

DECLARATION OF COLIN MCRAE

My name is Colin McRae and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I declare the following:

1. The following statements are based on my personal knowledge. The positions and opinions I set forth below are given in my individual capacity and do not necessarily reflect the positions or opinions of my fellow Board members of the Chatham County Board of Registrars, nor the positions or opinions of the Chatham County Board of Registrars as a whole.
2. I am the Chair of the Chatham County Board of Registrars.
3. Chatham County is one of the most populous counties in Georgia.
4. On the evening of Thursday, October 25, 2018, we received guidance from the Secretary of State's Office concerning the treatment of voters who cast absentee ballot applications and absentee ballots that were or will be rejected due to a signature mismatch (hereinafter "rejectees"). We have already begun implementing the signature mismatch guidance in our office and have encountered no significant difficulties doing so. A copy is attached as Exhibit A.
5. As seen in Exhibit A, the guidance includes technical guidance on how to categorize certain groups of rejectees in eNet. It will not be difficult to follow these straightforward instructions.



6. I have reviewed the guidance myself and I have discussed the guidance thoroughly with our staff. Having discussed the guidance with our staff, I do not believe that it will be difficult to implement the guidance, which is pretty straightforward, even with a week left until Election Day.

7. It is my understanding that the guidance will require us to treat rejectees slightly differently than we did before on the eNet system. Under the guidance, when an absentee ballot application is rejected due to a signature mismatch, we will send the voter a provisional ballot, and then make sure that the voter is marked as having received a ballot in the eNet system. This will ensure that the voter does not double vote. Once we do this, they will be flagged as "AB" in ExpressPoll to make sure they do not vote twice.

8. Similarly, when an absentee ballot is rejected due to a signature mismatch, we only need to categorize the voter differently in eNet pursuant to the straightforward instructions contained in the guidance.

9. Slightly changing the way we categorize rejectees in the eNet system is easily doable, especially since I anticipate that our county is unlikely to have a large number of rejectees.

10. The guidance will also require us to ensure that a rejectee's absentee ballot status is accurate in case the voter comes to vote early. This simply requires us to ensure that a rejectee's status is timely recorded in eNet. We already have to ensure



that voters' statuses are timely recorded in eNet to make sure that if/when they vote early, they do not double vote. So this does not really add any burdens to what we are already doing.

11. We will not need to make any changes to the ExpressPoll poll book system because eNet system data feeds directly into the ExpressPoll poll book.

12. Our elections officials are working hard. Nonetheless, we should be able to follow the guidance without any problems.

I declare under penalty of perjury that the forgoing is true and correct.



Colin McRae

28 OCTOBER 2018

Date

EXHIBIT

A



OFFICIAL ELECTION BULLETIN

October 25, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Order Regarding Rejected Absentee Ballots and Applications for Signature Non-Match

District Judge Leigh May has just issued a preliminary injunction (“Order”) regarding absentee ballot applications and absentee ballots where there was a rejection solely due to a signature mismatch. The Order is attached to this OEB. Our office is asking the Judge to stay the Order and will appeal the Judge’s Order. However, you should follow the Judge’s Order completely with all appropriate haste despite our appeal, but also in a manner that ensures accuracy and integrity. *The scope of the Order is for this current election and includes all absentee ballot applications and absentee ballots that are rejected solely on the basis of signature mismatch where the voter has not since voted an accepted ballot.* Below is guidance on following the Order and detailed technical instructions on implementing the Order in a way that maintains election integrity.

The Judge has ordered counties not to reject absentee ballots or absentee ballot applications solely on the basis of signature mismatches. For absentee ballots that would normally be rejected solely for signature mismatch, the ballots should be deemed provisional and held separate and apart from the other absentee ballots in accordance with State Election Board Rule 183-1-14-.03(2). A pre-rejection notice with instructions on how the voter may confirm his or her identity must be sent to the voter, and the voter must be provided an opportunity to resolve the alleged signature discrepancy up until the county certification of the election. The notice shall be sent via first-class mail and also electronic means, if you have the voter’s e-mail address. This requirement applies both to absentee ballots that have already been rejected for signature mismatch and to future ballots that you receive that you would otherwise reject for a signature mismatch.

For absentee ballot applications that would normally be rejected solely for signature mismatch, a provisional absentee ballot must be issued along with instructions on how the voter may confirm his or her identity when the ballot is received. The outer envelope of the absentee ballot shall be appropriately marked as provisional. This process applies both to absentee ballots applications that have already been rejected for signature mismatch and to future ballot applications that you receive.

