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

COALITION FOR GOOD GOVERNANCE, RHONDA J. MARTIN, JEANNE DUFORT, AILEEN NAKAMURA, B. JOY WASSON, AND ELIZABETH THROOP, **Plaintiffs,** **v.** **BRAD RAFFENSPERGER, in his official capacity as the SECRETARY OF STATE of the STATE OF GEORGIA, and REBECCA N. SULLIVAN, DAVID J. WORLEY, MATTHEW MASHBURN and AHN LE, in their official capacities as members of the Georgia State Election Board,** **Defendants.**	**Civil Action No. 1:20-cv- 01677 -TCB**

BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

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I. INTRODUCTION

The State of Georgia is not prepared to conduct a constitutional election during this pandemic. Voters are entitled to vote in person without having to gratutitously expose themselves to a potentially fatal disease, yet the Secretary has done little to address the dangers of in-person voting. He instead touts a "robust mail ballot plan." Unfortunately, efforts to shift to absentee voting have already been disastrous: 635,000 absentee ballots were sent to the wrong addresses, and an entire county's voters received the wrong ballot. Counties that are woefully understaffed because of the pandemic have missed mandatory deadlines in processing absentee applications. Without a postponement of the election to give the counties time to hire pollworkers, correct missteps in mail balloting, remove dangerous voting equipment, and prepare to conduct a safe election, Georgia voters will experience constitutional violations up to and including disenfranchisement.

In Part II below, Plaintiffs describe the facts relevant to this Motion. In Part III, Plaintiffs outline the relief necessary to make voting in Georgia safe, orderly, and fair during this pandemic. In Part IV, Plaintiffs show why they are likely to succeed on the merits and thus are entitled to injunctive relief.

II. FACTS

A. The COVID-19 Pandemic

The COVID-19 pandemic continues to ravage the State and the Nation. As of April 28, a reported 1,036 Georgians have died of the disease—303 of them since the Complaint was filed on April 20.[1] Another 4,896 have been hospitalized, many in serious condition fighting for their lives. Over 24,844 Georgians have tested positive for COVID-19, but because Georgia has only tested a small fraction of citizens, the actual number is understood to be many times greater.

The unanimous opinion of experts is that pandemic conditions will continue for the entire period during which Georgia will be preparing for and conducting the currently scheduled June 9 election. The Institute for Health Metrics and Evaluations at the University of Washington ("IHME") projects that, for the period from May 4 (when labor intensive preparations for the election will begin) until June 9, up to 4,606 Georgians will die of the disease.[2] IHME warns that it will not be safe to relax social distancing in Georgia until after June 28, 2020. Governor Kemp, however, has been allowing certain business and restaurants to reopen since

[1]The source for the COVID-19 figures in this brief for the State of Georgia are from the Georgia Department of Health's web page, https://dph.georgia.gov/covid-19-daily-status-report

[2] https://covid19.healthdata.org/united-states-of-america/georgia

April 24.[3] Whatever the economic benefits or necessity of loosened restrictions may be, it is highly likely that such steps will prolong pandemic conditions.[4]

Experts warn that, because so little is still known with certainty about the disease, prudent leaders and governments must err on the side of caution. IHME recommends that government officials should "pay attention to the full range of values in our forecast, especially the upper values."[5]

The IHME's projections for Georgia are averages for the entire State; conditions in many counties are much worse than these averages. The per capita death rate in Dougherty County, for example, is 15 times the statewide average. Using a respected hospital utilization model developed by the University of Pennsylvania, the Northeast Georgia Health System in Gainesville projects that Hall County will not reach its peak need for ICU beds until early June.[6] Because it is not possible to conduct statewide elections piecemeal to accommodate the most

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[3] Since the State started relaxing regulations on April 24, 137 more Georgians have died from the disease, 2,353 have tested positive, and 574 have been hospitalized.

[4] Dr. Christopher J. L. Murray, the Director of IHME, on Georgia's decision to relax social distancing, stated: "'We had presumed, perhaps naively, that given the magnitude of the epidemic, most states would stick to their social distancing until the end of May,' Murray said. 'That is not happening.'"
https://www.politico.com/news/2020/04/24/trump-coronavirus-model-207582

[5] http://www.healthdata.org/covid/faqs

[6] https://www.gainesvilletimes.com/news/health-care/nghs-is-using-this-model-to-predict-covid-19-peak-heres-how-it-works/

affected counties, the quality and integrity of any statewide election is limited by conditions in the hardest hit counties. For far too many counties, the COVID-19 pandemic will still be ongoing all the way through Election Day on June 9, 2020.

Voting in Georgia must not only be safe in all counties, but it must be safe for all segments of the population. For now, voting is much more dangerous than usual for voters who are elderly or have pre-existing medical conditions.[7] In Georgia, people 65 years and older make up only 14% of the population,[8] but as of April 25 they accounted for 76% of Georgia's deaths from COVID-19. Of the 906 Georgians who had died through April 25, only *eight* were under 60 and had no known underlying conditions.[9] In Bartow County, of the 28 people that died of COVID-19, *every* person had an underlying condition; their average age was 82.

Older voters are also likely to have disproportionately greater difficulties finding alternatives to voting in-person. Many will have never voted by mail and many others will not be familiar enough with, or even have access to, the internet

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[7] COVID-19 is "two completely different diseases in different populations. It is severe and potentially lethal to the old, the chronically ill and those with preexisting conditions. It is, however, rarely life-threatening, often mild – and often even asymptomatic – among those under 50 or 60 in generally good health." Dr. David L. Katz of Yale, as quoted in THE NEW YORK TIMES, April 25, 2020.

[8] https://www.census.gov/quickfacts/fact/table/GA/PST045218

[9] For many deaths, whether the person suffered an underlying condition is not yet documented. Of the 906 deaths through April 25, for 288 of the people it is "unknown" whether they had an underlying condition. Of the remaining 618, 593, or 96%, had underlying conditions.

to locate ballot applications or track mailed ballots. County offices which might otherwise be available to answer questions are already understaffed, stretched to the limit, and, in many cases, closed to the public.

B. Dangers of Holding Elections in Pandemic Conditions

1. Voting and Social Distancing

Almost everything that is typically done in the course of preparing for and conducting an election violates social distancing and disease control best practices. Preparation begins weeks before Election Day, when counties start training 8,000 pollworkers and conduct programming and testing of the 33,000 voting machines and over 8,000 Pollpads that will be dispersed to 2,300 precincts. For the currently scheduled June 9, 2020 election, labor-intensive preparations are due to begin in earnest the week of May 4, 2020, so that early voting can begin on May 18, 2020. After machines are programmed, each machine must be tested in public for proper programming in a Logic and Accuracy Test (LAT),[10] an extremely time-consuming process that requires close personal contact among election staff and the public and continuous contact with potentially infected surfaces.[11]

When early in-person voting begins, voters must wait in lines, interact with

[10] O.C.G.A. § 21-2-379.25 and § 21-2-374.

[11] *See generally* Ex. B, Martin Decl. and Ex. C, Throop Decl.

numerous pollworkers, and handle and touch a variety of voting system components (including two touchscreen devices) in order to cast votes. Each voter touches the same components that are used by countless other voters. [Ex. C, Throop Decl. ¶ 4-9].

2. Touchscreen Ballot Marking Devices

The single likeliest source of danger to in-person voters is the touchscreen ballot marking device (BMD) component of the State's new Dominion Voting System. The coronavirus pandemic has rendered these communal touchscreens completely unsuitable for use in elections. According to the National Academy of Sciences, the coronavirus survives "up to 24 hours on cardboard and up to 2-3 days on plastic and on stainless steel."[12] Yet virtually every component of the BMD touchscreen and PollPad system that voters touch is plastic or metal. This means that the BMDs will unavoidably serve as a vector of promiscuous transmission of coronavirus to voters and pollworkers, who must touch each of these devices multiple times for every voter and for each ballot cast.

There is no practical means of keeping BMD touchscreens and their required plastic voter access cards clean while also using these devices for real-world voting. To clean a BMD screen, for example, it must be powered down,

[12] https://www.nap.edu/read/25763/chapter/1

disinfected with special chemicals, dried, and rebooted—something that will need to occur *after every use, by every voter.* [Ex. C, Throop Decl. ¶¶ 12-13].

C. Debugging and Deploying the Dominion Election System

The difficulty of mitigating the dangers presented by the COVID-19 pandemic is compounded by the fact that the State will be using the new Dominion Voting System statewide for the first time. The BMD system will be newly deployed for the upcoming elections to 2,075 polling places, a fraught endeavor that will unavoidably require an enormous amount of hands-on training and installation work. Before the pandemic exponentially magnified the difficulty of this rollout, a different Judge of this Court noted that she already had "real reason for concern regarding the State's capacity for effectively handling the mammoth undertaking of starting from scratch and facilitating a rollout of the new voting system in 100 percent of the counties." *Curling v. Raffensperger*, 397 F. Supp. 3d 1334, 1408–09 (N.D. Ga. 2019). This rollout must now take place at the same time as social distancing, making a difficult task even more challenging.

D. Inability to Hire Pollworkers

Due to the pandemic, counties are having an extremely difficult time hiring pollworkers for the June 9, 2020 election. [Ex. A, Marks Decl. ¶ 4; Ex. D, Nakamura Decl. ¶ 22-29]. Secretary Raffensperger stated in an interview on April 22 that all counties are in need of pollworkers and urged citizens 16 or over to step

up and volunteer. [Exhibit 8 to Marks Decl.]. The later the election is held after June 9, the more time counties will have to hire pollworkers as working conditions improve.

E. Absentee Mail Voting Complications and Delays

The pandemic makes an unprecedented surge in absentee mail voting almost certain. In the face of this surge, the State is already failing to keep up. At least 29,130 incorrect absentee ballots were mailed to Chatham County voters. [Ex. A, Marks Decl. ¶ 23]. Hundreds of thousands of ballot packets were mailed without the mandated ballot secrecy sleeve, [Exhibit 2 to Ex. A, Marks Decl.], creating enormous voter confusion and delay in returning ballots. [Ex. K, Johnson-Green Decl. ¶¶ 10-18; Ex. H, Beckman Decl. ¶7-10; Ex. J, S. Riese Decl. ¶¶ 6-12; Ex. I, G. Riese Decl. ¶ 5]. The Secretary began mailing absentee ballots a week later than planned,[13] and then mailed 623,000 of them to the wrong address. (Doc. 1 ¶¶ 57). Many ballot applications had the wrong email return address.

Counties, too, are far behind in processing absentee ballot applications. As Plaintiffs Martin, Nakamura, and Wasson attest, Fulton County and DeKalb County have failed to meet statutory mailing deadlines.[14] As of April 29, 2020,

[13] https://www.ajc.com/news/state--regional-govt--politics/demand-for-absentee-ballots-delays-delivery-georgia-voters/FWeU3rq4NF4v3bI97OGnNL/

[14] O.C.G.A. § 21-2-384(a)(2)

Fulton County still had over applications that had not been opened and is days away from catching up. Mailing delays are likely to be further aggravated by pandemic-caused delays currently plaguing the U.S. Mail service.

Voting by mail entails other risks for voters in addition to logistical hurdles. Many voters will assume that ballots postmarked by Election Day are acceptable; in Georgia, however, the deadline for receipt is before 7 pm on Election Day. Many mailed ballots are rejected because the signature on the ballot does not match the voter's signature on the voter registration file. There is a process for curing signature defects, but using that process is difficult and time consuming, even without the logistical and economic problems caused by the pandemic all of which will pose increased challenges for the elderly. Even under normal conditions, absentee mail voting results in an unacceptably high rate of rejections.[15] This election will be much worse.

F. Defendants are Not Addressing the Problems

Beyond moving the election to June 9 and mailing ballot applications, Defendants have made only superficial efforts to address the threat that the pandemic poses to upcoming elections. Plaintiffs' requests and recommendations

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[15] In the 2018 mid-term elections, for example, Gwinnett County rejected 7.4% of the absentee ballots received, 4 times more than the statewide average, even though the laws for accepting and rejecting absentee ballots are the same statewide. [Ex. G, Brown Decl., Ex. 1 (McDonald Declaration at ¶ 2)].

for specific protective actions have been ignored. [Ex. A, Marks Decl. ¶¶ 6, 9].

G. Dangers are Real – Wisconsin Example

The risks the pandemic poses to in-person voting, including the disenfranchisement that can flow from a surge in absentee balloting, were displayed in Wisconsin's April 7, 2020, primary election. Despite court challenges, Wisconsin did not delay its primary and instead forced voters to choose between voting in-person during the pandemic or voting absentee. On April 27, the Wisconsin Department of Health Services reported that dozens of voters and pollworkers had tested positive for COVID-19 due to exposure during voting.

Wisconsin was totally unprepared for its huge increase in absentee voting, combined with staff shortages and slow U.S. mail. According to the New York Times, "Three tubs of absentee ballots that never reached voters were discovered in a postal center outside Milwaukee. At least 9,000 absentee ballots requested by voters were never sent, and others recorded as sent were never received. Even when voters did return their completed ballots in the mail, thousands were postmarked too late to count[.]"[16]

Staff shortages in Wisconsin also caused numerous polling stations to close,

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[16] https://www.nytimes.com/2020/04/09/us/politics/wisconsin-election-absentee-coronavirus.html

mostly in urban communities.[17] Milwaukee, with a large minority population, closed all but five of the City's 180 polling stations.[18] Appleton, which is 87% white,[19] opened all of its usual 15 polling stations.

The outcome in Georgia is likely to be much worse than it was in Wisconsin because Georgia has a higher coronavirus infection rate;[20] Wisconsin did not have the touchscreens; and Wisconsin's pollworkers were not using a new election system.

III. Pandemic Voting Safety Measures

A. Move Election Day to June 30

1. Benefits of Moving Election Date

Moving Election Day from June 9 to June 30 will have at least four immediate benefits. First, moving Election Day to June 30 will move most election activities into a period of time in which the pandemic, though still active, will be less far less dangerous. The following table shows the projected deaths in Georgia as published by IHME on April 27:

Voting Period	Low	Median	High
May 4 to June 9	89	1073	4606
May 25 to June 30	9	182	862

[17] https://urbanmilwaukee.com/2020/04/07/why-does-madison-have-more-voting-si

[18] *Id.*

[19] https://en.wikipedia.org/wiki/Appleton,_Wisconsin

[20] *See supra* note 2.

Projections are uncertain. Without doubt, however, moving the election will have a material impact on the safety of in-person voting, particularly for the elderly and those with pre-existing medical conditions. Particularly when moving the election is feasible and entirely lawful, it is unreasonable to expose voters and workers to unnecessary health risks that can be meaningfully reduced.

Second, postponing the election will make it much easier for counties to recruit the pollworkers necessary to help recover from the many significant errors and missed deadlines made to date so that an orderly election can be run statewide.

Third, moving the election will give thousands of absentee voters, already disadvantaged by seriously missed deadlines and errors, more time to apply for, obtain, and mail in their absentee ballots and secrecy envelopes.

Fourth, moving the election will give counties more time to catch up in the processing of absentee ballots and overcome the Secretary's early mistakes and missed deadlines discussed above, including: delayed mailing of ballots to voters; mailing wrong ballots in Chatham County; mailing to the wrong addresses; incorrect return email addresses; and missing interior privacy envelopes.

2. Legality of Moving the Election

The Secretary has the discretion to postpone this election because of the ongoing national emergency. O.C.G.A. § 21-2-50.1. Many States have already postponed their primary elections until well into the summer in order to protect

voters and pollworkers. Some have pushed their state and federal primaries into July, including New Jersey (July 7), Louisiana (July 11), and Alabama (July 14). Kentucky and Virginia have postponed their States' primaries until June 23. North Carolina postponed its Congressional District 11 runoff to June 23, and New York has cancelled its already postponed June 23 Presidential Primary. Ohio changed its postponed April 28 primary to a mail ballot election.

3. Feasibility of Moving the Election

Counties are unprepared for the June 9 election, so a June 30 election should be more feasible for all concerned and need not require postponing the scheduled August 11 runoff elections. The Uniform and Overseas Citizens Absentee Voting Act ("UOCAVA") requires that, for ***runoff*** elections, ballots be "made available to absent uniformed services voters and overseas voters in a manner that gives them sufficient time to vote in the runoff election." 52 U.S.C.A. § 20302 (a)(9). If the election is moved to June 30, using tools authorized by UOCAVA, counties can readily transmit ballots to covered voters in "sufficient time" for them to vote.

B. Replace BMDs with Hand Marked Paper Ballots

1. Health Safety Benefits of Replacing BMDs

The touchscreens should be replaced with sanitary hand marked paper ballots.[21] This change will make in-person voting far safer, substantially decrease

[21] BMDs should continue to be used for voters requiring assistive technology, if no better alternatives are proposed by the Secretary. After every use of the BMD

the risk to pollworkers and technicians, and eliminate (at least for this election) the extreme deployment risks associated with the State's voting system conversion.

The benefits of using hand marked paper ballots in the polling place are obvious. Touchscreens are unsuitable for use during a pandemic. Instead, paper ballots may be issued to voters in disposable envelopes and marked using a disposable marker on a disposable writing service such as stiff cardboard. The voter can cast the paper ballot into a secure scanner. This method greatly accelerates polling place voting, reducing lines and mitigating some dangers posed by personal contact. Using paper ballots also allows secure drive-up voting.

By eliminating the need to power down, disinfect, dry, and reboot touchscreens after every use, using paper ballots will also dramatically reduce the number of pollworkers necessary, allowing counties to shift resources to processing absentee ballots. Paper ballots also save counties thousands of labor hours statewide that testing and deploying the 80,000 plus BMD components requires.

2. Feasibility of Replacing BMDs

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touchscreens by these voters, the touchscreen should still be powered down and thoroughly cleaned using vendor-approved disinfectant cleaner in accordance with Dominion's recommendations.

Plaintiffs do not seek to fundamentally change the process of in-person voting in Georgia. Instead, the Motion seeks to fully deploy the backbone of the new Dominion voting system but bypasses the unnecessary but touch-intensive components most likely to transmit the virus– the touchscreen and voter access card.

The feasibility of using hand marked paper ballots with the balance of Dominion's system has already been adjudicated in *Curling v. Raffensperger,* 397 F. Supp. 3d 1334 (N.D.Ga. 2019). Given the risks associated with the State's massive implementation of the new system, the Court in *Curling* ordered the State to develop a contingency plan for using hand marked paper ballots in the event the State was unable to implement the BMDs statewide in time for the presidential primaries. Specifically, the Court directed the State:

> To develop a default plan for use in the 2020 elections that addresses the contingency that the new BMD system enacted by the State Legislature may not be completely rolled out and ready for operation in time for the March 2020 Presidential Primary elections or in subsequent elections in 2020 and provide, as part of that contingency plan, for the use of hand-marked paper ballots for voting, in coordination with scanners and other equipment available through the State's contract with Dominion or amendment of such. To assist in the development of this contingency plan, the State Defendants shall identify a select number of counties or jurisdictions that agree to implement a pilot election in November 2019 using hand-marked paper ballots along with optical ballot scanners and voter-verifiable, auditable ballot records. State resources (i.e., appropriate optical ballot scanners, voting booths, ballot supplies, and training materials, as needed) shall be made available for implementation of the pilot.

Id., 397 F. Supp. 3d at 1410.

The State successfully piloted the use of hand marked paper ballots in Cobb County in November 2019. [Ex. A, Marks Decl., Ex. 6]. That backup plan can feasibly be deployed statewide to avoid BMD risks.

C. Reducing Congestion at Polling Locations

Four additional measures are necessary to reduce congestion at polling locations and to make the polling locations safer for in-person voters and staff:

1. Permit Reduction in Number of Voting Stations

Each precinct must have one "voting booth" for every 250 electors for every election, regardless of anticipated turnout. O.C.G.A. § 21-2-367(b). In many polling locations, complying with the 1/250 ration requirement will make it impossible to keep voting stations at least six feet apert if the cumbersome BMDs are used. [Ex. D, Nakamura Decl. ¶¶ 24-28]. To prevent the unnecessary crowding of polling locations, Plaintiffs have moved that the ratio requirement not be enforced and that the number of paper ballot voting booths (small cardboard privacy shields) instead be determined by superintendents in their discretion "after evaluating the anticipated turnout." (Doc. 11 ¶ 3).

2. Expand Early Voting

Early voting now ends on the Friday before election days that fall on a Tuesday. O.C.G.A. § 21-2-385(d). At the county's option, early voting should be

permitted to be extended through the weekend and Monday before Election Day to attract those voters who prefer or need to vote closer to Election Day. Increasing early voting opportunities has the obvious benefits of reducing the number of people voting in-person on Election Day and permitting additional options for mail ballot voters whose ballots never reached them.

3. Curbside Voting

Voters should be given the opportunity to safely vote from their cars using hand marked paper ballots. Various kinds of curbside voting are used successfully in other States. [Ex. A, Marks Decl. ¶¶ 10-11]. As stated in the Motion, counties should be directed to provide at least one polling location equipped with curbside voting for every 100,000 voters or fraction thereof. (Doc. 11 ¶ 5).

4. Temporary Mobile Voting Centers

Because of the pandemic, counties are closing polling locations without the required 60 days advance public notice. If this notice has not been given, then superintendents should be directed to provide temporary mobile voting centers to issue and accept ballots from in-person voters who arrive at the old polling place and are unable or unwilling to travel to the new voting place. (Doc. 11 ¶ 16).

5. Streamline Voter Check-In

To speed the in-person voting process, reduce handling of identification, and reduce personal interaction between voters and pollworkers, superintendents should be directed to allow voters to give an oral oath (rather than being required

to sign a certificate) and to allow voters to present a disposable paper copy of their identification (to eliminate the exchange of originals). (Doc. 11 at 3 ¶ 8). At the county's option, the use of the Pollpad touchscreen should be permitted if the check-in work can be adequately performed on a laptop or paper pollbook.

6. Physical Distancing and Personal Protective Equipment

The Motion also seeks enforcement of common-sense measures to enforce social distancing as much as possible and a requirement for the State to provide personal protective equipment for pollworkers and voters. (Doc. 11 at 4 ¶ 11). The wisdom and necessity of these measures speak for themselves.

D. Changes to Absentee Mail Voting

Pandemic conditions require certain other specific and sensible changes to mail voting to reduce the risk of disenfranchisement, namely, the following:

1. Change Deadlines for Absentee Ballot Receipt

The simplest change that can be made to reduce the risk of pandemic-related disenfranchisement is to expand deadlines for accepting mail ballots. The Motion would require superintendents to accept as timely cast (a) absentee ballots post-marked no later than Election Day and received up to three days after Election Day; (b) ballots not post-marked but received by the day after Election Day; (c) ballots post-marked no later than Election Day by UOCAVA voters and received by the final day before the certification of election results, which is the second Friday following the election. O.C.G.A. §21-2-493(k). (Doc. 11 ¶ 7).

2. Facilitate Distribution and Acceptance of Absentee Ballots

Given the problems with the U.S. mail, and the unacceptable mail ballot delays, voters need the option of going to a convenient location to pick up an absentee ballot or drop off a completed mail ballot to ensure that every voter who wants to vote absentee is able to do so. The Motion would require the Secretary to direct superintendents to "appoint absentee ballot clerks at polling locations and authorize them to: (a) provide absentee ballot applications to voters; (b) issue mail ballot packets to voters upon determination of such voter's eligibility; and (c) verify and accept completed mail ballot packets." (Doc. 11 ¶ 9).

3. Speed Processing of Absentee Mail Ballots

Georgia law currently prohibits the opening of absentee ballot envelopes until Election Day. O.C.G.A. §21-2-386 (a)(1)(G). To spread out the unprecedented workload, reduce crowding in election night tabulation rooms, and avoid continuous tabuluation duty without sleep for pollworkers, the Motion would direct the Secretary to allow superintendents "to process and prepare mail ballots upon receipt for scanning beginning Monday before Election Day, and for tabulation not before the close of the polls." (Doc. 11 ¶ 6).

4. Count March Ballots

The Complaint explains in detail how the Secretary is disenfranchising many voters who obtained March Ballots (as defined therein). (Doc. 1 ¶¶ 116–17). Defendants' Notice Regarding Changes (Doc. 19 ¶ 2) appears to suggest that

Defendants are remedying this problem, but in fact confirms Plaintiffs' allegations. The Secretary apparently means to disenfranchise voters who submit a completed March Ballot by June 9 but had applied for (but did not return) a June Ballot. Defendants can avoid this violation by instructing county superintendents to count all March Ballots received by the June 9 Election Day (or any new date of the election) as long as duplicate votes are not actually submitted by the voter.

5. Correct My Voter Page

The Complaint alleges that the Secretary is affirmatively instructing county officials to misinform the public about when ballots were issued. (Doc. 1 ¶ 118.) Despite the seriousness of this charge, Defendants fail to acknowledge it in their Notice, much less to say whether they favor or oppose correcting the issue. The Secretary never should have instructed superintendents to mislead the public in the first place, but he should certainly be ordered to rectify the misinformation now, so that voters can rely upon the status of their ballot reported on the My Voter Page.

6. Mail Absentee Applications Ballots to Correct Addresses

In their Notice, Defendants say that they have begun mailing absentee ballot applications to the correct addresses. (Doc. 19, at 2, ¶ 1.) Defendants should be ordered to complete this process as soon as possible (and to extend the deadlines for counting absentee ballots as described above in Part III.D.1).

IV. THRESHOLD LEGAL ISSUES

A. Plaintiffs Have Standing

Only one plaintiff need demonstrate standing for each claim. *See American Civil Liberties Union of Florida, Inc. v. Miami-Dade Sch. Bd.*, 557 F.3d 1177, 1194 (11th Cir. 2009). Standing exists here because Defendants' intended conduct threatens imminent "(1) . . . injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). First, Plaintiffs are threatened "in a personal and individual way," *Spokeo*, 136 S. Ct. at 1548, by imminent, "concrete and particularized" injuries, *Lujan v. Defenders of Wildlife,* 504 U.S. 555, 561 (1992), namely the health and safety risks of voting in person or the heightened risk of casting a less effective absentee vote. "A plaintiff need not have the franchise wholly denied to suffer injury." *Common Cause/Georgia v. Billups*, 554 F.3d 1340, 1351–52 (11th Cir. 2009). Second, these burdens are fairly traceable to Defendants' conduct. *See Focus on the Family v. Pinellas Suncoast Transit Auth.*, 344 F.3d 1263, 1273 (11th Cir. 2003) ("even harms that flow indirectly from the action in question can be said to be 'fairly traceable' to that action for standing purposes."). Third, an injunction will redress at least some of the Plaintiffs' injuries, and "partial relief is sufficient

for standing purposes[.]" *Made in the USA Found. v. United States*, 242 F.3d 1300, 1310 (11th Cir. 2001) (citations omitted).

B. No Immunities Apply

This case seeks prospective injunctive relief asserted against official-capacity defendants based upon the unconstitutionality of their intended official actions and accordingly is not a suit against the State for purposes of Eleventh Amendment immunity. *Ex parte Young,* 209 U.S. 123 (1908); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 102 (1984) ("a suit challenging the constitutionality of a state official's action is not one against the State" for purposes of the Eleventh Amendment). *See Curling v. Raffensperger*, 761 F. App'x 927, 934 (11th Cir. 2019) (holding that Secretary Raffensperger's argument that he has Eleventh Amendment immunity to voters' Section 1983 suit runs counter to "any number of binding precedents").

V. LEGAL STANDARDS

A. Granting of a Preliminary Injunction

Chief Justice Roberts summarized the familiar test for the granting of a preliminary injunction in *Winter v. NRDC,* 555 U.S. 7, 20 (2008):

> A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.

Though discovery has not begun and Defendants have not yet answered the Complaint, preliminary injunctive relief is warranted even on the current record. "The grant of a temporary injunction need not await any procedural steps perfecting the pleadings or any other formality attendant upon a full-blown trial of this case." *United States v. Lynd*, 301 F.2d 818, 823 (5th Cir. 1962) (Tuttle, J.).

At this stage, the Court may rely upon declarations in lieu of live testimony. "[A] preliminary injunction is customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits." *Univ. of Tex. v. Camenisch,* 451 U.S. 390, 395 (1981); *Levi Strauss & Co. v. Sunrise Int'l Trading, Inc.*, 51 F.3d 982, 985 (11th Cir. 1995) (at the "preliminary injunction stage, a district court may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction").

VI. LIKELIHOOD OF SUCCESS ON THE MERITS

Defendants' intended conduct of the upcoming elections without instituting the Pandemic Voting Safety Measures will violate Plaintiffs' fundamental right to vote and right to equal protection. Section VI.A below explains why Plaintiffs are likely to succeed on the right-to-vote claim. Section VI.B does the same for the equal-protection claim.

A. Due Process and the Fundamental Right to Vote

Count I of the Complaint asserts imminently threatened violations of the fundamental right to vote, for which Plaintiffs lack an adequate remedy at law and require prospective injunctive relief. Plaintiffs are likely to prevail on this claim.

1. Legal Framework—Fundamental Right to Vote

The political franchise of voting is "a fundamental political right, because preservative of all rights." *Yick Wo v. Hopkins*, 118 U.S. 356, 370, (1886). "The right to vote is a 'fundamental matter in a free and democratic society.'" *Fla. State Conference of the NAACP v. Browning*, 522 F.3d 1153, 1176 (11th Cir. 2008) (citing *Reynolds v. Sims*, 377 U.S. 533, 561–62 (1964)). States may not arbitrarily impair the fundamental right to vote. *See Baker v. Carr,* 369 U.S. 186, 208 (1962). Burdens short of outright disenfranchisement are unconstitutional if their severity is unjustified by the governmental interest at stake. *See Crawford v. Marion County Election Bd.*, 553 U.S. 181, 190 n.8, 128 S. Ct. 1610, 1616 (2008); *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983). "[A] court evaluating a constitutional challenge to an election regulation weigh[s] the asserted injury to the right to vote against the precise interests put forward by the State as justifications for the burden imposed by its rule." *Crawford*, 553 U.S. at 190 (internal quotation marks omitted). "However slight that burden may appear, . . . it must be justified by relevant and legitimate

state interests 'sufficiently weighty to justify the limitation.'" *Id,* 553 U.S. at 191; *see also Common Cause,* 554 F.3d at 1352.

2. Application

Defendants' intended conduct of the upcoming elections without instituting measures substantively equivalent to the Pandemic Voting Safety Measures will severely burden the individual Plaintiffs (and Plaintiff Coalition's individual members who are Georgia voters) in their exercise of the fundamental right to vote. All voters who choose to vote in person at a polling place will be subjected to a substantial risk that they will be exposed to a highly contagious disease. Some voters are more vulnerable than others due to their ages and underlying health conditions, so the degree of risk will naturally differ among different voters. But all voters will suffer a substantial risk of exposure if they opt to cast an in-person vote. Those willing to accept the serious risk of contracting a deadly disease will be able to vote, of course. But the price for doing so is acceptance of a genuine risk of death, as well as the risk of making oneself a potential danger to the health and safety of loved ones. It is difficult to imagine a burden more severe than forcing voters to accept this sort of "poll tax" on their well-being as the price of voting.

