

**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
SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i> , <i>Plaintiffs</i> , v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i> , <i>Defendants</i> , REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i> , <i>Intervenor-Defendants</i> .	Civil Action No.: 1:21-cv-01284-JPB

**PLAINTIFFS' REPLY BRIEF IN SUPPORT OF MOTION FOR A
PRELIMINARY INJUNCTION**

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INTRODUCTION

Plaintiffs have established an extensive factual record showing that they are highly likely to succeed on the merits of their claims that two S.B. 202¹ provisions—the felony assistance provision and the drop box restrictions (collectively, “the Challenged Provisions”)—violate the ADA and Section 504. The Challenged Provisions will continue to deny many Georgia voters with disabilities ready access to absentee voting as shown by evidence which includes the experiences of individual voters who faced substantial difficulties voting in the 2022 elections, as well as testimony demonstrating adverse impacts on organizational Plaintiffs and their members. Plaintiffs show that, because of the Challenged Provisions, Georgians with disabilities will have difficulty finding the assistors needed to help them return their ballots, and will be prevented from using drop boxes.

State Defendants and Intervenors (collectively, “Defendants”) paint these barriers as insignificant. These individuals, they say, should have just chosen another way to vote. But the ADA’s broad remedial purpose requires that disabled voters receive equal access to the state’s absentee voting program and not bear substantial burdens that voters without disabilities do not face. The burdens the Challenged Provisions impose on individuals with disabilities create irreparable

¹ Defined terms are given the meaning assigned in the opening brief.

harm. By contrast, the interests the State proffers are not even advanced by the Challenged Provisions and, even if they were, they are insufficient to outweigh the harm to voters with disabilities.

ARGUMENT

I. Defendants Fail to Rebut Plaintiffs’ Strong Showing That They Are Likely to Succeed on the Merits.

A. Plaintiffs Have Demonstrated an ADA Violation

The relevant question under the ADA² is whether the Challenged Provisions prevent Plaintiffs’ members and constituents from readily accessing³ key components of Georgia’s absentee voting program due to their disabilities. Plaintiffs have established that they do.⁴

² As in their opening brief, Plaintiffs’ reference to their ADA claims include their Section 504 claims. Pls. Br. 10 n.4.

³ Plaintiffs acknowledge that this Court has adopted the standard “readily accessible” in this case and use the terms “ready,” “equal,” and “meaningful” access interchangeably as have many courts. Order at 34; *see, e.g., Nat’l Fed’n of the Blind (“NFB”) v. Lamone*, 813 F.3d 494, 504-507 (4th Cir. 2016) (absentee voting program did not provide disabled voters an “equal” opportunity to participate without assistance, thus denying “meaningful” access).

⁴ To establish an ADA violation, a plaintiff must show: “(1) that he is a qualified individual with a disability; (2) that he was either excluded from participation in or denied the benefits of a public entity’s services, programs, or activities, or was otherwise discriminated against by the public entity; and (3) that the exclusion, denial of benefit, or discrimination was by reason of the plaintiff’s disability.” Order 34. To the extent Intervenor suggests a different causation standard under Section 504, the Court can ignore this distinction because Intervenor does not

No one disputes that Plaintiffs' members or constituents are qualified individuals with disabilities or that State Defendants are public entities covered by the ADA and receive federal financial assistance within the meaning of Section 504. Primarily, Defendants argue that the Challenged Provisions do not deny equal access to absentee voting because Georgia allows all voters to vote in multiple ways. State Opp., ECF No. 592 ("Opp.") 21; Intervenor's Opp. 3, 7-9. But even if the "many options" Georgia claims for voting were not illusory to many disabled voters, Pls. Br. 2-4, those options' existence cannot defeat Plaintiffs' claims. Plaintiffs need only prove that Georgia's absentee voting program is not "readily accessible" to voters with disabilities.⁵ Order 34-35 (citing *Shotz v. Cates*, 256 F.3d 1077, 1080 (11th Cir. 2001)). Thus, "Plaintiffs need not show that the voting access allegedly denied here is absolute," and "a partial denial of access could be actionable." Order 36. Critically, "where the alternatives relied upon by the Defendants impose

suggest any reason Plaintiffs would have any more difficulty meeting that standard. Intervenor's Opp., ECF No. 591 ("Intervenor's Opp.") 11.

⁵ The ADA's requirements apply to specific "services, programs, or activities." 42 U.S.C. § 12132. Plaintiffs here challenge the accessibility of Georgia's absentee voting program. To the extent Intervenor's suggest that voting as a whole is the program at issue, Intervenor's Opp. 7, they are mistaken. This Court understood that and allowed this case to proceed on that basis. Order 35; *see also NFB*, 813 F.3d at 504 (4th Cir. 2016); *People First of Ala. v. Merrill*, ("People First"), 491 F. Supp. 3d 1076, 1158 (N.D. Ala. 2020).

additional costs, risks and inconveniences on disabled voters not faced by others,” as the record shows they do here,⁶ the absentee voting program is not readily accessible. *Westchester Disabled On the Move, Inc. v. Cnty. of Westchester*, 346 F. Supp. 2d 473, 478 (S.D.N.Y. 2004) (inability to vote in person at assigned polling place due to lack of accessibility is denial of meaningful access). Defendants’ suggestion that voters endure additional burdens to use the mail or vote in-person (Opp. 20-21; Intervenor’s Opp. 8) thus misses the mark: Plaintiffs seek and are entitled to ready access to absentee voting.

Defendants rely on *Democracy North Carolina v. North Carolina State Board of Elections*, 476 F. Supp. 3d 158, 233 (M.D.N.C. 2020), to support their claim that the existence of other methods to return an absentee ballot means there is no ADA violation.⁷ This reliance is misplaced. There the court found that a statute prohibiting nursing facility staff from assisting a blind resident in completing his absentee ballot denied him meaningful access to voting in violation of the ADA.

⁶ As described in the opening brief, disabled voters face a multitude of barriers that make voting in person burdensome or impossible, leaving absentee voting the only option for some. See Pls. Br. 3; 5-8; Schur 13-14; Papadopoulos Decl. ¶¶ 3-9.

⁷ Defendants also cite *Westchester Disabled*, *Shotz*, and other cases for the same proposition. Opp. 22-23. But as set forth in Plaintiffs’ opening brief, these cases support no such thing. Instead, they stand for the proposition that the increased time and/or burden required of people with disabilities to access a program or service constitutes a violation of Title II, *even if* the individuals with disabilities were ultimately able to access or use the program or service. See Pls. Br. 17-18.

While the court also rejected an ADA violation concerning ballot return assistance, it did not do so because the plaintiff had other means to return his ballot, but rather because he had not shown how his *disability* (rather than residency status) prevented him from submitting his ballot. *Id.* The plaintiff there presented no evidence as to why he could not use the mail. *Id.* at 233. While the court on that basis denied ADA relief as to ballot return assistance, it also found, more importantly, that the ballot completion restriction denied the plaintiff meaningful access to voting in violation of the ADA under the specific circumstances of that case. *Id.*; see *Disabled in Action v. Bd. of Elections in City of New York*, 752 F.3d 189, 201 (2d Cir. 2014) (rejecting defendants’ contention that accommodations proffered provided meaningful access to disabled voters “in the circumstances here.”). And critically, the court considered only one individual voter’s claims, and had no occasion to evaluate the provision’s broader impact on the state’s disabled voters. The record evidence here, by contrast, establishes that a large subset of Georgia’s disabled population lacks ready access to the absentee voting program due to their disabilities. See Pls. Br. 7-8.

State Defendants’ attempt (at 18) to distinguish *American Council of the Blind of Indiana v. Indiana Election Commission*, 2022 WL 702257 (S.D. Ind. Mar. 9, 2022), fares no better. In that case, the court rejected defendants’ contentions that offering multiple methods of voting sufficed to overcome an ADA challenge, and

held that blind plaintiffs subject to state-imposed restrictions on absentee voting that others did not encounter were denied meaningful access based on their disability. *Id.* at *8 (S.D. Ind. Mar. 9, 2022). So too here: Applying the correct legal standard, the Challenged Provisions deny disabled voters in Georgia ready access to absentee voting based on their disabilities.

1. Defendants Improperly Ignore or Minimize Factual Evidence of the Burden of the Challenged Provisions

In addition to focusing on the existence of “many options” for voting, Defendants consistently minimize the Challenged Provisions’ impact on voters with disabilities. Particularly with respect to the drop box restrictions, they argue that the excessive barriers that voters with disabilities face are mere “difficulties” or the “usual burdens of voting.” Opp. 19-21; Intervenor’s Opp. 12-13. This is incorrect. The Challenged Provisions deny disabled citizens equal access to absentee voting because they impose substantial burdens that voters without disabilities do not face.⁸ *Westchester*, 346 F. Supp. 2d at 478. Defendants dismiss these barriers and suggest that voters who experience burdens of inaccessible drop boxes could make use of “accommodations” such as mailing their ballots, relying on relatives, or bringing own cane. Opp. 20; Intervenor’s Opp. 3, 11-13. Accommodations are modifications

⁸ Plaintiffs have described these burdens in detail. *See* Pls. Br. 8.

Defendants make to their program that allow disabled voters ready access to that program, not adjustments that people with disabilities must make (often enduring significant cost or inconvenience) to navigate. 28 C.F.R. § 35.130(b)(7).

2. The Felony Provision Marks a Substantial Change from Prior Law And Denies Voters Ballot Assistance

S.B. 202 discriminates against Georgia’s disabled voters by creating a risk of felony punishment on voters’ friends, neighbors, and residential staff providing legal ballot return assistance, which places greater burdens on voters with disabilities. *See* Pls. Br. 5-7; Thomas Decl. ¶¶ 8, 11; Ex. 2, Papadopoulos Decl. ¶ 13.

Defendants claim that S.B. 202’s felony penalty imposes no new burdens from the prior S.B. 202 regime. Opp. 15-16. But S.B. 202 made a material and consequential change by imposing new ballot return penalties that affect disabled voters and their assistors. Prior to S.B. 202’s felony provision, the pre-existing misdemeanor penalty for election code violations included an exception for legal actions such as those permitted by Section 208. *See* O.C.G.A. § 21-2-598 (“*Except as otherwise provided by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.*”) (emphasis added); 52 U.S.C.A. § 10508. Consistent with that carve out and with Section 208, the Georgia Attorney General’s office had twice affirmed, also pre-S.B. 202, that a state law limiting ballot return assistance to family or household members or caregivers of people with disabilities

(O.C.G.A. § 21-2-385(a)) did not apply to voters who require assistance with ballot return due to their disability. *See* 2016 Ga. Op. Att’y Gen. 02 (2016) (“The terms of ... [§ 21-2-385(a)] ... cannot be construed to prevent voters from receiving assistance, including assistance in mailing or delivering an absentee ballot, from anyone of their choosing and not otherwise prohibited by section 208 of the Voting Rights Act.”). Put simply, before S.B. 202, non-family members and non-household members assisting a voter with a disability with ballot return was *not* a crime.

The unambiguous language in the Attorney General opinions and the carve-out in the pre-S.B. 202 catch-all misdemeanor penalty provision removed any fear of prosecution. *See* Orland Decl. ¶ 23 (citing the “Attorney General opinions” as a reason GAO was able to assist voters without fear that even well-intentioned assistors might face prosecution.”); (Hargroves Decl. ¶ 9) (homeless shelter staff did not learn of the restrictions on ballot return assistance until after S.B. 202 passed); *see also* Thornton Decl. ¶¶ 22-23 (Georgia ADAPT volunteers will no longer assist disabled voters with ballot return due to S.B. 202). Under S.B. 202, however, there is now no carve-out in the felony provision for actions permitted by law, O.C.G.A. § 21-2-568(a)(5) nor has the Attorney General affirmed that its previous opinions apply, which would have alleviated confusion and fear of prosecution. Most importantly, Defendants nowhere disclaim that ballot return from non-caregivers

and non-household members *now* constitutes a felony.

Instead of grappling with Plaintiffs’ showing—that disabled voters without access to eligible, willing assistors under S.B. 202 are denied ready access to absentee voting—Defendants draw on confusion in the legal framework of their own creation to deny the chilling effect based on a lack of current prosecutions. Defendants implicitly acknowledge that federal law permits non-caregivers and non-household members to provide ballot return assistance for voters with disabilities, suggesting that any burden imposed by the additional felony punishment “is simply a fiction.” Opp. 15 (conceding applicability of Section 208 to ballot return assistance). Yet Defendants, elsewhere in their brief, claim they plan to “vigorously prosecute” such voter assistance from non-household members and non-caregivers. Opp. 35. Regardless of Defendants’ current enforcement activities or lack thereof, the felony provision has created a substantial chilling effect for disabled voters and their would-be assistors. Pls. Br. 14-16. And promises from the government to prosecute responsibly or a lack of prior prosecution are not relevant to this Court’s analysis where a statute nonetheless creates criminal penalties that prosecutors may enforce at any time. *See United States v. Stevens*, 559 U.S. 460, 480 (2010); *Virginia v. Am. Booksellers Ass’n*, 484 U.S. 383, 393 (1988).

3. *The Felony Provision Creates Substantial Confusion About Who Can Provide Assistance, Increasing Burdens on Disabled Voters*

Compounding the denial of ready access to absentee voting for individuals whose would-be assistors now fear felony prosecution, the ballot return restriction to which S.B. 202 added felony penalties does not define the term “caregiver.” Nevertheless, Defendants claim that “[u]nder any common understanding of the term ‘caregiver,’ none of the groups referenced by Plaintiffs are categorically excluded and most individuals within those classifications fall squarely within a common definition of caregiver.”⁹ Opp. 12-13. This gesture at a supposed “common” definition of the term “caregiver,” offered only in Defendants’ litigation papers, is not clear, binding, or officially adopted anywhere.¹⁰ It does nothing to alleviate the prosecution risk and chilling effect produced by the lack of clarity or explanation in public information shared by the State. *See Stevens*, 559 U.S. at 480;

⁹ Defendants are wrong that there exists a common understanding of the term caregiver. For example, Black’s Law Dictionary (11th ed. 2019) defines caregiver as “A person, who is not a parent, who has and exercises custodial responsibility for a child or for an elderly or disabled person,” while the federal Centers for Medicare and Medicaid Services website states that: “Caregivers are broadly defined as family members, friends or neighbors who provide unpaid assistance to a person with a chronic illness or disabling condition.” This definition excludes paid professionals, such as personal assistants or institutional staff.

¹⁰ Instructions the Secretary of State issued on March 30, 2022 pursuant to S.B. 202, which required “a list of authorized persons who may deliver or return the voted ballot to the board of registrars on behalf of the elector as provided in subsection (a) of Code Section 21-2-385,” GA Code § 21-2-384(b), has created further confusion. The instructions list the limited categories of authorized assistors for ballot return but provide no exceptions nor define “caregiver.” *See Orland Decl.* ¶ 24(b).

Stenberg v. Carhart, 530 U.S. 914, 940–41 (2000); Thomas Decl. ¶ 11; Papadopoulos Decl. ¶¶ 13-15; Thornton Decl. ¶ 21-22; Orland Decl. ¶ 23-24. This is also contradicted by previous testimony from Defendants, who have not defined the term to the public or to State Election Board and county officials. Pls. Br. 5-6; 14-15. Other evidence produced by Defendants indicates that some assistors, such as nursing facility staff, have not received clear guidance from officials that they qualify as caregivers under S.B 202. *See* Ex. 9, (emails among state officials questioning legality of voter assistance provided at nursing homes).

Defendants’ gestures at a potential meaning of “caregiver” aside, what is relevant to Plaintiffs’ equal access claim is that voters with disabilities have no way to know whether the assistors available to them fall within the still-undefined category. Therefore, they cannot access absentee voting on equal terms with other voters. *See, e.g.*, Papadopoulos Decl. ¶¶ 11-14 (“I’m not sure whether different roles within the [nursing] facility like a social worker, administrator, activities director, or other role qualify as a ‘caregiver’.”); Thomas Decl. ¶¶ 12-15.

B. Plaintiffs’ Proposed Relief is Reasonable and Appropriate

Having shown they are likely to succeed on their ADA claims, the burden shifts to Defendants to demonstrate that providing Plaintiffs’ requested accommodations are unreasonable because they would fundamentally alter the

nature of their absentee voting program. *NFB*, 813 F.3d at 508. State Defendants do not argue that Plaintiffs’ requested relief would be a fundamental alteration and waive an affirmative defense.¹¹ See *Johnson v. Bexar Cty. Elections Adm’r*, No. SA-22-CV-00409-XR, 2023 WL 4374998, at *8 (W.D. Tex. July 6, 2023). And while Intervenors argue (at 16-17) that Plaintiffs’ relief constitutes a fundamental alteration, they never explain *why*.

In considering whether a proposed modification is a fundamental alteration, the court analyzes whether the proposed modification would eliminate an “essential aspect” of Defendants’ policy, keeping in mind the basic purpose of the law, and weighing the benefits to Plaintiffs against the burdens on Defendants. *Schaw v. Habitat for Human. of Citrus Cnty., Inc.*, 938 F.3d 1259, 1266-67 (11th Cir. 2019). And “[r]equiring public entities to make changes to rules, policies, practices, or services is exactly what the ADA does.” *Jones v. City of Monroe*, 341 F.3d 474, 487 (6th Cir. 2003). When a conflict arises between a state law and the ADA’s reasonable modifications requirement, state laws must yield to the “comprehensive national mandate” of the ADA. *Mary Jo C. v. N.Y. State & Local Ret. Sys.*, 707 F.3d 144, 163 (2d Cir. 2013); see also *NFB*, 813 F.3d at 508.

¹¹ Nor could they, as their own officials concede the feasibility of removing the drop box restrictions and felony provision. See Ex. 7, Evans Dep. 227-28; Pls. Br. 19.

Here, Intervenor has not met their burden of showing Plaintiffs’ proposed relief would constitute a fundamental alteration of the absentee voting program. As an initial matter, even when plaintiffs have sought to expand or alter an existing provision in law—more than Plaintiffs seek in the instant case—courts have found the modification appropriate. *See, e.g., People First*, 467 F. Supp. 3d at 1212-13 (expanding photo ID requirement exception for absentee ballots to a larger, yet still circumscribed, subset of older, disabled, and compromised voters). Intervenor cites *League of Women Voters of Fla., Inc. v. Lee* (“*LWV*”) for the proposition that enjoining the Challenged Provisions would be a fundamental alteration. 595 F. Supp. 3d 1042 (N.D. Fla. 2022), *aff’d in part, vacated in part, rev’d in part sub nom.* Intervenor’s Opp. 17. But they fail to offer any analysis other than describing the *LWV* claim as more “modest” because it focused on *one* state law provision and Plaintiffs here seek modifications to *two*. *Id.* But that distinction is of no consequence. Plaintiffs’ proposed relief is focused solely on relief for disabled voters, exactly the type of “limited injunction for a subset of disabled voters” for which the *LWV* court cited *People First* with approval. 595 F. Supp. 3d at 1158.¹²

Plaintiffs’ requested modification to the felony assistance provision is simple

¹² Intervenor mentions in passing (at 15) that Plaintiffs’ arguments justify relief only for organizational Plaintiffs’ members, but this bald assertion ignores the role of organizational plaintiffs, whose standing Defendants do not challenge.

and reasonable: allow voters with disabilities to use the assistor of their choice, consistent with the narrow limitations of Section 208 as affirmed by the Georgia Attorney General. Plaintiffs seek a return to the pre-S.B. 202 regime where this assistance was not a crime. *Supra* Section I.A.2. As the Department of Justice explained in a recent case, “the provision of ballot return assistance is...a reasonable modification necessary to avoid discrimination under Title II” and “could not be a fundamental alteration” “because it is required by another federal law—the [VRA].”¹³ As one court recently put it in enjoining a ballot return assistance restriction under Section 208: “Voters shouldn’t have to choose between exercising their federal rights and complying with state law.” *Carey v. Wisconsin Elections Commission*, 624 F. Supp. 3d at 1024.

Defendants question whether this Court can consider the rights afforded to disabled voters under Section 208 in the context of an ADA equal access claim. Opp. 14-15, Intervenor Opp. 13-14. But courts regularly consider compliance with

¹³ Statement of Interest of the United States of America at 11, *Carey v. Wisconsin Elections Comm’n*, 624 F. Supp 3d 1020, No. 3:22-cv-00402 (W.D. Wis. 2022). As the agency assigned to promulgate ADA regulations, the DOJ’s interpretation is afforded deference. 42 U.S.C. § 12134(a); 28 C.F.R. Part 35 (delegating to the DOJ authority to promulgate regulations under Title II); *see, e.g., City of Arlington v. FCC*, 569 U.S. 290, 296 (2013) (“Statutory ambiguities will be resolved, within the bounds of reasonable interpretation, not by the courts but by the administering agency.”).

other federal statutes when considering appropriate relief under the ADA.¹⁴ And State Defendants *concede* that Section 208 allows a disabled voter to select a person of their choice to help return their ballot, only underscoring the absurdity of the status quo, where assistors face a felony charge for providing that help. Opp. 14-15.¹⁵

As to drop box relief, Plaintiffs are not, as Defendants suggest, asking the Court to mandate drop boxes in all counties or ban drop boxes altogether (Opp. 21 n.11; Ex. 6, Germany Decl. ¶¶ 29-32). *See* Proposed Order, ECF No. 546-29. Rather, as in *People First*, Plaintiffs ask this Court to remove the restriction

¹⁴ *See, e.g., Doe v. Hous. Auth. of Portland*, No. 3:13-CV-1974-SI, 2015 WL 758991, at *6 (D. Or. Feb. 23, 2015), *aff'd*, 664 F. App'x 722 (9th Cir. 2016) (“Plaintiff’s request is patently unreasonable because if granted, it would violate federal regulations”); *Assenberg v. Anacortes Hous. Auth.*, 2006 WL 1515603, at *5, n. 7 (W.D. Wash. May 25, 2006), *aff'd* 268 F. App'x 643 (9th Cir. 2008) (noting that the ADA “only requires ‘reasonable’ accommodation, and therefore does not require entities to violate federal law as an accommodation”).

¹⁵ As Plaintiffs bring an ADA equal access challenge, this Court need not rule on Section 208 to grant relief. Plaintiffs only ask this Court to consider Section 208 because it applied under the pre-S.B. 202 regime and so it informs the appropriate reasonable modification here. *Supra* Section I.A.2. However, contrary to Defendants’ assertions, this Court may grant relief on an unpled claim where “[t]he relationship between the preliminary injunction and the underlying complaint is sufficiently strong where the preliminary injunction would grant ‘relief of the same character as that which may be granted finally.’” *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) (internal citations omitted); *see also Guille v. Johnson*, No. 21-1515, 2021 WL 4490248, at *2 (3d Cir. Oct. 1, 2021) (same).

prohibiting counties from placing drop boxes in accessible locations outside.¹⁶ *People First*, 467 F. Supp. 3d at 1223. Plaintiffs' proposed relief is reasonable.

II. Defendants Fail to Undermine Plaintiffs' Showing of Irreparable Harm.

Irreparable harm exists where, as here, a restriction makes voting unequally burdensome for some disabled voters, others face disenfranchisement, and still others become dissuaded from voting absentee. Pls. Br. 21-24. Defendants do not appear to contest this or the veracity of the numerous examples of harm testified to by Plaintiffs' declarants, *see id.* Instead, they suggest no such harm exists due to S.B. 202, a claim that is flatly contradicted by Plaintiffs' evidence delineating the burdens disabled voters have already encountered due to the Challenged Provisions.

Defendants claim that any harm arising from the fear of prosecution borne from raising the misdemeanor to a felony and eliminating the Section 208 carve out is speculative absent evidence of prosecution. Opp. 25. But courts have repeatedly rejected this argument. *See* Pls. Br. 24 n.9. Defendants baselessly assert that increasing the penalty for voting assistance from a misdemeanor to a felony cannot cause harm, but fail to dispute Plaintiffs' evidence demonstrating the harm from precisely that change. *See* Pls. Br. 5-7.

¹⁶ Allowing discretion to move drop boxes outside would allow counties to comply with their own ADA obligations in selecting drop box locations. There is no reason to believe that, given the opportunity, they will not comply with these obligations.

Contrary to Defendants’ focus on pre-S.B. 202 harm, Opp. 27, Plaintiffs are not required to establish harm that *precedes* the provision they seek to enjoin. *See Alabama v. U.S. Army Corps of Eng’rs*, 424 F.3d 1117, 1133 (11th Cir. 2005) (“preventing irreparable harm in the *future* is ‘the sine qua non of injunctive relief’... a preliminary injunction is completely at odds with a sanction for *past* conduct”) (emphasis added & citations omitted).

Defendants’ arguments as to the harm from the drop box restrictions likewise fail. Voters with disabilities experience additional and unequal obstacles to the absentee voting program due to the physical inaccessibility of indoor-only drop boxes and the limitations on hours that drop boxes are made available. *See* Pls. Br. 16-17. Defendants do not dispute that quintessential irreparable harm exists where, as here, citizens with disabilities must take on additional burdens to vote, or where voting becomes so burdensome for them that they may be unable to vote absentee or dissuaded from attempting to do so. *See* Pls. Br. 21-22. Instead, Defendants suggest the added burdens that voters with disabilities face are unimportant because, in their view, “every form of voting inherently creates burdens on voters with disabilities.” Opp. 27-28. They assert that voters like Mr. Halsell and Ms. Wiley “who experienced trouble personally accessing a drop box” have not been harmed because they could have pursued “alternative means.” Opp. 28. That is not the law.

Each voting program must be made readily accessible. *Supra* at 3. This disparate burden from purportedly neutral rules is precisely what Congress passed the ADA to address. *See, e.g., PGA Tour, Inc. v. Martin*, 532 U.S. 661, 674–75 (2001).

III. Neither Challenged Provision Harms the State’s Asserted Interests in a Way that Outweighs the Harm to Plaintiffs, and an Injunction Supports the Public Interest.

None of the purported state interests supporting the Challenged Provisions Defendants set forth outweigh harm to Plaintiffs, and they pale in the face of the ADA’s purpose to provide both “a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,” and “clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities.” 42 U.S.C. § 12101(b)(1), (2); *see also Stevens v. Premier Cruises, Inc.*, 215 F.3d 1237, 1241 (11th Cir. 2000) (per curiam) (“Congress did intend that the ADA have a broad reach.”).

Defendants cite an interest in guarding against voter fraud as a reason not to effectuate the ADA, but do not ground their analysis in evidence of any actual voter fraud that the Challenged Provisions prevent. Courts have declined to weigh similar justifications in favor of states where they were not based in evidence. *See Johnson*, 2023 WL 4374998, at *8-9 (“the Court cannot countenance arguments that merely gesture toward threats to election or data security, real or imagined”); *see also*

Thomas v. Andino, 613 F. Supp. 3d 926, 952 (D.S.C. 2020) (concluding that while states have an interest in protecting against voter fraud and ensuring voter integrity, the interest will not suffice absent “evidence that such an interest made it necessary to burden voters’ rights”) (quoting *Fish v. Schwab*, 957 F.3d 1105, 1133 (10th Cir. 2020); *Democracy N.C.*, 476 F. Supp. 3d at 195 (same)).

Rather than offer evidence of fraud that the Challenged Provisions would prevent,¹⁷ state officials have repeatedly admitted that the 2020 election, *before* S.B. 202, was the most safe and secure in Georgia’s history, and that the use of drop boxes did not result in any voter fraud. Ex. 4, Sterling Dep. 73:13-20, 118:16-19; Ex. 108 to Intent PI (USA-04141 at 3:42); Ex. 47 to Intent PI (Anderson 107, 111, 130-31). Multiple state and local officials testified that there were no instances of voter fraud in the pre-S.B. 202 regime. Ex. 5, Wurtz Dep. 82; Ex. 3, Germany Dep. 57.

Defendants also argue that striking these provisions undermines the State’s interest in voter confidence, but the only relevant record evidence indicates these provisions would have no effect on voter confidence. Plaintiffs’ expert Dr. Bridgett

¹⁷ Defendants cite only one actual instance of fraud: an intentional scheme in North Carolina conducted by a political operative. Opp. Br. 1. But that activity was already a felony in North Carolina at the time, *see* Opp. Br. Ex. G, and Defendants offer no reason why Georgia’s existing safeguards against voter interference and intentional misrepresentation, *e.g.* O.C.G.A. § 21-2-568(a)(1-4) & (b); O.C.G.A. § 21-2-566, would not already felonize such conduct.

King provided un rebutted evidence that both nationally and in Georgia, the most salient factors affecting voter confidence were whether voters' preferred candidates won, the in-person voting experience, and belief that election officials were changing votes. Ex. 1 (King Report 31, 34, 36, 38). Provisions concerning when and where voters with disabilities may deposit absentee ballots and who may assist them in returning them could not reasonably affect any of these factors.¹⁸

Also, Defendants argue that the Challenged Provisions protect Georgians with disabilities from "becom[ing] a target for the fraudulent and intimidating behaviors that Georgia law is designed to prevent," but this is grounded in no evidence, Opp. 31; it simply relies on stereotypical and unfounded assumptions that voters with disabilities are incapable of properly exercising their right to vote or are more likely to be subject to undue influence by third parties.

What Defendants disparagingly characterize as fraudulent "ballot harvesting" is easily distinguishable from a voter with a disability who relies on a trusted friend

¹⁸ To the extent any lack of confidence in drop boxes or concerns about assisted ballot returns exists, Defendants admit they were manufactured through disinformation campaigns and conspiracy theories, some of which S.B. 202's proponents actively promoted. Evans Dep. 175:1-5; Sterling Dep. 81:6-9, 82:19-25, 120:4-19; Memo. Supp. Pls.' Mot. for Prelim. Inj. ("Intent PI Brief") at 10-15; Ex. 8, Harvey Dep. 120:9-12. The solution to that ongoing problem should not be placating accusers who have not once proven their false allegations, at the expense of disabled Georgia voters already facing a plethora of barriers to voting.

or staff-person in a nursing facility to mail or drop off their ballot. *See e.g.*, Thomas Decl. ¶ 8; Papadopoulos Decl. ¶ 9. Indeed, consistent with Section 208, Georgia allows those same individuals to assist a disabled voter in “preparing” their absentee ballot. O.C.G.A. § 21-2-385(b). Courts have rejected voting restrictions that impede disability access based on concerns about “protecting” disabled voters. *See People First*, 467 F. Supp. 3d at 1222 (rejecting defendants’ defense of restrictive voter ID law on fraud concerns); *Democracy N.C.*, 476 F. Supp. 3d at 233 (rejecting ballot assistance restrictions justified by defendants to “prevent undue influence on vulnerable people” because of existence of criminal penalties for voter fraud).

In terms of general burdens, Defendants incorrectly argue that “to enjoin the location and hours provisions of O.C.G.A. § 21-2-382(c) would either eliminate all drop boxes . . . or create hardship for Georgia counties—given that human security personnel would be required to monitor the boxes 24 hours a day in an outdoor location.” But drop boxes were not illegal before S.B. 202 even if no statute explicitly provided for them. Were they impermissible, the Georgia State Election Board could not have implemented emergency regulation allowing for them, as their power does not include “limit[ing] or repeal[ing] additional requirements imposed by statute or otherwise recognized by law.” O.C.G.A. § 50-13-22. And contrary to Defendants’ mischaracterizations, Plaintiffs have asked that this Court enjoin the

drop box restrictions’ human security requirements insofar as they prevent drop boxes from being located outside and available 24 hours a day. Pls. Br. 1.¹⁹

Plaintiffs’ requested relief is not overly burdensome as it is simply a return to the pre-S.B. 202 status quo and would serve the public interest by expanding voting accessibility because “[b]y definition, the public interest favors permitting as many qualified voters to vote as possible.” Pls. Br. 25 (quoting *Ga. State Conf. NAACP*, 2017 WL 9435558, at *5 (N.D.Ga. May 4, 2017)). Defendants mischaracterize Plaintiffs’ requested relief by arguing it requires the court to “blue pencil” the law when Plaintiffs merely ask the Court to ensure that the law makes reasonable modifications for Georgians with disabilities as to two provisions of the law. When dealing with illegal portions of a law, it is not uncommon for courts to “sever [the statute’s] problematic portions while leaving the remainder intact.” *Ayotte v. Planned Parenthood of N. New England*, 546 U.S. 320, 328–29 (2006). In the ADA context, excising portions of statutes—if severable—rather than facial invalidation is common practice. *E.g.*, *Mary Jo C.*, 707 F.3d at 163 (“the ADA’s reasonable

¹⁹ Even if additional drop box surveillance were required, this is not an unreasonable burden in light of the ADA’s purpose and SB 202’s impact on voters with disabilities. The ADA at times “imposes some administrative burdens . . . that could be avoided by strictly adhering to general rules and policies that are entirely fair with respect to the able-bodied but that may indiscriminately preclude access by qualified persons with disabilities.” *PGA Tour*, 532 U.S. at 690.

modification requirement contemplates modification to state laws”). And as to the felony provision, Plaintiffs are simply asking the Court to order the State not to enforce the provision against voters with disabilities.

Finally, the assertion that counties would be confused by a court order simply lifting a restriction on their discretion to place drop boxes also makes little sense. Counties have ample time to decide in the next eight months where to locate drop boxes. Defendants need not take any action to change drop box locations for counties who so choose, and the State does not routinely take part in physically setting up drop boxes as it is. The same is true for the felony provision—all the State needs to do is *not* charge anyone with a felony, and update its instructions and public information, to comply with the requested relief.

IV. Defendants’ Arguments Regarding Timing Fail to Outweigh Strong Equities in Plaintiffs’ Favor Because Plaintiffs Did Not Unreasonably Delay and Their Motion Does Not Implicate Purcell.

Defendants argue that Plaintiffs unreasonably delayed in filing this motion. But courts have found that a delay in seeking a preliminary injunction matters only where it “militates against a finding of irreparable harm.” *Wreal, LLC v. Amazon.com*, 840 F.3d 1244, 1248 (11th Cir. 2016). As discussed, Plaintiffs face irreparable harm in the 2024 elections, and the timing of this motion does not erase that harm. *Ga. Coalition for the People's Agenda v. Kemp*, 347 F. Supp. 3d 1251,

1268 (N.D. Ga. 2018) (rejecting argument that Plaintiffs’ delay indicates an absence of irreparable harm because Plaintiffs developed facts supporting their irreparable harm over time by gathering evidence). By bringing this motion eight months before the next relevant election, armed with evidence that disabled voters faced barriers in the 2022 elections but with ample time to implement changes to the law, Plaintiffs have struck a balance between preventing future harm and avoiding speculation.

Additionally, as Plaintiffs have explained in briefing regarding S.B. 202’s provisions regarding line relief, upon being denied a request for a trial date before the 2024 election cycle, Plaintiffs have moved as expeditiously as possible to obtain relief in advance of the 2024 cycle (*see* Pls.’ Reply Br. Supp. Mot. for Prelim. Inj., ECF No. 590 (“Line Relief Reply”) at 16-17).²⁰

Defendants’ other *Purcell* arguments also fail. *Purcell v. Gonzalez*, 549 U.S. 1 (2006). First, they argue that *Purcell* could apply here, eight months away from the next election, without explaining why, citing cases applying *Purcell* when relief was sought four months or less before an election. Intervenor’s Opp. 24. Second, Defendants provide no argument as to why the requested relief would cause voter confusion, despite previously recognizing that “*Purcell* exists in the first place . . .

²⁰ Plaintiffs incorporate by reference their arguments regarding timing discussed in Plaintiffs’ Line Relief Reply at 16-20.

[to] protect [] the *public* from confusion”. See ECF No. 487 at 10–11 (emphasis in original)). They vaguely cite the inability to “vigorously prosecute unlawful behavior that impacts the integrity and security of the election,” Opp. 35, but this has nothing to do with confusion. They also cite the administrative burdens of having “to put drop boxes outdoors” involving “significant coordination and resources to provide the security required.” *Id.* Yet this also has nothing to do with voter confusion, and conveniently ignores the speed and success of drop box implementation in 2020 under much faster timelines.²¹ Intervenors also cite no voter confusion from enjoining these provisions, instead referring to unrelated provisions involving birth dates not at issue in this motion. Because Plaintiffs do not seek relief in the immediate run-up to an election and because there is no risk of voter confusion, *Purcell* is inapplicable.

CONCLUSION

The Court should grant Plaintiffs’ motion for a preliminary injunction.

²¹ Officials created and implemented the drop box program less than two months before the 2020 primary election. Stephen Fowler, *Georgia Elections Board Allows Absentee Ballot Drop Boxes Ahead of June 9 Primary*, Georgia Public Broadcasting (Apr. 15, 2020), <https://www.gpb.org/news/2020/04/15/georgia-elections-board-allows-absentee-ballot-drop-boxes-for-june-9-primary>. Now, Defendants claim it takes four times that to simply allow counties to move existing drop boxes.

Respectfully submitted, this 13th day of July, 2023.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of L.R. 5.1, using font type of Times New Roman and a point size of 14.

Dated: July 13, 2023

/s/ Caitlin F. May
Caitlin F. May
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2023, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: July 13, 2023

/s/ Caitlin F. May
Caitlin F. May
Counsel for Plaintiffs

**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
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21- cv-01284-JPB

DECLARATION OF BRIAN DIMMICK
IN SUPPORT OF AME PLAINTIFFS' REPLY
MOTION FOR A PRELIMINARY INJUNCTION

I, Brian Dimmick, hereby declare as follows:

1. All facts set forth herein are based on my personal knowledge, and if called upon to testify as to the contents of this Declaration, I could and would do so.

2. I am an attorney with the ACLU Foundation and serve as counsel for Plaintiffs Sixth District of the African Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT, and Georgia Advocacy Office in the above-captioned matter.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report and declaration of Dr. Bridgett King dated January 13, 2023.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the declaration of Nikolaos Papadopoulos dated July 5, 2023.

5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the April 13, 2023 deposition transcript of Ryan Germany as a designee of the Georgia Secretary of State's Office.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the April 6, 2023 deposition transcript of Robert Gabriel Sterling.

7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the March 9, 2023 deposition transcript of Lori Wurtz.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the

declaration of Ryan Germany dated June 24, 2022.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of the February 23, 2023 deposition transcript of Joseph Blake Evans.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the March 10, 2023 deposition transcript of Chris Harvey.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the document with the beginning bates number CDR000201677.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 13, 2023

/s/ Brian Dimmick

Brian Dimmick

Counsel for Plaintiffs

Exhibit	Description	Cites
1	Expert Report of Dr. Bridgett King (“King”)	Full
2	Decl. of Nikolaos Papadopoulos (“Papadopoulos”)	Full
3	Ryan Germany (“Germany”) Dep.	57
4	Robert Gabriel Sterling (“Sterling”) Dep.	73, 81, 82, 118, 120
5	Lori Wurtz (“Wurtz”) Dep.	82
6	Decl. of Ryan Germany (“Germany”)	Full
7	Joseph Blake Evans (“Evans”) Dep.	175, 227, 228
8	Chris Harvey (“Harvey”) Dep.	120
9	CDR000201677	Full

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EXHIBIT 1

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

IN RE GEORGIA SENATE BILL 202

MASTER CASE NO.
1:12-MI-55555-JPB

SIXTH DISTRICT OF THE AFRICAN
METHODIST EPISCOPAL CHURCH, *et al.*,

Plaintiffs,

v.

Case No. 1:21-CV-01284-JPB

BRIAN KEMP, Governor of the State of
Georgia, in his official capacity, *et al.*,

Defendants.

Expert Report of Dr. Bridgett King

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On behalf of the above-captioned Plaintiffs.

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Qualifications

I am faculty in the Department of Political Science at Auburn University. I have been on the faculty since the 2014-2015 academic year and currently hold the rank of Associate Professor with tenure. I additionally serve as the Director of the Master of Public Administration Program. As a member of the Auburn University faculty, I teach undergraduate courses in state policy and governance and graduate courses in policy analysis, public administration, service, and democracy.

I earned my Bachelor's degree in Psychology from Hampton University in 2003; a Master's Degree in Justice Studies from Kent State University in 2006; and a Doctor of Philosophy (Ph.D.) in Political Science in 2012 from Kent State University.

