

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

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as the Secretary of
State for the State of Georgia, *et al.*,

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.:
1:21-CV-1390-JPB

**STATE DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

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INTRODUCTION

The 2020 election showed that large-scale efforts by third-party organizations to encourage and facilitate absentee balloting confused many Georgia voters. Based on significant voter concerns from that election, Georgia enacted necessary but modest reforms. Complaints and confusion about the receipt of applications with incorrect pre-filled information led to SB 202's prohibition on pre-filled applications. Complaints and confusion about sending multiple absentee-ballot applications led to SB 202's prohibition on sending applications to voters who have already applied for an absentee ballot. And complaints and confusion about whether unsolicited *applications* were actually State-issued *ballots* led to SB 202's disclaimer requirements stating that the applications are not ballots and are not sent by the State.

SB 202 thus struck a careful balance between banning third-party applications, as some States do, and a free-for-all—which generated confusion and concern over potential fraud in 2020. That balance does not meaningfully implicate Plaintiffs' speech or association, and, even if it did, the challenged provisions are sufficiently tailored to the State's compelling interest in preventing confusion and voter fraud. Thus, Plaintiffs cannot carry their heavy burden of demonstrating a likelihood of success on the merits of their claims.

Furthermore, Plaintiffs' strategic delay of over a year in moving for a preliminary injunction repudiates any claim of irreparable injury, and doing so on the eve of the State's primary election demonstrates unclean hands and an effort to cause maximum disruption at a time when the State must focus on running the upcoming elections, not revamping the process at the last moment. Because the requested injunction would seriously harm the State, its voters, and the electoral process, the Court should deny Plaintiffs' motion.

BACKGROUND

A. Factual background

For several election cycles, the State of Georgia received numerous complaints from Georgia voters about absentee-ballot applications sent by non-governmental organizations. Germany Decl. ¶¶ 13, 23, 41, 49–50 (attached as Ex. 1). As relevant here, voters complained about three aspects of these applications.

Incorrect Pre-Filled Applications. In 2020, there was a substantial increase in private organizations' distribution of pre-filled ballot applications with incorrect voter information and ballot applications sent to people who no longer (or never had) lived at the address. *Id.* ¶¶ 20–21. Many voters were confused by such mailings and complained about potential fraud. *Id.* ¶ 22.

Voters also were confused about whether they were required to return

such applications, and often did so even though they did not intend to vote by absentee ballot. *Id.* ¶ 43. Processing such unnecessary applications forced election officials to divert their finite resources prior to the election, and forced them to divert additional resources on election day when such voters arrived to vote in person and had to go through the process of cancelling the previously issued absentee ballots. *Id.* ¶¶ 29–30; M. Kidd. Depo. 187:5–188:23 (attached as Ex. 2). That, of course, contributed to longer lines at polling locations and interfered with the efficient administration of the election, causing still further complaints and confusion. Germany Decl. ¶ 31. For the 2020 general election, for instance, there were 40,694 absentee-ballot applications cancelled by voters, compared with only 5,472 such cancelled applications during the 2018 general election, and 3,170 cancelled applications during the 2016 general election.

Thus, SB 202’s ban on sending absentee-ballot applications that were “prefilled with the elector’s required information,” O.C.G.A. § 21-2-381(a)(1)(C)(ii) (“Pre-Filling Prohibition”), sought to minimize those problems while still allowing organizations to send blank absentee-ballot applications that would be less confusing (and obviously less error-filled) to voters.

Duplicate Ballot Applications. Another source of confusion and disruption was that Georgia voters frequently received *numerous* applications

from organizations like Plaintiffs. Germany Decl. ¶ 39. Before SB 202, voters routinely complained that duplicate ballot applications invited voter fraud. *Id.* ¶ 38. This concern was exacerbated by voter confusion about whether they were receiving numerous *ballots* (rather than just *applications*) that could lead to more than one vote being cast in their (or someone else's) name. *Id.* ¶ 42.

And, like the pre-filled applications, redundant applications seriously strained the electoral system, as many voters submitted each application they received, fearing that previous applications had not been processed, and requiring elections officials to divert finite resources to process such redundant applications. *Id.* ¶ 43.

SB 202's reasonable requirements relating to distributing redundant applications, O.C.G.A. § 21-2-381(a)(3)(A) (the "Anti-Duplication Provision"), aim to minimize such confusion and disruption while still allowing multiple mailings to voters who have not already sought an absentee ballot.

Disclaimers. Yet another source of confusion was that voters misperceived various ballot applications sent by outside groups as coming from the State, or as being ballots themselves, and hence requiring the voter to complete and return them for their vote to be counted. As one county elections supervisor explained, the misimpression that each such application was sent by the State would lead "people [to] feel the need to complete and sign [the]

form without really paying attention to what it is for.” Germany Decl. ¶ 49.

To address this problem, SB 202 requires that ballot applications sent by non-governmental organizations include a simple disclaimer that the application is “NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot.” O.C.G.A. § 21-2-381(a)(1)(C)(ii) (“Disclaimer Provision”). That provision again seeks to minimize the confusion, concern, and burdens resulting from prior practices.

B. Procedural background

Plaintiffs filed their complaint over a year ago, on April 7, 2021. [Doc. 1]. On December 9, 2021, this Court denied Defendants’ motions to dismiss. [Doc. 57]. Yet, despite ongoing discovery, Plaintiffs only recently filed a motion for a preliminary injunction, on the eve of Georgia’s primary elections. [Doc. 103].

LEGAL STANDARDS

For a preliminary injunction, Plaintiffs must clearly establish: “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.” *Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr, S.A.*, 320 F.3d 1205, 1210 (11th Cir. 2003); *Siegel v. LePore*, 234 F.3d 1163, 1176

(11th Cir. 2000) (en banc). “The purpose of a preliminary injunction is to maintain the status quo until the court can enter a final decision on the merits of the case.” *Coyotl v. Kelly*, 261 F. Supp. 3d 1328, 1341 (N.D. Ga. 2017). A mandatory injunction, which Plaintiffs seek here, “goes well beyond simply maintaining the status quo” and “is particularly disfavored.” *Martinez v. Mathews*, 544 F.2d 1233, 1243 (5th Cir. 1976).

ARGUMENT

I. Plaintiffs Have Not Demonstrated a Substantial Likelihood of Success on the Merits.

A. Sending an absentee-ballot application, like sending a voter-registration form, is conduct, not speech.

Plaintiffs’ First Amendment challenges to the Pre-Filling Prohibition and Anti-Duplication Provision are exceedingly unlikely to succeed because those provisions do not restrict speech or association, but conduct. *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 n.5 (1984) (plaintiffs’ “obligation” to “demonstrate that the First Amendment even applies”).¹ Contrary to Plaintiffs’ assertion (at 13–14) that “personalized absentee ballot applications” express their “pro-absentee voting message,” or are

¹ The Disclaimer Provision, in contrast, affects speech, and is therefore subject to “exacting scrutiny,” which requires a “substantial relation” between the disclaimer and a “sufficiently important government interest.” *Citizens United v. FEC*, 558 U.S. 310, 366–67 (2010).

“characteristically intertwined” with their message, *id.*, their conduct—sending absentee-ballot applications—is entirely separate from their message about absentee voting. While Plaintiffs Voter Participation Center (“VPC”) and Center for Voter Information (“CVI”) may wish to “encourage all Georgians ... to participate in elections through absentee voting,” Lopach Decl. ¶ 12 [Doc. 103-3], that message is delivered through a cover letter Plaintiffs send with the ballot application, not by the application (pre-filled or otherwise) itself, *id.* ¶ 17. That cover letter, unaffected by any of the challenged provisions, “explain[s] ... how to request and cast an absentee ballot[,]” and includes “additional messaging that express[es] VPC/CVI’s advocacy for absentee voting and encourages voters to apply to vote absentee.” *Id.* The application itself, like a registration form, embodies *conduct*, not expression.

As the Supreme Court recognizes, conduct cannot be “labeled ‘speech’ whenever the person engaging in the conduct intends thereby to express an idea.” *Rumsfeld v. FAIR*, 547 U.S. 47, 65–66 (2006) (quoting *United States v. O’Brien*, 391 U.S. 367, 376 (1968)). Otherwise, “a regulated party could always transform conduct into ‘speech’ simply by talking about it.” *Id.* at 66.

Courts around the country—including the only two circuits to have directly decided similar issues—have rejected allegations that sending or collecting forms is expressive conduct. *New Ga. Project v. Raffensperger*, 484

F. Supp. 3d 1265, 1300 (N.D. Ga 2020) (discussing test for expressive conduct from *Texas v. Johnson*, 491 U.S. 397, 404 (1989), and collecting cases). In *Feldman v. Arizona Secretary of State's Office*, for instance, the Ninth Circuit explained that a similar activity—collecting ballots—is not expressive conduct, notwithstanding the “ballot collectors’ inten[t] to communicate that voting is important.” 843 F.3d 366, 392 (9th Cir. 2016). Similarly, the Fifth Circuit rejected a challenge to a law that limited who could work with voter-registration forms, holding that “non-expressive conduct does not acquire First Amendment protection whenever it is combined with another activity that involves protected speech.” *Voting for Am. v. Steen*, 732 F.3d 382, 389, 392 (5th Cir. 2013).² Plaintiffs here would have this Court diverge from the sound reasoning of the Ninth and Fifth Circuits, and instead hold that sending ballot applications with a cover letter converts the applications themselves into expression rather than part of the operative machinery of voting (*i.e.*, conduct).

² Under *Johnson*, 491 U.S. at 404, even if the personalized applications themselves were *intended* to convey a message apart from the cover letter, Plaintiffs cannot demonstrate that recipients would have understood that message without more. Indeed, that many recipients misperceived the applications as State forms they were obliged to sign and return, or as ballots themselves, *see* Germany Decl. ¶ 43, suggests that the supposedly intended message is not “overwhelmingly apparent,” so that the act of sending the application itself is not “inherently expressive.” *Johnson*, 491 U.S. at 404.

This Court should decline to adopt such a novel and unsupported theory.

While the message in Plaintiffs’ cover letter may fairly be described as political “advocacy,” Mot. 14, “[d]elivering absentee ballot requests is not expressive conduct,” even if the messages included with the application are. *Democracy N.C. v. N.C. State Bd. of Elections*, 476 F. Supp. 3d 158, 224 (M.D.N.C. Aug. 4, 2020); *see also Middleton v. Andino*, 488 F. Supp. 3d 261, 306 (D.S.C. 2020) (“the act of collecting absentee ballots likely does not amount to expressive conduct”), *appeal dismissed as moot*, No. 20-2022, 2020 WL 8922913 (4th Cir. Dec. 17, 2020).

SB 202 also does not restrict Plaintiffs’ ability to send their messages about absentee voting. Plaintiffs may say whatever they wish to Georgia voters as often as they wish. The challenged provisions simply prohibit including pre-filled or duplicate applications—forms that can complicate the machinery of running the election—alongside their letters. Such provisions affect conduct, not speech, and are subject only to rational-basis review. *Steen*, 732 F.3d at 392; *Johnson v. Robinson*, 415 U.S. 361, 375 n.14 (1974).

B. The Pre-Filling Prohibition and the Anti-Duplication Provision are rationally related to Georgia’s legitimate interests.

The challenged provisions easily qualify as “a rational means to serve a legitimate end.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 442

(1985). As this Circuit holds, “[t]he leniency of rational-basis scrutiny provides the political branches the flexibility to address problems incrementally and to engage in the delicate line-drawing process of legislation without undue interference from the judicial branch.” *Haves v. City of Miami*, 52 F.3d 918, 923–24 (11th Cir. 1995). Moreover, Courts are “compelled ... to accept a legislature’s generalizations even when there is an imperfect fit between means and ends.” *Heller v. Doe by Doe*, 509 U.S. 312, 321 (1993). These challenged provisions easily satisfy rational-basis review.

First, there is no dispute that preventing voter fraud and voter confusion, and improving election procedures, are legitimate and even compelling interests. *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321, 2340 (2021) (combatting fraud is a “strong and entirely legitimate” reason for enacting voting laws); *Am. Party of Tex. v. White*, 415 U.S. 767, 782 n.14 (1974) (“preservation of the integrity of the electoral process” is a “compelling” objective); *Libertarian Party of Fla. v. Florida*, 710 F.2d 790, 792–93 (11th Cir. 1983) (“compelling” nature of “interest in regulating the election process and avoiding voter confusion” is “well established”); *New Ga. Proj. v. Raffensperger*, 976 F.3d 1278, 1282 (11th Cir. 2020) (legitimate state interest in “conducting an efficient election”).

Second, the Pre-Filling Prohibition and Anti-Duplication Provision are

rationality related to these legitimate ends. These provisions were a direct response to many instances of voter confusion and concerns about voter fraud related to absentee-ballot applications.

As the General Assembly confirmed when passing SB 202, these provisions were passed after “some outside groups” sent “multiple absentee ballot applications,” often “with incorrectly filled-in voter information,” leading to “significant confusion by electors.” SB 202 § 2(8). Many voters contacted the Secretary of State to express confusion about why they were receiving incorrect or duplicate applications and to express concern that such applications invited fraud. Germany Decl. ¶¶ 23, 41. County elections director Milton Kidd, deposed by plaintiffs in the consolidated SB 202 cases, gave further examples of such confusion, explaining that voters who received multiple applications considered one of them to be a ballot, or were not sure if they needed to fill out multiple copies of the form. Kidd Depo. 180:3–7, 185:18–186:4.

Accordingly, the State’s identified purposes behind these provisions are not “merely conjectural,” as Plaintiffs posit (at 24). The concerns are “real” (*id.*) and directly mitigated through these provisions, and that is enough: “Only in an exceptional circumstance will a statute not be rationally related to a legitimate government interest and be found unconstitutional under rational basis scrutiny.” *Williams v. Pryor*, 240 F.3d 944, 948 (11th Cir. 2001). This is

not such an “exceptional case,” and Plaintiffs have not carried their substantial burden of showing a likelihood of success on the merits.

C. The Pre-Filling Prohibition and Anti-Duplication Provision are viewpoint- and content-neutral.

Even if the Pre-Filling Prohibition and Anti-Duplication Provision regulate speech, the Supreme Court’s recent decision in *City of Austin v. Regan National Advertising*, 142 S. Ct. 1464 (2022), confirms that the provisions are viewpoint- and content-neutral. At worst, they thus would be analyzed under the familiar *Anderson-Burdick* framework and would readily survive such analysis.³

Plaintiffs fail to address *City of Austin*, relying instead on an expansive reading of *Reed v. Town of Gilbert*, which the Supreme Court has recently said is “too extreme an interpretation of this Court’s precedent.” *City of Austin*, 142 S. Ct. at 1471. Merely having to read something to determine the application of a regulation is insufficient to trigger heightened scrutiny, and a regulation is deemed content-based only if it “applies to particular speech because of the

³ Although the Disclaimer Provision affects speech, it does so on a form voters submit to the government and therefore involves an operative component of the electoral machinery, not the Plaintiffs’ private speech, and may be reviewed under the *Anderson-Burdick* framework, which it clearly satisfies for the same reasons discussed below. *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 190 (2008) (Stevens, J.).

topic discussed or the idea or message expressed.” *Id.* When a regulation lacks “a content-based purpose or justification,” it “is content neutral and does not warrant the application of strict scrutiny.” *Id.*

Here, the Pre-Filling Prohibition and Anti-Duplication Provision are clearly “agnostic as to content.” *Id.* These provisions do not “restrict[]” Plaintiffs’ ability to send “positive views on absentee voting.” Mot. 16. Moreover, absentee-ballot applications, like the signs at issue in *City of Austin*, do not express any “idea or message.” 142 S. Ct. at 1474. Rather, as the Supreme Court explained in a similar context, “[b]allots serve primarily to elect candidates, not as forums for political expression,” *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 363 (1997). Similarly, absentee-ballot applications serve primarily to get absentee ballots to Georgia voters, not to spread political messages.

Plaintiffs’ attempt (at 16) to claim content discrimination from the lack of similar provisions regarding “voter registration communications” is particularly vacuous. Voter-registration mailings serve different functions, have markedly different timing and effect, and accordingly are treated differently because they *are* different in their operation and impact, not

because of their supposed message.⁴ Voter registration takes place early in the electoral process, when time and available resources are less taxed, and it is several steps removed from the act of casting a ballot. Absentee-ballot applications, however, are more directly connected to the act of voting, and thus the voter confusion and risks of voter fraud are heightened. The different rules have nothing to do with content, but rather address entirely different aspects of, and problems regarding, administration of the electoral system.⁵

As Justice Sotomayor explained in similar circumstances, States “enjoy considerable leeway ... to specify the requirements for obtaining ballot access” and it is “by no means necessary for a State to prove that such reasonable, nondiscriminatory restrictions are narrowly tailored,” as would be required for content-based restrictions. *John Doe No. 1 v. Reed*, 561 U.S. 186, 212–13 (2010) (Sotomayor, J., concurring) (cleaned up). Rather, “the State’s important

⁴ Notably, the State also imposes limitations on voter registration, where third parties are not permitted to help voters complete their registration, unless the voter is disabled and requested assistance. O.C.G.A. § 21-2-220(f).

⁵ Plaintiffs’ reliance (at 16) on *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 209 (1999) (Thomas, J., concurring), is also misplaced. The different petitions at issue in *Buckley* were distinguished only by the content of the position advocated, not by any differential impact on the electoral process or election machinery. But any differential treatment of registration forms versus absentee-ballot applications is about their impact on the electoral process, not about any supposed message or content.

regulatory interests are generally sufficient to justify’ the restrictions” even if the reasonable and nondiscriminatory restrictions impose burdens on “First and Fourteenth Amendment rights[.]” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983)).

Under *Anderson-Burdick*, the Pre-Filling Prohibition and Anti-Duplication Provision are permitted if they are “reasonable voting restrictions.” *Richardson v. Tex. Sec’y of State*, 978 F.3d 220, 241 (5th Cir. 2020). Allowing Plaintiffs to send absentee-ballot applications, provided that they are not pre-filled or duplicative, is a small and reasonable restriction directly related to the State’s important interests. Accordingly, even if the Court concludes that these provisions burden speech, they are content- and viewpoint-neutral and permissible under the *Anderson-Burdick* framework.

D. The challenged provisions satisfy the highest standard of scrutiny.

Even under a higher standard of scrutiny, Plaintiffs still fail to carry their burden to show likely success on the merits. Each of the challenged provisions is narrowly tailored to serve a compelling interest.

1. The Pre-Filling Prohibition is narrowly tailored to serve compelling interests.

As noted earlier, *supra* Part I.B, the Pre-Filling Prohibition serves the compelling goals of preventing voter confusion and fraud, and of ensuring an

orderly election process. The many complaints and confusion surrounding pre-filled applications previously sent by outside organizations confirms the reality of this interest. Germany Decl. ¶ 23. Outdated addresses or incorrect information not only confused recipients, but also raised concern about potential voter fraud. *Id.* Such interests are both compelling and concrete, and they are supported by the countless complaints from voters who received absentee-ballot applications pre-filled with incorrect information. *Id.*; *see also* Kidd Depo. 180:14–181:6. In fact, the record includes evidence of a voter who attempted to vote another voter’s ballot when the ballot was mailed to a post office box that had belonged to the actual voter, potentially due to out-of-date information on a pre-filled application. Germany Decl. ¶ 25.

The Pre-Filling Prohibition also is narrowly tailored. Limiting the very activity that caused confusion, concern, and administrative burdens, rather than prohibiting sending absentee-ballot applications altogether, is narrowly tailored to further Georgia’s interest. *Citizens United*, 558 U.S. at 369.

Plaintiffs’ claim (at 32) that “preexisting processes and safeguards” were sufficient simply ignores the record, which shows that, despite those “processes and safeguards,” pre-filled absentee-ballot applications caused voter confusion and increased concerns about voter fraud. Germany Decl. ¶ 23. More was needed, and SB 202 is tailored to that need.

Plaintiffs bizarrely suggest that because local elections officials are already required to compare absentee-ballot applications against information in the voter system, any errors in pre-filling would be caught and hence SB 202 was unnecessary. But the principal concern addressed by the Pre-Filling Prohibition is the rampant voter confusion and concern about fraud. *Id.* ¶ 37. That concern is untouched by an election official's *subsequently* reviewing and catching errors or anomalies. And increasing the need to screen pre-filled mistakes (and inform voters of the errors) only confirms the further interest in unburdening the election system. Similarly, Plaintiffs' suggestion (at 32) that criminal fraud provisions also suffice and render the challenged provisions unnecessary is equally empty. Subsequent proceedings punishing only the intentional fraudulent entry of information on an application do little to diminish the rampant voter confusion and concern about voter fraud that the Pre-Filling Prohibition aims to address. *Id.* ¶ 36.

In short, the Pre-Filling Prohibition was enacted to further multiple compelling interests, and it is narrowly tailored to those ends.

2. The Anti-Duplication Provision is narrowly tailored to serve compelling interests.

The Anti-Duplication Provision also furthers multiple compelling state interests, including reducing voter confusion and concerns about voter fraud,

thereby increasing confidence in the electoral system. *See supra*, Part I.B.

Plaintiffs concede (at 24) that the interests identified are “legitimate in the abstract” but claim they are conjectural and not alleviated by the limits on sending redundant applications. As one of Plaintiffs’ own cases makes clear, while states must do more than merely claim an interest, “courts must accord substantial deference to the predictive judgments” of the state legislature. *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 665 (1994). The record here, moreover, goes well beyond “predictive judgments” and offers empirical examples of precisely the concerns and interests at issue. Germany Decl. Exs. F–H (General Assembly hearing transcripts discussing complaints about duplicate applications); *Id.* ¶¶ 41–43 (voters confused multiple *applications* for multiple *ballots*, triggering fear of potential voter fraud; voters thought subsequent applications meant earlier applications had not been processed correctly); Kidd Depo. 182:22–183:6 (noting similar concerns). The record thus amply demonstrates that the concerns are “real” and not “merely conjectural.”

The Anti-Duplication Provision is also narrowly tailored to serve those interests. Rather than banning outside organizations from distributing

absentee-ballot applications at all,⁶ or limiting them to only one application per recipient, the State adopted a more nuanced approach that allowed some potential duplication provided the recipient had not already “requested, received, or voted an absentee ballot.” O.C.G.A. § 21-2-381(a)(3)(A). And the State provided a safe harbor for certain mistakes as well. *Id.* The more tailored approach of the Anti-Duplication Provision is the “less restrictive alternative to more comprehensive regulations.” *Citizens United*, 558 U.S. at 369.⁷

Although Plaintiffs claim that they already direct recipients not to submit the application if they previously requested an absentee ballot (Mot. 26) that does not undermine the need for this provision. Such direction was insufficient in the past, as shown by the complaints from voters who were confused by the duplicate applications. Germany Decl. ¶ 41. More was needed, and SB 202 took a limited further step towards resolving those problems. This narrow restriction clearly passes constitutional muster.

⁶ Some states take this approach, including Tennessee and South Carolina. Tenn. Code Ann. § 2-6-202(c)(3); S.C. Code Ann. § 7-15-340.

