

# EXHIBIT B

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

ALPHA PHI ALPHA FRATERNITY  
INC., *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER,

*Defendant.*

CIVIL ACTION

FILE NO. 1:21-CV-05337-SCJ

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COAKLEY PENDERGRASS, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:21-CV-05339-SCJ

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ANNIE LOIS GRANT, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:22-CV-00122-SCJ

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**DECLARATION OF MICHAEL BARNES**

Pursuant to 28 U.S.C. § 1746, I, MICHAEL BARNES, make the following declaration:

1.

My name is Michael Barnes. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2.

I currently am the Director of the Center for Election Systems, Office of Secretary of State—Brad Raffensperger (“CES”). I was formerly Director of the Center for Election Systems at Kennesaw State University (“KSU”), which was an outside contractor with the Office of the Secretary of State, from 2002 until December 31, 2017. 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 I held that position during the State of Georgia’s transfer to a uniform system of voting in 2002. I held my current position during the most recent transition to a new statewide voting system, i.e., the Dominion Democracy Suite ballot-marking devices (BMDs).

3.

I train county election officials on the use of the Dominion system, including the election management system and the BMDs. I also oversee the employees responsible for creating ballot combinations and Election Project Packages, which are the primary databases on which the Dominion system runs elections for both absentee-by-mail and in-person voting.

4.

In my role, I have great familiarity with the timelines for elections because my office is responsible for many of the technology components of the election process in Georgia. I also regularly communicate with county election officials and am very familiar with the processes they use for administering elections.

5.

A copy of the 2022 election calendar for the state as generated by the Secretary of State's office is attached as Ex. 1 to this declaration. My office uses this summary because it contains the relevant deadlines for the 2022 election cycle.

6.

Leading up to the March 7, 2022 start of qualifying, county registrars are updating street segments in the voter-registration database, which is known as eNet.

7.

This process requires registrars to update voter districts and to conduct error checks to be sure voters are allocated to the right districts.

8.

Only after registrars have completed updating voter districts, can my office and staff begin the process of creating “ballot combinations.”

9.

Within one county, there can be a number of different combinations of Congressional, state Senate, state House, and local election districts. Each of these combinations must be built into the election management database before qualifying so candidate names can be added and ballots can be generated for voters. Currently, there are more than 2,000 ballot combinations that exist using the prior districts.

10.

This election cycle is the first time the Secretary's office has constructed election projects using the Dominion system following redistricting (where almost all ballot combinations have to be adjusted).

11.

Prior to my team constructing elections projects (which are necessary to produce ballots), ballot combinations in each precinct must be defined within the state voter registration system. My team then places those ballot combinations into a county's elections project to generate an accurate ballot proof for county election officials to sign off on prior to ordering and receiving ballots.

12.

When qualifying is completed on March 11, our office adds each candidate name to the relevant contests in each district so they appear on the correct ballot combinations.

13.

Our office then generates proofs of every ballot combination for each county and sends those proofs to county election officials for review and editing.

14.

County officials must complete their review and all edits must be made in time for absentee ballots to go out by the overseas and military voters deadline of April 5, 2022.

15.

In order to ensure that all of these deadlines are met, the Secretary's office instructed county election officials late last year that they must complete the reallocation process for voters no later than February 18, 2022. That letter is attached to this declaration as Exhibit 2.

16.

County registrars generally need several weeks to complete the reallocation process for voters in their particular counties.

17.

Any delay in the process of allocating voter risks the ability of our office to create ballot combinations and impedes having ballots ready for the May 24<sup>th</sup> primary election.

[Signature on next page]

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of January, 2022.

  
MICHAEL BARNES



# **EXHIBIT 1**

## 2022 State Elections & Voter Registration Calendar

| Elections   | Voter Registration Deadline | Election Date    |
|---|-----------------------------|------------------|
| Special Election Date   | February 14, 2022           | March 15, 2022   |
| Special Election Runoff Date  | February 14, 2022           | April 12, 2022   |
| General Primary Election,<br>Nonpartisan General Election and<br>Special Election Date        | April 25, 2022              | May 24, 2022     |
| General Primary Election,<br>Nonpartisan General Election and<br>Special Election Runoff Date | April 25, 2022              | June 21, 2022    |
| General Primary Election Runoff<br>Date for Federal Races                                     | May 23, 2022                | June 21, 2022    |
| General Election/Special Election<br>Date   | October 11, 2022*           | November 8, 2022 |
| General Election/Special Election<br>Runoff Date  | October 11, 2022*           | December 6, 2022 |
| General Election Runoff Date for<br>Federal Races   | November 7, 2022            | December 6, 2022 |

