

DeKalb County Board of Registrations and Elections

Procedures for Responding to Voter Challenges Submitted Pursuant to O.C.G.A. § 21-2-229

1. Challenges to the qualifications of a DeKalb County registered voter to remain on the voter registration list under O.C.G.A. § 21-2-229 may be made only by a registered voter of DeKalb County. Challenges may not be made by voters who are not registered in the same county or municipality as the challenged voter or by private entities, businesses, political committees, PAC, political parties, or other organizations. Therefore, before acting upon a challenge submitted to the BRE, the BRE must determine whether the challenger is registered to vote in DeKalb County and, if not, the BRE must reject the challenge on this basis.

2. Upon receiving a written challenge to a voter's eligibility based upon the allegation that he or she does not reside in DeKalb County or in one of its municipalities, the BRE shall require the challenger, under the authority of O.C.G.A. §21-2-229(a), to specify whether the challenge is based on the challenged voter's current residency status or the voter's residency status at the time the voter initially registered. The BRE shall inform the challenger of this requirement pursuant to written notice to the challenger at the address provided in the written challenge. A copy of these procedures shall be included with the notice.

3. The BRE shall not remove any voters from the DeKalb County voter registration list based on a challenge alleging that they were properly registered to vote in DeKalb County at the time of initial registration but may have moved from the address listed in their voter registration file. The sole procedure to be followed in this circumstance is to send the voter a confirmation notice and wait two federal election cycles for the voter to either vote or update his or her information before removing him or her from the rolls as outlined under Section 8(d) of the NVRA. If the challenger fails to affirmatively state in writing that the challenge is based upon the challenged voter's residency status at the time the voter initially registered to vote, the BRE shall follow the following protocols:

- (a) If such written notice to the challenged voter is returned marked "undeliverable" by the United States Postal Service, the BRE shall send the challenged voter a confirmation notice pursuant to O.C.G.A. § 21-2-234(b).
- (b) If no response to the BRE's written notice of challenge is received from the challenged voter, the BRE shall inform the challenger that the challenge does not present grounds to contest the eligibility of the voter to remain on the DeKalb County voter list and no further action shall be taken on the challenge.
- (c) If the challenged voter responds to the written notice with a written confirmation of a change of address, the BRE shall update the voter's record to reflect such change, including the removal of such voter from the active voter list if such written confirmation from the challenged voter reflects that such voter is no longer qualified to vote in DeKalb County.

4. If the challenger affirmatively states that the challenge is based upon the challenged voter's residency status at the time the challenged voter initially registered to vote, or that the challenge is based on grounds other than the challenged voter's residency status, the BRE shall send written notice via certified mail, return receipt requested, to the challenged voter of the challenge at the registered address of the challenged voter, and provide the challenged voter with a copy of the challenge, a copy of these procedures, and the opportunity to provide information in response to the challenge within ten (10) business days of the date of the notice.

5. If the voter supplied a phone number or email address on the registration form or in other writings such as an absentee ballot application received by the BRE, then in addition to the notice provided for in Paragraph 4 above, as soon as possible after receiving the challenge, the BRE will make at least three reasonable attempts, including at least one attempt during non-traditional working hours, to call or email the challenged voter to determine if the issue raised by the challenge can be resolved quickly, efficiently, and informally.

6. If the BRE determines that a hearing on the challenge is necessary, the BRE shall attempt to find a mutually convenient time to hold any hearing.

7. Pursuant to O.C.G.A. § 21-2-229, and in addition to the above efforts, the BRE will send a written notice informing the challenged voter and the challenger of the date, time, and place of the hearing along with a copy of the challenge, and shall state that either party may, but is not required to, be represented by counsel or another representative at the hearing. The notice will be sent by first-class mail and e-mail (if available) or in the manner provided in O.C.G.A. § 21-2-228(c). The notice must be mailed sufficiently in advance of the hearing to provide the person being challenged at least three days' notice of the date, time, and place of the hearing.

8. The challenged voter will have the right to at least one continuance of the hearing date upon request and may be granted additional continuances for good cause shown.

9. The written challenge will be posted on the BRE website within three business days of receipt of the challenge by the BRE.