⁷ Plaintiffs ask (at 22) for an even narrower provision with an exception for those requesting a ballot through an online request tool. But they rightly do not claim that the State must adopt the “least restrictive means” available to further its interests, and narrow tailoring does not require a “perfect” fit, only a “reasonable” one. *McCutcheon v. FEC*, 572 U.S. 185, 218 (2014). Thus, the State reasonably crafted a single rule for duplicate applications.

3. The Disclaimer Provision survives the exacting-scrutiny test that the Supreme Court applied to a disclaimer requirement in *Citizens United*.

Finally, Plaintiffs have failed to satisfy their burden of showing that the Disclaimer Provision violates the First Amendment. Whether viewed under strict scrutiny or the Supreme Court’s standard for government-required disclaimers—a standard Plaintiffs ignore—the Disclaimer Provision does not violate the First Amendment.

1. As to the correct standard, Plaintiffs incorrectly argue (at 27) that the Disclaimer Provision requires them to “speak a particular message” and is thus “presumptively unconstitutional.” Yet, as the Supreme Court explained, even if a “[d]isclaimer ... requirement [] may burden the ability to speak,” it “impose[s] no ceiling on campaign related activities” and “do[es] not prevent anyone from speaking.” *Citizens United*, 558 U.S. at 366. Disclaimers are thus subject to an “exacting scrutiny” standard, which requires only a “substantial relation” between the disclaimer and a “sufficiently important government interest.” *Id.* at 366–67. This test applies even when a disclaimer has “costs that potentially decrease both the quantity and effectiveness of the group’s speech.” *Worley v. Florida Sec’y of State*, 717 F.3d 1238, 1243 (11th Cir. 2013) (quotation marks omitted).

Plaintiffs fail to address this standard, pointing instead to cases outside

the election context. For instance, nothing in *National Institute of Family and Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018) (*NIFLA*), undermines the Supreme Court’s direction in *Citizens United* or the Eleventh Circuit’s application of it in *Worley*. And it is not within this Court’s power to conclude otherwise. *Brisentine v. Stone Webster Eng’g Corp.*, 117 F.3d 519, 525 (11th Cir. 1997) (potential tension between earlier and later Supreme Court decisions does not authorize a circuit court “to sing the dirge of [that prior decision]. We will leave that to the Supreme Court[.]”).

Furthermore, unlike the disclaimer at issue in *NIFLA*, the Disclaimer Provision here does not require Plaintiffs to change their message. *NIFLA* considered the constitutionality of a statute that required pro-life crisis pregnancy centers—which exist to “discourage and prevent women from seeking abortions”—to “disseminate a government-drafted notice” about the availability of “free or low-cost access” to “abortion for eligible women.” 138 S. Ct. at 2368–69. The Disclaimer Provision here merely requires Plaintiffs to identify themselves, rather than the State, as the source of the absentee-ballot application, and to specify that the application is not a ballot. They may continue to advocate for whatever they wish and refrain from advocating for or facilitating things they oppose.

Plaintiffs’ reliance (at 28) on *McClendon v. Long*, 22 F.4th 1330 (11th

Cir. 2022), is equally misplaced because Plaintiffs overlook the difference between government alteration of speech's content and reasonable government efforts to ensure the public is aware of important information about the message it is receiving. *McClendon* highlights that important distinction. It involved a challenge to a sheriff's office displaying "warning signs" at the homes of registered sex offenders telling children not to trick-or-treat there on Halloween. *Id.* at 1337. Those were not mere disclaimers; they conveyed the government's own message. *Id.* By contrast, the Disclaimer Provision here conveys no message at all about the merits of absentee voting.

In sum, *Citizens United* and *Worley* set the proper test for evaluating the constitutionality of the Disclaimer Provision: It is valid if there is a "substantial relation" between the disclaimer and a "sufficiently important government interest." The Disclaimer Provision easily satisfies this standard.

2. Indeed, the State's interest in preventing voter confusion is an interest of the "highest order." *Lubin v. Panish*, 415 U.S. 709, 715 (1974). Plaintiffs concede as much, acknowledging (at 29) Georgia's interest in preventing "confusion about absentee ballot applications received from third parties" and about "whether the applications are being sent from the State and whether the voters are obligated to do anything with the applications they receive."

Here again, these concerns are supported by the record. During recent elections, the State received complaints from voters and election officials expressing confusion about whether the absentee-ballot applications were being sent by the State. Germany Decl. ¶¶ 48–51. One county election official worried that such applications were “misleading” because voters may believe they are sent by the State and must be completed. *Id.* ¶ 49. The State’s expert— Dr. Justin Grimmer—concluded similarly, explaining that receiving an “official-looking absentee ballot application in the mail” could make voters think that filling out the form was required to “participate in the election.” Grimmer Rep. at 17 (attached as Ex. 3). Compounding these concerns, many voters confused applications for the ballots themselves. Germany Decl. ¶ 42. The required disclaimer addresses these concerns by ensuring that voters know the applications are not sent by the State and that the applications are not ballots. O.C.G.A. § 21-2-381(a)(1)(C)(ii).

The Disclaimer Provision is also narrowly tailored to that interest. Georgia could have prohibited non-governmental organizations from sending absentee-ballot applications altogether. But the State instead opted to require a simple disclaimer that would be included on the application to clarify two issues of confusion that had arisen in recent election cycles. For these reasons, Plaintiffs are unlikely to successfully challenge the Disclaimer Provision.

E. The Challenged Provisions do not harm Plaintiffs’ freedom of association.

Plaintiffs’ free association claims against the Challenged Provisions fail for the same reasons as the claims discussed above. Indeed, as explained above, the objects of the challenged provisions are not associational activities and therefore do not implicate the First Amendment right of expressive association at all. *See Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648 (2000). And, even when the right to associate is implicated, “regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms” are constitutional. *Id.* at 640.

That is true here. Nothing in SB 202 stops the Plaintiffs from sending communications to Georgia voters. They remain free to “use their communications to build their political community.” Mot. 18. Plaintiffs may also continue communicating with voters through their websites and mailings. They may even send non-redundant and non-prefilled ballot applications.

Plaintiffs offer no plausible explanation for why the ability to pre-fill an absentee-ballot application with private voter information or send a duplicate application *increases* their ability to associate with voters when they may still communicate their messages through letters and blank applications. The

limited regulations at issue here serve the compelling state interests mentioned above without having the impermissible goal of suppressing ideas. Thus, even if strict scrutiny applied to the association claims, the challenged provisions survive strict scrutiny for all the reasons discussed above.

F. Plaintiffs’ expert report is unreliable.

Finally, throughout their motion, Plaintiffs rely (at 8, 29, 31) on the report of Dr. Green. The Court may set aside those arguments because the report is entirely unreliable, as the State will demonstrate through motion practice at the appropriate time. But a few points are worth making now.

At the outset, Plaintiffs “bear the burden to show that” Green “is qualified to testify competently regarding the matters he intend[ed] to address; [] the methodology by which the expert reach[ed] his conclusions is sufficiently reliable; and the testimony assists the trier of fact.” *United States v. Frazier*, 387 F.3d 1244, 1260 (11th Cir. 2004) (quotation marks omitted, alterations in original). Moreover, the Court must “assess ‘whether the reasoning or methodology underlying the testimony is scientifically valid and ... can be applied to the facts in issue.’” *Id.* at 1262 (quoting *Daubert v. Merrill Dow Pharm.*, 509 U.S. 579, 592–93 (1993)).

For each challenged provision, Green’s report is entirely unreliable. *First*, Green’s opinions about the Disclaimer Provision rely on faulty research

methods and unsubstantiated conclusions. As to the wording of the disclaimer, Green opines (at 7) that the phrase “NOT an official government publication” misleadingly suggests the form is “questionable or invalid.” But Green’s interpretation of ordinary, non-technical language is not a proper subject for expert testimony. *See United States v. Perry*, 14 F.4th 1253, 1264–65 (11th Cir. 2021). Because Green made no attempt to review the evidence in a way that is “genuinely scientific,” the Court should reject Green’s “unscientific speculation.” *Allison v. McGhan Med.*, 184 F.3d 1300, 1316–17 (11th Cir. 1999) (citations omitted). No matter his credentials, *Daubert* exists to exclude such putatively expert “*ipse dixit*.” *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997).

Similarly, Green’s opinion that the language of the Disclaimer Provision will “discourage voters from filling out the application” is equally unreliable, as Green himself ultimately concedes. Green relies (at 8) on the reaction of a *single person* who, in response to a leading question, stated that he would throw the application “in the trash” because of the disclaimer. But this conclusion is unsupported by Green’s data—the interview itself. While not disclosed in Green’s Report, the interviewee initially responded to questions about the application by stating that he “pretty much would fill it out, put all my name and identification and stuff and sign it and basically just wait for my ballot to come back.” Video Ex. to Green Rep., <https://tinyurl.com/2s66zmdh>.

But, as that was not the answer the interviewer wanted, the interviewee was directed “to take a look” at the disclaimer. *Id.* Only then did he pick up on the answer the interviewer was seeking and made the reference to “throwing [the application] in the trash.” Those gaping holes in the data underlying Green’s report make it entirely unreliable. *Chapman v. Procter & Gamble Distrib.*, 766 F.3d 1296, 1306 (11th Cir. 2014).

In fact, Green concedes (at 8) that his methodology does not permit drawing any conclusions from that individual’s reaction: Although that reaction “indicates that [the] disclaimer *can* cause hesitancy to complete an otherwise acceptable form,” “[a] qualitative study of this kind cannot tell us what proportion of mailings would end up in the trash on account of the disclaimer.” *Id.* (emphasis added). Green’s rebuttal report confirms (at 4) that he made no attempt to quantify whether the disclaimer would cause voters to distrust the application. Plaintiffs ignore this concession and nonetheless draw conclusions about the Disclaimer Provision based on a single faulty response.

Second, Green’s opinions about the Pre-Filling Prohibition are equally unreliable. According to Plaintiffs (at 31), Green concluded that pre-filling absentee-ballot applications reduces “transaction costs for voters” and provides the “most effective means” to communicate with potential voters. This, of course, is wrong, as filling an application with potentially false personal

information is not a means of communication at all. *See supra* Part I.B.

Furthermore, Green’s assertion fails even cursory review: He cites (at 9) only one study on the effect of partisan absentee get-out-the-the vote efforts, where the author “paired with a Republican Party organization in a state legislative special general election in early 2016 in Minnesota.” But Green fails to explain why a study done (a) by a partisan state party, (b) in Minnesota, (c) for a special election provides any insight into election operations by non-partisan organizations in Georgia. While experts “commonly extrapolate from existing data,” courts are not required to “admit opinion evidence that is connected to existing data only by the ipse dixit of the expert.” *Joiner*, 522 U.S. at 146. That is all the Court has before it here, and it is insufficient.

Third, Green’s opinion about the Anti-Duplication Provision fails for similar reasons. According to Plaintiffs (at 26 n.6), Green concludes that this provision is unnecessary because Plaintiffs already have an incentive not to send absentee-ballot applications to individuals who have already sought or used them, because “to do so is a complete waste of money.” Here again, this opinion does not rest on any expert methodology, but merely speculation. While one might indeed wonder why groups *ever* waste money sending unnecessary and redundant forms—be it disregard for the costs and confusion such tactics impose, a preference for such confusion to feed a dubious narrative,

or simple inattention—such musings, like Dr. Green’s report, would be just speculation. Accordingly, Green’s opinion that Plaintiffs have a financial incentive not to send duplicate ballot applications has no claim to any scientific or technical validity. It must likewise be disregarded under settled principles governing expert opinion. *Chapman*, 766 F.3d at 1306.

II. Plaintiffs Have Failed to Demonstrate Irreparable Injury

Plaintiffs also cannot demonstrate any irreparable harm. Given the absence of any abridgement, much less any clearly established abridgement, of any First Amendment freedoms, there is no irreparable First Amendment injury here.

Moreover, Plaintiffs cannot explain their “lack of diligence” in waiting more than one year to seek a preliminary injunction, contradicting their claim that their injury is irreparable or even genuine. *Romanick v. Mitchell*, 2021 WL 5034369, at *5 (N.D. Ga. July 13, 2021). As the Eleventh Circuit holds, “[a] delay in seeking a preliminary injunction of even only a few months – though not necessarily fatal – militates against a finding of irreparable harm.” *Wreal, LLC v. Amazon.com*, 840 F.3d 1244, 1248 (11th Cir. 2016). Indeed, “the very idea of a *preliminary* injunction is premised on the need for speedy and *urgent* action to protect a plaintiff’s rights before a case can be resolved on its merits.” *Id.* (emphasis added). Plaintiffs’ delay in filing their motion

“necessarily undermines a finding of irreparable harm.” *Id.*

Here, SB 202 was enacted on March 25, 2021, and Plaintiffs filed their complaint on April 7, 2021. Yet they only just now seek supposedly urgent relief—more than a year after filing their complaint. The Court should not countenance this blatant attempt to short-circuit the ordinary litigation process and, as a seeming side-goal, throw a wrench into the primary election. Plaintiffs’ failure to clearly establish irreparable injury is basis enough for denying their motion. *Siegel*, 234 F.3d at 1176.

III. The Balance of Equities and the Public Interest Weigh Against an Injunction.

Finally, the harm a preliminary injunction would cause the State and the public outweighs any harm Plaintiffs might claim absent an injunction.

1. A state is irreparably harmed when it is unable to enforce its statutes. “Any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Hand v. Scott*, 888 F.3d 1206, 1214 (11th Cir. 2018) (cleaned up) (quoting *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers)); *Dist. 4 Lodge of Int’l Ass’n of Machinists & Aerospace Workers Loc. Lodge 207 v. Raimondo*, 18 F.4th 38, 47 (1st Cir. 2021).

By enjoining the challenged provisions, the Court would impair the

State’s ability to respond to its citizens’ complaints—like those that prompted SB 202—in a way that addresses confusion, suspicion, and loss of confidence in Georgia’s election processes. *Arizonans for Fair Elections v. Hobbs*, 335 F.R.D. 261 (D. Ariz. 2020) (rejecting injunction against statute “meant to safeguard the integrity of the election process”). Plaintiffs’ curious invocation of “democracy” (Mot. 18) to enjoin a democratically enacted statute aimed to reduce confusion and bolster voter confidence thus weighs strongly against interference by the federal judiciary.

2. Beyond such state interests, the requested injunction would also harm the public. *First*, enjoining the challenged provisions would subject Georgia voters to exactly the absentee-ballot application system that caused so much confusion, concern, and voter complaints. Germany Decl. ¶¶ 23, 41, 48–51. The public has a strong interest in both the clarity and integrity of the absentee-ballot process. *See supra* Part I.B.

Second, the injunction would harm the public by inserting chaos into the electoral system on the eve of an election. The State is currently conducting a primary election, and the upcoming months are replete with significant election deadlines. For the May 24, 2022 general primary election, absentee ballot applications were accepted starting March 7, the registration period closed April 25, and absentee voting began on May 2, 2022. Germany Decl.

¶ 55. Runoffs for the general primary election will be held on June 21, 2022, with absentee-ballot applications due by June 10. *Id.* ¶ 56. For the upcoming November general election, absentee-ballot applications will be accepted starting on August 22, 2022, and absentee ballots will be mailed to voters starting on October 10, 2022 (*id.*)—fewer than four months after the hearing on Plaintiffs’ motion. The Eleventh Circuit has already found a similar timeline too short to allow for judicial action, given the need for additional training and changes in election procedures. *See League of Women Voters of Fla., Inc. v. Fla. Sec’y of State*, Nos. 22-11133 *et al.*, 2022 WL 1435597 (11th Cir. May 6, 2022).

The same is true here. The State’s absentee-ballot deadlines require extensive work from county and State elections officials. Designing the original absentee ballot application after SB 202 took substantial time and effort. Germany Decl. ¶ 53. Also, the same elections officials generally run the primary and general elections. *Id.* ¶ 54. Thus, the State has already trained most elections officials about how to process absentee ballots and how to answer voter inquiries. *Id.* An injunction changing the rules mid-stream would require retraining those officials. *Id.* Furthermore, given the additional election resources required by pre-filled, duplicative, and misleading absentee-ballot applications, *see id.* ¶¶ 26–30, 43–45, an injunction returning the State

to the troubled system that prompted SB 202 would force it to hire and train more people than planned, and to try to compensate for less efficient election-day processes.

These problems illustrate the wisdom of this Court's prior holding that courts should "exercise[e] judicial restraint where an injunction could hamper the electoral process." *Coalition for Good Governance v. Kemp*, No. 1:21-cv-2070-JPB, 2021 WL 2826094, at *2 (N.D. Ga. July 5, 2021) (CGG). As the Court has elsewhere noted, "election calendars are finely calibrated processes, and significant upheaval and voter confusion can result if changes are made late in the process." *Alpha Phi Alpha Fraternity v. Raffensperger*, No. 1:21-CV-5337-SCJ, 2022 U.S. Dist. LEXIS 40166, at *218 (N.D. Ga. Feb. 28, 2022).

Indeed, as this Court has held, courts should hesitate to grant election-related injunctive relief "close to an election," particularly where, as here, Plaintiffs "unnecessary[ly] delay[ed] in commencing the suit" such that granting the requested relief "would have a chaotic and disruptive effect upon the electoral process[.]" *CGG*, 2021 WL 2826094, at *2 (quotation marks omitted). In denying the preliminary injunction motion in *CGG*, this Court noted that the plaintiffs had "waited almost three months after SB 202 passed and until the eve before the underlying election to file their [preliminary injunction] Motion." *Id.* at *3. The much greater delay by Plaintiffs here is

inexcusable and increases the likelihood that Plaintiffs’ actions will “disrupt[] ... the electoral process.” *Id.* at *2.

In fact, a preliminary injunction at this late date will not only disrupt the electoral process generally, but also will disrupt the very means of voting Plaintiffs purport to advance—absentee voting. The likely result would be “voter confusion and [the] consequent incentive to remain away from the polls.” *Id.* at *3 (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 5–6 (2006)). That is why, “[w]hen an election is close at hand, the rules of the road must be clear and settled.” *Merrill v. Milligan*, 142 S. Ct. 879, 880-81 (2022) (Kavanaugh, J., concurring). Plaintiffs’ claim of First Amendment harm does not change the strong presumption against interrupting the electoral process through preliminary injunctive relief, in part because their claims are far from being “entirely clearcut” in their favor. *Id.* at 881. Here, as in *CGG*, Plaintiffs have offered no “authority ... that would support” a “bright line exception to *Purcell*” for claims of First Amendment harm. *Id.* The public interest in avoiding last-minute and confusing changes to elections processes thus weighs heavily against a preliminary injunction.

3. Any supposed harm suffered by Plaintiffs is substantially less than the harm to the public and the State. As explained above, none of the challenged provisions limits Plaintiffs’ ability to send messages to Georgia

voters explaining the value of absentee voting. Nor do those provisions prevent Plaintiffs from sending blank absentee-ballot applications to Georgia voters along with their letters. Those provisions do not even prevent Plaintiffs from sending duplicate absentee-ballot applications to voters, provided those voters have not already requested an absentee ballot. When balanced against the identified harms to the State and the public, Plaintiffs' purported harms pale in comparison, and an injunction is inappropriate. *Siegel*, 234 F.3d at 1176.

CONCLUSION

The Court should deny Plaintiffs' motion and allow this litigation to proceed in the normal course. Plaintiffs have fallen far short of their burden to clearly demonstrate each of the required elements for a preliminary injunction. Plaintiffs' questionable case on the merits, their inexplicable delay, and the balance of interests all militate strongly against granting the requested relief.

Respectfully submitted this 20th day of May, 2022.

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

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as the Secretary of
State for the State of Georgia, *et al.*,

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.:
1:21-CV-1390-JPB

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STATE DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

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VoteAmerica v. Raffensperger

No.1:21-cv-1390-JPB

State Defendants' Opposition to
Plaintiffs' Motion for Preliminary Injunction

Exhibit 1

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

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
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State for the State of Georgia, *et al.*,

Defendants,

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COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.:
1:21-CV-1390-JPB

DECLARATION OF C. RYAN GERMANY

I, C. Ryan Germany, declare under penalty of perjury that the following statements are true and accurate to the best of my knowledge.

Background

1. I am the General Counsel for the Office of the Georgia Secretary of State. I have held that position since January 2014. My job responsibilities include providing legal advice and guidance to all divisions of the Secretary of

State's Office, including the Elections Division. I also work closely with the State Election Board. I routinely interact with county election officials.

Absentee-ballot application process

2. Under Georgia law, the Secretary of State is responsible for the design of the absentee-ballot application and creation of the absentee-ballot portal.

3. Once the application is complete, the remainder of the process is handled by county registrars and election officials.

4. When a voter wishes to vote an absentee-by-mail ballot, he or she fills out the application and provides it to their county registrar either through an absentee-ballot application portal or directly.

5. If the application has been timely provided, the county registrar or absentee ballot clerk then checks the identifying information against the information in the voter-registration database and, if it matches, issues an absentee ballot to the voter at the address on the file if in-county or to any address out of county if provided by the voter.

6. That issuance is recorded in the voter-registration system.

7. If the identifying information does not match, then the registrar or absentee-ballot clerk issues a provisional absentee ballot to the voter.

8. When a voter is ready to return the absentee ballot, he or she places the ballot into a white envelope, seals the white envelope, and then places the sealed white envelope into another, larger envelope. The voter then fills out the information required on the larger envelope and seals it, covering the identifying information for privacy purposes.

9. There are multiple ways for a voter or other authorized person (certain family members, roommates, caregivers of disabled voters) to return the ballot: (1) by mail, (2) by placing it in a drop box on or before the last day of early voting, or (3) delivering it directly to the registrar by 7:00pm on Election Day.

10. The registrar then checks the identifying information provided by the voter against the information in the voter-registration database and, if it matches, accepts the absentee ballot and records that acceptance in the voter-registration system.

11. If the identifying information does not match, the registrar sends a cure notice to the voter and the voter is allowed to cure the information that did not match.

Challenged Provisions

12. In this action, Plaintiffs challenge three provisions of SB 202 (collectively, the “Challenged Provisions”). First, Plaintiffs challenge the “Pre-

Filling Prohibition,” which generally prohibits sending “any elector an absentee ballot application that is prefilled with the elector’s required information[.]” O.C.G.A. § 21-2-381(a)(1)(C)(ii). Second, Plaintiffs challenge the “Anti-Duplicate Provision,” which prohibits sending absentee ballot applications to individuals who have “already requested, received, or voted an absentee ballot[.]” *Id.* § 21-2-381(a)(3)(A). Third, Plaintiffs challenge the “Disclaimer Provision,” which requires absentee ballot applications sent by non-governmental entities to include a disclaimer stating that it is “NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot.” *Id.* § 21-2-381(a)(1)(C)(ii).

13. Each of these provisions serves to decrease voter confusion and possibilities/allegations of voter fraud, while also increasing election efficiency and voter confidence. As set forth below, each provision directly addresses complaints that the State received during recent elections. Additionally, each provision addresses issues in election administration that caused delays, complications, and confusion among election officials and voters.

Pre-Filling Prohibition

14. For many years, third party non-governmental organizations have sent absentee-ballot applications to potential voters in Georgia.

15. Prior to 2018, there were no Georgia statutes or regulations governing the form of those absentee-ballot applications. Accordingly, the content and form of such applications varied widely.

