

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.: 24CV006566

**EMERGENCY RELIEF  
REQUESTED**

**VERIFIED COMPLAINT FOR DECLARATORY RELIEF, INTERLOCUTORY  
INJUNCTIVE RELIEF, AND PERMANENT INJUNCTIVE RELIEF**

**INTRODUCTION**

The Georgia Legislature carefully crafted the process by which elections would be conducted in the State of Georgia and by each county of the state. This action seeks to ensure that these laws are followed in Fulton County. Since assuming her duties as a member of the Fulton County Board of Registration and Elections<sup>1</sup> (the “BRE”), Plaintiff has been prevented from performing her statutory duties as a BRE member as she has been denied, and continues to be

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<sup>1</sup>The formal name of the BRE is difficult to determine. The statute refers to the County Boards of Elections and Registration, the Fulton County ordinance creating the BRE uses the phrase “Board of Elections and Registration;” the BRE’s Bylaws use “Board of Registration and Elections;” while the BRE’s website uses “Department of Registration and Elections.” This complaint will use “Board of Registration and Elections” as it is the most common phrase used by the BRE itself.

denied, access to essential election materials and processes by which elections in Fulton County are conducted. Over the years, the Board has purportedly delegated core BRE responsibilities to an appointed Election Director. Plaintiff swore an oath to “prevent fraud, deceit, and abuse” in Fulton County elections and to “make a true and perfect return.” These obligations are frustrated by the repeated and continuing refusal to allow Plaintiff access to, and direct knowledge of, the information Plaintiff reasonably believes she needs to execute her duties faithfully and thoroughly.

Plaintiff’s requests for data have been stymied by direct instructions from the BRE’s Chair to the staff that Plaintiff is to be denied access to key election information. Defendant Nadine Williams, Elections Director, has informed Plaintiff that her requests for supporting documentation relative to election results are unnecessary because the Director’s summaries are submitted to a “rigorous validation process” and should simply be trusted. Without the ability to confirm the accuracy of the returns and the ability to observe and inspect the various election processes in Fulton County, Plaintiff voted against the certification of election results in the recent Presidential Preference Primary (the “PPP”). The Defendants have confirmed to Plaintiff their decision to continue their refusal to allow access to key information for the Primary Election of May 21, 2024.

Consequently, Plaintiff is unable to fulfill her oath of office. Highlighting the need for judicial intervention is the fact that after her vote against certification of the PPP results (due to lack of information to either confirm or deny the validity of the PPP results as reported to her by the Elections Director, the Democratic Party of Georgia (the “DPG”) sent a letter to all BRE members, including Plaintiff, asserting that certification is a ministerial duty, and the failure to vote in favor of certification is subject to potential legal action, including but not limited to possible criminal sanctions. This action seeks to clarify that the statutory role of election superintendent assigned to the BRE by Georgia law cannot be delegated in its entirety to the Director, that

Plaintiff's duties are, in fact, discretionary, not ministerial, and that the Director may not prevent BRE from gaining access to information needed to fulfill their statutory duties. Simply put, Plaintiff is asking the Court to direct the Defendants to follow the law.

### **JURISDICTION AND VENUE**

1. This Superior Court has jurisdiction over this action pursuant to Georgia law. O.C.G.A. §§ 9-4-1 (general jurisdiction), 9-4-2 (declaratory relief), 9-4-3 (injunctive relief), and 9-5-1 (injunctive relief).
2. Venue is proper in this court pursuant to O.C.G.A. § 9-10-30.

### **PARTIES**

#### Plaintiff

3. Julie Adams ("Plaintiff") is a duly appointed member of the BRE and one of the two nominees of the Fulton County Republican Party, having been appointed to the position by the Fulton County Board of Commissioners on January 17, 2024.
4. Plaintiff was sworn into her office as a member of the BRE on February 8, 2024, and, as required by O.C.G.A. § 21-2-70(15)(B), took the following oath on that date:

I, Julie Adams, do swear -or affirm- that I will as a member of the board of elections duly attend all ensuing primaries and elections during the continuance thereof, that **I will to the best of my ability prevent any fraud, deceit, or abuse** in carrying on the same, that **I will make a true and perfect return of such primaries and elections**, and that I will at all times **truly, impartially and faithfully perform my duties** in accordance with Georgia laws to the best of my judgement and ability.<sup>2</sup>

5. Plaintiff is, and at all times relevant to this Complaint has been, a resident of Fulton County above the age of majority.

#### Defendants

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<sup>2</sup> Julie Adams, Member, Fulton Cnty. Bd. of Reg. and Elec., Oath of Office (Feb. 8, 2024, at 17:32) (emphasis added) Available as of the date of filing at: <https://www.youtube.com/watch?v=P3bVXYkBMLc>.

6. Pursuant to the provisions of O.C.G.A. § 21-2-40, the BRE was established in 1989 by the Georgia General Assembly through local legislation under Ga. L. 1989, p.4577 (“Authorization Act”).
7. The BRE has operated continuously since its creation and is structured as a five-member board per local legislation under Ga. L. 2019, p.4181 (“Structure Act”).
8. Nadine Williams has served as the chief administrative officer (referred to by the BRE and herein as the “Director”) since 2023.
9. Defendants are residents and creatures of Fulton County, Georgia and all actions at issue have occurred or will occur in Fulton County, Georgia.

## **STATUTORY FRAMEWORK**

### *County Boards of Elections and Registration*

10. Title 21 of the Georgia Code is the Election Code of the State of Georgia that governs the structure and operations of elections in the State of Georgia, as well as in every county in the State.
11. Chapter 2, Article 2 of Title 21 outlines the structure and composition of Georgia’s election offices, including the State Election Board, County Boards of Elections, and County Boards of Elections and Registration. O.C.G.A. § 21-2-2.
12. Under O.C.G.A. § 21-2-40(b), “[T]he General Assembly may by local Act create a board of elections and registration in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections and with the powers and duties of the board of registrars relating to the registration of voters and absentee-balloting procedures.” *See also* O.C.G.A. § 21-2-45 (regarding joint county boards of election).



13. Pursuant to the Structure Act, the BRE is comprised of five members: two members who are selected by the political party whose candidate received the largest number of votes in the last preceding regular general election, two members who are selected by the political party whose candidate received the second largest number of votes, and one member, serving as chairperson of the BRE, who is designated by the Fulton County Board of County Commissioners.

14. The Authorization Act states that the BRE “**shall have the powers and duties of the election superintendent of Fulton County relating to the conduct of elections** and the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures.” (Emphasis added).

15. The Authorization Act sets out additional affirmative duties, including:

- a. an oath requirement for its members;
- b. responsibility for the registration of electors of Fulton County;
- c. the preparing, equipping, and furnishing of polling places;
- d. the counting of all ballots, both absentee and those regularly cast;
- e. the selection, appointment, and training of poll workers; and, all duties and powers for the administration of elections otherwise assigned to the probate judge under Chapter 2 of Title 21 of the Georgia Election Code.

#### *The Election Superintendent*

16. The “Election Superintendent” or “Superintendent” is a statutorily defined term: “Either the county board of elections, the county board of elections and registration, the joint city-

county board of elections, or the joint city-county board of elections and registration, if a county has such[.]” O.C.G.A. § 21-2-2(35)(A).<sup>3</sup>

17. O.C.G.A. § 21-2-70 states that “[e]ach superintendent within his or her county or municipality shall exercise all the powers granted to him or her by this chapter and shall perform all the duties imposed upon him or her” under Chapter 2 of Title 21.

18. These powers and duties include, *inter alia*:

- a. the power to “inspect systematically and thoroughly the conduct of primaries and elections . . . to the end that primaries and elections may be honestly, efficiently, and uniformly conducted,” O.C.G.A. § 21-2-70(8);
- b. the power to “receive from poll officers the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to such authorities as may be prescribed by law,” O.C.G.A. § 21-2-70(9); and
- c. the duty of each individual board member to swear an oath to “prevent any fraud, deceit, or abuse in carrying on the same [*i.e.*, elections],” O.C.G.A. § 21-2-70(15)(B).

19. O.C.G.A. § 21-2-493 sets out in particularity the methods by which the Superintendent is to perform its duties of computation, canvassing, tabulating, and certification, stating:

(a) **The superintendent shall**, after the close of the polls on the day of a primary or election, at his or her office or at some other convenient public place at the county seat or in the municipality, of which due notice shall have been given as provided by Code Section 21-2-492, **publicly commence the computation and canvassing of the returns and continue until all absentee ballots received by the close of the polls**, including those cast by advance voting, and all ballots cast on the day of the primary or election have been counted and tabulated and the results of such

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<sup>3</sup> In May 2024, Governor Kemp signed into law Act 580 which amended O.G.C.A. § 21-2-2(35)(A) to remove the phrase “the judge of the probate court of a county or” as a designated entity that could serve as a “superintendent” if elections under Chapter 2 of Title 21 of the Georgia Election Code. 2024 Ga. Laws Act 580, § 3 (amending O.C.G.A. § 21-2-2).

tabulation released to the public and, then, continuing with provisional ballots as provided in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For this purpose, the superintendent may organize his or her assistants into sections, each of whom may simultaneously proceed with the computation and canvassing of the returns from various precincts of the county or municipality in the manner provided by this Code section. **Upon the completion of such computation and canvassing, the superintendent shall tabulate the figures for the entire county or municipality and sign, announce, and attest the same, as required by this Code section.**<sup>4</sup>

(b) The superintendent, before computing the votes cast in any precinct, **shall compare the registration figure with the certificates returned by the poll officers** showing the number of persons who voted in each precinct or the number of ballots cast. **If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent;** and no votes shall be recorded from such precinct until an investigation shall be had. Such excess shall authorize the summoning of the poll officers to appear immediately with any primary or election papers in their possession. **The superintendent shall then examine all the registration and primary or election documents** whatever relating to such precinct in the presence of representatives of each party, body, and interested candidate. **Such examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted.**

...

(k) As the returns from each precinct are read, computed, and found to be correct or corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until all the returns from the various precincts which are entitled to be counted shall have been duly recorded; then they shall be added together, announced, and attested by the assistants who made and computed the entries respectively **and shall be signed by the superintendent. The consolidated returns shall then be certified by the superintendent in the manner required by this chapter.** Such returns shall be certified by the superintendent not later than 5:00 P.M. on the

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<sup>4</sup> Effective until July 1, 2024, with the new statutory language coming into effect on July 1, 2024, adding an 8:00 p.m. deadline on election day for completion of tabulation.

Monday following the date on which such election was held and such returns **shall be immediately transmitted to the Secretary of State.**

O.C.G.A. § 21-2-493(a-b, k) (emphasis added).

- 20.** Georgia law also assigns specific election night procedures and verification management (the zero tapes, results tapes, and memory cards) to the election superintendent. O.C.G.A. § 21-2-379.11(g) provides that:

Upon receipt of the sealed envelope or container containing the zero tapes, results tapes, and memory cards [previously sealed in an envelope on election night by a poll manager under O.G.C.A. § 21-2-379.11(e)] the election superintendent **shall verify the initials or signature on the envelope.** Once verified, the superintendent **shall break the seal of the envelope or container and remove its contents.** The superintendent **shall then download the results stored on the memory card** from each DRE unit into the election management system . . . [.]”

(emphasis added).

- 21.** The superintendent also has statutorily defined duties regarding the performance of certain tasks. *See* O.C.G.A. § 21-2-377 (regarding the designation of a custodian for optical scanning voting systems); O.G.C.A. § 21-2-483 (regarding the designation of review panels at tabulation centers); O.G.C.A. § 21-2-132 (regarding municipal superintendent designation of certain qualifying periods).
- 22.** The Authorization Act vested the BRE with the “powers and duties of the election superintendent of Fulton County relating to the conduct of elections.”

*Chief Administrative Officer*

- 23.** The Authorization Act allowed the BRE to create “a chief administrative officer of the board who shall be appointed by the governing authority of the county upon the recommendation of the board and shall be designated elections supervisor. He shall have such duties and functions in regard to elections as may be prescribed by the board.”

24. “Election supervisor” is a legally distinct office from that of the superintendent. *See, e.g.*, Ga. Code. Ann. § 21-2-33.1(f) (describing the duties of a temporary superintendent after the suspension of a superintendent, including “the authority to make all personnel decisions related to any employees of the jurisdiction who **assist** with carrying out the duties of the superintendent, including, but not limited to, the director of elections, the **election supervisor**, and all poll officers.” (emphasis added)).

### FACTUAL ALLEGATIONS

25. Consistent with the Authorization Act, Fulton County enacted an ordinance vesting the BRE with the “powers and duties of the election superintendent of Fulton County relating to the conduct of elections and the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures.” Fulton County Local Act § 14-32.<sup>5</sup>

26. In her role as a member of the BRE, Plaintiff has repeatedly sought access to the election processes, systems, records, materials, data, equipment, reports from poll workers, and other vital information (“the Election Materials and Processes”) necessary for her, and other BRE members, to perform their statutory duties.<sup>6</sup>

27. While the Election Materials and Processes are discussed more fully in the body of the complaint, these Election Materials and Processes include but are not limited to receipt and inspection of:

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<sup>5</sup> Available as of the date of filing at: [https://library.municode.com/ga/fulton\\_county/codes/code\\_of\\_ordinances?nodeId=PTILOCO\\_AMLOAC\\_CH14EL\\_ARTIIBOELRE\\_S14-32CRPODUGE](https://library.municode.com/ga/fulton_county/codes/code_of_ordinances?nodeId=PTILOCO_AMLOAC_CH14EL_ARTIIBOELRE_S14-32CRPODUGE).

<sup>6</sup> There are other significant statutory responsibilities vested in the election superintendent as part of overseeing the elections, including but not limited to the budget for the elections department, finances, vendors and contractors, personnel policies, voter registration and list maintenance, among others. Those specific duties and responsibilities are not at issue in this emergency action but Plaintiff does not waive her statutory obligations related to all components of being a BRE member and election superintendent in Fulton County,

- a. Qualified Voter List: a list of all lawfully registered electors that are eligible to cast a ballot within a voting jurisdiction.
- b. Voter Check-in List: a list of all electors who, upon arriving at a voting precinct to cast a ballot, signed in at that precinct. There are unique Voter Check-in Lists for advanced voting and election day voting.
- c. Poll Open and Close Tapes: Insofar as ballots are cast on voting machines, an Open Tape is a reflection of the number of ballots cast on a particular machine before the casting of the first vote on election day (regularly set to zero before the casting of that first vote) and Close Tapes that reflect how many ballots were cast on a particular machine after the casting of the last ballot at a polling place on election night. The Open and Close Tapes, taken together, help reconcile the accurate numbers of votes cast on a voting machine and are used to verify that the numbers reported by a particular voting machine are neither inaccurate nor tampered with.
- d. Ballot Recap Sheet: The ballots cast by electors during advanced voting are not counted until election night. A Ballot Recap Sheet is a report reflecting the number of ballots cast on a voting machine during advanced voting. The report helps with reconciling the reported number of ballots cast during advanced voting when tabulated on election night, and the actual number of ballots cast during advanced voting, ensuring no addition or deletion in the interim.
- e. Provisional Ballot Recap Sheets: Provisional ballots are ballots provided to potential electors, such as electors whose registration status may be uncertain or otherwise under examination but whose registration status may be perfected on or before tabulation on election day. Provisional ballots may be cast during advanced

voting, with the Provisions Ballot Recap Sheet being the Ballot Recap Sheet for cast provisional ballots.

- f. Voting Ballot Removal Forms: During advanced voting, when an individual scanning machine that accepts and scans paper ballots accumulates a sufficient number of ballots, the accepted and scanned ballots must be emptied from the machine. During the emptying process, the scanning machine produces a report of the removal action called a Voting Ballot Removal Form. These reports are vital in reconciling the data from internal memory cards for each scanning machine, which additionally logs cast ballots.
- g. Drop Box Ballot Forms: The Drop Box Ballot Form is a chain of custody document that tracks the collection and transportation of ballots cast at any of the ballot drop boxes in Fulton County.
- h. Cast Vote Record List: a list detailing all ballots cast with digital images of ballots as they were cast.
- i. Absentee Ballot Records: List of all electors who requested, received, and/or returned an Absentee Ballot. All Absentee Ballot applications and ballot envelopes.
- j. Election Processes: the various procedures required by law to, among other things, protect and secure ballots, voting and tabulating equipment, the opening and closing of polling locations, the transporting of ballots, ballot drop boxes, and other voting materials, and the manner in which poll workers conduct the election at their respective polling locations, central tabulation, and other physical locations and other of the election processes and procedures.

28. Together, the Election Materials and Processes are comprised of the totality of the election processes that the election superintendent is required by law to oversee and implement.
29. In particular, under the Authorization Act, the BRE has the exclusive power to certify the results of Fulton County elections.
30. However, without access to any of the Election Materials and Processes needed to verify the returns and results of an election BRE members are left to rely on the bare representations of the Director.
31. Importantly, the position of Director is referenced in bylaws (“Bylaws;” a copy of which is attached and incorporated hereto at Exhibit 1) that were ostensibly promulgated by the BRE, but despite the request of BRE members, neither the counsel nor the BRE’s staff have been able to produce an official version of the Bylaws, in a form or on a date on which the bylaws were passed.
32. The Bylaws provide, *inter alia*:
- a. The selection of a chief administrative officer, the Director, for the Fulton County BRE. Bylaws Art. I;
  - b. The conduct of regular meetings for the Fulton County BRE. Bylaws Art. II-III; and,
  - c. The voting procedure of the board requiring a majority of the BRE members for any action of the BRE. Bylaws Art. III, § 6.
33. The Defendants have asserted that the powers and duties of the BRE have been delegated to the Director by virtue of the Bylaws in Article VI, “Employees:”

Section 1. **The Board hereby delegates the powers and duties of the superintendent and the board of registrars,** as provided in O.C.G.A. § 21-2-70 and § 21-2-212, the Director, pursuant to Sec. 14-42 of the Fulton County Code of Ordinances; provided, however, that the Board



acknowledges its ultimate responsibility for the discharge of these powers and duties. (Emphasis added)

34. This purported delegation provision cites Section 14-42 of the Fulton County Code of Ordinances,<sup>7</sup> which, tracking language from the Authorization Act, states as follows:

There shall be a chief administrative officer of the board who shall be appointed by the governing authority of the county upon the recommendation of the board and shall be designated [the] “elections supervisor.” He shall have such duties and functions in regard to elections as may be prescribed by the board. The elections supervisor shall be an elector of Fulton County.

35. It appears the Bylaw’s “Director” fills the role of the “election supervisor” established by the Fulton County Board of County Commissioners.

36. Notwithstanding the clear statutory language in the Georgia Election Code, the Defendants have taken the position the BRE *delegated* the statutorily assigned duties and powers of the Fulton County election superintendent to the Director via adoption of the bylaws and that BRE members are not entitled to access to the Election Materials and Processes necessary for the performance of their duties.

37. As a consequence of this delegation (which, as noted above, is unsupported by any official records of the Bylaws being formally adopted by the BRE), the current and former Chairs of the BRE and the Director have refused to allow Plaintiff access to the Election Materials and Processes.

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<sup>7</sup> Fulton County Code of Ordinances § 14-42 appears to be reserved, *see* [https://library.municode.com/ga/fulton\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOORCORE\\_CH14BUBURE\\_ARTIITEST\\_DIV1GE\\_SS14-42--14-75RE](https://library.municode.com/ga/fulton_county/codes/code_of_ordinances?nodeId=PTIICOORCORE_CH14BUBURE_ARTIITEST_DIV1GE_SS14-42--14-75RE), however, Fulton County Local Act § 14-42 contains the relevant language cited below, *see*, [https://library.municode.com/ga/fulton\\_county/codes/code\\_of\\_ordinances?nodeId=PTILOCOAMLOAC\\_CH14EL\\_ARTIIBOELRE\\_S14-42CHADOFDUFU](https://library.municode.com/ga/fulton_county/codes/code_of_ordinances?nodeId=PTILOCOAMLOAC_CH14EL_ARTIIBOELRE_S14-42CHADOFDUFU).