Pursuant to the Order, each county must establish a process that gives the voter an opportunity to cure the signature mismatch. The Order says, “This process shall be done in good faith and is limited to confirming the identity of the absentee voter consistent with existing voter identification laws. See O.C.G.A. §§ 21-2-417, -417.1”. The process you establish in your county needs to be

included in the instructions that you issue with the provisional absentee ballots and in the pre-rejection notices that you send regarding any absentee ballot. Again, this process is limited to applications and ballots rejected solely on the basis of signature mismatches and does not apply to voters who have already cast an accepted ballot.

Absentee voters have a right to appeal any absentee ballot rejection due to signature mismatch consistent with the process in O.C.G.A § 21-2-229(e). Any aforementioned appeals that are not resolved as of 5 p.m. on the day of the certification deadline shall not delay certification and shall not require recertification of election results unless those votes would change the outcome of the election.

TECHNICAL INSTRUCTIONS

Absentee Ballot Applications

Applications that have already been rejected in ElectionNet

- Identify all absentee ballot applications rejected solely for the reason of a signature mismatch.
 - The report found under Reports > Public Reports > Absentee Reports > Absentee Voter Report can be used as a tool to assist in this process if absentee ballot application rejection reasons are being entered into the system by absentee ballot clerks.
 - Column R (Application Status) in this report contains the absentee ballot application status.
 - A – Accepted
 - R – Rejected
 - Column T (Status Reason) in this report contains the absentee ballot application status reason.
 - It is a best practice to review all rejected absentee ballot applications to ensure full compliance. The absentee voter report will only contain the rejection reason if it was input by county users.
- Once you have identified the affected voters, issue them a provisional absentee ballot using the current date for the application and issue date.
 - Absentee Ballots can be marked as provisional in ElectionNet in the “Ballot Returned Information” section of an absentee ballot entry.
 - Check the box labeled “Select if Ballot was Provisional/Challenged.”
 - Select the Provisional / Challenged Status of “Challenge Not Removed.”
 - Select the Provisional / Challenged Reason of “Signature Non-Match.”
- If the provisional absentee ballot is returned to the registrar with a properly completed oath and the identity of the voter is confirmed, the challenge should be removed and the ballot accepted.
 - Open the absentee voter’s provisional ballot record for the 11/6/18 election in the absentee module of ElectionNet.
 - Expand the “Ballot Returned Information” section of an absentee ballot entry.
 - Update the Provisional / Challenged Status to “Challenge Removed.”
 - Select the checkbox next to “Select if Ballot Accepted.”
 - If necessary, update the “Date Ballot Received” and/or “Time Ballot Received.”

Applications received after today containing a non-match signature

- Issue a provisional absentee ballot using the current date for the application and issue date.
 - Absentee Ballots can be marked as provisional in ElectionNet in the “Ballot Returned Information” section of an absentee ballot entry.
 - Check the box labeled “Select if Ballot was Provisional/Challenged.”
 - Select the Provisional / Challenged Status of “Challenge Not Removed.”
 - Select the Provisional / Challenged Reason of “Signature Non-Match.”
- If the provisional absentee ballot is returned to the registrar with a properly completed oath and the identity of the voter is confirmed, the challenge should be removed and the ballot accepted.
 - Open the absentee voter’s provisional ballot record for the 11/6/18 election in the absentee module of ElectionNet.
 - Expand the “Ballot Returned Information” section of an absentee ballot entry.
 - Update the Provisional / Challenged Status to “Challenge Removed.”
 - Select the checkbox next to “Select if Ballot Accepted.”
 - If necessary, update the “Date Ballot Received” and/or “Time Ballot Received.”

Absentee Ballots

Ballots that have already been rejected in ElectionNet

- Identify all absentee ballots rejected solely for the reason of a signature mismatch.
 - The report found under Reports > Public Reports > Absentee Reports > Absentee Voter Report can be used as a tool to assist in this process if absentee ballot rejection reasons are being entered into the system by absentee ballot clerks.
 - Column S (Ballot Status) in this report contains the absentee ballot status.
 - A – Accepted
 - C – Cancelled
 - S – Spoiled
 - R – Rejected
 - Column T (Status Reason) in this report contains the absentee ballot application status reason.
 - It is a best practice to review all rejected absentee ballots to ensure full compliance. The absentee voter report will only contain the rejection reason if it was input by county users.
- Once you have identified these voters, you will need to update their status in eNet to indicate that they now have a provisional absentee ballot outstanding. You will not mail them a new ballot, but you will mail them the required pre-rejection notice.
 - Pull up the voter in the absentee module of ElectionNet under Activities > Absentee Ballots > Search Absentee Ballots.
 - Select the Add button near the bottom of the page.
 - Enter the current date as a ballot request date.
 - The checkbox next to “Select if Multiple Ballot Requested” will default to be checked. You are required to make a selection in the dropdown menu labeled “Multiple Request Reason.” Select “Rejected Ballot that has been re-issued.”
 - In the “Ballot Issued Information” section, select the current date as the Mailed Date.
 - In the “Ballot Returned Information” section, check the box labeled “Select if Ballot was Provisional/Challenged.”

