



November 12, 2020

VIA UNITED STATES MAIL, EMAIL TRANSMISSION AND HAND DELIVERY

The Honorable Brad Raffensperger
Georgia Secretary of State
214 State Capitol
Atlanta, Georgia 30334

State Election Board
2 Martin Luther King, Jr. Drive, S.E.
Suite 1104 West Tower
Atlanta, Georgia 30334-9000

Dear Secretary Raffensperger and the State Election Board:

The Georgia Republican Party is concerned about recent media reports that various out-of-state individuals and organizations are advocating that citizens of other states "temporarily" move to Georgia to register and vote in the runoff elections for United States Senate. According to the Secretary of State's Voter Registration Calendar, the current voter registration deadline for the runoff elections is December 7, 2020.¹ Because any person who votes in Georgia without first becoming a lawful Georgia resident or conspires to encourage unlawful voting commits a felony, the Secretary of State must take action to prevent unlawful votes by non-Georgians from corrupting our election. These unlawful attempts by outsiders to influence our elections are potentially criminal, offend fundamental notions of a fair election process and must be stopped. Furthermore, we have concerns that allowing any new registrants may violate the Seventeenth Amendment of the United States Constitution.

Individuals and organizations from outside the State are publicly flouting Georgia law and seeking to undermine the integrity of Georgia's electoral process. Andrew Yang, a former Democrat Presidential candidate, urged his 1.7 million Twitter followers that "[e]veryone who campaigned for Joe should get ready to head to Georgia,"² advising them that "[t]he

¹ See Georgia Secretary of State, <https://sos.ga.gov/admin/files/2020%20Revised%20Short%20Calendar.pdf>.

² Andrew Yang (@AndrewYang), "The best thing we could do for Joe is to get him a Democratic Senate. There should be coordination of resources. Everyone who campaigned for Joe should get ready to head to Georgia. I'll go. It's the only way to sideline Mitch and give Joe a unified government." Tweet (Nov. 6, 2020, 3:22 pm), <https://twitter.com/AndrewYang/status/1324809476940189698>.

registration deadline [for voting in the runoff] is Dec. 7.”³ Likewise, in a CNN interview, New York Times columnist Thomas Friedman told viewers that he “hope[d] everyone moves to Georgia in the next month or two, registers to vote, and votes for these two Democratic senators[.]”⁴ Georgia-based partisans seeking non-resident voters have made similar statements. For example, an activist with the Handmaids Coalition of Georgia encouraged “Northern Democrats” to “spend the Winter in Georgia!!!” based upon claims that “there are no length of residency requirements in Georgia, so if you have just moved here you can register to vote on day one.”⁵ And at least one of Georgia’s publicly funded universities has incorrectly advised its “[o]ut-of-state students currently living in Georgia” that they unequivocally “can register to vote in Georgia.”⁶

These efforts to flood the runoff election with votes from individuals who have not permanently moved here are unlawful. Georgia prohibits “double voting.” See Ga. Code Ann. § 21-2-572 (“imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both”). Indeed, less than two months ago, you emphasized the need to protect Georgians against double voting: “Let me be clear -- it is a felony to double-vote in Georgia, and we prosecute.”⁷ The same “one person, one vote” principle is at stake if non-residents are allowed to unlawfully vote in this runoff election.

Even if an individual had not already voted in another state’s general election, any attempt to move here temporarily solely to influence this run-off would be unlawful and potentially felonious. See Ga. Code Ann. § 21-2-216(a)(4). Becoming a resident of the state requires an intent to remain an inhabitant of the state. See Ga. Code Ann. § 21-2-217. It is a felony for any person to register as an elector knowing he or she does not possess the requisite qualifications. See Ga. Code Ann. § 21-2-561. Similarly, it is a felony for any person to vote or attempt to vote who does not possess the requisite qualifications of an elector. See Ga. Code Ann. § 21-2-571. To prevent these crimes, Georgia has instituted election protections to ensure an individual seeking to become a resident of the state of Georgia and vote has an intent to remain an inhabitant of the state. See Ga. Code Ann. §§ 21-2-216; 21-2-220 (e.g. requiring a Georgia driver’s license or identification card as one means to register as a voter).

³ Andrew Yang (@AndrewYang), “There isn’t much time. The earliest date for absentee ballots to be mailed for the runoff is Nov. 18. The registration deadline is Dec. 7. The In-person early voting begins Dec. 14.” Tweet (Nov. 6, 2020, 3:24 pm), <https://twitter.com/AndrewYang/status/1324809942126284803>.

⁴ Alexandra Desanctis, *Democrats Want You to Move to Georgia to Vote in the Senate Runoffs*, National Review (Nov. 11, 2020, 11:07 am), <https://www.nationalreview.com/corner/democrats-want-you-to-move-to-georgia-to-vote-in-the-senate-runoffs/> (internal quotations omitted).

⁵ Corinne Murdock, *Democrats Invite Voters to Exploit Georgia’s Weak Residency Rules to Stuff Ballot Boxes in Runoff Elections*, The Tennessee Star (Nov. 10, 2020), <https://tennesseestar.com/2020/11/10/democrats-invite-voters-to-exploit-georgias-weak-residency-rules-to-stuff-ballot-boxes-in-runoff-elections/>.

⁶ Georgia Tech, *Voter Guide, Out-of-State Registration in Georgia*, <https://vote.cae.gatech.edu/out-state-registration-georgia>.

