

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**RHONDA J. MARTIN, DANA
BOWERS, JASMINE CLARK,
SMYTHE DUVAL, and JEANNE
DUFORT,**

Plaintiffs,

v.

BRIAN KEMP, et al.

Defendants.

Civil Action File No.

1:18-cv-04776-LMM

DECLARATION OF AMBER F. McREYNOLDS

AMBER F. McREYNOLDS hereby declares as follows:

1. I am providing this declaration - in my personal capacity - as an expert in the field of election administration in support of the Plaintiff's Motion for Preliminary Injunction. I was qualified as an expert witness in the field of election administration, in the Civil Action No. 17-02016 (RC), U.S. District Court for the District of Columbia (2017) and Gessler v. Johnson, 2011CV6588, Denver District Court (2013).
2. I am currently the Executive Director for the Vote At Home Institute , a nonprofit nonpartisan organization which is focused on improving the

voting experience for voters across the country and implementing convenient voting options to include effective ballot delivery systems (commonly known as ballots by mail) along with in person voting options.

3. Until August 15, 2018, I was the Elections Director for the City and County of Denver, Colorado. I administered elections in Denver for 13 years and have worked in public policy and administration for over 16 years. I served as the Director of Elections for the past 7 years, Deputy Director of Elections from 2008 to 2011, and Operations Manager/Coordinator from 2005-2008.
4. Denver has approximately 500,000 registered voters and conducts 2-4 elections each year. The elections include municipal general and municipal run-off, school board, special district, primary, general, presidential. The State of Colorado conducts all federal and state elections by mail ballot.
5. My educational background is as follows:
 - a. Education:
 - Masters of Science – Comparative Politics, London School of Economics & Political Science, 2002
 - Bachelor of Arts – Political Science and Speech Communications, University of Illinois, 2001
 - b. Professional Certifications:
 - Certified Elections/Registration Administrator (CERA), Election Center (2010 – Present)
 - Certified Colorado Election Official (2007 – Present)

- GOALS Program, City and County of Denver
- c. Professional Memberships and Affiliations:
- Advisory Committee, MIT Election Data and Science Lab
 - The Election Center (National Association of Election Officials)
 - Circle of Advisors, Democracy Fund, Election Validation Project
 - International Association of Government Officials (iGO)
 - Colorado County Clerks Association
 - Denver Metro Chamber of Commerce
 - Leadership Denver 2016-2017, Denver Leadership Foundation
 - Women's Foundation of Colorado
 - Metro Denver Chamber of Commerce
 - Women's Chamber of Commerce, Denver, Colorado
 - Project Management International
 - Alumni and Friends of the London School of Economics USA
 - University of Illinois Alumni Association
 - Mentor – Humphrey School of Public Affairs – University of Minnesota

6. In my role as the Director of Elections in Denver, I focused on continual process improvement which includes implementing innovative solutions to improve the voter's experience. During my tenure, the Denver Elections Division earned national awards from the Election Center and the National Association of Counties for Ballot TRACE (a first-in-the-nation ballot tracking, reporting, and communication engine), iAPP (iPad Accessibility Pilot Project), and eSign (a first-in-the-nation Digital Petition and Voter Registration Drive Application). Denver has also been recognized by the

International Centre for Parliamentary Studies and received International Electoral Awards for Ballot TRACE and eSign. In addition, the Denver Elections Division has released other innovative solutions including the Denver Votes mobile application, enhanced contextual and behavioral marketing strategies to encourage civic engagement, interactive customer service platforms, and implemented a new voting system in 2015.

7. I am committed to conducting and promoting fair, accessible, secure, transparent, and efficient elections. I currently serve on the Council of State Government's Overseas Voting Initiative's Technology Committee, Advisory Committee of the MIT Election and Data Science Lab, Circle of Advisors for the Democracy Fund's Election Validation Project, and various statewide and national committees and working groups.
8. I have served as an election expert witness, assisted with legislative and policy development, and have been invited to participate with various national and state professional organizations to identify and implement best practices in election administration. Denver has become a national leader in election management and innovation and officials from around the country and the world visit regularly to learn best practices.
9. After years of developing supporting procedures, regulation and statutory requirements for high volume mail ballot processing, in 2013, the Colorado

legislature passed a bill to mandate mail ballots, with exceptions made for in-person vote centers for voters wishing to cast their ballots in person.

