

**Subject:** Re: Public Records Request (GA-SEB-24-1698)  
**Date:** Friday, September 13, 2024 at 1:27:29 PM Eastern Daylight Time  
**From:** Hardin, Alexandra (SEB)  
**To:** AO Records  
**Attachments:** Outlook-qo3zfuqy.png, Outlook-0db0hzin.png, Outlook-acpys4ca.png, Outlook-orj4mnyo.png, Outlook-5gu1vmep.png, Outlook-qbdoeahi.png, SEBORR24-34 response.pdf

EXTERNAL SENDER

Please see the attached response to your request from August 9.

Thank you,



**ALEXANDRA HARDIN**  
Paralegal  
Georgia State Election Board

☎ 470-312-2715  
📠 404-927-0177

2 MLK Jr. Drive SE  
Suite 802, West Tower  
Atlanta, GA 30334

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

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**From:** Hardin, Alexandra (SEB) <ahardin@sos.ga.gov>  
**Sent:** Monday, August 12, 2024 8:21 AM  
**To:** AO Records <records@americanoversight.org>  
**Subject:** Re: Public Records Request (GA-SEB-24-1698)

Good morning,

We are in receipt of your request. Please allow approximately three weeks to complete record production.

Thank you,



**ALEXANDRA HARDIN**  
Paralegal  
Georgia State Election Board

☎ 470-312-2715  
📠 404-927-0177

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Suite 802, West Tower

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Friday, August 9, 2024 1:08 PM  
**To:** Hardin, Alexandra (SEB) <ahardin@sos.ga.gov>  
**Subject:** Public Records Request (GA-SEB-24-1698)

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Open Records Officer,

Please find attached a request for records under Georgia's Open Records Law.

As you likely know, we have filed an action against the State Election Board under the Open Meetings Act. In this email, we are submitting an unrelated Open Records request, which we consider to be a separate matter from the lawsuit. The request addresses matters not currently involved in the pending litigation. However, if you have counsel authorized to conduct these negotiations, please direct them to us.

Thanks,

**Eva Mayanja** | She/Her  
Paralegal | American Oversight  
[records@americanoversight.org](mailto:records@americanoversight.org)  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: GA-SEB-24-1698



John Fervier <jfervier.seb@gmail.com>

**Columbia County, GA's Pending Contract with EagleAI**

4 messages

**Victoria Hammitt**

To: "sebpubliccomments@sos.ga.gov" <sebpubliccomments@sos.ga.gov>  
Cc: "jfervier.seb@gmail.com" <jfervier.seb@gmail.com>, "saraghazal.seb@gmail.com" <saraghazal.seb@gmail.com>, "edwardlindsey.seb@gmail.com" <edwardlindsey.seb@gmail.com>, "jjohnstonmd.seb@gmail.com", "rjeffares.seb@gmail.com" <rjeffares.seb@gmail.com>, Jonathan Diaz

To the Georgia State Election Board,

Campaign Legal Center (CLC) and American Oversight write to inform you about a potential violation of Georgia state law by Columbia County in connection with the Co contract with EagleAI NETWORK for software and other services related to the maintenance of the County's voter registration lists. Please find attached a letter from CLC a detailing how the contract may violate Georgia's ban on the use of non-public funds for election-related costs and expenses.

Thank you.

**Victoria Hammitt**

Program Assistant

202.540.2279 |

Campaign Legal Center  
1101 14<sup>th</sup> St. NW Suite 400  
Washington, DC 20005  
[campaignlegalcenter.org](http://campaignlegalcenter.org)

[Facebook](#) | [Twitter](#)

Check out CLC's new podcast: [Democracy Decoded](#)

**CLC-AO Letter Regarding EagleAI.pdf**  
1037K

**John Fervier** <jfervier.seb@gmail.com>

Mon, Mar 11, 2024 at 9:35 AM

To: "Hardin, Alexandra" <ahardin@sos.ga.gov>, "Coan, Michael" <mcoan@sos.ga.gov>

See below. It appears that you were not copied on this email.

John  
[Quoted text hidden]

**CLC-AO Letter Regarding EagleAI.pdf**  
1037K

**John Fervier** <jfervier.seb@gmail.com>

Mon, Mar 11, 2024 at 9:48 AM

To: "McGowan, Charlene" <cmcgowan@sos.ga.gov>

I thought that you should be copied on this email since you are mentioned in the attached letter and it involves previous correspondence with the SOS.

Best Regards,  
John Fervier  
[Quoted text hidden]

**CLC-AO Letter Regarding EagleAI.pdf**  
1037K

**Hardin, Alexandra** <ahardin@sos.ga.gov>

Mon, Mar 11, 2024 at 3:53 PM

To: John Fervier <jfervier.seb@gmail.com>, "Coan, Michael" <mcoan@sos.ga.gov>

The legality of EagleAI's services in Columbia County has been a hot topic amongst the board members for as long as I have been an employee. I can forward you all of the correspondence and documentation that I have on this, if you'd like. Is this something you wish to open a case for?

**Alexandra Hardin**

Paralegal  
Georgia State Election Board  
Direct: 470-312-2715  
Cell: 404-927-0177

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**From:** John Fervier <jfervier.seb@gmail.com>  
**Sent:** Monday, March 11, 2024 9:35 AM  
**To:** Hardin, Alexandra <ahardin@sos.ga.gov>; Coan, Michael <mcoan@sos.ga.gov>  
**Subject:** Fwd: Columbia County, GA's Pending Contract with EagleAI

GA-SEB-24-1698-A-000001

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

[Quoted text hidden]



Friday, March 8, 2024

Re: Columbia County, GA's Pending Contract with EagleAI

**Via Email**

Dear Secretary Raffensperger and members of the Georgia State Election Board:

On behalf of Campaign Legal Center and American Oversight, we write to inform you about a potential violation of Georgia state law by Columbia County (the "County") in connection with the County's partially executed contract with EagleAI NETWORK ("EagleAI") for software and other services related to the maintenance of the County's voter registration lists.

Campaign Legal Center ("CLC") is a non-partisan, non-profit organization that works to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. CLC has provided expert legal and policy analysis on democracy issues to legislative and rulemaking bodies across the country, and has litigated campaign finance, government ethics, voting rights, and redistricting cases in numerous jurisdictions, including Georgia.

American Oversight is a non-partisan, non-profit watchdog that advances truth, accountability, and democracy by enforcing the public's right to government records. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and public records requests, American Oversight uses the information gathered, and its analysis of it, to

educate the public about the activities and operations of federal and state government agencies and officials through reports, published analyses, press releases, and other media. American Oversight’s state-level investigations, including in Georgia, have focused particularly on issues related to voter suppression efforts, the election denial movement, and other threats to democracy.

As detailed further below, it appears that Columbia County’s contract with EagleAI, if executed, may violate Georgia’s ban on the use of non-public funds for election-related costs and expenses insofar as the County has accepted election-related services from EagleAI at a below-market rate.

### **Legal Background**

As you know, in 2023, the Georgia General Assembly enacted, and Governor Kemp signed into law, Senate Bill 222, which prohibits county or municipal government employees, including election workers, from “solicit[ing], tak[ing], or otherwise accept[ing] from any person a contribution, donation, service, or anything else of value for the purpose of conducting primaries or elections or in support of performing his or her duties” under the Georgia election code.<sup>1</sup> Violating this prohibition is a felony.<sup>2</sup>

The bill further instructs that “[n]o superintendent, county, or municipality shall take or accept any grants or gifts for purposes of administering [Georgia’s election laws] from any source other than the State of Georgia or the federal government,”<sup>3</sup> meaning that all election-related costs and expenses must be paid with public funds.

Georgia law and regulations consistently treat the provision of services or goods at below-market rates as a thing of value, comparing the amount charged to the actual value of the goods or services.<sup>4</sup> As a

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<sup>1</sup> Ga. Code Ann. § 21-2-18(c) (as amended by S.B. 222 (2023)).

<sup>2</sup> Ga. Code Ann. § 21-2-18(e) (as amended by S.B. 222 (2023)).

<sup>3</sup> Ga. Code Ann. § 21-2-71(b) (as amended by S.B. 222 (2023)).

<sup>4</sup> *See, e.g.*, Ga. Comp. R. & Regs. 189-2-.01(11) (defining “in-kind expenditure” to include where a recipient receives the benefit of goods or services but “did not extend payment to an end-recipient for the goods or services provided”); O.G.C.A. § 21-5-70(1)(C) (defining “expenditure” for purposes of lobbying disclosure as “any gratuitous transfer, payment, subscription,

result, accepting election-related services at below-market rates—even if the county paid a nominal fee for the service—would likely violate Georgia law’s prohibition of private funding for elections.

## Factual Background

Georgia is a member of the Electronic Registration Information Center (“ERIC”), which Secretary Raffensperger has described as the “only large-scale list maintenance tool available to identify voters who have moved out-of-state”<sup>5</sup> or who otherwise might no longer be eligible to vote. ERIC also enables states to detect and respond to cases of double-voting by individuals in more than one state, making it “valuable for both list maintenance and election security.”<sup>6</sup>

EagleAI describes itself as “the tool of reckoning across the nation for use at all levels of Election Roster validation, maintenance and review,” by offering software and tools for “testing, auditing and maintaining the validity of voter registrations,” as well as “policy consulting” services.<sup>7</sup> EagleAI not only offers these services to state and county governments, but also to individual citizens so that they can conduct their own independent “reviews” of voter registration lists and flag them for review by election officials.<sup>8</sup> EagleAI is supported by the “Election Integrity Network,” an organization led by Cleta Mitchell, an attorney who helped lead the unsuccessful efforts to overturn the 2020 election results in Georgia and other states.<sup>9</sup> Jason Frazier, who has filed

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advance, or deposit of money, services, . . . or anything of value, unless consideration of equal or greater than face value is received”); *see also* Atty. Gen. Op. 2007-07, <https://ethics.ga.gov/advisory-opinion-no-2007-07/> (“Providing the use of a plane to a candidate or public officer without charge or at a price that is less than the fair market value is an in-kind contribution”).

<sup>5</sup> *Secretary Raffensperger Leads with Interstate Voter Data Agreement*, Georgia Secretary of State (Sept. 21, 2023), <https://sos.ga.gov/news/secretary-raffensperger-leads-interstate-voter-data-agreements>.

<sup>6</sup> *Id.*

<sup>7</sup> *Eagle AI Network: The Voter Integrity Software* (May 1, 2023), Documented, <https://documented.net/media/eagle-ai-network-capabilities-study>.

<sup>8</sup> *Id.*

<sup>9</sup> *Meet “Eagle AI,” the Cleta Mitchell-Backed MAGA Mass Voter Challenge Program*, Documented (Aug. 17, 2023), <https://documented.net/investigations/meet-eagle-ai-the-cleta-mitchell-backed-project-for-maga-activists-to-file-mass-voter-challenges>; *Cleta Mitchell’s “Election Integrity Network” and Its Attack on Voting Rights*, Documented (May 8, 2023), <https://documented.net/investigations/the-conservative-partnership-institutes-election-integrity-network-attack-on-voting-rights>.

thousands of frivolous and unsuccessful voter challenges in Georgia and was recently rejected from a seat on the Fulton County Board of Elections,<sup>10</sup> has also consulted on EagleAI’s work.<sup>11</sup>

As Georgia Elections Director Blake Evans recently observed, EagleAI “seem[s] to steer counties towards improper list maintenance activities” by “draw[ing] inaccurate conclusions and then present[ing] them as if they are evidence of wrongdoing.”<sup>12</sup> The resources EagleAI claims to provide are not additive to the data and processes already available to Georgia election officials via ERIC membership; instead, their reliance on unreliable and flawed public data sources, including newspaper obituaries and commercial databases, is likely only to lead to false positives that create unnecessary work for election officials—such as the false positives underlying the similarly flawed mass voter eligibility challenges submitted to several counties in 2022.<sup>13</sup>

Prior to Columbia County entering into a contract with EagleAI, CLC joined several voting rights organizations in sending a letter to the County Board of Elections raising concerns with the reliability and legality of using EagleAI’s services for voter list maintenance.<sup>14</sup> In an email to Columbia County, the Georgia State Election Board likewise suggested that, depending on the terms of the agreement with EagleAI,

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<sup>10</sup> Doug Bock Clark, *Close to 100,000 Voter Registrations Were Challenged in Georgia — Almost All by Just Six Right-Wing Activists*, ProPublica (July 13, 2023), <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

<sup>11</sup> Caroline Haskins, *A new tool targets voter fraud in Georgia – but is it skirting the law?*, The Guardian (Feb. 26, 2024), <https://www.theguardian.com/us-news/2024/feb/26/eagleai-georgia-voter-registration-election>.

<sup>12</sup> Jane C. Timm, *Inside the right’s effort to build a voter fraud hunting tool*, NBC News (Aug. 17, 2023), <https://www.nbcnews.com/politics/2024-election/conservatives-voter-fraud-hunting-tool-eagleai-cleta-mitchell-rcna97327>.

