

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

REPUBLICAN NATIONAL COMMITTEE, a national political party committee; and the GEORGIA REPUBLICAN PARTY, INC., a state political party committee,

Plaintiffs,

v.

STATE ELECTION BOARD, an agency of the State of Georgia; BRAD RAFFENSPERGER, in his official capacities as the Secretary of State of Georgia and the Chairman of the State Election Board; REBECCA N. SULLIVAN, in her official capacity as the Vice Chair of the State Election Board; DAVID J. WORLEY, in his official capacity as a member of the State Election Board; MATTHEW MASHBURN, in his official capacity as a member of the State Election Board; and ANH LE, in her official capacity as a member of the State Election Board,

Defendants.

Civil Action File No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY, INJUNCTIVE AND/OR MANDAMUS RELIEF**

COME NOW, Plaintiffs, Republican National Committee and the Georgia Republican Party, Inc., by and through their undersigned counsel and file this, their Complaint for Declaratory, Injunctive, and/or Mandamus Relief against Defendants and allege as follows:

**SUMMARY OF THE CASE**

1.

This action seeks enforcement of two vital facets of the Georgia Election Code governing (1) the rights of duly appointed poll watchers and (2) statutory safeguards attending the use of ballot "drop boxes" as a method of absentee voting.

2.

Recognizing the imperatives of transparency and accountability in the election process, the Georgia Legislature has guaranteed the right of political party committees to appoint designated poll watchers, who are entitled to fully and effectively observe “the conduct of the election and the counting and recording of votes.” O.C.G.A. § 21-2-408(d). *See also*, O.C.G.A. § 50-18-70 et seq.

3.

The statutorily secured right of observation was abridged in numerous polling locations and tabulation locations throughout the state during the November 3, 2020 general election and subsequent recount. Upon information and belief, the same or substantially similar unlawful practices will resume in connection with the imminent January 5, 2021 runoff election. As the primary and superordinate regulatory officials charged with the oversight of elections, the Defendants are statutorily required to ensure that county and municipal superintendents and registrars are properly and lawfully instructed on the rights of poll watchers and do not implement policies or procedures that impair their ability to fully and meaningfully observe the election process. *See*, O.C.G.A. §21-2-31.

4.

An elector wishing to vote absentee may return his or her absentee ballot only by “mail[ing] or personally deliver[ing] the same to the board of registrars or absentee ballot clerk,” O.C.G.A. § 21-2-385(a), which necessarily implies that the physical transfer of the ballot from the voter or other authorized individual to the board of registrars or absentee ballot clerk must occur during the normal business hours of the elections’ office.

5.

In or around April 2020, the State Election Board promulgated Rule 183-1-14-0.6-.14 (hereafter, the “Drop Box Rule”), which authorizes the county registrars “to establish one or more drop box locations as a means for absentee by mail electors to deliver their ballots to the county registrars.” The Drop Box Rule further mandates continuous video recording surveillance of every drop box location. *Id.* at (4).

6.

Upon information and belief, the Defendants (1) take the position that absentee ballots may be deposited into drop boxes 24 hours a day, seven days a week, including such times that are outside the regular business hours of the county elections office; and (2) does not take the position that the Plaintiffs are entitled to access or view video surveillance of drop box locations in real time, or as near real time as practicable. If and to the extent the Drop Box Rule is so construed, Plaintiffs are entitled to a declaration pursuant to O.C.G.A. § 50-13-10 that the Drop Box Rule is invalid, and mandamus remedies pursuant to O.C.G.A. §§ 9-6-20, *et seq.* requiring that the Drop Box Rule must be interpreted and enforced in a manner that complies with O.C.G.A. §§ 21-2-385(a) and 50-18-71(b)(1)(A).

### **JURISDICTION AND VENUE**

7.

The Court has jurisdiction over this action and venue is proper in this Court pursuant to Article VI, Section 4, Paragraph 1 of the Georgia Constitution, and O.C.G.A. §§ 9-5-1, *et seq.*, 9-4-2(a), 9-6-22, and O.C.G.A. §50-13-10(b).

## PARTIES

8.

Plaintiff Republican National Committee is a national political party committee that is responsible for the day-to-day operation of the Republican Party at the national level and for promoting the election of Republican candidates for state and federal office in Georgia and across the United States, to include the Republican candidates in the runoff elections for the offices of United States Senator, which will occur on January 5, 2021. It submits itself to the jurisdiction and venue of this Court.

9.

Plaintiff Georgia Republican Party, Inc., is a Georgia nonprofit corporation and political party committee organized and operated pursuant to O.C.G.A. Title 21, Chapter 2, Article 3, and brings this action on its own behalf and on behalf of its membership, which consists of all registered Republican electors in the State of Georgia. It submits itself to the jurisdiction and venue of this Court.

10.

Defendant State Election Board is an “agency” of the State of Georgia within the meaning of O.C.G.A. § 50-13-2(1), and its members are Defendants Brad Raffensperger, Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le, all of whom are named in this action in their respective official capacities only. The State Election Board is charged by law with regulating, overseeing and administering the conduct of elections in the State of Georgia, to include promulgating rules and regulations to “obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials,” and otherwise ensuring “the fair legal, and orderly conduct of primaries and elections.” O.C.G.A. § 21-2-31.

The State Election Board and its members are subject to the jurisdiction and venue of this Court and may be served through Chairman, Mr. Brad Raffensperger, at 214 State Capitol, Atlanta, Fulton County, Georgia 30334.

11.

Defendant Brad Raffensperger is the Secretary of State of Georgia, and is named in this action in his official capacity only. The Secretary of State is the “chief election official” of Georgia and is responsible for, *inter alia*, “the training of registrars and superintendents of elections.” O.C.G.A. § 21-2-50(11), (b). The Secretary of State is subject to the jurisdiction and venue of this Court and may be served through Mr. Brad Raffensperger at 214 State Capitol, Atlanta, Fulton County, Georgia 30334.

## **GENERAL FACTUAL ALLEGATIONS**

### ***Poll Watchers***

12.

In every general election and runoff election, each political party is entitled by law to appoint (1) two poll watchers for each Election Day precinct, (2) two poll watchers for each advance voting location, (3) twenty-five statewide poll watchers for Election Day voting precincts, and (4) twenty-five statewide poll watchers for advance voting locations. *See* O.C.G.A. § 21-2-408(b).

13.

The statewide Election Day and advance voting poll watchers are credentialed by the State Election Board and are “entitled to watch” any precinct or advance voting location, respectively, anywhere in the State of Georgia. *See* O.C.G.A. § 21-2-408(b)(2), (b)(3)(B). In addition, all vote tabulation centers “shall be open to the view of the public.” *Id.* § 21-2-483(b).

14.

The Legislature has expressly prohibited poll watchers from “talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space.” O.C.G.A. § 21-2-408(d).

15.

Although poll managers may impose “reasonable regulations” to effectuate these directives, poll watchers who adhere to the statutory limitations and otherwise refrain from “interfer[ing] with the conduct of the election” are explicitly and unqualifiedly entitled to “observ[e] the conduct of the election and the counting and recording of votes.” O.C.G.A. § 21-2-408(d).

16.

The ability of poll watchers appointed by Plaintiff Georgia Republican Party to fully and meaningfully observe proceedings at precincts, advance voting locations and tabulation centers has been repeatedly abridged.

17.

Bill Blane was designated by the Georgia Republican Party to serve as a poll watcher at an advance voting location in Atlanta on October 29-30, 2020. Mr. Blane was instructed by Fulton County personnel at the advance voting location to station himself at a distance that made it impossible for him and a fellow poll watcher to effectively observe the activities of the poll workers. *See* Affidavit of Bill Blane, a true and correct copy of which is attached hereto as **Exhibit “A”**.<sup>1</sup>

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<sup>1</sup> Attorney for Plaintiffs has redacted the home address of any affiant contained with the attached Affidavits to protect their privacy.

18.

Dylan R. Kellos was designated by the Georgia Republican Party to serve as a poll watcher at the vote tabulation center in Henry County on November 4, 2020. Mr. Kellos was told by county personnel at the tabulation center that he was not permitted to observe the proceedings of the vote review panel—which is responsible for manually adjudicating ballots that machine tabulators had identified as containing potential “overvotes,” *see* O.C.G.A. § 21-2-483(g)—or even to inquire as to the composition and activities of the vote review panel. Tabulation center staff ordered Mr. Kellos to remain in a back room from which he was unable to observe the work of the vote review panel. *See* Affidavit of Dylan R. Kellos, a true and correct copy of which is attached hereto as **Exhibit “B”**.

19.

Karris Ripple was designated by the Georgia Republican Party to serve as a poll watcher at the vote tabulation center in Henry County on November 4, 2020. Ms. Ripple was instructed by county personnel at the tabulation center that she was not permitted to observe the proceedings of the vote review panel at all, and could observe ballot duplication processes only through a small window on a closed door, which prevented her from fully and effectively monitoring those activities. *See* Affidavit of Karris Ripple, a true and correct copy of which is attached hereto as **Exhibit “C”**.

20.

Colette Devine was designated by the Georgia Republican Party to serve as a poll watcher at the Cherokee County Elections and Voter Registration Office on October 29, 2020. County personnel stationed Ms. Devine behind a glass window at a substantial distance from the proceedings underway in the ballot processing room. Ms. Devine was unable to visually or aurally

observe the activities of the tabulation center employees, and a county official refused her request for admittance to the ballot processing room. *See* Affidavit of Colette S. Devine , a true and correct copy of which is attached hereto as **Exhibit “D”**.

