

In the Supreme Court of the United States



KRISTEN LOVELL,
Petitioner,

v.

BRAD RAFFENSPERGER, ET AL.,
Respondents.

LORI TULLOS AND VIRGINIA MCFADDIN,
Petitioners,

v.

BRAD RAFFENSPERGER, ET AL.,
Respondents.

**On Petition for a Writ of Certiorari to the
Supreme Court of Georgia**

**BRIEF OF AMICI CURIAE
ROBERT COOVERT AND CAROL CHAMBERLAIN
IN SUPPORT OF PETITIONERS**

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INTEREST OF THE AMICI CURIAE¹

Amici Curiae, **ROBERT COOVERT** and **CAROL CHAMBERLAIN**, are residents and qualified electors of Gilmer and Fannin County's, Georgia respectively. *Amici Curiae* believe our constitutionally protected right to vote has been infringed upon. *Amici Curiae* believe the United States ("U.S.") Constitution should be strictly interpreted, and federal and state election laws should be sternly enforced.

The citizens of Georgia deserve fair elections, untainted by violations of the U.S. Constitution and other federal and state laws governing elections. *Amici Curiae* are concerned that during the Georgia elections, election officials committed acts that were contrary to federal and state statutory laws. These acts usurped the plenary power granted by the U.S. Constitution to the Georgia legislature to prescribe the manner of elections held for federal officials in Georgia. (See U.S. Const., Art. 1, § 4, cl. 1).

¹ Pursuant to Rule 37.6, *Amici Curiae* affirm that no counsel for a party authored this brief in whole or in part, and that no person, other than *Amici Curiae*, their donors who are not parties, or their counsel, made a monetary contribution to fund its preparation and submission. Pursuant to Rule 37.2, *Amici Curiae* notified counsel for all parties of the intent to file this brief more than ten days before filing.



SUMMARY

On December 17, 2020, Georgia Senator William T. Ligon, Jr. published a report releasing the findings of the *Chairman’s Report of the Election Law Study Subcommittee of the Standing Senate Judiciary Committee*. His report was provided to congressional members in Georgia, along with the Georgia executive branch. The report included nine key findings, four of which identified significant failures on the part of Secretary of State Brad Raffensperger and his office. Senator Ligon, a seasoned Judge for 16 years, stated in Recommendation 9, “The oral testimonies of witnesses on December 3, 2020, and subsequently the written testimonies submitted by many others, provide ample evidence that the 2020 Georgia General Election was so compromised by systemic irregularities and voter fraud that it should not be certified.”

Many concerned citizens across Georgia and our Great Nation question if recent elections have been conducted in accordance with state and federal laws. This *Amici Curiae* Brief is filed in support of Petitioner’s arguments.

A member of our team has thirty years of experience in leading and conducting event investigations in U.S. and international industries. This experience along with skilled professionals throughout Georgia helped our team identify serious concerns with the Georgia elections, the ballots, and machines used to record and tabulate the results. In addition to the non-human readable barcode that exists on ballots, the “voting machines” used in Georgia have not been

certified. O.C.G.A. § 21-2-300 et seq. Paragraph c(a)(2) states that elections “shall be conducted” on aforesaid “certified” equipment “unless otherwise authorized by law.” Additional deficiencies that are described in the Argument include:

1. The Dominion voting machines used in the Georgia 2020 General Election to scan barcode ballots are still in service after a non-existent audit.
2. Maladministration and deception by many who manage Georgia elections continue to disenfranchise voters.
3. Election law decisions made by lawmakers in Georgia and Washington, DC, may have been influenced by a spurious Georgia audit report.
4. The Dominion voting machines used in Georgia have not been certified as required by Georgia law.