- 38.** Previous members of the BRE who are no longer serving have likewise sought access to the Fulton County Election Materials and Processes, only to be likewise denied in their repeated requests.
- 39.** The denial of access to the Election Materials and Processes during and following the March 12, 2024, Presidential Preference Primary (the “PPP”) was a material factor in Plaintiff’s decision to vote against certification of the results of the PPP.
- 40.** Specifically, on March 7, 2024, five days before the upcoming PPP, Plaintiff emailed the Director and Chair of the BRE requesting the following items be made available with adequate time for her review prior to voting on the meeting at which certification was to occur (a copy of Plaintiff’s email is attached and incorporated by reference hereto at composite Exhibit 2):
- a. Qualified Voter List;
  - b. Voter Check-In List, AV and ED, by location;
  - c. Poll Open & Close Tapes (AV open & Close status) and ED;
  - d. Ballot Recap Sheets;
  - e. Voted Ballot Removal Forms;
  - f. Drop Box Ballot Recap Sheets;
  - g. Provisional Ballot Recap Sheets; and
  - h. Cast Vote Record.
- 41.** That same evening, the Director responded, noting that most of the documents requested would not be created until after the primary, and that “review of these documents is not required for certification,” and that “reconciliation is diligently conducted and completed”

by her office before certification (a copy of the Director's email is attached and incorporated by reference hereto at composite Exhibit 2).

42. The then-Chair of the BRE instructed the Director to deny Plaintiff's requests for documents and advised the Plaintiff that she would need to seek the approval of the entire BRE to obtain these documents (a copy of the Chair's email is attached and incorporated by reference hereto at composite Exhibit 2).
43. Without access to the Election Materials and Processes, Plaintiff was unable to fulfill her statutory duties to "inspect systematically and thoroughly the conduct of primaries and elections . . . to the end that primaries and elections may be honestly, efficiently, and uniformly conducted," "to canvass and compute the" election results, and satisfy her oath to ensure there was no, "fraud, deceit, or abuse in carrying on the [elections]."
44. Accordingly, on March 19, 2024, Plaintiff voted against certification of the PPP results.
45. Compounding the need for judicial clarification is that after the vote against certification of the March PPP returns, the DPG sent a letter dated March 29, 2024, to all the members of the BRE, including Plaintiff.
46. The DPG's letter stated its position that the "certification of election results is a ministerial task performed by members of the Board of Elections and is not subject to their discretion." (A copy of the letter is attached and incorporated by reference hereto at Exhibit 3.)
47. The DPG's letter opined that failure to certify could be grounds for a mandamus action and that members of the BRE could also face *criminal liability* for voting against certification, stating that "if a member of the Board of Elections either 'willfully neglects' or 'refuses to perform' their statutory obligations, they 'shall be guilty of a misdemeanor,'" (citing O.C.G.A. § 21-2-596).

48. After Plaintiff requested access to Election Materials and Processes before and during meetings of the BRE on March 12, March 18, April 11, and April 17, 2024, the Director distributed a memorandum to BRE members, setting out her position on access to Election Materials and Processes. (A copy of the memorandum is attached and incorporated by reference hereto at Exhibit 4.)
49. In response to one of the Plaintiff's requests for a specific document (recap sheets related to vote processing), the Director explained that no access would be granted to anything beyond the Excel spreadsheets traditionally prepared and provided by the Director to the BRE.
50. The Director stated that these Excel documents provide seamless error correction and the documents, "undergo rigorous validation processes to ensure their accuracy and compliance with legal requirement."
51. The Director stated that Plaintiff should trust the self-described "rigorous validation process" employed by the Director to ensure accuracy.
52. Further, the Director stated that Plaintiff's questions on the issue "leads to misinformation and distrust in the electoral process" and that they lead to "[b]aseless allegations" that "work against and divide this unit and work against all the voters we serve."
53. Plaintiff's continued concerns over access to Election Materials and Processes prompted the former Chair of the BRE to request an opinion from the board's legal counsel as to "whether or not a board of elections and registration can designate the election superintendent?"<sup>8</sup>

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<sup>8</sup> Patrise Perkins-Hooker, Chairwoman, Fulton County Bd. Of Reg. and Elec., Inquiry to Legal Counsel (April 11, 2024; at 1:51:36). Available as of the date of filing at: <https://www.youtube.com/watch?v=795a9AAnIYY>.

- 54.** The BRE’s counsel responded on May 6, 2024, stating that the Authorization Act permitted the creation of the “election supervisor,” a position filled by the BRE’s “Director.”
- 55.** However, the Authorization Act confers no authority for the BRE to divest itself of its core statutory duties as election superintendent, and the BRE counsel’s letter cites to no such authority on this critical point.
- 56.** The counsel’s letter was discussed at length at the BRE meeting on May 9, 2024.
- 57.** BRE member Mike Heekin raised specific concerns regarding “the delegability [sic] of certain – of powers and duties particularly superintendent and board of registrars,” recommending that the legal counsel and the BRE “drive a little deeper into *can they* [the powers and duties of the superintendent and board of registrars] *be delegated.*”<sup>9</sup>
- 58.** At that same meeting, Plaintiff attempted to close the gaps in the counsel’s opinion letter by making the following motion to the BRE:

That the Fulton County Board of Registrations and Elections resume their legal responsibility as the superintendent of elections and fully functioning whether it is the finance department, whether its training, and certainly for this upcoming election, that the board member have the right to real-time results of the elections and elections’ documents.<sup>10</sup>

- 59.** The motion failed on a 2-2 vote (one member of the BRE was absent, and a majority vote was required for passage).
- 60.** The current BRE Chair, Cathy Woolard, informed the other members of the BRE that the Election Materials (in whatever form they would be made available) would not be provided before 8:00 a.m. ET on certification day May 28, 2024.

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<sup>9</sup> Mike Heekin, Vice Chair, Fulton Cnty. Bd. of Reg. and Elec., Recommendations (May 9, 2024, at 52:30). Available as of the date of filing at: [https://www.youtube.com/watch?v=p4N\\_rMdpf7c](https://www.youtube.com/watch?v=p4N_rMdpf7c).

<sup>10</sup> Julie Adams, Board Member, Fulton Cnty Bd. of Reg. and Elec., Motion (May 9, 2024, at 1:30:30); Available as of the date of filing at: [https://www.youtube.com/watch?v=p4N\\_rMdpf7c](https://www.youtube.com/watch?v=p4N_rMdpf7c).

61. When Plaintiff suggested that the few hours before the certification vote would be insufficient, Ms. Woolard responded, “Well that’s gonna be what you get.”<sup>11</sup>
62. When Ms. Adams asked if she could have the Election Materials (in whatever form they would be made available) at least a day or two before the day of certification, Ms. Wollard responded, “You cannot.”<sup>12</sup>
63. When Mr. Heekin and Plaintiff inquired whether or not they would be provided a ballot recap sheet, Ms. Williams responded:
- I’m sorry the ballot recap sheet, is not produced electronically for election day, it’s a three-part carbon form that we have to pull from blinders to get those all together, **and we would not have that done by the time certification happens.** But the numbers from those ballot sheets are on the report that are listed on this form.<sup>13</sup>
64. The BRE then voted to begin its May 28, 2024, certification meeting at 8:00 a.m. ET and that the certification vote would be completed no later than 3:00 p.m. ET that same day.
65. The operations of the BRE have long been a matter of concern.
66. In the aftermath of Fulton County’s 2020 primary, the State Election Board (“SEB”) issued a consent order (“2020 Consent Order”) that detailed over 410 complaints regarding the BRE’s conduct of the primary. A copy of the consent order is attached and incorporated by reference hereto at Exhibit 5.
67. Pursuant to the 2020 Consent Order, the SEB appointed a monitor to oversee the BRE’s operations during the 2020 general election (the post-election report by that monitor is attached and incorporated hereto as Exhibit 6).

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<sup>11</sup> Cathy Woolard, Fulton Cnty. Bd. of Reg. and Elec., Statement (May 9, 2024, at 1:22:55). Available as of the date of filing at [https://www.youtube.com/watch?v=p4N\\_rMdpf7c](https://www.youtube.com/watch?v=p4N_rMdpf7c).

<sup>12</sup> Cathy Woolard, Fulton Cnty. Bd. of Reg. and Elec., Statement (May 9, 2024, at 1:23:08). Available as of the date of filing at [https://www.youtube.com/watch?v=p4N\\_rMdpf7c](https://www.youtube.com/watch?v=p4N_rMdpf7c).

<sup>13</sup> Nadine Williams, Fulton Cnty. Bd. of Reg. and Elec., Statement (May 9, 2024, 1:26:39) (emphasis added). Available as of the date of filing at [https://www.youtube.com/watch?v=p4N\\_rMdpf7c](https://www.youtube.com/watch?v=p4N_rMdpf7c).

68. Despite the appointment of a monitor as a result of the errors in the 2020 primary, the BRE's conduct of the 2020 general election was also subject to reprimand by the SEB.
69. Specifically, the SEB recently issued a citation in response to Complaint 2023-025, which alleged that the BRE had engaged in numerous violations of the Georgia Election Code. (The SEB has yet to formally issue the letter of reprimand, but SEB hearing where the vote to issue the reprimand was taken was available as of the date of filing at <https://www.youtube.com/watch?v=M6QLSEfbO7w>.)
70. At the hearing on Complaint 2023-025, SEB Member Johnson said, “[T]here is enough evidence to suggest that the Respondents violated Georgia election laws and State Election Board rules, to such an excess, that we should be embarrassed for the Fulton County Registration and Elections.”<sup>14</sup>
71. The specific actions by the SEB during the 2020 and 2022 election cycles are just a sample of the official actions the SEB's oversight of the BRE in recent years; attached here is a list of official actions taken in response to complaints about the BRE (including but not limited to the reprimands detailed above):

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<sup>14</sup> Video of the hearing available as of the date of filing at <https://www.youtube.com/watch?v=M6QLSEfbO7w>.

| Complaint Number | Subject Matter of Complaint   | SEB Meeting Minutes - Disposition   | Date of Disposition | Disposition                                 |
|------------------|---|---|---------------------|---|
| 2023-025         | Double Scanning, Tabulation Errors, Erroneous Results 2020 General Election | <a href="https://sos.ga.gov/sites/default/files/2024-05/Summary%205.7.8.24.pdf">https://sos.ga.gov/sites/default/files/2024-05/Summary%205.7.8.24.pdf</a> | 5/7/2024            | Reprimand, Appointment of Monitors for 2024 |
| 2022-356         | Tabulation Issues   | <a href="https://sos.ga.gov/sites/default/files/2024-05/Summary%205.7.8.24.pdf">https://sos.ga.gov/sites/default/files/2024-05/Summary%205.7.8.24.pdf</a> | 5/7/2024            | Letter of Instruction                       |
| 2022-211         | AB Fraud  | <a href="https://sos.ga.gov/sites/default/files/2024-05/Summary%205.7.8.24.pdf">https://sos.ga.gov/sites/default/files/2024-05/Summary%205.7.8.24.pdf</a> | 5/7/2024            | Letter of Instruction                       |
| 2022-109         | Certification of Incomplete & Erroneous Results                             | <a href="https://sos.ga.gov/sites/default/files/2024-05/Minutes%202.13.24.pdf">https://sos.ga.gov/sites/default/files/2024-05/Minutes%202.13.24.pdf</a>   | 2/13/2024           | Letter of Reprimand                         |
| 2022-043         | Election Night Reporting May 3, 2022 Issues                                 | <a href="https://sos.ga.gov/sites/default/files/2024-05/Minutes%202.13.24.pdf">https://sos.ga.gov/sites/default/files/2024-05/Minutes%202.13.24.pdf</a>   | 5/7/2024            | Letter of Instruction                       |
| 2021-181         | Data Review Errors with Risk Limiting Audit -Approved AG Report             | <a href="https://sos.ga.gov/sites/default/files/forms/Minutes%206.21.23.pdf">https://sos.ga.gov/sites/default/files/forms/Minutes%206.21.23.pdf</a>       | 6/21/2023           | Consent order issued by AG's office         |
| 2021-141         | Illegal Shredding   | <a href="https://sos.ga.gov/sites/default/files/forms/Minutes%206.20.23.pdf">https://sos.ga.gov/sites/default/files/forms/Minutes%206.20.23.pdf</a>       | 6/20/2023           | Refer to AG                                 |
| 2020-120         | Poll Watcher Issue  | <a href="https://sos.ga.gov/sites/default/files/forms/Minutes%206.21.23.pdf">https://sos.ga.gov/sites/default/files/forms/Minutes%206.21.23.pdf</a>       | 6/21/2023           | Refer to AG                                 |
| 2020-080         | Issues from August 11th, 2020, Runoff                                       | <a href="https://sos.ga.gov/sites/default/files/forms/Minutes%208.1.23.pdf">https://sos.ga.gov/sites/default/files/forms/Minutes%208.1.23.pdf</a>         | 8/1/2023            | Refer to AG                                 |
| 2020-016         | 250+ Complaints No AB Ballot June Primary                                   | Consent Order 10/12/2020  | 10/12/2020          | Consent Order & Monitor                     |
| 2020-027         | 160+ Complaints Polling Place Issues June Primary                           | Consent Order 10/12/2020  | 10/12/2020          | Consent Order & Monitor                     |

72. The BRE’s failures continued into the 2022 primary, and the SEB was once again compelled to reprimand the BRE for “failing to upload and tabulate results in their entirety...[a]s such, incomplete results were certified[.]” The Fulton County BRE was “instructed to refrain from further violations...and admonished to comply with all of the State Election Board rules and Georgia law relating to elections.” (The letter of reprimand is attached and incorporated hereto at Exhibit 7.)



73. The multiple reprimands issued against the BRE by the SEB highlight that the administrative irregularities at the heart of this action are anything but unusual or extraordinary.
74. At the SEB Meetings on May 7-8, 2024, there were discussions about appointing yet another monitor to oversee Fulton County's conduct of the 2024 general election.
75. The General Assembly has enacted a bipartisan oversight process for conducting elections, consisting of appointed members from both political parties having access to the Election Materials and Processes in real time during the conduct of the elections, to ensure that all statutory procedures are followed and that the election is conducted in accordance with the Georgia Election Code.
76. The duly appointed BRE members, acting as the election superintendent, should be both allowed and required to perform their statutory responsibilities.
77. Because of the repeated and ongoing refusal of the Election Director and the BRE Chairman to grant Plaintiff's request for access to the Election Materials and Processes, Plaintiff requests the Court resolve the legal issues attendant to Plaintiff's role as a member of the Fulton County BRE.
78. Specifically, based on her current lack of access to Election Materials and Processes, Plaintiff will be unable to fulfil her statutory duties to certify the accuracy of the May 21, 2024, Primary Election.
79. Plaintiff requires access to all elements of the Election Materials and Processes of the May 21, 2024, Primary Election in real time as the primary is being conducted as well as post Election but prior to certification.
80. The need for an expedited ruling is immediate.

- 81.** The need for an expedited ruling and the relief sought is not remediable by money.
- 82.** Failing to provide Plaintiff with the relief sought would cause irreparable harm and damage to not only the Plaintiff, but the citizen voters of Fulton County and the public at large.
- 83.** Plaintiff has shown a substantial likelihood of success on the merits.
- 84.** Ruling in Plaintiff’s favor is not violative of Georgia’s public policy. In fact, a ruling in Plaintiff’s favor is consistent with Georgia’s policy of building public trust and confidence in Georgia’s elections. This policy is particularly emphasized by the fact that the general assembly has enacted multiple laws to strengthen the integrity of Georgia’s elections during each of the last three legislative sessions.
- 85.** In addition to the frustration of her statutory role, Plaintiff, in her role as a BRE member, has been served with a notice from the DPG that her duties are ministerial only and a failure to automatically certify the May 21 election results may expose her a mandamus action or even criminal sanctions.<sup>15</sup>
- 86.** Plaintiff’s role as a BRE member is of paramount concern for the proper execution and supervision of Fulton County elections.
- 87.** For state and federal elections, the role of “superintendent” is assigned by law to a specific set of entities identified in the statute:
- a) a county board of elections;
  - b) a county board of elections and registration;
  - c) a joint city-county board of elections;

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<sup>15</sup> In light of *State v. Trump, et al.*, Fulton County Superior Court, 23-SC188947, the BRE members, including Plaintiff, face a credible threat of prosecution by the Fulton County District Attorney—who is presently running for reelection in Fulton County, as a Democrat, in the May 21, 2024, primary—in the performance of election related activities.

- d) a city-county board of elections and registration; or
- e) a temporary superintendent after the suspension of a superintendent by the State Board of Elections.<sup>16</sup>

Pursuant to the Authorization Act, the Legislature vested the BRE, not the Director, with the “powers and duties of the election superintendent of Fulton County relating to the conduct of elections.”

**88.** This Court’s decision and immediate action are necessary to ensure that the Plaintiff and other BRE members have the clear authority to exercise their statutory duties regarding the conduct of elections (free from any threat of mandamus or criminal action) and access to the vital Election Materials and Processes required to perform such duties and powers.

**89.** Accordingly, there are the following disputes and controversies between Plaintiff and the Defendants:

- a. Whether the BRE is the Fulton County election superintendent;
- b. What duties, if any, can be lawfully delegated to the Director;
- c. Whether the Director may deny BRE members access to Election Materials and Processes;
- d. Whether the certification of elections is a ministerial or discretionary function;
- e. If such delegation is authorized by law, did the BRE properly “delegate” to the Director its statutory duties as election superintendent through a valid process in adopting its Bylaws.

**90.** This Court’s decision will assure Plaintiff that executing the duties imposed by her oath will carry no sanctions, civil or criminal.

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<sup>16</sup> See O.C.G.A. § 21-2-2(35).

- 91.** If the Court agrees that the duties created by her oath are discretionary and nondelegable, Plaintiff seeks injunctive relief prohibiting the Election Director from denying Plaintiff access to the Election Materials and Processes, including but not limited to the information and ability to observe the primary election required to assist Plaintiff in her duties to:
- a. “inspect systematically and thoroughly the conduct of primaries and elections . . . to the end that primaries and elections may be honestly, efficiently, and uniformly conducted,” O.C.G.A. § 21-2-70(8);
  - b. “receive from poll officers the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to such authorities as may be prescribed by law,” O.C.G.A. § 21-2-70(9); and
  - c. “prevent any fraud, deceit, or abuse in carrying on the same [*i.e.*, elections][,]” O.C.G.A. § 21-2-70(15)(A).

## **COUNTS**

### **Count I Temporary and Permanent Injunctive Relief**

- 92.** Plaintiff repeats and re-alleges the allegations in the preceding paragraphs 1-91 as if set forth fully herein.
- 93.** Plaintiff is a duly appointed member of the BRE with statutorily vested powers and duties.
- 94.** The performance of these duties necessitates access to Election Materials and Processes to confirm the authenticity of election results.
- 95.** The BRE has illegally delegated responsibilities to the Defendant Director, who has refused and continues to refuse Plaintiff’s access to the Election Materials and Processes.
- 96.** In the absence of a temporary and permanent injunction, Plaintiff will remain divested of her statutorily assigned powers and duties.

- 97.** Plaintiff has attempted to remedy the divestment of her statutorily assigned powers and duties through discussions with the Director and through motions submitted to the BRE before and during meetings—all of which have failed to affirm the statutory roles respectively of the BRE and Director, or to ensure BRE member access to the Election Materials and Processes.
- 98.** The BRE’s legal counsel having been asked for an opinion as to the BRE’s authority to delegate its powers and duties, counsel failed to answer the question.
- 99.** The Election Materials and Processes Plaintiff sought for the March and May elections will continue to be at issue for all future elections and primaries held in Fulton County during her tenure as a member of the BRE.
- 100.** Plaintiff’s prayer for relief that this Court grant Plaintiff’s Temporary, Interlocutory, and Permanent injunction, thereby enjoining Defendants, jointly and severally, from inhibiting Plaintiff in the performance of her statutorily assigned powers and duties as a member of the BRE, is just and proper under the circumstances.
- 101.** Plaintiff’s prayer for relief in the form of a positive temporary, interlocutory, and permanent injunction against Defendants, jointly and severally, to require Defendants to provide the requisite access and information sought by Plaintiff in a thorough and timely manner in order for Plaintiff to perform her statutorily assigned powers and duties as a member of the BRE is just and proper under the circumstances.

*LEGAL STANDARD*

- 102.** To obtain a temporary restraining order or preliminary injunction, the movant must show:
- 1) The threat of irreparable harm to the moving party;

- 2) Whether the threatened injury outweighs the burden imposed on the party being enjoined;
- 3) Whether there is a substantial likelihood of prevailing on the merits; and
- 4) Whether granting the interlocutory injunction is not against the public interest.

*City of Waycross v. Pierce County Board of Commissioners*, 300 Ga. 109, 111 (2016).

