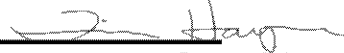


IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA

  
Tim Harper, Clerk  
Banks County, Georgia

---

DAN GASAWAY, )  
 )  
 Petitioner, )  
 )  
 v. ) Civil Action File No.:  
 )  
 HABERSHAM COUNTY BOARD )  
 OF ELECTIONS AND REGISTRATION, )  
 BANKS COUNTY BOARD OF )  
 ELECTIONS AND REGISTRATION, )  
 STEPHENS COUNTY BOARD OF )  
 ELECTIONS AND REGISTRATION, and )  
 CHRIS ERWIN, Republican Candidate )  
 for Georgia House District 28 – December )  
 4, 2018, )  
 )  
 Respondents. )

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**PETITION TO CONTEST ELECTION RESULTS & REQUEST FOR NEW ELECTION  
DECEMBER 4, 2018 GEORGIA HOUSE DISTRICT 28 SPECIAL REPUBLICAN PRIMARY**

**INTRODUCTION**

Petitioner Dan Gasaway (“Petitioner” or “Representative Gasaway”) submits this Petition (“Petition”) to contest the election results for the December 4, 2018 Special Republican General Primary (“Election”) for Georgia House of Representatives District 28 (“HD 28”)<sup>1</sup> pursuant to O.C.G.A. § 21-2-520 *et seq.*

The issues at play in this Petition are bigger than Representative Gasaway. They are bigger than Chris Erwin. And they are bigger than Georgia House District 28. This Petition is about ensuring that elections are fairly and properly administered, and, if they are not, remedying this

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<sup>1</sup> A certified copy of the map representing Georgia House of Representatives District 28 is attached as Exhibit “A”.

failure. Now, the 2018 Georgia HD 28 Republican Primary Election has been wrongly-administered not once, but twice. To maintain public confidence in the electoral system and to uphold the integrity of the electoral process, the Election should be declared invalid, and a new election should be held with certain protocols implemented to ensure the new Election's accuracy. Any result otherwise allows for a materially erroneous election to stand. This cannot be.

County election boards for Habersham, Stephens, and Banks wrongly accepted illegal votes, disenfranchised voters, and committed numerous irregularities in the Election. The Election was decided by two votes. Based upon the findings to-date<sup>2</sup>, the illegal votes accepted, the votes wrongly-rejected, and the votes affected by irregularities total at least seventeen votes. Because seventeen is more than the Election's margin of victory of two, the Election's result has been changed or placed in doubt. Georgia law requires that the Election be invalidated, and redone.

#### **PARTIES**

1.

Petitioner Dan Gasaway is the current Representative for HD 28. He is a resident of HD 28, residing at 1446 Scales Creek Road, Homer, Georgia 30547. He was also a candidate for re-election in the Election. Pursuant to O.C.G.A. § 21-2-521, he is eligible to file this Petition.

2.

Defendant Habersham County Board of Elections and Registration (the "Habersham Board") is one of the superintendents that conducted the contested election, and resides at 555 Monroe St., Unit 45, Clarkesville, GA 30523.

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<sup>2</sup> Representative Gasaway is still receiving responses to his Open Records Requests, including statewide voter lists and information regarding provisional and absentee ballots cast in the Election. Representative Gasaway had five days from the Election's certification to conduct his analysis, and draft and file this Petition. Given this, it is likely that additional errors will be found, and Representative Gasaway preserves the right to amend and plead these errors.

3.

Defendant Stephens County Board of Elections and Registration is one of the superintendents that conducted the contested election, and resides at 12 West Tugalo Street, Suite 250, Toccoa, GA 30577.

4.

Defendant Banks County Board of Elections and Registration is one of the superintendents that conducted the contested election, and resides at 226 Candler Street, Homer, Georgia 30547.

5.

Defendant Chris Erwin ("Erwin") was the candidate that opposed Representative Gasaway in the HD 28 Election. Erwin resides at 231 Hammers Glen Dr., Homer, Ga. 30547.

**JURISDICTION & VENUE**

6.

Jurisdiction is proper in this Court, under O.C.G.A. § 21-2-523(a), as the county where Respondent Chris Erwin resides.

7.

This Petition was timely filed with this Court. The Secretary of State certified the Election results on Friday, December, 14, 2018. This Petition was filed on December 19, 2018, within five days of the certification pursuant to O.C.G.A. § 21-1-524(a).

8.

Venue is proper in this Court.

9.

An affidavit executed by the Petitioner verifying this Petition is contained with this Petition and filed herewith as attached Exhibit "B".

**FACTUAL BACKGROUND**

**BACKGROUND OF ELECTION**

10.

On May 22, 2018, the 2018 House District 28 General Republican Primary Election (the “First Election”) took place.

11.

Representative Gasaway and Erwin were the only candidates in the First Election.

12.

No candidates ran in the 2018 House District General Democratic Primary Election.

13.

It was initially declared that Erwin defeated Representative Gasaway by 67 votes in the First Election.

14.

However, Representative Gasaway determined that many voters had been assigned to the wrong district, and, therefore, had illegally voted in the First Election or had been disenfranchised from voting in the First Election.

15.

Likely making the same findings, the Georgia Secretary of State’s Office opened an investigation relating to the First Election against the Habersham County Board of Elections and Registrations (the “Habersham Board”) on May 30, 2018.

16.

Even with his initial evaluation, Representative Gasaway determined that more votes than decided the First Election were cast by voters assigned to the wrong district.

17

Given these findings, Representative Gasaway filed a Petition to contest the First Election on June 6, 2018.

18.

Just nine days later, the Habersham Board sent letters to 71 individuals that voted in the First Election, and 388 individuals overall, informing them that they had been placed in the wrong district.

19.

Over two and a half months later, the Habersham Board made a public statement, calling for a new election and admitting that the First Election had been wrongly done.

20.

After a full-day hearing, Judge David R. Sweat found that 74 voters in the First Election were placed in the wrong district, and cast illegal votes in the Election or their votes were wrongly rejected. (*See* Judge Sweat's Order, attached as Exhibit "C").

21.

Therefore, because 67 votes decided the First Election, Judge Sweat ordered that the First Election be declared invalid, and that a new election take place.

22.

The new re-do special election for the HD 28 Republican Primary (the "Election") was held on December 4, 2018.

23.

In the re-do election, Erwin finished with 3,521 votes to Representative Gasaway's 3,519 (a margin of two votes).

24.

The Secretary of State certified the Election on December 14, 2018.

25.

On December 17, 2018, Representative Gasaway requested a recount.

26.

The recount took place on December 18, 2018, and the vote count stayed the same.

MECHANICS OF ELECTION

27.

County election officials are responsible for allocating voters to correct legislative districts.

28.

The Joint Office of Legislative and Congressional Reapportionment (the “Office”) assists counties in allocating voters to the proper legislative district. The Office also provides maps that meet state law requirements.

29.

Here, the Habersham Board, the Banks County Board of Elections and Registration, and the Stephens County Board of Elections (collectively the “Boards”) administered the Election.

30.

The Boards were delegated the duty to assign voters the correct ballot for the legislative district that they lived in.

31.

The Boards breached this duty, by assigning voters in the Election to the wrong State House districts, causing illegal votes to be cast and disenfranchising voters.

32.

County election officials are also responsible for properly administering, evaluating, and accepting or rejecting provisional and absentee ballots.

33.

