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Cathelene Robinson, Clerk
Fulton County Superior Court

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

GARLAND FAVORITO, et al.,)
Petitioners,)
v.)
MARY CAROLE COONEY, et al.,)
Respondents)

CIVIL ACTION FILE NO.:
2020CV343938

**MOTION OF TEA PARTY PATRIOTS FOUNDATION, INC. TO FILE AMICUS BRIEF
IN RESPONSE TO PETITIONERS’ MOTION TO UNSEAL PAPER BALLOTS AND
COMPEL PRODUCTION OF BALLOTS**

COMES NOW, TEA PARTY PATRIOTS FOUNDATION, INC. (*hereinafter* “TPPF”),
by and through the undersigned counsel, and respectfully moves this Honorable Court for leave to
file the attached **BRIEF OF AMICUS CURIAE TEA PARTY PATRIOTS FOUNDATION
IN SUPPORT OF PETITIONERS’ MOTION TO UNSEAL PAPER BALLOTS AND
COMPEL PRODUCTION OF BALLOTS**, attached hereto as **Exhibit “1,”** and in support states
as follows:

TPPF provides training opportunities and educational resources to the largest network of
grassroots Tea Party groups around the country. The core of TPPF’s mission is to teach people
that, as a country, we are most free when the plain text of the Constitution is followed in the manner
understood by our Founding Fathers. In our society, all Americans are free to choose to live life
the way they want to, as long as they don’t harm or infringe upon the rights of others.

Fundamental to this aim is the preservation of the right to vote *and* preservation of the
citizenry’s confidence that elections are conducted in a free and fair manner. The proposed Brief
attached hereto analyzes the legal issues before the Court and provides a factual background for
the same. It is the belief of TPPF that when apparent irregularities in the voting process occur, they
must be investigated fully including all of the original ballots so that every citizen can have faith

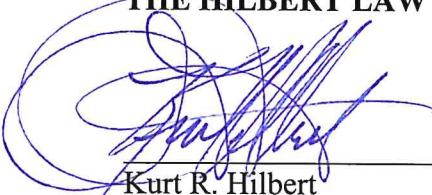
and confidence that the outcome of election was fair and correct, regardless of how they voted. Governments and their agents should not keep us from knowing if the outcome of an election was truly the will of the people, or, if the outcome was tainted by fraud or other irregularities.

To this end, TPPF believes that transparency and public examination of the voting process and all instruments, including forensic analysis of original ballots, used therein as provided by Georgia law is not only essential, but also required under Georgia law and the Rules of Best Evidence. TPPF brings this *amicus curiae* brief to highlight and elucidate the intersection between the Georgia Open Records Act and Georgia's Election Code which shows that analysis is not only proper it is required, but further to provide the Court with the litany of contradictory and conflicting facts and circumstances surrounding the Secretary of State concerning the 2020 Presidential election based on Fulton County's own post-election Report and other facts, which together serve to further transparency and promote election integrity.

WHEREFORE TEA PARTY PATRIOTS FOUNDATION, INC., as proposed *Amicus Curiae*, respectfully requests that this Court consider the attached brief before granting or denying any further relief requested by the Petitioners.

Respectfully submitted, this 30th day of April, 2021.

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CERTIFICATE OF SERVICE

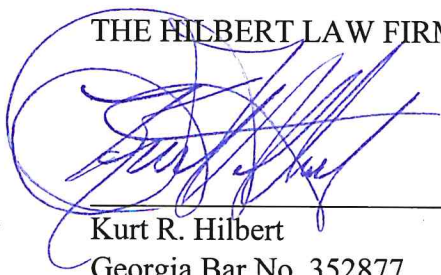
I hereby certify that I have this day electronically filed the foregoing **MOTION OF TEA PARTY PATRIOTS FOUNDATION, INC. TO FILE AMICUS BRIEF IN RESPONSE TO PETITIONERS' MOTION TO UNSEAL PAPER BALLOTS AND COMPEL PRODUCTION OF BALLOTS** with the Clerk of Court using the electronic filing system, which will send notification of such filing to all parties of record via electronic notification, as well as via email to the following counsel for the parties:

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Dated: April 30, 2021.

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**BRIEF OF AMICUS CURIAE TEA PARTY PATRIOTS FOUNDATION, INC. IN
SUPPORT OF PETITIONERS’ MOTION TO UNSEAL PAPER BALLOTS AND
COMPEL PRODUCTION OF BALLOTS**

Amicus Curiae, Tea Party Patriots Foundation, Inc. (*hereinafter* “TPPF”), submits the following Brief of Amicus Curiae in support of Petitioners’ Motion to Unseal Paper Ballots and Compel Production of Ballots (*hereinafter* the “Motion”).

A. INTERESTS OF *AMICUS CURIAE*.

TPPF provides training opportunities and educational resources to the largest network of grassroots Tea Party groups around the country. The core of TPPF’s mission is to teach people that, as a country, we are most free when the plain text of the Constitution is followed in the manner understood by our Founding Fathers. In our society, all Americans are free to choose to live life the way they want to, as long as they don’t harm or infringe upon the rights of others. TPPF strives to address key matters of policy that affect the preservation of a nation where the principles of individual liberty are cherished and maximized, where the Constitution is revered and upheld, and where Americans are free to pursue their American Dream. Fundamental to this aim is the preservation of the right to vote *and* preservation of the citizenry’s confidence that elections are conducted in a free and fair manner. It is the belief of TPPF that when apparent irregularities in the voting process occur, they must be investigated fully so that every citizen can believe in and have confidence that the outcome of election was fair and correct, regardless of how they voted.

Governments and their agents should not keep us from knowing if the outcome of an election was truly the will of the people, or, if the outcome was tainted by fraud or other irregularities. To this end, TPPF believes that transparency and public examination of the voting process and all instruments used therein as provided by Georgia law is essential and brings this *amicus curiae* brief to highlight the intersection between the Georgia Open Records Act and Georgia's Election Code, which together serve to further transparency and promote election integrity.

B. GEORGIA'S OPEN RECORDS ACT WAS PASSED TO ENHANCE TRANSPARENCY, NOT TO BE USED AS A TOOL TO EVADE, LIMIT, OR CONFLICT WITH THE ELECTION CODE.

i. Open government is "strong public policy" under the Act.

