



FAIR FIGHT

v.

TRUE THE VOTE

To: Interested Parties
From: Fair Fight
Re: Key Takeaways from Trial Days 1-3
Date: Wednesday, November, 2023

On October 26, 2023, trial began in Gainesville, Georgia in the federal voting rights litigation *Fair Fight, Inc., et al. v. True the Vote, et al.* Trial was in recess on Tuesday, October 31, and resumes today, Wednesday, November 1.

Below you will find a summary and key takeaways from court proceedings on October 26, 27, and 30, including:

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Key Takeaways

Opening Remarks

In opening remarks, Counsel for Plaintiffs, Uzoma Nkwonta, recalled the intensity of the atmosphere in Georgia following the November 2020 election, culminating in a fever pitch when True the Vote (TTV) announced its plans for the U.S. Senate Runoff: a bounty on fraud, heightened surveillance at polling places and drop boxes, a fraud hotline, and challenges to the eligibility of over 350,000 registered Georgia voters.

Plaintiffs' opening rebutted anticipated arguments of the defendants, including the contention that no voters were intimidated by Defendants' actions or that intimidation requires a threat of physical violence.

In their opening remarks, Defendants, through their counsel, claimed to occupy a middle ground between election conspiracy theorists and Georgia officials allegedly claiming there were no problems with Georgia's voter rolls.

Testimony

- Four Georgia voters testified to the fear, intimidation, and discouragement they felt when their eligibility was challenged, and the burdens involved with overcoming the challenges to ensure their ability to vote in what they considered a critical election for Georgia and the nation.
- Former General Counsel for the Georgia Secretary of State, Ryan Germany, testified to the fact-intensive nature of the voter roll maintenance process, including how a change to a voter's mailing address is not, on its own, a basis for removing a voter from the rolls.
- Expert witnesses testified to the numerous data errors in True the Vote's challenge file, the costs of voting that amount to burdens on voters, and the intimidating effect of mass challenges, fraud hotlines, fraud bounties, and heightened surveillance in the voting process.

Summary of Testimony

In the first three days of trial, Plaintiffs called eight witnesses:

- Cianti Stewart-Reid, Fair Fight Executive Director
- Four Georgia voters challenged by the Defendants in the 2021 election
- Expert witnesses for the Plaintiffs
- A former representative of the Georgia Secretary of State's Office

Please note that transcripts from court proceedings must be purchased from the court reporters.

Fair Fight Executive Director - Cianti Stewart-Reid

Fair Fight began its case with the testimony of Executive Director Cianti Stewart-Reid. In her testimony, Stewart-Reid:

- Detailed the organization's efforts to support voters who otherwise may have been deterred from making their voice heard because of intimidation Plaintiffs allege was caused by True the Vote and its co-defendants.
- Explained the substantial resources required to combat the activities of True the Vote in the January 2021 U.S. Senate runoff elections, and why Fair Fight continues to devote its efforts to combatting unlawful voter intimidation.

Voters Challenged in the 2021 Runoff Elections

The court also heard testimony from four voters challenged in the 2021 runoff elections. These voters spoke candidly about the fear and discouragement they felt when their eligibility was

challenged and why it was no simple matter to overcome those challenges to ensure their ability to vote in what they considered a critical election for Georgia and the nation.

1. One voter, Scott B., testified about his experience being challenged in the 2021 runoffs while he was completing his graduate degree at an out-of-state university just 45 miles from his home in Columbus, GA. He shared how it felt to be accused of doing something wrong or illegal and how, on top of feeling intimidating, he experienced several hurdles trying to make sure the provisional ballot he was forced to cast was counted.
2. Another voter, Gamaliel T., shared how his personal experience growing up through the Civil Rights Movement informed how intensely he values his right to vote. He testified that he was so upset and discouraged by the challenge to his eligibility that he went to court to ensure his absentee ballot would still be counted.
3. A third voter, Stephanie S., testified about the stress of learning she had been challenged while abroad for a work assignment. Stephanie explained that she learned she and her partner had been challenged just days before the election when she checked MVP (MyVoterPage), and she described the experience as very stressful, as she had no idea how to resolve the challenge—especially while working abroad during a pandemic.
4. A fourth voter, Jocelyn H. testified about her experience being pulled out of line at her polling place because she was challenged ahead of the 2021 runoff election. She detailed the concern and uncertainty she felt at the accusation she was doing something wrong, despite being an eligible voter in her county. Compounding the difficult experience, Jocelyn spent almost four hours at her polling place waiting in line, speaking to poll workers, and gathering and presenting documentation to cast her ballot.

