and from the impending certification of the 2020 election has been tainted by misconduct, fraud or irregularity based on evidence that sufficiently may change the outcome of the 2020 and 2021 elections or place in doubt the result of same, that there is a vital necessity for the issuance of the injunction; otherwise, Petitioners will be irreparably harmed and the entire election process shall be called into doubt.

First, as many as 2,560 felons with uncompleted sentences were allowed to register to vote and cast ballots.

Second, at least 66,247 underaged and therefore ineligible people illegally registered to vote and subsequently voted.

Third, 4,926 individuals registered to vote in another state after having registered in Georgia, effectively unregistering them as qualified voters in Georgia. At least 395 such individuals voted.

Fourth, at least 15,700 individuals voted in Georgia who filed a national change of address form with the United States Post office.

Fifth, at least 40,279 individuals who moved across counties lines at least 30 days prior to Election Day and failed to reregister after having moved voted.

Sixth, 1,043 registered to vote using a post office box as their habitation in violation of state law.

Seventh, as many as 10,315 deceased persons voted in the Contested Election.

Eight, Respondents violated state law with respect to signature verification of absentee ballots.

Ninth, Respondents allowed at least 92 individuals to vote whose absentee ballots were returned and accepted prior to the individual requesting an absentee ballot.

Tenth, Respondents allowed at least 50 individuals to vote whose absentee ballots were returned prior to the earliest date that absentee ballots were permitted by law to be sent out.

Eleventh, the Secretary of State has admitted that multiple county election boards, supervisors, employees, election officials and their agents failed to follow the Election Code and State election Board Rules and Regulations, and called for several resignations.

Twelfth, Fulton County committed fraud with how they claimed a “pipe burst” and when they claimed they had finished counting ballots for the night and required all Republican monitors and members of the public to leave the State Farm Arena before they resumed counting ballots.

Thirteenth, there are a myriad of other election irregularities detailed in the Complaint and its attached exhibits incorporated by reference herein.

Simply put, if immediate emergency injunctive relief is not granted, irreparable harm and injury to Petitioners will result.

**WHEREFORE**, Petitioners pray for the following relief:

- (1) That the Court and/or Special Master issue a RULE NISI *instante* and that the Court conduct an emergency hearing on this Motion;
- (2) That the Court issue a temporary restraining order, interlocutory and preliminary injunction, and/or other injunction or equitable relief in favor of Petitioners;
- (3) That the Court grant expedited discovery proceedings in this action, and limit the time for response accordingly along with entry of any applicable or necessary Protective Orders to protect personal identifying information and other potentially sensitive information;
- (4) And for such other and further relief as is just, proper and equitable.

Respectfully submitted, this 7<sup>th</sup> day of December 2020.

  
THE HILBERT LAW FIRM, LLC

KURT R. HILBERT  
Attorney for Petitioners  
Georgia Bar No. 352877



205 Norcross Street  
Roswell, GA 30075  
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F: (770) 551-9311  
E: [khilbert@hilbertlaw.com](mailto:khilbert@hilbertlaw.com)

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the above and foregoing ***MOTION FOR EMERGENCY INJUNCTIVE RELIEF AND INCORPORATED BRIEF IN SUPPORT*** upon all parties and their counsel via this Court's e-file system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

Brad Raffensperger, in his official capacity as Secretary of State of Georgia  
214 State Capitol  
Atlanta, Georgia 30334

Rebecca N. Sullivan, in her official capacity as Vice Chair of the Georgia State Election Board,  
214 State Capitol  
Atlanta, Georgia 30334

David J. Worley, in his official capacity as a Member of the Georgia State Election Board  
214 State Capitol  
Atlanta, Georgia 30334

Matthew Mashburn, in his official capacity as a Member of the Georgia State Election Board  
214 State Capitol  
Atlanta, Georgia 30334

Anh Le, in her official capacity as a Member of the Georgia State Election Board  
214 State Capitol  
Atlanta, Georgia 30334

Richard L Barron in his official capacity as Director of Registration and Elections for Fulton  
County,  
141 Pryor St. SW  
Atlanta, GA 30303

Janine Eveler in her official capacity as Director of Registration and Elections for Cobb County

P.O. Box 649  
Marietta, GA 30061-0649

Erica Hamilton, in her official capacity as Director of Voter Registration and Elections for  
DeKalb County  
1300 Commerce Drive  
Decatur, GA 30030

Kristi Royston, in her official capacity as Elections Supervisor for Gwinnett County  
455 Grayson Highway  
Lawrenceville, GA 30046

Russell Bridges, in his official capacity as Elections Supervisor for Chatham County  
1117 Eisenhower Drive, Suite F  
Savannah, Georgia 31406

Anne Dover, in her official capacity as Acting Director of Elections and Voter Registration for  
Cherokee County,  
2782 Marietta Highway, Suite 100  
Canton, GA 30114

Shauna Dozier, in her official capacity as Elections Director for Clayton County,  
112 Smith Street  
Jonesboro, GA 30236

Mandi Smith, in her official capacity as Director of Voter Registration and Elections for Forsyth  
County  
1201 Sawnee Drive  
Cumming, GA 30040

Ameika Pitts, in her official capacity as Director of the Board of Elections & Registration for  
Henry County,  
140 Henry Parkway  
McDonough, GA 30253

Lynn Bailey, in her official capacity as Executive Director of Elections for Richmond County  
535 Telfair Street  
Augusta, GA 30901

,

Debra Presswood, in her official capacity as Registration and Election Supervisor for Houston County

801 Main Street - Room 237, P.O. Box 945  
Perry, GA 31069

Vanessa Waddell, in her capacity as Chief Clerk of Elections for Floyd County  
12 East 4th Avenue, Suite 20  
Rome, GA 30161

Julianne Roberts, in her official capacity as Supervisor of Elections and Voter Registration for Pickens County,  
83 Pioneer Road  
Jasper, GA 30143

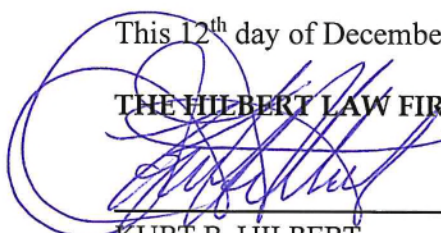
Joseph Kirk, in his official capacity as Elections Supervisor for Bartow County  
135 West Cherokee Avenue  
Cartersville, GA 30120

Gerald McCown, in his official capacity as Elections Supervisor for Hancock County  
12630 Broad Street  
Sparta, GA 31087

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This 12<sup>th</sup> day of December, 2020.

**THE HILBERT LAW FIRM, LLC**



KURT R. HILBERT

Attorney for Petitioners  
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# EXHIBIT F

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity

As Candidate for President, et al.,

Petitioners,

v.

Brad Raffensperger, in his official capacity

As Secretary of State of Georgia, et al.,

Respondents.

CIVIL ACTION FILE

NO.:2020CV343255

**VOLUNTARY WITHDRAWAL OF**  
**MOTION FOR EMERGENCY INJUNCTIVE RELIEF**

COME NOW Petitioners and hereby voluntarily withdraw their *Motion for Emergency Injunctive Relief* in the above captioned action and reserve all rights to assert any and all relief.

Respectfully submitted, this 8<sup>th</sup> day of December, 2020.

THE HILBERT LAW FIRM, LLC

Kurt R. Hilbert

Georgia Bar No. 352877

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the above and foregoing **VOLUNTARY WITHDRAWAL OF MOTION FOR EMERGENCY INJUNCTIVE RELIEF** upon all parties and their counsel via this Court's e-file system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

Brad Raffensperger, in his official capacity as Secretary of State of Georgia  
214 State Capitol  
Atlanta, Georgia 30334

Rebecca N. Sullivan, in her official capacity as Vice Chair of the Georgia State Election Board,  
214 State Capitol  
Atlanta, Georgia 30334

David J. Worley, in his official capacity as a Member of the Georgia State Election Board  
214 State Capitol  
Atlanta, Georgia 30334

Matthew Mashburn, in his official capacity as a Member of the Georgia State Election Board  
214 State Capitol  
Atlanta, Georgia 30334

Anh Le, in her official capacity as a Member of the Georgia State Election Board  
214 State Capitol  
Atlanta, Georgia 30334

Richard L Barron in his official capacity as Director of Registration and Elections for Fulton  
County,  
141 Pryor St. SW  
Atlanta, GA 30303

Janine Eveler in her official capacity as Director of Registration and Elections for Cobb County  
P.O. Box 649  
Marietta, GA 30061-0649



Erica Hamilton, in her official capacity as Director of Voter Registration and Elections for  
DeKalb County  
1300 Commerce Drive  
Decatur, GA 30030

Kristi Royston, in her official capacity as Elections Supervisor for Gwinnett County  
455 Grayson Highway  
Lawrenceville, GA 30046

Russell Bridges, in his official capacity as Elections Supervisor for Chatham County  
1117 Eisenhower Drive, Suite F  
Savannah, Georgia 31406

Anne Dover, in her official capacity as Acting Director of Elections and Voter Registration for  
Cherokee County,  
2782 Marietta Highway, Suite 100  
Canton, GA 30114

Sauna Dozier, in her official capacity as Elections Director for Clayton County,  
112 Smith Street  
Jonesboro, GA 30236

Mandi Smith, in her official capacity as Director of Voter Registration and Elections for Forsyth  
County  
1201 Sawnee Drive  
Cumming, GA 30040

Ameika Pitts, in her official capacity as Director of the Board of Elections & Registration for  
Henry County,  
140 Henry Parkway  
McDonough, GA 30253

Lynn Bailey, in her official capacity as Executive Director of Elections for Richmond County  
535 Telfair Street  
Augusta, GA 30901

Debra Presswood, in her official capacity as Registration and Election Supervisor for Houston  
County  
801 Main Street - Room 237, P.O. Box 945  
Perry, GA 31069

Vanessa Waddell, in her capacity as Chief Clerk of Elections for Floyd County  
12 East 4th Avenue, Suite 20  
Rome, GA 30161

Julianne Roberts, in her official capacity as Supervisor of Elections and Voter Registration for  
Pickens County,  
83 Pioneer Road  
Jasper, GA 30143

Joseph Kirk, in his official capacity as Elections Supervisor for Bartow County  
135 West Cherokee Avenue  
Cartersville, GA 30120

Gerald McCown, in his official capacity as Elections Supervisor for Hancock County  
12630 Broad Street  
Sparta, GA 31087

This 8<sup>th</sup> day of December, 2020.

**THE HILBERT LAW FIRM, LLC**

  
KURT R. HILBERT

Attorney for Petitioners  
Georgia Bar No. 352877

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# EXHIBIT G

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

DONALD J. TRUMP, in his capacity as a	)	
Candidate for President, <i>et al.</i>	)	
<i>Petitioners,</i>	)	
	)	Civ. Act. No. 2020CV343255
v.	)	
BRAD RAFFENSPERGER, in his official capacity	)	
As Secretary of State of Georgia, <i>et al.</i> ,	)	
	)	

---

**NOTICE OF EMERGENCY REQUEST TO APPOINT  
ADMINISTRATIVE LAW JUDGE**

**COME NOW** THE PETITIONERS, by and through the undersigned counsel, and hereby respectfully provide Notice of their Emergency Request to Appoint an Administrative Law Judge pursuant to O.C.G.A. § 21-2-523 and in support state as follows:

**FACTS**

1.

Petitioners filed the instant action on December 4, 2020.

2.

On December 9, 2020, Petitioners filed a Motion for Leave to Amend the Complaint along with an Amended Complaint and new *and pending* emergency motion for injunctive relief to account for the Secretary of State's certification of the re-count results that occurred after Petitioner's initial filing.

3.

On December 9, 2020, the Honorable Constance C. Russell was assigned the case and entered an Order on Case Status and in said order stated that the matter “shall proceed in the normal course.”

4.

Judge Russell is a resident of Fulton County, GA.

5.

Judge Russell has not taken senior status at this time.

6.

Petitioners respectfully suggest that Judge Russell lacked authority to enter such an Order and to preside over this case under the Georgia Election Code.

7.

Pursuant to O.C.G.A. § 21-2-523 (c) when a contest petition is filed, the administrative judge for that Judicial District is to be immediately notified. Under O.C.G.A. § 21-2-523 (d) if the administrative judge is a member of the Circuit in which the proceeding was filed, then the administrative judge shall select an administrative judge of an adjoining district to select a Superior Court judge from that district, or a senior judge who is not a resident of the circuit wherein the proceeding was filed.

8.

In the context of the instant case filed in the 5th Judicial Administrative District, The Honorable Chief Judge Christopher S. Brasher is the Administrative Judge.

9.

Because Judge Brasher is a member of the Atlanta Judicial Circuit, as are all members of the 5th Administrative District, the statute requires he select an administrative judge of an adjoining district viz. from the 4th, 6th, 7th, or 9th Judicial Districts.

10.

If Judge Brasher chooses the administrative judge from the 7<sup>th</sup> Judicial District, that judge must choose a Superior Court judge from Cherokee, Cobb, Conasauga, Douglas, Lookout Mountain, Paulding, Rome, or Tallapoosa counties.

11.

If Judge Brasher chooses the administrative judge from the 6<sup>th</sup> Judicial District that judge must chose a superior court judge from Coweta, Griffin, Clayton, Flint or Towaliga counties to preside.

12.

If Judge Brasher chooses the administrative judge from the 4th Judicial District, that judge must choose a Superior Court judge from Stone Mountain or Rockdale counties to preside.

13.

If Judge Brasher chooses the administrative judge from the 9th Judicial District, that judge must choose a Superior Court judge from Appalachian, Blue Ridge, Bell-Forsyth, Gwinnett, North-Eastern, Enotah, or Mountain counties.

14.

Any of the aforementioned administrative judges could also select a senior status judge who does *not* live in Fulton County.

15.

The law gives Judge Brasher complete discretion to choose which administrator shall assign the judge to hear the case.

16.

Upon information and belief, Judge Russell was not appointed to this case pursuant to the relevant statutes and is a current resident of Fulton County who is not yet on Senior Judge status.

17.

Since Judge Russell was not properly appointed to this case and lacked statutory authority to preside, any action in this matter taken by her was void *ab initio*.

18.

Petitioners are seeking an emergency appointment of a judge that is proper and mete to preside over this action so as not to prejudice the legal rights of Petitioners to have a contested election challenge under the Georgia Election Code.

19.

Due to the gravitas of the issues presented by this action, Petitioners are hopeful that this matter and request is addressed promptly and *sua sponte*.

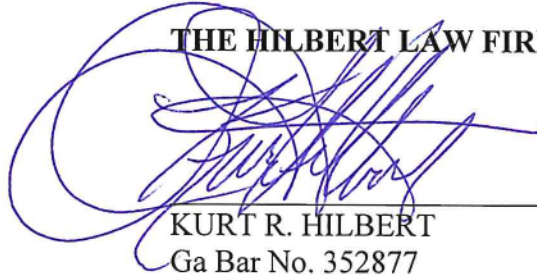
**WHEREFORE**, because the Honorable Constance C. Russell is a resident of Fulton County and has not yet taken senior status, although a well respected jurist in Fulton County, she therefore is unfortunately ineligible to serve as a presiding judge in this case and any Orders entered by her were void *ab initio*, and Petitioners respectfully request that the Election Code be



followed in an emergency appointment of a judge under the process set forth therein so as not to create appellate error or causing undue delay.

Respectfully submitted, this 10<sup>th</sup> day of December, 2020.

**THE HILBERT LAW FIRM, LLC**



KURT R. HILBERT

Ga Bar No. 352877

*Lead Counsel for Petitioners*

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# EXHIBIT H

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a  
Candidate for President, DONALD J.  
TRUMP FOR PRESIDENT, INC., and  
DAVID J. SHAFER, in his capacity as a  
Registered Voter and Presidential Elector  
pledged to Donald Trump for President,

Petitioners,

v.

CIVIL ACTION FILE NO.

2020 CV 343255

BRAD RAFFENSPERGER, in his official  
capacity as Secretary of State of Georgia,  
REBECCA N. SULLIVAN, in her official  
capacity as Vice Chair of the Georgia State  
Election Board, DAVID J. WORLEY, in  
his official capacity as a Member of the  
Georgia State Election Board, MATTHEW  
MASHBURN, in his official capacity as a  
Member of the Georgia State Election  
Board, ANH LE, in her official capacity as  
a Member of the Georgia State Election  
Board, RICHARD L. BARRON, in his  
official capacity as Director of Registration  
and Elections for Fulton County, JANINE  
EVELER, in her official capacity as  
Director of Registration and Elections for  
Cobb County, ERICA HAMILTON, in her  
official capacity as Director of Voter  
Registration and Elections for DeKalb  
County, KRISTI ROYSTON, in her official  
capacity as Elections Supervisor for  
Gwinnett County, RUSSELL BRIDGES, in  
his official capacity as Elections Supervisor  
for Chatham County, ANNE DOVER, in  
her official capacity as Acting Director of  
Elections and Voter Registration for  
Cherokee County, SHAUNA DOZIER, in  
her official capacity as Elections Director  
for Clayton County, MANDI SMITH, in  
her official capacity as Director of Voter  
Registration and Elections for Forsyth  
County, AMEIKA PITTS, in her official

capacity as Director of the Board of Elections & Registration for Henry County, LYNN BAILEY, in her official capacity as Executive Director of Elections for Richmond County, DEBRA PRESSWOOD, in her official capacity as Registration and Election Supervisor for Houston County, VANESSA WADDELL, in her capacity as Chief Clerk of Elections for Floyd County, JULIANNE ROBERTS, in her official capacity as Supervisor of Elections and Voter Registration for Pickens County, JOSEPH KIRK, in his official capacity as Elections Supervisor for Bartow County, and GERALD MCCOWN, in his official capacity as Elections Supervisor for Hancock County,

Respondents.

**SECOND MOTION FOR EMERGENCY INJUNCTIVE RELIEF AND  
INCORPORATED BRIEF IN SUPPORT**

COME NOW Petitioners DONALD J. TRUMP, in his capacity as a Candidate for President and DAVID J. SHAFER, in his capacity as a Registered Voter and Presidential Elector pledged to Donald Trump for President (“Movants”), and through their undersigned counsel of record, and file this, Second Motion for Emergency Injunctive Relief and Incorporated Memorandum of Law, respectfully showing this Honorable Court as follows.

On December 4, 2020, Petitioners filed a Verified Petition to Contest Georgia’s Presidential Election Results for Violations of the Constitution and Laws of the State of Georgia, and a Request for Emergency Declaratory and Injunctive Relief (the “Verified Petition”), in which, they sought an injunction prohibiting the Georgia Secretary of State from certifying Georgia’s election results. (*See* D.E. 1.1.)

On December 7, 2020, Petitioner Shafer moved for Emergency Injunctive Relief. (*See* D.E. 3.)

On December 8, 2020, the Georgia Secretary of State certified Georgia's Election results, after which, Petitioners Voluntary withdrew their Motion for Emergency Injunctive Relief. (*See* D.E. 10.)

Also, on December 8, 2020, Petitioners filed a Motion to Amend the Verified Petition (the "Motion to Amend") which, among other things, updated the facts regarding the Georgia Secretary of State's certification and added a new request for Emergency Injunctive Relief seeking to decertify Georgia's election results. (*See* D.E. 16.) That Motion to Amend the Verified Petition is pending.

Movants now move for a Second Emergency Temporary Restraining order, as well as preliminary and interlocutory injunctive and respectfully request a hearing on this And to set a hearing for the Motion to Amend and this Second Motion for Emergency Injunctive Relief on Monday, December 14, 2020, or as soon as possible thereafter.

Movants further ask that the Court, pursuant to O.C.G.A. § 9-11-65 and/or O.C.G.A. §§ 9-5-1, 23-3-1 et seq.:

- a. Decertify the certification of the results of the Contested Election by Respondent counties and the Secretary of State;
- b. Enjoin the Secretary of State from appointing the Electors to the Electoral College;
- c. Order expedited discovery and strict compliance with all existing and future open records requests;
- d. Order Respondents to preserve any and all evidence concerning election documents as contemplated by O.C.G.A. § 21-2-52, including without limitation, applications, envelopes (whether exterior or interior envelopes, and whether stamped or not), and any and all ballots;
- e. Require Respondents to immediately fulfill their obligations under the Election Code to properly maintain and update Georgia's list of registered voters to remove ineligible voters;

- h. Prevent Respondents from allowing unqualified, unregistered, and otherwise ineligible individuals from voting in Georgia elections, including but not limited to the upcoming January 5, 2021 run-off;
- i. Require an immediate audit of the signatures on absentee ballot applications and ballots as described in Exhibit 16;
- j. Order a new Presidential Election to occur at the earliest opportune time; and
- 1. For such other relief that this Court deems just and proper under the circumstances.

1.

The date by which electors must vote in their respective states is not December 8, 2020, but rather January 6, 2020. Thus, Petitioner's Petition is not moot or rendered moot, and is ripe to be heard on an expedited basis.

2.

Assuming the electors pledged to Trump meet on December 14, 2020, to cast their votes in the state capitol and send their votes to the President of the Senate in time to be opened on January 6, 2020, a Court decision or state legislature action rendered after December 14, 2020 should be considered timely.

3.

As Justice Ginsburg noted in *Bush v. Gore*, the date which has "ultimate significance" under federal law is the "sixth day of January." 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

4.

Such ripeness is further illustrated by precedent from the 1960 presidential election.

5.

In that election, the electors from Hawaii pledged to Vice President Nixon cast their ballots with certificates in hand from the governor of Hawaii certifying that Nixon had won the state by 141 votes.

6.

Kennedy's electors nonetheless met and voted on the day prescribed for the meeting of electors (December 19, 1960).

7.

On the same day, a Hawaii court ordered a recount of the entire state.

8.

On December 28<sup>th</sup> the Hawaii courts issued a final decision finding that Kennedy had in fact won the state by 105 votes.

9.

Because the Kennedy electors had taken care to vote on the proper day and the governor signed an amended certificate of election which was then reissued in time to be counted in Congress the electoral votes were awarded to Kennedy.

10.

As supported by the 1960 Kennedy-Nixon contest, the real safe harbor deadline is therefore January 6, 2021 and under *Bush v. Gore*, January 6 is the date the Senate and House meet for the counting of electoral votes and 3 U.S.C. § 15 controls when the Senate and House determine "the validity of electoral votes." *Id.* 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

11.

Thus, January 6, 2021 is the first date on which any electoral votes are actually counted. On that date, the Twelfth Amendment directs, "[t]he President of the Senate shall, in the presence



of the Senate and House of Representatives, open all the certificates and the votes shall then be counted."

12.

Art. II, § 1, cl. 4, gives Congress the power to specify the date "on which [the electors] shall give their votes, which Day shall be to same throughout the United States." Exercising that power, Congress has mandated that the electors "shall meet and give their votes on the first Monday after the second Wednesday in December" — this year, December 14, 2020 — "at such place in each State as the legislature of such State shall direct." 3 U.S.C. § 7.

13.

Article II requires that all electors throughout the United States vote on the same day, whether Congress could validly count electoral votes cast on a later date. The basic responsibility of the electors is to "make and sign six certificates of the votes given by them" for President and Vice President, 3 U.S.C. § 9; "seal up the certificates so made by them," *Id.*, § 10; and forward them by registered mail to the President of the Senate and to other officials. *Id.*, § 11. These actions are carried out without any involvement by state officials.

14.

It is also clear, that if, before the electors cast their votes, the candidates for whom they are voting have been issued certificates of election, it is the duty of the governor to deliver the certificates to the electors "on or before the day" they are required to meet, *Id.* at § 6, and the electors are then to attach the certificates to the electoral votes they transmit to the President of the Senate. *Id.* § 9.

12.

But nothing in federal law requires States to resolve controversies over electoral votes prior to the meeting of the electors. Indeed, there is no set deadline for a State to transmit to Congress a certification of which slate of electors has been determined to be the valid one. The duty of the state governor is merely to transmit the certification "as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment...." *Id.* § 6.

13.

The "safe harbor" provision of the Electoral Count Act, which purportedly mandates that a final result reached in a State by the safe harbor date "shall be conclusive" when votes are counted in Congress. 3 U.S.C. § 5. There is no legal authority stating that the Electoral Count Act, enacted by the 5<sup>th</sup> Congress in 1877, can have any binding effect on the 117<sup>th</sup> Congress which will convene on January 3, regarding its authority and obligation to count electoral votes as it sees fit. The Senate, which convenes in January, has the inherent authority to set whatever rules it wishes for deciding challenges to the electoral votes cast in the 2020 election. This is consistent with Art. I, § 5, providing that "[each House may determine the Rules of its Proceedings...."

14.

Thus, since the true deadline is January 6, 2020, this action is not rendered moot and this action is ripe to proceed.

**LEGAL STANDARD AND RELEVANT FACTS**

13.

The emergency preliminary, interlocutory, and permanent injunctive relief requested by Petitioners in this Second Motion is necessary in light of Defendants' past conduct as alleged in the Verified Petition, incorporated herein by reference, and their stated intentions as to future conduct, including a refusal to certify three different prior certifications of a Presidential election where there is "sufficient evidence to change or place in doubt the result" due to "Misconduct, fraud or irregularity" by any "election official." O.C.G.A. § 21-2-522.

14.

In the absence of an emergency temporary restraining order, preliminary and interlocutory injunctions, Petitioner (and the Citizens of Georgia and the United States) will suffer immediate and irreparable harm for which there is no adequate remedy at law, while injunctive relief, if granted, will cause no harm or prejudice to Respondents, and will uphold the Declared public policy of this State to "protect the integrity of the democratic process and to ensure fair elections for constitutional offices ... " O.C.G.A. § 21-5-2.

15.

Respondents have a duty to implement the rules and regulations of the State Election Board which in part is "to obtain uniformity in the practices and proceedings..." of elections as well as "the legality and purity in all .... elections." O.C.G.A. § 21-2-31.

16.

Immediate and irreparable injury, loss, or damage will result to the Petitioners (as well as the Citizens of Georgia and the United States) if the requested emergency preliminary, interlocutory, and permanent injunctive relief is not granted because the Verified Petition alleges and sets forth and

attaches actual data proof based on presumptively<sup>1</sup> accurate government documents that the 2020 election was not "fair[ly], legal[ly] and orderly" conducted. O.C.G.A. § 21-2-50.

17.

There will be immediate and irreparable damage to the President in his capacity as a Candidate for President if the wrong electoral slate is allowed to vote, thereby denying him Georgia's electoral votes. Petitioner David Schaffer in his official capacity as a presidential elector and in his personal capacity as a registered voter in the State of Georgia by being precluded from voting as an elector.

18

There will be immediate and irreparable damage to the Citizens of Georgia by allowing an illegal, improper, fraudulent, irregular, error-ridden presidential election to be certified by an election official that is a "Violator" as defined in O.C.G.A. § 21-2-2(37), thereby improperly appointing Georgia's electors for Mr. Biden even though the Contested Election is in doubt and sufficient evidence exists to change the result of the election. *See Verified Complaint and Declarations/Affidavits attached thereto.*

19.

There will be irreparable damage to the Citizens of Georgia through their loss of confidence in the integrity of the democratic election process by virtue of 1) the illegal votes included in the tabulations of the Contested Election, and 2) permitting an election official "Violator" to continue to willfully violate provisions of the Election Code. The foregoing and the declared public policy of this State outweighs any potential harm to Respondents.

---

<sup>1</sup> O.C.G.A. §803-8 et seq.

20.

Granting the requested relief will not disserve the public interest, on the contrary, it is the stated public policy of this State to require such relief in connection with elections.

21.

Movants will be irreparably injured in the event the prayed for injunctive relief is not granted. Specifically, President Trump will be denied votes to which he is entitled in the electoral college and potentially denied election to the presidency. David Schaffer, will be denied his ability cast a vote as a member of the Electoral College for President Trump, and further his vote as a qualified Georgia voter will be diluted.

22.

It is further in the public interest and public policy to grant Movant's request for emergency injunctive relief so that Georgia voters can have confidence that the January 5, 2021, Senate election is conducted in accordance with the Election Code and is a "pure" election free from "misconduct, fraud or irregularity" that substantially alters the election.

23.

Movants are further entitled to the injunctive relief sought herein because there is a substantial likelihood of success on the merits as the alleged misconduct, fraud or irregularity calls into question validity of cast ballots that *exceed the delta of the votes* that Mr. Biden currently holds in the election above Petitioner Trump, as Candidate. These same irregularities, if not enjoined, shall substantially impact the upcoming Senate runoffs and will perpetuate fraud, misconduct and irregularity that is repugnant to our democratic process and the required "purity" (O.C.G.A. § 21-

2-31) of elections in the State of Georgia; and the certification will be put in place by a "Violator."  
(O.C.G.A. § 21-2-2(37))

24.

The damage to Petitioners is not readily compensable by money.

25.

The balance of equities favors entry of a temporary restraining order, interlocutory, and/or preliminary emergency injunctive relief, or other equitable relief imposed by this Honorable Court, against Respondents and would not be adverse to any conceivable legitimate public interest.

26.

As early as possible, notice to Respondents of this Second Motion for Emergency Injunctive Relief will be made via email and / or telephone. Service of the Verified Petition is also in the process of being served on the State Election Board as required by law.

#### **ARGUMENT AND CITATION OF AUTHORITIES**

Pursuant to O.C.G.A. § 9-11-65 *et seq.*, a temporary restraining order and an interlocutory injunction may be issued *if it clearly appears from specific facts shown by an affidavit or by the Verified Complaint that immediate and irreparable injury, loss or damage will result to Plaintiff.* O.C.G.A. § 9-11-65 *et seq.* (Emphasis added.) An interlocutory injunction and TRO "are designed to preserve the status quo pending a final adjudication of the case, and in so doing, the trial court must balance the conveniences of the parties pending the final adjudication, with consideration being given to whether greater harm might come from granting the injunction or denying it." *Bijou Salon & Spa, LLC v. Kensington Enterprises, Inc.*, 283 Ga. App. 857, 860, 643 S.E.2d 531 (2007).

A trial court "may issue an interlocutory injunction to maintain the status quo until the final hearing if, by balancing the relative conveniences of the parties, it determines that they favor the party seeking the injunction." *Hampton Island Founders v. Liberty Capital*, 283 Ga. 289, 293, 658 S.E.2d 619 (2008). "***There must be some vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.***" *Id.* (Emphasis added.) The granting and continuing of injunctions "shall always rest in the sound discretion of the judge, according to the circumstances of each case" and "this power shall be prudently and cautiously exercised and, except in clear and urgent cases, should not be resorted to." *O. C. G.A. § 9-5-8*. Moreover, equity itself requires under *O.C.G.A. § 5-9-1, 23-3-1 et seq.* that this Honorable Court exercise its inherently vested "equitable powers" to impose extraordinary measures through equitable relief.

Here, it clearly appears from the Verified Petition and from the impending certification of the 2020 election has been tainted by misconduct, fraud or irregularity based on evidence that sufficiently may change the outcome of the 2020 and 2021 elections or place in doubt the result of same, that there is a vital necessity for the issuance of the injunction; otherwise, Petitioners will be irreparably harmed and the entire election process shall be called into doubt.

First, as many as 2,560 felons with uncompleted sentences were allowed to register to vote and cast ballots.

Second, at least 66,247 under-aged and therefore ineligible people illegally registered to vote and subsequently voted.

Third, 4,926 individuals registered to vote in another state after having registered in Georgia, effectively unregistering them as qualified voters in Georgia. At least 395 such individuals voted.



Fourth, at least 15,700 individuals voted in Georgia who filed a national change of address form with the United States Post office.

Fifth, at least 40,279 individuals who moved across counties lines at least 30 days prior to Election Day and failed to reregister after having moved voted.

Sixth, 1,043 registered to vote using a post office box as their habitation in violation of state law.

Seventh, as many as 10,315 deceased persons voted in the Contested Election.

Eight, Respondents violated state law with respect to signature verification of absentee ballots.

Ninth, Respondents allowed at least 92 individuals to vote whose absentee ballots were returned and accepted prior to the individual requesting an absentee ballot.

Tenth, Respondents allowed at least 50 individuals to vote whose absentee ballots were returned prior to the earliest date that absentee ballots were permitted by law to be sent out.

Eleventh, the Secretary of State has admitted that multiple county election boards, supervisors, employees, election officials and their agents failed to follow the Election Code and State election Board Rules and Regulations, and called for several resignations.

Twelfth, Fulton County committed fraud with how they claimed a "pipe burst" and when they claimed they had finished counting ballots for the night and required all Republican monitors and members of the public to leave the State Farm Arena before they resumed counting ballots.

Thirteenth, the Board of Elections and Registration of Coffee County submitted a letter to the Georgia Secretary of State regarding inconsistencies with its electronic recount performed and regarding its refusal to certify electronic results (which is attached to the Amended Petition) and a letter to the Georgia House Governmental Affairs Committee containing an election summary report containing inconsistencies (which is attached hereto as **Exhibit A**). And the Supervisor of the Coffee County Board of Elections is recorded on video depicting systematic problems with their voting tabulation machines. A copy of this video will be provided to the Court and has been tendered as part of Exhibit 17 to the Petition. There are also photographs attached to an exhibit of an election official monitor ignoring his official duties. *See* (**Exhibit B** attached hereto and incorporated herein).

Fifteenth, there are a myriad of other election irregularities detailed in the Complaint and its attached exhibits incorporated by reference herein.

Simply put, if immediate emergency injunctive relief is not granted, irreparable harm and injury to Petitioners will result.

WHEREFORE, Petitioners pray for the following relief:

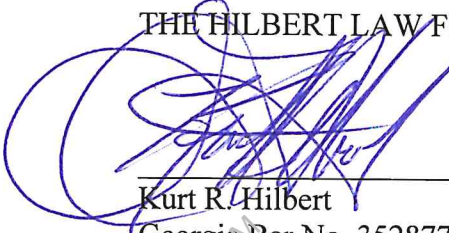
- (1) That the Court and/or Special Master issue a RULE NISI *instanter* and that the Court conduct an emergency hearing on this Motion;
- (2) That the Court issue a temporary restraining order, interlocutory and preliminary injunction, and/or other injunction or equitable relief in favor of Petitioners;
- (3) That the Court grant expedited discovery proceedings in this action, and limit the time for response accordingly along with entry of any applicable or necessary Protective

Orders to protect personal identifying information and other potentially sensitive information;

- (4) And for such other and further relief as is just, proper and equitable.

Respectfully submitted, this 11<sup>th</sup> day of December 2020.

THE HILBERT LAW FIRM, LLC



Kurt R. Hilbert

Georgia Bar No. 352877

Attorneys for Petitioners

205 Norcross Street  
Roswell, GA 30075  
T: (770) 551-9310  
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E: khilbert@hilbertlaw.com

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**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-chairman  
C.T. Peavy, Member

224 West Ashley Street  
Douglas, GA 31533  
(912) 384-7018  
FAX (912) 384-1343  
E-Mail: [misty-hampton@coffeecounty-ga.gov](mailto:misty-hampton@coffeecounty-ga.gov)

Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jil Riddlehoover Elections Assistant

12/04/2020

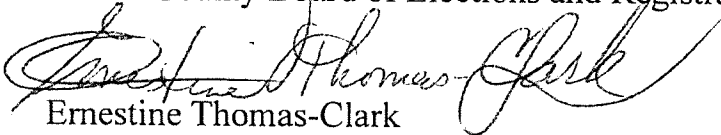
Brad Raffensperger  
214 State Capitol  
Atlanta, GA. 30334

Dear Mr. Raffensperger,

The Coffee County Board of Elections and Registration cannot certify the electronic recount numbers given its inability to repeatably duplicate creditable election results. Any system, financial, voting, or otherwise, that is not repeatable nor dependable should not be used. To demand certification of patently inaccurate results neither serves the objective of the electoral system nor satisfies the legal obligation to certify the electronic recount.

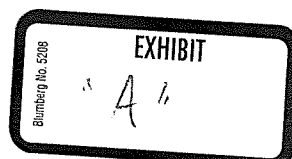
I am enclosing a spread sheet which illuminates that the electronic recount lacks credibility. NO local election board has the ability to reconcile the anomalies reflected in the attached. Accordingly, the Coffee County Board of Elections and Registration have voted to certify the votes cast in the election night report. The election night numbers are reflected in the official certification of results submitted by our office.

Respectfully,  
Coffee County Board of Elections and Registration

  
Ernestine Thomas-Clark  
Chairperson

Signed by Chairperson by expressed permission and consent of 100% of the board.

cc  
Dominic LaRiccia  
Tyler Harper



[illegible]

**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

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Wendell Stone, Vice-chairman  
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Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jill Riddlehoover, Elections Assistant

December 10, 2020

House Governmental Affairs Committee  
Elections Investigative Hearing  
Shaw Blackmon – Chairman  
401 State Capitol  
Atlanta, Ga. 30334

We want to thank the Governmental Affairs Committee for allowing the Coffee County Board of Election's to express its dilemma regarding certifying the electronic recount performed in the November 3, 2020 General Election. As you know, the certification process requires the Election Supervisor to swear under oath and under penalty of perjury that the certified votes are a true and accurate reflection of the count, or recount. In the instant case, the Election Supervisor of Coffee County could not honestly make such an attestation given the inherent inconsistencies existing within the electronic summary report generated by the Dominion voting system.

The basis for the dilemma is simple the election summary report for the electronic recount tabulated votes in a manner that resulted in more collective votes being cast for the Presidential candidates than the total number of votes reflected within the report. The inconsistent count could not be reconciled.

This fact (inherent inconsistency) alone was grounds not to certify the election based on the Dominion data set and report. However, the reluctance to certify the electronic recount was compounded where those results were considered in context with the two prior vote count results.

As this committee knows, a hand count of the original General Election balloting occurred on November 16 – November 17. Coffee County's hand count yielded one more ballot than was reflected on the ballot count on election night. At the direction of the Secretary of State, if the hand count yields a net vote difference of less than five votes, the board was instructed to certify the original vote tally. Coffee County certified on the original elections results on November 9, 2020.

The election report used to certify the original election results was internally consistent, meaning that the sum of the votes for each presidential candidate equaled the total votes reflected on the report. The hand count also yielded the same internal consistency within the report. See Exhibit 5. It is worth noting that we believe Dominion election reports generated in prior elections were likewise internally consistent. The internal inconsistency of the election summary report stands in stark contrast to all other prior elections.

To this application we have attached the following exhibits:

- Exhibit 1: Election Night Summary Report
- Exhibit 2: Recount Data

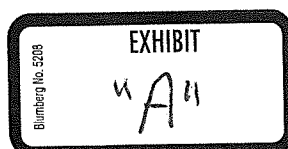


Exhibit 3: Electronic Electron Summary Report  
Exhibit 4: Letter to Secretary of State  
Exhibit 5: Spreadsheet with results (corrected)  
Exhibit 6: Certification Form

Exhibit 5 is a spreadsheet that summarizes the discrepancies thus far described. A review of Exhibit 5 illustrates the two glaring problems presented to the Coffee County Board of Elections. The report relating to the recount is patently inaccurate on its face. Moreover, if one is to consider the electronic recount in light of the two prior vote counts, there is no way the vote tally reflected in that report could be accurate. It is not credible to accept that the original count and the hand count, under counted the total ballots by material number of ballots. Considering the inherent inconsistency of the electronic recount data, and its unlikely accuracy when compared to the first two vote counts, the Coffee County Board of Elections refused to certify the electronic recount based on the mandate of the certification form.

The decision not to certify the electronic recount was the result of a unanimous vote by Coffee County Board of Elections. However, this decision was not made until the Board could first have the data reviewed and explained by its Dominion representative. The data reflected in this statement was presented to the representative. He had NO explanation for the inaccuracies. He could not reconcile the electronic recount report data or explain how it so dramatically differed from the two prior counts. Knowing this decision would certainly be scrutinized, the Board sent a letter explaining its dilemma, its decision and the supporting spreadsheet to the Secretary of State. This letter was sent to Brad Raffensperger, on Friday, December 4, 2020.

That same day, the Election Supervisor also communicated directly with Chris Harvey, Director of Elections about the findings and the decision. No one could explain what was wrong or what to do. No one from the Secretary of State's office came to help the Board determine if it made an error or if the inaccuracies are Dominion software related.

This committee must understand, in this same election cycle, we identified other problems with the Dominion System and reported the same to the Secretary of State. On November 13, 2020 a letter was written to the Secretary of State identifying other serious concerns. A copy of that letter and other relevant documents are attached as Exhibit 7. Our Board members and Election Supervisor have called the Secretary of State's office to both report these issues as well as ask for help to address those problems. All our concerns and requests for help have fallen on deaf ears.

One can understand why today, December 10, 2020, our Board is dismayed to learn that the Secretary of State has opened an "investigation" into our handling of the recount. We learned this not from the Secretary of State but through WALB News where Chris Harvey provided a statement for the media. Mr. Harvey did not show us the courtesy of a phone call.

The same is true as relates to a video created at a Coffee County Board of Elections meeting which is now widely distributed via the internet. This video demonstrates how the Dominion system can be manipulated to alter existing ballot results or create voter ballots out of thin air. This security issue was first discovered by the Coffee County Board of Elections supervisor in June, 2020. It was made known to some but not all of the Board members. Importantly however, the findings were reported to our State Representative Dominic LaRiccia on or about June 10, 2020, with the hope that someone unassociated with Dominion would scrutinize this problem. The board never heard a word from Mr. LaRiccia or anyone from the Secretary of State's office or state government.



After the Presidential election was over, national attention focused on whether Dominion software could be manipulated to impact election results. Having previously demonstrated this fact, the full Board wanted to have this process documented during an open meeting. The video that captured this demonstration, along with other documents were requested to be produced via an Open Records Request. The content became public knowledge through this third-party request.

The Coffee County Board of Elections has for many months reported various aspects of these problems to the Secretary of State receiving no assistance in correcting these problems. As for the investigation, the Secretary of State chose not to assist us or help evaluate the root cause of the refusal to certify the election recount but certified the statewide election results despite our findings. The Coffee County Board of Elections took action which it believed accurately reflected the accurate vote of its citizens and certified that vote. If it has done so erroneously, it has been done, not nefariously or belligerently but honestly, humbly and with but one goal: to certify the true vote of the citizens of Coffee County.

This is particularly disappointing given that Eric Chaney personally called Chris Harvey and Dennis Carbone on November 13, 2020 to express his concerns over the Dominion System. Mr. Harvey nor Mr. Carbone returned this phone call. But the deafening silence from people in authority regarding our concerns go back to June 2020; their indifference is unfortunate.

As Exhibit 8 we have attached a list of individuals who, prior to Monday December 7, 2020, were made aware of some or all of the problems reflected in this statement. Not one person has offered any solution or explanation for these issues. The Secretary of State has been AWOL.

We look forward to our "investigation" which begins Friday. We stand ready to take any necessary action to correct any problems which are supported by the law and facts, even if we mistakenly erred in our decisions.

Respectfully,

A handwritten signature in black ink, appearing to be 'Eric Chaney', written over a diagonal watermark that reads 'RETRIEVED FROM DEMOCRACYDOCS.COM'.

Eric Chaney  
Coffee County Board Member

# EXHIBIT LIST

1. Election night summary report
2. Hand recount election summary
3. Electronic recount ESR
4. Letter to Secretary State (Dec. 4<sup>th</sup>, 2020)
5. Spread sheet summary election results (correction)
6. Certification form
7. Letter to Secretary of State (Nov 11<sup>th</sup>, 2020)
8. People aware of problems prior to Monday Dec 7<sup>th</sup>, 2020

# EXHIBIT 1

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**Election Summary Report**

General Election

COFFEE

November 03, 2020

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

OFFICIAL AND COMPLETE

Precincts Reported: 6 of 6 (100.00%)

Registered Voters: 15,277 of 25,114 (60.83%)

Ballots Cast: 15,277

**President of the United States (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,574	1,936	13	15,277 / 25,114	60.83%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		2,587	7,066	917	8	10,578	
Joseph R. Biden (Dem)		1,100	2,411	995	5	4,511	
Jo Jorgensen (Lib)		41	67	17	0	125	
Total Votes		3,728	9,544	1,929	13	15,214	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Loren Collins	WRITE-IN	0	0	0	0	0	
Gloria La Riva	WRITE-IN	0	0	0	0	0	
Unresolved Write-In		10	12	1	0	23	

**US Senate (Perdue) (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,574	1,936	13	15,277 / 25,114	60.83%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
David A. Perdue (I) (Rep)		2,535	6,981	899	9	10,424	
Jon Ossoff (Dem)		1,067	2,298	913	3	4,281	
Shane Hazel (Lib)		85	155	46	0	286	
Total Votes		3,687	9,434	1,858	12	14,991	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		5	8	1	0	14	

## Public Service Commission District 4 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Lauren Bubba McDonald, Jr. (I) (Rep)		2,375	6,662	871	7	9,915	
Daniel Blackman (Dem)		1,008	2,156	910	3	4,077	
Nathan Wilson (Lib)		87	144	37	1	269	
Total Votes		3,470	8,962	1,818	11	14,261	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		2	4	2	0	8	

## US House District 12 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		3,754	9,574	1,936	13	15,277 / 25,114	60.83%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Rick W. Allen (I) (Rep)		2,483	6,909	916	7	10,315	
Liz Johnson (Dem)		1,054	2,247	938	4	4,243	
Total Votes		3,537	9,156	1,854	11	14,558	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		1	3	0	0	4	

## State Senate District 7 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Tyler Harper (I) (Rep)		2,948	7,790	1,216	7	11,961	
Total Votes		2,948	7,790	1,216	7	11,961	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		54	166	51	0	271	

Page: 5 of 8

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**Sheriff (Vote for 1)**  
**NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Doyle T. Wooten (I) (Rep)		3,058	8,018	1,396	9	12,481	
Total Votes		3,058	8,018	1,396	9	12,481	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		49	124	44	0	217	

**Tax Commissioner (Vote for 1)**  
**NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Shanda Henderson (I) (Rep)		3,132	8,175	1,412	9	12,728	
Total Votes		3,132	8,175	1,412	9	12,728	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		15	61	33	0	109	

**Surveyor (Vote for 1)**  
**NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Adam H. Evans (I) (Rep)		3,004	7,933	1,350	9	12,296	
Total Votes		3,004	7,933	1,350	9	12,296	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		18	66	26	0	110	

## County Commission District 5 (Vote for 1) NP

Precincts Reported: 5 of 5 (100.00%)

Times Cast		Election Day	Advanced Vot	Absentee by	Provisional	Total	
		1,134	1,916	345	6	3,401 / 5,144	66.12%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Ted Osteen (I) (Rep)		946	1,604	255	1	2,806	
Total Votes		946	1,604	255	1	2,806	
Unresolved Write-In		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		0	7	9	0	16	

## Soil and Water - Altamaha (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Vot	Absentee by	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Total Votes		0	0	0	0	0	
Unresolved Write-In		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		412	938	178	0	1,528	

## Constitutional Amendment #1 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Vot	Absentee by	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
YES		2,520	6,513	1,342	5	10,380	
NO		827	2,133	399	3	3,362	
Total Votes		3,347	8,646	1,741	8	13,742	
Unresolved Write-In		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		0	0	0	0	0	



# EXHIBIT 2

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## Hand Recount Recap

##### BATCH RESULTS #####										
Jurisdiction	Batch Name	Batch Type	Trump	Biden	Jorgensen	Invalid Write-In	Valid Write-In	Blank/Unde	Overvote	
COFFEE	1	Absentee By Mail	441	1	17	0	0	0	0	0
COFFEE	2	Absentee By Mail	484	527	0	0	0	0	0	0
COFFEE	3	Absentee By Mail	0	474	0	0	0	0	0	0
COFFEE	10	Election Day	376	565	0	0	0	0	0	0
COFFEE	11	Election Day	879	185	95	0	0	0	0	0
COFFEE	12	Election Day	489	182	13	0	0	0	0	0
COFFEE	13	Election Day	625	0	0	0	0	0	0	0
COFFEE	14	Election Day	872	0	0	0	0	0	0	0
COFFEE	15	Election Day	966	0	0	0	0	0	0	0
COFFEE	16	Election Day	1071	430	0	0	0	0	0	0
COFFEE	17	Election Day	0	0	0	23	0	0	0	0
COFFEE	4	Election Day	393	8	0	0	0	0	0	0
COFFEE	5	Election Day	1046	7	0	0	0	0	0	0
COFFEE	6	Election Day	866	639	0	0	0	0	0	0
COFFEE	7	Election Day	461	592	0	0	0	0	0	0
COFFEE	8	Election Day	674	316	0	0	0	0	0	0
COFFEE	9	Election Day	935	585	0	0	0	0	0	0
Election Day			9653	3509	17	23		13202	Total Votes	
Absentee By Mail			925	1002	108			2035	Total Votes	

10598 4511 125 \* 15,237

This total did not include the additional ballot (15,238) based on SOS guidance.

# EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

**Election Summary Report**

General Election

COFFEE

November 03, 2020

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

OFFICIAL AND COMPLETE RECOUNT

Precincts Reported: 6 of 6 (100.00%)

Registered Voters: 15,327 of 25,114 (61.03%)

Ballots Cast: 15,327

**President of the United States (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,379	0	1,948	0	15,327 / 25,114	61.03%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		9,671	0	926	0	10,597	
Joseph R. Biden (Dem)		3,519	0	1,001	0	4,520	
Jo Jorgensen (Lib)		119	0	17	0	136	
Total Votes		13,309	0	1,944	0	15,253	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Loren Collins	WRITE-IN	0	0	0	0	0	
Gloria La Riva	WRITE-IN	0	0	0	0	0	
Unresolved Write-In		5	0	0	0	5	

**US Senate (Perdue) (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,379	0	1,948	0	15,327 / 25,114	61.03%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
David A. Perdue (I) (Rep)		9,525	0	906	0	10,431	
Jon Ossoff (Dem)		3,375	0	917	0	4,292	
Shane Hazel (Lib)		248	0	45	0	293	
Total Votes		13,148	0	1,868	0	15,016	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		13	0	1	0	14	

## Public Service Commission District 4 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Lauren Bubba McDonald, Jr. (I) (Rep)		9,037	0	873	0	9,910	
Daniel Blackman (Dem)		3,167	0	912	0	4,079	
Nathan Wilson (Lib)		237	0	38	0	275	
Total Votes		12,441	0	1,823	0	14,264	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		6	0	2	0	8	

## US House District 12 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,379	0	1,948	0	15,327 / 25,114	61.03%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Rick W. Allen (I) (Rep)		9,398	0	921	0	10,319	
Liz Johnson (Dem)		3,308	0	939	0	4,247	
Total Votes		12,706	0	1,860	0	14,566	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		4	0	0	0	4	

## State Senate District 7 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Tyler Harper (I) (Rep)		10,743	0	1,219	0	11,962	
Total Votes		10,743	0	1,219	0	11,962	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		219	0	53	0	272	

## Sheriff (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Doyle T. Wooten (I) (Rep)		11,081	0	1,396	0	12,477	
Total Votes		11,081	0	1,396	0	12,477	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		173	0	46	0	219	

## Tax Commissioner (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Shanda Henderson (I) (Rep)		11,314	0	1,414	0	12,728	
Total Votes		11,314	0	1,414	0	12,728	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		76	0	35	0	111	

## Surveyor (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Vot	Absentee by	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Adam H. Evans (I) (Rep)		10,944	0	1,352	0	12,296	
Total Votes		10,944	0	1,352	0	12,296	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		84	0	28	0	112	

## County Commission District 5 (Vote for 1) NP

Precincts Reported: 5 of 5 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		3,066	0	350	0	3,416 / 5,144	66.41%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Ted Osteen (I) (Rep)		2,553	0	255	0	2,808	
Total Votes		2,553	0	255	0	2,808	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		7	0	9	0	16	

## Soil and Water - Altamaha (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Total Votes		0	0	0	0	0	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		1,350	0	178	0	1,528	

## Constitutional Amendment #1 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
YES		9,041	0	1,342	0	10,383	
NO		2,961	0	399	0	3,360	
Total Votes		12,002	0	1,741	0	13,743	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		0	0	0	0	0	



# EXHIBIT 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-chairman  
C.T. Peavy, Member

224 West Ashley Street  
Douglas, GA 31533  
(912) 384-7018  
FAX (912) 384-1343  
E-Mail: [misty-hampton@coffeecounty-ga.gov](mailto:misty-hampton@coffeecounty-ga.gov)

Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jil Riddlehoover Elections Assistant

12/04/2020


Brad Raffensperger  
214 State Capitol  
Atlanta, GA. 30334

Dear Mr. Raffensperger,

The Coffee County Board of Elections and Registration cannot certify the electronic recount numbers given its inability to repeatably duplicate creditable election results. Any system, financial, voting, or otherwise, that is not repeatable nor dependable should not be used. To demand certification of patently inaccurate results neither serves the objective of the electoral system nor satisfies the legal obligation to certify the electronic recount.

I am enclosing a spread sheet which illuminates that the electronic recount lacks credibility. NO local election board has the ability to reconcile the anomalies reflected in the attached. Accordingly, the Coffee County Board of Elections and Registration have voted to certify the votes cast in the election night report. The election night numbers are reflected in the official certification of results submitted by our office.

Respectfully,  
Coffee County Board of Elections and Registration



Ernestine Thomas-Clark

Chairperson

Signed by Chairperson by expressed permission and consent of 100% of the board.

cc

Dominic LaRiccia  
Tyler Harper

[illegible]

# EXHIBIT 5

RETRIEVED FROM DEMOCRACYDOCKET.COM

# DISCREPENCIES IN THE NOVEMBER 3, 2020 GENERAL ELECTION AND RECOUNTS

Date	Activity	Action #	Trump	Biden	Jorgensen	Write-IN*	Total Votes	Internal Delta
11/3/2020	Election Day 1	1	10578	4511	125	23	15237	
11/17/2020	Hand Recount	2	10578	4511	126	NA	15238	
	Compare 2 to 1		0	0	+1		+1	+1
11/30/2020	Electronic Recount	3	10597	4520	136	0	15258	
	Compare 3 to 1		+19	+9	+11			+39
	Compare 3 to 2		+19	+9	+12			+40
11/30/2020	2nd uploaded 185 BALLOTS	4	NO CHANGE	NO CHANGE	NO CHANGE	0	NO CHANGE	
	The tabulated Electronic Recount revealed the above discrepancies							
	Investigation revealed we neglected to run 185 ballots: we then ran these ballots							
	we reviewed the results but there was No Change in Vote Count Despite 185 Ballots Added							
	The on Site Dominion Rep could not explain why system would not update votes							
	The Dominion Rep directed the Board of Elections to make a decision about what to do.							
	FOR SOME REASON NO WRITE-IN COLUMN PRINTED ON THE RECOUNT SUMMARY							
	THERE WAS NO EXPLANATION OR SOLUTION TO THIS PROBLEM							
12/2/2020	Prepare to Certify	5	10597	4520	136	5	15258	
	Compare 5 to 1		+19	+9	+11			+39
	Compare 5 to 2		+19	+9	+12			+40
	There is a discrepancy between Electronic Recount and total votes for both 1 & 2							
	Stated Differently after 3 counts a clear inconsistency exists as one compares the original election counts, the hand recount, and the electronic recount.							
	Anomalies in software recounts create irreconcilable difference in vote count which leaves the Board with no clear guidance as to which count to certify.							
	* Write-IN and NO Votes are NOT included in the Total Votes							

Revised 12/10/2020

# EXHIBIT 6

RETRIEVED FROM DEMOCRACYDOCKET.COM

**CERTIFICATION OF RETURNS FOR:**

**NOVEMBER 3, 2020 GENERAL ELECTION RECOUNT**

\_\_\_\_\_  
(COUNTY)

Instructions: Prepare and print 4 copies of the Election Summary for the General Election (county consolidated vote totals report that is generated by EMS).

Attach copies of this consolidated certification report as follows:

1. White sheet is attached to Election Summary and returned to Secretary of State.
2. Yellow sheet is attached to Election Summary and maintained by Superintendent.
3. Pink sheet is attached to Election Summary and sent to Clerk of Superior Court.
4. Goldenrod sheet is attached to Election Summary and immediately posted at the Courthouse.

ELECTION SUMMARY MUST BE ATTACHED TO THIS FORM

We, the undersigned Superintendent/Supervisor of Elections and his/her Assistants, do jointly and severally certify that the attached Election Summary is a true and correct count of the votes cast in this County for the candidates in the General Election.

In TESTIMONY WHEREOF, We have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. SIGNED IN QUADRUPLICATE.

\_\_\_\_\_  
Assistant

\_\_\_\_\_  
Assistant

\_\_\_\_\_  
Assistant

\_\_\_\_\_  
Assistant

\_\_\_\_\_  
Assistant

\_\_\_\_\_  
Superintendent/Supervisor Of Elections



# EXHIBIT 7

RETRIEVED FROM DEMOCRACYDOCKET.COM

**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-chairman  
C.T. Peavy, Member

224 West Ashley Street  
Douglas, GA 31533  
(912) 384-7018  
FAX (912) 384-1343  
E-Mail: [misty-hampton@coffeecounty-ga.gov](mailto:misty-hampton@coffeecounty-ga.gov)

Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jill Riddlehoover, Elections Assistant

Brad Raffensperger  
2 MLK Jr. Dr. S.E. Ste. 814  
Floyd W Tower  
Atlanta, Ga. 30334

November 11, 2020

Dear Mr. Raffensperger,

During the election conducted on 11/3/2020 the Coffee County Board of Elections and Registration discovered deficiencies in the current Dominion election system. We are writing to ensure you are aware of these and that they may be immediately rectified.

