

# Backgrounder: Fulton County Special Grand Jury Investigation Into 2020 Presidential Interference

Last updated: February 16, 2023

## TOP TAKEAWAYS:

- In January 2022, Georgia Fulton County District Attorney Fani Willis was granted authorization to convene a special grand jury to investigate election interference in Georgia’s 2020 presidential election contest.
- After the special grand jury members were empaneled in May 2022, they began hearing testimony from a wide array of witnesses (staff, advisors, and attorneys for former President Trump, Georgia statewide officers and their staff, Georgia legislators, federal legislators, local election workers, members of the press, and a documentary filmmaker).
- The special grand jury concluded its work in early 2023 and was dissolved. On February 13, 2023, Judge Robert McBurney, citing due process and other considerations, [ruled](#) that portions of the special grand jury report will remain private while others will be released in the near future. On February 16, 2023, sections of the report were [released](#). DA Willis is still considering whether to pursue indictments.

## Election Interference in Georgia

- On January 2, 2021, then-President Donald Trump [called](#) Georgia Secretary of State Brad Raffensperger. During their 67-minute phone call, Trump made a variety of false claims alleging that ballots for then-candidate Joe Biden had been transported in suitcases to the Atlanta counting facility, that roughly 5,000 dead people voted in Georgia, and that Raffensperger could be subject to criminal liability for his role in administering Georgia’s elections. Most notably, Trump asked Raffensperger to “find 11,780” votes in his favor, one vote more than the number Biden received. This phone call and Trump’s other activities to undermine the 2020 Georgia election results have been subject to scrutiny at the state and national level.
- Trump’s allies concocted a [proposal](#) to produce slates of false electors in seven different states that were critical to the outcome of the 2020 presidential contest. As detailed further below, in [Georgia](#), 16 individuals signed a false electors slate in an attempt to overturn the state’s 2020 election results that was [certified for Biden](#).
- In at least seven instances across four states (including in Coffee County Georgia), local officials are alleged to have given Trump supporters [access](#) to voting machines and/or their data. In January 2021, individuals copied Coffee County’s voting machine data, including the sensitive election software used throughout the state.

## Fulton County Special Grand Jury

- In January 2022, superior court judges in Fulton County, Georgia [approved](#) the request from Fulton County District Attorney Fani Willis to seat a special grand jury (“SGJ”) to aid in her investigation into interference in Georgia’s 2020 presidential election contest. This investigation began in 2021. The court [authorized](#) DA Willis to impanel the SGJ on May 2, 2022, for a period up to one year. In January 2023, the court [announced](#) that the SGJ had completed its work and was being dissolved and a [hearing](#) was held on whether to publicly release the report.
- The order [authorized](#) the SGJ to “investigate any and all facts and circumstances relating directly or indirectly to alleged violations of the laws of the State of Georgia ...[and] make recommendations concerning criminal prosecution as it shall see fit.”
- On May 2, 2022, [23 Georgians](#) were selected to serve on the SGJ.
- The [SGJ can](#) subpoena witnesses to testify, consult with experts, as well as compel the production of documents, emails, and other relevant records.
- While the SGJ is similar to regular grand juries in several ways, it [cannot issue](#) an indictment. The SGJ can issue a [report](#) with recommendations for action, including possible criminal charges. DA Willis then has discretion regarding further action on those recommendations, and would need to [present](#) the case to a regular grand jury with the power to issue indictments if she wanted to pursue criminal charges.
- Judge Robert McBurney [said](#) that he would ensure the final recommendations of the SGJ would not be released too close to Georgia’s 2022 November general election.
- On August 2, 2022, DA Willis [stated](#) she was at least 60 days away from having to decide whether to subpoena Trump to the SGJ.
- On August 29, 2022, DA Willis [stated](#) she is approximately “60% through all of the people” that she intends to bring before the SGJ and that the report will not be completed until after the November general election.
- In October 2022, it was [reported](#) that DA Willis is “aiming to quickly wrap up the grand jury’s work after the midterm elections and could begin issuing indictments as early as December” 2022.
- In November 2022, it was reported that DA Willis may be [exploring](#) immunity agreements with some of the false electors.
- In early January 2023, Judge McBurney [issued](#) an order detailing that the SGJ had fulfilled its duties and submitted its final report to the judicial bench for review.
- On January 24, 2023, Judge McBurney [held](#) a hearing for stakeholders to present arguments as to whether the SGJ report should be publicly disclosed. DA Willis advocated for the report to be kept private for the time being and revealed at the hearing that her decision on whether to seek indictments was “imminent.”

