

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

**JOHN WOOD, AS AGGRIEVED
ELECTOR,**

CONTESTANT,

v.

CIVIL ACTION NO.:

**SECRETARY OF STATE BRAD RAFFENSBERGER
AND GOVERNOR BRIAN KEMP,**

DEFENDANT.

PETITION FOR ELECTION CONTEST

COMES NOW, THE CONTESTANT, by and through his attorneys of record, who files this petition for election contest pursuant to Georgia Code § 21-2-520, et. seq., as follows.

INTRODUCTION

Contestant John Wood is President of the Georgia Voters Alliance. This lawsuit contesting a razor-thin margin in the Presidential election is based on election integrity.

The Contestant John Wood, as an aggrieved elector, brings this lawsuit against the Defendants because state and local election administration officials have ignored statutes, interposed their own solutions for ballot security, accepted private money that casts doubt on election integrity and so mismanaged the election process that no one can have faith that one of their most sacred rights under the United States and Georgia Constitutions, voting, is being protected. Within the State of Georgia, private non-profits, state officials and local elected officials acted to systematically eviscerate

Georgia’s Election Law contrary to Title 21 of the Official Code of Georgia—failing to protect election integrity. Investigations have uncovered more than \$350 million distributed nationwide –\$6.3 million of which went to Fulton County, Georgia—and funneled through a collection of non-profit organizations dictating to election officials how to manage the election.

In particular, the Center for Tech and Civic Life (CTCL) granted \$6.3 million USD to Fulton County, Georgia. These unregulated private funds were predominantly used to:

- (1) pay “ballot harvesters”;
- (2) provide mobile ballot pick up units;
- (3) deputize and pay political activists to manage ballots;
- (4) pay election judges and poll workers;
- (5) establish drop-boxes and satellite offices;
- (6) pay local election officials and agents to recruit cities recognized as democratic strongholds to recruit other cities to apply for grants from non-profits;
- (7) consolidate counting centers in the urban core to facilitate the movement of hundreds of thousands of questionable ballots in secrecy without legally required bi-partisan observation;
- (8) initiate and implement a two-tier ballot “curing” plan that illegally counted ballots in Democrat strongholds and spoil similarly situated ballots in Republican strongholds; and
- (9) pay for and help design the plan to remove the poll watchers from one political party so that the critical responsibility of determining the validity of the ballot and the validity of the count could be conducted without oversight.

See attached Harding Decl., Exs A, B, C, F.

Georgia’s absentee voting records demonstrate illegal votes being counted and legal votes not being counted in the federal election. In Georgia, according to Georgia’s and the federal government’s data, illegal votes were counted and legal votes were not counted in numbers that greatly exceed the 12,670 vote razor-thin

difference in the Presidential election. The estimated number of illegal votes counted and legal votes not counted in Georgia, based on the state government's data, exceeds 200,000. Because of these irregularities, no one knows who really won Georgia's presidential election. So, the election result should be nullified and the appointment of the electors should revert to the state legislature as provided in Article II of the United States Constitution.

**Georgia Presidential Election Contest
Margin +12,670**

Type of Error*	Description	Margin
1) Illegal Ballots	Estimate of the minimum number of absentee ballots requested which were not requested by the person identified in Georgia's database	20,431
2) Legal Votes Not Counted	Estimate of the minimum number of absentee ballots that the requester returned but were not counted	43,688
3) Illegal Votes Counted	Electors voted where they did not reside.	138,221
4) Illegal Votes Counted	Out of state residents voting in Georgia	20,312
5) Illegal Votes Counted	Double Votes	395
TOTAL 1 & 2		64,119
TOTAL		204,143

See Braynard Decl. and Zhang Decl. *May overlap.

