The January 6 Hearings: Georgia Spotlight

Background: The United States House Select Committee to Investigate the January 6th Attack on the United States Capitol (January 6 Select Committee) is holding oversight hearings in June 2022. It will present public testimony, evidence, and analysis relating to the January 6, 2021 attack, its run-up, and its aftermath. The attack and effort to undermine the will of the American voters did not happen in a vacuum. Fueled by misinformation and lies about the 2020 election, many of the key actors involved and key actions taken that contributed to the attack originated from the states. After all, while elections are national events, they are run and led by the states.

The States United Democracy Center has created a series of state-by-state guides to the January 6 attack highlighting activities that sought to undermine our free, fair, and secure elections. The Georgia Spotlight includes events in the state leading up to the January 6 attack, participation by Georgia actors in relevant events and the attack itself, efforts in Georgia to discredit or reverse the outcome of the presidential election, and subsequent post-January 6 events.

I. EVENTS IN GEORGIA LEADING UP TO JANUARY 6 ATTACK

Supporters of then-President Trump held rallies throughout the country attempting to discredit the 2020 presidential election process and challenging the official election results, including in Georgia, despite lacking factual basis for their allegations.

- As preliminary results of the presidential election in Georgia were announced, Trump prematurely claimed victory in the state.¹

- In the days after election day—November 3, 2020—Trump supporters gathered outside the state capitol protesting the election results and others attempted to oversee the vote counting process.² This came on the heels of Trump making statements, such as “[i]n Georgia, a pipe burst at a faraway location, totally unrelated to the location of what was happening, and they stopped counting for four hours, and a lot of things happened”³ and promoting the protests at the counting locations on social media.⁴
On November 9, 2020, Georgia’s then-U.S. senators, Kelly Loeffler and David Perdue, called on Secretary of State Brad Raffensperger to resign for “failure to deliver honest and transparent elections.”5 The Republican Party of Georgia and Georgia’s Republican House delegation, including Rep. Marjorie Taylor Greene, sent letters to Raffensperger the next day repeating the false “claims of fraud and irregularities.”6 Raffensperger conducted a statewide hand recount of the votes that confirmed Biden’s win, matching the results of the machine tally of the votes.7 On November 20, 2020, Biden’s win in Georgia was formally certified by state officials.8

On December 5, 2020, Trump called Georgia’s Governor Brian Kemp and urged him to convince state legislators to overturn Biden’s victory in Georgia by: (1) calling a special session of the state legislature to appoint electors for Trump and (2) ordering a special audit of absentee ballot signatures.9 After Kemp reportedly told Trump he did not have such authority, Trump said to his supporters in Macon: “Your governor could stop [the steal] very easily if he knew what the hell he was doing. . . So far we haven’t been able to find the people in Georgia willing to do the right thing.10

Also on December 5, Trump spoke at a rally supporting the Republican candidates in the Georgia senate runoffs.11 He used this opportunity to claim widespread voter fraud in the presidential election and attack Kemp and Raffensperger.12

On December 7, 2020, Texas Attorney General Ken Paxton filed a lawsuit to overturn the 2020 presidential election results in Georgia, Michigan, Pennsylvania, and Wisconsin.13 The U.S. Supreme Court rejected his case later that month, and the State Bar of Texas has now pursued a complaint against Paxton, accusing him of professional misconduct relating to this litigation.14

On December 14, 2020, as detailed further in Section III, 16 Georgia Republicans convened to “cast votes” claiming to be an alternate slate of electors for Trump in Georgia, which did not reflect the decision of the state’s voters.15

On December 23, 2020, Trump reportedly called Frances Watson, chief elections investigator for the Georgia secretary of state, and “told Watson she would find ‘dishonesty’ if she scrutinized absentee ballots in Fulton County.16

On December 29, Raffensperger announced that the ballot signature match audit in Cobb County found “no fraudulent absentee ballots.”17
On December 28, 2020, Jeffrey Clark, acting Assistant Attorney General for the Justice Department’s Civil Division, emailed his superiors a draft proposal urging Georgia officials to convene a special legislative session to investigate the election.18 His email also included “assurances that the Department of Justice would look into election fraud” but his superiors refused to pursue the proposal.19

On January 2, 2021, Trump held the now infamous hour-long call with some of his supporters, including White House Chief of Staff Mark Meadows and attorney Cleta Mitchell, and several Georgia election officials.20 During that call, Trump called on Secretary of State Raffensperger and his general counsel, Ryan Germany, to “find 11,780 votes” in his favor.21 11,780 votes “constitutes one more than the vote gap between him and Biden.” 22

On January 4, 2021, U.S. Attorney for the Northern District of Georgia, Byung J. Pak, whom Trump had nominated in July 2017, abruptly resigned, reportedly disclosing to congressional investigators that his resignation was caused by a warning that Trump intended to fire him for “refusing to say that widespread voter fraud had been found in Georgia.” 23