10. O.C.G.A. § 21-2-229(a) requires that a challenge "be in writing and specify distinctly the grounds of the challenge." Challenges that are not in writing or which consist of vague, generalized, speculative assertions or conjecture do not satisfy this standard and must be rejected. In particular, residency-based challenges must allege facts sufficient to specifically and distinctly identify the grounds for the challenger's contention that a registered voter has not satisfied the residency requirements of O.C.G.A. § 21-2-217.

11. Under O.C.G.A. § 21-2-229(c), the challenger bears the burden of proving the challenged voter is not qualified to remain on the registration list. Because O.C.G.A. § 21-2-217(b) gives presumptive effect to the registrar's decision in determining the residence of the challenged voter at the time the registration application is considered, challengers bringing residency-based challenges must produce evidence sufficient to rebut this presumption in order to sustain their burden of proving that the challenged voter is not qualified to remain on the rolls. If the challenger

fails to do so, the challenge fails and it must be rejected by the BRE pursuant to O.C.G.A. § 21-2-229(c) and 21-2-217(b).

12. Nonexclusive examples of challenges that would fail to meet the minimum standards required by Section 21-2-229(a) include:

- (a) Non-individualized or generalized claims (e.g., challenges to everyone registered at a certain address);
- (b) Assertions that a challenged voter's name is not affiliated with the address of registration in any governmental database. For instance, challenges based on the allegation that the voter's name is not associated with the utility bill for an address as the sole basis for challenge are insufficient because there could be many residents at a particular address who do not pay the utility company;
- (c) "Voter caging" challenges—blanket challenges to large numbers of people living in certain neighborhoods—shall be rejected if they fail to specify distinctly the basis for the challenge to each voter's qualifications.

13. In considering the evidence presented in support of or in opposition to a challenge based upon a change of residence, the BRE shall not rely exclusive upon address data on file with the Georgia Department of Driver Services ("DDS") or other government databases, because voters often fail to immediately notify all government entities about address changes and, even if they do, there are often lag times before the government entity updates its files.

14. Where a voter is a legal resident of DeKalb County and otherwise qualified to vote within the meaning of O.C.G.A. §§ 21-2-216 and 21-2-217, the BRE shall not remove such individual from the voter roll on the basis that the voter faces challenges causing them to live on the streets or in shelters, vehicles, trailers, transitional housing, non-traditional housing or at businesses serving homeless, ill, displaced, economically challenged or other DeKalb County residents in need of housing assistance in the county.¹ When adjudicating such challenges, the BRE shall consider the particular circumstances of the voter and the fact that the burden of proof is on the elector who brought the challenge to prove ineligibility.

15. Pursuant to O.C.G.A. § 21-2-229, the BRE will notify challenged voters, in writing by first class, forwardable mail, and by telephone and email (if available), of any change in registration status resulting from challenge proceedings. This notification letter will specify in detail any basis for upholding the challenge.

16. Any notice sent to challenged voters indicating that the BRE has upheld a challenge will include a voter registration form and shall inform the voter that they have a right to appeal the decision by filing a petition with the clerk of the superior court within ten days after the date of the decision of the registrars and that such petition must be served upon the other parties to the

¹ Note that this is a non-exclusive list of possible alternative locations where DeKalb County's eligible voters may be living in the county.

challenge and the registrars. The notice shall also include contact information for the other parties to the challenge and the registrars to effectuate such service.

17. A copy of each written challenge upon which the BRE acts will be appended to the Minutes of the BRE meeting at which the action was taken.

18. The BRE shall not take any action on a challenge received between the fifth Monday prior to a primary or election and the date of such primary or election, including any runoffs. Any challenges received during this period shall be processed as set forth above following the certification of the primary or election results by the BRE.

19. The procedures set forth herein shall apply to challenges to voter qualifications initiated pursuant to O.C.G.A. §§ 21-2-228 and 21-2-229.

20. The BRE will not remove any voter from the registration lists based on residency issues raised by rejected challenges. No state law will be construed to permit removals based on rejected challenges or residency issues raised by rejected challenges.