The adjudication process allows the ICC operator to choose how adjudication occurs, i.e. ambiguous marks, over vote, under vote, blank ballots, or ALL ballots. With the setting on "all ballots" we could adjudicate and change votes on all ballots, even if the ballot was correctly and cleanly voted. We believe a statewide standard would be appropriate.

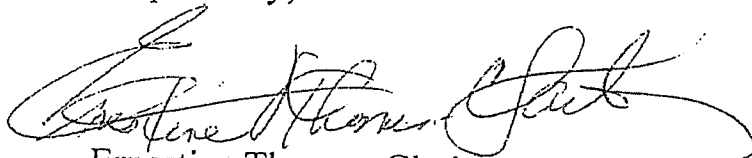
Using the old Diebold system, absentee ballots by mail that have errors would duplicate the voter's intent on a new ballot on all races possible. A representative from the Democratic and Republican Party plus a board member, would all agree on the marking or duplicating the ballot. We, also, all 3 sign the top tab of the ballot that we attach to the void ballot so that we may recreate the process and see who was making the changes. We have proof it was agreed by all.

During the adjudication process with the Dominion system, no such trail can be created. This allows ANYONE to make a change to the vote so there

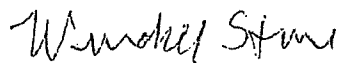
is no accountability. We also believe that the adjudication process may not be observed from any distance beyond that of the operator of the ICC. Given the computer screen it is not possible to observe the change being completed from any further distance.

In a Mockup election we were able to count ballot multiple times. It was during this mockup election we have verified and recreated the above deficiencies

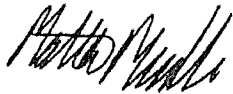
Respectfully,



Ernestine Thomas-Clark

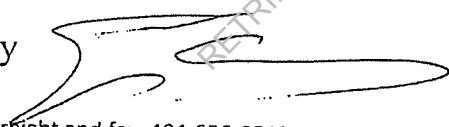


Wendell Stone



Matthew McCullough

Eric Chaney



Delivered by: Overnight and fax 404-656-0513

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# Transmission Log

Coffee Co Commission

Friday, 2020-11-13 16:28

9123840291

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pgs	Status
2020-11-13	16:27	SCAN	09289	0:32	14400	814046560513	1	OK -- V.17 AB31

## COFFEE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Ernestine Thomas-Clark, Chairwoman  
Wendell Stone, Vice-Chairwoman  
C.T. Peavy, Member

224 West Ashley Street  
Douglas, GA 31533  
(912) 384-7018  
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Eric Chaney, Member  
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Brad Raffensperger  
2 MLK Jr. Dr. S.E. Ste. 814  
Floyd W Tower  
Atlanta, Ga. 30334

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During the adjudication process with the Dominion system, no such trail can be created. This allows ANYONE to make a change to the vote so there

USPS Tracking®

FAQs &gt;

Track Another Package +

Tracking Number: EJ475214345US

Remove X

Scheduled Delivery by

MONDAY

**16** NOVEMBER 2020 ⓘ by **3:00pm** ⓘ

## Delivery Attempt

November 14, 2020 at 10:09 am  
 Delivery Attempted - No Access to Delivery Location  
 30334

Get Updates ▾

Feedback

## Text &amp; Email Updates

^

Select what types of updates you'd like to receive and how. Send me a notification for:

Text

Email

☐☐

All Below Updates

☐☐

Expected Delivery Updates ⓘ

☐☐

Day of Delivery Updates ⓘ

☐☐

Package Delivered ⓘ

☐☐

Available for Pickup ⓘ

☐☐

Delivery Exception Updates ⓘ

☐☐

Package In-Transit Updates ⓘ

## Proof of Delivery

^

# EXHIBIT 8

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The following 15 people have received calls or letters identifying the following cartological problems with the Dominion software and other issues.

1. The adjudication processes and the ability to manipulate votes
2. The absence of audit trail to identify who changed data in adjudication process and who witnessed to the adjudication of any given ballot.
3. Change by the SOS in the adjudication process changing the old system which required a rep from each party, plus a board member, to determine the voter's intent.

Under the Dominion adjudication process anyone can adjudicate change a vote with out any oversite or accountability from any neutral 3 party. A single ballot can be scanned and counted multiple times.

4. Multiple complaints and concerns have been logged over training, equipment failure and inexplicable software anomalies.

Secretary of State Brad Raffensperger

Gary Gainous \_\_ Dominion Tech

Dominic LaRicca – State House Representatives for Dist 169 6/10

Butch Miller – Senator 12/3

Mike Dugan – Senator 12/3

Steve Gooch – Senator 12/3

John Kennedy – Senator 12/3

Larry Walker – Senator 12/3

Dean Burke – Senator 12/3

Tyler Harper – Senator 12/3

Blake Tillery 12/3 & 12/4

Cardan Summers 12/3 & 12/8

Cathy Latham 12/7 & 12/8

Whitney Argenbright – Albany News - 12/7

Robert Preston 12/7 & 12/8

Brad Schrade with AJC 12/8





COFFEE COUNTY CLERK/ELECTION OFFICIAL  
VIDEO OF VOTING EQUIPMENT USE

STATE OF GEORGIA

COUNTY OF FULTON

Personally appeared before me, the undersigned officer duly authorized to administer oaths, **MARK AMICK**, who, after having been sworn, deposes and says as follows:

On October 23, 2020, I was recognized by the Secretary of State of the State of Georgia as having been designated by the Republican Party of Georgia to serve as a statewide poll watcher for the November 3, 2020 election.

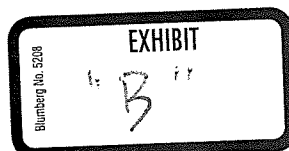
On November 6, I was at State Farm Arena from 8:20 a.m. until approximately 10:15 p.m. where Fulton County election workers were processing provisional ballots, military ballots (UOCAVA), and absentee ballots. I left the premises only between 6:30 and 7:20 p.m. in order to get dinner.

I observed that there was present a representative from the Office of the Secretary of State ("SOS representative") on site. However, this person provided virtually no oversight to the processing and counting of the ballots, instead spending the vast majority of his time at the back of the observation area on his phone.

There were tables and chairs situated in the front part of the viewing area from which one could observe the processing of the ballots at a distance. I arrived in the room by 8:30 a.m. and remained seated or standing at these tables the entire time observing the processing of the ballots except for a few brief restroom breaks and leaving for dinner between 6:30 and 7:20 p.m. Fulton County election workers started processing the ballots at approximately 8:50 a.m.

The SOS representative entered the viewing area sometime in the late morning. I observed that the SOS representative was sitting in the back of the room not observing the processing of the ballots almost the entire time that he was there. Rather than sitting at the tables and chairs provided closest to the area where the ballots were being processed, the SOS representative sat in the back of the room an estimated fifteen to twenty feet further away which would have made it extremely difficult to observe the processing of the ballots in addition to observers sitting in front as well as two camera crews obscuring his view. In addition, the SOS representative was on his phone appearing to be disengaged from the process almost the entire time he was there.

At 1:35pm, a Supervisor stood in the middle of the room to address the workers. The SOS representative was on the floor with him briefly at this time. This was the first time I had actually seen him out on the floor by the workers even though the work had stopped at this time. Upon the end of the announcement, he returned to his chair in the back of the observation area. I observed that the SOS representative in the back of the viewing room on his phone and not watching the processing of the ballots also throughout the afternoon and evening except for two brief stretches as follows. Attached to this affidavit is Exhibit A which includes several images of the SOS representative sitting as described in the back of the room on his phone over my



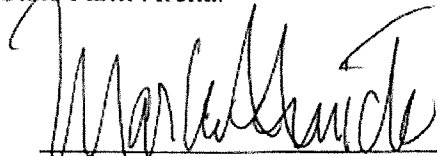


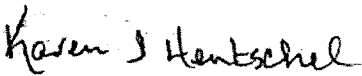
shoulder. What follows are the various activities of the SOS representative I observed that afternoon:

- 4:00 pm – The SOS representative left the room and returned soon after.
- 5:00 pm (approximately) – The SOS representative took a phone call in the hall.
- 5:15 pm (approximately) – The SOS representative stood by the door to the viewing room and watched for approximately 3 minutes. However, he did not enter the room to observe the processing of the ballots. His view would have been very limited from where he was standing at the door due to the configuration of the room.
- 5:20 pm – The SOS representative left the room. He returned a few minutes later and stood at door.
- 5:26 pm – The SOS representative left the room. He returned a few minutes later.
- 5:30 pm – The SOS representative left the room.
- 5:39 pm – The SOS representative returned but someone was in his chair in the back corner so he sat at a different spot in the back along the wall.
- 5:53 pm – The SOS representative walked into the area where they were processing the ballots and spoke with a supervisor.
- 6:02 pm – The SOS returned to his chair in the back corner of the room and did not appear to be paying attention to the processing of the ballots.
- 6:30 - 7:20 p.m. – I left to get dinner for myself and others.
- 7:48 pm – The SOS representative was on the phone down the hall past the bathrooms.
- 7:49 pm – Upon exiting the bathroom, the SOS representative was walking behind me and talking on the phone discussing some concern about the cost of parking.
- 7:58 pm – The SOS representative was in the corner by the door and then went and sat outside the room.
- 8:14 pm – The SOS representative returned to sitting at the back of the room as members of the media had come in and taken up more of the back wall.
- 9:15 pm – The SOS representative was in hall and appeared to be socializing with an election worker or supervisor.

- o 9:22 pm – The worker or supervisor came back in and soon after that the SOS representative returned to his chair at the back of the room.
- o 10:15 pm – I left for the evening.

Other than a few minutes at approximately 1:35pm and 5:15 p.m. and for about 10 minutes at around 5:53 p.m., I personally observed that the SOS representative was not watching or monitoring the processing of the ballots at the State Farm Arena.

  
MARK AMICK



Sworn to and subscribed before me  
this 9<sup>th</sup> day of November, 2020  
and notarized by me on said day.

My commission expires: 2/3/2024



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Exhibit A

2:37pm



3:51pm



4:47pm



5:41pm



CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the above and foregoing *SECOND MOTION FOR EMERGENCY INJUNCTIVE RELIEF AND INCORPORATED BRIEF IN SUPPORT* upon all parties and their counsel via this Court's e-file system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

Brad Raffensperger, in his official capacity as Secretary of State of Georgia

214 State Capitol  
Atlanta, Georgia 30334

Rebecca N. Sullivan, in her official capacity as Vice Chair of the Georgia State Election Board,

214 State Capitol  
Atlanta, Georgia 30334

David J. Worley, in his official capacity as a Member of the Georgia State Election Board

214 State Capitol  
Atlanta, Georgia 30334

Matthew Mashburn, in his official capacity as a Member of the Georgia State Election Board

214 State Capitol  
Atlanta, Georgia 30334

Anh Le, in her official capacity as a Member of the Georgia State Election Board

214 State Capitol  
Atlanta, Georgia 30334

Richard L Barron in his official capacity as Director of Registration and Elections for Fulton County,

141 Pryor St. SW  
Atlanta, GA 30303

Janine Eveler in her official capacity as Director of Registration and Elections for Cobb County

P.O. Box 649  
Marietta, GA 30061-0649

Erica Hamilton, in her official capacity as Director of Voter Registration and Elections for  
DeKalb County  
1300 Commerce Drive  
Decatur, GA 30030

Kristi Royston, in her official capacity as Elections Supervisor for Gwinnett County

455 Grayson Highway  
Lawrenceville, GA 30046

Russell Bridges, in his official capacity as Elections Supervisor for Chatham County

1117 Eisenhower Drive, Suite F  
Savannah, Georgia 31406

Anne Dover, in her official capacity as Acting Director of Elections and Voter Registration for  
Cherokee County,  
2782 Marietta Highway, Suite 100  
Canton, GA 30114

Shauna Dozier, in her official capacity as Elections Director for Clayton County,

112 Smith Street  
Jonesboro, GA 30236

Mandi Smith, in her official capacity as Director of Voter Registration and Elections for Forsyth  
County  
1201 Sawnee Drive  
Cumming, GA 30040

Ameika Pitts, in her official capacity as Director of the Board of Elections & Registration for  
Henry County,

140 Henry Parkway  
McDonough, GA 30253

Lynn Bailey, in her official capacity as Executive Director of Elections for Richmond County

535 Telfair Street  
Augusta, GA 30901

Debra Presswood, in her official capacity as Registration and Election Supervisor for Houston County

801 Main Street - Room 237, P.O. Box 945  
Perry, GA 31069

Vanessa Waddell, in her capacity as Chief Clerk of Elections for Floyd County

12 East 4th Avenue, Suite 20  
Rome, GA 30161

Julianne Roberts, in her official capacity as Supervisor of Elections and Voter Registration for Pickens County,  
83 Pioneer Road  
Jasper, GA 30143

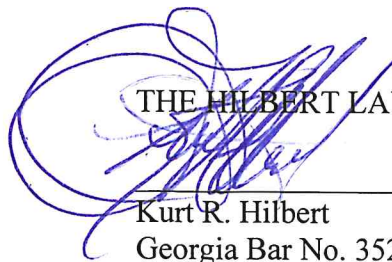
Joseph Kirk, in his official capacity as Elections Supervisor for Bartow County

135 West Cherokee Avenue  
Cartersville, GA 30120

Gerald McCown, in his official capacity as Elections Supervisor for Hancock County

12630 Broad Street  
Sparta, GA 31087

This the 11<sup>th</sup> day of December, 2020.

  
THE HILBERT LAW FIRM, LLC  
Kurt R. Hilbert  
Georgia Bar No. 352877



*Attorneys for Petitioners Donald J.  
Trump and David Shafer*

205 Norcross Street  
Roswell, GA 30075  
T: (770) 551-9310  
F: (770) 551-9311  
E: khilbert@hilbertlaw.com

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# EXHIBIT I

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

DONALD J. TRUMP, in his capacity as a	)	
Candidate for President, <i>et. Al</i>	)	
<i>Petitioners,</i>	)	Civ. Act. No 2020CV343255
	)	
v.	)	
BRAD RAFFENSPERGER, in his official capacity	)	
As Secretary of State of Georgia, <i>et al.</i>	)	
	)	

---

**NOTICE OF APPEAL AND INTENTION TO SEEK WRIT OF CERTIORARI  
TO THE SUPREME COURT OF GEORGIA**

COME NOW THE PETITIONERS, by and through the undersigned counsel, and respectfully inform the Court of their appeal and intention to seek a writ of certiorari to the Supreme Court of Georgia to review the "Order on Case Status" re Withdrawal of Motion for Emergency Injunctive Relief entered on December 9, 2020 at 5:06 PM, attached hereto as Exhibit A. This appeal is timely filed within ten (10) days of the entry of that Order. The Supreme Court has jurisdiction to hear this appeal under Georgia Constitution art. VI, Section VI, Par 2, cl. 2 as this is an Election Contest exclusively vested in the appellate jurisdiction of the Georgia Supreme Court. The Order is void *ab initio* and is a nullity, but is tantamount to a "final" order for purposes of O.C.G.A. § 5-6-34 as Petitioners cannot obtain relief of any kind and nature from this Court, including without limitation, interlocutory, preliminary or permanent injunctive relief, while the Order is entered, and while the Honorable Constance C. Russell remains presiding in the case in direct violation of the Election Code as she is an active sitting judge in Fulton County, Georgia and also a resident of that same county making her legally incapable of adjudicating this case.

The Clerk of Court shall omit nothing from the entire record on appeal and Petitioners hereby request that the record be prepared and expedited to the Supreme Court of Georgia immediately. Petitioners shall pay the costs as necessary for such expeditious preparation of the record.

Respectfully submitted, this 11<sup>th</sup> day of December, 2020



**THE HILBERT LAW FIRM, LLC**

KURT R. HILBERT

GEORGIA BAR NO. 352877

ATTORNEY FOR PETITIONERS

205 Norcross Street  
Roswell, GA 30075  
T: (770) 551-9310  
F: (770) 551-9311  
E: [khilbert@hilbertlaw.com](mailto:khilbert@hilbertlaw.com)

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

DONALD J. TRUMP; IN HIS CAPACITY AS \*  
A CANDIDATE FOR PRESIDENT , \*  
DONALD J. TRUMP FOR PRESIDENT, INC. \*  
DAVID J. SHAFER, IN HIS CAPACITY AS A \*  
REGISTERED VOTER AND PRESIDENTIAL \*  
ELECTOR PLEDGED TO DONALD TRUMP \*  
FOR PRESIDENT, \*  
Petitioners, \*

**Civil Action No. : 2020CV343255**

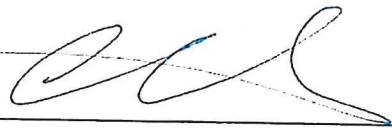
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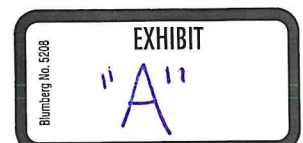
BRAD RAFFENSPERGER, IN HIS OFFICIAL  
CAPACITY AS SECRETARY OF STATE OF  
GEORGIA, et. al.,  
Respondents.

**ORDER ON CASE STATUS**

The action was filed on December 4, 2020. On December 8, 2020 Petitioners filed a voluntary withdrawal of their Motion for Emergency Injunctive Relief. The request for emergency relief having been withdrawn, the action shall proceed in the normal course. All counsel seeking admission pro hac vice must comply with Uniform Superior Court Rule 4.4.

So Ordered This 9 Day of December, 2020.

  
\_\_\_\_\_  
Judge Constance C. Russell  
Fulton County Superior Court  
Atlanta Judicial Circuit



# EXHIBIT J

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a  
Candidate for President, et al.

Petitioner,  
v.

CIVIL ACTION  
FILE NO: 2020CV343255

BRAD RAFFENSPERGER, in his official  
Capacity as Secretary of State of Georgia,  
Et al.

Respondent

STATUS OF REQUEST TO  
APPOINT ADMINISTRATIVE LAW JUDGE

As provided in the notice of December 11, 2020, this Court has received Petitioner's Notice of Emergency Request to Appoint Administrative Law Judge, which, in fact sought a referral to a Judge outside this district. Before this Court had an opportunity to consider such request, the Petitioner filed a Notice of Appeal seeking to present this issue to the appellate courts. Accordingly, this Court will not consider this request until either the appeal is concluded or the notice of appeal is withdrawn.

SO ORDERED this 29<sup>th</sup> day of December, 2020.

  
The Honorable Christopher S. Brasher  
Chief Administrative Judge for  
The Fifth Judicial Administrative District  
Atlanta Judicial Circuit

*Filed and served electronically via eFileGA*



# EXHIBIT K

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**DONALD J. TRUMP**, in his capacity as )  
A Candidate for President, et al. )

Petitioner, )

CIVIL ACTION

FILE NO: 2020CV343255

v. )

**BRAD RAFFENSPERGER**, in his official )  
Capacity as Secretary of State of Georgia, )  
et al. )

Respondent. )

**RENEWED REQUEST TO IMMEDIATELY APPOINT ADMINISTRATIVE LAW  
JUDGE AND MOTION FOR RECONSIDERATION OF THE COURT'S STATUS  
ORDER OF DECEMBER 29, 2020 AND INCORPORATED BRIEF IN SUPPORT**

**COME NOW**, Petitioners, by and through their counsel of record, and file this Renewed Request to Immediately Appoint Administrative Law Judge and For Reconsideration of the Court's December 29, 2020 Status Order respectfully showing as follows:

The Petitioners, including the President of the United States, again respectfully request that this Honorable Court judiciously and expeditiously appoint a judge that is legally eligible to hear this urgent and important case pursuant to O.C.G.A. § 21-2-523 *et seq.* In an abundance of caution, Petitioners further request, therefore, that this Honorable Court deem any Notice of Appeal previously filed be construed as withdrawn, especially since the Georgia Supreme Court dismissed the appeal for lack of jurisdiction, and, therefore, the Court shall immediately cause a judge with the requisite authority to be appointed. *Id.*

As the Court knows, this action was filed on December 4, 2020. It is presumed that Fulton County Superior Clerk of Court did her constitutionally required job as well as complied with her obligations under O.C.G.A. § 21-2-523(c), whereby, "Upon the filing of the contest petition, the

clerk of the superior court having jurisdiction shall *immediately* notify the administrative judge for the judicial administrative district in which that county lies...” (*emphasis added*) which automatically triggers this Court’s obligations under O.C.G.A. § 21-2-523 (b) through (e). Your Honor, Chief Judge Brasher, is the administrative judge for this District. Unfortunately, to date, although notice has been completed, the appointment process has yet to happen, and a preliminary order was entered in the case stating that the case would proceed in the “normal course.” Consequently, Petitioners ask the Court to appoint a proper judge – especially since the Supreme Court of Georgia rejected jurisdiction and/or Petitioners have now withdrawn any known appeal at the Court’s request.

## I. RELEVANT FACTS

The following procedural timeline and facts are outlined below to inform the Court of how this action got to its current status:

- **December 4, 2020:** Petitioners timely filed their Petition in Fulton County Superior Court. Petitioners’ Prayer for Relief (¶ 1) includes a specific request for assignment to a judge that has standing to hear this matter. Additionally, due to the nature of the Petition both the Fulton County Superior Court Clerk and this Court were to coordinate and cooperate in expeditiously assigning this matter to a proper judge with authority to hear this case. The Clerk was also to issue “special process” to the Sheriff for timely service. Rather, service by the Sheriff has been delayed, and the case was improperly assigned to Judge Constance C. Russell – who lacked authority to hear this case under O.C.G.A. § 21-2-523. A true and

correct copy of the Petition (without Exhibits) is attached hereto and incorporated by reference as **EXHIBIT 1.**<sup>1</sup>

- **December 9, 2020:** Judge Constance C. Russell, lacking authority, issued an “Order On Case Status” stating that “...the action shall proceed in the normal course.” No mention of the procedure set forth in O.C.G.A. § 21-2-523 was mentioned. A true and correct copy of the Order On Case Status is attached hereto and incorporated by reference as **EXHIBIT 2.**
- **December 10, 2020:** It appearing that no action would be taken by the Court to obtain the appointment of a judge with authority to hear the Petition, Petitioners unilaterally filed a Notice and Emergency Request to appoint an Administrative law Judge to comply with O.C.G.A. § 21-2-523 (“Notice”). This Notice, in detail, laid out the requirements and the factual predicate for why The Honorable Constance C. Russell could not actively preside over this election contest. A true and correct copy of Petitioner’s Notice of Emergency Request to Appoint Administrative Law Judge is attached hereto and incorporated herein by reference as **EXHIBIT 3.**
- **December 11, 2020:** Without a proper judge or a hearing date, and now with the filing of a Second Emergency Motion for Injunctive Relief<sup>2</sup> pending as well as Judge Russell’s improper Order stating that the Petition would run a “normal” scheduling course,

---

<sup>1</sup> Petitioners have since filed a motion for leave to amend and file its First Amended Petition, which is incorporated herein by reference.

<sup>2</sup> Petitioners withdrew their Emergency Motion to Enjoin the Secretary of State’s 3<sup>rd</sup> Certification of the Presidential Election Results as the Secretary certified the results *prior* to the Petitioner’s having a judge assigned and the hearing of the Emergency Motion. Consequently, Petitioners then filed on December 11, 2020 an Emergency Motion to Decertify the Election Results. Petitioner’s Second *Emergency* Motion remains pending and in abeyance. A true and correct copy of Petitioner’s Second Emergency Motion is attached hereto and incorporated herein by reference as **EXHIBIT 4.**

Petitioners felt compelled to file an Emergency Petition to the Supreme Court of Georgia to seek relief from the Order and to request extraordinary relief to adhere to the Election Code processes and to seek relief from the “normal course” (“Notice of Appeal”). The Notice of Appeal iterated the improper designation of Judge Russell, the improper order entered, and the lack of an eligible presiding judge. A true and correct copy of Petitioner’s Notice of Appeal and Intention to Seek Writ of Certiorari to the Supreme Court of Georgia is attached hereto and incorporated by reference as **EXHIBIT 5**.

- **December 11, 2020:** This Honorable Court acknowledging Petitioners’ “Notice of Emergency Request to Appoint Administrative Judge,” unilaterally filed its own “Notice of Time for Response to Request To Appoint Administrative Law Judge.” The Court asked that objections, if any, to the appointment be made prior to December 16, 2020. No objections were made within the time frame; yet no judge was appointed pursuant to O.C.G.A. § 21-2-523. A true and correct copy of the Court’s Order is attached hereto and incorporated by reference as **EXHIBIT 6**.
- **December 12, 2020:** The very next day, the Supreme Court of Georgia rejected Petitioners’ Emergency Petition for Writ of Certiorari of Judge Russell’s “non-final order” because the “Court [Supreme Court of Georgia] lacks jurisdiction to consider the petition and dismisses it.” To date, no remittitur has been filed by the Supreme Court of Georgia and it is a legal question whether such remittitur is required in this circumstance, and whether the Georgia Supreme Court has ever accepted or retained jurisdiction over this Election Contest. A true and correct copy of the Supreme Court’s Order is attached hereto and incorporated by reference as **EXHIBIT 7**.

- **December 29, 2020:** This Honorable Court entered an order stating that “...this Court will not consider this request [to appoint a Judge] until either the appeal is concluded or the notice of appeal is withdrawn.” A true and correct copy of this Court’s Order is attached hereto and incorporated by reference as **EXHIBIT 8**.
- **December 29, 2020:** Petitioners file this renewed request for the Court to immediately appoint an Administrative Law Judge, and incorporated Motion for Reconsideration and within this request, withdrew any Notice of Appeal or other appeal.

## **II. ARGUMENT AND CITATION OF AUTHORITIES**

The Court has not only the jurisdiction and authority to appoint a judge with standing to hear this Petition under O.C.G.A. § 21-2-523 (b) – (e), but Petitioners request this Court expeditiously make this appointment. The continued delay is becoming a denial of justice. Although this case is brought, in part, by the President of the United States and thus has high political sensitivities and ramifications, it is the *raison d’etre* of the Courts to handle such difficult cases and, above all else, certainly facilitate the procedural mechanisms necessary to afford Petitioners their day in court. Petitioners request neither greater nor lesser justice than available to any other legal person afforded under Georgia law.

It is unquestionable that this Honorable Court has jurisdiction to enter an order appointing an independent administrative judge. At the court’s request, Petitioners have withdrawn any notice of appeal. Seventeen days have expired since the Georgia Supreme Court dismissed the emergency appeal. Eighteen days have expired since this Honorable Court entered its Order requesting that objections, if any, to the appointment be made prior to December 16, 2020. This objection deadline has expired. No objections were filed by any party on or before December 16, 2020. This matter is more than ripe to be assigned a judge with standing to hear this Petition.

Petitioners are unaware of any objection or other impediment, at this time, to the immediate appointment of an administrative law judge. To not immediately appoint an eligible judge, who then follows the process under O.C.G.A. § 21-2-523 would be an abuse of discretion, and a manifest injustice at this juncture. *See Cuffie v. Armstrong*, 355 Ga. App. 471, 471, 843 S.E.2d 599, 601 (2020) citing *Bd. of Regents of the Univ. System of Ga. v. Brooks*, 324 Ga. App. 15, 15-16, 749 S.E.2d 23 (2013) (holding an appellate court reviews a trial court's denial of a motion for reconsideration for abuse of discretion. An abuse of discretion occurs where the trial court significantly misapplies the law or clearly errs in a material factual finding.); *Postell v. Alfa Ins. Corp.*, 332 Ga. App. 22, 28, 772 S.E.2d 793 (2015). To not grant Petitioners request to simply comply with the Election Code appointment process *immediatly*, especially since we have complied with this Court's request to withdraw any notice of appeal, is tantamount to an express violation of Constitutional due process. *See e.g., Chatman v. Mancill*, 280 Ga. 253, 256, 626 S.E.2d 102 (2006) (held due process violation considerations for inordinate appellate delays); *see also, Ferrell v. Young*, 323 Ga. App. 338, 342, 746 S.E.2d 167, 172 (2013) (“[A] statute which confers discretion upon a judge to decide a particular question also imposes a correlative duty to exercise that discretion when the occasion arises.”)

**WHEREFORE**, Petitioners respectfully request that this Honorable Court immediately appoint an administrative law judge, who then will, by statute, appoint the presiding judge over this matter under O.C.G.A. § 21-2-523 (b) – (e), that its Order of December 29, 2020 be vacated *nunc pro tunc*, and for such other and further relief to afford Petitioners their day in court for the merits and evidence to be heard, and to do manifest justice.



Respectfully submitted, this 29<sup>th</sup> day of December, 2020.

  
**THE HILBERT LAW FIRM, LLC**

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Georgia Bar No. 352877  
Lead Counsel for Petitioners

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**SMITH & LISS, LLC**

*/s/ Ray S. Smith, III*

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**DONALD J. TRUMP**, in his capacity as a  
Candidate for President, **DONALD J.  
TRUMP FOR PRESIDENT, INC.**, and  
**DAVID J. SHAFER**, in his capacity as a  
Registered Voter and Presidential Elector  
pledged to Donald Trump for President,

Petitioners,

v.

**CIVIL ACTION FILE NO.**

2020CV343255

**BRAD RAFFENSPERGER**, in his official  
capacity as Secretary of State of Georgia,  
**REBECCA N. SULLIVAN**, in her official  
capacity as Vice Chair of the Georgia State  
Election Board, **DAVID J. WORLEY**, in  
his official capacity as a Member of the  
Georgia State Election Board,  
**MATTHEW MASHBURN**, in his official  
capacity as a Member of the Georgia State  
Election Board, **ANH LE**, in her official  
capacity as a Member of the Georgia State  
Election Board, **RICHARD L. BARRON**,  
in his official capacity as Director of  
Registration and Elections for Fulton  
County, **JANINE EVELER**, in her official  
capacity as Director of Registration and  
Elections for Cobb County, **ERICA  
HAMILTON**, in her official capacity as  
Director of Voter Registration and  
Elections for DeKalb County, **KRISTI  
ROYSTON**, in her official capacity as  
Elections Supervisor for Gwinnett County,  
**RUSSELL BRIDGES**, in his official  
capacity as Elections Supervisor for  
Chatham County, **ANNE DOVER**, in her  
official capacity as Acting Director of  
Elections and Voter Registration for  
Cherokee County, **SHAUNA DOZIER**, in  
her official capacity as Elections Director  
for Clayton County, **MANDI SMITH**, in  
her official capacity as Director of Voter  
Registration and Elections for Forsyth



County, AMEIKA PITTS, in her official )  
 capacity as Director of the Board of )  
 Elections & Registration for Henry )  
 County, LYNN BAILEY, in her official )  
 capacity as Executive Director of Elections )  
 for Richmond County, DEBRA )  
 PRESSWOOD, in her official capacity as )  
 Registration and Election Supervisor for )  
 Houston County, VANESSA WADDELL, )  
 in her capacity as Chief Clerk of Elections )  
 for Floyd County, JULIANNE ROBERTS, )  
 in her official capacity as Supervisor of )  
 Elections and Voter Registration for )  
 Pickens County, JOSEPH KIRK, in his )  
 official capacity as Elections Supervisor )  
 for Bartow County, and GERALD )  
 MCCOWN, in his official capacity as )  
 Elections Supervisor for Hancock County, )  
 Respondents. )

**VERIFIED PETITION TO CONTEST GEORGIA'S PRESIDENTIAL ELECTION  
 RESULTS FOR VIOLATIONS OF THE CONSTITUTION AND LAWS OF THE STATE  
 OF GEORGIA, AND REQUEST FOR EMERGENCY DECLARATORY AND  
 INJUNCTIVE RELIEF**

COME NOW Donald J. Trump, in his capacity as a Candidate for President, Donald J. Trump for President, Inc., and David J. Shafer, in his capacity as a Georgia Registered Voter and Presidential Elector pledged to Donald Trump for President (collectively "Petitioners"), Petitioners in the above-styled civil action, by and through their undersigned counsel of record, and file this, their Verified Petition to Contest Georgia's Presidential Election Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief (the "Petition"), respectfully showing this honorable Court as follows:

## INTRODUCTION

1.

The United States Constitution sets forth the authority to regulate federal elections: “The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.” U.S. Const. art. I, § 4.

2.

With respect to the appointment of presidential electors, the Constitution further provides, “[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress.” U.S. Const. art. II, § 1.

3.

In Georgia, the General Assembly is the “legislature.” *See* Ga. Const. art. III, § 1, para. I.

4.

Pursuant to the legislative power vested in the Georgia General Assembly (the “Legislature”), the Legislature enacted the Georgia Election Code governing the conduct of elections in the State of Georgia. *See* O.C.G.A. §§ 21-2-1 et seq. (the “Election Code”).

5.

Thus, through the Election Code, the Legislature promulgated a statutory framework for choosing the presidential electors, as directed by the Constitution.

6.

In this case, Petitioners present to this Court substantial evidence that the November 3, 2020, Presidential Election in Georgia (the “Contested Election”) was not conducted in accordance with the Election Code and that the named Respondents deviated significantly and substantially from the Election Code.

7.

Due to significant systemic misconduct, fraud, and other irregularities occurring during the election process, many thousands of illegal votes were cast, counted, and included in the tabulations from the Contested Election for the Office of the President of the United States, thereby creating substantial doubt regarding the results of that election.

8.

Petitioners demonstrate that the Respondents’ repeated violations of the Election Code constituted an abandonment of the Legislature’s duly enacted framework for conducting the election and for choosing presidential electors, contrary to Georgia law and the United States Constitution.

9.

Petitioners bring this contest pursuant to O.C.G.A. §21-2-522.

10.

“Honest and fair elections must be held in the selection of the officers for the government of this republic, at all levels, or it will surely fall. If [this Court] place[s] its stamp of approval upon an election held in the manner this one [was] held, it is only a matter of a short time until

unscrupulous men, taking advantage of the situation, will steal the offices from the people and set up an intolerable, vicious, corrupt dictatorship.” *Bush v. Johnson*, 111 Ga. App. 702, 705, 143 S.E.2d 21, 23 (1965).

11.

The Georgia Supreme Court has made clear that it is not incumbent upon Petitioners to show how voters casting irregular ballots would have voted had their ballots been regular. Petitioners “only [have] to show that there were enough irregular ballots to place in doubt the result.” *Mead v. Sheffield*, 278 Ga. 268, 271, 601 S.E.2d 99, 101 (2004) (citing *Howell v. Fears*, 275 Ga. 627, 628, 571 S.E.2d 392, 393 (2002)).

12.

To allow Georgia’s presidential election results to stand uncontested, and its presidential electors chosen based upon election results that are erroneous, unknowable, not in accordance with the Election Code and unable to be replicated with certainty, constitutes a fraud upon Petitioners and the Citizens of Georgia, an outcome that is unlawful and must not be permitted.

#### THE PARTIES

13.

President Donald J. Trump (“President Trump”) is President of the United States of America and a natural person. He is the Republican candidate for reelection to the Presidency of the United States of America in the November 3, 2020, General Election conducted in the State of Georgia.

14.

Donald J. Trump for President, Inc. is a federal candidate committee registered with, reporting to, and governed by the regulations of the Federal Election Commission, established pursuant to 52 U.S.C. §§ 30101 et seq. as the principal authorized committee of President Trump, candidate for President, which also serves as the authorized committee for the election of the Vice Presidential candidate on the same ticket as President Trump (the "Committee"). The agent designated by the Committee in the State of Georgia is Robert Sinners, Director of Election Day Operations for the State of Georgia for President Trump (collectively the "Trump Campaign"). The Trump Campaign serves as the primary organization supporting the election of presidential electors pledged to President Trump and Vice President Pence.

15.

David J. Shafer ("Elector Shafer") is a resident of the State of Georgia and an aggrieved elector who was entitled to vote, and did vote, for President Trump in the November 3, 2020, General Election. Elector Shafer is an elector pledged to vote for President Trump at the Meeting of Electors pursuant to United States Constitution and the laws of the State of Georgia.

16.

Petitioners are "Contestants" as defined by O.C.G.A. § 21-2-520(1) who are entitled to bring an election contest under O.C.G.A. § 21-2-521 (the "Election Contest").



17.

Respondent Brad Raffensperger is named in his official capacity as the Secretary of State of Georgia.<sup>1</sup> Secretary Raffensperger serves as the Chairperson of Georgia's State Election Board, which promulgates and enforces rules and regulations to (i) obtain uniformity in the practices and proceedings of election officials as well as legality and purity in all primaries and general elections, and (ii) be conducive to the fair, legal, and orderly conduct of primaries and general elections. See O.C.G.A. §§ 21-2-30(d), 21-2-31, 21-2-33.1. Secretary Raffensperger, as Georgia's chief elections officer, is also responsible for the administration of the Election Code. *Id.*

18.

Respondents Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le in their official capacities as members of the Georgia State Election Board (the "State Election Board"), are members of the State Election Board in Georgia, responsible for "formulat[ing], adopt[ing], and promulgat[ing] such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections." O.C.G.A. § 21-2-31(2). Further, the State Election Board "promulgate[s] rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system" in Georgia. O.C.G.A. § 21-2-31(7).

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<sup>1</sup> Secretary Raffensperger is a state official subject to suit in his official capacity because his office "imbues him with the responsibility to enforce the [election laws]." *Grizzle v. Kemp*, 634 F.3d 1314, 1319 (11th Cir. 2011).

19.

Respondent Richard L. Barron is named in his official capacity as Director of Registration and Elections for Fulton County, Georgia, and conducted the Contested Election within that county.

20.

Respondent Janine Eveler is named in her official capacity as Director of Registration and Elections for Cobb County, Georgia, and conducted the Contested Election within that county.

21.

Respondent Erica Hamilton is named in her official capacity as Director of Voter Registration and Elections for DeKalb County, Georgia, and conducted the Contested Election within that county.

22.

Respondent Kristi Royston is named in her official capacity as Elections Supervisor for Gwinnett County, Georgia, and conducted the Contested Election within that county.

23.

Respondent Russell Bridges is named in his official capacity as Elections Supervisor for Chatham County, Georgia, and conducted the Contested Election within that county.

24.

Respondent Anne Dover is named in her official capacity as Acting Director of Elections and Voter Registration for Cherokee County, Georgia, and conducted the Contested Election within that county.

25.

Respondent Shauna Dozier is named in her official capacity as Elections Director for Clayton County, Georgia, and conducted the Contested Election within that county.

26.

Respondent Mandi Smith is named in her official capacity as Director of Voter Registration and Elections for Forsyth County, Georgia, and conducted the Contested Election within that county.

27.

Respondent Ameika Pitts is named in her official capacity as Director of the Board of Elections & Registration for Henry County, Georgia, and conducted the Contested Election within that county.

28.

Respondent Lynn Bailey is named in her official capacity as Executive Director of Elections for Richmond County, Georgia, and conducted the Contested Election within that county.

29.

Respondent Debra Presswood is named in her official capacity as Registration and Election Supervisor for Houston County, Georgia, and conducted the Contested Election within that county.

30.

Respondent Vanessa Waddell is named in her official capacity as Chief Clerk of Elections for Floyd County, Georgia, and conducted the Contested Election within that county.

31.

Respondent Julianne Roberts is named in her official capacity as Supervisor of Elections and Voter Registration for Pickens County, Georgia, and conducted the Contested Election within that county.

32.

Respondent Joseph Kirk is named in his official capacity as Elections Supervisor for Bartow County, Georgia, and conducted the Contested Election within that county.

33.

Respondent Gerald McCown is named in his official capacity as Elections Supervisor for Hancock County, Georgia, and conducted the Contested Election within that county.

34.

All references to Respondents made herein include named Respondent and those election workers deputized by Respondents to act on their behalf during the Contested Election.

## JURISDICTION AND VENUE

35.

Jurisdiction is proper in this Court pursuant to O.C.G.A. § 21-2-523(a) as the Superior Court of the county where Secretary Raffensperger, the State Board of Elections, and Respondent Richard L. Barron are located. *See also Ga. Dep't of Human Servs. v. Dougherty Cty.*, 330 Ga. App. 581, 582, 768 S.E.2d 771, 772 (2015).

36.

Venue is proper before this Court.

## FACTUAL BACKGROUND

### *The Georgia Election Code and Election Contest Provisions*

37.

The Election Code sets forth the manner in which the Citizens of Georgia are allowed to participate in the Legislature's duty of choosing presidential electors by specifying, *inter alia*, which persons are eligible to register to vote in Georgia, the circumstances and actions by which a voter cancels his or her voter registration, the procedures for voting in person and by absentee ballot, the manner in which elections are to be conducted, and the specific protocols and procedures for recounts, audits, and recanvasses. *See* O.C.G.A. §§ 21-2-1 et seq.

38.

The Election Code in O.C.G.A. § 21-2-522 provides the means for a candidate in a federal election to contest the results of said election based on:

1. Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
2. When the defendant is ineligible for the nomination or office in dispute;
3. When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
4. For any error in counting the votes or declaring the result of the primary or election, if such error would change the results; or
5. For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.<sup>2</sup>

39.

The results of an election may be set aside when a candidate has “clearly established a violation of *election procedures* and has demonstrated that the violation has placed the result of the election in doubt.” *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193-94, 835 S.E.2d 245, 248 (2019) (quoting *Hunt v. Crawford*, 270 GA 7, 10, 507 S.E.2d 723 (1998) (emphasis added)).

40.

The Election Code “allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to have their votes counted securely.” *Martin*, 307 Ga. at 194.

41.

The Georgia Supreme Court has made clear that “it [is] not incumbent upon [Petitioners] to show *how . . . voters would have voted* if their . . . ballots had been regular. [Petitioners] only ha[ve] to show that there were enough irregular ballots to place in doubt the result.” *Mead* at 268 (emphasis added).

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<sup>2</sup> Petitioners do not contest pursuant O.C.G.A. § 21-2-522 Ground (2).

*The Contested Election*

42.

On November 3, 2020, the Contested Election for electors for President of the United States took place in the State of Georgia.

43.

President Trump, former Vice President Joseph R. Biden (Mr. Biden), and Jo Jorgensen were the only candidates on the ballot for President in the Contested Election.

44.

The original results reported by Secretary Raffensperger for the Contested Election (the "Original Result") consisted of a purported total of 4,995,323 votes cast, with Mr. Biden "ahead" by a margin of 12,780 votes.

45.

The results of the subsequent Risk Limiting Audit conducted by the Secretary of State (the "Risk Limiting Audit") included a total of 5,000,585 votes cast, with Mr. Biden "ahead" by a margin of 12,284 votes.

46.

On November 20, 2020, the Contested Election was declared and certified for Mr. Biden by a margin of only 12,670 votes (the "Certified Result").<sup>3</sup>

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<sup>3</sup> The first certified number of votes.



47.

On November 21, 2020, President Trump and the Trump Campaign notified Secretary Raffensperger of President Trump's request to invoke the statutory recount authorized by O.C.G.A. § 21-2-495(c) for elections in which the margin is less than one-half of one percent (the "Statutory Recount"). A true and correct copy of President Trump's request for the Statutory Recount is attached hereto and incorporated by reference as **Exhibit 1**.

48.

The Statutory Recount is ongoing as of the time of the filing of this Petition.

49.

On multiple occasions Secretary Raffensperger announced he does not anticipate the Statutory Recount to yield a substantial change in the results of the Contested Election.

50.

On December 1, 2020, Robert Gabriel Sterling, Statewide Voting System Implementation Manager for the Secretary of State, gave a press conference to discuss the status of the ongoing Statutory Recount.

51.

During his press conference, Mr. Sterling stated that at least two counties needed to recertify their vote counts as the totals reached during the Statutory Recount differed from the Certified Results.

52.

As of the date of this Petition, not all of Georgia's 159 counties have certified their results from the Statutory Recount.

53.

Consequently, as of the date of this Petition, Secretary Raffensperger has yet to certify the results from the Statutory Recount.

54.

The presidential electors of the States are scheduled to meet on December 14, 2020. Therefore, this matter is ripe, and time is of the essence.

55.

An actual controversy exists.

56.

Because the outcome of the Contested Election is in doubt, Petitioners jointly and severally hereby contest Georgia's November 3, 2020, election results for President of the United States pursuant to O.C.G.A. §§ 21-2-521 and 21-2-522 et seq.

57.

Petitioners assert that the laws of the State of Georgia governing the conduct of the Contested Election were disregarded, abandoned, ignored, altered, and otherwise violated by Respondents, jointly and severally, allowing a sufficient number of illegal votes to be included in

the vote tabulations, such that the results of the Contested Election are invalid, and the declaration of the presidential election in favor of Mr. Biden must be enjoined, vacated, and nullified.

**THERE WERE SYSTEMIC IRREGULARITIES AND VIOLATIONS OF THE  
GEORGIA ELECTION CODE IN THE CONTESTED ELECTION**

*Requirements to Legally Vote in Georgia*

58.

The Election Code sets forth the requirements for voting in Georgia, including the requirements that a voter must be: (1) "Registered as an elector in the manner prescribed by law; (2) A citizen of this state and of the United States; (3) At least 18 years of age on or before the date of the...election in which such person seeks to vote; (4) A resident of this state and of the county or municipality in which he or she seeks to vote; and (5) "Possessed of all other qualifications prescribed by law." O.C.G.A. § 21-2-216(a). "No person shall remain an elector longer than such person shall retain the qualifications under which such person registered." O.C.G.A. § 21-2-216(f).

59.

In violation of O.C.G.A. § 21-2-216, Respondents, jointly and severally, allowed thousands of unqualified persons to register to vote and to cast their vote in the Contested Election. These illegal votes were counted in violation of Georgia law. Exhibits 2, 3, 4, and 10 attached hereto and incorporated by reference.

60.

O.C.G.A. § 21-2-216(b) provides that “[n]o person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”

61.

In violation of O.C.G.A. § 21-2-216(b), Respondents, jointly and severally, allowed as many as 2,560 felons with an uncompleted sentence to register to vote and to cast their vote in the Contested Election. **Exhibit 3** attached hereto and incorporated by reference.

62.

In violation of Georgia law, Respondents, jointly and severally, counted these illegal votes in the Contested Election.

63.

“Any person who possesses the qualifications of an elector, except that concerning age shall be permitted to register to vote if such person will acquire such qualification within six months after the day of registration.” O.C.G.A. § 21-2-216(c).

64.

In violation of O.C.G.A. § 21-2-216(c), Respondents, jointly and severally, allowed at least 66,247 underage—and therefore ineligible—people to illegally register to vote, and subsequently illegally vote. *See Exhibit 3.*

65.

In violation of Georgia law, Respondents, jointly and severally, counted these illegal votes in the Contested Election.

66.

In order to vote in Georgia, a person must register to vote.

67.

Respondents, jointly and severally, allowed at least 2,423 individuals to vote who were not listed in the State's records as having been registered to vote. *See Exhibit 3.*

68.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election.

69.

Because determining a voter's residency is necessary to confirm he or she is a qualified voter in this state and in the county in which he or she seeks to vote, the Election Code provides rules for determining a voter's residency and when a voter's residency is deemed abandoned. *See O.C.G.A. § 21-2-217.*

70.

"The residence of any person shall be held to be in that place in which such person's habitation is fixed." O.C.G.A. § 21-2-217(a)(1).

71.

Additionally, “[t]he specific address in the county...in which a person has declared a homestead exemption...shall be deemed the person’s residence address.” O.C.G.A. § 21-2-217(a)(14).

72.

A voter loses his or her Georgia and/or specific county residence if he or she: (1) “register[s] to vote or perform[s] other acts indicating a desire to change such person’s citizenship and residence;” (2) “removes to another state with the intention of making it such person’s residence;” (3) “removes to another county or municipality in this state with the intention of making it such person’s residence;” or (4) “goes into another state and while there exercises the right of a citizen by voting.” O.C.G.A. § 21-2-217(a); *see also* O.C.G.A. § 21-2-218(f) (“No person shall vote in any county or municipality other than the county or municipality of such person’s residence except [“an elector who moves from one county...to another after the fifth Monday prior to a[n]...election”] O.C.G.A. § 21-2-218(e).)

73.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 4,926 individuals to vote in Georgia who had registered to vote in another state after their Georgia voter registration date. *See Exhibit 2.*

74.

It is illegal to vote in the November 3, 2020, general election for president in two different states.

75.

It is long established that "one man" or "one person" has only one vote.

76.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 395 individuals to vote in Georgia who also cast ballots in another state (the "Double Voters"). See Exhibit 2.

77.

The number of Double Voters is likely higher than 395, yet Respondents have the exclusive capability and access to data to determine the true number of Double Voters.

78.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

79.

Despite having the exclusive ability to determine the true number of Double Voters in Contested Election, to date Respondents, jointly and severally, have failed to properly analyze and remove the Double Voters from the election totals.

80.

To date, and despite multiple requests, Respondents, jointly and severally, have failed to provide identifying information or coordinate with the other 49 states and U.S. Territories to adequately determine the number of Double Voters.

81.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

82.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 15,700 individuals to vote in Georgia who had filed a national change of address with the United States Postal Service prior to November 3, 2020. *See Exhibit 2.*

83.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

84.

If a Georgia voter “who is registered to vote in another county...in this state...moves such person’s residence from that county...to another county...in this state,” that voter “shall, at the time of making application to register to vote in that county...provide such information as specified by the Secretary of State in order to notify such person’s former voting jurisdiction of the person’s application to register to vote in the new place of residence and to cancel such person’s registration in the former place of residence.” O.C.G.A. § 21-2-218(b); *see also The Democratic Party of Georgia, Inc. v. Crittenden*, Civil Action File No. 1:18-CV-05181-SCJ, Doc. 33, Supplemental Declaration of Chris Harvey, Elections Director of the Office of the Secretary of State, ¶ 11 (N.D. Ga. Nov. 13, 2018) (“If the state allowed out of county voting, there would be no practical way of knowing if a voter voted in more than one county.”).



85.

In violation of O.C.G.A. § 21-2-218(b), Respondents, jointly and severally, allowed at least 40,279 individuals to vote who had moved across county lines at least 30 days prior to Election Day and who had failed to properly re-register to vote in their new county after moving. Exhibit 4 attached hereto and incorporated by reference.

86.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

87.

In violation of O.C.G.A. § 21-2-217, Respondents, jointly and severally, allowed at least 1,043 individuals to cast ballots who had illegally registered to vote using a postal office box as their habitation. See Exhibit 2.

88.

Respondents then, jointly and severally improperly counted these illegal votes in the Contested Election.

89.

A postal office box is not a residential address.

90.

One cannot reside within a postal office box.

91.

It is a violation of Georgia law to list a postal office box as one's voter place of habitation.  
*See* O.C.G.A. § 21-2-217(a)(1).

92.

A person desiring "to vote at any...general election" must apply to register to vote "by the close of business on the fifth Monday...prior to the date of such...general election." O.C.G.A. § 21-2-224(a).

93.

The application for registration is "deemed to have been made as of the date of the postmark affixed to such application," or if received by the Secretary of State through the United States Postal Service, by "the close of business on the fourth Friday prior to a . . . general election." O.C.G.A. § 21-2-224(c).

94.

In violation of O.C.G.A. § 21-2-224, Respondents, jointly and severally, allowed at least 98 individuals to vote who the state records as having registered after the last day permitted under law. *See* Exhibit 3.

95.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

96.

“Each elector who makes timely application for registration, is found eligible by the board of registrars and placed on the official list of electors, and is not subsequently found to be disqualified to vote shall be entitled to vote in any...election.” O.C.G.A. § 21-2-224(d).

97.

Secretary Raffensperger is required to maintain and update a list of registered voters within this state.

98.

On the 10th day of each month, each county is to provide to the Secretary of State a list of convicted felons, deceased persons, persons found to be non-citizens during a jury selection process, and those declared mentally incompetent. *See* O.C.G.A. § 21-2-231(a)-(b), (d).

99.

In turn, any person on the Secretary of State’s list of registered voters is to be removed from the registration list if the voter dies, is convicted of a felony, is declared mentally incompetent, confirms in writing a change of address outside of the county, requests his or her name be removed from the registration list, or does not vote or update his or her voter’s registration through two general elections. *See* O.C.G.A. §§ 21-2-231, 21-2-232, 21-2-235.

100.

Respondents, jointly and severally, did not update the voter registration list(s).

101.

In violation of O.C.G.A. § 21-2-231(a)-(b) and (d), Respondents, jointly and severally, allowed as many as 10,315 or more individuals to vote who were deceased by the time of Election Day. *See Exhibit 3.*

102.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

103.

Of these individuals, 8,718 are recorded as having perished prior to the date the State records as having accepted their vote. *See Exhibit 3.*

104.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election.

105.

For example, Affiant Lisa Holst received three absentee mail-in ballots for her late father-in-law, Walter T. Holst, who died on May 13, 2010. *Exhibit 5* attached hereto and incorporated by reference.

106.

Voter history shows that an absentee ballot was returned for Mr. Holst on October 28, 2020.

107.

Someone deceased for 10 years should not have received three absentee ballots.

108.

Someone deceased for 10 years should not have received any absentee ballot.

109.

Someone deceased for 10 years should not have had any absentee ballot counted.

110.

Another Affiant, Sandy Rumph, has stated that her father-in-law, who died on September 9, 2019, had his voter registration change from "deceased" to "active" 8 days *after* he passed away.

Exhibit 6 attached hereto and incorporated by reference.

111.

With his registration status change, his address was also changed online from his real address in Douglasville to an unfamiliar address in DeKalb County. *Id.*

112.

Respondents jointly and severally failed to maintain and update voter registration lists which allowed voter registration information to be changed after the death of an elector.

113.

Respondents jointly and severally failed to maintain and update voter registration lists which allowed absentee ballots to be used fraudulently.

**RESPONDENTS COMMITTED SUBSTANTIAL VIOLATIONS OF GEORGIA LAW  
WITH RESPECT TO ABSENTEE BALLOTS**

114.

The Legislature has established procedures for absentee voting in the state.

115.

Pursuant to O.G.C.A. 21-2-381, absentee ballots must be requested by the voter, or the voter's designee, before they can be sent out.

116.

In violation of O.C.G.A. § 21-2-381, Respondent Raffensperger sent unsolicited absentee ballot applications before the 2020 primary election to all persons on the list of qualified electors, whether or not an application had been requested by the voter.

117.

The unlawfully sent applications allowed the recipient to check a box to request an absentee ballot for the Contested Election in advance of the period for which an absentee ballot could be requested.

118.

Individuals wishing to vote absentee may apply for a mail-in ballot "not more than 180 days prior to the date of the primary or election." O.C.G.A. § 21-2-381(a)(1)(A) (emphasis added).

119.

In violation of O.C.G.A. § 21-2-381(a)(1)(A), Respondents, jointly and severally, allowed at least 305,701 individuals to vote who, according to State records, applied for an absentee ballot more than 180 days prior to the Contested Election. *See Exhibit 3.*

120.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

121.

Pursuant to O.C.G.A. § 21-2-381(b) an absentee voter must have requested an absentee ballot before such ballot is capable of being received by the voter.

122.

If such applicant is eligible under the provisions of the Election Code, an absentee ballot is to be mailed to the voter.

123.

In violation of O.C.G.A. § 21-2-385, Respondents, jointly and severally, allowed at least 92 individuals to vote whose absentee ballots, according to State records, were returned and accepted prior to that individual requesting an absentee ballot. *See Exhibit 3.*

124.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

125.

Absentee ballots may only be mailed after determining the applicant is registered and eligible to vote in the election. O.C.G.A. § 21-2-381(b)(1).

126.

In violation of O.C.G.A. § 21-2-381(b)(1), Respondents, jointly and severally, allowed state election officials to mail at least 13 absentee ballots to individuals who were not yet registered to vote according to the state's records. *See Exhibit 3.*

127.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

128.

Pursuant to O.C.G.A. § 21-2-384(a)(2) absentee ballots may not be mailed more than 49 days prior to an election.

129.

Respondents, jointly and severally, mailed at least 2,664 absentee ballots to individuals prior to the earliest date permitted by law. *See Exhibit 3.*

130.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*



131.

According to State records, Respondents jointly and severally allowed at least 50 individuals to vote whose absentee ballots were returned and accepted prior to the earliest date that absentee ballots were permitted by law to be sent out. *See Exhibit 3.*

132.

Respondents then, jointly and severally improperly counted these illegal votes in the Contested Election. *Id.*

133.

An absentee voter's application for an absentee ballot must have been accepted by the election registrar or absentee ballot clerk in order for that individual's absentee ballot vote to be counted. O.C.G.A. § 21-2-385.

134.

In violation of O.C.G.A. § 21-2-385, Respondents, jointly and severally, allowed at least 2 individuals to vote whose absentee ballot applications had been rejected, according to state records. *See Exhibit 3.*

135.

Respondents, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

136.

It is not possible for an absentee voter to have applied by mail, been issued by mail, and returned by mail an absentee ballot, and for that ballot to have accepted by election officials, all on the same day.

137.

In violation of O.C.G.A. § 21-2-384, Respondents, jointly and severally, allowed at least 217 individuals to vote whose absentee ballots, according to state records, were applied for, issued, and received all on the same day. *See Exhibit 3.*

138.

Respondents then, jointly and severally, improperly counted these illegal votes in the Contested Election. *Id.*

**RESPONDENTS FAILED TO COMPLY WITH GEORGIA LAW PROVISIONS FOR  
MATCHING SIGNATURES AND CONFIRMING VOTER IDENTITY FOR ELECTORS  
SEEKING TO VOTE ABSENTEE**

139.