I have done extensive research on election administration, public policy, citizen voting experiences, and race and ethnicity. Current overarching themes in my writings include citizen confidence in electoral outcomes, the administrative structure of felony disenfranchisement and its effect on participation and representation, and the consequences of administrative discretion on voter experiences and democratic representation. I also work on interdisciplinary projects that apply systems and architectural engineering approaches to the field of election administration to address challenges associated with administrative decision-making and voter experiences.

I have published eleven peer-reviewed journal articles, edited four books and guest edited two symposia, and authored eight book chapters and five applied reports. Much of this scholarship focuses on the administration of elections and voter confidence. As one example, my 2016 publication in *Social Science Quarterly*, titled Policy and Precinct: Citizen Evaluations of Electoral Confidence, uses the Survey of the Performance of American Elections to evaluate the role of state policy and election precinct evaluations on citizen confidence in individual and national wide electoral outcomes. The findings suggest that citizen evaluation of voting precincts, specifically poll workers, polling locations, and voting machines, influence electoral confidence. The findings also suggest that racial identification and party affiliation also have a role in shaping citizen confidence as does the partisan composition of the state legislature.

My research has appeared in the *Election Law Journal*, *Journal of Black Studies*, *State Politics and Policy Quarterly*, *Social Science Quarterly*, *Government Information Quarterly*, *Policy Studies*, *Journal of Simulation* and the *Journal of Information Technology and Politics*. I have contributed to and edited multiple book manuscripts, including, *Voting Rights in America: Primary Documents in Context*, *The Future of Election Administration*, *The Future of Election Administration: Cases and Conversations*, *Why Don't Americans Vote? Causes and Consequences*, and *Women's Contributions to Development in West Africa: Ordinary Women, Extraordinary Lives*.

I have received external support for my research in election administration from the National Science Foundation, Rockefeller Family Fund (Democracy, Power, and Innovation Fund), Democracy Fund, and other agencies and organizations. I also hold positions in several election administration applied and research focused projects and initiatives. I am currently on the Electoral Integrity Project International Academic Advisory Board, a track leader with the

Election and Voting Information Center (“EVIC”), and a research partner with the University of Rhode Island Voter Operations and Election Systems (“URIVOTES”).

I am also regularly asked to speak on domestic and international academic and practitioner panels on issues related to election administration and participate in domestic and international election observation efforts.

In addition to teaching at Auburn University, I am an instructor in the National Association of Election Officials (“Election Center”) Certified Elections/Registration Administrator (“CERA”) Program. The CERA program is the continuing special education program for election administrators; through the program election administrators earn continuing education credits from Auburn University and the Election Center. In the CERA Program I teach courses that have a substantive focus on internal and external professional communication, voter participation, state constitutions and court cases from early America to 1965, the history of elections from 1781 to the present, and federal interventions in elections and voter registration from the 1960s to the present.

My testimony as an expert in litigation to date came in *Caster v. Merrill*, 1:22-cv-0122-SCJ (N.D. Ala.), an ongoing redistricting case involving Alabama’s congressional map. In connection with that case, I submitted one report and one rebuttal report and testified at a preliminary injunction hearing. At the preliminary injunction hearing, I was qualified as an expert in political science, research methodology, history of voting, and elections in the United States and Alabama and voting behaviors.

Attached as **Appendix 1** to this report is a curriculum vitae setting forth more detail about my professional background, including all the publications I have authored or coauthored, including forthcoming publications. I have published a number of peer-reviewed articles concerning voter confidence, all of which rely on quantitative methodologies for the substantive analysis. These publications include:

King, B. Waiting to Vote: The Effect of Administrative Irregularities at Polling Locations and Voter Confidence. (2020). *Policy Studies*, 41(2-3), 190-209.

King, B. State Online Voting and Registration Lookup Tools: Participation, Confidence, and Ballot Disposition. (2019). *Journal of Information Technology and Politics*, 16(3), 219-235.

King, B. and *Barnes, A. (2019). Descriptive Representation among Poll Workers and Citizen Confidence in Election Administration. *Election Law Journal*, 18(1), 16-30. *Ph.D. student

King, B. (2017). Policy and Precinct: Citizen Evaluations and Electoral Confidence. *Social Science Quarterly* 98(2), 672-689.

King, B. (2020). Waiting to vote: the effect of administrative irregularities at polling locations and voter confidence in Toby S. James and Holley Ann Garnett (Eds.), *Building Inclusive Elections* (pp. 118-136). Routledge: Oxfordshire, England.

Related to my broader scholarship on elections, state policy, and voter turnout my doctoral dissertation entitled, “The Effect of State Policy On The Individual Vote Decisions Of African Americans In Presidential And Midterm Elections, 1996 To 2008,” evaluates the effect of seven state voting policies (e.g., registration closing date, photo identification requirements, statewide computer registration database, in person early voting, Election Day registration, no excuse absentee voting, and felony disenfranchisement) on African American turnout in Presidential and midterm elections from 1996 to 2008. I used individual-level data from the US Census Bureau Current Population Survey (“CPS”) that was merged with detailed state level voting policy, demographic, social and economic indicators. Using a series of multilevel models, I analyzed the effect of policy variations on the African American population.

Introduction and Summary of Findings

I have been retained by the AME Plaintiffs to analyze and explain issues relating to voter confidence as a field of study, and particularly in Georgia, as I understand voter confidence was one of the Georgia legislature’s stated justifications for passing Senate Bill 202. Specifically, based on the existing field of research and well-established methodologies, I have been asked to define voter confidence; summarize existing studies and literature on voter confidence to identify potential critical drivers of or correlations for higher or lower voter confidence; examine voter confidence in Georgia and what factors may affect it; and determine whether which, if any, policy interventions may improve voter confidence. The analysis that follows is based on my expertise as a political and social scientist, including my previous research into and publications concerning voter confidence.

The analysis demonstrates three main findings:

- 1) The confidence voters across the United States have in election administration processes can be primarily affected by a) whether the voter’s preferred party won or lost the election, b) messages received from elites, and c) a voter’s experience casting a ballot in-person (*see* Section 2);
- 2) The confidence of Georgia voters in election administration has also primarily been affected by experiences they have while casting a ballot in person and shared party affiliation with electoral winners, and likely messages from elites as well (*see* Section 3); and
- 3) Voter confidence in Georgia is generally stable over time, which is consistent with national trends in other states based on wholesale average voter confidence. Policies that improve the in-person voting experience like those that reduce voter wait times or provide greater transparency into the process like risk-limiting audits have the greatest likelihood of increasing voter confidence, while other policies like stricter voter identification laws have had little effect on voter confidence (*see* Section 3).

I have employed methodology well-accepted in my field of expertise in this report. My hourly rate of compensation in this case is \$300. My compensation is not contingent on or affected by the substance of my opinions or outcome of this litigation. I reserve the right to amend, modify, or supplement my analysis and opinions.

I. HOW DO WE DEFINE AND MEASURE VOTER CONFIDENCE?

“Trust or confidence has been defined in a variety of ways including diffuse support for the form of government, support for specific leaders, and in terms of the legitimacy of a specific event” (Claassen et al. 2013, 219). While broad levels of trust in government are necessary for democratic functioning, scholars have noted that the trust literature has paid considerably less attention to the trust or confidence that citizens have in electoral processes or election administration. Alvarez, Hall, & Llewellyn (2008), for example, note that confidence in elections is distinct from confidence in government. Voters may not trust the voting machines but trust their elected officials. Alternatively, voters may trust the electoral process and procedures but believe that all elected officials are corrupt (755). Therefore, understanding what contributes to citizen confidence is crucial to identify potential shortcomings in the political system and remedies to address them.

In addition to being an essential measure of electoral performance, citizen confidence in election administration is distinct from general measures of trust in government (Alvarez, Hall, & Llewellyn, 2008; Atkeson, Alvarez, & Hall, 2015; Atkeson & Saunders, 2007; Hall, Monson, & Patterson, 2008). Unlike general measures of trust in government, voter confidence is unique because the focus is on the democratic processes and procedures instead of evaluations of government or elected officials (Citrin & Luks, 2001). Further, because of the “specific additive component (confidence) and the specific objective component (whether a voter’s ballot was counted correctly)” (Atkeson, Alvarez, & Hall, 2015, p. 209), voter confidence is a unique measure that should be considered outside of general evaluations of confidence and trust in government.

Political science scholars have been using surveys to study citizen confidence in elections for approximately 20 years (MIT Election Data and Science Lab, 2021).

When reviewing surveys and research that evaluates voter confidence, variations of the question, “Do you believe that votes in the most recent election were counted as cast?” are typically used to evaluate voter confidence.¹ Despite the variation in question-wording, findings across surveys are generally consistent (MIT Election Data and Science Lab, 2021) and the question consistently includes the specific additive component (confidence) and the specific objective component (whether a voter’s ballot was counted correctly)” (Atkeson, Alvarez, & Hall, 2015, p. 209).²

One variation that is consistently observed is between proximate and distant evaluations of confidence in elections. When voters are asked questions about processes that are less proximate to their individual experience, they are typically much less confident (King, 2017; McCarthy,

¹ As an example, the 2020 Survey on the Performance of American Elections (SPAEE) asks voters, “How confident are you that your vote in the General Election was counted as you intended?” The Cooperative Election Study (CES) asks voters, “How confident are you that your vote in the General Election will be counted as you intend?” (MIT Election Data and Science Lab, 2021).

² For voter confidence question wording used by scholarship included in this report, see Appendix A.

2020). For example, in the 2012-2020 Survey on the Performance of American Elections (“SPAЕ”), others are asked:

- How confident are you that your vote in the General Election was counted as you intended?
- How confident are you that votes in your county or city were counted as voters intended?
- How confident are you that votes in [respondent’s state] were counted as voters intended?
- How confident are you that votes nationwide were counted as voters intended?

The SPAЕ provides information about how Americans experience voting in the most recent federal election. Conducted in every presidential election since 2008, the SPAЕ is the only national survey of election administration that focuses on the process of voting and provides insights into the performance of elections in the individual states (MIT Election Data and Science Lab, n.d.).

The 2008 study consisted of two parts: (1) a survey administered via the Internet to 10,000 registered voters nationwide — 200 in each state — to ask about topics such as whether they encountered problems with their voter registration or experienced long lines to vote; and (2) a parallel survey administered via telephone to 200 respondents in 10 states — 2,000 total.

The Internet survey involved 200 interviews of registered voters in each of the 50 states, for 10,000 observations overall. YouGov/Polimetrix conducted this survey using state-level matched random samples in each state. Although respondents were recruited through various techniques, the resulting sample matched the nation on important demographic characteristics, such as education, income, race, and partisanship. There was a somewhat lower presence of lower-income and minority voters in the original sample, so weights were applied as a corrective.

The 2012 and 2016 SPAEs involved 200 interviews of registered voters in the 50 states and the District of Columbia for 10,200 observations. YouGov conducted the survey using state-level matched random samples in each state. Although respondents were recruited through various techniques, the resulting sample matched the nation on important demographic characteristics, such as education, income, race, and partisanship. There was a somewhat lower presence of lower-income and minority voters in the original sample, so weights were applied as a corrective.

The 2020 SPAЕ involved 200 interviews of registered voters in 40 states and the District of Columbia, as well as 1,000 respondents from 10 battleground states: Arizona, Florida, Georgia, Iowa, Michigan, Nevada, North Carolina, Ohio, Pennsylvania, and Wisconsin for 18,200 respondents. YouGov conducted the survey using a stratified sampling frame matching. Weights are applied to the sampling frame to ensure balance across the sample.

The core of the questionnaire was a series of items that asked about the experience of voters: on Election Day, in early voting centers, or when they voted by mail. This includes a battery of questions about confidence in their vote being counted correctly and in the count at the county, state, and national levels. The 2008 survey does not include questions about confidence in the vote count at the county, state, and national levels.

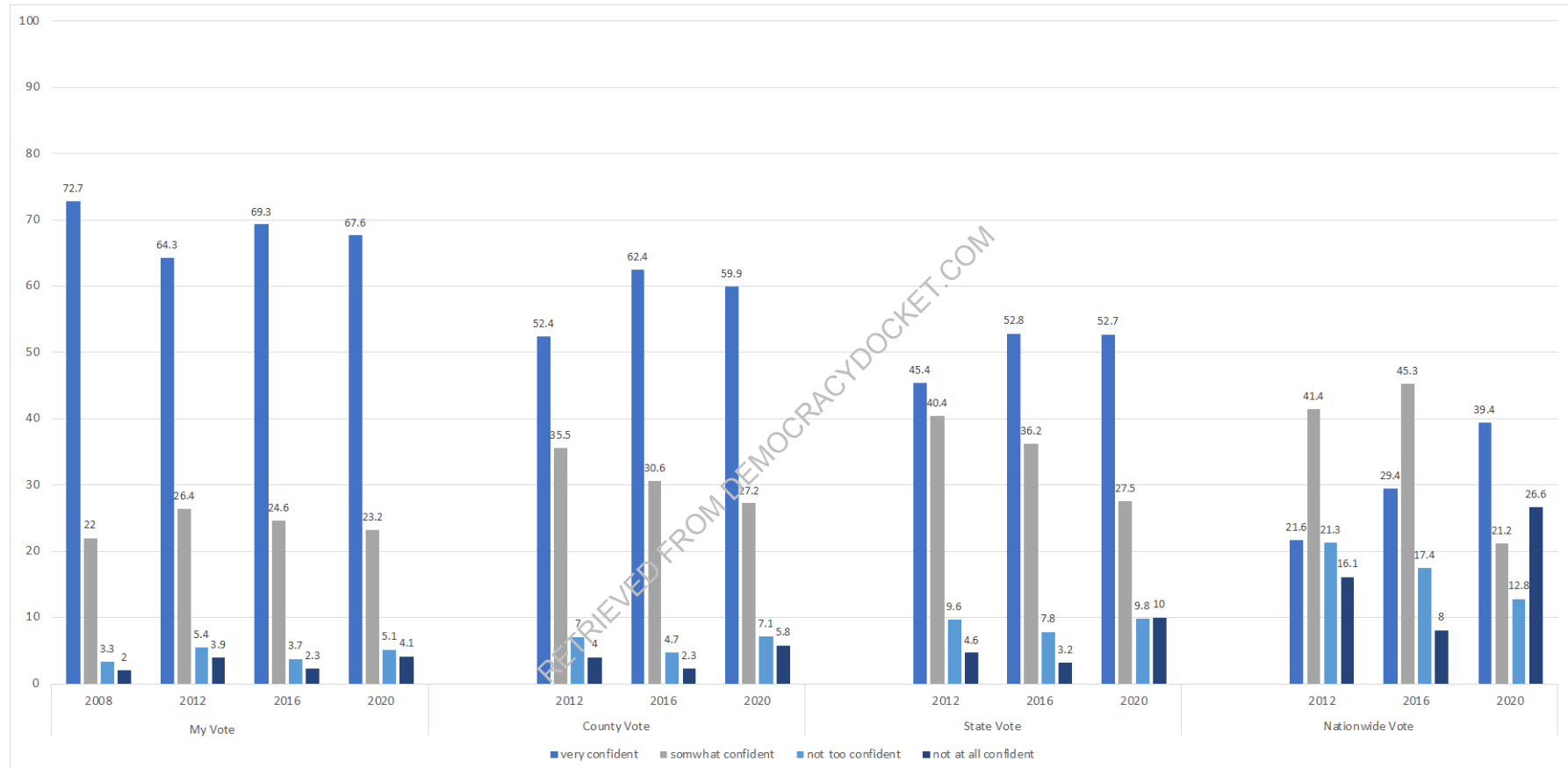
This report, consistent with academic scholarship on voter confidence, relies on the SPAE to measure the effect of various factors on voter confidence across the United States and in Georgia.³

As demonstrated by **Figure 1**, from 2012 to 2020, voters consistently report decreasing confidence as they are asked about confidence in processes that are more distant from their personal experience. That said, it is worth noting that the number of voters who reported being very confident in the state and nationwide vote reflecting the preferences of voters was *higher* in 2020 than in the three preceding federal election cycles.

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³ See **Appendix B** for an abbreviated list of scholarship that has relied on the SPAE.

Figure 1. Percent confident in votes counted as intended by voters across the United States (2008-2020)



Note: **Figure 1** displays the percentage of ‘very confident,’ ‘somewhat confidence,’ ‘not too confidence,’ and ‘not at all confident =’ responses (Stewart, 2013; 2015; 2017; 2021a). The data are weighted to produce statistics representative of respondents within that state.⁴

⁴ The 2008 survey did not include questions about confidence in the vote count at the county, state, and national levels.

Similar findings regarding proximate and distant evaluations are reported when voters are asked about the administration of elections in their communities and across the United States.

After the November 2020 election, the Pew Research Center (2020a) asked voters to evaluate how well they thought the November elections were administered in their community and across the United States.⁵ 90 percent perceived the quality of elections in their communities as being run very well or somewhat well. Turning to perceptions of elections across the United States, only 59 percent of voters reported that elections were run very well or somewhat well.⁶

While questions explicitly about voter confidence tend to elicit similar results regardless of question wording, changes to the nature of questions about elections *can* produce dramatically different responses from voters. As an example, in an October 2016 Gallup Poll, when voters were asked, “How confident are you that across the country, the votes will be accurately cast and counted in this year’s election?,” 66 percent of respondents reported they were either very or somewhat confident.⁷ However, when voters were asked how much confidence they had in the “honesty of elections,” only 30 percent answered that they were confident (McCarthy & Clifton, 2016). Although confidence and honesty assess citizen perceptions of elections, the confidence question is more specific because it inquires about confidence in a particular process: ballots being accurately cast and counted. On the other hand, the honesty question is much less specific and may reflect perceptions of electoral campaigns and processes that lie outside the scope of election administration.

The discussion of proximate and distance evaluations of confidence is valuable because it demonstrates that confidence assessments vary and that voters are most confident in the process that they experience themselves. Thus, the areas of confidence for which policymakers can have an impact are the voter’s assessment of their personal experience and their perceptions of or confidence in processes in their local jurisdiction (county or city), and, to a lesser extent, across the state.

II. WHAT FACTORS AFFECT CONFIDENCE?

The 2000 election changed how American citizens understand election administration and its role as both guardian and potential obstructor of democracy (Nunnally, 2011). This change has resulted in heightened questioning of election administration and the political outcomes that stem from the application of administrative rules and procedures. Several factors contribute to citizen confidence in the electoral process. Perceived problems with the voting process such “long lines at polling places, challenges to voter qualifications, or disputes over voter intent from stray marks on a ballot” can result in increased public distrust in election administration (Hale, Montjoy, & Brown, 2015, p. xxiii), as can negative evaluations of poll workers (Claassen, Magleby, & Monson, 2008), the type of voting machines used (Claassen R. L., Magleby, Monson, & Patterson, 2013), the environment in which elections take place (Walsh, 2004), and the outcome of electoral contests

⁵ Possible responses include very well, somewhat well, not too well, and not well at all.

⁶ 85% of voters in the Pew Research Center survey about the November 2020 election reported being very or somewhat confident that their ballots were counted as they intended.

⁷ Potential response options included very confident, somewhat confident, not too confident, or not at all confident.

(Sances & Stewart, 2015). Of these, the effect of party affiliation with electoral winners and the quality of the in person voting experience most consistently affect voter confidence.

This section of the report presents a comprehensive review of what we can learn from scholarship and data about the effect of electoral outcomes, state policy, beliefs and perceptions, the voting experience, and methods of voting and registration on citizen confidence and trust in elections and election administration in the United States.

A. ELECTION OUTCOMES AND PARTISANSHIP

If there is one consistent finding across the scholarship that has addressed voter confidence, it is that being an electoral winner, commonly known as the winner's effect, has a significant effect on voter confidence. When a voter's preferred party or a voter's preferred candidate wins an election, they are more likely to be confident in elections and election outcomes.

Using exit polls to assess aggregate confidence in presidential elections from 2000 to 2012 by party affiliation, Sances and Stewart (2015) find that for both parties, confidence in one's own vote is higher than confidence in the country's vote. And until the 2008 election of Barack Obama as President, the nation's first Black president (elected on the Democrat ticket), Republicans were more confident about the vote count than Democrats, both locally and nationwide. Since 2008, members of both parties have been more similar in how they judge election counts. Lastly, by Obama's re-election in 2012, Democrats had surpassed Republicans in confidence in their vote and the country's vote (180).

To further understand the relationship between partisanship and confidence, both proximate and remote, Sances and Stewart rely on the 2012 SPAE and 2012 Cooperative Election Study ("CCES").⁸ Across both analyses, they find that voting for the winner affects voters' confidence about the vote count. They find that the winner's effect affects perceptions of the individual voter's vote and perceptions of national confidence, particularly in presidential election years.

Although partisanship is not the central focus of the confidence scholarship that investigates the effect of the time, manner, and place of elections, voting, and voter registration, studies find that

⁸ The CCES, formerly the Cooperative Congressional Election Study, is a 50,000+ person national stratified sample survey administered by YouGov. Half of the questionnaire consists of Common Content asked of all 50,000+ people, and half of the questionnaire consists of Team Content designed by each individual participating team and asked of a subset of 1,000 people. In addition, several teams may pool their resources to create Group Content. The survey consists of two waves in election years. In the pre-election wave, respondents answer two-thirds of the questionnaire. This segment of the survey asks about general political attitudes, various demographic factors, assessment of roll call voting choices, political information, and vote intentions. The pre-election wave is in the field from late September to late October 2020. In the post-election wave, respondents answer the other third of the questionnaire, mostly consisting of items related to the election that just occurred. The post-election wave is administered in November. In non-election years, the survey consists of a single wave conducted in the fall.

partisanship and electoral victories play a significant role (Sances and Stewart, 2015; King 2016; Magleby, Monson, & Patterson, 2013; Bryant 2020).

B. IN-PERSON VOTING EXPERIENCE

In addition to procedures and approaches to voting and registration, scholarship has also considered how the quality of a voter's first-hand in-person voting experience can affect confidence. Negative experiences or irregularities at the polling location can have a negative effect on confidence. Negative experiences might include a voter learning that their name is absent from the list of registered voters, having to vote provisionally, and the perceived ease of using a voting specific method. (Atkeson and Saunders 2007). In addition, extended wait times, problems with the voting equipment, and the type of equipment can also negatively affect confidence (Claassen, Magleby, Monson, & Patterson, 2013; King, 2017; King 2020).

Using a survey of New Mexico voters, Atkeson and Saunders (2007) consider interactions with poll workers, the length of the ballot, problems with voting (e.g., the ballot is confusing), and enjoyment of the voting method.⁹ To assess confidence, voters were asked, "How confident are you that your vote in the November 2006 election will be counted as you intended?" (656). Responses were reported on a 4-point Likert scale that ranged from "not at all confident" to "very confident." They find that when voters evaluate the poll workers as helpful, the ballot is not confusing, and they enjoy the voting methods, they are more confident that their ballots will be counted as they intend.

Hall, Monson, and Patterson (2009) also find that evaluations of poll worker quality are significant predictors of voter confidence, that ballots are counted accurately, and that election outcomes are fair. They suggest that "overlooking the recruitment and training of competent poll workers can have a detrimental effect on voter confidence and that election administrators should invest significant resources into training poll workers..." (507, 520).

While these two previous studies identify polling location effects in specific jurisdictions (New Mexico, Utah, Franklin County, Ohio, and Summit County, Ohio), scholarship suggests that the effect of polling location experiences on confidence extends to more distant assessments of confidence and can be generalized across the United States. Using the 2012 SPAE, King (2017) finds that poll workers and polling location quality and experiencing problems with the voting machine affect confidence. Voters who have less favorable evaluations of poll workers and polling locations and problems with the voting technology have less confidence that their ballots are counted as intended.¹⁰ However, unlike prior scholarship, King (2017) also finds that poll worker

⁹ Respondents were asked to strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree with the following statement: "I enjoyed the voting method I used" (Saunders & Atkeson, 2007; p 659).

¹⁰ Respondents were asked to "Please rate the performance of the poll workers at the polling location where you voted." Possible responses included, excellent, good, fair, and poor. Respondents were asked, how well were things run at the polling place where you voted. Possible responses included, very well, okay, not well, and terrible. Respondents were asked, "Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as

evaluations affect the confidence a voter has that ballots of voters cast across the United States are as intended. Voters who have less favorable evaluations of poll workers in their polling locations have less confidence that ballots cast by voters across the United States are counted as voters intend. This finding, a spillover effect, highlights the damage that negative first-hand experiences can have on broad evaluations of the election system.

In addition to assessments of poll worker quality, who the voter encounters at the polling location can also affect confidence. An extensive body of scholarship highlights the importance of citizens seeing themselves reflected in their public institutions. Although descriptive representation is often discussed in terms of racial congruence between Black and Hispanic/Latino constituents and election officials (Tate, 2001; Gay, 2002; Michelson, 2001; Schidkraut, 2015), it also plays an essential role in shaping confidence in elections for Black and Hispanic voters (King & Barnes, 2019). Using the 2008-2016 SPAE, King and Barnes (2019) find that among all in-person voters (early or Election Day), interacting with a Black or Hispanic poll worker results in lower evaluations of confidence. However, when a Black voter's primary interaction in a polling location is with a Black poll worker, they are more confident that their ballot is counted as intended. Similar findings are reported for Hispanic voters when their primary interaction in a polling location is with a Hispanic poll worker.

C. HOW WE VOTE

Across the 50 states, the way citizens cast a ballot and the equipment and technology they use to vote varies dramatically. Considerable scholarship has substantiated that such variations can affect individuals' likelihood of registering and voting (Grumbach and Hill, 2022; Stein, 1997; Bruden, Canon, Mayer, and Moynihan, 2014; Vonnahme, 2012; Brians and Grofman, 2001; Stein and Vonnahme, 2008; King and Erickson, 2016; King and Wahbeam 1996; Neiheisel, Burden, 2012; McDonald, 2008). Claassen, Magleby, Monson, & Patterson (2013) consider the effect of voting technology, specifically machine type, on confidence. Using exit poll data from Franklin and Summit Counties in Ohio, they find that voters have greater confidence that the election will produce a fair outcome when they can vote on optical scan voting equipment instead of direct recording electronic machines (DRE).¹¹ Claassen, Magleby, Monson, & Patterson (2013) extend their consideration of the effect on election technology and confidence by using the Cooperative Election Study (CES).¹² The CES included a similar question and asked respondents to reply to the prompt: "How much do you agree that the current election process will produce fair election outcomes?" Utilizing the CES data allowed the authors to extend the generalizability of their observations beyond two counties in Ohio. The findings from the CES analysis mirror those of the

intended?" Possible responses included yes and no. Respondents were given an opportunity to the specify the program or problems they experienced.

¹¹ Optical/Digital Scan Voting Equipment: Scanning devices that tabulate paper ballots. Ballots are marked by the voter, and may either be scanned on precinct-based optical scan systems in the polling place ("precinct count system") or collected in a ballot box to be scanned at a central location ("central count system"). Direct-Recording Electronic (DRE) Voting Machine: A voting machine that is designed to allow a direct vote on the machine by the manual touch of a screen, monitor, wheel, or other device. A DRE records the individual votes and vote totals directly into computer memory and does not use a paper ballot (NCSL, 2021a).

¹² The CES was former known as the Cooperative Congressional Election Study (CCES).

two-county analysis. Compared to DRE voters, voters who use optical scan technology to cast their ballots report greater confidence that the election will produce fair outcomes.¹³

Evaluating the use of absentee ballots on confidence, Bryant (2020) conducted an experiment in which voters were assigned to an in-person or absentee ballot (or vote by mail) condition. Those who played the role of voters in the experiment were asked to rate their confidence using two questions: (1) I am confident my vote was counted correctly (in person)/will be counted (absentee), and (2) I am confident that Everyone's vote will be counted correctly.¹⁴ As with previous scholarship that assessed the confidence that voters have when voting absentee, Bryant (2020) finds that those assigned to the absentee ballot treatment reported lower confidence levels across both questions.¹⁵

Bryant (2020) suggests that the critical distinction between the in-person and absentee voters and their confidence is the ability to confirm that the ballot has been accepted. This would suggest that variations in confidence are not a result of the use of absentee balloting per se but insufficient mechanisms that allow voters to confirm that their ballot was received, processed, and counted. Although not a component of her experiment, many states provide absentee voters with this confirmation through online portals that allow a voter to track the status of their absentee ballot. 45 of the 50 states currently have online portals that allow voters to track the status of their absentee ballots, including Georgia.¹⁶ Although King (2019) finds no correlation between the absentee ballot look-up tools and the average reported confidence among absentee voters in states, the analysis did not consider the use of the tools by voters to facilitate ballot confirmation, only the presence of the tool in the state. Thus, it is plausible that using the tool can reduce the difference in confidence between in-person and absentee voters because it allows voters to confirm their ballot has been accepted.

Post-election audits have also emerged as a post-election process that can be adopted to improve citizen confidence in elections. Post-election audits are designed to let election administrators know if there has been a problem with electronic voting or counting machines, they can act as a deterrent against fraud and are expected to increase public confidence in the election result (Dalela, Kulyk, & Schurmann, 2021, p. 2).

Risk Limiting Audits (RLA) have received the most attention of the types of post-election audits that an election jurisdiction could complete.

The following procedure administers an RLA: Given a risk limit that defines the likelihood with which the RLA will recognize and correct an erroneous election

¹³ In both the exit poll and CES, optical scan voters have worse election day experiences reporting lower evaluations of poll workers

¹⁴ 70 percent of experiment participants were college students. The other 30% was university faculty, staff, and members of the general public.

¹⁵ Similar findings of lower confidence among absentee compared to in person voters are reported by Atkeson & Saunders (2007).

¹⁶ An electronic tracking system was implemented in Sept. 2020 by the Georgia Secretary of State. (<https://sos.ga.gov/news/secretary-state-brad-raffensperger-launches-quick-and-convenient-absentee-ballot-tracking>).

outcome, and given the smallest margin between winners and losers, the RLA then (1) computes the sample size of ballots to be drawn randomly, where it has become customary to create the entropy using several 10-sided dice, and (2) identifies the individual ballots to be drawn. The actual audit involves locating the physical ballots in the random sample and then checking if they are correctly interpreted (digitally) or correctly sorted into batches (Dalela, Kulyk, & Schurmann, 2021, p. 3).

To assess the effect of RLAs on confidence, Dalela, Kulyk, & Schurmann (2021) conducted an online survey that presented study participants with a scenario that explains what a risk-limiting audit is but does not provide subjects with the number of ballots to be included in the audit. Survey participants were then asked to rate on a scale from definitely not to definitely yes whether such an audit would strengthen their confidence in the election result. Afterward, they were presented with an additional prompt that included the number of ballots included in the RLA. They found that 70 percent replied “definitely yes” or “maybe yes” that an RLA would increase their confidence. However, when provided with the number of audited ballots, participants were less likely to think the RLA would increase their confidence (54 percent replied “definitely yes” or “maybe yes” to the follow-up prompt).

D. MESSAGING FROM POLITICAL ELITES, INCLUDING THE “BIG LIE”

“The theory that political elites have the power to shape public attitudes has a long history in political science” (Merkley, Bridgman, Loewen, Owen, Ruths, and Zhilin, 2020,1). In some instances, partisans may disagree over matters of fact (Bartels, 2002, 137) and in others they may agree on facts but have different interpretations of the same conditions (Bisgaard, 2015; Gaines, Kuklinski, Quirk, and Peyton, 2007). These partisan perceptual differences, which are often most polarized when elites disagree about highly salient issues, in turn are often used by citizens to confirm beliefs (Zaller, 1992; Bisgaard and Slothuus, 2018).

Both leading up to and after the November 2020 general election, then-President Donald Trump and other prominent members of the Republican Party claimed fraud, that there were plans to steal the election, and that the election was stolen. Belief in this narrative led to a series of “audits” in Arizona that were not managed by election administration professionals and Georgia completing two manual hand recounts. More than one year after the election, the narrative that the election was stolen continues to be widely broadcast by former President Trump and some Trump supporters through in-person speaking engagements and on digital social media platforms. Although the cries of electoral theft, also known as the Big Lie, continue to be a part of the political discourse, no evidence suggests that the election was stolen from Donald Trump (Cybersecurity and Infrastructure Security Agency, 2020; Schwartz and Layne, 2021).

In recent electoral memory, the only election that even comes remotely close to being as controversial as the November 2020 election nationwide was the 2000 presidential election. During the 2000 election, there were allegations of voting irregularities, and questions were raised regarding the ability of voters to cast a ballot for their presidential candidate of choice and the accuracy of vote totals (Beckwith, 2022). The highly contested race, coupled with a series of inconsistent manual hand ballot recounts in Florida, resulted in *Bush v. Gore*, a case in which the Supreme Court of the United States issued a decision confirming George W. Bush as the winner

of the 2000 presidential election. In a 2001 report that documented voting irregularities in Florida, the U.S. Commission on Civil Rights (2001) concluded, “despite the closeness of the election, it was widespread voter disenfranchisement, not the dead-heat contest that was the extraordinary feature in the Florida election.”

Focusing explicitly on the effect of unsubstantiated claims of voter fraud on confidence in elections, Berlinski, et al. (2021) use an experimental design that focuses on the delivery of messages on social media following the November 2018 elections and find that unsubstantiated claims of voter fraud undermine the public’s confidence in elections. Further, they find that the effect of the claims on confidence cannot be ameliorated through fact checks that show the claims to be false.

Although the winner’s effect is present across the voter confidence literature, the effect is not consistent across individuals. Focusing on the 2016 election (Sinclair, Smith, & Tucker, 2019) reconfirms the winner’s effect and evaluates the effect of pre-election claims about election rigging. They find that before the election, elite cues from Clinton boosted the confidence of her supporters, and elite cues from Trump, which often included claims about illegal voting and election rigging, depressed Trump supporters’ confidence (865). The elite cues referenced in the study are examples of elite messaging that can sway confidence. They also suggest that voters who are more educated report more confidence in the accuracy of vote counts. Those with more conspiracist attitudes and attitudes more likely to be held by Trump supporters show less confidence. Related, Pew (2020) finds that following the 2020 presidential election, “Biden voters’ confidence that votes – both in person and absentee – were counted as voters intended is higher than it was that votes would be counted as intended in a survey conducted a month before Election Day. By contrast, Trump voters’ confidence in vote counts is now lower than it was in the pre-election survey. This pattern is consistent with past elections, supporters of the winning candidate tend to express higher levels of confidence in vote counts than supporters of the losing candidate.” (p. 16).

Continuing the investigation of partisan cues and the winner’s effect, Levy (2021) evaluates the role of the winner’s effect on confidence when political elites send partisan cues that question the integrity of the election. Levy finds that “beliefs about illicit voting are only weakly correlated with voter confidence” before and after the November 2016 General Election (7). Looking at the 2020 election, The Pew Research Center (2020a) reported “Trump voters, who already were skeptical of the electoral process and prospects for an accurate vote count before the election in October, [became] much more so since Biden’s victory (Pew, 2020a, p. 4).¹⁷

As an example of the effect that elite messaging can have on the perceptions of voters, Section E focuses on voter identification policies and voter confidence.

¹⁷ In October 2020, Pew reported, three-quarters of registered voters who support Biden (76 percent) are confident that the country will know the winner of the presidential election after all the votes are counted, including 30 percent who are very confident. 55 percent of Trump voters are confident that Americans will have a clear sense of who won, with just 13 percent saying they are very confident the winner will be clearly known after all the votes are counted (Pew, 2020b, p. 4-5).

E. VOTER IDENTIFICATION POLICIES AND VOTER CONFIDENCE

As an example, voter identification (“ID”) laws specifically are touted as an integrity feature that combats certain forms of fraud and boosts confidence and political participation. These claims, particularly those that connect voter ID laws to voter confidence, are not substantiated. And when a relationship does emerge, it is mediated by party identification or another factor. Atkeson (2014) finds, in a study of voter confidence in New Mexico that, “Voter identification politics appear to have little effect [on confidence]” (117). Ansolabehere (2009), who uses studies of national public opinion to evaluate confidence, finds that those living in states with strict voter identification laws are no more confident about elections than those living in states with the weakest identification laws. Similar findings are reported by Ansolabehere and Persily, (2008). Bowler and Donovan (2016) further find that in states with a voter ID requirement, those who are asked for ID are no more confident that those who are not. However, when you investigate the effect of strict voter identification laws on confidence that votes are counted along partisan lines, Bowler and Donovan (2016) find that Democrats in states with strict voter identification laws were less confident and that Republicans in states with strict identification laws were more confident than others.

Using the National Conference of State Legislatures (“NCSL”) scale for voter ID strictness, Bowler and Donovan (2016) investigate the effect of voter ID law strictness on confidence through the lens of party affiliation. Overall, they find that Democrats are more confident that votes in their state are counted as intended. However, when voter ID requirements are taken into account, Republicans who live in states with strict voter ID laws were more confident that votes across the state were counted as voters intended than Democrats during the 2014 midterm election.

Bowler and Donovan (2016) also find that Black Americans have less confidence in vote totals across the state. Further investigating the interaction between race and confidence, they find that Black Democrats who live in a state with no voter ID requirement express more confidence than Black Democrats who live in strict photo ID states.¹⁸ Black Democrats who live in strict ID states *and* are also asked to present an ID to vote are also less confident than those who live in a state with no voter ID requirement.

They conclude that the partisan effect is rooted in the two opposing narratives that Republicans and Democrats use to discuss voter ID laws. Essentially, the public takes cues from political elites about how to think about election laws (Bowler and Donovan, 2013). Political elites define and structure the public debate about political issues and organize political attitudes into coherent structures for consumption by the public along ideological dimensions (Zaller, 1992; Feldman, 1988, p. 417). In the case of voter ID, among Republican elites, the ID requirements are communicated as necessary for election integrity; among Democratic elites, they are communicated as a voter suppression tool. Partisans, in turn, adopt these narratives as the lens through which they understand voter ID policies.

More recently, Stewart, Ansolabehere, & Persily (2016) find that people who live in states with the Help America Vote Act (HAVA) minimum and strict photo ID voter ID laws have similar

¹⁸ In the analysis, strict voter ID rules mean that without acceptable ID, voters can only vote a provisional ballot and must also take additional steps after the election for it to be counted (Bowler and Donovan, 2016, 357).

levels of confidence across all measures of voter confidence. Those who live in states with strict photo ID laws are no more confident than those in HAVA minimum states.