The Boards breached this duty by wrongly accepting and rejecting multiple provisional and absentee ballots.

34.

County election officials are also responsible for determining whether voters reside within the district, and, therefore, whether voters are eligible to vote in a respective election.

35.

When individuals reside outside of a district, they are ineligible to vote in that district and their votes should not be counted.

36.

When individuals reside in a district and are otherwise eligible to vote in that district, they should be allowed to vote in that district and their votes should be counted.

37.

The Boards wrongly allowed individuals that resided outside of HD 28 to vote in the Election, and wrongly-rejected votes from persons that resided in HD 28 and were otherwise eligible to vote in the Election.

VOTER MIS-ASSIGNMENTS & ADDRESS CHANGES

38.

Initially, using voter registration data provided from the Secretary of State's office, Representative Gasaway plotted the location of voters on a map provided by the Office using Microsoft Map Point.

39.

By plotting the residences of voters using sophisticated computer programming and overlaying this with the HD 28 district lines, it was determined that multiple voters were placed in the wrong districts and voted in the Election.

40.

These mis-assigned voters either cast illegal votes, or were disenfranchised.

41.

The Boards also wrongly-accepted votes from individuals that no longer resided in HD 28

42.

Because these individuals were not eligible to vote in the Election, they cast illegal ballots.

**Voters that Live in HD 32, But Voted in the HD 28 Election**

43.

Billy C. Speed resides at 1654 Wells Road, Homer, Georgia 30547. Exhibit "D" demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Billy C. Speed was assigned to HD 28 in error.

44.

Billy C. Speed voted in the December 4, 2018 Georgia HD 28 Special Republican Primary Election.



45.

Because Billy C. Speed did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

46.

Kristie E. Speed resides at 1654 Wells Road, Homer, Georgia 30547. Exhibit “D” demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Kristie E. Speed was assigned to HD 28 in error.

47.

Kristie E. Speed voted in the December 4, 2018 Georgia HD 28 Special Republican Primary Election.

48.

Because Kristie E. Speed did not reside in HD 28, she was ineligible to vote in the Election, and her vote was illegal.

49.

Connor O. Speed resides at 1654 Wells Road, Carnesville, Georgia 30521.<sup>3</sup> Exhibit “D” demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Connor O. Speed was assigned to HD 28 in error.

50.

Connor O. Speed voted in the December 4, 2018 Georgia HD 28 Special Republican Primary Election.

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<sup>3</sup> Although Mr. Conner Speed resides with Mr. Billy Speed and Ms. Kristie Speed, the records show that he has a Carnesville address and not a Homer address. The street address is the same. This is an error.

51.

Because Connor O. Speed did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

52.

Jack L. Stewart resides at 2209 Westbrook Road, Commerce, Georgia 30530. Exhibit "D" demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Jack L. Stewart was assigned to HD 28 in error.

53.

Jack L. Stewart voted in the Election.

54.

Because Jack L. Stewart did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

55.

Peggy F. Stewart resides at 2209 Westbrook Road, Commerce, Georgia 30530. Exhibit "D" demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Peggy F. Stewart was assigned to HD 28 in error.

56.

Peggy F. Stewart voted in the Election.

57.

Because Peggy F. Stewart did not reside in HD 28, she was ineligible to vote in the Election, and his vote was illegal.

58.

Ricky L. Stewart resides at 2209 Westbrook Road, Commerce, Georgia 30530. Exhibit “D” demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Ricky L. Stewart was assigned to HD 28 in error.

59.

Ricky L. Stewart voted in the Election.

60.

Because Ricky L. Stewart did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

61.

Deborah E. Culpepper resides at 83 Sunshine Church Road, Toccoa, Georgia 30577. Exhibit “D” demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Deborah E. Culpepper was assigned to HD 28 in error.

62.

Deborah E. Culpepper voted in the Election.

63.

Because Deborah E. Culpepper did not reside in HD 28, she was ineligible to vote in the Election, and her vote was illegal.

64.

Kent R. Payne resides at 83 Sunshine Church Road, Toccoa, Georgia 30577. Exhibit “D” demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Kent R. Payne was assigned to HD 28 in error.

65.

Kent R. Payne voted in the Election.

66.

Because Kent R. Payne did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

67.

Amy P. Howe resides at 83 Sunshine Church Road, Toccoa, Georgia 30577. Exhibit "D" demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that Amy P. Howe was assigned to HD 28 in error.

68.

Amy P. Howe voted in the Election.

69.

Because Amy P. Howe did not reside in HD 28, she was ineligible to vote in the Election, and her vote was illegal.

70.

William B. Howe resides at 83 Sunshine Church Road, Toccoa, Georgia 30577. Exhibit "D" demonstrates that this address is in Georgia House District 32. However, Georgia voter registration records show that William B. Howe was assigned to HD 28 in error.

71.

William B. Howe voted in the Election.

72.

Because William B. Howe did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

### **Voters that Reside in HD 10, But Voted in the HD 28 Election**

73.

Tina Marie Benoit resides at 1212 Bear Gap Rd Clarkesville Ga 30523. Exhibit “D” demonstrates that this address is in Georgia House District 10. However, Georgia voter registration records show that Tina Marie Benoit was assigned to HD 28 in error.

74.

Tina Marie Benoit voted in the Election.

75.

Because Tina Marie Benoit did not reside in HD 28, she was ineligible to vote in the Election, and her vote was illegal.

76.

Patrica Bower resides at 122 New Liberty Estates Road, Clarkesville, Georgia 30523. (*See* Habersham County Property Records for New Liberty Estates Road, attached as Exhibit “E”).

77.

Ms. Bower applied for the homestead exemption at this address on November 13, 2017. (*See* Application for Homestead Exemption, attached as Exhibit “F”).

78.

Ms. Bower sold her home at 564 Middleton Place, Clarkesville, Georgia 30523 in April 27, 2017, which is shown by the Habersham County Property records. (*See* Habersham County Property Records for Middleton Place, attached as Exhibit “G”).

79.

The Habersham County Property Records show that the residence at 564 Middleton Place, Clarkesville, Georgia 30523 is currently owned by Anthony M. Megginson, not Patricia Bower. (See Exhibit "G").

80.

Ms. Bower's current address at 122 New Liberty Estates Road, Clarkesville, Georgia 30523 is not within HD 28.

81.

Despite this, Georgia voter records show that Ms. Bower voted in the HD 28 election.

82.

Ms. Bower was not eligible to vote in the Election, and cast an illegal vote in the Election.

**Voters that Reside in HD 31, But Voted in the HD 28 Election**

83.

William A. Griffin, III resides at 12477 Gillsville Rd, Maysville, GA 30558. Exhibit "D" demonstrates that this address is in Georgia House District 31. However, Georgia voter registration records show that William A. Griffin, III was assigned to HD 28 in error.

84.

William A. Griffin, III voted in the Election.

85.

Because William A. Griffin, III did not reside in HD 28, he was ineligible to vote in the Election, and his vote was illegal.

86.

Jennifer L. Griffin resides at 12477 Gillsville Rd, Maysville, GA 30558. Exhibit “D” demonstrates that this address is in Georgia House District 31. However, Georgia voter registration records show that Jennifer L. Griffin was assigned to HD 28 in error.

87.

Jennifer L. Griffin voted in the Election.

88.

Because Jennifer L. Griffin did not reside in HD 28, she was ineligible to vote in the Election, and her vote was illegal.