The problems of illegal votes counted and legal votes not counted nationwide were exacerbated by the unregulated private monies sourced to Mark Zuckerberg directing local election officials. These unregulated private funds exceeded the federal government's March 2020 nationwide appropriation to assist local governments in managing the general election during the pandemic. As these funds flowed through the pipeline directly to local public officials, the outlines of two-tiered treatment of the American voter began to take place. For example, Fulton County, flush with cash initiated public-private coordinated voter registration drives allowing private access directly to government voter registration files, access to early voting opportunities, along with the coordinated provision of incentives for early voters and the off-site collection of ballots, establishes disparate impact. Harding Decl., Exs. A, B, C. Outside of Fulton County, election officials were unable to initiate equal efforts.

This "shadow government" operation was funded through non-profit grants which dictated methods and procedures to local election officials and in which the grantors retained the right to "claw-back" funds if election officials failed to reach privately set benchmarks—entangling the private-public partnership deeply into Georgia's federal election management. Transparency was required. Yet, none has been given. These constitutionally-impermissible private-public partnerships directed private conditional moneys to conduct federal elections. Their conduct contributed to an historically high numbers of illegal votes counted and legal votes not counted in Georgia, undermining the integrity of the election process as a social contract to maintain our

democratic form of government.

JURISDICTION

1. The Georgia Superior Courts have jurisdiction in all cases except as otherwise provided in the Georgia Constitution, Article VI, Section IV, paragraph 1.

2. Ga. Code §21-2-521 authorizes a voter contest of a federal Presidential Election electing Presidential Electors to the Electoral College. The statute states, “the election of any person who is declared elected to any such office...may be contested by any person who was a candidate at such primary or election for such nomination or office, or by any aggrieved elector who was entitled to vote for such person...”

3. Ga. Code § 21-2-522 allows for an election contest on one or more of the following grounds: “(1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;...(3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result.”

4. Ga. Code. Ann. § 21-2-571 allows for an election contest on the following ground: “Any person who votes or attempts to vote at any primary or election, knowing that such person does not possess all the qualifications of an elector at such primary or election, as required by law...or who knowingly gives false information to poll officers in an attempt to vote in any primary or election.”

5. Ga. Code § 21-2-572 allows for an election contest on the following ground: “Any person who votes in more than one precinct in the same primary or election or otherwise fraudulently votes more than once at the same primary or election shall be guilty of a felony.”

6. Georgia Code § 21-2-524 requires eight allegations in the petition which are made herein. First, the contestant's qualification as an aggrieved elector is identified. Second, the contestant’s desire to contest the result of the November 3, 2020 general election for President and Vice President is identified. Third, the names of the defendants Governor and Secretary of State are identified. Fourth, the names of the candidates at the election are: Joseph R. Biden and Kamala D. Harris; Donald J. Trump and Michael R. Pence; and Jo Jorgenson and Jeremy “Spike” Cohen. Fifth, this petition lists each ground of the contest. Sixth, the Secretary of State certified the vote totals for the Presidential contest on November 20, 2020. Seventh, the relief sought is identified herein. Eighth, other facts as are necessary are provided herein, including the attached expert declaration by Matthew Braynard, to provide a full, particular and explicit statement of the cause of contest.

7. The Fulton County Superior Court has jurisdiction and venue because the Defendants primarily reside or are located in Fulton County, Georgia. Ga. Code § 21-2-523.

PARTIES

8. Contestant John Wood is an elector, eligible voter and taxpayer residing in Coweta County and the Third Congressional District. John Wood is President of the Georgia Voters Alliance. John Wood is an aggrieved elector who believes the Georgia 2020 federal general election violated principles of election integrity.

9. Georgia Secretary of State Brad Raffensberger is a Defendant. His office is located in Atlanta, Georgia. Secretary of State Raffensberger certified the Presidential Election result on November 20, 2020.

10. Georgia Governor Brian Kemp is a Defendant. His office is located in Atlanta, Georgia. Under 3 U.S.C. § 6, a Governor of a state notifies the federal government of the Presidential Electors of that state for the Electoral College.

