

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

**STATE ELECTION BOARD,
Petitioner,**

v.

**TRUE THE VOTE, INC.,
Respondent.**

Civil Action No. 2023CV382520

**TRUE THE VOTE INC.'S
RESPONSE TO COURT ORDER**

To the Honorable Court:

True the Vote, Inc. (“TTV”) submits this response to the Court’s Order Compelling Response to Subpoena, entered November 20, 2023, and is contemporaneously producing documents to counsel for the State Elections Board (“SEB”), pursuant to that order. TTV notes there is pending a parallel proceeding in the Northern District of Georgia, Cause No. 1:22-CV-04259, *Mark Andrews v. Dinesh D’Souza, et al.*, arising out of the same general set of operative facts. That case is in the active discovery phase, and the federal court has not yet entered what TTV expects will be an agreed protective order covering all documents and electronically-stored information (“ESI”).

This cases arises out of an underlying administrative subpoena duces tecum, issued by the State Election Board (“SEB”) and dated April 21, 2022, and

evidently assigned to SEB Case No. 2022-003 (the “Subpoena”). It is one of four substantially identical subpoenas served that date. Service of all four was accepted by prior counsel.

The Subpoena itself refers back to a complaint TTV submitted to Georgia Secretary of State Brad Raffensperger on November 30, 2021, alleging potential violations of O.C.G.A. Section 21-2-385 (a) Procedure for voting by absentee ballot; advance voting (the “Complaint”).

Upon renewed inquiry from the SEB earlier this year, TTV withdrew the Complaint, citing the fact that too much time had passed and that therefore even if there were found to have been a violation of the cited section, limitations would have passed. The SEB declined to allow TTV to withdraw its Complaint, so TTV responded to each of the requests in the Subpoena by letter dated June 14, 2023. A copy of that letter is attached as Exhibit 9 to the SEB’s Petition.

Since then, TTV has made every additional reasonable effort to locate responsive items. So, TTV responds as follows to each numbered request in Exhibit A to the Subpoena:

1. The “detailed account of coordinated efforts to collect and deposit ballots in drop boxes across metro Atlanta” referenced in your November 30, 2021 complaint (“Complaint”), including any recordings, transcripts, summaries, testimony, statements, witness interviews, notes, or other documents describing such account, including the identities and contact information for the people who gave such detailed account.

Response:

TTV does not have in its possession, custody, or control identity and contact information. Any otherwise potentially responsive non-privileged items not requiring retrieval of massive amounts of raw data from cold storage, that are within TTV's possession, custody, or control are being provided.

2. The identity and contact information of the "several individuals regarding personal knowledge, methods, and organizations involved in ballot trafficking in Georgia" referenced in your Complaint and any recordings, transcripts, summaries, testimony, statements, witness interviews, notes or other documents describing what those individuals said.

Response:

TTV does not have in its possession, custody, or control such identity and contact information. Any otherwise responsive non-privileged items that are within TTV's possession, custody, or control are being provided.

3. The identity and contact information of the "contracted team of researchers and investigators" referenced in your Complaint and any recordings, transcripts, testimonies, statements, summaries, witness interviews, notes, or other documents evidencing what the "several individuals regarding personal knowledge, methods, and organization involved in ballot trafficking in Georgia," told them.

Response:

TTV does not have in its possession, custody, or control such identity and contact information. Any otherwise potentially responsive and non-privileged items that are within TTV's possession, custody, or control are being provided.

4. The identity and contact information for John Doe referenced in your Complaint and any recordings, transcripts, testimonies, statements, summaries, witness interviews, notes, or other documents evidencing all statements John Doe told you.

Response:

TTV does not have in its possession, custody, or control, identity and contact information for John Doe or any such items concerning him.

5. The identity and contact information for John Doe's mother and any recordings, transcripts, testimonies, statements, summaries, witness interviews, notes or other documents evidencing what she told you or your contracted team of researchers and investigators.

Response:

TTV does not have in its possession, custody, or control, identity and contact information for John Doe's mother or any such items concerning her.

6. Any recordings, transcripts, voicemails, summaries, notes, or other documents you're your Georgia Election Integrity Hotline, tip line, or other hotline regarding allegations of ballot harvesting in Georgia.

Response:

TTV's records show it had contacts from approximately 117 Georgia citizens through its hotline in Georgia, but details regarding those contacts are no longer available due to the 2022 termination of the reporting service used during the Oct. 2020/Jan. 2021 time period.

7. Any receipts, invoices, bills, or other documents evidencing any medical payments you or your contracted team of vendors made for any person you suspect participated in ballot harvesting in Georgia.

Response:

TTV does not retain such records in its possession, custody, or control.

8. The identities of the “network of non-governmental organizations that worked together to facilitate a ballot trafficking scheme in Georgia” that John Doe allegedly described to you and any recordings, transcripts, testimonies, statements, summaries, witness interviews, notes, or other documents evidencing those statements.

Response:

TTV does not retain such records in its possession, custody, or control.

9. The identities of the “ten hubs” in Atlanta that you allege participated in a ballot harvesting scheme in Georgia.

Response:

TTV does not recognize or recall the term “ten hubs” as used in this context. That said, any non-privileged items potentially responsive within TTV’s possession, custody, or control are being produced.

10. The identity and contact information for the “bartender who came in from South Carolina” to help with the alleged ballot harvesting scheme in Georgia and any recordings, transcripts, testimonies, statements, summaries, witness interviews, notes or other documents supporting this allegation.

Response:

TTV does not have in its possession, custody, or control, such identity and contact information or any such items concerning her.

11. Any Non-disclosure agreements or confidentiality agreements you are relying on to withhold the disclosure of any documents or information being requested by this subpoena.

Response:

TTV has no such documents in its possession, custody, or control.

Respectfully submitted,

/s/ David E. Oles

David E. Oles

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**Pro hac vice*

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing on all parties by notice of electronic filing.

By: /s/ Michael J. Wynne

Michael J. Wynne

**Pro hac vice*