O.C.G.A. §21-2-381(b) mandates the procedures to be followed by election officials upon receipt of an absentee ballot application:

**“Upon receipt of a timely application for an absentee ballot, a registrar or absentee ballot clerk...shall determine...if the applicant is eligible to vote in the...election involved. In order to be found eligible to vote an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the identifying information on the application with the information on file in the registrar’s office and, if the application is signed by the elector, compare the signature or mark of the elector on the application with the signature or mark of the elector on the elector’s voter registration card. In order to be found eligible to vote an absentee ballot in person...shall show one of the forms of identification listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the**

identifying information on the application with the information on file in the registrar's office." O.C.G.A. § 21-2-381(b) (emphasis added).

140.

O.C.G.A. § 21-2-386(a)(1)(B) mandates the procedures to be followed by election officials upon receipt of an absentee ballot:

Upon receipt of each [absentee] ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk **shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or maker taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.** O.C.G.A. § 21-2-386(a)(1)(B) (emphasis added).

141.

O.C.G.A. § 21-2-386(a)(1)(C) mandates the procedures to be followed by election officials with respect to defective absentee ballots:

If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk **shall** write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars or absentee ballot clerk **shall** promptly notify the elector of such rejection, a copy of which notification **shall** be retained in the files of the board of registrars or absentee ballot clerk for at least one year. O.C.G.A. § 21-2-386(a)(1)(C) (emphasis added).

**RESPONDENT RAFFENSPERGER DISREGARDED THE ELECTION CODE BY FIAT  
AND INSTRUCTED THE RESPONDENT COUNTIES TO DO LIKEWISE**

142.

On March 6, 2020, Respondents Raffensperger and the State Election Board entered into a “Compromise and Settlement Agreement and Release” (the “Consent Decree”) in litigation filed by the Democratic Party of Georgia, Inc., the Democrat Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee (collectively the “Democrat Party Agencies”).<sup>4</sup> A true and correct copy of the Consent Decree is attached hereto and incorporated by reference as **Exhibit 7**.

143.

The litigation was one of more than one hundred lawsuits nationwide filed by Democrats and partisan affiliates of the Democratic Party to seeking to rewrite the duly enacted election laws of the states. **Exhibit 8** attached hereto and incorporated by reference.

144.

Without legislative authority, Respondents unlawfully adopted standards to be followed by the clerks and registrars in processing absentee ballots inconsistent with the election code.

145.

The Consent Decree exceeded Respondents’ authority under the Georgia Constitution. *See* Ga. Const. art. III, §1; **Exhibit 15** attached hereto and incorporated by reference; *see also* O.C.G.A. § 21-2-31 (providing that the State Election Board shall “formulate, adopt, and promulgate such

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<sup>4</sup> *See Democratic Party of Georgia, Inc., et al. v. Raffensperger, et al.*, Civil Action File No. 1:19-cv-05028-WMR, Doc. 56-1, Joint Notice of Settlement as to State Defendants, Att. A, Compromise Settlement Agreement and Release (N.D. Ga. Mar. 6, 2020).

rules and regulations, *consistent with the law*, as will be conducive to the fair, legal, and orderly conduct of primaries and elections” (emphasis added)).

146.

The Consent Decree changed the plain language of the statute for receiving and processing absentee ballot applications and ballots.

147.

The Consent Decree increased the burden on election officials to conduct the mandatory signature verification process by adding additional, cumbersome steps:

148.

For example, the Consent Decree tripled the number of personnel required for an absentee ballot application or ballot to be rejected for signature mismatch.

149.

The unlawful Consent Decree further violated the Election Code by purporting to allow election officials to match signatures on absentee ballot envelopes against the application, rather than the voter file as required by O.C.G.A. §§ 21-2-381, 21-2-385.

**RESPONDENTS DID NOT CONDUCT MEANINGFUL VERIFICATION OF  
ABSENTEE BALLOT APPLICANT AND VOTER IDENTITIES**

150.

Notwithstanding the unlawful changes made by the Consent Decree, the mandatory signature verification and voter identification requirements were not altogether eliminated.

151.

Despite the legal requirement for signature matching and voter identity verification, Respondents failed to ensure that such obligations were followed by election officials. **Exhibit 9** attached hereto and incorporated by reference.

152.

According to state records, an unprecedented 1,768,972 absentee ballots were mailed out in the Contested Election. **Exhibit 10** attached hereto and incorporated by reference.

153.

Of the total number of absentee ballots mailed out in the Contested Election, 1,317,000 were returned (i.e., either accepted, spoiled, or rejected). *Id.*

154.

The number of absentee ballots returned in the Contested Election represents a greater than 500% increase over the 2016 General Election and a greater than 400% increase over the 2018 General Election. *Id.*

155.

The state received over a million more ballots in the Contested Election than the 2016 and 2018 General Elections. *Id.*

156.

The number of returned absentee ballots that were rejected in the Contested Election was 4,471, yielding a 0.34% rejection rate. *Id.*

157.

The number of returned absentee ballots that were rejected in the 2016 General Election was 6,059, yielding a 2.90% rejection rate. *Id.*

158.

The number of returned absentee ballots that were rejected in the 2018 General Election was 7,889, yielding a 3.46% rejection rate. *Id.*

159.

Stated differently, the percentage of rejected ballots fell to 0.34% in 2020 from 2.9% in 2016 and 3.46% in 2018, despite a nearly sixfold increase in the number of ballots returned to the state for processing.

160.

The explosion in the number of absentee ballots received, counted, and included in the tabulations for the Contested Election, with the simultaneous precipitous drop in the percentage of absentee ballots rejected, demonstrates there was little or no proper review and confirmation of the eligibility and identity of absentee voters during the Contested Election.

161.

Had the statutory procedure for signature matching, voter identity and eligibility verification been followed in the Contested Election, Georgia's historical absentee ballot rejection rate of 2.90-3.46% applied to the 2020 absentee ballot returned and processed, between 38,250 and 45,626 ballots should have been rejected in the Contested Election. *See Exhibit 10.*

**RESPONDENTS VIOLATED GEORGIANS' FUNDAMENTAL RIGHT TO A  
TRANSPARENT AND OPEN ELECTION**

162.

A fair, honest, and transparent vote count is a cornerstone of democratic elections. INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE, INTERNATIONAL ELECTORAL STANDARDS, GUIDELINES FOR REVIEWING THE LEGAL FRAMEWORK OF ELECTIONS (2002).

163.

All citizens, including Georgians, have rights under the United States Constitution to the full, free, and accurate elections built upon transparency and verifiability. *Purcell v. Gonzalez*, 549 U.S. 1, 4, 127 S. Ct. 5, 7 (2006) (per curiam).

164.

Citizens are entitled—and deserve—to vote in a transparent system that is designed to protect against vote dilution. *Bush v. Gore*, 531 U.S. 98, 104-05, 121 S. Ct. 525, 529-30 (2000); *Anderson v. United States*, 417 U.S. 211, 227 (1974); see also *Baker v. Carr*, 369 U.S. 186, 208, 82 S. Ct. 691, 705 (1962).

165.

This requires that votes be counted, tabulated and consolidated in the presence of the representatives of parties and candidates and election observers, and that the entire process by which a winner is determined is fully and completely open to public scrutiny. INTERNATIONAL ELECTORAL STANDARDS at 77.



166.

The importance of watchers and representatives serving as an important check in elections is recognized internationally. *Id.*

167.

Georgia law recognizes “the fundamental right of citizens to vote *and to have their votes counted accurately.*” *Martin* at 194 (emphasis added).

168.

The right to have one’s vote counted accurately infers a right to a free, accurate, public, and transparent election, which is reflected throughout Georgia election law. *Cf. Ellis v. Johnson*, 263 Ga. 514, 516, 435 S.E.2d 923, 925 (1993) (“Of particular importance is that the General Assembly has provided the public with the right to examine . . . the actual counting of the ballots, . . . and the computation and canvassing of returns . . .”).

169.

Georgia law requires “[s]uperintendents, poll officers, and other officials engaged in the conducting of primaries and elections . . . shall perform their duties in public.” O.C.G.A. §21-2-406.

170.

Each political party who has nominated a candidate “shall be entitled to designate . . . state-wide poll watchers.” O.C.G.A. § 21-2-408 (b)(2).

171.

Poll watchers “may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes.” O.C.G.A. § 21-2-408 (d).

172.

“All proceedings at the tabulating center and precincts shall be open to the view of the public.” O.C.G.A. § 21-2-483(b).

173.

Under O.C.G.A. § 21-2-493, “[t]he superintendent shall, at or before 12:00 noon on the day following the primary or election, at his or her office or at some other convenient **public place** at the county seat or in the municipality, of which **due notice of shall have been given** as provided by Code Section 21-2-492, **publicly commence** the computation and canvassing of returns and continue the same from the day until completed.” (Emphasis added.)

174.

During the tabulation of votes cast during an election, vote review panels are to convene to attempt to determine a voter’s intent when that intent is unclear from the ballot, consisting of equal Republican and Democratic representation. *See* O.C.G.A. § 21-2-483(g)(2).

175.

The activities of the vote review panel are required to be open to the view of the public. *See* O.C.G.A. § 21-2-483(a).

176.

Moreover, Respondent Raffensperger declared that for the Risk Limiting Audit:

Per the instructions given to counties as they conduct their audit triggered full hand recounts, **designated monitors will be given complete access to observe the process from the beginning. While the audit triggered recount must be open to the public and media, designated monitors will be able to observe more closely. The general public and the press will be restricted to a public viewing area. Designated monitors will be able to watch the recount while standing close to the elections' workers conducting the recount.**

Political parties are allowed to designate a minimum of two monitors per county at a ratio of one monitor per party for every ten audit boards in a county . . . . **Beyond being able to watch to ensure the recount is conducted fairly and securely, the two-person audit boards conducting the hand recount call out the votes as they are recounted, providing monitors and the public an additional way to keep tabs on the process.**<sup>5</sup>

177.

Respondents, jointly and severally, violated Petitioners' fundamental right to a free, accurate, public, and transparent election under the Constitution of the State of Georgia in the Contested Election and the Risk Limiting Audit. *See* composite Affidavit Appendix attached hereto and incorporated by reference as **Exhibit 17.**

178.

Respondents, jointly and severally, violated provisions of the Georgia Election Code mandating meaningful public oversight of the conduct of the election and the counting and recording of votes in the Contested Election and the Risk Limiting Audit. *Id.*

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<sup>5</sup> Office of Secretary of State Brad Raffensperger, *Monitors Closely Observing Audit-Triggered Full Hand Recount: Transparency is Built Into Process* (Nov. 17, 2020), [https://sos.ga.gov/index.php/elections/monitors\\_closely\\_observing\\_audit\\_triggered\\_full\\_hand\\_recount\\_transparency\\_is\\_built\\_into\\_process](https://sos.ga.gov/index.php/elections/monitors_closely_observing_audit_triggered_full_hand_recount_transparency_is_built_into_process).

179.

Respondents, jointly and severally, failed to adhere to Respondent Raffensperger's own guidelines promising a free, accurate, public, and transparent process in the Risk Limiting Audit.

*Id.*

**RESPONDENTS HAVE ADMITTED MISCONDUCT, FRAUD, AND WIDESPREAD  
IRREGULARITIES COMMITTED BY MULTIPLE COUNTIES**

180.

The Secretary of State has admitted that multiple county election boards, supervisors, employees, election officials and their agents failed to follow the Election Code and State Election Board Rules and Regulations.<sup>6</sup>

181.

The Secretary of State has called The Fulton County Registration and Elections Board and its agents' ("Fulton County Elections Officials") job performance prior to and through the Election Contest "dysfunctional."

182.

The Secretary of State and members of his staff have repeatedly criticized the actions, poor judgment, and misconduct of Fulton County Elections Officials.

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<sup>6</sup> Note: These are samples and not an exhaustive list of the Secretary of State's admissions of Respondents' failures and violations of Georgia law.

183.

Fulton County Elections Officials' performance in the 2020 primary elections was so dysfunctional that it was fined \$50,000 and subject to remedial measures.

184.

Describing Respondent Barron's Fulton County Elections in the Election Contest, Secretary Raffensperger stated, "Us and our office, and I think the rest of the state, is getting a little tired of always having to wait on Fulton County and always having to put up with [Fulton County Elections Officials'] dysfunction."

185.

The Secretary of State's agent, Mr. Sterling, said initial findings from an independent monitor allegedly show "generally bad management" with Fulton's absentee ballots.<sup>7</sup>

*Fulton County Elections' Deception and Fraud*

186.

The Secretary of State's Office claims it is currently investigating an incident where Fulton County election officials fraudulently stated there was a "flood" and "a pipe burst," which was later revealed to be a "leaky" toilet.

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<sup>7</sup> Ben Brasch, *Georgia Opens 2 Investigations Into Fulton's Elections Operations*, The Atlanta Journal-Constitution (Nov. 17, 2020), <https://www.ajc.com/news/atlanta-news/georgia-opens-2-investigations-into-fultons-elections-operations/EVCBN4ZJTZELPDHMH63POL3RKQ/>.

187.

At approximately 10:00 p.m. on November 3, 2020, Fulton County Election Officials, who were handling and scanning thousands of ballots at the State Farm Arena, instructed Republican poll watchers and the press that they were finished working for the day and that the Republican poll watchers and the press were to leave. The Fulton County Elections Officials further stated that they would restart their work at approximately 8:00 a.m. on November 4, 2020.

188.

The Fulton County Election Officials lied.

189.

Deliberate misinformation was used to instruct Republican poll watchers and members of the press to leave the premises for the night at approximately 10:00 p.m. on November 3, 2020. Exhibits 12, 13, and 14 attached hereto and incorporated by reference.

190.

After Fulton County Elections Officials **lied and defrauded** the Republican poll watchers and members of the press, whereby in reasonable reliance the Republican poll watchers and members of the press left the State Farm Arena (where they had been observing the ballots being processed), without public transparency Fulton County Elections Officials continued to process, handle, and transfer many thousands of ballots. *See Exhibit 14.*

191.

Fulton County Elections Officials' fraudulent statements not only defrauded the Republican poll watchers and the press, but also deprived every single Fulton County voter,

Georgian, American, and Petitioners of the opportunity for a transparent election process and have thereby placed the Election Contest in doubt.

*Spalding County Elections & Voter Registration Supervisor and Her Agents' Failures*

192.

Respondent Raffensperger has called for the resignation of the Spalding County Elections and Voter Registration Supervisor, who has, as of this filing, resigned.<sup>8</sup>

193.

Respondent Raffensperger cited “serious management issues and poor decision-making” by Election Supervisor Marcia Ridley during the Contested Election.

*Floyd County Elections & Voter Registration Supervisor and Her Agents' Failures*

194.

Respondent Raffensperger has called for the resignation of the Executive Director of the Floyd County Board of Registrations and Elections for his failure to follow proper election protocols.<sup>9</sup>

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<sup>8</sup> David Wickert, *Georgia Officials Call for Spalding Election Director to Resign*, The Atlanta Journal-Constitution (Nov. 17, 2020), <https://www.ajc.com/politics/election/georgia-officials-call-for-spalding-election-director-to-resign/YYUISCBSV5FTHDZPM3N5RJVV6A/>.

<sup>9</sup> Jeffrey Martin, *Georgia Secretary of State Calls for Resignation of County Election Director After 2,600 Ballots Discovered* (Nov. 16, 2020), <https://www.newsweek.com/georgia-secretary-state-calls-resignation-county-election-director-after-2600-ballots-discovered-1547874>.

**RESPONDENTS CONSPIRED TO DISREGARD THE ELECTION CODE AND TO  
SUBSTITUTE THEIR OWN UNLAWFUL EDICTS**

195.

In violation of O.C.G.A. § 21-2-386 et seq. the State Board of Election promulgated a rule that authorized county election board to begin processing absentee ballots on the third Monday preceding the election, provided they give the Secretary of State and the public notice of such intention to begin processing absentee ballots.

196.

Failure to follow the process directed by the statute is a derogation of the Election Code and denies voters the ability to cancel their absentee ballot up until Election Day.

197.

Respondents, jointly and severally, were complicit in conspiring to violate and violating the Election Code.

198.

As a direct and proximate result of Respondents multiple, continued, and flagrant disregard of the Election Code, the outcome of the Contested Election is not capable of being known with certainty.

199.

Petitioners incorporate by reference and reallege all prior paragraphs of this Petition and the paragraphs in the Counts below as though set forth fully herein.



200.

Despite Respondents receiving substantial funding from the Center for Technology and Civic Life (CTCL), Respondents failed to use such funds to train the election workers regarding signature verification, the proper procedures for matching signatures, and how to comply fully with the Election Code. **Exhibit 11** attached hereto and incorporated by reference.

201.

Due to the lack of uniform guidance and training, the signature verification and voter identity confirmation was performed poorly or not at all in some counties and served as virtually no check against improper voting. *See Exhibit 9.*

**RESPONDENT SECRETARY OF STATE MUST ALLOW AND CONDUCT AN AUDIT OF THE SIGNATURES ON ABSENTEE BALLOT APPLICATIONS AND ABSENTEE BALLOTS IN ORDER TO DETERMINE WHETHER THE SIGNATURES WERE PROPERLY MATCHED PRIOR TO BEING COUNTED AND INCLUDED IN THE TABULATIONS**

202.

The data regarding the statistically tiny rejection rate of absentee ballots cast and counted in the Contested Election gives rise to sufficient concerns that there were irregularities that should be reviewed and investigated.

203.

Petitioners have brought these concerns about the signature matching and voter verification process to the attention of Respondent Raffensperger on **five separate occasions** since the Contested Election, requesting that the Secretary conduct an audit of the signatures on the absentee ballot applications and absentee ballots, via Letter on November 10, 2020; Letter on November

12, 2020; Letter on November 23, 2020; Email on November 23, 2020, and again via Letter on November 30, 2020. **Exhibit 18** attached hereto and incorporated by reference.

204.

The Secretary of State is obligated by law to “to permit the public inspection or copying, in accordance with this chapter, of any return, petition, certificate, paper, account, contract, report, or any other document or record in his or her custody.” O.G.C.A. § 21-2-586(a).

205.

Failure to comply with any such request by the Secretary of State or an employee of his or her office shall [constitute] a misdemeanor.” O.G.C.A. § 21-2-586(a).

206.

The Secretary of State’s refusal on five separate occasions to comply with requests to produce the signatures used to request absentee ballots and to confirm the identities of those individuals requesting such ballots in the contested election is a violation of O.G.C.A. § 21-2-586(a).

207.

In order for the Secretary of State to comply with O.G.C.A. § 21-2-586(a), professional handwriting experts recommend a minimum of Ten Thousand (10,000) absentee ballot signatures be professionally evaluated. **Exhibit 16** attached hereto and incorporated by reference.

208.

Petitioners respectfully request that the Court order the production of the records of the absentee ballot applications and absentee ballots, for purposes of conducting an audit of the signatures on absentee ballot applications and absentee ballots cast in the Contested Election.

**THERE ARE MYRIAD REPORTS OF IRREGULARITIES AND VIOLATIONS OF  
THE ELECTION CODE DURING THE CONTESTED ELECTION**

209.

Petitioners have received hundreds of incident reports regarding problems, irregularities, and violations of the Election Code during the Contested Election.

210.

From those reports, Petitioners have attached affidavits from dozens of Citizens of Georgia, sworn under penalty of perjury, attesting to myriad violations of law committed by Respondents during the Contested Election. *See Exhibit 17.*

211.

The affidavits are attached to this Petition as an Appendix, with details of the multiple violations of law. *Id.*

212.

Also included in the Appendix are sworn declarations from data experts who have conducted detailed analysis of irregularities in the State's voter records. *See Exhibits 2, 3, 4, and*

10.

**COUNTS**

**COUNT I:**

**ELECTION CONTEST**

**O.C.G.A §21-2-521 *et seq.***

213.

Petitioners incorporate by reference and re-allege paragraphs 1 through 212 this Petition as set forth herein verbatim.

214.

Respondents, jointly and severally, have violated the Constitution of the State of Georgia.

215.

Respondents, jointly and severally, have violated the laws of the State of Georgia.

216.

Respondents, jointly and severally, have violated the Election Code.

217.

Respondents, jointly and severally, have violated State Election Board Rules and Regulations.

218.

Respondents, jointly and severally, have violated the basic tenants of an open, free, and fair election.

219.

Respondents, jointly and severally, have failed in their duties to their constituents, the people of the State of Georgia, and the entire American democratic process.

220.

The Contested Election has been timely and appropriately contested per O.C.G.A. § 21-2-522 et seq.

221.

As a direct and proximate result of Respondents' actions, the Contested Election is fraught with misconduct, fraud, and irregularities.

222.

Due to the actions and failures of Respondents, many thousands of illegal votes were accepted, cast, and counted in the Contested Election, and legal votes were rejected.

223.

The fraud, misconduct, and irregularities that occurred under the "supervision" of Respondents are sufficient to change the purported results of the Contested Election.

224.

The fraud, misconduct, and irregularities that occurred under the "supervision" of Respondents are sufficient to place the Contested Election in doubt.

225.

Respondents' misconduct is sufficient to change the purported results in the Contested Election in President Trump's favor.

226.

Respondents' misconduct is sufficient to place the purported Contested Election results in doubt.

227.

Respondents, jointly and severally, erred in counting the votes in the Contested Election.

228.

Respondents' error in counting the votes in the Contested Election would change the result in President Trump's favor.

229.

Respondents, jointly and severally, erred in declaring the Contested Election results in favor of Mr. Biden.

230.

Respondents' systemic negligent, intentional, willful, and reckless violations of the Georgia Constitution, Georgia law, as well as the fundamental premise of a free and fair election created such error and irregularities at every stage of the Contested Election—from registration through certification and every component in between—that the outcome of the Contested Election is in doubt.

231.

As a result, there is substantial doubt as to the outcome of the Contested Election, and the Contested Election and any certification associated therewith shall be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia

law or, in the alternative, that such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia.<sup>10</sup> See O.C.G.A. § 21-2-522.

**COUNT II:**

**VIOLATIONS OF THE GEORGIA CONSTITUTION'S EQUAL PROTECTION PROVISION**

232.

Petitioners incorporate by reference and re-allege paragraphs 1 through 212 of this Petition as set forth herein verbatim.

233.

The Constitution of the State of Georgia provides, "Protection and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws." Ga. Const. art. I, § I, para. II.

234.

Under Georgia's Equal Protection Clause, "the government is required to treat similarly situated individuals in a similar manner." *State v. Jackson*, 271 GA 5 (1999), *Favorito v. Handel*, 285 Ga. 795, 798 (2009) (citation and quotations omitted). See **Exhibit 15**.

235.

This requires establishing a uniform procedure for all counties to conduct absentee voting, advance voting, and Election Day in-person voting.

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<sup>10</sup> In the event this Court enjoins, vacates, and nullifies the Contested Election, the Legislature shall direct the manner of choosing presidential electors. U.S. art II, § 1; see also *Bush v. Gore*, 531 U.S. 98.

236.

Respondents, jointly and severally, failed to establish such uniform procedure for the verification of signatures of absentee ballots.

237.

Respondents, jointly and severally, failed to establish a uniform level of scrutiny for signature matching.

238.

Respondents, jointly and severally, failed to train those who would be conducting signature verification on how to do so.

239.

The burdens of applying for and voting an absentee ballot were different in various counties throughout the State of Georgia.

240.

Electors voting via by absentee mail-in ballot were not required to provide identification, other than a matching signature.

241.

Electors voting in person were required to show photo identification and verify the voter's identity.



242.

The burdens of applying for and voting via absentee mail-in ballot were different from those for absentee in person.

243.

Georgia voters were treated differently depending on how they voted (i.e., whether by mail or in person), where they voted, when they voted, and for whom they voted.

244.

An elector in one county casting a ballot would not have his or her ballot treated in a similar manner as a voter in a different county.

245.

Electors in the same county would not have their ballots treated in a similar manner as electors at different precincts.

246.

Electors in the same precinct would not have their ballots treated in a similar manner whose votes were tabulated using different tabulators.

247.

Respondents, jointly and severally, failed to establish uniform procedures for treating similarly situated electors similarly.

248.

Respondents' systemic failure to even attempt uniformity across the state is a flagrant violation of the Constitution of the State of Georgia.

249.

Such a violation of the rights of the Citizens of Georgia constitutes misconduct and irregularity by election officials sufficient to change or place in doubt the result of the Contested Election.

250.

As a result, there is substantial doubt as to the outcome of the Contested Election, and the Contested Election and any certification associated therewith should be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia law or such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia. *See* O.C.G.A. § 21-2-522.

**COUNT III:**

**VIOLATIONS OF THE GEORGIA CONSTITUTION'S DUE PROCESS PROVISIONS**

251.

Petitioners incorporate by reference and re-allege paragraphs 1 through 212 of this Petition and Count II as set forth herein verbatim.

252.

Pursuant to the Constitution of the State of Georgia, "No person shall be deprived of life, liberty, or property except by due process of law." Ga. Const. art. I, § I, para. I.

253.

Moreover, "All citizens of the United States, resident in this state, are hereby declared citizens of this state; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship." Ga. Const. art. I, § 1, para. VII.

254.

The right to vote is a fundamental right.

255.

When a fundamental right is allegedly infringed by government action, substantive due process requires that the infringement be narrowly tailored to serve a compelling state interest. *Old S. Duck Tours v. Mayor & Aldermen of City of Savannah*, 272 Ga. 869, 872, 535 S.E.2d 751, 754 (2000).

256.

By allowing illegal ballots to be cast and counted, Respondents diluted the votes of qualified Georgia electors.

257.

By allowing illegal ballots to be cast and counted, Respondents, by and through their misconduct, allowed the disenfranchisement of qualified Georgia electors.

258.

Respondents, jointly and severally, violated the Due Process protections of qualified Georgia Electors guaranteed by the Georgia State Constitution.

259.

As a result, there is substantial doubt as to the outcome of the Contested Election and any certification associated therewith should be enjoined, vacated, and nullified and either a new presidential election be immediately ordered that complies with Georgia law or such other just and equitable relief is obtained so as to comport with the Constitution of the State of Georgia.

**COUNT IV:**

**DECLARATORY JUDGMENT AND RELIEF**

260.

Petitioners incorporate by reference and re-allege paragraphs 1 through 259 of this Petition as set forth herein verbatim.

261.

This claim is an action for a declaratory judgment pursuant to O.C.G.A. §§ 9-4-1 et seq.

262.

An actual controversy is ripe and exists between Petitioners and Respondents with regard to the misconduct, fraud, and irregularities occurring in the Contested Election, specifically including but not limited to:

- a. The illegal and improper inclusion of unqualified voters on Georgia's voter list;
- b. allowing ineligible voters to vote illegally in the Contested Election;
- c. whether the Contested Election results are invalid;

- d. whether the Consent Decree is unauthorized under Georgia law such that it is null and void, and unlawfully interfered with the proper administration of the Election Code;
- e. whether the results of the Contested Election are null and void.

263.

It is necessary and proper that the rights and status amongst the parties hereto be declared.

264.

This Honorable Court is a Court of Equity and therefore endowed with the authority to hear and the power to grant declaratory relief.

265.

As a result of the systemic misconduct, fraud, irregularities, violations of Georgia law, and errors occurring in the Contested Election and consequently in order to cure and avoid said uncertainty, Petitioners seek the entry of a declaratory judgment providing that:

- a. ineligible and unqualified individuals are unlawfully included on Georgia's voter role;
- b. unregistered, unqualified, and otherwise ineligible voters cast their votes during the Contested Election;
- c. the Consent Decree is unauthorized under Georgia law and is therefore null and void; and
- d. the results of the Contested Election are null and void.

**COUNT V:**

**REQUEST FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY AND  
PERMANENT INJUNCTIVE RELIEF.**

266.

Petitioners incorporate by reference and re-allege paragraphs 1 through 265 of this Petition as set forth herein verbatim.

267.

Petitioners seek an emergency temporary restraining order, as well as preliminary and permanent injunctive relief per O.C.G.A. § 9-11-65, to:

- a. Order expedited discovery and strict compliance with all open records requests;
- b. Order Respondents to respond to this Petition within 3 days;
- c. Require Respondents to immediately fulfill their obligations under the Election Code to properly maintain and update Georgia's list of registered voters to remove ineligible voters;
- d. Prevent Respondents from allowing unqualified, unregistered, and otherwise ineligible individuals from voting in Georgia elections, including but not limited to the upcoming January 5, 2021 run-off<sup>11</sup>;
- e. Require an immediate audit of the signatures on absentee ballot applications and ballots as described in Exhibit 16;
- f. Enjoin and restrain Respondents from taking any further actions or to further enforce the Consent Decree;
- g. Prevent the certification of the results of the Contested Election;

---

<sup>11</sup> To the extent ineligible voters have already voted absentee for the January 5, 2021, runoff, those votes should be put into a provisional status.

- h. Enjoin the Secretary of State from appointing the Electors to the Electoral College;
- i. **Order a new Presidential Election to occur at the earliest opportune time;** and
- j. For such other relief that this Court deems just and proper under the circumstances.

268.

In the absence of an emergency temporary restraining order and preliminary and permanent injunctions, Petitioners (and the Citizens of Georgia and the United States) will suffer irreparable harm for which there is no adequate remedy at law, while injunctive relief will cause no harm to Respondents.

269.

Immediate and irreparable injury, loss, or damage will result to the Petitioners (as well as the Citizens of Georgia and the United States) if the requested emergency injunctive relief is not granted.

270.

There will be immediate and irreparable damage to the Citizens of Georgia by allowing an illegal, improper, fraudulent, error-ridden presidential election to be certified, thereby improperly appointing Georgia's electors for Mr. Biden even though the Contested Election is in doubt.

271.

There will be irreparable damage to the Citizens of Georgia through their loss of confidence in the integrity of the election process by virtue of the illegal votes included in the tabulations of the Contested Election, which outweighs any potential harm to Respondents.

272.

Granting the requested relief will not disserve the public interest.

273.

Petitioners will be irreparably injured in the event the prayed for injunctive relief is not granted.

274.

It is further in the public interest to grant Petitioner's request for emergency injunctive relief so that Georgia voters can have confidence that the January 5, 2021, Senate election is conducted in accordance with the Election Code.

275.

As early as possible, notice to Respondents of Petitioners' motion for emergency injunctive relief will be made via email and / or telephone.

276.

Petitioners are further entitled to the injunctive relief sought herein because there is a substantial likelihood of success on the merits.

277.

The damage to Petitioners is not readily compensable by money.

278.

The balance of equities favors entry of a temporary restraining order and injunctive relief against Respondents and would not be adverse to any legitimate public interest.



**WHEREFORE**, Petitioners respectfully pray as follows for emergency and permanent relief as follows:

1. That this Court, pursuant to O. C. G. A. § 21-2-523, expeditiously assign a Superior Court or Senior Judge to preside over this matter;
2. That this Court issue a declaratory judgment that systemic, material violations of the Election Code during the Contested Election for President of the United States occurred that has rendered the Contested Election null and void as a matter of law;
3. That this Court issue a declaratory judgment that systemic, material violations of the Election Code during the Contested Election violated the voters' due process rights under the Georgia Constitution have rendered the Contested Election null and void as a matter of law;
4. That this Court issue a declaratory judgment that systemic, material violations of the Election Code violated the voters' equal protection rights under the Constitution of the State of Georgia that have rendered the Contested Election null and void as a matter of law;
5. That the Court issue an injunction requiring all Respondents to decertify the results of the Contested Election;
6. That the Court order a new election to be conducted in the presidential race, in the entirety of the State of Georgia at the earliest date, to be conducted in accordance with the Election Code;
7. *Alternatively*, that the Court issue an injunction prohibiting the Secretary of State from appointing the slate of presidential electors due to the systemic irregularities in the Contested Election sufficient to cast doubt on its outcome;

8. That the Court order expedited discovery and hearing, since time is of the essence, given the legal requirements that the presidential electors from the State of Georgia are to meet on December 14, 2020, and that the electoral votes from the State of Georgia are to be delivered to and counted by the United States Congress on January 6, 2021;
9. That this Court issue a declaratory judgment that the Consent Decree violates the Constitution of the State of Georgia and the laws of the State of Georgia;
10. *Alternatively*, that the Consent Decree be stayed during the pendency of this matter;
11. That the Court order Respondents to make available 10,000 absentee ballot applications and ballot envelopes from Respondents, as per Exhibit 16, and access to the voter registration database sufficient to complete a full audit, including but not limited to a comparison of the signatures affixed to absentee ballot applications and envelopes to those on file with the Respondents;
12. That the Court order the Secretary of State and other Respondents to release to Petitioners for inspection all records regarding the Contested Election pursuant to O.C.G.A. § 21-2-586;
13. That the Court order all Respondents to immediately identify and remove felons with uncompleted sentences, cross-county voters, out-of-state voters, deceased voters, and other ineligible persons from Respondents' voter rolls within the next 30 days;
14. That the Court declare that all rules adopted by the Respondents Secretary of State or the State Election Board in contravention of the Georgia Election Code be invalidated, specifically regarding the authentication and processing of absentee ballots, to wit State Election Board Rule 183-1-14-0.9-.15;
15. That the Court order such other relief as it finds just and proper.

Respectfully submitted this 7th day of December, 2020.

**SMITH & LISS, LLC**

/s/ Ray S. Smith III

RAY S. SMITH, III

Georgia Bar No. 662555

*Attorney for Petitioners Donald J. Trump, in his  
capacity as a Candidate for President, and Donald  
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**MARK POST LAW, LLC**

/s/ Mark C. Post

MARK C. POST

Georgia Bar No. 585575

*Attorney for Petitioner David J. Shafer, in his  
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President*

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Columbus, Georgia 31904  
Telephone: (706) 221-9371  
Facsimile: (706) 221-9379

Fulton County Superior Court  
\*\*\*EFILED\*\*\*QW  
Date: 12/9/2020 5:06 PM  
Cathelene Robinson, Clerk

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

DONALD J. TRUMP; IN HIS CAPACITY AS \*  
A CANDIDATE FOR PRESIDENT , \* Civil Action No. : 2020CV343255  
DONALD J. TRUMP FOR PRESIDENT, INC. \*  
DAVID J. SHAFER, IN HIS CAPACITY AS A \*  
REGISTERED VOTER AND PRESIDENTIAL \*  
ELECTOR PLEDGED TO DONALD TRUMP \*  
FOR PRESIDENT, \*  
Petitioners, \*

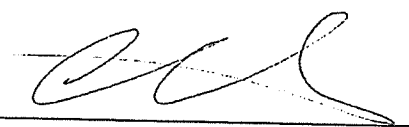
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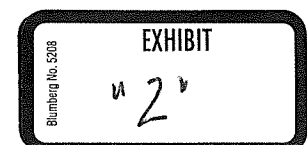
BRAD RAFFENSPERGER, IN HIS OFFICIAL  
CAPACITY AS SECRETARY OF STATE OF  
GEORGIA, et. al.,  
Respondents.

**ORDER ON CASE STATUS**

The action was filed on December 4, 2020. On December 8, 2020 Petitioners filed a voluntary withdrawal of their Motion for Emergency Injunctive Relief. The request for emergency relief having been withdrawn, the action shall proceed in the normal course. All counsel seeking admission pro hac vice must comply with Uniform Superior Court Rule 4.4.

So Ordered This 9 Day of December, 2020.

  
\_\_\_\_\_  
Judge Constance C. Russell  
Fulton County Superior Court  
Atlanta Judicial Circuit



IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a )  
Candidate for President, *et al.* )  
Petitioners, )  
v. )  
BRAD RAFFENSPERGER, in his official capacity )  
As Secretary of State of Georgia, *et al.*, )  
)

Civ. Act. No. 2020CV343255

NOTICE OF EMERGENCY REQUEST TO APPOINT  
ADMINISTRATIVE LAW JUDGE

COME NOW THE PETITIONERS, by and through the undersigned counsel, and hereby respectfully provide Notice of their Emergency Request to Appoint an Administrative Law Judge pursuant to O.C.G.A. § 21-2-523 and in support state as follows:

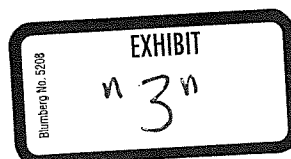
FACTS

1.

Petitioners filed the instant action on December 4, 2020.

2.

On December 9, 2020, Petitioners filed a Motion for Leave to Amend the Complaint along with an Amended Complaint and new *and pending* emergency motion for injunctive relief to account for the Secretary of State's certification of the re-count results that occurred after Petitioner's initial filing.



3.

On December 9, 2020, the Honorable Constance C. Russell was assigned the case and entered an Order on Case Status and in said order stated that the matter “shall proceed in the normal course.”

4.

Judge Russell is a resident of Fulton County, GA.

5.

Judge Russell has not taken senior status at this time.

6.

Petitioners respectfully suggest that Judge Russell lacked authority to enter such an Order and to preside over this case under the Georgia Election Code.

7.

Pursuant to O.C.G.A. § 21-2-523 (c) when a contest petition is filed, the administrative judge for that Judicial District is to be immediately notified. Under O.C.G.A. § 21-2-523 (d) if the administrative judge is a member of the Circuit in which the proceeding was filed, then the administrative judge shall select an administrative judge of an adjoining district to select a Superior Court judge from that district, or a senior judge who is not a resident of the circuit wherein the proceeding was filed.

8.

In the context of the instant case filed in the 5th Judicial Administrative District, The Honorable Chief Judge Christopher S. Brasher is the Administrative Judge.

9.

Because Judge Brasher is a member of the Atlanta Judicial Circuit, as are all members of the 5th Administrative District, the statute requires he select an administrative judge of an adjoining district viz. from the 4th, 6th, 7th, or 9th Judicial Districts.

10.

If Judge Brasher chooses the administrative judge from the 7<sup>th</sup> Judicial District, that judge must choose a Superior Court judge from Cherokee, Cobb, Conasauga, Douglas, Lookout Mountain, Paulding, Rome, or Tallapoosa counties.

11.

If Judge Brasher chooses the administrative judge from the 6<sup>th</sup> Judicial District that judge must chose a superior court judge from Coweta, Griffin, Clayton, Flint or Towaliga counties to preside.

12.

If Judge Brasher chooses the administrative judge from the 4th Judicial District, that judge must choose a Superior Court judge from Stone Mountain or Rockdale counties to preside.

13.

If Judge Brasher chooses the administrative judge from the 9th Judicial District, that judge must choose a Superior Court judge from Appalachian, Blue Ridge, Bell-Forsyth, Gwinnett, North-Eastern, Enotah, or Mountain counties.

14.

Any of the aforementioned administrative judges could also select a senior status judge who does *not* live in Fulton County.

15.

The law gives Judge Brasher complete discretion to choose which administrator shall assign the judge to hear the case.

16.

Upon information and belief, Judge Russell was not appointed to this case pursuant to the relevant statutes and is a current resident of Fulton County who is not yet on Senior Judge status.

17.

Since Judge Russell was not properly appointed to this case and lacked statutory authority to preside, any action in this matter taken by her was void *ab initio*.

18.

Petitioners are seeking an emergency appointment of a judge that is proper and mete to preside over this action so as not to prejudice the legal rights of Petitioners to have a contested election challenge under the Georgia Election Code.

19.

Due to the gravitas of the issues presented by this action, Petitioners are hopeful that this matter and request is addressed promptly and *sua sponte*.

**WHEREFORE**, because the Honorable Constance C. Russell is a resident of Fulton County and has not yet taken senior status, although a well respected jurist in Fulton County, she therefore is unfortunately ineligible to serve as a presiding judge in this case and any Orders entered by her were void *ab initio*, and Petitioners respectfully request that the Election Code be



followed in an emergency appointment of a judge under the process set forth therein so as not to create appellate error or causing undue delay.

Respectfully submitted, this 10<sup>th</sup> day of December, 2020.

  
THE HILBERT LAW FIRM, LLC

KURT R. HILBERT

Ga Bar No. 352877

*Lead Counsel for Petitioners*

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a  
Candidate for President, DONALD J.  
TRUMP FOR PRESIDENT, INC., and  
DAVID J. SHAFER, in his capacity as a  
Registered Voter and Presidential Elector  
pledged to Donald Trump for President,

Petitioners,

v.

CIVIL ACTION FILE NO.

2020 CV 343255

BRAD RAFFENSPERGER, in his official  
capacity as Secretary of State of Georgia,  
REBECCA N. SULLIVAN, in her official  
capacity as Vice Chair of the Georgia State  
Election Board, DAVID J. WORLEY, in  
his official capacity as a Member of the  
Georgia State Election Board, MATTHEW  
MASHBURN, in his official capacity as a  
Member of the Georgia State Election  
Board, ANH LE, in her official capacity as  
a Member of the Georgia State Election  
Board, RICHARD L. BARRON, in his  
official capacity as Director of Registration  
and Elections for Fulton County, JANINE  
EVELER, in her official capacity as  
Director of Registration and Elections for  
Cobb County, ERICA HAMILTON, in her  
official capacity as Director of Voter  
Registration and Elections for DeKalb  
County, KRISTI ROYSTON, in her official  
capacity as Elections Supervisor for  
Gwinnett County, RUSSELL BRIDGES, in  
his official capacity as Elections Supervisor  
for Chatham County, ANNE DOVER, in  
her official capacity as Acting Director of  
Elections and Voter Registration for  
Cherokee County, SHAUNA DOZIER, in  
her official capacity as Elections Director  
for Clayton County, MANDI SMITH, in  
her official capacity as Director of Voter  
Registration and Elections for Forsyth  
County, AMEIKA PITTS, in her official



capacity as Director of the Board of Elections & Registration for Henry County, LYNN BAILEY, in her official capacity as Executive Director of Elections for Richmond County, DEBRA PRESSWOOD, in her official capacity as Registration and Election Supervisor for Houston County, VANESSA WADDELL, in her capacity as Chief Clerk of Elections for Floyd County, JULIANNE ROBERTS, in her official capacity as Supervisor of Elections and Voter Registration for Pickens County, JOSEPH KIRK, in his official capacity as Elections Supervisor for Bartow County, and GERALD MCCOWN, in his official capacity as Elections Supervisor for Hancock County,

Respondents.

**SECOND MOTION FOR EMERGENCY INJUNCTIVE RELIEF AND  
INCORPORATED BRIEF IN SUPPORT**

COME NOW Petitioners DONALD J. TRUMP, in his capacity as a Candidate for President and DAVID J. SHAFER, in his capacity as a Registered Voter and Presidential Elector pledged to Donald Trump for President (“Movants”), and through their undersigned counsel of record, and file this, Second Motion for Emergency Injunctive Relief and Incorporated Memorandum of Law, respectfully showing this Honorable Court as follows.

On December 4, 2020, Petitioners filed a Verified Petition to Contest Georgia’s Presidential Election Results for Violations of the Constitution and Laws of the State of Georgia, and a Request for Emergency Declaratory and Injunctive Relief (the “Verified Petition”), in which, they sought an injunction prohibiting the Georgia Secretary of State from certifying Georgia’s election results. (See D.E. 1.1.)

On December 7, 2020, Petitioner Shafer moved for Emergency Injunctive Relief. (See D.E. 3.)

On December 8, 2020, the Georgia Secretary of State certified Georgia's Election results, after which, Petitioners Voluntarily withdrew their Motion for Emergency Injunctive Relief. (*See* D.E. 10.)

Also, on December 8, 2020, Petitioners filed a Motion to Amend the Verified Petition (the "Motion to Amend") which, among other things, updated the facts regarding the Georgia Secretary of State's certification and added a new request for Emergency Injunctive Relief seeking to decertify Georgia's election results. (*See* D.E. 16.) That Motion to Amend the Verified Petition is pending.

Movants now move for a Second Emergency Temporary Restraining order, as well as preliminary and interlocutory injunctive and respectfully request a hearing on this And to set a hearing for the Motion to Amend and this Second Motion for Emergency Injunctive Relief on Monday, December 14, 2020, or as soon as possible thereafter

Movants further ask that the Court, pursuant to O.C.G.A. § 9-11-65 and/or O.C.G.A. §§ 9-5-1, 23-3-1 et seq.:

- a. Decertify the certification of the results of the Contested Election by Respondent counties and the Secretary of State;
- b. Enjoin the Secretary of State from appointing the Electors to the Electoral College;
- c. Order expedited discovery and strict compliance with all existing and future open records requests;
- d. Order Respondents to preserve any and all evidence concerning election documents as contemplated by O.C.G.A. § 21-2-52, including without limitation, applications, envelopes (whether exterior or interior envelopes, and whether stamped or not), and any and all ballots;
- e. Require Respondents to immediately fulfill their obligations under the Election Code to properly maintain and update Georgia's list of registered voters to remove ineligible voters;

- h. Prevent Respondents from allowing unqualified, unregistered, and otherwise ineligible individuals from voting in Georgia elections, including but not limited to the upcoming January 5, 2021 run-off;
- i. Require an immediate audit of the signatures on absentee ballot applications and ballots as described in Exhibit 16;
- j. Order a new Presidential Election to occur at the earliest opportune time; and
- 1. For such other relief that this Court deems just and proper under the circumstances.

1.

The date by which electors must vote in their respective states is not December 8, 2020, but rather January 6, 2020. Thus, Petitioner's Petition is not moot or rendered moot, and is ripe to be heard on an expedited basis.

2.

Assuming the electors pledged to Trump meet on December 14, 2020, to cast their votes in the state capitol and send their votes to the President of the Senate in time to be opened on January 6, 2020, a Court decision or state legislature action rendered after December 14, 2020 should be considered timely.

3.

As Justice Ginsburg noted in *Bush v. Gore*, the date which has "ultimate significance" under federal law is the "sixth day of January." 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

4.

Such ripeness is further illustrated by precedent from the 1960 presidential election.

5.

In that election, the electors from Hawaii pledged to Vice President Nixon cast their ballots with certificates in hand from the governor of Hawaii certifying that Nixon had won the state by 141 votes.

6.

Kennedy's electors nonetheless met and voted on the day prescribed for the meeting of electors (December 19, 1960).

7.

On the same day, a Hawaii court ordered a recount of the entire state.

8.

On December 28<sup>th</sup> the Hawaii courts issued a final decision finding that Kennedy had in fact won the state by 105 votes.

9.

Because the Kennedy electors had taken care to vote on the proper day and the governor signed an amended certificate of election which was then reissued in time to be counted in Congress the electoral votes were awarded to Kennedy.

10.

As supported by the 1960 Kennedy-Nixon contest, the real safe harbor deadline is therefore January 6, 2021 and under *Bush v. Gore*, January 6 is the date the Senate and House meet for the counting of electoral votes and 3 U.S.C. § 15 controls when the Senate and House determine "the validity of electoral votes." *Id.* 531 U.S. 98, 144 (2000) (Ginsburg, J., dissenting).

11.

Thus, January 6, 2021 is the first date on which any electoral votes are actually counted. On that date, the Twelfth Amendment directs, "[t]he President of the Senate shall, in the presence

of the Senate and House of Representatives, open all the certificates and the votes shall then be counted."

12.

Art. II, § 1, cl. 4, gives Congress the power to specify the date "on which [the electors] shall give their votes, which Day shall be to same throughout the United States." Exercising that power, Congress has mandated that the electors "shall meet and give their votes on the first Monday after the second Wednesday in December" — this year, December 14, 2020 — "at such place in each State as the legislature of such State shall direct." 3 U.S.C. § 7.

13.

Article II requires that all electors throughout the United States vote on the same day, whether Congress could validly count electoral votes cast on a later date. The basic responsibility of the electors is to "make and sign six certificates of the votes given by them" for President and Vice President, 3 U.S.C. § 9; "seal up the certificates so made by them," *Id.*, § 10; and forward them by registered mail to the President of the Senate and to other officials. *Id.*, § 11. These actions are carried out without any involvement by state officials.

14.

It is also clear, that if, before the electors cast their votes, the candidates for whom they are voting have been issued certificates of election, it is the duty of the governor to deliver the certificates to the electors "on or before the day" they are required to meet, *Id.* at § 6, and the electors are then to attach the certificates to the electoral votes they transmit to the President of the Senate. *Id.* § 9.

12.

But nothing in federal law requires States to resolve controversies over electoral votes prior to the meeting of the electors. Indeed, there is no set deadline for a State to transmit to Congress a certification of which slate of electors has been determined to be the valid one. The duty of the state governor is merely to transmit the certification "as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment...." *Id.* § 6.

13.

The "safe harbor" provision of the Electoral Count Act, which purportedly mandates that a final result reached in a State by the safe harbor date "shall be conclusive" when votes are counted in Congress. 3 U.S.C. § 5. There is no legal authority stating that the Electoral Count Act, enacted by the 5<sup>th</sup> Congress in 1877, can have any binding effect on the 117<sup>th</sup> Congress which will convene on January 3, regarding its authority and obligation to count electoral votes as it sees fit. The Senate, which convenes in January, has the inherent authority to set whatever rules it wishes for deciding challenges to the electoral votes cast in the 2020 election. This is consistent with Art. I, § 5, providing that "[each House may determine the Rules of its Proceedings...."

14.

Thus, since the true deadline is January 6, 2020, this action is not rendered moot and this action is ripe to proceed.



**LEGAL STANDARD AND RELEVANT FACTS**

13.

The emergency preliminary, interlocutory, and permanent injunctive relief requested by Petitioners in this Second Motion is necessary in light of Defendants' past conduct as alleged in the Verified Petition, incorporated herein by reference, and their stated intentions as to future conduct, including a refusal to certify three different prior certifications of a Presidential election where there is "sufficient evidence to change or place in doubt the result" due to "Misconduct, fraud or irregularity" by any "election official." O.C.G.A. § 21-2-522.

14.

In the absence of an emergency temporary restraining order, preliminary and interlocutory injunctions, Petitioner (and the Citizens of Georgia and the United States) will suffer immediate and irreparable harm for which there is no adequate remedy at law, while injunctive relief, if granted, will cause no harm or prejudice to Respondents, and will uphold the Declared public policy of this State to "protect the integrity of the democratic process and to ensure fair elections for constitutional offices ... " O.C.G.A. § 21-5-2.

15.

Respondents have a duty to implement the rules and regulations of the State Election Board which in part is "to obtain uniformity in the practices and proceedings..." of elections as well as "the legality and purity in all .... elections." O.C.G.A. § 21-2-31.

16.

Immediate and irreparable injury, loss, or damage will result to the Petitioners (as well as the Citizens of Georgia and the United States) if the requested emergency preliminary, interlocutory, and permanent injunctive relief is not granted because the Verified Petition alleges and sets forth and

attaches actual data proof based on presumptively<sup>1</sup> accurate government documents that the 2020 election was not "fair[ly], legal[ly] and orderly" conducted. O.C.G.A. § 21-2-50.

17.

There will be immediate and irreparable damage to the President in his capacity as a Candidate for President if the wrong electoral slate is allowed to vote, thereby denying him Georgia's electoral votes. Petitioner David Schaffer in his official capacity as a presidential elector and in his personal capacity as a registered voter in the State of Georgia by being precluded from voting as an elector.

18

There will be immediate and irreparable damage to the Citizens of Georgia by allowing an illegal, improper, fraudulent, irregular, error-ridden presidential election to be certified by an election official that is a "Violator" as defined in O.C.G.A. § 21-2-2(37), thereby improperly appointing Georgia's electors for Mr. Biden even though the Contested Election is in doubt and sufficient evidence exists to change the result of the election. *See Verified Complaint and Declarations/Affidavits attached thereto.*

19.

There will be irreparable damage to the Citizens of Georgia through their loss of confidence in the integrity of the democratic election process by virtue of 1) the illegal votes included in the tabulations of the Contested Election, and 2) permitting an election official "Violator" to continue to willfully violate provisions of the Election Code. The foregoing and the declared public policy of this State outweighs any potential harm to Respondents.

---

<sup>1</sup> O.C.G.A. §803-8 et seq.

20.

Granting the requested relief will not disserve the public interest, on the contrary, it is the stated public policy of this State to require such relief in connection with elections.

21.

Movants will be irreparably injured in the event the prayed for injunctive relief is not granted. Specifically, President Trump will be denied votes to which he is entitled in the electoral college and potentially denied election to the presidency. David Schaffer, will be denied his ability cast a vote as a member of the Electoral College for President Trump, and further his vote as a qualified Georgia voter will be diluted.

22

It is further in the public interest and public policy to grant Movant's request for emergency injunctive relief so that Georgia voters can have confidence that the January 5, 2021, Senate election is conducted in accordance with the Election Code and is a "pure" election free from "misconduct, fraud or irregularity" that substantially alters the election.

23.

Movants are further entitled to the injunctive relief sought herein because there is a substantial likelihood of success on the merits as the alleged misconduct, fraud or irregularity calls into question validity of cast ballots that *exceed the delta of the votes* that Mr. Biden currently holds in the election above Petitioner Trump, as Candidate. These same irregularities, if not enjoined, shall substantially impact the upcoming Senate runoffs and will perpetuate fraud, misconduct and irregularity that is repugnant to our democratic process and the required "purity" (O.C.G.A. § 21-

2-31) of elections in the State of Georgia; and the certification will be put in place by a "Violator."  
(O.C.G.A. § 21-2-2(37))

24.

The damage to Petitioners is not readily compensable by money.

25.

The balance of equities favors entry of a temporary restraining order, interlocutory, and/or preliminary emergency injunctive relief, or other equitable relief imposed by this Honorable Court, against Respondents and would not be adverse to any conceivable legitimate public interest.

26.

As early as possible, notice to Respondents of this Second Motion for Emergency Injunctive Relief will be made via email and / or telephone. Service of the Verified Petition is also in the process of being served on the State Election Board as required by law.

#### **ARGUMENT AND CITATION OF AUTHORITIES**

Pursuant to O.C.G.A. § 9-11-65 *et seq.*, a temporary restraining order and an interlocutory injunction may be issued *if it clearly appears from specific facts shown by an affidavit or by the Verified Complaint that immediate and irreparable injury, loss or damage will result to Plaintiff.* O.C.G.A. § 9-11-65 *et seq.* (Emphasis added.) An interlocutory injunction and TRO "are designed to preserve the status quo pending a final adjudication of the case, and in so doing, the trial court must balance the conveniences of the parties pending the final adjudication, with consideration being given to whether greater harm might come from granting the injunction or denying it." *Bijou Salon & Spa, LLC v. Kensington Enterprises, Inc.*, 283 Ga. App. 857, 860, 643 S.E.2d 531 (2007).

A trial court "may issue an interlocutory injunction to maintain the status quo until the final hearing if, by balancing the relative conveniences of the parties, it determines that they favor the party seeking the injunction." *Hampton Island Founders v. Liberty Capital*, 283 Ga. 289, 293, 658 S.E.2d 619 (2008). "*There must be some vital necessity for the injunction so that one of the parties will not be damaged and left without adequate remedy.*" *Id.* (Emphasis added.) The granting and continuing of injunctions "shall always rest in the sound discretion of the judge, according to the circumstances of each case" and "this power shall be prudently and cautiously exercised and, except in clear and urgent cases, should not be resorted to." *O. C. G.A. § 9-5-8*. Moreover, equity itself requires under *O.C.G.A. § 5-9-1, 23-3-1 et seq.* that this Honorable Court exercise its inherently vested "equitable powers" to impose extraordinary measures through equitable relief.

Here, it clearly appears from the Verified Petition and from the impending certification of the 2020 election has been tainted by misconduct, fraud or irregularity based on evidence that sufficiently may change the outcome of the 2020 and 2021 elections or place in doubt the result of same, that there is a vital necessity for the issuance of the injunction; otherwise, Petitioners will be irreparably harmed and the entire election process shall be called into doubt.

First, as many as 2,560 felons with uncompleted sentences were allowed to register to vote and cast ballots.

Second, at least 66,247 under-aged and therefore ineligible people illegally registered to vote and subsequently voted.

Third, 4,926 individuals registered to vote in another state after having registered in Georgia, effectively unregistering them as qualified voters in Georgia. At least 395 such individuals voted.

Fourth, at least 15,700 individuals voted in Georgia who filed a national change of address form with the United States Post office.

Fifth, at least 40,279 individuals who moved across counties lines at least 30 days prior to Election Day and failed to reregister after having moved voted.

Sixth, 1,043 registered to vote using a post office box as their habitation in violation of state law.

Seventh, as many as 10,315 deceased persons voted in the Contested Election.

Eight, Respondents violated state law with respect to signature verification of absentee ballots.

Ninth, Respondents allowed at least 92 individuals to vote whose absentee ballots were returned and accepted prior to the individual requesting an absentee ballot.

Tenth, Respondents allowed at least 50 individuals to vote whose absentee ballots were returned prior to the earliest date that absentee ballots were permitted by law to be sent out.

Eleventh, the Secretary of State has admitted that multiple county election boards, supervisors, employees, election officials and their agents failed to follow the Election Code and State election Board Rules and Regulations, and called for several resignations.

Twelfth, Fulton County committed fraud with how they claimed a "pipe burst" and when they claimed they had finished counting ballots for the night and required all Republican monitors and members of the public to leave the State Farm Arena before they resumed counting ballots.

Thirteenth, the Board of Elections and Registration of Coffee County submitted a letter to the Georgia Secretary of State regarding inconsistencies with its electronic recount performed and regarding its refusal to certify electronic results (which is attached to the Amended Petition) and a letter to the Georgia House Governmental Affairs Committee containing an election summary report containing inconsistencies (which is attached hereto as **Exhibit A**). And the Supervisor of the Coffee County Board of Elections is recorded on video depicting systematic problems with their voting tabulation machines. A copy of this video will be provided to the Court and has been tendered as part of Exhibit 17 to the Petition. There are also photographs attached to an exhibit of an election official monitor ignoring his official duties. *See* (**Exhibit B** attached hereto and incorporated herein).