<sup>13</sup> Margaret Newkirk and Ryan Teague Beckwith, *Trump Allies Back Mass Challenge to Voter Eligibility in Georgia*, Bloomberg (Sept. 1, 2022), <https://www.bloomberg.com/news/articles/2022-09-01/trump-allies-back-mass-challenge-to-voter-eligibility-in-georgia>; see also Letter from Brennan Center for Justice to County Board of Elections & Registration (Sept. 1, 2022), <https://www.brennancenter.org/sites/default/files/2022-09/Letter%20to%20Georgia%20Counties%20re%20Voter%20Challenges.pdf>.

<sup>14</sup> Letter from Brennan Center for Justice to County Board of Elections & Registration (Sept. 1, 2022), <https://www.brennancenter.org/sites/default/files/2022-09/Letter%20to%20Georgia%20Counties%20re%20Voter%20Challenges.pdf>.



“if value is provided, [SB 222] may be implicated.”<sup>15</sup> Nevertheless, in December 2023, Columbia County announced its intent to enter into a contract with EagleAI to review voter challenges and conduct list maintenance activities.<sup>16</sup>

## Analysis

According to the Software License Agreement between EagleAI and Columbia County, EagleAI proposes to provide “software to assist in maintaining its voter registration list.”<sup>17</sup> The contract is effective for one year, and Columbia County is required to pay EagleAI \$2,000 for their licensing fee.<sup>18</sup> This fee includes the software, “any necessary supporting software,” and “90 days of installation, training, and support.”<sup>19</sup> The agreement provides that “[a]dditional Services would be available upon request after approval” by the Board, at hourly rates ranging from \$75 to \$150.<sup>20</sup> Columbia County may terminate the agreement at any time, without penalty, if the County finds that the “data and/or Services are . . . unreliable and/or do not meet the standards of the Licensee.”<sup>21</sup> The validity of the contract is governed by Georgia law.<sup>22</sup>

The public record demonstrates that the \$2,000 charge in the contract is a mere “nominal fee” added with the intent of evading SB 222’s ban on private election funding. In a presentation to an Election Integrity Network working group in March 2023, EagleAI’s founder, Dr. Rick Richards, described his discussions with Columbia County and his intention to offer EagleAI’s services to the county without charge.<sup>23</sup> Mitchell stated that providing EagleAI’s services for free would violate

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<sup>15</sup> Letter from Georgia State Election Board to Columbia County Board of Elections (May 11, 2023), Documented, <https://documented.net/media/georgia-state-election-board-may-11-2023-letter-to-columbia-county>.

<sup>16</sup> Alexandra Berzon & Nick Corasaniti, *Georgia County Signs Up to Use Voter Database Backed by Election Deniers*, N.Y. TIMES (Dec. 1, 2023), <https://www.nytimes.com/2023/12/01/us/politics/georgia-county-election-deniers-trump.html>.

<sup>17</sup> Exhibit A (Voter Roll Maintenance Software License Agreement) at 2.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 3.

<sup>23</sup> Videotape: March 23, 2023 Meeting of the Technology Working Group, Election Integrity Network (Mar. 23, 2023), <https://documented.net/investigations/meet-eagle-ai-the-cleta-mitchell-backed-project-for-maga-activists-to-file-mass-voter-challenges> (5th embedded video clip at 00:00 – 00:55).

SB 222 (which, at that time, had passed the Georgia House and was pending before the Georgia Senate) and advised that Richards charge the county a small fee to “get past” the requirements of the bill.<sup>24</sup> In response, Richards stated that EagleAI “can charge a nominal fee” to Georgia counties for the use of its services.<sup>25</sup> The term “nominal fee” and the explicit intention to “get past” SB 222 imply that EagleAI would be charging a below-market rate for its services, a conclusion supported by subsequent correspondence between EagleAI and Georgia officials.

In a May 10, 2023 email to Charlene McGowan, General Counsel for the Georgia Secretary of State, Dr. Richards wrote that he had planned on charging Columbia County only \$1 per year, unless a fee in that amount would violate SB 222.<sup>26</sup> If such a nominal cost would run afoul of the prohibition on private election funding, Dr. Richards said EagleAI could “certainly charge more”—suggesting that EagleAI would charge the minimum amount necessary to evade liability, rather than offering their services at fair market value.<sup>27</sup>

A county government in Georgia may not solicit or accept a “contribution, donation, service, or anything else of value” to support election administration, and all election-related costs and expenses must be paid for using public funds.<sup>28</sup> By accepting EagleAI’s services at a rate engineered to evade the private funding ban—rather than to reflect any market value of its services—it appears the county has accepted a prohibited donation, service, or thing of value in violation of Georgia law. The prohibited “thing of value” should be valued at the difference between the amount charged and the actual value of the services.<sup>29</sup>

If SB 222’s private funding ban contains such a gaping loophole, then any civic organization—such as the Center for Tech and Civic Life, whose financial support to local election offices prompted the Assembly

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<sup>24</sup> *Id.* (at 01:24 – 01:47).

<sup>25</sup> *Id.* (at 01:48 – 02:24).

<sup>26</sup> Email from Rick Richards to Charlene McGowan (May 10, 2023), Documented, <https://documented.net/media/may-2023-email-from-rick-richards-to-georgia-secretary-of-state-general-counsel-charlene-mcgowan>.

<sup>27</sup> *Id.*

<sup>28</sup> O.C.G.A. §§ 21-2-18(b), (c).

<sup>29</sup> *See, e.g.*, O.G.C.A. § 21-5-3 (defining “gift” as “any gratuitous transfer to a public officer or any member of the family of the public officer or a loan of property or services which is not a contribution . . . and is more than \$100”).

to enact SB 222 in the first place<sup>30</sup>—could easily undermine the law’s intention by charging a nominal fee to provide election-related resources and services to county governments.

### Conclusion

For the reasons explained above, we urge you to investigate this matter to determine whether a violation has occurred, and if so, issue a letter of instruction to Columbia County directing them to cancel their contract with EagleAI pursuant to the termination clause in the agreement or withdraw from contract negotiations with EagleAI.

Thank you for your attention to this matter.

Respectfully,

/s/Jonathan Diaz

Jonathan Diaz, Director, Voting Advocacy and Partnerships  
Campaign Legal Center  
1101 14th Street NW, Suite 400  
Washington, DC 20005

[REDACTED]

/s/ Heather Sawyer

Heather Sawyer, Executive Director  
American Oversight  
1030 15th Street NW, B255  
Washington, DC 20005

[REDACTED]

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<sup>30</sup> See, e.g., Shania Shelton, *Georgia Legislature Passes Bill Criminalizing Private Funds to Election Offices*, CNN (Mar. 29, 2023), <https://www.cnn.com/2023/03/29/politics/georgia-bill-criminalize-private-funds-elections/index.html>.

# EXHIBIT A

**Subject:** Open Records Request :: P009910-030124

**Date:** Friday, March 1, 2024 at 3:24:11 PM Eastern Standard Time

**From:** Columbia County Board of Commissioners

**To:** AO Records

EXTERNAL SENDER

--- Please respond above this line ---

03/01/2024

RE: Open Records Request on 3/1/2024 for Department - Other, Reference # P009910-030124

Dear Khahilia,

The County received a public records request from you on March 01, 2024. Your request mentioned:

*"A complete copy (including any attachments) of any final, signed contract or subcontract, amendment, memorandum of understanding, or other written agreement between Columbia County, Georgia, and EagleAI Network."*

The County has reviewed its files and has located responsive records to your request. Please log in to the [Open Records Center](#) at the following link to retrieve the documents.

Department: [Other - P009910-030124](#)

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

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](#).



## SOFTWARE LICENSE AGREEMENT

This Software License Agreement (hereinafter called the “License”) is made and entered into on \_\_\_\_\_, 2024 (Effective Date”) by and between **Eagle AI Network, LLC**, a software company with a location at 3914 Mullikin Road, Evans, Georgia 30809 (hereinafter the “Contractor” or “Licensor”) and the **Columbia County Board of Elections**, a political subdivision of the state of Georgia, (hereinafter the “BOE” or “Licensee”).

**WHEREAS**, the BOE has identified a need to contract for software to assist in maintaining its voter registration list (hereinafter “Services”). Said software shall not be used as the sole means to remove a voter from the voter registration list;

**WHEREAS**, the Licensor desires to provide the BOE a license for software able to perform the above Services and the BOE desires to license Licensor’s software for such purposes;

**WHEREAS**, the Licensor shall procure any voter registration lists from the Georgia Secretary of State;

**NOW THEREFORE**, in consideration of the premise, the mutual covenants contained in this License, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Licensor and BOE hereby agree as follows:

1. Term.
  - a. Initial Term. The initial term of this License shall commence on the Effective Date and expire one (1) year after the Effective Date, unless extended or sooner terminated in accordance with this License.
  - b. Renewal Term. Licensee shall have the right to extend this License for five (5) additional one (1) year terms on the same terms and conditions as set forth in this License. Unless Licensee notifies Licensor of its election not to exercise the renewal term at least one (1) month prior to the expiration of the initial term the renewal term shall automatically be exercised without notice or other action of any kind by Licensee.
  - c. Termination. Licensee shall have the right to terminate the License immediately, without penalty, upon its learning Licensor’s data and/or Services are found unreliable and/or do not meet the standards of the Licensee.
2. Licensing Fee. Licensee shall pay Licensor \$2,000/year for the rights granted herein (“Licensing Fee”). Said Licensing Fee covers the cost of the Eagle AI software, any necessary supporting software, including Claris/Filemaker Pro, and 90 days of installation, training and support. Additional Services are available upon request after approval by the Columbia County Department of Elections or Board of Elections. Rates for Additional Services are in Appendix I.
3. Licensor Relationship. In performance of services specified by the SOW under this License, the Licensor is acting as an independent contractor and not as an employee, partner or agent of the BOE. The Licensor shall have no power or authority to bind, represent or act on behalf of the BOE. As an independent contractor, the Licensor will be responsible for the payment of all taxes on the Licensor’s earnings under this License and will not be subject to withholding of income, FICA, or Medicare taxes by the BOE. The Licensor shall have full responsibility for services provided in accordance with the SOW.
4. Privacy and Data Protection. Licensor will: (i) comply with all applicable privacy laws; (ii) comply with all standards that relate to privacy laws and the privacy and security of Personal Information; (iii) refrain from any action or inaction that could cause a breach of any privacy laws; (iv) do and execute, or arrange to be done and executed, each act, document and thing Licensee deem necessary in our business judgment to keep Licensee in compliance with the privacy laws; and (v) immediately report to us the theft or loss of Personal Information (other than the Personal Information of Licensor’s own officers, directors, shareholders, employees or service providers).
5. Amendment of License. Modifications or changes in this License must be in writing and executed by the parties



bound to this License.

6. Authority to Contract. The individual executing this License on behalf of Licensor covenants and declares that it has obtained all necessary approvals of Licensor's board of directors, stockholders, general partners, limited partners or similar authorities to simultaneously execute and bind Licensor to the terms of this License, if applicable.
7. Licenses, Certifications, Permits, Etc. Licensor covenants and declares that it has obtained all diplomas, certificates, licenses, permits or the like required of Licensor by any and all national, state, regional, County, or local boards, agencies, commissions, committees or other regulatory bodies in order to perform the Work contracted for under this License. Further, Licensor agrees that its software will perform all Services in accordance with the standard of care and quality ordinarily expected of competent professionals and in compliance with all federal, state, and local laws, regulations, codes, ordinances, or offers applicable to the Project, including, but not limited to, any applicable records retention requirements and Georgia's Open Records Act (O.C.G.A. §50-18-71, et seq.).
8. Assignment. This License, or any interest therein, shall not be assignable by the Licensor to any other party without the prior written consent of the BOE and Licensee.
9. Governing Law/Venue. All issues and questions concerning the construction, validity, enforcement and interpretation of this License, and concerned with work performed under this License, will be governed by and construed under only Georgia law without giving effect to any choice of law or conflict of law rules or provisions that would cause the application of the laws of any jurisdiction other than Georgia. The federal and state law courts having jurisdiction over the Columbia County Board of Elections shall have the exclusive jurisdiction for all matters arising from this License. In consenting to jurisdiction, a representative must be named as registered agent in state of Georgia, who can be served in the event of legal action.
10. Indemnification. Licensee and Licensor agree that, regardless of any other provision to the contrary, including but not limited to those contained in Licensor's End User Agreement, there shall be no indemnification obligations between the parties and each party shall be responsible for their, and their employees' and agent's, respective actions/inactions and defense/legal fees related to the same.
11. Miscellaneous.
  - a. This License constitutes the entire License and understanding of Licensor and Licensee, and supersedes all offers, negotiations, agreements, conditions and other Licenses for the Services.
  - b. If any portion of this License is found to be void or invalid, such invalidity shall not effect the remaining terms of this License, which shall continue in full force and effect unless the invalidity, in Licensee's discretion, hinders Licensee's needs for the Services or defeats the overall intent of the License.

