

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, <i>et al.</i> ,	)	
	)	
Contestants,	)	
	)	
v.	)	
	)	
BRAD RAFFENSPERGER, in his official	)	
capacity as Georgia Secretary of State; <i>et al.</i> ,	)	
	)	
Defendants,	)	
	)	CIVIL ACTION FILE
v.	)	NO. 2020CV343255
	)	
GEORGIA STATE CONFERENCE OF THE	)	
NAACP, GEORGIA COALITION FOR THE	)	
PEOPLE’S AGENDA, JAMES WOODALL,	)	
and HELEN BUTLER,	)	
	)	
Proposed Intervenors.	)	
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	)	
	)	
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**MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION TO  
INTERVENE**

The Georgia State Conference of the National Association for the Advancement of Colored People (“Georgia NAACP”), the Georgia Coalition for the People’s Agenda (“GCPA”),<sup>1</sup> James Woodall, and Helen Butler<sup>2</sup> (collectively, the “Intervenors”) hereby respectfully file this Memorandum of Law in Support of their Emergency Motion to Intervene in the above-styled action pursuant to O.C.G.A. §§ 9-11-24 and 21-2-524.

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<sup>1</sup> The Georgia NAACP and the GCPA are collectively referred to herein as the “Organizational Intervenors.”

<sup>2</sup> Mr. Woodall and Ms. Butler are collectively referred to herein as the “Individual Intervenors.”

## **I. INTRODUCTION**

Petitioners are launching an all-out attack on elections in Georgia, broadly and baselessly asserting “significant systemic misconduct, fraud, and other irregularities” that allegedly resulted in the counting of “many thousands of illegal votes.” Petition ¶ 7. The relief Petitioners seek from this Court is unjustifiable and unsupportable. They seek to force Georgia officials to decertify the results of the 2020 presidential election and convene a second presidential election or, in the alternative, they ask the Court to prohibit the Secretary of State from appointing the slate of presidential electors. Petition, Prayer for Relief ¶¶ 5-7. This flagrant attempt to disenfranchise millions of eligible Georgia voters – including two of the Individual Intervenors – has no factual or legal support and must be rejected.

The Proposed Intervenors are critical participants in these actions – as of now, they would be the only Defendants in the case representing the interests of individual voters – and are well-situated to defend the right of all Georgia voters to cast their ballots safely during this global pandemic. The Individual Intervenors are voters whose votes in the presidential contest will be thrown out if Petitioners obtains the relief they seek. The Organizational Intervenors are nonpartisan organizations representing the interests of thousands of Georgia members – many of whose votes in the presidential contest would also be thrown out – and dedicated to eliminating barriers to voting and increasing civic engagement among their members and in traditionally disenfranchised communities.

The Intervenors are entitled to join this action pursuant to O.C.G.A. § 9-11-24 both as a matter of right under subsection (a) of the intervention statute and, alternatively, under the permissive prong set forth in subsection (b) of the intervention statute.

*First*, the Organizational Intervenors must be permitted to intervene as a matter of right because each organization was actively engaged in large-scale voter registration, voter education,

grassroots mobilization, and get-out-the-vote efforts throughout Georgia for the November 2020 election, and each organization has a direct interest in the nullification of the results of the presidential contest. Ordering a new presidential election or prohibiting the Secretary of State from appointing the slate of presidential electors in contravention of the certified election results would thwart, at least in part, Intervenor's efforts to encourage voter participation in future elections. If a new election is ordered, both organizations will have to divert considerable resources to educate impacted eligible Georgia voters about the new presidential contest and assist voters who need help with casting a ballot in the new contest. Moreover, the Individual Intervenor must be permitted to intervene if the November 2020 presidential election results are nullified because their legally cast votes would be discarded in contravention of Georgia law and the Georgia Constitution.

*Second*, the Intervenor should also be permitted to intervene on a permissive basis because the proposed bases for their opposition to the Petition share inherently common questions of law and fact with the underlying action. An order permitting intervention is particularly ripe when this action was just filed on December 4, 2020, no hearing has been held, and the Intervenor is prepared to attend any hearing set by the Court and oppose the Petition. As a result, the Intervenor has not delayed in filing this Motion, and the parties will suffer no prejudice from this Court allowing their intervention to oppose the Petition.

## **II. STATEMENT OF THE CASE**

### **A. Petitioner's Claims in this Case.**

On December 4, 2020, Donald J. Trump, in his capacity as a candidate for President, the Donald J. Trump Campaign, and Trump Elector David Shafer filed a Petition challenging the results of the November 3, 2020 presidential contest under Georgia's election contest law. See O.C.G.A. § 21-2-520 *et seq.* The Petitioners ask the court to grant relief that would render the

results of Georgia’s presidential election “null and void,” and order a second Presidential election. As an alternative remedy, the Petitioners ask that the Court “issue an injunction prohibiting the Secretary of State from appointing the slate of presidential electors.” See Petition, Prayer for Relief ¶¶ 5-7.

Petitioners allege that this radical and unprecedented relief is warranted because Georgia election officials purportedly violated Georgia law by “conspiring to violate... the Election Code” and by fanning the flames of meritless allegations of illegal voting. See Petition ¶¶ 7, 62, 197. Petitioner’s allegations of “misconduct” have been rejected at least twice by courts. For example, Lin Wood unsuccessfully argued that a Settlement Agreement reached in a federal voting rights lawsuit involving the process of verifying signatures on absentee ballots and absentee ballot applications between the Secretary of State and Democratic Party organizations was illegal. Compare Wood v. Raffensperger, No. 1:20-cv-4651-SDG, 2020 WL 68171513, at \*10 (N.D. Ga. Nov. 20, 2020) (holding that “[e]ven if Wood’s claim were cognizable . . . it is not supported by the evidence this stage” and that the argument that the Settlement Agreement “overwhelmed ballot clerks . . . is belied by the record”), with Petition ¶¶ 151, 161, 237-38. Election contests raising similar claims have been rejected by Fulton County Superior Court judges and those cases were dismissed at hearings held earlier this week. See Final Order, Wood v. Raffensperger, No. 2020CV339337, at 5-6 (Fulton Cty. Sup. Ct. Dec. 8, 2020) (slip op.) (dismissing case on sovereign immunity grounds); Final Order, Boland v. Raffensperger, No. 2020CV343018, at 2-6 (Fulton Cty. Sup. Ct. Dec. 8, 2020) (slip op.) (dismissing case on the grounds of standing, laches, failure to state a claim, mootness, and bringing suit against improper parties). Petitioners’ claims here, based on violations of the Equal Protection and Due Process Clauses, mirror those rejected by the court in Wood. Compare 2020 WL 68171513, at \*10, with Petition ¶¶ 232-59. Finally, Petitioners



further allege that the November 2020 election results cannot be certified and that the court should order extensive “expedited discovery” to allow them to gather evidence for their claims. Petition ¶ 267, Prayer for Relief ¶¶ 6-11.

**B. The Intervenors and How Petitioner’s Actions Injure Them.**

The Organizational Intervenors are nonpartisan organizations that represent thousands of Georgians, many of whom are now at risk of being unlawfully deprived of their right to vote. Both organizations are dedicated to eliminating barriers to voting and increasing civic engagement among their members and in traditionally disenfranchised communities. They expend substantial resources on voter education and turnout efforts; for this election, those efforts have included providing accurate information to voters on how to cast mail-in and absentee ballots to ensure that voters have a full and fair opportunity to participate in spite of the unprecedented circumstance of the election taking place during a global pandemic.

The Georgia State Conference of the NAACP is a non-profit advocacy group for civil rights for Black Americans that has approximately 10,000 members. See Exhibit A, Affidavit of James Woodall ¶¶ 6-7. The Georgia NAACP has active branches throughout the state and engages in voter registration, education, turnout, and voter assistance efforts in those counties. Id. ¶ 7. The Georgia NAACP has been working to ensure that Black voters in Georgia are educated on different voting methods, including mail-in and absentee voting, during the COVID-19 pandemic, and has conducted phone-banking to assist Georgia voters. Id. ¶¶ 10-12, 16. The Georgia NAACP also has members, including President James Woodall, who cast votes in the November 2020 presidential election. Id. ¶¶ 18-21. These members are at risk of being disenfranchised if the election results are not certified or broad swaths of absentee ballots are thrown out. Id. ¶¶ 22-23.

The Georgia Coalition for the People’s Agenda (“GCPA”), a coalition of more than 30 organizations, which collectively have more than 5,000 individual members, similarly encourages

voter registration and participation, particularly among African-American and other underrepresented communities. See **Exhibit B**, Affidavit of Helen Butler ¶¶ 4-5. The GCPA’s support of voting rights is central to its mission. *Id.* ¶ 5. The organization regularly commits its time and resources to conducting voter registration drives, voter education, voter ID assistance, “Souls to the Polls” operations, and other get-out-the-vote operations throughout Georgia. *Id.* ¶¶ 5-6. For the November 2020 election, the GCPA participated in media interviews, sponsored Public Service Announcements (PSAs), placed billboard ads, conducted phone banking, and engaged in text message campaigns to educate voters and to encourage participation in the 2020 election cycle. *Id.* ¶ 10. All of those efforts would be thwarted, forcing the GCPA to divert additional resources if the November election results are not certified or broad swaths of absentee ballots are thrown out. *Id.* ¶¶ 14-15.

The Individual Intervenors, James Woodall and Helen Butler, are Georgia voters who are registered to vote in Fulton and Morgan Counties, respectively. Woodall Aff. ¶ 20; Butler Aff. ¶¶ 11-12. They both voted in the November 2020 presidential election contest. Woodall Aff. ¶¶ 19, 21; Butler Aff. ¶ 11. They voted by different means; President Woodall cast his vote in person at State Farm Arena during the early voting period, while Ms. Butler voted by mail. Woodall Aff. ¶ 19; Butler Aff. ¶ 11. If the Petitioners succeed in preventing the certification of the November 2020 presidential election, President Woodall’s and Ms. Butler’s votes would be invalidated. Woodall Aff. ¶¶ 21-22; Butler Aff. ¶ 12.

### **III. ARGUMENT AND CITATION TO AUTHORITY**

#### **A. Legal Standard for Intervention.**

The Intervenors should be allowed to intervene in this proceeding to advocate for the interest of both their organizations and the members of those organizations in opposing the petition. Georgia courts have defined intervention as “the procedure by which a third person, not

originally a party to a suit, but claiming an interest in the subject matter, comes into the case, in order to protect his right or interpose his claim.” AC Corp. v. Myree, 221 Ga. App. 513, 515 (1996). The standard for allowing intervention in a civil case is set forth in O.C.G.A. § 9-11-24, which permits intervention both as a matter of right (see § (a)) and on a permissive basis (see § (b)). Generally, so long as the motion for intervention is timely and the party seeking to intervene meets the requirements set forth in O.C.G.A. § 9-11-24, courts should allow intervention. Id. at 515; see also Baker v. Lankford, 306 Ga. App. 327, 330 (2010) (holding that “[w]here intervention appears before final judgment, where the rights of the intervening party have not been protected, and where the denial of intervention would dispose of the intervening party’s cause of action, intervention should be allowed and the failure to do so amounts to an abuse of discretion”).

As set forth below, the Intervenors have satisfied the requirements for both intervention as a matter of right and permissive intervention under O.C.G.A. § 9-11-24.

**B. The Georgia NAACP and GCPA May Intervene as a Matter of Right.**

Pursuant to O.C.G.A. § 9-11-24(a), there are three requirements for intervention as a matter of right: (1) interest in the subject matter, (2) impairment resulting from an unfavorable decision, and (3) inadequate representation. See Baker, 306 Ga. App. at 329. The Intervenors have satisfied the requirements for intervention as a matter of right under Georgia law because (1) they have a clear interest in opposing Petitioner’s demands, (2) their interests will be impaired by an unfavorable decision, and (3) the named respondents do not share those interests and are not adequately incentivized or equipped to represent those interests in this case. Each is addressed in turn below.

1. *The Intervenor is interested in preventing Petitioners' proposed decertification of the November 2020 election results*

An intervening party has an interest in the case when the litigation is “of such a direct and immediate character that he will either gain or lose by the direct effect of the judgment, and such interest must be created by the claim in suit, or a claim to a lien upon the property, or some part thereof, which is the subject matter of the litigation.” Rossville Fed. Sav. & Loan Ass’n v. Chase Manhattan Bank, 223 Ga. 188, 189 (1967). The Intervenor’s interests in the litigation are readily apparent and provide them with both organizational and associational standing (and, for President Woodall and Ms. Butler, individual standing) to pursue an independent remedy against the actions of Petitioner.

The interest of the Individual Intervenor is plain: voters who cast ballots in the 2020 election have a significantly protectable interest in ensuring their ballots are counted and not discarded and that certification is not stopped. “The right to vote is fundamental, forming the bedrock of our democracy.” Favorito v. Handel, 285 Ga. 795, 796 (2009) (quoting Wexler v. Anderson, 452 F.3d 1226, 1232 (11th Cir. 2006); see also League of United Latin Am. Citizens, Dist. 19 v. City of Boerne, 659 F.3d 421, 434-35 (5th Cir. 2011) (finding a legally protectable interest where the intervenor sought to protect his right to vote); see also Fla. State Conf. of N.A.A.C.P. v. Browning, 522 F.3d 1153, 1176 (11th Cir. 2008) (declaring that the right to vote is a fundamental matter in a free and democratic society); Pierce v. Allegheny Cty. Bd. of Elections, 324 F. Supp. 2d 684, 694-95 (W.D. Pa. 2003) (“The right of qualified electors to vote . . . is recognized as a fundamental right, . . . extend[ing] to all phases of the voting process, [and applying] equally to the initial allocation of the franchise as well as the manner of its exercise.”); cf. Martin v. Crittenden, 347 F. Supp. 3d 1302, 1307 (N.D. Ga. 2018) (finding intervention as of

right appropriate where individual voter intervenors would be potentially disenfranchised by the requested relief).

