

Subject: Open Records Request :: P010390-041824

Date: Monday, April 22, 2024 at 9:24:05 AM Eastern Daylight Time

From: Columbia County Board of Commissioners

To: AO Records

EXTERNAL SENDER

--- Please respond above this line ---

04/22/2024

RE: Open Records Request on 4/18/2024 for Department - Other - Board of Elections, Reference # P010390-041824

Dear Khahilia,

The County received a public records request from you on April 18, 2024. Your request mentioned:

"VIA ONLINE PORTAL

*Columbia County Board of Commissioners
630 Ronald Reagan Drive
Building B, 2nd Floor
Evans, GA 30809
Via Online Portal*

Re: Open Records Request

Dear Records Custodian:

Pursuant to the Georgia Open Records Law (O.C.G.A. §§ 50-18-70 et seq.), American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following within three business days:

1. All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) the Columbia County officials listed below and (b) any of the external individuals or representatives of any of the entities listed below (including, but not limited to, at the listed email addresses and

domains).

Columbia County Officials:

- a. Doug Duncan, Board of Commissioners Chair*
- b. Connie Melear, District 1 Commissioner*
- c. Don Skinner, District 2 Commissioner*
- d. Alison Couch, District 4 Commissioner*
- e. Ann Cushman, Board of Elections Chair*
- f. Wanda Duffie, Board of Elections Member*
- g. Larry Wiggins, Board of Elections Member*
- h. Nancy Gay, Elections Director*

External Individuals and Entities:

- i. Catherine Engelbrecht, Maureen Riordan, Courtney Kramer, Ellen Swensen, Erin Anderson, and/or anyone communicating on behalf of True the Vote (@truethevote.org)*
- ii. Frank Schneider*
- iii. Gina Swoboda (ginaswoboda@hotmail.com) and/or anyone else communicating on behalf of Voter Reference Foundation (@voterreferencefoundation.com, @voterref.com)*
- iv. Ian Camacho (ian.c.camacho@gmail.com) and/or anyone else communicating on behalf of Look Ahead America (@lookaheadamerica.org)*
- v. Jason Fraizer*
- vi. Public Interest Legal Foundation (@publicinterestlegal.org, @electionlawcenter.com)*
- vii. Rick Richards (drr@cathaid.com, drr@eagleai.pro), John Richards (johnrichards@eagleai.pro), Scott Klosinski (scott@klosinski.com), and/or anyone else communicating on behalf of EagleAI (@eagleai.pro)*
- viii. The America Project (@americaproject.com)*
- ix. The Georgia Republican Party (@gagop.org)*
- x. The Republican National Committee (@gop.com)*
- xi. Totes Legit Votes (toteslegitvotes@gmail.com)*
- xii. Voter GA (@voterga.org)*
- xiii. United Sovereign Americans (unite4freedom.com)*
- xiv. Garland Favorito*
- xv. Judicial Watch (judicialwatch.org)*
- xvi. Mark Davis*
- xvii. David Shafer*
- xviii. Brad Carver*
- xix. Derek Somerville*
- xx. Frank Schneider*
- xxi. Marly Hornik*
- xxii. Harry Haur*
- xxiii. New York Citizens Audit (auditny.com)*

Please note that American Oversight does not seek, and that part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if a specific official received a mass-distribution

news clip email from an email address ending in @truethevote.org, that initial email would not be responsive to this request. However, if that official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

2. Records reflecting any voter challenges received by Columbia County officials.

For all parts of this request, please provide all responsive records from January 1, 2024, through the date the request is received.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

☑ Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

☑ Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Act.

☑ In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

☑ Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,

*/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight"*

Part One document is uploaded. For Part Two there is no documents.

Please log in to the [Open Records Center](#) at the following link to retrieve the documents.

Department: [Other - Board of Elections - P010390-041824](#)

Your cost is \$0.00.

If submitting payment as cash, exact change is needed. Checks can be made out to the Board of Commissioners.

If you have any questions, or wish to discuss this further, please contact me.

Sincerely,

Patrice R. Crawley
County Clerk
Board of Commissioners
706.868.3379

630 Ronald Reagan Drive * Building B 2nd Floor * Evans, GA 30809

To monitor the progress or update this request please log into the [Open Records Center](#).

From: 2ndvicechairgagop@gmail.com
Sent time: 03/12/2024 10:47:30 AM
To: Gay, Nancy
Subject: Sec of State advised you in error
Attachments: image001.png image002.jpg image003.png image004.png image005.png

CAUTION: This email originated from outside of the Columbia County email system. Please exercise caution before clicking links, opening attachments, replying, or providing information to the sender.

Tuesday, March 12, 2024

Dear Columbia County Election Director and Board members,

Recently, you were advised **IN ERROR** by the Secretary of State's office **NOT TO COUNT** the number of ballots inside your scanners at the end of the day because he wants the results quickly. Be advised that the Secretary of State is asking you to violate Georgia Law Code section 21-2-420 (see below):

2022 Georgia Code
Title 21 - Elections
Chapter 2 - Elections and Primaries Generally
Article 11 - Preparation for and Conduct of Primaries and Elections
Part 1 - General Provisions
§ 21-2-420. Procedure for Counting and Tabulation of Ballots

Universal Citation: GA Code § 21-2-420 (2022)

- a. After the time for the closing of the polls and the last elector voting, the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast. The chief manager and at least one assistant manager shall post a copy of the tabulated results for the precinct on the door of the precinct and then immediately deliver all required documentation and election materials to the election superintendent. The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated. **Counted and tabulated are 2 different words for a reason**
- b. The election superintendent shall ensure that each precinct notifies the election superintendent of the number of ballots cast and number of provisional ballots cast as soon as possible after the time for the closing of the polls and the last elector votes. The election superintendent shall post such information publicly. The State Election Board shall promulgate rules and regulations regarding how such information shall be publicly posted to ensure transparency, accuracy, and security.