ARGUMENT

1. The Dominion Voting Machines Used in the Georgia 2020 General Election to Scan Barcode Ballots Are Still in Service After a Non-Existent Audit

The Dominion Voting Systems voting machine audits conducted by Pro V&V did not occur as described by the Georgia Secretary of State. Secretary Raffensperger stated in his 10-page letter to the U.S. Congress dated January 6, 2021:

Pro V&V conducted an audit of a random sample of Dominion Voting Systems voting machines throughout the state using forensic techniques, including equipment from Cobb, Douglas, Floyd, Morgan, Paulding, and Spalding Counties. ICP (precinct ballot scanners), ICX (ballot marking devices), and ICC (central absentee ballot scanners) components were all subject to the audit. In conducting the audit, Pro V&V extracted the software or firmware from the components to check that the only software or firmware on the components was certified for use by the Secretary of State's office. The testing was conducted on a Pro V&V laptop independent of the system. According to the Pro V&V audit, all of the software and firmware on the sampled machines was verified to be the software and firmware certified for use by the Office of the Secretary of State.

Through each of these actions, I can definitively say that the results reported by the Dominion Voting System used in Georgia were accurate.

Secretary Raffensperger *Letter to Congress to Congress* (January 6, 2021).

Through the Georgia Open Records Request ("ORR") process, we obtained replies from the six counties in which Secretary Raffensperger stated the audit was conducted. Election Officials from five of the counties replied that the Pro V&V audit did not take place in their county. Morgan County was the only county contacted by a member of the Secretary of State's Office. Though Morgan County was contacted via email by Michael Barnes, Director of the Center

for Election Systems, there is no documentation in Morgan County or the Secretary of State's office to validate that an audit took place. Contrary to the statement Secretary Raffensperger and his office made in the letter to the U. S. Congress on January 6, 2021, no documentation exists with the six counties that supports that statement.

The communications to the county of the audit, findings, and conclusions are required by the Elections Assistance Commission (EAC). In discussions with election officials from the six Georgia counties, no county received a copy of the Pro V&V Field Report or audit results.

- Cobb County – No voting machine audit
- Douglas County – No voting machine audit
- Floyd County – No voting machine audit
- Morgan County – received an email from M. Barnes, No machine audit
- Paulding County – No voting machine audit
- Spalding County –. No voting machine audit

The false statements associated with the voting machine audits have been used in the halls of Congress, court rooms, and voting precincts to convince the electors that no nefarious votes could come from the voting machines. This is a violation of OCGA § 16-10-20. False Statements and Writings. “A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false,

fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city . . . ”

2. Maladministration and Deception by Those Who Manage Georgia Elections Continues to Disenfranchise Voters in Georgia

On December 3, 2020, then Georgia Senator. Ligon conducted a hearing resulting in *Chairman’s Report of the Election Law Study Subcommittee of the Standing Senate Judiciary Committee*. Former Senator Ligon served as the Municipal Court Judge for the City of Brunswick, GA for 16 years. The senate investigative report from the 2020 General Election was provided to the Georgia Executive Branch, which included Secretary Raffensperger, and made available to voters of Georgia on December 17, 2020.² Senator Ligon is a seasoned expert in determining evidence and compliance with Georgia law and election law. As described in the executive summary:

The November 3, 2020 General Election (the “Election”) was chaotic and any reported results must be viewed as untrustworthy. The Subcommittee took evidence from witnesses and received affidavits sworn under oath. The Subcommittee heard evidence that proper protocols were not used to ensure chain of custody of the ballots throughout the Election, after the opening of ballots prior to the Election, and during the recounts. The Subcommittee heard testimony that it was

² Ligon, GA Congress, (2020)

possible or even likely that large numbers of fraudulent ballots were introduced into the pool of ballots that were counted as voted; there is no way of tracing the ballots after they have been separated from the point of origin. The Subcommittee heard testimony of pristine ballots whose origin looked suspicious or which could not be verified and the inability of poll workers to distinguish between test ballots and absentee ballots. Signatures were not consistently verified according to law in the absentee balloting process.

Ligon Report, Executive Summary.

The findings of the Subcommittee illustrated a fraudulent election that should not have been certified.