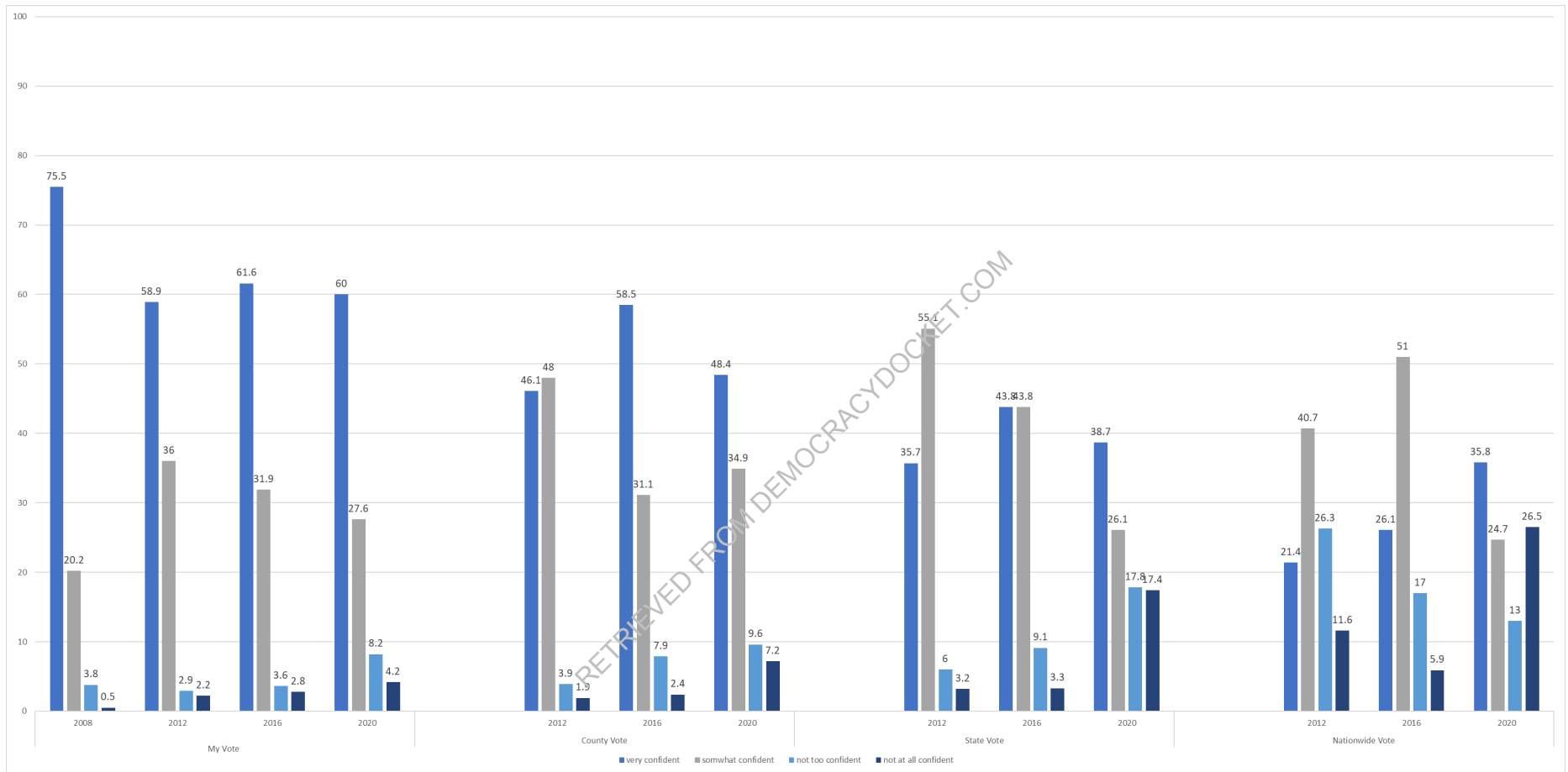
III. VOTER CONFIDENCE IN GEORGIA

The previous section focused on broad scholarship that discusses the factors that can affect voter confidence in electoral outcomes. What follows is a discussion that relies on several years of the SPAE to explicitly focus on factors that affect the confidence of voters in Georgia. The SPAE has been conducted in every presidential election year since 2008 and is the only national survey of election administration that focuses on the process of voting, and provides insight into the performance of elections in the individual states (Stewart, 2021).

The forthcoming descriptive and statistical analyses presented about Georgia primarily focus on assessments of voter confidence across the four measures of voter confidence included in the SPAE where voters are able to report being very confident, somewhat confident, not too confident and not at all confident. It is assessments of the ‘very confident’ measure specifically where Georgia voters report being less confident than voters across the United States. However, it should be noted that in 2020 most voters in Georgia and across the United States reported being very confident or somewhat confident across all elections and all measures of confidence. As an example, 88 percent of Georgia voters report being very or somewhat confident in their ballot, 83 percent report being very or somewhat confident in ballots across their county, and 65 percent report being very confident in ballots across the state (See **Appendix C**).

Figure 2 presents the percentage of voters in Georgia who were very confident,’ ‘somewhat confidence,’ ‘not too confident,’ and ‘not at all confident’ that their ballot and ballots across their county, state, and the nation were counted as voters intended. As demonstrated by **Figure 2**, from 2012 to 2020, confidence across the four measures is fairly consistent when asked about confidence in processes. The percentage of voters who report being very confident from 2012-2020; ranges from 58.9 to 60 percent across the three election years.

Taking confidence in ‘my vote’ as a more specific example, since 2012 the percentage of voters who are very confident has remained around 60 percent. The relative stability of personal confidence over time has also been noted by Sances and Stewart (2015) who find that confidence in one’s own vote is more stable over time relative to measures of county level of voter confidence (p. 180).

Figure 2. Percent confident in votes counted as intended by voters in Georgia (2008-2020)

Note: **Figure 2** displays the percentage of ‘very confident,’ ‘somewhat confidence,’ ‘not too confident,’ and ‘not at all confident’ responses (Stewart, 2013; 2015; 2017; 2021a). The data are weighted to produce statistics representative of respondents within that state.¹⁹

¹⁹ The 2008 survey did not include questions about confidence in the vote count at the county, state, and national levels.

To better understand how Georgia voters compare to voters in the other 49 states, on reports of being very confident, somewhat confident, not too confident, and not at all confident in ballots being counted as intended across their respective counties and states, we turn to **Figures 3 through 6**.²⁰

Figures 3 through 6 provide descriptive evidence that in 2020 when asked about confidence in ballots being cast as voters intended, voters in Georgia report levels of ‘very confident’ that are lower than many states.²¹ When asked about confidence in their ballots 60 percent of Georgia voter report being very confident (**Figure 3**), 48.4 percent report being very confident in ballots across their county (**Figure 4**), 38.7 percent report being very confident in ballots across the state (**Figure 5**), and 35.8 percent report being very confident nationwide. However, if we consider positive evaluations of confidence almost 90 percent of Georgia voter report being very or somewhat confident, more than 80 percent report being very or somewhat confident in ballots across their county, more than 60 percent report being very or somewhat confident in ballots across the state, and 60 percent report being very or somewhat confident nationwide. The decreases in levels of confidence that appear as we consider measures that are more distant from the voters’ individual experience are not unique to Georgia and are to because when voters are asked questions about processes that are less proximate to their individual experience, they are typically much less confident (King, 2017; McCarthy, 2020).

Although the comparison between Georgia and the other 49 states does demonstrate that confidence in Georgia is lower in many instances, the figures also demonstrate that levels of confidence in Georgia have remained relatively stable over time.

Anecdotally, **Figure 6** may also present evidence of the winner’s effect during the 2020 General Election. Related to the winner’s effect, many states where the percentage of voters report being ‘very confident’ are greater than the nationwide percent ‘very confident’ across the nationwide vote count are states where President Joseph Biden won. In fact, the top-15 most confident states in **Figure 6** were won by President Biden. Examples include New Mexico, Colorado, Oregon, Nevada, Illinois, and Rhode Island. Similarly, **Figures 3-5** also may present evidence of the effect of elite messaging during the 2020 General Election. Across the measures of confidence in the six states, President Trump and his allies targeted in post-election litigation and messaging campaigns, the percentage of voters that report being ‘very confident’ across all measures of voter confidence is lower. Additionally, voters in these states also report the lowest level of positive assessments generally.²² The states include Georgia, Pennsylvania, Arizona, Michigan, Nevada, and Wisconsin (Viebeck, Brown, Helderman, 2020).

The analyses that follow focus explicitly on Georgia voters and the conditions that affect the level of confidence they have that their vote, votes across their county or city, and votes across the state are counted as voters intended. These three measures of confidence are specifically included in the

²⁰ See **Appendix C** for additional detail regarding the 50 states and measures of confidence.

²¹ **Figures 3 through 6** are presented for the 50 states from lowest to highest according to the percent of voters in the state who report being very confident.

²² Positive assessments are assessed by combining voters who report being very confident or somewhat confident. Negative assessments are assessed by combining voters who report being not too confident and not at all confident. See **Appendix C**.

analysis because they are the measures of confidence that are most proximate to Georgia voters and because state legislative action shapes what voters across Georgia expect for themselves and other voters in the state.

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Figure 3. Voter Confidence ‘My Vote’ 2020

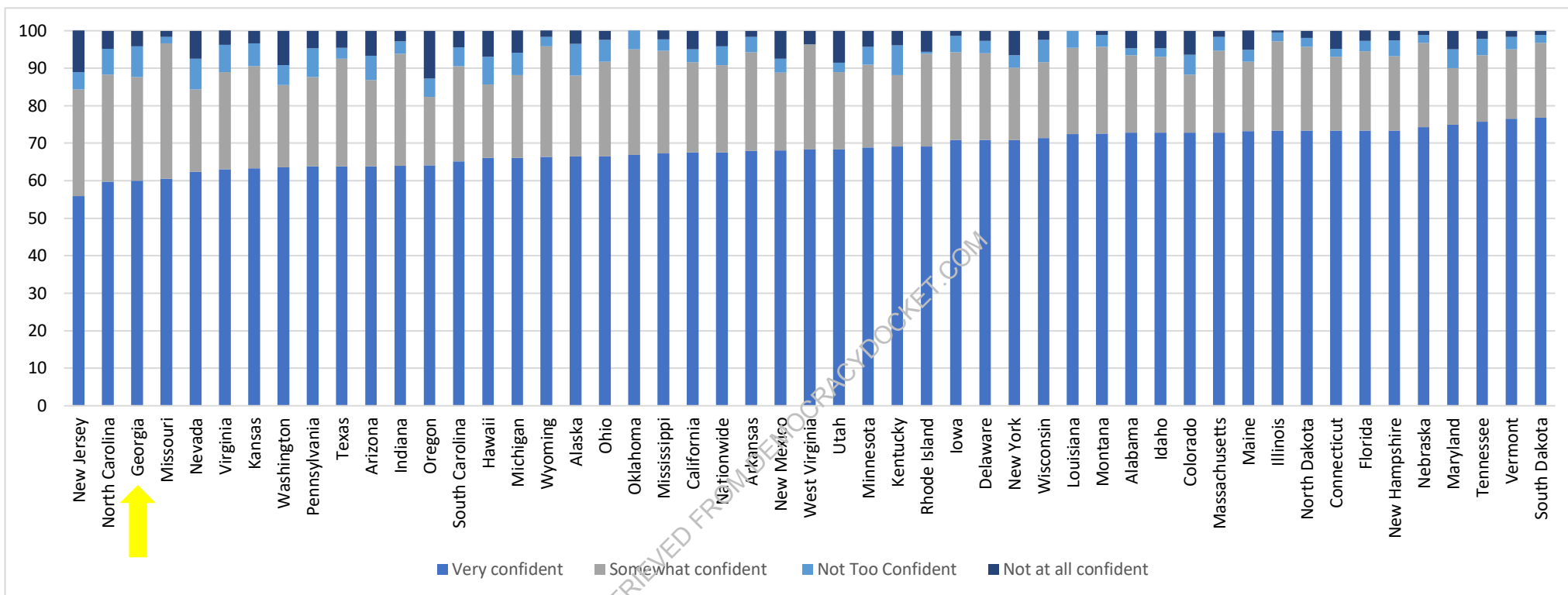


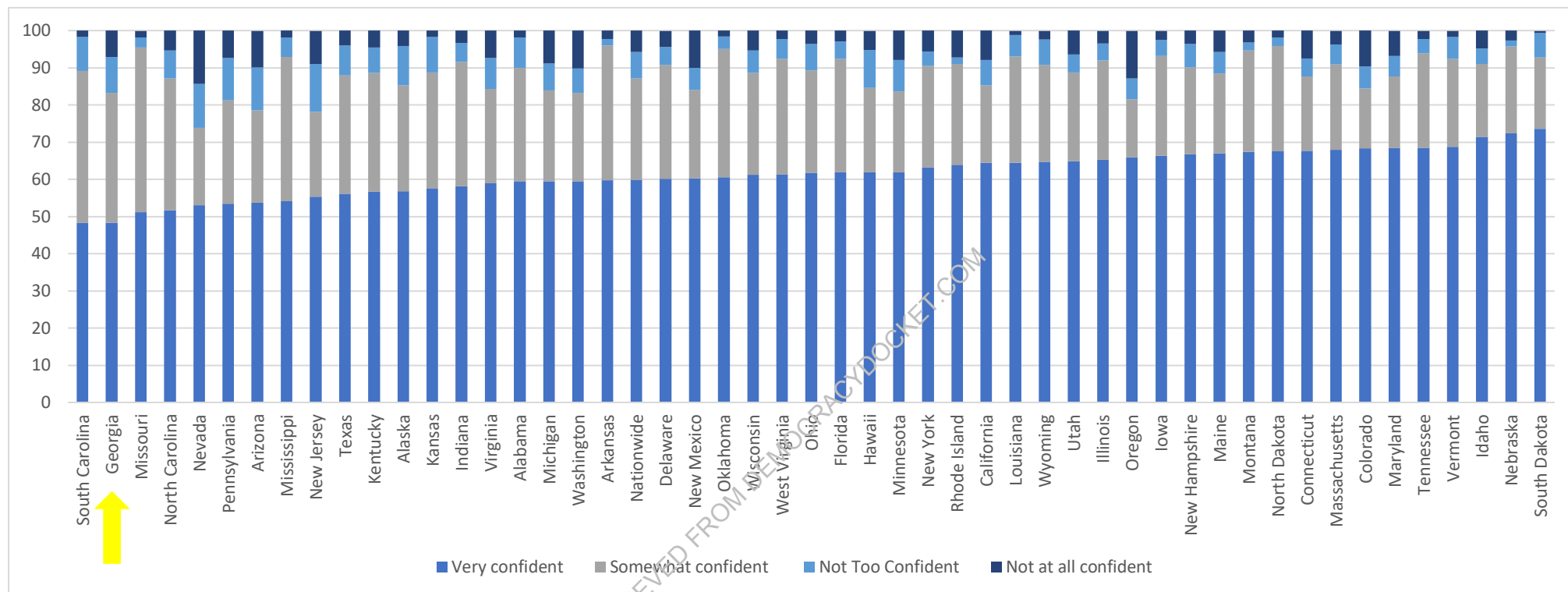
Figure 4. Voter Confidence ‘County Vote’ 2020

Figure 5. Voter Confidence ‘State Vote’ 2020

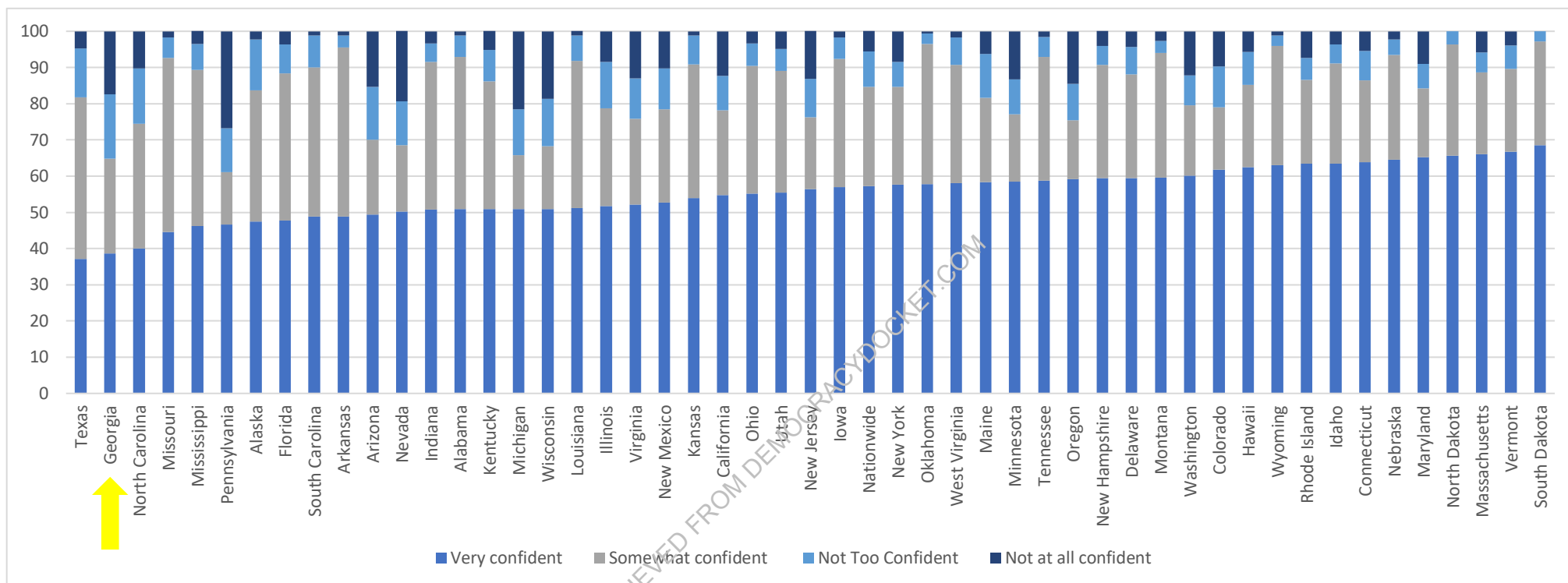
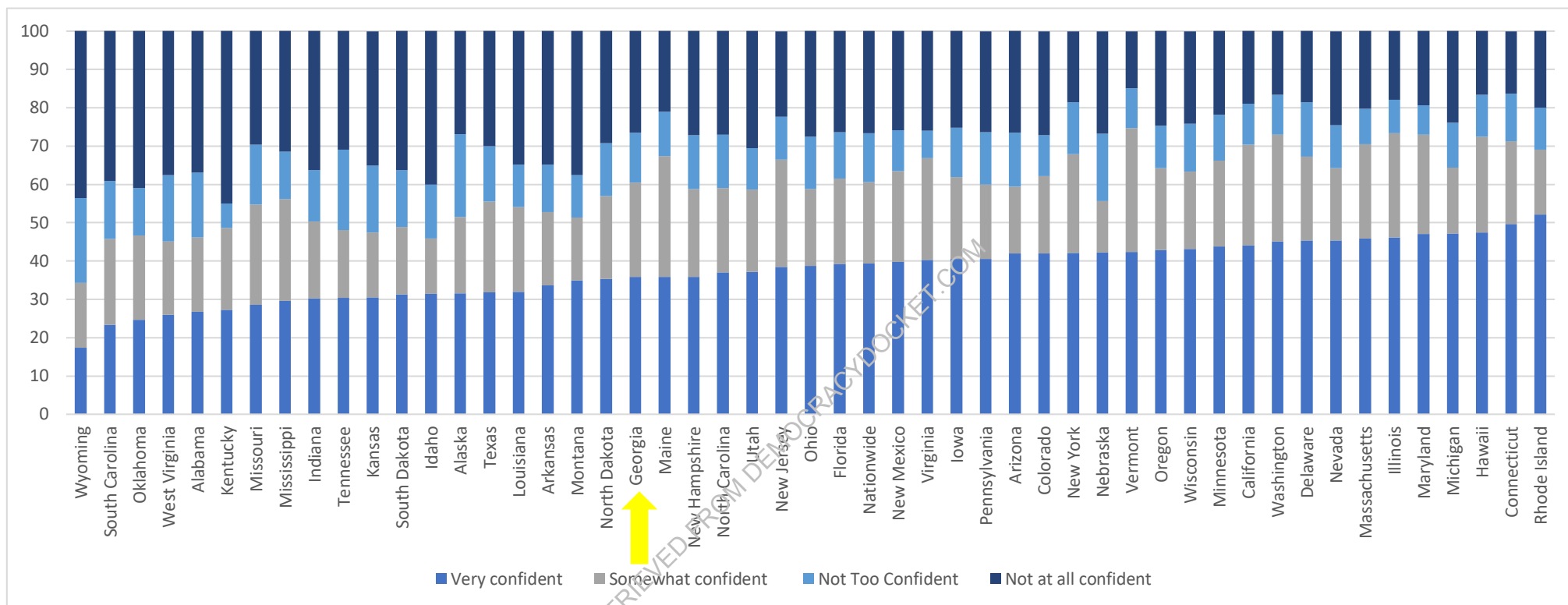


Figure 6. Voter Confidence ‘Nationwide Vote’ 2020



A. MODE OF VOTING

In 2004, Georgia modified requirements and allowed voters to cast ballots at the county director of elections office's office during the week before the scheduled election. In 2005, the Georgia General Assembly revised the state election code to allow voters to vote by mail without an excuse and an ID card. Before the 2008 general election, the Georgia General Assembly passed legislation that allowed early voting to begin 45 days before an election. Given these changes, by the 2008 general election, voters in Georgia could cast a ballot using three modes: in-person early before Election Day, in person on Election Day, or absentee (by mail) without an excuse.

Figures 7-10 present proximate and distant confidence levels for in-person early, Election Day, and absentee voters from 2008 to 2020 using the SPAE. As expected, the percent of voters that report being very confident decreases as evaluations become more distant. Although scholarship suggests that voters who vote absentee are less confident, the descriptive analysis below would indicate that to be an over-generalization. For two of the election years presented (2012 and 2020), absentee voters in Georgia expressed being very confident that their ballots were counted intended more than those who voted in-person early or in-person on Election Day across all confidence measures.

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Figure 7. Modes of Voting and Percent Confident (my vote) in Georgia, 2008

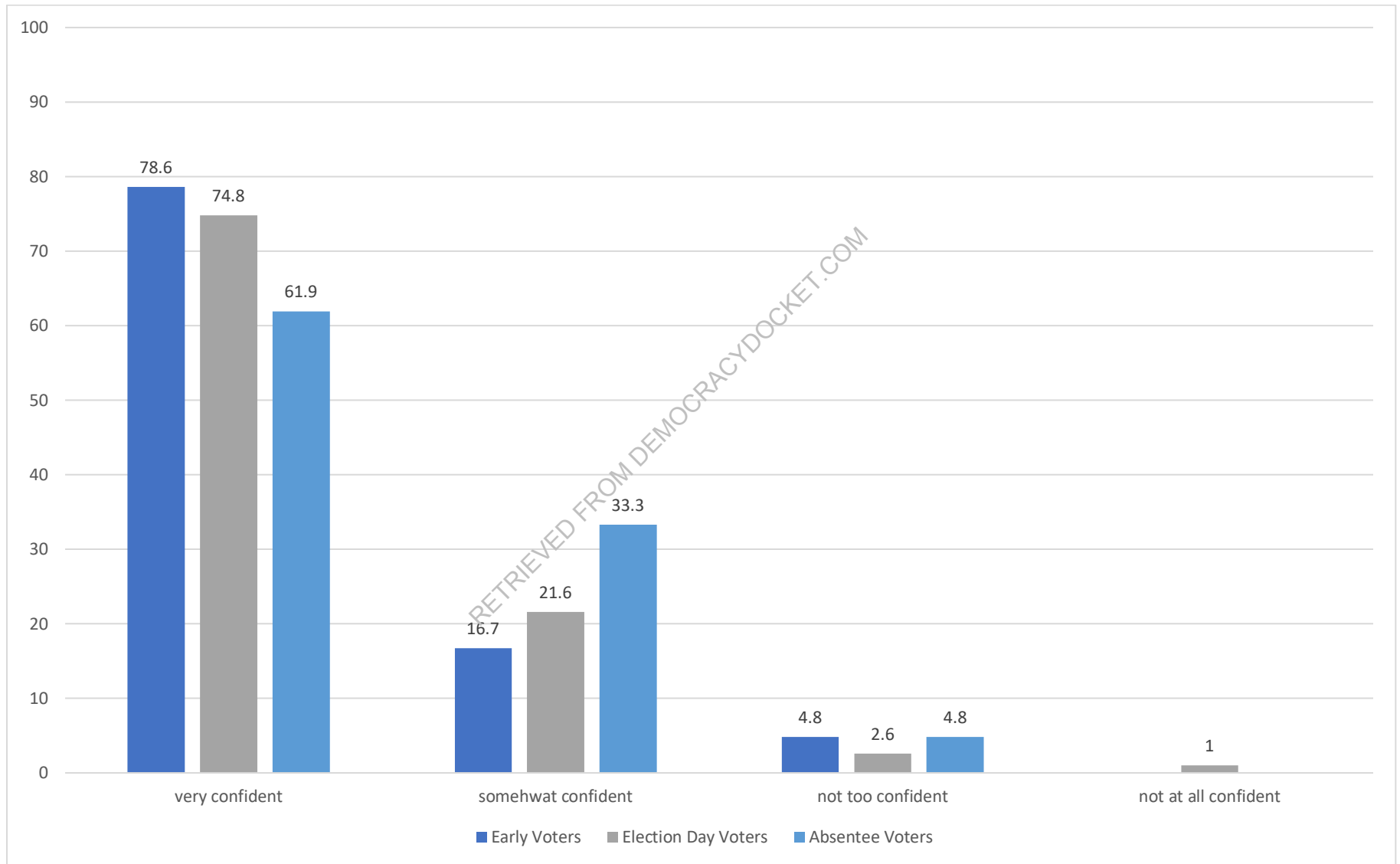


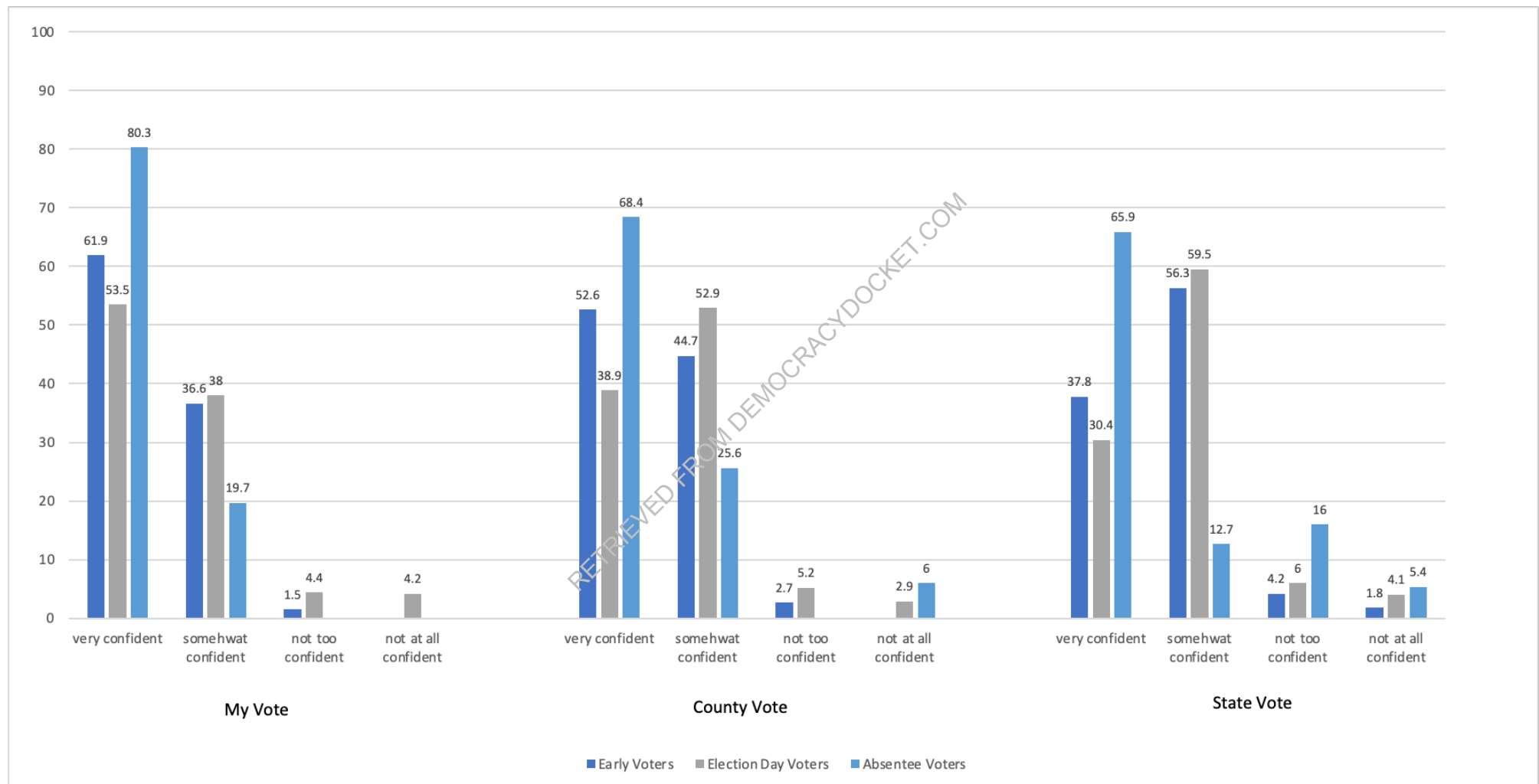
Figure 8. Modes of Voting and Percent Confident in Georgia, 2012

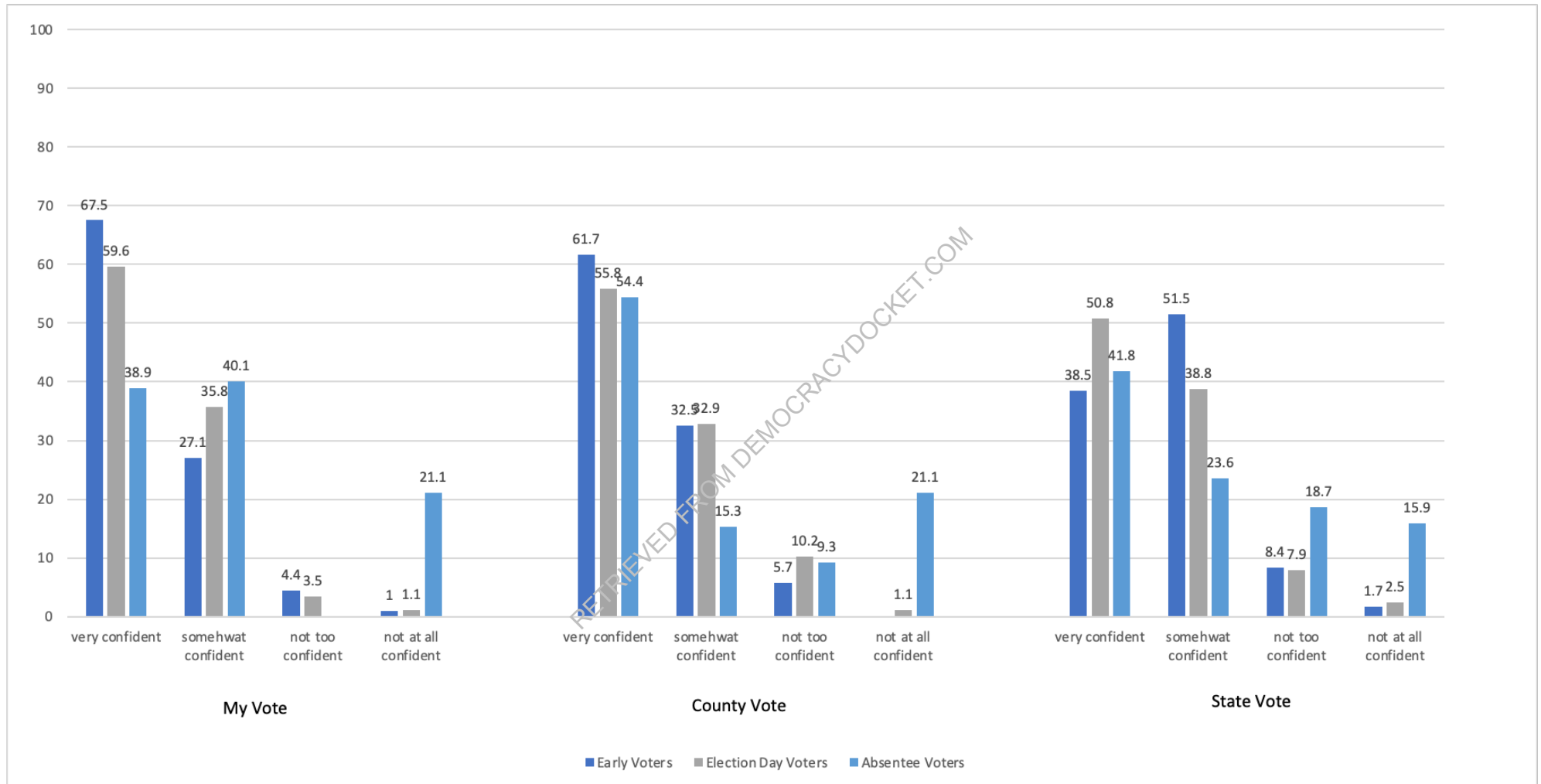
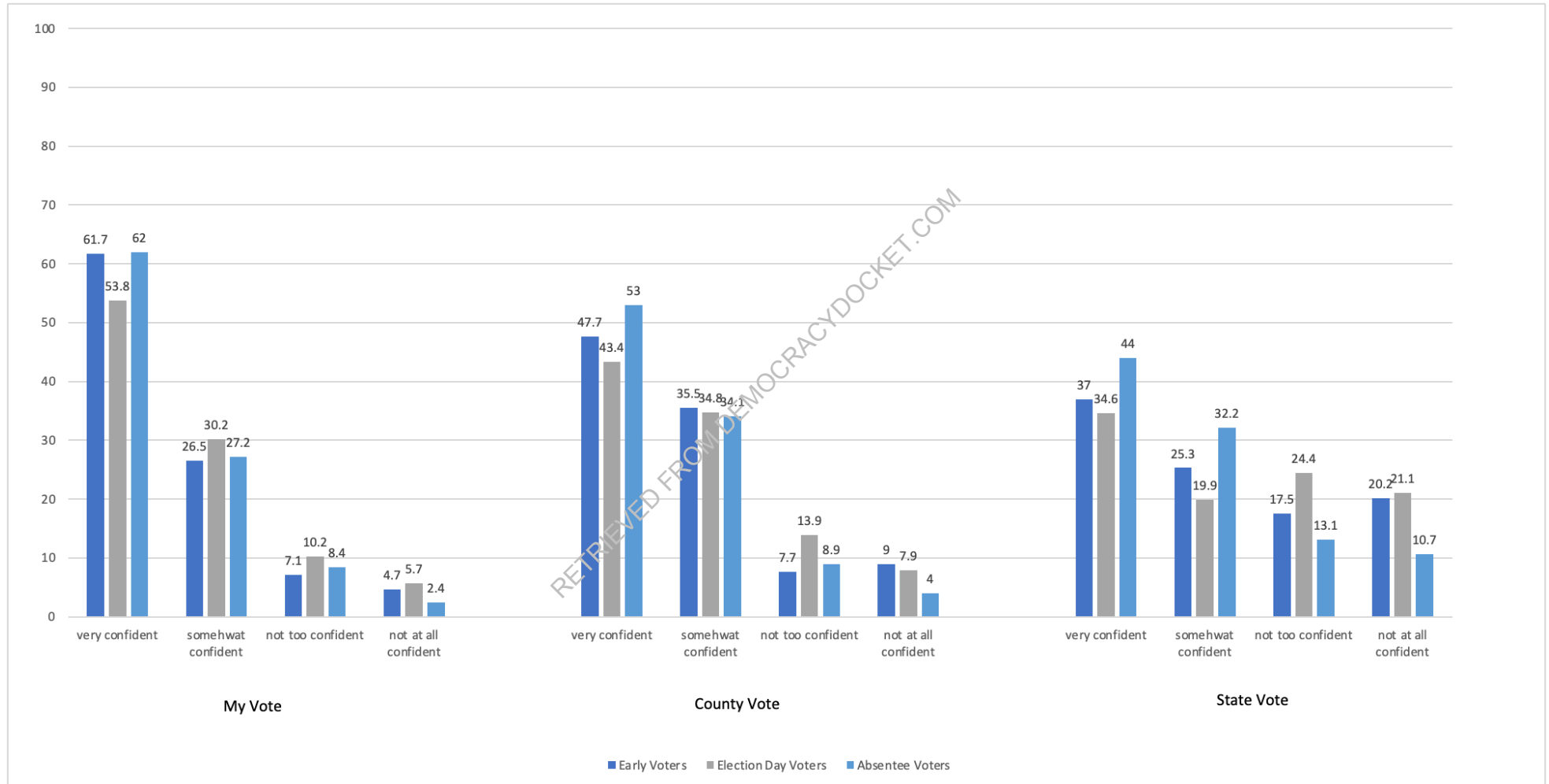
Figure 9. Modes of Voting and Percent Confident in Georgia, 2016

Figure 10. Modes of Voting and Percent Confidence in Georgia, 2020

B. CONFIDENCE AND IN-PERSON VOTING

Although helpful to understanding overall trends in confidence, the descriptive data does not allow us to make any inferences about the factors that significantly affect voter confidence or the magnitude of the effect. A series of ordinal logistic regression analyses are used to evaluate the effect of several relevant variables on voter confidence. Confidence is assessed across both one election cycle and multiple election cycles. First, because the 2020 election reflects the most recent environment in which voters cast ballots in a presidential election, the initial analysis focuses exclusively on the 2020 SPAE.²³ A subsequent analysis is also included that uses multiple elections in one model to evaluate voter confidence. The multi-year model, which includes 2012, 2016, and 2020 presidential elections, allows us to draw conclusions about the factors that affect voter confidence across multiple elections and helps us identify factors that are significant not just across one election but across elections broadly. The analyses consider three categories of factors that existing scholarship suggests can affect confidence: (1) interaction with administrative processes and procedures, (2) beliefs, and (3) demographic characteristics. The analysis is conducted across proximate and distant measures of confidence and includes confidence in one's vote, confidence in votes across the county, and confidence in votes across the state. The analysis includes all Georgia voters who voted in person, either early or on Election Day.

The models include variables that account for voter assessment of the quality of the polling location, the quality of poll workers, problems with their voter registration, and problems using the voting equipment. The models include a variable to assess the effect of beliefs in administrative fraud on confidence.²⁴ The SPAE does not include a survey question that allows for the direct testing of the effect of elite messaging about elections on voter confidence. What the survey does include is a question that asks voters about their beliefs that election officials are changing the vote count. This question is included in the 2012-2020 surveys. Given that partisan elite messaging is often used by voters to confirm beliefs about elections (Zaller, 1992; Bisgaard and Slothuus, 2018), it is plausible beliefs in election officials changing the vote count are driven, at least in part, by elite messaging. The models also include the following demographic factors age, sex, income, education, race, and party affiliation.

²³ The results for 2020 presented in **Table 1** also hold for the analysis presented in **Table 3**, which includes election years 2012-2020. The 2020 SPAE also includes the largest sample for Georgia (1000 respondents), compared to 200 in 2008, 2012, and 2016.

²⁴ Voters were asked, "how frequently do officials changing the reported vote count in a way that is not a true reflection of the ballots that were counted occurs in your county or city?" Possible responses range from it is very common (coded as 4), it occurs occasionally (coded as 3), it occurs infrequently (coded as 2), it almost never occurs (coded as 1).

Table 1. Ordered Logistic Regression Model of Factors Affecting Confidence in Electoral Outcomes for In-Person Voting in 2020

	Model 1			Model 2			Model 3		
	My Ballot Outcome			Local Outcomes			State Outcomes		
Variable	Coefficient ²⁵	S.E. ²⁶	Sig. ²⁷	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.
Polling Location	.594	.201	.003	.520	.206	.012	.058	.193	.763
Poll Worker	1.126	.194	.000	1.024	.193	.000	.761	.188	.000
Machine Problems	-1.559	.695	.025	-1.456	.743	.047	-.480	.724	.507
Registration Problems	.751	.673	.265	.647	.676	.338	.557	.651	.392
Change Vote	-.433	.103	.000	-.655	.101	.000	-.631	.095	.000
Male	.164	.224	.463	.038	.213	.857	-.058	.204	.776
Age	.003	.007	.651	-.004	.006	.480	-.012	.006	.062
Income	.016	.038	.668	-.056	.036	.119	-.006	.034	.852
Education	-.048	.084	.563	.054	.078	.487	.013	.075	.857
Black	.328	.311	.292	.591	.298	.047	.785	.271	.004
Hispanic	1.234	.806	.126	.463	.642	.470	.225	.601	.708
Asian	-1.100	.877	.210	-1.441	.762	.058	.613	.915	.503
Democrat	.770	.320	.016	1.049	.300	.000	1.413	.277	.000
Republican	.102	.286	.720	.240	.270	.374	-.077	.259	.765
Cut Point 1	1.678	.965		1.022	.931		-.467	.876	
Cut Point 2	3.023	.953		2.281	.928		.944	.868	
Cut Point 3	5.519	.992		4.640	.951		2.547	.876	
N		409			407			407	
Log Likelihood	-.317.756			-364.290			-435.778		
Pseudo R2		.185			.270			.196	
χ^2	144.48, 14 df, p<.000			190.63, 14 df, p<.000			213.34, 14 df, p<.000		

Note: Model 1 Dependent variable= How confident are you that your vote in the general election was counted as you intended? Model 2 Dependent variable=Think about voting throughout your county or city, and not just your own personal situation. How confident are you that votes in your county or city were counted as voters intended? Model 3 Dependent variable= Now, think about vote counting throughout [your state]. How confident are you that votes in

²⁵ A coefficient is the number by which variables in an equation are multiplied. The coefficient also tells you the direction of the relationship between the independent and dependent variable, either positive or negative. If negative as the value of your independent variable increases the value of your dependent variable decreases. If positive as the value of your independent variable increases the dependent variable increases.

