

Multiple Documents

Part	Description
1	Main Document
2	Exhibit Exhibit 001 - Attorney Decl of Valencia Richardson
3	Exhibit Exhibit 002 - Blake Evans Deposition [Excerpted]
4	Exhibit Exhibit 003 - Brandon Waters Deposition [Excerpted]
5	Exhibit Exhibit 004 - Thomas Lopach Deposition [Excerpted]
6	Exhibit Exhibit 005 - Francis Watson Deposition [Excerpted]
7	Exhibit Exhibit 006 - Ryan Germany Deposition [Excerpted]
8	Exhibit Exhibit 007 - Matthew Mashburn Deposition [Excerpted] Revised
9	Exhibit Exhibit 008 - Milton Kidd Deposition [Excerpted]
10	Exhibit Exhibit 009 - June 9, 2022 Transcript of PI Hearing Day 1 [Excerpted]
11	Exhibit Exhibit 010 - June 10, 2022 Transcript of PI Hearing Day 2 [Excerpted]
12	Exhibit Exhibit 011 - Plaintiffs Amended Responses and Objections [Excerpted]
13	Exhibit Exhibit 012 - 2021 Georgia Absentee Ballot Application
14	Exhibit Exhibit 013 - Declaration of Jonathan Diaz and Attachments [Excerpted]
15	Exhibit Exhibit 014 - 2005 Georgia Laws Act 53 (H.B. 244) [Excerpted]
16	Exhibit Exhibit 015 - April 26, 2022 Declaration of Thomas Lopach
17	Exhibit Exhibit 016 - Plaintiffs Sample 2022 Absentee Ballot Application Mailers
18	Exhibit Exhibit 017 - Plaintiffs 2018-2020 Georgia Unsubscribe List
19	Exhibit Exhibit 018 - Government Communications and Voter Email Alerts
20	Exhibit Exhibit 019 - February 22, 2021 SB202 Hearing Transcript [Excerpted]
21	Exhibit Exhibit 020 - April 6, 2021 Mission Control Memo
22	Exhibit Exhibit 021 - VPC and CVI 2022 Absentee Ballot Application Mailer Data
23	Exhibit Exhibit 022 - 2022 VPC and CVI Correspondence with Defendants
24	Exhibit Exhibit 023 - May 20, 2022 Declaration of Ryan Germany
25	Exhibit Exhibit 024 - March 21, 2022 Expert Report of Dr. Donald Green
26	Exhibit Exhibit 025 - CVI and GA NAACP Sample Cover Letter
27	Exhibit Exhibit 026 - June 16, 2022, Green Expert Rebuttal Report

28	Exhibit Exhibit 027 - Dr. Donald Green Deposition [Excerpted] 028 - Dr. Justin G
29	Exhibit Exhibit 028 - Dr. Justin Grimmer Deposition [Excerpted]
30	Exhibit Exhibit 029 - LWV v. State of Missouri Order Granting PI
31	Exhibit Exhibit List
32	Statement of Material Facts Plaintiffs' Response to Defendants' Statem
33	Statement of Material Facts Plaintiffs' Statement of Additional Material Fa

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

VOTER PARTICIPATION
CENTER, *et al.*,

Plaintiffs,

v.

Case No. 1:21-cv-01390-JPB
Judge J.P. Boulee

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

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-
Defendants.

**PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO
STATE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

TABLE OF AUTHORITIESiii

INTRODUCTION..... 1

BACKGROUND 1

LEGAL STANDARD 4

ARGUMENT 5

 I. Plaintiffs’ Distribution Of Absentee Ballot Applications Is Protected
 Speech, Expressive Conduct, And Associational Activity 5

 A. The Disclaimer Provision Compels Plaintiffs’ Speech..... 6

 B. Distributing Personalized Applications Is The Dissemination Of
 Information Protected By The First Amendment 7

 C. Plaintiffs’ Distribution Of Communications Containing Absentee
 Ballot Applications Is Protected Expressive Conduct 9

 D. Distributing Absentee Ballot Applications Is Characteristically
 Intertwined With Conveying Plaintiffs’ Message..... 13

 E. Distributing Personalized Absentee Ballot Applications Is Protected
 Associational Activity 17

 II. The Ballot Applications Restrictions Seriously Infringe Plaintiffs’ First
 Amendment Rights And Are Subject To Strict Scrutiny 19

 A. The Disclaimer Provision Is Subject To Strict Scrutiny 20

 B. Strict Scrutiny Is Required Because The Ballot Application
 Restrictions Limit Core Political Speech 22

 C. Strict Scrutiny Is Required Because The Ballot Application
 Restrictions Are Content- And Viewpoint-Based 26

 D. The Restrictions Abridge Plaintiffs’ Associational Activity 28

 E. The *Anderson-Burdick* Framework Is Improper Here But Nonetheless
 Requires Heightened Scrutiny 29

 III. The Ballot Application Restrictions Fail First Amendment Scrutiny 31

 A. Defendants Do Not Demonstrate Any Compelling State Interest 32

B. The Restrictions Are Not Narrowly Tailored 36

IV. The Ballot Application Restrictions Are Unconstitutionally
Overbroad 41

CONCLUSION 42

TABLE OF AUTHORITIES

Cases

American Association of People with Disabilities v. Herrera,
690 F. Supp. 2d 1183 (D.N.M. 2010) 13

Anderson v. Celebrezze, 460 U.S. 780 (1983) 19, 26, 29, 30, 32

Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)..... 4

Arizona Alliance for Retired Americans v. Clean Elections USA,
No. 22-cv-01823, 2022 WL 15678694 (D. Ariz. Oct. 28, 2022)..... 11

Baptiste v. Kennealy, 490 F. Supp. 3d 353 (D. Mass. 2020)..... 21

Barker v. Hazeltine, 3 F. Supp. 2d 1088 (D.S.D. 1998)..... 6

Board of Airport Commissioners of City of Los Angeles v. Jews for Jesus, Inc.,
482 U.S. 569 (1987) 41

Bolger v. Youngs Drug Products Corp., 463 U.S. 60 (1983)..... 7, 33

Boy Scouts of America v. Dale, 530 U.S. 640 (2000) 17, 28

Broadrick v. Oklahoma, 413 U.S. 601 (1973)..... 41

Brown v. Hartlage, 456 U.S. 45 (1982)..... 5

Buckley v. American Constitutional Law Foundation, Inc.,
525 U.S. 182 (1999) 5, 23, 26, 30, 34, 35

Burdick v. Takushi, 504 U.S. 428 (1992) 19, 26, 29, 30, 32

California Democratic Party v. Jones, 530 U.S. 567 (2000)..... 16

Centro Tepeyac v. Montgomery County, 722 F.3d 184 (4th Cir. 2013)..... 20

Citizens for Legislative Choice v. Miller, 144 F.3d 916 (6th Cir. 1998) 30

Citizens for Police Accountability Political Committee v. Browning,
572 F.3d 1213 (11th Cir. 2009)..... 32

Citizens United v. FEC, 558 U.S. 310 (2010) 21

Clark v. Community for Creative Non-Violence, 468 U.S. 288 (1984)..... 9, 11

Coley-Pearson v. Martin, No. 5:20-cv-151, 2021 WL 4782272
(S.D. Ga. Oct. 13, 2021) 13, 23

Consolidated Edison Co. of New York v. Public Service Commission of New York, 447 U.S. 530 (1980)..... 7, 33

Cressman v. Thompson, 798 F.3d 938 (10th Cir. 2015) 11

Dallas v. Stanglin, 490 U.S. 19 (1989) 18

Democracy North Carolina v. North Carolina State Board of Elections, 476 F. Supp. 3d 158 (M.D.N.C. 2020)..... 13

Democratic Executive Committee of Florida v. Lee, 915 F.3d 1312 (11th Cir. 2019)..... 29, 32

Doe v. Marshall, 367 F. Supp. 3d 1310 (M.D. Ala. 2019)..... 6

Edmondson v. Velvet Lifestyles, LLC, 43 F. 4th 1153 (11th Cir. 2022) 4, 16

Elrod v. Burns, 427 U.S. 347 (1976) 28

Eu v. San Francisco County Democratic Central Committee, 489 U.S. 214 (1989) 33

Fort Lauderdale Food Not Bombs v. Fort Lauderdale, 901 F.3d 1235 (11th Cir. 2018)..... 9

Gralike v. Cook, 191 F.3d 911 (8th Cir. 1999) 6

Harriet Tubman Freedom Fighters Corporation v. Lee, 576 F. Supp. 3d 994 (N.D. Fla. 2021)..... 4, 22, 30

Healy v. James, 408 U.S. 169 (1972) 19, 28

Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston, 515 U.S. 557 (1995) 5, 10, 12, 20

In re Georgia Senate Bill 202, No. 1:21-CV-01229-JPB, 2022 WL 3573076 (N.D. Ga. Aug. 18, 2022) 9, 27, 29

J-B Weld Co., LLC v. Gorilla Glue Co., 978 F.3d 778 (11th Cir. 2020)..... 4, 16

Kusper v. Pontikes, 414 U.S. 51, 58-59 (1973) 29

League of Women Voters of Florida, Inc. v. Detzner, 314 F. Supp. 3d 1205 (N.D. Fla. 2018)..... 32

League of Women Voters of Tennessee v. Hargett, 400 F. Supp. 3d 706 (M.D. Tenn. 2019)..... 14, 17, 22, 28, 30

<i>League of Women Voters of Florida v. Cobb</i> , 447 F. Supp. 2d 1314 (S.D. Fla. 2006)	13
<i>Martin v. City of Struthers, Ohio</i> , 319 U.S. 141 (1943)	34
<i>Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission</i> , 138 S. Ct. 1719 (2018)	11
<i>Mazo v. New Jersey Secretary of State</i> , No. 21-2630, 2022 WL 17172673 (3d Cir. Nov. 23, 2022)	26
<i>McClendon v. Long</i> , 22 F.4th 1330 (11th Cir. 2022)	20, 21, 22
<i>McCullen v. Coakley</i> , 573 U.S. 464 (2014)	40
<i>McIntyre v. Ohio Election Commission</i> , 514 U.S. 334 (1995)	6, 11, 25, 26, 27, 29
<i>Meyer v. Grant</i> , 486 U.S. 414 (1988)	5, 7, 14, 17, 19, 22, 23, 24, 31, 37, 41
<i>NAACP v. Button</i> , 371 U.S. 415 (1963)	18, 28, 29
<i>National Institute of Family Life Advocates v. Becerra</i> , 138 S. Ct. 2361 (2018)	5, 6, 20, 21
<i>NetChoice, LLC v. Attorney General, Florida</i> , 34 F.4th 1196 (11th Cir. 2022)	7, 10, 11, 12
<i>Otto v. City of Boca Raton</i> , 981 F.3d 854 (11th Cir. 2020)	27, 31, 40
<i>Reed v. Town of Gilbert</i> , 576 U.S. 155 (2015)	26, 28, 31
<i>Riley v. National Federation of the Blind of North Carolina, Inc.</i> , 487 U.S. 781 (1988)	14, 33, 35, 38, 39
<i>Rumsfeld v. Forum for Academic and Institutional Rights, Inc.</i> , 547 U.S. 47 (2006)	6, 12
<i>Schaumburg v. Citizens for a Better Environment</i> , 444 U.S. 620 (1980)	5, 13, 14
<i>SD Voice v. Noem</i> , 432 F. Supp. 3d 991 (D.S.D. 2020)	27
<i>Sorrell v. IMS Health Inc.</i> , 564 U.S. 552 (2011)	7
<i>Spence v. Washington</i> , 418 U.S. 405 (1974)	9, 11, 16
<i>Texas v. Johnson</i> , 491 U.S. 397 (1989)	10
<i>Timmons v. Twin Cities Area New Party</i> , 520 U.S. 351 (1997)	6

<i>Troster v. Pennsylvania State Department of Corrections</i> , 65 F.3d 1086 (3d Cir. 1995)	11
<i>Turner Broadcasting System, Inc. v. Federal Communications Commission</i> , 512 U.S. 622 (1994)	20, 32
<i>U.S. West v. FCC</i> , 182 F.3d 1224 (10th Cir. 1999)	8
<i>VoteAmerica v. Schwab</i> , 576 F. Supp. 3d 862 (D. Kan. 2021)	13, 14, 17, 24, 26, 28, 30
<i>Voting for America, Inc. v. Steen</i> , 732 F.3d 382 (5th Cir. 2013).....	13
<i>Weaver v. Bonner</i> , 309 F.3d 1312 (11th Cir. 2002)	36
<i>Wollschlaeger v. Governor, Florida</i> , 848 F.3d 1293 (11th Cir. 2017).....	14
<i>Wood v. Meadows</i> , 117 F.3d 770 (4th Cir. 1997).....	30
<i>Worley v. Florida Secretary of State</i> , 717 F.3d 1238 (11th Cir. 2013).....	32
<i>Zeller v. The Florida Bar</i> , 909 F. Supp. 1518 (N.D. Fla. 1995).....	37
Statutes, Rules, and Constitutional Provisions	
K.R.S. 25-1122(k)	20
O.C.G.A. § 21-2-381(a)(1)(C)(ii)	2, 20
O.C.G.A. § 21-2-381(a)(3)(A)	2
O.C.G.A. § 21-2-381(a)(3)(B).....	3
O.C.G.A. § 21-2-598	3, 20
O.C.G.A. § 21-2-599	3, 20
O.C.G.A. § 21-2-603	3, 20
Other Authorities	
Amy J. Sepinwall, <i>Free Speech and Off-Label Rights</i> , 54 Ga. L. Rev. 463 (2020).....	41
Daniel Rauch, <i>Customized Speech and the First Amendment</i> , 35 Harv. J.L. & Tech. 405 (2022)	15

Oral Argument Transcript, *Meyer v. Grant*, Case No. 87-920 (U.S. Apr. 25, 1988), perma.cc/T6VL-AATM..... 17

INTRODUCTION

Material fact disputes concerning the character of Plaintiffs' speech, the nature and magnitude of the challenged restrictions' abridgment of their rights, and the strength and tailoring of the State's asserted interests preclude summary judgment. These factual disputes bar summary judgment even if this Court applies the standards Defendants (wrongly) propose. While Plaintiffs marshal considerable evidence supporting their claims, Defendants offer paltry and inadmissible support for their purported interests. At trial, Plaintiffs will establish that their activity is protected speech and that the challenged restrictions fail First Amendment scrutiny. Plaintiffs are entitled to the opportunity to make that factual showing and this Court should deny Defendant's summary judgment motion.

BACKGROUND

Plaintiffs Voter Participation Center and Center for Voter Information distribute personalized absentee ballot application communications to inform and encourage voters to trust absentee voting, and then assist them to easily participate in the political process. Plaintiffs' advocacy works, having convinced over 663,500 Georgians to apply to vote absentee using a VPC/CVI mailer during the 2020 election cycle. Ex. 15, Lopach PI Decl. ¶ 23; *Id.* at 35-39, 40-45. Plaintiffs' mailers convey their message and persuade selected recipients to vote absentee. Ex. 15 at 3-4, 6, 9, 14, 23, 33 ¶¶ 7-10, 12, 17, 24, 34, 54, 71; Ex. 13, Diaz Decl. Ex. B at 38.

Despite the successes of these efforts, in 2021 Georgia passed Senate Bill 202, including three challenged provisions (the “Ballot Application Restrictions” or “Restrictions”) that abridge Plaintiffs’ First Amendment rights by limiting their distribution of absentee ballot applications. *First*, the Prefilling Prohibition bars Plaintiffs from distributing communications with applications that are “prefilled with the elector’s required information.” O.C.G.A. § 21-2-381(a)(1)(C)(ii). Through data vendors, Plaintiffs periodically draw voter registration information from the State’s databases and then use that information to personalize the applications they send to their selected recipients. Ex. 15 at 8, 26-27 ¶¶ 22, 61; Dep. of Thomas Lopach (“Lopach Tr.”) 113:9-13. Plaintiffs take on the extra expense to personalize because doing so makes their advocacy more persuasive and reduces transaction costs. Ex. 24, Expert Report of Donald Green at 8; Ex. 26, Am. Expert Rebuttal Report of Donald Green at 8-14. SB 202 categorically prohibits this practice.

Second, the Mailing List Restriction requires that anyone distributing applications can do so “only to individuals who have not already requested, received, or voted an absentee ballot in the” election. O.C.G.A. § 21-2-381(a)(3)(A). It provides that a group must “compare its mail distribution list with” an undefined list of “most recent information available about which electors” are restricted to then “remove the names of such electors.” *Id.* Although it specifies that entities can rely on information that is five business days old, *id.*, it fails to

account for the fact that nothing in Georgia law requires the State to maintain that list (much less guarantee its accuracy), there are imperfections in any such lists, and the size of mailer programs like Plaintiffs' simply cannot make midstream, five-day adjustments. 6/9/22 PI Tr. 61:10-63:14; Ex. 15 at 12, 22-26 ¶¶ 33, 53-59. Failure to strictly comply, however, can result in \$100 fines per violation and potential criminal penalties, including a misdemeanor with a sentence of up to twelve months confinement. O.C.G.A. §§ 21-2-381(a)(3)(B), 21-2-598, 21-2-603, 21-2-599. This forces Plaintiffs to minimize their communications, including sending only one mailer in 2022. Lopach Tr. 133:19-134:4; Ex. 24 at 9-11; Ex. 26 at 14-16.

Third, the Disclaimer Provision broadly requires that “[a]ny application ... sent to any voter by any person or entity” must affix a confusing disclaimer:

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material].

O.C.G.A. § 21-2-381(a)(1)(C)(ii). The Disclaimer is required for *any* distribution of applications—by mail or otherwise. *Id.* It contradictorily must be stamped on a State-mandated application that is titled “Application for Georgia Official Absentee Ballot.” Ex. 12. And it primes voters to question whether the third-party communication is legitimate by juxtaposing the disclaimer next to a voter fraud warning. *Id.* Overall, it compels Plaintiffs to convey a State-mandated message that

they oppose, in part because it misleadingly suggests that Plaintiffs' applications are unofficial or illegitimate. Ex. 15 at 30-32 ¶¶ 67-69; Ex. 24 at 6-8; Ex. 26 at 3-8.

LEGAL STANDARD

Summary judgment should be denied if there are any genuine disputes of material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986). The movant has the burden of proof, "[t]he evidence of the non-movant is to be believed, and all justifiable inferences are to be drawn in his favor." *Id.* at 255. If the movant "fails to show that the facts ... are not in dispute, then summary judgment should be denied – even if the non-moving party has introduced no evidence whatsoever." *Edmondson v. Velvet Lifestyles, LLC*, 43 F. 4th 1153, 1160 (11th Cir. 2022) (quotations omitted). And "even in the absence of a genuine issue as to a material fact, the need for a more detailed factual basis ... to decide a complicated legal issue may warrant denial of" summary judgment. *Harriet Tubman Freedom Fighters Corp. v. Lee*, 576 F. Supp. 3d 994, 1001 (N.D. Fla. 2021) (quotations and alterations omitted).¹

ARGUMENT

I. Plaintiffs' Distribution Of Absentee Ballot Applications Is Protected Speech, Expressive Conduct, And Associational Activity.

Plaintiffs' communications advocating for absentee voting are protected speech, conduct, and associational activity. Speech concerning the electoral

¹ The Court's legal and factual rulings at the preliminary injunction stage are not binding here. *J-B Weld Co., LLC v. Gorilla Glue Co.*, 978 F.3d 778, 794 (11th Cir. 2020).

process receives utmost constitutional protection. *Brown v. Hartlage*, 456 U.S. 45, 52-53 (1982). Because the First Amendment was “fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes,” *Meyer v. Grant*, 486 U.S. 414, 421 (1988), courts must “be vigilant ... to guard against undue hindrances to political conversations and the exchange of ideas,” *Buckley v. Am. Constitutional Law Found., Inc.*, 525 U.S. 182, 191-92 (1999). Accordingly, protected political speech is broadly defined, such as “the expression of a desire for political change,” “communication of information,” and “dissemination and propagation of views and ideas” about the electoral process. *Meyer*, 486 U.S. at 421-22 & n.5 (citing *Schaumburg v. Citizens for a Better Env’t*, 444 U.S. 620, 632 (1980)).

The First Amendment protects Plaintiffs’ personalized application mailers under several conceptualizations of the doctrine. And because “the reaches of the First Amendment are ultimately defined by the facts it is held to embrace,” *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 567 (1995), material fact disputes on the nature of Plaintiffs’ speech preclude summary judgment.

A. The Disclaimer Provision Compels Plaintiffs’ Speech.

As this Court held, the Disclaimer Provision implicates First Amendment rights because it compels Plaintiffs’ speech. ECF 131 at 33, 36. “Compelled statements of fact ... are subject to First Amendment scrutiny.” *Rumsfeld v. FAIR*, 547 U.S. 47, 62 (2006). This is so even if the disclaimer is compelled on a State-

generated form, *see Doe v. Marshall*, 367 F. Supp. 3d 1310, 1324-26 (M.D. Ala. 2019), and regardless of whether it is accurate. *See McIntyre v. Ohio Election Comm’n*, 514 U.S. 334, 355 (1995); *NIFLA v. Becerra*, 138 S. Ct. 2361, 2372 (2018).

Indeed, Defendants’ admission that the Disclaimer affects speech proves too much. *See* Br. in Supp. of Defs.’ Mot. for Summ. J. (“Br.”), ECF 149-1 at 2-3. If the Disclaimer compels Plaintiffs’ speech on the applications, it follows that the applications themselves are, much like initiative petitions, communicative despite their electoral function.² As such, SB 202’s other provisions likewise affect speech.

B. Distributing Personalized Applications Is The Dissemination Of Information Protected By The First Amendment.

Conveying information and personalizing applications is protected speech. When speakers “‘disclose,’ ‘publish,’ or ‘disseminate’ information, they engage in ‘speech.’” *NetChoice v. Att’y Gen., Fla.*, 34 F.4th 1196, 1210 (11th Cir. 2022) (quoting *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 570 (2011)). The First Amendment protects Plaintiffs’ “communication of information” and “dissemination and propagation of views and ideas” encouraging absentee voting. *Meyer*, 486 U.S. at 421-22 & n.5.

² This point also refutes Defendants’ analogy to *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997), arguing that absentee *applications* are never expressive because they claim that *ballots* are not. ECF 113 at 13. They also misread *Timmons* on its own terms. Later decisions have ruled that ballots themselves can have speech elements and are subject to *Meyer-Buckley* scrutiny. *Gralike v. Cook*, 191 F.3d 911, 917 (8th Cir. 1999); *Barker v. Hazeltine*, 3 F. Supp. 2d 1088, 1095 (D.S.D. 1998).

The application that Plaintiffs distribute includes detailed instructions on how to apply to vote absentee (e.g., what information is required) in the most accessible format—the actual application. Ex. 15 at 6 ¶ 17; *Id.* at 35-39, 40-45. Personalizing the applications through prefilling is also itself speech. Plaintiffs obtain voter information, employ it to personalize their applications, and then distribute them to a selected set of specific voters. These personalized applications include words chosen by Plaintiffs—specific names from the voter rolls and the associated addresses—written on a page. Ex. 15 at 5, 6, 8 ¶¶ 15, 18, 22; *Id.* at 35-39, 40-45. Overall, the personalized mailers represent “the creation and dissemination of information” for voters to use to vote absentee. *Sorrell*, 564 U.S. at 570.

The Restrictions implicate Plaintiffs’ “right to speak” in this manner because the “information [Plaintiffs] possess[] is subjected to restraints on the way in which the information might be used.” *Id.* at 568 (quotations omitted). The Tenth Circuit in *U.S. West v. FCC* applied a similar rule to analogous facts. 182 F.3d 1224, 1228-30 (10th Cir. 1999). Like here, the challenged law limited a speaker’s ability to use specific recipient information to distribute targeted direct mailers. *Id.*³ The court rejected as “fundamentally flawed” an analogous argument to Defendants’ claim that restricting the ability to “target” the speaker’s message did “not prevent [the

³ The First Amendment broadly protects mailers. *Bolger v. Youngs Drug Prod. Corp.*, 463 U.S. 60 (1983); *Consol. Edison Co. v. Pub. Serv. Comm’n*, 447 U.S. 530 532 (1980).

speaker] from communicating with its customers or limit anything that it might say to them.” *Id.* at 1232. Instead, the Tenth Circuit held that the “existence of alternative channels of communication ... does not eliminate the fact that the [challenged laws] restrict speech.” *Id.* The same is true for Plaintiffs’ creation and dissemination of personalized applications with specific voter information to target their pro-absentee voting message here. Plaintiffs’ speech warrants *even greater* protection than the commercial speech in *U.S. West v. FCC* because their communications take a stance in the contested debate at the core of our electoral process: in what manner voters can and should cast a ballot.

C. Plaintiffs’ Distribution Of Communications Containing Absentee Ballot Applications Is Protected Expressive Conduct.

Plaintiffs’ distribution of personalized absentee applications is inherently expressive conduct. Conduct is expressive when (1) the actor “aimed to convey a message,” and (2) “a reasonable person would view such conduct as conveying ‘some sort of message.’” *In re Georgia Senate Bill 202*, No. 1:21-CV-01229-JPB, 2022 WL 3573076, at *10 (N.D. Ga. Aug. 18, 2022) (quoting *FLFNB v. Fort Lauderdale*, 901 F.3d 1235, 1242 (11th Cir. 2018)). The analysis is “focused on the context,” *id.*, examining the “nature of [the] activity, combined with the factual context and environment,” to determine whether the conduct is “sufficiently imbued with elements of communication.” *Spence v. Washington*, 418 U.S. 405, 409-10 (1974).

Plaintiffs' distribution of personalized applications is "intended to be communicative," especially viewed "in context." *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 294 (1984). Defendants do not dispute that Plaintiffs distribute personalized applications with the goal to persuade and assist voters to vote absentee. Plaintiffs' conduct is intended to express to carefully selected voters that participation in democracy is good, voting absentee is convenient and beneficial, and the identified voter should use the enclosed and already personalized form to easily start the process. Ex. 15 at 3-4, 6, 28 ¶¶ 7-10, 17, 63.

Thus, the only remaining question is whether a reasonable person would view Plaintiffs' conduct as conveying "some sort of message." *NetChoice*, 34 F.4th at 1212 (citation omitted). The record shows not only that a reasonable person would infer *a message*, but many voters did understand Plaintiffs' specific message. Over 663,500 Georgians were spurred to action to submit a VPC/CVI distributed application in 2020. Ex. 15 at 9 ¶ 25. And many of Defendants' purported voter complaints show that the recipients understood Plaintiffs' message but responded by voicing their political opposition to absentee voting. Defs. Exs. H at 17, M; Ex. 23 at 71. Even SB 202's sponsor noted the expressive elements of distributing applications. Ex. 23 at 87, 101. Defendants do not contradict this evidence or otherwise show that a reasonable person would not infer *some* message from this conduct. At the least, there is a material fact dispute barring summary judgment.

Defendants' contrary legal arguments misapprehend the expressive conduct test in three ways. *First*, Defendants rely on *Texas v. Johnson*, 491 U.S. 397 (1989), to argue that conduct is expressive only if the observers subjectively understand the actor's "particularized" message. Br. at 11-12. But six years after *Johnson*, the Supreme Court clarified in *Hurley* that "a narrow, succinctly articulable message is not a condition of constitutional protection" and protected conduct is not "confined to expressions conveying a 'particularized message.'" 515 U.S. at 569 (quoting *Spence*, 418 U.S. at 411). Thus, the question is "not whether an observer would necessarily infer a *specific* message;" it is an objective analysis of whether a reasonable person would perceive "*some* sort of message." *NetChoice*, 34 F.4th at 1212 (collecting cases).⁴ Defendants' speculation that Plaintiffs' conduct might be interpreted to "mean a number of things" is beside the point. Br. at 13.

Second, Defendants ignore the Supreme Court's repeated instructions to consider context in assessing whether conduct is expressive. *See Spence*, 418 U.S. at 410; *Clark*, 468 U.S. at 294. The context here reinforces that Plaintiffs' conduct conveys their message encouraging voters to trust absentee voting and then easily

⁴ There is broad consensus on this point. *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rts. Comm'n*, 138 S. Ct. 1719, 1741 (2018) (Thomas, J., concurring); *id.* at 1748 n.1 (Ginsburg, J., dissenting); *Cressman v. Thompson*, 798 F.3d 938, 955 (10th Cir. 2015); *Troster v. Pa. State Dep't of Corr.*, 65 F.3d 1086, 1090 n.1 (3d Cir. 1995); *AARA v. Clean Elections USA*, No. 22-cv-01823, 2022 WL 15678694, at *4 (D. Ariz. Oct. 28, 2022).

participate in the electoral process using that method. VPC/CVI distribute their applications at key moments during the election season—when debates over the merits of absentee voting are most salient. Lopach Tr. 146:2-11. Such activity represents “advocacy of a politically controversial viewpoint” that is “the essence of First Amendment expression.” *McIntyre*, 514 U.S. at 347.

On this point, Defendants also stretch *Rumsfeld* beyond its scope. Br. at 11-12. The holding in *Rumsfeld* is that the First Amendment does not protect conduct if it is “expressive *only because* the [actors] accompanied their conduct with speech explaining it.” 547 U.S. at 66 (emphasis added). *Rumsfeld* hinged on the fact that the school’s conduct toward military recruiting—absent explicit explanation—would not be interpreted as expressive. But the mere presence of accompanying speech does not make conduct non-expressive; instead, *Rumsfeld* reaffirmed the *Hurley* decision, in which the Court determined that a parade was expressive conduct in part because the context also included speech from participants “carrying placards,” “singing,” and “carrying ... banners.” 515 U.S. at 568-69.⁵

⁵ The facts here align more with *Hurley* than *Rumsfeld* because Plaintiffs’ distributed communications are not “expressive *only because*” of their cover letter. *Cf. Rumsfeld*, 547 U.S. at 66 (emphasis added). The key fact in *Rumsfeld* was that an observer of where military recruiting occurred could infer *no message at all* on behalf of the law school; they were more likely to assume that “interview rooms are full, or the military recruiters decided for reasons of their own [to] interview someplace else.” *Id.* But here, a voter receiving only a personalized absentee

Third, Defendants resort to cases about restrictions on third-party *collection and delivery* of completed voting materials, without explaining why this is “similar activity” to the *persuasion and distribution* conduct here. Br. at 11-12. None of their citations support that distributing applications is unprotected conduct; rather, several directly distinguish distribution activity from collection activity, finding the former protected but the latter not. *Democracy N.C. v. N.C. State Bd. of Elections*, 476 F. Supp. 3d 158, 224 (M.D.N.C. 2020); *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 389-90 (5th Cir. 2013) (“accept[ing]” that “some voter registration activities involve speech—‘urging’ citizens to register; ‘distributing’ voter registration forms; [and] ‘helping’ voters to fill out their forms”). This is because “[s]oliciting, urging and persuading the citizen to vote [is] the canvasser’s speech[.]” *Steen*, 732 F.3d at 390.

Meanwhile, courts have repeatedly held that distribution of voter materials and other forms of voter education and assistance is expressive conduct.⁶

application from a civic organization during the election season would at least infer “some sort of message” concerning engagement in the electoral process, *NetChoice*, 34 F.4th at 1212, even if it is only that the mailed application is meant to be “a convenience” for voting “in light of the pandemic.” ECF 131 at 25. Plaintiffs need not alter their activity and send only an application in order to show that the conduct is objectively expressive. Cf. Br. at 13. Like the context in *Hurley*, Plaintiffs’ cover letter and other materials only reinforce the expressive nature of distributing applications. See Ex. 15 at 6, ¶ 17, 36-45; Ex. 16; Ex. 3 at 44:11-18, 45:4-11.

⁶ The cases involve a range of voting advocacy. *LWV of Tenn. v. Hargett*, 400 F. Supp. 3d 706 (M.D. Tenn. 2019); *VoteAmerica v. Schwab*, 576 F. Supp. 3d 862 (D. Kan. 2021); *Dem. N.C.*, 476 F. Supp. 3d at 224; *LWV of Fla. v. Cobb*, 447 F. Supp. 2d

Defendants make no attempt to distinguish this precedent or explain why *all* these courts are wrong. In sum, Plaintiffs' distribution of personalized absentee applications is inherently expressive conduct.

D. Distributing Absentee Ballot Applications Is Characteristically Intertwined With Conveying Plaintiffs' Message.

Distributing personalized absentee applications is "characteristically intertwined" with expressing Plaintiffs' message. *Schaumburg*, 444 U.S. at 632. Defendants' attempt to disaggregate Plaintiffs' mailer into its component parts fails on the law and the facts. Legally, Defendants' "efforts to characteriz[e]" Plaintiffs' protected "speech as [unprotected] conduct is a dubious constitutional enterprise." *Wollschlaeger v. Governor, Fla.*, 848 F.3d 1293, 1309 (11th Cir. 2017) (en banc). It also improperly engages in the "slicing and dicing" of speech that numerous other courts have rejected. *LWV of Tenn.*, 400 F. Supp. 3d at 720; *accord VoteAmerica*, 576 F. Supp. 3d at 874-75. Precedent instead instructs courts to "refuse[] to separate the component parts of" speech "from the fully protected whole." *Riley v. Nat'l Fed'n of the Blind of N.C.*, 487 U.S. 781, 796 (1988). Courts "cannot parcel out the speech, applying one test to one phrase and another test to another" because "[s]uch an endeavor [is] both artificial and impractical." *Id.*

1314 (S.D. Fla. 2006); *AAPD v. Herrera*, 690 F. Supp. 2d 1183 (D.N.M. 2010); *LWV of Mo. v. Missouri*, 20AC-CC04333, at 22-30 (Cole Cty. Cir. Ct. Oct. 24, 2022) (Ex. 29); *Coley v. Martin*, No. 5:20-cv-151, 2021 WL 4782272, at *3 (S.D. Ga. Oct. 13, 2021).

Under the facts here, the First Amendment instead requires “due regard for the reality that” Plaintiffs’ personalized application “is characteristically intertwined with informative and ... persuasive speech” in their mailer packages, and that without the ability to distribute the personalized application, “the flow of such information and advocacy would likely cease.” *Id.* (applying, e.g., *Schaumburg*, 444 U.S., at 632; *Meyer*, 486 U.S. at 422 n.5). The entire point of Plaintiffs’ mailer is to convince a selected voter that engaging in the electoral process through absentee voting is trustworthy and easy, using a calculated message and personalized resources to assist and persuade them. Ex. 15 at 3-4, 6, 9, 28 ¶¶ 7-10, 12, 17, 24, 63; *Id.* at 35-39, 40-45; Ex. A; Ex. 13 at 38. In 2020, for example, Plaintiffs tested messaging about the personalization of mailers to “call attention to the fact that the voter was explicitly chosen to receive the application.” Ex. 13 at 7. They personalized the applications to “provide[] an exclusive voter experience” and express that the *particular voter* receiving the mailer should vote absentee. Ex. 13 at 7; Ex. 15 at 5, 8, 26-30 ¶ 15, 22, 60-66; 6/9/2022 PI Tr. 46:8-20.⁷

Plaintiffs cannot convey their message through their cover letters alone that say, for example, “I have sent you the enclosed absentee ballot application to make requesting a ballot easy,” without also including an application. Ex. 15 at 37; *see*

⁷ This targeted personalization further reinforces the expressive nature. Daniel Rauch, *Customized Speech and the First Amendment*, 35 Harv. J.L. & Tech. 405 (2022).

also id. at 38, 42. Intervenors' mailers similarly intertwined their communications with the enclosed application. Ex. 13 at 14-65 (mailers stating, e.g., "President Trump wants you to return this form!"). And as Defendants' own witness stated, the parts of a mailer are integrated as a single unit that together convey "the intent of the message the [sender] is trying to deliver." Waters Tr. 34:15-35:9; 44:7-45:11.

Thus, the mailer package expresses Plaintiffs' desired message that the voter should easily vote absentee by submitting the attached personalized application; that cannot be expressed without the application. The testimony from both Plaintiffs *and* Defendants' witness Brandon Waters (whose business also distributes applications) that the mailers as a package constitute their speech at least raises a material fact dispute of whether the communications are intertwined. Defendants' contrary argument offers sparse consultation of the record, elides the law on integrated communications, and relies on their own unsupported conclusions about the nature of Plaintiffs' speech. Br. at 10-14. This is insufficient for summary judgment. *J-B Weld*, 978 F.3d at 794; *Edmondson*, 43 F.4th at 1160.

At bottom, Defendants' argument is that the State can dictate Plaintiffs' speech here, insisting that civic organizations should speak about absentee voting through a communication that lacks the relevant materials. Br. at 13. While this Court preliminarily found it relevant that Plaintiffs could still send pro-absentee voting cover letters, the Supreme Court has "consistently refused to overlook an

unconstitutional restriction upon some First Amendment activity simply because it leaves other ... activity unimpaired.” *Cal. Democratic Party v. Jones*, 530 U.S. 567, 581 (2000); accord *Spence*, 418 U.S. at 411 n.4. If Defendants’ view of the law were reality, then *Meyer* would have come out differently: the inability to pay petition circulators would pose no constitutional problem because speakers could simply promote the petition without circulating it. *Cf.* 486 U.S. at 419.⁸ The *Meyer* Court instead concluded that a speaker’s ability “to employ other means to disseminate their ideas” does not take their speech “outside the bounds of First Amendment protection.” *Id.* at 424. Thus, the fact that Plaintiffs could speak in a *different* way that the State prefers cannot negate the constitutional protections of Plaintiffs’ integrated communications distributing personalized applications.

E. Distributing Personalized Absentee Ballot Applications Is Protected Associational Activity.

Finally, the Restrictions implicate Plaintiffs’ associational activity. Courts “give deference to an association’s view of what would impair its expression.” *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 653 (2000). Restrictions on distributing absentee or registration applications “bear[] directly on the expressive and associational aspects” at the core of get-out-the-vote work. *LWV of Tenn.*, 400 F. Supp. 3d at 720.

⁸ Colorado pursued precisely this argument. See Oral Argument Transcript at 19-21, *Meyer v. Grant*, Case No. 87-920 (U.S. Apr. 25, 1988), perma.cc/T6VL-AATM.

This is because “[a]n organization’s attempt to broaden the base of public participation in and support for its activities is conduct undeniably central to the exercise of the right of association.” *VoteAmerica*, 576 F. Supp. 3d at 875.

As the record shows, VPC/CVI use their effective personalized absentee application communications to build greater association with partner organizations and a specific group of voters with whom Plaintiffs further engage in the political process via future mailers. Ex. 15 at 13-14 ¶¶ 35-39; Lopach. Tr. 147:20-148:20. Among the reasons Plaintiffs personalize their applications, track responses to their mailers, and provide robust unsubscribe opportunities is to ensure that their follow-up get-out-the-vote messages target supportive associates. Ex. 15 at 13-14 ¶¶ 35-39. These circumstances are far from *Dallas v. Stanglin*, where the plaintiffs were merely “patrons of the same business establishment” that admitted anyone “willing to pay the admission fee,” who expressed no shared views, and who had no articulated associational outreach. 490 U.S. 19, 24-25 (1989).

First Amendment protection of associational interests is not predicated on whether there is a “preexisting relationship,” as Defendants insist.⁹ Br. at 26. In

⁹ Regardless, Plaintiffs also use their distribution activity to associate with other civic organizations who share their goals of expanding the electorate by, for example, assisting them with encouraging and assisting prospective voters and sharing data about Plaintiffs’ successful voter engagement programs. Ex. 15 at 14 ¶ 37-39; Lopach. Tr. 147:20-148:20, 147:20-148:20; 6/9/22 PI Tr. 47:15-23; P-0114.

NAACP v. Button, the plaintiff's efforts to solicit then-unassociated individuals to participate in litigation was protected as the means to *begin* an association. 371 U.S. 415, 429-23, 437 (1963). Similarly, in *Healy v. James*, the Court protected a student group's activity seeking the "use of campus bulletin boards and the school newspaper" to reach "new students" and create further associations to "remain a viable entity in a campus community." 408 U.S. 169, 181 (1972). Plaintiffs' activity reaching new associates here is no different and Defendants' cramped reading of associational rights goes against binding precedent. Regardless, their alternative view of the facts concerning Plaintiffs' associations presents a material dispute.

II. The Ballot Application Restrictions Seriously Infringe Plaintiffs' First Amendment Rights And Are Subject to Strict Scrutiny.

The record further supports that the Ballot Application Restrictions are subject to strict scrutiny, and material fact disputes bar summary judgment. As discussed above, the Restrictions directly regulate and impinge on speech, expressive conduct, and association, and therefore are subject to heightened scrutiny. The Disclaimer Provision is subject to strict scrutiny because it compels Plaintiffs to convey the government's message, not merely to disclose something about themselves. Likewise, the Prefilling Prohibition and Mailing List Restriction are subject to strict scrutiny because they abridge Plaintiffs' core political speech by reducing the overall quantum of speech and violating their "right not only to

advocate their cause but also to select what they believe to be the most effective means for so doing.” *Meyer*, 486 U.S. at 424. They are also content- and viewpoint-discrimination. And even if *Anderson-Burdick* applies, that inquiry is highly fact-intensive and there remain material fact disputes about the degree of the burden on Plaintiffs’ rights as weighed against the purported state interests.

A. The Disclaimer Provision Is Subject To Strict Scrutiny.

The Disclaimer unlawfully compels speech. The “fundamental rule of protection under the First Amendment” is “a speaker has the autonomy to choose the content of his own message.” *Hurley*, 515 U.S. at 573. When the State “compel[s] speakers to utter or distribute speech bearing a particular message,” as the Disclaimer does here, “such a policy imposes a content-based burden on speech and is subject to strict-scrutiny review.” *McClendon v. Long*, 22 F.4th 1330, 1337 (11th Cir. 2022) (citing *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641-42 (1994)); accord *NIFLA*, 138 S. Ct. at 2371, 2374-75 (applying similar rule).

The Disclaimer Provision requires Plaintiffs to “prominently” stamp a lengthy disclaimer, *see supra* Background, on any distributed application. O.C.G.A. § 21-2-381(a)(1)(C)(ii).¹⁰ Failure to include this Disclaimer may result in criminal

¹⁰ The Disclaimer is an extreme outlier. Only Kansas has an analogous law, but it is a more traditional disclosure requiring the sender’s identity and a statement that “This is not a government mailing. It is from a private individual or organization.” K.R.S. 25-1122(k). No other State compels speakers like the Disclaimer does here.

penalties. *Id.* §§ 21-2-598, 21-2-603, 21-2-599. Plaintiffs do not challenge the portion of the Disclaimer that requires Plaintiffs to disclose themselves (and not the government) as the sender. *See, e.g., Centro Tepeyac v. Montgomery County*, 722 F.3d 184 (4th Cir. 2013) (affirming injunction of part, but not all, of a disclosure requirement); *Baptiste v. Kennealy*, 490 F. Supp. 3d 353, 406 (D. Mass. 2020) (similar). But the remainder of the Disclaimer – and in particular the assertion that “This is NOT an official governmental publication” – goes far beyond requiring disclosure of Plaintiffs’ information.¹¹ Like in *McClendon* and *NIFLA*, the Disclaimer “alter[s] the content of the plaintiffs’ speech and force[s] them to convey a message that they would not otherwise communicate.” ECF 131 at 29. It amounts to a government script that compels Plaintiffs to convey a misleading message that is “antithetical to its mission,” *id.*, of persuading voters that their personalized application communications are legitimate, trustworthy, and can be easily used to apply to vote absentee. Ex. 15 at 3-4, 6, 9 ¶¶ 7-10, 12, 17, 24.

The First Amendment prohibits such compelled speech. It does not matter whether the language of the disclaimer is technically accurate. *See NIFLA*, 138 S.

¹¹ Therefore, the standard applied in *Citizens United v. FEC* and other campaign finance disclosure cases does not apply. In *Citizens United*, the challenged provisions were solely aimed at ensuring speakers identified who was responsible for the disclaimer. 558 U.S. 310, 366 (2010). The Disclaimer here goes much further and is more akin to the compelled speech in cases like *NIFLA v. Becerra*.

Ct. at 2372.¹² It is also irrelevant that Plaintiffs can convey their own message alongside the Disclaimer, *cf.* Br. at 20-21, because “the harm here is the forced display of a government message ... not the forced appearance of endorsement of that message,” *McClendon*, 22 F.4th at 1337 (quotations omitted).¹³ And it does not matter if the State designed the script with the benign goal of “reduc[ing] voter confusion,” ECF 131 at 32. If the government wishes to speak, it can do so itself, but it cannot force Plaintiffs to convey its message. *See, e.g., LWV of Tenn.*, 400 F. Supp. 3d at 730 (applying *McIntyre*, 514 U.S. at 348; *Riley*, 487 U.S. at 800).

B. Strict Scrutiny Is Required Because The Ballot Application Restrictions Limit Core Political Speech.

The Restrictions are subject to strict scrutiny because they abridge Plaintiffs’ core political speech. As detailed *supra* Part I, Plaintiffs’ communications constitute speech that “involves both the expression of a desire for [an engaged electorate] and a discussion of the merits of [absentee voting].” *Meyer*, 486 U.S. at

¹² Putting aside any creative argument about the definition of “publication,” the compelled language undeniably contains the confusing and misleading message that a document that is created by the Secretary, bears the official seal, is titled “Application for Georgia Official Absentee Ballot,” and that will be processed by election officials is somehow not a government publication. This Court has already recognized the likelihood of confusion here. ECF 131 at 42. And Mr. Germany stated that he supported deleting the misleading text. 6/10/2022 PI Tr. 95:1-20.

¹³ Plaintiffs need not show evidence of “significant harm,” *cf.* ECF 131 at 43, because the Disclaimer imposes a *per se* harm by requiring Plaintiffs to convey a message to which they strenuously object. *Harriet Tubman*, 576 F. Supp. 3d at 999.

421. The *Meyer-Buckley* framework, which is “not limited to the circulation of initiative petitions,” applies. *LWV of Tenn.*, 400 F. Supp. 3d at 723-24. “If anything[,]” Plaintiffs’ advocacy is even closer to the center of core political speech because “a person’s decision to sign up to vote is more central to shared political life,” *id.*, and it inherently “implicates political thought and expression,” *Buckley*, 525 U.S. at 195; *Coley*, 2021 WL 4782272, at *3 (applying *Meyer* to voter assistance).

Defendants’ attempts to distinguish *Meyer* overlook how the factual and legal circumstances apply here. The *Meyer* plaintiffs were proponents of an initiative on “whether the trucking industry should be deregulated” who wished to use paid petition circulators. 486 U.S. at 421. The Supreme Court held that the ban on paid circulators was unconstitutional because restricting *how* proponents chose to convey their message – using paid circulators to promote the petition and collect signatures – “reduc[ed] the total quantum of speech” and violated their “right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.” *Id.* at 423-24. The question before the *Meyer* Court was not whether paying circulators or collecting signatures was itself speech, but whether barring a speaker’s most effective means of delivering their message violated the First Amendment. *Id.* The Court held that it did. *Id.*

The Restrictions here even more directly strain Plaintiffs’ conveyance of their desired message than in *Meyer* because Plaintiffs cannot distribute their

personalized applications at all. A more apt comparison would be if the law in *Meyer* allowed initiative advocates to knock doors to promote their cause but barred them from circulating the actual petition. Such an analogous law would be unconstitutional, and here, Plaintiffs' advocacy concerning the fundamental right to vote warrants at least as much protection as speech about "whether the trucking industry should be deregulated." *Id.* at 421.

Like in *Meyer*, the Restrictions infringe Plaintiffs' core political speech in two ways. First, they "reduc[e] the total quantum of speech," *id.* at 423, by "drastically limit[ing] the number of voices advocating for the politically controversial topic of voting by mail, limit[ing] the audience which proponents can reach and mak[ing] it less likely that proponents will gather the necessary support," *VoteAmerica*, 576 F. Supp. 3d at 889. The Restrictions bar or encumber Plaintiffs' communications by limiting to whom Plaintiffs can speak, how often, in what manner, and only by also speaking the State's message. Ex. 9 at 63:2-6, 70:20-25; 209:20-214:22, 232:24-236:1, 271:17-24, 278:13-280:22; Ex. 15 at 13 ¶ 34; Ex. 26 at 14-16; Ex. 24 at 9-11; Ex. 27 90:13-91:1, 165:18-166:17. This "will have the inevitable effect of reducing the total quantum of speech on" absentee voting. *VoteAmerica*, 576 F. Supp. 3d at 889.

Second, the Restrictions limit Plaintiffs' protected right to "advocate their cause" through "what they believe to be the most effective means for so doing." *Meyer*, 486 U.S. at 424. Based on their experience designing and operating voter

mobilization programs nationwide, Plaintiffs have determined that sending multiple waves of personalized absentee ballot applications is the most efficient method of reaching and persuading their target audience, Lopach Tr. 113:7-13; 146:22-147:7, and that a mailer package comprised of a cover letter, prefilled application, and postage-paid return envelope together is the most effective way to express their message, *id.* 60:8-17; 79:22-80:6; 6/9/2022 PI Tr. 42:14-43:2.¹⁴

Finally, protections for core political are not conditioned on whether Plaintiffs' speech is interactive or if someone speaks back. Such an incorrect "face-to-face interaction" rule would be directly contrary to *McIntyre*, in which the Supreme Court applied core political speech protections to anonymous leafletting. *See* 514 U.S. at 337-39, 344-48; *see also supra* n.3 (listing cases applying broad speech protections to direct mailers). Regardless, Plaintiffs' activity is analogous to both *Meyer* and *McIntyre*. Like in *Meyer*, Plaintiffs directly contact voters to solicit and encourage their participation in the political process, and like in *McIntyre*,

¹⁴ While the *Meyer* "most effective means" analysis is subjective, Plaintiffs' belief is objectively justified. It is supported in randomized control tests that examine response rates among targeted populations. *Id.* at 66:14-67:6; 67:12-14. Dr. Green explained that voters are more likely to use prefilled forms and they are "also more convenient for election officials ... than forms completed by hand." Ex. 24 at 8-9. Defendants admit that a study Dr. Green cites shows data that "prefilled ... application[s] resulted in 25% more requests for absentee ballots than the blank forms[.]" ECF 150-1 at 19 n.5. And the State itself attests to the benefits of prefiling because they distributed such applications during the 2020 election. 6/10/22 PI Tr. 63:14-21; Ex. 18 at GA-VA00061955, GA-VA00061911, GA-VA00048570.

Plaintiffs' mailers reach voters apart from face-to-face interaction. Wherever it falls between *Meyer* and *McIntyre*, Plaintiffs' activity is core political speech.¹⁵

C. Strict Scrutiny Is Required Because The Ballot Application Restrictions Are Content- And Viewpoint-Based.

The Ballot Application Restrictions are content- and viewpoint-based limits on speech and subject to strict scrutiny. A law is “content based if [it] applies to particular speech because of the topic discussed,” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015), or when it defines the “category of covered documents ... by their content,” *McIntyre*, 514 U.S. at 345; *see also Buckley*, 525 U.S. at 209 (Thomas, J., concurring). The Restrictions are content-based for both reasons.

First, they dictate the content that Plaintiffs are both required to and prohibited from including in their messages. This “inhibits communication with voters about proposed political change and eliminates voting advocacy by plaintiffs ... based on the content of their message.” *VoteAmerica*, 576 F. Supp. 3d at 888. Like SB 202's linewarming ban, the Restrictions are “premised on the

¹⁵ Along similar lines, *Mazo v. New Jersey Secretary of State* also does not support Defendants. The *Mazo* Court held that regulation of candidates' slogans on a ballot burdened speech before reaching the non-novel conclusion that a state regulating what is printed on its ballots – exchanged only between the State and the voter – relates to the mechanics of the electoral process and thus subject to *Anderson-Burdick* review. No. 21-2630, 2022 WL 17172673, at *11 (3d Cir. Nov. 23, 2022). The Restrictions here, however, are “aim[ed] at regulating political speech” among private parties and are subject to “traditional First Amendment analysis.” *Id.* at *8.

message a speaker conveys[;]" they hinge explicitly on the *content* of their communications. *In re SB 202*, 2022 WL 3573076, at *13-14. The State's asserted justification for these provisions – avoiding voter confusion allegedly caused by Plaintiffs' communications – is "based on the potential direct and emotive impact" of those communications, indicating that they are content-based. *Id.*

Second, the scope of the Restrictions' regulation is defined by the category of covered documents, applying only to mailers that include applications and only those that are prefilled. In this manner, the Restrictions are content based similar to the speech limitations at issue in *McIntyre*. *See* 514 U.S. at 345.

The Restrictions are also viewpoint-based, which is "an egregious form of content discrimination." *Otto v. City of Boca Raton*, 981 F.3d 854, 864 (11th Cir. 2020) (quotations omitted). The Restrictions apply solely to views *advocating* absentee voting because only those communications would include an application and one that is personalized; they impose no limits on mailers *against* absentee voting because that contrary message would not include any prefilled application. Such a law that "specifically applies a burden to the speech of those who 'solicit' others to" vote absentee, "but not those who solicit them not to do so" is unconstitutional viewpoint discrimination. *SD Voice v. Noem*, 432 F. Supp. 3d 991, 996 (D.S.D. 2020).

These content- and viewpoint-based restrictions are subject to strict scrutiny and presumptively unconstitutional. *Reed*, 576 U.S. at 163-64.

D. The Restrictions Abridge Plaintiffs' Associational Activity.

The Restrictions are subject to strict scrutiny because they abridge Plaintiffs' associational rights. "[P]olitical belief and association constitute the core of those activities protected by the First Amendment." *Elrod v. Burns*, 427 U.S. 347, 356 (1976). This "freedom of association encompasses not only the right to associate with others but also the right to choose how one associates with others." *VoteAmerica*, 576 F. Supp. 3d at 875 (citing *Dale*, 530 U.S. at 653). And Plaintiffs' associational rights are "protected not only against heavy-handed frontal attack, but also from being stifled by more subtle governmental interference" on their "means of communicating" to further their associations. *Healy*, 408 U.S. at 181-83.

The Restrictions limit Plaintiffs' associational rights because they "involve[] the direct regulation of communication and political association, among private parties, advocat[ing] for a particular change." *LWV of Tenn.*, 400 F. Supp. 3d at 725 (quotation omitted). The abridgment of Plaintiffs' associational activities is analogous to the solicitation ban ruled unconstitutional in *NAACP v. Button*, which criminalized the solicitation of plaintiffs in segregation litigation. 371 U.S. at 421, 434. The ban violated First Amendment rights because it prevented the NAACP from associating to persuade others to action, which burdened their efforts to bring litigation as their chosen means for affecting change. *See id.* at 429-31, 437.

Similarly here, Plaintiffs' activities are their chosen means for associating with voters and organizations to prompt action for a common goal: greater trust in and use of absentee voting. *Supra* Section I.E. But, as in *Button*, the Restrictions abridge Plaintiffs' ability "to engage in association for the advancement of beliefs and ideas" by restricting Plaintiffs' communications, which are used to "persuade [their audience] to action" to vote absentee. 371 U.S. at 430, 437. Strict scrutiny applies to such abridgment. *Id.* at 438; *Kusper v. Pontikes*, 414 U.S. 51, 58-59 (1973).

E. The *Anderson-Burdick* Framework Is Improper Here But Nonetheless Requires Heightened Scrutiny.

The *Anderson-Burdick* test applies to constitutional challenges "on the basis that the scheme violates the prohibition against undue *burdens on the right to vote.*" *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1318 (11th Cir. 2019) (emphasis added). The test does not apply to all election cases. *Id.* at 1318-19 & n.9. Here, it is "inapplicable [because] the election statute directly regulates core political speech and does not merely 'control the mechanics of the electoral process.'" *In re SB 202*, 2022 WL 3573076, at *9 (quoting *McIntyre*, 514 U.S. at 345). In such cases, courts "employ whatever level of scrutiny corresponds to the category of speech." *Id.*

But even if *Anderson-Burdick* were the appropriate analytical lens, heightened scrutiny still applies because the Restrictions severely burden Plaintiffs' speech. Burdens on core political speech are *per se* severe. *Buckley*, 525

U.S. at 207 (Thomas, J., concurring); *see also* *LWV of Tenn.*, 400 F. Supp. 3d at 725 n.9 (observing in similar circumstances that *Anderson-Burdick* “is just another road to strict scrutiny”); *VoteAmerica*, 576 F. Supp. 3d at 887-88 (similar). And “a law severely burdens” rights under *Anderson-Burdick* “if it discriminates based on content instead of neutral factors.” *Harriet Tubman*, 576 F. Supp. 3d at 1003 (quoting *Citizens for Legis. Choice v. Miller*, 144 F.3d 916, 921 (6th Cir. 1998)).

The record shows remaining material disputes of facts concerning the cumulative burden of the Restrictions on Plaintiffs’ rights. *See* *Clingman v. Beaver*, 544 U.S. 581, 607 (2005) (O’Connor, J., concurring) (emphasizing “the combined effect” of “a panoply of regulations” under *Anderson-Burdick*). The severe burdens on Plaintiffs compared to the sparse record supporting the State’s interests makes summary judgment particularly improper here. *See, e.g.,* *Wood v. Meadows*, 117 F.3d 770, 776 (4th Cir. 1997) (reversing summary judgment to allow further record development for the “fact-specific [*Anderson-Burdick*] inquiry [to] be undertaken”).

Plaintiffs significantly reduced their communications in Georgia in 2022— sending only one wave of mailers to a much smaller number of voters— as a direct result of the adverse effects of the Restrictions on their programs. *Compare* Ex. 21 at P-0360, P-0363, *with* Ex. 11 at 4. Even though Defendants disagree, the Prefilling Prohibition eliminates Plaintiffs’ most effective method of furthering their speech and association. The Disclaimer Provision forces Plaintiffs to recite a government

script they object to because it makes their communications appear illegitimate and less trustworthy. Ex. 13 at 59-61. This undermines the persuasiveness of their message and ability to effectively convey it, despite Defendants' contrary view. Ex. 15 at 30-32. And the Mailing List Restriction limits the amount of communication Plaintiffs can have with Georgia voters and risks crippling penalties. 6/9/22 PI Tr. 63:2-6; Ex. 15 at 22-25. Defendants' disagreement on these points only further shows fact disputes that make summary judgment improper.

III. The Ballot Application Restrictions Fail First Amendment Scrutiny.

The Restrictions fail First Amendment scrutiny. Speech restrictions face a "demanding standard," requiring clear evidence rather than "ambiguous proof" that the restrictions are narrowly tailored to serve a compelling state interest. *Otto*, 981 F.3d at 868. Here, restrictions on core political speech receive *Meyer-Buckley* scrutiny that "is well-nigh insurmountable," *Meyer*, 486 U.S. at 425; content-based laws "are presumptively unconstitutional," *Reed*, 576 U.S. at 163; and compelled speech must serve a "compelling necessity ... only by means precisely tailored," *Riley*, 487 U.S. at 800. Even under *Anderson-Burdick*, "[a] law that severely burdens the right to vote must be narrowly drawn to serve a compelling state interest" and less severe burdens must still be "justified by legitimate state interests of sufficient weight." *Lee*, 915 F.3d at 1318 (finding burden outweighed the asserted interests); *LWV of Fla. v. Detzner*, 314 F. Supp. 3d 1205, 1216 (N.D. Fla. 2018) (similar).

Under any applicable standard, Defendants bear the burden of demonstrating that the Restrictions are sufficiently tailored to further legitimate state interests that outweigh the burdens on Plaintiffs' constitutional rights.¹⁶ Defendants fail to meet this burden, and in attempting to do so, only deepen the existence of material disputes of fact that preclude summary judgment.

A. Defendants Do Not Demonstrate Any Compelling State Interest.

To be compelling, the State's interest must have both "legitimacy" in the abstract and "presence" in the specific case. *Citizens for Police Accountability Pol. Comm. V. Browning*, 572 F.3d 1213, 1219 (11th Cir. 2009). The State must "do more than simply posit the existence of" an interest. *Turner*, 512 U.S. at 664. Through evidence, Defendants must prove the absence of fact disputes showing "that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way." *Id.* They fail to do so here.

Defendants argue the Restrictions reduce voter confusion. Br. at 15. But a State's claim that it is "enhancing the ability of its citizenry to make wise decisions by restricting the flow of information ... must be viewed with some skepticism." *Eu v. San Francisco Cty. Democratic Cent. Comm.*, 489 U.S. 214, 228 (1989). Courts

¹⁶ Even if the Disclaimer is scrutinized under the test for campaign finance disclosures, there must still be a "substantial relation between the disclosure requirement and a sufficiently important governmental interest." *Worley v. Fla. Sec'y of State*, 717 F.3d 1238, 1242-43 (11th Cir. 2013).

should instead “assume that the people are smart enough to get the information they need than to assume that the government is wise or impartial enough to make the judgment for them.” *Riley*, 487 U.S. at 804 (Scalia, J., concurring).

Whether the Restrictions address purported confusion is a disputed fact that must be resolved at trial. Defendants offer scant evidence of actual confusion, relying exclusively on a collection of 54 “tips” to the State’s fraud tip line and generic, secondhand testimony. Br. 15-16, 18-19, 22-23.¹⁷ But there is almost no connection to actual issues from the distribution of personalized applications. Most of these “tips” are little more than a voter alerting the State that they received applications, only some of which are personalized. Defs. Ex. H at 17, 19. At least thirty-three of the tips clearly identify the third-party or county office that sent the application. Defs. Exs. G at 2-6, 8, 17-22, 25-33; H at 4, 16, 20, 22-30; M at 2-4. Only about twenty tips reference purportedly incorrect voter information or addresses. Defs. Exs. G at 2-8, 11, 15, 17, 19, 21, 22, 26, 29, 30, 32; H at 13, 16, 25, 28. Seven tips are from former Georgia voters who report receiving applications despite having moved out of state. Defs. Exs. G at 18, 20, 23; H at 7, 25, 29, 30. One tip concerns receipt of applications from a county election office, not a third party, and at least two do not concern absentee applications at all. Defs Exs. G at 9-11, 18; M at 2.

¹⁷ As further explained in Plaintiffs’ responses to Defendants’ Statement of Facts, the asserted voter complaints are hearsay and cannot support summary judgment.

In total, almost all of the tips demonstrate annoyance or dislike of the communications rather than confusion. Defs. Ex. G at 3, 15, 17, 18, 20-28; H at 11-14, 16-24, 27-29. But the First Amendment does not permit the State to enact speech restrictions because of annoyance. *See Martin v. City of Struthers, Ohio*, 319 U.S. 141, 143 (1943). If Plaintiffs' mailer recipients find the content "objectionable," they may "escape exposure ... simply by transferring the [mailer] from envelope to wastebasket." *Consol. Edison*, 447 U.S. at 542; *accord Bolger*, 463 U.S. at 72.

With regard to fraud concerns, Defendants do not argue that Plaintiffs' activity endangered election integrity or that the Restrictions prevent fraud. And despite their conclusory arguments, "it does not follow like the night the day" that the Restrictions do anything about voters' concerns about fraud. *Buckley*, 525 U.S. at 204 n.23. Rather, to justify the Restrictions based on fraud, the State must "satisfy its burden of demonstrating that fraud is real, rather than a conjectural, problem." *Id.* at 210 (Thomas, J., concurring). The record indicates that Georgia elections are not afflicted by fraud at all, much less related to civic organizations' absentee application mailers. *See, e.g.*, Ex. 5, Dep. of Frances Watson ("Watson Tr.") 189:23-190:4, 191:3-13; Ex. 2, Dep. of Blake Evans ("Evans Tr.") 142:3-9; 145:17-19.

Defendants also assert that the Prefilling Prohibition and the Mailing List Restriction serves efficient election administration. Br. at 15, 18-19. But Defendants fail to show how that interest is actually implicated. While efficient election

administration is compelling in the abstract, “the First Amendment does not permit the State to sacrifice speech for efficiency.” *Riley*, 487 U.S. at 795; *accord Buckley*, 525 U.S. at 192 (rejecting administrative convenience rationale). Here, Defendants provide little evidence that election administration was hindered by third parties’ distribution of absentee applications. Defendants claim the record shows that receipt of successive personalized applications “caused voters to submit multiple applications,” but Mr. Germany’s cited testimony makes no mention of voters submitting duplicative applications. *Cf.* Br. at 19.

While Defendants previously put forward some basic evidence of increased duplicates in 2020, *see* Germany Decl. ¶ 31, they have provided no evidence linking those duplicates to third-party distribution. Moreover, the duplicate increase is largely symmetrical to the overall increase in absentee voting in 2020, *see* 6/10/22 PI Tr. 30:17-21, 50:23-24, 53:21-22, 54:3-4, and could just as easily be explained by unique aspects of the 2020 election, such as first-time absentee voters’ lack of knowledge, issues related to the COVID-19 pandemic, and delays in delivering and processing applications, *see id.* Even if some record evidence did show this, however, Defendants witness Mr. Evans testified that duplicate applications are “not too terribly uncommon” and the process for dealing with them is “not that long.” Evans Tr. 71:18-72:2, 85:18-86:5. And other evidence demonstrates that far from impeding election administration, Plaintiffs’ personalization of applications

can actually ease their processing. *See id.* 158:9-22 (noting that applications with typed voter information, like Plaintiffs' personalized applications, are "generally easier" for election officials who no longer need to "interpret or read handwriting"); Lopach Decl., Ex. E; Ex. 18 at GA-VA00024557, GA-VA00051968, GA-VA00038670; Ex. 1-4 (noting benefits of typefaced applications for processing).

B. The Ballot Application Restrictions Are Not Narrowly Tailored.

Defendants also fail to establish narrowly tailoring. Overall, the State must "afford the requisite breathing space to protected speech." *Weaver v. Bonner*, 309 F.3d 1312, 1319 (11th Cir. 2002) (quotations omitted). Courts "cannot cavalierly accept without proof that the means being used achieve the legitimate ends being sought;" the State must "establish a nexus." *Zeller v. Fla. Bar*, 909 F. Supp. 1518, 1526 (N.D. Fla. 1995) (citing *Meyer*, 486 U.S. at 426-27). The State does not meet its burden to show the absence of material fact disputes on these tailoring issues here.

Disclaimer Provision. The Disclaimer's compelled speech is not narrowly tailored to serve a voter confusion interest, Br. at 23, because voters were already able to determine the sender of applications and Plaintiffs' mailers already explained that they were not sent by election officials. *Supra* Part III.A; *see also* Lopach Decl., Ex. A (identifying Plaintiff 11 times). If the Disclaimer simply required the sender's contact and a statement that the mailer did not come from the State, Plaintiffs would not have challenged it. *See* 6/10/2022 PI Tr. 220:23-221:9.

Defendants also contend that the required “This is NOT an official government publication” language means “voters are no longer left wondering if they must complete it to vote.” Br. at 23. But they put forward no evidence to support that counterintuitive interpretation. To the contrary, Mr. Germany testified that he thought the language – which his office initially drafted *before* SB 202 was amended to require third parties to use the government’s form – was confusing and has lobbied for its removal. 6/10/2022 PI Tr. 95:1-20. By compelling this language be placed on the official state-published form, Defendants created new cause for voter questions, while answering none. 6/9/2023 PI Tr. 215:10-219:20, 225:18-227:3. And if Georgia wants to reduce confusion between absentee applications and ballots, it is unclear why the State would require the Disclaimer only on forms distributed by third parties. Overall, the State “cannot impose a prophylactic rule requiring disclosure even where misleading statements are not made;” to be narrowly tailored, it instead “can assess liability for specific instances of deliberate deception.” *Riley*, 487 U.S. at 803 (Scalia, J., concurring).

Mailing List Restriction. The paltry record of purported voter complaints about receiving successive absentee applications does not justify the strict Mailing List Restriction and its civil and criminal penalties. Many of Defendants’ cited voter complaints state explicitly that the voter has not and does not plan to apply to vote absentee, meaning the Restriction is no bar to those voters receiving

subsequent mailers. *See, e.g.*, Defs. Ex. H at 4, 15, 21, 22, 27; *see also* 6/10/2023 PI Tr. 72:13-73:2; Evans Tr. 242:20-243:1. The Mailing List Restriction imposes severe risks on Plaintiffs while simultaneously leaving the duplicate mailings issue unaddressed: Plaintiffs can send unlimited applications to those who have not applied to vote absentee but risk severe penalties for any discrepancies between their mailing list and a constantly shifting absentee voter list that lacks accuracy.¹⁸ At the least, fact disputes remain concerning whether the Mailing List Restriction is sufficiently tailored to serve the State's asserted abstract interests.

Prefilling Prohibition. Defendants similarly rely on fewer than two dozen "tips" about receipt of purportedly inaccurately personalized applications to justify the Prefilling Prohibition, many of which report receipt of an application personalized for an individual who no longer lives at the address. Defs. Exs. G at 4-6, 11, 17, 21, 29; H at 16, 23, 28. Mr. Germany explained that these are often caused by lags in removing voters from the State's voter rolls. Ex. 6, Dep. of Ryan Germany ("Germany Tr.") 181:7-21. Thus, imperfections from prefilling can be attributed to groups relying on data from the State's own voter list to convey their

¹⁸ If SB 202 simply capped the number of "waves" Plaintiffs could send to potential Georgia voters, Plaintiffs would be free to schedule those "waves" to arrive at peak election cycles and avoid the risks imposed by SB 202's ever-shifting prohibited mailing list. But because of SB 202, Plaintiffs have been forced not only to send a single wave but also to send it at the very beginning of the election cycle, when voters are least engaged, to avoid penalties. Lopach Decl. ¶¶ 53-57.

message. *See, e.g.*, Defs. Ex. G at 7 (noting that voter's concern was from a typo creating "a duplicate entry for the same individual"). Defendants also do not show that it is the prefilling that triggered voters' concerns rather than other issues, such as addressing; errors in the voter file will lead to occasional incorrect addresses, just as the State's application distribution experienced in 2020. 6/10/22 PI Tr. 49:2-5, 65:4-7; GA-VA00052395. Fact disputes on these issues should be resolved at trial.

Moreover, restrictions on Plaintiffs' speech must also be the "least restrictive means of achieving a compelling state interest;" it cannot "be either underinclusive ... or overinclusive." *Otto*, 981 F.3d at 879 (quotations omitted). To satisfy this requirement, "the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government's interests, not simply that the chosen route is easier." *McCullen v. Coakley*, 573 U.S. 464, 495 (2014). Defendants fail to do so for each of the Ballot Application Restrictions.

The record demonstrates that there are numerous less-restrictive avenues for addressing alleged voter confusion, fraud concerns, and election administration. The Secretary's office conducts trainings that cover absentee voting, including things like processing duplicate applications. Evans Tr. 78:6-79:2; Ex. 18 at GA-VA00041544. Election officials also issue press releases and other statements to promote the integrity of the absentee voting process and explain the role that civic engagement groups play. Ex. 18 at GA-VA00052280, GA-

VA00052835; GA-VA00055527. If the State wants to address voter confusion or confidence, it should “communicate the desired information to the public” itself. *Riley*, 487 U.S. at 800. The record also shows that Georgia’s preexisting processes sufficiently safeguard against absentee voting fraud. Evans Tr. 85:6-17, 109:15-24, 110:22-111:5 (confirming that the state’s system can only issue a single ballot to a voter at a time). These preexisting safeguards in Georgia law and practice can promote confidence and reduce confusion without infringing free speech. At the least, there are material fact disputes about whether these less restrictive means are “adequate to the task” of addressing the state interests. *Meyer*, 486 U.S. at 427.

IV. The Ballot Application Restrictions Are Unconstitutionally Overbroad.

The Disclaimer and the Prefilling Prohibition are also unconstitutionally overbroad.¹⁹ A law is overbroad if its ranging sweep invades areas of protected speech and association. *Bd. of Airport Comm'rs of City of Los Angeles v. Jews for Jesus, Inc.*, 482 U.S. 569, 574 (1987); *Broadrick v. Oklahoma*, 413 U.S. 601, 612 (1973). Likewise, for compelled speech, a law is overbroad if it makes speakers avoid circumstances in which they would be compelled to speak. See Amy J. Sepinwall, *Free Speech and Off-Label Rights*, 54 Ga. L. Rev. 463, 518-19 (2020) (collecting cases).

¹⁹ Given the regulation and Defendants’ representations in this case, Plaintiffs no longer assert the Restrictions are vague. But they are unconstitutionally overbroad.

The Disclaimer broadly applies to “[a]ny application ... sent to any voter by any person or entity.” Ga. Comp. R. & Regs. 183-1-14-.12(3). As Defendants’ own internal messages show, the confusing Disclaimer applies beyond mailings to other unquestionably protected conduct. Ex. 18 at GA-VA00055527. This includes applications “sent” between neighbors, from church groups to their parishioners, and within families. The command that Plaintiffs affix “This is NOT an official government publication” will also confuse and dissuade voters who receive a mailer from civic organizations that, like Plaintiffs, already identify themselves and must use the official application. Compelling this statement threatens to make Plaintiffs and other similar speakers forego constitutionally protected communications rather than be compelled to carry the State’s misleading message.

The Prefilling Prohibition also reaches substantial protected activity, chills speech, and burdens innocent associations. It applies even when the personalized information is accurate and drawn from the State’s own voter file. The Prohibition is overbroad especially in light of the fact that county elections officials themselves prefer prefilled applications because it reduces the number of incomplete or inaccurate applications they must process. *See* Evans Tr. 219:4-222:6; Ex. 18 at GA-VA00024557, GA-VA00038833, GA-VA00051968; 6/10/22 PI Tr. 122:4-11.

CONCLUSION

For the above reasons, summary judgment should be denied.

Respectfully submitted this 31st day of January, 2023.

/s/ Danielle Lang

Danielle Lang*

Jonathan Diaz*

Alice Huling*

Hayden Johnson*

Valencia Richardson*

CAMPAIGN LEGAL CENTER

1101 14th St. NW, Ste. 400

Washington, D.C. 20005

Tel: (202) 736-2200

Fax: (202) 736-2222

dlang@campaignlegalcenter.org

jdiaz@campaignlegalcenter.org

ahuling@campaignlegalcenter.org

hjohnson@campaignlegalcenter.org

vrichardson@campaignlegalcenter.org

**Admitted pro hac vice*

Counsel for Plaintiffs

Robert B. Remar

(Ga. Bar No. 600575)

SMITH, GAMBRELL & RUSSELL, LLP

1105 W. Peachtree NE, Suite 1000

Atlanta, GA 30309

(404) 815-3500

rremar@sgrlaw.com

/s/ Katherine L. D'Ambrosio

Katherine L. D'Ambrosio

(Ga. Bar No. 780128)

COUNCILL, GUNNEMANN & CHALLY,

LLC

One Atlantic Center

1201 W. Peachtree St, NW, Ste 2613

Atlanta, GA 30309

Tel: 404-407-5250

Facsimile: 404-600-1624

kdambrosio@cgc-law.com

CERTIFICATE OF SERVICE
AND COMPLIANCE WITH LOCAL RULE 5.1

I hereby certify that I have this date electronically filed the within and foregoing, which has been prepared using 13-point Book Antigua font, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Dated: January 31, 2023.

/s/ Danielle Lang
Danielle Lang (admitted pro hac vice)

Counsel for Plaintiffs

EXHIBIT 1

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

VOTER PARTICIPATION
CENTER and CENTER FOR
VOTER INFORMATION,

Plaintiffs,

Case No. 1:21-cv-01390-JPB

v.

Judge J.P. Boulee

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,
Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,
Intervenor-Defendants.

**DECLARATION OF PLAINTIFFS' COUNSEL VALENCIA
RICHARDSON, AUTHENTICATING EXHIBITS FILED IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Valencia Richardson, hereby declare as follows:

1. I have personal knowledge of the matters stated herein, am over the age of 18 years, and am competent to make this declaration.

2. I am one of the Plaintiffs' counsel in this action and am submitting this declaration to authenticate exhibits being filed by Plaintiffs as attachments to their brief in support of their Response in Opposition to Defendants' Motion for Summary Judgment in this action.

3. On January 31, 2023, I retrieved an article titled Joe Ripley, *Georgia voters finding dead links when trying to request absentee ballots*, 11ALIVE (Mar. 16, 2022), <https://www.11alive.com/article/news/local/georgia-absentee-ballot-applications-website-problems/85-d714dfd9-21b3-4fce-a2e0-dd2cb9c0c639>, a true and correct copy of which is Attached as Exhibit 1-1 to this declaration.

4. On January 31, 2023, I retrieved an article titled Ledyard King and Mike Stucka, *'Digital divide': In Georgia, many still lack broadband access*, The Augusta Chronicle (July 7, 2021), <https://www.augustachronicle.com/story/news/2021/07/07/gda-broadband-local-ga-naug/47205331/>, a true and correct copy of which is attached as Exhibit 1-2 to this declaration.

5. On January 31, 2023, I retrieved an article titled Laura Nwogu, *Barriers to the ballot: Georgia voters with disabilities working to improve access to the polls*, Savannah Morning News (Nov. 1, 2022), <https://www.savannahnow.com/story/news/politics/elections/2022/11/01/ga-voters-disabilities-fight-against-obstacles-voting-election-2022/10499428002/>, a true and correct copy of which is attached as Exhibit 1-3 to this declaration.

6. On January 31, 2023, I retrieved a press release from the Office of the Secretary of State titled *Secretary of State Brad Raffensperger Unveils New Online Absentee Ballot Request Portal* (Aug. 31, 2020), <https://sos.ga.gov/news/secretary-state-brad-raffensperger-unveils-new-online-absentee-ballot-request-portal>, a true and correct copy of which is attached as Exhibit 1-4 to this declaration.

7. On January 31, 2023, I retrieved a memo from Plaintiffs' vendor Mission Control, which was admitted as Exhibit 51 at the Preliminary Injunction hearing in this action. *See* ECF 126. A true and correct copy of this memo is attached as Exhibit 20 to this filing.

8. On January 31, 2023, I retrieved a circuit court decision in Cook County, Missouri titled *Order Granting Plaintiffs' Motion for Preliminary Injunction, League of Woman Voters of Missouri et al v. State of Missouri et al*, No.

20AC-CC04333 (Oct. 24, 2022), a true and correct copy of which is attached as Exhibit 29 to this filing.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 31st day of January, 2023 in Washington, D.C.

A handwritten signature in black ink, appearing to read 'Valencia Richardson', written over a horizontal line.

Valencia Richardson

EXHIBIT 1-1



IRS e-file now open!

FREE | \$0 Fed | \$0 State | \$0 to File

Simple tax returns only. See if you qualify.
Maximum refund, guaranteed.

INTUIT **turbotax**
Free Edition

[File for Free](#)


11 ALIVE News Weather Sports VERIFY **11ALIVE+**   Sponsored by **BEAVER TOYOTA BEAVER DIRECT** 54°  Weather

← ADVERTISE WITH US 11ALIVE INVESTIGATES VOICES FOR EQUALITY ATLANTA & COMPANY HEALTH NEWS LOCKED ON →

LOCAL NEWS

Georgia voters finding dead links when trying to request absentee ballots

The Secretary of State's Office said the issue should be resolved when a new voter registration system is launched at the end of March

Sponsored By **Discover Puerto Rico**

Feel the Warmth

In our winter, there's no such thing as windchill. And our people shine as bright as the sun.

[Learn More](#)

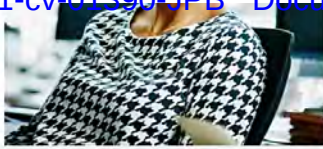
Author: Joe Ripley
Published: 7:38 PM EDT March 15, 2022
Updated: 4:25 PM EDT March 16, 2022



ATLANTA — Viewers are reaching out to 11Alive for help after running into problems trying to access absentee ballot applications for Georgia's May primaries. They said they would often run into dead links on the [Secretary of State's website](#). Some voters have also found dead links through the [Governor's Office](#) while trying to access absentee ballot applications.

Sponsored Links





7 Steps To Recession-Proof Your Business

CFOs, take action to ensure your business is ready for any economic climate with our guide. Explore the metrics that matter ...

Oracle NetSuite

Learn more

The Secretary of State's Office is urging patience, saying it is aware of the issue with a portion of the website. Officials said the issue should be resolved once Georgia launches the [new voter registration system](#) by the end of the month.

The Secretary of State's Office added that the absentee ballot request portal is not required by law. It's simply a more convenient way to process absentee ballot applications. Officials said the [portal was implemented](#) in August 2020, when so many Georgia voters were seeking to vote absentee in the presidential and congressional elections to avoid COVID exposure at polling locations. The portal made it quicker and easier for voters to request and submit absentee ballot applications.

However, this past January, [Secretary of State Brad Raffensperger](#) announced the office would implement a new voter registration system, which will include an updated portal.

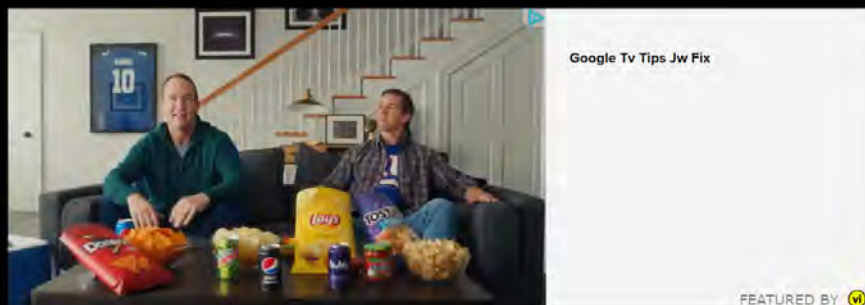
[11Alive](#) began receiving complaints about the old portal being down in February. The portal remains inactive even after March 7, the first-day voters could start requesting absentee ballots for this spring's primary.

Due to [new Georgia election rules](#), the window to request an absentee ballot is 78 days before an election, up until 11 days before Election Day. This year, May 13 is the last possible day to request an absentee ballot. In Georgia, any eligible voter can choose to vote absentee without cause.

RELATED: [Voter skeptical of Georgia's 2020 election results interviews experts. Here's what he found.](#)

Still, there are several frustrated voters like Laura Frank, who is pressing through to try and request her absentee ballot.

"You push the button, and it doesn't go anywhere at all," the DeKalb County voter said. "It's gonna put people behind in getting their ballots to vote that late."



Hannah Gebresilassie, executive director of [Protect the Vote Georgia](#), said voters could get discouraged and decide against voting at all. She argued the state should make it easier for voters to access important information.

"Voters should be at the core of all of these processes," Gebresilassie said. "Voters should be the focus of the process in which we work to create the system. That's why you do have so many organizations on the ground, fighting to make sure we can empower our fellow neighbors and community members to make sure they know that their voices do matter."

RELATED: [Georgia's new controversial election law debated: 'Jim Crow 2.0' or voting integrity measurements?](#)

Gwinnett County Elections Supervisor Zach Manifold is vouching for the state's new voter registration system, which he said should be able to handle thousands of absentee ballots. Manifold, who just moved from Ohio last summer to oversee elections in one of Georgia's most populous and diverse counties, said voters are still able to access absentee ballot applications through the [My Voter Page](#) and mail them in, email the signed applications to their local elections office or hand-deliver the request.

"The new system is better at scanning papers into the system, batch scanning, stuff that automates the process and makes it smoother and more efficient," Manifold said.

Manifold said people have called into his elections office, asking how the new election rules work when requesting an absentee ballot. He said it's better to act as quickly as possible when sending in an application.

"Get those applications in sooner. Don't wait around," Manifold said. "If you want to go ahead and get it in, or sign up for absentee mail ballot, go ahead and get it in now."

Manifold said absentee ballots wouldn't start going out until late April. Georgia's primaries are May 24. Early in-person voting runs from May 2 through May 20.

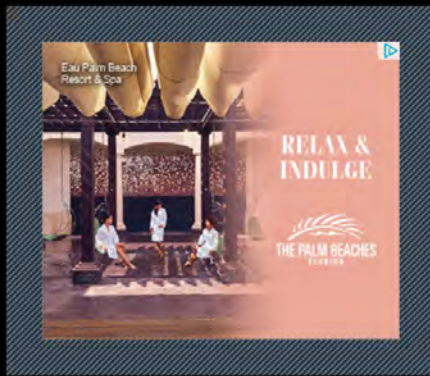


EXHIBIT 1-2

Advertisement - scroll for more content

NGA Chair Governor Murphy's
**INITIATIVE TO IMPROVE
YOUTH MENTAL HEALTH**

LEARN MORE

Paid for by the National Governors' Association

NEWS

'Digital divide': In Georgia, many still lack broadband access

Ledyard King and Mike Stucka USA TODAY NETWORK

Published 11:17 a.m. ET July 7, 2021 | Updated 11:22 a.m. ET July 7, 2021

View Comments



As federal officials debate pouring billions of dollars into broadband access, data suggests many of Georgia's schoolchildren and adults who preferred to work from home spent the pandemic with sub-par access to high-speed internet, particularly in the state's least-wealthy counties.

Advocates say that "digital divide" across the United States is due largely to two factors: a lack of internet infrastructure in the country's rural reaches and the relatively high cost of broadband that has made the service unaffordable for many in urban centers.

In about half of Georgia's counties – 80 of 158 – measured by a Federal Communications Commission study, broadband access is available to at least 83% of residents. Yet in about half of the state measured by Microsoft – 80 of 159 counties – no more than 21% of households actually have high-speed access, a USA TODAY analysis shows.

Advertisement

GMC

2.9% APR
FOR WELL-QUALIFIED BUYERS*
PLUS, NO MONTHLY PAYMENTS FOR 90 DAYS**

ALL GMC SIERRA 1500 MODELS

FITZGERALD GMC
IN ROCKVILLE, MD

*DISCLAIMER

VIEW INVENTORY

President Joe Biden and a bipartisan group of Senate moderates have reached a deal on a far-reaching infrastructure plan that would direct \$65 billion to increase broadband connectivity from coast-to-coast. Despite the agreement, it's unclear whether it would address the solutions some lawmakers want to see such as continued broadband subsidies for low-income families, greater competition among wireless providers and continued buildout of high-speed networks in poorer, rural areas.

Advertisement

Google

Gmail phishing protections were built to block more than 100 million phishing attempts a day

Safer with Google

Learn more

Gmail

Be careful with this message

Back to safety

More Stories



Ahmaud Arbery murder convict transferred to Georgia medical prison



Evans woman charged with stealing guns, \$25,000 in jewelry from homes



Cardiologist: Too Much Belly Fat? Do This Before Bed
HealthyLivin... | Sponsored Links

We're always working to improve your experience. Let us know what you think.

Advertisement

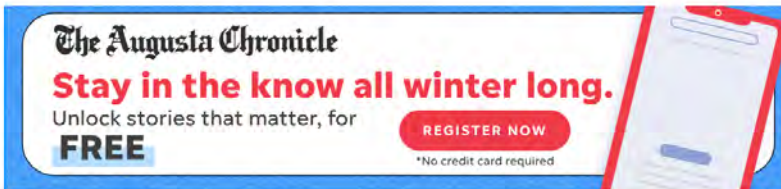
Advertisement



READ MORE: United States lags in broadband access, but will billions of dollars fix it?

In Georgia, 10% of residents don't have adequate broadband infrastructure and 38.8% live in areas that have only one internet provider, according to the White House.

Locally, on the FCC and Microsoft measures:



- In Richmond County, 96% of households could get broadband but 40% actually had it.
- In Columbia County, 98% of households could get broadband but 68% actually had it.
- In Aiken County, 88% of households could get broadband but 34% actually had it.
- In Edgefield County, 64% of households could get broadband but 18% actually had it.
- In Jefferson County, 9% of households could get broadband but 5% actually had it.
- In McDuffie County, 85% of households could get broadband but 20% actually had it.

The proportions of Georgia households that have high speed access varies widely: In Echols County, it's just 1%; in Baker County, it's 2%; and in Clay County, it's 2%. Leading the state are Forsyth County with 93%, Gwinnett County with 81% and Fulton County with 73%.

Internet access.
Map: Mike Stucka / USA TODAY • [Get the data](#)

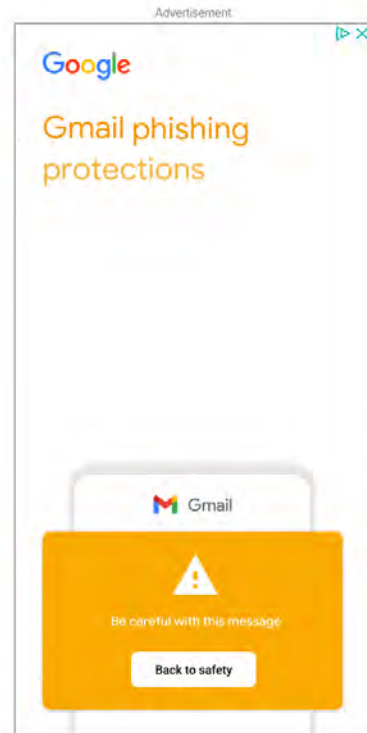
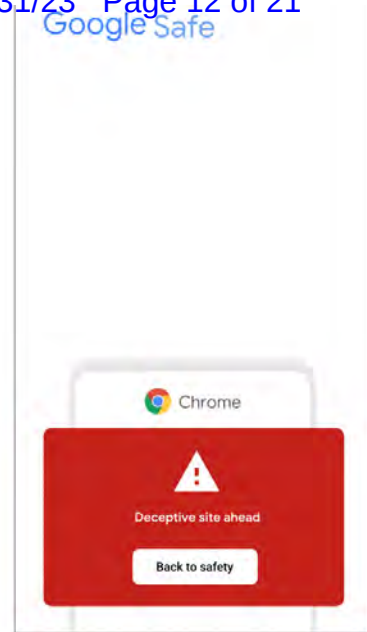


EXHIBIT 1-3

Advertisement - scroll for more content



ELECTIONS

Barriers to the ballot: Georgia voters with disabilities working to improve access to the polls



Laura Nwogu

Savannah Morning News

Published 5:01 a.m. ET Nov. 1, 2022 | Updated 10:51 a.m. ET Nov. 1, 2022

View Comments



Ad - (0:08)



Georgia election 2022 ballot questions: Here's what to know

When voters show up to the polls on Election Day, they'll encounter four statewide questions and those questions may change the Georgia constitution. *Ginny Beagan, Savannah Morning News*

Savannah resident Jessica Mathis was bedridden with sickness while the 2020 senate elections were underway. Her cerebral palsy had made riding public transport to the polls a difficult and unbearable task. A dip in the weather, and Mathis experienced severe cramps that made voting by absentee ballot her only option.

But what was supposed to be a solution that made it easier for people to cast their votes on Election Day became yet another obstacle. By the time the deadline to vote had rolled around, Mathis had not received her absentee ballot.

"I've had several difficulties with getting the absentee ballot out for the last couple of years. Especially with COVID and the different things with COVID that was going on at that time, it made it very difficult for a lot of people with disabilities including myself to get the absentee ballot," Mathis said.

Advertisement

"On Thursday, Democrats

Advertisement



More Stories



Holland House Restaurant in Savannah GA closes after 50 years



HUD rejected Yamacraw demolition request. Where does project stand?



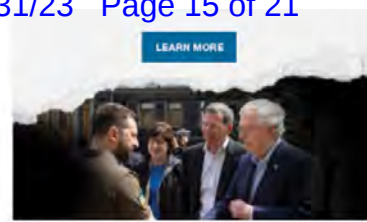
At 61, Obama's New House is Far From What You'd Expect, Take A Look Now

Interstitial | Sponsored Links

Ad - (0:07)



should follow the leader"



What to know: [Early voting gets underway in the 2022 Georgia midterm election](#)

More on Election Day 2022: [Georgia voting rates increased unevenly across demographics in 2022 primary election](#)

Here's what to know: [Georgia election 2022 ballot questions](#)

According to a report by [Rutgers](#), voter turnout surged among people with disabilities in 2020 during the height of the pandemic with just over 52% of voting by mail before election day. However, the report also found that 11% of voters with disabilities had some type of difficulty voting in 2020.

Barriers to the ballot can range from inaccessible polling places — steep ramps and poor path surfaces — to inaccessible voting machines, lack of training for poll workers, inadequate registration and voting accommodations and election information that is unreadable for some. Even with the use of absentee ballots, those with visual and dexterity impairments are at a disadvantage.



Jessica Mathis, who has cerebral palsy, is a member of the nonpartisan voting initiative, Revup GA and advocates for improved voting access for voters with disabilities. *Richard Burkhardt/Savannah Morning News*

Advertisement



Advertisement

W-2 FORM 2022
 HAVE YOURS ALREADY?
 MAXIMIZE MY REFUND
 TaxSlayer

“You have different types of disabilities,” Mathis said. “You have physical disabilities, intellectual disabilities, visual and then you have some people that have medical conditions that are disabling like arthritis or diabetes or high blood

pressure. All of these things have an impact.
At a glance: [Where Georgia midterm election candidates stand on issues, policies](#)

Coupled with the risk the pandemic poses for disabled people with certain chronic, preexisting health conditions, people with disabilities are forced to overcome an extraordinary set of challenges every election cycle.

And in Georgia, a state under the microscope nationally for voting issues that have resulted in rejected absentee ballots and long lines that wrap around the block in communities that rely on polling places, the plight of voters with disabilities is exacerbated.



Jessica Mathis, who has cerebral palsy, is a member of the nonpartisan voting initiative, Revup GA and advocates for improved voting access for voters with disabilities. *Richard Burkhardt/Savannah Morning News*

It's an unfortunate reality that prompted disability advocates like Mathis and Brunswick resident Mary Fashik to take a stand.

The politics of disability

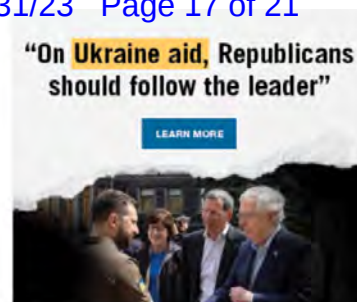
Fashik is the host of the award-winning podcast "[The Politics of Disability](#)" where she takes a deep dive into how politics and disability intersect and allows those living with disabilities to talk about the issues that matter most to them.

Advertisement

first polling place she utilized when she moved to Brunswick was a church. The Americans with Disabilities Act does not apply to churches meaning the building does not have to be handicapped accessible.



Mary Fashik is a disability rights advocate and the host of the award-winning podcast "The Politics of Disability." *Richard Burkhardt/Savannah Morning News*



Because of the lack of an accessible entrance, poll workers had her enter through the back door. "What does that say to me as a human being that I have to go in the back door to exercise my right to vote?"

More: [At a glance: Where Georgia midterm election candidates stand on issues, policies](#)

Fashik noted that Georgia's new voting law, also known as [Senate Bill 202](#), has her jumping through even more hoops when voting by mail. The controversial law has been criticized for its restrictive voting practices and impacts elements such as voter ID laws to the distance at which food and water can be distributed to voters waiting in line.

"Drop boxes have now been moved inside the buildings. Most buildings are not accessible to the disabled," Fashik said.

"If your signature is not exactly your signature on your voter registration card, they will invalidate your ballot and for someone like me almost disabled and my handwriting is getting progressively worse. Are you going to tell me that my ballot is a fraud? Because I'm unable to duplicate the signature that I was able to do when I was not as sick?"

It's barriers like these that Fashik and Mathis note that most people don't pay attention to. And with the new law comes a set of rippling effects that make voting a hassle.

“ *What does that say to me as a human being that I have to go in the back door to exercise my right to vote?*

MARY FASHIK

In a [July episode of her podcast](#), Fashik was able to have her concerns heard front and center. She discussed voter suppression, along with other issues such as the lack of affordable, accessible housing, health care, and the myths surrounding Medicaid expansion, with Stacey Abrams.



Mary Fashik is a disability rights advocate and the host of the award-winning podcast "The Politics of Disability." *Richard Burkhart/Savannah Morning News*

Mathis is now a grassroots connector for [RevUp GA](#), a nonpartisan national voting initiative focused on advancing the power of the disability vote.

The organization is made up of grassroots and national organizers who aim to foster civic engagement and protect the voting rights of Americans with disabilities through outreach programs and informational events.

Advertisement



"I know that a lot of people are discouraged by the process of voting now, but you just have to keep fighting. You have to keep working towards it," Mathis said.

Laura Nwogu is the quality of life reporter for Savannah Morning News. Contact her at LNwogu@gannett.com. Twitter: [@lauranwogu](https://twitter.com/lauranwogu)

View Comments



Taboola Feed



EXHIBIT 1-4



Georgia
Secretary of State
Brad Raffensperger



Secretary of State Brad Raffensperger Unveils New Online Absentee Ballot Request Portal

[Home](#) > [News & Announcements](#) > Secretary of State Brad Raffensperger Unveils New Online Absentee Ballot Request Portal

August 31st, 2020

(Atlanta) -- Georgia Secretary of State Brad Raffensperger unveils a new online portal to make it easier for Georgia voters to request absentee ballots for the November elections. Georgia voters with a driver's license or state ID card will now be able to request an absentee ballot entirely online.

"Georgia is constantly searching for new and innovative ways to expand access to the ballot and uphold the integrity of the vote," said Raffensperger. "We are encouraging Georgia voters who are particularly vulnerable to the COVID-19 threat to use our new online absentee ballot request portal to request absentee ballots safely and securely from their computers or phones. This new tool will help counties stay on top of the several million absentee ballot requests expected in November."

Secretary of State Brad Raffensperger has developed a website that will allow Georgia voters to request an absentee ballot entirely online. Georgia voters will be able to request their ballot via the portal using their first and last name, date of birth, county where they are registered, and Georgia State ID or Georgia Driver's License number. Voters will get a confirmation email that their request has been entered into the system. Also, voters can monitor their ballot status on My Voter Page.

The portal is available

[here](#)

:

<http://www.securevotega.com/secureabsentee/>

Absentee ballots requested for the November 2020 presidential election cannot be sent out before September 15.

In the past, Georgia voters had to download and print an absentee ballot request, then scan and email it or put it in the mail. This new portal saves voters effort and postage and will increase confidence that the request has been received by county elections officials. It also makes it easier and faster for county election official to process absentee ballot requests by minimizing the possibility of data entry errors.

While the State ID or driver's license number provide a secure safeguard for requesting ballots, the ballots themselves will still be verified by matching the voter signature to their signature on file upon submission. A record 1.6 million absentee ballot requests were received for the June primary, inundating county elections officials. This portal will make processing the large number of absentee ballot requests expected for the November election easier for county election officials to process quickly and accurately.

Georgia is recognized as a national leader in elections. It was the first state in the country to implement the trifecta of automatic voter registration, at least 16 days of

More News & Announcements

[Call for Special Election - HD 75](#)

[Call for Special Election - HD 75](#)

[University of Georgia Poll Finds 99% of Georgia Voters Reported No Issue Casting Ballot](#)

[Secretary Raffensperger Praises County Election Director Nancy Boren, Dismisses Attacks from Dark Money Group](#)

[Secretary of State Trains Local Officials on New Voter Registration System](#)

[Federal Judge: Abrams Group Must Repay Costs to Georgia Taxpayers](#)

[VIEW ALL >>](#)

early voting (which has been called the "gold standard"), and no excuse absentee voting. Georgia continues to set records for voter turnout and election participation, seeing the largest increase in average turnout of any other state in the 2018 midterm election and record primary turnout in 2020, with over 1.1 million absentee by mail voters and over 1.2 million in-person voters utilizing Georgia's new, secure, paper ballot voting system.

###

[Office of Brad Raffensperger](#)

[News & Announcements](#)

[Privacy Policy](#)

[Security](#)



214 State Capitol
Atlanta, Georgia 30334

[Contact Us](#)

© 2023 Georgia Secretary of State



EXHIBIT 2



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Blake Evans

Date: September 9, 2022

Case: VoteAmerica, et al. -v- Raffensperger, SOS of GA, et al.

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1 just make sure we know what that means.

2 A. Sure.

3 Q. Would you mind explaining that a bit.

4 A. Yeah.

5 So -- and just to be -- be clear, in
6 case that I kind of confused the words and all, so
7 none of the processing takes place inside of
8 Garvis. All of the processing takes place inside
9 of E-Net.

10 So when we're talking about an absentee
11 ballot application that may have been submitted
12 through the portal, a county user will log into
13 Garvis on their -- their -- what we call their
14 dashboard, like their home screen. They have a
15 tile, a button that they can click on to access
16 where they can view applications submitted through
17 the portal. They're able to download the
18 application that was submitted through the portal,
19 and then they can send it through the computer,
20 they can print it out. And then they process it
21 in E-Net.

22 And so when I'm talking about
23 processing, what I mean is inside the absentee
24 ballot module in E-Net, they can look up the
25 voter, they can verify the voter's information

1 against the information on the absentee ballot
2 application and -- and they can put an accepted
3 application or rejected application on the voter's
4 record inside of E-Net to reflect the information
5 that was submitted by the -- by the voter.

6 Q. Okay. So currently, Garvis sort of
7 operates as, like, the back-end or receiving
8 ground or -- I guess, of the Secretary of State's
9 application portal?

10 A. Yes. Yep.

11 Q. And it was just introduced this year?

12 A. Garvis, yes. We started working on it
13 December of 2021 and -- yeah.

14 Q. The Secretary of State's absentee ballot
15 application portal, I believe, was in operation
16 during the 2020 election cycle; is that correct?

17 A. We -- we had a portal that was in
18 operation during 2020.

19 Q. Where would counties access information
20 during the 2020 cycle when someone applied using
21 the portal?

22 A. So that -- that portal was built using
23 essentially E-Net technology. And so when an
24 application was submitted through that portal, the
25 information would flow directly on to ElectioNet

1 dashboards. And so the counties would access it
2 through E-Net.

3 Q. Okay. So it's a different portal than
4 is now in use?

5 A. Yes.

6 Q. Okay. Okay. Let's see.

7 Is there any lag between when counties
8 enter information on ElectionNet and when a user on
9 the back end, say someone in the Secretary of
10 State's office, can see that information or is it
11 immediately visible after it's entered?

12 A. I think it would be immediately visible.

13 Q. Okay. And to the extent Garvis is
14 processing incoming information from the portal,
15 is that immediately visible on the back end?

16 A. So we could -- if we -- say you
17 submitted an absentee ballot application through
18 the portal, and say you lived in Fulton County, we
19 could -- as soon as you submitted it, we could go
20 into, say, Fulton County's view and see if that
21 application was on the dashboard.

22 Q. Okay. I'm going to have some other
23 questions about those systems, I'm pretty sure,
24 but I'll leave them for a minute.

25 A. Very well.

1 the application.

2 It is -- it is not uncommon for somebody
3 to have assistance in completing their
4 application.

5 Q. Okay. And what about for third
6 parties -- okay. Strike that.

7 I apologize.

8 MS. HULING: Okay. I think we're done
9 with this document. Thank you, Mr. Dunn.

10 Q. In 2020, how could a voter apply for an
11 absentee ballot?

12 A. So they could apply using an absentee
13 application that they return to their office.
14 They return in person. They could e-mail it in.
15 They could mail it in. And then we also, as we
16 mentioned earlier, use the portal that we have
17 available.

18 Q. Okay. In 2020, if a voter did not use
19 the portal and used the -- a paper application or
20 a -- the application form, did they need to print
21 that out in order to sign it and submit it?

22 A. It -- the pen and ink requirement that I
23 think you're referring to was put into law by
24 SB 202.

25 Q. So someone could digitally sign a form

1 in 2020 but they no longer can; is that correct?

2 A. Correct.

3 And we don't -- yeah, electronic
4 signatures would no longer meet the requirements
5 set forth by law.

6 Q. And so with the pen and ink requirement,
7 the voter would have to have a physical copy of
8 the application in order to fulfill that
9 requirement?

10 A. Yes. Yeah. At some point, yeah,
11 whether they completed the whole form by hand or
12 they type in their information or -- you know,
13 they would have to have a physical document signed
14 in ink.

15 Q. If a voter does not have a printer
16 themselves, are there other ways they can get a
17 copy of the physical form to sign?

18 A. Yes.

19 Q. Can you explain those?

20 A. So the most common way that we see is,
21 you know -- or I don't know about the most common
22 way, but a common way that we see is the voters
23 will contact -- sometimes they contact our office,
24 but in most occasions, many occasions I would say
25 it's their local office and then ask, you know,

1 that a form be sent to them that they can
2 complete. So that's not -- that's not uncommon.

3 Q. Okay. Are there other ways that you're
4 aware of?

5 A. Yeah, I'm sure there is -- I'm sure
6 there are.

7 You know, I mean, however -- however a
8 voter gets a copy of the -- of the application,
9 you know, as long as they have a copy of it that
10 they can -- that they can complete and sign, you
11 know, pen and ink, that's -- that's fine. Yeah.
12 So I'm sure there are many ways they can get it.

13 Q. A friend or a neighbor could provide
14 them with a copy of it, if they had a printer,
15 say?

16 A. Yes.

17 Q. Or if they were part of a community
18 group or organization, that -- that community
19 group or organization could help its members get
20 access to the paper applications to submit?

21 A. Yes.

22 Q. Or organizations can send them or
23 campaigns could send applications to potential
24 voters for them to fill out?

25 A. There are requirements. You know, I

1 mean, there -- there are some parts to the law
2 that the campaign would need to be aware of to
3 make sure they're able to do that within the law.

4 But, yeah, I mean, initially what you
5 just described, can a campaign or a -- or a group
6 mail an application or send an application to a
7 voter, you know, I don't see an issue with that.

8 Q. Are you aware of campaigns having done
9 this in the past?

10 A. Yes. Yep.

11 Q. And are there other sort of outside
12 organizations?

13 A. Yes.

14 Q. And once the application, either a paper
15 application is signed and returned or someone --
16 actually, strike that.

17 If someone's applying via the
18 application form, once they've returned it, who
19 handles or processes that?

20 A. That would be the county elections or
21 registrar's office.

22 Q. Okay. And are you generally familiar
23 with how counties handle processing absentee voter
24 applications?

25 A. Yes. Yeah, generally.

1 and then you -- you take those lessons learned,
2 you apply them to the next election.

3 To be honest, the processes look a
4 little bit different because of reasons that we --
5 that we just kind of talked through with the
6 different requirements on the application forms,
7 slightly different requirements with casting the
8 ballot. So those -- those things look a -- look a
9 little bit different.

10 But I would say that overall, we have --
11 we have solid processes in place when you look at
12 the -- the absentee voting process from the start
13 of application through the submittal of the ballot
14 and the counting of the ballot ultimately to make
15 sure that there's not voter fraud.

16 Q. Okay.

17 MS. HULING: We have been going for
18 about 90 minutes, so I'm happy to keep going,
19 but I'm also at a -- at a spot where a pause
20 would make sense, if folks would like to take
21 a few-minute break.

22 MR. TYSON: You ready to take a
23 ten-minute break? Would that work?

24 MS. HULING: That works. All right.
25 We'll be back at 11:10. Thank you, everyone.

1 (Exhibit 1 was marked for identification
2 and is attached to the transcript.)

3 (Recess in proceedings.)

4 BY MS. HULING:

5 Q. All right. Okay. So we were just
6 talking about what happens once the absentee
7 ballot application is received for those general
8 processes.

9 I want to ask you: What happens if a
10 voter submits more than one absentee ballot
11 application?

12 A. So if a voter submits a duplicate
13 application, then the first one that comes in --
14 I'm assuming within the time frame.

15 Q. Within a given election, for a given
16 election. I apologize.

17 A. Yes.

18 So -- so within 78 days, more than 11
19 days from the election, and a voter submits an
20 application, and it gets accepted and put on their
21 record, and then they send in a duplicate
22 application which is, you know, not too terribly
23 uncommon, but all that would happen is that it is
24 marked as a duplicate.

25 I think a lot of counties will go into

1 ElectionNet and enter that in and mark it as
2 rejected because of multiple requests received.

3 Q. Thank you.

4 And has that been the general process
5 while ElectionNet has been in use?

6 A. Yeah.

7 So I'm not a hundred percent confident
8 in saying that all counties do it exactly that
9 way. I think there probably are counties that
10 manage duplicates basically, quote/unquote,
11 outside of E-Net. But I know that there are also
12 counties that will put the second one in as a
13 rejected application due to having received
14 multiple requests.

15 Q. So if a county handles it outside of
16 E-Net, what does that look like or what would that
17 mean?

18 A. Well, I can't answer a hundred percent,
19 you know, how exactly a county manages their
20 processes, but it could look as, you know, paper
21 clipping the duplicate application to the original
22 application.

23 You know, it could look as, you know,
24 like, filing the application along with other
25 applications that came in on that particular day

1 and marking it as a duplicate.

2 So it could look like a lot of things.

3 Q. Okay. But sort of in some way
4 physically or on some other document that isn't in
5 E-Net recording that a duplicate has come in?

6 A. Yes. Yeah. I would be confident and
7 agree with that.

8 Q. Okay. So in your experience, are all
9 counties recording when applications come in in
10 E-Net the first time?

11 A. Yes. We have been trying to get
12 counties to be better when receiving applications
13 outside the window. So if they receive an
14 application 100 days before an election. But
15 certainly any applications that come in within the
16 78-day to 11-day window, the first application,
17 yes.

18 Q. So if an application was received too
19 early or too late, some counties may not be
20 recording that into E-Net, but the Secretary's
21 office is encouraging them to record those as
22 well?

23 A. Yeah, that -- that would be -- I'd be
24 comfortable in saying that, yeah. Because if
25 they're recording it, then we can track it better

Transcript of Blake Evans

September 9, 2022

77

1 So September 1st, I -- I believe it
2 would have been pretty specific to that because
3 that was about the time frame. But also, it does
4 say in there, "Please print a copy of the absentee
5 ballot request."

6 So, yeah, I believe it was probably in
7 reference to the applications coming in through
8 the -- through the portal.

9 Q. Are you aware of the duplicate
10 applications or duplicate requests coming in
11 through the online portal?

12 A. I -- I remember -- yeah, I -- I do
13 remember counties saying that they were receiving
14 duplicates.

15 Q. Is there a process if there's a
16 duplicate from the online portal similar if two
17 paper applications are received in an office?

18 A. So I kind of go back to what I said a
19 little earlier. At this point in time, in
20 September of 2020, I was pretty heavily involved
21 with the Secretary of State's office with kind of
22 the systematic process, getting the file from our
23 office to our vendor for the mailing. I was a
24 little less involved on -- at this point in time
25 on the -- on the absentee training.

1 this one in Exhibit C, that's a form of providing
2 guidance to counties on a particular issue?

3 A. Yes. Yeah.

4 Q. Great. Thank you.

5 MS. HULING: I'd now like to mark
6 Exhibit D.

7 If we could pull that up, Mr. Dunn.

8 REMOTE TECHNICIAN: Exhibit D, as in
9 delta?

10 MS. HULING: D, as in delta, yes. Thank
11 you.

12 (Exhibit D was marked for identification
13 and is attached to the transcript.)

14 REMOTE TECHNICIAN: On screen.

15 MS. HULING: Yes.

16 BY MS. HULING:

17 Q. I can see that.

18 Can you, Mr. Evans?

19 A. Yes.

20 Q. Great.

21 Okay. This appears to be a
22 September 18th e-mail from you replying to a woman
23 named Marjorie Howard; is that correct?

24 A. Yes.

25 Q. And do you recognize this e-mail?

1 A. Yes, I -- yes.

2 Q. Okay. All right. If we look down to
3 the e-mail that you're responding to from Marjorie
4 Howard -- it's at the bottom of that first page.

5 Okay. Firstly, who is Marjorie Howard?

6 A. From the context of the e-mail, just
7 because we've had a decent amount of turnover at
8 the county level -- but if I remember Marjorie
9 Howard, I think she was the supervisor in Talbot
10 County. I don't remember exactly her position,
11 but she worked at Talbot County.

12 Q. Fair enough.

13 What do you understand her to be -- to
14 mean when she writes, "I am working on the online
15 apps now and we have 2 voters who were on our
16 rollover list that also did online requests"?

17 A. That she had two voters who were already
18 marked with an application on file for the
19 upcoming election so that they could get a ballot
20 issued to them and that those voters submitted a
21 subsequent absentee ballot request through the
22 online portal.

23 Q. So is it fair to say they submitted an
24 unnecessary request for an absentee ballot in a
25 specific issue -- in a specific election, that was

1 duplicate request where a voter had applied
2 through the portal in a paper application or it
3 applied -- was on the rollover list and -- and
4 applied again or requested a ballot again, those
5 situations were procedurally handled in basically
6 the same way?

7 Handled in basically the same way?

8 A. Can you restate the question?

9 Q. Very -- very fair. Yes, I can.

10 I guess, what I'm trying to get at is
11 whether a voter submitted duplicate applications
12 or duplicative requests from the online portal or
13 any request was duplicative because they were
14 already on the rollover list -- sort of any of
15 those different scenarios were generally handled
16 in the sort of same process for duplicate
17 applications?

18 A. Based on my understanding, yes. I think
19 that's -- I think that's the case.

20 You know, I can say it a little bit more
21 affirmatively on this year's portal, but, yes,
22 I -- I believe that to be the case.

23 Q. Okay. So you believe that to be the
24 case for 2020 and -- and you'd agree with that
25 kind of -- you'd agree with that for 2022?

1 A. Yes.

2 Q. Great.

3 Apologies for some wordy questions
4 there.

5 A. No problem.

6 Q. And, generally, this process for sort of
7 dealing with duplicate requests or applications is
8 meant to ensure that a voter who submits a second
9 request, nevertheless, only receives a single
10 absentee mail ballot; is that correct?

11 A. Yes.

12 And the system -- the voter registration
13 system is only built to be able to, you know,
14 issue one ballot at a time to -- to a voter. So
15 that's one of the safeguards that's in place, is
16 that the system cannot issue two ballots at one
17 time. So, yes.

18 Q. Okay. Generally speaking -- and this
19 may vary between counties, but in -- do you have
20 any feel for how long this sort of process of
21 dealing with a duplicate application takes?

22 A. I think for one single duplicate
23 application, it's not -- you know, not that long.
24 I think we're here talking, you know, minutes
25 essentially or a couple minutes. I mean, it's

1 looking up the voter, seeing that voter already
2 has a request on file, verifying that it's a --
3 it's a duplicate.

4 So I think we're -- you know, obviously,
5 it varied, but probably not -- not very long.

6 Q. Okay. Are you aware of any instances
7 where a Georgia voter received multiple ballots as
8 a result of submitting a duplicative request?

9 A. I'm aware of some limited instances
10 where a voter received multiple ballots. I don't
11 know if that was the direct cause of them having
12 submitted duplicate applications.

13 Q. Understood. Okay.

14 Would -- in your experience, has Georgia
15 encountered any sort of systematic issues of
16 voters receiving multiple ballots if they've -- if
17 they've submitted multiple requests?

18 A. Define -- so my understanding of that
19 question leads me to answer no, but can you define
20 "systemic."

21 Q. Sure.

22 I can appreciate in a state where you've
23 got millions of folks voting and over a million, I
24 believe you said, voting by mail, that there may
25 be, here and there, instances where, as you

1 the process as we were trying to hit that target.

2 Q. Okay. Okay. Understood.

3 All right. So if we now take a look at
4 page 6. Can you look at line 29, please. And let
5 me know when you've had a chance to read that.

6 A. Okay.

7 Q. Okay. Can you -- it appears that a --
8 saying a person could vote in person even if they
9 have requested or have been issued an absentee
10 ballot previously. Is that accurate?

11 A. Yeah.

12 So a person, if -- if they have been
13 issued a ballot can decide before they vote that
14 ballot that they want to vote in person.

15 Q. Okay. And when Garvis is fully up and
16 running, would a person -- a poll worker be
17 prompted if a person who is showing up to vote in
18 person has already been issued an absentee ballot?

19 A. So they will be able to see, just like
20 they can in E-Net right now, that there's an
21 outstanding ballot. Because essentially some
22 things -- as I mentioned earlier, there can't be
23 two live, so to speak, ballots issued in E-Net at
24 a particular time.

25 Q. Uh-huh.

1 A. So something has to be done to the
2 outstanding ballot before that in-person ballot
3 can be issued. And so that, you know, could be
4 the voter saying, hey, I'm going to surrender my
5 mail ballot so I can vote in person. It could be
6 that the voter says, hey, I don't have my ballot,
7 and they sign an affidavit saying that they're not
8 going to attempt to vote twice.

9 And that -- and you can -- the person
10 using the voter registration system can see, okay,
11 this person has not already voted by mail because
12 there hasn't been a ballot checked into the
13 system. So they can cancel -- after the voter
14 signs the affidavit, they can cancel the
15 outstanding ballot and issue the new in-person
16 ballot.

17 Q. Okay.

18 A. This will generally be the workflow.
19 Whether it's a -- you know, some kind of a prompt
20 or something else, I'm not a hundred percent sure.

21 Q. All right. Fair enough.

22 So basically, if a person requests an
23 absentee ballot and later decides to vote in
24 person, so long as they've not voted that absentee
25 ballot, they should be able to do that?

1 A. Yes.

2 Q. And the system is set up such that if
3 they do then vote in person, the system will not
4 allow them to also vote that mail ballot?

5 A. Correct.

6 Q. Okay. Okay. Thank you.

7 MS. HULING: Thank you for -- we're done
8 with that document, Mr. Dunn.

9 Q. Okay. So that was somewhat forward
10 looking, with how things will be with the Garvis
11 system, but I think several times you referenced
12 back to how things operate currently and have
13 operated with ElectioNet.

14 For county -- is there -- is a lot of
15 the process of sort of how that functions similar
16 in ElectioNet of what we've just discussed?

17 MR. TYSON: I'll object to form.

18 You can answer, if you can.

19 A. So I think a -- on a number of processes
20 there will be similarities to the way that the
21 processing occurs in -- in Garvis.

22 Q. Okay. And has the Secretary's office
23 provided counties with instructions previously on
24 how to log absentee ballot applications within
25 ElectioNet?

1 A. I don't remember.

2 Q. Okay. So in the example you gave of
3 someone processing today's mail that was received
4 yesterday and kind of overriding what was auto
5 populated to put in yesterday's date, when that
6 entry in ElectioNet shows up in the absentee voter
7 file, it will show up tomorrow, showing the date
8 requested as having been two days prior to that;
9 is that accurate?

10 MR. TYSON: I'll object to form. I
11 believe he said he couldn't remember if E-Net
12 did that or not.

13 But if you know the answer, you can
14 answer.

15 A. Yeah, I don't remember if E-Net auto
16 populates or not.

17 But as far as if you put in the date
18 requested field yesterday's date and you're
19 processing it today, then tomorrow the absentee
20 file will show yesterday -- yesterday's date.

21 I'm confusing myself a little bit with
22 the yesterdays, but -- but I think we get the
23 gist.

24 So the absentee file will show the date
25 that you entered into the date requested field.

1 updates, phone call updates, voicemail updates,
2 when there is a change in their -- essentially
3 their absentee ballot status. So we -- we
4 normally start sending out those updates to voters
5 who have opted in once the balloting period
6 begins.

7 Q. Okay. And did My Voter Page exist
8 during the 2020 election as well?

9 A. It did. It was the -- on the -- on a
10 different platform, but, yes, we still had the My
11 Voter Page.

12 Q. Okay. And is the information populated
13 in My Voter Page drawn from the ElectionNet
14 information?

15 A. So in 2020, yes.

16 In 2022, it draws from the Garvis and
17 Salesforce database. And then that draws from
18 E-Net, essentially. So it has our voter
19 information in it. And then we take extracts out
20 of E-Net on a nightly basis and migrate those
21 changes over into Salesforce and Garvis so that
22 they'll show up on the My Voter Page.

23 Q. Okay. And how frequently would that
24 information on the My Voter Page be updated?

25 A. So in 2020, since it was drawing

Transcript of Blake Evans

September 9, 2022

141

1 moment.

2 MS. HULING: Thank you.

3 (Record read by Stenographer.)

4 A. So -- and, again, I don't know how many
5 people voted for the first time by absentee. I
6 know that a lot of people voted for the first time
7 absentee and they're relatively inexperienced. I
8 think we can draw that conclusion. I'm sure there
9 were a number of people who did vote absentee.

10 You know, I -- I think people -- I think
11 voters being less familiar with the absentee
12 voting process did create -- and in the sheer
13 quantity of those people, did create some
14 additional administrative duties and challenges
15 for election officials.

16 Q. Okay. So despite sort of this
17 extraordinary nature that we just discussed of the
18 2020 elections, Georgia, nevertheless, called a
19 primary and a general election and also then
20 statewide runoff in early 2021; is that correct?

21 A. Yes.

22 Q. And vote by mail was available to all
23 Georgia voters in all of those elections; correct?

24 A. Yes.

25 Q. And it was used in increased numbers in

1 all of those elections?

2 A. Yes.

3 Q. Okay. Did Georgia run a successful
4 election in 2020 despite this high turnout and all
5 higher-than-usual number of vote-by-mail voters?

6 A. Yes.

7 Q. And what about for the 2021 statewide
8 runoff, was that also a successful election?

9 A. Yes.

10 Q. Were there post-election audits
11 performed in Georgia after the 2020 general
12 election?

13 A. Yes.

14 Q. And I believe you've mentioned a
15 risk-limiting audit. Was that one of them?

16 A. Yes.

17 Q. Were there other audits?

18 A. So counties can go above and beyond in
19 the audits that they conduct. You know, ours is
20 kind of the -- the minimum requirement is you have
21 to -- you have to participate in the statewide
22 audit, but there are some counties that then do
23 their own kind of additional auditing beyond that,
24 in addition -- in addition to their audit there
25 was also -- also a machine recount that followed

1 that election in November 2020.

2 Q. So there was at least a statewide --
3 a -- the risk-limiting audit and a machine recount
4 of the 2020 election?

5 A. Yes, of the -- of the presidential
6 contest.

7 Q. Generally, what were the results of
8 those -- of the audit?

9 A. The results were very close each time,
10 and the outcome of the contest was the same.

11 Q. And when you say "close," do you mean
12 sort of the counts were very similar across the
13 recount and the audit and the initial count?

14 A. Yes.

15 Q. And -- and did those audits reveal any
16 foul play?

17 A. No.

18 Q. Did the audits reveal that any validly
19 cast votes had not been counted?

20 A. So if I'm thinking back to the beginning
21 of the audit, I do remember -- excuse me. And the
22 particular circumstances are a little bit fuzzy to
23 me. But I do remember that there were at least a
24 couple of counties that -- because of the audit,
25 or during the process of the audit -- found that

1 there was some memory cards that they needed to
2 upload. And they uploaded those and ended up
3 recertifying the results.

4 Q. Do you -- well, are you aware of that --
5 of something similar to that having happened or
6 been found following other statewide elections in
7 Georgia?

8 A. Well, so after an election, I mean,
9 there are processes since I've been here, you
10 know, that we do to -- there's processes that
11 counties do to canvass, make sure that they're
12 including all the votes. And then there's
13 processes that we do at the state level before we
14 certify to confirm that the results that we're
15 certifying are accurate.

16 And, you know, thinking back to, like,
17 this previous May election, one of those checks
18 that we do is to check the number of ballots cast
19 and the results that are -- and the reported
20 results, and the ballots cast against the credit
21 given the voter registration system. And we do
22 that to try to find any discrepancies.

23 And if any stand out, we'll follow up
24 with counties. And that's just part of our normal
25 operating procedures.

1 Following May, I think there was at
2 least one county, I can think of, that we followed
3 up with. They identified a -- some -- some votes
4 that they had not uploaded. And so they uploaded
5 and then recertified.

6 So there are normal operating procedures
7 that are designed to be able to make sure that the
8 results that end up being -- the final certified
9 results are -- are accurate.

10 Q. As a system that's administered by
11 humans, there's sort of a process for
12 double-checking how that system is --

13 A. Yes.

14 Q. -- going and catching any -- anything
15 that might have fallen through the cracks?

16 A. Correct.

17 Q. Okay. Did the 2020 audits reveal any
18 voter fraud?

19 A. No.

20 Q. Okay.

21 MS. HULING: Mr. Dunn, I would like --
22 oh. I'm sorry. I lost you there for a
23 second.

24 I'd like to mark Exhibit I, please.

25 REMOTE TECHNICIAN: Stand by.

1 be transferring something in many cases that's
2 handwritten and reading that and sort of
3 deciphering it for the data entry?

4 A. Yes, I think that was a -- definitely a
5 contributing factor.

6 Q. And there's, I guess, maybe more room
7 for human error with data entry generally?

8 A. Yes, I would agree with that.

9 Q. Are you aware of any counties expressing
10 to the Secretary's office or to you personally
11 that applications they received that were
12 pre-filled were easier to process than handwritten
13 applications for that reason?

14 A. I think it was less to do with receiving
15 applications that were pre-filled and more to do
16 with -- you know, obviously, if a voter typed in
17 the information in -- or if it was typed by -- by
18 a computer and the county processor was not having
19 to interpret or read handwriting, then I think
20 that was generally easier, at least from the -- at
21 least from the aspect of reading the application
22 process.

23 Okay. Thank you.

24 MS. HULING: Mr. Dunn, I'd like to mark
25 Exhibit J, please.

1 MS. HULING: It might be helpful if Mr.
2 Dunn could scroll down to the initial e-mail
3 here.

4 Q. Okay. It looks like Ms. Dover of
5 Cherokee County was asking whether they could
6 pre-fill the election date and/or the county on
7 their forms they're making available to their
8 county voters; is that accurate?

9 A. Yes, it appears to be accurate, yeah.

10 Q. Okay. Why -- why is it that Ms. Dover
11 wants to pre-fill that information?

12 MR. TYSON: Object to form.

13 You can answer.

14 A. She says that "One thing we noticed is
15 that the voters did not write in an election date
16 or the -- or the county."

17 So it appears that -- seems like, from
18 this, she's asking if she can put a form on her
19 website that has those pre-filled so that it would
20 reduce the number that were coming in without an
21 election date or county. Yeah, that were coming
22 in without an election date or without a county.

23 Q. Have you received similar questions from
24 other counties about pre-filling pieces of
25 information?

1 A. It seems like some question -- it seems
2 like some questions may have come up similar to
3 this. You know, maybe in 2021 we were kind of
4 getting into municipals. But I don't recall
5 specifics.