16. For instance, many organizations included very little information on the absentee-ballot application, which led to instances where voters who received such applications did not understand fully what they were supposed to do with them.

17. In one noteworthy example, a Georgia voter in 2018 received such an application and believed it to be an absentee ballot. Rather than entering her own name to request an absentee ballot, the voter entered Stacey Abrams' name, believing that she was voting for Ms. Abrams. When the voter submitted this application, it was recorded as an absentee-ballot application submitted by Ms. Abrams. Thus, when Ms. Abrams proceeded to the polls in 2018, the election records indicated that Ms. Abrams had already requested an absentee ballot and she was thus unable to vote in-person until the previously issued absentee ballot was cancelled. Some of these facts were reported at the time. See Jessica Taylor, *Stacey Abrams Says She Was Almost Blocked From Voting in Georgia Election*, NPR (Nov. 20, 2018), <https://www.npr.org/2018/11/20/669280353/stacey-abrams-says-she-was-almost-blocked-from-voting-in-georgia-election>.

18. In an effort to streamline the absentee-ballot application process after the 2018 elections, Georgia issued a rule that required third parties to use absentee-ballot application forms that were substantially similar to the State's ballot application form.

19. While this resulted in greater uniformity in the absentee-ballot applications that third-party groups sent Georgia voters, another complication arose during the 2020 elections.

20. In 2020, there was a substantial increase in these third-party non-governmental organizations sending *pre-filled* absentee-ballot applications with a large portion of that voter's information already included in the application.

21. *First*, the applications sometimes included incorrect or outdated information. For instance, some applications included misspelled (or incorrect) names. Also, the applications were sometimes sent to people who did not reside at the address.

22. This resulted in many voters complaining to the State about these incorrect applications, where those voters repeatedly expressed confusion about the applications and concern that this was evidence that the election system was susceptible to voter fraud.

23. A sample of such complaints is found at Exhibit A to this declaration, and several are also discussed briefly below. These are merely representative of the complaints that the Secretary of State received or heard about. There were many others as well.

a. For instance, one voter—Michelle Smith—reported that she received “a pre-filled application for [an] absentee ballot from ... the Voter Participation Center” in 2018. But the pre-filled application included the wrong middle name and the wrong address. Ms. Smith concerned that this suggested voter fraud. *See* Ex. A at 25.

b. Another voter—Ms. Martin—also received several absentee ballot applications in 2020 from the Voter Participation Center that were pre-filled for someone who does not live at the address. This caused Ms. Martin to worry *again* about “rampant fraud” in the election system. *See* Ex. A at 23.

c. Another voter—Dustin Young—stated that he had “been getting absentee ballot applications from the Democratic Party of Georgia,” yet he has “lived in Florida since 2014[.]” This caused Mr. Young to worry that “someone is voting for me in Georgia[.]” *See* Ex. A at 2.

d. Similarly, Ashley Cline reported to the State that she had “been receiving absentee ballots or applications from third party organizations like [Voter Participation Center] and the NAACP with false voter information.” She reported this concern to the State’s fraud hotline. *See* Ex. A at 5.

e. Another voter—Stefanie Franklin—reported to the State’s voter fraud e-mail hotline that she received “a partial pre-filled absentee ballot application for [her] husband,” who had passed away seven year earlier. The application was sent by Vote.org. *See* Ex. A at 6.

f. Additionally, a Georgia State Patrol (“GSP”) Officer contacted the State because GSP had received at least three pre-filled applications for absentee ballots from the Center for Voter Information. The applications were pre-filled for and addressed to an individual with “absolutely no affiliation with th[e] address.” Moreover, the applications were completed for two different variations of the same name. Accordingly, the Officer was concerned that “someone has fraudulently registered to vote using this address.” Ex. A at 24.

g. Other examples abound, as shown in Exhibit A.

24. As these complaints demonstrate, pre-filled absentee ballot applications raised serious confusion and concern about voter fraud. This

concern was exacerbated by the fact that many voters confuse absentee ballot *applications* with absentee *ballots*.

25. *Second*, these concerns about voter fraud are not merely hypothetical. Rather, the State learned that during the 2020 election, an individual received an absentee ballot to a P.O. Box that he rented that had previously been rented by a different voter. That voter filled out and submitted the absentee ballot, attempting to forge the other voter's signature. The attempt was caught by the local county election board during the signature verification process and the voter has been referred to the Attorney General's office and local district attorney for prosecution by the State Election Board. It is not known whether the initial voter who submitted the application utilized a pre-filled application, but pre-filled applications that do not require voter interaction with the information on them increase the potential for type of violation.

26. *Third*, in addition to causing voter confusion and concern about fraud, pre-filled absentee-ballot applications caused substantial stress on the already overburdened State election system.

27. A pre-filled ballot application requires less engagement from a voter before it is submitted. Rather than requiring a voter to review it and

insert the requested information, the voter need only sign it and place it in the mail.

28. In 2020, the Secretary of State's office received reports of voters who had returned an absentee ballot application, but they did not do so intending to actually request and vote an absentee ballot. We also received reports of voters who had requested an absentee ballot but apparently forgot they had done so. When those voters went to vote, they were either surprised to learn they had requested an absentee ballot or disputed that they had—leading to concerns of voter fraud and decreased confidence in the election.

29. Voters requesting absentee ballots but not intending to actually vote them strains the State's election system in several ways. For instance, a voter who requested an absentee ballot may still vote in person. But it requires several steps that a poll worker must take to first cancel the absentee ballot that was previously requested. *See* O.C.G.A. § 21-2-388; Poll Worker Manual at 56–58 (May 2021) (attached as Ex. B).

30. To cancel an absentee-ballot request, an elections official at the polling location must call the county election headquarters to confirm that the absentee ballot has not been voted. And, if it has not been voted, the official at the polling location must have the representative from the county election headquarters cancel the ballot that was requested. Only then may the

individual vote in person. This can be a time-consuming process. On Election Day, county offices, like the Secretary of State's office, receive many calls. And it would often take several tries, or an extended period on hold, before the individual at the polling location could get through to a county official.

31. This delay slows down the voting process, thereby increasing line length at polling locations. And this was not an isolated issue. For the 2020 General Election, there were 40,694 absentee ballots cancelled by voters. In contrast, there were only 5,472 absentee ballots cancelled by voters during the 2018 General Election, and 3,170 absentee ballots cancelled in the 2016 general election.

32. This also created a substantial optics problem. The State works hard to ensure that each election runs efficiently in order to increase elector confidence. But the increase in voters arriving at polling locations and being told that they had already requested a ballot — despite not recalling doing so — caused those voters to question the integrity of Georgia's elections system.

33. Further, the increased use of pre-filled applications also stressed the State's election system because election officials must process every application received. Yet, counties have finite resources to devote to the absentee-ballot application process. By increasing the number of ballot applications that were received by voters who did not intend to actually vote

by absentee ballots – evidenced by the substantial number of cancelled ballot applications – the counties were required to devote scarce resources to processing applications for ballots that would never be voted.

34. Moreover, the State received many complaints by *other* voters in line who believed that they heard an elections official inform a voter that he or she had “already voted.” *See* Ex. C. But when that voter was subsequently allowed to vote—likely after cancelling a ballot application—the voter who overheard the exchange complained to the State that someone who already voted was allowed to vote again.

35. This further undermines the State’s efforts to increased voter confidence by ensuring that elections run smoothly.

36. Further, the fact that there are already criminal provisions in place for a “fraudulent entry” on an absentee ballot application has not diminished the harms that the pre-filled absentee ballot applications cause. That criminal provision, O.C.G.A. § 21-2-562, was in place previously when the above-discussed complaints were received by the Secretary of State’s office. Accordingly, the existence of this criminal provision is clearly insufficient on its own.

37. In sum, the rapid increase in the use of pre-filled absentee ballot applications caused a demonstrable decrease in voter confidence and increase

in concern about voter fraud. It also caused a demonstrable impact on the efficiency of the elections. Accordingly, by prohibiting the use of such pre-filled applications, SB 202 sought to increase voter confidence and election efficiency.

Anti-Duplicate Provision

38. As discussed above, third-party non-governmental organizations have sent absentee-ballot applications to Georgia voters for several years. Before SB 202, there were no Georgia statutes or regulations addressing whether third party non-governmental organizations may send absentee-ballot applications to voters who had already requested an absentee ballot for that particular election.

39. But, as discussed below, Georgia voters routinely received *many* applications for absentee ballots during the same election cycle. In some instances, voters received multiple applications from the *same entity* during the same election cycle.

40. This caused significant voter confusion, as it led voters to wonder whether previously submitted applications had been successful. Additionally, this raised serious voter concern about election integrity, as voters interpreted the multiple ballot applications as additional opportunities for someone to request and vote additional ballots. Finally, these duplicate applications substantially stressed the State's election system.

41. *First*, the routine receipt of duplicate ballot applications caused voter confusion and concerns about voter fraud. As the examples in Exhibit D demonstrate, voters routinely contacted the State with concerns about duplicate applications. A sample of those concerns are discussed below. Here again, these are merely representative of the complaints that the Secretary of State received.

a. For instance, one voter—Brian Pollard—received “5 applications for absentee ballots” for the 2021 Senate runoff election. He received one application from CVI, two from an organization called America Votes, and another two from a different third party. He subsequently arrived at the polling location to vote, only to be told that the state already had an absentee ballot application from him. Yet, the voter did not recall submitting anything. He was then required to proceed to another poll worker to go through the absentee ballot cancelation process. Because of this confusion, the Mr. Pollard exclaimed that “This is Fraud in the Senate Voting in Georgia.” Ex. D at 1.

b. Another voter—Sheree Muniz—contacted the State’s voter fraud e-mail hotline to state that she had “received 3 unrequested absentee ballot applications from America Votes.” As Ms. Muniz did not

request these applications, she was concerned that the duplicate mailings “could be considered fraud.” Ex. D at 16.

c. Similarly, a voter—Matthew Kirby—contacted the State’s voter fraud e-mail hotline to complain that he had “received 3 absentee ballot applications for the US Senate runoff in the mail in the past week but have never requested an absentee ballot or expressed interest to vote by mail.” Here again, the voter worried that this “could easily allow fraudulent activity during any local or national election.” Ex. D at 15.

d. Another voter—Peggy Johnson—contacted the State’s voter fraud e-mail hotline to complaint that she “ke[pt] receiving unsolicited Absentee Ballot Applications from America Votes.” Ms. Johnson continues, referring to them as *ballots*, rather than applications. Additionally, Ms. Johnson stated that “[t]his is harassment.” Ex. D at 14.

e. Exhibit D to this declaration provides several other examples of similar concerns from voters.

42. As these complaints demonstrate, duplicate absentee-ballot applications raised serious confusion and concern about voter fraud. This concern was exacerbated by the fact that many voters confused absentee ballot *applications* with absentee *ballots*.

43. *Second*, the prevalence of duplicate applications also caused a serious strain on the State's election system. As noted, many voters were confused why they kept receiving applications and they continued to submit the applications. As just one example, the State received a call during the 2020 election cycle, relayed to me by Chris Harvey, the Elections Director at the time, from a voter who had received multiple absentee ballot applications. The voter thought each one meant the previous one had not been processed. Accordingly, she submitted all applications, which the county had to process. But then, at the end of the call, the voter informed Harvey that she did not intend to vote by absentee ballot anyway.

44. As elections officials must process *each* application received, this significantly increased the number of applications that were processed and the number of applications that were processed as duplicate requests. There were 6,455 duplicate applications entered in the 2020 General Election, compared to 604 and 417 in the 2018 and 2016 general elections, respectively.

45. Of course, as stated earlier, this became particularly problematic as some voters who returned numerous applications did not even intend to vote by absentee ballot.

46. In sum, the prevalence of duplicate absentee-ballot applications likely contributed to a decrease in voter confidence and increase in concern

about voter fraud. It also impacted the efficiency of the elections, which further undermines voter confidence. Accordingly, by requiring third-party non-governmental entities to confirm that they are sending applications to individuals who have not previously requested an absentee ballot, SB 202 sought to increase voter confidence and election efficiency.

Disclaimer Provision

47. As noted earlier, in 2018 the State required absentee ballot applications sent by third-party organizations to be substantially similar to the applications that were available from the State in an attempt to try to make it clearer to voters that absentee ballot applications were in fact absentee ballot applications and to help streamline processing at the county level.

48. It is not uncommon for groups sending out mass mailings seeking a response to make their forms appear like they come from a government or other official entity. This is also the case in election mailings of absentee ballot applications. However, this tendency caused confusion among voters.

49. For instance, in August 2020, the Supervisor of Elections in Charlton County—Brenda Hodges—contacted the Secretary of State’s office to raise a concern about the multiple absentee-ballot applications that the Center for Voter Information was sending. Ms. Hodges worried that the applications misleadingly appeared to be sent by the State. And Ms. Hodges further stated

that such misleading applications would “cause a mess like we had in June [2020] with ballots being returned to vote in person because for some reason, people feel the need to complete and sign a form without really paying attention to what it is for.” Ex. E at 1.

50. Similarly, a Georgia voter—Samantha Briner—contacted the State’s voter fraud e-mail hotline to ask about absentee-ballot applications she had received from America Votes. Ms. Briner asked: “Shouldn’t mail in ballot applications come solely from the government? Why would I fill out a ballot and return it to a business called ‘America Votes?’” Ms. Briner worried that this was evidence of “voter fraud in Georgia.” Ex. E at 3.

51. As these and other examples demonstrate, Georgia voters were frequently left confused by absentee-ballot applications sent by third parties. Voters were unclear if these were government forms, or whether the forms may be ignored.

52. SB 202 sought to clarify this by requiring such third-party mailings to state clearly that the application forms are *not* official government publications. With this addition to the ballot applications, SB 202 sought to decrease voter confusion.

53. In addition, the design of the new absentee-ballot application took significant time and resources after the enactment of the legislation, and that

was during a non-election year when Elections Division staff did not have the same issues that come up in an election year.

54. Moreover, as the same elections officials generally run the primary and general elections, any changes now, when officials and volunteers have already been trained, would require additional training about processing absentee ballot applications.

55. For the May 24, 2022 general primary election, voters began requesting absentee ballots on March 7, 2022. Runoffs for the general primary election will be held on June 21, 2022, with absentee ballot applications due by June 10, 2022.

56. For the upcoming November general election, voters can begin requesting absentee ballots on August 22, 2022, and absentee ballots will be mailed to voters starting on October 10, 2022.

Legislative Committee Hearings

57. In addition to the many complaints that the Secretary of State's Office received from voters, I am also familiar with the Georgia General Assembly receiving similar complaints. Indeed, throughout 2021, the Special Committee on Election Integrity held many hearings. I am familiar with those hearings as I attended many of them. Additionally, the State recorded those hearings on video, and many of them have been transcribed.

58. As reflected in Exhibits F–H, the Special Committee on Election Integrity heard testimony about concerns with pre-filled absentee-ballot applications, duplicate absentee-ballot applications, and concerns about whether absentee-ballot applications were ballots.

59. For instance, on February 4, 2021, Representative Rick Williams stated that he had received six such mailings. Hr’g Tr. at 52:12–19 (Feb. 4, 2021) (Ex. F at 2). He further explained that voters in similar situations “applied multiple times to the counties,” which caused “a lot of the counties [to be] overwhelmed because the same person was requesting six different absentee ballots.” *Id.* at 52:20–25.

60. Similarly, on February 22, 2021, Representative Barry Fleming informed the Committee that he and other members of the General Assembly heard about “members of the public [who] thought that they received seven, eight, nine absentee ballots,” when it turned out they received were multiple “absentee ballot applications.” Hr’g Tr. at 16:5–13 (Feb. 22, 2021) (Ex. F at 5).

61. On February 22, 2021, Representative Fleming also explained that “another problem that we found is a lot of those [pre-filled absentee-ballot applications] were prefilled out incorrectly, and it caused a lot of problems came into the boards of elections.” Hr’g Tr. at 17:3–8 (Feb. 22, 2022) (Ex. H at 2).

62. Additionally, on March 18, 2021, the Committee heard testimony from a witness, Caroline Garcia, who explained that pre-filled absentee-ballot applications quite often included the wrong information. Hr'g Tr. at 23:3–9 (Mar. 18, 2021) (Ex. G at 9).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and accurate to the best of my knowledge, information, and belief.

5/20/2022
Date


C. Ryan Germany
Office of the Georgia Secretary of State

RETRIEVED FROM DEPOSIT BOX 113-2

Declaration of Ryan Germany
Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Tuesday, January 5, 2021 6:04 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Greg Ragsdale

Name: Greg Ragsdale

Phone: [REDACTED]

Address: [REDACTED]

City: Suwanee

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: [REDACTED], Suwanee, GA [REDACTED]

Description of Violation: It appears an individual is using my P.O. Box as a "home address" as over the past 2 months I have been receiving post cards, letters, flyers, numerous applications for absentee ballots and mailers addressed to this individual urging her to vote for certain two candidates. Many of the mail comes from out of state and a large volume from the Dem Party of Georgia, the NAACP, Stacey Abrams and others. Something is rotten in Denmark!

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Tuesday, December 29, 2020 7:07 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Dustin Young

Name: Dustin Young

Phone: [REDACTED]

Address: [REDACTED]

City: Orange Park

State: FL

Zip Code: [REDACTED]

County: Forsyth

E-mail: [REDACTED]

Location of Violation: Forsyth County Georgia

Description of Violation: I have been getting absentee ballot applications from the Democratic Party of Georgia and your website shows that Iâ?m an active registered voter in Georgia. Iâ?ve lived in Florida since 2014 and when I did live in GA more than 6 years ago, I was a registered Republican. I suspect someone is voting for me in Georgia just like they are for many other people. Someone needs to contact me and let me know that they have made sure that I didnâ?Tt vote in GA between 2014-present and that GA voter registration is deactivated immediately. Thank you.

RETRIEVED FROM DEMOCRATIC PARTY OF GEORGIA

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Friday, December 18, 2020 7:13 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Ken Ennis

Name: Ken Ennis

Phone: [REDACTED]

Address: [REDACTED]

City: Brooks

State: GA

Zip Code: [REDACTED]

County: Fayette

E-mail: [REDACTED]

Location of Violation: Fayetteville, GA [REDACTED]

Description of Violation: I received an actual ABSENTEE BALLOT in the mail a few days ago. It had someone else's name on it WITH MY ADDRESS. If someone had sent in an application it is doubtful they would have put the wrong address on it. It looks to me like the "FAYETTE COUNTY BOARD OF ELECTIONS
140 STONEWALL AVE WEST
SUITE 208
FAYETTEVILLE, GA 30214" Has committed a crime here. I've gotten applications addressed to this person before but have always destroyed them. I've given written notice to the FCBOE several times but have never heard back and the applications still keep coming! Now they have skipped the application and actually sent a ballot! This is a problem and is part of the reason why we don't trust our elected officials!

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Saturday, December 12, 2020 4:59 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Joyce Grant

Name: Joyce Grant

Phone: [REDACTED]

Address: [REDACTED]

City: Lawrenceville

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: Greenville, South Carolina

Description of Violation: URGENT!

I spoke with my dear friend from Greenville, SC last night and she informed me several of her friends in Greenville have received ballot applications in their city. These applications were for the GA Senate run off race. I am very concerned that nothing will be done about ballot request being sent to out of state people. Why is Rev Warnock and Stacey Abrams's voter fraud not being addressed? What about their ballot harvesting? My husband, my many Georgia friends want answers now or we will not vote in the run off. Can you respond to this email. Thanks, Joyce Grant

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Friday, December 11, 2020 2:03 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From ashley cline

Name: ashley cline

Phone: [REDACTED]

Address: [REDACTED]

City: canton

State: ga

Zip Code: [REDACTED]

County: Cherokee

E-mail: [REDACTED]

Location of Violation: not entered

Description of Violation: I have been receiving absentee ballots or applications from third party organizations like VPC and the NAACP with false voter information

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Tuesday, December 8, 2020 12:01 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Stefanie Franklin

Name: Stefanie Franklin

Phone: [REDACTED]

Address: [REDACTED]

City: Midway

State: GA

Zip Code: [REDACTED]

County: Liberty

E-mail [REDACTED]

Location of Violation: N/A

Description of Violation: I live in Ga and received a partial pre-filled Absentee Ballot application for my husband on 12/03/2020.

My Husband passed on 08/2013.

I checked prior to & after Election to make sure he was not reactivated as a voter, due to many dead people being able to vote this year. The application was send by register2vote.org, which is run by Madeline Eden & Jeremy Smith. I did some research on Mrs. Eden and feel that the website for a?ohelp with Registrationsâ? and info on there is very misleading, since it states that they are a no Party affiliated, independent, Tax-exempt 501 org. yet Mrs. Eden ran as a Dem for the House, District 17 in Texas in 2020.

The form could look somewhat legit to someone who wouldnâ?Tt know the difference, but at closer look itâ?Ts made to possibly be altered with any random information, since the Ballot application has wired name and address change options as well as â?oif no valid IDâ? or â?ono address availableâ? options. My Husband was always a registered Republican, as am I, yet I keep getting tons of wired Ballot applications from Democrats that just donâ?Tt seem. I assume my Husbandâ?Ts info was retrieved from prior years registration data? I will continue to monitor my husbandâ?Ts voter info to make sure he is not being activated prior to the GA runoff, since this application will obviously not be returned by him or anyone else.

Thank you very much for your time

Sincerely

S. Franklin

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Monday, December 7, 2020 1:02 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Ryan Stern

Name: Ryan Stern

Phone: [REDACTED]

Address: [REDACTED]

City: Kathleen

State: GA

Zip Code: [REDACTED]

County: Houston

E-mail: [REDACTED]

Location of Violation: Kathleen, GA

Description of Violation: I am currently stationed at Robins AFB, GA near Warner Robins, GA. I have received 4 applications in the mail to register to vote for the upcoming Senate runoff on 5 Jan. I am registered to vote in South Dakota since I am on Active Duty and that is my home of record. I received no such solicitations for the general election on Nov 3rd. The applications also have my middle name as Andrew instead of Matthew and they are for the Gwinnett County Board of Registrars Offices when I currently live in Houston County. The groups sending these applications are America Votes and the Black Progressive Action Coalition. I'm not sure how the citizens of Georgia can expect a fair and free election when absentee ballots are being sent to non-residents of the state.

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Sunday, December 6, 2020 3:54 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Betty Jones Holt

Name: Betty Jones Holt

Phone: [REDACTED]

Address: [REDACTED]

City: Tifton

State: GA

Zip Code: [REDACTED]

County: Tift

E-mail [REDACTED]

Location of Violation: Tifton

Description of Violation: I have received 3 applications for a ballot for the January senate runoff in the name of John Jeffery Holt. My husband died in 2019 but his name was John Franklin Holt. No one here by John Jeffery Holt. I took the application letters to Tifton to Supervisor of Elections an she told me to put on outside of letter Return to Sender. They were mailed from Washington D C. Return address was America Votes PO Box 33516, Washington DC 20033 I did not return. Looks like fraud to me.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Thursday, December 3, 2020 7:17 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Yvette Powell

Name: Yvette Powell

Phone: [REDACTED]

Address: [REDACTED]

City: Bay St. Louis

State: MS

Zip Code: [REDACTED]

County: McIntosh

E-mail: [REDACTED]

Location of Violation: Bay St. Louis, MS via mail

Description of Violation: My husband and I received applications for official absentee ballots. This was sent directly to our address in Mississippi. We moved from Georgia in 2018 and have not voted in Georgia since we left. The application is coming from Honest Elections Project in Alexandria, VA. Why would we receive applications specifically for Georgia elections when we reside in Mississippi.

