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

NAACP, et al.,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity
as Secretary of State for the State of
Georgia,

Defendant.

AUSTIN THOMPSON, et al.,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity
as Secretary of State of the State of
Georgia,

Defendant.

DECLARATION OF MICHAEL BARNES

I, Michael Barnes, do hereby declare and state that the following facts are
ture and correct to the best of my knowledge, information and belief.
1.

I am over the age of 21 years and am in all ways competent to give testimony, suffering no physical or mental disabilities.

2.

I am aware of the fact that this declaration is being submitted in support of Secretary of State Brian Kemp’s Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction.

3.

I am currently the Director of the Center for Election Systems, Office of Secretary of State – Brian P. Kemp (“CES”). I was formally Director of the Center for Election Systems at Kennesaw State University (“KSU”) from 2010 until December 31, 2017, which was an outside contractor with the Office of the Secretary of State. Beginning on January 1, 2018, all elections functions that were previously performed at KSU were moved to an internal department in the Office of the Secretary of State. I first began working at CES KSU in 2005. Prior to that time, I was the Assistant Director of Elections for the Georgia Secretary of State, and in that position I directed the State of Georgia’s transfer to a uniform system of voting; i.e., DRE (direct electronic voting) machines.
4.

As Director of CES, I am ultimately responsible for ensuring that all election ballots built by our office for elections in Georgia are accurate and complete. CES prepares all election ballots for 158 of Georgia’s 159 counties. Pike County uses an outside contractor to prepare its election ballots. Nevertheless, by law, CES is required to review any Pike county election ballot before the ballot is finalized and distributed. For the May 22, 2018 General Primary, Nonpartisan General Election, and Special Election, CES requested that all counties submit all information necessary to prepare each county’s ballot to the Center no later than 90 days prior to the General Primary. Because the May 22, 2018 Election includes candidates for federal, state, and local offices, the State must prepare thousands of different ballots. The ballots in each precinct within Georgia have slight distinctions that allow results to be calculated on a per precinct basis as required in Georgia.

5.

For any Georgia military and/or overseas civilian voter (“UOCAVA voter”)

who has submitted an application to vote by absentee ballot, county election

officials are required to transmit the absentee ballot for any election for federal

office, including a primary election, by no later than 45 days prior to the date of the

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1 The Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 et seq.
election. O.C.G.A. § 21-2-384(a)(2). See also 52 U.S.C. § 20302; United States v. Alabama, 778 F.3d 926, 934–35 (11th Cir. 2015); United States v. Georgia, 778 F.3d 1202, 1203 (11th Cir. 2015). Forty-five days prior to May 22, 2018 is Saturday, April 7, 2018. Therefore, all requested absentee ballots will be transmitted to UOCAVA voters by no later than Friday, April 6, 2018, and completed absentee ballots could begin to be received by counties as early as Monday, April 9, 2018.

6.

In order to ensure that each county absentee ballot clerk has sufficient time to transmit absentee ballots to UOCAVA voters within the statutorily-mandated time frame, CES will be transmitting all ballot images, including images for printed absentee ballots, to the counties’ designated ballot printer during the period of March 24, 2018 and April 1, 2018. The counties’ designated ballot printer will then print the ballots and forward the same to the counties for use in the election. CES needs approximately one week to transmit all of the ballots needed in each of the 158 counties, and these ballots must be transmitted by no later than 50 days prior to the date of the election in order to ensure that the counties are able to comply with the transmittal requirements in O.C.G.A. § 21-2-384(a)(2).

7.
The process for preparing, proofing, printing, and transmitting ballots to each county takes approximately fifteen days. Therefore, CES began preparing ballots for the May 22, 2018 election on March 10, 2018, the day after the closing of candidate qualifying and more than 80 days prior to the date of the election. Once the ballot is finalized, CES will transmit one copy to the printer (each county contracts separately with a printer to provide its absentee ballots) and a second copy to the county election official.

8.

For a primary election, CES must prepare a separate election database containing all ballots needed within a county for each of the 158 counties.

9.

The ballot is transmitted to the counties at the same time that it is transmitted to the printer. This provides each county election office sufficient time to test the ballot on the DRE machines prior to the commencement of advanced voting.

10.

The timeline outlined above for the May 22, 2018 election is necessary for all federal elections to ensure compliance with the UOCAVA absentee ballot requirements. This includes any runoff elections that may be required after the May 22, 2018 primary, and the date for any such runoff elections has therefore
been set for July 24, 2018 to ensure that counties have an adequate period of time prior to the runoff to send out absentee ballots for that election.

11.

The approximate timeline for ballot creation for the November 6, 2018 General Election is as follows:

- Friday, August 17, 2018 – Ballot preparation to begin (approximately 80 days prior to the election);
- Monday September 10, 2017 to Monday, September 17, 2018 – Transmittal of ballots to counties’ designated printers (must be finalized no later than 50 days prior to the election);
- Friday, September 21, 2018 – Final day for counties to transmit absentee ballots to UOCAVA voters (45 days falls on Saturday, September 22, 2018, so the ballots must be transmitted by the previous business day).

I declare under penalty of perjury under the laws of the United States of America, and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

This 20th day of March 2018.

MICHAEL BARNES