²⁶ Because the data is a sample and does not represent the full population of voters in Georgia, the standard error (SE) refers to the error in the estimate due to random fluctuations in the sample. As the number of observations increases, the standard error decreases. The smaller the standard error, the better the sample statistics are an estimate of the population.

²⁷ The sig or significance tells you the degree to which a research finding is meaningful or important. If the significance is .05 or less this means that probability that the result could have been caused by chance is less than five percent (.05). Essentially, the significance allows to you determine if there is a statistically significant relationship between the independent and dependent variables.

[your state] were counted as voters intended? Possible responses include very confident (coded 4), somewhat confident (coded 3), not too confident (coded 2), and not at all confident (coded 1).

Across the models presented in **Table 1**, the only factors that significantly affect confidence, both proximate and distant, are: 1) assessments of polling place administration, including poll worker quality and machine problems, 2) beliefs that officials are changing the official vote count, and 3) party affiliation. To understand the substantive effect of variations across these significant variables on expressing being very confident in my vote, the local vote, and that state vote count, probability estimates are presented in **Table 2**.

The estimates suggest the following:

1. Voters who reported the administration in the polling location to be terrible as opposed to being run very well are 36 percent less likely to be very confident that their ballot is counted as intended and 35 percent less likely to be very confident that votes across the county are counted as intended by voters.
2. Voters who report poll worker quality as poor as opposed to excellent are 66 percent less likely to be very confident that their ballot is counted as intended, 60 percent less likely to be very confident that votes across the county are counted as intended by voters, and 42 percent less likely to be very confident that votes across the state are counted as intended by voters.
3. Voters who experience problems with the voting technology are 31 percent less likely to be very confident that their ballot is counted as intended and 60 percent less likely to be very confident that votes across the county are counted as intended by voters.
4. Voters who believe that officials changing the vote count is very common compared to those who believe such changes never occur are 26 percent less likely to be very confident that their ballot is counted as intended, 44 percent less likely to be very confident that votes across the county are counted as intended by voters, and 39 percent less likely to be very confident that votes across the state are counted as intended by voters.
5. In 2020 voters who identify as Democrats were more likely to report being very confident in ballot outcomes across all measures.

Table 2. Probability of ‘very confident’ evaluation of electoral outcomes (in-person voters)²⁸

		My Vote	County Vote	State Vote
Polling Location	Very Well Terrible Difference	.819 (.065) .455 (.170) -.364	.738 (.078) .391 (.196) -.347	
Poll Worker Quality	Excellent Poor Difference	.819 (.065) .161 (.091) -.658	.738 (.078) .140 (.075) -.598	.546 (.094) .123 (.063) -.423
Machine Problems	No Yes Difference	.819 (.065) .505 (.184) -.314	.738 (.078) .140 (.075) -.598	
Officials Changing Vote Count	Never Occurs Very Common Difference	.819 (.065) .563 (.097) -.256	.738 (.078) .295 (.083) -.443	.546 (.094) .161 (.052) -.385
Democrat	No Yes Difference	.819 (.065) .899 (.034) +.008	.738 (.078) .863 (.042) +.125	.546 (.094) .838 (.044) +.292

Note: Probabilities are based on **Table 1** and were calculated using Clarify in Stata. The numbers in parentheses are standard errors. Variable categories are set at their modal or mean value, varying explanatory variables' values. Estimates were only calculated for significant relationships. The average respondent is a white female aged 48 and is a Republican, has at least some high school and earn less than \$25,000. The average respondent did not experience machine or voter registration problems when voting in person. The average respondent evaluated the polling location as being run very well and the poll workers as excellent. The average respondent also believes the incidence of officials changing the reported vote count almost never occurs.

The data presented in **Tables 1 and 2** provide a one-election snapshot that, while useful, does not allow us to draw any conclusions about the factors that have affected voters' confidence in Georgia over several elections. The analysis presented in **Table 3** includes the combined Georgia voter responses to the SPAE during the presidential election years 2012 to 2020. Because variations between elections years can affect confidence, combining the surveys and presenting a series of

²⁸ The values in the table were created using the data from **Table 1**. Presented in **Table 2** are probability estimates for being ‘very confident’. The estimates were created using the Clarify software package. Clarify allows you predict the probability of a specific outcome, in this case being very confident, under varying values of the significant independent variables included in a regression analysis (e.g., the analysis presented in **Table 1**). As an example, a voter who evaluated their polling location as being run very well is 81.9 percent likely to report that they are very confident in their vote being counted as intended. However, a voter who evaluated their polling location as being terrible, is 45.5 percent likely to report being very confident. The difference in being very confident for a voter who evaluates a location as being well run, compared to a voter to evaluates the polling location as terrible is 36.4 percent.

models that include fixed election year effects allows us to assess the various factors while controlling for variation across elections.

Across the models presented in **Table 3**, the factors that are consistently significant across several elections when evaluating both proximate and distant measures of confidence are: 1) poll worker evaluations, 2) beliefs that officials change the vote count, and 3) party affiliation. It is also worth noting that with the exception of voting machine problems, which is not a significant predictor of confidence in the combined models, the significant factors and the direction of their effect on confidence (positive or negative) are not unique to 2020 alone, but are factors that over time, in have affected voter confidence in Georgia.

To understand the substantive effect of variations across these significant variables on expressing being very confident in my vote, the local vote, and that state vote count, probability estimates are presented in **Table 4**.

Table 3. Ordered Logistic Regression Model of Factors Affecting Confidence in Electoral Outcomes for In-Person Voting 2012-2020²⁹

	Model 1			Model 2			Model 3		
	My Ballot Outcome			Local Outcomes			State Outcomes		
Variable	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.
Polling Location	.578	.203	.012	.411	.2247	.067	.073	.186	.693
Poll Worker	.997	.169	.000	.994	.163	.000	.801	.167	.000
Machine Problems	-1.037	.759	.172	-.968	.631	.125	-.095	.520	.855
Registration Problems	.994	.761	.191	.929	.786	.125	.593	.893	.317
Change Vote	-.422	.090	.000	-.545	.089	.000	-.521	.091	.000
Male	.159	.202	.431	.115	.196	.557	.011	.184	.951
Age	.001	.006	.873	-.006	.006	.270	-.014	.005	.015
Income	.009	.039	.799	-.050	.037	.180	-.012	.035	.727
Education	.017	.077	.822	.079	.071	.262	.025	.072	.726
Black	-.152	.276	.581	.167	.265	.528	.253	.229	.269
Hispanic	1.305	.785	.097	.561	.690	.416	.328	.641	.609
Asian	-.359	1.118	.748	-.205	.687	.765	1.626	.920	.077
Democrat	.604	.275	.028	.708	.252	.005	1.205	.230	.000
Republican	-.030	.269	.028	.084	.250	.735	.096	.238	.685
2020	-.082	.282	.770	-.489	.250	.735	-.704	.249	.005
2012	-.058	.370	.875	-.345	.353	.329	-.117	.307	.703
Cut Point 1	1.059	1.139		.230	.987		-1.085	.853	
Cut Point 2	2.457	1.160		1.413	1.007		.241	.838	
Cut Point 3	4.799	1.204		3.745	1.027		2.024	.841	
N		593			589			407	
Log Likelihood	-467.519			-536.985			-653.826		
Pseudo R2		.146			.155			.142	
χ^2	89.05, 16 df, p<.000			152.60, 16 df, p<.000			182.43, 16 df, p<.000		

The estimates suggest the following:

²⁹ 2008 is excluded from the “my vote” model, because the survey did not include the question used to created the change vote variable.

1. Voters who reported the administration in the polling location to be terrible as opposed to being run very well are 34 percent less likely to be very confident that their ballot is counted as intended.
2. Voters who report poll worker quality as poor as opposed to excellent are 61 percent less likely to be very confident that their ballot is counted as intended, 58 percent less likely to be very confident that votes across the county are counted as intended by voters, and 49 percent less likely to be very confident that votes across the state are counted as intended by voters.
3. Voters who believe that officials changing the vote count is very common compared to those who believe such changes never occur are 59 percent less likely to be very confident that their ballot is counted as intended, 38 percent less likely to be very confident that votes across the county are counted as intended by voters, and 36 percent less likely to be very confident that votes across the state are counted as intended by voters.
4. Voters who identify as Democrats were more likely to report being very confident in ballot outcomes across all measures.

Table 4. Probability of ‘very confident’ evaluation of electoral outcomes, 2012-2020 (in-person voters)³⁰

		My Vote	County Vote	State Vote
Polling Location	Very Well Terrible Difference	.851 (.048) .516 (.177) -.335		
Poll Worker Quality	Excellent Poor Difference	.851 (.048) .238 (.037) -.613	.700 (.071) .118 (.054) -.582	.638 (.072) .150 (.065) -.488
Officials Changing Vote Count	Never Occurs Very Common Difference	.851 (.048) .259 (.144) -.592	.700 (.071) .324 (.081) -.376	.638 (.072) .279 (.071) -.359
Democrat	No Yes Difference	.150 (.073) .851 (.048) +.701	.540 (.084) .700 (.071) +.16	.353 (.034) .638 (.072) +.33

³⁰ The values in the table were created using the data from **Table 3**. Presented in **Table 2** are probability estimates for being ‘very confident’. The estimates were created using the Clarify software package. Clarify allows you predict the probability of a specific outcome, in this case being very confident, under varying values of the significant independent variables included in a regression analysis (e.g., the analysis presented in **Table 3**). As an example, a voter who evaluated their polling location as being run very well is 85.1 percent likely to report that they are very confident in their vote being counted as intended. However, a voter who evaluated their polling location as being terrible, is 51.6 percent likely to report being very confident. The difference in being very confident for a voter who evaluates a location as being well run, compared to a voter to evaluates the polling location as terrible is 33.5 percent.

Note: Probabilities are based on **Table 3** and were calculated using Clarify in Stata. The numbers in parentheses are standard errors. Variable categories are set at their modal or mean value, varying explanatory variables' values. Estimates were only calculated for significant relationships. The average respondent is a white female aged 48 and is a Democrat, has a high school diploma and earns more than \$150,000. The average respondent did not experience machine or voter registration problems when voting in person. The average respondent evaluated the polling location as being run very well and the poll workers as excellent. The average respondent also believes the incidence of officials changing the reported vote count almost never occurs.

C. CONFIDENCE AND ABSENTEE VOTING

There is a lack of scholarship that investigates explicitly what factors lend themselves to evaluations of voter confidence among absentee voters. Similar to the analysis of in-person voters, confidence is assessed across both one election cycle and multiple election cycles. The initial analysis of absentee voters focuses exclusively on the 2020 SPAE (**Tables 5 and 6**).³¹ A subsequent analysis is included that uses multiple elections in one model to evaluate voter confidence (**Tables 7 and 8**). The multi-year models combine the 2012, 2016, and 2020 presidential elections and allows us to draw conclusions about the factors that affect voter confidence across multiple elections; identifying factors that are significant not just across one election but across elections broadly.³²

Similar to the preceding analysis, the absentee voting models evaluate the effect of several relevant variables on voter confidence using a series of ordinal logistic regression analyses. The models include a variable to evaluate the effect of beliefs in administrative fraud on confidence.³³ Similar to the previous section on in-person voting, we are unable to directly test the effect of elite messaging about elections on voter confidence. What we are able to consider is perceptions about administrative fraud, which may be driven at least in part by elite messaging. The models also include the following demographic factors: age, sex, income, education, race, and party affiliation.

³¹ The results for 2020 presented in **Table 1** also hold for the analysis presented in **Table 3** which includes election years 2012-2020. The 2020 SPAE also includes the largest sample for Georgia (1000 respondents), compared to 200 in 2008, 2012, and 2016.

³² In the 2020 SPAE, voters were asked, "How confident are you that there are sufficient safeguards in place to keep fraud using mail ballots to a minimum?" Although relevant to perceptions of the absentee voting experience, and potentially confidence, this variable is not included in the absentee voter analysis because it was only asked in 2020 and thus could not be included in the multi-year analysis, which is being used to demonstrate which factors matter not only in 2020 but also across multiple elections.

³³ Voters were asked, how frequently do officials changing the reported vote count in a way that is not a true reflection of the ballots that were counted occurs in your county or city? Possible responses range from it is very common (coded as 4), it occurs occasionally (coded as 3), it occurs infrequently (coded as 2), it almost never occurs (coded as 1).

Table 5. Ordered Logistic Regression Model of Factors Affecting Confidence in Electoral Outcomes for Absentee Voters, 2020

	Model 1			Model 2			Model 3		
	My Ballot Outcome			Local Outcomes			State Outcomes		
Variable	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.
Change Vote	-.947	.189	.000	-.889	.194	.000	-.897	.201	.000
Male	-.495	.405	.222	-.005	.360	.987	-.229	.342	.502
Age	.023	.010	.027	.003	.009	.690	-.007	.008	.408
Income	.024	.058	.675	-.026	.054	.621	-.034	.047	.462
Education	.028	.132	.828	-.182	.116	.119	-.116	.124	.350
Black	.285	.470	.544	-.411	.424	.333	.428	.384	.266
Hispanic	1.065	.671	.113	-1.504	1.616	.352	.641	.690	.353
Asian	-.038	1.038	.970	.373	.824	.651	1.022	.752	.174
Democrat	.788	.492	.110	1.491	.423	.000	1.172	.414	.005
Republican	-.513	.545	.364	-.050	.512	.922	-.218	.449	.626
Cut Point 1	-4.490	1.277		-5.360	.974		-4.955	.904	
Cut Point 2	-2.841	1.092		-4.266	.957		-3.674	.887	
Cut Point 3	-.904	1.058		-2.131	.915		-1.954	.851	
N		221			220			221	
Log Likelihood	-164.527			-185.210			-221.836		
Pseudo R2		.208			.164			.184	
χ^2	44.52, 10 df, p<.000			49.58, 10 df, p<.000			74.24, 10 df, p<.000		

Note: Model 1 Dependent variable= How confident are you that your vote in the general election was counted as you intended? Model 2 Dependent variable=Think about voting throughout your county or city, and not just your own personal situation. How confident are you that votes in your county or city were counted as voters intended? Model 3 Dependent variable= Now, think about vote counting throughout [your state]. How confident are you that votes in [your state] were counted as voters intended? Possible responses include very confident (coded 4), somewhat confident (coded 3), not too confident (coded 2), and not at all confident (coded 1).

Across the models presented in **Table 5**, the only factor with regard to absentee ballots that significantly affects confidence, both proximate and distant, is beliefs that officials are changing the official vote count. To understand the substantive effect of variations across these variables on expressing being very confident in my vote, the local vote, and that state vote count, probability estimates are presented in **Table 6**.

The estimates suggest the following:

1. Voters who believe that officials changing the vote count is very common compared to those who believe such changes never occur are 52 percent less likely to be very confident that their ballot is counted as intended, 46 percent less likely to be very confident that votes across the county are counted as intended by voters, and 56 percent less likely to be very confident that votes across the state are counted as intended by voters.
2. In 2020 voters who identify as Democrats were more likely to report being very confident in ballot outcomes across the county and state.

**Table 6. Probability of ‘very confident’ evaluation of electoral outcomes, 2020
(absentee voters)**

		My Vote	County Vote	State Vote
Officials Changing Vote Count	Never Occurs	.892 (.049)	.915 (.039)	.799 (.063)
	Very Common	.375 (.142)	.453 (.154)	.237 (.111)
	Difference	-.517	-.462	-.562
Democrat	No		.720 (.098)	.559 (.114)
	Yes		.915 (.039)	.799 (.063)
	Difference		+.195	+.240

Note: Probabilities are based on **Table 1** and were calculated using Clarify in Stata. The numbers in parentheses are standard errors. Variable categories are set at their mean or modal value, varying the values of explanatory variables. The average respondent is a white 55-year-old female, and a Democrat has at least some high school and earns less than \$30,000 to \$39,000. The average respondent also believes the incidence of officials changing the reported vote count almost never occurs. Estimates were only calculated for significant relationships.

The data presented in **Tables 5 and 6** provide a one-election snapshot that, while useful, does not allow us to draw any conclusions about the factors that have affected voters’ confidence in Georgia over several elections. The analysis presented in **Table 7** includes the combined Georgia absentee voter responses to the SPAE during the presidential election years 2012 to 2020. As with the in-person models (**Table 3**) because variations between elections years can affect confidence, combining the surveys and presenting a series of models that include fixed election year effects allows us to assess the various factors while controlling for variation across elections.

Across the models presented in **Table 7**, the only factor that is consistently significant across several elections when evaluating both proximate and distant measures of confidence is beliefs that officials change the vote count. It is also worth noting that the significant factors and the direction of their effect on confidence (positive or negative) are not unique to 2020 alone, but are factors that over time, in have affected voter confidence in Georgia.

To understand the substantive effect of variations across these significant variables on expressing being very confident in my vote, the local vote, and that state vote count, probability estimates are presented in **Table 8**.

Table 7. Ordered Logistic Regression Model of Factors Affecting Confidence in Electoral Outcomes for Absentee Voters, 2012-2020

	Model 1			Model 2			Model 3		
	My Ballot Outcome			Local Outcomes			State Outcomes		
Variable	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.	Coefficient	S.E.	Sig.
Change Vote	-1.009	.193	.000	-.923	.189	.000	-.935	.195	.000
Male	-.224	.384	.558	.184	.342	.591	-.096	.326	.767
Age	.020	.009	.035	.003	.009	.698	-.007	.008	.386
Income	.021	.066	.744	-.028	.061	.343	-.032	.054	.543
Education	.063	.126	.617	-.104	.111	.350	-.068	.119	.567
Black	.194	.451	.666	-.291	.409	.478	.473	.378	.211
Hispanic	1.765	.802	.028	-.047	1.600	.976	1.257	.701	.073
Asian	-.249	1.116	.823	.329	.870	.705	.987	.786	.209
Democrat	.562	.498	.291	1.373	.414	.001	1.107	.402	.006
Republican	-.492	.514	.339	.211	.468	.654	.101	.421	.810
Cut Point 1	-2.599	1.199		-3.634	1.234		-4.201	1.237	
Cut Point 2	-1.210	1.060		-2.601	1.257		-2.929	1.125	
Cut Point 3	.730	1.018		-.630	1.239		-1.335	1.119	
N		235			233			234	
Log Likelihood	-176.154			-200.991			-239.132		
Pseudo R2		.213			.159			.168	
χ^2	1853.30, 12 df, p<.000			2489.59, 12 df, p<.000			77.25, 12 df, p<.000		

Across the models presented in **Table 7**, the only factor with regard to absentee ballots that significantly affect confidence, both proximate and distant, is beliefs that officials are changing the official vote count. To understand the substantive effect of variations across these variables on expressing being very confident in my vote, the local vote, and that state vote count, probability estimates are presented in **Table 8**.

The estimates suggest the following:

1. Voters who believe that officials changing the vote count is very common compared to those who believe such changes never occur are 57 percent less likely to be very confident that their ballot is counted as intended, 54 percent less likely to be very confident that votes across the county are counted as intended by voters, and 56 percent less likely to be very confident that votes across the state are counted as intended by voters.
2. Voters who identify as Democrats were more likely to report being very confident in ballot outcomes across the county and state.

**Table 8. Probability of ‘very confident’ evaluation of electoral outcomes, 2012-2020
(absentee voters)**

		My Vote	County Vote	State Vote
Officials Changing Vote Count	Never Occurs	.880 (.062)	.860 (.065)	.723 (.097)
	Very Common	.309 (.138)	.321 (.142)	.164 (.092)
	Difference	-.571	-.539	-.559
Democrat	No		.629 (.128)	.483 (.131)
	Yes		.860 (.065)	.723 (.097)
	Difference		+.231	+.240

Note: Probabilities are based on **Table 1** and were calculated using Clarify in Stata. The numbers in parentheses are standard errors. Variable categories are set at their mean or modal value, varying the values of explanatory variables. The average respondent is a white 55-year-old female, and a Democrat has at least some high school and earns 100k or more. The average respondent also believes the incidence of officials changing the reported vote count almost never occurs. Estimates were only calculated for significant relationships.

The analyses presented in **Tables 1, 3, 5, and 7** suggest that ‘changing the reported vote count’ is a significant predictors of voter confidence for both in person and absentee voters. It is worth noting that according to the 2020 SPAE in Georgia, 60.8 percent of absentee and in-person voters believe officials changing the reported vote county almost never occurs or occurs infrequently. Thus, while the analysis does demonstrate that voter perceptions of this factor matters and affects confidence, it does not inherently mean that Georgia voters overwhelmingly believe that their ballots and votes are counted in a way that is inaccurate and/or produces outcomes that are contrary to voter intentions. Similarly, while perceptions of the polling location and poll workers and challenges with the equipment also affect confidence, voters in Georgia overwhelmingly have positive experiences in polling locations, with poll workers, and when interacting with the voting equipment.³⁴

Lastly, it is important to note that both the descriptive and statistical analyses presented about Georgia in the preceding sections have primarily focused on assessments of voters who report being ‘very confident’ in ballots reflecting voter intentions (**Tables 2, 4, 6, and 8**). And it is assessments of the ‘very confident’ measure specifically where Georgia voters report being less confident than voters across the US as reported by **Figures 3-6**. However, it should be noted that in 2020 the majority of voters in Georgia and across the United States reported being very confident or somewhat confident across all elections and all measures of confidence. As an example, 88 percent of Georgia voters report being very or somewhat confident in their ballot, 83 percent report being very or somewhat confident in ballots across their county, and 65 percent report being very confident in ballots across the state (See **Appendix C**).

³⁴ In the 2020 SPAE, 92.7 percent of voters rated poll worker performance as excellent or good; 96.9 percent reported not having problems with the voting machines, and 95.2 percent reported the ting in the polling location being run very well or okay.

D. CONFIDENCE AND VOTING POLICIES

To evaluate the potential impact of specific changes in election laws on voter confidence, it may be useful to investigate a recent case of policy change. One more-recent election law change occurred in 2008 when Georgia implemented a new voter ID policy, enacted in 2005 by the General Assembly, that required Georgians to present one of several forms of photo ID at their polling place after previously allowing additional, non-photo forms of ID such as utility bills. To ascertain the potential effect of specific policy adoption on voter confidence in Georgia, a pre-post analysis is conducted regarding the adoption of voter ID laws and measures of confidence in Alabama and Mississippi. All three states require that a voter show a form of ID prior to casting a ballot. In both Georgia and Mississippi, all voters are required to show photo ID prior to casting a ballot, those who are unable to do so are required to vote provisionally and return with photo ID by a specified time. A similar policy is used in Alabama, and while some may view the Alabama law as less strict because two election officials can sign a sworn statement saying they know the voter, voters who do not have ID will generally be required to cast a provisional ballot (NCSL, 2022a). In addition to sharing similar voter ID requirements, these states are also in the same historical geographic area of the lower or deep south (includes South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas), the states also share the similar political cultures (Elazar, 1966), economies as measured by Gross Domestic Product, and were under Republican Party control in the state legislature at the time the voter ID laws were passed (Bureau of Economic Analysis, 2022; NCSL 2022b).

The data presented in **Table 9** presents the average confidence score across the three measures of confidence that have previously been used in this report. The average score is used as a measure to understand what effect, if any, the adoption of the voter ID law had on the aggregate voter confidence in the state. In both Alabama and Mississippi, the voter ID law was implemented in June 2014 (NCSL, 2021b). For both Alabama and Mississippi, the Pre and Post values are from the 2012 and 2014 November general elections. Georgia transitioned non-strict-non photo ID to a strict voter ID law in 2008. Because the SPAE was not conducted prior to 2008, there is no way to assess what confidence in Georgia was like prior to the adoption and implementation of the strict voter ID law. However, looking at **Table 9** there is evidence that average voter confidence in Georgia was 3.71 in 2008 post implementation it decreased in 2012 and increased again in 2014.

Table 9. Average State Confidence Pre and Post Photo Voter Identification Policy Adoption³⁵

State	My Vote			County Vote		State Vote	
	2008	Pre (2012)	Post (2014)	Pre (2012)	Post (2014)	Pre (2012)	Post (2104)
Alabama	3.72	3.5	3.7	3.4	3.4	3.3	3.3
Georgia	3.71	3.52	3.7	3.3	3.5	3.2	3.3
Mississippi	3.71	3.5	3.6	3.3	3.2	3.1	3.1

³⁵ No SPAE was conducted in 2010. Therefore, 2010 is not included in the analysis or discussion.

In Alabama, Georgia, and Mississippi across most levels of confidence, there is no increase and in one instance (Mississippi county vote) there is a slight decrease. In instances where there is an increase in confidence, it is a small .2 percent (My Vote-Alabama) and .1 percent (My Vote-Mississippi). It is worth noting that based on the scale used in the SPAE, all evaluations of confidence both pre and post-adoption of voter ID fall between 3 (somewhat confident) and 4 (very confident); suggesting that voters on average were reasonably confident that election outcomes reflected ballots as cast by voters prior to the adoption of strict voter ID laws and remained reasonable confidence with a small increase in confidence following the adoption of a strict voter ID law.³⁶

Given that voters across the U.S. consistently, on average, remain between somewhat and very confident, it stands to reason that changes to state policy that do not directly have a positive impact on factors that have been demonstrated to have a direct effect on voter confidence may not result in wholesale increases in confidence, but marginal increases, if any, at best. This finding is further evidenced in Table 10 which includes the average confidence scores for all 50 states from 2008 to 2020 for my confidence, county confidence, and state confidence. This table also includes other states that also adopted voter ID laws in the periods covered that are categorized by the NCSL like Alabama, Georgia, and Mississippi and in many instances confidence in these states was increasing prior to the adoption and implementation of voter ID laws.

³⁶ SPAE Scale: 4=very confident; 3=somewhat confident; 2=not too confident; 1=not at all confident

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Table 10. Average Voter Confidence (2008-2020)

	My Confidence				County Confidence			State Confidence		
	2008	2012	2016	2020	2012	2016	2020	2012	2016	2020
Alabama	3.72	3.54	3.6	3.62	3.39	3.42	3.48	3.3	3.29	3.43
Alaska	3.47	3.5	3.73	3.52	3.36	3.63	3.38	3.27	3.42	3.29
Arizona	3.53	3.31	3.46	3.44	2.99	3.28	3.23	2.86	3.09	3.04
Arkansas	3.62	3.39	3.62	3.61	3.3	3.47	3.53	3.09	3.29	3.42
California	3.56	3.5	3.48	3.54	3.36	3.42	3.42	3.24	3.25	3.21
Colorado	3.5	3.48	3.66	3.54	3.35	3.54	3.43	3.24	3.41	3.31
Connecticut	3.74	3.54	3.74	3.61	3.35	3.57	3.48	3.19	3.41	3.45
Delaware	3.77	3.56	3.66	3.62	3.4	3.58	3.47	3.33	3.54	3.44
Florida	3.67	3.3	3.4	3.65	3.1	3.35	3.52	2.8	3.07	3.33
Georgia	3.71	3.52	3.5	3.43	3.33	3.42	3.25	3.2	3.23	2.86
Hawaii	3.7	3.42	3.56	3.45	3.15	3.45	3.41	3.05	3.4	3.42
Idaho	3.56	3.36	3.69	3.62	3.35	3.61	3.57	3.29	3.54	3.52
Illinois	3.74	3.48	3.63	3.7	3.35	3.49	3.53	2.98	3.19	3.23
Indiana	3.66	3.49	3.6	3.54	3.42	3.53	3.46	3.23	3.39	3.39
Iowa	3.71	3.46	3.6	3.64	3.39	3.51	3.57	3.22	3.44	3.48
Kansas	3.77	3.66	3.55	3.5	3.51	3.46	3.46	3.46	3.36	3.43
Kentucky	3.7	3.51	3.71	3.54	3.4	3.57	3.41	3.3	3.39	3.32
Louisiana	3.63	3.46	3.57	3.68	3.27	3.47	3.56	3.19	3.28	3.42
Maine	3.74	3.61	3.73	3.6	3.49	3.7	3.49	3.45	3.53	3.33
Maryland	3.63	3.5	3.51	3.6	3.32	3.36	3.49	3.24	3.26	3.4
Massachusetts	3.75	3.69	3.63	3.66	3.45	3.48	3.56	3.39	3.48	3.49
Michigan	3.78	3.52	3.54	3.48	3.44	3.39	3.35	3.26	3.09	2.95
Minnesota	3.74	3.6	3.66	3.56	3.37	3.55	3.38	3.23	3.34	3.22
Mississippi	3.71	3.53	3.55	3.59	3.32	3.42	3.46	3.12	3.29	3.33
Missouri	3.64	3.56	3.58	3.56	3.27	3.55	3.45	3.22	3.35	3.36

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Montana	3.57	3.65	3.74	3.67	3.52	3.65	3.58	3.38	3.58	3.5
Nebraska	3.64	3.5	3.68	3.7	3.41	3.63	3.66	3.45	3.57	3.57
Nevada	3.6	3.49	3.62	3.39	3.39	3.47	3.12	3.28	3.38	2.99
New Hampshire	3.76	3.68	3.7	3.64	3.52	3.62	3.53	3.45	3.49	3.46
New Jersey	3.64	3.59	3.51	3.29	3.35	3.45	3.25	3.19	3.31	3.2
New Mexico	3.44	3.41	3.6	3.49	3.23	3.42	3.34	3.11	3.21	3.21
New York	3.66	3.38	3.66	3.54	3.34	3.49	3.48	3.17	3.33	3.33
North Carolina	3.52	3.6	3.48	3.43	3.29	3.28	3.33	3.16	2.94	3.04
North Dakota	3.77	3.58	3.8	3.68	3.48	3.67	3.62	3.45	3.64	3.62
Ohio	3.52	3.37	3.56	3.56	3.24	3.43	3.47	3.04	3.23	3.42
Oklahoma	3.62	3.55	3.73	3.61	3.46	3.61	3.54	3.45	3.57	3.53
Oregon	3.53	3.32	3.71	3.34	3.22	3.64	3.35	3.05	3.51	3.2
Pennsylvania	3.69	3.48	3.72	3.47	3.22	3.49	3.27	3	3.13	2.81
Rhode Island	3.67	3.49	3.71	3.57	3.24	3.55	3.48	3.18	3.4	3.42
South Carolina	3.63	3.52	3.47	3.51	3.26	3.38	3.35	3.12	3.26	3.37
South Dakota	3.75	3.68	3.74	3.72	3.56	3.68	3.66	3.51	3.55	3.66
Tennessee	3.64	3.48	3.56	3.68	3.32	3.44	3.59	3.22	3.37	3.51
Texas	3.71	3.52	3.62	3.51	3.21	3.38	3.39	3.17	3.15	3.14
Utah	3.59	3.37	3.61	3.49	3.46	3.59	3.47	3.42	3.52	3.39
Vermont	3.84	3.69	3.78	3.7	3.57	3.64	3.59	3.59	3.61	3.53
Virginia	3.7	3.59	3.62	3.48	3.43	3.49	3.35	3.29	3.31	3.16
Washington	3.46	3.3	3.54	3.41	3.26	3.46	3.33	3.12	3.29	3.27
West Virginia	3.62	3.57	3.71	3.61	3.3	3.59	3.52	3.19	3.43	3.47
Wisconsin	3.68	3.58	3.67	3.61	3.48	3.41	3.45	3.13	3.2	3.01
Wyoming	3.71	3.49	3.78	3.61	3.56	3.75	3.53	3.59	3.71	3.58

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IV. CONCLUSION: VOTER CONFIDENCE IN GEORGIA

The analysis and discussion presented in this report, provides considerable insight on voter confidence in Georgia. The preceding analysis relies on descriptive statistics and ordered logistic regression to present an overview of confidence in Georgia that is both specific to the 2020 general election and generalized across multiple presidential elections. Through these analyses some important findings emerge.

First, the percent of Georgia voters who report being ‘very confident’ that their ballot is counted as intended was the highest in 2008 with 75.5 of Georgia voters reporting being very confident. While there are unique conditions that accompany any general election, the percent of Georgia voter who report being ‘very confident’ in my vote has been remained stable around 60 percent from 2012-2020. And while voters in Georgia may report lower levels of being ‘very confident’ in 2020, the majority of Georgia voters report being very or somewhat confident that their ballots are counted as intended, as well as that ballots are counted as cast across the county and their state. Furthermore, when comparing Georgia voters to voters across the United States using aggregate levels of confidence across both proximate and distant measures, confidence is relatively stable.

Second, when considering modes of voting in Georgia (early in person, in person Election Day, and absentee), confidence by mode of voting is not consistent across elections. In 2008 and 2016 a larger percentage of voters who cast their ballots in person reported being ‘very confident’ across proximate and distant measures of confidence compared to in person early and absentee voters. However, in 2012 and 2020, a larger percentage of absentee voters reported being more confident across all measures of confidence, proximate and distant, compared to in person early and in person Election Day voters.

Voters consistently report decreasing confidence as they are asked about confidence in processes that are more distant from their personal experience. That said, it is worth noting that the number of voters who reported being very confident in the state and nationwide vote reflecting the preferences of voters was *higher* in 2020 than in the three preceding federal election cycles.

Lastly, moving beyond descriptive statistics, we can also consider the factors that affect confidence. Turning first to in-person voters in both the 2020 election year models and the models that include 2012-2020, there are factors that consistently affect in-person voter confidence in Georgia. These include 1) poll worker evaluations, 2) beliefs that officials change the vote count, and 3) party affiliation. Beliefs that officials change the vote is also a significant predictor of confidence for absentee voters in both the 2020 models and the models that include 2012-2020.

Although we are not able to directly evaluate the effect of the ‘Big Lie’ in 2020 or other messages from partisan elites during previous election cycles on voter confidence, the analyses for both in-person and absentee voters demonstrates that beliefs matter. Scholarship tells us that partisan elite messaging is used by voters to confirm beliefs and understand administrative and

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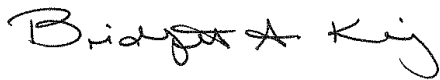
policy changes. As such it is reasonable that elite messaging about elections contributes to beliefs in the prevalence of fraud (officials changing the vote count).

In many ways the findings demonstrate that voters in Georgia are very similar to voters across the United States in that their confidence in election administration is primarily affected by a) whether the voter's preferred party won or lost the election, b) messages received from elites, and c) a voter's experience casting a ballot in-person.

I reserve the right to supplement this report in light of additional facts, testimony, and/or materials that may come to light.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the following is true and correct.

Executed this 13th day of January, 2023 in Lee County, Alabama.

A handwritten signature in black ink that reads "Bridgett A. King". The signature is written in a cursive, flowing style.

Bridgett A. King, Ph.D.

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Appendix 1

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Associate Professor. Department of Political Science. Auburn University, Fall 2020

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RESEARCH PARTNERSHIPS AND COLLABORATIONS

Research Partner. University of Rhode Island Voter Operations and Election Systems (VOTES). Kingston, Rhode Island. January 2020-present

Track Leader. Elections and Voting Information Center. Local Election Official Survey. Reed College. June 2021-present.

Research Partner. Democracy, Power, and Innovation Fund. October 2021-present.

ADMINISTRATIVE POSITIONS

Director. Master of Public Administration Program. Auburn University. Fall 2018-present.

Includes Graduate Program Officer responsible for the Graduate Certificate in Election Administration and NonProfit Organizations and Community Governance, the Graduate Minor in Economic Development, and administrative responsibility for the Accelerated BA/MPA program and an undergraduate degree in public administration.

Program Coordinator. Ronald E. McNair Postbaccalaureate Achievement Program. Kent State University, Kent, Ohio. Summer 2008 to Spring 2012.

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EDUCATION

Ph.D., Political Science. August 2012. Kent State University, Kent, Ohio.

Dissertation: "The Effect of State Policy on the Individual Vote Decisions of African Americans in Presidential and Midterm Elections, 1996 to 2008."

Committee: Renee J. Johnson (Chair), Ryan Claassen, Erin O'Brien (University of Massachusetts-Boston), Willie J. Harrell, Jr. (Department of English), Carla Goar (Department of Sociology).

M.A., Justice Studies. May 2006. Kent State University, Kent, Ohio.

B.A., Psychology. Cum Laude. May 2003. Hampton University, Hampton, Virginia.

JOURNAL ARTICLES

1. Bernardo, N, King, B, and Macht, G. (2022). COVID-19 and United States Election Systems: A Simulation Study of In-person Voting in Rhode Island. *Journal of Simulation*, DOI: 10.1080/17477778.2022.2155258.
2. Williamson, R. and King, B. (2022). Redistricting and Incarceration: Examining the Electoral Consequences of New York's Prohibition on Prison Gerrymandering. *State Politics and Policy Quarterly*, 22(4), 418-437.
3. King, B. Waiting to Vote: The Effect of Administrative Irregularities at Polling Locations and Voter Confidence. (2020). *Policy Studies*, 41(2-3), 190-209.
4. King, B. (2019). State Online Voting and Registration Lookup Tools: Participation, Confidence, and Ballot Disposition. *Journal of Information Technology and Politics*, 16(3), 219-235.
5. King, B. and *Barnes, A. (2019). Descriptive Representation among Poll Workers and Citizen Confidence in Election Administration. *Election Law Journal*, 18(1), 16-30.
*Ph.D. student
6. King, B. (2018). Contrapower Harassment: An Unanticipated Experience in Academia. *Journal of Political Science Education*, 15(2), 264-269.
7. King, B. (2017). Policy and Precinct: Citizen Evaluations and Electoral Confidence. *Social Science Quarterly* 98(2), 672-689.
8. King, B., and **Erickson, L. (2016). Disenfranchising the Enfranchised: Exploring the Relationship between Felony Disenfranchisement and African American Voter Turnout. *Journal of Black Studies*, 47(8), 799-821. **undergraduate student

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9. King, B., and Youngblood, E. (2016). E-government in Alabama: An analysis of county voting and election website content, usability, accessibility, and mobile readiness. *Government Information Quarterly*, 33(4), 715-726.
10. Davis, M., Wester, K., and King, B. (2008). Narcissism, Entitlement, and Questionable Practices of Research in Counseling: A Pilot Study. *Journal of Counseling and Development*. 86 (2): 200-210.
11. Tolbert, C., Mossberger, K., King, B. and Miller, G. (2007). Are All Women Making Progress Online? African-American Women and Latinas. *Information Technologies and International Development Journal* 4 (2): 61-88.

SPECIAL ISSUES AND SYMPOSIA

1. King, B. and Yannitell Reinhardt, G. (2022) Structuring Inclusion into the Political Science Experience Symposia. *PS: Political Science and Politics*, 56(1). Guest Editors.
2. Yannitell Reinhardt, G. and King, B. (2022) Structuring Inclusion into the Political Science Recruiting, Progression, and Engagement Symposia. *PS: Political Science and Politics*, 56(1). Guest Editors.

BOOKS

1. *Voting Rights in America: Primary Documents in Context* (Bridgett King, Ed). (2019). ABC-CLIO: Santa Barbara, California.
2. *The Future of Election Administration* (with Mitchell Brown and Kathleen Hale, Eds.). (2019). Palgrave MacMillan. Cham, Switzerland.
3. *The Future of Election Administration: Conversations and Cases* (with Mitchell Brown and Kathleen Hale, Eds.). (2019). Palgrave MacMillan. Cham, Switzerland.
4. *Why Don't Americans Vote? Causes and Consequences* (with Kathleen Hale, Eds.). (2016). ABC-CLIO: Santa Barbara, California.

BOOK CHAPTERS

1. King, B. (2021). Diversity and Cultural Competence in Public Administration in Information Resources Management Association (Ed.), *Research Anthology on Changing Dynamics of Diversity and Safety in the Workforce Volume 1* (pp. 840-857). IGI Global.
2. King, B. (2020). Waiting to vote: the effect of administrative irregularities at polling locations and voter confidence in Toby S. James and Holley Ann Garnett (Eds.), *Building Inclusive Elections* (pp. 118-136). Routledge: Oxfordshire, England.