Fifteenth, there are a myriad of other election irregularities detailed in the Complaint and its attached exhibits incorporated by reference herein.

Simply put, if immediate emergency injunctive relief is not granted, irreparable harm and injury to Petitioners will result.

WHEREFORE, Petitioners pray for the following relief:

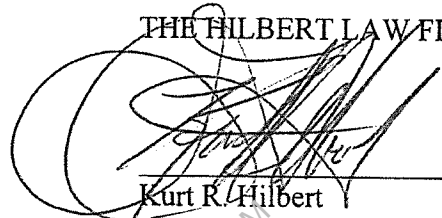
- (1) That the Court and/or Special Master issue a RULE NISI *instanter* and that the Court conduct an emergency hearing on this Motion;
- (2) That the Court issue a temporary restraining order, interlocutory and preliminary injunction, and/or other injunction or equitable relief in favor of Petitioners;
- (3) That the Court grant expedited discovery proceedings in this action, and limit the time for response accordingly along with entry of any applicable or necessary Protective

Orders to protect personal identifying information and other potentially sensitive information;

- (4) And for such other and further relief as is just, proper and equitable.

Respectfully submitted, this 11<sup>th</sup> day of December 2020.

THE HILBERT LAW FIRM, LLC

A large, stylized handwritten signature in black ink, appearing to read 'Kurt R. Hilbert', is written over a horizontal line.

Kurt R. Hilbert  
Georgia Bar No. 352877  
Attorneys for Petitioners

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**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-chairman  
C.T. Peavy, Member

224 West Ashley Street  
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Eric Chaney, Member  
Matthew McCulloch, Member  
**Misty Martin**, Election Supervisor  
Jil Ridlehoover Elections Assistant

12/04/2020

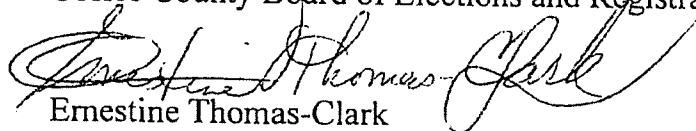
Brad Raffensperger  
214 State Capitol  
Atlanta, GA. 30334

Dear Mr. Raffensperger,

The Coffee County Board of Elections and Registration cannot certify the electronic recount numbers given its inability to repeatably duplicate creditable election results. Any system, financial, voting, or otherwise, that is not repeatable nor dependable should not be used. To demand certification of patently inaccurate results neither serves the objective of the electoral system nor satisfies the legal obligation to certify the electronic recount.

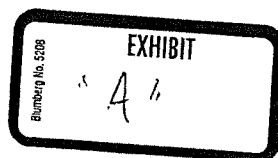
I am enclosing a spread sheet which illuminates that the electronic recount lacks credibility. NO local election board has the ability to reconcile the anomalies reflected in the attached. Accordingly, the Coffee County Board of Elections and Registration have voted to certify the votes cast in the election night report. The election night numbers are reflected in the official certification of results submitted by our office.

Respectfully,  
Coffee County Board of Elections and Registration

  
Ernestine Thomas-Clark  
Chairperson

Signed by Chairperson by expressed permission and consent of 100% of the board.

cc  
Dominic LaRicca  
Tyler Harper



# DISCREPANCIES IN THE NOVEMBER 3, 2020 GENERAL ELECTION AND RECOUNTS

[illegible]

**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

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Wendell Stone, Vice-chairman  
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Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jill Riddlehoover Elections Assistant

December 10, 2020

House Governmental Affairs Committee  
Elections Investigative Hearing  
Shaw Blackmon – Chairman  
401 State Capitol  
Atlanta, Ga. 30334

We want to thank the Governmental Affairs Committee for allowing the Coffee County Board of Election's to express its dilemma regarding certifying the electronic recount performed in the November 3, 2020 General Election. As you know, the certification process requires the Election Supervisor to swear under oath and under penalty of perjury that the certified votes are a true and accurate reflection of the count, or recount. In the instant case, the Election Supervisor of Coffee County could not honestly make such an attestation given the inherent inconsistencies existing within the electronic summary report generated by the Dominion voting system.

The basis for the dilemma is simple the election summary report for the electronic recount tabulated votes in a manner that resulted in more collective votes being cast for the Presidential candidates than the total number of votes reflected within the report. The inconsistent count could not be reconciled.

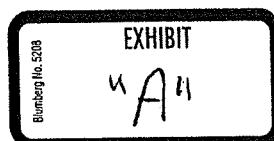
This fact (inherent inconsistency) alone was grounds not to certify the election based on the Dominion data set and report. However, the reluctance to certify the electronic recount was compounded where those results were considered in context with the two prior vote count results.

As this committee knows, a hand count of the original General Election balloting occurred on November 16 – November 17. Coffee County's hand count yielded one more ballot than was reflected on the ballot count on election night. At the direction of the Secretary of State, if the hand count yields a net vote difference of less than five votes, the board was instructed to certify the original vote tally. Coffee County certified on the original elections results on November 9, 2020.

The election report used to certify the original election results was internally consistent, meaning that the sum of the votes for each presidential candidate equaled the total votes reflected on the report. The hand count also yielded the same internal consistency within the report. See Exhibit 5. It is worth noting that we believe Dominion election reports generated in prior elections were likewise internally consistent. The internal inconsistency of the election summary report stands in stark contrast to all other prior elections.

To this application we have attached the following exhibits:

- Exhibit 1: Election Night Summary Report
- Exhibit 2: Recount Data



- Exhibit 3: Electronic Electron Summary Report
- Exhibit 4: Letter to Secretary of State
- Exhibit 5: Spreadsheet with results (corrected)
- Exhibit 6: Certification Form

Exhibit 5 is a spreadsheet that summarizes the discrepancies thus far described. A review of Exhibit 5 illustrates the two glaring problems presented to the Coffee County Board of Elections. The report relating to the recount is patently inaccurate on its face. Moreover, if one is to consider the electronic recount in light of the two prior vote counts, there is no way the vote tally reflected in that report could be accurate. It is not credible to accept that the original count and the hand count, under counted the total ballots by material number of ballots. Considering the inherent inconsistency of the electronic recount data, and its unlikely accuracy when compared to the first two vote counts, the Coffee County Board of Elections refused to certify the electronic recount based on the mandate of the certification form.

The decision not to certify the electronic recount was the result of a unanimous vote by Coffee County Board of Elections. However, this decision was not made until the Board could first have the data reviewed and explained by its Dominion representative. The data reflected in this statement was presented to the representative. He had NO explanation for the inaccuracies. He could not reconcile the electronic recount report data or explain how it so dramatically differed from the two prior counts. Knowing this decision would certainly be scrutinized, the Board sent a letter explaining its dilemma, its decision and the supporting spreadsheet to the Secretary of State. This letter was sent to Brad Raffensperger, on Friday, December 4, 2020.

That same day, the Election Supervisor also communicated directly with Chris Harvey, Director of Elections about the findings and the decision. No one could explain what was wrong or what to do. No one from the Secretary of State's office came to help the Board determine if it made an error or if the inaccuracies are Dominion software related.

This committee must understand, in this same election cycle, we identified other problems with the Dominion System and reported the same to the Secretary of State. On November 13, 2020 a letter was written to the Secretary of State identifying other serious concerns. A copy of that letter and other relevant documents are attached as Exhibit 7. Our Board members and Election Supervisor have called the Secretary of State's office to both report these issues as well as ask for help to address those problems. All our concerns and requests for help have fallen on deaf ears.

One can understand why today, December 10, 2020, our Board is dismayed to learn that the Secretary of State has opened an "investigation" into our handling of the recount. We learned this not from the Secretary of State but through WALB News where Chris Harvey provided a statement for the media. Mr. Harvey did not show us the courtesy of a phone call.

The same is true as relates to a video created at a Coffee County Board of Elections meeting which is now widely distributed via the internet. This video demonstrates how the Dominion system can be manipulated to alter existing ballot results or create voter ballots out of thin air. This security issue was first discovered by the Coffee County Board of Elections supervisor in June, 2020. It was made known to some but not all of the Board members. Importantly however, the findings were reported to our State Representative Dominic LaRiccica on or about June 10, 2020, with the hope that someone unassociated with Dominion would scrutinize this problem. The board never heard a word from Mr. LaRiccica or anyone from the Secretary of State's office or state government.

After the Presidential election was over, national attention focused on whether Dominion software could be manipulated to impact election results. Having previously demonstrated this fact, the full Board wanted to have this process documented during an open meeting. The video that captured this demonstration, along with other documents were requested to be produced via an Open Records Request. The content became public knowledge through this third-party request.

The Coffee County Board of Elections has for many months reported various aspects of these problems to the Secretary of State receiving no assistance in correcting these problems. As for the investigation, the Secretary of State chose not to assist us or help evaluate the root cause of the refusal to certify the election recount but certified the statewide election results despite our findings. The Coffee County Board of Elections took action which it believed accurately reflected the accurate vote of its citizens and certified that vote. If it has done so erroneously, it has been done, not nefariously or belligerently but honestly, humbly and with but one goal: to certify the true vote of the citizens of Coffee County.

This is particularly disappointing given that Eric Chaney personally called Chris Harvey and Dennis Carbone on November 13, 2020 to express his concerns over the Dominion System. Mr. Harvey nor Mr. Carbone returned this phone call. But the deafening silence from people in authority regarding our concerns go back to June 2020; their indifference is unfortunate.

As Exhibit 8 we have attached a list of individuals who, prior to Monday December 7, 2020, were made aware of some or all of the problems reflected in this statement. Not one person has offered any solution or explanation for these issues. The Secretary of State has been AWOL.

We look forward to our "investigation" which begins Friday. We stand ready to take any necessary action to correct any problems which are supported by the law and facts, even if we mistakenly erred in our decisions.

Respectfully,

  
Eric Chaney  
Coffee County Board Member

# EXHIBIT LIST

1. Election night summary report
2. Hand recount election summary
3. Electronic recount ESR
4. Letter to Secretary State (Dec. 4<sup>th</sup>, 2020)
5. Spread sheet summary election results (correction)
6. Certification form
7. Letter to Secretary of State (Nov 11<sup>th</sup>, 2020)
8. People aware of problems prior to Monday Dec 7<sup>th</sup>, 2020

# EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

**Election Summary Report**

General Election

COFFEE

November 03, 2020

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups  
OFFICIAL AND COMPLETE

Precincts Reported: 6 of 6 (100.00%)

Registered Voters: 15,277 of 25,114 (60.83%)

Ballots Cast: 15,277

**President of the United States (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,574	1,936	13	15,277 / 25,114	60.83%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		2,587	7,066	917	8	10,578	
Joseph R. Biden (Dem)		1,100	2,411	995	5	4,511	
Jo Jorgensen (Lib)		41	67	17	0	125	
Total Votes		3,728	9,544	1,929	13	15,214	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Loren Collins	WRITE-IN	0	0	0	0	0	
Gloria La Riva	WRITE-IN	0	0	0	0	0	
Unresolved Write-In		10	12	1	0	23	

**US Senate (Perdue) (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,574	1,936	13	15,277 / 25,114	60.83%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
David A. Perdue (I) (Rep)		2,535	6,981	899	9	10,424	
Jon Ossoff (Dem)		1,067	2,298	913	3	4,281	
Shane Hazel (Lib)		85	155	46	0	286	
Total Votes		3,687	9,434	1,858	12	14,991	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		5	8	1	0	14	



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## Public Service Commission District 4 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Lauren Bubba McDonald, Jr. (I) (Rep)		2,375	6,662	871	7	9,915	
Daniel Blackman (Dem)		1,008	2,156	910	3	4,077	
Nathan Wilson (Lib)		87	144	37	1	269	
Total Votes		3,470	8,962	1,818	11	14,261	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		2	4	2	0	8	

## US House District 12 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,574	1,936	13	15,277 / 25,114	60.83%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Rick W. Allen (I) (Rep)		2,483	6,909	916	7	10,315	
Liz Johnson (Dem)		1,054	2,247	938	4	4,243	
Total Votes		3,537	9,156	1,854	11	14,558	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		1	3	0	0	4	

## State Senate District 7 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Tyler Harper (I) (Rep)		2,948	7,790	1,216	7	11,961	
Total Votes		2,948	7,790	1,216	7	11,961	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		54	166	51	0	271	

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**Sheriff (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Doyle T. Wooten (I) (Rep)		3,058	8,018	1,396	9	12,481	
Total Votes		3,058	8,018	1,396	9	12,481	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		49	124	44	0	217	

**Tax Commissioner (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Shanda Henderson (I) (Rep)		3,132	8,175	1,412	9	12,728	
Total Votes		3,132	8,175	1,412	9	12,728	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		15	61	33	0	109	

**Surveyor (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Adam H. Evans (I) (Rep)		3,004	7,933	1,350	9	12,296	
Total Votes		3,004	7,933	1,350	9	12,296	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		18	66	26	0	110	

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**County Commission District 5 (Vote for 1)  
NP**

Precincts Reported: 5 of 5 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		1,134	1,916	345	6	3,401 / 5,144	66.12%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Ted Osteen (I) (Rep)		946	1,604	255	1	2,806	
Total Votes		946	1,604	255	1	2,806	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		0	7	9	0	16	

**Soil and Water - Altamaha (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Total Votes		0	0	0	0	0	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		412	938	178	0	1,528	

**Constitutional Amendment #1 (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,754	9,573	1,933	13	15,273 / 25,114	60.81%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
YES		2,520	6,513	1,342	5	10,380	
NO		827	2,133	399	3	3,362	
Total Votes		3,347	8,646	1,741	8	13,742	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		0	0	0	0	0	

# EXHIBIT 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

## Hand Recount Recap

##### BATCH RESULTS #####										
Jurisdiction	Batch Name	Batch Type	Trump	Biden	Jorgensen	Invalid Write-In	Valid Write-In	Blank/Unde	Overvote	
COFEE	1	Absentee By Mail	441	1	17	0	0	0	0	0
COFEE	2	Absentee By Mail	484	527	0	0	0	0	0	0
COFEE	3	Absentee By Mail	0	474	0	0	0	0	0	0
COFEE	10	Election Day	376	565	0	0	0	0	0	0
COFEE	11	Election Day	879	185	95	0	0	0	0	0
COFEE	12	Election Day	489	182	13	0	0	0	0	0
COFEE	13	Election Day	625	0	0	0	0	0	0	0
COFEE	14	Election Day	872	0	0	0	0	0	0	0
COFEE	15	Election Day	966	0	0	0	0	0	0	0
COFEE	16	Election Day	1071	430	0	0	0	0	0	0
COFEE	17	Election Day	0	0	0	23	0	0	0	0
COFEE	4	Election Day	393	8	0	0	0	0	0	0
COFEE	5	Election Day	1046	7	0	0	0	0	0	0
COFEE	6	Election Day	866	639	0	0	0	0	0	0
COFEE	7	Election Day	461	592	0	0	0	0	0	0
COFEE	8	Election Day	674	316	0	0	0	0	0	0
COFEE	9	Election Day	935	585	0	0	0	0	0	0
Election Day			9653	3509	17	23		13202	Total Votes	
Absentee By Mail			925	1002	108			2035	Total Votes	

10578 4511 125 \*  
 This total did not include the additional 15,237 \*  
 ballot (15,238) based on SOS guidance.

# EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

**Election Summary Report**

General Election

COFFEE

November 03, 2020

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups  
OFFICIAL AND COMPLETE RECOUNT

Precincts Reported: 6 of 6 (100.00%)

Registered Voters: 15,327 of 25,114 (61.03%)

Ballots Cast: 15,327

**President of the United States (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,379	0	1,948	0	15,327 / 25,114	61.03%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Donald J. Trump (I) (Rep)		9,671	0	926	0	10,597	
Joseph R. Biden (Dem)		3,519	0	1,001	0	4,520	
Jo Jorgensen (Lib)		119	0	17	0	136	
Total Votes		13,309	0	1,944	0	15,253	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Loren Collins	WRITE-IN	0	0	0	0	0	
Gloria La Riva	WRITE-IN	0	0	0	0	0	
Unresolved Write-In		5	0	0	0	5	

**US Senate (Perdue) (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,379	0	1,948	0	15,327 / 25,114	61.03%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
David A. Perdue (I) (Rep)		9,525	0	906	0	10,431	
Jon Ossoff (Dem)		3,375	0	917	0	4,292	
Shane Hazel (Lib)		248	0	45	0	293	
Total Votes		13,148	0	1,868	0	15,016	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		13	0	1	0	14	

## Public Service Commission District 4 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Lauren Bubba McDonald, Jr. (I) (Rep)		9,037	0	873	0	9,910	
Daniel Blackman (Dem)		3,167	0	912	0	4,079	
Nathan Wilson (Lib)		237	0	38	0	275	
Total Votes		12,441	0	1,823	0	14,264	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		6	0	2	0	8	

## US House District 12 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,379	0	1,948	0	15,327 / 25,114	61.03%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Rick W. Allen (I) (Rep)		9,398	0	921	0	10,319	
Liz Johnson (Dem)		3,308	0	939	0	4,247	
Total Votes		12,706	0	1,860	0	14,566	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		4	0	0	0	4	

## State Senate District 7 (Vote for 1) NP

Precincts Reported: 6 of 6 (100.00%)

		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Times Cast		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Tyler Harper (I) (Rep)		10,743	0	1,219	0	11,962	
Total Votes		10,743	0	1,219	0	11,962	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		219	0	53	0	272	



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**Sheriff (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Doyle T. Wooten (I) (Rep)		11,081	0	1,396	0	12,477	
Total Votes		11,081	0	1,396	0	12,477	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		173	0	46	0	219	

**Tax Commissioner (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Shanda Henderson (I) (Rep)		11,314	0	1,414	0	12,728	
Total Votes		11,314	0	1,414	0	12,728	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		76	0	35	0	111	

**Surveyor (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Adam H. Evans (I) (Rep)		10,944	0	1,352	0	12,296	
Total Votes		10,944	0	1,352	0	12,296	
		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		84	0	28	0	112	

Page: 7 of 8

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**County Commission District 5 (Vote for 1)  
NP**

Precincts Reported: 5 of 5 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		3,066	0	350	0	3,416 / 5,144	66.41%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Ted Osteen (I) (Rep)		2,553	0	255	0	2,808	
Total Votes		2,553	0	255	0	2,808	
Unresolved Write-In		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		7	0	9	0	16	

**Soil and Water - Altamaha (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
Total Votes		0	0	0	0	0	
Unresolved Write-In		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		1,350	0	178	0	1,528	

**Constitutional Amendment #1 (Vote for 1)  
NP**

Precincts Reported: 6 of 6 (100.00%)

Times Cast		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		13,356	0	1,945	0	15,301 / 25,114	60.93%
Candidate	Party	Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
YES		9,041	0	1,342	0	10,383	
NO		2,961	0	399	0	3,360	
Total Votes		12,002	0	1,741	0	13,743	
Unresolved Write-In		Election Day	Advanced Voting	Absentee by Mail	Provisional	Total	
		0	0	0	0	0	

# EXHIBIT 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-chairman  
C.T. Peavy, Member

224 West Ashley Street  
Douglas, GA 31533  
(912) 384-7018  
FAX (912) 384-1343  
E-Mail: [misty-hampton@coffeecounty-ga.gov](mailto:misty-hampton@coffeecounty-ga.gov)

Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jill Ridlehoover Elections Assistant

12/04/2020

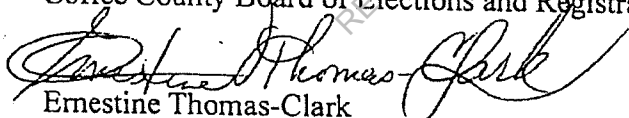
Brad Raffensperger  
214 State Capitol  
Atlanta, GA. 30334

Dear Mr. Raffensperger,

The Coffee County Board of Elections and Registration cannot certify the electronic recount numbers given its inability to repeatably duplicate creditable election results. Any system, financial, voting, or otherwise, that is not repeatable nor dependable should not be used. To demand certification of patently inaccurate results neither serves the objective of the electoral system nor satisfies the legal obligation to certify the electronic recount.

I am enclosing a spread sheet which illuminates that the electronic recount lacks credibility. NO local election board has the ability to reconcile the anomalies reflected in the attached. Accordingly, the Coffee County Board of Elections and Registration have voted to certify the votes cast in the election night report. The election night numbers are reflected in the official certification of results submitted by our office.

Respectfully,  
Coffee County Board of Elections and Registration



Ernestine Thomas-Clark  
Chairperson

Signed by Chairperson by expressed permission and consent of 100% of the board.

cc  
Dominic LaRiccia  
Tyler Harper

[illegible]

# EXHIBIT 5

RETRIEVED FROM DEMOCRACYDOCKET.COM

## DISCREPENCIES IN THE NOVEMBER 3, 2020 GENERAL ELECTION AND RECOUNTS

Date	Activity	Action #	Trump	Biden	Jorgensen	Write-IN*	Total Votes	Internal Delta
11/3/2020	Election Day 1	1	10578	4511	125	23	15237	
11/17/2020	Hand Recount	2	10578	4511	126	NA	15238	
	Compare 2 to 1		0	0	+1		+1	+1
11/30/2020	Electronic Recount	3	10597	4520	136	0	15258	
	Compare 3 to 1		+19	+9	+11			+39
	Compare 3 to 2		+19	+9	+12			+40
11/30/2020	2nd uploaded 185 BALLOTS	4	NO CHANGE	NO CHANGE	NO CHANGE	0	NO CHANGE	
	The tabulated Electronic Recount revealed the above discrepancies							
	Investigation revealed we neglected to run 185 ballots: we then ran these ballots							
	we reviewed the results but there was No Change in Vote Count Despite 185 Ballots Added							
	The on Site Dominion Rep could not explain why system would not update votes							
	The Dominion Rep directed the Board of Elections to make a decision about what to do.							
	FOR SOME REASON NO WRITE-IN COLUMN PRINTED ON THE RECOUNT SUMMARY							
	THERE WAS NO EXPLANATION OR SOLUTION TO THIS PROBLEM							
12/2/2020	Prepare to Certify	5	10597	4520	136	5	15258	
	Compare 5 to 1		+19	+9	+11			+39
	Compare 5 to 2		+19	+9	+12			+40
	There is a discrepancy between Electronic Recount and total votes for both 1 & 2							
	Stated Differently after 3 counts a clear inconsistency exists as one compares the original election counts, the hand recount, and the electronic recount.							
	Anomalies in software recounts create irreconcilable difference in vote count which leaves the Board with no clear guidance as to which count to certify.							
	* Write-IN and NO Votes are NOT included in the Total Votes							

Revised 12/10/2020

# EXHIBIT 6

RETRIEVED FROM DEMOCRACYDOCKET.COM



**CERTIFICATION OF RETURNS FOR:**

**NOVEMBER 3, 2020 GENERAL ELECTION RECOUNT**

\_\_\_\_\_  
(COUNTY)

Instructions: Prepare and print 4 copies of the Election Summary for the General Election (county consolidated vote totals report that is generated by EMS).

Attach copies of this consolidated certification report as follows:

1. White sheet is attached to Election Summary and returned to Secretary of State.
2. Yellow sheet is attached to Election Summary and maintained by Superintendent.
3. Pink sheet is attached to Election Summary and sent to Clerk of Superior Court.
4. Goldenrod sheet is attached to Election Summary and immediately posted at the Courthouse.

ELECTION SUMMARY MUST BE ATTACHED TO THIS FORM

We, the undersigned Superintendent/Supervisor of Elections and his/her Assistants, do jointly and severally certify that the attached Election Summary is a true and correct count of the votes cast in this County for the candidates in the General Election.

In TESTIMONY WHEREOF, We have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. SIGNED IN QUADRUPLICATE.

\_\_\_\_\_ Assistant

\_\_\_\_\_ Assistant

\_\_\_\_\_ Assistant

\_\_\_\_\_ Assistant

\_\_\_\_\_ Assistant

\_\_\_\_\_  
Superintendent/Supervisor Of Elections

# EXHIBIT 7

RETRIEVED FROM DEMOCRACYDOCKET.COM

**COFFEE COUNTY BOARD OF  
ELECTIONS AND REGISTRATION**

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-chairman  
C.T. Peavy, Member

224 West Ashley Street  
Douglas, GA 31533  
(912) 384-7018  
FAX (912) 384-1343  
E-Mail: [misty-hampton@coffeecounty-ga.gov](mailto:misty-hampton@coffeecounty-ga.gov)

Eric Chaney, Member  
Matthew McCulloch, Member  
Misty Martin, Election Supervisor  
Jill Riddlehoover, Elections Assistant

Brad Raffensperger  
2 MLK Jr. Dr. S.E. Ste. 814  
Floyd W Tower  
Atlanta, Ga. 30334

November 11, 2020

Dear Mr. Raffensperger,

During the election conducted on 11/3/2020 the Coffee County Board of Elections and Registration discovered deficiencies in the current Dominion election system. We are writing to ensure you are aware of these and that they may be immediately rectified.

The adjudication process allows the ICC operator to choose how adjudication occurs, i.e. ambiguous marks, over vote, under vote, blank ballots, or ALL ballots. With the setting on "all ballots" we could adjudicate and change votes on all ballots, even if the ballot was correctly and cleanly voted. We believe a statewide standard would be appropriate.

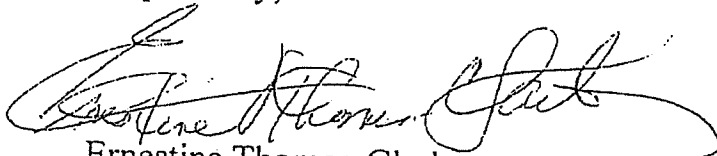
Using the old Diebold system, absentee ballots by mail that have errors would duplicate the voter's intent on a new ballot on all races possible. A representative from the Democratic and Republican Party plus a board member, would all agree on the marking or duplicating the ballot. We, also, all 3 sign the top tab of the ballot that we attach to the void ballot so that we may recreate the process and see who was making the changes. We have proof it was agreed by all.

During the adjudication process with the Dominion system, no such trail can be created. This allows ANYONE to make a change to the vote so there

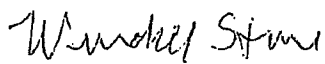
is no accountability. We also believe that the adjudication process may not be observed from any distance beyond that of the operator of the ICC. Given the computer screen it is not possible to observe the change being completed from any further distance.

In a Mockup election we were able to count ballot multiple times. It was during this mockup election we have verified and recreated the above deficiencies


Respectfully,



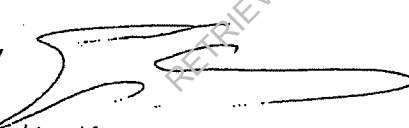
Ernestine Thomas-Clark



Wendell Stone



Matthew McCullough



Eric Chaney

Delivered by: Overnight and fax 404-656-0513

# Transmission Log

Coffee Co Commission

Friday, 2020-11-13 16:28

9123840291

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pgs	Status
2020-11-13	16:27	SCAN	09289	0:32	14400	814046560513	1	OK -- V.17 AB31

## COFFEE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Ernestine Thomas-Clark, Chairman  
Wendell Stone, Vice-Chairman  
C.T. Peavy, Member

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During the adjudication process with the Dominion system, no such trail can be created. This allows ANYONE to make a change to the vote so there

USPS Tracking®

FAQs &gt;

Track Another Package +

Tracking Number: EJ475214345US

Remove X

Scheduled Delivery by

MONDAY

**16** NOVEMBER 2020 ⓘ by **3:00pm** ⓘ

## Delivery Attempt

November 14, 2020 at 10:09 am  
Delivery Attempted - No Access to Delivery Location  
30334

Get Updates ✓

Feedback

## Text &amp; Email Updates

^

Select what types of updates you'd like to receive and how. Send me a notification for:

Text

Email

☐☐ All Below Updates☐☐ Expected Delivery Updates ⓘ☐☐ Day of Delivery Updates ⓘ☐☐ Package Delivered ⓘ☐☐ Available for Pickup ⓘ☐☐ Delivery Exception Updates ⓘ☐☐ Package In-Transit Updates ⓘ

## Proof of Delivery

^

# EXHIBIT 8

RETRIEVED FROM DEMOCRACYDOCKET.COM

The following 15 people have received calls or letters identifying the following cartological problems with the Dominion software and other issues.

1. The adjudication processes and the ability to manipulate votes
2. The absence of audit trail to identify who changed data in adjudication process and who witnessed to the adjudication of any given ballot.
3. Change by the SOS in the adjudication process changing the old system which required a rep from each party, plus a board member, to determine the voter's intent.

Under the Dominion adjudication process anyone can adjudicate change a vote with out any oversite or accountability from any neutral 3 party. A single ballot can be scanned and counted multiple times.

4. Multiple complaints and concerns have been logged over training, equipment failure and inexplicable software anomalies.

Secretary of State Brad Raffensperger

Gary Gainous \_ Dominion Tech

Dominic LaRiccia – State House Representatives for Dist 169 6/10

Butch Miller – Senator 12/3

Mike Dugan – Senator 12/3

Steve Gooch – Senator 12/3

John Kennedy – Senator 12/3

Larry Walker – Senator 12/3

Dean Burke – Senator 12/3

Tyler Harper – Senator 12/3

Blake Tillery 12/3 & 12/4

Cardan Summers 12/3 & 12/8

Cathy Latham 12/7 & 12/8

Whitney Argenbright – Albany News - 12/7

Robert Preston 12/7 & 12/8

Brad Schrade with AJC 12/8





COFFEE COUNTY CLERK/ELECTION OFFICIAL  
VIDEO OF VOTING EQUIPMENT USE



STATE OF GEORGIA

COUNTY OF FULTON

Personally appeared before me, the undersigned officer duly authorized to administer oaths, **MARK AMICK**, who, after having been sworn, deposes and says as follows:

On October 23, 2020, I was recognized by the Secretary of State of the State of Georgia as having been designated by the Republican Party of Georgia to serve as a statewide poll watcher for the November 3, 2020 election.

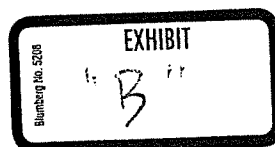
On November 6, I was at State Farm Arena from 8:20 a.m. until approximately 10:15 p.m. where Fulton County election workers were processing provisional ballots, military ballots (UOCAVA), and absentee ballots. I left the premises only between 6:30 and 7:20 p.m. in order to get dinner.

I observed that there was present a representative from the Office of the Secretary of State ("SOS representative") on site. However, this person provided virtually no oversight to the processing and counting of the ballots, instead spending the vast majority of his time at the back of the observation area on his phone.

There were tables and chairs situated in the front part of the viewing area from which one could observe the processing of the ballots at a distance. I arrived in the room by 8:30 a.m. and remained seated or standing at these tables the entire time observing the processing of the ballots except for a few brief restroom breaks and leaving for dinner between 6:30 and 7:20 p.m. Fulton County election workers started processing the ballots at approximately 8:50 a.m.

The SOS representative entered the viewing area sometime in the late morning. I observed that the SOS representative was sitting in the back of the room not observing the processing of the ballots almost the entire time that he was there. Rather than sitting at the tables and chairs provided closest to the area where the ballots were being processed, the SOS representative sat in the back of the room an estimated fifteen to twenty feet further away which would have made it extremely difficult to observe the processing of the ballots in addition to observers sitting in front as well as two camera crews obscuring his view. In addition, the SOS representative was on his phone appearing to be disengaged from the process almost the entire time he was there.

At 1:35pm, a Supervisor stood in the middle of the room to address the workers. The SOS representative was on the floor with him briefly at this time. This was the first time I had actually seen him out on the floor by the workers even though the work had stopped at this time. Upon the end of the announcement, he returned to his chair in the back of the observation area. I observed that the SOS representative in the back of the viewing room on his phone and not watching the processing of the ballots also throughout the afternoon and evening except for two brief stretches as follows. Attached to this affidavit is Exhibit A which includes several images of the SOS representative sitting as described in the back of the room on his phone over my

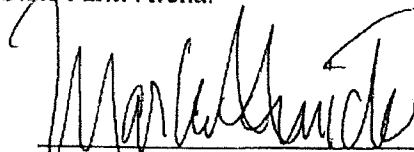


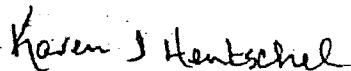
shoulder. What follows are the various activities of the SOS representative I observed that afternoon:

- 4:00 pm -- The SOS representative left the room and returned soon after.
- 5:00 pm (approximately) -- The SOS representative took a phone call in the hall.
- 5:15 pm (approximately) -- The SOS representative stood by the door to the viewing room and watched for approximately 3 minutes. However, he did not enter the room to observe the processing of the ballots. His view would have been very limited from where he was standing at the door due to the configuration of the room.
- 5:20 pm -- The SOS representative left the room. He returned a few minutes later and stood at door.
- 5:26 pm -- The SOS representative left the room. He returned a few minutes later.
- 5:30 pm -- The SOS representative left the room.
- 5:39 pm -- The SOS representative returned but someone was in his chair in the back corner so he sat at a different spot in the back along the wall.
- 5:53 pm -- The SOS representative walked into the area where they were processing the ballots and spoke with a supervisor.
- 6:02 pm -- The SOS returned to his chair in the back corner of the room and did not appear to be paying attention to the processing of the ballots.
- 6:30 - 7:20 p.m. -- I left to get dinner for myself and others.
- 7:48 pm -- The SOS representative was on the phone down the hall past the bathrooms.
- 7:49 pm -- Upon exiting the bathroom, the SOS representative was walking behind me and talking on the phone discussing some concern about the cost of parking.
- 7:58 pm -- The SOS representative was in the corner by the door and then went and sat outside the room.
- 8:14 pm -- The SOS representative returned to sitting at the back of the room as members of the media had come in and taken up more of the back wall.
- 9:15 pm -- The SOS representative was in hall and appeared to be socializing with an election worker or supervisor.

- o 9:22 pm – The worker or supervisor came back in and soon after that the SOS representative returned to his chair at the back of the room.
- o 10:15 pm – I left for the evening.

Other than a few minutes at approximately 1:35pm and 5:15 p.m. and for about 10 minutes at around 5:53 p.m., I personally observed that the SOS representative was not watching or monitoring the processing of the ballots at the State Farm Arena.

  
MARK AMICK



Sworn to and subscribed before me  
this 9<sup>th</sup> day of November, 2020  
and notarized by me on said day.

My commission expires: 2/3/2024



RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit A

2:37pm



3:51pm



4:47pm



5:41pm



CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the above and foregoing *SECOND MOTION FOR EMERGENCY INJUNCTIVE RELIEF AND INCORPORATED BRIEF IN SUPPORT* upon all parties and their counsel via this Court's e-file system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

Brad Raffensperger, in his official capacity as Secretary of State of Georgia

214 State Capitol  
Atlanta, Georgia 30334

Rebecca N. Sullivan, in her official capacity as Vice Chair of the Georgia State Election Board,

214 State Capitol  
Atlanta, Georgia 30334

David J. Worley, in his official capacity as a Member of the Georgia State Election Board

214 State Capitol  
Atlanta, Georgia 30334

Matthew Mashburn, in his official capacity as a Member of the Georgia State Election Board

214 State Capitol  
Atlanta, Georgia 30334

Anh Le, in her official capacity as a Member of the Georgia State Election Board

214 State Capitol  
Atlanta, Georgia 30334

Richard L Barron in his official capacity as Director of Registration and Elections for Fulton County,

141 Pryor St. SW  
Atlanta, GA 30303

Janine Eveler in her official capacity as Director of Registration and Elections for Cobb County

P.O. Box 649  
Marietta, GA 30061-0649

Erica Hamilton, in her official capacity as Director of Voter Registration and Elections for  
DeKalb County  
1300 Commerce Drive  
Decatur, GA 30030

Kristi Royston, in her official capacity as Elections Supervisor for Gwinnett County

455 Grayson Highway  
Lawrenceville, GA 30046

Russell Bridges, in his official capacity as Elections Supervisor for Chatham County

1117 Eisenhower Drive, Suite F  
Savannah, Georgia 31406

Anne Dover, in her official capacity as Acting Director of Elections and Voter Registration for  
Cherokee County,  
2782 Marietta Highway, Suite 100  
Canton, GA 30114

Shauna Dozier, in her official capacity as Elections Director for Clayton County,

112 Smith Street  
Jonesboro, GA 30236

Mandi Smith, in her official capacity as Director of Voter Registration and Elections for Forsyth  
County

1201 Sawnee Drive  
Cumming, GA 30040

Ameika Pitts, in her official capacity as Director of the Board of Elections & Registration for  
Henry County,

140 Henry Parkway  
McDonough, GA 30253

Lynn Bailey, in her official capacity as Executive Director of Elections for Richmond County

535 Telfair Street  
Augusta, GA 30901

Debra Presswood, in her official capacity as Registration and Election Supervisor for Houston County

801 Main Street - Room 237, P.O. Box 945  
Perry, GA 31069

Vanessa Waddell, in her capacity as Chief Clerk of Elections for Floyd County

12 East 4th Avenue, Suite 20  
Rome, GA 30161

Julianne Roberts, in her official capacity as Supervisor of Elections and Voter Registration for  
Pickens County,  
83 Pioneer Road  
Jasper, GA 30143

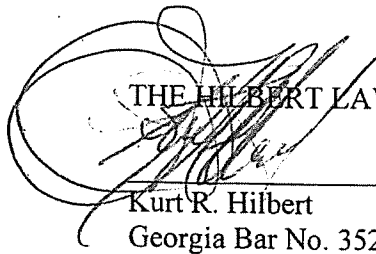
Joseph Kirk, in his official capacity as Elections Supervisor for Bartow County

135 West Cherokee Avenue  
Cartersville, GA 30120

Gerald McCown, in his official capacity as Elections Supervisor for Hancock County

12630 Broad Street  
Sparta, GA 31087

This the 11<sup>th</sup> day of December, 2020.

  
THE HILBERT LAW FIRM, LLC  
Kurt R. Hilbert  
Georgia Bar No. 352877



*Attorneys for Petitioners Donald J.  
Trump and David Shafer*

205 Norcross Street  
Roswell, GA 30075  
T: (770) 551-9310  
F: (770) 551-9311  
E: khilbert@hilbertlaw.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

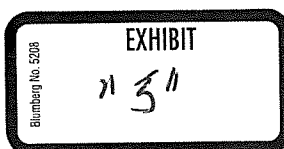
DONALD J. TRUMP, in his capacity as a	)	
Candidate for President, <i>et. Al</i>	)	
<i>Petitioners,</i>	)	Civ. Act. No 2020CV343255
	)	
v.	)	
BRAD RAFFENSPERGER, in his official capacity )	)	
As Secretary of State of Georgia, <i>et al.</i>	)	
	)	

---

NOTICE OF APPEAL AND INTENTION TO SEEK WRIT OF CERTIORARI  
TO THE SUPREME COURT OF GEORGIA

COME NOW THE PETITIONERS, by and through the undersigned counsel, and respectfully inform the Court of their appeal and intention to seek a writ of certiorari to the Supreme Court of Georgia to review the "Order on Case Status" re Withdrawal of Motion for Emergency Injunctive Relief entered on December 9, 2020 at 5:06 PM, attached hereto as Exhibit A. This appeal is timely filed within ten (10) days of the entry of that Order. The Supreme Court has jurisdiction to hear this appeal under Georgia Constitution art. VI, Section VI, Par 2, cl. 2 as this is an Election Contest exclusively vested in the appellate jurisdiction of the Georgia Supreme Court. The Order is void *ab initio* and is a nullity, but is tantamount to a "final" order for purposes of O.C.G.A. § 5-6-34 as Petitioners cannot obtain relief of any kind and nature from this Court, including without limitation, interlocutory, preliminary or permanent injunctive relief, while the Order is entered, and while the Honorable Constance C. Russell remains presiding in the case in direct violation of the Election Code as she is an active sitting judge in Fulton County, Georgia and also a resident of that same county making her legally incapable of adjudicating this case.

The Clerk of Court shall omit nothing from the entire record on appeal and Petitioners hereby request that the record be prepared and expedited to the Supreme Court of Georgia immediately. Petitioners shall pay the costs as necessary for such expeditious preparation of the record.



Respectfully submitted, this 11<sup>th</sup> day of December, 2020



THE HILBERT LAW FIRM, LLC

KURT R. HILBERT

GEORGIA BAR NO. 352877

ATTORNEY FOR PETITIONERS

205 Norcross Street  
Roswell, GA 30075  
T: (770) 551-9310  
F: (770) 551-9311  
E: khilbert@hilbertlaw.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

Fulton County Superior Court  
\*\*\*EFILED\*\*\*QW  
Date: 12/9/2020 5:06 PM  
Cathelene Robinson, Clerk

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

DONALD J. TRUMP; IN HIS CAPACITY AS \*  
A CANDIDATE FOR PRESIDENT , \* Civil Action No. : 2020CV343255  
DONALD J. TRUMP FOR PRESIDENT, INC. \*  
DAVID J. SHAFER, IN HIS CAPACITY AS A \*  
REGISTERED VOTER AND PRESIDENTIAL \*  
ELECTOR PLEDGED TO DONALD TRUMP \*  
FOR PRESIDENT, \*  
Petitioners, \*

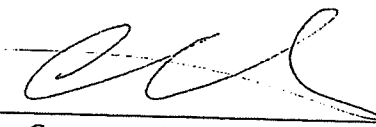
v.

BRAD RAFFENSPERGER, IN HIS OFFICIAL  
CAPACITY AS SECRETARY OF STATE OF  
GEORGIA, et. al.,  
Respondents.

**ORDER ON CASE STATUS**

The action was filed on December 4, 2020. On December 8, 2020 Petitioners filed a voluntary withdrawal of their Motion for Emergency Injunctive Relief. The request for emergency relief having been withdrawn, the action shall proceed in the normal course. All counsel seeking admission pro hac vice must comply with Uniform Superior Court Rule 4.4.

So Ordered This 9 Day of December, 2020.

  
\_\_\_\_\_  
Judge Constance C. Russell  
Fulton County Superior Court  
Atlanta Judicial Circuit



**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**DONALD J. TRUMP, in his capacity as a  
Candidate for President, et al.**

Petitioner,

v.

**BRAD RAFFENSPERGER, in his official  
Capacity as Secretary of State of Georgia,  
Et al.**

Respondent

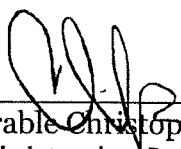
**CIVIL ACTION**

**FILE NO: 2020CV343255**

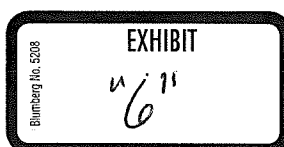
**NOTICE OF TIME FOR RESPONSE TO REQUEST TO APPOINT  
ADMINISTRATIVE LAW JUDGE**

The Undersigned, as the Chief Administrative Judge for the 5<sup>th</sup> Judicial Administrative District, has received the Notice of Emergency Request to Appoint Administrative Law Judge filed by Petitioners. This Notice requests that the undersigned appoint an Administrative Law Judge pursuant to O.C.G.A. § 21-2-523. Objections or responses to this narrow request, if any, must be filed on or before the close of business on Wednesday, December 16, 2020.

SO ORDERED this 11th day of December, 2020.

  
\_\_\_\_\_  
The Honorable Christopher S. Brasher  
Chief Administrative Judge for  
The Fifth Judicial Administrative District  
Atlanta Judicial Circuit

*Filed and served electronically via eFileGA*





SUPREME COURT OF GEORGIA  
Case No. S21M0561

December 12, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DONALD J. TRUMP et al. v. BRAD RAFFENSPERGER et al.

Petitioners filed this "Emergency Petition for Writ of Certiorari" to challenge the superior court's December 9, 2020 "Order on Case Status," which order provided that, because in the underlying election contest petitioners had withdrawn their request for emergency injunctive relief, the case would proceed "in the normal course." As the basis for their petition, they reference Supreme Court Rules 39 and 40, but those rules provide for petitions for writ of certiorari to this Court from opinions or orders issued by the Court of Appeals filed under Supreme Court Rule 38, and thus do not apply here. For the reasons that follow, we dismiss the petition for lack of jurisdiction.

To the extent that the petition can be construed as a direct appeal from the December 9 order, we note as an initial matter that this Court has subject matter jurisdiction over "election contest[s]," Ga. Const. of 1983, Art. VI, Sec. VI, Par. II (2), and the underlying case fits within that definition, as it is challenging the result of an election. See *Cook v. Bd. of Registrars of Randolph County*, 291 Ga. 67, 70 (727 SE2d 478) (2012). However, the December 9 order is not a final judgment, see OCGA § 5-6-34 (a) (1) (direct appeals may be taken from "[a]ll final judgments, that is to say, where the case is no longer pending in the court below"), and therefore the petitioners were required to follow interlocutory appeal procedures in order to obtain review of the order. See OCGA § 5-6-34 (b); *Duke v. State*, 306 Ga. 171, 171 (829 SE2d 348) (2019). Although there are some exceptions to that general rule, this case does not fit within any



of those exceptions. See OCGA § 5-6-34 (a) (2) - (13) (setting out directly appealable non-final orders).

Additionally, petitioners' reliance on the collateral order doctrine is unavailing. See *Duke*, 306 Ga. at 174. Furthermore, to the extent petitioners challenge the authority of the superior court judge to preside over the pending matter, it does not appear that any order has been entered on the challenge to her authority that they represent has been filed below, and thus this issue provides no basis for invoking the Court's jurisdiction. See *Titelman v. Stedman*, 277 Ga. 460, 461 (591 SE2d 774) (2003) (order is not appealable until written, signed by judge, and filed with the clerk).

Finally, to the extent that petitioners seek original relief, petitioners have not shown that this is one of those extremely rare cases that would invoke our original jurisdiction. See generally *Brown v. Johnson*, 251 Ga. 436 (306 SE2d 655) (1983). Accordingly for all these reasons, this Court lacks jurisdiction to consider the petition and dismisses it.

*Melton, C. J., Nahmias, P. J., and Boggs, Peterson, Warren, Bethel, Ellington, and McMillian, JJ., concur.*

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

**DONALD J. TRUMP**, in his capacity as a  
Candidate for President, et al.

Petitioner,

**V.**

CIVIL ACTION

FILE NO: 2020CV343255

**BRAD RAFFENSPERGER**, in his official  
Capacity as Secretary of State of Georgia,  
Et al.

Respondent

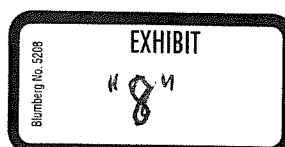
## STATUS OF REQUEST TO APPOINT ADMINISTRATIVE LAW JUDGE

As provided in the notice of December 11, 2020, this Court has received Petitioner's Notice of Emergency Request to Appoint Administrative Law Judge, which, in fact sought a referral to a Judge outside this district. Before this Court had an opportunity to consider such request, the Petitioner filed a Notice of Appeal seeking to present this issue to the appellate courts. Accordingly, this Court will not consider this request until either the appeal is concluded or the notice of appeal is withdrawn.

SO ORDERED this 29<sup>th</sup> day of December, 2020.

The Honorable Christopher S. Brasher  
Chief Administrative Judge for  
The Fifth Judicial Administrative District  
Atlanta Judicial Circuit

*Filed and served electronically via eFileGA*





**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the above and foregoing ***RENEWED REQUEST TO IMMEDIATELY APPOINT ADMINISTRATIVE LAW JUDGE AND MOTION FOR RECONSIDERATION OF THE COURT'S STATUS ORDER OF DECEMBER 29, 2020 AND INCORPORATED BRIEF IN SUPPORT*** upon the following alleged parties via this Court's e-file Odyssey system, via STATUTORY ELECTRONIC SERVICE (O.C.G.A. § 9-11-5) and/or by placing a copy of the same in the United States mail, first class, with sufficient postage thereon to ensure delivery, addressed as follows:

**Attorneys for Proposed Intervenor-Biden Electors**

Halsey G. Knapp, Jr  
Joyce Gist Lewis  
Susan P. Coppedge  
Adam M. Sparks  
Krevolin and Horst, LLC  
One Atlantic Center  
1201 W. Peachtree Street, NW  
Suite 3250  
Atlanta, GA 30309

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Any and all other persons making a special entry of appearance or other entry of appearance in this matter shall be served through the Odyssey efile system.

Respectfully submitted, this 29<sup>th</sup> day of December, 2020.

  
**THE HILBERT LAW FIRM, LLC**

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# EXHIBIT L

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

**DONALD J. TRUMP**, in his capacity as a  
Candidate for President, et al.

Petitioner,  
v.

CIVIL ACTION  
FILE NO: 2020CV343255

**BRAD RAFFENSPERGER**, in his official  
Capacity as Secretary of State of Georgia,  
Et al.

Respondent

**ORDER DIRECTING THE  
CLERK TO ACCEPT AND FILE THE ATTACHED ORDER**

The Clerk is hereby DIRECTED to accept and file the attached order from the Honorable Ralph Van Pelt, Administrative Judge for the Seventh Judicial Administrative District appointing the Honorable Adele Grubbs, Senior Judge of the Superior Courts of Georgia to hear and preside over the above-referenced case.

SO ORDERED this 30th day of December, 2020.

The Honorable Christopher S. Brasher  
Chief Administrative Judge for  
The Fifth Judicial Administrative District  
Atlanta Judicial Circuit

*Filed and served electronically via eFileGA*

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

REQUEST FOR JUDICIAL ASSISTANCE AND ORDER APPOINTING JUDGE

There is presently pending in the Superior Court of Fulton County, Georgia, Atlanta Judicial Circuit, a petition to contest the results of an election; and

WHEREAS, pursuant to O.C.G.A. §21-2-523, the Administrative Judge of the Fifth Judicial District, being a member of the circuit in which the proceeding was filed, has notified the Administrative Judge of the Seventh Judicial Administrative District, a Judicial District adjoining the Fifth District, of the pendency of such election contest;

NOW, THEREFORE, the Administrative Judge of the Seventh Judicial Administrative District, after consideration of the matter, hereby appoints and assigns the Honorable Adele Grubbs, Senior Judge of the Superior Courts of Georgia, to hear and preside over the matter of Donald J. Trump, in his capacity as a Candidate for President, et al. v. Brad Rafensperger, in his official capacity as Secretary of State of Georgia, et al., Civil Action Number 2020CV343255, Fulton Superior Court, said appointment becoming effective contemporaneously with the signing of this Order and continuing thereafter until such time as is reasonably necessary to dispose of said case.

The Honorable Adele Grubbs is hereby authorized and empowered to serve and preside over this election contest as provided by law.

Let this Order, or a copy hereof, be filed with the Clerk of the Superior Court of Fulton County, Georgia, and with the offices of the Fifth and Seventh Judicial Administrative Districts. *th*

This, the 30 day of December, 2020. *3:57 PM*

  
RALPH VAN PELT

ADMINISTRATIVE JUDGE

SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT

# EXHIBIT M

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## INVESTIGATIONS DIVISION

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**Case Number:** SEB2020- 257  
**Case Name:** Cobb County- Absentee Ballot Signature Verifications  
**Date:** 12/29/2020

---

### Georgia Secretary of State/Georgia Bureau of Investigation ABM Signature Audit Report

#### Task

On Monday, December 14, 2020, Georgia Secretary of State Brad Raffensperger announced that a signature audit of absentee-by-mail (ABM) ballot oath envelopes would be conducted in Cobb County. The Secretary of State's Office partnered with the Georgia Bureau of Investigation (GBI) to review a statistically significant sample of signatures on oath envelopes from the November 3, 2020, General Election. Signatures and other identifying information on the ABM ballot oath envelopes would be compared to records in both the Cobb County Elections and Voter Registration Department database and the State of Georgia's voter registration system. The audit would be performed by law enforcement investigators with the Secretary of State's Office and GBI special agents.

#### Summary of Findings

The audit team, consisting of law enforcement officers with the Secretary of State's office and GBI, reviewed 15,118 ABM ballot oath envelopes from randomly selected boxes that stored the 150,431 ABM ballots received in Cobb County for the November 3, 2020 General Election. The sample size of oath envelopes reviewed was chosen in order to reach a 99% confidence level in the results. Utilizing the decision guidelines set forth below, the audit team confirmed the accuracy of the initial determination of the Cobb County Elections Department in all but two

cases. In the two cases where the audit team determined that the voter should have received a cure notification, the audit team was able to confirm by interviews with the voters that the actual voters in question cast the ballots. Based on the results of the audit, the Cobb County Elections Department had a 99.99% accuracy rate in performing correct signature verification procedures. The audit team was also able to confirm that the two ballots that should have initially been identified by Cobb County Elections Department staff as requiring a cure notification were actually cast by the voters to whom they were issued. No fraudulent absentee ballots were identified during the audit.

### **Method**

**Sample size:** It was determined the audit sample size would be approximately 10% of the total ABM ballots as reported by the Cobb County Elections Department. The breakdown of ABM ballots was as follows:

- 149,988      **Accepted** ABM ballots
- 78              ABM ballots **rejected** due to missing signature, not cured (see SEB Rule 183-1-14-.13)
- 32              ABM ballots **rejected** due to invalid signature, not cured (see SEB Rule 183-1-14-.13)
- 333            ABM ballots **rejected** due to receipt after deadlines.
- 150,431      Total ABM ballots received

**Sample selection:** All ABM ballot oath envelopes were previously secured in boxes by the Cobb County Elections Department. The following was noted:

- All envelopes which contained Cobb County Elections Department rejected ABM ballots were audited. Ballots that were rejected due to receipt after the deadline were confirmed to have been received after the deadline.
- It was determined that the remaining sample size would be pulled from 30 randomly selected boxes of the accepted ABM ballots and one box identified as accepted Electronic Ballot Delivery ABM ballots.
- The boxes had previously been labeled with a unique box number.
- Those unique box numbers were entered into a random number generator application to determine which boxes would be selected for the sample.
- Envelopes were randomly selected and audited within each box.

**Standard of comparison:** OCGA 21-2-386(a)(1)(B): ... *The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, **if the information and signature appear to be valid and other identifying information appears to be correct**, so certify by signing or initialing his or her name below the voter's oath.*

**Signature comparison:** Law enforcement officers (LEOs) would analyze and compare the known signatures, markings, and identifying information of the elector as stored in databases with the signature, markings, and identifying information on the elector's ABM ballot oath envelope. LEOs would look for distinctive characteristics and unique qualities such as letters and word spacing, letter and word slant, size and proportionality of letters and numbers, unusual and unique formations of letters and numbers, flourishes, baseline alignment, and other individual attributes of the signature, mark, or other identifying information. LEOs would evaluate the similarities and differences between the two and make a judgment of the validity of the signature on each envelope based on the totality of the documents.

**Document comparison:** LEOs were given access to the Cobb County Elections Department's database which included some or all of the following documents for comparison:

- Voter registration forms (including Department of Drivers Services, mail-in voter registration cards, Federal Postcard Applications)
- Absentee Ballot Applications
- Voter Certificates
- Confirmation Notices for voters
- Signature Cure Affidavits
- Passports
- Certificates of Naturalization

**Decision Guidelines:** The audit team, consisting of Secretary of State investigators and GBI special agents, was divided into 18 two-member teams identified as "inspection teams" and two three-member teams identified as "investigation teams" for the task of evaluating signatures, marks, and identifying information on envelopes.

- **Inspection team decision guidelines:**
  - If both team members agreed that signature/identifying information appeared valid, the envelope was accepted.
  - If both team members agreed that signature/identifying information appeared invalid, the envelope was submitted to an investigation team.
  - If team members were split on judging the validity of the signature/identifying information, a designated "referee" made the deciding vote on acceptance of the envelope or its submission to an investigation team.
  - Envelopes were submitted to investigations teams automatically when there was no signature or if there were no documents for the elector in the Cobb County Elections Department database to be used for comparison.
- **Investigation team decision guidelines:**
  - The investigation teams received copies of envelopes from the inspection teams for additional examination.

- The investigation team accessed the State of Georgia voter registration system database for additional elector documents and requested additional documents from the Cobb County Elections Department.
- After further evaluation, if two of the three investigation team members agreed that signature/identifying information appeared valid, the envelope was accepted.
- If two of the three investigation team members agreed that signature/identifying information appeared invalid, the elector would be located and interviewed.

### **Findings**

- 15,118 ABM ballot oath envelopes were evaluated by the inspection teams. On six occasions, referees were called upon by the inspection teams as the third vote to decide to accept the signature/identifying information as valid or refer the envelope to the investigation teams.
- The inspection teams submitted 396 envelopes to the investigation teams for comparison with additional documents or follow-up with the elector.
- After evaluation of the inspection teams' envelopes, 386 were accepted as valid. The remaining ten envelopes were referred for contact with the elector for the following reasons:
  - 8 – Elector's signatures/identifying information did not appear to be consistent with documents on record.
  - 1 – Contained no signature or mark
  - 1 – Contained a signature, but was not the signature of the elector
- All ten electors were located, positively identified, and interviewed. Those interviews found the following:
  - All eight electors whose signatures were deemed valid by Cobb County Elections Department staff but not consistent by the LEOs conducting the audit, acknowledged completing and signing the ABM ballot oath envelope in question, verifying that the initial Cobb County Elections Department initial determination of validity was correct.
  - The elector whose envelope contained no signature or mark, acknowledged submitting the ABM ballot oath envelope in question, but reported signing the front of the envelope only. The final envelope in question was found to be mistakenly signed by the elector's spouse. The elector confirmed that he filled out the absentee ballot himself.
- **Of the 15,118 envelopes sampled, the following was found:**
  - **Two of the ten previously identified ABM ballot oath envelopes should have been identified by the Cobb County Elections Department as requiring an opportunity for the voter to cure the ballots prior to acceptance.**
  - **No fraudulent absentee ballots were identified during the audit.**

**O.C.G.A. 21-2-386.** Safekeeping, certification, and validation of absentee ballots; rejection of ballot; delivery of ballots to manager; duties of managers; precinct returns; notification of challenged elector

**(a) (1) (A)** The board of registrars or absentee ballot clerk shall keep safely, unopened, and stored in a manner that will prevent tampering and unauthorized access all official absentee ballots received from absentee electors prior to the closing of the polls on the day of the primary or election except as otherwise provided in this subsection.