### Key Dates

|                          |   |
|--------------------------|---|
| <b>January 1, 2022</b>   | Earliest day to file and publish a notice of intention to be a write-in candidate in the General Election. O.C.G.A. § 21-2-133(a)   |
| <b>January 13, 2022</b>  | Earliest day to circulate nomination petition for General Election for Independent/Political Body Candidates O.C.G.A. § 21-2-170(e) |
| <b>February 1, 2022</b>  | Last day to fix and publish qualifying fees for offices to be filled during the 2022 Election Cycle. O.C.G.A. § 21-2-131(a)(1)(A)   |
| <b>February 14, 2022</b> | Last day for a person to register and be eligible to vote in the March Special Election and Runoff Election. O.C.G.A. § 21-2-224    |
| <b>February 21, 2022</b> | Earliest day for a registrar to mail an absentee ballot for the March Special Election O.C.G.A. § 21-2-384(a)(2)                    |
| <b>February 21, 2022</b> | Advanced (Absentee In-Person) Voting begins for the March Special Election. O.C.G.A. § 21-2-385(d)(1)(A)                            |
| <b>February 26, 2022</b> | Mandatory Saturday Voting for the March Special Election O.C.G.A. § 21-2-385(d)   |
| <b>February 27, 2022</b> | Optional Sunday Voting for the March Special Election O.C.G.A. § 21-2-385(d)  |
| <b>March 4, 2022</b>     | Last day to submit absentee ballot application for the March Special Election O.C.G.A. 21-2-381(a)(1)(A)                            |
| <b>March 5, 2022</b>     | Mandatory Saturday Voting for the March Special Election O.C.G.A. § 21-2-385(d)   |
| <b>March 6, 2022</b>     | Optional Sunday Voting for the March Special Election O.C.G.A. § 21-2-385(d)  |

|                                      |  |
|--------------------------------------|--|
| <b>March 7, 2022</b>                 | Earliest day to apply for an absentee ballot for the May General Primary Election O.C.G.A. 21-2-381(a)(1)(A)   |
| <b>March 7, 2022<br/>9:00 A.M.</b>   | Earliest day to qualify for Primary/Nonpartisan and Independent/Political Body Candidates for November General Election. O.C.G.A. § 21-2-153(c)(1)(A)  |
| <b>March 11, 2022<br/>12:00 Noon</b> | Last day to qualify for Primary/Nonpartisan and Independent/Political Body Candidates for November General Election. O.C.G.A. § 21-2-153(c)(1)(A)  |
| <b>March 18, 2022</b>                | Last day to file and publish a notice of intention to be a Non-Partisan Write-In Candidate. O.C.G.A. § 21-2-133(a)   |
| <b>March 23, 2022</b>                | Last day to file affidavit stating the notice of intention to be a Non-Partisan Write-In Candidate has been published in accordance with O.C.G.A. § 21-2-133(b)                              |
| <b>April 1, 2022</b>                 | Last day to submit absentee ballot application for the April Special Election Runoff O.C.G.A. 21-2-381(a)(1)(A)  |
| <b>April 5, 2022</b>                 | Earliest day for a registrar to mail an absentee ballot for the General Primary/Non-Partisan/Special Election O.C.G.A. § 21-2-384(a)(2)  |
| <b>April 25, 2022</b>                | Last day for a person to register and be eligible to vote in the General Primary/Non-Partisan/Special Election and Runoff Election. O.C.G.A. § 21-2-224                                      |
| <b>May 2, 2022</b>                   | Advanced (Absentee In-Person) Voting begins for the General Primary/Non-Partisan/Special Election. O.C.G.A. § 21-2-385(d)(1)(A)  |
| <b>May 7, 2022</b>                   | Mandatory Saturday Voting for the General Primary/Non-Partisan/Special Election O.C.G.A. § 21-2-385(d)   |
| <b>May 8, 2022</b>                   | Optional Sunday Voting for the General Primary/Non-Partisan/Special Election O.C.G.A. § 21-2-385(d)  |
| <b>May 13, 2022</b>                  | Last day to submit absentee ballot application for the May General Primary Election O.C.G.A. 21-2-381(a)(1)(A)   |
| <b>May 14, 2022</b>                  | Mandatory Saturday Voting for the General Primary/Non-Partisan/Special Election O.C.G.A. § 21-2-385(d)   |
| <b>May 15, 2022</b>                  | Optional Sunday Voting for the General Primary/Non-Partisan/Special Election O.C.G.A. § 21-2-385(d)  |
| <b>May 23, 2022</b>                  | Last day for a person to register and be eligible to vote in the General Primary Runoff for Federal Races.   |
| <b>June 10, 2022</b>                 | Last day to submit absentee ballot application for the June General Primary Runoff O.C.G.A. 21-2-381(a)(1)(A)  |
| <b>June 13, 2022</b>                 | Advanced (Absentee In-Person) Voting for the General Primary/Non-Partisan/Special Runoff Election must begin no later than this date. O.C.G.A. § 21-2-385(d)(1)(B)                           |
| <b>June 27, 2022<br/>9:00 AM</b>     | Earliest day for an Independent or a Political Body Candidate to file their Nomination Petition to have his/her name placed on the General Election Ballot. O.C.G.A. § 21-2-132(e)           |
| <b>July 12, 2022<br/>12:00 Noon</b>  | Last day for an Independent or a Political Body Candidate to file their Nomination Petition to have his/her name placed on the General Election Ballot. O.C.G.A. § 21-2-132(e)               |
| <b>August 22, 2022</b>               | Earliest day to apply for an absentee ballot for November General Election O.C.G.A. § 21-2-381(a)(1)(A)  |
| <b>September 6, 2022</b>             | Last day to file the notice of intention to be a write-in candidate and have notice published in accordance with O.C.G.A. § 21-2-133(a)  |
| <b>September 11, 2022</b>            | Last day to file affidavit stating the notice of intention to be a Write-In Candidate has been published in accordance with O.C.G.A. § 21-2-133(b)   |
| <b>September 20, 2022</b>            | Earliest day for a registrar to mail an absentee ballot for the November General/Special Election O.C.G.A. § 21-2-384(a)(2)  |
| <b>October 11, 2022</b>              | Last day for a person to register and be eligible to vote in the November General Election and Runoff Election. O.C.G.A. § 21-2-224(a) <b>**October 10<sup>th</sup> is a State Holiday**</b> |