This License is an important legal document. Prior to accepting these terms and agreements you should have fully reviewed and understood its contents. You may consult with your attorney before accepting terms and agreements.

(Signature Page Follows)



IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of

**COLUMBIA COUNTY  
BOARD OF ELECTIONS**

**EagleAI Network, LLC**

*Ann Cushman*

By: Ann Cushman, Chairperson  
Columbia County Board of Elections

John W. Richards, Jr., Managing Member

**ATTEST**

By: Nancy Gay, Secretary and Executive Director  
Columbia County Board of Elections

Appendix I  
EagleAI NETWORK, LLC, Rate Card

| <u>Personnel</u>          | <u>Hourly</u> |
|---------------------------|---------------|
| John W. Richards, Jr., MD | \$150         |
| Senior Programmer         | \$150         |
| Programmer                | \$100         |
| Data Scientist            | \$100         |
| Training                  | \$75          |
| Tech Support              | \$75          |

Additional Services are available upon request after approval by the BOE.

Invoicing  
Monthly

Payments  
Net 30 days

Rate Card amounts may be adjusted annually by the then current rate of inflation.





John Fervier &lt;jfervier.seb@gmail.com&gt;

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## Request for clarification Regarding SB189

1 message

**Stefan Bartelski (EI)** [REDACTED]

Mon, Aug 12, 2024 at 5:06 PM

To: jfervier.seb@gmail.com

Cc: saraghazal.seb@gmail.com, Janice Johnston &lt;jjohnstonmd.seb@gmail.com&gt;, rjeffares.seb@gmail.com, jking.seb@gmail.com

Mr. Chair,

I am writing to the board to request clarification about one of the new parts of SB189, that became effective July 1st of this year. Specifically I am talking about the addition to OCGA 21-2-230 that reads:

Probable causes shall include, but not be limited to, an elector who is deceased; an elector **voting or registering to vote in a different jurisdiction**; an elector obtaining a homestead exemption in a different jurisdiction; or an elector being registered at a nonresidential address **as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources**.

If I interpret this correctly, it means that we can use tools like IV3, Fractal or EagleAI to provide as evidence that an elector has registered to vote in a different jurisdiction, since these tools use data sourced directly from state SOS offices (GA and other states).

However, in a recent submission, on August 6th, that I made to the Forsyth County Board of Voter Registrations and Elections (FoCoBRE) they refused to uphold my challenges because "they did not find probable cause in my providing out of state voter registration data (and in some cases even voting data) from government sourced files." When I pointed out the new additions to the statute, they claimed they could not verify that I did indeed use such original SOS data. I attested and offered to provide a sworn statement to the sourcing of the data but this was refused.

I am preparing to submit a rule that will also clarify this situation, i.e. what 'certification of original governmental sources' is required for evidence. However, time is of the essence, as we must submit further challenges before September 22nd to have them apply to the upcoming election. This election is going to be as contentious, if not more so, than the 2020 and 2022 elections. As a Georgian I am hoping that we can show the nation that our elections are not as bad as many portray.

I feel that a clear statement by the board that 'publicly available sources derived solely from such governmental sources' is acceptable data will enable us to proceed while a more definitive rule is codified. I should add that while my experience is for Forsyth County, election integrity advocates in other counties have experienced the same argument.

Thank you and the board for your attention to this issue. I hope that you will see fit to add this to the upcoming board meeting, which I hope to attend

**Stefan Bartelski**

Election Integrity Advocate

[REDACTED]  
(voice & text)  
Making Elections Secure Again



John Fervier &lt;jfervier.seb@gmail.com&gt;

## Complaints submitted regarding actions of the Forsyth County Board of Voter Registrations and Elections

2 messages

Stefan Bartelski (EI) [REDACTED]

Sun, Aug 25, 2024 at 10:15 PM

To: jfervier.seb@gmail.com, saraghazal.seb@gmail.com, Janice Johnston <jjohnstonmd.seb@gmail.com>, rjeffares.seb@gmail.com, jking.seb@gmail.com

Members of the State Election Board. I would like to alert you that I have recently submitted two complaints regarding what I see as sanctionable actions by the Forsyth County BRE. I understand that you may not automatically receive the information in my submissions, so I am attaching the documents attached to my submissions.

The first submission was on July 12th of this year, primarily regarding the board not adhering to the law and their own rules in scheduling challenge reviews. The second submission was on August 23rd and refers to the board's refusal to accept probable cause evidence, which was listed in the changes SB189 made to OCGA 21-2-230, effective July 1st, 2024.

Both OCGA 21-2-229 and 21-2-230 both end with a section which states: "Failure to comply with the provisions of this Code section by the board of registrars shall subject such board to sanctions by the State Election Board," I would be very interested to hear what sanctions are envisaged by your board for my allegations.





If you have any questions, please feel free to contact me, as detailed below

**Stefan Bartelski**

Election Integrity Advocate

[REDACTED]  
[REDACTED] voice & text)  
Making Elections Secure Again

### 4 attachments

-  **Complaint to the State Election Board 2024-08-23.pdf**  
345K
-  **Sample Challenge Document.pdf**  
417K
-  **Complaint to the State Election Board 2024-07-12.pdf**  
1253K
-  **FORSYTH COUNTY BRE SUPPLEMENTAL PROCESS - bluelined.pdf**  
489K

Sara Ghazal &lt;saraghazal.seb@gmail.com&gt;



Mon, Aug 26, 2024 at 11:17 AM

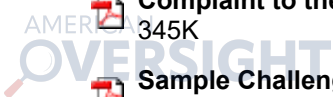
To: John Fervier <jfervier.seb@gmail.com>, Elizabeth Young <EYoung@law.ga.gov>, Danna Yu <dyu@law.ga.gov>

Just want to make sure it is clear--the SEB has jurisdiction over whether the county board followed the requirements of the statute in terms of the hearing process. Determination of whether the challenger met his burden of proof demonstrating that a voter is no longer eligible to remain registered is appealable to superior court, not to us. That's clear in OCGA 21-2-229(e).

[Quoted text hidden]

### 4 attachments

-  **Complaint to the State Election Board 2024-08-23.pdf**  
345K
-  **Sample Challenge Document.pdf**  
417K



GA-SEB-24-1698-A-000016

 **Complaint to the State Election Board 2024-07-12.pdf**  
1253K

 **FORSYTH COUNTY BRE SUPPLEMENTAL PROCESS - bluelined.pdf**  
489K

## Complaint to the State Election Board, July 12<sup>th</sup> 2024

My information:

Name: Stefan Bartelski

Cell #: [REDACTED]

Address: [REDACTED]

Email: [REDACTED]

I have not made this request to any other board of agency.

This request concerns my experiences submitting voter registration challenges and my allegations that the Forsyth County Board of Voter Registrations and Elections (BRE) are not following Georgia election laws and their own published BRE Guidelines for Submissions of Challenges v12/05/2023. These infractions occurred during the March 5<sup>th</sup> and May 7<sup>th</sup>, 2024 meetings of the BRE. These meetings took place at the Forsyth County Administration Building in Cumming. While board member Tucker initiated most of the, in my opinion unlawful, actions, I feel that the board as a whole should be sanctioned due to their not correcting the errant member, thus being complicit in the transgressions.

### **Section 1: Regarding the BRE Regular Meeting of May 7<sup>th</sup>, agenda item VII (B).**

From minutes of the meeting [forsythco.com/meetings](https://forsythco.com/meetings)

Assistant Secretary Tucker stated we are within the 90 days of an election and she wanted to know if the Board was able to dismiss the challenge today.

Attorney Pachuta said the statute on a challenge pursuant to O.C.G.A. 21-2-229 mandates a hearing date be set. Letters are required to be mailed to all voters.

Assistant Secretary Tucker with a second from Member Thalimer made a motion to set the hearing date for August 6, 2024. The motion failed 2-3 (Luth, Natt and Radzikinas).

Chairman Luth with a second from Secretary Radzikinas made a motion to set the hearing date after the regular meeting on July 2, 2024.

Challenger Bartelski stated he would possibly be out of the country on July 2.

Vice Chairman Natt with a second from Member Thalimer made a motion to reconsider the previous motion and hold the hearing on Friday, June 28, 2024 at 9 a.m. at the Forsyth County Voter Registrations & Elections Office located at 1201 Sawnee Drive, Cumming, 30040. Motion carried unanimously.

### **From the BRE Guidelines for Submissions of Challenges v12/05/2023**

#### *10. Challenges filed under O.C.G.A. § 21-2-229*

*a. Pursuant to the Code, the BRE will set a date, time, and place for a hearing and notify the challenged electors in writing at their registered address. Staff may additionally send a notice to the voter's mailing address if it differs from the address as registered. If the challenge is received more than ten (10) business days prior to*

*the next scheduled BRE meeting, the hearing will be set for that meeting and the BRE will provide the challenged elector(s) at least three (3) days' notice of the challenge hearing. If the challenge is received less than ten (10) business days before the next scheduled BRE meeting, the BRE will set a future date to hear the challenges. That hearing date will occur **before the next regularly scheduled meeting** and the BRE will provide the challenged elector(s) at least three (3) days' notice of the challenge hearing. When a voter challenge is submitted within 90 days of an election, the logistics and procedures necessary for the BRE to consider such a challenge may dictate that the challenge hearing be set after the date of the election.*

**From OCGA 21-2-229 (b)**

*Upon such challenge being filed with the board of registrars, the registrars shall set a hearing on such challenge **within ten business days** after serving notice of the challenge. Notice of the date, time, and place of the hearing shall be served upon the person whose qualifications are being challenged along with a copy of such challenge and upon the elector making the challenge within ten business days following the filing of the challenge. The person being challenged shall receive at least three days' notice of the date, time, and place of the hearing.*

I hold that the August date as proposed at the meeting obviously does not meet ANY of these stipulations, even taking the ongoing election at that time. The last sentence in the board's Guidelines does give some justification for not handling the challenges before the June meeting, as there was a possible run-off scheduled. However, it is questionable whether their Guidelines align with 21-2-229 (b) and therefore might not be enforceable. Pursuant to OCGA 21-2-229 (f):

*Failure to comply with the provisions of this Code section by the board of registrars shall subject such board to sanctions by the State Election Board,*

I request that the board be subject to the appropriate sanctions.

**Section 2: Regarding BRE Regular Meetings of March 5<sup>th</sup>, 2024 and May7th, 2024 agenda item XI (A).**

**From minutes of the BRE general meeting of March 5<sup>th</sup> - [forsythco.com/meetings](https://forsythco.com/meetings)**

Assistant Secretary Tucker stated according to the National Voting Rights Act voters can be registered in two states. She also stated there are multiple names that have a moved date before a voted date.

Vice Chairman Natt asked Challenger Bartelski if there was any other evidence used beside the National Change of Address (NCOA) list. Challenger Bartelski stated the NCOA list was used to look up voters in other states.

Vice Chairman Natt asked Challenger Bartelski if he plans to resubmit the names on the challenge for future elections. Challenger Bartelski stated he was going to resubmit the names.

From minutes of the BRE general meeting of May 7<sup>th</sup> - [forsythco.com/meetings](https://forsythco.com/meetings)

**A. Hear challenges to the qualifications of voters and their eligibility to vote pursuant to Georgia Election Code 21-2-230(a) – April 9, 2024 Bartelski Challenge (51 names on the list)**

Vice Chairman Natt with a second from Secretary Radzikinas made a motion to submit the 51 names on the list of challenged voters into the records. Motion carried unanimously.

Challenger Bartelski requested the challenge be withdrawn and the names be moved to a challenge pursuant to O.C.G.A. 21-2-229. Discussion followed. Challenger Bartelski said O.C.G.A. 21-2-230(f) states if the challenged elector

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does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall hear the challenge pursuant to Code Section 21-2-229.

Assistant Secretary Tucker said the challenge has to be adjudicated before it can be heard as a challenge pursuant to O.C.G.A. 21-2-229.

Challenger Bartelski said the challenge was adjudicated in March.

Assistant Secretary Tucker with a second from Member Thalimer made a motion to move the challenge pursuant to O.C.G.A. 21-2-230 to a challenge pursuant to O.C.G.A. 21-2-229. No further action was taken on the motion.

Chairman Luth with a second from Vice Chairman Natt made a motion to accept Challenger Bartelski's request to withdraw the challenge with 51 names pursuant to O.C.G.A. 21-2-230. Motion carried unanimously.

Chairman Luth asked Challenger Bartelski to submit a letter requesting the challenge pursuant to O.C.G.A. 21-2-229 be heard at the June 28, 2024 special called meeting.