21. If any members of the BRE or employees or agents of the DeKalb County Department of Voter Registration and Elections challenge the eligibility of voters in their individual capacity while they remain in that position or have a personal or business interest in the mounting of such a challenge, they must recuse themselves from deliberating, voting or otherwise participating in any way in the BRE's consideration of such challenges.

22. The BRE will process all voter challenges expeditiously and objectively, while erring in all instances on the side of preserving the voter's right to remain on the registration lists, in recognition of the statutory requirement that the challenger has the burden of proving ineligibility.

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December 28, 2020

DeKalb County Board of Registrations and Elections

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Dear Members of the DeKalb County Board of Registrations and Elections,

The undersigned— J. Max Davis —is a qualified elector of DeKalb County. Pursuant to Ga. Code Ann. § 21-2-230, we challenge the ability to vote of the putative electors whose names and voter registration numbers appear on the attached lists and who newly registered to vote between November 4, 2020 and December 7, 2020 (“Challenged Individuals”). We bring this challenge on two grounds. First, there is probable cause that the individuals appearing on Attachment 1 lack the qualifications to be eligible to vote in Georgia because they appear to have temporarily moved to Georgia to vote in the January 5, 2021 run-off elections without the intent to permanently reside in Georgia. *See id.* § 21-2-217(a). Second, there is probable cause that the individuals appearing on Attachment 2 would be casting unlawful “double votes” by voting in Georgia’s January 5, 2021 run-off elections for U.S. Senate because they appear to have voted in their previous states’ November 3, 2020 U.S. Senate election. *See* Voting Rights Act, 52 U.S.C. § 10307(e)(2). Consistent with § 2-21-230’s requirements, we respectfully request that the Board: (1) act expeditiously to notify the poll officers of the challenge; (2) prevent the Challenged Individuals from voting in person without resolving the challenge; (3) treat certain absentee ballots cast by Challenged Individuals as provisional ballots; and (4) resolve any challenges prior to the certification of the consolidated returns.

Additionally, and alternatively, we challenge the qualifications to vote of the individuals appearing on Attachment 1 pursuant to Ga. Code Ann. § 21-2-229 because they do not appear to meet the residency requirements. Unlike the challenge under § 21-2-230, the challenge under § 21-2-229 does not require a finding of probable cause. And § 21-2-229 imposes a mandatory duty upon the Board to set a hearing to decide the challenge. We respectfully request that you set a hearing date, as you are required under law, to re-examine the Challenged Individuals’ qualifications.

I. Background

As you are well aware, Georgia’s November 2020 election featured a general and a special election to fill each of its two U.S. Senate seats. No candidate in those races obtained a majority of the votes cast, which resulted in the need for the January 5, 2021 run-off elections. As of today, the

make-up of the United States Senate in the 117th Senate is 50 Republicans and 48 Democrats. This means that the results of the Georgia run-offs will determine which party controls the Senate.

Given the stakes of the run-off elections, a legion of activists have been urging non-Georgia residents to temporarily relocate to Georgia with the sole purpose of voting in the run-off elections.