Findings:

- 1) The November 3, 2020 election was chaotic and the results cannot be trusted.
- 2) The Secretary of State and the State Elections Board failed to enforce the law as written in the Georgia Code, and furthermore, created policies that contravened State law. As Senator Matt Brass concluded at the December 3 hearing, “We have heard evidence that State law was not followed, time after time after time.”
- 3) The Secretary of State failed to have a transparent process for the verification of signatures for absentee ballots, for the counting of votes during the subsequent recount and audit, and for providing the type of guidance and enforcement necessary to ensure that

monitors and other observers had meaningful access to the process.

- 4) The Secretary of State instituted an unconstitutional gag order so that monitors were told not to use photography or video recording devices during the recount.
- 5) Election officials at all levels failed to secure test ballots and actual ballots. Many reports indicate that proper procedures were not followed, and there was systematic failure to maintain appropriate records of the chain of custody for these ballots, both prior to and after voting, and throughout the recount.
- 6) The Secretary of State and Election Supervisors failed to stop hostile behavior of workers toward citizen volunteer monitors during the recount process.
- 7) The events at the State Farm Arena are particularly disturbing, because they demonstrated intent on the part of election workers to exclude the public from viewing the counting of ballots, an intentional disregard for the law. The number of votes that could have been counted in that length of time was sufficient to change the results of the presidential election and the senatorial contests. Furthermore, there appears to be coordinated illegal activities by election workers themselves who purposely placed fraudulent ballots into the final election totals.
- 8) Grants from private sources provided financial incentives to county officials and exerted influence over the election process.

- 9) The oral testimonies of witnesses on December 3, 2020, and subsequently, the written testimonies submitted by many others, provide ample evidence that the 2020 Georgia General Election was so compromised by systemic irregularities and voter fraud that it should not be certified.

When we asked Sen. Ligon, what the Secretary of State did with the Senate’s findings, he stated, “He did nothing.”

On December 22, 2020, (just 5 days after the Ligon Senate Report was issued) the Secretary of State’s office press release was issued: “Georgia Secretary of State Brad Raffensperger is coordinating a whole of government effort to combat illegal voting in Georgia, coordinating with the Governor’s office, the Georgia Bureau of Investigation (GBI), and local elections departments on the initiative. The Office of the Secretary of State has already launched over 250 investigations into credible elections concerns this year and begun a signature audit in Cobb County.”

On January 6, 2021, just two weeks after “. . . *coordinating a whole of government effort . . .*”, Secretary Raffensperger sent a letter to the United States Congress and then Vice-President Pence. In the 10-page document, Secretary Raffensperger told the U.S. Congress “. . . *that no fraud or irregularities occurred at all in Georgia.*”³ This document was not made public for months. An analysis of the “Letter to Congress” by Voter GA and others revealed that the document contains 42 false statements that Secretary Raffensperger

³ Raffensperger, U.S. Congress, (2021)

and his office made to the U.S. Congress.⁴ This is a violation of § 16-10-20. False Statements and Writings. This failure to include the pertinent facts in the Secretary's statements forms the basis for a false statement prosecution under 18 U.S.C. § 1001(a)(1).

On November 17, 2021 Governor Kemp sent a letter to the Georgia State Election Board (SEB) and Secretary of State Raffensperger, in which he stated:

On September 3, 2021, Mr. Joseph Rossi, a retired executive from Houston County, Georgia, contacted my office. Mr. Rossi presented an analysis of the 2020 Risk-Limiting Audit Report ("RLA Report") data, noting 36 inconsistencies reported by Fulton County. The analysis was created by him and attorney Jack James who volunteered their own time, without compensation, to review thousands of ballot images, audit tally sheets, and other data to double-check the work of the county. Their dedication to this immense task is commendable.

The 36 inconsistencies noted by Mr. Rossi are factual in nature, pose no underlying theories outside of the reported data, and could not be explained by my office after a thorough review detailed below. The purpose of this letter is to convey these inconsistencies to the Board and request them to be explained or corrected.