ULTIMATE ISSUE PRESENTED BY THE CONTROVERSY

11. Whether there is sufficient evidence to show that Georgia's election officials failed to conduct the November 3, 2020 election for Presidential Electors in accordance with the Georgia state constitution and Georgia state law casting sufficient doubt on the razor-thin margin of 12,670 to void the election result.

PETITION

I. Georgia election laws, adopted by the state legislature, are at issue in this case.

12. The Georgia General Assembly has adopted laws governing the

voting for the selection of Presidential electors. Those laws provide for voting to be conducted pursuant to Georgia general election laws. Title 21 of the Official Code of Georgia.

A. Georgia has a photo identification requirement for voting.

13. In 1997, in order to prevent the casting of ineligible ballots due to, among other reasons, fraud, the Georgia General Assembly adopted Act 53 to require Georgia voters, known as electors under Georgia law, to present an identification containing a photograph, such as a driver's license, to either a municipal or county clerk when registering to vote municipal or county clerk or other official when voting. Ga. Code §21-4-417. The Georgia General Assembly adopted the photo ID requirement to deter the casting of ballots by persons either not eligible to vote or persons fraudulently casting multiple ballots. *Democratic Party of Georgia, Inc. v. Perdue*, 288 Ga. 720 (2011).

14. The Georgia General Assembly has also provided voters with the option to vote by absentee processes which are set forth in very detailed and unambiguous language in the Georgia statutes at Georgia Code §21-2-10, et seq.

B. Georgia has created the State Election Board and Other Election Commissions or Boards to Administer State Election Laws.

15. The Georgia General Assembly created the State Election Board as an independent agency under the Georgia Secretary of State, as chairman, to administer Georgia's election laws. Ga. Code §21-2-30-34. The State Election Board is authorized to adopt administrative rules pursuant to the Georgia

Administrative Procedures Act, which governs administrative rule making.

However, nothing under Georgia's election laws authorizes the State Elections Board to issue any documents, make any oral determinations or instruct governmental officials administering elections to perform any act contrary to Georgia law governing elections.

16. Furthermore, the Georgia General Assembly also allowed for the creation of county election boards with the power to act as an election superintendent relating to the conduct of primaries and elections. Ga. Code § 21-2-40. These county election boards are responsible for administering the elections in their respective jurisdictions.

C. Georgia has a photo identification requirement for absentee voting.

17. As set forth above, the Georgia General Assembly adopted Act 53 in 1997 to require Georgia electors to present an identification containing a photograph, such as a driver's license, to either a municipal or county clerk when registering to vote municipal or county clerk or other official when voting. Ga. Code §21-4-417. The Georgia General Assembly adopted the photo ID requirement to deter the casting of ballots by persons either not eligible to vote or persons fraudulently casting multiple ballots. *Democratic Party of Georgia, Inc. v. Perdue*, 288 Ga. 720 (2011).

18. Georgia's absentee voting is governed by Ga. Code § 21-2-380 - §21-2-390.

19. Ga. Code § 21-2-381 governs how Georgia electors may obtain an absentee ballot.

D. Georgia’s procedures for identification apply to all absentee voters.

20. With respect to all absentee voters, Ga. Code § 21-2-381(b) governs how the clerk is to transmit an absentee ballot to the absentee elector after the clerk approves the absentee voter application.

21. Under Ga. Code § 21-2-384(b), if the clerk approves absentee ballot application, the clerk will then mail to the absentee voter an envelope containing (i) the absentee ballot and (ii) a return envelope into which the absentee voter is to place the absentee ballot.

22. On the back of the absentee envelope, Ga. Code § 21-2-384(b), requires that the clerk send the absentee voter an envelope containing (i) an envelope with only the words “Official Absentee Ballot” on one side and (ii) an envelope which the absentee voter must use to return the absentee ballot back to the clerk. On one side of the envelope is the oath for electors and the oath for the person assisting the elector, and the statutory penalties for violation of the oaths. On the other side the name and address of the board of registrars or absentee ballot clerk, and the elector’s name and voter registration number.