RETRIEVED FROM DEMOCRACY DOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 9:18 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Justin Cavanaugh

Name: Justin Cavanaugh

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: Home residence mail box

Description of Violation: I have received 3 absentee ballot applications that I did not request from America votes. I also received 2 absentee ballot requests from the state of Georgia that I did not request. I had destroyed 4 of these applications and kept the one mailed today.

Today I received mail to my address with someone else's name I gave me or seen before. This was from the Voter Participation Center. As the mail is addressed to someone else I have not opened, but the letter says it's a vote at home ballot request enclosed. It seems to me if I were willing to commit fraud, to which I am not, receiving 6 applications in the mail for absentee ballots that I did not request is troublesome to say the least.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 3:11 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From David P. Cooper

Name: David P. Cooper

Phone: [REDACTED]

Address: [REDACTED]

City: Conyers

State: Georgia

Zip Code: [REDACTED]

County: Rockdale

E-mail [REDACTED]

Location of Violation: [REDACTED] Conyers GA [REDACTED]

Description of Violation: I am the second owner of this home living here since 1996. Home was built 1995-1996. The previous owner lived here a month or two and got transferred. We bought it from a relocation company. No Juan Rene Cooper Sr. has ever lived here and we are getting absentee ballot applications addressed to Juan Rene Cooper Sr from America Votes.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 7:21 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Deb Buckner

Name: Deb Buckner

Phone: [REDACTED]

Address: [REDACTED]

City: Conyers

State: GA

Zip Code: [REDACTED]

County: Rockdale

E-mail [REDACTED]

Location of Violation: In the mail

Description of Violation: My brother has been deceased since 2015. Last week I received a partially completed voter registration Application to register him to vote. It came from Register2vote.org. What data base are they using? What gives them the authority to arbitrarily send out applications? How many people fill these out for deceased people? This is encouraging fraud and making it so simple.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Message

From: cheard@decaturcountyga.gov [cheard@decaturcountyga.gov]
Sent: 12/1/2020 4:07:29 PM
To: Callaway, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=366c24bcd3a14a12b5a8f18214647d3c-Callaway, J]
Subject: RE: Voter Issue

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Mr. Callaway.

The last time she received an absentee ballot was the general election in 2014. Thanks,

Carol P. Heard

Chief Elections Official

Decatur County Board of Elections and Voter Registration

cheard@decaturcountyga.gov

(229) 243-2087 or (229) 400-8091 (cellphone)

122 W. Water St., Bainbridge, GA 39817

P.O. Box 7428, Bainbridge, GA 39818

From: Callaway, James <jcallaway@sos.ga.gov>

Sent: Tuesday, December 1, 2020 9:36 AM

To: CHEARD@DECATURCOUNTYGA.GOV

Subject: Voter Issue

Greetings,

I have a complaint from a former Decatur County Voter. She states she received an AB in her maiden name and she has lived in Alabama since 2014. I suspect it was merely an application for an AB and not a ballot because Enet does not show an AB in 2020.

Her name is NATALIE NICOLE NICHOLS and her VR is [REDACTED]. Can you make sure that Decatur County did not send out an AB.

Thank you,

James Callaway

Deputy Chief

Investigations Division

Georgia Secretary of State

Main: 470-312-2678

Mobile: 678-881-1508



Message

From: Watson, Frances [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A76276F39BDD4942930106C456DEBCA6-WATSON, FRA]
Sent: 12/3/2020 2:40:49 PM
To: Callaway, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=366c24bcd3a14a12b5a8f18214647d3c-Callaway, J]
Subject: FW: Received absentee ballot addressed to someone else

Frances Watson
Chief Investigator
Investigations Division
Georgia Secretary of State
Main: 470-312-2774
Cell: 404-683-3226



From: Harris, Axiver <aharris@sos.ga.gov>
Sent: Thursday, December 3, 2020 9:23 AM
To: Watson, Frances <fwatson@sos.ga.gov>
Subject: FW: Received absentee ballot addressed to someone else

From: managementescalationissues <managementescalationissues@sos.ga.gov>
Sent: Thursday, December 3, 2020 8:47 AM
To: Harris, Axiver <aharris@sos.ga.gov>
Cc: Everett, Crystal <ceverett@sos.ga.gov>; Taylor, Elizabeth <etaylor@sos.ga.gov>
Subject: Received absentee ballot addressed to someone else

Good Morning,

Mr. Fort received an application ballot that is addressed to someone else. He is upset because the person has never lived there. He thinks this is voter fraud. The organization is America Votes. He wants to turn this over to federal authorities as evidence.

Mr. Dustin Fort
[REDACTED]
Columbia County

Thank you,

Brittney M. Anderson

Customer Service Team Lead

Georgia Secretary of State

Main: 470.312.2684



RETRIEVED FROM DEMOCRACYDOCKET.COM

Message

From: VoterFraudEmailAlerts@sos.ga.gov [VoterFraudEmailAlerts@sos.ga.gov]
Sent: 11/2/2018 7:03:58 PM
To: EMailStopVoterFraud [/o=SOS/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=fe6ed741b1ac47beb601daf8709ce9b8-EMailStopVoterFraud]
Subject: Web E-Mail [Stop Voter Fraud] From Jeffry Miller

Name: Jeffry Miller

Phone: [REDACTED]

Address: [REDACTED]

City: Savannah

State: GA

Zip Code: [REDACTED]

County: chatham

E-mail: [REDACTED]

Location of Violation: [REDACTED]

Savannah, GA
[REDACTED]

Description of Violation: We are receiving mail from 'The Voter Participation Center', 'ProGeorgia State Table, LLC', and 'BlackPAC-GA' to a Sheba Nicola Smalls. Sheba Nicola Smalls does not live at this residence. We have lived here 5 years, and one of these flyers implies she has voted successfully from this address in 2010, 2012, 2014, and 2016. We purchased this home in 2013, and it had been an abandoned building for 10 years prior to then.

How many other people have been registered at this address when my wife and I are the only people who have lived here in fifteen years?

RETRIEVED FROM DEMOCRACYDOCKET.COM

Message

From: VoterFraudEmailAlerts@sos.ga.gov [VoterFraudEmailAlerts@sos.ga.gov]
Sent: 11/30/2018 4:18:41 PM
To: EMailStopVoterFraud [/o=SOS/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=fe6ed741b1ac47beb601daf8709ce9b8-EMailStopVoterFraud]
Subject: Web E-Mail [Stop Voter Fraud] From Jill Smith

Verified no such person is registered at the listed address and emailed Ms. Smith. 11/30 (FW)

Name: Jill Smith

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: US Mail

Description of Violation: Today I received mail at my home address from the Center for Voter Information addressed to Jeremy Stephen Smith. I have lived in this house for 13 years, and can verify that this person has never lived at this address for the 13 years I have, nor for the previous 4 years. Assuming this organization got this person's name and address from the registered voters, I wanted to call it to your attention as possible voter fraud. I Googled this person by name, and there is such a person living in the Atlanta area. White pages has his address at Alpharetta, which is not in DeKalb county. I hope you will look into this. Thanks!

RETRIEVED FROM DEMOCRACYDOCKET.COM

Message

From: VoterFraudEmailAlerts@sos.ga.gov [VoterFraudEmailAlerts@sos.ga.gov]
Sent: 12/4/2018 12:43:19 PM
To: EMailStopVoterFraud [/o=SOS/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=fe6ed741b1ac47beb601daf8709ce9b8-EMailStopVoterFraud]
Subject: Web E-Mail [Stop Voter Fraud] From Richard Braun

Name: Richard Braun

Phone: [REDACTED]

Address: [REDACTED]

City: Athens

State: GA

Zip Code: [REDACTED]

County: Clarke

E-mail: [REDACTED]

Location of Violation: Home address

Description of Violation: I received a piece of mail addressed to Mary Abney Rathbone from the Center for Voter Information at my address. This person does not live at [REDACTED] and to my knowledge she never has. My wife and I have lived at this address since September 2012. I am concerned that this person may fraudulently use this address for her voter registration.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Message

From: Germany, Ryan [/O=SOS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CGERMANY]
Sent: 6/2/2020 7:58:57 PM
To: Rayburn, Kevin [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0d20faa4e37c493c884b6ddaaa5b7140-Rayburn, Kevin]
Subject: FW: The Baxley News-Banner on guy who was sent two absentee ballots under different names

Can you see if you can find anything on these guys?

--
C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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From: Schaffer, Ari
Sent: Tuesday, June 2, 2020 3:49 PM
To: Germany, Ryan <rgermany@sos.ga.gov>; Fuchs, Jordan <jfuchs@sos.ga.gov>
Cc: Jones, Walter <wjones@sos.ga.gov>
Subject: The Baxley News-Banner on guy who was sent two absentee ballots under different names

Story about a guy in Baxley, GA who got two ballots after getting two absentee ballot requests sent to him. His name is Edward Leslie Burch and received request forms, and ballots, to Edward Burch and Leslie Burch. I couldn't get access to the whole article

<http://www.baxleynewsbanner.com/archives/12015-One-person,-two-ballots.html>

Ari Schaffer
Press Secretary
Georgia Secretary of State
404-304-3031

Message

From: Watson, Frances [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A76276F39BDD4942930106C456DEBCA6-WATSON, FRA]
on behalf of EMailStopVoterFraud [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D4563A949C84299AE2BC6814D8441C5-EMAILSTOPVO]
Sent: 1/1/2021 8:05:48 PM
To: Hall, Adrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d8244186feb9408681b44f7f614eeb31-Hall, Adric]
Subject: FW: Web E-Mail [Stop Voter Fraud] From Mildred Shaw

Add to file

Frances Watson
Chief Investigator
Investigations Division
Georgia Secretary of State
Main: 470-312-2774
Cell: 404-683-3226

-----Original Message-----

From: VoterFraudEmailAlerts@sos.ga.gov <VoterFraudEmailAlerts@sos.ga.gov>
Sent: Wednesday, December 30, 2020 10:03 AM
To: EMailStopVoterFraud <EMailStopVoterFraud@sos.ga.gov>
Subject: Web E-Mail [Stop Voter Fraud] From Mildred Shaw

Name: Mildred Shaw
Phone: [REDACTED]
Address: no address
City: Thomaston
State: GA
Zip Code: [REDACTED]
County: Upson
E-mail: [REDACTED]

Location of Violation: not entered

Description of Violation: This person has been dead for almost 20 years and she is still receiving election mail from The New GA project and independent organization and her name is off the voter rolls.

Message

From: Brent Dodson [thomasdodson@live.com]
Sent: 10/1/2021 5:25:56 PM
To: Watson, Frances [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a76276f39bdd4942930106c456debca6-Watson, Fra]
Subject: Re: Web E-Mail [Stop Voter Fraud] From Brent dodson

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.



Is there anyway to tell if Sheila's vote Was Counted? I had contacted the voter registration about this last year but nothing was done. Sheila is my mother and lives and is registered to vote in Spokane Washington.

On Oct 1, 2021, at 1:16 PM, Watson, Frances <fwatson@sos.ga.gov> wrote:

Please contact the Dekalb County Voter registrar to notify them and request an voters not residing at your address to be challenged and removed.

The phone number is 404-298-4040

Frances Watson
Chief Investigator
Investigations Division
Georgia Secretary of State
Main: 470-312-2774
Cell: 404-683-3226

-----Original Message-----

From: VoterFraudEmailAlerts <voterfraudemailalerts@sos.ga.gov>
Sent: Tuesday, September 28, 2021 12:13 PM
To: EmailStopVoterFraud <EmailStopVoterFraud@sos.ga.gov>
Subject: Web E-Mail [Stop Voter Fraud] From Brent dodson

Name: Brent dodson

Phone: [REDACTED]

Address: [REDACTED]

City: Dunwoody

State: GA

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: [REDACTED] Dunwoody GA [REDACTED]

Description of Violation: Family members are registered to vote at my address who don't live there and never have. And never registered to vote there but they are in the system as active registered voters at my address.

To: Watson, Frances[fwatson@sos.ga.gov]
Cc: Fuchs, Jordan[jfuchs@sos.ga.gov]; Gabriel Sterling[sterlinginnovative@gmail.com]; Harvey, Chris (Investigations) (wharvey@sos.ga.gov)[wharvey@sos.ga.gov]
From: Germany, Ryan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F7ABF7A301D749CDBDAB6452D3E15711-GERMANY, RY]
Sent: Tue 12/1/2020 2:59:37 AM (UTC)
Subject: FW: voter fraud continues
[20201130 182523 resized.jpg](#)
[20201130 182452 resized.jpg](#)
[20201130 182235 resized.jpg](#)
[20201130 182203 resized.jpg](#)

Frances—please open an investigation.

--

C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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From: Raffensperger, Brad <brad@sos.ga.gov>

Sent: Monday, November 30, 2020 9:08 PM

To: Germany, Ryan <rgermany@sos.ga.gov>; Gabriel Sterling <sterlinginnovative@gmail.com>; Fuchs, Jordan <jfuchs@sos.ga.gov>

Subject: Fwd: voter fraud continues

Get [Outlook for iOS](#)

From: [REDACTED]

Sent: Monday, November 30, 2020 7:30:47 PM

To: Raffensperger, Brad <brad@sos.ga.gov>

Subject: voter fraud continues

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

4th piece of election mail request for ballot for runoff in GA, sent to same person who has NEVER lived here! Both the envelope and return envelope has her address as OUR address, but the request sheet has a DIFFERENT pre-printed address. This is rampant fraud...the sending address is from "The Voter Participation Center".

Sharon Martin

Sent from my Verizon, Samsung Galaxy smartphone

Sent from my Verizon, Samsung Galaxy smartphone

Brian Field

From: Simmons, Rachell
Sent: Wednesday, October 14, 2020 1:53 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From SFC Chad Gray

Hello-

From the SOS website.

-----Original Message-----

From: ElectionsWebMailAlerts@sos.ga.gov [mailto:ElectionsWebMailAlerts@sos.ga.gov]
Sent: Wednesday, October 14, 2020 1:18 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From SFC Chad Gray

Name: SFC Chad Gray
Phone: [REDACTED]
Address: [REDACTED]
City: Brunswick
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: I am emailing in reference to numerous political mailings that have been received at GSP Post 23-Brunswick. The mail has been addressed to Brandon Jacques De Llen Moses. They have also been addressed to Brandon J. Moses. To date, there have been at least three pre-filled applications for absentee ballots with postage paid return envelopes addressed to the Glynn County Board of Elections. Most of the mailings have come from The Center for Voter Information in Atlanta. The address at Post 23 is [REDACTED] and was formerly [REDACTED]. This subject has absolutely no affiliation with this address. My concern is that someone has fraudulently registered to vote under two different names using this address. I would appreciate it if you could have someone look into this matter.

Thanks,
SFC Chad Gray #578
Post Commander
GSP-Brunswick
912-657-6578

From: VoterFraudEmailAlerts@sos.ga.gov
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From michelle smith
Date: Thursday, October 11, 2018 5:07:20 PM

Name: michelle smith

Phone: [REDACTED]

Address: [REDACTED]

City: alpharetta

State: ga

Zip Code: [REDACTED]

County: Fulton

E-mail [REDACTED]

Location of Violation: through the usps.

Description of Violation: I received a pre-filled in application for absentee ballot from Page S. Gardner The Voter Participation Center with my first and last name but a different middle name. This was addressed directly to my po box, I am registered to vote from my home address. The name on the ballot is Michelle Zenobia Smith at [REDACTED] Alpharetta, Ga [REDACTED] My name is Michelle Denise Smith registered at [REDACTED] Alpharetta, Ga [REDACTED] I suspect this to be a fraudulent voter registration.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Declaration of Ryan Germany
Exhibit B


RETRIEVED FROM DEMOCRACYDOCKET.COM

POLL WORKER MANUAL



Latest Update: May 2021

Voters marked as Absentee Issued have requested an Absentee Ballot by Mail or voted in person during Advanced in Person Voting. On the search results page, absentee will be listed on the voter information line. O.C.G.A. § 21-2-388

 ADAMS, JOHN 10/30/1905 9540 MANGANESE DR, ANYTOWN, GA 12345 VOTER ID: 76500011	Absentee Issued	County School Precinct: 101 Combo 1
--	------------------------	---

If a voter requested a ballot by mail and has the ballot to surrender:

- Confirm that the ballot is contained in the envelope and mark cancelled on the envelope.
 - This ballot should be returned on Election Night to the county office to the Registrar
- Remove the Absentee status from the record.
- Continue through the voter certificate process with the voter and encode a voter card.
 - If time allows, contact county office and inform them of the surrendered ballot.

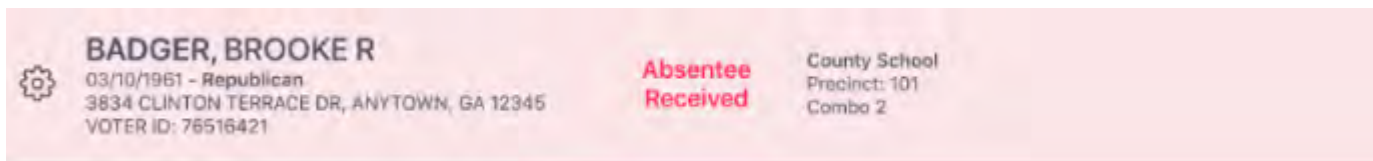
If a voter requested a ballot by mail and does not have the ballot with them at the polls:

- The ballot could be at their home, in the mail on the way to the voter or on the way back to the county office.
 - As long as the ballot has not been received back by the county office, the issued ballot can be cancelled so the voter can vote in person.
 - Confirm with the county office if the ballot has been received back or not.
 - Ballot received back and is considered “cast”.
 - Inform voter that their ballot has been received and their vote has been cast for the current election.
 - If they have concerns, provide them with the name and phone number of the person at the county office that can assist them.
 - Ballot not received back at the county office.
 - Voter to complete form provided by the county office to cancel their Absentee by Mail ballot.
 - Remove the Absentee status from the record.
 - Continue through the voter certificate process with the voter and encode a voter card.
 - If the voter claims they did not request an Absentee by Mail ballot, provide the voter with the name and phone number of a contact person at the county office to assist them with the issue.

POLL PAD – PROCESSING VOTERS

Absentee Ballot Received

Voters marked as Absentee Ballot Received have returned their absentee ballot by mail for the election. On the search results page, Absentee Received will be listed on the voter information line. SEB Rule 183-1-14-.09 / SEB Rule 183-1-12-.18



Voters marked as Absentee Ballot Received:

Ask the voter if they voted and mailed/returned an absentee ballot to the County Registrar's office or County drop box.

If voter states "yes", then explain that they have already cast their vote for the current election and thank them for voting.

- This voter will not be processed through and will not be eligible for a provisional ballot.
- If the voter has questions, provide the name and phone number of the person at the county office that can assist them.


If the voter states "no", contact the county office for more information

- If it is determined that the records show a vote was cast by this voter but they argue that they did not, the voter should be directed to the Provisional Ballot Station.
- The county registrar will research this during the Provisional Ballot review period.

POLL PAD – PROCESSING VOTERS

Advance in Person

Voters marked as Advance In-Person have voted in person during the advanced voting period. On the search results page, Advance In-Person will be listed on the voter information line.

 <p>HARRISON, WILLIAM HENRY 02/09/1903 - Republican 9704 CHELLS DR, ANYTOWN, GA 12345 VOTER ID: 76500019</p>	<p>Advance In-Person</p>	<p>County School Precinct: 101 Combo 1</p>
---	-------------------------------------	--

Voters marked as Advance In-Person:

Ask the voter if they voted in person within the last three weeks.

If voter states “yes”, then explain that they have already cast their vote for the current election and thank them for voting.

- This voter will not be processed through and will not be eligible for a provisional ballot.
- If the voter has questions, provide the name and phone number of the person at the county office that can assist them.

If the voter states “no”, contact the county office for more information.

- If it is determined that the records show a vote was cast by this voter, but they argue that they did not, the voter should be directed to the Provisional Ballot Station.
- The county registrar will research this during the Provisional Ballot review period.

VOTING

Declaration of Ryan Germany
Exhibit C

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: [Spell-Fowler, Kimberly \(AT\) \(FBI\)](#)
To: [Harvey, Chris](#)
Cc: [Watson, Frances](#); [Jensen, Joseph R. \(AT\) \(FBI\)](#)
Subject: Election complaint
Date: Wednesday, October 28, 2020 4:52:17 PM

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Chris,

Please see the most recent election complaint we received:

On 10/22/2020, at 9:36 a.m. Eastern Time, Robert L DePriest, date of birth [REDACTED], telephone number [REDACTED], called the FBI National Threat Operations Center (NTOC) to report voter fraud in Kingsland, GA.

DePriest provided the following information:

On 10/16/2020, around 1:00 p.m local time, he went to the GBI building, address 111 Gross Rd., Kingsland, GA 31548, to vote. When you walk in there is a lady at the desk who you give your ID to. She verifies your identity and gives you a card which you then take to the back and stick into a machine in order to print your ballot. There was a woman in front of him who provided her ID and it was flagged saying she had already voted. The woman insisted she had never voted before. The lady working the desk was about to call her supervisor over when the lady trying to vote said something to her about instructions. The lady working the desk grabbed the manila file folder beside her, looked through it, grabbed a paper out of it, and entered in a code which then bypassed the system and let the lady vote again.

DePriest never said anything because he was the only white person in there. He called the GBI who told him to contact the FBI. He lives in a very heavy democrat area.

He voted at the same location for the primary. When he went in the woman who was taking his ID didn't know what to do to get him a republican ballot because she had only had democrats come in. She yelled out "we have a republican here" and everyone turned around and looked at him, it made him very uncomfortable.

Let me know if you have any questions.

Respectfully,
Kim

Declaration of Ryan Germany
Exhibit D

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Thursday, January 7, 2021 10:24 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Brian Pollard

Name: Brian Pollard

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: Cathedral of St Phipps

Description of Violation: I received 5 applications for absentee ballot two were from a group called America Votes P O Bx 33516 Washington DC 20033 I suspect a leftist group from California. Received one from The Center for Voter Information (25B Peachtree St NE # 615 Atlanta ,GA 30309, and 2 absentee ballot application from another source I did not save envelop. I did not request any absentee ballot. The poll worker stated they had my absentee ballot. I informed him I had not sent in an absentee ballot. I had to go to another poll worker to have him cancel my absentee ballot that I never sent in. Then I was allowed to vote.This is Fraud in the Senate Voting in Georgia! I will sign a legal form to verify this Fraud. .

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Sunday, December 27, 2020 12:26 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Lorraine M. Holtsinger

Name: Lorraine M. Holtsinger

Phone: [REDACTED]

Address: [REDACTED]

City: Dacula,

State: Georgia

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: Gwinnett

Description of Violation: I received many unsolicited applications for absentee ballot.