History. Code 1981, § 21-2-420, enacted by Ga. L. 2021, p. 14, § 36/SB 202.

Code section 21-2-420 specifically states that the superintendent shall ensure that ballots are counted and tabulated. Counted means to simply count the number of pieces of paper inside the machine. Tabulated means to determine the outcome of a race or races.

If you violate the law, there are consequences, but the Secretary of State is not liable because he only advised you to violate the law. Please follow Georgia Law and don't make the citizens sue to you uphold Georgia Law.

David Cross
Election Integrity Expert Activist and
2nd Vice Chairman of the Georgia Republican Party

For more details on why it is important to count the number of pieces of paper, I will remind you that the scanners used in the 2022 DeKalb County Commissioners race skipped over and did not count 1,805 ballots. See Details below:

According to VoterGA.org and The Election Oversight Group, a large and growing amount of evidence suggests that the ballot scanners in your county and nearly all counties in Georgia are likely not counting ballots properly. A report published on March 31, 2022, by the United States Election Assistance Commission (EAC) detailed a problem found in Williamson County Tennessee where scanners failed to count 70% of the ballots in a single precinct. 232 of 330 ballots ballot were not counted due to the error. To read a few paragraphs about the Williamson Error, click this [Link to see the EAC press release](#).

THE "ANOMALY"

- During the close of an October 2021 local election, poll workers in Williamson County, Tennessee noticed something was wrong
- 330 paper ballots were removed from the two tabulators, but the machines only counted 98 ballots combined. 19 on one, and 79 on the other
- 232 ballots were unaccounted for.

Poll watcher's report attached as "Exhibit A"

ALDERMAN AT-LARGE POSITION C (1)	
GABRIELLE	28
JOHN E.	8
BRADLEY GUYE POWELL	1
ALAN EINH	41
Write-in	0
Total Votes	78

The EAC reported that a "hand-recount ensured that the election remained accurate" but that was only because election workers noticed the tally tapes were not even close to the number of voters who cast ballots that day. To read the poll watcher notes, click [this link](#) or click image below:

13. Around 1830, the flow of voters began to wane. The two males and female scanner/tabulator monitor began to slowly disassemble three of the touchscreen voting machines and associated booths, leaving two booths for the slow stream of voters who continued to arrive. Additionally, the female registrars began to disassemble two of the laptop registration stations. At no point were voters inconvenienced by this; the team continued to provide timely and professional service to each voter without delay.
14. I did note that as the males were disassembling one of the touchscreen voting machines a comment from one to the effect "that's weird, it didn't count all the votes." There appeared to be a problem with at least one of the touchscreen voting machines in keeping track of voters serviced.

We are asking that your county hand count (not hand tabulate) your ballots to ensure the accuracy of the upcoming election.

The Williamson Error has been found in 64 of 66 Georgia Counties that provided us their scanner files. Based on our analysis, there is a 97% probability your county has the Williamson Error. ([click here see samples from the 66 counties](#))

Because of the Williamson Error, the Tennessee Secretary of State recommended that Dominion machines be removed. You can read the 2 page recommendation by the Tennessee Secretary of State here ([full Tenn Sec of State letter](#))

Dominion Voting CEO, John Poulos, testified to the State Elections Board recently that the only way to validate the machine count is to count ballots by hand. ([link to Poulos video](#))

What happened in Williamson Tennessee is the equivalent of your child or grandchild studying for the SAT (Scholastic Aptitude Test) and later learning that the scanner only counted 30% of the tests. This is the very definition of voter **DISENFRANCHISEMENT**.



As a county election board, you may believe that you don't have the authority to count the ballots by hand – you do. Your board is Constitutionally empowered to run your county election the way you see fit if you follow the laws of Georgia. The Secretary of State argued in *Pearson v. Kemp* on 11/19/2020 that he has no lawful authority over county election officials.

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machines in Cobb, Gwinnett, and Cherokee Counties. The Court conducted a Zoom hearing at 7:45 p.m. EST to consider Plaintiffs' motion.

During the hearing, Defendants' counsel argued that the secretary of state has no lawful authority over county election officials, citing *Jacobson v. Florida Secretary of State*, 974 F.3d 1236, 1256–58 (11th Cir. 2020). Plaintiffs' counsel responded that Plaintiffs could amend

Ballots can be counted by hand to verify the vote until certification. Only after certification are your ballots to be sealed and require a court order to unseal them. Prior to sealing your ballots, you can have your precincts verify the accuracy of the machines by counting the ballots and spot checking the results vs the scanner.

The citizens of Georgia overwhelmingly do not trust the "black box" and are asking, in fact begging, counties to verify the data before the ballots are sealed.

In the interest of fair and valid voting, we ask that you please do the following:

- **Count the number of people entering each polling place.**
- **Match that number to the number of poll pad check-ins.**
- **Match that number to the number of votes cast on the scanner tapes.**
- **Match that number to the number of ballots in the scanners.**
- **Match the results from the ballots casts for 20% of your scanners to the paper ballot results.**