Plaintiffs' Expert Witnesses

Plaintiffs called Dr. Kenneth Mayer to opine about the data in True the Vote's challenge file, which contained the names of voters for challenges as part of True the Vote's 2020 Validate the Vote: Georgia plan.

- Dr. Mayer testified to error after error found in True the Vote's challenge file, which included over 35,000 individuals alleged to reside on or adjacent to a college or university campus and almost 23,000 individuals alleged to reside on or next to a military installation.
- Dr. Mayer testified that he was "shocked at how sloppy and inaccurate the underlying data and linkage process was" when he reviewed the county lists in True the Vote's challenge file.
- Dr. Mayer also testified to the "costs of voting," including time, informational costs, and psychological costs that amount to barriers and burdens imposed upon individuals that can reduce their likelihood of voting.

Plaintiffs also called historical expert Dr. Orville Vernon Burton to testify about how mass challenges historically have been a tool of voter suppression, especially against Black voters.

- Dr. Burton's testimony provided critical context for his opinion about how True the Vote's activities in the 2021 runoffs fit within the historical pattern of voter intimidation in Georgia.
- Dr. Burton also addressed the intimidating effect of fraud hotlines, fraud bounties, and heightened surveillance in the voting process, especially when law enforcement is recruited for polling place and drop box monitoring.

Mr. Ryan Germany

In his testimony, Mr. Germany, former counsel to the Georgia Secretary of State, explained key steps in voter roll maintenance that Plaintiffs contend were omitted from TTV's mass challenge effort.

- Mr. Germany testified about how the state carries out list maintenance, describing it as a very fact-intensive process.
- Mr. Germany's testimony was elicited by Plaintiffs to support the position that just because a voter's name is on the NCOA list does not mean the voter is no longer properly registered in Georgia.

What's Next?

Trial resumes today, Wednesday, November 1, 2023, during which Plaintiffs expect to present the remaining witnesses of their case-in-chief.

Trial is expected to conclude during the week of November 6th, subject to the Court's schedule and Defendants' presentation of evidence.

Background Materials & Information

An updated [Trial Press Kit can be found here](#). The Trial Press Kit includes:

- Trial announcement press release
- Case Timeline & Key Background
- ICYMI from virtual media briefings held on 10/17 and 10/24, which include key takeaways from the briefings along with links to the full recordings and slide decks.

ICYMI - Highlights from Coverage

Atlanta Journal-Constitution: [Conservative challenges of voters' eligibility to be put on trial in Georgia](#) (10/23/23)

Democracy Docket: [True the Vote Voter Intimidation Case Goes to Trial in Georgia](#) (10/25/23)

Atlanta Journal-Constitution: [Georgia voter intimidation trial begins after 250K registrations](#)

[challenged](#) (10/26/23)

The New York Times: [After Antifraud Crusade, a Trial Asks: Were Illegal Voters or Legal Ones the Target?](#) (10/26/23)

Associated Press: [In political battleground of Georgia, a trial is set to determine legitimacy of voting challenge](#) (10/26/23)

Capital B: [Group Accused of Targeting Minorities with Voter Eligibility Challenges Stands Trial](#) (10/26/23)

11Alive: [Fair Fight v. True The Vote heads to trial in Georgia](#) (10/26/23)

La Visión: [El juicio de intimidación de votantes está en marcha en Georgia](#) (10/26/23)

Courthouse News Service: [Voter suppression trial gets underway in Georgia](#) (10/26/23)

Civil Discourse with Joyce Vance: [Five Questions with Fair Fight CEO Cianti Stewart-Reid](#) (10/28/23)