21.

Denise Wittosch was designated by the Georgia Republican Party to serve as a poll watcher at the Gwinnett County Elections Office on November 3-7, 2020. County personnel stationed Ms. Wittosch in a cordoned off area that was approximately 150 feet away from ballot counting and duplication proceedings. Ms. Wittosch was unable to visually or aurally observe the activities of the tabulation center employees, and county officials repeatedly refused her requests to move closer. *See* Affidavit of Denise Wittosch, a true and correct copy of which is attached hereto as **Exhibit “E”**.

22.

Ethan Damiano was designated by the Georgia Republican Party to serve as a poll watcher at the Gwinnett County Elections Office on November 3-7, 2020. County personnel stationed Mr. Damiano in a cordoned off area that was approximately 150 feet away from the ballot counting and duplication proceedings. Mr. Damiano was unable to visually or aurally observe the activities of the tabulation center employees, and county officials repeatedly refused his requests to move closer. *See* Affidavit of Ethan Damiano, a true and correct copy of which is attached hereto as **Exhibit “F”**.

23.

Jennifer Jenkins, a member of the Henry County vote review panel, reported that poll watchers were stationed at a distance approximately eight or nine feet away from the proceedings of the vote review panel, thereby substantially impeding the poll watchers’ ability to observe its



activities. *See* Affidavit of Jennifer Jenkins, a true and correct copy of which is attached hereto as **Exhibit “G”**.

24.

Marisol Cruz was designated by the Georgia Republican Party to serve as a poll watcher at the Gwinnett County Elections Office on November 5, 2020. County personnel stationed Ms. Cruz at a distance that was at least 20 to 25 feet away from a table where the processing of ballots was underway. Ms. Cruz was unable to visually or aurally observe the activities of the tabulation center employees, and a supervising official refused her request to move closer to the table. *See* Affidavit of Marisol Cruz, a true and correct copy of which is attached hereto as **Exhibit “H”**.

25.

Mark Amick was designated by the Georgia Republican Party to serve as a poll watcher at a tabulation center located within the State Farm Arena in Atlanta on November 6, 2020. County personnel stationed Mr. Amick and other credentialed poll watchers in a cordoned off area that placed him at distances ranging from fifteen feet to 100 feet from tables at which tabulation center employees were processing and transcribing electronically received ballots from military and overseas voters. Mr. Amick was unable to ascertain whether tabulation center employees were in fact duplicating and transcribing ballots correctly and lawfully. *See* Affidavit of Mark Amick, a true and correct copy of which is attached hereto as **Exhibit “I”**.

26.

Michelle Branton was designated by the Georgia Republican Party to serve as a poll watcher at a tabulation center located within the State Farm Arena in Atlanta on the evening of November 3, 2020. County personnel stationed Ms. Branton in a cordoned off area of a large room in which ballot processing and duplication activities were underway. The size of the room,

the substantial distance separating the delimited observation area from ballot processing and duplication operations, and obstructing doors and walls made it impossible for Ms. Branton to ascertain whether tabulation center employees were in fact processing ballots correctly and lawfully. *See* Affidavit of Michelle Branton, a true and correct copy of which is attached hereto as **Exhibit “J”**.

27.

Peter Christian was designated by the Georgia Republican Party to serve as a poll watcher at the vote tabulation center in Henry County on November 4, 2020. Despite Mr. Christian’s possession of valid credentials, a county official initially attempted to expel him from the premises. Although Mr. Christian remained at the tabulation center, he was not permitted to observe the proceedings of the vote review panel or ballot duplication processes, which were being conducted in separate rooms behind closed doors. *See* Affidavit of Peter Christian, a true and correct copy of which is attached hereto as **Exhibit “K”**.

28.

Sandra Dominy was a member of the voter review panel in Paulding County. Ms. Dominy reported that no poll watchers were admitted to observe the proceedings of the vote review panel. *See* Affidavit of Sandra Dominy, a true and correct copy of which is attached hereto as **Exhibit “L”**.

29.

Sandra Metts was designated by the Georgia Republican Party to serve as a poll watcher at a tabulation center in Clarke County during the recount that followed the November 3, 2020 general election. Ms. Metts was instructed to stand at a considerable distance from the ballot counting activities, which prevented her from verifying that the recount tallies were carried out in

a lawful and accurate manner. *See* Affidavit of Sandra Metts at ¶ 20, a true and correct copy of which is attached hereto as **Exhibit “M”**.

30.

Vernadette Broyles was designated by the Georgia Republican Party to serve as a vote review panel member as well as a poll watcher at the vote tabulation center in Henry County on November 6, 2020. Despite Ms. Broyles’ possession of valid credentials, a county official initially refused to permit her to observe any ballot processing or tabulation activities. Although Ms. Broyles was eventually allowed limited observation of procedures for curing absentee ballots accompanied by deficient affidavits, she was prohibited from viewing any processing or verification of military and overseas ballots. *See* Affidavit of Vernadette Broyles, a true and correct copy of which is attached hereto as **Exhibit “N”**.

31.

Upon information and belief, these poll watchers designated by the Georgia Republican Party in connection with the November 3, 2020 election were denied a meaningful opportunity to observe, even though they had not engaged in any conduct prohibited by O.C.G.A. § 21-2-408(d) or otherwise interfered in voting, processing, or tabulation proceedings.

32.

Upon information and belief, non-uniform practices and procedures will be employed by various county superintendents and registrars during the January 5, 2021 runoff election that will serve to obstruct or abridge the statutory right of duly credentialed poll watchers designated by Plaintiff Georgia Republican Party to fully and effectively observe the processing and tabulation of ballots.

*Absentee Ballot Drop Boxes*

33.

Absentee voting in Georgia elections is governed by O.C.G.A. Title 21, Chapter 2, Article 10. No provision of these statutes references or contemplates the concept of “drop boxes” as a method of returning absentee ballots.

34.

Upon information and belief, ballot drop boxes had never been used in any Georgia election prior to 2020.

35.

The State Election Board cannot mandate or provide for the submission of absentee ballots in a manner or during time periods not authorized by statute.

36.

The submission of absentee votes by electors is governed by O.C.G.A. § 21-2-385, which provides that a voter or certain individuals acting on the voter’s behalf may return a completed absentee ballot by “mail[ing]” or “deliver[ing]” the ballot “to the board of registrars or absentee ballot clerk.”

37.

Prior to the promulgation of the Drop Box Rule, absentee ballots could be remitted to the physical custody of the board of registrars or absentee ballot clerk only during regular business hours.

38.

The Drop Box Rule specifies that every drop box must be closed and secured at 7:00 p.m. on Election Day, but otherwise does not regulate the hours during which drop boxes may be permissibly in use.

39.

Upon information and belief, Defendants take the position that the Drop Box Rule permits the delivery of absentee ballots to drop box locations outside regular business hours, when the offices of the board of registrars or absentee ballot clerk are closed to the public.

40.

If and to the extent it permits the use of drop boxes to deliver absentee ballots outside regular business hours, the Drop Box Rule unlawfully alters and augments the absentee voting processes prescribed by O.C.G.A. § 21-2-385, and hence is invalid and contrary to law.

41.

The Drop Box Rule requires the continuous video surveillance of every drop box location. Upon information and belief, however, the Defendants do not take the position that the surveillance footage must be made available to the Plaintiffs or any third party in real time or near real time and at no or minimal cost pursuant to O.C.G.A. § 50-18-71(b)(1)(A) or otherwise, other than the investigative staff of the Secretary of State's office pursuant to State Election Board Rule 183-1-14-0.6-.14(5).

42.

If video surveillance footage were made publicly available via live streaming or other similar method at no or minimal cost pursuant to O.C.G.A. § 50-18-71(b)(1)(A) or otherwise, the

Plaintiffs would immediately obtain such footage from all or substantially all drop box locations statewide.

43.

The impounding of video surveillance footage, particularly when juxtaposed against the unlawful extension of absentee ballot delivery hours, is contrary to the provisions of O.C.G.A. § 21-2-385, which contemplates the delivery of absentee ballots by authorized individuals only during regular business hours when county elections offices are open and accessible to the Plaintiffs and the general public, and O.C.G.A. § 50-18-71(b)(1)(A), which contemplates open access to public records.

**COUNT I – Poll Watcher Access (Declaratory Relief as to the Individual Defendants)**

44.

The Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

45.

Georgia law confers on Plaintiff Georgia Republican Party a statutory right to obtain, through its duly appointed and credentialed poll watchers, full and effective observation of the casting, processing, recording, and tabulation of every vote. *See* O.C.G.A. § 21-2-408; *see also id.* § 21-2-483(b) (requiring that “[a]ll proceedings at the [ballot] tabulating center and precincts shall be open to the view of the public”).

46.

The individual Defendants, in their capacities as members of the State Election Board, are statutorily responsible for ensuring, through their oversight and regulatory functions, the “fair,

legal and orderly conduct of primaries and elections” in the State of Georgia. *See* O.C.G.A. § 21-3-31(10).

47.

The policies and practices adopted at various precincts, advance voting locations, and tabulation centers across the state have violated, infringed and abridged, and will continue to violate, infringe and abridge, Plaintiffs’ statutory right to fully and effectively observe—through their duly appointed poll watchers—the casting, processing, recording, and tabulation of every vote.

48.