IRREGULARITIES AFFECTING VOTES

**Irregularities Regarding Sandra Denton’s Vote**

89.

On Wednesday, November 28, 2018, Sandra Denton went to the early voting location for Banks County at 226 Candler St, Homer, Georgia to vote in the Election. (*See* S. Denton Affidavit, ¶ 4, attached as Exhibit “H”).

90.

Ms. Denton attempted to cast her vote in the Election at the machine at the poll place. (*Id.* ¶ 5).

91.

For unknown reasons, the machine had complications when Ms. Denton attempted to cast her vote. The machine ejected Ms. Denton’s voting card before she pressed the “cast ballot” button. (*Id.* ¶ 6).

92.

Because of these complications, Ms. Denton voiced concerns to the poll worker. (*Id.* ¶ 9).

93.

When Ms. Denton questioned the poll worker, the poll worker said the vote was cast and counted. (*Id.* ¶ 7).

94.

The poll worker offered no opportunity for Ms. Denton to verify that her vote had been counted. (*Id.* ¶ 8).

95.

Because Ms. Denton was concerned that her vote was not cast, Ms. Denton contacted a campaign assistant for Representative Gasaway.

96.

Upon hearing Ms. Denton's concern about her vote not being cast, Representative Gasaway emailed Chris Harvey, the Elections Director at the Georgia Secretary of State, to see if Ms. Denton's vote had been counted. (*See* November 30, 2018 email chain, attached as Exhibit "I").

97.

Mr. Harvey said that Ms. Denton's vote had been counted. (*Id.*)

98.

However, Ms. Denton was not included in the voter lists, showing that her vote had not been counted.

99.

Due to irregularities, Ms. Denton's vote was wrongly rejected and she was disenfranchised.



## Irregularities Regarding Robert M. Loudermilk's Vote

100.

Robert M. Loudermilk resides at 4315 Camp Creek Road, Mt. Airy, Georgia, 30563, which is in Georgia House District 28. (*See* R. Loudermilk Affidavit, ¶ 3, attached as Exhibit "J").

101.

Mr. Loudermilk has never moved out of his residence at 4315 Camp Creek Rd. Mt. Airy, Georgia, 30563, and he intends to remain at this address. (*Id.* ¶ 4).

102.

On or around January 2017, Mr. Loudermilk rented an address at 147 Helena Court Apartment 2, Baldwin, Georgia 30511. (*Id.* ¶ 5).

103.

Mr. Loudermilk does not reside at this address, and, therefore, does not intend to remain at this address. (*Id.*).

104.

On November 27, 2018, Mr. Loudermilk went to his polling place to vote in the Election. (*Id.* ¶ 6).

105.

The poll worker told Mr. Loudermilk that he could not vote in the Election because his address was out of district. (*Id.* ¶ 7).

106.

Mr. Loudermilk told the poll worker that he did not reside at that address, that he resided at 4315 Camp Creek Road Mt. Airy, Georgia, 30563, that he had never left this address, and that he intended to remain at this address. (*Id.* ¶ 8).

107.

Despite this, the poll worker refused to allow Mr. Loudermilk to vote in the Election and he was not offered a provisional ballot. (*Id.* ¶ 9).

108.

Due to irregularities, Mr. Loudermilk's vote was wrongly rejected, and he was disenfranchised.

### **Irregularities Regarding Michael Burrell's Vote**

109.

Michael Burrell resides at 201 Raiders Drive, Mount Airy, Georgia 30563, which is in Georgia House District 28.

110.

Mr. Burrell went to vote at the Habersham South polling place.

111.

When he arrived at the polling place, Mr. Burrell was told that he had already voted.

112.

Mr. Burrell had not already voted.

113.

The poll worker produced a signature on a sign-in sheet that was supposed to be Mr. Burrell's signature.

114.

It was not Mr. Burrell's signature.

115.

This demonstrated that someone with the name Michael Burrell had mistakenly been allowed to vote already.

116.

The early voting records show that someone named Michael Burrell voted on November 28, 2018.

117.

This is wrong because Michael Burrell did not vote until November 30, 2018.

118.

Despite failing to resolve the issue, the poll worker allowed him to vote on the machines.

119.

This irregularity permitted at least one illegal vote to be cast in the Election.

#### **LEGAL ANALYSIS**

##### **Overview of Legal Framework for Election Contests**

120.

O.C.G.A. § 21-2-520 *et seq.* permits candidates to contest the result of primary elections in Georgia.

121.

O.C.G.A. § 21-2-522 establishes that elections may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;

(3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;

(4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result; or

(5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

122.

O.C.G.A. § 21-2-527 establishes that a court must declare an election invalid and must call for a second election if one of the above showings are made.

**Count I: Misconduct and Irregularities by Election Officials**

123.

Irregularities and misconduct by the Boards caused them to accept illegal votes, and to reject eligible votes.

124.

Wrong district assignments and improper address assessments caused voters residing in HD 10, HD 31, and HD 32 to vote in the Election.

125.

These irregularities caused illegal votes to be cast in the Election.

126.

Voters in districts other than HD 28 improperly voted in HD 28, directly effecting the result of the Election.

127.

Voters that resided in HD 28, and that attempted to vote in the Election were also wrongly rejected due to irregularities.

128.

In total, to-date at least seventeen votes were found that were effected by irregularities.

129.

Only two votes decided the Election.

130.

Seventeen is greater than two.

131.

Thus, seventeen votes is sufficient to change or place in doubt the Election's result. The Election should be set aside and a new election ordered.

**Count II: Illegal Votes Cast in the Election**

132.

Wrong district assignments and improper address assessments caused voters residing in HD 10, HD 31, and HD 32 to vote in the Election.

133.

Individuals that did not reside in HD 28 were not eligible to vote in the Election.

134.

At least fourteen individuals voted in the Election that did not reside in HD 28.

135.

All fourteen of these individuals were ineligible to vote in the Election, and cast illegal votes in the election.

136.

Only two votes decided the Election.

137.

Fourteen is greater than two

138.

Thus, fourteen votes is sufficient to change or place in doubt the Election's result. The Election should be set aside and a new election ordered.

**Prayer for Relief**

WHEREFORE, Gasaway respectfully requests that:

- (a) The December 4, 2018 Special Republican Primary for Georgia House of Representatives District 28 be declared invalid and a new election ordered;
- (b) The Petition be decided by the Court in a bench trial;
- (c) The Court award Representative Gasaway reasonable attorneys' fees, litigation expenses, and other costs incurred by filing this Petition against the Boards and Erwin as permitted under O.C.G.A. § 21-2-529 and O.C.G.A. § 9-15-14;
- (d) The Court order the Boards to abide by specified protocols to be determined at a later date to ensure that the newly-ordered election is properly-administered;
- (e) The Court award Gasaway such other, further, and different relief as the Court may deem just and proper.

Respectfully submitted this 19th day of December 2018.

*/s/ Jake Evans*

---

Jake Evans  
Georgia Bar No. 797018  
Robert S. Highsmith Jr.  
Georgia Bar No. 352777

**HOLLAND & KNIGHT LLP**  
1180 West Peachtree Street  
Suite 1800  
Atlanta, Georgia 30309  
(404) 817-8439 – Main  
(404) 881-0470 – Facsimile

*Attorneys for Petitioner Dan Gasaway*

**CERTIFICATE OF SERVICE FOR STATE ELECTION BOARD**

This is to certify that on this date, pursuant to O.C.G.A. § 21-2-524(b), this Petition was served on the Chairman of the State Election Board, Robyn A. Crittenden, by certified mail.