- 103.** The purpose of a temporary restraining order is to “protect[] against irreparable harm and preserve[] the status quo until a meaningful decision on the merits can be made.” *Holmes v. Dominique*, No. 1:13-CV-04270-HLM, 2014 WL 12115947, at \*2 (N.D. Ga. May 5, 2014) (quoting *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1289, 1297 (11th Cir. 2005)).
- 104.** The duration of the temporary restraint cannot exceed 30 days, as the court fixes, “unless the party against whom the order is directed consents that it may be extended for a longer period.” O.C.G.A. § 9-11-65(b)(2). However, if the Court grants the temporary restraining order, “the motion for a preliminary injunction shall be set down for hearing at the earliest possible time....” *Id.*
- 105.** While the grant of a temporary restraining order is an extraordinary remedy that should not be granted unless the movant clearly carries its burden as to the four aforementioned elements, *Western Sky Financial, LLC v. State ex rel, Olens*, 300 Ga. 340, (2016), it is “designed to preserve the status quo pending a final adjudication of the case.” *Bijou Salon & Spa, LLC v. Kensington Enterprises, Inc.*, 283 Ga.App. 857, 860 (2007); *Poe & Brown of Georgia, Inc. v. Gill*, 268 Ga. 749, 750 (1997).
- 106.** Disputes as to officials’ duties and their ability to execute their responsibilities are appropriate matters for resolution by this Court. Injunctive relief has long been available in Georgia for such disputes. *See Patten v. Miller*, 8 S.E.2d 776 (Ga. 1940) (“The power

and duty of courts of equity to interfere by the exercise of their preventive jurisdiction to protect the possession of officers de facto is generally recognized.”); *Allen v. Wise*, 50 S.E.2d 69 (Ga. 1948); *Mulcay v. Murray*, 136 S.E.2d 129 (Ga. 1964) (“A court of equity may restrain one who seeks by force or intrusion to interfere with an incumbent's possession of office.”)

*Irreparable Harm*

- 107.** The Director’s continued denial of access to data prevents Plaintiff from being able to execute her statutorily imposed duties governing Fulton County elections. There are upcoming elections on May 21, 2024, and November 5, 2024 (as well as any special elections or runoff elections).
- 108.** Shortly after each of these aforementioned elections, the BRE will be called upon to certify the results. Votes taken without full and complete access to pertinent election data are incapable of being remedied. Plaintiff’s continued lack of access to the Election Materials and Processes constitute an ongoing, and irreparable harm.

*The Injury to Plaintiff and the Public At Large Outweighs the Burden*

- 109.** Plaintiff’s action seeks the resolution of essential matters which impose no burden on the BRE or the Director.
- 110.** The essential request of this Court is whether the BRE can legally divest itself of the statutory duties of election superintendent.
- 111.** As set out within this Complaint and Action, the Georgia General Assembly has established an oath for BRE members which charges them with the duty of ensuring elections are free from “fraud, deceit, or abuse.”

112. Plaintiff submits that Director's responsibilities are by definition limited to those aspects of the BRE's activities which can be labeled "ministerial" (*i.e.*, transporting voting machines, supervising full-time employees of the BRE, etc.), leaving with the BRE and its members all activity which can be described as "discretionary."
113. Resolution of this matter imposes no burden at all on the BRE, its members, or the Director.
114. Given the DPG's position that legal remedies up to and including criminal sanctions *may* apply to BRE members using their judgment in a discretionary manner rather than executing ministerial functions, the resolution of this issue is of paramount concern to Plaintiff and other similarly situated BRE members across the state of Georgia.
115. If BRE members are charged with discretionary duties that cannot be delegated to the Director, then it stands to reason that BRE members must have access to the Election Materials and Processes necessary to satisfy their duty to ensure elections are free from "fraud, deceit, or abuse."
116. It cannot logically flow that the BRE is capable of delegating to a Director the power to conduct the election with no oversight or access by the BRE, and then *deny* the BRE and its members access to the Election Materials and Processes under her control.
117. The Election Materials and Processes are first, last, and always the BRE's responsibility.
- Plaintiff has a substantial likelihood of success on the merits*
118. The instant case presents a discrete legal issue, and the Court's decision rests on the fundamental question as to whether the essential duties of the election superintendent must be exercised by the BRE.



- 119.** BRE members are part of the detailed and sophisticated elections regime established by the Georgia Legislature.
- 120.** As detailed above, “election superintendent” is a statutorily defined term, expressly incorporating BRE members. O.C.G.A. §§ 21-2-2(35)(A) & 21-2-70.
- 121.** Election superintendents are required to inspect elections to ensure they are run honestly and uniformly, and swear an oath to ““prevent any fraud, deceit, or abuse in” elections. O.C.G.A. §§ 21-2-70(8) & 21-2-70(15)(B).
- 122.** Election superintendents also have the responsibility to certify election results. O.C.G.A. § 21-2-70(9).
- 123.** If an election superintendent encounters irregularities in election results, the superintendent may recount a precinct’s votes and, if warranted, refer the facts of the irregularity to the local district attorney. O.C.G.A. § 21-2-493(b).
- 124.** Furthermore, if an election superintendent discovers any error or fraud the “superintendent shall compute and certify the votes justly regardless of any fraudulent and erroneous returns” and shall report the facts to the local district attorney. O.C.G.A. § 21-2-493(i).
- 125.** These duties are anything but “ministerial” in nature, and per the Authorization Act, these statutory duties have been conferred on the individual members of the BRE—including but not limited to the Plaintiff.
- 126.** When determining if an act is discretionary or ministerial Georgia courts look to “the character of the specific acts complained of, not the general nature of the job.” *Williams v. Pauley*, 768 S.E.2d 546, 549 (Ga. App. 2015) (citing *Davis v. Effingham County Board of Commissioners*, 760 S.E.2d 9 (Ga. 2014)).

127. Importantly, statutorily mandated tasks do not automatically convert a duty into a ministerial task. *See Williams*, 768 S.E.2d at 549; *Todd v. Brooks*, 665 S.E.2d 11 (Ga. 2008).
128. Just as clearly as the Legislature has tasked the BRE—as Fulton County’s election superintendent—with the task of managing elections, it has necessarily imposed *discretionary* duties on the BRE and its members.
129. As the Georgia Supreme Court has held, ministerial procedures are ones where the instructions must be “so clear, definite and certain as merely to require the execution of a relatively simple specific duty.” *Roper v. Greenway*, 751 S.E.2d 351, 353 (Ga. 2013) (citing *Effingham County v. Rhodes*, 705 S.E.2d 856 (Ga. 2010)).
130. While ministerial acts are simple, absolute and definite, discretionary acts call for “examining the facts, reaching reasoned conclusions, and acting on them in a way not specifically directed.” *Davis*, 760 S.E.2d at 14 (citing *Grammens v. Dollar*, 697 S.E.2d 775 (Ga. 2010)).
131. There is nothing “ministerial” at all about investigating election errors, calling for recounts, computing returns “justly regardless of fraudulent” returns, deciding if a referral to a district attorney is “warranted,” and ensuring honestly run elections—each of which is a task the the BRE members have sworn oaths to perform.
132. When executing these duties the Legislature is clearly expecting Plaintiff and other BRE members will be “examining the facts, reaching reasoned conclusions, and acting on them in a way not specifically directed.”
133. Furthermore, just these are *discretionary* they are also clearly imposed on BRE members, *not* the Director.

134. Accordingly, the Plaintiff has clearly established a substantial likelihood of success on the merits

*The Granting of Temporary, Interlocutory, and Permanent Injunctive Relief  
Favors the Public Interest*

135. With Plaintiff likely to succeed on the merits, it necessarily follows that the issuance of an injunction favors the public interest. This action speaks to the fundamental issue addressed by the Georgia Supreme Court in *Mulcay* when it held that courts of equity may rightfully adjudicate whether a party has sought to “interfere with an incumbent’s possession of office.” 136 S.E.2d at 134.

136. If the Court determines that there is a substantial likelihood of success on the merits, then it logically flows that the public interest—the ability of BRE members to execute their lawful duties—necessarily favors an injunction.

**Count II**  
**Declaratory Relief and Judgment**  
*Pursuant to O.C.G.A. § 9-4-1, et seq.*

137. Plaintiff repeats and re-alleges the allegations in Paragraphs 1-91 as if set forth fully herein.

138. Defendants have asserted that Plaintiff is not entitled to access to the Election Materials and Processes.

139. Defendants have asserted that the Director was properly established by the BRE.

140. Plaintiff asserts that the Director’s role is different from that of the election superintendent and that it is the BRE, not the Director, who is required by law to perform the duties of the superintendent.

- 141.** Plaintiff further asserts that the fulfillment of her oath as a BRE member involves discretionary judgment calls, not simply ministerial duties, and that to properly execute these duties she requires access to the Election Materials and Processes.
- 142.** There is a dispute and actual controversy as to the duties of BRE members and their rights to access Election Materials and Processes; Plaintiff seeks an order from this Court holding that BRE members are necessarily involved in discretionary judgment calls and entitled to all Election Materials and Processes under the control of the Defendants necessary to the execution of her duties as a BRE member.
- 143.** This Action for declaratory judgment pursuant to O.C.G.A. § 9-4-1, *et seq.*, for purposes of determining a question of actual controversy between Plaintiff and Defendants is ripe and public policy demands a judgment in Plaintiff's favor.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully asks that this Court enter judgment in its favor and provide the following relief:

- A. Declaratory relief asserting that the duties of the BRE members are discretionary, not ministerial, in nature;
- B. Declaratory relief asserting that BRE members are required to have full access to Election Materials and Processes presently under the control of the Director;
- C. Temporary, Interlocutory and Permanent Injunctive relief providing that the Defendants may not inhibit BRE members from gaining access to Election Materials and Processes now under the Control of the Director; and a Positive Injunction requiring Defendants, jointly and severally, to provide the aforementioned access in real time during and after the May 21, 2024, primary,

D. All other relief to which Plaintiff is entitled and that this Court deems just and proper under the circumstances.

Respectfully submitted this 22<sup>nd</sup> day of May, 2024.

/s/ Alex B. Kaufman

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/s/ Richard P. Lawson

Richard P. Lawson (*pro hac vice to be submitted*)  
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IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

JULIE ADAMS, in her official capacity as a )  
member of the Fulton County Board of )  
Elections and Registration, a/k/a Fulton County )  
Board of Registration and Elections, )

*Plaintiff,* )

v. )

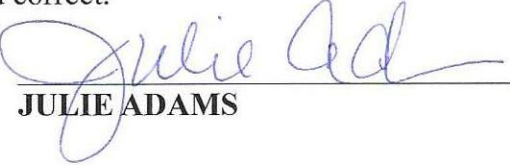
**Civil Action Number:**

FULTON COUNTY BOARD OF )  
ELECTIONS AND REGISTRATION, a/k/a )  
FULTON COUNTY BOARD OF )  
REGISTRATION AND ELECTIONS, and )  
NADINE WILLIAMS, in her official )  
capacity as Fulton County Elections Director, )


*Defendant.* )

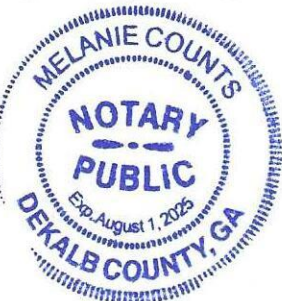
**VERIFICATION**

Personally appeared before the undersigned officer, duly authorized to administer oaths,  
JULIE ADAMS who, upon first being duly sworn on oath, deposes and states that to the best of  
her knowledge, information and belief, the responses contained within **PLAINTIFF JULIE**  
**ADAMS' VERIFIED COMPLAINT** are true and correct.

  
\_\_\_\_\_  
JULIE ADAMS

Sworn to and subscribed before me,  
this 20th day of May, 2014.

  
Notary Public  
My Commission Expires: 08/01/2025  
[NOTARY SEAL]



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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 1**

# BOARD OF REGISTRATION AND ELECTIONS FULTON COUNTY, GEORGIA

## Article I

### Purpose

These Bylaws are adopted by the Board of Registration and Elections of Fulton County, Georgia (the "Board"), to provide operational and ethical guidance to assist the Board and its members in the accomplishment of the following duties and responsibilities:

- To carry out the Board's obligations under state and local law;
- To select, support and periodically assess the performance of the executive director (the "Director") of the Department of Registration and Elections of Fulton County (the "Department");
- To provide financial oversight for the Department, and to advocate for resources sufficient to carry out the Department's obligations;
- To ensure that elections administered by the Department comply with applicable federal and state law and are worthy of the public's trust;
- To articulate the Department's goals and accomplishments to the public and to the elected bodies to which the Department answers so that the public and elected officials maintain confidence in elections administered by the Department.

## Article II

### Officers

Section 1. The officers of the Board shall be a chairperson and a vice chairperson.

Section 2. The chairperson shall be appointed in the manner prescribed by law and shall serve for a term as provided by such law until his/her successor is duly appointed and qualified. The chairperson:

- Shall convene and conduct all Board meetings, and shall call special Board meetings when necessary or advisable;
- Shall prepare and distribute the agenda for Board meetings;
- Shall work in partnership with the Director to ensure that Board policies and directives are carried out;
- Shall act as spokesperson for the Board consistent with Board policies and directives, and shall convey the Board's policies and directives to the Director;
- Shall coordinate an annual performance evaluation of the Director;
- May vote on any matter presented to the Board membership, but shall not be authorized to present a main motion at a meeting of the Board.



Section 3. The vice chairperson shall be elected annually by majority vote at the July Board meeting of each year, and shall serve for one year or until his or her successor is duly elected. Any member of the Board shall be eligible to serve as vice chairperson; provided, however, that only an appointee of one political party shall be entitled to succeed an appointee of the other political party who served during the prior calendar year as vice chairperson. The vice chairperson shall perform the duties of the chairperson of the Board in the event of the absence or disability of the chairperson.

Section 4. Vacancies in the office of the vice chairperson shall be filled by majority vote at any meeting of the Board at which a quorum is present and voting.

### Article III

#### Meetings

Section 1. Except as provided herein, the Board shall meet monthly on the second Thursday of each month at 11 a.m. Additionally, the Board shall meet at 6:30 p.m. on the days of elections conducted by the Department, to oversee election returns, and on a date and time following any such election and prior to the Secretary of State election certification deadline to certify the election results. The Board shall hold such other meetings as may be necessary upon the call of the chairperson, or by any two members of the Board, with proper notice given pursuant to O.C.G.A. § 50-14-1. The chairperson may change the date and time of any single meeting by prior electronic communication to members and in compliance with O.C.G.A. § 50-14-1.

Section 2. Notice of the time and place for each regular meeting of the Board shall be served in writing by electronic notification upon each member of the Board, at least 18 hours prior to the scheduled time. Such notice shall contain, so far as practicable, an agenda approved by the chairperson upon which are listed the various items of business to be discussed at such meeting and the issues to be voted upon. It is the responsibility of each member of the Board to file with the Director, and to update, his or her current electronic address as necessary.

Section 3. Special-called meetings may be scheduled by giving actual notice of the time, place and purpose of such meeting to each member of the Board by the Director, and shall additionally comply with applicable law for open meetings. Any and all notice to members of the special-called meeting must be transmitted electronically at least 24 hours in advance of such meeting. Attendance of any member at any special-called meeting shall of itself constitute waiver of notice and waiver of any and all objections to the time and place of the meeting and the manner in which it has been called or convened, except where a member attends a meeting solely for the purpose of stating, at the beginning of the meeting, any objection to the transaction of business.

Section 4. Each regular meeting, except for special meetings, election night and election certification meetings, shall provide time for public comment, during which citizens may voice voter registration and election-related requests, concerns, questions, and opinions to the Board. The total time for public comment shall not exceed one hour. Each speaker must fill out a speaker card and give it to the appropriate staff person prior to the commencement of the meeting. Speakers may speak no longer than two minutes and are required to refrain from abusive, profane or derogatory language. Speakers may be invited to speak during special meetings if a majority of

the members present and voting at the meeting vote in favor of extending public comment to one or more speakers under the same terms as during a regular meeting or under terms specific to the request for public comment at the special meeting.

Section 5. Three members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

Section 6. All actions of the Board shall require a vote of the majority of the members present and voting at any meeting.

Section 7. Meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised, which shall govern the Board in all cases to which such rules are applicable, and not inconsistent with these by-laws, the Constitution of the State of Georgia of 1983, the United States Constitution, general or special acts of the legislature or any other applicable law, which shall take precedence over such rules.

Section 8. The ability of this Board to discharge its duties and responsibilities depending on a sufficient number of members to constitute a quorum at its meetings, the Board reserves the right to seek the removal of any member whose nonattendance prevents a quorum at regular meetings.

Section 9. The Board shall designate a secretary of the Board, who may be an employee of the Department, to keep a journal of all decisions of the Board and minutes of its meetings. Such records, once approved by the Board, shall constitute the official records of Board decisions.

## Article IV

### Training

Each Board member is obligated, in cooperation with other members, to ensure that at least one member of the Board obtains the annual training required by state law codified at O.C.G.A. §21-2-100. In addition, each Board member is obligated to make his or her best efforts to obtain such training each year on an individual basis.

## Article V

### Political Activities

The Board and its members have the responsibility to administer all elections in which Fulton County voters cast ballots in an impartial and fair manner, and to avoid any appearance of conflict and/or impropriety. All Board members shall comply with the limitations of political activities set forth in O.C.G.A. Section 21-2-214(c), which prohibits their engagement in any political activity on behalf of a candidate, political party or body,

or question while conducting the duties of such person's office. As interpreted by the Board, this prohibits any Board member from being a declared or qualified candidate, or forming an exploratory committee for, any elected public office, or from serving while such member's parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, brother-in-law, or sister-in-law is a declared or qualified candidate for any office for which Fulton County voters will cast ballots. No Board member may serve in a visible leadership capacity or position in any campaign for any declared or qualified political candidate seeking election in a contested primary, general or special election to any public office for which Fulton County voters will cast ballots. Visible leadership positions include, but are not limited to, campaign officer positions, honorary campaign officer positions, campaign planning or steering committee positions, campaign finance committee positions, campaign fundraiser host or campaign representative soliciting financial support. No Board member shall publicly endorse any candidate for any elective office for which Fulton County voters will cast ballots. In addition, no Board member shall distribute campaign literature, wear badges, buttons or clothing with partisan messages, or engage in any communication that advocates or criticizes a particular candidate, officeholder, or political party or body while conducting the duties of such person's office. The chairperson of the Board shall not hold any office in a political party at any level of such political party, as prohibited by O.C.G.A. Section 21-2-

75. The Board does not interpret O.C.G.A. Section 21-2-214(c) to prohibit any Board member from voting in any primary or election or making financial contributions to candidates or political parties or attending, in an individual capacity, any political or campaign event, meeting, forum or function.

## Article VI

### Employees

Section 1. The Board hereby delegates the powers and duties of the superintendent and the board of registrars, as provided in O.C.G.A. § 21-2-70 and § 21-2-212, to the Director, pursuant to Sec. 14-42 of the Fulton County Code of Ordinances; provided, however, that the Board acknowledges its ultimate responsibility for the discharge of these powers and duties.

Section 2. The Director is hereby authorized, and has the duty, to direct and supervise the employees of the Department.

Section 3. No individual Board member is authorized to direct the work of the staff, or to discipline any staff member. In the absence of the Director or his or her designee, or in the absence of pertinent Board policy or directive, the Chairperson may exercise supervision only until the return of the Director or his or her designee or until the next Board meeting at which any policy or directive issue can be resolved.

Section 4. No employee of the Department shall take direction relating to the discharge of the duties and responsibilities of the Department except from the Director or his or her designee, and as provided above.

Article VII

Amendments

The Bylaws may be amended at any time by an affirmative vote of no fewer than three members of the Board at any regular or special meeting, provided that any such amendment shall have first been presented in writing to each member at least fifteen days prior to the meeting at which the amending vote is taken. These bylaws shall be amended at any time necessary to conform to applicable law.

Article VIII

Resolution of Conflicting Provisions

To the extent that any rule within these Bylaws conflicts with any applicable provision of state or county law, the Board acknowledges that such law supersedes any provision herein.

Amended and Adopted by the Fulton County Board of Registrations and Elections the 13th day of July 2023.

**Fulton County Board of Registration and Elections:**

\_\_\_\_\_  
Patrise Perkins-Hooker, Chairperson

\_\_\_\_\_  
Michael Heekin, Vice Chairperson

Members:

\_\_\_\_\_  
Aaron V. Johnson

\_\_\_\_\_  
Teresa K. Crawford

\_\_\_\_\_  
Vacant

Signed Hardcopy Filed  
With Board Secretary

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 2**

## Election Reconciliation - Board Member Julie Adams

Julie Adams <adams[REDACTED]>  
To: "Williams, Nadine" <Nadine.Williams[REDACTED]>  
Cc: patrise.perkins-hooker[REDACTED]

Thu, Mar 7, 2024 at 6:01 PM

Director Williams,

In an effort to have a smooth certification of our elections, I have studied election code, Election Assistance Commission (EAC) certification information and the SOS Poll Worker Training Manual. Through this I have found that with some information the Election Department already produces as part of the election operations it would be beneficial to be a second set of eyes to ensure that the elections results are true and correct before certifying. To reconcile our election results and the minimum that would be needed to accomplish this is the following:

- \* Qualified Voter List
- \* Voter Check-In List, AV and ED, by location
- \* Poll Open & Close Tapes (AV open & close status) and ED
- \* Ballot Recap Sheets
- \* Voted Ballot Removal Forms
- \* Drop Box Ballot Forms
- \* Provisional Ballot Recap Sheets
- \* Cast Vote Record List

It would be necessary to receive the Advanced Voting documents by end of day on Saturday March 9th and the Election Day results by midday Wednesday March 13th. This would give time for review.