23. The absentee voter’s certification must be in substantially the following form pursuant to Ga. Code § 21-2-384(c)(1):

I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of the State of Georgia; that I possess the

qualifications of an elector required by the laws of the State of Georgia; that I am entitled to vote in the precinct containing my residence in the primary or election in which this ballot is to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I mark or mail another absentee ballot for voting in such primary or election; nor shall I vote therein in person; and that I have read and understand the instructions accompanying this ballot; and that I have carefully complied with such instructions in completing this ballot. I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.

Signature or Mark of Elector
Printed Name of Elector

24. Pursuant to Ga. Code § 21-2-386, “Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.”

25. Under Ga. Code § 21-2-386(a)(1)(C), the Georgia General

Assembly also established a clear and efficient process to be used by county officials if they determine that an elector had failed to sign the oath on the outside envelope enclosing the ballot or that the signature does not conform with the signature on file in the registrar's or clerk's office. When dealing with defective absentee ballots:

If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years.

II. Georgia's election officials violated state law under Ga. Code § 21-2-522.

A. Mark Zuckerberg, through a non-profit, gave Fulton County \$6.3 million USD to conduct the federal election as Zuckerberg's non-profit entity requires.

26. Fulton County entered into an agreement with a non-profit organization, CTCL, an organization created in 2012 and funded with \$350 million USD by Facebook billionaire Mark Zuckerberg, a well-known activist and partisan, to take millions of dollars from CTCL to conduct the November 3, 2020 election in violation of Georgia law.

27. Moreover, specifically with respect to elections, only the Georgia Secretary of State can take in monies from sources other than taxation and that is limited to applying for a federal grant under Georgia's Election Plan created under

the Help America Vote Act (“HAVA”). Ga. Code § 21-2-50.2 provides that only the Georgia Secretary of State can seek funds from the federal government under HAVA.

28. Georgia adopted a plan in 2003 pursuant to the federally enacted Help America Vote Act (“HAVA”). Pursuant to Section 3 of the HAVA plan, each election commission was “required to conduct regular training and administer examinations to ensure that individuals who are certified are knowledgeable concerning their authority and responsibilities.” Using HAVA volunteers is a violation of Georgia’s HAVA plan.

29. In September 2020, Fulton County entered into agreement with CTCL to take “as a gift” \$6.3 million USD from CTCL (“CTCL Agreement”).

30. Pursuant to the terms of the CTCL Agreement, Fulton County would be required to remit back to CTCL the entire \$6.3 million USD “gift” if CTCL in its sole discretion determines that the cities have not complied with the CTCL Agreement. The CTCL Agreement provide that the purpose of the funds was to be used exclusively for the public purpose of planning safe and secure election administration in Fulton County. Thus, pursuant to the CTCL Agreement, CTCL could direct the election officials to conduct the election in ways CTCL wanted and, if the Fulton County election officials did not comply, CTCL could force Fulton County to refund the \$6,300,000.

31. On September 2, 2020, the Fulton County Board of Commissioners

approved acceptance of the grant from the CTCL at the recommendation from the Fulton County Registration and Elections Division. Among other things, Fulton County agreed with CTCL to use the monies to:

- Hire additional personnel for elections;
- Increase existing salaries for staff;
- Encourage and Increase Absentee Voting (By Mail and Early, In-Person);
- Provide assistance to help voters comply with absentee ballot requests & certification requirements;
- Utilize secure drop-boxes to facilitate return of absentee ballots
- Deploy additional staff and/or technology improvements to expedite & improve accuracy of absentee ballot processing;
- Expand In-Person Early Voting (Including Curbside Voting); and
- Commit “to conducting the necessary voter outreach and education to promote absentee voting and encourage higher percentages of our electors to vote absentee.

Harding Decl., Exs. A, B, C.