Georgia's Open Records Act, codified at O.C.G.A. § 50-8-70 (*hereinafter* the "Act"), states plainly that the "strong public policy of [Georgia] is in favor of open government." Consistent with this strong public policy is the Declaration of Policy of Chapter 5 of the Georgia Election Code titled "Ethics in Government", O.C.G.A. § 21-5-2, which provides that "It is declared to be the policy of this state, in furtherance of its responsibility to protect the integrity of the democratic process and to ensure fair elections" Accordingly, both the Act and the Election Code are to apply with their provisions interpreted consistently *in pari materia* and with strong public policy in favor of open government and public inspection.

ii. Presumption in favor of production is the general rule; exceptions are to be narrowly construed.

The Act declares that there is a strong presumption that public records be available for public inspection without delay, and that the exceptions to this general rule should be construed narrowly. O.C.G.A. § 50-8-70. It is unquestionable that the ballots sought by Petitioners in the

underlying case are “public records” as defined by statute. “Public Records” are defined as “all documents, papers, letters . . . or similar material prepared and maintained or received” by an agency and all records received or maintained by an external entity “in the performance of a service or function for or on behalf of an agency” O.C.G.A. § 50-18-70. An “agency” is defined by the statute by reference to O.C.G.A. § 50-14-1 to include every county. Accordingly, ballots are “public records” subject to inspection and Fulton County can be compelled to produce them as an “agent.”

iii. Original ballots in Georgia are the “best evidence” and actually the only evidence to conduct a valid forensic audit of the public records at issue.

In the State of Georgia ballots are made of paper which has unique characteristics that cannot be forensically analyzed by looking at mere images of the documents. The original paper ballots themselves are the best evidence for forensic evaluation and constitute the best evidence of the “public record” to be produced.

Indeed, the so-called “best evidence” rule in Georgia, O.C.G.A. § 24-10-1002, actually mandates that to “prove the contents of a writing, recording or photograph, the *original* writing, recording or photograph *shall be required*” (emphasis added). The Act reinforces the best evidence rule by permitting the “inspection *and* copying” of public records—not merely the inspection *of* copies. O.C.G.A. § 50-18-70(f) (emphasis added).

Absent forensic analysis of the original paper ballots, Petitioners would not have admissible best evidence to prove their case resulting in utmost prejudice to their claims under the Act.

- iv. This Court already ruled that images of the ballots must be turned over and were not excluded under any exception under the Act, making the content of the ballots public record.**

The Honorable Brian Amaro ruled from the bench on April 13, 2021, that Fulton County, the agency currently in possession of the ballots, must turn over images of the ballots to the Petitioners. Therefore, the content of the ballots has already been tacitly made a public record, and any challenge based on privacy of content is now moot and irrelevant to the legal analysis of whether original ballots should be produced as a public record.

- v. The Secretary of State of Georgia is mandated to “permit the public inspection” of original ballots, or it is a criminal misdemeanor.**

The only remaining question before the Court regarding access to the ballots is whether Petitioners are entitled to inspect the actual original ballots themselves, rather than pictures or “images” of the ballots. The terms “documents” and “papers,” the requirements of the best evidence rule, and strong public policy clearly indicate the answer should be unequivocally, yes. Indeed, the General Assembly of Georgia has provided that the Secretary of State “shall be guilty of a misdemeanor” if he or any employee of his office “willfully refuses to permit the public inspection or copying,¹ in accordance with this chapter, of any ... paper, ... or any other document or record in his or her custody” O.C.G.A. § 21-2-586. Further, and even more punitive, “If the Secretary of State or any employee of his or her office willfully destroys, alters, or permits to be destroyed or altered any document described in subsection (a) of this Code section during the period for which the same is required to be kept in his or her office, the Secretary of State or

¹ The statute is disjunctive and in either case the Secretary of State is subject to penalty. *Cf.* O.C.G.A. § 50-18-70 (requiring “inspection *and* copying” of public records) (emphasis added).

employee of his or her office shall be guilty of a felony.” *Id.* Inspection of original ballots is a necessity in this matter and is required by law.

The instant case does not challenge that a greater number of ballots were cast for President Biden than for former President Trump (i.e., it is not an election contest). The issue centers on the strong public policy in favor of election integrity and whether the original ballots cast by citizens of Georgia were actual authentic ballots, and whether they were properly cast. Fulton County’s own post-election report emphasizes numerous problems with the conduct of the election that support Petitioners’ allegations and their interest in inspecting the actual ballots. *See State Election Board Report – Post-Election Executive Summary January 12, 2021 (hereinafter “Report”).* The Report’s lengthy account of election irregularities is bolstered by the sworn affidavits of dozens of poll workers and election monitors who participated in the election process and witnessed the irregularities firsthand. *See Verified Complaint Exhibit 17, Trump v. Raffensperger, CAFN 2020CV343255 Fulton County Superior Court.* Several poll workers who handled the original ballots reported that many of the ballots they handled felt as though they were printed on different paper than the official ballots. *E.g.*, Affidavits of Bridget Thorne and Colton McRae in *id.* Others attested to seeing ballots that appeared to be filled in by machine ink rather than by hand. Still others attested to handling absentee mail-in ballots that had no creases in them, a pristine condition that could not exist if the ballot was placed inside the provided envelopes to be mailed. Affidavit of Susan Voyles in *id.* For the Secretary of State to request that this Court prevent inspection and forensic evaluation of the original paper ballots is antithetical to the public policy of this state

which favors open government and “public inspection” of paper and documents held in the custody of the Secretary of State.²

It is public record that the Secretary of State has refused to produce data under the Act in other cases, demonstrating a pattern of practice and conduct of violating the Act. In *Trump v. Raffensperger*, for example, the Verified Complaint Exhibit 18 showed that multiple written requests were made to the Secretary of State for the data that the Secretary alleged disproved then President Trump’s claims. Like the hard copies of the ballots now requested by Petitioners, this data is also a public record and must be produced under the Act. However, none of the requests were complied with and no information was made available by the Secretary’s office, even when the request was made a part of the ensuing litigation. Further, in that same case, counsel for the President sent a letter dated December 23, 2020, to counsel for the Secretary of State requesting the same information and reminding the Secretary of State of the multiple prior requests. See Exhibit “C” of Petitioners’ Joint Brief in Opposition to Respondent Erica Hamilton’s Motion for Attorneys’ Fees Pursuant to O.C.G.A. § 9-15-14, *Trump v. Raffensperger*. Then, as part of the much-publicized and misrepresented phone call on January 2, 2021, the President’s counsel (for purposes of compromise and settlement in the pending litigation³) once more requested the

² The ballots are in the possession of Fulton County, but in the custody and control of the Secretary of State.