For this section of my complaint, I will start with pointing out some issues with statements made by BRE board members in the March 5<sup>th</sup> meeting. Firstly member Tucker's assertion that the National Voter Registration Act (NVRA), not the National Voter Rights Act as she stated, does not preclude a voter having two registrations in different states. I hold that she is incorrect, since the NVRA specifically mentions eligible voters. Pursuant to OCGA 21-2-217 (a) (2):

*A person shall not be considered to have lost such person's residence who leaves such person's home and goes into another state or county or municipality in this state, for temporary purposes only, with the intention of returning, **unless such person shall register to vote** or perform other acts indicating a desire to change such person's citizenship and residence;*

Therefore, an elector who is registered in another state after moving from Georgia holds an ineligible registration in Georgia and can be removed from the Georgia rolls in compliance with the NVRA.

Then, as also shown in the March 5<sup>th</sup> minutes above, member Natt asked me if I was going to resubmit the challenges after the upcoming election, the Presidential Preferential Primary. As I was aware that 21-2-230 challenges are only valid until the next election, I answered in the affirmative. It was only later that I noticed in 21-2-230 (f):

*If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code Section 21-2-229.*

I was surprised that member Natt was not aware of that provision, but also that none of the other board members corrected him.

In the May 7<sup>th</sup> minutes above, you can see that I reminded the board of the relevant section of 21-2-230. In the section where member Tucker made a motion to move the 21-2-230 challenges to 21-2-229 challenges, she actually told me to resubmit the challenges as 21-2-229 challenges. When I replied that 21-2-230 did not require such action to be taken, the chair decided to take no action on the motion. To show willingness to work with the BRE, I agreed to the compromise solution of sending a letter requesting that the relevant 21-2-230 challenges be handled as 21-2-229 challenges at the next possible opportunity, although I felt the law did not require that action.

In this section, I believe that you can see that our BRE members either do not have good knowledge of the election laws and rules, or they are willfully ignoring them. Pursuant to OCGA 21-2-230 (j)

*Failure to comply with the provisions of this Code section by the board of registrars shall subject such board to sanctions by the State Election Board,*

I ask that these allegations be taken into account when determining whether and what sanctions can be applied to the board.

Combined with the issues mentioned in the previous section, am I wrong in expecting our BRE board members to know and follow the laws and their own rules? Our right to vote is a civil right and should be protected by strict adherence to the law. Anything else demeans this fabric of this great country.

## Complaint to the SEB Regarding Forsyth County BRE

This complaint is submitted regarding Forsyth County BRE refusing to process and uphold OCGA21-2-230 challenges. The reason given for the mass denial is because they did not accept the individualized evidence that I had prepared, on the grounds that the data was not reliable or verifiable. I therefore hold that they should be sanctioned as provided in the law (OCGA 21-2-230 (j)), in addition to being instructed that they are required to accept such evidence.

I am including information about a group of challenges submitted after 7/1/2024, specifically because I knew that section 5 of SB 189 took effect on July 1st and specifically applied to OCGA 21-2-230 challenges. My challenges were submitted to the board on 7/23/2024 and handled in the regular scheduled August 6th. meeting. I submitted 518 challenges based on evidence that the voter had registered to vote, and in some cases voted, in another state. Thus their Georgia residence and registration became ineligible pursuant to OCGA 21-2-217 (a) (2) and (13).

The data used was data collected by EagleAI Network and utilized GA SOS data, out of state SOS data and USPS NCOA data. Again pursuant to the changes introduced by SB 189, the NCOA data was not used as the only source of evidence, but to link the voter to an address to which they have attested that they were moving, and then researching the Out of State (OOS) SOS original voter rolls for a match in name, year of birth and address.

This evidence was provided to the BRE in both a spreadsheet, containing most of the GA and OOS data from the original SOS supplied files and individual evidence sheets. This evidence included, amongst other fields, the voter's registration number, first name, middle/maiden name, last name, suffix, full address, date last voted, date of last contact and date registered for both jurisdictions and the date moved from the NCOA file. The individual evidence sheets were added because the BRE has in the past refused to accept only a spreadsheet list, even though the data in the spreadsheet is individualized for each voter. The individual sheets actually show a subset of the data available in the spreadsheet, an example of such a sheet is included

The BRE asked the standard questions, did I know any of the voters involved, etc.

Then I was asked if I had used EagleAI to prepare the list, I answered in the affirmative. The BRE then stated that they did not accept the evidence of OOS registrations. I stated that SB189 included the following text:

*Probable causes shall include, but not be limited to, ...; an elector voting or registering to vote in a different jurisdiction;... as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources.*

(Verbal emphasis as indicated).

Obviously, I feel that the BRE has directly and willfully ignored the intent of SB189 and are ignoring their duty as specified in OCGA 21-2-228. This is on top of my earlier complaint about the BRE not following their own rules and OCGA statutes regarding the timing of discussing challenges. I would also like to add that on occasions prior to 7/1/2024, I have discovered that the board was taking decisions that were not



in line with what is codified in various sections of OCGA 21-2, or even the National Voter Registration Act. The SEB needs to set rules for the training and knowledge that a BRE member must have.



## Forsyth County Voter Registrations & Elections

### **FORSYTH COUNTY BOARD OF VOTER REGISTRATIONS AND ELECTIONS SUPPLEMENTAL PROCESS-GUIDANCE FOR VOTER CHALLENGES SUBMITTED PURSUANT TO O.C.G.A. § 21-2-229 AND O.C.G.A. § 21-2-230**

Approved 05/12/2022, revised 10/03/2023, 12/05/2023, [05/07/2024](#)

#### **Purpose**

The Forsyth County Board of Voter Registrations and Elections (“BRE”) adopts this supplemental ~~process-guidance~~[processguidance](#) policy<sup>1</sup> so that Forsyth County electors wishing to challenge electors under either O.C.G.A. § 21-2-229 or O.C.G.A. § 21-2-230 better understand the requirements for submission of such challenges. Under this policy, any reference to *challenges* shall mean challenges under either O.C.G.A. § 21-2-229 or O.C.G.A. § ~~21-2-230~~[2230](#), unless the policy makes express that it is only referring to [a single one or the other](#).

[Segregation of clerical errors and similar list discrepancies: Working with the Secretary of State’s Staff, the BRE and its staff constantly strive to ensure the accuracy of voter information on the list of electors. Voters may bring to the attention of the Board any alleged discrepancies and clerical errors in the list of electors, but the voter challenge process in O.C.G.A. 21-2-229 and 21-2-230 is not the appropriate avenue for identifying these potential issues. Technical and clerical errors or discrepancies shall not be processed pursuant to election code ~~section~~ relating to voter challenges, but shall be reviewed and, if appropriate, acted on by the Staff. It is the responsibility of the challengers to separate any alleged clerical issue from challenges related to voter eligibility.](#)

1. Challenges may only be filed by a Forsyth County elector. A Forsyth County elector is any person possessing all necessary qualifications for voting now or otherwise prescribed by Georgia law, including applicable charter provisions, and shall have registered to vote in Forsyth County in accordance with all legal requirements.
- [2. Challenges must be in writing and shall specify ~~distinctly~~ the grounds of the challenge. There are no limits to the number of electors that may be challenged but challenged electors must be on the Forsyth County list of electors as of the date of the challenge. Any challenge must contain all grounds and accompanying documents regardless of whether those grounds and documents were provided previously to the BRE for an earlier challenge.](#)
- [3. To help facilitate the review of challenges and ensure that the information presented relates to the correct voter, a challenge shall provide: a\) the full name of the voter being challenged; b\) the address at which the voter is currently](#)

<sup>1</sup> This policy document is intended to work in tandem with, and be fully consistent with, O.C.G.A. §§ 21-2-229 and 21-2-230. To the extent any part of this policy conflicts with either of the referenced statutes, the statutes shall control. This policy document is not intended as providing legal advice. Any person considering bringing a challenge under O.C.G.A. §§ 21-2-229 or 21-2-230, should consult with an attorney of their choosing.

registered; c) minimally, the year of birth of the challenged voter (full date of birth is preferred); d) the specific basis for the challenge- that is, death, mental incapacity, felony

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conviction status, or change of residence of the voter; e) under what statute the challenge is brought (i.e., O.C.G.A. § 21-2-229 or O.C.G.A. § 21-2-230).

2-4. Any challenge must be submitted to the Forsyth County BRE (1) via hand delivery to the Department of Voter Registrations and Elections at 1201 Sawnee Drive, Cumming, GA 30040; (2) via regular mail to that same address; or (3) via email delivery to the attention of the Department Director at [FCBRE@forsythco.com](mailto:FCBRE@forsythco.com).

3-5. The submitted documents supporting a challenge should contain ~~clear and concise~~ detail regarding why the challenger is (1) challenging the elector's right to appear on the elector list (for a challenge under O.C.G.A. § 21-2-229~~2229~~) or (2) the elector's right to vote in the next upcoming election (for a challenge under O.C.G.A. § ~~21-2212~~-230). Documentation or information supporting a challenge that is vague, generalized, speculative, or the product of conjecture will not satisfy the standards of the pertinent Code sections or the requirements of the BRE.

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4-6. For reasons of computer and network security, the Elections Department cannot accept USB drives, CDs or other storage media that must be uploaded and retrieved by Elections Department staff. Submitted documents also should not include website "links" that are intended to be accessed to provide information supporting the challenge. All information submitted to the BRE for consideration ~~by the BRE~~ must be completely set forth within the submitted challenge documents. While challengers are strongly encouraged to provide references to source information, the pertinent data that the BRE is expected to review must be ~~clearly set forth~~made available within the tendered documents. The BRE will not access website links for the purposes of tracking down information to support a challenge.

5-7. Examples of documents that may be submitted for review and consideration by the BRE are listed below. This list is not exhaustive and the mere submission of evidence is not the determining factor for the BRE. The BRE will evaluate all submissions and hear from the challenger and challenged voter, if present.

- Documents indicating the sale of Forsyth County property
- Documents showing the purchase of property in another county/state/country
- Evidence of property homestead exemption at a different Forsyth County address than the voter's current address as registered or in another county/state
- Voter registration outside of Forsyth County after the Forsyth County date of voter registration
- Records demonstrating voting in another county/state/country after the date of voter registration in Forsyth County
- Notice of voter's death; obituary
- First-hand knowledge of the voter being challenged

8. The BRE will also consider the following factors, listed below, in weighing the evidence submitted by the challenger. This list is not exhaustive and the BRE reserves the right to inquire into the methodology and procedures used by the voter challenger in preparing the submitted challenge.

- Whether the person bringing the challenge conducted, gathered, compiled, or performed the research themselves and, if not, the source of the research and evidence submitted;
- Whether the individual conducting the research, if separate from the person bringing the challenge, is present for questioning by the BRE;
- The methodology used to conduct the research and documentation submitted as evidence;
- The reliability of the underlying sources of the research and documents submitted as evidence;

- [The age of the underlying research and documents submitted as evidence;](#)
- [Whether the submissions are certified as accurate.](#)

#### 6-9. Challenges filed under O.C.G.A. § 21-2-230

- Pursuant to the Code, the BRE will *immediately* consider whether there is probable cause to sustain the challenge.
- If received more than ten (10) business days prior to the next regularly scheduled BRE meeting, the challenge will be added to the meeting agenda. If the challenge is received within ten (10) business days of the regularly scheduled meeting, staff will evaluate whether to request a special called meeting of the BRE. Staff may contact the challenger to ascertain whether the challenger anticipates attending the hearing and to coordinate proposed dates for the hearing. If the challenger submits a list of names to both a 230 challenge and a 229 challenge, the BRE may opt to postpone the hearing on the 230 challenge until after the hearing for the 229 challenge.
- The challenger is encouraged to be present at the meeting when their challenge is considered, but it is not required.
- While the BRE desires staff to review the list of challenged voters for registration status, date of last contact, and other pertinent information that may assist the BRE, the ability for staff to do so may be hindered by volume of the list of challenged voters, the timeframe to any upcoming elections, staffing issues, or other factors.
- Probable cause to uphold the challenge will exist when the facts and circumstances before the BRE would lead a reasonable person to believe that the challenged elector should not vote in the next upcoming election<sup>2</sup>.
- If the BRE finds no probable cause, the challenge will be dismissed.
- In a year with a state or federal election, the BRE may pre-set dates to hear voter challenges. If the BRE does so, this information will be published to the department's webpage as part of the calendar for BRE meetings. If the challenge is received more than ten (10) business days prior to the next pre-set meeting date, the hearing will be set for that meeting and the BRE will provide the challenged elector(s) at least three (3) days' notice of the challenge hearing. If the challenge is received less than ten (10) business days before the next pre-set meeting date, the BRE will set a future date to hear the challenges.
- [If the BRE finds probable cause to uphold the challenge, the voter's record will be marked in a challenged status in the statewide voter registration system. The challenged status designation will be removed from the voter's record in the statewide voter registration system after the conclusion of the election \(or as designated by Georgia Election Code\).](#)
- [Each voter challenge and any supporting documentation submitted shall be submitted independent of any prior challenge submitted for the same voter. Each voter challenge shall be considered by the BRE independent of any prior challenge submitted for the same voter. It is the challenger's responsibility to review the elector's list to ensure the voter's name remains](#)