⁷ See Joe Henke, 11Alive, <https://www.11alive.com/article/news/politics/elections/georgia-secretary-of-state-speaks-on-election-security/85-51e3830d-409a-40bc-86a8-15b6f954dff8>, last revised on Sept. 9, 2020.

But in light of this open and apparently organized effort to encourage outsiders to temporarily relocate to Georgia to unlawfully register and vote,⁸ these protections, without further action by your office, are not sufficient to protect Georgia citizens from having their vote cancelled or diluted by non-Georgians. The Georgia legislature has provided you with broad power to protect the integrity of these elections. For instance, you are authorized to compare the voter registration database to the U.S. Postal Service's change-of-address information to identify electors whose addresses have changed (Ga. Code Ann. § 21-2-233(a)), obtain information about Georgia electors convicted of a felony in another state (Ga. Code Ann. § 21-2-231(a)), and establish procedures to verify the accuracy of information on an applicant's voter registration form (Ga. Code Ann. § 21-2-216(g)(7)).

We now request that you utilize your broad powers to ensure that Georgia voters receive a fair election in January. Specifically, given the evidence that individuals and organizations are inciting unlawful voting by non-Georgians on a massive scale, and in order to uphold the election rights of our lawful citizens, the following measures are needed:

1. Direct the county boards of registrars to report each new voter registration between November 3, 2020 and December 7, 2020 within 24 hours to the Secretary of State's office.
2. Conduct an investigation before the January 5, 2020 General Election run-offs into each new voter registration between November 3, 2020 and December 7, 2020 concerning: (a) his or her intent to remain a Georgia resident and (b) whether any violations of Ga. Code Ann. § 21-2-561 or Ga. Code Ann. § 21-2-571 may have occurred.

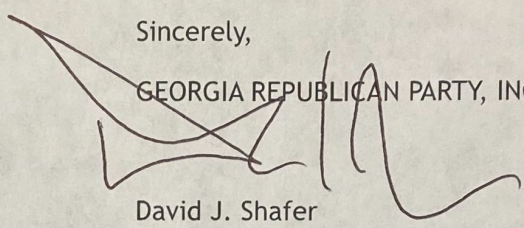
⁸ The following are additional examples of tweets potentially inciting election fraud: Elise Hu (@elisewho): "So uh, if you live in Georgia (or plan on moving there), new voters can register by December 7 to vote in the Jan 5 runoff election, which could be for TWO (2!) US senate seats & determine control of the US Senate"; Lily gray (@lilygray26): "we're moving to Georgia #WarnockforSenate"; Jordan Nelson (@JordyNelz): "Moving to Georgia before January and I'm looking for 29,000 socialist roommates to come with, anyone interested?"; Megan Lynch (@lynchmegan): "Husband casually floats the idea of moving to Georgia for the winter to vote in the runoff Senate elections."; Jami Attenberg (@jamiattenberg): "I'll be your wacky next door neighbor"; John Sellers (@JohnSellers): "A year is not needed! You'd literally only need to move there from December 1, to January 6 (and have a permanent address or GA ID) to vote in the runoff."; Queer Socialists Vote (@hello_nathaniel): "Who, in Georgia needs a very gay house boy who can cook and draw and decorate and is exceptional with dogs and grandmas?! I'm moving to Atlanta to vote for a Reverend and white boy."; Kaitlyn Hurley (@kaitlyndionne): "Brb moving to Georgia to canvas for the runoffs."; Zoe BLM (@hedgehogvevo): "me moving to georgia for a hot minute to vote in the runoffs."; Sarah Sheaffer (@ssheaffer642): "Moving to Georgia to vote for this man."; @nickcho (@NickCho): "Does anyone know if one month is enough time to move to Georgia and establish residency to be legally eligible to register by 12/7 to vote on January 5? For real tho. #flipthesenate"; David Gardner (@byDavidGardner): "For real though, about 150,000 of us need to move to Georgia by December"; Tony Rein (@TonyRein): "Okay Dems, time to get serious. Everybody move to Georgia right now and register to vote in the Senate run-off elections in January!"; Stephanie Wittels Wachs (@wittelstephanie): "Today, we feel joy. Tomorrow, we move to Georgia."; Neha (@nhbajar): "About to move to Georgia so I can vote in the runoff's. Who's with me?"; Jessica Ellis (@baddestmamajama): "OK LETS ALL MOVE TO GEORGIA RIGHT NOW"; Matthew Doyle (@MattDoyle76): "move to georgia and take the senate challenge and... go"; Sankarmukh (@sankarmukh): "If Perdue gets less than 50%, it will be a runoff too. I will move to Georgia and pound the pavement for them."; Sasan (@sasan_saadat): "I will move to Georgia before the special election, anyone else down"; The Brendalorian (@iamsunshine78): "I WILL move to Georgia for the 2 senate run off races."

3. If it is not feasible to accomplish Request No. 2 before the election, segregate all ballots cast in the run-offs to the General Election by new voters registering between November 3, 2020 and December 7, 2020 until such ballots are necessary to determining the outcome of either run-off, at which point an investigation can be conducted into whether the voters are lawful residents.

The Georgia legislature never intended for non-Georgians to dilute the voices of Georgians in our elections. Quite to the contrary, our laws are written to ensure that our United States Senators and all of our elected officials are chosen by Georgians. We look forward to working with your office to protect the integrity of Georgia's elections.

Sincerely,

GEORGIA REPUBLICAN PARTY, INC.


David J. Shafer
State Chairman
Georgia Republican Party

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