This is a request that I am respectfully making, I appreciate your assistance.

Thank you,  
Julie Adams

PS - my ProtonMail account is reporting a server issue. If you know when I will have a county email, please let me know. Until I have been given access to the county email, please use this one to communicate. Thank you.

Julie Adams



# Election Reconciliation - Board Member Julie Adams

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Thu, Mar 7, 2024 at 6:01 PM

To: adams [REDACTED]



## Address not found

Your message wasn't delivered to **patrise.perkins-hooker** [REDACTED] because the domain [REDACTED] couldn't be found. Check for typos or unnecessary spaces and try again.

[LEARN MORE](#)

The response was:

DNS Error: DNS type 'mx' lookup of [REDACTED] responded with code NXDOMAIN Domain name not found: [REDACTED] For more information, go to <https://support.google.com/mail/?p=BadRcptDomain>

Final-Recipient: rfc822; [patrise.perkins-hooker](mailto:patrise.perkins-hooker@[REDACTED]) [REDACTED]

Action: failed

Status: 5.1.2

Diagnostic-Code: smtp; DNS Error: DNS type 'mx' lookup of [REDACTED] responded with code NXDOMAIN Domain name not found: [REDACTED] For more information, go to <https://support.google.com/mail/?p=BadRcptDomain>

Last-Attempt-Date: Thu, 07 Mar 2024 15:01:19 -0800 (PST)

## Election Reconciliation - Board Member Julie Adams

Williams, Nadine <Nadine.Williams@ [REDACTED]>

Thu, Mar 7, 2024 at 7:36 PM

To: Julie Adams <adams [REDACTED]>

Cc: "patrise.perkins-hooker [REDACTED]" <patrise.perkins-hooker [REDACTED]>, "Heekin, Michael"

<Michael.Heekin [REDACTED]>, "Bodison, Mariska" <Mariska.Bodison [REDACTED]>, Patrise Perkins-Hooker

<pperkins-hooker [REDACTED]>

Good evening Julie,

Please be advised that the majority of these documents are not readily available by the dates requested for a county of this size. I will discuss with Managers what is possible.

Be advised the following process takes place every post-election.

For the March 12<sup>th</sup> Election:

For the 36 Advance Voting and 4 Outreach locations - tabulation tapes will not run until the polls close at 7pm on Election Day March 12<sup>th</sup>. Poll Managers and Assistant Managers are scheduled to report back to work between March 12<sup>th</sup> to March 14<sup>th</sup> to verify tabulation tapes, reconcile recap sheets, etc.

For the 178 Election Day locations - the reconciliation team is scheduled to conduct reconciliation from March 13<sup>th</sup> to March 17<sup>th</sup>. To include sorting and reviewing documents, having Poll Managers report back to work for any unsigned or document discrepancies, etc. For many of the documents requested, the documents have to be pulled from binders, pulled from envelopes, sorted, etc.

For Provisional Voting: the deadline for provisional voters to cure their ballot and/or provide necessary documents or ID is 5pm on Friday, March 15<sup>th</sup>. Therefore this process is not completed until late Friday or possibly the following weekend.

Voting Equipment and Supply Pickup: Advance Voting pickup for some locations is scheduled for Saturday March 9<sup>th</sup>. Voting equipment and supply pickup from the 178 Election Day locations is scheduled from March 13<sup>th</sup> to March 16<sup>th</sup>. These pickups can possibly include any misplaced documents by the Poll Manager identified during reconciliation.

Although review of these documents is not required for certification, reconciliation is diligently conducted and completed post-election before certification. We welcome all members of the Board of Registration & Elections to come and observe this process. For board members in need of review of these documents prior to certification, we can provide them consistently by the morning of Monday Certification. I would recommend that the Board decide to schedule a document review to start early Monday and schedule certification by 4pm to make the 5pm deadline.

I will meet with Manager's tomorrow and follow up. I hope this email provides some clarity of this process.



## Election Reconciliation - Board Member Julie Adams

---

Patrise Perkins-Hooker <pperkins-hooker@██████████>

Thu, Mar 7, 2024 at 9:53 PM

To: "Williams, Nadine" <Nadine.Williams@██████████>, Julie Adams <adams@██████████>

Cc: "patrise.perkins-hooker@██████████" <patrise.perkins-hooker@██████████>, "Heekin, Michael"

<Michael.Heekin@██████████>, "Bodison, Mariska" <Mariska.Bodison@██████████>, "Crawford, Teresa"

<Teresa.Crawford@██████████>, "aaronvjohanson@██████████" <aaronvjohanson@██████████>

Nadine,

Please take no action on this request until the board approves making any changes in our existing certification process. One board member cannot propose any modifications without approval of 4 of the 7 members of the board. Julie, please make a proposal for submission to the BRE for a formal vote.

There isn't a problem with the current information or certification process to warrant a major change and additional burdens placed on our small staff.

Patrise Perkins-Hooker

Administrative Partner

[pperkins-hooker@██████████](mailto:pperkins-hooker@██████████)

## Election Reconciliation - Board Member Julie Adams

---

Patrise Perkins-Hooker <pperkins-hooker [REDACTED]> Fri, Mar 8, 2024 at 5:14 AM  
To: "Williams, Nadine" <Nadine.Williams [REDACTED]>, Julie Adams <adams [REDACTED]>  
Cc: "patrise.perkins-hooker [REDACTED]" <patrise.perkins-hooke [REDACTED]>, "Heekin, Michael" <Michael.Heekin [REDACTED]>, "Bodison, Mariska" <Mariska.Bodison [REDACTED]>, "Crawford, Teresa" <Teresa.Crawford [REDACTED]>, "aaronvjohnson [REDACTED]" <aaronvjohnson [REDACTED]>

I need to correct the information in my email from last night. The vote to approve changes is 3 out of 5 members, not 4 out of 7.

Patrise Perkins-Hooker

Administrative Partner

[pperkins-hooker \[REDACTED\]](mailto:pperkins-hooker [REDACTED])

# Election Reconciliation - Board Member Julie Adams

---

**Julie Adams** <adams[REDACTED]>

Fri, Mar 8, 2024 at 9:09 AM

To: Patrise Perkins-Hooker <pperkins-hooker[REDACTED]>

This was not in any way a request to change the certification process, this was a request of documents that are publicly available, by a board member.

Julie Adams

---

## Election Reconciliation - Board Member Julie Adams

---

**Patrise Perkins-Hooker** <pperkins-hooker[REDACTED]>  
To: Julie Adams <adams[REDACTED]>

Fri, Mar 8, 2024 at 9:21 AM

There will be no changes to the way we operate for certification purposes. You will have access to the information in our normal process on the date that we meet to certify the elections. After you go through your first certification, you are free to propose modifications.

Sent from my Verizon, Samsung Galaxy smartphone  
[Get Outlook for Android](#)

---

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

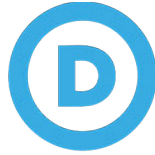
FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 3**



# GEORGIA DEMOCRATS

**Matthew M. Weiss**  
d: (404) 523-6988  
mweiss@phrd.com

March 29, 2024

**VIA ELECTRONIC MAIL & U.S. MAIL**

Fulton County Board of Registration and Elections  
Chairperson Patrise Perkins-Hooker ([Patrise.Perkins-Hooker@fultoncountyga.gov](mailto:Patrise.Perkins-Hooker@fultoncountyga.gov))  
Vice Chairperson Michael Heekin ([Michael.Heekin@fultoncountyga.gov](mailto:Michael.Heekin@fultoncountyga.gov))  
Mr. Aaron V. Johnson ([Aaron.Johnson@fultoncountyga.gov](mailto:Aaron.Johnson@fultoncountyga.gov))  
Mrs. Teresa K. Crawford ([Teresa.Crawford@fultoncountyga.gov](mailto:Teresa.Crawford@fultoncountyga.gov))  
Ms. Julie Adams ([Julie.Adams@fultoncountyga.gov](mailto:Julie.Adams@fultoncountyga.gov))  
Fulton County Government Center  
130 Peachtree ST., Ste 2186  
Atlanta, GA 30303

RE: Board of Elections Members' Denial of Certification of 2024 Presidential Preference Primary

Members of the Fulton County Board of Registration and Elections:

My name is Matthew Weiss and I am the Deputy General Counsel for the Democratic Party of Georgia ("DPG"). I am writing on behalf of the DPG to raise concerns about the votes by Michael Heekin and Julie Adams, members of the Fulton County Board of Registration and Elections (the "Board of Elections"), on March 18, 2024, against certifying the results of the presidential preference primary held in Fulton County, Georgia on March 12, 2024 (the "2024 Georgia Presidential Primary").

Heekin and Adams' votes against certification of the 2024 Georgia Presidential Primary were improper regardless of any purported justification given. The Georgia Election Code is clear that certification of election results is a ministerial task performed by members of the Board of Elections and is not subject to their discretion.

The Code provides that each superintendent, which is the Board of Elections in Fulton County, see O.C.G.A. § 21-2-2(35)(A), "*shall . . . receive from poll officers the returns of all primaries and elections, . . . canvass and compute the same, and . . . certify the results thereof to such authorities as may be prescribed by law.*" O.C.G.A. § 21-2-70(9) (emphasis added). The use of the word "shall" in this section with respect to the duties imposed on the Board of Elections "indicates the imposition by the General Assembly . . . of a mandatory duty to perform certain enumerated functions." See 1978 Ga. Op. Att'y Gen. No. U78-44.

"Upon the completion of such computation and canvassing, the superintendent *shall tabulate the figures for the entire county or municipality and sign, announce, and attest the same.*" O.C.G.A. § 21-2-493(a) (emphasis added). "The consolidated returns *shall then be certified by the*

*superintendent* in the manner required by this chapter. Such returns *shall be certified by the superintendent* not later than 5:00 P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.” *Id.* at § 21-2-493(k) (emphasis added).

Each of the above-referenced statutory provisions establish, beyond a shadow of a doubt, that “[p]ursuant to the Georgia Election Code, the [Board of Elections] is responsible for certifying the returns of elections.” 1985 Ga. Op. Att’y Gen. No. 85-18. Moreover, in the event of non-compliance by members of the Board of Elections with their statutory duties “an action for mandamus by the county governing authority may lie to require performance.” See 1978 Ga. Op. Att’y Gen. No. U78-44. Ultimately, if a member of the Board of Elections either “willfully neglects” or “refuses to perform” their statutory obligations, they “shall be guilty of a misdemeanor.” O.C.G.A. § 21-2-596.

Bearing these legal considerations in mind, the DPG implores all members of the Board of Elections to approve certification of Fulton County’s election results going forward, and in particular for the remaining elections that will be held in 2024, to avoid unnecessary legal challenges and disputes.

As always, the DPG looks forward to continuing to work with the Board of Elections to ensure a fair and transparent election process in 2024.

Sincerely Yours,



Matthew M. Weiss

MMW

cc: Kevin Olasanoye, Executive Director, Democratic Party of Georgia  
([kevin@georgiademocrat.org](mailto:kevin@georgiademocrat.org))  
Sachin Varghese, General Counsel, Democratic Party of Georgia  
([varghese@bmelaw.com](mailto:varghese@bmelaw.com))  
Y. Soo Jo, County Attorney, Fulton County, Georgia ([soo.jo@fultoncountygga.gov](mailto:soo.jo@fultoncountygga.gov))  
Ann Brumbaugh, Attorney, Fulton County Board of Elections  
([ann.brumbaugh@fultoncountygga.gov](mailto:ann.brumbaugh@fultoncountygga.gov))

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 4**



**From:** "Williams, Nadine" <Nadine.Williams [REDACTED]>  
**Date:** April 17, 2024 at 9:55:21 AM EDT  
**To:** Julie Adams <adams [REDACTED]>  
**Cc:** Patrise Perkins-Hooker <pperkins-hooker [REDACTED]>, Michael Heekin <wmheekin [REDACTED]>, "Teresa K. Crawford" <tcrawford [REDACTED]>, aaronvjohson [REDACTED] "Eskridge, Patrick" <Patrick.Eskridge [REDACTED]>, "Bodison, Mariska" <Mariska.Bodison [REDACTED]>, "Ann S. Brumbaugh" <ab [REDACTED]>  
**Subject:** Response to March 12th PPP Document Review & Decline to Certification

Good morning Julie,

Attached please find the response to your document received on April 11, 2024.

Thank you,

Nadine Williams

Director, MBA

Department of Registration & Elections

404-612-7030

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# INTEROFFICE MEMORANDUM



TO: Julie Adams, Board Member, Fulton County Registration & Elections

FROM: Nadine Williams, Director, Fulton County Registration & Elections <sup>NW</sup>

CC: Fulton County Board of Registration & Elections

RE: Response to Julie Adams – Document Review & Decline to Certification of the March 12<sup>th</sup> Presidential Preference Primary

DATE: April 17, 2024

---

Thank you for sharing your concerns regarding the documents that you did not receive prior to certification of the election at our last BRE meeting. A copy of your list is attached. Below is a detailed response to each of your comments:

- Poll Tapes:** The Fulton County Board of Registration & Elections (BRE) agreed upon the documents to be provided to the BRE. These documents were to be the same documents Post-Election Record Retention Documents provided to the Secretary of State, contemporaneously with the transmission to the Secretary of State by its due date (*See list attached*). Poll tapes are not included on the SOS list. Poll tapes are generated on the night of an election, and they are maintained by the DRE but not transmitted to the SOS due to the volume of these documents. Please note that the absence of these specific documents does not invalidate the entirety of the election process. You are welcome to come and look at the Poll tapes at the Elections Hub, but the BRE did not vote to send you these documents if they were not a part of the SOS transmittal package. You may request them through the Open Records Act process and pay for the fees associated with reproducing these tapes.
- Recap Sheets:** The Excel format received approval from the Secretary of State (SOS) years ago to streamline the document completion process. Advance Voting managers complete the spreadsheet daily as they would with a hand-written form. The Excel format allows Advance Voting Managers to correct errors seamlessly compared to rewriting the entire 3-part carbon hand-written form if they made an error. These documents undergo rigorous validation processes to ensure their accuracy and compliance with legal requirements. Your comment insinuates that these forms were doctored which leads to misinformation and distrust in the electoral process.
- Recap Sheets:** Like my response to point #2 above, the Recap sheets provided are legitimate and meet the standards set forth by the SOS. Again, your comment insinuates that these forms were doctored which leads to misinformation and distrust in the electoral process.
- Recap Sheet Signature:** Allegations of signature fraud or manipulation are unfounded and you should verify such allegations before you as a board member consider the same as a valid concern. This comment leads to misinformation and unfounded distrust in the electoral process. Regarding the missing signature on one form out of

hundreds, we will speak with the Poll Staff assigned to this precinct regarding proper form completion. This missing signature does not impact the election results from this precinct.

5. **Electors List:** The Fulton County Board of Registration & Elections (BRE) agreed upon the documents to be provided to the BRE. These documents were to be the same documents Post-Election Record Retention Documents provided to the Secretary of State, contemporaneously with the transmission to the Secretary of State by its due date. Please note that the absence of these specific documents does not invalidate the entirety of the election process. You may request them through the Open Records Act process and pay for the fees associated with reproducing this list.

In summary, the Fulton County Department of Registration & Elections refutes the allegations in your summary. The documents required for certification were provided as per the requirements outlined by the Secretary of State and consistent with the process used by every Metro County except Cobb County which serves as the Superintendent of the Elections. The Advance Voting scanners were checked in the warehouse, and representations by one observer that he or she did not see this, does not mean that it did not happen. Furthermore, responding to these types of inquiries consumes a lot of staff time, which given the limited number of DRE staff, creates a significant impact on our normal operations.

While everyone is entitled to their own perspective, as a member of the BRE, it is essential to approach these concerns with a balanced perspective and rely on verified information.

From our prospective, the Fulton County Department of Registration & Elections and the Fulton County Board of Registration & Elections are to represent Fulton County as one cohesive unit, committed to the electoral processes, remaining transparent, fair, and accountable to all the voters we serve. Baseless allegations work against and divide this unit and work against all the voters we serve.



## POST-ELECTION RECORDS RETENTION

TO: Secretary of State's Office

### Original Copies Only

- Consolidated Return Sheets/Certification of Returns
- Official and Complete Summary Report
- Ballot Recap Sheet
- Poll Pad Recap Sheet
- Provisional Ballot Recap Sheet
- Absentee Ballot Recap Sheet
- Touchscreen Recap Sheets (Advance Voting & Election Day)
- Scanner Recap Sheets (Advance Voting & Election Day)
- Voter Equipment Exception Form (if applicable)
- Statement of Votes Cast
- ONLY supplemental number list of voters
- Provisional numbered list of voters
- Provisional Ballot Affidavits (Out of Precinct)
- Poll worker training certificate
- RED** bag for CES (Place security envelope with the USB drive of official results in **RED** bag)

The items listed are enclosed in the gray bag.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 5**



**BEFORE THE STATE ELECTION BOARD  
STATE OF GEORGIA**

In the matter of:

**FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS  
and RICHARD BARRON, in his official  
capacity**

Respondents.

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**SEB Cases 2020-016  
and 2020-027  
Fulton County**

**CONSENT ORDER**

The State Election Board and Respondents Fulton County Board of Registration and Elections and Elections Director Richard Barron (collectively, “Respondents” or “BRE”), hereby enter into the following Consent Order for use in SEB Cases 2020-016 and 2020-027 before the State Election Board in lieu of an evidentiary hearing.

**FINDINGS OF FACT and CONCLUSIONS OF LAW**

The findings of fact and conclusions of law set forth in the following Paragraphs 1 through 9 have been asserted against Respondents. The SEB and the Respondents agree that there is no evidence of any willful misconduct but desire that the above-captioned cases be resolved in their entirety in order to avoid further litigation. Respondents and the SEB acknowledge that there is evidence of a *prima facie* case supporting the following assertions and enter into this negotiated Consent Order to resolve the issues that arose leading up to and including the June 9, 2020 general primary.

**INTRODUCTION**

The primary election in Georgia, originally scheduled for March 24, 2020 and eventually held on June 9, 2020, was monumentally challenging for election officials throughout the State of Georgia. The combination of an unexpected pandemic and the fear of the unknown health

dangers the pandemic posed, the substantial increase in the number of voters (including the explosive growth in the number of absentee by mail voters), implementing new voting machines at the early voting and election day polling locations, and the number of contested races on the ballot – all of these converging factors led to hurdles that had never before been envisioned or encountered by election officials. These challenges occurred throughout the State of Georgia, in fact, throughout the country. Not a single county in Georgia was untouched by the pandemic and its consequences. However, the majority of complaints and issues arose from Fulton County.

Fulton County's June 9 primary election was beset with problems. Historically long lines were experienced at polling sites. The voting machines were operated by poll workers who were not adequately trained. Poll workers who were scheduled to work on election day (and who were trained) did not report for duty because of the fear of the danger posed by the pandemic. Some supplies and forms that were needed at polling locations were not delivered and in other cases, supplies were delivered, but newly recruited poll workers failed to find them.

The absentee ballot process was besieged with obstacles. Prior to the pandemic the Fulton County Department of Registration and Elections ("DRE") had anticipated that there would be approximately 1,000 absentee ballots, based on prior election data, for the primary. In actuality, 144,000 absentee ballots were requested by voters in Fulton County. The DRE office was particularly hard hit by the pandemic. The Chief Registrar was hospitalized with COVID-19 and another employee passed away. This led to chaos in the absentee ballot process (voters could send emails, or letters, or faxes to request an absentee ballot) and the inability to record every single ballot request without mistakes. An unknown number of people who requested absentee ballots never received a ballot.

Through it all, however, the staff of the Secretary of State and the DRE and its staff worked tirelessly (and at personal risk) in an effort to overcome these unpredicted obstacles and to make sure that every person in Fulton County voted who wanted to vote and that the process functioned as well as possible. In some ways, Fulton County achieved remarkable success. In some ways it did not.

Ultimately, despite the best efforts of the state and the county, there were violations of the election code. While neither the State Election Board nor the Secretary of State's office believes these violations were the result of malicious intent, the fact remains there were violations that resulted in voters not receiving an absentee ballot and there were violations that resulted in voters not being able to vote. Countless voters experienced unacceptably long lines at voting locations.