The unconstitutional conditions doctrine precludes Defendants from answering that voters can simply vote absentee. The unconstitutional conditions doctrine prohibits States from "condition[ing] receipt of a benefit or privilege on

the relinquishment of a constitutional right." *Bourgeois v. Peters*, 387 F.3d 1303, 1324 (11th Cir. 2004). The Eleventh Circuit "has roundly condemned the use of unconstitutional conditions" and recognizes that "an especially malignant unconstitutional condition" exists where citizens are "required to surrender a constitutional right … not merely to receive a discretionary benefit but to exercise [] other fundamental rights." *Id*. In *Bourgeois*, the Eleventh Circuit rejected a city's defense of unconstitutional searches where the city argued that the protestors could avoid the searches altogether by voicing disagreement in other ways. The Court held that, "The ability of protestors to avoid the searches by declining to participate in the protest does not alleviate the constitutional infirmity of the City's search policy[.]" *Id.* at 1324–25. "[T]he existence of other vehicles through which protestors could voice their disagreement . . . does not in any way alleviate the unconstitutional conditions problem." *Id*. By the same token here, the Defendants may not excuse their unconstitutional burdens on in-person voting by saying voters can simply use a different (and more onerous) voting method instead. Creating this kind of "choice" is not a *defense* to a constitutional violation, but a violation of its own.

Defendants' "choice" argument is also precluded because voters pressured to cast absentee ballots will be deprived of equal protection. As Count II asserts, and as will be discussed in Section VI.B. below, the pandemic circumstances under

which the upcoming elections will be held will cause absentee voters to cast ballots that are less likely to be effective than ballots cast by in-person voters. Only by instituting the Pandemic Voting Safety Measures, or their substantive equivalent, can Defendants avoid the infringements of both in-person and absentee voting in the upcoming elections.

With respect to the fundamental right to vote, no legitimate state interest outweighs the severe burden—including inevitable deaths and hospitalizations—that in-person voters will suffer if they are forced to accept gratuitous exposure to a deadly disease in order to vote. The Secretary is authorized by Georgia law to move election dates in the face of a national emergency. The present election calendar will readily accommodate a move to June 30. Moreover, Georgia law already allows the use of hand marked paper ballots as an alternate voting method. Georgia law permits the adoption of emergency election procedures for exactly these kinds of unprecedented situations. Given the flexibility the law already confers upon state authorities, no interest of the State whatsoever is invested in only conducting elections on June 9, 2020, or in using only BMDs for in-person voting, or in avoiding prudent public health- and safety-oriented risk-mitigating voting procedures. When this Court conducts the *Crawford* balancing test, it must conclude that the scales are heavily laden on the side of granting the requested relief and essentially empty on the side of allowing Defendants to proceed as they

intend. For these reasons, the Plaintiffs should—and are plainly likely to—prevail on the merits of their fundamental right to vote claim.

B. Equal Protection

Count II of the Complaint asserts imminently threatened violations of the Equal Protection Clause, for which Plaintiffs lack an adequate remedy at law and require prospective injunctive relief. Plaintiffs are likely to prevail on this claim.

1. Legal Framework—Equal Protection

"The Equal Protection Clause of the Fourteenth Amendment commands that no State shall 'deny to any person within its jurisdiction the equal protection of the laws,' which is essentially a direction that all persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). To state an equal-protection claim, Plaintiffs "must establish that they are being treated differently than a similarly situated comparator." *Crystal Dunes Owners Ass'n v. City of Destin*, 476 Fed. Appx. 180, 185 (11th Cir. 2012). "[T]o be considered 'similarly situated,' comparators must be prima facie identical in all relevant respects." *Campbell v. Rainbow City*, 434 F.3d 1306, 1314 (11th Cir. 2006).

"[A] citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction." *Dunn v. Blumstein,* 405 U.S. 330, 336 (1972). Burdening the right to vote by requiring payment of a poll tax that has the effect of discriminating among voters based on their financial

health violates the Equal Protection Clause because economic well-being bears "no relation to voting qualifications." *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 670 (1966). "The principle that denies the State the right to dilute a citizen's vote on account of his economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to vote or who fail to pay." *Id.* at 668. The same principle bars election administration measures that unequally burden and discriminate among voters based on age or physical health.

Differences between voting methods also give rise to equal protection issues "of constitutional dimension" where they lead voters who use one method to be "less likely to cast an effective vote than voters" who use a different method. *Wexler v. Anderson*, 452 F.3d 1226, 1231 (11th Cir. 2006). This standard reflects that, "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Reynolds,* 377 U.S. at 555.

Finally, the unconstitutional conditions doctrine is also interwoven with Plaintiffs' equal-protection claim. The doctrine "vindicates the Constitution's enumerated rights by preventing the government from coercing people into giving them up." *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 604 (2013). The doctrine prohibits forcing discrete subgroups of voters to choose between voting absentee to preserve their health, on one hand, and voting in person to avoid

casting a less effective ballot, on the other hand. *Id.* at 607 ("As in other unconstitutional conditions cases in which someone refuses to cede a constitutional right in the face of coercive pressure, the impermissible denial of a governmental benefit is a constitutionally cognizable injury.").

2. Application

Defendants' intention to conduct the upcoming elections without instituting the Pandemic Voting Safety Measures will deprive voters (including Plaintiffs) of their right to equal protection, in violation of the Fourteenth Amendment. Certain groups of in-person voters will be subjected to differential risks to their public health and safety, relative to other groups. All absentee voters, on the other hand, will be subjected to a differential, much greater likelihood of casting a less effective ballot under the prevailing circumstances of the present pandemic.

First, voters who are more vulnerable to COVID-19 will plainly be more severely burdened by the exposure risks of in-person voting than will other, similarly situated voters. In-person voters who are elderly, have underlying health issues, or reside in rural areas (which are, for now, more severely affected by the pandemic) will all be subjected to a significantly elevated risk of death relative to younger, healthier, and more urban voters, respectively. The Defendants obviously have not created these differential risks, which are the natural product of a pandemic disease that itself discriminates among the young and old, between the

healthy and those with underlying conditions, and between areas of the State for vagaries of circumstance. But Defendants' choice not to institute the Pandemic Voting Safety Measures will unquestionably cause vulnerable groups to be subjected to these natural risks without any valid justification, especially since alternative election timing and mitigating measures are available, lawful, and feasible to implement.

Second, voters who choose to avoid these health risks by voting an absentee ballot will instead subject themselves to the substantial risk that their absentee votes will be less effective than the votes cast by in-person voters. Evidence shows that the Defendants are wholly unprepared for the tsunami of absentee voting and attendant administrative problems that are soon to engulf the State's election officials. Setting aside the already sluggish and marred efforts of authorities to get proper and timely absentee ballots into the hands of those who have requested them, the sheer volume of absentee voting is substantially likely to overwhelm not only the postal service (charged with delivering ballots), but also local election officials (charged with processing and counting). Under these circumstances, absentee voters face a real risk of seeing their ballots lost, delayed, and erroneously rejected in numbers that will completely eclipse any analogous problems experienced by in-person voters. These burdens are compounded by the substantially greater effort that absentee voters must make to successfully vote in

the first place. Because of these facts, absentee voters are "less likely to cast an effective vote" than in-person voters, which violates the Equal Protection Clause. *See Wexler*, 452 F.3d at 1231. This denial of equal protection will disproportionately impact the demographic groups that are most likely to be vulnerable to COVID-19, such as the elderly, because they will disproportionately choose to vote absentee to avoid the health risks of in-person voting.

The individual Plaintiffs (and individual members of Plaintiff Coalition) include individuals who are elderly, who are from rural areas, and who have health conditions. If these people choose to vote in person without the Pandemic Voting Safety Measures being put into place, they will be differentially burdened by the need to expose themselves to a disease that is understood to affect them more severely than similarly situated in-person voters who are not as vulnerable. If they choose to vote absentee, they will be forced to assume a much greater risk of casting a less effective vote than similarly situated in-person voters. Regardless of the voting method that vulnerable voters choose, their right to equal protection will be violated if the Pandemic Voting Safety Measures are not instituted. Defendants have no legitimate interest in conducting the upcoming elections without the Pandemic Voting Safety Measures that outweighs the burdens of these violations. Merely by putting vulnerable voters in the position of having to make these choices, the Defendants are violating the unconstitutional conditions doctrine. For

these reasons, the Plaintiffs are plainly likely to prevail on the merits of their equal protection claim.

VII. IRREPARABLE HARM

Because Defendants' threatened conduct will infringe upon the Plaintiffs' fundamental right to vote and right to equal protection in the exercise of the franchise, Plaintiffs have clearly shown irreparable harm. *See Reynolds v. Sims,* 3377 U.S. 533, 555 (1964). The Eleventh Circuit itself has eloquently articulated why denying the right to vote constitutes irreparable harm:

> Casting a vote has no monetary value. It is nothing other than the opportunity to participate in the collective decisionmaking of a democratic society and to add one's own perspective to that of his or her fellow citizens. Each vote provides a unique opportunity to do that. No compensation a court can offer could undo that loss. The denial of the opportunity to cast a vote that a person may otherwise be entitled to cast—even once—is an irreparable harm.

Jones v. Governor of Fla., 950 F.3d 795, 828 (11th Cir. 2020). Under these authorities, Plaintiffs' showing of the injuries they are likely to suffer as a result of Defendants' conduct plainly satisfies the requirement of irreparable harm.

VIII. BALANCE OF EQUITIES AND PUBLIC INTEREST

In cases involving significant public interest, courts "consider the balance of the equities and the public interest factors together." *Columbia Gas Transmission, LLC v. 84.53 Acres of Land, More or Less,* 310 F. Supp. 3d 685, 695 (N.D. W.Va.

2018); *see also Winter,* 555 U.S. at 26 (considering balance of the equities and public interest together).

The public has an overriding interest in ensuring a safe and fair election. "*No right is more precious* in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *Wesberry v. Sanders,* 376 U.S. 1, 17 (1964) (emphasis added). The public also has an overriding interest in defeating this deadly pandemic as soon as it possibly can. There is no countervailing public interest that comes close to outweighing the interests of protecting the right to vote and defeating the pandemic. The Constitution demands protection of the franchise, common sense requires protection of the economy, but it is the dictate of humanitarian conscience that compels the protection of the people themselves—particularly the elderly and the infirm, who are so critically vulnerable.

Even if the Pandemic Voting Safety Measures were costly, the expense would be worth it. But most of the requested measures involve no cost at all (such as extending deadlines) or will save the State substantially (such as replacing touchscreen BMDs with hand marked paper ballots). Where the State will need to spend money, it must do so only to correct prior, egregious mistakes (e.g., mailing applications to the correct addresses and mailing the correct ballots.)

Nor will granting the requested injunctive relief disrupt the upcoming elections or cause any voter confusion. To the contrary: postponing the election will only give the Defendants much-needed time to fix mistakes and conduct an orderly and safe election. What would be truly disruptive is allowing the State to continue its complete mismanagement of absentee voting on a rushed deadline aimed at June 9. The Secretary will have no difficulty switching from BMDs to hand marked paper ballots because he has already been ordered to be prepared to do so. What will be difficult is conducting a constitutional election using touchscreen BMDs that have to be turned off, cleaned, dried, and booted up again between every voter. Exceptional circumstances warrant exceptional relief, and here the public interest points in only one direction—the Pandemic Voting Safety Measures should be ordered.

For the foregoing reasons, the Motion should be granted.

This 29th day of April, 2020.

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Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing pleading has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14, and the page length as ordered by the Court. (Doc. 15).

/s/ Bruce P. Brown
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Bruce P. Brown
Bruce P. Brown

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

COALITION FOR GOOD GOVERNANCE, et al., **Plaintiffs,** **v.** **BRAD RAFFENSPERGER, et al.,** **Defendants.**	**Civil Action No. 1:20-cv- 01677 -TCB**

INDEX TO DECLARATIONS

EXHIBIT A	**Marilyn Marks**
EXHIBIT B	**Rhonda J. Martin**
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EXHIBIT D	**Aileen Nakamura**
EXHIBIT E	**Jeanne Dufort**
EXHIBIT F	**B. Joy Wasson**
EXHIBIT G	**Bruce P. Brown**
EXHIBIT H	**Mary Beckman**
EXHIBIT I	**Gary Riese**
EXHIBIT J	**Susan Riese**

EXHIBIT K **Tabitha Johnson-Green**

EXHIBIT

A

DECLARATION OF MARILYN MARKS

MARILYN MARKS declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I have personal knowledge of all facts stated in this declaration and, if called to testify, I could and would testify competently thereto.
2. I am the Executive Director of Plaintiff Coalition for Good Governance, ("CGG")
3. In mid-March as the COVID-19 hospitalizations in Georgia were in the news, CGG's Georgia-based leaders and I became more concerned about the potential spread of the coronavirus in the polling places, given the touch-intensive nature of the new BMD voting system with which we are very familiar and our team's experience in observing hundreds of these machines in pilot, demo, special election and March early voting operations.
4. Our team and I have observed hundreds of BMD touchscreen voting booths in Georgia, such as pictured in Exhibit 1, taken in Paulding County in November 2019 by Stephen Fowler of Georgia Public Broadcasting. I was present when he took this picture. This picture represents a typical set up in a Georgia polling place. In this particular room in Paulding County, there were approximately 14 touchscreens assembled in tight rows. The distances

between and around the standard machine set up do not support proper social distancing.

5. I have also observed in many small rural polling places Southwest Georgia Counties that cannot provide for multiple machines and social distancing . (See Doc. 1 Exhibit H, I, and J.)
6. On March 23, 2020, I wrote a letter to Secretary Raffensperger and State Board of Elections seeking remedies for many of the serious voting rights problems created by the pandemic in the context of Georgia election practices. (Doc. 1 at 87) Virtually none of these issues have been addressed or remedied.
7. For example, we urged that the mail ballot packet inner envelopes carry specific clear instructions on how to protect ballot secrecy, given the many new mail ballot voters this year. (Doc. 1 at 91). Instead, the Secretary permitted the vendor to disregard the mandatory inner envelope and send a single folded piece of paper confusingly marked "Official Absentee Ballot."
8. The press has reported that the Secretary has no intention of correcting this violation or the confusion surrounding the lack of inner envelopes and misleading instructions. (Exhibit 2)
9. After receiving no response to our March 23, letter, CGG on April 6, 2020, filed a formal request under O.C.G.A. §21-2-379.24 for reexamination of the safety of the touchscreen components of the voting system. (Doc. 1 at 96).

CGG was joined by physicians and political parties and candidates who had different but important priorities for urging Secretary Raffensperger to review the system for health safety. CGG made numerous follow-up inquiries seeking acknowledgement or action on its request, but have received nothing in response.

10. I began recommending curbside or drive-up voting to Richard Barron, Election Director of Fulton County, at the March 2020 Fulton County Election Board meeting as a way to cope with the need for polling place closures at senior centers. Since that time, I have spoken with him about this multiple times and received a positive response about the feasibility of this method of protecting pollworkers and voters because voters can vote from the safety of their parked cars. I have observed limited but successful curbside voting operations in North Carolina and South Carolina. Colorado permits drive through ballot drop-off (although not live voting itself). Curbside is a widely used convenience and operates securely based on my observations as a poll watcher in numerous elections in Colorado.

11. On April 29, it was reported by the Atlanta Journal Constitution in an article addressing infection concerns at polling places that Cobb and Rockdale Counties are planning to explore drive-through voting, presumably as a means of creating a safer public health environment. (Exhibit 3)

12. The April 29 AJC article referenced in paragraph 11 (Exhibit 3) above also addresses the crowding concerns regarding voting machines and the 1 to 250 registered voter ratio, which is not feasible based on my personal observations in many polling places.

13. Mr. Barron confirmed to me the accuracy of a news report that as of April 29, Fulton County has received approximately 135,000 ballot applications. Many of CGG's Fulton County members have expressed concern to me that their ballot application may not be timely processed and mailed given the backlog at Fulton. The reports on the Secretary of State's website show that 18,351 of those applications have been processed as of today, April 29.

14. I have had conversations with several Georgia county election officials regarding their concerns about attempting to conduct an election equipment in these pandemic circumstances, with a dire shortage of poll workers and protective gear, the massive number of high risk labor hours that must be devoted to the BMD system testing and installation, and the deluge of absentee ballot applications for which they were unprepared. Their comments have been generally quite consistent with the statements covered in the Georgia Public Broadcasting articles relating to these topics. (Exhibit 4)

15. The Dominion voting system BMD touchscreens and scanners are individually programmed for each election using memory card downloads

from the county's Dominion database and stored on the county election server. The Dominion database contains a complex set of instructions for the display, ballot issuance, ballot content, ballot style, tabulation and reporting of the election process.

16. I have talked with many election officials since 2017 who have told me that they relied solely on the Secretary's office to handle all database programming, review, queries, and anything more than routine functions.

17. Earlier this year, the State Election Board promulgated a new Election Rule requiring the superintendents to review the electronic database for correctness and accuracy before use:

> Rule 183-1-12-.07 Preparation for Elections
>
> The election superintendent shall review the electronic databases used to generate ballots for correctness and accuracy in generating paper and touchscreen displays.

18. CGG has surveyed several county election supervisors and found that they have not received any training to attempt this essential election security task, in the pandemic crisis.

19. Attached as Exhibit 5 is a true and correct copy of an April 13, 2020 memo from State Election Director Chris Harvey to county superintendents.

20. Attached as Exhibit 6 is a true and correct copy of a transcript of a Cobb County Election Board meeting on November 12, 2019. In this meeting,

Cobb County Elections Director Eveler describes Cobb County's successful completion of a November 2019 hand marked paper ballot election under the Court-ordered "default back up plan."

21. Exhibit 7 is an accurate transcript of the interview of Secretary Raffensperger with the Georgia Hispanic Chamber of Commerce, April 22, 2020. He states the need for more pollworkers at timestamp 28:58.

22. Exhibit 8 is an accurate transcript of a radio interview with Secretary Raffensperger on April 25, 2020.

23. The Secretary sent inaccurate ballots to at least 29,000 Chatham county voters that must be reprinted and reissued to voters with substitution ballots replacing the inaccurate ballots in the election office. I have seen numerous news outlets report the story summarized here. https://www.savannahnow.com/news/20200427/chatham-county-district-7-district-4-voters-to-receive-corrected-ballots

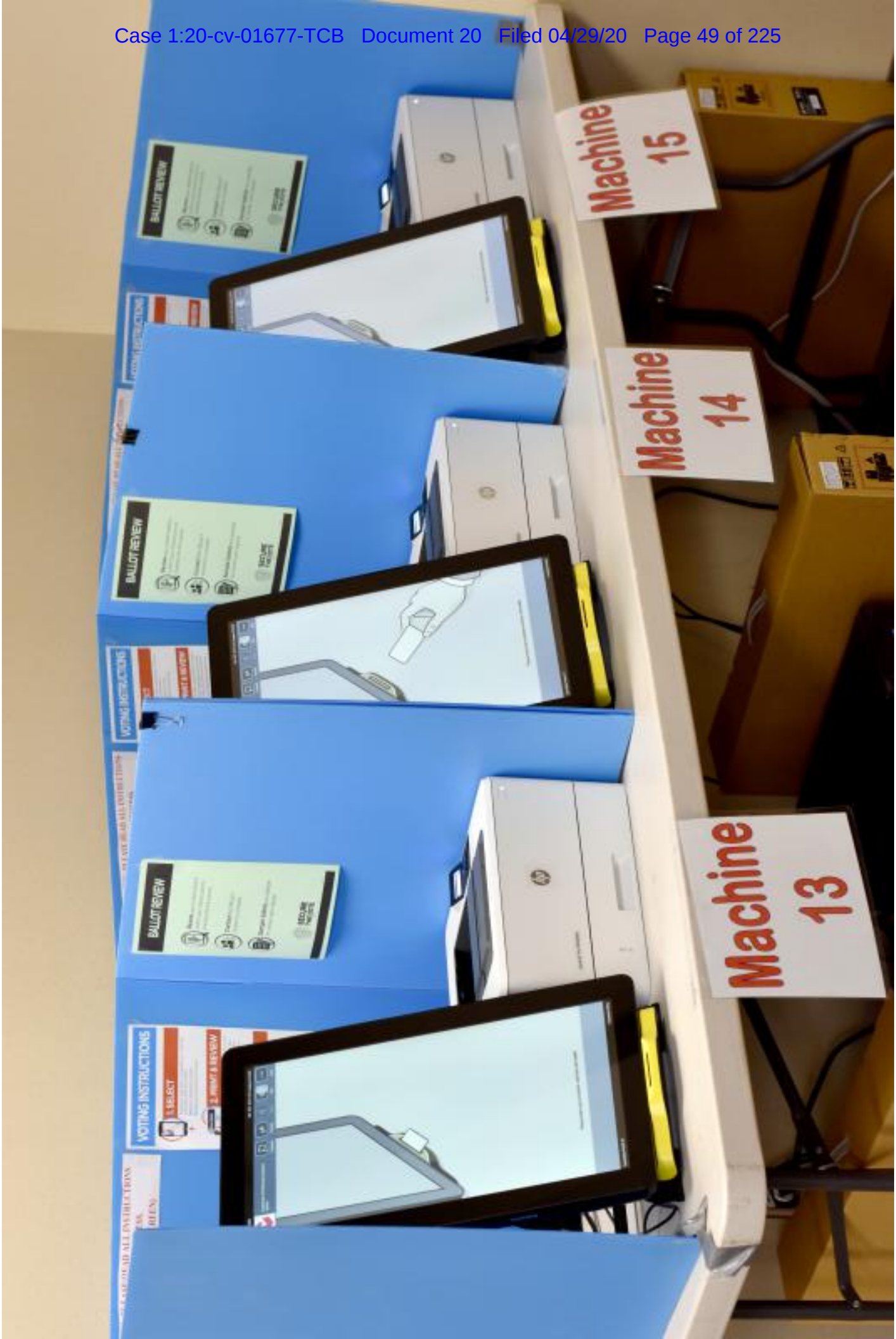
24. I have reviewed the allegations of the Complaint in this case and I verify that those allegations are true and correct to the best of my knowledge and belief.

Executed April 29, 2020

Marilyn Marks

EXHIBIT

1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Machine 15
VOTING INSTRUCTIONS
BALLOT REVIEW
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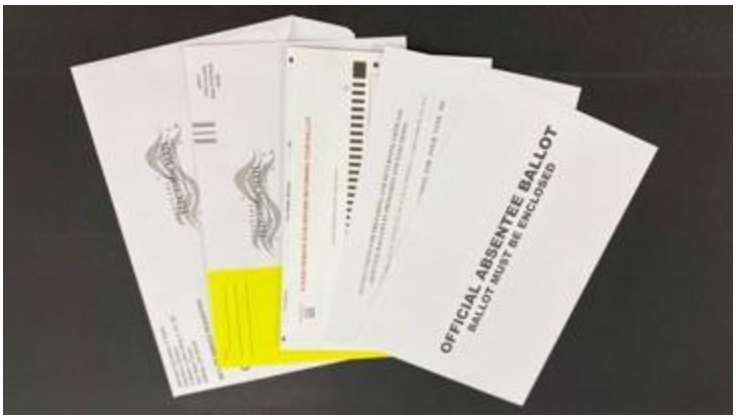
BALLOT REVIEW

EXHIBIT

2



Georgia absentee voting instructions to be corrected

By Mark Niesse, The Atlanta Journal-Constitution

Georgia election officials said Tuesday they will correct absentee ballot instructions that erroneously told voters to insert ballots into envelopes that no longer exist.

Instructions mailed with future absentee ballots will tell voters that ballots should be placed inside a folded piece of paper labeled “Official absentee ballot,” which replaced an inner envelope that secured ballots in previous elections.

The inner envelope protected the secrecy of ballots so they couldn’t be matched with voters’ information printed on the outer envelope. Without the inner envelope in Georgia’s June 9 primary, a county election worker could see how someone voted after opening the outer envelope.

Absentee ballots will be counted as long as they’re received by the time polls close on election day, said Gabriel Sterling, implementation manager for Georgia’s voting system. Absentee ballots must be returned in signed and dated envelopes, which are still included.

The secretary of state's office only learned that absentee ballot packets wouldn't include inner envelopes when voters began receiving them late last week, Sterling said.

The problem occurred because of a miscommunication between the state and its ballot mailing company, Arizona-based Runbeck Election Services. The privacy sleeve looked identical to typical inner envelopes in images approved by state election officials, Sterling said.

"It's more important for people to get their ballots and turn them in than have a perfect set of instructions," Sterling said. "We're having to deal with the real world and the COVID situation. This was a Herculean effort. The main thing is ballots are going out the door."

The secretary of state's office hired Runbeck to mail ballots to voters statewide to deal with a surge in people requesting absentee ballots so they can avoid human contact at in-person voting locations. In prior elections, ballots were mailed by county election offices.

So far, more than 886,000 voters had request absentee ballots through Monday.

"Voters are going to be confused," said Margaret Arnett, a DeKalb County voter and member of Indivisible Georgia Coalition, a left-leaning group. "There's an awful lot of people who have never done vote-by-mail before, and this is their first exposure to it. It's kind of like getting a desk from Ikea and the instruction sheet isn't right."

State law requires an inner envelope for absentee ballots. Sterling said the folded paper meets the intent of the law, which he said is to protect secret ballots if someone were to hold an absentee ballot envelope to a light and try to detect how they voted.

Fair Fight Action, a voting rights group founded by Democrat Stacey Abrams, criticized the secretary of state's office for the incorrect instructions.

"This was a careless mistake that will confuse voters and inundate already overwhelmed county boards with phone calls," said Seth Bringman, spokesman for Fair Fight Action. "Despite the secretary of state's incompetence, we encourage voters to cast their vote by mail so that voting in-person is safe for those who need it."

The secretary of state's office said the absence of an inner ballot envelope will help county election officials more quickly process so many absentee ballots. They will only have to open one envelope instead of two.

Revised ballot instructions were being finalized Tuesday, and they will be included in absentee ballots mailed to voters between this week and election day, Sterling said.

There's no additional cost to changing the ballot instructions, he said. The state is paying Runbeck $1.88 and $2.38 per absentee ballot packet mailed, depending on its size.

EXHIBIT

3

https://www.ajc.com/news/state--regional-govt--politics/this-real-poll-workers-prepare-for-voters-pandemic/kA8rODocxwPvW3qfhGkbJM/

‘This … is real to us’: Poll workers prepare for voters in pandemic

Georgia elections officials face a daunting question as they prepare for early voting in the June 9 primary in the midst of a global pandemic: What do they do if a voter appears ill?

“I’ve asked for guidance from the state as to what we’re supposed to do if a manager notices anyone in line with symptoms,” Fulton County Elections Director Richard Barron said at a recent elections board meeting. “I still haven’t heard back.”

The Georgia News Lab and GPB News asked dozens of county supervisors how they would handle such a situation. None reported receiving any guidance from state elections officials as of publication, leaving local officials to determine how to balance health and safety concerns due to COVID-19 against the fundamental right to vote.

A spokeswoman for Secretary of State Brad Raffensperger said the office is actively working with counties to develop best practices for polling locations.

“Just like other essential services that have continued to operate during this time, in-person voting will need to incorporate both social distancing and increased cleaning,” Deputy Secretary of State Jordan Fuchs said. “Exact measures will look different depending on the specific polling place but election officials should be prepared to limit the number of people in a polling place at a time.”

That mirrors guidance from the Centers for Disease Control and Prevention last month that recommends election administrators regularly disinfect polling locations and enforce social distancing.

But both state and CDC guidelines say nothing about what, if any, actions elections officials should take if a voter shows symptoms of the virus at the polls.

The result is a patchwork of interpretations about how to proceed.

Many elections officials said their staff would try to accommodate voters.

“You can’t discourage somebody or remove somebody from a polling place because that’s taking away their rights,” DeKalb County Elections Director Erica Hamilton said.

Henry County Elections Director Ameika Pitts said she and her staff have developed their own protocols, including possibly creating a separate area for potentially sick voters.

Pitts said she also instructed poll workers to alert a poll manager if he or she notices a voter who appears ill. The poll worker should then speak with the voter and "maybe pull them to the side, and ask them a few questions and keep them out of the loop of the line," she said.
Poll workers can also offer the voter the opportunity to vote absentee, if it is not Election Day.

In Macon County, Elections Director Patsy Cannon has trained her poll workers to protect themselves and voters from COVID-19 by using hand sanitizer, disinfecting wipes and Lysol spray.
As for voters showing symptoms, "they might get themselves sprayed down if they don't make it known," Cannon said. "I'm just being honest with you."
Sumter County Elections Supervisors Randy Howard said his poll workers may take more extreme actions.
"We'll monitor the voters," he said. "If we don't feel comfortable, we may ask a voter to turn away because we just cannot take the chance."
Elections experts said voters shouldn't be turned away because of possible illness.
"You can't deny somebody the right to vote because they have a temperature," said Gilda Daniels, director of litigation for the nonprofit civil rights group Advancement Project.
Drive-through polls such as the ones used for the primary in Wisconsin were among ideas being considered in Cobb and Rockdale counties.
"We're looking at things that we would never have really looked at before," Cobb Elections Director Janine Eveler said.

Keeping poll workers safe
Though nearly a million Georgians are planning to vote with an absentee ballot, and the state has taken steps to encourage Georgians to vote by mail, not everyone is able to do so.
Some voters require in-person accommodations due to vision impairment, hearing difficulties or other disabilities. State law also requires three weeks of early voting plus Election Day.
Some supervisors, like Pitts in Henry County, have poll workers and other staff who are hesitant to risk exposure to COVID-19 while working the election.
Most poll workers are 60 or older, a population the CDC has identified as being vulnerable and more at-risk for complications from COVID-19.

"I expect a lot of poll workers at some point to say, 'I gotta put my family first,'" Pitts said.
In Fayette County, a dwindling number of poll workers resulted in the shutdown of at least one polling location.
"We lost the Tyrone location because of COVID, and we have not been able to find the personnel for it," Fayette Elections Director Floyd Jones said.
What's more, elections officials are unsure how they will comply with a new state law requiring one voting machine for every 250 active registered voters, a setup that puts voters in close proximity at many polling places statewide.
Jones said he must make a decision on whether to follow state law or the CDC's social distancing guidelines for polling places.
"At some point, if I'm a poll worker, I'm going to be closer than six feet [apart from voters], because you have to sign documents [and] you have to sign the poll pads."
Social distancing requirements coupled with fewer voting machines could result in longer wait times for voters, officials in Henry and Fulton counties said.
"You have more space in between each person in line. You'll have less people in the voting area," Pitts said. "It will cause a long line if there is a very high turnout, which most likely will be."
The full implications of the virus hit close to home for the staff of Fulton County's elections office, where an employee recently died of COVID-19 and another was hospitalized.
"This is pretty real to us," Barron said in an interview. "I feel a responsibility to the safety of these individuals."
Eveler, in Cobb County, said she realizes the gravity of the decisions she will have to make.
"It is a big weight," she said. "I mean, you're responsible for the safety of all the people that work under you."

Help from state

As early voting draws closer, and the number of COVID-19 cases rise, counties are putting the final touches on plans to conduct elections with new precautions.
The secretary of state's office said in a statement that it was working with county elections officials to procure personal protective gear for poll workers and cleaning supplies for voting equipment.