6 MS. HULING: If you scroll up to the top
7 of page 2, please, Mr. Dunn.

8 Q. And, actually, I'll first ask the -- not
9 the top e-mail here, but the one before that that
10 looks like it was sent by Sarah Beck.

11 A. Uh-huh.

12 Q. What was the answer provided to
13 Ms. Dover about pre-filling those pieces of
14 information?

15 A. Let's see.

16 Sarah recommended she consult with her
17 county attorney. And one of the concerns was
18 that, you know, if you start pre-populating -- you
19 know, you don't want to pre-populate a form that a
20 voter has with an election date that the voter
21 doesn't intend to request for and would -- you
22 know, not knowing how some routers are going to
23 cache data, that was a concern.

24 And there was some uncertainty, it
25 appears, like in the last sentence from Sarah

1 whether or not pre-filling a portion of the
2 application would be prohibited -- or she said
3 that pre-filling a portion of the application is
4 generally prohibited under SB 202.

5 Q. This is a guidance from last fall, in
6 2021. Is -- if you received a similar question
7 from a county in 2022, at this point, would --
8 would the guidance be similar?

9 A. If I received a similar question, the
10 first thing that I would do is send it to our
11 current Deputy General Counsel and Deputy
12 Director, Dr. Harris, to get their opinion on it.

13 But I think it -- it seems, to me, like
14 that still is good advice, that that is still
15 reasonable advice to provide.

16 Q. Okay. And if we scroll up to the top of
17 this second page, Ms. Dover writes back saying,
18 "We had 10 percent of our ballots that had to be
19 cured."

20 Do you understand what Ms. Dover means
21 by this, in the context of this conversation?

22 MR. TYSON: Object to form.

23 A. I think one of the elements that I'd
24 want clarification on from Anne is, she -- she
25 kind of goes from talking about applications to

1 ballots. So I -- I can't be certain as to what
2 she means, without getting that kind of
3 clarification.

4 So, yeah, that would be -- that would be
5 a question that I would have from her on that.

6 Q. Understood.

7 Does the Secretary's office track the
8 percent of absentee ballot applications that
9 counties have -- that have to have cured?

10 MR. TYSON: Objection to form.

11 You can answer.

12 A. So what we recommend -- so our guidance
13 to counties is that when they get an application,
14 to process it, that they process it via E-Net and
15 that we're able to -- to track it -- track it that
16 way, through the data that they entered into
17 ElectioNet.

18 Q. And so then the Secretary's
19 theoretically able to kind of calculate how many
20 applications?

21 A. To the extent that the county does
22 actually enter it into ElectioNet, you know, we --
23 we would be able to report on the data that they
24 enter into ElectioNet.

25 Q. Understood.

1 ballot application form, but they now are required
2 to use the State's form?

3 A. Correct. Correct.

4 Q. And to be clear, the absentee ballot
5 application form that is being sent must be the
6 State's form, so it is the same document that the
7 State has on its website or other places.

8 It is an official form in the sense that
9 it is the form created by the State for applying
10 by mail?

11 A. Yeah, the form is --

12 Q. Applying to vote by mail. Apologies.

13 A. Yeah.

14 Is -- is -- it may be -- it may be --
15 the mailer may be initiated and, you know, the
16 form might be coming directly from a third-party
17 organization to, you know, a voter. So in that
18 sense, it's kind of a copy of the official form
19 that's coming from a third-party organization to
20 the voter, but it's not -- the origination of it
21 is not, you know, necessarily -- or is not a
22 governmental entity.

23 Q. Regarding the -- the provision sort of
24 aimed at duplicates, could an entity still send
25 multiple applications to a voter so long as the

1 voter has not submitted any application?

2 MR. TYSON: Object to form.

3 You can answer.

4 A. So I think the -- you know, think about
5 how an organization would go about making sure
6 they were abiding by the law. I think the
7 absentee voter file that we mentioned earlier --

8 Q. Uh-huh.

9 A. -- that's one of the best ways to do
10 that. So, yeah, in order for -- in order for that
11 third-party organization or entity to know that
12 the person already had a request on file, that
13 they would have to be in that -- they would have
14 to be in that absentee voter file.

15 Q. Okay.

16 A. And so in that sense -- you were asking
17 about -- you were asking about could an
18 organization send two. So, yes, I mean,
19 essentially, in theory, they could.

20 Q. So if you were a voter who had your
21 heart set on voting in person and were never going
22 to submit an absentee application and never do,
23 under the law you could still be sent multiple
24 applications?

25 MR. DRENNON: Object to form.

1 A. You -- you could. You could.

2 Q. Okay. And a voter could still receive
3 multiple form -- application request forms from
4 various different entities that are sending the
5 forms out?

6 A. You could.

7 Q. Okay. Were you involved at all in
8 developing SB 202?

9 A. So it was -- I would say directly, no.
10 There were opportunities, you know, that
11 I had or that, you know, Chris Harvey might have
12 had to talk with legislators and to kind of
13 provide feedback based on our experiences in the
14 election cycle. To what extent any of that
15 feedback may have had in developing SB 202, I'm
16 not sure.

17 Q. Okay. Did you, in fact, speak with some
18 legislators kind of in the lead up to SB 202 being
19 introduced and eventually passed?

20 A. I remember talking -- I think we had a
21 meeting with some legislators who provided --
22 helped to provide feedback. I want to say it was
23 in January of 2021. So -- but again, to what
24 extent the feedback that we were provided went to
25 the development of SB 202, it's hard to say.

EXHIBIT 3



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Brandon Waters

Date: August 22, 2022

Case: VoteAmerica, et al. -v- Raffensperger, SOS of GA, et al.

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----x

VOTEAMERICA; VOTER PARTICIPATION :	:	
CENTER; and CENTER FOR VOTER :	:	
INFORMATION, :	:	Case No.:
Plaintiffs, :	:	1:21-cv-01390-JPB
v. :	:	Judge J.P. Boulee
	:	
BRAD RAFFENSPERGER, in his :	:	
official capacity as Secretary :	:	
State of the State of Georgia; :	:	
SARA GHAZAL, JANICE JOHNSTON, :	:	
EDWARD LINDSEY and MATTHEW :	:	
MASHBURN, in their official :	:	
capacities as members of the :	:	
STATE ELECTION BOARD, :	:	
Defendants :	:	
	:	
and :	:	
	:	
REPUBLICAN NATIONAL COMMITTEE; :	:	
NATIONAL REPUBLICAN SENATORIAL :	:	
COMMITTEE; NATIONAL REPUBLICAN :	:	
CONGRESSIONAL COMMITTEE; and :	:	
GEORGIA REPUBLICAN PARTY, INC., :	:	
Intervenor-Defendants :	:	

-----x

Deposition of BRANDON WATERS
CONDUCTED VIRTUALLY
Monday, August 22, 2022
11:00 A.M. EST

Job No.: 460841
Pages: 1 - 68
Reported by: Dawn M. Hyde, Notary Public

1 Deposition of BRANDON WATERS, conducted

2 virtually:

3

4

5 Pursuant to notice, before Dawn M. Hyde,

6 Notary Public in and for the District of Columbia.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 they go about doing that?

2 A We would look into what's available on
3 the voter file to start with, and if that
4 information wasn't available on the voter file, we
5 would see if there were commercially identifiable
6 lists to go out and target them. And then we
7 would combine the lists in those situations if we
8 had to buy a commercial list.

9 Q How would Arena go about de-duplicating
10 that at all, the two lists that it combines?

11 A Our data programmers would take the
12 lists, they would standardize the lists, primarily
13 going through a process called CASS certification,
14 and that's a USPS standardization process that
15 matches addresses to the post office's standard
16 delivery addresses.

17 And then they would de-dup by address
18 and by name depending on the type of mailing.
19 You're usually just sending one mailing per
20 household and other times you're sending
21 individual mailings to the same people in the
22 household.

23 Q For an absentee ballot application
24 mailer, how would Arena go about de-duplicating
25 mailers by a person who's already received an

1 someone to vote through the -- if they're
2 undecided, to convince them to vote one direction
3 or the other.

4 Q So is it safe to say that one effect of
5 the mail is to encourage people to vote for a
6 candidate or an issue?

7 A Correct.

8 MR. JACOUTOT: Sorry, I hit -- I think I
9 was muted but I said object to form.

10 You can answer to the extent you can,
11 Mr. Waters.

12 A I'm sorry, could you repeat the
13 question?

14 Q Sure. I think he was objecting to the
15 question you already answered. The question about
16 is it safe to say that one effect of the mailer is
17 to encourage people to vote for a candidate or an
18 issue?

19 A Yes.

20 MR. JACOUTOT: Same objection.

21 A Shall I go ahead and answer?

22 Q Sure, yes.

23 A The -- yes, it is.

24 Q Is it safe to say that the entire
25 contents of a mailer express that message to

1 encourage a voter to vote for a particular
2 candidate or issue?

3 A Generally speaking, yes.

4 Q And as we discussed earlier, mailers
5 have often multiple components that comprise one
6 unit, correct?

7 A Correct. Can you clarify that? Are you
8 talking about having different pieces within one
9 mailing?

10 Q Yes. So -- yes. So one unit would --
11 or mailer would comprise multiple piece --
12 individual pieces, correct?

13 A That would be a small minority of
14 mailings, but yes.

15 Q In the case of an absentee ballot
16 application mailer, that would comprise multiple
17 individual pieces for a single mailer?

18 A It could, yes.

19 Q And those components are intentionally
20 placed together as a single unit, correct?

21 A Correct.

22 Q And is it safe to say that those
23 components work together to express that message,
24 whatever the intended effect?

25 MR. JACOUTOT: Object to form.

1 Q So a voter can use this mailer to return
2 the absentee ballot application?

3 A Correct. This allows for there not to
4 be a need for an envelope, which streamlines
5 production timelines dramatically and reduces
6 costs.

7 Q It's safe to say every piece of this
8 mailer includes -- is conveying a message,
9 correct?

10 A Message or instructions.

11 Q Is it fair to say that these statements
12 intend to convey the speech of the client?

13 MR. JACOUTOT: Objection to form.

14 Q You can answer.

15 A Sorry, can you restate the question?

16 Q Sure. Is it fair to say that these
17 statements intend to convey the speech of the
18 client?

19 MR. JACOUTOT: Same objection.

20 A Yes, I suppose it is, yes, the intent of
21 the message the client is trying to deliver.

22 Q What do these messages intend to convey?

23 MR. JACOUTOT: Object to form.

24 A That someone should vote absentee if
25 they're not going to vote at the polls.

1 Q Is it safe to say these messages intend
2 to convey the importance of voting?

3 A Yes.

4 Q Safe to say these messages intend to
5 convey the importance of voting absentee in
6 particular?

7 A I would say these mailers in particular,
8 they were all ordered to say not absentee vote in
9 particular, the importance of voting, and if you
10 can't vote at your polling location, to vote
11 absentee.

12 Q I think I can pull it down now. Okay.
13 Why does Arena include absentee ballot
14 applications in its mailers?

15 A To encourage people to vote who might
16 not otherwise vote on polling location dates.

17 Q Does that absentee ballot application
18 make the mailer more effective?

19 MR. JACOUTOT: Object to form.

20 A It is -- I wouldn't say it makes it more
21 effective. It's a very particular objective that
22 an application is trying to get.

23 So it's trying -- if you didn't have an
24 application and you asked people to vote absentee,
25 I suppose it would be less effective. Because

1 they would not have access -- ready access to an
2 application.

3 Q So does including an application make it
4 more likely that the recipient votes absentee or
5 applies to vote absentee?

6 MR. JACOUTOT: Objection to form.

7 A Yes.

8 Q Has Arena every prefilled absentee
9 ballot application forms with the voter's
10 information?

11 A Yes.

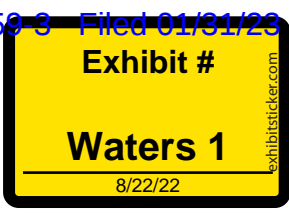
12 Q Why does Arena prefill the absentee
13 ballot with the voter's information?

14 A To reduce the error rate and make it
15 faster for people to fill out the application.
16 Also to ensure -- by prefilling it, it only allows
17 that individual to submit the application.

18 Q How does prefilling absentee ballot
19 application reduce the error rate?

20 A The voters frequently will put their
21 wrong name that doesn't match up to their, for
22 example, Jon versus Jonathan. If Jonathan is on
23 the voter registration and they are used to going
24 by Jon, so they will fill out Jon.

25 There's illegibility issues if it's not



Place First-Class Postage Here

Return this absentee ballot request form today.
ENSURE YOUR VOTE COUNTS.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.

ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

REQUEST YOUR ABSENTEE BALLOT TODAY.



VOTE IN THE SAFETY AND COMFORT OF YOUR HOME.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.
Detach, fill out and mail today. Fold and tape closed.

Place First-Class Postage Here

Return this absentee ballot request form today.
ENSURE YOUR VOTE COUNTS.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.

ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

REQUEST YOUR ABSENTEE BALLOT TODAY.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.
Detach, fill out and mail today. Fold and tape closed.



ONE MORE VOTE IN YOUR NEIGHBORHOOD COULD MAKE THE DIFFERENCE.

URGENT: COMPLETE & MAIL YOUR ABSENTEE BALLOT REQUEST FORM TODAY!

Non-Profit Org. U.S. Postage PAID Campaign Mail

"I am going to be voting absentee."
—PRESIDENT TRUMP

Worried about COVID-19, long lines, or bad weather?
JOIN PRESIDENT TRUMP. VOTE ABSENTEE.



Georgia Republican Party
P.O. Box 550008
Atlanta, GA 30355

*****ECR*WSH**C-001

NAME
COMPANY
ADDRESS
ADDRESS2
CITY STATE ZIP

ARENAID ABAPPOFCNM ABAPPADDR1 ABAPPADDR2 ABAPPCSZ

GAGOP-1005-55

Return This Absentee Ballot Request Form Today.

VOTE IN THE SAFETY AND COMFORT OF YOUR HOME.

Vote absentee.

IT'S SAFE AND SECURE.

OFFICIAL ABSENTEE BALLOT
BALLOT MUST BE ENCLOSED

URGENT: ABSENTEE BALLOT REQUEST FORM ENCLOSED!

Just one more vote in your neighborhood will make a difference.

IF YOU WILL NOT BE ABLE TO CAST YOUR VOTE IN PERSON, SUBMIT YOUR ABSENTEE BALLOT REQUEST FORM TODAY.

YOUR VOTE MATTERS

Millions of patriots are counting on you to vote. This is your chance to protect America's future.

VOTING ABSENTEE IS SAFE AND SECURE

Absentee voting is a safe and secure way to guarantee your voice is heard.

VOTE FROM THE COMFORT OF YOUR HOME

Avoid crowds, skip the lines and protect your health. Return the enclosed absentee ballot request form today!



MAIL YOUR ABSENTEE BALLOT REQUEST FORM TODAY!

Paid for by the Georgia Republican Party, Inc. www.gagop.org



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

FINAL NOTICE: Request your absentee ballot today.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

FINAL NOTICE: Request your absentee ballot today.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Paid for by the Georgia Republican Party, Inc. Not authorized by any candidate or candidate's committee. www.gagop.org

ABAPPOFCNM ABAPPADDR1 ABAPPADDR2 ABAPPCSZ

ABSENTEE BALLOT REQUEST FORM ENCLOSED
OFFICIAL REPUBLICAN PARTY NOTICE

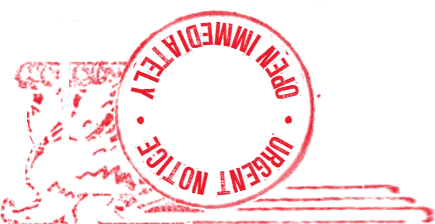


GAGOP-1004

ARENAID

NAME
COMPANY
ADDRESS
CITY STATE ZIP

*****EGR*WSH*C-001



IMMEDIATE ATTENTION REQUIRED

Georgia Absentee Ballot Request Form Enclosed

FINAL NOTICE

Atlanta, GA 30355
P.O. Box 550008
Georgia Republican Party
WATERS000098



Non-Profit Org.
U.S. Postage
PAID
Campaign Mail



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

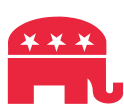
FORM #ABS-APP-18

FINAL NOTICE

REQUEST YOUR ABSENTEE BALLOT TODAY.

Voting by absentee ballot is EASY, SAFE AND SECURE.

Return this absentee ballot request form today.



OFFICIAL REPUBLICAN PARTY NOTICE
ABSENTEE BALLOT REQUEST FORM ENCLOSED



Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

Request your absentee ballot today. Here's how:

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

Request your absentee ballot today. Here's how:

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Paid for by the Georgia Republican Party, Inc. Not authorized by any candidate or candidate's committee. www.gagop.org

ABAPPOFCNM ABAPPADDR1 ABAPPADDR2 ABAPPCSZ



CITY STATE ZIP
ADDRESS
COMPANY
NAME

*****EGR*WSH**C-001



Georgia Absentee Ballot Request Form Enclosed
IMMEDIATE ATTENTION REQUIRED

Non-Profit Org.
U.S. Postage
PAID
Campaign Mail

Atlanta, GA 30355
P.O. Box 550008
Georgia Republican Party
WATERS000100





APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

REQUEST YOUR ABSENTEE BALLOT TODAY.

Voting by absentee ballot is EASY, SAFE AND SECURE.

Return this absentee ballot request form today.

OFFICIAL REPUBLICAN PARTY NOTICE

ABSENTEE BALLOT REQUEST FORM ENCLOSED

WATERS000101

EXHIBIT 4

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

VOTEAMERICA, et al. :
 :
 Plaintiffs :
 : Case Number:
 vs. :
 : 1:21-cv-1390-JPB

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

REPUBLICAN NATIONAL :
 COMMITTEE, et al. :
 Intervenor-Defendants :

RULE 30(b)(6) DEPOSITION OF THOMAS KEITH LOPACH

DATE: September 19, 2019

TIME: 9:41 a.m. to 2:57 p.m.

LOCATION: Campaign Legal Center
 1101 14th Street, Northwest
 Suite 400
 Washington, D.C. 20005

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions
 1250 Eye Street, N.W., Suite 350
 Washington, D.C. 20005

1 for Voter Information.

2 Q So do you engage in any work that is,
3 to use your words, partisan in your role at CVI?

4 A In my role at CVI, I will approve
5 spending on programs to engage voters that fall
6 outside of the definition of primary purpose.
7 Spending that falls under a definition of political
8 spending.

9 Q Okay. Let's take a moment to try to
10 understand, or at least clarify on the record, the
11 differences between the two organizations and what
12 they -- what their missions are.

13 So let's start with the (c)(3), the
14 Voter Participation Center. What is its mission?

15 A The mission of the Voter
16 Participation Center is to register and turn out
17 voters from something we call the, "New American
18 Majority." This is people of color, young people,
19 and unmarried women. Data demonstrates that these
20 three communities register to vote and turn out to
21 vote at rates much lower than their actual numbers
22 in society and much lower than the general

1 population.

2 So the Voter Participation Center
3 mission and work is to increase their registration
4 and turnout in elections.

5 Q Okay. And can you contrast that or
6 compare it to the mission of CVI?

7 A The Center for Voter Information is
8 not focused as much on the New American Majority,
9 but rather is focused on voters who share the
10 values of wanting to see the New American Majority
11 register and turn out in the full strength.

12 In other words, voters who would like
13 to see people of color, young people, and unmarried
14 women turning out in elections equal to the general
15 population at rates -- at rates equal to the
16 general population.

17 Q So turning back to the Voter
18 Participation Center to help us understand the
19 differences between these organizations. At a
20 broad level, what activities does the Voter
21 Participation Center engage in?

22 A The Voter Participation Center

1 one-third of the pie. Is that clear?

2 Q It is.

3 Why is that?

4 A For our two organizations, the
5 primary reason for our work is to register and turn
6 out voters from populations that are
7 underrepresented in democracy. Frankly, it's what
8 gets us out of bed with excitement every day to do
9 the work of registering and turning out voters that
10 are underrepresented.

11 Q So why is it that VPC is two-thirds
12 of the pie and CVI is one-third?

13 A VPC's primary focus is on people of
14 color, unmarried women, and young people,
15 communities that are underrepresented in the
16 electorate.

17 Q When was CVI founded?

18 A May I answer your question more
19 broadly?

20 Q Certainly.

21 A Our organizations were founded
22 initially in 2003 as Women's Voices, Women Vote as

1 So I'm beginning on the first page.

2 It looks to me as though we are looking at May and
3 June 2020 Vote by Mail activity. Well, strike
4 that.

5 It looks to me as though we are
6 looking at 2020 Vote by Mail activity in a series
7 of waves. Is that correct?

8 A That is correct.

9 Q And do I understand "wave" correctly
10 to simply mean the rounds of Vote by Mail mailings
11 that are being sent out?

12 A Yes.

13 Q And do I understand it correctly that
14 in 2020, CVI and VPC sent five such waves, A
15 through E?

16 A No.

17 Q Okay. Can you clarify then for me?

18 A In 2020, VPC and CVI sent a test
19 program for Vote by Mail in May/June, largely
20 focused on primaries that were subsequent to
21 May/June. After that test program, there were then
22 up to five waves of Vote by Mail, A through E, in

1 different geographies.

2 Q I see.

3 So the first three lines is an
4 initial wave, a test wave -- I think a test run you
5 said, and then A through E are then five additional
6 waves?

7 A Correct.

8 Q Okay. Where was the test run mailed?

9 A The test run was mailed in a handful
10 of states that had primaries subsequent to May or
11 June. Georgia was one of those states.

12 Q I believe the following spreadsheets
13 only include A through E. So that's helpful to
14 understand. I just wanted to make sure that the
15 test run happened in Georgia as well.

16 MS. HULING: But this is not an
17 excerpt, this is a printing of the entire document.

18 MR. FIELD: This is what I believe to
19 be a printing. I believe that I selected "Print
20 All Sheets."

21 MS. HULING: Okay. Fair enough.

22

1 Q I'd like to start with talking about
2 the packet. And what I mean by that is what --
3 what do you actually send to a voter in what we
4 were just talking about as the absentee ballot
5 application mailers. So during the preliminary
6 injunction hearing, we talked about some of these,
7 I think what we call, components.

8 In Georgia, what are the components
9 of the absentee ballot application mailers that the
10 Plaintiff sent?

11 A In Georgia, the mailers that VPC and
12 CVI sent for absentee ballot voting included a
13 carrier envelope, in other words an outside
14 envelope, an explanatory letter explaining what was
15 included in the mailing and why, and a Vote by Mail
16 application, along with a postage paid return
17 envelope.

18 MS. HULING: Can I just clarify, are
19 we specific to 2020 in these questions or -- I just
20 want to make sure we're talking about the same
21 thing.

22 MR. FIELD: Certainly. I didn't

1 now.

2 Q And to the best of your knowledge,
3 let's -- strike that.

4 Looking first at the 2021/2022
5 election cycle, to the best of your knowledge, are
6 the components that you just described for mailings
7 in Georgia the same components that are used in
8 other states?

9 And for clarity, I mean in mailings
10 that Plaintiff sent to other states.

11 MS. HULING: Objection to form.

12 THE WITNESS: Generally, yes.

13 BY MR. FIELD:

14 Q Are there any exceptions that come to
15 mind in states where Plaintiffs send different
16 components in their absentee ballot application
17 mailers?

18 A Not to my knowledge.

19 Q So, to the best of your knowledge,
20 every state in which Plaintiffs send an absentee
21 ballot application, it is sent along with a cover
22 letter, correct?

1 A Correct.

2 Q And to the best of your knowledge, if
3 I understood your previous testimony, neither CVI
4 nor VPC have ever sent absentee ballot applications
5 directly to voters without a cover letter. Is that
6 correct?

7 A To my knowledge that is correct.

8 Q And looking just at Georgia, let's
9 use the 2020 or 2021/2022 election cycle. And let
10 me know if there's a difference between the two.

11 Does every individual who receives an
12 absentee ballot application mailer from CVI or VPC
13 receive the same contents?

14 MS. HULING: Objection to form.

15 THE WITNESS: What do you mean by
16 "contents"?

17 BY MR. FIELD:

18 Q Cover letter -- strike that.

19 Carrier envelope, cover letter,
20 application, and postage paid envelope.

21 A Generally, yes.

22 Q And then is the information that's

1 included on the cover letter or the explanatory
2 letter different based on the recipient?

3 MS. HULING: Objection. Form.

4 THE WITNESS: The cover letter can be
5 different based on recipient.

6 BY MR. FIELD:

7 Q And can you explain that a bit?

8 And I should have said, putting aside
9 the fact that obviously the names will be
10 different, the person to whom it's being sent, what
11 other information might change in a cover letter
12 depending on the recipient?

13 A Cover letters from VPC will have a
14 VPC logo, cover letters from CVI will have a CVI
15 logo, the signer could be different depending on
16 the organization. And then we often test different
17 creative letters to determine which letters more
18 effectively share our message.

19 Q And can you describe some of those
20 differences?

21 A In 2020, to some people we would send
22 a cover letter discussing how Vote by Mail could

1 help ensure health and safety in a pandemic. In
2 2020, other people would receive a letter
3 discussing the convenience of voting by mail, as
4 one example or two examples.

5 Q Let's say in 2021/2022 election
6 cycle, do Plaintiffs also vary the message or test
7 the message, I believe you said, in the letters
8 that are being sent to recipients in Georgia?

9 MS. HULING: Objection. Form.

10 THE WITNESS: Repeat the year.

11 BY MR. FIELD:

12 Q Sure.

13 So in the current election cycle, do
14 individuals -- well, strike that.

15 Have VPC and CVI sent absentee ballot
16 application mailers to Georgians in the 2021/2022
17 election cycle?

18 A Yes.

19 Q In those mailers, did every
20 individual receive the same cover letter putting
21 aside different logo and different signature?

22 A I do not believe so.

1 Q What types of differences would there
2 be in cover letters in this current election cycle?

3 A Some cover letters may include
4 graphics highlighting the ease of filling out a
5 Vote by Mail form. Some cover letters may cite
6 that many people voted by mail in previous
7 elections and it is easy to do, as two examples.

8 Q And, again, why do the Plaintiffs
9 vary their messages in cover letters to recipients
10 in Georgia?

11 A VPC and CVI want to send effective
12 messages to potential voters and understand which
13 voters respond to which messages.

14 Q How is it that Plaintiffs track what
15 messages are the most effective?

16 A VPC and CVI run randomized control
17 tests in the vast majority of our mailers. And we
18 will randomize the recipients based on age, gender,
19 race, which letter they are getting, and evaluate
20 after an election which respondents responded to
21 which letters, with attention to the demographic
22 categories I just listed.

1 There is a unique barcode on the
2 return envelope of each recipient so that we know
3 when a Vote by Mail application is returned to an
4 election office based on scans from the U.S. Postal
5 Service of the unique barcode associated with
6 somebody in our randomized control trial.

7 Q So the effectiveness is measured by
8 whether or not they submit the absentee ballot
9 application that you provided them. Is that
10 correct?

11 MS. HULING: Objection to form.

12 THE WITNESS: The effectiveness of
13 our program is measured by examining which messages
14 had greater response rates with which populations.

15 BY MR. FIELD:

16 Q And response rate means sending in an
17 absentee ballot application that was provided in
18 the mailing, correct?

19 A Effectiveness --

20 MS. HULING: Objection. Form.

21 THE WITNESS: Effectiveness means
22 responding to the mail package that we sent to a

1 second.

2 (Discussion had off the record.)

3 MR. FIELD: Back on the record.

4 BY MR. FIELD:

5 Q So we were talking about your cover
6 letters. Would it be less expensive to send just
7 absentee ballot applications to voters?

8 MS. HULING: Objection.

9 Answer to the extent you know.

10 THE WITNESS: I believe sending only
11 an absentee ballot application to a recipient would
12 create greater confusion and concern amongst
13 recipients.

14 BY MR. FIELD:

15 Q My question was financially.

16 For VPC and CVI, would it cost you
17 less money to mail just applications rather than
18 the applications and cover letters?

19 A At the volume at which VPC and CVI
20 mail Vote by Mail messages, the removal of the
21 explanatory cover letter would save money on the
22 package at a limited amount because of our high

1 volume, yet may create a need for increased
2 customer service to answer questions about
3 applications with no explanatory letter.

4 Q And presumably you also spend money
5 designing your cover letters, determining what's
6 going to go into those letters. If that project
7 were not part of this, wouldn't the entire cost of
8 mailing absentee ballot applications be less?

9 MS. HULING: Objection to form.

10 THE WITNESS: The cost would likely
11 be somewhat less.

12 BY MR. FIELD:

13 Q On the cover letters, to the best of
14 your knowledge since the original (c)(3) and (c)(4)
15 were formed, had -- strike that.

16 Have the cover letters that accompany
17 absentee ballot application mailings always
18 included the name of the organization sending them,
19 either CVI or VPC or their predecessors?

20 A I believe that the cover letters have
21 always included the name of the organization
22 sending the Vote by Mail application.

1 Q And does that include contact
2 information?

3 A I believe it has always included
4 language on how to reach the organization.

5 Q Do you know if that has always
6 included a phone number?

7 A I do not know.

8 Q Do you know if you currently provide
9 one?

10 A I believe we currently provide a
11 phone number.

12 Q And that number is what we talked
13 about earlier that goes to the call center. Is
14 that correct?

15 A I believe that is correct.

16 Q And what about an e-mail address, has
17 VPC or CVI always included an e-mail address in
18 their cover letters that accompanied the absentee
19 ballot application mailings?

20 A I do not know if VPC or CVI have
21 always included an e-mail address or not.

22 Q To the best of your knowledge, do

1 MS. HULING: Objection. Form.

2 THE WITNESS: I do not know if they
3 are retained or deleted.

4 BY MR. FIELD:

5 Q Is there a mechanism by which
6 individuals can contact CVI or VPC through social
7 media, whether it be through Facebook, direct
8 messenger, through Twitter or other platforms?

9 A Individuals can reach VPC and CVI
10 through VPC's and CVI's various social media
11 accounts.

12 Q And do you know if those messages are
13 retained?

14 A I do not know enough about social
15 media platforms to answer that question.

16 Q So the last question about the
17 packets that we were talking about before we go to
18 the next topic. I want to make sure I've asked
19 this because we talked about the cover letter, the
20 application, the return envelope, and the carrier
21 envelope.

22 To the best of your knowledge, have

1 there been any mailings that VPC or CVI have sent
2 for absentee ballot applications that have included
3 anything else?

4 A To the best of my knowledge, there
5 have not been any mailings that have included
6 anything else, but I cannot be certain.

7 Q Okay. So I would like to now turn to
8 talking about the states in which -- to which you
9 all sent applications, absentee ballot
10 applications.

11 Generally speaking, how do Plaintiff
12 organizations -- strike that.

13 To the best of your knowledge, how
14 does CVI and VPC decide what states to send
15 absentee ballot application mailings?

16 A There are any number of factors that
17 are considered when determining which geographies
18 to send absentee ballot applications. Budget is
19 certainly an important consideration, as is
20 geography.

21 Q So understanding the cost
22 limitations, obviously you can only operate in so

1 the other, but let me ask it again.

2 BY MR. FIELD:

3 Q When VPC or CVI sent absentee ballot
4 application mailers to individuals in Georgia for
5 the current election cycle, did they send the
6 mailers to all registered voters in the state?

7 A No.

8 Q How do you decide who will receive an
9 absentee ballot application in the state of
10 Georgia?

11 A The Voter Participation Center
12 focuses our programming on people of color,
13 unmarried women, and young people. So in Georgia,
14 we will send Vote by Mail application messages to
15 people who fall in those communities in an effort
16 to increase their representation in the electorate
17 broadly.

18 The Center for Voter Information
19 sends Vote by Mail applications to targets who are
20 modeled to share the values of wanting to see the
21 New American Majority participate in elections at
22 their full strength or at rates closer to the

1 general population.

2 THE WITNESS: Can I also ask if we
3 are getting close to food?

4 MR. FIELD: We can stop whenever.

5 THE WITNESS: I don't know what time
6 it is.

7 MS. HULING: Yes.

8 Whenever you're at a good stopping
9 point.

10 MR. FIELD: Why don't I ask one or
11 two follow-ups, and then I think we'll be at a good
12 stopping point.

13 BY MR. FIELD:

14 Q So let's take people of color as one
15 example. That's one group you just mentioned.
16 Does that mean your reference to people of color --
17 that you -- strike that.

18 With respect to people of color,
19 would CVI or VPC send the absentee ballot
20 application mailers to every person of color in the
21 state of Georgia?

22 MS. HULING: Objection. Form.

1 Q Okay. And when you say "at the lower
2 end of the vote propensity scale," would this be
3 somebody who has never voted?

4 A Yes.

5 Q Okay.

6 MR. FIELD: This is a good time to
7 take a break.

8 (Recess from 12:09 p.m. to 12:47 p.m.)

9 BY MR. FIELD:

10 Q All right. So, Mr. Lopach, when we
11 broke we were talking about how you determined who
12 you send absentee ballot application materials to
13 in particular states.

14 And I'd like to step back a bit.
15 Let's talk first just about how you obtained the
16 contact information in the first place for who you
17 send information to.

18 So for Georgia, where do you obtain
19 contact information?

20 A Through data vendors.

21 Q Okay. And we'll get into the vendors
22 specifically in a second. But when you do obtain

1 geography is an input for ideology?

2 BY MR. FIELD:

3 Q Correct.

4 A I don't know.

5 Q And when CVI or VPC obtain contact
6 information, is socioeconomic status a parameter in
7 any way that you apply in identifying what data you
8 want?

9 A I don't believe so.

10 Q The same question with respect to
11 income specifically. Do you request data for
12 individuals at particular income levels?

13 A I don't believe so.

14 Q And I believe you testified at the
15 preliminary injunction hearing, and earlier today
16 as well, that recipients of your absentee ballot
17 application mailings are able to opt out of future
18 mailings. Is that correct?

19 A Yes.

20 Q Generally speaking, how does one opt
21 out of future mailings from CVI or VPC?

22 A One could fill out the form indicated

1 with a website URL in our letters. One could call
2 the 800-number, one could call the telephone number
3 provided and share a code found on the letter to
4 unsubscribe. And I think there is an e-mail option
5 as well, but I am not certain.

6 Q And if an individual follows either
7 of those courses that you just mentioned, what are
8 they unsubscribing from in the future?

9 A They are unsubscribing from any
10 programming that we run, be it voter -- Vote by
11 Mail application or Get Out the Vote mail while
12 their registration is at the address provided.

13 Q So with that final caveat in place
14 about the same registered address, somebody who
15 opts out is opting out of all future mailings on
16 any topic from your organizations, correct?

17 A With the caveat I provided relating
18 to their registration and a current address.

19 Q So just to make sure I'm clear on
20 this, an individual who receives an absentee ballot
21 application mailer and says, "I want out," contacts
22 you and opts out. They are opting out of future

1 organization began sending prefilled absentee
2 ballot applications?

3 A Define when.

4 Q By year. And what I mean is we
5 talked earlier about the activity of the Plaintiff
6 organization sending out absentee ballot
7 applications.

8 Has it -- has either organization
9 always tried to send prefilled applications or did
10 that start at a later year?

11 A I believe that in 2006, VPC or CVI,
12 or their predecessor organizations, sent prefilled
13 Vote by Mail applications.

14 Q Beginning in -- strike that.

15 Let's talk about 2020 specifically.
16 Do you know what states CVI or VPC sent prefilled
17 applications to?

18 A The vast majority of states where VPC
19 and CVI ran Vote by Mail programs. They were
20 largely prefilled Vote by Mail applications. I do
21 not recall exactly which states.

22 Q Do you recall which states did not

1 receive prefilled applications?

2 A I do not recall.

3 Q But it sounds like it was a smaller
4 number that did not receive prefilled. Is that
5 your recollection?

6 A Generally, yes.

7 Q Okay. Why did the Plaintiff
8 organizations begin sending prefilled applications?

9 A My memory is that a 2006 test
10 indicated a higher response rate for prefilled Vote
11 by Mail applications as opposed to not prefilled
12 Vote by Mail applications. And so at that point,
13 we generally prefilled Vote by Mail applications.

14 Q Who ran this test that you are
15 referring to?

16 A Either VPC or CVI or our predecessor
17 organizations ran the test in 2006, if my memory is
18 correct.

19 Q Other than that test, has either CVI
20 or VPC or either of its predecessor organizations
21 run any similar tests to determine the
22 effectiveness of prefilled absentee ballot

1 A I believe on occasion we will work
2 with a firm called Civitech on some data.

3 Q Are there any other companies from
4 which you obtain data to use in absentee ballot
5 application mailings?

6 A We are always interested in good
7 sources of data, but I don't believe there are any
8 other sources for Vote by Mail programs.

9 Q And what are the differences between
10 Catalist and TargetSmart?

11 And by that I mean, do you use them
12 for different projects?

13 Is it you use one for a period of
14 time and switch to the other? How does that work?

15 MS. HULING: Objection. Form.

16 THE WITNESS: It can depend on the
17 cycle. However, this cycle we are using both firms
18 to determine who has the most up-to-date voter file
19 for us to work from.

20 BY MR. FIELD:

21 Q Is that a question that you are
22 trying to answer for future work; in other words,

1 which vendor you are going to use in the future?

2 A It is a question about who is
3 acquiring data files on which cadence, as it
4 compares to our data work and printing schedule.

5 Q You said you want -- you're using
6 both to determine who has the most up-to-date voter
7 file.

8 Whichever entity has the more
9 up-to-date data file, is that the one that you are
10 intending to use in the future, or why would you
11 care to try to find out who has the most up-to-date
12 data file?

13 A It may be at one point Catalist has
14 the most up-to-date data file and at another point
15 TargetSmart has the most up-to-date data file. And
16 then we choose to use whichever has the most
17 up-to-date data file in a given state in relation
18 to when we are doing data work and printing. The
19 intent between the two is to use the most-current
20 information in a state possible.

21 Q Why is that important?

22 A We want to have an accurate

1 reflection of the most current data on a voter file
2 so that we are sending the program that is as
3 accurate as possible.

4 Q Do you know for the state of Georgia
5 where VPC or CVI or both obtained data during the
6 2020 election cycle?

7 A During the 2020 election cycle, I
8 believe that VPC and CVI used data from Catalist.

9 Q Do you know whether for Georgia CVI
10 or VPC have ever used data from TargetSmart?

11 A It is highly likely that this cycle
12 we are using TargetSmart data for Georgia.

13 Q Why is that highly likely?

14 A Because we are using TargetSmart more
15 often than we have historically.

16 Q Why is that?

17 A Because we want to be using data that
18 is more recent -- that is most recent between the
19 data vendors that we have.

20 Q So is it fair to say that TargetSmart
21 maintains more recent data than Catalist?

22 MS. HULING: Objection to form.

1 THE WITNESS: It depends on the
2 moment.

3 BY MR. FIELD:

4 Q Well, you said for the 2021 --
5 correct me if I missed it, you said for the
6 2021/2022 election cycle, you -- it is, quote,
7 highly likely, you said, that you are using
8 TargetSmart data in Georgia. And the reason was
9 because they have more -- because you want to use
10 the most up-to-date data. So it sounds to me like
11 that means TargetSmart has the most up-to-date
12 data.

13 MS. HULING: Objection. Form.

14 BY MR. FIELD:

15 Q Did I miss something in there?

16 A Hypothetically, if we are beginning
17 our data work on July 15th, and TargetSmart has a
18 July 1st voter file, and Catalist has a June 1st
19 voter file, we would use TargetSmart. If the
20 reverse is true and Catalist has a July 1st data
21 file and TargetSmart has a June 1st data file, we
22 would use Catalist.

1 Q But I'm asking you -- let's step out
2 of the hypothetical. You said it's highly likely
3 that you're using TargetSmart, and you said it's
4 because you want to use the most up-to-date data.

5 So does it follow then that
6 TargetSmart has the most up-to-date data to use for
7 Georgia in the 2021 and 2022 election cycle?

8 A It is --

9 MS. HULING: Objection. Form.

10 THE WITNESS: -- dependent on when
11 each data vendor acquires an up-to-date voter file
12 as it relates to the date on which we are beginning
13 our data work.

14 BY MR. FIELD:

15 Q Voter files are publicly available
16 for many states, correct?

17 A Correct.

18 Q Georgia is one of those?

19 A Yes.

20 Q So why do you need to obtain the data
21 from a third party if it's already publicly
22 available?

1 you?

2 A Someone indicated they had a suffix
3 or middle initial that was not theirs, and I don't
4 recall which.

5 Q Is there more than just this one
6 individual that comes to mind?

7 A I believe -- I directly heard from
8 two individuals, I believe.

9 Q And this was an issue that arose when
10 you were obtaining data from Catalist?

11 A Correct.

12 Q Did you then speak with somebody at
13 Catalist about this?

14 A Yes.

15 Q And what did they say was the cause
16 of that?

17 A I don't remember the exact words, but
18 that they had compared the voter file data to
19 commercial data. And that is how this occurred.

20 Q Meaning they changed voter data based
21 on commercial data and ended up providing you with
22 incorrect information?

1 MS. HULING: Objection. Form.

2 THE WITNESS: Correct.

3 BY MR. FIELD:

4 Q Okay. And do you recall which wave
5 this occurred in during the 2020 election cycle?

6 A I believe that I discovered this in
7 Wave 1A -- Wave A.

8 Q But Wave A didn't go to Georgia,
9 correct?

10 A Correct.

11 Q Okay. Did you then respond by not
12 pre-filling applications for a wave or two based on
13 this issue with data?

14 A Yes.

15 Q And how many waves did you not
16 prefill applications?

17 A Two.

18 Q Okay. Correct.

19 So B and C did not include prefilled
20 applications, correct?

21 A Correct.

22 Q And do you know what the response

1 you're still now using them. Why is that?

2 MS. HULING: Objection.

3 Mischaracterization of testimony.

4 But you can go ahead and answer.

5 THE WITNESS: On the occasion that we
6 use Catalist now, we are provided with data that is
7 a pure reflection of the voter file.

8 BY MR. FIELD:

9 Q So you -- is it correct that you have
10 asked Catalist to not perform any manipulation, and
11 by that I just mean alteration of data that it
12 obtains from the state?

13 A "Asked" is an understatement.

14 Q Okay.

15 A It is correct that I demanded that
16 Catalist provide pure data from the voter file that
17 is not in any way augmented.

18 Q Before Wave A or B of 2020, the
19 issues that came up with respect to the data, did
20 you know that Catalist was augmenting data that it
21 obtained from the state?

22 A I did not.

1 mail based on that data periodically or do you
2 obtain data periodically?

3 MS. HULING: Objection. Form.

4 THE WITNESS: For the 2021 and 2022
5 election cycle, there were elections in New Jersey
6 and Virginia in 2021, in which we would have
7 received voter file data from either TargetSmart or
8 Catalist, at least once, possibly twice.

9 In 2022, there are elections in
10 many more states, and depending on the timing of
11 our Vote by Mail application programs and which
12 vendor has which up-to-date voter file, we will
13 use either vendor possibly twice to get voter
14 file data.

15 BY MR. FIELD:

16 Q Why do you say possibly?

17 Let me step back. Let me ask you one
18 question first.

19 Am I correct that in this cycle,
20 2022, as a general matter, you would be sending out
21 two waves of absentee ballot applications?

22 A Outside of Georgia, we are sending

1 out two waves of absentee ballot applications, and
2 there is more time between waves than there was in
3 2020. And so there is a greater likelihood of time
4 to get an updated voter file.

5 Q And earlier you indicated that you --
6 I can't remember the word you used. You found my
7 word of "asked" to be a bit of an understatement
8 for your conversation with Catalist. "Demanded," I
9 think, was the word that you used.

10 Why is it important to you that the
11 data you use to prefill applications be accurate?

12 MS. HULING: Objection to the
13 characterization of testimony.

14 THE WITNESS: It is important to me
15 and to VPC and CVI to run accurate programming,
16 with accurate data from the voter file.

17 BY MR. FIELD:

18 Q Why is that? Why is that important?

19 A We want our message to voters to be
20 clear and understood without question.

21 Q I think we touched on this earlier,
22 but just to confirm for me, when you receive the

1 data from Catalist, do you do any augmentation
2 yourself before it is used?

3 MS. HULING: Objection. Form.

4 THE WITNESS: Define "augmentation."

5 BY MR. FIELD:

6 Q Well, I had used the word
7 "manipulate," and you used the word "augmentation."
8 What I mean is the data comes to you from Catalist.

9 Do you plug that into the mailings
10 and it goes out or do you in any way do any of the
11 following: Check the data against any type of
12 public database?

13 Do you narrow it down based on
14 particular target audiences or anything else?

15 MS. HULING: Objection to form.

16 THE WITNESS: Between our
17 organizations and our data vendor, work is done to
18 narrow the data by our stated populations, to
19 review the data against the National Change of
20 Address database, to review the data against a
21 number of databases of deceased individuals, to
22 review the data, this is more for voter

1 registration than it is for Vote by Mail, against a
2 database of common pet names that can be found in
3 commercial data.

4 We also randomize the data. In the
5 event that we are running a randomized control
6 trial, we want to make certain that the treatment
7 in control groups are balanced with geographic,
8 race, gender, demographic information.

9 So, yes, there is work done with
10 the data. Some of that work is done by us. Some
11 is done by the data vendor. Some is done by
12 both.

13 BY MR. FIELD:

14 Q And does Catalist offer different
15 purchasing plans or options that ensure a higher
16 accuracy of its data?

17 A I do not know the answer to that.

18 Q Catalist bills itself as a
19 progressive organization. Is that right?

20 MS. HULING: Objection. Foundation.

21 THE WITNESS: I do not know how they
22 bill themselves.

1 VPC's absentee ballot applications?

2 A Vaguely, not specifically.

3 Q Is it your understanding that --
4 strike that.

5 Do you know one way or the other
6 whether or not complaints have been submitted about
7 your mailings beyond just that 2020 time frame?

8 A Can you ask the question again?

9 Q Sure.

10 Do you know one way or the other
11 whether or not individuals have complained to the
12 state about the accuracy of absentee ballot
13 application mailings from VPC or CVI beyond just
14 that narrow 2020 time frame?

15 A I do not know with specificity
16 whether individuals have complained to the state or
17 a state about our programs.

18 Q Okay. So let's talk about
19 TargetSmart. Were you working with TargetSmart in
20 2020?

21 A I believe TargetSmart provided some
22 data for some programs in 2020.

1 hypothetical way?

2 And let me ask the question in a less
3 hypothetical way.

4 For the state of Georgia, what data
5 do you obtain from TargetSmart?

6 A For the state of Georgia --

7 MS. HULING: Objection. Form.

8 THE WITNESS: -- we would receive
9 voter file data for Vote by Mail programs and Get
10 Out the Vote Programs, and commercial data for
11 voter registration programs.

12 BY MR. FIELD:

13 Q For the data that you obtained from
14 TargetSmart for Georgia for Vote by Mail programs,
15 do you know whether TargetSmart augments or
16 modifies the voter file in any way before it gets
17 to you?

18 A I do not believe that they modified
19 the voter file in the manner in which we discussed
20 earlier with commercial data.

21 Q Do you believe that they modify it in
22 any way?

1 MS. HULING: Objection to form.

2 THE WITNESS: I believe that between
3 VPC, CVI, and our data vendors, we review raw data
4 against the National Change of Address database,
5 deceased database, et cetera, if you call that
6 manipulating or augmenting or changing.

7 BY MR. FIELD:

8 Q Well, you indicated earlier that you
9 demanded that Catalist not -- strike that.

10 You indicated earlier that you
11 demanded that Catalist provide you data that is the
12 same as the voter file. Is that the same agreement
13 that's in place with TargetSmart?

14 A Yes.

15 MS. HULING: Objection to
16 characterization of testimony.

17 BY MR. FIELD:

18 Q Okay. And have you taken any steps
19 to verify whether or not that is, in fact, the data
20 that you received from TargetSmart?

21 A I have not.

22 Q And we discussed with respect to

1 data for Georgia?

2 A I do not know the answer to that
3 specific question.

4 Q So other than that company,
5 TargetSmart, and Catalist, do you know whether or
6 not either organization, CVI or VPC, has obtained
7 data from any other company for use in Georgia?

8 A In what time period?

9 Q Since 2016.

10 A I do not know specifically.

11 Q What about since 2020?

12 A I do not believe so.

13 Q I believe you testified that you
14 normally send two waves of absentee ballot
15 applications outside of Georgia.

16 MS. HULING: In 2022?

17 BY MR. FIELD:

18 Q In 2022, is that -- strike that.
19 So in 2020, you sent five waves,
20 correct?

21 A In 2020, we sent a test wave in
22 May/June and up to five waves of Vote by Mail

1 following the test wave.

2 Q Why do you not send five waves during
3 the 2022 election cycle?

4 A The 2020 election cycle was
5 complicated by the COVID-19 pandemic such that we
6 didn't know if high-propensity voters, older voters
7 would turn out to vote or be fearful for their
8 health, and so in the 2020 election cycle, at which
9 point COVID-19 was still relatively new to all of
10 us, we ran an exhaustive Vote by Mail application
11 program. That is less necessary in 2022.

12 Q How many waves -- to the best of your
13 recollection or knowledge, how many waves of
14 absentee ballot application mailings did CVI and
15 VPC send in 2018?

16 A I believe less than three.

17 Q And now in 2022, I believe you
18 testified that other than Georgia, you're operating
19 on a -- you're planning to send two waves. Is that
20 correct?

21 A Correct.

22 Q How did you come to decide that two

1 waves is the right number?

2 A I believe in 2018 we had tested
3 various combinations of Vote by Mail application
4 and Vote -- Get Out the Vote in person, and that
5 what we found in 2018, indicated two Vote by Mail
6 application mailings was an efficient amount to
7 send.

8 Q So did you find that five waves -- or
9 I guess actually six waves, with the test in 2020,
10 was inefficient?

11 MS. HULING: Objection. Form.

12 THE WITNESS: In 2020, we found the
13 earlier waves were more efficient, which makes
14 sense.

15 BY MR. FIELD:

16 Q Why were the earlier waves more
17 efficient?

18 A Many people will respond to the first
19 wave they receive.

20 Q Now turning back to the PI hearing,
21 you testified that you worked with, what you
22 called, "Various national, state, and local groups

1 on our mailers so that they can follow up with text
2 messages or door knocks or phone calls once the
3 vote by mail application has been sent out."

4 Does that sound familiar to you --

5 A Yes.

6 Q -- according to the transcript?

7 MS. HULING: Was that a direct quote?

8 MR. FIELD: That was a direct quote.

9 It is, just for the record, from page 47, line 21
10 through 23.

11 BY MR. FIELD:

12 Q Does that sound correct?

13 A Yes.

14 Q Okay. What organizations would
15 perform that service?

16 A I don't remember specific
17 organization names, but oftentimes state-based
18 organizations will follow up by text, phone, or on
19 the doors with folks to whom we have mailed a Vote
20 by Mail application.

21 Q And do any such organizations come to
22 mind as we sit here today?

1 Q And do you do that at their request
2 or at your initiative or something else?

3 A I can't say which.

4 Q Has that type of follow-up activity,
5 text messages, door knocks, phone calls, et cetera,
6 to the best of your understanding, happened yet in
7 the 2022 election cycle?

8 A It would be speculation for me to
9 answer that.

10 Q Okay. Let me step back.
11 You have sent a wave of absentee
12 ballot applications in Georgia in the 2022 election
13 cycle, correct?

14 A Correct.

15 Q Have you provided the results of
16 that -- strike that.

17 Have you provided the contact
18 information from that mailing to any third-party
19 entities in the state of Georgia to use when
20 following up with voters?

21 A I do not know.

22 Q Whether you plan to do so this

1 cycles?

2 A I do not have a sense of that.

3 Q Do you have a sense of whether it has
4 gone up or down?

5 MS. HULING: Objection to the extent
6 it calls for speculation.

7 THE WITNESS: The volume of our
8 program increased in 2020 due to the pandemic. It
9 would follow that comments increased.

10 BY MR. FIELD:

11 Q Okay. Now I'm going to just ask you
12 a slightly different question, which is with
13 respect to duplicate applications or a second
14 application to the same individual.

15 Do you know whether or not CVI or VPC
16 have received feedback from recipients of your Vote
17 by Mail application mailings complaining that they
18 have received multiple from you in the same
19 election cycle?

20 MS. HULING: Objection. Form.

21 Go ahead.

22 THE WITNESS: I do not have specific

1 knowledge of such comments.

2 BY MR. FIELD:

3 Q Do you have general knowledge about
4 such comments?

5 A I have heard those concerns broadly.

6 Q Okay. From who?

7 A They have been covered in the press
8 and in legal proceedings.

9 Q Okay. So other than what I'm
10 guessing you're referring to is the ProPublica
11 article and then from the legal proceedings, have
12 you heard from staff who received these contacts or
13 anything like that that there are individuals
14 complaining about receiving multiple applications?

15 A No.

16 Q Okay. And, again, there would be no
17 log of such complaints, correct?

18 A There's a --

19 MS. HULING: Sorry. Objection.

20 Misstates prior testimony.

21 Go ahead.

22 THE WITNESS: There's a log of people

1 have not contacted Arena Digital to inquire whether
2 or not they could handle your printing for you?

3 A That is fair to say.

4 Q Okay. So since S.B. 202 has been
5 enacted, you sent one wave of applications to
6 Georgia. Is it correct that the contents of those
7 applications are the same as what we talked about
8 before, which is a carrier envelope, a cover
9 letter, an application, albeit not prefilled, and a
10 return envelope. Is that correct?

11 A That is correct.

12 Q Do you recall when that mailing was
13 sent?

14 A The mailing was planned to land in
15 Georgia mailboxes on or as close as possible to the
16 first day of Georgia's Vote by Mail application
17 period, which I believe was August 26th of 2022.
18 So around August 26th of 2022 is when that mailing
19 landed in the mailboxes.

20 Q Since then have you received any
21 questions or feedback from recipients asking
22 whether or not the mailing that you sent was

1 legitimate?

2 A I cannot speak to that.

3 Q Are you familiar with the disclaimer
4 that is on the absentee ballot application?

5 A Very much so.

6 Q To the best of your knowledge, since
7 you sent the mailing in the -- strike that.

8 To the best of your knowledge, has
9 anyone contacted VPC or CVI asking about that
10 disclaimer?

11 A I cannot speak to that.

12 Q Have you tracked the response rate to
13 the mailing that you sent in Georgia for the 2022
14 election cycle?

15 A Not in Georgia specifically.

16 Q And why is that?

17 A I generally look at the national
18 numbers on Mondays when I'm not being deposed.

19 Q Well, let me ask it slightly
20 different. Have you at any point since the mailing
21 went out looked at the response rate?

22 A For Georgia?

1 Q Correct.

2 A No.

3 Q Okay. But it went out a few weeks
4 ago, correct?

5 A Yes.

6 Q Okay. So why have you not looked
7 yet?

8 A I have been looking largely at
9 national response rates for all of our programs and
10 raising money. It is a bandwidth question.

11 Q Is the response rate for the Georgia
12 mailing something that is tracked?

13 A Yes.

14 Q And how often is it tracked?

15 A Our response --

16 MS. HULING: Objection. Form.

17 I'm sorry. Go ahead.

18 THE WITNESS: Our response tracking
19 database is updated multiple times a week, if not
20 daily, so that number is adjusted whenever we get
21 updated scans from the postal service.

22

EXHIBIT 5



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Frances Watson

Date: September 19, 2022

Case: VoteAmerica, et al. -v- Raffensperger, SOS of GA, et al.

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1 So if there -- and, again, just as an
2 example, the ones that I got complaining about
3 the absentee ballot applications and the
4 multiple applications that were received, that
5 is not a violation. So, you know, what do --
6 you know, if there isn't a violation there, you
7 know, as far as the -- that complaint, then what
8 are we going to do to investigate?

9 Q I see.

10 So a complaint about receiving
11 multiple applications, that would not generate a
12 case file; is that what you're saying?

13 A Right. So the issue that we had was
14 the -- people would commonly refer to the
15 applications as "ballots" and vice versa.
16 Mostly, it was just everything was a ballot.
17 And so they are saying, you know, I received
18 five ballots in the mail, and so then it takes
19 up a lot of time to have somebody to reach out
20 to them to -- can you describe the envelope?
21 Can you take a photo of it? Can you scan it?
22 Can you -- you know, did you open it? Do you
23 know specifically what was on it to determine
24 was it an application or was it a ballot?

25 Q I see.

1 Q Okay. But not necessarily?

2 A Well, as long as we have the
3 resources that are available to address it in
4 the time frame that, you know, not -- we were
5 not always able to get it in the time frame that
6 they would like it to be in.

7 Q Sure. Sure. There are practical
8 restraints there.

9 A Yes.

10 Q Did any of those, sort of, priority
11 cases involve absentee ballot application
12 distribution?

13 A I don't recall that being, kind of
14 a -- you know, a set priority. There was just a
15 volume of questions or reports from not only
16 within Georgia, but also from outside of Georgia
17 concerning the applications and also the
18 misconception that they were ballots and that
19 they were receiving multiple ballots.

20 Q Okay. And those -- when you say
21 "reports," is that -- are you referring to media
22 reports?

23 A No. From complaints that were coming
24 in through the web portal.

25 Q Okay. So, like, complaints from

Transcript of Frances Watson

September 19, 2022

187

1 A Okay.

2 Q Here, we have one that appears to be
3 a spreadsheet with "countyname," and it says
4 "c4." Do you see that?

5 A Yes.

6 Q And the same for -- looks to be
7 another page for a spreadsheet, "countyname" and
8 "c3." Do you see that?

9 A I do.

10 Q Okay. And then your sheet about
11 Voter Participation Center and Center for Voter
12 Information, do you see that attachment?

13 A I do.

14 Q Okay. Now, did Mr. Balbona submit
15 complaints about VPC or CVI?

16 A I would have to go back and look to
17 see if he commit -- if he submitted any
18 complaints regarding them. I know that he
19 submitted a lot of open records requests, so I
20 can't answer whether he did or he did not.

21 Q Okay. I guess I just have a couple
22 of questions, then, about any investigations
23 about VPC or CVI. Are you aware of anyone who
24 attempted to vote twice because of a VPC or CVI
25 mailer?

1 A I am familiar that -- and, again, you
2 know, who specifically sent out the mailer that
3 said, Our records show that your vote hasn't
4 been recorded for the election. Something along
5 that terminology.

6 Again, I'm not sure which group sent
7 that out, but that did lead to many individuals
8 going -- that had already voted by absentee
9 thinking that their vote had not been counted
10 and that those individuals did go to the poll on
11 Election Day in order to cast a ballot --

12 Q Okay.

13 A -- which led to allegations of
14 double-votes.

15 Q And are you aware that there was, in
16 fact --

17 MR. JOHNSON: Well, I guess, strike
18 that.

19 Q You're not sure if that would have
20 been from a VPC mailer or something else; is
21 that right?

22 A Yeah. Yes. I would have to look to
23 see if -- specifically who -- you know, who was
24 listed on those mailers, but I know that there
25 were postcard-type mailers that went out that

1 showed that. And, also, there was another one
2 that went out that had to do with vote history
3 and whether or not votes were counted or not
4 that also had people going to the polls. So
5 there was more of a letter-type form, and then
6 more of a postcard-type that -- mailer that went
7 out.

8 Q Okay. And --

9 A But specifically who they came from,
10 I don't know.

11 Q Okay.

12 A I can't say without reviewing the
13 file.

14 Q Are you aware of anyone who was
15 actually able to vote twice in connection with
16 any mailer from a third-party group?

17 A That voted absentee? I can't say
18 that they received their absentee as a result of
19 the mailer or if they received an absentee as a
20 request of their own and then voted again, so I
21 can't say that it was as a result of the third
22 party.

23 Q Okay. Are you aware of anyone
24 attempting to improperly vote on behalf of a
25 different person because of a third-party mailer

1 or connected to a third-party mailer?

2 A I can't say specifically that it --
3 that there was one that was as a result of the
4 third-party mailer.

5 Q Okay. Are you aware of any person
6 who was ineligible to vote who attempted to vote
7 because or connected to a third-party mailer?

8 A No. And, again, you know, if we
9 received the complaint, it -- we wouldn't be
10 looking at how they received the -- how they
11 came about doing the application, you know, did
12 they receive it from a third party or did they
13 request it themselves? That would not have
14 been, you know, something that would have been
15 relevant, necessarily, to what we were looking
16 at.

17 We were looking at the absentee
18 ballot and confirming, you know, they were
19 ineligible, but they, in fact, did submit the
20 absentee ballot application, not necessarily,
21 you know, who provided the absentee ballot
22 application.

23 Q Okay. So you just didn't -- you did
24 not look back to the application stage when you
25 were doing that scenario?

EXHIBIT 6



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Charles Ryan Germany, Designated Representative

Date: September 13, 2022

Case: VoteAmerica, et al. -v- Raffensperger

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1 inspectors as well?

2 A. It's 25 investigators --

3 Q. Okay.

4 A. -- then inspectors would be in addition to
5 that.

6 Q. Okay. And there are how many inspectors?

7 A. I want to say, kind of, between 12 and 15.

8 Q. Can you describe a little bit how the working
9 relationship works between the Elections Division and
10 yourself in the Investigations Division?

11 A. Can you clarify? The Elections Division,
12 myself, Investigations Division?

13 Q. Yes. So I'm trying to understand how do those
14 pieces, yourself as general counsel, the Elections
15 Division, and the Investigations Division work together
16 when it comes to investigations.

17 A. Yes. So my role is I kind of provide legal
18 support to all the divisions. So I'm really there to
19 support them. You know, I'm not overseeing either of
20 those divisions, but my job is to support both of them.
21 I would say that most of the complaints that we get
22 regarding elections will come in by e-mail. And I think
23 both our people in the Elections Division, I think it's
24 Michelle, has kind of the access to that. And some
25 complaints are going to be more of like, hey, I'm having

1 A. I'll understand the way I think you mean it,
2 yes, to refer to this provision.

3 Q. Yes.

4 A. Okay.

5 Q. Exactly. Okay. Great. So returning -- now
6 that we've talked terminology, I want to return to the
7 big picture question. Could you -- I'd like to get an
8 understanding of how absentee ballot application
9 processing happens at the county level once an
10 application is received. So could you talk me through
11 the process that election officials at the county level
12 go through when they receive an absentee ballot
13 application, from the movement they receive that to the
14 movement that they send out an absentee ballot?

15 A. Yes. Like we said, it happens at the county
16 level. So, like, that's not another -- you know, once
17 you work at the Secretary of State's Office, you know,
18 if you work with county commissioners, the jobs are very
19 different. So I've never been, but I speak with, kind
20 of, some officials quite a bit. And so yes, I'm happy
21 to, kind of, try to do that. I would say that it's
22 going to look a little bit different at different
23 counties. Depending on the size of the county, you
24 know, the process is going to be probably a bit
25 different in a big county than a small county just

1 because of the volume of -- and the setup of the overall
2 elections office. So with those caveats, I think I can
3 do my best.

4 Q. Yes. The kind of overall process added to all
5 of the -- if you could describe that?

6 A. Can you ask the question again? Sorry.

7 Q. Yes. At a general level, could you describe
8 the absentee ballot application processing from the
9 moment an election official receives that application
10 through to when that ballot is issued to the voter?

11 A. Yes. So a county election official will
12 receive an application. That can come in by e-mail,
13 fax, in the mail, a person can walk it in in person.
14 And then the county election official will look at the
15 application and, basically, attempt to verify that --
16 that it's -- that it's valid. They'll look at it; first
17 they'll say, okay, I at an opening period to receive an
18 absentee ballot application. So chances are right now
19 they would be 78 days before an election. They would
20 look at -- the way that process is usually done, the
21 voter registration system has an absentee ballot module.
22 So first you look up the -- counsel will look up the
23 voter, find the voter's registration record. They
24 would -- and then they would probably -- and they would
25 see the voter, they would see the voter's name on the --

1 so they'd be looking, kind of, on the computer screen;
2 they'd see the voter's record on there. The
3 registration system, you know, the ballot application,
4 they would see the address of the voter where, like, an
5 absentee ballot is mailed to. And that's got to be
6 either the voter's, kind of, home or mailing address
7 where they're registered. Or it can also be a temporary
8 out-of-county address, like, if they are -- we've seen
9 quite a bit with college students, where they might be
10 at school; so they'll request to get it there, wherever
11 they go to school. And then they will confirm the
12 voter's identification, utilizing -- post SB 202
13 utilizing a driver's license number is going to be the
14 most common, where the election official will have on
15 their record the Georgia driver's license number, and
16 there's a blank for it on the form. And if that
17 matches, that's, basically, yes; that checks that you
18 have confirmed and complied with, you know, ID
19 requirement. If the voter doesn't have a Georgia
20 driver's license, then they can provide a copy of
21 another -- another ID that would still be valid.
22 There's a spot on the form for that. The ones that I
23 have seen have been a driver's license number. And then
24 they'll go down and confirm the voter signed the
25 application. The other aspect they'll look at is if the

1 A. (Nodding yes.)

2 Q. And as I understood your testimony, the address
3 needs to be either the voter's residential address --

4 A. (Nodding yes.)

5 Q. -- their mailing address as it is in the voter
6 registration system --

7 A. (Nodding yes.)

8 Q. -- or it needs to be an out-of-county address;
9 is that correct?

10 A. Yes, there are some exceptions. Or if you're
11 in jail, you can get one at the jail where you are
12 confined. And I think there's an exception for if
13 you're disabled or are in some type of -- I can't
14 remember the exact wording, but there's some exception.
15 But generally, correct.

16 Q. Okay. And so if somebody submitted an absentee
17 ballot application with an in-county address that didn't
18 meet one of those exceptions and did not match their
19 mailing or permanent address, would that -- what would
20 an election official do then?

21 A. They reject the application.

22 Q. Okay. Is that something that can be cured or
23 that's just outright rejection?

24 A. So it's not something that would -- that would
25 result in a provisional ballot being mailed to the

1 up to avoid the issuance of duplicate -- duplicate
2 ballots, if duplicate applications are received?

3 A. Sure. So, you know, it's all tied to the
4 voter's voter registration record. So if you get a
5 duplicate application and the voter is already listed
6 as, kind of, being set up to receive an absentee ballot,
7 then you would see that, you know, when you go to
8 process that duplicate. And so you wouldn't send them
9 another ballot. The voter is already flagged to receive
10 a ballot. And so if you -- if they get another
11 application, they're not going to get another ballot for
12 the most part, but it would -- it would be processed as
13 a duplicate.

14 I mean, the risk would come if there's
15 someone with, like, a very similar name or, you know, we
16 have some counties that do a better job keeping up with
17 their duplicate voter registration records than others.
18 So if there's, you know, potentially a duplicate
19 registration, that could cause an issue. But generally,
20 as long as it's going to be matched with the actual
21 voter that the previous application was matched to, then
22 the system is not going to send another absentee ballot
23 to that voter.

24 Q. And that --

25 A. I shouldn't say it like that. The system is

1 mind; so I think what they are saying here is yes, we
2 recognize that. We're working with the vendor to, sort
3 of, allow counties to, kind of, better track that
4 through the system. I think that was part of the
5 question they were getting is what do they do -- I don't
6 think -- an election official, they didn't want to just
7 sort of ignore it and file away. They wanted to kind of
8 reflect, okay, we've got this, but we've got a previous
9 one. So we got it, but it's got going to result in an
10 application. But we did have to make some changes to
11 the system to having it allow them to track -- they
12 wouldn't be able to track in the voter registration
13 system that a duplicate application had been received.

14 Q. And has that change been made in the system?

15 A. Yes.

16 Q. Okay. And when was that change made?

17 A. I don't know when it was completed. It would
18 have been -- it sounds like they were doing it around
19 this time, and I'm sure they would have tried to do it
20 fairly quickly. And so I would say kind of
21 post-September 2020 and, you know, hopefully, maybe even
22 prior to the November 2020 election.

23 Q. Okay. And so now, in the absentee ballot
24 module in the system, there is kind of a field for
25 election officials to enter when multiple absentee

1 ballot applications are received?

2 A. There's a field -- so if they receive a
3 duplicate and they go in and they see, okay, you've
4 already received an -- we've already processed an
5 application, they're going to kind of mark this one,
6 this new one, as a duplicate.

7 Q. Okay.

8 A. The system will just kind of file it away, but
9 won't do away with it.

10 Q. And now there will be records of duplicate
11 applications in the system?

12 A. Yes.

13 Q. Okay.

14 A. But, then, it won't be the duplicate
15 application itself, it will be kind of what -- kind of
16 you'll enter information from the duplicate application.

17 Q. There will be a record that there was one?

18 A. Correct. And then they'll -- they should keep
19 the actual applications themselves. I mean, that's a --
20 sort of a -- more of a paper file system that the
21 counties utilize.

22 Q. Okay. One thing that I noticed in the
23 documents that I was hoping you could talk me through is
24 the -- what, I think, is, maybe, some back end reporting
25 and analysis about potential duplicates that your office

1 themselves at the county level, although some counties
2 now have contact with their own vendors.

3 Pre-2020 the volume was such that counties
4 essentially just handled the mailing themselves. 2020
5 was different, and so we contracted with the state
6 vendors that allowed counties -- they allowed counties
7 to utilize that. And then I think for all, like,
8 overseas ballots, for people on the rollover list I
9 think we just kind of said, hey counties, the state
10 vendor is going to handle that. So this was, you know,
11 I think in looking at -- especially, and this is
12 October. And I know some counties kind of opted in in
13 November. I think in May, pretty much all counties
14 utilized the statement just because there was -- they
15 didn't have time to get their own operations up to that
16 size. And November was an option. Some counties opted
17 into that. But when we're getting all of that, when one
18 vendor is getting all of that, then I think they were
19 able to look at the file and see like actually -- so
20 they're talking about duplicates, they're also talking
21 about bad addresses. I'm not sure what they mean by ID
22 only.

23 Q. Okay.

24 A. But --

25 Q. So --

1 A. But I think that was kind of related to this
2 statement that was used as an option to fulfill absentee
3 ballot requests in 2020.

4 Q. Okay. And was that through Dominion?

5 A. It was through Dominion and a subcontractor
6 called Runbeck.

7 Q. Okay. And so this duplicate number, as far as
8 you understand, reflected duplicate applications, not
9 any concerns about duplicate ballots?

10 A. I would think that's right. I have to look and
11 see --

12 Q. Okay.

13 A. -- but I think that's probably right.

14 Q. All right.

15 A. What did Brian say below? Did he say anything
16 helpful? The little contacts? No?

17 Q. No.

18 A. Okay.

19 Q. If I have more questions, I'll follow up.

20 A. Okay. But Jerry -- if you scroll down, like,
21 Jerry Wagner was the guy who was really overseeing kind
22 of that, the process through the state vendor.

23 Q. Got it.

24 A. And they were doing, I think, the kind of
25 quality control-type stuff on their end.

1 Q. Okay. And for tools and applications that meet
2 the rule, this regulation says that the pre-filling
3 prohibit would not apply to these kinds of tools and
4 applications, correct?

5 A. Yes. I think it's saying that that practice
6 would not fall under that prohibition.

7 Q. Exactly. And also, tools or applications that
8 fall under this rule do not have to include the
9 disclaimer that is discussed in SB 202, correct?

10 A. Correct.

11 Q. And tools or applications that fall under this
12 rule do not have to check the list of current absentee
13 voters to de-duplicate their communications, correct?

14 A. Correct. I mean, because I think the, you
15 know, web tool, if you're just kind of saying, hey, you
16 can go fill this out here, I think this regulation is
17 saying that's -- that's not viewed as, you know,
18 basically, you kind of sending that voter an
19 application; it's more kind of making them -- making
20 them -- making the voter aware of kind of the fact that
21 an application exists and you can go here and fill it
22 out. I think the real distinction was, like, this is
23 the web-based tool where the voter goes and puts in
24 their own information. It really seems kind of a
25 voter-initiated process. Even if they're nudged by,

1 your office did in response to SB 202 is draft a new
2 absentee ballot application form; is that correct?

3 A. Correct.

4 Q. Okay. And as I understand it, there are a
5 number of things you needed to change about the absentee
6 ballot application form in response to SB 202, correct?

7 A. Correct.

8 Q. You needed to add space for the identification,
9 for example; is that correct?

10 A. Right.

11 Q. Okay. And one of the things you had to do
12 was -- well, actually scratch that. One thing you
13 ultimately did do is create an application form that
14 third parties could use that had all the required
15 disclaimer language?

16 A. Yes.

17 Q. Okay. And can you talk me through kind of the
18 timeline and who was involved in the drafting process
19 with the new absentee ballot application?

20 A. Yes. So drafting the new application was, I
21 think, one of the first things we really started to do
22 even before we did any regulations. I think we wanted
23 to have the absentee ballot application drafted. Sarah
24 Beck was our election attorney at the time, and I think
25 she sort of, you know, spearheaded the project. Again,

1 out, you know, prefilled applications to every voter,
2 every active voter. And, you know, and we did that, of
3 course, because like I said, we -- some counties were
4 going to do it and we wanted everyone to be treated
5 equally. And then I think with COVID a lot of groups
6 focused on absentee that may be normally that wouldn't
7 be their -- their focus. It does seem like this year it
8 is going back to a more -- I mean, Georgia has had no
9 excused absentee voting since 2005, but, you know,
10 predominantly, people have preferred to vote in person
11 whether on election day or early. And then in 2020 it
12 went up tremendously, absentee did. But I think -- but
13 -- and the thinking has been that it would go down to
14 closer to where it's historically been in Georgia than
15 2020.

16 Q. Prior to SB 202, did the SOS or county
17 officials track inaccuracies on applications that were
18 the result of pre-filling by third-parties?

19 MR. FIELD: I'll just note that he's not
20 here or able to testify on what counties did
21 necessarily.

22 MS. LANG: To your knowledge?

23 MR. FIELD: With that caveat.

24 THE WITNESS: No. I'm not really aware
25 of -- there was prefilled voter registration forms and

1 MR. KAUFMAN: Ask your question again.

2 MR. FIELD: Can you ask your question
3 again, 2020, because I think he was talking about 2020?

4 THE WITNESS: My answer was I meant, like,
5 prior to the 2020 election cycle. Sorry.

6 BY MS. LANG:

7 Q. Okay. Prior to SB 202, did the Secretary of
8 State, including the 2020 election cycle, did the
9 Secretary of State or county officials, to your
10 knowledge, track inaccuracies and applications that were
11 due to prefilled absentee ballot applications?

12 A. We received complaints about that. We didn't
13 track the specific sort of complaints, inaccuracy
14 complaint of -- some of them might have been -- like,
15 some of them are due to the fact that there's a lag in
16 removing the voter rolls, like, kind of federally
17 required flag if someone is moved. So if you get an
18 application mailed to your address, but it's addressed
19 to someone who used to live there, I think it's filled
20 inaccurately to the person who receives it, but it's not
21 necessarily an inaccuracy, you know, on the rolls.

22 Q. Right. I understand that. My question was a
23 little bit different, which is, was there any tracking
24 of inaccuracies on an absentee ballot applications that
25 were received by officials that could be attributed to

1 people vote or 5 million people vote, you're going to
2 have people who have an issue when they show up. You
3 know, of course, we want that to be as few people as
4 possible, but the 2020 or 2018 -- we didn't see any
5 issues that went to the overall confidence on the
6 accuracy of the results of the election.

7 Q. And do you believe the -- that SB 202 that you
8 helped draft, in part addressed some of those concerns
9 or those issues that you described in 2018 and 2020?

10 A. Yes.

11 Q. All right. And what kind of issues do you
12 believe it addressed just in general terms?

13 A. Well, it addressed -- you know, we did receive
14 a lot of complaints about kind of absentee ballots-type
15 issues because there was a big increase of absentee
16 ballots in 2020. So we talk about some of the
17 complaints here, but then some of the things that it led
18 to were voters who didn't show up to vote being told
19 they've requested an absentee ballot, and then those
20 voters would say that must mean someone had voted for
21 me, and that's fraud. Whereas in reality what we saw a
22 lot was they filled out an absentee application, maybe
23 they kind of forgot about it, maybe they were on the
24 rollover list and didn't understand what that -- what
25 that meant. And so when they had to clear that issue

EXHIBIT 7

1
2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF GEORGIA
4 ATLANTA DIVISION

4 VOTEAMERICA; VOTER)
PARTICIPATION CENTER;)
5 AND CENTER FOR VOTER)
INFORMATION,)

6 Plaintiffs,)

7 vs.)

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

8 BRAD RAFFENSPERGER, IN)
9 HIS OFFICIAL CAPACITY AS)
SECRETARY OF THE STATE)
10 OF GEORGIA; SARA GHAZAL,)
JANICE JOHNSTON, EDWARD)
11 LINDSEY, AND MATTHEW)
MASHBURN IN THEIR)
12 OFFICIAL CAPACITIES AS)
MEMBERS OF THE STATE)
13 ELECTION BOARD,)

14 Defendants,)

15 AND)

16 REPUBLICAN NATIONAL)
COMMITTEE; NATIONAL)
17 REPUBLICAN SENATORIAL)
COMMITTEE; NATIONAL)
18 REPUBLICAN CONGRESSIONAL)
COMMITTEE; AND GEORGIA)
19 REPUBLICAN PARTY, INC.,)
ELECTION BOARD,)

20 Intervenor-Defendants.)

21 DEPOSITION OF T. MATTHEW MASHBURN
22 IN A 30(b)(6) CAPACITY FOR GEORGIA STATE ELECTION BOARD
23 ATLANTA, GEORGIA
MONDAY, SEPTEMBER 12, 2022

24 REPORTED BY: TANYA L. VERHOVEN-PAGE,
CCR-B-1790

25 JOB NO. 216946

1 T. MASHBURN

2 sending an absentee ballot application to a voter who
3 had already requested, received or cast one; is that
4 right?

5 A None that I recall.

6 Q Prior to the enactment of SB 202, did the
7 Board have any communications with nongovernment
8 entities or individuals about the distribution of
9 absentee ballot applications generally?

10 A Outgoing from the Board, no.

11 Q Did the Board receive communications on
12 that subject?

13 A From the nongovernmental entities?

14 Q Yes.

15 A None that I specifically recall.

16 Q Did the Board receive communications from
17 the public about the distribution of absentee ballot
18 applications generally?

19 A Oh, my goodness, yes.

20 Q What were the substance of those
21 communications, generally speaking?

22 A We had so many calls. People would stop
23 you in the grocery store, they would stop you in a
24 restaurant, and they would go, I've got ten ballots.
25 How in the world did I get ten ballots. Or, you

1 T. MASHBURN

2 know, the people that lived in my house ten years ago
3 just got a ballot, and how is this possible, and what
4 kind of fraud is going on. And who -- you know,
5 what -- you know, what's going on here, why are
6 multiple ballots getting sent to me.

7 And so we're -- you know, we would -- as
8 best you could, with those voters, you would say,
9 well, I'm pretty sure that what you got is an
10 application. And then they'd say, no, no, I'm
11 positive, it's a ballot. And you're like, well, oh,
12 okay, let's -- you know, let's look at this further,
13 what does it say on the envelope and things like
14 that.

15 And so then they're like, well, somebody
16 needs to do something about this. And you're like,
17 well, call your legislature, they passed the laws.

18 But that happened -- that happened, 2020,
19 in the level that I've never seen before.

20 Q But is it your understanding that even if
21 people were concerned about receiving multiple
22 ballots, in most instances they were receiving
23 multiple applications; is that right?

24 A Yeah, correct. I've only heard of a
25 couple of people that actually had more than one

1 T. MASHBURN

2 ballot, and it was due to an administrative error.

3 Q Got it.

4 A But they were -- I mean, people were
5 really upset about it.

6 Q So you mentioned a couple of ways that
7 those communications get to the Board. How else
8 might people send a complaint or a concern to the
9 Board?

10 A They would have -- they could have sent
11 an e-mail, they could have called them on the phone.
12 And the ones I remember, they always were like, this
13 is fraud, this is fraud, this election is out of
14 control.

15 So it was always -- but it would come to
16 the Secretary of State's office through phone calls,
17 e-mails. People would -- people -- people would
18 literally stop me in the grocery store.

19 Q Is there a public e-mail address that
20 folks can send comments to the Board through?

21 A Yeah, I think there's -- I think it's
22 published in our rule making that they can.

23 Q And did individual Board members get
24 e-mails sent to them directly, as well?

25 A I would imagine -- I would imagine so. I

1 T. MASHBURN

2 applications having been rejected, prior to the
3 enactment of SB 202, based on inaccurate or
4 incomplete information pre-filled on those
5 applications?

6 A I know that it -- I'm aware that it
7 happened as the representative of the Board, but
8 mostly that was before my time as an individual.

9 Q Because you joined the Board in 2020?

10 A Correct.

11 Q Prior to the enactment of Senate Bill
12 202, did the Board receive complaints or reports from
13 voters about receiving applications pre-filled with
14 incorrect information?

15 A Oh, yes.

16 Q What were the substance of those
17 complaints?

18 A I've got it -- I've got this mailing here
19 for people that used to live here that haven't lived
20 here. I've got official -- official ballots -- that
21 were applications -- with my; maiden name that I
22 haven't used in 20 years. You know, I got this
23 mailing for my dead relative who's been dead for six
24 years. There was some cat that was getting an
25 application to register.

1 T. MASHBURN

2 Q Okay. So it sounds like there were maybe
3 two large categories of issues; one, applications
4 addressed to a person who doesn't live there or a
5 deceased person or an ineligible voter and, two, an
6 application addressed to the right person but with
7 some of the information incorrect?

8 A I agree with that.

9 Q Do you have a sense of which of those two
10 issues was more prevalent in the 2020 and 2021
11 elections?

12 A It's like -- it's like a fire hose and
13 trying to decide which -- which water is coming out
14 of the fire hose the fastest. No. It was all this
15 giant wave of complaints.

16 Q So I know we talked about voters having
17 received multiple applications.

18 A Oh --

19 Q Sorry.

20 A Go ahead. Go ahead.

21 Q We discussed reports that voters had
22 received multiple applications in past election
23 cycles. Are you aware of applications being rejected
24 because voters submitted multiple or duplicate
25 applications?

1 T. MASHBURN

2 A I'm not aware of any. It might have
3 happened, but I'm not aware of it.

4 Q Did the Board receive any complaints or
5 reports from the counties about receiving multiple
6 applications from the same voter?

7 A Not -- not that I recall, but it may have
8 been. Not that recall. We did have -- we did
9 have -- let me see.

10 Yeah. None, not that I recall.

11 Q In these complaints that the Board
12 received from voters, was there any indication that
13 the voters didn't understand who the applications
14 were coming from?

15 A Oh, yes. There was very -- there was a
16 lot of confusion about that. Why is the county
17 sending this to me? Why am I getting this? Why did
18 the Secretary of State send this. And you're like,
19 well, I'm not sure that came from the Secretary of
20 State. Tell me -- read to me who -- read to me who
21 is on the return address, and it's a group. Okay.
22 That's not from the Secretary of State. That's not
23 an official document.

24 So there was a lot of confusion about
25 that.

1 T. MASHBURN

2 Q Okay. And you previously testified that
3 some voters were also confused about whether ballot
4 applications were absentee ballots themselves; is
5 that right?

6 A Yes. Correct, and they also were very
7 upset and confused. They would get these cards in
8 the mail that said, we've reviewed the voting records
9 and you haven't voted, and they knew they had voted.
10 And so they were like, what kind of fraud is this.
11 My vote's not counting. I've just been told that my
12 vote didn't count. So that was causing great
13 problems.

14 Q If a registrar or a county Board of
15 Elections receives an application from a voter -- an
16 absentee ballot application from a voter who has
17 already submitted one, do you know what they're
18 supposed to do with that?

19 A I would look it up, but I don't recall
20 off the top of my head.

21 Q That's fine.

22 Do you know if it's against Georgia law
23 for a voter to submit multiple applications for an
24 absentee ballot?

25 A I would look it up. I don't recall.

EXHIBIT 8

In the Matter Of:

IN RE GEORGIA SENATE BILL 202

1:21:MI-55555-JPB

MILTON D. KIDD

May 05, 2022



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

May 05, 2022
70

1 who would be the monitoring mechanism and how we
2 would actually carry out those provisions of the
3 bill if past and how would you track that for
4 duplicate applications and the efficiency and
5 effectiveness of doing that.

6 Q When you say you spoke with him about the
7 preclusion from sending absentee ballot requests,
8 you mean the preclusion on governments from sending
9 unsolicited absentee ballot requests?

10 A Governments and -- under different --
11 because we talked about this bill, different
12 versions of this bill. Under different versions of
13 the bill, government entities and nongovernmental
14 entities as well, and how we were going to be
15 expected to track those.

16 Q What did you tell him your views were on
17 those provisions you just mentioned?

18 A I didn't think they would be tenable to
19 being able to actually accomplish.

20 Q Why not?

21 A As an elections and registration office,
22 we are not the elections police as far as to being
23 able to regulate what other organizations do, and I
24 thought that would offer undue burdens on the
25 office, and we also discussed how these different

1 implementations of the bill would be carried out or
2 would affect our office.

3 Q I want to switch to another provision of
4 SB-202, which you just referred to, the fines on
5 third parties that distribute duplicate absentee
6 ballot request forms to voters.

7 I believe you mentioned already that there
8 were private groups that sent absentee ballot
9 applications to voters in Douglas County during the
10 2020 election cycle; is that right?

11 A Yes.

12 Q Do you know if private groups sent out
13 absentee ballot applications to voters in Douglas
14 County during any previous election cycles prior to
15 2020?

16 A Yes.

17 Q During the time that you've been in
18 Douglas County, do you know if there's been an
19 increase, decrease, stayed the same, in private
20 groups sending absentee ballot applications to
21 voters?

22 A 2020 saw an increase, as stated before,
23 but these activities of private groups and
24 individual candidates and political parties sending
25 absentee ballot applications did occur prior to

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

May 05, 2022
186

1 our applications looked like and instructed them to
2 use the forms that we supplied.

3 Q Did any of the individual voters express
4 confusion about why they had received applications
5 with incorrect information?

6 A Yes.

7 Q And did any of the individuals ask how
8 they could correct the information, the incorrect
9 information?

10 A We verified -- yes. We verified at the
11 time how they were registered.

12 Q And at the time when you spoke with the
13 voters, is that what you mean? Then your office
14 would correct or help them correct the incorrect
15 information?

16 A The office information was correct. We
17 would inform them that those particular applications
18 were not generated based off of our database. So
19 there was no correction that we could make.

20 Q Right. So you would just direct them to
21 the application that your office sent or that they
22 would need another application from your office?

23 A Yes.

24 Q Did any of the individuals express a
25 concern about any voter fraud when making those

MILTON D. KIDD
IN RE GEORGIA SENATE BILL 202

May 05, 2022
187

1 types of complaints?

2 A That terminology may have been used, yes.

3 Q So folks may have expressed a concern
4 about possible voter fraud when they received ballot
5 applications with incorrect personal information,
6 correct?

7 A Yes.

8 Q And are you aware of any instances when
9 potential voters contacted Douglas County election
10 office asking why they received an absentee ballot
11 application or an absentee ballot in the mail?

12 A Yes.

13 Q Describe the types of questions or
14 comments that your office received?

15 A The same general understanding. The
16 initial round of absentee ballot applications that
17 were sent out by the Secretary of State's Office
18 generated a lot of questions as to would this be a
19 process going forward; or I didn't request an
20 application, so why was one mailed to me.

21 Q Anything else you can think of as examples
22 of what questions folks had?

23 A No.

24 Q Describe for us what actions Douglas
25 County took in response to those complaints?

EXHIBIT 9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

VOTEAMERICA, ET AL,)
)
PLAINTIFFS,)
) DOCKET NO. 1:21-CV-01390-JPB
-VS-) VOLUME 1
)
BRAD RAFFENSPERGER, ET AL,)
)
DEFENDANTS.)

**TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS
BEFORE THE HONORABLE J.P. BOULEE
UNITED STATES DISTRICT JUDGE
JUNE 9, 2022**

STENOGRAPHICALLY RECORDED BY:

PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
ATLANTA, GEORGIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF - VOTEAMERICA, VOTER PARTICIPATION CENTER AND CENTER FOR VOTER INFORMATION

KATHERINE LEIGH D'AMBROSIO
SMITH GAMBRELL & RUSSELL, LLP

JONATHAN DIAZ, ESQ.
DANIELLE M. LANG, ESQ.
VALENCIA RICHARDSON, ESQ.
HAYDEN JOHNSON, ESQ.
ALICE CLARE CAMPBELL HULING, ESQ.
CAMPAIGN LEGAL CENTER

ON BEHALF OF THE DEFENDANTS - BRAD RAFFENSPERGER, SARA GHAZAL, JANICE JOHNSTON, EDWARD LINDSEY, MATTHEW MASHBURN

GENE C. SCHAERR, ESQ.
H. CHRISTOPHER BARTOLOMUCCI, ESQ.
BRIAN FIELD, ESQ.
SCHAERR JAFFE, LLP.

BRYAN P. TYSON, ESQ.
TAYLOR ENGLISH DUMA, LLP.

ON BEHALF OF THE INTERVENOR DEFENDANTS - REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, GEORGIA REPUBLICAN PARTY, INC.,

CAMERON T. NORRIS, ESQ.
CONSOVOY MCCARTHY, PLLC.

1 Q. How does that communicate your message?

2 A. We are able to share through direct mail speech, a message, a
3 comprehensive message that includes explanatory letter about what
4 they're receiving, why they're receiving it and how to engage it.
5 We're able to provide in many cases voter registration
6 applications or vote-by-mail applications that are the approved
7 and official applications, which are pre-filled with the voters'
8 information as much as we know it, as much as publicly available.
9 And we are able to provide a stamped return envelope to the
10 correct elections office. All of that works together as our
11 speech saying to a target, hey, we think your participation in our
12 democracy is important, let us help you participate.

13 Caveat there: We always say we don't care who you vote for,
14 we care that you vote.

15 Q. And to be clear, VPC and Center for Voter Information, do they
16 run direct mail programming specifically related to absentee
17 ballot application?

18 A. Yes, we do.

19 Q. And have they done so in Georgia?

20 A. We have done so in Georgia for a handful of years going back
21 at least to the 2018 election.

22 Q. And how has the size of your programming in the absentee
23 ballot application realm changed over the years?

24 A. As I mentioned earlier, 2020 was a high watermark for our
25 vote-by-mail program, in large part because of the pandemic.

1 already submitted, no need to do it again, you're covered.

2 **Q.** And can you please look at the last sentence before the
3 sign-off with Mr. Dripps, can you read that for us.

4 **A.** You can check your ballot status at: mvp.sos.ga.gov

5 **Q.** What is that?

6 **A.** Again, I suspect this came from feedback from election
7 administrators. But over years, nearly 20, of doing this work
8 we've learned that if we can provide information and tools for
9 voters who have questions in the mailer, we can help them answer
10 their own questions. This particular sentence refers a voter to
11 the Secretary of State's website where they can look and see, not
12 specific to a vote-by-mail program, am I registered; or they can
13 look and see, am I signed up as a mail ballot voter in Georgia.

14 **Q.** Why do VPC and CVI include this cover letter in their mailer?

15 **A.** We view this entire package as speech in of itself, it all
16 works together. The cover letter explains the absentee ballot
17 application. The absentee ballot application without a cover
18 letter would create confusion. Sending a cover letter without an
19 application leaves the recipient wondering, okay, great, nice
20 information, now what do I do, and puts the burden on the voter to
21 figure out what to do.

22 The return envelope and postage paid status of the return
23 envelope is part of our speech. Again, our goal, our mission is
24 to increase participation in democracy. By educating and
25 providing the paperwork and a return envelope and postage,

1 together that's our way of speaking to a voter and helping them
2 participate in our democracy.

3 **Q.** On the right side of this page, again, it's a separate page
4 but the way it's printed here on the right side, what is this
5 document?

6 **A.** This is a sample of the application for official absentee
7 ballot from the Georgia Secretary of State's Office, and it is a
8 sample of what we included in our mailings.

9 **Q.** And how does -- how do VPC and CVI obtain these application
10 forms?

11 **A.** Generally we go to the Secretary of State or election
12 administrators' website, and then we also check in with election
13 administrators in states where we run program to affirm that we
14 are using the correct form.

15 **Q.** Why do you include it?

16 **A.** We include it, again, to reduce barriers to entry, to increase
17 participation in our democracy. This entire package works
18 together to engage voters. Were we not to include it, we would
19 leave it up to the voter. We would see decreased engagement. It
20 would not be as effective. And Georgia would see lower voting.

21 **Q.** This sample has some fields filled in. Is that just in the
22 sample or would a voter receiving a mailing from VPC and CVI see
23 something similar?

24 **A.** The way we ran our programs in 2020 generally was to pre-fill
25 with information from the voter file. Again, from the state voter

1 file. This is not information that we go out and get, this is
2 official information. So we pre-fill the name and address. There
3 are other fields necessary to fill out that we don't pre-fill.

4 **Q.** It looks like there may be highlighting on this form. What is
5 that?

6 **A.** Those are the other fields I just referenced. The
7 highlighting draws the attention of the recipient to all of the
8 fields that need to be filled out. They can see where we have
9 pre-filled from the voter file. They can see that they need to
10 fill out the date of birth, their signature and the date that they
11 are signing.

12 **Q.** Why do you include a pre-filled version of the application in
13 the mailers you send?

14 **A.** There are a number of reasons to include pre-filled. It
15 increases the effectiveness of our mailing. You can also envision
16 a scenario where a person may not remember when they registered to
17 vote, did I register as Thomas or did I register as Tom? Did a
18 person use a maiden name? Do they have a hyphenated name? There
19 are any number of complications. By using the official voter file
20 to pre-fill, what we are sending to the voter is what is on record
21 with the state or the county election office so that when they
22 send back, they are sending back accurate information. It has the
23 added benefit on the receiving end that the elections office, one,
24 isn't dealing with bad penmanship; two, they aren't guessing is
25 Jim Smith the same as Jimmy Smith? It has the accurate

1 information from the voter file.

2 **Q.** Thank you.

3 Turning to the next page in this document. What is this?

4 **A.** This -- in 2020 the Georgia vote-by-mail application was
5 one-sided, and so the backside of the form was empty and left
6 space for us to fill in information. My understanding is that the
7 2022 form is two-sided, so this is not an option.

8 We printed on the backside of the vote-by-mail application
9 what you see here on this page. Simple reminder about how easy it
10 is to fill out a vote-by-mail application and return it.

11 **Q.** Turning one more page to the last page of this document, what
12 is this?

13 **A.** This is a copy of the return envelope from the person we have
14 sent the mail to, whose name is in the upper left, to the local
15 elections office. And you'll note above the local elections
16 office address is the unique barcode that I had previously
17 mentioned that enable us to track who is signed up to vote or who
18 has applied to vote by mail.

19 **Q.** What is the small oval icon in the bottom left-hand corner of
20 this envelope?

21 **A.** The small oval icon in the bottom left-hand corner of this is
22 the printing union bug indicating which union shop the printer is
23 a member of.

24 **Q.** And then where the stamp should go, it says "US Postage Paid."
25 Why do VPC and CVI include a postage-paid and pre-addressed

1 envelope in the mailer?

2 **A.** Again, our mission is to increase participation in our
3 democracy. In a pandemic at any time, it's unclear that people
4 are going to have a stamp in their house. By having a
5 postage-paid envelope, we are reducing barriers to entry, we are
6 working to increase participation in democracy. It makes our
7 speech, it makes this package more effective.

8 **Q.** In total, what are VPC and CVI's rationale for including all
9 three of these items within the mailer they send out?

10 **A.** All of this works together as one message to reduce barriers,
11 to increase participation in democracy, to make it easier for a
12 registered and eligible voter to get a vote-by-mail application.

13 You can imagine, again, I think I said this, sending the
14 letter without the application leaves the recipient to go hunting
15 for an application and hope they have access to a printer.
16 Sending the application without a letter leads the recipient to
17 wonder what is this, why do I have it?

18 This message, this speech is all intertwined and all in line
19 with our goal of speaking to voters about participating in our
20 democracy.

21 **Q.** How do VPC and CVI's absentee ballot application mailers fit
22 with any other programming that you conduct in Georgia?

23 **A.** So VPC in Georgia and nationally run-in series of programs we
24 start with voter registration for folks who are not registered or
25 to voters who have recently moved or to potential voters who just

1 turned 18. And then we will send vote-by-mail applications to
2 eligible registered people who may want to vote by mail. And then
3 we will send Get Out The Vote reminders to people who are choosing
4 not to vote by mail but rather to vote in person. We'll send them
5 education about how to early vote in person or education about how
6 to vote safely on Election Day, where is your voting location,
7 what are the hours that it is open, do I need to bring ID or not,
8 we'll send that sort of information.

9 For people who sign up to vote by mail, they end up on a
10 different track, and we'll send them after mail ballots are sent
11 out a reminder letter, hey, you should have received a mail-in
12 ballot by now, don't forget to fill it out and return it. So we
13 have various communications in the mail and oftentimes we'll layer
14 digital outreach on top.

15 **Q.** Who else do Voter Participation Center and Center for Voter
16 Information coordinate with regarding their voter outreach, if
17 anyone?

18 **A.** In advance of our voting programs in the states where we work,
19 we will work with election administrators to coordinate what we're
20 sending out. We also work with various national, state and local
21 groups on our mailers so that they can follow up with text
22 messages or door knocks or phone calls once a vote-by-mail
23 application or something has been sent out.

24 **Q.** What do VPC and CVI do to ensure that these mailers that
25 they're sending include accurate information for the state that

1 sending the absentee ballot applications?

2 **A.** Not to my knowledge.

3 **Q.** You're familiar with SB 202's ballot application restrictions?

4 **A.** Yes.

5 **Q.** What are the effects of those restrictions on VPC and CVI's
6 operations?

7 **A.** Can I set the binder aside?

8 **Q.** Yes. Thank you.

9 **A.** SB 202's provisions will impact the way that we engage with
10 voters in Georgia, will impact when and how we speak to voters in
11 Georgia, may have budget implications, and in my estimation will
12 create confusion for voters who receive an official form that
13 we're providing to them that is emblazoned with language that it's
14 not an official form. It will change the way we run our program
15 in Georgia.

16 **Q.** Specific to the mailing list restriction, how does the mailing
17 list restriction, what effect does that have on VPC and CVI's
18 operations?

19 **A.** The mailing list restriction prevents us from sending a
20 vote-by-mail application to somebody who has recently applied to
21 vote by mail. The window is five days. And if we do, we will
22 incur a \$100 fine per instance.

23 So what that means for us is we will send one wave of
24 vote-by-mail application to Georgia voters on or very close to
25 August 22nd, 2022, which I believe is the first day of

1 with SB 202, in particular the five-day window from a printing
2 perspective.

3 **Q.** And is this a true and correct copy of this memo to the best
4 of your knowledge and belief?

5 **A.** Yes.

6 MS. HULING: Your Honor, I would like to submit into
7 evidence this document as Exhibit 51.

8 MR. TYSON: Your Honor, recognizing the reduced
9 evidentiary requirements in a PI hearing, we would still lodge an
10 objection to hearsay as to this document. It's from an
11 out-of-court statement offered for the truth of what's being
12 asserted. That being said, we recognize there's a lower
13 evidentiary standard in this hearing.

14 THE COURT: Counsel, what's your response?

15 MS. HULING: This is a document that was received by the
16 witness who's testifying. He'll be testifying as to what this
17 consultant was giving them, the information that they had asked,
18 and what they understood it to mean and how it affected operations
19 that are directly relevant to the arguments being made at this
20 case.

21 THE COURT: All right. Given where we are, I'll allow
22 it. Go ahead.

23 BY MS. HULING:

24 **Q.** Please take a minute to review this document. And can you let
25 us know what you understand the conclusion to be that is drawn

1 through this memo.

2 **A.** In the memo, the concluding sentence from our direct mail
3 consultant, Maren Hesla, is: Our conclusion is that it would be
4 physically impossible to comply with the Georgia law.

5 **Q.** Do you see on the first page of this document the fourth
6 paragraph where it says for the purposes of this memo?

7 **A.** Yes.

8 **Q.** What is that introducing?

9 **A.** This paragraph -- let me read it and then explain it, if I
10 may, it's very brief. For the purposes of this memo, let's assume
11 we are doing a 20 Million piece total mailing, with 2 Million
12 pieces going to Georgia voters with a drop date of October 5th.
13 This is where Maren is presenting a hypothetical that is based
14 somewhat in reality about what it would mean to operate under SB
15 202 the way we do our business.

16 Clarification, when she says a 20 Million piece total mailing,
17 when we are doing mailings, at the volume that we work we print
18 multiple states together, and we get a significantly discounted
19 rate which makes it able -- makes it -- the dollar go further so
20 we can spend more money registering, signing up vote-by-mail
21 voters, turning out voters, we get a reduced rate.

22 We also have a reduced rate with the US Postal Service when we
23 send at high volume and pre-sort and get all of the mail ready to
24 provide to the postal service in as easy and organized a manner as
25 possible. That's why she says a 20 Million piece total mailing

1 and 2 Million going to Georgia voters.

2 **Q.** What's immediately below that paragraph?

3 **A.** Immediately below that is a timeline discussion relating to
4 what it takes to deal with data, print and mail vote-by-mail
5 applications and contrasting that with the five-day window in --
6 under Georgia law.

7 **Q.** Would you walk me through your understandings of what's being
8 said in this timeline.

9 **A.** Yes. In this timeline it supposes that we would for an
10 October 5th mailing have our data due to the printer on
11 September 1st. That means we would need to receive from Georgia
12 election officials or their website an updated voter file with a
13 notice of who is a vote-by-mail voter on August 31st. Then we
14 would begin printing on September 18th. And that begs the
15 question, what is happening between September 1 and 18?

16 With a 20 Million piece mailing, we are working with data, we
17 are coding. There are tapes that are used to print each mailing.
18 And these tapes are unique to a state or a demographic. We may be
19 using one letter for younger African-American male voters and a
20 different letter for older black female voters because we know
21 that the language we use with different populations is a different
22 letter.

23 Further, we're talking about a number of different states
24 which are going to have different forms, different deadlines. So
25 that intervening two weeks is the time it takes to code and

1 spot-check, edit and prepare 20 Million records.

2 Then we would begin printing on September 18th. And even if
3 in this process we moved Georgia printing to the very front,
4 printing 2 Million Georgia packages -- remember, the packages, the
5 carrier envelope, the cover letter, the vote-by-mail application,
6 the return envelope would take until September 21, 3 days. So
7 then we drop in the mail after that. That would take us three
8 weeks, if not more, from the September -- the August 31 data
9 upload.

10 So then we would have to get a new file and identify who
11 signed up to vote by mail from August 31 until roughly
12 September 21 and manually go through the 2 Million Georgia mailers
13 on pallets, in trays, to pull them out and then mail them. And,
14 still, anybody who applied after that September 21 data update, we
15 would get fined for.

16 And when you are sending millions of mailers at a time and
17 incur \$100 fine per duplicate, that can be onerous and it can
18 reduce the way we engage with voters, the way we speak to voters
19 in Georgia.

20 **Q.** Will you clarify for me a little bit more the mechanics of
21 taking the second pull of the list of Georgia voters who have
22 applied for an absentee ballot and comparing that to the ballot
23 mailers that have been printed before they're mailed?

24 **A.** So let's say we have 2 Million pieces of mail that we printed
25 for Georgia on the front end of this 20 Million, those 2 Million

1 pieces would be in not only zip code order but postal carrier
2 order. We print them in the order of each postal carrier and
3 their route for efficiency sake. They would need to be laid out
4 in a space large enough. And then we would take the list of new
5 vote-by-mail applicants from August 31st until September 21, '22,
6 and we would have to manually find each one of those mailings in
7 the 2 Million pieces of mail that are sorted not alphabetically
8 but, rather, by postal carrier route, in trays, and those trays
9 are obviously going to be on pallets. This is a giant endeavor.

10 There is the added complication in that the rate we are
11 charged by the postal service is determined by the number of
12 pieces of mail we are sending in each carrier route, and if we
13 start pulling printed mailers from one, it could change our postal
14 rate.

15 It's not just simple five days. The work we do is data
16 intensive, intentional, high volume and complicated. It's not
17 simple.

18 **Q.** How has the analysis provided by your direct mailer consultant
19 in this memo affected VPC and CVI's plans for sending absentee
20 ballot application mailers in Georgia in advance of the 2022
21 election?

22 **A.** First of all, the hypothetical presented by our direct mail
23 consultant is not out of this world. We are looking at sending
24 about 1.1 Million vote-by-mail applications into Georgia this
25 year. So the 2 Million number, a little high but not out of this

1 world.

2 Second, based on what we've seen, we and the law and the
3 presentation here, we have realized we would incur significant
4 fines if we sent two waves of vote-by-mail application to Georgia
5 voters, so we have made the business decision only to send one
6 wave. It's not necessarily a good use of contributor or donor
7 funds to be spending those funds intended to register and turn out
8 voters on fines. And we are sending that vote-by-mail application
9 to hit homes as close to August 22nd as possible, again, to avoid
10 fines from duplicates. That means we are being told what we can
11 say and when we can say it. And we're being told that our speech,
12 our engagement with voters can't happen at later dates in the
13 election cycle unless we are willing to spend our money intended
14 to engage voters on fines.

15 **Q.** Given all the mechanics you've just explained for us, why is
16 it you can go through that process in mid-August but that under
17 the mailing list restriction you wouldn't be able to go through
18 that process later without incurring fines?

19 **A.** If August 22nd is the opening day of the vote-by-mail
20 application season, there will be very few people who will have
21 applied to vote-by-mail in advance of our mailer. So the number
22 of duplicate applications that are generated from our program
23 would be significantly reduced.

24 We would still increase fines -- or we would still receive
25 fines because there inevitably at the volume we work would be some

1 duplicate but would drastically reduce it by sending our mailing
2 to drop on opening day.

3 **Q.** What if VPC and CVI just stopped including applications in
4 their mailers?

5 **A.** As I've said before, everything we do, our mission is to
6 increase engagement in our democracy. And I'm embarrassed that I
7 have to say that. That is a laudable mission to try and help
8 eligible Americans vote.

9 If we were to remove the vote-by-mail application from our
10 mailing and leave it to a voter to go online, to go to their
11 election office to find it on their own, it's not going to happen.
12 That is creating a barrier to entry. It would make our speech, it
13 would make our engagement and our work less effective.

14 **Q.** How so?

15 **A.** People wouldn't respond. People wouldn't take the time to go
16 find the form. Not everyone has a printer. Not everyone can take
17 time off of work, get in their car or, imagine this, people don't
18 have cars, get on the bus, make it to an elections office in time
19 to get a printed form from the elections office and get back on
20 the bus and get back to work in time to participate in our
21 democracy. We are providing the form they need as part of our
22 speech.

23 **Q.** Do VPC and CVI currently run any vote-by-mail programs
24 anywhere in the country that don't include a copy of their -- of
25 that state's ballot application form?

1 **A.** No. In the states where we run vote-by-mail programs, we use
2 that state's vote-by-mail application.

3 **Q.** Are there any states where you have vote-by-mail programming
4 where you are prohibited from including and/or just decided not to
5 include the application?

6 **A.** In every state where we run vote-by-mail programming, we
7 include the application for that state.

8 **Q.** Let's turn now to the personalization ban. Do you understand
9 what I mean when I say that, SB 202's personalization ban?

10 **A.** Yes. The pre-filling?

11 **Q.** Yes. What effect does that have on VPC and CVI's operations?

12 **A.** Again, the pre-filling of the vote-by-mail application serves
13 a number of purposes. It ensures that the recipient has their
14 information the way it is recorded on the state's voter file. It
15 makes it easier for a state election office to process. I
16 mentioned bad handwriting. There are some people whose last names
17 are complicated; Lopach. A person may have their application
18 keyed in incorrectly, thus preventing them from voting by mail or
19 voting at all.

20 We also know through academic and business studies, when you
21 pre-fill, you have a higher response rate. So we would see
22 reduced response rate to vote-by-mail applications that we send,
23 again, increasing a barrier to entry and reducing the
24 effectiveness of our speech and our work to register and turn out
25 voters, to increase participation in our democracy by the very

1 people who are already participating at lower rates.

2 **Q.** And what would -- what does compliance with this
3 personalization ban require of VPC and CVI?

4 **A.** The personalization ban would mean that we could not pre-fill
5 name, address or any information. It's funny sitting here to
6 think about, we were asked to pre-fill a primary election date
7 because that was beneficial, and now we're being told not to
8 pre-fill something that we know is beneficial.

9 **Q.** Thank you.

10 There's a third piece of SB 202 at issue in this case, that's
11 the disclaimer requirement. Do you understand what I mean when I
12 call it "the disclaimer requirement"?

13 **A.** I do.

14 **Q.** What is the effect of that disclaimer requirement on VPC and
15 CVI?

16 **A.** The effect of that disclaimer requirement is to make us look
17 like an untrusted source trying to confuse voters. The work that
18 we do, the speech that we engage with with voters is to create a
19 relationship over time from voter registration to vote-by-mail
20 application, to reminder to send back your mail-in ballot, to get
21 out and vote early in person or vote safely on Election Day.

22 It is a relationship we are building of trusted communication
23 over time. And if we are to present to a voter an official form
24 that we are required to use, which is emblazoned with language
25 that says this is not an official form, voters aren't going to

1 Atlanta, an African-American, who's working one or two jobs. She
2 gets home from work and puts food on the table, helps the kids
3 with homework. If she's lucky, she gets one hour of mindless TV
4 before passing out. What she's not doing is reading The Atlanta
5 Journal Constitution or reading every single mailer that gets to
6 her right away. But she might see the second or third mailer and
7 engage with it because she realizes, I've gotten a couple of
8 these, I better take a look.

9 Our experience over 20 years tells us multiple waves is
10 additive, so we send multiple waves.

11 **Q.** To be clear, who would receive a second absentee ballot
12 application mailer if you were allowed to send a second wave?

13 **A.** Based on the timeline and the plans we have in other states, a
14 subset of that 1.1 Million targets who did not reply to the first
15 mailer would receive a second wave. This would largely be people
16 of color, unmarried women and young people, largely.

17 **Q.** How would VPC and CVI be able to tell whether a recipient had
18 already applied?

19 **A.** We would first look at the barcodes on the return envelopes to
20 see which of our targets are scanned as having sent back. We
21 would then get the most up-to-date voter file. And usually at
22 that point in an election cycle state election offices are
23 updating the voter file almost daily, and we would look and see
24 which of our targets have successfully signed up to vote by mail
25 and we would exclude them from subsequent mailing.

1 Q. And how come you can't do that process with the SB 202
2 provisions we've discussed today in place?

3 A. The SB 202 provisions allow only a five-day window. And so
4 inevitably there are going to be people who applied in a five-day
5 window where we are continuing to do data work and printing at
6 high volume.

7 Q. Absent SB 202's ballot application restrictions, how would you
8 have characterized the future of VPC and CVI's outreach to Georgia
9 voters?

10 A. We would continue to do the great, good work we have been
11 doing since we started in Georgia, which I believe was 2011. We
12 would continue to do voter registration, mail and digital, putting
13 actual voter registration applications in people's hands with an
14 explanatory letter and return postage-paid envelope. We would
15 send two waves of vote-by-mail application in Georgia. We would
16 be prepared to engage if there was a runoff in Georgia. We would
17 send up to seven waves of Get Out The Vote mail educating Georgia
18 voters about early voting in-person option and how to safely vote
19 on Election Day.

20 The other thing that we're doing that we're excited about,
21 through the pandemic people have used -- learned to use QR codes.
22 We would be sending more mailers with QR codes for those who do
23 have smart phones to engage with the state election site or the
24 county election site to know when and where they can vote if there
25 was a change to voting location and hours.

1 Q. Some of the things you mentioned, are they all implicated by
2 the ballot application restrictions we talked about today?

3 A. The ballot application restrictions change the way we run our
4 vote-by-mail application program in Georgia.

5 MS. HULING: Thank you. I will pass the witness.

6 THE COURT: Is everybody okay we wait for cross before
7 we take a comfort break, particularly Ms. Coudriet who has been
8 typing all this down.

9 MR. TYSON: I have a lengthy cross-examination of
10 Mr. Lopach so that we may want to take that into account as well.

11 THE COURT: Thank you. Let's take a hopefully very
12 short five-minute comfort break. Thanks, everyone.

13 (After a recess, the proceedings continued as follows:)

14 THE COURT: Go ahead, Mr. Tyson.

15 CROSS-EXAMINATION

16 BY MR. TYSON:

17 Q. Good afternoon, Mr. Lopach. My name is Bryan Tyson. I
18 represent the defendants in this case. Can you hear me okay?

19 A. Yes. Good afternoon.

20 Q. Plexiglas can be a challenge sometimes.

21 I want to work through some of the questions from your
22 declaration and talk through some of the things you discussed with
23 opposing counsel this morning.

24 So, first, I understand that VPC and CVI's mission is to help
25 historically underrepresented groups register and vote, right?

1 **A.** That's my understanding, yes.

2 **Q.** In your declaration you refer to a vendor named Catalyst. Do
3 you recall that?

4 **A.** Yes.

5 **Q.** And what is the role that Catalyst plays in data for VPC and
6 CVI?

7 **A.** Catalyst works to get the voter files from states, or if it's
8 kept by a county, but generally from states, and collects the data
9 files and provides it for us to work on. Some work with data is
10 done by Catalyst.

11 **Q.** Does Catalyst ever add information to the Georgia voter
12 registration database that VPC/CVI uses?

13 **A.** I cannot speak to what Catalyst does. We have asked for the
14 voter file.

15 **Q.** So when you say that VPC/CVI only mails to voters who are
16 contained on the voter file, you're relying on Catalyst for that
17 information, not the Georgia voter registration database, right?

18 **A.** Correct. Correct.

19 **Q.** And do you know how frequently Catalyst updates its list with
20 Georgia voter information?

21 **A.** We make clear to our data vendors that we would like as
22 frequent updates as possible to the data files. I do not know how
23 frequently in 2020 Catalyst received updates to the Georgia voter
24 file.

25 **Q.** And so if Catalyst only updated its list once a month, for

1 that extra step in the process is precisely the kind of
2 transaction costs that can be decisive.

3 And groups know that, so what they're trying to do is grease
4 the voter's path, especially a voter who might otherwise be
5 apprehensive about doing something online or filling out a form or
6 knowing how to sign the back of the form, not forgetting to do
7 those kinds of little details.

8 **Q.** So when you say "behavioral threshold," can you just give us a
9 definition of what that is.

10 **A.** Oh, I think, you know, you're often just at the cusp of, for
11 example, making an online purchase, but maybe you're thinking, do
12 I really need that? Nah, I don't know. And, of course, there's
13 sort of lots of, you know, intuition and lore in online purchasing
14 that the longer somebody carries, the more they're likely to slip
15 away and have second thoughts.

16 And so in much of the same way, sending someone a form where
17 they actually have the form and very often pre-populated the form,
18 it allows them to feel more confident that they'll get through the
19 process quickly.

20 **Q.** So what effects does reducing transaction costs have on the
21 rate at which absentee ballot -- absentee voting applications or
22 ballots are rejected?

23 **A.** Well, I would say that from a study that we're going to talk
24 about in a bit, the Mann and Mayhew 2015 study, there does not
25 appear to be much of an effect. You know, perhaps encouraging

1 people to fill out forms by themselves elevates the number of
2 errors they will make, but the kinds of error rates are
3 vanishingly low. In that study it was less than a 10th of a
4 percent. And the only -- and the gains -- or it was a 10th of a
5 percent, but the gain over the control group or the generic --
6 sorry, the appeal to go online was only six-tenths of a percent.
7 So we're really talking about a relatively trivial kind of
8 nuisance in terms of inflicting extra time commitments on election
9 officials.

10 **Q.** So you just mentioned Mann and Mayhew 2015 and that's
11 contained in your report. Can you give us just a brief one- or
12 two-sentence summary of what that report says.

13 **A.** A brief cut-to-the-chase summary of Mann and Mayhew is this
14 was a randomized trial in which there were three randomized arms:
15 A controlled group that received nothing, a treatment group that
16 received encouragement by mail to go to an online e-government
17 site where they could request a vote-by-mail ballot, or a mailed
18 ballot right then and there so they could fill -- I'm sorry, the
19 mail request right then and there so they could fill that out
20 directly or they could go to the e-government site.

21 So the question is what were the results for the absentee
22 voting rate and the voting rate in general. And the effect is,
23 you know, a surge in absentee voting rate among the people who
24 received the mailed form, and an increase in the voter turnout
25 rate, pretty much as you would expect in a world governed by

1 transaction costs.

2 But what's kind of interesting is that the extra step of going
3 to the e-government site did not produce a harvest of votes.

4 **Q.** Did you rely on any other voting-related studies or
5 experiments in forming your opinion?

6 **A.** Yes. I relied also on the randomized experiment conducted by
7 Hans Hassell.

8 **Q.** Did you rely on any experiments that concerned the
9 introduction of universal absentee voting in certain states?

10 **A.** So -- well, the two studies that I cite are not experiments,
11 but they are quasi experiments or natural experiments in the sense
12 they track counties by extension states that move from not
13 allowing -- or not having vote by mail to having vote by mail.
14 And those studies show fairly clearly, especially the rather
15 nicely-executed study by Holbein, it's a nice illustration of a
16 rather exacting comparison between states that -- I'm sorry,
17 counties that adopt sort of in a haphazard way vote-by-mail
18 provisions. And, sure enough, they have a surge in turnout, not a
19 massive surge but it's -- you know, it's an unmistakable increase,
20 suggesting, again, reducing the costs of voting seems to increase
21 voting, as intuition suggests.

22 **Q.** Are these studies reliable for you forming your opinion?

23 **A.** Yes. I mean, I have a strong preference for the randomized
24 experiments of Mann and Mayhew or Hassell, but I nevertheless very
25 much like the study that was published in 2020 on the transition

1 in states that had county-by-county movement to, although by mail,
2 has an illustration of how vote-by-mail increases voter turnout,
3 not by an avalanche but noticeably.

4 **Q.** Thank you.

5 And, Dr. Green, I would like to talk a little bit about the
6 difference between statistical significance and substantive
7 significance, so if you don't mind turning to your rebuttal
8 report, that's Plaintiffs' 46 on page 9. My apologies for you
9 having to flip between two binders here.

10 **A.** No worries. Page 9, yes.

11 **Q.** So at the bottom of that page you talk about statistical
12 significance versus substantive significance. I'll save us time,
13 you don't have to read it, but do you mind summarizing what that
14 is.

15 **A.** So I'll try to be as nontechnical as possible. Substantive
16 significance is asking is the effect size large enough to be of
17 practical significance, of policy significance, of theoretical
18 significance? Does anyone care about an effect of this size?

19 Now, this kind of concern actually has special reference to
20 Georgians insofar as your elections have been famously close. So
21 a switch of a percentage point or two would have been decisive in
22 elections that really, really matter. That's one thing.

23 But then the other thing that economics have been I think
24 complaining about as a kind of example of overzealous and somewhat
25 mechanically-minded statistical analysis dating back interestingly

1 to the early 1950s is the investigation of statistical
2 significance.

3 So what is statistical significance? It's asking, okay, you
4 got the number that you got, you got an estimate from a randomized
5 trial. Could a number that large, either an absolute value or on
6 a given number line in one direction, could a number that large
7 have been generated plausibly by chance if there truly were no
8 effect? If there truly were no effect?

9 So imagine a determined sceptic who says, there really is no
10 effective transaction costs. So although that sounds to us like
11 someone who denies that water is wet, in this kind of framework
12 you're saying, okay, we're going to forget absolutely everything
13 we know, start de novo and ask: Could the number we got have been
14 generated purely by chance even if there were no true effect?

15 And, you know, in the study that I -- in the essay, the famous
16 Kish 1959 essay, he kind of goes through chapter and verse,
17 especially through Section 3 of that essay, basically pointing out
18 that the conflation of statistical significance with substantive
19 significance has really set back science because -- and it's
20 especially interesting in the context of a legal case, because in
21 a legal case we're asked as experts to talk about the balance of
22 evidence. So if you say, well, what did Hassell find about his
23 pre-populated forms versus generic forms, or what did Mann and
24 Mayhew find about e-government postcards as opposed to mailings
25 that actually provided the absentee ballot request form right then

1 and there? And what's kind of interesting is that both of them
2 find positive effects on absentee voting. And you would say,
3 yeah.

4 I didn't start de novo because I thought, yeah, if you send
5 somebody an absentee ballot request that they can just fill out
6 right then and there, their transaction costs are reduced, that's
7 likely to have an effect. So you wouldn't ever, you know, wear
8 the mantle of the determined sceptic turning a blind eye to
9 absolutely everything you know theoretically about transaction
10 costs to analyze this result.

11 And so to summarize, statistical significance is a very
12 mechanical and somewhat mind-numbing activity that is completely
13 antithetical to the question that we're presented with now, which
14 is: What do we think based on the evidence before us? If we were
15 betting people and we imagine reproducing the exact same
16 experiment under exactly the same conditions, what would we find?
17 Would it have a zero effect? Really? Does anyone think it's
18 going to have zero effect? Would anybody bet on that as opposed
19 to the number that they actually got?

20 So the idea behind it is let's use our background knowledge
21 and not start de novo as though we were answering an academic
22 question for all time with a single study.

23 **Q.** Thank you, Dr. Green.

24 So I would like to turn next the SB 202 disclaimer requirement
25 we've been speaking about.

1 MR. JOHNSON: And, your Honor, I'll give you a heads-up
2 that we'll play a video at some point here, one of my colleagues
3 will pull that up.

4 **A.** Which tab are you on?

5 **Q.** I haven't turned to a tab yet, but we'll eventually be pulling
6 up your Plaintiffs' Exhibit 26, which is your initial report. So
7 you can go ahead and pull that up and turn to page six, please,
8 Dr. Green.

9 **A.** I'm there.

10 **Q.** So just what in your general understanding does this
11 disclaimer requirement do?

12 **A.** The basic requirements of law are to present the disclaimer in
13 a way that is prominently displayed. So it can't be in small
14 font, it can't be in some recessive part of the form, it has to be
15 prominently displayed. And it has to have language that I think
16 will cause puzzlement, consternation, confusion, reluctance on the
17 part of people who are encountering it.

18 Why? Because unlike regular language, it's almost like a kind
19 of -- it's almost like the kind of thing you would see in like a
20 troll's e-mail or troll's social media post with repeated
21 capitalized letters that are designed in some ways to put off
22 voters for no apparent reason.

23 The reading of this thing is especially odd because when you
24 say what is -- what does the disclosure actually require, it says
25 this is not, capital not, an official government publication. All

1 right. True. But it's identical, it's required to be identical
2 to an official publication. And was not provided to you by any
3 governmental entity. Okay. True. And this is not a ballot,
4 which is -- it's a very strange thing to include, especially again
5 with a capital not. Yes, it's not a ballot, it's not a fishing
6 license, it's not a death certificate, it's not a lot of things,
7 but no one ever would think this is a ballot because there's
8 nobody to vote for. A ballot has something else going on. So it
9 seems as though this is a disclaimer that is meant to discredit
10 the form more than it is likely to disclose information.

11 It also requires that you disclose information. And as we've
12 already seen from some of the other forms that these groups
13 routinely send, they're already disclosing information. I'm happy
14 to have them to be required to disclose information, but this
15 particular disclosure in my assessment of public opinion, you
16 know, would put off voters.

17 **Q.** Let's turn to the actual form that the state has recently
18 posted at its website, and that's Plaintiffs' Exhibit 2.

19 **A.** Good. Okay, I'm there.

20 **Q.** So do you see the title at the top of the first page of that
21 document?

22 **A.** Yes. It's Application For Georgia Official Absentee Ballot.

23 **Q.** And do you see the gray box at the bottom of the first and
24 second page?

25 **A.** Yes. In fact, I'm going to go to the -- yeah, for the heck of

1 it, I'm going to go to the bottom of the first page. So you're
2 referring to the part that "this is not an official government
3 publication," the one at the very bottom?

4 Q. Yes. So that's the disclaimer requirement, right?

5 A. That's the disclaimer. And then just above it?

6 Q. Yeah, just above it, what is that?

7 A. I almost fell over when I read this for the first time because
8 I hadn't seen this form for reasons that I'll explain until we had
9 already gone down -- pretty far down the tracks. But when you
10 look at the note that --

11 THE COURT: Give me one second, Professor.

12 THE WITNESS: Yeah, sure.

13 THE COURT: Thank you. Go ahead.

14 THE WITNESS: The grayish box above the disclaimer
15 reads: If you receive this application with your information
16 pre-filled, received multiple or duplicate copies in the mail, I'm
17 not sure what the difference is between multiple or duplicate,
18 but, all right, multiple or duplicate, or if an unauthorized
19 person offers to return your absentee ballot application, please
20 report this to reportfraud@sos.ga.gov.

21 Now, that is the thing that would greet your eye just
22 before you saw the disclaimer, so you're in some sense primed to
23 read the disclaimer with a fresh concern about fraud. And what
24 kind of fraud might you be on the lookout for? Receiving multiple
25 or duplicate copies in the mail, which is not a -- does not

1 constitute fraud but is precisely the kind of thing that would
2 stir up concern, right? It's quite likely that people would
3 receive multiple copies because there are so many groups that want
4 to distribute multiple copies.

5 And that is going to be the kind of thing that will be
6 fresh in mind, top of mind as they encountered the disclaimer that
7 says "this is not an official government publication."

8 **Q.** How in your view do these three parts you just read, how do
9 they relate when they're received by an ordinary voter in Georgia?

10 **A.** Well, I think the net effect is to lead to confusion because
11 although the form is itself identical to the actual official form,
12 except for the disclaimer, the law prevents a third-party group
13 from actually clarifying that this is the same form that you would
14 fill out online, you would fill out elsewhere but we're saving you
15 a step.