This 19th Day of December 2018.

*/s/ Jake Evans*

Jake Evans  
Georgia Bar No. 797018

**HOLLAND & KNIGHT LLP**  
1180 West Peachtree Street  
Suite 1800  
Atlanta, Georgia 30309  
(404) 817-8439 – Main  
(404) 881-0470 – Facsimile

*Attorney for Petitioner Dan Gasaway*



# **Exhibit A**



# **Exhibit B**

**IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA**

---

DAN GASAWAY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action File No.:
	)	
HABERSHAM COUNTY BOARD	)	
OF ELECTIONS AND REGISTRATION,	)	
BANKS COUNTY BOARD OF	)	
ELECTIONS AND REGISTRATION,	)	
STEPHENS COUNTY BOARD OF	)	
ELECTIONS AND REGISTRATION, and	)	
CHRIS ERWIN, Republican Nominee	)	
Candidate for Georgia House District 28 –	)	
December 4, 2018,	)	
	)	
Respondents.	)	

---

**AFFIDAVIT OF DAN GASAWAY**

1.

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, came Dan Gasaway, who after being duly sworn, deposes and states the following:

2.

My name is Dan Gasaway. I am over the age of twenty-one (21) years, I am suffering from no legal disabilities, and I am competent to make this Affidavit. I voluntarily and freely make this Affidavit of my own personal knowledge for any and all uses and purposes authorized by law.

3.

I reside at 1446 Scales Creek Road, Homer, Georgia 30547, which is in the 28<sup>th</sup> District of the Georgia House of Representatives (“HD 28”).

4.

I currently serve as the Representative for HD 28, and have served in this capacity for three consecutive terms.

5.

I was a candidate in the December 4, 2018 Special Republican Primary for Georgia House District 28.

6.

I believe the facts in the Petition to Contest the Results of the December 4, 2018 Special Republican Primary for Georgia House District 28 Election are true.

7.

According to the best of my knowledge and belief, the result of the December 4, 2018 Special Republican Primary for Georgia House District 28 Election is illegal and the return thereof incorrect.

8.

The Petition to Contest the Results of the December 4, 2018 Special Republican Primary for Georgia House District 28 Election is made in good faith.

[Signature on following page]

**FURTHER AFFIANT SAYETH NAUGHT**

Dan Gasaway  
Dan Gasaway

Subscribed and sworn to before me  
this 17 day of December, 2018.

Casey Vandenberg  
Notary Public

My Commission Expires: Aug 19, 2021

CASEY VANDERBURG  
NOTARY PUBLIC  
Jackson County  
State of Georgia  
My Comm. Expires Aug. 19, 2021

# **Exhibit C**

IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
2018 SEP 21 PM 4:20  
BANKS COUNTY  
SUPERIOR COURT

DAN GASAWAY, )  
)  
Petitioner, )

v. )

Civil Action No.: 18-CV-249

LAUREL ELLISON, Habersham County )  
Elections Supervisor, CHRIS )  
ERWIN, Republican Nominee for Georgia )  
House District 28 – May 22, 2018, )  
STEPHENS COUNTY BOARD OF )  
ELECTIONS, HABERSHAM COUNTY )  
BOARD OF ELECTIONS AND )  
REGISTRATION, BANKS COUNTY )  
BOARD OF ELECTIONS AND )  
REGISTRATIONS, )  
Respondents. )

*Filed with the  
Court, this 20th  
of September, 2018,  
at 2:54 p.m.  
Dud Phoebe  
S. J. S. C. G.*

**ORDER GRANTING PETITIONER DAN GASAWAY'S PETITION TO  
CONTEST ELECTION RESULTS and ORDERING A SECOND PRIMARY  
ELECTION**

**Preliminary Findings**

After notice to the parties, on September 18 and 19, 2018, the Court conducted a hearing on Petitioner Dan Gasaway's ("Mr. Gasaway") Petition and all other matters pending before the Court. Counsel for Mr. Gasaway, Laurel Ellison, the Habersham County Board of Elections and Registrations (the "Habersham County Board"), the Stephens County Board of Elections and Registrations (the "Stephens



County Board”), and Chris Erwin (“Mr. Erwin”) appeared at the hearing. Although counsel for the Banks County Board of Elections and Registrations (the “Banks County Board”) did not formally appear in the case, he was present in the courtroom.

The Court first heard argument on all pre-hearing motions. After hearing and considering argument from Mr. Gasaway and Mr. Erwin on these motions and considering the evidence in the record, the Court **ORDERS** as follows regarding the pre-hearing motions:

1. The Court **GRANTS** Mr. Gasaway’s Motion for Leave to Amend to File His First Amended Petition and to Add Banks County Board of Elections and Registrations.<sup>1</sup> The Court finds that Mr. Gasaway met the burden to amend his petition pursuant to O.C.G.A. § 21-2-524(g) because he pled additional grounds of contest and other relevant facts, and the Court finds that Mr. Gasaway met the burden of adding the Banks County Board under O.C.G.A. § 9-11-15 and applicable Georgia case law. The Court provided Mr. Erwin a reasonable opportunity to respond to the First Amended Petition by allowing him to respond orally to the Petition at the hearing.<sup>2</sup>

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<sup>1</sup> Although Mr. Gasaway also sought to add the Board of Elections and Registrations for Stephens County, Habersham County, Jackson County, and Franklin County, this request was mooted because the Stephens County and Habersham County Boards of Elections voluntarily appeared in the case and because Mr. Gasaway withdrew his Motion for Leave to Amend to the extent that it sought to add the Franklin County and Jackson County Boards of Elections and Registration.

<sup>2</sup> In determining a reasonable time for response, the Court considered that the Motion for Leave to Amend had been pending three months, the amendment added no new claims, and addition of the Banks County Board did not create new issues. Given that the Banks County Board was

2. The Court **DENIES** Mr. Erwin's Motion to Dismiss. Mr. Erwin's argues that Mr. Gasaway's Petition should be dismissed for failing to name the Stephens County Board and the Banks County Board. These argument are mooted by the Stephens County Board's voluntary appearance in the case and the Banks County Board's addition as a party as a result of the Court's granting of Mr. Gasaway's Motion for Leave to Amend.

As to the argument that the Plaintiff's petition was not timely filed, the Court adopts Judge John J. Goger's Order allowing Mr. Gasaway's Petition back to relate back to the time of original submission on June 6, 2018 at 11:36 p.m.<sup>3</sup> The Court further finds that Mr. Gasaway paid all statutory filing fees at the time of filing his Petition and submitted a case initiation form. The Court finds that Plaintiff submitted a completed filing to the Fulton County Superior Court at 11:36 p.m. on June 6, 2018. Therefore, the Court **DENIES** Mr. Erwin's Motion to Dismiss.

3. The Court **GRANTS** Ms. Ellison's Motion for Leave to withdraw her motion to dismiss and to withdraw any objections.

---

added as a necessary party for complete relief, the Court found no prejudice to Defendant Erwin in allowing an immediate, oral response.

<sup>3</sup> Judge Goger relied on the Superior Court of Fulton County's standing order on electronic filing. Judge Goger's was an administrative determination of the adequacy of the filing under a local order. The Court does not find that intervention of an appointed judge from outside the Atlanta Circuit was necessary.