- On February 13, 2023, Judge Robert McBurney, citing due process and other considerations, [ruled](#) that portions of the special grand jury report will remain private. In that ruling, he also announced that three sections of the report will be released in the near future: the introduction, the conclusion, and a section regarding concerns that “[some witnesses](#) may have lied under oath during their testimony to the grand jury.”
- On February 16, 2023, these sections of the report were [released](#). The [excerpts](#) revealed:
  - the SGJ “received evidence from or involving 75 witnesses[;]”
  - the SGJ members voted unanimously that “no widespread fraud took place in the Georgia 2020 presidential election that could result in overturning that election[;]”
  - and that a majority of the SGJ members believe “perjury may have been committed by one or more witnesses testifying before it” and recommend that DA Willis seek indictments where appropriate.

## **Special Grand Jury Witnesses to Date**

The SGJ issued subpoenas to a [variety of individuals](#) (staff, advisors, and attorneys for former President Trump, Georgia statewide officers and their staff, Georgia legislators, federal legislators, local election workers, members of the press, and a documentary filmmaker) and heard testimony from numerous individuals.<sup>1</sup> [Testimony](#) before the House Select Committee investigating the January 6 attack on the U.S. Capitol also [shed light](#) on election interference events in Georgia that are of interest to DA Willis and the SGJ.

- Mark Amick (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Joseph Brannan (treasurer of Georgia Republican Party and false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Chris Carr (Georgia Attorney General): [testified](#) on June 21, 2022. Trump [phoned](#) Carr regarding election-related lawsuits challenging Georgia and other state’s election results.
- Ken Carroll (Georgia Republican Party and false elector for Trump): is reported to have [testified](#) before the SGJ on an unknown date.
- Brad Carver (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Kenneth Chesebro (Trump attorney): [testified](#) on August 30, 2022. Chesebro [litigated](#) his subpoena and the judge [denied](#) his motion to quash. Chesebro [wrote](#) memorandums regarding the proposal to submit a false slate of electors for Trump.
- Pat Cippollone (White House Counsel to Trump): [testified](#) before the SGJ (date unknown). Cippollone attended meetings with Trump and his allies regarding the 2020 presidential election results, including the results in Georgia.

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<sup>1</sup>[Since SGJ proceedings are kept secret, the nature and date of the individual’s testimony is limited to public reporting on the progress of the SGJ. Individuals in this section are listed in alphabetical order by last name.

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- Vikki Consiglio (assistant treasurer of Georgia Republican Party and false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Jacki Pick Deason (Trump attorney): [testimony](#) date unknown. Deason is [litigating](#) the subpoena. Deason [participated](#) in the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election.
- John Downey (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Geoff Duncan (Lieutenant Governor): is [reported](#) to have [testified](#) before the SGJ on an unknown date.
- John Eastman (Trump attorney): [testified](#) on August 31, 2022. Eastman [was unsuccessful in his motion to quash his SGJ](#) subpoena. Eastman appeared remotely at the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election.
- Jenna Ellis (Trump attorney): [testimony](#) date unknown; [potentially](#) scheduled for August 25, 2022. Ellis was [unsuccessful](#) in her motion to quash her subpoena. Ellis [participated](#) in the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election and Ellis drafted memorandum on the proposal to submit a false slate of electors for Trump.
- Boris Epshteyn (in-house attorney for Trump and campaign adviser): Epshteyn [testified](#) before the SGJ on September 29, 2022. Epshteyn attended a post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election. He is believed to be [knowledgeable](#) about the planning and execution to submit false electors for Trump.
- Randy Evans (Atlanta attorney and Trump's Ambassador to Luxembourg): has [stated](#) he will testify before the SGJ. He is a confidante of Newt Gingrich and was named in one of the Gingrich emails released by the Jan. 6 committee.
- Erica Hamilton (Cobb County elections director): is [reported](#) to have [testified](#) before the SGJ on an unknown date.
- Carolyn Fisher (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Harrison Floyd (Black Voices for Trump): testimony date unknown. Floyd is alleged to have [arranged](#) the [meeting](#) between Fulton County election worker [Ruby Freeman](#) and Trevian Kutti, a former publicist to R. Kelly and Kanye West. Floyd [spoke](#) with Stephen Lee (police chaplain) and Trevian Kutti (publicist) multiple times via telephone on the days leading up to the January 6 joint session of Congress.