**(B)** Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

**(C)** If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years. Such elector shall have until the end of the period for verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection of the ballot. The elector may cure a failure to sign the oath, an invalid signature, or missing information by submitting an affidavit to the board of registrars or absentee ballot clerk along with a copy of one of the forms of identification enumerated in subsection (c) of Code Section 21-2-417 before the close of such period. The affidavit shall affirm that the ballot was submitted by the elector, is the elector's ballot, and that the elector is registered and qualified to vote in the primary, election, or runoff in question. If the board of registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be counted.

**SEB Rule 183-1-14-.13. Prompt Notification of Absentee Ballot Rejection**

When a timely submitted absentee ballot is rejected, the board of registrars or absentee ballot clerk shall send the elector notice of such rejection and opportunity to cure by mailing written notice and attempt to notify the elector by telephone and email, if a telephone number or email is on the elector's voter registration record or absentee ballot application, no later than the close of business on the third business day after receiving the absentee ballot. However, for any timely submitted absentee ballot that is rejected within eleven days of Election Day, the board of registrars or absentee ballot clerk shall send the elector notice of such rejection and

opportunity to cure by mailing written notice and attempt to notify the elector by telephone and email, if a telephone number or email is on the elector's voter registration record or absentee ballot application, no later than close of business on the next business day.

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# EXHIBIT N

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

<b>DONALD J. TRUMP, in his capacity as a</b>	)	
<b>Candidate for President, et al.,</b>	)	
	)	
<b>Petitioners,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Civil Action No. 2020CV343255</b>
<b>BRAD RAFFENSPERGER, in his official</b>	)	
<b>capacity as Secretary of State of Georgia, et</b>	)	
<b>al.,</b>	)	
	)	
<b>Respondents.</b>	)	
_____	)	

**AFFIDAVIT OF FRANCES WATSON**

Before the undersigned officer duly authorized to administer oaths personally appeared Frances Watson, who, after being duly sworn, deposes and says:

1. My name is Frances Watson. I am over the age of 21 years, and I am under no legal disability that would prevent me from giving this affidavit. If called to testify, I would testify under oath to these facts.
  
2. I am the Chief Investigator in the Office of the Georgia Secretary of State. In this position, I conduct and supervise investigations of potential violations of state election law.
  
3. Investigators in the Secretary of State's office are certified by the Georgia Peace Officer Standards and Training Counsel, and they conduct investigations into the administration of elections and potential frauds and irregularities in elections in Georgia. Upon concluding an investigation into possible violations of Georgia election law, the findings of such investigations are reported to the State Election Board for further action.



4. Our office has investigated the allegations in paragraphs 105 to 111 of the Petition, which allege that two deceased voters voted in the November 3, 2020, general election. According to our records and, based upon further investigation, we determined that these allegations are false.

5. According to the voter file for Walter T. Holst, whose date of birth is 1/17/1930, his voter registration was cancelled on May 14, 2010, because he was deceased. The voter file also confirms that Mr. Walter T. Holst has not cast a ballot since 2009. A true and correct copy of Mr. Holst's voter file is attached as **Exhibit A**.

6. There is a second voter file for a Walter T. Holst, who is listed as female with a date of birth of 8/14/1933, and whose listed address is the same as the address in Mr. Holst's voter file. We confirmed that this individual is Mary Holst, the wife of Walter T. Holst, who is registered to vote as Mrs. Walter T. Holst. Mary Holst is the one who cast a ballot in the November 3, 2020, general election—not the deceased Walter Holst. A true and correct copy of Mrs. Holst's voter file is attached as **Exhibit B**.

7. Our office has an ongoing investigation into John Clent Rumph, who we determined had his identity stolen following his death. The voter file for Mr. Rumph indicates that he has not voted since the general and run-off elections in 2018, before his passing in 2019. His voter registration was cancelled on October 15, 2019. Our investigation has determined that someone used his identity at the Department of Drivers Services, which caused his voter status to change from "deceased" to "active." However, no ballot was cast in Mr. Rumph's name for the 2020 general election. A true and correct copy of Mr. Rumph's voter file, showing that he has not voted since 2018, is attached as **Exhibit C**.

8. Our office also has an ongoing investigation into the alleged incident at State Farm Arena described in paragraphs 186 to 191 in the Petition. On November 3, 2020, the Secretary of

State's office received complaints that staff of the Fulton County Board of Registrations and Elections directed clerks, public observers, and media personnel to leave the State Farm Arena location where ballots were being tabulated. The complaints alleged that Fulton County staff claimed that there was a water leak at the State Farm Arena, causing public observers and media to leave, but Fulton County staff continued to scan ballots in the tabulation center at the State Farm Arena without observers present.

9. Our investigation revealed that these allegations are not true and appear to be the result of a misunderstanding. The incident initially reported as a "water leak" late in the evening on November 3rd was actually a urinal that had overflowed early in the morning of November 3rd, and did not affect the counting of votes by Fulton County later that evening. We also determined that the alleged "water leak" was not used as a reason to tell observers and media to leave. Rather, the observers and media left on their own when they saw one group of workers leave because they had completed their assigned task of opening absentee ballot envelopes. Fulton County staff continued to scan ballots in the tabulation center at State Farm Arena.

10. Our office also reviewed the security video footage from the tabulation center at State Farm Arena from November 3 to 4, 2020. This video footage revealed that there were no mystery ballots that were brought in from an unknown location and hidden under a table. Video taken hours before shows the table being brought into the room at 8:22 a.m. Nothing was underneath the table then. Around 10 p.m., with the room full of people, including official monitors and the media, video shows absentee ballots that had already been removed from their security envelopes but not counted placed in the boxes, sealed up, and stored under the table. This was done because employees thought that they were done for the night and were closing up and ready

to leave. When the counting continued into later in the night, those boxes were opened so that the ballots inside could be counted. Our office continues to investigate this matter.

11. On December 11, 2020 I traveled to Coffee County, Georgia to meet with the Coffee County Elections Supervisor, Misty Martin, and to review the alleged issues Coffee County Board of Elections had in certifying the December 4, 2020 recount of votes cast in the November 3, 2020 presidential election.

12. Coffee County Board of Elections had previously confirmed the initial vote count and reconfirmed that initial count by conducting a hand count of the ballots on November 20, 2020.

13. Regarding the machine recount concluded on December 4, 2020, Coffee County Board of Elections allegedly had technical issues regarding the recount that led to a question of around 50 ballots.

14. Coffee County Board of Elections confirmed its recount results to the Secretary of State on December 7, 2020 and these matched the original election night count.

15. On December 11, 2020, I along with Investigations Area Supervisor Pam Jones, Investigator Josh Blanchard, Scott Tucker (Dominion), and Tom Feehan (Dominion), met to review the alleged technical issues Coffee County incurred. During that review the process of the recount were discussed. It was determined that after the Risk Limiting Audit the ballots were not stored in batches or separated into categories. This resulted in the ballots from Election Day, Early Advanced voting being mixed together. When the ballots were scanned during the recount and came out with 50 ballots over it was difficult to identify where to look for a discrepancy. During the investigation it was decided to batch the ballots in batches of 100. Upon the completion of batching the ballots, the Coffee County Attorney, Tony Rowell, called the totals out for each stack

as the Election Supervisor, Misty Martin totaled them. verifying the total matched the Election Night totals as a result of this review, the November 3, 2020 Coffee County election results were again validated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of December, 2020.

Frances Watson

FRANCES WATSON

Sworn to and subscribed  
before me this 15 day of  
December, 2020.

Vincent Zagorin  
NOTARY PUBLIC



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# EXHIBIT O

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

**DONALD J. TRUMP, in his capacity as a  
Candidate for President, DONALD J.  
TRUMP FOR PRESIDENT, INC., and  
DAVID J. SHAFER, in his capacity as a  
Registered Voter and Presidential Elector  
pledged to Donald Trump for President,**

**Petitioners,**

**v.**

**BRAD RAFFENSPERGER, in his official  
capacity as Secretary of State of Georgia,  
REBECCA N. SULLIVAN, in her official  
capacity as Vice Chair of the Georgia State  
Election Board, DAVID J. WORLEY, in  
his official capacity as a Member of the  
Georgia State Election Board, MATTHEW  
MASHBURN, in his official capacity as a  
Member of the Georgia State Election  
Board, ANH LE, in her official capacity as  
a Member of the Georgia State Election  
Board, RICHARD L. BARRON, in his  
official capacity as Director of Registration  
and Elections for Fulton County, JANINE  
EVELER, in her official capacity as  
Director of Registration and Elections for  
Cobb County, ERICA HAMILTON in her  
official capacity as Director of Voter  
Registration and Elections for DeKalb  
County, KRISTI ROYSTON, in her official  
capacity as Elections Supervisor for  
Gwinnett County, RUSSELL BRIDGES, in  
his official capacity as Elections Supervisor  
for Chatham County, ANNE DOVER, in  
her official capacity as Acting Director of  
Elections and Voter Registration for  
Cherokee County, SHAUNA DOZIER, in  
her official capacity as Elections Director  
for Clayton County, MANDI SMITH, in  
her official capacity as Director of Voter  
Registration and Elections for Forsyth  
County, AMEIKA PITTS, in her official**

**Civil Action No. 2020CV343255**

capacity as Director of the Board of )  
 Elections & Registration for Henry County, )  
 LYNN BAILEY, in her official capacity as )  
 Executive Director of Elections for )  
 Richmond County, DEBRA PRESSWOOD, )  
 in her official capacity as Registration and )  
 Election Supervisor for Houston County, )  
 VANESSA WADDELL, in her capacity as )  
 Chief Clerk of Elections for Floyd County, )  
 JULIANNE ROBERTS, in her official )  
 capacity as Supervisor of Elections and )  
 Voter Registration for Pickens County, )  
 JOSEPH KIRK, in his official capacity as )  
 Elections Supervisor for Bartow County, )  
 and GERALD MCCOWN, in his official )  
 capacity as Elections Supervisor for )  
 Hancock County, )  
 )  
 Respondents. )  
 )  
 )

**AFFIDAVIT OF CHRIS HARVEY**

CHRIS HARVEY, having personally appeared before the undersigned officer, duly authorized to administer oaths, and after being sworn, testifies as follows:

1.

My name is Chris Harvey. I am over the age of 21 and am competent to make this affidavit. The facts set forth below are made upon my personal knowledge.

2.

I am currently employed as the Elections Director with the Election Division of the Georgia Secretary of State's Office. My duties require me to be familiar with several voter databases maintained by the Georgia Secretary of State including the Secretary of State's Voter Registration Files, the Voter Absentee Files and the Voter History Files (collectively "The Secretary of State's Databases"). My duties also require me to be familiar with the statutes, rules and regulations

governing elections in the State of Georgia, including those laws as they related to the November 3, 2020 election for President and Vice President of the United States.

3.

I reviewed the Affidavits of Matt Braynard and Bryan Geels attached as Exhibits 2, 3 and 10 to the Verified Petition to Contest Georgia's Presidential Election Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief, filed in the Superior Court of Fulton County, Georgia, Civil Action No. 2020CV343255 ("Verified Petition").

4.

I offer the following preliminary responses to the Matt Braynard's Affidavit,

- a. Mr. Braynard states that he relied on several alleged databases, including the National Change of Address Source, which he alleges is maintained by the United States Postal Service ("NCOA database"), the United States Postal Service's list of owned and leased facilities ("USPS Owned and Leased Facilities Report") and a national voter database maintained by an entity described as "L2 Political."
- b. The Georgia Secretary of State does not use, rely on or otherwise incorporate the NCOA database, the USPS Owned and Leased Facilities Report, or any database maintained by L2 Political to develop the State of Georgia's Voter Registration Files, the Voter Absentee Files or the Voter History Files. It also does not use the USPS Owned and Leased Facilities Report or any database maintained by L2 Political to maintain any of the State Databases. It will use the USPS NCOA database on occasion to maintain some of its databases.



- c. Information contained in the NCOA database, the USPS Owned and Leased Facilities Report, or any database maintained by L2 Political is not, standing alone, sufficient to prove an ineligible person voted in the November 3 election.
- d. Information contained in the Georgia Secretary of State Databases standing alone, is also not sufficient to prove an ineligible voter cast a ballot in the November 3, 2020 election except it can functionally serve such a purpose only when the person is listed as “cancelled-deceased”, a category Mr. Braynard is not using.
- e. Paragraph 18 of Braynard’s affidavit refers to “strong matches” between Georgia’s early and absentee voter lists to “his national voter file.” Mr. Braynard does not define what a “strong match” is. Importantly, Mr. Braynard does not allege the “strong matches” are in fact the same people.
- f. The Georgia Secretary of State does not invalidate votes or deny ballots to any person. Counties are responsible for determining the eligibility of a voter and sending absentee ballots. It would be improper to disenfranchise a Georgia citizen because that voter’s information in one database appears similar to information in what Mr. Braynard believes is a “strong match” to information in another database.
- g. People considered “strong matches” by Mr. Braynard can subsequently be determined to not be actual matches after investigation. For example, in 2008, allegations were made that approximately 30,000 people in Georgia had voted or requested absentee ballots in two different places. This allegation was based on apparent matches of people in databases. I was responsible for investigating

these claims. My investigation determined that of the 30,000 people alleged to have voted or requested absentee ballots in two places, approximately three people actually did vote in two places. And these people all had explanations for doing so, including mental challenges.

- h. Paragraph 12 of the Braynard Affidavit claims that 4,926 absentee or early voters were no longer legal residents of Georgia when they voted “[d]ue to their subsequent voter registration in another state.” Mr. Braynard also claims that 15,700 voters “may have vacated their residence in the State of Georgia”, which he claims is evidenced by their filing of a notice of change of address in another state. He then apparently adds these two numbers together to conclude that 20,312 individuals cast “illegal ballots” in the November 3, 2020 election, though adding the two numbers gives a total of 20, 626.
- i. Registering to vote in another state does not necessarily render an individual ineligible to vote in the Georgia November 3, 2020 presidential election. For example, a person could register in Georgia, move, register in another state, then move back to Georgia. In such event, the Georgia Secretary of State Databases may list this person’s original registration date in its databases unless the original registration was affirmatively cancelled or cancelled through other legal process.
- j. Filling out a change of address form with the United States Postal Office also does not make an individual ineligible to vote in Georgia. Changing an address, even to an out of state address, does not always equal a change of legal residency for many people. For example, college students, military personnel

or mentally handicap persons can submit a change of address form to the USPS, move to another state, but still be considered residents of the State of Georgia. Other people could temporarily move to another state for some purpose, such as caring for a loved one, a temporary work assignment or having a vacation home and still be eligible to vote in Georgia.

- k. Additionally, a cursory investigation of Mr. Braynard's data casts doubt on its accuracy. The first page of Exhibit 2 to his affidavit ("GA Out of State Subsequent Registration") contains 48 line items of people. Mr. Braynard testified that every voter on this list has exhibited a "[c]lear indication of their intent to establish residency in another state". Aff. At ¶20.
- l. I reviewed research results concerning the names and addresses of the 48 people listed on the first page of Braynard Affidavit, Exhibit 2. This research results reveal that at least 38 of them appear to possibly be currently living in Georgia right now. cursory research of the other ten could not establish Georgia residency, but also did not conclusively establish they were residing out of state either. In other words, preliminary research suggests at least 80% of the people Braynard believed showed a "clear intention to establish residency in another state" still quite possibly appear to live in Georgia.
- m. The names are highlighted of the 38 for whom cursory research showed appear to currently reside in Georgia. Those who could not be easily established to have a residency based on a cursory look are not highlighted. Those highlights appear on **Exhibit 1**. The people's last names are redacted.

- n. Paragraph 13 of the Braynard Affidavit claims that 1,043 early and absentee ballots were allegedly cast by people who were “illegally registered” using a post office box “disguised as a residential address.”
- o. Listing a post office box as a person’s address does not render that person ineligible to vote in Georgia because the person can still reside in Georgia. If a post office box is listed as the voter’s address, the voter should update their Georgia voter registration to include a physical address.
- p. However, I reviewed research results of a cursory spot check of Mr. Braynard’s post office box information that shows it too may be inaccurate for people. Again, a cursory review of the results of the research for the first few pages of addresses Mr. Braynard identifies as being post office boxes are actually apartment or condominium buildings. While researchers did not check all addresses, a few minutes on the computer showed the following address are likely legitimate residential addresses: (1) 5 W. Broughton Street, Savannah; (2) 4920 Atlanta Highway, Alpharetta; (3) 245 N. Highland Ave. NE, Atlanta and; (4) 1700 Northside Drive, Atlanta.
- q. Researchers highlighted these addresses taken from Exhibit 4 of Mr. Braynard’s Affidavit and they are attached to this Affidavit as **Exhibit 2**. Researchers redacted the people’s last names. The sections highlighted appear to be apartment buildings or condominium buildings. Pictures of these buildings are also attached behind the highlighted portion of Mr. Braynard’s spreadsheet.
- r. Paragraph 23 of Braynard’s Affidavit claims 395 people voted in multiple states including Georgia. Mr. Braynard claims this is proven by matching

individuals through comparisons of L2 Political databases, which Mr. Braynard does not provide.

- s. The publicly available Georgia Secretary of State Databases does not contain enough information to determine someone illegally voted twice in two states. Making that determination would require additional investigation beyond matches in various databases even if the matches appear to represent the same individuals, a fact Mr. Braynard has not shown.

5.

With Respect to the Geels Affidavits:

- a. Geels' Affidavit claims his searching of databases identified what he refers to as "risk buckets." *See* para 34-44. He goes on these describe votes made by people in the various "risk buckets" as either "questionable," "highly questionable," or "extremely risky."
- b. Geels does not provide the results of his searches. I cannot see who the people are in the various "risk buckets" he discusses.
- c. The Georgia Secretary of State does not invalidate votes or deny ballots to any person. Counties are responsible for determining the eligibility of a voter and sending absentee ballots. It would be improper to disenfranchise an eligible Georgia voter because the person casting the vote is in a "risk bucket" identified by Mr. Geels that may, or may not, make the vote questionable, highly questionable or extremely risky.
- d. Paragraph 13 of his Affidavit claims to identify 305,701 individuals with records showing they applied for absentee ballots more than 180 days before

the general election. Requesting an absentee ballot prior to May 6, 2020 does not necessarily render that individual ineligible to vote in Georgia. For example, O.C.G.A. § 21-2-381 (B) and (D) and O.C.G.A. § 21-2-219, allows certain categories of voters, including disabled, people over 65 years of age and members of the military, to request their ballots more than 180 days before the election. If a member in one of these groups requests an absentee ballot for the primary, they are automatically sent an absentee ballot for the general election. However, the date in which the voter requested this ballot is still listed as the date of the original request in the Secretary of State's databases.

I, Chris Harvey declare that the foregoing is true and correct.

Robin Kiefer  
Notary Public  
Houston County, Georgia  
My Commission Expires 09/25/2022

RK

Executed this 15 day of December, 2020.

Chris Harvey

CH

# EXHIBIT P

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**DONALD J. TRUMP, in his capacity as a )  
Candidate for President, DONALD J. )  
TRUMP FOR PRESIDENT, INC., and )  
DAVID J. SHAFER, in his capacity as a )  
Registered Voter and Presidential Elector )  
pledged to Donald Trump for President, )**

**Petitioners, )**

**v. )**

**BRAD RAFFENSPERGER, in his official )  
capacity as Secretary of State of Georgia, )  
REBECCA N. SULLIVAN, in her official )  
capacity as Vice Chair of the Georgia State )  
Election Board, DAVID J. WORLEY, in )  
his official capacity as a Member of the )  
Georgia State Election Board, MATTHEW )  
MASHBURN, in his official capacity as a )  
Member of the Georgia State Election )  
Board, ANH LE, in her official capacity as )  
a Member of the Georgia State Election )  
Board, RICHARD L. BARRON, in his )  
official capacity as Director of Registration )  
and Elections for Fulton County, JANINE )  
EVELER, in her official capacity as )  
Director of Registration and Elections for )  
Cobb County, ERICA HAMILTON in her )  
official capacity as Director of Voter )  
Registration and Elections for DeKalb )  
County, KRISTI ROYSTON, in her official )  
capacity as Elections Supervisor for )  
Gwinnett County, RUSSELL BRIDGES, in )  
his official capacity as Elections Supervisor )  
for Chatham County, ANNE DOVER, in )  
her official capacity as Acting Director of )  
Elections and Voter Registration for )  
Cherokee County, SHAUNA DOZIER, in )  
her official capacity as Elections Director )  
for Clayton County, MANDI SMITH, in )  
her official capacity as Director of Voter )  
Registration and Elections for Forsyth )  
County, AMEIKA PITTS, in her official )**

**Civil Action No. 2020CV33255**



capacity as Director of the Board of )  
 Elections & Registration for Henry County, )  
 LYNN BAILEY, in her official capacity as )  
 Executive Director of Elections for )  
 Richmond County, DEBRA PRESSWOOD, )  
 in her official capacity as Registration and )  
 Election Supervisor for Houston County, )  
 VANESSA WADDELL, in her capacity as )  
 Chief Clerk of Elections for Floyd County, )  
 JULIANNE ROBERTS, in her official )  
 capacity as Supervisor of Elections and )  
 Voter Registration for Pickens County, )  
 JOSEPH KIRK, in his official capacity as )  
 Elections Supervisor for Bartow County, )  
 and GERALD MCCOWN, in his official )  
 capacity as Elections Supervisor for )  
 Hancock County, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

### **DECLARATION OF CHARLES STEWART III**

1. My name is Charles Stewart III. I am over the age of 21 and am competent to give this Declaration. My opinions set forth below are based on my personal knowledge and professional expertise.

2. I am the Kenan Sahin Distinguished Professor of Political Science at the Massachusetts Institute of Technology, where I have been on the faculty since 1985. In that time, I have done research and taught classes at the graduate and undergraduate levels in the fields of American politics, research methodology, elections, and legislative politics.

3. I received my B.A. in political science from Emory University in 1979, my S.M. in political science from Stanford University in 1981, and my Ph.D. in political science from Stanford University in 1985.

4. Since November 2020 I have been a member of the Caltech/MIT Voting Technology Project (VTP). The VTP is the nation's oldest academic project devoted to the study of voting machines, voting technology, election administration, and election reform. I have been the MIT director of the project for 15 years.

5. I am the founding director of the MIT Election Data and Science Lab (MEDSL), which was founded in January 2016. MEDSL is devoted to the impartial, scientific analysis of elections and election administration (sometimes called election science) in the United States.

6. I have been the author or co-author of numerous peer-reviewed publications and books in political science, and in particular, the area of election administration and election science.

7. I have been accepted as an expert witness in three cases in federal district court that have involved record linkage and matching between voter files and other data sources, such as driver's license files. These cases were *Florida v. Holder* (1:11-CV-01428), *South Carolina v. Holder* (1:12-CV-203), and *U.S. v. North Carolina* (1:13-CV-861).

8. I have attached an abridged version of my curriculum vitae to this statement, as Appendix 1.

9. As a part of my academic research, I have regularly designed public opinion surveys to probe questions related to the conduct of elections in the United States. I have been the principal investigator of modules pertaining to election science that were part of the Cooperative Election Study in 2012, 2013, 2014, 2016, 2018, 2019, and 2020.

10. I was the principal investigator of the project that led to the creation and design of the Survey of the Performance of American Elections (SPAEE). The SPAEE is the only large-scale academic survey that focuses on the experience of voters in federal elections. I supervised the

development of the survey instrument and the reporting of the results. This survey, which interviews over 10,000 voters following every presidential election, has been implemented following the 2008, 2012, 2016, and 2020 elections.

11. My work on this report has been performed without compensation. My standard rate of compensation is \$500 per hour.

### **Summary**

12. I have reviewed the reports written by Mr. Matthew Braynard, Mr. Bryan Geels, and Mr. Mark Alan Davis submitted in this case.

13. Mr. Braynard's report primarily rests on matching Georgia voter files with other data files in an attempt to uncover fraudulent voting in Georgia during the 2020 general election. This database matching relies on procedures that are known to be unreliable and to produce a preponderance of "false positives." Mr. Braynard's conclusions, therefore, are unreliable and without merit.

14. Mr. Geels filed two reports. The first primarily involves the inspection of Georgia voter files for the purpose of uncovering anomalies with the dates in the files. The anomalies Mr. Geels uncovers are generally minor typographical and clerical errors that are neither signs of fraudulent behavior nor lax control over election administration in the state. He discusses other seemingly major anomalies that, upon even cursory examination, are either better characterized as benign errors or, in a few cases, suggest errors of analysis or ignorance of Georgia law on the part of Mr. Geels. Mr. Geels also performs some database matching that relies on the same discredited matching procedures employed by Mr. Braynard. Mr. Geels's conclusions, therefore, are unreliable and without merit.

15. Mr. Geels's second report covers the absentee-ballot rejection rate in Georgia. That report displays basic data about rejection rates over the past several statewide elections. It draws negative inferences about the decline of rejection rates in 2020 that are unfounded.

16. Mr. Davis's report also examines Georgia voter files, matching them with outside data such as the National Change of Address (NCOA) registry, in an attempt to document vote fraud. Mr. Davis provides practically no details about the methods used to reach his conclusion. To the degree his matching methodology is revealed, it is the same discredited technique used by Messrs. Braynard and Geels. Mr. Davis's conclusions, therefore, are unreliable and without merit.

17. None of the authors of these reports are experts in the field in which they offer their opinions, as is evidenced by their lack of training and professional experience in database matching and election administration, by their failure to acknowledge the scientific literature in the field, and by their failure to acknowledge limitations inherent in the analysis they perform.

#### **Mr. Braynard's Report**

18. Mr. Braynard's claims can be summarized as follows:

- a. 4,926 absentee or early voters were no longer legal residents of the State of Georgia when they voted, due to their subsequent voter registration in another state. (§12)
- b. 15,700 voters may have vacated their residence in the State of Georgia, as evidenced by their filing of a National Change of Address form to an address in another state. (§12)
- c. 1,043 early and absentee ballots were cast by voters who were illegally registered using a post office box disguised as a residential address. (§13)

- d. 395 individuals in the State of Georgia voted in Georgia and another state. (¶14)

**Matching between voter files and other databases is prone to error, owing to their size and the lack of unique identifiers. Mr. Braynard fails to acknowledge this challenge and appears to be ignorant of the scientific literature that has arisen to meet this challenge.**

19. The basis of Mr. Braynard's opinions derives from database matching between what he claims to be voter files and datafiles provided by the United States Postal Service. Assuming for the moment that Mr. Braynard is in fact using data from the Georgia Secretary of State, database matching—sometimes called “record linkage”—involving voter files is known to be error-prone. This is because the sheer size of the data files in question can be unwieldy, and because one rarely has shared unique identifiers in the files being matched.

20. The lack of unique identifiers across databases means that there are heightened risks of producing *false positives* and *false negatives* when performing matching analysis.

21. A *false positive* is when an individual in database A is incorrectly matched to an individual in database B, perhaps because they happen to share the same first and last name. False positives can be minimized by including distinguishing information, such as a middle initial, a date of birth, or address. Doing so makes matches more precise.

22. A *false negative* is when there is an individual in database A who is not matched to his or her record in database B because of inconsistencies in how the matching variables are maintained in the two databases—for instance, when the same individual's name is recorded as “Bob Smith” in one database and “Robert Smith” in the other. False negatives can be minimized by employing matching procedures, or algorithms, that iteratively employ augmented data fields in a systematic manner. For instance, names might be matched based on phonetic similarity or nicknames might be converted to given names.

23. Voting files, such as those maintained by the Georgia Secretary of State and made available to the public, have unique identifiers that allow users to match individuals across the files. Georgia assigns a unique voter identification number to each registered voter. This number appears in the data files at issue in this case.

24. In the United States, the Social Security number (SSN) is the closest thing to a unique identifier to aid in the matching across databases that have been assembled for unrelated administrative reasons, despite the fact that the SSN was not designed for this purpose. In 2010, a committee of the National Academy of Science recommended the use of the SSN as the gold standard in database matching involving voter files.<sup>1</sup>

25. An alternative to the SSN that is nearly as good when working with the voter file of a single state is the driver's license number. Because of the utility of having unique identifiers in conducting list maintenance and other election administration activities, the Help America Vote Act requires states to include a request for the driver's license number or last four digits of the Social Security number (SSN4).<sup>2</sup> Neither of these numbers are made available in the public data files published by the Secretary of State.

26. Because publicly available voter files lack unique identifiers that facilitate matching with non-voter-file databases, the scientific community has developed alternatives that perform nearly as well as matches with SSN4 or driver's license numbers. The most widely used technique is the "ADGN" method described by Ansolabehere and Hersh in the journal *Statistics and Public Policy*.<sup>3</sup>

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<sup>1</sup> National Academy of Science, Committee on State Voter Registration Databases, *Improving State Voter Registration Databases: Final Report*, 2010, <https://www.nap.edu/catalog/12788/improving-state-voter-registration-databases-final-report>.

<sup>2</sup> Help America Vote Act, 42 USC 15482.

<sup>3</sup> Stephen Ansolabehere and Eitan D. Hersh, "ADGN: An Algorithm for Record Linkage using Address, Date of Birth, Gender, and Name," *Statistics and Public Policy*, vol 4, no. 1 (2017), pp. 1 – 10.

27. Even when researchers have access to databases with unique identifiers, it is standard practice to do spot checks, to ensure that the match has performed as expected. This is especially important, though, when researchers do not have access to unique identifiers, because the risk of false positives and negatives is so much greater. Although, to my knowledge, there is no scientific consensus on a precise method to engage in such spot checks, most would agree that the best approach is to take a random sample of one's matches and independently verify the quality of the match using independent information.

28. Despite the well-known challenges to database matching involving voter files, Mr. Braynard fails to acknowledge the state of the art in the field and undertakes the most unreliable matching method that is known to experts, that is, a match of name and birthdate (Braynard Report, ¶24). Elsewhere, he refers to employing "strong matches," which has no meaning in the field (Braynard Report, ¶18). By the context, I assume he is referring to the name + birthdate.

29. In ¶24, Mr. Braynard states he matched based on birth *date*. However, the public Georgia voter registration file reports only birth *year*. If he in fact matched using the public data, referring to it as birth *date* is misleading. If he did have access to birth *date*, it was added by an external source that was likely L2.

30. In ¶24, Mr. Braynard states he matches on "full exact name." The term "full exact name" is ambiguous, since it can refer to a number of name combinations: first name + last name, first name + middle name + last name, first name + middle initial + last name, first name + last name + suffix, etc. The description of the matching criteria with respect to the name field is so imprecise as to make it impossible to judge whether the search is overly broad or overly narrow.

31. The name + birthdate (N+DOB) match is a highly inaccurate matching algorithm with voter files because the files are so large and so many voters share names—even people born in the same day. This yields a problem with *precision* in record linkage, which is the measure of matches across datasets that are true matches. In other words, with so many voters sharing names and birth dates, it is impossible to know *which voter* from the voter file corresponds with the voter in the other file. Large numbers of false positives are virtually guaranteed.

32. To illustrate the practical problem for Mr. Braynard’s analysis, consider the Georgia voter file. In September 2020, I purchased a copy of the Georgia voter file from the Secretary of State, to use in my academic research. That file, dated September 9, 2020, contains 7,346,219 records. Of these, 7,280,948 are unique name + birth year combinations, leaving the remaining 65,271 registrants sharing a first name, middle name, last name, and birth year with *at least* one other voter.

33. If a set of voters with common names and birthdates from Georgia are matched with even one registered voter outside of Georgia, what procedures did Mr. Braynard use to determine whether the “correct” Georgia voter had been matched? Because Mr. Braynard was matching to the voter files of another 49 states, the problem of encountering imprecise matches among all the other states’ voter files is even greater. So, what procedures did Mr. Braynard use when a Georgia with a unique name + DOB combination matched with a set of voters outside of Georgia who all shared that combination? Mr. Braynard fails to even acknowledge this very serious issue, much less specify how he judges the quality of his matches in general.<sup>4</sup>

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<sup>4</sup> The problem I discuss here is related to the well-known “birthday problem” paradox, and has been explored in the scientific literature for its applicability to matching with voter files. See, for instance, Michael P. McDonald and Justin Levitt, “Seeing Double Voting: An Extension of the Birthday Problem,” *Election Law Journal*, vol. 7, no. 2 (2008), pp. 111 – 122.



34. A core value of scientific research is replication. In order to ensure replication of research, it is necessary to clearly identify one's data. Mr. Braynard fails to do this. For instance, Mr. Braynard claims to have used voter registration records and mail-in and early in-person absentee voter records, "as maintained on the Georgia Secretary of State's website" (Braynard Report, ¶5).<sup>5</sup> Elsewhere, he states that he received these files from the company L2 Political, which made them available to Mr. Braynard, presumably for a fee. L2 is known to augment state datafiles, so that they are useful to their primary clients, political campaigns. Among these augmentations are changing information in data fields based on data from commercial datasets. If Mr. Braynard is in fact relying on files obtained by L2, rather than received directly from the Secretary of State's office, he has failed to discuss the degree to which the L2 data match the raw data available from the Secretary of State. At the very least, this imprecision makes the confident replication of Mr. Braynard's research impossible.

**Mr. Braynard's claim that 4,926 absentee or early voters were no longer legal residents of the State of Georgia when they voted, due to their subsequent voter registration in another state, is unreliable.**

35. In ¶12 of Mr. Braynard's report, he claims that 4,926 *absentee or early voters* [my emphasis] were no longer legal residents of Georgia when they voted, because they subsequently registered in another state after they voted in Georgia. In ¶20, where Mr. Braynard provides details of the analysis, he reports comparing Georgia's *voter registration file* [my emphasis] to the nationwide L2 voter list. The voter registration and absentee ballot files are different. The voter registration file contains no information about the mode a voter used to cast a ballot. Because the *claim* he makes in ¶12 is about absentee and early voters, I assume he is actually

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<sup>5</sup> The voter registration file is not, in fact, maintained (more accurately, downloadable) on the Secretary of State's website. One can *request* the file and, for a fee, later receive a link that allows you to download it.

referring to the absentee voter file.<sup>6</sup> However, it is impossible to tell for sure from the text of the report.

36. Mr. Braynard does not mention in ¶20 the algorithm he used to match the voter registration (or absentee ballot) file with the registration databases of other states. However, Mr. Braynard mentions using the N + DOB algorithm in the second part of that paragraph, when he discusses matching with the NCOA database. Therefore, I assume he used that algorithm in matching with the other states' registration databases, as well.

37. The match that Mr. Braynard describes in ¶20 appears to include people who may have moved from Georgia long ago and then returned—if, in fact, the matches are accurate. Attached to his report is Appendix 2, which is described as the output of the match that produced the 4,926 Georgians on his list. I translated this appendix into a form that could be read into a statistical package<sup>7</sup> and examined the dates when the individuals are indicated to have registered in Georgia and then a second state. I discovered, first, that the number of distinct people on the list appear to be closer to 4,600.<sup>8</sup> Of these individuals, 1,465 have a date indicating a registration in the second state that occurred in 2010 or before; 300 are from 2000 or before. Only 164 bear a date of 2020 and 285 bear a date of 2019. It is clear that Mr. Braynard has conducted a search that is overly broad in its chronological reach.

38. As discussed above, this matching algorithm is very imprecise and is prone to producing false positives, owing to the large number of people who share names and birthdates. If over 65,000 registered Georgians share first names, last names, and birth years with each

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<sup>6</sup> However, a literal reading of ¶20 suggests Mr. Braynard may be referring to all voters, not just early and absentee voters. This would, of course, contradict the claim in ¶12, but would make sense in light of the second half of ¶20, which explicitly refers to the absentee files.

<sup>7</sup> I first translated the file into an Excel spreadsheet using the program Able2Extract. I then imported the spreadsheet into the statistical package Stata, version 16.

<sup>8</sup> For instance, there are 4,617 distinct combinations of first name, last name, suffix [sic], street address, city and state in the appendix. I am assuming the field labeled “suffix” is actually the middle name.

other, it would be unsurprising that 4,926 Georgians would share names and birthdates with voters in other states who happened to register in the weeks leading up to the 2020 general election.

**Mr. Braynard’s claim that 15,700 voters may have vacated their residence in the State of Georgia, as evidenced by their filing of a National Change of Address form to an address in another state, is unreliable.**

39. In ¶20, Mr. Braynard provides what passes for a description of his analysis that led him to the conclusion that 15,700 voters had “vacated their residence in the State of Georgia” by filing an NCOA form to an address in another state. The description of the matching procedure is so imprecise that it is impossible to judge his findings with any certainty. First, as with this prior analysis, he provides no details about how he matched the absentee voter files with the NCOA database. How did he prepare the datasets for matching, what data fields did he use to match, how did he deal with potential duplicates, and how did he verify the precision of his match?

40. There are well-known problems in relying on matches with individuals to the NCOA database. One of these is the fact that household members may share the same name, meaning that a match may not be precise. Another is that individuals of households may be inadvertently included in the NCOA request.

41. In addition to the matching problems, there is the simple problem that there may be legitimate reasons for someone to file an NCOA request and yet retain their Georgia residency. Obvious cases include members of the military, students, vacation-home owners, and those on extended temporary assignments for business reasons.

42. Finally, Mr. Braynard notes in ¶20 that he accounted “for moves that would not cause an individual to lose their residency and eligibility to vote under state law (i.e., by reducing

the total number of moves by a reasonable percentage likely attributable to an educational or military relocation.)” This describes a completely opaque and arbitrary correction that fails to meet standards of scientific rigor. What criteria were used to account for educational and military relocations? What amounts to a “reasonable percentage?” This type of *ad hoc* adjustment, without clear description or foundation in the scientific literature, and is inconsistent with scientific methodology underscores the overall unreliability of his analysis.

**Mr. Braynard’s opinion that 1,043 early and absentee ballots were cast by voters who were illegally registered using a post office box disguised as a residential address is unreliable.**

43. Mr. Braynard characterizes the 1,043 individuals identified in this search as “disguising” their true address by using a post office box or commercial facility. He does so without investigating further the situations of the voters who he has identified. I have learned, through my twenty years of research into election administration and learning from election officials, that voters in highly mobile or marginal circumstances are often uncertain about how to properly fill out the forms related to registering to vote. For instance, despite the fact that in Georgia, homeless individuals are instructed to indicate where they “lay their head” on their registration form, doing so may be stigmatizing to that individual. A student who has just graduated and is in between residences might incorrectly believe they can use a P.O. box on their application form. Finally, it is common to find that some voters *do* live in commercial facilities—sometimes in ways that conform to local building codes, and other times not. The fact that 0.1% of Georgia voters might fit into one of these categories is hardly evidence of widespread fraud, or even an intent to evade the law.

44. Furthermore, Mr. Braynard relies on unreliable algorithms to conduct the matching and provides no information about how he confirmed that his matches were precise enough to warrant his conclusions. Therefore, the analysis is unreliable.

**Mr. Braynard's claim that 395 individuals in the State of Georgia voted in multiple states is unreliable.**

45. Mr. Braynard's claim of evidence about 395 individuals from Georgia voting in multiple states is unreliable for at least four reasons.

46. First, Mr. Braynard fails to give a full accounting of the matching protocol used.

47. Second, in Mr. Braynard's description of the matching process, he claims that he matched "on full exact name and full *exact* date of birth" (§24; emphasis added). However, as I have already noted (§29, above), the Georgia voter file only has birth *year*, rather than full birth date. Therefore, Mr. Braynard must either be mis-describing the match he undertook or is using a source of information about birth dates he has not disclosed.

48. Third, as I have already noted (§30, above) the term "full exact name" is ambiguous, since it can refer to a number of name combinations. The description of the matching criteria with respect to the name field is so imprecise as to make it impossible to judge whether the search is overly broad or overly narrow.

49. Fourth, the matching strategy Mr. Braynard uses has regularly been shown to be worthless as a method for quantifying the degree of double voting. For example, in a 2020 article in the *American Political Science Review*, Sharad Goel and colleagues show that three million pairs of vote records in a national voter registration file obtained from TargetSmart<sup>9</sup>

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<sup>9</sup> TargetSmart is a competitor of L2 in providing so-called national voter lists to political clients. As with L2, TargetSmart augments data from commercial vendors, including imputing birthdates for states, such as Georgia, that do not include the full birthdate in their voter file.

shared first name, last name, and birthdate.<sup>10</sup> However, when more precise indicators are applied to increase the precision of the matches, it was shown that 97% of these seemingly duplicate records were in fact distinct individuals.<sup>11</sup>

50. Similarly, in 2018 the New Hampshire Secretary of State presented a report to his state's Ballot Law Commission concerning 94,000 people from New Hampshire that shared first name, last name, and birthdates with individuals who voted in other states.<sup>12</sup> After intensive investigation of these cases, which involved 817 hours of investigator time, this list was whittled down by the Secretary of State and Attorney General's offices to 164 voters whose qualifications to vote in New Hampshire had not been verified.

51. Finally, the research by McDonald and Levitt referenced above in footnote 4, demonstrated that a "finding" that 4,397 persons voted more than once in the November 2004 general election in New Jersey, based on a first name + last name + birthdate match, was an artifact of the "birthday problem" paradox—that is, in even a small number of people, it is virtually guaranteed that at least two people will share the same birthday.

52. As both the academic and administrative cases illustrate, the matching strategy employed by Mr. Braynard is significantly overbroad and is worthless for quantifying the degree of double-voting between states.

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<sup>10</sup> Sharad Goel, Marc Meredith, Michael Morse, David Rothschild, and Houshmand Shirani-Mehr, "One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections," *American Political Science Review*, vol. 114, no. 2 (2020), pp. 456 – 469.

<sup>11</sup> Most importantly, Goel and colleagues were able to add the last four digits of the Social Security number (SSN4) to the match, which allowed them to achieve nearly perfect precision.

<sup>12</sup> John Distaso, "Exhaustive Investigation Reveals Little Evidence of Possible Voter Fraud in NH," *WMUR*, [https://www.wmur.com/article/exhaustive-investigation-reveals-little-evidence-of-possible-voter-fraud-in-nh/20955267?wpmm=1&wpisrc=nl\\_daily202#](https://www.wmur.com/article/exhaustive-investigation-reveals-little-evidence-of-possible-voter-fraud-in-nh/20955267?wpmm=1&wpisrc=nl_daily202#).

**Mr. Braynard is unqualified to perform and interpret the analysis he reports.**

53. Mr. Braynard's educational and professional background provide no evidence that he has the qualification to perform the research he conducted, much less interpret the results. He has no advanced degrees in the social sciences or applied mathematics. He has never published in this field, and by his admission, he has never been admitted as an expert in court to give his opinions in this area.

**Geels Report # 1**

54. Mr. Geels's first report (Exhibit 3) is primarily a laundry list of trivial (in consequence and number) clerical errors that appear in the Georgia voter and absentee ballot files, none of which provide evidence of widespread voter fraud in the 2020 general election, or in any election, for that matter. The report focuses on inconsistencies in dates that are found in those files. In evaluating these consistencies, it is important to keep two things in mind.

55. First, each file has millions of dates in it, which are the focus of Mr. Geels's report. For instance, in the voter file in my possession (dated September 9, 2020), there are 42,182,851 different dates recording birth year, registration date, date last voted, date added, date changed, and last contact. In the most recent absentee ballot file in my possession (dated November 3, 2020), there are 13,168,985 different dates recording the application date, date ballot was issued, and date ballot was returned. Together, these two files record a total of 55,351,836 dates.

56. By my count, Mr. Geels lists nineteen "observations" from ¶12 to ¶30 about features of the voter files or results of matches with other files. Of these nineteen observations, 11 are stated as simple facts, left to speak for themselves.<sup>13</sup> Together, these amount to 7,681

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<sup>13</sup> These are the claims in ¶¶ 12, 14 – 23.

voters with anomalous dates. In a voter file of 7,346,219 records, this is 0.1% of all records. In a set of files that over 55 million dates, that is 0.01% of dates. While one cannot excuse clerical errors, it is unreasonable to assume that elections—including election recordkeeping—will be perfect.

57. Nowhere does Mr. Geels suggest how any of these “anomalies” could credibly lead to vote fraud or lack of control, beyond general suspicions. To draw those conclusions, one would need to account for the multiple safeguards in place in Georgia to ensure that only legal voters may cast ballots. The record keeping that is the focus of Mr. Geels’s report is the *end* of the process, not the beginning, or even middle.

58. Most of the anomalies identified by Mr. Geels’s report—even if one credited them—can readily be explained by a more benign assumption, which is that there is a typo in roughly one out of fifteen thousand dates. This is not to excuse administrative mistakes, but rather, to put in context how rare most of the so-called anomalies he identifies are.

59. I do not address the claims that are reference in footnote 13, as they reflect minor recordkeeping errors that are not reflective of fraud, much less *widespread* fraud.

60. I do address a smaller set of claims, in which either Mr. Geels draws explicit conclusions that cannot be borne by the facts, misrepresents Georgia law, or is based on flawed database matching.

61. For the claims discussed below, Mr. Geels provides insufficient details about the datasets he matches and the methodology he uses to match the state voter file, voter history file, absentee ballot file, death certificate file, and inmate file. All files are updated on an ongoing basis. Mr. Giles does not indicate the date when these files were written, which is a fatal deficiency in many of his analyses.



**Claim: 305,701 individuals have records indicating that they applied for absentee ballots more than 180 days prior to the general election (i.e., prior to May 6, 2020) (§13).**

62. The claim that 305,701 individuals in the absentee ballot file is readily explained by the fact that they were entitled to make this request. Under Georgia law, voters who are physically disabled, 65 years or older, or military or overseas voters may make a “written request to receive an absentee ballot for the primary, primary runoff, election, and election runoff ... without having to ask again by specifically stating such on the written request or absentee application.”<sup>14</sup>

63. Ninety percent of those in this group are probably 65 years of age or older. I came to this conclusion by performing a very basic matching analysis, using versions of the voter file and absentee ballot file that I had previously acquired for my own academic research. I matched records from the September-vintage voter file with the November absentee ballot file, using the voter identification number as the linking identifier. This match allowed me to use information from the voter file to calculate the number of ballot requests that were recorded as having arrived before May 6, 2020. This calculation identified 303,114 requests that fit the criteria, which is very similar to Mr. Geels’s 305,701.<sup>15</sup>

64. Then, again using the voter ID number as the linking variable, I merged these 303,114 records with the absentee ballot file that recorded voters who requested absentee ballots for the *June* primary. Using the state vote ID number alone, I was able to match 303,097 of

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<sup>14</sup> Georgia Secretary of State, Elections Division, *Absentee Voting: A Guide for Registered Voters*, v1, 2014. The current fillable pdf application for official absentee ballot notes, “If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.” The categories include elderly (65 years of age or older), disabled, and UOCAVA (military or overseas civilian).  
<https://sos.ga.gov/admin/files/Absentee%20Ballot%20Fillable%20form%20820.pdf>.

<sup>15</sup> Assuming that Mr. Geels also matched on the voter ID number, there is nothing remarkable about our matching results being different, though very close in number. This difference can easily be accounted for by the fact that the date of the absentee ballot file I was analyzing was different his.

these “early requesters” back to the June absentee ballot file—272,849 (90.0%) of whom were born in 1955 or earlier. It would be reasonable to assume that the 30,248 absentee voters who were not matched are persons with disabilities or UOCAVA voters.

65. I further compared the two “ballot request dates” from the match described in the previous paragraph—the ballot request date from the June file and the one from the November file. Ninety-six percent of those who were 65 or older showed an *identical* application date in both files. This is a strong indication that the date in the November file is simply carried over from a blanket request made to vote by mail in June.

66. The conclusion to be drawn from this initial matching exercise is that Mr. Geels has not uncovered anything remarkable at all, other than over 300,000 people who are over 65, disabled, or living overseas who availed themselves of a feature of Georgia election law that is made known to every voter who requests an absentee ballot.

**Claim: The presence of 4 accepted early or mail votes whose matching record in the registration file has a name that is completely different from the name of the voter in the Absentee Early Voter file shows that “Georgia’s voter systems allows a person to vote under another person’s registration.” (§23)**

67. Based on my general knowledge of election administration, Mr. Geels’s inference is incorrect. Because the absentee ballot paper application does not request the voter registration number, the pairing of the paper application with the computerized voter registration list is a manual process. The pattern Mr. Geels describes is clearly due to clerical error.

**Claim: 66,247 individuals were identified as having cast a ballot whose records indicate that they were registered to vote prior to their 17th birthday. (§24)**

68. I have been unable to verify this claim directly, because the copy of the Georgia voter file in my possession is dated to September 2, 2020. However, in that file, there are 49,893

voters who are identified as having registered *when* they were 17 and only 3,444 *before* they were 17. These latter cases are most likely data entry errors. And in any case, I suspect that Mr. Geels probably made a mistake calculating this measure.

**Claim: The presence of 6,635 individuals who are recorded as voting in 2016 but who are recorded as registering after 2016 indicates that “the registration was manipulated and is unreliable.” (¶25)**

69. Again, based simply on the results of an imprecise matching strategy, and no further investigation, Mr. Geels jumps to the conclusion that what is likely a clerical error is based on “manipulation.”

**Claim: The presence of 2,024 individuals in the 2020 voter file who have a different birth date than their record in the 2016 voter file indicates that the voter birthdates were unreliable or “manipulated intentionally.”**

70. With any dataset as large and dynamic as the Georgia voter file, clerical errors will occur. Sometimes those errors will be because of a maintenance activity (such as updating an address) that pertains to the voter at hand; other times, those errors will occur when a worker mistakenly updates the wrong record. It is because of the imprecision of manual data entry and updating that many states, including Georgia, have adopted automatic voter registration.

71. In addition, errors in voting files do get corrected. Mr. Geels provides no information about the likelihood that these changes were corrections of previous errors.

72. This is the only alleged “finding” in which any of the petitioners’ report-writers has reported reaching out to any of the voters whose records appear to be caught up in these anomalies. Why the particular voter mentioned in ¶26 is mentioned,<sup>16</sup> and not others, is unstated. Indeed Mr. Geels does not report how many other voters he reached out to who

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<sup>16</sup> I choose not to mention the name of the voter because I do not wish to subject her to public harassment.

provided information that suggested a more benign explanation for the “fact pattern” he observed.

73. Mr. Geels states that this particular case cannot be explained by clerical error, “as the birthdate should not change, unless there was valid proof that the birthdate in the Registration records was recorded incorrectly.” (§26) It is true that the birthdate *should not* be changed, but it is easy to imagine that in the process of updating millions of voter registration records each year, a small number might be changed accidentally.

**Claim: 134 individuals with birthdates on or before 1915 are recorded as having voted in the November election. (§27)**

74. Mr. Geels reports “researching” the individuals in the voter file who are recorded as having birthdates before 1915. How he “researched” these individuals is unknown. Because I do not have the voter file or voter history file from the November 2020 election, I can not check this claim directly.

75. I examined the September, 2, 2020 version of the voter history file that I have in my possession. However, in my examination of the September 2020-vintage voter file in my possession, I found that 50 registered voters with birthdates before 1915 were reported as last voting in 2020—6 credited to the March primary and 44 in the June primary. Twenty-eight of these are recorded with a birthdate of 1900, which is no doubt a placeholder when a worker cannot enter the correct date. Only three of the remaining 40 voters were first added to the list before 1980.

76. Almost all of the voters I discussed in the previous paragraph no doubt voted in the November general election. If Mr. Geels had even done cursory examination of his search results, he would have discovered the pattern I discovered. I have no doubt that if I were able to

examine the voter file from the November election, the story of the remaining voters would be the same.

**Claim: 10,315 deceased individuals cast ballots in the November 3, 2020 election. (§28)**

77. This claim is based on an invalid record linkage strategy that is known to produce numerous false positives. I discussed this issue above at §§19 – 34. However, unlike Mr. Braynard who may have had access to commercially provided birth *dates*, Mr. Geels, by relying for sure on the publicly available voter file, only had access to birth *years*. In §50, he describes his match as being done on first name, last name, and birth year. In my analysis of the Georgia voter file, 1,091,659 Georgia voters share an exact match on first name, last name, and birth year. Based on my search of the CDC WONDER dataset, in 2016 (the most recent year for the data), 79,649 deaths occurred among the 7,519,237 Georgia residents who were over the age of 20. (The CDC WONDER dataset does not allow one to perform the search on the population that is 18 and older.) That works out to a crude death rate of 1.06%. If this death rate is applied to the number of Georgians with duplicate names and birth years, we would expect 11,572 registered voters in Georgia to share the same first and last name of another voter in the state who died.

78. Mr. Geels himself agrees that “there may indeed be false positives in the population—for example, due to the match of multiple people with a common name who were also born in the same year or to the omission of a suffix.” My only disagreement with this statement is that it is incorrect to say there *may* be false positives. There are *guaranteed* to be false positives—so many, in fact, that they most likely explain the empirical finding entirely.

**Claim: 2,560 individuals who are felons voted (§29)**

79. The data linkage strategy described in §51 indicates that Mr. Geels performed the data linkage match by performing matching on first name, last name, and birth year. As I have already noted (see §§19 – 34), this record linkage strategy is guaranteed to produce a result in which the number of false positives vastly exceeds the number of true positives.

80. Mr. Geels apparently agrees with the sentiment, as he writes in §51: “a more reliable match technique could not be used and there may be false positives included in the population.”

81. The fact that Mr. Geels reports that there *may* be false positives in a match such as this, rather than there *will* be false positives, is indicative of his lack of expertise in the fields of election administration and data analytics.

**Conclusion of assessment of Mr. Geels’s report # 1**

82. Mr. Geels’s first report is an example of “straining at a gnat and swallowing a camel.” He expends much energy in pointing out minor, inconsequential clerical errors in an enormous database while ignoring the most important fact his report reveals: the data are remarkably clean and reliable for the purposes to which they are put.

83. The claim that Mr. Geels makes that involves the largest, and potentially most significant number of voters, is that over 300,000 absentee voters cast ballots after illegally being allowed to request those ballots more than 180 days before the general election. That claim has been revealed to be based on ignorance of Georgia law.

84. Other claims involve smaller numbers of voters and voter records. In considering these errors, it must be remembered that the various data files explored in his report are *tools* that election officials use to manage the election, but they are not the *only* tools that are used. The

databases are used to record the actions undertaken by those officials whose actions are guided by multiple safeguards to ensure that only legal votes are cast. Sometimes the records are updated incorrectly. It is hard to fathom how a record that indicates, for instance, that a ballot was mailed out before the application was received is indicative of fraud. Nor is it possible to understand how a massive database with such small numbers of errors of this sort can be regarded as being “unreliable” or evidence of widespread “manipulation.”

85. Mr. Geels concludes his report by offering his opinion that the data the state and county election officials rely on to administer elections are “either not trustworthy” or indicate “a significant number of fraudulent or invalid votes of a magnitude which calls into question the outcome of the Presidential general election.” His report supports no such conclusion. The most that can be said is that the data files are imperfect—a fact beyond dispute. However, taken as a whole, the evidence that Mr. Geels produces, to the degree it can be credited at all, points toward a conclusion that is 180-degrees away from the conclusion he reaches. That conclusion is that the data *are* trustworthy and do *not* indicate a significant number of fraudulent or invalid votes which call into question the outcome of the general election.

### **Geels Report # 2**

86. Mr. Geels’s second report (Exhibit 10) is an analysis of absentee-ballot rejection rates for the 2016, 2018, and 2020 general election and the 2020 June primary. He documents a decline in the rate of mail-ballot ballot rejections in 2020 compared to the past elections. He implies that past rejection rates are immutable features of Georgia elections, and that action by the state to reduce those rates must reflect negatively on the quality of election administration in the state.

87. Mr. Geels relies on absentee ballot datasets that are available for download from the Secretary of State's website. From my experience using these same files, the statistics he presents in Table 1 are accurate, so far as they report the data from those files.

88. There are two corrections that need to be made, however. First, Mr. Geels does not include the datafile reflecting the 65,878 mail ballots that are associated with the March presidential preference primary. Second, the "spoiled" ballots he includes as "returned" should not be included in this category. While spoiled ballots are indeed "returned," they are not returned *for counting*. They are ballots that have been damaged or otherwise unsuitable to vote on, and thus the voter has requested another one. In the 2020 general election, for instance, of the 4,082 spoiled ballots, 2,865 have the notation "Voter Error" in the "ballot status reason" field. Eighty percent of the ballots marked as spoiled were issued to a voter who was mailed at least two ballots, with the spoiled ballot canceled and the new ballot eligible to be counted.

89. Therefore, Table 1 should be modified so that Row 6 consists only of ballots rejected or accepted. This affects the calculated rejection rates slightly, and barely changes the rejection rates reported by Mr. Geels.

90. More significant is the fact that Mr. Geels, by implication, casts the significant reduction in rejection rates in a nefarious light, when exactly the opposite should be concluded. Furthermore, the rejection rate, while much lower than in past years in Georgia, is now in line with other states. It reflects the result of two salutary developments in Georgia: the establishment of a robust "cure" process and a vigorous public education campaign undertaken by the state and private citizens.

