Exh. C

Affidavit of Benjamin A. Overholt, Ph.D

AFFIDAVIT OF BENJAMIN A. OVERHOLT

I, Benjamin A. Overholt, Ph.D., declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein.

2. I have an M.S. and a Ph.D. in Applied Statistics and Research Methods from the University of Northern Colorado. I am currently an active federal civil servant for over seven years and served in the United States Army for 15 years. During that time, I spent more than five years reviewing election results for the Voting Rights Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

3. I am familiar with and have analyzed public data from the office of the Secretary of State of Georgia (the "SoS") regarding the recent presidential election held on November 3, 2020 (the "2020 General Election".)

4. The plaintiff asked me to review the data available on the SoS website to determine its usefulness in questioning the rejection rates of mailed ballots ("mailed ballots") in the 2020 General Election and to determine whether anomalies existed that could change the outcome of the presidential race in

1

the 2020 General Election. Based on my experience and because of my personal interest in the matter, I felt qualified to do so. I am not being compensated for this work or for my time, rather, I am reviewing the data for the sake of verifying outcomes.

Anomalies Based on Rejected Ballots – Signature Verification and Missing Oath

5. I generated tabulations of mailed ballot rejection and spoil rates from 2016 to 2020 to check the accuracy of data on the SoS website and to demonstrate the discrepancies in the number of mailed ballots that were "rejected" and "spoiled" when comparing previous elections to the 2020 General Election. All data used for this analysis was downloaded directly from the SoS's public website. The datafile for the 2020 General Election was last updated on November 16, 2020.[1]

6. In the datasets, the variables "Ballot Style", "Ballot Status", and "Status Reason" are each critical to understanding ballot rejection reasons and rates. "Ballot Style" is the type of ballot cast – values included are "ELECTRONIC", "IN PERSON", and "MAILED". In the results below, I considered only those ballots marked as "MAILED". "BALLOT STATUS" is the current status of a ballot, values are "A" for accepted, "C" for cancelled,

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[1] https://elections.sos.ga.gov/Elections/voterabsenteefile.do

"R" for rejected and "S" for "spoiled". In this analysis only values "A", "R" and "S" were considered.

7. There are over 6,000 different "Status Reason" codes. They seem to be handwritten phrases and include similarities such as "R-ADDR MISSING" and "RADDR NOT A MATCH". The "grepl" function in R was used to search for key words in "Status Reason". Table 1 shows the keywords searched for that showed concerning discrepancies from 2016 to 2020 and are related to signatures. To get the "[Percentage] of Mail In Ballots" in Table 1, the "Counts" were divided by the total number of mailed ballots with a Status of "Accepted", "Rejected", or "Spoiled".

8. The data was sorted for the general and primary elections in 2016, 2018 and 2020 in Georgia, with a "g" or "p" denominating the information in the columns below, respectively.

3

Table1: "Status Reason" Search Terms By Year for "Rejected" and "Spoiled Ballots"

Search Term	Counts				% of Mail In Ballots			
	2016g	2018g	2020p	2020g	2016g	2018g	2020p	2020g
ALL Rejections	6,059	7,889	11,772	4,471	2.90%	3.46%	1.01%	0.34%
"SIG"	581	457	3,212	1,998	0.28%	0.20%	0.28%	0.15%
"OATH"	1,259	3,029	0	0	0.60%	1.33%	0.00%	0.00%
"ADDR"	373	156	0	0	0.18%	0.07%	0.00%	0.00%
"DOB"	598	19	0	0	0.29%	0.01%	0.00%	0.00%
"DATE"	371	24	0	0	0.18%	0.01%	0.00%	0.00%
"DEADLINE"	1,004	1,783	8,495	2,400	0.48%	0.78%	0.73%	0.18%
"BY ELECTION"	1,836	1,788	0	0	0.88%	0.79%	0.00%	0.00%

9. Table 1 demonstrates the reduced rate of rejection for reasons with the term "SIG" and the near zero instances of reasons with the term "OATH" in the 2020 General Election. "SIG" is a shorthand designation for mailed ballots that were rejected because of a signature mismatch.

10. As the oath portion of the ballot is the portion signed, there is likely overlap between Oath and Signature issues. Considering only reasons with the term "SIG", the rejection rates were 0.28% in the 2016 general, 0.20% in the 2018 general and 0.28% in the 2020 primary but dropped to only 0.15% in the 2020 General Election.

11. Comparing the 0.15% rate in the 2020 General Election to the 0.28% rate in 2016 and the 2020 primary would suggest somewhere around 1,600 additional ballots should have been rejected for signature issues.

12. Considering the number of ballots classified as rejected in the "OATH" row, the rejection rates were 0.60% in 2016, 1.33% in 2018, and near zero in 2020.

The fact that there were two or three instances of "OATH" in both 2020 elections for spoiled ballots shows that "OATH" issues are still possible, but almost eliminated compared to earlier elections.