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- Michael Flynn (Trump's former National Security Advisor): After extensive litigation, Flynn [testified](#) before the SGJ on December 8, 2022. Flynn's subpoena [notes](#) his cable news interviews where he described Trump's military capabilities and the ability to use the military to re-run elections. Flynn also met with Trump, Sidney Powell, and others on December 18, 2020, where they reportedly [discussed](#) seizing voting machines, invoking martial law, and appointing Powell as special counsel.
- Ryan Germany (General Counsel for Georgia Secretary of State): testimony [date](#) unknown. Germany was on the line for Trump's call to Raffensperger.
- Newt Gingrich (former U.S. House Speaker): has been [ordered](#) by a court to testify before the SJG. Gingrich is expected to [testify](#) on November 29, 2022 but has indicated he [intends](#) to appeal. Gingrich is alleged to have been [involved](#) in the false elector scheme and in the Trump campaign's plan to run television ads that repeated false claims about the integrity of the 2020 election.
- Rudy Giuliani (Trump attorney): [testified](#) on August 17, 2022. Giuliani presented at the post-election Georgia state senate subcommittee briefing hosted by Trump allies where he [made baseless](#) election fraud allegations and Giuliani also [called](#) Georgia House Speaker David Ralston. Giuliani and his lawyers have been [informed](#) that he is a target of the SGJ.
- Kay Godwin (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Lindsey Graham (U.S. Senator): after much litigation, courts ruled that the SGJ will be allowed to question Graham after the U.S. Supreme Court refused to block a subpoena for his testimony. Graham [testified](#) on November 22, 2022. Graham [called](#) Raffensperger regarding Georgia's election procedures and results.
- Scott Hall (Georgia bail bondsman and Fulton County Republican poll watcher): [testified](#) during the week of October 10. Hall is one of the individuals videotaped accessing Coffee County's voting systems alongside Cathy Latham, a former GOP chairwoman of Coffee County.
- Chris Harvey (former Elections Director for Georgia Secretary of State): testimony [date](#) unknown. He was reported as [receiving](#) death threats after the 2020 election.
- Eric Herschmann (former Senior Advisor to Trump and White House lawyer): testimony date [unknown](#). Herschmann was privy to multiple meetings between Trump and others related to the 2020 election and had [multiple conversations](#) with Eastman, Giuliani, and Powell regarding the election.
- Jody Hice (U.S. House of Representatives): [testimony](#) date unknown. Hice [unsuccessfully](#) sought to quash his SGJ subpoena. Hice attended a December 2020 strategy meeting at the White House with White House Chief of Staff Meadows, Giuliani, and other lawmakers where they are reported to have [discussed](#) submitting a false slate of electors for Trump.
- Alex Holder (documentary filmmaker): reported to have [testified](#) on July 12, 2022. Holder [created](#) a documentary film about Trump and his family.