This system replaced a traditional system of voting paper ballots in the neighborhood precincts counted by precinct optical scanners or central count optical scanners, depending on the county.

10. Under Colorado's current law and with its ballot delivery system, every voter is automatically mailed a paper ballot., and voters also have the option of voting in person at a vote center also on a paper ballot, even if using the accessible ballot marking device. Thus, Colorado provides for a seamless replacement paper ballot process should a voter make a mistake on their return mail ballot envelope.

11. A key difference between Denver's current system of voting Georgia's voting method is the very high component (95%+) of mail ballot voting in Denver. It is my understanding that Georgia has seen an increase in voter-initiated mail ballot requests in 2018 and thus, requirements and controls for protecting mail ballot voters is imperative to ensure a secure, accessible, and accurate election.

12. Per the Elections Performance Index¹ as indicated here:

<https://elections.mit.edu/#state-CO> the State of Colorado had a .81% rejection rate in 2016.

13. After ballots are returned to the Denver election office's via mail, dedicated secure drop boxes positioned throughout the county, or in-person vote center secured ballot boxes, processes are used to verify signatures of voters to confirm their eligibility to vote.

14. The signature verification process for large numbers of mail ballot voters requires electronic files of multiple exemplar signatures for each voter, bi-partisan teams of trained signature verification officials, escalation and adjudication rules for discrepant signatures, adequate and immediate notification of voters to permit cures of non-matching signatures, 8 days of time after election day to cure signatures, and detailed regulations for the fair adjudication of signature verification.

15. Signature verification of mail ballot envelopes can be a subjective process that requires well-considered rules, bi-partisan decision making, trained workers, bi-partisan oversight and opportunities to challenge officials' questionable acceptance or rejection decisions, and multiple levels of decision review before a ballot is set aside for the cure process, long before

¹ <https://elections.mit.edu/#state-CO>

there is any decision to reject the ballot. Most large Colorado counties use automated signature verification computer equipment to assist in the initial reviews of signatures with statistical audits to verify the accuracy of automated signature verification process.

16. It is my understanding the Georgia election code does not require bi-partisan signature review before signature and ballot rejection, nor bi-partisan oversight or challenge opportunities of the process. It is also my understanding that under the current statute, mail ballot voters do not have a specific statutory right to cure signatures that appear to have discrepancies before they are disenfranchised by ballot rejection, and that processes for notifying voters and permitting cures varies greatly by county.

17. It is my experience that many legitimate voter signatures on ballot return envelopes do not initially match older registration records and can be improperly rejected without a trained bi-partisan review process with appropriate checks and balances and a fair opportunity for the voter to cure the apparent signature discrepancy. Thus, I would recommend modifications to the above processes in preparation for the November Election, especially with the increase in the use of mail ballot voting.

18. I understand that a significant percentage of the mail ballot rejections for perceived discrepant signatures are from elderly and disabled voters. It is

obvious that elderly voters' signatures change with age, and a mis-match is to be expected if comparing to older records. My experience in processing mail ballot signatures is consistent with the well-understood knowledge that signatures will change with age. Rejecting elderly voters' signatures without a reasonable period to cure must not be tolerated.

19. It is my understanding that returned ballots are being rejected not only for perceived signature discrepancies, but also for such technicalities as the voter signing the wrong line, writing the current date rather than birthdate, or failing to write in the year of birth. This undoubtedly leads to unfair voter disenfranchisement. If the voter's identity can be verified through a signature match, insistence on all other information filled out in exacting ways should be unnecessary. Additionally, I reviewed an envelope and found that the label and barcode information already indicates the voter's name and other information that is causing rejection. Thus, it is reasonable to assume that the voter could believe that their information is already present and thus, not required to be duplicated again on the envelope. Further, I understand that Georgia captures 'race' and whether or not a voter is 'disabled' or 'elderly' in their voter registration system. When determining whether or not a voter's mail ballot is eligible to be counted, it should be purely about the signature verification and not about someone's

race or ethnicity. It is my understanding that a voter's race and party affiliation is present on the screen while the determination is being made about whether or not the signature matches. (Dufort Declaration, paragraph 10)