32. The Cities and CTCL knew in 2020 that Democrat voters would be voting primarily by absentee vote which is why the Cities and CTCL aggressively “promoted,” “encouraged” and overzealously solicited” voters to vote absentee—including eliminating absentee ballot security requirements.

B. The Center for Tech and Civic Life created a disparate impact in the treatment of voters in Georgia through their grants to local municipalities.

33. CTCL provided a \$6.3 million grant for election administration to

Fulton County Georgia. See attached Harding Decl., Ex. F.

34. CTCL provided grants to at least a dozen generally democratic Georgia counties to develop their election administration.

35. This meant that counties that were unaware of these grants were unable to access the funds and were unable to provide similar access and technology to their electors for the 2020 federal general election.

36. CTCL put out a statement regarding the ways they intended grant recipients to improve their voting access compared to other localities. These actions were under 4 broad categories.

a. Making Voting Safe

- i. Designated Polling Locations for Voters with COVID-19
- ii. Partnering with Sports Arenas
- iii. Controlling Long Lines
- iv. Hand Delivering Ballots
- v. Reaching Voters in Nursing Homes
- vi. Promoting Curbside Voting
- vii. Expanding Vote-By-Mail Options

b. Engaging Historically Disenfranchised Populations

- i. Registering Voters Serving Out Felony Sentences
- ii. Offering In-Person Voting for Incarcerated Individuals
- iii. Educating Ex-Felons and Incarcerated Individuals

- iv. Supporting Voters who Speak English as a Second Language
- v. Offering Late-Night Voting Options
- vi. Educating Native Americans
- c. Supporting Voters with Disabilities
 - i. Expanding American Sign Language Resources
 - ii. Offering Private and Independent Voting Options
 - iii. Developing Online Voting Portals
 - iv. Partnering with Disability Rights Groups
- d. Improving Access for Displaced Voters
 - i. Providing Critical Information on Election Websites
 - ii. Implementing Mobile Voter Sites
 - iii. Supporting People Experiencing Homelessness

Harding Decl, Ex. D.

37. CTCL only made this money and services available to certain counties. Moreover, CTCL only increases access to these options if the local municipality agrees to run the election according to CTCL preferences.

38. Consequently, numerous electors in the State of Georgia were not able to benefit from CTCL's private federal election grants making it easier to vote in-person and absentee.

C. CTCL Funding assisted in a disparity in ballot and drop box access between Democratic and Republican trending areas of Georgia.

39. Georgia is comprised of 159 counties. In 2016, Hillary Clinton

garnered 1,877,963 votes in the state of Georgia.¹ Clinton won four counties in major population centers, Fulton (297,051), Cobb (160,121), Gwinnett (166,153), and Dekalb Counties (251,370).² These four counties represented 874,695 votes for Hillary Clinton.³

40. Georgia has 300 total drop boxes for electors to submit absentee ballots.⁴

41. In 2020, Georgia counties utilized CTCL funding to install additional drop boxes in areas that would make it easier for voters to cast their absentee ballot. The four counties won by the Clinton campaign contain a plurality of the drop boxes.

42. Fulton County was home to 39 drop boxes⁵, Cobb County provided 16 drop boxes,⁶ 23 drop boxes in Gwinnett County⁷, and Dekalb County has 34 boxes.⁸

43. These four localities account for 112 drop boxes, spread out over 1,587

¹ Georgia Election Results 2016 – The New York Times (nytimes.com)

² Georgia Election Results 2016 – The New York Times (nytimes.com)

³ Georgia Election Results 2016 – The New York Times (nytimes.com)

⁴ <https://georgiapeanutgallery.org/2020/09/28/drop-box-locations-for-november-3-2020-election/>

⁵ Fulton County nearly doubles number of ballot drop off boxes (fox5atlanta.com)

⁶ <https://www.cobbcounty.org/elections/news/6-additional-absentee-ballot-drop-boxes-available-september-23rd>

⁷ https://www.gwinnettcounty.com/static/departments/elections/2020_Election/pdf/BallotDropBoxMap_2020.pdf

⁸ <https://www.dekalbcountyga.gov/sites/default/files/users/user304/DeKalb%20Drop%20Locations%20103120%20V7.pdf>

square miles.⁹ Meaning, voters in these four Clinton strongholds have one drop box for every 14 square miles. Meanwhile, in the remaining 155 counties, spread out over 55,926 square miles, a republican voter will find one drop box for every 294 square miles.