- On November 5, 2020, Dylan Matthews—a Senior Correspondent for Vox with over 57,000 followers on Twitter—tweeted that “[t]here are no length of residency requirements in Georgia, so if you have just moved here you can register to vote on day one.” Matthews then added, “What if housing vouchers, but it’s just @MikeBloomberg or @moskov paying your rent in Atlanta for the next three months.” He also tweeted, “At this point, even *I’m not sure if I’m joking.”
- On November 5, 2020, Eric Levitz, a journalist for the New Yorker, posted on Twitter: “These run-offs will decide which party controls the Senate If you have the means and fervor to make a temporary move to GA, [I] believe anyone who registers by Dec 7 can vote in these elections. #BleedingGeorgia.”
- On November 5, 2020, Elise Hu, a California-based journalist for NPR with over 45,000 Twitter followers, urged her followers: “[I]f you live in Georgia (*or plan on moving there*), new voters can register by December 7 to vote in the Jan 5 runoff election, which could be for TWO (2!) US senate seats & determine control of the US Senate.”
- Tamara Stevens—an activist with the Handmaids Coalition of Georgia—encouraged “Northern Democrats” to “spend the Winter in Georgia!!!” based upon claims that “there are no length of residency requirements in Georgia, so if you have just moved here you can register to vote on day one.”
- The Georgia Institute of Technology previously hosted a webpage advising “[o]ut-of-state students currently living in Georgia” that they unequivocally “c[ould] register to vote in Georgia.”
- On November 6, 2020, a former Democratic Presidential candidate, Andrew Yang, posted on Twitter that “[t]he best thing we could do for Joe [Biden] is to get him a Democratic Senate.” He continued, “There should be coordination of resources. Everyone who campaigned for Joe should get ready to head to Georgia.”
- The next day, on November 7, 2020, Yang again posted on Twitter that he and his wife Evelyn were “moving to Georgia to help [Democratic Senate Candidate Jon Ossoff] and [Democratic Senate Candidate Raphael Warnock] win[.]” Yang continued, “[t]his is our only chance to clear [Republican Senate Majority Leader] Mitch [McConnell] out of the way and help Joe and Kalama get things done in the next 4 years.”
- Yang’s “moving to Georgia” Twitter post circulated broadly, generating more than 14,000 retweets, 4,500 replies, and 91,300 likes. One commenter in Yang’s thread purported to confirm the Georgia residency requirement to another commenter and noted: “With so many of us working remotely from home, we can actually live in any state. Georgia is

beautiful and it needs more progressives to move there.” Another commenter in Yang’s thread wrote, “You should literally move here, change your residency, register to vote by December 7th. I’m not kidding.”

- On November 5, 2020, “L. A.” (@LEArrington) tweeted: “I actually have a couple of friends seriously encouraging people to move to GA. But even so, it’s not illegal, and anyone that does has a right to register to vote there the day they move in.”
- On November 5, 2020, another activist (@JohnSellers) tweeted that “[a] year is not needed” to register to vote in Georgia. He continued: “You’d literally only need to move there from December 1, to January 6 (and have a permanent address or GA ID) to vote in the runoff.”
- On November 6, 2020, David Gardner (@byDavidGardner), with over 160,000 Twitter followers, tweeted “about 150,000 of us need to move to Georgia by December.”
- On November 6, Tony Rein (@TonyRein) tweeted “Okay Dems, time to get serious. Everyone move to Georgia right now and register to vote in the Senate run-off elections in January!”
- On November 7, 2020, Jordan Nelson (@JordyNelz) tweeted that he was “[m]oving to Georgia before January and [he was] looking for 29,000 socialist roommates to come with, any one interested?”
- On November 7, 2020, Matthew Doyle (@MattDoyle76), with almost 50,000 Twitter followers, tweeted: “move to [G]eorgia and take the Senate challenge and . . . go.”
- On November 8, another activist named Zoe BLM (@hedgehodyeyo) tweeted that she was “moving to [G]eorgia” only “for a hot minute to vote in the runoffs.”
- On November 9, 2020, syndicated columnist and author Thomas Friedman appeared on CNN’s Prime Time with Chris Cuomo and said, “I hope everybody moves to Georgia . . . in the next month or two, registers to vote, and votes for these two Democratic Senators.”
- On November 27, 2020, Michael Langley Jr (@Michael12577) told his followers: “Call up some friends and let’s all move to Georgia.” The tweet then offered to coordinate housing by stating that the activists will “rent like sorority/fraternity houses.”
- On November 28, 2020, Mike McQuain (@mmmcquain) tweeted that the Republicans “need to be sent a message they will understand – a tough one,” and that “[w]e all need to move to Georgia in time to vote.”
- In response to Raphael Warnock’s campaign post on Twitter, activists similarly echoed that they were moving to Georgia to vote for him. On November 24, 2020, Mary Christmas (@asianagrande1) tweeted: “I am literally moving to Georgia right this second, becoming a resident, and voting for this man.”
- On November 24, 2020, Chakra Kahn (@McMabe) tweeted: “Moving to Georgia so I can vote for this dude.”

- On November 24, 2020, a Twitter account @xdangerhussx tweeted: “I’m moving to Georgia just so I can vote for him.”
- On November 24, 2020, Astrid Farrar (@Astrid26789724) also responded to Warnock’s post that “[she]’ll be moving to Georgia to vote.”