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3. King, B. (2019). Diversity and Cultural Competence in Public Administration in Lucretia Octavia Tripp and Rhonda M. Collier (Eds.), *Culturally Responsive Teaching and Learning in Higher Education* (pp. 239-261). IGI Global.
4. King, B. (2019). The Federal Response and New Considerations for Election Administration in Mitchell Brown, Kathleen Hale, and Bridget A. King (Eds.), *The Future of Election Administration* (pp. 17-30). Palgrave MacMillan: Cham, Switzerland.
5. King, B. (2019). Diversity and Descriptive Representation in Election Administration in Mitchell Brown, Kathleen Hale, and Bridget A. King (Eds.), *The Future of Election Administration* (pp. 169-184). Palgrave MacMillan: Cham, Switzerland.
6. King, B. (2016). Barred from the Booth: Felony Disenfranchisement in Bridgett King and Kathleen Hale (Eds.), *Why Don't Americans Vote: Causes and Consequences* (pp. 103-112). ABC-CLIO: Santa Barbara, CA.
7. Tolbert, C., Donovan, T., King, B., and Bowler, S. (2008). Election Day Registration, Competition, and Voter Turnout. In B. Cain, T. Donovan and C. Tolbert (Eds.), *Democracy in the States: Experiments in Election Reform* (pp. 83-98). Washington DC: Brookings Institute Press.
8. Mossberger, K., Tolbert, C. McNeal, R. and King, B. (2008). From the Digital Divide to Digital Citizenship. In K. Mossberger, C. Tolbert and R. McNeal, *Digital Citizenship: The Internet, Society, and Participation* (pp. 95-122). Cambridge, MA: MIT Press.

APPLIED PUBLICATIONS

1. Growing the Grassroots Movement for Democracy: Faith in Florida & Florida Rising (with Hannah Furstenberg-Beckman). May 2022.
2. Growing the Grassroots Movement for Democracy: Living United for Change in Arizona (LUCHA) & Arizona Center for Empowerment (ACE) (with Hannah Furstenberg-Beckman). Democracy, Power, and Innovation Fund. August 2021 to July 2022.
3. [Minneapolis Election Judge Project: Insights for Election Administrators from High School Poll Workers](#). June 6, 2021.
4. [Minneapolis Election Judge Project: Insights for Teachers from High School Poll Workers](#). June 6, 2021.
5. [Minneapolis Election Judge Project: Insights for the Community and the Media from High School Poll Workers](#). June 6, 2021.

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BOOK REVIEWS

1. King, Bridgett A (2019). *Uninformed: Why People Seem to Know So Little about Politics and What We Can Do About It* by Arthur Lupia. *National Political Science Review*, 20.3, 186-188.

OTHER PUBLICATIONS

1. King, Bridgett A. (November 27, 2020). "[Planning Participation in the COVID-19 Pandemic: Polling Location Resource Allocation and Layout](#)." International Centre for Parliamentary Studies White Paper Series.
2. King, Bridgett A. (May 17, 2018). "[Descriptive Representation in Election Administration: Poll Workers and Voter Confidence](#)." Massachusetts Institute of Technology Election Data and Sciences Lab Blog.
3. King, Bridgett A. (2018). "[Don't Just Vote, Volunteer](#)." Auburn University Office of Sustainability.
4. King, Bridgett A. (2018). "The Changing Face of Federalism." *Issues: Understanding Controversy and Society*, Government and Issues Database: ABC-CLIO.
5. King, Bridgett A. (2018). "The Changing Face of Federalism." *American Government*, Government and Issues Database: ABC-CLIO.
6. King, Bridgett A. (2018). "Problems Continue to Plague the U.S. Electoral Process." *Issues: Understanding Controversy and Society*, Government and Issues Database: ABC-CLIO.
7. King, Bridgett A. (2016, October 27). "[What we Often Forget When We Talk about Voting Restrictions: The Actual Voters](#)." *Vox.com*.

UNDER REVIEW

1. Assessing Precinct Consolidation Strategies Through Simulation Optimization. Revise and Resubmit with Election Law Journal (with Nicholas Bernardo and Gretchen Macht)
2. Discretion, Communication, and Disenfranchisement: The Implementation of Amendment 4 in Florida. Revise and Resubmit with *Public Integrity*
3. Estimating Arrival Rates using Electronic Poll Books: A Hidden Markov Model Approach. Under Review with *Management Science Special Issue on The Human Algorithm Connection* (with James P. Houghton and Gretchen Macht)

Privileged & Confidential / Attorney Client Work Product

4. When Black and Blue Lives Collide. Under Review with *Perspectives on Politics* Special Issue on Black Lives Matter (with Alicia Barnes and Shaniqua Williams)

APPLIED PROJECTS

1. Local Election Officials: Discretion and Democracy (with Hannah Furstenberg-Beckman). Democracy, Power, and Innovation Fund. August 2021 to July 2022.
2. Minneapolis Youth Election Judge Project (with Center for Information and Research on Civic Learning and Engagement (CIRCLE) at Tufts University, Minneapolis Election and Voter Services, and the YMCA of the Greater Twin Cities). November 2019 to August 2021.
3. Jim Crow and Voting Rights History Project (with Fair Fight and Scholars Strategy Network). March 2021 to August 2021.

WORK IN PROGRESS

JOURNAL MANUSCRIPTS

1. Comparative Analysis Through International Service Learning in Public Service Education: "Public Administration, Civil Society, & Democracy (with Kelly Krawczyk).
2. Redistricting and Incarceration: Examining the effect of Prison Gerrymandering on Democratic Representation (with Ryan Williamson and Shaniqua Williams).
3. Redistricting and Incarceration: A Comparative Analysis of Prison Gerrymandering Reform (with Ryan Williamson and Shaniqua Williams).

JOURNAL EDITORIAL ACTIVITIES

1. King, B. and Nicholas Kerr and Michael Wahman. *Public Opinion Quarterly* 2024 Special Issue, Guest Editors.

BOOKS

1. *Black Election Officials: A Study of Black Americans Administering Elections*. Election, Voting, Technology Series. Palgrave Macmillan.
2. *Women's Contributions to Development in West Africa: Ordinary Women, Extraordinary Lives*. (Kelly Krawczyk and Bridgett King, Eds.). Palgrave Macmillan.
3. *The Frontline of Democracy: How Local Election Administrators Support, Staff, and Defend American Elections* (Paul Gronke, Christian Grose, David Kimball, Bridgett King, Thessalia Merivaki, and Mara Suttman-Lea, Eds.). Palgrave MacMillan

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BOOK CHAPTERS

1. "The Role of Market Women in Ghanaian Politics." In *Ordinary Women, Extraordinary Lives: The Contributions of Women to Development in West Africa*. Editors: Kelly Krawczyk, Bridgett King, and Atta Ceesay. Palgrave Macmillan. (with Kelly Krawczyk, Noemi Oeding, and Shaniqua Williams).
2. "Expanding the Pipeline: Turnout, Diversity, and Representative Bureaucracy in Election Administration" (with Grace Gordon and Paul Manson) in *The Frontline of Democracy: How Local Election Administrators Support, Staff, and Defend American Elections* (Paul Gronke, Christian Grose, David Kimball, Bridgett King, Thessalia Merivaki, and Mara Suttman-Lea, Eds.).

GRANTS

RESEARCH GRANTS AWARDED

1. Measuring the Impact of Civil Society on Political Participation in Liberia. Auburn University Research Support Program. \$23,000.00 Submitted March 2022. Awarded May 2022 (with Kelly Krawczyk, Felicia Tuggle, and Peter Weber).
2. Local Election Officials: Discretion and Democracy. Democracy and Power Innovation Fund at the Rockefeller Family Fund. Submitted August 2021. \$69,041.59. Awarded August 2021.
3. Research on Youth Engagement in Election Administration. The Center for Information and Research on Civic Learning and Engagement (CIRCLE) at Tufts University Submitted September 2019. \$15,000. Awarded November 2019.
4. Administrative Decision Making and Barriers to Political Participation. Massachusetts Institute of Technology Election Data and Science Lab (MEDSL). Submitted March 2018. \$10,990. Awarded May 2018.
5. Oak Ridge Associated Universities (ORAU) Consortium. Ralph E. Powe Junior Faculty Enhancement Grant. \$10,000 (\$5,000 matched by Auburn University). Submitted January 2017. Awarded June 2017.
6. New Faculty Semester Release. College of Liberal Arts. Auburn University. Spring 2017.
7. RAPID: Collaborate Research: 2016 Collaborative Multi-Racial Post-Election Survey. National Science Foundation (NSF 15-514-Law & Social Sciences). PI with Emily Beaulieu and Melynda Price (University of Kentucky). \$94,735 (\$41,542 awarded to Auburn University). Submitted September 2016. Awarded September 2016.

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8. Southeastern Athletic Conference (SEC) Visiting Faculty Travel Grant Program. \$2,075. Submitted March 2016. Awarded June 2016. Auburn, Alabama.
9. New Faculty Summer Research Grant. College of Liberal Arts. Auburn University. Summer 2016.

HONOR SOCIETY GRANTS AWARDED

1. Pi Sigma Alpha 2017-2018 Chapter Activity Grant. \$1,335. Submitted October 2016. Awarded December 2017.
2. Pi Alpha Alpha 2017-2018 Chapter Mini-Grant. \$2,000. Submitted May 2017. Awarded August 2017.
3. Pi Sigma Alpha 2016-2017 Chapter Activity Grant. \$1,056. Submitted October 2016. Awarded November 2016.

RESEARCH AND TEACHING INTERESTS

American politics, state policy, political participation, felony disenfranchisement, election administration, descriptive representation and diversity, race/ethnicity.

HONORS AND AWARDS

1. Invited Participant. 4th Annual NASPAA, International Comparative Policy Analysis Forum and Journal of Comparative Policy Analysis Workshop. October 2022.
2. Invited Participant. NASPAA Next. A Leadership Development Institute for Public Affairs Education Class of 2019. Fall 2019.
3. Recipient. *Outstanding Graduate Mentor Award*. Auburn University Graduate Student Council. Spring 2019.
4. Recipient. *Unsung Hero Faculty Excellence Award*. Auburn University Black Graduate and Professional Student Association (BGPSA). Spring 2019.
5. Nominee. Auburn University College of Liberal Arts. Teaching Excellence Award. Spring 2018.
6. Auburn Author Award. 2017. *Why Don't Americans Vote? Causes and Consequences* (with Kathleen Hale).
7. Nominee. Oak Ridge Associated Universities (ORAU). Ralph E. Powe Junior Faculty Enhancement Award. Two junior faculty nominees per member institution annually. Fall 2016.

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8. Thomas R. Hensley Teaching Award for Outstanding Graduate Teaching. Kent State University. Department of Political Science. Spring 2012.
9. Graduate Student of the Year Award. Kent State University. Department of Justice Studies. Spring 2004.

INVITED LECTURES & PRESENTATIONS

1. The Future of Electoral Integrity. International Centre for Parliamentary Studies and Public Policy Exchange. July 13, 2022. Remote.
2. [In-Person Voting: Variation and Vulnerability](#). Improving Voting Procedures: From Postal Voting to Online Voting webinar. International Centre for Parliamentary Studies and Public Policy Exchange. April 28, 2021. Remote.
3. [Election Security: Building on 2020s Lessons](#). The American Association for the Advancement of Science. Washington, D.C. April 26, 2021. Remote.
4. The 2020 Election. Professional Certificate in Dealing with Cyber Influence Activities during Elections by External Actors Training Course. The Delian Project. Toronto, Canada. March 2, 2021. Remote.
5. Black Americans and the American Franchise: Past, Present, and Future. New Castle University, Newcastle upon Tyne, England. February 3, 2021. Remote.
6. Brave Space: Reigniting Our Commitment to Equity and Justice, Auburn University, Office of Inclusion and Diversity, January 15, 2021. Remote.
7. Brave Space: Election Edition, Auburn University, Office of Inclusion and Diversity, November 11, 2020. Remote.
8. Black Americans and the American Franchise: Past, Present, and Future. The Patience Essah Africana Studies Lecture Series, Auburn University, October 20, 2020. Remote.
9. [Participating in a Pandemic: Evaluating Planning and Administrative Response](#). Pandemics and Resilience Planning, and Electoral Assurance for EMBs: Virtual Roundtable. International Centre for Parliamentary Studies and Public Policy Exchange. September 23, 2020. Remote.
10. [Voting in 2020](#). SciLine Media Briefing: Voting in 2020: Logistics, Safety, and Ballot Integrity. September 15, 2020. Remote.
11. Voting in a Pandemic: What you need to know in Alabama (with Ryan Williamson). Alabama Voting Summit. September 12, 2020. Remote.

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12. Preparing to Participate: Voting rules and practices. Auburn University Athletics: Football and Men's Basketball (June 15, 2020); Student Athletic Advisory Committee (June 29, 2020); Softball (July 15, 2020); Women's Soccer (July 23, 2020). Remote.
13. Black Women, Incarceration, and Civic Agency. University of Kentucky College of Arts and Sciences and Department of Political Science. Lexington, Kentucky. March 5, 2020.
14. Leaving No Community Behind: Discussing the impact of VBM within diverse communities of voters. [Pantheon Analytics](#): Expanding Voting Options: A Summit for Research Discussion and Movement-Building on the Topic of "Vote by Mail" and "Vote at Home." Washington, DC. June 20, 2019.
15. Inclusion and Diversity. Junior League of Lee County. Auburn, AL. February 20, 2019.
16. Election Administration and Citizen Confidence. The University of Alabama-Birmingham. Department of Political Science and Public Administration. Birmingham, AL. October 16, 2018.
17. [The Role of Evaluation in Election Administration](#). United States Election Assistance Commission (EAC) Election Data Summit. Community College of Philadelphia. Philadelphia, PA. July 12, 2018.
18. Mass Incarceration and Political Participation. Auburn High School. Auburn, AL. October 5, 2017.
19. Digital Democracy: The Role of Technology in Political Inclusion and Participation. Auburn University. Auburn University Common Book Program. Auburn, AL. September 6, 2017.
20. Disenfranchising the Enfranchised Exploring the Relationship between Felony Disenfranchisement and African American Voter Turnout. The University of Kentucky. Department of Political Science. Lexington, KY. October 12, 2016.
21. Political Participation. The University of Kentucky. Department of Political Science. PS 251: Elections (Honors) Course. Lexington, KY. October 13, 2016.
22. Campaigns and Elections: Money Matters. Lee County Alabama Democrats. Auburn, AL. June 15, 2016.
23. Presenter. The Effect of State Policy on the Individual Vote Decisions of African Americans in Presidential and Midterm Elections, 1996 to 2008. American Bar Association of New York City Election Law Committee. New York, NY. October 2012.

CONFERENCE PRESENTATIONS

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1. Minneapolis Election Judge Project (with Minneapolis Elections & Voter Services, the YMCA of the North, the Center for Information & Research on Civic Learning and Engagement (CIRCLE) at Tufts University's Tisch College of Civic Life, Auburn University, and the Civic Scholars) National Association of Election Officials. 36th Annual National Conference. Scottsdale, AZ. August 2021.
2. Administrative Decision Making: Precincting, Resource Allocation, and Outcomes for Voters. Paper presented at the Annual Election Sciences, Reform, and Administration Conference, Philadelphia, PA July 2019.
3. State Poll Worker Qualifications and Diversity. Paper presented at the Southern Political Science Association Annual Meeting, Austin, TX January 2019.
4. The Human Element: Poll Worker and Vote Confidence. Paper presented at the Pre-APSA Workshop: Building Better Election: New Challenges in Electoral Management, Cambridge, MA August 2018.
5. Descriptive Representation in Election Administration: Poll Workers and Voter Confidence. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL April 2018 (with Alicia Barnes).
6. Race, Representation, and the Ballot: An Analysis of Poll Worker Representation and Citizen's Perceptions of Election Administration. Paper presented at the Annual Southern Political Science Association Meeting, New Orleans, LA, January 2018 (with Alicia Barnes).
7. Disenfranchising Democracy: State Law and the Continued Exclusion of Voters from the Franchise Bridgett King, Auburn University. Paper presented at the Annual Southern Political Science Association Meeting, New Orleans, LA, January 2018. (with Emily Beaulieu and Melynda Price).
8. Diffuse Disenfranchisement: Investigating Community-level Effects on Voter Participation. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL April 2017 (with Emily Beaulieu and Melynda Price).
9. Felony Disenfranchisement and Voter Turnout. The Consequences of Felony Disenfranchisement for Eligible Voter Participation. Poster presented at the Annual American Political Science Association Meeting, Philadelphia, PA September 2016 (with Emily Beaulieu).
10. Participating Provisionally: Demographics and Election Day Ballot Type. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL April 2016.
11. Accessibility of Alabama County Election Websites. Poster presented at the Association of Teachers in Technical Writing Annual Conference, Houston, TX April 2016 (with Ed

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Youngblood).

12. Provisional Ballot Voting and Outcomes. Paper presented at the annual Southern Political Science Association Conference, San Juan, Puerto Rico, January 2016.
13. Community Level Consequences of Felon Disenfranchisement. Paper presented at the Annual Southern Political Science Association Conference, San Juan, Puerto Rico, January 2016 (with Emily Beaulieu).
14. Does Felony Disenfranchisement Matter? Policy Feedback and Voter Turnout: 1980-2010. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL April 2015.
15. Voting Rights Restoration: An Investigation of Recidivism in Florida. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL April 2013.
16. Disenfranchising the Enfranchised: Felony Disenfranchisement and African American Voter Turnout. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL April 2013.
17. Felony Disenfranchisement and African American Voter Turnout. Paper presented at the Slavery, Colonialism and African Identities in the Atlantic World Conference, Kent, Ohio April 2012.
18. Felony Disenfranchisement and African American Voter Turnout in Presidential and Midterm Elections. Paper presented at the 27th Annual Graduate Research Symposium, Kent, Ohio April 2012.
19. Race, Gender and the Costs of Voting: Predicting Turnout for Blacks, Latinos, and Women. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL, April 2007 (with Caroline Tolbert and Daniel Bowen).
20. Are All Women Making Progress Online? African Americans and Latinas. Paper presented at the Annual Midwest Political Science Association Meeting, Chicago, IL, April 2007 (with Caroline Tolbert, Karen Mossberger, and Gena Miller).
21. Racial Diversity and Barriers to Participation. Paper presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2006 (with Rodney Hero and Caroline Tolbert).
22. The Digital Divide and Economic Opportunity: Does Internet Use Matter for Less Skilled Workers? Paper presented at the Annual Meeting of the American Political Science Association, Philadelphia, PA, August 2006 (with Karen Mossberger, Caroline Tolbert, and Kimberly Johns).

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CONFERENCE SERVICE

1. Program Committee. Race and Ethnicity. Midwest Political Science Association. April 2021.
2. Planning Committee Member. Election Science, Reform, and Administration (ESRA) Conference. The University of Florida, Gainesville, Florida, June 2020.
3. Committee Member. Malcolm Jewell Award Committee. Southern Political Science Association; 2018-2019.
4. Workshop Chair: Integrating Diversity across the Curriculum and the Field. Southeastern Conference for Public Administration (SECoPA), Birmingham, AL, September 2018.
5. Discussant. Promoting Accessibility and Participation. Pre-APSA Workshop: Building Better Election: New Challenges in Electoral Management, Cambridge, MA August 2018.
6. Panel Chair. Inclusion and Integrity in Election Administration. Annual Midwest Political Science Association Meeting, Chicago, IL, April 2018.
7. Discussant. Electoral Systems and Changing Voting Rules. Annual American Political Science Association Meeting, San Francisco, CA, August 2017.
8. Discussant. Gerrymandering and Electoral Systems. Annual American Political Science Association Meeting, San Francisco, CA, August 2017.
9. Discussant. Learning Political Behaviors: Demographics and Political Engagement. Annual American Political Science Association Meeting, San Francisco, CA, August 2017.
10. Coordinator and Host. Dine Around. Election Administration. Annual Midwest Political Science Association Meeting, Chicago, IL, April 2017.
11. Roundtable Chair. Meet the Authors: Why Don't Americans Vote? (*Why Don't American's Vote? Causes and Consequences*, ABC-CLIO). Annual Midwest Political Science Association Meeting, Chicago, IL, April 2016.
12. Coordinator and Host. Dine Around. Election Administration. Annual Midwest Political Science Association Meeting, Chicago, IL, April 2016.
13. Panel Chair and Discussant. Citizenship, Threat, and Voting Rights. Annual Midwest Political Science Association Meeting, Chicago, IL, April 2016.
14. Discussant. Impact of Voter ID Laws on Participation. Annual Midwest Political Science Association Meeting, Chicago, IL, April 2015.

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15. Panel Chair. Race, Ethnicity and Voting Behavior. Annual Midwest Political Science Association Meeting, Chicago, IL April 2013.
16. Panel Discussant. State Immigration-Related Policies. Annual Midwest Political Science Association Meeting, Chicago, IL April 2013.

PROFESSIONAL OUTREACH

1. Panelist. Becoming the Beloved Community, Auburn, AL, March 2021.
2. Panelist. Reflect, Alabama. Women's Suffrage Centennial and Civic Engagement, Auburn, AL, August 2020.
3. Alabama Chapter Leader. Scholars Strategy Network. Fall 2019 to present.
4. Research Associate. Public Affairs Council of Alabama (PARCA). Spring 2018 to present.
5. Instructor. Election Center Professional Education Program: Certified Elections/Registration Administrator Program. Fall 2014 to present.
6. Presenter. Junior League of Lee County, Alabama. Auburn, AL, February 2019.
7. Gubernatorial Candidate Interviewer. Public Affairs Research Council of Alabama (PARCA) 2018 Gubernatorial Candidate Forum. Birmingham, AL, May 2018.
8. Presenter. Alabama Secretary of State Voter Registrar Training. September 2017-present.
9. Panelist. Diversity in the Office and the Field. Inclusion and Integrity in Election Administration Symposium. Auburn, AL, October 2017.
10. Presenter. Alabama Secretary of State Registrar Training Initiative: Opening Session. Auburn University. December 2016.
11. Moderator. Alexander City Mayoral Forum. Alexander City, AL, August 2016.
12. Moderator. Alexander City Council Forum. Alexander City, AL, August 2016.
13. Coordinator. One Selma: Coming Home United in Faith, 2016 Selma, Alabama mayoral election forum question coordination and preparation. June-July 2016.
14. Instructor. Boy Scouts of America Citizenship in the Nation merit badge course. Merit Badge University-Alpha Phi Omega-Auburn University. March 2016.

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15. Moderator. Future Challenges in Election Administration: What Voters Want. Election Center, Auburn University MPA Program, and Department of Political Science Symposium: The Evolution of Election Administration Since the Voting Rights Act: 1965-2015, Auburn, AL, September 2015.
16. Panelist. Conversation on Alabama's Civic Health. David Matthew's Center. Auburn, Alabama, April 2015.
17. Panelist. Before *Shelby* VRA Section 5: State Policy and Voting Behavior. Constitution Day Event Panel: Regulation or Suppression: Before and After *Shelby County* v. Holder, Valdosta State University, Valdosta, GA, September 2013.

TEACHING EXPERIENCE

UNDERGRADUATE

AUBURN UNIVERSITY

POLI 1090: American Government in a Multicultural World
POLI 2100: State Government and Policy (Formerly State and Local Government)
POLI 3290: American Presidency
POLI 3310: The Legislative Process
POLI 3410: Political Participation
POLI 3980: Contemporary issues in Political Participation (Laura Erickson)
POLI 3980: Contemporary issues in Political Participation (Daphney Portis)
POLI 4930: Public Policy Theory (Leslie Wright)
POLI 5510/6510: Being Black: Institutions and Identity
POLI 5550/6550: The Politics of Pandemics and Natural Disasters (with Kelly Krawczyk)

VALDOSTA STATE UNIVERSITY

POLS 1101: American Government. Valdosta State University
POLS 3100: Scope and Methods. Valdosta State University
POLS 3220: American Political Process: Voting, Elections, and Campaigns
POLS 3270: Public Opinion and Political Socialization. Valdosta State University

GRADUATE

AUBURN UNIVERSITY

POLI 6550: Public administration, Civil Society, and Democracy: South Africa (w. Kelly Krawczyk)
POLI 6550: Applied Practice and Field Research: Liberia (w. Kelly Krawczyk)
POLI 7050: Comparative State Politics
POLI 7960: Election Administration (Shelbie Wallace)

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POLI 7960: The American Presidency (Clayton Sweeny)
 POLI 7350: Foundations of Public Administration and Service
 POLI 7360: Foundations of Public Policy
 POLI 7630: Diversity in Public Life
 POLI 7930: Research Project
 POLI 7AA0: MPA ePortfolio

PROFESSIONAL SERVICE

DEPARTMENT AND PROGRAMS

1. Dissertation Committee Chair, Department of Political Science, Auburn University
 1. Shaniqua Williams (Chair)
 2. Alicia Barnes: Defended May 2020—Graduated August 2020—Kennesaw State University (Chair)
2. Dissertation Committee Member, Department of Political Science. Auburn University
 1. Eugene (Chuck) Riley: Defended December 2022
 2. Robert (Brandon) Fincher: Defended October 2022
 3. Nicholas Bernardo (University of Rhode Island- Mechanical, Industrial and Systems Engineering): Defended April 2022
 4. Jan Hume: Defended November 2021
 5. Nicholas Phillips (Education): Defended July 2021
 6. Nekita Tingle (Education): Defended June 2021
 7. Kayla Phillips (Counseling Psychology): Defended October 2020
 8. Daniel Stabin (Counseling Psychology): Defended August 2020
 9. AJ Good: Defended November 2019
 10. Avery Livingston: Defended November 2017
 11. Matthew Malone: Defended July 2017
 12. Lori Frazier Bearden
 13. Jonathan Cellon
 14. Astin Cole
 15. Elvis Davis
 16. Brian Ezeonu
 17. Jolanta Jackson
 18. Brian Massey (Education)
 19. Keith Pickins
 20. James Houghton (University of Rhode Island- Mechanical, Industrial and Systems Engineering)
3. Member: Ph.D. Admissions Committee, Department of Political Science. Auburn University, Fall 2020-present.
4. Member. PA/MPA CORE and Curriculum Committee, Department of Political Science. Auburn University, Fall 2015-present.

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5. Member. Political Science and CORE Curriculum Committee, Department of Political Science. Auburn University, Fall 2014-present.
6. Member. Workload Committee. Political Science. Academic Program Review. Fall 2018 to present.
7. Faculty Advisor. Pi Alpha Alpha. Auburn University. Fall 2018 to present.
8. Search Committee Member. Public Administration Search. Fall 2018 (tenure track); Spring 2019 (lecturer), Professor of Practice (Spring 2021), Nonprofit Management Lecturer (Fall 2021)
9. Search Committee Member. American Politics Search. Fall 2017.
10. Instructor. Ph.D. student boot camp. August 2018.
11. Reader. Ph.D. Comprehensive Exams, Department of Political Science. Auburn University. Spring 2015-present.
12. Member. Bylaws Committee, Department of Political Science. Auburn University. Fall 2015-Spring 2017.
13. Member. Planning and Analysis Committee, Department of Political Science. Auburn University, Fall 2014-Spring 2016.
14. Faculty Advisor. Pi Sigma Alpha, Auburn University, Spring 2015-Summer 2018.
15. Presenter. Brownbag: Disenfranchising the Enfranchised: Exploring the Relationship Between Felony Disenfranchisement and African American Voter Turnout. Department of Political Science. Auburn University. December 2015.
16. Presenter. Brownbag. Publishing Advice for Ph.D. Students. Department of Political Science. Auburn University. November 2015.
17. Reader. Best Paper Award. Department of Political Science. Valdosta State University. Spring 2014.
18. Faculty Advisor. Alpha Phi Omega, Valdosta State University, Fall 2013-Spring 2014.
19. President. Political Science Graduate Students Association. Kent State University. Fall 2006 to Spring 2007.
20. Graduate Student Representative. 2008 and Beyond: The Future of Election and Ethics Reform in the States. Columbus, Ohio, Spring 2007.

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COLLEGE

1. Committee Member. College of Liberal Arts Strategic Planning Committee. March 2019 to present.
2. Search Committee Member. College of Liberal Arts Associate Dean of Research. May 2018.

UNIVERSITY

1. Search Committee Member. College of Liberal Arts. Dean. October 2021-present.
2. Presidential Taskforce for Equity and Opportunity Graduate Student Subcommittee. April 2021 to present.
3. Panelist. Black Lives Matter at School. Black Faculty Spotlight Lecture. February 2020.
4. Panelist. Managing Micro-Aggressions in the Classroom. Auburn University Black Graduate and Professional Student Association (BGPSSA). March 2018.
5. Moderator. Beyond the Skin. Office of Inclusion and Diversity. February 2018.
6. Professorial Affiliate. Africana Studies. Fall 2017 to present.
7. Interviewer. Gates Finalist Practice Interview. Honors College. Auburn University, Spring 2019.
8. Interviewer. British Marshall Finalist Practice Interview. Honors College. Auburn University, Fall 2017 to present.
9. Interviewer. Rhodes Scholarship Finalist Practice Interview. Honors College. Auburn University. Fall 2017 to present.
10. Interviewer. Truman Scholarship Finalist Practice Interview. Honors College. Auburn University. Spring 2017 to present.
11. Panelist. Democracy in America: Assessing the 2016 Election. Auburn University. December 2016.
12. Founder and President. Black Friday. Auburn University. Spring 2016 to present.
13. Leader. Orienting New Teaching Assistants Program (ONTAP). Kent State University. Summer 2006 and Summer 2007.
14. Senator. Graduate Student Senate. Kent State University. Fall 2004 to Spring 2010.

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15. Co-Chair. Black Graduate Students Association. Kent State University. Fall 2004 to Spring 2011.
16. Secretary. Black Graduate Students Association. Kent State University. Fall 2003 to Spring 2004.

DISCIPLINE

1. Electoral Integrity Project International Academic Advisory Board. March 2021 to present.
2. Alabama Commission on Higher Education Representative to the Alabama Local Government Training Institute. April 2021 to present.
3. Associate Editor. *Public Integrity*. December 2019 to Present.
4. Member. Innovative Teaching and Learning Advisory Committee. Network of Schools of Public Policy, Affairs, and Administration (NASPAA). May 2019 to present.
5. Member. Diversity Committee. Visions in Methodology (VIM). April 2018 to present.
6. Member. Southern Political Science Association. Malcolm Jewell Award Committee. 2018-2019.
7. Section Chair. Political Institutions. Midwest Political Science Association. June 2017-April 2018.
8. Advisory Board Member. ABC-CLIO Government and Issues Database. June 2016 –July 2018.
9. Executive Committee Member. Representation and Electoral Systems Section. American Political Science Association (APSA). September 2015-August 2017.
10. Journal Referee. *American Journal of Political Science*, *Election Law Journal*, *PS: Political Science and Politics*, *Political Behavior*, *Political Research Quarterly*, *Social Science Quarterly*, *State Politics & Policy Quarterly*, *Journal of Information, Technology & Politics*, *Journal of Political Science Education*, *Computer Standards & Interfaces*

PROFESSIONAL MEMBERSHIPS

American Political Science Association
Midwest Political Science Association
National Conference of Black Political Scientists
Southern Political Science Association

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Appendix A

Confidence Question Wording

Survey on the Performance of American Elections (MIT Election Data and Science Lab, 2012-2021)

How confident are you that your vote in the General Election was counted as you intended?
How confident are you that votes in your county or city were counted as voters intended?
How confident are you that votes in [respondent's state] were counted as voters intended?
How confident are you that votes nationwide were counted as voters intended?

Cooperative Election Study (formerly Cooperative Congressional Election Study)

How confident are you that your vote in the General Election will be counted as you intend?
How much do you agree that the current election process will produce fair election outcomes?

Pew Research Center (2020)

How well do you think the November elections were administered in your community?
How well do you think the November Elections were administered across the U.S.?

McCarthy & Clifton (2016)

How confident are you that across the country, the votes will be accurately cast and counted in this year's election?

Claassen, Magleby, & Monson (2008)

How confident are you that your ballot will be counted accurately in this election?
How confident are you that the current election process in Ohio produces fair election outcomes?

Sances and Stewart (2015)

Confidence in own vote

11/12/2000 CBS/New York Times Given the kinds of problems that have been reported in Florida, how much confidence do you have that your (2000 presidential) vote was counted properly—a lot, some, not much, or no confidence at all?

12/16/2000 LA Times Do you personally have a lot of confidence that your (2000) vote for president was counted, or some confidence, or no confidence at all that your vote for president was counted?

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07/15/2004 CBS/New York Times How much confidence do you have that the votes in your state will be counted properly this November – a lot, some, not much, or no confidence at all?

10/19/2004 Pew How confident are you that your vote will be accurately counted in the upcoming election?

10/26/2004 ABC/Washington Post And how confident are you that your own vote for president (in 2004) will be accurately counted this year: very confident, somewhat confident, not too confident or not confident at all?

11/01/2004 National Annenberg Election Study Are you confident that your vote will be counted accurately, or are you doubtful?

11/08/2004 Pew How confident are you that your vote was accurately counted?

12/19/2004 ABC How confident are you that your own vote for president (in 2004) was accurately counted this year: very confident, somewhat confident, not-too-confident or not confident at all?

12/24/2004 National Annenberg Election Study Are you confident that your vote has been counted accurately, or are you doubtful?

10/04/2006 Pew How confident are you that your vote will be accurately counted in the upcoming election?

10/15/2006 CNN How confident are you that your vote and the votes cast by people in your family will be counted accurately in this year's (2006) election—very confident, somewhat confident, not too confident, or not confident at all?

10/25/2006 Fox News How confident are you that your vote will be accurately counted in this year's (2006) election?

11/04/2006 Pew How confident are you that your vote will be accurately counted in the upcoming election?

11/04/2006 ABC/Washington Post How confident are you that your own vote in this election will be accurately counted this year (2006): very confident, somewhat confident, not too confident or not confident at all?

11/12/2006 Pew How confident are you that your vote was accurately counted?

12/02/2007 Gallup/USA Today Thinking about the general election for president to be held in November 2008, How confident are you that, at the voting facility where you vote, the votes will be accurately cast and counted in next year's election—very confident, somewhat confident, not too confident, or not at all confident?

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10/19/2008 Pew How confident are you that your vote will be accurately counted in the upcoming election?

11/09/2008 Pew How confident are you that your vote was accurately counted?

11/11/2008 Survey of the Performance of American Elections How confident are you that your vote in the General Election was counted as you intended?

11/07/2010 Pew How confident are you that your vote was accurately counted?

11/05/2012 YouGov/Polimetrix How confident are you that your vote in the General Election was counted as you intended?

11/11/2012 Pew How confident are you that your vote was accurately counted?

11/28/2012 Survey of the Performance of American Elections How confident are you that your vote in the General Election was counted as you intended?

12/12/2012 CCES How confident are you that your vote in the General Election was counted as you intended?

Confidence in country's vote

11/12/2000 Pew As you may know, the outcome of this year's presidential election will be decided by a very narrow margin in Florida and several other states. All things considered, do you think we will have an accurate count of the votes in Florida and other close states, or not?

01/19/2001 National Annenberg Election Study Are you confident that the votes in this {through 30 Dec 00: year's | starting 2 Jan 01: past} presidential election {through 12 Dec 00: are being | starting 13 Dec 00: have been} counted fairly, or don't you feel this way? Q410 (Yes or No).

10/30/2004 CBS/New York Times How much confidence do you have that the votes for president will be counted properly this November (2004)—a lot, some, not much, or no confidence at all?

11/08/2004 Pew How confident are you that the votes across the country were accurately counted?

12/19/2004 ABC On another subject, how confident are you that the votes for president across the country were accurately counted this year?

10/15/2006 CNN How confident are you that, across the country, the votes will be accurately counted in this year's election — very confident, somewhat confident, not too confident, or not confident at all?

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10/22/2006 Gallup/USA Today How confident are you that, across the country, the votes will be accurately cast and counted in this year's election?

11/12/2006 Pew How confident are you that the votes across the country were accurately counted?

12/02/2007 Gallup/USA Today How confident are you that, across the country, the votes will be accurately cast and counted in next year's election.

01/01/2008 National Annenberg Election Study When Election Day comes, how confident are you that the votes across the country will be accurately counted?

10/29/2008 CBS/New York Times How much confidence do you have that the votes for president will be counted properly this November (2008)—a lot, some, not much, or no confidence at all?

11/09/2008 Pew How confident are you that the votes across the country were accurately counted?

01/31/2009 National Annenberg Election Study How confident are you that the votes across the country were accurately counted on Election Day?

11/07/2010 Pew How confident are you that the votes across the country were accurately counted?

11/05/2012 YouGov/Polimetrix Think about vote counting throughout your county or city, and not just your own personal situation. How confident are you that votes in your county or city were counted as voters intended?

11/11/2012 Pew How confident are you that the votes across the country were accurately counted?

11/28/2012 Survey of the Performance of American Elections Think about vote counting through-out your county or city, and not just your own personal situation. How confident are you that votes in your county or city were counted as voters intended?

12/12/2012 CCES Think about vote counting throughout your county or city, and not just your own personal situation. How confident are you that votes in your county or city were counted as voters intended?

Bryant (2020)

I am confident my vote was counted correctly/will be counted correctly
I am confident that everyone's vote will be counted correctly

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Dalela, Kulyk, & Schurmann (2021)

The participants were presented with a list of criteria that could have been used for choosing the number of audited ballots, namely, (a) recommendation by NGOs and international organizations, (b) existing legislation, (c) methodology described in a scientific paper, openly available online, (d) court decision, (e) mutual agreement among all the political parties involved in the election and (f) recommendation by independent experts. For each of the criteria, the participants were asked how their reliance on it would affect their confidence in the election results (Likert 7-point scale, from “I would be much less confident” to “I would be much more confident”)

Atkeson & Saunders (2007)

How confident are you that your vote in the November 2006 election will be counted as you intended?

Hall, Monson, & Patterson (2009)

How confident are you that the current election process in [Utah/Ohio] produces fair election outcomes? (very confident, somewhat confident, not too confident, not at all confident)

How confident are you that your ballot [was/will be] counted accurately [the 2004/in this] election? (very confident, somewhat confident, not too confident, not at all confident)

Atkeson (2014)

How confident are you that your ballot was counted at the polls?

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Appendix B. Short list of Academic Scholarship that has relied on the SPAE

Alvarez, R. Michael, et al. 2011. "Voter Opinions about Election Reform: Do They Support Making Voting More Convenient?" *Election Law Journal* 10:73–87.

Alvarez, R. Michael, et al. 2008. *Election Fraud: Detecting and Deterring Electoral Manipulation*. Brookings Series on Election Administration and Reform: Washington, D.C.

Alvarez, R. Michael, Ines Levin, and J. Andrew Sinclair. 2012. "Making Voting Easier Convenience Voting in the 2008 Presidential Election." *Political Research Quarterly* 65:248–262.

Alvarez, R. Michael, Lonna Rae Atkeson, and Thad E. Hall. *Evaluating Elections: A Handbook of Methods and Standards*. Cambridge University Press, New York, New York, 2012.

Ansolahehere, Stephen, and Nathaniel Persily. 2010. "Measuring Election System Performance." *NYU Journal of Legislation and Public Policy* 13:445–469.

Ansolahehere, Stephen, Nathaniel Persily, and Charles Stewart III. 2013. "Regional Differences in Racial Polarization in the 2012 Presidential Election: Implications for the Constitutionality of Section 5 of the Voting Rights Act." *Harvard Law Review Forum* 126:205–205.

Atkeson, Lonna Rae, R. Michael Alvarez, and Thad E. Hall. "Voter Confidence: How to Measure It and How It Differs from Government Support." *Election Law Journal* 14.3 (2015): 207-219.

Bowler, Shaun, and Todd Donovan. "A Partisan Model of Electoral Reform Voter Identification Laws and Confidence in State Elections." *State Politics & Policy Quarterly* (2016): 1532440015624102.