³ Despite media reports to the contrary, the transcript makes clear the purpose of the call was for settlement and compromise of the pending matter. See *READ: Transcript of Trump’s [January 2, 2021] phone call to Georgia secretary of state*, ATLANTA JOURNAL-CONSTITUTION (January 4, 2021), <https://www.ajc.com/news/nation-world/read-transcript-of-trumps-phone-call-to-georgia-secretary-of-state/IRLR3EXOMVFJFJIVYYUQ2C6QTM/> (Mark Meadows, Chief of Staff to the President, at 4: “And so, Mr. Secretary, I was hopeful that, you know, in a spirit of cooperation and compromise is there there’s something that we can at least have a discussion to look at some of these allegations to find a path forward, that’s less litigious”; Kurt Hilbert, Counsel for the President, at 18: “We would like to just sit down with your office and we can do it through purposes of compromise and so on and just like this phone call just to deal with that limited category of votes. And if you are able to establish that our numbers are not accurate, then fine.

Secretary of State to provide the data; and the President’s counsel on the call reminded Ryan Germany, General Counsel for the Secretary of State, that multiple requests had been made for this information under the Act, but that each had been rebuffed. The Secretary of State, when it comes to disclosure of the 2020 Presidential election data, has willfully ignored his responsibilities under the Act, and here seeks to interject himself into a proceeding that does not involve him to fight once more against transparency and open government. This Honorable Court has the power to hold the Secretary of State accountable.

C. THE STATE’S OWN ADMISSIONS BELIE THEIR ASSERTION THE ELECTION WAS SECURE.

Elections are only meaningful and democratic if they are free, fair, and the public has confidence in the outcome. Indeed, while Saddam Hussein may have claimed to win the presidency of Iraq in 2002 with 100% of the vote of nearly 12 million Iraqis, no one could reasonably claim that his election was legitimate or that the country of Iraq was a functional democracy. By their own admission and reports, Fulton County, unfortunately, has been plagued with election irregularities which cast doubt on whether the elections there were free and fair. *See Report*. The media has extensively reported on chain of custody problems, ballot storing problems, and other substantial irregularities. The Report—prepared by the State’s own non-partisan election monitor—clearly undermines the Secretary of State’s office’s unabashed and repeated claim that the November 3, 2020, election was the “most secure election in United States history.” *See e.g.*, Gabriel Sterling, *Interview with Judy Woodruff*, THE NEWS HOUR (December 2, 2020); Sanya

However, we believe that they are accurate. We've had now three to four separate experts look at these numbers.”; Hilbert at 18: “And this is just based on data and your own secretary of state data. So that's what we would entreat and ask you to do, to sit down with us in a compromise and settlement you know proceeding and actually go through the registered voter IDs and the registrations. And if you can convince us that that 24,149 is inaccurate, then fine.”).

Mansoor, 'It's Crazy Town.' *Georgia Election Official Gabriel Sterling on Calling Out Trump, Battling Misinformation, and Smoking His Own Meat*, TIME (December 4, 2020). These diametrically opposed positions erode public confidence not only in the electoral process in Georgia, but also in all of our government institutions. Trust in government is paramount to a civil society.

- i. Fulton County's absentee ballot processing suffered from massive procedural failures, especially in regards to chain of custody of original ballots, which call into the question the validity of tens of thousands of absentee ballots.⁴**

According to the Report, "There were persistent chain of custody issues throughout the entire absentee ballot processing system" in Georgia's 2020 election. *Report* at 9. Handling of ballots was "extremely sloppy and replete with chain of custody issues as the massive tide of ballots bounced around the Fulton Gov't HQ building." *Id.* at 2. Fulton County election staff, of whom many were temporary workers with "no keen interest in participating in this immensely-important process," *id.* at 9, "seemed to not understand the process." *Id.* at 2. In one incredible passage of the Report, the state's chief election monitor describes personally witnessing one incident where Fulton County's top election official "had to intervene to stop a temporary staffer from moving a pile of recently-accepted but unverified absentee ballots into the stack" to be scanned and counted. *Id.* at 2. Were it not for the monitor and the elections official being there, "it

⁴ Failure to ensure chain of custody of ballots was not limited to Fulton County election officials. It has been reported, as of April 8, 2021, that a total of 355,000 absentee votes lack chain of custody statewide. Tiffany Morgan, *Five Months After 2020 Election, Georgia Still Has Not Produced Chain of Custody Records for 355,000 Absentee Vote by Mail Ballots Deposited in Drop Boxes*, GEORGIA STAR NEWS (April 8, 2021), <https://georgiastarnews.com/2021/04/08/five-months-after-2020-election-georgia-still-has-not-produced-chain-of-custody-records-for-355000-absentee-vote-by-mail-ballots-deposited-in-drop-boxes/>.

is safe to assume that those ballots would've been counted as if they had been verified.” *Id.* It is unknown how many other similar incidents escaped detection.

The Report went on to list in detail numerous other failures to ensure ballot security during the original vote count and subsequent recounts. Election staff “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 OCGA.” *Id.* at 2. Election staff failed “to sufficiently protect spoiled and rejected ballots in the mail room” of Fulton County Gov’t HQ. *Id.* at 8. “[N]o one verified the number of provisional ballots either at intake at State Farm or at adjudication” *Id.* at 9. Fulton County “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.” *Id.* at 10. Machines used to scan ballots were constantly “out of calibration and failing to operate properly,” which may have allowed fraudulent ballots to be scanned. *Id.* at 10-11. During the Risk Limiting Audit (RLA), Fulton County performed “sloppy document storage procedures,” leading to uncertainty as to the validity of ballots and whether or not they had already been counted. *Id.* at 6. “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.” *Id.* at 11. Additionally, the Report noted, “[t]he 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.” *Id.* at 9. Fulton County also found at least “four unsealed ballot bags” that had gone missing. *Id.* at 12.

Chain of custody between drop boxes and tabulation centers was also lacking. The November 3, 2020, election was the first time that ballot drop boxes had been used in the history of Georgia. As part of this hastily approved, unprecedented measure, state election officials were required to complete ballot transfer forms when ballots were transported from the ballot drop boxes to tabulation centers. These forms allow the ballots to be tracked and for a chain of custody to be established and document that the number of ballots taken from the drop boxes equals the number that arrive at the tabulation center. This measure is necessary to prevent both the loss of ballots in transit and also ballot box stuffing. Secretary Raffensperger, the chief election officer of the State of Georgia, failed to exercise due care to ensure that these transfer forms were completed and retained for inspection.⁵ As a result of this negligence, there are no chain of custody documents for 355,918, or 59.3% percent, of the estimated 600,000 absentee vote by mail ballots deposited in drop boxes.⁶

ii. Fulton County failed to maintain proper voter registration records and sent many ballots to incorrect addresses, which caused confusion and perhaps allowed many ineligible voters to cast ballots and for those ballots to be counted in the State’s tally.