"The state has asked us to try to locate whatever supplies we can get with 90% reimbursement as a grant for anything we find," Jones, in Fayette County, said. "It may be a good chance that the supplies won't be here in time."
Robin Webb, the elections director from Hart County, said she thinks the state has been supportive but the right answers take time.
"It takes patience on our end to wait to hear [the state's] solutions for our problems," Webb said. "It's just a matter of us all hanging in there."

About the story
This story was reported by GPB News and the Georgia News Lab, an investigative reporting partnership between Georgia universities, The Atlanta Journal-Constitution and WSB-TV. GPB political reporter **Stephen Fowler**, a News Lab alum, contributed reporting. **Ada Wood** from Georgia State University, **Mary Margaret Stewart** from the University of Georgiaand **Nicole Sadek** from Emory Universityare reporters with the Georgia News Lab. News Lab reporters **Imani Dennis**, **Eric Fan** and **Madilyn Harrell** also contributed. The reporting was funded in part by the Democracy Fund.

EXHIBIT

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https://www.gpbnews.org/post/georgia-elections-officials-navigate-sea-absentee-applications-while-polling-places-back-out

Georgia Elections Officials Navigate Sea Of Absentee Applications While Polling Places Back Out

More than half a million absentee ballot applications have been processed for Georgia's June 9 primary so far, overwhelming local officials who already face a shortage of poll workers and polling places.

While the state begins to ease social distancing restrictions to reopen the economy, Republican Secretary of State Brad Raffensperger is urging Georgians to vote by mail in this election cycle to combat the spread of COVID-19. To help with the process, the state mailed absentee ballot applications to the state's 6.9 million active registered voters.

As of Monday, county election officials had approved more than 590,000 absentee ballot requests, with hundreds of thousands more awaiting processing. With seven weeks remaining until the rescheduled election, applications for absentee ballots already double the number of absentee votes cast in the 2018 gubernatorial election.

A GPB News/Georgia News lab survey of nearly three-quarters of the state's 159 elections directors also finds many counties are left with fewer polling places to accomodate in-person voting.

An 'overwhelming' number of applications

Counties like Fayette, which has nearly 90,000 registered voters, are straining under the load of absentee ballot applications.

"We have been inundated," Election Supervisor Floyd Jones said. "We've got applications that are coming in by the bucket loads over here and they come in email nonstop."

The same holds true in Cobb County, where officials have approved 43,146 applications, more than anywhere else in the state.

Cobb Elections Director Janine Eveler estimated last week roughly 100,000 more applications awaiting processing were stacked in mail trays across the office.

Although the state has hired a third-party contractor to print and prepare applications and ballots for voters, Eveler said her office is struggling to keep up with the volume of incoming mail and email.

"We still have to staff for the data entry tasks, the opening the mail tasks and that sort of thing," she said, adding that additional staff would be needed to process in-person and absentee ballots.

Other counties are following suit.

Some elections supervisors, such as Marcia Ridley in Spalding County, are bringing on employees from other county departments to help with the paperwork.

Absentee ballot applications are arriving at a rate of about a thousand per day, Ridley said, and the workload is more than her three-person department can handle.

"I'm having to hire additional people because my county has roughly 43,000 active voters," Ridley said. "I expect 40-something thousand applications to come in, which is new to everybody … No one was ever prepared for a pandemic such as this."

In Fulton, Elections Director Rick Barron said he is also getting help from other county departments as emailed absentee ballot applications were recently coming in "every 10 seconds."

"We have an overwhelming amount of applications coming in," Registration Manager Pam Coman said at an April 9 Fulton County Board of Elections and Registrations meeting. "I've been in the department 18 years and I've never seen anything like this before."

About 10,000 applications had been processed in Fulton as of Tuesday with about 100,000 awaiting processing, Barron said. The county had about 17,000 total absentee votes in November 2018 out of 700,000 registered voters.

Losing polling places

Though the secretary of state's office is encouraging Georgians to take advantage of absentee voting, state law requires that counties provide polling places for in-person voting on Election Day and for three weeks prior.

Churches, private businesses and other privately-owned facilities that agreed to serve as polls for the primary have since backed out over concerns about the virus. The cancellations have left some election supervisors scrambling to find new locations for people to vote.

In the 10 counties with the greatest increase in registered voters — most around metro Atlanta — more than 75% of polling places are churches, schools and senior centers. As

COVID-19 continues to spread across the state, so too does uncertainty about how many polls will be open and whether there will be enough poll workers willing to staff them.
Cherokee County Elections Director Kim Stancil said that before the announcement that the May primary would be pushed to June, eight of her county's 41 polling places had backed out and another three were on the fence.
"We're just taking it day by day, because we can't pressure them into answering when things are still locked down," Stancil said, adding that she is reluctant to insist on a commitment from property owners while the state is locked down. "They don't know what it's going to be like a month from now, so we can't say 'Okay, we've got to have your answer.'"
The Rockdale County Board of Elections voted earlier this month to have voters in three of its 16 precincts vote at a county-owned building. It even explored having voters wait in their cars to cast their ballots.
The Fulton County elections board is set to consider Thursday plans to relocate up to 11 early voting locations, most due to COVID-19, according to the meeting agenda.
Bryan Sells, an Atlanta attorney who specializes in voting rights, said counties should work to ensure there are more places to vote in the middle of a public health emergency, not fewer.
"I don't think it's the right time for boards of elections to start preemptively closing polling places for fear that they won't be able to have them open," he said. "We're getting mighty close to the primary election here, and I think we run the risk of disenfranchising people if we start messing around too much with polling places."
From 2012 to 2018, more than 10% of the state's polling places have closed across half of Georgia's 159 counties. In that time, Georgia has added more than a million people to its roll of registered voters.

Unprecedented decisions

Even in places relatively untouched by the virus, election administrators say they are seeing changes in voter behavior.
In northeast Georgia, about a quarter of Rabun County's 12,000 active voters had requested an absentee ballot as of Monday night. That's three times the amount received for the 2018 governor's race.
Elections Director Tammy Whitmire said the Rabun County Civic Center — the county's only poll — is ready for the election, but the phone line to her office has been busier than usual with voters asking questions about the mail-in ballots.

"This is an adjustment for them," she said. "They've never voted and went through this process."

What's more, many elections officials said they have not received any official guidance on how to deal with voters who come to the polls with obvious symptoms of illness. Henry County Elections Director Ameika Pitts said her office came up with its own protocol.

A poll worker who notices a sick voter is to notify the poll manager or get personal protective equipment and ask the voter if they need help, Pitts said.

"Maybe pull them to the side and ask them a few questions and keep them out of the loop of the line," she said. "It just depends on the particular symptom that is being noticed."

If a poll worker believes a voter is sick, they will provide advice on where they can get help and offer them the opportunity to vote absentee.

Back in Fayette County, Jones said he is struggling with what to do if such a situation occurs.

"I have to be very honest with you. I don't know," Jones said. "You run a risk of how do I know that it's COVID-19 versus you got allergies? ... And then again, even if you do, I don't know if I have a legal right to say 'You've got to get out of the voting line and can't vote.'"

In Fulton County, where an elections employee died recently of COVID-19 and another was hospitalized with the virus, colleagues are struggling with difficult questions.

"We've kind of asked ourselves, 'Would we be willing to go out and work at these sites for three weeks in a row?'" Elections Director Barron said. "But we're going to have to ask these people, and they will do it, but I feel a responsibility to the safety of these individuals."

Laura Corley is Deputy Editor of the Georgia News Lab

The News Lab is an investigative reporting partnership between Georgia universities, Georgia Public Broadcasting, The Atlanta Journal-Constitution and WSB-TV. News Lab reporters contributing to the story were: Richard Chess, Imani Dennis, Eric Fan, Luke Gardner, Madilyn Harrell, Niraj Naik, Nicole Sadek, Mary Margaret Stewart and Ada Wood. Reporting for this story was funded in part by the Democracy Fund.

EXHIBIT

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OFFICIAL ELECTION BULLETIN

April 13, 2020

TO: **County Election Officials and County Registrars**

FROM: **Chris Harvey, Elections Division Director**

RE: **Absentee By Mail for 2020 Primary and PPP**

State Issued Absentee by Mail Process

Summary

Due to the health concerns caused by the COVID-19 virus, the Secretary of State has moved the Presidential Primary, General Primary, and Nonpartisan General Election to June 9, 2020. The absentee process that was planned for the 5/19/2020 election will remain in place for the new election date. The new election date comes with new legal restrictions. Per O.C.G.A. 21-2-384 (a)(2), absentee ballot may not be mailed out more than 49 days before an election. All counties should hold off on issuing any additional absentee ballots until this new 49-day period begins on April 21, 2020. The state hired absentee ballot vendor will also be instructed to wait until this time to issue ballots on behalf of the counties.

Absentee Process Overview

The Office of the Secretary of State sent out absentee ballot applications to all active registered voters in Georgia. Additionally, our office will be promoting the use of absentee ballots by mail as an alternative to in-person voting. To assist with the increased burden placed on the counties by this shift from in-person to absentee by mail, the Secretary of State has procured a mail vendor to send ballot packets to voters on behalf of the counties. County registrars will still be responsible for accepting absentee ballot applications, verifying the information and signature of the voters, and entering voter information into the Absentee Module of the Voter Registration System. Once the information has been entered into the system, the state will export reports that contain voter information and instruct the mail vendor to print and issue ballots to voters. Voters will complete their ballots and return them to their county registration offices. County employees will enter returned ballot information into the voter registration system to apply credit for voting and retain the ballots until Election Day for tabulation.

Process Details

Absentee ballot applications will be completed by the voters and sent into county registration offices. Once they are received, the county registrars will:

1. Date stamp the absentee ballot application
2. Verify the voter information and compare the signature on the application to ensure it matches the signature on file for the voter
3. Enter the absentee ballot application into the Voter Registration System (ElectioNet)
    a. The Date Requested in the Ballot Requested Information section should reflect the date the application was received by the county registration office
    b. The Issue/Mailed Date in the Ballot Issued Information section should be 4/21/2020 until 4/21/2020 has passed. After that time the Issued/Mailed date should reflect the date that the application was entered into ElectioNet.
    c. The system will default to include the mailing address in the Ballot Issued information section. The ballot packet will be sent to the address displayed here.
        i. If the voter does not have a mailing address, the residential address will display by default
        ii. If the voter has indicated on their application that they would like to receive their ballot at a different address, this information should be entered into the absentee module in the Ballot Issued Information section

The state vendor will then mail the absentee ballot packets to the addresses in the Ballot Issued Information section of the Absentee entry for the 6/9/2020 election.

Exceptions

The purpose of procuring the mail vendor is to assist the counties as much as possible given the increased use in absentee ballots for this election. However, there are special circumstances that will prevent the mail vendor from being able to issue ballots to the following types of absentee voters:

- Challenged Voters
    - Examples include voters that are currently on the felon 40 day clock.
- Provisional Voters
    - Examples include voters with a signature mismatch between their absentee ballot application and the signature on file with the registration office that require a cure affidavit.
- Missing Identification Voters (Often referred to as MIDR or IDR voters)
- UOCAVA Voters that have requested absentee ballots by mail

Absentee ballot packets for voters in the groups listed above will need to be prepared and mailed to voters by the county registration offices. Enter an issue date for these records that reflects the date that the absentee ballot was mailed by your office. We will periodically provide reports that include voters in these groups to the county offices to ensure that all ballots are being sent out.

Frequently Asked Questions (FAQs)

Q: Will voters need to submit a new absentee ballot application now that the election date has been moved?

A: No, all applications for the 5/19/2020 election will be honored as applications for the 6/9/2020 election.

Q: Will counties receive new ballots with the updated 6/9/2020 election date on them? What should be done with the ballots that have already ordered or received from my absentee ballot printer?

A: No, the ballots will not be updated from their current form to show the new election date of 6/9/2020. All of the ballots already ordered can still be used for the 6/9/2020 election. All of the ballots sent out should be counted if they are returned.

Q: Should county registrars continue to issue ballots for the 6/9/2020 election?

A: County registrars should continue to process absentee ballot applications as they come in, but ballot packages should not be mailed until the absentee period begins again on 4/21/2020. The mail vendor will also hold off on issuing ballots until 4/21/2020.

Q: Should county registrars continue to enter absentee ballot applications into ElectioNet? What issue/mailed date should they enter?

A: Yes, registrars should continue to enter absentee ballot applications into ElectioNet. County registrars should enter the issued/mailed date of 4/21/2020 up until 4/21/2020. After this date, registrars should enter the current date as the issue date when entering absentee ballot applications into ElectioNet.

Q: Will county registrars need to update the issue dates of all of the voters in the voter registration system to reflect the new 4/21/2020 issue date?

A: No, the Office of the Secretary of State will update the issue dates of the absentee ballots it intends to send out to the new 4/21/2020 date. County registrars will be responsible for updating the issue dates of the exception ballots that are required to be mailed out by the county.

Q: Should registrars cancel outstanding absentee ballots for the 3/24/2020 election if they receive a new application for the 6/9/2020 election?

A: Yes, when you receive an application for the 6/9/2020 election, outstanding ballots for the 3/24/2020 election should be cancelled. The vendor will issue a combined ballot to all voters who have not returned their 3/24/2020 ballot. This will be done based on the credit for voting file, so it is important to make sure that you check in all returned 3/24/2020 ballots.

Q: If a 3/24/2020 ballot is received back in the voter registration office, should it be counted.

A: That depends on the circumstances. If the voter has not applied for and been issued a 6/9/2020 combined ballot, yes, 3/24/2020 ballots can still be accepted. If the voter has applied for a 6/9/2020 ballot and been issued a combined 6/9/2020 ballot, the 3/24/2020 ballot should be rejected to prevent double voting in the 3/24/2020 elections.

Q: Will absentee ballot packets be sent to the mailing addresses of voters?

A: Absentee ballot packets will be sent to the addresses entered into the Ballot Issued Information section of ElectioNet. The system defaults to the mailing address. If there is no mailing address on file for a voter, the system defaults to the residential address on file for the voter. The address in the Ballot Issued Information section can also be updated to a different address other than the residential or mailing address of the voter. The address that is input into the Ballot Issued Information section will be the address the ballot packet is sent to.

Q: Will absentee ballot packets that are undelivered be returned to the county registration office?

A: No, the ballot packets that are undeliverable will be returned to the SOS office. These ballot packets will then be forwarded to the county registration offices by the SOS office.

Q: If a voter wants to change the party ballot that they requested, how should this be handled in the system to ensure the voter gets a new ballot?

A: The existing entry for the 6/9/2020 election should be cancelled in the system with the cancellation reason of Voter Requested. A new absentee ballot entry should be entered into the system with the date that the change was entered into the system as the Issue/Mailed date. This is how all ballots should that need to be reissued should be handled, including cancelled, spoiled, and rejected ballots. The reason code that is selected should reflect the circumstances. If a new entry is entered into the system with the current date as the issued date, a new absentee ballot will be sent out by the vendor.

OFFICIAL ELECTION BULLETIN

April 17, 2020

TO: **County Election Officials and County Registrars**

FROM: **Chris Harvey, Elections Division Director**

RE: **Absentee Ballot Application Clarifications**

Our office has received questions concerning the absentee ballot application mailer. Below you will find the answers to a few of the more common questions received by our office.

Returned Mail

The Office of the Secretary of State sent an absentee ballot application to the residential address of every active registered voter in the State of Georgia. Residential addresses were used because the voter registration system vendor was not able to systematically extract address data in an if/then format. If these absentee ballot applications were unable to be delivered to the residential addresses of the voter, they are being returned to the county registration office. Below are guidelines concerning when these should be entered as returned mail.

1. If the voter does not have a mailing address that is different from their residential address, a returned absentee ballot application should be treated as returned mail. The returned mail process is started in ElectioNet by entering the registration number of the voter into ElectioNet under Activities > Elector List Maintenance > Returned Mail. This will generate a confirmation notice and start the 40 day clock outlined in 21-2-234.

2. If the voter has a mailing address in ElectioNet that is different from the address printed on the absentee ballot application, the returned application should not be entered as returned mail.

Out of County Permanent Address Changes Reflected on Absentee Ballot Applications

An absentee ballot application can be used to make an address change within the county. That is allowed under 21-2-218(c). Section 3 of the absentee ballot application has a check box for the voter to convey that they have changed their permanent address. This check box was meant to allow voters to update their in-county address as allowed by Georgia law.

☐ Check here if your permanent address has changed and you want to update the address in Section 2 with the address you've provided in Section 3.

However, the wording of the check box is causing some confusion for voters, and many counties have received absentee ballot applications that indicate a permanent address change outside of their county or outside of the state. In this situation, we recommend the following:

- Attempt to contact the voter to confirm that they have changed their residency outside of your county or of the state.
- If the voter cannot be reached, proceed with processing the absentee ballot application and issue the ballot to the temporary address listed in Section 3. Refer the application to the state for further investigation on whether the voter has permanently moved from their registered address.
- If the voter says that they have not changed their permanent residential address from what is on file, proceed with processing the absentee ballot application and issue the ballot to the temporary address listed in Section 3.
- If the voter says that they have indeed changed their permanent residential address outside of the county or state:
    - Explain to the voter that they are not allowed to vote in a county or state that they do not reside.
    - Explain to the voter how they can submit a new voter registration form (preferably online) so that their address can be updated to their new county or state.
    - Process a voluntary cancellation and reject the absentee ballot application. Make sure to note in the memo field that the change of residency was confirmed directly with the voter.

EXHIBIT

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PORTION OF THE NOVEMBER 12, 2019 MEETING OF THE COBB COUNTY GA BOARD OF ELECTIONS

[Note: Janine Eveler is the Cobb County Elections Director.]

Janine Eveler

A little bit about the hand-marked paper ballot pilot. We learned some things. We, you know, have not ourselves ever conducted one. So, you know, ["mostly" or "most of these"] folks saw me in front of the [Georgia] Legislature telling them it would be really difficult and there were these issues and there are some things that were difficult about it. But there were also some things that we--I think we're a little surprised at and pleased about. When there was an issue with the poll pad encoding cards--which has been in the news and several folks have already mentioned it--and technicians had to reprogram the encoding part of the poll pad so it was able then to encode a [ballot or valid] card. We didn't have a problem because our ballots were already printed. So that was a relief on our part--whereas the other pilot counties were really scrambling to get their poll pads reprogrammed and able to encode cards, we just continued with the processes that we were already starting with, which is handing out the paper ballot.

I'm aware of only one case--and there may be more but this was one that I was made aware of--where a couple came in and the wife was visually impaired and wanted to use the Ballot Marking Device and we were not able to encode her card at that time. So we did issue her a paper ballot and her husband was there to assist her. Which--you know, she was able to vote and an assisted ballot is fine, except that we would rather that she had the independence to use the audio ballot. We had-- there were a couple other things that I was going to talk about as far as-- We have a late delivery of the Uninterruptible Power Supplies, which were the units that the vendor was providing to all the counties in case the printers failed. If there was a power outage and we didn't have power, we couldn't print any ballots. So the vendor was supplying a UPS unit for every two Ballot Marking Devices. Well, getting those was coming in at the last minute. We were delivering them to the polls on Monday before the election, but really that didn't concern us as much as we did other counties because if we can't print a ballot, we still have ballots already printed. So again, there were some pros and cons. Some of the things that were difficult about it was getting all the ballots to the polling place. Because with the handling of live ballots, as folks have mentioned, the chain of custody is very important and the Georgia code does say you have to have a ballot printed for every active registered voter

and in these 16 precincts there were 73,000--72,000 somewhat--registered voters.

So we had to print enough ballots to account for absentee mail and early voting and the polls. And we took that 73,000 and we split it across those different types, because we knew we had way more ballots than we even needed. And then what ended up happening is, we looked at a case--that we already had, because we didn't want to buy anything--that was on wheels that we could provide to the poll workers with their pre-printed ballots, and they can wheel it to the polls. Well, it was too heavy to lift with the number of ballots that would have been allocated to the polls. So we re-thought that and we decided we would send them--also have cases that we already had, but they were smaller cases that we would put 600 ballots in each case. And we gave them three cases at the biggest polls. And then that still wasn't all the ballots that we were supposed to provide to every registered voter. So we kept some behind. And we got a plan in place that if they ran out, after a certain--they would get to a certain point in their supply, they would contact us and we would get those back out. And we had a chain of custody for them, ready to transport those. So we kind of had some planning, you know, rethinking because it was just logistically too many ballots, to send out with poll workers to have them lift the cases. But it

worked out fine. They didn't need any secondary transport of any ballots. every poll had enough ballots in the first allocation that we gave them.

And then just to talk about a little bit how many were cast on each of the two different types-- [Ballot Marking Device vs Hand-Marked Paper Ballots] We were concerned at one point motor planning that, you know, people might choose to vote on the BMD when we were basically set up--

Man

Could you explain [unintelligible] BMD [unintelligible]?

Janine Eveler

Ballot Marking Device. Yes, thank you. We were basically planning our numbers of ballots and supplies, with the thought that the Ballot Marking Device would be only for those who had disabilities and needed, you know, visual enhancements or an audio ballots. So we put most of our resources into the hand-marked ballots. But we were concerned that what if more people wanted to use the Ballot Marking Device and there was a line because we only had one at each of the polling places. As it turned out, it wasn't--That didn't happen at all. We had a total of 41 ballots that were cast on the Ballot Marking Device

between the Election Day polls and the Advanced Voting locations. So it truly ended up being just for those who had, you know, some kind of a disability that they couldn't mark a hand-marked ballot.

Woman

Janine, what was that number again?

Janine Eveler

41.

Woman

41? Okay.

Janine Eveler

And then 11,599 were on the hand-marked paper ballots. So it truly was a, you know, a real pilot of that system, and the Ballot Marking Device was there just as a failsafe for disabled voters. And of those 11,599 that marked a hand-marked paper ballot, we had 55 that required spoiling, and that was a lot smaller number than what I expected. In, you know, some of the discussions about this process before we actually, you know, embarked on it, there was a lot of talk about hand-marked ballots were marked improperly a lot of times and they weren't

scan. What we found happened is yes, people did mark them irregularly with a checkmark or an X, or in some other way [than filling in the bubble]. But when they came--when the scanner rejected that, as "I don't understand this, this is an irregular mark," voters were able to correct that in a lot of times and just completely fill out the bubble, even if the little tail of the checkmark was still outside the lines, and it was able to read the filled-in bubble just fine. So there was some correction. I've taken to heart some of what people have talked about as far as privacy. We'll kind of talk about that a little bit more. We do want to assist voters that are having a ballot come back out so that they know how to fix it or how to interpret the message that comes out. But we do want the voter to have a private ballot.

And a couple people have talked about the issue where the ballot--we had actually put on our scanner, we put a sticker on there that, you know, was just something that we came up with. I don't know if anybody else did. We said "insert face down," because that was...we did recognize that if there is an assisting, or there was some education of the voters that needed to take place, that we didn't want the ballot to be out there. So we were--in most cases, voters read that and put it face down. But we did experience a couple of scanners that, after a

period of time they were not reading it quickly facedown. It had to be inserted in reinserted several times before we read it. And it does read four different ways. It reads it, you know, top, face-down, face-up and then bottom first face-up and face-down. So they were trying to secondary way to see if it would go through that way and they flipped it face up. And it was reading it when they did that. So, you know, we're going to talk more with the vendors and with the state about some of those issues. Again, as I said, this is a pilot, so we're going to take back all the good and the bad. And we're supposed to be meeting with the vendors in the state on Friday to go over some of the what went right, what went wrong, and hopefully improve the process for March coming up. Well, we're gonna do it again in December.

EXHIBIT

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Political Series- Secretary Brad Raffensperger
https://www.facebook.com/ghcc1/videos/1123809224646814/

Santiago Marquez 0:00
My colleague, my mentor, president of the Georgia Chamber of Commerce, Mr. Clark, will you say a few words please?

Chris Clark 0:09
Thank you, Santiago. And thank you all for joining us today on this call. I just want to make a couple of quick updates. First, I want to tell you that we're very excited yesterday afternoon, the United States Senate passed the new funding bill to replenish the SBA and the PPP programs. We expect the House to vote on those on Thursday, and those funds to be available as soon as Monday. We're working on a call right now with SBA for Monday to explain any new rules or regulations, but I think one of the most important things about the reauthorization is it does set aside funds for those small business sole proprietors that missed out, to Santiago's point on the last round of funding. And so I'd encourage you to go in and talk to your local lenders and bankers today and tomorrow, so that you can be prepared to make those applications immediately. You know, this came about because of the hard work of the Georgia Hispanic Chamber, the Georgia chamber and so many other partners lobbying literally for the last week since those funds ran out. And so thank you to particularly to Senator Perdue and others that worked around the clock to get that that done. So we're excited about that. Also, Santiago mentioned the new executive order that the governor issued. I know that we've posted and Santiago's organization is posted on the website, a guide to that more rules and regulations were promulgated last night. They were released probably about 15 minutes ago, particularly for those licensed by the cosmetology board. And you're going to see more rules and regulations promulgated here in the next couple of days for those other facilities. You know, I appreciate the Governor and the Secretary of State and others working around the clock to allow those small businesses to reopen if they want to. It's not a mandate, they don't have to, but if they feel comfortable having those minimum operating standards protecting their customers, clients, earning their trust back, this is a good smart step, baby step in what's gonna be a long marathon on a recovery. Last thing I'll mention, Santiago, we're excited about your small business fund you're creating. I also want to turn the members of Hispanic Chamber, your small businesses' attention to the US Chamber of Commerce. We've also launched a small business grant program, it went live this week, that's available to small businesses all over this country. They're small micro grants, but I think they could be the difference between surviving and shutting down here in the short term. And also along those same lines we did create yesterday we launched a nationwide effort with the US Chamber, every state chamber in the country to reopen the economy slowly, smartly, safely over the coming weeks and months. And so we'll continue to feed that information back, Santiago to you and your members, and get their feedback as we send recommendations to other states as they I just had a note this morning from Kentucky asking us to come to their state talk about reopening there, but to share these best practices of what the Secretary and Governor, Lieutenant Governor and Speaker doing. So we're excited to be partners excited about this opportunity and excited to listen to the update from the Secretary.

Santiago Marquez 3:18

Thank you, Chris. And now I'd like to introduce the head of our government affairs for the Georgia Hispanic Chamber of Commerce. And he will be facilitating the conversation with the Secretary of State. Jimmy McDonald. Jimmy.

Jimmy McDonald 3:30
Thank you, Santiago. Thank you, Chris. Mr. Secretary, thank you for being here. We got- this is the second week we've done this. And I think that we're off to a pretty great start. I think it's been beneficial. I think it's looking at this whole crisis, this unprecedented crisis and looking at it from a perspective that that doesn't go away. Despite the business aspect of it or the health aspect there is our elected officials and trying to interact with them on a level that from from the small business and business perspective, of thinking about it as one variable of the whole and today we are very lucky to have with a secretary Brad Raffensperger. Secretary Raffensperger began his political career I believe on the city council in Johns Creek, after which he was elected to the State House in House District 50, which is Johns Creek. After a brief stint there, he was elected statewide as our Secretary of State in 2018. I've had the privilege of serving directly with him when I served on the voting machine commission. In that last year, in that last year leading up to trying to select and making a big choice for the state in our new voting machines, which is, I guess, literally the point of contact where the voter meets the election. But it was it was a great experience with you. It was a great experience with your predecessor. And with that, Mr. Secretary, I would love for you to kind of maybe start off by giving us maybe a little background on yourself but also for those that might not be really intimately familiar with what the Secretary of State's office does. Give us an overview a little bit. First on what your office does, particularly for businesses, but also for the voter. And then from there your perspective about just initially getting the conversation going about what's going on right now and and what you feel like we could be doing.

Brad Raffensperger 5:15
Thanks, Jimmy. Well, the Secretary of State's office oversees elections. And that obviously has been a big talking point, corporations here, annual registrations, and this year, you could renew your corporation for up to three years, one, two or three years your choice as a business owner. We also extended that out an additional month and a half to renew your corporation due to the situation with COVID-19. Then we also oversee charities and securities, which is also very important at this time. So first off, I'll talk a little bit about elections. Because by now, if you are an active registered voter, you should have received a ballot request form in your mailbox. And if you want to vote absentee, and we are really recommend that to particularly for people if you're an older age group or any of the high risk groups identified by the CDC. But regardless, it went out to all active registered voters from 18 onward. And so far right now, we've had over 600,000 people that have filled that out and sent it back saying, I'd like to vote absentee. So tremendous turnout, we think the numbers could be over 800,000 for the election that we're now is going to be held on June 9. But that means that early voting three weeks of in person voting will actually start on Monday, May 18. But the absentee ballot process has started right now. In fact, Monday night, we sent out the first batch of absentee ballots to voters. And so they should if you were one of those folks, you'll be seeing that in your mailbox sometime soon. But the absentee ballot request form. It's very simple, straightforward. What you have to do is decide what ballot do you want for the June primary. Do you want a democrat, republican or an independent? Just mark which one you want, put your birthdate on there, sign it, close it up, put a

stamp on it and send it, then your county election official will register that and upload that information to us. We'll print that out and get those out to you. So you can vote from the safety and security of your home.

Jimmy McDonald 7:16
Mr. Secretary, can you get an absentee ballot in Spanish?

Brad Raffensperger 7:20
Those ones aren't coming out in Spanish, the ones that we have done, that that's the only drawback that we've, you know, had, but we had to send it out to everyone for all 6.9. When you show up in person in Gwinnett, obviously, that's one of the advantages of the new ballot marking device is that that will be in Spanish you'll be able to press when you show up to vote in person, if that's how you choose to show up, particularly for the fall election November more and more people will feel comfortable, I'm sure. But then you'll be able to ask what language you want that it's you know, Spanish or English. And then over time, as we have other different languages, we'll be able to incorporate any different languages with that. That's one of the advantages.

Jimmy McDonald 8:02
Actually that was a point of discussion on the voting machine commission was to have it in multiple language and particularly Spanish. So I for one, and I think the chamber would be very, very, very grateful that that that opportunity is. Let me let me ask you about the 800,000 number, in contrast to previous elections, I mean, what how, what kind of increase re we looking at in absentee ballot versus previous?

Brad Raffensperger 8:20
Oh, three to four times higher than we've ever had before. So, obviously, we hit a nerve, we really hit a need, you know, voters don't feel quite comfortable yet of being- and they're concerned about what would that look like? Would I be in a congested area? Now we are working on we are required by state law to have three weeks of early voting, so we have to space out voters we'll have to space out the precincts. But that means we won't be able to handle the same number of voters that we normally could handle. So the more people that take advantage of the absentee ballot situation, the better it is for people that do want to show up and vote in person.

Jimmy McDonald 8:57
Well, then let me ask you this because I think one of the I guess criticisms of, or at least not criticism, but really more of the concerns with such an overwhelming absentee ballot is some people they feel it'll be an exposure to or more susceptible to voter fraud. I mean, is there- what can you say to ease their mind and going, you know, this is something that the checks are in place to make sure that you know that the outcome of these elections three to four times isn't over- I mean, it's it's unprecedented, It's unheard of. But what can you put, tell them to ease their mind that, you know, at the end of day, the legitimacy of these elections, despite this huge contrast is still in place?