Burden, Barry C., and Brian J. Gaines. "Presidential Commission on Election Administration: Absentee and Early Voting: Weighing the Costs of Convenience." *Election Law Journal* 14.1 (2015): 32-37.

Burden, Barry C., and Jeffrey Milyo. "The Quantities and Qualities of Poll Workers." *Election Law Journal* 14.1 (2015): 38-46.

Crowley, Ryan M. 2012. "‘The goddamndest, toughest voting rights bill’: Critical Race Theory and the Voting Rights Act of 1965." *Race Ethnicity and Education* 16:1–29.

Foley, Edward B., and Charles Stewart III. "Explaining the Blue Shift in Election Canvassing." *Available at SSRN* (2015).

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Gordon, Arusha, and Ezra D. Rosenberg. "Barriers to the Ballot Box: Implicit Bias and Voting Rights in the 21st Century." *Mich. J. Race & L.* 21 (2015): 23.

Gronke Paul and Peter Miller. 2012. "Voting by Mail and Turnout in Oregon Revisiting Southwell and Burchett." *American Politics Research* 40:976–997.

Hall, Thad. "7. Internet voting: the state of the debate." *Handbook of Digital Politics* (2015): 103.

Hasen, Richard L. *Plutocrats United: Campaign Money, the Supreme Court, and the Distortion of American Elections*. Yale University Press, 2016.

Haygood, Ryan P. 2012. "The Past as Prologue: Defending Democracy Against Voter Suppression Tactics on the Eve of the 2012 Elections." *Rutgers Law Review* 64:1019–1064.

Herron, Michael C., and Daniel A. Smith. "Precinct resources and voter wait times." *Electoral Studies* 42 (2016): 249-263.

Hershey, Marjorie. R. 2009. What We Know about Voter-ID Laws, Registration, and Turnout. *PS: Political Science & Politics* 42:87–91.

Johnstone, Anthony. "The Federalist Safeguards of Politics." *Available at SSRN* (2015).

Kennedy, Liz, et.al. *Automatic Voter Registration: Finding America's Missing Voters*, Demos, January 20, 2016. Available at: <http://www.demos.org/publication/automatic-voter-registration-finding-americas-missing-voters>

Kimball, David C., and Brady Baybeck. 2013. "Are All Jurisdictions Equal? Size Disparity in Election Administration." *Election Law Journal* 12:130–145.

King, Bridgett. Waiting to Vote: The Effect of Administrative Irregularities at Polling Locations and Voter Confidence. (2020). *Policy Studies*, 41(2-3), 190-209.

King, Bridgett. State Online Voting and Registration Lookup Tools: Participation, Confidence, and Ballot Disposition. (2019). *Journal of Information Technology and Politics*, 16(3), 219-235.

King, Bridgett. and *Barnes, Alicia. (2019). Descriptive Representation among Poll Workers and Citizen Confidence in Election Administration. *Election Law Journal*, 18(1), 16-30. *Ph.D. student

King, Bridgett. (2017). Policy and Precinct: Citizen Evaluations and Electoral Confidence. *Social Science Quarterly* 98(2), 672-689.

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King, Bridgett. (2020). Waiting to vote: the effect of administrative irregularities at polling locations and voter confidence in Toby S. James and Holley Ann Garnett (Eds.), *Building Inclusive Elections* (pp. 118-136). Routledge: Oxfordshire, England.

Levitt, Justin. 2010. "Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens." *Election Law Journal* 9:19–39.

Levitt, Justin. 2013. "‘Fixing That’: Lines at the Polling Place." *Journal of Law and Politics* 28:465–501.

Maluk, Holly, Myrna Pérez, and Lucy Zhou. "Voter Registration in a Digital Age: 2015 Update." (2015).

Mann, Christopher B., and Genevieve Mayhew. "Voter Mobilization Meets eGovernment: Turnout and Voting by Mail From Online or Paper Ballot Request." *Journal of Political Marketing* 14.4 (2015): 352-380.

Montjoy, Robert S. 2010. "The Changing Nature... and Costs... of Election Administration." *Public Administration Review* 70:867–875.

Pitts, Michael J. 2013. "Photo Id, Provisional Balloting, and Indiana's 2012 Primary Election." *University of Richmond Law Review* 47:939–1041.

Pitts, Michael J. and Matthew D. Neumann. 2009. "Documenting Disfranchisement: Voter Identification During Indiana's 2008 General Election." *Journal of Law and Politics* 25:329–373.

Sances, Michael W., and Charles Stewart. "Partisanship and confidence in the vote count: Evidence from US National Elections since 2000." *Electoral Studies* 40 (2015): 176-188.

Sebubi, Oarabile. "Voters and Mobile: Impact on Democratic Revolution." In *Handbook of Research on Human Social Interaction in the Age of Mobile Devices*, pp. 150-170. IGI Global, 2016.

Spencer, Douglas M., and Zachary S. Markovits. 2010. "Long lines at polling stations? Observations from an election day field study." *Election Law Journal* 9:3–17.

Stewart III, Charles. 2013. "Legislative Issues in Election Law: Voter Id: Who Has Them? Who Shows Them?" *Oklahoma Law Review* 66:21–401.

Stewart III, Charles. 2013. "Waiting to Vote in 2012." *Journal of Law and Politics* 28:439–463.

Stewart III, Charles. 2011. "Adding up the Costs and Benefits of Voting by Mail." *Election Law Journal* 10:297–301.

Stewart III, Charles. 2010. "Losing votes by mail." *NYU Journal of Legislation and Public Policy* 13:573–602.

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Stewart III, Charles, and Stephen Ansolabehere. "Waiting to Vote." *Election Law Journal* 14.1 (2015): 47-53.

Stewart III, Charles, Stephen Ansolabehere, and Nathaniel Persily. "Revisiting Public Opinion on Voter Identification and Voter Fraud in an Era of Increasing Partisan Polarization." *Stan. L. Rev.* 68 (2016): 1455-1597.

Tischenko, Alex G. 2010. "Online Voter Registration in Oregon: Towards an Election Administration Triple Bottom Line." *Stanford Law & Policy Review* 21:165–178.

Valentino, Nicholas A., and Fabian G. Neuner. "Why the Sky Didn't Fall: Mobilizing Anger in Reaction to Voter ID Laws." *Political Psychology* (2016).

Viebeck, Elise Emma Brown, and Rosalind Helderman (20, November 2020). Judge turns back claims by Trump and his allies in six states as the president's legal effort founders. *The Washington Post*. Retrieved from: https://www.washingtonpost.com/politics/nevada-trump-lawsuit-dismissed/2020/12/04/844d420a-3682-11eb-a997-1f4c53d2a747_story.html.

Weaver, Russell. "The Racial Context of Convenience Voting Cutbacks." *SAGE Open* 5.3 (2015): 2158244015591825.

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Appendix C. The Fifty State and Voter Confidence 2020**Confidence 'My vote'**

	Very confident	Somewhat confident	Not Too Confident	Not at all confident
New Jersey	55.9	28.5	4.5	11.2
North Carolina	59.8	28.5	6.9	4.7
Georgia	60	27.6	8.2	4.2
Missouri	60.6	36	1.7	1.7
Nevada	62.4	21.9	8.3	7.4
Virginia	63	26	7.2	3.9
Kansas	63.3	27.2	6.1	3.3
Washington	63.6	21.9	5.3	9.1
Pennsylvania	63.8	23.8	7.7	4.7
Texas	63.8	28.7	2.9	4.6
Arizona	63.9	23	6.4	6.7
Indiana	64	29.8	3.4	2.8
Oregon	64.1	18.2	5	12.7
South Carolina	65.2	25.4	5	4.4
Hawaii	66.1	19.5	7.5	6.9
Michigan	66.1	22.1	5.9	6
Wyoming	66.3	29.6	2.4	1.8
Alaska	66.5	21.6	8.4	3.6
Ohio	66.5	25.3	5.8	2.4
Oklahoma	66.9	28.1	5.1	0
Mississippi	67.3	27.4	3	2.4
California	67.6	24	3.4	5
Nationwide	67.6	23.2	5.1	4.1
Arkansas	68	26.3	4	1.7
New Mexico	68.1	20.7	3.7	7.4
West Virginia	68.3	28.1	0	3.6
Utah	68.4	20.5	2.6	8.4
Minnesota	68.9	22.1	4.7	4.2
Kentucky	69.1	19.1	7.9	3.9
Rhode Island	69.1	24.7	0.6	5.6
Iowa	70.8	23.5	4.3	1.4
Delaware	70.9	23.1	3.3	2.7
New York	70.9	19.2	3.3	6.6
Wisconsin	71.4	20.2	6	2.3
Louisiana	72.5	23	4.5	0
Montana	72.6	23.1	3.2	1.1

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Alabama	72.8	20.7	1.8	4.7
Idaho	72.8	20.2	2.3	4.6
Colorado	72.9	15.4	5.3	6.4
Massachusetts	72.9	21.8	3.7	1.6
Maine	73.2	18.6	3.1	5.2
Illinois	73.3	23.9	2.3	0.6
North Dakota	73.3	22.4	2.4	1.8
Connecticut	73.4	19.7	2.1	4.8
Florida	73.4	21.1	2.8	2.8
New Hampshire	73.4	19.8	4.2	2.6
Nebraska	74.3	22.5	2.1	1
Maryland	74.9	15.1	5	5
Tennessee	75.8	17.6	4.4	2.2
Vermont	76.5	18.6	3.3	1.6
South Dakota	76.8	19.9	2.2	1.1

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Confidence 'County Vote'

	Very confident	Somewhat confident	Not Too Confident	Not at all confident
South Carolina	48.3	40.9	9.1	1.7
Georgia	48.4	34.9	9.6	7.2
Missouri	51.1	44.3	2.8	1.7
North Carolina	51.7	35.4	7.6	5.3
Nevada	53	20.8	11.9	14.3
Pennsylvania	53.4	27.8	11.5	7.4
Arizona	53.7	24.9	11.5	9.8
Mississippi	54.1	38.8	5.3	1.8
New Jersey	55.3	22.9	12.8	8.9
Texas	56.1	31.8	8.1	4
Kentucky	56.6	32	6.9	4.6
Alaska	56.8	28.4	10.7	4.1
Kansas	57.6	31.1	9.6	1.7
Indiana	58.2	33.3	5.1	3.4
Virginia	59	25.3	8.4	7.3
Alabama	59.5	30.4	8.3	1.8
Michigan	59.5	24.4	7.3	8.8
Washington	59.5	23.8	6.5	10.3
Arkansas	59.8	36.2	1.7	2.3
Nationwide	59.9	27.2	7.1	5.8
Delaware	60.2	30.6	4.8	4.3
New Mexico	60.3	23.8	5.8	10.1
Oklahoma	60.5	34.5	3.4	1.7
Wisconsin	61.2	27.4	6.1	5.3
West Virginia	61.4	31	5.3	2.3
Ohio	61.8	27.5	7.1	3.6
Florida	61.9	30.5	4.7	2.9
Hawaii	61.9	22.7	10.2	5.1
Minnesota	61.9	21.7	8.5	7.9
New York	63.3	27.2	3.9	5.6
Rhode Island	63.9	27.1	1.8	7.2
California	64.4	20.9	6.8	7.9
Louisiana	64.4	28.7	5.7	1.1
Wyoming	64.7	26	6.9	2.3
Utah	64.9	23.8	4.9	6.5
Illinois	65.3	26.7	4.5	3.4
Oregon	65.9	15.6	5.6	12.8

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Iowa	66.3	26.9	4.2	2.5
New Hampshire	66.7	23.4	6.3	3.6
Maine	67	21.5	5.8	5.8
Montana	67.4	27.2	2.2	3.3
North Dakota	67.5	28.3	2.4	1.8
Connecticut	67.6	20	4.9	7.6
Massachusetts	67.9	23	5.3	3.7
Colorado	68.3	16.1	5.9	9.7
Maryland	68.5	19.1	5.6	6.7
Tennessee	68.5	25.3	3.9	2.2
Vermont	68.7	23.6	6	1.6
Idaho	71.4	19.6	4.2	4.8
Nebraska	72.3	23.4	1.6	2.7
South Dakota	73.6	19.2	6.6	0.5

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Confidence 'State Vote'

	Very confident	Somewhat confident	Not Too Confident	Not at all confident
Texas	37.1	44.7	13.5	4.7
Georgia	38.7	26.1	17.8	17.4
North Carolina	40	34.5	15.2	10.2
Missouri	44.6	48	5.7	1.7
Mississippi	46.2	43.2	7.1	3.6
Pennsylvania	46.7	14.4	12.1	26.8
Alaska	47.4	36.3	14	2.3
Florida	47.7	40.7	8	3.5
South Carolina	48.8	41.2	8.8	1.2
Arkansas	48.9	46.6	3.4	1.1
Arizona	49.4	20.7	14.5	15.3
Nevada	50.2	18.4	12.1	19.4
Indiana	50.8	40.7	5.1	3.4
Alabama	50.9	42	5.9	1.2
Kentucky	50.9	35.3	8.7	5.2
Michigan	50.9	14.9	12.7	21.5
Wisconsin	50.9	17.3	13.2	18.5
Louisiana	51.2	40.6	7.1	1.2
Illinois	51.7	27	12.9	8.4
Virginia	52.2	23.6	11.2	12.9
New Mexico	52.7	25.8	11.3	10.2
Kansas	54	36.8	8	1.1
California	54.7	23.5	9.5	12.3
Ohio	55.2	35.2	6.2	3.4
Utah	55.4	33.7	6	4.9
New Jersey	56.4	19.9	10.5	13.3
Iowa	57	35.3	6	1.7
Nationwide	57.2	27.5	9.8	10
New York	57.6	27.1	6.8	8.5
Oklahoma	57.8	38.7	2.9	0.6
West Virginia	58.1	32.6	7.6	1.7
Maine	58.4	23.2	12.1	6.3
Minnesota	58.5	18.6	9.6	13.3
Tennessee	58.8	34.1	5.5	1.6
Oregon	59.2	16.2	10.1	14.5
New Hampshire	59.4	31.3	5.2	4.2
Delaware	59.5	28.6	7.6	4.3
Montana	59.6	34.4	3.3	2.7

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Washington	60.2	19.3	8.3	12.2
Colorado	61.8	17.2	11.3	9.7
Hawaii	62.5	22.7	9.1	5.7
Wyoming	63	32.9	2.9	1.2
Rhode Island	63.4	23.2	6.1	7.3
Idaho	63.5	27.6	5.3	3.5
Connecticut	63.8	22.7	8.1	5.4
Nebraska	64.5	29	4.3	2.2
Maryland	65.2	19.1	6.7	9
North Dakota	65.7	30.7	3.6	0
Massachusetts	66.1	22.6	5.4	5.9
Vermont	66.8	22.8	6.5	3.8
South Dakota	68.5	28.7	2.8	0

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Confidence 'Nationwide Vote'

	Very confident	Somewhat confident	Not Too Confident	Not at all confident
Wyoming	17.4	16.9	22.1	43.6
South Carolina	23.4	22.3	15.2	39.1
Oklahoma	24.7	21.9	12.4	41
West Virginia	26	19.1	17.3	37.6
Alabama	26.7	19.4	17	37
Kentucky	27.2	21.4	6.4	45.1
Missouri	28.5	26.3	15.6	29.6
Mississippi	29.6	26.6	12.4	31.4
Indiana	30.2	20.1	13.4	36.3
Tennessee	30.4	17.7	21	30.9
Kansas	30.5	16.9	17.5	35
South Dakota	31.3	17.6	14.8	36.3
Idaho	31.4	14.5	14	40.1
Alaska	31.6	19.9	21.6	26.9
Texas	31.8	23.7	14.5	31.01
Louisiana	32	22.1	11	34.9
Arkansas	33.7	19.1	12.4	34.8
Montana	34.9	16.4	11.1	37.6
North Dakota	35.3	21.6	13.8	29.3
Georgia	35.8	24.7	13	26.5
Maine	35.8	31.6	11.6	21.1
New Hampshire	35.9	22.9	14.1	27.1
North Carolina	37	22	14	27.1
Utah	37.1	21.5	10.8	30.6
New Jersey	38.5	27.9	11.2	22.3
Ohio	38.7	20.1	13.7	27.5
Florida	39.2	22.3	12.1	26.5
Nationwide	39.4	21.2	12.8	26.6
New Mexico	39.7	23.8	10.6	25.9
Virginia	40.3	26.5	7.2	26
Iowa	40.5	21.4	12.9	25.2
Pennsylvania	40.6	19.3	13.7	26.3
Arizona	42	17.4	14.1	26.5
Colorado	42	20.2	10.6	27.1
New York	42.1	25.8	13.5	18.5
Nebraska	42.2	13.4	17.6	26.7
Vermont	42.3	32.4	10.4	14.8
Oregon	42.9	21.4	11	24.7

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Wisconsin	43.1	20.2	12.6	24
Minnesota	43.8	22.4	12	21.9
California	44.1	26.3	10.6	49
Washington	45.1	27.9	10.4	20.2
Delaware	45.4	21.9	14.2	18.6
Nevada	45.4	18.8	11.2	24.5
Massachusetts	45.9	24.6	9.3	20.2
Illinois	46.2	27.2	8.7	17.9
Maryland	47	26	7.7	19.3
Michigan	47.2	17.2	11.7	24
Hawaii	47.4	25.1	10.9	16.6
Connecticut	49.7	21.6	12.4	16.2
Rhode Island	52.1	17	10.9	20

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EXHIBIT 2

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**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
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align:center"><i>Plaintiffs,</i></p> <p style="text-align:center">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align:center"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align:center"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21- cv-01284-JPB

**DECLARATION OF NIKOLAOS PAPADOPOULOS IN SUPPORT OF
AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

DECLARATION OF NIKOLAOS PAPADOPOULOS
(pursuant to 28 U.S.C. § 1746)

My name is Nikolaos Papadopoulos. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in a nursing facility in Royston, Georgia. As of this year, I am registered to vote in Franklin County. Previously, I was registered to vote in Clarke County since around 2017.

2. I am 45 years old and white. I've worked with Multiple Choices, a Center for Independent Living in Athens, Georgia, in the past as a peer supporter and I met staff members from the Arc through that work. More recently, I was contacted by Stacey Ramirez, a former staff member at the Arc, to talk about their voting advocacy programs and how I could become involved. With their help, I became involved with a voting advocacy group called Rev Up.

3. I have several disabilities, including cerebral palsy, which requires me to use a power wheelchair for mobility. I also have glaucoma, which has caused blindness in my right eye. Due to these disabilities, it is difficult for me to take care of many daily necessities without assistance, like going to the doctor's office, dressing, and bathing. Because of the level of assistance I require in my daily life, I reside in a nursing facility. I require a special aide for transportation outside of the nursing home and for assistance in getting around to stores and other buildings. The special aide is not something that the facility provides; I hire a special aide myself from time to time, such as when I need to get errands done outside of the facility.

4. I voted in person for the primary elections on May 16, 2022. I usually vote by mail due to my disabilities, but a disability rights group, Rev Up, approached me about filming the voting experiences of people with disabilities. The organization offered to arrange assistance for me to vote early in person, in exchange for being able to film my journey to, and time at, the polls. I own my

own van, but I require a driver in order to go anywhere. Rev Up provided a personal care assistant (“PCA”), who was able to help me get into and out of the van and drive me to the polls. Without the assistance from Rev Up, I would not have voted in person in the May 2022 primaries because I would not have been able to hire a PCA on my own.

5. Even with this outside help, it took considerable time and effort for me to vote in person in the May primaries. Initially, I did not even know that primary elections were scheduled, until Rev Up approached me, because my nursing facility had not informed me of the elections or offered to request absentee ballots for the residents, and I had not heard other announcements. Then, I could not find my polling location online. The Secretary of State’s website for election information was very hard for me to read and decipher and did not have appropriate information. I had to call a state hotline to ask for the location of my polling place, and I was told that it was in nearby Royston. However, when I arrived at the polling location in Royston, the poll worker told the PCA who was driving my van that we were at the wrong polling place for early voting. We were directed to my correct early voting location, over a 20-minute drive away in Carnesville. We drove to the correct polling place, where I voted with the assistance of the poll worker, who helped me use an accessible voting machine.

6. In addition to the incorrect polling location information, physically preparing to vote in-person was difficult. Before leaving the nursing facility, I need to be bed-bathed by the nursing staff, take my medications, get into my chair with assistance, and gather needed supplies for the trip. I also have to check out with the nursing facility’s front desk in order to leave. Ultimately, preparing to leave to vote in-person takes about an hour and a half. And, whenever I leave the nursing home, getting into and out of my accessible vehicle takes around 15 minutes each time, because it is a very particular process to load my wheelchair into the van. In order to make it up the ramp and into the van, I need to pull my leg rests back and carefully guide my chair through the side door. Then the PCA can lock my chair into place using Q-Straps. To exit the van, I repeat these steps, backing out

slowly and carefully with the help of the PCA, who gives me instructions on how to back out. The full experience of voting in person, from preparing to leave, loading myself into and out of the van, driving between polling places, and casting my ballot, took multiple hours, almost the entire afternoon.

7. Aside from this past primary election, I have not voted in person since the 1990s. This is because the nursing facility that I live in does not provide me with transportation to or assistance at the polls, so I am not able to vote in person without hiring a PCA. If I were to vote in person again, I would need to hire a PCA to assist me in getting to and from the polling location and drive my van. I would need the PCA to assist me during the entire voting process, including, if needed, to use the restroom. However, as mentioned above, it is very difficult for me to hire a PCA on my own.

8. I would prefer to have the option to vote in person because it makes me feel that I am a part of my community, and it provides certainty that my ballot will not be lost in the mail. My preferred mode of voting is in-person if I can find someone to take me to vote. Given that I generally cannot, I usually use absentee ballots. However, I always fear the possibility that my ballot may be subject to mail delays, and I'm concerned about the uncertainty with using the mail. I am also concerned that there is no way to know if my selected choices on paper are correctly entered, the way I could in-person.

9. Because my disability affects my mobility, I use support to apply for, complete, fill out, and mail my absentee ballot. In the past, I have received this assistance from the social worker at the nursing home where I reside. My cerebral palsy makes it difficult for me to physically fill out a ballot, open and close the mailbox to mail my ballot, and insert my ballot in the mail. When I typically send mail, I need someone to help me open the mailbox since my disability affects my mobility. In addition, my glaucoma can make it difficult for me to read my ballot on my own, so the social worker has read phrases or names out loud to me. And, as described above, it takes

considerable effort, time, and assistance for me to leave the nursing home, and I am unable to drive myself to a drop box or other vote-by-mail drop off location to return my ballot. Generally, all of the resident mail is collected and distributed by the nursing facility, including absentee applications and ballots, and I require assistance in opening the on-site mailbox due to my motor limitations.

10. In the 2020 election, my first absentee ballot was lost, so I had to request a new one and check back repeatedly with the social worker to make sure that I received one. I am not sure why my ballot was lost; whether it was the fault of the U.S. Postal Service, or whether it was something with the facility, is unknown. Living in the facility, my mail is generally relayed to me by a staff member, and, as a result, there have been times when mail or a parcel were lost. I am concerned that if my ballot were to be lost again my vote would not be counted, and my voice would be silenced. That is because I wouldn't have time to get another one—mail service in my rural community is slow, and I likely would not have time to mail in another absentee ballot under the new vote by mail timeline under Senate Bill 202.

11. I have ongoing concerns about my facility's willingness to help me with voting in the future because of Senate Bill 202. The facility did not advertise, post signs, or prompt residents that it was voting time. I spoke with other residents the day after Election Day who felt they were not given an opportunity to vote. One resident I spoke with told me she only knew she could vote if she went in person but did not know if she could ask the facility for help with voting absentee. I feel the facility is particular about who they can help with the voting process even though I believe most residents here have the capacity to vote but need some help with filling out paperwork. I was told by the facility that they believe they can only help some people vote—those who have a cognitive score on the BIMS test of 10 or above—and that there are strict regulations on who the facility can help with voting because of Senate Bill 202. I was at first told the facility did not want to help people vote because they had concerns about violating voter tampering regulations in Senate Bill 202. We were told we could only use a family member or a friend to help out with our ballots. I am not sure the

facility's stance on Senate Bill 202 at this point or their policy as a facility on who they will help and who they won't, but I cannot rely on them helping people with their ballots as a policy in the future while Senate Bill 202 exists.

12. I am worried that the nursing facility staff could at any point refuse to help me because of concerns related to Senate Bill 202 even though I am rightfully asking for help. I am always worried I could be refused help with voting. If they could clarify the language regarding caregiver assistance and make clear that the social worker or any staff member is allowed to help a person with a disability with their ballot, my fears would be greatly alleviated, because then staff would be more willing to help me without worrying that they might break the law. With staff turnover, too, my voting rights are never guaranteed—the practices and guidelines can change quickly and I can be easily disenfranchised if a new administrator has a new interpretation of the law. Without assistance from the nursing home's staff, I would not have anyone to assist me in requesting, completing, and mailing my absentee ballot. I do not have family members nearby that can assist me with absentee voting, and there is no one else I consider a "caregiver."

13. My understanding is that Georgia voters who receive assistance in returning their absentee ballots need to affirm on the voter oath that they did not receive unlawful assistance. Given the complexity of the law, I am not sure about all of the legal requirements and feel reluctant to sign that voter oath. I fear if I make any simple mistake, people could face criminal penalties for giving me the help with casting my vote that I need.

14. It is a huge problem that caregiver is not clearly defined in the law, and I don't have another caregiver available other than facility staff. Due to the lack of a definition of "caregiver," I believe that generally, staff members are reluctant to provide assistance to patients in need of help with voting in fear of prosecution. From the law, I'm not sure whether different roles within the facility like a social worker, administrator, activities director, or other role qualify as a "caregiver." The vague language increases the anxiousness on the part of the staff members to give me the help

that I need and to affirmatively offer help to me and other residents with voting. And as explained above, going to vote in person would be very burdensome for me, so I know it is not an option that is accessible to me at this time.

15. I already face significant barriers to casting my ballot, and Senate Bill 202 has made it even harder for me to vote in the future. It is deeply disheartening to be unsure if I even *can* vote in future elections, and as a voter with a disability, it contributes to the feeling that I am not really a part of my community. I do not know how I will be sure that I can vote for as long as Senate Bill 202 remains in place. I am disappointed that the state is working to make elections *less* accessible for people like me and that because of my disabilities, I face barriers that other voters don't face under Senate Bill 202.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/5/2023

DocuSigned by:

Nikolaos Papadopoulos

05014E06A37B489...

Nikolaos Papadopoulos

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

C. RYAN GERMANY
IN RE: GEORGIA SENATE BILL 202

March 07, 2023

1

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.)
)
- - - - -)

VIDEOTAPE DEPOSITION OF
C. RYAN GERMANY

Tuesday, March 7, 2023, 9:01 a.m.(EST)

HELD AT:

Taylor English Duma LLP
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339

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

C. RYAN GERMANY
IN RE: GEORGIA SENATE BILL 202

March 07, 2023

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1 there was anything kind of relevant to this.

2 So I did do that as well.

3 Q Okay. Thank you.

4 Would you agree that absentee voting use
5 increased significantly in 2020?

6 A Yes. In Georgia we kind of have two types
7 of absentee. Like absentee, we call early voting is
8 sort of technically absentee in person. You know,
9 when most people say absentee, they mean absentee by
10 mail. But, yes, that absentee by mail increased
11 significant in 2020.

12 Q Do you recall that the Georgia Secretary
13 of State's Office sent unsolicited absentee ballot
14 applications to all active registered voters for the
15 June 2020 primary?

16 A Yes.

17 Q To your knowledge, did that effort result
18 in any widespread voter fraud in the June 2020
19 primary election?

20 A No.

21 Q Despite those security measures around
22 mail-in absentee voting, would you agree that some
23 republican legislators in the Georgia General
24 Assembly opposed The Secretary of State's decision
25 to send unsolicited absentee ballot applications in

EXHIBIT 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023

1

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.)
)
- - - - -)

VIDEOTAPE DEPOSITION OF
ROBERT GABRIEL STERLING

Thursday, April 6, 2023, 10:08 a.m.(EST)

HELD AT:

Taylor English Duma LLP
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339

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

APPEARANCES OF COUNSEL

Appearing on Behalf of the Plaintiff United States:

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Room 7273 NWB
Washington, D.C. 20530
T: 202.305.2526 F: 202.307.3961
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Justice - Atlanta Plaintiffs:

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Appearing on Behalf of the AME Plaintiffs:

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ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023

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1 possibly picking up eight minutes after the 7:00
2 p.m. deadline, this is an accurate statement?

3 A Or locking them.

4 Q Sorry.

5 -- locking them, it's an accurate
6 statement?

7 A Yes.

8 Q Okay. The second bullet is something you
9 mentioned earlier. It says: "Surveillance cameras
10 monitored drop boxes at all times."

11 Is that an accurate statement?

12 A As far as we're aware, yes.

13 Q And based on your knowledge and experience
14 as the voting system implementation manager during
15 2020, and a little late 2019, were you confident
16 that the existing security measures in place for the
17 absentee ballot drop boxes during the 2020 election
18 were in fact adequate to prevent widespread illegal
19 voting?

20 A Yes.

21 Q Mr. Sterling, is it true that counties
22 were authorized to use drop boxes prior to SB 202?

23 A Not statutorily. Only by a SEB rule.
24 They were pursuant to an emergency order, and that
25 emergency order expired. But for SB 202, drop boxes

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023

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1 early bills that were dropped, they were eliminating
2 them all together. And then I think cooler heads
3 prevailed and put them in and put the rules around
4 them, for various and sundry reasons, including
5 having to allay fears and concerns that affected
6 voter confidence. And by moving them inside, that
7 took away one of the points of even if it is
8 misinformation, disinformation, people had an
9 uncomfortable feeling around them.

10 So I think that's more what he's saying,
11 we're able to do these common sense things that
12 allowed drop boxes to exist but still allayed some
13 of those concerns.

14 Q And you mentioned that Mr. Germany was the
15 one that primarily worked on SB 202 from the SOS
16 office; is that correct?

17 A Yes, ma'am.

18 Q So did you happen to work on SB 202 with
19 respect to assisting Mr. Germany or the SOS office?

20 MR. FIELD: Object to form.

21 A Again, I don't sit and draft legislation,
22 but we have conversations and say, what about this?
23 What about that? What will this do?

24 Because our main thing, we have to look at
25 how does this affect counties in processing. Our

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023

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1 main goal is to make sure election administration
2 still runs properly, we have good voter experience.

3 That's kind of like -- if you want
4 touchstones, that's kind of like the starting point
5 for us.

6 Q You also mentioned that as part of a
7 compromise, drop boxes were eventually included with
8 certain precautions to allay concerns; is that
9 right?

10 A Yes.

11 MR. FIELD: Object to form.

12 Q You also mentioned that, for example, drop
13 boxes were located indoors to allay concerns around
14 voter confidence, correct?

15 A That's my understanding, but, again, I
16 can't speak to why specifically it was. From our
17 point of view, that was one of the things -- that
18 was one of the benefits of doing that, yes.

19 Q Okay. I think you also mentioned that
20 part of that voter confidence might have been driven
21 by disinformation or misinformation; is that
22 correct?

23 A Yes. The same way it was in 2018, when
24 people were told their votes were suppressed. Their
25 confidence was undermined.

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023
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1 didn't.

2 MS. NGUYEN: I'd be happy to take a break
3 so we can reshuffle.

4 Let's go off the record.

5 THE VIDEOGRAPHER: The time is 12:27 a.m.
6 -- p.m., and we are off the record.

7 (A recess was taken.)

8 THE VIDEOGRAPHER: The time is 1:06 p.m.,
9 and we are back on the record.

10 EXAMINATION

11 BY MR. TOPAZ:

12 Q Good afternoon, Mr. Sterling. My name is
13 Jonathan Topaz. I'm with the American Civil
14 Liberties Union, and I represent some of the other
15 plaintiffs in this matter, including the AME church.

16 In the aftermath of the 2020 election, you
17 said that 2020 was the most secure election in the
18 history of the State of Georgia; is that right?

19 A I believe I did, yes.

20 Q And you said that the 2020 election was
21 the most secure election in the history of the
22 United States, correct?

23 A I think I was probably quoting Chris
24 Crebs, who would have a better view of the United
25 States of that than I would directly, but yes.

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023
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1 disinformation about the result of the 2020
2 election, correct?

3 A Yes.

4 Q And specifically much of this tsunami of
5 disinformation about the 2020 election came from
6 then President Donald Trump and his allies, correct?

7 A Yes, sir.

8 Q And we don't need to get into it too much,
9 but is it fair to say that in the aftermath of the
10 2020 election, President Trump and his allies spread
11 false information about the results of the 2020
12 election?