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<sup>2</sup> See Adams v. Carlisle, 278 Ga.App. 777, 782 (2006)

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[on the list of electors prior to submitting the challenge. It is the challenger's responsibility to submit supporting documentation with each voter challenge.](#)

7-10. Challenges filed under O.C.G.A. § 21-2-229

- a. Pursuant to the Code, the BRE will set a date, time, and place for a hearing and notify the challenged electors in writing at their registered address. Staff may additionally send a notice to the voter's mailing address if it differs from the address as registered. If the challenge is received more than ten (10) business days prior to the next scheduled BRE meeting, the hearing will be set for that meeting and the BRE will provide the challenged elector(s) at least three (3) days' notice of the challenge hearing. If the challenge is received less than ten (10) business days before the next scheduled BRE meeting, the BRE will set a future date to hear the challenges. That hearing date will occur before the next regularly scheduled meeting and the BRE will provide the challenged elector(s) at least three (3) days' notice of the challenge hearing. When a voter challenge is submitted within 90 days of an election, the logistics and procedures necessary for the BRE to consider such a challenge may dictate that the challenge hearing be set after the date of the election.
- b. When providing notice of the challenge hearing to an elector, staff may also provide a residency affirmation form, a voter cancellation form, and a form to change an address.
- c. The burden of proof to support the challenge shall rest on the elector making the challenge. The challenger must provide sufficient information to the BRE to prove that the person being challenged is not qualified to remain on the list of electors. Given that the challenger has the burden of proof, the challenger is strongly encouraged to attend the hearing where their challenge is considered to present his or her evidence to the BRE. The BRE may elect to dismiss the challenge if the challenger is not present.
- d. The BRE has the authority to issue subpoenas for the attendance of witnesses and the production of books, papers, and other material upon application by the person whose qualifications are being challenged or the elector making the challenge. The party requesting subpoenas shall be responsible to serve such subpoenas and, if necessary, to enforce the subpoenas by application to the superior court. Any subpoenaed witness, after attending, shall be allowed and paid the same mileage and fee as allowed and paid witnesses in civil actions in the superior court.

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- e. The BRE will determine whether the challenger has demonstrated by a preponderance of the evidence, that a reasonable and impartial mind would find that the challenged elector should no longer appear on the list of electors<sup>3</sup>.
  - f. If the BRE finds that the challenger has not demonstrated by a preponderance of the evidence that the challenged elector should not be on the list of electors, the challenge will be dismissed.

g. Each voter challenge and any supporting documentation submitted shall be submitted independent of any prior challenge submitted for the same voter. Each voter challenge shall be considered by the BRE independent of any prior challenge submitted for the same voter. It is the challenger's responsibility to review the elector's list to ensure the voter's name remains

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<sup>3</sup> See O.C.G.A. § 24-14-3; *Zwiren v. Thompson*, 276 Ga. 498 (2003)

on the list of electors prior to submitting the challenge. It is the challenger's responsibility to submit supporting documentation with each voter challenge.

8-11. Meeting Procedure for Voter Challenges

- a. If a voter's name appears both on a challenge list submitted pursuant to O.C.G.A. §§ ~~21-2-229~~ 21-2-229 and 21-2-230, then, if practical and feasible, the BRE shall first hear the challenge submitted under O.C.G.A. § 21-2-229. If the BRE determines that the voter should no longer be on the list of electors, the challenge filed pursuant to O.C.G.A. § 21-2-230 shall be moot.
- b. Staff will announce each name on the challenged voter list. Staff may provide additional information to the BRE regarding current registration status of a challenged voter, current address, contact with the voter, and voting history. The ability to provide additional information may be limited by available staff time and resources prior to the meeting. Staff may organize the list in a manner different from the submitted list to present efficient data to the BRE.
- c. The BRE will evaluate the evidence as submitted by the challenger.

~~a. The BRE may ask questions of the challenger regarding the submitted evidence.~~

- d. If a challenged voter submits a residency affirmation form, it shall be *prima facie* evidence of the voter's residence.
- e. Motions of the BRE shall be either to uphold the challenge or dismiss the challenge. For a motion to succeed, a majority of a quorum of the BRE must vote in favor.
- f. When the initial letter notifying the voter of the challenge is returned to the Elections Office undeliverable with a legible possible forwarding address, staff may re-send the letter to the address provided by the U.S Postal Service and will inform the BRE of the date the notice was re-sent.

# Voter Challenge Pursuant to OCGA 21-2-230 for Forsyth County

## Georgia Data

|                           |            |
|---------------------------|------------|
| Voter Registration Number | [REDACTED] |
| Registration Date         | [REDACTED] |
| Move Date                 | [REDACTED] |
| Latest Election Date      | [REDACTED] |
| First Name                | [REDACTED] |
| Middle Name               | [REDACTED] |
| Last Name                 | [REDACTED] |
| Suffix                    |            |
| Birth year                | [REDACTED] |
| Gender                    | [REDACTED] |
| Registration Address      | [REDACTED] |

## Out of State Data

|                           |            |
|---------------------------|------------|
| Moved to State            | [REDACTED] |
| Voter Registration Number | [REDACTED] |
| Registration Date         | [REDACTED] |
| Move Date                 | [REDACTED] |
| Latest Election Date      | [REDACTED] |
| First Name                | [REDACTED] |
| Middle Name               | [REDACTED] |
| Last Name                 | [REDACTED] |
| Suffix                    |            |
| Birth Month               | [REDACTED] |
| Birth Day                 | [REDACTED] |
| Birth year                | [REDACTED] |
| Gender                    | [REDACTED] |
| Registration Address      | [REDACTED] |

Comment for BRE:



John Fervier &lt;jfervier.seb@gmail.com&gt;

**Complaint filed online with SEB on 8/28/2024**

1 message

Gail Lee [REDACTED]

Wed, Aug 28, 2024 at 2:24 PM

To: John Fervier <jfervier.seb@gmail.com>, Sarah Ghazal <saraghazal.seb@gmail.com>, "Dr. Johnston" <jjohnstonmd.seb@gmail.com>, Janelle King <JKing.seb@gmail.com>, Rick Jeffares <RJeffares.seb@gmail.com>

Just want to make you aware of a complaint I filed online today through the SEB email form. The attachments are too large to include in this email, so they are listed below. I will, however, attach the challenge cover letter. The following is what I wrote in the complaint:

Complaint filed with the SEB on 8/28/2024 @ approx. 1:45 p.m.

In a hearing on August 8, 2024 at the DeKalb County Board of Registrations and Elections (BRE) Gail Lee presented 241 individualized challenges under OCGA 21-2-230. All the challenges were based on an elector's NCOA filling of permanent move, voter registration at the NCOA filed destination address and voting in the foreign state. A screen shot of the elector's registration from the new Secretary of State's website was provided on each challenge form providing proof of out-of-state registration. All data was taken from NCOA reporting and Secretary of State registration and voter history files obtained by EagleAi. The voter history files provided the voting records for each of the challenged. Despite the evidence, the BRE voted 3 to 2 to deny the challenges. No reasons were given for the Nay votes. Ms. Jester, who voted to sustain the challenges, stated she found probable cause.

The BRE and their attorneys were confused, conflating 229 and 230 challenge requirements and limitations.

Attached PDF's: (Too big for my email system. They can be found in the SEB complaint.)

Challenge Cover Letter 7-30-2024

Ohio Challenge Proofs

Texas Challenge Proofs Part 1

Texas Challenge Proofs Part 2

Methodology Used by EagleAi

Gail Lee  
[REDACTED]

Sent with [Proton Mail](#) secure email.

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 **Challenge Cover Letter 7-30-2024.pdf**  
427K



# Elector Registration Challenge

Pursuant to 21-2-230

July 30, 2024

TO: DeKalb County Board of Registrations and Elections

FROM: G. A. Lee, Registration ID 02065236, Resident of DeKalb County

Honorable Board Members:

The purpose of this letter is to challenge, according to O.C.G.A. 21-2-230, the registrations of DeKalb County electors who have filed a permanent address change with the NCOA system, registered to vote in another state at the new address indicated on the NCOA form, and subsequently voted in that foreign state.

## **OCGA 21-2-216 Qualifications of electors generally . . .**

- (a) **No person shall vote in any primary or election held in this state unless such person shall be:**
- (2) **A citizen of this state** and of the United States;
  - (4) **A resident of this state and of the county or municipality in which he or she seeks to vote**
- (f) **No person shall remain an elector longer than such person shall retain the qualifications under which such person registered.**

## **OCGA 21-2-217 Rules for determining residence**

- (a)(13) **If a person goes into another state and while there exercises the right of a citizen by voting, such person shall be considered to have lost such person's residence in this state;**

## **OCGA 21-2-230 Challenge of persons on list of electors by other electors. . . as found in the newly adopted SB 189**

- (a) . . . **If a challenged elector's name appears on the National Change of Address data base, as maintained by the United States Postal Service, as having changed such elector's residence to a different jurisdiction, the presence of such elector's name on such data base shall be insufficient cause to sustain the challenge against the elector unless additional evidence would indicate that the elector has lost his or her residence as determined pursuant to Code Section 21-2-217;**

## **NVRA 1993**

Section 8(d) REMOVAL OF NAMES FROM VOTING ROLLS.

- (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence **unless the registrant---**

DeKalb County Board of Registrations and Elections  
July 30, 2024  
Page Two

**(A) Confirms in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered;  
or**

***REASONING:*** *When a registered voter applies to vote in another state, he is asserting in writing that he has changed his address and is a legal resident of the state in which he is applying to vote.*

*Confirmation from the foreign Secretary of State’s website that the person has registered to vote in its state proves that his/her eligibility to vote is in the new state. If the person also votes in that state, it is double proof that he/she now resides in the new state and is no longer an eligible elector in Georgia.*

I believe the evidence submitted provides “probable cause” for the challenges to go forward for the general election cycle and will help ensure that only qualified resident citizens of Georgia will vote in the election. As you know, sustaining these challenges does not remove them from the list of voters; it merely requires proof of Georgia residency upon an attempt to vote.

Sincerely,

G.A. Lee  
Registration ID [REDACTED]  
Encs.: 144 Texas Registration Challenges  
97 Ohio Registration Challenges



Sara Ghazal <saraghazal.seb@gmail.com>

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## Voter list maintenance

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**Janice Johnston** <jjohnstonmd.seb@gmail.com>

Thu, May 4, 2023 at 9:24 AM

To: Sara Tindall Ghazal <saraghazal.seb@gmail.com>, "William Duffey, Jr." <wduffey.seb@gmail.com>

As of May 1

EagleAI Networks has a verbal commitment from one County Board of Elections in Georgia. The contract is being finalized shortly.

EagleAI Networks is under consideration by County Board of Elections (or their equivalent) in Florida, Maryland, Nevada, Pennsylvania and Texas.

EagleAI Networks is under consideration to replace ERIC in Texas, and has been offered warm introductions to the SOS of Florida, Alabama, Louisiana, Missouri and West Virginia.

EagleAI Networks has had requests to use our software from over 300 people.

Sent from my iPhone



Sara Ghazal <saraghazal.seb@gmail.com>

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## Columbia County/Eagle AI

1 message

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**William Duffey** <wduffey.seb@gmail.com>

Thu, May 11, 2023 at 1:53 PM

To: [REDACTED]

Cc: Janice Johnston <jjohnstonmd.seb@gmail.com>, Sara Ghazal <saraghazal.seb@gmail.com>, T Matthew Mashburn <mmashburn@georgia-elections.com>, Edward Lindsey <edwardlindsey.seb@gmail.com>, "Evans, Blake" <bevans@sos.ga.gov>, "McGowan, Charlene" <cmcgowan@sos.ga.gov>

Please see the attached letter.  
William S. Duffey, Jr.  
Chair  
State Election Board

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 **Eagle AI\_Columbia County letter.pdf**  
2653K



## STATE ELECTION BOARD

May 11, 2023

Ms. Anna Cushman [REDACTED]  
Ms. Wanda Duffie [REDACTED]  
Mr. Larry Wiggins [REDACTED]  
Members, Columbia County Board of Elections

Re: Eagle AI

Dear Members of the Board,

We learned that the Columbia County Board of Elections is in discussions and may have contracted with Eagle AI to provide the Board of Elections or its representative with Eagle AI's Voter Integrity Software. A description of the software forwarded to a member of our Board describes a broad summary of the range of data sources available from Eagle AI, although it is unclear which of these data sources or services will be provided to, used, or employed by the Board of Elections.

The State Election Board ("SEB") is responsible to perform the duties listed in O.C.G.A. §21-2-31. The SEB is tasked with "obtaining uniformity in the practices and proceedings" of election officials and the "legality . . . in all election primaries and elections." The SEB is also charged with the responsibility to "formulate, adopt, and promulgate such rules and regulations, consistent with law as will be conducive to the fair, legal, and orderly conduct of primaries and elections." A critical piece of fair and orderly elections is the use of voter rolls that are current and accurate and contain only individuals who are eligible to vote in Georgia's elections. These efforts must be balanced with the need to maintain absolute integrity of voter rolls and our election systems. We are working closely with the Elections Division of the Secretary of State's office to enhance the

development of accurate voter rolls and their availability to poll workers on voting days.