The Report provides that “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 the runoff as well as concerns of widespread voter fraud.” *Id.* at 5. This was caused, in part, by Fulton County’s use of an outdated version of ENET, the software that state election officials use to validate voter eligibility

⁵ According to Secretary Raffensperger, it is not the responsibility of the Secretary of State to obtain, review, and make these ballot transfer forms available to the public. “We don’t know how many absentee ballots arrived by mail versus drop box.” Alex Nitzberg, *Still no chain of custody records provided for scads of Georgia absentee ballots put in drop boxes*, JUST THE NEWS (April 8, 2021), <https://justthenews.com/politics-policy/elections/still-no-chain-custody-records-provided-scads-georgia-absentee-ballots>.

⁶ Morgan, *supra* note 4.

records. *Id.* at 9. Further, the Report notes, 1,205 people were not in the Fulton County voter registration system at all; these individuals were allowed to vote provisionally, and all ballots were counted after not being challenged. *Id.* at 10. Additionally, many absentee ballots were “being sent to the wrong addresses” due to “sloppy data entry by staff.” *Id.* at 2. The Report does not clarify whether or not these ballots were cancelled, raising the question of how many of these incorrectly addressed ballots were cast and by whom.

iii. Fulton County officials did not conduct a transparent collection and tabulation process, which has aggravated the erosion of public trust in Georgia elections.

In the Report, the State’s chief election monitor stated that “I still think bringing ballots in through the back door on 11/5 was the wrong call for transparency purposes.” *Id.* at 10. Further still, the monitor observed that “this gave the impression to everyone (myself included) that they had found more ballots after the deadline.” *Id.* Incredibly, the Report concludes that “the *truth about what happened* on the night of November 3rd between 10:30PM and 11:52PM [at State Farm Arena] *continues to be elusive. . . but if the party poll watchers are correct, then there is a serious problem.*” *Id.* at 9 (emphasis added). If the State’s own monitor is concerned about “‘magic ballots’ appearing from thin air,” *id.* at 13, then Petitioners’ concerns are well justified.

iv. The Secretary of State’s office has admitted that fraudulent voting took place in the November 2020 Presidential election and has referred dozens of cases for criminal prosecution.

The Secretary of State has admitted that illegal voting occurred in the 2020 election, but what measures his office took prior to certification of the election to address this, if any, were insufficient. “We are going to find that people did illegally vote. That’s going to happen. They’re going to be double voters. There are going to be people who shouldn’t did not have [sic] the

qualifications of a registered voter to vote in the state. That will be found. . . . When the margins are this tight, every little thing matters.” Gabriel Sterling, press conference, November 9, 2020. On this point, made in a rare moment of candor, Petitioners and TPPF are in full agreement with the Secretary’s office.

In February, the State Election Board referred at least 35 cases of illegal voting for criminal prosecution. Press Release, Office of the Secretary of State of Georgia, *State Election Board Refers Voter Fraud Cases For Prosecution* (February 10, 2020), https://sos.ga.gov/index.php/elections/state_election_board_refers_voter_fraud_cases_for_prosecution. The cases included instances of illegal voting by felons and non-citizens, as well as fraudulent registrations submitted by partisan activist groups. *Id.* These criminal referrals substantiate many of the claims made by the former President in his election challenge. The press release and the Secretary’s office have been silent, however, on many of the other allegations included therein (e.g., thousands of individuals illegally registered to vote using PO boxes or vacant addresses). *See* Affidavit of Bryan Geels in Exhibit 17, *Trump v. Raffensperger*. It remains to be seen how many more of the President’s claims will be substantiated and how many additional cases will be referred for criminal prosecution by the Secretary’s office. Thus far, the Secretary has withheld the results of any investigations into those allegations, if indeed any investigations occurred at all. What is clear from the criminal referrals, though, is that the President’s election challenge had merit.

D. THE SECRETARY OF STATE AND HIS OFFICE HAVE UNDERMINED PUBLIC CONFIDENCE.

Unfortunately, many citizens of Georgia do not have confidence in the results of the 2020 election and believe they have been let down by their elected officials. It is the province of the

judicial system to enforce the laws of this State that require disclosure and inspection of these ballots, thereby ending the harmful speculation that clouds the results of the 2020 election. According to a poll of adult Georgia residents conducted in December 2020, only 40% of those surveyed and a mere 20% of Republicans had full confidence in the election. *SurveyUSA (2020)*

SurveyUSA *Election* *Poll* #25768 *Retrieved* *from*
<https://www.surveyusa.com/client/PollReport.aspx?g=bbb4e7fb-04c1-4b0f-b0b4-dbdb743cae4e>.

When almost half of the electorate does not have faith in the results of the election in Georgia, it is impossible to maintain the perception of election integrity in this State. The Courts are the last bastion of accountability in such instances. However, no Court in Georgia, or for that matter, in the entire United States of America, has endeavored to get to the truth, much less considered the reams of evidence of irregularities submitted as part of the President's and others' election challenges.⁷ This is, in part, why the Act and its legal enforcement provisions exist. Public inspection of the actual ballots is a necessary and proper step in the direction of restoring the public's confidence in Georgia elections. Future election integrity requires this analysis.

The actions of the Secretary of State and his agent Gabriel Sterling's protestations about the accuracy of the election have only exacerbated the concerns of Georgia citizens rather than allay their fears. Rather than providing utmost transparency and showing that there is nothing to hide, the Secretary of State has attempted steadfastly (and thus far successfully) to prevent anyone,

⁷ Exhibits to the Complaint in *Trump v. Raffensperger* totaled hundreds of pages. They contained sworn affidavits of poll workers, election monitors, nonpartisan election researchers, and election law experts, as well as detailed analysis of the Secretary of State's own official voter data conducted by expert data scientists (e.g., CPAs and statisticians). This data formed the cornerstone of the President's election challenge and was the subject of the January 2, 2021, phone call between President Trump and Secretary of State Raffensperger and their legal counsel for purposes of settlement and compromise. The final report of expert Bryan Geels included supporting data around 8,000 pages.

even the Courts, from having access to the information that would once and for all demonstrate the election was either free and fair, or that it was not. The Secretary of State's position can be summed up in two words: "Trust me." Evidently, he expects citizens to simply take his word that this was the most secure election in history, despite the State Election Board's own countermanding and contradictory Report. He does not want any scrutiny, let alone verification. His actions demonstrate an intent to withhold from the public the necessary evidence to restore confidence in the results of this election and future elections. Public policy, open government, rules of evidence, and fundamental fairness require that Fulton County be compelled to produce the original paper ballots for forensic analysis.

i. The Secretary of State entered into an unconstitutional Settlement Agreement.