13 A I can speak to Georgia. So, yes.

14 Q And the amount of voter fraud in the 2020
15 election in Georgia specifically?

16 A Yes.

17 Q The amount of absentee ballot voter fraud
18 in Georgia and otherwise?

19 A Yes.

20 Q The number of persons with felony
21 convictions who voted in the 2020 election in
22 Georgia?

23 A Yes.

24 Q The number of deceased voters who voted in
25 the 2020 election in Georgia?

EXHIBIT 5

RETRIEVED FROM DEMOCRACYDOCKET.COM

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 09, 2023

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

~~~~~

30(B)(6) DEPOSITION OF  
HALL COUNTY BOARD OF ELECTIONS AND REGISTRATION

(LORI WURTZ)

March 9, 2023

9:35 a.m.

2875 Browns Bridge Road  
Gainesville, Georgia 30504

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

1 people who --

2 A Yes.

3 MS. LaROSS: Objection as to form.

4 Q BY MR. DIMMICK: Did you receive any feedback  
5 from voters on receiving applications from the State in  
6 2020?

7 MS. BLOODWORTH: Objection as to form.

8 THE WITNESS: Possibly, yes.

9 Q BY MR. DIMMICK: Are you aware of any fraud  
10 that resulted from the mailing of applications to every  
11 voter in 2020?

12 A No.

13 Q You are aware of the requirements that S.B. 202  
14 imposes regarding identification for absentee ballots,  
15 right?

16 A Yes.

17 Q Okay. And you are aware that voters who do not  
18 have a state-issued ID number associated with their  
19 registration need to photocopy another form of  
20 identification and send it in with their application,  
21 correct?

22 A Yes.

23 Q And voters are not permitted to use the last  
24 four digits of their Social Security number on the  
25 application, correct?

## EXHIBIT 6

RETRIEVED FROM DEMOCRACYDOCKET.COM

*In re Georgia Senate Bill 202*  
No. 1:21-MI-55555-JPB

Defendants' Opposition to  
Plaintiffs' Motions for Preliminary Injunction

Exhibit 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

THE NEW GEORGIA PROJECT, *et al.*,

*Plaintiffs,*

v.

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

*Defendants,*

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

*Intervenor-Defendants.*

Civil Action No.:  
1:21-cv-01229-JPB

GEORGIA STATE CONFERENCE OF THE  
NAACP, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, in his official  
capacity as the Secretary of State for the

Civil Action No.:  
1:21-cv-01259-JPB

State of Georgia, *et al.*,

*Defendants,*

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

*Intervenor-Defendants.*

---

SIXTH DISTRICT OF THE AFRICAN  
METHODIST EPISCOPAL CHURCH,

*et al.*,

*Plaintiffs,*

v.

BRIAN KEMP, Governor of the State of Georgia,  
in his official capacity, *et al.*,

*Defendants,*

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

*Intervenor-Defendants.*

---

Civil Action No.:

1:21-cv-01284-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.

## **Line length at polling places**

2. Elections in Georgia are administered by counties. The Secretary of State's Office wants line lengths to be short for voters and seeks to assist counties in that goal.

3. For early voting, voters may go to any early-voting location in their county, rather than to their assigned precinct. The uncertain nature of early voting contrasts with Election Day, where a certain number of voters are assigned to particular precincts by county election officials. Thus, it is more difficult for each early-voting location to plan for the number of voters who will arrive to vote on any given day.

4. For Election Day for statewide general elections, however, counties are required to have at least one voting machine for every 250 voters. O.C.G.A. § 21-2-367(b).

5. After the June 2020 primary, the State took numerous steps to assist counties in avoiding lines in the November general election.

6. That included running the amount of voting equipment and personnel that counties planned to deploy in every polling place through a tool from MIT that estimated whether lines would occur. The Secretary of State's office then notified counties of the tool's evaluation of each of their polling places. The Secretary of State's office intends to use this tool for the 2022 general election as well.

7. That effort resulted in an average line length of three minutes on Election Day in the November 2020 general election in Georgia.

8. In an effort to track line lengths, the Secretary of State's office invested in a geolocation tool in 2020 that allowed an individual at each polling place to report the wait time at that location in real time. The Secretary of State's office intends to use a similar tool this year for reporting line length.

9. Additionally, various provisions of Georgia's recent election law (SB 202) specifically target line length.

10. For instance, under SB 202, at each precinct with more than 2,000 electors during the most recent general election, the precinct's chief manager must submit a report to the superintendent of the "reported time from entering the line to checking in to vote." For this, "wait time shall be measured no fewer

than three different times throughout the day (in the morning, at midday, and prior to the close of polls) and such results shall be recorded on a form provided by the Secretary of State.” O.C.G.A. § 21-2-263(b).

11. And State Election Board Rule 183-1-12-.11(12) requires that all precincts measure wait times a minimum of three times a day on a form provided by the Secretary of State. This was the first time these types of reports were required by Georgia law.

12. Additionally, under SB 202, counties are required to take action regarding any precinct with more than 2,000 electors where electors waited more than one hour before checking in to vote during the previous general election by reducing “the size of such precinct so that it shall contain not more than 2,000 electors ... or provide voting equipment or poll workers, or both, before the next general election.” O.C.G.A. § 21-2-263(b).

13. Further, if precincts with less than 2,000 electors experience long lines, I would expect counties to take action to resolve that issue as well, but splitting that precinct may not be the best solution in that case.

14. And for advance voting, SB 202 added a second required Saturday of voting and, at the county’s discretion, multiple Sundays of advance voting. O.C.G.A. § 21-2-385(d)(a)(B).

15. Each of these provisions, along with other provisions in SB 202, aim to reduce line length at polling locations across the State.

16. Those efforts were largely successful in the May 2022 primary election, with almost no reported lines despite record voter turnout for a primary election.

### **Regulations governing polling places**

17. The polling location is subject to a complex set of rules to protect voters and election officials and ensure a calm and orderly process of voting.

18. Starting with the location closest to the voting machines, only voters, poll workers, and certified poll watchers are allowed in the enclosed space. Candidates are specifically prohibited from entering the enclosed space unless they are at their own precinct and voting.

19. Despite those rules, Georgia has experienced several issues with candidates campaigning in and around polling locations, including, based on recent cases presented to the State Elections Board, candidates for U.S. Congress, State House, State Senate, and county commission.

20. The next layer of protection extends 150 feet from the outside of the building in which voting is taking place. Within that bubble, it has long been illegal to campaign or try to solicit votes from voters waiting in line.

21. As State Election Board Member Matthew Mashburn has stated, this “150[-foot] bubble was a tremendous safety innovation for Georgia voters and made Georgia’s some of the safest in-precinct voting in the country.” Ex. A.

22. As Elections Division Director Chris Harvey similarly explained, this is an area where “[v]oters standing in line ... should generally be free of approaches from bystanders, even those with good intentions of offering refreshment[.]” Ex. B at 2. Indeed, “[p]olling places are meant to be a sanctuary from political influence[.]” *Id.*

23. Beyond 150 feet (or 25 feet from any voter in line if the line extends beyond 150 feet), anyone may campaign freely. Voters will often notice a collection of campaign signs just beyond the 150-foot limit when approaching their polling place or early voting site, as candidates try to reach voters one last time before they enter the protected zone around a polling place.

24. Because of the complexities of this system, voters and county election officials routinely contact the Secretary of State’s Office with questions about who is permitted in which portions of the polling place.

### **Prohibition on soliciting voters in line to vote**

25. In the late 2010s, groups began to set up tables within the 150-foot buffer, claiming they were nonpartisan or conducting research. State officials responded by amending O.C.G.A. § 21-2-414 in 2017 through HB 268 to

address this concern, specifically prohibiting tables from being set up in that area. HB 268 also empowered election officials to “manage the number of persons allowed in the polling place to prevent confusion, congestion, and inconvenience to voters.” O.C.G.A. § 21-2-414(c)(2).

26. After 2017, but before SB 202, Georgia law prohibited “solicit[ing] votes in any manner or by any means or method,” “distribut[ing] or display[ing] any campaign material,” “solicit[ing] signatures for any petition,” or “establish[ing] or set[ting] up any tables or booths on any days in which ballots are being cast”: (1) within 150 feet of a polling place’s outer edge; (2) within any polling place; or (3) within 25 feet of any voter standing in line to vote at a polling place. O.C.G.A. § 21-2-414(a).

27. Yet, despite these rules, the highly complex areas around a polling location became even more confusing as many third-party organizations sent representatives to approach voters in line with food, drinks, masks, literature, and other goods.

28. This made the counties’ efforts to maintain an orderly election process more difficult, as “it’s impossible for the poll managers, workers and watchers to monitor what is being said by these groups as they perform their ‘line warming.’” Ex. A at 3–4 (statement by SEB Member Mashburn).

29. For instance, this led voters and elections officials to contact the Secretary of State to complain.<sup>1</sup>

- a. For example, SEB Member Mashburn explained that Georgia had historically “turned a compassionate blind eye to people delivering water and food to people in line[.]” Ex. A at 1. But the situation had changed recently, as “we’re now seeing people setting up tables and food stations within the 150-foot voter protection Bubble while wearing clearly identifiable campaign clothing and colors.” *Id.* And further, Mr. Mashburn complained that this practice had become “more aggressive, more sophisticated (and to me more worrisome).” *Id.*
- b. Similarly, the Secretary of State’s office received a complaint that a food truck was providing food to voters inside the buffer zone in Cobb County. *See* Ex. C at 3–4.
- c. The Secretary of State’s office also received multiple complaints about Fulton County, where “organizations [we]re setting up outside the poll within 150 feet to provide coffee, water, crackers, [and] food boxes.” Ex. D at 1.
- d. Further, as Jamie Eveler, Director of Cobb County Board of Elections, stated: “We get a lot of complaints from voters when there are line warmers, because they always suspect the motives are partisan.” Ex. E at 5.

30. Elsewhere, voters and county elections officials complained that the actions of these “non-partisan” organizations seemed aimed at soliciting certain votes.

- a. For instance, the State received a complaint from Elizabeth Brown, who participated in early voting in October 2020. She

---

<sup>1</sup> The examples cited in this Declaration are merely illustrative of the complaints made about third parties approaching voters waiting in line to vote. The lists in this Declaration are by no means exhaustive.

reported that “[t]he Black Voters Matter group was present handing out food and water.” Ex. F. Ms. Brown continued, stating that “[t]here was also a lady leaning against the door” of the polling place “handing out plastic bracelets.” Ms. Brown reported that “[o]lder voters felt intimidated by the presence of this group” and that “[h]anding out food & water can be misconstrued as influencing voters or buying votes.” *Id.*

- b. Indeed, as Director Harvey stated, “depending on the organization that is distributing water, there could arise allegations or perceptions of having a political agenda.” Ex. B at 2. Director Harvey further explained that the act of giving voters food and water could have the appearance “that voters are being rewarded for voting with beverages and food.” *Id.* Of note, these statements were made in an October 26, 2020 Official Election Bulletin (“OEB”) issued by the Secretary of State’s office. In general, the Secretary of State’s office only issues OEBs when an issue has been the source of many complaints or questions.
- c. Moreover, as I explained in an email responding to a complaint about a food truck sent to polling locations by Vote.org, “[w]hat they are doing seems [to] be campaigning and should not be allowed within 150 feet of a polling place.” Ex. C at 3. Specifically, as I noted, the e-mail message from Vote.org stated that the food trucks were being used as “our last chance to reach Georgians before they vote.” *Id.* In fact, Vote.org further stated that they wanted to reach voters before they voted because “[t]he results have the potential to determine control of the U.S. Senate.” *Id.* As I explained, by emphasizing the need to “reach[] people *before* they vote,” such groups “seem to be giving something of value for voting[.]” *Id.*
- d. Ms. Eveler also explained that one potential solution to the confusion about permissible activities would be for “poll workers ... to give the items to voters in line so there isn’t a perceived conflict, but line warmer groups don’t want to do that. They want the contact with the voters, which fuels the idea that there is a motive.” Ex. E at 5.



- e. Similarly, as Cobb County Board of Elections & Registration Absentee Supervisor Allison Schaeffer explained when discussing “[p]eople handing out comfort items to people in line”: “What one voter sees as a benefit another voter might feel is an effort to intimidate or influence them. Out of respect for the varying perceptions of our voters we are creating this safe voting space.” Ex. E at 5.

31. Elsewhere still, confusion abounded in how the rules applied when third-party organizations wished to set up food trucks or otherwise provide goods to voters in line waiting to vote.

- a. As Elections Division Director Chris Harvey explained, the law before SB 202 required “a fact dependent inquiry” to determine whether “candidates, campaigns, or third-parties offering refreshments to voters in line could violate that provision” against providing voters “anything of value in exchange for voting.” Ex. B at 1.
- b. Elsewhere, in a discussion about food trucks set up around polling places, Ms. Eveler complained that “[t]his continues to be a grey area that we don’t understand how to moderate. We have people giving out water and food and masks, warm hats etc.” Ex. C at 2. Additionally, Ms. Eveler noted that although third-party organizations set up food trucks outside the 150-foot buffer zone, “people bring items closer to the line to give them out.” *Id.*
- c. As Ms. Eveler explained elsewhere in correspondence with the Chair of the Cobb County Democratic Party, “[t]he problem [with line warming] is knowing where to draw the line.” Ex. E at 5. On this, Ms. Eveler stated, the Secretary of State’s “direction is also confusing,” and makes it complicated to determine whether a “complete meal from a food truck is too much and is a ‘gift’ for voting,” or whether “hats” being handed out “were a little too nice to be an incidental item and bordered on a gift.” *Id.*

- d. Additionally, there were multiple instances where food truck operators were confused and parked within the buffer zone and were required to move. *See* Ex. E at 4, 6, 7, 8.

32. Accordingly, the State took steps through SB 202 to update this solicitation provision to address the increase in organizations using food and drinks as a reason to approach voters waiting in line.

33. Under SB 202, the following activity was prohibited: “giv[ing], offer[ing] to give, or participat[ing] in the giving of any money or gifts, including, but not limited to, food and drink, to an elector[.]” O.C.G.A. § 21-2-414(a).

34. However, SB 202 also provided that this provision does not prohibit any poll officer from “mak[ing] available self-service water from an unattended receptacle to an elector waiting in line to vote.” O.C.G.A. § 21-2-414(e).

35. Under these updated anti-solicitation provisions, third-party organizations may not send representatives to approach voters waiting in line with money, food, or drink. But these organizations may provide food and drink outside the buffer zone as long as they are not providing it only to voters or as an inducement to vote.

36. This struck the same balance that Director Harvey suggested when he said that “[t]he simpler, the better on this subject” as “the appearance

could be that voters are being rewarded for voting with beverages and food.” Ex. B at 2. As “[p]olling places are meant to be a sanctuary from political influence,” Director Harvey explained, “it [is] better to sacrifice some refreshments than to allow a perception of political influence from any group, if it comes to that.” *Id.*

### **Impact of an injunction**

37. As noted, polling places in Georgia are very complex, and county election officials are trained on the various requirements so that the system is able to run efficiently.

38. For instance, poll workers are trained about what is and is not permitted in and around polling locations. And this includes portions of the Poll Worker Manual that address the rules for the 150-foot buffer zone. *See* Ex. G at 40.

39. If the Court enjoins the Anti-Solicitation Provision, the Secretary of State’s office and county elections officials will be required to update their trainings to educate officials and poll workers about the new rules in place for the general election.

40. County elections officials would also be forced to spend more time and resources policing activity in and around voters waiting in line to ensure it is not campaigning, electioneering, or giving anything of value to vote.

41. This would be time-consuming and problematic. Although there are several elections conducted throughout an election year, they are all part of a single election cycle. Indeed, many poll workers are the same individuals who work multiple elections, and the primary election serves as an initial opportunity for many officials and poll workers to implement their training on a smaller scale.

42. Between the primary and general elections, those individuals receive refresher training to build on what they learned during the primary election. Having different rules for the primary and general elections could result in poll worker confusion that logically leads to voter confusion. And it would harm the public's interest in the clarity of the electoral process.

43. Moreover, there are myriad other activities that state and county election officials are otherwise expected to complete during the upcoming months, including list maintenance, building ballots for use in the general election, proofing ballots for the general election, preparing for overseas/military ballots to be sent out 49 days prior to the election, training for the required risk-limiting audit following the November election, ensuring polling places and early voting locations are set and ready, conducting logic and accuracy testing, and numerous other activities necessary for a smooth election in November.

44. By requiring the State and counties to divert their attention to update training about more changes to the solicitation provision, those officials will not be able to complete the activities that they are otherwise expected to complete over the next few months.

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.

6/24/22  
Date

  
C. Ryan Germany  
Office of the Georgia Secretary of State

RETRIEVED FROM DEPOSITBOX.COM

# EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

**From:** [T. Matthew Mashburn](#)  
**To:** [Germany, Ryan](#)  
**Subject:** Intrusions into the 150 foot bubble needs a bright line restatement in my view  
**Date:** Friday, October 30, 2020 6:58:25 PM

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

To Ryan first:

Dear Secretary Raffensperger, fellow Board Members and Counsel Germany: As always, the bad people take advantage of what was once a good thing and ruin it for everybody. Georgia has always turned a compassionate blind eye to people delivering water and food to people in line but now we're seeing people setting up tables and food stations within the 150 foot voter protection Bubble while wearing clearly identifiable campaign clothing and colors. Further, the AJC had an article today that this practice is getting more aggressive, more sophisticated (and to me more worrisome).

RETRIEVED FROM DEMOCRACYDOCKET.COM





The 150 bubble was a tremendous safety innovation for Georgia voters and made Georgia's some of the safest





in-precinct voting in the country. In light of the AJC article today on “line warming,” I would like to propose a regulation for the runoff that makes it clear that nobody other than on-duty, sworn-in poll workers should be talking or interacting with voters waiting in line to vote. As we continue to work so hard on shortening the lines this will be less of a problem; but it’s impossible for the poll managers, workers and watchers to monitor what is being said by these

groups as they perform their “line warming.” Like I said, the bad apples ruin it for everybody. I ask for your support of a regulation beginning with the January runoff that makes it absolutely clear that only on-duty sworn pollworkers should be talking and interacting with voters while they are waiting in line and fully restore the integrity of the 150 foot voter protection bubble. If people want to donate water to the county for the poll workers to pass out that’s perfectly fine and compassionate. Thank you for your consideration of this proposal.

Get [Outlook for iOS](#)

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# EXHIBIT B

RETRIEVED FROM DEMOCRACYDOCKET.COM



## OFFICIAL ELECTION BULLETIN

October 26, 2020

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**TO: County Election Officials and County Registrars**  
**FROM: Chris Harvey, Elections Division Director**  
**RE: Polling Place Concerns**

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Even with record-breaking voter turnout numbers for advance voting, we are expecting historic and record-breaking voter turnout on Election Day. There have been several persistent questions around several topics, so I want to give some direction on three topics: militias or civil unrest; Covid-19 awareness; and voters receiving refreshments in line.

1. Civil Unrest or "Militias" at or near polling places

I encourage you to continue to keep regular communications with your local law enforcement agencies in the days before the election and on election day. Your first responders (sheriff or police) should know the locations of all of your polling places and should be prepared to respond to events as necessary with the foreknowledge that the location is a polling place.

As you are aware, it is against the law to carry a firearm within 150' of a polling place (O.C.G.A. 21-2-413(i)) unless the person is a law enforcement officer or certified security guard.

Questions of voter intimidation can sometimes be difficult to discern. If you suspect or receive reports of voter intimidation, report the circumstances to local law enforcement and seek assistance in documenting the events with pictures and videos if possible.

2. Voters Receiving Refreshments While in Line to Vote

You know that voters cannot receive anything of value in exchange for voting. Though it is not expressly mentioned in the law, candidates, campaigns, or third-parties offering refreshments to voters in line could violate that provision, but it is a fact dependent inquiry. All other prohibitions against campaigning, soliciting votes, and interfering with voters are still effective, and must be prevented. Poll officers (as opposed to candidates, campaigns, or third-party groups) may hand out refreshments to voters in line.

Voters standing in line, even beyond the 150' mark are should generally be free of approaches from bystanders, even those with good intentions of offering refreshment, for at least 25'. A better option would be to have any group who wants to offer refreshments to

*anyone*, not only those voting, set up an area, outside of the 150' line and 25' away from voters in line where voters could approach the group to receive refreshments.

The simpler, the better on this subject. Bottles of water and crackers or peanuts is reasonable, but if the refreshments get fancier, the appearance could be that voters are being rewarded for voting with beverages and food. Also, depending on the organization that is distributing water, there could arise allegations or perceptions of having a political agenda. Maintain fairness and consistency as you are making decisions about what is allowable. Polling places are meant to be a sanctuary from political influence, and I think it better to sacrifice some refreshments than to allow a perception of political influence from any group, if it comes to that. OCGA 21-2-414 allows poll managers to manage people in the polling place to prevent confusion, congestion, and inconvenience to voters, and I believe the spirit of this provision allows poll managers to manage and instruct groups who are outside the polling place approaching or interacting with voters waiting in line to vote.

### 3. Covid-19 Awareness

You have been through this drill before. You know that PPE, barriers, hand sanitizer and distance, when possible, create a safer polling place. However, voters need to vote efficiently on election day, and the possibility of not having optimum social distances at every venue should not always override voters voting with the minimum amount of wait time. The CDC has published polling place guidelines, and your county health departments should be on your list of agencies to consult before Election Day to make sure you are keeping your poll workers and voters as safe as possible while still recognizing the primacy of voting on election day.

As you know, we are expecting historic turnout levels. Election Officials and voters will have to adjust to these situations, and others with patience, leadership, and creativity. Remember that emergency situations should initially be handled by appropriate first responders

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT C

RETRIEVED FROM DEMOCRACYDOCKET.COM



**From:** [Eveler, Janine](#)  
**To:** [Germany, Ryan](#); [Watson, Frances](#)  
**Subject:** RE: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon  
**Date:** Wednesday, December 16, 2020 7:56:10 AM  
**Attachments:** [image001.png](#)

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

One more thing, as far as we can tell they are not campaigning. They have given out napkins with the food that have a QR code to <https://www.vote.org/election-protection/> and has the election protection hotline number on it. They give food to everyone, including voters, poll workers, and other employees in the government complex. I am having a hard time justifying why they need to stop doing any of this.

*Janine Eveler*

Director,  
Cobb County Elections & Registration  
770-528-2312  
770-528-2519 Fax  
[REDACTED] Cell  
[www.CobbElections.org](http://www.CobbElections.org)

*Register...then Vote!*

---

**From:** Eveler, Janine  
**Sent:** Tuesday, December 15, 2020 6:12 PM  
**To:** 'Germany, Ryan' <[rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov)>; Watson, Frances <[fwatson@sos.ga.gov](mailto:fwatson@sos.ga.gov)>  
**Subject:** RE: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

I believe they are. The truck is more than 150 feet away, but people bring items closer to the line to give them out.

*Janine Eveler*

Director,  
Cobb County Elections & Registration  
770-528-2312  
770-528-2519 Fax  
[REDACTED] Cell  
[www.CobbElections.org](http://www.CobbElections.org)

*Register...then Vote!*

---

**From:** Germany, Ryan [<mailto:rgermany@sos.ga.gov>]  
**Sent:** Tuesday, December 15, 2020 6:10 PM  
**To:** Eveler, Janine [REDACTED] Watson, Frances <[fwatson@sos.ga.gov](mailto:fwatson@sos.ga.gov)>  
**Subject:** Re: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

I think a food truck crosses the line, especially the way they are marketing it. Frances has an open

investigation. Are they actually up there everyday?

—  
Ryan Germany  
[REDACTED]

---

**From:** Eveler, Janine [REDACTED]  
**Sent:** Tuesday, December 15, 2020 5:58:17 PM  
**To:** Watson, Frances <[fwatson@sos.ga.gov](mailto:fwatson@sos.ga.gov)>  
**Cc:** Germany, Ryan <[rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov)>  
**Subject:** RE: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

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

This continues to be a grey area that we don't understand how to moderate. We have people giving out water and food and masks, warm hats etc.

*Janine Eveler*

Director,  
Cobb County Elections & Registration  
770-528-2312  
770-528-2519 Fax  
[REDACTED] Cell  
[www.CobbElections.org](http://www.CobbElections.org)

*Register...then Vote!*

---

**From:** Eveler, Janine  
**Sent:** Tuesday, December 15, 2020 4:45 PM  
**To:** 'Watson, Frances' <[fwatson@sos.ga.gov](mailto:fwatson@sos.ga.gov)>  
**Subject:** RE: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

So, no food trucks allowed?

*Janine Eveler*

Director,  
Cobb County Elections & Registration  
770-528-2312  
770-528-2519 Fax  
[REDACTED] Cell  
[www.CobbElections.org](http://www.CobbElections.org)

*Register...then Vote!*

---

**From:** Watson, Frances [<mailto:fwatson@sos.ga.gov>]  
**Sent:** Tuesday, December 15, 2020 4:43 PM



**To:** Eveler, Janine [REDACTED]

**Subject:** Fwd: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

Chief Investigator  
Frances Watson

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**From:** Germany, Ryan <[rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov)>

**Sent:** Tuesday, December 15, 2020 3:53:15 PM

**To:** McCloud, Hayley <[hmcccloud@sos.ga.gov](mailto:hmcccloud@sos.ga.gov)>; Watson, Frances <[fwatson@sos.ga.gov](mailto:fwatson@sos.ga.gov)>

**Cc:** Combs, Leigh <[lcombs@sos.ga.gov](mailto:lcombs@sos.ga.gov)>; Holland, Gabrielle <[gholland@sos.ga.gov](mailto:gholland@sos.ga.gov)>; Teasley, Sam <[samteasley@sos.ga.gov](mailto:samteasley@sos.ga.gov)>; Harvey, Chris <[wharvey@sos.ga.gov](mailto:wharvey@sos.ga.gov)>

**Subject:** RE: Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

What they are doing seems to be campaigning and should not be allowed to within 150 feet of a polling place. They say "these food trucks will be our last chance to reach Georgians before they vote." They also seem to be giving some of value for voting—otherwise it wouldn't matter if they were reaching people before they vote and it's not allowed to matter if the people are voting or not.

--

C. Ryan Germany

*Georgia Secretary of State*

Direct: 470-312-2808

Cell: [REDACTED]

[rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov)



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This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

---

**From:** McCloud, Hayley <[hmcccloud@sos.ga.gov](mailto:hmcccloud@sos.ga.gov)>

**Sent:** Tuesday, December 15, 2020 3:44 PM

**To:** Watson, Frances <[fwatson@sos.ga.gov](mailto:fwatson@sos.ga.gov)>

**Cc:** Combs, Leigh <[lcombs@sos.ga.gov](mailto:lcombs@sos.ga.gov)>; Holland, Gabrielle <[gholland@sos.ga.gov](mailto:gholland@sos.ga.gov)>; Teasley, Sam <[samteasley@sos.ga.gov](mailto:samteasley@sos.ga.gov)>; Germany, Ryan <[rgermany@sos.ga.gov](mailto:rgermany@sos.ga.gov)>

**Subject:** Cobb County Food Truck at Advanced Voting at Cobb Election Board on Whitlock - Sen Kay Kirkpatrick - Pam Reardon

Frances,

Per our earlier discussion, can someone on our team please contact Pam Reardon at [REDACTED]? She says she has video of a food truck with folks less than 25' from the voters at the Cobb Election Board on Whitlock? Sen Kirkpatrick is asking if this is legal and wants us to answer. Allegedly, the Cobb sheriff came by and said they shouldn't be on county property, but was allegedly dissuaded by election staff.

I included the email about this below:

**From:** Bridget Geraghty <[info@vote.org](mailto:info@vote.org)>  
**Date:** December 10, 2020 at 7:27:45 PM EST  
**To:** [REDACTED]  
**Subject:** Food trucks  
**Reply-To:** [info@vote.org](mailto:info@vote.org)

RETRIEVED FROM DEMOCRACYDOCKET.COM

Kay,

During the general election, we sent Vote.org-branded food trucks to polling places with long lines to provide free food, water, and crucial nonpartisan information about voting rights.

**Now we're gearing up to do it again for the January 5, 2021, runoff elections in Georgia.**

**These food trucks will be our last chance to reach Georgians before they vote.**

[If we raise \\$153,000, we'll be able to send five food trucks stocked with free meals to early voting sites in Georgia. Chip in today — every dollar will help feed communities and increase voter turnout.](#)

**DONATE NOW**

If we can fully fund this program, food trucks will be parked in strategic locations across the state and voter ambassadors will refer Georgians who need support to 866-OUR-VOTE, the nonpartisan Election Protection hotline.

Each food truck will hand out between 500 and 750 free meals. **During a pandemic that has caused increased food insecurity for many communities, this program serves multiple community needs.**

Thanks to supporters like you, **we're already running a multilayered campaign to reach and turn out every eligible Georgia voter** for these consequential runoff elections. The results have the potential to determine control of the U.S. Senate.

Historically, runoff races have significantly lower turnout than general elections, especially in Georgia. This year, voters are expected to face additional barriers due to COVID-19 and misinformation about the election process. **We're doing everything we can to make sure every eligible Georgia voter has the accurate, timely information they need to make their voice heard.**

**We can't do it alone. We need *your* support to help us reach even more communities in the days ahead.** Our full Georgia food truck program will cost \$153,000 to supply and staff.

**[Chip in now to ensure we're able to reach Georgia voters with crucial election messaging through our food trucks. The more money we raise, the more free meals and voter information we'll be able to distribute.](#)**

**DONATE NOW**

Your support helps us continue to reduce barriers so that *nothing* stands in the way of voters and the ballot box.

Thank you,  
Bridget Geraghty, Director of Donor Relations  
Vote.org

This email was sent to: [REDACTED] You received this email because you have a relationship with Vote.org — you might have used our tools to register to vote, to check your status, or to get your absentee ballot.

Vote.org is located at 4096 Piedmont Avenue, #368, Oakland, CA 94611.

[Update your email address or unsubscribe here.](#)

To receive fewer emails, please [click here](#).

Sent via [ActionNetwork.org](#). To update your email address, change your name or address, or to stop receiving emails from Vote.org, please [click here](#).

Thanks!

Hayley McCloud, MPA  
Legislative Director  
Georgia Secretary of State  
Cell: [REDACTED]  
[hmcccloud@sos.ga.gov](mailto:hmcccloud@sos.ga.gov)



**CAUTION:** This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .

**CAUTION:** This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .

# EXHIBIT D

RETRIEVED FROM DEMOCRACYDOCKET.COM

**From:** [Watson, Frances](#)  
**To:** [Barron, Richard L.](#)  
**Subject:** RE: Giving away food and items outside poll  
**Date:** Tuesday, November 3, 2020 9:41:00 AM

---

CT Martin Recreation center.

Frances Watson  
Chief Investigator  
Investigations Division  
Georgia Secretary of State  
Main: 470-312-2774  
Cell: [REDACTED]

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

From: Barron, Richard L. [REDACTED]  
Sent: Tuesday, November 3, 2020 9:41 AM  
To: Watson, Frances <fwatson@sos.ga.gov>; Brower, Dwight [REDACTED]  
Subject: RE: Giving away food and items outside poll

\*\* Do not click any links or open any attachments unless you trust the sender and know the content is safe. \*\*

Where is this happening?

---

From: Watson, Frances [fwatson@sos.ga.gov]  
Sent: Tuesday, November 03, 2020 9:00 AM  
To: Barron, Richard L.; Brower, Dwight  
Subject: Giving away food and items outside poll

We are getting complaints that organizations are setting up outside the poll within 150 feet to provide coffee, water, crackers, food boxes. This is contrary to 21-2-414 (a)1 Please advise the poll managers to request that they monitor the outside of the poll and advise any organization to move outside 150 feet. It does not matter if they are offering to everyone

Frances Watson  
Chief Investigator  
Investigations Division  
Georgia Secretary of State  
Main: 470-312-2774  
Cell: [REDACTED]

[cid:image001.jpg@01D6B1BF.691E1F60]



# EXHIBIT E

RETRIEVED FROM DEMOCRACYDOCKET.COM



## INVESTIGATIONS DIVISION

### REPORT OF INVESTIGATION

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|                 |                                            |
|-----------------|--------------------------------------------|
| CASE NAME:      | Cobb County-Food Truck at Polling Location |
| SEB CASE #:     | SEB2020-262                                |
| INVESTIGATOR:   | P.E. Cain #19                              |
| DATE OF REPORT: | June 17, 2021                              |

---

#### **COMPLAINT:**

On December 15, 2020, The Georgia Secretary of State's Office, State Elections Division, received a complaint from Dana Schlup, that provided information that a food truck was parked at the East Cobb Government Center, a poll location, located at 4400 Lower Roswell Road, Marietta, (Cobb County) Georgia. The food truck personnel were giving out free food items to voters. This occurred during early voting for the Special Run-Off Election, January 5, 2021. The matter was assigned to the Investigations Division, (*Exhibit #1*). The complaint of giving or receiving things of value for voting, is contrary to the Official Code of Georgia Annotated 21-2-570.

#### **COUNTY AND ELECTION INVOLVED:**

Cobb County, Special Run-Off Election held January 5, 2021.

#### **ELECTION STAFF:**

Combined Board of Elections and Registration



**ELECTION CERTIFICATION:**

The Cobb County Combined Board of Elections and Registration has met the election training requirements, as Elections Director Janine Eveler, was certified on 04-02-2009.

**JURISDICTION/VENUE:**

Jurisdiction will be with the State Election Board in Atlanta, Fulton County, Georgia.  
Venue on any criminal prosecution will lie in Cobb County, Georgia.

**COMPLAINANT:**

Dana Schlup

[REDACTED]

Marietta, Georgia [REDACTED]

Phone [REDACTED]

Email: [REDACTED]

**RESPONDENT:**

Bridget Geraghty

Director of Donor Relations

Vote.Org

[REDACTED]

Oakland, California [REDACTED]

(866-OUR-VOTE-nonpartisan Election Protection hotline)

Email: [info@vote.org](mailto:info@vote.org)

(Respondent #1)

Janine Eveler

Director

Cobb County Elections & Registration

735 Whitlock Avenue NW Suite 400

Marietta, Georgia 30064

Main: 770-528-2312

Cell: [REDACTED]

Email: [REDACTED]

(Respondent #2)

Nikia Harris

On the Move Catering, LLC.

[REDACTED]

Powder Springs, Georgia [REDACTED]

Direct: [REDACTED]

Email: [REDACTED]

(Respondent #3)

Christopher Martin Murphy  
Oyster CO., LLC.  
dba: Lil Nauti Food Truck

*Residence*

[REDACTED]  
Atlanta, Georgia [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

(Respondent #4)

Mr. Michael C. Renner Jr.  
Loaded Taco Food Truck  
Loaded Burger Food Truck

[REDACTED]  
Atlanta, Georgia [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

(Owner-Operator)

(Respondent #5)

**INVESTIGATIVE SUMMARY:**

On February 11, 2021, reporting Investigator spoke to S.O.S. Investigator April Odom. Investigator Odom advised she was initially assigned this case and did not respond to the original complaint. Investigator Odom advised that Investigator Vincent Zagorin did respond to the complaint. Investigator Odom said she obtained notarized statements from (3) three Cobb County Poll Mangers regarding food trucks being present at (2) two separate Cobb County polling precincts, during the Special Run-Off Election held on January 5, 2021 election. This Investigator conducted a review of the statements.

-Poll Manager Craig J. Rogers wrote he was assigned at the Sandy Plains and East Cobb polling precincts. Mr. Rogers advised every vendor & observer did speak to him before any activity began. Mr. Rogers said on December 18, 2020, a food truck vendor checked in with him at the East Cobb early voting poll precinct. Mr. Rogers wrote he told the vendor to remain 150 feet from the building and 25 feet from the (voter) line. Mr. Rogers wrote he advised the vendor that no campaigning was authorized. Mr. Rogers wrote that is what he had previously been instructed before this encounter. Mr. Rogers wrote an S.O.S. Investigator (Zagorin) told him the food truck operators were overtly inducing people to vote and that the line had extended to within 25 feet of the food truck. Mr. Rogers wrote the food truck immediately packed up and left.

-Poll Manager Deborah Lundquist wrote she was assigned at the Lower Roswell polling precinct. Ms. Lundquist advised on December 14, 2020; a food truck was parked in the parking lot. Ms. Lundquist wrote the food truck driver was asked to move more than 150 feet away from the building. Ms. Lundquist advised the Driver did so. Ms. Lundquist wrote she told the driver to keep the food truck more than 25 feet away from the last voter (in line). Ms. Lundquist wrote the Driver complied. Ms. Lundquist wrote the "*Driver of food truck did not offer food only to voter or offer ant other incentives for voters*".

-Poll Manager Twana Orders wrote she was assigned to the Whitlock Avenue poll precinct. Ms. Orders advised on December 14, 2020, she was asked to speak to a food truck vendor regarding the message posted on the napkins being given out to the public. Ms. Orders wrote she went outside to speak to the vendors and did *see napkins* that had “*Vote.org*” written on them. Ms. Orders wrote she told the person serving the food that their napkins could not have messages on them. Ms. Orders wrote that she further told the vendors if they wanted to continue handing out food, they would need to use plain napkins, or none at all. Ms. Orders wrote the vendor complied with her request. Ms. Orders wrote when they returned the next day plain napkins “(to her knowledge)” was being handed out. (*Exhibit #3*)

On February 12, 2021, reporting Investigator called and spoke to Cobb County Board of Elections & Registration Director, Janine Eveler. Ms. Eveler said she would provide a notarized statement regarding the food truck issues. Ms. Eveler said she would provide the names and contact information of the Poll Managers at the polls where any food truck were observed. Ms. Eveler said the Elected Officials or Sheriff did not arrive at any location to her knowledge. Ms. Eveler said they did have Deputies assigned each day to the Polls for security. Ms. Eveler verified they had a food truck at her location. Ms. Eveler said it was 736 Whitlock Avenue with early voting for the January 5, 2021, Senate Runoff race. Ms. Eveler said they do not have cameras at this building. Ms. Eveler said she knew a deputy did move a food truck away from a polling building. Ms. Eveler verified she received the memo from Chris Harvey about the food trucks after the incidents. (*Exhibit #4*)

On February 12, 2021, reporting Investigator called and spoke to Pamela Reardon. Ms. Reardon said she filed several SEB complaints. Ms. Reardon said in regard to the food trucks, she has photographs of the food trucks. Ms. Reardon said she has a friend who has a video of the food trucks. Ms. Reardon said she had already sent all the information to Mr. Hall previously. Ms. Reardon said she had to go because she was at work (Realtor) and would call back later. Ms. Reardon called back. Ms. Reardon said she took still photos and her friend took video at the Whitlock Avenue polling location. Ms. Reardon said she could not remember her friends name at this time. Ms. Reardon said she would have to research the dates and locations of her photographs to advise this Investigator. Ms. Reardon said she went to (4) four or (5) five locations. Ms. Reardon said she did speak to her personal State Senator, Kay Kirkpatrick. Ms. Reardon said she had spoken to Senator Kirkpatrick about the photos and the food trucks. Ms. Reardon said the Senator contacted the S.O.S. Ms. Reardon said then Mr. Hall contacted her. Ms. Reardon said that that is why she sent everything to Mr. Hall by text message. Ms. Reardon said she did also send an email to Cobb County Board of Elections Director, Janine Eveler. Ms. Reardon said that on the first day of early voting for the Presidential Election, October 12, 2020, she went in to get her Cobb County Poll Watching credentials. Ms. Reardon said *she saw a food truck parked close to the building*. Ms. Reardon said she saw Director Eveler and Cobb poll officials with a measuring tape. Ms. Reardon said she saw a Deputy Sheriff speak to the food truck occupants. The food truck then moved away to the parking lot close to the road entrance. (*Exhibit #5*)

On February 15, 2021, reporting Investigator started receiving multiple emails from Cobb County Board of Elections Director, Janine Eveler. The emails contained:

- an email and photograph forwarded to Cobb County Board of Elections & Registration Director, Janine Eveler, from the Cobb County GOP Executive Director Chris Scheve.

-copies of all emails about food trucks sent to Cobb County Board of Elections & Registration Director, Janine Eveler.

-copies of emails sent to and answers from Cobb County Board of Elections & Registration Director, Janine Eveler.

-copy of all email with contact information for Cobb County Poll staff. -copies of emails sent from Don Davidson to and answers from Cobb County Board of Elections & Registration Director, Janine Eveler, copied to *Georgia Senator Kay Kirkpatrick*.

-copies of emails sent from Jacquelyn Bettadapur, Cobb County Democratic Party Chair.

*“Janine, DPG Voter Protection wanted me to touch base with you about the issues yesterday with the Vote.org food truck and line warmers passing out hats at Whitlock. Apparently the Sheriff said they could not be in the space, you said it was fine. I was told there was a back and forth on this. How was this resolved? Were they cleared to operate within the space? Anything we can do?”* and answer from Cobb County Board of Elections & Registration Director, Janine Eveler, *“We get a lot of complaints from voters when there are line warmers, because they always suspect the motives are partisan. We tell them that unless they are campaigning there is nothing wrong with giving out incidental items. The problem is knowing where to draw the line. The SOS direction is also confusing. They feel that a complete meal from a food truck is too much and is a “gift” for voting, which is not allowed. I thought the hats were a little too nice to be an incidental item and bordered on a gift. It is such a grey area. The SOS has suggested the poll workers offer to give the items to voters in line so there isn’t a perceived conflict, but line warmer groups don’t want to do that. They want the contact with the voters, which fuels the idea that there is a motive. We did not really resolve it last night and it continues to be a difficult area. Janine Eveler.”*

-copy of email sent from Complainant, Dana Schlup, to and answer from Cobb County Board of Elections & Registration Director, Janine Eveler.

-copy of email sent from Cobb County Board of Elections & Registration Absentee Supervisor Allison Schaeffer, dated 12-19-2020, containing updated instructions regarding handing comfort items to voters in line. *“People handing out comfort items to people in line such as water, snacks, chairs, umbrellas in the past could come up to voters in line and pass out their items. Please read below the update to for this exchange. Voters in line are in a safe space and there is a twenty five foot space to be kept between the line and the general public. Just as exit interview and exit polls must take place 25 feet from the exit or the voter line, now all those passing out comfort items must also respect the 25 foot space. They may have their cart, supplies or items ( example : chairs) on the ground twenty five feet from the line. No tables or booths can be set up within 150 feet of the polling location. They may hold up the item to let the voter know it is available to the voter. If the voter signals they would like the item, the item can be brought to them. There is not to be lengthy conversation around the exchange. What one voter sees as a benefit another voter might feel is an effort to intimidate or influence them. Out of respect for the varying perceptions of our voters we are creating this safe voting space. Food trucks are to be*

*150 feet or more from the voting location and 25 feet from the end of the line (some locations have long lines). It may entail the food truck moving if the line grows to the location of the truck. Locations can have no food truck in the parking lot if the parking is limited and the truck takes parking away from the voters.” (Exhibit #6)*

On February 22, 2021, reporting Investigator received a call from Cobb County Sheriff’s Office LTC, Dewayne Morris. LTC Morris advised he had spoken to the Cobb County Elections Director regarding this Investigators request for notarized statements from the Deputies working at the Cobb County election polls. LTC Morris advised he would have his Deputies who were assigned to the Cobb County election polling precincts, write incident reports regarding any observations and or interactions regarding any food trucks. This Investigator sent an email request to LTC, Dewayne Morris. (Exhibit #7)