20. In my experience, an appropriate and quite feasible cure process includes the following premises:

- a. The cure process needs to be standardized statewide so that voters are treated the same county to county;
- b. Every voter needs to be notified within one business day identifying a rejection of both ballots and ballot applications with instructions on how to cure;
- c. Every voter should have the same deadline for curing a return ballot discrepancy as the deadline given to polling place voters who vote by provisional ballot to provide required information.
- d. Election Officials should provide clear instructions on how to cure the discrepancy and provide various options to submit a cure: 1. In-Person at any voting location 2. Via affidavit with a pre-paid postage return envelope 3. Electronically via fax or email or another secure method.
- e. The Secretary of State should continue to publish on the official website the list of applications and ballots that require a cure. This will ensure

that there is transparency as to the ballots that need to be cured and allow voters and interested parties to follow-up with voters and encourage them to resolve the discrepancy.

21. For ballots and applications that Georgia counties have already rejected, immediate efforts should be undertaken to notify electors and permit the cure process as described above.

22. The Plaintiffs' requested relief as stated in the Motion is feasible and easily accomplished with minor expense and only a benefit (and no harm) to the voter. No new technology is required, and only minor re-training of absentee ballot clerks is required.

23. It has been my experience in Colorado that voters want immediate notification of the perceived discrepancy and campaigns are anxious to provide follow up to encourage and assist the voter in addressing the discrepancy.

24. Colorado voters are aware that their signatures are tested against numerous previous signature on official documents such as voter registration records, previous ballot envelope signatures, driver's license application signatures, and other official records, and know to carefully sign their ballot envelopes. It is my understanding that Georgia does not compare multiple signatures from such records, and Georgia voters may not be educated on the strict

match process that allows little room for error, without an opportunity to cure discrepancies.

25. I believe the risk of voter disenfranchisement exists that makes it unduly risky for Georgia voters to vote by mail ballots without the ability to cure legitimate but signatures judged to be discrepant. It is also concerning that partisan decision making could enter the signature approval process without bi-partisan team oversight or a chance to challenge signature rejection. Colorado law, rules and formal policies protect the voters from this risk of disenfranchisement and from fraud that could be perpetrated by illegal signatures on ballot envelopes. (See relevant Colorado statutes attached in Exhibit 1², and Colorado Secretary of State Rules³ on return ballot envelope signature verification.

26. Georgia's mail ballot laws greatly restrict the casting of mail ballots on Election Day by requiring personal hand delivery to the central office, prohibiting polling place drop off. A large percentage of voters prefer to vote on Election Day to wait to consider all late breaking news in campaigns and conduct their last minute study of the races. Georgia's requirement that each "last minute" mail ballot be marked by the voter

² https://www.sos.state.co.us/pubs/info_center/laws/Title1/Title1Article7-5.html#a1-7-5-107-3

³ https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1/Rule7.pdf

before Election Day and be cast in-person by the voter himself at the central office, discourages mail ballot voting, particularly given the traffic in Atlanta and other locations. I would suggest modifications to this process to allow voters to drop off their mail ballot at any polling location across Georgia.

27. Georgia ranked 42nd for Mail Ballots Rejected on the recent Election Performance Index <https://elections.mit.edu/#state-GA>. This illustrates why modifications to the existing processes are essential to properly count eligible electors' votes.

28. In my professional opinion, the current mail ballot procedures need to be updated in advance of this November election to ensure voters have fair and accessible options, and ballots and applications that have already been rejected be immediately reviewed to provide a timely process for curing discrepancies

SUMMARY

29. Election administration is about people and process and especially risk mitigation. Because it is primarily people and process, there is not a perfect system or perfect environment. However, it is critical to mitigate and reduce risk wherever possible and this is where my experience running the

election process in various voting models matters. In my opinion, addressing the deficiencies in the current mail ballot cure process is critical to ensuring eligible voters are able to cast their ballots and are not disenfranchised as a result of a flawed process. The recommended changes are simple to put into place and costs are *de minimis*.

I declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this date, October 19, 2018.



Amber F. McReynolds