Brad Raffensperger 9:35

Well, I appreciate their concern, and we share that one also. But if you notice, when you get your absentee ballot request form it it asks for your birthdate. Now, Jimmy, I know you but I don't know your birth date. And so that's, that's a good one. And I'm sure your neighbor across the street knows you even better than I do, but they don't probably know your birth date. So that is actually a great way of when you put down your birthdate that's signifies that's who you really are. Then we do- continue to do signature match, and that's another very solid way of making sure that that's who you are. But we also formed an absentee ballot fraud task force to make sure if you hear about anything, and the voters hear about things that just don't seem right, then contact us we have post certified investigators, we will actually investigate these cases, it's very important to us, we want to make sure that it's one person, one vote, and people aren't playing games with that and looking for an opportunity to do something that's not right. And so we appreciate your concern, and we appreciate all of our voter's concerns and make sure that we do have clean, fair and accurate elections.

Jimmy McDonald 10:38
Um, so as most people probably know, but if they don't, you know, this is I believe we've changed the primary date a couple at least at least once, if not twice now. Can you walk us through the thought process? I mean, it was obvious but also, you know, the legal and admitted, logistical process to so people- I think there might be some people who might not be you know, all of us are pretty intimately familiar with exactly the checks, but that things aren't done arbitrarily, or that you're not the maybe omnipotent czar of the elections, but that there are processes that you also, of course always have to follow. I think it'd be helpful for people to know that I think we're going to be probably moving- we've moved it twice now. Can- maybe walk us through how that happened?

Brad Raffensperger 11:21
Well, we were in the presidential preference primary cycle. And then all of a sudden, COVID-19 just exploded on the scene. And we had another week to go of early voting. And we just realized that was getting the health challenges were just insurmountable. And that's why we postponed it, you know, to the May primary, but as we were looking at the May primary, we said we are we are not ready for that general primary in May. We need to move it out and we moved it out three weeks, and that's as far as we can move that out. Because our runoffs and we know we'll have run off for several days congressional seats. One congressional race has nine people running as a Republican in the northeast district, the other one has seven or eight. It's tough to keep track of how many people are running in those seats. When you have that many people voting, I mean that many people running, it means you are gonna have runoffs not two months later, and so we know that we'll have that runoff in August, well, then we have to get ready to actually for the November election, so that's a big gap. Well, we have to send out the overseas and military ballots 45 to 49 days before the November election. So everything gets backed up, plus you have to build your ballots. And so we've moved it out to June 9 and that's as far as we can move it out. So we have to be prepared. Your counties have prepared for voters to show up for the three weeks of early voting. We've ordered additional scanners, the federal government has funded the state of Georgia with about 10 and a half million dollars for the additional cost of running elections. So that helps defray the cost of the absentee ballot request, the absentee ballots and the mailing that goes along with that but also we need additional high speed scanners because we have 800,000 coming back in, we want to make sure that those ballots get counted quickly. So

we're not waiting a week or 10 days, because that gets everyone very, very frustrated. So, well, we've ordered additional ballot scanners. So we'll be prepared for those numbers. And now we have to get the counties prepare for in-place, in-person voting.

Santiago Marquez 13:22
Mr. Secretary, I have- just wanted to intervene here. So I'm putting myself in the shoes of a voter which I am right? And so traditionally, and correct me if I'm wrong- this year, because it's a presidential election in Georgia, we would have gone to the polls to vote for the presidential preference, and that would have been in March, right?

Brad Raffensperger
Right

Santiago Marquez
And then in May, we would have gone for the federal, the state and federal elections, right.

Brad Raffensperger
Correct

Santiago Marquez
So theoretically, let's say I could have voted for one party in March. And then if I have friends that are running for you know, offices, you know that affect me personally locally. But they may be for the other party. I could have voted for the them the other party in May. Right. So I could have voted Republican in March Democrat in May. Now I can't do that anymore, right? Because they're all in the one. Is that correct?

Brad Raffensperger 14:20
Yeah, that's, that's correct. So in other words, if you voted in the presidential primary, when you show up to vote or when you get your absentee ballot, since you voted the presidential primary, it will not be on your ballot. But if you did not vote in the presidential primary, what you'll get if you ordered a Republican ballot for the June election, then you'll get the June- the presidential will be a Republican, likewise, if you ordered a Democrat ballot, it'll be a Democrat presidential choice. You won't be able to mix it just because of the system can only handle so many complications. Um, fortunately, unfortunately, it is really how it turned in. And apparently, you know, the Democrat nominee will will be Joe Biden and the Republican nominee will be President Trump. But so it but it's it's the best we could do with the situation we have.

Jimmy McDonald 15:10
Chris you have anything? I want to pause here for an opportunity if you want to interject here at all?

Chris Clark 15:16
I do. I want to switch gears a little bit with the Secretary, Secretary. First of all, thank you for your help. Early in this crisis, we immediately had the problem of public shareholder meetings, you went to work immediately, you fixed the rules in Georgia so that so many Georgia companies could do their shareholder meetings virtually. And I just wanted to thank you on

behalf of all those businesses that were worried about it. But we also talked a lot about the election side of the house. But obviously you have so much to do with Georgia's business climate and us being the best place to do business seven years in a row. And I know as a businessman, you're probably thinking through what are the types of things and how can you help once we start to come out of this pandemic and focus on what is honestly going to be probably a long term recovery here. Any announcements or any thoughts so far on the or even how you're going to approach looking at licensure you're looking at, you know, registrations and other things to make it easier for businesses to operate and get going.

Brad Raffensperger 16:12
Well, one of the things that we did already, Chris, thanks for the question, as it relates to nursing because we had this health challenge, we expedited nurses coming in from out of state so we could get a temporary license, get out there, you know, working in a hospital in a medical facility, you know, quickly then in one or two days versus taking, you know, two months, things like that. So, we worked with the boards on that. So we're going to continue really, to talk to licensed professionals, if a licensed professional sees a roadblock, then they need to contact our office so we can work with our boards and the board members to say we have this situation here. Let's expedite this. Because things happen, like you said about doing virtual meetings, zoom meetings, for your your board meetings. Obviously those are good things to be able to do. And we may obviously keep after. It’s worked so well, there's no reason to go back to change. I think a lot of those things will be incorporated and be long term changes that our society has just done. But you also look at how people, you know, can How can you work? And how do you space and the governor, you know, understands that the twin challenges both the health and the economy, that we're now seeing that people have to work because they need to put food on the table to provide for themselves and their family. And so these are major challenges, and how do you work through that help, you know, businesses, for those of us that have to work or those of us that want to work? How can you do that safely or as safe as possible? And those are the, you know, very difficult decisions that we have to make in the coming days.

Chris Clark
Thank you Mr. Secretary.

Jimmy McDonald 17:43
So, Mr. Secretary. A lot of people might not know that you're a business owner yourself. And I mean, you've you know, the the challenges of being a business owner building it up, and then probably the emotions that go through a time like this. So yeah, I think you can be very empathetic to a lot of our members and what they must be feeling but also you've had this front row seat as a statewide elected official to this in a different context different perspective. Would you maybe share with us and discuss a little bit maybe for our members and for all of us, you know, what would you be sharing with the business owner right now, considering both hats you've worn about what they could be doing right now, what they should be thinking, to kind of get through this type of time to get back to it so that they can get to being able to rebuild?

Brad Raffensperger 18:27
Well, we're very fortunate we have about 140 employees, we have engineering, construction, and manufacturing critical industries. But we've had a few of our projects canceled already. Anything

related to casinos or hotels, things like that have been, quote delayed. And so Chris talked about, we don't know what that turnaround is going to be. When Will those projects really restart? We're also working right now in Mississippi, on the VA Medical Center project. It's a restoration project. So that's obviously you know, critical infrastructure, but I understand from a business person's perspective. When will things start to improve? And it could be a really a long road. And so how do we help a business person? SBA, I think has really been very, very active. Your banks have been as responsive as they could be. I tried to set those rules to get the PPP. That is very important. I think the Georgia chamber, Hispanic Chamber, I've done a great job of reaching out to the business community to be a resource. Because most small business owners, they're just so busy, we have our head down, you know, to the millstone and we're just focused on working our business. And all of a sudden, we looked up and now we need help. This is bigger than any of us. And so the chamber, their outreach and what they've the resources they provided, I think you really deserve high marks for all of you have done.

Jimmy McDonald 19:45
Thank you. Um, shifting gears a little bit back more towards, you know, the primary the elections coming. One thing that struck my mind is, look, I think we're actually probably statutorily mandated to have a physical location a polling place that for voters. I mean, this couldn't be all absentee even if we wanted it to if that was even what everybody decided was the best thing there was, unless the law ever changed, we you're gonna have to have polling places. What precautions are being taken with knowing that we're going to on voting- that on the day of the primary, there're gonna be people there? What precautions are we taking right now to make that as healthy and as safe of an environment as possible, and for to be able to administer that?

Brad Raffensperger 20:29
Well, our poll workers will be wearing masks, we'll be having you know, disinfectants, you know, cleaning off the machines, just making sure it's as clean as possible when you come in as a voter and then as you work through giving you disinfectant wipes, hand sanitizer as you're leaving, but we understand and we'll be spacing people out. And in other words you saw in Wisconsin, some of the challenges they had in the middle of COVID-19. But still, we'll be spacing those lines out if people show up. If you have have ten people in your space six feet apart, that lines can be 60 feet long. So that'll probably be outside the building. I hope it's not a rainy day, you'll just have to figure that out. The one advantage we do have is that we have three weeks of early voting. The first week no one's ever got there. And so I know that COVID-19 will be a little stronger the first week, then the second week, then the third week, but there'll be fewer people by historic measures. And so you might want to say, what are the lines, how many people were there? And you know, if you want to vote in person, we understand how important it is to keep it as clean and healthy as possible. And likewise, if you're the voters showing up, you might want to consider do I want to wear a mask? Do I want to wear you know, gloves? But you know, we won't have you know, if 2 million people show up we will not have 2 million gloves. I know that we'll have hand sanitizer. So that's something that you might want to consider.

Jimmy McDonald 21:55
That's terrific.

Santiago Marquez 21:57

Mr. Secretary. Thank you. Again, and we're getting close to winding up. So I'd like to ask a question and then have Chris Clark ask a question. And we'll throw it back to Jimmy for your your final remarks here. We know your time is very precious. From the perspective of trying to get this information out about the election to our members, right, the Hispanic community and our members, because I know that so much has been lost right now, in terms of I'm assuming in terms of momentum for an election, because of everything that's happened with COVID-19. People are worried about saving their businesses and putting food on the table. How can we help or let me back up. What measures is your office taking to get you know, to get to the different communities? And how can we be of help to make sure that that message gets out that Hey, folks, there is an election, it's been moved a couple times, here's the date, here's the information, how can we be of service to that?

Brad Raffensperger 22:57
Well, we have put out some FAQs. Frequently Asked Questions. But as soon as we hang up, I'll get in touch with our office and I'll have them go ahead. I'll send it to Jimmy and to use Santiago, some FAQs, you could then send out to your membership and get that out there, whatever the best and appropriate ways for you to blast it out there. But we'll make sure that the more people that get that information, we think information is very helpful at these times. There are a lot of questions that people have right now.

Chris Clark 23:29
Mr. Secretary, thanks again from the Georgia chamber and all the help that you've done. I just got kind of a general question. What- being in the state office and also running a business as we go through this pandemic and start thinking about the recession and the recovery period, what keeps you up at night? You know, what are you most worried about? What's most pressing on your conscious?

Brad Raffensperger 23:49
Well in as it relates to our business, it's interesting, but we got thermometers, but I picked that one up from the last day we had session down there when you came into The General Assembly they had the little thermometer, they put it on people's forehead. So I mentioned that to our controller and lo and behold, she went out and she got a couple of those ordered. Most we have engineers, and our drafters, they can work at home. So that's great. But we have a manufacturing facility. So we had to then spaced out our facility to keep everyone six feet apart, stagger lunches, all those kind of things as a business owner, we go into, well, then I think, you know, as Secretary of State, you know, with corporations, what can we do to help like a license holder and we, we have over, you know, 40 different boards over 130 different licenses. And so how do we do that? And then some professions, like a hairdresser, cosmetologist, they're going to be, you know, so close to you. How do you really do that? Obviously, when you get your haircut, you probably are still, if you're the customer, you probably can't wear that mask because they got to cut around your ears if you have short hair. So those are the kind of things you can think about. And I don't know if we really have a great answer. We do the best we can with what we have. We have to try and be as safe as we can. But those are the kind of things because what we don't want is- COVID looks like it's starting to decline, we have reached our peak. Well, what we don't want to see is another peak come and the second wave a third wave, we want to see that if there's a bounce, it's not anywhere near as big as what we've been facing right now.

Jimmy McDonald 25:21
You know, I would like to build off of that a little bit to get your thoughts even further. Because I think even more so than in past as a Secretary of State, and during this crisis, you've become much more of a high profile face through something like this. I think people are much more familiar with who you are, and how you've helped us through this. But in the last few days, what I think we've found, and speaking candidly, the response has been much more emotional respect to when do we start again, whether we should be reopening or not the peak some of the things that you were just touching on, and it's impossible for it not to be because this is a scary thing. But I think the word I would like to ask you is what's the balance and your- from your perspective. Not just a secretary of state, but as Chris said as a businessman, how do we balance trying to be as cautious as we need to be and taking this seriously and, and mitigating the risks to folks, while still realizing that the economy and these jobs and these businesses are important? I mean, what would you tell people who in the last 48 hours particularly have reacted from this pure emotional place one way or the other right now about trying to find that balance in the middle that, that moving forward, we have to start taking steps forward? What would you share with them?

Brad Raffensperger 26:35
Well, I think when you look at cars that were lined up, close 400 cars down in West Palm Beach, people that were lined up in their cars to get food, you understand how dire the situation is for many people. And so, if you are in a position, you are not a high risk age group, but- and you want to work, then that is your right then how do you work safely? And hopefully if you're an independent contractor, you'll figure that out. But if you work for your company that your business owner is trying to figure out to make that safe, we don't want our employees to get sick. Because if one of our people get sick in my business, then does it, does he actually transfer that to another employee? And then all of a sudden, we have five people that are out sick, and then how do I, you know, move my business forward? But if you're retired, you know, and you have your pension, you have your 401 K, and you don't feel comfortable coming out, then please, you know, stay at home, you know, continue to isolate, that is a great if we're, you know, older, high risk age group. It makes a lot of sense if you're financially able to do that. But also, there are some critical industries that we need you to work we need our farmers, we need people in the manufacture, we need our health care workers. We're depending on them. There's so many people, you look about fire protection, police. So we have a lot of folks that we actually we need them to work and you just can't shut the country down. So I understand that the twin challenges and that's the issue that everyone in elected public office has right now. That's the same issue I think that you know, the Georgia chamber and Hispanic Chamber are facing that you're trying to balance that out. You understand the health issues, but you also understand that people have to work. We have people, I was talking to one person that seven of their jobs were canceled, because they were doing small projects in home remodeling. And so what does that person's life look like? What, what about his financial picture? What does that look like? And so this really is going to cut very deeply and the sooner we can get back to working safely, the better it's going to be for everyone.

Jimmy McDonald 28:37

We have a question here and it changes gears a little bit, but one of the questions is regarding poll workers. Is there a need for poll workers and if there are people that we know or we can get out there that might want to volunteer? This is from Carla Arriola, a great member of ours that want to participate and help out with the process. What who should they contact?

Brad Raffensperger 28:58
They should contact- we need more poll workers, the average age of poll workers over 70 years old. That's actually the higher risk age group. We need more poll workers and in Georgia, you have to be 16 only 16 and older to be able to be a poll worker. And a lot of people say volunteer to be a poll worker, it actually pays. It pays more than being a on jury duty on trial. So it pays more than being on jury duty. And it does pay. It is great. You know, it's really giving back to your community. And we now could use poll workers now more than ever, so if you'd like to volunteer county, contact your county election official, no matter what county you're in, I don't know how far this Hispanic Chamber spreads but just Metro region, but we have 159 counties and trust me, all hundred 159 counties would be glad to take volunteers. They have a very proactive and aggressive program right now recruiting poll workers. So if you're one of those people, we'd love to have you turn out to become a poll worker. Also, it's going to step you through the election process. You're going to start understanding. Well, this is very detailed and methodical. This isn't as simple as I thought it was. It's not rocket science, but it is a methodical process. It'll give you that confidence that your county election officials are doing the job right.

Santiago Marquez 30:17
Mr. Secretary why don't we take you know, just a few last comments here and or questions from me, Chris, and then you and Jimmy can wind it up because I know we've you've been very generous with your time today. On our from my end, I just want to offer our help to you, I know that there's a lot going on. We want to help you get this information to our members and to the Hispanic community. As soon as you share those FAQs, I don't know if they're in Spanish or not. But if they're not, we can find a way to get them translated. And and just count on us to help you get that information of both on the business side and on the election side. So I want to thank you for your service and count on our support. Chris?

Chris Clark 31:04
No, thanks again, Brad, we just appreciate you and your whole team and we're praying for you and your family and everyone just continue to stay healthy as we move through this. And just like Santiago said, we're here to be a resource for you all the way through this. And we're happy to put out information for poll workers as well. Anything else that you need and will obviously be in touch so thank you, sir.

Brad Raffensperger 31:24
Well, thank you, Chris. Appreciate that.

Jimmy McDonald 31:27
Mr. Secretary. No, it was a pleasure working with you in the house. Pleasure working with you on the commission. Want to thank you for your accessibility and your willingness to come out here and work with us to make sure that our members are well informed. And our I'll just echo

what Chris in Santiago said, whatever resource that we can be to you moving forward, please don't hesitate to contact us.

Brad Raffensperger 31:52
Thank you. Make the most of it. God bless y'all,

Jimmy McDonald 31:57
Everyone keep tuned for our next one, we're in the process of trying to book something for the next couple of weeks with some, some other leaders. And this is something we're going to try to continue to be doing. Moving forward indefinitely,

Santiago Marquez 32:10
yes and to wind up, I like to thank Jimmy. I'd like to thank Secretary Raffensperger and Chris Clark for being here with us. Again, just a reminder of what we're doing to help you and how you can get help. We know that there's been a lot of news that has come out this week. It's been a very eventful week. So we have the order from the governor that we got from the Georgia chamber actually, and we should have it now translated in Spanish that that will be going out today. Number two is we know that the new money has now become available. So we will be jumping and diving into that and making sure that we can help you with that process as business owners, so that you understand but I what Chris Clark said I'm echoing, you know, get in touch with your local banks or the banks where you have relationships with right away because the success stories that we heard from the first round of funding the organizations that actually got money from the PPP, were the ones that were working from there with their bankers directly. So be on the lookout for more once a week we're trying to do our political series. And then of course, join us this afternoon as we talk about rehiring with an expert on human resources. Thank you guys so much. We appreciate you being with us. Take care Mr. Secretary.

EXHIBIT

8

Interview with Brad Raffensperger
860am Radio
April 25, 2020

Rick Knight 2:35
Get ready, get ready. Welcome to the nation. Yata nation This is the place where empowering the special needs community is the mission and we are mission driven. This is the show where we educate, advocate, elevate and celebrate the special needs community as a whole. As I mentioned every week, we're the only radio program in the entire South that is exclusively here for the special needs community. So go ahead, lock us in for the next 30 minutes wherever you are and however you are listening We are on all platforms. This morning I Heart Radio tune in radio, the love 860 app or your good old fashioned radio. I encourage you to continue to go to the Facebook page like a stare and your feedback is always welcome. My name is Rick Knight I am your ego body host here at loving 60 w AC. We can't wait in on the show today. The number here is area code 404-355-8699. And if you're outside of the area, the numbers 866-923-2860 like to thank you all for inviting me into your homes cars and however you may be listening to spend the next 30 minutes with Lillo me. We have a doozy of a show this day. We're going to be discussing the importance of voting in the special needs community as you know we're entering the election cycle. But what we do what should we do in the special needs community and the state in the state of Georgia as a whole when we head out to the polls to perform our civic duties especially Our new normal in the midst of this pandemic. Well, let not your hearts be troubled folks, because today we will get all the answers to that. Today on the show, we have the head honcho The Big Kahuna himself, the Secretary of State for the state of Georgia. Mr. Brad reference Berger, Mr. Raffensperger, thank you for joining us this morning.

Brad Raffensperger 4:22
Well, good morning. Thank you for that build-up.

Rick Knight 4:27
It's got to be true. Right. I read it on the internet. All right. So we are entering into an election cycle people hear the Secretary of State most people think or, maybe because he's on TV often Mr. Pompeo, but for the state of Georgia, what what duties are what are some of the duties that you as the Secretary of State of Georgia are charged with?

Brad Raffensperger 4:56
Well, I would say number one, people will know that Georgia Secretary of State's office is involved with the election process. So that's number one. But then on the business side registering your corporations, charities and securities, and then also professional licensing. So there are over 40 different licensing boards and about over 135 different licenses in the state of Georgia that require licensing occupational professional licensing.

Rick Knight 5:26
I have some of those licenses.

Brad Raffensperger
Excellent

Rick Knight 5:31
Now, because I was down at the the Capitol during the advocacy days, and I was down there with the Georgia Council for development on Developmental Disabilities. And one of the things one of the questions that came up just being down there was, you know, being able to accommodate people that are in the special needs community. So, you know, does the State of Georgia have any type of special provisions to accommodate voters who have special needs?

Brad Raffensperger 6:00
Yes, that's one of the discussions we had when we were looking at, you know, picking and upgrading a new voting system, the system that we had been using for about 18 years, the old Diebold touchscreen system needed to be replaced, if nothing else for age. And so we made a decision to go to the ballot marking device as opposed to hand marked paper ballots that allow voters particularly special needs voters to be able to handle if you have sight issues, or any kind of hearing issues with a ballot marking device, you can put on headsets, and you can also have a way of manipulating the ballot marker to make your selections, you know, when you're in place voting. And so that was one of the things that the special needs community was very, you know, expressed their opinion that they had a preference for and we believe that was the most secure way of going also for a lot of other positive benefits. And so we're just really grateful for that.

Rick Knight 7:11
That's outstanding. It's time that you know that the voting system or the election process become a little bit more inclusive of the special needs community. Do you guys at the state of Georgia have any type of tracking? There’s about one a little over a million adults with special needs in Georgia. Do you know what percentage of them are actually coming out to to vote are casting a ballot?

Brad Raffensperger 7:41
And that number really is unknowable. Because they're individuals- we don't require them to identify the shelves as such. And in many cases, they did not want to be anyway. We just know that in Georgia, we had about 7 million registered voters in a population of 10.7 million People and it's a 1.1 million represent about 10% of that, then I would suspect that they probably are disabled or special needs community would be voting and the same percentages and all other voters that does what we really want is the cancellation rates as our general voters also.

Rick Knight 8:21
okay, great. Because I hear that all the time from the disability community that my voice isn't heard. Here's something I've heard and I don't get it. But I want you to give absolute clarity to everyone that is listening. What is required to be illegal voter in Georgia?

Brad Raffensperger 8:42
You have to be 18 years old. You have to live in the state of Georgia. And once you are 18, and you live in the state of Georgia, then you in affect are eligible to be registered as a voter and obviously it's been American citizen So those three things are the cornerstone of being American citizens live in the state of Georgia at 18 years old. And

Rick Knight 9:12
And and what No, no felonious behavior or anything like that?

Brad Raffensperger 9:16
Right if you have, you know, a felony, then there are ways that your rights can be restored over a period of time but if you're under sentence, then your voting rights and you know, have been curtailed for that time.

Rick Knight 9:36
Okay. But there's an option, there may be an opportunity for those rights to be is reinstated at some point.

Brad Raffensperger 9:43
As many people don't realize that that in Georgia it's not a new law. It's always been here that your rights will be restored once your full sentence has been handled. You finish your probation, parole and mental sentence Is done then your rights you can apply to be a registered voter again.

Rick Knight 10:09
Yeah, okay. A lot of people, not only here but nationwide have become increasingly suspicious, or at least they kind of hit the pause button when it comes to absentee ballot. They don't have it doesn't seem to me that they have as much confidence in the absentee ballot process as they used to. You know, what, what can you talk about that a little bit.

Brad Raffensperger 10:36
First of all, talk about the process. From a historical perspective up until COVID-19. About five to 7% of all voters would vote absentee, then the other 95% were showing up in person 50% of those that show up to the three weeks of early voting we have and then the other 50% would show up in the day and obviously with COVID-19 We took the unprecedented step of sending out to all active registered voters 6.9 million voters an applications for the upcoming June 9th primary. And that was to see if people would want to vote absentee. People are concerned that they're in higher risk, high risk age group, a high-risk health- identified health group, and one of the safety and security ability. And many people probably weren't aware of the process and we wanted it just to have them understand. This is the process we've had in place since 2005. And so we sent them an absentee ballot application. But they open them up, what you'll notice on that, is that you have a couple of choices to make first of all, one, if you even want to do it. And that's your decision yes or no. But then you can put down your birthdate, you sign your name, and then you decide what ballot do you want? Do you want a Democrat ballot, Republican, or Independent ballot? Close it up, put a stamp on it and it goes to your county election office. And then you can get your absentee ballot. If people have a concern- then what happens that how do I know someone doesn't vote, you know, that really shouldn't be voting? But we do signature match, we also enter those we asked you for your birthday. Now, Rick I really don’t know you that well, but I don’t even know if your neighbor across the street would know what your birthdate is and so that is a great check also. And so we try and put in these checks to make sure that the people that are asking for an absentee truly are the people that live in that home and want to vote, you know, absentee.

Rick Knight 12:39
I'm so glad that you said that now as in the state of Georgia, and I mean, not comparing Georgia to any other state. But do you see Is there a lot of voter fraud the proliferation of voter fraud in certain areas in the state of Georgia, Georgia is 159 counties Is there one, one part of Georgia that, you know, may be a little bit different than the other parts?

Brad Raffensperger 13:07
Well rather than objectifying any part of the state. We, I did share the state election board and we do get instances of this prior to COVID-19. We had a lady that was down in Middle Georgia, that was registered people that had passed and also going to some, you know, assisted living locations. And so that was referred to the local prosecuting attorney, and also the Attorney General's Office we had another gentleman that voted in North Carolina and also voted Georgia. You can't do that. that's against the law. And so that was forwarded to the attorney general's office. And so, we do hear about that and we do investigate that. So as it relates to this, push we have for the absentee ballot process what was formed was is an absentee ballot fraud task force, which is everywhere. If you hear Something and we want to make sure that it's something that we can actually act on. But then we'll have a hotline number that you can notify us of we have trained certified investigators, these are people that come out of the law enforcement area. And they can take into these details and find if there's actually facts to what you have ask us to investigate. And so we're going to take that very seriously because we believe that it should be one person, one vote. And that's so important, because we all want our vote to count and we don't want to know that our votes been diluted by people playing games with the voting system.

Rick Knight 14:38
Exactly. And and I want to talk about that a little bit more in detail after the break. But I did want to ask you just one question before we go into the break, because I read an article a couple of days ago, and I jotted it down quickly. And it was regarding the election that just happened in Wisconsin and they have discovered, you know that as many as 16 people may have contracted the COVID-19 virus while they were going, you know, while they went out to vote. So are there any precautionary or additional precautionary steps that your office is considering with the upcoming elections to maybe try and, you know, offer another level of protection?

Brad Raffensperger 15:26
Yes, we will definitely be working with our counties on that and counties are, you know, have a very robust strategy on that. We know that we can’t make it 100% failure proof. You know, viruses as you can see them, but first of all we will be spacing our your precincts. In other words, you won't be in a confined space. So if your precinct was a small precinct that had 10 voting machines, well now you may only have five or six just so we have that spacing out, the lines as you come in, will be spaced out to that magic to six feet on center so that we can space out people will be encouraging people to wear a face masks. And then our precinct worker will be wearing face masks and gloves. In many cases, we'll be using disinfectant wipes and hand sanitizer things like that hand sanitizer as a voter comes in. And then hand sanitizer as the voter comes out, wiping down the machines in between every use to do whatever we can to make it safe and secure. That also goes back to why we offered and sent out these absentee ballot request forms. So many people are still going to feel concerned because the absentee request forms went out and people can and we've got over 650,000 those back already it’s been very well received.

Early voting starts on Monday May 18th and the question is how will you as the voter feel on Monday May 18th will you feel comfortable coming out in the public space or would you like to wait until you get closer to the June 9th date the actual election date. So we're willing to give people those three options and those are the three options that are actually in state law. But we will definitely be working on making sure we have a clean, safe, and healthy environment as much as we possibly can.

Rick Knight 17:12
Great. That is, that is great information, especially those dates. We're going to break right now, but after the break, I want you to know you were tasked with implementing a new statewide voting system. I want you to talk a little bit about that on the other side of the break. So we will be back in a flash Stay tuned.

Unknown Speaker 17:30
Are you the parent or guardian of a child or adult with special needs? According to the Center for Disease Control, more than 36 million people in the United States have a severe disability and will need care for their entire lives and like it or not, with the advances in technology and medication, many of the special needs community will outlive their parent or guardian. The biggest question a parent of a child with special needs must answer is what would happen to my child with special needs if something were to happen to me Service Financial Group can help you answer that question. At servant financial we are dedicated to providing financial solutions exclusively for the special-needs community such as special needs trust funding life insurance planning, college planning for children with special needs creating letters of instruction, how to choose a guardian conservatorship creation and assistance with job placement. Please visit our website at www servant Financial Group calm or give us a call at 404-309-4925 at servant Financial Group we understand the unique needs of the special-needs community, certain Financial Group, how many we serve you?

Unknown Speaker 18:44
Are you the parent or guardian of a child with special needs? So you feel despair and hopelessness or don't know where to turn Francis does the question what happens in my child or grandchild especial needs if something were to happen to me to mind. It is Questions. Can you help me I started financer group can help. We are a only financial service firm that offers the good harvest legacy family is exclusively designed to meet the needs of a special needs family. Or if you just need guidance, you can purchase our book, the good harvest plan, a complete financial guide exclusively for parents who have children especially, and for each of those approaches. So dollar donation will be made to the special needs organization of your choice. Visit our website today www. Certain Financial Group calm or give us a call 40430949 to five, we're here to serve.

Rick Knight 19:41
And we are back. Okay. When we left we were talking about and you know, when you took office in 2019, you had the task of implementing a new statewide voting system. So what are some of those the upgrades that you've made that you explained a little bit about how you're going to accommodate the Special Needs community a little bit better. But what are some of the other upgrades?