In recent weeks, the Board has stated its intent to reach out to counties to address issues that come to the Board's attention rather than use the complaint process to identify and address problems only once they have occurred. We are contacting your Board because of the report of a beta test you intend to conduct using third-party Eagle AI's Voter Integrity Software. Based on Eagle AI's description of its software and the data they make available, and the absence of a description of what data or services will be made available to your Board by Eagle AI. The use of Eagle AI software and services may implicate two Georgia statutes: O.C.G.A § 21-2-225 (a) which prohibits voter registration forms or copies of them from being shared with the public. There may also be privacy laws that prohibit sharing of or access to information such as complete dates of birth, driver's license numbers, and social security numbers that would necessarily be included in registration forms and data compilations. Second, SB 222, that was signed into law by the Governor last week, prohibits a private person or entity from providing value for use by county election officials. Not knowing the financial or other details of your proposed arrangement with Eagle AI, if value is provided, this new bill may be implicated.

If you have not already done so, we strongly encourage you and your county attorney discuss with Blake Evans, the State Elections Director, the proposed contract, how and what data is shared between Eagle AI, prior to engaging Eagle AI for election related services. Mr. Evans, his counsel at the Secretary of State's office, and their technical staff can help you and your counsel evaluate what Eagle AI offers and identify any legal issues raised by the relationship.

The Board and the Secretary of State's office continue to seek ways to improve the accuracy of our voter registration rolls while protecting the voting process and each eligible voter's right to participate in elections. It is important that voters trust that election administrators protect the data and the processes for which they are responsible. Balancing these occasionally competing interests may be challenging at times. The State Election Board is serious and intentional about serving to protect the election process and help you and other counties navigate these often-complicated issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. S. Duffey, Jr.", written in a cursive style.

William S. Duffey, Jr.

Chair

State Election Board

cc: State Election Board Members

Blake Evans



Sara Ghazal &lt;saraghazal.seb@gmail.com&gt;

**Fwd: EagleAI Network Information for Ms Ghazal.**

4 messages

**Janice Johnston** <jjohnstonmd.seb@gmail.com>

Thu, May 4, 2023 at 9:01 PM

To: "William Duffey, Jr." &lt;wduffey.seb@gmail.com&gt;, Sara Tindall Ghazal &lt;saraghazal.seb@gmail.com&gt;, Edward Lindsey &lt;edwardlindsey.seb@gmail.com&gt;, T Matthew Mashburn &lt;mmashburn@georgia-elections.com&gt;

Forwarding response to Sara's questions.

Sent from my iPhone

Begin forwarded message:

**From:** drr online [REDACTED]  
**Date:** May 4, 2023 at 6:49:14 PM EDT  
**To:** "Jan Johnston, MD" <jjohnstonmd.seb@gmail.com>  
**Cc:** John Richards III [REDACTED]  
**Subject:** EagleAI Network Information for Ms Ghazal.

Please contact me when further information is required or will be helpful.

*1) What steps is Columbia County taking to ensure adherence to OCGA 21-2-225? Voter registration forms are not public records, and much of the information on them cannot be shared with outside parties.*

A) OCGA 21-2-225 covers data on "electors whose name appear on the list of electors maintained by the Secretary of State". It does not appear to cover data on individuals who are applying for elector status.

B) The county or state contract with EagleAI would have the same confidentiality requirements as the state contract with ERIC.

*2) Have attorneys with the Secretary of State or the Attorney General reviewed the contract and the processes to ensure adherence to statutory data protections?*

A) This is Chris Driver's responsibility. I have no knowledge of whether or what the SOS or AG has to approve County vendors.

*3) What are the data sources that Eagle AI is using to compare the list data that is publicly available to?*

A) See attached EagleAI Network Capabilities.

*4) What would county officials do with the report from the vendor?*

A) The software does not make decisions. The software only helps the County improve the efficiency and accuracy of the voter roll maintenance decisions they make. County officials would decide what to do with the results.

GA-SEB-24-1698-A-000038



*5) What kind of security does Eagle AI have to ensure that any data is not vulnerable?*

A) FileMaker offers enterprise-grade security with OAuth, multifactor authorization, end-to-end encryption (AES 256-bit and SSL encryption), HSM key management (FIPS 140-2 L3 Certified), web application firewall (WAF), distributed denial-of-Service (DDoS) protection, and AI-based threat protection.

EagleAI Network's data is hosted on a private server with triple-layered firewall security, incorporating quantum security paired with state-of-the-art cyber security technology to protect data from ever-evolving threats. Additional detail can be provided as needed.

*6) Happy to have these conversations directly with the vendor if that is helpful.*

I look forward to these conversations and the opportunity to show EagleAI to Ms Ghazal and all others with interest.



# EAGLE AI NETWORK

## THE VOTER INTEGRITY SOFTWARE

### WHO WE ARE

Vision Statement: EagleAI Network will be the tool of reckoning across the nation for use at all levels of Election Roster validation, maintenance and review. EagleAI Network is a non-partisan, data-driven, objective tool for testing, auditing and maintaining the validity of voter registrations.

Mission Statement: EagleAI Network exists to help restore and maintain confidence in the integrity of local, state and national elections.

Core Values: EagleAI Network, its consultants and every endeavor are guided by the enduring intention to be trustworthy, loyal, helpful, friendly, courteous, kind, cheerful, thrifty, brave and reverent.

EagleAI Network was formed by a team of seasoned data professionals to address the growing need for transparency and trust in America's election processes; specifically, the first step: voter eligibility.

### TIERED ENGAGEMENT

EagleAI Network is designed to work at three key levels, offering unique engagement and support for each.

**State** – States can engage with EagleAI Network to address their most pressing needs.

- a. Tool Adoption: States can implement the EagleAI Network framework to meet their unique state Election Code and Federal NVRA & HAVA requirements for Voter Roster maintenance. By working with the SoS office and state-maintained data systems, EagleAI Network is capable of not only reviewing cross state voter registrations, but also other voter registration requirements such as deceased, in-state and out-of-state moves, non-residential registrations, incomplete registrations, duplicates, felons, etc., according to each state's particular codes and within their policies and procedures.
- b. Initial Eligibility Verification: EagleAI Network can be used to pre-screen incoming voter registration applications to ensure they are:
  - I. Complete all information required, in the format required, with the documentation required.
  - II. Not duplicating a current registration.
  - III. Not currently registered in another state.
  - IV. Not currently on any list that would prohibit them from registering (e.g., deceased, felon, mentally incompetent and/or otherwise ineligible to vote).
  - V. With the capability to build out additional checks per unique state election codes.
- c. 3<sup>rd</sup> Party Audit: EagleAI Network can work outside the SoS office to produce a list of Voter Registrations that need further review based on publicly available data or under contract with access to in-state private data. This list reports on the Election Code violation and the source of the data used. This manner of engagement can be used as an audit of current practices and/or list maintenance at the state, county or municipal level.
- d. Policy Consulting: State-originated data or EagleAI Network sourced data can be analyzed to identify key trends, patterns and areas of concern in state, county or municipal voter registration activity, management and policy to create data supported recommendations around policy, improvement and best practices observed in other comparable peer use cases.

**County** – Counties, like States, can engage with EagleAI Network in a myriad of fashions depending on their needs.

- a. Existing registrations can be reviewed relative to the state’s laws, codes and regulations, producing a report identifying potential violations and make recommendations per county, state and federal regulations.
- b. New applications for voting registration can be passed through EagleAI Network where the state requirements for an “eligible voter” are compared to the registration submitted, and a recommendation for voter roll “active” status, or further review can be made, e.g., a request for additional information, documentation, or error correction, before eligibility is granted.
- c. Citizen sourced challenges that counties receive can be run through EagleAI Network to quickly review for matches to county data and other publicly sourced data to identify the exact matches and flag close matches for further individual review.
- d. Policies and procedures can be reviewed for “best practices” among states and counties to ensure maximum trust in the Voter Roll. Data trends can be analyzed and summarized to identify systemic problem areas to support informed changes to policies and procedures with minimal effect on personnel and budget.

**Citizens** – Individuals interested in voter roll accuracy and integrity can obtain a license and credentials to review publicly available information to ascertain whether voter registrations meet their state criteria for “eligible voter.” Those registrations where concerns are noted can be submitted to the appropriate authority for review and actions, e.g., the Board of Elections, Chief Registrar, or the Director of Elections.

## KEY CAPABILITIES

EagleAI Network has prioritized several key elements that address the majority of states’ registration requirements.

### Duplicate Registrations

- State-to-State – Through SoS data EagleAI Network can identify duplicate registrations through a multi-level match factor as prescribed and acceptable by each state. This includes the use of AI as well as visual comparison of data on records that do not match 100%.
- Within State – A list review of common duplicate scenarios such as married name change, name update, address change without NCOA update, or initial registration error can be performed with tiered confidence reporting allowing for *actionable* or *needs further review* classification.
- EagleAI Network uses multi-tiered algorithms and individual record reviews to prevent errors with multi-generational names (father/son, mother/daughter), twins, etc., for Duplicate and Deceased. States may select a sensitivity setting, e.g., top Tier 1 matching only.

### Deceased

- EagleAI Network has constructed a database of over 40 million deceased records based upon the Social Security Administration’s Death Master File, scraped or sourced funeral home obituaries, newspaper obituaries and other public records. The system uses a multi-level match factor approach to identify deceased and potentially deceased registrations for tiered confidence reporting. EagleAI Network also has algorithms to flag registrations that violate *intuitive factors* such as a registration with an age older than the oldest known resident in the state. These include the use of AI as well as individual visual comparison of data of records that do not match 100% or otherwise require further investigation.
- With access to county’s or state’s coroner’s reports and mortuary records, the system can pull matches directly, providing the highest tier confidence.

### Moves

- NCOA – EagleAI Network interfaces with a USPS NCOA licensee (as recommended by *NVRA, SEC. 5, (d) Change of Address*) to receive information from the USPS' *National Change of Address* system in order to identify permanent in-state, out-of-state and foreign moves. Registrant can be checked against other State Voter Rolls to determine whether they are also registered to vote at the new address and the property tax rolls to determine if they have declared homestead tax exemption at the new address.
- PCOA – EagleAI Network can also identify movers by interfacing with *Private Change of Address* sources, (e.g., credit cards, credit reports, utility information, etc.).
- All address data is parsed into the official USPS elements to assure exact matches when assessing moves.

### Incomplete Registration

- EagleAI Network reviews each field required by the State's Election Code for completion and accuracy (e.g., does this address exist, is a birth year of 1901 logical, is further apartment/unit designation required, etc.).

### Address Classification

- To determine whether a registration meets eligibility as a residence, EagleAI Network's database is comprised of scraped and sourced public records which help assure that the address is eligible for registration. This database reflects information such as land use codes, property zoning, SOS and scrapped business addresses, government locations and others.
- CASS – EagleAI Network interfaces with a USPS NCOA licensee to receive address verification information via the USPS's *Coding Accuracy Support System* to determine if an address is accurate, occupied, residential and deliverable. (State requirements may vary, and are incorporated into the parameters.)

### Felons

- EagleAI Network's database is capable of importing information from the Department of Corrections (or equivalent) in order to determine which individuals are no longer eligible to vote as well as which individuals have met the state's criteria for restoring their eligibility.

### Mentally Incompetent

- EagleAI Network's database is capable of importing information from the Department of Mental Health (or equivalent) in order to determine which individuals are no longer eligible to vote due to being deemed mentally incompetent.

### Non-Citizens

- EagleAI Network's database is capable of importing information from the Judicial System regarding Jury Status as well as any other data relating to citizenship.

### Data Sources

- EagleAI Network's database is comprised of sourced and scrapped public records to classify each registration. The database reflects information such as commercial zoning, land use codes, tax records, homestead exemptions, sale records, business addresses, retail locations, over 35 state voter rolls.

## FURTHER CONTACT

Rick

John W. Richards, Jr., MD, MMM, CPE

[REDACTED]  
[REDACTED]

John

John W. Richards III, IMBA

[REDACTED]  
[REDACTED]



Sara Ghazal &lt;saraghazal.seb@gmail.com&gt;

**Voter list maintenance and Eagle AI by Dr. Rick Richards**

18 messages

**Janice Johnston** <jjohnstonmd.seb@gmail.com>  
To: Sara Ghazal <saraghazal.seb@gmail.com>

Thu, May 4, 2023 at 7:26 AM

Good morning Sarah,  
My apologies for not getting back with you yesterday. I started having chills and a sore throat in the afternoon and had a medical procedure scheduled for this morning. In an abundance of caution I took a Covid test x2 and was positive!  
Procedure cancelled.  
Taking meds.  
Self isolating.  
Sorry for the distraction.  
Attached is a description of Dr. Richard's tool for looking at voter lists and providing reports for a state or county. The algorithm reflects a great deal of work to instill uniformity and consistency in the voter list information. He has just been contracted to utilize his program for Columbia County. This will be a beta test and will review the voter list and prescreen new voter registration applicants.  
Interestingly, the program can be tailored to differing requirements for other states.  
Call me when you have a minute to discuss. Dr. Richards is available to demo his product.  
Thanks so much,  
Jan -sniff, achoo, sniff, achoo...