Voted early with no recognition of this on Ga voters page

Would like the officials that I, personally, voted for to be recorded to help Audits.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Saturday, December 26, 2020 11:40 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Michael Barrett Culpepper

Name: Michael Barrett Culpepper
Phone: [REDACTED]
Address: [REDACTED]
City: Lilburn
State: GA
Zip Code: [REDACTED]
County: Gwinnett
E-mail: [REDACTED]t

Location of Violation: My home.

Description of Violation: I have never registered to vote & I received numerous absentee ballot applications this fall. My step daughter was not registered to vote and she did as well. How many others received ballots when they never did the legwork to register to vote.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Friday, December 18, 2020 12:36 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Cathy Carter

Name: Cathy Carter

Phone: [REDACTED]

Address: [REDACTED]

City: Box Springs

State: Ga

Zip Code: [REDACTED]

County: Talbot

E-mail: [REDACTED]

Location of Violation: [REDACTED]

Box Springs, GA [REDACTED]

Description of Violation: I moved here to Talbot County 8 years ago. I have neither registered or voted in that time. My husband has NEVER voted or even registered to vote. This year for the first time ever, we received over 15 absentee ballot applications for mail in voting. Many came addressed to a "current resident", just like bulk/junk mail. We also received ballot applications for my husband's dead Mother & Father along with one for his mentally handicapped Sister who can neither read or write. NONE of them have ever lived here. There was nothing remotely secure about these absentee ballots and I take issue with the fact that our supposedly secure and unbiased elections have been hijacked by corporate oligarchs with big money to buy our elections.

I think the dead comedian George Carlin was sharing a sad fact when he told us:

"If voting really made any difference they wouldn't let us do it".

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Thursday, December 17, 2020 10:04 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Leonard Celaya

Name: Leonard Celaya

Phone: [REDACTED]

Address: [REDACTED]

City: Blairsville

State: GA

Zip Code: [REDACTED]

County: Union

E-mail: [REDACTED]

Location of Violation: [REDACTED], Blairsville, GA [REDACTED]

Description of Violation: Received three (3) Applications for Official Absentee Ballot from the following organizations: Women Speak Out Pac, PO Box 1876, Merrifield, VA 22116-8076 and The Conservative Caucus, PO Box 1890, Merrifield, VA 22116-8090.

Why am I receiving these from VA and not from the state of Georgia? Why is the mailing address to a PO box in VA?

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Monday, December 14, 2020 6:15 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Robert Burke

Name: Robert Burke

Phone: [REDACTED]

Address: [REDACTED]

City: Tampa

State: FL

Zip Code: [REDACTED]

County: Chatham

E-mail [REDACTED]

Location of Violation: Chatham County

Description of Violation: I moved from Ga to FL in 2018. Please remove me from the voter rolls as I've received absentee ballot applications. I voted in the state of Florida since moving.

-RJB

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Thursday, December 10, 2020 12:36 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Ivellies Wilson

Name: Ivellies Wilson

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: absentee ballot

Description of Violation: I have screenshots showing that an absentee ballot was requested on 10/16, issued on 10/17, and received on 10/17. HOWEVER, I voted IN PERSON. I have called the Secretary of States office twice to complain. I was told the first time "this is not an issue" but I specifically requested that my complaint be referred to whoever researches voter fraud complaints. My husband called back yesterday (12/9) and there was no record that either he or I had called. We was told the "only" way to file a complaint was online. I recently received UNSOLICITED two different applications for absentee ballots: one from VPC and the NAACP and one from America Votes. Both include a postage paid envelope, so aren't they providing something of value (postage) to get me to vote? Isn't that against the law?

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 9, 2020 6:03 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Laurice Herzog

Name: Laurice Herzog

Phone: [REDACTED]

Address: [REDACTED]

City: Loganville

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: My mailbox in Loganville GA

Description of Violation: I received 4 - FOUR - Applications for Absentee Ballots that were unsolicited. In fact, I have NEVER asked for an absentee ballot in my whole life and now I get 4 all in one day? I called the SoS office but they don't seem to give a shit, and I doubt you do, either, but what the heck, I'll humor the people who tell me that I should report this.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 9, 2020 12:02 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Leanne Lewis

Name: Leanne Lewis

Phone: [REDACTED]

Address: [REDACTED]

City: Woodstock

State: GA

Zip Code: [REDACTED]

County: Cherokee

E-mail: [REDACTED]

Location of Violation: My home

Description of Violation: Received 2 applications for mail in ballot in the last week.. Iâ?Tve never applied for mail in ballot.. also have had democratic groups contacting me to reapply for my absentee ballot for the next election.. Iâ?Tve always voted in person and have never asked to receive absentee ballot

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Monday, December 7, 2020 1:02 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Ryan Stern

Name: Ryan Stern

Phone: [REDACTED]

Address: [REDACTED]

City: Kathleen

State: GA

Zip Code: [REDACTED]

County: Houston

E-mail: [REDACTED]

Location of Violation: Kathleen, GA

Description of Violation: I am currently stationed at Robins AFB, GA near Warner Robins, GA. I have received 4 applications in the mail to register to vote for the upcoming Senate runoff on 5 Jan. I am registered to vote in South Dakota since I am on Active Duty and that is my home of record. I received no such solicitations for the general election on Nov 3rd. The applications also have my middle name as Andrew instead of Matthew and they are for the Gwinnett County Board of Registrars Offices when I currently live in Houston County. The groups sending these applications are America Votes and the Black Progressive Action Coalition. I'm not sure how the citizens of Georgia can expect a fair and free election when absentee ballots are being sent to non-residents of the state.

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 8:52 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Patti Tennis

Name: Patti Tennis

Phone: [REDACTED]

Address: [REDACTED]

City: Stone Mountain

State: 13

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: Dekalb and Walton County

Description of Violation: I received an absentee ballot application which I never asked for. My daughter received 3 applications for absentee ballots which she never asked for.

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Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 6:33 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Elaine Barnes-Bailey

Name: Elaine Barnes-Bailey

Phone: [REDACTED]

Address: [REDACTED]

City: Marietta

State: GA

Zip Code: [REDACTED]

County: Cobb

E-mail: [REDACTED]

Location of Violation: Marietta

Description of Violation: When I saw this before the Presidential election I was wondering if it was normal to receive 3 applications for Absentee ballots for one person in my household and the only one who is a Democrat.

Now for the Senate race that same Democrat has received 2 applications thus far for the Absentee Ballot.

Ga enough this is wrong and it is happening all over our State!

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Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 3:04 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Jody Williams traylor

Name: Jody Williams traylor

Phone: [REDACTED]

Address: [REDACTED]

City: Marietta

State: Ga

Zip Code: [REDACTED]

County: Cobb

E-mail [REDACTED]

Location of Violation: My home

Description of Violation: Received 3 applications for absentee ballot. All addressed to me. All received on same date.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Wednesday, December 2, 2020 2:53 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Peggy Johnson

Name: Peggy Johnson

Phone: [REDACTED]

Address: [REDACTED]

City: Duluth

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: My home address

Description of Violation: I keep receiving unsolicited Absentee Ballet Applications from America Votes. These ballots aren't even official. Have sent an address cancellation request to them and have sent three of these same mailings back to them. Return Address P.O.Box 33516 Washington, D.C. 2033. This is harrassment. I have only resided at my current address one year. Also they have the audacity to show postage paid on applicaton ballot...I called the number on this mailing 1-866-687-8683...Person that answers says they are not America Votes... I told them, it doesnt matter, I will be reporting this.

RETRIEVED FROM DEMOCRACY DOCKET.COM

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Tuesday, December 1, 2020 7:47 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Matthew Kirby

Name: Matthew Kirby

Phone: [REDACTED]

Address: [REDACTED]

City: Tybee Island

State: GA

Zip Code: [REDACTED]

County: Chatham

E-mail: [REDACTED]

Location of Violation: Mailbox and text message

Description of Violation: I have received 3 absentee ballot applications for the US Senate runoff in the mail in the past week but have never requested an absentee ballot or expressed interest to vote by mail. Today, December 1st, I received a text message from 1-830-271-5693 providing me with a link to request a mail ballot for the US Senate runoff <https://r.seiu.org/GaMailBallot>. I attempted to call the number to speak with someone but it line wasn't able to receive incoming calls. I then text them back and informed them I hadn't requested a mail in ballot and plan to vote in person and planned to report them. They told me they have since opted me out of texts immediately and to "have a great day". This seems very suspicious to me and could easily allow fraudulent activity during any local or national election.

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Monday, November 30, 2020 9:07 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Sheree Muniz

Name: Sheree Muniz

Phone: [REDACTED]

Address: [REDACTED]

City: Dahlonega

State: GA

Zip Code: [REDACTED]

County: Lumpkin

E-mail: [REDACTED]

Location of Violation: Mailing of absentee ballot unrequested from America Votes.

Description of Violation: I have received 3 unrequested absentee ballot applications from America Votes. I don't have any dealing with America Votes. If this company mailed anything during the Presidential election, this could be considered fraud.

I personally drop off my absentee ballot application at my local office. Thanks.

Sheree Nicole Muniz

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Message

From: Watson, Frances [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A76276F39BDD4942930106C456DEBCA6-WATSON, FRA]
Sent: 11/30/2020 1:17:20 PM
To: Callaway, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=366c24bcd3a14a12b5a8f18214647d3c-Callaway, J]
Subject: FW: Absenttee Ballot

Please contact this complainant and have him send a scan or phot of what he received and the envelopes

Thank you

Frances

Frances Watson

*Chief Investigator
Investigations Division
Georgia Secretary of State
Main: 470-312-2774
Cell: 404-683-3226*



From: McCloud, Hayley <hmcccloud@sos.ga.gov>
Sent: Sunday, November 29, 2020 4:14 PM
To: Watson, Frances <fwatson@sos.ga.gov>
Cc: Teasley, Sam <samteasley@sos.ga.gov>
Subject: FW: Absenttee Ballot

Hi Frances,

Would you please ask someone to contact David Meyers at [REDACTED] about applications he received that said even if he requested an absentee ballot, he must request one for the runoff?

Bonnie Myers – Voter ID [REDACTED]

David Meyers - Voter ID [REDACTED]

David Myers received 2 applications for ballots which stated that even if he had requested a ballot for the general election, he must request another one for the runoff. He received 2 identical letters with applications. They came from Washington DC but had return envelopes addressed to Grayson, GA.

Thanks!

Hayley

Hayley McCloud, MPA

Legislative Director

Georgia Secretary of State

Cell: 404-710-2213

hmccloud@sos.ga.gov



From: Blackmon, Shaw <Shaw.Blackmon@house.ga.gov>

Sent: Saturday, November 28, 2020 8:45 PM

To: Rich, Bonnie <Bonnie.Rich@house.ga.gov>

Cc: Teasley, Sam <samteasley@sos.ga.gov>; McCloud, Hayley <hmccloud@sos.ga.gov>

Subject: Re: Absenttee Ballot

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I would forward to Sam or Hayley at the SOS office, but it does sounds like that could be legitimate albeit strange to be sure. I am copying them on our exchange. Thanks Bonnie! Hope y'all had a nice Thanksgiving.

Shaw

Get [Outlook for Android](#)

From: Rich, Bonnie <Bonnie.Rich@house.ga.gov>

Sent: Saturday, November 28, 2020, 8:37 PM

To: Blackmon, Shaw

Subject: Fwd: Absenttee Ballot

Shaw - do you know if this is normal?

Get [Outlook for iOS](#)

From: David Meyers [REDACTED]

Sent: Saturday, November 28, 2020 6:58:34 PM

To: Bonnie Rich <bonnie.rich@house.ga.gov>

Subject: Absenttee Ballot

Yesterday my wife and I received our Absentee ballots for the runoff in the mail. We had previously requested Absentee Ballots for all elections. Then today my I (David) received 2 applications for ballots which stated that even if I had requested a ballot for the general election, I must request another one for the runoff. He received 2 identical letters with applications. They came from Washington DC but had return envelopes addressed to Grayson, GA. Is this normal? Is there anyone in particular we need to notify about this? They say the application needs to be returned within 3 days.

David & Bonnie Meyers

[REDACTED]
Duluth, GA [REDACTED]

Message

From: Harvey, Chris [/O=SOS/OU=GASOS/CN=RECIPIENTS/CN=WHARVEY]
Sent: 9/25/2020 3:23:44 PM
To: Evans, Blake [/o=SOS/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=357c02ddec5a4865919091f0d12500fd-Evans, Blake]
Subject: FW: Message from [REDACTED]
Attachments: VoiceMessage.wav

Can you follow up with Monica on the duplicate mailing of ballots?

Chris Harvey

Elections Director

Georgia Secretary of State

Main 470-312-2777

Cell 404-985-6351



From: Cisco Unity Connection Messaging System <unityconnection@atl-ucxn-01.sos.state.ga.us>
Sent: Thursday, September 24, 2020 4:34 PM
To: wharvey@atl-ucxn-01.sos.state.ga.us
Subject: Message from [REDACTED]

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Message

From: Watson, Frances [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A76276F39BDD4942930106C456DEBCA6-WATSON, FRA]
Sent: 2/22/2021 8:10:31 PM
To: Anita Reid [lamarcountyregistrars@yahoo.com]
Subject: RE: SEB Meeting

This was individuals complaining that they received multiple Absentee Ballots. WE verified they all received multiple AB application request. The county was not a complainant or a respondent in the case. Just those reporting were from those counties.

Thanks for checking

Frances

Frances Watson
Chief Investigator
Investigations Division
Georgia Secretary of State
Main: 470-312-2774
Cell: 404-683-3226



From: Anita Reid <lamarcountyregistrars@yahoo.com>
Sent: Monday, February 22, 2021 2:52 PM
To: Watson, Frances <fwatson@sos.ga.gov>
Cc: Elaine Williams [REDACTED]; Bill Christopher [REDACTED]
Subject: SEB Meeting

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello Investigator Watson,

It was just brought to my attention that we are on the agenda for the upcoming State Election Board Meeting this week. We were not notified of this and would like to know what it is for. Any information you can offer would be greatly appreciated.

Thanks,

Anita Reid
Elections Supervisor
Lamar County Board of Elections and Registration
408 Thomaston Street, Suite D
Barnesville, Georgia 30204

Phone: (770) 358-5235 Fax: (770) 358-5445

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Declaration of Ryan Germany
Exhibit E

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: [Charlton Elections](#)
To: [Harvey, Chris](#)
Subject: Quick Question
Date: Thursday, August 20, 2020 10:33:31 AM
Attachments: [image001.gif](#)
Importance: High

Good morning Chris.

Just checking with you to make sure that you are aware that a letter is being sent to voters with Absentee Ballot Applications stating, "The Georgia Secretary of State and count election officials encourage voters to use mail ballots in the upcoming elections."

The application looks just like the ones that were mailed out by us in March/April and the way it is done seems very misleading. It says it is paid for by the Center for Voter Information.

I know we have to process them as usual, it is just that this is going to cause a mess like we had in June with ballots being returned to vote in person because for some reason, people feel the need to complete and sign a form without really paying attention to what it is for.

Respectfully,

Brenda Hodges

Supervisor of Elections
1520 Third St, Ste C
Folkston, GA 31537
P - 912-496-2607
F - 912-496-2608
C - 912-390-1786

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Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Thursday, December 17, 2020 10:04 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Leonard Celaya

Name: Leonard Celaya

Phone: [REDACTED]

Address: [REDACTED]

City: Blairsville

State: GA

Zip Code: [REDACTED]

County: Union

E-mail: [REDACTED]

Location of Violation: [REDACTED] Blairsville, GA [REDACTED]

Description of Violation: Received three (3) Applications for Official Absentee Ballot from the following organizations: Women Speak Out Pac, PO Box 1876, Merrifield, VA 22116-8076 and The Conservative Caucus, PO Box 1890, Merrifield, VA 22116-8090.

Why am I receiving these from VA and not from the state of Georgia? Why is the mailing address to a PO box in VA?

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Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Tuesday, December 8, 2020 3:28 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Samantha Briner

Name: Samantha Briner

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: Mail-in ballot applications

Description of Violation: I have received correspondence from a business named "Democracy for America". They are sending mail-in ballot applications to individuals under the name "America Votes".

Shouldn't mail in ballot applications come solely from the government? Why would I fill out a ballot and return it to a business called "America Votes"?

There is 100% voter fraud in Georgia and it's sad that the SOS is not taking it more seriously.

Declaration of Ryan Germany
Exhibit F

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Georgia Senate Bill 202, In Re

Page 1

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

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|
IN RE GEORGIA SENATE BILL 202 | Master Case No.
| 1:21-MI-55555-JPB
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SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 4, 2021

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1 through all of this and get it right on one piece
2 of legislation?

3 We shouldn't have several pieces of
4 legislation dealing with the same thing.
5 Considering that the election has gone well over
6 the previous years, and all of a sudden, we want
7 to change it. But those are my comments for
8 right now, and thank you.

9 REP. BARRY FLEMING: The Chair notes
10 that Representative appears to want an omnibus
11 bill. Number six? Representative Williams?

12 REP. RICK WILLIAMS: Thank you, Mr.
13 Chairman. I think a lot of the confusion that
14 happened this last election was a lot of us got
15 absentee ballot application requests from third
16 parties. I know I got myself probably about six
17 different pieces of mail encouraging me by the
18 different political parties and third parties to
19 apply for an absentee ballot.

20 And what that did was a lot of people
21 applied multiple times to the counties. So, a
22 lot of the counties were overwhelmed because the
23 same person was requesting six different absentee
24 ballots. And, you know, there's got to be some
25 way to maybe rein that in to just official

1 absentee ballot requests. Whether it comes from
2 the Secretary of State or from the county of
3 residence.

4 But there was mail pieces that were
5 continually going out encouraging people to
6 request an absentee ballot. So, I think the
7 system was probably overloaded. I think a lot of
8 this -- as I've worked in elections for over 16
9 years, this is bringing some uniformity statewide
10 and this is what we have lacked in the past is
11 certain rules passed down from the Secretary of
12 State's office to the different counties that you
13 will perform elections in this manner in these
14 steps, and these are the hard rules.

15 I want to commend my county, Baldwin
16 County, and Putnam County. They -- even in their
17 recounts, the numbers were the exact same. They
18 just run good elections down there. But I thank
19 you for your input too. That's all, Mr.
20 Chairman.

21 REP. BARRY FLEMING: Representative
22 Smyre, is that you?

23 REP. CALVIN SMYRE: Yes, sir.

24 REP. BARRY FLEMING: Representative --
25 Dean Smyer?

Georgia Senate Bill 202, In Re

Page 1

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

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IN RE GEORGIA SENATE BILL 202 | Master Case No.
| 1:21-MI-55555-JPB
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SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 22, 2021

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1 REP. BARRY FLEMING: Anybody.

2 REP. CALVIN SMYRE: Nonprofits or
3 anybody else that send out absentee ballot
4 applications.

5 REP. BARRY FLEMING: Yeah. One of the
6 biggest contentions, I guess you would say, that
7 I heard -- several members have heard -- is that
8 many members of the public thought that they
9 received seven, eight, nine absentee ballots.
10 What we find out in most instances --
11 overwhelmingly most instances -- what they
12 received is five, six, or seven absentee ballot
13 applications.

14 There are several things that we're
15 trying to do around that area to resolve the
16 confusion that took place this past election.
17 One is the in the bill that local governments and
18 state government will no longer send out
19 unsolicited absentee ballot applications. Now,
20 there are some people who would like to say
21 nobody should do that, but we get into a freedom
22 of speech issue.

23 I cannot tell you, within some reason,
24 you cannot send out something as far as
25 campaigning. And the idea would be that that

Georgia Senate Bill 202, In Re

Page 1

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

IN RE GEORGIA SENATE BILL 202

Master Case No.

1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY

2021 Subcommittee Videos

February 23, 2021

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1 directors. Quite frankly, I think the unforeseen
2 or impact or consequence of this is it's going to
3 be harder to find people to do this job in the
4 future. And stepping up, not only in this bill
5 with the state offering assistance, intervening,
6 removing, it may be something that we would like
7 to discuss in the future as to what role and how
8 extensive the state may wish to take on this
9 responsibility. Or at least have some sort of
10 pool of officials who'd be willing to come in, as
11 these jobs become more difficult to fill.

12 REP. SHAW BLACKMON: I think there's a
13 couple of questions. But again, I think you're
14 absolutely right, Mr. Edwards. We're looking at
15 trying to restore confidence.

16 REP. TODD EDWARDS: Sure, sure. I
17 understand.

18 REP. SHAW BLACKMON: And again, some of
19 these checks and balances are intended to do that
20 very thing. I think we've seen for a few
21 election -- maybe the entire election cycle, back
22 in June 9th, I think we had a number of people
23 come forward that were very concerned about long
24 lines. And they were concerned about some of the
25 things regarding these absentee by mail ballots

1 that came in, and the number of applications that
2 went out, and how it made things a little bit
3 overwhelming and confusing, and from a resource
4 perspective at the local level -

5 REP. TODD EDWARDS: It was all
6 unprecedented.

7 REP. SHAW BLACKMON: Yes. Yes, sir.
8 And there were, obviously, numerous factors at
9 play. So, we've heard a lot of testimony, a lot
10 that folks had issues and things come up, and
11 things that I think were meant to be
12 investigated, but maybe they were not necessarily
13 investigated either. So, I think again, trying
14 to restore confidence is what these are intended
15 to do. And want to work with you regarding any
16 kind of mitigation on a financial end, it's
17 appropriate. But I think first and foremost,
18 what we want to do is see these things handled,
19 the training, everything up front, and done
20 properly up front. And then, there's never any
21 need to go to any of these kind of measures.

22 REP. TODD EDWARDS: No, and that's
23 perfectly understandable. Their training, we're
24 all for it. I think there needs to be more
25 consistent training, not just over the election

Georgia Senate Bill 202, In Re

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

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IN RE GEORGIA SENATE BILL 202 | Master Case No.
| 1:21-MI-55555-JPB
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SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
March 17, 2021

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1 REP. BARRY FLEMING: Amen. Thank you,
2 Representative Burnough. All right. Ladies and
3 gentlemen, what you have in front of you today is
4 Senate Bill 202. That's a bill passed over to us
5 by the chairman of the Senate Ethics Committee,
6 Senator Burns. I will, with his permission,
7 explain the original Senate Bill 202, and then I
8 will talk with you about the additions that have
9 been made to it.

10 If you go to Section 24, pages 38 and
11 39, there you will find a requirement for third-
12 party organizations who are sending out absentee
13 ballot applications to voters who have already
14 requested or voted absentee ballots you will find
15 prohibition to that. In other words, we are now
16 going to require parties sending out absentee
17 ballot applications to check the daily postings
18 online for who has already voted, who has already
19 applied, and who has already received an absentee
20 ballot.

21 The purpose of that, as I understand
22 it, and as I discussed with the author, was that,
23 as many of you probably have heard, and we have
24 talked about in this committee before, there were
25 multiple citizens who said, man, I got seven

1 absentee ballots, or I got 12. Well, what we
2 seem to think in most situations, they received
3 probably absentee ballot applications, we're
4 pretty sure, in most instances.

5 So, the idea would be that if you know
6 and can readily check what you can, an
7 organization that someone has already either
8 voted, already turned in an application, or
9 already received an absentee ballot that we don't
10 want to continue sending them absentee ballot
11 applications. Probably actually save somebody
12 some money on postage with sending things out.
13 That is the original Senate Bill 202. It falls
14 in line with some earlier things that we did in
15 our legislation, which is also in this bill, and
16 that is making sure that absentee ballot
17 applications are clearly marked as such with
18 prominent language, notifying who it came from,
19 and what it was. And requiring, obviously, a
20 standard form so it would not be confusing any
21 more so than need be.