Likewise, the Organizational Intervenors have an interest in protecting one of their core missions – ensuring that their members, and all Georgians, are given a full and equal opportunity to exercise their fundamental right to vote – to which they have dedicated considerable effort to advancing. The Organizational Intervenors are committed to eliminating barriers to voting and increasing civic engagement. In pursuit of that mission, the organizations engage in robust voter registration, voter education, and get-out-the-vote activities, expending considerable resources towards ensuring that eligible voters in Georgia can exercise their right to vote. Discarding ballots that have been lawfully cast would undermine their voter-advocacy efforts by leading some voters to believe that voting is pointless because their ballots will not be counted, thwarting the organizations’ efforts. See, e.g., Woodall Aff. ¶ 23. The frustration of these core voter enfranchisement missions gives the Organizational Intervenors a significantly protectable interest in this litigation. See Common Cause Ind. v. Lawson, 937 F.3d 944, 950 (7th Cir. 2019) (“[A] voting law can injure an organization enough to give it standing by compelling [it] to devote resources to combatting the effects of that law that are harmful to the organization’s mission.”); Bellitto v. Snipes, No. 16-cv-61474, 2016 WL 5118568, at \*2 (S.D. Fla. Sept. 20, 2016) (finding a labor union had a sufficient interest in ensuring that a county’s voter roll maintenance activities complied with federal law).

The Organizational Intervenors also have an interest in ensuring that legally cast ballots are not discarded and that certification is not stopped because it would force the Organizational Intervenors to divert resources from other priorities to educate members and other voters of their rights and the severe remedy that Petitioners seek to impose. See, e.g., OCA-Greater Houston v.

Texas, 867 F.3d 604, 610-12 (5th Cir. 2017) (finding standing where an organization was required to dedicate additional resources to assisting voters navigate the polls); Browning, 522 F.3d at 1164-65; Crawford v. Marion Cty. Election Bd., 472 F.3d 949, 951 (7th Cir. 2007), aff'd, 553 U.S. 181 (2008); Issa v. Newsom, No. 2:20-cv-01044, 2020 WL 3074351, at \*3 (E.D. Cal. June 10, 2020). If Petitioners obtain the relief they seek, the Organizational Intervenors would be forced to commit resources immediately to respond to questions from members and voters about the status of their lawfully cast ballots in this election. In addition, the diversion of the organizations' resources would continue for the January 2021 runoff and beyond, as they would need to dedicate larger portions of their staff and monetary resources toward ensuring that members' votes are not later invalidated. These efforts will come at the expense of other organizational priorities.

Finally, courts routinely find that public interest organizations, like the Organizational Intervenors, should be granted intervention in voting and other election-related cases, demonstrating the significantly protectable interests such organizations have in the electoral process. See, e.g., Texas v. United States, 798 F. 3d 1108, 1111 (D.C. Cir. 2015) (allowing intervention by civil rights advocacy groups); Pub. Interest Legal Found., Inc. v. Winfrey, No. 19-13638, 2020 WL 2781826, at \*2 (E. D. Mich. May 28, 2020) (allowing voting rights organizations to intervene as defendants); Kobach v U.S. Election Assistance Comm'n, No. 13-cv-04095, 2013 WL 6511874 (D. Kan. Dec. 12, 2013) (allowing non-profits and nonpartisan advocacy groups to intervene); LaRoque v. Holder, No. 1:10-cv-00561 (D.D.C. Aug. 25, 2010), (Doc. 24) (permitting intervention by civil rights organization). This case is no exception.

*Second*, both the Georgia NAACP and GCPA can demonstrate associational standing based upon the substantial number of members within Georgia, including President Woodall and Ms. Butler, who will be disenfranchised if the Petitioners are successful and the November 2020

presidential election results are decertified. The courts have held that an organization is also injured when “at least one member faces a realistic danger of suffering an injury.” Gwinnett Cty., 446 F. Supp. 3d at 1119-20 (quoting Arcia, 772 F.3d at 1342). An organization has associational standing “when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization’s purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs. (TOC), Inc., 528 U.S. 167, 181 (2000). An organization needs to establish only “that at least one member faces a realistic danger of [injury].” Browning, 522 F.3d at 1163. This is particularly true for organizations with high membership rates. See Arcia, 772 F.3d at 1342 (citing Browning, 522 F.3d at 1163). It is axiomatic that these voters have a federal and constitutional right not to be disenfranchised in the November 2020 election.

Accordingly, the Intervenor holds clear interests in the Petition and the illegal relief it demands both on their own account and through their individual members.

2. *An unfavorable disposition will impair the Intervenor’s interests.*

The second requirement is whether an unfavorable disposition of the instant case would impair an intervenor’s own interests. See Liberty Mut. Fire Ins. Co. v. Quiroga-Saenz, 343 Ga. App. 494, 499-500 (2017); see also Bibb City v. Monroe Cnty., 294 Ga. 730, 740 (2014) (finding that “disposition . . . could impair [intervenor’s] ability to protect its interest” in a mandamus proceeding).

Here, Petitioner’s action directly attacks and seeks to undo and neutralize the good work of both the Intervenor. An unfavorable disposition of this action undoes the Intervenor’s get-out-the-vote, voter protection, and outreach efforts throughout Georgia for the November 2020 election if ballots cast by voters they previously assisted in voting are discarded as a result of this election contest. Indeed, holding a new election would require the Intervenor to focus their

already limited resources on protecting the rights of voters who already voted in the November 2020 election and assisting them with voting in a new election. The Individual Intervenor could have their lawfully cast votes tossed out, while the Organizational Intervenor is at risk of losing their ability to protect their interests and those of their members in voter participation. The Intervenor, therefore, has an interest in the subject of this litigation to oppose a petition that seeks to invalidate their votes in violation of the Georgia Constitution and federal law.

These concerns of voter disenfranchisement are amplified with respect to the underrepresented minority communities that the Organizational Intervenor serves. “Historically, . . . throughout the country, voter registration and election practices have interfered with the ability of minority, low-income, and other traditionally disenfranchised communities to participate in democracy.” Ind. State Conf. of NAACP v. Lawson, 326 F. Supp. 3d 646, 650 (S.D. Ind. 2018), aff’d, 937 F.3d 944 (7th Cir. 2019). The Organizational Intervenor has worked to remedy those practices, in part, by ensuring that their registration, education, and get-out-the-vote efforts reach vulnerable or underserved minority communities. Thus, the Organizational Intervenor has significant interests in ensuring that Petitioner’s proposed relief does not harm those communities.

3. *The named respondents will not adequately represent the Intervenor.*

The final issue to be determined is whether the interests of the intervening parties are adequately represented by the current parties to the action. See Sw. Georgia Prod. Credit Ass’n v. Wainwright, 241 Ga. 355, 356 (1978) (“The issue of adequacy of representation is a question of fact which must be ruled on by the trial court in considering the application for intervention, assuming the other requirements are met.”). The interests of the Intervenor also are not adequately represented by the named respondents.

*First*, as state officials, Defendants are charged with representing the interests of all Georgia citizens, including those of Petitioner. The duty to represent *every other citizen* in



Georgia in itself indicates that the respondents cannot adequately represent the interests of the Intervenor. Clark v. Putnam Cty., 168 F.3d 458, 461-62 (11th Cir. 1999) (holding that defendant county commissioners’ “intent to represent everyone in itself indicates that the commissioners represent interests adverse to the proposed interveners; after all, both the plaintiffs and the proposed defendant-interveners are Putnam County citizens”). In short, respondents must represent Petitioner, as well as the voters whose ballots they challenge. The respondents cannot adequately represent the Intervenor when this inherent divergence exists between the citizens for whom the respondents must concurrently represent. Id.

*Second*, Defendants Kemp and Raffensperger are elected officials who, like all such officials, have an interest in “remain[ing] politically popular and effective leaders[,]” and, as such, they also have an incentive to compromise. Id.; see also Meek v. Metropolitan Dade County, Fla., 985 F.2d 1471, 1478 (11th Cir. 1993). As elected officials, Defendants Kemp and Raffensperger may thus have a disincentive to zealously represent the interest of the Intervenor and their members. Id. While the respondents may assert that they intend to adequately represent the interest of the Intervenor, there is no reason to believe that respondents can do so in the same zealous, unconflicted manner as the Intervenor. Only the Intervenor, whose mission is to protect zealously the interests of minority voters, to the exclusion of all other interests, can adequately do so.

The divergence of interests is particularly stark and demonstrable here because the Organizational Intervenor has repeatedly brought suit to challenge actions taken by these same Defendants or their predecessors in office on the basis that they denied the fundamental right to vote or otherwise harmed voters in violation of federal law. See, e.g., Ga. Coal. for the People’s Agenda v. Deal, No. 4:16-cv-00269-WTM (S.D. Ga.) (successful suit brought against then-

Secretary of State Kemp to extend voter registration deadline in the aftermath of Hurricane Matthew); Ga. State Conf. of the NAACP v. Kemp, No. 2:16-cv-219-WCO (N.D. Ga.) (O’Kelley, J.) (bringing suit against then-Secretary Kemp alleging that he administratively adopted an “exact match” program that illegally removed eligible voters from the rolls); Ga. Coal. for the People’s Agenda v. Raffensperger, No. 1:18-cv-4727-ELR (N.D. Ga.) (Ross, J.) (similar suit first brought against the Georgia Secretary of State); Martin v. Raffensperger, No. 1:18-cv-4776-LMM (N.D. Ga.) (May, J.) (GCPA is a plaintiff in successful absentee ballot suit against the Georgia Secretary of State); Ga. State Conf. of the NAACP v. State of Georgia, No. 1:17-cv-1397-TCB (N.D. Ga.) (Batten, J.) (successful National Voter Registration Act lawsuit brought against the Georgia Secretary of State).

Accordingly, this Court should grant the Intervenors’ Motion to Intervene as a matter of right under O.C.G.A. § 9-11-24(a) because they have demonstrated an interest in the matter, they would be impaired by an unfavorable decision, and the named respondents do not adequately represent their interests in this action.

### **C. The Court Should Permit Intervention.**

The Intervenors have also satisfied the requirements for permissive intervention under Georgia law because there are undeniably common questions of law and fact shared between the underlying Petition and the relief the Intervenors will seek in opposing that Petition.

Under O.C.G.A. § 9-11-24(b), a court may allow intervention on a permissive basis where the Intervenors’ interests share common questions of law or fact with the underlying action. See DeLoach v. Floyd, 160 Ga. App. 728, 730 (1981) (affirming grant of intervention). Intervention is appropriate when such common questions exist and the intervention will not unduly delay or prejudice the original parties. See O.C.G.A. § 9-11-24(b).

Here, the Intervenor’s interests arise from and are threatened by the exact same facts as the Petition, and the relief the Intervenor seek is specifically opposed to the relief Petitioners seek—preventing the nullification of the November presidential election results and disenfranchising the Individual Intervenor and negatively impacting the Organizational Intervenor’s voter protection, voter registration, get-out-the-vote, voter education, and advocacy initiatives. Additionally, intervention will not cause delay or prejudice to the parties because the Petition was filed on December 4, less than a week ago, and a hearing has yet to be held. Indeed, the Intervenor are fully prepared to appear at an emergency hearing. The Intervenor, therefore, did not unduly delay in filing this Motion and granting it will cause no delay or prejudice to the parties. The Organizational Intervenor and their affiliates in sister states, as well as their counsel, have litigated numerous voting rights cases and have substantial experience analysing claims of the kind asserted here and the methodologies that support them. Indeed, the NAACP was recently permitted to intervene in two similar cases in Pennsylvania and Michigan. See Donald J. Trump For President, Inc. v. Boockvar, No. 4:20-cv-2078, Doc. 72 at 2 (M.D. Pa. Nov. 12, 2020) (holding that the NAACP and other organizations and voters “satisfy the requirements for permissive intervention”); Donald J. Trump For President, Inc. v. Benson, No. 1:20-cv-1083, Doc. 20 (W.D. Mich. Nov. 17, 2020) (same). Copies of the orders granting the motions to intervene are attached as **Exhibits D** and **E**.

Accordingly, and in the alternative to intervention as a matter of right, the Intervenor have satisfied the requirements for this Court to allow their permissive intervention under O.C.G.A. § 9-11-24(b).

#### **IV. CONCLUSION**

The Georgia NAACP, the Georgia Coalition for the People’s Agenda, James Woodall, and Helen Butler respectfully request that the Court grant their Emergency Motion to Intervene for all

the reasons set forth above. A proposed Order is attached hereto as **Exhibit C**. Pursuant to O.C.G.A. § 9-11-24(c),<sup>3</sup> the Georgia NAACP and the GCPA's proposed initial pleading, the Verified Answer to Petition for Election Contest, is respectively attached hereto as **Exhibit F**.

Respectfully submitted this 10th day of December, 2020.

/s/ William V. Custer

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<sup>3</sup> Under § (c), "[t]he motion shall . . . be accompanied by a pleading setting forth the claim or defense for which intervention is sought."

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# **EXHIBIT A**

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

DONALD J. TRUMP, *et al.*,

Petitioners,

v.

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

Defendants.

Civil Action  
File No.. 2020CV343255

**AFFIDAVIT OF JAMES WOODALL**

STATE OF GEORGIA       )  
                                  ) ss.  
COUNTY OF FULTON    )

I, James Cortez Woodall, having been duly sworn, do hereby swear and affirm as follows:

1.     I have personal knowledge of the matters stated herein and would testify to the same  
if called as a witness in Court.

2.     I am over 18 years of age and I am competent to make this affidavit.

3.     I am the President of the Georgia State Conference of the National Association for  
the Advancement of Colored People ("Georgia NAACP"). I have held this position since October  
13, 2019.

4. The NAACP was founded on February 12, 1909, and is the oldest, largest, and most widely recognized grassroots-based civil rights organization.

5. The Georgia NAACP is a state conference of the NAACP and is the oldest and one of the largest and most significant organizations promoting and protecting the civil rights of African Americans and other racial and ethnic minorities in Georgia.

6. The Georgia NAACP is a non-partisan, interracial, nonprofit membership organization with a mission to “secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons.” In furtherance of this mission, the Georgia NAACP has engaged in extensive efforts to increase voter registration and voter participation and to protect voting rights in Fulton County.

7. The Georgia NAACP has branches in counties across the state of Georgia that are involved in voter registration, voter assistance, voter education, election protection, grassroots mobilization, and get-out-the-vote efforts. As of 2020, the Georgia NAACP has approximately 10,000 members in Georgia. The Georgia NAACP’s membership many registered voters who cast a ballot in the November 2020 election.

8. The Georgia NAACP has sought to prevent efforts to suppress or disenfranchise African American voters and has been involved in voting rights litigation in Georgia to vindicate their rights.

9. The Georgia NAACP works to protect voting rights through litigation, advocacy, legislation, communication, and outreach. The Georgia NAACP works to promote voter registration, voter education, get out the vote efforts, election protection and census participation.