D. Georgia's Settlement Agreement regarding absentee ballots security measures violated the Georgia Constitution and Statutes.

44. Notwithstanding the clarity of the applicable statutes and the constitutional authority for the Georgia General Assembly actions, on March 6, 2020, the Secretary of State of the State of Georgia, Secretary Raffensperger, and the State Election Board, who administer the state elections (the "Administrators") entered into a "Compromise and Settlement Agreement and Release" (the "Settlement Agreement") with the Democratic Party of Georgia, Inc., the Democrat Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee (collectively, the "Democrat Party Agencies"), setting forth different standards to be followed by the clerks and registrars in processing absentee ballots in the State of Georgia.¹⁰ Harding Decl., Ex. E.

45. The Georgia election officials' Settlement Agreement violated the Elections Clause of the Constitution, Art. 1 Sec. 4, cl. 1, Georgia Constitution and

⁹ The areas for the respective counties are: Fulton 534 square miles; Cobb 345 square miles; Gwinnett 437 square miles; and DeKalb 271 square miles.

¹⁰ See *Democratic Party of Georgia, Inc., et al. v. Raffensperger, et al.*, Civil Action File No.1: 19-cv-05028-WMR, United States District Court for the Northern District of Georgia, Atlanta Division, Doc. 56-1.

statutes. *Carson v. Simon*, 978 F.3d 1071 (C.A. 8, 2020).

46. The Settlement Agreement sets forth different legal standards to be followed by the clerks and registrars in processing absentee ballots in the State of Georgia than those constitutionally and statutorily required.

47. Although the State Election Board is authorized to promulgate rules and regulations that are "conducive to the fair, legal, and orderly conduct of primaries and elections," all such rules and regulations must be "consistent with law." Ga. Code § 21-2-31(2).

48. Under the Settlement Agreement, however, the State Election Board and Secretary of State agreed to change the statutorily-prescribed manner of handling absentee ballots in a manner that was not consistent with the laws promulgated by the Georgia General Assembly for elections in this state.

49. The Settlement Agreement provides that the Secretary of State would issue an "Official Election Bulletin" to County Administrators overriding the statutory procedures prescribed for those officials. That power, however, does not belong to the Secretary of State under the Georgia Constitution and U. S. Constitution.

50. The Settlement Agreement procedure, set forth in pertinent part below, is more cumbersome, and makes it much more difficult to follow the statute with respect to defective absentee ballots.

51. Because of the COVID-19 pandemic and the pressures created by a

larger number of absentee ballots, county officials were under great pressure to handle an historical level of absentee voting.

52. Additionally, the county officials were required to certify the speed with which they were handling absentee ballots on a daily basis, with the goal of processing absentee ballots faster than they had been processed in the past.

53. Under the Settlement Agreement, the following language added to the pressures and complexity of processing defective absentee ballots, making it less likely that they would be identified or, if identified, processed for rejection:

County registrars and absentee ballot clerks are required, upon receipt of each mail-in absentee ballot, to compare the signature or mark of the elector on the mail-in absentee ballot envelope with the signatures or marks in eNet and on the application for the mail-in absentee ballot. If the signature does not appear to be valid, registrars and clerks are required to follow the procedure set forth in O.C.G.A. § 21-2-386(a)(I)(C). When reviewing an elector's signature on the mail-in absentee ballot envelope, the registrar or clerk must compare the signature on the mail-in absentee ballot envelope to each signature contained in such elector's voter registration record in eNet and the elector's signature on the application for the mail-in absentee ballot.