91. To put Georgia's past performance in context, I refer to the report of the Election Administration and Voting Survey, which is issued by the U.S. Election Assistance Commission



after every federal election. The report, and the accompanying jurisdiction-level dataset, are the standard data source used in the fields of election science and election administration to compare states on dimensions such as mail ballot rejection rates.

92. The report for 2016 indicates that Georgia's ballot rejection rate was 5.77%.<sup>17</sup> The overall national rejection rate was 0.77%. Georgia's mail-ballot rejection rate was the highest in the country. For 2018, the Georgia and national rejection rates were 3.10% and 1.42%, respectively. Only ten states had a higher rate than Georgia's in 2018.

93. Georgia's poor performance related to mail-ballot rejection rates drew considerable attention from the press, and ultimately the public. Among other things, it was revealed that counties had widely disparate rejection rates—disparities that could not be attributed to the rejection of fraudulent votes. For instance, the high rejection rate of Gwinnett County was attributed to a poorly designed absentee ballot forms and decisions to set especially stringent standards for accepting absentee ballots.<sup>18</sup> (According to the EAVS data, Gwinnett County's rejection rate in 2018 was 6.9%, compared to the 3.10% statewide rate. The rejection rate across Georgia counties varied from 13.3% in Clay County to no rejections in thirty-two counties.)

94. In response to dissatisfaction with the rejection rate, the General Assembly passed HB 316 in 2019 which, among other things, provided a formal and uniform mechanism by which

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<sup>17</sup> U.S. Election Assistance Commission, *The Election Administration and Voting Survey: 2016 Comprehensive Report*, p. 65, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf); EAC, *The Election Administration and Voting Survey: 2018 Comprehensive Report*, p. 64, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2018\\_EAVS\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2018_EAVS_Report.pdf). Rejection rates reported in the EAVS report will vary somewhat from reports based on raw state reports, because the EAVS survey instrument seeks to reconcile reporting differences across the states, so that an apples-to-apples comparison can be made.

<sup>18</sup> Mark Niesse, "Lawsuit seeks to prevent Georgia absentee ballot rejections," *Atlanta Journal-Constitution*, Nov. 6, 2019, <https://www.ajc.com/news/state--regional-govt--politics/lawsuit-seeks-prevent-georgia-absentee-ballot-rejections/svn2eyAwLAMKFbyday1W4J/>; Ben Nadler, "Lawsuit challenges absentee ballot rejections in Georgia," *Associate Press*, Nov. 7, 2019, <https://newschannel9.com/news/election/lawsuit-challenges-absentee-ballot-rejections-in-georgia>.

absentee voters could “cure” deficiencies on the return envelope of absentee ballots. HB 316 allows voters to “cure a failure to sign the oath, an invalid signature, or missing information by submitting an affidavit to the board of registrars or absentee ballot clerk.”

95. In addition, the state entered into a consent decree concerning the timely notification of voters who had returned mail ballots with deficiencies on the return envelope.

96. Finally, recognizing that millions of voters across the United States would be casting mail ballots for the first time in 2020, on account of concerns related to the COVID-19 pandemic, vigorous efforts were made nationwide to educate voters about how to properly return their ballots, and to return them on time. These efforts were undertaken by election officials, citizen groups, traditional media, and social media.

97. Based on my position as the co-director of the Stanford-MIT Healthy Elections Project beginning in March 2020, I was very aware of these activities, and spoke frequently to reporters about these efforts. I have no reason to believe that these efforts were any less intense in Georgia than in other states.

98. Although official data are still being compiled nationwide, Ballotpedia, a website that closely covers election administration issues, has reported on mail-ballot rejection rates across the country, as the statistics have been made available, and has compared those 2020 rates with those in 2016 and 2018.<sup>19</sup> The table below reports a comparison of rejection rates from 2016 to those in 2020, among states that have reported data from 2020.

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<sup>19</sup> Ballotpedia, “Election results, 2020: Analysis of rejected ballots,” Dec. 11, 2020, [https://ballotpedia.org/Election\\_results\\_2020:\\_Analysis\\_of\\_rejected\\_ballots](https://ballotpedia.org/Election_results_2020:_Analysis_of_rejected_ballots).

Comparison of mail-ballot rejection rates, 2016 and 2020		
State	Rejection rate, 2016	Rejection rate, 2020
Alaska	3.17%	0.87%
Connecticut	1.92%	0.94%
Delaware	1.54%	0.21%
Georgia	6.42%	0.60%
Iowa	0.65%	0.15%
Maine	0.96%	0.89%
Maryland	1.49%	0.63%
Massachusetts	3.30%	1.30%
Michigan	0.49%	0.46%
Nevada	1.60%	0.58%
North Carolina	2.71%	2.47%
Pennsylvania	0.95%	0.28%
South Carolina	0.58%	0.71%
Source: Ballotpedia, <a href="https://ballotpedia.org/Election_results,_2020:_Analysis_of_rejected_ballots">https://ballotpedia.org/Election_results,_2020:_Analysis_of_rejected_ballots</a> , Dec. 11, 2020.		

99. With the exception of South Carolina, all states on the chart have seen reductions in rejection rates, many of which have reduced those rates to a fraction of what they were previously. This includes states as diverse in their election administration practices as Alaska, Connecticut, Delaware, Iowa, Maryland, Massachusetts, Nevada, and Pennsylvania.

100. In my twenty years in studying election administration, I have had occasion to discuss issues of ballot rejections and “cure” processes with numerous election administrators.<sup>20</sup> Some of these administrators have overseen cure processes for many years. My conclusion from those conversations is that the consensus among election administrators is that almost all rejected absentee ballots occur because voters make honest mistakes, not because election offices have intercepted fraudulent ballots. This has led me to understand that high mail-ballot rejection rates, such as Georgia had prior to 2020, represent a failure of election administration. Any state that seeks to reduce rejections, and does so in a serious, uniform way, should be praised, not

<sup>20</sup> One of the reasons I have engaged in these discussions is that the Elections Performance Index (<https://elections.mit.edu/#/data/map>), which I oversee, assesses the election administration performance of states based, in part, on their ballots rejection rates. Given this, it is incumbent upon me to understand the underlying issues behind rejection rates, from the perspective of those who administer absentee ballot laws.

criticized. Mr. Geels's conclusion that high absentee-ballot rejection rates indicates an election administration practice that should be emulated is incorrect.

101. Based on my experience in the field, the formal cure process in Georgia constitutes a "best practice" that others should emulate. To expect otherwise is to suggest government policy should be set to automatically disfranchise legal voters who make their best efforts to comply with election law, but nonetheless commit innocent mistakes.

102. In ¶¶19 and 20 of Mr. Geels's second report, he implies that an *improvement* in the implementation of a law should be receive with opprobrium. It is as if a tax program that was reformed to reduce cheating on taxes was criticized because fewer tax returns in the future contained questionable itemizations.

103. In these paragraphs, Mr. Geels criticizes Georgia because it improved its election administration practices. If Mr. Geels's expectations are accepted, that is, that past policy failures should be accepted as normative, then efforts to make elections more secure and inclusive become impossible.

104. To conclude, Mr. Geels does an unobjectionable job of calculating rejection rates from data files made available to the public by the Georgia Secretary of State. Elements of his analysis reflect a profound lack of knowledge about the policy environment in which absentee ballot policy has developed in Georgia over the past year, and a general lack of knowledge about "best practices" in the field of election administration. His calculations are mostly accurate. His conclusions and inferences are wrong.

### **Davis Report**

105. Mr. Mark Alan Davis provided an affidavit in which he offers observations based on examinations of the Georgia voter file over the past several months. These observations

claim to reveal data anomalies, such as thousands of votes on the Georgia voter rolls who also appear on the NCOA database.

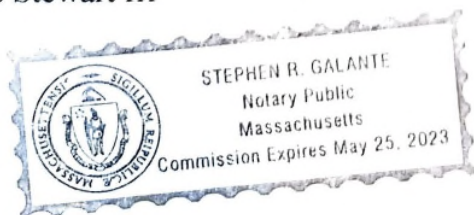
106. This report bears none of the marks of an expert report, nor does Mr. Davis's brief description of his background suggest that he is qualified to opine on issues of database management. He provides no rigorous description of his methodology or data sources. It is impossible to judge the veracity of his claims or to reproduce his analysis independently. His report is not science.

107. To the degree he discusses "hard" results, Mr. Davis reports the results of matches of the Georgia voter file against the NCOA database. He provides no information about when the database was obtained, nor any precise information about how the matches were conducted. The best he can do is conduct matches based on linking combinations of first name + last name + address, for which there may be innumerable duplicate records. Furthermore, Georgia law provides legitimate reasons why someone who has filed an NCOA form, as a part of a temporary move, would still retain his or her residency for the purposes of voting.

108. Mr. Davis's report should be dismissed because of his lack of expertise and his failure to demonstrate that he has based his opinion on recognized methods of database matching.

109. I declare under penalty of perjury under the laws of the United States of America, and the State of Georgia, that the foregoing is true and correct.

 12/14/20  
Charles Stewart III



On this 14 day of December 2020 before me, Stephen R. Galante  
the undersigned notary public, personally appeared Charles Stewart III, proved to me through satisfactory evidence of identification which were Massachusetts ID, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.  
Notary Public [Signature]  
My Commission Expires 5/25/2023

**Curriculum Vitae****CHARLES HAINES STEWART III**

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**Education**


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1985	Ph.D., Stanford University.
1983	A.M., Stanford University
1979	B.A., Emory University

**Professional experience***Teaching*


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1985–1989	Assistant Professor of Political Science
1989–1999	Associate Professor of Political Science
1990–1993	Cecil and Ida Green Career Development Associate Professor of Political Science (3-yr. term)
1999–present	Professor of Political Science
2007–present	Kenan Sahin Distinguished Professor of Political Science
2016–present	Affiliate Faculty, Institute for Data, Systems, and Society

*Administrative*

2002–2005	Associate Dean of Humanities, Arts, and Social Sciences
2002–present	Co-director, Caltech/MIT Voting Technology Project
2005–2010	Head of the Department of Political Science
2015–present	Director, MIT Election Data and Science Lab

**Awards (abbreviated)**


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1994	Mary Parker Follett Award, for Best Published Essay or Article, 1993-1994, Politics and History Section, American Political Science Association (with Barry Weingast).
1999	Franklin L. Burdette Pi Sigma Alpha Award, for Best Paper Presented at the 1998 Annual Meeting of the American Political Science Association. (“Architect or Tactician? Henry Clay and the Institutional Development of the U.S. House of Representatives”)



- 2002 Jewell-Loehenberg Award, for best article to have appeared in the *Legislative Studies Quarterly*, Legislative Studies Section, American Political Science Association (with Steven Ansolabehere and James M. Snyder, Jr.)
- 2002 Jack Walker Award, honoring an article or published paper of unusual significance and importance to the field, Political Organizations and Parties Section, American Political Science Association (with Steven Ansolabehere and James M. Snyder, Jr.)
- 2011 Elected Fellow, American Academy of Arts and Sciences
- 2013 Patrick J. Fett Award, honoring the best paper on the scientific study of Congress and the Presidency at the previous meeting of the Midwest Political Science Association ("The Value of Committee Assignments in Congress since 1994")

### Grants (abbreviated)

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- 1991–93 National Science Foundation, "The Development of the Committee System in the House, 1870-1946," SES-91-12345
  - 2003–06 John S. and James L. Knight Foundation, "Internet and Electronic Voting"
  - 2005–07 National Science Foundation, "Collaborative Research: U.S. Senate Elections Data Base, 1871–1913" (with Wendy Schiller).
  - 2007–10 Pew Charitable Trusts and JEHT Foundation, "The 2008 Survey of the Performance of American Elections"
  - 2008–10 Ewing Marion Kauffman Foundation, "Congressional and Executive Staff Seminar"
  - 2012–13 Pew Charitable Trusts, "Measuring Elections"
  - 2013–15 Pew Charitable Trusts, "Measuring Elections"
  - 2013–14 Democracy Fund, "Voting in America: Matching Problems to Solutions"
  - 2013–14 William and Flora Hewlett Foundation, "Voting in America: Matching Problems to Solutions"
  - 2014–17 Democracy Fund, "Polling Place of the Future"
  - 2016–17 Pew Charitable Trusts, "The 2016 Survey of the Performance of American Elections"
  - 2017–21 William and Flora Hewlett Foundation, "The MIT Election Data and Science Lab"
  - 2018–21 Democracy Fund, "The MIT Election Data and Science Lab"
  - 2017–18 Carnegie Foundation of New York, Andrew Carnegie Fellow
  - 2017–19 Joyce Foundation, "State Election Landscapes"

### Publications (abbreviated)

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#### Books

- 2015 *Electing the Senate*. Princeton. University Press (with Wendy Schiller)
- 2014 *Measuring American Elections*. Cambridge University Press (with Barry Burden)
- 2012 *Fighting for the Speakership: The House and the Rise of Party Government*. Princeton University Press (with Jeffery A. Jenkins).
- 2010 *Committees in the U.S. Congress, 1993–2010*. CQ Press (with Garrison Nelson).

- 2002 *Committees in the United States Congress, 1789–1946*, 4 vols. Congressional Quarterly Press (with David Canon and Garrison Nelson).
- 2001 *Analyzing Congress*. W. W. Norton. [2nd edition, 2012]
- 1989 *Budget Reform Politics: The Design of the Appropriations Process in the House, 1865-1921*. Cambridge University Press.

*Chapters in edited collections*

- 2020 “Polling Place Quality and Access” (with Robert Stein and Christopher Mann) in *The Future of Election Administration*, eds. Mitchell Brown, Bridgett A. King, and Kathleen Hale. Palgrave MacMillan.
- 2020 “The Elections Performance Index: Past, Present, and Future” in *The Future of Election Administration*, eds. Mitchell Brown, Bridgett A. King, and Kathleen Hale. Palgrave MacMillan.
- 2017 “Election Administration in 2016: A Tale of Two Cities” (with Terry Susan Fine) in *Conventional Wisdom, Parties, and Broken Barriers in the 2016 Election*, eds. Jennifer C. Lucas, Christopher J. Galdieri, and Tauna Starbuck Sisco.
- 2014 “Measuring American Elections” in *Measuring American Elections*, eds. Barry C. Burden and Charles Stewart III.
- 2014 “The Performance of Election Machines and the Decline of Residual Votes in the U.S.” in *Measuring American Elections*, eds. Barry C. Burden and Charles Stewart III.
- 2014 “Understanding Voter Attitudes toward Election Fraud Across the United States.” (With Thad E. Hall) in *Advancing Electoral Integrity*, eds. Pippa Norris, Richard W. Frank, and Ferran Martinez i Coma.
- 2014 “What Hath HAVA Wrought? Consequences, Intended and Unintended, of the Post-*Bush v. Gore* Reforms,” in *Bush v. Gore Ten Years Later*, eds. R. Michael Alvarez and Bernard Grofman.
- 2011 “Congressional Committees in a Partisan Era: The End of Institutionalization as We Know It?” in *New Directions in Congressional Politics*, ed. Jamie L. Carson, Routledge.
- 2008 “Function follows Form: Voting Technology and the Law,” in *America Votes!*, ed. Benjamin E. Griffith American Bar Association.
- 2008 “Improving the Measurement of Election System Performance in the United States” in *Mobilizing Democracy: A Comparative Perspective on Institutional Barriers and Political Obstacles*, eds. Margaret Levi, James Johnson, Jack Knight, and Susan Stokes, Russell Sage.
- 2006 “Architect or Tactician? Henry Clay and the Institutional Development of the U.S. House of Representatives” in *Process, Party, and Policy Making: New Advances in the Study of the History of Congress*, eds David W. Brady and Mathew D. McCubbins, Stanford University Press.
- 2005 “Congress in the Constitutional System,” in *Institutions of Democracy: The Legislative Branch*, ed. Sarah Binder and Paul Quirk, Oxford University Press.
- 2002 “The Evolution of the Committee System in the U.S. Senate” (with David Canon), in *Senate Exceptionalism*, ed., Bruce Oppenheimer, Ohio University Press.
- 2002 “Order from Chaos: The Transformation of the Committee System in the House, 1810–1822,” in *Party, Process, and Political Change in Congress: New Perspectives on the History of Congress*, eds. David Brady and Mathew McCubbins, Stanford University Press.
- 2001 “The Evolution of the Committee System in Congress,” in *Congress Reconsidered*, 7th edition, eds., Lawrence Dodd and Bruce I. Oppenheimer. Congressional Quarterly Press.
- 1992 “Committees from Randall to Clark,” in *The Atomistic Congress*, eds. Ron Peters and Allen Hertzke. M.E. Sharpe.
- 1992 “Responsiveness in the Upper Chamber: The Constitution and the Institutional Development of the U.S. Senate,” in *The Constitution and the American Political Process*, ed. Peter Nardulli. University of Illinois Press.
- 1991 “Lessons from the Post-Civil War Era,” in *Causes and Consequences of Divided Government*, eds. Gary Cox and Samuel Kernell. Westview Press.



- 1991 “Tax Reform in the 1980s,” in *Politics and Economics in the 1980s*, eds. Alberto Alesina and Geoffrey Carliner. University of Chicago Press, pp. 143-170.

*Articles in refereed journals (Abbreviated)*

- 2020 “Reconsidering Lost Votes by Mail” *Harvard Review of Data Science*.
- 2020 “Abstention, Protest, and Residual Votes in the 2016 Election,” (with R. Michael Alvarez, Stephen Pettigrew, and Cameron Wimpy) *Social Science Quarterly*. 101(2): 925–939.  
<https://doi.org/10.1111/ssqu.12757>.
- 2020 “Protecting the Perilous Path of Election Returns: From the Precinct to the News,” (with Stephen Pettigrew) *Ohio State Technology Law Journal* 2020: 588–638.
- 2020 “Explaining the Blue Shift in Election Canvassing,” (with Edward B. Foley) *Journal of Political Institutions and Political Economy* 1(2): 239–265. <http://dx.doi.org/10.1561/113.00000010>.
- 2020 “The Relationship of Public Health with Continued Shifting of Party Voting in the United States,” (with Jason H. Wasfy, Emma W. Healy, and Jinghan Cui) *Social Science & Medicine* 252(May 2020): 112921. <https://doi.org/10.1016/j.socscimed.2020.112921>.
- 2019 “Causal Inference and American Political Development: The Case of the Gag Rule,” (with Jeffery A. Jenkins) *Public Choice*. <https://doi.org/10.1007/s11127-019-00754-9>.
- 2019 “Learning from Each Other: Causal Inference and American Political Development,” (with Jeffery A. Jenkins and Nolan McCarty) *Public Choice*. <https://doi.org/10.1007/s11127-019-00728-x>.
- 2019 “Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study,” (with Robert M. Stein, et al) *Political Research Quarterly*.  
<https://doi.org/10.1177%2F1065912919832374>.
- 2019 “Voter ID Laws: A View from the Public,” (with Paul Gronke, et al) *Social Science Quarterly* 100(1): 215–232.
- 2018 “The Deinstitutionalization (?) of the House of Representatives: Reflections on Nelson Polsby’s “The Institutionalization of the U.S. House of Representatives” at Fifty” (with Jeffery A. Jenkins) *Studies in American Political Development* 32(2): 166–187.
- 2018 “Pedagogical Value of Polling-Place Observation by Students” (with Christopher B. Mann, et al) *PS: Political Science & Politics* 51(4): 831–837.
- 2018 “Learning from Recounts,” (with Stephen Ansolabehere, Barry C. Burden, and Kenneth R. Mayer) *Election Law Journal* 17(2): 100–116.
- 2017 “County Community Health Associations of Net Voting Shift in the 2016 U.S. Presidential Election,” (with Jason Wasfy and Vijeta Bhambhani) *PLOS ONE*, Oct. 2, 2017,  
<https://doi.org/10.1371/journal.pone.0185051>.
- 2017 “The 2016 U.S. Election: Fears and Facts about Electoral Integrity,” *Journal of Democracy* 28(2): 50–62.
- 2015 “Partisanship and Voter Confidence, 2000–2012,” (with Michael W. Sances). *Electoral Studies* 40: 176–188.
- 2015 “Waiting to Vote” (with Stephen Ansolabehere). *Election Law Journal*. 14(1): 47–53.
- 2013 “U.S. Senate Elections before the 17th Amendment: Party Cohesion and Conflict, 1871–1913” (with Wendy J. Schiller and ). *Journal of Politics* 75(3): 835–847.
- 2013 “Voting Technology, Vote-by-Mail, and Residual Votes in California, 1990–2010” (with Dustin Beckett and R. Michael Alvarez). *Political Research Quarterly* 66(4): 658–70.
- 2011 “Adding up the Costs and Benefits of Voting by Mail.” *Election Law Journal* 10(3): 1–5.
- 2011 “Voter Opinions about Election Reform” (with R. Michael Alvarez, Thad E. Hall and Ines Levin) *Election Law Journal* 10(2): 73–87.
- 2006 “Residual Vote in the 2004 Election” *Election Law Journal* 5(2): 158–169.
- 2005 “Studying Elections: Data Quality and Pitfalls in Measuring the Effects of Voting Technologies” (with R. Michael Alvarez and Stephen Ansolabehere). *The Policy Studies Journal* 33(1): 15–24.

- 2005 “Residual Votes Attributable to Technology” (with Stephen Ansolabehere). *Journal of Politics* 67(2): 365–389.
- 2003 “Out in the Open: The Emergence of Viva Voce Voting in House Speakership Elections” (with Jeff Jenkins). *Legislative Studies Quarterly*, 28(4): 481–508.
- 2001 “The Effects of Party and Preferences on Congressional Roll Call Voting (with Stephen D. Ansolabehere and James M. Snyder, Jr.). *Legislative Studies Quarterly*, 26(4): 533–572.
- 2001 “Candidate Positioning in U.S. House Elections,” (with Stephen D. Ansolabehere and James M. Snyder, Jr.). *American Journal of Political Science*, 45(1): 136–159.
- 2000 “Old Voters, New Voters, and the Personal Vote: Using Redistricting to Measure the Incumbency Advantage” (with Stephen D. Ansolabehere and James M., Snyder, Jr.), *American Journal of Political Science*, 44(1): 17–34.
- 1999 “The Value of Committee Seats in the United States Senate, 1947–91,” (with Tim Groseclose), *American Journal of Political Science*. 43(3): 963–973.
- 1998 “The Value of Committee Seats in the House, 1947–1991,” (with Tim Groseclose) *American Journal of Political Science*, 42(2): 453–474.

*Articles in law reviews (last ten years)*

- 2020 “Protecting the Perilous Path of Election Returns: From the Precinct to the News,” (with Stephen Pettigrew) *Ohio State Technology Law Journal* 2020: 587–637.
- 2016 “Revisiting Public Opinion on Voter Identification,” (with Stephen Ansolabehere and Nathaniel Persily) *Stanford Law Review* 68(6): 1455–89.
- 2013 “Waiting to Vote,” *Journal of Law and Politics* 28(4): 439–463.
- 2013 “Voter ID: Who Has Them? Who Shows Them?” *Oklahoma Law Review* 66(4): 21–52.
- 2013 “Regional Differences in Racial Polarization in the 2012 Presidential Election: Implications for the Constitutionality of Section 5 of the Voting Rights Act,” *Harvard Law Review Forum* 126: 205–220.
- 2010 “Losing Votes by Mail,” in *Journal of Legislation and Public Policy* 13(3): 573–602.
- 2010 “Race, Region, and Vote Choice in the 2008 Election: Implications for the Future of the Voting Rights Act.” (with Stephen Ansolabehere and Nathaniel Persily) *Harvard Law Review* 123(6): 1385–1436.

# EXHIBIT Q

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
 STATE OF GEORGIA**

**DONALD J. TRUMP, in his capacity as a** )  
**Candidate for President, et al.,** )

**Petitioners,** )

**v.** )

**Civil Action No. 2020CV343255**

**BRAD RAFFENSPERGER, in his official** )  
**capacity as Secretary of State of Georgia, et** )  
**al.,** )

**Respondents.** )

**RESPONDENTS BRAD RAFFENSPERGER, REBECCA N. SULLIVAN, DAVID J.  
 WORLEY, MATTHEW MASHBURN, AND ANH LE'S MOTION TO EXCLUDE  
 AFFIDAVITS AND TESTIMONY OF PETITIONERS' EXPERTS**

Respondents Brad Raffensperger, Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le ("State Respondents")<sup>1</sup> move this Court for an order excluding the affidavits and testimony of Petitioners' purported expert witnesses, Matt Braynard ("Braynard"), Bryan Geels ("Geels"), and Mark Alan Davis ("Davis"). These witnesses are not qualified to offer expert testimony and their testimony is not based on any reliable scientific methodology. Their opinions are wholly speculative and assume illegality when other innocuous explanations they ignore easily explain the data they claim to identify. The Court should exclude these witnesses because they are not experts and their inadmissible opinions are not scientific, probative or relevant.

<sup>1</sup> Respondents have not been served with the Petition as required by O.C.G.A. §§ 9-11-4 and 21-2-524(f), and therefore personal jurisdiction over them has not been established in this Court. Accordingly, Respondents file this Motion to Exclude by Special Appearance only, and do not waive the required statutory service or their jurisdictional defenses.

## I. INTRODUCTION AND SUMMARY OF ARGUMENT

Petitioners’ counsel retained Matt Braynard, Bryan Geels, and Mark Alan Davis to offer several affidavits that Petitioners use to claim “thousands of unqualified persons” registered to vote and voted in the November 3, 2020, general election in Georgia. Geels and Davis actually say no such thing, and Braynard’s conclusions are self-contradictory or unsupported by any scientific reasoning whatsoever. Moreover, Braynard subsequently disavowed any suggestion that he is accusing any person of voting illegally, even though he swore to this Court that he was. *Compare* Elections Investigative Hearing: Georgia House of Representatives, Hearing before the Comm. on Governmental Affairs (Dec. 10, 2020), at 1:30:52 - 1:31:13, <https://livestream.com/accounts/25225474/events/9117221/videos/214677184> (“In my affidavit I don’t believe I specifically accuse anybody of committing any crime. I said these were indications—over and over again potentially illegal ballots has been my language. Uh indications of illegally cast ballots. I have not accused anybody of committing a felony in any of my . . . affidavits or declarations.”) *with* Affidavit of Matt Braynard (“Braynard Aff.”) at ¶ 12 (“In total, it is my opinion that **there were 20,312 individuals who cast ballots illegally** in the November 3, 2020 election due to their loss of residency status in the State prior to the election.”).

Braynard, Geels, and Davis are not experts in the subject matters of their testimony. None have any relevant education, training, skill, or experience. Where their methodology is discernable at all, they use methods that are not standard or trusted in the relevant field. Each also either restates publically available data (which is not proper for an expert) or draws conclusions from it that are, at best, pure speculation. The Court should exclude Petitioner’s junk science because it

is not probative of any relevant issue and does not satisfy the requirements of O.C.G.A. § 24-7-702 or the standards of *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).<sup>2</sup>

## II. ARGUMENT AND CITATION OF AUTHORITY

O.C.G.A. § 24-7-702 governs the admissibility of expert testimony in Georgia. Subsection 24-7-702(b) provides:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise, if:

- (1) The testimony is based upon sufficient facts or data;
- (2) The testimony is the product of reliable principles and methods; and
- (3) The witness has applied the principles and methods reliably to the facts of the case which have been or will be admitted into evidence before the trier of fact.

This statute requires the Court to act as “gatekeeper to ensure the relevance and reliability of expert testimony.” *Scapa Dryer Fabrics, Inc. v. Knight*, 299 Ga. 286, 289 (2016). “[T]he trial court must consider (a) the qualifications of the expert; (b) the reliability of the testimony; and (c) the relevance of the testimony.” *Cash v. LG Electronics, Inc.*, 342 Ga. App. 735, 737 (2017) (citing *Scapa Dryer Fabrics*, 299 Ga. at 289). Petitioners’ “experts” affidavits and testimony are inadmissible because the purported experts are not qualified to offer them, they are unreliable, they are irrelevant, and they accordingly fail to satisfy the requirements of O.C.G.A. § 24-7-702(b) and the standards of *Daubert* and its progeny.

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<sup>2</sup> In interpreting and applying section 24-7-702, Georgia courts are specifically authorized to draw from the opinions of the United States Supreme Court in *Daubert*; *General Electric Co. v. Joiner*, 522 U.S. 136 (1997); *Kumho Tire Co. Ltd. v. Carmichael*, 526 U. S. 137 (1999); and other federal court cases applying the standards announced in these cases. See O.C.G.A. § 24-7-702(f).

Braynard offers four opinions, all of which are not supported by proper methodology, are wrong and unfounded: (a) some absentee or early voters were no longer Georgia residents because they registered to vote in another state after they registered in Georgia, even if this subsequent registration occurred years ago; (b) some voters “may have” vacated their Georgia residence as evidenced by their filing a Notice of Change of Address (“NCOA”) form to an out-of-state address, even though NCOA’s can, and often are, filed for temporary moves ; (c) some early and absentee ballots were cast by people who were “illegally registered,” although not necessarily ineligible to vote, because they allegedly listed a post-office box as their address and; (d) a few hundred people allegedly voted in Georgia and in another state. *See* Petition at ¶¶ 73, 76, 82, 87.

Petitioners rely on Geels to provide estimated numbers of voters who allegedly were felons with uncompleted sentences, underage, dead, not registered, improperly registered, or who improperly applied for or received or returned absentee ballots. *See id.* at ¶¶ 61, 64, 67, 94, 101, 103, 119, 123, 126, 129, 131, 134, 137. Geels’s testimony seeks to turn minor data anomalies into widespread voter fraud when the anomalies he identifies actually prove the opposite when placed into their statistical context. Petitioners rely on Davis’s Affidavit to show the estimated numbers of voters who moved to another county and had not changed their registration to their new county of residence. *See id.* ¶ 85. None even acknowledge alternative causes for the statistical conclusions they reach, let alone attempt to explain these alternatives.

Dr. Charles Stewart is the Kenan Sahin Distinguished Professor at the Massachusetts Institute of Technology. Declaration of Charles Stewart III (“Stewart Decl.”), attached as **Exhibit A** at ¶ 2. Among other degrees, he has a Ph.D in political science from Stanford University. *Id.* at ¶ 3. He researched and taught graduate and undergraduate courses in American politics, research methodology, elections and legislative politics. *Id.* at ¶ 2. Among other things, he is the founding

director of the MIT Election Data and Science Lab, which is dedicated to the impartial analysis of elections and election administration in the United States. *Id.* at ¶ 5. He is widely published in many peer-reviewed publications. *Id.* at ¶ 6. He has also been accepted as an expert witness in three federal cases that involved record linkage and matching between voter files and other data sources, such as driver's license files. *Id.* at ¶ 7.

Dr. Stewart has reviewed the Braynard, Geels and Davis Affidavits. His assessment of their proffered testimony is discussed more fully below and a more detailed discussion is contained in his Declaration. Initially, all three of Petitioners' experts rely on matching Georgia voter files with other data files in a manner that is "[k]nown to be unreliable and to produce a preponderance of 'false positives.'" *Id.* at ¶ 13. Indeed, even the most sophisticated methodology used by any of these experts—Braynard's alleged use of actual birthdates as opposed to birth years—is "highly inaccurate." *Id.* at ¶ 31. Because voter files are so large (Georgia's contains over 7 million people), even looking only at Georgia, there will be many voters who share the same name and the same birth date. *Id.* Braynard neither acknowledges the possibility of false matches, nor discusses any means by which he sought to control for them to confirm the "matches" he bases his opinions on are correct. *Id.* at ¶ 33. The improper methodology used by Braynard renders his conclusions unreliable and without merit. *Id.* at ¶ 13.

Geels makes some of the same data-matching mistakes as Braynard. Geels's first affidavit inspects Georgia voter files and uncovers anomalies within those files. These "anomalies" are generally "minor typographical and clerical errors that are neither signs of fraudulent behavior nor lax electoral controls." Stewart Decl. at ¶ 14. His larger so-called anomalies prove only that Geels does not understand Georgia law. *Id.* In fact, all Geels does is determine that approximately 300,000 Georgians legally availed themselves of Georgia law which allows them to request one



absentee ballot for a primary and general election. Stewart Decl. at ¶ 66. His second affidavit takes reduced absentee ballot rejection rates (a good thing) and spins them into nefarious election interference by fiat. Stewart Decl. at ¶ 90. Similarly, Davis provides virtually no details of what “analysis” he even performed and comes to no relevant conclusions whatsoever. Stewart Decl. at ¶ 16.

#### **A. Petitioners’ “Experts” Are Not Qualified.**

To determine an expert’s qualifications, the Court must examine the credentials of each expert “to ascertain the extent to which he is qualified to testify competently regarding the matters he intends to address, whether by knowledge, skill, experience, training, or education.” *Scapa Dryer Fabrics*, 299 Ga. at 289 (citation and punctuation omitted). None of Petitioners’ purported experts is qualified to testify competently regarding the matters addressed in their affidavits.

##### **1. Matt Braynard.**

Braynard claims to be an “election data analyst.” Braynard’s own resume proves he is not an election data analyst. Affidavit of Matt Braynard (“Braynard Aff.”, Ex. 2 to Petition) at ¶ 3, Ex. 1. Braynard has a bachelor’s degree in business administration and a master’s degree in fine arts in “writing program.” *See id.*, Ex. 1. Braynard has no experience, training, or education in political science, statistics, database matching or survey design, nor does he list any publications, research projects, or speaking engagements on those or any other subjects. He is not a statistician, mathematician, or political scientist; he has no apparent expertise in linking and analyzing complex databases; he has no apparent training or expertise in survey-based research; he has no peer-reviewed publications relating to election data or data analysis; and he has never been qualified as an expert witness in any matter in any court.

Braynard’s resume reveals he is a partisan political consultant who worked on various Republican campaigns and served as the director of the “Data Division” for President Trump’s

2016 campaign. *See id.* After working for the 2016 Trump campaign, he spent four years as executive director of an organization called Look Ahead America, working with over 30 other former Trump campaign staffers with the apparent goal of registering and turning out likely Trump voters. *See id.* In addition to the \$40,000 Petitioners have paid him in this matter (*see id.* ¶ 9), Braynard has personally received almost \$675,000 on behalf of his “Voter Integrity Project.” *See* Voter Integrity Project, GiveSendGo Campaign (<https://givesendgo.com/voterintegrity>); Matt Braynard, Gab (Nov. 16, 2020) (<https://gab.com/mattbraynard/posts/105223610078696550>) (noting Braynard’s refusal to publicly disclose invoices for purported expenditures).<sup>3</sup> Braynard’s “Voter Integrity Project” includes former Trump campaign staff and current White House staff and government officials, including a senior advisor to President Trump whom Trump appointed as the federal government’s chief information security officer, who are currently engaged in an effort to “hunt for fraud” in the 2020 election. *See* Ellie Rushing & William Bender, “Pro-Trump ‘voter integrity’ group that is calling Pennsylvania voters has ties to White House,” *Philadelphia Inquirer* (Nov. 13, 2020) (<https://www.inquirer.com/politics/pennsylvania/voter-integrity-fund-pennsylvania-georgia-wisconsin-trump-2020-20201113.html>) (“*Philadelphia Inquirer* Report”); Jon Swaine & Lisa Raine, “The federal government’s chief information security officer is helping an outside effort to hunt for alleged voter fraud,” *Washington Post* (Nov. 15, 2020) ([https://www.washingtonpost.com/politics/trump-voter-integrity-fund/2020/11/15/89986f1c-25fe-11eb-952e-0c475972cfc0\\_story.html](https://www.washingtonpost.com/politics/trump-voter-integrity-fund/2020/11/15/89986f1c-25fe-11eb-952e-0c475972cfc0_story.html)); Jon Swaine, Rosalind S. Helderman, Josh Dawsey & Tom Hamburger, “Conservative nonprofit group challenging election results around the country has tie to Trump legal adviser Jenna Ellis,” *Washington Post* (Dec. 7, 2020)

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<sup>3</sup> Braynard’s GoFundMe money collection effort was taken down by GoFundMe because Braynard “was spreading misinformation about the 2020 Election.” <https://news.yahoo.com/gofundme-takes-down-conservative-fundraiser-020829908.html>

([https://www.washingtonpost.com/politics/thomas-more-jenna-ellis/2020/12/07/09057432-362d-11eb-b59c-adb7153d10c2\\_story.html](https://www.washingtonpost.com/politics/thomas-more-jenna-ellis/2020/12/07/09057432-362d-11eb-b59c-adb7153d10c2_story.html)); <http://twitter.com/MattBraynard>. Braynard admits his group is in frequent communication with the Trump campaign and that it has provided the campaign with its research. *See Philadelphia Inquirer* Report.

Braynard has no expertise in matching data across large, disparate sources to determine voter eligibility like he attempted to do here. He is a partisan operative, patently unqualified to offer the purported “opinions” set forth in his Affidavit.

2. Bryan Geels.

Geels purports to be “an expert in data analysis and statistics.” Affidavit of Bryan Geels (“Geels Aff. 10”, Ex. 10 to Petition) at ¶ 1. He purports “to provide a summary of election data compiled by the State of Georgia” and opine on his analysis of the State’s “database” for the November 3, 2020, presidential election; whether voters identified in the database were qualified to vote; and “the quality” of the data on which Georgia elections officials relied. *See id.* at ¶ 3; Affidavit of Bryan Geels (“Geels Aff. 3”, Ex. 3 to Petition) ¶ 1.

Geels is actually an accountant who owns a business consulting company in Seattle, Washington. *See Geels Aff. 3* at ¶ 6. Like Braynard, Geels is not a statistician, mathematician, or data analyst; he does not have any apparent training or expertise in survey-based research; he does not purport to have any expertise in linking and analyzing complex databases. Like Braynard, he has no education or experience in political science, statistics, or survey design, and he has been involved in no publications, research projects, or speaking engagements on those or any other subjects. He has no peer-reviewed publications relating to election data or data analysis, and he has never been qualified to serve as an expert witness in any matter in any court. *See id.* at ¶¶ 8, 10.

Geels admits the data he reviewed in forming his “opinions” are “easily accessible” and “public and publicly available online.” He claims that the data are “fairly simple to comprehend” such that “[t]he Court or opposing counsel can easily repeat this process.” Geels Aff. 10 at ¶¶ 4, 6, 7; Geels Aff. 3 at ¶¶ 3, 4. Geels admits he “did not create or compile the source of the data,” but he contends he is “familiar with accessing files on the internet generally” and he is “proficient” and “an expert working with” common business software applications. Geels Aff. 10 at ¶ 5; Geels Aff. 3 at ¶ 7. He admits his summaries of the data are “helpful” only “because the data files are voluminous and cannot be conveniently examined ....” Geels Aff. 10 at ¶ 8.

It does not take any specialized “knowledge, skill, experience, training, or education” to access data files from the internet, which is what Geels claims he has done in his Affidavits. O.C.G.A. § 24-7-702(b). Anyone with an internet connection and a basic understanding of Microsoft business software can do what Geels claims to have done. As a 32 year old accountant, Geels is patently not qualified to offer expert testimony in election data or election data analysis, and his testimony should be excluded.

### 3. Mark Alan Davis.

Davis’s Affidavit is so hopelessly vague that it is impossible to determine from it the area of “specialized knowledge” in which Davis even purports to be an expert. It fails to state his educational or employment background, except to state Davis is “the President of Data Productions, Inc.” Affidavit of Mark Alan Davis (“Davis Aff.”, Exhibit 4 to Petition) at ¶ 4. Data Productions, Inc. is a direct marketing and advertising firm in Georgia. *See* <https://www.dataproductions.com/main>. Davis’s current employment has nothing to do with election or voter data analysis.

Davis says he has “been working with Georgia voter data for more than thirty (30) years.” *Id.* But he fails to explain what “working with” such data means, what kind of data he claims to

have “worked with” and what he did with this unidentified data. He says he created “an enhanced version of the Georgia Voter Database which has been used by numerous campaigns and other organizations over the years.” *Id.* at ¶ 5. But he fails to explain what that database is, which campaigns allegedly used it, where or when or for what purpose. He also fails to show the relevance of that database to Petitioners’ claims. Because of this “experience,” Davis claims to “have become aware of numerous issues regarding residency and redistricting.” *Id.* at ¶ 6. “Awareness,” however, does not equate to expertise. Nevertheless, Davis claims to have “been brought in as an expert witness in a total of five (5) election disputes.” *Id.* at ¶ 7. He does not identify those alleged “disputes”, what kind of “disputes” they were, the forum in which they were brought, when they were brought, or the parties who “brought [him] in” and for what purpose.

Like Braynard and Geels, Davis is not a statistician, mathematician, or data analyst; he does not have any apparent training or expertise in election data research or analysis; he does not purport to have any expertise in linking and analyzing complex databases. Like Braynard and Geels, Davis has no apparent education or experience in political science, statistics, or survey design, and he has been involved in no publications, research projects, or speaking engagements on those or any other subjects. He has no peer-reviewed publications relating to election data or data analysis, and he does not show that he has ever been qualified to serve as an expert witness in any matter in any court.

Petitioners apparently rely on Davis’s Affidavit only to show the estimated numbers of voters who allegedly moved to another county in Georgia and yet voted in their former county. *See* Petition at ¶ 85. Even if it were relevant, which it is not, Davis’s purported “opinions” can easily be compiled by anyone with an internet connection. Davis is patently not qualified to offer expert testimony in election data or election data analysis, and his testimony should be excluded.

**B. Petitioners’ “Experts” Opinions Are Unreliable.**

Even if Braynard, Geels, and Davis were qualified, which they are not, their “opinions” would still be inadmissible because they are not the product of reliable methodology. To assess the reliability of an expert’s opinions, the trial court must consider whether the conclusions of the expert are based upon sufficient facts or data, whether the expert drew those conclusions by use of reliable principles and methods, and whether the expert applied those principles and methods reliably to the facts of the case. *See* O.C.G.A. § 24-7-702(b); *Scapa Dryer Fabrics*, 299 Ga. at 289.

Generally, reliability is examined through consideration of many factors, including whether a theory or technique can be tested, whether it has been subjected to peer review and publication, the known or potential rate of error for the theory or technique, the general degree of acceptance in the relevant scientific or professional community, and the expert’s range of experience and training.

*Cash*, 342 Ga. App. at 737 (quoting *Old Republic Nat. Title Co. v. RM Kids, LLC*, 337 Ga. App. 638, 647 (2016)).

To be reliable “[a]n expert’s methodology must be consistent with the ‘methods and procedures of science’ rather than being founded on ‘subjective belief or unsupported speculation.’” *Inam Int’l, Inc. v. Broan-Nutone LLC*, No. 1:05-CV-0852-CAP, 2007 WL 4730649, \*7 (N.D. Ga. Sept. 21, 2007) (quoting *Daubert*, 509 U.S. at 592); *see also Moon v. Advanced Med. Optics, Inc.*, No. 4:08-CV-0021-HLM, 2010 WL 11500906, \*11 (N.D. Ga. Sept. 10, 2010) (excluding expert’s testimony that was based on “unfounded or unspecified” assumptions). “To be reliable, the testimony ‘must be supported by appropriate validation – i.e., ‘good grounds,’ based on what is known.’” *Id.* (quoting *Daubert*, 509 U.S. at 590).

“Importantly, a trial court is not permitted to ‘admit opinion evidence that is connected to existing data only by the *ipse dixit* of the expert. A court may conclude that there is simply too

great an analytical gap between the data and the opinion proffered.” *Cash*, 342 Ga. App. at 737 (quoting *General Electric Co. v. Joiner*, 522 U.S. 136, 146 (1997)). “That is precisely the problem with the expert[s] methodology in this case.” *Cash*, 342 Ga. App. at 737.

Petitioners’ purported experts’ utter lack of qualifications seriously undermines the reliability of their opinions in this case. For this reason alone their opinions and testimony are unreliable and must be excluded. *See Cash*, 342 Ga. App. at 737 (among factors to be examined in assessing reliability is purported expert’s range of experience and training).

In addition, Braynard, Geels, and Davis’s “opinions” lack the reliable scientific methodology required by section 24-7-702 and *Daubert*. Braynard, Geels, and Davis applied no discernable specialized knowledge in reaching their “opinions.” Simply collecting, sorting, comparing and commenting on data sources in the form of a narrative is not admissible under O.C.G.A. § 24-7-702.

This is especially true where the “experts” made no effort to determine whether factors other than alleged illegality could account for the conclusions reached in their affidavits. *Raskin v. Wyatt Co.*, 125 F.3d 55, 67-68 (2d Cir. 1997) (excluding statistical analysis for assuming anomalies in the data were caused by discrimination but making no attempt to account for other possible causes); Fed. R. Civ. P. 702 (2000 amendment) (expert must adequately account for alternative explanation, and at a minimum, must rule out the most obvious ones). Every number put forth by Petitioner’s so-called experts can be explained by false matches in their data matching, data entry error in the files themselves, or by legal explanations allowing the activity Braynard, Geels and Davis criticize. Petitioners’ mere recitation of statistics “is not a magical incantation paving the way to the witness stand.” *Pugliano v. United States*, 315 F. Supp. 2d 197, 200 (D.

Conn. 2004). This is particularly true when the statistics they rely on are highly likely to be false, or explained by perfectly legal activity these witnesses ignore.

Braynard, Geels and Davis all use database matching that relies on procedures “[k]nown to be unreliable and to produce a preponderance of ‘false positives’.” Stewart Decl. at ¶ 13.<sup>4</sup> For example, Braynard attempts to match individuals from Georgia voting files to individuals in data files provided by the United States Post Office. “Record linking” is known to be error prone, particularly when individuals are not matched with unique personal identifiers such as social security numbers or driver’s license numbers. Stewart Decl. at ¶ 43. Braynard admits he did not have this information, but justifies his analysis by incorporating dates of birth, at least for some of his “analysis.” He does not identify the source of his dates of birth, let alone establish its accuracy. Moreover, even if the dates he uses are accurate, using names and birth dates is “the most unreliable matching method that is known to experts.” Stewart Decl. at ¶ 28. Geels and Davis make the same methodological mistakes as Braynard. Stewart Decl. at ¶¶ 14, 16.

Date of birth matching, the most sophisticated method used by Braynard, is actually “highly inaccurate” because voter files are so large (Georgia’s contains over 7 million people). There are many voters that share the same name and the same birth date. Stewart Decl. at ¶ 31. For example, Dr. Stewart analyzed the Georgia voting records and found over 65,000 Georgia residents who share a first name, middle name, last name and birth year with at least one other

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<sup>4</sup> Much of the data underlying these experts’ “opinions” is also unreliable and inadmissible hearsay. O.C.G.A. § 24-7-703 allows an expert witness to base his opinions on otherwise inadmissible facts or data, but when inadmissible evidence is used, a danger exists of section 24-7-703 improperly becoming a backdoor hearsay exception. Braynard, Geels, and Davis fail to demonstrate the underlying data and information on which they base their “opinions” is of a type reasonably relied upon by experts in the fields of statistics, mathematics, and election data analysis, particularly to the extent these experts are merging information from one dataset to another. Merely parroting hearsay information and data from other sources stretches the boundaries of section 24-7-703.



Georgia voter. Stewart Decl. at ¶ 38. Braynard’s matching problems are compounded exponentially when applied across larger data files, such as the voting files of 49 other states, or the United States Post Office’s NCOA database that contains approximately 160 million people and businesses.

Braynard, Geels and Davis provide no explanation of how they are ensuring the names in the various data sets used were matched accurately or for estimating the numbers of voters who were purportedly ineligible to vote. Nor do any of these experts show how the methodology employed comports with generally accepted practices among experts in the relevant fields of statistics, mathematics or election data analysis. This is because their methods do not comport with such practices. Their unscientific methodologies, to the extent they exist at all, invalidate all their “opinions.”

1. Matt Braynard’s Specific Opinions Are Inadmissible.

Braynard offers three opinions: (1) “there were 20,312 individuals who cast ballots illegally in the November 3, 2020 election due to their loss of residency status in [Georgia] prior to the election;” (2) “1,043 early and absentee ballots were cast by voters who were illegally registered using a post office box disguised as a residential address;” (3) and “at least 395 individuals in the State of Georgia voted in multiple states.” Braynard Aff. at ¶¶ 12-14. None of these opinions are admissible, or correct factually or legally.<sup>5</sup>

For example, Braynard’s conclusions that “20,312 or more individuals” voted illegally because they were no longer residents of Georgia is misleading and wrong. Braynard reached this conclusion by identifying two categories of people: (a) 4,926 absentee or early voters who

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<sup>5</sup> Braynard’s allegations concerning the post office boxes and alleged double voters are inadmissible because they are not based on science or a proper methodology. The explanation of why is contained in Stewart’s Declaration at paragraphs 41-50.

registered to vote in another state at any time after they initially registered in Georgia and; (b) 15,700 voters who he claims “may have” vacated their Georgia residence by filing a notice of change of address with the Post Office. Braynard Aff. at ¶ 12.

Filing a change of address also does not make a voter ineligible to vote in Georgia because they still could be residents of Georgia. Affidavit of Chris Harvey, attached as **Exhibit B**, at ¶ 4(j) (noting college students, members of the military, people on temporary work assignment, those caring for a loved one, people with second homes all could move out of state temporarily but still retain Georgia residency). Additionally, voters who moved out of Georgia within 30 days prior to the election are still permitted to cast Georgia ballots in the November 3, 2020, election. *See* 52 U.S.C. § 10502(e).<sup>6</sup>

Similarly, registering to vote in another state does not necessarily render an individual ineligible to vote in the Georgia November 3 election. Exh. B at ¶ 4(i). Obviously, a person could register in Georgia, move, register in another state, then move back to Georgia. The Georgia Secretary of State may show her original registration date unless it was cancelled. *Id.* at ¶ 4(i). Braynard ignores this possibility. For example, the second line of Exhibit 2 to his affidavit lists a person originally registered in Georgia in 1980 whom Braynard claims then registered to vote in another state in 1983. Braynard assumes illegality and makes no effort to control for the obvious possibility that the person moved back to Georgia in the 37 years intervening years after she registered in another state.

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<sup>6</sup> *See, e.g.*, “Voter Registration – Information on Federal Enforcement Efforts and State and Local List Management,” U.S. Gov’t Accountability Office Report (June 2019) at 48-49 (<https://www.gao.gov/assets/710/700268.pdf>) (“[A]n indication of a change in address in NCOA data does not necessarily reflect a change in residence.”).

Indeed, Braynard makes no effort to determine whether any of the people he identified in Exhibit 2 to his Affidavit still live in Georgia. A cursory investigation shows many likely do. Of the 48 lines on the first page of Braynard's Exhibit 2, there is evidence that at least 38 of them are currently living in Georgia. Exh. B at 4(k)-(m), Exhibit 1. This cursory review shows Braynard's exhibits likely contain many false positives and certainly prove he has undertaken no effort to ensure the allegations he makes are accurate.

Braynard's willingness to accuse over 20,000 Americans of committing voter fraud (then walking that allegation back the first time he was questioned about it) without undertaking any effort to validate his so-called research, coupled with his failure to even acknowledge, let alone eliminate, these obvious alternative explanations is simply not science.<sup>7</sup> Because Braynard's "opinions" lack any indicia of reliability, they are not the product of a reliable methodology and are thus inadmissible for any purpose.

## 2. Bryan Geels's Specific Opinions Are Inadmissible.

In his Affidavit attached to the Petition as Exhibit 3, Geels purports to show the estimated numbers of voters in Georgia who allegedly were ineligible to vote in the 2020 general election. Geels's Second Affidavit attached to the Petition as Exhibit 10, to the extent it offers any opinions at all, is even more objectionable. Exhibit 10 summarizes publicly available data to show the rejection rates of mail-in ballots in Georgia for election years 2016, 2018, and 2020. *See* Geels

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<sup>7</sup> Braynard's affidavit submitted in this politically fraught case accuses over 20,000 Americans of committing voter fraud, a felony. Braynard identifies these Americans by name in the spreadsheets attached to his affidavit and expressly accuses them of committing a crime, which he then immediately walked back before the Georgia House of Representatives. Braynard's sworn testimony here is both false and wholly unsupported. The Court should strike all scandalous references to a named individual from Braynard's Affidavit and its exhibits under O.C.G.A. § 9-11-12(f). *See Chappuis v. Ortho Sport & Spine Physicians Savannah, LLC*, 305 Ga. 401 (2019) (standard to strike is relaxed for scandalous matter because courts recognize the importance of not giving such allegations unnecessary notoriety).

Aff. 10 at ¶¶ 3, 7. Geels falsely posits that the lower rejection rate for mail in ballots in the 2020 election compared to prior years proves there was inadequate election supervision in 2020.

Like Braynard, Geels, an accountant, makes no effort to show any methodology he employed comports with generally accepted practices or that his methodology has been tested or subjected to peer review and publication. *See Cash*, 342 Ga. App. at 737. He, like Braynard, also fails to account for factors other than illegality that would explain his summary results. By way of example, Geels accuses 305,701 individuals in the Absentee Ballot files of illegality by supposedly requesting absentee ballots more than 180 days before the presidential election.

However, under Georgia law, requesting an absentee ballot prior to May 6, 2020 does not necessarily render that individual ineligible to vote in Georgia. Exh. B at ¶ 5(d). O.C.G.A. §21-2-381(B) and (D) and O.C.G.A. §21-2-219 allow certain categories of voters to request their ballots more than 180 days before the election. These people include voters who are over the age of 65, physically disabled, in the military, or overseas. Geels makes no reference to this fact, let alone make any attempt to correct for it. Indeed, Dr. Stewart analyzed similar data to conclude that “Geels has not uncovered anything remarkable at all, other than over 300,000 people who are over 65, disabled, or living overseas availed themselves of a feature of Georgia election law that is made known to every voter who requests an absentee ballot.” Stewart Decl. at ¶ 66.

The other aspects of Geels’s first affidavit does nothing more than point out various anomalies in dates within the data files he searched, which together amount to 7,681 voters with anomalous dates. *See Geels Aff. 3 at ¶¶ 12-30; Stewart Decl. at ¶ 56.* By ignoring the statistical context in which these anomalies are found, Geels turns these molehills not into mountains, but into fractionally larger molehills. In a voter file with over seven million records, 7,681 anomalous dates equates to 0.1% of dates. In files that contain over 55 million dates, the anomalies identified

by Geels equal 0.01% of dates. In short, Geels's analysis is more easily explained by typographical errors in one of every 15,000 dates entered rather than some illegal act by a Georgia voter or election official, both of whom are presumed to act legally. Stewart Decl. at ¶ 58. Geels's refusal to even acknowledge, let alone explain why typographical errors are not an alternative cause of the anomalies he found renders his opinions inadmissible. *Raskin*, 125 F.3d at 67-68.<sup>8</sup>

Geels's second affidavit focuses on so-called rejection rates of absentee ballots compared to prior years. He states the rate of rejection of mail-in ballots in the 2020 general election was 0.34%, whereas "Georgia's historical mail-in ballot rejection rate [is] 2.90%-3.46%." Geels Aff. 10 at ¶¶ 13, 16, 17. Geels concludes the application of Georgia's "historical mail-in ballot rejection rate" "could have definitely changed the outcome" of the 2020 presidential election in Georgia. *Id.* at ¶ 20. This is rank speculation.

Geels assumes past rejection rates are set in stone, and that any deviation from those past rates can only be explained by improper actions by state election officials reviewing the absentee ballots. Either deliberately or through ignorance, Geels applies no "expertise" to explain the context in which these numbers arise. For example, Georgia's absentee ballot rejection rate in 2016 was the highest in the country, falling to the 11<sup>th</sup> highest in 2018. Stewart Decl. at ¶ 92-94. In response, in 2019 the Georgia General Assembly passed HB 316 which provided a mechanism by which absentee voters could cure deficiencies in their absentee ballot. This change in the law,

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<sup>8</sup> Geels's claim that over 10,000 deceased individuals may have cast a ballot in the November 3 election is particularly spurious, although even Geels acknowledges there may be false positives in this analysis. Geels Aff. 3 at ¶50. Geels relied exclusively on publicly available data sets that included birth year, not full birth dates. Dr. Stewart studied this and his conclusion was that he would "expect 11,572 registered voters in Georgia to share the same first and last name of another voter in the state who died." Stewart Decl. at ¶ 22. In other words, Geels appears to have identified the unremarkable fact that some Georgians who voted share the name and birth year of a different person who died.

coupled with other developments, including extensive voter education efforts, reduced Georgia's absentee voter rejection rate to less than 1%, a rate consistent with other the rates in many other states. Stewart Decl. at ¶ 90.

Reducing the number of rejected Georgia votes is a good thing, not evidence of some nefarious plot by election workers as Geels assumes without evidence. Even if there was some problem with state election officials counting more legal votes in 2020, Geels's "opinions" on the rejection rate of absentee ballots makes no effort to correct for or explain potential alternative causes beyond illegality. These opinions also lack any indicia of reliability and are not the product of a reliable methodology and are inadmissible under O.C.G.A. § 24-7-702.