10. With respect to the November 2020 election, the Georgia NAACP's voter outreach efforts have included providing education to voters on how to vote by mail and in person.

11. In preparation for the November 2020 election, the Georgia NAACP's work has included educating voters about current Georgia election procedures, including recent changes to election laws, and informing its members and members of the public about how to properly complete the voter declarations accompanying mail-in ballots or how to correct minor mistakes on mail-in ballots.

12. The Georgia NAACP also worked to educate voters about various issues related to voting in person on Election Day, for example by spoiling a mail ballot at the polling place.

13. The Georgia NAACP launched a get out the vote campaign for the 2020 election cycle. One of the key components of the campaign included providing accurate information regarding mail-in ballots to the Georgia NAACP's membership and the rest of the public. As part of that campaign, the Georgia NAACP configured its website, [naacpga.org](http://naacpga.org), to include a public service announcement about the 866-OURVOTE voter protection hotline and a link directing voters to the [866ourvote.org](http://866ourvote.org) website. The website includes information about the voting process and tools available to voters, including about the Georgia NAACP's partnership with Lyft to get voters to the polls.

14. The Georgia NAACP developed materials and worked with local NAACP branches to educate its members and the public about voting by mail including, for example, the availability and location of mail ballot drop boxes. The Georgia NAACP has developed messaging and materials regarding voting by mail in particular counties.

15. The Georgia NAACP also developed messaging and materials regarding voting in person, both during the early voting period and on Election Day. For example, Georgia NAACP members helped distribute information about the early voting location or locations available in particular counties.

16. The Georgia NAACP conducted a phone banking program for the November 2020 election. As part of the program, the Georgia NAACP reached out to voters throughout Georgia to encourage voter participation and to educate the public about the voting process.

17. Where necessary, the Georgia NAACP also assisted voters, including those who experienced issues with voting by mail or whose absentee ballots were rejected. The Georgia NAACP also helped and assisted voters seeking to cast their ballots in person. The Georgia NAACP's multi-week phone banking program began in the beginning of October.

18. Many of the Georgia NAACP's members voted in the November 2020 election.

19. I chose to vote in person. I voted early at the State Farm Arena on October 24,

20. I am a resident of Fulton County and a registered voter in Fulton County.

21. I cast a ballot in the November 2020 presidential election that would be invalidated if the Petitioners succeed in their election contest in this case.

22. I and other Georgia NAACP members are at risk of being disenfranchised if the presidential election results in Georgia are invalidated and a new election is ordered.

23. The Georgia NAACP has an interest in preventing the disenfranchisement of eligible voters who properly cast ballots, including its members and voters it may have assisted with navigating the voting process.

24. Discarding lawful votes cast by qualified electors in the November 2020 presidential contest would effectively disenfranchise African-American voters, would harm the Georgia NAACP's mission of preventing voter disenfranchisement and will inevitably harm individual Georgia NAACP members who voted in the November election, impacting their willingness to vote in future elections.

25. Discarding lawful votes cast by qualified electors in the November 2020 election would also undermine the Georgia NAACP's voter advocacy efforts by leading some voters to believe that voting is pointless because their ballots will not be counted. This sense of futility will likely depress turnout in the future and make it more difficult for the Georgia NAACP to carry out its mission of encouraging African-American individuals to register to vote, to vote, and to help protect others' right to vote.

26. Moreover, discarding lawful votes cast by qualified electors in the November 2020 election will force the Georgia NAACP to dedicate additional resources to voter education efforts, at the expense of other organizational priorities. If votes cast throughout Georgia are discarded, more voters would ask Georgia NAACP staff questions about what they can do to prevent being disenfranchised in this election and in future elections. The result is that Georgia NAACP staff will have to spend additional time and resources responding to those questions that could have been dedicated to other efforts.

27. Moreover, discarding lawful votes cast by qualified electors in the presidential contest will force the Georgia NAACP, in an effort to promote the effective enfranchisement of African-American individuals, to dedicate a larger share of its limited sources to voter education

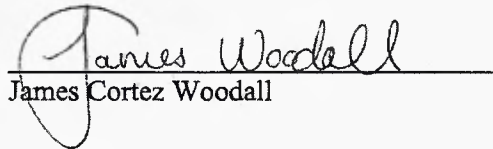
efforts – to ensure that voters cast ballots that cannot be challenged or rejected – and to developing a strategy to prevent this kind of mass disenfranchisement in future elections.

28. Because the Georgia NAACP's resources are limited, those efforts will necessarily come at the expense of, for example, core organizational activities such as voter registration, criminal justice work, and other efforts.

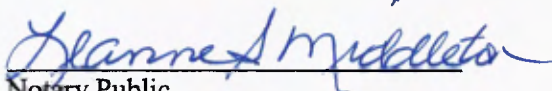
29. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER, AFFIANT SAYETH NOT.

Executed this 10th day of December, 2020, in Atlanta, Georgia.

  
James Cortez Woodall

Sworn to and subscribed before me  
This 10<sup>th</sup> day of December, 2020.

  
Notary Public

My commission expires: 7/23/2022



This Affidavit was notarized pursuant to Executive Order 04.09.20.01 using FaceTime as real-time audio visual communication technology.

# **EXHIBIT B**

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

DONALD J. TRUMP, et al.,

Petitioners,

v.

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

Defendants,

v.

GEORGIA STATE CONFERENCE OF THE  
NAACP, GEORGIA COALITION FOR THE  
PEOPLE'S AGENDA, JAMES WOODALL, and  
HELEN BUTLER,

Proposed Intervenor-Defendants.

Civil Action

File No. Civ. Act. No. 2020CV343255

The Honorable Judge Constance Russell

**AFFIDAVIT OF HELEN BUTLER**

STATE OF GEORGIA       )  
                                  ) ss.  
COUNTY OF FULTON     )

I, Helen Butler, having been duly sworn, do hereby swear and affirm as follows:

1. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. I am an African American female, a registered Georgia voter, over eighteen years of age and am otherwise competent to testify.
3. I am the Executive Director of the Georgia Coalition for the People's Agenda ("CGPA").
4. The GCPA is a Georgia not-for-profit corporation with its principal place of

business located in Atlanta, Georgia. The GCPA is a coalition of more than 30 organizations, which collectively have more than 5,000 individual members.

5. The GCPA encourages voter registration and participation, particularly among Black and other underrepresented communities. The GCPA's support of voting rights is central to its mission. The organization has committed, and continues to commit, time and resources to conducting voter registration drives, voter education, voter assistance, election protection, and other get-out-the- vote efforts in Georgia, such as "Souls to the Polls," "Pews to the Polls," and other initiatives designed to encourage voter registration and voter turnout.

6. In addition to our main office in Atlanta, the GCPS has field offices in Athens, Albany, Augusta, Macon, Savannah, and LaGrange, Georgia where we are able to provide outreach and support to voters and prospective voters of color and underserved communities outside of the Metro Atlanta area.

7. During the 2020 election cycle, the GCPA's voter outreach efforts were conducted in the greater Metro Atlanta region and as well as throughout other areas of Georgia from the aforementioned field offices and covered approximately 88 counties in the state.

8. GCPA's voter empowerment programs during the 2020 election cycle included, but were not limited to, educating prospective voters about how to register to vote and to confirm their registration status; educating voters about the options to vote in-person during advanced voting, in-person on Election Day and by mail via absentee ballot; and helping voters to understand the new voting system implemented for the first-time this cycle statewide.

9. During the 2020 election cycle, the GCPA also conducted candidate forums, distributed civic education materials to voters and prospective voters; arranged for rides to the polls for voters; and also supported the Georgia Election Protection field program in order to provide assistance to voters on the ground near polling sites.

10. GCPA also participated in media interviews, sponsored Public Service Announcements (PSAs), placed billboard ads, conducted phone banking, and engaged in text message campaigns to educate voters and to encourage participation in the 2020 election cycle.

11. I cast my absentee ballot for my 2020 presidential candidates of choice in Morgan County, Georgia where I am resident. I confirmed my absentee ballot was received by the Morgan County Registrar's office on October 19, 2020. At the time I cast my ballot, I was, and still am, a qualified Morgan County voter and fully expected that my ballot would be counted equally among all of the other lawful ballots cast collectively across Georgia's 159 counties.

12. I, along with other eligible voters of color who cast lawful ballots in the 2020 presidential elections, are at grave risk of being disenfranchised by having our votes cancelled in the event the Petitioner obtains the relief he is seeking in this case.

13. The GCPA has an interest in preventing the disenfranchisement of eligible voters who now run the risk of having the legitimate outcome of this election reversed by a court in an unprecedented effort by a single Petitioner to invalidate large numbers of legitimate and lawful votes.

14. If Petitioner is successful in his lawsuit, this outcome would severely and negatively impact the GCPA's advocacy efforts now and in the future. It would inevitably lead some voters to believe that voting is pointless because their ballots will not be counted even though they were eligible to vote and their ballots were entirely lawful. This sense of futility will likely depress turnout in the future and make it more difficult for the GCPA to carry out its mission of encouraging African-American individuals to register to vote, to vote, and to help protect others' right to vote.

15. Moreover, the disenfranchisement of voters who cast lawful ballots in this

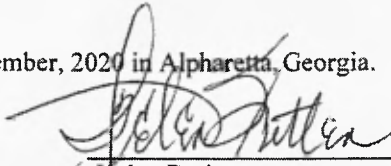


election will force the GCPA to divert additional resources to voter education efforts, at the expense of other organizational priorities. If lawful votes cast by voters in this election are discarded based upon speculative assertions of the Plaintiff in this litigation, I fear for the long-term impact on voter participation in Georgia and on the long-term effects of such an unprecedented attack on our democratic principles nationwide.

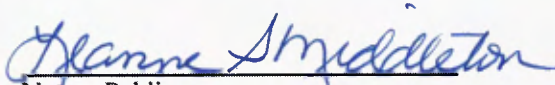
16. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER, AFFIANT SAYETH NOT.

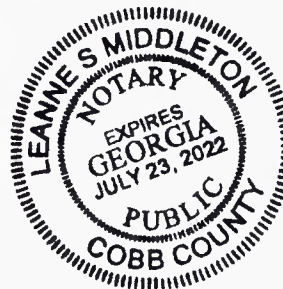
Executed this 10th day of December, 2020 in Alpharetta, Georgia.

  
Helen Butler

Sworn to and subscribed before me  
This 10<sup>th</sup> day of December, 2020

  
Notary Public

My commission expires: 7/23/2022



This Affidavit was notarized pursuant to Executive Order 04.09.20.01 using FaceTime as real-time audio visual communication technology.

# **EXHIBIT C**

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, *et al.*,

Contestant,

v.

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

Defendants,

v.

GEORGIA STATE CONFERENCE OF THE  
NAACP, GEORGIA COALITION FOR THE  
PEOPLE'S AGENDA, JAMES WOODALL,  
and HELEN BUTLER,

Proposed Intervenors.

CIVIL ACTION FILE  
NO. 2020CV343255

**[PROPOSED] ORDER GRANTING EMERGENCY MOTION TO INTERVENE**

The Georgia State Conference of the National Association for the Advancement of Colored People, the Georgia Coalition for the People's Agenda, James Woodall, and Helen Butler (collectively, the "Intervenors"), having moved on an emergency basis for an order permitting intervention in the above-styled action, and it appearing to the Court that the Intervenors have an interest in the above-styled action, the Intervenors will be impaired from an unfavorable disposition, and no other party can adequately represent the Intervenors, it is hereby ORDERED that the Emergency Motion to Intervene is hereby GRANTED and they are hereby made and designated intervenor respondents to this action, that thereafter the style of this action shall be shown above.

It is further ORDERED that the proposed pleading attached as **Exhibit "F"** to the Memorandum in Support of the Emergency Motion to Intervene shall constitute the initial pleadings of the Intervenor, and shall be deemed to have been filed this date.

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

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JUDGE CONSTANCE C. RUSSELL  
Superior Court of Fulton County

**ORDER PREPARED BY:**

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Helen Butler*

# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR  
PRESIDENT, INC., *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR, *et al.*,

Defendants.

No. 4:20-CV-02078

(Judge Brann)

**ORDER**

**NOVEMBER 12, 2020**

**BACKGROUND:**

The Court now considers three motions to intervene brought by: (1) several organizations and individuals represented by the American Civil Liberties Union of Pennsylvania (the “ACLU Intervenors”) (Doc. 30); (2) DNC Services Corporation/Democratic National Committee (the “DNC”) (Doc. 39); and (3) Daniel A. Berger, a Pennsylvania attorney (Doc. 55). Given the expedited schedule under which this action must proceed, the Court finds it both proper, and necessary, to rule on the motions quickly, in order to allow all relevant parties the opportunity to be heard on the merits of the case.

The proposed intervenors argue that they are entitled to intervene under Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 24. Under the Federal Rules, parties may seek to intervene as of right, or with the Court’s permission. The

Court does not address whether the ACLU Intervenor and the DNC are entitled to intervention as a matter of right, because I readily find that they satisfy the requirements for permissive intervention under Fed. R. Civ. P. 24(b).

Permissive intervention requires that a party file a timely application for intervention, and that the party's claim or defenses share a common question of law or fact with the main action at bar.<sup>1</sup> As the United States Court of Appeals for the Third Circuit has noted, under Fed. R. Civ. P. 24, I must also consider whether allowing intervention would "unduly delay or prejudice the adjudication of the rights of the original parties."<sup>2</sup> A District Court's decision to allow permissive intervention is "highly discretionary."<sup>3</sup>

There is no question that the motions were timely. Plaintiffs filed the action on November 9, 2020. The ACLU Intervenor and the DNC filed their motions to intervene on November 10, 2020 and November 11, 2020. Accordingly, the first factor weighs in favor of allowing intervention.<sup>4</sup> The second factor does as well. The ACLU Intervenor has an interest "in the constitutionality of Pennsylvania's voting procedures," which "goes to the heart of Plaintiffs' action."<sup>5</sup> This will

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<sup>1</sup> Fed. R. Civ. P. 24(b).

<sup>2</sup> *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 779 n. 6 (3d Cir. 1994) (quoting Fed. R. Civ. P. 24(b)(3)).

<sup>3</sup> *U.S. v. Territory of Virgin Islands*, 748 F.3d 514, 519 (3d Cir. 2014).