The nature and scope of the Plaintiffs’ statutory right to observe the proceedings at precincts, advance voting locations and tabulation centers presents a live and ongoing justiciable controversy, which a judgment of this Court can resolve.

49.

Plaintiffs are entitled to a declaration pursuant to O.C.G.A. § 9-4-2(a) and other applicable law providing that properly appointed and credentialed poll watchers are entitled by law to fully and effectively observe the casting, processing, recording, and tabulation of every vote. To wit, each poll watcher: (1) must be permitted to move between observation stations and must be stationed at a distance and in a location that permits him or her to visually and aurally ascertain and verify that all aspects of all voting and tabulation process (including, but not limited to, the issuance, submission, verification, curing, duplication, tabulation, and recount of ballots) are carried out in a correct, accurate and lawful manner; (2) is entitled to accurate and up-to-date information concerning the dates, times and locations of voting and tabulation processes; (3) is entitled to notice of at least twenty-four (24) hours or such other timespan as this Court shall deem

appropriate of any changes to the date, times, and locations of voting and tabulation processes; and (4) may have his or her rights of access or observation restricted or terminated if, and only if, s/he (a) engages in conduct expressly prohibited by O.C.G.A. § 21-2-408(d), or (b) actually interferes, in a tangible and articulable manner, with voting or tabulation processes and fails to comply with a request to cease such interference.

**COUNT II – Poll Watcher Access (Injunctive and Mandamus Remedies as to Secretary of State)**

50.

The Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

51.

Georgia law confers on Plaintiff Georgia Republican Party a statutory right to obtain, through its duly appointed and credentialed poll watchers, full and effective observation of the casting, processing, recording, and tabulation of every vote. *See* O.C.G.A. § 21-2-408; *see also id.* § 21-2-483(b) (requiring that “[a]ll proceedings at the [ballot] tabulating center and precincts shall be open to the view of the public”).

52.

The Secretary of State is the “chief election official” of Georgia and is statutorily required to train county registrars and superintendents on the lawful conduct and administration of elections. *See* O.C.G.A. § 21-2-50(a)(11), (b).



53.

The Secretary of State has not carried out his statutory duty to fully, adequately and properly train county registrars and superintendents with respect to the rights of poll watchers to fully and effectively observe all facets of the voting and ballot tabulation processes.

54.

Upon information and belief, this dearth of adequate training has caused, and will continue to cause, certain county registrars and superintendents to violate, infringe and abridge Plaintiffs' statutory right to fully and effectively observe—through their duly appointed poll watchers—the casting, processing, recording, and tabulation of every vote.

55.

The continued and ongoing violation, infringement and abridgement of Plaintiffs' statutory right to fully and effectively observe—through their duly appointed poll watchers—the casting, processing, recording, and tabulation of every vote during the January 5, 2021 runoff election process inflicts an irreparable injury.

56.

Plaintiffs lack any plain, speedy and adequate remedy at law to compel the Secretary of State to carry out his legal duty to fully and adequately train county registrars and superintendents with respect to the statutory rights of poll watchers.

57.

Plaintiffs are entitled to an injunction pursuant to O.C.G.A. § 9-5-1 and other applicable law, and/or a writ of mandamus pursuant to O.C.G.A. § 9-6-20 and other applicable law, providing that the Secretary of State promptly, but no later than the start of Advanced In Person (Early) Voting for the January 5, 2021 runoff election, prepare and disseminate to county registrars and

superintendents training materials or similar guidance concerning the statutory rights of poll watchers as soon as practical to ensure compliance during the runoff election process. Specifically, such training materials or similar written guidance must instruct that each poll watcher: (1) must be permitted to move between observation stations and must be stationed at a distance and in a location that permits him or her to visually and aurally ascertain and verify that all aspects of all voting and tabulation process (including, but not limited to, the issuance, submission, verification, curing, duplication, tabulation, and recount of ballots) are carried out in a correct, accurate and lawful manner; (2) is entitled to accurate and up-to-date information concerning the dates, times and locations of voting and tabulation processes; (3) is entitled to notice of at least twenty-four (24) hours or such other timespan as this Court shall deem appropriate of any changes to the date, times, and locations of voting and tabulation processes; and (4) may have his or her rights of access or observation restricted or terminated if, and only if, s/he (a) engages in conduct expressly prohibited by O.C.G.A. § 21-2-408(d), or (b) actually interferes, in a tangible and articulable manner, with voting or tabulation processes and fails to comply with a request to cease such interference.

**COUNT III – Drop Box Rule (Declaratory and Mandamus Remedies as to All Defendants)**

58.

The Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

59.

The submission of absentee votes by electors is governed by O.C.G.A. § 21-2-385, which provides that a voter or certain individuals acting on the voter’s behalf may return a completed

absentee ballot by “mail[ing]” or “deliver[ing]” the ballot “to the board of registrars or absentee ballot clerk.”

60.

No Georgia statute references or contemplates the concept of “drop boxes” as a method of returning absentee ballots.

61.

Prior to the promulgation of the Drop Box Rule, absentee ballots could be remitted to the physical custody of the board of registrars or absentee ballot clerk only during regular business hours.

62.

The Drop Box Rule specifies that every drop box must be closed and secured at 7:00 p.m. on Election Day, but otherwise does not regulate the hours during which drop boxes may be permissibly in use.

63.

Upon information and belief, Defendants take the position that the Drop Box Rule permits the delivery of absentee ballots to drop box locations outside regular business hours, when the offices of the board of registrars or absentee ballot clerk are closed to the public.

64.

The Drop Box Rule requires the continuous video surveillance of every drop box location. Upon information and belief, however, the Defendants do not take the position that the surveillance footage must be made available to the Plaintiffs or any third party in real time or near-real time at no or minimal cost pursuant to O.C.G.A. § 50-18-71(b)(1)(A) or otherwise, other than the

investigative staff of the Secretary of State's office pursuant to State Election Board Rule 183-1-14-0.6-.14(5).

65.

The operation of drop boxes outside regular business hours and the impounding of video surveillance footage, both singularly and in combination, are contrary to the provisions of O.C.G.A. § 21-2-385, which contemplates the delivery of absentee ballots by authorized individuals only during regular business hours when county elections offices are open and accessible to the Plaintiffs and the general public, and O.C.G.A. § 50-18-71(b)(1)(A), which contemplates open access to public records.

66.

The lawful interpretation and application of the Drop Box Rule and O.C.G.A. § 21-2-385 presents a live and justiciable controversy between the parties, which a judgment of this Court can resolve.

67.

The violations of O.C.G.A. § 21-2-385 entailed in the unlawful application of the Drop Box Rule interfere with and impair the legal rights of the Plaintiffs by creating an unlawfully structured electoral environment and by impelling Plaintiffs to divert organizational resources to the monitoring and observation of ballot drop boxes.

68.

As entities organized for the purpose of participating in, and ensuring the lawfulness and integrity of, elections, the Plaintiffs maintain an interest in the Defendants' lawful execution of the Drop Box Rule in connection with the January 5, 2021 runoff election.

69.

Plaintiffs lack any plain, speedy and adequate remedy at law to compel the lawful interpretation and application of the Drop Box Rule in connection with the January 5, 2021 runoff election.

70.

Plaintiffs are entitled to a declaration pursuant to O.C.G.A. § 5-13-10 that the Drop Box Rule is valid if, and only if, it is interpreted and applied to (1) permit the deposit of absentee ballots in drop boxes only during regular business hours when the offices of the county registrar or absentee ballot clerk are otherwise open and accessible to the general public, and (2) require that continuous video surveillance footage of all drop box locations in the state must be made publicly available via real time or near-real time streaming or, in the alternative, must be made promptly available upon the request of the Plaintiffs or other third party at no or minimal cost to the requestor.

71.

Plaintiffs are entitled to a writ of mandamus pursuant to O.C.G.A. § 9-6-20 and other applicable law requiring the individual Defendants to apply and enforce the limitations on the submission of absentee ballots prescribed by O.C.G.A. § 21-2-385 in connection with the use of drop boxes—*i.e.*, that the deposit of absentee ballots in drop boxes may be permitted only during regular business hours when the offices of the county registrar or absentee ballot clerk are otherwise open and accessible to the general public, and (2) continuous video surveillance footage of all drop box locations in the state must be made publicly available via real time or near-real time streaming or, in the alternative, must be made promptly available upon the request of the Plaintiffs or other third party at no or minimal cost to the requestor.

**COUNT IV – Drop Box Rule (Injunctive and Mandamus Remedies as to Secretary of State)**

72.

The Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

73.

Georgia law confers on the Plaintiffs a statutory right to obtain in a timely manner the video surveillance footage of drop boxes. *See* O.C.G.A. § 50-18-71(b)(1)(A).

74.

The Secretary of State is the “chief election official” of Georgia and is statutorily required to train county registrars and superintendents on the lawful conduct and administration of elections. *See* O.C.G.A. § 21-2-50(a)(11), (b).

75.

The Secretary of State has not carried out his statutory duty to fully, adequately and properly train county registrars and superintendents with respect to the rights of the public to receive in a timely manner the video surveillance footage.

76.

Upon information and belief, this dearth of adequate training has caused, and will continue to cause, certain county registrars and superintendents to violate, infringe and abridge Plaintiffs’ statutory right to fully and effectively observe the circumstances in which ballots are deposited into and collected from the drop boxes.

77.