According to a 2005 report from the Commission on Federal Election Reform co-chaired by Georgia native and former President Jimmy Carter and former Secretary of State of the United States James A. Baker III, absentee ballots are the "largest source of potential voter fraud." Comm'n on Fed. Election Reform, *Building Confidence in U.S. Elections* (2005), <https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf>. By their very nature, it is difficult to verify that a mailed ballot was cast by the person to whom the absentee ballot was mailed or that the person receiving an absentee ballot out of state is a valid voter.⁸ In an attempt to provide some degree of verification that a mail in ballot was cast by the

⁸ For example, in December 2020 in advance of the Senate runoff elections, Secretary Raffensperger sent letters to "8,000 individuals who indicated they moved out of state but requested ballots for the runoffs notwithstanding." Press Release, Office of the Secretary of State of Georgia, *Secretary of State Brad Raffensperger Protects Runoffs From Out of State Voters* (December 21, 2020), https://sos.ga.gov/index.php/elections/secretary_of_state_brad_raffensperger_protects_runoffs_from_out_of_state_voters. These letters were sent only to individuals who had filed national change of address forms with the USPS and is therefore underinclusive, but calls into question at least 8,000 ballots cast in the Presidential 2020 election.

person for whom it was intended, the General Assembly adopted a signature verification regime. In March of 2020, however, after being sued by partisan political operatives, the Secretary of State entered into an unconstitutional settlement agreement (*hereinafter* the “Agreement”) in the case of *Curling v. Raffensperger*, 397 F. Supp.3d 1334 (2019), which substantively altered election processes without required approval of the Georgia General Assembly.

The Agreement eviscerated the signature verification provisions of Georgia law and allowed many ballots to be counted that otherwise would have been rejected.⁹ Under the rules provided for by the Georgia General Assembly, if a would-be voter cast an absentee ballot by mail, upon receipt by an absentee ballot clerk, the clerk would match the signature on the returned ballot to that on the ballot application and other signature samples held by the government. If the signatures matched, the ballot would be counted. If they did not match, the clerk would reject the ballot and send notice to the would-be voter so that he or she may cure the defect. Under the Agreement, however, if an election employee determined that the signatures did not match, that employee was required to ask two other employees at the elections office to verify that this signature did not match. Only if two of the three absentee ballot clerks agreed that the signature did not match was the ballot rejected. Additionally, the Agreement provided that training would be provided to absentee ballot clerks by groups selected by the plaintiffs in that case. Non-parties

⁹ Analysis of the Secretary of State’s official voter data showed that absentee ballot rejection rates declined from 2.91% and 3.47% in the 2016 and 2018 elections, respectively, to 0.34% in the 2020 election—this despite an increase of more than a million ballots being cast absentee. Applying the historical rates of 2016 and 2018 to the actual number of absentee ballots rejected in the 2020 election, one would have expected to see an additional 33,779 to 41,155 absentee ballots rejected. See Exhibit “A” in Petitioners’ Response and Objection to Respondents Brad Raffensperger, Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le’s Motion to Exclude Affidavits and Testimony of Petitioners’ Experts, *Trump v. Raffensperger*. This Court can take judicial notice of this public filing.

to the Agreement (e.g., the Republican Party of Georgia or the Libertarian Party) were unaware of the existence of this Agreement until after November 3rd, 2020, election.

The Secretary of State has stated repeatedly that the Agreement did not change the rules for the 2020 election in Georgia. See Jonathan Raymond, *Georgia Election Official Says Trump is 'Flat Out, 100%, Four square Wrong' About Consent Decree*, 11Alive News (November 17, 2020), <https://www.11alive.com/article/news/politics/elections/georgia-consent-decree-election-official-says-trump-wrong/85-db462666-11d4-46c1-97e4-18d9bf79e365>. However, this is factually untrue. Indeed, it could not be true, and Courts have, by implication, previously ruled it to be untrue. First, if the Agreement did not change Georgia law, the plaintiffs in *Curling* would not have agreed to it as it would not have addressed their alleged grievances. Second, if the Agreement did nothing, neither the plaintiffs in *Curling* nor the Secretary of State would have vigorously defended it in other cases such as *Trump v. Raffensperger* or *Trump v. Kemp*, 1:20-cv-05310 (N.D.G.A. 2020). Indeed, doing so would have been a gross misuse of taxpayer funds. Only in the court of public opinion did the Secretary of State make the argument that the Agreement did not change the signature verification procedures. See *Public Letter from Brad Raffensperger to Members of Congress* (January 6, 2021), [https://sos.ga.gov/admin/uploads/Letter%20to%20Congress%20from%20Secretary%20Raffensperger%20\(1-6-21\).pdf](https://sos.ga.gov/admin/uploads/Letter%20to%20Congress%20from%20Secretary%20Raffensperger%20(1-6-21).pdf). Not once in any pleading before any actual Court did the Secretary of State make this argument. Rather, the Secretary argued, the challenges were barred by the legal doctrine of laches, not that the Agreement did not do anything to change the law.

Evidence of the Agreement's impact can be seen in the dramatic plummeting of the rejection rate for absentee ballots, which fell from a historical average of around three percent in Georgia's 2016 and 2018 elections to *one third of one percent* in 2020. See Exhibit "A" in

Petitioners' Response and Objection to Respondents' Motion to Exclude Affidavits and Testimony of Petitioners' Experts, *Trump v. Raffensperger*. This resulted in between 33,779 and 41,155 additional absentee ballots being counted that otherwise would have been rejected if the rejection rate for absentee ballots had remained consistent with previous Georgia elections—roughly three times the final margin of victory. *Id.* Importantly, in the State Election Board's Report, the chief election monitor noted that Fulton County officials were indeed influenced by and adhered to the unconstitutional Agreement (often mistakenly referred to as a "Consent Order" "or "Consent Decree," as no Court has incorporated it), which undermined the signature verification process intended to safeguard ballot integrity. The Report stated that the chief election monitor observed the signature verification process for weeks prior to November 3 and that the process was "in-line with the terms outlined in the Consent Order." *Report* at 1. The Report also noted approvingly "how hard the Fulton team worked to comply with . . . the Consent Order." *Id.* at 3.