<sup>4</sup> See, e.g., *National Collegiate Athletic Ass'n v. Corbett*, 296 F.R.D. 342 (M.D. Pa. 2013) (finding that a motion to intervene filed three weeks after a complaint was timely).

<sup>5</sup> *Donald J. Trump for President, Inc., et al. v. Kathy Boockvar, et al.*, No. 2:20-cv-00966, ECF 309 (W.D. Pa. 2020).

necessarily raise common questions of fact and law. In another litigation brought by President Trump’s campaign, the Honorable J. Nicholas Ranjan of the Western District of Pennsylvania granted intervention by a similar group of proposed intervenors as those represented by the ACLU. This reasoning leads to the same conclusion in the instant action – namely, that intervention is allowable. The same holds true for the motion brought by the DNC.

Finally, intervention will not “unduly delay or prejudice the adjudication of the original parties’ rights,” because the action was filed just days ago, and no further briefing has been received.<sup>6</sup> Even under the expedited schedule set for this matter, the Court does not believe any of the original parties will be prejudiced.

Mr. Berger’s motion presents a different set of questions. First, it does not appear that Mr. Berger’s interests are substantially different from the private individuals represented by the ACLU. Both he and they stand to suffer the same harm; their interests are aligned. Therefore, the Court does not believe that he may intervene as of right.<sup>7</sup> Second, the Court exercises its discretion in denying Mr. Berger permissive intervention. Were the Court to allow this individual to intervene on his own, the Court might be placed in the untenable position of having

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<sup>6</sup> To the extent Plaintiffs may note that the proposed intervenors have not filed responsive pleadings yet, the Court notes that the absence of such pleadings at this stage is not dispositive, “because ‘the failure to comply with the Rule 24(c) requirement for a pleading is a purely technical defect which does not result in the disregard of any substantial right.’” *PPL Energyplus, LLC v. Solomon*, 2011 WL 13128622, at \*3 (D.N.J. July 19, 2011).

<sup>7</sup> See Fed. R. Civ. P. 24(a)(2) (noting that if existing parties “adequately represent [a proposed intervenor’s] interest,” that person may not intervene as of right).



to allow every individual to intervene on his or her own, which would then run the risk of “unduly delay[ing] or prejudice[ing] the adjudication of the rights of the original parties.”<sup>8</sup> The Court thanks Mr. Berger for his sense of civic duty, but denies his motion to intervene.

**THEREFORE, IT IS HEREBY ORDERED** that:

1. The ACLU Intervenors’ motion to intervene (Doc. 30) is **GRANTED**.
2. The DNC’s motion to intervene (Doc. 39) is **GRANTED**.
3. Daniel A. Berger’s motion to intervene (Doc. 55) is **DENIED**.
4. The ACLU Intervenors and the DNC may file responsive pleadings, motions, and briefings on the same schedule as the Defendants. *See* Doc. 35.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge

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<sup>8</sup> Fed. R. Civ. P. 24(b)(3).

# EXHIBIT E

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD J. TRUMP FOR PRESIDENT,  
INC., et al.,

Plaintiffs,

Case No. 1:20-cv-1083

v.

HON. JANET T. NEFF

JOCELYN BENSON, et al.,

Defendants.

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**MEMORANDUM OPINION AND ORDER**

Pending before the Court are three unopposed motions to intervene filed by the Michigan State Conference NAACP, Wendell Anthony, Yvonne White, and Andre Wilkes (ECF No. 6); the Democratic National Committee and the Michigan Democratic Party (ECF No. 10); and the City of Detroit (ECF No. 14). The proposed intervenors received concurrence in their motions from counsel anticipated to make appearances for Defendants, but the proposed intervenors did not receive concurrences from Plaintiffs (ECF Nos. 8, 11 & 16). Plaintiffs have since filed a joint response, indicating that they also do not oppose the motions (ECF No. 19). For the following reasons, the Court grants the unopposed motions to intervene.

**I**

Eight Plaintiffs initiated this action on November 11, 2020. Plaintiff “Donald J. Trump for President, Inc.” is the campaign committee for the reelection of President Donald J. Trump and Vice President Michael R. Pence (Compl. ¶ 6). The remaining seven Plaintiffs—Matthew and Alexandra Seely, Philip O’Halloran, Eric Ostergren, Marian Sheridan, Mercedes Wirsing, and Cameron Tarsa—are Michigan citizens and registered voters (*id.* ¶ 7). With the exception of

Cameron Tarsa, the individual Plaintiffs voted in the November 3, 2020 presidential election and served as credentialed election challengers in that election (*id.*).

Plaintiffs filed this action in this Court against Jocelyn Benson, Michigan's Secretary of State; the Michigan Board of State Canvassers; Wayne County; and the Wayne County Board of County Canvassers. In their "Complaint for Declaratory, Emergency and Permanent Injunctive Relief," Plaintiffs allege the following three claims:

- I. Secretary of State Benson and Wayne County violated the Equal Protection Clause of the United States Constitution and the corollary clause of Michigan's Constitution
- II. Secretary of State Benson and Wayne County violated the rights of these Michigan voters under the federal Elections and Electors Clauses
- III. Secretary of State Benson and Wayne County violated Michigan's Election Code

Plaintiffs seek the following relief:

- A. An order directing Secretary Benson and the Michigan Board of State Canvassers to not certify the election results until they have verified and confirmed that all ballots that were tabulated and included in the final reported election results were cast in compliance with the provisions of the Michigan Election Code as set forth herein.
- B. An order prohibiting the Wayne County board of county canvassers and the board of state canvassers from certifying any vote tally that includes:
  - (1) fraudulently or unlawfully cast ballots;
  - (2) ballots tabulated using the Dominion tabulating equipment or software without the accuracy of individual tabulators having first been determined;
  - (3) any ballots that were received after Election Day (November 3, 2020) where the postmark or date of receipt was altered to be an earlier date before Election Day; and
  - (4) any ballots that were verified or counted when challengers were excluded from the room or denied a meaningful opportunity to observe the handling of the ballot and poll book as provided in MCL 168.733.

- C. An order directing the Wayne County board of county canvassers to summon and open the ballot boxes and other election material, as provided in MCL 168.823, and, in the presence of challengers who can meaningfully monitor the process, to review the poll lists, absent voter ballot envelopes bearing the statement required by MCL 168.761, and other material provided in MCL 168.811.
- D. An order directing that challengers be allowed to be physically present with a meaningful opportunity to observe when the accuracy of each piece of tabulating equipment is determined, and if the accuracy of each piece of tabulation equipment used by Wayne County is not confirmed to be accurate, an order directing a special election be held in the affected precincts as provided by MCL 168.831-168.839.
- E. An order directing the board of county canvassers and the board of state canvassers, with challengers present and meaningfully able to observe, to obtain and review the video of unattended remote ballot drop boxes.

(ECF No. 1 at PageID.30-31).

Regarding the timing of their requested relief, Plaintiffs allege that consistent with MICH. COMP. LAWS § 168.822(1), the county board of canvassers shall conclude its canvass not later than November 17, 2020 (Compl. ¶ 71). Plaintiffs allege that consistent with MICH. COMP. LAWS § 168.842, the Michigan Board of State Canvassers will announce its determination of the canvass not later than December 3, 2020 (*id.* ¶ 72). Plaintiffs allege that the federal provisions governing the appointment of electors to the Electoral College, 3 U.S.C. § 1-18, “require Michigan Governor Whitmer to prepare a Certificate of Ascertainment by December 14, [2020,] the date the Electoral College meets” (*id.* ¶ 73). Last, Plaintiffs point out that the United States Code, 3 U.S.C. § 5, provides that if election results are contested in any state, and if the state, prior to election day, has enacted procedures to settle controversies or contests over electors and electoral votes, and if these procedures have been applied, and the results have been determined six days before the electors’ meetings, then these results are considered to be conclusive and will apply in the counting of the electoral votes (*id.* ¶ 74). Plaintiffs represent that this date—the “Safe Harbor” deadline—falls on December 8, 2020 (*id.*). However, despite setting forth these looming deadlines and despite having

characterized their pleading as one requiring “emergency” relief, Plaintiffs have, to date, neither served their Complaint on Defendants nor filed any motions for immediate injunctive relief.

On Saturday, November 14, 2020, the Michigan State Conference NAACP (NAACP–MI), Wendell Anthony, Yvonne White, and Andre Wilkes filed their Motion to Intervene (ECF No. 6). That same day, the Democratic National Committee (DNC) and the Michigan Democratic Party (MDP) filed their Motion to Intervene (ECF No. 10), attaching, in pertinent part, a proposed Pre-Motion Conference Request (ECF No. 10-1) and a proposed Motion to Dismiss pursuant to FED. R. Civ. P. 12(b)(1) and (6) (ECF No. 10-3). On Monday, November 16, 2020, the City of Detroit filed a Motion to Intervene (ECF No. 14), indicating that it also intends to move to dismiss Plaintiffs’ Complaint if intervention is granted (*id.* at PageID.656). As noted, Plaintiffs have not opposed the motions to intervene.

## II

Intervention is governed by Federal Rule of Civil Procedure 24. Rule 24(a) provides in pertinent part that on timely motion, the court “must permit” anyone to intervene who “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” FED. R. CIV. P. 24(a)(2). Under Rule 24(b), the court “may” permit anyone to intervene who files a timely motion and “has a claim or defense that shares with the main action a common question of law or fact,” provided “the court ... consider[s] whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” FED. R. CIV. P. 24(b).

There is no question that the proposed intervenors’ motions, filed within a matter of only a few days after Plaintiffs initiated this case, are timely. Further, as set forth in their motions and

which are unopposed by Plaintiffs, the proposed intervenors have substantial legal interests in the subject matter of this case. The Court determines that the distinct interests of these proposed intervenors may be impaired absent intervention and that these interests may not be adequately represented by the parties already before the Court.

Even assuming arguendo that granting intervention as of right under Rule 24(a) is not appropriate, the Court, in its discretion, grants the proposed intervenors' motions under Rule 24(b). Granting permissive intervention to these movants will certainly not delay or prejudice the adjudication of the original parties' rights, particularly where Plaintiffs have yet to serve the named Defendants. Additionally, as set forth more fully in their respective motions to intervene, the proposed intervenors seek to assert defenses that squarely address the factual and legal premise of Plaintiffs' claims. In sum, the motions to intervene are properly granted. Further, the Court will issue a briefing schedule on the motion to dismiss proposed by the Democratic National Committee and the Michigan Democratic Party, without the usual in-chambers conference, and will require service of Plaintiffs' Complaint on Defendants.

Therefore:

**IT IS HEREBY ORDERED** that the Motions to Intervene (ECF Nos. 6, 10 & 14) are GRANTED, and the movants may file responsive pleadings, motions and briefs on the same schedule as Defendants.

**IT IS FURTHER ORDERED** that Plaintiffs shall serve a copy of the Complaint and summons upon Defendants not later than 5:00 p.m. on Tuesday, November 17, 2020, and timely file proof of service of the same. Failure to timely serve Plaintiffs may provide the Court justification to dismiss their "Complaint for Declaratory, Emergency and Permanent Injunctive Relief" for failure to diligently prosecute this case.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall ACCEPT the proposed Motion to Dismiss of the Democratic National Committee and the Michigan Democratic Party (ECF No. 10-3) (“the Motion to Dismiss”) for docketing.

**IT IS FURTHER ORDERED** that any concurrences in the Motion to Dismiss shall be filed not later than 12:00 noon on Wednesday, November 18, 2020.

**IT IS FURTHER ORDERED** that Plaintiffs’ response to the Motion to Dismiss shall be filed not later than 5:00 p.m. on Thursday, November 19, 2020.

**IT IS FURTHER ORDERED** that replies, if any, to Plaintiffs’ Response shall be filed not later than 5:00 p.m. on Friday, November 20, 2020.

**IT IS FURTHER ORDERED** that the parties shall adhere to this Court’s Local Civil Rule 10.9 when referencing a page of the record. *See* W.D. Mich. LCivR 10.9.

**IT IS FURTHER ORDERED** that Intervenor-Defendants Democratic National Committee and Michigan Democratic Party shall provide chambers with one three-ring binder containing single-sided paper courtesy copies of the respective dispositive motion papers, including their Motion to Dismiss, any concurrences, the response, any replies, and any exhibits, after electronic filing (i.e., with the CM-ECF PageID header), and properly tabbed. The binder shall be submitted to the Clerk’s Office.

**IT IS FURTHER ORDERED** that the time for Defendants to file their answers/responsive pleadings to the Complaint is extended until fourteen days after the Court’s decision on the Motion to Dismiss, or further Order of the Court.

Dated: November 17, 2020

/s/ Janet T. Neff  
\_\_\_\_\_  
JANET T. NEFF  
United States District Judge



# **EXHIBIT F**

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, in his capacity as a  
Candidate for President, *et al.*,

Petitioners,

v.

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

Defendants,

GEORGIA STATE CONFERENCE OF THE  
NAACP and GEORGIA COALITION FOR  
THE PEOPLE'S AGENDA, JAMES  
WOODALL and HELEN BUTLER,

Proposed Intervenor-Defendants.

CIVIL ACTION FILE  
NO. 2020CV343255

The Honorable Constance Russell

**PROPOSED VERIFIED ANSWER TO PETITION FOR ELECTION CONTEST**

Proposed Intervenor the Georgia State Conference of the National Association for the Advancement of Colored People ("Georgia NAACP"), the Georgia Coalition for the People's Agenda ("GCPA"), James Woodall, and Helen Butler (collectively, the "Intervenors"), by and through their counsel, hereby respectfully file this proposed answer to the Petition for Election Contest filed by Petitioners Donald J. Trump, Donald J. Trump for President, Inc. and David Shafer in this matter as set forth below.<sup>1</sup>

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<sup>1</sup> The Proposed Intervenor-Defendants respectfully request leave from the Court to file this Answer to Petition for Election Contest, which shall be deemed to have been filed as of this date.

### **First Defense**

The Petitioners' claims and the Petition itself are barred because they are deficient insofar as they fail to comply with the requirements of the Georgia election contest statutes, O.C.G.A. §§ 21-2-520, *et seq.*

### **Second Defense**

The Petitioners' claims are barred because this Court lacks jurisdiction to adjudicate Petitioners' claims where Petitioners named the wrong defendants in the Petition, lacks standing, and has requested relief contrary to law and which this Court cannot grant.

### **Third Defense**

The Petitioners' claims are barred because the relief requested would be futile and fruitless, and thus is not allowed under Georgia law.

