



FAIR FIGHT

v.

TRUE THE VOTE

Case Timeline & Key Background

November 2020

Fair Fight becomes concerned after hearing reports True the Vote (TTV) is pushing these rejected claims that 67,000 ineligible voters cast their ballots in the 2020 Presidential Election. Contemporaneously, TTV files four lawsuits in Michigan, Wisconsin, Georgia, and Pennsylvania, and claims it will deliver evidence of votes by ineligible voters. But TTV dismisses all four suits within days—producing none of its so-called evidence in the short-lived cases.

December 23, 2020

Fair Fight files a complaint for Declaratory and Injunctive Relief against TTV, seeking the Court's immediate intervention to halt TTV's activity and a declaration that TTV's actions amount to voter intimidation violating the Voting Rights Act of 1965.

Fair Fight and its co-plaintiffs allege TTV intimidated voters through a multi-pronged approach: challenging voters' registrations based on unreliable information; recruiting citizen watchdogs and U.S. Navy SEALs to watch voters return their ballots and monitor polling places; and, offering a \$1 million reward to incentivize its supporters to find evidence of alleged illegal voting.

January 6, 2021

Over 2,000 rioters storm the U.S. Capitol in what is widely regarded as a violent insurrection spurred by false conspiracy theories about election fraud and an attempt to prevent Congress from certifying the 2020 election results.

December 18, 2020

Fair Fight reviews a release on the TTV website announcing plans to challenge the eligibility of 364,000 registered Georgia voters—a tried and true voter suppression tactic dating to the Jim Crow era—ahead of the Jan. 5 2021 runoff elections for Georgia's two U.S. Senate seats. According to the report of one of Fair Fight's trial experts, TTV and its co-defendants ultimately challenged 250,783 registered Georgia voters across 65 counties. In response, Fair Fight learns of this plan and redirects its election activities to assist challenged voters.

January 5, 2021

Reverend Senator Raphael Warnock and Senator John Ossoff win their respective runoffs and are elected to the United States Senate.

January 25, 2021

Fair Fight learns of an email sent from TTV claiming "20,000 unqualified voters did, in fact, vote in the January 5th election" and that most Georgia counties disregarded or dismissed TTV's 64,000 challenges because the counties "didn't want to do the hard work."



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May 16, 2022

After more than one year of legal discovery regarding TTV's challenge efforts and other tactics, Fair Fight moves for summary judgment, arguing that TTV's actions constitute voter intimidation as a matter of law. Defendants also move for summary judgment, arguing their actions are protected by the First Amendment to the Constitution, among other legal defenses.

October 2022

The federal court presiding over *Fair Fight v. True the Vote* affords the U.S. Department of Justice (DOJ) the opportunity to intervene given Defendants' First Amendment and their apparent constitutional challenge to Section 11(b) of the Voting Rights Act. Two months later, the DOJ intervened.

March 6, 2023

The Court grants the motion filed by Fair Fight and its co-plaintiffs that asked the Court to exclude improper "expert" testimony offered by Defendants in support of their summary judgment arguments. The testimony, given by Gregg Phillips (founder of Defendant OPSEC, LLC) and Defendants Mark Davis and Derek Somerville, relates to the purported reliability of the algorithm used to make Defendants' voter challenge lists.

October 26, 2023

Trial will begin in Gainesville, Georgia for the federal voting rights case *Fair Fight v. True the Vote*.

August 17, 2022

Fair Fight remains committed to fighting back against mass challenges after viewing an email sent from TTV telling supporters that the group has chosen to "hold off on submitting additional challenges" during the Fair Fight lawsuit, but that TTV intends to "submit challenges...just as soon as the lawsuit wraps up."

January 17, 2023

The DOJ files a brief in *Fair Fight v. True the Vote*, arguing the Court "should reject Defendants' challenges to the constitutionality of Section 11(b)."

March 9, 2023

The Court rules on the parties' cross motions for summary judgment, and through its Order, confirms Plaintiffs will receive a trial on the merits of their claim. The court also ruled in Plaintiffs' favor with respect to certain affirmative defenses raised by Defendants—namely, the Court rejected Defendants' arguments that their mass challenges are lawful because the U.S. Constitution protects them from vote dilution.