Whether the Secretary's position is either knowingly untrue, or ignorantly untrue, is less important than the fact that it is untrue. Neither scenario provides confidence in the administration of the November 3rd, 2020, Presidential election.

ii. The Secretary of State illegally mailed millions of absentee ballot requests using a negligently maintained voter registration list.

In addition to relaxing the verification requirements for absentee ballots, the Secretary significantly increased the number of absentee ballots cast by sending absentee ballot applications to every person registered to vote in the State of Georgia. Emil Moffatt, *To Encourage Mail-In Voting In May, Georgia Will Send Applications To All Registered Voters*, WABE (March 24, 2020), [https:// www.wabe.org/to-encourage-mail-in-voting-in-may-georgia-will-send-applications-to-all-registered-voters/](https://www.wabe.org/to-encourage-mail-in-voting-in-may-georgia-will-send-applications-to-all-registered-voters/). This created a much larger universe of absentee ballots being

sent to people who had never voted this way before, thereby increasing the likelihood of irregularities or defects. While some states such as Colorado, Oregon, and Washington have universal vote-by-mail regimes, the Secretary's experiment here in Georgia was not authorized by law¹⁰ and was unprecedented in the State. Confounding the Secretary's effort to make absentee voting easier is the fact that the voter rolls in the State of Georgia have not been properly maintained. *See* Affidavit of Mark Alan Davis, Exhibit 4 in *Trump v. Raffensperger*. Many people who were validly registered to vote at one time remain on the rolls, even though their registration is no longer valid under State law. This includes people that moved from the address at which they registered to another address in the state without having re-registered and also people that do not live in Georgia anymore and may have even registered to vote in other states. *Id.*

When absentee ballot applications were sent to these old addresses, it allowed other people currently residing at that address to vote instead of the registered voter. In the case of a voter that moved out of state, that former Georgia resident may not even be aware someone has cast a ballot in their name. Doubtless the Secretary of State is aware that this happens; indeed, chief election operations officer, Gabriel Sterling—the Office's foremost elections spokesperson—gave a press conference during which he presented an absentee ballot mailed to *his own home* addressed to someone that had not lived there in several years. Barnini Chakraborty, *Voter fraud case hits too close to home for Georgia election manager*, WASHINGTON EXAMINER (December 23, 2020), <https://www.washingtonexaminer.com/politics/gabriel-sterling-voter-fraud-current-home>. It is assumed Mr. Sterling did not cast this ballot; however, it cannot be assumed that everyone who received an absentee ballot addressed to someone else exercised the same virtuous restraint.

¹⁰ It was void as a matter of public policy under O.C.G.A. § 13-8-2 as it tended to, and did, corrupt legislation.

iii. Fulton County conducted illegal ballot counting under cover of darkness.

After the election, the Secretary of State's office declared repeatedly that this election was the "most secure election in United States history." *See e.g.*, Gabriel Sterling, Interview with Judy Woodruff, THE NEWS HOUR (December 2, 2020); Sanya Mansoor, *'It's Crazy Town.'* Georgia Election Official Gabriel Sterling on Calling Out Trump, Battling Misinformation, and Smoking His Own Meat, TIME (December 4, 2020); *see also* Brad Raffensperger, Interview with Scott Pelley, 60 MINUTES (January 10, 2021) ("We had safe, secure, honest elections."). Yet, since then, the Secretary's office has been outspoken about the myriad issues arising in Fulton County. In a press conference on December 1, 2020, for example, Secretary Raffensperger himself noted, "Us, and our office, and I think, really, the rest of the State is getting a little tired of always having to wait on Fulton County and having to put up with their dysfunction." Gabriel Sterling piled on, saying, "they [Fulton County] continually have these issues."

One such issue referred to by Messrs. Raffensperger and Sterling was the counting of ballots in Fulton County at State Farm Arena after poll workers ejected election monitors, falsely telling them that counting had finished counting for the night. This is now known to be a lie. Once the poll workers had left, boxes of previously unseen ballots were brought out from under tables and were scanned. Video footage exists of this counting. Analysis of time stamp data of vote count uploads demonstrates that the illegal ballot counting at State Farm Arena corresponded with a one-hundred thousand vote swing in favor of Mr. Biden. This anomalous upload almost entirely erased former President Trump's five-percentage point lead at that time.¹¹ Had the Secretary of State investigated this incident thoroughly, the public could have confidence in the results of that

¹¹ Curiously, the upload also resulted in a *decrease* of 2,511 votes for third-party libertarian candidate, Jo Jorgensen.

investigation. Instead, the Secretary falsely claimed that the Georgia Bureau of Investigation conducted an investigation into the incident.¹² In reality, Secretary Raffensperger conducted a superficial inquiry under the direction of his own office's Chief Investigator, Frances Watson, who falsely concluded, under oath, that the election monitors "simply left on their own." Declaration of Frances Watson, para. 3, *Pearson v. Kemp*, Civil Action No. 1:20-cv-4809-TCB (N.D.G.A. 2020), Doc. 72-1. (Ms. Watson's other duplicitous conduct is further detailed below in Section iv.) The plain findings of the State Election Board Post-Election Report regarding the scandal, released subsequent to Ms. Watson's statement, states clearly that the Secretary failed to conduct a sufficient investigation of the incident: "the truth about what happened continues to be elusive." *Report* at 9. Importantly, on the January 2, 2021, telephone call between the former President and the Secretary of State, the Secretary of State repeated his claim that his office did conduct an investigation of the State Farm Arena scandal, but still no report has ever been released to the public.¹³

Secretary Raffensperger's shifting explanations and contradictory statements regarding the State Farm video scandal are telling. The Secretary's initial position was that there were no ballots counted during that time of night. This is clearly false from a plain viewing of the video. Indeed, an estimated 24,000 ballots were illegally scanned in the dark of night outside the presence of election monitors. Adam Murphy, *Lawmakers hear bombshell allegations of Georgia election fraud*, CBS46 (December 3, 2020), https://www.cbs46.com/news/lawmakers-hear-bombshell-allegations-of-georgia-election-fraud/article_8404e930-35e5-11eb-8ac3-1fc96e3b52d8.html.

Next, the Secretary said that monitors were present "the entire time." Jim Galloway, *Opinion: The*

¹² See *READ: Transcript of Trump's phone call to Georgia secretary of state* at 7 (Secretary Raffensperger: "We had GBI certainly investigate that.")