### **Findings of Fact**

After resolution of the pre-hearing motions, the Court heard evidence on the merits of Mr. Gasaway's Petition. Based upon the evidence presented, the Court makes the following findings of fact:

1. The 2018 May 22, 2018 House District 28 General Republican Primary Election (the "Election") was decided by 67 votes;
2. The Habersham County Board placed at least 33 voters in House District 28, when they resided in House District 10;
3. These 33 voters voted in the Election;
4. The Habersham County Board placed at least 37 voters in House District 10, when they resided in House District 28;
5. These 37 voters voted in the Election;
6. The Habersham County Board additionally placed Mary S. Murphy in House District 10, when she resided in House District 28;
7. Mary S. Murphy voted in the Election;
8. The Habersham County Board additionally placed Christopher N. Woods in House District 28, when he resided in House District 10;
9. Christopher N. Woods voted in the Election;
10. The parties stipulated that the Stephens County Board placed Sue and Frank Harriman in House District 28, when they resided in House District 32;

11. These two voters voted in the Election;
12. At least 74 voters were assigned to the wrong district, and voted in the wrong election in the May 22, 2018 House District 28 General Republican Primary Election.

### Conclusions of Law

O.C.G.A. § 21-2-522 establishes that a result of a primary election may be contested if:

- (1) [m]isconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- ...
- (3) [w]hen illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result.

To prevail under O.C.G.A. § 21-2-522, a party challenging an election result must affirmatively show that a sufficient number of voters voted illegally or were irregularly recorded in the contest being challenged to make a difference in the result or to cast doubt on the outcome. *Taggart v. Phillips*, 242 Ga. 484, 487 (1978). If that party carries this burden, the election should be voided and another one held. *See generally Bush v. Johnson*, 111 Ga. App. 702, 706 (143 S.E.2d 21) (1965). A contestor does not have to show how the voters would have voted, only that they voted in the underlying election. *Howell v. Fears*, 275 Ga. 627, 628 (2002).

## Order of the Court

Having heard and considered the evidence in the record and the arguments by counsel, the Court hereby **GRANTS** Mr. Gasaway's First Amended Petition to Contest Election Results & Request for New Election and **ORDERS** as follows:

(a) Plaintiff presented sufficient evidence to change or cast in doubt the results of the May 22, 2018 Georgia House District 28 Republican General Primary Election based upon illegal votes being cast and irregularities by primary election officials as is shown by 74 voters being placed in the wrong district when 67 votes decided the Election;

(b) The Court **DECLARES** invalid the 2018 Georgia House District 28 Republican General Primary Election which took place on May 22, 2018;

(c) The Court **ORDERS** that a second 2018 Georgia House District 28 Republican General Primary Election shall take place on December 4, 2018 with all absentee ballots, early voting ballots, and other ballots to be administered in accordance with Georgia's Election Code;

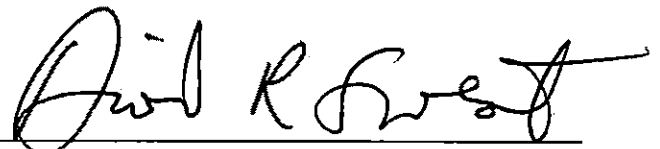
(d) Pursuant to O.C.G.A. § 21-2-291, because there is no eligible Democratic candidate or eligible candidates of a party other than the Republican party in the 2018 Georgia House District 28 race, the winner of the second 2018 Georgia House District 28 Republican General Primary Election taking place on

December 4, 2018 **SHALL** be declared the winner of the 2018 Georgia House District 28 General Election to take office on January 14, 2019;

(e) Because the Court has declared the 2018 House District 28 General Republican Primary Election, which occurred on May 22, 2018, to be invalid, Defendants Banks County Board, Habersham County Board and Stephens County Board **Shall Not** provide voters in the November 6 General Election ballots which list Chris Erwin as the Republican nominee in the General Election for House District 28;

(f) The individuals eligible to vote in the second 2018 House District 28 General Republican Primary Election taking place on December 4, 2018 **SHALL** be all voters who were eligible to vote in the May 22, 2018 House District 28 General Primary that (1) did not request a Democratic ballot in that May 22, 2018 General Primary Election, and (2) have not subsequently become ineligible to vote in House District 28.

**SO ORDERED**, this 20<sup>th</sup> day of September, 2018, *nunc pro tunc* to September 19, 2018.

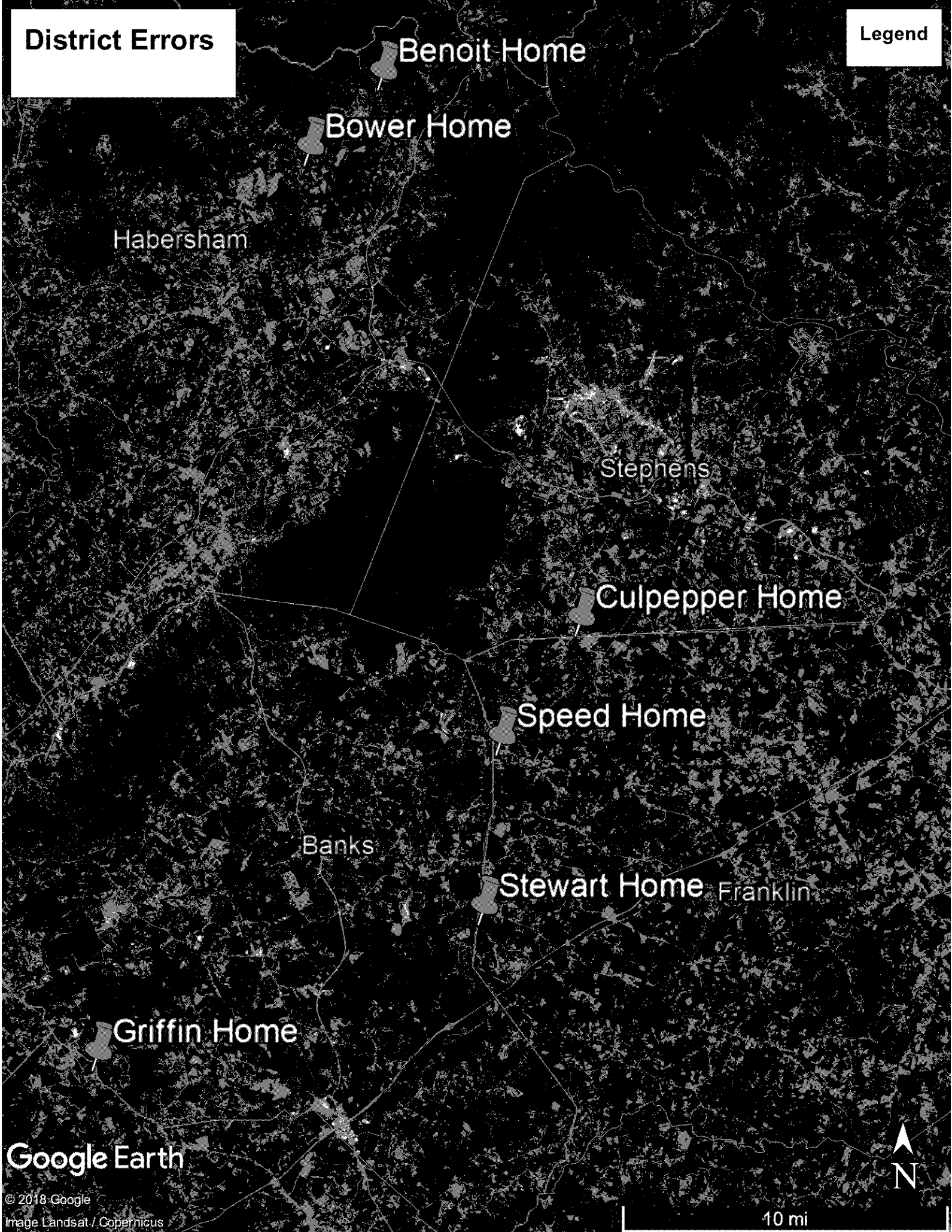


David R. Sweat, Senior Judge  
Superior Courts of Georgia

# **Exhibit D**

# District Errors

# Legend



Google Earth

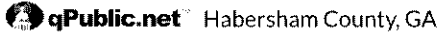
© 2018 Google  
Image Landsat / Copernicus