Given the barrage of the activists’ call for non-Georgians to temporarily relocate to Georgia to vote in the run-off elections, Attorney General Chris Carr issued an alert, stating that “register[ing] to vote” or “attempt[ing] to vote knowing one does not possess the qualifications for voting in Georgia” could result in prosecution.¹

Secretary of State Brad Raffensperger similarly condemned these efforts to encourage people to temporarily move to Georgia to vote in the run-off elections. “Secretary of State Brad Raffensperger issued a warning . . . to out-of-state partisans seeking to vote in the Jan. 5 runoff election for Senate: Moving to the state with the sole purpose of voting and leaving is illegal and is considered voter fraud. Per [Ga. Code Ann.] § 21-2-561, it is a felony to register to vote in Georgia if you are not a resident of Georgia with no intention of leaving and is punishable by up to 10 years in jail and a \$100,000 fine.”²

Between November 4, 2020, and December 7, 2020, the last day to register to vote in the run-off elections, this County has seen many new registrations with numbers updating daily. Of these new registrants, 111 appear to maintain active voter registrations in other states and recently relocated to Georgia according to the U.S. Postal Service’s National Change of Address file. The names and registration numbers of those individuals are provided in Attachment 1. Moreover, 30 new registrants appear to be potential “double-voters”—that is, someone who voted in the November 3, 2020 general election for U.S. Senate in another state and are now registered to vote in Georgia. The names and registration numbers of those individuals are provided in Attachment 2.

II. The Board should sustain the challenge to the Challenged Individuals’ qualifications and ability to vote in the run-off elections under Ga. Code Ann. § 21-2-230

We bring a challenge to the Challenged Individuals’ ability to vote in the run-off elections on two grounds. First, there is probable cause that these individuals lack the qualifications to be eligible to vote in Georgia because they have temporarily moved to Georgia to vote in the run-off elections

¹ Press Release, Consumer Alert: Georgia Residency Requirements for Voting in a Runoff (Nov. 11, 2020), <https://law.georgia.gov/press-releases/2020-11-11/consumer-alert-georgia-residency-requirements-voting-runoff>.

² Press Release, Secretary Raffensperger Warning: ‘Moving’ To Georgia Temporarily In Order To Vote In Jan. 5 Runoff Is Illegal and Will Be Prosecuted, https://sos.ga.gov/index.php/elections/secretary_raffensperger_warning_moving_to_georgia_temporarily_in_order_to_vote_in_jan_5_runoff_is_illegal_and_will_be_prosecuted.

without the intent to permanently reside in Georgia. *See* Ga. Code Ann. § 21-2-217(a). Second, there is probable cause that these individuals would be casting unlawful “double votes” in the January 5, 2021 runoff elections in violation of the Voting Rights Act, 52 U.S.C. § 10307(e)(2).

a. There is probable cause that the Challenged Individuals cannot vote in the run-off elections

Under Ga. Code Ann. § 21-2-230(a), “[a]ny elector . . . may challenge the right of any other elector . . . to vote in an election.” State law requires that “[u]pon filing of such challenge, the board of registrars *shall immediately* consider such challenge and determine whether probable cause exists to sustain such challenge.” *Id.* § 21-2-230(b). And “[i]f the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector’s precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.” *Id.* The Supreme Court of Georgia has held that probable cause is a low standard and “requires merely a probability—less than a certainty” but simply more than “a mere suspicion or possibility.” *Brown v. State*, 504 S.E.2d 443, 821 (Ga. 1998).

Here, this challenge easily meets that threshold. *First*, the Board should sustain the challenge based on the Attachment 1 Challenged Individuals’ lack of qualifications to be electors in Georgia. To be eligible to register to vote in Georgia, an individual must, among other requirements, be “[a] resident of this state and of the county or municipality in which he or she seeks to vote.” Ga. Code Ann. § 21-2-216(a)(4). Georgia’s law clearly states that “[a] person shall not be considered to have gained a residence in any county or municipality of this state into which such person has come for temporary purposes only without the intention of making such county or municipality such person’s permanent place of abode.” *Id.* § 21-2-217(a)(3).