16 So I think it creates this concern that there's something
17 nefarious going on, something concerning. And I think that that's
18 enough to take a voter who is close to the behavioral threshold
19 and push them on the take-no-action side.

20 **Q.** So you've said that the -- it will cause confusion or
21 reluctance or concern when an ordinary voter reads those things.
22 On what did you base your opinion on this?

23 **A.** I guess a few different things. You know, in -- very
24 importantly it's my facial reading of the text.

25 But, secondly, I've been studying public opinion for a long

1 time, and I would say that one of the things that people who study
2 public opinion very often do is they, especially in classroom
3 situations, will get into almost like a little college bowl game
4 where you're talking about, say, survey experiments where you're
5 varying the wording or the question content or the ordering or the
6 response options and asking: What do you think the results of
7 these variations will be? And, you know, I consider myself to be
8 as good as anybody else at that little game.

9 And part of the work that I've done, you know, with campaigns
10 who are interested, for example, in promoting ballot measures is
11 to do experiments where you titrate the wording of different
12 ballot measures until you find the ones that are going to be the
13 most popular with voters. There's no doubt in my mind that if you
14 put some capital "nots" in a proposition that voters are going to
15 encounter in a disclaimer, in an official form, a person that's
16 already somewhat ambivalent is going to say, I've had enough of
17 this. So that's my intuition based on public opinion research.

18 And the -- you know, to make sure that I wasn't just kind of
19 dreaming this up, we engaged in a little bit of qualitative
20 semi-structured interviewing, and so that's the next phase.

21 BY MR. JOHNSON:

22 **Q.** What is the purpose of this qualitative semi-structured
23 interview? Actually, Dr. Green, maybe would you mind just
24 defining what is qualitative semi-structured interviews.

25 **A.** So in contrast to a closed-ended interview where you provide

1 the standards and practices that are common in your field of
2 political science?

3 **A.** Yes. This kind of work is quite common, especially among
4 those who are sort of on the, let's say, behavioral end of
5 political science as opposed to the people who are congressional
6 scholars or judicial scholars or Presidential scholars. The
7 people who study behavioral politics or public opinion would find
8 this relatively unexceptional.

9 **Q.** Thank you, Dr. Green.

10 We'll next pull up and play video five. In the interest of
11 time, we'll just play that one. That's at Plaintiffs' 66.

12 MR. JOHNSON: And, your Honor, we have a flash drive
13 that we'll present to the Court. But my colleague is currently
14 pulling up video five from Dr. Green's analysis.

15 (Plaintiffs' Exhibit 66 published in open court)

16 MR. JOHNSON: Thank you.

17 BY MR. JOHNSON:

18 **Q.** So, Dr. Green, what does video five tell you?

19 **A.** He didn't like the caption up there. And I think it was kind
20 of an interesting thing that the -- the disclaimer had precisely
21 the effect that I think it was designed to have, which is to just
22 stir up confusion and distrust.

23 By the end, even though he knows it's not a ballot, he's
24 saying it's not a ballot. I mean, it's not a ballot, yes, that's
25 right, but that's sufficient to get him to say I wouldn't fill it

1 out, it would go in the trash. So he says he's -- he's prone to
2 vote in person, he's not necessarily especially prone to vote by
3 mail, but if he were closer to the behavioral threshold, we would
4 say, well, no way is he going to go this direction if this is sent
5 by a third party.

6 **Q.** So what do you make of his reference when he's shown the
7 second form as referenced the Secretary of State?

8 **A.** Yeah, I think the form seems more authoritative to him. And
9 one could argue, oh, well, then he should just go to the Secretary
10 of State's website and print out the form and fill it out there
11 and then he won't have any misgivings. But, of course, we know
12 that the extra transaction costs of getting him to take those
13 steps and actually complete them are relatively forboding.

14 **Q.** Dr. Green, any other videos that the respondents have a
15 negative reaction to the disclaimer?

16 **A.** Yeah, they did. For example, in video one. Video one is not
17 done to my standards, but it is obvious that once the respondent
18 reads the disclaimer, she is taken aback and thinks that there's
19 something suspicious or wrong about it.

20 In video three, it's kind of interesting, once the woman reads
21 the disclaimer, then she basically says a plague on both your
22 houses and doesn't want to fill out any form regardless of whether
23 it's got a disclaimer or not on the grounds that, you know, how
24 can we trust anything?

25 And as I mentioned in the case of video four, it was

1 interesting that even though it went through almost exactly the
2 same language the respondent said, I would fill it out, that
3 disclaimer doesn't matter to me.

4 **Q.** And in your opinion having done these qualitative studies,
5 were those reactions, sort of organic reactions by the respondent
6 in the end?

7 **A.** Yes, I think so, especially in the case of four and five. By
8 that point Elisa Hamilton is hanging back and letting them talk as
9 they read the form.

10 **Q.** Dr. Green, will you please turn to Plaintiffs' 65 in the
11 second binder. That's the document that you used to show voters
12 during this study.

13 **A.** Okay. I'm there.

14 **Q.** Is that a true and correct copy of the sample application you
15 used?

16 **A.** Yes, it is.

17 **Q.** Does that form contain the required disclaimer?

18 **A.** It does. It's at the very top in this case.

19 **Q.** At the top in that black box there?

20 **A.** Yes.

21 **Q.** Why did you use this version of the form for your study?

22 **A.** Well, at the time that we launched this study, there was, to
23 our knowledge, no form online. We were unaware that the state was
24 hatching a new form. So we thought we had to confect one
25 ourselves. And because the law prevents us from changing the form

1 already part of the, you know, official reference point.

2 **Q.** And that applies to vote-by-mail mailers, correct?

3 **A.** Correct.

4 **Q.** And so that wouldn't be the case for a registration mailer?

5 **A.** That's right, that's altogether different.

6 **Q.** So on what did you base your opinion about the pre-filling
7 prohibition, the effects on civic organizations, voters and
8 election officials?

9 **A.** Well, you know, I think that a lot of it just has to do with
10 this basic microeconomic theory of transaction costs. But beyond
11 that and beyond the usually theoretical intuitions about
12 transaction costs, there's also the study by Hans Hassell, which
13 is a randomized trial, which he basically compares pre-populated
14 forms to generic forms and examines the consequences for the rates
15 of absentee voting and voting in general.

16 **Q.** Can you turn to Plaintiffs' Exhibit 46. This is your rebuttal
17 report. On page 8 do you discuss the Hassell report there?

18 **A.** I think there's a Marx Brother's routine that is predicated by
19 this idea of having a whole bunch of binders set in Santa Anita
20 Racetrack.

21 I realize my confusion. There's 46. Okay. Which page?

22 **Q.** Page 8, please.

23 **A.** Got it.

24 **Q.** So can you describe, what was the Hassell study?

25 **A.** So the Hassell study is a randomized trial conducted in the

1 State of Minnesota focusing on a target population of
2 non-Democrats. So this is a Republican campaign to register
3 non-Democrats -- I'm sorry, not register. To get them to vote
4 absentee. And it's a randomized trial involving thousands of
5 people who are assigned to the three conditions: A control
6 condition that receives nothing; a generic condition; and a
7 pre-filled condition.

8 And the question of the study is to what extent does the
9 pre-filled condition lead to an uptick in absentee voting and
10 voting more generally?

11 **Q.** So when you say an "uptick," can you affix a number to what
12 the study showed?

13 **A.** Yes. So quoting actually Dr. Grimmer's report, on page eight
14 it's -- Hassell reports that 2.57 percent of the individuals who
15 received a pre-filled ballot application voted by absentee, while
16 2.05 percent voted absentee received a generic absentee ballot
17 application. That was from his report on Section 33.

18 **Q.** So what does that mean in sort of real-life understanding,
19 2.57 versus 2.05?

20 **A.** So if you divide 2.57 by 2.05 and subtract 1, you see that's a
21 25 percent increase in success.

22 **Q.** A 25 percent increase in success in pre-populated versus
23 generic?

24 **A.** Correct. So pre-populated is clearly superior, as one would
25 expect based on intuition. So it's kind of silly to say, yes, but

1 could it have been explained by a world in which there was no true
2 effect? No. Nobody is going to be betting against pre-populated
3 forms.

4 **Q.** So if you turn just to the next page, on page nine of your
5 rebuttal, you have there Dr. Grimmer's conclusion that this isn't
6 statistically significant. Do you agree with that?

7 **A.** I agree that by the usual academic standards of the 5 percent
8 threshold, which, incidentally, is not rooted in any theorem, it
9 was purely kind of seat-of-the-pants conjecture by RA Fisher in
10 the 1920s. It's not as though there's something about 5 percent
11 that is magical.

12 At any rate, he says, look, the probability that you would
13 have seen an effect as large as one sees the pre-populated effect
14 being in the Hassell study, if there truly were no effect, is
15 about 20 percent, and that's about 5 percent. Therefore, this
16 result is not statistically significant.

17 **Q.** Why is it nonetheless significant for this case?

18 **A.** Well, the question before us presumably is what do we conclude
19 in light of this evidence about the effectiveness of
20 pre-populating a form? Not could a determined sceptic potentially
21 have it right? No. It's to say if you were casting a bet, what
22 would your best guess be? And the answer would be: You would
23 guess that pre-populated forms increase turnout overall, and
24 absentee voting in particular. And, moreover, the chances that
25 the true effect is zero, it's about eight or nine to one against.

1 So it's true that the academic standard tends to be 19 to 1,
2 but it's a purely arbitrary standard. And if we're asking the
3 balance of evidence in a court proceeding, 9 to 1 is a pretty long
4 bet. And that seems like pretty convincing evidence.

5 And the most important thing is, remember, that calculation
6 pre-supposes that we turn a blind eye to absolutely everything
7 else we know, including our theoretical intuitions about the world
8 and transaction costs.

9 So, yes, if we knew nothing about transaction costs -- if
10 you went to the cafeteria at lunchtime and you knew nothing about
11 transaction costs, you saw that when they opened up the new
12 cashier line, right, are you really saying that nobody would go to
13 the new cashier because they're just indifferent between the line
14 they're in and the line they could join? No. Of course,
15 everybody wants to go to the faster line. So they open up the new
16 cashier line and half the people go to the new cashier line.
17 That's the underlying theory here. It's exactly the same theory.

18 So it's no accident that these 501(c)(3) and 501(c)(4) groups
19 want to send pre-populated forms and they're willing to spend the
20 extra money to do it, because even though they spend extra money,
21 it's still worth it.

22 **Q.** So setting aside any preconceptions and you were just to read
23 the Hassell study and you had to bet on pre-populated form or
24 generic form, what's the betting odds involved there?

25 **A.** It's about eight or nine to one in favor of the pre-populated

1 form.

2 **Q.** Would you please turn to page 12 of the same document, of your
3 rebuttal report, Plaintiffs' 46.

4 **A.** Okay.

5 **Q.** If you look at the last paragraph, the second sentence, what
6 does that say?

7 **A.** This is -- Hassell studied only Republicans and Independents,
8 not Democrats.

9 MR. JOHNSON: Your indulgence, your Honor, one moment.

10 **A.** My mistake. I apologize. It's -- he writes, "he" being
11 Dr. Grimmer: It is impossible to know if the results of the
12 Hassell study will extrapolate to Georgia.

13 **Q.** Yes. That's the second sentence in the first paragraph.

14 So do you agree with that conclusion?

15 **A.** Well, not at all. And it's not because it's an unusual
16 viewpoint, it's just that I think that it's completely at odds
17 with the things that I've learned for more than two decades of
18 conducting randomized trials.

19 What's really surprising, and perhaps even disappointing to
20 scholars, is that there isn't more treatment effect heterogeneity.
21 Why? Why is that disappointing? Because scholars absolutely love
22 a good story about how a treatment effect works really well for
23 Democrats but badly for Republicans or vice versa, or it works
24 great for, you know, young people, but badly for old people. I
25 mean, that's a fast path to publication.

1 And what's interesting is you just don't see very much of it.
2 I mean, you want to see it. And it's no accident, for example,
3 that Mann and Mayhew trot this out, too, because everybody is
4 curious about it. But what's so interesting about these studies
5 is when they mount up, you just don't tend to see a whole lot of
6 evidence that state-to-state variation causes very different
7 responses to Get Out The Vote drives, absentee ballot drives.

8 And going back to the Barber and Holbein study that I
9 mentioned earlier about the effect of going to an all vote-by-mail
10 system in states like Utah is that they find there's no partisan
11 effect.

12 Remember when everybody was worried about the consequences of
13 vote-by-mail for partisan outcomes? There's a huge literature,
14 and it's the most boring literature in political science, showing
15 again and again that nobody can find a partisan effect. Nobody
16 has ever found a partisan effect. Why is that? Because the
17 movement to an all vote-by-mail system has about the same effects
18 on Democrats and Republicans.

19 So the premise of Dr. Grimmer's critique is at odds with this
20 vast literature suggesting that state-to-state treatment effect
21 heterogeneity is negligible. Party-to-party treatment effect
22 heterogeneity is negligible.

23 So, yeah, it's possible that Minnesotans are different than
24 Georgians, but the example that Dr. Grimmer gives is that
25 Democrats will be less likely to be influenced by the vote by

1 of material here.

2 When you conduct a two-tailed test, you're asking could a
3 world in which there really were no effect of pre-populated forms
4 generate either a number as large as what is observed or as large
5 as the negative of what's observed? So you're asking basically a
6 question could we have found a big positive effect or big negative
7 effect? But no one, no one thinks it's going to generate a big
8 negative effect. So this is a classic instance where you would
9 only use a one-tailed test. But a one-tail P value is half as big
10 as two-tailed. So the irony here is it's just short of the finish
11 line when he says it's not a significance effect on voting, it's
12 because P is .11 and half of the two-tailed test is .055, so it
13 slid into second base but was just tagged out.

14 **Q.** So set aside your criticism -- of what seems to be a criticism
15 of Hassell here, but he himself found no significance difference
16 between pre-filled and non-pre-filled, right?

17 **A.** He's doing the kind of mindless mechanical statistical
18 significance testing that I decried earlier.

19 **Q.** So before you were on the pro-Hassell team, and now you're on
20 the anti-Hassell team, right?

21 **A.** No. I'm on the pro-Hassell team because I applaud the
22 creativity of his randomized trial. But if I leave it to him to
23 analyze the data, I've kind of -- you know, I've abdicated my
24 responsibility as a reader. I can read randomized trials.

25 **Q.** Now, Footnote 10 comes attached to a sentence on page three

1 Q. It could confuse the voter?

2 A. Correct.

3 Q. Now, if I'm reading your report correctly -- strike that. I'm
4 going to skip that in the interest of time.

5 Section 4 of your report deals with the anti-duplication
6 provision, so this is pages nine and ten. You don't cite any
7 studies in this section of your report, do you?

8 A. No.

9 Q. And you don't cite any published literature in this section?

10 A. No.

11 Q. You didn't perform any studies or tests regarding the
12 anti-duplication provision?

13 A. No, because the key feature of the provision is something
14 about through point, it's not about the causal effect of anything.
15 It's asking, from what I know about the process by which bulk mail
16 is delivered, sorted, printed, sorted, delivered, what kind of
17 inferences would I draw about the feasibility of adhering to these
18 kinds of regulations? And there I feel as though I do have good
19 expertise because part of my Get Out The Vote book is that
20 multiple additions, we've talked about the mechanics of actually
21 issuing massive amounts of direct mail.

22 Q. I just want to know if you did any studies or tests, and the
23 answer to that is no, correct?

24 A. No.

25 Q. Did you send out the intrepid Ms. Hamilton to interview

1 Q. Okay.

2 Now, if it costs less to send out an absentee ballot
3 application to a voter than it does to go through the process of
4 figuring out whether the voter has already asked for one, the
5 group would be incentivized to just send out the application,
6 right?

7 A. Probably not. And the reason is, again, these are lean
8 organizations. They care very much about reporting back to their
9 donors about the efficiency with which they are generating votes.

10 One of the features of my book, which I think is very
11 congenial to their way of thinking, is that the book generates the
12 cost per vote of different types of messaging, different types of
13 modes of communicating with voters. And they are really attuned
14 to that efficiency concern. So if they start larding up their
15 mailing lists with people who have already voted, that is
16 fattening up the waste associated with their expenditures and
17 giving them nothing in return in terms of the numerator.

18 So I don't think that they would be so cavalier as to just say
19 let's send out more mail because we just don't care to find out.
20 Their view is if we're going to send out mail at the scale that
21 they're sending out mail, they better get the list expunged of
22 people who voted. And that's what they do.

23 Q. But you haven't interviewed any of these organizations to
24 confirm your intuitions?

25 A. Well, I haven't interviewed the organization, but you have to

EXHIBIT 10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

VOTEAMERICA, ET AL,)
)
PLAINTIFFS,)
) DOCKET NO. 1:21-CV-01390-JPB
-VS-) VOLUME 2
)
BRAD RAFFENSPERGER, ET AL,)
)
DEFENDANTS.)

**TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS
BEFORE THE HONORABLE J.P. BOULEE
UNITED STATES DISTRICT JUDGE
JUNE 10, 2022**

STENOGRAPHICALLY RECORDED BY:

PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
ATLANTA, GEORGIA

1 Do they investigate more than just election-related issues?

2 **A.** Yes. We have an investigations division. It consists of
3 about a little more than 20, I think, POST-certified law
4 enforcement officers, law enforcement investigators. We also have
5 an inspections division that's not -- that they more deal with
6 kind of the inspections part of it, so it's not a POST-certified
7 law enforcement position. But from the POST-certified side,
8 that's about 20 people, and they investigate election complaints,
9 professional licensing complaints, corporations issues, and
10 securities as well.

11 **Q.** Generally, how does a voter submit an election-related
12 complaint to the Secretary of State's Office?

13 **A.** Generally we get them through e-mail. We have kind of web
14 forms that so if you go to our website and you can click, you
15 know, contact the elections division or contact the Secretary of
16 State's Office, it will take you to a web form, but then that
17 comes to our office like an e-mail and then goes to certain people
18 monitoring each inbox; whether it's the elections, we have kind of
19 a voter fraud e-mail, we have an investigations e-mail, and we
20 have kind of SOS contact is sort of the broad one that a lot of
21 them might end up falling into.

22 **Q.** Do folks also call the office?

23 **A.** Yes, phone calls as well.

24 **Q.** And I see in your declaration a lot of complaints at a
25 voterfraudmailalerts@sos.ga.gov. Is that one of those e-mail

1 addresses.

2 **A.** Yes.

3 **Q.** When was that created and why?

4 **A.** I'm not sure. We've had kind of those general e-mails for as
5 long as I've been at the office, including a kind of voter fraud
6 one, election division, SOS contact, those general e-mails have
7 been around for as long as I've been in the office.

8 **Q.** Why do you have those e-mail addresses?

9 **A.** It's because we want to hear from constituents. We want to
10 hopefully resolve their issue. We do have a call center, so the
11 call center is busy as well, but sometimes it's helpful to have
12 another way to get in touch. And so we want to hear from our
13 constituents and hopefully resolve as many issues as we can.

14 **Q.** What about county election offices, do voters also submit
15 complaints there?

16 **A.** Yes. Generally the county elections office will have a
17 general e-mail address as well, if not more than one depending on
18 the size of the county.

19 **Q.** And just very briefly, can you talk me through the lifecycle
20 of a complaint. We see the complaints in your declaration, what
21 happens to them after that point?

22 **A.** You're talking about elections complaints?

23 **Q.** I'm sorry, yes, with election-related complaints.

24 **A.** Sure. It kind of depends because sometimes it might be a
25 voter just reaching out and saying, here's the issue, I'm having a

1 **A.** So I started in 2014, and before that I did not have really
2 election administration experience, so my knowledge really starts
3 there.

4 And I think it's pretty typical for campaigns to send out
5 absentee ballot applications. My sense is it wasn't something
6 that was really kind of blanketed across the electorate. My -- we
7 really started seeing that I think more so in 2018.

8 And backing up a little bit, I think when it's a campaign or a
9 party sending it out, the voter was a little more aware of, okay,
10 this is who this is coming from, this is, you know, this guy who
11 is running for state senate or whatever.

12 And then I think in -- it really was 2018 when we started
13 seeing more blanket applications that led to questions about who
14 is this? What is this? Is this something I have to fill out?
15 Generated a lot of calls to counties and to the state.

16 We also saw in 2018 people utilizing really, really
17 paired-down application forms that I think also -- that was really
18 the first time that we saw that. So that generated some
19 complaints and confusion as well.

20 **Q.** Just to make sure that's clear, so before 2018 there was no
21 requirement for what needed to be included in the form of a ballot
22 application that a third party sends out, right?

23 **A.** Well, there was -- there was -- you had to have certain
24 information, a voter had to include certain information to request
25 an absentee ballot, but there wasn't a law or regulation that said

1 voters?

2 **A.** Yes. I should say they did, in 2020 was really the first
3 time. I think 2018 and 2020 was really the first time we started
4 seeing that to my knowledge.

5 **Q.** How would Mr. Harvey's job be affected if all those
6 organizations e-mailed him to ask him for his views on the forms
7 of the applications or information?

8 **A.** Well, that would be almost a full-time job basically. And
9 he's got, you know, a job of running our elections division and,
10 you know, that includes working with our staff. He also has spent
11 a lot of time working with counties, and so, you know, that would
12 basically pull him off of what I think his like real duties of
13 here's what he needs to accomplish for -- in terms of the duties
14 we have to accomplish.

15 **Q.** One other point on those discussions from yesterday, do you
16 recall as part of that line of questioning testimony that Director
17 Harvey suggested, including the election date on the application?

18 **A.** In terms of pre-filling the election date?

19 **Q.** That's correct.

20 **A.** Yes.

21 **Q.** Under SB 202 is there anything that would prevent plaintiffs
22 from continuing to include the date on applications in the future?

23 **A.** No.

24 **Q.** I would like to talk with you about some of the complaints
25 that you appended to your declaration. Do you recall those?

1 **A.** Yes, generally.

2 **Q.** And do you recall there being three categories of complaints
3 that were attached?

4 **A.** I --

5 **Q.** Let's do it this way: I would like to talk to you about your
6 first category of complaints that you attached, which is -- do you
7 recall attaching complaints where voters reference incorrect
8 information on applications?

9 **A.** Voters referencing what?

10 **Q.** Incorrect information --

11 **A.** Yes.

12 **Q.** -- on applications?

13 **A.** Yes. You're talking about if they would get a pre-filled
14 application but it was either sent to somebody -- or sent to their
15 address to someone who either didn't live there anymore or never
16 lived there to their knowledge; or we also had, I think,
17 complaints of, okay, this is addressed to me, but I don't live at
18 this address anymore in Georgia, I live somewhere else; or this is
19 not my -- one I remember was this is not my middle name, this is
20 somebody else, and this person doesn't live here.

21 **Q.** And the examples that were attached to your declaration, is
22 that the entirety of the complaints that the Secretary of State's
23 Office received about incorrectly pre-filled applications?

24 **A.** No.

25 **MR. FIELD:** If we can pull up the demonstrative

1 exhibits, slide five.

2 **Q.** Can you see that on your screen, Mr. Germany?

3 **A.** Yes.

4 **Q.** This is just the selection of the complaints that were
5 attached to your declaration. I would like to draw your attention
6 first to the second bullet point, it begins "to date." Could you
7 read that to us.

8 **A.** To date there have been at least three pre-filled applications
9 for absentee ballots from the Center for Voter Information in
10 Atlanta. Each is addressed to a subject who has absolutely no
11 affiliation with this address. My concern is that someone has
12 fraudulently registered to vote under two different names using
13 this address.

14 **Q.** And as you've likely seen in the papers filed in this case,
15 plaintiffs call it conspiratorial. Do you recall that to be a
16 conspiratorial complaint?

17 **A.** What's on the bullet point right here, it just looks very sort
18 of factual here's what happened to me, here was the experience
19 that I had.

20 **Q.** And looking at the date, that was submitted before the 2020
21 election, is that right?

22 **A.** That's what it says on here.

23 **Q.** If we jump down to the fourth bullet point, could you read
24 that one.

25 **A.** After receiving multiple applications, I received mail to my

1 address with someone else's name. This was from the Voter
2 Participation Center and says it's a vote-at-home ballot request.
3 It seems to me if I were willing to commit fraud, which I'm not,
4 receiving six applications in the mail for absentee ballots that I
5 did not request is troublesome to say the least.

6 **Q.** Here again, does it strike you as conspiratorial, to borrow
7 plaintiffs' word, to be troubled about receiving multiple
8 applications --

9 MS. LANG: Objection. This misrepresents plaintiffs'
10 allegations. And I also want to lodge a complaint to the extent
11 that these are being sought to be submitted for the truth of the
12 matter asserted. We have not objected to their entry into the
13 record because they could be used for the effect that they had on
14 the Secretary of State, but to the extent that Mr. Germany is
15 testifying that these are factual and truthful complaints, we do
16 object to their entry into the record for the truth of the matter
17 asserted.

18 THE COURT: Counsel.

19 MR. FIELD: Your Honor, we are -- at the -- at this
20 stage we are talking with Mr. Germany about the effect they had on
21 the Secretary of State's Office, which, as I understand the
22 objection, that their objection does not apply to these complaints
23 used for that purpose. And I would submit also that the lower
24 standard of evidentiary rules during a preliminary injunction
25 hearing would suggest that this Court can, in fact, rely on

1 understand how it's all going to work, but we do want to see
2 what's the factual allegation and, okay, what's the sort of effect
3 that it seems to be having on the voter.

4 **Q.** And did the Secretary of State's Office receive any complaints
5 from voters complaining that these applications left the door open
6 to fraud and suggesting they may or may not continue participating
7 in the electoral process?

8 **A.** Yes, we did get complaints like that.

9 **Q.** Did those complaints say that the voters would or would not
10 continue participating in the electoral process?

11 **A.** Yes. Yes, we got complaints that said, look, this is -- we
12 got complaints that basically said this looks like rampant fraud
13 to me, I don't see any reason to participate in the process if
14 this is what the process is.

15 **Q.** The other thing we heard yesterday was about mismanaged voter
16 files. Do you remember hearing that testimony?

17 **A.** Are you talking about sort of the fact that --

18 **Q.** I'm sorry, let me ask that again.

19 Do you recall testimony yesterday from plaintiffs'
20 representatives discussing the accuracy of the state's data?

21 MS. LANG: Objection. Lack of foundation. I don't
22 recall such testimony.

23 **Q.** Well, do you recall any testimony yesterday about where VPC
24 and CVI get their data?

25 **A.** Yes.

1 say, well, I didn't request an absentee ballot. So we got a lot
2 of complaints like that. And what we saw is people I think had
3 kind of forgotten they had or maybe not realized that the form
4 they filled out was for that.

5 **Q.** On that point, if I could just interject, can you talk -- just
6 explain to the Court briefly what the process is in a polling
7 location when a voter needs to have his or her absentee ballot
8 canceled.

9 **A.** Sure. There's two different kinds of ways that can happen.
10 One is you can show up with your blank -- I'll back up a little
11 bit.

12 A voter's requested an absentee ballot. If they've received
13 it and they basically just say, oh, I don't want to vote it, I
14 want to vote in person, they can bring that blank ballot to the
15 polling place, surrender it to the poll workers or to the poll
16 manager. At that point they still -- the poll manager still has
17 to contact the kind of county headquarters and ensure that that
18 absentee ballot is canceled in the system. And the -- that
19 basically means it can't be voted. If a -- if a ballot shows up
20 for that voter, the county would know, well, there was no actual
21 existing request, so this is not a good ballot.

22 Or a voter can show up without a ballot, and then when they're
23 checked in, the poll worker will see, oh, they've requested an
24 absentee ballot. And the voter will say, oh, maybe I lost it or
25 it hasn't gotten here yet, I would like to vote in person. So

1 then the county has to contact the deputy registrar. Some of the
2 larger counties will have the deputy registrars at the actual
3 polling place, but some of the smaller ones will not. And they
4 have to contact the deputy registrar, get the absentee ballot
5 request canceled, and then the voter's allowed to vote in person.

6 So that call to -- usually a lot of times it's a call that can
7 take a little bit of time. And also it can lead to what I was
8 talking about earlier where the voter said, well, I didn't request
9 an absentee ballot, you're saying someone's voted an absentee
10 ballot for me? That's the other problem, too, is sometimes --
11 remember, poll workers are not -- these are not people that do
12 this job every day, they do this a few times a year and they're
13 trained. But I think sometimes there were some things lost in
14 translation where the system, when they were checking in, was
15 showing the voter had requested an absentee ballot, but it might
16 have either kind of been relayed to the voter or sounded to the
17 voter like you voted an absentee ballot. And they said, I didn't
18 vote, someone must have voted for me and that sounds like voter
19 fraud.

20 And the other thing that we heard was if people were kind of
21 maybe three or four people behind that voter in line and hearing
22 this conversation, they would -- it could be relayed back to, hey,
23 they say this voter had already voted and then they let them vote
24 again, and we got a lot of complaints about that also.

25 I think overall the cancelation process -- and we saw a big

1 increase in canceled absentee ballots in 2020, but that can
2 definitely lead to issues at the polls, lines at the poll, which
3 we very much want to avoid because we want to have a smooth voting
4 experience for everybody.

5 MR. FIELD: We can move to one slide earlier.

6 **Q.** Take a look at what's before you. Can you explain what has
7 happened with the number of canceled ballots in the last three
8 primary elections?

9 **A.** Sure. So this is the number of absentee ballots that have
10 been canceled in the last three primary elections. The most --
11 like by far the biggest reason why an absentee ballot is canceled
12 is because someone has shown up to vote in person, either in early
13 voting or on Election Day. There's other reasons, so it's not
14 that all of these are going to be that, but I think the vast, vast
15 majority, probably into the 90 percents, are going to be people
16 who showed up to vote in person.

17 In 2018 we saw 1,157 ballots canceled in the primary. And
18 then in 2018 (sic) it went way up in the primary. And that was in
19 the middle of COVID obviously. And so, you know, the state had
20 actually sent out absentee ballot applications to everybody, so,
21 you know, we understand that's going to be higher.

22 And then for the 2022 when we see it going back down to a
23 higher number just because of the -- there's actually more
24 absentee ballots in 2022 than in 2018 but a lower percent
25 canceled, which is good.

1 is -- can be confusing.

2 And so they would say, I've received six absentee ballots, and
3 what we suspected and what turned out to be the case generally was
4 they received six absentee ballot applications, but to the voter
5 it was concerning.

6 **Q.** I would like to talk about two aspects of this. So looking
7 first at a voter receiving multiple applications, why is it
8 problematic for a voter to receive multiple applications?

9 **A.** Well, one, the effect on the voter can be, I -- I've already
10 requested an absentee ballot, if they have; or basically they want
11 to vote in person and they're not sure why they're receiving them.

12 So if they have requested an absentee ballot, it's more like
13 is there a problem with my first request? If they aren't planning
14 to request one, then I think they just see it more as what is
15 this? The fact that I keep getting this, is this something that I
16 need to do? Am I supposed to do this? So it can lead to that
17 type of confusion.

18 And then the other thing is it basically leads to they can --
19 they might just send in all of them that they get. You know, some
20 of these forms are designed to look -- are designed to look like
21 they're coming from the government. And we see that not just in
22 elections, you know, we do corporations as well, and when you
23 start -- if you start a new LLC, it generates a lot of mail that
24 then you get that's kind of designed to look like official
25 government stuff that you have to do. And a lot of it is

1 So I would like to begin first with discussing the following:
2 This is not an official government publication. Do you see that?

3 **A.** Yes.

4 **Q.** Do you recall hearing yesterday testimony from Dr. Green that
5 that sentence was true?

6 **A.** Yes.

7 **Q.** Why is this document not an official government publication?

8 **A.** I think the point that that's trying to get across is this is
9 not something that you have to interact with. This is not
10 something that you have to fill out and return.

11 You know, I know in the legislative process of SB 202 one of
12 the big concerns was space. I mean, I don't think -- you can't
13 really put everything in a disclaimer that you might want to
14 because, you know, there is concern about space. But I think the
15 real point to get across was this is not something that you have
16 to fill out and return because voters would think that -- some
17 voters would call and we can explain you don't have to do this,
18 but some voters would just fill it out, which, you know, if they
19 want to then -- if they want to then vote absentee, that's fine,
20 but if they don't realize that's what this is -- and we did try to
21 improve this form post-SB 202 to make clearer this isn't a -- your
22 requesting an official absentee ballot.

23 And that was also I think one of the purposes of the
24 pre-filling prohibition, is that if you have to actually fill out
25 the form, it really requires a voter to engage more with the form

1 ballot.

2 **Q.** And before we conclude, just moving past the disclaimer
3 provision, I would like to discuss with you what third-party
4 organizations may or may not be able to do now that SB 202 is
5 enacted.

6 So under SB 202 may an organization like plaintiffs send blank
7 absentee ballot applications to Georgia voters?

8 **A.** Yes.

9 **Q.** How often?

10 **A.** As often as they want until the voter requests an absentee
11 ballot.

12 **Q.** And may the plaintiffs include -- and other third-party
13 organizations include cover letters with those absentee ballot
14 applications?

15 **A.** Yes.

16 **Q.** And could those cover letters include a statement explaining
17 what this disclaimer means?

18 **A.** Yes.

19 **Q.** And then after plaintiffs or other third-party organizations
20 send an initial wave of applications, may they send follow-up
21 letters reminding voters that they sent an application to them
22 previously?

23 **A.** Yes.

24 **Q.** And may organizations like plaintiffs also include a link in
25 that cover letter to where they can obtain another copy of the

1 application?

2 **A.** Yes.

3 **Q.** Just more generally, under SB 202 may plaintiffs continue
4 sending letters to Georgians expressing their support for absentee
5 voting?

6 **A.** Yes.

7 **Q.** How often can they send those letters?

8 **A.** As often as they would like.

9 **Q.** The last thing I would like to discuss with you, let's say
10 that this Court were to enter a preliminary injunction on the
11 three provisions that we've talked about, how would that affect
12 the operations of the Secretary of State's Office?

13 **A.** Well, I think it could affect the operations substantially of
14 our office and of county election officials. What I've learned in
15 elections is it is a big logistical thing that's done by a lot of
16 different people, and so you move one piece, it kind of requires
17 moving another piece, requires moving another piece. And even if
18 they're small moves, at the end of this chain that, frankly, I am
19 usually not smart enough to see the very end of it, it can affect
20 something that we really didn't think we would have an effect on.

21 That's exactly what happened in DeKalb County in the last
22 primary where we found a -- there were all these things that
23 happened, some outside of the control of the state and the
24 counties and some not, but there was a redistricting change that
25 was missed, so that had to be kind of fixed late, which that made

1 workers will hopefully be -- it can move to kind of 202 type
2 training, where earlier this year it was more 101 kind of
3 reminders and then it kind of gets more advanced. And so they've
4 got a full plate.

5 The absentee ballot applications start being accepted in
6 August. Before that they start -- our office builds ballots and
7 then sends to counties for proofing and that's a vital process
8 because if -- again, going back to the DeKalb County thing that
9 happened, if that proofing -- if we hadn't made a mistake in
10 ballot building, and then if they had caught that mistake in
11 proofing, then we could have avoided a whole issue. So like that
12 whole -- like each of these steps is really vital.

13 And when we have things like -- that's one thing that came up
14 yesterday, all we have to do is not enforce, I don't think that's
15 accurate because what's going to happen is it is -- we know it's
16 going to generate like all these calls that I think the point of
17 SB 202 was to try to avoid. And when it pulls county election
18 workers and state workers into trying to respond to that to try to
19 sort of mollify that voter confusion, then they're pulled off of
20 some of these really -- like proofing a ballot is a very -- what's
21 the word? I mean, it is a very like intensive and sort of
22 deliberate process and you've got to go step by step. And you've
23 got to have multiple people do it because people make mistakes,
24 and you've got to then catch mistakes. So, you know, it's all --
25 like this would -- what I've just learned is any late change

1 basically has effects that sometimes don't become apparent until
2 later.

3 **Q.** You mentioned in there training materials and trainings. As a
4 general matter, does the state provide trainings to counties that
5 address absentee ballot application rules?

6 **A.** Yes.

7 **Q.** Would any of that need to be changed?

8 **A.** Well, what we would have to do is I think do like new training
9 on it essentially. And I know our elections division already has
10 kind of, okay, here's what we want to train on for November so
11 that we can ensure November goes well. So that -- and there's a
12 limited amount of people and time so, you know, you can't just
13 say, okay, well, let's just add this, okay? It's going to take a
14 balancing act.

15 The other thing that we are going to try to do this year,
16 there is a window of time where we can do list maintenance in
17 July, so that's happening right now. And then the counties would
18 be processing what they get back from voters from list maintenance
19 in July. So that's another thing that they'll be doing kind of in
20 the lead-up to when ballot applications can start being accepted
21 in August and then ballots, live ballots, go out very soon
22 after -- they have to go out 49 days in advance of the November
23 election to overseas and military voters, which is sometime kind
24 of like mid-September-type time frame is when actual live
25 ballots -- so here's something about live ballots, you've got to

1 MS. LANG: No.

2 MR. FIELD: Just advising the witness to not divulge any
3 communications.

4 MS. LANG: Certainly.

5 BY MS. LANG:

6 Q. Did you read the opposition to the motion for preliminary
7 injunction that was submitted on your behalf, on the behalf of the
8 office?

9 A. I would have read it, yes.

10 Q. Okay.

11 MS. LANG: With your permission to approach, I would
12 like to show Mr. Germany part of that opposition --

13 THE COURT: Y'all can move around the courtroom as much
14 as you would like. Thank you.

15 Q. So, Mr. Germany, I'll represent to you that this is page 25
16 of the defendant's opposition. And this is a portion of the
17 opposition that is talking about the mailing list restriction, as
18 they call it, the anti-duplication provision. And there's a
19 footnote, footnote seven, do you see that there?

20 A. Yes.

21 Q. Can you read it.

22 A. Plaintiffs ask for an even narrower provision with an
23 exception for those requesting a ballot through an online request
24 tool, but they rightly do not claim that the state must adopt the
25 least restrictive means available to further its interest. And

1 narrow tailoring does not require a perfect fit, only a reasonable
2 one. Thus, the state reasonably crafted a single rule for
3 duplicate applications.

4 **Q.** Okay. So, I guess, I'm a little confused. Is it the
5 Secretary's position that there is a single rule for duplicate
6 applications regardless of whether or not they come from an online
7 tool, or is it not the Secretary's position that there's a single
8 rule regardless of whether or not they come from an online tool?

9 **A.** I'm not really sure what "single rule" means.

10 **Q.** Well, it's from your opposition. So it says: There's a
11 single rule for duplicate applications for both online request
12 tools and for other mailings. But earlier you testified that you
13 believe that the regulation exempts tools like VoteAmerica's.
14 So --

15 **A.** I think the regulation -- I think what I said about the
16 regulation is accurate. I think about this footnote might be a
17 better question for our lawyers.

18 **Q.** Okay. Could you understand how VoteAmerica would believe that
19 they were covered by the anti-duplication provision given the
20 representations from your lawyers?

21 **A.** I can't really speak to what they understood. I will say that
22 I think there was a request for admission about it. And I know
23 the regulation also has rules about what you do with data, and
24 that wasn't something that we had knowledge about, about how
25 VoteAmerica handles that.

1 THE COURT: Go ahead.

2 BY MS. LANG:

3 Q. So I would like you to accept my hypothetical for the purpose
4 of this question, okay? If a third party uses the state voter
5 file to send pre-filled absentee ballot applications, wouldn't it
6 stand to reason that the information that they pre-fill on an
7 application will match the voter file that they used to do the
8 pre-filling?

9 A. Yes. I would say especially if they use the active voters.
10 There's active voters and inactive. Even if they use inactive, it
11 will still match what's on the voter file, it might not match the
12 voter's actual address, which I think is part of the -- what leads
13 to I think some of the complaints we got.

14 Q. Okay. And during the 2020 primary, the secretary sent out
15 absentee ballot applications to every voter, isn't that right?

16 A. To every active voter, yes.

17 Q. And did they use the voter file to send out those
18 applications?

19 A. Yes.

20 Q. Did you pre-fill them?

21 A. Yes. And we also included a bar code that basically allowed
22 the county to kind of pull up the voter directly. What we were
23 trying to do was really make counties -- we knew there would be
24 kind of an onslaught, so we were trying to sort of manage the
25 onslaught in the best way we could for counties.

1 Q. One of the ways you did that was to pre-fill applications?

2 A. Yes. I think pre-filling, I mean, has some benefit, that came
3 up yesterday, with like -- it's easier to read generally when
4 something is typed. I think that's part of the regulation we were
5 talking about before, the SCB wanted to make clear that was
6 allowed pretty early on in the process. So, yeah, it basically --
7 to me pre-filling has some benefits and some drawbacks.

8 Q. And some counties sent absentee ballot applications out during
9 the general election in 2020 as well, is that right?

10 A. I don't know that I know that. I think that may be the case.

11 Q. Okay.

12 Do you know if the legislature considered instructing third
13 parties that were going to pre-fill to use the voter file to
14 ensure accuracy rather than a prohibition?

15 A. I don't know. I do know that I think some of the things that
16 came up were kind of moving away from no excuse absentee, you
17 know, moving to where third parties can't send out anything at
18 all, but I don't recall the -- using the voter file.

19 Q. So they were considering harsher restrictions, not even more
20 tailored restrictions, is that right, based on your recollection?

21 A. I don't know. I don't know if I can say that. I don't recall
22 them considering that -- I don't recall that -- I shouldn't say
23 what they considered because I don't really know, but I don't
24 recall hearing about that.

25 Q. If a third party uses the voter file, wouldn't any outdated or

1 inaccurate information in the pre-filling alert the voter
2 potentially to inaccuracy or outdated information in the voter
3 file?

4 **A.** Potentially, but that's not -- you know, I think some of the
5 problems I talked about earlier where we know there's going to be
6 out-of-date information in the voter file. There's kind of
7 federal laws that essentially mandate that. And I think, you
8 know, we've tried to make it as easy as possible for people to
9 update their information with automatic voter registration, you
10 can do it online, too. So potentially.

11 **Q.** Okay. So if you could turn to --

12 **A.** I'm sorry, I was -- I drew a blank, but I think one thing
13 is -- the question was, I think, what are they then going to do
14 with that? So it could say, oh, I need to update my driver's
15 license -- I'm sorry, update my voter registration. But it also
16 could be like, this is not me, I don't live here or like -- it
17 kind of -- it could have multiple effects on a voter.

18 **Q.** Okay. Can you turn to tab 28, and that's in Part I. Sorry to
19 have you negotiating so many exhibits.

20 **A.** Yes.

21 **Q.** So can you turn to what's labeled as page 25 on the top, page
22 25 of 114.

23 **A.** Yes. I'm there.

24 **Q.** So this voter identifies that she's been getting absentee
25 ballot applications in the mail, even though she lives in Florida,

1 Q. None of these voters say that they had already requested or
2 received an absentee ballot?

3 A. Correct.

4 Q. And there's no allegations in here about inaccuracy, is that
5 right?

6 A. I think there's some about being sent to non-residents that I
7 saw.

8 Q. On those pages?

9 A. What were the pages?

10 Q. 64, 65, 67, and 69.

11 A. Oh, I think they might have been on the pages in between; 66
12 and 68.

13 Q. Okay. And SB 202 would not stop these voters from receiving
14 unsolicited applications, is that right?

15 A. Correct.

16 Q. And it would not stop these voters from receiving duplicate
17 unsolicited applications, is that right?

18 A. If they don't request -- the only other thing is once a voter
19 has voted, that's -- like if you vote in person, that's -- if you
20 vote early in person, that's considered absentee in person, so
21 that voter would show up as having voted absentee.

22 Q. But absent having already sought an absentee ballot or voted,
23 it would not stop them from receiving duplicates, is that right?

24 A. Correct. And I think that goes to kind of the balance that I
25 was talking about where -- I don't think they would say they were

1 able to deal with every complaint, but these were the kinds of
2 complaints we were getting.

3 **Q.** In order to take advantage of the five-day safe harbor that
4 you mentioned, third parties are supposed to rely on the absentee
5 voter file that you maintain on a daily basis on the website, is
6 that right?

7 **A.** That our office maintains, yes. I don't maintain it.

8 **Q.** And the absentee voter file is available by county and then
9 also statewide, is that right?

10 **A.** Yes.

11 **Q.** It's my understanding that the -- the data that's in that file
12 is collected by the counties and inputted by the counties, is that
13 right?

14 **A.** Yes.

15 **Q.** Is it your understanding that 100 percent of the counties
16 update this list on a daily base in realtime as they process
17 applications?

18 **A.** They -- they process an application in E-Net, that's how you
19 process an application. That automatically updates that file.
20 That's where that comes from. They don't have to do anything
21 separate other than once they process the application, that list
22 is updated. When I say -- sorry.

23 THE COURT: Go ahead.

24 **A.** I was going to say then if they process it on a Wednesday, for
25 instance, it will be on -- it will be in E-Net that same day and

1 Q. Did your office provide any input on this bill or other bills
2 that would have changed the disclaimer language?

3 A. Yes.

4 Q. And who in your office did that?

5 A. I would have.

6 Q. And what was your input to the legislators?

7 A. This language was my input.

8 Q. You were supportive of this language?

9 A. Yes.

10 Q. And you suggested deleting "This is not an official government
11 publication"?

12 A. Yes.

13 Q. And why?

14 A. Because I thought it was potentially -- I think the disclaimer
15 as it stands now tries to deal with kind of confusion, and I think
16 it does help do that. Again, you know, when you're trying to
17 write something succinct, then you might not be able to get across
18 everything you want to perfectly. So I thought this language in
19 this bill would accomplish the same thing but the legislature
20 didn't pass it.

21 Q. I do want to circle around on one thing that you and I have
22 both, I think, done accidentally in this cross, which is say
23 ballot when we meant ballot application, is that right?

24 A. Yes.

25 Q. But you're not confused about the actual difference between

1 the form would then lead to kind of -- inaccuracies in the
2 information, whether it's pre-filled or by the voter, will lead to
3 problems down the line. I don't know --

4 **Q.** Well, processing because it will require a cure process and
5 all of that. Mr. Fields asked you, you know, is it more difficult
6 when you have to have a cure form and all of that, is that right?

7 **A.** Okay, yes. The process of doing a provisional ballot and a
8 cure is going to be more time consuming. I don't know if there's
9 more inaccuracies in a pre-filled or a -- or a voter filled. I
10 mean, hopefully the voter, if they're engaging with the form, will
11 put in accurate and up-to-date information.

12 **Q.** But you mentioned that sometimes handwriting can be illegible,
13 is that right?

14 **A.** That's true.

15 **Q.** And also is it possible that sometimes voters will put in
16 information that doesn't exactly match the voter registration
17 database?

18 **A.** Yes. And that I think -- especially when it's -- when the
19 county can kind of know the voter put this in, that can generate,
20 you know, what's hopefully kind of like substantive outreach to
21 the voter, like, hey, do you need to -- because you can actually
22 use an absentee application to update an address.

23 **Q.** Right. But sometimes voters don't know exactly -- like my
24 daughter's name -- I have not blessed her with an easy life -- is
25 Mary Josephine Iris Pileri-Lang, and maybe she just puts Josephine

1 because that's her -- what she goes by.

2 **A.** Sure.

3 **Q.** Those kinds of mistakes can lead to having to reach out to the
4 voter or have a cure form, et cetera, is that right?

5 **A.** Potentially, yes.

6 **Q.** And you haven't done any analysis of whether or not there are
7 more errors that lead to provisional ballots and cure forms
8 between voter-filled applications and pre-filled applications?

9 **A.** I have not.

10 **Q.** And we talked about the voter file being updated on a daily
11 basis when a county processes an absentee ballot application in
12 E-Net, is that right?

13 **A.** The absentee voter file, yes, but it's going to be -- the
14 voter file isn't really -- is not public on our website until
15 voters can start --

16 **Q.** Yes.

17 **A.** So like now if you went there, it would be for the runoff.

18 **Q.** Right.

19 Do counties always process absentee ballot applications the
20 day they receive them and put them into E-Net that day?

21 **A.** No, but I think the day the ballot is -- I forget if it's
22 issue date would be the date they're processed.

23 **Q.** Okay.

24 **A.** So if the county sits on it, which they're not supposed to do,
25 they're supposed to process it within three days, the date will be

1 and such.

2 **Q.** How many pieces of mail did Arena send for its clients in the
3 2020 election cycle?

4 **A.** We sent about 112 Million individual pieces of mail in 2020.

5 **Q.** Did Arena mail absentee ballot applications to Georgia voters
6 in 2020?

7 **A.** We did, we did three mailings to Georgia for absentee
8 applications.

9 **Q.** Mr. Waters, do you -- are you familiar with union versus
10 non-union printers?

11 **A.** Yes.

12 **Q.** And does Arena use union or non-union printers?

13 **A.** We primarily use non-union printers, but we do on occasion use
14 union printers.

15 **Q.** And if an Arena client insisted on you only using union
16 printers, would that limit your ability to assist that client?

17 **A.** It would.

18 **Q.** Is Arena a seamless entry firm?

19 **A.** We are, yes.

20 **Q.** Can you explain to the Court what a seamless entry firm is?

21 **A.** Sure. A few years ago in order to streamline some processes
22 with the post office, the US Postal Service instituted a seamless
23 entry process which allows certain mail houses and printers within
24 the country to do what's called seamless entry, where they
25 essentially function as the post office. So we will -- we produce

1 a mail piece, we will process the paperwork, we will enter it into
2 the US Postal Services systems. And then at that point when we
3 enter it into their system, it will be calculated as mailed, and
4 then we are responsible for delivering it to the local sorting
5 facility where we're going to drop it, but we don't actually bring
6 it to the post office to get it checked in and technically mailed.

7 **Q.** Do existing Arena clients update the list that they use for
8 voters based on information from states and counties of who has
9 already voted absentee in an election?

10 **A.** Yes, they do.

11 **Q.** And why do they do that?

12 **A.** Primarily to save money. And once you've mailed somebody an
13 application, for example, you know, there's no point in sending
14 another one if they've already sent in their application; or if
15 they've already voted, there's no point in continuing to send
16 out messages or applications --

17 **Q.** Could you repeat from "send out messages," we lost the last
18 part of that, I'm sorry.

19 **A.** There's no point in sending advocacy messages -- where we're
20 advocating on behalf of a campaign, there's no point in sending an
21 advocacy message to a voter after they have voted.

22 **Q.** Are you familiar with the provisions of Georgia law related to
23 entities mailing absentee ballot applications to voters and when
24 they have to update their mailing lists?

25 **A.** I am.

1 Q. And is it your understanding that is a five business day
2 window to update the data?

3 A. Yes.

4 Q. Can Arena update a data file and mail absentee ballot
5 applications within a five business day window?

6 A. Yes, we can.

7 Q. And in 2020 did Arena make mailings of absentee ballot
8 applications to Georgia within a five business day window?

9 A. We did three different mailings, two of them we did in -- I'm
10 sorry, in three business days. One mailing we did within six
11 business days, and it was actually more about five-and-a-half days
12 but technically it had gone over to the sixth day, and that was
13 primarily because that was when our drop date was scheduled.

14 Q. Can you describe for the Court what the difference in
15 scrubbing a list and building a list is.

16 A. Sure. When you're building a list, you're compiling all of
17 the names of the voters, so you would take the voter file and you
18 would go through a process of choosing and selecting which voters
19 you were going to be mailing a particular mail piece. You would
20 then have to eliminate households and remove duplicates and such.
21 That process can, you know, take a little while to do just because
22 you're often going back and forth with a client.

23 When you're scrubbing a list, you are literally taking a list,
24 you know, and in the case of an absentee ballot application you
25 would take the list of people who requested an absentee ballot and

1 said I think one or both of your clients are fine with the
2 language this isn't from the -- this isn't sent to you from the
3 government, this is sent to you from us? Am I misremembering
4 that?

5 MS. LANG: You're not. Your Honor, while our clients
6 think that it would be entirely appropriate for you to enjoin the
7 entire provision as compelled speech and our clients already tell
8 their recipients that, they would be perfectly fine with a more
9 tailored injunction that kept in place the requirement that they
10 write this is not from a government entity, it is from VPC, CVI,
11 or whatnot.

12 THE COURT: I guess -- I don't want to get us too far
13 down this rabbit hole because I think we need to in your closing
14 arguments have discussions about *Purcell* and some other things
15 that are very important, and I may not even get to this question.

16 MS. LANG: Sure.

17 THE COURT: But I guess I'm just trying to think of --
18 if I'm looking at any harm to your clients, if you're telling me
19 in the brief they're fine saying this, it's okay to say this, they
20 don't have a problem with saying this, but it sounds like you
21 still -- they still want me to enjoin it, but they're saying they
22 don't have a problem with it. So I'm having trouble computing --

23 MS. LANG: Fair enough. The claim overall is for a full
24 injunction. At the preliminary injunction stage our clients are
25 more than happy to focus the relief that they seek on the first

1 sentence.

2 THE COURT: So are you withdrawing, then, your request
3 for an injunction as to the entirety of the disclaimer provision?

4 MS. LANG: Yes, your Honor.

5 THE COURT: Okay. And you're seeking to enjoin just the
6 first sentence or just the first sentence in the last part about
7 the ballot?

8 MS. LANG: The latter, your Honor.

9 THE COURT: Okay. Thank you.

10 MS. LANG: So I do want to start with *Purcell* because I
11 imagine that that's weighing on the Court. And I agree with the
12 question you asked right at the outset yesterday morning, which is
13 that you, of course, have to take into account even non-binding
14 precedent from the Eleventh Circuit, like the *League of Women*
15 *Voters* case. So I think it's important for us to start with those
16 cases and the arguments made about *Purcell*.

17 But as this Court has already held last year in
18 *Coalition for Good Governance*, *Purcell* is not a bright-line rule.
19 And the *League of Women Voters* case that defendants rely upon and
20 intervenors rely upon also says that *Purcell* is not a bright-line
21 rule as does *Merrill v. Milligan*. Of course, when I talk about
22 *Merrill*, I'll be talking about Justice Kavanaugh's concurrence in
23 *Merrill* that was only joined by Justice Kavanaugh, no one else,
24 but it is some language that at least expresses the views of
25 Justice Kavanaugh on the *Purcell* principle.

EXHIBIT 11

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

VOTEAMERICA, *et al.*,

Plaintiffs, v.

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

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

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

**PLAINTIFFS’ REVISED OBJECTIONS AND
RESPONSES TO DEFENDANTS’ FIRST SET OF
INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS,
AND REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure 26(e), as well as applicable Local Rules of the United States District Court for the Northern District of Georgia (“Local Rule(s)”), Plaintiffs VoteAmerica, Voter Participation Center (“VPC”), and Center for Voter Information (“CVI”) (together, “Plaintiffs”) hereby supplement and revise

the following Objections and Responses to Defendants' First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission (together, the "Requests").

INTERROGATORIES

1. Identify the nature of each Plaintiff's organizational resources, efforts, outreach, and activities implemented prior to SB 202 to assist eligible voters to comply with the requirements under Georgia law regarding requesting, completing, and submitting absentee ballot applications. The response to this Interrogatory should explain how those resources, efforts, outreach, and activities compare to each Plaintiff's overall activities.

INITIAL RESPONSE: Plaintiffs object to this Request to the extent that it seeks confidential, proprietary, or other sensitive business information or communications protected by law. Subject to the foregoing objections, Plaintiffs respond as follows:

VoteAmerica: VoteAmerica's mission is to assist voters in navigating the patchwork of barriers and requirements that voters in each state in the United States must overcome to access and participate in elections by exercising their constitutional right to vote. VoteAmerica does this not only by providing one trusted

online source of researched and vetted state rules to voters, but also by providing a continuously monitored and iterative set of tools to assist voters in the completion of administrative paperwork and hurdles to their participation, and by providing during election cycles a text-based voter helpline to answer questions from voters related to the requirements in the state or county in which they reside. Specifically, VoteAmerica's tool facilitating voter registration and absentee ballot applications is available to Georgia voters.

Overall, 65,454 Georgia voters have utilized VoteAmerica's online Absentee and Mail Ballot tool to request an absentee ballot application, out of 1,046,220 voters across the nation who utilized the tool.

VPC/CVI: VPC and CVI focus their efforts on communicating with and encouraging eligible potential voters to increase their engagement with the political process and assist them in doing so. VPC and CVI have designed and implemented direct mail programs to send mailers with resources for eligible voters to submit voter registration applications and absentee ballot applications. The mailers include a cover letter with every absentee ballot application explaining the organization's mission, providing the instructions for submitting an absentee ballot application to the voter's local election official, and containing a persuasive message and encouragement for the voter to request and cast an absentee ballot.

In 2018, VPC sent 6,608,129 mailers nationwide encouraging eligible voters to cast their ballots absentee or by mail and containing applications to assist them in doing so; of those, 603,605 were sent to eligible voters in Georgia. In the 2020 election cycle—including during the 2021 runoff election—VPC sent 57,929,590 mailers nationwide encouraging eligible voters to cast their ballots absentee or by mail and containing applications to assist them in doing so; of those 8,565,683 were sent to eligible voters in Georgia.

In 2018, CVI sent 4,487,991 mailers nationwide encouraging eligible voters to cast their ballots absentee or by mail and containing applications to assist them in doing so; of those, 51,219 were sent to eligible voters in Georgia. In the 2020 election cycle—including during the 2021 runoff elections—CVI sent 21,989,194 mailers nationwide; of those, 897,628 were sent to eligible voters in Georgia.

In total, Georgia represented 5.1% of VPC and CVI's overall mail program related to vote by mail in 2018, and 11.8% of their overall mail programs in 2020-2021.

REVISED RESPONSE: Plaintiffs object to this Request to the extent that it seeks confidential, proprietary, or other sensitive business information or communications protected by law. Subject to the foregoing objections, Plaintiffs respond as follows:

VoteAmerica: VoteAmerica's mission is to assist voters in navigating the

patchwork of barriers and requirements that voters in each state in the United States must overcome to access and participate in elections by exercising their constitutional right to vote. VoteAmerica does this not only by providing one trusted online source of researched and vetted state rules to voters, but also by providing a continuously monitored and iterative set of tools to assist voters in the completion of administrative paperwork and hurdles to their participation, and by providing during election cycles a text-based voter helpline to answer questions from voters related to the requirements in the state or county in which they reside. Specifically, VoteAmerica's tool facilitating voter registration and absentee ballot applications is available to Georgia voters.

Overall, 65,454 Georgia voters have utilized VoteAmerica's online Absentee and Mail Ballot tool to request an absentee ballot application, out of 1,046,220 voters across the nation who utilized the tool.

VPC/CVI: VPC and CVI focus their efforts on communicating with and encouraging eligible potential voters to increase their engagement with the political process and assist them in doing so. VPC and CVI have designed and implemented direct mail programs to send mailers with resources for eligible voters to submit voter registration applications and absentee ballot applications. The mailers include a cover letter with every absentee ballot application explaining the organization's

mission, providing the instructions for submitting an absentee ballot application to the voter's local election official, and containing a persuasive message and encouragement for the voter to request and cast an absentee ballot.

In 2018, VPC and CVI collectively sent approximately 12,868,108 mailers nationwide encouraging eligible voters to cast their ballots absentee or by mail and containing applications to assist them in doing so; of those, 654,824 were sent to eligible voters in Georgia. In the 2020 election cycle—including during the 2021 runoff election—VPC and CVI collectively sent 83,005,908 mailers nationwide encouraging eligible voters to cast their ballots absentee or by mail and containing applications to assist them in doing so; of those 9,605,979 were sent to eligible voters in Georgia.

In total, Georgia represented 5.1% of VPC and CVI's overall mail program related to vote by mail in 2018, and 11.6% of their overall mail programs in 2020-2021.

2. Identify the nature of each Plaintiffs' organizational resources, efforts, outreach, and activities implemented *after* SB 202 to assist eligible voters to comply with the requirements under Georgia law regarding requesting, completing, and submitting absentee ballot applications. The response to this Interrogatory should explain how those resources, efforts, outreach, and activities compare to each

Plaintiff's overall activities.

INITIAL RESPONSE: Plaintiffs object to this Request to the extent that it seeks confidential, proprietary, or other sensitive business information or communications protected by law. Subject to the foregoing objections, Plaintiffs respond as follows:

VoteAmerica: VoteAmerica has had to update its absentee ballot application form for Georgia users to include the required disclaimer under SB 202 (which is being challenged as part of this litigation) despite their belief that the disclaimer is false and misleading and will harm the effectiveness of their communications with the users of its tool. VoteAmerica has not undertaken other specific efforts related to vote-by-mail since the enactment of SB 202, beyond maintaining its online tools, which remain available to the general public (including Georgians). During election cycles, VoteAmerica sometimes offers a mail, in addition to email, option for receiving an absentee or vote by mail application generated by their tool. This option enhances access for potential voters who do not have easy access to a printer. Since SB 202 was implemented, VoteAmerica has not offered this feature but plans to do so again in the future. VoteAmerica is investigating what would be required to enable them to offer this feature in Georgia without risking penalties under the Mailing List Restriction.

VPC/CVI: Neither VPC nor CVI have undertaken efforts related to vote-by-

reasonable search.

Respectfully submitted,

/s/ Jonathan Diaz

Danielle Lang*

Jonathan Diaz*

Alice Huling*

Hayden Johnson*

Valencia Richardson*

Campaign Legal Center

1101 14th St. NW, Ste. 400

Washington, D.C. 20005

Tel: (202) 736-2200

Fax: (202) 736-2222

dlang@campaignlegalcenter.org

jdiaz@campaignlegalcenter.org

ahuling@campaignlegalcenter.org

hjohnson@campaignlegalcenter.org

vrichardson@campaignlegalcenter.org

Robert B. Remar

(Ga. Bar No. 600575)

Katherine L. D'Ambrosio

(Ga. Bar No. 780128)

Smith, Gambrell & Russell, LLP

1105 W. Peachtree NE, Suite 1000

Atlanta, GA 30309

(404) 815-3500

rremar@sgrlaw.com

kdambrosio@sgrlaw.com

**Admitted pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

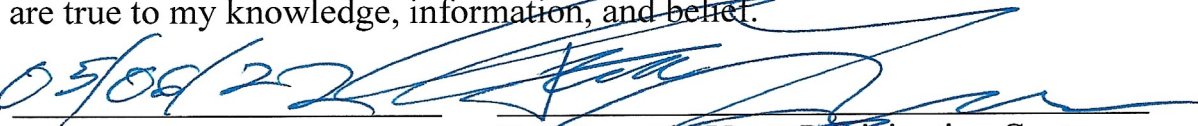
I hereby certify that on May 10, 2022, the foregoing was served by electronic mail on all counsel of record.

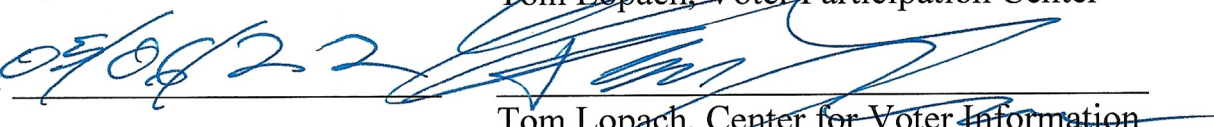
/s/Jonathan Diaz

*Counsel for Plaintiffs
Admitted pro hac vice*

CLIENT VERIFICATION

I certify under penalty of perjury that I have read the foregoing answers to interrogatories contained in PLAINTIFFS' OBJECTIONS AND RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES REQUEST FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION, and the same are true to my knowledge, information, and belief.

Date: 05/09/22 
Tom Lopach, Voter Participation Center

Date: 05/09/22 
Tom Lopach, Center for Voter Information

Date: 05-09-2022 
Daniel McCarthy, VoteAmerica

EXHIBIT 12



Application for Georgia Official Absentee Ballot

The information provided in this document is made under oath and penalty of law and will be used for official government purposes. **When you sign this application, you affirm that you are a citizen of the U.S., currently reside in Georgia and are eligible to vote in Georgia.** Giving false information on this application violates Georgia law and is punishable by a fine up to \$100,000, imprisonment for up to 10 years, or both.

Please print clearly. Be sure to complete all **required** sections.

Date of Election
Required

1 Date of Primary, Election, or Runoff (mm/dd/yyyy) _____
The application must be **received** by your election office* 11 days before the election.

Print voter name
Required

2 Your name as it appears on your voter registration.
First _____ Middle _____ Last _____ Suffix _____

Type of ballot
Required in primary

3 Democratic Republican Non Partisan (will not have ANY party candidates listed)

Residential address
Required Your ballot will be sent here unless you provide a temporary mailing address.

4 The residential or mailing address on your voter registration. If you no longer reside at the address where you are registered to vote, contact your county election office prior to submitting this application.
Address _____
City _____ County _____ **GA** Zip _____

Temporary ballot mailing address
Only if you are **temporarily living** outside the county** and want your ballot sent to this address.

5 This address must be in a different county** than the one where you are registered unless you are physically disabled or detained in jail or other detention facility.
Address _____
City _____ State _____ Zip _____

Contact information
Recommended

6 Phone number _____ Email address _____

Voter identification
Required

Print carefully. This information will be used to verify your identity.

Date of birth (mm/dd/yyyy) _____ **AND** **Georgia Driver's License Number or State Identification Card Number**

--	--	--	--	--	--	--	--	--	--

OR _____
 I do not have a Georgia Driver's License or Identification Card and I am providing a copy of acceptable identification below.

Failure to provide accurate information may delay processing your application.

You must provide your date of birth AND

- a Georgia Driver's License or Identification Card number

OR

- a copy of an acceptable identification from the list in the instructions.

7

Instructions:

- Make sure your identification on your ID card or document is visible.
- Take a photo of your full completed application and submit it electronically to your elections office* (addresses are online: elections.sos.ga.gov/Elections/countyregistrars.do). You may also submit a hard copy of your application via U.S. mail or in person to your elections office*.
- If your acceptable form of identification does not fit in this box, please attach a copy and submit it with your application.

Place identification here
if you did not provide a Georgia driver's license or ID number

Voter oath and signature
Required

8 I, the undersigned, do swear and affirm that I am eligible to vote in Georgia, am a citizen of the U.S. and the facts presented in this application are true. By signing this oath, you are swearing that you are the voter requesting an absentee ballot. **Signing this oath on behalf of another voter violates Georgia law and is punishable by a fine up to \$100,000, imprisonment for up to 10 years, or both.**

Use a pen. No electronic signatures allowed.

Voter, sign and date here (Required)

X	Date (mm/dd/yyyy)
----------	-------------------

If you received this application with your information pre-filled, received multiple or duplicate copies in the mail, or if an unauthorized person offers to return your absentee ballot application, please report this to reportfraud@sos.ga.gov.

Form continues ▶
APP-21_V2

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by: _____
Name and address of person, organization, or other entity distributing this document.



Application for Georgia Official Absentee Ballot

Print voter name

Required

9

Your name as it appears on your voter registration.

First _____ Middle _____ Last _____ Suffix _____

Assisting a voter?

If yes, the assistant must complete this section. **Voter assistance is only allowed if the voter is illiterate or physically disabled.**

10

By signing as assisting the voter, you are swearing under oath that the voter is entitled to assistance. Assisting a voter who is not eligible for assistance in completing this application violates Georgia law and is punishable by a fine up to \$100,000 or imprisonment for up to 10 years, or both.

Assistant's name _____

Assistant's signature	<input checked="" type="checkbox"/>	Date (mm/dd/yyyy)
-----------------------	-------------------------------------	-------------------

Requesting a ballot on behalf of a voter?

If yes, complete this section. The voter must be physically disabled or temporarily residing out of the county** and must still be eligible to vote in the county** where he or she is registered.

11

I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and **acknowledge that making a false statement on this application regarding my relationship to the voter violates Georgia law and is punishable by a fine up to \$1,000, 12 months in jail, or both.**

I swear (or affirm) that the above-named voter is: (check one)

- physically disabled
- temporarily residing out of the county**

Signature of authorized and eligible requestor

<input checked="" type="checkbox"/>	Relationship to voter _____
-------------------------------------	-----------------------------

Relationship to voter _____

Ballot request opt-in

Optional
If you meet the eligibility criteria, you may opt-in to receive an absentee ballot for the rest of the elections cycle without making another application.

12

I opt-in to receive an absentee ballot for the rest of the election cycle.

I am eligible for the reason selected below:

- D- Disabled. I am physically disabled
- E- Elderly. I am 65 years of age or older
- U- UOCAVA. I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. (Complete the information to the right)

UOCAVA Voters only

My current status is (check one)

- MOS - Military Overseas
- MST - Military Stateside
- OST - Overseas Temporary Resident
- OSP - Overseas Permanent Resident (may vote for federal offices only)

(Optional) By entering my email, I request that my absentee ballot be transmitted to me electronically.

Email _____

Acceptable forms of identification if you do not have a Georgia Driver's License or State Identification Card Number

Identification with your photograph:

- United States Passport
- Georgia voter identification card
- Other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification
- United States military identification card
- Employee identification card issued by any branch, department, agency, or entity of the United States government, Georgia state government, or Georgia county, municipality, board, authority, or any other entity of the state of Georgia
- Tribal identification card

Documents that show your name and address:

- Current utility bill
- Bank statement
- Paycheck
- Government check
- Other government document

How to return your absentee ballot application

Absentee ballot applications must be received 11 days before the date of the election. You can return the form by:

- mail
- email (as an attachment)
- fax
- in-person at your elections or registrar's office

Your County Board of Registrar's Office information can be found online: <https://elections.sos.ga.gov/Elections/countyregistrars.do>

*In state, county, and federal elections, your elections office is your county elections office. In municipal elections, your elections office is your municipal elections office.

**Or, in municipal elections, municipality.

No person or entity other than the elector, a relative authorized to request an absentee ballot for such elector, a person signing as assisting an illiterate or physically disabled elector with his or her application, a common carrier charged with returning the ballot application, an absentee ballot clerk, a registrar, or a law enforcement officer in the course of an investigation shall handle or return an elector's completed absentee ballot application. **Handling a completed absentee ballot application by any person or entity other than as allowed in this paragraph is a misdemeanor.**

Ballot	Dates	ID Shown	For office use only
Dist. Combo _____	Received _____	GA DL _____	I certify that the above named voter <input type="checkbox"/> is eligible <input type="checkbox"/> is not eligible _____
Precinct _____	ISS _____	Other _____	
Ballot # _____	Certified _____	Voter Reg # _____	
	Rejected _____		Registrar signature <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Ballot to be:	<input type="checkbox"/> Mailed electronically	<input type="checkbox"/> Delivered to voter in hospital by Registrars or Deputy	<input type="checkbox"/> Voted in office (municipal only)

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by: _____

Name and address of person, organization, or other entity distributing this document.

EXHIBIT 13

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

VOTEAMERICA; VOTER
PARTICIPATION CENTER; and
CENTER FOR VOTER
INFORMATION,

Plaintiffs,

v.

Case No. 1:21-cv-01390-JPB

Judge J.P. Boulee

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,
Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,
Intervenor-Defendants.

**DECLARATION OF JONATHAN DIAZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, JONATHAN DIAZ, declare as follows:

1. I am one of the attorneys representing Plaintiffs VoteAmerica, Center for Voter Information, and Voter Participation Center. I have been employed by the Campaign Legal Center since September 2018. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based upon my own personal knowledge.
2. On June 1, 2022, Intervenor-Defendants served on me Intervenor-Defendants' Responses to Plaintiffs' First Interrogatories, a true and correct copy of which is attached as Exhibit A.
3. Attached as Exhibit B is a true and correct copy of a memo by Plaintiffs VPC/CVI about their programming in 2020.
4. On June 2, 2022, Intervenor-Defendants produced to Consolidated Plaintiffs a script from the Georgia Republican Party for door-to-door canvassing about absentee voting in 2020, a true and correct copy of which is attached as Exhibit C.
5. On June 3, 2022, I retrieved an article published by ABC News titled "'We've never found systemic fraud, not enough to overturn the election': Georgia Secretary of State Raffensperger says," available at <https://abcnews.go.com/Politics/weve-found-systemic-fraud-overturn->

[election-georgia-secretary/story?id=74560956](#), a true and correct copy of which is attached as Exhibit D.

6. On June 3, 2022, I retrieved an article published by Fox 5 Atlanta titled “Georgia secretary of state reaffirms no widespread voter fraud, suggests changes to absentee voting,” available at <https://www.fox5atlanta.com/news/georgia-secretary-of-state-reaffirms-no-widespread-voter-fraud-suggests-changes-to-absentee-voting>, a true and correct copy of which is attached as Exhibit E.
7. On June 3, 2022, I retrieved the Application for Official Absentee Ballot Application for Third-Party Absentee Application Use available at <https://sos.ga.gov/how-to-guide/how-guide-voting#Absentee%20Voting>, a true and correct copy of which is attached as Exhibit F.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of June, 2022 in Washington, D.C.

A handwritten signature in black ink, appearing to read 'Jonathan Diaz', with a long, sweeping horizontal line extending to the right.

Jonathan Diaz

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

VOTEAMERICA; VOTER
PARTICIPATION CENTER; and
CENTER FOR VOTER
INFORMATION,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,
Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,

Intervenor-Defendants.

Case No. 1:21-cv-01390-JPB
Judge J.P. Boulee

**INDEX OF EXHIBITS TO PLAINTIFFS' REPLY IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

	Exhibit	Attachment	Attachment Description
1	Declaration of Jonathan Diaz	A	Defendant-Intervenors' Responses to Plaintiffs' First Interrogatories
		B	VPC/CVI Memo
		C	Georgia Republican Party "Absentee Push & Identification Door Script"
		D	ABC News article
		E	Fox 5 Atlanta article
		F	Sec'y of State Application for Georgia Official Absentee Ballot Form APP-21_V2
2	Expert Rebuttal Report of Dr. Green	n/a	n/a

ATTACHMENT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

VOTEAMERICA, et al.

v.

RAFFENSPERGER, et al.

No. 1:21-cv-01390-JPB

**INTERVENORS' RESPONSES TO
PLAINTIFFS' FIRST INTERROGATORIES**

By agreement of the parties, Intervenors provided their objections to Plaintiffs' first interrogatories on May 9 and are providing their responses to those interrogatories today. Intervenors are not responding to the interrogatories that they objected to in full. And where Intervenors agreed to respond only in part, their answers are subject to the limitations identified in their objections.

RESPONSES

1. Identify each person who has (or claims to have) knowledge of the facts supporting your defenses, or that support or contradict the claims of the Plaintiffs. For each person identified, please state the subject matter of their knowledge.

RESPONSE: Intervenors do not currently plan to call any witnesses of their own.

5. Explain in detail the nature of your involvement with the drafting, lobbying, and passage of the Ballot Application Restrictions, including any communications or work with any state official or state employee (including the Defendants, Governor of Georgia, members of the Georgia General Assembly, and their staffs), Heritage

Foundation, ALEC, Judicial Watch, Americans for Prosperity or any other entity involved in election issues.

RESPONSE: The RNC, NRSC, and NRCC had no involvement in the legislative process. The GAGOP appointed the Election Confidence Task Force to advise the Georgia Legislature on election reform. Many of the suggested reforms were contained in SB 241 and HB 531, two of the predecessor bills to SB 202. The GAGOP drafted suggested language for certain provisions of SB 241, including provisions governing: (1) the casting of absentee ballots by mail; (2) transparency regarding the observation of signature verification and duplication of ballots; (3) candidate and party rights to inspect election materials post-election; (4) absentee ballot application, tabulation, and poll monitoring; and (5) voter challenges.

6. Identify each person in Your office that was involved in any way in the development of SB 202 or any of its predecessor bills, including but not limited to drafting language, gathering data, providing input to any state official (including the Defendants, Governor, members of the General Assembly or their staffs) or other third parties, and soliciting, receiving, or communicating the views of Stakeholders. For each person identified, describe in detail the nature of work performed by each person.

RESPONSE: The RNC, NRSC, and NRCC had no involvement in the legislative process. The GAGOP states as follows: (1) David Shafer; (2) Joseph Proenza; (3) Brandon Moye. As Chairman, David Shafer appointed the Georgia Election Confidence Task Force to help advised the legislature. GAGOP staff

members, Joseph Proenza and Brandon Moye, worked with the Task Force to complete the recommendations that were presented to the General Assembly.

7. Identify each state official or state employee (including the Defendants, Governor, members of the General Assembly, and their staffs) that You communicated with regarding SB 202 or any of its predecessor bills, including but not limited to communications in support of or against the Ballot Application Restrictions, communications regarding the language and text of the Ballot Application Restrictions, or communications regarding the views of Stakeholders. For each person identified, describe in detail the communications.

RESPONSE: The RNC, NRSC, and NRCC had no involvement in the legislative process. The GAGOP states as follows: (1) Senator Brandon Beach; (2) Senator Matt Brass; (3) Senator Max Burns; (4) Senator Mike Dugan; (5) Senator Steve Gooch; (6) Senator Bo Hatchett; (7) Senator Marty Harbin; (8) Senator Burt Jones; (9) Senator Butch Miller; (10) Senator Jeff Mullis; (11) Senator Blake Tillery; (12) Representative James Burchett; (13) Representative John Burns; (14) Representative Barry Fleming; (15) Representative Bonnie Rich; and (16) Representative Todd Jones. For each of these identified individuals, the GAGOP states that the communications were in-person, via telephone, and via email, and such communications included: (1) the process for undertaking election reform; (2) the GAGOP's opinion that election reform was necessary; (3) discussions of methods to secure Georgia's absentee voting and mail-in voting processes; (4) discussions of methods to strengthen Georgia's voter challenge laws; (5) discussions of methods to

increase transparency regarding the inspection and duplication of absentee and mail-in ballots; (6) discussions of eliminating drop boxes or, if they remained, methods to better secure them; and (7) discussions of methods to strengthen Georgia's poll monitoring laws.

8. Since July 1, 2021, Identify and Describe each and every instance in which You made a request to the Secretary of State about "which electors have requested, been issued, or voted an absentee ballot" within the meaning of the Mailing List Restriction and the response you received.

RESPONSE: Intervenors made no such request. The Secretary makes this data publicly available online.

10. For the 2018 election cycle, 2019 election, 2020 election cycle, and 2021 election, Identify and Describe each and every vote by mail or absentee ballot application sent by You or funded by You to any voter in any state, including but not limited to any mailers, email campaigns, or flyers.

RESPONSE: In the 2020 cycle, the RNC sent one absentee ballot application mailer in Georgia. A copy of that mailer is attached as Exhibit A. In the 2020 cycle, the GAGOP sent six absentee ballot application mailers, copies of which are attached as Exhibit B.

13. Explain in detail any research You possess or have conducted regarding the effectiveness of including or prefilling the necessary state forms, including voter registration forms or absentee ballot applications, in any voter engagement mailings sent to potential voters.

RESPONSE: None.

Dated: June 1, 2022

As to responses,

/s/ Benjamin Mehr
RNC

/s/ Louisa Brooks
NRSC

/s/ Blake Murphy
NRCC

/s/ David Shafer
GAGOP

As to objections,

/s/ W. Bradley Carver, Sr.
John E. Hall, Jr.

Georgia Bar No. 319090
William Bradley Carver, Sr.

Georgia Bar No. 115529
W. Dowdy White

Georgia Bar No. 320879
Alex B. Kaufman

Georgia Bar No. 136097
Jake Evans

Georgia Bar No. 797018
HALL BOOTH SMITH, P.C.

191 Peachtree Street NE
Suite 2900

Atlanta, Georgia 30303
(404) 954-5000

(404) 954-5020 (fax)

bcarver@hallboothsmith.com

Tyler R. Green*

Cameron T. Norris*

CONSOVOY MCCARTHY PLLC

1600 Wilson Boulevard

Suite 700

Arlington, Virginia 22209

(703) 243-9423

*pro hac vice

Counsel for Intervenors

CERTIFICATE OF SERVICE

I certify that on June 1, 2022, a copy of this document was emailed to all counsel of record.

/s/ W. Bradley Carver, Sr.

Exhibit A

PLACE
1ST CLASS
STAMP
HERE

<VD_ELECTORG>
<VD_ElectOrgAddress>
<VD_ElectOrgCSZ>

ACT NOW:

**TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED,
PLEASE DO THE FOLLOWING:**

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an Absentee Ballot.

Affix first-class postage and drop your completed application in the mail.

Or you can apply for your Absentee Ballot online by visiting: ballotrequest.sos.ga.gov

**Your application must be received by your county election official by
the end of the business day on Friday, January 1, 2021.**

Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

REPUBLICANS ARE COUNTING ON YOU TO VOTE.

PLACE
1ST CLASS
STAMP
HERE

<VD_ELECTORG>
<VD_ElectOrgAddress>
<VD_ElectOrgCSZ>



OFFICIAL REPUBLICAN PARTY NOTICE:

**Records Indicate You Have Not Yet Requested
An Absentee Ballot for the Runoff Election.**

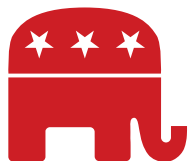
**ALL GEORGIA VOTERS ARE ELIGIBLE TO VOTE ABSENTEE
- NO MATTER THE REASON.**

URGENT NOTICE:

YOUR ABSENTEE BALLOT STATUS NEEDS YOUR IMMEDIATE ATTENTION.

Paid for by the Republican National Committee.
Not Authorized By Any Candidate
Or Candidate's Committee. www.gop.com

310 First Street SE,
Washington, DC 20003



ACT NOW.

**Return Your Absentee Ballot
Application Today.**

**YOUR OFFICIAL REPUBLICAN PARTY
ABSENTEE BALLOT APPLICATION
IS ENCLOSED.**

RETURN YOUR ABSENTEE BALLOT APPLICATION TODAY.

Records indicate you have yet to request your
Absentee Ballot for the Runoff Election on January 5th.


Use your Official Republican Party Absentee Ballot Application
to safely and securely request your ballot today.

Return one of the enclosed forms today and skip the long lines on Election Day.

**Your application must be received by your county election official by the
end of the business day on Friday, January 1, 2021.**

REPUBLICANS ARE COUNTING ON YOU TO VOTE

FOLD AND TAPE TO SEAL

 **Brad Raffensperger**
SECRETARY OF STATE

APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)
Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____


Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
ID SHOWN: GADL _____ Other: _____
I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
Reason for Rejection: _____ Registrar Signature: _____
Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

FOLD AND TAPE TO SEAL

 **Brad Raffensperger**
SECRETARY OF STATE

APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)
Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
ID SHOWN: GADL _____ Other: _____
I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
Reason for Rejection: _____ Registrar Signature: _____
Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

Exhibit B

PLACE
STAMP
HERE

<VD_ELECTORG>
<VD_ElectOrgAddress>
<VD_ElectOrgCSZ>



**PRESIDENT
TRUMP
WANTS
YOU
TO RETURN
THIS FORM!**

GEORGIA
TRUMP

VICTORY

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

PLACE
STAMP
HERE

<VD_ELECTORG>
<VD_ElectOrgAddress>
<VD_ElectOrgCSZ>



**PRESIDENT
TRUMP
WANTS
YOU
TO RETURN
THIS FORM!**

EVERY VOTE MATTERS!

RETURN THIS ABSENTEE BALLOT
REQUEST FORM TODAY!

**President Trump is
Counting on You!**

**This is Your Chance to
Decide America's Future.**

Paid for by the Georgia Republican Party, Inc.
WWW.GAGOP.ORG
Post Office Box 550008
Atlanta, GA 30355

GEORGIA
TRUMP

VICTORY



APPLY TODAY TO VOTE ABSENTEE.



Important Notice:

Absentee voting is a safe and secure way to guarantee your voice is heard.

Your Vote Counts:

One more vote in your neighborhood could decide this election.

Patriotic Duty:

Millions of fellow patriots are counting on you to vote.

RETURN THIS ABSENTEE BALLOT REQUEST TODAY TO ENSURE YOUR VOICE WILL BE HEARD.

FOLD AND TAPE TO SEAL



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

FOLD AND TAPE TO SEAL



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

Request your absentee ballot today. Here's how:

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

Request your absentee ballot today. Here's how:

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Paid for by the Georgia Republican Party, Inc. Not authorized by any candidate or candidate's committee. www.gagop.org

ABAPPOFCNM ABAPPADDR1 ABAPPADDR2 ABAPPCSZ



NAME
COMPANY
ADDRESS
ADDRESS
CITY STATE ZIP

*****EGR*WSH**C-001



Georgia Absentee Ballot Request Form Enclosed
IMMEDIATE ATTENTION REQUIRED



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

REQUEST YOUR ABSENTEE BALLOT TODAY.

Voting by absentee ballot is
EASY, SAFE AND SECURE.

Return this absentee ballot request form today.

OFFICIAL REPUBLICAN PARTY NOTICE

ABSENTEE BALLOT REQUEST FORM ENCLOSED

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

FINAL NOTICE: Request your absentee ballot today.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Place
First-Class
Postage
Here

Return this absentee request form today.

Ensure your vote counts.

- 1 After completing your application, detach along the perforated line.
- 2 Re-fold and tape closed.
- 3 Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

FINAL NOTICE: Request your absentee ballot today.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Paid for by the Georgia Republican Party, Inc. Not authorized by any candidate or candidate's committee. www.gagop.org

ABAPPOFCNM ABAPPADDR1 ABAPPADDR2 ABAPPCSZ



NAME
COMPANY
ADDRESS
CITY STATE ZIP

*****EGR*WSH*C-001



Georgia Absentee Ballot Request Form Enclosed
IMMEDIATE ATTENTION REQUIRED

Non-Profit Org. U.S. Postage PAID Campaign Mail

FINAL NOTICE

Georgia Republican Party
P.O. Box 650008
Atlanta, GA 30355



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

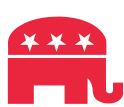
FORM #ABS-APP-18

FINAL NOTICE

REQUEST YOUR ABSENTEE BALLOT TODAY.

Voting by absentee ballot is EASY, SAFE AND SECURE.

Return this absentee ballot request form today.



OFFICIAL REPUBLICAN PARTY NOTICE
ABSENTEE BALLOT REQUEST FORM ENCLOSED



THE BEST IS YET TO COME

PRESIDENT TRUMP NEEDS YOU TO ACT NOW.

President Trump will
always put America First by:

- Fighting for law and order
- Protecting us from the radical left
- Leading our Great American Comeback

Paid for by the Georgia Republican Party, Inc.
GAORP.ORG

Post Office Box 550008
Atlanta Georgia 30355

GEORGIA
TRUMP

VICTORY

Support our Great American
Comeback. Make a plan
today to fill out one of
the attached Absentee
Ballot Request forms.

Place
Stamp
Here

Place
Stamp
Here

<VD_ELECTORG>
<VD_ELECTORGADDRESS>
<VD_ELECTORGC SZ>

<VD_ELECTORG>
<VD_ELECTORGADDRESS>
<VD_ELECTORGC SZ>

THE LAND OF GREATNESS

"My fellow citizens: America's destiny is in our sights. America's heroes are embedded in our hearts. America's future is in our hands. And ladies and gentlemen: the best is yet to come."
- President Donald J. Trump, Speech at Mt Rushmore, July 3, 2020



Support our Great American Comeback.
Make a plan today to fill out one of the
attached Absentee Ballot Request forms.

PRESIDENT TRUMP NEEDS YOU TO ACT NOW.



TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.



Brad Raffensperger
SECRETARY OF STATE

**APPLICATION FOR
OFFICIAL ABSENTEE BALLOT**

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

1	Voter name	First: _____ Middle: _____ Last: _____ Suffix: _____
2	Permanent address on file with county election office	Street: _____ Zip: _____ City: _____ County: _____
3	Temporary address where you want ballot sent	Street: _____ State: _____ City: _____ Zip: _____ County: _____
4	Date of birth	Date of birth: (MM/DD/YYYY) _____
5	Type of ballot	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed) Required in a primary or primary runoff.
6	Contact information	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
7	Signature or mark of voter	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____ Required if voter fills out this application.
8	Signature of person providing assistance	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____ Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.
9	Signature of person requesting ballot if not voter	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county.
10	If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)



Brad Raffensperger
SECRETARY OF STATE

**APPLICATION FOR
OFFICIAL ABSENTEE BALLOT**

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) _____

1	Voter name	First: _____ Middle: _____ Last: _____ Suffix: _____
2	Permanent address on file with county election office	Street: _____ Zip: _____ City: _____ County: _____
3	Temporary address where you want ballot sent	Street: _____ State: _____ City: _____ Zip: _____ County: _____
4	Date of birth	Date of birth: (MM/DD/YYYY) _____
5	Type of ballot	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed) Required in a primary or primary runoff.
6	Contact information	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
7	Signature or mark of voter	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____ Required if voter fills out this application.
8	Signature of person providing assistance	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____ Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.
9	Signature of person requesting ballot if not voter	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county.
10	If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

President Trump is Counting on You.

Join millions of your fellow Americans doing their part to support our Great American Comeback. Make a plan today to fill out one of the attached Absentee Ballot Request forms.

"I will be an absentee voter. We have a lot of absentee voters. It works, so we are in favor of absentee."
- President Donald J. Trump, 7/30/20

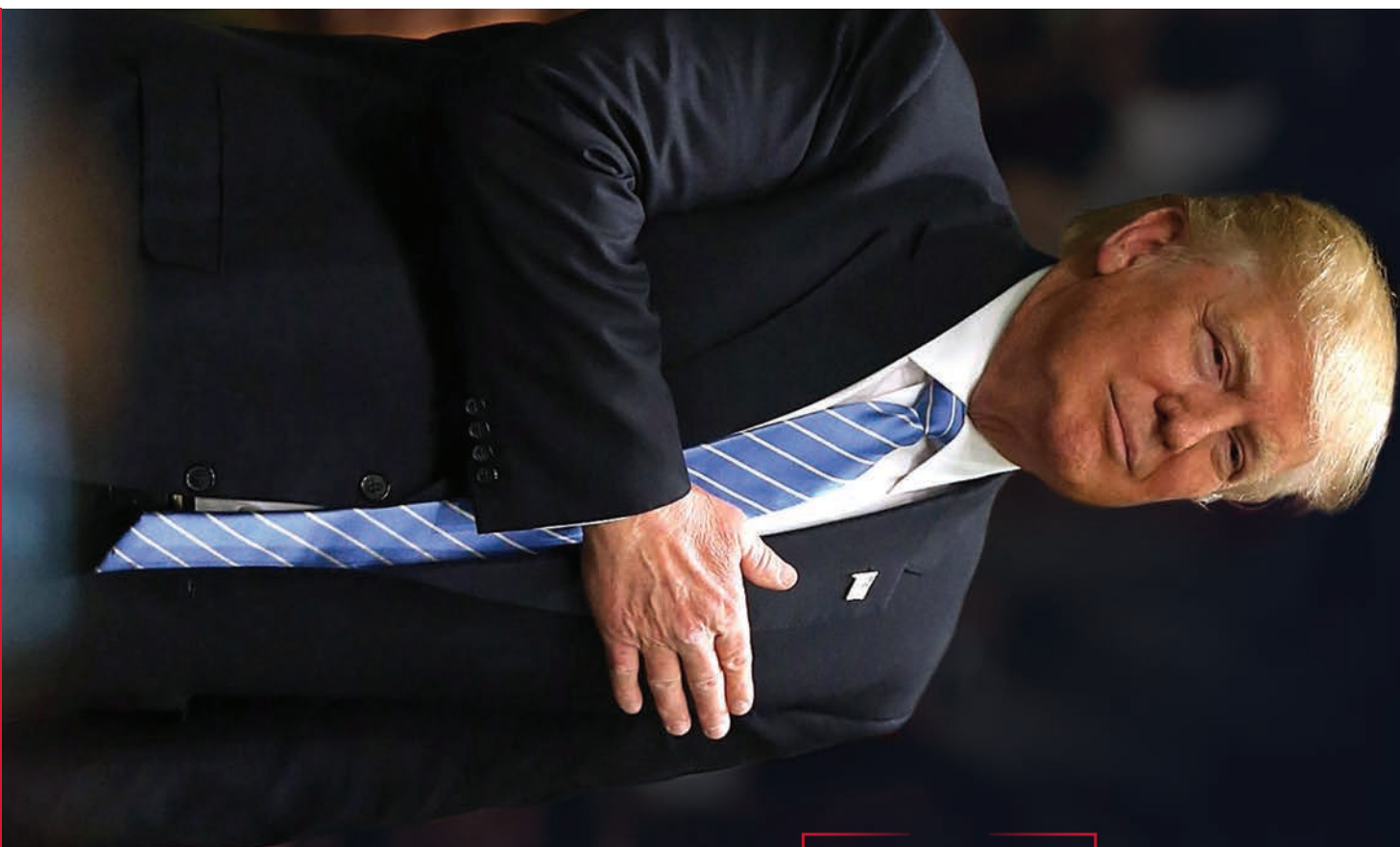
Don't Wait. Fill Out One Of The Attached Forms In Order To Request Your Absentee Ballot Today!

In order to complete your request, you will need to:

- Don't wait. Fill out, sign, and date the attached application.
- Your signature must appear on the application, or you will not receive an absentee ballot.
- Affix first-class postage and drop your completed application in the mail.
- Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

TAKE IMMEDIATE ACTION:

MAKE A PLAN TODAY TO FILL OUT ONE OF THE ATTACHED ABSENTEE BALLOT REQUEST FORMS.



COMPLETE THE ATTACHED OFFICIAL PRIMARY ABSENTEE BALLOT APPLICATION

PLACE
STAMP
HERE

*With one trip
to the mailbox,
you can make
a difference.*

Paid for by the Georgia Republican Party
(www.gagop.org) and not authorized by
any candidate or candidate's committee.

Post Office Box 550008
Atlanta, GA 30355

VD_ElectionOrg
VD_ElectionOrgAddress
VD_ElectionCityStateZip

VD_ElectionOrg
VD_ElectionOrgAddress
VD_ElectionCityStateZip

OFFICIAL REPUBLICAN PARTY NOTICE



**YOUR PRIMARY
ABSENTEE BALLOT
APPLICATION**

INSTRUCTIONS ARE INSIDE

PLACE
STAMP
HERE

WITH ONE TRIP TO THE MAILBOX,

YOU CAN MAKE A DIFFERENCE

REQUEST YOUR PRIMARY ABSENTEE BALLOT TODAY

Fill Out One of the Attached Forms to Request Your Absentee Ballot Today

WE HAVE GOOD NEWS: YOU ARE ELIGIBLE TO VOTE BY MAIL!

Fill out and return the attached form, and an absentee ballot for the June 9th Republican Primary will be mailed to you.

PROTECT OUR VALUES AND OUR LIBERTIES BY REQUESTING YOUR PRIMARY ABSENTEE BALLOT TODAY.

Your fellow conservatives are counting on your vote. Do not wait any longer. **The deadline to request a primary absentee ballot is before Friday, June 5th.**

INSTRUCTIONS FOR PRIMARY ABSENTEE BALLOT APPLICATION

STEP 1: Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

STEP 2: Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Request Your Primary Absentee Ballot Today!



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

FOR PRIMARY ELECTIONS ONLY (please check one): Democratic Non Partisan (will not have ANY party candidates listed) Republican

Date of Primary, Election, or Runoff: 06/09/2020

Application Date (MM/DD/YYYY) _____ Date of Birth (MM/DD/YYYY) _____ Daytime Contact. Number (Optional) _____

Name as Registered (Last) _____ (First) _____ (Middle) _____

Mailing Address as Registered (Street) _____ (City) _____ (Zip) _____

SIGNATURE OR MARK* OF VOTER - REQUIRED *Signature of Person Preparing Application if Voter is Disabled or Illiterate - REQUIRED

ARE YOU ELIGIBLE TO RECEIVE ABSENTEE FOR THE REST OF THIS ELECTION CYCLE WITHOUT ANOTHER APPLICATION? SEE BELOW

E - Elderly - I am 65 years of age or older. D - Disabled - I have a physical disability.



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

FOR PRIMARY ELECTIONS ONLY (please check one): Democratic Non Partisan (will not have ANY party candidates listed) Republican

Date of Primary, Election, or Runoff: 06/09/2020

Application Date (MM/DD/YYYY) _____ Date of Birth (MM/DD/YYYY) _____ Daytime Contact. Number (Optional) _____

Name as Registered (Last) _____ (First) _____ (Middle) _____

Mailing Address as Registered (Street) _____ (City) _____ (Zip) _____

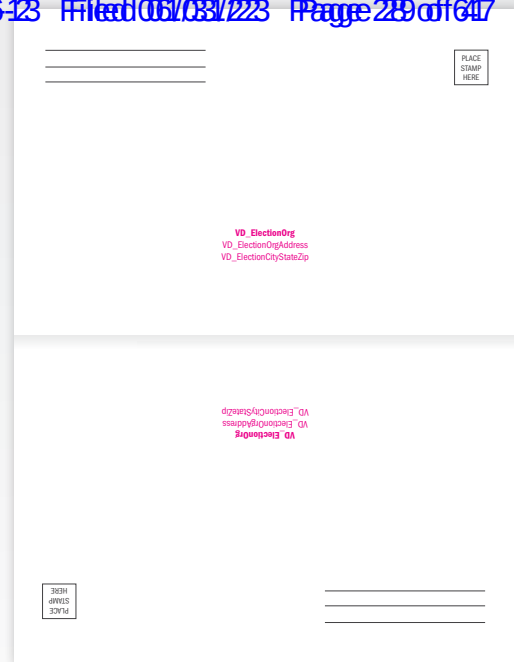
SIGNATURE OR MARK* OF VOTER - REQUIRED *Signature of Person Preparing Application if Voter is Disabled or Illiterate - REQUIRED

ARE YOU ELIGIBLE TO RECEIVE ABSENTEE FOR THE REST OF THIS ELECTION CYCLE WITHOUT ANOTHER APPLICATION? SEE BELOW

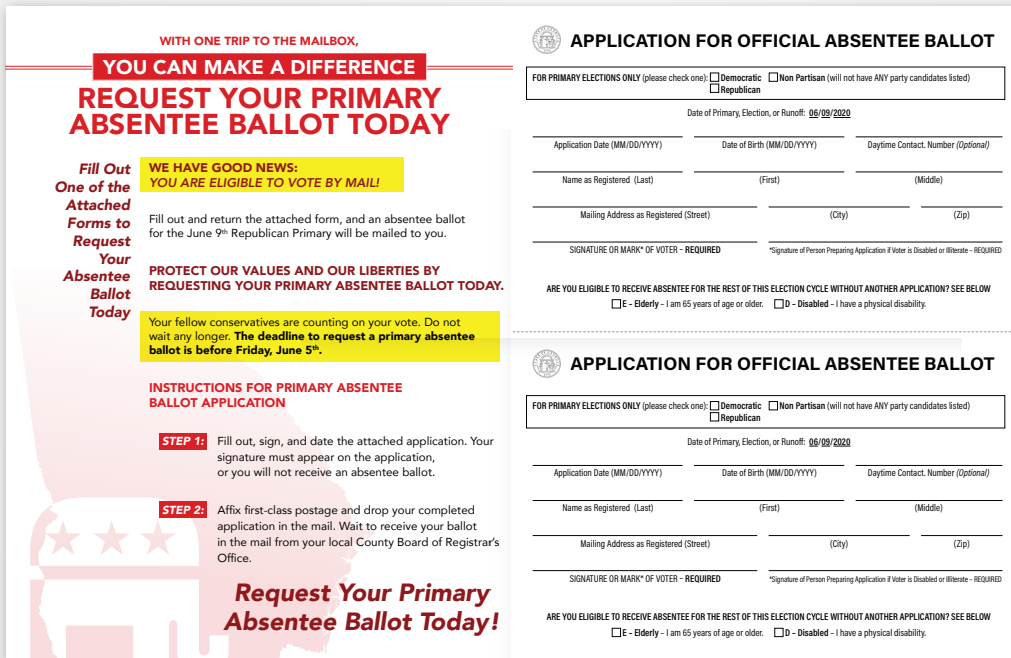
E - Elderly - I am 65 years of age or older. D - Disabled - I have a physical disability.



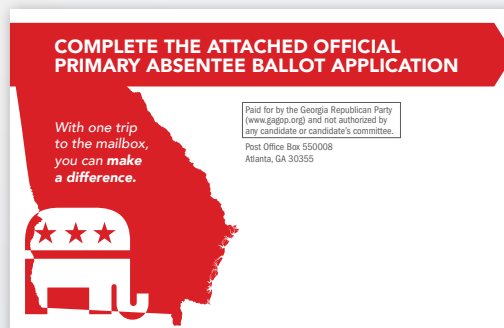
Cover



Transition



Inside



Mail Panel

Place
First-Class
Postage
Here

Return this absentee ballot request form today.

ENSURE YOUR VOTE COUNTS.

- 1** After completing your application, detach along the perforated line.
- 2** Re-fold and tape closed.
- 3** Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

REQUEST YOUR ABSENTEE BALLOT TODAY.

VOTE IN THE SAFETY AND COMFORT OF YOUR HOME.



TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

Place
First-Class
Postage
Here

Return this absentee ballot request form today.

ENSURE YOUR VOTE COUNTS.

- 1** After completing your application, detach along the perforated line.
- 2** Re-fold and tape closed.
- 3** Place a First-Class stamp where indicated and drop in the mail.



ABAPPOFCNM
ABAPPADDR1
ABAPPADDR2
ABAPPCSZ

REQUEST YOUR ABSENTEE BALLOT TODAY.

TO ENSURE YOUR ABSENTEE BALLOT REQUEST IS RECEIVED, PLEASE DO THE FOLLOWING:

Don't wait. Fill out, sign, and date the attached application. Your signature must appear on the application, or you will not receive an absentee ballot.

Affix first-class postage and drop your completed application in the mail. Wait to receive your ballot in the mail from your local County Board of Registrar's Office.

Your application must be received by your county election official by the end of the business day on the Friday before Election Day (Oct. 30).

You may also apply for a ballot online at <https://ballotrequest.sos.ga.gov/>



ONE MORE VOTE IN YOUR NEIGHBORHOOD COULD MAKE THE DIFFERENCE.

Return this absentee ballot request form today.

Detach, fill out and mail today. Fold and tape closed.

URGENT: COMPLETE & MAIL YOUR ABSENTEE BALLOT REQUEST FORM TODAY!

Non-Profit Org.
U.S. Postage
PAID
Campaign Mail

"I am going to be voting absentee."

—PRESIDENT TRUMP

Worried about COVID-19, long lines, or bad weather?

**JOIN PRESIDENT TRUMP.
VOTE ABSENTEE.**



Georgia Republican Party
P.O. Box 550008
Atlanta, GA 30355



*****ECR*WSH**C-001

NAME
COMPANY
ADDRESS
ADDRESS2
CITY STATE ZIP

ARENAID
ABAPPOFCNM ABAPPADDR1 ABAPPADDR2 ABAPPCSZ

GAGOP-1005-55

Return This Absentee Ballot Request Form Today.

VOTE IN THE SAFETY AND COMFORT OF YOUR HOME.

Vote absentee.

IT'S SAFE AND SECURE.

URGENT: ABSENTEE BALLOT REQUEST FORM ENCLOSED!

Just one more vote in your neighborhood will make a difference.

IF YOU WILL NOT BE ABLE TO CAST YOUR VOTE IN PERSON, SUBMIT YOUR ABSENTEE BALLOT REQUEST FORM TODAY.

YOUR VOTE MATTERS

Millions of patriots are counting on you to vote. This is your chance to protect America's future.

VOTING ABSENTEE IS SAFE AND SECURE

Absentee voting is a safe and secure way to guarantee your voice is heard.

VOTE FROM THE COMFORT OF YOUR HOME

Avoid crowds, skip the lines and protect your health. Return the enclosed absentee ballot request form today!



MAIL YOUR ABSENTEE BALLOT REQUEST FORM TODAY!

Paid for by the Georgia Republican Party, Inc. www.gagop.org



Brad Raffensperger
SECRETARY OF STATE

APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18



Brad Raffensperger
SECRETARY OF STATE

APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) **November 3, 2020**

Voter name	1	First: _____ Middle: _____ Last: _____ Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: _____ City: _____ Zip: _____ County: _____
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Contact information	5	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	6	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	7	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	8	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	9	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

ATTACHMENT B



To: Interested parties
From: The VPC and CVI team
Re: Lessons learned from summer 2020 VBM recruitment programs
Date: September 14, 2020

Executive Summary

In response to COVID-19, the Voter Participation Center (VPC) and the Center for Voter Information (CVI) launched a major program pushing voters to vote by mail—and this program has already produced significant results.

To date, VPC and CVI have helped more than 3.5 million voters in key states request vote-by-mail (VBM) ballots for the November election—and nearly tens of thousands of people continue to respond to VPC and CVI VBM mail every day. The response rate for the first large-scale wave of mail sent in early August is currently an impressive 12%.

VPC and CVI also completed large-scale testing to understand which audiences are most responsive to which tactics and strategies—because with COVID-19 changing voting behavior, it is vitally important to reevaluate to this particular moment.

As recent elections have illustrated, signing voters up to vote by mail early can relieve pressure on local election offices, making it more likely that everyone gets their ballots on time. This work puts the VPC and CVI VBM programs in an extremely strong position for the rest of the cycle.

VPC’s mission, as a 501(c)(3), is to increase the participation of the Rising American Electorate (RAE)—composed of communities of color, unmarried women, and young people. CVI, a 501(c)(4) organization, speaks to different audiences of progressive voters outside the RAE.

Key lessons learned from testing to date include:

- **Vote by mail programs increase turnout.** VPC and CVI have run VBM programs for the past 16 years and consistently found that they increase total turnout and do not simply shift voters from Election Day to mail voting, and this is true in the era of COVID. VPC and CVI VBM programs increased net turnout in primary elections in Pennsylvania and Wisconsin, and increased net ballot returns in Georgia and Iowa primary elections.

VoterParticipation.org

202-659-9570

1707 L St NW, Washington, DC 20036

CenterForVoterInformation.org

202-766-6575

1707 L St NW, Washington, DC 20036

- **We cannot rely on states and localities to sign people up to vote by mail.** VPC and CVI have consistently found that multiple waves of effective mail (be it voter registration, VBM, or social normative turnout mail) produce additive net vote effects. In the Georgia and Iowa 2020 primary elections, VPC and CVI mailed voters who had received an official application form from their state. In both states, this mail produced a statistically significant increase in ballot returns. Mailing voters who receive official application forms for the general election is a necessary for a comprehensive VBM program.
- **Past experience with VBM matters more than vote propensity.** In the Wisconsin election in April, the VBM program produced a statistically significant net impact even among the voters most likely to vote—but did not produce a net impact on voters with prior VBM experience, and this an enormously important lesson. In a normal election cycle, there would be different strategies for reaching and mobilizing frequent voters on a chosen scale. In 2020, with COVID-19 lingering and in some states, resurgent, it is important to help frequent voters with little or no experience with voting by mail to navigate the new reality.
- **Layering programs around VBM recruitment mail can increase the impact.** VPC and CVI have worked closely with America Votes and other organizations to send texts and to make live calls to people receiving recruitment mail. There is an effect but only among people contacted. Chase is effective when voters can be contacted but suffers due to low contact rates. VPC and CVI chase mail is effective but expensive.
- **Early VBM programs are effective.** Programs designed to get people to take an action—from registering to vote to donating money—are often more effective in leading up to a deadline. Historically that is true for VBM. However, large-scale mailings VPC and CVI conducted in June and August have double the responses compared to 2018. Both the June and first August VBM mailings in 2020 were more effective than similar mailing in September/October of 2018, and this is noteworthy in that these applications can be sent over a more extended period, increasing the numbers of people who sign up and not endangering the vote by mail process by overloading election officials close to key deadlines.
- **Messaging matters.** Emphasizing that voting by mail is healthy and safe increases response rates among some voters. Emphasizing that a high percentage of voters in a given state vote early/by mail also increases response rates—but interestingly emphasizing high raw numbers of voters voting early/by mail doesn't appear to have an impact. And sending English/Spanish bilingual mail to voters who model as likely to speak Spanish substantially increases response rates. Ongoing testing is important to



understand what works with what audience in a given moment. The ballot request effect for anticipatory language resulted in statistically insignificant but does produce suggestively higher response rates than other creatives.

VPC and CVI are already implementing these lessons', with three more VBM mailings planned in September through the first few days of October, and with a large-scale digital VBM recruitment program.

It is important to acknowledge that voting by mail is not the right solution for every voter. VPC and CVI will also encourage voters to vote early in person and on Election Day. The overall VPC/CVI strategy is to sign up as many voters as possible to vote by mail and push people with mail ballots to return them early, so that there are shorter lines on Election Day—and as a way to mitigate potential turnout reductions due to closing polling places.¹

The VPC/CVI VBM Program

16 years of testing informs VPC and CVI VBM programs. VPC/CVI send voters a letter package that includes a partially-pre-filled VBM application form (if allowed by the state), instructions on how to complete the form, a letter telling people that voting by mail is easy and convenient that includes social normative language, and a postage-paid return envelope to the voter's county or municipal election office. These return envelopes include a unique tracking barcode so VPC/CVI can track who has responded to which mailing. Testing has consistently shown that VBM mail works best when it is black and white and has no political messaging.

Central to all VPC/CVI programs is randomized controlled trial testing. This allows VPC/CVI to understand not just who responded and who voted, but who only voted as a result of receiving a VPC or CVI mailing, controlling for everything else happening in the election. This has allowed VPC and CVI to develop and optimize VBM strategy and tactics to-date. Testing over the past few months will allow VPC and CVI to run the most effective program going forward.

VPC and CVI have five large-scale VBM mailings planned for the cycle. These mailings aim for voters in states where the Rising American Electorate—and those who share the values of the Rising American Electorate— can have a decisive voice in the 2020 election. The first three waves have already landed in homes.

- **Wave A:** in homes August 5 – 8

¹ In the Wisconsin April election, a [Brennan Center analysis](#) found that reducing election day polling places reduced turnout by a staggering 8.6 percentage points.



- **Wave B:** in homes August 19 – 22
- **Wave C:** in homes September 9 – 11
- **Wave D:** in homes September 16 – 19
- **Wave E:** in homes September 28 – October 1

The five waves include most key states, but some states were held out of specific waves in order for mail to not land too close to primary VBM request deadlines. The table below shows the states included by wave.

State	Wave One Mail	Wave Two Mail	Wave Three Mail	Wave Four Mail	Wave Five Mail
AK	No	Yes	Yes	Yes	Yes
AR	No	No	Yes	No	No
AZ	Yes	Yes	Yes	Yes	Yes
FL	Yes	Yes	Yes	Yes	Yes
GA	No	Yes	Yes	Yes	Yes
IA	Yes	Yes	Yes	Yes	Yes
ME	No	Yes	Yes	Yes	Yes
MI	Yes	Yes	Yes	Yes	Yes
MN	Yes	Yes	Yes	Yes	Yes
NC	Yes	Yes	Yes	Yes	Yes
NE-02	No	Yes	No	No	Yes
NM	Yes	Yes	Yes	Yes	Yes
OH	Yes	No	Yes	Yes	Yes
PA	Yes	Yes	Yes	Yes	Yes

TX	Yes	No	Yes	Yes	Yes
VA	Yes	No	No	No	No
WI	No	Yes	Yes	Yes	Yes

VPC is currently running digital VBM programs in FL, IA, NC, OH, PA, and WI and will expand to GA, ME, MI, MN, and NM shortly using the CampaignOS VBM tool. The CampaignOS tool produced the best cost per successful VBM signup, but the net requests evaluation was inconclusive and different metrics performed better or worse for different tools, thus other organizations may reach different conclusions.

Detailed Results from Wave A Mailing

The table below shows three response rates by state for vote by mail. One wave of VBM recruitment mail sent in May and June 2020, compared to the response rate by state of one wave of very similar mail sent in late September 2018, and Wave A. In all cases, the 2020 response rate is significantly higher than the 2018 response rate.

State	2018 Response Rates	Response Rate From May/June 2020	Wave A Response Rate Aug 2020
AZ	4.9%	7.0%	5.0%
FL	4.7%	6.6%	8.9%
IA	NA	NA	19.2%
KS	NA	NA	15.5%
MI	NA	7.9%	6.6%
MN	4.6%	16.0%	10.1%
NC	3.5%	5.6%	11.7%
NM	NA	NA	16.3%
OH	NA	NA	18.0%
PA	NA	NA	10.8%



TX	NA	NA	26.5%
VA	NA	N/A	12.6%
WI	2.1%	8.3%	NA
Overall	4.9%	8.5%	11.9%

High-vote-propensity voters and older voters responded at the highest rates. The tables below show response rates from the Wave One VBM program mailed in early August by age and by 2020 modeled vote propensity score

2020 Vote Propensity Score	Response Rate	Age	Response Rate
0 - 50	8.2%	18 - 19	7.9%
50 - 70	8.7%	20 - 34	5.6%
70 - 80	9.9%	35 - 49	8.2%
80 - 90	11.7%	50 - 64	13.7%
90 - 100	17.5%	65+	23.6%

The next tables show response rates by race, gender, and marital status for Wave A mailing.

Race	Response Rate	Gender/Marital Status ²	Response Rate
African American	8.1%	Married Men	15.2%
AAPI	13.9%	Married Women	15.4%
LatinX	7.8%	Unmarried Men	7.9%
Other PoC	9.5%	Unmarried Women	10.1%
Caucasian	14.4%		

It is incredibly important to note that lower response rates among communities of color, unmarried women, and young people are why VPC focuses on these communities with all programs. Collectively, the RAE represents 64% of the eligible voting population, but are

² Based on model scores. VPC/CVI do not model for likely LGBTQ community status.

underrepresented in American politics. VPC programs are designed to emphasize these audiences, not despite their lower response rates, but because of them.

Messaging Test Results from Wave A and B VBM Mail

While tens of thousands of people continue to respond to the most recent mailing in August, enough people have responded to date to evaluate the messages VPC and CVI tested in mailing.

Wave A message tests

Five states (MI, NC, OH, PA, and VA) tested three new messages for vote by mail recruitment. One message offers reassurance to voters by educating them they can track the status of their ballot online. A second message was tested around the coronavirus, and how to not let the virus takeaway your ability to vote. And a third message provided a message of exclusivity and the voter has been selected to receive a vote by mail application.

- **Reassurance.** Research on voter confidence finds that people trust “local” more than other levels of election administration. The reassurance message states local election officials are taking steps to make voting by mail safe and secure. The message also encourages voters to track their ballot status, thus offering a reassurance voters can trust the mail ballot process and feel it is safe and secure by tracking the status of their mail ballot. The response rate of the message Reassurance rate of 12.2%.
- **Virus.** 2020 has been an unpredictable year as the coronavirus has changed daily life. To an extent, the virus has taken away the ability to go about the day as one usually would. Just because there is a pandemic, it does not mean that the virus has the ability to take away your vote because there are too few polling locations in the primaries, and general fear of contracting the virus in a public voting location. *“Voting by mail ensures coronavirus cannot take away your ability to vote,”* messaging puts the power of voting into the voters hand, and implies vote by mail is an opportunity to keep the voters ability to vote. Like Reassurance, Virus also has a 12.2% response rate.
- **Selected.** The message Selected, paired with a report card, resulted in a 11.7% response rate. Selected messaging calls attention to the fact that the voter was explicitly chosen to receive the application by mail. Their information is populated onto the vote by mail form, which provides an exclusive voter experience.

Voters 65 and older

- **Good Citizen** language was also tested in Wave A only to Texas voters 65 and older, and resulted in a significant 26.3% response rate. Indicating Good Citizen is the best messaging for voters 65 and over. The message addresses challenging times and that



voting by mail is being considerate of family, friends, and neighbors. The message also indicates voting by mail is also creating a shorter line for people who have to vote in-person.

Wave B Message Test

- **CDC COVID Message Test.** In wave B, five states (FL, GA, MI, NC, PA) received letters stating, “The Center for Disease Control recommends lower risk voting options like mail ballots to minimize potential exposure to COVID.” Currently, a 6.6% response rate, which is slightly outperforming other creatives, but keep in mind Wave B has only recently arrived in voter’s mailboxes, explaining the lower response rate relative to Wave A messages at this point.

Previous Message Tests from May and June

- **Report Card.** The standard version. Testing in 2016 showed that adding social normative language comparing the voters’ voting record targeted with their community substantially increased the effectiveness of the program.
- **Anticipatory Benefits.** It comes from the social psychology principle that some people get more pleasure from anticipating something (a vacation, for example) than the thing itself. This approach showed some promise in testing conducted in May and June mailing, and Wave A. The ballot request effect for anticipatory language resulted in statistically insignificant but higher response rates compared to other creatives.
- **Descriptive Norm.** Emphasizing high usage of mail ballot voting in past elections to drive participation in this election. This proved effective in tests by the League of Conservation Voters in 2016. When emphasizing high percentages of people voting before Election Day, this creative resulted in a statistically significant higher response rate than Report Card. When emphasizing high raw totals of people voting before Election Day, this creative did not produce better results than Report Card.
- **Healthy and Safe.** CVI tested adding language to the standard VBM mailing in the April Wisconsin election, saying, “voting at home keeps you healthy and safe.” Despite reducing response rates (but not net votes) in an earlier test in Wisconsin, this language increased response rates in the June mailing. This increase is suggestive but not statistically significant overall, but is statistically significant among voters with vote propensity scores 70 - 90.
- **New to VBM.** In MI, PA, and VA, no-excuse VBM is available to voters for the first time, and in other states like FL and NC, most voters have never voted by mail before despite having the opportunity. This experiment introduces people to VBM and



encourages them to sign up now. This mailing produced the best results of anything tested in North Carolina, but under-performed in other states.

- **Permanent Status**. Some states allow voters to join permanent mail ballot lists so that they don't need to request ballots every year. This test was designed to determine whether there is a decline in impact when pushing voters to join the permanent list, whatever their previous experience with voting by mail. Encouraging voters to join permanent vote-by-mail lists didn't reduce response rates, so future programs can safely push voters towards permanent VBM lists where available, providing a head-start on the work of 2022 and beyond. In May, mailing the response rate to Permanent status was 8.2%.
- **New Format**. VPC/CVI traditionally sends voters a letter and a form in an envelope that also contains a smaller return envelope. The new format experiment uses a new package that has proven successful in voter registration mailings that is quicker and cheaper to produce. This new format is a postcard "self-mailer" and includes a tear-off application form and a tear-off postage-paid return envelope. Despite success as a voter registration concept, this substantially underperformed the Report Card in this test.
- **Bilingual mail**. VPC and CVI have found that in voter registration, sending a mailing where the letter is translated into Spanish on the back increases response rates when sent to unregistered voters who model as likely to speak Spanish.³ VPC and CVI tried a similar test in Florida and found that a bilingual mailer produced statistically significant higher response rates than the English-only mailer among likely Spanish-speakers.

VBM Recruitment Mail for 2020 PA Primary Results for Low and Mid-Propensity Voters

The VBM requests analyzed in this memo are valid for the June 2 primary. Mail ballot use and turnout are measured in the June 2 Pennsylvania primary. The mailing use of Report Card social pressure messaging was based on past testing by CVI/VPC. There were random assignments of three versions of instructions for requesting mail ballot: Official state instructions; Simplified state instructions; Easy as 1-2-3.

- **Easy**: Message follows numbered, and step-by-step instructions how to to obtain a ballot by mail, and how to run the ballot. Step 1: Complete, sign, and mail form. 2. Officials mail you an absentee ballot, and 3. Fill out the ballot and return by mail.

³ According to the Catalyst/Latino Decisions Spanish-speaker model.



- **Official state instructions:** Vote by mail instructions in the official state instructions is smaller than the simplified version, and includes a warning message that if a voter receives a mail-ballot and returns said ballot, voters may not vote at polling locations on election day. This letter has broken down the process for the vote by mail application, which includes, how to submit, deadline alert, necessary identification, information on annual mail-in ballot request, and website and phone number for questions.
- **Simplified:** Looks similar to the official state instructions, but the letter as slightly larger text font, breaks down the process for the vote by mail application, which includes how to submit, deadline alert, necessary identification, information on annual mail-in ballot request, and website and phone number for questions.

Voting by Mail was used by 9.1% of the control group, based on voting method data provided by Catalist. The differences among these three versions are marginally statistically significant ($p=0.072$); the differences between Easy instructions and the State instructions are statistically significant ($p=0.029$). The effects on voting by mail were slightly higher for whites than African American and Latinx voters. Across ideology scores, voting by mail was slightly larger among 0-50 (only People of Color) and 80-100 than the middle categories.

Voting by Mail									
Message	Increase of VBM	Caucasian Voters	African American Voters	Latinx Voters	Cost Per Net Mail Ballot	Ideology Score Range 0-50 (PoC)	Ideology Score Range 50-64.9	Ideology Score Range 65-80	Ideology Score Range 80-100
Easy	1.6%	1.7%	1.5%	1.1%	\$32	1.9	0.8	1.3	2.0
Simplified	1.2%	1.2%	1.3%	1.1%	\$43	1.6	0.5	1.5	1.4
State	1.1%	1.2%	0.8%	0.8%	\$47	2.1	0.4	1.3	1.0

Turnout was 17.3% of the control group, based on voting data provided by Catalist. The differences among these three versions are marginally statistically significant ($p=0.088$); the differences between Easy instructions and the State instructions are marginally statistically significant ($p=0.071$). The effects on turnout were indistinguishable for Caucasian, African



American, and Latinx voters. Across ideology scores, turnout effects were larger among 0-50 (only People of Color) and 80-100 than the middle categories. Easy instructions increased turnout, and pulled votes prior to Election Day, while African American, and Latinx voters saw an increase in mobilization.

Turnout									
Message	Increase of Turnout	Caucasian Voters	African American Voters	Latinx Voters	Cost Per Net Mail Ballot	Ideology Score Range 0-50 (PoC)	Ideology Score Range 50-64.9	Ideology Score Range 65-80	Ideology Score Range 80-100
Easy	1.5%	1.5%	1.5%	1.2%	\$37	2.9	0.4	1.2	2.1
Simplified	0.9%	0.9%	0.6%	1.0%	\$58	2.8	0.2	0.9	1.0
State	1.0%	1.1%	0.6%	1.1%	\$52	2.6	0.6	1.3	0.8

Learnings from Wisconsin

The net impact of the Wisconsin programs is, not surprisingly, lower than VPC and CVI have seen historically and in other states, due to the chaotic nature of the April election, and due to the impact of the requirement that voters submit voter ID with their absentee ballot request and get a witness signature for their ballots. Despite those challenges, VPC/CVI has takeaways regarding a voters experience with vote by mail, as well as from a digital layer test.

- **Prior experience with VBM is very important.** Among people with experience voting by mail, the VPC/CVI VBM mail had no detectable effect. Among people without experience voting by mail, the VPC/CVI VBM mail increased turnout by 0.9 percentage points to 1.1 percentage points at \$64 to \$78 per net vote, depending on the experimental condition.
- **Running targeted digital ads to the mail universe doubled the impact of the mail by itself.** VPC and CVI ran ads on Facebook, highlighting news stories that the Governor was encouraging everyone to vote by mail, among other ads. The mail-only condition increased turnout by 0.34 percentage points over the control group turnout rate at \$176 per net additional vote. The mail plus digital condition increased turnout over the

control group turnout rate by 0.86 percentage points, at \$105 per net additional vote.⁴ A replication from June shows a much smaller and not statistically significant effect in the May/June program.

Net Ballot Return Rates from Primary

While final post-election voter files are not available, analysis of ballot return data in Georgia, Iowa, and Pennsylvania shows that VBM is even more effective outside Wisconsin.⁵

The table below shows the response rates, the net ballot return rate (the increase in ballots returned treatment over control) in Georgia, Iowa, and Pennsylvania, and the cost per net ballot return. In GA and IA, VPC and CVI only mailed people who received official applications, so these effects are 100% additive above and beyond the effect of receiving the official state mailer.

State	Response Rate	Net Ballot Return Rate (PP)	Net Ballot Return Rate (% Increase of Control Turnout)	Cost per Net Ballot Return
Georgia	5.1%	1.0 pp	20%	\$42
Iowa	4.1%	0.7 pp	10%	\$60
Pennsylvania	8.3%	2.1 pp	26%	\$20

Digital VBM Results

Digital Layer Test

In the Wisconsin primary, VPC targeted digital ads to the mail universe which doubled the impact of the mail. In order to test this at a larger scale and across states, VPC launched a program in June surrounding the vote-by-mail mailings in Florida, Wisconsin, Minnesota, Arizona. The objective of this program was to replicate the findings from Wisconsin and test the effects of the number of impressions someone gets. Half of the universe received an average of 40 impressions, while the other half received an average of 15 impressions. VPC tested five message tracks and multiple creatives. At the start of the test, VPC was not yet using a vote-by-mail tool to track sign ups and thus to fully evaluate the



⁴ The difference between treatments was statistically significant.

⁵ Historically, net ballot return rates are highly correlated with net vote effects.



test, which concluded June 26. There are however initially messaging results.

- Overall, the PSA copy (see right) performed best as a category but especially the variation with DEADLINE and the shortURL in the copy (.80% Click-Thru rate (CTR)).
- The general election language also had a high CTR at .75%. And influencers performed in the mid-range with the ad featuring [Shanel](#) beating out the others. All of these results are statistically significant.
- The highlighted map ended up beating the state flag at all points (.73% vs .61%) to a statistically significant degree.

Overall, the digital layering program did not produce a statistically significant increase in ballots returned in August primary elections, but the high-frequency track did produce a statistically significant 0.20 percentage point net increase in ballot return rate ($p=0.01$).

However, VPC also ran these ads to the control group that did not receive any mail and produced similar effects, so it appears that the ads were effective in driving VBM signups online but not more effective when timed around the mail program.

VPC Search Lift Results from YouTube with Fellow Americans

VPC partnered with Fellow Americans to test the effectiveness of digital video at driving VBM signups, using videos that Fellow Americans had previously developed and tested on their own. These were set up as randomized controlled trial tests looking at both the effect on ballot requests but also whether they drove changes in search behavior.

Precedents often show videos tend not to directly drive people to take online action, but can make people likely to take action later, which is why testing to see whether seeing these videos drove people to search for terms related to vote by mail is a meaningful evaluation metric.