The State Elections Board filed three separate notices of violations that occasioned hearings on August 27, 2020, September 3, 2020 and September 10, 2020.<sup>1</sup> Following those SEB hearings, referrals were made to the Attorney General's office to further investigate some of the matters.<sup>2</sup> Immediately thereafter, Respondents' counsel and representatives from the Attorney General's office and the Secretary of State's Office met to resolve these issues. The goal was to reach a Consent Order that had one set of paramount goals: improve the process for the November 3, 2020 election as well as the absentee ballot and early voting process; anticipate the problems that will inevitably arise; plan to solve those troubles; and enhance the ability of the SEB and the State Election staff, BRE, and DRE staff to work together to achieve an election in November that is the envy of the rest of the country. This Consent Order has been reached with that multi-faceted goal in mind.

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<sup>1</sup> The three notices of violations are attached as Exhibits A1, A2, and A3.

<sup>2</sup> The SEB found probable cause to refer violations to the Attorney General for further investigation. The specific violations that were the subject of the referral are listed in Exhibit B.



**SEB Case 2020-016**

1.

The Secretary of State's office received more than 250 complaints from Fulton County electors that they requested absentee ballots for the June 9, 2020 general primary, but did not receive them. An investigation by the Secretary of State showed that of the approximately 254 complainants, 105 did not have their request entered into the Election Net ("ENET") system to generate the absentee ballot.

2.

The investigation further revealed that at least 107 of the 254 complainants who did not receive their absentee ballot did not otherwise vote in the election. However, because Respondents did not retain paper copies of the applications, there is no log or audit to verify the applications received by Respondents compared to what was entered into ENET. Therefore, the number of electors that were affected is unknown.

3.

Based upon the foregoing, there is sufficient evidence to show that there were violations of O.C.G.A. § 21-2-384(2) based on the failure to properly process absentee ballot applications received via mail and email or properly enter the requests into the ENET system.

**SEB Case 2020-027**

4.

The Georgia Secretary of State received over 160 complaints regarding election-day issues in reference to the June 09, 2020, general primary in Fulton County. These complaints alleged that Respondents (a) failed to timely open polling locations; (b) failed to provide voting equipment accessible to individuals with disabilities; (c) failed to provide the necessary forms to

polling locations; (d) failed to adequately train poll workers; and (e) failed to provide sufficient equipment to polling locations. An investigation into these complaints by the Secretary of State's office showed sufficient evidence of the following violations of the Elections Code.

5.

There is sufficient evidence to show that at least 12 polling locations were not open and available for voting by 7:00 a.m. on June 9, 2020. Respondents' failure to ensure that polling locations were opened on time violates O.C.G.A. § 21-2-403.

6.

There is sufficient evidence to show that at least two polling locations were not equipped with at least one electronic ballot marking device accessible to individuals with disabilities. Respondents' failure to adequately provide this equipment violates O.C.G.A. §§ 21-2-379.21.

7.

There is sufficient evidence to show that Respondents failed to provide the necessary election-day forms to a majority of polling locations within Fulton County. None of these polling locations were provided with Recap Sheets, leaving poll officers unable to complete the Recap Sheets at the polling locations. There were also reports of polling locations receiving insufficient Numbered List forms, and inner and outer provisional ballot envelopes. Respondents' failure to provide necessary forms violates O.C.G.A. §§ 21-2-401 and State Election Board Rule 183-1-12-6b.

8.

There is sufficient evidence to show that Respondents failure to provide adequately trained poll managers and workers about election procedures. Based upon complainant statements and interviews with poll managers, Respondents did not provide adequate instruction to poll officers and workers in the operation of the new voting equipment, basic trouble-shooting,

set up of the equipment, proper power supply set up, and completion of new forms and closing procedures. Respondents' failure to provide adequate instruction of poll officers and workers violates O.C.G.A. § 21-2-99(a). As explained in the Introduction, the problem with educating poll workers was largely caused by the pandemic, reflecting the unexpected inability to conduct in-person training with the new equipment, coupled with the unexpected exodus of scores of poll workers who were fearful of the dangers of appearing at crowded polling locations.

9.

There is sufficient evidence to show that two precincts (Hapeville and Fairburn) did not receive the correct voting equipment on June 9, 2020, which caused substantial delay at those precincts. Respondents' failure to provide sufficient equipment to polling locations violates O.C.G.A. § 21-2-267 and State Election Board Rules 183-1-12-.09(2) and 183-1-12.11(c).

#### **ORDER**

10.

This Consent Order addresses and resolves all matters regarding Respondent in connection with SEB Cases 2020-016 and 2020-027.

11.

The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondents cease and desist from further violations of the Election Code. If the remedies that are encompassed in this Consent Order in Paragraphs 12(A) – (F), are implemented, there will be no reprimand issued by the State Election Board.

12.

The State Election Board further ORDERS the Respondents pay a civil penalty of \$50,000, subject to the following: The State Election Board agrees to waive the civil penalty if

Respondents fully implement the following remedial measures for the November 3, 2020, general election (“Election Day”):

**(A) Absentee Ballot Procedures.**

1. Respondents agree to put in place sufficient resources and procedures with the goal of accurately processing all absentee ballot applications by the close of the next business day after the application is received. “Processing” the application means that the application is entered into ENET, the signature on the application is checked against other signatures on file, the application is accepted or rejected as appropriate (and such acceptance or rejection is entered into ENET), and, if accepted, the ballot (or provisional ballot if appropriate) is issued to the voter at the requested address. Personnel shall also be sufficiently trained in how to cancel absentee ballot requests in ENET and in the importance of entering those cancellations immediately upon receipt.
2. Respondents agree to put in place sufficient resources and procedures to accurately process all returned absentee ballots by the close of business on the next business day after the ballot is received (but no later than 3:00 p.m. on the day after Election Day). “Processing” absentee ballots means the signature on back of the ballot is compared to the signature on the absentee ballot application or other signature on file, the ballot is entered into ENET as accepted or rejected as appropriate, and any required cure notification is sent to the voter if needed. All personnel processing absentee ballots shall be properly trained on how to reject absentee ballots that come in when the

absentee ballot request has been cancelled (i.e. when the voter has voted in person).

3. Respondents agree to put in place sufficient resources and procedures to fully utilize State Election Board Emergency Rule 183-1-14-0.9-.15 Processing Absentee Ballots Prior to Election Day so that all accepted absentee ballots can be scanned by the day after Election Day.
4. Respondents agree to put in place sufficient resources and procedures to fully utilize State Election Board Emergency Rule 183-1-14-0.8-.14 Secure Absentee Ballot Drop Boxes. Respondents agree to arrange for the collection of ballots from drop boxes at least once every 24 hours and to ensure that all drop boxes are properly closed, emptied, and secured at 7:00 p.m. on Election Day. Respondents further agree to process, as described in paragraph (b) all absentee ballots received from drop boxes by the close of business on the next business day after the ballot is received by the elections office.

**(B) Poll Workers and Poll Worker Training.**

1. Respondents agree to have an available force of at least 2,200 poll officers, along with a sufficient pool of alternate, trained poll officers to fill unexpected absences.
2. Respondents agree to put in place sufficient resources and procedures to adequately train all poll officers and alternates. Such sufficient resources and procedures shall include, but not be limited to:
  - a. Certification for each poll officer and alternate that they completed training.

- b. Dedicated Poll Pad training, including proper steps to be taken when somebody who has requested an absentee ballot shows up to vote in person.
  - c. Dedicated training on proper setup, opening, shutdown, and ballot transfer procedures.
  - d. Dedicated training on all backup procedures (i.e. backup paper pollbooks, backup procedures for pulling up correct ballot on BMD, use of emergency paper ballots, and emergency bin in scanner) to ensure that voting does not stop during voting hours.
3. Respondents agree to provide the State Election Board with weekly updates on total poll officers and alternates, training, and allocation plan of poll officers to polling places, including contingency plan for alternate poll officers for the November election, as well as any runoff election in this election cycle.
  4. Respondents agree to put in place a plan to provide for emergency allocation of poll officers on Election Day should they experience attrition or no shows.
- (C) Advance Voting Locations.** Respondents agree to provide at least 24 fully-staffed advanced in-person voting locations. Respondents further agree to enter the fact that the voter has voted early into ENET at the time that the voter votes.
- (D) Election Day Logistics and Polling Locations.**
1. Respondents agree to provide no fewer than 255 polling locations on November 3.

2. For any polling location that was not previously inspected by the Secretary of State's vendor, Respondents agree to conduct an inspection for infrastructure, accessibility, and security.
3. Respondents agree to provide their plan for Election Day distribution of election equipment (*i.e.*, pollbooks, BMDs, polling place scanners) and poll officers to the Secretary of State's office no later than October 2, 2020.
4. Respondents agree to provide extra equipment and personnel to Election Day polling locations as identified by the Secretary of State's office after plugging Respondent's plan into the MIT Election Data Lab allocation tool.
5. Respondents agree to put in place sufficient resources and procedures (including quality control procedures) to ensure that each polling place has a sufficient amount of emergency/provisional paper ballots (at least 10% of active voters assigned to the polling place), paper backup pollbooks, and all required forms.
6. Respondents agree to staff each polling location with a dedicated staffer who is designated and properly trained as a deputy registrar. Such deputy registrar shall have access to ENET at the polling location and shall be dedicated to determining whether a voter's absentee ballot has been accepted if that voter show up in person, and if the absentee ballot has not been accepted, cancelling the absentee ballot request in ENET before allowing the voter to vote in person.
7. Respondents agree to put in place sufficient resources and procedures to implement a communications plan that allows effective and timely communication from poll officers and technical support personnel at polling

locations to the county elections office and for effective and timely response, including a plan to provide additional equipment or personnel to a polling place in a timely manner.

8. Respondents agree to put in place sufficient resources and procedures to ensure effective line management at all polling locations, with the goal of processing 100 voters per hour at each voting location.

**(E) Technical Support.** Respondents agree to have a dedicated technical support person located in every polling location on Election Day. Such person shall have completed technical support training provided by Dominion and such additional training as deemed necessary by Respondent.

**(F) Audit Preparation.** Respondents agree to put in place sufficient resources and procedures to prepare for and complete a post-election audit, including proper ballot handling, ballot storage procedures, and preparation of a ballot manifest as specified by the Secretary of State's office.

13.

Respondents agree that the State Election Board may appoint an independent monitor who shall monitor progress and compliance with this Order. Respondents agree to fully cooperate with and give all required access to monitor. The monitor shall submit written reports to the State Election Board every seven (7) days from the Effective Date of this Consent Order, providing the status of the implementation of the measures detailed in Paragraph 12 above. The monitor shall be in place through certification of the January 5, 2021 runoff election. The monitor shall be compensated by Respondents for appropriate time spent gathering information and preparing reports at a reasonable hourly rate to be agreed to by Respondents, State Election Board, and monitor.



- (A) The monitor who is appointed has no supervisory authority with respect to any employee of the DRE. The monitor is only authorized to report progress on the remedial measures to the SEB and is required to provide prior notification to respondents of any report to the SEB that includes any notice of non-compliance. The monitor is not authorized to direct any person in Fulton County to perform some duty, or to refrain from performing some duty. The monitor's responsibility is limited to issuing a report to the SEB on a weekly basis between now and the conclusion of this election cycle in January, 2021.
- (B) If the monitor provides notice of any non-compliance, this will *not* serve as prima facie evidence of non-compliance and respondents will be provided an opportunity to respond and to correct any alleged deficiency.
- (C) It is the intent of the parties in agreeing to the appointment of a monitor, that the monitor will assist Fulton County in the reporting about the remedial measures. The monitor will not only assist Fulton County reporting the progress relating to these remedial measures but will *also* alert the SEB and the state elections office to measures that the state can implement to effectuate these remedial measures and to assure the optimum election procedures that are possible.

14.

Respondents have been provided with a copy of this Consent Order and have acknowledged that they understand the contents. Respondents understand that they have a right to a hearing in this matter. Respondents knowingly and voluntarily waive such right to a hearing, as well as any other rights under the Georgia Administrative Procedure Act pertaining to notice and hearing for contested cases, by entering into this Consent Order.

15.

This Consent Order is entered in settlement of disputed matters, and the Consent Order entered herein is not to be construed as an admission of guilt or liability on the part of Respondents but is entered herein to resolve the referenced State Election Board cases. This Consent Order is a civil settlement and has no criminal ramifications.

16.

This Consent Order shall not become effective unless and until approved by the State Election Board. If not approved by and executed on behalf of the State Election Board, neither the stipulations nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the State Election Board or Respondents to adjudicate this matter.

17.

In the event of any conflict with any Performance Enhancement Plan (PEP) proposed by the Secretary of State's office, compliance with this Consent Order shall be deemed to be compliance with the PEP.

18.

In the event of force majeure outside Respondents' control, the State Election Board agrees that it will not assess the proposed civil penalty even if the remediations in this Consent Order are not fully remediated by the November 3, 2020 as long as Respondents exercise their best efforts to remain as compliant as possible with this Consent Order. For purposes of this paragraph, the COVID-19 pandemic, significant increase in voter turnout, and significant increase in absentee ballots shall not be considered a force majeure.

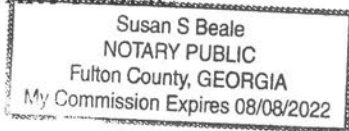
This \_\_\_\_\_ day of \_\_\_\_\_, 2020.

FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS

BY: Mary Carole Cooney  
MARY CAROLE COONEY  
CHAIRPERSON

Sworn to and subscribed  
before me this 12<sup>th</sup> day  
of October, 2020.

Susan S. Beale  
NOTARY PUBLIC



\_\_\_\_\_  
RICHARD BARRON  
ELECTIONS DIRECTOR

Sworn to and subscribed  
before me this \_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC

Approved by the State Election Board this \_\_\_ day of \_\_\_\_\_, 2020.

STATE ELECTION BOARD

BY: \_\_\_\_\_  
BRAD RAFFENSPERGER  
CHAIRPERSON

Consented to:

FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS

BY: \_\_\_\_\_  
MARY CAROLE COONEY  
CHAIRPERSON

Sworn to and subscribed  
before me this \_\_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC



\_\_\_\_\_  
RICHARD BARRON  
ELECTIONS DIRECTOR

Sworn to and subscribed  
before me this 16 day  
of October, 2020.

Mariška Bodison  
\_\_\_\_\_  
NOTARY PUBLIC  
*exp: 3-19-2023*



Approved by the State Election Board this \_\_\_\_ day of \_\_\_\_\_, 2020.

STATE ELECTION BOARD

BY: \_\_\_\_\_  
BRAD RAFFENSPERGER  
CHAIRPERSON

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 6**



## **State Election Board Report – Post-Election Executive Summary January 12, 2021**

### **Introduction**

Seven Hills Strategies, LLC (SHS) has been contracted by the State Election Board (SEB) to serve as an independent, non-partisan monitor for the pre-electoral processes in Fulton County leading up to the November 3, 2020 general election and for any subsequent runoffs. SHS will observe absentee ballot request processing procedures, absentee ballot processing/scanning, early voting procedures, and actual ballot counting on Election Day and beyond. The goal of SHS is to ensure that Fulton County is adequately prepared for the scrutiny that they will be subjected to due to the national implications of the election results.

### **Fulton County’s Compliance with the Terms of Sec. 12 of the Consent Order**

In addition to this report on compliance with the terms of Consent Order, SHS believes that is necessary to share this observation: From October to January, I spent nearly 270 hours at various locations observing every aspect of Fulton County’s election processes. At no time did I ever observe any conduct by Fulton County election officials that involved dishonesty, fraud, or intentional malfeasance. During my weeks of monitoring, I witnessed neither “ballot stuffing” nor “double-counting” nor any other fraudulent conduct that would undermine the validity, fairness, and accuracy of the results published and certified by Fulton County.

#### **A) Absentee Ballot Procedures:**

- 1) Leading up to the Nov. 3 general election, SHS had the opportunity to observe the signature matching processes for absentee ballot applications being processed both at Darnell Senior Center and at Fulton County headquarters. During the runoff, I was stationed at Georgia World Congress Center (GWCC) and was able to monitor the vast majority of signature matching for the weeks leading into the runoff.

SHS determined the signature matching processes to be in-line with the terms outlined in the Consent Order, and generally erred on the side of “give it further research” when there was any doubt about a signature’s authenticity.

However, although most applications were being processed within 48 hours of being received, SHS found one ballot application at Darnell Senior Center that had been in Fulton’s custody for more than two weeks. Given the massive influx of applications and ballots, it is not surprising that a few ballots might be left behind, but Fulton must re-double their efforts in future elections to speed up processing times.



Additionally, SHS received multiple reports of absentee ballots being sent to the wrong addresses, which seems to be the fault of sloppy data entry by staff. Future staff trainings should underscore the importance of correctly entering the temporary/preferred addresses of all ballot applicants.

- 2) Although Fulton County allocated ample resources for absentee ballot processing leading into the general elections, the processes themselves were extremely sloppy and replete with chain of custody issues as the massive tide of ballots bounced around the Fulton Gov't HQ building.

The system, created by Ralph Jones, Registration Chief for Fulton County, seemed to function, but there were many processes that seemed to be *ad hoc* solutions to problems caused by a lack of organization or permanent staff with the expertise to manage the system in place. For example, the room which housed the team doing additional voter verification was also a temporary housing location for ballots between the mail room (which receives, opens, and records the numbers of ballots) and the ENET processing room. Staff in this room seemed to not understand the process, and Jones had to intervene to stop a temporary staffer from moving a pile of recently-accepted but unverified absentee ballots into the stack to go straight to State Farm Arena for scanning/counting. Had Jones not been there with me to catch this mistake, it is safe to assume that those ballots would've been counted as if they had been verified.

I observed an additional security issue here, as one staff member told me that people had not been signing out batches of ballots as they moved around the building in trays between processing rooms, which is a clear failure in the chain of custody mandated by the O.C.G.A.

Given the inefficiencies of this system and the volume of absentee ballots received, there was no way that Fulton could possibly comply with the mandate to "process all absentee ballots by the close of business on the next business day after the ballot is received."

Despite the aforementioned deficiencies during the general, Ralph and his team were able to both streamline and improve processes for the Jan. 5 runoff. The Fulton team migrated the entire signature verification process to the facility established at GWCC and for several days even attempted to do the voter credit step on-site before resolving to handle that at Pryor St. before bringing credited ballots to GWCC. Performing the entire process<sup>1</sup> linearly and in full view of the public was a tremendous improvement on the labyrinthine system concocted for the general. In my opinion, Fulton clearly made available sufficient resources to handle the influx of ballots for the Runoff.

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<sup>1</sup> Voter credit → 1<sup>st</sup> pass signature verification with ENET → 2<sup>nd</sup> pass signature verification with RocketFile → Return RocketFile rejects to Pryor St for curing



- 3) SHS has not yet been able to conduct an audit to graphically represent the rate at which absentee ballots were scanned for the general election; however, my research indicates that the staff was able to scan fewer than 80,000 ballots in the period leading up to Nov. 3. Judging by final absentee/UOCAVA numbers (approx. 147k), in the 72 hours from 11/3 to 11/5, the staff were able to scan nearly 80 percent (approx. 67k) of that which they had scanned in the previous two weeks. Regardless of whether the bottleneck was in receiving the ballots, verifying the signatures, opening the ballots or scanning them, this rapid acceleration in scanning rate indicates that Fulton failed to adequately utilize the pre-scanning period allowed by SEB Emergency Rule 183-1-14-0.9-.15.

The runoff, however, was a stark dichotomy and a comparative great success. With the eyes of the world watching, Fulton was able to report 106,117 absentee votes (the vast majority) on Election Day itself due to the diligent pre-scanning work by Fulton staff. By the time that the operation was closed at 2 a.m., Fulton had fewer than 5,000 absentee ballots left to process. This small remainder – all received from ballot drop boxes on the evening of Jan. 5 – is a testament to how hard the Fulton team worked to comply with this item in the Consent Order.

- 4) Based upon a conversation with Captain M. McHugh, Fulton County Police Department, regarding the security protocols installed to ensure the protection of ballot drop boxes, I am confident that Fulton’s robust security architecture made it impossible to tamper with votes at ballot drop boxes.

Given the daily influx of new ballots to the GWCC facility, I believe that ballots were, in fact, collected each day as required by SEB Emergency Rule 183-1-14-0.8-.14. On Election Day, multiple shipments of drop box ballots were received at GWCC (one at 4:38 p.m. and another at 11:30 p.m.) after first being checked-in at the Pryor St. mail room. As far as I witnessed, Fulton fully complied with this item of the Consent Order.