|                            |   |
|----------------------------|---|
| <b>October 17, 2022</b>    | Advanced (Absentee In-Person) Voting begins for the November General Election. O.C.G.A. § 21-2-385(d)(1)  |
| <b>October 22, 2022</b>    | Mandatory Saturday Voting for the November General Election O.C.G.A. § 21-2-385(d)(1)   |
| <b>October 23, 2022</b>    | Optional Sunday Voting for the November General Election O.C.G.A. § 21-2-385(d)(1)  |
| <b>October 28, 2022</b>    | Last day to submit absentee ballot application for the November General Election O.C.G.A. 21-2-381(a)(1)(A)   |
| <b>October 29, 2022</b>    | Mandatory Saturday Voting for the November General Election O.C.G.A. § 21-2-385(d)(1)   |
| <b>October 30, 2022</b>    | Optional Sunday Voting for the November General Election O.C.G.A. § 21-2-385(d)(1)  |
| <b>November 7, 2022</b>    | Last day for a person to register and be eligible to vote in the General Election Runoff for Federal Races.   |
| <b>As soon as possible</b> | Absentee ballots shall be mailed out as soon as possible prior to the General Election Runoff for Local and State Offices. O.C.G.A. § 21-2-384 (a) - Advanced (In-Person) Voting begins for the General Election Runoff for Local and State Offices. O.C.G.A. § 21-2-385 (d)(1) |

*\*O.C.G.A. § 21-2-14. When the last day for the exercise of any privilege or discharge of any duty prescribed or required by this chapter shall fall on a Saturday, Sunday, or legal holiday, the next succeeding business day shall be the last day for the exercise of such privilege or the discharge of such duty.*

## **EXHIBIT 2**



## The Office of Secretary of State

*Brad Raffensperger*  
SECRETARY OF STATE

December 29, 2021

*Blake Evans*  
Elections Director

Dear County Election Directors and Registrars,

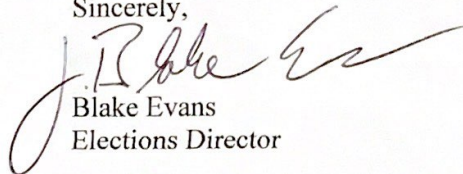
This letter is to inform you that all redistricting changes should be made in the voter registration system (ElectionNet) no later than February 18, 2022. This includes updating voter records in ElectionNet to reflect new redistricted maps and ensuring all voters are in correct districts. All changes need to be made by this deadline for qualifying to occur the week of March 7, 2022.

To ensure you can meet the February 18<sup>th</sup> deadline, we recommend that you do the following if you have not already:

- Coordinate with your local county commissioners, school board members, and other appropriate local board members to encourage those entities to have any proposed district changes to the General Assembly by January 10, 2022, which is the first day of session.
  - If you have trouble gathering county district information from your county boards, then please contact the Legislative and Congressional Reapportionment Office at 404-656-5063.
- Coordinate with your attorney about any local laws or charters that could affect your redistricting timeline.
- Coordinate with our Elections Division if you have questions about how to use the Redistricting Module in the voter registration system.

Again, it is very important that you have all changes made in the voter registration system no later than February 18, 2022. Failure to do so will cause difficulty with qualifying and other election preparation for the May 24, 2022 Primary.

Sincerely,

  
Blake Evans  
Elections Director