VPC tested five messages, and users who saw the ads were 1.3 times more likely to search for vote-by-mail terms online than users who were not exposed. In this test, VPC was able to provide a 500K mail universe for NM, PA and VA, and 200K was matched, at a match rate of 30%. The viewers who went to the video link have an approximate median age of 26, which is significant because reaching younger voters is often challenging. VPC videos drove the highest lift with mail search terms with an overall lift at +128%. VPC will optimize future campaigns with a shorter video (15s) format with tight framing and succinct messaging. A key takeaway is that

this opens up another platform to reach out to audiences in different ways. When there is the ability to penetrate the universe with more impressions, we expect to see stronger return rates.

Creative Easy, Home, and Grandpa were non-skippable 15s ads, while Sarah and Military were 30s skippable ads. Skippable ads can skip around 7s.	Mail-in Voting Lift	Voting by Mail Lift	Vote by Mail Lift
Vote by Mail is Easy : 15s Video: Showing a young woman carrying her ballot to a post box and dropping it in the box.	+165%	+164%	+164%
Vote from Home : 15s Video: Animated video referencing how much people do from home now, and voting by mail should be a part of being at home.	+156%	+155%	+155%
Grandpa Voted by Mail 15s Video: Young African American woman sharing her grandfather voted by mail in WWII.	+151%	+149%	+149%
Sarah Votes by Mail 30s Video: Sarah shares her story of voting by mail multiple times due to school, work, and even a family funeral.	+119%	+116%	+116%
The Military Votes by Mail 30s	+115%	+112%	+112%

Video: Older African American Vietnam veteran shares a history of voting by mail in the military and calls out voting is the freedom he has defended.			
---	--	--	--

Looking at AVEV data, this experiment did not find a statistically significant increase in net ballot request rate overall, although it did produce a marginally-significant 0.34 pp net ballot request effect ($p=0.81$) among people with past VBM experience. A larger program building off other findings that more impression frequency drives greater effects will hopefully yield stronger and more detectable results.

Conclusion

Thank you to everyone who worked on these projects and made these results possible. VPC and CVI team will continue to test, evaluate, and implement programs, and will continue to share these findings with the civic engagement community—and VPC/CVI programs will be shaped by these results as well. To date, VPC and CVI have helped more than 3.5 million voters, and are well on the way to achieving the goal of over 5 million VBM signups in key states. Thousands of people continue to respond to VPC and CVI VBM mail every day.

EXHIBIT 14

2005 Georgia Laws Act 53 (H.B. 244)

GEORGIA 2005 SESSION LAWS

2005 REGULAR SESSION

Additions are indicated by **Text**; deletions by

Text .

Vetoed provisions within tabular material are not displayed.

Act 53

H.B. No. 244

ELECTIONS—PRIMARIES AND VOTING—REVISIONS

AN ACT To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to amend certain definitions; to provide for the enforcement of the chapter by the State Election Board; to provide that vacancies in party nomination caused by the withdrawal of the candidate shall not be filled under certain circumstances; to revise the forms of identification that are acceptable in order to register and to vote in this state; to provide for the voting of absentee ballots by mail without a reason; to remove certain limitations on the distribution of absentee ballot applications by certain organizations; to provide for the processing of such absentee ballot applications; to provide that the political affiliation of candidates in special elections shall be shown on the ballot; to provide that a candidate must receive a majority of the votes cast to be elected to office; to provide that nonpartisan elections shall be held in conjunction with the November general election; to provide for qualifying for such nonpartisan election; to provide for certain procedures concerning write-in candidates; to provide for a state write-in absentee ballot for certain electors; to provide procedures for use of such ballot; to provide when absentee ballots must be available; to provide that no absentee ballot shall be issued on the day prior to a primary or election; to provide that certain absentee ballots that are postmarked by the date of the runoff may be received by the registrars up to three days after the runoff; to change the date of certain runoff primaries and elections; to authorize the Secretary of State to provide copies of the general election ballot and questions on compact disc or other media or an Internet website; to clarify the meaning of governing authority; to authorize the Secretary of State to review ballots for use on DRE units; to provide for certain training for poll officers; to change municipal qualifying periods; to provide that a candidate shall use the surname shown on such candidate's voter registration card when qualifying for office; to provide that the form of a candidate's name cannot be changed after the candidate qualifies; to provide for the time of giving notice to be a write-in candidate in special elections; to delete the requirement that the Secretary of State receive all voter registration cards after a system of digitization of voter registration signatures is operational; to provide for the time for challenging the right of an elector to vote who votes by absentee ballot in person; to provide for the sending of certain notices concerning voter registration; to provide that the individual names of candidates for the office of presidential elector shall not be listed on the ballot; to remove the authorization for counties to use lever-type voting machines; to remove the requirement that optical scanning ballots have a name stub; to provide for notice of preparation of certain voting equipment prior to runoffs; to remove the elector's place of birth from the absentee ballot oath form; to provide that absentee electors whose vote has been challenged must vote by paper or optical scanning ballot; to provide for the posting of certain information at polling places; to provide for additional state-wide poll watchers; to provide for poll watchers for advance voting sites; to limit the number of state-wide poll watchers at individual polling places simultaneously; to prohibit certain activities within close proximity to the locations where advance voting is taking place; to change the forms of identification that are acceptable for voter registration, for absentee voting, and for voting at the polls; to require the county registrars to ensure that certain information is contained on the lists of electors used at polling places; to provide for the confidentiality of certain information; to delete the requirement that poll officers ascertain whether someone timely registered to vote prior to allowing such person

to vote a provisional ballot; to limit the requirement that all voters vote provisional ballots when poll hours are extended by court order to elections in which federal candidates are on the ballot; to provide for the use of provisional ballots by electors when voting machines or DRE units malfunction or an emergency exists which prevents the use of such devices; to provide for the call of special elections when held in conjunction with state-wide primaries and elections; to provide for the offense of conspiracy to commit election fraud; to amend Code Section 40-5-103 of the Official Code of Georgia Annotated, relating to fee for identification cards, so as to provide that fees for identification cards for persons who are indigent and need an identification card in order to vote shall be waived under certain circumstances; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking paragraphs (5), (9), (22), and (37) of Code Section 21-2-2, relating to definitions, and inserting in lieu thereof new paragraphs (5), (9), (22), and (37) to read as follows:

<< GA ST § 21-2-2 >>

“(5) ‘Election’ ordinarily means any general or special election and shall not include a primary or special primary unless the context in which the term is used clearly requires that a primary or special primary is included.”

“(9) ‘Governing authority’ means the governing authority of a municipality Reserved.”

“(22) ‘Plurality’ means the receiving by one candidate alone of the highest number of votes cast for eligible candidates in an election among the candidates for the same office, provided that such number of votes exceeds 45 percent of the total number of votes cast in such election for such office. In the case where two or more persons tie in receiving the highest number of votes or no candidate receives more than 45 percent of the total votes cast for eligible candidates in the election for the office sought there is no plurality Reserved.”

“(37) Reserved ‘Violator’ means any individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, professional corporation, trust, enterprise, franchise, joint venture, political party, political body, candidate, campaign committee, political action committee or any other political committee or business entity, or any governing authority that violates any provision of this chapter.”

SECTION 2.

Said chapter is further amended by striking subsection (d) of Code Section 21-2-4, relating to distribution of summaries of constitutional amendments, and inserting in lieu thereof a new subsection (d) to read as follows:

<< GA ST § 21-2-4 >>

“(d) The Secretary of State is authorized to provide for the preparation of a supply of audio tapes, compact discs, or other media or an Internet website which shall contain the summary of each proposed general amendment to the Constitution as provided in subsection (a) of this Code section, together with a listing of the candidates for each of the state representatives to the United States Congress and the candidates for every public office elected by the electors of the entire state. A sufficient number of the audio tapes, compact discs, or other media may be prepared as will permit the distribution of at least one tape, disc, or other media form to each of the public libraries within the state for the purpose of providing voting information and assistance to any interested citizen. The Secretary of State may cause a supply of the tapes, discs, or other media to be prepared and distributed as soon as practicable after the summary has been prepared and the names of the candidates for each of the public offices to be included are known to be candidates. If the Secretary of State provides such information through an Internet website, it shall not be necessary to provide such information by audio tape, compact disc, or other media.”

SECTION 3.

Said chapter is further amended by striking subsections (b) and (c) of Code Section 21–2–379.6, relating to maintenance of DRE voting systems and supplies, and inserting in lieu thereof new subsections (b) and (c) to read as follows:

<< GA ST § 21–2–379.6 >>

“(b) The superintendent may appoint, with the approval of the county or municipal governing authority, as appropriate, a custodian of the DRE units, and deputy custodians as may be necessary, whose duty shall be to prepare the units to be used in the county or municipality at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the county or municipality such compensation as shall be fixed by the governing authority of the county or municipality. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the units as required by this chapter. The custodian and deputy custodians shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office prepared by the Secretary of State before each primary or election which shall be filed with the superintendent.

(c) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have each DRE unit tested to ascertain that it will correctly count the votes cast for all offices and on all questions in a manner that the State Election Board shall prescribe by rule or regulation. On or before the third day preceding a primary runoff or election runoff, including special primary runoffs and special election runoffs, the superintendent shall test a number of DRE units at random to ascertain that the units will correctly count the votes cast for all offices. If the total number of DRE units in the county or municipality is 30 units or less, all of the units shall be tested. If the total number of DRE units in the county or municipality is more than 30 but not more than 100, then at least one-half of the units shall be tested at random. If there are more than 100 DRE units in the county or municipality, the superintendent shall test at least 15 percent of the units at random. In no event shall the superintendent test less than one DRE unit per precinct. All memory cards to be used in the runoff shall be tested. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, news media, and the public shall be permitted to observe such tests.”

SECTION 50.

Said chapter is further amended by striking subsection (b) of Code Section 21–2–380, relating to definition of absentee elector, and inserting in lieu thereof a new subsection (b) to read as follows:

<< GA ST § 21–2–380 >>

“(b) An elector who requests an absentee ballot by mail or who, during the period of Monday through Friday of the week immediately preceding the date of a primary, election, or run-off primary or election, casts an absentee ballot in person at the registrar's office or absentee ballot clerk's office during the period of Monday through Friday of the week immediately preceding the date of a primary, election, or run-off primary or election shall not be required to provide a reason as identified in subsection (a) of this Code section in order to cast an absentee ballot in such primary, election, or run-off primary or election.”

SECTION 51.

Said chapter is further amended by striking Code Section 21–2–381, relating to making of application for absentee ballot, and inserting in lieu thereof a new Code Section 21–2–381 to read as follows:

<< GA ST § 21–2–381 >>

“21–2–381.

(a)(1) (A) Except as otherwise provided in Code Section 21–2–219, not more than 180 days prior to the date of the primary or election, or runoff of either, in which the elector desires to vote, any absentee elector may make, either by mail, by facsimile transmission, or in person in the registrar's or absentee ballot clerk's office, an application for an official ballot of the elector's precinct to be voted at such primary, election, or runoff.

(B) In the case of an elector residing temporarily out of the county or municipality or a physically disabled elector residing within the county or municipality, the application for the elector's absentee ballot may, upon satisfactory proof of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

(C) The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; the identity of the primary, election, or runoff in which the elector wishes to vote; the reason for requesting the absentee ballot, if applicable; and the name and relationship of the person requesting the ballot if other than the elector.

(D) Except in the case of physically disabled electors residing in the county or municipality, no absentee ballot shall be mailed to an address other than the permanent mailing address of the elector as recorded on the elector's voter registration record or a temporary out-of-county or out-of-municipality address.

(E) Relatives applying for absentee ballots for electors must also sign an oath stating that facts in the application are true.

(F) If the elector is unable to fill out or sign such elector's own application because of illiteracy or physical disability, the elector shall make such elector's mark, and the person filling in the rest of the application shall sign such person's name below it as a witness.

(G) One timely and proper application for an absentee ballot for use in a primary or election shall be sufficient to require the mailing of the absentee ballot for such primary or election as well as for any runoffs resulting therefrom and for all primaries and elections for federal offices and any runoffs therefrom, including presidential preference primaries, held during the period beginning upon the receipt of such absentee ballot application and extending through the second regularly scheduled general election in which federal candidates are on the ballot occurring thereafter to an eligible absentee elector who lives outside the county or municipality in which the election is held and is also a member of the armed forces of the United States, a member of the merchant marine of the United States, or a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member or overseas citizen.

(H) Any elector meeting criteria of advanced age or disability specified by rule or regulation of the Secretary of State State Election Board may request in writing on one application a ballot for a primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates as well as any runoffs resulting therefrom. If not so requested by such person a separate and distinct application shall be required for each primary, run-off primary, election, and run-off election. Except as otherwise provided in this paragraph, a separate and distinct application for an absentee ballot shall always be required for the presidential preference primary held pursuant to Article 5 of this chapter and for any special election or special primary.

(2) A properly executed registration card submitted under the provisions of subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in which the registrant is entitled to vote, shall be considered to be an application for an absentee ballot under this Code section, or for a special absentee ballot under Code Section 21-2-381.1, as appropriate.

(3) All applications for an official absentee ballot that are distributed by a person, entity, or organization shall list thereon all of the legally acceptable categories of absentee electors contained in Code Section 21-2-380 and shall require the elector to select the category which qualifies the elector to vote by absentee ballot, if applicable. ~~No application for an official absentee ballot that is physically attached to a publication that advocates for or against a particular candidate, issue, political party, or political body shall be distributed by any person, entity, or organization.~~ Such applications, if properly completed by the elector or other authorized person and returned to the registrar or absentee ballot clerk, as appropriate, shall be processed by the registrar or absentee ballot clerk and, if the elector is found to be qualified, an absentee ballot shall be mailed or delivered in the office of the registrar or absentee ballot clerk to such elector.

(b) (1) Upon receipt of a timely application, a registrar or absentee ballot clerk shall enter thereon the date received and shall determine if the applicant is eligible to vote in the primary or election involved. In order to be found eligible to vote an absentee ballot in person at the registrar's office or absentee ballot clerk's office, such person shall show one of the forms of identification listed in Code Section 21-2-417.

(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the proper place on the application and shall either mail the ballot as provided in this Code section or issue the ballot to the elector to be voted within the confines of the registrar's or absentee ballot clerk's office or deliver the ballot in person to the elector if such elector is confined to a hospital.

(3) If found ineligible, the clerk or the board of registrars shall deny the application by writing the reason for rejection in the proper space on the application and shall promptly notify the applicant in writing of the ground of ineligibility, a copy of which notification should be retained on file in the office of the board of registrars or absentee ballot clerk for at least one year.

(4) If the registrar or clerk is unable to determine the identity of the elector from information given on the application, the registrar or clerk should promptly write to request additional information.

(5) In the case of an unregistered applicant who is eligible to register to vote, the clerk or the board shall immediately mail a blank registration card as provided by Code Section 21–2–223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by absentee ballot in such primary or election, if the registration card, properly completed, is returned to the clerk or the board on or before the last day for registering to vote in such primary or election. If the closing date for registration in the primary or election concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant, as soon as it is prepared and available; and the ballot shall be cast in such primary or election if returned to the clerk or board not later than the close of the polls on the day of the primary or election concerned.

(c) In those counties or municipalities in which the absentee ballot clerk or board of registrars provides application forms for absentee ballots, the clerk or board shall provide such quantity of the application form to the dean of each college or university located in that county as said dean determines necessary for the students of such college or university.

(d)(1) A citizen of the United States permanently residing outside the United States is entitled to make application for an absentee ballot from Georgia and to vote by absentee ballot in any election for presidential electors and United States senator or representative in Congress:

(A) If such citizen was last domiciled in Georgia immediately before his or her departure from the United States; and

(B) If such citizen could have met all qualifications, except any qualification relating to minimum voting age, to vote in federal elections even though, while residing outside the United States, he or she does not have a place of abode or other address in Georgia.

(2) An individual is entitled to make application for an absentee ballot under paragraph (1) of this subsection even if such individual's intent to return to Georgia may be uncertain, as long as:

(A) He or she has complied with all applicable Georgia qualifications and requirements which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for and voting by absentee ballots;

(B) He or she does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States; and

(C) He or she has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or, in lieu thereof, an alternative form of identification consistent with 42 U.S.C. Section 1973ff and applicable state requirements, if a citizen does not possess a valid passport or card of identity and registration.

(e) The Secretary of State State Election Board is authorized to promulgate reasonable rules and regulations for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules and regulations may include provisions for the limitation of opportunities for fraudulent application, including, but not limited to, comparison of voter registration records with death certificates.”

SECTION 52.

Said chapter is further amended by adding a new Code Section 21–2–381.2 to read as follows:

<< GA ST § 21–2–381.2 >>

“21–2–381.2.

(a) The Secretary of State shall design a state write-in absentee ballot for federal offices and state offices that are voted upon on a state-wide basis for use in a primary runoff or election runoff by an eligible absentee elector who lives outside the county or municipality in which the election is held and who is:

EXHIBIT 15

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

VOTEAMERICA; VOTER
PARTICIPATION CENTER; and
CENTER FOR VOTER
INFORMATION,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,

Intervenor-Defendants.

Case No. 1:21-cv-01390-JPB
Judge J.P. Boulee

DECLARATION OF TOM LOPACH

Pursuant to 28 U.S.C. § 1746, I, Tom Lopach, declare as follows:

1. I am President and CEO of Voter Participation Center (“VPC”) and the Center for Voter Information (“CVI”). I have served in these roles since March 2020.

2. VPC is a nonpartisan, 501(c)(3) nonprofit organization founded in 2003 and based in Washington, D.C.

3. CVI is a nonpartisan, 501(c)(4) nonprofit organization that is a sister organization to VPC and is also based in Washington, D.C.

4. VPC and CVI have in the past worked together, including in Georgia in recent years, to facilitate the organizations’ voter outreach and communications efforts.

5. In 2022 and in the future, VPC and CVI will conduct separate communications and voter outreach programs in Georgia.

6. VPC and CVI engage in aligned work to spread the organizations’ pro-voter messages and to advocate for more people to participate in the political process. SB 202 also adversely affects both VPC and CVI in similar ways. Accordingly, I often refer to the two separate organizations together throughout my Declaration.

VPC and CVI's Overarching Missions and Viewpoints

7. VPC/CVI's missions are to help eligible voters who are members of historically underrepresented groups—such as young people, people of color, and unmarried women—to register and vote by providing them with voter registration, early voting, vote by mail, and get-out-the-vote resources and information. One of VPC/CVI's primary goals is to communicate with these potential voters to encourage and assist them to increase their engagement in the political process through absentee voting.

8. VPC/CVI believe that our country's democracy is better off when more eligible voters can participate and vote for the candidates of their choice. One of VPC/CVI's strongest held principles is that encouraging and assisting voters to participate in our elections through early voting, mail voting, or other types of absentee voting is one of the best ways to ensure a robust democracy.

9. In the current debate in our country about the merits of absentee voting, VPC/CVI are firm advocates for our core message that absentee voting is safe, secure, accessible, and beneficial. When politicians have challenged or questioned the legitimacy of absentee voting, we are obligated to speak up for our pro-voter positions and reassure our audience of eligible Georgia voters that absentee voting is accessible and trustworthy. We know one of the most effective ways to

communicate our message supporting absentee voting is to provide resources and assistance to voters to request an absentee voting ballot so they know firsthand that absentee voting is safe and convenient.

10. VPC/CVI believe and support that absentee voting also expands participation opportunities to VPC/CVI's target voters who cannot access the polls on Election Day because of work or school obligations, lack of transportation, illness, disability, or other barriers. VPC/CVI feel strongly that representative democracy depends on an electoral process that is open and accessible to all eligible voters, including young people, unmarried women, and people of color.

VPC and CVI's Mailer Communications

11. Mailing absentee voting application communications to registered voters is the primary way VPC/CVI express our message by communicating with and assisting Georgia voters to request absentee ballots.

12. VPC/CVI have designed and implemented direct mail programs to share our pro-voter messaging and resources with the recipients of VPC/CVI's communications. VPC/CVI's absentee ballot mail campaigns in Georgia are designed to encourage all Georgians—and particularly traditionally underrepresented Georgians, including young voters, voters of color, and unmarried women—to participate in elections through absentee voting.

13. Significant social science research and VPC/CVI's extensive experience supports that direct mailers remain the most effective means of reaching eligible Georgia voters and communicating our message supporting absentee voting.

14. VPC/CVI mailer communications contain multiple components. Each component of the mailing is carefully planned and represents a key part of VPC/CVI's advocacy for absentee voting. As a whole, the pieces of the mailer function together to form one cohesive communication that will ensure voters hear our message, can utilize our assistance, and will act on our encouragement to seek an absentee ballot and participate in democracy. Attached as Exhibit A and Exhibit B are sample variations of the absentee ballot application mailers that VPC/CVI sent to Georgia voters before the 2020 election.

15. The VPC/CVI mailers sent to Georgia voters during recent election cycles in 2018, 2020, and the 2021 runoff included a printed copy of the official absentee voting application obtained directly from the Georgia Secretary of State's website. As part of our communications and to make them effective, VPC/CVI also used a program to personalize mailed absentee voting applications by prefilling them with some of the voters' basic information drawn from the Georgia voter registration file. Personalizing the applications with prefilled information best ensures that VPC/CVI's message and assistance is both effective and accurate.

16. VPC/CVI's mailer communications also contain a postage-paid envelope addressed to the voter's county election office to facilitate the voter acting on our advocacy by returning the completed absentee voting application to the appropriate office.

17. VPC/CVI's mailer to Georgia voters encloses a cover letter explaining to our target voter population how to request and cast an absentee ballot. The cover letter contained additional messaging that expressed VPC/CVI's advocacy for absentee voting and encouraged voters to apply to vote absentee. For instance, the VPC/CVI cover letter stated, "Voting by mail is EASY;" "Voting by mail keeps you healthy and safe;" "county election officials encourage voters to use mail ballots in the upcoming elections;" "the enclosed absentee ballot application [is] to make requesting a ballot easy;" "your privacy is protected;" and "[t]he best way to protect yourself, your family, and your whole community during this time is to vote by mail." *See* Exs. A, B.

18. A crucial part of VPC/CVI expressing our support of absentee voting and assisting our audience of eligible voters to vote absentee is for our organizations to include in our mailers an actual absentee voting application, and to then personalize the application with the voter's information so the voter is persuaded and able to simply apply.

19. Additionally, the cover letter instructed recipients that “[i]f you’ve already submitted a request for a ballot by mail for the 2020 General Election, there is no need to submit another request.” It also provided phone and website contact information for VPC/CVI.

20. VPC/CVI include a unique scannable barcode tracker on the return envelope for each mailed communication to each individual voter. Using this barcode tracker, VPC/CVI can ensure that our messages are effectively connecting with our audience and that recipients are acting on our encouragement to apply for an absentee ballot. VPC/CVI can also use the tracker to monitor various messages so that we know which communications best advocate for our pro-absentee voting viewpoints. VPC/CVI will often also use the tracker and the data we obtain to appropriately target subsequent communications to eligible Georgia voters and continue our associations with voters.

21. VPC/CVI’s mailers also provide instructions to recipients about how to unsubscribe from further communications from VPC/CVI. VPC/CVI processed numerous unsubscribe requests in 2018 and 2020 in Georgia, ensuring that our messaging would be sent to the correct recipients and that we could continue our associations with those voters.

22. By providing pre-printed absentee voting applications with pre-addressed, postage-paid envelopes and messaging encouraging the voter to submit the application and vote, VPC/CVI makes it easy for our recipients to request and cast an absentee ballot—especially for those voters who lack access to the internet, printing services, or envelopes and postage. In VPC/CVI’s experience, including personalized absentee voting ballot applications with the voters’ information prefilled from the voter file is one of the best ways to ensure that voters have everything they need to request an absentee ballot and to vote early in the election cycle, which makes it more likely that voters will actually participate. Having personalized applications with prefilled information also reduces the risks of rejection. By inputting the voter’s information on the application that is neatly typed and drawn from the voter file, VPC/CVI can minimize the likelihood that the voter will input mismatching information—such as a missing or added hyphenated name—or write illegible information. In doing so, VPC/CVI can also help reduce rejections of otherwise valid absentee voting applications based on data entry errors by election officials because the voter’s information is easily readable or based on a perceived mismatch with the voter file.

VPC and CVI's Mailing Process

23. In the 2018 election, VPC/CVI sent more than 12.8 million absentee ballot application communications across the country, including at least 650,000 mailed to Georgia voters. In the 2020 election, VPC/CVI sent more than 83 million absentee ballot applications across the country, including over 9.6 million to Georgia voters. In the 2021 Georgia runoff election, VPC/CVI sent over 1.8 million absentee ballot application communications to eligible voters in Georgia.

24. VPC/CVI's direct mail program in Georgia is highly effective at spreading VPC/CVI's pro-absentee voting message and turning out the underrepresented voters who are the focus of VPC/CVI's communications.

25. Based on the barcode tracking system VPC/CVI includes on the mailer communications, we know that our message was highly effective in Georgia in recent years. In total during the 2020 election, over 575,000 Georgia voters submitted an absentee ballot application that VPC/CVI provided as part of our mailer communications. Another approximately 88,500 Georgia voters applied for an absentee ballot because of the VPC/CVI mailers during 2021 Georgia runoff. And over 30,000 Georgia voters submitted a VPC/CVI absentee ballot application during the 2018 election.

26. To produce the list of recipients for VPC/CVI's communications, VPC/CVI use statewide voter registration files to identify target voters who are registered to vote but have not yet applied to vote by an absentee ballot.

27. VPC/CVI and their vendor also make periodic requests for updated voter records from Georgia state election officials and checks against publicly available databases before we initiate a mailer program. With these periodic requests, VPC/CVI can make sure we are proactively removing voters from our mailing list who have already requested or submitted an absentee voting application in a timeline that works with our processes and the needs of our third-party vendors.

28. Because VPC/CVI's operations are multi-state, the organizations use numerous national vendors. To run VPC/CVI's national direct mail programs, including VPC/CVI's absentee voting mailers in Georgia, VPC/CVI purchases various goods and services from vendors across the country, including data consulting services to identify VPC/CVI's target demographics; direct mail consulting services; professional printing services; mailbox rental; paper, outer envelopes, and postage-paid return envelopes for the mailers themselves; and legal services to ensure mailings are in full compliance with Georgia laws.

29. VPC/CVI's absentee voting mailer communications—including the cover letter, pre-stamped and pre-addressed envelope, instruction sheet, and the absentee ballot application—costs about 39 cents per mailer to produce.

30. VPC/CVI make the costs of communicating our message possible by completing our mailer programs in bulk. VPC/CVI submit millions of printing requests at a time to professional, high-volume, in-line printers. VPC/CVI must place this volume of orders simultaneously for different states, taking care to tailor the specifics of the communication for each individual state. VPC/CVI may, for example, submit orders to the printers for our Georgia mailers, Kansas mailers, and Arizona mailers in one submission. This arrangement is necessary to make our communications cost-effective so we can continue to spread our message.

31. When VPC/CVI are limited in our ability to communicate our message through mass direct mailers, as we are under the restrictions created in SB 202, our financial and logistical costs of sharing our message significantly increase and our ability to express our viewpoints significantly decreases. Submitting orders to our vendors state-by-state would require VPC/CVI to completely rework its model and incur substantial additional costs. These highly increased costs would make it financially unsustainable to continue our programs in Georgia.

32. VPC/CVI's mailing program for a specific wave of communications, from start to finish, frequently takes six weeks or more. For every wave of communications VPC/CVI conducts, this timeline includes the time it takes to process and prepare data, taking numerous steps to verify its accuracy and narrow the scope of appropriate recipients; to design our mailers and have them printed in large bulk; and finally, to mail the communications to the homes of VPC/CVI's audience. It takes about 20 days between when our mailer communications order reaches our printer vendor and when the communications are then put in the mail to our recipients.

33. VPC/CVI cannot simply change vendors or make other changes to speed up our timeline. For example, none of the professional, in-line capable, union printers VPC/CVI currently use are located in Georgia. VPC/CVI are likewise unaware of any Georgia-based union printers that have in-line variable capability and volume capacity necessary to serve VPC/CVI's printing needs and increase the pace of getting our message out. There is a limited set of printers and distributors that can accommodate VPC/CVI's communications in an effective and accurate manner. And any steps VPC/CVI is forced to take to speed up the timeline would mean significant added costs and sacrificing our accuracy and our rigorous compliance checks.

34. VPC/CVI's absentee voting communications are also generally sent in multiple waves during an election cycle. This was our practice in Georgia during the 2018 and 2020 elections. In our experience, voters oftentimes need additional encouragement and resources before they submit an absentee voting application. Sharing our pro-absentee voting message in numerous waves ensures that we reach eligible Georgia voters and effectively advocate our message in favor of participating in the electoral process, particularly by absentee voting.

35. Moreover, VPC/CVI leverage the organizations' absentee voting mailers to build a broad associational base with both potential voters in Georgia and other civic organizations to promote absentee voting and democratic participation.

36. For example, VPC/CVI use our absentee voting mailers—and specifically voter engagement with the applications in those mailers—to tailor VPC/CVI's further interactions with prospective eligible voters. To the extent possible, and using the mailer barcode trackers, VPC/CVI determine whether a voter has completed the absentee voting application included in VPC/CVI's mailer communications so that VPC/CVI can devise the most effective follow up communication to continue associating with a given voter and making sure they vote.

37. VPC/CVI also use our absentee voting operations to build associations with other civic organizations, such as by sharing information gathered from voter engagement with VPC/CVI's absentee voting application mailers with other organizations that share VPC/CVI's pro-voter viewpoints and seek to encourage and assist prospective voters. VPC/CVI overall use our effective absentee voting communications and assistance to build a relationship with voters and other civic organizations for future collective action.

38. VPC/CVI have a desire to continue communicating with and assisting Georgia voters in future elections, including the 2022 general and runoff election cycle, by mailing personalized absentee voting applications to eligible Georgia voters.

39. VPC/CVI have plans and a desire to continue communicating and associating with other civic organizations to promote absentee voting and participation in the democratic process in future elections, including the 2022 election cycle, by leveraging VPC/CVI's absentee voting mailers and voter engagement with the absentee voting applications that are a vital part of our communications.

VPC and CVI's Correspondences with Georgia Election Officials

40. Before distributing our pro-absentee voting mailer communications, VPC/CVI, through our compliance counsel, frequently coordinated with Georgia election officials and sought their feedback to review the official application form, instructions, and other information in VPC/CVI's communications. VPC/CVI engages with Georgia election officials and shares a sample of our communications before sending them out to voters. VPC/CVI prioritizes coordinating with election officials to ensure our communicated materials are accurate and current, and to maximize the notice we give to election officials and provide additional opportunities to collaborate with them.

41. In late July and early August 2018, VPC/CVI corresponded with Georgia's Elections Director at the time, Chris Harvey, and attached our drafted mailer communication for the 2018 general election. VPC/CVI's email provided the expected timeline that the communications would be mailed to voters and requested any "suggested revisions or questions" from Director Harvey on the mailer communication VPC/CVI attached. Director Harvey wrote back that he reviewed and there were no "obvious issues with your form." The July and August 2018 email correspondence is attached as Exhibit C.

42. In November 2018, VPC/CVI again emailed with Director Harvey to ensure that VPC/CVI were providing voters with accurate information on ways to vote during the 2018 runoff election. To VPC/CVI's knowledge, Director Harvey did not respond. Attached as Exhibit D is the November 2018 email.

43. VPC/CVI continued our attempts to coordinate with Georgia election officials and receive their review and approval of our mailer communications during the 2020 election cycle. In April 2020, VPC/CVI's compliance counsel again emailed with the Secretary of State's office to provide a sample of our mailer and request the Secretary of State's review ahead of the 2020 primary election. For this email, Kevin Rayburn, the Deputy Elections Director and Deputy General Counsel at the time, responded that our mailer communication "looks accurate." Notably, Deputy Director Rayburn also requested that VPC/CVI prefill our absentee voting application with information, asking: "Since this mailing by you is for the June 9, 2020 General Primary, can you go ahead and pre-populate 06/09/2020 in the 'Date of primary, election of runoff' spot at the top of the form?" Based on this suggestion, VPC/CVI made the update to prefill more information on the application communication. The April 2020 email correspondence is attached as Exhibit E.

44. VPC/CVI sent another email in May 2020 for the 2020 primary, this time to election officials in Georgia's four most populous counties—Fulton, Cobb,

Dekalb, and Gwinnett—in addition to Director Harvey and Deputy Director Rayburn. The May 2020 email included sample copies of VPC/CVI’s personalized absentee ballot application and the other materials that would be mailed in our communication, and informed the Georgia election officials that the communications were being sent to 63,000 Georgia registered voters. The May 2020 email is attached as Exhibit F.

45. In June 2020, VPC/CVI emailed to obtain feedback ahead of sending our communications to voters for the 2020 general election. VPC/CVI’s June 2020 email informed the Secretary of State’s office of our plans to send mailer communications that included “1) pre-filled name and address; 2) pre-filled the election date is 11/3/20; and 3) highlighted important fields.” The email also provided VPC/CVI’s timeline for mailing our communications. And, similar to VPC/CVI’s prior and future collaborative emails, VPC/CVI’s correspondence said that “VPC and CVI would be pleased to work with you to provide advance information to potential voters, as well as local elections officials and their staffs” and “Please don’t hesitate to contact me with any questions or concerns.” Director Harvey responded alerting VPC/CVI that the State had slightly modified its absentee ballot application form, to which VPC/CVI requested a copy of the updated form because the Secretary of State’s website had not been updated to include it online.

The June 2020 email correspondence is attached as Exhibit G. Director Harvey later responded in a separate email chain to inform VPC/CVI that the Secretary of State's website was then updated with the slightly revised absentee voting application form, and VPC/CVI ensured its communications to Georgia voters for that election cycle included the updated and correct absentee voting application form. That follow up June 2020 email from Director Harvey and VPC/CVI's response is attached as Exhibit H.

46. On August 6, 2020, before VPC/CVI mailed its first wave of communications for the 2020 general election, VPC/CVI provided a detailed email on its planned mailings to Director Harvey, Deputy Director Rayburn, and the county election offices in Georgia's four most populous counties. In VPC/CVI's detailed August 6, 2020 email, attached as Exhibit I, VPC/CVI explained our pro-voter mission and our target audience, shared the number of 2020 primary voters VPC/CVI had tracked using VPC/CVI mailers at that point, informed the election officials of our mailing wave plans, included a county-by-county total number breakdown of our anticipated recipient list. The email provided VPC/CVI's unsubscribe process and our contact information. VPC/CVI likewise conveyed that we would appreciate if the election officials "pass this information along to all of the counties" and requested that they let us "know if [they] have any questions or

encounter any issues” with our communications. VPC/CVI also attached to the August 2020 email the samples of mailer communications we planned to send in waves during the 2020 general election application period.

47. Also on August 6, 2020, VPC/CVI emailed Director Harvey as part of our due diligence to proactively minimize sending our communications to voters who have already applied for an absentee ballot. VPC/CVI sought an updated list of voters who were “already on file” as having submitted an absentee voting application so that VPC/CVI “can [re]move them from our mailing” list. Director Harvey responded that he did not understand VPC/CVI’s request for the updated list. VPC/CVI responded that because we “typically obtain[] from our vendor, Catalist, a data file from the state listing the individuals who have requested a mail ballot” but “Catalist does not have up to date data for the General [election] in Georgia,” VPC/CVI emailed to see “if we could receive the file directly.” Director Harvey did not respond to this request to provide the update absentee voter list. The August 6, 2020 email exchange concerning the updated list of absentee voting applications is attached as Exhibit J.

48. Ahead of the 2021 runoff election in Georgia, VPC/CVI emailed Director Harvey on November 16, 2020, to provide advance sample copies of the communications VPC/CVI planned to send to Georgia voters to obtain an absentee

ballot. In this email message, VPC/CVI also informed Director Harvey that the mailed applications would be prefilling certain information, such as “the date of the runoff election.” VPC/CVI also invited Director Harvey to “Please let [VPC/CVI] know if you have any questions or concerns.” The November 2020 email ahead of the 2021 runoff election is attached as Exhibit K.

49. VPC/CVI also frequently corresponded with Georgia election officials about our voter registration work, often providing extensive disclosure of our planned work and seeking meaningful coordination with election officials in this area that promotes our message in addition to our absentee voting advocacy.

50. In these emails and others, VPC/CVI’s compliance counsel sought to coordinate with Georgia election officials to ensure collaboration, provide notice, and check that our communications were in full compliance. VPC/CVI’s emails shared a sample of VPC/CVI’s absentee voting mailer communication on numerous occasions. And in response, Georgia election officials frequently confirmed in writing that the absentee voting application form and instructions that VPC/CVI was planning to distribute in Georgia were consistent with Georgia law and the Secretary of State’s practices, and in some instances even made suggestions for VPC/CVI that we implemented. Additionally, at no time in VPC/CVI’s email correspondences with

Georgia election officials did they suggest there were any concerns from election officials, voters, or anyone else regarding VPC/CVI's mailer communications.

SB 202 Severely Curtails VPC's and CVI's Communications

51. If SB 202 is allowed to remain in effect, VPC/CVI will have to either completely stop our absentee voting application direct mail program in Georgia or sharply cut back the number of our communications. We will also have to limit and distort the substance of our communications. VPC/CVI would have to make these significant and negative changes if SB 202 remains in effect to try to minimize the substantial risk of incurring steep civil and/or criminal penalties. The SB 202 provisions VPC/CVI challenge in this lawsuit, both individually and combined, impede the organizations' mission and message encouraging and assisting voters to vote absentee through our mailer communications. The SB 202 provisions force VPC/CVI to divert our resources to try to counteract the negative effects of the new law. They make VPC/CVI reluctant, and potentially unable, to speak our message advocating for voters to vote absentee because we are worried about being subjected to steep civil penalties for even inadvertent violations of the new provisions, or facing criminal prosecution under Georgia's broadly applied criminal statutes for not strictly following the election laws. VPC/CVI's fear of prosecution or penalties

force VPC/CVI to limit and alter our communications in a manner that is misleading and far less effective.

52. First, the SB 202 restriction on the list of voters to whom VPC/CVI can mail our communications has significantly disrupted our programs and gives us doubt that we can effectively communicate our message in Georgia. SB 202 prohibits and penalizes VPC/CVI from sending our communications to voters that are on a constantly evolving list of voters who have already requested, received, or cast an absentee ballot. In VPC/CVI's attempts to find some way to continue being able to mail our pro-absentee voting communications in Georgia at even an extremely scaled down capacity, VPC/CVI are developing and seeking to implement a costly mechanism to ensure we comply with the SB 202 mailing list restriction.

53. To comply with the SB 202 voting list restriction, VPC/CVI have to divert significant programmatic and financial resources to retool VPC/CVI's mailer program in Georgia. Because of the steep \$100 civil penalties—and potential criminal exposure—associated with each individual violation of the SB 202 mailing list restriction, VPC/CVI fears enforcement proceedings against our organizations if we were to continue running our mailer programs. At this point, VPC/CVI believe that we can only avoid the anticipated, high-risk, and devastating consequences of even inadvertent noncompliance by almost entirely stopping our communications.

We anticipate that if VPC/CVI can still send our communications in Georgia with the SB 202 restrictions in effect, it would have to be in only one wave of mailers that would occur only at the opening of Georgia's application window for the 2022 general election. We have committing staffing and research resources to come up with this plan, and we are reworking our program to account for SB 202's restriction on the lawful recipients of our message and to make certain we have new, adequate compliance measures in place.

54. The result is that VPC/CVI will be sending far fewer communications to Georgia voters throughout the election cycle than we otherwise would if SB 202 were not restricting our programs, which means VPC/CVI will be reaching and engaging fewer voters overall. And sending our communications only at the beginning of the application window, which is nearly 80 days before the actual election date, will make VPC/CVI's communications less effective at conveying our pro-absentee voting message. From our experience, voters are far less likely to engage with our communications and be persuaded to act on our urgency during the beginning of the application window when it is so far away from the election date. VPC/CVI is much more effective at expressing our message when we can distribute it in multiple waves.

55. For this reason and others, VPC/CVI would like to find ways to continue mailing our communications throughout the absentee ballot application window. But VPC/CVI have serious concerns about our ability to send any additional mailers past the first five days of the application window due to the high risks of penalties associated with the SB 202 restrictions on to whom we can send our messaging based on the State's absentee voter list, which is a constantly moving target.

56. The five-day grace period in SB 202 that allows mailing our communications to someone who has already signed up for an absentee ballot is wholly inadequate because that timeline provides an impossible window for VPC/CVI's processes that, as described above, take at least six weeks from the data collection to the mail being received at the recipients' home, and about 20 days just from the time we submit our order to the printer to when the communications are actually put in the mail. We cannot speed up our timeline without significantly compromising our messaging and the size, efficiency, and accuracy of our programs.

57. Combining this short grace period with the \$100 fine per instance of mailing a communication to the wrong person severely restricts our ability to communicate our message. Again, to the extent VPC/CVI can continue our absentee voting communication in Georgia at all, we at least will likely have to cutback

VPC/CVI's window for communicating our message through our mailers to only during the first five days of Georgia's absentee application timeline.

58. Ensuring complete compliance with the mailing list restriction in VPC/CVI's mailer communications sent later in Georgia's absentee ballot application windows would be cost-prohibitive and likely impossible. Because VPC/CVI cannot change the timeline that takes several weeks between collecting data and our communications being mailed, and several days from printer order to actually mailing, we would have to put in place new and costly systems to check the recipients list with the five-day grace period voter list on the back end. This unrealistic and cost-prohibitive process would require VPC/CVI to place a hold on the already printed and finalized communications from our printers just for those going to our Georgia audience. Then VPC/CVI would have to divert resources and commit our staffing to manually search for and pull all the recipients who would be on the SB 202 prohibited mailing list, and to complete all of these Georgia-specific processes within fewer than five days. And even if VPC/CVI could somehow pull off this costly additional manual process, our organizations (and potential vendors) could not fully guarantee that a forthcoming recipient did not fall through the cracks, which risks exposing VPC/CVI to significant civil penalties and the risk of criminal prosecution for violating Georgia election law.

59. Under these conditions, VPC/CVI has spent significant staff time and resources to plan for and carefully develop a dramatically scaled back program for delivering our message to voters in Georgia, and incurred costs with VPC/CVI's vendors to make particular arrangements to facilitate our communications under Georgia's new specific and restrictive rules. Expending these added costs has taken away from VPC/CVI's ability to focus our resources and efforts on our messaging and usual programming that we use to increase voters' engagement in the political process.

60. Second, the SB 202 prohibition on VPC/CVI personalizing our communications with applications that are prefilled with the voters' information from the voter file also significantly inhibits our messaging. The prefilling prohibition requires us to pull resources away from our programs to reconfigure our specific work in Georgia and limit our communications with voters in Georgia to ensure full compliance.

61. Having run direct mail campaigns for several years, VPC/CVI's experience is that mailing applications that are personalized by prefilling some of the voters' information drawn from the voter file is the most effective way to advocate VPC/CVI's message. VPC/CVI adds its own speech when it personalizes the absentee ballot application communication. Personalized applications with the

voters' prefilled details from the voter file allows the voter to simply confirm the information is correct when they are receiving VPC/CVI's communications. Prefilling with information from the voter file reduces the risks that the voters themselves could introduce errors on the application form by writing incorrect information. This includes the voter writing on the application a maiden last name that is supposed to be a married name or vice versa, hyphenating or not hyphenating a name, including or excluding name suffixes, or any other potential typos that could result in the absentee voting application being rejected for a mismatch with the voter file. And the ease with which eligible voters can fill and finalize VPC/CVI's personalized applications means they have a higher rate of return by the recipient compared to blank applications. Overall, VPC/CVI adding to and amplifying our communications by personalizing the absentee ballot applications with prefilled information increases VPC/CVI's ability to encourage and assist voters to act on our message.

62. Likewise, on the receiving end in the county election office, having prefilled applications that contain legible, typed out voter information taken from the voter file makes it easier for election officials to process the application, verify its accuracy by reference to the voter file, and accept the application. Indeed, election officials have notified VPC/CVI of the benefits of prefilling. For example, when

reviewing VPC/CVI's 2020 primary mailing in Georgia, the Deputy Elections Director, Deputy Director Rayburn, approved VPC/CVI's prefilled application and suggested that VP/CVI add additional "pre-populated" information of the date of the election. *See* Exhibit E at 2. Georgia election officials reviewed VPC/CVI's communications that contained prefilled applications on numerous other occasions, and they did not alert VPC/CVI of any concerns.

63. Because VPC/CVI's message is that more voters should participate in our elections, and should do so through safe, accurate, and convenient absentee voting, prefilling applications is a key component of VPC/CVI communicating our message and the effectiveness of persuading our audience to vote absentee.

64. By prohibiting VPC/CVI from personalizing applications with prefilled information from the voter file, SB 202 limits VPC/CVI's ability to use what is the most effective means of spreading our message. Being forced to send blank applications in our communications drastically reduces the efficacy and reach of our pro-voting engagement message. Prohibiting personalizing the absentee ballot applications mutes VPC/CVI's ability to get our message across and to encourage voters to engage with our message by submitting their application.

65. To comply with the SB 202 prefilling prohibition, VPC/CVI is required to take resources away from our projects supporting our goals. Given the

SB 202 prefilling prohibition and its reduction in the efficacy of our mailer communications, VPC/CVI would have to spend more resources to try to spread our message and yield the same number of engagements. But, of course, the mailing list prohibition makes that nearly impossible for us to send more mailers to voters as well. Without the ability to communicate through personalized applications, VPC/CVI have to try to find other avenues for encouraging and assisting Georgia voters to submit an absentee ballot application, and to make sure the recipients do so with accurate information when VPC/CVI cannot simply add it from the state's voter file. VPC/CVI will likely have to, for example, conduct research and testing to determine whether VPC/CVI needs to include on its cover letter more detailed instruction on the voter checking the voter file, ensuring that misspellings or hyphenated named does not lead to an erroneous rejection, and have precision with legibility. These additional efforts require additional costs that VPC/CVI would not have to expend if it were not for the SB 202 ban on personalizing our communications.

66. The prefilling prohibition also requires VPC/CVI to expend additional resources to put in place specific compliance and verification processes with our vendors for our Georgia communications. Revising VPC/CVI's standard designs and printing protocols to ensure that no prefilled absentee ballot applications are sent

to Georgia voters will require additional costs. Again, for this provision, if VPC/CVI or its vendors happen to send a communication with prefilled information, our organizations risk being penalized by civil sanctions and potentially face the risk of criminal prosecutions for not abiding Georgia election law. Because of this threat of enforcement proceedings against us, VPC/CVI are planning to limit our communications. Given the reduced efficacy of VPC/CVI's message when we are not able to personalize applications, and the harsh potential penalties associated with a violation, VPC/CVI are hesitant to send our communications in Georgia and are considering directing our resources to other states to share our message there instead.

67. Third, SB 202 requires that VPC/CVI use an approved government document that says at the top "Application for Official Absentee Ballot" but then our organizations have to "prominently" stamp the same document with a misleading disclaimer that boldly says, "**NOT an official government publication.**" This, and the rest of the disclaimer requirement, is nonsensical and undermines VPC/CVI's message by confusing the recipients of our communications and making them unwarrantedly question our message. By requiring us to input this false and misinforming label on an official government document, Georgia is essentially dictating that VPC/CVI speak the government's message that we do not

approve. It compels our organizations to give voters wrong and confusing information, which causes them to unwarrantedly doubt our message.

68. The incorrect and misleading disclaimer label required under SB 202 will dramatically reduce the effectiveness of VPC/CVI's communication and our credibility with our recipients. It will dilute VPC/CVI's message that voting absentee is safe, secure, accessible, and beneficial, and harm our advocacy that voters should use our organizations' communications to apply for an absentee ballot. The disclaimer requirement dilutes and renders less effective VPC/CVI's message when our organizations are forced to say contradictory and incorrect statements. The confusion that is certain to result from VPC/CVI having our communications coopted by the government to include SB 202's misinforming disclaimer label will reduce voter response rates to VPC/CVI's mailers and impede our right to select the most effective means of expressing our message.

69. VPC/CVI fear being the target of civil and potentially criminal penalties because of SB 202's restrictions and have to significantly limit our communications to avoid these threats. After seeing a candidate in Augusta, Georgia, be subjected to state investigation for allegedly not strictly following SB 202's

disclaimer requirement,¹ we worry that even an inadvertent violation would lead to disastrous results for our organizations in the form of steep civil penalties and/or the risk of criminal prosecution.

70. The passage of SB 202 has already limited VPC/CVI's ability to promote and encourage absentee voting in Georgia in the 2022 election. VPC/CVI has plans to send absentee voting applications to Georgia voters in the 2022 general election, and would send mailers to Georgia voters at the beginning of the absentee ballot application window. This necessitates several months of strategic planning and preparation that are well underway, such as determining the full list of states in which VPC/CVI will work in 2022 in addition to Georgia; budgeting VPC/CVI's limited funds and resources to each state; drawing voter data from Georgia and other states in which VPC/CVI intends to work; identifying the recipient list of eligible voters in Georgia and other states; developing alternative mailer designs (i.e. creatives) to test which one is most effective with potential Georgia voters and to comply with the new SB 202 restrictions; and running legal compliance checks to

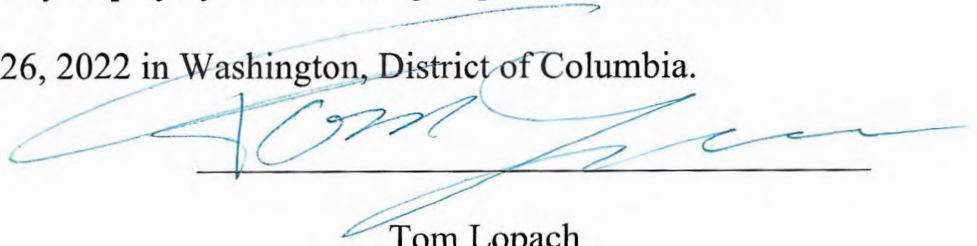
¹ VPC/CVI are monitoring the situation unfolding in Augusta, Georgia, where the Secretary of State has revealed an investigation into a county commission candidate sending absentee voting mailers that included a disclaimer on the communication but may not have strictly followed SB 202. See Susan McCord, *Augusta Commission election mailer flagged for Georgia Secretary of State review*, *Augusta Chronicle* (Mar. 30, 2022), <https://www.augustachronicle.com/story/news/2022/03/30/augusta-commission-campaign-mailer-under-review-state-elections/7199180001/>.

ensure VPC/CVI's campaigns follow state laws. This planning and preparation is currently occurring, and VPC/CVI have had to divert programmatic and financial resources to determine how, if possible, VPC/CVI can communicate with Georgia voters this cycle.

71. In sum, VPC/CVI believe that multiple waves of mailing personalized absentee voting applications—with clear instructions and encouragement to vote absentee and without a misleading disclaimer—is the most effective means to communicate VPC/CVI's message that Georgia voters should participate in the democratic process, in particular, through absentee voting. SB202's provisions, and the high risks of civil and criminal penalties for noncompliance with the new laws, makes it so that VPC/CVI cannot employ these most effective means of communicating our pro-absentee voting message. Our efforts to comply could be so cost-prohibitive as to shut down VPC/CVI's Georgia communications altogether in the long run. Enjoining the SB 202 restrictions will enable VPC/CVI to continue our communications and be able to effectively express our views and persuade eligible, registered Georgia voters to participate and vote absentee.

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

Executed on April 26, 2022 in Washington, District of Columbia.



Tom Lopach

EXHIBIT A

The Center for Voter Information

925B Peachtree St NE #615
Atlanta, GA 30309

©2016-2020 The Center for Voter Information
All Rights Reserved.



**VOTE AT HOME BALLOT REQUEST FORM
DO NOT DISCARD**

ELECTRONIC SERVICE REQUESTED

NONPROFIT
ORG.
U.S. POSTAGE
PAID
TMPD



1 T1 P1*****ECRWSH**C001 C001 0001

Jane A Smith III
123 Anywhere St
Anytown, GA 12345-6789



Center For Voter Information

If you've already submitted a request for a ballot by mail for the 2020 General Election, there is no need to submit another request.

Dear Jane,

The Georgia Secretary of State and county election officials encourage voters to use mail ballots in the upcoming elections. I have sent you the enclosed absentee ballot application to make requesting a ballot easy.

Voting by mail is EASY. Just sign, date, and complete the application. Drop it in the mail and you will receive a ballot from your County Board of Registrar's Office which you can complete and return without ever leaving your home. No waiting in line.

Voting by mail keeps you healthy and safe. The best way to protect yourself, your family, and your whole community during this time is to vote by mail.

You can even research the candidates as you vote.

Your privacy is protected. If you use the enclosed envelope with pre-paid postage, your application will be delivered directly to your County Board of Registrar's Office.

By voting by mail from your home, and not waiting until Election Day, you've already done your part. You simply get to look forward to Election Day and hearing about the results.

You can check your ballot status at: mvp.sos.ga.gov

Sincerely,

Lionel Dripps
Center for Voter Information



P.S. Please take a minute to complete the form, sign and date it, and place the form in the pre-addressed, postage-paid envelope. Thank you.

*Your participation score was calculated by The Center for Voter Information using data from publicly available state voter files.

If you wish to be removed from our mailing list, email this code: GAAU0591397 to unsubscribe@centerforvoterinformation.org

This mailing has been paid for by the Center for Voter Information (CVI). CVI is a non-government, nonprofit, 501(c)(4) organization. (866)-377-7396 www.centerforvoterinformation.org. CVI is not affiliated with state or local election officials. © 2016-2020 The Center for Voter Information. All Rights Reserved.



APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) 11/3/2020

Voter name	1	First: <u>Jane</u> Middle: <u>A</u> Last: <u>Smith</u> Suffix: <u>III</u>
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: <u>123 Anywhere St</u> City: <u>Anytown</u> Zip: <u>12345</u> County: <u>MUSCOGEE</u>
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county than the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____
 Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____
 ID SHOWN: GADL _____ Other: _____
 I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot
 Reason for Rejection: _____ Registrar Signature: _____
 Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

IT'S AS EASY AS 1-2-3

You're a voter, and for you, voting absentee by mail is simple. Here's how it works:

STEP 1: You complete, sign, and mail the form on the reverse of this sheet.

STEP 2: Your county board of registrars mails you an absentee ballot.

STEP 3: You fill out the ballot and return it to your county board of registrars—by mail.

SEE REVERSE FOR YOUR APPLICATION TO VOTE-BY-MAIL

For questions, please call your county board of registrars office. You can find their phone number at
<https://elections.sos.ga.gov/Elections/countyregistrars.do>

Jane Smith III
123 Anywhere St
Anytown, GA 12345-6789



**NO POSTAGE NECESSARY.
POSTAGE HAS BEEN PAID.**

FIRST-CLASSMAIL
U.S. POSTAGE
PAID
VPC
IMB-POSTAGE



1



MUSCOGEE COUNTY BOARD OF REGISTRARS OFFICES
PO BOX 1340
COLUMBUS, GA 31902-1340

EXHIBIT B

The Center for Voter Information

925B Peachtree St NE #615
Atlanta GA, 30309

© 2016-2020 The Center for Voter Information.
All Rights Reserved.

**VOTE AT HOME BALLOT REQUEST FORM
DO NOT DISCARD**

ELECTRONIC SERVICE REQUESTED

NONPROFIT
U.S. POSTAGE
PAID
PERMIT #2227
LANSDALE, PA

31970000142
Jane A. Smith
123 Main Street
Anytown, GA 12345-6789

Center For Voter Information

If you've already submitted a request for a ballot by mail for the 2020 General Election, there is no need to submit another request.

Dear Jane,

The Center for Disease Control recommends lower risk voting options like mail ballots to minimize potential exposure to COVID19. The Georgia Secretary of State and county election officials encourage voters to use mail ballots in the upcoming elections. I have sent you the enclosed absentee ballot application for Georgia already filled out with your name and address.

Voting by mail is EASY. Just sign, date, and complete the application. Drop it in the mail and you will receive a ballot from your County Board of Registrar's Office which you can complete and return without ever leaving your home. No waiting in line.

Voting by mail keeps you healthy and safe. The best way to protect yourself, your family, and your whole community during this time is to vote by mail.

You can even research the candidates as you vote.

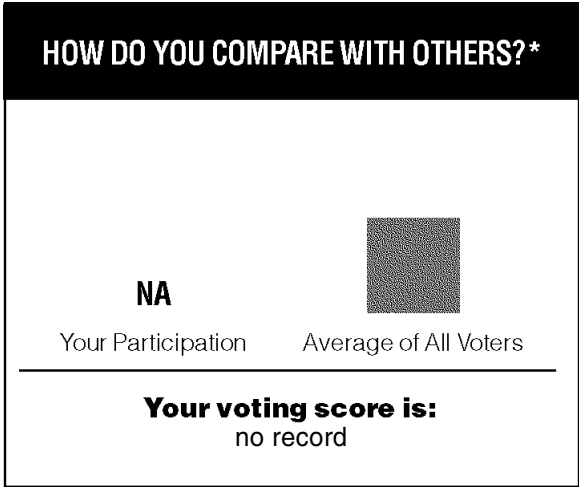
Your privacy is protected. If you use the enclosed envelope with **pre-paid postage**, your application will be delivered directly to your County Board of Registrar's Office.

You can check your ballot status at: **mvp.sos.ga.gov**.

Sincerely,



Lionel Dripps
Center for Voter Information



P.S. We have already filled in your name and address on the enclosed form. **Please take a minute to complete the form, sign and date it, and place the form in the pre-addressed, postage-paid envelope.** Thank you.

*Data obtained from publicly available state voter files.

If you wish to be removed from our mailing list, email this code: GAAS2261876 to unsubscribe@centerforvoterinformation.org

This mailing has been paid for by the Center for Voter Information (CVI). CVI is a non-government, nonprofit, 501(c)(4) organization. **(866)-377-7396** www.centerforvoterinformation.org. CVI is not affiliated with state or local election officials.
© 2016-2020 The Center for Voter Information. All Rights Reserved.





Brad Raffensperger
SECRETARY OF STATE

APPLICATION FOR OFFICIAL ABSENTEE BALLOT

PLEASE PRINT (Failure to fill out the form completely could delay your application)

Date of Primary, Election, or Runoff: (MM/DD/YYYY) 11/3/2020

Voter name	1	First: <u>JANE</u> Middle: <u>A</u> Last: <u>SMITH</u> Suffix: _____
Permanent address on file with county election office <small>This is the address at which you are registered OR the mailing address you have given your county elections office. Your ballot will be sent here unless you provide a valid address in Section 3.</small>	2	Street: <u>123 MAIN STREET</u> City: <u>ANYTOWN</u> Zip: <u>12345</u> County: <u>LIBERTY</u>
Temporary address where you want ballot sent <small>If you wish to receive your absentee ballot at an address other than the one in Section 2, fill it in here. This address must be in a different county that the county listed in Section 2 unless you are physically disabled or detained in jail or other detention facility.</small>	3	Street: _____ City: _____ State: _____ Zip: _____ County: _____
Date of birth	4	Date of birth: (MM/DD/YYYY) _____
Type of ballot Required in a primary or primary runoff.	5	<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Non Partisan (will not have ANY party candidates listed)
Contact information	6	To assist your county elections officials in contacting you in a timely manner if your application is incomplete, please provide the following information. Phone number: _____ Email: _____
Signature or mark of voter Required if voter fills out this application.	7	Signature or mark of voter: _____ Today's date: (MM/DD/YYYY) _____
Signature of person providing assistance Required if the voter receives assistance filling out this form. Assistance is only allowed if the voter is illiterate or physically disabled.	8	Name of assistant: _____ Signature of assistant: _____ Today's date: (MM/DD/YYYY) _____
Signature of person requesting ballot if not voter Required only if an eligible relative is making an application on behalf of the voter who is physically disabled or temporarily residing out of the county.	9	Signature of requestor: _____ Relationship to voter: _____ I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and swear (or affirm) that the above-named voter is (check one) <input type="checkbox"/> physically disabled or <input type="checkbox"/> temporarily residing out of the county
If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.	10	<input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability <input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one): <input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident <input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only) Email: (required for UOCAVA voters requesting electronic transmission) _____

FOR OFFICE USE ONLY

Dist. Combo: _____ Precinct: _____ Ballot #: _____

Received Date: _____ ISS Date: _____ Certified Date: _____ Rejection Date: _____

ID SHOWN: GADL _____ Other: _____

I certify that the above named voter is eligible is not eligible to receive a vote by mail ballot

Reason for Rejection: _____ Registrar Signature: _____

Ballot to be: Mailed Electronically Transmitted/delivered to voter in hospital by Registrars/Deputy Voted in office (municipal only)

FORM #ABS-APP-18

IT'S AS EASY AS 1-2-3

You're a voter, and for you, voting absentee by mail is simple. Here's how it works:

STEP 1: You complete, sign, and mail the form on the reverse of this sheet.

STEP 2: Your county board of registrars mails you an absentee ballot.

STEP 3: You fill out the ballot and return it to your county board of registrars—by mail.

SEE REVERSE FOR YOUR APPLICATION TO VOTE-BY-MAIL

For questions, please call your county board of registrars office. You can find their phone number at
<https://elections.sos.ga.gov/Elections/countyrregistrars.do>

Jane A. Smith
123 Main Street
Anytown, GA 12345-6789



FIRST-CLASS MAIL
U.S. POSTAGE
PAID
VPC
IMB-POSTAGE

**NO POSTAGE NECESSARY.
POSTAGE HAS BEEN PAID.**



LIBERTY COUNTY BOARD OF REGISTRARS OFFICES
100 S Main St Ste 1600
Hinesville, GA 31313-3225

EXHIBIT C

Subject: RE: VPC -- Absentee Ballot Application Mailing (Georgia, September 2018)
Date: Thursday, August 2, 2018 at 10:42:17 AM Mountain Daylight Time
From: Carrier, Jennifer
To: 'Harvey, Chris'

Chris –

Thanks so much! I've been finding that some states actually prohibit groups from sending out absentee ballot applications. So I'm extra paranoid about ensuring feedback from the states.

Jen

Jennifer L. Carrier |BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris [<mailto:wharvey@sos.ga.gov>]
Sent: Thursday, August 2, 2018 11:56 AM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: RE: VPC -- Absentee Ballot Application Mailing (Georgia, September 2018)

Jen,

I don't see any obvious issues with your form.

As you may know, there is no specific form required to request an absentee ballot in Georgia.

Chris Harvey

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT

404-985-6351 MOBILE

From: Carrier, Jennifer <JCarrier@blankrome.com>
Sent: Thursday, August 2, 2018 11:02 AM
To: Harvey, Chris <wharvey@sos.ga.gov>
Subject: RE: VPC -- Absentee Ballot Application Mailing (Georgia, September 2018)

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

Hi Mr. Harvey –

Checking in on this draft absentee ballot application. I want to make sure we aren't making any mis-steps in this arena!

Many thanks!

Jen

Jennifer L. Carrier |BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Carrier, Jennifer
Sent: Monday, July 30, 2018 12:03 PM
To: Harvey, Chris (wharvey@sos.ga.gov) <wharvey@sos.ga.gov>
Cc: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: VPC -- Absentee Ballot Application Mailing (Georgia, September 2018)

Mr. Harvey --

The Voter Participation Center (VPC) is planning on sending the **attached** absentee ballot application mailing in Georgia the **last week of September**.

Please let me know by **Friday, August 3** if you have any suggested revisions or questions.

Many thanks!

Jen Carrier

Jennifer L. Carrier |BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the Blank Rome LLP or Blank Rome Government Relations LLC sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

EXHIBIT D

Subject: RE: Super Quick Question re: Logistics
Date: Tuesday, November 13, 2018 at 11:44:10 AM Mountain Standard Time
From: Carrier, Jennifer
To: 'Harvey, Chris'

Perfect. Thank you so much! I'll refrain from taking up any more of your time 😊

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris [<mailto:wharvey@sos.ga.gov>]
Sent: Tuesday, November 13, 2018 1:40 PM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: RE: Super Quick Question re: Logistics
On Election Day the hours are the same, and MVP will be up.
Chris Harvey
Elections Director, Georgia Secretary of State
404-657-5380 DIRECT
404-985-6351 MOBILE

From: Carrier, Jennifer <JCarrier@blankrome.com>
Sent: Tuesday, November 13, 2018 1:37 PM
To: Harvey, Chris <wharvey@sos.ga.gov>
Subject: RE: Super Quick Question re: Logistics

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

Chris—

Great! And polling hours the same too, right? We'd like to still direct people to mvp.sos.ga.gov – it will be up to date, right?

Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris [<mailto:wharvey@sos.ga.gov>]
Sent: Tuesday, November 13, 2018 12:42 PM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: RE: Super Quick Question re: Logistics
Election Day polling places should generally be the same.
Advance voting is truncated, and I don't know about those locations.
Chris Harvey
Elections Director, Georgia Secretary of State
404-657-5380 DIRECT
404-985-6351 MOBILE

From: Carrier, Jennifer <JCarrier@blankrome.com>
Sent: Tuesday, November 13, 2018 12:33 PM
To: Harvey, Chris <wharvey@sos.ga.gov>
Cc: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: Super Quick Question re: Logistics

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

Hi Chris—

I hope you are doing well and aren't too overwhelmed with work!

Quick question (and apologies in advance because I know you are too busy for these questions right now).

For the GA runoff (I know that there may not be a runoff related to the Governor's race), will the polling places and polling hours be the same as the general?

Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the Blank Rome LLP or Blank Rome Government Relations LLC sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

EXHIBIT E

Subject: RE: Upcoming Absentee Ballot Application Mailings -- VPC and CVI **Please Review**
Date: Thursday, April 23, 2020 at 1:51:17 PM Mountain Daylight Time
From: Carrier, Jennifer
To: Rayburn, Kevin, Harvey, Chris
Attachments: image001.jpg

Thanks so much!! We will make that update.
Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Rayburn, Kevin <krayburn@sos.ga.gov>
Sent: Thursday, April 23, 2020 3:38 PM
To: Carrier, Jennifer <JCarrier@blankrome.com>; Harvey, Chris <wharvey@sos.ga.gov>
Subject: RE: Upcoming Absentee Ballot Application Mailings -- VPC and CVI **Please Review**

Good Afternoon,

The form looks accurate when compared to our state request form. Since this mailing by you is for the June 9, 2020 General Primary, can you go ahead and pre-populate 06/09/2020 in the "Date of primary, election of runoff" spot at the top of the form?

Sincerely,

Kevin Rayburn

*Deputy Elections Director and Deputy General Counsel
Georgia Secretary of State*
Main: 404-656-2871
Direct: 470-312-2752



From: Carrier, Jennifer [<mailto:JCarrier@blankrome.com>]
Sent: Thursday, April 23, 2020 3:30 PM
To: Harvey, Chris <wharvey@sos.ga.gov>
Cc: Rayburn, Kevin <krayburn@sos.ga.gov>
Subject: RE: Upcoming Absentee Ballot Application Mailings -- VPC and CVI **Please Review**

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

Mr. Harvey –
I wanted to make sure are fine with this mailing. We are finalizing the mailing now and it will be landing in

homes mid-May.
Thanks!
Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Carrier, Jennifer
Sent: Monday, April 20, 2020 3:35 PM
To: Harvey, Chris <wharvey@sos.ga.gov>
Cc: 'Rayburn, Kevin' <krayburn@sos.ga.gov>; Carrier, Jennifer <JCarrier@blankrome.com>
Subject: Upcoming Absentee Ballot Application Mailings -- VPC and CVI ****Please Review****

Mr. Harvey --

The Voter Participation Center (VPC) and the Center for Voter Information (CVI) are planning an **upcoming mailing in Georgia** which will include sending the **attached** absentee ballot application for the upcoming **primary election**

The mailing will also include the following **reminder** that I wanted to run by you: ***Your election office must receive this request in time to send you an absentee ballot for the Primary Election on June 9.***

Please let me know by **Wednesday, April 22** if you have any suggested revisions or questions.

Many thanks!

Jen Carrier

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the Blank Rome LLP or Blank Rome Government Relations LLC sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

EXHIBIT F

Subject: CVI -- Absentee Ballot Mailing to Land this Week in Georgia
Date: Tuesday, May 12, 2020 at 9:54:13 AM Mountain Daylight Time
From: Carrier, Jennifer
To: Harvey, Chris, Rayburn, Kevin
CC: Elections.VoterRegistration@FultonCountyGA.Gov, VoterRegistration@gwinnettcountry.com, voterreg@dekalbcountyga.gov, Beth.Kish@cobbcounty.org, Carrier, Jennifer
Attachments: GA VBM Form MC20.pdf, CVI - VBM Letter Report Card GA MC20.pdf

Director Harvey and All --

The Center for Voter Information (CVI) is sending the attached absentee ballot application and letter to 63,000 Georgia registered voters. The mail is expected to land later this week.

Let me know if you have any questions or encounter any issues!

Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

EXHIBIT G

Subject: RE: VPC/CVI Voter Registration and Absentee Ballot Mailings -- August 2020 *Please Review*
Date: Monday, June 29, 2020 at 1:26:05 PM Mountain Daylight Time
From: Carrier, Jennifer
To: Harvey, Chris
Attachments: image001.jpg

Hi!
I wanted to check back in on this. Thanks!
Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Tuesday, June 23, 2020 8:13 AM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: RE: VPC/CVI Voter Registration and Absentee Ballot Mailings -- August 2020 *Please Review*

I thought it had been updated. I'll check on that.

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351



From: Carrier, Jennifer <JCarrier@blankrome.com>
Sent: Monday, June 22, 2020 6:01 PM
To: Harvey, Chris <wharvey@sos.ga.gov>
Subject: RE: VPC/CVI Voter Registration and Absentee Ballot Mailings -- August 2020 *Please Review*

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

Hi again!
Is it possible to send me a copy of the updated form? The one on your website doesn't have the edit in #5 and we want to correspond with what you have.
Thanks!
Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Monday, June 22, 2020 3:35 PM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: RE: VPC/CVI Voter Registration and Absentee Ballot Mailings -- August 2020 *Please Review*

Jen,

We modified our absentee ballot application in #5 to indicate that a party ballot request only is required in a primary or primary runoff. I would do the same or consider eliminating it altogether if this is a one-time printing.

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351



From: Carrier, Jennifer <JCarrier@blankrome.com>
Sent: Monday, June 22, 2020 1:45 PM
To: Harvey, Chris <wharvey@sos.ga.gov>; Rayburn, Kevin <krayburn@sos.ga.gov>
Subject: VPC/CVI Voter Registration and Absentee Ballot Mailings -- August 2020 *Please Review*

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

Director Harvey --

I write on behalf of my clients the Voter Participation Center (VPC) and Center for Voter Information (CVI) to update you regarding their mailings into **Georgia in August/September 2020.**

Absentee Ballot

Attached is the draft absentee ballot request form and instructions. I'll note that we: 1) pre-filled name and address; 2) pre-filled the election date is 11/3/20; and 3) highlighted important fields.

Voter Registration

Attached is the draft voter registration form and instructions that will be incorporated by VPC and CVI. We are pre-filling the name/address.

Can your office please review the forms for accuracy and also let me know if any updates to the form are expected in 2020? The deadline for VPC/CVI to make modifications to the materials for the August/September mailing is early July so I'd appreciate feedback by **Thursday, June 25**.

I'll also be reaching back out to you a few weeks prior to the mailings to provide you with final proofs, and additional details regarding the mailing such as counts-by-jurisdiction. VPC and CVI would be pleased to work with you to provide advance information to potential voters, as well as local elections officials and their staffs.

Please don't hesitate to contact me with any questions or concerns.

Sincerely,

Jen Carrier

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the Blank Rome LLP or Blank Rome Government Relations LLC sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

EXHIBIT H

Subject: RE: Absentee request
Date: Tuesday, June 30, 2020 at 3:05:06 PM Mountain Daylight Time
From: Carrier, Jennifer
To: Harvey, Chris
Attachments: image001.jpg

Thanks so much!

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Tuesday, June 30, 2020 5:03 PM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: Absentee request

The corrected absentee ballot application is live on our web page now.

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351



EXHIBIT I

Subject: CVI -- Georgia Absentee Ballot Application Mailings ****In Homes Soon****
Date: Thursday, August 6, 2020 at 6:44:47 AM Mountain Daylight Time
From: Carrier, Jennifer
To: Harvey, Chris (wharvey@sos.ga.gov), 'Rayburn, Kevin'
CC: 'Elections.VoterRegistration@FultonCountyGA.Gov', 'VoterRegistration@gwinnettcounty.com', 'voterreg@dekalbcountyga.gov', 'Beth.Kish@cobbcounty.org'
Attachments: CVI -- VBM GA 1.pdf, CVI -- VBM GA 2.pdf, CVI -- VBM GA 3.pdf

Director Harvey --

I am writing to share information about the success of the recent Center for Voter Information (CVI) absentee ballot application mailing in Georgia, and to provide details regarding future 2020 absentee ballot application mailings.

CVI had a successful absentee ballot application mailing in May – they have been able to track **3,191 registered Georgia voters that used CVI’s reply envelope.**

Attached is a sample of the absentee ballot application mailing CVI will be sending to Georgia registered voters in upcoming mailings -- you’ll see that we have pre-filled the name/address and have highlighted the essential information including the signature line. **These mailings will be in “waves” with the first wave landing around August 18 and the last wave in mid September.** Below is a count-by-county breakdown.

Mission: Expand Access to Democracy by Underrepresented Populations

CVI’s goal is to bring more people into our democracy. CVI successfully utilizes direct mail and online formats to foster registration and voting by under-represented populations in the American electorate. A special focus is on the Rising American Electorate (RAE), consisting of young people, communities of color, and unmarried women. For more information on the mission and the RAE, please see centerforvoterinformation.org.

* * * * *

If you talk to anyone that wants to be removed from the CVI mailing list, their letter has a code near the bottom that they can email to CVI to be automatically removed (unsubscribe@centerforvoterinformation.org). Or you can take down the codes or names/addresses and send them to me (or call me) for removal. Additionally, you can direct anyone to **CVI’s toll-free number: 866-377-7396.**

I hope you can pass this information along to all of the counties. Let me know if you have any questions or encounter any issues!

Jen

County	Voters Mailed
-----	-----
APPLING	2,114
ATKINSON	770
BACON	931

BAKER	911
BALDWIN	9,757
BANKS	847
BARROW	10,984
BARTOW	10,714
BEN HILL	3,321
BERRIEN	1,182
BIBB	53,061
BLECKLEY	1,370
BRANTLEY	569
BROOKS	3,189
BRYAN	5,206
BULLOCH	11,390
BURKE	6,445
BUTTS	3,367
CALHOUN	993
CAMDEN	7,205
CANDLER	1,428
CARROLL	16,010
CATOOSA	3,265
CHARLTON	1,237
CHATHAM	82,924
CHATTAHOOCHEE	948
CHATTOOGA	1,598
CHEROKEE	27,676
CLARKE	31,062
CLAY	701
CLAYTON	131,363
CLINCH	919
COBB	201,552
COFFEE	6,496
COLQUITT	5,990
COLUMBIA	24,727

COOK	2,416
COWETA	20,645
CRAWFORD	1,548
CRISP	4,544
DADE	582
DAWSON	1,030
DECATUR	6,006
DEKALB	311,258
DODGE	2,402
DOOLY	1,920
DOUGHERTY	35,700
DOUGLAS	46,829
EARLY	2,828
ECHOLS	289
EFFINGHAM	6,735
ELBERT	3,174
EMANUEL	3,475
EVANS	1,467
FANNIN	1,007
FAYETTE	26,285
FLOYD	10,081
FORSYTH	31,147
FRANKLIN	1,408
FULTON	369,135
GILMER	1,249
GLASCOCK	137
GLYNN	14,938
GORDON	4,177
GRADY	3,922
GREENE	3,564
GWINNETT	267,510
HABERSHAM	2,690
HALL	26,087

HANCOCK	3,363
HARALSON	1,342
HARRIS	4,208
HART	2,721
HEARD	788
HENRY	77,526
HOUSTON	33,525
IRWIN	1,254
JACKSON	6,369
JASPER	1,725
JEFF DAVIS	1,524
JEFFERSON	4,395
JENKINS	1,792
JOHNSON	1,266
JONES	4,295
LAMAR	2,808
LANIER	1,187
LAURENS	9,761
LEE	4,478
LIBERTY	17,778
LINCOLN	1,326
LONG	2,454
LOWNDES	24,851
LUMPKIN	1,383
MACON	2,789
MADISON	2,619
MARION	1,236
MCDUFFIE	4,887
MCINTOSH	1,980
MERIWETHER	4,349
MILLER	1,018
MITCHELL	5,018
MONROE	3,927

MONTGOMERY	961
MORGAN	2,736
MURRAY	1,973
MUSCOGEE	58,526
NEWTON	32,621
OCONEE	3,915
OGLETHORPE	1,768
PAULDING	27,249
PEACH	6,765
PICKENS	1,030
PIERCE	1,031
PIKE	1,068
POLK	3,359
PULASKI	1,373
PUTNAM	3,310
QUITMAN	547
RABUN	726
RANDOLPH	1,960
RICHMOND	72,065
ROCKDALE	34,365
SCHLEY	419
SCREVEN	3,349
SEMINOLE	1,431
SPALDING	13,758
STEPHENS	2,143
STEWART	944
SUMTER	7,469
TALBOT	1,756
TALIAFERRO	576
TATTNALL	2,256
TAYLOR	1,142
TELFAIR	1,640
TERRELL	3,073

THOMAS	8,667
TIFT	7,122
TOOMBS	3,926
TOWNS	499
TREUTLEN	1,056
TROUP	13,360
TURNER	1,845
TWIGGS	2,245
UNION	1,139
UPSON	4,514
WALKER	3,294
WALTON	12,362
WARE	5,384
WARREN	1,719
WASHINGTON	6,025
WAYNE	2,901
WEBSTER	641
WHEELER	576
WHITE	979
WHITFIELD	11,692
WILCOX	687
WILKES	2,384
WILKINSON	1,750
WORTH	2,907
-----	-----
Total	2,523,327

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

EXHIBIT J

Subject: RE: Data on VBM Requests (to remove from mailing list)
Date: Thursday, August 6, 2020 at 2:41:54 PM Mountain Daylight Time
From: Carrier, Jennifer
To: Harvey, Chris
Attachments: image001.jpg

Director Harvey –

Sorry for the confusion! CVI typically obtains from our vendor, Catalist, a data file from the state listing the individuals who have requested a mail ballot. Catalist does not have up to date data for the General in Georgia so I was wondering if we could receive the file directly.

Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Thursday, August 6, 2020 4:14 PM
To: Carrier, Jennifer <JCarrier@blankrome.com>
Subject: RE: Data on VBM Requests (to remove from mailing list)

Jennifer,

I don't understand what you are asking.

Chris Harvey

Elections Director

Georgia Secretary of State

Main 470-312-2777

Cell 404-985-6351



From: Carrier, Jennifer <JCarrier@blankrome.com>
Sent: Thursday, August 6, 2020 4:05 PM
To: Harvey, Chris <wharvey@sos.ga.gov>
Subject: Data on VBM Requests (to remove from mailing list)

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

Director Harvey –

CVI is getting ready to finalize data for its later waves of vbm application mailings and we were wondering if we could get data for those with a General request already on file so we can move them from our mailing?

Many thanks!
Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006
Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the Blank Rome LLP or Blank Rome Government Relations LLC sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

EXHIBIT K

Subject: VPC/CVI -- Sample VR and Absentee Ballot Application Mailings
Date: Monday, November 16, 2020 at 9:54:32 AM Mountain Standard Time
From: Carrier, Jennifer
To: Harvey, Chris
CC: Carrier, Jennifer
Attachments: GA VBM Form 123.pdf, CVI - GA Letter.pdf, VPC - GA Runoff MC20 NAACP.pdf, VPC - VR Letter Simple Wave GA RUNOFF MC20.pdf, Form GA MC20.pdf

Dear Director Harvey --

I write on behalf of my clients, the Voter Participation Center (VPC) and the Center for Voter Information (CVI), to provide advance copies of their next **voter registration** and **absentee ballot application** mailings that are **expected to land in Georgia soon**.

Attached are sample letters along with the relevant forms/instructions. Note that on the absentee ballot application we'll be pre-filling the date of the runoff election.

I'll follow up with the counts-by-county breakdown that may be helpful for local election officials.

Please let me know if you have any questions or concerns.

Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

EXHIBIT 16

Sign up to vote from home today!

LB2101 CHGA GA200000027

The Center for Voter Information
400 Pryor St Sw #4298
Atlanta, GA 30303

**VOTE AT HOME BALLOT REQUEST FORM ENCLOSED.
DO NOT DISCARD.**

ELECTRONIC SERVICE REQUESTED

NONPROFIT
U.S. POSTAGE
PAID
PERMIT #2227
LANSDALE, PA

© 2016-2022 The Center for Voter Information.
All Rights Reserved.



S0010000011
Jane A. Smith
123 Main Street
Anytown, GA 12345-6789



Brad Raffensperger
SECRETARY OF STATE

Application for Georgia Official Absentee Ballot

The information provided in this document is made under oath and penalty of law and will be used for official government purposes. **When you sign this application, you affirm that you are a citizen of the U.S., currently reside in Georgia and are eligible to vote in Georgia.** Giving false information on this application violates Georgia law and is punishable by a fine up to \$100,000, imprisonment for up to 10 years, or both.

Please print clearly. Be sure to complete all required sections.

Date of Election
Required

1 Date of Primary, Election, or Runoff (mm/dd/yyyy) _____
The application must be **received** by your election office* 11 days before the election.

Print voter name
Required

2 Your name as it appears on your voter registration.
First _____ Middle _____ Last _____ Suffix _____

Type of ballot
Required in primary

3 Democratic Republican Non Partisan (will not have ANY party candidates listed)

Residential address
Required Your ballot will be sent here unless you provide a temporary mailing address.

4 The residential or mailing address on your voter registration. If you no longer reside at the address where you are registered to vote, contact your county election office prior to submitting this application.
Address _____
City _____ County _____ GA Zip _____

Temporary ballot mailing address
Only if you are temporarily living outside the county** and want your ballot sent to this address.

5 This address must be in a different county** than the one where you are registered unless you are physically disabled or detained in jail or other detention facility.
Address _____
City _____ State _____ Zip _____

Contact information
Recommended

6 Phone number _____ Email address _____

Voter identification
Required

Date of birth (mm/dd/yyyy) _____

Georgia Driver's License Number or State Identification Card Number

AND

OR _____

I do not have a Georgia Driver's License or Identification Card and I am providing a copy of acceptable identification below.

Failure to provide accurate information may delay processing your application.

You must provide your date of birth AND

- a Georgia Driver's License or Identification Card number

OR

- a copy of an acceptable identification from the list in the instructions.

7

Instructions:

- Make sure your identification on your ID card or document is visible.
- Take a photo of your full completed application and submit it electronically to your elections office* (addresses are online: elections.sos.ga.gov/Elections/countyregistrars.do). You may also submit a hard copy of your application via U.S. mail or in person to your elections office*.
- If your acceptable form of identification does not fit in this box, please attach a copy and submit it with your application.

Place identification here
if you did not provide a Georgia driver's license or ID number

Voter oath and signature
Required

8 I, the undersigned, do swear and affirm that I am eligible to vote in Georgia, am a citizen of the U.S. and the facts presented in this application are true. By signing this oath, you are swearing that you are the voter requesting an absentee ballot.
Signing this oath on behalf of another voter violates Georgia law and is punishable by a fine up to \$100,000, imprisonment for up to 10 years, or both.

Voter, sign and date here (Required)

X _____ Date (mm/dd/yyyy) _____

If you received this application with your information pre-filled, received multiple or duplicate copies in the mail, or if an unauthorized person offers to return your absentee ballot application, please report this to reportfraud@sos.ga.gov. **Form continues ▶**

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by: The Center for Voter Information, 1707 L St NW Ste 700, Washington, DC 20036
Name and address of person, organization, or other entity distributing this document.



Application for Georgia Official Absentee Ballot

Print voter name 9 Your name as it appears on your voter registration.
 Required _____ First _____ Middle _____ Last _____ Suffix _____

Assisting a voter? 10 By signing as assisting the voter, you are swearing under oath that the voter is entitled to assistance. Assisting a voter who is not eligible for assistance in completing this application violates Georgia law and is punishable by a fine up to \$100,000 or imprisonment for up to 10 years, or both.
 If yes, the assistant must complete this section. **Voter assistance is only allowed if the voter is illiterate or physically disabled.**
 Assistant's name _____
 Assistant's signature _____ Date (mm/dd/yyyy) _____

Requesting a ballot on behalf of a voter? 11 I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and **acknowledge that making a false statement on this application regarding my relationship to the voter violates Georgia law and is punishable by a fine up to \$1,000, 12 months in jail, or both.**
 If yes, complete this section. The voter must be physically disabled or temporarily residing out of the county** and must still be eligible to vote in the county** where he or she is registered.
 I swear (or affirm) that the above-named voter is: (check one)
 physically disabled
 temporarily residing out of the county**
 Signature of authorized and eligible requestor

 Relationship to voter _____

Ballot request opt-in 12 Optional
 If you meet the eligibility criteria, you may opt-in to receive an absentee ballot for the rest of the elections cycle without making another application.
 I opt-in to receive an absentee ballot for the rest of the election cycle.
 I am eligible for the reason selected below:
 D- Disabled. I am physically disabled
 E- Elderly. I am 65 years of age or older
 U- UOCAVA. I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. (Complete the information to the right)
UOCAVA Voters only
 My current status is (check one)
 MOS - Military Overseas
 MST - Military Stateside
 OST - Overseas Temporary Resident
 OSP - Overseas Permanent Resident (may vote for federal offices only)
 (Optional) By entering my email, I request that my absentee ballot be transmitted to me electronically.
 Email _____

Acceptable forms of identification if you do not have a Georgia Driver's License or State Identification Card Number

- Identification with your photograph:**
- United States Passport
 - Georgia voter identification card
 - Other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification
 - United States military identification card
 - Employee identification card issued by any branch, department, agency, or entity of the United States government, Georgia state government, or Georgia county, municipality, board, authority, or any other entity of the state of Georgia
 - Tribal identification card
- Documents that show your name and address:**
- Current utility bill
 - Bank statement
 - Paycheck
 - Government check
 - Other government document

How to return your absentee ballot application

Absentee ballot applications must be received 11 days before the date of the election. You can return the form by:

- mail
- email (as an attachment)
- fax
- in-person at your elections or registrar's office

Your County Board of Registrar's Office information can be found online: <https://elections.sos.ga.gov/Elections/countyregistrars.do>

*In state, county, and federal elections, your elections office is your county elections office. In municipal elections, your elections office is your municipal elections office.
 **Or, in municipal elections, municipality.

No person or entity other than the elector, a relative authorized to request an absentee ballot for such elector, a person signing as assisting an illiterate or physically disabled elector with his or her application, a common carrier charged with returning the ballot application, an absentee ballot clerk, a registrar, or a law enforcement officer in the course of an investigation shall handle or return an elector's completed absentee ballot application. **Handling a completed absentee ballot application by any person or entity other than as allowed in this paragraph is a misdemeanor.**

Ballot	Dates	ID Shown	For office use only
Dist. Combo _____	Received _____	GADL _____	I certify that the above named voter <input type="checkbox"/> is eligible <input type="checkbox"/> is not eligible _____
Precinct _____	ISS _____	Other _____	
Ballot # _____	Certified _____	Voter Reg # _____	
	Rejected _____		Registrar signature _____
Ballot to be: <input type="checkbox"/> Mailed electronically <input type="checkbox"/> Delivered to voter in hospital by Registrars or Deputy <input type="checkbox"/> Voted in office (municipal only)			

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by: The Center for Voter Information, 1707 L St NW Ste 700, Washington, DC 20036
 Name and address of person, organization, or other entity distributing this document.

Center For Voter Information

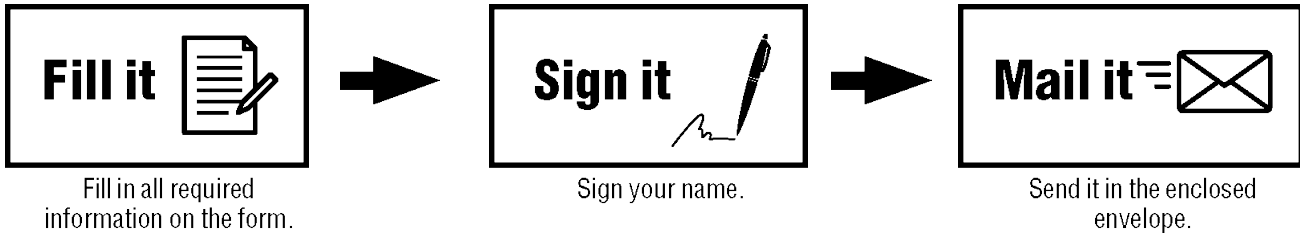
If you've already submitted a request for an Absentee Ballot for the General Election on November 8th, 2022, there is no need to submit another request.

Be sure to complete all required sections, including Question 9 on the back of the form.

July 13, 2022
Dear Jane,

Georgia offers convenient ways to vote in 2022. I have enclosed an Absentee Ballot application.

Voting by mail is EASY. Just sign, date, and complete the application. Drop it in the mail and you will receive a ballot from your county board of registrars which you can complete and return without ever leaving your home. No waiting in line.



81% of voters in Georgia cast their ballots before Election Day in 2020. Join them in 2022 by returning this application to vote by mail.

When you show up to vote in the General Election, you will maintain your above average* voting record.

Your privacy is protected. If you use the enclosed envelope with pre-paid postage, your application will be delivered directly to your county board of registrars.

You can check your ballot status at: mvp.sos.ga.gov

Sincerely,

Gail L. Kitch, Board Chair
Center for Voter Information

P.S. Please take a minute to complete the form, sign and date it and place the form in the pre-addressed, postage-paid envelope. Thank you.

*Your participation score was calculated by the Center for Voter Information using data from publicly available state voter files.


If you wish to be removed from our mailing list, email this code: GA2Q00000027 to unsubscribe@centerforvoterinformation.org

This mailing has been paid for by the Center for Voter Information (CVI). CVI is a non-government, nonprofit, 501(c)(4) organization. (866) 290-1599 www.centerforvoterinformation.org. CVI is not affiliated with any government agency or state/local election office. ©2016-2022 The Center for Voter Information. All Rights Reserved.



Jane A. Smith
123 Main Street
Anytown, GA 12345-6789

**NO POSTAGE NECESSARY.
POSTAGE HAS BEEN PAID.**


DEKALB BOARD OF REGISTRARS
4380 MEMORIAL DR STE 300
DECATUR, GA 30032



SCORE



FIRST-CLASS MAIL
U.S. POSTAGE
PAID
CVI
IMB-POSTAGE

P-0375

OLD

PERF/FOLD

Sign up to vote from home today!

LB2101 SGA GA2P00000005

The Voter Participation Center

400 Pryor St Sw #4298

Atlanta, GA 30303

© 2010 - 2022 The Voter Participation Center.

All Rights Reserved.

501 (c) (3) organization pursuant to Internal Revenue Code (26 U.S.C. § 501(c))



VOTE AT HOME BALLOT REQUEST FORM ENCLOSED.
DO NOT DISCARD.

ELECTRONIC SERVICE REQUESTED

NONPROFIT
U.S. POSTAGE
PAID
PERMIT #1984
LANSDALE, PA

S0010000044

Jane A. Smith

123 Main Street

Anytown, GA 12345-6789



Brad Raffensperger
SECRETARY OF STATE

Application for Georgia Official Absentee Ballot

The information provided in this document is made under oath and penalty of law and will be used for official government purposes. **When you sign this application, you affirm that you are a citizen of the U.S., currently reside in Georgia and are eligible to vote in Georgia.** Giving false information on this application violates Georgia law and is punishable by a fine up to \$100,000, imprisonment for up to 10 years, or both.

Please print clearly. Be sure to complete all required sections.

Date of Election
Required **1** Date of Primary, Election, or Runoff (mm/dd/yyyy) _____
The application must be **received** by your election office* 11 days before the election.

Print voter name
Required **2** Your name as it appears on your voter registration.
First _____ Middle _____ Last _____ Suffix _____

Type of ballot
Required in primary **3** Democratic Republican Non Partisan (will not have ANY party candidates listed)

Residential address
Required Your ballot will be sent here unless you provide a temporary mailing address. **4** The residential or mailing address on your voter registration. If you no longer reside at the address where you are registered to vote, contact your county election office prior to submitting this application.
Address _____
City _____ County _____ GA Zip _____

Temporary ballot mailing address
Only if you are temporarily living outside the county** and want your ballot sent to this address. **5** This address must be in a different county** than the one where you are registered unless you are physically disabled or detained in jail or other detention facility.
Address _____
City _____ State _____ Zip _____

Contact information
Recommended **6** Phone number _____ Email address _____

Voter identification
Required **7** Date of birth (mm/dd/yyyy) _____ **AND** Georgia Driver's License Number or State Identification Card Number

--	--	--	--	--	--	--	--	--	--

OR _____
 I do not have a Georgia Driver's License or Identification Card and I am providing a copy of acceptable identification below.

Failure to provide accurate information may delay processing your application.

You must provide your date of birth AND

- a Georgia Driver's License or Identification Card number

OR

- a copy of an acceptable identification from the list in the instructions.

Instructions:

- Make sure your identification on your ID card or document is visible.
- Take a photo of your full completed application and submit it electronically to your elections office* (addresses are online: elections.sos.ga.gov/Elections/countyregistrars.do). You may also submit a hard copy of your application via U.S. mail or in person to your elections office*.
- If your acceptable form of identification does not fit in this box, please attach a copy and submit it with your application.

Place identification here
if you did not provide a Georgia driver's license or ID number

Voter oath and signature
Required **8** I, the undersigned, do swear and affirm that I am eligible to vote in Georgia, am a citizen of the U.S. and the facts presented in this application are true. By signing this oath, you are swearing that you are the voter requesting an absentee ballot.
Signing this oath on behalf of another voter violates Georgia law and is punishable by a fine up to \$100,000, imprisonment for up to 10 years, or both.

Voter, sign and date here (Required)

X		Date (mm/dd/yyyy)
---	--	-------------------

If you received this application with your information pre-filled, received multiple or duplicate copies in the mail, or if an unauthorized person offers to return your absentee ballot application, please report this to reportfraud@sos.ga.gov. **Form continues ▶**

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by: The Voter Participation Center, 1707 L St NW Ste 700, Washington, DC 20036
Name and address of person, organization, or other entity distributing this document.



Application for Georgia Official Absentee Ballot

Print voter name 9 Your name as it appears on your voter registration.
 Required _____ First _____ Middle _____ Last _____ Suffix _____

Assisting a voter? 10 By signing as assisting the voter, you are swearing under oath that the voter is entitled to assistance. Assisting a voter who is not eligible for assistance in completing this application violates Georgia law and is punishable by a fine up to \$100,000 or imprisonment for up to 10 years, or both.
 If yes, the assistant must complete this section. **Voter assistance is only allowed if the voter is illiterate or physically disabled.**
 Assistant's name _____
 Assistant's signature _____ Date (mm/dd/yyyy) _____

Requesting a ballot on behalf of a voter? 11 I swear that the facts contained in this application are true and that I am either the mother, father, grandparent, brother, sister, aunt, uncle, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law of the age of 18 and **acknowledge that making a false statement on this application regarding my relationship to the voter violates Georgia law and is punishable by a fine up to \$1,000, 12 months in jail, or both.**
 If yes, complete this section. The voter must be physically disabled or temporarily residing out of the county** and must still be eligible to vote in the county** where he or she is registered.
 I swear (or affirm) that the above-named voter is: (check one)
 physically disabled
 temporarily residing out of the county**
 Signature of authorized and eligible requestor

 Relationship to voter _____

Ballot request opt-in 12
 Optional
 If you meet the eligibility criteria, you may opt-in to receive an absentee ballot for the rest of the elections cycle without making another application.
 I opt-in to receive an absentee ballot for the rest of the election cycle.
 I am eligible for the reason selected below:
 D- Disabled. I am physically disabled
 E- Elderly. I am 65 years of age or older
 U- UOCAVA. I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. (Complete the information to the right)
UOCAVA Voters only
 My current status is (check one)
 MOS - Military Overseas
 MST - Military Stateside
 OST - Overseas Temporary Resident
 OSP - Overseas Permanent Resident (may vote for federal offices only)
 (Optional) By entering my email, I request that my absentee ballot be transmitted to me electronically.
 Email _____

Acceptable forms of identification if you do not have a Georgia Driver's License or State Identification Card Number

- Identification with your photograph:**
- United States Passport
 - Georgia voter identification card
 - Other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification
 - United States military identification card
 - Employee identification card issued by any branch, department, agency, or entity of the United States government, Georgia state government, or Georgia county, municipality, board, authority, or any other entity of the state of Georgia
 - Tribal identification card
- Documents that show your name and address:**
- Current utility bill
 - Bank statement
 - Paycheck
 - Government check
 - Other government document

How to return your absentee ballot application

Absentee ballot applications must be received 11 days before the date of the election. You can return the form by:

- mail
- email (as an attachment)
- fax
- in-person at your elections or registrar's office

Your County Board of Registrar's Office information can be found online: <https://elections.sos.ga.gov/Elections/countyregistrars.do>

*In state, county, and federal elections, your elections office is your county elections office. In municipal elections, your elections office is your municipal elections office.
 **Or, in municipal elections, municipality.

No person or entity other than the elector, a relative authorized to request an absentee ballot for such elector, a person signing as assisting an illiterate or physically disabled elector with his or her application, a common carrier charged with returning the ballot application, an absentee ballot clerk, a registrar, or a law enforcement officer in the course of an investigation shall handle or return an elector's completed absentee ballot application. **Handling a completed absentee ballot application by any person or entity other than as allowed in this paragraph is a misdemeanor.**

Ballot	Dates	ID Shown	For office use only
Dist. Combo _____	Received _____	GADL _____	I certify that the above named voter <input type="checkbox"/> is eligible <input type="checkbox"/> is not eligible _____
Precinct _____	ISS _____	Other _____	
Ballot # _____	Certified _____	Voter Reg # _____	
	Rejected _____		Registrar signature _____
Ballot to be: <input type="checkbox"/> Mailed electronically <input type="checkbox"/> Delivered to voter in hospital by Registrars or Deputy <input type="checkbox"/> Voted in office (municipal only)			

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by: The Voter Participation Center, 1707 L St NW Ste 700, Washington, DC 20036
 Name and address of person, organization, or other entity distributing this document.



If you've already submitted a request for an Absentee Ballot for the General Election on November 8th, 2022, there is no need to submit another request.

Be sure to complete all required sections, including Question 9 on the back of the form.

July 13, 2022

Dear Jane,

Georgia offers convenient ways to vote in 2022. I have enclosed an Absentee Ballot application.

Voting by mail is EASY. Just sign, date, and complete the application. Drop it in the mail and you will receive a ballot from your county board of registrars that you can complete and return without ever leaving your home. No waiting in line.

81% of voters in Georgia cast their ballots before Election Day in 2020. Join them in 2022 by returning this application to vote by mail.

This report provides you with a helpful summary of how often you vote and how your voting compares to others in your state.

Your privacy is protected. If you use the enclosed envelope with pre-paid postage, your application will be delivered directly to your county board of registrars.

You can check your ballot status at: mvp.sos.ga.gov

Sincerely,

Tom Lopach, President
The Voter Participation Center



P.S. Please take a minute to complete the form, sign and date it and place the form in the pre-addressed, postage-paid envelope. Thank you.

*Your participation score was calculated by the Voter Participation Center using data from publicly available state voter files.

If you wish to be removed from our mailing list, email this code: GA2P00000005 to unsubscribe@voterparticipation.org

This mailing has been paid for by the Voter Participation Center (VPC). VPC is a non-government, nonprofit, and nonpartisan 501(c)(3) organization. (877) 255-6750 www.voterparticipation.org. VPC is not affiliated with any government agency or state/local election office. ©2010-2022 The Voter Participation Center. All Rights Reserved.

Jane A. Smith
123 Main Street
Anytown, GA 12345-6789

**NO POSTAGE NECESSARY.
POSTAGE HAS BEEN PAID.**


FULTON BOARD OF REGISTRARS
130 PEACHTREE ST SW STE 2186
ATLANTA, GA 30303-3460



SCORE



FIRST-CLASS MAIL
U.S. POSTAGE
PAID
VPC
IMB-POSTAGE

P-0384

OLD

PERF/FOLD

EXHIBIT 17

Full document produced in native format:
Copy of GA VBM Unsubscribe Requests 2018-2020

Timestamp	Mode of Contact	State	Unsubscribe Code	Reason for Contact	Notes	Name as mailed	Street address	Zip as mailed	Phone #
10/3/2018 10:02:52	Website Unsubscribe	GA	GA8W0005277	Other					
12/10/2018 10:29:09	Email	GA	GA8W0013578						
10/1/2018 10:53:27	Email	GA	GA8W0039951						
10/1/2018 11:10:04	Email	GA	GA8W0047606						
10/15/2018 17:36:01	Email	GA	GA8W0053689						
10/1/2018 10:40:46	Email	GA	GA8W0057310						
10/1/2018 10:40:24	Email	GA	GA8W0057311						
10/1/2018 10:41:05	Email	GA	GA8W0057312						
10/1/2018 11:10:27	Email	GA	GA8W0058353						
10/23/2018 13:38:58	Email	GA	GA8W0059616						
10/1/2018 10:39:52	Email	GA	GA8W0060009						
10/9/2018 9:35:10	Email	GA	GA8W0067578						
10/1/2018 10:54:00	Email	GA	GA8W0068943						
9/27/2018 22:18:31	Website Unsubscribe	GA	GA8W0069688	Other					
10/6/2018 11:22:03	Email	GA	GA8W0085893						
		GA	GA8W0107035	Other		Nathaniel Cornelius JackSon Sr	4261 Waverly L	30039	
9/27/2018 17:37:35	Email	GA	GA8W0114662						
2/1/2019 13:13:50	Email	GA	GA8W0119050						
2/1/2019 13:14:22	Email	GA	GA8W0119051						
10/24/2018 13:18:53	Email	GA	GA8W0123074						
9/28/2018 16:29:15	Website Unsubscribe	GA	GA8W0129462	Other					
10/1/2018 15:50:00	Website Unsubscribe	GA	GA8W0130618	Do not Want to vote		Shah, Nayana Hemant	1605 Margate c	30043	
9/28/2018 16:56:26	Email	GA	GA8W0136161						
10/1/2018 11:33:24	Email	GA	GA8W0140594						
1/29/2019 11:38:54	Email	GA	GA8W0140594						
9/27/2018 17:40:15	Email	GA	GA8W0171345						
9/27/2018 17:39:33	Email	GA	GA8W0173721						
9/27/2018 17:39:23	Email	GA	GA8W0173722						
10/6/2018 11:20:15	Email	GA	GA8W0179635						
9/28/2018 16:33:11	Email	GA	GA8W0188350						
10/1/2018 11:22:14	Email	GA	GA8W0196675						
		GA	ga8W0199034	Other					
10/8/2018 15:38:15	Email	GA	GA8W0203324						
10/12/2018 10:40:32	Email	GA	GA8W0215198						
10/12/2018 10:41:07	Email	GA	GA8W0215198						
10/1/2018 11:33:49	Email	GA	GA8W022215						
10/1/2018 10:47:57	Email	GA	GA8W0229819						
10/16/2018 16:45:23	Email	GA	GA8W0229995						
10/1/2018 11:28:39	Email	GA	GA8W0238696						
9/29/2018 15:59:22	Website Unsubscribe	GA	GA8W0251684	Name does not live at address					
10/12/2018 12:55:29	Call	GA	GA8W0253172	INCorrect voter history					
10/12/2018 10:03:22	Email	GA	GA8W0261201						
10/23/2018 13:47:04	Email	GA	GA8W0261201						
10/1/2018 11:24:29	Email	GA	GA8W0262120						
10/4/2018 13:38:40	Email	GA	GA8W0274876						
1/24/2019 13:26:55	Email	GA	GA8W0287762						
9/30/2018 15:42:02	Website Unsubscribe	GA	GA8W0297263	Already registered		Enrique BARRIOS	2600 SANDPIP	30084	
10/1/2018 14:35:14	Website Unsubscribe	GA	GA8W0314594	Do not Want to vote					
9/27/2018 17:44:04	Call	GA	ga8W0319634						
10/1/2018 10:38:22	Email	GA	GA8W0323725						
		GA	GA8W0328027	Already registered					
10/1/2018 11:23:30	Email	GA	GA8W0336380						

10/11/2018 17:47:56 Email	GA	GA8W0337094	Do not Want to vote	HAIBIN MIAO	265 LAKESHO	30096
10/2/2018 16:15:04 Email	GA	ga8W0341256				
10/1/2018 11:27:03 Email	GA	GA8W0343845				
	GA	GA8W0346797				
9/29/2018 7:35:15 Website Unsubscribe	GA	GA8W0351890	Already registered			
9/29/2018 7:36:31 Website Unsubscribe	GA	GA8W0351891	Already registered			
	GA	GA8W0362375	Recipient is deceased	Vy Thach	8435 Moor Parl	30097
11/1/2018 13:55:22 Call	GA	GA8W0363368				
10/8/2018 15:47:59 Email	GA	GA8W0364880				
	GA	GA8W0383764	Other			
10/8/2018 15:46:06 Email	GA	GA8W0390842				
10/12/2018 13:06:48 Email	GA	GA8W0395753				
9/27/2018 12:29:00 Email	GA	GA8W0403700				
10/22/2018 12:02:54 Website Unsubscribe	GA	GA8W0408052				
10/12/2018 12:56:08 Email	GA	GA8W0410613				

<p>I think your letters are disrespectfully Worded. I expressed in a letter last year to your so-called President Page Gardner. RevieW the letter that she sent me last year, very, very rude. What if I rated you on your voting scores, Would you be great or average or not at all?</p>					
--	--	--	--	--	--

10/18/2018 0:32:17 Website Unsubscribe	GA	GA8W0414989				
10/11/2018 18:04:52 Email	GA	ga8W0415521				
10/11/2018 18:06:34 Email	GA	ga8W0415521				
10/11/2018 18:07:01 Email	GA	ga8W0415522				
11/16/2018 13:32:10 Email	GA	GA8W0416065				
	GA	GA8W0423106	Do not Want to vote	Janice Scott	284 Tufts Court	30215
	GA	GA8W0426367	Do not Want to vote			
10/12/2018 10:36:22 Email	GA	GA8W0429113				
10/12/2018 10:39:11 Email	GA	GA8W0429113				
10/12/2018 10:35:02 Email	GA	GA8W0429115				
10/8/2018 15:27:12 Email	GA	GA8W0433004				
	GA	GA8W0439539	Do not Want to vote			
	GA	GA8W0439539	Do not Want to vote			
10/8/2018 15:44:07 Email	GA	GA8W0443837				
10/16/2018 16:37:35 Call	GA	ga8W0444741				
10/12/2018 10:43:23 Email	GA	GA8W0447176				
10/12/2018 12:38:40 Email	GA	GA8W0454320				
	GA	GA8W0461495	Already registered			
	GA	Ga8W0465258	Other			
10/23/2018 13:42:39 Email	GA	GA8W0465725				
10/23/2018 13:47:30 Email	GA	GA8W0465726				
10/23/2018 13:43:09 Email	GA	GA8W0465727				
10/8/2018 15:26:22 Email	GA	GA8W0465728				

Email GA GA8W0469311
 10/8/2018 15:30:29 Email GA GA8W0484678
 Email GA GA8W0486693
 10/8/2018 12:14:15 Email GA GA8W0490641
 12/7/2018 15:33:15 Email GA GA8W0514843

[Redacted]

10/1/2018 10:48:19 Email GA GA8W0516923
 10/4/2018 13:32:24 Voicemail GA ga8W0535074
 10/12/2018 13:08:52 Email GA GA8W0542187
 10/12/2018 13:09:11 Email GA GA8W0542187
 10/12/2018 13:09:29 Email GA GA8W0542187
 10/15/2018 17:41:13 Email GA GA8W0566864
 10/1/2018 10:52:29 Email GA GA8W0571066
 GA GA8W0583615 Other
 GA GA8W0610974
 GA GA8W0616317
 GA GA8W0616317
 GA GA8W0616317
 GA GA8W0618935
 GA GA8W0618936
 GA GA8W0619936
 GA GA8W0622041
 GA GA8W0622042
 GA GA8W0634512
 GA GA8W0649859
 GA GA8W0653011
 GA GA8W0660954
 GA GA8W0676068

GA GA8W0689183 Already registered
 10/4/2018 12:43:21 Email GA GA8W0700232
 GA GA8W0719493 Other
 10/6/2018 11:19:31 Email GA GA8W0723092
 10/9/2018 9:58:24 Website Unsubscribe GA GA8W0728373
 10/16/2018 16:45:51 Email GA GA8W0741103
 10/23/2018 13:41:41 Email GA GA8W0756330
 12/10/2018 10:22:31 Email GA GA8W0759713
 10/6/2018 11:29:32 Email GA GA8W0780750

Brittney Moore 1304 Dieter St 31404

12/6/2018 11:54:08 Mail GA GA8W0782568 INCorrect voter history
 10/11/2018 17:47:30 Email GA ga8W34125
 9/28/2018 23:42:19 GA Website unsub: GA8w0006354

[Redacted]

ga Website unsub: GA8W0038272
 10/2/2018 15:32:03 GA Email GA8W0038525
 10/1/2018 13:24:05 GA Website unsub: GA8W0054270
 9/27/2018 17:07:18 GA Call GA8W0059414
 9/27/2018 17:20:16 GA Email GA8W0059414
 9/28/2018 16:54:34 GA Email GA8W0064296
 9/28/2018 16:50:54 GA Email GA8W0065946
 10/2/2018 15:12:57 GA Email GA8W0117993
 10/3/2018 8:44:20 GA Website unsub: GA8W0126339
 9/28/2018 15:37:27 GA Website unsub: Ga8w0136156
 10/1/2018 10:11:36 GA Email GA8W0229818
 10/1/2018 10:52:06 GA Email GA8W0265460
 9/28/2018 10:22:28 GA Email GA8W0275925
 10/3/2018 16:56:46 GA Email GA8W0299622
 9/27/2018 10:17:34 GA Email GA8W0378640
 10/18/2018 10:16:00 GA Voicemail ga8w0380961

Nicholas Paul Abraham
 Deceased
 Deceased

Not a citizen
 Other

10/24/2018 13:08:19 GA GA8W0491396
 10/2/2018 15:36:50 GA Email GA8W0523325
 9/27/2018 12:10:52 GA Email GA8W0541218
 9/27/2018 19:22:18 GA Website unsub: GA8W0545087
 10/1/2018 10:14:31 GA Email GA8W0558797
 10/1/2018 10:14:53 GA Email GA8W0558798

[Redacted]

Other

9/28/2018 17:10:03 GA
9/27/2018 11:36:07 GA
10/1/2018 10:11:58 GA
10/5/2018 10:30:27 GA
10/5/2018 10:43:33 GA
1/24/2019 14:07:46 GA
10/17/2018 13:30:46 GA

9/27/2018 17:10:56 GA

Email GA8W0563333
Email GA8W0574037
Email GA8W0591053
Email GA8W0647797
Email GA8W0785897
Email GA8Y1099520
Mail Unknown

Call

Incorrect election office

elizabeth recorc268 hailey dr

30736

Date	Contact Method	State Code	Full Code	Run Code	Reason for Removal
8/15/2020 13:16:54	Email	GA	GAAS0401026	AS	None
8/15/2020 13:17:08	Email	GA	GAAS1511900	AS	Name does not exist at address
8/17/2020 11:32:33	Email	GA	GAAS1988311	AS	None
8/17/2020 16:34:40	Email	GA	GAAS1861461	AS	None
8/17/2020 17:30:03	Email	GA	GAAS0167824	AS	None
8/18/2020 12:56:12	Email	GA	GAAS1508752	AS	None
8/18/2020 13:06:36	Email	GA	GAAS1457192	AS	None
8/18/2020 13:08:08	Email	GA	GAAS0364855	AS	None
8/18/2020 16:29:50	Email	GA	GAAS2239145	AS	None
8/18/2020 17:00:29	Email	GA	GAAS0702732	AS	None
8/19/2020 9:01:09	Email	GA	GAAS2233020	AS	None
8/19/2020 9:57:32	Email	GA	GAAS2170009	AS	None
8/19/2020 10:47:59	Email	GA	GAAS2240847	AS	None
8/19/2020 12:32:49	Email	GA	GAAS1374297	AS	None
8/19/2020 12:46:26	Email	GA	GAAS1172937	AS	Name does not exist at address
8/19/2020 14:13:09	Email	GA	GAAS0838869	AS	None
8/19/2020 18:55:19	Email	GA	GAAS1671532	AS	None
8/19/2020 18:55:58	Email	GA	GAAS1405839	AS	None
8/19/2020 18:56:58	Email	GA	GAAS1580612	AS	None
8/20/2020 3:21:41	Email	GA	GAAS0967546	AS	None
8/20/2020 6:54:40	Email	GA	GAAS0245558	AS	None
8/20/2020 8:29:53	Email	GA	GAAS1593907	AS	None
8/20/2020 8:32:44	Email	GA	GAAS1776740	AS	None
8/20/2020 10:13:22	Email	GA	GAAS0626687	AS	None
8/20/2020 10:14:51	Email	GA	GAAS1080544	AS	None
8/20/2020 10:16:44	Email	GA	GAAS1133873	AS	None
8/20/2020 11:26:34	Email	GA	GAAS1564615	AS	None
8/20/2020 11:34:18	Email	GA	GAAS0228938	AS	None
8/20/2020 11:54:07	Email	GA	GAAS1925504	AS	None
8/20/2020 12:43:05	Email	GA	GAAS0990607	AS	None
8/20/2020 13:07:47	Email	GA	GAAS2250620	AS	None
8/20/2020 13:55:05	Email	GA	GAAS2010297	AS	None
8/20/2020 14:38:47	Email	GA	GAAS2018160	AS	None
8/20/2020 16:40:55	Email	GA	GAAS1412689	AS	None
8/20/2020 16:45:09	Email	GA	GAAS2186735	AS	None
8/20/2020 16:45:53	Email	GA	GAAS1011269	AS	None
8/21/2020 5:23:45	Email	GA	GAAS0200286	AS	None
8/21/2020 6:56:34	Email	GA	GAAS2057650	AS	None
8/21/2020 9:01:08	Email	GA	GAAS1485361	AS	None
8/21/2020 12:41:48	Email	GA	GAAS0129097	AS	None
8/21/2020 12:41:48	Email	GA	GAAS1254830	AS	None
8/21/2020 13:56:38	Email	GA	GAAS0407031	AS	None
8/21/2020 13:58:05	Email	GA	GAAS0480072	AS	None
8/21/2020 13:58:05	Email	GA	GAAS0480174	AS	None
8/21/2020 15:17:26	Email	GA	GAAS0948125	AS	None
8/21/2020 15:25:07	Email	GA	GAAS1509060	AS	None

8/21/2020 16:22:17 Email	GA	GAAS2264760 AS	None
8/21/2020 17:32:42 Email	GA	GAAS2044295 AS	None
8/21/2020 17:43:06 Email	GA	GAAS0454903 AS	Name does not exist at address
8/21/2020 22:30:41 Email	GA	GAAS2231151 AS	None
8/21/2020 22:35:34 Email	GA	GAAS0670211 AS	None
8/22/2020 2:06:16 Email	GA	GAAS1862500 AS	None
8/22/2020 4:00:37 Email	GA	GAAS1712958 AS	None
8/22/2020 8:28:40 Email	GA	GAAS1066819 AS	Name does not exist at address
8/22/2020 9:57:50 Email	GA	GAAS0658235 AS	None
8/22/2020 11:34:56 Email	GA	GAAS0634896 AS	None
8/22/2020 14:17:20 Email	GA	GAAS2229390 AS	None
8/22/2020 14:55:53 Email	GA	GAAS2083522 AS	None
8/22/2020 14:57:55 Email	GA	GAAS1035395 AS	None
8/22/2020 17:05:41 Email	GA	GAAS0493831 AS	None
8/22/2020 19:11:05 Email	GA	GAAS0569647 AS	None
8/22/2020 20:31:31 Email	GA	GAAS0564918 AS	None
8/22/2020 20:31:31 Email	GA	GAAS0564919 AS	None
8/23/2020 12:49:16 Email	GA	GAAS1241294 AS	Name does not exist at address
8/23/2020 15:02:17 Email	GA	GAAS1082836 AS	None
8/23/2020 15:52:07 Email	GA	GAAS0304447 AS	None
8/24/2020 4:22:50 Email	GA	GAAS0774320 AS	None
8/24/2020 6:44:04 Email	GA	GAAS1658454 AS	None
8/24/2020 7:44:03 Email	GA	GAAS2009186 AS	None
8/24/2020 7:49:55 Email	GA	GAAS1772330 AS	None
8/24/2020 9:28:18 Email	GA	GAAS0056375 AS	None
8/25/2020 5:35:58 Email	GA	GAAS1919981 AS	None
8/25/2020 7:25:56 Email	GA	GAAS1894370 AS	None
8/25/2020 8:02:21 Email	GA	GAAS1125872 AS	None
8/25/2020 10:41:39 Email	GA	GAAS0541267 AS	None
8/25/2020 12:32:04 Email	GA	GAAS2285252 AS	Business address
8/25/2020 13:01:11 Email	GA	GAAS0463861 AS	None
8/25/2020 15:31:51 Email	GA	GAAS0596317 AS	None
8/25/2020 23:21:24 Email	GA	GAAS1404475 AS	None
8/26/2020 10:18:27 Email	GA	GAAS0613226 AS	Name does not exist at address
8/26/2020 14:24:17 Email	GA	GAAS0124442 AS	None
8/26/2020 15:14:24 Email	GA	GAAS0124442 AS	None
8/26/2020 17:59:38 Email	GA	GAAS0553037 AS	None
8/27/2020 6:27:05 Email	GA	GAAS1484551 AS	None
8/27/2020 7:45:26 Email	GA	GAAS0987080 AS	None
8/27/2020 13:50:52 Email	GA	GAAS0870623 AS	None
8/29/2020 11:49:55 Email	GA	GAAS1689271 AS	None
8/29/2020 12:37:13 Email	GA	GAAS0418679 AS	None
8/29/2020 12:43:47 Email	GA	GAAS0901309 AS	None
8/29/2020 18:53:05 Email	GA	GAAS0201295 AS	Name does not exist at address
8/30/2020 10:18:41 Email	GA	GAAS0234351 AS	None
8/31/2020 7:33:10 Email	GA	GAAS1789385 AS	None
8/31/2020 17:00:32 Email	GA	GAAS1352339 AS	None
9/1/2020 4:38:14 Email	GA	GAAS0324578 AS	None
9/1/2020 10:39:18 Email	GA	GAAS1258082 AS	None
5/15/2020 17:47:24 Email	GA	GAAX0002861 AX	None
5/16/2020 19:25:02 Email	GA	GAAX0001049 AX	None
5/17/2020 11:05:03 Email	GA	GAAX0018168 AX	None
5/17/2020 17:14:51 Email	GA	GAAX0034209 AX	None
5/17/2020 19:27:44 Email	GA	GAAX0001831 AX	None
5/18/2020 7:40:01 Email	GA	GAAX0020081 AX	Name does not exist at address

5/18/2020 9:53:32 Email	GA	GAAX0040184 AX	None
5/18/2020 12:48:14 Email	GA	GAAX0019783 AX	None
5/20/2020 13:37:45 Email	GA	GAAX0058971 AX	None
5/23/2020 18:22:56 Email	GA	GAAX0047748 AX	None
5/24/2020 16:55:40 Email	GA	GAAX0012925 AX	None
6/4/2020 17:03:05 Email	GA	GAAX0061692 AX	None
6/24/2020 3:14:18 Email	GA	GAAX0031561 AX	Name does not exist at address
7/28/2020 10:11:50 Email	GA	GAAX0045923 AX	None
6/24/2020 3:14:18 Email	GA	GAAX0031561 AX	Name does not exist at address
5/16/2020 19:25:02 Email	GA	GAAX0001049 AX	None
5/17/2020 19:27:44 Email	GA	GAAX0001831 AX	None
5/15/2020 17:47:24 Email	GA	GAAX0002861 AX	None
5/24/2020 16:55:40 Email	GA	GAAX0012925 AX	None
5/17/2020 11:05:03 Email	GA	GAAX0018168 AX	None
5/18/2020 12:48:14 Email	GA	GAAX0019783 AX	None
5/18/2020 7:40:01 Email	GA	GAAX0020081 AX	Name does not exist at address
5/17/2020 17:14:51 Email	GA	GAAX0034209 AX	None
5/18/2020 9:53:32 Email	GA	GAAX0040184 AX	None
5/23/2020 18:22:56 Email	GA	GAAX0047748 AX	None
5/20/2020 13:37:45 Email	GA	GAAX0058971 AX	None
6/4/2020 17:03:05 Email	GA	GAAX0061692 AX	None
7/28/2020 10:11:50 Email	GA	GAAX0045923 AX	None
12/16/2020 9:02:36 Email	GA	GAGS0726060	GS
12/16/2020 8:38:03 Email	GA	GAGS0531011	GS
12/16/2020 8:38:03 Email	GA	GAGS0477384	GS
12/15/2020 16:42:48 Email	GA	GAGS0047734	GS
12/15/2020 20:57:02 Email	GA	GAGS1584474	GS
12/15/2020 20:56:27 Email	GA	GAGS1584301	GS
12/15/2020 20:48:50 Email	GA	GAGS1584301	GS
12/15/2020 16:41:54 Email	GA	GAGS1400789	GS
12/15/2020 16:26:35 Email	GA	GAGS0414400	GS
12/15/2020 16:24:57 Email	GA	GAGS1979408	GS
12/15/2020 14:48:02 Email	GA	GAGS0917127	GS
12/15/2020 14:42:07 Email	GA	GAGS0917127	GS
12/15/2020 13:46:14 Email	GA	GAGS0226057	GS
12/15/2020 13:33:01 Email	GA	GAGS0163036	GS
12/15/2020 10:53:00 Email	GA	GAGS0506550	GS
12/15/2020 7:14:04 Email	GA	GAGS1741218	GS
12/14/2020 17:50:01 Email	GA	GAGS0563094	GS
12/14/2020 17:48:17 Email	GA	GAGS0563095	GS
12/14/2020 16:06:26 Email	GA	GAGS0618788	GS
12/14/2020 15:13:27 Email	GA	GAGS0522478	GS
12/14/2020 13:42:01 Email	GA	GAGS0069103	GS
12/14/2020 13:30:10 Email	GA	GAGS0518107	GS
12/14/2020 13:30:10 Email	GA	GAGS0518112	GS
12/14/2020 13:30:21 Email	GA	GAGS1775147	GS
12/14/2020 4:21:45 Email	GA	GAGS0327242	GS
12/12/2020 11:36:11 Email	GA	GAGS1345151	GS
12/12/2020 9:47:37 Email	GA	GAGS1604358	GS
12/12/2020 9:34:41 Email	GA	GAGS1276262	GS
12/12/2020 9:33:02 Email	GA	GAGS1845788	GS
12/12/2020 5:52:39 Email	GA	GAGS1489443	GS
12/12/2020 5:52:21 Email	GA	GAGS1489275	GS
12/11/2020 15:39:10 Email	GA	GAGS1526793	GS
12/10/2020 12:07:45 Email	GA	GAGS0490560	GS

12/10/2020 12:07:45 Email	GA	GAGS0452225	GS	
12/10/2020 9:41:30 Email	GA	GAGS0455878	GS	
12/9/2020 13:53:03 Email	GA	GAGS1673681	GS	
12/9/2020 12:25:05 Email	GA	GAGS0410835	GS	
12/9/2020 12:25:01 Email	GA	GAGS0410834	GS	
12/9/2020 9:02:33 Email	GA	GAGS0907253	GS	
12/7/2020 11:33:43 Email	GA	GAGS0529436	GS	
12/7/2020 11:32:25 Email	GA	GAGS0527937	GS	
12/7/2020 6:20:53 Email	GA	GAGS0217251	GS	
12/6/2020 6:08:51 Email	GA	GAGS0312115	GS	
12/5/2020 18:43:05 Email	GA	GAGS1108764	GS	
12/5/2020 6:33:05 Email	GA	GAGS0526193	GS	
12/5/2020 6:05:21 Email	GA	GAGS1554495	GS	
12/4/2020 6:03:35 Email	GA	GAGS0491107	GS	
12/3/2020 17:48:08 Email	GA	GAGS1408361	GS	
12/3/2020 14:54:26 Email	GA	GAGS0122130	GS	
12/3/2020 14:52:44 Email	GA	GAGS0119819	GS	
12/3/2020 14:27:59 Email	GA	GAGS0937764	GS	
12/3/2020 13:31:36 Email	GA	GAGS0497264	GS	
12/3/2020 12:44:00 Email	GA	GAGS0923514	GS	
12/3/2020 12:44:00 Email	GA	GAGS1613355	GS	
12/3/2020 10:55:24 Email	GA	GAGS0561432	GS	
12/3/2020 9:24:48 Email	GA	GAGS0189027	GS	
12/3/2020 6:39:30 Email	GA	GAGS0515330	GS	
12/2/2020 17:53:09 Email	GA	GAGS0940770	GS	
12/2/2020 14:52:59 Email	GA	GAGS0957642	GS	
12/2/2020 14:52:16 Email	GA	GAGS0957642	GS	
12/2/2020 14:51:09 Email	GA	GAGS0957642	GS	
12/2/2020 14:48:24 Email	GA	GAGS0957642	GS	
12/2/2020 12:44:51 Email	GA	GAGS0018994	GS	
12/2/2020 12:43:40 Email	GA	GAGS0310537	GS	
12/2/2020 12:27:57 Email	GA	GAGS0425383	GS	
12/2/2020 11:54:43 Email	GA	GAGS0227123	GS	
12/2/2020 7:36:16 Email	GA	GAGS1480177	GS	
12/1/2020 15:03:00 Email	GA	GAGS0267423	GS	
12/1/2020 13:20:11 Email	GA	GAGS1163391	GS	
12/1/2020 5:44:07 Email	GA	GAGS0062648	GS	
11/30/2020 10:36:30 Email	GA	GAGS1113811	GS	
11/28/2020 14:37:00 Email	GA	GAGS0091233	GS	
11/28/2020 14:33:09 Email	GA	GAGS0091233	GS	
11/28/2020 11:28:21 Email	GA	GAGS0934627	GS	
11/28/2020 11:27:48 Email	GA	GAGS1470228	GS	
1/22/2021 12:27:45 Mail	GA	GAGS0937764	GS	
1/22/2021 12:28:41 Mail	GA	GAGS0937765	GS	
1/22/2021 13:36:12 Mail	GA	GAGS0573076	GS	
1/22/2021 13:44:20 Mail	GA	GAGS0375980	GS	
1/26/2021 15:51:25 Mail	GA	GAGS0405609	GS	
1/26/2021 16:05:29 Mail	GA	GAGS1606346	GS	
1/28/2021 12:32:34 Mail	GA	GAGS0233879	GS	
1/28/2021 12:32:55 Mail	GA	GAGS0763940	GS	
1/28/2021 12:33:28 Mail	GA	GAGS1468373	GS	
2/16/2022 10:20:15 Email	GA	GAGS1453526	GS	None
10/25/2020 15:55:25 Email	GA	GAAR0347303	AR	None
10/25/2020 15:55:25	GA	GAAR0347303	AR	None
10/26/2020 5:01:56 Email	GA	GAAR1889053	AR	None