The continued and ongoing violation, infringement and abridgement of Plaintiffs' statutory right to fully and effectively observe the submission of ballots in the January 5, 2021 runoff election inflicts an irreparable injury.

78.

Plaintiffs lack any plain, speedy and adequate remedy at law to compel the Secretary of State to carry out his legal duty to fully and adequately train county registrars and superintendents with respect to the lawful conduct and administration of elections.

79.

Plaintiffs are entitled to an injunction pursuant to O.C.G.A. § 9-5-1 and other applicable law, and/or a writ of mandamus pursuant to O.C.G.A. § 9-6-20 and other applicable law, providing that the Secretary of State promptly, but no later than the start of advanced voting for the January 5, 2021 runoff election, prepare and disseminate to county registrars and superintendents training materials or similar guidance concerning the public's statutory right to receive in a timely manner video surveillance footage of the drop boxes. Specifically, such training materials or similar guidance must instruct that continuous video surveillance footage of all drop box locations in the state must be made promptly available upon the request of the Plaintiffs or other third party.

**WHEREFORE**, the Plaintiffs respectfully request:

1. A declaration pursuant to O.C.G.A. § 9-4-2(a) and other applicable law providing that properly appointed and credentialed poll watchers are entitled by law to fully and effectively observe the casting, processing, recording, and tabulation of every vote. To wit, each poll watcher: (1) must be permitted to move between observation stations and must be stationed at a distance and in a location that permits him or her to visually and

aurally ascertain and verify that all aspects of all voting and tabulation process (including, but not limited to, the issuance, submission, verification, curing, duplication, tabulation, and recount of ballots) are carried out in a correct, accurate and lawful manner; (2) is entitled to accurate and up-to-date information concerning the dates, times, and locations of voting and tabulation processes; (3) is entitled to notice of at least twenty-four (24) hours, or such other timespan as this Court shall deem appropriate, of any changes to the date, times, and locations of voting and tabulation processes; and (4) may have his or her rights of access or observation restricted or terminated if, and only if, s/he (a) engages in conduct expressly prohibited by O.C.G.A. § 21-2-408(d), or (b) actually interferes, in a tangible and articulable manner, with voting or tabulation processes and fails to comply with a request to cease such interference;

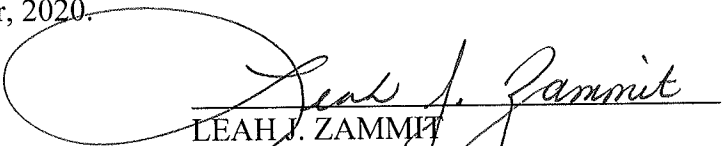
2. Injunctive and/or mandamus remedies pursuant to O.C.G.A. §§ 9-5-1 and 9-6-20 and other applicable law providing that the Secretary of State must promptly, and in no event later than January 4, 2021, prepare and distribute to county registrars and superintendents training materials or similar guidance containing content consistent with the declaration requested in Paragraph 1 above;
3. A declaration pursuant to O.C.G.A. § 5-13-10 that State Election Board Rule 183-1-14-0.6-.14 is valid if, and only if, it is interpreted and applied to (1) permit the deposit of absentee ballots in drop boxes only during regular business hours when the offices of the county registrar or absentee ballot clerk are otherwise open and accessible to the general public, and (2) require that continuous video surveillance footage of all drop box locations in the state must be made publicly available via real time or near-real time streaming or, in the alternative, must be made promptly available upon the request of the Plaintiffs or other



third party at no or minimal cost to the requestor;

4. A writ of mandamus pursuant to O.C.G.A. § 9-6-20 and other applicable law requiring the individual Defendants to apply and enforce the limitations on the submission of absentee ballots prescribed by O.C.G.A. § 21-2-385 in connection with the use of drop boxes—specifically, that the deposit of absentee ballots in drop boxes may be permitted only during regular business hours when the offices of the county registrar or absentee ballot clerk are otherwise open and accessible to the general public, and (2) continuous video surveillance footage of all drop box locations in the state must be publicly available via real time or near-real time streaming or, in the alternative, must be made promptly available upon the request of the Plaintiffs or other third party at no or minimal cost to the requestor;
5. Injunctive and/or mandamus remedies pursuant to O.C.G.A. §§ 9-5-1, 9-6-20 and other applicable law providing that the Secretary of State must promptly, but no later than the start of Advanced In Person (Early) Voting for the January 5, 2021 runoff election, prepare and distribute to county registrars training materials or similar guidance instructing that continuous video surveillance footage of all drop box locations must be publicly available via real time or near-real time streaming or, in the alternative, must be made promptly available upon the request of the Plaintiffs or other third party at no or minimal cost to the requestor; and
6. Such other relief as the Court deems necessary, equitable, proper, and just.

DATED this 7th day of December, 2020.

  
LEAH J. ZAMMIT  
Georgia Bar Number: 784244  
Primary E-mail: [Lzammit@shutts.com](mailto:Lzammit@shutts.com)  
Secondary E-mail: [LDeleary@shutts.com](mailto:LDeleary@shutts.com)

**SHUTTS & BOWEN LLP**  
4301 W. Boy Scout Blvd.  
Suite 300  
Tampa, Florida 33607  
Office Phone:(813) 229-8900  
Cell: (770) 355-6104  
Facsimile: (813) 227-8258

*Counsel for Plaintiffs*

# Exhibit A

**AFFIDAVIT OF BILL BLANE**

Comes now, Bill Blane, and after being duly sworn makes the following statement under oath

1. My name is Bill Blane.
2. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
3. I reside at [REDACTED]
4. I worked as a Poll Watcher on October 29 & 30, 2020 for early voting at State Farm Arena and at McCamish Arena on Election Day. I worked generally from 1 pm to 7 pm.
5. I was assigned to work at State Farm Arena located at the 1 State Farm Drive, Atlanta, GA 30303.
6. During my assigned duty as Poll Watcher, on 29 October 2020 at State Farm Arena in the State of Georgia, I witnessed that I was not allowed to be within the lawful distances for a watcher in the absentee ballot area. I also observed a female Absentee Ballot Watcher who was directed by a female poll worker to stand at a distance that again was not

**AFFIDAVIT OF BILL BLANE**

within legal guidelines for viewing absentee ballots. Both me and the female absentee ballot watcher spoke to the poll worker and registered our complaints, but on this date, the poll worker required us to stand behind tables that were outside of the legally mandated distances. I can attest that on 29 October 2020 the Absentee Watcher could not properly perform her duties as absentee ballot watcher because of the distances that we were required to abide by that were enforced by the Poll Worker.

7. During a brief discussion between the Poll Worker, Absentee Watcher and myself at State Farmer Arena, the Poll Worker commented that in previous days that she had Absentee Watchers stay at this location behind the tables. She made comment that even from here an Absentee Watcher saw a Poll Worker mishandling letters and he was corrected. She said this to try to justify our unlawful position as Watchers. Also, during this discussion, the lady Absentee Watcher asked the Poll Worker repeatedly what are the exact procedures the Absentee Ballot Poll Workers were performing. The Poll Worker would not give details and said they are doing what they are assigned to do. How

A handwritten signature in black ink, appearing to be 'C. Blane', is located in the bottom right corner of the page.

AFFIDAVIT OF BILL BLANE

could we verify that what anyone was doing was correct? The Poll Worker had no answer.

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

Executed this 27<sup>th</sup> day of November, 2020.

Bill Blane  
Bill Blane

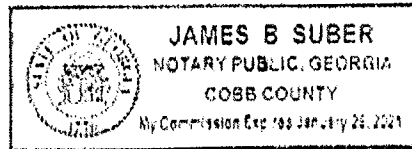
State of Georgia

County of DeKalb

Appeared before me Bill Blane this 27 day of November 2020 and after being duly sworn, stated the forgoing statements are true and correct to the best of his knowledge and belief.

Bill Blane

[Signature]  
Notary Public



My commission expires 01/26/2021

# **Exhibit B**

## **DECLARATION OF DYLAN R. KELLOS**

Pursuant to 28 U.S.C. § 1746, I, Dylan R. Kellos, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration.
2. I reside at [REDACTED]
3. Around 12:45 p.m. on November 4, 2020, I went to witness the vote tabulation process at the Henry County Board of Elections, located at 40 Atlanta Street, McDonough, GA 30253.
4. Sometime after arriving, I walked towards the room where an election official told me that the vote review panel had convened.
5. While walking in that direction, I spoke with an election official to confirm that there was equal Republican and Democratic representation on the vote review panel.
5. The election official was not able to confirm with me that there was equal Republican and Democratic representation on the vote review panel.
6. Then, a second election official approached us as we were speaking and told the first election official to be quiet and stop talking with me.
7. The second election official informed me I was not allowed to be near the vote review panel process, was not allowed to ask whether the vote




review panel had convened or was reviewing ballots and was not allowed to observe the vote review panel process.

8. The same official told me I was required to leave the area and remain in a back room away from the vote review panel process.

9. In that back room, I could not view the vote review panel process.

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

Executed this 5th day of November 2020.

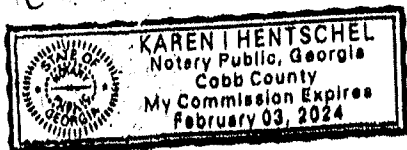


Dylan R. Kellos



dylan@gagop.org

*Karen J Hentschel 11/5/2020*



# **Exhibit C**

**DECLARATION OF KARIS NICOLE RIPPLE**

Pursuant to 28 U.S.C. § 1746, I, Karis Ripple, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2. I reside at [REDACTED]  
[REDACTED]

3. I am credentialed to serve as a poll watcher at the Election Day Ballot Tabulation Center located at the Henry County Board of Elections, located at 40 Atlanta Street, McDonough, GA 30253.