**B) Poll Workers and Poll Worker Training:**

- 1) Fulton greatly exceeded the target number (2,200) of poll workers required for both the November and January elections. Fulton enlisted so many poll workers to account for any potential emergencies, attrition, or no-shows on Election Day.<sup>2</sup>

| Indicator         | Target | Poll Workers Assigned (Nov.) | Poll Workers Assigned (Jan.) |
|-------------------|--------|------------------------------|------------------------------|
| Dual Manager      |        | 81                           | 81                           |
| Manager           |        | 174                          | 174                          |
| Assistant Manager |        | 510                          | 510                          |
| Line Manager      |        | 558                          | 525                          |
| Clerk             |        | 2,420                        | 1,495                        |

<sup>2</sup> N.B. This point also covers Section 12.B.4 of the Consent Order





|                        |                          |              |              |
|------------------------|--------------------------|--------------|--------------|
| Deputy Registrar Clerk |                          | 255          | 155          |
| Provisional            |                          | 30           | 17           |
| <b>Total</b>           | <b>2,200 + 560 alts.</b> | <b>4,028</b> | <b>2,957</b> |

- 2) On October 28, 2020, SHS attended the four-hour Fulton County poll worker training at the North Annex Service Center. This training accurately and concisely reviewed all voting implementation procedures, how to use Poll Pads and other hardware, and the test at the end ensured that workers had actually learned the content.

A particular importance was placed on securing election materials and ensuring that all zip ties and numbered seal stickers are appropriately installed and recorded at the beginning and end of each day. In accordance with O.C.G.A Code, verifying the zero-count in the morning and recording the final count at the end of the day were also underscored, though there was no emphasis placed on the need to dually-sign these count receipts. Additionally, the trainer underscored processes for keeping voting open despite technological issues, stating that, “you can open the polls with one poll pad, one BMD, and one scanner; if you are not able to open at 7a.m., immediately contact Fulton County and see if you need to fall back to provisional ballots.” The trainer also frequently repeated that “we do not turn voters away” to encourage poll workers to find a workable solution to any problems that may arise.

The sole training deficit that I recognized was regarding the Senate District 39 Special Election. While it was somewhat odd that a primary election would be taking place during a general election, this lack of knowledge was a failure to adequately train the trainers regarding this special election. This lack of knowledge was passed on to poll workers, which resulted in numerous complaints to SHS about a failure to offer voters the opportunity to participate in this special election.

- 3) Fulton was to provide the SEB with weekly updates on total poll officers and alternates, training, and allocation plan of poll officers to polling places, including contingency plan for alternate poll officers for the November election, as well as any runoff election in this election cycle. As these reports did not come to SHS, I cannot comment on this item.

**C) Advance Voting Locations:**

- 1) Fulton was required to have 24 early voting locations, but greatly exceeded this requirement in both the general and runoff elections.

| Indicator              | Target | General                                | Runoff                                 |
|------------------------|--------|--|--|
| Early Voting Locations | 24     | 30 + 2<br>mobile + 7<br>outreach sites | 30 + 2<br>mobile + 2<br>outreach sites |



Both Fulton staff and poll workers could have done a better job ensuring that ENET records were kept up to date. Failure to keep accurate records of whether a voter had voted yet led to a great deal of confusion at the polls during both the general and the runoff as well as concerns of widespread voter fraud. Some human error is to be expected, but Fulton must strive to reduce the number of these instances.

#### **D) Election Day Logistics and Polling Locations:**

1&2) Fulton was required to have 255 voting locations for Election Day, and met this requirement in both the general and runoff elections. It is also worth noting that Fulton established 91 new polling locations for this election cycle to meet this goal.

| Indicator                     | Target | General | Runoff |
|-------------------------------|--------|---------|--------|
| Election Day Voting Locations | 255    | 255     | 254    |

- 3) Fulton was to provide the SOS with their plan for Election Day distribution of election equipment and poll officers no later than October 2, 2020. As these plans did not come to SHS, I cannot comment on this item.
- 4) On October 29, Rick Barron shared early voting turnout data with the Gabriel Sterling, Chris Harvey, and Blake Evans from the SOS' office. Sterling ran the modeling through MIT's Election Data Lab allocation tool, and shared the results with Barron. Complying with this term of the Consent Order, Barron then re-programmed Poll Pads and redirected election materials to buttress any weaknesses revealed by the data model.
- 5) At no point during either the general or runoff did any polling unit run out of emergency/provisional paper ballots, paper backup pollbooks, or required forms. In January, three polling units (all served as both early voting and Election Day locations) received re-supply from headquarters but never ran out of materials.
- 6) During the general election, Barron negotiated with the ACLU to provide 255 deputy registrars to use ENET to cancel absentee ballots. During the runoff, this task was performed mainly by a smaller number of non-ACLU deputy registrars. SHS received no complaints during the runoff about unnecessary wait times related to not having additional dedicated deputy registrars.
- 7) Fulton established three call centers with a combined staff of more than 100 people to answer questions from poll managers during Nov. 3 and Jan. 5. My poll worker training encouraged me to call the hotline if any problems arose while voters were casting their ballots.
- 8) After 9:30 a.m. on Nov. 3, no polling precincts in Fulton County had a wait time greater than 30 minutes. The same was true for the entirety of voting on Jan. 5. Both of these should be seen as tremendous victories for the Fulton team, as they had allocated sufficient staff,



resources, and procedures to ensure that all voters were able to cast their ballots quickly regardless of where they lived in the county.

#### **E) Technical Support:**

- 1) Fulton trained 255 technicians for the general election, and additionally ensured that each early voting site also had a dedicated tech aside from State Farm Arena, which had five techs on-hand to manage their large number of BMDs. For January, Fulton trained 254 technical support experts, but 22 did not report for work on Election Day for one reason or another.

#### **F) Audit Preparation:**

- 1) Fulton's document retention processes at State Farm were adequate for protecting ballots from tampering and the system of marking boxes with scanner number, batch number, and date made it much easier to process during the forthcoming audit and recount.
- 2) Risk-Limiting Audit (RLA)
  - The scale to which Fulton prepared for the RLA was staggering. With a maximum of 174 teams of two processing ballots by-hand, Fulton completed the RLA more quickly and accurately than anyone had anticipated. It is a testament to the team's leadership that they were able to keep feeding the processors while keeping accurate records.
- 3) Recount
  - As with the RLA, Fulton aggressively tackled the Recount and initially seemed as if they would complete their recount more quickly than estimated. However, failure to comply with approved technological procedures led to a server crash and significant, costly delays that required the Fulton team to completely rescan all ballots once again. Additionally, during the fourth count (the second lap of the recount), sloppy document storage procedures led to confusion as box labels no longer had precinct names and batch numbers on them but instead all said "ELECTION DAY." This mistake therefore made it difficult to ascertain which ballots had been missed while trying to solve the second technical issue that resulted from accidentally naming two scanners "ICC 16" during the fourth count. Until this point, proper ballot handling, storage, and manifest procedures had been observed.

## **Appendices**

- Appendix A – Challenges and Recommendations from the Entire 2020 Election Cycle



## State Election Board Report

### Appendix A - Challenges and Recommendations from the Entire 2020 Election Cycle

#### I. The Pre-Election Period

- COVID-19 preparedness was obviously on the forefront of Barron's mind. He and his team had taken a multitude of steps to ensure that everyone was safely fulfilling all required duties in the lead-up to Election Day, but the virus had taken a heavy toll on the permanent staff leading the warehouse team. This caused several pivots and logistical changes to protect the staff, but there was still concern that a team of new players would be able to handle the tremendous workload as seamlessly as the high stakes of this election required. SHS learned that the SOS office offered vendor support to mitigate the breadth of the COVID outbreak, but this was offer was declined by Fulton.
- SHS received multiple reports that Fulton was slow to update MVP and give voters credit for having voted by absentee ballot (both mailed in and deposited in a drop box). It was imperative that - as the Consent Order mandates - the BRE keep accurate and up-to-date records about who has voted in the publicly-visible portals lest they face double voting problems. Reports have shown that this problem has affected both absentee and early voters, so the problem was bordering on systemic.
- Additional training should be done regarding O.C.G.A. § 21-2-381(a)(1)(A-G) pertaining to relatives or helpers filling out the absentee ballot for their temporarily out of state, disabled, or elderly voters. SHS witnessed multiple staff having difficulty deciding how best to handle family members and helpers requesting absentee ballots for others.
- SHS has received a multitude of reports of absentee ballots being sent to wrong addresses even though alternate/secondary addresses were provided or already on file. One notable case being from a servicemember currently serving out-of-state who felt disenfranchised by Fulton's inability to properly process his absentee ballot request. As witnessed at the Darnell Senior Center, the data entry for processing absentee ballot requests can be burdensome, but each entry much be triple-checked for accuracy to avoid careless mistakes like this.
- On 10/23, SHS saw one absentee ballot request dated 10/07. While this was a lone outlier and the vast majority of the ballot requests seen were dated 10/21, Fulton must ensure that all absentee ballot requests are processed in a timely manner.
- In his press conference on 10/22, Barron stated that there was no wait time difference between the early voting locations in the north and south parts of the county; however, anecdotal accounts have said that there have been long wait times in the Alpharetta/Johns Creek parts of the county.
- The Senate District 39 special election was a persistent problem. As witnessed during SHS' poll worker training, there was a failure in the protocol for the training of trainers



that should be corrected in the event that this occurs in the future. This failure to adequately prepare trainers regarding this special election led to a countless number of voters not being able to participate in this election. SHS suggests that to fix this, Fulton consider pivoting to an “opt out” instead of an “opt in” policy for these types of elections so that all voters may participate regardless of whether or not they are aware of the race.

- There were myriad problems with the absentee processing system at Fulton Government Headquarters, including:
  - Failure of staff to understand the process of moving ballots around the office
  - No chain of custody forms being used as ballots move from room to room
  - Mask-optional policy putting essential staff at unnecessary risk for COVID
  - Failure to sufficiently protect spoiled and rejected ballots in the mail room
  
- While touring the mail room at Fulton County Government Headquarters, SHS saw many ballots set to be cancelled because they were returned to drop boxes without the yellow exterior oath envelope. It should be stressed more clearly to voters that they must precisely follow all the instructions on the absentee ballots and return both envelopes if they want their vote to be counted. Since it is impossible to update the MVP of “naked” ballots when they are processed, it is likely that some of the complaints that the SOS office received about a failure to record ballots deposited at drop boxes were due to the fact that voters failed to correctly follow the necessary protocol.
  
- While there was a large focus on the “Know Before You Go” Campaign and encouraging voters to use the FultonVotes App to notify voters that their precincts may have changed, it is concerning that SHS has received a report that Fulton waited until 5:51pm on October 26 to mail 169,714 postcards notifying voters of changed precincts. SHS received complaints that Fulton was “suddenly changing polling locations without notice.” It would have been prudent to send these notifications earlier so that the news did not surprise people already making plans for in-person voting on Election Day.
  
- On October 29-30, widespread power outages resulting from Tropical Storm Zeta forced seven polling precincts to close on 10/29 and two to stay closed on 10/30. This unanticipated closure surely had a negative impact on turnout numbers as early voting came to an end on 10/30, but there was very little that the BRE could have done to avoid this. In fact, it seems that they handled the crisis well by deploying the two mobile voting centers to the downed precincts to help manage the flow of voters.
  
- On October 26, the ACLU raised concern that the Fulton office was sitting on 1,500 voter registrations that for all intents and purposes seemed to voters to have gone missing. It took two days before SHS was able to get an update from Ralph Jones, who said that there were indeed 1,500 remaining voter registrations awaiting processing and that they would be finished by the end of 10/28. This is cutting it far too close to actual Election Day for new voters who are likely unsure of the process. These voter registrations should have been processed weeks ago.



- It was brought to the attention of SHS that Fulton has been using an outdated version of Easy Vote to check in voters and keep ENET records up to date. All software used must be updated to benefit from the latest bug and security patches.
- Fulton has leaned very heavily upon an army of temporary workers to fulfill the litany of tasks that must be completed from logistics to processing ballots to scanning final results. It would perhaps be best to offset this number of workers with stakeholders from the local community who would like to get involved in the electoral process. By conducting multiple interviews with temporary staff, it was made clear that some have no keen interest in participating in this immensely-important process, which is perhaps to blame for some of the sloppy clerical errors and logistical shortcomings that have plagued the complicated electoral process. However, others (particularly those scanning at State Farm) are the glue that holds the entire process together. It is the opinion of SHS that several of these leaders should be hired full-time if the budget allows.

## **II. The General Election**

- The 4-BMD unit transporters are not ADA-compliant if used for duplicating ballots. People must stand for hours to duplicate and the screens are too tall to sit and operate. One of the Fulton staff has a bad knee and uses a cane. She was saying that her knee was hurting but she needed to keep working.
- The truth about what happened on the night of November 3<sup>rd</sup> between 10:30PM and 11:52PM continues to be elusive. GOP party poll watchers say that Fulton staff told them and the media to go home (implying that they did so in order to count without supervision). Fulton staff tell me that the poll watchers and the media just left when Moss sent home everyone but the scanner team. A SOS investigator is involved, so the truth will come out, but if the party poll watchers are correct, then there is a serious problem.
- There were persistent chain of custody issues throughout the entire absentee ballot processing system. Aside from the problems with the system at Pryor St (see executive summary report), the fact that ballots were being delivered to State Farm Arena in unsecured mail carts is very concerning. Protocol for securing ballots exists not only to protect the ballots themselves but also to ensure that no ballot box stuffing occurred. This problem was exacerbated by poor managerial processes by Ralph Jones, who failed to do intake counts for the provisional ballots. Similar problems seem to exist at the warehouse as well (e.g. poll pads for SC11). Fulton must bolster these processes to retain faith in their process.
- The entirety of events on Saturday, Nov. 7 was plagued by the mismanagement issues. If there had been a clear process on Friday, then perhaps that mess may have been avoided, but the fact that no one verified the number of provisional ballots either at intake at State Farm or at adjudication is concerning. Therefore, there was a possibility that 1) not all provisional ballots made it to State Farm or that 2) some were missing because they never did an intake count. It turned out that both were true. If Santé had not gone back into the





office to look up her file on provisional ballots, what would have happened to the 17 ballots that remained at Pryor St?

- The process for equipment delivery at the warehouse is in desperate need of an overhaul. SHS concurs with Barron that a digital check-in/out system would make the logistical job much smoother. Monday evening was far too chaotic for an operation of that size, and in the disorder, many mistakes were made that just caused more trouble for a team that was already underwater. As a result, SHS has received multiple complaints about a lack of sufficient numbers of ballot bags making it to precincts, which led to a chain of custody issue before tabulation. Additionally, SHS caught wind of missing CFs (e.g. Palmetto) after Election Day that had likely been misplaced due to inadequate check-in processes.
  - Furthermore, if Fulton implements a new digital system, it must be used by both the poll managers and the Fulton staff. The fact that a poll tech was able to show me that 157 polls were still “open” in Fulton’s backend demonstrates that they were simply not utilizing a tool that they either developed or purchased. Working partially from two systems is a fantastic way to forget mission critical materials.
- Staff not using correct terminology caused confusion on multiple instances, including for this monitor attempting to audit Fulton’s data. In pre-election reports, Fulton reported that they had “processed and scanned” 127k ballots. The term “processed” was used multiple times and by different teams, which indicates organizational silos and led to confusion because SHS thought that “scanned” meant literally scanned instead of having the barcode read and processed through MVP. In actuality, few ballots had actually been scanned in the pre-election period.
  - This same problem was evident when a staffer told SHS that ballots had been “found” instead of “cured.” It is a distinction with dire consequences.
- The entire Fulton team must be more aware of the optics of their actions in such a high-scrutiny environment. It was a judgment call, but I still think that bringing ballots in through the back door on 11/5 was the wrong call for transparency purposes. It would have ignited a media firestorm if the Fulton team had not immediately held a press conference afterward. By far the worst maneuver for optics occurred on Saturday in using the OPEX cutters to count ballots. Aside from being slower than counting by hand, this gave the impression to everyone (myself included) that they had found more ballots after the deadline. I personally had to talk to the media and the party poll watchers, who were all understandably concerned by what was appearing to happen, to tell them that those were empty ballots being counted.
- In the “Provisional Ballot Recap Notice,” Fulton stated that 1,205 people were “Not found in Express Poll, researched and found to be registered in Fulton County, U.S. Citizens, and ballot not challenged.” Why were that many people not in the Fulton system and required to vote provisional?
- The OPEX scanners require constant re-calibration. The machines being out of calibration and failing to operate properly generated more work for workers that were



already exhausted and stretched thin. Fulton should either insist that OPEX techs remain available for service calls during election crunch time or dispatch a large number of letter openers to vote processing centers as a backup plan for the inevitable failure of the technology.

### **III. The Risk-Limiting Audit**

- There were persistent chain of custody issues throughout the entire RLA process. From ballots being left unattended in front of party audit monitors to unsealed bags being transported for storage to zip tie seals being left unattended to not recording the seal numbers placed on the ballot bags, Fulton's system is plagued with these procedural issues. They must strengthen their chain of custody systems to follow the strict guidance in the O.C.G.A. code given the (inter)national significance of the processes happening here.
- Additionally, regarding proper seals, Fulton staff complained that the stickers provided by the Secretary of State's office for sealing cardboard boxes do not stick to tape and cardboard. I even noticed a few that had just fallen off boxes of absentee ballots. Would it be possible to change vendors for these stickers and provide counties with something more robust?
- Transparency is of utmost importance, and the party audit monitors are completely necessary, but the parties must strengthen their vetting procedures for their monitors, train them on the process they are observing, and brief them on their roles. Furthermore, it is my suggestion that repeat offenders who show a frequent disregard for the rules should be barred from serving as monitors again.
- Fulton was initially slow to report their numbers into Arlo because they only had one login. Then, to catch up they overcompensated and assigned too many staff to work on data entry. Is it possible to split the difference and provide Fulton (and the other large population counties) with more Arlo logins from the beginning? Fulton leaders were complaining that they should have more than the one they were initially assigned so that they could better manage the workload.
- There was a clear training deficit for auditors working through the new audit process. For future RLAs, additional guidance should be provided about how/when to use the manila envelopes, what constitutes clear voter intent (checkmarks, bubbles, or x's), and large number batch counting best practices to remove as much confusion as possible from the audit process.
- Following the procedure detailed in the training video, audit teams quickly ran out of envelopes for write-ins, under-votes, undecideds, etc. It is imperative that the Fulton team have a back-up supply of these envelopes for the next RLA so that their team does not have to scramble to help those working according to official procedure.





- Some of the precinct batches (particularly for early voting) were massive (3,500+), which increase human error due to fatigue as well as call into question the policies regarding leaving the audit table for necessary bathroom and food breaks. Is it possible to split batches larger than 1,500 to mitigate these issues if proper ballot manifests are kept?

### III. The Recount

- Cardboard seems to be an insufficient storage method for document retention. Glancing at the boxes, it is clear to see that many of them have been crushed by the weight of the other boxes on the pallets upon which they were loaded. Additionally, the leak at State Farm Arena – though certainly anomalous – revealed the necessity for a more robust and potentially waterproof system for document retention. SHS recommends using plastic storage bins instead of cardboard for future election cycles.
- Generally poor records keeping led to a multitude of procedural problems for Fulton throughout the recount process. The poor managerial decision at the Fulton warehouse to reclaim ballot bags for then-upcoming December runoff and mix ballots of different types (e.g. early voting and Election Day) together for “deep storage” required additional rounds of scanning during the recount because the wrong ballots were scanned on two separate occasions.
  - In contravention to what they had done on Count 3 (during which they labelled all Election Day boxes with the precinct numbers on outer labels), all of Count 4’s Election Day ballots were simply being placed in boxes marked “ELECTION DAY” but with no precinct information visible on the outside. This became a problem later when they had to retrieve particular batches because they had been overlooked during scanning. This may have produced a chain of custody issue at the end as two Fulton leaders were sending out individual ballot batches instead of full boxes to make sure that each batch contained only Election Day ballots as expected. They were careful to correctly complete the coversheets for each batch, but it would not be difficult for a batch to be forgotten or fall to the wayside as it changed hands.
- Transparency is of utmost importance, and the party monitors are completely necessary, but the parties must strengthen their vetting procedures for their monitors, train them on the process they are observing, and brief them on their roles. Furthermore, it is my suggestion that repeat offenders who show a frequent disregard for the rules should be barred from serving as monitors again. Throughout the time at GWCC, the party monitors flagrantly disobeyed guidance from Fulton staff and GWCC police regarding the mask policy and taking photos/videos of the procedure. One monitor even yelled, “THIS IS TREASON UNDER PENALTY OF DEATH!” in the face of a Fulton manager who was simply trying to check his party monitor credential – which he turned out to not have – for sign-in.
- SHS had received reports of several unsealed ballot bags, and hunted down the bag numbers to investigate. SHS found four unsealed ballot bags that were clearly marked



with zero counts on the exterior labels. For future best practices, it is encouraged that staff seal every ballot bag regardless if it's empty to mitigate accusations of "magic ballots" appearing from thin air. Additionally, if ballot bins are empty, it is a good idea to place the tops in them so that it is clear to monitors that the box is empty and is not an unsealed ballot bin.