10/26/2020 5:01:56 Email	GA	GAAR1889053	AR	None
10/28/2020 6:35:36 Email	GA	GAAR0444721	AR	None
10/29/2020 14:26:07 Email	GA	GAAR0267160	AR	None
11/5/2020 15:33:45 Email	GA	GAAR0163989	AR	None
Email	GA	GAAR1371100	AR	None
Email	GA	GAAR1720598	AR	None
10/21/2020 6:59:25 Email	GA	GAAR1371100	AR	None
10/16/2020 5:44:20 Email	GA	GAAR1467618	AR	Name does not exist at address
9/29/2020 16:53:42 Email	GA	GAAR1677643	AR	None
10/18/2020 19:23:05 Email	GA	GAAR1720598	AR	None
10/13/2020 8:13:08 Email	GA	GAAR1032895	AR	None
10/15/2020 14:26:57 Email	GA	GAAR1593683	AR	None
10/12/2020 16:13:38 Email	GA	GAAR0138880	AR	None
10/11/2020 10:33:08 Email	GA	GAAR0219728	AR	None
10/10/2020 8:50:14 Email	GA	GAAR0450630	AR	None
10/9/2020 18:06:14 Email	GA	GAAR0488392	AR	None
10/12/2020 10:44:53 Email	GA	GAAR0679185	AR	None
10/13/2020 8:13:08 Email	GA	GAAR1032895	AR	None
10/12/2020 10:28:37 Email	GA	GAAR1118527	AR	Name does not exist at address
10/15/2020 14:26:57 Email	GA	GAAR1593683	AR	None
10/3/2020 16:23:21 Email	GA	GAAR0102479	AR	None
10/5/2020 8:16:43 Email	GA	GAAR0160887	AR	None
10/5/2020 16:27:33 Email	GA	GAAR0169845	AR	None
10/3/2020 15:22:24 Email	GA	GAAR0213476	AR	None
10/8/2020 8:05:10 Email	GA	GAAR0238179	AR	None
10/4/2020 9:26:51 Email	GA	GAAR0262395	AR	None
10/5/2020 18:48:26 Email	GA	GAAR0275491	AR	None
10/5/2020 8:02:44 Email	GA	GAAR0276857	AR	None
10/3/2020 11:49:12 Email	GA	GAAR0337674	AR	None
10/6/2020 17:24:07 Email	GA	GAAR0371641	AR	None
10/6/2020 11:28:52 Email	GA	GAAR0537504	AR	None
10/4/2020 13:50:46 Email	GA	GAAR0674613	AR	None
10/3/2020 6:20:53 Email	GA	GAAR0695911	AR	None
10/8/2020 9:18:34 Email	GA	GAAR0758178	AR	None
10/4/2020 11:31:04 Email	GA	GAAR0761689	AR	None
10/3/2020 11:34:56 Email	GA	GAAR0779324	AR	Name does not exist at address
10/3/2020 18:50:45 Email	GA	GAAR0808409	AR	None
10/3/2020 9:01:10 Email	GA	GAAR0929457	AR	None
10/3/2020 0:23:03 Email	GA	GAAR0943269	AR	None
10/8/2020 15:18:47 Email	GA	GAAR0952931	AR	None
10/4/2020 9:45:33 Email	GA	GAAR0959638	AR	None
10/5/2020 14:45:38 Email	GA	GAAR0992535	AR	None
10/6/2020 5:41:59 Email	GA	GAAR1044811	AR	None
10/5/2020 11:39:26 Email	GA	GAAR1104674	AR	None
10/3/2020 8:58:32 Email	GA	GAAR1116832	AR	None
10/7/2020 11:57:30 Email	GA	GAAR1125956	AR	None
10/3/2020 6:11:50 Email	GA	GAAR1225157	AR	Name does not exist at address
10/5/2020 11:47:31 Email	GA	GAAR1255923	AR	None
10/3/2020 9:29:29 Email	GA	GAAR1311175	AR	None
10/4/2020 9:54:20 Email	GA	GAAR1364302	AR	None
10/3/2020 15:12:51 Email	GA	GAAR137352	AR	None

10/9/2020 8:30:51 Email	GA	GAAR1398072	AR	None
10/3/2020 17:37:41 Email	GA	GAAR1465661	AR	None
10/3/2020 6:09:21 Email	GA	GAAR1587414	AR	Name does not exist at address
10/3/2020 11:03:16 Email	GA	GAAR1633911	AR	None
10/7/2020 7:17:29 Email	GA	GAAR1668276	AR	None
10/4/2020 20:34:09 Email	GA	GAAR1678350	AR	None
10/4/2020 19:24:42 Email	GA	GAAR1770910	AR	None
9/30/2020 20:34:13 Email	GA	GAAR0093046	AR	None
10/2/2020 9:46:50 Email	GA	GAAR0107030	AR	None
10/1/2020 18:01:19 Email	GA	GAAR0108702	AR	None
9/29/2020 8:35:43 Email	GA	GAAR0195602	AR	None
9/29/2020 14:36:51 Email	GA	GAAR0238069	AR	None
9/30/2020 15:38:44 Email	GA	GAAR0268286	AR	Not a citizen
10/1/2020 5:45:30 Email	GA	GAAR0331730	AR	None
9/25/2020 13:51:37 Email	GA	GAAR0345388	AR	None
9/28/2020 20:13:38 Email	GA	GAAR0358851	AR	None
10/2/2020 12:29:11 Email	GA	GAAR0364550	AR	None
10/1/2020 18:29:05 Email	GA	GAAR0364659	AR	None
9/30/2020 19:39:22 Email	GA	GAAR0385022	AR	None
10/1/2020 5:46:26 Email	GA	GAAR0419209	AR	None
9/30/2020 10:00:40 Email	GA	GAAR0506604	AR	None
9/29/2020 13:55:58 Email	GA	GAAR0525718	AR	None
10/1/2020 6:27:03 Email	GA	GAAR0650289	AR	None
9/30/2020 13:39:48 Email	GA	GAAR0653948	AR	Name does not exist at address
10/1/2020 9:29:48 Email	GA	GAAR0727793	AR	None
10/1/2020 5:46:59 Email	GA	GAAR0764286	AR	None
9/29/2020 10:28:09 Email	GA	GAAR0770517	AR	None
9/26/2020 11:45:16 Email	GA	GAAR0795400	AR	None
9/29/2020 17:12:21 Email	GA	GAAR0811437	AR	None
10/1/2020 14:34:57 Email	GA	GAAR0828121	AR	None
10/1/2020 13:23:23 Email	GA	GAAR0833218	AR	None
10/1/2020 8:03:58 Email	GA	GAAR0856329	AR	None
10/2/2020 10:08:27 Email	GA	GAAR0875986	AR	Incorrect name
9/30/2020 10:09:51 Email	GA	GAAR0917204	AR	None
10/1/2020 7:16:47 Email	GA	GAAR0926123	AR	None
10/1/2020 13:38:44 Email	GA	GAAR0930594	AR	None
9/30/2020 15:41:12 Email	GA	GAAR0945035	AR	None
9/29/2020 13:46:53 Email	GA	GAAR0950408	AR	Name does not exist at address
10/1/2020 7:18:00 Email	GA	GAAR0964551	AR	None
9/30/2020 14:37:23 Email	GA	GAAR0965920	AR	None
10/2/2020 13:23:38 Email	GA	GAAR1014214	AR	None
9/30/2020 12:29:01 Email	GA	GAAR1039031	AR	None
9/27/2020 23:24:35 Email	GA	GAAR1085076	AR	None
9/29/2020 16:59:24 Email	GA	GAAR1118527	AR	None
9/30/2020 12:14:14 Email	GA	GAAR1138759	AR	None
9/29/2020 9:58:00 Email	GA	GAAR1141504	AR	Name does not exist at address
9/28/2020 8:16:38 Email	GA	GAAR1175645	AR	None
9/29/2020 18:08:57 Email	GA	GAAR1227987	AR	None
10/1/2020 6:40:03 Email	GA	GAAR1230396	AR	None
10/2/2020 13:37:55 Email	GA	GAAR1233501	AR	None
9/28/2020 8:16:38 Email	GA	GAAR1246421	AR	None

9/26/2020 10:25:22 Email	GA	GAAR1290220	AR	None
9/28/2020 8:16:38 Email	GA	GAAR1322836	AR	None
9/29/2020 16:58:21 Email	GA	GAAR1326189	AR	Name does not exist at address
9/29/2020 16:37:40 Email	GA	GAAR1326189	AR	Name does not exist at address
10/1/2020 11:31:06 Email	GA	GAAR1366328	AR	None
10/1/2020 11:19:38 Email	GA	GAAR1390252	AR	None
10/1/2020 11:17:14 Email	GA	GAAR1390252	AR	None
9/28/2020 14:31:33 Email	GA	GAAR1395106	AR	None
9/28/2020 11:25:53 Email	GA	GAAR1406904	AR	None
9/25/2020 19:10:15 Email	GA	GAAR1429097	AR	None
10/1/2020 13:19:27 Email	GA	GAAR1432886	AR	None
9/30/2020 15:25:06 Email	GA	GAAR1439608	AR	None
9/29/2020 19:45:21 Email	GA	GAAR1464973	AR	None
10/1/2020 13:46:10 Email	GA	GAAR1573731	AR	Name does not exist at address
9/28/2020 18:11:08 Email	GA	GAAR1594903	AR	None
9/25/2020 17:42:31 Email	GA	GAAR1622805	AR	None
10/1/2020 5:48:54 Email	GA	GAAR1628093	AR	None
10/1/2020 11:18:20 Email	GA	GAAR1628793	AR	None
10/1/2020 11:15:30 Email	GA	GAAR1628793	AR	None
9/27/2020 13:07:35 Email	GA	GAAR1639824	AR	None
10/2/2020 9:30:17 Email	GA	GAAR1664139	AR	None
9/28/2020 15:11:01 Email	GA	GAAR1665079	AR	None
9/30/2020 16:11:12 Email	GA	GAAR1673282	AR	None
10/1/2020 11:05:55 Email	GA	GAAR1676356	AR	None
9/29/2020 16:53:42 Email	GA	GAAR1677643	AR	None
10/2/2020 6:31:20 Email	GA	GAAR1712121	AR	None
10/2/2020 12:01:31 Email	GA	GAAR1734321	AR	None
9/26/2020 14:22:16 Email	GA	GAAR1738863	AR	None
10/1/2020 5:46:56 Email	GA	GAAR1744720	AR	None
9/30/2020 13:40:19 Email	GA	GAAR1755017	AR	None
9/26/2020 12:41:52 Email	GA	GAAR1757835	AR	None
10/1/2020 11:17:04 Email	GA	GAAR1759014	AR	None
9/26/2020 9:14:50 Email	GA	GAAR1759277	AR	None
10/1/2020 13:21:40 Email	GA	GAAR1765871	AR	None
10/1/2020 18:29:43 Email	GA	GAAR1767197	AR	None
9/30/2020 16:10:01 Email	GA	GAAR1800201	AR	None
9/30/2020 19:13:27 Email	GA	GAAR1801386	AR	None
9/17/2020 21:56:36 Email	GA	GAAR0002826	AR	None
9/20/2020 11:02:53 Email	GA	GAAR0092891	AR	None
9/24/2020 14:42:29 Email	GA	GAAR0093812	AR	None
9/24/2020 13:17:44 Email	GA	GAAR0100847	AR	None
9/18/2020 16:53:07 Email	GA	GAAR0109447	AR	Deceased
9/18/2020 16:10:22 Email	GA	GAAR0111713	AR	None
9/20/2020 10:13:18 Email	GA	GAAR0111714	AR	None
9/24/2020 14:47:24 Email	GA	GAAR0130633	AR	None
9/23/2020 5:43:32 Email	GA	GAAR0139547	AR	None
9/23/2020 11:53:09 Email	GA	GAAR0156560	AR	None
9/21/2020 18:13:35 Email	GA	GAAR0160400	AR	None
9/21/2020 12:18:45 Email	GA	GAAR0180439	AR	None
9/23/2020 15:23:13 Email	GA	GAAR0204549	AR	None
9/23/2020 14:21:25 Email	GA	GAAR0221488	AR	None
9/21/2020 16:26:42 Email	GA	GAAR0229276	AR	None

9/18/2020 15:31:58 Email	GA	GAAR0258497	AR	None
9/24/2020 16:02:50 Email	GA	GAAR0274412	AR	None
9/19/2020 8:27:20 Email	GA	GAAR0274412	AR	None
9/24/2020 8:38:42 Email	GA	GAAR0282402	AR	None
9/18/2020 12:20:12 Email	GA	GAAR0315590	AR	None
9/18/2020 15:45:33 Email	GA	GAAR0409397	AR	None
9/18/2020 13:38:44 Email	GA	GAAR0423929	AR	None
9/21/2020 17:03:33 Email	GA	GAAR0469184	AR	None
9/19/2020 13:22:06 Email	GA	GAAR0477872	AR	None
9/22/2020 10:12:36 Email	GA	GAAR0482669	AR	None
9/22/2020 10:12:36 Email	GA	GAAR0482669	AR	None
9/18/2020 14:10:57 Email	GA	GAAR0533015	AR	None
9/21/2020 17:02:24 Email	GA	GAAR0554061	AR	None
9/19/2020 8:52:30 Email	GA	GAAR0567757	AR	None
9/20/2020 7:17:38 Email	GA	GAAR0582836	AR	None
9/19/2020 13:37:24 Email	GA	GAAR0585848	AR	None
9/19/2020 13:35:22 Email	GA	GAAR0585849	AR	None
9/24/2020 10:39:52 Email	GA	GAAR0593844	AR	None
9/21/2020 9:42:06 Email	GA	GAAR0598834	AR	None
9/19/2020 7:40:55 Email	GA	GAAR0742994	AR	None
9/21/2020 7:21:50 Email	GA	GAAR0748877	AR	Incorrect name
				Name does not exist at address
9/21/2020 9:37:59 Email	GA	GAAR0831141	AR	None
9/19/2020 7:48:06 Email	GA	GAAR0865754	AR	None
9/19/2020 7:46:56 Email	GA	GAAR0865754	AR	None
9/19/2020 17:03:59 Email	GA	GAAR0898786	AR	None
9/18/2020 15:44:23 Email	GA	GAAR0940620	AR	None
9/20/2020 19:58:53 Email	GA	GAAR0960684	AR	None
9/20/2020 11:06:03 Email	GA	GAAR1070557	AR	None
9/19/2020 11:14:52 Email	GA	GAAR1092371	AR	None
9/19/2020 12:35:32 Email	GA	GAAR1113643	AR	None
9/24/2020 8:37:51 Email	GA	GAAR1114955	AR	None
9/19/2020 22:41:35 Email	GA	GAAR1174223	AR	None
9/20/2020 16:18:25 Email	GA	GAAR1260273	AR	None
9/18/2020 9:54:50 Email	GA	GAAR1307411	AR	None
9/21/2020 15:36:58 Email	GA	GAAR1334247	AR	None
9/18/2020 13:28:14 Email	GA	GAAR1442641	AR	None
9/20/2020 9:05:24 Email	GA	GAAR14548737	AR	None
9/24/2020 13:28:00 Email	GA	GAAR1519250	AR	None
9/19/2020 16:35:46 Email	GA	GAAR1564425	AR	None
9/21/2020 5:41:28 Email	GA	GAAR1572472	AR	None
9/24/2020 10:38:18 Email	GA	GAAR1634714	AR	None
9/22/2020 17:08:23 Email	GA	GAAR1658360	AR	None
9/20/2020 18:48:11 Email	GA	GAAR1693884	AR	None
9/19/2020 19:18:03 Email	GA	GAAR1735623	AR	None
				Name does not exist at address
9/18/2020 6:18:47 Email	GA	GAAR1765368	AR	None
9/19/2020 15:04:40 Email	GA	GAAR1781175	AR	None
9/19/2020 15:40:15 Email	GA	GAAR1790233	AR	None
9/19/2020 7:46:26 Email	GA	GAAR1808229	AR	None
9/19/2020 7:44:58 Email	GA	GAAR1808229	AR	None
9/19/2020 7:58:28 Email	GA	GAAR1850037	AR	None
9/18/2020 13:07:41 Email	GA	GAAR1853489	AR	None
9/18/2020 16:04:21 Email	GA	GAAR1866668	AR	None
9/18/2020 18:02:59 Email	GA	GAAR1896094	AR	None

9/20/2020 11:25:28 Email	GA	GAAR1910876	AR	None
9/23/2020 9:49:09 Email	GA	GAAR1941755	AR	None
9/18/2020 11:17:50 Email	GA	GAAR1953230	AR	None
9/22/2020 6:54:37 Email	GA	GAAR2353786	AR	Name does not exist at address
9/11/2020 8:54:38 Email	GA	GAAR0041570	AR	None
9/13/2020 6:53:31 Email	GA	GAAR0073587	AR	None
9/17/2020 16:08:45 Email	GA	GAAR0487595	AR	None
9/16/2020 7:57:03 Email	GA	GAAR0654107	AR	None
9/16/2020 7:57:03 Email	GA	GAAR0657947	AR	None
9/16/2020 11:44:36 Email	GA	GAAR1758709	AR	None
9/16/2020 11:44:36 Email	GA	GAAR1952202	AR	None
9/8/2020 16:51:03 Email	GA	GAAR0036567	AR	None
11/10/2020 12:31:54 Email	GA	GAAR0417730	AR	None
11/10/2020 12:34:22 Email	GA	GAAR0437866	AR	None
11/10/2020 12:33:43 Email	GA	GAAR1608579	AR	None
11/10/2020 12:32:54 Email	GA	GAAR1821931	AR	None
12/14/2020 8:15:06 Email	GA	GAAR1002592	AR	None
12/13/2020 13:06:20 Email	GA	GAAR1568635	AR	None
12/8/2020 13:55:54 Email	GA	GAAR0379236	AR	None
11/20/2020 21:53:31 Email	GA	GAAR0467838	AR	None
11/18/2020 5:06:57 Email	GA	GAAR0746488	AR	None
1/26/2021 15:23:04 Mail	GA	GAAR1235513	AR	None
1/28/2021 16:05:30 Mail	GA	GAAR09530126	AR	None
1/28/2021 18:09:44 Mail	GA	GAAR0208043	AR	None
2/20/2022 11:20:45 Email	GA	GAAR1186480	AR	None
2/13/2022 17:47:22 Email	GA	GAAR0538777	AR	None
10/18/2020 11:05:36 Email	GA	GAAS1673760	AS	None
10/14/2020 6:03:13 Email	GA	GAAS2127853	AS	None
10/11/2020 16:39:44 Email	GA	GAAS1395658	AS	None
10/14/2020 6:03:13 Email	GA	GAAS2127853	AS	None
10/7/2020 11:42:03 Email	GA	GAAS1094572	AS	None
10/4/2020 17:54:10 Email	GA	GAAS1972075	AS	None
10/3/2020 10:51:49 Email	GA	GAAS2177139	AS	None
10/2/2020 7:20:11 Email	GA	GAAS0890335	AS	None
9/23/2020 5:55:34 Email	GA	GAAS0319236	AS	None
9/21/2020 19:50:10 Email	GA	GAAS0364505	AS	None
9/18/2020 13:31:56 Email	GA	GAAS1326030	AS	None
9/18/2020 9:54:50 Email	GA	GAAS1615303	AS	None
9/19/2020 10:03:28 Email	GA	GAAS1732550	AS	None
9/11/2020 8:52:12 Email	GA	GAAS0059317	AS	None
9/16/2020 5:28:54 Email	GA	GAAS0160140	AS	None
9/15/2020 5:00:00 Email	GA	GAAS0483421	AS	None
9/13/2020 12:51:34 Email	GA	GAAS0523308	AS	None
9/15/2020 9:39:18 Email	GA	GAAS0685037	AS	None
9/15/2020 9:29:49 Email	GA	GAAS0692451	AS	None
9/15/2020 16:42:50 Email	GA	GAAS1135523	AS	None
9/16/2020 14:36:24 Email	GA	GAAS1298005	AS	None
9/16/2020 14:51:31 Email	GA	GAAS1368400	AS	None
9/16/2020 14:57:17 Email	GA	GAAS1370005	AS	None
9/9/2020 17:06:41 Email	GA	GAAS1692198	AS	None
9/16/2020 12:08:06 Email	GA	GAAS1826393	AS	None
9/13/2020 6:53:36 Email	GA	GAAS1885382	AS	None
9/1/2020 4:38:14 Email	GA	GAAS0324578	AS	None
9/9/2020 16:55:56 Email	GA	GAAS0502049	AS	None

9/1/2020 14:55:42 Email	GA	GAAS0596519	AS	None
9/2/2020 13:35:02 Email	GA	GAAS0789628	AS	None
9/8/2020 15:20:59 Email	GA	GAAS1052673	AS	None
9/7/2020 11:25:34 Email	GA	GAAS1054890	AS	None
9/5/2020 15:09:00 Email	GA	GAAS1206590	AS	None
9/1/2020 10:39:18 Email	GA	GAAS1258082	AS	None
8/31/2020 17:00:32 Email	GA	GAAS1352339	AS	None
9/8/2020 15:36:35 Email	GA	GAAS1378312	AS	None
9/3/2020 9:18:45 Email	GA	GAAS1385673	AS	None
9/8/2020 14:38:38 Email	GA	GAAS1603867	AS	None
9/3/2020 6:25:24 Email	GA	GAAS1690645	AS	None
9/4/2020 6:55:31 Email	GA	GAAS1895656	AS	None
9/3/2020 17:56:58 Email	GA	GAAS2013550	AS	None
9/3/2020 17:55:59 Email	GA	GAAS2074717	AS	None
9/6/2020 17:15:21 Email	GA	GAAS2164666	AS	None
8/24/2020 9:28:18 Email	GA	GAAS0056375	AS	None
8/26/2020 15:14:24 Email	GA	GAAS0124442	AS	None
8/26/2020 14:24:17 Email	GA	GAAS0124442	AS	None
8/21/2020 12:41:48 Email	GA	GAAS0129097	AS	None
8/17/2020 17:30:03 Email	GA	GAAS0167824	AS	None
8/21/2020 5:23:45 Email	GA	GAAS0200286	AS	None
8/29/2020 18:53:05 Email	GA	GAAS0201295	AS	Name does not exist at address
8/20/2020 11:34:18 Email	GA	GAAS0228938	AS	None
8/30/2020 10:18:41 Email	GA	GAAS0234351	AS	None
8/20/2020 6:54:40 Email	GA	GAAS0245558	AS	None
8/23/2020 15:52:07 Email	GA	GAAS0304447	AS	None
8/18/2020 13:08:08 Email	GA	GAAS0364855	AS	None
8/15/2020 13:16:54 Email	GA	GAAS0401026	AS	None
8/21/2020 13:56:38 Email	GA	GAAS0407031	AS	None
8/29/2020 12:37:13 Email	GA	GAAS0418679	AS	None
8/21/2020 17:43:06 Email	GA	GAAS0454903	AS	Name does not exist at address
8/25/2020 13:01:11 Email	GA	GAAS0463861	AS	None
8/21/2020 13:58:05 Email	GA	GAAS0480072	AS	None
8/21/2020 13:58:05 Email	GA	GAAS0480174	AS	None
8/22/2020 17:05:41 Email	GA	GAAS0493831	AS	None
8/25/2020 10:41:39 Email	GA	GAAS0541267	AS	None
8/26/2020 17:59:38 Email	GA	GAAS0553037	AS	None
8/22/2020 20:31:31 Email	GA	GAAS0564918	AS	None
8/22/2020 20:31:31 Email	GA	GAAS0564919	AS	None
8/22/2020 19:11:05 Email	GA	GAAS0569647	AS	None
8/25/2020 15:31:51 Email	GA	GAAS0596317	AS	None
8/26/2020 10:18:27 Email	GA	GAAS0613226	AS	Name does not exist at address
8/20/2020 10:13:22 Email	GA	GAAS0626687	AS	None
8/22/2020 11:34:56 Email	GA	GAAS0634896	AS	None
8/22/2020 9:57:50 Email	GA	GAAS0658235	AS	None
8/21/2020 22:35:34 Email	GA	GAAS0670211	AS	None
8/18/2020 17:00:29 Email	GA	GAAS0702732	AS	None
8/24/2020 4:22:50 Email	GA	GAAS0774320	AS	None
8/19/2020 14:13:09 Email	GA	GAAS0838869	AS	None
8/27/2020 13:50:52 Email	GA	GAAS0870623	AS	None
8/29/2020 12:43:47 Email	GA	GAAS0901309	AS	None
8/21/2020 15:17:26 Email	GA	GAAS0948125	AS	None

8/20/2020 3:21:41 Email	GA	GAAS0967546	AS	None
8/27/2020 7:45:26 Email	GA	GAAS0987080	AS	None
8/20/2020 12:43:05 Email	GA	GAAS0990607	AS	None
8/20/2020 16:45:53 Email	GA	GAAS1011269	AS	None
8/22/2020 14:57:55 Email	GA	GAAS1035395	AS	None
8/22/2020 8:28:40 Email	GA	GAAS1066819	AS	Name does not exist at address
8/20/2020 10:14:51 Email	GA	GAAS1080544	AS	None
8/23/2020 15:02:17 Email	GA	GAAS1082836	AS	None
8/25/2020 8:02:21 Email	GA	GAAS1125872	AS	None
8/20/2020 10:16:44 Email	GA	GAAS1133873	AS	None
8/19/2020 12:46:26 Email	GA	GAAS1172937	AS	Name does not exist at address
8/23/2020 12:49:16 Email	GA	GAAS1241294	AS	Name does not exist at address
8/21/2020 12:41:48 Email	GA	GAAS1254830	AS	None
8/19/2020 12:32:49 Email	GA	GAAS1374297	AS	None
8/25/2020 23:21:24 Email	GA	GAAS1404475	AS	None
8/19/2020 18:55:58 Email	GA	GAAS1405839	AS	None
8/20/2020 16:40:55 Email	GA	GAAS1412689	AS	None
8/18/2020 13:06:36 Email	GA	GAAS1457192	AS	None
8/27/2020 6:27:05 Email	GA	GAAS1484551	AS	None
8/21/2020 9:01:08 Email	GA	GAAS1485361	AS	None
8/18/2020 12:56:12 Email	GA	GAAS1508752	AS	None
8/21/2020 15:25:07 Email	GA	GAAS1509060	AS	None
8/15/2020 13:17:08 Email	GA	GAAS1511900	AS	Name does not exist at address
8/20/2020 11:26:34 Email	GA	GAAS1564615	AS	None
8/19/2020 18:56:58 Email	GA	GAAS1580612	AS	None
8/20/2020 8:29:53 Email	GA	GAAS1593907	AS	None
8/24/2020 6:44:04 Email	GA	GAAS1658454	AS	None
8/19/2020 18:55:19 Email	GA	GAAS1671532	AS	None
8/29/2020 11:49:55 Email	GA	GAAS1689271	AS	None
8/22/2020 4:00:37 Email	GA	GAAS1712958	AS	None
8/24/2020 7:49:55 Email	GA	GAAS1772330	AS	None
8/20/2020 8:32:44 Email	GA	GAAS1776740	AS	None
8/31/2020 7:33:10 Email	GA	GAAS1789385	AS	None
8/17/2020 16:34:40 Email	GA	GAAS1861461	AS	None
8/22/2020 2:06:16 Email	GA	GAAS1862500	AS	None
8/25/2020 7:25:56 Email	GA	GAAS1894370	AS	None
8/25/2020 5:35:58 Email	GA	GAAS1919981	AS	None
8/20/2020 11:54:07 Email	GA	GAAS1925504	AS	None
8/17/2020 11:32:33 Email	GA	GAAS1988311	AS	None
8/24/2020 7:44:03 Email	GA	GAAS2009186	AS	None
8/20/2020 13:55:05 Email	GA	GAAS2010297	AS	None
8/20/2020 14:38:47 Email	GA	GAAS2018160	AS	None
8/21/2020 17:32:42 Email	GA	GAAS2044295	AS	None
8/21/2020 6:56:34 Email	GA	GAAS2057650	AS	None
8/22/2020 14:55:53 Email	GA	GAAS2083522	AS	None
8/19/2020 9:57:32 Email	GA	GAAS2170009	AS	None
8/20/2020 16:45:09 Email	GA	GAAS2186735	AS	None
8/22/2020 14:17:20 Email	GA	GAAS2229390	AS	None
8/21/2020 22:30:41 Email	GA	GAAS2231151	AS	None
8/19/2020 9:01:09 Email	GA	GAAS2233020	AS	None
8/18/2020 16:29:50 Email	GA	GAAS2239145	AS	None

8/19/2020 10:47:59 Email	GA	GAAS2240847	AS	None
8/20/2020 13:07:47 Email	GA	GAAS2250620	AS	None
8/21/2020 16:22:17 Email	GA	GAAS2264760	AS	None
8/25/2020 12:32:04 Email	GA	GAAS2285252	AS	Business address
11/9/2020 18:31:59 Email	GA	GAAS0237413	AS	None
11/14/2020 20:14:12 Email	GA	GAAS1958084	AS	None
12/6/2020 10:21:26 Email	GA	GAAS1936542	AS	
11/26/2020 9:23:14 Email	GA	GAAS1190193	AS	
11/26/2020 9:23:14 Email	GA	GAAS0963476	AS	
10/30/2020 17:02:44 Email	GA	GAAU1572345	AU	None
10/31/2020 14:50:16 Email	GA	GAAU0343962	AU	None
11/1/2020 11:20:40 Email	GA	GAAU1503516	AU	None
11/1/2020 11:20:40 Email	GA	GAAU150356	AU	None
11/6/2020 12:25:20 Email	GA	GAAU0618813	AU	None
11/8/2020 21:55:53 Email	GA	GAAU0760248	AU	None
Email	GA	GAAU0117943	AU	None
Email	GA	GAAU0214319	AU	None
Email	GA	GAAU0230550	AU	None
Email	GA	GAAU0352715	AU	None
Email	GA	GAAU0375572	AU	None
Email	GA	GAAU0467926	AU	None
Email	GA	GAAU0602766	AU	None
Email	GA	GAAU0671989	AU	None
Email	GA	GAAU0939271	AU	None
Email	GA	GAAU1022912	AU	None
Email	GA	GAAU1539893	AU	None
Email	GA	GAAU1624499	AU	None
Email	GA	GAAU1707659	AU	None
Email	GA	GAAU1754384	AU	None
Email	GA	GAAU1767132	AU	None
10/18/2020 12:32:20 Email	GA	GAAU0110947	AU	None
10/20/2020 10:31:22 Email	GA	GAAU0117943	AU	None
10/20/2020 8:22:54 Email	GA	GAAU0214319	AU	None
10/20/2020 15:18:58 Email	GA	GAAU0230550	AU	None
10/18/2020 11:29:38 Email	GA	GAAU0280236	AU	None
10/22/2020 13:03:06 Email	GA	GAAU0352715	AU	None
10/20/2020 11:38:33 Email	GA	GAAU0375572	AU	None
10/16/2020 12:35:38 Email	GA	GAAU0382787	AU	None
10/21/2020 7:41:10 Email	GA	GAAU0467926	AU	None
10/19/2020 13:14:43 Email	GA	GAAU0602766	AU	None
10/17/2020 6:12:08 Email	GA	GAAU0621801	AU	None
10/19/2020 9:30:00 Email	GA	GAAU0671989	AU	None
10/18/2020 13:49:00 Email	GA	GAAU0937156	AU	None
10/20/2020 20:06:39 Email	GA	GAAU0939271	AU	None
10/19/2020 12:48:57 Email	GA	GAAU1022912	AU	None
10/21/2020 18:06:34 Email	GA	GAAU1539893	AU	None
10/17/2020 12:27:37 Email	GA	GAAU1574528	AU	None
10/17/2020 10:58:19 Email	GA	GAAU1596699	AU	None
10/22/2020 7:50:58 Email	GA	GAAU1624499	AU	None
10/18/2020 16:51:55 Email	GA	GAAU1630763	AU	None
10/19/2020 7:28:13 Email	GA	GAAU1707659	AU	None
10/20/2020 13:59:51 Email	GA	GAAU1754384	AU	None
10/18/2020 18:25:31 Email	GA	GAAU1767132	AU	None
10/14/2020 14:28:55 Email	GA	GAAU0233139	AU	None
10/13/2020 15:01:26 Email	GA	GAAU0234176	AU	None

10/13/2020 17:52:49 Email	GA	GAAU0277227	AU	None
10/15/2020 6:59:23 Email	GA	GAAU0600445	AU	None
10/13/2020 14:18:24 Email	GA	GAAU0685035	AU	None
10/13/2020 4:28:18 Email	GA	GAAU0856590	AU	None
10/15/2020 15:58:57 Email	GA	GAAU1283140	AU	None
10/13/2020 5:35:38 Email	GA	GAAU1577600	AU	None
10/14/2020 11:03:04 Email	GA	GAAU1675568	AU	None
10/13/2020 16:13:09 Email	GA	GAAU1715556	AU	None
10/14/2020 14:28:55 Email	GA	GAAU0233139	AU	None
10/13/2020 15:01:26 Email	GA	GAAU0234176	AU	None
10/10/2020 17:39:19 Email	GA	GAAU0259143	AU	None
10/10/2020 8:49:15 Email	GA	GAAU0260193	AU	None
10/13/2020 17:52:49 Email	GA	GAAU0277227	AU	None
10/10/2020 8:11:47 Email	GA	GAAU0331092	AU	None
10/12/2020 9:17:58 Email	GA	GAAU0331143	AU	None
10/10/2020 13:42:43 Email	GA	GAAU0435956	AU	None
10/12/2020 16:56:01 Email	GA	GAAU0512516	AU	None
10/12/2020 10:49:07 Email	GA	GAAU0566930	AU	None
10/15/2020 6:59:23 Email	GA	GAAU0600445	AU	None
10/12/2020 16:56:01 Email	GA	GAAU0646232	AU	None
10/10/2020 18:50:27 Email	GA	GAAU0681560	AU	Name does not exist at address
10/13/2020 14:18:24 Email	GA	GAAU0685035	AU	None
10/11/2020 6:31:35 Email	GA	GAAU0708846	AU	None
10/13/2020 4:28:18 Email	GA	GAAU0856590	AU	None
10/10/2020 13:41:52 Email	GA	GAAU1092337	AU	None
10/15/2020 15:58:57 Email	GA	GAAU1283140	AU	None
10/12/2020 10:51:19 Email	GA	GAAU1284536	AU	None
10/10/2020 12:15:05 Email	GA	GAAU1286080	AU	None
10/11/2020 17:13:19 Email	GA	GAAU1296799	AU	None
10/9/2020 23:59:23 Email	GA	GAAU1300120	AU	None
10/13/2020 5:35:38 Email	GA	GAAU1577600	AU	None
10/12/2020 16:56:01 Email	GA	GAAU1651257	AU	None
10/14/2020 11:03:04 Email	GA	GAAU1675568	AU	None
10/13/2020 16:13:09 Email	GA	GAAU1715556	AU	None
10/11/2020 17:59:29 Email	GA	GAAU1731114	AU	None
10/12/2020 15:26:12 Email	GA	GAAU1742394	AU	None
10/10/2020 15:55:51 Email	GA	GAAU1795238	AU	None
10/6/2020 10:39:01 Email	GA	GAAU0134058	AU	None
10/6/2020 17:41:14 Email	GA	GAAU0257355	AU	None
10/9/2020 14:29:23 Email	GA	GAAU0279977	AU	None
10/6/2020 11:44:11 Email	GA	GAAU0296489	AU	None
10/9/2020 11:03:29 Email	GA	GAAU0328777	AU	None
10/9/2020 11:22:50 Email	GA	GAAU0373625	AU	None
10/9/2020 12:59:37 Email	GA	GAAU0376094	AU	None
10/9/2020 14:13:22 Email	GA	GAAU0417744	AU	None
10/6/2020 11:12:11 Email	GA	GAAU0423587	AU	None
10/9/2020 12:48:34 Email	GA	GAAU0465744	AU	None
10/9/2020 12:05:09 Email	GA	GAAU0583336	AU	None
10/9/2020 16:05:27 Email	GA	GAAU0623509	AU	None
10/9/2020 15:46:16 Email	GA	GAAU0897006	AU	None
10/9/2020 13:51:37 Email	GA	GAAU0897006	AU	None
10/6/2020 16:44:31 Email	GA	GAAU0925001	AU	None
10/6/2020 11:12:02 Email	GA	GAAU1096775	AU	None
10/6/2020 13:45:19 Email	GA	GAAU1411223	AU	None

10/6/2020 11:30:28 Email	GA	GAAU1687197	AU	None	
10/6/2020 16:51:53 Email	GA	GAAU1688120	AU	None	
10/9/2020 10:03:09 Email	GA	GAAU1726510	AU	None	
10/1/2020 18:27:46 Email	GA	GAAU0020462	AU	None	
9/29/2020 14:26:39 Email	GA	GAAU0747227	AU	None	
11/15/2020 13:35:02 Email	GA	GAAU0213947	AU	None	
12/15/2020 7:14:04 Email	GA	GAAU1707659	AU		
12/14/2020 8:20:39 Email	GA	GAAU0984211	AU		
10/30 Mail	GA	GAAU0173688	AU		
1/28/2021 16:00:54 Mail	GA	GAAU1566651	AU		
1/28/2021 16:01:27 Mail	GA	GAAU0935390	AU		
1/28/2021 16:49:46 Mail	GA	GAAU0369614	AU		
2/9/2021 9:38:16 Mail	GA	GAAU0567605	AU		
9/9/2020 11:23:14 GA	GAAR0016167	AR			Already registered
9/10/2020 9:18:09 GA	GAAR0060132	AR			Intentionally deceitful, misleading and confusing. Leave me alone. Vote in person.
9/14/2020 12:47:50 GA	GAAR0008592	AR			Already registered
9/16/2020 15:09:13 GA	GAAR1056808	AR			Name does not exist at address
9/17/2020 16:00:11 GA	GAAR0404698	AR			I do not agree with you encouraging people to vote by mail- VOTE IN PERSON
9/17/2020 16:01:40 GA	GAAR0404696	AR			I do not agree with encouraging people by mail - VOTE IN PERSON
9/17/2020 16:17:27 GA	GAAR0897702	AR		30238	Already registered
9/17/2020 16:18:34 GA	GAAR1585811	AR			Already registered
9/17/2020 16:37:17 GA	GAAR1739325	AR			Ineligible
9/17/2020 17:38:11 GA	GAAR1003788	AR	SARITA JOY P 172 FEARS DRIVE	30228	LIVES IN ANOTHER STATE FOR MORE THAN 8 YEARS
9/17/2020 20:50:02 GA	GAAR0187687	AR	Rosemary Lea 7607 Avalon Blvd, Fairburn, GA	30213	Name does not exist at address
9/18/2020 9:17:57 GA	GAAR0722444	AR			Name does not exist at address
9/18/2020 11:53:00 GA	GAAR0502071	AR	Garth Smith 4416 HOLLY SPRINGS PARKWAY	30115	I NEVER SIGNED UP FOR THIS! NEVER MAIL ME AGAIN OR ELSE!
9/18/2020 12:58:09 GA	GAAR1307411	AR			Already registered
9/18/2020 13:08:48 GA	GAAR1416173	AR	Alexander Pattr 360 Laurel Green Way, Alpharetta, GA	30022	moved to different state
9/18/2020 13:34:16 GA	GAAR1902980	AR	Darryka L Wate 1371 CLERMONT AVE	30344	DO NOT WISH TO VOTE
9/18/2020 13:35:57 GA	GAAR0140259	AR	Kendrick Water 1371 CLERMONT AVE	30344	DO NOT WISH TO VOTE
9/18/2020 15:26:14 GA	GAAR0701846	AR	Lori Houston 185 meansville rd	30256	Not doing absentee or mail in voting. Voting in person. Stop wasting paper and killing trees with junk mail to my house.
9/18/2020 17:39:41 GA	GAAR1117239	AR			I've already unsubscribed once before and you sent me another application. Do not send me any more mail.
9/18/2020 18:48:03 GA	GAAR0940620	AR			Stop sending these bloody letters
9/18/2020 18:48:51 GA	GAAR0409397	AR			Stop this immediately
9/18/2020 20:36:33 GA	GAARO471017	AR			I will be voting in person.
9/18/2020 22:08:27 GA	GAAR0167477	AR			none of your business
9/19/2020 9:41:10 GA	GAAR0649052	AR	Cristina Kendall	30328	Name does not exist at address
9/19/2020 9:42:54 GA	GAAR0222687	AR	Michael Selik	30328	Name does not exist at address
9/19/2020 10:50:22 GA	GAARO716514	AR	Mary Jane Rob 11 Brown Rd	30516	i want to vote in person
9/19/2020 12:43:05 GA	GAAR1037532	AR	Anjali Nair 2995 Abbots Pointe Dr, Duluth, GA	30097	Not a resident of GA anymore. Voting in NC state
9/19/2020 13:27:38 GA	GAAR0875604	AR			Already registered
9/19/2020 14:49:26 GA	GAAR1598340	AR	Kalen Patton 360 Laurel Green Way	30022	prefer to vote in person
9/20/2020 10:41:08 GA	GAAR0483982	AR	Arturo Rincone:651 Demere St. Hinesville GA	31313	Already registered
9/20/2020 11:57:24 GA	GAAR0293193	AR			
9/20/2020 13:26:36 GA	GAAR0489691	AR			Already registered
9/20/2020 14:22:09 GA	GAAR0801994	AR			Already registered

don't want to contribute to the obvious voter fraud that will occur in this election. If people can protest together and go to walmart together , they can vote!!!!

9/20/2020 16:22:58 GA	gaar1333935 ar				
9/21/2020 13:29:01 GA	GAAR1956728 AR	Josephine	475 Craig Rd NE		30734 Dont want mail
9/21/2020 14:56:41 GA	gaar0804453 ar		none of your fu,you already fucking have it	00000	Already registered
9/21/2020 15:12:25 GA	GAAR0984292 AR		JONITA B. DUI 6234 Newberry Ln		30296 Already registered
9/21/2020 18:15:32 GA	GAAR1195180 AR		Adriana Moore 4164 Glenaire Way		30101 Vote in person
9/22/2020 9:05:57 GA	GAAR0380464 AR				
9/22/2020 9:37:09 GA	GAAR0424401 AR				
9/22/2020 18:41:21 GA	GAAR1638221 AR		390 Stovall St. SE Unit 3413, Atlanta, GA		30316
9/22/2020 19:29:04 GA	GAAR0916915 AR	Gregory Anthor	120 Laurel Oak Lane	[31093]	Im not a 14th amendment citizen we cannot be as the 13th amendment Section 12 states people of African Descent can not be United States Citizen. Then the 14th Amendment was never ratified by two-thirds of the state therefor we are not United States Citizens.
9/24/2020 12:12:27 GA	GAAR0296182 AR				Already registered
9/24/2020 14:36:30 GA	GAARO840523 AR	Lisa A Sabir	23 gladys lane 2536 Bay Rockyford Rd., Moultrie, Ga.		31639 I dont vote
9/24/2020 15:47:35 GA	GAAR0312710 AR	Karen D. Glove	31768		31768 You have sent me this stuff 3 times now, we doing early voting!!!
9/24/2020 17:34:03 GA	GAAR1488098 AR	Donald Shocke	95 Ormond Street		30315 Name does not exist at address
9/24/2020 17:35:42 GA	GAAR0985325 AR	Donald Shocke	95 Ormond Street		30315 Name does not exist at address
9/24/2020 17:38:55 GA	GAAR1928361 AR	Donald Shocke	95 Ormond Street SE Atlanta GA	30315	Please stop wasting money encouraging me to get an absentee ballot or to vote. I always vote and I vote in person.
9/25/2020 16:47:58 GA	GAAR0697632 AR				Dont want to vote,because im not able to be a jurur.
9/25/2020 19:41:38 GA	GAAR1803380 AR	Catherine Hale	7312 Mountain Laurel Wy		30281 I'm going to the polls 3min for my house!!
9/25/2020 19:44:12 GA	GAAR1787689 AR	Robert E. Smith	7312 Mountain Laurel Wy		30281 I'm going to the polls. I'm do not nee an absentee ballot!!
9/25/2020 21:14:58 GA	GAAR0510271 AR	GENERAL LYN	7957 HILLCREST TRAIL		30236 Already registered
9/26/2020 8:38:53 GA	GAARO274113 AR	Barbara Evans	2806 Lyonia Lane Augusta Georgia		30906 Already registered
9/26/2020 11:01:40 GA	GAAR0705714 AR	Shevon Nixon	221 Upper Riverdale Rd Apt 4J		30236 Already registered
9/26/2020 14:46:01 GA	GAAR0422586 AR	Helen Brown	650 Phipps Blvd		30326 Already registered
9/28/2020 10:46:33 GA	GAAR0158069 AR				Election Interference
9/28/2020 13:47:43 GA	GAAR0437300 AR		4416 HOLLY SPRINGS PKWY		NEVER MAIL ME AGAIN OR ELSE! THIS IS THE 3RD TIME I SUBMITTED THIS CEASE AND DESIST request!
9/28/2020 15:49:05 GA	GAAR0122777 AR	Garth Smith	CANTON, GA		30115 DESIST request!
9/28/2020 17:17:47 GA	GAAR0487939 AR	Jordan Thrashe	907 Laurelwood Court		30115 Already registered
9/29/2020 10:35:55 GA	GAAR1754134 AR	Meredith Thras	907 Laurelwood Court		30115 Already registered
9/29/2020 14:38:13 GA	GAAR0778181 AR				Already registered
9/29/2020 15:42:36 GA	GAAR0457449 AR				Already registered
9/29/2020 15:43:25 GA	GAAR1195515 AR				Already registered
9/29/2020 16:00:05 GA	GAAR1278731 AR				Already registered
9/29/2020 16:00:44 GA	GAAR1446463 AR				Already registered
9/29/2020 16:01:32 GA	GAAR0648766 AR				Already registered
9/29/2020 17:34:50 GA	GAAR0262807 AR				my voting habits are none of your business!!!
9/29/2020 20:04:52 GA	GAAR1503650 AR				Name does not exist at address
9/30/2020 3:43:51 GA	GAAR0076657 AR				Name does not exist at address
9/30/2020 9:26:02 GA	GAAR0095199 AR				
9/30/2020 13:10:03 GA	GAAR0924718 AR	Kristin Hinkson	2835 Talimore Court		30066 Name does not exist at address

9/30/2020 15:37:27 GA	GAAR1770080 AR	Tabatha Lewis 735 Cobb Pkwy N Apt 15	30062-2403	I NEVER SIGNED UP AND DO NOT WANT TO VOTE. REMOVE MY INFO IMMEDIATELY. I have asked numerous times.
9/30/2020 17:12:00 GA	GAAR0591247 AR			Name does not exist at address
9/30/2020 18:22:43 GA	GAAR0245552 AR	Taiesha Smith 1617 Weatherbrook Cir	30043	Already registered
9/30/2020 22:10:43 GA	GAAR1638741 AR	Adilene Zuniga 2233 Moncrieff St.	30906	
10/1/2020 7:27:28 GA	gaar1734880 ar			JUNK MAIL
10/1/2020 8:48:02 GA	GAAR1744720 AR			JUNK MAIL
10/1/2020 8:48:36 GA	GAAR0419209 AR			JUNK MAIL
10/1/2020 8:49:06 GA	GAAR0331730 AR			A prefilled voting form is ripe for fraud
10/1/2020 10:35:23 GA	GAAR0518294 AR			I choose to vote in person
10/1/2020 17:49:02 GA	GAAR0164026 AR	Lisa K Gore 3927 Turkey Ridge Way	30517	Already registered
10/1/2020 18:05:53 GA	GAAR1036503 AR	Deniscia N Rob 2605 West Rd	30296	Already registered
10/1/2020 18:10:32 GA	GAAR0215227 AR	Jurrell Anthony 2605 West Rd	30296	Already registered
10/1/2020 20:40:46 GA	GAAR1443845 AR			Already registered
10/2/2020 12:33:16 GA	GAAR0360776 AR	Laura Baker 1360 Branch Drive	30084	Already registered
10/2/2020 15:41:37 GA	GAAR0361710 AR			Just take me off
10/3/2020 2:54:08 GA	GAAR0632258 AR	Elizabeth Apoll 185 Baldwin fall Rd Baldwin ga	30511-2105	Do not want to vote
		132 CABOTS CREEK DR JEFFERSON,		
10/3/2020 6:57:10 GA	GAAR0366357 AR	MARIA ISABEL GA	30549	Already registered
		9891 Colchester Street Douglasville, GA		
10/3/2020 11:22:36 GA	GAAR1674565 AR	Gwendolyn Ole 30135	30135	Name does not exist at address
10/3/2020 11:54:27 GA	GAAR1109942 AR			
		1321 Keys Lake Drive Brookhaven,		
10/4/2020 10:03:22 GA	GAAR0330672 AR	Shelli Martus B. Georgia	30319	Deceased
10/4/2020 12:33:37 GA	GAAR0262395 AR	MELANIE RENE Shoptaw	30005	Already registered
10/5/2020 7:50:46 GA	GAARO362985 AR	Rachel Elliott 138 Fayetteville Road, Decatur	30030	Already registered
10/5/2020 17:00:01 GA	GAAR0946044 AR			Moved to California 5 years ago
10/6/2020 20:27:30 GA	GAAR0487502 AR			Already registered
10/6/2020 20:31:02 GA	GAAR1112926 AR			Already registered
10/6/2020 20:32:45 GA	GAAR0371641 AR			Already registered
10/6/2020 20:35:37 GA	GAAR1225696 AR			Already registered
10/7/2020 15:04:43 GA	GAAR0079330 AR	Derek Jobe 870 Mayson Turner Rd NW	30314	unsolicited information
10/7/2020 19:47:44 GA	GAAR1188156 AR			
10/7/2020 19:49:53 GA	GAAR0642268 AR			
10/7/2020 19:51:03 GA	GAAR0637739 AR			
10/11/2020 23:56:18 GA	GAAR0786064 AR	Jermaine Antor 3725 Satellite Blvd Ellenwood,Ga	30294	My son no longer lives in Ga. He's a resident of Virginia.
10/12/2020 12:59:18 GA	GAAR0951005 AR			Name does not exist at address
10/13/2020 20:55:15 GA	GAAR0810628 AR	Tawayna Carra 2611 Hiuntingdon Chase	30350	Already registered
10/19/2020 13:29:43 GA	GAAR-0239565 AR	LaShey A. Fielc 2354 Winston Way	30906	Do Not Live In Georgia
10/26/2020 12:40:22 GA	GAAR1908147 AR			Already registered
12/8/2020 18:08:59 GA	GAAR0755084 AR			
12/14/2020 15:15:13 GA	GAAR0971451 AR			Already registered
				Name suffix is wrong and I already completed information
8/15/2020 16:04:01 GA	gaas0647421 as	Frank Odell 110 Piper Cove, St Marys, Ga	31558	I do not trust your "unbiased" organization.
8/15/2020 16:57:17 GA	GAAS0200553 AS			Wish to be removed from your mailing list
8/17/2020 11:48:40 GA	GAAS0203201 AS			
8/17/2020 22:59:56 GA	GAAS2261424 AS			
8/18/2020 16:48:05 GA	GAAS2292411 AS	Tammy S Thon 4179 Log Cabin Drive Apt 2	31204	Do not want to vote due my personal reason !
8/18/2020 18:04:41 GA	GAAS0524447 AS	BRINA N SMIT 3 KINGSRIDGE COURT	31907	Leave me the hell alone!!! I can vote in person!
8/18/2020 19:11:03 GA	gaas1318239 as	Pooja Gardner 800 Trakehner Tarn	30075	Unwanted junk mail, stay out of my mailbox
8/18/2020 21:25:10 GA	GAAS0730913 AS			Already registered
8/19/2020 9:34:00 GA	GAAS0800130 AS	Mary Mahony 218 Norwich Street	31520	Do not want to vote
8/19/2020 12:17:28 GA	GAAS0170382 AS			Already registered

8/19/2020 13:20:36 GA	GAAS1035537 AS	Mechelle Johns 165 Morning View Dr.	30179	I am not registered to vote...
8/19/2020 13:22:30 GA	GAAS2018749 AS	DeAngelo R Sn 165 Morning View Dr.	30179	I am not registered to vote.
8/19/2020 13:22:43 GA	GAAS2214481 AS			
8/19/2020 14:03:31 GA	GAAS0461894 AS			I am registered, Never agreed to absentee ballot. was sent one, just wanted a new voter card, bc my purse got stolen, that is all. will never vote by mail. NEVER-> thank you Trump 2020.
8/19/2020 14:47:15 GA	GAAS0715891 AS			Other
				I just received an "Application for Official Absentee Ballot" with a cover letter from Lionel Dripps in the mail. Unsolicited. I have to say that it looks iffy as hell to me. I did some research on the internet and it looks like the Center for Voter Information is perhaps legit. But, just who, in these extremely divided times, when people are filled with suspicions about both the government itself and other organizations working against our voting rights--just who do you think will actually use this form? It seems naive of you to think that people are going to use it. I am not. It's going in the trash. Lest you think I'm some kind of fringe, conspiracy nut--no, I'm a mainstream Democrat who regularly votes. I love how the second paragraph of the cover letter opens: "Voting by mail is EASY." Really? Read any news lately?
8/19/2020 17:28:37 GA	GAAS0579562 AS			Lives in Florida now
8/19/2020 18:13:02 GA	GAAS2009457 AS			Lives in Florida now
8/19/2020 18:14:27 GA	GAAS1678828 AS			Not voting
8/19/2020 19:57:50 GA	GAAS0394280 AS			31907 Already registered
8/19/2020 23:50:32 GA	GAAS 1298811AS	Thomas Ganze 3743 Mote Rd. Columbus GA		31210 Unsolicited
8/20/2020 8:57:38 GA	GAAS0129808 AS	James Michael 1313 Craddock Way		no interest in your mission
8/20/2020 13:12:23 GA	GAAS0553563 AS			I don't appreciate being targeted for a mail-in vote because of my race. I am black, my wife is white. We have lived in the home we own for our entire marriage and have both voted in person. If you are only going to target me for my race while not offering the same service for my wife because of her race, then take me off your mailing list.
				mind your own business
				mind your own business
				Already registered
8/20/2020 13:26:25 GA	GAAS1509158 AS			Already registered
8/20/2020 13:43:21 GA	GAAS0587547 AS			Do not support voting by mail
8/20/2020 13:44:23 GA	GAAS1220545 AS			
8/20/2020 16:11:48 GA	GAAS1021399 AS			Stay the hell out of my business and voting record.
8/20/2020 16:46:50 GA	GAASO256761 AS			Already registered
8/20/2020 17:36:01 GA	GAASO553612 AS			30607 Did not sign up.
8/20/2020 18:15:27 GA	Gaas0571693 as			Already registered
8/20/2020 18:32:41 GA	gaas0578734 as	Anna Bolden 501 Lakeland Court		
8/20/2020 19:01:46 GA	GAAS0477060 AS			30038
8/20/2020 19:02:39 GA	GAAS0734951 AS			You made up my name same as all those junk mailer
8/20/2020 19:03:45 GA	GAAS0477060 AS	Ryan David Gic 3686 Salem Drive Lithonia GA		30097 Already registered
8/20/2020 20:30:43 GA	GAAS0844189 AS			Already registered
8/20/2020 21:27:50 GA	GAAS0405453 AS	Heara Lee 8560 Royal Troon Drive		Vote in person
8/20/2020 21:37:28 GA	GAAS1800191 AS	Teaho Lee 8560 Royal Troon Drive		
8/20/2020 22:01:24 GA	GAAS1314473 AS			
8/21/2020 10:14:20 GA	GAAS0703764 AS			

8/21/2020 11:19:09 GA	GAAS0587388 AS		did not request a absentee ballot, i will be going in to cast my ballot.
8/21/2020 11:25:21 GA	GAAS0844189 AS	Ryan David Gic 3686 Salem Drive Lithonia GA	30038
8/21/2020 13:34:58 GA	GAAS1398429 AS		Already registered
8/21/2020 14:24:57 GA	GAAS05881 AS		My name is incorrect and I don't want that name to be associated with me and hinder me from casting my vote. I am a registered voter. I just verified
8/21/2020 14:27:21 GA	GAAS0607738 AS		Already registered
8/21/2020 17:40:13 GA	GAASO175538 AS		
8/21/2020 19:22:12 GA	GAAS0321500 AS	TeErica Parks 3339 Rock Creek Dr.	30273 Already registered
8/21/2020 19:38:15 GA	GAAS2264760 AS	Ivan Vasquez-\ 7 4th street	30344 Not interested
8/21/2020 20:08:25 GA	GAAS0640020 AS	Mark Williams 1 Ron Street	30145 This is Fraud Mail
8/21/2020 20:10:24 GA	GAAS2233358 AS	Mark Williams 1 Ron Street	30145 This is fraud mail
8/22/2020 11:17:36 GA	GAAS0697937 AS	Dollie S Dansby 13 Burnett Cir SW	30165 Going to vote at the polls
8/22/2020 11:19:26 GA	GAAS0480668 AS	Robert D Dansl 13 Burnett Cir SW	30165 Going to the polls
8/22/2020 11:36:57 GA	GAAS1323263 AS	Juan Francisco 4085 WOODRIDGE WAY	30084 Not intrested
8/22/2020 12:09:33 GA	GAAS1562911 AS	Courtney A Hez 3248 Westpoet Way SW. Atlanta, Ga	30311 No longer a Georgia Resident. Currently resides In LA, California
8/22/2020 12:12:30 GA	GAAS1562911 AS	3248 Westport Way, SW. Atlanta, GA 8540 Anchor on Lanier Court,	30311 No longer a GA Resident, Resides in LA, California
8/22/2020 12:37:10 GA	GAAS0456845 AS	Régulo Pachec Gainesville. GA	30506 My name is wrong. The application shows a middle initial. I do not have a middle name.
8/22/2020 13:09:23 GA	GAAS0084288 AS		Already registered
8/22/2020 15:04:02 GA	Gaas1545637 as	Raymond Henr, 2201 Pine View Trail	30294 Name does not exist at address
8/22/2020 15:21:44 GA	GAAS0492543 AS	Karen D. Glove 2536 Bay Rockyford Rd.	31768 Will do early voting in person. Don't trust the mail at this time.
8/22/2020 15:49:27 GA	GAAS1335098 AS	Terrance Carsc 2402 Temple Avenue	31707 Name does not exist at address
8/22/2020 18:34:28 GA	GAAS2284843 AS	Unique Crockw 6 Red Robin Court	31407 Other
8/22/2020 23:32:37 GA	GAAS0776814 AS		Already registered
8/23/2020 9:17:48 GA	GAASO427425 AS		Already registered
8/23/2020 11:51:37 GA	GAAS1574060 AS		moved
8/23/2020 13:38:32 GA	GAAS1055372 AS	Stormy Gayle S 2373 Franklin St	30906-3031 I would like to be removed from the mailing list
8/23/2020 14:15:46 GA	GAAS1352204 AS	Christine Mario 120 Pro Ter	30097 Have moved to another state
8/23/2020 15:32:24 GA	GAAS0273402 AS		Already registered
8/23/2020 16:20:23 GA	GAAS1840931 AS	Jorge Villalobo: 2281 Akers Mill Rd SE APT 3213	30339 Name does not exist at address
8/23/2020 20:40:14 GA	gaas1023264 as		
8/23/2020 21:28:16 GA	GAAS0349733 AS		
8/23/2020 21:28:53 GA	GAAS0304447 AS		
8/24/2020 10:14:04 GA	GAAS1058951 AS		Jehovah's Witnesses don't participate in political affairs.
8/24/2020 11:43:20 GA	GAAS0321926 AS		Name does not exist at address
8/24/2020 12:28:52 GA	GAAS0770460 AS		Not interested
8/25/2020 9:16:12 GA	GAAS1667554 AS		Already registered
8/25/2020 19:51:04 GA	GAAS0467136 AS	Beverly Kimbro 2122 Tompkins Avenue	31705 I do not want to vote by mail.
8/25/2020 20:19:30 GA	GAAS0516018 AS	Vincent Shanth 929 Park Knoll Ct	3004 Already registered
8/25/2020 20:49:02 GA	GAAS2190824 AS		Already registered
8/25/2020 20:50:58 GA	GAAS0450241 AS		
8/26/2020 1:11:02 GA	GAAS1546564 AS		Moved out of state
8/26/2020 12:11:23 GA	GAAS2126110 AS	Vinnia M Wideman	Do wish to absentee vote
8/26/2020 14:31:16 GA	GAAS2024960 AS	THORISE HAR 214 GORDON STREET	31087 Deceased
8/27/2020 14:27:22 GA	GAAS0530246 AS		Already registered
8/27/2020 14:28:49 GA	GAAS1928232 AS		Already registered
8/27/2020 14:29:57 GA	GAAS2258211 AS		Already registered

8/28/2020 16:36:21 GA	NCAS1530270 AS	Janet Buras	403 Canyon View Court Canton, GA	30115	Moved from Murphy, NC in 2015
8/29/2020 15:22:20 GA	GAAS0279636 AS				MOVED TO ANOTHER STATE
8/29/2020 15:23:56 GA	GAAS0260279 AS				MOVED TO ANOTHER STATE
8/29/2020 15:25:13 GA	GAAS1730600 AS				MOVING TO CA NEXT YEAR
8/30/2020 14:57:14 GA	GAAS0894223 AS				
8/31/2020 11:20:26 GA	GAAS1322293 AS	George Norman	1528 golf link drive stone Mountain	30088	Voting in person
8/31/2020 13:35:06 GA	GAAS1697433 AS	Briana SophiaS	5449 Festival Avenue	30213	Moved/Voting in FL
9/1/2020 11:12:52 GA	GAAS0222604 AS	Shirley B. Stone	348 Woodhaven Road Fort Valley GA	31030	Voting in person
9/2/2020 0:58:51 GA	GAAS0633902 AS	Arlene Osborne	124 Highpoint Xing	30127	I will vote in person, mail may be delayed.
9/4/2020 12:41:50 GA	GAAS0573406 AS				
9/4/2020 14:10:13 GA	GAAS1386859 AS	Evelena Rucke	1881 Myrtle Drive, SW Apt. 701 Atlanta, GA	30311	Receiving two letters , one from you, one from Fulton County Registrar
9/6/2020 11:36:29 GA	GAAS0055939 AS				Already registered
9/10/2020 18:48:53 GA	GAAS1713616 AS	Savannah R Slayton			Moved to CA.
9/12/2020 23:46:45 GA	GAAS0550267 AS	Deborah Jones		30236	
9/13/2020 6:35:38 GA	GAAS0978097 AS				No longer need this service
9/13/2020 14:52:49 GA	GAAS0977387 AS				NO LONGER A RESIDENT OF GEORGIA
9/15/2020 9:55:50 GA	GAAS0298528 AS	Jamie McCusker	81 PEACHTREE PL NE APT 7	30309	UNNECESSARY
9/17/2020 9:38:56 GA	GAAS0916618 AS	ALEJANDRA	4675 LAMBTON CIRCLE	30024	I AM VOTING IN PERSON
9/17/2020 19:47:58 GA	GAAS1153705 AS	Belinda Olds	1610 valley club dr	30044	Already registered
9/18/2020 13:09:35 GA	GAAS1615302 AS				Already registered
9/18/2020 16:29:15 GA	GAAS1326030 AS	Kimberly chase			
9/22/2020 9:05:00 GA	GAAS053827 AS				
9/22/2020 9:38:51 GA	GAAS0609876 AS				
9/24/2020 21:38:57 GA	GAAS0733756 AS	Ascanio Camp	100 Arlington Dr. Covington, Ga	30016-1168	Already registered
9/25/2020 11:22:28 GA	GAAS0616820 AS				Already registered
9/26/2020 13:49:52 GA	GAAS0160476 AS	mary jean morr	112 holly way	31216	changed my mind about mailing my vote
10/7/2020 19:49:15 GA	GAAS0864628 AS				
10/10/2020 19:49:04 GA	GAAS1372195 AS	Yuhui Lin	8280 Village Place, Suwanee	30024	Already registered
10/22/2020 11:03:47 GA	GAAS2277908 AS	Maris Gharago	400 17th St NW Unit 2408	30363	
9/29/2020 15:57:16 GA	GAAU1257926 AU				Already registered
9/29/2020 15:58:18 GA	GAAU0639465 AU				Already registered
9/29/2020 15:59:05 GA	GAAU1423572 AU				Already registered
9/30/2020 11:47:02 GA	GAAU1741808 AU	Krvun Moscoso	782 Fairmont park de, Dracula	30019	Already registered
10/6/2020 12:16:37 GA	GAAU0990353 AU				Name does not exist at address
10/6/2020 16:00:40 GA	GAAU0248114 AU	Norma Prince		30909	Already registered
10/8/2020 13:17:49 GA	GAAU1735649 AU	Elizabeth Hern	523 Worth Groover Road	31313	Already registered
10/9/2020 15:57:02 GA	GAAU0368553 AU				Already registered
10/9/2020 15:58:00 GA	GAAU0382685 AU				Already registered
10/10/2020 6:57:49 GA	GAAU0671260 AU				Prefer to vote in person
10/10/2020 11:43:15 GA	GAAU1738780 AU	Timothy Betteri	5664 Wilmer Drive, Peachtree Corners, GA	30092	did not request this service and have received 6 forms now
10/10/2020 11:44:37 GA	GAAU0370987 AU				too many unsolicited forms
10/10/2020 15:28:15 GA	GAAU0363147 AU	Clifford L. Lutto	230 E Ponce de Leon Ave Unit 309	30030	Name does not exist at address
10/10/2020 23:58:30 GA	GAAU1013277 AU	Etsehiwot T Sh	4014 Maxey Hill Dr	30083	
10/11/2020 10:59:17 GA	gaaU0208943 au				Moved from GA and have been registered to vote in Alabama for the past 8 years
10/11/2020 12:00:11 GA	GAAU0112518 AU	Nasrin Noori	1351 Hull Rd	30601	Already registered
10/12/2020 9:59:35 GA	GAAU1302480 AU	Siena Elliott	138 Fayetteville Road	30030	Name does not exist at address
10/12/2020 10:01:41 GA	GAAU0399249 AU	James Elliott	138 Fayetteville Road 4560 WOODLAWN GATES LN, MARIETTA, GA 30068-4299	30030	Already registered
10/13/2020 13:24:08 GA	GAAU1675179 AU	Kai Wang	3070 Kipling Dr	30068	Ineligible
10/13/2020 17:47:03 GA	GAAU0215752 AU	Jason Hill	3070 Kipling Dr	30127	Already registered
10/13/2020 17:48:15 GA	GAAU1572096 AU	Dana Hill	3070 Kipling Dr	30127	Already registered

10/14/2020 11:03:32 GA	GAAU0567425 AU		Already registered
10/16/2020 9:24:50 GA	GAAU0827478 AU		JUST STOP!!
10/16/2020 9:26:19 GA	GAAU0364019 AU		ENOUGH ALREADY!!
10/16/2020 18:03:37 GA	gaau1159715 au	Kaleb Abbott 180 Jackson St NE, Apt 6408	30312 Already registered
10/17/2020 14:24:16 GA	GAAU1064767 AU	Carl John Mess 220 26th St NW Apt 2411, Atlanta, GA	30309 <input type="text"/>
10/17/2020 21:01:14 GA	GAAU0625145 AU		Other
10/17/2020 21:02:38 GA	GAAU1298081 AU		Unknown
10/18/2020 11:24:35 GA	GAAU1514919 AU		
10/18/2020 15:33:28 GA	GAAU0110947 AU		
10/20/2020 11:07:23 GA	GAAU1717034 AU		
10/20/2020 11:08:11 GA	GAAU0420325 AU		
10/20/2020 11:08:44 GA	GAAU0340871 AU		
10/20/2020 16:18:04 GA	GAAU0863980 AU		
10/21/2020 18:03:15 GA	GAAU1268852 AU		
10/22/2020 22:36:57 GA	GAAU0985455 AU	Katherine Elain 221 Semel a ir NW unit 265, Atlanta GA	30309 <input type="text"/>
10/24/2020 9:45:56 GA	GAAU0332826 AU	Anita Colson 6737 Vesta Brook Dr	30260 Don't vote anymore
10/26/2020 11:37:48 GA	GAAU055347 AU	Johnathan McC 4180 Starr Creek Rd Cumming GA	30028 Already registered
10/27/2020 14:45:20 GA	GAAU1103345 AU		Already registered
10/27/2020 16:15:10 GA	GAAU1424914 AU	Justin Hughes 207 Valley Brook Drive	30188 Already registered
10/31/2020 17:25:49 GA	GAAU1232354 AU		<input type="text"/>
11/16/2020 21:15:13 GA	GAAU1133596 AU	Rosario M Agliè 5539 Asheforde Way	30068 Deceased
12/4/2020 11:33:10 GA	GAAU0219909 AU		Moved to Asheville NC
12/7/2020 17:11:00 GA	GAAU1577847 AU	Na'neq D Holle 704 Green st, Unit B	31030 <input type="text"/>
5/16/2020 19:41:06 GA	GAAX0046213 AX	Justin Hughes 207 Valley Brook Drive	30188 <input type="text"/>
5/16/2020 22:43:42 GA	gaax0025197 ax		not interested
5/19/2020 17:23:53 GA	GAAX0062797 AX	472 Ruben Wells lot 30	
5/19/2020 21:16:38 GA	GAAX0011676 AX	Keeon Tucker Hinesville Georgia	31313 <input type="text"/>
5/21/2020 9:50:34 GA	GAAX0002107 AX		i wish to vote in person
5/21/2020 10:21:31 GA	GAAX0003543 AX	Regina Ross 1965 Cannon Ct #C	30337 I'm not going to vote
10/27/2020 15:32:01 GA	GAAY0215947 AY		sick
			Already registered

Already Registered and already voted
 JUNK MAIL. THIS IS THE SECOND TIME I'VE ASKED OFF THIS LIST.
 JUNK MAIL. THIS IS THE SECOND TIME I'VE ASKED OFF YOUR LIST.
 JUNK MAIL. THIS IS THE SECOND TIME I'VE ASKED OFF YOUR LIST

Not at this address
 30309

Does not live here anymore
 MOVED TO CALIFORNIA
 30260 Don't vote anymore
 30028 Already registered
 30188 Already registered

30068 Deceased
 Moved to Asheville NC
 31030

30188

31313

30337 I'm not going to vote
 sick
 Already registered

EXHIBIT 18

INDEX OF DOCUMENTS IN EXHIBIT 18

Bates Range	PDF Page Number Start
GA-VA00000574 – GA-VA00000587	2
GA-VA00000628 – GA-VA00000662	16
GA-VA00001715 – GA-VA00001717	51
GA-VA00024557 – GA-VA00024562	54
GAVA00038511 – GA-VA00038513	60
GA-VA00038670 – GA-VA00038672	63
GA-VA00038815 – GA-VA00038821	66
GA-V A00038833 – GA-VA00038835	73
GA-VA00041528	76
GA-VA00041544	77
GA-VA00048461 – GA-VA00048462	78
GA-VA00048570 – GA-VA00048572	80
GA-VA00050750	83
GA-VA00050768 – GA-VA00050769	84
GA-VA00051968 – GA-VA00051975	86
GA-VA00052280 – GA-VA00052282	94
GA-VA00052394 – GA-VA00052395	97
GA-VA00052835 – GA-VA00052837	99
GA-VA00055527 – GA-VA00055527	102
GA-VA00061911 – GA-VA00061912	106
GA-VA00061955 – GA-VA00061956	108
GA-VA00062464 – GA-VA00062466	110
GA-VA00067386 – GA-VA00067391	113
CDR00112588 – CDR00112590	119

Watson, Frances

*Frances
Watson*

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Tuesday, June 9, 2020 8:28 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Donna Matthews

Name: Donna Matthews

Phone: [REDACTED]

Address: [REDACTED]

City: Roswell

State: GA

Zip Code: [REDACTED]

County: Cobb

E-mail: [REDACTED]

Location of Violation: my home

Description of Violation: received absentee voter app, filled out, sent in...never heard back

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:41 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Cathryn blaine Muzzy

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Sunday, June 7, 2020 12:34 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Cathryn blaine Muzzy

Name: Cathryn blaine Muzzy
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: I have not received my absentee ballot and I am wheelchair bound

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Monday, June 8, 2020 7:42 AM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Carolyn Hiatt

Name: Carolyn Hiatt
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
County: Fulton
E-mail: [REDACTED]

Location of Violation: Absentee Ballot

Description of Violation: The website states my absentee ballot was sent on 5/25/20. I have not received it. I want to vote. Can I go to the polling place and vote? Is my ballot missing because I am registered Democrat?

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Friday, June 5, 2020 9:51 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Ryan Gray

Name: Ryan Gray
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
County: Fulton
E-mail: [REDACTED]

Location of Violation: [REDACTED]

Description of Violation: I never received my absentee ballot.

Watson, Frances

From: VoterFraudEmailAlerts@sos.ga.gov
Sent: Friday, June 5, 2020 1:42 PM
To: EMailStopVoterFraud
Subject: Web E-Mail [Stop Voter Fraud] From Martin Iroff

Name: Martin Iroff

Phone: [REDACTED]

Address: [REDACTED]

City: Alpharetta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: Absentee ballot for 6/9/20 election.

Description of Violation: I have still not received my absentee ballot. The ballot may have been "hijacked".

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:23 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Robin M Hickey

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 11:48 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Robin M Hickey

Name: Robin M Hickey

Phone: [REDACTED]

Address: [REDACTED]

City: Sandy Springs

State: GA

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: In early April, my husband emailed our request for absentee ballots. We did not receive them by the Friday before Memorial Day, so I called the SoS office. I spoke with someone who said they should be all sent out by Tuesday. I waited another week to see if we would receive them. When we had not received them in a week, I called on June 1 to ask our status. I was put through to a person who said he would send them out that day (although the tracker says June 2). As of Friday, June 5, we had not received them. We went to the Sandy Springs library to vote in early voting, but the line snaked around the library. We are 66 and 68 respectively and did not feel comfortable standing in line. When I spoke with another neighbor who is in our age category (and his wife has chronic respiratory problems) and who also emailed his request, he said that he and his wife had not received their ballots either. As an aside, our daughter also never received hers ballot that she requested by email, although she is 29 and lives in Midtown. I think you should provide a time or a way for people who requested an absentee ballot to be able to vote rather than make them stand in a voting line they are not comfortable standing in due to the pandemic.

We waited until the last day of early voting thinking surely we would receive our ballots since I had called twice to bring attention to our situation. I hope we receive them today or Monday so we can drop them off and not wait in line, but an opportunity should be provided to those who don't receive them as an alternative to standing in a long line.

Thank you,

Robin Hickey

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:21 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Jodi Arminio

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 1:37 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Jodi Arminio

Name: Jodi Arminio
Phone: [REDACTED]
Address: [REDACTED]
City: Johns Creek
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: Filled out request for absentee ballot for 3 of us at our address for the election scheduled in April. Got an email that the applications had been received and processed but then date changed to June. I read that our ballots would be sent out prior to the June election. Nothing and no update on My Voter Page. Nobody answered the phone; nobody responded to my emails. Filled out another ballot request for the June election. Got an email that it had been received and processed and would be here soon. That was on 5/29. No ballot in today's mail (6/6). I will be standing in line on Tuesday now, a 64yo person with the disability of an autoimmune disease on immunosuppressive medication. What happened, Fulton County??

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:24 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Glendora F Robinson

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 9:28 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Glendora F Robinson

Name: Glendora F Robinson

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: Georgia

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: I did not receive my absentee ballot I mailed in application for one. Will I have to vote in person on June 9th?

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:15 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Alicia Cruz Jackson

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 8:11 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Alicia Cruz Jackson

Name: Alicia Cruz Jackson
Phone: [REDACTED]
Address: [REDACTED]
City: East Point
State: Georgia
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: I was told my voter information was updated after 4 years of confusion but when I checked today it says it has no record of me. Has my absentee ballot been received? What's going on now? If you're able to assist me I appreciate it.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:13 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Nancy Garrelts

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Sunday, June 7, 2020 10:24 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Nancy Garrelts

Name: Nancy Garrelts

Phone: [REDACTED]

Address: [REDACTED]

City: Johns Creek

State: GA

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: I registered for absentee ballots on Jan. 22, 2020. My ballot from Fulton County was not issued until May 31. As of today, June 7, I have still not received by ballot. I am going out of town today and will not be back until after the election. Early voting has closed. This means I will be unable to vote and I am furious.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:12 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Ruby M Sutton

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Sunday, June 7, 2020 1:09 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Ruby M Sutton

Name: Ruby M Sutton

Phone: [REDACTED]

Address: [REDACTED]

City: Union City

State: GA

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: Mailed absent voter ballot. Have not recieved my ballot. 75y/o; chronic kidney disease. Unable to stand in lines.

Ruby

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:11 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Patricia Kent

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Sunday, June 7, 2020 1:29 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Patricia Kent

Name: Patricia Kent

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: I sent an application for absentee ballot on April 18 2020. I called Fulton Co voter registration and left a message to call me re: this issue (no call, no ballot) Heard on News today to go to Ga Voter Page and find status of ballot...cannot access.

I am over 70 and have not missed voting since I was 18. I am still "Shelter in Place"

WHAT'S HAPPENING??? Will I get my ballot or be able to vote June 9 2020? Thank you.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:34 PM
To: Watson, Frances
Subject: FW: Election complaint

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351



From: managementescalationissues
Sent: Monday, June 8, 2020 10:21 AM
To: Harvey, Chris <wharvey@sos.ga.gov>; Simmons, Rachell <rsimmons@sos.ga.gov>
Cc: CallCenterManagement <CALLCENTERMANAGEMENT@sos.ga.gov>
Subject: Election complaint

Good Morning,

Caller Chance Ulrich (Fulton county) stated he sent his absentee ballot application back about a month ago and received an email stated that his ballot was on the way and if he doesn't receive it to contact the county.

He stated he called the county and stated they advised him that they don't see where they never received the ballot application but stated they have on record that they sent a ballot out on 10/03/2019. Contact [REDACTED]

Regards,
Rhonda

Rhonda Barrow
Call Center Lead
Georgia Secretary of State
Main: 470 312 2685



Fulton

Watson, Frances

From: Harvey, Chris
Sent: Wednesday, June 10, 2020 3:43 PM
To: Watson, Frances
Subject: FW: Complaint- No Absentee Ballot

Fulton

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351



From: managementescalationissues
Sent: Wednesday, June 10, 2020 3:38 PM
To: Harvey, Chris <wharvey@sos.ga.gov>; Jurkiewicz, John <jjurkiewicz@sos.ga.gov>
Cc: Everett, Crystal <ceverett@sos.ga.gov>; Taylor, Elizabeth <etaylor@sos.ga.gov>
Subject: Complaint- No Absentee Ballot

Good afternoon,

Caller: claude
Tel: [REDACTED]
Email: [REDACTED]

Nature of the Call: I had filled for absentee ballot over 2 weeks ago & never received it. The lines were extremely line & would like to know that this will not happen in November.
County: Fulton

Tasheena Lockett
Customer Service Team Lead
Georgia Secretary of State
844-753-7825
470-355-4569



Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 4:13 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From David Dempsey

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 6:00 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From David Dempsey

Name: David Dempsey
Phone: [REDACTED]
Address: [REDACTED]
City: ATLANTA
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: My wife and I completed the Elections Comm. Application for Official Absentee Ballots on APRIL 3, 2020 . . . over 60 days ago. We STILL have not received our ballots. the Dept. of Elections acknowledges they have received the applications and that the ballots are forthcoming . . . 2 weeks later, nothing!
I have sent 3 emails to FULTON county, I have left 4 messages, and I have attempted multiple times to reach anyone using the number provided in the acknowledgement and at all hours of the workday. You only get a chirpy VM message that they will call back, but they never do. Worse, there is no working link to check the status of the application DESPITE assurances you can check that way.

Your absentee voting system won't work if we don't have the ballot. GET YOUR ACT TOGETHER!

QUESTION: Would we have our ballots by now if we were registered democrats?

David Dempsey
[REDACTED]

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:56 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Colby Jones

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 10:45 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Colby Jones

Name: Colby Jones
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: two members of our household requested absentee voting ballots. The ballots that were sent are the wrong ballots. I have called the Georgia Department of State three times today and 3x I have been sent to the Fulton Ct. office or the liaison, leigh.

The fulton Ct. office indicated that because I utilized another governmental service, the USPS to return our request that they could not help us. I then called Leigh from the liaison office and have left 3 messages but have not heard back.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:51 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Thomas Scott Henderson

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 12:24 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Thomas Scott Henderson

Name: Thomas Scott Henderson
Phone: [REDACTED]
Address: [REDACTED]
City: ATLANTA
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: Absentee Ballot for Seniors and Kudos

I can't keep track of my neighbors on my street so I can only imagine what it's like to try to keep up with everyone in the DeKalb County and the state of Georgia - during these changing and challenging times!

I received my pre-printed Absentee Ballot Application in the mail and emailed it back on April 16th. I didn't get any kind of acknowledgement of receipt, but chalked to up to overwhelming response (even though I know the the acknowledgement is probably automated). Still hadn't received it a month later, but all indications were many others hadn't either. Still hadn't received it last week after my daughter received hers.

I decided I would probably just miss the primary since I'm in that "vulnerable age group" and there is no way I'm I going out next week when half the population has had who knows what kind of recent exposure. But I decided to call anyway, to make sure I would be able to vote remotely in the November election. I expected to go through computer prompts to be put on hold and finally time out and have to leave a message - or just do the whole application process again.

After listening to and deciding to bypass all the computer prompts by hitting 0, an assistant actually answered to direct my call to Voter Registration and Elections, where another human answered the phone - this is on Friday June 5th! This girl that answered, Sharon Hillman, had the best attitude and got right to work to find out that my email was never received, had me forward it directly to her, and is walking it through so I can get it in time to at least do an

absentee drop off, and let me know I'm good for the year since it's a Senior Application! Impressive, and Kudos to her - and the department!

I hope I never have to stand in line to cast my vote again, and really wish it was an easier process for everyone. I understand that some people don't have driver's licenses or even bank accounts - but everybody has a cell phone - and Google not only knows who I am but where I am at all times. I bet there is a secure way of doing a voting app that could give you instantaneous results from at least 75% of the population - that ought to reduce those voting lines! I hope Georgia is the one to come up with such a solution.

Thank you.

Tom Henderson

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:48 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Richard W. Neu

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 7:06 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Richard W. Neu

Name: Richard W. Neu
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: Our family applied for absentee ballots in early May and never received them even after emailing Fulton county a couple of times asking about them. This election should not be valid. We are being disenfranchised. Fulton county needs to be investigated. This is a crime.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:46 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Catina Wilson

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 8:57 AM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Catina Wilson

Name: Catina Wilson
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: Almost 10 days ago, I received an email from Fulton County indicating that my ballot would be mailed. As of today I still do not have it. I have called Fulton County and left a message inquiring about the status and as of today I have not received a return call.

I am high risk as it relates to the virus. I did try to vote early but the lines were excessive and social distancing was not enforced. As a result, I may not be able to vote without jeopardizing my personal health and that of my family.

What's the point in offering mass absentee ballots as an option if the state or county isn't able to fulfill. This needs to be investigated.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:42 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Robert E Peace

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Monday, June 8, 2020 3:36 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Robert E Peace

Name: Robert E Peace

Phone: [REDACTED]

Address: [REDACTED]

City: alpharetta

State: ga

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: My wife and I applies for mail in ballots, she got hers several weeks ago and I have never gotten mine.

How do I found out where my ballot is and make sure that no one else has cast my ballot.

Thank you

Robert E Peace

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:24 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Connie D Todebush

Fulton

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Monday, June 8, 2020 3:20 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Connie D Todebush

Name: Connie D Todebush
Phone: [REDACTED]
Address: [REDACTED]
City: DULUTH
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: I have requested a ballot for June 9 primary three times: 1) mailed the form back about 7-10 days after got form 6-8 wks ago (never rec'd a ballot) absentee ballot status on sos.ga.gov site grayed out, 2) emailed a 2nd one clearing marked that it was 2nd request, no ballot, ballot status on web site still grayed out, 3) called registrar on 6/3, they said they would mail it that day, status shows mailed. Address correct. As of 6/8 no ballot. Called 6/8 was told to go to poll and deal with it there. I will not be doing absentee ballot again. Fulton Co can mail me water and property tax bill but not a ballot?

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 3:21 PM
To: Watson, Frances
Subject: FW: Web E-Mail [Elections] From Ernest C Pitts

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsWebMailAlerts@sos.ga.gov <ElectionsWebMailAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 3:54 PM
To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>
Subject: Web E-Mail [Elections] From Ernest C Pitts

Name: Ernest C Pitts
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Question / Comment: Failure to receive Absentee Ballot

The Absentee Ballot Status on MVP page shows that my request was received on 05.15.20 and (finally) processed on 05.31.20. It has still not arrived on 06.05.20. This is in contrast to my wife's ballot that was mailed at the same time, in the same mailbox, received by Fulton County on 05.16.20 and processed the same day, and delivered to her within the week.

I will now go join the masses in line at my local polling station on Tuesday.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 2:39 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Sharkina DeWitt

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Thursday, June 4, 2020 1:22 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Sharkina DeWitt

Name: Sharkina DeWitt
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: Voter Registration Issue Election Date:
County: Fulton
City: Atlanta

Description of Complaint: I emailed my application for absentee ballot to elections.voterregistration@fultoncountyga.gov on May 5, 2020. I never heard anything back to confirm approval. On May 28, 2020, I mailed the hard copy as a backup. I followed up via email again on May 29, 2020; again, no response. A month has now passed and the election is in 5 days and I have yet to receive any form of correspondence from the elections office and I have also not received an absentee ballot. I am now forced to vote in person amid a pandemic. I am extremely frustrated that an email option would be offered to voters just to have those emails ignored. I am angered to think of all the other voters this has happened to, particularly considering the circumstances in which many people have chosen this option (in order not to put their health at risk). The elections office handling of this process was poor.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 2:39 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Ruthie Renford

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Wednesday, June 3, 2020 1:54 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Ruthie Renford

Name: Ruthie Renford
Phone: [REDACTED]
Address: [REDACTED]
City: ATLANTA
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: atlanta

Description of Complaint: I requested an absentee ballot for the election of June 9, 2020 on April 20, 2020. As of today June 3 I have not received a ballot or any information acknowledging my request, I have called the office and sent email and I've had no follow up

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 2:41 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Janet B Cantrelle

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Tuesday, June 2, 2020 11:14 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Janet B Cantrelle

Name: Janet B Cantrelle
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: Absentee ballot complaint I sent an email request for an absentee ballot on May 5, at approximately 1pm. I see on the My Voter page that the option for Absentee Ballot Status is not activated so I assume it has not been processed. Can you please let me know the status and issue? The election is on June 9. Will I get this ballot before June 9?
FYI, I left a voice mail last week requesting a check on the status and no one has responded.
Thank you, Janet Cantrelle

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 2:48 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Anne M. Wesserling

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Monday, June 1, 2020 9:07 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Anne M. Wesserling

Name: Anne M. Wesserling
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: I have not yet received my absentee ballot for the June 9, 2020 primary election. I sent my absentee ballot application by mail on March 12, 2020, more than two months ago.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 2:49 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Trudy Seivwright

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Monday, June 1, 2020 7:39 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Trudy Seivwright

Name: Trudy Seivwright
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: Ga
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City:

Description of Complaint: Good day,

Iâ?m Republican and got a Democrat ballot. I took a picture prior to sending it in. I definitely did not ask for this ballot. I would like to forgo the absentee process and vote in person. Is there anything I need to do?

My registration number is [REDACTED]

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:51 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Chad Brock

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 3:40 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Chad Brock

Name: Chad Brock
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: My wife and I emailed our absentee ballot requests to Fulton County on April 8. Today is June 5, and we have still not received our ballots.

Even if we received our ballots this evening, we would not have time to mail them back or drop them off at an absentee ballot drop-off location.

We have checked with a number of our friends in Fulton County and none of them have received their ballots.

Fulton County should be held accountable for their failure to timely process and deliver absentee ballots.

I understand that your office is investigating the county. Please let me know if I can assist in any way with your investigation.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:52 PM
To: Watson, Frances
Subject: FW: Elections Complaint from PARKER MOTHERSHEAD

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 12:49 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from PARKER MOTHERSHEAD

Name: PARKER MOTHERSHEAD
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: I have still not received my absentee ballot. I submitted request on 04/08/2020. After calling in I was told another ballot would be sent on 6/3/2020. Still has not been received as of 6/5/2020. This is not enough time for ballot to be mailed back even if it were to come tomorrow. I want to complain so you have a record of the issues in Fulton County.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:53 PM
To: Watson, Frances
Subject: FW: Elections Complaint from David Lukens

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 10:47 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from David Lukens

Name: David Lukens
Phone: [REDACTED]
Address: [REDACTED]
City: Milton
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Milton

Description of Complaint: I requested my absentee ballot two months ago and have not received it yet. I now have to go in person to vote during a pandemic. This is not right. This should not take this long to process and mail. It seems a deliberate attempt to keep people from voting and I am disappointed in the Secretary of State's handling of this process.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:53 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Stephanie Batcos

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 10:44 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Stephanie Batcos

Name: Stephanie Batcos
Phone: [REDACTED]
Address: [REDACTED]
City: Milton
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Milton

Description of Complaint: I mailed in my request for an absentee ballot two months ago and I have NOT received it yet. I will now need to go to a polling station to vote in person and I am FUMING because I do not want to be in an indoor space with people during a pandemic. This seems deliberate to keep voters away from the polls. It should not take this long for an absentee ballot to be processed and mailed. This is the United States the last time I checked and not a third world country!

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:56 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Irvin Powell

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 9:08 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Irvin Powell

Name: Irvin Powell
Phone: [REDACTED]
Address: [REDACTED]
City: Alpharetta
State: Georgia
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City:

Description of Complaint: It would be difficult to adequately express my disappointment at having not yet received my mail-in ballot. My request form was emailed on May 7th. The status update on the My Voter Page (MVP) website consistently indicates "processing." This ambiguous response leaves one to wonder whether "processing" is in reference to the request for status, or it is the actual status for the requested ballot. Some of the links on the MVP website do not seem to work at all. In general the website does not seem to be designed for accessibility by screen-readers. My follow-up email sent June 2, 2020 to the Fulton County Registrar has to date resulted in the same lack of response.

As a blind senior-citizen desiring a relatively independent life, I need assistance to retrieve my mail, fill out the ballot, and then get the ballot back in the mail. Consequently, the failure to process my ballot request at this late date, all but ensures I will not be able to vote in this election cycle. Accordingly, this ballot processing delay is tantamount to voter suppression.

It appears that the vote-by-mail process leaves much to be desired.

â?¢ When a request for a ballot is received, an acknowledgement should immediately be sent.

â?¢ Website status should contain enough information to be unambiguous.

â?¢ An immediate notice should be sent if any irregularity is found that would prevent the processing of the ballot request.

â?¢ A notice should also be sent when the ballot is mailed out.

â?¢ Finally, a notice should be sent when the completed ballot is received back.

I sincerely hope you will intently scrutinize the Secretary of State website for accessibility, and consider these recommendations for process improvement. In the meantime, I believe I am due an explanation for the highly impacting delay in processing my current ballot request.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:56 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Catherine Followill

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 8:25 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Catherine Followill

Name: Catherine Followill
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: I submitted my absentee ballot application via email the day I received it - 4/6/20. No action or response whatsoever was taken on it until 5/28/20, according to My Voter Page. Allegedly my application was processed on 5/28/20 and my ballot mailed, but to date, a week later, I still have not received my ballot. I am unable to vote early today, the last day, and have health issues which make voting in person on Election Day a danger (which is why I submitted an absentee ballot application the first day I had the opportunity to do so.)

This voter suppression is unacceptable and someone must be held accountable. Certainly the Secretary of State will not be receiving my vote going forward for the way this has been mishandled.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:57 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Jesse M. Harris

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Thursday, June 4, 2020 7:20 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Jesse M. Harris

Name: Jesse M. Harris
Phone: [REDACTED]
Address: [REDACTED]
City: Alpharetta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Alpharetta

Description of Complaint: I requested an Absentee Ballot in early May and have not received it to date (6/4/2020). I checked to see if it was received and found that it was received on 5/6/2020 and was processed that day.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:57 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Judy Byrd

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Thursday, June 4, 2020 6:12 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Judy Byrd

Name: Judy Byrd
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: Georgia
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: Voter Registration Issue Election Date:
County: Fulton
City: Atlanta

Description of Complaint: For The Record: Thursday, June 4, 2020â?¡â?¡ NO Absentee Ballot in mail delivery today. Please acknowledge this e-mail.

From: Judy Byrd [REDACTED]
Sent: Wednesday, June 3, 2020 4:25 PM
To: Elections.Absentee@FultonCountyGA.Gov
Subject: RE: ABSENTEE Ballot Never Received

Wednesday, June 3, 2020â?¡â?¡â?¡...still NO Absentee Ballot in mail delivery today. ONLY 6 days left. Please acknowledge that someone is receiving my e-mails.

From: Judy Byrd [REDACTED]
Sent: Tuesday, June 2, 2020 6:39 PM
To: Elections.Absentee@FultonCountyGA.Gov

Subject: RE: ABSENTEE Ballot Never Received

Absentee Ballot NOT received today either.

From: Judy Byrd [REDACTED]
Sent: Monday, June 1, 2020 7:07 PM
To: Elections.Absentee@FultonCountyGA.Gov
Subject: FW: ABSENTEE Ballot Never Received

From: Judy Byrd [REDACTED]
Sent: Monday, June 1, 2020 6:57 PM
To: ELECTIONS.VOTERREGISTRATION@FULTONCOUNTYGA.GOV
Subject: ABSENTEE Ballot Never Received

NOTICE:

I have not received my Absentee Ballot as of the USPS mail delivery service as of today, June 1, 2020. I fear that this revised voting process will not go as planned due to technical issues. I applied for the Absentee Ballot via mailing an Official Absentee Ballot Application on April 10, 2020. I mailed the completed application to 130 Peachtree St SW, Suite 2186, Atlanta, GA 30303-3460 with the proper postage stamp required (have copy). My on-line Voter Page shows that the application was NOT received until May 11, 2020. USPS has been extremely slow for a long time. It takes a check I write sometimes 2 weeks to get from where I mailed the check (at the post office closest to my home) to the recipient only 2 miles away on Peachtree Street to receive it. This is NOT uncommon. Then with the apparently overwhelmed situation in the Fulton County Voting office, I am not surprised that I have not received my Official Absentee Ballot. I did receive in today's mail a post card requiring that I need to send in my ballot TODAY! ...can't, don't have, but do have the post card with first-class mail postage printed on the card.

I only have 8 days to return to your office for MY VOTE to count, but if the USPS takes two weeks to get it to you, it won't count. NOT FAIR. I can drop it off at one of your outside locations but am unsure that someone won't take ballots out of the boxes like they take mail out of the postal boxes that are even on the Post Office site! .not their remote locations on the streets of Atlanta. Therefore, will I ever get my ballot? How do I make sure that my ballot got to the correct place to be counted? Where is my local elections office?

My information:

Date of Birth: [REDACTED] Phone # [REDACTED] e-mail address: [REDACTED]

Please advise as soon as possible as to my options to have my vote counted properly. Since I am a senior citizen concerned about COVID-19, I chose to vote via absentee ballot, but IF I need to do so, I can go to the Peachtree Church Precinct where I normally vote, BUT I don't want to encounter issues there also. Thanks for a prompt response. Judy Byrd

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:50 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Melinda Sweat

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 3:40 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Melinda Sweat

Name: Melinda Sweat
Phone: [REDACTED]
Address: [REDACTED]
City: Alpharetta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: Express Poll Concern
Election Date:
County: Fulton
City:

Description of Complaint: I want to know what happened to my submitted application for a mail-in ballot. As a result of not reserving, I went to an early voting polling place today. I was told the wait would be more than 4 hours (past closing of polling station) and was sent to another polling location that had "no lines". We drove 20 minutes to neighboring polling location, to discover another line of 2+ hours...again past the time the poll would close. We were unable to vote today and this could have been avoided if I had received my mail-in ballot. Information provided immediately upon receive directions through the mail, submitted online, acknowledged receipt, then no ballot!

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:48 PM
To: Watson, Frances
Subject: FW: Elections Complaint from James Holzapfel

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 7:02 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from James Holzapfel

Name: James Holzapfel
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: Atlanta

Description of Complaint: I emailed my absentee ballot request to fulton county on May 15. I mailed an absentee ballot request on May 22. I have not received an absentee ballot. I will be out of town until after the election. I have been disenfranchised from voting in this election. What are my options to get to the bottom of this injustice?

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:50 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Verline S. Pledger

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Friday, June 5, 2020 4:34 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Verline S. Pledger

Name: Verline S. Pledger
Phone: [REDACTED]
Address: [REDACTED]
City: Los Angeles
State: CA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: College Park

Description of Complaint: I am sheltering in Los Angeles due to COVID-19. I am unable to travel. My daughter and I requested an absentee ballot at the same time. She received her ballot a week ago. I have yet to receive my ballot? Whereâ?Ts my ballot? I am 93 years old! Help!

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:45 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Christin Sanchez

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 1:05 PM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Christin Sanchez

Name: Christin Sanchez
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: Voter Registration Issue Election Date:
County: Fulton
City: Atlanta

Description of Complaint: My husband and I requested Absentee ballots the first week of April. We have called and e-mailed and still received nothing. I know at least 5 other people who also have not received theirs. This week, I went to one of only two polling places in my area to participate in "early voting" and the line was at least a 100 people long and wrapped around the building twice. People were crowded in, some wearing masks but some not. A friend's husband who was in line waited 6 hours to vote and another friend waited 2 hours. They were told that only two voting machines were operational and the others were broken. My husband is high risk due to a health condition and we are still supposed to be Sheltering-in-Place. It is unacceptable that he should have to risk his health to go to a crowded, in-person poll location.

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:46 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Carolyn

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 9:23 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Carolyn

Name: Carolyn
Phone: [REDACTED]
Address: [REDACTED]
City: MILTON
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: Voter Registration Issue Election Date:
County: Fulton
City: MILTON

Description of Complaint: I emailed my application on 04/04/2020 and have not received the absentee ballot. I also re-sent the email again on 05/28/2020 and still have NOT received the ballot as of 06/06/2020! Please note: my husband and daughter who were on the same email received their ballots. MY VOTE IS BEING DENIED! I have auto immune disease CANNOT use my physical voting location!

Watson, Frances

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:46 PM
To: Watson, Frances
Subject: FW: Elections Complaint from Deborah Spamer

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 8:57 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Deborah Spamer

Name: Deborah Spamer
Phone: [REDACTED]
Address: [REDACTED]
City: Canton
State: Georgia
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City:

Description of Complaint: Absentee ballot was never received from Fulton County even though it states it was sent. I moved to Cherokee and they could not help me since Fulton said they sent the ballot. I called Fulton county and was told only "Pam" could cancel the ballot. Left 2 messages for Pam to please help me with the situation. No call back. Now I must drive to Roswell and stand in line to vote. I am 66 years old and am still under the shelter in place edict of Governor Kemp. This puts me in a bad situation when it could have been fixed if "Pam" had called me back. I also changed my address on my drivers license within the appropriate time and all other government agencies and still see it comes up wrong in your website.

Watson, Frances

To: Harvey, Chris
Subject: RE: Elections Complaint from Monica Ponder

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

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

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:47 PM
To: Watson, Frances <fwatson@sos.ga.gov>
Subject: FW: Elections Complaint from Monica Ponder

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 8:09 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Monica Ponder

Name: Monica Ponder
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Complaint Type: General Complaint

Election Date:

County: Fulton

City: Atlanta

Description of Complaint: I applied via e-mail for an absentee ballot on April 9, 2020. I received confirmation of my absentee ballot request on April 9, 2020. On May 29, 2020, I received an e-mail stating that my absentee ballot request was being processed. I never received the ballot. I voted early on Friday, June 5, 2020. I applied for a ballot to vote by mail because I have lupus and my doctor has advised me to avoid large crowds because of the Covid-19 virus.

Watson, Frances

To: Harvey, Chris
Subject: RE: Elections Complaint from Monica Ponder

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

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

From: Harvey, Chris
Sent: Monday, June 8, 2020 1:47 PM
To: Watson, Frances <fwatson@sos.ga.gov>
Subject: FW: Elections Complaint from Monica Ponder

Chris Harvey
Elections Director
Georgia Secretary of State

Main 470-312-2777
Cell 404-985-6351

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

From: ElectionsComplaintAlerts@sos.ga.gov <ElectionsComplaintAlerts@sos.ga.gov>
Sent: Saturday, June 6, 2020 8:09 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Monica Ponder

Name: Monica Ponder
Phone: [REDACTED]
Address: [REDACTED]
City: Atlanta
State: GA
Zip Code: [REDACTED]
E-mail: [REDACTED]

Complaint Type: General Complaint

Election Date:

County: Fulton

City: Atlanta

Description of Complaint: I applied via e-mail for an absentee ballot on April 9, 2020. I received confirmation of my absentee ballot request on April 9, 2020. On May 29, 2020, I received an e-mail stating that my absentee ballot request was being processed. I never received the ballot. I voted early on Friday, June 5, 2020. I applied for a ballot to vote by mail because I have lupus and my doctor has advised me to avoid large crowds because of the Covid-19 virus.

Message

From: Evans, Blake [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A09E743410F9426790AE196AA7F44DB8-EVANS, BLAK]
Sent: 12/18/2020 2:53:50 PM
To: McCloud, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=efdfbe844e8c4ae697efbd3cec5e8dd7-McCloud, Ha]
Subject: RE: Ballot Tracking/Missing Ballot - Out for Delivery?

Thanks!

She should have received it by now. The safest thing for her to do is to request that her county cancel the ballot and reissue.

Blake Evans

Deputy Elections Division Director

Georgia Secretary of State

Direct: 470-312-2745

Cell: 470-701-6901



From: McCloud, Hayley <hmcccloud@sos.ga.gov>
Sent: Friday, December 18, 2020 9:43 AM
To: Evans, Blake <bevans@sos.ga.gov>
Subject: Ballot Tracking/Missing Ballot - Out for Delivery?

Blake! Congratulations on your sweet little boy! I didn't know you were expecting.

Quick question, does out for delivery mean the ballot was delivered? An elderly woman in Woodstock (registration [REDACTED]) has not received her ballot from the rollover list and the last status (attached) is out for delivery 12/10/2020. What should she do?

Exhibit #

Evans K

09/09/22 - JD

Customer information

Name:
 Business Name:
 Unique Record Id:
 Address:
 City, State ZIP:

Mailing information

IMB:
 Mail Date: 11/30/2020
 Induction Date:
 Job Name: State of Georgia January Runoff 2021
 Package #: 1
 Branch:
 Customer/Division: StateofGeorgia

No ACS data received

Mailing Details:

Mailpiece Destination	Scan Date/Time	Scan Site ZIP	Scan City/State	Activity	Travel Days	Container
Woodstock GA	12/02/2020 16:18:41	30304	Atlanta GA	Sorted for Delivery	2	Mailpiece
Woodstock GA	12/02/2020 18:06:52	30304	Atlanta GA	Out for Delivery	2	Mailpiece
-	12/07/2020 09:53:59	30026	DULUTH GA	Potential Redirect	7	Mailpiece
-	12/08/2020 09:19:19	30304	Atlanta GA	In Transit	8	Mailpiece
-	12/09/2020 22:17:52	30304	Atlanta GA	Sorted for Delivery	9	Mailpiece
-	12/10/2020 04:20:09	30304	Atlanta GA	Out for Delivery	10	Mailpiece

Hayley McCloud, MPA
 Legislative Director
 Georgia Secretary of State
 Cell: 404-710-2213
hmcccloud@sos.ga.gov

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

From: Carson, John <John.Carson@house.ga.gov>
 Sent: Thursday, December 17, 2020 3:46 PM
 To: McCloud, Hayley <hmcccloud@sos.ga.gov>
 Cc: Caldwell, Michael <Michael.Caldwell@house.ga.gov>
 Subject: RE: Question

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hayley,

Can you assist this constituent?

Thanks,

John

Rep. John Carson (R – NE Cobb, SE Cherokee) District #46 Georgia House of Representatives State Capitol Building, 401-E
Atlanta GA 30334
Email: john.carson@house.ga.gov
Office (404) 656-7855

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

From: ROB MEANEY [REDACTED]
Sent: Thursday, December 17, 2020 3:42 PM
To: Carson, John <John.Carson@house.ga.gov>; Caldwell, Michael <Michael.Caldwell@house.ga.gov>
Subject: Question

My mother who is 83, and I age 47 sent our application for an absentee ballot on December 1st. I got my ballot, but my mother has not. I called last week and they told me the reason she has not received hers is because she's older and her ballot will take longer being sent from Arizona. It's been over a week. With this potential fraud in the regular election, I am a little skeptical this time. Her name is Margaret Mary Meaney and she was born on [REDACTED]. Please, let me know what I should do.

R.Robert Meaney

E-mail - [REDACTED]

Phone/Text - [REDACTED]

Sent from my iPhone

Message

From: Evans, Blake [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A09E743410F9426790AE196AA7F44DB8-EVANS, BLAK]
Sent: 8/23/2021 11:48:31 AM
To: Germany, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f7abf7a301d749cdbdab6452d3e15711-Germany, Ry]; Beck, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d45467c8e9d84edca0bb9d90f6d4c4f5-Beck, Sarah]; Thomas, Breanna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8e47f66259114436abb067250d58d949-Thomas, Bre]
Subject: RE: PDF copy of proposed rules
Attachments: OEB 08232021 Processing Absentee Requests on Old Forms.docx
Flag: Follow up

See the attached revision.

I'm not sure that a new rule is needed since they are already supposed to notify voters of rejected applications.

Blake Evans

Elections Director
Georgia Secretary of State
Direct: 470-312-2777
Cell: 470-701-6901



From: Germany, Ryan <rgermany@sos.ga.gov>
Sent: Monday, August 23, 2021 8:40 AM
To: Evans, Blake <bevans@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>; Thomas, Breanna <bthomas@sos.ga.gov>
Subject: RE: PDF copy of proposed rules

We need to clarify that any of the iterations that say "APP-21" are acceptable. I think we should also tell them that if they do get an application on old form, they should send the voter a new form either via email if they have the voter's email or snail mail. At that point, it wouldn't be unsolicited. Should we do an SEB rule for this?

--

C. Ryan Germany

Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Monday, August 23, 2021 6:06 AM
To: Germany, Ryan <rgermany@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>; Thomas, Breanna <bthomas@sos.ga.gov>
Subject: FW: PDF copy of proposed rules

Attached is an OEB draft about processing absentee requests on old forms. Let me know what you think.

Blake Evans

Elections Director
Georgia Secretary of State
Direct: 470-312-2777
Cell: 470-701-6901



From: Evans, Blake
Sent: Friday, August 20, 2021 9:29 AM
To: Germany, Ryan <rgermany@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>
Cc: Sterling, Gabriel <gsterling@sos.ga.gov>; Fuchs, Jordan <jfuchs@sos.ga.gov>
Subject: RE: PDF copy of proposed rules

I will work on the OEB.

Also, I'd like to set up a meeting with that group about the reconciliation report and how to complete that. They should be doing the steps already.

Blake Evans

Elections Director
Georgia Secretary of State
Direct: 470-312-2777
Cell: 470-701-6901



From: Germany, Ryan <rgermany@sos.ga.gov>
Sent: Friday, August 20, 2021 8:12 AM
To: Evans, Blake <bevans@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>
Cc: Sterling, Gabriel <gsterling@sos.ga.gov>; Fuchs, Jordan <jfuchs@sos.ga.gov>
Subject: Fwd: PDF copy of proposed rules

Let's do an OEB in this. The answer seems to be clearly, yes. They should reach out to the voter and tell them they need to submit their application on the new form.

—
Ryan Germany

678-672-9230

From: Gay, Nancy <NGAY@columbiacountyga.gov>
Sent: Friday, August 20, 2021 8:02:54 AM
To: Germany, Ryan <rgermany@sos.ga.gov>
Subject: RE: PDF copy of proposed rules

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

So then, we reject any absentee ballot by mail request that isn't on the new form??



Nancy L. Gay
Executive Director
Columbia County Board of Elections
500 Faircloth Drive, Building E
PO Box 919
Evans, GA 30809
706-868-3355 (phone)
706-868-3358 (fax)
www.columbiacountyga.gov

From: Germany, Ryan <rgermany@sos.ga.gov>
Sent: Thursday, August 19, 2021 6:08 PM
To: Deb Cox <dcox@lowndescounty.com>; Eveler, Janine <Janine.Eveler@cobbcounty.org>; 'Nancy Boren' <NBoren@columbusga.org>; Gay, Nancy <NGAY@columbiacountyga.gov>; 'Lynn Bailey' <LBailey@augustaga.gov>; 'Kirk, Joseph' <kirkj@bartowcountyga.gov>; 'Tonnie Adams' <tadams@heardcountyga.com>; 'Deidre Holden' <deidre.holden@paulding.gov>; 'Charlotte Sosebee' <Charlotte.Sosebee@accgov.com>
Cc: Beck, Sarah <sbeck@sos.ga.gov>
Subject: Re: PDF copy of proposed rules

CAUTION: This email originated from outside of the Columbia County email system. Please exercise caution before clicking links, opening attachments, replying, or providing information to the sender.

Only the new ABM apps are allowed now that they're available. I think the law is pretty clear on that.

Ryan Germany
678-672-9230

From: Deb Cox <dcox@lowndescounty.com>
Sent: Thursday, August 19, 2021 6:01:07 PM
To: Eveler, Janine <Janine.Eveler@cobbcounty.org>; Germany, Ryan <rgermany@sos.ga.gov>; 'Nancy Boren' <NBoren@columbusga.org>; 'Gay, Nancy' <NGAY@columbiacountyga.gov>; 'Lynn Bailey' <LBailey@augustaga.gov>; 'Kirk, Joseph' <kirkj@bartowcountyga.gov>; 'Tonnie Adams' <tadams@heardcountyga.com>; 'Deidre Holden' <deidre.holden@paulding.gov>; 'Charlotte Sosebee' <Charlotte.Sosebee@accgov.com>
Cc: Beck, Sarah <sbeck@sos.ga.gov>
Subject: RE: PDF copy of proposed rules

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

Janine – here’s my take on this chaos.

- 1. We DO need a comprehensive report as soon as possible after the election that will list all credit for voting (EL Day, Prov, ABM, AV) that we can sort as necessary for reconciliation. Having to call or email up to liaisons, because only they can pull the report, multiple times a day is inefficient both for us and the liaisons. One comprehensive list would easily identify potential double voters immediately.**
- 3. You CAN vote provisional on TS. Multiple counties have been doing this since last year, IF they are registered in your county and simply OP. The ballot is simply placed in the envelopes instead of the scanner. I am going to talk about the advantages/disadvantages of this at GAVREO. Chris OKd it months ago, as requested by counties, but it isn’t widespread.**

I too need an answer about the old ABM apps.

Deb

From: Eveler, Janine <Janine.Eveler@cobbcounty.org>

Sent: Thursday, August 19, 2021 5:25 PM

To: 'Germany, Ryan' <rgermany@sos.ga.gov>; 'Nancy Boren' <NBoren@columbusga.org>; 'Gay, Nancy' <NGAY@columbiacountyga.gov>; 'Lynn Bailey' <LBailey@augustaga.gov>; 'Kirk, Joseph' <kirkj@bartowcountyga.gov>; 'Tonnie Adams' <tadams@heardcountyga.com>; Deb Cox <dcox@lowndescounty.com>; 'Deidre Holden' <deidre.holden@paulding.gov>; 'Charlotte Sosebee' <Charlotte.Sosebee@accgov.com>

Cc: 'Beck, Sarah' <sbeck@sos.ga.gov>

Subject: RE: PDF copy of proposed rules

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

Ryan,

1. Regarding the Reconciliation report, is the SOS going to send us a report of the number of voters in each precinct who received credit for voting?
2. Also, I don’t understand why the sentence below is added in RULE 183-1-12-.18.(4)(a) after the portion about after 5pm voting. If it’s after 5pm, and the voter swears that they can’t get to the correct precinct, why do they then have to state they timely registered in the precinct where they are present? If these are two unique situations, one being OP and the other being PR, then it is not clearly stated.
 - If the person states a good-faith belief that he or she timely registered to vote in the precinct in which he or she is present, he or she shall be offered a provisional ballot.
3. In RULE 183-1-12-.18.(4)(d) it is speaking of the after 5pm voter but then seems to be saying they can vote on the touchscreen. Shouldn’t it say they shall be permitted to vote a provisional ballot?:
 - Upon the completion of a voter certificate and the submission of the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other persons in such other precinct.

4. Regarding RULE 183-1-14-.12(1), we are having people submit the old absentee application form. Is that still acceptable as long as the write the DL# on it?

Janine Eveler

Director,
Cobb County Elections & Registration
770-528-2312
770-528-2519 Fax
678-315-0439 Cell
www.CobbElections.org

Register...then Vote!

From: Germany, Ryan [<mailto:rgermany@sos.ga.gov>]
Sent: Wednesday, August 18, 2021 10:55 AM
To: Nancy Boren <NBoren@columbusga.org>; Gay, Nancy <NGAY@columbiacountyga.gov>; Lynn Bailey <LBailey@augustaga.gov>; Kirk, Joseph <kirkj@bartowcountyga.gov>; Tonnie Adams <tadams@heardcountyga.com>; Eveler, Janine <Janine.Eveler@cobbcounty.org>; Deb Cox <dcox@lowndescounty.com>; Deidre Holden <deidre.holden@paulding.gov>; Charlotte Sosebee <Charlotte.Sosebee@accgov.com>
Cc: Beck, Sarah <sbeck@sos.ga.gov>
Subject: FW: PDF copy of proposed rules

See attached rules that were posted for public comment today. Any comments or suggestions (about these or any other rules that we may need to be working on) are welcome. Please feel free to share with others.

Thanks,
Ryan

--

C. Ryan Germany
Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

From: Beck, Sarah <sbeck@sos.ga.gov>
Sent: Wednesday, August 18, 2021 9:35 AM
To: Germany, Ryan <rgermany@sos.ga.gov>
Subject: PDF copy of rules

Attached – working on posting to website now and will send out on the Buzz when it's posted.

Sarah Beck

*Deputy General Counsel
Georgia Secretary of State*
Phone: 470-312-2744
sbeck@sos.ga.gov



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

Message

From: Harris, Jesse [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0D2CDEB104BE49A192C7A3C448555B2F-HARRIS, JES]
Sent: 3/10/2022 9:35:56 AM
To: Evans, Blake [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a09e743410f9426790ae196aa7f44db8-Evans, Blak]; Ellis, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9db40f89f3034602a1c799866ae5c4b4-Ellis, Stev]
Subject: RE: Absentee Applications

Got it. This is also what I asked @Ellis, Steven a few days ago. I have been anticipating all the questions that will arise from processing and this was my first one. We need uniformed instructions because I fear we are going to be bombarded with calls/emails and I would like to be proactive...

I am keeping track of these questions/responses on a excel sheet for reference also.

Thanks!

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Thursday, March 10, 2022 8:24 AM
To: Harris, Jesse <jharris@sos.ga.gov>
Subject: FW: Absentee Applications

Maybe add this one to the list.

Blake Evans

Elections Director

Georgia Secretary of State

Direct: 470-312-2777

Cell: 470-701-6901



From: Walker, Jamese <JWALKER@columbiacountyga.gov>
Sent: Thursday, March 10, 2022 8:06 AM
To: Evans, Blake <bevans@sos.ga.gov>
Subject: RE: Absentee Applications

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

Sorry quick question, what if the second page/back page isn't received – do we accept or reject?

Jamese Walker

Ms. Jamese Walker

Absentee/UOCAVA Clerk

Columbia County Board of Elections

500 Faircloth Drive, Building E

PO Box 919

Evans, GA 30809

706-868-3355 (phone)

706-868-3358 (fax)



www.columbiacountyga.gov

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Wednesday, March 9, 2022 5:10 PM
To: Walker, Jamese <JWALKER@columbiacountyga.gov>
Cc: Gay, Nancy <NGAY@columbiacountyga.gov>; Harris, Jesse <jharris@sos.ga.gov>
Subject: RE: Absentee Applications

CAUTION: This email originated from outside of the Columbia County email system. Please exercise caution before clicking links, opening attachments, replying, or providing information to the sender.

As long as it says APP-21 on the bottom right corner, then it is a good application version.

Blake Evans

Elections Director
Georgia Secretary of State
Direct: 470-312-2777
Cell: 470-701-6901



From: Walker, Jamese <JWALKER@columbiacountyga.gov>
Sent: Wednesday, March 9, 2022 3:18 PM
To: Evans, Blake <bevans@sos.ga.gov>
Cc: Gay, Nancy <NGAY@columbiacountyga.gov>
Subject: Absentee Applications
Importance: High

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

Good afternoon,
Our office has been receiving Absentee By Mail Applications using an incorrect form. I was trying to figure out where the voters were getting it from so I researched different sites online. This website has the wrong application listed .It does not have the asterisks or Section Nine where the voter is to print their name as it is found on their voter registration. Is there a way to get this site updated to ease voter confusion ? Also, if I am receiving these incorrect forms, am I to reject the application? Or do I treat it as a provisional application and send a cure affidavit ?

<https://faq.georgiavoter.guide/en/article/how-to-complete-an-absentee-ballot-application>

Jamese Walker
Ms. Jamese Walker
Absentee/UOCAVA Clerk

Columbia County Board of Elections
500 Faircloth Drive, Building E
PO Box 919
Evans, GA 30809
706-868-3355 (phone)
706-868-3358 (fax)



www.columbiacountyga.gov

Message

From: Germany, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F7ABF7A301D749CDBDAB6452D3E15711-GERMANY, RY]
Sent: 3/14/2022 1:30:37 PM
To: Ellis, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9db40f89f3034602a1c799866ae5c4b4-Ellis, Stev]; Evans, Blake [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a09e743410f9426790ae196aa7f44db8-Evans, Blak]
CC: Harris, Jesse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0d2cdeb104be49a192c7a3c448555b2f-Harris, Jes]
Subject: Re: 3 apps without Election Date

I don't think they should go through the cure process for that reason. I think they should try to get in touch with voter and confirm it's for primary (which it almost certainly is).

—
Ryan Germany
678-672-9230

From: Ellis, Steven <sellis@sos.ga.gov>
Sent: Monday, March 14, 2022 1:24:28 PM
To: Evans, Blake <bevans@sos.ga.gov>; Germany, Ryan <rgermany@sos.ga.gov>
Cc: Harris, Jesse <jharris@sos.ga.gov>
Subject: RE: 3 apps without Election Date

I think it needs to be sent through the cure process.

Steven Ellis

Deputy General Counsel
Georgia Secretary of State
Phone: 470-312-2744
Mobile 470-829-8203
Sellis@sos.ga.gov



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

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Monday, March 14, 2022 1:17 PM
To: Ellis, Steven <sellis@sos.ga.gov>; Germany, Ryan <rgermany@sos.ga.gov>
Cc: Harris, Jesse <jharris@sos.ga.gov>
Subject: FW: 3 apps without Election Date

Thoughts on this one? From reading code, I think it has to be sent through the cure process.

Blake Evans

Elections Director

Georgia Secretary of State

Direct: 470-312-2777

Cell: 470-701-6901



From: Kirk, Joseph <kirkj@bartowcountyga.gov>

Sent: Monday, March 14, 2022 12:52 PM

To: Evans, Blake <bevans@sos.ga.gov>

Subject: FW: 3 apps without Election Date

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

Is this something y'all have thought about? The overall question is should we reject an ABM App because it's missing the Election Date? I used to get around this by prefilling it on my application, but I can't do that anymore. I'm going to get my attorney involved, but I also don't want to reinvent the wheel if you have already been working on this issue.

Thanks,
Joseph

From: Billard, Cheryl <billardc@bartowcountyga.gov>

Sent: Wednesday, March 9, 2022 3:07 PM

To: Burns, Beth <burnsb@bartowcountyga.gov>

Cc: Kirk, Joseph <kirkj@bartowcountyga.gov>

Subject: Re: 3 apps without Election Date

I don't think so, let me get a ruling from the state on that. It feels like since the application period is so short now that it couldn't be for any other elections.

Cheryl Billard
Bartow County Assistant Election Supervisor
(770) 387-5098
<http://www.bartowelections.org>

On Mar 9, 2022, at 3:00 PM, Burns, Beth <burnsb@bartowcountyga.gov> wrote:

<image002.jpg>

I meant cure not reject...

Beth Burns
Bartow County Elections and Voter Registration
770-387-5098

770-606-2245 Fax

Mailing Address:

135 West Cherokee Ave Box 106
Cartersville GA 30120

Physical Address:

1300 Joe Frank Harris Pkwy
Cartersville GA 30121

<https://www.bartowcountyga.gov/departments/elections/index.php>

From: Burns, Beth

Sent: Wednesday, March 9, 2022 1:40 PM

To: Kirk, Joseph <kirkj@bartowcountyga.gov>; Billard, Cheryl <billardc@bartowcountyga.gov>

Subject: 3 apps without Election Date

21-2-381

“shall include identity of the primary, election, or runoff...”

Will I need to reject these applications?

Thanks,

Beth Burns

Bartow County Elections and Voter Registration
770-387-5098
770-606-2245 Fax

Mailing Address:

135 West Cherokee Ave Box 106
Cartersville GA 30120

Physical Address:

1300 Joe Frank Harris Pkwy
Cartersville GA 30121

<https://www.bartowcountyga.gov/departments/elections/index.php>

Message

From: Gabriel Sterling [gabrielsterling1@gmail.com]
Sent: 11/29/2021 3:33:14 PM
To: Evans, Blake [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a09e743410f9426790ae196aa7f44db8-Evans, Blak]
Subject: Fwd: FW: Election Issue
Attachments: image001.jpg; image002.png

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

----- Forwarded message -----

From: Fries, Dianne <Dianne.Fries@fultoncountyga.gov>
Date: Mon, Nov 29, 2021 at 3:16 PM
Subject: FW: Election Issue
To: Gabriel Sterling <gabrielsterling1@gmail.com>
Cc: Hoffman, Fred <Fred.Hoffman@fultoncountyga.gov>

Gabe,

You will see below my comments about the SOS application for absentee ballots not being updated to reflect HB202 new rules for absentee ballots – that section is also below.

Just a heads up that it needs to be clear for the citizens – many are used to getting run-off absentee ballots automatically and that is not so in municipal elections anymore.

Thanks

Dianne

From: Barron, Richard L.
Sent: Monday, November 29, 2021 3:07 PM
To: Fries, Dianne <Dianne.Fries@fultoncountyga.gov>
Cc: Lee Fleck <ljfleck@bellsouth.net>; Senator John Albers <john@senatorialbers.com>
Subject: Re: Election Issue

We have asked the SOS about the contradiction between the application and SB 202 on a couple of occasions. We received no response to either inquiry.

Sent from my iPhone

On Nov 29, 2021, at 3:04 PM, Fries, Dianne <Dianne.Fries@fultoncountyga.gov> wrote:

I see on the application that it certainly says – opt out or in to get ballots for the entire cycle – That application comes from the Secretary of State’s office - maybe Senator Albers could shoot them an email asking for that to be clearer for the public.

I will let our Director know as well.

Have a good day

Dianne

From: Lee Fleck [REDACTED]
Sent: Monday, November 29, 2021 2:57 PM
To: Fries, Dianne <Dianne.Fries@fultoncountyga.gov>
Cc: Brittian, Jodi <Jodi.Brittian@fultoncountyga.gov>; John Albers <john@senatorialbers.com>; Ellis, Bob <Bob.Ellis@fultoncountyga.gov>; Barron, Richard L. <Richard.Barron@fultoncountyga.gov>
Subject: Re: Election Issue

Dianne, Thank you for investigating however the on line application for an absentee ballot does NOT reflect

Ms. Brittian's statement and it needs to be corrected.