4. Around 8:30 a.m. on November 4, 2020, arrived at the Henry County Board of Elections to witness the vote counting, duplication, and vote review panel process.

5. Upon arrival, I presented my tabulation center credentials to an election official.

6. I was denied entry by an election official and I informed the official that I had a right to be at the tabulation center.

7. The election official then contacted the Superintendent who then allowed me entry.

**ballot duplication process for damaged ballots.**

**9. The ballot duplication process was being conducted in a separate room from the tabulation process and behind closed doors.**

**10. The only way to see the duplication process was to peer through a small rectangular window on each door.**

**11. I was not able to view the duplication process.**

**12. I also wanted to view the vote review panel process.**

**13. I was told I could not view the vote review panel process.**

**14. One of my companions, Dylon R. Kellos, asked whether there was a representative for the Republican and Democratic Party on the review panel.**

**15. An election official refused to answer the question and informed us that we were not entitled to an answer.**

**16. After I asked this question, the election officials forced me to move to a back room in the Henry County Board of Elections Office.**

**17. From there, the only process I could view was the voting counting process.**

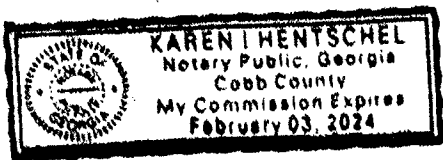
**18. From the back room, I could not view the vote review panel or duplication process.**

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

Executed this 5<sup>th</sup> day of November, 2020.

Karis Nicole Ripple  
Karis Nicole Ripple  
karis@gagop.org

Karen Hentschel 11/5/2020



# **Exhibit D**

### AFFIDAVIT OF COLETTE S. DEVINE

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration.
2. If called to testify, I would testify under oath to these facts.
3. On October 29, 2020, I served as a volunteer poll watcher at the Cherokee County Elections and Voters' Registration Office located at 400 E. Main Street, Canton, Georgia, 30114.
4. My responsibilities began at 10:00am on October 29, 2020.
5. When I arrived at the Cherokee County Elections and Voters' Registration Office, I provided the Cherokee County election employees a signed letter by the Georgia Republican Party, confirming my role as an Absentee Ballot Monitor/Observer for the November 3, 2020 general election.
6. The Cherokee County employees placed me in a chair in the foyer of the office where the ballot processing was being conducted.
7. My only view of the polls was through a glass window.
8. I observed two ballot clerks who were processing the ballots. They were at least ten feet away from me.
9. There was a third person at a desk who was constantly coming in and out of the room.
10. There were not at least three people present at all times during counting.
11. I could not see what the ballot clerks were doing.
12. I could not see what the ballot clerks were writing.

13. I could not hear what the ballot clerks were discussing.


14. I reported this to Anne Dover ("Anne"), the woman who conducted the Cherokee County Poll Worker training, and she seemed uninterested in this matter.

15. Anne denied my assertion that I should have been allowed in the ballot counting room.

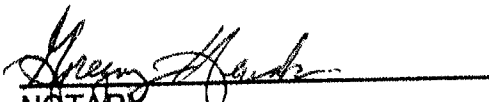
16. Additionally, when I asked Anne if there was any other way I could help, she said no.

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

Executed this 12<sup>th</sup> day of November 2020.

  
Colette Sondora Devine

NAME

  
NOTARY





# **Exhibit E**

## AFFIDAVIT OF DENISE WITTOSCH

1. My name is Denise Wittosch.

2. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

3. I was a volunteer poll watcher in Gwinnett County, Georgia at the Gwinnett County Elections Office at 455 Grayson Highway, Suite 200, Lawrenceville, Georgia 30046.

4. I was a volunteer poll watcher from Tuesday, November 3, 2020 through Saturday, November 7, 2020.

5. When I arrived to the Gwinnett County Elections Office, I was stationed in very large room.

6. The ballots were being counted and duplicated in this large room.

7. A rope was set up around the room, separating the vote counting personnel from the observers.

8. This rope was no less than 20 feet, and no more than 150 feet from where the duplication process was taking place.

9. I could not reasonably see what was happening with any of the poll workers inside of the roped off area.

10. I also could not reasonably hear what was being discussed or said during the duplication process.

11. Despite asking for permission to move closer to the ballot counting on multiple occasions, I was told that I had to observe behind the rope.

12. I was never allowed to be near any of the ballot count processes and was required to stay behind the rope at all times.

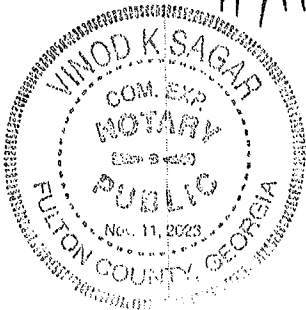
I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_ day of November 2020.

Denise Wittosch  
NAME

Denise Wittosch

Vinod K. Sagar  
NOTARY 11/17/2020



# Exhibit F

**AFFIDAVIT OF ETHAN DAMIANO**

Pursuant to 28 U.S.C. § 1746, I, Ethan Damiano, make the following declaration.

1. I am 18 years old, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2. I was a volunteer poll watcher in Gwinnett County, Georgia at the Gwinnett County Elections Office at 455 Grayson Highway, Suite 200, Lawrenceville, Georgia 30046.

3. I reviewed the duplication process on election night, Tuesday November 3, 2020 through Saturday, November 7, 2020.

4. When I arrived to my assigned location to observe the duplication process, I was stationed in very large room.

5. The ballots were being counted and duplicated in this large room.

6. A rope was set up around the room, separating the vote counting personnel from the observers.

7. This rope was no less than 20 feet, and no more than 150 feet from where the duplication process was taking place.


8. I could not reasonably see what was happening during the duplication process.

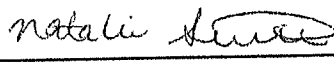
9. I also could not reasonably hear what was being discussed or said during the duplication process.

10. Despite asking for permission to move closer to the ballot counting on multiple occasions, I was told that I had to observe behind the rope.

11. At one point, I witnessed an individual walk inside the roped off area. This individual was immediately escorted back behind the rope and kicked out of the duplication process area.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 11 day of November 2020.

NAME 

NOTARY 



# **Exhibit G**

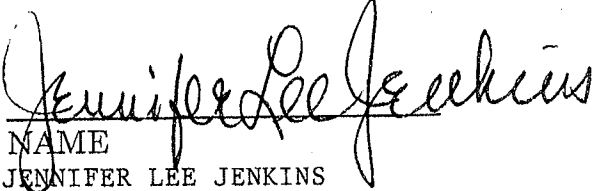
AFFIDAVIT OF JENNY JENKINS

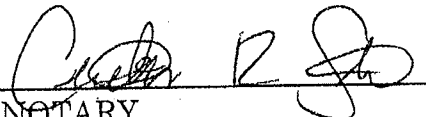
Pursuant to 28 U.S.C. § 1746, I, Jenny Jenkins, make the following declaration.

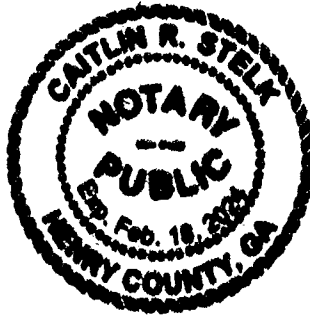
1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
2. I was a credentialed voter review panel (VRP) member for Henry County.
3. My local county GOP credentialed me.
4. I participated in the VRP on November 2, 2020 from 8:00am to 5:15pm.
5. The VRP in Henry County was not open to the public.
6. We conducted our VRP business in a very small room that was just big enough for a table and three people.
7. The door was open to this room, but there was no public access because the polling place was cluttered with people moving ballot boxes around.
8. The room where we conducted VRP business was in the very back of the building.
9. One individual was observing the process. She sat across the hallway, approximately 8-9 feet away.
10. It would have been very challenging for her to see or hear anything happening at the VRP.

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

Executed this 13 day of November 2020.

  
NAME  
JENNIFER LEE JENKINS

  
NOTARY



State Of Georgia  
County of Henry

Signed or attested before me on November 13, 2020  
by Jennifer Lee Jenkins  
who proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.



# **Exhibit H**

## AFFIDAVIT OF MARISOL CRUZ

Pursuant to 28 U.S.C. § 1746, I, Marisol Cruz, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2. I observed voter counts in Gwinnett County, Georgia on November 5, 2020.

3. I was unable to observe the opening of military ballots from a close proximity.

4. The table was at least 20 to 25 feet away from the observation area.

5. There were three employees at the table—one opened the envelopes, one read what was written on the ballots, and one transposed the vote to an official ballot.

6. I could not hear what the employees were reading from the ballot nor see what was written on the ballot being read from.

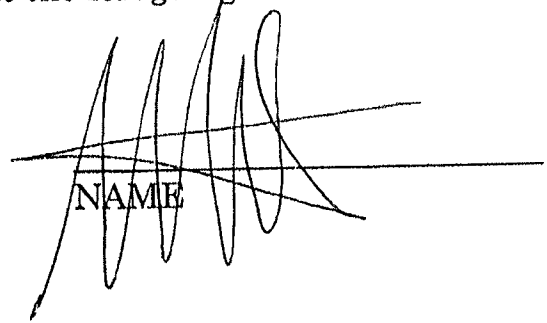
7. I could not see what the employee was writing on the official ballot while transposing from the provision ballot to the official ballot.