### **Fourth Defense**

The Petitioners' election contest is improper because he cannot contest the election of presidential electors.

### **Fifth Defense**

The Petition is barred by the equitable doctrine of laches.

### **Sixth Defense**

The Petitioners' claims are barred because they fail to state a claim for relief that can be granted. Petitioners' fantastical, wild allegations are not supported by their "evidence" and, because they are facially implausible, cannot be accepted as true.

In particular, Petitioners' purported evidence does not support their claims. Petitioners rely heavily on the "expert" report of Matthew Braynard as well as other claimed "experts." Mr. Braynard, however, is not an expert in the fields his report covers: political

science and statistics. Rather, he is a partisan political operative, whose substantial and ongoing connections to the Trump campaign strips his report of any semblance of objectivity. Moreover, his superficial analyses are based on mischaracterizations of the databases from which his data is drawn and flawed methodologies and extrapolations. Likewise, “expert” Bryan Geels has no expertise in analyzing election data and his statistical conclusions are entirely dependent on unjustified assumptions about the nature and import of the underlying data. Ultimately, the conclusions of Braynard and Geels are speculative and unsupported lay opinions, completely divorced from a factual foundation. Petitioners do not meet their burden of satisfying the preliminary questions of expert qualifications, reliability and “fit” to the facts of the case required by this Court and the heightened standards of O.C.G.A. § 24-7-702(b). See Smith v. CSX Transp. Inc., 806 S.E.2d 890, 894-95 (Ga. App. 2015) (observing that “[t]he proffering party bears the burden of presenting evidence of reliability in order to meet the standards of OCGA § 24-7-702(b)” and concluding that “the trial court did not abuse its discretion in excluding [an expert’s] testimony” because his “opinions lacked the necessary reliability”).

First, Petitioners have not demonstrated that Braynard, or any of Petitioners’ secondary experts are qualified to undertake the analysis described in their reports. Mr. Braynard has not published a single peer-reviewed article in any relevant scientific field, and, as far as is known, has never been accepted as an expert by any court. (See Braynard Report ¶¶ 8, 10.) Similarly, Petitioners’ expert Geels is a CPA who is not an expert in political science or any kind of elections analysis; moreover, Mr. Geels has never been accepted as an expert by any court or authored a publication in any scientific field. (See Geels Report ¶¶ 6, 8, 10.)

Mr. Braynard is a political operative. After working for the 2016 Trump campaign, he has spent the past four years as Executive Director of an organization called Look Ahead

America, working with over thirty other former Trump campaign staffers with the goal of registering and turning out likely Trump voters. In addition to the \$40,000 Petitioners paid him (Report ¶ 9), Braynard has personally received over \$600,000 on behalf of his “Voter Integrity Project.”<sup>2</sup> The “Voter Integrity Project” includes both former Trump campaign staff and current White House staff, including a senior advisor to President Trump—and according to Braynard—is “in frequent communication” with the Trump campaign and legal team, to which he has been providing his research.<sup>3</sup>

Mr. Braynard’s analysis is also flawed at every step. Indeed, numerous academics have already flatly rejected Braynard’s methodology and conclusions as “completely without merit” and found that reliance on his conclusions would be “irresponsible and unethical.”<sup>4</sup> One of those academics is renowned election expert Dr. Michael McDonald. See Exhibit A, Declaration of Dr. Michael McDonald. Dr. McDonald finds that (1) Mr. Braynard’s data are unreliable; (2) his statistics are inflated by invalid ballots that were correctly cancelled by election officials for various reasons; (3) the data he uses is prone to false matches; and (4) he did not attempt to

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<sup>2</sup> See Voter Integrity Project, GiveSendGo Campaign, <https://givesendgo.com/voterintegrity>; Matt Braynard, Gab (Nov. 16, 2020), <https://gab.com/mattbraynard/posts/105223610078696550>, last accessed on Dec. 3, 2020 (noting Braynard’s refusal to publicly disclose invoices for purported expenditures).

<sup>3</sup> Ellie Rushing and William Bender, Pro-Trump ‘voter integrity’ group that is calling Pennsylvania voters has ties to White House, Philadelphia Inquirer (Nov. 13, 2020), <https://www.inquirer.com/politics/pennsylvania/voter-integrity-fund-pennsylvania-georgia-wisconsin-trump-2020-20201113.html>; David Corn, Former Trump Aide Challenging Vote Count Once Praised a Right-Wing Assassin, Mother Jones (Nov. 13, 2020), <https://www.motherjones.com/politics/2020/11/matt-braynard-trump/>.

<sup>4</sup> See, e.g., Francesca Paris, Williams prof disavows own finding of mishandled GOP ballots, BERKSHIRE EAGLE (Nov. 24, 2020), [https://www.berkshireeagle.com/news/local/williams-prof-disavows-own-finding-of-mishandled-gop-ballots/article\\_9cfd4228-2e03-11eb-b2ac-bb9c8b2bfa7f.html](https://www.berkshireeagle.com/news/local/williams-prof-disavows-own-finding-of-mishandled-gop-ballots/article_9cfd4228-2e03-11eb-b2ac-bb9c8b2bfa7f.html).

account for or remedy false matches, all of which “cast substantial doubt on and undermine Mr. Braynard’s opinions.” Id. at 2.

Perhaps the most egregious shortcomings of Mr. Braynard’s report are that (1) he inflates the number of ballots allegedly cast by voters who purportedly were not eligible to vote (by improperly including “cancelled” absentee ballots in his analysis and falsely suggesting that they were counted) and (2) he inflates the number of allegedly “illegal” votes by counting the same voters at least twice in numerous instances. See id. at 3-4 (pointing out Marsha Ann McCarthy and other voters were listed twice). These mistakes are easily discoverable and should have been avoidable. Id. at 4. Mr. Braynard, however, removed critical information from his report in this case (which he had included in the affidavit he filed in the *Wood* case) that would have allowed a factfinder to discover the “cancelled” absentee ballot problem referenced above. Id. at 3.

That is just the beginning. Braynard’s Report is permeated with improper assumptions and misleading statements. He suggests that he compared data from the National Change of Address (“NCOA”) database and voter data from other states provided by L2 Political with Georgia’s voter data from L2 Political, “match[ing]” names from one list to the other. (Report ¶¶ 18, 20). But the NCOA database does not reflect changes in individual legal residency but rather changes a household’s mailing address, making the database an unreliable indicator of continued voter eligibility. *See, e.g., VOTER REGISTRATION – Information on Federal Enforcement Efforts and State and Local List Management*, U.S. Gov’t Accountability Office Report (June 2019) at 48-49, <https://www.gao.gov/assets/710/700268.pdf>, last accessed on Dec. 9, 2020 (“[A]n indication of a change in address in NCOA data does not necessarily reflect a change in residence.”).



Such a bare comparison of lists is highly likely to result in false positives, including identification of students, military personnel, and others who continue to reside and lawfully vote in Georgia while temporarily located elsewhere, as well as voters who share the same or similar names as individuals residing at other addresses. McDonald Decl. at 5-6 (noting that Mr. Braynard has not identified his matching procedures and that he could not have compared voters' full dates of birth as he asserts because Georgia does not provide that information). As Dr. McDonald points out, Mr. Braynard did not meaningfully investigate whether any of the voters he alleges cast illegal ballots did, in fact, vote legally. *Id.* at 6. Mr. Braynard ignores that voters who moved out of Georgia within thirty days of the election are permitted to cast absentee ballots for the Presidential contest in Georgia. 52 U.S.C. § 10502(e); *see also* McDonald Decl. at 6 (noting that Mr. Braynard is incorrect in his assertion "that recent movers must have voted illegally"). Moreover, voters who moved from between cities or townships within the same county but did so within thirty days of Election Day (*i.e.* on or after October 4, 2020) continued to be eligible to vote at their former address in the November 3, 2020, election, either in person or by absentee ballot. *See* O.C.G.A. § 21-2-218(d)-(e). Finally, Mr. Braynard asserts that over a thousand people "illegally registered using a post office box" and their ballots should be thrown out (*see* Report ¶¶ 21-22) even though that does not constitute any evidence of fraud or impropriety and Mr. Braynard ignores that, in Georgia, "[e]ligible citizens do not lose their right to vote because they do not have a physical residential address." McDonald Decl. at 7.

Mr. Geels' analysis suffers from many of the same infirmities. Mr. Geels' most spectacular failure involves his allegation that 305,701 Georgians applied for absentee ballots "more than 180 days prior to the general election (*i.e.*, prior to May 6, 2020), exceeding the statutory maximum according to state law." Geels Report ¶¶ 13. Mr. Geels suggests those

ballots “do[] not comply with voter laws in Georgia.” Id. ¶¶ 13, 35. He is wrong; Georgia law permits UOCAVA voters, voters of 65 years old, and disabled voters to “request in writing on one application a ballot for a presidential primary ... and for a primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates.”

O.C.G.A. § 21-2-381(a)(1)(G). Because there is no reason to doubt that these voters permissibly and legally requested absentee ballots more than 180 days before the general election, Mr. Geels’ suggestion that “[v]otes in this risk bucket are questionable,” see Report ¶ 35, is woefully mistaken.

Mr. Geels’ allegation that 66,247 Georgia voters “registered to vote prior to their 17<sup>th</sup> birthday is irrelevant; he does not allege that a single underage Georgian voted in the November 2020 election. Id. ¶ 24, 46. In any event, his claim is dubious; he purports to analyze a “Birthdate [field] in the Voter Registration File,” id. ¶ 46, even though, as Dr. McDonald points out, “Georgia only publicly provides names and birth years (not exact birth dates) on their voter file.” McDonald Report at 6. Mr. Geels does not acknowledge how he accounts for that fact, let alone for potential data entry errors. Finally, as Mr. Geels acknowledges, many 17-year-olds can register to vote in Georgia. Geels Report ¶ 46.

Elsewhere, Mr. Geels expressly acknowledges that his estimates of allegedly illegally cast ballots are likely inflated. For example, he suggests that there “*could* have been up to 2,560 individuals who cast ballots that were accepted and counted but who were inmates” but then immediately concedes that his analysis “may also contain false positives due to the imperfect nature of the match.” Geels Report ¶ 29. Mr. Geels also admits that his analysis suggesting that 10,315 allegedly deceased voters cast ballots “may indeed” include “false positives ... for example due to the match of multiple people with a common name who were also born in the



same year or [due] to the omission of a suffix.” *Id.* ¶ 28. In both cases, Mr. Geels says that “[t]he reliability of these matches could be improved and a full analysis conducted” only after information he does not possess (full dates of birth) is made available. *Id.* ¶¶ 28-29. By Mr. Geels’ own admission, these analyses are not reliable.

As a general matter, in his strained attempts to find evidence of malfeasance, Mr. Geels, like Mr. Braynard, makes improper assumptions throughout his report, misinterprets the data contained in the Absentee Voter File, and leaps to improper conclusions that are most easily explained by less salacious explanations, such as overworked county election officials making minor data entry errors when entering information into the Absentee Voter File. *See, e.g.*, Geels Report ¶ 23 (speculating that “Georgia’s voter system allows a person to vote under another person’s registration” based on a non-match between four voters’ names in the Absentee Voter File and the registration list).

In Georgia, “any step that renders the analysis unreliable renders the expert’s testimony inadmissible.” *CSX Transp.*, 806 S.E.2d at 894 (quoting *Bowers v. Norfolk S. Corp.*, 537 F. Supp. 2d 1343, 1350 (M.D. Ga. 2007)). A “trial court has broad discretion in deciding how to assess the reliability of expert testimony.” *Id.* at 894 (citing *HNTB Ga., Inc. v. Hamilton-King*, 697 S.E.2d, 770, 772 (2010)). Ultimately “an expert must do more than just state that she is applying a respected methodology; she must follow through with it. In deciding whether an expert employed a reliable method, the [trial] court has discretion to consider whether the expert has adequately accounted for obvious alternative explanations.” *Id.* at 895 (citing *Brown v. Burlington N. Santa Fe R. Co.*, 765 F.3d 765, 773 (7th Cir. 2014)). But *ipse dixit* and junk science are all that Mr. Braynard, Mr. Geels, and Petitioners have. Nowhere in his Report, for example, does Braynard provide details sufficient to identify the even the basic principles he

applied and the methodology he employed, and every indication is that he employed the wrong methodology and misunderstood the basic principles. See McDonald Decl. at 2, 4-5. Similarly, nowhere in Mr. Geels' report does he include a margin of error or account at all for the possibility of data entry errors in the Absentee Voter File or for other alternative explanations. Their reports fail the test laid out in CSX Transportation and are not worthy of consideration by this or any court.

This Court should therefore ignore Mr. Braynard's and Mr. Geels' Report reports, which fail to satisfy the requirements of O.C.G.A. § 24-7-702.

## ANSWER

1.

Responding to Paragraph 1 of the Petition, the Intervenor state that Paragraph 1 contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that Article I, Section 4 of the U.S. Constitution speaks for itself. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

2.

Responding to Paragraph 2 of the Petition, the Intervenor state that Paragraph 2 contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that Article II, Section 1 of the U.S. Constitution speaks for itself. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

3.

Responding to Paragraph 3 of the Petition, the Intervenor state that Paragraph 3 contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that Article III, Section 1 of the Georgia Constitution speaks for itself. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

4.

Responding to Paragraph 4 of the Petition, the Intervenor state that Paragraph 4 contains

legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-1 speaks for itself. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

5.

Responding to Paragraph 5 of the Petition, the Intervenor state that Paragraph 4 contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-1 speaks for itself. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

6.

The Intervenor deny the allegations contained in Paragraph 6 of the Petition.

7.

The Intervenor deny the allegations contained in Paragraph 7 of the Petition.

8.

The Intervenor deny the allegations contained in Paragraph 8 of the Petition.

9.

Responding to Paragraph 9 of the Petition, The Intervenor admit that the Petitioners purport to bring a claim under O.C.G.A. § 21-2-522 but deny that Petitioners have complied with the requirements set forth under Georgia law to do so and further deny that Petitioners have established any cognizable claim for relief under that provision.

10.

Responding to Paragraph 10 of the Petition, the Intervenor state that Paragraph 10 contains legal conclusions, contentions, and characterizations to which no response is required. To the extent a response is required, the Intervenor deny any remaining allegations contained in this

Paragraph.

11.