¹³ See *READ: Transcript of Trump's phone call to Georgia secretary of state* at 7.

Georgia secretary of state who insists that two plus two still equals four, ATLANTA JOURNAL-CONSTITUTION (November 10, 2020), [https://www.ajc.com/politics/politics-blog/opinion-the-georgia-secretary-of-state-who-insists-that-two-plus-two-still-equals-four/](https://www.ajc.com/politics/politics-blog/opinion-the-georgia-secretary-of-state-who-insists-that-two-plus-two-still-equals-four/OI6TGTORTJGNVLFISIYZQWK52YA/)

OI6TGTORTJGNVLFISIYZQWK52YA/. It is clear from the video evidence, however, that the counting continued for at least ninety (90) minutes before any monitor arrived. Next, the Secretary of State on *60 Minutes* publicly stated that the video was deceptively edited. Brad Raffensperger, Interview with Scott Pelley, 60 MINUTES (January 12, 2021); *see also* Public Letter from Brad Raffensperger to Members of Congress (January 6, 2021). This is now known to be a lie as well. The President's legal team attached the video footage in its entirety as evidence in its election challenge. Without an independent investigation into the incident and no report released on its findings, the public, like the ballot counting itself, remains in the dark on what truly took place at State Farm Arena. The Secretary of State's actions and statements are not the paragon of transparency or open government, but rather more an intense game practicing the tenets of Sun Tzu where "all warfare is based on deception."

iv. The Secretary of State's office secretly recorded and then misrepresented the contents of calls between the former President of the United States and Georgia election officials.

Other examples of the duplicitous conduct coming from the Secretary of State's office can be seen in two secretly recorded¹⁴ phone calls between President Trump, members of the Secretary's staff, and the Secretary himself. The first call occurred between former President Trump and Chief Investigator Frances Watson. During the call, the President implored Ms. Watson

¹⁴ Likely a violation of both Georgia and Florida law rules involving recordation and distribution of recorded content. *See* O.C.G.A. § 16-11-66(C)(6),(7), 16-11-62; Fl. Stat. 934.03.

to take seriously the alleged irregularities and investigate them—in other words, to do her job. Deputy Secretary of State, Jordan Fuchs,¹⁵ provided a false report of that call to the Washington Post on the condition of anonymity, alleging that the President asked Ms. Watson to “find the fraud.” Amy Gardner, *Trump pressured a Georgia elections investigator in a separate call legal experts say could amount to obstruction*, WASHINGTON POST (January 9, 2021), https://www.washingtonpost.com/politics/trump-call-georgia-investigator/2021/01/09/7a55c7fa-51cf-11eb-83e3-322644d82356_story.html (retracted). After claiming that no recording of the call existed, the Secretary of State’s office found a deleted audio file on Ms. Watson’s phone containing the contents of the call while, ironically, *responding to an open records request*. This audio conclusively proved that Ms. Fuchs’s account was untrue, and the Washington Post globally retracted their articles and decided to unmask Ms. Fuchs as their confidential source as a consequence. Erik Wemple, *Opinion: The Post publishes correction on Trump call with Georgia investigator*, WASHINGTON POST (March 16, 2021), <https://www.washingtonpost.com/opinions/2021/03/16/washington-post-correction-trump-call-georgia-investigator/>. Ms. Fuchs’s duplicity is compounded by that of Ms. Watson’s knowing that the President had not said what Ms. Fuchs had accused him of saying. Ms. Watson did nothing to correct the record while the story lingered for months.

Nearly a month after the filing of the election challenge and during pending litigation, a second call, this one between President Trump and Secretary Raffensperger, as well as their respective attorneys and the attorney for David Shafer, who was also a party to the President’s

¹⁵ Ms. Fuchs appears to have given herself this title, as no such position is authorized by Georgia law.

election challenge, took place on January 2, 2021.¹⁶ The call was made for purposes of settlement and compromise of the President’s pending litigation against the Secretary—specifically, to reach a settlement whereby the President’s legal team and data experts could review the hundreds of pages of data-backed evidence with the Secretary’s team, who maintained that they possessed a different, secret set of data which disproved the President’s case.¹⁷ The President also specifically requested an investigation into the numerous concerning reports of irregularities in Fulton County¹⁸—concerns shared by the Secretary and members of his office, as evidenced by their public comments to that effect.¹⁹

Despite the clear intent of the call to reach a settlement to review the data contained in the President’s lawsuit, the Secretary’s office secretly recorded²⁰ the call and immediately leaked it to media sources in an attempt to score political points and create a false narrative that the President was attempting to “overturn the election.” First, the call came after repeated written requests were made by the President to compel the Secretary of State under the Act to produce the allegedly contradictory data which the Secretary claimed to have in his possession (which, if it existed, would be public information and not protected by any privacy limitations for personally

¹⁶ The President’s election challenge was submitted for filing on December 4, 2020. The appointment of the Honorable Adele Grubbs did not occur until December 30, 2021, over three weeks later. The President’s legal team was not made aware of the appointment until the first week of January 2021.

¹⁷ See *supra* note 3; *READ: Transcript of Trump’s phone call to Georgia secretary of state* at 16 (Secretary Raffensperger: “Mr. President, you have people that submit information as we have our people that submit information. And then it comes before the court. And the court then has to make a determination. We have to stand by *our numbers*. We believe *our numbers* are right.”) (emphasis added); *id.* at 19 (Ryan Germany, General Counsel to the Secretary: “There are things you guys are entitled to get and there’s things that under law, we are not allowed to give out.”).

¹⁸ *Id.* at 2, 11, 15, and 20.

¹⁹ See *supra* Section D.iii.