- Technological issues abounded during the recount. The server crash on November 29 was a costly error caused by a failure to properly follow protocols for backing up and uploading data to the servers. This mistake cost Fulton taxpayers several days' worth of staff time as the entirety of the ballots had to be rescanned for a fourth time. Additionally, the small typographical mistake of accidentally naming two scanners "ICC16" on the fourth count led to a great deal of confusion and another full day of staff time for solving the problem. Fulton technological team must work more slowly, carefully, and in accordance with all protocol to ensure that these mistakes do not happen in the future.

## **V. The Runoff Election**

- When it comes to communicating with monitors, it is encouraged to keep comments short and to the point without much editorialization. Early in runoff proceedings, Ralph Jones had a good faith conversation with several GOP monitors, one of which had declined to sign the sheet that said he would not record in the processing center. It turned out that that gentleman refused to sign because he was, in fact, wearing a recording device, and recorded Jones' answers to his question without Jones' knowledge. These monitors then submitted an eight page complaint to the SOS quoting long passages from their nearly 45 minute conversation.
- Monitors were very concerned about compact flash memory cards being left in scanners in the L&A side of the warehouse. Additional training regarding election security protocol is required to mitigate alarmist fears that these memory cards are arriving at precincts pre-loaded with votes.
- Parties must fully brief monitors on their role and the appropriate limit of their duties. Multiple monitors told me that they had been recording the license plates of the staff that parked in the deck as well as on the L&A side of the warehouse as "evidence." This seems like a massive invasion of the privacy of the election workers. It is recommended that Fulton County put pressure on the county wings of political parties to have greater accountability for the actions of the people to whom they provide monitoring credentials.
- Fulton was having an accuracy problem due to the data entry required to verify the signatures on received ballot envelopes. In order to improve both speed and accuracy it is recommended that Fulton provide barcode scanners to all signature verifiers in the future. These scanners allow workers to go directly to the correct voter page in ENET without worrying about typographical errors. This system was deployed with great success during the second half of the runoff.



- Fulton staff must be careful to accurately enter data into ENET. SHS received several reports of voters receiving multiple absentee ballots (N.B. not ballot applications) during the runoff. Additionally, there were widespread stories of voters showing up at the polls and being told that they had already voted. Taking voters' claims of not having voted at face-value and as the entire system is built to catch double voting, the only logical explanation for this problem is that an election worker incorrectly pulled voter information in ENET at some point. Extra training on ENET accuracy must be conducted in future elections.
- While I vehemently disagree with the assertion that proximity is tantamount to transparency, it would have alleviated a great deal of stress on Election Day if Fulton had initially provided more access to the party monitors. The floor was set up to allow more access, but the potential of the "cattle calls" was not utilized until it became a necessity. Additionally, SHS suggested that the blue barriers be removed from the UOCAVA duplication station on 12/30, but my suggestion was not followed for the worthy cause of ballot security. Unfortunately, the perceived lack of transparency led to a court order that immensely disrupted Election Day processes. If Fulton had more actively allowed monitors to approach election processes, then it would have been easier for them to see that Fulton had absolutely nothing to hide. The resultant overcompensating backlash left many staff fearing for their personal safety due to monitors violating the photography rules, staff receiving threats on social media, and astoundingly poor mask hygiene by monitors. Furthermore, the increased access to the ballot cage generated a considerable ballot security concern due to the proximity of partisan monitors to ballots being processed.
- A persistent impediment to continued processing was the rate at which ballots were transported from Pryor St to GWCC. While most days that can be attributed to sending all ballots that they had received, on Election Day there must be a faster turnaround. Though three ballot bins had been delivered at 7:04PM, it was not until 11:30PM on Jan. 5 that five bins arrived at GWCC from the 7pm collection of ballot drop boxes. At that point most of the election staff had already gone home due to a lack work, but the massive tide of ballots to be processed made it impossible to finish processing in its entirety on election night. If the Fulton team had dispatched the ballots sooner – even in smaller batches – then perhaps everything could have been finalized on Election Day.

This same problem was repeated on Friday, Jan. 8. The tremendous GWCC team had waited all day for provisional ballots to arrive from Pryor St, but it was not until 3:47PM that four ballot bins were delivered. A large portion of the staff clocked out at 4:30PM, but the remaining team was left working until 8:15PM to handle the workload while shorthanded. This could have been mitigated by sending smaller batches of ballots as they became available.

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

JULIE ADAMS, in her official capacity as a  
member of the Fulton County Board of  
Elections and Registration, a/k/a Fulton  
County Board of Registration and Elections,

*Plaintiff,*

v.

FULTON COUNTY BOARD OF  
ELECTIONS AND REGISTRATION, a/k/a  
FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS, and  
NADINE WILLIAMS, in her official  
capacity as Elections Director,

*Defendants.*

Case No.:

**EMERGENCY RELIEF  
REQUESTED**

**Exhibit 7**



## State Election Board

2/22/2024

### VIA USPS MAIL

Fulton County Board of Elections  
130 Peachtree St. SW, Ste 2186  
Atlanta, Georgia 30303

Re: SEB Case No. 2022-109

Dear Fulton County Board of Elections;

On February 13, 2024, the State Election Board considered the complaint listed above. As a respondent, you were sent a notice of the meeting on January 16, 2024. At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that you failed to upload and tabulate election results in their entirety, following the May 24, 2022, general election primary. As such, incomplete results were certified and subsequently reported to the Secretary of State's Office.

Georgia Election Law, O.C.G.A. § 21-2-420(a) provides: "... The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated."

State Election Board Rule 183-1-12-.12(b) provides:

"4. The election superintendent shall ensure all properly cast ballots that are received by the deadline to receive ballots are processed, verified, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated.

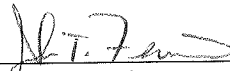
7. The election superintendent or his or her designee shall then insert the memory card into the election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

8. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § 21-2-419, the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff."

Based on the facts found at the meeting, the State Election Board determined that you violated O.C.G.A § 21-2-420(a) and State Election Board Rule 183-1-12-.12(b) by failing to upload and tabulate election results in their entirety, following the May 24, 2022, general election primary. As such, incomplete results were certified and subsequently reported to the Secretary of State's Office

Having found these violations, the State Election Board directed that this letter of findings and reprimand be sent to you. This case is now closed, and no further action will be taken. You are hereby instructed to refrain from further violations of the O.C.G.A § 21-2-420(a) and State Election Board Rule 183-1-12-.12(b) and are admonished to comply with all of the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,

  
\_\_\_\_\_  
John Fervier  
Chairman, State Election Board

June 27, 2023

**VIA CERTIFIED MAIL AND E-MAIL**  
**RETURN-RECEIPT REQUESTED**

Fulton County Board of Registration & Elections  
130 Peachtree St. SW Suite 2186 F  
Atlanta, GA 30303

Re: SEB Case No. 2020-140

Dear Fulton County Board of Registration & Elections:

On June 20, 2023 the State Election Board considered the complaint listed above.

At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that Fulton County Asst. Elections Director Dwight Brower signed off on the ballot build project. Director Brower also advised the ballot builder was provided the correct ballot combination for the project and the submission was made/occurred post ballot proofing to create more polls. Approximately (94) voters received a ballot with the incorrect congressional district.

Georgia Election Law, O.C.G.A § 21-2-293(a) provides: “If the election superintendent discovers that a mistake or omission has occurred in the printing of official ballots or in the programming of the display of the official ballot on DRE voting equipment or electronic ballot markers for any primary or election, the superintendent is authorized on his or her own motion to take such steps as necessary to correct such mistake or omission if the superintendent determines that such correction is feasible and practicable under the circumstances; provided, however, that the superintendent gives at least 24 hours' notice to the Secretary of State and any affected candidates of the mistake or omission prior to making such correction.”

Based on the facts found at the meeting, the State Election Board determined that you violated O.C.G.A § 21-2-293(a) by signing off on a ballot build project with errors present, resulting in approximately 94 voters receiving incorrect ballots. Having found this violation, the State Election Board directed that this letter of findings and instructions be sent to you.

This case is now closed, and no further action will be taken. You are hereby instructed to refrain from further violations of O.C.G.A § 21-2-293(a) and are admonished to comply with all of the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,

---

William S. Duffey Jr.,  
Chair, State Election Board





## State Election Board

April 25, 2024

**VIA CERTIFIED MAIL**  
**RETURN-RECEIPT REQUESTED**

Fulton County Board of Registration and Elections  
130 Peachtree St SW Suite 2186  
Atlanta, Ga. 30303

Re: SEB Case No. SEB2021-084

Dear Fulton County Board of Registration and Elections:

On December 19, 2023 the State Election Board considered the complaint listed above. As a respondent, you were sent a notice of the meeting on November 16, 2023.

At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that you counted a spoiled ballot as a valid ballot.

Georgia State Election Board Rule 183-1-14-.06(2) provides: "Upon receipt of an absentee ballot upon which the word "Spoiled" has been written across the face of the envelope, a registrar or absentee ballot clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or absentee ballot clerk shall, within two days after the receipt of such ballot, mail or issue another official absentee ballot to the elector. All returned spoiled ballots shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election."

Based on the facts found at the meeting, the State Election Board determined that you violated Georgia State Election Board Rule 183-1-14-.06(2) when you counted a spoiled ballot as a valid ballot. Having found this violation, the State Election Board directed that this letter of findings and instructions be sent to you.

This case is now closed, and no further action will be taken. You are hereby instructed to refrain from further violations of Georgia State Election Board Rule 183-1-14-.06(2) and are admonished to comply with all of the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,

---

T. Matthew Mashburn  
Acting Chair, State Election Board



## The Office of Secretary of State

*Brad Raffensperger*  
SECRETARY OF STATE

*Sarah Beck*  
DEPUTY GENERAL COUNSEL

**VIA CERTIFIED MAIL**  
**RETURN-RECEIPT REQUESTED**

Richard Barron  
Fulton County Board of Elections and Registration  
130 Peachtree St SW Suite 2186F  
Atlanta, GA 30303

Re: SEB Case No. 2020-098

Dear Richard Barron:

You are receiving this letter because the State Election Board found at its Wednesday, August 18, 2021 meeting that you, in your capacity as Election Supervisor, violated Official Code of Georgia Annotated (O.C.G.A.) §21-2-414(a)(1) during the September 2020 Georgia Fifth Congressional District Special Election. Specifically, Official Code of Georgia Annotated (O.C.G.A.) §21-2-414(a)(1) states the following:

(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind, nor shall any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters on any day in which ballots are being cast:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

During the September 2020 Georgia Fifth Congressional District Special Election, a violation of (O.C.G.A.) §21-2-414(a)(1) occurred when candidates signs were allowed to be posted less than 150 feet from the boundary established by law.

No further action will be taken, and this case is now closed. You are hereby instructed to refrain from further violations of the Georgia Elections Code and the State of Georgia Election Board Rules.

Sincerely,

**Sarah Beck**  
*Deputy General Counsel*  
*Georgia Secretary of State*

**BEFORE THE STATE ELECTION BOARD  
STATE OF GEORGIA**

In the matter of:

**FULTON COUNTY BOARD OF  
REGISTRATION AND  
ELECTIONS,**

Respondent.

**SEB Case 2021-181  
2022-025  
Fulton County**

**CONSENT ORDER**

The State Election Board, by and through counsel, and the Fulton County Board of Registration and Elections (“Respondent”), hereby enter into the following Consent Order for use in SEB Case Nos. 2021-181 and 2022-025 before the State Election Board in lieu of an evidentiary hearing.

**FINDINGS OF FACT and CONCLUSIONS OF LAW**

The findings of fact and conclusions of law set forth in the following Paragraphs 1 through 5 have been asserted against Respondent.<sup>1</sup> Respondent denies any willful misconduct but desire that the above-captioned case be resolved in its entirety in order to avoid further litigation. Respondent acknowledges that there is evidence of a *prima facie* case supporting the following assertions and enters into this negotiated Consent Order to resolve the issues that arose related to the 2020 General Election in Fulton County, Georgia.

1.

A complaint was submitted to the State Election Board and the Secretary of State’s office regarding the risk-limiting audit conducted by Fulton County elections officials for the General

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<sup>1</sup> SEB Case 2021-181 also names Richard Barron as an additional Respondent. Mr. Barron is no longer the Elections Director for Fulton County, and he is hereby dismissed.

Election held on November 3, 2020.<sup>2</sup>

2.

The complainant alleged that there were 36 inconsistencies discovered in the batch tally sheets for the risk-limiting audit conducted following the 2020 General Election, which were included in the data uploaded to the Secretary of State's website.

3.

A thorough investigation into the complaints was conducted by the Secretary of State's investigations division. Investigators met with the complainant, reviewed all of the data and documentation submitted by the complainant, and interviewed other relevant witnesses with knowledge. The results of the investigation showed that Fulton County elections staff misidentified and duplicated audit batch sheet data when entering the data into the Arlo software used by the Secretary of State's office to manage the risk-limiting audit.

4.

By failing to enter all of the audit batch sheet data accurately, Respondent violated SEB Rule 183-1-15-.04 regarding audits. The investigators further concluded that the reported inconsistencies were the result of human error in entering the data, which were not discovered in time to make corrections due to time limitations in completing the risk-limiting audit and the sheer amount of ballots, and not due to intentional misconduct by Fulton County elections staff.

5.

The discovered errors were a fractional number of the total votes counted and did not

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<sup>2</sup> The State Election Board heard the recommendation of the investigators regarding SEB Case No. 2021-181 at the March 16, 2022 Board meeting and voted to bind the case over to the Attorney General's office. On March 31, 2022, an additional complaint was received and designated as SEB Case No. 2022-025. The Secretary of State's investigators determined that SEB Case No. 2022-025 is the same complaint that is at issue in SEB Case No. 2021-181. This Consent Order resolves the allegations against Respondent in both SEB Case Nos. 2021-181 and 2022-025.

affect the result of the 2020 General Election Fulton County, which were confirmed as accurate by the risk-limiting audit. The purpose of the risk-limiting audit was to confirm whether the results of the original tabulation of ballots were accurate, which the audit confirmed.

### ORDER

1.

This Consent Order addresses and resolves all matters regarding Respondent in connection with SEB Case Nos. 2021-181 and 2022-025.

2.

The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondent cease and desist from further violations of the Election Code.

3.

Respondent hereby agrees to implement written policies and procedures for risk-limiting audits for all elections for which risk-limiting audits are required under SEB Rule 183-1-15-.04, which are attached as **Exhibit A**. Respondent hereby certifies to the State Election Board that it has already implemented these policies and procedures and did so for the 2022 General Election.

4.

Respondent agrees to adequately train all of its elections staff involved in conducting the risk-limiting audit on the policies and procedures in advance of each election.

5.

Members of the Fulton County Board of Registration and Elections have been provided with a copy of this Consent Order and have acknowledged that they understand the contents. Respondent understands that it has a right to a hearing in this matter. Respondent knowingly and voluntarily waives such right to a hearing, as well as any other rights under the Georgia



Administrative Procedure Act pertaining to notice and hearing for contested cases, by entering into this Consent Order.

6.

This Consent Order is entered in settlement of disputed matters, and the Consent Order entered herein is not to be construed as an admission of guilt or liability on the part of Respondent but is entered herein to resolve this State Election Board case. This Consent Order is a civil settlement and has no criminal ramifications.

7.

This Consent Order, inclusive of its Stipulations and Order, shall not become effective unless and until approved by the State Election Board at its June 8, 2023, meeting, and the State Board of Elections. If not approved by and executed on behalf of either board, , neither the stipulations nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the State Election Board or Respondents to adjudicate this matter.

This 8 day of June, 2023.

Consented to:

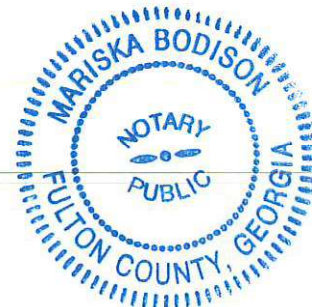
FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS

BY: *Robert M. Woolan Jr*

Sworn to and subscribed before me this 8 day of June, 2023.

*Mariska Bodison*  
NOTARY PUBLIC

My commission expires: March 22, 2027



Approved by the State Election Board this 21<sup>st</sup> day of June, 2023.

STATE ELECTION BOARD

BY:   
WILLIAM S. DUFFEY, JR.  
CHAIRPERSON



# Exhibit A

**THE DEPARTMENT OF FULTON COUNTY REGISTRATION & ELECTIONS  
FOLLOWS THE STANDARD OPERATION PROCEDURES OUTLINED BELOW BY  
THE GEORGIA SECRETARY OF STATE IN REGARDS TO CONDUCTING  
RISK LIMITING AUDITS:**

## **Summary of Steps to Complete in Arlo to Prepare for Audit**

*Please note that all counties should review the October 13<sup>th</sup> RLA training, which can be found on Firefly at this location: [Webinars > 2022 Webinars > 10.13.2022 RLA Audit Training](#). **Steps:***

- 1. Sign up for your Arlo account. (You will not need to do this if you already have an account from November)**
  - a. Your county office can have 2 Arlo administrator accounts. Those administrator accounts will be able to create accounts for additional users in your office. Only the 2 administrators will be able to complete submission to the Secretary of State at the end of the audit **If you need to create an account, please email [rla@vx.support](mailto:rla@vx.support).**
- 2. As soon as you certify your results at the county level, generate your Cast Vote Records and Tabulator Status Reports.**
  - a. For instructions on how to generate these reports, review Appendix A.
  - b. Make sure you use the Tabulator Status report that does not have To\_Excel in the file name.
- 3. Upload your Cast Vote Records and Tabulator Status Reports into Arlo.**
  - a. For instructions on how to upload these reports, review pages 1 and 2 of Appendix B.
- 4. Download your Batch Inventory Worksheet and verify the ballot counts in the worksheet. Once you have verified the numbers, confirm that you have completed the worksheet by checking the appropriate box in Arlo. Then hit "Continue."**
  - a. Review pages 2 and 3 of Appendix B for more information.
- 5. Based on the data you provide, Arlo will generate 2 files: 1. Ballot Manifest; and 2. Candidate Totals by Batch. Download both files, and save them so you can easily access the files.**
  - a. Review page 4 of Appendix B for more information.
- 6. After you click, "Return to Audit Source Data," scroll down to the Ballot Manifest and Candidate Totals by Batch sections. Upload the Ballot Manifest file that you just saved, and then upload the Candidate Totals by Batch file that you just saved.**
- 7. Wait for your random batch selections to appear in Arlo. The dice roll will be held in the State Capitol on Tuesday, December 13, 2022 in the morning and batch selections should appear in Arlo after 5:00 P.M. for you to download.**
- 8. Participating counties will complete the audit by 5:00 P.M. on Thursday, December 15, 2022.**

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## BALLOT INVENTORY TOOL WHAT YOU WILL GENERATE

## APPENDIX A - PAGE 1 OF 5

- **Cast Vote Records**
  - This report lists every ballot scanned during the entire election along with how the voting system recorded the voter's selections.
  - You will check the tabular format option in order to export the file as a CSV.
  - This is the same as the file type that you generate in response to Open Records Requests.
- **Tabulator Status Report**
  - This report lists every tabulator contained in your database along with how many ballots were recorded by that tabulator.
  - Any tabulators with uploaded results will have a "Load Status" of 1.
  - Any tabulators with a "Load Status" of 0 either were not uploaded or were never downloaded and used.
    - *Remember that it is up to you to ensure that all your votes have been uploaded to the RTR System – the system will not check that for you.*



# BALLOT INVENTORY TOOL APPENDIX A - PAGE 2 OF 5

## GENERATE CAST VOTE RECORD AS CSV

1. From the RTR Menu Bar, Select Actions -> Export -> CVR Export
2. Check the “Use tabular format” option
3. Click “Export”
4. A popup will appear to confirm that the Cast Vote Records have been exported. Click Close.



# BALLOT INVENTORY TOOL

## GENERATE TABULATOR STATUS REPORT

# APPENDIX A - PAGE 3 OF 5

1. Select "Basic" from the Reports section of the left-hand menu in the RTR.
2. Select "Tabulator Status" from the Report Name drop down menu.
3. Click "Create Report"
4. A popup will appear to confirm that the Requested Reports have been created.