Brad Raffensperger 20:04
Well, first of all, we went out and through House Bill 316 authorized us to purchase a new voting system, which is a ballot marking device so it's touchscreen technology, which voters were very familiar with to the last we'd been been using for 18 years. And so when you show up as you press the touch screen, that's how you make your selections and after you've made all your selections you press that button, it prints a paper ballot. So then the voter then has a paper ballot, and it really gave them, I think, a renewed sense of confidence and so they can verify that before they voted they actually had a paper ballot to look at and verify their choices. Obviously if you are sight-impaired than that's one of the challenges obviously that we have there but but it does, it gives you a paper ballot and then that is put into the ballot scanner and then you press that button and then your ballots, actually, at that point counted for all the different races that we have. So we began that process with some special elections. Last fall, in about six pilot counties. We've done two weeks of the presidential primary and it had been working fantastic. Voters just really embraced it from all different demographic groups, all different political parties embraced it, and really felt comfortable with it. But then we had to put a halt to that. And now we'll be moving that forward to in person voting on Monday May 18 will be the start of in person voting for the June primary. So we've done that the machines are out there. Now with the COVID-19. It has- we shifted a little bit to the absentee ballot process. So that's gone out and purchased additional high speed scanners to count all those absentee ballots that we'll have as we can count them a whole lot faster. So you're not waiting, you know, a week to get the results and so we understand how important that is to get those results as soon as possible. The absentee ballot is a bit more unwieldy because you've got a double envelope you have to open it up and then you have to open up the ballot. And then you're going to run through the scanner, so it takes a little bit longer. That's why we went out and purchased through some special federal funding that we were just awarded to go out and buy additional ballot scanners, count those absentee ballots as quick as possible,

Rick Knight 22:23
Are these scanners going to be in all 159 counties?

Brad Raffensperger 22:26
yes. And then based on how many absentee ballots have been requested for each county, we can then deploy additional scanners in those counties. So we can maintain those ratios. So if one county, even though they have maybe less people, but all of a sudden, everyone voted absentee there, if you look at down in Dougherty County, in Albany, they were very, they were hit very, very hard, you know they had one of the highest death tolls definitely by per capita, but if you look at the total deaths due to COVID-19, I would just- my gut just tells me that those folks down there will probably want to vote absentee and so we'll probably be sending additional ballot scanners to a county like that if the numbers of absentee ballots are higher there. We want to make sure that we can county those as quickly as possible.

Rick Knight 23:16
So implementing that with the new new machines, new voting machines is a huge upgrade. It sounds like to me because you know, last there was some lingering questions over the integrity

of the last election. And so this this machine, these upgrades, these ensure that every vote will be counted

Brad Raffensperger 23:40
Exactly. As another advantage of the system is that if you when you show up, I don't know if you've seen it but when you show up to get your little vote card so you can actually begin the process, there's an iPad that is the sign in device that you use so that's obviously an Apple product. Then the ballot marking device uses windows 10, which is a Microsoft product. And I like that that you have two different systems there. It just makes it a little bit more difficult for hackers. Once you got one figured out, that makes it a little bit more tougher. But we also can, we're going to have upgrades for that technology and not end up with old technology. Whereas this machine that we had before, that software hadn't been updated since 2005. So we're going to update when Microsoft comes out with Windows 11, 12, 13 over the next few years, so it won't become outdated until we can incorporate, you know, additional improvements in the voting process for voters because we always have to make sure that we put our focus on putting the voters first. We want them to have a great experience. When they go to a certain gas station. They've got a certain you know, fast-food, places to sit. That's the best place there. Why do they think that? Because those establishments always put their customers first, we want to make sure that we're always putting the voter first.

Rick Knight 25:03
That is outstanding about time. You know, the media, sometimes sensationalizes certain things when it comes to voting, that's always a hot topic, especially if there's any, you know, anything irregular that happens. So can you explain, you know what list maintenance is and its significance?

Brad Raffensperger 25:29
It's very important for us and all your counties to have an accurate voter roll. And what many people don't realize is that 11 to 13% of all Georgians to move every year. Sometimes they can move just within the county but they'll be in a different precinct or a different state rep, different state senator, different county commissioner, but in other times they just move out of the county, they go from Northeast Georgia down the southwest Georgia, things like that. But many times they move out of state and when they move out of state Then all of a sudden, we don't know that they've moved out of state got state, no one has to tell us that they are moving out of state. So House bill 316 allowed us to join an organization called Eric (?). And it's actually owned by the individual states. Georgia has joined now, along with 29 other states and more states are joining, and what we'll do share that information. So when someone moves to Alabama, someone moves to North Carolina, someone moves to Florida, Florida will say, Oh, Mary and Bob they just registered here in Florida, you can- they'll let you know that. So then we can send a notice to them: hey, Mary, Bob, is it true you move to Florida? And that'll begin the process so we can update the voter rolls. And I'm an engineer and what I liked about it so much is that it is using objective measures as to subjective measures. But I think when you're very objective, and people understand that there's a good data behind it, you're not just doing something willy nilly, there's actually a basis in fact, that gives people that confidence that people aren't being removed, just because they haven't voted for 20 years. We're removing because they had moved out. And so

people are very mobile in this country, and they always have, and so it allows us to keep this very fresh and accurate.

Rick Knight 27:15
I'm glad you cleared that up, because a lot of people, you know, the headline might say, you know, 300,000 or 250,000 people removed from the ballot as though you know, you went through with a red ink pen and just started marking names. So getting a clear understanding as we wind down here. Mr. Raffensperger, is there anything you'd like to say in closing?

Brad Raffensperger 27:40
Well, number one is over- anyone 16 and older, you can be a poll worker in the state of Georgia. And so we just- I want to throw that out there because right now, the average age of poll workers in Georgia is 70 and higher, and so we want to make sure that we have enough poll workers. They're concerned about their health. Anyone that is in a high-rick health group, age or health group also. So, we want to make sure that we have enough poll workers, we want to make sure that your absentee ballot process runs smoothly. If you have any hiccups or any questions, contact our office or contact, contact your county election official. We’re expecting big turn-out this year and we’re really excited about it.

Rick Knight 28:23
and I didn't know about the 16 year so if we've got some 16-year-olds that need- that want to get out of the house. There's a place for them to go. Mr. Raffensperger I greatly appreciate your time this morning. And hopefully the voting will go very smoothly. Thank you for being on the show.

EXHIBIT

B

DECLARATION OF RHONDA J. MARTIN

RHONDA J. MARTIN declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I have personal knowledge of all facts stated in this declaration and, if called to testify, I could and would testify competently thereto. Further, I have reviewed the allegations of the Complaint in this case and I verify that those allegations are true and correct to the best of my knowledge and belief.
2. I am a registered voter in Fulton County, Georgia.
3. I am Executive Secretary for the Qatar Computing Research Institute Scientific Advisory Committee. I have developed avionics software for the Space Shuttle and worked with the Department of Defense to develop guidance and policy for the testing of computer software for mission-critical applications. I have an M.S. in Operations Research and a B.S. in Applied Mathematics from Georgia Institute of Technology.
4. I have spent approximately 16 hours observing elections in numerous polling places in 6 counties where the new Dominion Voting System was deployed starting with early voting on November 1, 2019. I also witnessed Fulton County's Logic and Accuracy Testing on February 17, 2020 and

the delivery of Dominion Voting System components to polling places in Sumter County on March 2, 2020.

5. I have reviewed The Poll Worker Manual, 2020 Edition; The Logic and Accuracy Procedures, Version 1.0, January 2020; the Dominion Voting System Election Day Quick Reference Guides, ImageCast X Ballot Marking Device and ImageCast Precinct-Ballot Scanner; and the KnowInk Poll Pad Training Guide, The State of Georgia.
6. I have observed election related activities on the Dominion Voting System in my capacity both as a member of the public and as an authorized poll watcher.
7. The processes of preparing the KnowInk Poll Pads and Dominion Voting System Components for use begins with Logic and Accuracy Testing, after which components are prepared for transport and stored until delivery to the polling places. These activities are completed by county elections personnel and Dominion Voting System technicians.
8. Logic and Accuracy Testing and Configuration Processes consist of using the Election Management System workstation computer to create Programmed Technician and Poll Worker Cards, USB Drives containing Georgia-specific information, Programmed Compact Flash Cards, and Programmed Security Key Tabs for each polling location; preparing the

Ballot Marking Devices, the Polling Place Scanners, and the Poll Pads for testing; testing the Ballot Marking Devices and their associated Printers and the Polling Place Scanners; preparing the Ballot Marking Devices and the Polling Place Scanners for the Election; and Loading Election Day Datasets and Update Files to the Poll Pads. These processes must be completed for every Ballot Marking Device, Printer, Scanner, and Poll Pad to be used. All of these components have plastic and metal surfaces and are intended to be touched and handled by numerous officials, in some cases, and large numbers of voters in others.

9. The Logic and Accuracy Testing is a public process where the public, press, poll watchers, candidates and political parties oversee the testing of the equipment, which naturally involves significant interaction with the staff.

10. Typically the day before employment, voting system components are picked up from the storage locations and delivered to the polling places The day after voting concludes, equipment is picked up and returned to storage where it is entered into inventory. On March 2, 2020, in Sumter County, I witnessed prison inmates delivering voting equipment to the polling places. In other counties, fire fighters sometimes complete these tasks.

11. Poll workers are responsible for pre-election preparation of the equipment, helping voters, troubleshooting problems, and completing closeout procedures. From time to time, Dominion Voting System technicians are called in for help.

12. Prior to opening the polls, the manager will break the seal on each voting unit, turn each unit on, certify that each unit is operating properly and set to zero. A zero tape will be printed from each Polling Place Scanner certifying that no votes are present. Three poll officials are needed to complete the detailed setup and closeout processes: one to read the instructions, one to follow the instructions as read to them, and one to record necessary information on forms. It is difficult for me to envision the challenge of conscientiously completing these tasks while abiding by social distancing guidelines.

13. Setting up and opening the polls on the Ballot Marking Device Stations consists of the following steps: Remove the Ballot Marking Device tablet, and its associated printer and UPS battery, from the transport cases. Place the Ballot Marking Device tablet and its printer on the table or in the booth. Plug the UPS into a suitable 120v power source and turn it on. Plug the USB cable from the Ballot Marking Device into the back of the printer. Plug the power cord into the bottom right side of the

printer. Plug the power cord of the printer and the power cord of the Ballot Marking Device into the back of the UPS. Insert ballot paper into the paper tray of the printer and turn the printer on. Press the power button on the Ballot Marking Device located inside the bottom right door just below the power cord connection, then close the door. Insert the Poll Worker card into the Card Reader located at the bottom of the Ballot Marking Device. Enter the Poll Worker PIN then press the Login button. Check the date and time, verify other settings, check that the Public Counter is 0, verify the correct polling place appears, and press the Open Poll button. These time-consuming steps must be completed for every Ballot Marking Device and its associated equipment.

14. Opening a Poll Pad Station consists of verifying that the numbers on the Poll Pad and the case match, removing the contents from the case, placing the stand in the arm base, attaching the ID clip to the back of Poll Pad, placing a stylus in the ID clip, attaching the Encoder to the Poll Pad, attaching the Black Power Cord to the Encoder, plugging the USB into the Power Block, plugging the Power Block into the Power Source, powering on the Poll Pad, launching the Poll Pad application and verifying that the Poll Pad is in the correct polling location and check-in count equals zero. These steps must be completed for each Poll Pad.

15. When presenting themselves to vote, voters will progress from the Poll Pad Station to the Ballot Marking Device and Printer Station, to the Polling Place Scanner Station. Completing the required activities at each station presents multiple opportunities to transmit or contract the coronavirus.

16. At the Poll Pad Station, the voter presents his ID (usually a plastic driver's license) to the poll worker and, if found in the Poll Pad's Electors List, completes the electronic voter certificate by signing the Poll Pad with a stylus. A reusable plastic voter card is then encoded with the ballot and given to the voter. This involves at least three opportunities to transmit or contract the coronavirus.

17. At the Ballot Marking Device and Printer Station, the voter inserts the voter card into the Ballot Marking Device, makes selections for each election by touching the screen, reviews ballot selections on the screen and prints the completed ballot summary. The voter removes the voter card from the Ballot Marking Device and the ballot summary from the printer and advances to the Polling Place Scanner Station. This involves at least two opportunities to transmit or contract the coronavirus.

18. At the Polling Place Scanner Station, the voter returns the voter card to a poll worker and casts the ballot by inserting it into the scanner. This involves at least two opportunities to transmit or contract the coronavirus.

19. At the conclusion of voting, poll workers must complete Closeout Procedures for all equipment.

20. Closing down the Poll Pads includes powering off the Poll Pad, removing the ID tray from the back of the Poll Pad, returning the ID tray and stylus to the case, unplugging the Poll Pad, returning the Poll Pad cord and USB Power Brick to the case, removing the Encoder from the Poll Pad and returning it to the case, removing the Poll Pad/Stand Arm from the Base and returning the Base to the case, verifying that the numbers on the Poll Pad and case match, and returning the Poll Pad to the case. This must be done for each Poll Pad.

21. Closing down the Ballot Marking Devices and their associated components consists of the following steps: Insert the Poll Worker card into the Card Reader located at the bottom of the Ballot Marking Device, enter the Poll Worker PIN, indicate that the polls are to be closed, then press the Power off button. Power down the printer and the UPS battery unit. This must be done for each Ballot Marking Device and its associated components.

22. Poll workers also have to complete paperwork regarding all of the machines in use in the polling place when closing the polls. For each Ballot Marking Device, when completing the Security Verification Form, the unit number of each device must be confirmed and checks must be made that all seals are affixed. The closing count of each unit must be recorded on the Touchscreen Recap Sheet. For the Poll Pads, unit numbers and seals of the units must be confirmed and recorded on the Poll Pad Recap Sheet, along with the time of closing and the number of check-ins. Finally, all memory cards must be accounted for.

23. Based on my observations and review of procedures, it is clear that the use of the Ballot Marking Devices and their associated components, as well as the Poll Pads, increases the number of people and the amount of time required to prepare for and conduct elections. From the county elections personnel and support technicians conducting Logic and Accuracy Testing and handling every piece of equipment; to the people delivering the equipment to the polling places and then returning the same to storage after the elections have concluded; to the poll workers setting up the equipment, handling voter IDs and voter cards, attempting to clean equipment throughout the day, and completing closeout procedures; to the elections personnel checking the equipment back into

inventory; there are a multitude of opportunities to save time and protect the health and well-being of our citizens by leaving the 33,000 Ballot Marking Device touchscreens, their 40,000 auxiliary components, and the Poll Pads in the warehouse.

24. In order to protect my health, I completed the Application for Official Absentee Ballot that I received in the mail, scanned it, and emailed it to elections.voterregistration@fultoncountyga.gov on April 6, 2020 at 12:12pm. It has now been over 3 weeks and My Voter Page does not show that my application has been received.

25. I am tempted to mail in the original of my ballot application via the USPS but fear that it could delay processing further if Fulton County discovers that it has duplicate applications from me. I understand from press reports that Fulton County is over 100,000 applications behind in processing and assume that my application is in the backlog.

26. I am trying to be patient but am afraid that I will ultimately be forced to vote in person regardless of the dangers posed by the coronavirus.

Executed on this date, April 28, 2020.

Rhonda J. Martin

Rhonda J. Martin

EXHIBIT

C

DECLARATION OF ELIZABETH THROOP

Elizabeth Throop declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Elizabeth Throop.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I am a registered voter in DeKalb County. I am a supporter of Coalition for Good Governance and an active volunteer in supporting its voter education and election security efforts.
4. On Saturday March 7, 2020 I voted Absentee-in-Person at Gallery at South DeKalb Mall. There were about 11 poll workers there, none of whom were wearing masks. First, I filled out a paper ballot application form and signed it with a pen. I then checked in with a poll worker who took my driver's license (which could have carried virus on its surface), put it on the clear plastic shelf of the KnowInk Poll Pad for scanning, entered some data onto the Poll Pad's touchscreen, and returned my driver's license to me.
5. I put the card back into my wallet and placed it inside my handbag. The poll worker then handed me a reusable plastic smartcard for machine activation

and directed me to walk past other voters to a vacant BMD touchscreen. Neither the poll worker nor I had on protective gloves.

6. Poll workers stationed near the BMDs directed me to insert my (potentially contaminated) smartcard and touch the BMD's (potentially contaminated) plastic surface to input my votes.
7. When I finished touching the screen with my (potentially contaminated) fingers, the poll worker directed me to retrieve my (potentially contaminated) plastic smartcard from the BMD and my paper ballot summary from the printer, then walk past other voters to insert my ballot into the polling place's optical scanner.
8. Because the ballot was very short, I was able to read my printout without using any of the (potentially contaminated) magnifiers or eyeglasses available for public use at the polling place.
9. After scanning, I handed my (potentially contaminated) plastic smart card to a poll worker and was handed a (potentially contaminated) sticker. I used some of their liquid hand sanitizer before leaving the polling location, and hoped I hadn't contaminated my face, clothing, or personal items in the process.

10. I was very aware of the lack of sanitized equipment and potential risk of contamination. It made me nervous and wary of taking the risk to vote in person in subsequent elections during the pandemic.

11. As a poll observer and poll watcher in several counties since the November 2019 pilot of Georgia's Dominion Voting system, I was familiar with voting on the Dominion Voting/ KnowInk system. On Election Days 11/5/2019 and 3/3/2020 I had also observed voters using their fingers and styluses to sign on the screens of KnowInk Poll Pads. I have attached as Exhibit 1, a diagram I created showing the main points (but not all points) of potential contamination.

12. It concerns me that the system of in-person voting mandated by the state requires voters and poll workers to touch many potentially contaminated surfaces. Access cards, styluses, and magnifying glasses can probably be sanitized after every use, and voters and poll workers can wear protective equipment. However, electronic devices can malfunction if cleaned while in operation. According to Dominion Voting's notification, which is attached as Exhibit 2, "Moist wipes may alter the touch sensitivity of screens until the moisture is removed," meaning touchscreens could fail to reliably translate the next voter's touch into the intended election choice.

13. Dominion's directive also states, "Cleaning the units while they are powered ON is not recommended." On November 5, 2019 I saw a machine accidentally turn off in the middle of the voting day. Attempts to restart it by the poll manager and eventually a Dominion technician were unsuccessful, and it had to be carted away. Turning touchscreens off and on is essential to disinfecting them after every voter, but doing so repeatedly throughout the voting day would be impractical and create long lines.

14. In normal circumstances, Dominion recommends touchscreens be cleaned in the morning before being powered ON and at the end of the day when they have been powered OFF. Voting machines are designed to be left on throughout the voting day. Their switches are protected from tampering by seals and locks. These units were simply not designed for disinfecting cycles after every voter which is clearly needed for this pandemic environment.

15. Governor Kemp's Guidance for Retailers states that merchants and ATM owners "are encouraged to clean and disinfect terminals" "after each transaction, if possible." Governor Kemp also allowed for the suspension of the use of PIN pads, PIN entry devices, electronic capture signature, "and any other credit card receipt signature requirements if it is permitted by underlying credit card agency and company agreements." The Governor's

guidance can be found at <https://gov.georgia.gov/press-releases/2020-04-05/gov-kemp-issues-guidance-retailers-consumers-amid-covid-19>

16. I was not fully aware of the dangers of covid-19 when I voted on March 7. As my awareness of them increased, I applied for and received an absentee ballot for the June 9 election. But I hesitate to fill it out and return it – in part because I have serious concerns about whether my absentee vote would be private. My main concern about privacy comes from not knowing how absentee ballots are opened or separated from their outer envelopes. This is compounded by my inability to put my ballot into a sealed inner envelope because I did not receive such an envelope. It's frustrating to have to choose between sending in a ballot with my name and personal information attached to it, or voting on a large, bright touchscreen which is not private, either.

17. In addition to privacy concerns, I also wonder whether an absentee ballot would be counted, or counted in a timely manner. This is based on hearing a number of people's first-hand accounts of their ballots never being counted in the November 2018 election. Some of them were only told about their ballot being disqualified long after there was any way to fix the situation.

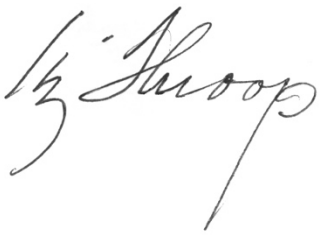
18. I would, however, prefer to vote in person on a paper ballot that I marked with my own clean pen, so that I could be confident that my ballot would get deposited anonymously and securely in a ballot box. Voting in person would

allow me more time to find out more about the candidates I'm being asked to vote for. I wouldn't have to worry whether my ballot were rejected because they didn't accept my signature, or because it was lost or arrived too late.

19. At this point, I face a tradeoff between the uncertainties and lack of privacy involved in absentee voting, and the disease risks and other types of privacy involved in voting on a touchscreen. As a voter, I don't feel I should be forced to make these tradeoffs in exercising my right to vote.

20. I have reviewed the allegations of the Complaint in this case and verify that they are true and correct to the best of my knowledge and belief.

Executed on this date, April 29, 2020.



Elizabeth Throop

EXHIBIT

1

POLL WORKER PLACES VOTER'S DRIVER LICENSE IN TRAY

VOTER SIGNS WITH STYLUS OR FINGER

POLL WORKER GIVES ACCESS CARD TO VOTER

VOTER INSERTS CARD INTO VOTING MACHINE

VOTER TOUCHES CHOICES ON SCREEN

VOTER GIVES ACCESS CARD TO POLL WORKER

EXHIBIT

2

DOMINION VOTING
Our customers come first.

CUSTOMER NOTIFICATION:
COVID-19 ("Coronavirus") Information

March 9, 2020

Dear Election Official:

In light of COVID-19 ("Coronavirus") developments in the U.S. and globally, we want to remind customers of instructions for cleaning and sanitizing your voting equipment.

The Centers for Disease Control and Prevention (CDC) recommends the best way to protect your health while visiting any polling place is to **USE HAND SANITIZER** and **WASH HANDS** as soon as possible. Because the virus enters through the eyes, nose and mouth, frequent and thorough handwashing remains the #1 most effective protection against Coronavirus infection. Voters should use antibacterial hand sanitizer before and after their voting session and be instructed to wash their hands after voting, regardless of what method of voting is in place.

How to Clean & Sanitize Your Voting Equipment

According to the CDC, transmission of Coronavirus to persons from surfaces contaminated with the virus has not been documented. However, cleaning and sanitizing surfaces can help reduce occurrence of viral outbreaks:

- Always follow recommended manufacturer guidelines for cleaning and sanitizing equipment. Using the enclosed guidelines for ICX Touchscreens (see Avalue Cleaning Guidance), ImageCast Precinct or ImageCast Evolution systems (see ImageCAST® Tabulators Surface Cleaning Guide), thoroughly clean all units in every polling place each morning before powering them on. Clean the units again in the evening after they have been powered off. Remind voters to use hand sanitizer and wash their hands in between.
- The CDC's guidelines for polling stations includes a list of products with EPA-approved emerging viral pathogens claims (*NOTE*: Some formulations may not be appropriate for your hardware and may cause problems).
- Follow the **CAUTION** information in the enclosed instructions to prevent damage to your voting system touchscreens and tabulators. Cleaning the units while they are powered ON is not recommended. Moist wipes may alter the touch sensitivity of screens until the moisture is removed. Additionally, some screen buttons may be inadvertently activated during wipe down.
- Regular alcohol wipes can be used for cleaning activation cards and non-porous privacy sleeves.

Thank you for your attention to this important matter. If you have questions or need further information, please contact your Customer Relations Manager for guidance.

1201 18th St., Suite 210, Denver, CO 80202
(866) 654-8683 | DOMINIONVOTING.COM

ImageCAST® Tabulators Surface Cleaning Guide

Dominion Voting Systems products are designed to withstand intensive use under operating and environmental conditions outlined in voting standards (VVSG). Normally, surface dirt and fingerprints do not affect the operation of the tabulators. However, from a healthcare aspect, it may be beneficial to clean and sanitize the product before and after use on Election Day. This guide provides the cleaning procedures, along with equipment and supplies required for this purpose.

NOTE: These products are intended solely for cleaning the exterior of the tabulators. Do not apply to the interior components of the system.

A. Recommended Cleaner and Sanitizing Agent:

Dominion recommends using one of the following cleaners/sanitizing agents for ImageCAST Tabulators:

- Mix of isopropyl alcohol and water solution with a ratio of at least 50% alcohol, up to 100% straight isopropyl alcohol.

B. Recommended Cloths and Wipes:

Dominion recommends using one of the following microfiber electronics cleaning cloths or wipes to the clean the exterior of your tabulators:

Cloths:

- 3MTM Scotch-Brite® Electronics Cleaning Cloth.
- TECHSPRAY® 2368-2 LCD and Plasma Screen Cleaning Wipes

Disinfectant Wipes:

- KIMTECH® One-Step Disinfectant Wipes.

C. Instructions:

1. POWER OFF the tabulator.
2. Spray a small amount of cleaning / sanitizing agent onto the cloth.
3. Wipe the tabulator in a gentle motion to remove any dirt, dust, or finger marks.
4. Use a dry cloth to wipe any excess moisture.
5. The tabulator is ready to be deployed for use or storage.

CAUTION

Normal household cleaners, cloths and wipes are not safe to use on the LCD glass or displays. Please use only the Dominion recommended solutions. Please consult with Dominion technical support before using any other solutions.

To avoid potentially hazardous situations associated with the use of alcohol or other cleaning / sanitizing agents which may result in personal injury and property damage:

- Be sure to follow all instructions and recommendations in this document and the manual.
- Be sure to follow precautions and directions for any cleaning / sanitizing agent.
- Do NOT use any solutions that contain ammonia, acidic, alkali or other caustic chemicals.
- Do NOT use any vinegar-based solutions.
- Do NOT use coarse cloths or paper towels.
- Do NOT spray cleaning / disinfecting agent directly on the tabulator.

We value the health of our customers and voters. Thank you!

9 Timber Lane, Marlboro, NJ 07746
Tel: (732) 414-6500 Fax: (732) 414-6501

Avalue Touch Panel PC Care and Cleaning Guide

Thank you for using the Avalue Touch Panel PC. Our products are designed to withstand intensive use under all types of applications and require very little maintenance. Normally, dirt and fingerprints do not affect the operation of the Touch Panel PC. However, Avalue recommends that you periodically clean the Touch Panel PC for best visual and operational experience. Certain applications such as medical, healthcare and fitness, etc. may also require disinfecting the product after use. Therefore, we have prepared for you this Touch Panel PC Care and Cleaning Guide. Please read and be sure to follow the instructions outlined when cleaning or disinfecting the Touch Panel PC.

Recommended Cleaner and Disinfecting Agent:

We recommend using one of the following cleaners or disinfecting agents to clean and/or disinfect your Touch Panel PC:

Cleaners:

- 3M CL600 Anti-Static Electronic Equipment Cleaner.
- TECHSPRAY® 1605-6FP LCD and Plasma Screen Cleaner.

Disinfecting Agents:

- Mix isopropyl alcohol and water solution at a ratio of 50:50.
- Straight isopropyl alcohol.

Recommended Cloths and Wipes:

We recommend using one of the following screen safe, microfiber electronics cleaning cloths or wipes to clean your Touch Panel PC:

Cloths:

- 3MTM Scotch-Brite® Electronics Cleaning Cloth.
- TECHSPRAY® 2368-2 LCD and Plasma Screen Cleaning Wipes.

Cleaning Wipes:

- 3MTM CL610 Electronic Equipment Wipes.
- 3MTM CL630 Notebook Screen Cleaning Wipes.
- Fellowes® 99703 Screen Wipes.

Disinfectant Wipes:

- KIMTECH® One-Step Disinfectant Wipes.

Instructions:

1. Turn off the Touch Panel PC and all other attached devices.
2. Spray a small amount of cleaning / disinfecting agent onto the cloth.
3. Wipe the Touch Panel PC in a gentle motion to remove any dirt, dust, or finger marks.
4. Use a dry cloth to wipe any excess moisture.
5. Turn the Touch Panel PC back on.

9 Timber Lane, Marlboro, NJ 07746
Tel: (732) 414-6500 Fax: (732) 414-6501

CAUTION

Normal household cleaners, cloths and wipes may not be safe to be used on the sensitive electronics components. Please use the Avalue recommend cleaning / disinfecting solutions. Please consult with Avalue technical support before using any other cleaning / disinfecting solutions.
To avoid potentially hazardous situations associated with the use of alcohol or other cleaning / disinfecting agents which may result in personal injury and property damage:

- Follow all instructions and recommendations in the manual.
- Be sure to follow cleaning / disinfecting agent manufacturer's precautions and directions.
- Do not use any solutions that contain ammonia, acidic, alkali or other caustic chemicals on the Touch Panel PC.
- Do not use any vinegar-based solutions.
- Avoid using coarse cloths or paper towels.
- Do NOT spray cleaning / disinfecting agent directly on the Touch Panel PC.

EXHIBIT

D

AFFIDAVIT OF AILEEN NAKAMURA

AILEEN NAKAMURA declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Aileen Nakamura.
2. I have reviewed the allegations of the Complaint in this case and I verify that those allegations are true and correct to the best of my knowledge and belief.
3. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
4. I am a registered voter residing in Sandy Springs in Fulton County, Georgia.
5. My undergraduate degrees are in computer science and cognitive science, and having worked at various computer companies in quality assurance and international marketing, I am knowledgeable of and comfortable with computerized technology in general consumer use.
6. During the November 5, 2019 municipal pilot county elections and the related December 3, 2019 municipal runoffs, I spent approximately 18 hours observing at 7 polling places during early voting and on Election Day, and another 7 hours serving as a Poll Watcher for a mayoral candidate during the municipal runoffs at 2 polling places, all of which were pilot county polling places for either the Dominion Ballot Marking Device (BMD) System or the Dominion hand-marked paper ballot system Cobb County pilot.

7. I have many concerns regarding the upcoming June 9th elections, and they can be categorized into a few issues:

In-person Voting Safety Measures

8. On March 9, 2020 I voted at the Sandy Springs Library location of Fulton County Elections during advanced voting of the March 24th Presidential Preference Primary. I voted using the Dominion touchscreen BMD, and paid particularly close attention to the process because of my involvement with election security activities on behalf of Coalition for Good Governance.

9. I was very nervous about the risk of infection from the spread of coronavirus at polling places, particularly via the handing of the Smartcard and from the many people who likely voted before me using the touchscreen BMD. I am immunocompromised and do not want to contract the virus, and I also have an elderly mother I particularly do not want to expose to COVID-19. In fact, I voted earlier in the month than I had planned (I had wanted to see what happened with the presidential candidates), as I figured the longer I waited, the more risk there would be to voting in person as the virus spread in Georgia, even though at the time there were no 'known' cases in Sandy Springs.

10. The voting process with the BMD system is extremely touch-intensive. After handing my driver's license to a poll worker, she entered something on

the Poll Pad, at which time she turned the screen around and told me to choose either a "Democrat" or "Republican" ballot by touching the Poll Pad. She then had me sign the pad using a stylus. I did not witness her cleaning either the Poll Pad screen or the stylus before I touched them, or afterwards. She then put a Smartcard into the Poll Pad, presumably to download which type of ballot I needed, and handed the Smartcard to me. Again, there was no sanitizing of the card or my driver's license before handing them to me. Although sanitizing would be preferred, with my technical background I am concerned that using a wet wipe or alcohol rub to sanitize a Smartcard will leave some residue on the card, which could possibly damage a BMD after repeated insertions.