- Select the Provisional / Challenged Status of “Challenge Not Removed.”
- Select the Provisional / Challenged Reason of “Signature Non-Match.”
- After the identity of the voter is confirmed pursuant to the process you put in place, the challenge should be removed and the ballot accepted.
 - Open the absentee voter’s provisional ballot record for the 11/6/18 election in the absentee module of ElectionNet.
 - Expand the “Ballot Returned Information” section of an absentee ballot entry.
 - Update the Provisional / Challenged Status to “Challenge Removed.”
 - Select the checkbox next to “Select if Ballot Accepted.”
 - If necessary, update the “Date Ballot Received” and/or “Time Ballot Received.”

Ballots with a Signature Mismatch that are Not Yet Rejected

- Mark the ballot as provisional in the absentee ballot module of eNet.
 - Open the absentee voter’s record for the 11/6/18 election in the absentee module of ElectionNet.
 - Expand the “Ballot Returned Information” section of an absentee ballot entry.
 - Check the box labeled “Select if Ballot was Provisional/Challenged.”
 - Select the Provisional / Challenged Status of “Challenge Not Removed.”
 - Select the Provisional / Challenged Reason of “Signature Non-Match.”
- After the identity of the voter is confirmed pursuant to the process you put in place, the challenge should be removed and the ballot accepted.
 - Open the absentee voter’s provisional ballot record for the 11/6/18 election in the absentee module of ElectionNet.
 - Expand the “Ballot Returned Information” section of an absentee ballot entry.
 - Update the Provisional / Challenged Status to “Challenge Removed.”
 - Select the checkbox next to “Select if Ballot Accepted.”
 - If necessary, update the “Date Ballot Received” and/or “Time Ballot Received.”

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RHONDA J. MARTIN, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, *et al.*,

Defendants.

CIVIL ACTION NO.
1:18-CV-4776-LMM

GEORGIA MUSLIM VOTER
PROJECT, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, *et al.*,

Defendants.

CIVIL ACTION NO.
1:18-CV-4789-LMM

TEMPORARY RESTRAINING ORDER

Based upon the Court's prior findings, see Martin Dkt. No. [23]; GMVP Dkt. No. [28], the Secretary of State's Office shall issue the following instructions to all county boards of registrars, boards of elections, election superintendents, and absentee clerks:

- 1) All county elections officials responsible for processing absentee ballots shall not reject any absentee ballots due to an alleged signature mismatch. Instead, for all ballots where a signature mismatch is perceived, the county elections official shall treat this absentee ballot as a provisional ballot, which shall be held separate and apart from the other absentee ballots. See O.C.G.A. § 21-2-419; Ga. Comp. R. & Regs. 183-1-14-.03(2). The county elections official shall then provide pre-rejection notice and an opportunity to resolve the alleged signature discrepancy to the absentee voter. This process shall be done in good faith and is limited to confirming the identity of the absentee voter consistent with existing voter identification laws. See O.C.G.A. §§ 21-2-417, -417.1. The elections official is required to send rejection notice via first-class mail and also electronic means, as available or as otherwise required by law. See O.C.G.A. § 21-2-384(a)(2). This process shall include allowing the absentee voter to send or rely upon a duly authorized attorney or attorney in fact to present proper identification. This process shall be done prior to the certification of the consolidated returns of the election by the election superintendent. See

O.C.G.A. § 21-2-230(g). The absentee voter shall have the right to appeal any absentee ballot rejection following the outcome of the aforementioned process, as designated in O.C.G.A. § 21-2-229(e). Any aforementioned appeals that are not resolved as of 5 p.m. on the day of the certification deadline shall not delay certification and shall not require recertification of the election results unless those votes would change the outcome of the election. See O.C.G.A. § 21-2-493(l).

- 2) All county elections officials responsible for processing absentee ballot applications shall not reject any absentee ballot application due to an alleged signature mismatch. Instead, for all ballot applications where a signature mismatch is perceived, the county elections official shall, in addition to the procedure specified in O.C.G.A. § 21-2-381(b), provide a provisional absentee ballot to the absentee voter along with information as to the process that will be followed in reviewing the provisional ballot. The outer envelope of the absentee ballot provided shall be marked provisional. Once any provisional ballot is received, the procedure outlined in section 1 above is to be followed.
- 3) This injunction applies to all absentee ballot applications and absentee ballots rejected solely on the basis of signature mismatches submitted in this current election. This injunction does not apply to voters who have already cast an in-person vote.

IT IS SO ORDERED this 25th day of October, 2018.

Leigh Martin May

Leigh Martin May
United States District Judge