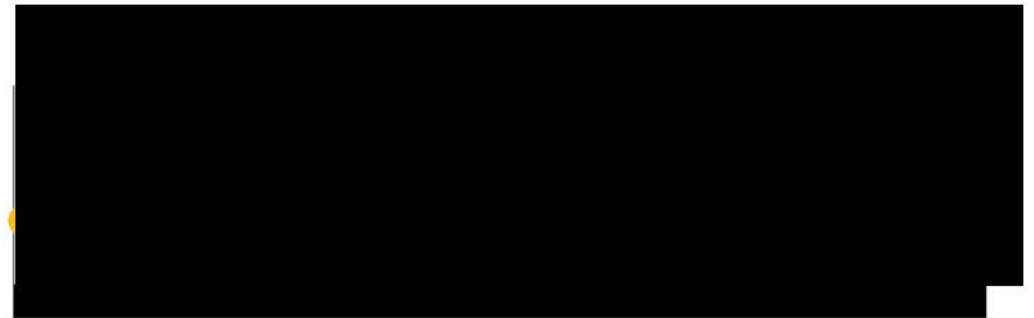
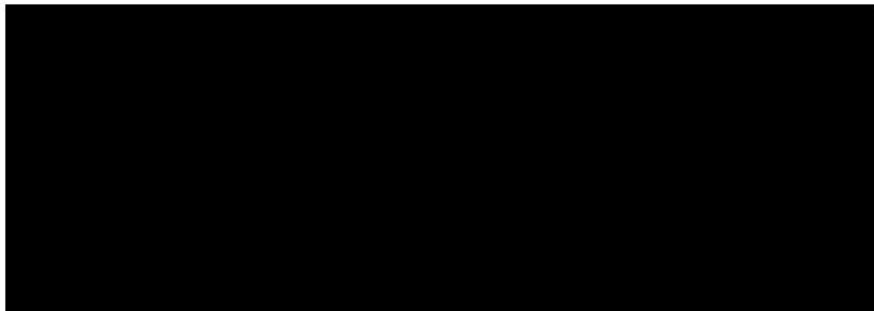
The screenshot displays the 'Report Group - Basic' configuration interface. On the left, a 'Reports' sidebar lists several options: 'Basic' (highlighted with a yellow circle), 'Election Summary Report', 'Statement Of Votes Cast', and 'Cards Cast Report'. The main area is titled 'Report Group - Basic' and contains several configuration fields: 'Counting Group' (set to '<All>'), 'District Type' (set to '<<Any Division>>'), 'Tabulator' (set to '<All>'), 'Parent District' (set to '<<Any>>'), 'Polling Location' (set to '<All>'), 'District' (set to '<All>'), 'Contests' (set to '<All>'), and 'Winner Margin' (set to 'votes or less'). A 'Report Name' dropdown menu is open, showing a list of report options: 'Tabulator Status' (highlighted with a yellow circle), 'Results per Precinct', 'Contest Overview Data', 'Locate Scanned Ballots', 'Results per Tabulator', 'Batches Containing Precinct Canvass', 'Write ins per Tabulator', 'Registration and Turnout', 'Contests On Margin', 'Tabulator Status' (highlighted with a blue circle), 'Ballots Cast Per Ballot Style', and 'Ballots Cast Per Tabulator'. Below the configuration fields, there are checkboxes for 'Standard Title' and 'Report Filters', both of which are checked. At the bottom, a toolbar contains several buttons: 'Create Report' (highlighted with a yellow circle), 'Open', 'Delete', 'Apply', and 'Save'.



# BALLOT INVENTORY TOOL COPY CVR TO USB DRIVE

## APPENDIX A - PAGE 4 OF 5

1. Navigate to the current election directory in your NAS folder.
2. Open the Results folder.
3. Copy the CVR\_Export file to a USB Drive.



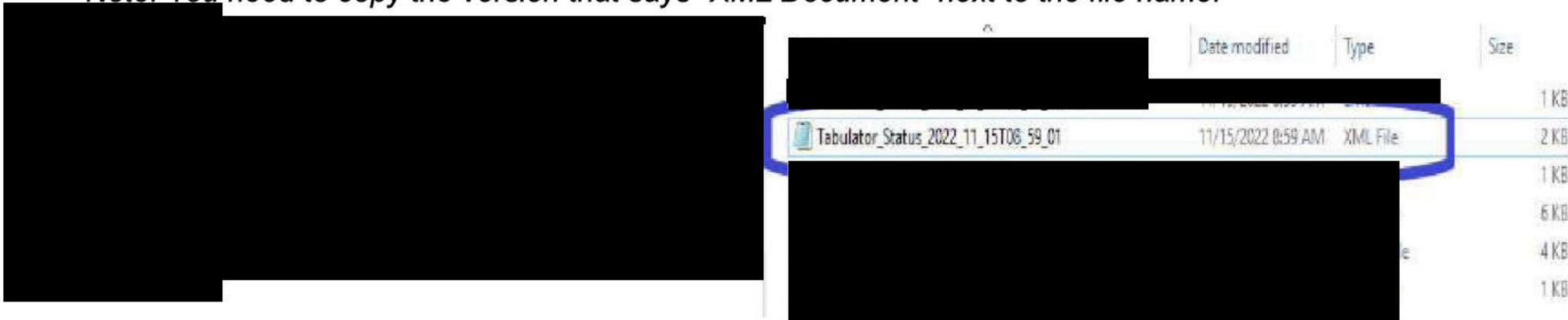
# BALLOT INVENTORY TOOL

# APPENDIX A - PAGE 5 OF 5

## COPY TABULATOR STATUS REPORT TO USB DRIVE

1. Open the Reports folder.
2. Open the Filtered folder.
3. Copy the Tabulator Status Report to the same USB Drive.

*Note: You need to copy the version that says "XML Document" next to the file name.*



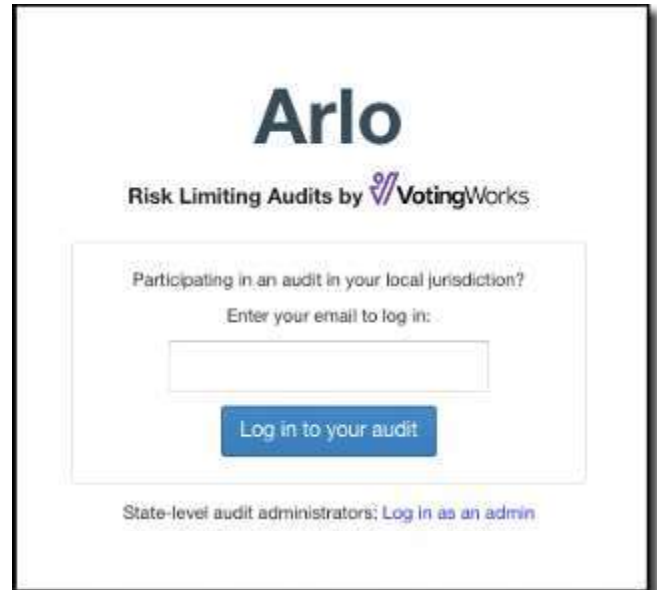


# APPENDIX B - PAGE 1 OF 4

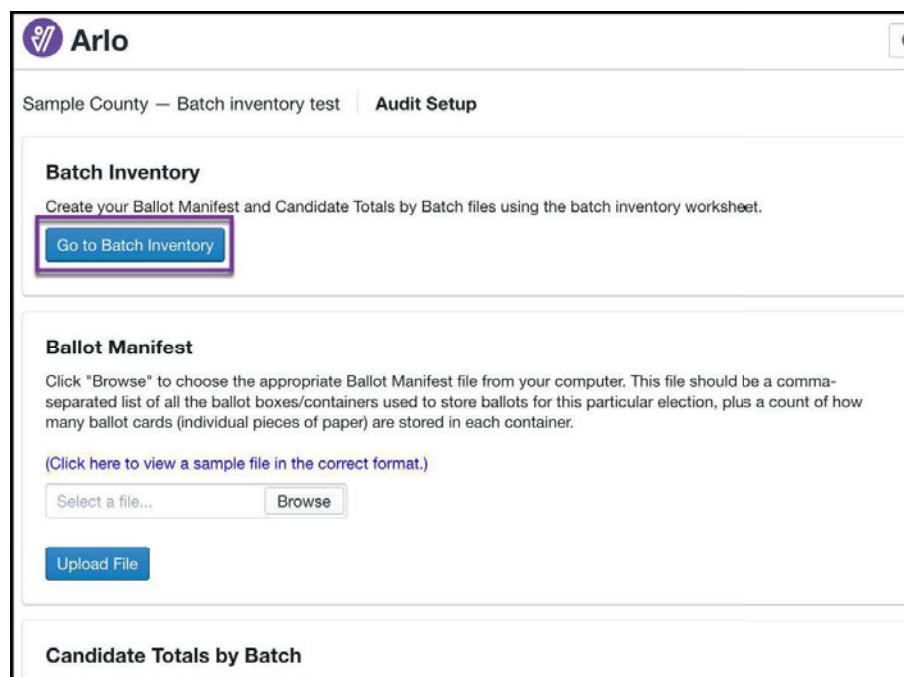
## Georgia Batch Inventory Tool Guide

The Batch Inventory in Arlo, allows counties a quick inventory list to use to verify their stored batch inventory prior to the start of an audit.

To use this tool, simply [log in to Arlo](#) as you would for an audit by entering your email address in the box and selecting Log in to your audit. A code will be sent to your email address to be used as your login credential.



Next, select Go to Batch Inventory.

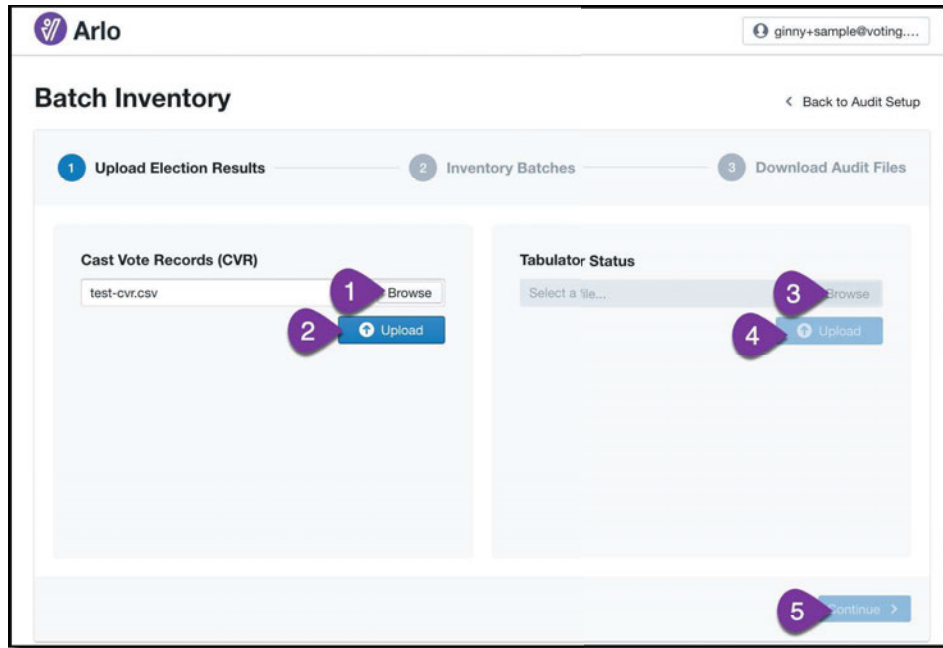




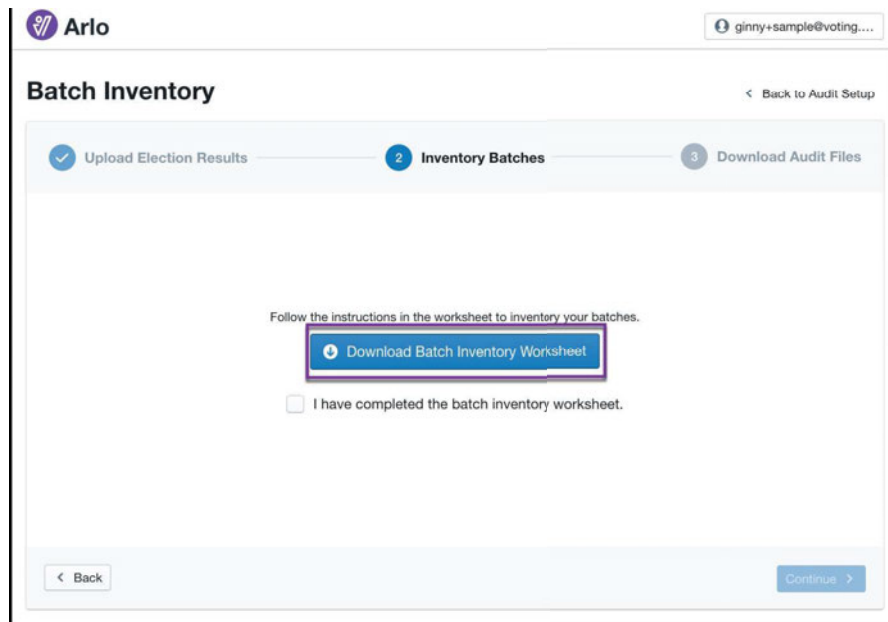
# APPENDIX B - PAGE 2 OF 4

Upload your Cast Vote Records (CVRs) and Tabulator Status file by selecting the Browse button and locating the file saved from your Election Management System (EMS) and then selecting Upload for each file. Then select Continue in the lower right corner.

**Note:** The tabulator status file must be the .xml file that does **not** have “to Excel” in the file name.



Your Batch Inventory Worksheet will be created and can be downloaded by selecting the Download Batch Inventory Worksheet button in the middle of the screen.



# APPENDIX B - PAGE 3 OF 4

The Ballot Inventory Worksheet is a .csv file that can be opened and printed in a spreadsheet program like Excel and Google Sheets. *Each section of the worksheet should be reviewed carefully and compared to voter check-in data and your physical inventory.*

**Section 1** provides totals for each ballot group type, including Absentee by Mail, Advanced Voting, Election Day, and Provisional. Verify these totals match your known voter totals.

**Section 2** provides total ballots by batch. Verify each batch is present in your physical inventory and matches your reconciliation form counts. Verify no batches are missing.

*If batches are missing, they should be added to your EMS and a new CVR file should be downloaded from the EMS and uploaded into Arlo. If batches are stored differently, please contact us for further instruction.*

The screenshot shows an Excel spreadsheet with the following content:

**Section 1: Check Ballot Groups**

1. Compare the CVR Ballot Count for each ballot group to your voter check-in data.
2. Ensure that ballot numbers match. If there is a large discrepancy, contact the SOS.

| Ballot Group     | CVR Ballot Count | Checked? |
|------------------|------------------|----------|
| Absentee by Mail | 121              |          |
| Advanced Voting  | 106              |          |
| Election Day     | 350              |          |
| Provisional      | 2                |          |

**Section 2: Check Batches**

1. Locate each batch in storage.
2. Confirm the CVR Ballot Count is correct. If there is a large discrepancy, contact the SOS.
3. Make sure there are no batches missing from this worksheet.

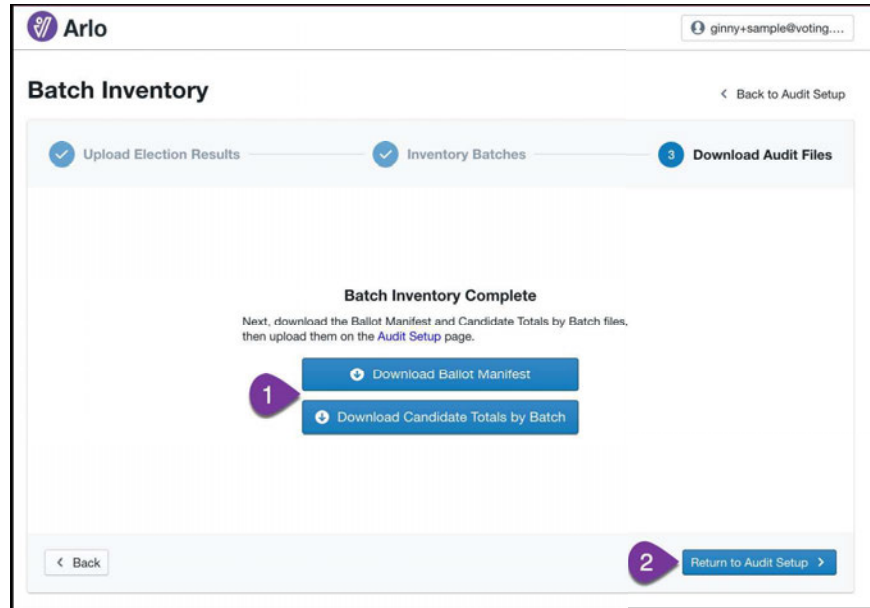
| Batch                          | CVR Ballot Count | Checked? |
|--------------------------------|------------------|----------|
| ICC - Absentee By Mail - 1     | 22               |          |
| ICC - Absentee By Mail - 2     | 20               |          |
| ICC - Absentee By Mail - 3     | 20               |          |
| ICC - Absentee By Mail - 4     | 20               |          |
| ICC - Absentee By Mail - 5     | 20               |          |
| ICC - Absentee By Mail - 6     | 19               |          |
| AV-VR Office ICP 1 - 0         | 106              |          |
| ED-Zena Drive ICP 1 - 0        | 19               |          |
| ED-Woodland ICP 1 - 0          | 14               |          |
| ED-Cassville ICP 1 - 0         | 19               |          |
| ED-Taylorville ICP 1 - 0       | 11               |          |
| ED-Hamilton Crossing ICP 1 - 0 | 26               |          |
| ED-Kingston ICP 1 - 0          | 13               |          |
| ED-White ICP 1 - 0             | 7                |          |
| ED-Mission Road ICP 1 - 0      | 24               |          |
| ED-Emerson ICP 1 - 0           | 10               |          |
| ED-Center ICP 1 - 0            | 18               |          |
| ED-Cartersville East ICP 1 - 0 | 36               |          |

Once all batches have been confirmed, log back into Arlo and mark the I have completed the batch inventory worksheet box and select Continue.

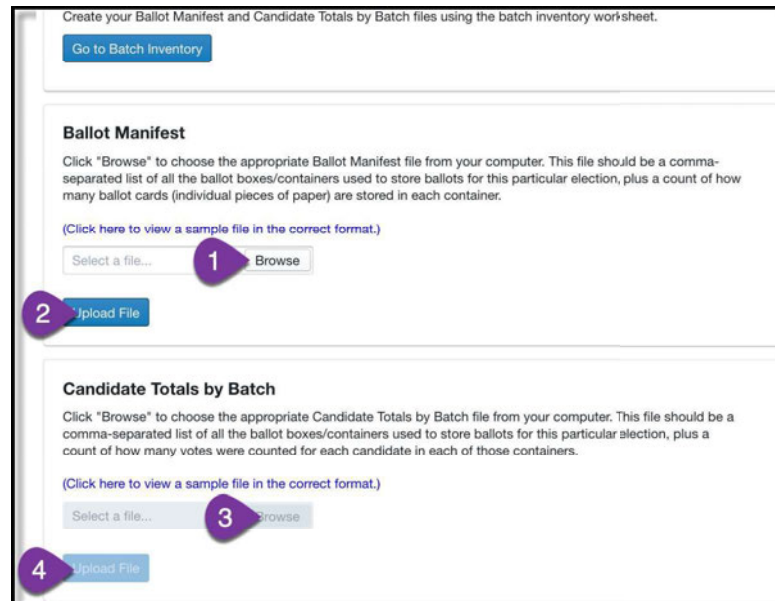
The screenshot shows the Arlo web interface for 'Batch Inventory' in 'Sample County'. The workflow consists of three steps: 'Upload Election Results' (completed), 'Inventory Batches' (current step), and 'Download Audit Files'. A message states: 'Follow the instructions in the worksheet to inventory your batches.' Below this is a 'Download Batch Inventory Worksheet' button. A checkbox labeled 'I have completed the batch inventory worksheet.' is checked and circled in purple. At the bottom right, a 'Continue' button is also circled in purple. A 'Back' button is visible at the bottom left.

# APPENDIX B - PAGE 4 OF 4

The tool will generate your Ballot Manifest and Candidate Totals by Batch files for the audit. Simply download each file and select Return to Audit Setup.



Then upload each file into Arlo for the audit by selecting the Browse button and locating the file saved on your computer and then selecting Upload for each file.



Your pre-audit files are now uploaded and are ready for the audit to be launched by the Department of State.