The data that exists in public view on the Secretary of State's website of the RLA Report

⁴ Voter GA, Study, 2022

does not inspire confidence. It is sloppy, inconsistent, and presents questions about what processes were used by Fulton County to arrive at the result. Though reasons for, or explanations of, Mr. Rossi's concerns may exist, they are not apparent in the RLA Report data. In reviewing this matter, I believe the Board should consider the following actions:

1. Direct investigators to review Mr. Rossi's findings, just as my office has, and order corrective action as needed to address any verified errors.
2. Determine whether any changes should be made to the RLA Report. If so, the Board should determine whether such changes adversely impact the integrity of the RLA Report as originally reported.
3. Review the audit methodology used in counties across Georgia and create a prescriptive and uniform set of rules that ensure one process is followed by all counties that result in a clear presentation of data.

Governor Kemp Letter, to the SEB.

Per Joseph Rossi's Complaint, the inconsistencies stated by the Governor added up to approximately 6,694 votes."⁵ SEB2023-025 – Fulton County (Tabulator Results 2020 General Election) was listed as "Violation Cases Recommended for Referral to the

⁵ Rossi, Kemp (2021)

Attorney General’s Office on the SEB agenda for May 7, 2024.”

On May 6, 2024, the SEB was presented the findings of the case and ignored the requests of Governor Kemp. At that time, Dr. Janice Johnson stated that based on her analysis, Fulton County had 140 election law violations due to the evidence presented. The motion by Dr. Johnson did not receive the required votes to pass. As a result, no corrective actions were ordered. The Board did not determine if changes impact the integrity of the Risk Limiting Audit (RLA) Report. The Board did not review the audit methodology used in counties across Georgia and create a prescriptive and uniform set of rules that ensure one process is followed by all counties.

Georgia code title (“OCGA”) 21-2-499 reads—“Duty of Secretary of State as to tabulation, computation, and canvassing of votes for state and federal officers; certification of presidential electors by Governor” states that:

In the event an error is found in the certified returns presented to the Secretary of State or in the tabulation, computation, or canvassing of votes as described in this Code section, the Secretary of State shall notify the county submitting the incorrect returns and direct the county to correct and recertify such returns.

In Georgia State Election Board complaint SEBBI-2023-0001, electors Joe Rossi and Kevin Moncla provide recount discrepancies validated by Georgia Governor Kemp and his office. In the *Supplemental Filing to the SOS Election Code Violations Complaint*,

SEBBI-2023-0001 illustrates three violations by the Georgia Secretary of State and his office.

“Violation 1 - The Secretary of State failed to “tabulate, compute” . . . the votes cast – accurately.

Violation 2 - The Secretary of State, when errors were found, failed to “notify the county submitting the incorrect returns and direct the county to correct and re-certify such returns.”

Violation 3 - The Secretary of State failed to “issue a new certification of the results”. On June 22, 2022, Secretary Raffensperger spoke to members of the January 6 Committee and made no mention of the 42,000-vote count difference between the 2020 election and the recount certified in December, 2020. He also did not correct Adam Schiff concerning the fact that a forensic audit took place in Georgia. In fact, based on an ORR to the Secretary of State’s Office, a forensic audit of the voting machines has never been completed in Georgia.

Adam Schiff: (01:29:56) “And Mr. Secretary, as I understand it, your office took several steps to ensure the accuracy of the vote count in Georgia, reviewing the vote count in at least three different ways. These steps included a machine recount, a forensic audit and a full hand recount of every one of the 5 million ballots cast. Did these efforts, including a recount of literally every ballot cast in the State of Georgia confirmed the result?”

Secretary Raffensperger: (01:30:20) “Yes, they did. We counted the ballots where the first tabulation would be scanned. Then when we did our 100% hand audit of the entire all 5 million ballots in the State of Georgia, all cast in place, all absentee ballots, they were all hand recounted and they came remarkably close to the first count. And then upon the election being certified, President Trump, because he was in within half percent, excuse me, could ask for a recount. And then we recounted them again through the scanners and we got, remarkably, the same count. Three counts, all remarkably close, which showed that President Trump did come up short.”⁶

3. Election Law Decisions Made by Lawmakers in Georgia, and Washington, D.C., May Have Been Influenced by a Spurious Georgia Audit Report