 **Eagle AI statement.pdf**  
74K**Sara Ghazal** <saraghazal.seb@gmail.com>  
To: Janice Johnston <JJohnstonMD.seb@gmail.com>

Thu, May 4, 2023 at 10:24 AM

Hi Jan,

I am so sorry that you are ill! Please take good care of yourself. Paxlovid was a mixed blessing for me—I very quickly felt better, but then tested positive again after about 5 days.

The information you sent on Eagle AI begs a number of questions for me. First, what steps is Columbia County taking to ensure adherence to OCGA 21-2-225? Voter registration forms are not public records, and much of the information on them cannot be shared with outside parties. Have attorneys with the Secretary of State or the Attorney General reviewed the contract and the processes to ensure adherence to statutory data protections? What are the data sources that Eagle AI is using to compare the list data that is publicly available to? What would county officials do with the report from the vendor? What kind of security does Eagle AI have to ensure that any data is not vulnerable?

Happy to have these conversations directly with the vendor if that is helpful.

[Quoted text hidden]

**Janice Johnston** <jjohnstonmd.seb@gmail.com>  
To: Sara Ghazal <saraghazal.seb@gmail.com>, William Duffey <wduffey.seb@gmail.com>

Thu, May 4, 2023 at 11:43 AM

I forwarded your questions to Dr. Richards. But you raise a good point regarding 21-2-225. In OCGA 21-2-225(c)(1) the SOS is a member of ERIC and ERIC seems to have shared voter list information with CEIR. Is there a contract with SOS and CEIR?

[Quoted text hidden]

**Sara Ghazal** <saraghazal.seb@gmail.com>  
To: Janice Johnston <JJohnstonMD.seb@gmail.com>

Thu, May 4, 2023 at 11:52 AM

GA-SEB-24-1698-A-000044

Cc: William Duffey <wduffey.seb@gmail.com>

I have no idea about any relationship between the SOS and CEIR, or between ERIC and SEIR. My understanding of the data shared with ERIC, however, is that any confidential information is hashed in a way that cannot be read or shared with any outside group, including any other ERIC member, much less an outside group. I could be wrong about that, but I would be absolutely shocked if the Secretary of State acted in any way that would jeopardize the security of voter data.

[Quoted text hidden]

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**Sara Ghazal** <saraghazal.seb@gmail.com>  
To: Janice Johnston <JJohnstonMD.seb@gmail.com>  
Cc: William Duffey <wduffey.seb@gmail.com>

Thu, May 4, 2023 at 11:52 AM

\*CEIR not SEIR.

[Quoted text hidden]

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**William Duffey** <wduffey.seb@gmail.com>  
To: Sara Ghazal <saraghazal.seb@gmail.com>  
Cc: Janice Johnston <jjohnstonmd.seb@gmail.com>

Thu, May 4, 2023 at 12:27 PM

Sara: Do we need to contact the county to tell them to consider if this arrangement runs afoul of the rule?

[Quoted text hidden]

--

William S. Duffey, Jr.  
Chair  
State Election Board

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**Janice Johnston** <jjohnstonmd.seb@gmail.com>  
To: William Duffey <wduffey.seb@gmail.com>  
Cc: Sara Ghazal <saraghazal.seb@gmail.com>

Thu, May 4, 2023 at 12:38 PM

I think that would be a good idea.

[Quoted text hidden]

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**Sara Ghazal** <saraghazal.seb@gmail.com>  
To: William Duffey <wduffey.seb@gmail.com>  
Cc: Janice Johnston <JJohnstonMD.seb@gmail.com>

Thu, May 4, 2023 at 1:59 PM

They certainly need to consider this issue. My only question is whether the flag would be better coming from us directly or from Charlene?

On Thu, May 4, 2023 at 12:27 PM William Duffey <wduffey.seb@gmail.com> wrote:

[Quoted text hidden]

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**William Duffey** <wduffey.seb@gmail.com>  
To: Edward Lindsey <edwardlindsey.seb@gmail.com>, Janice Johnston <jjohnstonmd.seb@gmail.com>, Sara Ghazal <saraghazal.seb@gmail.com>, T Matthew Mashburn <mmashburn@georgia-elections.com>

Thu, May 4, 2023 at 2:39 PM

I think it should come from us since we are the ones that encouraged the relationship and to exhibit that we help counties avoid problems. Can you draft a letter explaining the issue and suggesting how they can determine if it is a problem, suggesting they contact Blake (who can intern consult with Charlene)

[Quoted text hidden]

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**Sara Ghazal** <saraghazal.seb@gmail.com>  
To: William Duffey <wduffey.seb@gmail.com>  
Cc: Edward Lindsey <edwardlindsey.seb@gmail.com>, Janice Johnston <JJohnstonMD.seb@gmail.com>, T Matthew Mashburn <mmashburn@georgia-elections.com>

Thu, May 4, 2023 at 4:35 PM

Yes, I am happy to provide a draft.

[Quoted text hidden]

8/30/24, 4:33 PM

Gmail - Voter list maintenance and Eagle AI by Dr. Rick Richards

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**William Duffey** <wduffey.seb@gmail.com>

Thu, May 4, 2023 at 4:56 PM

To: Sara Ghazal <saraghazal.seb@gmail.com>

Cc: Edward Lindsey <edwardlindsey.seb@gmail.com>, Janice Johnston <jjohnstonmd.seb@gmail.com>, T Matthew Mashburn <mmashburn@georgia-elections.com>

Thanks Sara. I think the letter needs to go quickly before they go too much further with this relationship.

[Quoted text hidden]

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**Sara Ghazal** <saraghazal.seb@gmail.com>

Sun, Jul 2, 2023 at 11:47 AM

To: "Hardin, Alexandra" <ahardin@sos.ga.gov>

[Quoted text hidden]



**Eagle AI statement.pdf**

74K

GA-SEB-24-1698-A-000046



# EAGLE AI

## THE VOTER INTEGRITY SOFTWARE

### WHO WE ARE

Vision Statement: EagleAI will be the tool of reckoning across the nation for use at all levels of Election Roster validation, maintenance and review. EagleAI is a non-partisan, data driven, objective tool for testing, auditing and maintain the validity of individual voter registrations.

Mission Statement: EagleAI exists to help maintain and restore confidence in the integrity of local, state and national elections.

Core Values: EagleAI, its consultants and every endeavor are guided by the enduring intention to be trustworthy, loyal, helpful, friendly, courteous, kind, cheerful, thrifty, brave and reverent.

EagleAI was formed by a team of seasoned data professionals to address the growing need for transparency and trust in America's election processes; specifically, the first step – voter eligibility.

### TIERED ENGAGEMENT

EagleAI is designed to work at three key levels, offering unique engagement and support for each.

**State** – States can engage with EagleAI to address their most pressing needs.

- a. Tool Adoption: States can implement the EagleAI framework to meet their unique state Election Code and Federal NVRA & HAVA requirements for Voter Roster maintenance. By working with the SoS office and State maintained data systems, EagleAI is capable of not only reviewing cross state voter registrations, but also other voter registration requirements such as deceased, in-state and out-of-state moves, non-residential registrations, incomplete registrations, duplicates, felons, etc., according to each state's particular codes and within their policies and procedures.
- b. Initial Eligibility Verification: EagleAI can be used to pre-screen incoming voter registration applications to ensure they are:
  - I. Complete in all the information required, in the format required, with the documentation required.
  - II. Not duplicating a current registration.
  - III. Not currently registered in another state.
  - IV. Not currently on any list that would prohibit them from registering (e.g., deceased, felon, mentally incompetent and/or otherwise ineligible to vote).
  - V. With the capability to build out additional checks per unique state election codes.

- c. 3<sup>rd</sup> Party Audit: EagleAI can work outside the SoS office to produce a list of Voter Registrations that need further review based on publicly available data; or under contract with access to in state private data. This list reports on the Election Code violation and the source of the data used. This manner of engagement can be used as an audit of their current practices and/or list maintenance at the state, county or municipal levels.
- d. Policy Consulting: State originated data or EagleAI sourced data can be analyzed to identify key trends, patterns and areas of concern in state, county or municipal voter registration activity, management and policy to create data supported recommendations around policy, improvement and best practices observed in other comparable peer use cases.

**County** – Counties can engage with EagleAI in a myriad of fashions depending on their needs.

- a. New applications for voting registration can be passed through EagleAI where the state requirements for an “eligible voter” are compared to the registration submitted and a recommendation for voter roll “active status,” or further review can be made, e.g., a request for additional information, documentation, or error correction.
- b. Existing registrations can be reviewed relative to the state’s laws, codes and regulations, producing a report that identifies potential violations and makes recommendations per county, state and federal regulations.
- c. Policies and procedures can be reviewed for “best practices” among states and counties to ensure maximum trust in the Voter Roll. Data trends can be analyzed and summarized to identify systemic problem areas to support informed changes to policies and procedures with minimal effect on personnel and budget.

**Citizens** – Individuals interested in voter roll accuracy and integrity can obtain a license and credentials to review publicly available information to ascertain whether voter registrations meet their state criteria for “eligible voter.” Those registrations where concerns are noted can be submitted to the appropriate authority for review and actions. This might be the Board of Elections, Chief Registrar, or the Director of Elections.

## KEY CAPABILITIES

EagleAI has prioritized several key elements that address the majority of states’ registration requirements.

### Duplicate Registrations

- State-to-State – Through SoS data EagleAI can identify duplicate registrations through a multi-level match factor as prescribed and acceptable by each state. This includes the use of AI as well as visual comparison

of data on records that do not match 100%. EagleAI can also report the dates of registration as well as the dates each voted to merge voting history into a single registration.

- Within State – A list review of common duplicate causes such as married name change, name update, address change without NCOA update, or initial registration error can be performed with tiered confidence reporting actionable or needs further review classification.

## Deceased

- Current – EagleAI has constructed a database of over 40 million deceased records based off scraped or sourced obituaries and public records. The system uses a multi-level match factor approach to identify deceased and potentially deceased registrations for tiered confidence reporting. EagleAI also has scripts set up to flag registrations that violate “intuitive factors” such as a registration with an age older than the oldest known resident in the state. Again, this includes the use of AI as well as visual comparison of data on records that do not match 100% and require further investigation.
- Future – With access to the Social Security Master Death File (SSMDF) and coroner’s reports/mortuary records the system can pull matches directly related to State managed sources, providing the highest tier confidence.

## Moves

- NCOA – EagleAI interfaces with TrueNCOA, as recommended by *NVRA, SEC. 5, (d) Change of Address*, to report on the USPS’ *National Change of Address* system and identify both in-state, out-of-state and foreign moves. The moved residence can be checked against State Registration lists to see if the registered voter is registered at the new address.
- PCOA – EagleAI can identify movers though interfaces with Private Change of Address sources, (e.g., credit reports, utility information and property tax records) to flag voter registrations that need further due diligence.

## Incomplete Registration

- EagleAI reviews each field required by the State’s Election Code for completion and accuracy (e.g., does this address exist, is a birth year of 1901 logical, does this address need a unit/apartment code).

## Address Classification

- EagleAI has constructed a database comprised of scraped and sourced public records to classify each potential non-registrable address. This database reflects information such as commercial zoning, tax records, business addresses, homestead exemptions, retail locations and others to flag registrations using these addresses.

- CASS – EagleAI interfaces with TrueNCOA to incorporate address verification information via the USPS' *Coding Accuracy Support System* to determine if an address is accurate, occupied, residential and deliverable.

## FURTHER CONTACT

Rick

John W. Richards, Jr., MD, MMM, CPE

[REDACTED]

[REDACTED]

John

John W. Richards III, IMBA

[REDACTED]

[REDACTED]

2:02

5G 

◀ Search



Edward >

Fri, Jul 7 at 3:38 PM

Who is Dr Rick Andrews  
and/or Eagle AI?

Forwarded you the ORR  
results for your reading  
pleasure.

I have opinions not  
suitable for writing

AMERICAN  
**OVERSIGHT**

GA-SEB-24-1698-A-000052

Thu, Jul 27 at 7:48 AM



Sara Ghazal <saraghazal.seb@gmail.com>

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## Georgia company pursues multistate voter registration cancellations

1 message

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**William Duffey** <wduffey.seb@gmail.com>

Tue, Aug 15, 2023 at 12:32 PM

To: mmashburn@georgia-elections.com, saraghazal.seb@gmail.com, edwardlindsey.seb@gmail.com, jjohnstonmd.seb@gmail.com, EVaughan@law.ga.gov

Here is a link to an article published online by the AJC on August 13.

