



MARTIN MOMTAHAN
REPRESENTATIVE, DISTRICT 17
18 CAPITOL SQUARE SW
ATLANTA, GEORGIA 30334
Martin.Momtahan@house.ga.gov

HOUSE OF REPRESENTATIVES
COVERDELL LEGISLATIVE OFFICE BUILDING
ROOM 501
ATLANTA, GEORGIA 30334
404-656-0178
404-651-8086 (FAX)

STANDING COMMITTEES

ENERGY, UTILITIES &
TELECOMMUNICATIONS
JUDICIARY NON-CIVIL
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November 19th, 2020

I believe that fraud has occurred in the November 2020 General Election in the State of Georgia. We have all seen the images of trashed ballots, recently discovered ballots on memory cards or unscanned ballots, irregularities in the counting of ballots including a lack of access by Poll Watchers, and other activities that likely constitute fraud. Fortunately, the catalyst for this fraud was not secret. Deliberate actions were taken throughout the last 2 years that made our elections process vulnerable to fraud and abuse.

1. Georgia's Absentee Ballot System Was Defrauded

- a. For the first time the Secretary of State's office used funds already appropriated to his office to send out millions of Absentee Ballot Applications to nearly every registered Georgia voter, outside of the manner which the Georgia State Assembly prescribed through state law for absentee ballots to be requested by voters.
<https://apnews.com/article/a873d5985cd0e42cd2748c7512fdb64a>
- b. In March of 2020, the Georgia Secretary of State entered into a legal agreement with the Democratic Party of GA as the outcome of a court case outlining a process for handling absentee ballot counting that would create a scenario where signature & deficiency verification, which is the primary method for identifying illegal ballots, would be highly disincentivized even under normal circumstances.
- c. It is my understanding that the legal agreement forces three ballot counters to convene over a ballot to scrutinize its signature, creating a risk of COVID-19 exposure at each signature verification interval. This process would be overly cumbersome even under normal circumstances, but in 2020 the election system of Georgia was inundated by absentee ballots due to the mass mailing of unsolicited ballot applications.
- d. With millions of absentee ballots applications littering the State of Georgia, I believe that highly motivated political operatives seized on an opportunity to request and return ballots that they knew would not be scrutinized through ordinary signature verifications and other deficiency checks due to COVID-19 safety protocols.
- e. The result of this operation is clear: across the 2016 and 2018 General Elections, 6,681 ballots out of 531,014 absentee ballots were found to be deficient, lacking signatures or other technical issues that caused to be rejected per State Law (Dem Party of GA v. Raffensberger, 2019 <https://www.courthousenews.com/wp-content/uploads/2019/11/Voting-Irregularities.pdf>) . In 2020 only 2,011 ballots were rejected out of 1,322,529 absentee ballots cast. (<https://allongeorgia.com/georgia-state-politics/ga-sos-absentee-ballots-rejected-for-signature-issues-is-up-350-from-2018/>)
- f. With a consistent election-to-election rate of rejection, the number of ballots rejected on the grounds of mismatched signature or other technical deficiency in 2020 should have been at least 16,640. The Georgia Secretary of State is asserting, under the conditions of COVID-19, an onerous and likely unconstitutional March 2020 legal agreement, the highest voter turnout in possibly decades, and while handling over five times the number of absentee ballots of a typical election cycle, that the rate of deficient or defective ballots



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decrease by eight times. If this was truly the case, the mathematical disparity alone would call for a careful, deliberate and comprehensive verification of the absentee ballots cast in

the 2020 election with proper oversight and with the resources needed to make sure every legal ballot is counted and nothing more.

<https://www.breitbart.com/2020-election/2020/11/16/fact-check-trump-is-right-ap-wrong-about-georgia-signature-matching/>

2. Georgia's Residency Requirements Were Defrauded

A common method of illegal voting is to request a Change of Address for a deceased voter, a non-voter, or someone who has moved to another state. The operative then receives that person's ballot and votes in their name. In Georgia, there were hundreds of thousands of Change of Address requests preceding the 2020 General Election.

a) Unanswered questions regarding residency requirements in the 2020 General Election:

- 1) Has the Georgia Secretary of State and/or Board of Elections made efforts to verify that individuals who voted in the November 2020 election exclusively voted in the State of Georgia by comparison of voter rolls with other states?
- 2) Has the Georgia Secretary of State and/or Board of Elections made efforts to verify that Change of Address requests were properly investigated to prevent illegal ballots from being cast in the names of people who are deceased, did not vote, or moved to another state?

3. Current Lawsuits and Equal Protection

At least one very compelling lawsuit has already been filed in the State of Georgia regarding the November 2020 election, including one by Attorney Lin Wood. Mr. Wood's lawsuit, and others like it, make a consistent, clear cut case to Georgia's courts that should be understood by our state government:

1. the legal agreement entered into in March 2020 was a violation of the constitution,
2. the authority to determine the time and manner of the 2020 election held by the Georgia State Legislature has been undermined by the Georgia Secretary of State, state courts, and Democrat operatives in the State of Georgia,
3. that any deficient or illegal ballots cast in the November 2020 General Election violate the Equal Protection Clause of the 14th Amendment of the Constitution, depriving Georgians of their constitutional rights through vote dilution.

It is a solemn oath taken by every public servant in the State of Georgia to uphold and defend the constitution of the United States, and to fail to protect the rights of the people to a fair, free and legal



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election would abrogate their rights under the constitution of the United States. The Georgia State Assembly should take every action necessary to defend the rights of the citizens of Georgia.

With this information, I am prepared to answer the call at the next available opportunity to go and work and fight for you and your families. I will work tirelessly for the following outcomes and more.

1. To allow the Georgia State Legislature to review and respond, as a body, to any legal challenges to Georgia State Election Law as written,
2. To provide to the State and County Elections Boards any necessary funding, personnel, or resources to handle potential recounts or audits ordered by state, federal or the U.S. Supreme Court,
3. To provide legislative support to elections officials navigating COVID-19 restrictions in light of these legal challenges, recounts or other statutorily required processes,
4. To provide guidance to State agencies on elections matters including security, cybersecurity and network and security auditing that may be demanded by legal challenge,
5. And to advise and support the Office of the Georgia Secretary of State in managing the election certification, recounts and potential legal challenges & orders.

The Constitutional authority for time and manner of elections in the State of Georgia rests on the Georgia State Legislature, and we cannot, in a time when Georgia citizens of all political affiliations want to see the execution of both a free and fair election, set aside or shirk our responsibilities under the constitution to protect the rights of Georgia citizens.

Representative Martin Momtahan
Georgia House District 17