There is more than “a mere suspicion” that the Attachment 1 Challenged Individuals do not have the present intent to make Georgia or DeKalb County their permanent residence. It is impossible to ignore the barrage of various activists’ efforts to prompt non-Georgians to temporarily move to Georgia to vote in the run-off elections. These concerted efforts were so serious that both Attorney General Carr and Secretary Raffensperger have taken a strong stance against these temporary residents seeking to vote in the run-off election. In addition to their efforts to safeguard Georgians’ right to vote, this Board has an independent obligation to ensure the eligibility of the electors. *See id.* § 21-2-226. Furthermore, there is an unusually high number of new registrants in this County for such a short period of time. It seems unlikely there would be such a high number of new registrations given that 2020 already saw a record-setting election. This high number alone is certainly indicative of fraud. The confluence of various factors undoubtedly leads to the probability that the Attachment 1 Challenged Individuals are temporary residents who lack the qualifications to vote in Georgia.

Second, the Board should also sustain the challenge against Attachment 2 Challenged Individuals because there is probable cause that their votes would constitute unlawful double voting. The Voting Rights Act prohibits voting “more than once” in an election for “Member of the United States Senate.” 52 U.S.C. § 10307(e). Under Georgia law, run-off elections are a continuation of the November 3, 2020 election. *See* Ga. Const. art. II, § 2 (“A run-off election shall be a continuation of the general election and only persons who were entitled to vote in the general election shall be

entitled to vote therein.”); Ga. Code Ann. § 21-2-501(a)(10) (“The . . . run-off election or special election runoff shall be a continuation of the . . . election[] or special election for the particular office concerned.”). In other words, if someone had voted in another state’s 2020 election for U.S. Senator, but nevertheless tries to vote in Georgia’s run-off election for the Senate, then that vote constitutes unlawful double voting.

There is probable cause that the Attachment 2 Challenged Individuals—even if they are otherwise eligible electors—cannot vote in the January 5, 2021 run-off elections for U.S. Senate because they have already voted in a different state’s 2020 election for U.S. Senate. Other than Georgia, 33 other states held Senate races in 2020. There is significant probability that these individuals have already voted and that their vote in the run-off elections will constitute unlawful double voting.

b. The Board should take swift actions in accordance with Ga. Code Ann. § 21-2-230

Georgia law requires the Board to take the following actions after sustaining challenges made under Ga. Code Ann. § 21-2-230. In short, the Board must notify the poll officers regarding the challenge and resolve the merits of the challenge prior to counting and certifying the challenged votes.

- If the challenged elector seeks to cast a vote at the polls, and if it is practical to conduct a hearing before the close of polls, the board “shall conduct such hearing and determine the merits of the challenge.” *Id.* § 21-2-230(h). If the board sustains the challenge, the elector “shall not be permitted to vote,” and if the grounds for the challenge are ineligibility to remain on the list of electors, the elector’s name “shall be removed from the list.” *Id.*
- If the challenged elector seeks to cast a vote at the polls, but if it is impracticable to conduct a hearing before the close of polls or if the board at any time determines that it could not render a decision within a “reasonable time,” the elector “shall be permitted to vote by casting a . . . provisional ballot[.]” *Id.* § 21-2-230(i). If the challenge is based on the elector’s qualifications, the board “shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent.” *Id.*
- If the challenged elector casts an absentee ballot, and if the challenge concerns the elector’s eligibility, the board “shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election.” *Id.* § 21-2-230(g). The election superintendent “shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge.” *Id.* If the board sustains the challenge, the challenged elector “shall be removed from the list of electors,” and the ballot “shall be rejected and not counted.” *Id.*
- If the challenged elector casts an absentee ballot, but if it is impracticable to hold a hearing prior the close of polls, and if the challenge is not based on the elector’s qualifications to remain on the list of electors, the ballot “shall be treated as a challenged ballot.” *Id.* § 21-2-230(e).

Depending on how the Challenged Individuals attempt to unlawfully vote in the run-off elections, the Board should take appropriate action to resolve the merits of our challenge prior to the votes being counted and certified.

