

ROBBINS

LITIGATION AND REGULATORY LAW

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December 12, 2017

VIA EMAIL AND COURIER

Ms. Rhonda Dauphin-Johnson
City Clerk of Atlanta
Atlanta City Hall
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Atlanta, Georgia 30303
municipalclerk@atlantaga.gov

Ms. Erica Hamilton
Superintendent of Elections and Registration
DeKalb County
4380 Memorial Drive, # 300
Decatur, Georgia 30032
ehamilton@dekalbcountyga.gov

Mr. Richard Barron
Superintendent of Elections and Registration
Fulton County
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Atlanta, Georgia 30303
richard.barron@fultoncountyga.gov

**RE: Mary Norwood, Candidate
City of Atlanta Mayoral Runoff Election
Recount Request**

Dear Ms. Dauphin-Johnson, Mr. Barron, and Ms. Hamilton:

Our law firm represents Mary Norwood, candidate for Mayor of the City of Atlanta. On Monday, December 11, 2017, Fulton County and DeKalb County certified the results of the Runoff Election for Mayor of the City of Atlanta, which was held on December 5, 2017. According to the certified results, the difference between the number of certified votes cast for Mary Norwood and Keisha Lance Bottoms is less than one-percent (1%) of the total votes cast in that Runoff Election. As such, Mary Norwood hereby requests a recount pursuant to O.C.G.A. § 21-2-495(c)(1).

As a part of the recount, and for the sake of transparency and public confidence in our electoral process, we request that both Fulton County and DeKalb County recanvass all votes cast in this election, including all votes cast on voting machines during absentee voting and on election day. The recount of votes cast on voting machines should be conducted in accordance with the rules of the State Election Board. See Ga. Comp. R. & Regs. r. 183-1-12-.02(7)(c). We also request a hand-count of all paper ballots, which should minimize the potential for faulty vote counts by the optical scanning devices. Further, we request that the recount include a review of each voter's certificate to ensure that each voter submitted the identification required by O.C.G.A. § 21-2-417. Please confirm how each county will conduct its recount and recertification process.

With respect to provisional ballots, we ask that the counties reconsider the justification for accepting or rejecting each such ballot. We understand that at least 63 provisional ballots were rejected in Fulton County as “out of county,” although some of those voters reside in the City of Atlanta. The rules of the State Election Board provide:

If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to vote a provisional ballot at the precinct without additional authorization from the registrars. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

Ga. Comp. R. & Regs. r. 183-1-12-.06(h). Therefore, where poll officers from either Fulton County or DeKalb County authorized Atlanta residents to cast a provisional ballot out of county, those ballots should be counted in the City of Atlanta Mayoral election regardless of the county where the ballot was cast.

Additionally, in reviewing election data and voter complaints, there are several discrepancies that have come to our attention. As an initial matter, we are aware of at least one elector who cast a ballot on a voting machine during advance voting but does not appear in the absentee voter file or on the numbered list of voters. We understand that this type of irregularity has previously occurred, resulting in double-voting.¹ Further, based on the absentee voter file and the numbered list of voters, it also appears that some people voted during both absentee voting and on election day, as they are listed in both the absentee voter file and the number list of voters. All persons who were issued or cast absentee ballots should have been marked accordingly on the ExpressPoll units prior to delivery to the precincts. Ga. Comp. R. & Regs. r. 183-1-12-.07(8). These discrepancies must be investigated during the recount.

In addition to the above-referenced discrepancies, many voters have complained that despite requesting an absentee ballot, they never received one. The election data also indicates that some voters may not reside in the City of Atlanta despite voting in the Runoff Election for Mayor. These are just some of the discrepancies that we have discovered in our preliminary review of the election data. We are continuing to investigate these and other potential irregularities.


This recount request has been filed within two business days following certification of the election results in accordance with the Georgia Election Code. Please let me know if you would like to discuss any of these issues further. Thank you for your attention to this matter.

¹ Arielle Kass, *Five Fulton County voters cast their ballots twice in Nov. election*, ATLANTA JOURNAL-CONSTITUTION (Dec. 16, 2016), <http://www.myajc.com/news/local-govt--politics/five-fulton-county-voters-cast-their-ballots-twice-nov-election/JD3JbSw4OKmLANqCJCDVgL/>.

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Sincerely,


Vincent R. Russo


Mary Norwood
Candidate for Mayor
City of Atlanta

cc: Mary Norwood
Josh Belinfante, Esq.
David Dove, Esq.