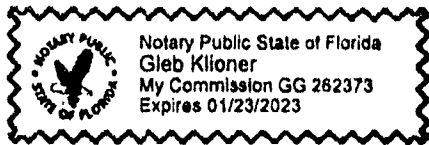
8. The election supervisor would not allow me to move closer to the table.

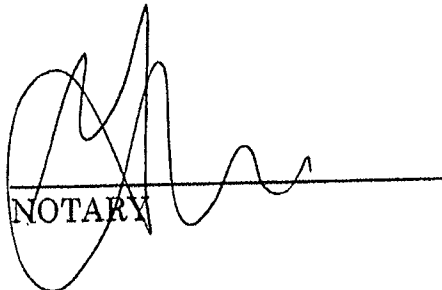
9. Further, I was told that all military votes were received by email, but military votes were being opened in paper envelopes.

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

Executed this 12<sup>th</sup> day of November, 2020.

  
NAME



  
NOTARY

# **EXHIBIT I**

## DECLARATION OF MARK AMICK

Pursuant to 28 U.S.C. § 1746, I, Mark Amick, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
2. I reside in Fulton County, Georgia.
3. On November 6, 2020, I observed the tabulation proceedings at the State Farm Arena in Atlanta, Georgia (the "Tabulation Center").
4. The Tabulation Center is located in Fulton County.
5. I was a properly credentialed state-wide poll watcher credentialed to observe all proceedings at any tabulation center in the State of Georgia, including the Tabulation Center.
6. At the Tabulation Center, I was prevented from meaningfully observing the duplication of ballots or any other proceeding at the Tabulation Center.
7. I, and all other observers, were forced to remain in a cordoned off area from which it was impossible to observe whether the poll workers were accurately fulfilling their duties (the "Observation Area").

8. In the Observation Area, observers were free to walk around, but they were at least 15 feet from the nearest table at which poll workers were performing tasks and as much as 100 feet away from the furthest table at which poll workers were performing tasks. Portions of the Tabulation Center were also partially obstructed due to distance, other workers, equipment, poles and room angle.

9. Attached as Exhibit A is a true and correct copy of the Tabulation Center layout as seen from the Observation Area.

10. At the Tabulation Center, I and others from GAGOP, questioned Rick Barron, a high-ranking election official, that afternoon prior to his departure about the proceedings at the Tabulation Center. Specifically, we asked him what tasks the poll workers were performing specific to Military and UOCAVA ballots.

11. We asked these questions because we were too far away to decipher what tasks, exactly, the poll watchers were performing and which ballots were being processed at any given time.

12. Mr. Barron informed us that poll workers were processing and duplicating Overseas Military/UOCAVA ballots received from service members overseas so that the ballots could be counted.

13. After receiving this information, I was able to decipher what tasks most of the poll workers were performing.

14. I witnessed poll workers engaging in a multi-step process for duplicating and casting ballots.

15. While we could see the separation of the ballot form from the envelope at some tables, we were told that a poll worker would duplicate, by hand, the original ballot onto a second ballot.

16. From the Observation Area, I could not read the ballot selections made by the voter on the original ballot or the ballots selections made by poll worker on the second ballot.

17. In a following step, the poll worker would hand the second ballot to a different poll worker who would manually enter the selections on the touchscreen electronic ballot marker.

18. From the Observation Area, I could not read or verify the ballot selections made by the voter as transcribed on the second ballot or the selections made by the poll worker on the electronic ballot marker.

19. Due to the positioning of the electronic ballot markers, it was impossible to observe the selections being made by the poll workers.

20. The machines were turned such that an observer could see the worker tapping the machine but could not see the screen itself.

21. Attached as Exhibit B is a true and correct copy of the touchscreen machines as seen from the Observation Area in which I sat most of the day.

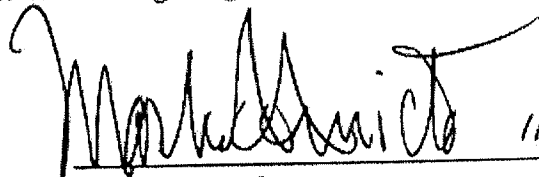
22. From my location in the Observation Area, I could not verify the accuracy of either step in the duplication process.

23. Stated differently, from my location in the Observation Area, I could not confirm that any poll worker provided all ballots or accurately transcribed the ballot selections made by the voter casting the ballot.

24. I noticed that a security camera hung from the ceiling, presumably recording the proceedings below.

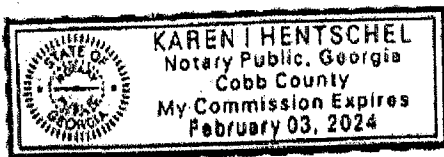
I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10 day of November, 2020.

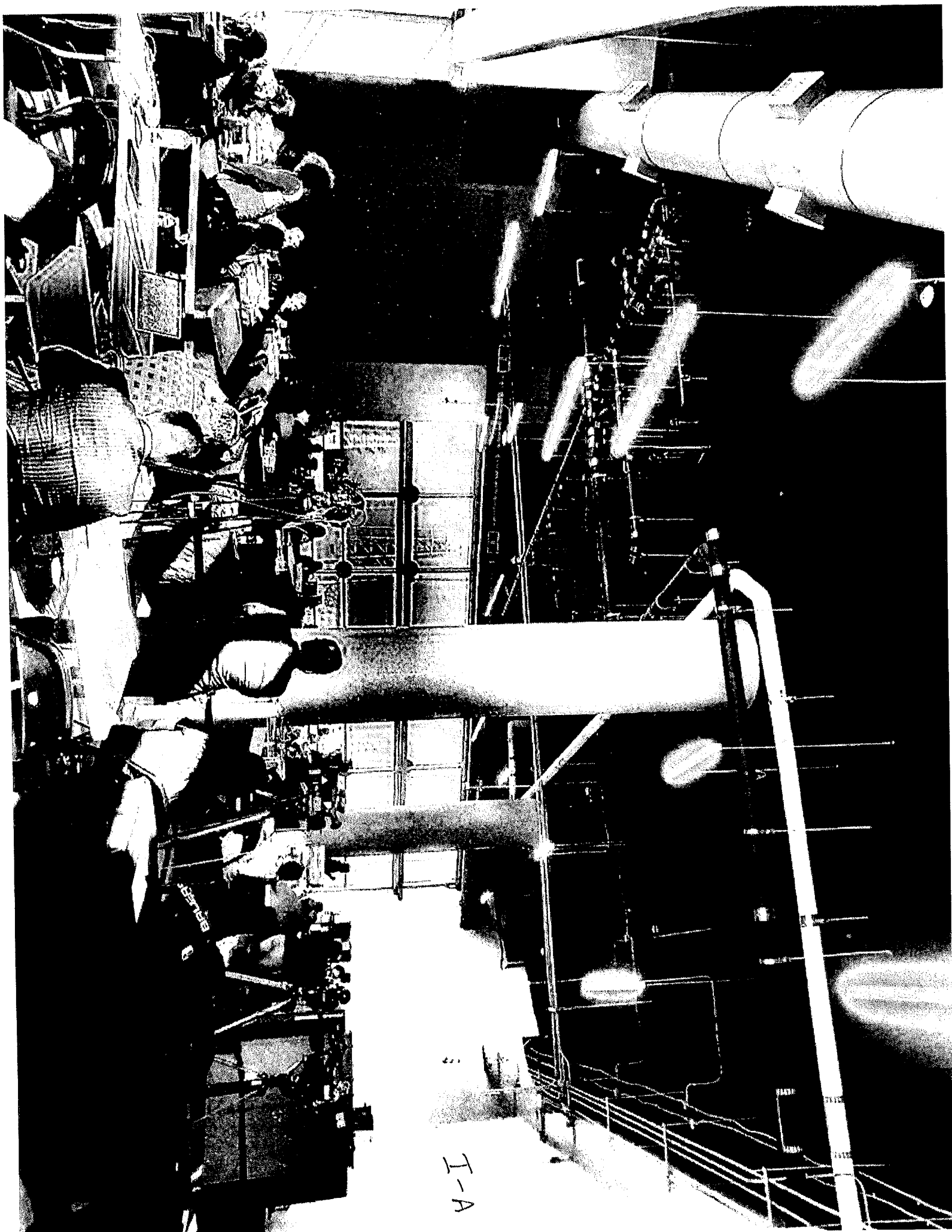
  
11/10/20  
Mark Amick

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Karen J Hentschel  
11/10/2020







I-A



I-8

# **Exhibit J**

## AFFIDAVIT

STATE OF GEORGIA

COUNTY OF COBB

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths in said State and County, Michelle Branton, who after being duly sworn, deposes and says upon oath:

1. My name is Michelle Branton, and I am a resident of Cobb County Georgia. I am employed by Georgia Republican party as a Field Organizer. I am over the age of 18 and make these statements based on my personal knowledge of the facts, matters and events described herein.
2. As I stated, I am employed by the Georgia Republican Party and so for the November 3, 2020 General Election, I was to be involved in monitoring the ballot counting process. On the night of the November 3<sup>rd</sup> election, I was assigned by Regional Field Director Brandon Moye to be a Poll Watcher and to report to the Fulton County Board of Elections Warehouse, located at 1365 English Street NW, Atlanta, Georgia, at 6:30 p.m..
3. After arrival, I was then reassigned to the State Farm Arena in downtown Atlanta to watch the processing of Absentee Ballots and arrived at around 8:15 p.m. At State Farm arena, I joined Mitchell Harrison, Field Organizer for the GAGOP. Mitchell and I entered the State Farm Arena at the same time as the news crew from Fox News which included their broadcaster, photographer, and producer.
4. Upon arrival in the processing room located on Level S of State Farm Arena, we were supposed to watch the processing of the Absentee Ballots from the observation area which was delineated by a fenced area of roping secured by posts. This observation area we were put in was very distant from the staff actually processing the ballots. The room where the ballot processing took place is a very large room, and this distance effectively prevented our actual observation of the process. In addition, other areas of this -- again very large -- room were not visible at all from our observation area.
5. For example, the machine that copied the UOCAVA electronically received ballots (sometimes called military ballots) onto a paper copy of same could only be viewed from the side and the

doors to that area were positioned in a way that prevented us from any viewing of this process. Additionally, the scanners that scanned the absentee ballots were not visible to us at all.