### 3. Mark Alan Davis's Opinions Are Inadmissible.

Davis, who works for a direct marketing firm, submitted an affidavit that revealed he applied no discernable scientific methodology at all. To form his "opinions" as to the estimated numbers of voters who had moved to another Georgia county, had not changed their voter registration, and voted in their former county, Davis merely cross-referenced information he received from NCOA records with information in Georgia's voter registration records. *See* Davis Aff. at ¶¶ 8, 18. His use of the NCOA records suffers from the same problems as Braynard. He estimates 14,980 Georgia voters who submitted change of address forms voted in the general election. *See id.* at ¶ 21. While he, unlike Geels, at least acknowledges that "[s]ome of those" voters "no doubt" are students and military persons who are still permitted to vote in Georgia, he makes no effort to quantify them and exclude those voters from his estimate. *See id.* at ¶ 20. He estimates 40,279 Georgia voters moved to another county and allegedly voted in their old county, and he "think[s] it highly likely the vast majority are not temporary." *Id.* at ¶ 26. But he does not show why he "think[s]" this is so. He also posits no theory on how a Georgia voter who votes in

a presidential election from the wrong county, although still in Georgia, could improperly effect on the outcome of the presidential election.<sup>9</sup>

Like Braynard and Geels, Davis provides no explanation of his methodology for ensuring names in the various data sets he used were matched accurately or for estimating the numbers of voters who were purportedly ineligible to vote. Nor does he make any effort to show any methodology he employed comports with generally accepted practices among experts in the relevant fields of statistics, mathematics, and election data analysis. Put simply, Davis's report is not science. Because Davis's "opinions" lack any indicia of reliability, they are not the product of a reliable methodology and are thus inadmissible under O.C.G.A. § 24-7-702.

**C. Petitioners' "Experts" Opinions Will Not Assist the Trier of Fact.**

To be admissible, expert testimony must be not only reliable, but relevant. *See Daubert*, 509 U.S. at 597. "To properly be admissible, expert testimony must assist the trier of fact to understand the evidence or to determine a fact in issue, and expert testimony is helpful to the trier of fact only to the extent that 'the testimony is relevant to the task at hand and logically advances a material aspect of the case.'" *Scapa Dryer Fabrics*, 299 Ga. at 290 (quoting *Boca Raton Community Hosp. v. Tenet Health Care Corp.*, 582 F.3d 1227, 1232 (11th Cir. 2009) (punctuation and citation omitted).

1. The Subject Matter of the "Experts" Testimony Is Not Beyond the Understanding of the Average Lay Person.

To be helpful to the trier of fact, the expert testimony must "concern[] matters that are beyond the understanding of the average lay person." *Magbegor v. Triplette*, 212 F. Supp. 3d 1317, 1325 (N.D. Ga. 2016) (quoting *United States v. Frazier*, 387 F.3d 1244, 1262 (11th Cir.

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<sup>9</sup> Voters who moved from one city or county to another within Georgia after October 5, 2020, continued to be eligible to vote in the city or county where they were registered to vote, either in person or by absentee ballot. *See* O.C.G.A. § 21-2-218(e).

2004)). “[E]xpert opinions that are simply a recitation of historical facts based on information conveyed by others, merely a restatement of information available from other sources, or consist almost entirely of parroting of evidence from other sources do not aid the trier of fact.” *Pledger v. Reliance Trust Co.*, No. 1:15-CV-4444-MHC, 2020 WL 6101409, \*8 (N.D. Ga. Jan. 24, 2020) (citations and punctuation omitted); *see also In re BankAtlantic Bancorp, Inc. Sec. Litig.*, No. 07-61542-CIV, 2010 WL 6363027, \*7 (S.D. Fla. Sept. 9, 2010) (“To the extent [the expert’s] opinion ... is merely a restatement of information available from other sources, it does not assist the trier of fact.”). In short, to be helpful to the trier of fact, an expert must actually draw on his expertise in reaching his conclusions and must testify to something more than what the trier of fact can understand or decide for itself.

As discussed above, Geels admits he “did not create or compile the source of the data” on which his “opinions” are based, and he admits his “opinions” are nothing more than restatements of information “easily accessible” from other public and online sources. Geels Aff. 10 at ¶¶ 4, 6; Geels Aff. 3 at ¶¶ 3, 4. Geels merely downloaded information from the internet and received information from other public sources and then loaded it into a “widely-used” Microsoft business analytics software tool that he used to search the information. *See* Geels Aff. 10 at ¶ 7; Geels Aff. 3 at ¶ 4. Geels admits the data he “examined” “are fairly simple to comprehend.” He claims “the Court or opposing counsel can easily repeat this process.” Geels Aff. 10 at ¶ 7. Critically, he admits his summaries of the data are “helpful” only “because the data files are voluminous and cannot be conveniently examined ....” *Id.* at ¶ 8. Without applying any expertise to the data to reach his conclusions, Geels’s testimony presents nothing more than what the trier of fact can understand or decide for itself.



Braynard's and Davis's "opinions" are also mere restatements of information publicly available from other sources. Braynard formed his "opinions" by reviewing and cross-referencing information publicly available from Georgia's and other states' voter registration records, a commercial campaign and voter data vendor, NCOA records, and information "freely available for download from the US Postal Service website". *See* Braynard Aff. at ¶¶ 5, 15-24. Davis also formed his "opinions" as to the estimated numbers of voters who had moved to another Georgia county and had not changed their voter registrations merely by cross-referencing information he received from NCOA records with information in Georgia's voter registration records. *See* Davis Aff. at ¶¶ 8, 18. Any lay person with an internet connection and a rudimentary understanding of basic Microsoft business software can access, organize, and understand the information Petitioners' purported experts reviewed and summarized and on which they base their "opinions." That Petitioners submitted affidavits from some similar laypersons and called them "experts" does not make their opinions relevant.

2. The "Experts" Testimony Will Not Help the Trier of Fact Determine any Fact in Issue.

In order to prevail in this action, Petitioners "must show a specific number of illegal or irregular ballots or a specific number of voters who voted illegally or were irregularly recorded or rejected." *Martin v. Fulton County Bd. of Registration & Elections*, 307 Ga. 193, 223 (2019) (quoting *Howell v. Fears*, 275 Ga. 627, 627-28 (2002) (election "contestor must affirmatively show that a sufficient number of voters voted illegally or were irregularly recorded"), and *Middleton v. Smith*, 273 Ga. 202, 203 (2000)) (punctuation omitted). "It is not sufficient to show irregularities which simply erode confidence in the outcome of the election. Elections cannot be overturned on the basis of mere speculation or an appearance of impropriety in the election procedures." *Middleton*, 273 Ga. at 203 (citations omitted); *see also Martin*, 307 Ga. at 222

(same). Petitioners' "experts'" opinions are irrelevant because they are expressly speculative, stated in terms of possibility, do not affirmatively show specific numbers of electors who voted illegally so as to change the result of the election, and thus will not assist the trier of fact.

For instance, Geels does not say votes cast in various "buckets" are illegal, but merely that they are "questionable" (Geels Aff. 3 at ¶¶ 35-44, 46), "extremely questionable" (*id.* at ¶ 47), or "extremely risky" (*id.* at ¶ 49). Geels identifies other categories of voters as to which his search results might include "false positives," and he notes the reliability of his results "could be improved" with a full analysis conducted by the State. *Id.* at ¶¶ 28, 29; *see also id.* at ¶ 50 (noting possibility of "false positives" in his search results and that "[o]nly the State possesses the full birth date records for its voters and could conduct the full analysis with certainty"), ¶ 51 (same). Davis's entire Affidavit addresses bare numbers and speaks in terms of what he "thinks" was "highly likely," what "probably" occurred, what "appears to [him]" to have occurred, and what "[he] can only imagine" occurred. Davis Aff. at ¶¶ 26, 34. Geels's and Davis's Affidavits are devoid of anything affirmatively showing specific numbers of illegal or irregular votes, and their speculation as to illegal votes is completely irrelevant in an election contest.<sup>10</sup>

Braynard, Geels, and Davis's "opinions," therefore, will not assist the trier of fact to understand the evidence or to determine a fact in issue, they do not concern matters beyond the understanding of the average lay person, and they are simply restatements of information available

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<sup>10</sup> Braynard vacuously states his "opinions" as to allegedly illegal votes in more definite terms but, as shown above, he is woefully unqualified to offer any such opinions, he applied no discernable methodology in reaching them, and they are devoid of any basis in fact. Braynard's "opinions," therefore, will no more assist the trier of fact than Geels's or Davis's. Moreover, to the extent Petitioners seek to use Braynard's affidavit as proof of illegal votes, Braynard himself disavowed such use in testimony before the Georgia General Assembly. *See Elections Investigative Hearing: Georgia House of Representatives, Hearing before the Comm. on Governmental Affairs* (Dec. 10, 2020), at 1:30:52 - 1:31:13 (saying he was not actually accusing anyone of committing a crime) <https://livestream.com/accounts/25225474/events/9117221/videos/214677184>.

from other sources. For this additional reason, Braynard, Geels, and Davis's testimony does not satisfy the requirements of O.C.G.A. § 24-7-702 or the standards of *Daubert* and must be excluded.

### **III. CONCLUSION**

For the foregoing reasons, Respondents respectfully request the Court to exclude Braynard, Geels, and Davis's Affidavits, opinions, and testimony from pretrial proceedings and the trial of this case in their entirety.

Respectfully submitted this 15th day of December, 2020.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of December, 2020 I electronically filed the foregoing with the Clerk of Court using the Odyssey eFileGA eFiling system, which will automatically send email notifications of such filing the following counsel of record:

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/s/ Christopher S. Anulewicz

Christopher S. Anulewicz  
Georgia Bar No. 020914

# EXHIBIT A

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**DONALD J. TRUMP, in his capacity as a )  
Candidate for President, DONALD J. )  
TRUMP FOR PRESIDENT, INC., and )  
DAVID J. SHAFER, in his capacity as a )  
Registered Voter and Presidential Elector )  
pledged to Donald Trump for President, )**

**Petitioners, )**

**v. )**

**BRAD RAFFENSPERGER, in his official )  
capacity as Secretary of State of Georgia, )  
REBECCA N. SULLIVAN, in her official )  
capacity as Vice Chair of the Georgia State )  
Election Board, DAVID J. WORLEY, in )  
his official capacity as a Member of the )  
Georgia State Election Board, MATTHEW )  
MASHBURN, in his official capacity as a )  
Member of the Georgia State Election )  
Board, ANH LE, in her official capacity as )  
a Member of the Georgia State Election )  
Board, RICHARD L. BARRON, in his )  
official capacity as Director of Registration )  
and Elections for Fulton County, JANINE )  
EVELER, in her official capacity as )  
Director of Registration and Elections for )  
Cobb County, ERICA HAMILTON in her )  
official capacity as Director of Voter )  
Registration and Elections for DeKalb )  
County, KRISTI ROYSTON, in her official )  
capacity as Elections Supervisor for )  
Gwinnett County, RUSSELL BRIDGES, in )  
his official capacity as Elections Supervisor )  
for Chatham County, ANNE DOVER, in )  
her official capacity as Acting Director of )  
Elections and Voter Registration for )  
Cherokee County, SHAUNA DOZIER, in )  
her official capacity as Elections Director )  
for Clayton County, MANDI SMITH, in )  
her official capacity as Director of Voter )  
Registration and Elections for Forsyth )  
County, AMEIKA PITTS, in her official )**

**Civil Action No. 2020CV33255**

capacity as Director of the Board of )  
 Elections & Registration for Henry County, )  
 LYNN BAILEY, in her official capacity as )  
 Executive Director of Elections for )  
 Richmond County, DEBRA PRESSWOOD, )  
 in her official capacity as Registration and )  
 Election Supervisor for Houston County, )  
 VANESSA WADDELL, in her capacity as )  
 Chief Clerk of Elections for Floyd County, )  
 JULIANNE ROBERTS, in her official )  
 capacity as Supervisor of Elections and )  
 Voter Registration for Pickens County, )  
 JOSEPH KIRK, in his official capacity as )  
 Elections Supervisor for Bartow County, )  
 and GERALD MCCOWN, in his official )  
 capacity as Elections Supervisor for )  
 Hancock County, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

### **DECLARATION OF CHARLES STEWART III**

1. My name is Charles Stewart III. I am over the age of 21 and am competent to give this Declaration. My opinions set forth below are based on my personal knowledge and professional expertise.

2. I am the Kenan Sahin Distinguished Professor of Political Science at the Massachusetts Institute of Technology, where I have been on the faculty since 1985. In that time, I have done research and taught classes at the graduate and undergraduate levels in the fields of American politics, research methodology, elections, and legislative politics.

3. I received my B.A. in political science from Emory University in 1979, my S.M. in political science from Stanford University in 1981, and my Ph.D. in political science from Stanford University in 1985.

4. Since November 2020 I have been a member of the Caltech/MIT Voting Technology Project (VTP). The VTP is the nation's oldest academic project devoted to the study of voting machines, voting technology, election administration, and election reform. I have been the MIT director of the project for 15 years.

5. I am the founding director of the MIT Election Data and Science Lab (MEDSL), which was founded in January 2016. MEDSL is devoted to the impartial, scientific analysis of elections and election administration (sometimes called election science) in the United States.

6. I have been the author or co-author of numerous peer-reviewed publications and books in political science, and in particular, the area of election administration and election science.

7. I have been accepted as an expert witness in three cases in federal district court that have involved record linkage and matching between voter files and other data sources, such as driver's license files. These cases were *Florida v. Holder* (1:11-CV-01428), *South Carolina v. Holder* (1:12-CV-203), and *U.S. v. North Carolina* (1:13-CV-861).

8. I have attached an abridged version of my curriculum vitae to this statement, as Appendix 1.

9. As a part of my academic research, I have regularly designed public opinion surveys to probe questions related to the conduct of elections in the United States. I have been the principal investigator of modules pertaining to election science that were part of the Cooperative Election Study in 2012, 2013, 2014, 2016, 2018, 2019, and 2020.

10. I was the principal investigator of the project that led to the creation and design of the Survey of the Performance of American Elections (SPAEE). The SPAEE is the only large-scale academic survey that focuses on the experience of voters in federal elections. I supervised the

development of the survey instrument and the reporting of the results. This survey, which interviews over 10,000 voters following every presidential election, has been implemented following the 2008, 2012, 2016, and 2020 elections.

11. My work on this report has been performed without compensation. My standard rate of compensation is \$500 per hour.

### **Summary**

12. I have reviewed the reports written by Mr. Matthew Braynard, Mr. Bryan Geels, and Mr. Mark Alan Davis submitted in this case.

13. Mr. Braynard's report primarily rests on matching Georgia voter files with other data files in an attempt to uncover fraudulent voting in Georgia during the 2020 general election. This database matching relies on procedures that are known to be unreliable and to produce a preponderance of "false positives." Mr. Braynard's conclusions, therefore, are unreliable and without merit.

14. Mr. Geels filed two reports. The first primarily involves the inspection of Georgia voter files for the purpose of uncovering anomalies with the dates in the files. The anomalies Mr. Geels uncovers are generally minor typographical and clerical errors that are neither signs of fraudulent behavior nor lax control over election administration in the state. He discusses other seemingly major anomalies that, upon even cursory examination, are either better characterized as benign errors or, in a few cases, suggest errors of analysis or ignorance of Georgia law on the part of Mr. Geels. Mr. Geels also performs some database matching that relies on the same discredited matching procedures employed by Mr. Braynard. Mr. Geels's conclusions, therefore, are unreliable and without merit.

15. Mr. Geels's second report covers the absentee-ballot rejection rate in Georgia. That report displays basic data about rejection rates over the past several statewide elections. It draws negative inferences about the decline of rejection rates in 2020 that are unfounded.

16. Mr. Davis's report also examines Georgia voter files, matching them with outside data such as the National Change of Address (NCOA) registry, in an attempt to document vote fraud. Mr. Davis provides practically no details about the methods used to reach his conclusion. To the degree his matching methodology is revealed, it is the same discredited technique used by Messrs. Braynard and Geels. Mr. Davis's conclusions, therefore, are unreliable and without merit.

17. None of the authors of these reports are experts in the field in which they offer their opinions, as is evidenced by their lack of training and professional experience in database matching and election administration, by their failure to acknowledge the scientific literature in the field, and by their failure to acknowledge limitations inherent in the analysis they perform.

#### **Mr. Braynard's Report**

18. Mr. Braynard's claims can be summarized as follows:

- a. 4,926 absentee or early voters were no longer legal residents of the State of Georgia when they voted, due to their subsequent voter registration in another state. (§12)
- b. 15,700 voters may have vacated their residence in the State of Georgia, as evidenced by their filing of a National Change of Address form to an address in another state. (§12)
- c. 1,043 early and absentee ballots were cast by voters who were illegally registered using a post office box disguised as a residential address. (§13)

- d. 395 individuals in the State of Georgia voted in Georgia and another state. (¶14)

**Matching between voter files and other databases is prone to error, owing to their size and the lack of unique identifiers. Mr. Braynard fails to acknowledge this challenge and appears to be ignorant of the scientific literature that has arisen to meet this challenge.**

19. The basis of Mr. Braynard's opinions derives from database matching between what he claims to be voter files and datafiles provided by the United States Postal Service. Assuming for the moment that Mr. Braynard is in fact using data from the Georgia Secretary of State, database matching—sometimes called “record linkage”—involving voter files is known to be error-prone. This is because the sheer size of the data files in question can be unwieldy, and because one rarely has shared unique identifiers in the files being matched.

20. The lack of unique identifiers across databases means that there are heightened risks of producing *false positives* and *false negatives* when performing matching analysis.

21. A *false positive* is when an individual in database A is incorrectly matched to an individual in database B, perhaps because they happen to share the same first and last name. False positives can be minimized by including distinguishing information, such as a middle initial, a date of birth, or address. Doing so makes matches more precise.

22. A *false negative* is when there is an individual in database A who is not matched to his or her record in database B because of inconsistencies in how the matching variables are maintained in the two databases—for instance, when the same individual's name is recorded as “Bob Smith” in one database and “Robert Smith” in the other. False negatives can be minimized by employing matching procedures, or algorithms, that iteratively employ augmented data fields in a systematic manner. For instance, names might be matched based on phonetic similarity or nicknames might be converted to given names.

23. Voting files, such as those maintained by the Georgia Secretary of State and made available to the public, have unique identifiers that allow users to match individuals across the files. Georgia assigns a unique voter identification number to each registered voter. This number appears in the data files at issue in this case.

24. In the United States, the Social Security number (SSN) is the closest thing to a unique identifier to aid in the matching across databases that have been assembled for unrelated administrative reasons, despite the fact that the SSN was not designed for this purpose. In 2010, a committee of the National Academy of Science recommended the use of the SSN as the gold standard in database matching involving voter files.<sup>1</sup>

25. An alternative to the SSN that is nearly as good when working with the voter file of a single state is the driver's license number. Because of the utility of having unique identifiers in conducting list maintenance and other election administration activities, the Help America Vote Act requires states to include a request for the driver's license number or last four digits of the Social Security number (SSN4).<sup>2</sup> Neither of these numbers are made available in the public data files published by the Secretary of State.

26. Because publicly available voter files lack unique identifiers that facilitate matching with non-voter-file databases, the scientific community has developed alternatives that perform nearly as well as matches with SSN4 or driver's license numbers. The most widely used technique is the "ADGN" method described by Ansolabehere and Hersh in the journal *Statistics and Public Policy*.<sup>3</sup>

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<sup>1</sup> National Academy of Science, Committee on State Voter Registration Databases, *Improving State Voter Registration Databases: Final Report*, 2010, <https://www.nap.edu/catalog/12788/improving-state-voter-registration-databases-final-report>.

<sup>2</sup> Help America Vote Act, 42 USC 15482.

<sup>3</sup> Stephen Ansolabehere and Eitan D. Hersh, "ADGN: An Algorithm for Record Linkage using Address, Date of Birth, Gender, and Name," *Statistics and Public Policy*, vol 4, no. 1 (2017), pp. 1 – 10.

27. Even when researchers have access to databases with unique identifiers, it is standard practice to do spot checks, to ensure that the match has performed as expected. This is especially important, though, when researchers do not have access to unique identifiers, because the risk of false positives and negatives is so much greater. Although, to my knowledge, there is no scientific consensus on a precise method to engage in such spot checks, most would agree that the best approach is to take a random sample of one's matches and independently verify the quality of the match using independent information.

28. Despite the well-known challenges to database matching involving voter files, Mr. Braynard fails to acknowledge the state of the art in the field and undertakes the most unreliable matching method that is known to experts, that is, a match of name and birthdate (Braynard Report, ¶24). Elsewhere, he refers to employing "strong matches," which has no meaning in the field (Braynard Report, ¶18). By the context, I assume he is referring to the name + birthdate.

29. In ¶24, Mr. Braynard states he matched based on birth *date*. However, the public Georgia voter registration file reports only birth *year*. If he in fact matched using the public data, referring to it as birth *date* is misleading. If he did have access to birth *date*, it was added by an external source that was likely L2.

30. In ¶24, Mr. Braynard states he matches on "full exact name." The term "full exact name" is ambiguous, since it can refer to a number of name combinations: first name + last name, first name + middle name + last name, first name + middle initial + last name, first name + last name + suffix, etc. The description of the matching criteria with respect to the name field is so imprecise as to make it impossible to judge whether the search is overly broad or overly narrow.



31. The name + birthdate (N+DOB) match is a highly inaccurate matching algorithm with voter files because the files are so large and so many voters share names—even people born in the same day. This yields a problem with *precision* in record linkage, which is the measure of matches across datasets that are true matches. In other words, with so many voters sharing names and birth dates, it is impossible to know *which voter* from the voter file corresponds with the voter in the other file. Large numbers of false positives are virtually guaranteed.

32. To illustrate the practical problem for Mr. Braynard’s analysis, consider the Georgia voter file. In September 2020, I purchased a copy of the Georgia voter file from the Secretary of State, to use in my academic research. That file, dated September 9, 2020, contains 7,346,219 records. Of these, 7,280,948 are unique name + birth year combinations, leaving the remaining 65,271 registrants sharing a first name, middle name, last name, and birth year with *at least* one other voter.

33. If a set of voters with common names and birthdates from Georgia are matched with even one registered voter outside of Georgia, what procedures did Mr. Braynard use to determine whether the “correct” Georgia voter had been matched? Because Mr. Braynard was matching to the voter files of another 49 states, the problem of encountering imprecise matches among all the other states’ voter files is even greater. So, what procedures did Mr. Braynard use when a Georgia with a unique name + DOB combination matched with a set of voters outside of Georgia who all shared that combination? Mr. Braynard fails to even acknowledge this very serious issue, much less specify how he judges the quality of his matches in general.<sup>4</sup>

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<sup>4</sup> The problem I discuss here is related to the well-known “birthday problem” paradox, and has been explored in the scientific literature for its applicability to matching with voter files. See, for instance, Michael P. McDonald and Justin Levitt, “Seeing Double Voting: An Extension of the Birthday Problem,” *Election Law Journal*, vol. 7, no. 2 (2008), pp. 111 – 122.

34. A core value of scientific research is replication. In order to ensure replication of research, it is necessary to clearly identify one's data. Mr. Braynard fails to do this. For instance, Mr. Braynard claims to have used voter registration records and mail-in and early in-person absentee voter records, "as maintained on the Georgia Secretary of State's website" (Braynard Report, ¶5).<sup>5</sup> Elsewhere, he states that he received these files from the company L2 Political, which made them available to Mr. Braynard, presumably for a fee. L2 is known to augment state datafiles, so that they are useful to their primary clients, political campaigns. Among these augmentations are changing information in data fields based on data from commercial datasets. If Mr. Braynard is in fact relying on files obtained by L2, rather than received directly from the Secretary of State's office, he has failed to discuss the degree to which the L2 data match the raw data available from the Secretary of State. At the very least, this imprecision makes the confident replication of Mr. Braynard's research impossible.

**Mr. Braynard's claim that 4,926 absentee or early voters were no longer legal residents of the State of Georgia when they voted, due to their subsequent voter registration in another state, is unreliable.**

35. In ¶12 of Mr. Braynard's report, he claims that 4,926 *absentee or early voters* [my emphasis] were no longer legal residents of Georgia when they voted, because they subsequently registered in another state after they voted in Georgia. In ¶20, where Mr. Braynard provides details of the analysis, he reports comparing Georgia's *voter registration file* [my emphasis] to the nationwide L2 voter list. The voter registration and absentee ballot files are different. The voter registration file contains no information about the mode a voter used to cast a ballot. Because the *claim* he makes in ¶12 is about absentee and early voters, I assume he is actually

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<sup>5</sup> The voter registration file is not, in fact, maintained (more accurately, downloadable) on the Secretary of State's website. One can *request* the file and, for a fee, later receive a link that allows you to download it.

referring to the absentee voter file.<sup>6</sup> However, it is impossible to tell for sure from the text of the report.

36. Mr. Braynard does not mention in ¶20 the algorithm he used to match the voter registration (or absentee ballot) file with the registration databases of other states. However, Mr. Braynard mentions using the N + DOB algorithm in the second part of that paragraph, when he discusses matching with the NCOA database. Therefore, I assume he used that algorithm in matching with the other states' registration databases, as well.

37. The match that Mr. Braynard describes in ¶20 appears to include people who may have moved from Georgia long ago and then returned—if, in fact, the matches are accurate. Attached to his report is Appendix 2, which is described as the output of the match that produced the 4,926 Georgians on his list. I translated this appendix into a form that could be read into a statistical package<sup>7</sup> and examined the dates when the individuals are indicated to have registered in Georgia and then a second state. I discovered, first, that the number of distinct people on the list appear to be closer to 4,600.<sup>8</sup> Of these individuals, 1,465 have a date indicating a registration in the second state that occurred in 2010 or before; 300 are from 2000 or before. Only 164 bear a date of 2020 and 285 bear a date of 2019. It is clear that Mr. Braynard has conducted a search that is overly broad in its chronological reach.

38. As discussed above, this matching algorithm is very imprecise and is prone to producing false positives, owing to the large number of people who share names and birthdates. If over 65,000 registered Georgians share first names, last names, and birth years with each

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<sup>6</sup> However, a literal reading of ¶20 suggests Mr. Braynard may be referring to all voters, not just early and absentee voters. This would, of course, contradict the claim in ¶12, but would make sense in light of the second half of ¶20, which explicitly refers to the absentee files.

<sup>7</sup> I first translated the file into an Excel spreadsheet using the program Able2Extract. I then imported the spreadsheet into the statistical package Stata, version 16.

<sup>8</sup> For instance, there are 4,617 distinct combinations of first name, last name, suffix [sic], street address, city and state in the appendix. I am assuming the field labeled “suffix” is actually the middle name.

other, it would be unsurprising that 4,926 Georgians would share names and birthdates with voters in other states who happened to register in the weeks leading up to the 2020 general election.

**Mr. Braynard’s claim that 15,700 voters may have vacated their residence in the State of Georgia, as evidenced by their filing of a National Change of Address form to an address in another state, is unreliable.**

39. In ¶20, Mr. Braynard provides what passes for a description of his analysis that led him to the conclusion that 15,700 voters had “vacated their residence in the State of Georgia” by filing an NCOA form to an address in another state. The description of the matching procedure is so imprecise that it is impossible to judge his findings with any certainty. First, as with this prior analysis, he provides no details about how he matched the absentee voter files with the NCOA database. How did he prepare the datasets for matching, what data fields did he use to match, how did he deal with potential duplicates, and how did he verify the precision of his match?

40. There are well-known problems in relying on matches with individuals to the NCOA database. One of these is the fact that household members may share the same name, meaning that a match may not be precise. Another is that individuals of households may be inadvertently included in the NCOA request.

41. In addition to the matching problems, there is the simple problem that there may be legitimate reasons for someone to file an NCOA request and yet retain their Georgia residency. Obvious cases include members of the military, students, vacation-home owners, and those on extended temporary assignments for business reasons.

42. Finally, Mr. Braynard notes in ¶20 that he accounted “for moves that would not cause an individual to lose their residency and eligibility to vote under state law (i.e., by reducing

the total number of moves by a reasonable percentage likely attributable to an educational or military relocation.)” This describes a completely opaque and arbitrary correction that fails to meet standards of scientific rigor. What criteria were used to account for educational and military relocations? What amounts to a “reasonable percentage?” This type of *ad hoc* adjustment, without clear description or foundation in the scientific literature, and is inconsistent with scientific methodology underscores the overall unreliability of his analysis.

**Mr. Braynard’s opinion that 1,043 early and absentee ballots were cast by voters who were illegally registered using a post office box disguised as a residential address is unreliable.**

43. Mr. Braynard characterizes the 1,043 individuals identified in this search as “disguising” their true address by using a post office box or commercial facility. He does so without investigating further the situations of the voters who he has identified. I have learned, through my twenty years of research into election administration and learning from election officials, that voters in highly mobile or marginal circumstances are often uncertain about how to properly fill out the forms related to registering to vote. For instance, despite the fact that in Georgia, homeless individuals are instructed to indicate where they “lay their head” on their registration form, doing so may be stigmatizing to that individual. A student who has just graduated and is in between residences might incorrectly believe they can use a P.O. box on their application form. Finally, it is common to find that some voters *do* live in commercial facilities—sometimes in ways that conform to local building codes, and other times not. The fact that 0.1% of Georgia voters might fit into one of these categories is hardly evidence of widespread fraud, or even an intent to evade the law.

44. Furthermore, Mr. Braynard relies on unreliable algorithms to conduct the matching and provides no information about how he confirmed that his matches were precise enough to warrant his conclusions. Therefore, the analysis is unreliable.

**Mr. Braynard's claim that 395 individuals in the State of Georgia voted in multiple states is unreliable.**

45. Mr. Braynard's claim of evidence about 395 individuals from Georgia voting in multiple states is unreliable for at least four reasons.

46. First, Mr. Braynard fails to give a full accounting of the matching protocol used.

47. Second, in Mr. Braynard's description of the matching process, he claims that he matched "on full exact name and full *exact* date of birth" (§24; emphasis added). However, as I have already noted (§29, above), the Georgia voter file only has birth *year*, rather than full birth date. Therefore, Mr. Braynard must either be mis-describing the match he undertook or is using a source of information about birth dates he has not disclosed.

48. Third, as I have already noted (§30, above) the term "full exact name" is ambiguous, since it can refer to a number of name combinations. The description of the matching criteria with respect to the name field is so imprecise as to make it impossible to judge whether the search is overly broad or overly narrow.

49. Fourth, the matching strategy Mr. Braynard uses has regularly been shown to be worthless as a method for quantifying the degree of double voting. For example, in a 2020 article in the *American Political Science Review*, Sharad Goel and colleagues show that three million pairs of vote records in a national voter registration file obtained from TargetSmart<sup>9</sup>

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<sup>9</sup> TargetSmart is a competitor of L2 in providing so-called national voter lists to political clients. As with L2, TargetSmart augments data from commercial vendors, including imputing birthdates for states, such as Georgia, that do not include the full birthdate in their voter file.

shared first name, last name, and birthdate.<sup>10</sup> However, when more precise indicators are applied to increase the precision of the matches, it was shown that 97% of these seemingly duplicate records were in fact distinct individuals.<sup>11</sup>

50. Similarly, in 2018 the New Hampshire Secretary of State presented a report to his state's Ballot Law Commission concerning 94,000 people from New Hampshire that shared first name, last name, and birthdates with individuals who voted in other states.<sup>12</sup> After intensive investigation of these cases, which involved 817 hours of investigator time, this list was whittled down by the Secretary of State and Attorney General's offices to 164 voters whose qualifications to vote in New Hampshire had not been verified.

51. Finally, the research by McDonald and Levitt referenced above in footnote 4, demonstrated that a "finding" that 4,397 persons voted more than once in the November 2004 general election in New Jersey, based on a first name + last name + birthdate match, was an artifact of the "birthday problem" paradox—that is, in even a small number of people, it is virtually guaranteed that at least two people will share the same birthday.

52. As both the academic and administrative cases illustrate, the matching strategy employed by Mr. Braynard is significantly overbroad and is worthless for quantifying the degree of double-voting between states.

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<sup>10</sup> Sharad Goel, Marc Meredith, Michael Morse, David Rothschild, and Houshmand Shirani-Mehr, "One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections," *American Political Science Review*, vol. 114, no. 2 (2020), pp. 456 – 469.

<sup>11</sup> Most importantly, Goel and colleagues were able to add the last four digits of the Social Security number (SSN4) to the match, which allowed them to achieve nearly perfect precision.

<sup>12</sup> John Distaso, "Exhaustive Investigation Reveals Little Evidence of Possible Voter Fraud in NH," *WMUR*, [https://www.wmur.com/article/exhaustive-investigation-reveals-little-evidence-of-possible-voter-fraud-in-nh/20955267?wpmm=1&wpisrc=nl\\_daily202#](https://www.wmur.com/article/exhaustive-investigation-reveals-little-evidence-of-possible-voter-fraud-in-nh/20955267?wpmm=1&wpisrc=nl_daily202#).

**Mr. Braynard is unqualified to perform and interpret the analysis he reports.**

53. Mr. Braynard's educational and professional background provide no evidence that he has the qualification to perform the research he conducted, much less interpret the results. He has no advanced degrees in the social sciences or applied mathematics. He has never published in this field, and by his admission, he has never been admitted as an expert in court to give his opinions in this area.

**Geels Report # 1**

54. Mr. Geels's first report (Exhibit 3) is primarily a laundry list of trivial (in consequence and number) clerical errors that appear in the Georgia voter and absentee ballot files, none of which provide evidence of widespread voter fraud in the 2020 general election, or in any election, for that matter. The report focuses on inconsistencies in dates that are found in those files. In evaluating these consistencies, it is important to keep two things in mind.

55. First, each file has millions of dates in it, which are the focus of Mr. Geels's report. For instance, in the voter file in my possession (dated September 9, 2020), there are 42,182,851 different dates recording birth year, registration date, date last voted, date added, date changed, and last contact. In the most recent absentee ballot file in my possession (dated November 3, 2020), there are 13,168,985 different dates recording the application date, date ballot was issued, and date ballot was returned. Together, these two files record a total of 55,351,836 dates.

56. By my count, Mr. Geels lists nineteen "observations" from ¶12 to ¶30 about features of the voter files or results of matches with other files. Of these nineteen observations, 11 are stated as simple facts, left to speak for themselves.<sup>13</sup> Together, these amount to 7,681

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<sup>13</sup> These are the claims in ¶¶ 12, 14 – 23.



voters with anomalous dates. In a voter file of 7,346,219 records, this is 0.1% of all records. In a set of files that over 55 million dates, that is 0.01% of dates. While one cannot excuse clerical errors, it is unreasonable to assume that elections—including election recordkeeping—will be perfect.

57. Nowhere does Mr. Geels suggest how any of these “anomalies” could credibly lead to vote fraud or lack of control, beyond general suspicions. To draw those conclusions, one would need to account for the multiple safeguards in place in Georgia to ensure that only legal voters may cast ballots. The record keeping that is the focus of Mr. Geels’s report is the *end* of the process, not the beginning, or even middle.

58. Most of the anomalies identified by Mr. Geels’s report—even if one credited them—can readily be explained by a more benign assumption, which is that there is a typo in roughly one out of fifteen thousand dates. This is not to excuse administrative mistakes, but rather, to put in context how rare most of the so-called anomalies he identifies are.

59. I do not address the claims that are reference in footnote 13, as they reflect minor recordkeeping errors that are not reflective of fraud, much less *widespread* fraud.

60. I do address a smaller set of claims, in which either Mr. Geels draws explicit conclusions that cannot be borne by the facts, misrepresents Georgia law, or is based on flawed database matching.

61. For the claims discussed below, Mr. Geels provides insufficient details about the datasets he matches and the methodology he uses to match the state voter file, voter history file, absentee ballot file, death certificate file, and inmate file. All files are updated on an ongoing basis. Mr. Giles does not indicate the date when these files were written, which is a fatal deficiency in many of his analyses.

**Claim: 305,701 individuals have records indicating that they applied for absentee ballots more than 180 days prior to the general election (i.e., prior to May 6, 2020) (§13).**

62. The claim that 305,701 individuals in the absentee ballot file is readily explained by the fact that they were entitled to make this request. Under Georgia law, voters who are physically disabled, 65 years or older, or military or overseas voters may make a “written request to receive an absentee ballot for the primary, primary runoff, election, and election runoff ... without having to ask again by specifically stating such on the written request or absentee application.”<sup>14</sup>

63. Ninety percent of those in this group are probably 65 years of age or older. I came to this conclusion by performing a very basic matching analysis, using versions of the voter file and absentee ballot file that I had previously acquired for my own academic research. I matched records from the September-vintage voter file with the November absentee ballot file, using the voter identification number as the linking identifier. This match allowed me to use information from the voter file to calculate the number of ballot requests that were recorded as having arrived before May 6, 2020. This calculation identified 303,114 requests that fit the criteria, which is very similar to Mr. Geels’s 305,701.<sup>15</sup>

64. Then, again using the voter ID number as the linking variable, I merged these 303,114 records with the absentee ballot file that recorded voters who requested absentee ballots for the *June* primary. Using the state vote ID number alone, I was able to match 303,097 of

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<sup>14</sup> Georgia Secretary of State, Elections Division, *Absentee Voting: A Guide for Registered Voters*, v1, 2014. The current fillable pdf application for official absentee ballot notes, “If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.” The categories include elderly (65 years of age or older), disabled, and UOCAVA (military or overseas civilian).  
<https://sos.ga.gov/admin/files/Absentee%20Ballot%20Fillable%20form%20820.pdf>.

<sup>15</sup> Assuming that Mr. Geels also matched on the voter ID number, there is nothing remarkable about our matching results being different, though very close in number. This difference can easily be accounted for by the fact that the date of the absentee ballot file I was analyzing was different his.

these “early requesters” back to the June absentee ballot file—272,849 (90.0%) of whom were born in 1955 or earlier. It would be reasonable to assume that the 30,248 absentee voters who were not matched are persons with disabilities or UOCAVA voters.

65. I further compared the two “ballot request dates” from the match described in the previous paragraph—the ballot request date from the June file and the one from the November file. Ninety-six percent of those who were 65 or older showed an *identical* application date in both files. This is a strong indication that the date in the November file is simply carried over from a blanket request made to vote by mail in June.

66. The conclusion to be drawn from this initial matching exercise is that Mr. Geels has not uncovered anything remarkable at all, other than over 300,000 people who are over 65, disabled, or living overseas who availed themselves of a feature of Georgia election law that is made known to every voter who requests an absentee ballot.

**Claim: The presence of 4 accepted early or mail votes whose matching record in the registration file has a name that is completely different from the name of the voter in the Absentee Early Voter file shows that “Georgia’s voter systems allows a person to vote under another person’s registration.” (§23)**

67. Based on my general knowledge of election administration, Mr. Geels’s inference is incorrect. Because the absentee ballot paper application does not request the voter registration number, the pairing of the paper application with the computerized voter registration list is a manual process. The pattern Mr. Geels describes is clearly due to clerical error.

**Claim: 66,247 individuals were identified as having cast a ballot whose records indicate that they were registered to vote prior to their 17th birthday. (§24)**

68. I have been unable to verify this claim directly, because the copy of the Georgia voter file in my possession is dated to September 2, 2020. However, in that file, there are 49,893

voters who are identified as having registered *when* they were 17 and only 3,444 *before* they were 17. These latter cases are most likely data entry errors. And in any case, I suspect that Mr. Geels probably made a mistake calculating this measure.

**Claim: The presence of 6,635 individuals who are recorded as voting in 2016 but who are recorded as registering after 2016 indicates that “the registration was manipulated and is unreliable.” (¶25)**

69. Again, based simply on the results of an imprecise matching strategy, and no further investigation, Mr. Geels jumps to the conclusion that what is likely a clerical error is based on “manipulation.”

**Claim: The presence of 2,024 individuals in the 2020 voter file who have a different birth date than their record in the 2016 voter file indicates that the voter birthdates were unreliable or “manipulated intentionally.”**

70. With any dataset as large and dynamic as the Georgia voter file, clerical errors will occur. Sometimes those errors will be because of a maintenance activity (such as updating an address) that pertains to the voter at hand; other times, those errors will occur when a worker mistakenly updates the wrong record. It is because of the imprecision of manual data entry and updating that many states, including Georgia, have adopted automatic voter registration.

71. In addition, errors in voting files do get corrected. Mr. Geels provides no information about the likelihood that these changes were corrections of previous errors.

72. This is the only alleged “finding” in which any of the petitioners’ report-writers has reported reaching out to any of the voters whose records appear to be caught up in these anomalies. Why the particular voter mentioned in ¶26 is mentioned,<sup>16</sup> and not others, is unstated. Indeed Mr. Geels does not report how many other voters he reached out to who

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<sup>16</sup> I choose not to mention the name of the voter because I do not wish to subject her to public harassment.

provided information that suggested a more benign explanation for the “fact pattern” he observed.

73. Mr. Geels states that this particular case cannot be explained by clerical error, “as the birthdate should not change, unless there was valid proof that the birthdate in the Registration records was recorded incorrectly.” (§26) It is true that the birthdate *should not* be changed, but it is easy to imagine that in the process of updating millions of voter registration records each year, a small number might be changed accidentally.

**Claim: 134 individuals with birthdates on or before 1915 are recorded as having voted in the November election. (§27)**

74. Mr. Geels reports “researching” the individuals in the voter file who are recorded as having birthdates before 1915. How he “researched” these individuals is unknown. Because I do not have the voter file or voter history file from the November 2020 election, I can not check this claim directly.

75. I examined the September, 2, 2020 version of the voter history file that I have in my possession. However, in my examination of the September 2020-vintage voter file in my possession, I found that 50 registered voters with birthdates before 1915 were reported as last voting in 2020—6 credited to the March primary and 44 in the June primary. Twenty-eight of these are recorded with a birthdate of 1900, which is no doubt a placeholder when a worker cannot enter the correct date. Only three of the remaining 40 voters were first added to the list before 1980.

76. Almost all of the voters I discussed in the previous paragraph no doubt voted in the November general election. If Mr. Geels had even done cursory examination of his search results, he would have discovered the pattern I discovered. I have no doubt that if I were able to

examine the voter file from the November election, the story of the remaining voters would be the same.

**Claim: 10,315 deceased individuals cast ballots in the November 3, 2020 election. (§28)**

77. This claim is based on an invalid record linkage strategy that is known to produce numerous false positives. I discussed this issue above at §§19 – 34. However, unlike Mr. Braynard who may have had access to commercially provided birth *dates*, Mr. Geels, by relying for sure on the publicly available voter file, only had access to birth *years*. In §50, he describes his match as being done on first name, last name, and birth year. In my analysis of the Georgia voter file, 1,091,659 Georgia voters share an exact match on first name, last name, and birth year. Based on my search of the CDC WONDER dataset, in 2016 (the most recent year for the data), 79,649 deaths occurred among the 7,519,237 Georgia residents who were over the age of 20. (The CDC WONDER dataset does not allow one to perform the search on the population that is 18 and older.) That works out to a crude death rate of 1.06%. If this death rate is applied to the number of Georgians with duplicate names and birth years, we would expect 11,572 registered voters in Georgia to share the same first and last name of another voter in the state who died.

78. Mr. Geels himself agrees that “there may indeed be false positives in the population—for example, due to the match of multiple people with a common name who were also born in the same year or to the omission of a suffix.” My only disagreement with this statement is that it is incorrect to say there *may* be false positives. There are *guaranteed* to be false positives—so many, in fact, that they most likely explain the empirical finding entirely.

**Claim: 2,560 individuals who are felons voted (§29)**

79. The data linkage strategy described in §51 indicates that Mr. Geels performed the data linkage match by performing matching on first name, last name, and birth year. As I have already noted (see §§19 – 34), this record linkage strategy is guaranteed to produce a result in which the number of false positives vastly exceeds the number of true positives.

80. Mr. Geels apparently agrees with the sentiment, as he writes in §51: “a more reliable match technique could not be used and there may be false positives included in the population.”

81. The fact that Mr. Geels reports that there *may* be false positives in a match such as this, rather than there *will* be false positives, is indicative of his lack of expertise in the fields of election administration and data analytics.

**Conclusion of assessment of Mr. Geels’s report # 1**

82. Mr. Geels’s first report is an example of “straining at a gnat and swallowing a camel.” He expends much energy in pointing out minor, inconsequential clerical errors in an enormous database while ignoring the most important fact his report reveals: the data are remarkably clean and reliable for the purposes to which they are put.

83. The claim that Mr. Geels makes that involves the largest, and potentially most significant number of voters, is that over 300,000 absentee voters cast ballots after illegally being allowed to request those ballots more than 180 days before the general election. That claim has been revealed to be based on ignorance of Georgia law.

84. Other claims involve smaller numbers of voters and voter records. In considering these errors, it must be remembered that the various data files explored in his report are *tools* that election officials use to manage the election, but they are not the *only* tools that are used. The

databases are used to record the actions undertaken by those officials whose actions are guided by multiple safeguards to ensure that only legal votes are cast. Sometimes the records are updated incorrectly. It is hard to fathom how a record that indicates, for instance, that a ballot was mailed out before the application was received is indicative of fraud. Nor is it possible to understand how a massive database with such small numbers of errors of this sort can be regarded as being “unreliable” or evidence of widespread “manipulation.”

85. Mr. Geels concludes his report by offering his opinion that the data the state and county election officials rely on to administer elections are “either not trustworthy” or indicate “a significant number of fraudulent or invalid votes of a magnitude which calls into question the outcome of the Presidential general election.” His report supports no such conclusion. The most that can be said is that the data files are imperfect—a fact beyond dispute. However, taken as a whole, the evidence that Mr. Geels produces, to the degree it can be credited at all, points toward a conclusion that is 180-degrees away from the conclusion he reaches. That conclusion is that the data *are* trustworthy and do *not* indicate a significant number of fraudulent or invalid votes which call into question the outcome of the general election.

### **Geels Report # 2**

86. Mr. Geels’s second report (Exhibit 10) is an analysis of absentee-ballot rejection rates for the 2016, 2018, and 2020 general election and the 2020 June primary. He documents a decline in the rate of mail-ballot ballot rejections in 2020 compared to the past elections. He implies that past rejection rates are immutable features of Georgia elections, and that action by the state to reduce those rates must reflect negatively on the quality of election administration in the state.



87. Mr. Geels relies on absentee ballot datasets that are available for download from the Secretary of State's website. From my experience using these same files, the statistics he presents in Table 1 are accurate, so far as they report the data from those files.

88. There are two corrections that need to be made, however. First, Mr. Geels does not include the datafile reflecting the 65,878 mail ballots that are associated with the March presidential preference primary. Second, the "spoiled" ballots he includes as "returned" should not be included in this category. While spoiled ballots are indeed "returned," they are not returned *for counting*. They are ballots that have been damaged or otherwise unsuitable to vote on, and thus the voter has requested another one. In the 2020 general election, for instance, of the 4,082 spoiled ballots, 2,865 have the notation "Voter Error" in the "ballot status reason" field. Eighty percent of the ballots marked as spoiled were issued to a voter who was mailed at least two ballots, with the spoiled ballot canceled and the new ballot eligible to be counted.

89. Therefore, Table 1 should be modified so that Row 6 consists only of ballots rejected or accepted. This affects the calculated rejection rates slightly, and barely changes the rejection rates reported by Mr. Geels.

90. More significant is the fact that Mr. Geels, by implication, casts the significant reduction in rejection rates in a nefarious light, when exactly the opposite should be concluded. Furthermore, the rejection rate, while much lower than in past years in Georgia, is now in line with other states. It reflects the result of two salutary developments in Georgia: the establishment of a robust "cure" process and a vigorous public education campaign undertaken by the state and private citizens.

91. To put Georgia's past performance in context, I refer to the report of the Election Administration and Voting Survey, which is issued by the U.S. Election Assistance Commission

after every federal election. The report, and the accompanying jurisdiction-level dataset, are the standard data source used in the fields of election science and election administration to compare states on dimensions such as mail ballot rejection rates.

92. The report for 2016 indicates that Georgia's ballot rejection rate was 5.77%.<sup>17</sup> The overall national rejection rate was 0.77%. Georgia's mail-ballot rejection rate was the highest in the country. For 2018, the Georgia and national rejection rates were 3.10% and 1.42%, respectively. Only ten states had a higher rate than Georgia's in 2018.

93. Georgia's poor performance related to mail-ballot rejection rates drew considerable attention from the press, and ultimately the public. Among other things, it was revealed that counties had widely disparate rejection rates—disparities that could not be attributed to the rejection of fraudulent votes. For instance, the high rejection rate of Gwinnett County was attributed to a poorly designed absentee ballot forms and decisions to set especially stringent standards for accepting absentee ballots.<sup>18</sup> (According to the EAVS data, Gwinnett County's rejection rate in 2018 was 6.9%, compared to the 3.10% statewide rate. The rejection rate across Georgia counties varied from 13.3% in Clay County to no rejections in thirty-two counties.)

94. In response to dissatisfaction with the rejection rate, the General Assembly passed HB 316 in 2019 which, among other things, provided a formal and uniform mechanism by which

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<sup>17</sup> U.S. Election Assistance Commission, *The Election Administration and Voting Survey: 2016 Comprehensive Report*, p. 65, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf); EAC, *The Election Administration and Voting Survey: 2018 Comprehensive Report*, p. 64, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2018\\_EAVS\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2018_EAVS_Report.pdf). Rejection rates reported in the EAVS report will vary somewhat from reports based on raw state reports, because the EAVS survey instrument seeks to reconcile reporting differences across the states, so that an apples-to-apples comparison can be made.

<sup>18</sup> Mark Niesse, "Lawsuit seeks to prevent Georgia absentee ballot rejections," *Atlanta Journal-Constitution*, Nov. 6, 2019, <https://www.ajc.com/news/state--regional-govt--politics/lawsuit-seeks-prevent-georgia-absentee-ballot-rejections/svn2eyAwLAMKFbyday1W4J/>; Ben Nadler, "Lawsuit challenges absentee ballot rejections in Georgia," *Associate Press*, Nov. 7, 2019, <https://newschannel9.com/news/election/lawsuit-challenges-absentee-ballot-rejections-in-georgia>.

absentee voters could “cure” deficiencies on the return envelope of absentee ballots. HB 316 allows voters to “cure a failure to sign the oath, an invalid signature, or missing information by submitting an affidavit to the board of registrars or absentee ballot clerk.”

95. In addition, the state entered into a consent decree concerning the timely notification of voters who had returned mail ballots with deficiencies on the return envelope.

96. Finally, recognizing that millions of voters across the United States would be casting mail ballots for the first time in 2020, on account of concerns related to the COVID-19 pandemic, vigorous efforts were made nationwide to educate voters about how to properly return their ballots, and to return them on time. These efforts were undertaken by election officials, citizen groups, traditional media, and social media.

97. Based on my position as the co-director of the Stanford-MIT Healthy Elections Project beginning in March 2020, I was very aware of these activities, and spoke frequently to reporters about these efforts. I have no reason to believe that these efforts were any less intense in Georgia than in other states.

98. Although official data are still being compiled nationwide, Ballotpedia, a website that closely covers election administration issues, has reported on mail-ballot rejection rates across the country, as the statistics have been made available, and has compared those 2020 rates with those in 2016 and 2018.<sup>19</sup> The table below reports a comparison of rejection rates from 2016 to those in 2020, among states that have reported data from 2020.

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<sup>19</sup> Ballotpedia, “Election results, 2020: Analysis of rejected ballots,” Dec. 11, 2020, [https://ballotpedia.org/Election\\_results\\_2020:\\_Analysis\\_of\\_rejected\\_ballots](https://ballotpedia.org/Election_results_2020:_Analysis_of_rejected_ballots).

Comparison of mail-ballot rejection rates, 2016 and 2020		
State	Rejection rate, 2016	Rejection rate, 2020
Alaska	3.17%	0.87%
Connecticut	1.92%	0.94%
Delaware	1.54%	0.21%
Georgia	6.42%	0.60%
Iowa	0.65%	0.15%
Maine	0.96%	0.89%
Maryland	1.49%	0.63%
Massachusetts	3.30%	1.30%
Michigan	0.49%	0.46%
Nevada	1.60%	0.58%
North Carolina	2.71%	2.47%
Pennsylvania	0.95%	0.28%
South Carolina	0.58%	0.71%
Source: Ballotpedia, <a href="https://ballotpedia.org/Election_results_2020:_Analysis_of_rejected_ballots">https://ballotpedia.org/Election_results_2020:_Analysis_of_rejected_ballots</a> , Dec. 11, 2020.		

99. With the exception of South Carolina, all states on the chart have seen reductions in rejection rates, many of which have reduced those rates to a fraction of what they were previously. This includes states as diverse in their election administration practices as Alaska, Connecticut, Delaware, Iowa, Maryland, Massachusetts, Nevada, and Pennsylvania.

100. In my twenty years in studying election administration, I have had occasion to discuss issues of ballot rejections and “cure” processes with numerous election administrators.<sup>20</sup> Some of these administrators have overseen cure processes for many years. My conclusion from those conversations is that the consensus among election administrators is that almost all rejected absentee ballots occur because voters make honest mistakes, not because election offices have intercepted fraudulent ballots. This has led me to understand that high mail-ballot rejection rates, such as Georgia had prior to 2020, represent a failure of election administration. Any state that seeks to reduce rejections, and does so in a serious, uniform way, should be praised, not

<sup>20</sup> One of the reasons I have engaged in these discussions is that the Elections Performance Index (<https://elections.mit.edu/#/data/map>), which I oversee, assesses the election administration performance of states based, in part, on their ballots rejection rates. Given this, it is incumbent upon me to understand the underlying issues behind rejection rates, from the perspective of those who administer absentee ballot laws.

criticized. Mr. Geels's conclusion that high absentee-ballot rejection rates indicates an election administration practice that should be emulated is incorrect.

101. Based on my experience in the field, the formal cure process in Georgia constitutes a "best practice" that others should emulate. To expect otherwise is to suggest government policy should be set to automatically disfranchise legal voters who make their best efforts to comply with election law, but nonetheless commit innocent mistakes.

102. In ¶¶19 and 20 of Mr. Geels's second report, he implies that an *improvement* in the implementation of a law should be receive with opprobrium. It is as if a tax program that was reformed to reduce cheating on taxes was criticized because fewer tax returns in the future contained questionable itemizations.

103. In these paragraphs, Mr. Geels criticizes Georgia because it improved its election administration practices. If Mr. Geels's expectations are accepted, that is, that past policy failures should be accepted as normative, then efforts to make elections more secure and inclusive become impossible.

104. To conclude, Mr. Geels does an unobjectionable job of calculating rejection rates from data files made available to the public by the Georgia Secretary of State. Elements of his analysis reflect a profound lack of knowledge about the policy environment in which absentee ballot policy has developed in Georgia over the past year, and a general lack of knowledge about "best practices" in the field of election administration. His calculations are mostly accurate. His conclusions and inferences are wrong.

### **Davis Report**

105. Mr. Mark Alan Davis provided an affidavit in which he offers observations based on examinations of the Georgia voter file over the past several months. These observations

claim to reveal data anomalies, such as thousands of votes on the Georgia voter rolls who also appear on the NCOA database.

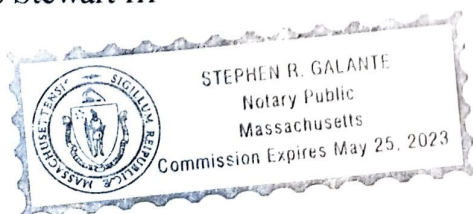
106. This report bears none of the marks of an expert report, nor does Mr. Davis's brief description of his background suggest that he is qualified to opine on issues of database management. He provides no rigorous description of his methodology or data sources. It is impossible to judge the veracity of his claims or to reproduce his analysis independently. His report is not science.

107. To the degree he discusses "hard" results, Mr. Davis reports the results of matches of the Georgia voter file against the NCOA database. He provides no information about when the database was obtained, nor any precise information about how the matches were conducted. The best he can do is conduct matches based on linking combinations of first name + last name + address, for which there may be innumerable duplicate records. Furthermore, Georgia law provides legitimate reasons why someone who has filed an NCOA form, as a part of a temporary move, would still retain his or her residency for the purposes of voting.

108. Mr. Davis's report should be dismissed because of his lack of expertise and his failure to demonstrate that he has based his opinion on recognized methods of database matching.

109. I declare under penalty of perjury under the laws of the United States of America, and the State of Georgia, that the foregoing is true and correct.