Information provided via ORR confirms the Georgia Pro V&V audit report was fabricated to make it appear as if an audit occurred. Our investigation determined the Georgia Pro V&V Field Audit Report from the Secretary of State’s Office is not an audit report at all. It is a document to make one believe an audit took place. The report does not state in which counties the audit took place. The report does not list serial numbers or models of the machines selected. The report does not list the security seal numbers and

⁶ Raffensperger, U.S. House Jan.6 Comm. (2022)

if they were intact. There is no confirmable data within the Georgia report, so the audit is unverifiable.⁷ In contrast, Pro V&V conducted a similar audit for the 2020 general election in Maricopa County, Arizona. The Maricopa audit report lists serial numbers, front and rear security seals, and the tests conducted which would allow the audit to be verified and validated for those machines.⁸

4. The Dominion Voting Machines Used in Georgia Have Not Been Certified as Required by Georgia Law

O.C.G.A. § 21-2-300(a)(3) states:

The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition.

A formal complaint made on September 12, 2022, to the Georgia State Election Board authored by Kevin Moncla and David Cross provides evidence to the fact that Pro V&V accreditation did terminate and fraudulent efforts were taken to cover it up. Page 13 of the complaint states,

GEORGIA'S VOTING SYSTEM WAS NEVER PROPERLY CERTIFIED Pro V&V performed the testing on Georgia's Dominion Democracy Suite 5.5A(G) system and submitted the final report to the EAC on

⁷ Georgia, Pro V&V Field Audit Report (2021)

⁸ Maricopa County, AZ, Pro V&V Field Audit Report (2021)

August 7, 2019. Because Pro V&V's VSTL accreditation expired in February of 2017 (or February of 2019 if we accept the EAC's flawed excuses) and system certification requires testing by an EAC accredited VSTL, the EAC certification of Georgia's voting system is not valid.

The actions of the EAC as detailed herein extend far beyond mere failure. The EAC has fabricated a fraudulent record for Pro V&V and has repeatedly, knowingly, and intentionally misrepresented the expired accreditation status of a Voting Systems Testing Laboratory to the American people. The EAC's deceptive practices have fostered a false sense of security and materially violated their responsibilities under the Help America Vote Act (HAVA) in both letter and spirit of the law. The inherit standard of any established institution or industry does not exist with voting systems in the United States. There is no benchmark, no independent method of testing, no oversight, and therefore there is no alternative but for the States to perform their own due diligence in testing our voting systems. Wherefore, the Georgia State Election Board must immediately suspend use of the Dominion voting systems until a thorough, review by a panel of independent experts can be performed.⁹

Continued research conducted by Moncla and Cross revealed that deficiencies discovered with Georgia's

⁹ Moncla Cross, *Official Complaint* GA SEB (2022)

Dominion Democracy Suite 5.5A(GA) election equipment is consistent with those found in 2021 in Williamson County, TN. The County immediately suspended use of Dominion voting systems and replaced the machines with those of another manufacturer. This discovery was confirmed by the Election Assistance Commission (EAC).

Those same anomalies, among others, have been witnessed in several separate incidents and the same errors have been documented in 65 of the 67 counties, some 97%, across the state of Georgia. We have evidenced these specific problems having occurred during the 2020 general election and again during the recent 2022 primaries.

The Moncla/Cross case details these anomalies in their Immediate Emergency Review sent to the Georgia State Election Board (SEB) submitted on October 11, 2022.¹⁰ Pursuant to Georgia law, OCGA 21-2-368(c), either of these events should have caused the equipment to be immediately revoked by the Secretary of State or at the request of the SEB.

O.C.G.A. § 21-2-368(c) states:

No kind of optical scanning voting system not so approved shall be used at any primary or election and if, upon the reexamination of any optical scanning voting system previously approved, it shall appear that the optical scanning voting system so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided

¹⁰ Moncla Cross, Emergency Review to GA SEB (2022)

in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such optical scanning voting system shall thereafter be purchased for use or be used in this state.