6. The only way we knew that the scanners were located across this large room and was that Regina Waller, Public Affairs Manager for Elections was onsite and she described the process to Mitchell and me. There were several different news crews that came and went that evening from this same observation area. The Chairman of the Fulton County Commission, Robb Pitts, was there most of the night along with his personal assistant, another lady, and his security guard. At the time, I thought it was unusual that the Commission Chairman would be personally involved in the processing of ballots. Chairman Pitts left before the processing stopped later that evening. Additionally, Joe Carn, another Fulton County Commissioner was also onsite. Mr. Carn stayed until right before the processing stopped and spoke with Mitchell and me. Regina Waller, Public Affairs Manager for Elections for Fulton County was also onsite for the entire time and was still onsite when we departed.

7. As the night progressed, most of the staff processing the removal of the inner envelopes and ballots from the outer envelope of the Absentee Ballots stopped working; however, there was one employee that continued working when the others had stopped. That last employee to finish was a younger woman. After that last employee completed her stack at approximately 10:30 p.m., a woman across the room where the scanners were allegedly located yelled to everyone to stop working and to return the next day at 8:30 a.m. This lady had appeared through the night and Mitchell and I believed her to be the supervisor. The supervisor was an approximately 35-35 year old female, with hair that was blonde and braided which came at least to the middle of her back in length.

8. After the "supervisor" gave her instruction, nearly all of the staff workers left, except the supervisor described above, another much older lady that had a shirt on that said "Ruby" on it, and one other lady that I cannot recall her appearance, and Regina Waller, the Public Affairs Manager for Elections. so, at the time that work stopped at about 10:30 I recall those four employees remaining.

9. At this same time,, we along with the Fox News crew were the only other persons as I recall left in the room. We had been instructed by Brandon Moyer to obtain the number of ballots processed and the number that were still remaining to be processed We attempted to obtain

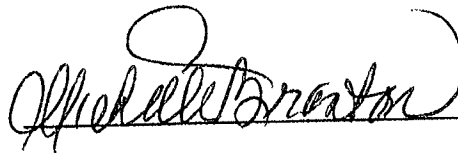
this information three separate times from Regina Waller and she would not give an answer and she also appeared to be calling someone asking them for advice on how to respond to our request. Afterwards, Regina Waller would only say "it could be obtained on the website".

10. After concluding that Regina Waller would not give us this information on the number processed versus the ones still left to be processed,, we along with the Fox News crew left the State Farm Arena shortly after 10:30 p.m. When we left, Regina, the "supervisor" and only two other people remained in the area of the scanners, the lady with the "Ruby" on her shirt was sanitizing the tables and tablecloths, and the third lady was further across the room and I could not tell what she was doing. Regina Waller was sending an email, as she relayed to us, when we left.

11. We were then told to return to the Fulton County Board of Elections Warehouse on English Avenue. Shortly after we arrived at the Warehouse Facility, Regina Waller entered the facility within 15-20 minutes of when we arrived. The English Avenue facility is a huge warehouse storing election machines, scanners and other election equipment.

12. Sometime thereafter while still at English Avenue, Mitchell Harrison and Brandon Moye advised they heard counting was still going on at State Farm Arena and Mitchell Harrison and Trevin McKoy, field organizers, were sent to confirm the ballots were again being counted at the State Farm Arena. I did not go with them on the return to State Farm.

**FURTHER THE AFFIANT SAYETH NOT.**

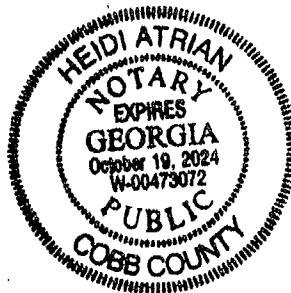


Michelle Branton

Sworn to and subscribed before me  
this 8<sup>th</sup> day of November, 2020.



Notary Public



# **Exhibit K**

## DECLARATION OF PETER W. CHRISTIAN

Pursuant to 28 U.S.C. § 1746, I, Peter W. Christian, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration.
2. I reside at [REDACTED]
3. Around 11:00 A.M. on November 4, 2020, I went to witness the vote counting, duplication, and vote review process at Henry County Board of Elections, located at 40 Atlanta Street, McDonough, GA 30253.
4. At 11:45, while I was sitting in the lobby of the Board of Elections, an election official demanded that I leave the building.
5. I informed the election official that I had a right to witness the tabulation process.
6. She again demanded that I leave.
7. I refused her demand and remained at the tabulation center.
5. While I was at the tabulation center, ballots were being duplicated in a room separate from the room in which the ballots were being scanned and counted.
6. I attempted to watch the ballot duplication process, but I could not see the ballot duplication process because it was being conducted behind closed doors.
7. I also attempted to view the vote review panel process.



8. The vote review panel process was also being conducted in a room different from the ballot counting process and behind closed doors.

9. After attempting to view the vote review panel process, the election officials forced us to move to a back room in the Henry County Board of Elections Office.

7. From the area in which we were placed, it was impossible to view or witness the vote review panel process.

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

Executed this 5th day of November 2020.

Peter W. Christian

Peter W. Christian

[REDACTED]

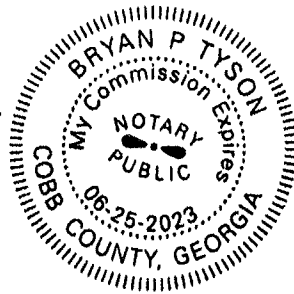
[REDACTED]

Sworn to & subscribed  
before me this 5<sup>th</sup> day of  
November, 2020

Bryan P. Tyson  
Notary Public

My Commission expires

June 25, 2023



# Exhibit L

**AFFIDAVIT OF SANDRA DOMINY**

Pursuant to 28 U.S.C. § 1746, I, Sandra Dominy, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2. I was a credentialed voter review panel (VRP) member for Paulding County.

3. My local county GOP credentialed me.

4. I participated in the VRP on November 2, 2020 and November 3, 2020.

5. The VRP in Paulding County was not open to the public.

6. We conducted our VRP business in a narrow hall.

7. There was only space for one person to walk through the hall at a time.

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

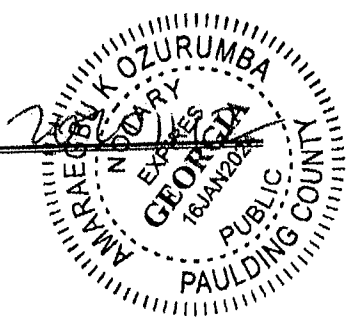
Executed this \_\_\_ day of November 2020.

11/12/20

Sandra W. Dominy

NAME

[Signature]  
NOTARY



# **Exhibit M**

AFFIDAVIT OF SANDRA METTS

Comes now, Sandra Metts, and, after being duly sworn, makes the following statement under oath:

1. My name is Sandra Metts.
2. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
3. I reside at [REDACTED]
4. I was assigned to be a poll worker at the 1B Tennis Center in Clarke County, GA.
5. At this location, there was a manager and two (2) assistant managers.
6. Every hour the manager would do a count of the number of voters recorded on each issued IPAD; then compare it to the number of ballots that had been run through ICP.
7. Our numbers were not matching up.
8. A young lady doing the same job I was, mention to me to not use a card because a voter told her it had already been used.
9. Without permission, she issued another card. This happened more than once.

10. Later, someone from the county office came by and said that the iPads were supposed to be communicating with each other. This would make it so that no one could come back and vote twice because the records would reveal the duplication.

11. Our iPads were not communicating with each other.

12. This is why the numbers on the iPads and the number recorded on the ICP did not match. She was giving voters multiple voting cards.

13. The manager nor the two assistant managers had no idea that the iPads were supposed to be communicating with each other.

14. While I was working as a poll worker on November 3, 2020, I noticed a woman went to her voting station with her adult son. Neither the manager at the polling station or any of the polling workers said anything to her about her adult son accompanying her.

15. While I was working as a poll worker on November 3, 2020, a man entered the polling station and stated that (a) he lived in Florida and (b) he wanted to vote. The manager at the polling station tried to figure out a way for him to vote. I objected to the manager's actions. The man left the polling station without voting.