11. Once I inserted my Smartcard into the BMD I had chosen, I then went through the steps that on the touchscreen instructed. Even when choosing just one candidate for one race, I had to touch the screen multiple times to go through the steps, including prompts to select the candidate, review what I had chosen, and print it out. Had there been many races and/or if I had made errors or changed my mind, I would have had to touch the screen many more times. I tend to have a habit of brushing my hair away from my eyes, but I had to keep reminding myself not to touch my face. Lastly, after I reviewed the printout with the large barcode, I retrieved my Smartcard and handed it

to the poll worker who collected the cards, and watched as I inserted my printout into the scanner. I do not recall seeing any hand sanitizer by the desk where this poll worker collecting cards was stationed.

12. I had wanted to take Clorox wipes to wipe down the BMD screen before I voted, but given my technical background and familiarity with the equipment, I knew that it could harm the machine. However, I could have easily done so without poll workers seeing me do so, given the blue panels that prevent the poll workers from seeing the machines or how the voter may be tampering with them. I fear that many voters may have the inclination I did to clean the machines themselves, not realizing that they can damage the machines. Instead, as soon as I finished voting, I visited the ladies' room and washed my hands extremely well, taking care not to touch anything else in the library or on the premises until I got to my car. It was much more of a harrowing experience than I had expected, as I had voted at this location many times before, but the thoughts of an unseen virus are daunting.

13. After my March voting experience, I am uncomfortable voting in the upcoming June primary in the polling place with all the associated health risks. I received my Mail ballot application and will likely apply for a Mail ballot. However, I have concerns as to whether or not my application will be processed in time for me to receive a Mail ballot timely.

Mail Ballot Issues

14. I am apprehensive as to whether or not the Mail ballot system is reliable in Fulton County given the enormous backlog of applications that are unprocessed, as I know many people who had sent in their applications weeks ago have yet to receive their ballot.

15. On April 23, 2020, I attended the Fulton County Board of Registration and Elections (BRE) Special Meeting, which was held virtually online, and heard Fulton County Elections Director Rick Barron mention that they had received 113,000 Mail ballot applications, but they had only processed 10,000, and opened (but not yet processed) another 52,000 out of 80,000 paper applications. They also had only processed 433 out of 23,000 emailed and faxed applications. Director Barron and Voter Registration Chief Ralph Jones stated at the BRE meeting that they were "just running a little behind" and "expect to be all caught up by Thursday, April 30th".

16. Regarding why there was such a backlog, Director Barron explained that they could not work in the office for a few days because one of their long-time office staff members, Ms. Beverly Walker, had passed away due to COVID-19 and the office had to be decontaminated. Mr. Ralph Jones was also hospitalized while Ms. Walker was ill, but thankfully he has recovered.

The two had been working together before they fell ill[1], raising questions about whether there are enough safety protocols for office staff as well.

17. Director Barron had estimated that the 113,000 ballots Fulton County had received prior to the April 23rd BRE meeting should be processed by Thursday, April 30th. However, as of April 29th at 4pm, the press has reported that Fulton County has received 135,000 Mail ballot applications and only 18,358 have been processed. The Secretary of State's website reflects this as well.

18. During the BRE meeting, it also concerned me when Ms. Vernetta Nuriddin, a long-time board member, mentioned that the Secretary of State (SOS) had hired a vendor in Arizona, Runbeck Election Systems, to mail the ballots out to voters here in Georgia, and that this the first time the state has out-sourced for the entire state. When Ms. Nuriddin asked if the vendor could truly handle upwards of 100,000 ballots in one day, the answer the Mr. Barron's staff gave was that the Secretary had told counties that ballots would be mailed from Runbeck the same day it was issued by the counties.

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[1] https://www.ajc.com/blog/politics/opinion-the-fulton-election-worker-who-died-making-sure-thousands-could-vote/Fbv7HFS00tHuRyywJRFEwN/

19. However, in my opinion, having a new vendor handle a new process seems to be another area where errors can be made. In fact, I am now aware that the Mail ballot vote will not be a secret ballot because of the failure of the vendor to include a required secrecy envelope – instead, they erred and included only a thin single folded sheet of paper as a 'secrecy sleeve'.

20. There also seems to be a persistent problem with voters getting no information about whether their ballot has been issued (and therefore mailed), as people have been asking me personally or through voting rights advocate social media sites what they should do to make sure their ballot application was received and ballot issued.

21. All the issues above have me hesitating to take action toward preparing to vote because none of the choices right now are acceptable.

Poll Worker Shortages and Poll Location Consolidation

22. I also am concerned about the shortage of poll workers due to the coronavirus resulting in polling place closings and consolidations for the June 2020 election. This link is to an Atlanta Journal Constitution online article on the subject. https://www.ajc.com/news/state--regional-govt--politics/loss-poll-workers-threatens-person-voting-georgia-primary/HxtIBEQ62cAkXDiraDlhUI/. It states, "In Fulton, fewer than 500 people have committed to working the election, [Fulton Elections Director

Rick] Barron said. Normally, the state's most populous county has more than 1,600 poll workers at 199 polling places."

23. One of the items discussed during the April 23 Fulton BRE meeting, as can be seen in the BRE Summary (see Exhibit 1), was Item #8, "Approval of Precinct Proposals: 01/20, 05/20, 06/20, 07/20, 08/20, 10/20, 11/20, 12/20, 13/20, 14/20, 15/20". The list of proposed Emergency Polling Location Changes (see Exhibit 2), outlines the 11 polling places which needed to be changed, either due to coronavirus concerns or due to renovations.

24. After the Fulton BRE members unanimously approved the polling location changes, I did some research and found that, using the number of registered voters per polling location from 2018, there would be a startling increase in the number of registered voters at many of these consolidated locations.

25. In addition, I realized that the increase in the number of registered voters assigned to each polling place, naturally increases the number of voting machines (or voting booths) required Georgia law, mandating one voting booth be set up per every 250 registered voters per polling location.

26. Therefore, according to my calculations (see Exhibit 3), the 7 polling places which will be consolidated with 6 others, increases the number of registered voters assigned to each location, and subsequently the number of voting booths required, in the following ways:

- West Hunter St Baptist Church will have a 141% increase in the number of voters (from 1655 to 3994), requiring 16 voting booths.
- The Cathedral of St Philip will have a 69% increase in the number of voters (from 7011 to an alarming 12,153), needing 49 voting booths.
- The Northwest Library at Scott's Crossing will see a 76% increase in voters (from 4403 to 7741), requiring 31 voting booths.
- The William Walker Recreation Center will have a 36% addition in voters (from 5112 to 6945), needing 28 voting booths,
- Cogburn Woods Elementary School will see an a 68% rise in voters (from 4443 to 7475), requiring 30 voting booths, and
- Woodland Elementary School will have a 172% increase (from 2060 to 5612 voters), needing 23 voting booths.

These calculations assume that there has not been an increase in the number of registered voters since 2018. Therefore my estimate of the number of voting booths required is likely understated.

27. Looking at the newly consolidated Cathedral of St Philip polling location, it alarms me to see that the total number of registered voters (using 2018 numbers) is now 12,153. Not only is this a very large number of voters for one polling place since the statewide average number of registered voters per precinct is about 2700, but with the required 6 ft social distancing for

coronavirus precautions, based on my observations in many polling places, it is hard to see how any space would be large enough to house the 49 voting machines required by law, since they must also be placed in such a way that preserves the voters' right to an absolute secret ballot – an extremely difficult task with the Dominion voting system due to its oversized, upright, and bright screens that people can observe from afar.

28. In addition, the large BMDs and attached printers must also be connected to an uninterrupted power supply (UPS) in case of a power outage. Due to the size and expense of each UPS unit, counties only have enough UPS units to be connected to two BMDs and printers, making it logistically impossible for one pair of BMDs and printers to be 6 ft apart from each other and also to the shared UPS unit.

29. Although some of these polling location consolidations were the result of schools undergoing renovations, it is easy to see how a shortage of poll workers would also result in polling places having to be consolidated throughout my county and the state, meaning that there would be a large increase in the number of voters assigned to polling locations, and requiring many more voting machines (or voting booths) per location. However, this obviously creates unhealthy conditions as many voters would have to gather in one location.

Disregard of the Law leading to Confusion

30. I have attached as Exhibit 4, an April 28, 2020 email to me from Ms. Nuriddin alerting voting rights advocates to the change in the way voters will be returning their absentee ballot by mail, including instructions she received from the Secretary that morning. s morning. The highlighted portion is what I re-highlight from the Secretary's original highlighted email to Ms. Nuriddin. In the email, the Secretary remarks: "After discussing with the vendor and exploring whether it is feasible to use an inner envelope rather than the privacy sleeve, our office has decided to continue using the privacy sleeve and edit the instructions included in the absentee ballot package."

31. This decision has led to much voter confusion. On social media, I have seen people with questions about whether their ballot packets are defective and what happens if voters return ballot without inner envelope as instructed. Others ask what to do if they threw the folded piece of paper away.

Poll Worker Survey

32. To see for myself how poll workers have been affected by the pandemic and whether they intend to work (or not) during the June 9, 2020 election, I set up a quick survey a few days ago and asked friends who are poll workers, as well as others on social media, to answer some questions. I received

responses from 30 poll workers, from Catoosa, Chatham, Clarke (4), Cobb (7), Columbia, Fulton (3), Forsyth (5), Glynn, Gwinnett (3), Lincoln, Newton, Oglethorpe, and Tattnall Counties. Fifteen of the respondents were over 60 years of age, eleven were between the ages of 41-59, and four were between 26-40 years old.

33. Currently, only 6 out of the 30 respondents plan to work during the June 9th election, and only one person plans to work during Advanced Voting beginning on May 19th. When asked if the election were moved to June 30th if they would be willing to work, only two more people (total 8 out of 30) said they would.

34. I then asked if having each of the in-person voting relief we ask for in the Complaint, such as PPE for poll workers, masks for voters, etc. would make them feel safer and more confident about working the election. When asked if they would work on June 9th if each of the items of relief were put in place, 16 out of 30 respondents said it was "highly likely," while 10 replied that they would "maybe" work on June 9th with the safety procedures in place.

Crawford County, Pennsylvania Decision

35. The Meadville Tribune published an article online that can be accessed by this link. https://www.meadvilletribune.com/news/paper-ballots-at-polling-places-for-june-2-election/article_72d77f4a-850c-11ea-bcf2-abc7ccd89009.html. According to the article, the Crawford County, Pennsylvania, Board of Elections recently "voted unanimously to move to a paper ballot format due to the COVID-19 pandemic. The switch will allow for a less potential spread of the virus than using the electronic voting machines, according to board members. The electronic voting machines would require cleaning of touch screens after each use by a voter which could slow the process."

36. Crawford County uses the same Dominion ICX touchscreen voting system which Georgia will be using. I contacted Crawford County's Board of Elections and confirmed that the Board had indeed voted on April 22nd to use paper ballots for the June 2nd election because of the pandemic.

37. I very much hope that we can provide safer elections for both voters and poll workers at polling places by using paper ballots as opposed to touchscreen voting machines with Smartcards, as Crawford County has done, as well as utilizing the other forms of relief that Coalition for Good Governance has advocated.

Executed on this date, April 29th, 2020.

Aileen Nakamura

EXHIBIT

1

FULTON COUNTY
REGISTRATION & ELECTIONS

BOARD OF REGISTRATION AND ELECTIONS
POST- SPECIAL MEETING SUMMARY APRIL 23, 2020

Pursuant to O.C.G.A. § 5014-1(e)(2)(4), the following is a summary of the subjects acted on at the Special Meeting on Thursday, April 23, 2020 at 10:00 a.m.

VIRTUAL MEETING

Please join my meeting from your computer, tablet or smartphone.
FGTV YouTube Channel
https://www.youtube.com/channel/UCYH7E0jH6HxE-3KTRluH8SQ

Presiding: Ms. Mary Carole Cooney, Chairperson

Other Board Members Present:
Mr. Mark Wingate, Vice Chairperson
Mr. Aaron V. Johnson
Dr. Kathleen Ruth
Ms. Vernetta Keith Nuriddin

Chairperson Cooney announced the teleconferenced meeting and informed all attendees that a State of Emergency was order by Governor Kemp which resulted in state and local government closures due to Coronavirus Pandemic.

#1 – APPROVAL OF AGENDA

Chairperson Cooney entertained a motion to approve the agenda as amended. The motion was made by Mr. Wingate, seconded by Ms. Nuriddin and carried by a unanimous vote of 5-0.

#5- APPROVAL OF EARLY VOTING (EV) LOCATIONS FOR THE PPP AND GENERAL PRIMARY ELECTIONS

Chairperson Cooney entertained a motion to approve the recommendation of the Director and staff for EV locations for June 9, 2020 Election. The motion was made by Ms. Nuriddin, seconded by Mr. Wingate and carried by a unanimous vote of 5-0.

#6- APPROVAL OF BRE UPDATED CALENDAR

Chairperson Cooney entertained a motion to approve the amended Board Meeting schedule, striking November 13th and combining the Regular Meeting and Certification of the General Election on November 12th. The motion was made by Ms. Nuriddin, seconded by Mr. Johnson and carried by a unanimous vote of 5-0.

#7- APPROVAL OF AMENDMENT NO. 1 OF THE INTERGOVERNMENTAL AGREEMENT FOR THE CITY OF ATLANTA

Chairperson Cooney entertained a motion to approve the amended Amendment No. 1 of the Intergovernmental Agreement for the City of Atlanta. The motion was made by Mr. Wingate, seconded by Dr. Ruth and carried by a unanimous vote of 5-0.

#8- APPROVAL OF PRECINCT PROPOSALS: 01/20, 05/20, 06/20, 07/20, 08/20, 10/20, 11/20, 12/20, 13/20, 14/20, 15/20

Chairperson Cooney entertained a motion to approve all proposals as listed was made by Mr. Wingate, seconded by Ms. Nuriddin and carried by a unanimous vote of 5-0.

ADJOURNMENT

With no other items requiring the Board's action, **Chairperson Cooney entertained a motion to adjourn. Mr. Wingate moved to adjourn the meeting. Mr. Johnson seconded the motion.** Collectively, the Board agreed to adjourn at 11:39 a.m.

The meeting adjourned.

Prepared By,

Mariska Bodison, Board Secretary

EXHIBIT

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EMERGENCY POLLING LOCATION CHANGES

The following changes will be recommended for approval during the Board of Registration and Elections Special Meeting at 10:00am on April 23, 2020. The meeting will be held via a conference call, or virtual meeting. Information about how the public can access the meeting will be placed on the elections office website at least 24 hours prior to the start time for the meeting.

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 01/20 04K

REASON: **Abernathy Towers has decided they cannot be a polling location for the near future due to COVID-19 concerns.**

FROM:

04K Abernathy Towers
1059 Oglethorpe Ave. SW
Atlanta, GA 30310

TO:

04K West Hunter Street Baptist Church
1040 Ralph David Abernathy Blvd.
Atlanta, GA 30310
04L West Hunter Street Baptist Church
1040 Ralph David Abernathy Blvd.
Atlanta, GA 30310

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 05/20 07M

REASON: **Brighton Gardens Buckhead has decided they cannot be a polling location for the near future due to COVID-19 concerns.**

FROM:

07M	**Brighton Gardens Buckhead** **3088 Lennox Road NE** **Atlanta, GA 30324**

TO:

07F	**Cathedral of St. Philip** **2744 Peachtree Rd. NW** **Atlanta, GA 30305**
07M	**Cathedral of St. Philip** **2744 Peachtree Rd. NW** **Atlanta, GA 30305**
08L	**Cathedral of St. Philip** **2744 Peachtree Rd. NW** **Atlanta, GA 30305**

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 06/20 08G

REASON: Cathedral Towers is unsure whether they can be a polling location for the near future due to COVID-19 concerns.

FROM:

08G	**The Cathedral Towers** **2820 Peachtree Road** **Atlanta, GA 30305**

TO:

07F	**Cathedral of St. Philip** **2744 Peachtree Rd. NW** **Atlanta, GA 30305**
08G	**Cathedral of St. Philip** **2744 Peachtree Rd. NW** **Atlanta, GA 30305**
08L	**Cathedral of St. Philip** **2744 Peachtree Rd. NW** **Atlanta, GA 30305**

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 07/20 09A

REASON: **Marietta Road High Rise has decided they cannot be a polling location for the near future due to COVID-19 concerns.**

FROM:

09A **Marietta Road High Rise**
2295 Marietta Rd. NW
Atlanta, GA 30318

TO:

09A **Northwest Library at Scott's Crossing**
2489 Perry Blvd. NW
Atlanta, GA 30318

09K **Northwest Library at Scott's Crossing**
2489 Perry Blvd. NW
Atlanta, GA 30318

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 08/20 11P

REASON: **Asbury Harris Epworth Towers is unsure whether they can be a polling location for the near future due to COVID-19 concerns.**

FROM:

11P **Asbury Harris Epworth Towers**
3033 Continental Colony Pkwy SW
Atlanta, GA 30331

TO:

11E1	**William Walker Recreation Center** **2405 Fairburn Rd SW** **Atlanta, GA 30331**
11E2	**William Walker Recreation Center** **2405 Fairburn Rd SW** **Atlanta, GA 30331**
11E3	**William Walker Recreation Center** **2405 Fairburn Rd SW** **Atlanta, GA 30331**
11P	**William Walker Recreation Center** **2405 Fairburn Rd SW** **Atlanta, GA 30331**

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 10/20 JC09

REASON: **The Fulton County School District has notified us that Chattahoochee High School is scheduled to undergo renovations in June.**

FROM:

JC09 Chattahoochee High School
5230 Taylor Road
Johns Creek, GA 30022

TO:

JC09 Taylor Road Middle School
5150 Taylor Road
Johns Creek, GA 30022

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 11/20 JC11

REASON: **The Fulton County School District has notified us that State Bridge Crossing Elementary is scheduled to undergo renovations in June.**

FROM:

JC11 **State Bridge Crossing Elementary**
5530 State Bridge Road
Johns Creek, GA 30022

TO:

JC11 **Johns Creek High School**
5575 State Bridge Road
Johns Creek, GA 30022

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. **12/20** **ML04**

REASON: **The Fulton County School District has notified us that Hopewell Middle School is scheduled to undergo renovations in June.**

FROM:

ML04 **Hopewell Middle School**
13060 Cogburn Road
Milton, GA 30004

TO:

ML04 **Cogburn Woods Elementary School**
13080 Cogburn Road
Milton, GA 30005

ML05 **Cogburn Woods Elementary School**
13080 Cogburn Road
Milton, GA 30005

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 13/20 RW22A

REASON: The Fulton County School District has notified us that Centennial High School is scheduled to undergo renovations in June.

FROM:

RW22A Centennial High School
9310 Scott Road
Roswell, GA 30076

TO:

RW22A Hillside Elementary School
9250 Scott Road
Roswell, GA 30076

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 14/20 SS26

REASON: The Fulton County School District has notified us that North Springs High School is scheduled to undergo renovations in June.

FROM:

SS26 North Springs High School
7447 Roswell Rd NE
Atlanta, GA 30328

TO:

SS20 Woodland Elementary School
1130 Spalding Dr
Atlanta, GA 30350

SS26 Woodland Elementary School
1130 Spalding Dr
Atlanta, GA 30350

TEMPORARY
EMERGENCY POLLING PLACE LOCATION CHANGE

PROPOSAL NO. 15/20 UC01A, UC01B, UC01D, UC01E

REASON: **The Fulton County School District has notified us that C.H. Gullatt Elementary School is scheduled to undergo renovations in June.**

FROM:

UC01A	**C.H. Gullatt Elementary School** **6110 Dodson Road** **Union City, GA 30291**
UC01B	**C.H. Gullatt Elementary School** **6110 Dodson Road** **Union City, GA 30291**
UC01D	**C.H. Gullatt Elementary School** **6110 Dodson Road** **Union City, GA 30291**
UC01E	**C.H. Gullatt Elementary School** **6110 Dodson Road** **Union City, GA 30291**

TO:

UC01A	**Feldwood Elementary School** **5790 Feldwood Road** **College Park, GA 30349**
UC01B	**Feldwood Elementary School** **5790 Feldwood Road** **College Park, GA 30349**
UC01D	**Feldwood Elementary School** **5790 Feldwood Road** **College Park, GA 30349**
UC01E	**Feldwood Elementary School** **5790 Feldwood Road** **College Park, GA 30349**

ALL AFFECTED VOTERS WILL BE NOTIFIED IMMEDIATELY OF THIS CHANGE BY FIRST CLASS MAIL.

WARNING: IN ACCORDANCE WITH GEORGIA ELECTION CODE SECTION 21-2-265(a), ANY PERSON OBJECTING THERETO MUST FILE THEIR OBJECTION WITH THE ELECTION SUPERINTENDENT ON OR BEFORE THE DATE LISTED ABOVE BY CONTACTING THE ELECTIONS DIVISION, 130 PEACHTREE STREET S.W. SUITE 2186, ATLANTA, GA 30303. TEL: 404-612-7020.

EXHIBIT

3

EXHIBIT 3

FULTON COUNTY EMERGENCY POLLING LOCATION CHANGES for 6/9/2020
Approved April 23, 2020
Change in # of Registered Voters (2018 numbers)

Moving From	Adding To	% Increase
Abernathy Towers (04K) **2339** voters	W Hunter St Baptist Church (04L) **1655** voters	141% increase **3994 total voters** (16 voting booths)
Brighton Grdns Buckhead (07M) + The Cathedral Towers (08G) 2155 + 2787 = **4942** voters	Cathedral of St Philip (07F + 08L) (3017+4194)= **7211** voters	69% increase **12, 153 total voters** (49 voting booths)
Marietta Rd High Rise (09A) **3338** voters	NW Library at Scott's Crossing (09K) **4403** voters	76% increase **7741 total voters** (31 voting booths)
Asbury Harris Ep. Towers (11P) **1833** voters	Wm Walker Rec Center (11E1+2+3) (1141+847+3124)= **5112** voters	36% increase **6945 total voters** (28 voting booths)
Hopewell Middle School (ML04) **3032** voters	Cogburn Woods Elem School (ML05) **4443** voters	68% increase **7475 total voters** (30 voting booths)
N Springs High School (SS26) **3552** voters	Woodland Elem School (SS20) **2060** voters	172% increase **5612 total voters** (23 voting booths)

4 Polling Places moving to New Locations (not adding to another location)

Chattahoochee HS (JC09) 2928 voters	Taylor Rd Middle School (JC09) 2928 voters	same 2928 total
State Bridge Crossing Elem (JC11) 3186 voters	Johns Creek High School (JC11) 3186 voters	same 3186 total
Centennial HS (RW22A) 4406 voters	Hillside Elem School (RW22A) 4406 voters	same 4406 total
CH Gullatt Elem (UC01A+B+D+E) (3622+395+6+285)=4308 voters	Feldwood Elem (UC01A+B+D+E) 4308 voters	same 4308 total

EXHIBIT

4

Aileen Nakamura

From: Vernetta Keith Nuriddin <vernettanuriddin@live.com>
Sent: Tuesday, April 28, 2020 2:01 PM
To: Vernetta Keith Nuriddin
Subject: Voting Absentee By Mail. June 9th Elections

Leaders:

There have been a few changes to how a voter returns the Absentee Ballot by mail. See link to photo below. The old process included two envelopes with the AB placed and sealed in the first envelope and that sealed envelope then being placed in the return envelope. See instructions below from SOS today. Thanks for your leadership and involvement in preparing the electorate for the June 9th PPP and State elections. Since our Election board approved closing all polls located inside of all retirement, nursing homes and assisted-living facilities, we must work together to ensure that these voters votes are counted. Thanks again.

Georgia Elections Officials:

Currently, the voters are receiving the three items below with their ballot in the absentee ballot package. Attached is an image of the three items in order from top to bottom. Absentee Ballot Package - June 9th Election.jpg

- Privacy sleeve
- Instructions
- Return envelope

After discussing with the vendor and exploring whether it is feasible to use an inner envelope rather than the privacy sleeve, our office has decided to continue using the privacy sleeve and edit the instructions included in the absentee ballot package. We will post a copy of the revised instructions on Firefly when they are complete. Below is a brief description of the instructions.

- The voter will complete their ballot.
- The voter should fold the privacy sleeve around their ballot.
  - The voter is not required to seal the privacy sleeve. However, they can seal the privacy seal, if they would like.
- The voter will place the folded privacy sleeve with the ballot in the return envelope.
  - The ballot will not be rejected, if the privacy sleeve is not included.

Complete the oath on the return envelope and place it in the mail to the County Registrar's office.

Vernetta Keith Nuriddin
vernettanuriddin@live.com
404-437-2122

EXHIBIT

E

Declaration of Jeanne Dufort

Jeanne Dufort declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Jeanne Dufort.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I am a registered voter in Morgan County and 1st Vice-Chair of the Morgan County Democratic Committee.
4. I have been concerned about the impact the COVID-19 pandemic has on the regular conduct of elections, and have expressed that concern to the Secretary of State, the State Election Board, and local county election boards, including in Morgan County and Athens Clarke County.
5. I joined many other Georgia voters in petitioning the Secretary of State to re-examine components of the new certified voting system, for safe use in light of the pandemic. He has ignored our request.
6. On April 15, I implored the State Election Board to focus their attention on implementing policies that would protect election workers and voters, advising them that "distributing hand sanitizers and wipes, and telling election directors to try harder is not enough". My full remarks are

attached as Exhibit 1.

7. I live with my 86-year-old mother in law, who suffers from advanced lung disease. It would be deadly to her if I inadvertently exposed her to COVID-19. I am also over 60, which I understand increases my personal risk of serious illness should I contract the COVID-19 virus.

8. While I generally prefer to vote on a hand marked paper ballot and personally deliver it to my local election office, I do occasionally vote in-person. I decided to request a mail absentee ballot for the General Primary due to my concerns for my health and the community's health because of the COVID-19 pandemic.

9. I submitted via email an application to vote absentee by mail for the General Primary. The My Voter Page shows that my application was accepted on April 6 and my ballot was mailed on April 2. I received my ballot on April 25.

10. When I opened the envelope containing my ballot, I read the enclosed directions so that I would be prepared to complete and submit my ballot when I chose. I noticed that the directions said to "enclose and securely seal the ballot in the smaller of the two envelopes provided, which is white and on which is printed "Official Absentee Ballot".

11. There was only one envelope provided, plus a folded sheet of paper on

which is printed "Official Absentee Ballot".

12. This was confusing and I wondered if my packet was missing an envelope or more ballot content give the paper that was labeled "Official Absentee Ballot." I am quite concerned that this could be confusing to many voters who are unfamiliar with the mail voting process and may not know how to get accurate answers.

13. Because of my involvement with election integrity in Georgia, I am familiar with Georgia Code as it relates to elections. I am not an attorney, but a plain reading of the code specifies that absentee ballots are to be mailed with 2 envelopes, one of which serves as a return mailing envelope and the other is provided to protect ballot secrecy.

14. I contacted my local Election Director Jennifer Doran, requesting an Official Absentee Ballot envelope, so I could return my ballot without compromising ballot secrecy. She agreed to provide one for me, and on April 28 I picked it up at the election office in Madison.

15. I am concerned at the burden that this presents to voters: in my case, it was a round trip of 16 miles, and about 40 minutes of time. Director Doran acted proactively after my request, announcing on Facebook that Absentee Ballot Envelopes were available while her supply lasted, and

in a box outside her office during business hours. A screenshot of her post is attached as Exhibit 2. I am concerned that there are Morgan County voters who do not use social media and may not be aware of the opportunity to protect the secrecy of their absentee ballot, if they even have the ability to travel to the Elections Office to obtain one.

16. I use the My Voter Page on the Secretary of State's website to track the progress of my absentee ballot application and ballot. I have routinely used the site for several years, on my android phone, iPad, and laptop. In early April, I found that I could not log into the site with my android phone, because my date of birth could not be entered.

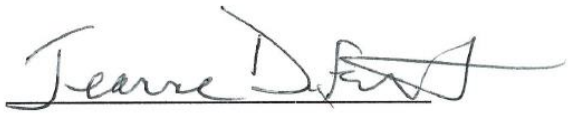
17. This is a hardship to me, because in my work as 1st Vice Chair of the Morgan County Dems I routinely assist voters in checking their status – primarily using my android phone. I am sure there are many voters in Georgia who are currently prevented from using the MVP site because of this problem. This means that without some other access to the internet, voters cannot check the status of their ballot application or their mail ballot issuance or return. This year, almost all voters are particularly concerned about that status given the difficulty of in-person voting and the mails and the errors that the Secretary's office has made

with mail balloting.

18. Ms. Chris Hodges, a Madison, Georgia city councilperson wrote the attached letter to Secretary Raffensperger, addressing her concern about the COVID-19 threat to community health and the election preparedness impact. Exhibit A is a true and correct copy of that letter.

19. I have reviewed the allegations of the Complaint in this case and I verify that those allegations are true and correct to the best of my knowledge and belief.

Executed on this day, April 29, 2020



Jeanne Dufort

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EXHIBIT

1

132 North Main Street • Post Office Box 32 • Madison GA 30650
TELEPHONE: (706)342 1251 • FAX: (706)342 3454 • MadisonGA.com

Dear Secretary of State Raffensperger,

I am a local elected official in the City of Madison who represents a vulnerable population. I am concerned about their health and safety, as well as my father's, who is a 74-year-old poll worker.

Madison, Ga is a small town with limited healthcare access, and our city adopted a stay in place ordinance on March 23, 2020, because we believed protecting our community's health was more important in the short term than protecting our wallets. It was a very difficult decision, because hospitality and tourism is a critical component of our local economy.

The Governor's plan to resume minimum business operations includes many ideas that will protect our election workers and voters:

- provide PPE
- avoid shared use
- increase physical space
- enforce social distancing
- suspend the use of pin pads and tablets

I support proposals like curbside voting, six-foot distances both inside and outside polling places, masks required and supplied for voters, and replacing the ballot marking tablets with paper ballots.

Our city and county budgets will be severely stressed by shortfalls in sales tax revenue, due to stay in place orders. It will be difficult, both practically and financially for us to acquire the PPE and other protective equipment needed to protect our election workers and our voters. I urge you to commit to supplying those resources now - our poll workers need to know they will be adequately protected.