Responding to Paragraph 11 of the Petition, the Intervenor state that Paragraph 11 contains legal conclusions, contentions, and characterizations to which no response is required. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

12.

The Intervenor deny the allegations contained in Paragraph 12 of the Petition.

13.

The Intervenor admit the allegations contained in Paragraph 13 of the Petition.

14.

The Intervenor admit that Donald J. Trump for President, Inc. is the principal committee for the reelection of President Donald J. Trump and Vice President Michael R. Pence. The Intervenor lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 14 and, on that basis, deny the same.

15.

The Intervenor lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16.

Responding to Paragraph 16 of the Petition, the Intervenor state that Paragraph 16 contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-521 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text

of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph. Further, Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contestant.”

17.

Responding to Paragraph 17 of the Petition, the Intervenor admit that Petitioners named Brad Raffensperger as a defendant. Paragraph 17 also contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. §§ 21-2-30, 31 speak for themselves. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

18.

Responding to Paragraph 18 of the Petition, the Intervenor admit that Rebecca N. Sullivan, David J. Worley, Matthew Mashburn, and Anh Le are members of the State Election Board in Georgia with certain responsibilities as defined by law. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

19.

Responding to Paragraph 19 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this

Paragraph are admitted. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenors deny those allegations. To the extent a response is required, the Intervenors deny any remaining allegations contained in this Paragraph.

20.

Responding to Paragraph 20 of the Petition, the Intervenors deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term "Contested Election." Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenors deny those allegations. To the extent a response is required, the Intervenors deny any remaining allegations contained in this Paragraph.

21.

Responding to Paragraph 21 of the Petition, the Intervenors deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term "Contested Election." Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenors deny those allegations. To the extent a response is required, the Intervenors deny any remaining allegations contained in this Paragraph.



22.

Responding to Paragraph 22 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

23.

Responding to Paragraph 23 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

24.

Responding to Paragraph 24 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining



allegations contained in this Paragraph.

25.

Responding to Paragraph 25 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

26.

Responding to Paragraph 26 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

27.

Responding to Paragraph 27 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny

those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

28.

Responding to Paragraph 28 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

29.

Responding to Paragraph 29 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

30.

Responding to Paragraph 30 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited

statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

31.

Responding to Paragraph 31 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

32.

Responding to Paragraph 32 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

33.

Responding to Paragraph 33 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this

Paragraph are admitted. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

34.

Responding to Paragraph 34 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term "Contested Election." The remainder of the paragraph are simply Respondents' characterization of their legal claims to which no response is required. To the extent a response is required, Intervenor deny the allegations.

35.

Responding to Paragraph 35 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-523 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

36.

Responding to Paragraph 36 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this

Paragraph.

37.

Responding to Paragraph 37 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-1 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenors deny those allegations. To the extent a response is required, the Intervenors deny any remaining allegations contained in this Paragraph.

38.

Responding to Paragraph 38 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-522 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenors deny those allegations. To the extent a response is required, the Intervenors deny any remaining allegations contained in this Paragraph.

39.

Responding to Paragraph 39 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenors deny those allegations. To the extent a response is required, the Intervenors deny any remaining allegations contained in this Paragraph.

40.

Responding to Paragraph 40 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

41.

Responding to Paragraph 41 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

42.

Responding to Paragraph 42 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term "Contested Election." Otherwise, the allegations of this Paragraph are admitted.

43.

Responding to Paragraph 43 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term "Contested Election." Otherwise, the allegations of this



Paragraph are admitted.

44.

Responding to Paragraph 44 of the Petition, the Intervenors deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted.

45.

The Intervenors admit the allegations contained in Paragraph 45 of the Petition.

46.

Responding to Paragraph 46 of the Petition, the Intervenors deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” Otherwise, the allegations of this Paragraph are admitted.

47.

The Intervenors admit the allegations contained in Paragraph 47 of the Petition.

48.

The Intervenors deny the allegations contained in Paragraph 48 of the Petition.

49.

Responding to Paragraph 49 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 49, and accordingly, deny the same.

50.

The Intervenors admit the allegations contained in Paragraph 50 of the Petition.

51.

Responding to Paragraph 51 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 51, and accordingly, deny the same.

52.

The Intervenor deny the allegations contained in Paragraph 52 of the Petition.

53.

The Intervenor deny the allegations contained in Paragraph 53 of the Petition.

54.

Responding to Paragraph 54 of the Petition, the Intervenor admit that the presidential electors are scheduled to meet in each state and cast their ballots on December 14, 2020. Intervenor deny that this matter is “ripe” or timely. The remaining allegations of Paragraph 54 contain legal characterizations, contentions, conclusions, and opinions to which no response is required. To the extent a response is required, the Intervenor deny the same.

55.

Responding to Paragraph 55 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners’ characterization and interpretation of the cited statutory law and/or case law differs from the text of the cited provisions, the Intervenor deny those allegations. To the extent a response is required, the Intervenor deny any remaining allegations contained in this Paragraph.

56.

The Intervenor deny the allegations contained in Paragraph 56 of the Petition.



57.

The Intervenor deny the allegations contained in Paragraph 57 of the Petition.

58.

Responding to Paragraph 58 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-216 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

59.

The Intervenor deny the allegations contained in Paragraph 59 of the Petition.

60.

Responding to Paragraph 60 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-216 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

61.

The Intervenor deny the allegations contained in Paragraph 61 of the Petition.

62.

The Intervenor deny the allegations contained in Paragraph 62 of the Petition.

63.

Responding to Paragraph 63 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-216 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

64.

The Intervenor deny the allegations contained in Paragraph 64 of the Petition.

65.

The Intervenor deny the allegations contained in Paragraph 65 of the Petition.

66.

The Intervenor admit the allegations contained in Paragraph 66 of the Petition.

67.

The Intervenor deny the allegations contained in Paragraph 67 of the Petition.

68.

The Intervenor deny the allegations contained in Paragraph 68 of the Petition.

69.

Responding to Paragraph 69 of the Petition, the Intervenor state that Paragraph 69 contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

70.

Responding to Paragraph 70 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

71.

Responding to Paragraph 71 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

72.

Responding to Paragraph 72 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

73.

The Intervenor deny the allegations contained in Paragraph 73 of the Petition.

74.

Responding to Paragraph 74 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

75.

Responding to Paragraph 75 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

76.

The Intervenor deny the allegations contained in Paragraph 76 of the Petition.

77.

The Intervenor deny the allegations contained in Paragraph 77 of the Petition.

78.

The Intervenor deny the allegations contained in Paragraph 78 of the Petition.

79.

The Intervenor deny the allegations contained in Paragraph 79 of the Petition.

80.

Responding to Paragraph 80 of the Petition, the Intervenor's lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 80, and accordingly, deny the same.

81.

The Intervenor's deny the allegations contained in Paragraph 81 of the Petition.

82.

The Intervenor's deny the allegations contained in Paragraph 82 of the Petition.

83.

The Intervenor's deny the allegations contained in Paragraph 83 of the Petition.

84.

Responding to Paragraph 84 of the Petition, the Intervenor's state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor's further state that O.C.G.A. § 21-2-218 speaks for itself. To the extent Petitioner's characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor's deny those allegations. The Intervenor's deny any remaining allegations contained in this Paragraph.

85.

The Intervenor's deny the allegations contained in Paragraph 83 of the Petition.

86.

The Intervenor's deny the allegations contained in Paragraph 86 of the Petition.

87.

The Intervenor's deny the allegations contained in Paragraph 87 of the Petition.

88.

The Intervenor deny the allegations contained in Paragraph 88 of the Petition.

89.

Responding to Paragraph 89 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

90.

The Intervenor admit the allegations contained in Paragraph 90 of the Petition.

91.

Responding to Paragraph 91 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-217 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

92.

Responding to Paragraph 92 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-224 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited

provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

93.

Responding to Paragraph 93 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-224 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

94.

The Intervenor deny the allegations contained in Paragraph 94 of the Petition.

95.

The Intervenor deny the allegations contained in Paragraph 95 of the Petition.

96.

Responding to Paragraph 96 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-224 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

97.

Responding to Paragraph 97 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required.

To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

98.

Responding to Paragraph 98 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-231 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

99.

Responding to Paragraph 99 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. §§ 21-2-231, 21-2-232, 21-2-235 speak for themselves. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

100.

Responding to Paragraph 100 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 100, and accordingly, deny the same.

101.



The Intervenors deny the allegations contained in Paragraph 101 of the Petition.

102.

The Intervenors deny the allegations contained in Paragraph 102 of the Petition.

103.

The Intervenors deny the allegations contained in Paragraph 103 of the Petition.

104.

The Intervenors deny the allegations contained in Paragraph 104 of the Petition.

105.

Responding to Paragraph 105 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 105, and accordingly, deny the same.

106.

Responding to Paragraph 106 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 106, and accordingly, deny the same.

107.

Responding to Paragraph 107 of the Petition, the Intervenors admit that deceased persons are to be removed from Georgia's voter rolls pursuant to O.C.G.A. § 21-2-231. The Intervenors deny each other or different allegation in Paragraph 107.

108.

Responding to Paragraph 108 of the Petition, the Intervenors admit that deceased persons are to be removed from Georgia's voter rolls pursuant to O.C.G.A. § 21-2-231. The Intervenors deny each other or different allegation in Paragraph 108.

109.

The Intervenors deny the allegations contained in Paragraph 109 of the Petition.

110.

Responding to Paragraph 110 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 110, and accordingly, deny the same.

111.

Responding to Paragraph 111 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 111, and accordingly, deny the same.

112.

The Intervenors deny the allegations contained in Paragraph 112 of the Petition.

113.

The Intervenors deny the allegations contained in Paragraph 113 of the Petition.

114.

Responding to Paragraph 114 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

115.

Responding to Paragraph 115 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required.

The Intervenor further state that O.C.G.A. § 21-2-381 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

116.

The Intervenor deny the allegations contained in Paragraph 116 of the Petition.

117.

Responding to Paragraph 117 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

118.

Responding to Paragraph 118 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-381 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

119.

The Intervenor deny the allegations contained in Paragraph 119 of the Petition.

120.

The Intervenor deny the allegations contained in Paragraph 120 of the Petition.

121.

Responding to Paragraph 121 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-381 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

122.

Responding to Paragraph 122 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

123.

The Intervenors deny the allegations contained in Paragraph 123 of the Petition.

124.

The Intervenors deny the allegations contained in Paragraph 124 of the Petition.

125.

Responding to Paragraph 125 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-381 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited

provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

126.

The Intervenor deny the allegations contained in Paragraph 126 of the Petition.

127.

The Intervenor deny the allegations contained in Paragraph 127 of the Petition.

128.

Responding to Paragraph 128 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-384 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

129.

The Intervenor deny the allegations contained in Paragraph 129 of the Petition.

130.

The Intervenor deny the allegations contained in Paragraph 130 of the Petition.

131.

Responding to Paragraph 131 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 131, and accordingly, deny the same.

132.

The Intervenor deny the allegations contained in Paragraph 132 of the Petition.

133.

Responding to Paragraph 133 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-385 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

134.

Responding to Paragraph 134 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 134, and accordingly, deny the same.

135.

The Intervenors deny the allegations contained in Paragraph 135 of the Petition.

136.

Responding to Paragraph 136 of the Petition, the Intervenors admit that, unless the sender selects a same day mailing option, mail will not be delivered on the same day it is posted. The Intervenors deny each other or different allegation in Paragraph 136.

137.

Responding to Paragraph 137 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 137, and accordingly, deny the same.

138.

The Intervenors deny the allegations contained in Paragraph 138 of the Petition.

139.

Responding to Paragraph 139 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-381 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

140.

Responding to Paragraph 140 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-386 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

141.

Responding to Paragraph 141 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors further state that O.C.G.A. § 21-2-386 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

142.



Responding to Paragraph 142 of the Petition, the Intervenor's admit that a Compromise Settlement Agreement was reached between the Democratic Party of Georgia, Inc., the Democrat Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee and Brad Raffensperger, Rebecca N. Sullivan, David J. Worley, Seth Harp, and Anh Le on March 6, 2020, referred to in the Petition as the "Consent Decree." The Intervenor's deny any remaining allegations contained in Paragraph 142 of the Petition.

143.

Responding to Paragraph 143 of the Petition, the Intervenor's state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioner's characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor's deny those allegations. The Intervenor's deny any remaining allegations contained in this Paragraph.

144.

Responding to Paragraph 144 of the Petition, the Intervenor's state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioner's characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor's deny those allegations. The Intervenor's deny any remaining allegations contained in this Paragraph.

145.

Responding to Paragraph 145 of the Petition, the Intervenor's state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioner's characterization and interpretation of the cited statutory law differs from



the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

146.

Responding to Paragraph 146 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

147.

Responding to Paragraph 147 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

148.

Responding to Paragraph 148 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 148, and accordingly, deny the same.

149.

Responding to Paragraph 149 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from

the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

150.

Responding to Paragraph 150 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

151.

The Intervenor deny the allegations contained in Paragraph 151 of the Petition.

152.

Responding to Paragraph 152 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 152, and accordingly, deny the same.

153.

Responding to Paragraph 153 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 153, and accordingly, deny the same.

154.

The Intervenor admit the allegations contained in Paragraph 154 of the Petition.

155.

Responding to Paragraph 155 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 155, and accordingly, deny the same.

156.

Responding to Paragraph 156 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 156, and accordingly, deny the same.

157.

Responding to Paragraph 157 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 157, and accordingly, deny the same.

158.

Responding to Paragraph 158 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 158, and accordingly, deny the same.

159.

The Intervenor deny the allegations contained in Paragraph 159 of the Petition.

160.

The Intervenor deny the allegations contained in Paragraph 160 of the Petition.

161.

The Intervenor deny the allegations contained in Paragraph 161 of the Petition.

162.

Responding to Paragraph 162 of the Petition, to the extent Petitioners reference the cited standards, the document speaks for itself. The Intervenors deny any other or different allegation in Paragraph 162.

163.

Responding to Paragraph 163 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

164.

Responding to Paragraph 164 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenors deny those allegations. The Intervenors deny any remaining allegations contained in this Paragraph.

165.

Responding to Paragraph 165 of the Petition, to the extent Petitioners reference the cited standards, the document speaks for itself. The Intervenors deny any other or different allegation in Paragraph 165.

166.

Responding to Paragraph 166 of the Petition, to the extent Petitioners reference the cited standards, the document speaks for itself. The Intervenors deny any other or different allegation in Paragraph 166.