On Monday, November 29, 2021, 02:41:17 PM EST, Fries, Dianne <dianne.fries@fultoncountyga.gov> wrote:

Mr. Fleck –

Apparently the new senate bill 202 – requires a person to request every time they need an absentee ballot – only exception is the presidential election – which of course – this is not.

Tomorrow you will need to vote at your normal polling location – you can confirm your polling location at My Voter Page - <https://www.mvp.sos.ga.gov/MVP/mvp.do>

Take care,

Dianne

Dianne D. Fries

District Director

Commissioner Bob Ellis' Office

404-612-8217

Dianne.fries@fultoncountyga.gov

<IMAGE001.JPG>

From: Brittian, Jodi

Sent: Monday, November 29, 2021 2:29 PM

To: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>; Fries, Dianne <Dianne.Fries@fultoncountyga.gov>

Cc: Hoffman, Fred <Fred.Hoffman@fultoncountyga.gov>; ██████████; Ellis, Bob <Bob.Ellis@fultoncountyga.gov>; Bodison, Mariska <Mariska.Bodison@fultoncountyga.gov>; Eskridge, Patrick <Patrick.Eskridge@fultoncountyga.gov>

Subject: RE: Election Issue

Good afternoon,

Due to senate bill 202, we are no longer able to automatically mail out applications. You must request an application of for each election, except when there is a runoff as result of a primary election. Below is section 221-2-381 of Senate bill 202, which helps explain... Please feel free contact me with any additional questions or concerns. Thank you.

<image002.png>

From: Barron, Richard L.
Sent: Monday, November 29, 2021 2:25 PM
To: Fries, Dianne <Dianne.Fries@fultoncountyga.gov>
Cc: Hoffman, Fred <Fred.Hoffman@fultoncountyga.gov>; [REDACTED]; Ellis, Bob <Bob.Ellis@fultoncountyga.gov>; Brittian, Jodi <Jodi.Brittian@fultoncountyga.gov>; Bodison, Mariska <Mariska.Bodison@fultoncountyga.gov>; Eskridge, Patrick <Patrick.Eskridge@fultoncountyga.gov>
Subject: RE: Election Issue

I asked Jodi Brittian to research and respond to this earlier this morning and about 30 minutes ago. She responded after the second email and indicated she is responding now.

Richard Barron

Director of Registration and Elections

Fulton County

130 Peachtree St SW, Ste 2138

Atlanta GA 30303

(404)612-7030

From: Fries, Dianne
Sent: Monday, November 29, 2021 2:22 PM
To: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>
Cc: Hoffman, Fred <Fred.Hoffman@fultoncountyga.gov>; [REDACTED]; Ellis, Bob <Bob.Ellis@fultoncountyga.gov>
Subject: FW: Election Issue
Importance: High

Rick – Since tomorrow is election day – I would like to have something to tell Mr. Fleck.

[REDACTED]

Roswell, Ga [REDACTED]

[REDACTED]
Mr. Lee Fleck

Dianne

From: Fries, Dianne
Sent: Monday, November 29, 2021 9:01 AM
To: Barron, Richard L. <Richard.Barron@fultoncountyga.gov>
Cc: Hoffman, Fred <Fred.Hoffman@fultoncountyga.gov>
Subject: Fw: Election Issue

Richard,

please see the below email chain - What is the best way to handle his concern about not receiving his absentee ballot?

Thank you

Dianne

Dianne Fries

District Director

Commissioner Bob Ellis' Office

404-612-8217

dianne.fries@fultoncountyga.gov

From: Lee Fleck <[REDACTED]>
Sent: Sunday, November 28, 2021 5:03 PM
To: Fries, Dianne
Subject: Re: Election Issue

[REDACTED]
Roswell, Ga [REDACTED]
[REDACTED]

On Sunday, November 28, 2021, 04:42:49 PM EST, Fries, Dianne <dianne.fries@fultoncountyga.gov> wrote:

Lee - would you please send me your address and phone number

Thank you

Dianne

Dianne Fries

District Director

Commissioner Bob Ellis' Office

404-612-8217

dianne.fries@fultoncountyga.gov

From: Senator John Albers <john@senatorialbers.com>

Sent: Sunday, November 28, 2021 3:00 PM

To: Lee Fleck; Fries, Dianne

Subject: Re: Election Issue

Good afternoon Lee,

I am copying Dianne with Commissioner Ellis' office to help with your absentee ballot.

Most sincerely,

John

On Sat, Nov 27, 2021 at 4:13 PM Lee Fleck <[REDACTED]> wrote:

Senator, before the recent election I filed a request for an absentee ballot for obvious reasons. During that initial process I

requested an absentee ballot if there were any run offs. That was part of the initial process.

I have yet to receive an absentee ballot for the runoff for POST 5 Roswell City Council with the election in two days. If it arrives B4 then I'll get back with you.

FYI, I refuse to use Dominion voting machines and have decided to vote absentee exclusively because there is a "HARD" copy (the ballot itself).

IMHO machine generated Q codes are meaningless to me.

Additionally before the Thanksgiving 2021 holidays Gov. Brian Kemp made an announcement that admitted there are massive errors in the Fulton County hand count "audit". Therefore IMHO we must press him to do a proper audit of the 2020 election.

Finally, my family is very appreciative for your resolution for Judy. Have a great day

Message

From: Germany, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F7ABF7A301D749CDBDAB6452D3E15711-GERMANY, RY]
Sent: 10/29/2021 10:19:37 AM
To: Anne Dover [adover@cherokeega.com]
CC: Evans, Blake [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a09e743410f9426790ae196aa7f44db8-Evans, Blak]
Subject: FW: [EXTERNAL] RE: Absentee Ballot Applications

Anne—who is your county attorney? Blake is correct that you need an accessible attorney that you can consult on a regular basis. This will be even more important next year. Have you brought the fact that you don't feel that you can consult your attorney when you have a legal question to the attention of your board?

Thanks,
Ryan

--
C. Ryan Germany
Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Friday, October 29, 2021 9:54 AM
To: Germany, Ryan <rgermany@sos.ga.gov>
Cc: Beck, Sarah <sbeck@sos.ga.gov>
Subject: FW: [EXTERNAL] RE: Absentee Ballot Applications

Forwarding this for your info. So frustrating. A county elections office cannot function in 2021 Georgia without an accessible attorney that they can consult on a regular basis.

Blake Evans
Elections Director
Georgia Secretary of State
Direct: 470-312-2777
Cell: 470-701-6901



From: Anne Dover <adover@cherokeega.com>

Sent: Friday, October 29, 2021 9:08 AM

To: Beck, Sarah <sbeck@sos.ga.gov>; Evans, Blake <bevans@sos.ga.gov>; Combs, Leigh <lcombs@sos.ga.gov>

Subject: Re: [EXTERNAL] RE: Absentee Ballot Applications

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

Our attorney is \$275 an hour. Could you please check into this? We had 10% of our ballots that had to be cured. This will be an even bigger issue next year.

Sent from my iPhone

On Oct 29, 2021, at 8:55 AM, Beck, Sarah <sbeck@sos.ga.gov> wrote:

<image002.gif>

I would recommend that you consult with your attorney on this. Given that there will be numerous elections next year and how websites can cache data and old forms in Google searches, this may cause additional issues. Additionally, you would be "pre-filling" a portion of the application, which is generally prohibited under SB202.

Sarah Beck

*Deputy General Counsel
Georgia Secretary of State*

Phone: 470-312-2744

sbeck@sos.ga.gov

<image003.jpg>

From: Anne Dover <adover@cherokeega.com>

Sent: Thursday, October 28, 2021 5:29 PM

To: Evans, Blake <bevans@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>

Subject: Absentee Ballot Applications

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

Hi,

I have a question about the absentee ballot applications. One thing we noticed is that the voters did not write in an election date or the county. Is this something we can pre-fill. We weren't sure with SB202.

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, ext. 0223

mobile: 770-313-9039 or 470-505-3081

e-mail: adover@cherokeega.com

2782 Marietta Hwy., Suite 100
Canton, GA 30114

<https://voter.cherokeega.com>

<image001.png>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and telephone immediately and destroy all copies of the original message.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and telephone immediately and destroy all copies of the original message.

Message

From: Simmons, Rachell [/O=SOS/OU=GASOS/CN=RECIPIENTS/CN=RACHELLM]
Sent: 8/31/2020 8:21:40 AM
To: Coman, Pamela [Pamela.Coman@fultoncountyga.gov]
CC: Evans, Blake [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=357c02ddec5a4865919091f0d12500fd-Evans, Blake]; Combs, Leigh [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3746bedab6554f259f3af5b9b01f7e56-Combs, Leigh]; Watson, Frances [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fwatson]
Subject: FW: Elections Complaint from Zachary Coleman

Good Morning-

From the SOS website.

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

From: ElectionsComplaintAlerts@sos.ga.gov [mailto:ElectionsComplaintAlerts@sos.ga.gov]
Sent: Saturday, August 29, 2020 5:23 AM
To: electionscomplaints <electionscomplaints@sos.ga.gov>
Subject: Elections Complaint from Zachary Coleman

Name: Zachary Coleman
Phone: [REDACTED]
Address: [REDACTED]
City: atlanta
State: ga
Zip Code: [REDACTED]
E-mail: [REDACTED]
Complaint Type: General Complaint
Election Date:
County: Fulton
City: atlanta

Description of Complaint: Hi.I filed my absentee ballot application electronically almost two months ago (beginning of August) but it has still not been processed or even acknowledged. I have contacted the county office but they say they don't even know when they will process general election absentee ballot applications. I am overseas (the mailing address above is my sister's) and air mail service to the US from here is suspended, so it is vital to have my ballot early to be able to return it in time. This is effectively denying my ability to participate in the general election.



Message

From: Secretary of State - Do Not Reply [/O=SOS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DONOTREPLY]
Sent: 9/1/2020 1:59:08 PM
To: Secretary of State - Do Not Reply [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=donotreply]
Subject: The Buzz Post - Duplicate Absentee Ballot Requests from Online Portal

A [new discussion](#) has been posted in The Buzz by Thomas, Breanna on 9/1/2020 1:45 PM

Good Afternoon Election Officials,

Our office has received questions about duplicate absentee requests and requests that need to be rejected. We are working with our vendor to add more processing options for the absentee ballot requests. Until, these options are added, please follow the procedures below.

Duplicate Applications (Voter has already submitted an absentee ballot application. The information provided did not change)

If your county receives a duplicate absentee ballot application, please print a copy of the absentee ballot request details screen. (See screenshot below) Then, write "duplicate" at the top of the copy and file the request with the original application.

Rejected Absentee Ballot Request

If you receive an application that needs to be rejected, please print a copy of the absentee ballot request details screen. (See screenshot below) Then, follow the procedures for rejecting an absentee ballot listed in O.C.G.A. 21-2-381.



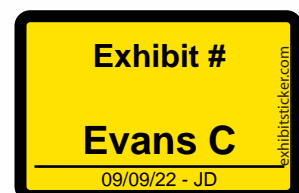
After you have printed a copy of the absentee ballot request details screen, select previous and select the trashcan under actions to delete the request for the voter on your county dashboard.



If you have any questions, please contact your Liaison. Have a great day!

-Breanna Thomas, Training Administrator

If you would like to opt out of receiving email notifications for this discussion, click [here](#).



Message

From: Fuchs, Jordan [/O=SOS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=63E837CA8BE649339D45C3190E2872DF-FUCHS, JORDAN]
Sent: 8/3/2020 3:46:01 PM
To: Robin P [gborobin@yahoo.com]
Subject: Re: My request for absentee ballot for November 3, 2020 election is not being timely processed

Robin,

My office called Fulton County and confirmed that your November ballot application will be processed. Please note that absentee ballots will not go out until September 15, 2020. There are multiple run-off elections going on in Fulton County, and once the winner is known, then the county can start processing ballots for November. Meaning, once a winner of a primary runoff election is known, that is when the county can start the creation of the November ballot.

Let me know if this clears the confusion.

Jordan Fuchs

Sent from my iPhone

> On Jul 30, 2020, at 5:36 PM, Robin P <[REDACTED]> wrote:
>
> ** Do not click any links or open any attachments unless you trust the sender and know the content is safe. **

> Thanks. Please contact me at this email and mail address as needed.

> Thank you.

> Robin R. Palenske

> Milton [REDACTED]

>> On Jul 30, 2020, at 5:28 PM, Fuchs, Jordan <jfuchs@sos.ga.gov> wrote:

>> We are happy to bring this to the attention of Fulton County.

>> May I have your best cell and contact information, please?

>> Sent from my iPhone

>> On Jul 30, 2020, at 5:10 PM, Robin <[REDACTED]> wrote:

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

>> Members of the Fulton County Board of Registration and Elections:

>> I am having considerable difficulty obtaining an absentee ballot for the November 3 election. I have submitted my request via email many, many times (on June 9, 23, 25 and 29 and July 4, 6, 9, 11, 13, 15, 22, 27, 28, and 30), but the Georgia Secretary of State's website (<https://www.mvp.sos.ga.gov/MVP/voterDetails.do#>) still does not reflect my pending request.

>> I recognize that it may (or may not) be premature to send out the absentee ballot, but it is certainly not too soon for the My Voter Page to reflect my absentee ballot request status.

>> It also seems that it would be fairly simple for one of the members of the Registration and Elections Department to reply to at least one of my many emails; they work for the taxpayers, right?

>> Would you please look into this and let me know what the problem may be?

>> Thank you in advance for your help with this matter that is so important to our democracy.

>> Robin R. Palenske

>> Milton, GA

>>
>>
>> ----- Forwarded Message -----
>> From: Robin <[REDACTED]>
>> To: customerservice@fultoncountyga.gov <customerservice@fultoncountyga.gov>
>> Cc: FFA Story <story@fairfightaction.com>
>> Sent: Thursday, July 30, 2020, 4:27:10 PM EDT
>> Subject: Fw: Request for absentee ballot for Nov 3 election - attached - my request is being ignored
>>
>> It appears that I have been put on "ignore" with regard to my request for an absentee ballot. I have sent in my request many, many times, yet the SOS website still does not reflect a pending application for me.
>>
>> Please let me know about this.
>>
>> Thank you.
>>
>> Robin Palenske
>>
>>
>> ----- Forwarded Message -----
>> From: Robin <[REDACTED]>
>> To: Elections. VoterRegistration <elections.voterregistration@fultoncountyga.gov>
>> Sent: Thursday, July 30, 2020, 9:49:58 AM EDT
>> Subject: Request for absentee ballot for Nov 3 election - attached
>>
>> My signed and dated absentee ballot is attached.
>>
>> Please contact me if there is a problem with my application that would prevent my timely receiving an absentee ballot for the November 3, 2020 election.
>>
>> Robin R. Palenske
>>
>>
>



OFFICIAL ELECTION BULLETIN

March 27, 2020

TO: County Election Officials and County Registrars

FROM: Chris Harvey, State Elections Director

RE: Absentee by Mail Process for the May 19, 2020 Elections

Due to the current public health crisis caused by the COVID-19 virus, Secretary Raffensperger has announced absentee ballot applications will be mailed directly to registered voters in active status for the May 19, 2020 general primary election (which now includes the PPP as well for voters who have not yet voted in the PPP). . Additionally, given that the current situation will likely lead to an increase in absentee ballot requests for the May 19 election, the Secretary of State's office has procured the services of an outside mail vendor that you may choose to utilize to package and mail the absentee ballot package. . The State is using HAVA funds to cover the cost of mailing out the absentee ballot applications as well as the cost of mailing out the absentee ballot packages done through the vendor. Counties will still have to handle mailing provisional absentee ballots to voters who are entitled to receive them.

Below is the link to the Secretary of State press release.

https://sos.ga.gov/index.php/elections/raffensperger_takes_unprecedented_steps_to_protect_safety_and_voter_integrity_in_georgia

Absentee by Mail Process Outline

- Secretary of State will mail absentee ballot applications to all registered voters in active status. These applications will have a barcode to allow the county elections offices to find the voter's registration quickly. Pending or Inactive voters can also request an absentee ballot application from their County Elections office. An absentee ballot application is also listed on the Secretary of State website.
 - https://sos.ga.gov/index.php/Elections/absentee_voting_in_georgia
- The voter will complete the absentee ballot application. The completed application will be mailed, emailed, or faxed to the County Registrar's office in the county where the voter is registered.
- The County Registrar's office will verify the information on the absentee ballot application and ensure the voter's signature matches the recorded signature in the voter registration system.
- The County Registrar's office will enter the absentee ballot application information into the voter registration system.
- Each day, the Secretary of State will generate an absentee voter report from the voter registration system for the mail vendor to issue absentee ballots for the May 19, 2020 elections.

- The mail vendor will receive the absentee voter report and package and mail the absentee ballot package with all the required return envelopes and instructions to the voter.
- The voter will follow the absentee ballot instructions, complete their absentee ballot, and package the absentee ballot in the provided return envelopes.
- The voter will return the absentee ballot to their County Registrar's office.
- The County Registrar's office will check the absentee ballot to determine if the ballot should be accepted or rejected. Voters whose absentee ballot is rejected will be sent a notice and cure affidavit as required by law and SEB rule.
- The County Election offices will secure the ballot until time for tabulation.

Processing Absentee Ballot Applications

- Counties will continue to enter absentee ballot application information into eNet.
- The absentee ballot applications mailed by the State vendor will have a barcode to allow the County Election offices to find the voter's registration quickly.
- Pending or Inactive voters can also request an absentee ballot application from their County Elections office or the Secretary of State office. An absentee ballot application is also listed on the Secretary of State website.
- Counties will verify the information on the absentee ballot application and ensure the voter's signature matches the recorded signature in the voter registration system.
- It is very important that the county reviews the entered application information for accuracy.

Issuing of Absentee Ballots

- After the county has issued the absentee ballot in the absentee ballot module, eNet will generate a report with the absentee ballot packages to be
- The mail vendor will issue/mail the absentee ballots for the May 19, 2020 elections to the voters who have submitted absentee ballot applications.
- The County Elections office will be required to issue absentee ballots for UOCAVA voters who have submitted applications before April 4, 2020 and provisional absentee ballots for mismatch signatures on absentee ballot applications.
- UOCAVA Week (March 31st – April 4th)
 - Counties will issue absentee ballots by mail for UOCAVA voters who have submitted applications on or before April 4, 2020. Counties will continue to prepare to meet the UOCAVA deadline.
 - Any absentee ballot applications entered in eNet for UOCAVA voters after April 4, 2020 will be issued by the Secretary of State vendor.
 - Electronic Ballot Delivery (EBD) ballots for UOCAVA voters will be issued as normal. Those UOCAVA voters will be able to retrieve their ballot through the Secretary of State My Voter Page (MVP).
- Mismatch Signature on Absentee Ballot Application
 - The county will verify the information on the absentee ballot application and ensure the voter's signature matches the recorded signature in the voter registration system.
 - If the voter's signature on the absentee ballot application does not match, the county will mark the voter's absentee ballot as provisional/challenged and complete the cure affidavit process. The county will issue/mail the absentee ballot to the voter.
- Each day, the Secretary of State will generate an absentee voter report from the voter registration system for the mail vendor to issue absentee ballots for the May 19, 2020 elections.

- Any absentee ballot applications you have already entered will be issued by the mail vendor.
- Absentee ballots for rollover elderly/disabled voters will be issued by the mail vendor.

Ordering Paper Ballots

- Counties will need to order or print the required minimum of 10% of emergency ballots and provisional ballots.
- Counties will need absentee ballots for voters who submit absentee ballot applications with mismatch signatures.

Advance in-person Voting

- Advance in-person voting will begin as scheduled on April 27, 2020.
- Counties will need to continue to plan for advance in-person voting.
- Please continue to notify your Liaison of any closures or issues that may affect advance in-person voting in your county.

Frequently Asked Questions

- On what date will the absentee ballot applications be mailed to the voters in active status?
 - Absentee ballot applications will begin to go out on Monday, March 30th.
- On what date will the absentee ballots be issued/mailed by the mail vendor?
 - TBD - We will announce this date as soon as possible.
- What will be the daily cutoff for counties to enter absentee ballot application information into eNet in order for the absentee ballot to be issued/mailed by the mail vendor the next day?
 - The Secretary of State office is working on this process. We will provide more information as soon as possible.
- Will there be an audit report to ensure each absentee ballot was issued by the mail vendor?
 - The Secretary of State office is working on a process to allow each county to verify the absentee ballot issued to their voters. We will announce this process as soon as possible.
- How will we identify the ballots issued/mailed by the mail vendor in eNet?
 - The Secretary of State office plans to develop an exception in eNet.
- How will the mail vendor know to issue a voter a May only ballot versus a combined ballot?
 - The mail vendor will review the absentee ballot information from eNet to determine which ballot type to send to each voter.

Message

From: Nancy Boren [NBoren@columbusga.org]
Sent: 3/1/2022 8:13:47 AM
To: Germany, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f7abf7a301d749cdbdab6452d3e15711-Germany, Ry]; Eveler, Janine [Janine.Eveler@cobbcounty.org]; Lynn Bailey [LBailey@augustaga.gov]; Joseph Kirk [kirkj@bartowga.org]
Subject: Re: [EXTERNAL] Legislative clean-up

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

Which chain of custody bill?

Nancy

From: Germany, Ryan <rgermany@sos.ga.gov>
Sent: Tuesday, March 1, 2022 8:10 AM
To: Eveler, Janine <Janine.Eveler@cobbcounty.org>; Lynn Bailey <LBailey@augustaga.gov>; Nancy Boren <NBoren@columbusga.org>; Joseph Kirk <kirkj@bartowga.org>
Subject: [EXTERNAL] Legislative clean-up

Some legislators have asked me if there is anything they need to clean up legislatively. They are still interested in that chain of custody bill that I circulated earlier so if there is anything we could do on that they would be less disruptive, let me know.

The things I am thinking for clean up are: fixing the disclaimer on the absentee ballot application, getting rid of the requirement to report the denominator for Election Day votes, repealing the law about sending SWABs (I think it's already been functionally repealed but no need to still have it out there). Anything else we should try to do?

They also seem interested in ensuring that poll watchers have appropriate levels of access, even to the verification process of absentee ballots. I understand that could be logistically difficult, but I think it could help Witt post-election confidence in the results.

Would appreciate any input y'all have. I'm trying to put something together today and tomorrow.

—
Ryan Germany
678-672-9230

Message

From: Harvey, Chris [/O=SOS/OU=GASOS/CN=RECIPIENTS/CN=WHARVEY]
Sent: 9/23/2020 9:09:34 AM
To: Germany, Ryan [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cgermany]
Subject: RE: Secretary of State Absentee Ballot Portal Concerns

10-4

Chris Harvey

Elections Director

Georgia Secretary of State

Main 470-312-2777

Cell 404-985-6351



From: Germany, Ryan
Sent: Wednesday, September 23, 2020 7:46 AM
To: Evans, Blake <bevans@sos.ga.gov>; Harvey, Chris <wharvey@sos.ga.gov>
Subject: Fwd: Secretary of State Absentee Ballot Portal Concerns

He already sent me those concerns and I just haven't got back to him yet. Let's discuss before we send him anything given how often they sue us.

Sent from my iPhone

Begin forwarded message:

From: "Matt M. Weiss" <mweiss@phrd.com>
Date: September 22, 2020 at 9:04:09 PM EDT
To: "Evans, Blake" <bevans@sos.ga.gov>, "Harvey, Chris" <wharvey@sos.ga.gov>
Cc: "Germany, Ryan" <rgermany@sos.ga.gov>, Sachin Varghese <varghese@bmelaw.com>
Subject: Secretary of State Absentee Ballot Portal Concerns

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

Blake and Chris,

My name is Matt Weiss and I am the Deputy General Counsel for the Democratic Party of Georgia. I am writing to bring your attention to several concerns that the DPG has regarding the Secretary of State's Absentee Ballot Portal, which were raised by voters who experienced confusion when attempting to request an absentee ballot.

First, concerns have been raised about the use of the "Ballot" field for online absentee ballot applications. Because there are no primaries left in the 2020 election cycle, the DPG believes it would be appropriate for the Secretary of State to remove the "Ballot" field entirely to avoid voters

accidentally selecting the wrong field. Short of that, we suggest changing the explanatory text to "This field is only required in a primary or primary runoff; otherwise leave blank."

Second, we are concerned that voters cannot presently request absentee ballots for the December 1, 2020 state runoff general election or the January 5, 2021 federal runoff general election. When do you anticipate that the portal will allow voters to register for these runoff elections? We are within the 180-day timeframe for both elections. The ability to register for absentee ballots for these runoff elections needs to be made available now, otherwise those who are not on the automatic rollover list will be disadvantaged in accessing their ballots for the runoff.

Third, voters have identified glitches with out-of-state ballot addresses. We understand that if a voter requests a ballot to an out-of-state address, the employee processing the application has to manually select the correct state in order for the correct address label to be populated. If this is not fixed, human error will result in Georgia voters living out of state being disenfranchised.

Finally, the DPG has received accounts of voters with Georgia drivers licenses being unable to access the absentee ballot portal. Have you heard of this from others? Do you have any idea what might account for this?

We respectfully ask that the Secretary of State's Office look into these issues and correct them as soon as possible.

Sincerely,

Matt M. Weiss

Associate

Parker, Hudson, Rainer & Dobbs LLP
303 Peachtree Street NE, Suite 3600, Atlanta, GA 30308

D: (404) 523-6988 • M: (770) 235-4787

E: mweiss@phrd.com

[biography](#) [v-card](#)

NOTE: This e-mail is from the law firm of Parker, Hudson, Rainer & Dobbs LLP and is for the sole use of the intended recipient(s). The information contained in this e-mail and any attachments is confidential and may be protected by the attorney-client privilege, the work product doctrine, or other legal restrictions on its use or disclosure. If you are not an intended recipient of this e-mail or if you have received it in error, any review, re-transmission, copying, use, disclosure, or dissemination of the e-mail or its attachment is strictly prohibited. If you received this e-mail in error, please notify the sender and delete and destroy the e-mail and its attachments. Thank you.

Message

Sent: 11/1/2021 8:23:23 AM
To: Ann Brumbaugh [ab@annbrumbaughlaw.com]
Subject: RE: [EXTERNAL] RE: Absentee Ballot Applications

Ann,

Thanks for the clarification. I think all of this just reiterates the importance of making sure the counties or boards of elections that you represent feel they can reach out to you first to help resolve legal questions.

Just for the record, I don't think your statement that, "in the past, your office has advised that applications should be rejected if there are any defects" is accurate. Our office's advice to counties always tries to simply tell them what applicable law says. I was concerned that the way you phrased it could be misinterpreted by people, so just wanted to respond to clarify.

Again, please don't hesitate to reach out to me directly with any questions or concerns. My direct lines are below.

Thanks,
Ryan

--

C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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

From: Ann Brumbaugh <ab@annbrumbaughlaw.com>
Sent: Friday, October 29, 2021 4:09 PM
To: Germany, Ryan <rgermany@sos.ga.gov>
Subject: Re: [EXTERNAL] RE: Absentee Ballot Applications

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

Ryan,

Cherokee County rejected absentee ballot applications which did not contain the date of the election or the county in which the applicant lived because the absentee ballot application says, in red, that those are **Required**, and, with regards to the date, Code section 21-2-381(a)(1)(C)(i) states,

"The application shall also include the identity of the primary, election, or runoff in which the elector wishes to vote . . ."

Further, in the past, your office has advised that applications should be rejected if there are any defects.

Apparently of about 400 applications received, about 40 had this defect. Cherokee County followed cure procedures and everyone but six affected voters either cured their application, or voted in-person. Because this is a grey area of the law, and because it was starting to affect a sizeable proportion of applications, they reached out to your office.

I do not think an investigation is warranted; first, because Cherokee approached you all in good faith and you do not want to discourage counties from reaching out to you; and second, because there is nothing in the Code or the SEB Rules that prohibits them from doing what they did. I certainly would hope and expect that you would not use my legal advice, offered after-the-fact and in response to a different question (whether they can pre-fill the application to prevent this issue from arising) against my client. This stuff is hard and not intuitive. Like you and your staff, they are doing the best job they can in an ever-changing and hyper-vigilant environment.

Thanks,
Ann

Law Office of Ann S. Brumbaugh, LLC
The High House
309 Sycamore Street
Decatur, GA. 30030
404-458-4088 (office)
404-593-8295 (cell)
Annbrumbaughlaw.com

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

From: "Germany, Ryan" <rgermany@sos.ga.gov>
Date: Friday, October 29, 2021 at 1:45 PM
To: Ann Brumbaugh <ab@annbrumbaughlaw.com>
Subject: RE: [EXTERNAL] RE: Absentee Ballot Applications

Thanks Anne. Was the county rejecting applications on that basis? If so, that's something we probably would need to open an investigation into. Please confirm when you get a chance.

Thanks,
Ryan

--

C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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

From: Ann Brumbaugh <ab@annbrumbaughlaw.com>

Sent: Friday, October 29, 2021 12:34 PM

To: Germany, Ryan <rgermany@sos.ga.gov>; Anne Dover <adover@cherokeega.com>; Beck, Sarah <sbeck@sos.ga.gov>; Evans, Blake <bevans@sos.ga.gov>

Subject: Re: [EXTERNAL] RE: Absentee Ballot Applications

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

Ryan,

Thank you for your compliment. In the interests of efficiency, I'm just going to "reply all." Certainly anyone is free to reach out to me individually.

My legal recommendation is that the counties be able to pre-fill in the date and the County. I see nothing in the Code nor the SEB rules that prohibits this. If I have missed something, please let me know.

Since we are talking elections, we also have to consider Constitutional implications. According to *Brnovitch*, two of the factors to consider regarding voter suppression are how many votes are affected and whether the rule/policy is designed to prevent fraud. I think that we can all agree that a policy that results in the rejection of 10% of absentee ballots is way too high under any circumstances, and certainly in a state where elections are now as close as they are. Additionally, requiring the voters to fill out the date and County (and rejecting their votes if they do not do so) does not prevent fraud. Thus it would be very difficult to defend such a policy in court.

Finally, I have to say that requiring the counties to reject these ballots, send the cure notices, and then reconsider the cured ballots puts an additional burden on them during times in which we know that they will be stretched very thin. This could lead to mistakes in other areas.

Thanks and have a nice weekend,
Ann

Law Office of Ann S. Brumbaugh, LLC
The High House
309 Sycamore Street

Decatur, GA. 30030
404-458-4088 (office)
404-593-8295 (cell)
Annbrumbaughlaw.com

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

From: "Germany, Ryan" <rgermany@sos.ga.gov>
Date: Friday, October 29, 2021 at 10:36 AM
To: Anne Dover <adover@cherokeega.com>, "Beck, Sarah" <sbeck@sos.ga.gov>, "Evans, Blake" <bevans@sos.ga.gov>
Cc: Ann Brumbaugh <ab@annbrumbaughlaw.com>
Subject: RE: [EXTERNAL] RE: Absentee Ballot Applications

Anne,

Glad to hear that you do have an attorney you can consult with your legal questions. Anne Brumbaugh is an excellent election lawyer. SOS office is not the attorney for counties (as our own attorneys at the AG's office often remind us) and in the environment where election litigation is so prevalent, it is a lot cleaner for you to consult your actual attorney with legal questions. To the extent clarification is needed, it's better for us to work with your county attorney to help them with the advice they end up giving you, and we are happy to do that.

Thanks,
Ryan

--

C. Ryan Germany
Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

From: Anne Dover <adover@cherokeega.com>
Sent: Friday, October 29, 2021 10:30 AM
To: Germany, Ryan <rgermany@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>; Evans, Blake <bevans@sos.ga.gov>
Cc: Ann Brumbaugh <ab@annbrumbaughlaw.com>
Subject: RE: [EXTERNAL] RE: Absentee Ballot Applications

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

Ryan,

With all due respect, the board and I have an attorney that specializes in elections and I can ask her. I just feel like that there should be an attorney at the Office of the Secretary of State that can answer a simple election related question. I honestly feel like you all continue to not answer our questions or put us off and it is frustrating. Chris Harvey was always available to answer these types of questions for us.

Answers like “that is a good question” and “ask your county attorney” is just not acceptable. How do you think a county attorney is going to know the answer to an election related question when attorneys in the elections division can’t answer the question.

Furthermore, I am very concerned regarding the lack of support we receive from the Office of Secretary of State. You are correct, next year is going to quite challenging especially if you all can’t get it together.

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, ext. 0223

mobile: 770-313-9039 or 470-505-3081

e-mail: adover@cherokeega.com

2782 Marietta Hwy., Suite 100
Canton, GA 30114

<https://voter.cherokeega.com>



From: Germany, Ryan <rgermany@sos.ga.gov>
Sent: Friday, October 29, 2021 10:20 AM
To: Anne Dover <adover@cherokeega.com>
Cc: Evans, Blake <bevans@sos.ga.gov>
Subject: FW: [EXTERNAL] RE: Absentee Ballot Applications

Anne—who is your county attorney? Blake is correct that you need an accessible attorney that you can consult on a regular basis. This will be even more important next year. Have you brought the fact that you don’t feel that you can consult your attorney when you have a legal question to the attention of your board?

Thanks,

Ryan

--

C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Friday, October 29, 2021 9:54 AM
To: Germany, Ryan <rgermany@sos.ga.gov>
Cc: Beck, Sarah <sbeck@sos.ga.gov>
Subject: FW: [EXTERNAL] RE: Absentee Ballot Applications

Forwarding this for your info. So frustrating. A county elections office cannot function in 2021 Georgia without an accessible attorney that they can consult on a regular basis.

Blake Evans

Elections Director

Georgia Secretary of State

Direct: 470-312-2777

Cell: 470-701-6901



From: Anne Dover <adover@cherokeega.com>
Sent: Friday, October 29, 2021 9:08 AM
To: Beck, Sarah <sbeck@sos.ga.gov>; Evans, Blake <bevans@sos.ga.gov>; Combs, Leigh <lcombs@sos.ga.gov>
Subject: Re: [EXTERNAL] RE: Absentee Ballot Applications

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

Our attorney is \$275 an hour. Could you please check into this? We had 10% of our ballots that had to be cured. This will be an even bigger issue next year.

Sent from my iPhone

On Oct 29, 2021, at 8:55 AM, Beck, Sarah <sbeck@sos.ga.gov> wrote:

<image002.gif>

I would recommend that you consult with your attorney on this. Given that there will be numerous elections next year and how websites can cache data and old forms in Google searches, this may cause additional issues. Additionally, you would be “pre-filling” a portion of the application, which is generally prohibited under SB202.

Sarah Beck

Deputy General Counsel

Georgia Secretary of State

Phone: 470-312-2744

sbeck@sos.ga.gov

<image003.jpg>

From: Anne Dover <adover@cherokeega.com>

Sent: Thursday, October 28, 2021 5:29 PM

To: Evans, Blake <bevans@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>

Subject: Absentee Ballot Applications

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

Hi,

I have a question about the absentee ballot applications. One thing we noticed is that the voters did not write in an election date or the county. Is this something we can pre-fill. We weren't sure with SB202.

Anne Dover, Director

Cherokee County Elections & Voter Registration

phone: 770-479-0407, ext. 0223

mobile: 770-313-9039 or 470-505-3081

e-mail: adover@cherokeega.com

2782 Marietta Hwy., Suite 100
Canton, GA 30114

<https://voter.cherokeega.com>

<image001.png>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and telephone immediately and destroy all copies of the original message.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the

intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and telephone immediately and destroy all copies of the original message.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and telephone immediately and destroy all copies of the original message.



Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

December 14, 2020

VIA ELECTRONIC MAIL

The Honorable Shaw Blackmon
Chairman, Government Affairs Committee
Georgia House of Representatives
401-K State Capitol
Atlanta, GA 30334

Dear Chairman Blackmon,

Thank you for your letter earlier today. I know there are many Georgia citizens who are extremely disappointed with the results of the November 3rd election. I share their disappointment in the result. There were also many Georgia citizens who were disappointed in the result of the 2018 General Election. Just like in 2018, some of those citizens are taking out their frustration in the result on the election process. Unfortunately, just like after the 2018 election, this is leading to an environment where misinformation and disinformation are running rampant. Our office has been doing everything we can to combat that misinformation by holding daily press conferences, sending regular updates to legislators, trying to correct as much disinformation as possible by posting accurate information on social media, and responding directly to voters who have questions.

I regret that my office was unable to appear in front of your committee last week to answer these questions. We were certainly planning to, but once it was clear that the proceeding would just take pending legal allegations from active litigations, our lawyers recommended against participating in an out of court hearing regarding pending, active litigation. We look forward to responding to these false allegations in court and to updating your committee as soon as these cases are resolved, if you will have us. If you would like to hold a hearing where you invite election officials instead of active litigants, we are happy to participate. I believe my office made that known to you prior to your meeting. I certainly did not wish our following our attorneys' advice as a slight to the committee. As a former legislator, I believe the legislature is the most important of all branches of government, and I hope that we can work together to accomplish necessary reforms in the upcoming session.

As you know, elections in Georgia are run by counties. As Republicans, we generally agree that most issues are best handled at the local level. My office is conducting over 250 investigations

214 State Capitol • Atlanta, Georgia • 30334 • Tel: (844) 753-7825 • www.sos.state.ga.us

Letter to Shaw Blackmon
December 14, 2020
Page 2 of 3

regarding the 2020 election cycle, and if you or any of your colleagues hear any evidence from constituents or others that any county “abrogated its duties to serve the citizens of Georgia in delivering fair, transparent, and secure elections” please forward that information to my office. Our investigations are ongoing, but so far, our POST-certified law enforcement officers are not seeing any evidence of systematic or widespread fraud.

In Fulton County, our investigators, in conjunction with GBI and FBI, have conducted numerous interviews and reviewed hours of video regarding the allegation that Fulton County sent observers home and used that time to scan invalid or illegal ballots. As we have explained multiple times in our updates to legislators regarding that particular allegation, we have not seen or heard any evidence that supports that allegation and the video evidence actually disproves it. We are also investigating the allegation that certain absentee ballots in Fulton were not folded or were otherwise “pristine” as support for the conjecture that these were not valid ballots. Fulton County’s response indicates that these ballots were properly duplicated ballots representing validly cast military or overseas votes. The matter remains under investigation.

In Spalding County, our investigators have conducted numerous interviews with both election officials and complainants. We have also requested numerous documents to review. While our initial investigation does indicate numerous procedural violations and improper training of election officials, we have not seen anything that casts doubt on the accuracy of the results.

Our investigators have also visited Coffee County. During that visit, the elections director in Coffee County confirmed that neither she nor any of her staff improperly changed any votes, which would be a felony. She further stated that she had no evidence that anyone in Georgia committed such a felony. We have uncovered numerous procedural violations in Coffee County and let them know how to improve their procedures moving forward.

We have numerous other investigations ongoing, and the Governor’s office offered us the available resources of GBI to assist in these investigations. We appreciate that support and the support offered from the General Assembly to allow us to quickly investigate each of these issues.

As we have also stated numerous times in our updates to legislators, we agreed to a Settlement Agreement that protected Georgia’s signature match process in a legal environment where other states have had their process struck down. We were represented by the Attorney General’s office and the general counsel for the Georgia Republican Party in that litigation, each of whom believed the agreement was in the best interest of the state. It did not change the law; it merely set forth recommended best practices to uphold Georgia law. The reality is that my office strengthened the signature matching process by providing GBI training to counties on how to validate signatures and introducing a photo ID requirement to the absentee ballot process through our online absentee ballot request portal.

As to my decision to send out absentee ballot applications to active Georgia voters for the June primary election, I made that decision to ensure that Georgians of all political backgrounds could safely exercise their right to vote during the brunt of the COVID-crisis and to protect the criticality of the application process to the Georgia absentee ballot process. I do not apologize for it. I did

Letter to Shaw Blackmon
December 14, 2020
Page 3 of 3

not send out applications for the November general election, but numerous other groups, including the Republican Party of Georgia, Donald J. Trump for President, and others, did send out those applications to Georgia voters.

As to the potential confusion about whether the State Election Board appointed monitor of Fulton County was constantly present at State Farm Arena, I am happy to clarify that the Fulton County elections process was under observation throughout the day, and that Fulton had two locations on Election Day - one at the Warehouse where Election Day voting was being processed and the other at State Farm Arena, where absentee ballots were being processed. The elections monitor from the State Election Board was at either the Warehouse or the State Farm Arena the entire evening (other than when he ate dinner), and that the scanning of absentees at the arena was recorded at all times and reviewed by investigators.

My office did provide answers to the committee's questions prior to the hearing in writing as was requested by the committee. I am happy to provide you that document if you do not have it. I do not believe any other information was requested or provided. Thank you for your service to our state and your commitment to disseminating accurate information about Georgia elections. I look forward to working with you in the future to further improve our state laws and processes based on lessons learned from this year, not based off of misinformation or disinformation spread by unsuccessful candidates from either party, but based off of facts and data with the purpose of increasing confidence in our election system. My office remains at your service.

Sincerely,



Brad Raffensperger

Message

Sent: 10/22/2020 10:54:36 AM
To: Chris Harvey [/O=SOS/OU=GASOS/cn=Recipients/cn=wharvey]; Evans, Blake [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a09e743410f9426790ae196aa7f44db8-Evans, Blak]
Subject: FW: Incorrect Name on Absentee Ballot

Chris—could you reach out to Chatham County about this? The voter's name is

--

C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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

From: Rahul Garabadu <RGarabadu@acluga.org>
Sent: Friday, October 16, 2020 12:35 PM
To: Germany, Ryan <rgermany@sos.ga.gov>
Cc: Sean Young <SYoung@acluga.org>; Andres Lopez-Delgado <ADelgado@acluga.org>
Subject: Incorrect Name on Absentee Ballot

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

Hi Ryan,

We were recently contacted by a voter from Chatham County with a situation we wanted to flag for you. The gist of it is that a voter received an absentee ballot that, because of an error with the suffix of his name, now contains his deceased grandfather's name instead of his own. The voter's MVP information has the voter's name listed correctly. When the voter called the Chatham County elections office to clear up the confusion, he was told to go ahead and vote with the absentee ballot with the wrong name. We were concerned about the recommendation from Chatham and wondering if you had any guidance on the issue. Here are the details:

This year, the voter applied for an absentee ballot through the SOS web portal. In his absentee ballot application, he did not include the "IV" in the suffix of his name. However, when he received his ballot, he noticed that his name was listed with an incorrect suffix: "Jr." The name listed on his absentee ballot with "Jr." happens to be the name of his deceased grandfather. All the other information on the absentee ballot correctly reflects the voter's information. The voter called the Chatham County Board of Elections to find out what to do, and the person he talked to told him that whoever put his information into the system must have changed his name inadvertently. The Chatham County official also told the voter that he could use the absentee ballot with his incorrect name, and it would not be a problem. Finally, the voter was told that "the system showed" the incorrect version of his name with "Jr," even though his MVP information shows no suffix at all.

The voter does not want to risk accidentally voting in his grandfather's name, but would still like to vote absentee. We are also concerned about how the "Jr" could have been manually added when the voter applied for his ballot online and did not include any suffix at all in his application. Do you have any guidance about this issue?

Thanks so much for your help with this.

Best,
Rahul

Rahul Garabadu

Voting Rights Staff Attorney (provisionally admitted to practice)

American Civil Liberties Union of Georgia

PO Box 77208, Atlanta, GA 30357

RGarabadu@acluga.org | Phone 404-643-3071

WE THE PEOPLE | acluga.org    [DONATE](#)

Pronouns: he/him/his



This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.



OFFICIAL ELECTION BULLETIN

March 26, 2020

TO: County Election Officials and County Registrars

FROM: Chris Harvey, State Elections Director

RE: Absentee by Mail Process for the May 19, 2020 Elections

Secretary Raffensperger has announced absentee ballot applications will be mailed directly to registered voters in active status in the Georgia voter registration system. Due to the escalating threat and spread of the COVID-19 virus, the Secretary of State office has hired an outside vendor to mail absentee ballots to each voter who submits a request for an absentee ballot to their county registration office. The Secretary of State office hopes this will encourage more voters to vote from home to help mitigate the COVID-19 virus. The Secretary of State office will bear the costs of the absentee ballot by mail process for the May 19, 2020 elections.

Below is the link to the Secretary of State press release.

https://sos.ga.gov/index.php/elections/raffensperger_takes_unprecedented_steps_to_protect_safety_and_voter_integrity_in_georgia

Absentee by Mail Process Outline

- Secretary of State will mail absentee ballot applications to all registered voters in active status. These applications will have a barcode to allow the county elections offices to find the voter's registration quickly. Pending or Inactive voters can also request an absentee ballot application from their County Elections office. An absentee ballot application is also listed on the Secretary of State website.
 - https://sos.ga.gov/index.php/Elections/absentee_voting_in_georgia
- The voter will complete the absentee ballot application. The completed application will be mailed, emailed, or faxed to the County Registrar's office in the county where the voter is registered.
- The County Registrar's office will verify the information on the absentee ballot application and ensure the voter's signature matches the recorded signature in the voter registration system.
- The County Registrar's office will enter the absentee ballot application information into the voter registration system.
- Each day, the Secretary of State vendor will generate an absentee voter report from the voter registration system to issue absentee ballots for the May 19, 2020 elections.
- The voter will receive the absentee ballot package with all the required return envelopes and instructions directly in the mail from the Secretary of State vendor.

- The voter will follow the absentee ballot instructions, complete their absentee ballot, and package the absentee ballot in the provided return envelopes.
- The voter will return the absentee ballot to their County Registrar's office.
- The county elections office will secure the ballot until time for tabulation after the polls close on election night, unless they tabulate early.

Processing Absentee Ballot Applications

- Counties will continue to enter absentee ballot application information into eNet.
- The absentee ballot applications issued by the Secretary of State vendor will have a barcode to allow the county election offices to find the voter's registration quickly.
- Pending or Inactive voters can also request an absentee ballot application from their County Elections office or the Secretary of State office. An absentee ballot application is also listed on the Secretary of State website.
- Counties will verify the information on the absentee ballot application and ensure the voter's signature matches the recorded signature in the voter registration system.
- It is very important the county reviews the entered application information for accuracy.

Issuing of Absentee Ballots

- The Secretary of State vendor will issue/mail the absentee ballots for the May 19, 2020 elections to the voters who have submitted absentee ballot applications.
- The County Elections office will be required to issue absentee ballots for UOCAVA voters who have submitted applications before April 4, 2020 and provisional absentee ballots for mismatch signatures on absentee ballot applications.
- UOCAVA Week (March 31st – April 4th)
 - Counties will issue absentee ballots by mail for UOCAVA voters who have submitted applications on or before April 4, 2020. Counties will continue to prepare to meet the UOCAVA deadline.
 - Any absentee ballot applications entered in eNet for UOCAVA voters after April 4, 2020 will be issued by the Secretary of State vendor.
 - EBD ballots for UOCAVA ballots will be issued as normal. Those UOCAVA voters will be able to retrieve their ballot through the Secretary of State My Voter Page (MVP).
- Mismatch Signature on Absentee Ballot Application
 - The county will verify the information on the absentee ballot application and ensure the voter's signature matches the recorded signature in the voter registration system.
 - If the voter's signature on the absentee ballot application does not match, the county will mark the voter's absentee ballot as provisional/challenged and complete the cure affidavit process. The county will issue/mail the absentee ballot to the voter.
- Each day, the Secretary of State vendor will generate an absentee voter report from the voter registration system to issue absentee ballots for the May 19, 2020 elections.
- Any absentee ballot applications you have already entered will be issued by the Secretary of State vendor.
- Absentee ballots for rollover elderly/disabled voters will be issued by the Secretary of State vendor.

Ordering Paper Ballots

- Counties will need to order or print the required 10% of emergency ballots and provisional ballots for your advance voting locations.
- Counties will need absentee ballots for voters who submit absentee ballot applications with mismatch signatures.

Advance in-person Voting

- Advance in-person voting will begin as scheduled on April 27, 2020.
- Counties will need to continue to plan for advance in-person voting.
- Please continue to notify your Liaison of any closures or issues that may affect advance in-person voting in your county.

Frequently Asked Questions

- On what date will the absentee ballot applications be mailed to the voters in active status?
 - TBD - We will announce this date as soon as possible.
- On what date will the absentee ballots be issued/mailed by the vendor?
 - TBD - We will announce this date as soon as possible.
- What will be the daily cutoff for counties to enter absentee ballot application information into eNet in order for the absentee ballot to be issued/mailed by the SOS vendor the next day?
 - The Secretary of State office is working on this process. We will provide more information as soon as possible.
- Will there be an audit report to ensure each absentee ballot was issued by the Secretary of State vendor?
 - The Secretary of State office is working on a process to allow each county to verify the absentee ballot issued to their voters. We will announce this process as soon as possible.
- How will we identify the ballots issued/mailed by the Secretary of State vendor in eNet?
 - The Secretary of State office plans to develop an exception in eNet.
- How will the vendor know to issue a voter a May only ballot versus a combined ballot?
 - The Secretary of State vendor will review the absentee ballot information from eNet to determine which ballot type to send to each voter.

Message

From: Germany, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F7ABF7A301D749CDBDAB6452D3E15711-GERMANY, RY]
Sent: 9/21/2021 1:10:42 PM
To: Beck, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d45467c8e9d84edca0bb9d90f6d4c4f5-Beck, Sarah]
Subject: RE: Questions regarding changes to absentee voting

I agree. Maybe we should provide a third-party absentee ballot application online that has the disclaimer language but leaves the name of the entity blank. Also—shouldn't we add the disclaimer language to the second page as well?

--

C. Ryan Germany

Georgia Secretary of State

Direct: 470-312-2808

Cell: 678-672-9230

rgermany@sos.ga.gov



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

From: Beck, Sarah <sbeck@sos.ga.gov>
Sent: Tuesday, September 21, 2021 1:08 PM
To: Germany, Ryan <rgermany@sos.ga.gov>
Subject: FW: Questions regarding changes to absentee voting

The organization below wants guidance on if they personally distribute (i.e., not through the mail) absentee ballot applications if they need to have the disclaimer language on the application.

SB202 says, "Any application for an absentee ballot **sent** to any elector by any person or entity shall utilize the form of the application made available by the Secretary of State and shall clearly and prominently disclose on the face of the form...." (Emphasis added.) I think "sent" can also mean personally delivering applications, like the organization is trying to do below, and thus should include the disclaimer. Let me know if you think otherwise.

Sarah Beck

Deputy General Counsel

Georgia Secretary of State

Phone: 470-312-2744

sbeck@sos.ga.gov



From: Thompson, Tori <vthompson@sos.ga.gov>
Sent: Monday, September 20, 2021 2:16 PM
To: Beck, Sarah <sbeck@sos.ga.gov>
Subject: RE: Questions regarding changes to absentee voting

No problem!

Tori Thompson

Legislative Liaison, Scheduler
Georgia Secretary of State
Phone: 404-859-2275
vthompson@sos.ga.gov



From: Beck, Sarah <sbeck@sos.ga.gov>
Sent: Monday, September 20, 2021 2:11 PM
To: Thompson, Tori <vthompson@sos.ga.gov>
Subject: RE: Questions regarding changes to absentee voting

Yes – I'll take this! Thank you!

Sarah Beck

Deputy General Counsel
Georgia Secretary of State
Phone: 470-312-2744
sbeck@sos.ga.gov



From: Thompson, Tori <vthompson@sos.ga.gov>
Sent: Monday, September 20, 2021 2:10 PM
To: Beck, Sarah <sbeck@sos.ga.gov>
Subject: FW: Questions regarding changes to absentee voting

Hi Sarah! Is this something I would forward to you?

Tori Thompson

Legislative Liaison, Scheduler
Georgia Secretary of State
Phone: 404-859-2275
vthompson@sos.ga.gov



From: STAND-UP Interns <interns@georgiastandup.org>

Sent: Monday, September 20, 2021 12:17 PM

To: SOS Contact <soscontact@sos.ga.gov>

Cc: Sonjuia Robinson <sonjuia@georgiastandup.org>; Ariel Singleton <arielsingleton@georgiastandup.org>; dscott georgiastandup.org <dscott@georgiastandup.org>; anna.e.rittenhouse@gmail.com

Subject: Questions regarding changes to absentee voting

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

Hello,

My name is Hannah Risman, and I am a representative of the non-profit Georgia STAND-UP. Following the passage and enactment of the Election Integrity Act of 2021, I have a few questions regarding voting assistance procedures for third-party groups. The legislation limits third-party participation in the advancement of absentee ballots, but it only places restrictions regarding absentee ballot mailers.

My query concerns in-person distribution and delivery of absentee ballots, as in the case of offering in-person services at retirement or hospice care centers. I am aware there is an online resource to request and fill out an absentee ballot but seeing as this demographic likely is not technologically fluent, this resource may not be of service. Our organization is concerned that the current law, and its accompanying silence regarding this issue, will disproportionately and adversely affect this demographic, resulting in voter depression. What are the specific rules regarding third-party, in-person assistance with absentee voting? Please let me know at your earliest convenience.

Best,

Hannah Thomas Risman (she/her)

Intern

Georgia STAND-UP

www.georgiastandup.org

Interns@georgiastandup.org



Georgia STAND-UP is a 501(c)(3) non-profit. We DO NOT endorse any candidate or political party, nor hold any political affiliation

Message

From: Raffensperger, Brad [/O=SOS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BF0BA0E7D13044BEAEDB26395605FB6F-BRAD]
Sent: 3/29/2020 4:26:51 PM
To: Bill [REDACTED]
Subject: RE: PLEASE POSTPONE THE MAY ELECTIONS.

Bill,

I wanted to update you on the upcoming election schedule, procedures, and legal framework surrounding them. It is my job, and that of the counties, to execute the laws of Georgia and conduct elections, even in the trying circumstances brought on by the Covid-19 health emergency.

Postponing the Presidential Preference Primary

Because both the President and the Governor declared states of emergency on March 13 and 14 respectively, I was given the legal authority (see O.C.G.A. § 21-2-50) to postpone election for not more than 45 days. On March 14, after consulting with the Republican and Democratic parties (whose primaries they were) I announced the postponement of the March 24 election and moved it to the already scheduled General Primary Election set for May 19, 2020. This was done to protect Georgia voters, poll workers, and their families. This was the right thing to do .

May 19 General Primary and Presidential Preference Primary combined

The May 19 General Primary Election date is set by state statute (see O.C.G.A. § 21-2-150). The law that allows me to move an election requires an Emergency Declaration to be in place. Georgia's current State of Emergency is set to expire April 13, well before May 19. So I do not have the legal authority to postpone the General Primary at this time. Also, there must be an election because the PPP (along with the 43 local elections being run in tandem with the PPP) has already been extended the maximum the law cannot be extended again. Also, both parties have expressed concerns that moving the PPP election further may hurt their representation at their respective party conventions.

June 23 date would not be legally practicable

Some have suggested moving the General Primary to June 23. As I pointed out, there is no legal authority for me to do so. Hypothetically, if it were moved to that date by an act of the legislature the General Primary runoff would be moved to August 25th (see O.C.G.A. § 21-2-501(a)(2)). To adhere to the federal MOVE Act and state code the UOCAVA ballots by law must be distributed 49-45 days prior to the November 3, 2020 election, all ballots would need to begin being built in the third week of August. Therefore, it is impossible to meet that timeline and follow the law.

Absentee Ballot Requests

To further protect voters and poll workers from the continuing threat from COVID-19, and take pressure off of early voting and polling locations, I directed our office to send absentee ballot applications to all active voters. The applications will be pre-populated with voter data but have a barcode for the counties to be able to quickly lookup and process them. The signature verification process is still in place for security. Upon verification, each day our office will forward the list of requests to a third-party vendor who will mail the absentee ballot. This plan will maintain consistency throughout the state and eliminate postage and personnel costs for counties.

In Person Voting

State law requires people to have the ability to vote in person. Therefore, counties must set up and run early and election day polling locations. If social distancing recommendations are maintained, this will be challenging. Beginning in February, our office began ordering disinfecting wipes and sprays to provide to counties to use in polling locations. Securing enough poll workers is another concern since the average age of volunteers is estimated to be 70, which falls into the high-risk category for COVID-19. The goal is to provide counties additional resources to handle the increased interest in absentee voting while simultaneously helping them cope with the increased difficulties of in-person voting due to social distancing, thus minimizing risks to poll workers and in-person voters.

Preventing Fraud

The passage of HB316 brought forward tools to help reduce the potential for fraud, especially through ballot harvesting. Absentee ballots may only be sent to the individual who requested it, and the only person who can complete, handle or return that ballot is the individual to whom it was sent or a family member who lives in the same household. Our office will widely publicize this information and investigate any anomalies identified.

Sincerely,

Brad Raffensperger

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

From: Bill [REDACTED]
Sent: Friday, March 27, 2020 6:41 AM
To: Raffensperger, Brad <brad@sos.ga.gov>
Subject: PLEASE POSTPONE THE MAY ELECTIONS.

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

While admirable your plan is fraught with voter fraud potential. Suppose Stacy Abrams has been able to harvest mailed absentee ballots last year.... she would be our Governor today.

I urge you to reconsider this and do not mail these ballots. I fear a lot of dead Democrats will respond.

Bill Smitherman

iPhone

Message

From: Raffensperger, Brad [/O=SOS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BF0BA0E7D13044BEAEDB26395605FB6F-BRAD]
Sent: 3/29/2020 4:55:20 PM
To: gigi_sharp [REDACTED]
Subject: RE: Please move the primary election to June or July.

Bill,

I wanted to update you on the upcoming election schedule, procedures, and legal framework surrounding them. It is my job, and that of the counties, to execute the laws of Georgia and conduct elections, even in the trying circumstances brought on by the Covid-19 health emergency.

Postponing the Presidential Preference Primary

Because both the President and the Governor declared states of emergency on March 13 and 14 respectively, I was given the legal authority (see O.C.G.A. § 21-2-50) to postpone election for not more than 45 days. On March 14, after consulting with the Republican and Democratic parties (whose primaries they were) I announced the postponement of the March 24 election and moved it to the already scheduled General Primary Election set for May 19, 2020. This was done to protect Georgia voters, poll workers, and their families. This was the right thing to do .

May 19 General Primary and Presidential Preference Primary combined

The May 19 General Primary Election date is set by state statute (see O.C.G.A. § 21-2-150). The law that allows me to move an election requires an Emergency Declaration to be in place. Georgia's current State of Emergency is set to expire April 13, well before May 19. So I do not have the legal authority to postpone the General Primary at this time. Also, there must be an election because the PPP (along with the 43 local elections being run in tandem with the PPP) has already been extended the maximum the law cannot be extended again. Also, both parties have expressed concerns that moving the PPP election further may hurt their representation at their respective party conventions.

June 23 date would not be legally practicable

Some have suggested moving the General Primary to June 23. As I pointed out, there is no legal authority for me to do so. Hypothetically, if it were moved to that date by an act of the legislature the General Primary runoff would be moved to August 25th (see O.C.G.A. § 21-2-501(a)(2)). To adhere to the federal MOVE Act and state code the UOCAVA ballots by law must be distributed 49-45 days prior to the November 3, 2020 election, all ballots would need to begin being built in the third week of August. Therefore, it is impossible to meet that timeline and follow the law.

Absentee Ballot Requests

To further protect voters and poll workers from the continuing threat from COVID-19, and take pressure off of early voting and polling locations, I directed our office to send absentee ballot applications to all active voters. The applications will be pre-populated with voter data but have a barcode for the counties to be able to quickly lookup and process them. The signature verification process is still in place for security. Upon verification, each day our office will forward the list of requests to a third-party vendor who will mail the absentee ballot. This plan will maintain consistency throughout the state and eliminate postage and personnel costs for counties.

In Person Voting

State law requires people to have the ability to vote in person. Therefore, counties must set up and run early and election day polling locations. If social distancing recommendations are maintained, this will be challenging. Beginning in February, our office began ordering disinfecting wipes and sprays to provide to counties to use in polling locations. Securing enough poll workers is another concern since the average age of volunteers is estimated to be 70, which falls into the high-risk category for COVID-19. The goal is to provide counties additional resources to handle the increased interest in absentee voting while simultaneously helping them cope with the increased difficulties of in-person voting due to social distancing, thus minimizing risks to poll workers and in-person voters.

Preventing Fraud

The passage of HB316 brought forward tools to help reduce the potential for fraud, especially through ballot harvesting. Absentee ballots may only be sent to the individual who requested it, and the only person who can complete, handle or return that ballot is the individual to whom it was sent or a family member who lives in the same household. Our office will widely publicize this information and investigate any anomalies identified.

Sincerely,

Brad Raffensperger

From: gigi_sharp [REDACTED]
Sent: Friday, March 27, 2020 10:11 AM
To: Raffensperger, Brad <brad@sos.ga.gov>
Subject: Please move the primary election to June or July.

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

We can not afford a mail in primary.
It would be difficult to handle for the election board and devastating to the great state of Georgia.
Best Regards
B. W. "Bill" Sharp
Putnam County 3rd District Commissioner

Sent from my Verizon, Samsung Galaxy smartphone

Message

From: [REDACTED]
Sent: 5/5/2020 1:35:42 PM
To: Rayburn, Kevin [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0d20faa4e37c493c884b6ddaaa5b7140-Rayburn, Kevin]
Subject: Re: Web E-Mail [Elections] From R Michael Pelot-Hobbs

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

Mr. Rayburn,

I was told that Fulton County Election Board is behind on verifying voter registration and signatures for absentees. They expect to be caught up by **May 8th** and will do a data dump to your office and their third-party absentee ballot printer/distribution vendor in Arizona. Also, they told me that I should NOT resubmit another absentee ballot request as you recommended below, as it causes processing delays on their end when they have multiple requests. For any future inquiries you may get re: Fulton County, the correct voice line is **404.612.3816**.

R Michael Pelot-Hobbs
Johns Creek, GA

On Monday, May 4, 2020, 11:17:47 AM EDT, [REDACTED] wrote:

The number you gave me to call is a fax machine...

On Monday, May 4, 2020, 11:10:34 AM EDT, Rayburn, Kevin <krayburn@sos.ga.gov> wrote:

I provided this response to your spouse as well:

Absentee ballot applications are processed by county election offices. Given that Fulton County has not processed an application for you that you submitted in March, I recommend submitting another application to the Fulton County Elections Office. Fulton County specific instructions for requesting absentee ballots are at this link: <https://www.fultoncountyga.gov/services/voting-and-elections/absentee-voting>

You can also reach out to Fulton County directly at this phone number: 404-612-3697.

Sincerely,

Kevin Rayburn

Deputy Elections Director and Deputy General Counsel

Georgia Secretary of State

Main: 404-656-2871

Direct: 470-312-2752



From: [REDACTED]
Sent: Monday, May 4, 2020 11:08 AM
To: Rayburn, Kevin <krayburn@sos.ga.gov>
Subject: Re: Web E-Mail [Elections] From R Michael Pelot-Hobbs

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

Thanks for confirming your record that I voted in the Presidential Primary in March.

My question, however, remains:

"Checking on my absentee ballot status on your Web site for June 9 STATE primary election."

Please advise. Thank you.

On Monday, May 4, 2020, 10:39:13 AM EDT, Rayburn, Kevin <krayburn@sos.ga.gov> wrote:

Good Morning,

The information on the My Voter Page is showing that you voted early (in-person absentee) on March 13th for the Democratic Presidential Preference Primary. That was before the election was moved to coincide with the general primary on June 9th. Your vote from March 13th will still count, and the general primary ballot you received for June 9th will not include the presidential preference primary contest that you already participated in.

Sincerely,

Kevin Rayburn

Deputy Elections Director and Deputy General Counsel

Georgia Secretary of State

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

From: ElectionsWebMailAlerts@sos.ga.gov [mailto:ElectionsWebMailAlerts@sos.ga.gov]

Sent: Sunday, May 3, 2020 9:27 AM

To: ElectionsWebE-mails <ElectionsWebE-mails@sos.ga.gov>

Subject: Web E-Mail [Elections] From R Michael Pelot-Hobbs

Name: R Michael Pelot-Hobbs

Phone: [REDACTED]

Address: [REDACTED]

City: Johns Creek

State: Georgia

Zip Code: [REDACTED]

E-mail: [REDACTED]

Question / Comment: Checking on my absentee ballot status on your Web site for June 9 STATE primary election. It says you received my application on March 13, issued the ballot to me on March 13, and I returned it on March 13 - how is this possible? Neither my wife nor I have yet to receive our absentee ballot for June 9th primary.

Message

From: McCloud, Hayley [/O=SOS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7AB4BB4DE42C447EB56F4826CE12BDB4-MCCLLOUD, HAYLEY]
Sent: 7/27/2020 1:10:00 PM
To: Alexander Foti [REDACTED]
CC: Senator John Albers [john@senatorialbers.com]; Alex Foti [REDACTED]; Teasley, Sam [/o=SOS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4fb52ac357604035a010396ebcfff840-Teasley, Samuel]
Subject: RE: Mail In Ballots for November Election

Alex,

It is my pleasure! Please do not hesitate to reach out to me if you have any other questions.

Sincerely,

Hayley

Hayley McCloud, MPA

Legislative Director

Georgia Secretary of State

Cell: 404-710-2213

hmcloud@sos.ga.gov



From: Alexander Foti <[REDACTED]>
Sent: Monday, July 27, 2020 10:29 AM
To: McCloud, Hayley <hmcloud@sos.ga.gov>
Cc: Senator John Albers <john@senatorialbers.com>; Alex Foti <[REDACTED]>
Subject: Re: Mail In Ballots for November Election

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

Hi Hayley

Thank you so much for going above and beyond and listening to the call record.

Sincerely appreciate the extra time and effort to provide a thorough response on how to move forward to ensure we can vote.

Thank you again!

Alex

On Mon, Jul 27, 2020 at 9:59 AM McCloud, Hayley <hmcloud@sos.ga.gov> wrote:

Alex,

Congratulations to you and your wife, Lauren! I apologize for the delay as I was out of the office.

The great news is that anyone in Georgia can vote absentee by mail without an excuse, and this has been able to for over a decade. You can learn more and request an absentee ballot here:

https://sos.ga.gov/index.php/Elections/absentee_voting_in_georgia

I have talked with our call center and had them pull the recording of the call you were on. While you can request an absentee ballot for the November General election without an excuse, the agent you spoke with was mistaken about pregnancy being considered a disability, and that this is an option due to COVID. I have already talked with that agent's manager about making sure that does not happen again and appreciate your bringing this to my attention.

Here is an application that you can print and mail or email to your county elections office:

<https://sos.ga.gov/admin/files/Absentee%20Ballot%20Fillable%20form%20720.pdf>

I believe the question you have is regarding #10, and you can leave that option blank and still receive your ballot in November since Georgia does not require an excuse to vote by absentee. If you selected disabled, this means you are going to be mailed a ballot for the remainder of the 2020 election cycle without submitting a new request. For example, if that option was selected, you would be mailed ballots for any runoff elections resulting from the November election.

<p>If you meet one of the described conditions in this section and would like to receive a mail ballot for the rest of the elections cycle without another application, indicate by checking the applicable eligibility requirement.</p>	<p>10</p>	<p><input type="checkbox"/> E - Elderly - I am 65 years of age or older <input type="checkbox"/> D - Disabled - I have a physical disability</p> <p><input type="checkbox"/> U - UOCAVA Voter - I am a uniformed service member, spouse or dependent of a uniformed service member, or other US citizen residing overseas. My current status is (please mark one):</p> <p><input type="checkbox"/> MOS - Military Overseas <input type="checkbox"/> OST - Overseas Temporary Resident</p> <p><input type="checkbox"/> MST - Military Stateside <input type="checkbox"/> OSP - Overseas Permanent Resident (federal offices only)</p> <p>Email: (required for UOCAVA voters requesting electronic transmission)</p>
---	------------------	--

If you have already submitted your application with disability selected, you may want to contact Fulton county about your options to make that change if you do not want to receive automatically mailed ballots in December and January for any runoffs.

Please feel free to contact me directly if you have any questions.

Again, congratulations!

Sincerely,

Hayley

Hayley McCloud, MPA

Legislative Director

Georgia Secretary of State

Cell: 404-710-2213

hmcloud@sos.ga.gov



From: Alexander Foti <[REDACTED]>
Sent: Thursday, July 23, 2020 1:04 PM
To: Senator John Albers <john@senatorialbers.com>
Cc: Alex Foti <[REDACTED]>; McCloud, Hayley <hmcloud@sos.ga.gov>
Subject: Re: Mail In Ballots for November Election

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

Thanks for the help John!

Hi Hayley

I just called the Sec of State office and they shared to fill out the application for absentee ballot.

Select disabled for both of us in the selection box and then email to Elections.voterregistration@fultoncountyga.gov;

Is this correct?

Thanks so much and have a great day

Alex

6785750432

On Thu, Jul 23, 2020 at 12:56 PM Senator John Albers <john@senatorialbers.com> wrote:

Congratulations! I am copying Halyley with the Secretary of State's office to help.

Sincerely,

John

On Thu, Jul 23, 2020 at 12:53 PM Alex Foti <[REDACTED]> wrote:

Hi John

Thanks for the quick reply. We are having our first little girl so very excited!

In reviewing the absentee ballot it looks like we have to have one of the selected conditions...none of those are specific to general health etc. around Lauren being pregnant and us requesting a mail in ballot to avoid exposure around Covid 19.

Is there something that I am missing on the application? Can you pls advise how to proceed?

Thank you!

Alex

On Jul 22, 2020, at 8:19 AM, Senator John Albers <john@senatorialbers.com> wrote:

Good morning Alex,

Congratulations! Do you know if you are having a girl or boy?

Georgia allows absentee (mail in ballot) voting for every election! You can go to this website: <https://www.mvp.sos.ga.gov/> and enter some basic information to get started.

If you have any questions, please let me know.

Most sincerely,

John

Senator John Albers

State Capitol, Suite 421

Atlanta, GA 30334

[\(404\)463-8055](tel:(404)463-8055) office

john@senatorialbers.com

www.senatorialbers.com

<senate seal.png>

On Tue, Jul 21, 2020 at 6:42 PM Albers, John <John.Albers@senate.ga.gov> wrote:

From: Alex Foti
Sent: Tuesday, July 21, 2020 6:42:41 PM (UTC-05:00) Eastern Time (US & Canada)
To: Albers, John; Lauren Foti
Subject: Mail In Ballots for November Election

Hi John

Hope all is well.

I am a neighbor here in Roswell Station. [REDACTED]

My wife Lauren is pregnant and with the current covid situation I was looking into the options for mail in ballots for general election in November and couldn't find too much information.

Is Georgia allowing mail in ballots based on health risk and if not can you please share what steps you and other local representatives are taking to make this a possibility?

Thanks in advance for your help!

All the Best

Alex Foti
[REDACTED]

Message

From: Harris, Jesse [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0D2CDEB104BE49A192C7A3C448555B2F-HARRIS, JES]
Sent: 10/8/2021 9:31:44 AM
To: Evans, Blake [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a09e743410f9426790ae196aa7f44db8-Evans, Blak]; Northen, Nicolas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5863de41a9034e969b898626765e3fb1-Northen, Ni]
Subject: Re: Absentee ballot request online portal

Thanks Blake!

Nick: Can you request this removal/disable link from the vendor?

Ryan: Can you highlight the EBD issue? I do not see a reference to this through the link or in the communication and may be missing it.

Thanks!

Jesse A. Harris
Deputy Director of Operations
Georgia Secretary of State | Elections Division
Office: 404.312.2742
Mobile: 470.388.9620
Email: Jharris@sos.ga.gov

Sent from my iPhone, please excuse any typos or brevity. Get [Outlook for iOS](#)

From: Evans, Blake <bevans@sos.ga.gov>
Sent: Friday, October 8, 2021 3:50:47 AM
To: Harris, Jesse <jharris@sos.ga.gov>; Northen, Nicolas <nnorthen@sos.ga.gov>
Subject: Fwd: Absentee ballot request online portal

Civix will need to update this language. We can make the request of them today

Get [Outlook for iOS](#)

From: Germany, Ryan <rgermany@sos.ga.gov>
Sent: Thursday, October 7, 2021 12:22:56 PM
To: Harris, Jesse <jharris@sos.ga.gov>; Northen, Nicolas <nnorthen@sos.ga.gov>
Cc: Evans, Blake <bevans@sos.ga.gov>; Beck, Sarah <sbeck@sos.ga.gov>
Subject: FW: Absentee ballot request online portal

Can we update the below language? Let's get to the bottom of the EBD issue first.

--

C. Ryan Germany
Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

From: Sean Young <SYoung@acluga.org>
Sent: Thursday, October 7, 2021 11:27 AM
To: Germany, Ryan <rgermany@sos.ga.gov>
Cc: Rahul Garabadu <RGarabadu@acluga.org>
Subject: Absentee ballot request online portal

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

Hey Ryan – I understand that the online absentee ballot request form won't be available for this year's municipal elections. Right now, the online text (<https://ballotrequest.sos.ga.gov/>) however is kind of outdated (see below). I'd try to update this as soon as possible if you can because we are getting inquiries – if it won't be available for municipal I'd say that specifically.

Thank you for your interest in Georgia elections. Our online absentee ballot request portal is closed for the January 5, 2021 Federal Runoff Election. If you would like to vote in the Federal Runoff Election, please visit the [My Voter Page](#) to find your Election Day polling location. After the election, please visit this page to request an absentee ballot for a future election.

Sean J. Young
Legal Director
American Civil Liberties Union of Georgia
PO Box 77208, Atlanta, GA 30357
SYoung@acluga.org | Phone 678-981-5295 | Fax 770-303-0060
WE THE PEOPLE | acluga.org   
Pronouns: he/him/his



"What makes an American is not the name or the blood or even the place of birth, but the belief in the principles of freedom and equality that this country stands for." - Antonin Scalia

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.

EXHIBIT 19

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 22, 2021

Georgia Senate Bill 202, In Re

Page 15

1 you can't hide it in the corner who it's from.

2 REP. RHONDA BURNOUGH: Okay, thank you.

3 REP. BARRY FLEMING: Any other
4 questions from representatives about those issues
5 that I brought up? Rep. Smyre, did you have a
6 question, sir?

7 REP. CALVIN SMYRE: Yeah. I wanted to
8 follow up the Rep. Burnough's question.

9 REP. BARRY FLEMING: Yes, sir.

10 REP. CALVIN SMYRE: On the absentee
11 ballot, that application that making sure that
12 they're clearly certified, is that in here? Or
13 this is just something new that's gonna be
14 brought to the bill, in other words.

15 REP. BARRY FLEMING: It's been in there
16 since it started.

17 REP. CALVIN SMYRE: Yes, that's what I
18 thought.

19 REP. BARRY FLEMING: It's nothing new.
20 Only new part is, once again, the language has to
21 be open, obvious, and large where you can tell
22 where it came from and that, in fact, that it's
23 not sent to you by a local government.

24 REP. CALVIN SMYRE: And this would be
25 applicable to all those --

Georgia Senate Bill 202, In Re

Page 16

1 REP. BARRY FLEMING: Anybody.

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

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

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

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

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

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

14 REP. CALVIN SMYRE: Okay, thank you.

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

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

1 what I will refer to as underperforming boards of
2 elections. It seems that in Georgia that we have
3 -- Unfortunately, the same counties tend to have
4 problems year in and year out. All counties have
5 some problems. No day goes perfect. But there
6 are certain counties that seem to be before the
7 state board of elections over and over again with
8 consistent problems.

9 Chairman Shaw has a subcommittee
10 meeting that a notice is already going out on
11 that will meet tomorrow morning at 8:00 in 132
12 Capitol. That's the House judiciary committee
13 room. There's a subcommittee tomorrow morning at
14 8:00 in 132 chaired by Chairman Blackmon, a
15 member of this committee. Basically, if you are
16 not on Chairwoman Rich's subcommittee, you are on
17 this subcommittee. Like I said, you should have
18 already gotten notice of it.

19 One of the bills that he will be
20 discussing is a bill that begins to attempt to
21 think of a way to address this problem of
22 reoccurring difficulties by some of our boards of
23 elections and what, if anything, could or should
24 be done about that.

25 And so, I would ask you to pay

EXHIBIT 20

M E M O

TO: Tom Lopach
FROM: Mission Control, Inc.
RE: Complying with new GA requirements for VBM mailings
DATE April 6, 2021

Hey Tom –

Emma and I hopped on the phone with our printer, to talk through the logistics of complying with Georgia's new prohibition on mailing a VBM application to a voter who has already requested one.

As you know, we save money by printing VBM applications for multiple states at the same time. The cost per piece of a run of 100,000 is about **three times** as much as the cost per piece of a run of 10,000,000. Therefore, we print up to 25 states at a time, and in quantities up to 20,000,000. The print run is organized by considerations like ink color and design, so mailings to the state of Georgia could occur in up to 15 different tape codes. Georgia voters would be distributed throughout that mailing.

However, in an effort to comply with the law, we could print Georgia in its own tape code or codes, and we could choose to print Georgia first. (Each tape code adds approximately \$1,000 to your cost. Eliminating tape codes would reduce our ability to send unique messages to pools of voters.)

For purposes of this memo, let's assume we are doing a 20,000,000 piece total mailing, with 2,000,000 pieces going to Georgia voters, with a drop date of October 5.

The timeline would require:

September 1 – data due to the printer. VPC would need 24 hours to format a list from the Secretary of State of voters who had requested a ballot, match that list to our data files, and remove all requestors. We should assume we have a list of requestors that is current as of August 31

September 18 – printing starts (we'd begin with Georgia)

September 21 – Georgia printing finishes

September 31 – printing finishes

In-home target date 9/23-10/1

After the Georgia printing finished on 9/21 VPC would require a list of all voters who requested a ballot between 8/31 and 9/21 In 2020 during that 22 day time period, x Georgians requested ballots. For this exercise, let's assume that half of the people who requested ballots were on the VPC list. Therefore we would need to find and pull those specific letters.

As pieces are printed they are placed in trays, which then go on pallets. There are up to 250 pieces of mail in a tray, and approximately 200 trays on a pallet, meaning each pallet holds up to 50,000 pieces of mail. The pallets are 4 feet wide by 4 feet deep by 4 feet high. The trays are stacked 5 high in each pallet. In our hypothetical Georgia mailing there are approximately 40 pallets of mail. The pallets, stacked side by side stretch out 160 feet. (Imagine the 8 x 10 rug in your living room. Now put 16 of them in a row.)

To find and remove the envelopes, the printer could generate a list of names by pallet, by tray, and by sequence. (So Tom Lopach would be identified as being on pallet 1, tray 14, in spot 133 in that tray). A forklift would move a pallet to space on the printing floor. (For this calculation we are assuming each tray has at least one envelope that needs to be removed.). Workers would remove the 200 trays from that pallet, and using the list, find and pull each identified envelope from the trays. Assuming it takes 1 minute to remove each tray from the pallet and place it on a table; 5 minutes to rifle through each tray to pull envelopes (1.2 seconds to flip past each envelope) and 1 minute per tray to re-load them into the pallet, it would take 1400 minutes to remove the identified envelopes from one pallet of mail. That's 23.3 hours. And there are 40 pallets total. It's approximately 932 hours to complete the task, or 38.8 days.

Theoretically we could hire 40 people, each working 8 hours a day for three days to go through the mail to remove the identified requestors. (One person working on each pallet for 3 days.). However, there is not enough floor space at the printer to work on 40 pallets at a time. A more feasible scenario would be hiring 10 people, working 2 to a pallet, and working on 5 pallets at a time. Even assuming that 2 people per pallet are twice as fast as one, the process of removing the envelopes would take 12 days -- well outside the 5 day window the law allows (and that doesn't include delivery time)

There is one further wrinkle: The pieces are printed in postal carrier route order. The USPS discounts postage based on how dense the mailing is. It costs significantly less to send 100 pieces to one letter carrier's route, than it costs to send 100 pieces around the state. The trays divide the mailing by carrier route; zip+4; zip code; or region. The postage for each tray will depend on how great the density is. The postage is calculated based on the initial data. As we remove envelopes from trays, we will likely be changing the postage rates. (For example we qualify for a specific rate with 50 pieces going to a zip code. That rate increases if there are only 49 pieces going to that zip code.)

Our team has tried to figure out how we would address that issue, but it's complicated. Postage will certainly increase by 10% to 30%. Our best guess is that we would need to re-run postage calculations based on the data with the final VBM request suppression.

Our conclusion is that it would be physically impossible to comply with the Georgia law.

EXHIBIT 21

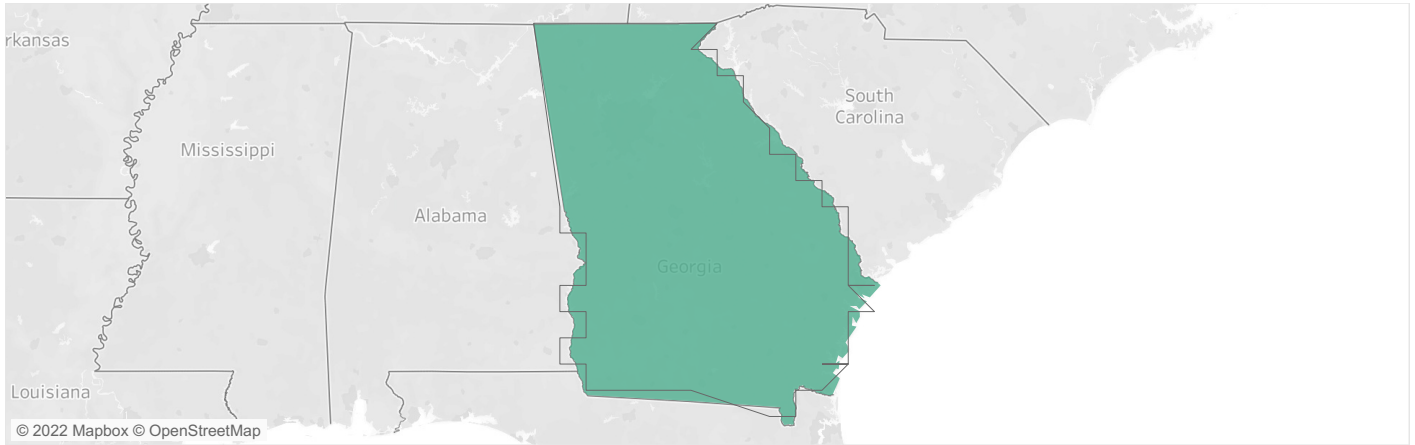


2022 Fall Wave 1 VBM Responses CVI

Mail State: GA
 Treatment Condition: Treatment
 Age: All
 Gender: All
 Race: All
 Day of Response: All
 Application Request/Res.: All
 Sweep Treatment: All

Most Recent Application: 10/11/2022
 Most Recent Response: 10/14/2022 12:34:20 AM

State Response Rates



Response Rate

Target Details

State	Total Mailed	Total Resp.	Response Rate
GA	198,364	9,563	4.82%
Grand Total	198,364	9,563	4.82%

Gender	Total Mailed	Total Resp.	Response Rate
Female	87,153	4,603	5.28%
Male	110,939	4,950	4.46%
Unknown	272	10	3.68%

Race	Total Mailed	Total Resp.	Response Rate
African-American	44,407	1,694	3.81%
Asian	27,027	1,514	5.60%
Caucasian	100,553	5,405	5.38%
Hispanic	18,513	638	3.45%
Native American	652	22	3.37%
Other	4,889	194	3.97%
Uncoded	2,323	96	4.13%

Age	Total Mailed	Total Resp.	Response Rate
18-19	1,498	15	1.00%
20-34	38,366	706	1.84%
35-49	75,967	2,064	2.72%
50-64	51,653	2,451	4.75%
65+	30,874	4,327	14.02%
Unknown	6	0	0.00%

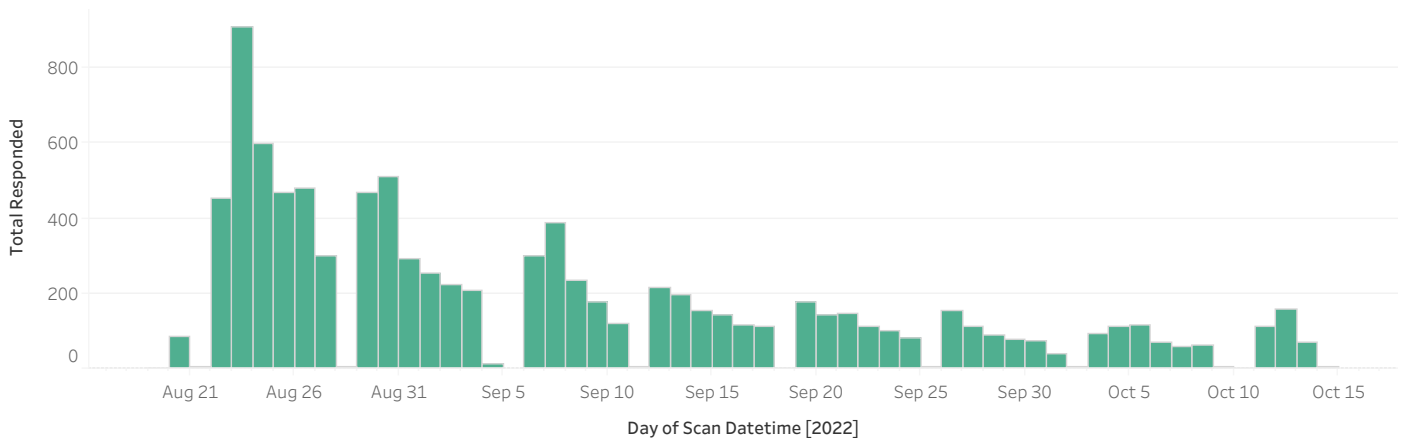
Turnout & Ideology

Turnout	Total Mailed	Total Resp.	Response Rate
0-9	6,835	34	0.50%
10-19	5,508	54	0.98%
20-29	3,472	56	1.61%
30-39	4,636	108	2.33%
40-49	8,476	202	2.38%
50-59	19,272	652	3.39%

Ideology	Total Mailed	Total Resp.	Response Rate
0-9	36	3	8.33%
10-19	502	13	2.59%
20-29	5,417	286	5.28%
30-39	29,653	1,290	4.35%
40-49	26,166	1,110	4.24%
50-59	6,279	250	3.98%

60-69	24,837	1,111	4.47%	60-69	12,158	577	4.75%
70-79	25,904	1,441	5.56%	70-79	51,375	2,250	4.38%
80-89	84,158	4,901	5.82%	80-89	40,877	2,355	5.76%
90-100	15,266	1,003	6.57%	90-100	24,979	1,392	5.57%
				Unknown	922	37	4.01%

Responses by Date



Program Details

Creative Breakdown

Creative Name	Total Mailed	Total Resp.	Response Rate
Flow Chart	8,934	486	5.44%
Report Card	171,578	8,127	4.74%
VBM Security	17,852	950	5.32%



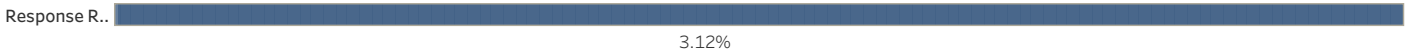
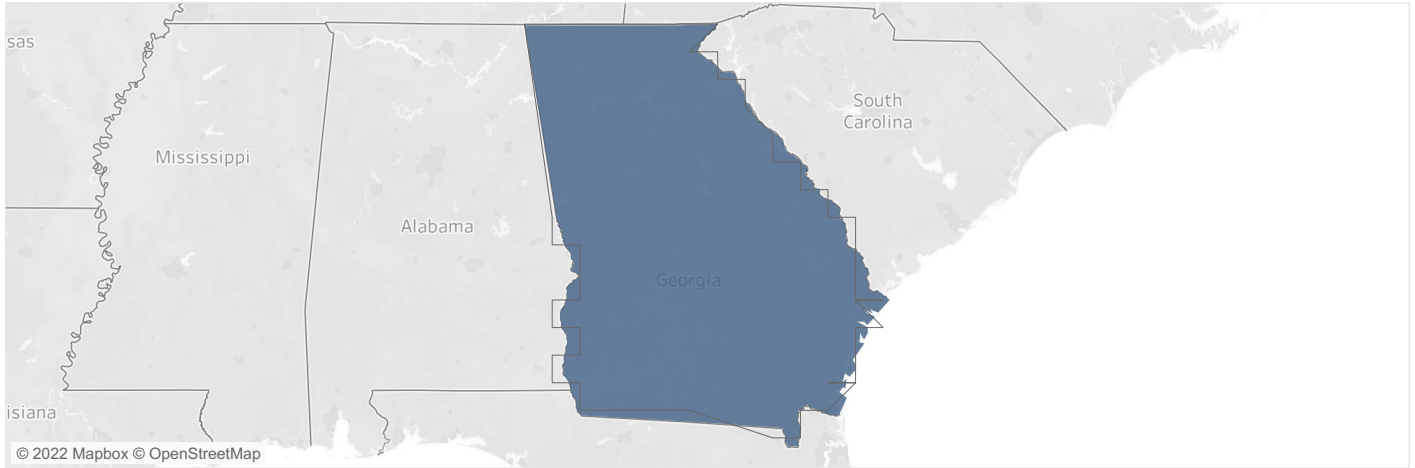
2022 Fall Wave 1 VBM Responses VPC

Mail State: GA
 Treatment Condition: Treatment
 Age: All
 Gender: All
 Race: All
 Day of Response: All
 Application Request/Res.: All

Most Recent Application: 10/11/2022
 Most Recent Response: 10/13/2022 11:57:59 PM

State Response Rates

Sweep Tre.. All



Target Details

State	Total Mailed	Total Resp.	Response Rate
GA	1,006,798	31,429	3.12%
Grand Total	1,006,798	31,429	3.12%

Gender	Total Mailed	Total Resp.	Response Rate
Female	636,808	20,317	3.19%
Male	368,971	11,086	3.00%
Unknown	1,019	26	2.55%

Race	Total Mailed	Total Resp.	Response Rate
African-American	689,520	22,052	3.20%
Asian	47,755	1,882	3.94%
Caucasian	164,622	5,308	3.22%
Hispanic	62,583	1,073	1.71%
Native American	5,153	145	2.81%
Other	29,904	786	2.63%
Uncoded	7,261	183	2.52%

Age	Total Mailed	Total Resp.	Response Rate
18-19	12,943	236	1.82%
20-34	407,441	5,982	1.47%
35-49	285,450	4,500	1.58%
50-64	190,065	7,601	4.00%
65+	110,850	13,110	11.83%
Unknown	49	0	0.00%

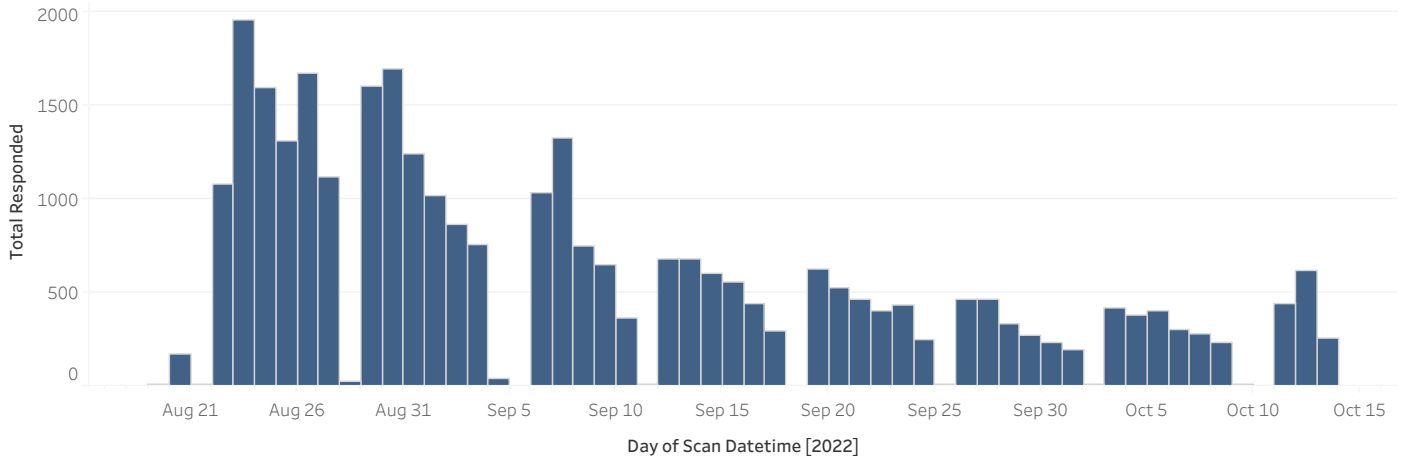
Turnout & Ideology

Turnout	Total Mailed	Total Resp.	Response Rate
10-19	28,835	278	0.96%
20-29	20,567	290	1.41%
30-39	78,091	748	0.96%
40-49	84,396	1,148	1.36%
50-59	151,536	3,628	2.39%

Ideology	Total Mailed	Total Resp.	Response Rate
0-9	65	3	4.62%
10-19	747	31	4.15%
20-29	2,011	81	4.03%
30-39	4,843	171	3.53%
40-49	10,931	430	3.93%

60-69	160,605	5,150	3.21%	50-59	102,295	2,613	2.55%
70-79	185,242	7,067	3.82%	60-69	55,367	2,167	3.91%
80-89	297,526	13,120	4.41%	70-79	394,409	12,035	3.05%
				80-89	249,773	7,010	2.81%
				90-100	186,357	6,888	3.70%

Responses by Date



Program Details

Creative Breakdown

Creative Name	Total Mailed	Total Resp.	Response Rate	Program	Mail State	Creative Name	Total Mailed	Total Resp.	Response Rate
Flow Chart	143,065	4,974	3.48%	VBM 1B	GA	Flow Chart	143,065	4,974	3.48%
QR code	142,772	4,106	2.88%			QR code	142,772	4,106	2.88%
Report Card	578,344	17,431	3.01%			Report Card	285,699	9,718	3.40%
VBM Security	142,617	4,918	3.45%			VBM Security	142,617	4,918	3.45%
				VBM 1Bp..	GA	Report Card	292,645	7,713	2.64%

EXHIBIT 22

Full document produced in native format:

VPCCVI Georgia Vote by Mail Application Mailing In Homes Soon

From: [Sarah Mitchell](#)
To: bevans@sos.ga.gov
Cc: [Carrier, Jennifer](#); [Eva Bonime](#)
Subject: VPC/CVI Georgia Vote by Mail Application Mailing ****In Homes Soon****
Date: Thursday, August 4, 2022 11:34:15 AM
Attachments: [VPC logo RGB_Hor_Email_Sig-01.png](#)
[SGA_jane.pdf](#)
[VFGA_jane.pdf](#)
[VOGA_jane.pdf](#)
[VRGA_jane.pdf](#)
[VSGA_jane.pdf](#)
[CCGA_jane.pdf](#)

Dear Mr. Evans –

I hope all is well. I am writing to provide additional information on the upcoming the **vote by mail application mailings** that the Voter Participation Center (VPC) and the Center for Voter Information (CVI) will be sending out to Georgia voters, landing in homes around August 22nd.

Mission: Expand Access to Democracy by Underrepresented Populations

The goal of VPC and CVI is to bring more people into our democracy. VPC and CVI successfully utilize direct mail and online formats to foster registration and voting by under-represented populations in the American electorate. A special focus is on the New American Majority (NAM), consisting of young people, communities of color, and unmarried women. For more information on the mission and the NAM, please see voterparticipation.org or centerforvoterinformation.org.

Changes from 2020 Vote by Mail Program

In 2020, as concerns developed about the safety of voting in person and as many states made voting by mail easier, VPC and CVI launched a massive program to help as many voters as possible to sign up to vote by mail through multiple waves of recruitment mail.

In 2022, with the pandemic receding, VPC and CVI are focusing on programs to reach people most likely to utilize vote by mail, and will be sending fewer mailers to smaller lists and sending fewer follow-up mailers.

If you hear from anyone who wants to be removed from the VPC or CVI mailing list, please note that their letter has a code near the bottom that they can email to VPC or CVI to be automatically removed (unsubscribe@voterparticipation.org or unsubscribe@centerforvoterinformation.org). You can also take down the codes or names/addresses and send them to me for removal. Additionally, you can direct anyone to VPC and CVI at **(877-203-6551) to unsubscribe**.

If you receive any media inquiries, please feel free to direct reporters to media@voterparticipation.org and our Communications Director, Alexa Shaffer will respond promptly.

We hope you can pass this information along to all of the counties. Please let me know if you have any questions or encounter any issues.

Thank you!

County	VPC	CVI
APPLING	757	99
ATKINSON	228	45
BACON	253	38
BAKER	326	38
BALDWIN	3,869	459
BANKS	130	72
BARROW	3,428	1,306
BARTOW	3,498	1,204
BEN HILL	1,231	144
BERRIEN	307	73
BIBB	20,336	2,175
BLECKLEY	436	71
BRANTLEY	83	50
BROOKS	1,450	137
BRYAN	2,174	609
BULLOCH	4,260	742
BURKE	2,654	282
BUTTS	1,378	216
CALHOUN	334	28
CAMDEN	2,134	602
CANDLER	499	92
CARROLL	5,914	1,396
CATOOSA	979	524
CHARLTON	520	38
CHATHAM	33,117	5,776
CHATTAHOOCHEE	157	20
CHATTOOGA	569	154
CHEROKEE	9,669	4,119
CLARKE	14,368	3,168
CLAY	313	28
CLAYTON	54,287	4,391
CLINCH	324	45
COBB	82,165	20,983
COFFEE	2,051	332
COLQUITT	1,885	247
COLUMBIA	9,171	2,787
COOK	850	119
COWETA	7,859	1,951
CRAWFORD	526	70

CRISP	1,657	142
DADE	83	97
DAWSON	295	174
DECATUR	2,322	269
DEKALB	128,663	24,179
DODGE	902	101
DOOLY	690	61
DOUGHERTY	13,141	1,261
DOUGLAS	20,312	2,873
EARLY	1,293	96
ECHOLS	39	24
EFFINGHAM	2,065	723
ELBERT	1,232	196
EMANUEL	1,197	157
EVANS	463	83
FANNIN	230	177
FAYETTE	10,243	2,867
FLOYD	4,060	940
FORSYTH	12,093	5,667
FRANKLIN	381	117
FULTON	150,638	33,474
GILMER	195	243
GLASCOCK	50	3
GLYNN	5,111	1,099
GORDON	944	489
GRADY	1,530	235
GREENE	1,555	218
GWINNETT	110,241	25,597
HABERSHAM	405	326
HALL	7,048	2,757
HANCOCK	1,331	114
HARALSON	309	129
HARRIS	1,434	417
HART	1,186	232
HEARD	240	56
HENRY	37,199	4,741
HOUSTON	13,211	1,931
IRWIN	457	31
JACKSON	1,846	837
JASPER	687	92
JEFF DAVIS	409	86
JEFFERSON	1,643	135
JENKINS	576	73

JOHNSON	595	47
JONES	1,647	255
LAMAR	1,115	190
LANIER	418	57
LAURENS	3,921	430
LEE	1,655	359
LIBERTY	6,118	927
LINCOLN	550	60
LONG	921	186
LOWNDES	9,022	1,274
LUMPKIN	449	225
MACON	1,031	94
MADISON	828	278
MARION	507	61
MCDUFFIE	2,084	211
MCINTOSH	745	111
MERIWETHER	2,038	247
MILLER	375	41
MITCHELL	1,895	182
MONROE	1,517	259
MONTGOMERY	290	55
MORGAN	1,029	184
MURRAY	409	291
MUSCOGEE	22,750	3,297
NEWTON	15,768	1,758
OCONEE	1,479	752
OGLETHORPE	620	206
PAULDING	11,050	2,943
PEACH	2,542	338
PICKENS	323	165
PIERCE	309	83
PIKE	387	93
POLK	1,135	341
PULASKI	494	65
PUTNAM	1,417	188
QUITMAN	227	23
RABUN	137	145
RANDOLPH	771	67
RICHMOND	28,509	3,298
ROCKDALE	14,934	1,823
SCHLEY	125	29
SCREVEN	1,261	153
SEMINOLE	682	49

SPALDING	5,723	760
STEPHENS	642	152
STEWART	385	40
SUMTER	2,991	322
TALBOT	732	82
TALIAFERRO	258	23
TATTNALL	689	146
TAYLOR	454	49
TELFAIR	552	63
TERRELL	1,173	76
THOMAS	3,477	402
TIFT	2,351	259
TOOMBS	1,229	222
TOWNS	86	91
TREUTLEN	481	43
TROUP	5,499	700
TURNER	669	66
TWIGGS	828	93
UNION	196	218
UPSON	1,910	243
WALKER	806	490
WALTON	4,761	1,175
WARE	1,798	305
WARREN	788	52
WASHINGTON	2,276	174
WAYNE	924	205
WEBSTER	241	28
WHEELER	205	20
WHITE	184	154
WHITFIELD	3,516	1,408
WILCOX	210	31
WILKES	864	104
WILKINSON	667	50
WORTH	1,059	129



Sarah Mitchell (she/her)
Senior Manager of Community Outreach
Voter Participation Center
518.810.1039
voterparticipation.org

Full document produced in native format:
RE 2022 VPCCVI Vote-by-Mail in Georgia

From: [Carrier, Jennifer](#)
To: bevans@sos.ga.gov
Cc: [Eva Bonime](#); [Sarah Mitchell](#); [Carrier, Jennifer](#)
Subject: RE: 2022 VPC/CVI Vote-by-Mail in Georgia
Date: Friday, June 10, 2022 11:39:11 AM
Attachments: [image001.png](#)
[GA VBM Form MC22.pdf](#)

Mr. Evans –

I wanted to touch base on this and a related absentee ballot application question.

1. As discussed below, we want to make sure that upcoming absentee ballot application mailings are only going to those that have not already requested an application. Although we see on your website the spreadsheets of absentee ballot requests for the upcoming primary election, I don't believe the website has a spreadsheet of those on the permanent list that we could utilize to ensure those on the permanent list are excluded from our absentee ballot application mailing for the general. **Is it possible to get an updated list of voters that permanently receive absentee ballots so we can ensure to exclude them from the upcoming mailing related to the general election?**
2. Since the absentee ballot application form has been updated to include two sides that must be filled out (and this may lead to confusion and/or an application not being filled out completely), can we add text to the application to try to alleviate that concern? Something to the effect of "Make sure to complete both sides of the application"? Please let us know if that would be okay to include.

Jen

Jennifer L. Carrier | BLANKROME

1825 Eye Street NW | Washington, DC 20006

Phone: 202.420.3034 | Fax: 202.420.2201 | Email: JCarrier@blankrome.com

From: Sarah Mitchell <smitchell@voterparticipation.org>
Sent: Tuesday, May 3, 2022 1:43 PM
To: bevans@sos.ga.gov
Cc: Carrier, Jennifer <jennifer.carrier@blankrome.com>; Eva Bonime <ebonime@voterparticipation.org>
Subject: Re: 2022 VPC/CVI Vote-by-Mail in Georgia

Dear Mr. Evans–

For our upcoming absentee ballot application mailings we would, of course, like to exclude those that are already on the state's list to receive an absentee ballot in the primary and/or general election.

We are working with our data vendors to make sure our mailing lists are as current as possible, and we additionally would like to remove people who are already signed up to receive an absentee ballot.

Is it possible to acquire from your office a list of those that have requested mail ballots for the primary election and those that have requested for the general election?



Sarah Mitchell (she/her)
Senior Manager of Community Outreach
Voter Participation Center
518.810.1039
voterparticipation.org

On Thu, Apr 21, 2022 at 5:32 PM Sarah Mitchell <smitchell@voterparticipation.org> wrote:

Dear Mr. Evans–

I hope all is well. In August, VPC and CVI will resume our vote-by-mail outreach efforts in Georgia. We're writing to share additional information on the mailing, and seeking feedback to make sure the forms and instructions we will be utilizing are accurate and up to date.

We will as usual reach back out to you a few weeks prior to the in-home date to provide you with the sample letters, estimated dates, and counts-by-county. VPC and CVI would be pleased to work with you to provide advance information to potential voters, as well as local elections officials and their staff.

Attached are the draft forms/instructions that will be incorporated by VPC/CVI. Can your office please review the forms/instructions for accuracy and also let me know if any updates to the forms are expected this year? We would appreciate feedback by Tuesday, April 26th.

Thank you so much.



Sarah Mitchell (she/her)
Senior Manager of Community Outreach
Voter Participation Center
518.810.1039
voterparticipation.org

EXHIBIT 23

VoteAmerica v. Raffensperger

No.1:21-cv-1390-JPB

State Defendants' Opposition to
Plaintiffs' Motion for Preliminary Injunction

Exhibit 1

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

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

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

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

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

DECLARATION OF C. RYAN GERMANY

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

Background

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

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

Absentee-ballot application process

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

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

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

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

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

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

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

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

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

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

Challenged Provisions

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

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

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

Pre-Filling Prohibition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Anti-Duplicate Provision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Disclaimer Provision

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Committee Hearings

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

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

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

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

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

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

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

5/20/2022
Date



C. Ryan Germany
Office of the Georgia Secretary of State

Declaration of Ryan Germany
Exhibit A

Watson, Frances

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

Name: Greg Ragsdale

Phone: [REDACTED]

Address: [REDACTED]

City: Suwanee

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

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

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

Watson, Frances

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

Name: Dustin Young

Phone: [REDACTED]

Address: [REDACTED]

City: Orange Park

State: FL

Zip Code: [REDACTED]

County: Forsyth

E-mail: [REDACTED]

Location of Violation: Forsyth County Georgia

Description of Violation: I have been getting absentee ballot applications from the Democratic Party of Georgia and your website shows that I'm an active registered voter in Georgia. I've lived in Florida since 2014 and when I did live in GA more than 6 years ago, I was a registered Republican. I suspect someone is voting for me in Georgia just like they are for many other people. Someone needs to contact me and let me know that they have made sure that I didn't vote in GA between 2014-present and that GA voter registration is deactivated immediately. Thank you.

Watson, Frances

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

Name: Ken Ennis

Phone: [REDACTED]

Address: [REDACTED]

City: Brooks

State: GA

Zip Code: [REDACTED]

County: Fayette

E-mail: [REDACTED]

Location of Violation: Fayetteville, GA [REDACTED]

Description of Violation: I received an actual ABSENTEE BALLOT in the mail a few days ago. It had someone else's name on it WITH MY ADDRESS. If someone had sent in an application it is doubtful they would have put the wrong address on it. It looks to me like the "FAYETTE COUNTY BOARD OF ELECTIONS

140 STONEWALL AVE WEST
SUITE 208

FAYETTEVILLE, GA 30214" Has committed a crime here. I've gotten applications addressed to this person before but have always destroyed them. I've given written notice to the FCBOE several times but have never heard back and the applications still keep coming! Now they have skipped the application and actually sent a ballot! This is a problem and is part of the reason why we don't trust our elected officials!

Watson, Frances

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

Name: Joyce Grant

Phone: [REDACTED]

Address: [REDACTED]

City: Lawrenceville

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: Greenville, South Carolina

Description of Violation: URGENT!

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

Watson, Frances

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

Name: ashley cline

Phone: [REDACTED]

Address: [REDACTED]

City: canton

State: ga

Zip Code: [REDACTED]

County: Cherokee

E-mail: [REDACTED]

Location of Violation: not entered

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

Watson, Frances

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

Name: Stefanie Franklin

Phone: [REDACTED]

Address: [REDACTED]

City: Midway

State: GA

Zip Code: [REDACTED]

County: Liberty

E-mail [REDACTED]

Location of Violation: N/A

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

My Husband passed on 08/2013.

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

The form could look somewhat legit to someone who wouldn't know the difference, but at closer look it's made to possibly be altered with any random information, since the Ballot application has wired name and address change options as well as "if no valid ID" or "no address available" options. My Husband was always a registered Republican, as am I, yet I keep getting tons of wired Ballot applications from Democrats that just don't seem. I assume my Husband's info was retrieved from prior years registration data? I will continue to monitor my husband's voter info to make sure he is not being activated prior to the GA runoff, since this application will obviously not be returned by him or anyone else.

Thank you very much for your time

Sincerely

S. Franklin

Watson, Frances

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

Name: Ryan Stern

Phone: [REDACTED]

Address: [REDACTED]

City: Kathleen

State: GA

Zip Code: [REDACTED]

County: Houston

E-mail: [REDACTED]

Location of Violation: Kathleen, GA

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

Watson, Frances

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

Name: Betty Jones Holt

Phone: [REDACTED]

Address: [REDACTED]

City: Tifton

State: GA

Zip Code: [REDACTED]

County: Tift

E-mail [REDACTED]

Location of Violation: Tifton

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

Watson, Frances

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

Name: Yvette Powell

Phone: [REDACTED]

Address: [REDACTED]

City: Bay St. Louis

State: MS

Zip Code: [REDACTED]

County: McIntosh

E-mail: [REDACTED]

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

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

Watson, Frances

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

Name: Justin Cavanaugh

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: Home residence mail box

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

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

Watson, Frances

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

Name: David P. Cooper

Phone: [REDACTED]

Address: [REDACTED]

City: Conyers

State: Georgia

Zip Code: [REDACTED]

County: Rockdale

E-mail [REDACTED]

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

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

Watson, Frances

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

Name: Deb Buckner
Phone: [REDACTED]
Address: [REDACTED]
City: Conyers
State: GA
Zip Code: [REDACTED]
County: Rockdale
E-mail [REDACTED]

Location of Violation: In the mail

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

Message

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

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

Hi Mr. Callaway.

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

Carol P. Heard

Chief Elections Official
Decatur County Board of Elections and Voter Registration
cheard@decaturcountyga.gov
(229) 243-2087 or (229) 400-8091 (cellphone)
122 W. Water St., Bainbridge, GA 39817
P.O. Box 7428, Bainbridge, GA 39818

From: Callaway, James <jcallaway@sos.ga.gov>
Sent: Tuesday, December 1, 2020 9:36 AM
To: CHEARD@DECATURCOUNTYGA.GOV
Subject: Voter Issue

Greetings,

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

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

Thank you,

James Callaway

Deputy Chief
Investigations Division
Georgia Secretary of State
Main: 470-312-2678
Mobile: 678-881-1508



Message

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

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



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

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

Good Morning,

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

Mr. Dustin Fort
[REDACTED]
Columbia County

Thank you,

Brittney M. Anderson
Customer Service Team Lead
Georgia Secretary of State
Main: 470.312.2684



Message

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

Name: Jeffry Miller

Phone: [REDACTED]

Address: [REDACTED]

City: Savannah

State: GA

Zip Code: [REDACTED]

County: chatham

E-mail: [REDACTED]

Location of Violation: [REDACTED]

Savannah, GA
[REDACTED]

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

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

Message

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

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

Name: Jill Smith

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: US Mail

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

Message

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

Name: Richard Braun
Phone: [REDACTED]
Address: [REDACTED]
City: Athens
State: GA
Zip Code: [REDACTED]
County: Clarke
E-mail: [REDACTED]

Location of Violation: Home address

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

Message

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

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

--
C. Ryan Germany
Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

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

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

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

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

Message

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

Add to file

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

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

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

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

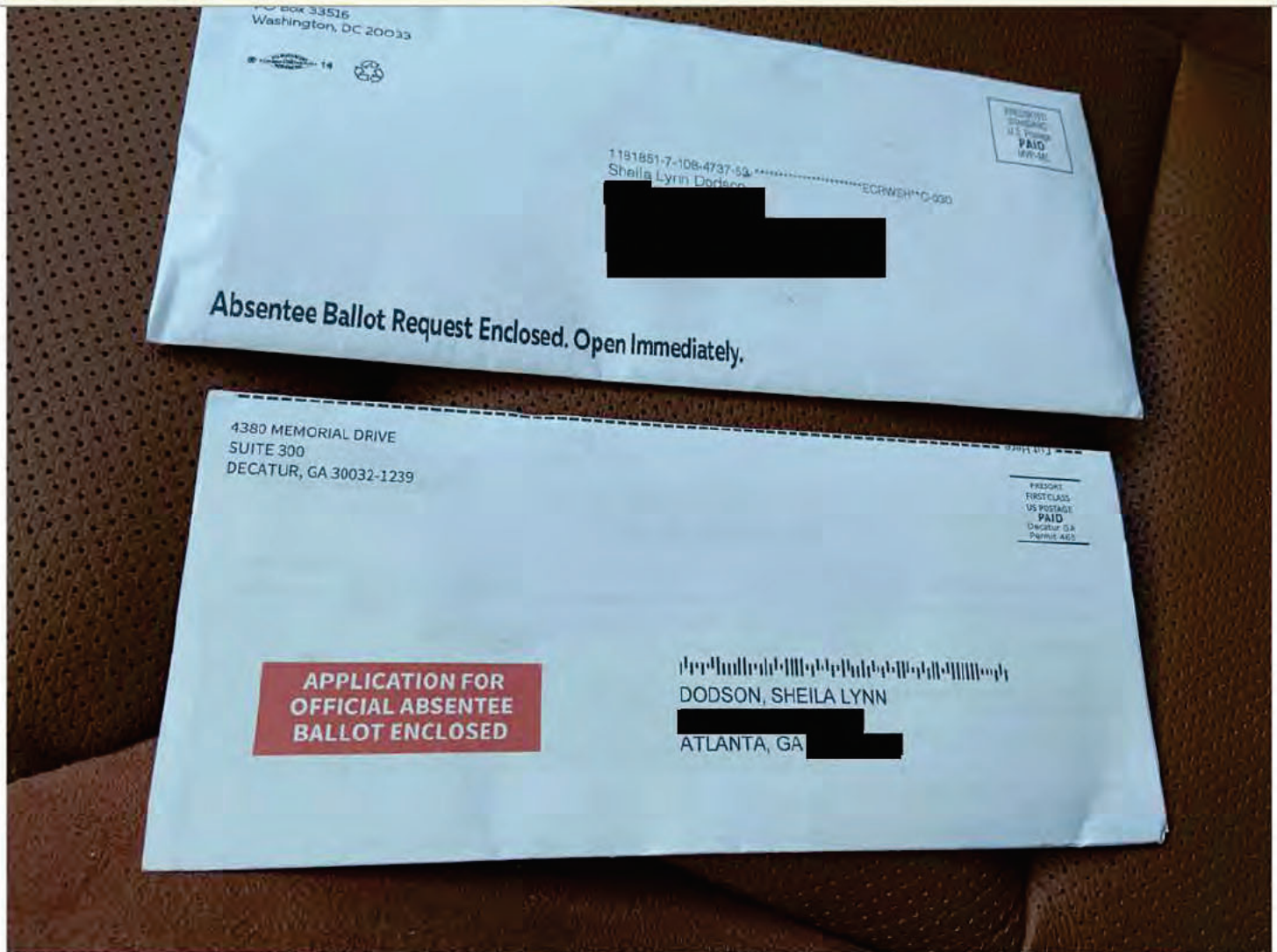
Location of violation: not entered

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

Message

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

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



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

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

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

The phone number is 404-298-4040

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

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

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

Name: Brent dodson

Phone: [REDACTED]

Address: [REDACTED]

City: Dunwoody

State: GA

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

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

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

To: Watson, Frances [watson@sos.ga.gov]
Cc: Fuchs, Jordan [jfuchs@sos.ga.gov]; Gabriel Sterling [sterlinginnovative@gmail.com]; Harvey, Chris (investigations) [wharvey@sos.ga.gov]; [wharvey@sos.ga.gov]
From: Germany, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F7ABF7A301D749CDBDAB6452D3E15711-GERMANY, RY]
Sent: Tue 12/1/2020 2:59:37 AM (UTC)
Subject: FW: voter fraud continues
[20201130_182523_resized.jpg](#)
[20201130_182452_resized.jpg](#)
[20201130_182235_resized.jpg](#)
[20201130_182203_resized.jpg](#)

Frances—please open an investigation.

--
C. Ryan Germany
Georgia Secretary of State
Direct: 470-312-2808
Cell: 678-672-9230
rgermany@sos.ga.gov



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

From: Raffensperger, Brad <brad@sos.ga.gov>
Sent: Monday, November 30, 2020 9:08 PM
To: Germany, Ryan <rgermany@sos.ga.gov>; Gabriel Sterling <sterlinginnovative@gmail.com>; Fuchs, Jordan <jfuchs@sos.ga.gov>
Subject: Fwd: voter fraud continues

Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Monday, November 30, 2020 7:30:47 PM
To: Raffensperger, Brad <brad@sos.ga.gov>
Subject: voter fraud continues

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

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

Sent from my Verizon, Samsung Galaxy smartphone

Sent from my Verizon, Samsung Galaxy smartphone

Brian Field

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

Hello-

From the SOS website.

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

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

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

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

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

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

Name: michelle smith

Phone: [REDACTED]

Address: [REDACTED]

City: alpharetta

State: ga

Zip Code: [REDACTED]

County: Fulton

E-mail [REDACTED]

Location of Violation: through the usps.

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


Declaration of Ryan Germany
Exhibit B

POLL WORKER MANUAL



Latest Update: May 2021

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

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

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

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

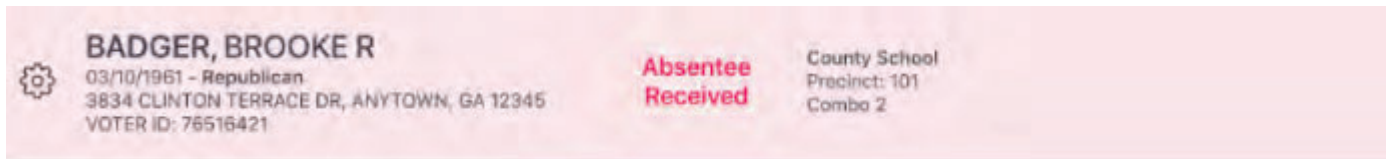
If a voter requested a ballot by mail and does not have the ballot with them at the polls:

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

POLL PAD – PROCESSING VOTERS

Absentee Ballot Received

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



Voters marked as Absentee Ballot Received:

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

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

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


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

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

POLL PAD – PROCESSING VOTERS

Advance in Person

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

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

Voters marked as Advance In-Person:

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

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

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

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

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

VOTING

Declaration of Ryan Germany
Exhibit C

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

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

Chris,

Please see the most recent election complaint we received:

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

DePriest provided the following information:

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

DePriest never said anything because he was the only white person in there. He called the GBI who told him to contact the FBI. He lives in a very heavy democrat area. He voted at the same location for the primary. When he went in the woman who was taking his ID didn't know what to do to get him a republican ballot because she had only had democrats come in. She yelled out "we have a republican here" and everyone turned around and looked at him, it made him very uncomfortable.

Let me know if you have any questions.

Respectfully,
Kim

Declaration of Ryan Germany
Exhibit D

Watson, Frances

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

Name: Brian Pollard

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: Cathedral of St Phipps

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

Watson, Frances

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

Name: Lorraine M. Holtsinger

Phone: [REDACTED]

Address: [REDACTED]

City: Dacula,

State: Georgia

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: Gwinnett

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

Voted early with no recognition of this on Ga voters page

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

Watson, Frances

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

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

Location of Violation: My home.

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

Watson, Frances

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

Name: Cathy Carter
Phone: [REDACTED]
Address: [REDACTED]
City: Box Springs
State: Ga
Zip Code: [REDACTED]
County: Talbot
E-mail: [REDACTED]

Location of Violation: [REDACTED]
Box Springs, GA [REDACTED]

Description of Violation: I moved here to Talbot County 8 years ago. I have neither registered or voted in that time. My husband has NEVER voted or even registered to vote. This year for the first time ever, we received over 15 absentee ballot applications for mail in voting. Many came addressed to "ocurrent resident" , just like bulk/junk mail. We also received ballot applications for my husband's dead Mother & Father along with one for his mentally handicapped Sister who can neither read or write. NONE of them have ever lived here. There was nothing remotely secure about these absentee ballots and I take issue with the fact that our supposedly secure and unbiased elections have been hijacked by corporate oligarchs with big money to buy our elections. I think the dead comedian George Carlin was sharing a sad fact when he told us: "o If voting really made any difference they wouldn't let us do it" .

Watson, Frances

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

Name: Leonard Celaya

Phone: [REDACTED]

Address: [REDACTED]

City: Blairsville

State: GA

Zip Code: [REDACTED]

County: Union

E-mail: [REDACTED]

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

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

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

Watson, Frances

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

Name: Robert Burke
Phone: [REDACTED]
Address: [REDACTED]
City: Tampa
State: FL
Zip Code: [REDACTED]
County: Chatham
E-mail [REDACTED]

Location of Violation: Chatham County

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

Watson, Frances

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

Name: Ivellies Wilson

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: Fulton

E-mail: [REDACTED]

Location of Violation: absentee ballot

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

Watson, Frances

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

Name: Laurice Herzog

Phone: [REDACTED]

Address: [REDACTED]

City: Loganville

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: My mailbox in Loganville GA

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

Watson, Frances

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

Name: Leanne Lewis

Phone: [REDACTED]

Address: [REDACTED]

City: Woodstock

State: GA

Zip Code: [REDACTED]

County: Cherokee

E-mail: [REDACTED]

Location of Violation: My home

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

Watson, Frances

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

Name: Ryan Stern

Phone: [REDACTED]

Address: [REDACTED]

City: Kathleen

State: GA

Zip Code: [REDACTED]

County: Houston

E-mail: [REDACTED]

Location of Violation: Kathleen, GA

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

Watson, Frances

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

Name: Patti Tennis

Phone: [REDACTED]

Address: [REDACTED]

City: Stone Mountain

State: 13

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: Dekalb and Walton County

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

Watson, Frances

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

Name: Elaine Barnes-Bailey

Phone: [REDACTED]

Address: [REDACTED]

City: Marietta

State: GA

Zip Code: [REDACTED]

County: Cobb

E-mail: [REDACTED]

Location of Violation: Marietta

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

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

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

Watson, Frances

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

Name: Jody Williams traylor

Phone: [REDACTED]

Address: [REDACTED]

City: Marietta

State: Ga

Zip Code: [REDACTED]

County: Cobb

E-mail [REDACTED]

Location of Violation: My home

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

Watson, Frances

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

Name: Peggy Johnson

Phone: [REDACTED]

Address: [REDACTED]

City: Duluth

State: GA

Zip Code: [REDACTED]

County: Gwinnett

E-mail: [REDACTED]

Location of Violation: My home address

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

Watson, Frances

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

Name: Matthew Kirby

Phone: [REDACTED]

Address: [REDACTED]

City: Tybee Island

State: GA

Zip Code: [REDACTED]

County: Chatham

E-mail: [REDACTED]

Location of Violation: Mailbox and text message

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

Watson, Frances

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

Name: Sheree Muniz

Phone: [REDACTED]

Address: [REDACTED]

City: Dahlonega

State: GA

Zip Code: [REDACTED]

County: Lumpkin

E-mail: [REDACTED]

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

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

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

Sheree Nicole Muniz

Message

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

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

Thank you

Frances

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



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

Hi Frances,

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

Bonnie Myers – Voter ID [REDACTED]
David Meyers - Voter ID [REDACTED]

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

Thanks!

Hayley

Hayley McCloud, MPA

Legislative Director

Georgia Secretary of State

Cell: 404-710-2213

hmcloud@sos.ga.gov



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

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

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

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

Subject: Re: Absenttee Ballot

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

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

Shaw

Get [Outlook for Android](#)

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

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

To: Blackmon, Shaw

Subject: Fwd: Absenttee Ballot

Shaw - do you know if this is normal?

Get [Outlook for iOS](#)

From: David Meyers [REDACTED]

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

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

Subject: Absenttee Ballot

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

David & Bonnie Meyers

[REDACTED]
Duluth, GA [REDACTED]

Message

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

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

Chris Harvey

Elections Director

Georgia Secretary of State

Main 470-312-2777

Cell 404-985-6351



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

Message

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

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

Thanks for checking

Frances

Frances Watson

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



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

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

Hello Investigator Watson,

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

Thanks,

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

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

Declaration of Ryan Germany
Exhibit E

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

Good morning Chris.

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

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

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

Respectfully,

Brenda Hodges

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

Watson, Frances

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

Name: Leonard Celaya

Phone: [REDACTED]

Address: [REDACTED]

City: Blairsville

State: GA

Zip Code: [REDACTED]

County: Union

E-mail: [REDACTED]

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

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

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

Watson, Frances

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

Name: Samantha Briner

Phone: [REDACTED]

Address: [REDACTED]

City: Atlanta

State: GA

Zip Code: [REDACTED]

County: DeKalb

E-mail: [REDACTED]

Location of Violation: Mail-in ballot applications

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

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

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

Declaration of Ryan Germany
Exhibit F

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202	Master Case No.
	1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 4, 2021

Georgia Senate Bill 202, In Re

Page 52

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

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

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

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

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

Georgia Senate Bill 202, In Re

Page 53

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

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

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

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

23 REP. CALVIN SMYRE: Yes, sir.

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 22, 2021

Georgia Senate Bill 202, In Re

Page 16

1 REP. BARRY FLEMING: Anybody.

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

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

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

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Subcommittee Videos
February 23, 2021

Georgia Senate Bill 202, In Re

Page 22

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

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

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

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

Georgia Senate Bill 202, In Re

Page 23

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

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

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

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
March 17, 2021

Georgia Senate Bill 202, In Re

Page 3

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

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

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

Georgia Senate Bill 202, In Re

Page 4

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

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

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

Georgia Senate Bill 202, In Re

Page 23

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

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

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

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202	Master Case No.
	1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
March 18, 2021

Georgia Senate Bill 202, In Re

Page 20

1 the end of what we were -- Just to make sure I'm
2 hearing you clearly. I haven't heard anyone that
3 got multiple ballots. I've heard a lot of people
4 that got multiple applications.

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

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

9 CAROLINE GARCIA: I will make that.

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

21 CAROLINE GARCIA: Yes, thank you.

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

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

Georgia Senate Bill 202, In Re

Page 21

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

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

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

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

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

Georgia Senate Bill 202, In Re

Page 22

1 that first ballot and sent her another one.