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- Cassidy Hutchinson (aide to White House Chief of Staff Mark Meadows): is reported to be [cooperating](#) with the SGJ investigation and [testified](#) on November 16, 2022.
- Burt Jones (then Georgia state legislator; now Georgia's Lieutenant Governor): Jones litigated his SGJ subpoena and sought to recuse DA Willis. On July 25, 2022, the Fulton superior court [ordered](#) his subpoena be handled by an alternative, appointed prosecutor that has not yet been selected. Jones [served](#) as one of Georgia's 16 false presidential electors for Trump.
- Jen Jordan (Georgia state legislator): [testified](#) on June 22, 2022. She was [present](#) at the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election.
- Brian Kemp (Georgia Governor): Kemp filed litigation challenging the timing of his SGJ appearance; the judge [ruled](#) he must testify but that testimony should be scheduled for after the November general election. Kemp [testified](#) on November 15, 2022. Trump [called](#) Kemp regarding the outcome of Georgia's election results.
- Trevian Kutti (former publicist to R. Kelly and Kanye West): [summoned](#) by the SGJ on June 14, 2022. Kutti [visited](#) Fulton County election worker [Ruby Freeman](#) at her [Georgia home](#) and applied pressure to Freeman during their conversation at a local police precinct. Freeman was subject to [baseless allegations](#) from Trump and his allies regarding her conduct on election night. Kutti [spoke](#) with Stephen Lee (police chaplain) and Floyd multiple times via telephone on the days leading up to the January 6 joint session of Congress.
- Cathy Latham (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Stephen Lee (police chaplain): a court [ruled](#) for Lee in his [challenge](#) to his subpoena. Lee is alleged to have [played a role](#) in the pressure campaign on Fulton County election worker [Ruby Freeman](#). Lee showed up uninvited to her home in December 2020 and she refused to meet with him. Lee then contacted Floyd, who arranged a visit from Kutti. Kutti is alleged to have [offered](#) Freeman immunity and threatened her with jail time if she did not substantiate election fraud. Lee [spoke](#) with Kutti and Floyd multiple times via telephone on the days leading up to the January 6 joint session of Congress.
- Kelly Loeffler (former U.S. Senator for Georgia): [testified](#) before the SGJ (date unknown). Release of Loeffler's [text messages](#) reveal she had correspondence about challenging Georgia's election results in the days leading up to the January 6 joint session of Congress, including exchanges with false electors and then-Congressmember-elect Marjorie Taylor Greene, Congressmembers Jody Hice and Rick Allen, and U.S. Senator Ted Cruz.
- Mark Meadows (Trump's White House Chief of Staff): the South Carolina Supreme Court [rejected](#) Meadows' legal claims that he should not have to testify before the SGJ, noting his arguments were "manifestly without merit." Meadows was a [participant](#) in Trump's call to Georgia Secretary of State Brad Raffensperger about the outcome of Georgia's [election results](#); he attended [strategy meetings](#) with federal lawmakers about submitting a false slate of electors for Trump; after Election Day he [visited](#) a signature-auditing site in Georgia to meet Frances Watson, the chief investigator supervising the process. Trump [called](#) Watson the next day to discuss Georgia's election results.

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- Cleta Mitchell (Trump attorney): [testimony](#) date unknown. Mitchell [participated](#) in Trump's call to Raffensperger about Georgia's election results.
- Bee Nguyen (Georgia state legislator): [testified](#) on June 22, 2022. She was [present](#) at the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election.
- Elena Parent (Georgia state legislator): [testified](#) on June 22, 2022. She was [present](#) at the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election.
- Jim Penrose (cyber and forensic consultant): testimony date [unknown](#). Penrose worked with Powell and others and [consulted](#) on the agreement to use the firm SullivanStrickler to copy Coffee County voting equipment.
- Sidney Powell (Trump attorney): Powell reportedly [failed to appear](#) for her scheduled testimony before the SGJ. Powell [spoke](#) at the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election. Powell filed [litigation](#) challenging Georgia's 2020 presidential election results. Powell has also been [linked](#) to efforts to copy sensitive election files in Georgia. DA Willis has also subpoenaed documents from the Atlanta-based firm SullivanStrickler, the firm Powell [hired](#) to copy Coffee County's election data.
- Brad Raffensperger (Georgia Secretary of State): [testified](#) on June 2, 2022. Raffensperger had phone calls with [Trump](#) and [Graham](#) about the outcome of Georgia's election results.
- Tricia Raffensperger (wife of Georgia Secretary of State Raffensperger): [testified](#) on June 2, 2022. She was with her husband when he received the phone call from Trump.
- David Ralston (Georgia House Speaker): [testified](#) on July 14, 2022. Trump [called](#) Ralston about Georgia's election results and the possibility of initiating a special legislative session. Ralston also [received](#) a call from Giuliani.
- David Shafer (Georgia Republican Party Chairman): reported to have [testified](#) around the week of July 25, 2022. Shafer [served](#) as one of Georgia's 16 false presidential electors for Trump.
- Gabriel Sterling (Deputy Secretary of State): [testified](#) on June 15, 2022. [Sterling](#) was on the line for Graham's phone conversation with Raffensperger.
- Shawn Still (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.
- Victoria Thompson (Executive Assistant and Scheduler for Georgia Secretary of State): testimony [date](#) unknown. Thompson may have been a [part](#) of scheduling calls from outside third parties to Raffensperger regarding Georgia's election results.
- James Waldron (retired Army Colonel): Waldron reportedly [failed to appear](#) for his scheduled SGJ appearance. Waldron spoke at the post-election Georgia state senate subcommittee briefing hosted by Trump allies who made allegations of voter fraud in the state's election.