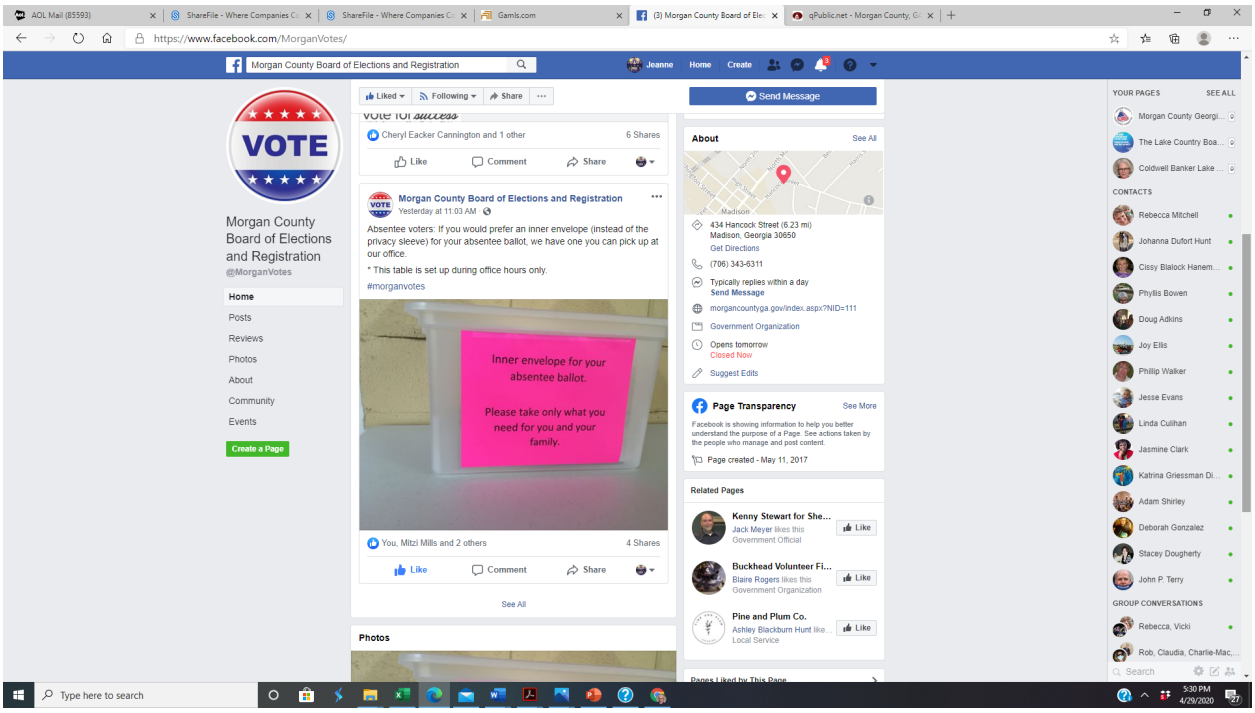
Covid 19 is a threat, especially to smaller rural communities. We can't know when it will be safe to return to business as usual - but neither can we sacrifice elections in this most important year.

It's the responsible thing to do to make voting safe for everyone.

Chris Hodges, City Councilperson, District 5
Madison, GA
706-474-0947

EXHIBIT

2


https://www.facebook.com/MorganVotes/
Morgan County Board of Elections and Registration
Jeanne
Home
Create
Liked
Following
Share
Send Message
VOTE
Morgan County Board of Elections and Registration
@MorganVotes
Home
Posts
Reviews
Photos
About
Community
Events
Create a Page
Cheryl Eacker Cannington and 1 other
6 Shares
Like
Comment
Share
Morgan County Board of Elections and Registration
Yesterday at 11:03 AM
Absentee voters: If you would prefer an inner envelope (instead of the privacy sleeve) for your absentee ballot, we have one you can pick up at our office.
* This table is set up during office hours only.
#morganvotes
Inner envelope for your absentee ballot.
Please take only what you need for you and your family.
You, Mitzi Mills and 2 others
4 Shares
See All
Photos
About
See All
434 Hancock Street (6.23 mi)
Madison, Georgia 30650
Get Directions
(706) 343-6311
Typically replies within a day
Send Message
morgancountyga.gov/index.aspx?NID=111
Government Organization
Opens tomorrow
Closed Now
Suggest Edits
Page Transparency
See More
Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.
Page created - May 11, 2017
Related Pages
Kenny Stewart for She...
Jack Meyer likes this
Government Official
Buckhead Volunteer Fi...
Blaire Rogers likes this
Government Organization
Pine and Plum Co.
Ashley Blackburn Hunt like...
Local Service
YOUR PAGES
SEE ALL
Morgan County Georgi...
The Lake Country Boa...
Coldwell Banker Lake ...
CONTACTS
Rebecca Mitchell
Johanna Dufort Hunt
Cissy Blalock Hanem...
Phyllis Bowen
Doug Adkins
Joy Ellis
Phillip Walker
Jesse Evans
Linda Culihan
Jasmine Clark
Katrina Griessman Di...
Adam Shirley
Deborah Gonzalez
Stacey Dougherty
John P. Terry
GROUP CONVERSATIONS
Rebecca, Vicki
Rob, Claudia, Charlie-Mac,...
Search
Type here to search
5:30 PM
4/29/2020

EXHIBIT

F

DECLARATION OF B. JOY WASSON

1. My name is B. Joy Wasson.

2. I am over the age of 18 and competent to testify if called on to do so.

3. I am a registered voter in DeKalb County, Georgia.

4. I voted by absentee mail ballot in the March 24, 2020 Presidential Preference Primary.

5. I emailed a pdf of my absentee ballot application on April 6, 2020 for the June General Primary Election because I prefer to stay away from the polls given current conditions with the spread in my community of COVID-19. I have subsequently read news accounts of Wisconsin voting during this pandemic that I found very distressing and just furthers my resolve to stay safe.

6. The news accounts that already 19 people who voted or worked the polls on election day in Wisconsin have tested positive for COVID-19 caused me to consider whether I should also avoid continuing to be a poll watcher during the pandemic. https://wisconsinexaminer.com/2020/04/22/wisconsin-confirms-19-cases-of-covid-19-in-april-7-voters-poll-workers/

7. For the next three weeks, through April 27th, I checked My Voter Page numerous times and it showed my absentee status for the March election, but didn't acknowledge any

application status for the General Primary Election now scheduled for June, although I had made an email application on April 6.

8. I grew very concerned that my application wasn't processed, and I was seeing accounts of others on social media worried over their application status. I have friends, Mike Nelson and Bruce Raper, who asked me on April 24th if I had any information about how they could check to see if their applications had been received. They emailed their applications to DeKalb on April 9th and their applications had not been processed according to absentee voter files I checked. Because I had seen that some regular mail applications had been processed that were sent around the same time, I was alarmed that my and others' applications that were emailed may have been lost through a glitch or rejected due to some error. Mike Nelson asked me if he and Bruce Raper should mail their applications, but I said I had concerns of further clogging up the county with duplicate requests. Mike said the process was a lot of work and he thought most people would just give up.

9. On April 27th, I watched and audio recorded the live streamed meeting of the DeKalb County Board of Registration and Elections. The Elections Director mentioned the deluge of emails, initially numbering 8,000-9,000, but noted they had processed all but 1,000. But my application was still not showing as processed. The DeKalb Elections web site states: "***Please do not call or email DeKalb Elections asking if we have received your application or when the ballot will get to you. We are glad to assist with your questions,*

*but if you have already sent in your application, please be patient.***" And the most recent absentee files on the Dekalb website (dated April 25, 2020) do not show me listed.

10. Chairman Samuel Tillman of DeKalb Board of Registration and Elections near the end of the meeting made comments that DeKalb was far ahead of any other elections department in the area. But he mentioned challenges, saying that DeKalb needed additional office space, additional warehouse space, and additional staff. He asked for help from the county commissioners. He said the new equipment cannot be stacked and that he was in the warehouse a couple of days ago and "we still have stuff wrapped up in boxes" and that they need to get the equipment out and get it tested. I have a recording of this meeting.

11. Chairman Tillman's comments made me concerned that my county is behind in preparations for the election, as I understand the enormous labor-intensive tasks in front of the staff and poll workers to debug, program test and deploy the machines in the polling places. I would have liked to have asked whether the county has enough staff and poll workers willing to do this team interactive and touch-intensive duty.

12. I downloaded the absentee Excel spreadsheet files from the Dekalb County Election Department web site on April 28th which they state are updated daily. Today that file is dated April 25, 2020 and I do not appear there. Finally, when I checked Georgia's My Voter Page a second time on April 28th, it showed that my application had been received.

13. While it was a relief that after three weeks, I have confirmation that my application was received, it has left me wondering if my friends and other voters will be so lucky. We still do not have ballots. I have read with sadness and concern of the problems in Wisconsin with many ballots not arriving in time, particularly an article that says "The data on absentee ballots for Wisconsin's two largest cities shows tens of thousands of unreturned ballots." https://wisconsinexaminer.com/2020/04/20/wisconsins-missing-absentee-ballots/

14. I have seen in news accounts and on the NextDoor online community my neighbors' frequent complaints of problems with mail service. I worked for the postal service many years ago and I understand some of the challenges USPS faces. I believe we will need to allow plenty of time for ballots to arrive and for ballots to be returned or we risk disenfranchising voters as has happened in Wisconsin.

15. When I have voted absentee in the past, I have used the sealed secrecy inner envelope to protect the anonymity of my vote. It was with some shock that I read that the current absentee ballots are being sent to voters without an inner envelope, but rather have a folded piece of paper to go around our ballots. This seems wholly inadequate to me and I worry that it would interfere with proper processing of ballots and cause me and other voters to have our secret ballot violated. I will follow with interest whether there will be a remedy of being able to obtain an inner envelope because it really seems unacceptable to me. But I really don't relish the idea of having to travel to the Voter Registration office to get an envelope, if they'll even allow that.

16. I am someone who prefers to hand deliver something as important as my voted ballot to ensure it arrives and arrives on time. It strikes me as a wasted opportunity to take my ballot in person to the Voter Registration office (or even dropping off at the polls if allowed), if the extra step isn't taken right then to "accept" my ballot as validly cast. It seems inefficient and taking unnecessary risks of discrepancies for me to leave the ballot and for it to later have to be verified by election workers checking my signatures when the clerk could have verified my identity when I am there in person.

17. I have reviewed the allegations of the Complaint in this case and I verify that those allegations are true and correct to the best of my knowledge and belief.

Executed on this date, April 29, 2020.

B. Joy W

B. Joy Wasson

EXHIBIT

G

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

COALITION FOR GOOD GOVERNANCE, et al., **Plaintiffs,** **v.** **BRAD RAFFENSPERGER, et al.,** **Defendants.**	**Civil Action No. 1:20-cv- 01677 -TCB**

DECLARATION OF BRUCE P. BROWN

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

2. My name is Bruce P. Brown. I am over the age of 18 and competent to testify. I have personal knowledge of the facts stated in this declaration.

3. I represent Plaintiffs in this case. I also represented the Plaintiffs in *Martin v. Kemp,* No. 1:18-cv-04776-LMM (N.D. Ga. 2018).

4. Attached as Exhibit 1 is a true and correct copy of the Declaration of Michael McDonald, on file in the *Martin* case at Doc. 16, page 6 *et seq.*

The 29th day of April, 2020.

Bruce P. Brown

EXHIBIT

1

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

RHONDA J. MARTIN, et al., Plaintiffs, v. BRIAN KEMP, et al., Defendant.	Civil Action No. 1:18-cv-04776-LMM

DECLARATION OF MICHAEL MCDONALD

My name is Michael P. McDonald. I am Associate Professor of Political Science at the University of Florida. I am widely regarded as a leading expert on United States elections. I have published extensively on elections in peer-reviewed journals and I produce what many consider to be the most reliable turnout rates of the nation and the states.[1] In the course of my election work, I have consulted for the United States Election Assistance Commission, the Department of Defense's Federal Voting Assistance Program, the media's National Exit Poll consortium, the Associated Press, ABC News, and NBC News. I have testified or produced reports

[1] Michael P. McDonald and Samuel Popkin. 2001. "The Myth of the Vanishing Voter." *American Political Science Review* 95(4): 963-974

in my capacity as an expert witness in seventeen election-related lawsuits, both for plaintiffs and defendants. Please see my curriculum vitae for more information.

Summary

I have been asked by Plaintiffs' counsel to review the reasons why Georgians who cast a domestic absentee ballot have had their ballots rejected by election officials. I find Gwinnett has a 7.4% absentee ballot rejection rate as of Saturday, October 20, 2018, whereas Georgia as a whole has a 2.0% rejection rate. Because Gwinnett is a large county, it is responsible for 32.2% of the absentee ballots rejected statewide. Gwinnett County is a particular outlier with respect to rejections related to year of birth, where it is responsible for more than 82 percent of rejections statewide in Georgia. Gwinnett election officials are more likely to reject absentee ballots from persons of color. Whereas Gwinnett County has an overall absentee ballot rejection rate of 7.4%, White voters have the lowest absentee ballot rejection rate of 3.1%. Of voters whose absentee ballots were rejected, 73.2 percent are Black, Latino, or Asian, and only 15.9 percent are White.

Data Sources

I analyze two data sources for this report. The first is a "Voter Absentee Files" database produced by the Georgia Secretary of State's office that contains

administrative records of each voter's activity so far in the 2018 general election.[2] The Georgia Secretary of State's office updates nightly this database. For this report I analyze the database generated on the evening of October 20, 2018. The Voter Absentee File contains a record of the method by which a person cast a ballot, the disposition of their ballot, and the asserted reason or reasons why a ballot was rejected that vary among county election offices. While rich in information, these data do not include demographic information available on Georgia's voter registration file. I supplement the Voter Absentee File with data from a Georgia voter registration file produced by the state on October 15, 2018, using the unique voter registration identification number to link these files together and identify the relevant demographic information.

Scope of Absentee Ballot Rejections

My analysis of the October 20, 2018 Voter Absentee File indicates Georgia election officials have sent 225,423 mail ballots to voters. Of these, election officials have accepted 87,396 that voters returned to their offices. Election officials have rejected 1,785 of these returned mail ballots. The statewide rejection

[2] See: Voter Absentee Files, *available at* http://elections.sos.ga.gov/Elections/voterabsenteefile.do.

rate is thus 1,785 divided by the sum of 87,396 and 1,785 for a rejection rate of 2.0%.

Gwinnett County stands out as an outlier. As of Oct. 20, 2018, Gwinnett County election officials had accepted 7,178 mail ballots and had rejected 575, for a rejection rate of 7.4%. It is one of the highest county mail ballot rejection rates in Georgia, exceeded only by counties that are much smaller than Gwinnett and have a smaller volume of mail ballots to process. Due to its large size and higher than average rejection rate, Gwinnett County accounts for 32.2% of all rejected ballots across Georgia, even though only 8.1% percent of Georgia's registered voters reside in Gwinnett County.

Gwinnett County is responsible for 226 of the 271 (83.4%) of the rejected ballots that election officials in some way identify as being rejected for year or day of birth issue.[3]

Election officials provide vaguely-worded reasons as to why certain categories of absentee ballots are rejected. An inspection of individual rejected ballot envelopes may result in changes to these statistics as they relate to specific categories of absentee ballot rejections. However, my conclusions regarding the

[3] In this calculation I exclude 21 absentee ballots rejected reasons related to date of birth AND ballot signature issues, as explained in my report.

overall number of absentee ballot rejections, the unusually high Gwinnett rejection rate, and the disparate racial effect within Gwinnett do not depend on the reasons identified in these particular categories.

Rejection Reasons

Under Georgia's absentee ballot return procedure, voters fill out their ballots, fill out requested information on a special ballot return envelope supplied by election officials, and place their completed ballot into the envelope. It is my understanding that local election officials review the information on the ballot return envelope to authenticate the voter. If election officials determine the voter has supplied sufficient information, the ballot is accepted for counting. If it is not, the ballot is rejected and set aside.

The Absentee Ballot File includes a field called "Status Reason" which has a short text description that indicates the deficiency election officials identified to reject a mail ballot. In the Appendix, I provide a table that lists the eighty-two distinct Status Reasons as of October 20, 2018 the election officials have logged and the frequency of these reasons. The most frequent Status Reason is "Insufficient Oath Information" with 1,089 occurrences. This appears to be a default catch-all Status Reason that may include any deficient required piece of

information, precluding a detailed analysis on my part for this set of rejections and others of a similar nature.

I present summary statistics on the Status Reasons in Table 1. I group these Status Reasons into four categories, those where there is (1) some form of signature issue; those where there is (2) an issue with the year or date of birth; those where there is (3) language indicating the presence of both (1) and (2);[4] and those where there is (4) some other issue, including ambiguous reasons that may upon further investigation relate to signature or DOB-related issues.

Rejected Ballots' Status Reason	**Statewide (Excluding Gwinnett)**	**Gwinnett**	**Total**
Signature Issue	175	32	207
Year or Date of Birth Issue	45	226	271
Signature Issue AND Year of Date of Birth Issue	1	20	21
Other Issues	989	297	1,286
Total	1,210	575	1,785

Table 1. Statewide Summary Statistics of Rejected Ballots' Status Reasons

I understand signature verification to be a component of Georgia's process to verify the identities of persons returning absentee ballots. Of the 176 instances of a signature issue, the most frequent Status Reason is "Signature Match" with

[4] An example Status Reason of category (3) is: "YOB AND SIG NOT A MATCH"

136 occurrences. There are 24 instances of "SIG MISSING", which is the most frequent Status Reason for signature issues in Gwinnett. The remaining reasons are sporadically reported across the state.

Starting July 1, 2017, Georgia law requires voters to provide their year of birth on their ballot return envelope. Before July 2017, voters were required to provide their birth month and day on their ballot return envelope, but not the year. Gwinnett election officials only report Status Reasons identifying year of birth, whereas other counties report both year of birth and birth date issues. Of the 272 instances of a year or date of birth issue, 152 are for "YEAR OF BIRTH MISSING", which is a Status Reason that is only logged by Gwinnett County election officials. Indeed, the total number of all year or date of birth ballot rejections statewide in Georgia is 271, of which Gwinnett is responsible for 226, or 83.4%.

As a point of comparison, Gwinnett is responsible for 32.2% of all rejected ballots statewide. Gwinnett election officials report 32 purported signature-related deficiencies, which is 15.4 percent of the 207 total reported signature-related rejections statewide. Gwinnett election officials report 297 other issues related to addresses and vague Status Report reasons (e.g., "Insufficient Oath Information"), of the 1,286 reported statewide, or 23.1%. Some number of these "Insufficient

Oath Information" rejections could related to signature-related or birth date/year-related rejections

It is indisputable that Gwinnett County election officials are rejecting an inordinate number of returned absentee ballots, including based on absentee voters' year of birth. If Gwinnett immediately counted all 226 absentee ballots that have been rejected to year of birth issues according to the Voter Absentee File, the county's absentee ballot rejection rate would fall to 4.7%, which is still above the statewide rate of 2.0%. Gwinnett County election officials report 284 vaguely-worded Status Reasons identified as "Insufficient Oath Information". External inspection of absentee ballot envelopes may identify additional ballot return envelopes that have year of birth or signature-related issues.

Disparate Racial Impact

In Table 2, I compute Gwinnett County's absentee ballot rejection rates by race for all Status Reasons (unshaded columns) and for only those I identify as pertaining to Year of Birth (shaded columns to the right). Georgia asks applicants to provide racial information on their voter registration application. There are seven possible races coded in the Georgia voter registration file: American Indian or Alaskan Native, Asian or Pacific Islander, Black not of Hispanic Origin,

Hispanic, Other, Unknown, and White not of Hispanic Origin. Registrants are not required to provide a response, which thus explains the presence of the "Unknown" category.

I compute the rejection rates by dividing the number of rejected ballots by the sum of the accepted plus rejected ballots. For example, when examining all rejected ballots, the category "Black not of Hispanic Origin" has a rejection rate of 142/(879+142) = 13.9%. I report the overall rejection rates in the non-shaded columns. Whites not of Hispanic Origin have the lowest overall ballot rejection rate 3.1%. Asian-Americans have the highest rate of 13.9%, followed by Black not of Hispanic Origin at 10.3%. Hispanics have a total rejection rate of 5.6%.

In the shaded columns, I compute the rejection rates only for year of birth issues, setting aside all other ballot rejection reasons, including five reasons that comingle year of birth and signature issues. Asian or Pacific Islanders have rejection rate of 5.6% and Blacks not of Hispanic Origin have a rejection rate of 5.3%, while Whites not of Hispanic Origin have a rejection rate of 1.4%. Any of these rates may be larger if, upon inspection of ballot return envelopes, vaguely worded Status Reasons are classified as a year of birth issue.

Race or Ethnicity	Accepted	Rejected All Reasons	Rejection Rate	Year of Birth Issue	Rejection Rate
American Indian or Alaskan Native	14	1	6.7%	1	7.1%
Asian or Pacific Islander	879	142	13.9%	49	5.6%
Black not of Hispanic Origin	2,178	251	10.3%	116	5.3%
Hispanic	470	28	5.6%	6	1.3%
Other	212	21	9.0%	8	3.8%
Unknown	588	41	6.5%	15	2.6%
White not of Hispanic Origin	2,837	91	3.1%	41	1.4%
Total	7,178	575	7.4%	236	3.3%

Table 2. Gwinnett County Rejection Rates by Race, All Reasons (Unshaded) and Year of Birth Issue (Shaded)

It is my opinion that Gwinnett County election officials are more likely to reject absentee ballots submitted by persons of color.

Ballot Design Contributes to Voter Confusion on Year of Birth

I have reviewed Gwinnett County's ballot return envelope, which was furnished by Gwinnett County election officials in response to an open records request from the Lawyers' Committee for Civil Rights Under Law. It is my opinion that one of the reasons contributing to Gwinnett County's usually high number of rejected ballots is a poorly-designed ballot return envelope. Gwinnett County's absentee ballot return envelope, created recently following the county's

designation for Spanish under Section 203 of the Voting Rights Act, includes confusing instructions. The blank line for year of birth are preceded by text instructions that consist of a long line of English, followed by Spanish. Gwinnett County uses the only bilingual ballot return envelope in Georgia and does not structure its envelope using best practices in the field of election administration and Section 203 compliance. Jurisdictions that provide bilingual election materials usually have a complete English section and a complete Spanish section, instead of combining them together. The county's ballot format creates the potential for confusion for persons filling out the absentee ballot envelope, in addition to any other issues that are affecting voters' rights to participate in the election.

I declare that the foregoing is true and correct under penalty of perjury. Executed this 21st day of October, 2018, in Gainesville, Florida

Michael McDonald

Appendix: Georgia Rejected Mail Ballot Status Reasons

The following table lists the number of times Georgia election officials across the entire state logged each Status Reason and those within Gwinnett County.

Status Reason	Statewide (Excluding Gwinnett)	Gwinnett	Total
ADDRESS AND YOB MISSING		1	1
ADDRESS DIDN'T MATCH	1		1
ADDRESS MATCH	1		1
ADMIN ERROR	1		1
BALLOT NOT RECEIVED BY VOTER	1		1
Ballot Returned Undeliverable	96		96
BIRTH YEAR INCORRECT		1	1
BIRTHDAY DIDN'T MATCH	3		3
BIRTHDAY DOESNT MATCH	1		1
CANCELLED FELON	1		1
Changed to Ineligible Status	2		2
CURRENT YEAR AS YEAR OF BIRTH		42	42
CURRENT YEAR AS YEAR OF BIRTH, SIG MATCH		11	11
DATE OF BIRTH DOES NOT MATCH AND NO	1		1
DATE OF BIRTH DOES NOT MATCH VR CARD ON FILE	4		4
DID NOT SIGN OATH OF ELECTOR	1		1
DOB NOT A MATCH	4		4
FAIL TO SIGN THE OATH OF ELECTOR	1		1
INCOMPLETE OATH	7		7
INCORRECT ADDRESS ON OATH	2		2
Insufficient Oath Information	805	284	1,089
LEFT OATH BLANK	2		2
LEFT OATH BLANK BUT SIGNED IT	2		2

MAILED IN WRITE-IN PAPER	1		1
MIDR-No ID	2		2
MISSING DOB	1		1
NO ADDRESS ON BALLOT ENVELOPE	1		1
NO BALLOT ENCLOSED IN ENVELOPE	2		2
NO DATE OF BIRTH	1		1
NO DOB	12		12
NO OATH	25		25
NO RESIDENTIAL ADDRESS	1		1
NO SIG/ NO DOB	1		1
NO SIGNATURE	17		17
NO SIGNATURE OF CAREGIVER ASSISTING	1		1
NO SIGNATURE ON OATH	2		2
NON MATCHING ADDRESS ON OATH ENVELOPE	1		1
NON MATCHING INFORMATION	2		2
NOT SIGNED	2		2
OATH - NOT SIGNED	1		1
OATH DOES NOT REFLECT RESIDENCE ADDRESS	1		1
OATH NOT COMPLETED	3		3
OATH NOT SIGNED	15		15
RE	0	1	1
REGISTRAR ERROR	1		1
RES ADDR AND YEAR OF BIRTH MISSING	0	12	12
RES ADDR MISSING	0	2	2
RES ADDR NOT A MATCH	0	10	10
RESI ADDR MISSING	2		2
RESI ADDR NOT A MATCH	1		1
SIG AND YEAR OF BIRTH MISSING		2	2
SIG MISSING		24	24
SIGNA & ASSIST ISSUE; BALLOT NOT ENCL	1		1
SIGNATURE DOES NOT MATCH	3		3
Signature Match	128	8	136
SIGNATURE MISSING	1		1
SIGNED OATH OF PERSON ASSISTING	1		1
SIGNED WRONG LINE	1		1
SIGNED WRONG OATH	1		1

STREET ADDRESS MISSING	1		1
SURRENDERED AT AIP	1		1
UNSIGNED INCOMPLETE OATH OF ELECTOR	1		1
VOI	2		2
VOTED IN-PERSON	7		7
VOTED IN PERSON NEVER GOT BALLOT	1		1
VOTER IN-PERSON	1		1
VOTER SPOILED BALLOT	1		1
VOTER VOTED IN PERSON	2		2
VOTING IN-PERSON	1		1
WRONG ADDRESS	2		2
WRONG DATE OF BIRTH	5		5
WRONG DATE OF BIRTH ON OATH ENVELOPE	1		1
WRONG DOB	12		12
WRONG INFORMATION	2		2
WRONG RESI ADDR	2		2
YEAR OF BIRTH AND SIG MISSING		5	5
YEAR OF BIRTH MISSING		152	152
YEAR OF BIRTH MISSING, SIG MISSING		1	1
YEAR OF BIRTH NOT A MATCH		16	16
YOB AND SIG MISSING		1	1
YOB AND SIG NOT A MATCH		1	1
YOB, ADDR MISSING		1	1
Total	1,210	575	1,785

Appendix Table: Frequency of Mail Ballot Rejection Status Reasons as Recorded by Georgia Election Officials in Gwinnett County and Statewide

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Education

Post-Doctoral Fellow. Harvard University. August 1998 – August 1999.
Ph.D. Political Science. University of California, San Diego. February, 1999.
BS Economics. California Institute of Technology. June, 1989.

Awards

Brown Democracy Medal, McCourtney Institute for Democracy at Penn State University. 2018. Positive impact on democracy for the Public Mapping Project.

Tides Pizzigati Prize. 2013. Public interest software for DistrictBuilder.

Strata Innovation Award. 2012. Data Used for Social Impact for DistrictBuilder.

American Political Science Association, Information and Technology Politics Section. 2012. Software of the Year for DistrictBuilder.

Politico. 2011. Top Ten Political Innovations for DistrictBuilder.

GovFresh. 2011. 2nd Place, Best Use of Open Source for DistrictBuilder.

Virginia Senate. 2010. Commendation for Virginia Redistricting Competition.

American Political Science Association, Information and Technology Politics Section. 2009. Software of the Year for BARD.

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Bruce Cain, Karin Mac Donald, and Michael P. McDonald. 2005. "From Equality to Fairness: The Path of Political Reform Since Baker v Carr" in *Party Lines: Competition, Partisanship and Congressional Redistricting*, Bruce Cain and Thomas Mann, eds. Washington, DC: Brookings Press.

Michael P. McDonald. 2005. "Validity, Data Sources" in *Encyclopedia of Social Measurement, Vol. 3.* Kimberly Kempf-Leonard, ed. San Deigo, CA: Elsevier Inc.

Michael P. McDonald. 2005. "Reporting Bias" in *Polling in America: An Encyclopedia of Public Opinion*. Benjamin Radcliff and Samuel Best, eds. Westport, CT: Greenwood Press.

Other Non-Peer Reviewed Academic Publications (Book Reviews, Invited Articles, etc.)

Michael P. McDonald and Thessalia Merivaki. 2015. "Voter Participation in Presidential Nomination Contests." *The Forum* 13(4).

Michael P. McDonald. 2011. "Redistricting Developments of the Last Decade—and What's on the Table in This One." *Election Law Journal* 10(3): 313-318.

Michael P. McDonald and Chrisopher Z. Mooney. 2011. "'Pracademics': Mixing an Academic Career with Practical Politics." *PS: Political Science and Politics* 44(2): 251-53.

Michael P. McDonald. 2011. "Voter Turnout in the 2010 Midterm Election." *The Forum* 8(4).

Michael P. McDonald. 2011. "*Redistricting: The Most Political Activity in America* by Charles S. Bullock III (book review)." *American Review of Politics* (Fall 2010/Spring 2011).

Michael P. McDonald. 2009. "'A Magnificent Catastrophe' Retold by Edward Larson (book review)." *The Election Law Journal* 8(3): 234-47.

Michael P. McDonald. 2008. "The Return of the Voter: Voter Turnout in the 2008 Presidential Election." *The Forum* 6(4).

Michael P. McDonald. 2006. "American Voter Turnout: An Institutional Perspective by David Hill (book review)." *Political Science Quarterly* 121(3): 516-7.

Michael P. McDonald. 2006. "Rocking the House: Competition and Turnout in the 2006 Midterm Election." *The Forum* 4(3).

Micah Altman and Michael P. McDonald. 2006. "How to Set a Random Clock (Remarks on Earnest 2006)." *PS: Political Science and Politics* 39(4): 795.

Michael P. McDonald. 2004. "Up, Up, and Away! Turnout in the 2004 Presidential Election." *The Forum* (2):4. Dec. 2004.

Michael P. McDonald. 2004. "Drawing the Line on the 2004 Congressional Elections." *Legislative Studies Section Newsletter* (Fall): 14-18.

Michael P. McDonald. 2004. "2001: A Redistricting Odyssey." *State Politics and Policy* Quarterly 4(4): 369-370.

Micah Altman and Michael P. McDonald. 1999. "Resources for Testing and Enhancement of Statistical Software" in *The Political Methodologist* 9(1).

Michael P. McDonald. 1999. "Representational Theories of the Polarization of the House of Representatives" in *Legislative Studies Section Newsletter, Extension of Remarks* 22(2): 8-10.

Michael P. McDonald. 2003. "California Recall Voting: Nuggets of California Gold for Political Behavior." The *Forum* (1) 4.

Reports

Michael P. McDonald. 2009. "Voter Preregistration Programs." Fairfax, VA: George Mason University.

Michael P. McDonald. 2009. *Midwest Mapping Project*. Fairfax, VA: George Mason University.

Michael P. McDonald and Matthew Thornburg. 2008. "The 2008 Virginia Election Administration Survey." Fairfax, VA: George Mason University.

Kimball Brace and Michael P. McDonald. 2005. "Report to the Election Assistance Commission on the Election Day Survey." Sept. 27, 2005.

Opinion Editorials

Michael P. McDonald. 2018. "I agree with Donald Trump, we should have voter ID. Here's how and why." *USA Today*. Jan. 15, 2018.

Michael P. McDonald. 2017. "The Russians are hacking. Luckily the Trump voter fraud commission isn't in charge." *USA Today*. Sept. 23, 2017.

Michael P. McDonald. 2016. "Better Hope the Election is Not Close." *USA Today*. Nov. 2, 2016.

Michael P. McDonald. 2016. "Blame Government for Voting Crisis." *USA Today*. March 24, 2016.