Georgia company pursues multistate voter registration cancellations

(Via AJC News)

<https://www.ajc.com/politics/georgia-company-eagleai-pitches-private-voter-cancellation-software/TBUCPK5GWZCKBDOJPZQPANOXY/>



Sara Ghazal &lt;saraghazal.seb@gmail.com&gt;

## Joint letter urging Columbia County to reject EagleAI software

1 message

Marisa Pyle [REDACTED]

Wed, Oct 18, 2023 at 1:23 PM

To: "mmashburn.seb@gmail.com" <mmashburn.seb@gmail.com>, "saraghazal.seb@gmail.com" <saraghazal.seb@gmail.com>, "edwardlindsey.seb@gmail.com" <edwardlindsey.seb@gmail.com>, "jjohnstonmd.seb@gmail.com" <jjohnstonmd.seb@gmail.com>

Dear SEB members,

Enclosed below is a joint letter sent on Monday to the Columbia County Board of Elections concerning their consideration of EagleAI software for elections administration:

Dear Columbia County Board of Elections Members,

As civil and voting rights advocates focused on voters in Georgia, we write to express our grave concerns after hearing about the recently reported communications between Columbia County's Board of Elections, its elections supervisor, and EagleAI.

First, we find it troubling that there appears to be limited information available about EagleAI's development, funding sources, and information security processes. Voters and election administrators deserve transparency and security with voter data and information. In addition, we have concerns about those who appear to promote and affiliate with EagleAI, including former Trump attorney Cleta Michell. We are also concerned that anti-voter extremists will use EagleAI to strip eligible voters from the rolls through mass voter challenges and by advocating for aggressive voter purges—adding to the threats our democracy is facing as we look ahead to 2024.

In addition, we have heard from voters and election administrators that inconsistent or bad data creates added burdens in the voting and administration process. That concerns us because it has been reported that EagleAI relies on public data sources—such as newspaper obituaries, property tax records, and similar sources—that we understand to be frequently incomplete or missing critical identifying information. The ERIC (Electronic Registration Information Center), on the other hand, is described as relying on non-public data sources containing more complete and unique identifying information, increasing ERIC's reliability.

Exacerbating our concerns is the fact that early voting for the November municipal elections started on Monday, October 16. It is disconcerting that we are hearing of active discussions in Columbia County about changing or creating new processes during an election. We believe significant changes to election administration warrant careful consideration and, where necessary, thorough training.



GA-SEB-24-1698-A-000054



We appreciate that counties want to see improvement in election administration technology. But experimenting with new technology backed by unknown or obscured funding sources, created by persons whose backgrounds in election administration and election law are not readily determined, and apparently associated with individuals responsible for recent mass challenges in Georgia, creates significant security and reliability concerns. We fear EagleAI's purpose may be less about ensuring voters can exercise their freedom to vote and more about empowering those working to push voters off the rolls. We believe the ERIC verification system, on the other hand, provides security and familiarity to the officials and staff who rely upon it.

With the foregoing concerns in mind, we call on the Columbia County Board of Elections and elections supervisor to not utilize EagleAI, in any way, during the upcoming municipal election cycle, and to demand transparency from any platforms proposing to supplant our current processes.

Our shared responsibility, as is yours, is to all Columbia County voters. We demand that all voters are supported in their right to register to vote, stay on the voter rolls, exercise their freedom to vote, and have that vote counted.

Signed,

Fair Fight

Represent GA Action Network

Georgia Youth Justice Coalition

New Georgia Project Action Fund



Sara Ghazal <saraghazal.seb@gmail.com>

# Letter to Columbia County

2 messages

**Andrew Garber** [redacted] Wed, Oct 18, 2023 at 5:40 PM  
 To: "mmashburn.seb@gmail.com" <mmashburn.seb@gmail.com>, "saraghazal.seb@gmail.com" <saraghazal.seb@gmail.com>, "edwardlindsey.seb@gmail.com" <edwardlindsey.seb@gmail.com>, "jjohnstonmd.seb@gmail.com" <jjohnstonmd.seb@gmail.com>


Dear Members of the State Election Board,

Please see the attached correspondence on behalf of the Brennan Center for Justice and co-signatories regarding the Columbia County Board of Elections' consideration of contracting with EagleAI. Please note the letter was sent to the Columbia County Board on Monday, October 16.

Best,

Andrew Garber  
 Counsel – Voting Rights & Elections Program  
 Brennan Center for Justice at NYU School of Law  
 120 Broadway, Suite 1750  
 New York, NY 10271

[redacted]  
 [redacted]  
[www.brennancenter.org](http://www.brennancenter.org)

 **Letter 10.18.23.pdf**  
 138K

**Sara Ghazal** <saraghazal.seb@gmail.com> Wed, Oct 18, 2023 at 8:18 PM  
 Draft To: Andrew Garber [redacted]  
 Cc: "edwardlindsey.seb@gmail.com" <edwardlindsey.seb@gmail.com>, "jjohnstonmd.seb@gmail.com" <jjohnstonmd.seb@gmail.com>, "mmashburn.seb@gmail.com" <mmashburn.seb@gmail.com>

Thank you for the update.  
 [Quoted text hidden]



# BRENNAN CENTER FOR JUSTICE

October 16, 2023

Dear Chairperson Cushman, Member Duffie, Member Wiggins, and Executive Director Gay,

We understand that you are considering entering into a contract with EagleAI NETWORK, which has created a list-matching database (“EagleAI”). We urge you not to do so. EagleAI would add nothing to the already-active measures the state is taking to update its rolls; since 2019, the state has canceled or made inactive [hundreds of thousands](#) of registrants. Not only is EagleAI superfluous, it is flawed and unreliable. Its use may also, in some cases, run afoul of the National Voter Registration Act (“NVRA”), data privacy laws, the Computer Fraud and Abuse Act, and antidiscrimination law, among other potential issues. We urge you not to enter into any agreement with EagleAI and to reject any voter challenge derived from it.

## **I. EagleAI relies on sources that are not reliable for voter list maintenance.**

As an initial matter, EagleAI cannot be [trusted](#) to provide reliable information regarding who on the voter rolls is not eligible to remain there. EagleAI relies solely on public information scraped from places like the National Change of Address database, criminal justice records, and property tax records. As we discussed in a [prior letter](#) to Georgia county election boards, these sources are insufficient to determine whether someone is still eligible to vote at their place of registration. For example, a military service member may want their mail forwarded while temporarily stationed outside of Georgia and eligible voters may be registered at a house they rent from someone else. Public documents and reporting have not shown that EagleAI has functionality to get around these shortcomings.

Even the voter rolls EagleAI relies on are likely not up to date. EagleAI is [reported](#) to be using the Voter Reference Foundation’s (“VoteRef”) publicly available voter list for its comparison. VoteRef is a snapshot of the voter rolls at the time VoteRef purchased them, so unless EagleAI is constantly buying new copies of the County’s voter rolls, these will quickly be out of date. VoteRef also lacks critical data like date of birth, which raises the risk of false matches based on name similarities. And EagleAI’s backers have made misleading statements about voter roll maintenance, such as a [claim](#) that there are more registered voters than residents in Georgia, which fails to take into account that the state has already moved many of these registrations onto its inactive voter list, where they are already on the path to being removed consistent with the requirements of the NVRA. As [summed up](#) by Georgia Elections Director Blake Evans, “EagleAI draws inaccurate conclusions and then presents them as if they are evidence of wrongdoing.”

In fact, EagleAI’s founder acknowledges that the data on their own do not provide a reliable basis for conducting voter list maintenance, instead [claiming](#) that the tool “simply points out

voter registrations that need to be reviewed by the election officials.” Yet when election boards have investigated similar information, it has proven to be a waste of their time. Last year Gwinnett County received a challenge to 37,000 names from VoterGA that relied on the same kinds of data used by EagleAI and derived from the same [network](#) of activists. The Gwinnett Elections Board undertook hundreds of hours of research into the voters. In the end, it did not remove a [single voter](#) from the rolls. For all the same reasons, EagleAI should never be used to verify voter registrations or resolve voter challenges; the data it relies on add nothing useful to the more-reliable information the Board already has.

Voter list maintenance is an important function of local elections administrators and we applaud your efforts to improve this process. But EagleAI will not further these goals. It offers nothing new from last year’s [failed](#) challenge efforts. It will point you towards false positives and waste your staff’s time. ERIC, of which Georgia is a member and which uses heavily encrypted, reliable identifying data, remains a far [better](#) tool for list maintenance.

## **II. EagleAI may violate privacy laws.**

If this Board were to *share* data with EagleAI, that would raise data privacy concerns. Former Georgia State Election Board Chair William Duffey raised this issue in his May 11, 2023 [letter](#) to this Board, explaining that sharing voter information may violate Georgia law. The election code [specifies](#) that “original applications for voter registration [and] copies thereof” are not to be shared with the public, so the County cannot share those forms. And while the voter list is generally a public record, many components of individual entries are not, including bank statements, month and day of birth, social security numbers, emails, driver’s licenses, and location of registration.

This very data privacy issue sank the 2017 Presidential Advisory Commission on Election Integrity. The Commission asked states to turn over voter data including birth dates, justice system records, voting histories, and the final four digits of social security numbers. Many states [refused](#) to comply with the request, often because it sought non-public information that state law prohibited officials from sharing. Former President Trump – the Commission’s strongest backer – [admitted](#) that the inability to collect private voter data led to its demise. Contracting with groups like EagleAI is a known dead-end.

## **III. The Computer Fraud and Abuse Act may prohibit EagleAI from collecting certain data.**

Not only would sharing voter information with EagleAI potentially violate privacy laws, but contracting with the group may expose the Board to liability if EagleAI is violating federal law or website terms of service. The [Computer Fraud and Abuse Act](#) is a federal law that imposes criminal and civil penalties on anyone who gains unauthorized access to a computer. Federal Courts have said that webscrapers like EagleAI are subject to the Act. In *Craigslist Inc. v. 3Taps Inc.*, 942 F. Supp. 2d 962 (N.D. Cal. 2013), a federal court in California ruled that Craigslist could sue 3Taps for using anonymous proxies to scrape classified ads off Craigslist. The parties agreed to a \$1 million settlement.

Additionally, while web scraping is legal, there are limitations on its use. Users of a website may consent to terms of service that prohibit scraping. Other websites may allow scraping but not commercial use of the data, such as selling a packet of information that includes protected IP (e.g., logos or databases). EagleAI would be using its data for a commercial purpose if it sold it to you. In other instances, scraping may scoop up personally identifiable information that is protected from disclosure. And, assuming EagleAI is built on an existing app development tool, it would need to purchase sufficient licenses so that every potential user of the platform is authorized to access it. Without extensive diligence to investigate these issues, this Board could be opening itself up to lawsuits and enforcement actions alongside EagleAI.

#### **IV. The National Voter Registration Act and the Constitution limit when and how election officials may remove voters from the rolls.**

In the event you did decide to use EagleAI, such use would need to be consistent with the NVRA, which both requires states (and their subdivisions) to perform voter list maintenance and places restraints on how they may do it.

Under the NVRA, states and their subdivisions can only [remove](#) voters in one of five circumstances. First, the voter asks to be removed. Second, if state law requires, for a criminal conviction or mental incapacity. Third, for the death of the voter. Fourth, if the voter confirms a change of residence in writing. Fifth, based on other evidence of a change of residence, but only after the state sends a notice and then the voter both fails to respond **and** does not appear to vote in the next two federal general elections. There is no exception for removing a voter for a change of residence because the county has used private data or because the voter was challenged.

We additionally caution that the NVRA prohibits the “systematic[.]” removal of voters from the rolls within 90 days of a federal election. Voter removals derived from database matching are clearly systematic and therefore prohibited within that time-window.

The process protections in the NVRA exist alongside the constitutional requirement that individuals be afforded a meaningful hearing before being deprived of a protected interest. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). The Constitution also prohibits discrimination; the Equal Protection Clause of the Fourteenth Amendment protects against “laws singling out a certain class of citizens for disfavored legal status or general hardships.” *Romer v. Evans*, 517 U.S. 620, 633 (1996). EagleAI reportedly flags voters who are [registered](#) at homeless shelters or a nursing homes for investigation. These are vulnerable categories of voters and there is no evidence voters registered at these addresses are more likely to be ineligible. If EagleAI’s design disproportionately removes these voters from the rolls, it would be very difficult for this Board to deploy it in a way that does not discriminate against those voters.

\*\*\*

We thank you for considering our position on this pressing issue. We would be happy to speak with you further about the concerns outlined above at your earliest convenience.

Sincerely,



Andrew B. Garber, Counsel

**Co-signatories**

ACLU of Georgia

Campaign Legal Center

League of Women Voters of Georgia

United to Protect Democracy

All Voting is Local Action

Coalition for the People's Agenda

New Georgia Project Action Fund