On March 5, 2021, reporting Investigator went to the Cobb County Board of Elections and Registration Office. The administrative assistant at the front window provided this Investigator a sealed envelope. The envelope contained the notarized statement of Elections Supervisor, Janine Eveler. (Exhibit #8)

On March 19, 2021, reporting Investigator received a call from Jerilyn Gover. Ms. Gover advised she did *not* see Candidate Warnock personally passing out food items at a Cobb County polling site. Ms. Gover said she saw a website online that showed the Warnock bus at a Cobb County polling location. This Investigator asked Ms. Gover for an email statement and send any attachments that may show the bus or candidate passing out food items. Ms. Gover said she filed a complaint with the Cobb County Elections website and not the S.O.S. website. Ms. Gover sent an email advising that she saw a report in the Epoch times with a video. Ms. Gover advised she deleted the email sent to the Cobb County Board of Elections because it was not taken seriously. (Exhibit #9)

On March 22, 2021, reporting Investigator went to the Cobb County Sheriff’s Office HQ located at 185 Washington Street, Marietta. This Investigator received from Lt. Colonel Dewayne Morris, copies of the Incident reports written by his deputies regarding food trucks at or near polling locations in Cobb County. The reports included the following:

(1) *Sgt. John P. Gloster* wrote Cobb County S.O. report #12-01938, that he was assigned to the Epi Center polling location at 135 Riverside Parkway, Austell, Georgia, for both the November 3, 2020, General Election and the January 5, 2021, Federal Senate Runoff Election. Sgt. Gloster advised he encountered numerous food trucks while working. Sgt. Gloster said he notified the Poll Manager and the Epi Center Manager. Sgt. Gloster said upon the arrival of the Poll Manager, he was advised the food trucks were in violation being parked within 150 feet of the poll. Sgt. Gloster said he assisted the Poll Manager in moving the food trucks beyond 150 feet. Sgt. Gloster said all food trucks complied and moved beyond 150 feet of the poll. Sgt. Gloster said several other food trucks arrived throughout the election times, but they parked beyond the 150 feet limit, were he was advised by the Poll Manager it was ok.

(2) *Sgt. Chris P. Leger* wrote Cobb County S.O. report #21-0225-865, that he was assigned to the North Cobb Regional Library Poll, located at 3535 Old Highway 41, NW, in Kennesaw, Georgia, during the January 5, 2021 Special Federal Runoff Election. Sgt. Leger said that on a couple of occasions, food trucks were parked in the library parking lot giving out free food. Sgt.



Leger said he stayed in close contact with the Poll Manager, Ken Parmer. Sgt. Leger said their instructions said the food trucks had to be parked beyond 150 feet of the building. Sgt. Leger said whenever he saw a food truck within 150 feet of the poll, he notified the Poll Manager, Mr. Parmer. Sgt. Leger said Mr. Parmer would come out and inspect the situation and ask the food trucks to move beyond 150 feet. Sgt. Leger also reported that on one occasion, a subject set up a table within 20 feet of the line of voters and was giving out bottles of water and snacks. Sgt. Leger said Mr. Parmer came out and told the subject to take down the table. Sgt. Leger said all of the food trucks and the subject with the table all complied with Mr. Parmer.

(3) *Sgt. Gary W. Hatch* wrote Cobb County S.O report #21-0227896, that he was assigned to the East Cobb Government Center, located at 4400 Lower Roswell Road, in Marietta. Sgt. Hatch said this was during the early voting of the January 5, 2021, Federal Special Election Runoff Election. Sgt. Hatch said the Poll Manager was Craig Rogers. Sgt. Hatch advised on one day a female with a food truck arrived. Sgt. Hatch said he was near when the Poll Manager spoke to the female and told them to park 150 feet away from the poll and to not to approach the voters in line. Sgt. Hatch said the truck did park 150 feet or more away from the poll building. Sgt. Hatch said he only provided security for the poll location and poll staff. Sgt. Hatch said he never received any complaints about anyone approaching the voters. Sgt. Hatch said he did not remember any of the food truck workers names or any of the food truck names from his poll location.

(4) *Deputy Adam M. Reddish* wrote Cobb County S.O report #21-02151. Deputy Reddish wrote that on December 31, 2020, he was working the election detail at the Epi Center poll, located at 135 Riverside Parkway, in Austell. Deputy Reddish said he parked his marked patrol vehicle in front of the building. Deputy Reddish said he went inside the poll every 30-to 40 minutes and spoke to the elections staff and asked if everything was ok. Deputy Reddish said while inside his marked patrol vehicle, he saw one male subject & one female subject handing out food & drinks to voters standing in line to vote. Deputy Reddish said he started to go and address the two subjects, but before he could, the poll Manager came out and advised them they could not pass out items to the voters waiting in line. Deputy Reddish said the Poll Manager said she told the two subjects they could move to the exit side of the building and pass out the free food and drinks to the people after they had voted. Deputy Reddish said he thought the two subjects had left, but then saw them near the end of the waiting to vote entry line, again passing out free drinks and food. Deputy Reddish he and the Poll Manager approached the two subjects again. Deputy Reddish said the Poll Manager again told them they could not pass out the items to voters in line to vote. Deputy Reddish said the female raised her voice and asked why they could not hand out the free drinks & food items to voters in line. Deputy Reddish advised they provided the subjects with the O.C.G.A. code. Deputy Reddish said the two subjects then left.

(5) *Deputy Jeffery K. Dulworth* wrote Cobb County S.O report #21-02054. Deputy Dulworth advised on December 30, 2020, he worked security at the Smyrna Community Center poll, located at 200 Village Green Circle. In Smyrna. Deputy Dulworth advised he saw a food truck arrive that sold churros. Deputy Dulworth said it parked approximately 400 to 500 feet away from the poll. Deputy Dulworth said he brought this to the attention of the Poll Manager. Deputy Dulworth said the Poll Manager did not voice any concerns. Deputy Dulworth said the the food truck arrived around 16:00 hours (4 p.m.) and left around 18:45 hours (6:45 p.m.)

(6) Deputy Kimber L. Meade wrote Cobb County S.O report #21-01879. Deputy Meade wrote on December 16, 2020, she was working the Elections detail at 4400 Lower Roswell Road, in Marietta. Deputy Meade said around 08:00 hours, a.m., a pink food truck arrived and parked close to the building, taking up several parking spaces. Deputy Meade said the food truck had “Vote” and “VoteGeorgia.org” marked on the outside. Deputy Meade said she notified the Poll Manager. Deputy Meade said the Poll Manager told her to advise the food truck they could not park within 150 feet and could not take up any voter parking spaces. Deputy Meade said the Poll Manager told her they could park the food truck in the back of the parking lot. Deputy Meade advised after she told the food truck workers the instructions from the Poll Manager, one occupant complained and stated they had parked there the day before without anyone saying anything. Deputy Meade said she told them she was not here yesterday and the rules did apply today. Deputy Meade advised the food truck moved to the back of the parking lot, then left the poll about one hour later. (*Exhibit #10*)

On May 3, 2021, reporting Investigator received a call from Georgia State Senator Kay Kirkpatrick. Senator Kirkpatrick verified she had received the same email in this Investigators file from Bridget Geraghty, Director of Donor Relations, with vote.org. This email was dated December 10, 2020. Senator Kirkpatrick verified she had discussed via text messages, the Cobb County Food Truck issues with her constituent, Pam Reardon. Senator Kirkpatrick advised she would meet this Investigator at her Office on Wednesday, May 5, 2021, at 09:00 a.m., to sign the email she had received from Bridget Geraghty, Director of Donor Relations with vote.org, located in Oakland California. (*Exhibit #11*)

On May 5, 2021, reporting Investigator went to 18 Capitol Square, Suite 324-A, in Atlanta and spoke to Georgia Senator, Kay Kirkpatrick. This Investigator presented my S.O.S. credentials. Senator Kirkpatrick provided her Senate Photo ID. Senator Kirkpatrick reviewed and verified she had received the (2) two email copies shown to her. Senator Kirkpatrick initialed the first pages and signed the last page of each email. Senator Kirkpatrick advised the food trucks should have been issued food permits from the Department of Health. This Investigator notarized the emails signed by the Senator. (*Exhibit #12*)

On May 14, 2021, reporting Investigator received a return call from Karen H. Gulley, the Cobb County Environmental Health Manager. Ms. Gulley advised Judy Lowry, is the Georgia Department of Public Health, Office Services Manager, and would be the person to request copies of any Food Truck applications/permits for Cobb County. Ms. Gulley advised Ms. Lowry’s direct number is [REDACTED]. Ms. Gulley said her direct number is [REDACTED]. Ms. Gulley explained that a Food Truck vender had to have permission from someone, like the property owner, or someone having authority at the property location, for the Food Trucks to operate. Ms. Gulley said the Food Truck had to have a letter granting customers access, to a bathroom within 200 feet of the location. Ms. Gulley said the Food Trucks were required to update the County of their vending locations within (7) seven days. Ms. Gulley said the Food Trucks should have a letter from each location allowing access to a bathroom. Ms. Gulley said Ms. Lowry would know how long their records would be kept. Ms. Gulley said she thought the records were kept (3) three years. Ms. Gulley provided her email address. Ms. Gulley said she would forward this Investigators request to Ms. Lowry. (*Exhibit #13*)

On May 17, 2021, reporting Investigator conducted an S.O.S. corporation search. The search found "On the Move Catering, LLC." The principal Office address is [REDACTED] Austell, Georgia [REDACTED]. The Registered Agent is Nikia Harris, [REDACTED] Powder Springs, Georgia [REDACTED]. Nothing was found for any company named "A Little Nauti". (*Exhibit #14*)

On June 1, 2021, reporting Investigator called and spoke to Christopher Murphy. Mr. Murphy is the owner of the "Little Nauti" food truck. Mr. Murphy verified he was hired by a non-profit for the election events. Mr. Murphy said he would have to go back and research his calendar to be able to advise the non-profits name. Mr. Murphy said upon his arrival at a poll location, he would speak to an onsite contact, who would then speak to the poll officials. Mr. Murphy said the poll officials would then tell the contacts where to have him park. Mr. Murphy said the non-profit also gave him a banner for the events. Mr. Murphy said the non-profit was nonpartisan and impartial. Mr. Murphy said all food items were pre-paid for and there was no charge for items given out to anyone the event crowds. Mr. Murphy said there was no campaigning, and no food was offered for voting. Mr. Murphy said he had no contracts with the non-profit. Mr. Murphy said all business was conducted through emails. Mr. Murphy said he sent an invoice was paid through the "Square" app. Mr. Murphy said he did not have any Department of Health (DPH) documents for the events. Mr. Murphy said he does not know anything about the "On the move Catering" food truck. Mr. Murphy said he does have a corporation named Oyster Co, LLC. Mr. Murphy said his food truck, "Little Nauti", is a "dba" business of the corporation. This Investigator sent an email request. (*Exhibit #15*)

On June 3, 2021, reporting Investigator received a call from Judy Lowry, with the Cobb & Douglas County Department of Public Health. Ms. Lowry verified she had received this Investigators email request regarding the food trucks operating in Cobb County during the elections. Ms. Lowry said a Michael Renner, with either the loaded taco or loaded burger food truck, participated during the election. Ms. Lowry said she would check to see which specific truck, Mr. Renner operated. This Investigator requested information on the Lil Nauti food truck owned by Christopher Murphy and the "On the Move Catering" food truck. Ms. Lowry said the Lil Nauti food truck was based out of another county. Ms. Lowry said the Lil Nauti food truck only requested a Cobb County location permit, in February, 2021. Ms. Lowry she would research and provide the requested information. (*Exhibit #16*)

On June 3, 2021, reporting Investigator received an email with attachments from Judy Lowry, with the Cobb & Douglas County Department of Public Health. Ms. Lowry provided copies of the permits and documents relating to the "On the Move Catering", food truck. The information indicated the food truck was operated by Nikia Harris, and the base of operation was [REDACTED] Mableton, Georgia, in Cobb County. The information indicated the owner had requested the cancelation of their permits because they had lost their base of operation. DPH documents indicated Nakia Harris resides at [REDACTED] Powder Springs, Georgia. (*Exhibit #17*)

On June 7, 2021, reporting Investigator arrived unannounced at 5520 Wheatfield Lane, Powder Springs. The Investigator observed no vehicles in the driveway. A male sounding voice answered through a Ring doorbell. The voice (rec) identified himself as Mr. (Sheron?) Green. Mr. Green said Nakia Harris did not live there. Mr. Green said did not know a Nakia Harris. The Investigator took photographs of the location. (*Exhibit #18*)



On June 8, 2021, reporting Investigator called and spoke to Respondent Nakia Harris. Ms. Harris advised she wanted to verify this Investigators identity before providing any information. Ms. Harris requested the main S.O.S. number. This Investigator advised Ms. Harris to call the main S.O.S. number listed on our website, 404-656-2881, and ask for Investigations, then ask for Deputy Chief Callaway, my Supervisor. This Investigator also provided Deputy Chief Callaway's direct desk number. (*Exhibit #19*)

On June 8, 2021, reporting Investigator received a return call (rec) from Nakia Harris, owner of On the Move Catering, LLC. Mrs. Harris said she did verify this Investigator was with the Georgia Secretary of State's Office. Mrs. Harris said because she was directly contacted, the type of questions asked, and long time since the events, she was concerned when this Investigator called her. Mrs. Harris said would help this Investigator little bit. Mrs. Harris said she and other food trucks were organized by World Central Kitchens (WCK). Mrs. Harris said they are online at WCK org. Mrs. Harris said the WCK phone number is [REDACTED] Mrs. Harris said the WCK email address [REDACTED] Mrs. Harris said she cannot give information on all the food trucks that were at the events. Mrs. Harris said some of the other food trucks were from other organizations. Mrs. Harris said her food truck was organized by the WCK and offered the WCK menu and food items. Mrs. Harris said she had WCK signage barriers on the front and back of her food truck. Mrs. Harris said this Investigator could find information about WCK by accessing "online profiles", "Facebook", and "Google". Mrs. Harris said if this Investigator went to google and typed in "world central kitchens chefs for the polls". Mrs. Harris said this will explain how WCK selected the food trucks, what their purpose was and who handled the WCK event arrangements. This Investigator asked Mrs. Harris if she would provide an notarized statement. Mrs. Harris said she would not provide a notarized statement about her food truck. Mrs. Harris said she did not want to participate in this and would only provide the information requested because of all of the negativity about the community. Mrs. Harris said this was unsettling and the way things were negative in the newspaper and towards the community. Mrs. Harris said she is not WCK and does not take any side on any issues. Mrs. Harris said she was thinking about obtaining legal representation because of aggression towards her and her food truck by Trump supporters. Mrs. Harris explained the personal aggression towards her was from Trump supporters with signage, and that they knew her name, knew her company name, and asked her who (candidate) she supported. Mrs. Harris said they also asked her what party she was affiliated with. Mrs. Harris said one of the females in the group told her she would report her. Mrs. Harris said she felt uncomfortable because of the aggression. Mrs. Harris said people from the Cobb County building came out and told her she was ok, but next time not to park so close to the building so she would not get shut down. Mrs. Harris said she did find a Facebook video post of the aggressors and said she would try to send that footage to this Investigator. Mrs. Harris said another news channel reported on the food trucks. Mrs. Harris said she did not want to be part of all the negativity. Mrs. Harris said she only gave out food, drinks and trays of food to people and families in need. Mrs. Harris said she was just helping her community. Mrs. Harris said one lady gave her a crocheted potholder. Mrs. Harris said she parked her food truck in back. Mrs. Harris said the Warnock van-bus parked right behind her truck. Mrs. Harris said Mr. Warnock came out and started to speak to people. Mrs. Harris said she did not want to be caught up in the situation. Mrs. Harris said that is not what she was doing. Mrs. Harris said all she was doing was passing out food to families in need. Mrs. Harris said she would reply to this Investigators email. Mrs. Harris said expressed concern why this Investigator went to her home address. This Investigator explained I trying to obtain her notarized statement for the SEB Board. Mrs. Harris said a food truck with Trump stickers came to her house and recorded them for

hours. Mrs. Harris said they also took a photo of her and her license plate. Mrs. Harris said this occurred during the election events. This Investigator suggested Mrs. Harris contact the Cobb County Police Department or Sheriff 's Office if there were any suspicious vehicle parked outside of her home taking photographs. This Investigator sent an email request. (*Exhibit #20*)

On June 8, 2021, Nakia Harris, owner operator of the "On the Move Catering, LLC.," food truck sent her email statement to the Investigator. The statement verified she was contracted by the World Central Kitchen non-profit, to provide free meals & drinks to people at and around the polls, regardless if they voted or not. (*Exhibit #21*)

On June 10, 2021, reporting Investigator conducted an open records WEB search for World Central Kitchens. This Investigator found the WCK website with several articles that referenced the food trucks being at voting polls during election times. There were a few specific references to WCK sponsored food trucks being in Marietta and Cobb County Georgia. (*Exhibit #22*)

On June 15, 2021, reporting Investigator added S.O.S. Director of Elections, Chris Harvey's memo as an Exhibit. (*Exhibit #23*)

On June 15, 2021, reporting Investigator received a brief email statement from Christopher Murphy. Mr. Murphy provided contact information for World Central Kitchens associate, Akeem Evans. Mr. Murphy invoked his right to legal counsel for any other documentation request. (*Exhibit #24*)

On June 15, 2021, reporting Investigator received an email from Judy Lowery, DPH, with attached documents for the "Lil Nauti" food truck business and the "Loaded Taco and Loaded Burger food truck business. (*Exhibit #25*)

On June 16, 2021, reporting Investigator called and spoke to Respondent, Michael C. Renner Jr. Mr. Renner verified he was the owner/operator of both the Loaded Taco & Loaded Burger Food Trucks. Mr. Renner advised he did not know who he was speaking with and wanted to verify this Investigator was with the S.O.S. Mr. Renner advised he would provide the requested information upon his verifying this Investigators identity. Mr. Renner requested and was sent an email request for information. Note Mr. Renner did advise his business was hired by "Roaming Hunger". (*Exhibit #26*)

### **FINDINGS:**

Ms. Pamela Reardon advised the Investigator that on December 14, 2020, the first day of early voting for the Presidential Election, she went in to get her Cobb County Poll Watching credentials at 736 Whitlock Avenue. Ms. Reardon said *she saw (2) two food truck parked close to the building*. Ms. Reardon said *she saw Director Eveler and Cobb poll officials with a measuring tape*. Ms. Reardon advised the food trucks were *initially within 150 feet*. Ms. Reardon said *she saw* a Deputy Sheriff speak to the food truck occupants. The food trucks then *moved away* from the building and parked in the lot close to the road entrance. Ms. Reardon advised she saw Ms. Floam videotaping the voter line. The Investigator also later received several photographs from Ms. Reardon, of food trucks with advertisement signage that referenced voting. No specific food truck with said signage, could be placed within 150 feet of any polling location. Ms. Reardon also provided the Investigator with copies of several text messages.

The Investigation received an email sent from Respondent Janine Eveler, the Cobb County Elections Supervisor, to Complainant Dana Schlup. The email advised *per Ms. Eveler*, it was *allowable* for food trucks to park *outside* of 150 feet from a poll, that *were not campaigning or offering food items, a thing of value, to vote*. The email further stated, the items *must be offered to everyone and not be of significant value*.

The Investigation received a copy of an email sent from Respondent Bridget Geraghty of “vote.org” to Georgia Senator, Dr. Kay Kirkpatrick, that advised Geraghty *raised funds* that paid for food trucks to display advertisement signage that referenced voting and offered food items, a thing of value to vote.

Christopher Murphy told the Investigator he operated his food truck in Cobb County but would need to check his records before he could say when and where. Mr. Murphy verified he was hired by a non-profit for the election events. Mr. Murphy said he would have to go back and research his calendar to be able to advise the non-profits name. Mr. Murphy said there was *no campaigning, and no food was offered for voting*. Mr. Murphy said he had no contracts with the non-profit. Mr. Murphy said all business was conducted through emails. Mr. Murphy said he sent an invoice was paid through the “Square” app. Mr. Murphy said he did not have any Department of Health (DPH) documents for the events. Mr. Murphy *did* provide some of the requested information via email.

Michael C. Renner Jr. Mr. Renner verified he was the owner/operator of both the Loaded Taco & Loaded Burger Food Trucks. Mr. Renner advised he did not know who he was speaking with and wanted to verify this Investigator was with the S.O.S. Mr. Renner advised he would provide the requested information upon his verifying this investigators identity. Mr. Renner did advise his business was hired by “Roaming Hunger”.

The investigation exhausted all leads and found that there is *insufficient* evidence to suggest, any Respondent, violated **O.C.G.A. 21-2-570**, in performing their various duties during the Special Run-Off Election, January 5, 2021. All food trucks parked *outside* of 150 feet of a polling location or *voluntarily moved* outside 150 feet when directed too by election officials. A specific food truck operator also complied with an election poll manager’s instruction and voluntarily stopped handing out napkins with a political message printed on them.

### **POTENTIAL VIOLATIONS:**

#### **Bridget Geraghty**

#### **No Violation**

There is *insufficient* evidence to suggest, respondent **Bridget Geraghty**, violated **O.C.G.A. 21-2-570**, in that she did while performing her duties as Director of Donor Relations for vote.org, *fund* activities that sponsored a food truck to park *inside* 150 feet of a polling location, in which the food truck employee’s gave out *free food and beverage* items, *a gift of value*, for voting. The investigation found all food trucks parked *outside* of 150 feet or *voluntarily moved* outside 150 feet. This occurred at the East Cobb Government Service Center, a poll located at 4400 Lower Roswell Road, Marietta, on December 14, 2020, during early voting for the January 5, 2021, Special Election, in Cobb County, Georgia.

**Janine Eveler**

**No Violation**

There is *insufficient* evidence to suggest, respondent **Janine Eveler**, violated **O.C.G.A. 21-2-570**, that she did while performing her duties as Director of the Cobb County Elections & Registration Office, *allow* a food truck to park *inside* 150 feet of a polling location, in which the food truck employee's gave out *free food and beverage* items, *a gift of value*, for voting. The investigation found all food trucks parked *outside* of 150 feet or *voluntarily moved* outside 150 feet. This occurred at the East Cobb Government Service Center, a poll location, during early voting for the January 5, 2021, Special Election, on December 14, 2020, in Cobb County, Georgia.

**Christopher Murphy**

**No Violation**

There is *insufficient* evidence to suggest, respondent **Christopher Murphy**, violated **O.C.G.A. 21-2-570**, in that he did while operating a food truck, park *inside* 150 feet of a polling location, in which the food truck employee's gave out *free food and beverage* items, *a gift of value*, for voting. The investigation found all food trucks parked *outside* of 150 feet or *voluntarily moved* outside 150 feet. This occurred at the North Cobb Regional Library, a poll located at 3535 Old Highway 41, NW, in Kennesaw, on December 14, 2020, during early voting for the January 5, 2021, Special Election, in Cobb County, Georgia.

**Nikia Harris**

**No Violation**

There is *insufficient* evidence to suggest, respondent **Nakia Harris**, violated **O.C.G.A. 21-2-570**, in that she did while operating a food truck, park *inside* 150 feet of a polling location, in which the food truck employee's gave out *free food and beverage* items, *a gift of value*, for voting. The investigation found all food trucks parked *outside* of 150 feet or *voluntarily moved* outside 150 feet. This occurred at the East Cobb Government Service Center, a poll location, at 4400 Lower Roswell Road, Marietta, on December 14, 2020, during early voting for the January 5, 2021, Special Election, in Cobb County, Georgia.

## **EXHIBITS**

1. Complaint.
2. Witness List.
3. MOI, S.O.S. Inv. April Odom, investigative actions to date, copy of notarized statement(s) of Cobb County Poll Managers, Craig J. Rogers, Deborah Lundquist, and Twana Orders.
4. MOI, Janine Eveler, Cobb County Elections Supervisor, call, emails,
5. MOI, Pamela Reardon, call, email.
6. EX, Janine Eveler, Cobb County Elections Supervisor, emails.
7. EX, Dewayne Morris, LTC, Cobb County Sheriff's Office, email.
8. MOI, Janine Eveler, Cobb County Elections Supervisor, notarized statement.
9. MOI, Jerilyn Gover, Email statement. statement.
10. MOI, Dewayne Morris, LTC, Cobb County Sheriff's Office, copies of incident reports.
11. MOI, Kay Kirkpatrick, Georgia State Senator, call, emails.
12. EX, Kay Kirkpatrick, Georgia State Senator, notarized email statements.
13. MOI, Karen Gulley, Cobb County, Department Public Health, call, email.
14. EX, S.O.S. corporations search, "On the Move Catering, LLC.", Nakia Harris, Registered Agent.
15. MOI, Christopher Murphy, Food Truck Owner, call, email.
16. MOI, Judy Lowry, Cobb County, Department Public Health, call.
17. EX, Judy Lowry, email, DPH documents, "On the Move Catering".
18. MOI, Investigative Action, unannounced visit, 5520 Wheatfield Lane, powder Springs.
19. MOI, Nakia Harris, On the Move Catering, LLC., call.
20. MOI, Nakia Harris, On the Move Catering, LLC., call, email.
21. EX, Nakia Harris, On the Move Catering, LLC., email statement, copy text messages.
22. EX, World Central Kitchens (WCK), open records WEB search, documents.
23. EX, Copy of Elections Director, Chris Harvey's Food Truck memo.
24. EX, Christopher Murphy, Lil Nauti Food Truck, email statement.
25. EX, Judy Lowry, DPH, copies of Lil Nauti and Loaded Taco Food Truck documents.
26. MOI, Michael Renner Jr., Loaded Taco & Burgers Food Trucks, call, email.

# EXHIBIT F

RETRIEVED FROM DEMOCRACYDOCKET.COM

**From:** [ElectionsComplaintAlerts@sos.ga.gov](mailto:ElectionsComplaintAlerts@sos.ga.gov)  
**To:** [electionscomplaints](mailto:electionscomplaints)  
**Subject:** Elections Complaint from Elizabeth Lee Brown  
**Date:** Tuesday, October 20, 2020 6:29:28 AM

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Name: Elizabeth Lee Brown  
Phone: [REDACTED]  
Address: [REDACTED]  
City: Albany  
State: Ga  
Zip Code: [REDACTED]  
E-mail [REDACTED]  
Complaint Type: General Complaint  
Election Date:  
County: Dougherty  
City: Albany

Description of Complaint: I early voted in Albany, Georgia at the Candy Room on Tuesday, October 13th, 2020. I and other older voters had no issue standing in a long line to vote. The Black Voters Matter group was present handing out food and water. There was also a lady leaning against the door of the Candy Room, where voting takes place & she was handing out plastic bracelets. Older voters felt intimidated by the presence of this group. There was a look of fear on their faces. Handing out food & water can be misconstrued as influencing voters or buying votes. There needs to be some type of ordinance or law regarding any nonpolitical, social justice group from doing this.

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# EXHIBIT G

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# POLL WORKER MANUAL



**Latest Update: May 2021**

# **ELECTION DAY**

Although there is no such thing as a typical election day, this section reviews what happens when everything goes as planned. If assigned to a particular station, know your role and make the poll manager aware of any questions or concerns you may have before the polls open.

Poll workers must be aware of a few important things whenever voters begin entering the polling place.

How should voters with disabilities be accommodated?  
What happens if a voter is wearing campaign material?  
Can someone take a picture of their ballot?  
What are Poll Watchers?



# ELECTION DAY

## Voter Flow

- Voters enter the polling place
  - When a voter enters the polling place, ensure they are not wearing any campaign material for any candidates on the ballot that day. Greet the voter with a smile and direct them to the appropriate station to begin the voting process.
- Identification & Poll Pad Check-in
  - Check their identification to find them in Poll Pad. The voter's eligibility is checked on the Poll Pad. The voter will sign the electronic voter certificate. Acceptable ID is found in O.C.G.A. § 21-2-417. If they have not voted, they are issued a voter access card (the card they insert into the BMD units), and added to the Numbered List of Voters.
- Vote on BMD
  - The voter is then directed to the BMD touchscreen units. They will insert the voter access card into the machine, select their candidates for each election, review their choices, and select "print ballot". Once the voter prints their ballot, the card will pop out of the machine.
- Voter casts ballot in the polling place scanner
  - The voter will place their printed ballot in the polling place scanner. Once a ballot is scanned into the polling place scanner, the ballot is cast.
- Voter returns Voter card to Poll Worker
  - Ensure the voter has completed their voting, returned their card, and received their sticker and then thank them for voting.
- Voter exits the polling place
- Provisional Ballots
  - If a voter, for any reason, is unable to cast a ballot at your polling station but would like to be issued a provisional ballot, they will fill out their ballot at the "Provisional Ballot Station". Ensure them that they will be notified if their ballot was counted typically within a week after the election. Any votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff.



# **ELECTION DAY**

## **Voter enters the Polling Place**

### **Accommodating Voters with Disabilities**

Signs are vital. Directional signs should designate accessible parking spaces and be visible, especially those designating handicapped parking spaces, as well as the nearest accessible entrance if it is not the main door.

If the polling place does not have a permanent handicapped parking space, designate a handicapped parking space by placement of a temporary "Handicapped Parking Sign." Make sure there is wheelchair access to the building, the polling place, and the voting booth.

Always be courteous and respectful. Be considerate of extra time it may take for a person who is disabled or elderly to complete the voting process, and give unhurried attention to a person who has difficulty speaking.

Always speak directly to the voter, and not to a companion, aide, or sign language interpreter.

Animals that assist people with disabilities should be admitted into all buildings. DO NOT pet or distract these Assistance Animals, as they are working animals, not pets.

If you observe a voter with a disability who needs assistance, ASK "May I help you in any way?" before rendering assistance. The answer you receive should dictate any further assistance.

Place chairs or benches along a waiting area for the convenience and comfort of those who may have difficulty standing in line.

### **Assistance to Voters**

A voter is entitled to assistance if the voter is:

- Unable to read the English Language and/or
- Has a disability which renders the voter unable to:
  - See or mark the ballot...OR
  - Operate the voting equipment...OR
  - Enter the voting compartment or booth without assistance
- Notice of the availability of assistance shall be posted at polling place.
- "A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from" ...
- Any person of the elector's choice EXCEPT
  - Elector's Employer or Agent of Employer
  - Officer or Agent of Elector's Union
  - Candidate on the Ballot or Family Member of Candidate
  - Unless Disabled/Illiterate Elector is Related to Candidate

# **ELECTION DAY**

## **Voter enters the Polling Place**

### **Voters with Speech or Hearing Impairment**

- A voter who cannot speak can give their name and address simply by providing their written name and address to the poll worker
- Follow the voter's cues to determine whether speaking, gestures, or writing is the most effective method of communication
- If speaking, speak calmly, slowly, and directly to the voter. Do not shout. Your facial expressions, gestures, and body movements help in understanding.
- Face the voter at all times and keep your face in full light (not backlit)
- Rephrase, rather than repeat, sentences that the voter does not understand

### **Voters with Mobility Impairment**

- Do not push or touch another person's wheelchair or equipment without prior consent
- People using adaptive equipment often consider the equipment as part of their personal space
- You are also more likely to break a wheelchair or piece of equipment with which you are not familiar

### **Voting by Electors Over 75 Years of Age or Older or Disabled**

- On election day between the hours of 9:30 A.M. and 4:30 P.M., and also during advance voting each elector who is 75 years of age or older or who is disabled and requires assistance in voting, shall, upon request to a poll officer, be authorized at any primary or election to vote immediately at the next available voting compartment or booth without having to wait in line.
- O.C.G.A. §§ 21-2-385.1 and 21-2-409.1

### **Printed Ballot Review**

An area set up to provide magnifying tools for the paper ballots is recommended. Some voters may have difficulty reading the words on paper ballots

Ideas for assistance

- Standing magnifying screens
- Handheld magnifying glasses
- Reading glasses



### **SEB Rule 183-1-13-.02 Assistive Technology Devices**

- An illiterate or disabled elector who is entitled to receive assistance pursuant to O.C.G.A. §§ 21-2-385 or 21-2-409, or a person assisting such an elector, may use an assistive technology device to help the elector review their paper ballot prior to casting. Any image of the ballot obtained through using an assistive technology device shall be immediately deleted. Use of an assistive technology device by an illiterate or disabled elector or by a person assisting an illiterate or disabled elector shall not be deemed a violation of O.C.G.A. § 21-2-413(e).

# **ELECTION DAY**

## **Campaign Activity or Materials**

O.C.G.A. § 21-2-413 and 21-2-414

- No person, when within the polling place, shall electioneer or solicit votes for any political party or body or candidate or question, nor shall any written or printed matter be posted within the room.
- No person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election, except a judge of the probate court serving as the election superintendent, shall physically enter any polling place other than the polling place at which that person is authorized to cast his or her ballot for that primary, election, special primary, or special election and, after casting his or her ballot, the candidate shall not return to such polling place until after the poll has closed and voting has ceased.
- No person shall solicit votes in any manner or by any means of method, nor shall any person distribute any campaign literature, nor shall any person give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector, nor shall any person solicit signature for any petition, nor shall any person, other than election officials discharging their duties, establish or set up any tables or booths on any day in which ballots are being cast:
  - Within 150 feet of out the outer edge of the building in which the polling place is established;
  - Within any polling place; or
  - Within 25 feet of any voter standing in line to vote at any polling place.
- Rooms under the control or supervision of the board of registrars or absentee ballot clerk in which absentee ballots are cast shall be considered polling places.
- This section shall not be construed to prohibit a poll officer from distributing materials, as required by law, which are necessary for the purpose of instructing electors or from distributing materials prepared by the Secretary of State which are designed solely for the purpose of encouraging voter participation in the election being conducted or from making available self-service water from an unattended receptacle to an elector waiting in line to vote.

O.C.G.A. § 21-2-2

- Defines Campaign materials as “any newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter referring to:
  - A candidate whose name appears on the ballot in a primary or election;
  - A referendum which appears on the ballot in a primary or election; or
  - A political party or body which has a nominee or nominees on the ballot in a primary or election



# ELECTION DAY

## The Voting Line

The voting line is an important component in all polling places. At each polling place, there should be a plan to deal with a scenario where there is a line that is well out the door. Wait times must be recorded at least three times on Election day. (Morning/Midday/Before the Polls Close) Wait times should be recorded on the Poll Pad recap sheet. Consider the following questions and options for a well-maintained voting line:

- Do you have room for the voters to line up safely around the building?
- O.C.G.A. § 21-2-414(a) (3) states that there can be no campaigning within 25 feet of anyone waiting in line to vote. Are you prepared to make those measurements?
- At your busier polling locations where you expect a line, have a designated person to manage the line. This person's focus should be to prepare the voters for the check-in and voting process.
- Consider giving poll workers a special nametag that says something like "Have a question about voting? Ask me."
- Have the poll workers monitor voters in line to ensure there is no campaigning in line or wearing campaign materials.
- Have the poll worker notify the voters of the required identification needed to vote and to have it ready to present to the poll work at the Poll Pad Station.
- Consider providing that poll worker with an electors list, a portable Poll Pad, or a device that can access MVP to look up voters in line to ensure that they are at the correct polling location.
- If the line is caused by a long ballot or long questions on the ballot, be sure to have extra sample ballots available to pass out to voters in line. The more prepared they are when they get to the voting machine, the quicker you will be able to process them.



# **ELECTION DAY**

## **Cell Phones and Other Electronic Devices O.C.G.A. § 21-2-413(e)**

No person shall use photographic or other electronic monitoring or recording devices, cameras, or cellular telephones while such person is in a polling place while voting is taking place; provided, however, that a poll manager, in his or her discretion, may allow the use of photographic devices in the polling place under such conditions and limitations as the election superintendent finds appropriate, and provided, further, that no photography shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot marker while an elector is voting such ballot or machine or DRE unit or using such electronic ballot marker, and no photography shall be allowed of an electors list, electronic electors list, or the use of an electors list or electronic electors list.

## **Poll Watchers - O.C.G.A. § 21-2-408**

A poll watcher is a person named by a political party, political body, or candidate who is authorized to enter the enclosed space to observe the conduct of an election and the counting and recording of votes. No person shall be eligible to serve as a poll watcher unless he or she has completed training provided by the political party, political body, or candidate designating the poll watcher.

(d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which the poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall wear such badge at all times while serving as a poll watcher.



## EXHIBIT 7

RETRIEVED FROM DEMOCRACYDOCKET.COM

JOSEPH BLAKE EVANS  
GEORGIA SENATE BILL 202

February 23, 2023

1

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  
JOSEPH BLAKE EVANS

Thursday, February 23, 2023, 9:02 a.m. (EST)

HELD AT:

Taylor English Duma LLP  
1600 Parkwood Circle, Suite 200  
Atlanta, Georgia 30339

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

JOSEPH BLAKE EVANS  
GEORGIA SENATE BILL 202

February 23, 2023  
175

1           A     I think conspiracy theories, whether they  
2     were misinformation being touted, whether it was  
3     from the president or somebody else, contributed to  
4     the creation of a significant amount of concern  
5     amongst voters.

6           Q     And were some of those figures who were  
7     touting disinformation about the results of the 2020  
8     election in the Georgia legislature, to the best of  
9     your knowledge?

10          A     What do you mean by touting?

11          Q     Let me revise that to say promoting.

12          A     Possibly. To be honest with you, I didn't  
13     watch a lot of the news during this time.

14          Q     You were a little busy?

15          A     Yeah.

16          Q     Do you recall President Trump -- former  
17     President Trump's attorney Rudy Giuliani and others  
18     testifying before a State Senate subcommittee in  
19     late 2020?

20                   MR. TYSON: Objection to the form.

21          A     I recall it happening.

22          Q     Do you recall Mr. Giuliani and other  
23     individuals making wide-ranging allegations of  
24     large-scale voter fraud?

25          A     So I saw clips of the meeting. I didn't

JOSEPH BLAKE EVANS  
GEORGIA SENATE BILL 202

February 23, 2023  
227

1 consider whether or not they could write rules that  
2 could -- it depends on if they would want to write  
3 rules. But I mean in theory, if that were taken  
4 out, counties would be able to adjust the number of  
5 drop boxes they had, hypothetically.

6 Q And is the same true with regards to the  
7 physical location of the drop boxes, if that portion  
8 specifically of SB 202 were eliminated, that it  
9 would be up to counties whether to change the  
10 location of those drop boxes or not?

11 MR. TYSON: Object to form.

12 A Again, depends on if the State Elections  
13 Board took any action, that kind of thing.  
14 Theoretically, if nothing else and the law changed,  
15 then it seems like they could move the location.

16 Q Regarding the provisions on what I'll  
17 refer to as line relief, in other words, the ban on  
18 providing food and water and other items of value to  
19 voters who are waiting in line, do you know the  
20 provision of SB 202 to which I'm referring?

21 A Yes.

22 Q Okay. If a ban on providing food or water  
23 to outside groups were lifted, any changes would  
24 primarily be implemented by counties, correct?

25 MR. TYSON: Object to form.

JOSEPH BLAKE EVANS  
GEORGIA SENATE BILL 202

February 23, 2023  
228

1           A       I'm not sure there's anything there for a  
2 county to implement.

3           Q       Fair enough.

4                   And in terms of -- are you aware of the  
5 provision in SB 202 which imposed new criminal  
6 penalties for ballot collection?

7           A       Yes.

8           Q       If those penalties were struck down, in  
9 your experience is there anything your office would  
10 need to do, apart from issuing guidance to counties?

11                   MR. TYSON: Object to form.

12           A       Not that I'm aware.

13           Q       And you're aware of the provision in SB  
14 202 which changed the rules regarding the acceptance  
15 of out-of-precinct provisional ballots; is that  
16 right?

17           A       Yes.

18           Q       If a court were to strike down the changes  
19 that SB 202 made to those provisions, based on your  
20 experience what would your office need to do to  
21 implement those?

22                   MR. TYSON: Object to form.

23           A       We would -- going back to the original  
24 answer, I would speak with our counsel, with our  
25 attorneys, and then based on their guidance we could

## EXHIBIT 8

RETRIEVED FROM DEMOCRACYDOCKET.COM

**In the Matter Of:**

**IN RE: GEORGIA SENATE BILL 202**

1:21:MI-55555-JPB

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**CHRIS HARVEY**

*March 10, 2023*

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CHRIS HARVEY  
IN RE: GEORGIA SENATE BILL 202

March 10, 2023

1

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

3 IN RE: )  
4 GEORGIA SENATE BILL 202, )  
5 )  
6 )  
7 ) CASE NUMBER:  
8 ) 1:21:MI-55555-JPB  
9 )  
10 )

11 \*\*\*\*\*

12 The following deposition of Chris Harvey was taken pursuant to  
13 stipulations contained herein, the reading and signing of the  
14 deposition reserved, before Stephen Mahoney, Certified Court  
15 Reporter, 4921-4880-0199-0656, in the State of Georgia, at 1600  
16 Parkwood Circle, Suite 200, Atlanta, Georgia 30339 on  
17 March 10, 2023 at 10:00 a.m.  
18

19 Stephen Mahoney, CVR, CCR  
20 Esquire Deposition Solutions  
21 1500 Centre Parkway,  
22 Suite 100  
23 Atlanta, GA 30344  
24 (404)495-0777  
25



CHRIS HARVEY  
IN RE: GEORGIA SENATE BILL 202

March 10, 2023  
120

1 Jasperse?

2 A. Jasperse. I don't believe I attended this  
3 meeting.

4 Q. And on the back, in Point 5, there's a  
5 question that says, "What are your ideas for how we  
6 can restore voter confidence in the Dominion  
7 machines?" Do you see that?

8 A. I do.

9 Q. Would it be fair to say that there were  
10 false claims made about the safety and security of  
11 the Dominion machines?

12 A. Yes.

13 Q. Would an unintended consequence of  
14 legislation aim to address that false claim would  
15 that have potentially added complexities without any  
16 benefit?

17 MR. FIELD: Object to form.

18 THE WITNESS: I object because I can't  
19 understand it.

20 BY MR. CUSICK:

21 Q. That's a bad question and that's what you  
22 should --

23 A. If you could say it again or rephrase it a  
24 little bit.

25 Q. And so we agree that there was false

## EXHIBIT 9

RETRIEVED FROM DEMOCRACYDOCKET.COM

## Message

**From:** Harris, Jesse [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0D2CDEB104BE49A192C7A3C448555B2F-HARRIS, JES]  
**Sent:** 4/11/2022 3:40:42 PM  
**To:** Lisa Paradice [elections@tatttnall.com]  
**CC:** Harris, Axiver [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4a99d9f05864ffe88ba86012e2907a8-Harris, Axi]; Davenport, Angela [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5b60e6dbb3a8467499ec23c3fcf87230-Davenport,]  
**Subject:** RE: Just a Question

This law is correct. Only a caregiver can assist electors or handle the voted ballot. *See* O.C.G.A §21-2-385.

Best,

**Jesse A. Harris, Ph.D., MPA**

Deputy Director

Georgia Secretary of State | Elections Division

Main Office: 404-656-2871

Direct: 470-312-2742

Cell: 470-388-9620

[sos.ga.gov](https://sos.ga.gov)



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**From:** Lisa Paradice <elections@tatttnall.com>

**Sent:** Monday, April 11, 2022 11:38 AM

**To:** Harris, Jesse <jharris@sos.ga.gov>

**Subject:** FW: Just a Question

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

Jesse,

What do we tell Veronica? She is the director of the Nursing Home.

Lisa

**From:** Veronica Cowart <[Veronica.Cowart@c-ross.com](mailto:Veronica.Cowart@c-ross.com)>

**Sent:** Monday, April 11, 2022 10:54 AM

**To:** Barbie Mock <[registrar@tatttnall.com](mailto:registrar@tatttnall.com)>

**Subject:** Just a Question

Good morning,

I hope you are well. I had a call today from a Georgia Advocacy for assisting with voting. He said there was a new bill that will make it where only a caretaker could assist a resident with voting. Is this in effect? This will

affect my residents. The residents without family will not be able to vote. Please advise if you know anything. Thanks:)



Veronica L. Cowart, LMSW

Director of Social Services

Glenvue Health and Rehabilitation

721 North Veterans Blvd

Glennville, GA 30427

Phone: 912-654-5824

Fax: 912-654-2257

[veronica.cowart@c-ross.com](mailto:veronica.cowart@c-ross.com)

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