10 mi





# **Exhibit E**



Summary

Parcel Number 097076  
 Location Address 122 NEW LIBERTY ESTATES RD  
 Legal Description 13.4611 14.98 22.194 D8 11.49.36  
 R-14. 14.1 to be used on legal lots only.  
 Property Class R-Residential  
 Tax District 01-Country  
 Millage Rate 26.712  
 Acres 5.04  
 Neighborhood NEW LIBERTY ESTATES

View Map

Owners

Current Owner  
 BOWER PATRICIA  
 P.O BOX 2287  
 CLARKESVILLE, GA 30523

Land

Class	Land Use	Acres	Frontage	Depth	Zoning	Value
R4	O100 SFR	5.04	700	0	E1	\$57,960

Residential Information

Style SINGLE FAMILY RESIDENTIAL  
 Heated Square Footage 1240  
 Total Square Footage 1633  
 Actual Year Built 1990  
 Effective Year Built 1990  
 Number Of Bedrooms 2  
 Number Of Full Bathrooms 2  
 Number Of Half Bathrooms 0  
 Story Height 1.0 Story  
 Air Conditioning Type Central  
 Exterior Walls Masonite on Sheathing  
 Fireplace Two or more  
 Foundation Continuous Footing  
 Heating Fuel Electric  
 Heating Type Heat Pump  
 Interior Floor Cover Hardwood  
 Interior Wall Construction Custom Interior  
 Roofing Cover Asphalt or Composition Shingle  
 Roofing Structure Gable  
 Sub Floor System Plywood  
 Value \$79,450

Accessory Information

Description	Year Built	Dimensions/Units	Value
GARAGE	1993	16x12 / 192	\$500
STORAGE	1994	8x6 / 64	\$90

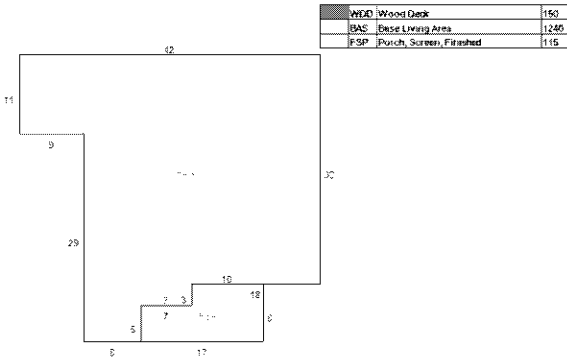
Sales

Sale Date	Sale Price	Instrument Type	Deed Book	Deed Page	Reason	Vacant/Improved	Grantor	Grantee
09/22/2017	\$138,000	WD	01149	0036	Q	Improved	RUNION BILLY R	BOWER PATRICIA G
02/18/2008	\$0	YS	00839	0629	X	Improved	RUNION BILLY R	RUNION BILLY R
10/15/1988	\$71,000	WD	00239	0510	X	Improved		
10/15/1988	\$21,000	WD	00239	0510	Q	Vacant		

Valuation

	2018	2017
Previous Value	\$139,030	\$139,030
Land Value	\$57,960	\$66,400
Building Value	\$79,450	\$71,790
Accessory Value	\$590	\$840
Fair Market Value	\$138,000	\$139,030

Sketches



No data available for the following modules: Commercial Information, Mobile Homes.

Last Data Updated: 12-12-2018 5:20:51 AM



# **Exhibit F**

APPLICATION FOR HOMESTEAD EXEMPTION

The homestead exemptions provided for in this Application form are those authorized by Georgia law. Counties are authorized to provide for local homestead exemptions that may vary from the ones shown on this application. Applicants seeking a local homestead exemption should contact the local Tax Commissioner or Tax Receiver for additional information. If this application is denied an appeal may be filed in accordance with O.C.G.A. § 48-5-311.

SECTION A:

List below the address of any other property where you or your spouse have applied for and been granted a homestead exemption for the current year.

APPLICANT INFORMATION

Are you and your spouse a Georgia resident US citizen or non-citizen with legal authorization from the US Immigration and Naturalization Service?  YES  NO

If you are a non-citizen with legal authorization from the US Immigration and Naturalization Service, please provide your Legal Alien Registration #

Applicant Name: Balder Patricia

Street Address: 82 New Liberty estate

City, State, Zip:

Social Security No.:

Year of Birth: [REDACTED] Phone Number:

County where you are registered to vote: hdb

County where car is registered: hdb If you and/or your spouse are in the military service, list the state shown as your home of record:

If you answer Yes to Question #1, please follow the instructions to determine if you qualify for an increased homestead amount. Please see the Tax Commissioner or Receiver for additional information and qualification requirements.

YES 1. Were you or your spouse age 62 or older as of Jan 1 of the year of this application? Go to Sections C1 and/or C2 on the back of this application to determine whether you meet certain gross and/or net income requirements.

YES 2. Is the applicant or spouse a 100% disabled veteran or is the applicant the unmarried surviving spouse of a 100% disabled veteran?

YES 3. Are you the unmarried surviving spouse of a US service member killed in action?

YES 4. Are you the unmarried surviving spouse of a firefighter or peace officer killed in the line of duty?

SECTION B:

PROPERTY INFORMATION

Location of Property (Street Address):

Date Property Purchased:

Purchase Price:

Kind of Title Held:

Is any part of the property used for business purposes?  YES  NO

If yes, what kind of business & how much of the property is used?