O.C.G.A. § 21-2-324(b) states:

The Secretary of State shall thereupon require such machine to be examined or reexamined by three examiners whom he or she shall appoint for the purpose, of whom one shall be an expert in patent law and the other two shall be experts in mechanics, and shall require of them a written report on such machine, attested by their signatures; and the Secretary of State shall examine the machine and shall make and file, together with the reports of the appointed examiners, his or her own report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion and in consideration of the reports of the examiners aforesaid, the kind of machine so examined can be safely and accurately used by electors at primaries and elections as provided in this chapter. If his or her report states that the machine can be so used, the machine shall be deemed approved; and machines of its kind may be adopted for use at primaries and elections as provided in this chapter.

O.C.G.A. § 21-2-324(c) states:

No kind of voting machine not so approved shall be used at any primary or election and if, upon the reexamination of any voting machine previously approved, it shall appear that the machine so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such voting machine shall thereafter be purchased for use or be used in this state.

We can no longer accept the words of the Secretary of State as truth.

The Honorable Amy Totenberg, a Senior United States District Judge of the United States District Court for the Northern District of Georgia said of the Secretary and his office, “*they are not credible*”. “The Defendant (Raffensperger et al.) have previously minimized, erased, or dodged the issues underlying this case. Thus, the Court has made sure that the past is recounted frankly in this Order, to ensure transparency for the future.”¹¹

We have spoken to hundreds of voters in North Georgia, and this is the kind of maladministration and deception that has destroyed voter confidence in our Great State.

¹¹ *Curling v Raffensperger*, U.S.D.C. N.D. Georgia, Atlanta Div., No. 1:17-cv-02989, Doc 579, (2019)



CONCLUSION

Following the 2020 General Election, Governor Brian Kemp sent these words out to reaffirm the citizens of Georgia.

Free and fair elections are the foundation of our American government. Any allegations of intentional fraud or violations of election law must be taken seriously and investigated. We trust that our Secretary of State will ensure that the law is followed as written and that Georgia's election result includes all legally-cast ballots and only legally-cast ballots. We will continue to follow this situation to ensure a fair and transparent process.”¹²

Without intervention, the continued maladministration, deception, lack of transparency, and disregard for Georgia and U.S. laws and Constitutions will continue to disenfranchise Georgia voters.

Investigations performed by the *Amici Curiae*, along with other Georgia Election Integrity Groups, have identified violations of election laws in Georgia. The *Amici Curiae* have communicated their findings with Governor Kemp and his Executive Counsel, the late Speaker David E. Ralston, as well as former State Inspector General Scott McAfee and the District Attorney for the Appalachian Circuit.

¹² Kemp, *Press Release*, 2020

With the evidence provided, this Court should grant the Petitioners' Writ of Certiorari. This relief will ensure that integrity in the election process is restored and consistent with the U.S. and Georgia Constitutions.

We pray this Brief provides insight into the destruction of integrity, transparency, confidence and reliability of Georgia elections to the Honorable Justices of the United States Supreme Court.

Respectfully submitted,

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May 31, 2024

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Appendix A

List of Amici Signatories and Donors 1a

APPENDIX A
LIST OF AMICI SIGNATORIES AND DONORS

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Patrick Joseph Johnston

Melodie E. Watson

Tommy Ray Ogle

Elizabeth W Smith

Darrel M. Bow

Sandra Kay Morris

Darcy Turner

Susan Jeanette Loring

Helen Marie Owens

Gary R. Coates

Steven A. Mango

Steven R. Jackson

Dr Raymond Tidman

Janette Davis Long

David Harrison Long

Joseph Rossi

Donors

Helen Strahl

Kim Brooks

Rick Armstrong

Melodie Watson

Marcia Smith

Dan Nancy Curdy

Jamee Brennan

Will R Cooley

Marsha Sapp

Kim Lovello

Deborah Davis

Adam Sonja Underwood

Angie Stew

Jennifer Hillegas

Ann Marie Drabek

Vicky Sutton

Stacey Doran

Nancy Arnold

Gail Lee

Beverly Meng

Margie Morris

Karen Mann

Deller Brock

Angela Shopone

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Helen Owens
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Gary Coates
Vicky Sutton
Ally Rose Becker
James Abely
Debra Couey
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Mary Benefield
Sarah Webster
Donna Gallaher
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