If the registrar or absentee ballot clerk determines that the voter's signature on the mail-in absentee ballot envelope does not match any of the voter's signatures on file in eNet or on the absentee ballot application, the registrar or absentee ballot clerk must seek review from two other registrars, deputy registrars, or absentee ballot clerks. A mail-in absentee ballot shall not be rejected unless a majority of the registrars, deputy registrars, or absentee ballot clerks reviewing the signature agree that the signature does not match any of the voter's signatures on file in eNet or on the absentee ballot application. If a determination is made that the elector's signature on the mail-in

absentee ballot envelope does not match any of the voter's signatures on me in eNet or on the absentee ballot application, the registrar or absentee ballot clerk shall write the names of the three elections officials who conducted the signature review across the face of the absentee ballot envelope, which shall be in addition to writing "Rejected" and the reason for the rejection as required under O.C.G.A. § 21-2-386(a)(J)(C). Then, the registrar or absentee ballot clerk shall commence the notification procedure set forth in O.C.G.A. § 21-2-386(a)(1)(C) and State Election Board Rule 183-1-14-13. [Emphasis added].

54. The bolded language above is not consistent with the statute adopted by the Georgia General Assembly.

55. First, the Settlement Agreement overrides the clear statutory authorities granted to County Officials individually and forces them to form a committee of three (3) if any one official believes that an absentee ballot is a defective absentee ballot, contrary to state law.

56. Such a procedure creates delay and a cumbersome, unnecessary and expensive bureaucratic protocol to be followed with each questionable absentee ballot signature - and makes it difficult to reject ballots. Ballots that would be rejected by the procedure as laid out in Ga. Code § 21-2-386 will simply be approved by a majority of the review team.

57. Second, the Settlement Agreement allows a county official to compare signatures in ways not permitted by the statutory structure created by the Georgia General Assembly.

58. The Georgia General Assembly prescribed procedures to ensure

that any request for an absentee ballot must be accompanied by sufficient identification of the elector's identity. *See* Ga. Code § 21-2-381(b)(1) (providing, in pertinent part, "In order to be found eligible to vote an absentee ballot in person at the registrar's office or absentee ballot clerk's office, such person shall show one of the forms of identification listed in Code Section 21-2-417 ...").

59. Under Ga. Code § 21-2-220(c), the elector must present identification, but need not submit identification if the electors submit with their application information such that the county officials are able to match the elector's information with the state database, generally referred to as the eNet system.

60. The system for identifying absentee ballots was carefully constructed by the Georgia General Assembly to ensure that electors were identified by acceptable identification (Ga. Code § 21-2-417 even permits the use of an expired driver's license), but at some point in the process, the Georgia General Assembly mandated the system whereby the elector be identified for each absentee ballot.

61. Under the Settlement Agreement, any determination of a signature mismatch would lead to the cumbersome process described in the settlement, which was not intended by the Georgia General Assembly, which authorized those decisions to be made by single election officials.

E. Georgia’s election officials did not enforce state law residency requirements on voters who changed addresses before the November 3, 2020 election.

62. Georgia law requires that its election officials enforce residency requirements on voters. Ga. Code § 21-2-218.

63. Georgia election officials had residency information to verify that an actual person was voting according to their residence. Ga. Code § 21-2-211.

64. Georgia election officials violated Georgia law in not applying this change of address information to enforce residency requirements on voters who changed residency before the November 3, 2020 election. Ga. Code § 21-2-211.

F. Georgia’s election officials did not enforce state law against double voting.

65. Georgia law requires that its election officials enforce the prohibition on one person voting more than once. Ga. Code § 21-2-572.

66. Georgia election officials have access to information to prevent double voting. Ga. Code § 21-2-211.

67. Georgia election officials violated Georgia law in not applying this information to enforce Georgia’s prohibition on double voting before the November 3, 2020 election.

III. The government’s data confirms the illegal votes counted and legal votes not counted are over 200,000—exceeding the 12,670 margin in the Presidential contest.