AFFIDAVIT OF APPLICANT

I, the undersigned, do solemnly swear that the statements made in support of this application are true and correct, that I am the bona fide owner of the property described in this application, that I shall occupy or actually occupied same on Jan. 1 of the year for which application is made, that I am an eligible applicant for the homestead exemption applied for, qualifying or meeting the definition of the word "applicant" as defined in O.C.G.A. § 48-5-40 and that no transaction has been made in collusion with another for the purpose of obtaining a homestead exemption contrary to law. Sworn to and subscribed to before me this 13 day of NOV, 20 12

Applicant's Signature: Patricia Balder

Tax Commissioner or Tax Receiver

APPROVED  DENIED

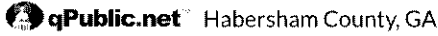
Board of Tax Assessors

Date

THIS SECTION FOR TAX ASSESSORS USE ONLY:

STATE TAX >>>	CODE	AMOUNT
COUNTY TAX >>>		
SCHOOL TAX >>>		

# **Exhibit G**



**Summary**

Parcel Number 142 022J  
 Location Address 364 MIDDLETON PLACE DR  
 Legal Description 22 150LT10DBK A P# 53 212 DB 1137 770  
 R-1 Residential  
 Property Class R-Residential  
 Tax District 01-County  
 Millage Rate 25.712  
 Acres 1.28  
 Neighborhood MIDDLETON PLACE

[View Map](#)

**Owners**

Current Owner  
 MEGGINSON ANTHONY M  
 364 MIDDLETON PLACE  
 CLAKRESVILLE, GA 30923

**Land**

Class	Land Use	Acres	Frontage	Depth	Zoning	Value
R3	0200 MBL HVR SUR	1.28	0	0	U1	\$10,000

**Residential Information**

Style SINGLE FAMILY RESIDENTIAL  
 Heated Square Footage 816  
 Total Square Footage 2325  
 Actual Year Built 2004  
 Effective Year Built 2004  
 Number Of Bedrooms 3  
 Number Of Full Bathrooms 2  
 Number Of Half Bathrooms 0  
 Story Height 1.0 Story  
 Air Conditioning Type Central  
 Exterior Walls Aluminum/Vinyl Siding  
 Fireplace None  
 Foundation Continuous Footing  
 Heating Fuel Electric  
 Heating Type Heat Pump  
 Interior Floor Cover Hardwood  
 Interior Floor Cover Carpet  
 Interior Wall Construction Drywall/Sheetrock  
 Roofing Cover Wood Shingle/310 Shingle  
 Roofing Structure Cable  
 Sub Floor System Plywood  
 Value \$107,970

**Sales**

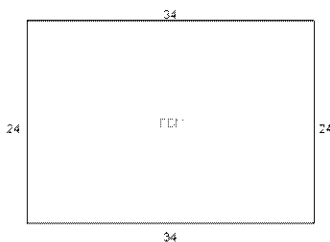
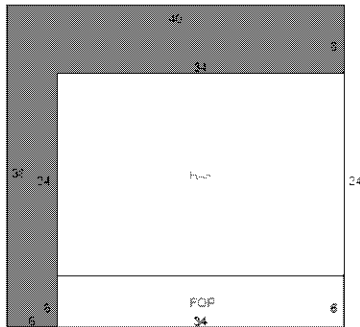
Sale Date	Sale Price	Instrument Type	Deed Book	Deed Page	Reason	Vacant/Improved	Grantor	Grantee
04/27/2017	\$118,000	WD	01137	0770	Q	Improved	BOWER PATRICIA G	MEGGINSON ANTHONY M
01/31/2014	\$0	QC	01049	0315	E	Improved	BOWER KENNETH C	BOWER PATRICIA G
11/05/2012	\$38,000	WD	01011	0764	H	Improved	US BANK NA	BOWER KENNETH C
12/06/2011	\$45,370	FC	01003	0388	P	Improved	MCDONALD AUDREY	US BANK NA
05/05/2006	\$99,500	WD	00947	0939	D	Improved	DEUTSCHE BANK NATIONAL TRUST	MCDONALD AUDREY
12/06/2005	\$0	FC	00736	0983	P	Improved	COOK SHEILA R	DEUTSCHE BANK NATIONAL TRUST
08/27/2004	\$112,000	WD	00670	0241	Q	Improved	MIDDLETON PLACE DEVELOPMENT &	COOK SHEILA R
05/02/2004	\$0	WD	00657	0507	X	Vacant		MIDDLETON PLACE DEVELOPMENT &

**Valuation**

Previous Value		2018	2017
Land Value		\$103,770	\$93,000
+ Building Value		\$10,000	\$6,000
+ Accessory Value		\$107,970	\$97,770
= Fair Market Value		\$0	\$0
		\$117,970	\$103,770

**Sketches**

Room Type	Area
Basement, Finished	816
Base Living Area	316
Porch, Open, Finished	204
Wood Deck	500



No data available for the following modules: Commercial Information, Mobile Homes, Accessory Information.

as: Dan J. J. 12/13/2018 10:11 AM



# **Exhibit H**



**IN THE SUPERIOR COURT OF BANKS COUNTY  
STATE OF GEORGIA**

---

DAN GASAWAY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action File No.:
	)	
HABERSHAM COUNTY BOARD	)	
OF ELECTIONS AND REGISTRATION,	)	
BANKS COUNTY BOARD OF	)	
ELECTIONS AND REGISTRATION,	)	
STEPHENS COUNTY BOARD OF	)	
ELECTIONS AND REGISTRATION, and	)	
CHRIS ERWIN, Republican Nominee	)	
Candidate for Georgia House District 28 –	)	
December 4, 2018,	)	
	)	
Respondents.	)	

---

**AFFIDAVIT OF SANDRA DENTON**

1.

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, came Sandra Denton, who after being duly sworn, deposes and states the following:

2.

My name is Sandra Denton. I am over the age of twenty-one (21) years, I am suffering from no legal disabilities, and I am competent to make this Affidavit. I voluntarily and freely make this Affidavit of my own personal knowledge for any and all uses and purposes authorized by law.

3.

I reside at 187 Denton Drive, Homer, Georgia 30547, which is in Georgia House District 28.

4.

On Wednesday, November 28, 2018, I went to 226 Candler St, Homer, Georgia, the early voting location for Banks County, to vote in the December 4, 2018 House District 28 Special Republican Primary (the "Election").

5.

I attempted to cast my vote in the Election at the machine at the poll place.

6.

For unknown reasons, the machine had complications when I cast my vote. The machine ejected my voting card before I pressed the "cast ballot" button.

7.

Because of these complications, I voiced concerns to the poll worker.

8.

When I questioned the poll worker, she indicated the vote was cast and counted. She offered no opportunity for me to verify that my vote had been counted.

9.

Because I was concerned that my vote was not cast, I mentioned it to Martha Ramsey.

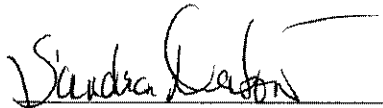
10.

I was not listed as a voter in the Secretary of State's voter lists in the Election, and my vote was, in fact, not cast.

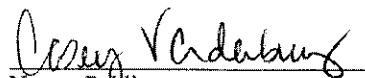
11.

My vote was wrongly rejected in the Election, and I was disenfranchised.

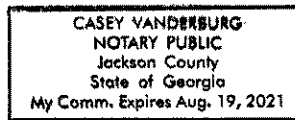
**FURTHER AFFIANT SAYETH NAUGHT**

  
Sandra Denton

Subscribed and sworn to before me  
this 17 day of December, 2018.

  
Notary Public

My Commission Expires: Aug. 17, 2021



# **Exhibit I**

**Voters missing**

13 messages

**Dan Gasaway** <votegasaway@gmail.com>  
To: "Harvey, Chris" <wharvey@sos.ga.gov>

Fri, Nov 30, 2018 at 11:29 AM

Chris,

The attached voter claims to have voted on Wednesday. It does not show up on the record.

Dan

 **denton.xlsx**  
12K

**Harvey, Chris** <wharvey@sos.ga.gov>  
To: Dan Gasaway <votegasaway@gmail.com>

Fri, Nov 30, 2018 at 11:51 AM

I'll check. I'm showing she voted in the state runoff.