Also on January 4, 2021, Trump attended a Georgia rally where he continued to “cast doubt on the legitimacy of November’s election results and the trustworthiness of Georgia’s current election officials.” 24

Twelve Republican Georgia state legislators (along with Republican legislators from Arizona, Michigan, Wisconsin, and Pennsylvania) signed a letter to Vice President Mike Pence, dated January 5, 2021.25 The letter urged Pence to delay the counting of electoral votes for at least 10 days to allow the state legislatures time to certify or decertify the election. 26

The same lies and conspiracy theories that fueled the January 6 attack contributed to threatening and violent messages aimed at election officials, including in Georgia. These threats were launched over email, voicemails, texts, letters, social media, and in-person events including gathering outside election officials’ homes. They often expressed false claims that the election was stolen.27
II. GEORGIA ACTORS INVOLVED IN JANUARY 6 ACTIVITIES

The Washington Post compiled a timeline documenting how January 6, 2021 progressed from Trump’s “Save America” rally on the White House Ellipse to the breach and attack on the U.S. Capitol. Just Security and Protect Democracy compiled a primer that organizes and distills the multiprong campaign to overturn the 2020 election results.

- Anthony Aguero (conservative live streamer): Aguero is an associate of Representative Marjorie Taylor Greene (R-GA). He entered the Capitol during the January 6 attack. While Greene was not at the Capitol on January 6, she has made repeated false claims about the 2020 election results and the January 6 attack.

- Vernon Jones (former Georgia state representative): A former Democrat, Jones spoke at the “Save America March” in D.C. on January 6. Jones is currently running in a June 2022 Republican runoff race for a Georgia congressional seat.

- Indictments: At least 18 people with Georgia ties have been charged for their involvement in the January 6 attack and their cases have been progressing through the courts: Kevin Creek, Verden Andrew Nalley, Glen Mitchell Simon, Ronald Loehrke, Matthew Webler, Bruno Cua, Nolan Harold Kidd, Savannah Danielle McDonald, Benjamin Henry Torre, Lisa Eisenhart, Joseph (Jose) Padilla, Jack Whitton, William Calhoun Jr., Jonathan Laurens, Blas Santillan, Brian Ulrich, Michael Shane Daughtry, and Christopher Stanton.

III. GEORGIA’S FRAUDULENT PRESIDENTIAL ELECTORS SLATE

- On December 14, 2020, groups of Republicans in Arizona, Georgia, Nevada, Michigan, New Mexico, Pennsylvania, and Wisconsin signed documents made to look official that represented the signatories as the duly authorized or potential alternate presidential electors for Trump, rejecting the will of the voters in their states. The actions of these fake electors are the possible subject of state and federal criminal probes.

The following individuals served as fake electors in Georgia: Joseph Brannon (treasurer of the Georgia Republican Party); James “Ken” Carroll (assistant secretary for the Georgia Republican Party); Vikki Townsend Consiglio (assistant treasurer for the Georgia Republican Party); Carolyn Hall Fisher (first vice chairman for the Georgia Republican Party); Burt Jones (Georgia State Senator since 2013); Gloria Kay Godwin (local Republican Party leader in Blackshear); David G. Hanna (Atlanticus Holdings Corp.); Mark W. Hennessy (CEO of several Atlanta car dealerships); Mark Amick (member of board of governors for the Georgia Republican Foundation); John Downey (House district chair for the Cobb County Republican Party); Cathleen Alston Latham (economics teacher with the Georgia Virtual School); Daryl Moody (chairman of the Georgia Republican Foundation); Brad Carver (member of the Republican National Lawyers Association); David Shafer (chairman of the Georgia GOP); Shawn Still (finance chair of the Georgia GOP); C.B. Yadav (small business owner in Camden County).

IV. POST-JANUARY 6 DEVELOPMENTS IN GEORGIA

Georgia continues to be a hotbed of efforts to undermine nonpartisan election administration and spread disinformation about the 2020 presidential election results.

a. Prominent Anti-Democracy Visitors’ Activities in the State

- Rudy Giuliani: An attorney for Trump campaigned for Republican candidates running in the 2022 midterm elections who deny the official 2020 election results. Giuliani previously participated in a December 2020 state Senate Judiciary subcommittee hearing on election integrity following the 2020 election alongside Trump lawyers Jenna Ellis and John Eastman.