III. The Board should expeditiously set a hearing date to re-examine the Challenged Individuals' qualifications in accordance with Ga. Code Ann. § 21-2-229

Ga. Code § 21-2-229(a) allows “[a]ny elector of a county” to “challenge the qualification of any elector of the county or municipality whose name appears on the list of electors.” It further provides that “[s]uch challenges shall be in writing and shall specify distinctly the grounds of the challenge.” “Upon such challenge being filed with the board of registrars, the registrars shall set a hearing on such challenge” and serve at least three days’ notice of the date, time, and place of the hearing on the person whose qualifications are being challenged along with a copy of such challenge and upon the elector making the challenge. *Id.* § 21-2-229(b). After the hearing, “the registrar shall determine the said challenge and shall notify the parties of their decision.” And “[i]f the registrars uphold the challenge, . . . the person’s name [shall be] removed from the list of electors.” *Id.* § 21-2-229(d).

Here, we challenge the qualifications of the Challenged Individuals to become electors in this county on the ground that they have temporarily moved to Georgia solely to vote in the run-off elections and do not intend to permanently reside in Georgia. *See above.*

Unlike the challenge raised under Ga. Code § 21-2-230, the challenge raised under § 21-2-229 does not require the finding of probable cause before the Board becomes obligated to set a hearing date. Accordingly, we respectfully request that the Board immediately and expeditiously set a hearing date to adjudicate the legality of the Challenged Individuals’ registrations. Furthermore, we reserve the right to avail ourselves of the Board’s subpoena authority to compel the production of documents and witnesses at the hearing in order to prove our challenge. *See id.* § 21-2-229(c).

* * * * *

Based on the reasons set forth above, we respectfully request that the Board:

1. Find that there is probable cause that the Challenged Individuals cannot vote in the run-off elections;
2. Notify the poll officers to take appropriate actions;
3. Resolve the challenge in accordance with the procedure set forth in Ga. Code Ann. § 21-2-230 prior to the certification of the consolidated returns; and
4. Regardless of the outcome of the probable-cause determination pursuant to Ga. Code Ann. § 21-2-230, set a hearing date to adjudicate the lawfulness of the Challenged Individuals' qualifications pursuant to Ga. Code Ann. § 21-2-229.

Respectfully submitted,

J. Max Davis

Voter 1

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Registration #	Registration Date	Last Name	First Name	Middle Name	Year of Birth	Address	Status
12987445	12/2/2020	NIMBAL	VANI	CHANDRASHEKHAR	1986	775 HOUSTON MILL RD NE APT # 4 ATLANTA 30329	P
12964089	11/12/2020	HAST	MIRISA		1984	331 CARLYLE PARK DR NE ATLANTA 30307	A
12964172	11/7/2020	CITRON	ANNA	J	1999	1568 AVENUE PL APT 4720 ATLANTA 30329	A
12964166	11/7/2020	BLUMBERG	JESSICA	Z	1999	855 EMORY POINT DR APT 3363 ATLANTA 30329	A
12986414	12/4/2020	BRUCE	WILLIAM	CHASON	1988	2853 MARLIN DR CHAMBLEE 30341	A
12971424	11/29/2020	YU	CECILIA		1989	1323 CUSTIS CT ATLANTA 30338	A
12984344	12/4/2020	ANUMBA	NMACHI		1996	714 LINCOLN COURT AVE NE ATLANTA 30329	A
12987081	12/4/2020	DOS SANTOS	ALEXIS		1991	4301 PEACHFORD CIR DUNWOODY 30338	A
12983563	11/12/2020	LICHTENSTEIN	ALICE	GARRICK	1946	1717 N DECATUR RD NE UNIT T15 ATLANTA 30307	A
12983467	11/20/2020	WALLEN	ANTHONY		1974	3524 SPRING VALLEY RD DECATUR 30032	A
12986400	12/4/2020	BARCLIFT	ROBERT	P	1957	1869 GRIST STONE CT NE ATLANTA 30307	A
12979047	11/10/2020	THAGARD	SHIRLEY	STAFFORD	1940	201 W PONCE DE LEON AVE UNIT 517 DECATUR 30030	A