22 If you now turn to some sections, which
23 I'm going to identify for you, I'll start with
24 some things that we talked about on the House
25 side, but I don't believe was passed. Maybe held

1 proposed in here as the committee sub? I know
2 you...

3 REP. BARRY FLEMING: Yes, sir, you
4 unfortunately, as I do - I was late today,
5 myself. I went over that when we started, but I
6 can tell you exactly where it is. If you look in
7 Section 24 of the bill, on page 38 and 39, the
8 original portion of 202 was about organizations
9 sending absentee ballot applications to people
10 who had already voted, or already applied. And
11 it says that you have to check, basically, to
12 make sure that - the publicly-offered information
13 - that they have not already applied or already
14 voted. If so, you should not send them an
15 absentee ballot application. That's Section 24
16 of the bill, pages 38 and 39.

17 REP. CALVIN SMYRE: Okay. One other
18 thing, in terms of how we go from here is will
19 the public and others have an opportunity to - if
20 the election directors, because I know we've been
21 in contact with them, but will there be any kind
22 of public testimony or Zoom testimony on this
23 bill as we have it today, as the committee sub.
24 Do you anticipate that?

25 REP. BARRY FLEMING: Yes, sir, Mr.

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IN THE UNITED STATES DISTRICT COURT
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ATLANTA DIVISION

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SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
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1 the end of what we were -- Just to make sure I'm
2 hearing you clearly. I haven't heard anyone that
3 got multiple ballots. I've heard a lot of people
4 that got multiple applications.

5 CAROLINE GARCIA: Yes. I'll make a
6 correction.

7 REP. CHUCK MARTIN: I understood what
8 you were saying.

9 CAROLINE GARCIA: I will make that.

10 REP. CHUCK MARTIN: But I just wanted
11 to be clear that that has been a problem. In
12 fact, isn't it true? I had a constituent call
13 me, a very sharp young lady in her 80s, and I
14 mean that, but she was confused. She said, "I
15 don't understand, Representative. I keep sending
16 it in. I must be doing something wrong, because
17 they keep sending me another application. And
18 so, she was sending in multiple applications, Mr.
19 Chairman. So, you bring up an excellent point.
20 I just wanted to make sure I heard you right.

21 CAROLINE GARCIA: Yes, thank you.

22 REP. CHUCK MARTIN: It's the folks were
23 getting too many --

24 REP. BARRY FLEMING: And I will
25 (inaudible).

1 CAROLINE GARCIA: It's the absentee
2 ballot request.

3 REP. BARRY FLEMING: I will tell you,
4 though, that there are some people that did
5 receive more than one absentee ballot.

6 CAROLINE GARCIA: Yes, I had heard
7 that, also.

8 REP. BARRY FLEMING: And I think many
9 thought they received several when they got
10 applications, but I have a constituent that lives
11 in my district that received two, and I've seen
12 the pictures of them. And what happened, we
13 found out what happened in that situation. With
14 the pandemic, the counties, some of them were
15 overwhelmed with the amount of absentee ballot
16 requests they got.

17 So, the secretary of state's office
18 made a third-party service available to them to
19 help them cope with it, if they requested it.
20 They didn't have to. Some were able to cope with
21 the amount of absentee ballots. And so, my
22 county got some help, and the ballot went out,
23 but it was not delivered properly and got
24 returned for some reason. So, the constituent
25 reached out to the local office. They cancelled

1 that first ballot and sent her another one.

2 And then, the one that was supposed to
3 arrive, somehow with the post office, did arrive
4 after she received her second one. So, there
5 were instances probably given what we were going
6 through. We are trying to, in the bill that we
7 have passed in the House and some of the Senate
8 language, remedy that in several ways.

9 CAROLINE GARCIA: Thank you.

10 REP. BARRY FLEMING: One way is that we
11 now require people sending out these absentee
12 ballot applications to check with the public
13 information to make sure you have not already
14 voted, or you have not already voted or asked for
15 an absentee ballot. If you have, we ask them not
16 to send another one because of that confusion.
17 The other thing we do is that we require clear
18 labeling when someone does receive an absentee
19 ballot application.

20 CAROLINE GARCIA: That's good.

21 REP. BARRY FLEMING: That this is an
22 application, not a ballot, and who it came from,
23 and that this is not the government sending it to
24 you, but this organization. And then, they must
25 send the official form unfilled out. One of the

Declaration of Ryan Germany
Exhibit G

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1 you, there is a requirement for the first time in
2 Georgia law that our poll watchers have some sort
3 of certified training.

4 So, the first time they walk in to view
5 an election process is not the first time that
6 someone has spoke with them about it and been
7 trained about that. Nothing changes that
8 requirement. It's been in the bill since the
9 start. We're simply going to have the parties
10 tell us through a basic certification that they
11 have indeed carried out that training for their
12 designated poll watchers.

13 And lastly, as you know that we have
14 discussed before, one of the things in the bill
15 is a requirement that if a third-party group
16 sends out an absentee ballot to -- excuse me --
17 an absentee ballot application to an individual,
18 that is a first amendment right. We believe they
19 have the right to do that, but we are requiring
20 them to clearly notify the individual that you
21 are receiving an absentee ballot application.
22 Who are you receiving it from? That it is not a
23 government sending it to you.

24 We simply are putting a language
25 similar to things already allowed in the federal

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1 that if you are a third party and you're going to
2 send absentee ballot applications, you had to
3 have that clearly marked whereby the potential
4 voter would know that this was not a government
5 document, and you would clearly identify the
6 group you were with. We added language to make
7 sure that that disclaimer, so to speak, would be
8 visible and not stuck in the corner somewhere,
9 and that language you have in there comes from
10 other FEC, Federal Election Commission
11 requirements, not specifying font size, but
12 saying it has to be very notable. The next thing
13 that I mentioned to you yesterday that would be
14 in the substitute that you have in front of you
15 now is in section 16, line 824. Already we had
16 put into the substitute previously a bill by
17 Representative Ginny Ehrhart. She had an issue
18 in Cobb County where a early voting precinct was
19 closed very close to the election -- so close
20 that it caused confusion. People were still
21 showing up to vote there. Yeah page 33, line
22 824. What we did is we modified that to a 14-day
23 time period for early voting locations, that if
24 you're going to close one, you have to give
25 notice before that, that you're going to do it.

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1 absentee ballots, or I got 12. Well, what we
2 seem to think in most situations, they received
3 probably absentee ballot applications, we're
4 pretty sure, in most instances.

5 So, the idea would be that if you know
6 and can readily check what you can, an
7 organization that someone has already either
8 voted, already turned in an application, or
9 already received an absentee ballot that we don't
10 want to continue sending them absentee ballot
11 applications. Probably actually save somebody
12 some money on postage with sending things out.
13 That is the original Senate Bill 202. It falls
14 in line with some earlier things that we did in
15 our legislation, which is also in this bill, and
16 that is making sure that absentee ballot
17 applications are clearly marked as such with
18 prominent language, notifying who it came from,
19 and what it was. And requiring, obviously, a
20 standard form so it would not be confusing any
21 more so than need be.

22 If you now turn to some sections, which
23 I'm going to identify for you, I'll start with
24 some things that we talked about on the House
25 side, but I don't believe was passed. Maybe held

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1 that first ballot and sent her another one.

2 And then, the one that was supposed to
3 arrive, somehow with the post office, did arrive
4 after she received her second one. So, there
5 were instances probably given what we were going
6 through. We are trying to, in the bill that we
7 have passed in the House and some of the Senate
8 language, remedy that in several ways.

9 CAROLINE GARCIA: Thank you.

10 REP. BARRY FLEMING: One way is that we
11 now require people sending out these absentee
12 ballot applications to check with the public
13 information to make sure you have not already
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15 an absentee ballot. If you have, we ask them not
16 to send another one because of that confusion.
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18 labeling when someone does receive an absentee
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21 REP. BARRY FLEMING: That this is an
22 application, not a ballot, and who it came from,
23 and that this is not the government sending it to
24 you, but this organization. And then, they must
25 send the official form unfilled out. One of the

1 other problems we had was the forms looked
2 different. It confused people.

3 And also, it would be prefilled out,
4 quite often with the wrong information. And you
5 think it's right. You send it in. And then, all
6 of a sudden, you may have trouble getting your
7 ballot because it wasn't filled out properly.

8 CAROLINE GARCIA: Yes. We saw
9 something like that.

10 REP. BARRY FLEMING: Yeah. So, we're
11 making several changes in the legislation trying
12 to cope with those problems that we saw.

13 CAROLINE GARCIA: Thank you, Mr.
14 Martin. I appreciate clarifying that. Yes. It
15 was the absentee ballot request. So, sometimes,
16 talking about this, I get the ballot and the
17 absentee ballot request mixed up. So, thank you
18 for that clarification.

19 REP. BARRY FLEMING: Hold on a minute.
20 We got one more question. Ms. Burnough.

21 REP. RHONDA BURNOUGH: Oh, I just
22 wanted to clarify. It was Ron Beck in Arizona
23 that was sending out the ballots, not Dominion,
24 that sent out the ballots to us in Georgia. In
25 the beginning, when the secretary of state, when

Declaration of Ryan Germany
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1 would be interpreted as campaigning. Therefore,
2 we will simply say that if you send it out, there
3 will be one standardized form. That form will
4 not be prefilled out, because another problem
5 that we found is a lot of those forms were
6 prefilled out incorrectly, and it caused a lot of
7 problems when it came into the boards of
8 elections.

9 And if you do send it out, you have to
10 say who you are, let the people this is not sent
11 by a government, and that language has to be what
12 I call open and obvious. That's a summary of our
13 prior discussions on those issues.

14 REP. CALVIN SMYRE: Okay, thank you.

15 REP. BARRY FLEMING: Yes, sir, Mr.
16 Chairman. Any other questions from any committee
17 members about the committee substitute draft that
18 you will receive this evening that we will work
19 off of. Okay. The chair sees no other. If you
20 think of a question, you can certainly pop back
21 up later, and I'll be happy to discuss that with
22 you. I will make one other note. There are
23 other areas that I think are worth attention.

24 One of those areas that I suspect you
25 will see more discussion about is the idea of

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23 that was sending out the ballots, not Dominion,
24 that sent out the ballots to us in Georgia. In
25 the beginning, when the secretary of state, when

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State Defendants' Opposition to
Plaintiffs' Motion for Preliminary Injunction

Exhibit 2

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ROUGH DRAFT TRANSCRIPT

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

IN RE)	
GEORGIA SENATE BILL 202)	
)	
Plaintiff,)	
vs.)	Civil Action No.
)	1:21:MI-55555-JPB
)	
Defendants.)	
)	
- - - - -)	

DEPOSITION OF
MILTON D. KIDD

Thursday, May 5, 2022, 10:09 a.m.(EST)

HELD AT:

Thompson Hine LLP
Two Alliance Center
3560 Lenox Road, Suite 1600
Atlanta, Georgia 30326

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WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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13 APPEARANCES OF COUNSEL (VIA ZOOM)

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5 By Ms. Mizner

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6 By Ms. Houk

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7 By Ms. Meng

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8 By Ms. LaRoss

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9 By Mr. Kaufman

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DESCRIPTION

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14 Exhibit 1 Senate Bill 202

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15

11 traditional absentee ballots at the same time that
12 we began UOCAVA mail-out. Now that date has been
13 shifted to 29 days.

14 Prior to the start of a general election
15 and 25 days for prior to the start of a municipal
16 election.

17 Q And would that increase affect any burdens
18 and you and your election workers?

19 A Yes.

20 MS. LaROSS: Objection as to form.

21 A Yes.

22 Q And can you explain a little bit what
23 those burdens would be?

24 MS. LaROSS: Objection as to form.

25 A Cutting mail-out time by 20 days in a time

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1 frame where traditional mail has been indicated to
2 be slower cuts into the time frame to -- for a voter
3 to get an absentee ballot and return that ballot to
4 our office in a timely fashion.

5 MS. MENG: Thank you for your time,
6 Mr. Kidd. I have nothing else.

7 MS. O'CONNOR: Does anyone else on the

8 phone who had questions?

9 (Discussion ensued off the record.)

10 EXAMINATION

11 BY MS. LaROSS:

12 Q Mr. Kidd, I had introduced myself earlier.

13 I'm Diane LaRoss. I represent the state defendants

14 in this matter. I to have a few questions for you.

15 And we do appreciate your time today. I know it's

16 valuable.

17 You had spoken earlier in your testimony

18 concerning feedback that you've received from

19 Douglas County voters. And are you aware of any

20 complaints that Douglas County Leaks office received

21 from potential voters where they indicated that they

22 had received multiple absentee ballot applications

23 in the mail?

24 A I have had votes call because they -- yes.

25 Q And so you mentioned that votes called.

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1 Did you receive any of those kinds of complaints in

2 any other form, like email or in person or anything

3 like that?

4 A In person and phone calls where the

5 majority of the incidence.

6 Q So tell us a little bit about the types of
7 those complaints that you received?

8 A They were wondering if this was legal of
9 other organization to sends an absentee ballot
10 request outside of our officer sending them.

11 Q Was there anything else that was relayed
12 to you or your office with respect to those
13 particular complaints other than what you've said?

14 A I don't believe. So.

15 Q And what actions did Douglas County take
16 in response to those complaints?

17 A We did post information on our website
18 indicating that we did do mailers and indicating
19 that third-party groups are able to disseminate --
20 well, were able to disseminate absentee ballot
21 applications at that time.

22 We also participated in self-rule forms at
23 community events to notify voters of their right, or
24 that they would be receiving these in a campaign
25 election season.

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1 Q So the folks that explained to your
2 observation concerning their receipt of multiple

3 absentee ballot applications, did any of those
4 individuals express confusion as to why they were
5 receiving multiple ballot applications?

6 A Yes.

7 Q And just to get an idea of the number of
8 these kinds of complains, can you give us a ballpark
9 number of them? It is handful or 20 to 30 or 100?
10 Do you have any sense for that?

11 A I would say 20 to 30.

12 Q 20 to 30. And did any of the individuals
13 indicate that they had already completed and
14 returned an absentee ballot application and then
15 received another afterward?

16 A Yes.

17 Q Did any of these individuals express
18 confusion about whether the documents were
19 applications or ballots?

20 A Yes.

21 Q And did any of the individuals compress
22 concern about problems with voting or voter fraud
23 when making these complaints?

24 A Can you restate the question?

25 Q So did any of the individuals express to

1 you concern that there might be wrongful use of the
2 ballots or voter fraud when making these complaints?

3 A There was confusion as to the fact that an
4 absentee ballot application is not a ballot. So
5 some of the complains were being addressed that they
6 were receiving ballots but they were receiving
7 applications.

8 Q And then in that instance you all would
9 clarify what they had actually received?

10 A Yes.

11 Q And whether it was an application or a
12 ballot, correct?

13 A Yes.

14 Q And are you aware of any complaints that
15 Douglas County elect office received from potential
16 voters stating that they had received absentee
17 ballot applications that included incorrect personal
18 information?

19 A Yes.

20 Q Describe for us, if you would, the types
21 of contemporaneous you received? What did you hear
22 from the voters about that?

23 A Some of the groups that did do mailers did
24 not do mailers based off of a registration listserv.
25 They may have contacted and got a list of who all

1 was in -- in a household. So individuals got
2 applications under names -- let's say they go by
3 their middle name, would mail, so they got the
4 application under the middle name that they use
5 for mail instead of their legal government name, and
6 they was wondering how that happens.

7 Q Anything else? Any other examples that
8 you can recall that would fall in this category of
9 folks receiving absentee ballot applications that
10 had incorrect personal information on them?

11 A The naming convention is probably the
12 majority of those.

13 Q What acts did Douglas County take in
14 response to those complaints?

15 A Once again, we placed notification on our
16 website indicating how this process happens.

17 We also instructed the voters to look for
18 the specific information that Douglas County as an
19 office itself sends out, and instructed them on what
20 our applications looked like and instructed them to
21 use the forms that we supplied.

22 Q Did any of the individual voters express

23 confusion about why they had received applications
24 with incorrect information?

25 A Yes.

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1 Q And did any of the individuals ask how
2 they could correct the information, the incorrect
3 information?

4 A We verified -- yes. we verified at the
5 time how they were registered.

6 Q And at the time when you spoke with the
7 voters, is that what you mean? Then your office
8 would correct or help them correct the incorrect
9 information?

10 A The office information was correct. We
11 would inform them that those particular applications
12 were not generated based off of our database. So
13 there was no correction that we could make.

14 Q So you would just direct them to the
15 application that your office sent or that they would
16 need another application from your office?

17 A Yes.

18 Q Did any of the individuals express a
19 concern about any voter fraud when making those
20 types of complains?

21 A That terminology may have been used, yes.

22 Q So folks may have expressed a concern
23 about possible voter fraud when they received
24 ballots applications with incorrect personal
25 information, correct?

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1 A Yes.

2 Q And are you aware of any instances when
3 potential voters contacted Douglas County election
4 office asking why they received an absentee ballot
5 application or an absentee ballot in the mail?

6 A Yes.

7 Q Describe it types of questions or comments
8 that your office received?

9 A The same general understanding. The
10 initial round of absentee ballot applications that
11 were sent out by the Secretary of State's Office
12 generated a lot of questions as to would this be a
13 process going forward, or I didn't request an
14 application, so why was one mailed to me.

15 Q Anything else you can think of as examples
16 of what questions folks had?

17 A No.

18 Q Describe for us what actions Douglas

19 County took in response to those complaints?

20 A Informed the voters of the official

21 mailers that were being disseminated by either a

22 state agency or a county agency. Also instructing

23 the voters that if they had received those

24 notifications from a third-party group, that third

25 party group's information typically was on the

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1 application itself. So having them refer back to

2 the application and contact the agency that actually

3 had disseminated the ballot, if they wanted to be

4 removed from the listserv of that third-party group.

5 Q In that instance where folks would be

6 directed to contact the third-party group to take

7 their names off the list, would your office signify

8 that they fill out an application that was from your

9 office?

10 A Yes.

11 Q And are you aware of any instances when

12 potential voters contacted the Douglas County

13 election office stating that they received an

14 absentee ballot application for someone who did not

15 live at their home?

16 Was that something that happened?

17 A Application, yes.

18 Q Describe for us the types of questions or
19 comments that you-all received with respect to that
20 issue?

21 A In that particular case it would be to
22 verify the address that we had on file for the
23 person that was receiving the application, as well
24 as verifying if it was a queue in issue or if there
25 is actually someone registered at that particular

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1 address based off of that name.

2 Q Anything else that you can recall about
3 the questions or comments that the folks made in
4 this category?

5 A No.

6 Q I think you described some of it, but I am
7 going to ask you to describe what actions Douglas
8 County took in response to such comments?

9 A Verifying as to the address and names of
10 individuals we actually had registered at an address
11 to, to verify whether or not the application came
12 from my office or if it was a third-party group.

13 Q So, again, it was the office, your office
14 had to help folks sort out whether it was an
15 application that came from your office or from a
16 third party group; is that correct?

17 A Yes.

18 Q Are you aware of any instances when a
19 voter contacted the Douglas County election office
20 stating that the voter had received an absentee
21 ballot or ballot application, yet stating that they
22 had or that he or she had already voted?

23 A Yes.

24 Q Describe the types of questions or
25 comments you received with respect to this issue?

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1 A The question was essentially, I've already
2 submitted my absentee ballot application, or I've
3 already turned in my ballot but I got another
4 absentee ballot requests, what do I do with this.

5 Q Were you ever able to determine whether or
6 not the absentee ballot application that they
7 received after having voted was from a third party
8 organization?

9 A Yes.

10 Q And what actions did Douglas County take

11 in response to those comments?

12 A If we could verify if that voter had
13 already voted or where already had a notification on
14 file, we instructed the voter to disregard the
15 absentee application.

16 Q So are you aware of instances when voters
17 contacted the Douglas County election office with
18 questions about absentee ballot applications
19 received from nongovernmental entities?

20 A Yes.

21 Q Describe the nature of those comments or
22 questions.

23 A The same lines as previously stated.

24 Q What actions did the County take in
25 response?

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1 A Verify as to whether or not the voter has
2 already submitted an absentee ballot application.
3 And if so, instruct the voter to disregard that
4 application.

5 Q Are aware of instances when a voter
6 arrives at a polling location on Election Day in
7 Douglas County but the elect records show the voter

8 was already issued an absentee ballot?

9 A Yes.

10 Q How often would you say that happened?

11 A I do not have specific time frames or
12 specific number in mind of that particular incident.

13 Q Can you estimate for us? It is a handful
14 or is it something closer to 50 or 60? Or any
15 number that you can think of?

16 MS. O'CONNOR: Objection to form.

17 A I cannot give a specific estimate of that.

18 Q When a voter wishes to cancel his or her
19 absentee ballot, just walk us through the steps
20 required to do that before they may vote on Election
21 Day?

22 A If a voter has requested an absentee
23 ballot and wishes to cancel that absentee ballot,
24 there are a couple different steps. If the voter
25 has the absentee ballot in hand, they can surrender

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1 the absentee ballot, sign an affidavit that they are
2 wishing to cancel out thereby mail ballot, sign and
3 date that, and then that absentee vote is removed
4 from the voter, and they're essentially allowed to
5 participate in the in-person process.

6 If they do not have the absentee ballot,
7 then they would indicate on the absentee ballot the
8 reason why they do not have the absentee ballot,
9 whether it was un delivered, whether they no longer
10 have possession of the absentee ballot. They would
11 indicate that on the affidavit form, and then they
12 would be able to proceed to voting.

13 If a voter shows up in a polling location
14 that requests an absentee ballot and they've already
15 mailed that -- or delivered that absentee ballot
16 back into our office and we have already given them
17 credit for voting that absentee ballot, they are
18 instructed at that time frame that essentially they
19 have already cast their ballot, to which the voting
20 experience of is over for them at that time because
21 they have already turned in a ballot for the same
22 election that you're now showing up to vote in
23 person for.

24 Q And that ballot would have been counted,
25 correct?

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1 A No. It depends upon the time frame.

2 If they are showing up at a polling

3 location, let's say doing the advanced voting
4 period, that absentee ballot would not be counted
5 until Election Day.

6 Q You talked a bit about the County's mobile
7 polling unit, and wide agree with me, though, before
8 SB-202 that there's not a statute in Georgia that
9 allowed counties to use mobile polling locations,
10 correct?

11 A There was no per statute in Georgia
12 election code that precluded the use of a mobile
13 voting unite. It was not spelled out that a polling
14 location to different of a brick and mortar location
15 prior to the enactment of Senate Bill 202.

16 Q So then the reverse would be true,
17 correct, that there wasn't any provision in the
18 Georgia Election Code that spelled out and talked
19 about the use of mobile polling units, correct?

20 A The code section was silent.

21 Q And that the mobile polling locations were
22 permitted, specifically permitted by the election
23 laws in Georgia pursuant to the emergency orders in
24 place during the COVID-19 pandemic, correct?

