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Congress of the United States

House of Representatives

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ONE HUNDRED SIXTEENTH CONGRESS

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July 22, 2020

Ms. Mary Carole Cooney
Chairperson,
Registration and Elections Board
Fulton County
130 Peachtree St. SW, Ste. 2186
Fulton, GA 30303

Dear Ms. Cooney,

As Ranking Member of the Committee on House Administration in the U.S. House of Representatives, which has broad jurisdiction over election issues, I write to you because of the election administration issues that plagued your county's June 9th primary election. As primary elections conclude across the country, I have identified Fulton County as one where voters are likely to face significant hurdles voting in the November 3rd general election and where the risk of failure is simply too high. Included in this letter are references to the issues identified as well as oversight questions aimed at reassuring me and, more importantly, the voters of Fulton County that they will not be disenfranchised again.

a. *Failure to adequately prepare for an increase in absentee ballots:* Due to Covid-19 we are seeing a significant increase of voters requesting absentee ballots across the nation. The Georgia Secretary of State's office announced in mid-April that Georgia would be mailing absentee ballot request forms to all registered voters, roughly 6.9 million people. Before the June 9th primary, the Secretary of State's office was already investigating Fulton County for how it handled its absentee ballots, "some of which never reached voters' mailboxes despite applications coming in two months ago." Additionally, "absentee ballot requests from an unknown number of Fulton County voters [went] missing, apparently lost in the election office's swamped email system." Fulton County allowed voters to email their absentee applications but almost immediately ran into issues when the servers and staff could not handle the surge of thousands of applications. Fulton's Director of Registration and Elections Richard Barron said staff was slowed down by people "submitting applications multiple times or in file formats that couldn't be printed, like a quick video recording of their application, instead of sending a simple photo or PDF." It has been reported that an audit to find emailed absentee ballot requests is underway.

    a. When are the results of this audit expected? Please remit these audit results as soon as possible to my Committee.
        1. As part of this audit, please identify how many ballot requests went unaccounted.

b. The Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council (GCC) and Sector Coordinating Council's (SCC) Joint Covid Working Group has produced a series of documents, available on the Election Assistance Commission's website, meant to provide guidance to state, local, tribal, and territorial election officials on how to administer and secure election infrastructure in light of the Covid-19 epidemic. Included in these documents is a "Vote by Mail/Absentee Voting Timeline" which provides recommendations and a timeline for ramping up vote by mail operations.[1] Using this timeline as a reference point, please provide the Committee an update on whether Fulton County is taking these recommendations and if Fulton County is meeting the proposed timeline.
c. How will your office bolster its IT infrastructure ahead of the November general election?

b. *Closure of in-person voting locations:* Last year, Georgia invested over $100 million dollars in new voting machines and equipment including electronic poll books maintained on digital tablets. Fulton County is home to 11% of the state's voting population, but the county elections board decided to open only five early voting locations. The elections board said they did so to keep people safe and hoping more voters would mail in their ballots. On primary day, it was widely reported that voters throughout the county waited upwards of five hours in line.

1. The Presidential Commission on Election Administration has said voters should not have to wait more than 30 minutes, how does your office plan on reducing the time voters spend in line on November 3rd, 2020?
2. Does any effort by your office to reduce wait times include the opening of additional in-person voting locations for early voting and/or election day voting?
3. What plans does your office have in place to ensure the health and safety of staff, volunteers, and voters in both early voting and on election day?
4. With the recent announcement that the Atlanta Hawks would offer their facility to be an early polling location for the August 11th runoff and November general election, with the support of hundreds of arena staff being trained as poll workers, how will county election officials make sure this large of a site which will be "configured to hold hundreds of [voting machines]" is ready to handle such an influx of voters in a timely fashion?

c. *Inadequate staffing and staff training:* A major issue that seemingly only plagued Fulton County was operating issues with the recently purchased ballot-marking devices. At multiple sites in Fulton County the new voting machines went down with staff having to rely on off-site technical support. One voter said that once inside the polling place "poll workers were not directing voters, and that no one had talked to voters in line during the five-hour wait." Director Barron said the problems were, "mostly equipment issues, many caused by different training challenges that we had." All of Georgia's 159 counties faced the same difficulties of rolling out a new election system during a pandemic, but every other county was able to appropriately respond to issues following guidance from the State Election Board. The

[1] *Vote by Mail Timeline*, Election Assistance Commission (2020), https://www.eac.gov/sites/default/files/electionofficials/vbm/VBMProjectTimeline.pdf.

Secretary's office found that every allegation of "machines not working" turned out to be operator error that should have been resolved by poll workers.

1. Under Georgia election code, the election superintendent "shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures…" Upon successful completion of instruction, "the superintendent shall give each poll officer and poll worker a certificate to the effect that such person has been found qualified to conduct such primary or election with the particular type of voting equipment in use in that jurisdiction. *See O.C.G.A. §21-2-99(a).* What training was done for the poll workers who had their first encounter with the new machines upon their arrival to the polls?
    i. With the roll out of a new voting system, why wasn't socially distanced in-person training, or live-video training, with the new machines mandatory?
    ii. What changes to poll worker training will be done ahead of the August 11th runoff and November general election?
2. If Fulton County again suffers a significant failure in the operation of the ballot marking devices, will voters be offered a paper or provisional ballot?
3. Over 300 people signed up to be a poll worker for Fulton County through the Secretary's website. It is reported that not a single one of these individuals were contacted. Can you explain why no attempt to contact these volunteers was made?
    i. In the event that poll workers again fail to show on election day, what contingency plans will your office have in place?
4. What is your office doing to make sure voters are informed of any election administration changes ahead of the November election?

I commend the work of the previous and current Georgia Secretary of State who have successfully implemented changes such as 16 days of early voting, the roll out of automatic voter registration, and the implementation of new ballot marking devices statewide. I also applaud Secretary Raffensperger's efforts as Georgia continues to see record voter turnout. However, elections in Georgia, and much of the country, are run at the county level. Ahead of the 2020 general election it is imperative Fulton County address these issues to ensure voters are again not disenfranchised. Please submit answers to these questions to my office by August 14, 2020. If you have any questions, please contact my staff at the Committee on House Administration at (202) 225-8281.

Sincerely,

Rodney Davis

Rodney Davis
Ranking Member