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

9 CAROLINE GARCIA: Thank you.

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

20 CAROLINE GARCIA: That's good.

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

Declaration of Ryan Germany
Exhibit G

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 22, 2021

Georgia Senate Bill 202, In Re

Page 12

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

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

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

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 23, 2021

Georgia Senate Bill 202, In Re

Page 45

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202	Master Case No.
	1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
March 17, 2021

Georgia Senate Bill 202, In Re

Page 4

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

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

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
March 18, 2021

Georgia Senate Bill 202, In Re

Page 22

1 that first ballot and sent her another one.

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

9 CAROLINE GARCIA: Thank you.

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

20 CAROLINE GARCIA: That's good.

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

Georgia Senate Bill 202, In Re

Page 23

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

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

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

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

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

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

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

Declaration of Ryan Germany
Exhibit H

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
February 22, 2021

Georgia Senate Bill 202, In Re

Page 17

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

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

14 REP. CALVIN SMYRE: Okay, thank you.

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

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

Georgia Senate Bill 202, In Re

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

IN RE GEORGIA SENATE BILL 202		Master Case No.
		1:21-MI-55555-JPB

SPECIAL COMMITTEE ON ELECTION INTEGRITY
2021 Full Committee Videos
March 18, 2021

Georgia Senate Bill 202, In Re

Page 22

1 that first ballot and sent her another one.

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

9 CAROLINE GARCIA: Thank you.

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

20 CAROLINE GARCIA: That's good.

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

Georgia Senate Bill 202, In Re

Page 23

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

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

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

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

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

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

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

EXHIBIT 24

EXPERT REPORT OF DONALD P. GREEN

I. Qualifications

My academic position is J.W. Burgess Professor of Political Science at Columbia University, where I have taught since 2011. I received my doctorate in political science from University of California, Berkeley in 1988. I taught political science at Yale University from 1989 to 2011, starting as an Assistant Professor and ending as A. Whitney Griswold Professor. In 1996, I was appointed Director of Yale's Institution for Social and Policy Studies, an interdisciplinary policy center, and served five three-year terms.

My expertise lies in the area of voting behavior, public opinion, elections, research design, and statistical analysis. I regularly teach courses to undergraduate and graduate students on those topics. I have published extensively on the topics of voting and elections in leading political science journals such as the *American Political Science Review*, *American Journal of Political Science*, and *Journal of Politics*. A complete list of my publications is included in my attached curriculum vitae. Many of my publications focus on the topic of voter turnout. I am the first author of the book *Get Out The Vote: How to Increase Voter Turnout* (Brookings Institution Press), which was first published in 2004; the fourth edition was published in 2019. The book reports the results of more than one hundred experimental studies of voter mobilization efforts. In the course of conducting studies of this kind, I have worked closely with a wide array of partisan and nonpartisan campaigns, evaluating their efforts statistically and observing first hand their day-to-day operations. I also have expertise in survey research and have served as a member of the Board of Overseers of the American National Election Survey. I have fielded many of my own surveys and have extensive experience developing both quantitative and qualitative measures. I have written extensively

on the design and analysis of surveys for journals such as *Public Opinion Quarterly*, *Journal of Survey Statistics and Methodology*, and *Journal of Personality and Social Psychology*.

During my professional career, I have participated actively in professional associations such as the American Political Science Association and Evidence in Governance and Politics, serving as an elected Council member in both groups. In 2003, I was elected Fellow of the American Academy of Arts and Sciences.

I am being paid \$150 per hour for my work on this case, plus expenses. In the past four years, I have served as an expert in one case: *EPCOR Water Arizona Inc. et al v. Brady et al*, No. 3:20-cv-08045 (D. Ariz.).

In preparation for this report, I read and considered the following, in addition to the relevant text of Senate Bill 202:

From the docket for this case, *VoteAmerica v. Raffensperger*, No. 1:21-cv-1390 (N.D. Ga.):

- Doc. 1, Complaint for Declaratory and Injunctive Relief
- Doc. 40-1, Brief in Support of Defendants' Motion to Dismiss
- Doc. 45, Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss
- Doc. 51, Reply Brief in Support of Defendants' Motion to Dismiss
- Doc. 57, Order on Motions to Dismiss

Other articles:

- Michael Barber & John B. Holbein, The participatory and partisan impacts of mandatory vote-by-mail, *Science Advances*, Vol. 7, Issue 35, Aug. 26, 2020.
- Hans J.G. Hassell, Teaching voters new tricks: The effect of partisan absentee vote-by-mail get-out-the-vote efforts, *Research and Politics*, Vol. 4, Issue 1, Jan. 1, 2017.

- Christopher B. Mann & Genevieve Mayhew, Voter Mobilization Meets eGovernment: Turnout and Voting by Mail from Online or Paper Ballot Request, 14 Journal of Political marketing 352 (2017).
- Sharif Amlani and Samuel Collitt, The Impact of Vote-By-Mail Policy on Turnout and Vote Share in the 2020 Election, Election Law Journal: Rules, Politics, and Policy, Feb. 16, 2022 (online ahead of print).

In addition, I reviewed five videos of interviews conducted by Alisa Hamilton of the research firm Harvest Insights, as described below. The videos and materials related to the interviews will be provided with this report.

Based on my extensive experience studying efforts to register and mobilize voters, I declare under penalty of perjury that the opinions in this document are true and correct.

II. Analysis of SB202’s Provisions on Absentee Ballot Application Distribution

I have been invited by attorneys at the Campaign Legal Center and at Smith Gambrell & Russell LLP to give my assessment of provisions of Georgia’s Senate Bill 202 (hereafter SB202). I shall comment on three of its provisions related to absentee ballot application distribution.

1. Why Organizations Distribute Absentee Ballot Applications

In order to increase voter turnout, many groups seek to reduce what economists call “transaction costs.” In this context, transaction costs refer to the time and effort required to cast a ballot. For example, for many people, filling out a mail-in ballot is less time-consuming than casting a ballot at a polling station, and the fact that mail-in ballots may be submitted outside working hours over an extended period of time adds another layer of convenience. This observation about transaction costs is borne out by an extensive research literature that shows

how turnout increases when transaction costs decline. For example, the phase-in of vote-by-mail balloting in Utah and Washington led to increased turnout (Barber and Holbein 2020), as did the change between 2016 and 2020 among counties that automatically sent voters vote-by-mail applications or vote-by-mail ballots (Amlani and Collitt 2022).¹ A similar point may be made about voter registration and turnout. Any law or administrative rule that has the effect of increasing the transaction cost of registering to vote has the concomitant effect of diminishing voter turnout. Political scientists disagree about the precise strength of this causal relationship, but there is no disagreement about the validity of this general principle.

The role of transaction costs looms large whenever voters are encouraged to take some new action, such as requesting an absentee ballot. By way of example, consider the transaction costs of two alternative encouragements. One is a mailing that distributes a printed application and an envelope addressed to the appropriate election official. The alternative is a mailing that directs people to the official government website, where they can download, print, and submit the form on their own or fill it out and submit it online. Intuition suggests that the latter involves greater transaction costs for most recipients because it requires them to launch a browser, visit the official website, navigate their way to the appropriate form, complete the form, and submit it.

This intuition is confirmed by rigorous scientific research. Experiments that test the relative effectiveness of sending a physical vote-by-mail application versus attempts to encourage voters to use online systems show the former to be clearly superior in terms of the actual number of completed applications. Consider the randomized trial reported by Mann and

¹ Barber, M., & Holbein, J. B. (2020). "The participatory and partisan impacts of mandatory vote-by-mail." *Science advances*, 6(35), 1-7. Amlani, Sharif, and Samuel Collitt. "The Impact of Vote-By-Mail Policy on Turnout and Vote Share in the 2020 Election." *Election Law Journal: Rules, Politics, and Policy* (2022), in press.

Mayhew (2015).² Their experiment “compares two treatments sent to voters via postal mail prior to the 2010 general election in Maine: (1) recruitment to request a mail ballot via Maine’s new online system and (2) recruitment to request a mail ballot using Maine’s traditional paper application.” (p.352) The authors find that recruitment to vote by mail using a traditional paper ballot application significantly increased the number of successful applications over and above the mailer that encouraged voters to use Maine’s online ballot request. As the authors explain on p.359,

To request a mail ballot, people in the traditional vote-by-mail recruitment condition had to complete the enclosed application and mail it to the town clerk using an envelope pre-addressed to the appropriate town clerk. People in the online recruitment condition had to follow the link to the secretary of state’s website, where they completed and submitted an online request form.

The absentee ballot request rate among the 25,369 people who received paper forms was 15.1%, as compared to 11.2% among the 25,587 people who were encouraged to use the online system (Table 2, p. 362).³ Although it is sometimes argued that encouraging the use of online forms results in fewer rejected requests, the authors show that in both cases the rate of rejection was

² Mann, Christopher B., and Genevieve Mayhew. "Voter mobilization meets e-government: Turnout and voting by mail from online or paper ballot request." *Journal of Political Marketing* 14, no. 4 (2015): 352-380.

³ On page 359, Mann and Mayhew explain that the subjects in their experiment met the following three criteria: “(1) the address was considered deliverable by the US Postal Service and no change of address had been filed with the US Postal Service to avoid wasting mailings; (2) younger than 30 years old, unmarried women, non-white, or members of the organization and its allies to achieve their mission of increasing participation by groups under-represented in the electorate; and (3) had a predicted turnout probability between 30% and 70%, based on a predictive voter turnout model provided by Catalist, LLC, a firm specializing in providing voter data to civic and political organizations.”

less than one-tenth of one percent. Groups that encourage voting by mail, such as Voter Participation Center and Center for Voter Information, are justified in mailing application forms and pre-addressed envelopes; the tactic is demonstrably more effective than encouraging the use of government websites.

2. SB202's Disclaimer Requirement for the Distribution of Absentee Ballot Applications

Lines 981-994 of SB202 lay out the following disclaimer requirements for anyone distributing absentee ballot applications:

Any application for an absentee ballot sent to any elector by any person or entity shall utilize the form of the application made available by the Secretary of State and shall clearly and prominently disclose on the face of the form: 'This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material].

These provisions, in my professional opinion, are likely to create confusion among voters who receive applications from an individual or group seeking to assist them in voting by mail. Few voters are knowledgeable about election law, and even fewer are familiar with something as specific as the laws governing the distribution of absentee ballot forms. Given their limited familiarity with these specific provisions and apprehensiveness about filling out official forms in general, the wording of the disclaimer is likely to make them reluctant to fill out an otherwise

innocuous form. To see why, let's take a close look at the required wording. Although this law requires that "any person or entity shall utilize the form of the application made available by the Secretary of State," the disclaimer first and foremost warns recipients that the form is "NOT an official government publication." The phrase "NOT an official government publication" suggests that something about the official form has been altered, rendering it questionable or invalid. Few voters will be aware that the form, by law, is *required* to be identical to the Secretary of State's form available online, yet those distributing the form are prevented from making this clear. They are both (a) prevented from stating on the form itself that the form is required to be identical to the Secretary of State's form (because the form cannot be altered) and (b) required to include language suggesting the form is *not* identical to the official government form. This component of the disclaimer is misleading in a way that, in my professional opinion, is likely to discourage voters from filling out the application. This feature of the disclaimer needlessly hobbles efforts by individuals or entities to assist people in voting by mail.

In order to get a clearer sense of how voters may react to a form with the required disclaimer, I instructed Alisa Hamilton of the research firm Harvest Insights to conduct some semi-structured interviews with ordinary voters (as distinct from activists, journalists, academics, students, or attorneys) about the absentee ballot request form. Her charge was to find people in the Atlanta area who would be willing to take a few minutes out of their daily activities to give their first impressions of a government form, in this case, the mandated absentee ballot request form with the disclosure. Respondents, after signing a consent form that allows their interview to be video recorded and shared as an exhibit to this report, were asked to look over the new form and share their thoughts and reactions. This qualitative style of social inquiry is widely

used in fields such as communication studies or marketing when the aim is to understand what communications mean from the vantage point of the receiver.

When asked what they took the disclaimer to mean, some respondents grew suspicious. One gentleman, who indicated that he ordinarily votes in person, offered comments that are especially memorable: “When I see this [disclaimer], I would just throw it in the trash.” When the interviewer asked, “How come?” he replied, “Because it is not an official government publication.” A few moments later, the interviewer handed the respondent the government-supplied form, which is otherwise identical but without the disclaimer, and asked, “Now what if you got this one in the mail that doesn’t have that box? What do you think about that one?” He replies, “It looks the same, but I probably would fill it out, just because it doesn’t have any caption up there.” A qualitative study of this kind cannot tell us what proportion of mailings would end up in the trash on account of the disclaimer, but it clearly indicates that disclaimer can cause hesitancy to complete an otherwise acceptable form.

3. SB202’s Prohibitions on Pre-filled Forms

Lines 970-974 of SB202 state that “No person or entity other than a relative authorized to request an absentee ballot for such elector or a person signing as assisting an illiterate or physically disabled elector shall send any elector an absentee ballot application that is prefilled with the elector's required information set forth in this subparagraph.”

The prohibition against prefilled forms reduces the efficiency with which mailings generate requests to vote by mail. Voters are more likely to sign and send in request forms that are pre-filled, due to their convenience. Indeed, that is why organizations expend additional resources to pre-populate the forms that they send rather than sending generic forms; they know

that by reducing transaction costs for voters, such forms are more likely to be mailed in. A peer-reviewed study that tested the effects of pre-filled versus generic absentee ballot requests found, conducted in collaboration with a Republican state party, confirmed that pre-filled forms are more successful than generic forms in generating vote-by-mail ballot requests. See table 1 in Hassell, Hans J.G. "Teaching voters new tricks: The effect of partisan absentee vote-by-mail get-out-the-vote efforts." *Research & Politics* 4, no. 1 (2017):1-6.

There are other advantages to pre-filled forms. The information used to populate these forms comes from the public voter file, using information that voters supplied when they registered to vote. This information has already been approved by election officials. A law that prohibits pre-filled forms in effect prevents voters from receiving a form with the very information that they themselves provided to the registrar of voters. Not only is a pre-filled form more convenient for voters, it is also more convenient for election officials to process pre-filled forms than forms completed by hand. Election officials are spared the task of deciphering handwriting or adjudicating minor mismatches between handwritten information and information that the voter previously transmitted.

The net effect of this prohibition is that groups such as the Plaintiffs must waste money sending *more* unfilled forms in an attempt to generate the same number of vote-by-mail requests. In other words, prohibiting pre-filled forms might needlessly increase the volume of direct mail that is sent to voters. And if Plaintiffs do not send more forms, they will engage fewer voters to vote by mail.

4. SB202's Prohibition on Sending Forms to Certain Recipients

SB202 punishes those who send vote-by-mail forms to certain recipients. Specifically, senders are warned that they are permitted to "mail such applications only to individuals who

have not already requested, received, or voted an absentee ballot” (lines 1027-1029). Liability is excused “if such person or entity relied upon information made available by the Secretary of State within five business days prior to the date such applications are mailed.” (lines 1035-1036) However, the punishment per infraction is potentially catastrophic for any person or entity sending large volumes of mail, as lines 1039-1041 require a “person or entity to pay restitution to each affected county or municipality in an amount up to \$100.00 per duplicate absentee ballot application that is processed by the county or municipality due to such violation.” The risk of a punishment this large is sufficient to deter groups, such as the Plaintiffs in this lawsuit, from engaging in these mail campaigns. Even a research-inspired campaign on the scale of the Mann and Mayhew (2015) experiment could incur catastrophic fines if just a fraction of its mailings violated the five-day restriction.

Even more ominous are the prospects of criminal penalties (which would apply to all three provisions I have discussed here). The law states that “Except as otherwise provided by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.” O.C.G.A. § 21-2-598. Under Georgia law, a person convicted of a misdemeanor is subject to “one or more of the following, in the discretion of the trial judge: (1) A fine of not less than \$100.00 nor more than \$1,000.00; (2) A sentence of confinement in the county jail or other place of imprisonment for a period not to exceed six months; or (3) A sentence of confinement in a county correctional institution or other appropriate institution under the jurisdiction of the Department of Corrections not to exceed 12 months.” O.C.G.A. § 21-2-599. The law’s draconian penalties seem to be designed to deter individuals and groups from sending any such mailings. These chilling effects are likely to be especially severe for small organizations, such as church groups, that lack the staffing or technical capacity to regularly download and inspect the

official database to ensure that those who “already requested, received, or voted an absentee ballot” do not inadvertently receive an outgoing mailing.

It should be stressed that groups that distribute absentee ballot forms already have strong incentives not to send mail to people who have “already requested, received, or voted an absentee ballot”; to do so is complete a waste of money. The senders of such mailings, in other words, already have their incentives aligned with the law’s stated aim of preventing duplication of effort and voter confusion. The punishments that could be meted out on those who inadvertently run afoul of the 5-day grace period go well beyond these financial disincentives and in my opinion are likely to severely attenuate or altogether eliminate this form of communication with voters.

March 21, 2022

By: Donald P. Green

Donald P. Green

EXHIBIT 25

VPC - VBM Voter Report Cared WI MC20.indd



Georgia
NAACP

If you've already submitted a request for an absentee ballot for the 2021 Runoff Election, there is no need to submit another request.

Dear <first name>,

Thank you for doing your part and voting in the 2020 Presidential election.

There is an important runoff election for the U.S. Senate on January 5. If you want to vote by mail, you need to request a ballot. I have sent you the enclosed absentee ballot application to make requesting a ballot easy.

Voting by mail is EASY. Just sign, date, and complete the application. Drop it in the mail and you will receive a ballot from your County Board of Registrar's Office which you can complete and return without ever leaving your home. No waiting in line.

Voting by mail keeps you healthy and safe. The best way to protect yourself, your family, and your whole community during this time is to vote by mail.

Your privacy is protected. If you use the enclosed envelope with pre-paid postage, your application will be delivered directly to your County Board of Registrar's Office.

More than 80% of Georgians voted before Election Day in the 2020 General Election.

Remind your family and friends to vote. No matter who you are planning to support, our democracy works best when everyone votes — including you.

By voting by mail from your home, and not waiting until the January 5 runoff election, you've already done your part. You simply get to look forward to January 5 and hearing about the results.

You can check your ballot status at: <https://georgia.ballottrax.net/>

Sincerely,

Lionel Dripps
The Voter Participation Center

Sincerely,

Rev. James "Major" Woodall
State President, Georgia NAACP

YOU HAVE THE CHOICE TO PROTECT YOUR COMMUNITY.

- Wash your hands.**
- Wear a mask in public.**
- Vote safely at home.**

P.S. We have already filled in your name and address on the enclosed form. **Please take a minute to complete the form, sign and date it, and place the form in the pre-addressed, postage-paid envelope.** Thank you.

If you wish to be removed from our mailing list, email this code: <unsubID> to unsubscribe@voterparticipation.org

This mailing has been paid for by the Voter Participation Center (VPC).
VPC is non-government, nonprofit, and nonpartisan 501(c)(3) organization.
(877)-203-6551 www.voterparticipation.org
VPC is not affiliated with state or local election officials.
© 2016-2020 The Voter Participation Center. All Rights Reserved.

XXXXXXXXXXXX

EXHIBIT 26

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

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

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

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE,
et al.,

Intervenor-Defendants.

Case No. 1:21-cv-01390-JPB

Judge J.P. Boulee

AMENDED EXPERT REBUTTAL REPORT OF DR. DONALD P. GREEN

This report replies to Dr. Justin Grimmer's Expert Report of April 29, 2022.

My initial report of March 21, 2022 offered my expert opinion that the provisions of SB202 impair the ability of nongovernmental entities to encourage absentee voting. Groups that promote absentee voting try to make the process of requesting an absentee ballot and casting an absentee vote as convenient as possible so that voters will be persuaded to vote absentee. Sending voters paper absentee ballot applications is one way to make absentee voting more convenient; even more convenient are paper applications that have the voter's information pre-filled. These methods are widely used because they are effective, i.e., they increase the number of people who cast absentee ballots. The statute's prohibitions against providing pre-filled application forms needlessly

undermines these efforts. The prohibition in my opinion lacks a legitimate justification or purpose, as the information that nongovernmental organizations such as Plaintiffs use to populate the forms comes from the public voter file itself and has already been vetted by election officials.

Another needless encumbrance is the disclaimer that SB202 requires nongovernmental entities to include on any application for an absentee ballot they send. The wording of the required disclaimer is likely to generate suspicion and reluctance to complete the application.

A final serious encumbrance on nongovernmental organizations stems from the fact that SB202 imposes penalties for each individual application sent to those who have already “requested, received, or voted an absentee ballot,” permitting only a five-day grace period. The severity of the potential penalties and the difficulty of expunging all inadvertent mail from a logistically complex mass mailing makes such campaigns perilous for nongovernmental organizations such as Plaintiffs. In my expert opinion, the risk of fines and jail time for inadvertent mailings is sufficient to deter groups from engaging in this form of communication.

I have reviewed Dr. Grimmer’s response to my expert report in this matter. Nothing in Dr. Grimmer’s report changes the conclusions I expressed in my initial report. Dr. Grimmer’s response to my report attempts to rebut some of my report’s conclusions but ignores others, and it challenges conclusions that my report does not make. For example, Dr. Grimmer does not address the severity of the punishments that groups face if they send inadvertent mailings or whether they have reason to be concerned about the enormous legal and financial risks they will be exposed to in the course of distributing large numbers of absentee ballot applications. On the other hand, Dr. Grimmer comments extensively on the statistical findings of two studies that I cite, accusing me of misinterpreting their statistical findings. In this report, I explain why my statistical interpretation

of both studies was correct. Much of Dr. Grimmer’s commentary focuses on the alleged methodological infirmities of the qualitative interviews that were conducted at my request. This report addresses these criticisms and demonstrates that the interviews do indeed show that the disclaimer is capable of generating the misimpression that the third-party application is untrustworthy.

Finally, Dr. Grimmer attacks normative claims that I did not make. For example, I neither stated nor presupposed that absentee voting is something that should be valued in its own right. I simply commented on how the statute impinges upon nongovernmental organizations that seek to promote absentee voting. Dr. Grimmer advances some novel normative arguments about the reasonableness of the statute’s provisions, and my comments below address those arguments and show them to be unfounded.

Part 1: The Disclaimer Impairs Advocacy for Absentee Voting and Causes Needless Suspicion

My expert report reviewed the language of the required disclaimer in some detail, pointing out the ways in which the wording could create needless suspicion about the legitimacy of the application form. For example, although the sender is required to declare “This is NOT an official government publication,” the form is, by law, required to be otherwise identical to the official government publication. Indeed, the mandated form is titled “Application for Georgia Official Absentee Ballot” at the top of the document.¹

¹ The State’s current absentee ballot application for nongovernmental organizations and individuals to use for distribution is available at https://sos.ga.gov/sites/default/files/2022-03/CCD-Georgia-Application-for-Absentee-Ballot-int-APP-21_V2.pdf (last accessed May 18, 2022).

My expert opinion, based on more than three decades of research on public opinion and voting behavior, focused primarily on a direct reading of the disclaimer and how I expect voters to respond to it. My opinion is that the language of the disclaimer will cause voters to become suspicious of the mailer and reluctant to complete it.

I also offered a small qualitative study of how the disclaimer is read by people who are not involved in politics, research or law. As I pointed out, this kind of qualitative investigation is widely used “when the aim is to understand what communications mean from the vantage point of the receiver.” March 22, 2022 Expert Report at 8. This style of qualitative assessment is sometimes described as “semi-structured interviewing,” because respondents are invited to think aloud as they reflect on a piece of information, an event, or a problem. *Id.* at 7. Whereas a structured questionnaire presents respondents with pre-specified answer options, this qualitative style of interviewing allows respondents to answer in their own words, with no constraints on the length of their answers. Often, responses are tape- or video-recorded, so that respondents’ verbal tone and nonverbal reactions can also be noted. Those who write about qualitative data collection argue that, despite its strengths, qualitative investigation has different objectives from quantitative research and should not be judged by the same methodological standards (Edwards and Holland 2013). In that vein, I did not represent this study as an attempt to quantify the causal effect of the disclaimer on the rate at which the disclaimer would be noticed by voters or on the rate at which absentee ballot applications bearing the disclaimer would be completed; I simply offered it as one lens through which one can examine what non-experts make of the disclaimer when they read it.

I will now review the main features of the study and consider the merits of Dr. Grimmer’s critiques. The interviewer was instructed to find non-experts, and she did so. Although Dr.

Grimmer complains about the manner in which the interviewer “sampled” her respondents, he does not offer any opinions about whether the apparent attributes of the respondents who were interviewed made them especially prone to react negatively to the disclaimer. If the respondents who were interviewed are no different in their propensity to react negatively to the disclaimer from the broader population of voting-eligible non-experts in Georgia, their responses will on average be similar to the average responses of the broader population. If, for some unspecified reason, the respondents were especially sensitive to disclaimers, their responses still show that the disclaimer is capable of generating aversion to completing the application.

Dr. Grimmer complains that the “interviewer clearly understood the preferred outcome of the study was to find the disclaimer confusing and asked questions that lead [sic] respondents to that conclusion.” Grimmer Report ¶ 26. The latter is incorrect. The interview that I described in my report does not support this critique. The interviewer prefaced her questions by saying (at 0:22) “So there are no right or wrong answers. I just want you to imagine that you get this form in the mail. I want you to just kind of talk through. What do you see? What would you think if you got it in the mail?” After the respondent described how he would fill it out, the interviewer said, “Okay. I want you to take a look here at this box up at the top.” (1:12) The respondent then read the box containing the required disclaimer to himself, and when he looked up, the interviewer asked, “What do you think about that box?” The respondent replied, “Well, it shouldn’t be up there if it’s an official absentee ballot. Not provided to you by any government entity. So when I see this, I just throw it in the trash.” (1:32). The interviewer asked, “Okay, how come?” Pointing at the disclaimer text, the respondent replied, “Because it is not an official government publication and was not provided to you by any government entity and this is not a ballot.” (1:45). Dr. Grimmer

takes exception to the fact that the interviewer directed the respondent's attention to the disclaimer, but the whole point of the qualitative study was to find out how respondents interpret the disclaimer.

Dr. Grimmer also finds fault with the location of the interviews, which occurred in a transit center, on the grounds that respondents may have been distracted; however, he does not say whether distraction would tend to increase or decrease subjects' sensitivity to the disclaimer. If distractions drew respondents' attention away from the disclaimer, its message might have been undermined, in which case the setting would have understated the disclaimer's effects.

Let me add one further observation, prompted by Dr. Grimmer's complaint that the absentee ballot application form that the interviewer presented to respondents put the disclaimer at the top of the form (consistent with statutory language requiring the disclaimer to be "clear and prominent"). At the time the study was launched (March 9, 2022), I was unaware that the State was developing a new form for nongovernmental organizations such as Plaintiffs to use. The metadata from the form that the State is currently distributing on its website (as of May 18, 2022) indicates that the new form was created on March 11 and revised at least once on March 15. The State's website does not provide information showing when the new form was first posted online to be available to the public and interested organizations. When preparing the form for our interviews, the logical place where the disclaimer would both fit and comply with the statute's prominence requirement without altering the rest of the application (which is prohibited) was at the top of the page, so that is where we inserted it.

Dr. Grimmer speculates that this placement makes the disclaimer especially noticeable and therefore influential. This is largely irrelevant to my inquiry but in any event is pure conjecture.

The opposite could well be true, especially since the State’s current form posted on its website places the disclaimer after a box containing the following text: “If you received this application with your information pre-filled, received multiple or duplicate copies in the mail, or if an unauthorized person offers to return your absentee ballot application, please report this to reportfraud@sos.ga.gov.” In my opinion, this juxtaposition makes the disclaimer more conspicuous and will cause greater suspicion among recipients. In effect, voters are “primed” to think about fraud immediately before encountering the disclaimer warning them about unofficial forms from nongovernmental entities. Furthermore, they are urged to be on the lookout for “multiple or duplicate copies in the mail,” which is not itself prohibited under Georgia law but might lead many voters to wonder if they have been the victims of fraud. The two boxes taken together have the potential to create an even more ominous impression in voters’ minds than the disclaimer presented on its own.

Advancing his own arguments about the disclaimer’s virtues, Dr. Grimmer speculates, without citation or explanation, that “receiving an official-looking ballot application in the mail could plausibly cause voters to believe that they must fill out the application in order to participate in the election, even if they would prefer to not vote by mail. Given this possibility, the disclaimer serves a reasonable purpose signaling to voters that this is not a form they are required to complete in order to maintain their eligibility.” Grimmer Report ¶ 29. He produces no evidence that any Georgia voter has ever inferred from a disclaimer-free version of an absentee ballot request form that “they must fill out the application in order to participate in the election.” But suppose that a voter were to draw such an inference. The “reasonable purpose” that Dr. Grimmer ascribes to the disclaimer is not borne out in the language of the disclaimer. The disclaimer does not explain that

requesting an absentee ballot is optional and has no bearing on one's eligibility to vote. Indeed, Dr. Grimmer's report does not at any point address the actual language of the disclaimer or contain any evidence about the language's likely effect on readers.

Part 2: Pre-filled Applications Reduce Transaction Costs and Increase Absentee Ballot Use

In my initial expert report, I concluded that, on account of convenience, people are more likely to complete an absentee-ballot application form if it arrives pre-populated with information that the voter previously provided when registering to vote. (The same principle explains why pre-filled and auto-filled forms providing address and credit card information, for example, are ubiquitous in the commercial context.) I further pointed out that in an effort to make the process as easy as possible for voters, groups that promote absentee voting go to extra trouble and expense to generate and distribute pre-filled forms. Dr. Grimmer's report does not directly address my expert opinion about why nongovernmental organizations such as Plaintiffs are motivated to use pre-filled forms.

In support of my conclusion about transaction costs, I cited a randomized experiment by Hans Hassell that assessed whether a pre-filled absentee ballot request form generated higher rates of absentee voting than a blank, generic request form.² The article showed that pre-filled forms produced higher rates of absentee voting. Dr. Grimmer says so himself: "Hassell reports that 2.57% of the individuals who received a pre-filled ballot application voted by absentee, while 2.05% voted absentee who received a generic absentee ballot application." Grimmer Report ¶ 33.

² I mistakenly described the study as one that assessed the effects of mailings on absentee ballot requests; I should have said that the study assessed the effects of mailings on absentee voting and turnout.

Consistent with my expert opinion about transaction costs, pre-filled forms worked better to persuade voters to request an absentee ballot. Dr. Grimmer characterizes the apparent effect as “modest,” but the results demonstrate a 25% increase in efficacy when forms are pre-filled.³

Dr. Grimmer further contends that the apparent absentee voting rates in the pre-filled and generic conditions are not sufficiently different from one another to allow a researcher to convincingly reject the null hypothesis that pre-filling forms has no effect. Let’s review his reasoning. Reading the regression results reported in the article, Dr, Grimmer writes, “I find an increase of 2.3 percentage points (0.023) for the pre-filled ballot, but an approximate standard error for this difference is $SE = (0.13^2 + 0.13^2)^{(1/2)} = 0.018$, which implies a test-statistic of $0.023/0.018 = 1.28$ which implies a p-value of 0.201 (using a two-tailed test).” Grimmer Report ¶ 34. In other words, Dr. Grimmer posits that if pre-filled forms truly were no different from generic forms in terms of their effects on absentee voting, we would observe a difference as large in absolute value as 2.3 percentage points in 20.1% of all hypothetical replications of this experiment. Because 20.1% is larger than the academic standard of 5%, Dr. Grimmer concludes that the estimate of 2.3 percentage points falls short of “statistical significance.”

Dr. Grimmer’s critique fails because it starts from an incorrect premise. Dr. Grimmer is correct to say that statistical significance testing is widely used in academic exchanges. However, scholars also widely recognize the problems that arise when calculations of statistical significance are applied mechanically, without regard for the distinction between statistical significance and substantive significance (e.g., Kish 1959, p.336). In the context of my expert report, the pertinent question is what the balance of evidence suggests about the efficacy of pre-filled absentee ballot

³ The calculation is $2.57/2.05 - 1 = 0.253659$.

applications. To answer this question, let's consider tracking the betting odds for the proposition that "Pre-filled forms generate a higher rate of absentee voting compared to generic forms." Let's assume that the ground truth of this proposition could be determined in principle by a very large experiment, and depending on how that experiment turns out, bettors will be paid depending on whether they correctly surmised whether pre-filled forms have a positive effect. Put aside all the theory and intuition associated with transaction costs, and suppose the only thing one knows about this proposition is the way that the Hassell study came out, which, using Dr. Grimmer's calculation, is an estimated effect of 2.3 percentage points with a standard error of 1.8 percentage points. The term "standard error" tells us how much the apparent estimate would be expected to vary if the experiment had been conducted a large number of times under identical circumstances.⁴ The larger the standard error, the more the experimental results will vary by chance. We can envision the probability distribution of all the hypothetical outcomes from the Hassell experiment, one estimate for every possible way of randomly assigning the 3,811 subjects to the pre-filled form or the generic form. The shape of this distribution is approximately normal or "bell-shaped." (Hanzhong and Yang 2020). Applying Bayes' rule given diffuse prior beliefs about whether pre-filled forms are effective, our best estimate after viewing the Hassell results is that the true effect of a pre-filled form is 2.3 percentage points, which is at the center of the distribution. Having specified the shape and location of this distribution of posterior beliefs, we are ready to determine the betting odds concerning pre-filled forms. We calculate the probability that pre-filled forms have a positive effect on absentee voting rates. This calculation is equivalent to calculating the

⁴ The distribution of estimates produced by hypothetical experiments conducted under identical conditions is called the sampling distribution. The term standard error refers to the standard deviation of the sampling distribution.

probability of drawing a positive number from a normal distribution centered at 1.28 with a standard deviation of 1. Using the software program R, I calculated the answer to be 89.1%.⁵

Thus, in simplified terms, if a person who is completely oblivious to the vast literature on the effects of reducing transaction costs were to read the Hassell experiment, that person would infer that the probability that pre-filled forms have a positive effect on absentee voting rates is 0.891, or 89.1%. This probability implies that the betting odds in favor of pre-filled forms are approximately 9 to 1. In sum, the balance of evidence suggests that pre-filled forms increase absentee voting rates.

The same statistical issue arises in Dr. Grimmer's analysis of the Mann and Mayhew study, which compares the effectiveness of two mailings. One mailing urges voters to request a mail ballot via Maine's new online system, while the other urges voters to request a mail ballot using Maine's traditional paper application and then provides the form to apply. Dr. Grimmer concedes my central point, which is that the mailing containing the traditional paper ballot request form led to higher rates of voting by mail than the mailing that directs people to an online system. Dr. Grimmer asserts, however, that:

Green fails to note that the "lower transaction cost" option (the paper ballot) does not cause a statistically significant increase in voter turnout. Analyzing the evidence from Mann and Mayhew and directly comparing the online and paper ballot conditions, Mann and Mayhew's evidence shows the paper application increased turnout one percentage point over the online condition. But once again, an

⁵ The R command for this calculation is `pnorm(0,1.23,1,lower.tail=FALSE)` and produces the output 0.8906514.

approximate analysis shows that we fail to reject the null hypothesis of no difference at standard significance levels (p-value 0.25).

Grimmer Report ¶ 45. Again, what does the balance of evidence imply in this instance? The two-tailed p-value of 0.25 that Dr. Grimmer calculates corresponds to an outcome that lies 1.15 standard units above zero.⁶

Given agnostic prior beliefs and an experimental result drawn from a normal sampling distribution, what is the probability that mailing traditional paper request forms is the better way to promote turnout? The answer is 87.5%.⁷ Expressed in terms of betting odds, there is approximately an 8-to-1 chance that traditional paper request forms do a better job of increasing voter turnout than directing voters to an online system. This outcome likewise supports my overall conclusions that reducing transaction costs for voters will encourage voters to request and ultimately cast an absentee ballot; conversely, restrictions that increase transaction costs make nongovernmental organizations' communications less effective.

Let's return to the Hassell study to address one further critique that Dr. Grimmer lodges. He writes, "it is impossible to know if the results of the [Hassell] study will extrapolate to Georgia." Grimmer Report ¶ 32. Hassell studied only Republicans and Independents, not Democrats. Dr. Grimmer warns, "the population of Georgia also includes Democrats, who might respond to the particular features of a ballot application differently than Republicans or Independents who lean towards the Republican party. For example, if Democratic officials have

⁶ The calculation is based on the input `qnorm(.125,lower.tail=FALSE)`, which produces the output 1.150349.

⁷ The calculation is based on the input `pnorm(0,1.150349,1,lower.tail=FALSE)`, which produces the output 0.8749999.

encouraged voting by mail, Democratic individuals may be more willing to fill out an absentee ballot application even if it isn't pre-filled." Grimmer Report ¶ 32. Inspecting the logic of this argument more closely, I find that it does not hold up to scrutiny. Suppose it were true that Democrats are more likely than non-Democrats to fill out an absentee ballot application that is not pre-filled. That fact does not preclude the possibility that Democrats would be even more likely to fill out an absentee ballot application if it were pre-filled. Indeed, if, as Dr. Grimmer suggests, Democrats are on average closer to the behavioral threshold of submitting an absentee ballot request using a generic form, the average effect of pre-filling the form will tend to be greater for them than for non-Democrats. Thus, the Hassell study potentially understates the likely effects of prefilling by excluding Democrats who, accepting Dr. Grimmer's reasoning, are even more predisposed to vote absentee.

Part 3: Addressing Dr. Grimmer's Arguments about the Negative Consequences of Promoting Absentee Voting Using Pre-Filled Forms

In the course of responding to my report, Dr. Grimmer advances two normative claims.⁸ The first is that "Further, increasing the number of absentee ballot applications could actually be harmful to election administration if it leads to increased numbers of people canceling absentee ballots at the polls if they decide they would rather vote in person. This greatly increases the amount of work required by county election officials and potentially increases the risk of error." Grimmer Report ¶ 35.

⁸ Dr. Grimmer would have the reader believe that "A supposition of Green's analysis of Hassell's paper is that increasing the number of absentee ballot applications independently valuable." Grimmer Report ¶ 35. I make no such supposition, and Dr. Grimmer cites no passages in my report that imply otherwise.

Dr. Grimmer offers no evidence or citation to support the existence of, or the extent of, the “canceling” problem he posits. Nor does he address the specific role of the disclaimer, the prohibition on pre-filled forms, the prohibition on mailers to certain recipients, or the threat of legal sanctions for less than strict compliance with these prohibitions. For example, what evidence suggests that those who are induced to vote absentee if and only if they receive a pre-filled form are also induced to vote in person as well? The scenario that Dr. Grimmer creates is both hypothetical and vague.

Dr. Grimmer’s second normative policy claim is that pre-filled forms are more likely to induce errors than blank forms. Dr. Grimmer writes, “It is plausible that the voter is less likely to make a mistake in filling out their own information than a third-party who does not know the voter.” Grimmer Report ¶ 36. Dr. Grimmer offers no evidence in support of this claim. On its face, the claim is puzzling because the third party is simply printing information obtained from the voter file, i.e., information that the voter originally supplied and on which the State itself relies as the authority for the voter’s correct details. Whether the third party knows the voter is irrelevant. As I noted in my original report, pre-filling the application with information already on file with election officials has the advantage of sparing them the task of deciphering handwriting or sorting out small discrepancies between the information submitted and the information on file that could result in an application being erroneously rejected.

Part 4: Prohibitions Against Sending Forms to those Who Have Voted

In my report, I called attention to the severe civil, and potentially criminal, penalties a group may incur if it sends an absentee ballot request to a voter who applied for, received, or cast

an absentee ballot, apart from a five-day grace period. To put the threat of such penalties into perspective, consider a mailing that will go out to 500,000 registered voters. Now suppose that the process of expunging recent voters and absentee ballot requesters is conducted with utmost seriousness such that only one form is mistakenly sent to a prohibited recipient per 10,000 targeted voters. This error rate of 0.01% nevertheless exposes the group that sends these mailers to 50 counts of civil sanctions and potential criminal penalties. My point is that the mere threat of such penalties is likely to discourage even technically savvy groups from distributing such mailers.

Dr. Grimmer offers an unrealistic assessment of how “straightforward” it is to check whether targeted voters are on the prohibited list and to remove their mailings from an outgoing batch of mail. Dr. Grimmer comments at length on the ease with which an astute computer programmer can match records to discover which voters on a mailing list have already voted or requested an absentee ballot. Dr. Grimmer seems to have in mind mailings from highly professionalized organizations who can afford to hire staff and dedicate resources to undertake the type of matching Dr. Grimmer envisions. However, even this is not errorproof and, as discussed above, any margin for error exposes the organization to severe penalties. Additionally, Dr. Grimmer does not discuss the case that I raise of mailings sent out by a local church group, which may lack this level of technical expertise. Dr. Grimmer also fails to address the logistical challenges of intercepting outgoing pieces of mail while they are in the pipeline from printer to bulk mail distribution. This is a logistically complicated process that increases the risk of erroneously sending a communication to a person on the State’s fluctuating prohibited recipient list.

The slightest margin for error has the potential to put a group in difficult financial circumstances and its leaders behind bars. These legal risks are certain to have a chilling effect on this form of communication.

References

Edwards, Rosalind and Janet Holland. 2013. *What is qualitative interviewing?* London: Bloomsbury Academic.

Kish, Leslie. 1959. "Some Statistical Problems in Research Design." *American Sociological Review* 24(3):328–38.

Liu, Hanzhong, and Yuehan Yang. 2020. "Regression-adjusted average treatment effect estimates in stratified randomized experiments." *Biometrika* 107(4): 935-948.

Amended June 16, 2022

By: Donald P. Green

Donald P. Green

EXHIBIT 27

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 Civil Division

4 - - - - - :
5 VOTEAMERICA, ET AL, :
6 :
7 Plaintiff, : CASE NO.
8 :
9 vs. : 1:21-cv-01390
10 :
11 BRAD RAFFENSPERGER, IN HIS :
12 OFFICIAL CAPACITY AS SECRETARY:
13 OF STATE OF THE STATE OF :
14 GEORGIA, ET AL., :
15 :
16 Defendants. :
17 :
18 - - - - - :
19

20 DEPOSITION OF DONALD P. GREEN, PHD

21 DATE: October 4, 2022
22 TIME: 9:38 a.m.
23 LOCATION: Campaign Legal Center
24 1101 14th Street, NW
25 Suite 400
26 Washington, DC 20005

27 REPORTED BY: Constance H. Rhodes
28 Reporter, Notary

29 Veritext Legal Solutions
30 1250 Eye Street, Northwest
31 Washington, DC 20005

1 we had a pure control group, and the people who were
2 targeted were names on the voter registry for
3 addresses that contained no more than two voters.

4 Q Did you finish your description?

5 A Yes. If there's more you'd like to
6 hear, I'd be happy to --

7 Q No. I just didn't want to cut you off
8 if you had more to say.

9 So you say in this paragraph describing
10 the study that, quote: The study's principal
11 findings have stood the test of time. Canvassing
12 raises turnout substantially (provided that
13 canvassers are able to catch people at home).
14 Nonpartisan mailings boost turnout slightly -- dot,
15 dot, dot -- I won't read the rest of it.

16 But is that still true that those
17 principal findings, that the test of time still
18 shows that those principal findings are correct?

19 A Yes. I would say that the point about
20 nonpartisan mailings is that unless they are
21 crafted expertly, they'll typically produce
22 disappointing results. Not to say that they'll be

1 ineffective, they will boost turnout slightly.
2 But the effects are going to be on the order of
3 the meta analyses that are reported in the
4 appendices to the book and in the direct mail
5 chapter.

6 So, for example, mere reminders to vote
7 tend to have relatively small effects, and partisan
8 encouragements to vote can have no effect or -- not
9 even partisan encouragements to vote. Just partisan
10 messaging tends to have no effect.

11 What tends to have an effect are the kinds
12 of messages that are described at length in the
13 direct mail chapter and then in the messages
14 chapter.

15 So the messages that were used in New
16 Haven, these were relatively bland reminders to
17 vote. Some of them appeal to a sense of civic duty.
18 Some of them have pictures of the Marines on Iwo
19 Jima. Others were about making year neighborhood,
20 you know, be counted. And some were about the
21 prospects of a close election. But none of them,
22 you know, were transformative. They had some

1 effect. They were -- they were not ineffective, but
2 they were not useful.

3 Q When you write that canvassing raises
4 turnouts substantially, by canvassing do you mean
5 that the personal face-to-face interactions that
6 we talked about previously?

7 A Yes.

8 Q As opposed to indirect or non-live
9 communications, if you will.

10 A That's right. So this involved an
11 unhurried authentic conversation on a person's
12 doorstep about importance of voting.

13 Q I know you've written this for a fairly
14 general audience, but I suspect your use of the
15 words substantially and slightly were -- those
16 were deliberate and that there's more to learn
17 about that.

18 So could you unpack what you mean when you
19 say canvassing raises turnout substantially;
20 non-partisan mailings boost turnout slightly.

21 What does substantially and slightly mean
22 in a more detailed fashion?

1 A In the canvassing chapter we point out
2 that especially in relatively low elections or for
3 people who have middling levels of voter turnout
4 propensity, canvassing can boost turnout by
5 4 percentage points, 5 percentage points, 6
6 percentage points. Depends on the quality of the
7 operation.

8 For direct mail, results are quite
9 disappointing, as I mentioned, for mere reminders.
10 On the other hand, they are not bad for something
11 that's a little more artful. So when we're talking
12 about the things people for voting in the past or
13 encourages them to vote through a strong endorsement
14 of social norms. Those tend to be quite effective.

15 We're painting with a broad brush here
16 because we are early on in the book, and we are
17 about to say that we really to get into the chapters
18 of the book because if you only read to Chapter 2,
19 you probably wouldn't get the whole thing.

20 But we do want to foreshadow the idea that
21 quality matters.

22 Q So I think you said substantially means

1 something like 4 or 5 or 6 percent?

2 A Those would be very large effects, but I
3 would say, yeah, that's what we have in mind when
4 we're -- we're talking about the New Haven study.

5 Q So slightly obviously means something
6 less than 4, 5, 6 percent.

7 A So less than a percentage point per
8 mailing.

9 Q If we could go to page 28. We're near
10 the end of this chapter. This is called -- this
11 section is called GOTV Shoppers' Guide. And
12 you've come up with a rating system. Obviously,
13 you wanted to be Gene Siskel here.

14 So can you tell us about your three-star
15 rating system?

16 A Yes. The idea is to give readers who
17 might not have a technical background a snapshot
18 of what a so-called meta analysis would generate,
19 which is to say a pooling of all the randomized
20 trials in a given domain.

21 An ordinary reader who doesn't have a
22 background in statistics might not understand the

1 prefilled forms are more effective at both
2 generating absentee votes and generating votes in
3 general.

4 But in addition, there's a kind of almost
5 like microeconomic or industrial organization
6 inference that I draw from the fact that the kinds
7 of groups that are like miniature universities, that
8 are constantly doing randomized trials on the
9 minutia of direct mail seem dead set on sending
10 prefilled forms whenever they can. And from that, I
11 infer that the randomized trials that I cannot see
12 are strongly supportive of this tactic.

13 Q Now, do you have any particular studies
14 in mind when you say prefilled forms are more
15 effective?

16 A Yes. The Hans Hassell study.

17 Q And I believe you cited that study in
18 your first report?

19 A I did.

20 Q And I think we talked about it to some
21 extent at the preliminary injunction hearing, you
22 and I.

1 A We did.

2 Q Now, if an absentee ballot application
3 is sent to the wrong address, it's going to be
4 ineffective, correct?

5 A Correct.

6 Q And if an absentee ballot is prefilled
7 but with incorrect information that ballot will be
8 ineffective even if returned?

9 A Correct.

10 Q Turning to the next page, page 66, a
11 couple paragraphs down, you wrote, quote:
12 Skeptics question whether direct mail works, a
13 view sometimes volunteered by consultants selling
14 other kinds of campaign services. They argue that
15 voters are inundated with junk mail and that, at
16 best, they glance at campaign mail momentarily
17 before putting it in the trash. The fact that
18 these glances cost around 50 cents a piece is
19 cause for concern. End quote.

20 Now, are you one of these skeptics,
21 Dr. Green?

22 A I am.

1 Q So the second line says: Sampling:
2 Citizens who are not students, professionals,
3 activists.

4 Are you -- is that an instruction to
5 Ms. Hamilton that you did not want her to interview
6 students, professionals, or activists?

7 A Correct. And in particular I didn't
8 want her to go to college campuses. I didn't want
9 her to hang around places that were saturated with
10 attorneys, for example. I didn't want her to go
11 to political organizations to find respondents. I
12 wanted her to go to places without those people.

13 Q Okay. And why is that? Tell us why you
14 didn't want her to talk to such people.

15 A My purpose in doing this qualitative
16 semi-structured interview exercise was to
17 understand how nonprofessionals, non-activists
18 nonacademics, read and understand language. And I
19 wanted to get the meaning that they attribute to
20 the disclaimer passage not the meaning that my
21 colleagues or students or lawyerly friends might
22 attribute to it.

1 Q And you drafted two questions for her,
2 right?

3 A Yes. With the, I guess, the proviso
4 that I wanted her to enter into this as a
5 conversation. I wanted this to be informal,
6 unhurried. I wanted it to unfold in a kind of
7 natural and unforced way.

8 Q And you wanted those two questions or
9 something like them to be part of the
10 conversation; is that true?

11 A Yes. I wanted to -- in particular the
12 prefatory remarks -- please look over this form
13 for requesting an absentee ballot. So in other
14 words, I wanted them to be given a form, and then
15 I wanted them to put themselves in the position of
16 someone who might be able to use it for the first
17 time, perhaps because they will be out of town.
18 So that sets the context and then the questions
19 make good sense.

20 Q And your first question, quote:
21 Question 1: As you look over this absentee ballot
22 request form, did you notice the disclaimer box?

1 Looking it over, what do you think it means? End
2 quote.

3 I guess that's actually two questions, but
4 you wanted her to ask those questions.

5 A Yes. And I wanted her to think of it as
6 a single question because I wanted it to make part
7 one of the interview. I wanted to flow naturally,
8 hang back, let people describe what it means to
9 them. And if they notice the disclaimer
10 spontaneously. Great. And if they don't, looking
11 it up over, what do you think it means.

12 We want to make sure that no matter what
13 as they leave the first part of the interview they
14 are telling us what they think the disclaimer means
15 to them.

16 Q Because you knew they might not notice
17 the disclaimer on their own or might not comment
18 on it, so you wanted to make sure it was brought
19 to their attention and they said something about
20 it.

21 A That's right.

22 Q But if they brought it up on their own,

1 all the better.

2 A It was fine with me. I wanted the
3 conversation to flow as naturally as possible, so
4 the way I constructed question one is there's
5 something to ask regardless of which branch they
6 go down.

7 If they see it spontaneously, ask them
8 about it. If they don't see it spontaneously, ask
9 them what they make of it.

10 Q Question two says, quote: Question 2:
11 Do you think you would be less likely to request
12 an absentee ballot using that form than using
13 this -- meaning absentee ballot form with no
14 disclaimer -- which is otherwise identical. End
15 quote. I garbled that a little bit.

16 A It was beautifully written.

17 Q Oh, thank you. Well, I should thank
18 you. Thank you for writing it.

19 So my question about question 2 is you
20 phrase it in terms of would it make you less likely.

21 Is it fair to say that that's somewhat
22 leading?

1 A Maybe that's an academic claptrap and
2 probably would have been more clearly stated as
3 it's my judgment that or it's my considered
4 judgment or I'm convinced that, as opposed the
5 usual academic suspect language. I don't mean to
6 be less than -- I don't mean to sound less than
7 convinced at this point.

8 Q What did you base your judgment or
9 opinion on on this one?

10 A The combination of the facial reading of
11 the text and the fact that when ordinary -- I'd
12 say mostly on that. And then to the extent that
13 we learned anything from the semi-structured
14 interviews, it was the fact that while some people
15 were unphased by the wording, others took it as a
16 sign that something was wrong and were either
17 suspicious or repelled by that.

18 Q My apologies, Doctor. My questions was
19 a little imprecise. I'm talking about your
20 judgment about prefilled versus blank
21 applications. What do you base your opinion on
22 for that?

1 A For that I would say two things. One is
2 studies like the Hassell study that tested
3 directly. The other is just what an economist
4 would call the revealed behavior -- the revealed
5 preferences, I should say, of the groups that I
6 know are very randomized trial oriented. And so
7 we don't get to see what their proprietary
8 research shows. But the fact that they have such
9 an overwhelming preference for prefilled
10 applications speaks volumes to what they believe
11 to be the effectiveness, the relative
12 effectiveness of that tactic.

13 And because that tactic costs them more
14 and requires a greater lead time, which is a pain in
15 the neck for them, they have every incentive not to
16 do it, but nevertheless they are hardened about
17 doing it when the opportunity arises.

18 MR. JOHNSON: No other questions. Thank
19 you, Dr. Green.

20 MR. BARTOLOMUCCI: No other questions
21 here.

22

EXHIBIT 28

1 UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF GEORGIA

3 ATLANTA DIVISION

4

5 _____)

6 VOTEAMERICA; VOTER)

7 PARTICIPATION CENTER; and)

8 CENTER FOR VOTER)

9 INFORMATION,) Civil Action

10 Plaintiffs,) No. 1:21-cv-01390-JPB

11 vs.)

12 BRAD RAFFENSPERGER, in)

13 his official capacity as)

14 Secretary of State of the)

15 State of Georgia, et al.,)

16 Defendants,)

17 and)

18)

19)

20 REPUBLICAN NATIONAL)

21 COMMITTEE, et al.,)

22)

23)

24 Intervenor Defendants.)

25 _____)

18

19

20 DEPOSITION OF JUSTIN R. GRIMMER, Ph.D.

21 Washington, DC

22 September 20, 2022

23

24 Reported by: John L. Harmonson, RPR

25 Job No. 217250

1 J. GRIMMER

2 academic empirically that transaction costs
3 decline, we can't say for sure that there is
4 going to be some increase in turnout. In fact,
5 the literature on that is very mixed.

6 BY MS. LANG:

7 Q. I don't think I disagree with any of
8 that, for what it's worth.

9 You recently -- or actually, I can't
10 remember how recent it is, but you did some
11 research on Colorado automatic voter
12 registration.

13 A. Yes.

14 Q. Is that right?

15 A. Uh-huh.

16 Q. Can you describe to me what this
17 research was?

18 A. So we obtained data from the DMV.
19 Colorado had a policy change where they
20 implemented what's called back-end automatic
21 voter registration. So back-end automatic voter
22 registration means that when individuals would go
23 into the office and they had the documentation to
24 obtain a real ID, so they're establishing their
25 identity and their residency, they would

1 J. GRIMMER

2 automatically be added to the voter rolls.

3 Q. Okay.

4 A. Subsequently, they had the option to
5 then opt out of that automatic registration. And
6 they would also have their registration -- they
7 would have their registration updated if it was
8 out of date.

9 Q. And what was the result of your
10 research into that system?

11 A. So yeah. This back-end registration
12 system dramatically increased the number of
13 people being registered at the DMV. So we showed
14 that per unregistered individual entering the
15 DMV, many more remained registered subsequently.

16 Q. And what was your explanation, kind of
17 your theoretical explanation as to why that would
18 be the case?

19 A. Because there was a default change in
20 the procedure. It made it easier to be
21 registered. There was a big decrease in the cost
22 of registering.

23 Q. So your explanation for this finding
24 was a decrease in transaction cost led to an
25 increase in voter registration; is that right?

1 J. GRIMMER

2 A. That's right, yes.

3 Q. Okay.

4 A. But that's -- yeah, I know. Okay.

5 MS. LANG: I'm going to mark as

6 Exhibit 4 your report.

7 (Exhibit 4 marked for identification

8 and attached hereto.)

9 BY MS. LANG:

10 Q. Are you familiar with this document?

11 A. Yes.

12 Q. This is your report in this case; is
13 that right?

14 A. It is, yes.

15 Q. In Paragraph 1, the first sentence
16 says that you've been asked to review and respond
17 to Dr. Green's report; is that right?

18 A. Yes.

19 Q. And then can you read aloud the second
20 sentence?

21 A. "I also provide in this report my
22 independent analysis of the reasonableness and
23 the effects, if any, of the three challenged
24 provisions of SB 202."

25 Q. And then the three provisions are?

EXHIBIT 29

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

LEAGUE OF WOMEN VOTERS OF
MISSOURI and MISSOURI STATE
CONFERENCE OF THE NATIONAL
ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,

Plaintiffs,

v.

STATE OF MISSOURI; JOHN R.
ASHCROFT, in his official capacity as
Missouri Secretary of State; and LOCKE
THOMPSON, in his official capacity as Cole
County Prosecuting Attorney and on behalf
of all Missouri Prosecuting Attorneys,

Defendants.

Case No. 20AC-CC04333

Division I

**ORDER GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

This matter came before this Court for a hearing on September 23, 2022, on Plaintiffs' Motion for Preliminary Injunction. After hearing testimony and reviewing the evidence, this Court finds as follows:

FINDINGS OF FACT¹

1. Nonpartisan statewide civic engagement organizations play an essential role in encouraging and enabling all eligible Missourians to participate in our democracy. Every year, these organizations, including Plaintiffs League of Women Voters of Missouri ("LWVMO") and Missouri State Conference of the National Association for the Advancement of Colored People

¹ These findings of facts are made for the purposes of ruling on the Motion for Preliminary Injunction and are subject to change should contrary more credible evidence be adduced at a hearing on the merits.

(“Missouri NAACP”), interact with thousands of potential voters, providing the education and assistance necessary for these individuals to exercise their fundamental right to vote. Pet. ¶ 1.

2. In this action, Plaintiffs challenge four provisions of Missouri House Bill 1878, codified in §§ 115.205.1 and 115.279.2, RSMo. (“HB 1878”), that restrict political speech and civic engagement activities, collectively referred to as the “Challenged Provisions.” Each makes it more difficult for non-partisan, non-profit civic organizations such as Plaintiffs to engage in voter engagement and voter outreach activities they undertake to spread their pro-voter message and increase participation in elections. The Challenged Provisions will likely chill speech and advocacy related to voting and decrease participation in elections. Pet. ¶¶ 3, 5-9, 33, 67; Ex. 1 to Pl.’s Mtn. Prelim. Injunction (Dugan Aff.) ¶ 8; Ex. 2 to Pl.’s Mtn. Prelim. Injunction (Chapel Aff.) ¶ 11.

3. *First*, HB 1878 prohibits any person from “be[ing] paid or otherwise compensated for soliciting voter registration applications” (the “Compensation Ban”). HB 1878, § A (codified at § 115.205.1, RSMo).² *Second*, the statute requires even uncompensated individuals “who solicit[] more than ten voter registration applications” to register with the Secretary of State as “voter registration solicitors” (the “Unpaid Solicitor Registration Requirement”). *Id.* *Third*, the statute mandates that every voter registration solicitor be at least 18 years old and a registered Missouri voter (the “Registered Voter Requirement”). *Id.* *Fourth*, the statute forbids any “individual, group, or party [from] solicit[ing] a voter into obtaining an absentee ballot application” (the “Absentee Ballot Solicitation Ban”). *Id.* (codified at § 115.279.2).

² All statutory citations are to the Revised Statutes of Missouri, as updated, unless otherwise noted.

4. The Challenged Provisions carry severe criminal penalties, including fines, jail time, and loss of voting rights for life, for certain speech and expressive activities related to voter registration and absentee ballot solicitation, enforceable by county prosecutors. *See* §§ 115.304, 115.631.23, and 115.641 (statutory provisions that include the criminal penalties); Pet. ¶ 5; Chapel Aff. ¶ 39.

5. Plaintiffs have alleged that the Challenged Provisions, individually and collectively, violate their rights under the Missouri Constitution because they infringe upon their rights to free speech and expression by burdening Plaintiffs' core political speech and expressive activity and are unconstitutionally overbroad, *see* Mo. Const. Art. I, § 8; violate Plaintiffs' associational rights by preventing Plaintiffs and their members from associating with one another and with potential voters to express, advocate for, and operationalize their views, *see* Mo. Const. Art. I, §§ 8, 9; and deny Plaintiffs due process because they are so vague that Plaintiffs lack fair notice of the conduct proscribed and allow for arbitrary enforcement, *see* Mo. Const. Art. I, § 10.

6. The Challenged Provisions use vague language that creates reasonable and justifiable confusion among Plaintiffs about which, if any, of their voter engagement activities will be deemed "soliciting" or "compensat[ion]." Plaintiffs have meaningfully curtailed their speech and activities in an effort to comply with the law. Pet. ¶ 6; Dugan Aff. ¶¶ 45, 47-48; Chapel Aff. ¶¶ 39-41.

7. The Challenged Provisions limit the speech and associational activities Plaintiffs may engage around voting and voter engagement, which are both issues of broad social importance. Pet. ¶ 8.

PARTIES

8. Plaintiff the LWVMO is a statewide nonprofit membership organization with more than 1,200 members throughout Missouri. Pet. ¶ 13. It has nine local league chapters throughout the state. Pet. ¶ 14.

9. The mission of the LWVMO is to safeguard the rights of all qualified voters, especially those from traditionally underrepresented communities, such as first-time voters, non-college youth, new citizens, people of color, seniors, low-income Missourians, voters with disabilities, and women. Dugan Aff. ¶ 6. It is exactly these populations the LWVMO believes will be disproportionately impacted by the Challenged Provisions. *Id.*

10. The LWVMO is rooted in the suffrage movement that secured the right to vote for women. Protecting voter access is a top priority for the LWVMO. Dugan Aff. ¶¶ 5, 6. Pet. ¶ 15. The LWVMO is dedicated to ensuring a free, fair, and accessible electoral system for all eligible voters. *Id.*

11. The LWVMO seeks to encourage civic participation and engage Missourians in the political process. Pet. ¶ 18. The LWVMO conducts substantial voter registration, engagement, training, advocacy, legislative analysis, voter outreach and education work in furtherance of its mission and to communicate and advance its views about the benefits of access to voting, including efforts related to voter registration and accessing absentee voting. *Id.*

12. The LWVMO's voter engagement activities are a critical tool both in furthering its pro-voting message and other priorities. Dugan Aff. ¶ 8.

13. Prior to the effective date of HB 1878, the LWVMO and its local chapters conducted voter registration events throughout the state, including at high schools, colleges, naturalization ceremonies, churches, and community events. Pet. ¶ 19. In the first six months of

2022, the Metro St. Louis League chapter held 22 registration events at local schools, reaching roughly 1,800 youth. *Id.* Similar events are held throughout the state. *Id.* In addition to these regularly scheduled events, the LWVMO allows individuals and groups to request voter registration events through the League's website. *Id.*

14. During these events, LWVMO volunteers encouraged community members to register to vote, distributed voter registration forms, assisted voters with filling out voter registration applications, and collected completed applications to return to election officials. Dugan Aff. ¶ 15. LWVMO members also brought tablets to allow attendees to register to vote on the Secretary of State's website and displayed QR codes linking to the Secretary of State's website so that attendees could fill out an online application for voter registration on their own device. *Id.*

15. Prior to the effective date of HB 1878, the LWVMO assisted voters with applying to vote absentee and encouraged eligible voters to do so. Dugan Aff. ¶¶ 19-23. LWVMO staff, members, and volunteers made absentee ballot applications available in the League's office and at voter registration drives. *Id.*

16. Plaintiff the Missouri NAACP is a statewide membership organization whose members reside throughout Missouri. Pet. ¶ 39, 41.

17. The Missouri NAACP is an affiliate of the NAACP. *Id.* The mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination. Chapel Aff. ¶ 5; Pet. ¶ 42. Their objectives include seeking enactment and enforcement of laws securing civil rights as well as educating persons as to their rights. *Id.*

18. Voting and encouraging voting are foundational values of the Missouri NAACP. Chapel Aff. ¶ 8. Pet. ¶ 43. The Missouri NAACP believes that enabling all Missourians to exercise their fundamental right to vote is vital to ensuring equal citizenship and achieving our substantive policy goals. *Id.* Protecting voter access for all eligible voters is one of the Missouri NAACP’s top priorities. *Id.* Their mission and work focus on safeguarding the right to vote, especially from traditionally underrepresented and underserved communities, including voters of color, low-income Missourians, seniors, young voters, voters with disabilities, citizens returning from incarceration and other marginalized communities. *Id.*

19. Prior to the effective date of HB 1878, at registration and outreach events, Missouri NAACP volunteers tried to engage and register as many eligible Missourians as possible. Chapel Aff. ¶ 12. They provided forms, assisted individuals with completing those forms, answered questions about registration rules, deadlines and eligibility, and often collected the forms to return on behalf of the new voters or assist voters submitting them online. *Id.*

20. Missouri NAACP volunteers also commonly encouraged voters to apply to vote absentee if they are eligible. Chapel Aff. ¶ 34.

Compensation Ban

21. The Compensation Ban provides that “[n]o person shall be paid or otherwise compensated for soliciting voter registration applications, other than a governmental entity or a person who is paid or compensated by a governmental entity for such solicitation.” HB 1878, § A (codified at § 115.205.1, RSMo).

22. The provision does not define what it means to “be paid or otherwise compensated” or “solicitation” in this context.

23. Compensated work has been critical to Plaintiffs’ voter registration activities.

24. LWVMO employs two paid part-time staffers, including its Executive Director Jean Dugan. Ms. Dugan's duties include, but are not limited to, preparing voter guides that encourage eligible Missourians to register to vote and educate them on how to do so, maintaining the supply of voter education materials like voter registration cards and informational brochures that are used for voter registration drives, and responding to inquiries and requests for materials, like voter registration forms and absentee ballot applications. Ms. Dugan's work is critical to the League's voter engagement activities. Dugan Aff. ¶ 1.

25. Prior to the effective date of HB 1878, the LWVMO also offered reimbursement and tokens of appreciation to volunteers. Volunteers were eligible to be reimbursed for expenses incurred during voter registration drives, including parking and mileage. They were also often provided tokens of appreciation like buttons, t-shirts, and similar gifts. Dugan Aff. ¶ 12.

26. To comply with the Compensation Ban, the LWVMO has been forced to significantly alter how the organization functions. The LWVMO now prohibits its paid staffers from engaging in the voter registration activity that is part of their current employment duties and core to the mission of the organization. Dugan Aff. ¶ 1, 12; Pet. ¶ 27. Ms. Dugan can no longer perform many of the registration-related activities that were previously central to her job-related duties. *See, e.g.*, Dugan Aff. ¶ 1 (stating that Ms. Dugan's regular duties include administering voter-registration projects). The League's paid staff are no longer permitted to attend voter registration drives. *Id.* ¶ 28.

27. The LWVMO has also halted all reimbursement for volunteers' expenses and no longer provides voter registration volunteers with tokens of appreciation. *Id.* ¶ 32.

28. The Missouri NAACP also previously engaged in actions that fall under the prohibitions of the Compensation Ban as a part of its voter registration work. Pet. ¶ 54; Chapel

Aff. ¶ 15. From time to time, the Missouri NAACP has received grants to compensate interns and staff to register new voters. *Id.* The Missouri NAACP also reimbursed volunteers for expenses like gas, supplies, and copying, and equipment. *Id.* The Missouri NAACP paid for and provided food and drinks for volunteers. *Id.* Furthermore, the Missouri NAACP provided t-shirts, pens, and clipboards to volunteers who would keep them after registration events. *Id.*

29. As a result of the Compensation Ban, the Missouri NAACP has been forced to halt all of these activities. Chapel Aff. ¶¶ 12, 18-20; Pet. ¶ 54. The Missouri NAACP plans to stop paid voter registration work. *Id.* The Missouri NAACP is also ceasing reimbursements and gifts to volunteers because what activities constitute solicitation of voter registration and whether gifts or reimbursements constitute “compensation” are so unclear. *Id.* The organization expects that this will lead to fewer volunteers overall. *Id.*

30. Similarly, the Compensation Ban affects groups like Women’s Voices Raised for Social Justice (“Women’s Voices”). Supp. Exh. 2 to Pl.’s Mtn. Prelim. Injunction (Steinberg Aff.) ¶¶ 5, 7. Part of Women’s Voices’ mission is to mobilize, energize and inspire themselves and others to action; and to work as individuals and in community for social justice. *Id.* They fulfill this mission through education and advocacy. *Id.* Women’s Voices’ voter engagement work advances the organization’s mission because it allows them to mobilize their members into political action, and work in their community to further social justice. *Id.*

31. Solicitation of voter registration applications is an essential part of Women’s Voices’ voter engagement work. Steinberg Aff. ¶ 9. The organization engages community members by encouraging Missourians to register to vote. *Id.* Women’s Voices distributes voter registration packets to their community through volunteers. *Id.* The packets encourage recipients to register to vote and include information about voting along with voter registration forms,

envelopes, and directions on where the new registrants should send their voter registration form or how to register to vote online. *Id.*

32. Compensated work is critical to Women’s Voices’ voter registration activities and Women’s Voices paid staffer Laura Rose was highly involved in this process prior to HB 1878 taking effect. Steinberg Aff. ¶¶ 10-12. Ms. Rose did all the background work to create the packets and ensure they make it to volunteers. *Id.* Specifically, Ms. Rose gathered the relevant information, purchased the materials, printed the materials and ensured the materials were distributed to volunteers. *Id.* Ms. Rose also attended community events, most recently Bans Off Our Bodies earlier this year, where Women’s Voices volunteers solicited voter registration. *Id.* Women’s Voices volunteers would not be able to solicit registration from unregistered Missourians without Ms. Rose’s support. *Id.*

33. Women’s Voices has been forced to halt much of its voter registration work to comply with the Compensation Ban. *Id.*

Unpaid Solicitor Registration Requirement

34. HB 1878 requires even uncompensated individuals “who solicit[] more than ten voter registration applications” to register with the Secretary of State as a “voter registration solicitor” (the “Unpaid Solicitor Registration Requirement”). HB 1878, § A (codified at § 115.205.1, RSMo); Pet. ¶ 5.

35. The law does not define the term “solicit.”

36. Prior to HB 1878’s implementation, Plaintiffs did not require their volunteers to register as voter registration solicitors with the Secretary of State. *See, e.g.,* Dugan Aff. ¶ 14.

37. To comply with the Unpaid Solicitor Registration Requirement, Plaintiffs must track whether their volunteers are registered as solicitors with the State. Dugan Aff. ¶ 38; Chapel

Aff. ¶ 22. Given the hundreds of volunteers, this is a burdensome task and adds significant administrative duties for the organizations, including tracking which volunteers have registered with the State, and helping volunteers who do not have a printer, fax machine, or scanner to send the completed form with a “wet” signature to the Secretary of State’s Office. *Id.* Plaintiffs must divert their limited resources towards compliance. *Id.*

38. The Unpaid Solicitor Registration Requirement also restricts the number of people available to solicit voter registration applications. Dugan Aff. ¶ 39; Pet. ¶ 28. Requiring solicitors to register in advance means that Plaintiffs cannot permit spontaneous volunteers to assist with voter registration. *Id.* Similarly, it prevents individuals who, for political reasons or otherwise, choose not to register with the Secretary of State. *Id.* Having fewer volunteers available will reduce Plaintiffs’ ability to carry out their voter engagement activities. *Id.*

Registered Voter Requirement

39. HB 1878 mandates that every voter registration solicitor be a registered Missouri voter and be at least 18 years of age (the “Registered Voter Requirement”). HB 1878, § A (codified at § 115.205.1, RSMo).

40. Prior to HB 1878 taking effect, Plaintiffs did not require volunteers to be registered Missouri voters.

41. Prior to HB 1878, LWVMO permitted anyone over the age of 16 to volunteer, but did not confirm volunteers’ age, citizenship, or voter registration status. Dugan Aff. ¶ 22. In fact, LWVMO sought out young volunteers, including high school students and college students who may be registered in their home states, to help with soliciting voter registration forms. *Id.*

42. Likewise, prior to HB 1878’s enactment, the Missouri NAACP did not interrogate volunteers to determine whether they were registered to vote in Missouri. Chapel Aff. ¶ 25.

Many volunteers and members are not currently eligible to register to vote themselves, including those who are under 18, registered in another state (e.g., Kansas or Illinois), or unable to register due to a criminal conviction. *Id.*

43. Indeed, Missouri NAACP specifically sought out certain classes of volunteers who were ineligible to register to vote, including young people and people on probation or parole, because of the unique value it saw having these volunteers carry their message. Chapel Aff. ¶¶ 25, 27.

44. One such Missouri NAACP member is Michelle Smith. Supp. Exh. 1 to Pl.’s Mtn. Prelim. Injunction (Smith Aff.) ¶¶ 8, 15, 17, 30. Ms. Smith would not be eligible to solicit voter registration applications if she were not paid through MADP because of her parole status. *Id.* When soliciting voter registration forms prior to HB 1878, Ms. Smith disclosed her parole status and emphasized that, because she cannot vote, it is more important for others to exercise this precious right. *Id.* Ms. Smith believes that she is an impactful and trusted messenger and voter registration solicitor because she discloses her parole status. *Id.* Now, with HB 1878, she and other Missourians on parole are not able to solicit voter registration forms. *Id.*

Absentee Ballot Solicitation Ban

45. HB 1878 further provides that “no individual, group, or party shall solicit a voter into obtaining an absentee ballot application” (“the Absentee Ballot Solicitation Ban”). HB 1878, § A (codified at § 115.205.2, RSMo). Punishments for violating the Absentee Ballot Solicitation Ban include fines, jail time, and the loss of voting rights for life. Pet. ¶ 5.

46. HB 1878 nowhere defines the term “solicit.”

47. Plaintiffs both consider encouraging eligible voters to apply to vote absentee and helping eligible voters cast absentee ballots a critical part of their missions of increasing voter engagement and voter turnout. Chapel Aff. ¶ 9; Dugan Aff. ¶ 6.

48. During many previous consecutive election cycles, Plaintiffs have encouraged voters to legally cast absentee ballots. Pet. ¶¶ 33, 67; Chapel Aff. ¶ 9; 11; Dugan Aff. ¶ 6; 8. Plaintiffs reach voters at community events, organization events, and through direct person-to-person outreach. *Id.* Plaintiffs' voter engagement work is a core part of their organizational mission, strategy, and activities. *Id.*

49. Absent HB 1878, Plaintiffs would continue to engage in voter engagement and advocacy work related to absentee voting. Pet. ¶¶ 33, 67; Chapel Aff. ¶ 11; Dugan Aff. ¶ 8.

50. However, Plaintiffs have significantly curtailed their activities related to absentee voting in an effort to comply with HB 1878. Chapel Aff. ¶¶ 39-41; Dugan Aff. ¶¶ 45, 47-48. Among other activities related to absentee voting, Plaintiffs have halted public discussion of absentee voting, stopped encouraging eligible voters to cast absentee ballots, stopped providing absentee ballot application forms upon request from voters, and stopped helping eligible voters understand how to cast an absentee ballot in compliance with the law. *Id.*

51. HB 1878's insufficient guidance as to what constitutes "soliciting" of absentee ballot applications under the law required Plaintiffs to curtail their activities. Chapel Aff. ¶¶ 39-41; Dugan Aff. ¶¶ 45, 47-48. The lack of a definition of "soliciting" required Plaintiffs to err on the side of caution and curtail any activity related to absentee voting in an effort to comply. *Id.*

52. The Absentee Ballot Solicitation Ban also limits Plaintiffs' ability to communicate their voter engagement messages while remaining in compliance with the law. Chapel Aff. ¶ 44; Dugan Aff. ¶¶ 50-52.

53. Because Plaintiffs can no longer provide information on absentee voting, voters, including Plaintiffs' members, have less access to information and guidance about absentee voting from competent non-profit advocacy organizations such as Plaintiffs. Chapel Aff. ¶¶ 39-41; Dugan Aff. ¶¶ 45, 47-49.

54. The Challenged Provisions also forced Plaintiffs to divert resources from their core work of engaging voters and increasing voter turnout through all legal methods to cast a ballot in an attempt to comply with the law. Chapel Aff. ¶ 44; Dugan Aff. ¶¶ 50-52.

55. The timing of HB 1878's implementation heightened its effect on Plaintiffs and on the voting system in Missouri. Chapel Aff. ¶ 44; Dugan Aff. ¶ 53.

56. The effective date of HB 1878—August 28, 2022—coincided with an important time for voters, local election authorities, and advocates working on voter engagement and voter turnout. Chapel Aff. ¶ 44; Dugan Aff. ¶ 53. The final months before a midterm election are a time of heightened discussion and consideration of voting methods. *Id.* These months are therefore a critical time for Plaintiffs to communicate their message, strategically deploy resources, and engage voters about absentee voting before the registration deadline. *Id.*

CONCLUSIONS OF LAW

I. PLAINTIFFS HAVE STANDING TO CHALLENGE HB 1878

1. Plaintiffs need not meet a high bar to establish standing. “Reduced to its essence, standing roughly means that the parties seeking relief must have some personal interest at stake in the dispute, even if that interest is attenuated, slight or remote.” *Ste. Genevieve Sch. Dist. R II v. Bd. of Aldermen of City of Ste. Genevieve*, 66 S.W.3d 6, 10 (Mo. 2002).

2. Standing “must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the

successive stages of the litigation.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561, 112 S. Ct. 2130, 2136, 119 L. Ed. 2d 351 (1992). Thus, at the preliminary injunction stage, Plaintiffs need only demonstrate a likelihood of success for standing.

3. Plaintiffs have adequately pled as well as provided additional facts considered by this Court with the motion now before it to establish standing.

4. Plaintiffs have demonstrated that their protected speech has been chilled by the Challenged Provisions.

5. Plaintiffs have associational standing.

6. Plaintiffs have also shown that the Challenged Provisions thwart their missions by impacting their members and the communities they serve and requiring them to expend and divert resources.

7. In a challenge to the constitutional guarantee of free speech, an injury in fact is established when a plaintiff alleges that a challenged law chills protected speech. *See Animal Legal Defense Fund v. Reynolds*, 297 F. Supp. 3d 901, 912 (S.D. Iowa 2018) (“Because the First Amendment protects against not only direct censorship but the chilling of protected speech, a plaintiff making a First Amendment claim alleges an injury in fact ‘even if the plaintiff has not engaged in the prohibited expression as long as the plaintiff is objectively reasonably chilled from exercising his First Amendment right to free expression in order to avoid enforcement consequences.’” (quoting *Republican Party of Minn., Third Cong. Dist. v. Klobuchar*, 381 F.3d 785, 792 (8th Cir. 2004)); *see also Missourians for Fiscal Accountability v. Klahr*, 830 F.3d 789, 794–95 (8th Cir. 2016) (holding that organization had standing to challenge speech-regulating statute because it had reasonably “self-censored” for eleven days); *State v. Vaughn*, 366 S.W.3d 513, 519 (Mo. banc 2012) (discussing an overbreadth challenge to a criminal statute under both

the First Amendment to the United States Constitution and Art. I, § 8, of the Missouri Constitution and describing examples illustrating the law’s possible chilling effect on political and non-political speech); *Planned Parenthood of Kansas v. Nixon*, 220 S.W.3d 732, 739–40 (Mo. banc 2007) (discussing standing and ripeness in a case challenging a state abortion statute and noting that a pre-enforcement challenge premised on free speech rights could proceed where Planned Parenthood could not “continue providing information and counseling to minors without risking liability under the statute” and remarking how ““courts have repeatedly shown solicitude for First Amendment claims because of concern that, even in the absence of a fully concrete dispute, unconstitutional statutes or ordinances tend to chill protected expression among those who forbear speaking because of the law’s very existence”” (quoting *Peachlum v. City of New York*, 333 F.3d 429, 434–35 (3d Cir. 2003))).

8. For associational standing, Missouri has adopted the federal *Hunt* framework. *St. Louis Ass’n of Realtors v. City of Ferguson*, 354 S.W.3d 620, 623 (Mo. banc 2011) (citing *Mo. Outdoor Advertising Ass’n, Inc. v. Mo. State Hwy. & Transp. Comm.*, 826 S.W.2d 342, 344 (Mo. banc. 1992)). In *Hunt*, the Supreme Court held that “an association has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.”

9. Plaintiffs have sufficiently alleged and further shown with the affidavits attached to the motion before this Court that (a) Plaintiffs’ members would otherwise have standing to sue in their own right, as the Challenged Provisions chill their protected speech; (b) Plaintiffs seek to protect interests germane to their missions concerning the promotion of voter registration; and

(c) neither the claim nor the requested relief requires the participation of Plaintiffs' individual members.

10. An organization may also show standing on its own behalf “when there is a concrete and demonstrable injury to [the] organization’s activities which drains its resources and is more than simply a setback to its abstract social interests.” *Nat’l Fed’n of Blind of Mo. v. Cross*, 184 F.3d 973, 979 (8th Cir. 1999).

A. Plaintiffs Have Suffered an Injury in Fact

11. HB 1878 made several material changes to the law, including imposing an outright ban on compensation for voter registration activity, prohibiting solicitation of absentee ballot applications, and requiring all people who solicit voter registrations to pre-register with the State, rather than only those who are paid to do so. The obligations now faced by Plaintiffs under the law are not substantially the same as they were before HB 1878 took effect.

12. Defendants contest Plaintiffs’ standing to challenge the Unpaid Solicitor Registration Requirement and Registered Voter Requirement. Defendants assert that under the prior law, Plaintiffs’ volunteers were required to be registered Missouri voters over the age of 18 and register as voter registration solicitors because volunteers were somehow “compensated” and solicited more than ten voter registration applications.

13. Plaintiffs’ Petition and Affidavits make clear that this was not the case. Prior to HB 1878 taking effect, Plaintiffs did not require their volunteers to register as voter registration solicitors with the Secretary of State before assisting with voter registration activities. Now that the requirement applies to all volunteers who expect to solicit more than ten voter registration applications, Plaintiffs will not permit individuals to volunteer with their organizations for the purpose of soliciting voter registration if they have not first registered with the Secretary of State.

14. This hampers Plaintiffs' ability to engage spontaneous volunteers, prevents Plaintiffs from having volunteers who, for political or privacy reasons, wish not to register with the Secretary of State, prevents Plaintiffs from having volunteers who themselves are not registered voters in Missouri, and adds administrative burdens for Plaintiffs and causes them to divert resources toward confirming each volunteer's registration status.

15. Plaintiffs are injured both because the Requirement reduces the pool of potential volunteers who can carry their pro-voter message and because it requires them to dedicate additional resources toward compliance.

16. Plaintiffs similarly did not require their volunteers to be over the age of 18 or registered voters in Missouri, and indeed did so intentionally because of the value in having certain classes of individuals who are not registered voters carry their message.

17. The Missouri NAACP, for instance, intentionally sought volunteers under the age of 18 because of the value they provide engaging youth in the political process. Likewise, the Missouri NAACP has members who are ineligible to register as voters due to a felony sentence, but see voter registration as a way to engage with the political process, despite being unable to vote themselves.

18. The LWVMO similarly had no requirement for their volunteers to be registered voters and worked with volunteers who were not registered to vote in Missouri. For instance, some of the League's members are part-time Missouri residents, who vote in another state, but volunteer as voter registration solicitors with the LWVMO while living in Missouri or are college students attending school in Missouri, but registered to vote in another state.

19. Under the Registered Voter Requirement, these individuals cannot solicit voter registration in Missouri on Plaintiffs' behalf. This mutes speech and expressive activity by

Plaintiffs' members who are ineligible to vote in the State or who choose not to and reduces the pool of volunteers available to solicit voter registration on Plaintiffs' behalf and spread Plaintiffs' pro-voter message.

20. Plaintiffs suffer an injury in fact as a result of the Unpaid Solicitor Registration Requirement and the Registered Voter Requirement.

21. Plaintiffs' claims do not rely on a constitutional right to vote absentee, nor do they require Plaintiffs to prove any injury to Missourians' right to vote. Instead, Plaintiffs allege that the Challenged Provisions hamper their ability to engage in constitutionally protected speech, expressive activity, and association and violate their due process rights.

22. As a part of their missions of educating voters and encouraging civic participation, Plaintiffs provide information on absentee voting, encourage eligible voters to apply to vote absentee, and provide voters with absentee ballot applications. The Missouri Constitution protects Plaintiffs' right to engage in this type of political speech. The Absentee Ballot Solicitation Ban, which bars any person from "solicit[ing] a voter into obtaining an absentee ballot application[.]" prevents them from doing so. Plaintiffs suffer an injury in fact as a result of the Absentee Ballot Solicitation Ban.

23. Defendants do not appear to contest Plaintiffs' standing to challenge the Compensation Ban. Even so, this Court finds that Plaintiffs plainly suffer an injury as a result of the Compensation Ban. Prior to HB 1878 taking effect, Plaintiffs compensated employees and offered grants to their staff and members to carry out voter registration activities.

24. The League, for example, has a paid staff member who previously drafted materials for distribution encouraging Missourians to register to vote and directing them on how to do so and supported the organization's voter registration drives. Because of the Compensation

Ban, she is now barred from these activities. The League's paid staff members also can no longer attend voter registration events.

25. Similarly, the Missouri NAACP previously used grants to pay temporary employees to solicit voter registration but can no longer do so as a result of the Compensation Ban.

26. These activities are critical to Plaintiffs' missions.

27. The Compensation Ban therefore hampers Plaintiffs' ability to carry out their mission by barring critical employees from engaging in mission critical work. Further, it directly burdens the speech of Plaintiffs' members and employees.

B. Plaintiffs' Injury Is Fairly Traceable to Defendants' Enforcement of HB 1878

28. As discussed, Plaintiffs have altered their conduct to comply with the Challenged Provisions. For instance, to comply with the Compensation Ban, Plaintiffs no longer permit paid employees to conduct many of the voter registration-related duties they previously carried out. Likewise, to comply with the Registered Voter Requirement and Unpaid Solicitor Registration Requirement, Plaintiffs now mandate that all voter registration volunteers be registered Missouri voters and prohibit volunteers who have not registered as solicitors and received confirmation of their registration prior to volunteering. And because of the Absentee Ballot Solicitation Ban, Plaintiffs have halted nearly all speech encouraging voters to apply to vote absentee.

29. These responses to the Challenged Provisions have caused a diversion of resources and reduced Plaintiffs' capacity to engage in protected speech, and in some instance barred it altogether.

30. Plaintiffs' injury is a direct result of their compliance with the Challenged Provisions, which carry criminal penalties for noncompliance.

31. Plaintiffs' injury is therefore traceable to Defendants, who are charged with implementation and enforcement of the Challenged Provisions.

C. Plaintiffs' Injury is Redressable by an Order of this Court

32. Plaintiffs request declaratory and injunctive relief, holding that the Challenged Provisions violate the Missouri Constitution, and enjoining Defendants from enforcing them.

33. This is the same type of relief that is often sought and consistently granted in voting rights litigation. Indeed, the Missouri Supreme Court has twice considered challenges to the State's voter identification law seeking similar relief, and both times the Court found declaratory relief appropriate. *See Weinschenk v. State*, 203 S.W.3d 201, 206 (Mo. banc 2006); *Priorities USA v. State*, 591 S.W.3d 448, 458 (Mo. banc 2020), *reh'g denied* (Jan. 30, 2020).

34. This Court rejects both Defendants' framing of the necessary remedy and Defendants' argument that this Court cannot issue the requested relief.

35. This Court has broad discretion to determine whether injunctive relief is required and to craft an appropriate injunction if it is. *See Priorities USA*, 591 S.W.3d at 452.

36. This Court rejects Defendants' argument that it lacks authority to grant relief under the Elections Clause of the U.S. Constitution.³ U.S. Const. art. I, § 4. The Elections Clause does not bar state court review of state laws governing federal elections under state constitutional provisions. As the Conference of Chief Justices recently wrote in an *amicus* brief to the Supreme Court⁴:

³ Defendants raise this argument only in their motion to dismiss—and there only cursorily—but since Defendants incorporated their motion to dismiss into their preliminary injunction opposition, the Court addresses this argument here.

⁴ Missouri Chief Justice Paul C. Wilson is a member of the *amicus* review committee and approved the brief.

The Elections Clause requires that state legislatures enact state laws governing federal elections and authorizes Congress to override such state laws. However, the Clause does not otherwise displace the States’ authority to structure their governments, including the process for determining state law. The States’ power to authorize state courts to interpret all state statutes definitively and to determine whether those statutes comply with state constitutions is neither a “power[] ... delegated to the United States by the Constitution, nor [a power] prohibited to the States,” U.S. Const., amend. X. Thus, the States’ power to structure their governments to include judicial review is also protected by the Tenth Amendment.

Brief of *Amicus Curiae* Conference of Chief Justices, *Moore v. Harper*, No. 21-1271, Sept. 6, 2022, available at http://www.supremecourt.gov/DocketPDF/21/21-1271/237155/20220906161712850_Moore%20v%20Harper%20Amicus%20Sept%206_FINAL_Filed.pdf.

37. Defendants’ cursory analysis fails to overcome the centuries of precedent of state courts interpreting the constitutionality of state enactments under state constitutions, even in the context of election laws.⁵

38. Plaintiffs’ injury is redressable by an order of this Court.

II. THE COURT GRANTS PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION.

39. In deciding a motion for a preliminary injunction, Missouri courts consider four factors: (1) “the movant’s probability of success on the merits”; (2) “the threat of irreparable harm to the movant absent the injunction”; (3) “the balance between this harm and the injury that the injunction’s issuance would inflict on other interested parties[]”; and (4) “the public interest.”

⁵ Because this Court rejects Defendants’ proposed limitation on this court’s power to adjudicate the constitutionality of laws governing federal elections, it need not reach the question of whether the Challenged Provisions—which govern speech, rather than the mechanics of elections—would fall under the ambit of the Elections Clause. However, the Court notes that Secretary Ashcroft has argued elsewhere that the term “manner” in the Elections Clause should be read narrowly. See Brief of *Amicus Curiae* Hon. John R. Ashcroft, *Moore v. Harper*, No. 21-1271, Sept. 2, 2022, available at http://www.supremecourt.gov/DocketPDF/21/21-1271/236977/20220902131402082_Ashcroft%20Am.%20Br.%20-%20Moore%20v.%20Harper%20-%20final.pdf.

State ex rel. Dir. of Revenue v. Gabbert, 925 S.W.2d 838, 839 (Mo. banc 1996) (internal citations omitted).

40. Courts must find that the movants have made “some showing of probability of success on the merits before a preliminary injunction will be issued.” *Id.* Importantly, this does not mean that courts must conclude the movants “will ultimately win” or have “prove[n] a greater than fifty per cent likelihood that [they] will prevail on the merits.” *Jet Midwest Int’l Co., Ltd v. Jet Midwest Grp., LLC*, 953 F.3d 1041, 1044-45 (8th Cir. 2020) (internal citations omitted); see also *Gabbert*, 925 S.W.2d at 839 (observing the preliminary injunction standard “is a well established area of the law[,]” although “[t]here is relatively little Missouri case law” stating this standard). Rather, courts must only find that the movants have demonstrated “a fair chance of prevailing.” *Jet Midwest Grp., LLC*, 953 F.3d at 1045.

41. For the reasons set forth herein, the Court concludes that Plaintiffs have “a fair chance of prevailing” on the merits. *Id.* The Court also finds that Plaintiffs face the “threat of irreparable harm” absent an injunction; and have in their favor both “the balance between [their] harm and the injury that the injunction’s issuance would inflict on other interested parties” and the public interest. *Gabbert*, 925 S.W.2d at 839.

A. Plaintiffs Have Shown a Probability of Success on the Merits

1. The Challenged Provisions Violate Plaintiffs’ Speech and Expression Rights

i. The Challenged Provisions Unconstitutionally Burden Plaintiffs’ Core Political Speech

42. Article I, Section 8 of the Missouri Constitution guarantees “[t]hat no law shall be passed impairing the freedom of speech, no matter by what means communicated: that every

person shall be free to say, write or publish, or otherwise communicate whatever he will on any subject.”

43. This provision is at least as expansive as the First Amendment of the Federal Constitution. *See Karney v. Dep’t of Lab. & Indus. Rels.*, 599 S.W.3d 157, 162–63 (Mo. banc 2020) (“While provisions of our state constitution may be construed to provide more expansive protections than comparable federal constitutional provisions, analysis of a section of the federal constitution is strongly persuasive in construing the like section of our state constitution.” (quoting *Doe v. Phillips*, 194 S.W.3d 833, 841 (Mo. banc 2006))).

44. Defendants do not dispute that the conduct criminalized by Challenged Provisions is speech or expressive activity. To the contrary, Defendants proffer an interpretation of the Challenged Provisions that restricts pure speech.

45. The Challenged Provisions strictly regulate who and how one can “solicit” voter registration applications and prohibit all persons from soliciting a voter into obtaining an absentee ballot application.

46. In other words, the Challenged Provisions prohibit anyone from approaching their fellow citizens to encourage them to apply to vote absentee; prohibit anyone but registered Missouri voters from entreating others to register to vote in Missouri; require any Missouri voter that wants to encourage voter registration to pre-register with the State before engaging in such speech; and prohibit anyone from paying others to amplify their pro-voter registration message. Violations of these provisions are backed by harsh criminal penalties.

47. Plaintiffs argue, and Defendants do not contest, that no other state has a restriction on voter engagement speech that even approaches the breadth of this statute.

48. Such direct restraints on pure speech—and core political speech like encouraging political participation in particular—are antithetical to the core tenets of freedom of speech. *Henry v. Halliburton*, 690 S.W.2d 775, 785 (Mo. banc 1985) (citing *Connick v. Myers*, 461 U.S. 138, 145 (1983)) (“The First Amendment ‘was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.’”).

49. There are a few narrow categories of speech that the Supreme Court has held fall outside the First Amendment’s protection: e.g., incitement, defamation, “fighting words,” child pornography, and true threats. *United States v. Alvarez*, 567 U.S.709, 717 (2012). The State does not contend that encouraging or entreating potential voters to register or to obtain an absentee ballot application fall within those narrow categories.

50. At its core, the right to free speech “means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564, 573 (2002) (internal quotation marks omitted). As such “content-based restrictions on speech [should] be presumed invalid.” *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 660 (2004). The Challenged Provisions regulate speech based on its content—whether it involves an “entreaty” to register to vote or apply to vote absentee—and therefore are presumed invalid.

51. Engaging and assisting voters in registering to vote or applying to cast an absentee ballot is “the type of interactive communication concerning political change that is appropriately described as ‘core political speech’ . . . an area in which the importance of First Amendment protections is at its zenith.” *Meyer v. Grant*, 486 U.S. 414, 420–28 (1988) (holding that restrictions on initiative petition signature gathering trigger First Amendment speech protections).

52. Courts have repeatedly held that voter-registration activities, like those regulated by the Challenged Provisions, constitute core political speech and have struck down far less sweeping regulations of that activity. *See, e.g., League of Women Voters v. Hargett*, 400 F. Supp. 3d 706, 721, 723–24 (M.D. Tenn. 2019) (enjoining regulations of voter registration activity) (“The court sees no reason that the First Amendment would treat [discussions about whether to register to vote] as somehow less deserving of protection than, for example, a discussion about whether or not there should be a ballot initiative about property taxes.”); *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 706 (N.D. Ohio 2006) (striking down restrictions on voter registration activity, noting “[t]he interactive nature of voter registration drives is obvious: they convey the message that participation in the political process through voting is important to a democratic society”); *League of Women Voters of Fla. v. Browning (Browning I)*, 575 F. Supp. 2d 1298, 1321 (S.D. Fla. 2008) (“Undoubtedly, Plaintiffs’ interactions with prospective voters in connection with their solicitation of voter registration applications constitutes constitutionally protected activity.”).

53. *Voting for America v. Steen*, 732 F.3d 382 (5th Cir. 2013), lends Defendants no support. In *Steen*, the Fifth Circuit acknowledged that “voter registration drives involve core protected speech” and that “[s]oliciting, urging and persuading the citizen to vote are the forms of the canvasser’s speech,” while holding that collection of *completed* voter registration forms is not protected expressive conduct. Consistent with *Steen*, soliciting a citizen to register is core political speech and that is precisely what the Challenged Provisions regulate.

54. Likewise, courts have upheld the core political speech in the absentee-ballot application context. *See, e.g., VoteAmerica v. Schwab*, 576 F. Supp. 3d 862, 875 (D. Kan. 2021) (“[M]ailing the [absentee ballot] application packets is inherently expressive conduct that the

First Amendment embraces.”) (preliminarily enjoining restrictions on distribution of absentee ballot applications); *Democracy N.C. v. N.C. State Bd. of Elections*, 476 F. Supp. 3d 158, 224 (M.D.N.C. 2020) (“The court therefore finds that assisting voters in filing out a request form for an absentee ballot is ‘expressive conduct’ which implicates the First Amendment.”); *Priorities USA v. Nessel*, 462 F. Supp. 3d 792, 812 (E.D. Mich. 2020) (holding that distributing absentee ballot applications, among other vote-by-mail operations, “necessarily involve[s] political communication and association.”).

55. Restrictions on voting-related advocacy unconstitutionally burden speech if they “limit[] the number of voices who will convey [Plaintiffs’] message and the hours they can speak and, therefore, limit[] the size of the audience they can reach.” *Meyer*, 486 U.S. at 422–23.

56. Each of the Challenged Provisions unconstitutionally burdens—and indeed outright prohibits—core political speech.

57. **Compensation Ban.** Like the statute struck down in *Meyer*, which outlawed the payment of ballot initiative petition circulators, the Compensation Ban bars voter registration solicitors from “be[ing] paid or otherwise compensated for soliciting voter registration applications.”

58. The Compensation Ban is unlikely to survive scrutiny.

59. Plaintiffs previously relied on both paid staff and volunteers eligible for reimbursement for their voter registration solicitation programs.

60. Since the Compensation Ban took effect, Plaintiffs have been forced to prohibit paid staff from assisting with many of the voter registration-related activities.

61. Plaintiffs must now rely solely on volunteers to perform these duties and will be unable to reimburse volunteers for their expenses, reducing the total quantum of their voter registration speech.

62. It is well-established that a person or organization's expenditure of funds to amplify their communications is protected by free speech protections and "[a] restriction on the amount of money a person or group can spend on [communications] necessarily reduces the quantity of expression" *Buckley v. Valeo*, 424 U.S. 1, 19 (1976).

63. As a result of the Compensation Ban, Plaintiffs will have fewer people spreading their pro-registration message and therefore do not expect to reach as many eligible voters as they could prior to the Compensation Ban taking effect.

64. By limiting the availability and assistance of paid staff and reimbursement-eligible volunteers for registration activities, the Compensation Ban impermissibly limits the voices that will convey Plaintiffs' message, the hours they can speak, and the audience reached by Plaintiffs' speech.

65. The Compensation Ban directly chills the speech of Plaintiffs' paid employees and reimbursement-eligible volunteers by prohibiting their participation in voter registration activities. Paid employees, for example, are no longer be permitted to attend Plaintiffs' regularly scheduled voter registration events. And given the sweeping reach of the term "solicit" that the State has proffered, paid employees are muzzled from any speech that might "entreat" others into applying for voter registration.

66. The Compensation Ban therefore unconstitutionally burdens core political speech.

67. ***Unpaid Solicitor Registration Requirement.*** The Unpaid Solicitor Registration Requirement unconstitutionally burdens Plaintiffs' core political speech by dictating that

Plaintiffs’ members must register with the State before engaging in core political speech, thus shrinking the pool of people eligible to spread Plaintiffs’ message and the number of eligible voters reached.

68. Because the Unpaid Solicitor Registration Requirement mandates that even uncompensated individuals “who solicit[] more than ten voter registration applications” register with the Secretary of State as “voter registration solicitors” every election cycle, volunteers will no longer be able to freely join in community registration events without substantial pre-planning (including having access to the internet and a printer), and organizations will no longer be able to admit volunteers to join their events without ascertaining their solicitor registration status.

69. The Unpaid Solicitor Registration Requirement restricts the pool of members and volunteers whom Plaintiffs can rely on to promote their pro-registration messages and thus limits the voices that will convey their messages, the audience they reach, and the hours they can speak.

70. Further, Plaintiffs’ members can no longer encourage—even verbally—more than ten members of their community per election cycle (a two-year time period) to register to vote without risking criminal prosecution unless they first inform the Secretary of State’s office of their plans to do so.

71. Such a direct restriction on core political speech is plainly prohibited by the Missouri Constitution.

72. The Unpaid Solicitor Registration Requirement therefore unconstitutionally burdens core political speech.

73. ***Registered Voter Requirement.*** Like the statute struck down in *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182 (1999), which required ballot-initiative petition circulators

to be registered voters, the Registered Voter Requirement mandates that every voter-registration solicitor be a voter registered in the state.

74. The Registered Voter Requirement is unlikely to withstand scrutiny.

75. The Registered Voter Requirement outright prohibits many individuals—from people under 18 to non-citizen residents of Missouri to visitors from out-of-state to people on probation or parole—from engaging in the core political speech of encouraging voter registration. The Missouri Constitution does not permit the State to dictate who can and cannot engage in protected speech.

76. As the U.S. Supreme Court reasoned in *Buckley*, “[t]he requirement that [solicitors] be . . . registered voters . . . decreases the pool of potential solicitors” *Id.* at 194.

77. As a result of the Registered Voter Requirement, approximately 300,000 voting-eligible Missourians who are not registered to vote will be removed from the pool of people who can engage in constitutionally protected speech by participating in voter registration activities.

78. The Registered Voter Requirement will also remove from the pool of potential solicitors many voting-ineligible Missourians, including Missouri residents who are noncitizens, who are under the age of eighteen, those on probation or parole following a felony conviction, and who are registered to vote in another state.

79. The Registered Voter Requirement thus restricts the number of voices that will convey Plaintiffs’ message and diminishes the size of the audience that Plaintiffs can reach.

80. It also directly stifles speech by individuals who are ineligible to become registered voters in Missouri, including Plaintiffs’ members.

81. The Registered Voter Requirement unconstitutionally burdens core political speech.

82. ***Absentee Ballot Solicitation Ban.*** By providing that “no individual, group, or party shall solicit a voter into obtaining an absentee ballot application,” the Absentee Ballot Solicitation Ban stifles practically *all* speech and expression encouraging absentee voting.

83. As a result of the Absentee Ballot Solicitation Ban, Plaintiffs have been forced to cease nearly all speech and association related to absentee voting. Plaintiffs no longer encourage eligible voters to apply to vote absentee during voter registration events and prohibit volunteers from doing so, on their website, on social media, while canvassing, or in printed circulations.

84. As courts have repeatedly held, speech and expressive activities related to absentee voting constitute core political speech. *See, e.g., VoteAmerica*, 576 F. Supp. 3d at 875.

85. The Absentee Ballot Solicitation Ban chills Plaintiffs from engaging in any speech or expressive activity encouraging or assisting with absentee voting altogether.

86. The Absentee Ballot Solicitation Ban therefore unconstitutionally burdens core political speech.

ii. The Challenged Provisions Are Impermissible Content-Based Restrictions

87. “Laws that regulate speech based on its communicative content ‘are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.’” *Fox v. State*, 640 S.W.3d 744, 750 (Mo. banc 2022) (quoting *Nat’l Inst. of Fam. & Life Advocs. v. Becerra*, 138 S. Ct. 2361, 2371 (2018)); *see also Ryan v. Kirkpatrick*, 669 S.W.2d 215, 218 (Mo. 1984) (“[T]he government may not limit expression because of the message to be conveyed, its ideas, subject matter or content.”).

88. The Challenged Provisions are unquestionably content-based restrictions on expression. They are not neutral time, place, or manner restrictions on speech but rather govern

and tightly regulate (or altogether prohibit) certain speech based on its content. Defendants have not argued otherwise.

89. The Unpaid Solicitor Registration Ban, Registered Voter Requirement, and Compensation Ban apply only to speech involving voter registration—and, more specifically, solicitation of voter registration applications—not to speech involving other topics.

90. Likewise, the Absentee Ballot Solicitation Ban restricts only speech related to absentee ballot applications, not to discussion of other issues.

91. By targeting speech related exclusively to voter registration and absentee voting, the Challenged Provisions restrict Plaintiffs' speech based on content.

92. Defendants failed to prove that the Challenged Provisions are narrowly tailored to serve any compelling state interests.

93. Accordingly, Defendants have failed to overcome the presumption that the Challenged Provisions are unconstitutional content-based restrictions. *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 660 (2004).

iii. The Challenged Provisions Are Impermissible Viewpoint-Based Restrictions

94. Like content-based restrictions on speech, viewpoint discrimination “is presumed to be unconstitutional,” *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828–29 (1995), and therefore subject to strict scrutiny—that is, such discrimination “must be the least restrictive means of achieving a compelling state interest,” *McCullen v. Coakley*, 573 U.S. 464, 478 (2014).

95. The Unpaid Solicitor Registration Ban, Registered Voter Requirement, and Compensation Ban restrict only speech that solicits voter registration applicants—that is, speech in favor of registering to vote—and do not restrict speech opposed to voter registration.

96. Similarly, the Absentee Ballot Solicitation Ban prohibits only speech that encourages citizens to apply to vote by absentee ballot and does not regulate speech opposed to absentee voting (i.e., speech discouraging voters from obtaining applications and casting absentee ballots).

97. By targeting only speech supporting voter registration and absentee voting, the Challenged Provisions restrict speech based on the viewpoint of the speaker. *See S.D. Voice v. Noem*, 432 F. Supp. 3d 991, 996 (D.S.D. 2020) (finding a law viewpoint discriminatory because it “specifically applies a burden to the speech of those who ‘solicit’ others to sign ballot measure petitions, but not those who solicit them not to do so”).

98. Defendants have failed to prove that the Challenged Provisions are the least restrictive means of achieving any compelling state interest.

99. Thus, Defendants have failed to overcome the presumption that the Challenged Provisions are unconstitutional viewpoint-based restrictions.

iv. The Challenged Provisions Unconstitutionally Restrict Expressive Conduct

100. “[C]onduct possesses sufficient communicative elements” to warrant First Amendment protection where “[a]n intent to convey a particularized message was present” and “the likelihood was great that the message would be understood by those who viewed it.” *Texas v. Johnson*, 491 U.S. 397, 404 (1989) (quoting *Spence v. State of Wash.*, 418 U.S. 405, 411 (1974)).

101. As discussed, Defendants have conceded that the Challenged Provisions cover speech itself, i.e., any time that a person entreats another person to register to vote or apply to vote absentee. But even applying the Challenged Provisions to not only verbal communications but also the distribution of voter registration and absentee ballot application forms, the

Challenged Provisions target expressive conduct by Plaintiffs related to voter registration and absentee voting.

102. Courts have characterized voting-related activity, including communications involving absentee ballot applications, to implicate expressive conduct protected by the First Amendment. *See, e.g., VoteAmerica*, 576 F. Supp. 3d at 875 (finding that “mailing the application packets is inherently expressive conduct that the First Amendment embraces”); *Democracy N.C.*, 476 F. Supp. 3d at 224 (“assisting voters in filling out a request for an absentee ballot is ‘expressive conduct’ which implicates the First Amendment”); *Nessel*, 462 F. Supp. 3d at 819 (holding that plaintiffs stated a plausible claim that law banning any hired transportation to the polls “is an impermissible burden on expressive activity”).

103. Just as the Challenged Provisions unconstitutionally restrict Plaintiffs’ speech, they impermissibly restrict Plaintiffs’ expressive conduct.

2. The Challenged Provisions Are Overbroad

104. The Challenged Provisions also violate Plaintiffs’ constitutional rights under Art. I, § 8 in that they are overbroad and impair a wide swath of constitutionally protected rights of speech, expression, and association.

105. “Overbreadth attacks are allowed where rights of association are ensnared in statutes which, by their broad sweep, might result in burdening innocent associations.” *Turner*, 349 S.W.3d at 448 (citing *Broadrick v. Oklahoma*, 413 U.S. 601, 611–12 (1973)).

106. Where a statute implicates speech, “the possible harm to society in permitting some unprotected speech to go unpunished is outweighed by the possibility that protected speech of others may be muted and perceived grievances left to fester because of the possible inhibitory effects of overly broad statutes.” *Broadrick v. Oklahoma*, 413 U.S. 601, 612 (1973); *see also*

State v. Carpenter, 736 S.W.2d 406, 408 (Mo. banc 1987) (a statute is overbroad when it “acts to smother speech otherwise protected by the First Amendment in that ‘persons whose expression is constitutionally protected may well refrain from exercising their rights for fear of criminal sanctions provided by a statute susceptible of application to protected expression’”) (citing *Gooding v. Wilson*, 405 U.S. 518, 521 (1972)).

107. The Challenged Provisions are unconstitutionally overbroad because Plaintiffs have and will continue to restrict and cease current constitutionally protected activities and communications with their volunteers, members, and communities related to voting, including a large portion of their speech related to voter registration and absentee voting because they reasonably fear criminal sanctions under the Challenged Provisions.

3. The Challenged Provisions Violate Plaintiffs’ Freedom of Association

108. Sections 8 and 9 of Article I of the Missouri Constitution “guarantee freedom of . . . association.” *Courtway v. Carnahan*, 985 S.W.2d 350, 352 (Mo. App. W.D. 1998); *see also Turner v. Mo. Dep’t of Conservation*, 349 S.W.3d 434, 448 (Mo. App. S.D. 2011).

109. Freedom of association under the Missouri Constitution is at least as expansive as the right protected by the federal First Amendment. *See Karney*, 599 S.W.3d at 162–63.

110. “Election regulations that impose a severe burden on associational rights are subject to strict scrutiny, and [courts] uphold them only if they are ‘narrowly tailored to serve a compelling state interest.’” *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 451 (2008); *accord Roberts v. United States Jaycees*, 468 U.S. 609, 623 (1984) (“Infringements on [the right to associate] may be justified by regulations adopted to serve compelling state interests . . . that cannot be achieved through means significantly less restrictive

of associational freedoms.”); *NAACP v. Button*, 371 U.S. 415, 430 (1963) (“[S]tate action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.”).

111. The First Amendment “encompasses the ‘right of expressive association,’ i.e., the ‘right to associate for the purpose of speaking.’” *Miller v. City of Cincinnati*, 622 F.3d 524, 537 (6th Cir. 2010) (quoting *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47, 68 (2006)).

112. This right “protects a group’s membership decision and also protects against laws that make group membership less attractive without directly interfering with an organization’s composition, such as requiring groups to disclose their membership lists or imposing penalties based on membership in a disfavored group.” *Id.* (cleaned up).

113. The Challenged Provisions prevent Plaintiffs and their members, volunteers, and staff from working together to engage potential voters and assist community members in participating in the civic community and the democratic political process through voter registration and absentee voting, severely burdening expressive association by Plaintiffs and their members, volunteers, and staff.

114. The Compensation Ban, Unpaid Solicitor Registration Requirement, and Registered Voter Requirement directly restrict who may participate in Plaintiffs’ voter registration and engagement activities and events, directly interfering with Plaintiffs’ group membership by dictating who can participate in their core associational activities.

115. The Challenged Provisions also impede the ability of Plaintiffs and their members to associate with potential voters through outreach related to voter registration and absentee voting in both the short and long terms.

116. Because of the Challenged Provisions, Plaintiffs will no longer be able to use their outreach efforts to increase voter turnout in Missouri elections and cultivate connections with potential future members or volunteers, hampering Plaintiffs' civic engagement work.

117. The Challenged Provisions therefore impose a severe burden on Plaintiffs' associational rights.

3. The Challenged Provisions Are Subject to Strict Scrutiny

118. Because the Challenged Provisions impose severe burdens on Plaintiffs' and their members' political speech, expressive activity, and associational rights, the Challenged Provisions are subject to strict scrutiny. *Ryan v. Kirkpatrick*, 669 S.W.2d 215, 218 (Mo. banc 1984) ("If the legislation does in any way tether free speech, there must be compelling justification for it."); *Geier v. Missouri Ethics Comm'n*, 474 S.W.3d 560, 565 (Mo. banc 2015) ("Regulations that limit speech are subject to 'strict scrutiny,' which requires the government to prove that the regulation furthers a compelling interest and is narrowly tailored to achieve that interest.").

119. Defendants argue that the Challenged Provisions are "elections laws" and urge this Court to apply less exacting scrutiny under the *Anderson-Burdick* balancing test. This Court rejects the State's proposed framework. Defendants' framework would turn traditional First Amendment principles on their head, allowing the State to more tightly regulate speech and expression in the electoral context. In fact, regulation of election-related speech is subject to the greatest scrutiny. *Ryan v. Kirkpatrick*, 669 S.W.2d 215, 218 (Mo. banc 1984) ("There is no doubt that freedom of speech has expansive and comprehensive scope. . . . This is particularly so as it pertains to political association and advocacy."); *see also Meyer v. Grant*, 486 U.S. 414, 420–28 (1988) (holding that First Amendment protection is "at its zenith" when addressing core

political speech). Labeling a law as an “election law” does not alone dictate lesser constitutional scrutiny.

120. While the State is correct that courts have applied the *Anderson-Burdick* framework to assess the constitutionality of laws that regulate the conduct of elections and do not severely burden the right to vote, *see, e.g., Peters v. Johns*, 489 S.W.3d 262 (Mo. banc 2016), it is inappropriate here where a law bears directly on pure speech, expressive conduct, and association.

121. Voting is expressive activity, but it is not *solely* expressive activity. While a citizen might use their vote to express their viewpoint on an issue or candidate, voting also determines the makeup of federal, state, and local governments as well as the results of ballot measures leading to changes in the law. As such, courts have recognized that “some regulation of *the voting process*” may be necessary to ensure the orderly operation of elections and indeed “to protect the right to vote itself.” *Priorities USA v. State*, 591 S.W. 3d 448, 453 (Mo. banc 2020) (quoting *Weinschenk v. State*, 203 S.W.3d 201, 212 (Mo. banc 2006)) (emphasis added); *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997).

122. Consequently, when a state seeks to directly regulate the voting process itself, courts employ a sliding scale framework that permits certain burdens on the right to vote when the regulation serves an important state interest. *See Anderson v. Celebrezze*, 460 U.S. 780 (1983); *Burdick v. Takushi*, 504 U.S. 428 (1992).

123. Importantly, the Supreme Court has only applied the *Anderson-Burdick* framework to cases that directly regulate access to the ballot for voters and candidates. *See, e.g., Peters v. Johns*, 489 S.W.3d 382, 387 (Mo. banc 2016) (ballot access rules for candidates). The cases Defendants cite that involve voter registration activity involved the collection and

submission of voter registration forms, not mere encouragement to register. And even then, those courts, in applying the Anderson-Burdick sliding scale, acknowledged the First Amendment harms and applied heightened scrutiny.

124. Here, the Challenged Provisions do not bear on the voting process itself but on speech related to voting. Unlike laws that govern a voter casting a ballot or a candidate's qualifications, the Challenged Provisions do not govern the mechanics of the electoral process, but rather restrict election-related speech, or the sharing of political ideas and encouragement to register to vote or application to vote absentee.⁶ In such cases, strict scrutiny always applies. *See Am. Constitutional Law Found.*, 525 U.S. at 207 (Thomas, J., concurring) (“When a State’s election law directly regulates core political speech, we have always subjected the challenged restriction to strict scrutiny and require that the legislation be narrowly tailored to serve a compelling governmental interest.”); *Hargett*, 400 F. Supp. 3d at 722 (applying exacting scrutiny where laws “go beyond merely the intersection between voting rights and election administration, veering instead into the area where the First Amendment has its fullest and most urgent application”); *McIntyre v. Ohio Elections Commission*, 514 U.S. 334, 345-46 (1995) (holding the challenged law was no “ordinary election restriction[s]” but rather “involve[d] a limitation on political expression subject to exacting scrutiny”).

125. Even more so than petition signature gathering for ballot initiatives—which necessarily implicates the machinery of counting and verifying signatures and where the Supreme Court has nonetheless applied exacting scrutiny—the Challenged Provisions, which

⁶ Plaintiffs have not made a legal claim in this case that the Challenged Provisions burden the right to vote, and their constitutional challenges do not rest on whether the Challenged Provisions burden Missourians’ ability to cast a ballot or vote absentee.

regulate pure speech in the form of encouragement to register to vote or apply to vote absentee, restrict core political speech.

126. Even if this Court applied the *Anderson-Burdick* framework, the resulting scrutiny would be nearly identical. Even under that sliding scale framework, [i]f the burden is severe, strict scrutiny applies.” *Peters v. Johns*, 489 S.W.3d 262, 273–74 (Mo. banc 2016). For the reasons discussed above, this Court finds that the Challenged Provisions severely burden Plaintiffs’ freedom of speech and association. Defendants argue that the burdens are not severe because voters’ access to the ballot is not hampered by the Challenged Provisions. But Defendants’ arguments fail to address the relevant inquiry: the burdens on Plaintiffs as speakers, not Missourians as voters casting ballots.

127. Because the Challenged Provisions directly burden Plaintiffs’ speech, expression, and associational rights, they are subject to strict scrutiny under the Missouri Constitution.

4. The Challenged Provisions Fail Strict Scrutiny or Any Heightened Scrutiny

128. Because this Court must invoke strict scrutiny, the Challenged Provisions “will only be upheld if [they are] narrowly tailored to serve a compelling state interest.” *Priorities USA*, 591 S.W.3d at 453 (quoting *Peters v. Johns*, 489 S.W.3d 262, 273 (Mo. banc 2016)).

129. The State’s compelling interest must be “paramount, one of vital importance, and the burden is on the government to show the existence of such an interest.” *Elrod v. Burns*, 427 U.S. 347, 362 (1976). Defendants must provide actual evidence to support the State’s purported interest and demonstrate that the Challenged Provisions would solve existing problems. *See, e.g., Weinschenk*, 203 S.W.3d at 218. “[W]here fundamental rights of Missouri citizens are at stake, more than mere perception is required for their abridgement.” *Id.*

130. Defendants have not met their burden of demonstrating a compelling interest that the Challenged Provisions are designed to address. Indeed, Defendants have not met their burden of justifying the Challenged Provisions even under the least exacting review available under the *Anderson-Burdick* sliding scale.⁷ *Anderson-Burdick* review always requires a court to “weigh the character and magnitude of the burden the State’s rule imposes on [expressive and associational] rights against the interests the State contends justify that burden, and consider the extent to which the State’s concerns make the burden necessary.” *Timmons*, 520 U.S. at 358. Defendants have failed to show how the State’s concerns make the burdens of the Challenged Provisions necessary.

131. While preventing election fraud is a legitimate and even compelling interest, *see Priorities USA v. State*, 591 S.W.3d 448, 453 (Mo. banc 2020), the State has failed to demonstrate any evidence of election fraud in the State of Missouri that the Challenged Provisions could plausibly address, and much less one the Provisions could be narrowly tailored to address.

132. To the contrary, Defendant Ashcroft has repeatedly confirmed that the 2020 Election was both “secure[]” and “successful.” *See* Pl.’s Mot. at 26.

133. Defendants point to four sources to support the State’s claim that the Challenged Provisions were necessary to combat election fraud. None of these sources provides sufficient evidence of an issue in Missouri’s electoral system that could conceivably be remedied by the Challenged Provisions.

⁷ As noted above, the Court finds that even under an *Anderson-Burdick* review, strict scrutiny would apply because the Challenge Provisions impose severe burdens on political expression.

134. First, Defendants point to a 2005 report of the Carter-Baker Commission, which was convened after the 2000 elections. This report from 17 years ago found the potential for voter registration fraud where individuals are paid by the piece to register voters and a risk of absentee ballot fraud where third parties are permitted to handle a voter's absentee ballot. But the Challenged Provisions do not merely prohibit payment per registration but payment for voter registration solicitation altogether. Likewise, the Challenged Provisions do not restrict handling a voter's absentee *ballot* but rather prohibit encouragement of applying to vote absentee. The Carter-Baker Commission provides no support for the Challenged Provisions.

135. Second, Defendants point to a 2017 manual by the United States Department of Justice on prosecuting election offenses. This report gave similar findings. *Id.* at 12. For the same reasons as above, the 2017 manual cannot support the Challenged Provisions' sweeping restrictions on encouragement of voter participation.

136. Third, Defendants cite prior findings by this Court related to the potential for fraud in absentee voting. *Id.* at 13. Nothing in this Court's prior findings suggest support for a criminal prohibition on mere encouragement of voters to apply to vote absentee.

137. Lastly, Defendants cite a report of the Wisconsin Special Counsel regarding the 2020 Election. This report suggests problems in absentee voting related to "overzealous solicitation." *Id.* However, the report is based on a study of Wisconsin only, the report and its author have been widely discredited, and its findings are contradicted by a nonpartisan audit of the Wisconsin election results. *See e.g.*, Rob Mentzner, Judge revokes ex-Gableman attorneys' right to represent 2020 election inquiry, Wisconsin Public Radio (Aug. 17, 2022), <https://www.wpr.org/judge-revokes-ex-gableman-attorneys-right-represent-2020-election-inquiry>; Lawrence Andrea & Corrine Hess, Robin Vos says Michael Gableman could lose his

law license over 2020 election review, records violations, Milwaukee Journal-Sentinel (Aug. 16, 2022), <https://www.jsonline.com/story/news/politics/2022/08/16/vos-says-gableman-could-lose-law-license-over-2020-election-probe/10339725002/> (“The review has cost state taxpayers more than \$1 million and has turned up no evidence of significant voter fraud.”). In any event, this out-of-state report does not suggest or provide support for the type of restrictions challenged here.

138. This Court thus does not find Defendants’ evidence supporting the need for the Challenged Provisions to address deficiencies in Missouri’s electoral system to be sufficient.

139. Other than this Court’s order related to absentee voting—which, as discussed above provides no support for the Challenged Provisions—Defendants provide no evidence specific to this State, nor do they provide evidence that any potential issues result from nongovernmental actors encouraging others to register to vote or to vote absentee.

140. Even assuming Defendants could prove the type of fraud they allege exists in Missouri, the Challenged Provisions are not reasonably, much less narrowly, tailored to combat it. Defendants provide no evidence that individuals who are compensated (not by the piece) for voter registration activity commit fraud. Defendants provide no evidence that people who are registered to vote in Missouri are less likely to commit fraud than those who are not. And Defendants provide no evidence as to how the solicitor registration requirement will assist them in rooting out fraud. Indeed, Defendants provide no evidence that nongovernmental actors encouraging potential voters to register to vote or assisting eligible voters with registration has led to any fraud in the state of Missouri. And the Challenged Provisions can do nothing to prevent the registrant from providing incorrect or fraudulent information on the publicly available form.

141. Similarly, the Absentee Ballot Solicitation Ban will not prevent absentee voting fraud. Individuals are barred from encouraging voters to *apply* to vote absentee or assisting them in the *application* process. This provision does not touch on absentee voting itself, and it certainly does not bar third parties from handling absentee ballots.

142. Importantly, Missouri already has effective laws and systems in place to prevent election fraud. *See, e.g.*, RSMo. §§ 115.503 (requiring verification boards to inspect secured electronic voting machines); 115.513 (“If any verification board, bipartisan committee, election authority or the secretary of state obtains evidence of fraud or any violation of law during a verification, it shall present such evidence immediately to the proper authorities.”), 115.553 (“Any candidate for election to any office may challenge the correctness of the returns for the office, charging that irregularities occurred in the election.”); 115.583 (requiring a recount where a “court or legislative body hearing a contest finds there is a prima facie showing of irregularities which place the result of any contested election in doubt); 115.631 (making voting more than once or voting knowing that the person is ineligible to vote a class-one election offense).

143. Because the Challenged Provisions do not address the interests set forth by the State in any meaningful way, they are not meaningfully related to the problems the State raises and are certainly not the least restrictive means of addressing them. They therefore fail strict scrutiny under the Missouri Constitution. Indeed, they would fail under the *Anderson-Burdick* sliding scale analysis as well. This Court therefore finds that Plaintiffs are likely to succeed on the merits of their free speech, expression, and association claims.

5. The Challenged Provisions are Void for Vagueness

144. Article I, Section 10 of the Missouri Constitution provides “[t]hat no person shall be deprived of life, liberty or property without due process of law.” Mo. Const. art. I, § 10. Due

process requires that a statute “provide a person of ordinary intelligence with adequate notice of the proscribed conduct,” *State v. Young*, 695 S.W.2d 882, 886 (Mo. banc 1985), and not be “so standardless that it invites arbitrary enforcement.” *Johnson v. United States*, 576 U.S. 591 (2015); *see also U.S. v. Lanier*, 520 U.S. 259, 267 (1997); *Vetter v. King*, 691 S.W.2d 255, 257 (Mo. banc 1985); *State v. Mahan*, 971 S.W.2d 307 (Mo. banc 1998).

145. The vagueness inquiry under the Missouri Constitution is stricter where the challenged statute “threatens to inhibit the exercise of constitutionally protected rights,” imposes criminal penalties, lacks a scienter requirement, or is noneconomic in nature. *State ex rel. Nixon v. Telco Directory Publ’g*, 863 S.W.2d 596, 600 (Mo. banc 1993) (quoting *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 498-99 (1982)). “If, for example, the law interferes with the right of free speech or association, a more stringent vagueness test should apply.” *Hill v. Colorado*, 530 U.S. 703, 732 (2000).

146. The Challenged Provisions violate Article I, Section 10 of the Missouri Constitution because they include vague terms that fail to provide ordinary persons adequate notice of what conduct is regulated or proscribed and invite arbitrary enforcement, including by Missouri’s 115 county prosecutors.

147. At the outset, this Court must engage in a more stringent vagueness inquiry. *See Nixon*, 863 S.W.2d at 600. As discussed *supra*, the Challenged Provisions threaten Plaintiffs’ constitutionally protected rights to freedom of speech, expression, and association. Violators of the Challenged Provisions face criminal penalties, including incarceration, fines, the potential permanent loss of voting rights, and misdemeanor or even felony charges in some instances. HB 1878, § A (codified at §§ 115.205.1, 115.279.2); RSMo §§ 115.304, 115.133.2, 115.631, 115.635, 115.637, 115.641, 561.026. Moreover, some of the provisions, including the Absentee

Ballot Application Solicitation Ban, the Compensation Ban, and the Registered Voter Requirement, are strict liability offenses, lacking a scienter requirement. Lastly, the provisions at issue, which regulate voter engagement activity, are noneconomic in nature.