25 A Yes.

1 Q I think you talked a bit about drop box,
2 and I think in your testimony, and correct me if I'm
3 wrong, you said that there were drop boxes that were
4 used in the 2020 elect cycle that were made
5 permanent is that correct?

6 Or did I -- you want me to ask -- let me
7 start of over.

8 MS. LaROSS: I'll just start over.

9 BY MS. LaROSS:

10 Q So there were a number of drop boxes that
11 were used by Douglas County during the 2020 election
12 cycle, correct?

13 A Yes.

14 Q And those boxes, are they still up and
15 standing in Douglas County today?

16 A Yes.

17 Q I think you mentioned also, having the
18 boxes still standing and in the in use, that's
19 something that has been -- votes have questioned and
20 been confused about, correct?

21 A I will not interpret the confusion of an
22 individual in this particular case because they're
23 not -- can you rephrase the question?

24 Q Sure, sure. But you got questions from
25 voters about drop boxes that weren't in use, or

VoteAmerica v. Raffensperger
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State Defendants' Opposition to
Plaintiffs' Motion for Preliminary Injunction

Exhibit 3

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

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as the Secretary of
State for the State of Georgia, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:21-CV-1390-JPB

EXPERT REPORT OF DR. JUSTIN GRIMMER, PH.D.

I, Dr. Justin Grimmer, am an adult of sound mind and make this statement voluntarily, based on my own personal knowledge, education, and experience.

I. PURPOSE AND TERMS, INCLUDING COMPENSATION, OF ENGAGEMENT

1. I have been engaged by the State Defendants here to review and respond to Dr. Donald P. Green's March 21st Expert Report, which I have reviewed. I also provide in this report my independent analysis of the reasonableness and the effects, if any, of the three challenged provisions of SB 202:

- the Disclaimer Provision;
- the Prefilling Prohibition; and

- the Anti-Duplicate Provision.¹

2. I base the opinions in this report on my own knowledge, research, experience, and publications, and the work of other academics and writers. I also base this report on my review of the case materials, which include:

- The complaint;
- Plaintiffs' interrogatory responses;
- Plaintiffs' motion for a preliminary injunction, including the exhibits; and
- Dr. Green's Expert Report, including exhibits.

3. The materials I have used to research and write this report are the standard sources used by other experts in my field. I am receiving \$400 per hour for my time spent preparing this report and any time testifying, including at a deposition. I will receive the same amount regardless of the outcome of this litigation or the substance of my opinions.

II. CREDENTIALS AND HISTORY OF EXPERT TESTIMONY

4. I am a Professor of Political Science at Stanford University in Stanford California. I also hold the titles of Senior Fellow at the Hoover Institution and Co-Director of the Democracy and Polarization Lab. I first joined the Stanford Faculty in 2010 as an Assistant Professor. I was promoted to Associate Professor in 2014 and I held a courtesy appointment in the

¹ Plaintiffs refer to this as the Mailing List Restriction.

department of Computer Science from 2016-2017. From 2017-2018, I was an Associate Professor in the Department of Political Science and the College at the University of Chicago. I received my Ph.D. in Political Science from Harvard University in 2010. I received my AB from Wabash College in Mathematics and Political Science.

5. In my scholarly research I develop and apply new statistical methods to study U.S. elections, political communication, the U.S. Congress, and social media. I have taught courses for graduate students on fundamentals for statistical analysis, a “Math Camp” introducing graduate students to basic mathematics they need for graduate school, a graduate course on applying machine learning methods to social science problems in “Model Based Inference,” and a course on the quantitative analysis of text data in “Text as Data.” At the undergraduate level I have taught “Introduction to Machine Learning” and our department’s introductory course “The Science of Politics.” My research and writing on quantitative methods have been published in Political Analysis, the Journal of the American Statistical Association, Proceedings of the National Academy of Science, and the Proceedings of the Annual Meeting of the Association for Computational Linguistics. I have published papers on election administration and evaluating claims of voter fraud.

6. A current copy of my curriculum vitae is attached to this report as

Exhibit A.

7. In the last four years, I have neither testified at trial nor been deposed as an expert.

III. SUMMARY OF OPINIONS

8. I was asked to review Donald Green's expert report and to provide an analysis of the reasonableness and the effects, if any, of the three challenged provisions of SB 202: the Disclaimer Provision; the Prefilling Prohibition; and the Anti-Duplicate Provision. Overall, Green's report fails to conform to basic social scientific standards and reaches unsubstantiated conclusions. In several instances I found that claims made in the report are based on indefensible research procedures, incorrect assessments of evidence, statistical errors, and assertions that appear to have no basis in scholarly research. Using the totality of evidence and more appropriate scientific evaluations, I find that Green's assertions fail to withstand basic scientific scrutiny.

9. Based on this more complete view of the evidence regarding the challenged provisions of SB 202, I reach the following different conclusions:

- There is no credible evidence that the required disclaimer on absentee ballot applications will cause confusion among potential absentee ballot applicants. Green misrepresents one interview that claims to demonstrate the disclaimer causes confusion, leaving out clear evidence the voter initially was not confused or deterred by the disclaimer. Analyzing the other interviews, I find voters' initial reaction to the disclaimer is not confusion. Rather, the disclaimer does not deter most focus group participants from saying they would fill out the ballot application. More generally, the focus group evidence

fails because 1) the sample is arbitrary and too small to make reliable inferences, 2) the context is distracting and distinct from where most voters will encounter the information, 3) the materials used in the focus group are misleading, and 4) the interviewer asked leading questions that directed respondents to a particular answer. The disclaimer serves a reasonable purpose of ensuring voters do not confuse the fact that they are receiving an absentee ballot application from a campaign, political party, or other non-governmental entity with something that they have to fill out and submit in order to vote or be eligible to vote.

- There is no systematic and credible evidence that pre-filled absentee ballot applications increase the use of absentee ballots relative to blank applications or increase turnout. Further, there is no evidence that pre-filled ballot applications cause an increase in turnout relative to blank applications. A correct interpretation of the study that Green cites is that pre-filled ballot applications have, at most, an extremely modest effect, but there is insufficient statistical power to distinguish this effect from zero at standard levels of statistical significance. Accordingly, the study on which Green relies does not support the conclusion he draws from it.

- There is no evidence that organizations that distribute absentee ballot applications lack the technological capacity to check their list against information distributed by the secretary of state. My prior professional experience suggests that this matching is easy to conduct using standard programming languages and could be accomplished in the same way that the organizations compare their mailing lists with voter registration lists. When a voter requests an absentee ballot application from an organization, they provide sufficient information to uniquely match the voter requesting an absentee ballot application to the list of voters who have already requested an absentee ballot. When an organization distributes absentee ballot applications proactively, they can easily match the voters' information in the voter file to the list of voters who have already requested absentee ballots using a unique voter identification number, rendering the matching trivial. Further, Green's assertion that organizations have incentive to not distribute duplicate applications is based on a basic logical error. Once this error is addressed, Green provides no evidence that organizations have incentive to distribute duplicate ballots or not.

IV. There is No Credible Evidence Ballot Disclaimers Will Cause Confusion.

10. Green uses (at 7-8) a single interview from a focus group to make the claim that the required disclaimer on the absentee ballot application will cause confusion when received by a voter in the mail. This interview and the focus groups more generally do not support this claim. Not only does Green offer a misleading account of what happened in that particular interview, but also the procedures and materials used to collect the focus group evidence depart from established scientific practice in important ways. As a result, the focus group interviews cannot be used to learn how applicants for absentee ballots will react to the required disclaimer on an absentee ballot application.

11. Consider first the specific focus group interview that Green cites in his analysis. Green quotes (at 8) an exchange where a participant in the focus group says he would put the ballot application in the trash. But this is only after the individual conducting the focus group drew the respondent's attention to the disclaimer that is prominently displayed at the top of the ballot application. Prior to this, the participant did not express concern about the disclaimer. When first presented with the ballot, the focus group participant said that if he received the application he would "pretty much would fill it out, put all my name and identification and stuff and sign it and basically just wait for my ballot to come back." At this point the interviewer explicitly asked the

participant to focus on the disclaimer, asking him “to take a look at this box here up at the top.” The interviewer then asks: “What do you think of the box?” Only at this point does this lead the participant to have the negative reaction that Green included in his report.

12. The other interviews from the focus group show a similar pattern: participants were unaffected by the disclaimer until the interviewer explicitly brought it to their attention. In fact, none of the participants independently identified the disclaimer as problematic until the interviewer directed their attention to the disclaimer or created long awkward pauses in the interview. For example, in “Video 1” the participant had to be asked four times if anything was confusing and only addressed the disclaimer once the interviewer explicitly pointed to it directly. Similarly, in “Video 2” the participant responded to a question “Do you notice anything different about it? Or is there anything that would make you concerned or question it?” by first asking “as far as what?” The interviewer then asked, “just in general does it look familiar” to which the participant responded “yes.” The interviewer then allowed 11 seconds of awkward silence before the respondent suggested that the disclaimer might be a source of concern. Despite these tactics some respondents found no problem with the disclaimer. The participant in “Video 3” expressed no reluctance about the disclaimer, even after the interviewer directed his attention to the box several times.

13. On the whole, the results are inconclusive, with all respondents not noticing the disclaimer right away and only expressing concerns after repeated prodding from the interviewer. In fact, most of the respondents first offered that they would be willing to complete the application.

14. Regardless of these results, the focus groups cannot be used to make credible conclusions about how the public will react to the disclaimer on ballot applications. This is because the procedures used to gather the evidence fail to follow established scientific practices. Specifically, there are four major flaws in the research design that undermine the conclusions of the focus group: 1) selection of participants, 2) context of the interviews, 3) the materials used in the interview, and 4) leading questions from the interviewer.

15. Taken together, these four issues undermine any claim that the focus group interviews are evidence of how an “average” voter would react to the disclaimer. Specifically, in the Plaintiffs’ motion for a preliminary injunction they claim that Green’s expert report demonstrates that “an average Georgia voter would be dissuaded from using the form.” But the deviations from scientific practice and the overall poor design of the study imply that Green’s evidence cannot support any claim about whether an “average” Georgia voter would or would not be dissuaded from using the form or any other broader population of voters. The focus groups only provide evidence of how these five specific individuals, in this specific context, using this specific

material, react to questions from an interviewer using these specific tactics.

V. The Focus Group Conclusions Are Based on an Arbitrary, Small, and Unrepresentative Sample

16. When measuring public opinion, the goal is to use a smaller group of people—a sample—to learn about a larger group of people—a population. When collecting information from a sample, the best scientific practice is to first identify a population of interest—a group of people for whom we want to understand some opinion, attitude, or reaction. Then, researchers select a large number of individuals from the population of interest, so that the sample will be representative of the target population on average. The gold standard method for selecting a representative sample is random sampling, which ensures that the individuals participating in the study are, on average, similar to individuals in the target population (under some reasonable assumptions about how the sampling takes place).² Online survey providers use other methods, such as quota sampling and/or reweighting of a sample. Regardless of how the participants are selected, gathering a sample that includes a large number of participants is necessary to ensure that the particular people who we select to participate in the study do not differ from our target population in idiosyncratic ways.

17. In the information I reviewed, I found no documentation about who

²Thompson, SK. 2012. Sampling. 3d ed. Hoboken: J. Wiley & Sons.

is in the target population, what procedures were used to select individuals from that population for study, or any calculation that explicitly justified only sampling five individuals. Without this information explicitly stated, it is impossible to know who the researchers intended the sample of participants included in the study to represent or why they believed five interviews would be sufficient to support a credible inference about the effect of the disclaimer on voters.

18. After reviewing the five interviews, it appears that the focus group evidence is based on a convenience sample of participants who happen to be using a transit center while the interviewer was present. A convenience sample is, like the name suggests, a sample collected because they are readily available rather than because the sample will be representative of a target population. While easier to collect, a well-known problem with convenience samples is that they are unlikely to be representative.³ And, in this case, we have few reasons to expect that the group of people who agree to participate in this study while at a transit center are representative of any target population of interest.

³ For an example of why convenience samples might fail see Squire P. 1988. Why the 1936 Literary Digest poll failed. *Pub. Op. Q.* 52(1): 125-133, or Berinsky AJ, Huber GA, Lenz GS. (2012). Evaluating online labor markets for experimental research: Amazon.com's Mechanical Turk. *Pol. Analysis* 20(3): 351-368.

19. The small number of interviews further undermines the usefulness of the focus groups. Because only five participants were interviewed, we cannot make a reliable inference about how a broader group of people would respond to the ballot disclaimer. With only five interviews, it is possible that the particular collection of respondents will have idiosyncratic views or opinions not found in the population. This risk remains even if a sample is collected randomly—because representativeness is only guaranteed on average. With a small number of participants, any one sample can deviate substantially from the population characteristics, even if the sample was selected at random.

VI. The Interviews Were Conducted in a Distracting Environment and Participants Lacked Context

20. Another significant problem with Green's sample is that the five interviews were conducted in a busy transit center, apparently during the participants' commutes. Throughout the videos loud noises from trains, buses, and fellow commuters can be heard. For example, in "Video 1" at the start of the interview there is a loud announcement and accompanying music. Further, the participants are handed the form with little context, other than a small introduction from the interviewer. Again, in "Video 1" the participant is handed the document and asked "can you tell what the form is for?"

21. Both the distracting environment and the lack of context

undermines the evidence from the focus groups. When asking for participants' reactions, researchers strive for research designs that achieve "ecological validity"—in which the results of the study approximate the "real world" results. In this setting, that means that the goal of the researcher is to assess how individuals actually respond to the ballot application when they receive the information. This is likely to happen while an individual is at home and with context that will accompany the ballot application. In the focus groups reported in Green's expert report the dissimilar environment and the lack of context makes it impossible to know if the reactions of the focus group participants would be the same when they view the material in their home.

VII. The Materials Used in the Focus Groups Misleadingly Emphasizes the Disclaimer.

22. The ballot application shown to participants in the focus group interviews misleadingly makes the disclaimer prominent. According to the materials in the appendix of Green's expert report, the ballot application presented to the focus group participants placed the disclaimer at the top of the application. Further, the disclaimer is framed with a solid black box, the black text stands out against the white background, and the margin of the disclaimer is wider than the margin of the rest of the form. The totality of these

formatting decisions causes the disclaimer to stand out prominently.⁴

23. The law does not require organizations to create disclaimers that so prominently stand out from the rest of the application. For example, the third-party ballot application provided by the Secretary of State's office decreases the prominence of the disclaimer. First, on this form the disclaimer is found at the bottom of the ballot application. In fact, the disclaimer is found below a box labeled "for office use only." Second, the disclaimer box on the example ballot application has a gray background, causing the text to be less prominent. And third, the margin of this disclaimer aligns with the rest of the form. The totality of these formatting decisions is that the disclaimer is much less prominently displayed on this example ballot application.

24. The differences between the ballot applications used in the focus groups and the ballot applications likely to be sent to potential voters further undermines the usefulness of the focus group evidence for determining how "average" Georgia voters will react to the disclaimer. As mentioned previously, a goal when conducting any study is to increase the ecological validity of the empirical evidence. When designing materials for a focus group, the best

⁴ A review of the metadata of the application attached to the Green report shows that the disclaimer was added to the top of the application in large prominent text by Caleb Jackson—an attorney who was representing Plaintiffs. But, as discussed below, there is no requirement that the disclaimer provision be placed atop the application in such a prominent fashion. Rather, it seems, this was done in an effort to bias the focus group results.

scientific practice would be to use a ballot application with a disclaimer that is as similar as possible to the actual disclaimer that will appear on ballot applications. But the disclaimer used in the focus group interview deviates in important and consequential ways, unless VoteAmerica intends to distribute forms with a disclaimer much more prominently displayed than required by the law. And as a result, the focus group has extremely low ecological validity and therefore is of little use for assessing the effect of the disclaimer on Georgia voters.

VIII. The Interviewer Asked Leading Questions that Likely Caused Respondents to Identify the Disclaimer as Confusing.

25. A final major flaw in the research design is that the interviewer asked leading questions that made it likely respondents described the disclaimer as confusing. A concern when conducting any interview—whether it be a face-to-face survey, online survey, or a less structured qualitative interview—is that respondents will alter their responses to satisfy a researcher. These are called “demand effects.” A voluminous research literature demonstrates that researchers can elicit demand effects through subtle or explicit cues and therefore cause researchers to make misleading

inferences.⁵ There are easy to implement ways to avoid demand effects.⁶ For example, researchers can ask neutral questions that avoid directing participants to a particular conclusion. Another possibility is that interviewers can be blinded to the goal of the study when conducting interviews.

26. The focus group interviews failed to take these steps and thus elicited demand effects. In fact, the interviewer clearly understood the preferred outcome of the study was to find the disclaimer confusing and asked questions that lead respondents to that conclusion. For example, in “Video 1” the interviewer asked about the disclaimer three times and then finally pointed at the disclaimer to draw the respondents’ attention to it. When asking the second time, the interviewer asked if anything “looks out of place” or caused “concerns.” This provides an explicit cue to the participant that there is something wrong with the form. In “Video 2” the interviewer asked “Do you notice anything different about it? Or is there anything that would make you

⁵ Some early citations include: Orne MT. 1962. On the social psychology of the psychological experiment: With particular reference to demand characteristics and their implications. *Am. Psych.* 17(11):776; Cotter PR, Cohen J, Coulter PB. 1982. Race-of-interviewer effects in telephone interviews. *Pub. Op. Q.* 46(2): 278-284; Holbrook AL, Krosnick JA. 2010. Social desirability bias in voter turnout reports: Tests using the item count technique. *Pub. Op. Q.* 74(1):37-67.

⁶ Bergen N, Labonté R. 2020. ‘Everything is perfect, and we have no problems’: detecting and limiting social desirability bias in qualitative research. *Qualitative Health Rsch.* 30(5):783-792.

concerned or question it?” Again this implies that there is something wrong with the form that should make the respondent question it. As mentioned above in “Video 5” the respondent only identified that the disclaimer was a problem after having his attention directed to the box, with the implication that he should find a problem with it.

27. The ultimate question asked in several interviews—if the participant would apply for an absentee ballot with or without a disclaimer—is similarly biased. The question is posed only after the interviewer has provided the participant with ample cues that there is some problem with the disclaimer. Further, the framing of the question implies that the participant must have a preference, rather than being indifferent.

28. The bias from the interviewer, then, makes it impossible to use the focus groups to reach conclusions about how citizens will actually react to the disclaimer on the application.

IX. Voters are Confused About Election Administration and the Disclaimer May Help Alleviate that Confusion.

29. Voters are often confused about how elections are administered and what is required to vote.⁷ Given this confusion, receiving an official-looking

⁷ Henninger P, Meredith M, Morse M. 2021. Who Votes Without Identification? Using Individual-Level Administrative Data to Measure the Burden of Strict Voter Identification Laws. J. Empirical Legal Stud. 18(2):256-286.

absentee ballot application in the mail could plausibly cause voters to believe that they must fill out the application in order to participate in the election, even if they would prefer to not vote by mail. Given this possibility, the disclaimer serves a reasonable purpose signaling to voters that this is not a form they are required to complete in order to maintain their eligibility.

X. Green's Assertion that Pre-Filled Ballots Increase Absentee Ballot Use is Not Supported By the Evidence

30. Green also argues (at 9) that pre-filled ballot applications induce more voters to request absentee ballots. Specifically, Green asserts that

“A peer reviewed study that tested the effects of pre-filled versus generic absentee ballot requests found, conducted in collaboration with a Republican state party, confirmed that pre-filled forms are more successful than generic forms in generating vote-by-mail ballot requests.”

Green's summary of this study, conducted by Professor Hans Hassell, mischaracterizes the outcomes the study analyzed. The study never evaluates “vote-by-mail ballot requests.” Instead, the two outcomes studied are whether individuals turn out to vote and if they cast their vote via absentee ballot. Neither of these outcomes are the same as absentee ballot requests.

31. Beyond Green's mischaracterization, there are several limitations in Professor Hassell's study that makes it difficult to extrapolate to Georgia. Professor Hassell's study examines the effects of a partisan drive in Minnesota to encourage voters to vote via absentee ballots. The experiment had three

conditions: 1) a condition where voters were sent out a partially filled absentee ballot request, 2) a condition where voters were sent a generic (unfilled) absentee ballot request), and 3) a control condition where no information was sent.

32. The first limitation is the experiment population used in Professor Hassell's study. The study targeted only Republicans or independents who lean Republican. Without further information about how effects vary across partisans and how the study material affects engagement, it is impossible to know if the results of the study will extrapolate to Georgia. This is due, in part, because the population of Georgia also includes Democrats, who might respond to the particular features of a ballot application differently than Republicans or Independents who lean towards the Republican party. For example, if Democratic officials have encouraged voting by mail, Democratic individuals may be more willing to fill out an absentee ballot application even if it isn't pre-filled. The second limitation is that the material provided signaled that this was a partisan effort. But different kinds of messages might cause voters to be more or less likely to vote by mail or to turnout to vote.

33. Even if we suppose that Green actually meant to say that the prefilled ballot application would increase turnout or the rate of voting by mail, the evidence, as presented in Hassell's article, does not support Green's assertion. Hassell reports that 2.57% of the individuals who received a pre-

filled ballot application voted by absentee, while 2.05% voted absentee who received a generic absentee ballot application. This implies a modest increase of 0.52 percentage points: for every 1,000 absentee ballot requests, pre-filling the application causes an additional 5.2 voters to vote via absentee ballot.

34. This difference, however, is not statistically significant at standard levels. When analyzing experiments, it is essential to assess whether the differences observed across treatment conditions is consistent with random variation that occurs with treatment assignment. While Hassell does not explicitly test whether the two treatments have equal rates of absentee ballot usage and I was unable to find replication data, I was able to make an approximate assessment using the reported information in the paper. Using the reported information in Table 1, I calculate a standard error of the difference between treatment conditions of $SE = (0.005^2 + 0.004^2)^{(1/2)} = 0.0064$. Under the null hypothesis of no difference between coefficients, this implies a test-statistic of 0.812 and a p-value of .417 (using a two-tailed test). We reach the same conclusion if we analyze the rate of absentee voting across conditions in Table 2, where Hassell includes covariates. I find an increase of 2.3 percentage points (0.023) for the pre-filled ballot, but an approximate standard error for this difference is $SE = (0.13^2 + 0.13^2)^{(1/2)} = 0.018$, which implies a test-statistic of $0.023/0.018 = 1.28$ which implies a p-value of 0.201 (using a two-tailed test).

35. A supposition of Green's analysis of Hassell's paper is that increasing the number of absentee ballot applications is independently valuable. To be sure, during the height of the Covid-19 pandemic increasing absentee voting was important to reduce the risk of exposing individuals to the virus and to reduce anxiety about potential exposure. With the pandemic subsiding and life returning close to normal, this justification for absentee voting is no longer applicable. Further, increasing the number of absentee ballot applications could actually be harmful to election administration if it leads to increased numbers of people canceling absentee ballots at the polls if they decide they would rather vote in person. This greatly increases the amount of work required by county election officials and potentially increases the risk of error.