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- Frances Watson (former chief investigator for Georgia Secretary of State): testimony [date](#) unknown. Trump [called](#) Watson regarding Georgia's election results.
- L. Lin Wood (attorney): testimony date unknown. Wood has stated DA Willis is [preparing](#) to serve him with a SGJ subpoena and that he intends to comply. After the 2020 election, [Wood](#) met with Powell, Trump's former National Security Advisor Michael Flynn, and other Trump supporters to discuss how to influence the election results in Georgia and other states. He also appeared with Powell at a rally in Georgia where he baselessly claimed that Kemp and Raffensperger accepted bribes. DA Willis has also subpoenaed documents from the Atlanta-based firm SullivanStrickler, the firm Powell [hired](#) to copy Coffee County's election data. The subpoena requests [all](#) documents between the firm and Powell and/or Wood.
- CB Yadav (false elector for Trump): testimony date unknown; [unsuccessfully](#) fought the SGJ subpoena.

## Litigation related to the Special Grand Jury

- A number of witnesses litigated their subpoenas in attempts to avoid testimony or limit their testimony: [Chesebro](#); [Deason](#); [Eastman](#); [Ellis](#); [false electors](#); [Graham](#); [Hice](#); [Kemp](#); and [Meadows](#). The majority of individuals were unsuccessful in challenging their subpoenas, with limited exceptions ([Deason](#) and [Jones](#)).

## Potential Outcomes of the Special Grand Jury

A bipartisan team of former prosecutors and ethics experts authored two reports for The Brookings Institution that [outlined](#) the [possible charges](#) that Trump and his allies could face as a result of the SGJ's investigation:

- Trump could be [indicted for election crimes under Georgia law](#):
  - Solicitation to commit election fraud (Ga. Code Ann. 21-2-604(a))
  - Intentional interference with performance of election duties (Ga. Code Ann. 21-2-597)
  - Conspiracy to commit election fraud (Ga. Code. Ann. 21-2-603)
  - Interference with primaries and elections (Ga. Code Ann. § 21-2-566)
- Trump could be [indicted for other crimes under Georgia law](#):
  - Making false statements (Ga. Code Ann. 16-10-20)
  - Improperly influencing government officials (Ga. Code Ann. 16-10-93)
  - Forgery in the first degree (Ga. Code. Ann. § 16-9-1)
  - Criminal solicitation (Ga. Code Ann. 16-4-7) (requires one or more additional crimes to be solicited)
  - Georgia Racketeer Influenced and Corrupt Organizations Act violations (Ga. Code Ann. § 16-14-1 et. seq.)



## Key Coverage:

- [The Jolt: DA Fani Willis on Trump grand jury probe: 'This is not a game at all.'](#)
- [Opinion | The Jan 6. Hearings have turbocharged the Georgia investigation of Trump](#)
- [Opinion | The Georgia investigation remains Trump's biggest problem yet](#)
- [Accountability for the ringleaders of Jan. 6. must come from the states](#)
- [By Train, Bus or Uber, Giuliani Is Told to Come to Georgia](#)
- [Lindsey Graham hires former Trump White House counsel Don McGahn in Georgia election investigation](#)
- [AJC poll: Most Georgia voters say Trump at least partly to blame for Jan. 6](#)
- [On the docket: Atlanta v. Trumpworld](#)
- [Fulton judge 'Alternate' GOP electors must honor subpoenas to testify](#)
- [Fulton County DA sends 'target' letters to Trump allies in Georgia investigation](#)
- [Fulton grand jury subpoenas Giuliani, Graham, Trump campaign lawyers](#)
- [Trump was told overturning Georgia election was illegal; he tried anyway](#)