167.

Responding to Paragraph 167 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

168.

Responding to Paragraph 168 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

169.

Responding to Paragraph 169 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-406 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

170.

Responding to Paragraph 170 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-408 speaks for itself. To the extent Petitioners'

characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

171.

Responding to Paragraph 171 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-408 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

172.

Responding to Paragraph 172 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-483 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

173.

Responding to Paragraph 173 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. §§ 21-2-483 and 2-493 speak for themselves. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the

text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

174.

Responding to Paragraph 174 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-483 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

175.

Responding to Paragraph 175 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-483 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

176.

Responding to Paragraph 176 of the Petition, to the extent Petitioners quote and reference the statement linked to in the footnote to Paragraph 176, the document speaks for itself. The Intervenor deny each other or different allegation in Paragraph 176.

177.

The Intervenor deny the allegations contained in Paragraph 177 of the Petition.

178.



The Intervenor deny the allegations contained in Paragraph 178 of the Petition.

179.

The Intervenor deny the allegations contained in Paragraph 179 of the Petition.

180.

Responding to Paragraph 180 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 180, and accordingly, deny the same.

181.

Responding to Paragraph 181 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 181, and accordingly, deny the same.

182.

Responding to Paragraph 182 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 182, and accordingly, deny the same.

183.

Responding to Paragraph 183 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 183, and accordingly, deny the same.

184.

Responding to Paragraph 184 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 184, and accordingly, deny the same.



185.

Responding to Paragraph 185 of the Petition, to the extent Petitioners reference the article cited in the footnote to Paragraph 185, the document speaks for itself. The Intervenor deny each other or different allegation in Paragraph 185.

186.

Responding to Paragraph 186 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 186, and accordingly, deny the same.

187.

Responding to Paragraph 187 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 187, and accordingly, deny the same.

188.

The Intervenor deny the allegations contained in Paragraph 188 of the Petition.

189.

The Intervenor deny the allegations contained in Paragraph 189 of the Petition.

190.

The Intervenor deny the allegations contained in Paragraph 190 of the Petition.

191.

The Intervenor deny the allegations contained in Paragraph 191 of the Petition.

192.

Responding to Paragraph 192 of the Petition, to the extent Petitioners reference the article cited in the footnote to Paragraph 192, the document speaks for itself. The Intervenor lack

sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 192, and accordingly, deny the same.

193.

Responding to Paragraph 193 of the Petition, the Intervenors deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” The Intervenors lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 193, and accordingly, deny the same.

194.

Responding to Paragraph 194 of the Petition, to the extent Petitioners reference the article cited in the footnote to Paragraph 194, the document speaks for itself. The Intervenors lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 194, and accordingly, deny the same.

195.

The Intervenors deny the allegations contained in Paragraph 195 of the Petition.

196.

The Intervenors deny the allegations contained in Paragraph 196 of the Petition.

197.

The Intervenors deny the allegations contained in Paragraph 197 of the Petition.

198.

The Intervenors deny the allegations contained in Paragraph 198 of the Petition.

199.

Responding to Paragraph 199 of the Petition, the Intervenor incorporate the responses to the foregoing Paragraphs as if fully set forth herein. To the extent any allegation has been left unresponded to, Intervenor deny those allegations.

200.

Responding to Paragraph 200 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 200, and accordingly, deny the same.

201.

Responding to Paragraph 201 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 201, and accordingly, deny the same.

202.

The Intervenor deny the allegations contained in Paragraph 202 of the Petition.

203.

Responding to Paragraph 203 of the Petition, to the extent Petitioner reference the cited documents, the document speaks for itself. The Intervenor lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 203, and accordingly, deny the same.

204.

Responding to Paragraph 204 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-586 speaks for itself. To the extent Petitioner's characterization and interpretation of the cited statutory law differs from the text of the cited

provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

205.

Responding to Paragraph 205 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor further state that O.C.G.A. § 21-2-586 speaks for itself. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

206.

Responding to Paragraph 206 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 206, and accordingly, deny the same.

207.

Responding to Paragraph 207 of the Petition, the Intervenor deny that the affiant in the Exhibit identified is an expert qualified to opine on compliance with O.G.C.A. § 21-2-586(a). Further, to the extent the Petitioners reference the affidavit in Exhibit 16 in Paragraph 207, the document speaks for itself. The Intervenor deny any other or different allegation in Paragraph 207.

208.

Responding to Paragraph 208 of the Petition, the Intervenor deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under

contest here and reject the use of the term “Contested Election.” The Intervenor’s admit that Petitioners seek relief requested in this Paragraph.

209.

Responding to Paragraph 209 of the Petition, the Intervenor’s deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” The Intervenor’s lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in this Paragraph, and accordingly, deny the same.

210.

Responding to Paragraph 210 of the Petition, the Intervenor’s deny that Petitioners have placed the results of the November 3, 2020 presidential election in Georgia appropriately under contest here and reject the use of the term “Contested Election.” The Intervenor’s lack sufficient information or knowledge to form a belief as to the truth of the remaining allegations in this Paragraph, and accordingly, deny the same.

211.

Responding to Paragraph 211 of the Petition, the Intervenor’s admit that Petitioners have attached affidavits to their Petition. The Intervenor’s deny that any of these affidavits demonstrate or prove any violations of law or any other or different allegation in Paragraph 211.

212.

Responding to Paragraph 212 of the Petition, the Intervenor’s admit that Petitioners have attached declarations at these exhibit numbers. In response, the Intervenor’s attach the expert declaration of renowned election expert Dr. Michael McDonald to this Answer. See Exhibit A, Declaration of Dr. Michael McDonald. The Intervenor’s deny the remainder of the allegations in

Paragraph 212 of the Petition including Petitioners' contention that the declarations appended to Paragraph 212 were prepared by experts.

213.

Responding to Paragraph 213 of the Petition, the Intervenor's incorporate the responses to the foregoing Paragraphs as if fully set forth herein.

214.

The Intervenor's deny the allegations contained in Paragraph 214 of the Petition.

215.

The Intervenor's deny the allegations contained in Paragraph 215 of the Petition.

216.

The Intervenor's deny the allegations contained in Paragraph 216 of the Petition.

217.

The Intervenor's deny the allegations contained in Paragraph 217 of the Petition.

218.

The Intervenor's deny the allegations contained in Paragraph 218 of the Petition.

219.

The Intervenor's deny the allegations contained in Paragraph 219 of the Petition.

220.

The Intervenor's deny the allegations contained in Paragraph 220 of the Petition.

221.

The Intervenor's deny the allegations contained in Paragraph 221 of the Petition.

222.

The Intervenor's deny the allegations contained in Paragraph 222 of the Petition.

223.

The Intervenors deny the allegations contained in Paragraph 223 of the Petition.

224.

The Intervenors deny the allegations contained in Paragraph 224 of the Petition.

225.

The Intervenors deny the allegations contained in Paragraph 225 of the Petition.

226.

The Intervenors deny the allegations contained in Paragraph 226 of the Petition.

227.

The Intervenors deny the allegations contained in Paragraph 227 of the Petition.

228.

The Intervenors deny the allegations contained in Paragraph 228 of the Petition.

229.

The Intervenors deny the allegations contained in Paragraph 229 of the Petition.

230.

The Intervenors deny the allegations contained in Paragraph 230 of the Petition.

231.

The Intervenors deny the allegations contained in Paragraph 231 of the Petition.

232.

Responding to Paragraph 232 of the Petition, the Intervenors incorporate the responses to the foregoing Paragraphs as if fully set forth herein.

233.

Responding to Paragraph 233 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

234.

Responding to Paragraph 234 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

235.

Responding to Paragraph 235 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited statutory law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

236.

The Intervenor deny the allegations contained in Paragraph 236 of the Petition.

237.

The Intervenor deny the allegations contained in Paragraph 237 of the Petition.

238.

The Intervenor deny the allegations contained in Paragraph 238 of the Petition.



239.

The Intervenors deny the allegations contained in Paragraph 239 of the Petition.

240.

The Intervenors deny the allegations contained in Paragraph 240 of the Petition.

241.

Responding to Paragraph 241 of the Petition, the Intervenors admit that voters who vote in person are generally required to provide a photo verification pursuant to O.C.G.A. § 21-2-417(a). The remainder of the allegations in Paragraph 241 are denied.

242.

Responding to Paragraph 242 of the Petition, the Intervenors admit that there are different procedures for voters who vote absentee by mail and those who vote absentee in person. The Intervenors deny any other or different allegation in Paragraph 242.

243.

Responding to Paragraph 243 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 243, and accordingly, deny the same.

244.

Responding to Paragraph 244 of the Petition, the Intervenors lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 244, and accordingly, deny the same.

245.

Responding to Paragraph 245 of the Petition, the Intervenor's lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 245, and accordingly, deny the same.

246.

Responding to Paragraph 246 of the Petition, the Intervenor's lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 246, and accordingly, deny the same.

247.

The Intervenor's deny the allegations contained in Paragraph 247 of the Petition.

248.

The Intervenor's deny the allegations contained in Paragraph 248 of the Petition.

249.

The Intervenor's deny the allegations contained in Paragraph 249 of the Petition.

250.

The Intervenor's deny the allegations contained in Paragraph 250 of the Petition.

251.

The Intervenor's incorporate the responses to the foregoing paragraphs as if fully incorporated herein.

252.

Responding to Paragraph 252 of the Petition, the Intervenor's state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioner's characterization and interpretation of the cited law differs from the text

of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

253.

Responding to Paragraph 253 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

254.

The Intervenor admit the allegations contained in Paragraph 254 of the Petition.

255.

Responding to Paragraph 255 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

256.

The Intervenor deny the allegations contained in Paragraph 256 of the Petition.

257.

The Intervenor deny the allegations contained in Paragraph 257 of the Petition.

258.

The Intervenor deny the allegations contained in Paragraph 258 of the Petition.

259.

The Intervenor deny the allegations contained in Paragraph 259 of the Petition.

260.

The Intervenor incorporate the responses to the foregoing paragraphs as if fully incorporated herein.

261.

Responding to Paragraph 261 of the Petition, the Intervenor admit that the Petitioners seek a declaratory judgment but deny that Petitioners have stated a colorable claim entitling them to this relief.

262.

Responding to Paragraph 262 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

263.

The Intervenor deny the allegations contained in paragraph 263 of the Petition.

264.

Responding to Paragraph 264 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. To the extent Petitioners' characterization and interpretation of the cited law differs from the text of the cited provisions, the Intervenor deny those allegations. The Intervenor deny any remaining allegations contained in this Paragraph.

265.

Responding to Paragraph 265 of the Petition, The Intervenors admit that the Petitioners seek the relief described in Paragraph 265 but deny that Petitioners have stated a colorable claim entitling them to this relief or that the Court has the power to order it. The Intervenors deny each other or different allegation in Paragraph 265.

266.

The Intervenors incorporate the responses to the foregoing Paragraphs as if fully incorporated herein.

267.

Responding to Paragraph 267 of the Petition, The Intervenors admit that the Petitioners seek the relief described in Paragraph 267 but deny that Petitioners have stated a colorable claim entitling them to this relief or that the Court has the power to order it. The Intervenors deny each other or different allegation in Paragraph 267.

268.

Responding to Paragraph 268 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors deny any remaining allegations contained in this Paragraph.

269.

Responding to Paragraph 269 of the Petition, the Intervenors state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenors deny any remaining allegations contained in this Paragraph.

270.

Responding to Paragraph 270 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

271.

Responding to Paragraph 271 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

272.

Responding to Paragraph 272 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

273.

Responding to Paragraph 273 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

274.

Responding to Paragraph 274 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

275.

Responding to Paragraph 275 of the Petition, the Intervenor lack sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 275, and accordingly, deny the same.

276.

Responding to Paragraph 276 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

277.

Responding to Paragraph 277 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

278.

Responding to Paragraph 278 of the Petition, the Intervenor state that this Paragraph contains legal conclusions, contentions, and characterizations to which no response is required. The Intervenor deny any remaining allegations contained in this Paragraph.

The Intervenor deny all allegations contained in the Prayer for Relief and deny that Petitioners are entitled to the relief requested therein.

The Intervenor deny all allegations in the Petition not specifically admitted above.

WHEREFORE, The Intervenor respectfully demand that the Petition be dismissed and that costs and fees of this action, including attorneys' fees, be cast upon the Petitioner.

Respectfully submitted this 10th day of December, 2020.

/s/ William V. Custer

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*Attorneys for Georgia State Conference of the National  
Association for the Advancement of Colored People,  
Georgia Coalition for the People's Agenda, James  
Woodall, and Helen Butler*



# **EXHIBIT A**

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

DONALD J. TRUMP, *et al.*,

Contestants,

v.

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

Defendants,

CIVIL ACTION FILE

NO. 2020CV343255

**DECLARATION OF MICHAEL MCDONALD**

I am Dr. Michael P. McDonald, a Professor of Political Science at the University of Florida. I am widely regarded as a leading expert on United States elections. I have published extensively on elections in peer-reviewed journals and I produce what many consider to be the most reliable turnout rates of the nation and the states.<sup>1</sup> In the course of my election work, I consulted for the United States Election Assistance Commission, the Department of Defense's Federal Voting Assistance Program, the Colorado Secretary of State, the Virginia Division of Elections, Edison Media Research (the media's national exit poll organization), the Associated Press, ABC News, and NBC News.

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<sup>1</sup> Michael P. McDonald and Samuel Popkin. 2001. "The Myth of the Vanishing Voter." *American Political Science Review* 95(4): 963-974.

I have been an expert witness for plaintiffs and defendants in numerous election lawsuits. In Georgia, I was an expert witness for plaintiffs in a successful case challenging the state's exact match policy;<sup>2</sup> and I was an expert witness for plaintiffs in a successful case brought against the Georgia Secretary of State and Gwinnett County claiming election officials improperly rejected absentee ballots for voters failing to provide a year of birth on the ballot return materials.<sup>3</sup>

I have further extensive publishing record and experience testifying in redistricting and other election-related cases. Please see my curriculum vitae, which is attached hereto as Exhibit A, for more information.

### **1. Assignment in this Case**

I have been asked to review the affidavit of Matthew Braynard submitted in support of plaintiffs' claims in *Trump v. Raffensperger* and opine on the methodologies he employs.