Michael P. McDonald, Peter Licari and Lia Merivaki. 2015. "The Big Cost of Using Big Data in Elections." *The Washington Post*. Oct. 18, 2015.

Michael P. McDonald 2013. "Truths and Uncertainties that Surround the 2014 Midterms." *The Hill*. November 5, 2013.

Michael P. McDonald. 2011. "The Shape of Things to Come: New Software May Help the Public Have a Crucial Redrawing of Voting Districts." *Sojouners*. April 2011: 11-12.

Micah Altman and Michael P. McDonald. 2011. "Computers: Redistricting Super Hero or Evil Mastermind?" *Campaigns and Elections Magazine*. January 2011.

Michael P. McDonald. 2010. "Who Voted in 2010, and Why It Matters for 2012." *AOL News*. Nov. 4, 2010.

Michael P. McDonald and Seth McKee. "The Revenge of the Moderates." *The Politico*. Oct. 10, 2010.

Michael P. McDonald and Micah Altman. 2010. "Pulling Back the Curtain on Redistricting." *The Washington Post*. July 9, 2010.

Michael P. McDonald. 2008. "This May Be the Election of the Century." *The Politico*. Sept. 9, 2008.

Michael P. McDonald. 2008. "Super Tuesday Turned into a Super Flop." *Roll Call*. Feb. 11, 2008.

Michael P. McDonald. 2006. "5 Myths About Turning Out the Vote." *The Washington Post*. Oct. 29, 2006, p. B3.

Michael P. McDonald. 2006. "Supreme Court Lets the Politicians Run Wild." *Roll Call*. June 29, 2006.

Michael P. McDonald. 2006. "Re-Redistricting Redux." *The American Prospect*. March 6, 2006.

Michael P. McDonald and Kimball Brace. "EAC Survey Sheds Light on Election Administration." *Roll Call*. Oct. 27, 2005.

Michael P. McDonald. 2004. "The Numbers Prove that 2004 May Signal More Voter Interest." *Milwaukee Journal Sentinel*. Milwaukee, WI.

Michael P. McDonald. 2004. "Democracy in America?" *La Vanguardia*. Barcelona, Spain.

Michael P. McDonald. 2003. "Enhancing Democracy in Virginia." *Connection Newspapers*. March 24.

Michael P. McDonald. 2001. "Piecing Together the Illinois Redistricting Puzzle." *Illinois Issues*. March, 2001.

Samuel Popkin and Michael P. McDonald. 2000. "Turnout's Not as Bad as You Think." *The Washington Post*. Nov. 5: B-1.

Samuel Popkin and Michael P. McDonald. 1998. "Who Votes? A Comparison of NES, CPS, and VNS Polls." *Democratic Leadership Council Bluebook*. Sept., 1998.

Software Packages

Micah Altman, Michael P. McDonald, and Azavea. 2012. "DistrictBuilder." Open source software to enable public participation in redistricting. Source code available at Github. Project website, http://www.districtbuilder.org.

Micah Altman and Michael P. McDonald. 2007. "BARD: Better Automated Redistricting." R package available through CRAN. Source code available at Sourceforge.

Micah Altman, Jeff Gill, and Michael P. McDonald. 2004. "Accuracy: Tools for testing and improving accuracy of statistical results." R package available through CRAN.

Grants and Contracts

Pilot Study for Election Data Administrative Data Research Facility. ($125,000) Sloan Foundation grant to collect precinct election results and boundary data and to upgrade DistrictBuilder software.

Improving Integrity of Voter File Addresses. ($20,000) Colorado Secretary of State support to develop methods to improve voter file addresses.

Fabricating Precinct Boundaries. ($17,000). MIT Election Science and Data Lab support to explore fabricating precinct boundaries from geocoded voter files.

UF Informatics Post-Doc Top-Off Award. 2017. ($16,000). Funding from the UF Informatics Institute to provide additional post-doc funding in support of Hewlett Foundation grant.

U.S. Election Project. 2016. ($50,000). Hewlett Foundation support for U.S. Election Project Activities.

UF Informatics Institute Seed Fund Award. 2016. ($48,000). Project funded by the UF Informatics Institute to explore the reliability of Florida's voter registration file.

Election Forum. 2016. ($20,000). Project funded by the Pew Charitable Trusts for an election forum held at the University of Florida.

Survey of Voter File Accessibility. 2016. ($1,650). Contract from the Institute for Money in State Politics to survey costs and accessibility of states' voter files.

Florida Election Reform. 2015. ($13,000). Project funded by Democracy Fund for an election reform forum held in Tallahassee, FL. Pew Charitable Trusts independently provided travel support for some speakers.

New York Redistricting. 2011. ($379,000). Project funded by the Sloan Foundation to provide for public redistricting in New York and continued software development.

Citizen Redistricting Education, Software Supplemental. 2011. ($50,000). Project funded by Joyce Foundation to provide continued redistricting software development for use by advocacy groups in six Midwestern states.

National Redistricting Reform Coordination. 2009-10. ($100,000). With Thomas Mann and Norman Ornstein. Project funded by Joyce Foundation to support coordination of national redistricting reform efforts by the Brookings Institution and the American Enterprise Institute.

Citizen Mapping Project. 2009-10. ($124,000 & $98,000). With Micah Altman, Thomas Mann, and Norman Ornstein. Project funded by the Sloan Foundation. An award to George Mason University enables development of software that, essentially, permits on-line redistricting through commonly used internet mapping programs. A second award to the Brookings Institution and American Enterprise Institute provides organizational support, including the convening of an advisory board.

Citizen Redistricting Education. 2010. ($104,000). Project funded by the Joyce Foundation. Provides for redistricting education forums in five Midwestern state capitals in 2010 and other continuing education efforts.

Pre-Registration Programs. 2008-9. ($86,000). Project funded by the Pew Charitable Trusts' Make Voting Work Initiative to examine pre-registration programs (voter registration for persons under age 18) in Florida and Hawaii.

Sound Redistricting Reform. 2006-9. ($405,000). Project funded by the Joyce Foundation, conducted jointly with the Brennan Center for Justice at NYU to investigate impacts of redistricting reform in Midwestern states.

Electoral Competition Project. 2005-6. ($200,000) Project funded by The Armstrong Foundation, the Carnegie Corporation of New York, the JEHT Foundation, The Joyce Foundation, The Kerr Foundation, Inc., and anonymous donors. Jointly conducted by the Brookings Institution and Cato Institute to investigate the state of electoral competition in the United States.

George Mason University Provost Summer Research Grant. 2004. ($5,000).

ICPSR Data Document Initiative. 1999. Awarded beta test grant. Member, advisory committee on creation of electronic codebook standards.

Academic Experience

Courses Taught: Public Opinion and Voting Behavior, Parties and Campaigns, Comparative Electoral Institutions, Intro to American Politics, American Politics Graduate Field Seminar, Congress, Legislative Politics, Research Methods (undergraduate), Advanced Research Methods (graduate), Freshman Seminar: Topics in Race and Gender Policies, and Legislative Staff Internship Program.

University of Florida

- Associate Professor. August 2014- Present.

George Mason University

- Associate Professor. May 2007 – May, 2014.

- Assistant Professor. Aug 2002 – May, 2007.

The Brookings Institution

- Non-Resident Senior Fellow. January 2006 – June 2016.
- Visiting Fellow. June 2004 – December 2006.

University of Illinois, Springfield. Assistant Professor. Aug 2000 – June 2002.
Joint appointment in Political Studies Department and Legislative Studies Center.

Vanderbilt University. Assistant Professor. Aug 1999 – Aug 2000.

Harvard-MIT Data Center. Post-Doctoral Research Fellow. Sept. 1998 – Aug 1999.
Developed Virtual Data Center, a web-based data sharing system for academics. Maintained Record of American Democracy (U.S. precinct-level election data).

University of California-San Diego

- Assistant to the Director for University of California, Washington DC program. Sept 1997 – June 1998.
- Instructor for research methods seminar for UCSD Washington interns.
- Visiting Assistant Professor. Spring Quarter 1997.
- Visiting Assistant Professor. Summer Session, Aug 1996 and Aug 1997.
- Teaching Assistant/Grader. Aug 1991 – March 1997.

Professional Service

Election Sciences Conference-in-a-conference at the 207 Southern Political Science Association Conference. Organizer. 2016.
State Politics and Policy Quarterly, Editorial Board Member 2004-2011
State Politics and Policy Quarterly, Guest Editor. Dec 2004 issue.
Non-Profit Voter Engagement Network, Member, Advisory Board. 2007 – present.
Overseas Vote Foundation, Member, Advisory Board. 2005 – 2013.
National Capital Area Political Science Association, Member, Council, 2010 – 2012.
Virginia Public Access Project, Member, Board of Directors. 2004 – 2006.
Fairfax County School Board Adult and Community Education Advisory Committee, Member. 2004 – 2005.

Related Professional Experience

Media Consultant

- Associated Press. Nov. 2016 and Nov. 2010. Worked "Decision Desk."
- Edison Media Research/Mitofsky International. Nov. 2018; Nov. 2004; Nov. 2006; Feb. 2008; Nov. 2008. Worked national exit polling organization's "Decision Desk."

- ABC News. Nov. 2002. Worked "Decision Desk."
- NBC News. Aug 1996. Analyzed polls during the Republican National Convention.

Redistricting/Elections Consultant.

- Expert Witness. 2018. *Georgia Coalition for the Peoples' Agenda, Inc. v. Kemp*. Civil Action No. 1:18-cv-04727-ELR.
- Expert Witness. 2018. *Common Cause Indiana v. Lawson*. Case No. 1:17-cv-3936-TWP-MPB (Indiana).
- Expert Witness. 2017-18. *Benisek v. Lamone*. Case No. 13-cv-3233 (Maryland).
- Expert Witness. 2016-2017. *Vesilind v. Virginia State Board of Elections*. Case No. CL15003886 (Virginia).
- Expert Witness. 2016-2017. *Fish v. Kobach*. Case No. 2:16-cv-02105 (Kansas).
- Expert Witness. 2016. *Arizona Libertarian Party v. Reagan*. Case No.: 2:16-cv-01019-DGC (Arizona).
- Expert Witness. 2016. *Georgia State Conf. of the NAACP, et al. v. Brian* Kemp. Cas No. 2:16-cv-00219-WCO (Georgia).
- Consultant. Federal Voting Assistance Program. 2014-2015. Analyzed voting experience of military and overseas voters.
- Expert Witness. 2013-2014. *Page v. Virginia State Board of Elections*. No. 3:13-cv-678 (E.D.VA).
- Expert Witness. 2013-2014. *Delgado v. Galvin*. (D. MA).
- Beaumont Independent School District. 2013. Prepared response to DOJ data request.
- Federal Voting Assistance Program. 2012-13. Analyzed voting experience of military and overseas voters.
- Gerson Lehrman Group. 2012. Provided election analysis to corporate clients.
- Expert Witness. 2011-2012. *Backus* v. *South Carolina*. No. 3:11-cv-03120 (D.S.C.).
- Expert Witness. 2012. *Wilson* v. *Kasich*. No. 2012-0019 (Ohio Sup. Ct.).
- Consulting Expert. 2011-2012. Bondurant, Mixson, and Elmore, LLP. (Review of Georgia's state legislative and congressional redistricting Section 5 submission).
- Consultant. 2012. New Jersey Congressional Redistricting Commission.
- Expert Witness. 2011. *Perez v. Texas*. No. 5:11-cv-00360 (W.D. Tex.).
- Expert Witness. 2011. *Wilson v. Fallin*. No. O-109652 (Okla. Sup. Ct.).
- Consultant. 2011. United States Federal Voting Assistance Program.
- Consultant. 2011. Virginia Governor's Independent Bipartisan Advisory Redistricting Commission.
- Consultant. 2011. New Jersey State Legislative Redistricting Commission.
- Expert Witness. 2010. *Healey v. State, et al.* C.A. No. 10-316--S (USDC-RI).
- Research Triangle Institute. 2008-2009. Consultant for Election Assistance Commission, 2008 Election Day Survey.
- U.S. State Department. 2008. Briefed visiting foreign nationals on U.S. elections.
- Expert Witness. 2008. *League of Women Voters of Florida v. Browning* (08-21243-CV-ALTONAGA/BROWN)
- Pew Center for the States. 2007. Consultant for Trends to Watch project.

- Expert Witness. 2007. *Washington Association of Churches v. Reed* (CV06-0726).
- Electoral Assistance Commission. 2005. Analyzed election administration surveys.
- Arizona Independent Redistricting Commission. 2001-2003. Consultant.
- Expert Witness. 2003. *Minority Coalition for Fair Redistricting, et al. v. Arizona Independent Redistricting Commission* CV2002-004380 (2003).
- Expert Witness. 2003. *Rodriguez v. Pataki* 308 F. Supp. 2d 346 (S.D.N.Y 2004).
- Consulting Expert. 2002. *O'Lear v. Miller* No. 222 F. Supp. 2d 850 (E.D. Mich.).
- Expert Witness. 2001-2002. *In Re 2001 Redistricting Cases* (Case No. S-10504).
- Expert Witness. 2001. *United States v. Upper San Gabriel Valley Municipal Water District* (C.D. Cal. 2000).
- California State Assembly. 1991. Consultant.
- Pactech Data and Research. Research Associate. Aug 1989 - June 1991.

Campaign/Political Consultant.

- Ron Christian for Virginia State Senate. June – November, 2003.
- Theresa Martinez for Virginia House of Delegates. May, 2003.
- Senior Consultant. California State Assembly. Nov. – Dec 1998.
- California Assembly Democrats. June – November 1998.
- Susan Davis & Howard Wayne for CA State Assembly '96. 1996.
- Intern. June – Sept 1995. UC-San Diego, Science and Technology Policy and Projects.

Polling Consultant.

- Hickman-Brown. July, 2000. Analyzed national and state level exit and CPS polls for use in various campaigns. Analyzed surveys for congressional, state, and local political campaigns.
- Decision Research. Aug 1994 – Dec 1994. Conducted and analyzes surveys for congressional and statewide campaigns.
- Speaker Jose de Venecia of the Philippines. Feb, 1997.
- Joong-Ang Ilbo/RAND. Oct, 1996. Analyzed survey of Korean attitudes on national security issues.
- UCSD. Nov. 1991. Conducted and analyzed survey of student attitudes.

EXHIBIT

H

Declaration of Mary Beckman

Mary Beckman declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Mary Beckman.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I am a registered voter in Camden County.
4. I decided to request a mail absentee ballot for the Non-Partisan General Election that has been postponed to June 9, 2020, and to urge others to do so as well, due to my concerns for my county's poll workers and my community's health more generally during the COVID-19 pandemic.
5. I submitted an application on April 6, 2020, via US mail, to vote absentee by mail in the Nonpartisan General Election.
6. The My Voter Page shows that my application was received on April 15, 2020, and my ballot was mailed on April 21, 2020, as per Exhibit 1 attached. I received my ballot on April 25, 2020.

7. When I opened the envelope containing my ballot the next day (Sunday, April 26), I read the enclosed instructions to see whether they had changed since the last time that I voted by mail. I noted that the instructions still said: 'After voting your ballot, enclose and securely seal the ballot in the smaller of the two envelopes provided, which is white and on which is printed "Official Absentee Ballot."'

8. However, there was only one envelope provided, plus a folded sheet of paper on which is printed (on two lines) "OFFICIAL ABSENTEE BALLOT" and "BALLOT MUST BE ENCLOSED".

9. I wondered whether my packet was defective, whether perhaps a printer's proof sheet had been enclosed by mistake instead of the inner ballot.

10. I emailed Shannon Nettles (Camden County Elections Supervisor) and Deborah Felix (Assistant Elections Supervisor) to ask about the missing envelope. Ms. Nettles emailed me back on Monday, April 27, to say, "I'm checking to see how many inner envelopes I have in stock." She followed up soon after that with another email on which she copied me and several others (including the editor of the *Tribune and Georgian*, the official legal organ newspaper for the county), to say that she would place a table with Official Absentee Ballot inner envelopes outside the door of the Camden County Elections & Registration office, for pickup by voters. The email exchanges are attached as Exhibit 2.

11. I laud my county Elections Supervisor for responding quickly and offering to provide envelopes for her voters, saying: "Maintaining the confidentiality of these votes is imperative to us and we are here to make certain that happens." At the same time, I am

not pleased that my county's hard-working elections officials have had their job made more difficult by the failure of the Secretary of State to insure that the packets mailed out by the out-of-state vendor would comply with Georgia election law, and specifically with O.G.C.A. § 21-2-384. (b) concerning what should be placed in such absentee ballot packets.

12. I have watched news coverage of this problem, and understand that the Secretary of State has instructed the vendor to change the instruction sheet, and continue to send voters folded thin paper sheets instead of the sealable inner envelopes that are mandated by Georgia election law.

13. I value the privacy of our votes, and I do not feel that the folded sheet of paper protects our ballot secrecy. I believe it would be easy for an election worker, whether by accident or intent, to see a ballot during the process of opening the outer envelope which does contain identifying information, if it is only protected by the folded sheet of paper.

14. I am also concerned about the extra burden this places on elections supervisors to comply with the instructions in O.G.C.A. § 21-2-386. (c) about how to insure voter privacy in the event that the ballot is not enclosed in a proper sealed envelope.

Executed on this day, April 29, 2020

Mary Beckman

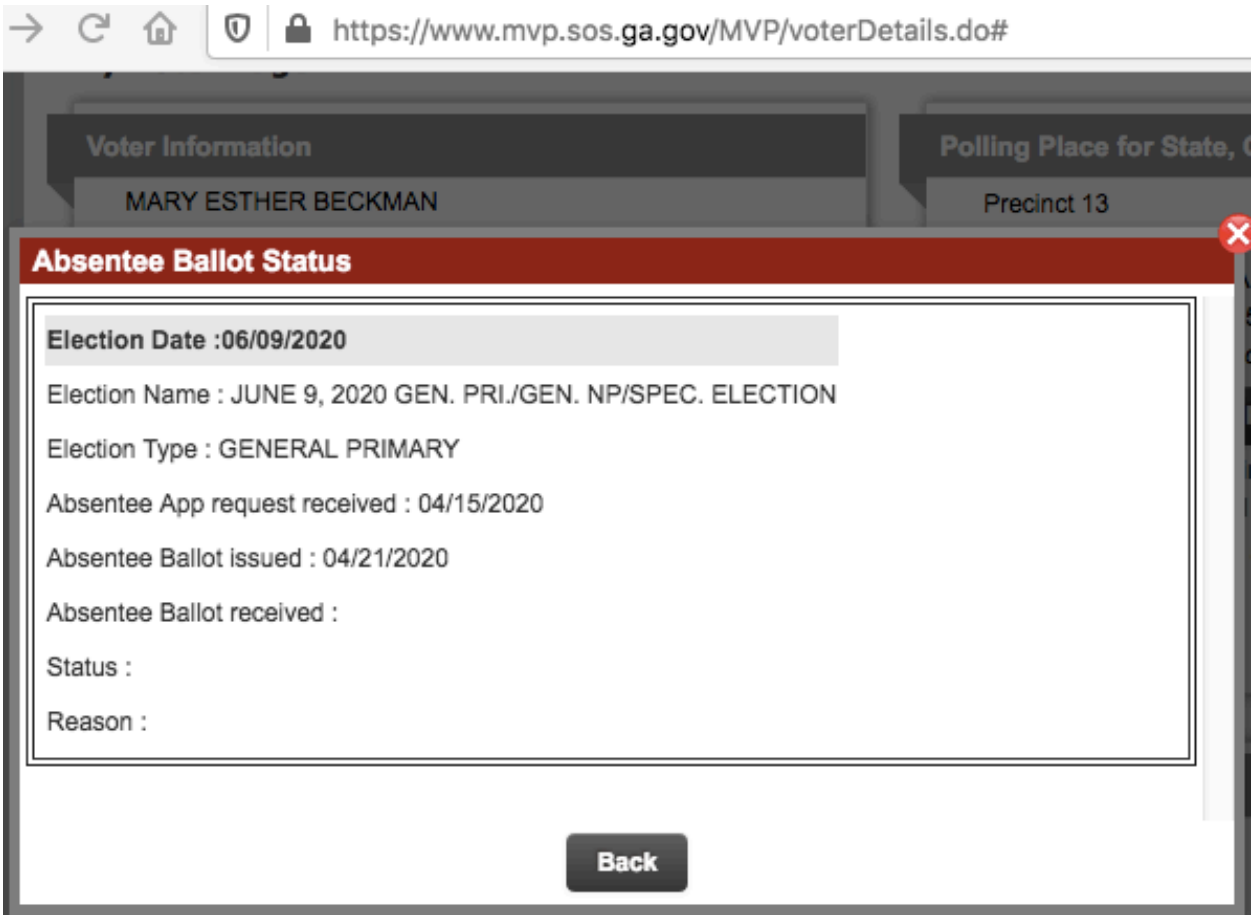
_____

Mary Beckman

EXHIBIT

1

Exhibit A


https://www.mvp.sos.ga.gov/MVP/voterDetails.do#
Voter Information
MARY ESTHER BECKMAN
Polling Place for State,
Precinct 13
Absentee Ballot Status
Election Date :06/09/2020
Election Name : JUNE 9, 2020 GEN. PRI./GEN. NP/SPEC. ELECTION
Election Type : GENERAL PRIMARY
Absentee App request received : 04/15/2020
Absentee Ballot issued : 04/21/2020
Absentee Ballot received :
Status :
Reason :
Back

EXHIBIT

2

Exhibit B

From: Mary Beckman [email redacted to protect privacy]

Subject: missing inner envelope

Date: April 26, 2020 at 4:03:40 PM EDT

To: Shannon Nettles [email redacted], "Deborah D. Felix" [email redacted]

Hi Shannon, Deborah,

I received the absentee ballot that I requested in the mail yesterday. However, the packet only had the outer envelope and a thin standard US letter sized sheet of paper with the lines "OFFICIAL ABSENTEE BALLOT" and "BALLOT MUST BE ENCLOSED" printed on it instead of the inner envelope. I know that it was the third party vendor who were commissioned by Secretary Raffensperger who mailed these out, but I can't find anything on the sos.ga.gov site about whom to contact if there is a problem like this. Do y'all know? Or (better) do y'all have any of the inner envelopes left over from when y'all were sending out absentee ballots for the PPP before it got moved that I could from you?

Thanks,

Mary Beckman

From: Shannon Nettles [email redacted]

Subject: RE: missing inner envelope

Date: April 27, 2020 at 10:54:21 AM EDT

To: Mary Beckman [email redacted], "Deborah D. Felix" [email redacted]

Hi Mary- Thanks for the message. The State is working with the vendor to correct this issue on all future ballots that go out. I'm checking to see how many inner envelopes I have in stock. I will get back with you.

Shannon Nettles

Camden County Elections & Registration

Elections Supervisor

200 E. 4th Street, First Floor

Woodbine, GA 31569

From: Shannon Nettles [email redacted]

Subject: Inner Envelopes Temporary Solution

Date: April 27, 2020 at 11:48:49 AM EDT

To: [other recipients redacted to ensure privacy]

Cc: Mary Beckman [other recipients redacted to ensure privacy], Tribune & Georgian editor <editor1@tds.net>, "Jill Helton (publisher@tribune-georgian.com)" <publisher@tribune-georgian.com>

As most of you are aware or have pointed out to our office, the inner envelope for ballot placement was left out of the State's most recent mailing of the Official Ballot to individuals who applied for an Absentee Ballot. While this is unfortunate, and an error the State is working quickly to correct with the vendor, we have come up with a temporary solution to this problem.

County offices are still currently closed to the public but we will have a table placed just outside our office doors, for at least this week, with OFFICIAL ABSENTEE BALLOT envelopes available for pick up. I understand this is not a convenient fix for all of you but it is the best solution we could offer up on short notice.

Please feel free to come by and pick up your envelope, maybe even pick a few extra up for friends and family. That is fine with me and would be most helpful to us.

We understand that privacy is of the utmost concern in returning your absentee ballot. Please help us spread the word to our local voters about the availability of these inner envelopes. Maintaining the confidentiality of these votes is imperative to us and we are here to make certain that happens.

Thanks for support and understanding.

Shannon Nettles

Camden County Elections & Registration

Elections Supervisor

200 E. 4th Street, First Floor

Woodbine, GA 31569

912.576.0214, Desk

912.464.0652, Mobile

EVERY VOTE COUNTS

EXHIBIT

I

Declaration of Gary Riese

Gary Riese declares, under penalty of perjury, pursuant to 28 U.S.C. #1746, that the following is true and correct:

1. My name is Gary Riese.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I am a registered voter in Newton County.
4. I voted on March 6, 2020 for the presidential primary. I did this in person at the election office in Covington, GA
5. I requested a mail in absentee ballot for the remainder of the ballot. It was received the the county election office on 4.16.2020. As per MVP (photo included) the ballot was issued on 4.21.2020. I was confused and concerned by the lack of a sealable envelope in which to enclose my completed ballot. However, I did complete my ballot and "enclosed" it in the folded sheet of paper. I mailed and the ballot was received at the county election office on 4.27.2020.
6. I value the privacy of my vote, and I do not feel that the folded sheet of paper protects my ballot secrecy. This appears to violate the United States Constitution, the Equal Protection Clause of the 14th Amendment.

Executed on this day, April 29, 2020

Gary Riese

Gary Riese

EXHIBIT

J

DECLARATION OF SUSAN RIESE

Susan Riese declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Susan Riese.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I am a registered voter in Newton County.
4. Although I regularly vote in-person, I decided to request a mail absentee ballot for the General Primary due to my concerns for my health and the community's health because of the COVID-19 pandemic.
5. I submitted via mail an application to vote absentee by mail for the General Primary. The My Voter Page shows that my application was accepted on 4-15-2020 and my ballot was mailed on 4-21-2020, as per Exhibit 1 attached. I received my ballot on 4-23-2020.
6. When I opened the envelope containing my ballot, I read the enclosed directions so that I would be prepared to complete and submit my ballot. I noticed that the directions said to "enclose and securely seal the ballot in the smaller of the two envelopes provided, which is white and on which is printed "Official Absentee Ballot".
7. There was only one envelope provided, plus a folded sheet of paper on which is printed

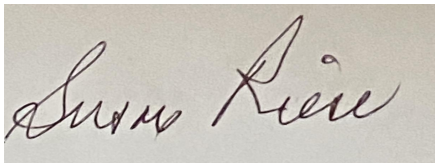
   "OFFICIAL ABSENTEE BALLOT
   BALLOT MUST BE ENCLOSED"

8. This was confusing and I wondered if my packet was missing an envelope or more ballot contents given that there was no envelope, only a folded sheet of paper labeled "Official Absentee Ballot—ballot must be enclosed." I am quite concerned that this could be confusing to many voters who are

unfamiliar with the mail voting process which includes the need for privacy of a ballot. These people may not know how to get accurate answers if they question what is written in the enclosures.

9. I called the Newton County election office, to inquire about the missing envelope. I expressed my concerns that my ballot would not be secret if only enclosed in a folded sheet of paper. I was advised that this is how the State of Georgia was conducting the election. Due to my concerns, I have not yet submitted my ballot.
10. I have learned through social media posts that some counties are providing Absentee Ballot envelopes to voters willing to drive to the county election office to pick up this envelope or some election offices are mailing these envelopes on request. I am greatly concerned that these options are not available to me and other Newton County voters. It seems to me that all Georgia voters should have equal protection of ballot secrecy. This appears to violate the Equal Protection Clause of the 14th Amendment of the United States Constitution.
11. I understand that the Secretary of State has instructed the vendor to change the instruction sheet, and continue to send voters folded sheets instead of the traditional sealable envelopes.
12. I value the privacy of my vote, and I do not feel that the folded sheet of paper protects my ballot secrecy. I believe it would be easy for an election worker, whether by accident or intent, to see my ballot during the process of opening the outer envelope which does contain identifying information. In order to protect election integrity, every ballot must be enclosed in a sealable envelope.

Executed on this day, April 29, 2020



Susan Riese

EXHIBIT

K

Declaration of Tabitha Johnson-Green

Tabitha Johnson-Green declares, under penalty of perjury, pursuant to 28 U.S.C.

§1746, that the following is true and correct:

1. My name is Tabitha Johnson-Green.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. I am a registered voter in Washington County.
4. I am a candidate for US House District 10 in the Democratic Primary, and am on the ballot in the General Primary.
5. I am a health care professional, with 22 years of service as a registered nurse.
6. Although I regularly vote in-person, I decided to request a mail absentee ballot for the General Primary due to my concerns for my health and the community's health because of the COVID-19 pandemic.
7. As a health care professional, I am actively encouraging people to vote by mail to avoid the risks of in-person voting. It is impossible to predict what health conditions we will face on Election Day.
8. I submitted an application on March 27, 2020 via mail to vote absentee

by mail for the General Primary.

9. The My Voter Page shows that my application was accepted on April 3, 2020 and my ballot was mailed on April 21, 2020, I received my ballot on April 27, 2020

10. When I opened the envelope containing my ballot, I read the enclosed directions so that I would be prepared to complete and submit my ballot when I chose. I notice that the directions said to "enclose and securely seal the ballot in the smaller of the two envelopes provided, which is white and on which is printed "Official Absentee Ballot".

11. There was only one envelope provided, plus a folded sheet of paper on which is printed "Official Absentee Ballot".

12. This was confusing and I wondered if my packet was missing an envelope or more ballot content given the paper that was labeled "Official Absentee Ballot."

13. As a leader in my community, I have fielded questions about this from many people, and I can attest that this is confusing to many voters who are unfamiliar with the mail voting process and may not know how to get accurate answers.

14. As a candidate, I follow voter trends carefully, and am aware that about

two-thirds of voters who have applied to vote by mail are not regular primary voters, and I am afraid that a bad experience with this election may discourage them from voting in the November election.

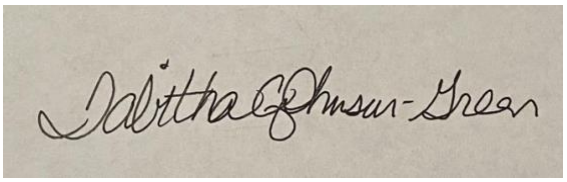
15. The Washington County election supervisor is a hard-working professional in a poor rural county, who serves local voters well, with very little assistance. I am upset that a mistake by the Secretary of State has placed an additional administrative burden on her office and put the voters' rights to a secret ballot at risk.

16. I have watched news coverage of this problem, and understand that the Secretary of State has instructed the vendor to change the instruction sheet, and continue to send voters folded thin paper sheets instead of the traditional sealable inner envelopes.

17. I value the privacy of my vote, and I do not feel that the folded sheet of paper protects my ballot secrecy. I believe it would be easy for an election worker, whether by accident or intent, to see my ballot during the process of opening the outer envelope which does contain identifying information, if it is only protected by the folded sheet of paper.

18. As a candidate, I have spoken to many voters who also value their ballot secrecy. They tell me they would not always feel free to support the candidate of their choice if their vote was known. I believe protecting our secret ballot is a cornerstone of democracy.

Executed on this day, April 29, 2020



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Tabitha Johnson-Green