68. The people of Georgia had complaints about election officials’ activities regarding the November 3 election. Harding Decl., Ex. G.

69. The Georgia government's data was reviewed and presented by data analyst Matthew Braynard in an accompanying report. Braynard Decl.

70. Dr. Qianying (Jennie) Zhang also provided an accompanying report based on statistical extrapolation from the data analysis of Matthew Braynard.

71. Additionally, as to absentee voters, according to polling by John McLaughlin, Biden voters were significantly more likely (approximately 62%) to vote absentee than other candidates. McLaughlin Decl.

72. Based on the government's data and analysis, it is estimated that 20,431 is the minimum number of absentee ballots requested which were not requested by the person identified in Georgia's database. Braynard Decl.; Zhang Decl.

73. Based on the government's data and analysis, it is estimated that 43,688 is the minimum number of absentee ballots that the requester returned but were not counted. Braynard Decl.; Zhang Decl.

74. Based on the government's data, it is estimated that 138,221 electors voted were they did not reside. Braynard Decl.

75. Based on the government's data, it is estimated that 20,312 out-of-state residents voted in Georgia. Braynard Decl.

76. Based on the government's data, it is estimated that there were 395 double votes in Georgia. Braynard Decl.

77. In summary, based on the government’s data, it is estimated that there were 204,143 illegal votes counted and legal votes not counted—exceeding the Presidential contest margin of 12,670 votes in Georgia. Braynard Decl.; Zhang Decl.

IV. The administration of Georgia’s election violated state and federal law.

78. Georgia election officials’ material violations of Georgia election law placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law. Ga. Code § 21-2-527.

79. Georgia election officials’ material violations of Georgia election law violated the voters due process rights under the state constitution and constituted and placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law. Ga. Code § 21-2-527.

80. Georgia election officials’ material violations of Georgia election law violated the voters equal protection rights under the state constitution and placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law. Ga. Code § 21-2-527.

81. Georgia election officials violated the Elections Clause and Electors Clause of the United States Constitution and placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law. U.S. Constitution Art. 1 Sec. 4 cl. 1 and Georgia Code § 21-2-527.

82. Since the election result is legally null and void, the State of Georgia

and the Secretary of State should be enjoined from certifying the election result so that the Georgia General Assembly can lawfully appoint the electors.

83. The Governor of the State of Georgia should be enjoined to certify the Presidential electors under 3 U.S.C. § 6 appointed by the Georgia General Assembly.

WHEREFORE, THE CONTESTANT PRAYS:

1. That the Court **ISSUES** a declaratory judgment that Georgia election officials' material violations of Georgia election law placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law;

2. That the Court **ISSUES** a declaratory judgment that Georgia election officials' material violations of Georgia election law violated the voters' due process rights under the state constitution and constituted and placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law;

3. That the Court **ISSUES** a declaratory judgment that Georgia election officials' material violations of Georgia election law violated the voters' equal protection rights under the state constitution and placed the results of a close Presidential election in Georgia in doubt and are null and void, as a matter of law;

4. That the Court **ISSUES** a declaratory judgment that Georgia election officials violated the Elections Clause and Electors Clause of the U.S. Constitution;

5. That the Court **ISSUES** an injunction enjoining the Secretary of State or any election body official in the State of Georgia from certifying the

Presidential election so that the Georgia General Assembly can lawfully appoint the electors;

6. That the Court **ISSUES** an injunction requiring the Governor of the State of Georgia to certify the Presidential electors under 3 U.S.C. § 6 appointed by the Georgia General Assembly if any;

7. Or in the alternative, the Court **ORDERS** a second Presidential election in the entirety of the State of Georgia at a certain date and time, to include requiring the Georgia elections officials to abide by state law and provide transparency; **AND**

8. That the Court **GRANTS** any other relief the Court **DEEMS** just and proper.

Dated: November 25, 2020

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