 12/14/20  
Charles Stewart III



On this 14 day of December 2020, before me, Stephen R. Galante,  
the undersigned notary public, personally appeared Charles Stewart III, who proved to me through  
satisfactory evidence of identification which were his driver's license, to be  
the person whose name is signed on the preceding or attached document, and  
acknowledged to me that he signed it voluntarily for its stated purpose.  
Notary Public Stephen R. Galante  
My Commission Expires 5/25/2023

**Curriculum Vitae****CHARLES HAINES STEWART III**

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**Education**


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1985	Ph.D., Stanford University.
1983	A.M., Stanford University
1979	B.A., Emory University

**Professional experience***Teaching*


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1985–1989	Assistant Professor of Political Science
1989–1999	Associate Professor of Political Science
1990–1993	Cecil and Ida Green Career Development Associate Professor of Political Science (3-yr. term)
1999–present	Professor of Political Science
2007–present	Kenan Sahin Distinguished Professor of Political Science
2016–present	Affiliate Faculty, Institute for Data, Systems, and Society

*Administrative*

2002–2005	Associate Dean of Humanities, Arts, and Social Sciences
2002–present	Co-director, Caltech/MIT Voting Technology Project
2005–2010	Head of the Department of Political Science
2015–present	Director, MIT Election Data and Science Lab

**Awards (abbreviated)**


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1994	Mary Parker Follett Award, for Best Published Essay or Article, 1993-1994, Politics and History Section, American Political Science Association (with Barry Weingast).
1999	Franklin L. Burdette Pi Sigma Alpha Award, for Best Paper Presented at the 1998 Annual Meeting of the American Political Science Association. (“Architect or Tactician? Henry Clay and the Institutional Development of the U.S. House of Representatives”)



- 2002 Jewell-Loehenberg Award, for best article to have appeared in the *Legislative Studies Quarterly*, Legislative Studies Section, American Political Science Association (with Steven Ansolabehere and James M. Snyder, Jr.)
- 2002 Jack Walker Award, honoring an article or published paper of unusual significance and importance to the field, Political Organizations and Parties Section, American Political Science Association (with Steven Ansolabehere and James M. Snyder, Jr.)
- 2011 Elected Fellow, American Academy of Arts and Sciences
- 2013 Patrick J. Fett Award, honoring the best paper on the scientific study of Congress and the Presidency at the previous meeting of the Midwest Political Science Association ("The Value of Committee Assignments in Congress since 1994")

### Grants (abbreviated)

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- 1991–93 National Science Foundation, "The Development of the Committee System in the House, 1870-1946," SES-91-12345
  - 2003–06 John S. and James L. Knight Foundation, "Internet and Electronic Voting"
  - 2005–07 National Science Foundation, "Collaborative Research: U.S. Senate Elections Data Base, 1871–1913" (with Wendy Schiller).
  - 2007–10 Pew Charitable Trusts and JEHT Foundation, "The 2008 Survey of the Performance of American Elections"
  - 2008–10 Ewing Marion Kauffman Foundation, "Congressional and Executive Staff Seminar"
  - 2012–13 Pew Charitable Trusts, "Measuring Elections"
  - 2013–15 Pew Charitable Trusts, "Measuring Elections"
  - 2013–14 Democracy Fund, "Voting in America: Matching Problems to Solutions"
  - 2013–14 William and Flora Hewlett Foundation, "Voting in America: Matching Problems to Solutions"
  - 2014–17 Democracy Fund, "Polling Place of the Future"
  - 2016–17 Pew Charitable Trusts, "The 2016 Survey of the Performance of American Elections"
  - 2017–21 William and Flora Hewlett Foundation, "The MIT Election Data and Science Lab"
  - 2018–21 Democracy Fund, "The MIT Election Data and Science Lab"
  - 2017–18 Carnegie Foundation of New York, Andrew Carnegie Fellow
  - 2017–19 Joyce Foundation, "State Election Landscapes"

### Publications (abbreviated)

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#### Books

- 2015 *Electing the Senate*. Princeton. University Press (with Wendy Schiller)
- 2014 *Measuring American Elections*. Cambridge University Press (with Barry Burden)
- 2012 *Fighting for the Speakership: The House and the Rise of Party Government*. Princeton University Press (with Jeffery A. Jenkins).
- 2010 *Committees in the U.S. Congress, 1993–2010*. CQ Press (with Garrison Nelson).



- 2002 *Committees in the United States Congress, 1789–1946*, 4 vols. Congressional Quarterly Press (with David Canon and Garrison Nelson).
- 2001 *Analyzing Congress*. W. W. Norton. [2nd edition, 2012]
- 1989 *Budget Reform Politics: The Design of the Appropriations Process in the House, 1865-1921*. Cambridge University Press.

*Chapters in edited collections*

- 2020 “Polling Place Quality and Access” (with Robert Stein and Christopher Mann) in *The Future of Election Administration*, eds. Mitchell Brown, Bridgett A. King, and Kathleen Hale. Palgrave MacMillan.
- 2020 “The Elections Performance Index: Past, Present, and Future” in *The Future of Election Administration*, eds. Mitchell Brown, Bridgett A. King, and Kathleen Hale. Palgrave MacMillan.
- 2017 “Election Administration in 2016: A Tale of Two Cities” (with Terry Susan Fine) in *Conventional Wisdom, Parties, and Broken Barriers in the 2016 Election*, eds. Jennifer C. Lucas, Christopher J. Galdieri, and Tauna Starbuck Sisco.
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# EXHIBIT B

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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

**DONALD J. TRUMP, in his capacity as a  
Candidate for President, DONALD J.  
TRUMP FOR PRESIDENT, INC., and  
DAVID J. SHAFER, in his capacity as a  
Registered Voter and Presidential Elector  
pledged to Donald Trump for President,**

**Petitioners,**

**v.**

**BRAD RAFFENSPERGER, in his official  
capacity as Secretary of State of Georgia,  
REBECCA N. SULLIVAN, in her official  
capacity as Vice Chair of the Georgia State  
Election Board, DAVID J. WORLEY, in  
his official capacity as a Member of the  
Georgia State Election Board, MATTHEW  
MASHBURN, in his official capacity as a  
Member of the Georgia State Election  
Board, ANH LE, in her official capacity as  
a Member of the Georgia State Election  
Board, RICHARD L. BARRON, in his  
official capacity as Director of Registration  
and Elections for Fulton County, JANINE  
EVELER, in her official capacity as  
Director of Registration and Elections for  
Cobb County, ERICA HAMILTON in her  
official capacity as Director of Voter  
Registration and Elections for DeKalb  
County, KRISTI ROYSTON, in her official  
capacity as Elections Supervisor for  
Gwinnett County, RUSSELL BRIDGES, in  
his official capacity as Elections Supervisor  
for Chatham County, ANNE DOVER, in  
her official capacity as Acting Director of  
Elections and Voter Registration for  
Cherokee County, SHAUNA DOZIER, in  
her official capacity as Elections Director  
for Clayton County, MANDI SMITH, in  
her official capacity as Director of Voter  
Registration and Elections for Forsyth  
County, AMEIKA PITTS, in her official**

**Civil Action No. 2020CV343255**

capacity as Director of the Board of )  
 Elections & Registration for Henry County, )  
 LYNN BAILEY, in her official capacity as )  
 Executive Director of Elections for )  
 Richmond County, DEBRA PRESSWOOD, )  
 in her official capacity as Registration and )  
 Election Supervisor for Houston County, )  
 VANESSA WADDELL, in her capacity as )  
 Chief Clerk of Elections for Floyd County, )  
 JULIANNE ROBERTS, in her official )  
 capacity as Supervisor of Elections and )  
 Voter Registration for Pickens County, )  
 JOSEPH KIRK, in his official capacity as )  
 Elections Supervisor for Bartow County, )  
 and GERALD MCCOWN, in his official )  
 capacity as Elections Supervisor for )  
 Hancock County, )  
 )  
 Respondents. )  
 )  
 )

**AFFIDAVIT OF CHRIS HARVEY**

CHRIS HARVEY, having personally appeared before the undersigned officer, duly authorized to administer oaths, and after being sworn, testifies as follows:

1.

My name is Chris Harvey. I am over the age of 21 and am competent to make this affidavit. The facts set forth below are made upon my personal knowledge.

2.

I am currently employed as the Elections Director with the Election Division of the Georgia Secretary of State's Office. My duties require me to be familiar with several voter databases maintained by the Georgia Secretary of State including the Secretary of State's Voter Registration Files, the Voter Absentee Files and the Voter History Files (collectively "The Secretary of State's Databases"). My duties also require me to be familiar with the statutes, rules and regulations

governing elections in the State of Georgia, including those laws as they related to the November 3, 2020 election for President and Vice President of the United States.

3.

I reviewed the Affidavits of Matt Braynard and Bryan Geels attached as Exhibits 2, 3 and 10 to the Verified Petition to Contest Georgia's Presidential Election Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief, filed in the Superior Court of Fulton County, Georgia, Civil Action No. 2020CV343255 ("Verified Petition").

4.

I offer the following preliminary responses to the Matt Braynard's Affidavit,

- a. Mr. Braynard states that he relied on several alleged databases, including the National Change of Address Source, which he alleges is maintained by the United States Postal Service ("NCOA database"), the United States Postal Service's list of owned and leased facilities ("USPS Owned and Leased Facilities Report") and a national voter database maintained by an entity described as "L2 Political."
- b. The Georgia Secretary of State does not use, rely on or otherwise incorporate the NCOA database, the USPS Owned and Leased Facilities Report, or any database maintained by L2 Political to develop the State of Georgia's Voter Registration Files, the Voter Absentee Files or the Voter History Files. It also does not use the USPS Owned and Leased Facilities Report or any database maintained by L2 Political to maintain any of the State Databases. It will use the USPS NCOA database on occasion to maintain some of its databases.



- c. Information contained in the NCOA database, the USPS Owned and Leased Facilities Report, or any database maintained by L2 Political is not, standing alone, sufficient to prove an ineligible person voted in the November 3 election.
- d. Information contained in the Georgia Secretary of State Databases standing alone, is also not sufficient to prove an ineligible voter cast a ballot in the November 3, 2020 election except it can functionally serve such a purpose only when the person is listed as “cancelled-deceased”, a category Mr. Braynard is not using.
- e. Paragraph 18 of Braynard’s affidavit refers to “strong matches” between Georgia’s early and absentee voter lists to “his national voter file.” Mr. Braynard does not define what a “strong match” is. Importantly, Mr. Braynard does not allege the “strong matches” are in fact the same people.
- f. The Georgia Secretary of State does not invalidate votes or deny ballots to any person. Counties are responsible for determining the eligibility of a voter and sending absentee ballots. It would be improper to disenfranchise a Georgia citizen because that voter’s information in one database appears similar to information in what Mr. Braynard believes is a “strong match” to information in another database.
- g. People considered “strong matches” by Mr. Braynard can subsequently be determined to not be actual matches after investigation. For example, in 2008, allegations were made that approximately 30,000 people in Georgia had voted or requested absentee ballots in two different places. This allegation was based on apparent matches of people in databases. I was responsible for investigating



these claims. My investigation determined that of the 30,000 people alleged to have voted or requested absentee ballots in two places, approximately three people actually did vote in two places. And these people all had explanations for doing so, including mental challenges.

- h. Paragraph 12 of the Braynard Affidavit claims that 4,926 absentee or early voters were no longer legal residents of Georgia when they voted “[d]ue to their subsequent voter registration in another state.” Mr. Braynard also claims that 15,700 voters “may have vacated their residence in the State of Georgia”, which he claims is evidenced by their filing of a notice of change of address in another state. He then apparently adds these two numbers together to conclude that 20,312 individuals cast “illegal ballots” in the November 3, 2020 election, though adding the two numbers gives a total of 20,626.
- i. Registering to vote in another state does not necessarily render an individual ineligible to vote in the Georgia November 3, 2020 presidential election. For example, a person could register in Georgia, move, register in another state, then move back to Georgia. In such event, the Georgia Secretary of State Databases may list this person’s original registration date in its databases unless the original registration was affirmatively cancelled or cancelled through other legal process.
- j. Filling out a change of address form with the United States Postal Office also does not make an individual ineligible to vote in Georgia. Changing an address, even to an out of state address, does not always equal a change of legal residency for many people. For example, college students, military personnel

or mentally handicap persons can submit a change of address form to the USPS, move to another state, but still be considered residents of the State of Georgia. Other people could temporarily move to another state for some purpose, such as caring for a loved one, a temporary work assignment or having a vacation home and still be eligible to vote in Georgia.

- k. Additionally, a cursory investigation of Mr. Braynard's data casts doubt on its accuracy. The first page of Exhibit 2 to his affidavit ("GA Out of State Subsequent Registration") contains 48 line items of people. Mr. Braynard testified that every voter on this list has exhibited a "[c]lear indication of their intent to establish residency in another state". Aff. At ¶20.
- l. I reviewed research results concerning the names and addresses of the 48 people listed on the first page of Braynard Affidavit, Exhibit 2. This research results reveal that at least 38 of them appear to possibly be currently living in Georgia right now. cursory research of the other ten could not establish Georgia residency, but also did not conclusively establish they were residing out of state either. In other words, preliminary research suggests at least 80% of the people Braynard believed showed a "clear intention to establish residency in another state" still quite possibly appear to live in Georgia.
- m. The names are highlighted of the 38 for whom cursory research showed appear to currently reside in Georgia. Those who could not be easily established to have a residency based on a cursory look are not highlighted. Those highlights appear on **Exhibit 1**. The people's last names are redacted.

- n. Paragraph 13 of the Braynard Affidavit claims that 1,043 early and absentee ballots were allegedly cast by people who were “illegally registered” using a post office box “disguised as a residential address.”
- o. Listing a post office box as a person’s address does not render that person ineligible to vote in Georgia because the person can still reside in Georgia. If a post office box is listed as the voter’s address, the voter should update their Georgia voter registration to include a physical address.
- p. However, I reviewed research results of a cursory spot check of Mr. Branyard’s post office box information that shows it too may be inaccurate for people. Again, a cursory review of the results of the research for the first few pages of addresses Mr. Braynard identifies as being post office boxes are actually apartment or condominium buildings. While researchers did not check all addresses, a few minutes on the computer showed the following address are likely legitimate residential addresses: (1) 5 W. Broughton Street, Savannah; (2) 4920 Atlanta Highway, Alpharetta; (3) 245 N. Highland Ave. NE, Atlanta and; (4) 1700 Northside Drive, Atlanta.
- q. Researchers highlighted these addresses taken from Exhibit 4 of Mr. Braynard’s Affidavit and they are attached to this Affidavit as **Exhibit 2**. Researchers redacted the people’s last names. The sections highlighted appear to be apartment buildings or condominium buildings. Pictures of these buildings are also attached behind the highlighted portion of Mr. Braynard’s spreadsheet.
- r. Paragraph 23 of Braynard’s Affidavit claims 395 people voted in multiple states including Georgia. Mr. Braynard claims this is proven by matching

individuals through comparisons of L2 Political databases, which Mr. Braynard does not provide.

- s. The publicly available Georgia Secretary of State Databases does not contain enough information to determine someone illegally voted twice in two states. Making that determination would require additional investigation beyond matches in various databases even if the matches appear to represent the same individuals, a fact Mr. Braynard has not shown.

5.

With Respect to the Geels Affidavits:

- a. Geels' Affidavit claims his searching of databases identified what he refers to as "risk buckets." *See* para 34-44. He goes on these describe votes made by people in the various "risk buckets" as either "questionable," "highly questionable," or "extremely risky."
- b. Geels does not provide the results of his searches. I cannot see who the people are in the various "risk buckets" he discusses.
- c. The Georgia Secretary of State does not invalidate votes or deny ballots to any person. Counties are responsible for determining the eligibility of a voter and sending absentee ballots. It would be improper to disenfranchise an eligible Georgia voter because the person casting the vote is in a "risk bucket" identified by Mr. Geels that may, or may not, make the vote questionable, highly questionable or extremely risky.
- d. Paragraph 13 of his Affidavit claims to identify 305,701 individuals with records showing they applied for absentee ballots more than 180 days before

the general election. Requesting an absentee ballot prior to May 6, 2020 does not necessarily render that individual ineligible to vote in Georgia. For example, O.C.G.A. § 21-2-381 (B) and (D) and O.C.G.A. § 21-2-219, allows certain categories of voters, including disabled, people over 65 years of age and members of the military, to request their ballots more than 180 days before the election. If a member in one of these groups requests an absentee ballot for the primary, they are automatically sent an absentee ballot for the general election. However, the date in which the voter requested this ballot is still listed as the date of the original request in the Secretary of State's databases.

I, Chris Harvey declare that the foregoing is true and correct.

Robin Kiefer  
Notary Public  
Houston County, Georgia  
My Commission Expires 09/25/2022

RK

Executed this 15 day of December, 2020.

  
Chris Harvey

# EXHIBIT 1

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## GA Out of State Subsequent Registration

county	voterid	lastname	fname	suffix	streetnum	street	city	state	zip	sta2	rdate_ga	rdate_sta2
COLQUITT	00380136		MARY	ANN	15	OLD TRAM RD	MOULTRIE	GA	31768-6509	AR	5/27/1992	10/01/2008
JENKINS	01546598		GLORIA	JEAN	517	BRIER CREEK CT	MILLEN	GA	30442	AR	1/1/1980	10/28/1983
JENKINS	01546598		GLORIA	JEAN	517	BRIER CREEK CT	MILLEN	GA	30442	AR	1/1/1980	10/28/1983
COWETA	04878612		JENNIFER	LYNN	65	MAR MAR LN	NEWMAN	GA	30265	AZ	3/8/2000	03/01/2004
HENRY	04317153		REBECCA	LYNN	5036	KENS CT	STOCKBRIDGE	GA	30281-7966	AR	10/4/1998	04/29/2019
LEE	01267509		WILLIAM	JEFFERY	850	PHILEMA RD S	LEESBURG	GA	31763	AR	2/16/1990	11/03/2016
CHATHAM	04561622		CHARLES	EDWARD	811	SEILER AVE	SAVANNAH	GA	31401-9235	AR	10/17/1998	10/03/2016
NEWTON	01384667		SALLY	MAE	30	STEPHANIE LN	COVINGTON	GA	30016	AR	10/7/1994	02/01/2016
TROUP	00908416		TINA	MARIE	571	WATERVIEW DR	LAGRANGE	GA	30240-7723	AR	8/30/1994	12/20/2019
COBB	04615945		BRYAN	FRANKLIN	5209	ELLIOTT RD	POWDER SPRINGS	GA	30127	AZ	10/8/2000	02/28/2016
WINNETT	06052847		MARK	FRANCIS	5105	MALDIE CT	SUGAR HILL	GA	30518	CA	10/3/2004	11/01/2018
COBB	08744604		TYRUS	NIGEL	1402	HAMPTON GLEN DR SW	MARIETTA	GA	30064	CA	10/7/2012	08/17/2017
DEKALB	08379254		PULANI		29	KNOB HILLS CIR	DECATUR	GA	30030	CA	11/2/2010	11/01/2018
COWETA	00102601		SHIRLEY	ANN	87	REDLEVEL WALK	NEWMAN	GA	30285-6207	CA	10/2/1988	11/18/2003
FULTON	08579563		RODNEY	CALVIN	5540	DENDY TRCE	FAIRBURN	GA	30213	CA	10/7/2012	06/01/2019
PAULDING	03611067		JERRY	PAUL	33	SILVER TRL	DALLAS	GA	30157	CA	3/27/1996	09/04/2003
PAULDING	03590517		BARBARA	KATHREN	33	SILVER TRL	DALLAS	GA	30157	CA	3/20/1996	09/04/2003
FULTON	02608637		NORMAN	MICHAEL	1705	MONROE DR NE	ATLANTA	GA	30324	CA	7/16/1992	10/22/1998
DEKALB	03343635		SUSAN	M	1733	KELLOGG SPRINGS DR	ATLANTA	GA	30338-6009	CA	9/19/1995	09/27/2003
FULTON	04050887		DANIEL	DEMETRIOS	46	MICHAEL DR	ALPHARETTA	GA	30009	CA	2/16/1997	11/10/2014
WINNETT	08539561		MELISSA		805	PLEASANT HILL RD NW	LILBURN	GA	30047	CA	10/20/2011	01/04/2016
FULTON	08032906		PERRY	ANTHONY	977	WILDWOOD RD NE	ATLANTA	GA	30306	CA	5/21/2009	09/14/2016
WINNETT	10142884		NOAHAMIN	ANDARGACHEW	4999	AF-PALOOSA TRL	NORCROSS	GA	30071	CA	12/31/2013	03/03/2020
FAYETTE	01739241		DWIGHT	ANDRE	185	MILI RUN	FAYETTEVILLE	GA	30214-3526	CA	2/5/1988	03/12/2020
DEKALB	04915600		JACARE	JENICE	2700	BUFORD HWY NE	ATLANTA	GA	30324	CA	10/8/2000	09/22/2008
FAYETTE	05471426		JOSHUA	CHAD	100	NICOLE V/W	SENIOA	GA	30276	CA	6/20/2004	01/01/2018
FULTON	07337395		LASHIA	PATRICE	2470	CAMELLIA LN NE	ATLANTA	GA	30324	CA	1/6/2008	08/16/2010
DEKALB	06986891		JUSTIN	THOMAS	2413	THAWLEY PL	TUCKER	GA	30084	CA	6/15/2008	01/04/2012
FULTON	10374636		BO		125	HEDGEROW TRCE	DULUTH	GA	30097	CA	10/4/2015	06/22/2016
COBB	04697471		CLINTON	MILES	4092	E SPRING MEADOW DR	ACWORTH	GA	30101	CA	10/8/2000	06/19/2017
FULTON	03325034		CRISTINA		350	CARPENTER DR NE	ATLANTA	GA	30328	CA	10/6/1996	08/28/2018
HALL	03551667		MARY	BOWDEN	3480	GREEN APPLE RD	GAINESVILLE	GA	30506	CO	10/5/1997	10/30/2012
HENRY	01768126		JAMES		385	YOUNG JAMES CIR	STOCKBRIDGE	GA	30281	CT	10/5/1992	10/23/2008
MUSCOGEE	01810585		JAMES	M	6856	COPPER OAKS CT	COLUMBUS	GA	31904	DC	5/15/1984	01/17/2002
MUSCOGEE	01810585		JAMES	M	6856	COPPER OAKS CT	COLUMBUS	GA	31904	DC	5/15/1984	01/17/2002
DEKALB	03129216		ALBERT	W	1092	CHANTILLY CRES NE	BROOKHAVEN	GA	30324-3272	FL	9/21/1992	06/16/2003
LINCOLN	06610233		JOHN	DENNIS	1668	BUCKHEAD RD	TIGNALL	GA	30668	FL	7/19/2005	04/08/2013
CAMDEN	00524938		JAMES	STANLEY	407	SARIZONA ST	KINGSLAND	GA	31548	FL	11/19/1975	12/05/2011
COWETA	03904441		KELLY	LEIGH	31	BASSWOOD WAY	SHARPSBURG	GA	30277	FL	10/6/1996	05/07/2002
SEMINOLE	06415897		JIMMY	LEE	8028	MALONE DR	DONALSONVILLE	GA	39845-5344	FL	12/10/2004	09/30/2011
COBB	06907418		KAITLYN	MARIE	4903	BRIARLEIGH CHASE SW	MABLETON	GA	30126	FL	10/8/2006	09/30/2011
TIFT	06835323		JESSENIA		9	CLINT CIR	TIFTON	GA	31794	FL	5/17/2006	03/07/2012
TIFT	06835323		JESSENIA		9	CLINT CIR	TIFTON	GA	31794	FL	5/17/2006	03/07/2012
WINNETT	06181769		MICHAEL	LEONARD	2567	INGRAM RD	DULUTH	GA	30096	FL	8/13/2004	04/06/2012
WINNETT	06181769		MICHAEL	LEONARD	2567	INGRAM RD	DULUTH	GA	30096	FL	8/13/2004	04/06/2012
WINNETT	02785940		JOSEPH	R	3596	ROBINSON CT	LAWRENCEVILLE	GA	30044-5543	FL	1/12/1988	06/13/2005
FORSYTH	07948152		PATRICIA	A	326	CANTON RD	CUMMING	GA	30040	FL	7/1/2012	09/17/2013
JENKINS	00250807		ROSA	MAE	133	REEVES ST	MILLEN	GA	30442	FL	7/12/1991	07/14/2004

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# EXHIBIT 2

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USPS	BIBB	161139	JIMMIE	PIANO	5040 PIO NONO AVE	APT 2896	MA
UPS	BIBB	5333249	SUVONEREE	EVANS	4339 HARTLEY BRIDGE RD	BOX 215	MA
UPS	BIBB	3323797	FRANK	KIDD	III	5962 ZEBULON RD	APT 169
USPS	BIBB	10345561	ROBERT		JR	1040 PIO NONO AVE	UNIT 2023
UPS	BIBB	1760838	MARC	ANDREW		4339 HARTLEY BRIDGE RD	STE 104
USPS	BIBB	8421878	MELANIE	R		1740 ROCKY CREEK RD	UNIT 20591
UPS	BIBB	812945	KATHERINE	ANN		5962 ZEBULON RD	UNIT 163
UPS	BIBB	5035181	LELAND	K	JR	4339 HARTLEY BRIDGE RD	APT 216
UPS	BIBB	176527	KATHERINE	ANGELA		4339 HARTLEY BRIDGE RD	APT 167
UPS	BIBB	179993	VINCENT	LEE		3780 NORTHSIDE DR	STE 140
UPS	BIBB	1001890	DONALD	EDWARD	JR	4339 HARTLEY BRIDGE RD	UNIT 183
UPS	BIBB	8327966	RODREQUEZ	L		5962 ZEBULON RD	STE 175
USPS	BRANTLEY	2243417	FRANK	M		4339 HARTLEY BRIDGE RD	#202
USPS	BULLOCH	6076837	JAMES			10119 MAIN ST N	805
USPS	BUTTS	11526038	ERIN	ANN		129 E LEE ST	APT 11
USPS	CAMDEN	12014654	GERALDO	MARTIN VICENTE		461 E 2ND ST	#1304
USPS	CAMDEN	12014654	MARSHA	ANN		724 CHARLIE SMITH SR HWY	APT 5402
USPS	CAMDEN	12549980	MARSHA	ANN		724 CHARLIE SMITH SR HWY	APT 5402
USPS	CATOOSA	11812818	TONY	JAMES		724 CHARLIE SMITH SR HWY	UNIT 5734
UPS	CHATHAM	1528241	ELIZABETH	LUCILLE		862 LAFAYETTE ST	UNIT 1625
UPS	CHATHAM	7321565	DOREEN	MARIE		5710 OGEECHEE RD	STE 200
FedEx	CHATHAM	12199576	JAMAAR	SHA'RON		5501 ABERCORN ST	SUITE D214
UPS	CHATHAM	11697835	REBECCA			5 W BROUGHTON ST	UNIT 305B
UPS	CHATHAM	5609599	ANDREW	ROBERT		5710 OGEECHEE RD	STE 200
UPS	CHATHAM	8500756	WALTER	MCKINLEY		5710 OGEECHEE RD	200-265
UPS	CHATHAM	8002756	XIN JIAN			5710 OGEECHEE RD	UNIT 150
UPS	CHATHAM	7463225	DARLA	POTTER		5710 OGEECHEE RD	STE200-208
FedEx	CHATHAM	12105784	KEON	DONTAGUS		5710 OGEECHEE RD	#200-202
UPS	CHATHAM	12042290	ALEXANDRA	FLORENCE		5 W BROUGHTON ST	-UNIT.305A
UPS	CHATHAM	8761840	KEN	EARL		5501 ABERCORN ST	SUITE D-326
USPS	CHATHAM	1075107	DANIEL	HONG-GU		5710 OGEECHEE RD	# 200228
UPS	CHATHAM	2219986	FRANCES	EVELYN		118 BARNARD ST	UNIT 10703
USPS	CHATHAM	5095798	MARCUS	J		5501 ABERCORN ST	STE D205
UPS	CHATHAM	7463225	MELANIE	MARIE		1030 US HIGHWAY 80 W	APT#244
UPS	CHATHAM	11093081	KEON	DONTAGUS		5710 OGEECHEE RD	#200-202
UPS	CHATHAM	8788281	KACI	LEIGH		5710 OGEECHEE RD	STE 200-20
UPS	CHATHAM	12454539	AUGUSTA	DEJUAN		5501 ABERCORN ST	STE D
UPS	CHATHAM	1916108	DIANA	L		2126 E VICTORY DR	UNIT 313
USPS	CHATHAM	11220744	CLIFTON			2126 E VICTORY DR	APT 329
UPS	CHATHAM	1861860	STEPHEN	R		463 JOHNNY MERCER BLVD	#STE -B 7
USPS	CHATHAM	11220744	MATTHEW	BATES		5710 OGEECHEE RD	UNIT # 200 208
USPS	CHATHAM	10509083	STEPHEN	R		463 JOHNNY MERCER BLVD	#STE -B 7
USPS	CHATHAM	4443137	JAMES	EARL		407 E US HIGHWAY 80	UNIT 784
USPS	CHATHAM	2243830	JENNIFER	LYNN		463 JOHNNY MERCER BLVD	STE B7
UPS	CHATHAM	8740303	RALPH	J		118 BARNARD ST	UNIT 9482
FedEx	CHATHAM	3097079	DAVID	WILLIAM		5501 ABERCORN ST	STE D304
			JACKIE	MARLENE		5 W BROUGHTON ST	UNIT 404



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UPS	FORSYTH	2143677	ANNA	DAVID	JR	5082 KEITH BRIDGE RD	# 274	CU
FedEx	FORSYTH	2143677	LAMAR	DAVID	JR	4920 ATLANTA HWY	#310	AL
FedEx	FORSYTH	8543436	MARK	A		4920 ATLANTA HWY	# 41	AL
FedEx	FORSYTH	12216618	THOMAS	DANIEL		4920 ATLANTA HWY	UNIT 109	AL
USPS	FULTON	3947113	DEIDRA			8920 EVES RD	APT768133	RC
UPS	FULTON	8651642	JOHNETTA	REDDIX		3000 OLD ALABAMA RD	UNIT 119	JO
USPS	FULTON	8885003	STACEY			575 PHARR RD NE	UNIT 52984	AT
FedEx	FULTON	3477544	DOROTHY	LITTLEWOOD		245 N HIGHLAND AVE NE	UNIT 224	AT
USPS	FULTON	11570565	KHALIS	SHAFIQ		4575 WEBB BRIDGE RD	UNIT 3344	AL
USPS	FULTON	11076389	BROOKE			8920 EVES RD	UNIT 767952	RC
UPS	FULTON	2123331	ARDRA	SINETT		8343 ROSWELL RD	APT 111	SAI
FedEx	FULTON	12266765	LISA	M		1700 NORTHSIDE DR NW	STE A7	ATI
USPS	FULTON	5639813	AMBER	DANIELLE		8920 EVES RD	#767472	RO
FedEx	FULTON	10623498	MARTHA	LIGIA		245 N HIGHLAND AVE NE	APT 305	ATI
FedEx	FULTON	5279825	T L CHEYENNE			245 N HIGHLAND AVE NE	UNIT 230-228	ATL
USPS	FULTON	8877920	AELRED	INGRID		575 PHARR RD NE	APT 12177	ATL
UPS	FULTON	5572705	LATICIA	E		2020 HOWELL MILL RD NW	SUIT D-170	ATL
FedEx	FULTON	4134502	JOHN	JACOB		245 N HIGHLAND AVE NE	APT 312	ATL
UPS	FULTON	3355996	CEDRIC	T		12460 CRABAPPLE RD	APT 202	ALF
UPS	FULTON	7178225	FOROUGH	KHANOM		12460 CRABAPPLE RD	UNIT 202-353	ALF
USPS	FULTON	2644614	ROBERT	ANTHONY		780 MOROSGO DR NE	UNIT 14364	ATL
FedEx	FULTON	5666320	LINSEY	ALLISON		245 N HIGHLAND AVE NE	#183	ATL
USPS	FULTON	12497406	FAJR	ADIA		4575 WEBB BRIDGE RD	UNIT 3344	ALI
UPS	FULTON	5418972	KAREN	LYNDERA		3000 OLD ALABAMA RD	APT 119	JOI
USPS	FULTON	3290871	CYNTONIA	MICHELLE		575 PHARR RD NE	UNIT 12215	ATI
UPS	FULTON	10563434	HENRY	CALVIN		2221 PEACHTREE RD NE	D-376	ATL
FedEx	FULTON	8094779	WILLIAM	CONRAD		245 N HIGHLAND AVE NE	APT 309	ATL
FedEx	FULTON	11627429	COLLEEN	ANITA		245 N HIGHLAND AVE NE	APT 315	ATL
UPS	FULTON	3319280	RHONDA	LASHON		10800 ALPHARETTA HWY	SUITE 208	RO
UPS	FULTON	3469270	LORETTA	M		2020 HOWELL MILL RD NW	C109	ATL
USPS	FULTON	10253997	AMBER	NICOLE		4575 WEBB BRIDGE RD	UNIT # 5234	ALP
UPS	FULTON	1739423	CURTIS	LEE	JR	2020 HOWELL MILL RD NW	STE C	ATL
USPS	FULTON	3348711	MARY	ELLEN		4575 WEBB BRIDGE RD	UNIT 5092	ALP
USPS	FULTON	10268056	WILLIE	OLIVER		4575 WEBB BRIDGE RD	3172	ALP
USPS	FULTON	7617065	KEIONNA	SHAWANDA		575 PHARR RD NE	UNIT 12073	ATL
USPS	FULTON	7195339	TENKA	ASHEKA		1072 W PEACHTREE ST NW	UNIT 7904	ATL
USPS	FULTON	5034732	JAMES	BRYANT		8920 EVES RD	UNIT 76772	RO
UPS	FULTON	10392329	CASSANDRA	MICHELLE		2221 PEACHTREE RD NE	STE D 503	ATL
USPS	FULTON	10137684	ERIC	JOSIAH		2260 FAIRBURN RD SW	UNIT310841	ATL
FedEx	FULTON	7195480	TINA			2625 PIEDMONT RD NE	UNIT 56381	ATL
FedEx	FULTON	6242535	JIMMONIQUE	ALANNA		8725 ROSWELL RD	STE O-87	SAN
UPS	FULTON	11198460	ANITA	F		11877 DOUGLAS RD	APT 102192	ALF
USPS	FULTON	10602489	MICHAEL	EVERETT		10719 ALPHARETTA HWY	UNIT 1781	RO
UPS	FULTON	12094544	KATRINA			885 WOODSTOCK RD	# 430-203	RO
USPS	FULTON	2588308	MARIAN	LEIGH		4575 WEBB BRIDGE RD	UNIT 5234	ALF
UPS	FULTON	11607357	DIEGO	M		11877 DOUGLAS RD	STE 102	ALF
USPS	FULTON	6392408	CHRISTINE			3495 BUCKHEAD LOOP NE	UNIT 115	ATL



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JSPS	FULTON	7137200	CATHERINE		8920 EVES RD	UNIT 76766	RO
FedEx	FULTON	8339525	BENJAMIN	PATRICK	245 N HIGHLAND AVE NE	UNIT 306	ATL
FedEx	FULTON	12279395	BRIANNA		1700 NORTHSIDE DR NW	APT 5503	ATL
FedEx	FULTON	5736762	ERIC	CARLTON	245 N HIGHLAND AVE NE	APT 407	ATL
JPS	FULTON	2466914	FREDERICK	COREY	12460 CRABAPPLE RD	202-430	ALF
JSPS	FULTON	11261937	ANGELA	WILBURN	4575 WEBB BRIDGE RD	UNIT 4092	ALF
JSPS	FULTON	7336795	BERNARD	JERMAINE JR	227 SANDY SPRINGS PL NE	APT D421	ATL
JSPS	FULTON	8068005	APRIL		780 MOROSGO DR NE	#244240	ATL
JPS	FULTON	2610362	NICOLE	DANIELLE	2020 HOWELL MILL RD NW	# 120	ATL
FedEx	FULTON	8569622	STEPHEN		245 N HIGHLAND AVE NE	230-498	ATL
FedEx	FULTON	10852501	TANGANYIKA	KATARA	1700 NORTHSIDE DR NW	APT 5501	ATL
JSPS	FULTON	1227434	MICHEAL	L	240 PEACHTREE ST NW	APT 56352	ATL
JPS	FULTON	3908725	MELISSA		6300 POWERS FERRY RD NW	UNIT # 600	SAN
FedEx	FULTON	12247100	CASSANDRA	LYNN	1700 NORTHSIDE DR NW	APT 3608	ATL
FedEx	FULTON	10896756	JOSEPH	FRANK	2625 PIEDMONT RD NE	STE 56-272	ATL
JSPS	FULTON	10268513	URSULA	HENDERSON	4575 WEBB BRIDGE RD	UNIT 5481	ALF
FedEx	FULTON	7197957	SHAREE		245 N HIGHLAND AVE NE	#230-458	ATL
FedEx	FULTON	11878423	TYLER		1700 NORTHSIDE DR NW	APT 5602	ATL
JPS	FULTON	4448877	DEBORAH	CAROL	7742 SPALDING DR	UNIT 397	NO
FedEx	FULTON	2663531	SABRINA	LAVERN	2625 PIEDMONT RD NE	UNIT 56	ATL
FedEx	FULTON	6937413	MAXINE		2995 E POINT ST	APT 107	EAS
FedEx	FULTON	10735875	LAUREN	VIRGINIA	245 N HIGHLAND AVE NE	#308	ATL
FedEx	FULTON	4044708	JENNIFER	HOLSTON	8725 ROSWELL RD	STE O-121	SAN
JPS	FULTON	11042950	TERICA		2020 HOWELL MILL RD NW	APT # 185	ATL
FedEx	FULTON	6301866	TRAVINA	MELENESSE	2625 PIEDMONT RD NE	# 56-255	ATL
JSPS	FULTON	11037992	LA ROYA	DARSHELLE	4575 WEBB BRIDGE RD	UNIT 4272	ALF
JSPS	FULTON	6828105	JAMES	MICHAEL	570 PIEDMONT AVE NE	UNIT 5416	ATL
FedEx	FULTON	5561075	RHONDA	N	245 N HIGHLAND AVE NE	UNIT 230-160	ATL
FedEx	FULTON	7546309	CHRISTOPHER		2090 DUNWOODY CLUB DR	STE 106	ATL
FedEx	FULTON	7469493	JOSEPH	EDWARD	245 N HIGHLAND AVE NE	UNIT 301	ATL
JPS	FULTON	4845027	KRISTEN	LEIGH	885 WOODSTOCK RD	STE430-128	RO
JSPS	FULTON	4458469	ANDREA	COLLEEN	575 PHARR RD NE	UNIT 12034	ATL
JPS	FULTON	8205457	THELMA	W	4279 ROSWELL RD NE	STE 208	ATL
JPS	FULTON	5095241	AARON	PAUL	2020 HOWELL MILL RD NW	STE D239	ATL
JSPS	FULTON	5325298	DOUGLAS	DEWAYNE JR	5050 UNION ST	APT 804	UN
FedEx	FULTON	7791091	CHRISTINA	MARIE	245 N HIGHLAND AVE NE	APT 419	ATL
JSPS	FULTON	7195339	TENEA	ASHEKA	1072 W PEACHTREE ST NW	UNIT 7904	ATL
JPS	FULTON	3075515	LASENIE	RENAE	3000 OLD ALABAMA RD	UNIT 119	ALF
JPS	FULTON	6715372	GLENN	PETER	2300 HOLCOMB BRIDGE RD	UNIT 103-D3	RO
JPS	FULTON	7369623	LORNA	OLIVIA	2221 PEACHTREE RD NE	D-150	ATL
USPS	FULTON	12431502	QUELYN		240 PEACHTREE ST NW	UNIT 56195	ATL
JPS	FULTON	3469270	LORETTA	M	2020 HOWELL MILL RD NW	C109	ATL
USPS	FULTON	7955148	HAYWOOD	JR	2400 OLD MILTON PKWY	236	ALP
FedEx	FULTON	10949671	BERNARD	ISIAH	2090 DUNWOODY CLUB DR	STE 106	ATL
JPS	FULTON	6154932	LINDSEY	MICHAEL	1425 MARKET BLVD	STE 330	RO
FedEx	FULTON	3827127	JAMAH	A	2625 PIEDMONT RD NE	# 56-328	ATL
JSPS	FULTON	10044460	TIFFANY	ILEAN	50 SUNSET AVE NW	UNIT 92763	ATL

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FedEx	FULTON	8882142	TRACY	DALE	2625 PIEDMONT RD NE	STE 56-311	ATL
FedEx	FULTON	8882142	GLEN	DALE	2625 PIEDMONT RD NE	UNIT 56-37	ATL
UPS	FULTON	184466	TRACY	DANIELLE	6300 POWERS FERRY RD NW	UNIT 269	ATL
UPS	FULTON	12057410	ANAJAE	LYNNE	10945 STATE BRIDGE RD	APT 4011	ALP
UPS	FULTON	6491419	DEMETRIA	H	10945 STATE BRIDGE RD	401-193	ALF
JPS	FULTON	2673692	SUNNIE	EDWARD	2221 PEACHTREE RD NE	STE 421	ATL
JPS	FULTON	7011595	JEREMY	JAMAR	2020 HOWELL MILL RD NW	STE D269	ATL
FedEx	FULTON	8016088	LAUREN	CAROL	1700 NORTHSIDE DR NW	APT 2508	ATL
FedEx	FULTON	6380400	TRISTRAM	LEWIS	1700 NORTHSIDE DR NW	APT # 2408	ATL
JSPS	FULTON	4248809	LINDA		4575 WEBB BRIDGE RD	UNIT #2641	ALF
JPS	FULTON	7536112	TARA		2221 PEACHTREE RD NE	UNIT 275	ATL
JPS	FULTON	7910340	DANIEL	ISAIAH	2275 MARIETTA BLVD NW	STE 270	ATL
JSPS	FULTON	8519440	DANIEL	L	227 SANDY SPRINGS PL NE	UNIT # 149-D	ATL
JSPS	FULTON	7784867	WHITNEY		780 MOROSGO DR NE	14846	ATL
FedEx	FULTON	10443617	JULIA	ELIZABETH	245 N HIGHLAND AVE NE	APT 402	ATL
FedEx	FULTON	5144874	NILES	D	2625 PIEDMONT RD NE	UNIT 56-488	ATL
USPS	FULTON	12422700	MYRAH	MARIE	1072 W PEACHTREE ST NW	APT 77791	ATL
USPS	FULTON	2413916	CAMISHA	L	75 WASHINGTON ST	UNIT 931	FAI
FedEx	FULTON	7724034	SANDRA	JEAN	245 N HIGHLAND AVE NE	230-183	ATL
JSPS	FULTON	1935327	RODNEY	A	8920 EVES RD	UNIT 76852	RO
JPS	FULTON	5095241	AARON	PAUL	2020 HOWELL MILL RD NW	STE D239	ATL
JSPS	FULTON	5662679	HERMAN	EDWARD JR	75 WASHINGTON ST	UNIT 1575	FAI
JPS	FULTON	7199423	KRISTINA		5805 STATE BRIDGE RD	UNIT # G165	DU
FedEx	FULTON	11386541	BENJAMIN		1700 NORTHSIDE DR NW	APT# 5403	ATL
JSPS	FULTON	5028402	JOHN	GEORGE JR	1072 W PEACHTREE ST NW	UNIT 7551	ATL
FedEx	FULTON	11490980	CYNTHIA	DIANE	1700 NORTHSIDE DR NW	APT 1403 NW	ATL
JSPS	FULTON	4904013	JACK		570 PIEDMONT AVE NE	UNIT 54175	ATL
FedEx	FULTON	4498123	JAMES	DAVID	245 N HIGHLAND AVE NE	UNIT 211	ATL
USPS	FULTON	3815917	PAMELA	M	570 PIEDMONT AVE NE	UNIT 54802	ATL
FedEx	FULTON	6296008	ALFRED	JERMAINE	8725 ROSWELL RD	136	SAN
USPS	FULTON	1982990	JEFFREY	M	227 SANDY SPRINGS PL NE	APT# D-75	ATL
JPS	FULTON	8477220	LEAH	ALEXANDRIA PUGH	2221 PEACHTREE RD NE	STE D	ATL
USPS	FULTON	7344504	TAWANNA	R	848 OGLETHORPE AVE SW	UNIT 11343	ATL
FedEx	FULTON	8536189	GEORDANNIS		1700 NORTHSIDE DR NW	APT 3305	ATL
JSPS	FULTON	3445151	TRACY	RENEE	50 SUNSET AVE NW	APT 2301	ATL
JSPS	FULTON	10222941	JEREMIAH	DEAMOS	8920 EVES RD	UNIT 76872	RO
JPS	FULTON	493063	JOHN	BYRON	3000 OLD ALABAMA RD	119-128	ALF
JSPS	FULTON	8713529	SCOTT	MICHAEL	650 S CENTRAL AVE	UNIT 82285	HAI
FedEx	FULTON	8893255	MAYGHEN	SYMORE	2625 PIEDMONT RD NE	STE 56146	ATL
JSPS	FULTON	11005598	MIA		570 PIEDMONT AVE NE	55492	ATL
JPS	FULTON	10355875	DOLLITIA	GARCIA	5805 STATE BRIDGE RD	APT G63	JOH
FedEx	FULTON	7617584	EMMANUEL	BERNARD	1700 NORTHSIDE DR NW	APT 2206	ATL
FedEx	FULTON	7231407	ADAM	MARK	245 N HIGHLAND AVE NE	UNIT 230-500	ATL
FedEx	FULTON	7187601	JENNIFER		245 N HIGHLAND AVE NE	APT # 155	ATL
USPS	FULTON	3667802	GREGORY		570 PIEDMONT AVE NE	UNIT 54837	ATL
FedEx	FULTON	4024401	MICHAEL		245 N HIGHLAND AVE NE	UNIT 313	ATL
FedEx	FULTON	7013684	AMANDA	LUISA	1700 NORTHSIDE DR NW	APT 2203	ATL



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FedEx	FULTON	805193	DIANE	CHRISTOPHER	2625 PIEDMONT RD NE	UNIT 56347	ATL
UPS	FULTON	10413932	CHRISTOPHER	MICHAEL	830 GLENWOOD AVE SE	APT 510-255	ATL
UPS	FULTON	6212910	LASANDRA	R	5805 STATE BRIDGE RD	G429	DUI
UPS	FULTON	6064500	IRMA	MACIAS	2020 HOWELL MILL RD NW	C231	ATL
USPS	FULTON	5937812	YASMIN	NAOMI	3495 BUCKHEAD LOOP NE	#18601	ATL
UPS	FULTON	6043260	MARCUS	LEON	2221 PEACHTREE RD NE	STE D 651	ATL
USPS	FULTON	10595805	ALVIN	ARNOLD	75 WASHINGTON ST	APT 1792	FAI
USPS	FULTON	6262467	MESSINA		575 PHARR RD NE	UNIT 52032	ATL
FedEx	FULTON	7652611	SEAN	PATRICK	245 N HIGHLAND AVE NE	APT 213	ATL
UPS	FULTON	3678030	DEBRA	LYNN	10945 STATE BRIDGE RD	STE 401	ALF
USPS	FULTON	10554755	MYLES	JULIEN	227 SANDY SPRINGS PL NE	UNIT D-171	ATL
USPS	FULTON	10010108	CRAIG	ALAN	2400 OLD MILTON PKWY	UNIT 597	ALF
USPS	FULTON	2088569	CORACE	STANLEY	1190 N HIGHLAND AVE NE	UNIT 8971	ATL
UPS	FULTON	11446972	ISAIAH	DJUAN	11877 DOUGLAS RD	STE102-193	ALF
USPS	FULTON	12760681	JOHNEITA		227 SANDY SPRINGS PL NE	UNIT # 450	ATL
UPS	FULTON	5054041	MEEGAN	DANIELLE	2020 HOWELL MILL RD NW	APT 229	ATL
FedEx	FULTON	5125354	MARTIN	JOSEPH	245 N HIGHLAND AVE NE	APT230-484	ATL
USPS	FULTON	2140942	ROBERT	JOSEPH	227 SANDY SPRINGS PL NE	D326	ATL
UPS	FULTON	7022580	CARL		5805 STATE BRIDGE RD	STE G	DUI
USPS	FULTON	8075707	KIMBERLY	B	227 SANDY SPRINGS PL NE	D171	ATL
FedEx	FULTON	3838088	FRANK		2090 DUNWOODY CLUB DR	APT106-783	ATL
USPS	FULTON	4321958	KIMBERLY	D	575 PHARR RD NE	UNIT 11506	ATL
USPS	FULTON	1988327	DORETHA		3495 BUCKHEAD LOOP NE	UNIT 18912	ATL
USPS	FULTON	5042269	ANTHONY	DAVID	227 SANDY SPRINGS PL NE	STE D352	ATL
FedEx	FULTON	7652611	SEAN	PATRICK	245 N HIGHLAND AVE NE	APT 213	ATL
UPS	FULTON	7468618	VICTORIA	KANIELE	10945 STATE BRIDGE RD	401-278	ALF
FedEx	FULTON	6878625	CANDICE	MARIE	1700 NORTHSIDE DR NW	# 4602	ATL
USPS	FULTON	12317330	MODOU		3495 BUCKHEAD LOOP NE	UNIT 18525	ATL
USPS	FULTON	6451241	BEVERLY	TURNER	848 OGLETHORPE AVE SW	UNIT 11071	ATL
FedEx	FULTON	11683154	RAHUL	REDDY	245 N HIGHLAND AVE NE	APT 324	ATL
USPS	FULTON	6374723	CRISDEION	MARIE	794 MARIETTA ST NW	APT 93372	ATL
USPS	FULTON	6300959	DERRELL		575 PHARR RD NE	UNIT550165	ATL
FedEx	FULTON	5193719	RENEE		2625 PIEDMONT RD NE	UNIT 432	ATL
UPS	FULTON	7305472	WILHELM	M	3000 OLD ALABAMA RD	STE 119266	ALP
FedEx	FULTON	3505287	SHONA	LAQUETTA	2625 PIEDMONT RD NE	STE 56-139	ATL
FedEx	FULTON	11070092	ADRIANNE	NICOLE	245 N HIGHLAND AVE NE	APT # 408	ATL
FedEx	FULTON	11280327	NATALIE	JOY	245 N HIGHLAND AVE NE	#230-500	ATL
USPS	FULTON	11187544	DON	WINZER	4575 WEBB BRIDGE RD	UNIT 3491	ALF
FedEx	FULTON	5889232	JESSICA	AINSWORTH	1700 NORTHSIDE DR NW	APT 1206	ATL
FedEx	FULTON	6545559	MICHAEL	SYLVESTER JR	2625 PIEDMONT RD NE	STE 56-311	ATL
FedEx	FULTON	10520251	QUINTIN	SCOTT	8725 ROSWELL RD	APT # 0-93	SAN
FedEx	FULTON	2648764	RICKEY	CICERA	1700 NORTHSIDE DR NW	UNIT 4207	ATL
FedEx	FULTON	11058900	RAYMOND	GUY	9925 HAYNES BRIDGE RD	STE 200	JOH
FedEx	FULTON	12327204	CONCHETTA		1700 NORTHSIDE DR NW	APT 4-4406	ATL
FedEx	FULTON	5908794	GALE	BERNARD	2090 DUNWOODY CLUB DR	APT 106	ATL
FedEx	FULTON	10072126	LARA	LYNN	245 N HIGHLAND AVE NE	230-491	ATL
USPS	FULTON	2437910	DUANE	ALAN	1072 W PEACHTREE ST NW	UNIT 79344	ATL



trulia

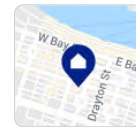
Savannah, GA

[← Back to Search](#)[Sold](#) > [GA](#) > [Savannah](#) > [31401](#) > [5 W Broughton St #305A](#)

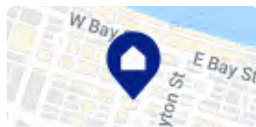
## 5 W Broughton St #305A

Savannah, GA 31401  
[North Historic District](#)

2 Beds 1 Bath 900 sqft

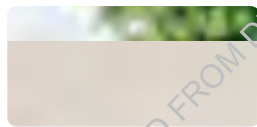
[Contact For Estimate](#)

### Local Information



#### Map View

Explore the area around 5 W Broughton St #305A.



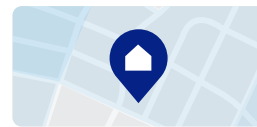
#### Street View

Take a virtual walk around the neighborhood.



#### Schools

1 Elementary School  
1 Middle School  
1 High School



#### Crime

Highest crime relative to the rest of Chatham county.

### Description

**This property is no longer available to rent or to buy.**

Gorgeous 2 bedroom, 1 bathroom condo located above some of the best shopping and restaurants in the city! This unit has an open floor plan, beautiful hardwood floors, exposed brick and high ceilings. Fully modern kitchen with stainless steel appliances, and granite counter-tops! Washer/Dryer in Unit. On Street Parking or Monthly Garage Pass. No Pets/No Smoking. Available NOW! Call 912-704-6242 to schedule showing today!

### Home Details for 5 W Broughton St #305A

- Year Built: 1900
- Dishwasher
- Disposal
- Dryer
- Refrigerator
- Washer
- Elevator
- Secured entry
- Stainless steel appliances

[See All](#)

### Price Trends

For homes in 31401

\*Based on the [Trulia Estimate](#)

**\$320,508**  
Typical home value

**\$271**  
Typical Home Value by sqft

REDFIN

City, Address, School, Agent, ZIP



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**5 W Broughton St Unit 305B**  
Savannah, GA 31401

**1**

Bed

**1**

Bath

**550**

Sq. Ft.

Built: 1900

Status: Off Market Source: Public Records



## Is this your home?

Claim this home to track its value and nearby sales activity

**I'm the owner**

Get a local Redfin Agent's opinion on your home's value and the state of the Savannah market.

Request a free analysis

OR

[Schedule selling consultation](#)

## Homeowner Tools



[Edit home facts](#)

Review property details and add renovations.



[Manage photos](#)

Update home photos or make them private.



[View Owner Dashboard](#)

Track your estimate and nearby sale activity.

## Rental Estimate for 5 W Broughton St Unit 305B

Our gears are turning, but we don't have enough information to generate an accurate estimate at this time. Learn more about the [Rental Estimate](#).

[Edit Home Facts](#) to make sure we've got the right info.

## About This Home

5 W Broughton St Unit 305B is a condo in Savannah, GA 31401. This 550 square foot condo features 1 bedroom and 1 bathroom. 5 W Broughton St Unit 305B was built in 1900. Nearby schools include Veritas Academy, St Vincent's Academy and Savannah Christian Prep. The closest grocery stores are Serenity House Tea Society, Ye Olde Herb Shoppe and Pw Short. Nearby coffee shops include The Coffee Fox, Starbucks and Blends a Coffee Boutique. Nearby restaurants include Ruan Thai Cuisine, Super Tastes and Good Times Jazz Bar & Restaurant. 5 W Broughton St Unit 305B is near Wright Square, Telfair Square and Johnson Square. This address can also be written as 5 West Broughton Street Apartment 305B, Savannah, Georgia 31401.

← Back to Search For Rent > GA > Savannah > 31401 > 5 W Broughton St #404

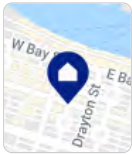


5 W Broughton St #404

Savannah, GA 31401  
North Historic District

\$2,180/mo ↓  
\$2,195 ⓘ

🛏 2 Beds 🚿 1 Bath 📏 1,000 sqft



Local Information



Map View

Explore the area around 5 W Broughton St #404.



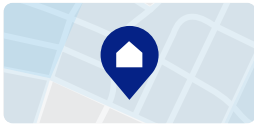
Street View

Take a virtual walk around the neighborhood.



Schools

1 Elementary School  
1 Middle School  
1 High School



Crime

Highest crime relative to the rest of the area.

Description

📞 (912) 999-1114

BROUGHTON STREET LOFT - APPOINTMENT NEEDED TO VIEW

Welcome to loft living! Come home to this 2 bedroom, 1 bath space. Great opportunity to enjoy the perks of downtown urban living. The entire unit has hardwood floors throughout with high ceilings and exposed pipe and duct work. The bathroom has custom cabinets with shower/tub. The kitchen is equipped with stainless steel appliances including double door fridge, built-in microwave, dishwasher, and glass-top stove. The living room has a beautiful view of downtown Savannah. The 4th floor is accessible via stairs or elevator and is located in The Grant Building. This building is not cable ready and only offers Satellite service. Pets negotiable with \$300 Pet Fee. (TB110520)

In order for application to be processed, the subject property must be viewed by applicant(s) or by approved proxy. Failure to view the property, will result in your application being returned.

FOR MORE INFORMATION  
WWW.MSMSAVANNAH.COM

(RLNE3338511)

Details for 5 W Broughton St #404

- |                                     |  |                    |
|-------------------------------------|--|--------------------|
| • Days on Market: 39 Days on Trulia | • Property Type: Multi Family          | • Elevator         |
| • Parking: None                     | • Cats, small dogs, large dogs allowed | • Deposit: \$2,180 |





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## Inman Park Village Lofts

### ABOUT INMAN PARK VILLAGE LOFTS

Known as IPV Lofts, this modern development is a wonderful way to join the Inman Park district at an affordable price. The open concept, multi-story lobby is indicative of the building's casual sophistication. Inman Park Village Lofts is located in the historic Inman Park Village. These cool lofts sit above retail shops but you're just as close to sidewalk cafes, bars, and all the charm of Inman Park. If you'd rather stay home, you can hang out on the rooftop deck at the gym. In your loft you'll find concrete and steel construction, 10' ceilings, walls of windows, stainless appliances, and large balconies.



Jamie & Associates -  
Atlanta

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**CONTACT THIS COMMUNITY**






Berkeley Heights


1700 Northside Drive NW | Atlanta, GA 30318

404-905-1973 | [Call](#) [Text](#)

Office Hours: Today 9:00 AM-6:00 PM

**Resident Brochure**






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Berkeley Heights is the original upscale apartment community in Atlanta's flourishing Westside. Featuring the height of style and attention to detail, our residents enjoy a prime location with shopping, dining and retail services right at their front door. With an exceptional array of one, two and three bedroom floor plans appointed to your personal style, Berkeley Heights lets you live, work and play with all the comforts and conveniences of home.


**CONTACT OUR TEAM**


**TAKE VIRTUAL TOUR**





**CHAT LIVE NOW**

## Take a Virtual Tour

Enjoy a virtual tour of Berkeley Heights from the comfort of your home and on a device of your choosing! Please contact our team with any questions you may have.







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PEOPLE

PHONE

ADDRESS

BUSINESS


W

Mark A Israel



Alpharetta GA


Q


Christine Smith ▾


**Mark A** 

(Mark A Alden, Israel Mark)

 60s  Alpharetta, GA

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 **Phone Numbers**

LANDLINES (7)

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(678) 947-9800

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CELL PHONES (6)

( ) - - - -


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( ) - - - -

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 **Addresses**

MARK'S CURRENT ADDRESS

4920 Atlanta Hwy  
Alpharetta, GA 30004

[Map](#)

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