36. Green's other statements about the pre-filing restriction are based on conjecture, rather than systematic evidence. For example, Green asserts (at 9) that pre-filled ballot applications are more convenient for voters. But this might not be the case. For example, if there is a mistake on the pre-filled application, it may be cumbersome for the voter to correct. Green also asserts that pre-filled applications are easier for election officials to process. But if voters filling out applications themselves avoid the types of mistakes that may be on prefilled applications, those applications without mistakes would be easier to process. It is plausible that the voter is less likely to make a mistake

in filling out their own information than a third-party who does not know the voter. Without systematic evidence, it is impossible to evaluate Green's claims.

XI. Green's Claims About the Difficulty of Assessing who Previously Applied for Absentee Ballots is not Based on Scientific Evidence and Overstates the Difficulty of Matching Names.

37. Green and the plaintiffs make a series of assertions about the difficulty of checking from a list of individuals who have previously requested absentee ballots. Green Report at 9-11; Mot. at 6, 32. Assertions about the risk that organizations bear, the costs those risks imply, and ultimately the effect on the organizations' ability to distribute absentee ballot applications does not appear to be based on a systematic review of evidence or research about the technological capacity of organizations who distribute absentee ballot requests.

38. Further Green and the plaintiffs argue that it is difficult to match the names of ballot applicants to the names of individuals who have already requested absentee ballots. Green Report at 9-11; Mot. at 6, 32. On this point, there are two cases that are worth considering: individuals requesting ballots through an online application and organizations sending unsolicited ballot applications to Georgians.

39. First, I consider the difficulty of matching names when an individual requests an absentee ballot through an online application. To approximate the difficulty in making this match I assessed the information that is available to match individuals requesting ballots to official records. For

the purpose of this analysis, I reviewed the information asked when applying for an absentee ballot application through a Vote America webform.⁸ This webform asks applicants to provide their name, address, birthdate, and other contact information, such as email or phone.⁹

40. Given this information it is trivial to match individuals requesting an absentee ballot to the list of individuals who have already requested an absentee ballot. Using just name and date of birth to make a match eliminates the vast majority of potential false positives, such as parent and child who share the same name.¹⁰ Including address information will eliminate nearly all remaining false positives. In fact, one study of record linkage shows that matching on this information is as good as matching on 9-digit social security numbers.¹¹ Even if the person requesting the ballot makes a slight error in their name, an appropriate and simple to design algorithm (called fuzzy

⁸ VoteAmerica, Request your absentee or mail ballot, <https://www.voteamerica.com/absentee-mail-ballot/> (visited Apr. 29, 2022).

⁹ In fact, web-based tools can be used to assist in completing the absentee ballot application. State Election Board Rule 183-1-14-.12 Section 2 allows for web-based tools to collect information and then partially fill out an application to be printed at home.

¹⁰ Goel S, Meredith M, Morse M, Rothschild D, Shirani-Mehr H. 2020. One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections. *Am. Pol. Sci. Rev.* 114(2):456-469.

¹¹ Ansolabehere S, Hersh ED. 2017. ADGN: An algorithm for record linkage using address, date of birth, gender, and name. *Stats. & Pub. Pol'y* 4(1):1-10.

matching) makes checking a list trivial and matching on the other information likely removes false positives.¹² My professional experience has been that performing this check is trivial. Specifically, in the context of my own research I have merged voter files, legislative records, and other similar files using identifying information such as name and date of birth. Further, there are simple algorithms that can be used to acquire a new list of applicants whenever the secretary of state posts it. For example, using a SQL database—a widely available database format—it is straightforward to match voters requesting a ballot from a webform to voters who have already requested a ballot. Alternatively, using the Python programming language along with easy to implement regular expressions a fuzzy match could be easily made. To know specifically how to do this for Vote America would require me to inspect how they collect information, but my prior experience suggests that this will be straightforward to implement.

41. Second, the plaintiffs argue that having to check whether an individual has requested an absentee ballot will make mass absentee ballot application mailings impossible, because of the time needed for printers to operate. Any individuals who applied for an absentee ballot before the organization requests the applications to be printed can be excluded from the

¹² *Supra.*

order. And once the applications have been printed, it is straightforward to identify the individuals who had previously requested ballots.

42. Finally, many groups that mail out absentee ballot applications are already using Georgia's voter registration list to determine who they are going to mail absentee ballot applications to. That list contains a voter registration number that is unique to each voter. Georgia also provides a daily absentee file of voters who have requested an absentee ballot. That file also contains the voter's voter registration number, making matching between the voter registration list and the absentee file even easier than the normal data matching process.

XII. Green Overstates the Case That Organizations Have Incentive to Not Target Individuals Who Have Already Requested Ballots.

43. Green argues (at 11) that organizations already have incentive to not target individuals who have already requested a ballot because "to do so is complete a waste of money." This assertion, however, does not withstand basic scrutiny. Specifically, Green fails to consider that to understand the incentives of organizations, we must consider both the benefits and costs of sending ballots to individuals who have already submitted an absentee ballot request. Green is correct that once an individual has requested an absentee ballot that future ballot requests will have no effect on the absentee ballot that the individual will receive. This alone, however, does not imply that organizations

have an incentive to remove individuals that they know to have already applied for an absentee ballot. It must also be the case that the cost of identifying those individuals who have already submitted a ballot is less than the cost of mailing those individuals an additional ballot. Green provides no analysis on the relative cost/benefit tradeoff that organizations undertake when deciding who to target with mailings. That said, his assertion can only be true if these organizations are already checking the list of voters who have requested an absentee ballot, belying his earlier conclusion that it would be burdensome for organizations to do that). Further, there is good reason to believe that the incentives of organizations and government officials are not aligned, because organizations can impose costs on election officials, rather than bear the costs themselves. When organizations distribute duplicate absentee ballot requests to individuals and that individual completes the request, it imposes a cost on election administrators to process and identify that duplicate request. It also potentially imposes a cost on voters. Additional ballots could potentially confuse a voter by leading them to believe that their earlier application was not received or was somehow deficient.

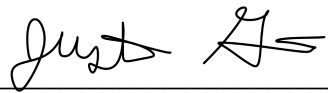
XIII. Green's Assertion about Transaction Costs Overstates the Evidence.

44. Finally, Green argues (at 4-5) that varying transaction costs associated with requesting absentee ballots will affect the rate those ballots

are requested. As evidence for this claim, Green discusses a field experiment by Mann and Mayhew that compares three conditions: 1) individuals are sent a paper request for absentee ballots, 2) individuals are sent information about how to print a ballot application online, and 3) a control condition. Green argues (at 5) that the evidence in the paper shows that the “authors find that recruitment to vote by mail using a traditional paper ballot application significantly increased the number of successful applications over and above the mailer that encouraged voters to use Maine’s online ballot request.”

45. Green fails to note that the “lower transaction cost” option (the paper ballot) does not cause a statistically significant increase in voter turnout. Analyzing the evidence from Mann and Mayhew and directly comparing the online and paper ballot conditions, Mann and Mayhew’s evidence shows the paper application increased turnout one percentage point over the online condition. But once again, an approximate analysis shows that we fail to reject the null hypothesis of no difference at standard significance levels (p-value 0.25). So while receiving an absentee ballot application may cause individuals to increase the use of absentee ballots, it also causes a decrease in early voting and voting on election day. Again, given the decreased prevalence of Covid-19 there is no longer an obvious, compelling reason to prioritize voting via absentee ballots over in-person voting.

Executed on April 29, 2022.


Justin Grimmer

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EXHIBIT A

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EMPLOYMENT

Stanford University

Assistant Professor, Department of Political Science. 2010-2014.
Associate Professor, Department of Political Science. 2014 - 2017. 2018.
Associate Professor (by courtesy), Department of Computer Science. 2016-2017.
Professor, Department of Political Science. 2018 - Present

Hoover Institution

Senior Fellow. 2018-present

University of Chicago

Associate Professor, Department of Political Science and the College. 2017-2018.

EDUCATION

Harvard University *Department of Government*

Ph.D Political Science, 2010
A.M. Political Science, 2009

Wabash College,

A.B. Mathematics and Political Science 2005
Summa cum laude, Distinction in Mathematics and Political Science Comprehensive Exams

BOOKS

Representational Style in Congress: What Legislators Say and Why It Matters. *Cambridge University Press*, 2013.

The Impression of Influence: Legislator Communication, Representation, and Democratic Accountability. With Sean Westwood and Solomon Messing. *Princeton University Press*. 2014.

Text as Data: A New Framework for Machine Learning and the Social Sciences. With Margaret E Roberts and Brandon Stewart. *Princeton University Press*. 2022.

PUBLICATIONS

“Current Research Overstates American Support for Political Violence ” with Sean Westwood, Clayton Nall, and Matt Tyler. *Forthcoming, Proceedings of the National Academy of Sciences*

“Naïve regression requires weaker assumptions than factor models to adjust for multiple cause confounding” (with Dean Knox and Brandon Stewart) *Conditional Accept, Journal of Machine Learning Research*

“A Women’s Voice in the House: Gender Composition and Its Consequences in Committee Hearings”. with Pamela Ban, Jaclyn Kaslovsky, and Emily West *Forthcoming, Quarterly Journal of Political Science*

“Causal Inference with Latent Variables” with Christian Fong. *Forthcoming, American Journal of Political Science*.

“Partisan Enclaves and Information Bazaars: Mapping Selective Exposure to Online News” with Matt Tyler and Shanto Iyengar. *Forthcoming, Journal of Politics*

“No Evidence for Systematic Voter Fraud: A Guide To Statistical Claims About the 2020 Election” (with Andrew C. Eggers and Haritz Garro) *Proceedings of the National Academy of Sciences*. 2021.

“Machine Learning for Social Science: An Agnostic Approach” with Margaret E. Roberts and Brandon Stewart. *Annual Review of Political Science*. 2021

“The Durable Differential Deterrent Effect of Strict Photo Identification Laws” with Jesse Yoder. *Political Science Research and Methods*. 2021.

“Political Cultures”. with Lisa Blaydes. *Political Science Research and Methods*. 2020.

“Obstacles to Estimating Voter ID Laws’ Effect on Turnout”. with Eitan Hersh, Marc Meredith, Jonathan Mummolo, and Clayton Nall. *Journal of Politics*. 2018. 80 (3).

“Mirrors for Princes and Sultans: Advice on the Art of Governance in the Medieval Christian and Islamic Worlds” with Lisa Blaydes and Alison McQueen. *Journal of Politics*. 2018. 80 (4).

“Estimating Heterogeneous Treatment Effects and the Effects of Heterogeneous Treatments with Ensemble Methods” with Solomon Messing and Sean J. Westwood. *Political Analysis* 2017. 25(4). 413-434.

“Discovery of Treatments from Text Corpora” with Christian Fong. *In Proceedings of the Annual Meeting of the Association for Computational Linguistics (ACL 2016)* Berlin, Germany

“Money in Exile: Campaign Contributions and Committee Access” with Eleanor Neff Powell. *Journal of Politics*. 2016. 78(4). 974-988.

“Measuring Representational Style in the House: The Tea Party, Obama, and Legislators’ Changing Expressed Priorities” in *Data Analytics in Social Science, Government, and Industry* Edited Volume from Cambridge University Press. 2016.

“TopicCheck: Interactive Alignment for Assessing Topic Model Stability” *North America Chapter of the Association for Computational Linguistics: Human Language Technologies (NAACL HLT)*. Jason Chuang, Molly Roberts, Brandon Stewart, Rebecca Weiss, Dustin Tingley, Justin Grimmer, and Jeffrey Heer. 2015.

“We’re All Social Scientists Now: How Big Data, Machine Learning, and Causal Inference Work Together” Part of Symposium on “Formal Theory, Causal Inference, and Big Data” *PS: Political Science & Politics* , 2015. 48(1), 80-83

“Computer-Assisted Content Analysis: Topic Models for Exploring Multiple Subjective Interpretations.” *Advances in Neural Information Processing Systems Workshop on Human-Propelled Machine Learning*. Jason Chuang, John D. Wilkerson, Rebecca Weiss, Dustin Tingley, Brandon M. Stewart, Margaret E. Roberts, Forough Poursabzi-Sagdeh, Justin Grimmer, Leah Findlater, Jordan Boyd-Graber, and Jeffrey Heer. 2014.

“Congressmen in Exile: The Politics and Consequences of Involuntary Committee Removal” with Eleanor Neff Powell. *The Journal of Politics*, 2013. 75 (4), 907–920

“Appropriators not Position Takers: The Distorting Effects of Electoral Incentives on Congressional Representation”. *American Journal of Political Science*, 2013. 57 (3), 624–642.

“Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Documents” with Brandon Stewart. *Political Analysis*, 2013. 21 (3), 267–297.

“Evaluating Model Performance in Fictitious Prediction Problems”. Discussion of “Multinomial Inverse Regression for Text Analysis” by Matthew Taddy. *Journal of the American Statistical Association* 2013.108 (503) 770-771

“Elevated Threat-Levels and Decreased Expectations: How Democracy Handles Terrorist Threats” with Tabitha Bonilla. *Poetics*, 2013. 41, 650-669.

- Special issue on topic models in the social sciences

“How Words and Money Cultivate a Personal Vote: The Effect of Legislator Credit Claiming on Constituent Credit Allocation” with Solomon Messing and Sean Westwood. *American Political Science Review*, 2012. 106 (4), 703–719.

“General Purpose Computer-Assisted Clustering and Conceptualization” with Gary King. *Proceedings of the National Academy of Sciences*, 2011. 108 (7), 2643-2650.

“An Introduction to Bayesian Inference Via Variational Approximations” *Political Analysis*, 2011. 19(1), 32–47.

- Included in *Political Analysis* virtual issue on Big Data in Political Science

“Approval Regulation and Endogenous Provision of Confidence: Theory and Analogies to Licensing, Safety, and Financial Regulation” with Daniel Carpenter and Eric Lomazoff. *Regulation and Governance*. 2010. 4(4) 383-407.

“A Bayesian Hierarchical Topic Model for Political Texts: Measuring Expressed Agendas in Senate Press Releases” *Political Analysis*, 2010. 18(1), 1–35.

- Included in *Political Analysis* virtual issue on Bayesian methods in Political Science

WORKING PAPERS “How to Make Causal Inferences Using Texts” with Naoki Egami, Christian Fong, Margeret E. Roberts, and Brandon Stewart *Revise and Resubmit*

“What Can We Learn About How Political Campaigns Activate Attitudes?” with Will Marble and Cole Tanigawa-Lae.

“Causal Inference in Natural Language Processing: Estimation, Prediction, Interpretation, and Beyond”. with Amir Feder, Katherine A. Keith, Emaad Manzoor, Reid Pryzant, Dhanya Sridhar, Zach Wood Doughty, Jacob Eisenstein, Roi Reichart, Margaret E. Roberts, Brandon M. Stewart, Victor Veitch, Diyi Yang. *Revise and Resubmit*

“The Unreliability of Measures of Inter-coder Reliability, and What to do About it”. with Gary King and Chiara Superti.

“Estimating the Contribution of Voting Blocs to Candidate’s Victories” with Will Marble. *Invited to Resubmit*

“Potomac Fever or Constituent Ombudsman?: Testing Theory of Legislative Capacity and Priorities”. with Devin Judge-Lord and Eleanor Neff Powell. (Under Review).

“Assessing the Reliability of Probabilistic US Presidential Election Forecasts May Take Decades” with Dean Knox and Sean Westwood (Under Review).

REVIEWS AND
OTHER WRITING

Review of *Cyberwar: How Russian Hackers and Trolls Helped Elect a President* Public Opinion Quarterly. 2019. 83, 1.

“Dismantling Trump’s Election Fraud Claims”. Washington Times, February 8, 2021. with Andrew B. Hall

“In the voter fraud debate, be wary of junk science”. The Hill, August 27, 2021. with Andrew B. Hall and Daniel Thompson

**Public
Engagement and
Reports**

“Strengthening the Integrity of Presidential Elections” American Enterprise Institute Panel. June, 2021. <https://www.c-span.org/video/?512799-1/strengthening-integrity-presidential-elections>

“Brief of Amicus Curiae in Holmes et. al v Moore, et al” March, 2022.

“Changing the Default: The Impact of Motor-Voter Reform in Colorado” (with Jonathan Rodden).

“Evaluating Look Ahead Americas ‘The Georgia Report’ On Illegal, Out-Of-State Voting In The 2020 Election” (with Andrew Hall and Dan Thompson)

“High Correlations Between Predicted and Actual Ballots Do Not Imply Fraud” (with Matt Tyler)

HONORS AND
AWARDS

2018. Wabash College Jeremy R. Wright Young Alumnus Distinguished Service Award

2015. Political Methodology section emerging scholar award. Awarded to a young researcher, within ten years of their degree, who is making notable contributions to the field of political methodology.

2015. School of Humanities and Sciences Dean’s award for achievement in teaching.

2014. The Richard F. Fenno, Jr. Prize. Awarded to the best book in legislative studies published in 2013.

2013. *Political Analysis* Editor’s Choice Award for an article providing an especially significant contribution to political methodology.

2012. School of Humanities and Sciences Dean’s award for achievement in the first years of teaching at Stanford.

2011. Warren Miller Prize. Awarded for the best paper published in *Political Analysis* in 2010.

2010. Senator Charles Sumner Prize. Awarded by the Harvard Government faculty for the best dissertation from the legal, political, historical, economic, social, or ethnic approach, dealing with any means or measures tending toward the prevention of war and the establishment of universal peace.

2010. Robert H. Durr award, for the best paper presented at the 2009 Midwest Political Science Association meeting applying quantitative methods to a substantive problem.

2010. Certificate of Distinction in Teaching, Gov 2010: Qualitative and Quantitative Research Design.

2008. John T. Williams Prize. Awarded by the Society for Political Methodology for best dissertation proposal.

2005. Phi Beta Kappa, Wabash College.

2005. John Maurice Butler Prize. Awarded to the senior who, by vote of the Wabash College faculty, has highest achievements in scholarship and character.

2005. N. Ryan Shaw II Political Science Award. Awarded to the outstanding senior political science major.

2005. George E. Cascallen Prize in Mathematics. Awarded to the outstanding senior Mathematics major.

FELLOWSHIPS AND GRANTS

2013-2016. Stanford University Victoria Schuck Faculty Scholar in the School of Humanities and Sciences.

2013-2014. Stanford University, United Parcel Service Endowment Fund Grant, "Infrastructure Spending in American Cities".

2013-2014. National Fellow, Hoover Institute.

2012-2013. Faculty Fellow, Institute for Research in the Social Sciences.

2011-2013. Visiting Fellow, Hoover Institute.

2010. Dirksen Center Congressional research award, for "It's the Flow Not the Stock: Congressional Staff and Their Influence on Policy Outcomes" (with Matt Blackwell).

2009-2010. Center for American Political Studies (CAPS) dissertation completion fellowship.

2009. Eliot Dissertation Completion Grant. A competitive, merit-based Graduate School of Arts and Sciences fellowship for the Social Sciences (declined).

2008-2009. CAPS dissertation research fellowship.

2005-2006. National Science Foundation Graduate Research Fellowship, Honorable Mention.

SOFTWARE AND PATENTS

Patent Number: US 8,438,162 B2 Method and Apparatus for Selecting Clusterings to Classify a Predetermined Data Set (with Gary King)

Patent Number: US 9,519,705 B2 Method and Apparatus for Selecting Clusterings to Classify a Data Set. (with Gary King)

Consilience: Software for Understanding Large Volumes of Unstructure Text (with Merce Crosas, Gary King and Brandon Stewart) (consilience.com).

Implements a general purpose methodology to facilitate discovery in large collections of texts

textEffect (CRAN)

Implements text as intervention method introduced in Fong and Grimmer (2016).

"arima: ARIMA time series models" in Kosuke Imai, Gary King, and Olivia Lau "Zelig: Everyone's Statistical Software". 2006.

INVITED PRESENTATIONS AND WORKSHOPS (LAST 3 YEARS)

Department of Political Science. Northwestern University. 2018.

Methods Workshop. Northwestern University. 2018.

Methods Workshop. Department of Political Science. Yale University. 2018.
 Methods Workshop. Department of Political Science. Texas A&M University. 2018.
 MIDAS Interdisciplinary Seminar Series. University of Michigan. 2019.
 American Politics Workshop. Department of Political Science. UC Berkeley. 2019.
 American Politics Workshop. Department of Political Science. New York University. 2019.
 Summer Institute in Computational Social Science. Princeton University. 2019.
 Empirical Implementations of Theoretical Models. Emory University. 2019.
 Southern California Methods Workshop. UC Riverside. 2019.
 Data Science Institute. Columbia University. 2019.
 Department of Politics and CSDP. Princeton University. 2019.
 Text as Data Workshop. US Census Bureau. 2019.
 TextXD Keynote Address. UC Berkeley. 2019.
 Department of Political Science. University of North Carolina. 2020.
 Institute for Advanced Study. Princeton University. 2020
 Duke Law School. 2020.
 International Methods Colloquim. 2021.
 MIT Election Administration Workshop. 2021. Princeton Elections Workshop. 2021.
 Chicago Committee of Quantitative Methods. 2021.

PROFESSIONAL AND DEPARTMENTAL SERVICE Reviewer for *American Political Science Review*, *American Journal of Political Science*, *Journal of Politics*, *Journal of the American Statistical Association*, *Proceedings of the National Academy of Sciences*, *British Journal of Political Science*, *Political Analysis*, *State Politics and Policy Quarterly*, *Public Opinion Quarterly*, *Journal of Public Economics*, *Legislative Studies Quarterly*, *Congress and the Presidency*, *Journal of Political Communication*, *Political Science Research and Methods*, *Research and Politics*, *American Politics Research*, *Political Behavior*, *Journal of Information Technology & Politics*, *Journal of Information Science*, *Journal of Artificial Intelligence Research*, *Evaluation and Program Planning*, *National Science Foundation*, *Journal of Social Structure*, *Sociological Methodology*, *Cambridge University Press*, *Oxford University Press*, *Social Forces*, *Chapman & Hall (CRC Press)*, *North American Chapter of the Association for Computational Linguistics: Human Language Technologies (NAACL HLT)*, *Association for Computational Linguistics Annual Conference (ACL)*, *Social Science Computer Review*, *Swiss National Science Foundation*

Interim President, Text as Data Society Member, Department Policy and Planning Committee (2015-2017, 2018-present) Member, Department DEI Committee (2020-2021)
 Co-Director, Democracy and Polarization Lab. 2018-Present
 Chair, Omnibus Faculty Search Committee. 2018
 Organizer Text as Data. 2019. (TADA2019)
 Editorial Board Member, *Political Analysis* (2014-2015)
 Co-Editor, *Political Analysis Letters* (2014-2018)
 Editorial Board Member, *Journal of Politics* (2015-Present)
 Graduate Admissions Committee, 2010-2011
 Omnibus Faculty Search Committee, 2011-2012
 Award Committee, Warren Miller Prize, 2012-2013
 Award Committee, Fenno Prize, 2014-2015
 Methods Curriculum Committee, 2013-2014
 Undergraduate Curriculum Committee, 2013-2014, 2014-2015
 Policy and Planning Committee, 2014-2016, 2018-Present
 Director of Undergraduate Studies, 2015-2016.
 Co-organizer: Stanford Conference on Computational Social Science. June 1st, 2012.
 Section Chair for Legislative Campaigns and Elections. MPSA, 2013.
 Program Committee: Neural Information Processing Systems (NIPS), Computational Social Science Workshop, 2011, Topic Modeling Workshop 2013