Chris Harvey

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT

404-985-6351 MOBILE

**From:** Dan Gasaway <votegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 11:30 AM  
**To:** Harvey, Chris <wharvey@sos.ga.gov>  
**Subject:** Voters missing

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

Chris,

The attached voter claims to have voted on Wednesday. It does not show up on the record.

Dan

**Harvey, Chris** <wharvey@sos.ga.gov>  
To: Dan Gasaway <votegasaway@gmail.com>

Fri, Nov 30, 2018 at 12:00 PM

I spoke to Andra Phagan in Banks County and she said she was behind entering the voters in ENET after they voted, but she should be caught up today. She remembered seeing Ms. Denton, who she knows, vote on Wednesday, and she is going to let me know when she enters her in (assuming she voted in both elections.)

I'll let you know when I hear back from her.

Chris Harvey

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT

404-985-6351 MOBILE

**From:** Dan Gasaway <votegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 11:30 AM  
**To:** Harvey, Chris <wharvey@sos.ga.gov>  
**Subject:** Voters missing

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

Chris,

The attached voter claims to have voted on Wednesday. It does not show up on the record.

Dan

Dan Gasaway <votegasaway@gmail.com>  
To: "Harvey, Chris" <wharvey@sos.ga.gov>

Fri, Nov 30, 2018 at 12:03 PM

Thanks  
[Quoted text hidden]

Harvey, Chris <wharvey@sos.ga.gov>  
To: Dan Gasaway <votegasaway@gmail.com>

Fri, Nov 30, 2018 at 12:07 PM

She just confirmed she voted. Should be on the list when updated tomorrow.

Chris Harvey  
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT  
404-985-6351 MOBILE

**From:** Dan Gasaway <votegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 12:03 PM  
**To:** Harvey, Chris <wharvey@sos.ga.gov>  
**Subject:** Re: Voters missing

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

Thanks

On Fri, Nov 30, 2018, 12:00 PM Harvey, Chris <wharvey@sos.ga.gov> wrote:

I spoke to Andra Phagan in Banks County and she said she was behind entering the voters in ENET after they voted, but she should be caught up today. She remembered seeing Ms. Denton, who she knows, vote on Wednesday, and she is going to let me know when she enters her in (assuming she voted in both elections.)

I'll let you know when I hear back from her.

Chris Harvey  
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT  
404-985-6351 MOBILE

**From:** Dan Gasaway <votegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 11:30 AM  
**To:** Harvey, Chris <wharvey@sos.ga.gov>  
**Subject:** Voters missing

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

Chris,

The attached voter claims to have voted on Wednesday. It does not show up on the record.

Dan

Dan Gasaway <votegasaway@gmail.com>  
To: "Harvey, Chris" <wharvey@sos.ga.gov>

Fri, Nov 30, 2018 at 12:09 PM

Thanks  
[Quoted text hidden]

Dan Gasaway <votegasaway@gmail.com>  
To: "Harvey, Chris" <wharvey@sos.ga.gov>

Fri, Nov 30, 2018 at 12:20 PM

Chris, I have a voter being disenfranchised in habersham county. The say because his driver's license address doesn't match his registration he cannot vote. Voter ID. # 08116511  
[Quoted text hidden]

Harvey, Chris <wharvey@sos.ga.gov>  
To: Dan Gasaway <votegasaway@gmail.com>

Fri, Nov 30, 2018 at 1:08 PM

I've left a message asking Laurel Ellison to all me about this.

Chris Harvey

12/13/2018

Gmail - Voters missing

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT

404-985-6351 MOBILE

**From:** Dan Gasaway <voteegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 12:20 PM

[Quoted text hidden]

[Quoted text hidden]

**Dan Gasaway** <voteegasaway@gmail.com>  
**To:** "Harvey, Chris" <wharvey@sos.ga.gov>

Fri, Nov 30, 2018 at 1:09 PM

Thanks  
[Quoted text hidden]

---

**Harvey, Chris** <wharvey@sos.ga.gov>  
**To:** Dan Gasaway <voteegasaway@gmail.com>

Fri, Nov 30, 2018 at 3:48 PM

I heard back from Laurel Ellison who said this voter changed his voter registration to a new address outside of the 28<sup>th</sup> before the election, so he is no longer registered to vote in the 28<sup>th</sup>.

Chris Harvey

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT

404-985-6351 MOBILE

**From:** Dan Gasaway <voteegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 12:20 PM

[Quoted text hidden]

[Quoted text hidden]

---

**Dan Gasaway** <voteegasaway@gmail.com>  
**To:** "Harvey, Chris" <wharvey@sos.ga.gov>

Fri, Nov 30, 2018 at 3:52 PM

He said he didn't change his registration. Who has the official record? Thanks  
[Quoted text hidden]

---

**Harvey, Chris** <wharvey@sos.ga.gov>  
**To:** Dan Gasaway <voteegasaway@gmail.com>

Fri, Nov 30, 2018 at 4:05 PM

Habersham County has it. She said he changed it through DDS.

He could vote provisionally if he believes his registration was updated incorrectly, and they could look into it further.

Chris Harvey

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT

404-985-6351 MOBILE

**From:** Dan Gasaway <voteegasaway@gmail.com>  
**Sent:** Friday, November 30, 2018 3:52 PM

[Quoted text hidden]

[Quoted text hidden]


---

**Dan Gasaway** <voteegasaway@gmail.com>  
**To:** Shannon Gasaway <shannongasaway123@gmail.com>

Thu, Dec 13, 2018 at 10:30 AM

fyi  
[Quoted text hidden]

---

 **denton.xlsx**  
12K

# **Exhibit J**



**AFFIDAVIT OF ROBERT M. LOUDERMILK**

1.

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, came Robert M. Loudermilk, who after being duly sworn, deposes and states the following:

2.

My name is Robert M. Loudermilk. I am over the age of twenty-one (21) years, I am suffering from no legal disabilities, and I am competent to make this Affidavit. I voluntarily and freely make this Affidavit of my own personal knowledge for any and all uses and purposes authorized by law.

3.

I reside at 4315 Camp Creek Rd. Mt. Airy, GA, 30563, which is in Georgia House District 28.

4.

I have never moved out of 4315 Camp Creek Rd. Mt. Airy, GA, 30563, I receive my mail at this address and I intend to remain at this address.

5.

On or around January 2017, I rented an address at 147 Helena Court Apartment 2, Baldwin, Ga. 30511. I did not reside at this address, and, therefore, did not intend to remain at this address.

6.

On November 27, 2018 I went to my polling place to vote in the December 4, 2018 House District 28 Special Republican Primary (the "Election").

7.

The poll worker told me that I could not vote in the Election because my driver's license address was out of the district.

8.

I told the poll worker that I did not reside at that address, and that I resided at 4315 Camp Creek Rd. Mt. Airy, GA, 30563 and intended to remain at this address.

9.

Despite this, the poll worker still refused to allow me to vote in the Election and I was not offered a provisional ballot.

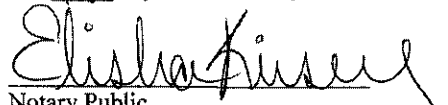
10.

My voted was wrongly rejected in the Election, and I was disenfranchised.

**FURTHER AFFIANT SAYETH NAUGHT**

  
Robert M. Loudermilk

Subscribed and sworn to before me  
this 18 day of December, 2018.

  
Notary Public

My Commission Expires August 17, 2019