13. Comparing the 0.60% rate for 2016 and the 1.33% rejection rate in 2018 to the near zero rate in 2020 would suggest an additional 7,900 or 17,500 ballots should have been rejected, respectively. Together the difference in rejection reasons with the terms "SIG" and "OATH" would account for more ballots than the margin of victory in the presidential race in the 2020 General Election and might have affected other state-wide or local races.

Anomalies Based on Spoiled Ballots

14. I observed an additional issue when I considered the rate of spoiled ballots. Essentially, a spoiled ballot is a ballot with multiple markings or damage that make it difficult to determine the voter's intent. In both 2016 and 2018, fewer than 100 Mailed ballots were "Spoiled" (0.03% and 0.04% of Accepted, Spoiled and Rejected ballots cast, respectively). In 2020, the corresponding number increased to 1,794 in the primary (0.15% of Accepted, Spoiled and Rejected ballots cast) and 4,082 in the 2020 General Election (0.31% of Accepted, Spoiled and Rejected ballots cast – nearly 10 times the 2016 rate). The rate of spoiled ballots in the 2020 General Election was twice the rate in

5

the primary, over seven times the rate in 2018 and over 9 times the rate in

2016.

Table 2: "Ballot Status Counts by Election

Ballot Status	2016g	2018g	2020p	2020g
Accepted	202,492	219,731	1,150,478	1,308,447
Cancelled	12,053	20,601	116,424	318,086
Rejected	6,059	7,889	11,772	4,471
Spoiled	69	98	1,794	4,082
<blank>	25,948	36,074	333,608	133,886

The Secretary of State Analysis

15. The office of the SoS published the results of its own review of this same data

    (the "SOS Analysis")[2], concluding that, "The number of absentee ballot

    rejections for signature issues increased approximately 350% in the

    November 2020 election in Georgia from the 2018 election." This conclusion

    is misleading and the SOS Analysis is flawed in two material ways.

16. First, the SOS Analysis does not make any comparison to the most probative

    election available, the 2016 General Election. Second, the SOS Analysis

    inconsistently applies rules for computing the denominators for their

    percentages.

2

https://sos.ga.gov/index.php/elections/number_of_absentee_ballots_rejected_for_signature_issues_in_the_2020 _election_increased_350_from_2018

17. In calculating the percentage of "Rejected" ballots, the SOS Analysis uses as numerators (number of rejected ballots) the numbers 454, 3,266 and 2,011. Those numbers are the number of ballots rejected in the 2018 General Election, the 2020 Primary Election, and the 2020 General Election, respectively, and are all reasonably close to the numerators used in my analysis.

18. But the SOS Analysis uses differing denominators to calculate the reported percentages. In the 2018 General Election, the SOS Analysis divided the number of rejected ballots by a denominator which was the sum of <u>all</u> Ballot Statuses (Accepted, Cancelled, Rejected, Spoiled, even the blanks) to get their 284,393 number, which would minimize the reported percentage.

19. For the 2020 Primary Election, the SOS Analysis divided total rejections by Accepted ballots only. For the 2020 General Election, the SOS Analysis divided the number of Rejected ballots by the total of all Accepted, Rejected and Spoiled ballots (the method employed in this analysis). That was correct, but the SOS Analysis for the 2018 General Election minimized the percentage and maximized it for the 2020 Primary Election. The data in the article cited above reporting the SOS Analysis was therefore generated improperly and inconsistently and is misleading.

7

Further Anomalies

20. There is one caveat regarding the dataset for the 2020 General Election. The datafile contains records for 4,505,778 ballots while Georgia's official election totals currently show a total of 4,998,482 votes cast for the top 3 candidates in the presidential contest. It is surprising that while the dataset I used is missing around 500,000 votes, it is only missing 13 rejected ballots.

21. There are other anomalies in the reported data that should be analyzed, and many raise significant questions about the conduct and results of the 2020 General Election. The effect of the difference in ballot totals on this analysis is unknown and cannot be calculated without better understanding of the underlying conduct of the election throughout Georgia. The recent "hand recount" would not resolve these issues. I understand there are further questions about the conduct and outcomes of that process.

[SIGNATURE AND OATH ON NEXT PAGE]

8

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.
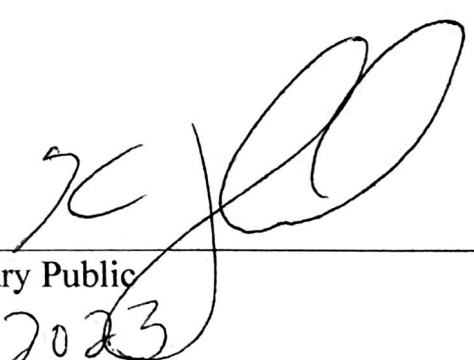
Benjamin A. Overholt, Ph.D.

COMMONWEALTH OF VIRGINIA

COUNTY OF PRINCE WILLIAM

CITY OF MANASSAS

Benjamin A. Overholt appeared before me, a Notary Public in and for the above jurisdiction, this ___th day of November 2020, and after being duly sworn, made the foregoing declaration, under oath.

[Affix Seal]

Notary Public

My Commission Expires ___3-31-2023___

KIRK DAVID HILLIARD
NOTARY PUBLIC
REG. #7839539
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2023

9