148. The Challenged Provisions are unconstitutionally vague because HB 1878 fails to define “solicitation,” including what activity constitutes “soliciting voter registration” or “solicit[ing] a voter into obtaining an absentee ballot application” or what renders an individual a “voter registration solicitor.” Pl.’s Mot. at 28-30.

149. The Compensation Ban is unconstitutionally vague because it prohibits nongovernmental actors from being “paid or otherwise compensated for soliciting voter registration applications” but fails to define what it means to be “otherwise compensated.” *Id.* at 30-31.

150. Neither term is defined in HB 1878 or anywhere in Missouri’s election code.

151. “Solicit” is a broad term with a potentially dramatic sweep that could include anyone who “entreat[s] or ask[s] a potential voter to register.” *S.D. Voice*, 432 F.Supp.3d at 997.

152. “Solicitation” could potentially cover a wide range of Plaintiffs’ voter engagement activity. For instance, Defendants suggest that “solicit” means “[t]o make petition to; entreat, importune; esp. to approach with a request or plea (as in selling or begging, as in to ‘solicit one’s neighbors for contributions.’” Defs.’ Opp. to Pl’s. Mtn. at 18 (quoting *Solicit*, WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 2168 (2002)).

153. These definitions extend broadly to include verbal encouragement to register to vote or apply to vote absentee as well as the act of distributing voter registration forms or absentee ballot applications in order to encourage voters to register or to vote absentee. Importantly, they encompass many of Plaintiffs’ voter outreach activities, including the

provision of education, advocacy, and information, not simply the provision of voter registration activities.

154. The bounds of what counts as “solicitation” are unclear and undefined by the statute. Plaintiffs and prosecutors are left to guess what speech related to voter registration and applying to vote absentee is covered. When restricting expression and imposing criminal penalties, the Missouri Constitution requires more.

155. “Compensation” is similarly vague and often has varied meanings depending on the context. *C.f., Mo. Prosecuting Att’ys v. Barton Cnty.*, 311 S.W.3d 737, 742 (Mo. banc 2010) (noting that the term compensation “can have quite varied meanings in different contexts”).

156. While it is plain that individuals who are paid to carry out voter registration activities are “compensated,” it is unclear whether the Compensation Ban also extends activities such as reimbursement for volunteers’ expenses or the provision of tokens of appreciation for a volunteer’s time.

157. Given the broad range of activities that might be covered by the terms “solicit” or “compensated,” the Challenged Provisions cannot be said to give an ordinary person reasonable notice of what conduct is prohibited or subject to regulation. The vagueness of the terms invites arbitrary and disparate enforcement by Missouri’s 115 county prosecutors, each of whom has the authority to interpret the statute differently. Consequently, Plaintiffs have been forced modify their voter registration and absentee voting activities to comply with the broadest reading of the statute in order to avoid prosecution.

158. The Challenged Provisions are impermissibly vague, and Plaintiffs are therefore likely to succeed on the merits of their due process claim.

B. Plaintiffs Face Irreparable Harm Absent Injunctive Relief

159. Once Plaintiffs have established a likelihood of success on the merits, they must prove that they will suffer irreparable harm absent injunctive relief.

160. “If constitutional rights are threatened or impaired, irreparable injury is presumed.” *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976); accord *Iowa Right to Life Comm., Inc. v. Williams*, 187 F.3d 963, 970 (8th Cir. 1999).

161. The Eighth Circuit has held that where Plaintiffs demonstrate a “high likelihood of success on the merits of a First Amendment claim,” that is “likely enough, standing alone, to establish irreparable harm.” *Child Evangelism Fellowship of Minnesota v. Minneapolis Special Sch. Dist. No. 1*, 690 F.3d 996, 1000 (8th Cir. 2012); see also *Willson v. City of Bel-Nor*, 924 F.3d 995, 999 (8th Cir. 2019); *Traditionalist Am. Knights of Ku Klux Klan v. City of Desloge*, 983 F. Supp. 2d 1137, 1143 (E.D. Mo. 2013), *rev’d sub nom. Traditionalist Am. Knights of the Ku Klux Klan v. City of Desloge*, 775 F.3d 969 (8th Cir. 2014) (“Thus, if Plaintiffs can establish a sufficient likelihood of success on the merits of their First Amendment claim, they will also have established irreparable harm.”).

162. Absent an injunction, Plaintiffs face irreparable harm to their speech, expression, and associational rights. These harms began when HB 1878 took effect, are ongoing, and will not cease absent an injunction barring the enforcement of the Challenged Provisions.

163. Because of the Compensation Ban, Plaintiffs have been forced to alter their voter registration activities by prohibiting paid employees from carrying out their regular duties and ceasing to offer reimbursement and tokens of appreciation to volunteers. As a result, Plaintiffs have been forced to shift limited volunteer resources away from other activities, including voter

registration drives and voter education and assistance, that are crucial to their missions toward completing registration-related tasks that would otherwise be done by paid employees. Because of the Compensation Ban, Plaintiffs will likely have fewer volunteers available to spread their message, causing them to lose opportunities to engage in constitutionally protected speech.

164. The Unpaid Solicitor Registration Requirement and Registered Voter Requirement similarly reduce the pool of people available to transmit Plaintiffs' messages. By requiring pre-planning the Unpaid Solicitor Registration Requirement will prevent spontaneous volunteers (and volunteers who lack ready access to the internet or a printer) from carrying Plaintiffs' message. Similarly, the Registered Voter Requirement will bar Plaintiffs from accepting entire classes of volunteers, including students attending college in Missouri, but who still vote in their home jurisdictions, individuals under the age of 18, Missouri residents who are in the process of becoming citizens, and individuals on parole or probation. These provisions thus reduce the number of persons available to carry Plaintiffs' messages and directly harm Plaintiffs' members who fall into one of the categories of persons prohibited from being a registered voter in the state.

165. The Challenged Provisions also chill volunteers by threatening severe criminal prosecution for violation, despite being vague and difficult for an ordinary person to understand.

166. Overall, the Challenged Provisions burden Plaintiffs' ability to engage in constitutionally protected speech and activities, and as a result, threaten Plaintiffs' missions of promoting civic participation and ensuring access to the right to vote as well as their ability to convey their pro-voting messages among their members and communities.

167. Absent a preliminary injunction, Plaintiffs’ messages will be stifled in the weeks leading up to an election—a crucial moment for the type of voter engagement work Plaintiffs carry out.

168. Plaintiffs will suffer irreparable harm absent a preliminary injunction.

C. The Balance of Harms Favors Plaintiffs

169. Where, as here, Plaintiffs have established a likelihood of success on the merits of their speech, expression, and association claims, this factor is “generally deemed to have been satisfied.” *See Willson*, 924 F.3d at 999 (“When a plaintiff has shown a likely violation of his or her First Amendment rights, the other requirements for obtaining a preliminary injunction are generally deemed to have been satisfied.”).

170. Similarly, courts routinely find this factor has been met where fundamental rights are at stake and Plaintiffs seek injunctive relief against the State. *See, e.g., Org. for Black Struggle v. Ashcroft*, 493 F. Supp. 3d 790, 802 (W.D. Mo. 2020) (holding that where the current law already provided for election integrity protections, the “risk of disenfranchisement” presented by new voting requirements outweighed the “minimal” harm to defendants); *Fish v. Kobach*, 840 F.3d 710, 755 (10th Cir. 2016) (“modest administrative burdens” borne by state in complying with preliminary injunction barring enforcement of voter registration requirement are “no contest” for “the mass denial of a fundamental constitutional right”); *State ex rel. Mack v. Purkett*, 825 S.W.2d 851, 857 (Mo. banc 1992) (holding that mere “administrative inconvenience” is the “weakest justification” for the loss of a right).

171. The Challenged Provisions threaten Plaintiffs’ rights to free speech, expression, association, and due process. Indeed, as the facts in this case demonstrate, Plaintiffs and other

Missourians have already altered, and even ceased, much constitutionally protected voter engagement activity in response to the Challenged Provisions.

172. By contrast, a preliminary injunction will cause minimal harm to Defendants.

173. Indeed, Defendants will be required to take minimal or no action at all in response to the injunction. Instead, an injunction will preserve the status quo from the previous election cycles. Defendants will continue to administer the registration and absentee voting activities covered by the Challenged Provisions under the previous regimen.

174. Moreover, as discussed *supra*, protections already exist to combat the type of harms Defendants predict that Defendants are free to enforce. Defendants have presented no evidence to support a claim that these protections are insufficient. And while a state may suffer harm where it is enjoined from enforcing acts of the legislature, it only suffers this harm “where such acts appear harmonious with the Constitution.” *See Pavek v. Donald J. Trump for President, Inc.*, 967 F.3d 905, 909 (8th Cir. 2020) (per curiam).

175. The risk to Plaintiffs’ constitutional rights plainly outweighs any possible minimal harm to Defendants.

D. A Preliminary Injunction Will Serve the Public Interest

176. The public interest also weighs in favor of granting an injunction because it will protect the public’s interest in protecting free speech and assembly rights, exchanging political ideas, and encouraging participation in democratic elections.

177. Like the other factors, this factor is generally met where Plaintiffs establish a likelihood of success on the merits of their claim alleging a violation of their constitutional rights because “it is always in the public interest to protect constitutional rights.” *Phelps-Roper v. Nixon*, 545 F.3d 685, 690 (8th Cir. 2008), *overruled on other grounds by Phelps-Roper v. City of*

Manchester, 697 F.3d 678 (8th Cir. 2012); *see also Iowa Right to Life Comm., Inc. v. Williams*, 187 F.3d 963, 970 (8th Cir. 1999) (“the public interest favors protecting core First Amendment freedoms”); *Willson*, 924 F.3d at 999.

178. Plaintiffs have established that the Challenged Provisions threaten rights protected by the Missouri Constitution, including the rights to freedom of speech, association, and expression, and the right to due process.

179. Indeed, not only do the Challenged Provisions burden Plaintiffs’ constitutional rights, Plaintiffs have demonstrated through affidavits that the burdens they face are widespread amongst voter engagement organizations and volunteers throughout the State. *See Steinberg Aff.*; *Smith Aff.*

180. Furthermore, Plaintiffs’ voting advocacy work supports voter participation, especially among vulnerable populations who are most likely to be disenfranchised. The chilling effect of the Challenged Provisions threatens to cause increased voter confusion and decreased voter participation.

181. The public interest weighs in favor of granting injunctive relief.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs’ Motion for Preliminary Injunction is **GRANTED**. Defendants are hereby preliminarily enjoined from enforcing the Challenged Provisions (as identified in paragraph 2 above) until a final judgment of this Court. Defendants’ Motion to Dismiss is **DENIED** and their answer is due within twenty (20) days of this order.

Bond set at Ten dollars (\$10.00) and this preliminary injunction shall be effective upon the posting of the same with the Circuit Clerk.

SO ORDERED this 24th day of October, 2022.

A handwritten signature in black ink, appearing to read "Jon E. Beetem". The signature is written in a cursive style with a long horizontal flourish extending to the right.

HON. JON E. BEETEM, CIRCUIT JUDGE

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

VOTER PARTICIPATION CENTER;
and CENTER FOR VOTER
INFORMATION,

Plaintiffs,

Case No. 1:21-cv-01390-JPB

v.

Judge J.P. Boulee

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,
Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,
Intervenor-Defendants.

**EXHIBIT LIST IN SUPPORT OF PLAINTIFFS'
RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Exhibit No.	Description
1	January 31, 2023 Attorney Declaration of Valencia Richardson and Attachments
2	Deposition of Blake Evans [Excerpted]
3	Deposition of Brandon Waters [Excerpted]
4	Deposition of Thomas Lopach [Excerpted]
5	Deposition of Francis Watson [Excerpted]
6	Deposition of Ryan Germany [Excerpted]
7	Deposition of Matthew Mashburn [Excerpted]
8	Deposition of Milton Kidd [Excerpted]
9	June 9, 2022 Transcript of Preliminary Injunction Hearing – Day 1 [Excerpted]
10	June 10, 2022 Transcript of Preliminary Injunction Hearing – Day 2 [Excerpted]
11	Plaintiffs’ Amended Responses and Objections [Excerpted]
12	2021 Georgia Absentee Ballot Application
13	June 3, 2022 Attorney Declaration of Jonathan Diaz and Attachments [Excerpted]
14	2005 Georgia Laws Act 53 (H.B. 244) [Excerpted]
15	April 26, 2022 Declaration of Thomas Lopach
16	Plaintiffs’ Sample 2022 Absentee Ballot Application Mailers
17	Plaintiffs’ 2018-2020 Georgia Unsubscribe List
18	Government Communications and Voter Email Alerts

19	February 22, 2021 Hearing on Georgia SB 202 before Special Committee on Election Integrity Transcript [Excerpted]
20	April 6, 2021 Mission Control Memo re “Complying with New GA Requirements for VBM Mailings”
21	VPC and CVI 2022 Absentee Ballot Application Mailer Data
22	2022 VPC and CVI Correspondence with Defendants
23	May 20, 2022 Declaration of Ryan Germany
24	March 21, 2022 Expert Report of Dr. Donald Green
25	CVI and GA NAACP Sample Cover Letter
26	June 16, 2022, Amended Expert Rebuttal Report of Dr. Donald Green
27	Deposition of Dr. Donald Green [Excerpted]
28	Deposition of Dr. Justin Grimmer [Excerpted]
29	<i>League of Women Voters v. State of Missouri</i> Order Granting Preliminary Injunction

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

VOTER PARTICIPATION CENTER;
and CENTER FOR VOTER
INFORMATION,

Plaintiffs,

Case No. 1:21-cv-01390-JPB

v.

Judge J.P. Boulee

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,
Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,
Intervenor-Defendants.

**PLAINTIFFS' RESPONSE TO
STATE DEFENDANTS' STATEMENT OF MATERIAL FACTS**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1(B)(1), Plaintiffs submit the following response to Defendants' Statement of Material Facts:

I. Absentee Voting in Georgia

1. Georgia maintains an absentee-ballot application on its website, which is accessible by any voter. *See* Ga. Sec'y of State, *Online Voter Registration, Absentee Ballot Request*.¹

Plaintiffs' Response to Fact No. 1: Disputed in part. Plaintiffs do not dispute that Georgia currently maintains an absentee ballot application on its website. But it is disputed that the application is "accessible by any voter." *Id.* Under SB 202, a voter must print, sign, and mail the absentee ballot application. O.G.C.A. § 21-2-381(C). Not all voters have ready access to the internet. *See* Ex. 9, June 9, 2022 Prelim. Inj. Hrg. ("6/9/22 PI Tr.") 37:16-20; Ex. 2, Dep. of Blake Evans ("Evans Tr.") 55:15-56:12. And even if a voter has access to the website, not every voter has access to a printer to print the application. *See* 6/9/22 PI Tr. 37:16-20; Evans Tr. 55:15-56:16. Finally, the absentee ballot application is not available year-round, *see, e.g.*, Ex. 18,

¹ <https://securemyabsenteeballot.sos.ga.gov/s/>.

Government Communications and Voter Email Alerts, GA-VA00050768 at GA-VA00050769, and the website is not always functional, Ex. 18, CDR00112588; it has crashed during the absentee voting period, preventing voters from accessing the absentee ballot application on Defendants’ website. *See, e.g.,* Joe Ripley, *Georgia voters finding dead links when trying to request absentee ballots*, 11ALIVE (Mar. 16, 2022), <https://www.11alive.com/article/news/local/georgia-absentee-ballot-applications-website-problems/85-d714dfd9-21b3-4fce-a2e0-dd2cb9c0c639>.

2. Georgia also maintains “A Guide for Registered Voters” on its website, which includes a section titled: “An Overview of Georgia’s Absentee Voting Process.” *See* Elections Div., Ga. Sec’y of State, *A Guide for Registered Voters* (Mar. 30, 2022).²

Plaintiffs’ Response to Fact No. 2: Disputed in part. Plaintiffs do not dispute that “A Guide for Registered Voters” dated March 30, 2022 exists on the website of the Georgia Secretary of State, and the Guide includes the subtitle: “An Overview of Georgia’s Absentee Voting Process.” To the extent Defendants assert that the Secretary of State’s office “maintains” this guide in any way other than posting it

² https://sos.ga.gov/sites/default/files/forms/Absentee_Voting_In_Georgia_Rev_3-30-22.pdf.

on the website, that is unsupported by the cited source.

3. This Guide informs voters how to apply for an absentee ballot, how to complete it, and how to submit it. *See id.*

Plaintiffs’ Response to Fact No. 3: Disputed. The Guide does not provide instructions to voters about how to submit an absentee ballot; instead, the Guide refers voters to “Follow the instructions that your county elections official provides with your ballot.” Elections Div., Ga. Sec’y of State, *A Guide for Registered Voters*, 4 (Mar. 30, 2022). Furthermore, instructions in this Guide are unclear and vague. The Guide instructs voters that in addition to absentee voting by mail, “Voting any time prior to Election Day, even when done in person, is considered absentee voting. You will complete an absentee ballot application in person at the early-voting location immediately prior to casting your vote.” *Id.* at 5. But the Guide does not instruct voters on any differences or similarities between applications for absentee mail ballots versus absentee in-person ballots, submitting the appropriate absentee application depending on whether a voter intends to vote in-person or by mail, or what a voter can and should do if they have submitted an application to vote by absentee mail ballot but later decide to vote an absentee in-person ballot. *See id.*

4. Since 2005, Georgia has had no excuse absentee voting, allowing any

qualified voter to apply for an absentee ballot. Germany Depo. 179:8–9.

Plaintiffs’ Response to Fact No. 4: Disputed in part. Plaintiffs do not dispute to the extent that Georgia law provides that every eligible voter is entitled to vote absentee by mail without providing a reason for doing so. *See* Ga. Code Ann. § 21-2-380. Plaintiffs also do not dispute that Georgia passed legislation enacting no-excuse absentee voting in 2005. *See* 2005 Georgia Laws Act 53 (H.B. 244). To the extent that this assertion implies that every eligible voter has been able to vote absentee in practice, or that every eligible voter has been able to apply for an absentee ballot, that is unsupported by the cited source.

5. The Election Division of Georgia’s Secretary of State’s Office also provides voters with a phone number and an e-mail address for use with questions about absentee-ballot applications. *See* <https://sos.ga.gov/how-to-guide/how-guide-voting>.

Plaintiffs’ Response to Fact No. 5: Disputed in part. Plaintiffs do not dispute that the Election Division of Georgia’s Secretary of State’s Office “provides voters with a phone number and an e-mail address.” To the extent that Defendants assert that the phone number and e-mail address is provided “for use with questions about absentee-ballot applications,” that is unsupported by the cited source.

6. When an individual submits an absentee-ballot application and that application is processed, the individual's information is updated on the State's absentee voter file to reflect that he or she has requested a ballot. Germany Depo. 47:3–8; Day 2 Tr. 73:3–22.

Plaintiffs' Response to Fact No. 6: Disputed. When an individual submits an absentee ballot application, the application is not always processed contemporaneously. *See* Evans Tr. 129:2-25, 131:1-9; Ex. 10, June 10, 2022 Prelim. Inj. Hrg. ("6/10/22 PI Tr.") 123:19-124:1. Counties' processes for receiving and recording applications vary, and the individual's information is not always automatically entered into the state's electronic database, ElectioNet. Evans Tr. 45:10-46:10. The State's absentee voter file updates daily and only reflects applications that have been recorded on ElectioNet. *Id.* 45:10-46:10, 47:6-21. The Secretary's office and county election offices often receive voter complaints stating that they have filled out an absentee ballot application but their information is not updated on the website and they have not received their absentee ballot. *See, e.g.*, Ex. 18, GA-VA00000628; GA-VA00048462.

7. During an election cycle, that file is updated daily and is publicly available. 6/10/22 PI Tr. 73:3–22.

Plaintiffs’ Response to Fact No. 7: Disputed in part. Plaintiffs do not dispute that the State’s absentee voter file updates daily and only reflects applications that have been recorded on ElectioNet. Evans Tr. 45:10-46:10, 47:6-21. But Georgia elections offices often receive complaints from voters stating that they have filled out an absentee ballot application but their information is not updated on the website. *See, e.g.,* GA-VA00000628; GA-VA00048462. This also occurs during the election cycle. *Id.* Counties routinely fail to process applications contemporaneously such that the voter file is not always updated with the most recently completed absentee ballot applications. Evans Tr. 45:10-46:10; 129:2-25, 131:1-9; 6/10/2022 PI Tr. 123:19-124:1.

II. Absentee-Ballot Applications Sent by Third-Party Organizations

8. For several election cycles, third-party organizations like Plaintiffs Voter Participation Center (“VPC”) and the Center for Voter Information (“CVI”) sent absentee-ballot applications to voters in many states, including Georgia. Lopach Depo. 42:8–11, 62:4–12.

Plaintiffs’ Response to Fact No. 8: Disputed in part. The cited source does not support Defendants’ characterization that various third-party organizations have sent absentee ballot applications to voters in many states over several election cycles. The cited testimony specifically concerns a test run of absentee ballot

application mailers that Plaintiffs ran in several states, including Georgia, in May and June 2020, Ex. 4, Dep. of Thomas Lopach (“Lopach Tr.”) 42:8-11, and mailers Plaintiffs sent in several states between 2021-22. *See id.* at 62:4-12.

9. In each such mailing, CVI and VPC send an absentee-ballot application and a cover letter that explains why they believe absentee voting is important and encouraging the recipient to complete and return the application. Lopach Tr. 63:2–7, 64:13–65:4.

Plaintiffs’ Response to Fact No. 9: Disputed in part. Plaintiffs do not dispute that CVI and VPC send absentee ballot application mailers that consist of applications, cover letters, and postage-paid return envelopes addressed to the voter’s respective election office and which, in its entirety, encourages the recipient to participate in the upcoming election and to apply for any absentee ballot. Lopach Tr. 63:2-7, 64:13 – 65:4; Ex. 15, Decl. Of Thomas Lopach at 35-45 [ECF 103-3]; 6/9/22 PI Tr. 40:5-43:2. To the extent Defendants assert that Plaintiffs’ cover letters alone explain the importance of voting and encourage the recipient to apply for an absentee ballot application, it is unsupported by the cited source and is disputed. *Cf.* 6/9/22 PI Tr. 40:5-43:2.

10. Plaintiffs’ cover letters also include instructions for how to complete

and return the application. *See* Ex. B.

Plaintiffs’ Response to Fact No. 10: Undisputed. Plaintiffs do not dispute that their cover letters include instructions for completing the return application. *See, e.g.*, Ex. 15 at 35-45; Ex. 16. By way of further response, Plaintiffs note that in 2020, Plaintiffs also printed step-by-step instructions on the back of the personalized applications and pre-addressed return envelopes. *Id.*

11. CVI and VPC have never sent absentee-ballot applications without a cover letter. Lopach Tr. 62:4–63:7.

Plaintiffs’ Response to Fact No. 11: Undisputed. Plaintiffs have testified that all parts of its mailer, including the cover letter, application, and return envelope, are a “package” that “works together to engage voters.” 6/9/22 PI Tr. 43:16-18. Plaintiffs view this package “as speech in of itself” which conveys Plaintiffs’ mission “to increase participation in democracy.” *Id.* at 42:15-24.

12. Sending absentee-ballot applications without a cover letter would be cheaper. Lopach Tr. 70:4–11.

Plaintiffs’ Response to Fact No. 12: Disputed. Plaintiffs do not dispute that Mr. Lopach testified that the cost of mailing absentee ballot applications without a cover letter would “likely be somewhat less” given the money spent designing the cover

letters. Lopach Tr. 70:4-11. Immediately prior to that statement, however, Mr. Lopach explained that because of “the volume at which VPC and CVI mail Vote By Mail messages” while forgoing a cover letter might save money “at a limited amount,” it might also “create a need for increased customer service,” which would itself bring additional expense. *Id.* at 69:16 – 70:3. This is in keeping with Mr. Lopach’s consistent testimony that the pieces “work together as one message” as a “package.” 6/9/22 PI Tr. 43:16-18, 47:8-12.

13. Plaintiffs’ cover letters have always included the name of the organization sending the package, including contact information. Lopach Tr. 70:20–71:4.

Plaintiffs’ Response to Fact No. 13: Undisputed.

14. That contact information includes both a phone number, an email address, and a URL directing recipients to the website of the group that sent the package. Lopach Tr. 71:10–11, 72:2–3, 73:3–5.

Plaintiffs’ Response to Fact No. 14: Undisputed.

15. VPC sends its mailings to the “New American Majority”—its name for young voters, voters of color, and unmarried women. Lopach Tr. 11:15–19.

Plaintiffs’ Response to Fact No. 15: Disputed in part. Plaintiffs do not dispute that

VPC endeavors to “register and turn out” voters of the “New American Majority,” which constitutes “people of color, young people, and unmarried women,” whom “[d]ata demonstrates . . . register to vote and turn out to vote at rates much lower than their actual numbers in society and much lower than the general population.” Lopach Tr. 11:15-12:1. To the extent Defendants assert that every VPC mailing is sent to a member of one of these three groups, that is unsupported by the cited source.

16. CVI focuses on engaging voters who “would like to see people of color, young people, and unmarried women turning out in elections . . . at rates equal to the general population.” Lopach Tr. 12:12–16.

Plaintiffs’ Response to Fact No. 16: Disputed in part. Plaintiff CVI focuses on “voters who share the values of wanting to see the New American Majority register and turn out in the full strength.” *See* Lopach Tr. 12:9-11; <https://www.centerforvoterinformation.org/about-us/>. This includes the goal of seeing the New American Majority turn out at least equal to the general population, but also to “provide resources and tools to help voting-eligible citizens register and vote in upcoming elections.” *See* <https://www.centerforvoterinformation.org/about-us/>. To the extent that Defendants’ assertion includes the goal of providing resources

to voters to enable voter participation, undisputed.

17. CVI and VPC track responses to their mailings with nearly daily updates. Lopach Tr. 164:11–21.

Plaintiffs’ Response to Fact No. 17: Disputed in part. Plaintiffs do not dispute that Mr. Lopach testified that Plaintiffs’ “response tracking database is updated multiple times a week, if not daily, so that number is adjusted whenever we get updated scans from the postal service.” Lopach Tr. 164:11-21. Immediately prior to that statement, Mr. Lopach testified that he had not yet tracked the response rate to the mailing sent in Georgia for the 2022 cycle as he had been “looking largely at the national response rate” while also focusing on the other requirements of his job. *See id.* at 163:12-164:10. To the extent that Defendants assert that VPC and CVI somehow “track” the responses to their mailings on a near daily basis in any way other than the tracking information received from postal scans, it is unsupported by the cited source and is disputed.

18. In more recent election cycles, CVI and VPC began pre-filling those applications with what they believed was the voter’s personal information. Lopach Tr. 112:8–13.

Plaintiffs’ Response to Fact No. 18: Disputed. When asked whether either Plaintiff organization always sent prefilled absentee ballot application mailers or began at a later year, Mr. Lopach replied, “I believe that in 2006, VPC or CVI, or their predecessor organizations, sent prefilled Vote by Mail applications.” Lopach Tr. 112:8-13. Mr. Lopach does not say whether this was when either organization first sent prefilled applications. Rather, he explains that he is aware that more than 16 years prior, roughly three years after Plaintiffs’ predecessor organization was founded, prefilled absentee ballot application mailers were being sent. To the extent Defendants assert this is a “recent” or new development in VPC’s or CVI’s practices, it is unsupported by the cited source.

Further, Plaintiffs prefill their absentee ballot applications using an individual state’s voter file, which is provided by the state. Ex. 15 at 26 ¶ 61; 6/9/22 PI Tr. 44:19-22. To the extent that Plaintiffs “believe” that the information is the voter’s personal information, it is because the voter provided that information to the state, and Plaintiffs obtain that information from the state’s publicly available registered voter lists via their data vendors. 6/9/22 PI Tr. 44:19-22; Lopach Tr. 120:21-122:3.

19. That information was often incorrect. Lopach Tr. 127:20–128:2, 129:14–19.

Plaintiffs’ Response to Fact No. 19: Disputed. Plaintiffs do not dispute that Mr. Lopach testified “I believe – I directly heard from two individuals” that “they had a suffix or middle initial that was not theirs” on their application.” Lopach Tr. 127:2-8. In 2020, after learning that one wave of absentee ballot application mailings included a small percentage of voters where Plaintiffs’ data vendor had appended additional commercial data to the voter name information prefilled on that voter’s absentee ballot application, Plaintiffs “demanded” that the data vendor “provide pure data from the voter file” and ceased prefilling for two waves of mailings until the data vendor’s process complied with Plaintiffs’ demand. *Id.* at 131:14-21, 131:9-17. To the extent that Defendants assert that this resulted in prefilled voter information that was “often” incorrect, that is unsupported by the cited source and disputed.

Further, errors exist in the state’s voter file. *See* 6/10/22 PI Tr. 65:4-7; Ex. 18, GA-VA00052395. Plaintiffs source the information prefilled into their absentee ballot applications from the state’s voter file. Ex. 15 at 27 ¶ 62; 6/9/22 PI Tr. 44:19-22. To the extent Defendants assert that “information is often incorrect” it is reflective of any errors in the state’s file. *See* 6/9/22 PI Tr. 49:2-5.

20. CVI and VPC use voter information obtained from third-party data vendors. Lopach Depo. 90:18–91:16; 126:15–127:12.

Plaintiffs’ Response to Fact No. 20: Disputed. Plaintiffs use third party vendors to obtain state voter file data. Lopach Tr. 90:18-91; *see also* 132:1-9. Plaintiffs’ vendors obtain the voter file from the state, and then the vendors provide that data to Plaintiffs. *See, e.g.*, Lopach Tr. 126:4-12.

21. In a given election cycle, CVI and VPC will obtain voter data from its vendors “at least once, possibly twice.” Lopach Depo. 133:4–8.

Plaintiffs’ Response to Fact No. 21: Disputed in part. Plaintiffs do not dispute that Mr. Lopach testified that “[f]or the 2021 and 2022 election cycle, there were elections in New Jersey and Virginia in 2021, in which we would have received voter file data from either TargetSmart or Catalist, at least once, possibly twice.” Lopach Tr. 133:4-8. To the extent that Defendants assert that Plaintiffs obtain voter data from their vendors no more than twice an election cycle, it is unsupported by the cited source.

Further, starting in late 2020, Plaintiffs began using both Catalist and TargetSmart to obtain voter data. Lopach Tr. 122:7-8; 140:21-22. Both data vendors obtain state voter lists from states throughout the country multiple times a year, on a rolling basis, and Plaintiffs will use whichever voter data vendor has the most

recent list for a particular state when running a mailer program in that state. Ex. 15 at 10 ¶ 27; Lopach Tr. 123:16-124:13.

22. These vendors have provided CVI and VPC with incorrect voter information, which resulted in CVI and VPC not pre-filling applications for multiple mailings. Lopach Depo. 127:20–128:17.

Plaintiffs’ Response to Fact No. 22: Disputed. Plaintiffs do not dispute that Waves C and D of its 2020 general election absentee ballot application mailings were not prefilled as they worked with their data vendor to ensure that the prefilled information was a “pure reflection” of states’ voter file data. Lopach Tr. at 127:20-128:21, 131:5-17. To the extent that Defendants assert that Plaintiffs’ data vendor provided incorrect information regarding any Georgia voters or that all the information provided to Plaintiffs was incorrect, that is unsupported by the cited testimony and is disputed.

In general, Plaintiffs’ vendors only modify the voter file to the extent necessary to “narrow the data by [Plaintiffs’] stated populations, review the data against the National Change of Address database, [and] to review the data against a number of databases of deceased individuals,” among other quality control measures. *Id.* 135:16-136:12. It is important to Plaintiffs to maintain accurate

information in order to ensure that their “message to voters to be clear and understood without question.” *Id.* 134:20. Plaintiffs have demanded that vendors only send Plaintiffs the voter file without modifications except to narrow the information as explained above. *See, e.g., id.* 142:13-143:7.

23. Additionally, CVI and VPC routinely sent multiple absentee-ballot applications to the same voters in Georgia. Lopach Depo. 109:20–110:15, 111:6–12.

Plaintiffs’ Response to Fact No. 23: Disputed in part. Plaintiffs admit that in 2018 and 2020, Plaintiffs sent multiple waves of mailers to Georgia voters. 6/9/22 PI Tr. 68:2-3; Lopach Tr. 145:18-146:1, 146:12-16. However, the cited sources do not support Defendants’ characterization that CVI and VPC routinely sent duplicative absentee ballot application mailers to Georgia voters. The cited testimony concerns Plaintiffs ability to identify addresses where multiple applications were sent, but Mr. Lopach explicitly declined to speculate regarding the percentage of recipients who were sent multiple applications. *Id.* Plaintiffs send multiple waves of absentee ballot application mailers to voters in Georgia who have not yet submitted an absentee ballot application. Ex. 15 at 13 ¶ 34. Plaintiffs do not intentionally mail duplicative absentee ballot applications to voters who have already submitted an

application. *See* 6/9/22 PI Tr. 41:24-42:11, 71:19-25, 90:15-19; Ex. 15 at 10 ¶ 27, 11 ¶ 31. Thus, Plaintiffs use their ballot tracking data to avoid duplicative application mailers. 6/9/22 PI Tr. 70:17-25.

24. Although Plaintiff sent multiple waves of absentee-ballot applications, the largest number of voters respond to the first wave. Lopach Depo. 147:12–19.

Plaintiffs’ Response to Fact No. 24: Disputed. This assertion is unsupported by the cited source. Nowhere in the cited testimony does Mr. Lopach indicate that the largest number of recipients respond to the first mailer they receive. *Id.* Indeed, Mr. Lopach has testified about the importance of sending multiple waves of mailers, because “[n]ot everybody responds to the first wave of mail,” 6/9/22 PI Tr. 70:20-25, and “voters oftentimes need additional encouragement and resources before they submit an absentee ballot application.” Ex. 15 at 13 ¶ 34.

25. Recipients of a mailing from either Plaintiff group can opt out of future mailings online, by phone, and possibly by email. Lopach Depo. 101:22–102:5.

Plaintiffs’ Response to Fact No. 25: Disputed in part. Voters can opt-out of mailers online, by phone, and by email. Lopach Tr. 101:20-102:5. To the extent that Defendants do not dispute that voters can opt-out by email, undisputed.

26. Opting out of communications from one Plaintiff group (CVI or VPC)

also opts a person out of the other group's communications. Lopach Depo. 103:14–21.

Plaintiffs' Response to Fact No. 26: Undisputed.

27. To ensure that voters who have opted out do not receive subsequent mailings, the two Plaintiff groups review later mailings against the various removal lists. Lopach Depo. 106:3–10.

Plaintiffs' Response to Fact No. 27: Undisputed.

28. The comparison is made both by contractors and by internal data staff and happens at least twice: “one at the beginning of compiling a list and two, at the end of compiling a list prior to a list being sent to the printer.” Lopach Depo. 106:11–107:3.

Plaintiffs' Response to Fact No. 28: Undisputed.

III. Voters Complain About Third-Party Absentee-Ballot Applications

29. Some recipients contact CVI and/or VPC to complain about the mailings and to request removal from future mailing lists. Day 1 Tr. 84:13–24; Lopach Depo. 102:19–103:12, 153:15–154:5.

Plaintiffs' Response to Fact No. 29: Undisputed. Plaintiffs do not dispute that they receive communications from recipients of their absentee ballot application mailers, a few of which are complaints and unsubscribe requests. 6/9/22 PI Tr. 84:13–24;

Lopach Tr. 153:15 – 154:8; Ex. 17, 2018-2020 GA VBM Unsubscribe Request.

30. Recipients also contacted the Georgia Secretary of State’s Office with complaints and questions about absentee-ballot applications received from third-party organizations. *See* Exs. G, H, M (examples of complaints); Germany Depo. 17:21–22.

Plaintiffs’ Response to Fact No. 30: Disputed in part. Plaintiffs do not dispute that the Secretary of State’s office received communications from various individuals nor that Mr. Germany testified “I would say that most of the complaints that we get regarding elections will come in by e-mail.” To the extent that Defendants assert that these individuals communicated “complaints and questions about absentee-ballot applications received from third-party organizations,” it is inadmissible hearsay and is disputed.

31. Indeed, CVI and VPC acknowledge that their mailings can “create more work for local election officials.” Day 1 Tr. 119:23–25.

Plaintiffs’ Response to Fact No. 31: Disputed in part. Plaintiffs do not dispute that Mr. Lopach testified that “[b]y sending out voter registration forms and vote-by-mail forms that have to be processed, indeed that would result in processing for election officials.” *See* 6/9/22 PI Tr. 120:1-5. But Plaintiffs made that statement in

acknowledgement that their work increases the number of voters who submit an absentee ballot application, the processing of which necessarily increases the work of election officials. *See id.* at 120:1-5. Indeed, Plaintiffs helped more than 660,000 voters to submit their absentee ballot applications in Georgia in 2020 and 2021 runoff election. Ex. 15 at 9 ¶ 25.

32. Complaints are sent to the Secretary of State's office in various ways, including by phone, by web forms, and by email sent to voterfraudalerts@sos.ga.gov. Day 2 Tr. 8:11–25.

Plaintiffs' Response to Fact No. 32: Undisputed. To the extent that Defendants' assertion suggests that complaints sent to the Secretary of State's office are limited to complaints about Plaintiffs, that is unsupported by the cited source and is disputed.

33. Complaints can also be sent to the State Election Board ("SEB") in a number of ways, including by phone or email. Mashburn Depo. 85:6–18.

Plaintiffs' Response to Fact No. 33: Undisputed. To the extent that Defendants' assertion suggests that complaints sent to the State Election Board are limited to complaints about Plaintiffs, that is unsupported by the cited source and is disputed.

34. Complaints are also submitted to county election offices. Day 2 Tr.

9:14–16.

Plaintiffs’ Response to Fact No. 34: Undisputed. To the extent that Defendants’ assertion suggests that complaints sent to county election offices are limited to complaints about Plaintiffs, that is unsupported by the cited source and is disputed.

A. Voters express concern about the source of the absentee- ballot applications.

35. One category of complaints the State received from voters was “a lot of confusion” about whether the applications sent by third-party groups came from the State. Mashburn Depo. 90:10–25; Ex. M.

Plaintiffs’ Response to Fact No. 35: Disputed. This statement is based on inadmissible hearsay testimony. Mr. Mashburn’s testimony that there was “a lot of confusion” is based on unspecified out-of-court statements of voters. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voters’ out-of-court statements: that there was confusion about whether applications sent by third parties came from the State. Plaintiffs dispute this inadmissible hearsay inference.

Further, Plaintiffs do not dispute that the Secretary’s fraud alert tip line received the three emails purportedly from Georgia voters that are contained in Exhibit M, each of which specifically identifies a third-party sender of an absentee

ballot application other than the State. To the extent that Defendants assert that these voters experienced “confusion” about the identity of the sender, it is unsupported by the cited source.

36. This occurred even when a return address of a third-party group was included, as voters were confused about why the Secretary of State was sending them an absentee-ballot application. Mashburn Depo. 90:10–23.

Plaintiffs’ Response to Fact No. 36: Disputed. This statement is based on inadmissible hearsay testimony. Mr. Mashburn testimony that voters were confused is based on out-of-court statements of voters. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voters’ out-of-court statements: that voters were confused about who sent them an absentee ballot application even when a return address of a third-party organization was included. Plaintiffs dispute this forbidden hearsay inference.

Further, voters acknowledged and understood that they received absentee ballot applications from third party organizations as opposed to from the Secretary’s office. *See* Ex. M; Germany Tr. 30-32, 34.

37. Those complaints included questions about who sent the absentee-ballot applications and whether they were forms that needed to be filled out to vote.

Day 2 Tr. 13:12–15.

Plaintiffs’ Response to Fact No. 37: Disputed. The cited source does not support Defendants’ characterization of voters’ questions regarding absentee ballot applications received from third parties. The cited testimony makes no mention of mailers like the ones sent by Plaintiffs that were directed to and personalized for certain individuals and that utilized the State’s official absentee ballot application form.

Further, while the statement is cited as support for Defendants’ motion for summary judgment, it does not reach a material question in the case. Plaintiffs have never objected to identifying themselves when distributing absentee ballot applications. *See, e.g.*, Ex. 15 at 35-45; Ex. 16; 6/10/22 PI Tr. 105:18-23, 126:20-21. It is undisputed that Plaintiffs have always provided their name and contact information on every absentee ballot application mailer that it has ever sent. Lopach Tr. 70:20-71:4. And, voters do not generally express confusion about where the third-party absentee ballot application originates. Ex. M; Ex. 23, Decl. of Ryan Germany, at 30-32, 34 [ECF 113-2]. This is specifically true regarding comments from voters about Plaintiffs. *See id.* Indeed, immediately following the cited testimony, Mr. Germany explained that in 2018 some third parties had distributed

“really, really pared-down application forms” which generated voter questions, and that since then the State began to require that third-party applications be “substantially similar” to the state’s application. 6/9/22 PI Tr. 13:20-14:12. In fact, SB 202 now requires that third parties use the State’s official application form. Ga. Code Ann. § 21-2-381(a)(C)(ii). Plaintiffs are not challenging this requirement and this fact is therefore immaterial.

38. This led to “a lot of calls to counties and to the state.” Day 2 Tr. 13:15. **Plaintiffs’ Response to Fact No. 38:** Disputed. The cited source does not support Defendants’ characterization of third-party applications generally leading to “a lot of calls to counties and to the state.” The cited testimony does not refer to mailers like the ones sent by Plaintiffs that were directed to and personalized for certain individuals and that utilized the State’s official absentee ballot application form. 6/10/22 Tr. 13:15. Further, while the statement is cited as support for Defendants’ motion for summary judgment, it does not reach a material question in the case. *See supra*, ¶ 37. This fact is therefore immaterial and irrelevant for the Court’s consideration.

B. Voters express concern about receiving duplicate absentee-ballot applications.

39. A second category of complaints the State received from voters related

to voters having received multiple absentee-ballot applications complained that they were receiving multiple ballots. Mashburn Depo. 84:4–6, 91:2–13; Kidd Depo. 183:7–184:13; Ex. H.

Plaintiffs’ Response to Fact No. 39: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received the emails purportedly from Georgia voters that make up Exhibit H, all but two of which properly identified the received documents as applications, not ballots. To the extent Defendants use these emails to infer that these voters did in fact receive multiple applications, and that some of these voters did in fact think they had received multiple ballots as opposed to applications, it is unsupported by the cited source and is inadmissible hearsay.

Further, the testimony of Mr. Mashburn and Mr. Kidd is based on out-of-court statements of voters. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voters’ out-of-court statements: that voters confused their receipt of absentee ballot applications with ballots. Plaintiffs dispute this forbidden hearsay inference.

Moreover, Defendants’ reliance on occasional references to absentee ballot applications as “ballots” as evidence of widespread confusion is unsupported. The record shows that even experts occasionally misspeak and refer to ballot

applications as ballots. 6/10/22 PI Tr. 32:19-33:5. Further, the cited source does not connect any alleged confusion between applications and ballots to third-party distribution in particular, and a voter might be confused, for example, because they filled out an absentee ballot application for multiple elections during a single election cycle. *E.g.*, Ex. 18, GA_VA00067386, GA-VA00062464, GA-VA00038815.

40. The SEB received “so many calls” from voters concerned with fraud after receiving what they believed to be multiple ballots. Mashburn Depo. 83:20–84:4.

Plaintiffs’ Response to Fact No. 40: Disputed in part. Plaintiffs do not dispute that Mr. Mashburn testified that the SEB had “had so many calls” about the distribution of absentee ballot applications generally. Ex. 7, Dep. of T. Matthew Mashburn (“Mashburn Tr.”) 83:16-22. To the extent Defendants use this source to assert that there were “so many calls” about voters who believed mistook applications for ballots and were concerned about fraud, that is unsupported by the cited source. The remainder of Mr. Mashburn’s cited testimony is based on Mr. Mashburn’s generalized and unspecific accounts of out-of-court statements of voters. Mashburn Tr. 83:22-84:19. Defendants seek to introduce this testimony to prove the truth of

the matter asserted by the voters' out-of-court statements: that many voters mistook applications for ballots and were concerned about fraud. Plaintiffs dispute this forbidden hearsay inference.

Further, while the statement is cited as support for Defendants' motion for summary judgment, it does not reach an ultimate question in the case. The mere fact that SEB receives calls from voters about their belief that they received multiple ballots does not mean that SEB receives calls from voters regarding Plaintiffs, nor other third-party absentee ballot application distributors. Finally, Defendants have cited no admissible support for this statement. Therefore, this fact is immaterial and irrelevant for the Court's consideration.

41. Some voters who received third-party absentee-ballot applications after they had already requested a ballot were concerned that there was a problem with their initial request. Day 2 Tr. 33:9–17; Mashburn Depo. 91:10–12.

Plaintiffs' Response to Fact No. 41: Disputed. The statement is based on inadmissible hearsay testimony. Mr. Germany's testimony is speculative, reflecting vague concerns about the potential "effect on the voter" in receiving an absentee ballot application, *see* 6/9/22 PI Tr. 33:9-11. It is not evidence of voters' concern. Further, Plaintiffs do not attempt to send absentee ballot applications to voters who

have already submitted an absentee ballot application. 6/9/22 PI Tr. 41:24-42:11, 71:19-25, 90:15-19; Ex. 15 at 10 ¶ 27, 11 ¶ 31. Mr. Mashburn's testimony is based on out-of-court statements of voters. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voters' out-of-court statements: that voters who received third-party absentee ballot applications after already requesting a ballot were concerned that there was a problem with their initial request. Plaintiffs dispute this forbidden hearsay inference. Defendants have cited no admissible support for this statement.

42. One voter, Brian Pollard, expressed concern about fraud after he received 5 absentee-ballot applications from multiple third-party groups for the 2021 Senate runoff. Germany Decl. ¶ 41(a).

Plaintiffs' Response to Fact No. 42: Disputed in part. Plaintiffs do not dispute that the Secretary's fraud alert tip line received an email from an individual purportedly named Brian Pollard who wrote that he had received five absentee ballot applications from various senders for the 2021 Senate runoff. *Id.* To the extent that Defendants use this source to infer that this voter in fact received five absentee ballot applications from third-party groups for the 2021 Senate runoff, it is inadmissible hearsay. Further, while the statement is cited as support for Defendants' motion for

summary judgment, it does not reach an ultimate question in the case. The communication states that Brian Pollard “did not request any absentee ballot.” In such cases, where a voter has not already submitted an absentee ballot application and/or where a voter intends to vote in person, the challenged restrictions would not prevent a voter from receiving multiple applications in the mail. *See* Ga. Code Ann. § 21-2-381(a)(3)(A); Evans Tr. 109:7-111:5. As such, this statement is immaterial and irrelevant for the Court’s consideration.

43. Another voter, Sheree Muniz, expressed concerns about fraud after she received three absentee-ballot applications from a group called America Votes. Germany Decl. ¶ 41(b).

Plaintiffs’ Response to Fact No. 43: Disputed in part. Plaintiff does not dispute that the Secretary’s fraud alert tip line received an email from an individual purportedly named Sheree Muniz who wrote that she “received 3 unrequested absentee ballot applications from America Votes” and that if “this company mailed anything during the Presidential election, this could be considered fraud.” Ex. 23 at 72. To the extent that Defendants use this source to infer that this voter in fact received three absentee ballot applications or that the voter is concerned about fraud, it is inadmissible hearsay.

Further, while the statement is cited as support for Defendants' motion for summary judgment, it does not reach an ultimate question in the case. In the communication, Sheree Muniz states "I personally drop off my absentee ballot application at my local office." *Id.* The communication does not indicate whether Sheree Muniz had already requested an absentee ballot application at the time she received the applications; indeed, as written, the communication seems to imply a future intention to apply. *Id.* In such cases, where a voter has not already submitted an absentee ballot application and/or where a voter intends to vote in person, the challenged restrictions would not prevent a voter from receiving multiple applications in the mail. *See* Ga. Code Ann. § 21-2-381(a)(3)(A); Evans Tr. 109:7-111:5. As such, this statement is immaterial and irrelevant for the Court's consideration.

44. A third voter, Matthew Kirby, expressed concern about fraud after he received multiple absentee-ballot applications during the 2021 Senate runoff. Germany Decl. ¶ 41(c).

Plaintiffs' Response to Fact No. 44: Disputed in part. Plaintiffs do not dispute that the Secretary's fraud alert tip line received an email from an individual purportedly named Matthew Kirby who wrote that he had "received 3 absentee ballot

applications for the US Senate runoff in the mail,” as well as a text message providing him “with a link to request a mail ballot,” and stated that this “could easily allow fraudulent activity.” Ex. 23 at 71. To the extent Defendants use this source to infer that this voter did in fact receive multiple absentee ballot applications or that the voter was concerned about fraud, it is inadmissible hearsay.

Further, while the statement is cited as support for Defendants’ motion for summary judgment, it does not reach an ultimate question in the case. The communication states Mr. Kirby “never requested an absentee ballot” and “plan[ned] to vote in person.” *Id.* In such cases, where a voter has not already submitted an absentee ballot application and/or where a voter intends to vote in person, the challenged restrictions would not prevent a voter from receiving multiple applications in the mail. *See* Ga. Code Ann. § 21-2-381(a)(3)(A); Evans Tr. 109:7-111:5. Further, nothing in the restrictions prohibits third parties from texting voters with the link to apply for an absentee ballot. *See generally* Ga. Code Ann. § 21-2-381(a). As such, this statement is immaterial and irrelevant for the Court’s consideration.

45. Another voter, Peggy Johnson, expressed concerns about fraud *and* harassment after receiving multiple unsolicited absentee-ballot applications.

Germany Decl. ¶ 41(d).

Plaintiffs’ Response to Fact No. 45: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual purportedly named Peggy Johnson who wrote that she was “receiving 3 unsolicited Absentee Ballot Applications from America Votes,” and stated “[t]his is harrassment [*sic*].” Ex. 23 at 70. To the extent Defendants use this source to infer that this voter did in fact receive multiple absentee ballot applications or that the voter was concerned about fraud or harassment, it is inadmissible hearsay.

46. Another member of the General Assembly, Representative Barry Fleming, heard from voters who thought that they had received multiple absentee ballots. Tr. of Hr’g on Ga. SB 202 before Special Comm. on Election Integrity at 16:5–13 (Feb. 22, 2021) (attached as Ex. F to Germany Decl. [ECF No. 113-2]).

Plaintiffs’ Response to Fact No. 46: Disputed. This statement is based on inadmissible hearsay testimony. Representative Barry Fleming testified, “Yeah. One of the biggest contentions, I guess you would say, that I heard – several members have heard – is that many members of the public thought that they received seven, eight, nine absentee ballots. What we find out in most instances – overwhelmingly most instances – what they received is five, six, or seven absentee

ballot applications.” Ex. 19, Tr. Of Hr’g on Ga. SB 202 before Special Comm. On Election Integrity at 16:5-13 (Feb. 22, 2021). Representative Fleming’s testimony provides vague, generalized accounts of out-of-court statements of unidentified voters. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the purported voters’ out-of-court statements: that the General Assembly “heard from voters who thought that they had received multiple absentee ballots.” Plaintiffs dispute this forbidden hearsay inference. As Defendants have cited no admissible support for this statement it is irrelevant for the Court’s consideration.

47. Representative Rick Williams said during the legislative hearings on SB 202 that he received six absentee-ballot applications. Tr. of Hr’g on Ga. SB 202 before Special Comm. on Election Integrity at 52:12–19 (Feb. 4, 2021) (attached as Ex. F to Germany Decl. [ECF No. 113-2]).

Plaintiffs’ Response to Fact No. 47: Disputed in part. Plaintiffs do not dispute that Representative Rick Williams testified “I know I got myself probably about six different pieces of mail encouraging me by the different political parties and third parties to apply for an absentee ballot,” Ex. 23 at 84. To the extent Defendants assert that Representative Williams received exactly six applications, or that the

applications were received from the same sender, disputed.

48. In many instances, voters were worried that these multiple applications presented an open invitation for voter fraud—a concern exacerbated by voters believing that the applications were ballots, each of which could be cast. Germany Decl. ¶ 42; Day 2 Tr. 20:3–5; Kidd Depo. 183:7– 184:13.

Plaintiffs’ Response to Fact No. 48: Disputed in part. Plaintiffs do not dispute that Mr. Germany stated in his declaration “duplicate absentee-ballot applications raised serious confusion and concern about voter fraud,” Ex. 23 at 16 ¶ 42, and that he read from an email received by the Secretary’s fraud alert tip line that stated a purported voter’s concern of fraud after receiving multiple applications during preliminary injunction hearing. *See* 6/10/22 PI Tr. 20:3–5. Plaintiffs dispute that the cited material supports the vague and subjective characterization that voters expressed concern of voter fraud stemming from multiple applications “[i]n many instances.”

Similarly, Plaintiffs do not dispute that Douglas County Elections Director Milton Kidd testified to receiving complaints of “receipt of multiple absentee ballot applications,” Ex. 8, Dep. of Milton Kidd (“Kidd Tr.”) 183:7–184:13, but he states that his county received “20 to 30” such complaints, *id.* 183:17, in a county of

approximately 96,695 registered voters³, and does not characterize this as “many instances.” Further, while Mr. Kidd states that “there was confusion as to the fact that an absentee ballot application is not a ballot,” he does not testify that this exacerbated concerns of voter fraud. *See* Defs.’ MSJ Ex. J, [ECF 149-13]. Indeed, when directly asked whether “individuals express to you concern that there might be wrongful use of the ballots or voter fraud when making these complaints,” Mr. Kidd declines to confirm any such concerns were expressed. Kidd Tr. 184:6-13.

49. Moreover, voters who received multiple applications often returned multiple applications. Germany Depo. 51:2–22.

Plaintiffs’ Response to Fact No. 49: Disputed. The cited source does not support Defendants’ characterization that voters’ receipt of multiple applications resulted in their returning multiple applications. The cited testimony concerns how elections offices and the state’s electronic database process duplicative applications submitted by a single voter. Germany Tr. 51:2–22. It makes no mention of the reasons voters may submit duplicative applications, receipt of multiple applications or otherwise. Defendants cite no evidence connecting duplicate application

³ Georgia Secretary of State, Election Results (2022).

submission to third party distribution of absentee ballot applications. Further, several voters who purportedly received multiple applications stated they did not in fact return multiple applications. *See* Ex. 23 at 31, 33, 71.

50. In some instances, they did so even though they did not intend to vote by absentee ballot. Germany Decl. ¶ 43; Day 2 Tr. 28:12–16, 42:16–22; Germany Depo. 199:21–25.

Plaintiffs’ Response to Fact No. 50: Disputed. The cited sources do not support Defendants’ characterization of voters who received multiple applications submitting those applications despite not intending to vote by absentee ballot. Plaintiffs do not dispute that Mr. Germany’s declaration relays the story a single voter who spoke to Chris Harvey and informed him that she had submitted multiple applications and that she did not presently intend to vote by absentee ballot. Ex. 23 ¶ 43. To the extent Defendants assert that the voter submitted multiple applications for an absentee ballot without intending to vote absentee, that is unsupported. *Id.* Further, Mr. Germany’s declaration reports the out-of-court statements of a voter to a colleague. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voter’s out-of-court statements later relayed out-of-court to Mr. Germany. Plaintiffs dispute this forbidden hearsay within hearsay.

Mr. Germany's cited Preliminary Injunction Hearing testimony concerns the process by which a voter who has applied for and received an absentee ballot may cancel that ballot and instead vote in person. 6/10/22 PI Tr. 28:12–16. It makes no mention of whether such voters submitted their applications despite intending to vote in person or simply changed their mind about how they would like to vote. *Id.* Mr. Germany goes on to describe various scenarios that might result in someone who submitted an absentee ballot nevertheless voting in person, including their having lost the ballot or never having received the ballot. *See, id.*, at 28:22 – 29:5. Mr. Germany's other cited Preliminary Injunction Hearing makes no mention of individuals completing and submitting absentee ballot applications while intending to vote in person or not at all. *Id.* 42:16-22.

Mr. Germany's cited deposition testimony concerns voters who complete and submit an absentee ballot application and forget they have done so or who are on the state's rollover list and are then surprised when they receive an absentee ballot. Germany Tr. 199:21–25. It makes no mention of voters submitting absentee ballot applications despite not intending to vote by absentee ballot.

Finally, purported Georgia voters told the Secretary's fraud alert tip line that they disposed of the unwanted absentee ballot applications they received in the mail.

See Ex. 23 at 56-77.

51. This required elections officials to divert their finite resources to processing many unnecessary absentee-ballot applications. Day 2 Tr. 28:16– 21.

Plaintiffs’ Response to Fact No. 51: Disputed. The cited sources do not support Defendants’ characterization of voters’ submission of applications despite not intending to vote by absentee ballot as requiring the diversion of finite resources to processing unnecessary absentee-ballot applications. Mr. Germany’s cited testimony concerns the process by which a voter who has applied for and received an absentee ballot may cancel that ballot and instead vote in person. 6/10/22 PI Tr. 28:16-21. It makes no mention of processing “unnecessary” absentee ballot applications, the resources required to cancel an issued absentee ballot and issue an in-person ballot, or the various reasons why a voter may have received an absentee ballot but ultimately decide to vote in person. *Cf. id; see also id.* 28:5-29:5.

52. Then, on Election Day, officials were required to process many ballot cancellations when voters who had submitted absentee-ballot applications showed up to vote in person, leading to longer lines. Day 2 Tr. 28:12–29:7, 29:25–30:4.

Plaintiffs’ Response to Fact No. 52: Disputed in part. Plaintiff does not dispute that election officials are required to process absentee ballot cancellations during in

person voting, nor that Mr. Germany testified it “*can* definitely lead to issues at the polls, lines at the poll, which we very much want to avoid because we want to have a smooth voting experience for everybody.” 6/10/22 PI Tr. 29:25-30:4 (emphasis added). To the extent Defendants assert that officials had to process “many ballot cancellations” which led to long lines on Election Day 2020, it is unsupported by the cited sources. *Id.* at 28:12–29:7, 29:25–30:4. Additionally, there are various reasons why a voter may cancel her absentee ballot and vote in person, including postal delays, missed deadlines, or a voter simply changing her mind. *See* 6/10/22 PI Tr. 28:5-29:5. Defendants cite no evidence tying cancelled ballots to third-party ballot application distribution but instead rely on pure supposition. Indeed, election officials received voter complaints stating they applied for an absentee ballot but did not receive one or received one too late. *See, e.g.*, Ex. 18, GA-VA00000628, GA-VA00048462, GA-VA00001715, GA-VA00041528. To the extent that Defendants’ assertion implies that third-party ballot application distribution is the sole, primary, or even significant source of cancelled ballots, disputed.

53. For the 2020 general election, for instance, there were 40,694 absentee-ballot applications cancelled by voters, compared with only 5,472 such cancelled applications during the 2018 general election, and 3,170 cancelled applications

during the 2016 general election. Germany Decl. ¶ 31.

Plaintiffs' Response to Fact No. 53: Undisputed. Plaintiffs do not dispute that Mr. Germany stated in his declaration that “there were 40,694 absentee-ballot applications cancelled by voters” and “5,472 absentee ballots cancelled by voters during the 2018 General Election, and 3,170 absentee ballots cancelled in the 2016 general election.” Ex. 23 at 12 ¶ 31. However, those increases are largely explained by the multi-fold increase in absentee ballot usage in 2020 overall. Absentee ballot usage increased from about 220,000 voters in 2018 to over 1.3 million voters in 2020.⁴ As Mr. Germany has testified, Georgia “saw a big increase in all kind of absentee ballot applications in 2020,” in large part because of the pandemic. Germany Tr. 50:23-24; *see also* Germany Tr. 53:21-22; 54:3-4; 6/10/22 PI Tr. 30:17-21. Thus, the increase in cancelled absentee ballot applications in 2020 is largely attributable to the increase in absentee voting overall. 6/10/22 PI Tr. 30:17-21. Defendants provide no evidence linking the increase in cancelled absentee

⁴ Compare Georgia Sec’y of State, November 6, 2018 Governor Election Results, <https://results.enr.clarityelections.com/GA/91639/Web02-state.221451/#!/cid/20000>, with Georgia Sec’y of State, November 3, 2020 Presidential Election Results by Vote Type, <https://results.enr.clarityelections.com/GA/105369/web.264614/#!/detail/5000>.

ballots to third party distribution of applications.

C. Voters express concern about receiving incorrectly pre-filled absentee-ballot applications.

54. A third category of complaints the State received related to inaccuracies in pre-filled applications since before 2020. Germany Depo. 181:7–12; Ex. G.

Plaintiffs’ Response to Fact No. 54: Disputed in part. While Mr. Germany testified “We received complaints about that” when asked whether the Secretary of State tracked inaccuracies in applications that were due to prefilled absentee ballot applications, he went on to discuss inaccuracies caused by lags in removing voters from the state’s voter roll, stating “if you get an application mailed to your address, but it’s addressed to someone who used to live there, I think it’s filled inaccurately to the person who receives it, but it’s not necessarily an inaccuracy, you know, on the rolls.” Germany Tr. 181:7-21. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received the emails purportedly from Georgia voters that make up Exhibit G, some of which reported receipt of applications personalized for deceased or relocated individuals. To the extent these voters still appear on the Georgia voter rolls, Plaintiffs dispute the cited sources support Defendants characterization of “inaccuracies in pre-filled applications.” To the extent Defendants use these emails

to infer that these voters did in fact receive inaccurately pre-filled applications, it is inadmissible hearsay.

55. The Secretary of State's Office has “receive[d] ... complaints from voters complaining that these applications left the door open to fraud and suggesting they may or may not continue participating in the electoral process.” Day 2 Tr. 22:4–14.

Plaintiffs’ Response to Fact No. 55: Disputed. This statement is based on inadmissible hearsay testimony. Mr. Germany testified, “Yes, we got complaint that said, look, this is – we got complaints that basically said this looks like rampant fraud to me, I don’t see any reason to participate in the process if this is what the process is.” 6/10/22 PI Tr. 22:4–14. Mr. Germany’s testimony reports his vague account of the out-of-court statements of unspecified voters. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the purported voters’ out-of-court statements: that some voters complained that they might not continue to participate in elections due to what they assessed to be a process vulnerable to fraud. Plaintiff disputes this inadmissible hearsay inference. As Defendants have cited no admissible support for this statement, it is irrelevant for the Court’s consideration.

56. The SEB also received a “giant wave of complaints” from voters who received applications “for people that used to live” at their home but no longer do, applications that had women’s “maiden name[s],” applications “for [a] dead relative,” and even an application for “some cat.” Mashburn Depo. 88:16–89:15.

Plaintiffs’ Response to Fact No. 56: Disputed. This statement is based on inadmissible hearsay testimony. Mr. Mashburn testified that the Board received various complaints about mailings and applications. Mashburn Tr. 88:11-25. Mr. Mashburn’s generalized testimony reporting the out-of-court statements of unspecified voters is not reliable evidence. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the purported voters’ out-of-court statements: that some voters complained about mailings they received. Plaintiff disputes this forbidden hearsay inference. Further, the cited source itself acknowledges that some of these complaints were concerning voter registration applications, *id.* 88:24-25 (“There was some cat that was getting an application to register.”), and therefore are immaterial.

57. A complaint was submitted in Georgia after a voter received a prefilled application with the wrong middle name. Day 2 Tr. 18:19–20; Germany Decl. ¶ 23(a).

Plaintiffs’ Response to Fact No. 57: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual who wrote that she received “a pre-filled application for absentee ballot” where “the name on the ballot” included her correct first and last name, but an incorrect middle name. Ex. 23 at 48. To the extent Defendants use this source to infer that this voter did in fact receive an inaccurately filled absentee ballot application, it is inadmissible hearsay.

58. Another complaint was submitted after a voter received a pre-filled application from someone who did not live at her address, causing her to worry about “rampant fraud.” Germany Decl. ¶ 23(b).

Plaintiffs’ Response to Fact No. 58: Disputed in part. Plaintiffs do not dispute that the Secretary Raffensperger received an email from an individual who wrote that she received “4th piece of election mail request for ballot for runoff in GA, sent to same person who has NEVER lived here This is rampant fraud.” Ex. 23 at 46. To the extent Defendants use this source to infer that this voter did in fact receive an inaccurately filled absentee ballot application, it is inadmissible hearsay.

59. One voter expressed concerns that someone was voting for him in Georgia after he received absentee-ballot applications from the Democratic Party of

Georgia even though he had been a Florida resident for years. Germany Decl. ¶ 23(c).

Plaintiffs’ Response to Fact No. 59: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual who wrote that he had “been getting absentee ballot applications from the Democratic Party of Georgia.” Ex. 23 at 25. The individual additionally wrote, “your website shows that [I’m] an active registered voter in Georgia.” *Id.* To the extent Defendants use this source to infer that this voter did in fact receive an absentee ballot applications despite residing in Florida, it is inadmissible hearsay. Moreover, even accepting the individual’s hearsay as true, it suggests that he was still an active Georgia voter on the State’s voter rolls despite his relocation and the mailing helped alert him to this fact.

60. Another voter reported that she received multiple absentee-ballot applications from, among others, VPC that included “false voter information.” Germany Decl. ¶ 23(d).

Plaintiffs’ Response to Fact No. 60: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual who wrote that she had “been receiving absentee ballots or applications from third party

organizations like VPC and NAACP with false voter information.” Ex. 23 at 28. The email does not explain what about the information was allegedly “false.” To the extent Defendants use this source to infer that this voter did in fact receive an inaccurately filled absentee ballot application from Plaintiff VPC, it is unsupported by the cited sources and inadmissible hearsay.

61. Another voter received a partially pre-filled absentee-ballot application for her husband who had been dead for seven years. Germany Decl. ¶ 23(e).

Plaintiffs’ Response to Fact No. 61: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual who wrote that she received “a partial pre-filled Absentee Ballot application for my husband on 12/3/2020.” Ex. 23 at 29. To the extent Defendants use this source to infer that this voter did in fact receive an inaccurately filled absentee ballot application for her late husband, it is inadmissible hearsay.

62. A complaint was submitted after “at least three pre-filled applications for absentee ballots from the Center for Voter Information” were sent to a voter who, because of those applications, was concerned about fraud. Day 2 Tr. 19:4–13.

Plaintiffs’ Response to Fact No. 62: Disputed. This statement is based on inadmissible hearsay testimony. Firstly, the cited source consists of Mr. Germany’s

recitation of a demonstrative exhibit created by Defense counsel containing out-of-court statements of a purported voter. 6/10/22 PI Tr. 19:2-13. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voter's out-of-court statements: that this voter received pre-filled mailings and was concerned about fraud. Plaintiffs dispute this forbidden hearsay inference.

Secondly, Defendants' demonstrative cites to a document attached to Mr. Germany's declaration. *See* Ex. 23 at 47. Plaintiffs do not dispute that the underlying document is a fraud alert tip line email received by the Secretary from an individual who wrote "in reference to numerous political mailings . . . received at GSP Post 23-Brunswick" at least three of which were "pre-filled applications for absentee ballots with postage paid envelopes." *Id.* The email further notes that "[m]ost of the mailings have come from The Center for Voter Information in Atlanta." *Id.* Defendants' assertion that this complaint concerns three or more pre-filled applications sent by Center for Voter Information is unsupported by the document underlying Defendants' cited source.

63. That complaint came from a Georgia State Patrol officer who was worried about fraud after Georgia State Patrol itself received absentee-ballot applications from CVI that included information for someone with no affiliation

with the patrol. Germany Decl. ¶ 23(f).

Plaintiffs’ Response to Fact No. 63: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual who wrote that "GSP Post 23-Brunswick" had received “numerous political mailings” including “[t]o date, there have been at least three pre-filled applications for absentee ballots with postage paid return envelopes.” Ex. 23 at 47. Plaintiffs also do not dispute that the email states “[m]ost of the mailings come from The Center for Voter Information.” *Id.* To the extent Defendants use this source to infer that prefilled applications were in fact received at Georgia State Patrol Post 23-Brunswick, it is unsupported by the cited source and is inadmissible hearsay.

64. The applications received by the Georgia State Patrol included different variations of the same name. Germany Decl. ¶ 23(f).

Plaintiffs’ Response to Fact No. 64: Disputed in part. Plaintiffs do not dispute that the Secretary’s fraud alert tip line received an email from an individual who wrote that “GSP Post 23-Brunswick” had received mail addressed to Brandon Jacques De Llen Moses and Brandon J. Moses. Ex. 23 at 47. To the extent Defendants use this source to infer that applications prefilled with different variations of the same voter name were in fact received at Georgia State Patrol Post 23-Brunswick, it is

inadmissible hearsay.

65. A complaint was submitted after a voter, concerned about potential fraud, “received mail to my address with someone else’s name ... from the Voter Participation Center.” That voter received “six applications in the mail for absentee ballots that [she] did not request.” Day 2 Tr. 19:25–20:5.

Plaintiffs’ Response to Fact No. 65: Disputed. This statement is based on inadmissible hearsay testimony. The cited source consists of Mr. Germany’s recitation of a demonstrative exhibit created by Defense counsel. 6/10/22 PI Tr. 19:23-20:5. Mr. Germany’s testimony reports the out-of-court statements of a purported voter. Defendants seek to introduce this testimony to prove the truth of the matter asserted by the voter’s out-of-court statements: that this voter received multiple pre-filled mailings with someone else’s name. Plaintiffs dispute this forbidden hearsay inference.

66. Representative Barry Fleming explained during the legislative hearings on SB 202 that “a lot of those [pre-filled absentee-ballot applications] were pre-filled out incorrectly, and it caused a lot of problems came into the boards of elections.” Tr. of Hr’g on Ga. SB 202 before Special Comm. on Election Integrity at 17:3-8 (Feb. 22, 2021) (attached as Exhibit H to Germany Decl. [ECF No. 113-

2])).

Plaintiffs’ Response to Fact No. 66: Disputed in part. Plaintiffs do not dispute that Representative Barry Fleming testified that “another problem that we found is that a lot of those forms were prefilled out incorrectly, and it caused a lot of problems when it came into the boards of elections.” Ex. 19, 17:3-8. However, Representative Fleming testified in the context of absentee ballot applications generally, including those applications sent by county and state election officials. *See id.*, 16:14-22. To the extent that Defendants’ assertion implies that the pre-filled applications were unsolicited, or sent by Plaintiffs or any other nongovernmental entity, it is unsupported by the cited source and disputed.

67. One witness, Caroline Garcia, agreed with Representative Fleming at the legislative hearings that pre-filled absentee-ballot applications quite often included the wrong information. Tr. of Hr’g on Ga. SB 202 before Special Comm. on Election Integrity at 23:3-9 (Mar. 18, 2021) (attached as Exhibit H to Germany Decl. [ECF No. 113-2]).

Plaintiffs’ Response to Fact No. 67: Disputed. Plaintiffs do not dispute that Representative Fleming described a scenario of a voter sending in an inaccurately prefilled application, and Ms. Garcia testified “Yes. We saw something like that.”

Ex. 23 at 108, 23:3-9. To the extent Defendants assert that prefilled absentee ballot applications “quite often [included] the wrong information,” it is unsupported by the cited sources. *Id.*

68. The State received many other similar complaints. *See* Ex. G.

Plaintiffs’ Response to Fact No. 68: Disputed. The cited sources do not support Defendants’ characterization of the State’s having received “many” other similar complaints. Plaintiffs do not dispute that Exhibit G compiles 26 emails received by the Secretary’s fraud alert tip line. *See* Ex. G. Of these 26 emails, all 26 are previously included in Defendants’ above-enumerated paragraphs, and are not “other similar complaints.” To the extent Defendants assert that any of these constitute “many” additional complaints, that is unsupported. *Id.* Additionally, many of these 26 emails reported receipt of applications personalized for deceased or relocated individuals. To the extent these voters still appear on the Georgia voter rolls, Plaintiffs dispute the cited sources support Defendants characterization of complaints about pre-filled applications including “wrong information.”

Further, the email communications compiled in Exhibit G all constitute unverified, out-of-court statements made by purported voters. Defendants seek to introduce these documents to prove the truth of the matter asserted by the voters’

out-of-court statements. Plaintiff disputes this forbidden hearsay inference.

IV. The Challenged Provisions of SB 202 Respond to These Concerns.

69. The Pre-Filling Prohibition prohibits all but “a relative authorized to request an absentee ballot for such elector or a person signing as assisting an illiterate or physically disabled elector” from “send[ing] any elector an absentee ballot application that is prefilled with the elector’s required information.” O.C.G.A. § 21-2-381 (a)(1)(C)(ii).

Plaintiffs’ Response to Fact No. 69: Undisputed.

70. The Pre-Filling Prohibition does not apply to web-based tools and applications that allow voters themselves to input their own personalized information into an absentee-ballot application. Ga. Comp. R. & Regs. 183-1- 14-.12(2); Germany Depo. 100:1–5.

Plaintiffs’ Response to Fact No. 70: Undisputed.

71. The Pre-Filling Prohibition does not prevent anyone from pre-filling the election date on absentee-ballot applications. Day 2 Tr. 17:15–23.

Plaintiffs’ Response to Fact No. 71: Disputed. Plaintiffs do not dispute that when asked whether SB 202 “would prevent plaintiffs from continuing to include the date on applications in the future” Mr. Germany testified “No.” 6/10/22 PI Tr. 17:15-23.

However, when county election officials specifically requested to do so, the Secretary's office told them they could not, citing SB 202. Evans Tr. 220:16-221:15; Ex. 18, GA-VA00038833, GA-VA00051968.

72. "[E]ncouraging people to fill out forms by themselves" results in "vanishingly low" "error rates." Day 1 Tr. 209:25–210:3.

Plaintiffs' Response to Fact No. 72: Disputed. The cited source does not support Defendants' characterization of "encouraging people to fill out forms by themselves" as leading to "vanishingly low" "error rates." When asked what effects "reducing transaction costs have on" applications' rejection rates, Dr. Green testified that "perhaps encouraging people to fill out forms by themselves elevates the number of errors they will make, but the kinds of error rates are vanishingly low," and continued "we're really talking about a relatively trivial kind of nuisance in terms of inflicting extra time commitments on election officials." 6/9/22 PI Tr. 209:20 – 210:3. The cited testimony referred to the delta in error rates when individuals are encouraged to complete applications versus voters completing forms on their own accord. It did not opine about the rates of error generally when people fill out forms by themselves.

Further, the Secretary of State's Office has never identified whether there are

more errors between voter-filled applications and prefilled applications. 6/10/22 PI Tr. 123:6-9. Indeed, county officials have reported that voters will not fill out certain information on the application form, including the election date or county, when submitting an application without prefilled information. *See* Evans Tr. 219:19-220:5; Ex. 18, GA-VA00038833. Voters also put in information that doesn't exactly match the voter file, or will write illegibly, all of which can lead to error in processing the application. 6/10/22 PI Tr. 122:12-123:5; Evans Tr. 158:9-22.

73. The Anti-Duplication Provision prohibits anyone other than the “Secretary of State, election superintendents, boards of registrars, and absentee ballot clerks” from sending absentee-ballot applications “to individuals who have ... already requested, received, or voted an absentee ballot in the primary, election, or runoff.” O.C.G.A. § 21-2-381(a)(3)(A).

Plaintiffs’ Response to Fact No. 73: Disputed in part. Plaintiffs do not dispute that the Mailing List Restriction states that “[a]ll persons or entities, other than the Secretary of State, election superintendents, boards of registrars, and absentee ballot clerks, that send applications for absentee ballots to electors in a primary, election, or runoff shall mail such applications only to individuals who have not already requested, received, or voted an absentee ballot.” O.C.G.A. § 21-2-381(a)(3)(A). To

the extent that Defendants assert that any persons or entities not specifically exempted are prohibited from sending absentee ballot applications to anyone who has requested or voted an absentee ballot but is not listed on the state's absentee voter file, that is unsupported. SB 202 additionally provides that any person who relies on the Secretary of State's absentee voter file within five-business days of sending the application will be shielded from liability. *Id.* In practice, this means that the only means of complying with this provision is to check the Secretary of State's absentee voter file, Evans Tr. 243:4-14, which may not accurately reflect whether a voter has already submitted an application. *See id.* 129:2-25, 131:1-9; 6/10/22 PI Tr. 123:19-124:1.

74. The Anti-Duplication Provision requires anyone but the exempted groups listed above seeking to send an absentee-ballot application to “compare its mail distribution list with the most recent information available about which electors have requested, been issued, or voted an absentee ballot in the primary, election, or runoff and shall remove the names of such electors from its mail distribution list.” O.C.G.A. § 21-2-381(a)(3)(A).

Plaintiffs' Response to Fact No. 74: Disputed in part. Plaintiffs do not dispute that the Mailing List Restriction states that any person or entity not specifically

exempted “shall compare its mail distribution list with the most recent information available about which electors have requested, been issued, or voted an absentee ballot in their primary, election, or runoff and shall remove the names of such electors from its mail distribution list. O.C.G.A. § 21-2-381(a)(3)(A). To the extent that Defendants assert that any persons or entities not specifically exempted are required to compare their mail distribution list to any “recent information” other than the state’s absentee voter file available on the Secretary’s website, it is unsupported. Indeed, there is no way of knowing whether the absentee voter file contains “recent information,” because election officials only record when the ballot has been processed, not when it has been received. *See* Evans Tr. 129:2-25, 131:1-9; 6/10/22 PI Tr. 123:19-124:1.

75. Anyone who follows the requirement of the preceding paragraph is not liable for violating the Anti-Duplication Provision if they “relied upon information made available by the Secretary of State within five business days prior to the date such applications are mailed.” O.C.G.A. § 21-2-381(a)(3)(A).

Plaintiffs’ Response to Fact No. 75: Undisputed.

76. Some printers can update a data file and mail absentee-ballot applications within a five-business-day window. Day 2 Tr. 137:4–6.

Plaintiffs’ Response to Fact No. 76: Disputed. The cited source does not support Defendants’ characterization that “some printers” can update a data file and mail absentee ballot applications within a five-business day window. Plaintiffs do not dispute that Brandon Waters, CEO of a political consulting firm named Arena that does mail advertising, stated that Arena can update a data file and send an undefined number of absentee ballot applications within a five-business day window. 6/10/22 PI Tr. 137:4–6. But Mr. Waters has no knowledge about how Plaintiffs package their mailers, no knowledge about the method of printing that Plaintiffs employ, no knowledge about how Plaintiffs target their mailers, and no knowledge about the postage process that Plaintiffs use. *See* Waters Tr. 57:2-25. Arena’s average absentee ballot application mailer order contains approximately 500,000 to 1 million mailers. 6/10/22 PI Tr. 142:2-5. In 2020, Plaintiffs sent more than 83 million absentee ballot application mailers nationwide, in addition to Plaintiffs’ other pro-voting mail campaigns. Ex. 15 at 9 ¶ 23. Arena has not used a union printer since at least before the 2020 election, Waters Tr. 21:25-22:5; Plaintiffs almost exclusively hire union-only printers to comport with their values and business model. 6/9/22 PI Tr. 94:23-95:1; 101:5-10.

Further, Mr. Lopach’s testimony, based on Plaintiffs’ own experience,

directly disputes this assertion. *See id.* 60:7-61:19. Plaintiffs need approximately two weeks to retrieve and target the state’s voter file across various states to prepare the 20 million mailer order. *Id.* 60:7-61:1. Plaintiffs’ printers require three days minimum to print 2 million mailers. *Id.* 61:2-6. To comply with SB 202, anyone who applied for an absentee ballot application between the three to four intervening weeks between data retrieval any printing would need to be identified and their mailer manually pulled from the printing order, an “impossible” task to undertake within the five-day window. *Id.* 59:2-4, 61:2-15.

77. That is particularly true if the printer is a “seamless entry firm” that both produces the mail, processes the paperwork, and enters it into the mail system without actually “bring[ing] it to the post office to get it checked in and technically mailed.” Day 2 Tr. 135:18–136:6.

Plaintiffs’ Response to Fact No. 77: Disputed. The cited source does not support Defendants’ characterization that being a seamless entry firm “particularly” makes a firm or printer able to update a data file and mail absentee-ballot applications within a five-business day window. Plaintiffs do not dispute that Mr. Waters testified that “to streamline some processes with the post office, the US Postal Service instituted a seamless entry process which allows certain mail houses and

printers within the county to do what's called seamless entry, where they essentially function as a post office." *See* 6/10/22 PI Tr. 135:18–136:6.

78. The Anti-Duplication Provision does not apply to web-based tools and applications that allow voters themselves to initiate the process leading to the receipt of an absentee-ballot application because the Secretary of State does not consider third parties responding to voter requests for an application online to be “sending [a] voter an application.” Germany Depo. 100:11–22.

Plaintiffs’ Response to Fact No. 78: Disputed in part. Plaintiffs do not dispute that the Mailing List Restriction does not apply to web-based tools or applications that allow voters to fill out an absentee ballot application online and then have a copy printed and/or mailed to them for signature and submission. Germany Tr. 100:11–22. To the extent Defendants assert that this is because the Secretary of State officially does not consider such activity to constitute “sending a voter an application,” it is unsupported by the cited source.

79. Finally, the Disclaimer Provision requires third parties seeking to send absentee-ballot applications to use the form made available by the Secretary of State and to “clearly and prominently disclose” the following disclaimer:

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot.

It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material].

O.C.G.A. § 21-2-381(a)(1)(C)(ii).

Plaintiffs’ Response to Fact No. 79: Disputed in part. Plaintiffs do not dispute that “the Disclaimer Provision requires third parties seeking to send absentee-ballot applications to use the form made available by the Secretary of State.” O.C.G.A. § 21-2-381(a)(1)(C)(ii). However, the Disclaimer Provision does not apply to third party web-based tools or applications that send absentee ballot applications at a voter’s behest. Germany Tr. 100:7-10.

Further, Plaintiffs do not dispute that the Disclaimer Provision requires that the third party “clearly and prominently disclose on the face of the form” the mandated language. O.C.G.A. § 21-2-381(a)(1)(C)(ii). To the extent that Defendants assert that the Disclaimer Provision permits the mandated language to be included anywhere other than the face of the form, it is unsupported by the cited source.

80. The Secretary of State’s office created “an application form that third parties could use that had all the required disclaimer language.” Germany Depo. 133:11–16.

Plaintiffs’ Response to Fact No. 80: Undisputed. Plaintiffs do not dispute that in

March 2022, more than one year after the passage of SB 202, the Secretary of State's office created an application form that included the language of the Disclaimer Provision.

81. The Disclaimer Provision does not apply to web-based tools and applications that otherwise comply with the law. Germany Depo. 100:7–10.

Plaintiffs' Response to Fact No. 81: Undisputed.

82. Since SB 202 went into effect, CVI and VPC sent absentee-ballot application mailers to Georgians in the most recent election cycle. Lopach Depo. 65:15–18.

Plaintiffs' Response to Fact No. 82: Disputed in part. Plaintiffs do not dispute that Plaintiffs sent a single wave of absentee ballot application mailers to Georgia voters in the 2022 election cycle. Lopach Tr. 65:15-18; 150:11-14. To the extent Defendants assert Plaintiffs sent multiple “mailers” containing absentee ballot applications to any particular Georgia voter during the 2022 election cycle, that is unsupported by the cited source and is disputed. Plaintiffs sent fewer mailers, did not include the information that Plaintiffs would have preferred, and sent them earlier than is most effective, all as a result of SB 202. Ex. 15 at 23 ¶ 54. *Compare* Ex. A-B to Lopach Decl. *with* 2022 VPC and CVI mailer. To the extent that

Plaintiffs sent any mailers to Georgia, therefore, the quantity and quality of those mailers were substantially reduced.

83. Those mailers included the same “contents” as earlier mailers: “a carrier envelope, a cover letter, an application, albeit not prefilled, and a return envelope.” Lopach Depo. 162:4–11.

Plaintiffs’ Response to Fact No. 83: Disputed in part. Plaintiffs do not dispute that VPC’s and CVI’s single wave of 2022 absentee ballot application mailers included “a carrier envelope, a cover letter, an application, albeit not prefilled, and a return envelope.” Lopach Tr. 162:4–11. To the extent Defendants assert that those contents are the “same” despite the applications lacking personalization and including a disclaimer to which they object and the cover letter not being able to reference a personalized application, it is unsupported by the cited source and disputed. Plaintiffs actually testified that voters did *not* receive the same cover letter in 2022. *Id.* 65:19-22. The cover letter contained different messages and graphics based on their evaluation of the most effective messages communicated to voters in prior elections. *Id.* 66:1-22.

84. The mailing sent to Georgia this year was sent with enough time “to land in Georgia mailboxes on or as close as possible to the first day of Georgia’s

Vote by Mail application period,” “around August 26th of 2022.” Lopach Depo. 162:14–19.

Plaintiffs’ Response to Fact No. 84: Undisputed.

85. Nothing in SB 202 prevents Plaintiffs from sending multiple letters to Georgia voters encouraging them to vote by absentee ballot. Day 2 Tr. 45:19–46:8.

Plaintiffs’ Response to Fact No. 85: Undisputed but immaterial.

86. Nothing in SB 202 prevents Plaintiffs from sending multiple blank absentee-ballot applications to Georgia voters who have not yet applied for a ballot. Day 2 Tr. 45:19–46:8.

Plaintiffs’ Response to Fact No. 86: Undisputed but immaterial.

Respectfully submitted this 31st day of January, 2023.

/s/ Danielle Lang

Danielle Lang*
Jonathan Diaz*
Alice Huling*
Hayden Johnson*
Valencia Richardson*
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Ste. 400
Washington, D.C. 20005
Tel: (202) 736-2200
Fax: (202) 736-2222
dlang@campaignlegalcenter.org
jdiaz@campaignlegalcenter.org
ahuling@campaignlegalcenter.org
hjohnson@campaignlegalcenter.org
vrichardson@campaignlegalcenter.org

**Admitted pro hac vice*

/s/ Katherine L. D'Ambrosio

Katherine L. D'Ambrosio
(Ga. Bar No. 780128)
COUNCILL, GUNNEMANN & CHALLY,
LLC
1201 W. Peachtree St. NW, Suite 2613
Atlanta, GA 30309
(404) 407-5250
kdambrosio@cgc-law.com

Robert B. Remar
(Ga. Bar No. 600575)
SMITH, GAMBRELL & RUSSELL, LLP
1105 W. Peachtree NE, Suite 1000
Atlanta, GA 30309
(404) 815-3500
rremar@sgrlaw.com

Counsel for Plaintiffs

**CERTIFICATE OF SERVICE
AND COMPLIANCE WITH LOCAL RULE 5.1**

I hereby certify that I have this date electronically filed the within and foregoing, which has been prepared using Times New Roman font, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Dated: January 31, 2023.

/s/ Danielle Lang
Danielle Lang

Counsel for Plaintiffs
Admitted pro hac vice

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

VOTER PARTICIPATION CENTER;
and CENTER FOR VOTER
INFORMATION,

Plaintiffs,

Case No. 1:21-cv-01390-JPB

v.

Judge J.P. Boulee

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of the State of Georgia; SARA
GHAZAL, JANICE JOHNSTON,
EDWARD LINDSEY, and
MATTHEW MASHBURN, in their
official capacities as members of the
STATE ELECTION BOARD,
Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; and GEORGIA
REPUBLICAN PARTY, INC.,
Intervenor-Defendants.

PLAINTIFFS' STATEMENT OF ADDITIONAL MATERIAL FACTS

Pursuant to Local Rule 56.1(B)(2)(b), Plaintiffs Voter Participation Center and Center for Voter Information (“Plaintiffs”) submit the following additional material facts which present a genuine dispute for trial:

I. Absentee Voting in Georgia.

1. All registered Georgia voters are eligible to vote absentee by mail. O.C.G.A. § 21-2-380.

2. To vote absentee by mail in Georgia, a voter needs to submit a request for an absentee mail ballot to their election office. O.C.G.A. § 21-2-381(a)(i)(A).

3. A voter can apply using the Secretary’s online portal, O.C.G.A. § 21-2-381(a)(1)(C)(ii), or by submitting an application form, a copy of which is available on the Secretary’s website. *Id.* Ga. Comp. R. & Regs. 183-1-14-.12; Ex. 12, 2021 Georgia Absentee Ballot Application.

4. Despite their eligibility, some Georgia voters with disabilities may be unable to exercise their right to vote by absentee mail ballot if they cannot receive necessary assistance with obtaining, filling out, and submitting their absentee ballot application. See Laura Nwogu, *Barriers to the ballot: Georgia voters with disabilities working to improve access to the polls*, SAVANNAH MORNING NEWS (Nov. 1, 2022), <https://www.savannahnow.com/story/news/politics/elections/2022/>

11/01/ga-voters-disabilities-fight-against-obstacles-voting-election-2022/10499428002/.

5. Additionally, many Georgia voters do not have reliable internet and cannot access the form online. *See, e.g.*, Ledyard King and Mike Stucka, ‘*Digital divide*’: *In Georgia, many still lack broadband access*, THE AUGUSTA CHRONICLE (July 7, 2021), <https://www.augustachronicle.com/story/news/2021/07/07/gda-broadband-local-ga-naug/47205331/>.¹ Approximately 265,822 Georgia residents do not have a computer at home. U.S. Census Bureau, 2021 American Community Survey (5-Year Estimates).

6. Even Georgians who do have reliable internet access may not have access to a printer. *See* Ex. 10, June 10, 2022 Prelim. Inj. Hrg. (“6/10/22 PI Tr.”) 37:16-20; Ex. 2, Dep. Of Blake Evans (“Evans Tr.”) 55:15-56:16.

7. Even for voters with access to the internet and a printer, the online absentee ballot application portal provided by the Georgia Secretary of State is not available for every election, *see* Ex. 18, Government Communications and Voter

¹ Plaintiffs note that for the nonmoving party, “a district court may consider a hearsay statement in passing on a motion for summary judgment if the statement could be reduced to admissible evidence at trial or reduced to admissible form.” *Jones v. UPS Ground Freight*, 683 F.3d 1283, 1293-94 (11th Cir. 2012). *See also Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986) (“Rule 56(e) permits a proper summary judgment motion to be opposed by any of the kinds of evidentiary materials listed in Rule 56(c),” which could be admitted later at trial.).

Email Alerts, CDR00112588, and has crashed during the absentee voting period. *See, e.g.,* Joe Ripley, *Georgia voters finding dead links when trying to request absentee ballots*, 11ALIVE (Mar. 16, 2022), <https://www.11alive.com/article/news/local/georgia-absentee-ballot-applications-website-problems/85-d714dfd9-21b3-4fce-a2e0-dd2cb9c0c639>.

8. Additionally, the State does not always update its website with the most current version of the absentee ballot application. *See, e.g.,* Ex. 18, GA-VA00050768. As a result, voters may inadvertently submit absentee ballot application forms which are no longer valid, creating confusion for the voter and county election officials and resulting in rejections of applications from otherwise eligible voters. *E.g.,* Ex. 18, GA_VA00038511.

9. Because of some voters' lack of access and other voters' general confusion with the absentee voting process, many Georgia voters rely on third party application distribution to register to vote and submit an absentee ballot application. Evans Tr. 56:13-57:10; *see also* Ex. 9, June 9, 2022 Prelim. Inj. Hrg. ("6/9/22 PI Tr.") 36:16-20.

10. The absentee ballot application has numerous fields and spans two pages. *See* Ex. 12, 2021 Georgia Absentee Ballot Application.

11. As a result, voters often forget to fill in parts of the application when they submit it. Evans Tr. 220:16-221:4; Ex. 18, GA-VA00038834, GA_VA00024557. County election officials have complained to the state that voters will submit applications that leave the election date blank, for example. *Id.* at GA-VA00038834. This can result in applications being rejected. Evans Tr. 219:4-222:6; Ex. 18, GA_VA00024557, GA-VA00051968.

12. Kevin Rayburn, Deputy Elections Director for the Georgia Secretary of State, requested that Plaintiffs prefill their application forms with the election date in 2020. Ex. 15, Decl. of Thomas Lopach and Attached Exhibits at 52.

13. In at least one instance, Cherokee County requested permission from the state to fill out the missing information of the voter, because there were so many instances of voters submitting incomplete absentee ballot applications. Ex. 18, GA-VA00038834. Under the advice of Defendants, they rejected applications which contained incomplete information, because they did not have the authority to fill the application with the election date and county. *Id.* at GA_VA00024557, GA-VA00051968.

14. In another instance, Bartow County requested guidance about whether to reject applications where the voter did not fill in the election date. *Id.* at GA-

VA00038671. As the county election official noted, “I used to get around this by prefilling it on my application, but I can’t do that anymore,” because of SB 202. *Id.*

15. Under SB 202, voters applying for an absentee ballot using the application form are now required to provide a wet signature even if they otherwise fill out their application online, so at some point the voter must have a physical document to sign and submit, whether in hard or scanned copy. *See* O.G.C.A. § 21-2-381(C)(i); Evans Tr. 54:18-55:14.

16. The state’s voter file and absentee voter file, which provide the data used by both Georgia officials and third-party civic organizations to pre-populate application forms, Lopach Tr. 90:18-91; 6/10/22 PI Tr. 63:14-19, also contains errors and duplicate entries. 6/10/22 PI Tr. 65:4-7; Evans Tr. 77:9-14; Ex. 18 at GA-VA00052395.

17. When an individual submits an absentee ballot application, the application is not always processed contemporaneously. *See* Evans Tr. 129:2-25, 131:1-9; 6/10/22 PI Tr. 123:19-124:1. As a result, voters have expressed confusion when they have submitted an application but that submission is not reflected on the State’s online ballot tracking system. *See, e.g.,* Ex. 18, GA-VA00000628, GA-VA00048462.

18. When absentee ballot applications are not processed contemporaneously, the absentee voter file will not reflect a full account of the voters who have already submitted an absentee ballot. *See* Evans Tr. 129:2-25, 131:1-9; 6/10/22 PI Tr. 123:19-124:1.

II. Plaintiffs' Absentee Ballot Operations.

19. Plaintiffs Voter Participation Center (“VPC”) and Center for Voter Information (“CVI”) are sister 501(c)(3) and 501(c)(4) organizations, respectively. Ex. 15 at 2-3 ¶¶ 2-7.

20. VPC and CVI are nonpartisan, nonprofit organizations with a mission to encourage the political participation of historically underrepresented groups, such as young people, people of color, and unmarried women, by providing them with voter registration, early voting, vote by mail, and get-out-the-vote resources and information. Ex. 15 at 2-3 ¶¶ 2-7; Lopach Tr. 28:4-10.

21. Plaintiffs further their mission by educating, assisting, and convincing historically disenfranchised communities to vote absentee by utilizing their resources. Ex. 15 at 3-4 ¶¶ 7-10; Lopach Tr. 28:4-10. They attempt to reduce transaction costs for voters to help assist voters to participate in the electoral process, in particular by mail voting. Ex. 24, Mar. 21, 2022 Expert Report of Dr. Donald Green, at 3-8; Ex. 26, June 16, 2022, Amended Expert Rebuttal Report of Dr. Donald

Green, at 8-14; 6/10/22 PI Tr. 206:5-212:3, 238:10-12; Ex. 27, Dep. of Dr. Donald Green (“Green Tr.”) 78:19-82:4.

22. VPC and CVI have designed and implemented direct mail programs to share their pro-voting and pro-absentee mail voting message and resources with eligible, registered voters nationwide, including Georgia. Ex. 15 at 4 ¶ 12.

23. The core message of Plaintiffs’ absentee voting mailer is that it is reliable, easy, beneficial, and trustworthy. Ex. 15 at 3-4 ¶¶ 7-10. In the ongoing debate about absentee voting, VPC and CVI believe that they can use their effective absentee ballot application communications to persuade Georgians to further engage in the democratic process and trust absentee voting to do so. Ex. 15 at 3-4, 6, 28 ¶¶ 7-10, 17, 63.

24. Plaintiffs exist for the purpose of engaging in political speech and expressive conduct to disseminate their core viewpoint that all eligible voters should participate in the political process, that voting should be easy and accessible, and that absentee voting is safe, beneficial, and secure. Ex. 15 at 3-4, 6, 28, 31 ¶¶ 7-10, 17, 63, 68.

25. Plaintiffs communicate their pro-absentee voting message by mailing communications conveying personalized absentee ballot applications to eligible, registered voters. 6/9/22 PI Tr. 42:14-43:2.

26. Plaintiffs' objective is to encourage these specific recipients to submit an absentee ballot application and vote absentee. Ex. 15 at 5, 6, 8, 26-28 ¶¶ 15, 17, 22, 60-63; *see, e.g.*, Ex. 15 at 36-39, 40-45.

27. Plaintiff VPC sends its mailers to registered people of color, unmarried women, and young people. Lopach Tr. 86:11-17.

28. Plaintiff CVI sends its mailers to individuals who are modeled to share the organization's values of wanting to see people of color, unmarried women, and young people participate in elections at proportionate rates as the general population. Lopach Tr. 86:18-87:1.

29. The purpose of Plaintiffs' mailers is to convince its specific, carefully selected voters that engaging in the electoral process through absentee voting is trustworthy and easy. Ex. 15 at 3-4, 6, 9 ¶¶ 7-10, 12, 17, 24.

30. Plaintiffs' absentee ballot application mailers include a cover letter, a personalized application, and postage-paid return envelope addressed to the recipient's county election office. Ex. 15 at 36-39, 40-45; Ex. 16.

31. Plaintiffs' cover letter identifies the organization as the sender and provides instructions for unsubscribing should the recipient so choose, references the enclosed, personalized application, and contains instructions for submitting the absentee ballot application. Ex. 15 at 6 ¶ 17; *Id.* at 36-39, 40-45; Ex. 16.

32. Plaintiffs also personalize their applications with prefilled voter information from the State’s voter file to indicate the specific recipient should complete the application and make it easier for elections workers to process. 6/9/22 PI Tr. 44:12-45:1. *See also* Ex. 15 at 36-39, 40-45; Ex. 16. In 2020, Plaintiffs also printed step-by-step instructions on the back of the personalized applications. *See also* Ex. 15 at 36-39, 40-45.

33. Plaintiffs include the postage paid envelope so that the recipient does not need to pay to apply for an absentee ballot and so their application is sent to their correct elections office. 6/9/22 PI Tr. 45:24-46:7. *See also* Ex. 15 at 36-39, 40-45.

34. Plaintiffs believe that absentee voting by mail “is one of the best ways to ensure a robust democracy.” Ex. 15 at 3 ¶ 8; *see also* Lopach Tr. 28:4-10.

35. In the ongoing debate about absentee voting, Plaintiffs’ mailer communications take a strong stance in favor of absentee voting by including personalized applications and expressing, for example, that “Your vote matters,” “Voting by mail is EASY,” it “keeps you healthy and safe,” and ensures that “[y]our privacy is protected. Ex. 15 at 36-39, 40-45.

36. Plaintiffs distribute their personalized applications at the height of election season, when debates over the safety and reliability of absentee voting are most salient. Lopach Tr. 146:2-11.

37. Plaintiffs' communications list their organization's name and contact information in several locations and include a prominent and specific disclaimer that they are "not affiliated with state or local election officials." Ex. 15 at 36-39, 40-45.

38. Plaintiffs personalize their absentee ballot applications with the voters' information to build relationships with voters and advocate for increased absentee voting in Georgia among segments of the population who are underrepresented in the political process. Ex. 15 at 3-4, 26-27 ¶¶ 7-10, 61.

39. Specifically, Plaintiffs use their effective personalized absentee application communications as outreach to build greater association with a specific group of voters and then further engage them in the political process with future mailers. Ex. 15 at 9, 10, 13 ¶¶ 24, 26, 34.

40. Plaintiffs' mailers alleviate the confusion caused by Georgia's complicated application process because the personalized application helps to ensure that the voter does not submit an incomplete or inaccurate application. Ex. 15 at 8 ¶ 22; *see also* 6/9/22 PI Tr. 55:14-22, 65:11-15; *compare* Ex. 18, GA-VA00052394 (voter did not input his full registered name including suffix when he applied via the Secretary's online portal and was sent an absentee ballot bearing his deceased grandfather's name and suffix).

41. Some voters are opposed to absentee voting and therefore do not want to receive a communication promoting voting by mail and containing an application for an absentee ballot. *See e.g.*, Ex. 18, GA-VA00061955, GA-VA00061911.

42. The personalized applications include words chosen by VPC/CVI—specific names from the voter rolls and the associated addresses—written on a page. Ex. 15 at 36-39, 40-45.

43. The information prefilled in Plaintiffs’ absentee ballot application mailers is drawn from the voter registration records generated by the State. Ex. 15 at 5, 26-28 ¶¶ 15, 60-62.

44. Plaintiffs only ever intend to send absentee ballot application mailers to voters who have not yet submitted an absentee ballot application. 6/9/22 41:24-42:11, 71:19-25, 90:15-19; Ex. 15 at 10, 11 ¶ 27, 31. Sending an absentee ballot application to a voter who has already submitted an application creates unnecessary costs for Plaintiffs, and does not achieve their mission of encouraging voter participation among underrepresented populations. Ex. 15 at 10, 11 ¶ 26, 27, 29.

45. Plaintiffs use a unique scannable barcode on the return envelope for absentee ballot applications included in their mailers to track effective engagement with potential voters and deepen their association with them through further targeted communications. Ex. 15 at 7 ¶ 20; Lopach Tr. 67:1-6.

46. This barcode also tracks which voters have already submitted an absentee ballot application to an elections office. Lopach Tr. 67:1-6.

47. Plaintiffs also provide robust unsubscribe opportunities for recipients who no longer wish to receive communications from VPC and CVI which help to ensure that VPC and CVI's communications are going to the correct recipients and to voters who are interested in having further connection and communication with VPC and CVI on electoral engagement issues. Lopach Tr. 101:22, 102:1-12.

48. To further prevent duplicative mailers, Plaintiffs hire third party vendors to retrieve the list of registered voters from the States, including Georgia. 6/9/22 PI Tr. 44:19-22; Lopach Tr. 120:21-122:3. The third-party vendor then undergoes a process of narrowing the list of voters by checking the list against the National Change of Address database and against a list of deceased individuals in the state. Lopach Tr. 135:16-136:3.

49. Plaintiffs also make periodic requests for updated voter records from Georgia state election officials before initiating a mailer program. Ex. 15 at 10 ¶ 27; Ex. 15 at 46-74.

50. Preparing bulk mailings takes several weeks in total and at least 20 days from when VPC and CVI provide their recipient list to the printing vendor until the message is mailed. Ex. 15 at 12, 24 ¶¶ 32, 56.

51. Plaintiffs’ absentee voting mailer communications—including the cover letter, pre-stamped and pre-addressed envelope, instruction sheet, and the personalized absentee ballot application—cost about 39 cents per mailer to produce. Ex. 15 at 11 ¶ 29.

52. In 2018 and 2020, Plaintiffs sent multiple waves of absentee ballot application mailers to Georgia voters. Lopach Tr. 41:5-42:11.

53. In the 2020 election alone, Plaintiffs sent more than 9.6 million communications to registered Georgia voters. Ex. 15 at 9 ¶ 23. These messages urged registered Georgia voters to participate, described the absentee voting process as easy and secure, and guided voters through that process by including absentee ballot applications. *Id.*; *id.* at 36-39, 40-45.

54. Plaintiffs sent these communications in several waves, finding that doing so was the most effective way to convey their message and to persuade and engage voters. *Id.* at 13, 23, 33 ¶¶ 34, 54, 71.

55. Plaintiffs also tested messaging to voters that relied on including a personalized application to “call attention to the fact that the voter was explicitly chosen to receive the application by mail.” Ex. 13, Ex. B to Diaz Decl., Sept. 14, 2020 VPC/CVI Memo, at 38. Plaintiffs provided the personalized application to “provide[] an exclusive voter experience” and express their belief that the particular

voter to whom VPC/CVI sent its mailer should participate in the democratic process through absentee voting. *Id.*

56. More than 663,500 Georgians submitted the application distributed by Plaintiffs during the 2020 election cycle. Lopach Decl. ¶ 23. This includes 575,000 Georgia voters who submitted applications in the November 2020 general election, and 88,500 voters who submitted applications in the January 2021 runoff election. Ex. 15, 9 ¶ 25.

57. Plaintiffs likewise associate with other organizations to assist them with also mailing their absentee ballot applications to voters. Lopach. Tr. 147:20-148:20.

58. Specifically, Plaintiffs work with national and state-based organizations to follow up with the voters to whom Plaintiffs have sent an absentee ballot application mailer. Lopach. Tr. 147:20-148:20; 6/9/22 PI Tr. 47:15-23. Plaintiffs work with organizations to follow up with voters via door-knocking, text message, and phone calls. Lopach. Tr. 147:20-148:20.

59. Plaintiffs have worked with organizations including the Georgia NAACP to send its absentee ballot application mailers to Georgia voters. *E.g.*, Ex. 25.

60. Before mailing their communications in 2020, Plaintiffs also corresponded with Georgia election officials to coordinate, provide notice, and solicit feedback for Plaintiffs to implement. Ex. 15, 15-21 ¶¶ 40-50; *id.*, 52-74.

61. In 2018, Plaintiffs sent their absentee ballot application mailers to Chris Harvey, Deputy Elections Director for the Secretary of State, to receive feedback regarding their prefilled absentee ballot application mailer. *Id.*, 46-48. Mr. Harvey did not see any issues with the mailer. *Id.*

62. In 2020, Plaintiffs again sent their absentee ballot application mailer to the Secretary of State's Office. *Id.*, 52-62. Kevin Rayburn, Deputy Elections Director for the Secretary of State, noted that Plaintiffs' applications "look[] accurate when compared to [Georgia's] state request form." *Id.*, 53. Mr. Rayburn also requested that Plaintiffs additionally prefill the election date on the form. *Id.*

63. In 2022, Plaintiffs again notified the Secretary of State of their intent to send absentee ballot application mailers ahead of the November 2022 elections. Ex. 16. Plaintiffs made several inquiries to the Secretary of State's Office in their attempt to comply with SB 202. Ex. 22.

III. Other Mailing Operations in 2020

64. During the 2020 primaries, Defendant Raffensperger's office sent prefilled applications to every active registered voter in the state in response to the COVID-19 pandemic. 6/10/22 PI Tr. 63:14-21.

65. Defendants also issued guidance to county election officials regarding the issuance of unsolicited absentee ballot applications by the State during the 2020 primaries. Ex. 18, GA-VA00048570.

66. Defendants received criticism about sending unsolicited, prefilled ballot applications to every Georgia voter, including allegations about voter fraud. *E.g.*, Ex. 18, GA-VA00061955, GA-VA00061911.

67. In response to that criticism, Secretary of State Brad Raffensperger lauded his decision to “direct[] our office to send absentee ballot applications to all active voters,” which he stated would “further protect voters and poll workers from the continuing threat from COVID-19, and take pressure off of early voting and polling locations.” *Id.*

68. Secretary Raffensperger also noted that the absentee ballot applications would be “pre-populated with voter data but have a barcode for the counties to be able to quickly lookup and process them. *Id.*

69. As Ryan Germany testified, there were several benefits to prefilling the application before sending to Georgia voters, including the ease on election administrators “to read generally when something is typed.” 6/10/22 PI Tr. 64:1-5.

70. The Intervenor-Defendants also sent mailers with prefilled absentee ballot applications in 2020. Ex. 13, 14-25.

71. The Intervenor-Defendants’ mailers in 2020 conveyed a similar message to Plaintiffs. For example, one of Intervenor-Defendants’ mailers contained the message “Absentee voting is a safe and secure way to guarantee your voice is heard.” *Id.* at 19.

72. Interveners collectively sent more waves of mailers than Plaintiffs. Plaintiffs sent five waves of absentee ballot mailers in 2020. 6/9/22 Tr. 38:6-10. Interveners sent seven absentee ballot application mailers in 2020. Ex. 13 at 11.

73. Arena designed mailers on behalf of the Intervenor Georgia Republican Party in 2020. *See, e.g.*, Ex. 3, Dep. of Brandon Waters (“Waters Tr.”), 39:16-19, Waters Dep. Ex. 1. Brandon Waters, CEO of Arena, noted that the mailers it designed on behalf of Interveners “were all ordered to say not absentee vote in particular, the importance of voting, and if you can't vote at your polling location, to vote absentee.” Waters Tr. 45:4-11. Mr. Waters confirmed that the entire mailer package—including the application, cover letter, and return envelope—was

intended to convey the speech of the client for whom the mailer is sent. *Id.* 34:15-35:9; 44:11-18.

74. Mr. Waters also noted that including the absentee ballot application “makes [the mailer] more effective.” *Id.* 45:17-22. Arena prefills its applications “to reduce the error rate and make it faster for people to fill out the application [and] by prefilling it, it only allows that individual to submit the application.” *Id.* 46:12-17.

IV. The Challenged Provisions of SB 202 Do Not Address Any of Defendants’ Purported Concerns.

75. Plaintiffs are able to persuade Georgia voters to act on their message because Plaintiffs’ effective communications are successful at reducing transaction costs for voters to participate in the electoral process. 6/9/22 PI Tr. 43:15-20; 44:12-45:1, 45:24-46:7, 206:18-207:3, 208:14-209:7; 6/10/22 PI Tr. 64:1-6. The Restrictions undermine Plaintiffs’ ability to convey their message by reducing Plaintiffs’ ability to convince voters through reducing transaction costs. 6/9/22 PI Tr. 64:9-22.

76. On March 25, 2021, SB 202 was enacted. 2021 Georgia Laws Act 9 (S.B. 202). It became effective on July 1, 2021. *Id.*

77. SB 202 includes a Prefilling Prohibition, O.C.G.A. § 21-2-381(a)(1)(C)(ii), a Mailing List Restriction, O.C.G.A. § 21-2-381(a)(3)(A), and a

Disclaimer Provision, O.C.G.A. § 21-2-381(a)(1)(C)(ii) (collectively the “Ballot Application Restrictions”).

78. Plaintiffs’ entire communication is an intertwined package that, as a whole, is necessary to convey Plaintiffs’ message. 6/9/22 PI Tr. 42:14-21; *see also* Green Tr. 78:19-82:4; Ex. 24 at 3-6.

79. Plaintiffs would not be able to convey the same message through their cover letters alone, which say for example, “I have sent you the enclosed absentee ballot application to make requesting a ballot easy.” Ex. 15 at 37; *see also id.* at 38, 42; Waters Tr. 44:7-10.

80. SB 202’s Prefilling Prohibition prohibits sending any absentee ballot applications that are “prefilled with the electors’ required information.” O.C.G.A. § 21-2-381(a)(1)(C)(ii).

81. Failure to comply with the Prefilling Prohibition can result in criminal prosecution, including misdemeanor and felony charges. *See* O.C.G.A. §§ 21-2-598; 21-2-562(a).

82. A personalized absentee ballot application prefilled with a specific voter’s information drawn from the State voter file is a key component of Plaintiffs expressing their belief that the particular recipient should participate in the electoral process and request an absentee ballot. Ex. 15 at 5, 8, 26-30 ¶¶ 15, 22, 60-66.

83. Plaintiffs believe that personalizing their absentee applications is the most effective means of conveying their message that voting absentee is easily completed, beneficial, and accessible. *Id.* at 28 ¶¶ 63-64.

84. Based on Plaintiffs' experience and research, voters are more likely to submit an application per Plaintiffs' messaging when it is personalized with their prefilled information. *Id.* at 8, 26-27 ¶¶ 22, 61; Lopach Tr. 113:9-13.

85. As Plaintiffs' expert Dr. Donald Green further observed based on his review of quantitative studies and extensive experience in the field, Plaintiffs believe in the benefits of personalizing applications is also empirically justified in the public literature. Green Tr. 90:4-91:1, 164:16-166:17; 6/10/22 PI Tr. 209:20-214:22, 232:24-236:1, 271:17-24; Ex. 24 at 4-6, 8-9; Ex. 26 at 8-13.

86. Studies on the positive effects of reducing transaction costs for voters are widely accepted in academic scholarship. Ex. 24 at 3-8; Ex. 26 at 8-13; 6/10/22 PI Tr. 206:5-212:3, 238:10-12; Green Tr. 78:19-82:4; *see also* Ex. 28, Dep. of Dr. Justin Grimmer ("Grimmer Tr.") 64:9-66:3 (summarizing decreasing transaction costs result from recent study in Colorado). And a specific study on the practice of distributing personalized absentee voting applications—the Hans Hassell study—shows that there was a 25% increase in effectiveness compared to distributing a

generic or blank absentee application. 6/10/22 PI Tr. 212:11-214:22, 233:11-236:1; Ex. 26 at 9.

87. Plaintiffs also know that neatly typing the voters' information from the voter file leads to fewer erroneous rejections when election officials receive the application. Ex. 15 at 8, 26-27 ¶¶ 22, 61; Evans Tr. 158:9-22 (noting that applications with typed voter information, like Plaintiffs' personalized applications, are "generally easier" for election officials who no longer need to "interpret or read handwriting"); 6/10/22 PI Tr. 64:1-5 (Mr. Germany noting the same).

88. Plaintiffs' belief in the benefits of prefilling is also justified by complaints from county election officials, who constantly receive absentee ballot applications with missing information. Ex. 18, GA-VA00038834. This can result in applications being rejected. *Id.*, GA_VA00024557, GA-VA00051968. *See, also*, Ex. 15 at 52-54.

89. SB 202's Mailing List Restriction restricts to whom Plaintiffs can mail their communications by prohibiting Plaintiffs from distributing applications to individuals who appear on the State's absentee voting file as having "already requested, received, or voted an absentee ballot." O.C.G.A. § 21-2-381(a)(3)(A); Evans Tr. 243:4-14.

90. The Mailing List Restriction provides a limited exemption from liability for third party distributions that rely on data provided by the State within five business days of the application being mailed. O.C.G.A. § 21-2-381(a)(3)(A).

91. Failure to strictly comply with the Mailing List Restriction can result in fines of up to \$100 “per duplicate application” sent and potential criminal penalties, including a misdemeanor with a sentence of confinement of up to 12 months. O.C.G.A. §§ 21-2-381(a)(3)(B), 21-2-598, 21-2-603, 21-2-599.

92. The State’s absentee voter file is populated by information entered into the State’s voter database and is updated roughly every 24 hours with information newly input to the database. Evans Tr. 45:10-46:10, 47:6-21.

93. Counties have varied practices for inputting absentee ballot application information into the voter database and are able to backdate information entered after the fact. *Id.* 73:4-14.

94. Thus, the State’s absentee voter file may not always include an accurate account of every voter who has submitted an absentee ballot application at a given date. *Id.* 129:2-25, 131:1-9; 6/10/22 PI Tr. 123:19-124-1.

95. To comply with the Mailing List Restriction, Plaintiffs must continuously compare their distribution lists with Georgia’s constantly changing absentee voter list and remove any electors from their distribution lists who appear

to have already requested a ballot. O.C.G.A. § 21-2-381(a)(3)(A); Ex. 15 at 21-26 ¶¶ 51-60.

96. For each specific wave of communications, Plaintiffs require at least six weeks to finish, and at least 20 days from print order to mailing. Ex. 15 at 10 ¶ 32. Specifically, Plaintiffs must retrieve the data from the State; filter the data to their target audiences and remove voters based on deceased status, change of address, and the absentee voter file; and begin the printing orders that in 2020 resulted in a total of over 83 million absentee ballot application mailers being sent nationwide. *Id.* at 9-10 ¶¶ 23, 32.

97. To comply with SB 202, anyone who applied for an absentee ballot application between the three to four intervening weeks between data retrieval and any printing would need to be identified and their mailer manually pulled from the printing order. 6/9/22 PI Tr. 59:2-4, 61:2-15; Ex. 20, Apr. 6, 2021 Mission Control Memo, at 2.

98. Plaintiffs hired a consultant to examine their ability to comply with the Mailing List Restriction and were told it would be logistically impossible for Plaintiffs to complete the data collection, printing, and mailing process within SB 202's five-day allowance. 6/9/22 PI Tr. 57:23-58:2, 60:1-62:17; Ex. 20 at 2; Ex. 15 at 12, 24 ¶¶ 33, 56.

99. Manually checking millions of already-printed and paid-for mailers against the State's constantly-changing list would be cost-prohibitive. Ex. 15 at 25-26 ¶¶ 58-59; 6/9/22 PI Tr. 61:10-63:14.

100. Plaintiffs have concluded that the only means by which they can continue their absentee voting operations in Georgia under the Mailing List Restriction is to send a single wave of communications to voters during the first five days of Georgia's absentee voting window. Ex. 15 at 22-25 ¶¶ 53-57.

101. Plaintiffs have substantially reduced their communications with Georgia voters to comply with the Mailing List Restriction as a result. As of October 14, 2022, Plaintiffs sent a total of 1,205,162 absentee ballot application mailers to Georgia voters; 1,006,798 sent by VPC and 198,364 sent by CVI. Ex. 21, VPC and CVI 2022 Absentee Ballot Application Mailer Data, P-0360, P-0363. In 2020, VPC sent 8,565,683 absentee ballot application mailers to Georgia voters, and CVI sent 897,628. Ex. 11, Pls' Amended Responses and Objections at 4. As of October 14, 2022, only 40,992 voters were assisted by the Plaintiffs in the November 2022 elections, compared to 575,000 voters in November 2020. Ex. 21, P-0360, P-0363.

102. Plaintiffs decided to send only one wave of communications because the risk of criminal and civil penalties for each individual instance of even an inadvertent violation of the Mailing List Restriction threatens to wipe out their

organizations. 6/9/22 PI Tr. 63:2-6, 209:20-214:22, 232:24-236:1, 271:17-24, 278:13- 21, 280:10-22; Ex. 26 at 14-16; Ex. 24 at 9-11; Green Tr. 90:13-91:1, 165:18-166:17.

103. Plaintiffs' ability to convey their message is also much less effective when they can only send one mailer communication and only at the very beginning of the election cycle. 6/9/22 PI Tr. 70:20-25; Ex. 15 at 13 ¶ 34.

104. Plaintiffs know that sending follow-up communications to voters who have not already engaged with Plaintiffs' prior mailer and may have misplaced or disregarded the initial mailing, as well as sending communications closer to the actual election when voters are more inclined to be thinking about voting, is more effective at persuading voters to participate through absentee voting. 6/9/22 PI Tr. 69:20-70:10.

105. SB 202's Disclaimer Provision requires third parties that disseminate absentee ballot applications, like Plaintiffs, to use the official government form that includes the Secretary of State seal and is titled "Application for Georgia *Official* Absentee Ballot." O.C.G.A. § 21-2-381(a)(1)(C)(ii) (emphasis added); Ex. 13 at 59-61.

106. SB 202’s Disclaimer Provision requires Plaintiffs to stamp a “prominent” disclaimer on the official absentee ballot application form, designed and published by the Secretary of State, which must state:

This is NOT an official government publication and was NOT provided to you by any governmental entity and this is NOT a ballot. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material.

O.C.G.A. § 21-2-381(a)(1)(C)(ii); Ex. 13 at 59-61.

107. Failure to include this language can result in criminal penalties.

O.C.G.A. §§ 21-2-598, 21-2-603, 21-2-599.

108. The disclaimer required by SB 202 makes Georgia an outlier among the States. Only Kansas requires a disclaimer on the applications distributed by third parties at all similar to Georgia, though its disclaimer is closer to a traditional disclosure requirement and does not mandate misleading information. K.R.S. 25-1122(k).

109. Plaintiffs reasonably believe that the required disclaimer will confuse voters and make them reluctant to use the forms that Plaintiffs provide, which defeats the purpose of their communications. Ex. 15 at 30-32 ¶¶ 67-69; *see* Ex. 26. at 2-8; 6/10/22 PI Tr. 217:14-220:22, 228:12-16, 244:13-19, 254:1-6; Green Tr. 123:15-22, 160:2-162:7, 165:8-17; Ex. 24 at 6-8.

110. The qualitative study conducted by Plaintiffs' expert, Dr. Green, demonstrated that, upon reading the form with the required disclaimer included, there are real-life instances of Georgia voters who are dissuaded from using the form and "would just throw it in the trash . . . [b]ecause it is not an official government publication." Ex. 24, at 8; Green Tr. 123:13-126:9, 150:3-151:15. This is even more true given the Disclaimer is juxtaposed next to a warning about voter fraud, which will multiple the adverse effects on both Plaintiffs and voters. *See* 6/10/22 PI Tr. 218:23-220:22, 254:1-6; Green Tr. 157:6-162:7; Ex. 26 at 6-7.

111. Even Defendants have expressed confusion about whether the Disclaimer Provision applies to conduct beyond mailings and suggested that it in fact does. Ex. 18 at GA_VA00055527.

112. The Secretary of State's office attempted to "fix the disclaimer," GA-VA00050750, because the current language is "not able to get across everything you want to perfectly." 6/10/22 PI Tr. 122:4-11.

113. If the Disclaimer simply required the sender's contact and a statement that the mailer did not come from the State, Plaintiffs would not have challenged it. *See* 6/10/2022 PI Tr. 220:23-221:9.

114. Plaintiffs seek to remove recipients from their mailing list that have already requested, received, or submitted an absentee ballot in a manner that is

feasible with the timelines and logistics for their communication campaigns, the needs and restrictions of industry-leading vendors, the limits of the information available to VPC/CVI, and the timing demands of the election cycle. Ex. 15 at 10, 19, 24 ¶¶ 26-27, 47, 56; *see also* Ex. 24 at 11.

115. Defendants' witness Mr. Evans testified that duplicate applications are "not too terribly uncommon" and the process for dealing with them is "not that long." *See* Evans Dep. 71:18-72:2, 85:18-86:5.

116. The Secretary's office runs and participates in trainings for their own and county election officials that cover mail voting, including things like processing duplicate applications. Evans Tr. 78:6-79:2; Ex. 18, GA-VA00041544.

117. Additionally, many of Defendants' cited complaints state explicitly that the voter has not and does not plan to apply to vote absentee, meaning the Mailing List Restriction does not prohibit those voters from receiving duplicate mailers. *See, e.g.,* Defs.' Ex. H at 4, 15, 21, 22, 27; *see also* 6/10/2023 PI Tr. 72:13-73:2; Evans Dep. 242:20-243:1.

118. Plaintiffs identify themselves on mailers to Georgia voters. *E.g.,* Ex. 15 at 36-39, 40-45; Ex. 16 at P-0371, P-0380.

119. Plaintiffs' distribution of personalized absentee applications did not put an undue strain on election officials. Complaints regarding ballot applications

are resolved relatively quickly within the Secretary of State's office, without the need to open an investigation. Ex. 5, Dep. of Frances Watson ("Watson Tr.") 66:10-16. Indeed, the complaints regarding ballot applications received by the Secretary of State's Investigations Division were not even considered a "set priority" for the Secretary of State's Office. Watson Tr. 76:10-19. County election officials *prefer* to prefill applications, because doing so reduces the number of applications that they have to process with missing information, which often requires following up with the individual voters to complete the application. Ex. 18, GA-VA00038833; *Id.* at GA_VA00024557, GA-VA00051968; 6/10/22 PI Tr. 122:4-11.

120. The Ballot Application Restrictions increased confusion with respect to the disclaimer, *see* 6/9/22 PI Tr. 215:10-219:20, 225:18-227:3; 6/10/22 PI Tr. 95:1-20, which requires third parties to state "This is NOT a government form" on an official government form. Ex. 13 at 59-61.

121. Reducing the ability of third-party civic organizations, such as Plaintiffs, to fill gaps left by election officials in informing and assisting voters on how to participate in the electoral process through absentee voting, *see, e.g.*, Evans Tr. 56:13-57:10, will increase the burdens on election officials. *See* Ex. 8, Dep. of Milton Kidd ("Kidd Tr.") 70:21-71:2.

122. Both state and county election officials issue press releases and other public statements to promote the integrity of the absentee voting process and explain the role civic engagement groups play in that process. Ex. 18, GA_VA00052835; GA_VA00055527.

123. Pre-SB 202, Plaintiffs were already criminally prohibited from inputting a “fraudulent entry” on any application. O.C.G.A. § 21-2-562.

124. Defendants’ investigator with the Elections Division has never seen any evidence of voter fraud in connection with a ballot application distributed by a third party. Watson Tr. 189:23-190:4, 191:3-13.

125. Georgia’s election systems were already designed to identify and discard duplicate applications submitted to election officials before SB 202. Evans Dep. 142:3-9; 145:17-18. *See* O.C.G.A. § 21-2-381 (2019) (describing the process for processing absentee ballot applications before SB 202 was enacted); *compare with id.* § 21-2-381 (2021) (retaining process for identifying absentee ballot applicants).

Respectfully submitted this 31st day of January, 2023.

/s/ Danielle Lang

Danielle Lang*

Jonathan Diaz*

Alice Huling*

Hayden Johnson*

Valencia Richardson*

CAMPAIGN LEGAL CENTER

1101 14th St. NW, Ste. 400

Washington, D.C. 20005

Tel: (202) 736-2200

Fax: (202) 736-2222

dlang@campaignlegalcenter.org

jdiaz@campaignlegalcenter.org

ahuling@campaignlegalcenter.org

hjohnson@campaignlegalcenter.org

vrichardson@campaignlegalcenter.org

/s/ Katherine L. D'Ambrosio

Katherine L. D'Ambrosio

(Ga. BarNo. 780128)

COUNCILL, GUNNEMANN & CHALLY,
LLC

One Atlantic Center

1201 W. Peachtree St, NW, Ste 2613

Atlanta, GA 30309

Tel: 404-407-5250

Facsimile: 404-600-1624

kdambrosio@cgc-law.com

Robert B. Remar

(Ga. Bar No. 600575)

SMITH, GAMBRELL & RUSSELL, LLP

1105 W. Peachtree NE, Suite 1000

Atlanta, GA 30309

(404) 815-3500

rremar@sgrlaw.com

**Admitted pro hac vice*

Counsel for Plaintiffs

**CERTIFICATE OF SERVICE
AND COMPLIANCE WITH LOCAL RULE 5.1**

I hereby certify that I have this date electronically filed the within and foregoing, which has been prepared using Times New Roman font, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Dated: January 31, 2023.

/s/ Danielle Lang
Danielle Lang

Counsel for Plaintiffs
Admitted pro hac vice