- Donald Trump: Trump endorsed and campaigned for Republican candidates running in the 2022 midterm elections who deny the official 2020 election results, where he repeatedly attacked Kemp and Raffensperger for refusing to overturn his loss in 2020.

b. Known January 6 Select Committee Subpoenas to Georgia Actors & Fulton County

Georgia Special Grand Jury

The January 6 Select Committee has “issued more than 100 subpoenas to lawmakers, internet and communications companies, Trump White House officials and others” including rally and event organizers. Here are some examples of the Georgia actors that have received subpoenas from the January 6 Select committee, as well as an overview of the special grand jury that has been convened in Fulton County.
• Representative Barry Loudermilk (GA-14): The January 6 Select Committee has requested a voluntary meeting with Loudermilk regarding a Capitol tour he allegedly provided on the day before the January 6 attack.\textsuperscript{41}

• Amy Kremer (founder of Women for America First) and her daughter Kylie Kremer: The Kremers have been subpoenaed by the January 6 Select Committee for their role in organizing Stop the Steal rallies.\textsuperscript{42}

• David Shafer (chairman of the state GOP): Shafer has been subpoenaed by the January 6 Select Committee.\textsuperscript{43}

• Shawn Still (finance chair of the Georgia GOP): Still has been subpoenaed by the January 6 Select Committee.\textsuperscript{44}

• Fulton County investigation: In May 2022, Fulton County District Attorney Fani Willis convened a special grand jury to investigate whether Trump and his allies illegally tried to interfere in the 2020 election in the state.\textsuperscript{45} The special grand jury heard testimony from Raffensperger on June 2, 2022.\textsuperscript{46} The Brookings Institute has published a report on the reported facts and applicable law regarding this special grand jury.

c. Partisan Election Reviews

• In June 2021, State Sens. Brandon Beach and Burt Jones, along with state GOP chair David Shafer, visited Arizona to witness the legislature’s partisan election review conducted by the Cyber Ninjas.\textsuperscript{47}

• In October 2021, a judge in dismissed a Georgia lawsuit that could have resulted in a review of Fulton County’s 2020 election ballots citing a lack of standing and particularized injury.\textsuperscript{48} Raffensperger’s office filed a brief in the case stating that their investigators have “been unable to substantiate the allegations that fraudulent or counterfeit ballots were counted in the 2020 General Election in Fulton County” after conducting interviews and reviewing approximately 1,000 absentee ballots and ballot images.\textsuperscript{49}
d. Legislation to Change Georgia’s Election Laws

- Georgia enacted S.B. 202 in March 2021, which limits the number of ballot drop boxes, requires different forms of identification for absentee voting, and bans the provision of food and drinks to people waiting in line to vote. The law also alters the balance of power between the executive and legislative branches. For example, the law changes the appointments power and restricts the State Election Board’s ability to respond to emergencies. The new law further empowers the State Election Board—to be chaired by a legislative appointee—to investigate and replace local election officials whose competence has been called into question.

- Since the 2020 presidential election and the January 6 attack, state legislatures across the country have considered a wide range of bills that would increase the risk of election subversion—that the purported outcome of the election does not reflect the choice of the voters. State by state, legislatures had moved to seize power from professional, non-partisan election administrators and to subject the running of elections to partisan influence and disruption. For more information about Georgia’s election subversion legislation, please see States United’s 2021 and 2022 report, written and published in collaboration with Protect Democracy and Law Forward.

e. Election Deniers are Running for Pennsylvania State Office

Election Deniers ran for key constitutional offices in Georgia that have a role in election administration and enforcement, but they ultimately lost their primary races in 2022.

Election Denier Gubernatorial Candidates:
- David Perdue (R): Election Denier
- Kandiss Taylor (R): Election Denier

Election Denier Attorney General Candidates:
- John Gordon (R): Election Denier

Election Denier Secretary of State Candidates:
- David Belle Isle (R): Election Denier
- Jody Hice (R): Election Denier
ADDITIONAL RESOURCES FROM THE STATES UNITED DEMOCRACY CENTER:

Countering Lies about the 2020 Presidential Election
A Democracy Crisis in the Making 2021 and 2022 reports
Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress

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3. See note 2.


6. See note 5.


The January 6 Hearings: Georgia Spotlight

12 See note 11.


14 See note 13.


19 See note 18.


22 See note 20.


WCTV Staff. (2022, January 6). Dozens from Florida and Georgia face charges in the Jan. 6 attack on the U.S. Capitol. WCTV. https://www.wctv.tv/2022/01/06/dozens-florida-georgia-face-charges-jan-6-attack-us-capitol/.


The January 6 Hearings: Georgia Spotlight


39 Fowler, S. (2022, March 27). Trump’s Republican revenge tour falters in Georgia. NPR. [https://www.gpb.org/news/2022/03/27/trumps-republican-revenge-tour-falters-in-georgia]. Trump’s efforts to thwart Kemp and Raffensperger from office in favor of Republicans who are also election deniers were futile, as both won their Republican primary elections. 2022 Georgia Primary Results. (2022, June 9). Politico. [https://www.politico.com/2022-election/results/georgia/].

40 Schonfeld, Z. (2022, June 7). Here’s a list of the people who have been subpoenaed by the Jan. 6 committee. The Hill. [https://thehill.com/news/house/3514712-heres-a-list-of-the-people-who-have-been-subpoenaed-by-the-jan-6-committee/].


See note 43.