Counsel for the Georgia NAACP, Georgia Coalition For The People's Agenda, James Woodall, and Helen Butler are compensating me at the rate of \$400/hour for my work in this case. This compensation is in no way dependent on the conclusions that I reach or the outcome of the case.

### **2. Expert Report of Matthew Braynard**

Based on my review of Mr. Braynard's affidavit, I reach the following conclusions:

- Mr. Braynard's data are unreliable:
  - His statistics are inflated by invalid ballots that were correctly cancelled by election officials for various reasons.
  - The data he uses is prone to false matches.
  - He did not attempt to account for or remedy false matches.
- These shortcomings cast substantial doubt on and undermine Mr. Braynard's opinions.

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<sup>2</sup> *Georgia State Conf. of the NAACP, et al. v. Brian Kemp*. Case No. 2:16-cv-00219-WCO (N.D. Ga.).

<sup>3</sup> *Martin v. Kemp*, Civil Action No. 1:18-cv-04776-LMM (N.D. Ga.).

In my report that follows, I first address questions related to the reliability of Mr. Braynard's data, then I address each of his opinions in turn.

### **3. The Underlying Data Used and Relied Upon by Mr. Braynard is Inaccurate**

#### **(A) Mr. Braynard's statistics are inflated by invalid ballots**

Mr. Braynard analyses the "States Voter Absentee Files" to form the basis of his three opinions in paragraphs 11, 12, and 13 of his affidavit.

Mr. Braynard filed an affidavit in the case *Wood v. Raffensperger*, which I have attached as Exhibit B. Mr. Braynard's affidavit in *Wood* (Braynard *Wood* Affidavit p. 5) identifies the exact same number of 1,043 early and absentee ballots that were cast by voters allegedly cast by voters registered at a postal box as in this case (Braynard para. 13).

In the *Wood* and *Trump* cases, Mr. Braynard provides an Exhibit with a table listing these identical 1,043 individuals. In the *Wood* case, the list is provided in Exhibit 3, in the *Trump* case, the list is provided in Exhibit 2.

Critically, there is information contained in Mr. Braynard's *Wood* Exhibit 3 missing from his *Trump* Exhibit 2 that shows Mr. Braynard incorrectly includes invalid absentee ballots in his analyses. In the column "Ballot Status" in Braynard's *Wood* Exhibit 3 there are records with an "A" meaning "Accepted" and "C" meaning election officials "Cancelled" these ballots. Cancelled ballots are those that election officials cancelled for various reasons and are not valid ballots of individuals who "actually voted" (Braynard para. 2).

Mr. Braynard did not disclose the Ballot Status field in the materials he submits in this case, nor did he do so for any other accompanying lists he provided in his *Trump* Exhibits.

Mr. Braynard does not discuss whether or not cancelled ballots are included his analyses, how he accounted for cancelled ballots, or consider how they might affect his conclusions.

By failing to disclose the Ballot Status information in his *Trump* Exhibit 2 (which he provided in the *Wood* case), Mr. Braynard omits critical information in this

report that, unintentionally or otherwise, further obfuscates his methodology and risks misleading the Court about the data that he is using.

**(B) Mr. Braynard's lists have duplicate records**

Mr. Braynard's lists of voters have duplicate records. For example, on the first page of the table listed "GA PO Box Registrants" in Exhibit 2, there are two records in Camden County for Marsha Ann McCarthy. These records contain all the same information, including the same Voter Registration #.

Information contained in the similar list provided in Mr. Braynard's *Wood* Exhibit 3 provides a clue as to why there are duplicate records for Marsha Ann McCarthy, and many other persons: Georgia election officials cancelled Ms. McCarthy's mail ballot. Indeed, Mr. Braynard provides the detailed explanation for Ms. McCarthy's cancelled ballot in his *Wood* Exhibit 3. She surrendered her ballot so that she could vote in-person. She then proceeded to successfully vote in-person early, which generated a second record.

Mr. Braynard ignored this vital piece of information plainly evident to him, with the effect of inflating his numbers.

This is one easily-discoverable reason why Mr. Braynard's lists have duplicate records. Further investigation of fully disclosed data may reveal other reasons for duplicate records.

**4. Mr. Braynard's Opinion 1. At least 20,312 absentee or early voters were not residents of the state when they voted.**

Mr Braynard asserts (para. 12),

In total, it is my opinion that there were 20,312 individuals who cast ballots illegally in the November 3, 2020 election due to their loss of residency status in the State prior to the election

There are two components to this claim. First, Mr. Braynard finds 15,700 mail ballot or in-person early voters who supposedly moved out of the state prior to Election Day. Second, Mr. Braynard matches data from the Georgia voter registration file to other states' voter registration files to determine 4,926 individuals subsequent to the date they registered to vote in Georgia. Together, after removing what he claims are duplicates and accounting for moves that would

not lose a voter their eligibility, Mr. Braynard asserts that are a total of 20,312 Georgia voters in the November 2020 election who were not residents of Georgia.

**(1) Mr. Braynard's Matching Procedure is Likely to Produce Errors**

For the first claim, Mr. Braynard does not explain his methodology for conducting his NCOA (National Change of Address) match, a dramatic departure from Mr. Braynard's commonly accepted practice in the field, and I therefore cannot assess fully the reliability of his NCOA matching procedures. There are many matching details that could result in false positives and therefore produce false matches, including:

- (A) Improperly including people such as military voters and persons traveling for business or school who filed a temporary NCOA;
- (B) Failing to differentiate between an individual NCOA request and a household request;
- (C) Treating apartment numbers, or NCOA requests that lack an apartment number, incorrectly; and
- (D) Considering all members of a family (e.g., all Smiths in an apartment complex) to have been flagged as moving if one Smith filed an NCOA household request.

**(2) Mr. Braynard Does Not Account for False Matches**

With respect to the second part, Mr. Braynard asserts (para. 9) that,

I compared the State's Voter Registration Files to the voter registration databases in 49 other states using a list maintained by L2 Political. This analysis revealed 4,926 individuals who registered to vote in a state other than the State of Georgia subsequent to the date they registered to vote in the State of Georgia—a clear indication of their intention to establish residency in a new state. All 4,926 of these individuals cast ballots in the November 3, 2020 election.

The standard way to identify people in different states' voter registration databases using public information is to match on individuals names and birth dates. There is a simple explanation for these statistics that, if true, would be alarming: Mr. Braynard has failed to find actual matches; instead, they happen to be different people who were improperly matched because they happen to have the same name and birth date. I published a seminal peer-reviewed article on how poor matching



procedures may produce false positive matches on voter files.<sup>4</sup> Georgia only publicly provides names and birth years (not exact birth dates) on their voter file, which would exacerbate the problem of false matches. Mr. Braynard would falsely match a Robert Smith – one of the most common names in the United States – who registered to vote in Georgia who happens to be born in the same year as a Robert Smith in another state who shares the same birth year. Mr. Braynard fails to identify his methodology and therefore provides no assurances that he considered how such false matches affect his analysis.

Mr. Braynard acknowledges the matching problem as it related to complete birth dates in Exhibit 2 of his *Wood* report, “A full complete birthdate is necessary for our match process.” Since Georgia provides only birth year on its public voter file, he could not have had access to this information. Mr. Braynard’s own words undermine his analysis.

### **(3) Mr. Braynard Modifies His Count Using an Unknown Estimation Procedure**

Once Mr. Braynard created his list, he reduces “...the total number of moves by a reasonable percentage likely attributable to an educational or military relocation” (para. 20). Mr. Braynard provides no description of the data or methodologies he employed to arrive at this percentage so that an independent assessment could be made to determine if the percentage is indeed “reasonable.”

### **(4) Mr. Braynard did not investigate if any of these individuals could legally vote**

As a matter of federal law, Mr. Braynard is incorrect in his assertion that recent movers may be ineligible to vote for Georgia’s presidential electors. 52 U.S.C. § 10502 provides for the ability of eligible voters to participate by absentee ballot in the selection of presidential electors in their prior state of residency if they move to a new state before they are able to establish residency in their new state.<sup>5</sup>

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<sup>4</sup> Michael P. McDonald and Justin Levitt. 2008. “Seeing Double Voting: An Extension of the Birthday Problem.” *Election Law Journal* 7(2): 111-22.

<sup>5</sup> 52 U.S.C. § 10502: “If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the

## **5. Mr. Braynard's Opinion 2. 1,043 early and absentee ballots were registered with a postal box.**

Mr. Braynard asserts (para. 21),

From the State's Voter Absentee Files and the USPS Owned and Leased Facilities Reports, it is my opinion that 1,043 early and absentee ballots were cast by voters who were illegally registered using a post office box disguised as a residential address.

This is not evidence of voter fraud or of any impropriety whatsoever. Eligible citizens do not lose their right to vote because they do not have a physical residential address. There are certain classes of people who may need to use a postal box for their mail, such as people who live in remote rural locations not on postal routes, homeless people, and people who are Georgia residents that travel, such as military voters. Indeed, Georgia law – O.C.G.A. § 21-2-217(15) – specifically contemplates this situation:

For voter registration purposes, the board of registrars and, for candidacy residency purposes, the Secretary of State, election superintendent, or hearing officer may consider evidence of where the person receives significant mail such as personal bills and any other evidence that indicates where the person resides.

Likely, these voters are not attempting to “disguise” the postal box as a residential address. Election officials need to know the physical address of these postal boxes to correctly assign the voter to a precinct.

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registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.”



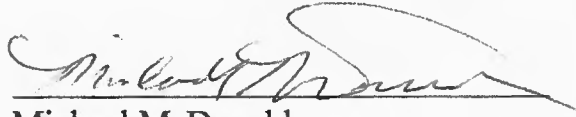
**6. Mr. Braynard's Opinion 3. 395 Georgia voters voted in multiple states.**

Mr. Braynard asserts (para. 23),

From the State's Voter Absentee Files and Voter History Files for the November 3, 2020 election, and from early and absentee voting files for other states, it is my opinion, to a reasonable degree of scientific certainty, that at least 395 individuals in the State of Georgia voted in multiple states (i.e., in Georgia and in another state).

This assertion is almost certainly founded upon a problem also undermining Mr. Braynard's Opinion 1. Insufficiently rigorous or faulty matching procedures falsely identify two different people who happen to share the same name and birth year as the same voter.

I declare that the foregoing is true and correct under penalty of perjury. Executed this 7<sup>th</sup> day of DECEMBER, 2020, in Gainesville, Florida.

  
Michael McDonald

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, *et al.*,

Petitioners,

v.

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

Defendants,

v.

GEORGIA STATE CONFERENCE OF THE  
NAACP, GEORGIA COALITION FOR THE  
PEOPLE'S AGENDA, JAMES WOODALL,  
and HELEN BUTLER,

Proposed Intervenor-Defendants.

CIVIL ACTION FILE  
NO. 2020CV343255

**VERIFICATION**

STATE OF GEORGIA

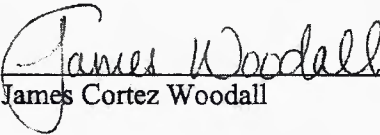
COUNTY OF FULTON

)  
) ss.  
)


Personally appeared before the undersigned officer, authorized by law to administer oaths, James Cortez Woodall, on behalf of himself and as the President of the Georgia State Conference of the National Association for the Advancement of Colored People, who, being duly sworn, states that the facts alleged in the forgoing ***PROPOSED VERIFIED ANSWER TO PETITION FOR ELECTION CONTEST*** are true and correct to the best of his personal knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Executed this 10th day of December in Atlanta, Georgia.

  
James Cortez Woodall

Sworn to and subscribed before me  
this 10<sup>th</sup> day of December, 2020.

  
Notary Public

My Commission Expires: 7/23/2022



This Verification was notarized pursuant to Executive Order 04.09.20.01 using FaceTime as real-time video audio visual communication technology.

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, et al.,

Petitioners,

v.

BRAD RAFFENSPERGER, et al.,

Defendants,

v.

GEORGIA STATE CONFERENCE OF THE  
NAACP, GEORGIA COALITION FOR THE  
PEOPLE'S AGENDA, JAMES WOODALL,  
and HELEN BUTLER,

Proposed Intervenor-Defendants.

CIVIL ACTION FILE  
NO. 2020CV343255

The Honorable Constance Russell

**VERIFICATION**

STATE OF GEORGIA

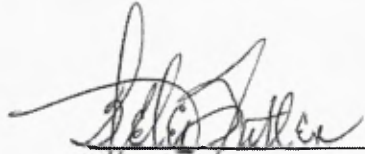
COUNTY OF FULTON

)  
) ss.  
)

Personally appeared before the undersigned officer, authorized by law to administer oaths, Helen Butler, on behalf of herself and as the Executive Director of the Georgia Coalition for the People's Agenda, who, being duly sworn, states that the facts alleged in the forgoing ***PROPOSED VERIFIED ANSWER TO PETITION FOR ELECTION CONTEST*** are true and correct to the best of her personal knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Executed this 10th day of December in Alpharetta, Georgia.

  
Helen Butler

Sworn to and subscribed before me  
this 10<sup>th</sup> day of December, 2020.

  
Notary Public

My Commission Expires: 7/23/2022



This Verification was notarized pursuant to Executive Order 04.09.20.01 using FaceTime as real-time video audio visual communication technology.

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

DONALD J. TRUMP, <i>et al.</i> ,	)	
	)	
Contestants,	)	
	)	
v.	)	
	)	
BRAD RAFFENSPERGER, in his official	)	
capacity as Georgia Secretary of State; <i>et al.</i> ,	)	
	)	
Defendants,	)	
	)	CIVIL ACTION FILE
v.	)	NO. 2020CV343255
	)	
GEORGIA STATE CONFERENCE OF THE	)	
NAACP, GEORGIA COALITION FOR THE	)	
PEOPLE’S AGENDA, JAMES WOODALL,	)	
and HELEN BUTLER,	)	
	)	
Proposed Intervenors.	)	
	)	
	)	
	)	
	)	

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**CERTIFICATE OF SERVICE**

This is to certify that on this date, I caused to be served a true and correct copy of  
**MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION TO INTERVENE**  
by this Court’s e-file system and by email to the following:

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Mark Post Law, LLC

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This 10th day of December, 2020.

/s/ William V. Custer

William V. Custer  
Georgia Bar No. 202910  
bill.custer@bclplaw.com

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*Attorney for Georgia State Conference of the National  
Association for the Advancement of Colored People,  
Georgia Coalition for the People's Agenda, James  
Woodall, and Helen Butler*