²⁰ Similar to the Watson call, the recording of this phone was likely a violation of both Georgia and Florida law rules involving recordation and distribution of recorded content. See O.C.G.A. § 16-11-66(C)(6),(7), 16-11-62; Fl. Stat. 934.03.

identifiable information). *See* Verified Complaint Exhibit 18, *Trump v. Raffensperger*. Further, on December 23, 2020—the week prior to the call—another letter was sent from the President’s counsel to the Secretary’s counsel, specifically requesting a conference and confidential meeting for purposes of settlement and compromise to attempt to resolve the pending litigation through a mutual review of the voter data in question.²¹ Second, on the call itself, counsel for the President repeated their stated objective to review the data alongside the Secretary’s team.²² The President himself spent much of his time on the call describing the results of the data analysis to the Secretary of State—analysis which was based on the Secretary’s own publicly available voter data posted to his official website. Third, there was no judge or adjudicator present on the call with authority to overturn the election result—it was a settlement conference to educate the Secretary of State on what his own voter data revealed about the issues in the 2020 Presidential election. Indeed, the Secretary of State had no power at the time of the call (or at any time, for that matter) to unilaterally “overturn the election.” The vote count had already been certified. The Secretary had only the power (indeed, the duty) to share the data, which was solely within his possession, custody, and control. Contrary to the false narrative which the Secretary’s office attempted to spin, therefore, the call was clearly an attempt by the President and his legal team to resolve the matter through non-litigious means, an especially reasonable request after the President’s meritorious election challenge had languished for weeks without so much as the appointment of a judge.²³

²¹ Letter from Kurt Hilbert, counsel for the President, to Attorney General Chris Carr and Christopher Anulewicz, counsel for the Secretary of State (December 23, 2020), incorporated as part of Exhibit “C” in *Petitioners’ Joint Brief in Opposition to Respond Erica Hamilton’s Motion for Attorney’s Fees Pursuant to O.C.G.A. § 9-15-14, Trump v. Raffensperger*.

²² *See supra* note 3.

²³ *See supra* note 16.

That the phone call was clearly for purposes of settlement and compromise is further evidenced by the fact that an agreement was eventually reached between the two parties. When the President's lawyers asked to see the Secretary's allegedly contradictory data on the January 2, 2021 call, the Secretary, through his General Counsel, Ryan Germany, and later through outside litigation counsel, Chris Anulewicz, agreed in writing to provide the data information on the condition the President dismiss his election challenge and three other pending cases in Georgia. This settlement offer is also in the public record. *See Exhibit "C" in Petitioners' Joint Brief in Opposition to Respond Erica Hamilton's Motion for Attorney's Fees Pursuant to O.C.G.A. § 9-15-14, Trump v. Raffensperger.* In a subsequent email, the President's attorneys accepted the Secretary's terms and dismissed the suits. *Id.* To date, however, that data has not been released either publicly or to the former President's attorneys.

In sum, the Secretary not only misrepresented the contents of the call with apparent malice, he also failed to honor the agreement made with the former President's legal team on that call and their subsequent written agreement as well. Far from attempting to overturn the election result by fiat, the former President was exercising his First Amendment Right to Petition Government for redress for what he believed to be irregularities and fraud in the 2020 Presidential election and to request the Secretary of State's data to prove or disprove his beliefs. The Secretary of State's only power at the time of the call, which was after Georgia's certification of the voting, was to produce the data and records that would allegedly support his public affirmations that his data was accurate and the former President's expert data was wrong. Indeed, it was his duty under the Act. Instead, the Secretary perpetuated a false narrative for political ends, and he has yet to produce any data or information, aside from conclusory statements and naked assertions, to support his version of events. In stark contrast, the former President's legal team and experts showed their work, filing

more than 8000 pages' worth of data in the public record, which show hundreds of thousands votes illegally cast and counted according to the Act. The Secretary of State has yet to factually disprove with actual data (as opposed to conclusory media summaries), much less materially engage with, the data evidence underpinning the former President's case. Now, the Secretary goes one step further, seeking aggressively to interject himself and the power of his office into a proceeding that does not involve him as a party, attempting to use the court to circumvent statutory duties and to further undermine transparency, best evidence, and the production of meaningful records that his office is required to produce under the Act.

v. The Secretary of State is arguing in bad faith.

The argument made by the Secretary of State, through counsel, during the hearing on April 13, 2021, that he is merely protecting the identities of Georgia voters, is disingenuous. First, as the Secretary of State is aware, there is *no personally identifiable information* on the original ballots. There is no conceivable way to connect any original ballot to any individual voter. Second, the Secretary tacitly acknowledges this fact by proposing to provide images of the ballots with the same content. What possible personally identifiable information could the Secretary be protecting if he is willing to give a photographic copy of the original ballots containing the same visual content, unless he intends the photos be altered in some manner? The Secretary of State's legal position that the original ballots should continue to be hidden from public inspection is vexing and manifestly contrary to law. The vigor with which the Secretary of State has attempted to obfuscate access to the original ballots can only raise additional questions about what they fear Petitioners might uncover upon inspecting them.

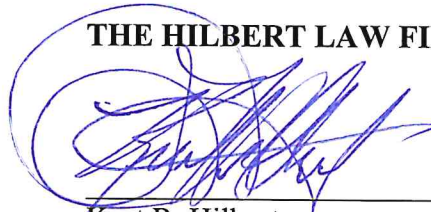
E. CONCLUSION

The Secretary of State's office has undermined any confidence in the integrity of the 2020 Presidential election in the State of Georgia. As noted by Petitioners' counsel during this Honorable Court's hearing on April 13, 2021, the images the Secretary of State proposed to release to the Petitioners per this Court's order are useless and utterly futile to any effort to evaluate authenticity of the original ballots. The Petitioners have proffered that their experts need to examine the actual pieces of paper to assess if the ballots are legitimate and authentic and to render them admissible best evidence. The Secretary's and Fulton County's position that Petitioners be limited to pictures of the ballots is akin to demanding Petitioners assess whether a \$100 bill is counterfeit by looking at a Polaroid picture of the paper currency. It is simply not possible.

WHEREFORE, Tea Party Patriots Foundation, Inc., as *amicus curiae*, respectfully advocate to this Honorable Court that access to the original ballots is mandated by law, consistent with strong public policy, and is the best evidence to determine authenticity of the paper ballots. The Court's granting of the Motion to Unseal the Ballots will be an important step to restore the public's faith in elections in this great State of Georgia.

Respectfully submitted, this 30th day of April, 2021.

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CERTIFICATE OF SERVICE

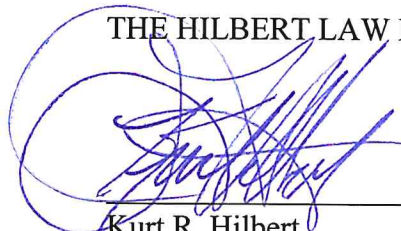
I hereby certify that I have this day electronically filed the foregoing **BRIEF OF AMICUS CURIAE TEA PARTY PATRIOTS FOUNDATION, INC. IN SUPPORT OF PETITIONERS' MOTION TO UNSEAL PAPER BALLOTS AND COMPEL PRODUCTION OF BALLOTS** with the Clerk of Court using the electronic filing system, which will send notification of such filing to all parties of record via electronic notification, as well as via email to the following counsel for the parties:

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