16. While I was working as a poll worker on November 3, 2020, a truck driver came to polls and stated that (a) he was not registered and (b) he wanted

to vote. The manager at the polling station made several phone calls and, after them, allowed the truck driver to vote. The manager at the polling station was on speaker phone. I heard the person on the other end of the call say that she deserved a Christmas present for helping the polling manager with this situation. The truck driver said that he would bring her a flat screen TV.

17. While I was working as a poll worker on November 3, 2020, a woman came to the polls and stated (a) that she had voted on two (2) absentee ballots and (b) that she wanted to vote in person as well. The polling manager just looked at her. The person left without voting in person. The polling manager did not investigate the claim that the woman had voted on two (2) absentee ballots.

18. While I was working as a poll worker on November 3, 2020, many people stated that they had applied for absentee ballots but had not received them.

19. I filed a complaint with the Secretary of State's office regarding the polling pad issue. After filing the complaint, I called the Board of Elections in Clarke County to sign up to work at the polls for the January 2021 runoff election. The person with whom I spoke at the Board of Elections knew that I had filed a complaint with the Board of Elections.

20. I was a monitor for the Clarke County GOP during the recount of the November 3, 2020 election. I was told to stand in the middle of the room. Consequently, I could not verify either (a) who the voter had voted for or (b) if the tally of those doing the recount was accurate. I also noticed an issue with the green bag.

21. During the election on November 3, 2020, at the end of the evening, we took all of the ballots out of the ICP machine and sealed them in the green box.

22. The green box that held the ballots was sealed with a tab.

23. That tab number was recorded the evening we closed the we closed the precincts.

24. During the recount of November 14, 2020, the paperwork with that tab number was not available to match the tab being removed on November 14, 2020 to ensure the green box had NOT (*emphasis added*) been opened since November 3, 2020.

25. As I was monitoring the count, one table came up short twelve (12) ballots.

26. The table's counters asked for someone from the back room to come over to the table and speak with them concerning the missing ballots.



27. The person who came over was an employee of the Clark County Election Office. They told the employee of the Clark that they were 12 ballots short of the number written on the green box.

28. The Election Official left the room and returned with a file folder that contained 12 ballots.

29. I was concerned that if the green box had truly been sealed since November 3, 2020 and was just opened on November 14, 2020 for the recount, that there were 12 ballots out of the box that was sealed on November 3, 2020.

30. At the close of the precincts on November, there was a receipt printed off the ICP machine. This receipt listed exactly how many votes were cast and for whom they were cast.

31. The green boxes that held the ballots did not have the receipt on top on November 14, 2020 to confirm the actual count of November 3, 2020.

32. I saw that there were handwritten numbers instead of the copy of the receipt printed off election night on that box to ensure the validity of the count.

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

Executed this 17<sup>th</sup> day of November, 2020.

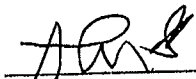


Sandra Metts

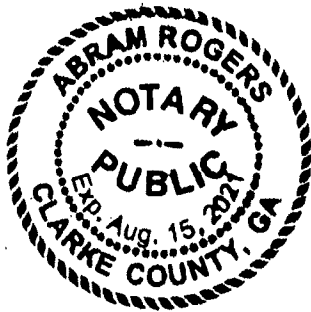
State of Georgia  
County of ~~Fulton~~ ALB  
Clarke

Appeared before me Sandra Metts, this 19 day of November 2020 and, after being duly sworn, stated the forgoing statements are true and correct to the best of her knowledge and belief.

1

  
\_\_\_\_\_  
Notary Public

My commission expires 8/15/2021



# **EXHIBIT N**

State of Georgia

County of Fulton

**DECLARATION OF VERNADETTE BROYLES**

Pursuant to 28 U.S.C. § 1746, I, Vernadette Broyles, make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
  2. I am a resident of Johns Creek, Fulton County, Georgia 30097.
  3. I am credentialed by the Georgia Republican Party ("GOP") to serve as a member of the vote review panel and at the Election Day Ballot Tabulation Center located at the Henry County Board of Elections, located at 40 Atlanta Street, McDonough, GA 30253. I am also credentialed to serve as a Ballot Monitor/Observor by the Henry County Republican Party.
  4. I arrived round 8:50 a.m. on Friday, November 6, 2020, at the Henry County Board of Elections to witness the vote counting, processing of ballots, and vote review panel process.
  5. Upon arrival, I informed an election official supervisor of the Henry County Elections Office, Ameika Pitts, that I had a right to be at the tabulation center
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to observe the processing and counting of the ballots and provided a letter from the Georgia GOP designating me to serve as a member of the vote review panel.

6. I requested to see the ballots and observe that the ballots were being properly stored and handled.

7. The election official, Ms. Pitts then denied me entry to see the ballots or how they were being processed.

8. I pressed the issue and stated to Ms. Pitts that it was not proper to deny me access to observe the ballots and the manner in which they were being processed.

9. Ms. Pitts then called the Sherriff's office and requested that they come to the Henry County Elections Office. It was my impression that the intention was to have me removed and/or possibly arrested.

10. I removed myself from the situation and retreated to the public lobby area.

11. Ms. Pitts came to where I was in the public lobby area.

12. I asked Ms. Pitts what category of ballots remained to be counted. She stated that they had military overseas ballots, absentee ballots, absentee ballot cured affidavits, and provisional ballots to be processed and counted.

13. Ms. Pitts stated to me that they were not actively counting the ballots at that time. She told me the military ballots were going to be opened and counted that afternoon at approximately 4:00 PM.

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14. I remained on the premises and called the GOP office for further instruction.

15. I went to Ms. Pitts office and again reiterated my request to see any ballots that were being processed.

16. Ms. Pitts stated to me that she had been instructed to deny all access to the Henry County Board of Elections Office where the ballots were being processed.

17. She stated to me that she needed to call someone to get permission to grant me entry. It was my impression that she was referring to someone at the Secretary of State's office.

18. Around lunchtime I confronted Ms. Pitts with information I had received from Alex Perez and Karis Ripple (who were also present to observe the process on behalf of the Georgia GOP that morning) that a number of ballots had been removed from the ballot drop box outside the Elections Office front door that morning by elections officials.

19. I asked what was presently being done with those ballots.

20. Ms. Pitts responded that those ballots were taken to the back to be "rejected" because they were dropped off after the November 3 deadline.

21. I requested to be allowed access to observe the process of the handling of those late ballots.

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22. I also continued to request access to the location where any other ballots were being processed.

23. At that time, which was several hours after I had first arrived and requested access, Ms. Pitts relented and allowed me access to the room where the cured ballots were being processed.

24. She first allowed me to see through a glass window the ballots that had already been cast and were in what appeared to be sealed containers.

25. I was then allowed to witness the processing of the cured affidavits for approximately twenty (20) absentee ballots. An election clerk by the name of Britny (spelling uncertain), who was hearing impaired, was processing the absentee ballot cured affidavits.

26. I saw cure notices that were designed to look like they were from the Elections Board, but they were not, which had been sent to voters. The election clerk informed me that a third party sent these cure notices to voters.

27. I observed an absentee ballot in which the signature did not match the signature on the voter registration. However, the signature on the cured affidavit appear to match the voter registration. This ballot was accepted.

28. I inquired whether this was the manner in which all such absentee ballots were being handled, where the signature on the cured notice matched the voter registration signature but the signature on the absentee ballot did

not match the voter registration signature. I was told by the elections clerk that this was the standard practice they were following in such circumstances – the absentee ballot would still be accepted.

29. I also observed that the Elections Board had received absentee ballot applications on behalf of voters that were on forms not used by the Elections Board.

30. I inquired how such absentee application ballot applications were being processed.

31. The elections clerk informed me they would still send an absentee ballot to the voter. They would count the absentee ballot they received so long as the signature on the absentee ballot matched the signature on the voter registration. The elections clerk did not indicate that the signature on the absentee ballot had to match the signature on the absentee ballot voter application. Nor did I observe the elections clerk attempt to match up the signature on the absentee ballot with the signature on the absentee ballot application.

32. I also observed that any rejected absentee ballots required the initials of multiple election officials.

33. Also present observing the processing of the absentee ballot cured affidavits was a female attorney whom I understood to be the Democrat voter



review panel designee and another woman associated with the Democrat party.

34. The Democrat voter review panel designee left the room at some point in the process. The other woman associated with the Democratic party remained.

35. The Democrat voter review panel designee and the Chairman of the Henry County Democrat Party went to Ms. Pitts to object to my presence. They objected to my calling into question the signatures not matching on the absentee/cured ballots.

36. I stated I believed I had a right to view the processing of the ballots, and that the woman associated with the Democrat Party was also viewing the absentee ballot/ cured affidavit processing as well.

37. The supervisor allowed us to continue to view the process for a bit longer, however we were moved to outside the office.

38. I was later able to watch the transcription of the military ballots as part of the vote review panel.

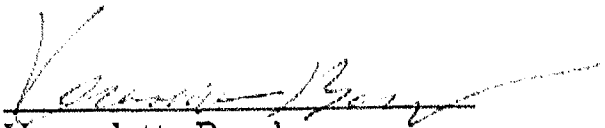

39. The military ballots had been already opened outside of the presence of the vote review panel. I was not allowed to observe the opening of the military ballots or the envelopes in which they came. Nor was I allowed to observe the process by

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which the signatures on outside of outside of the envelopes of the military ballots were verified with the signature on the voter registration.

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

Executed this 24<sup>th</sup> day of November, 2020.

  
Vernadette Broyles  




Rishabh Patel