

CITIZENS OF FULTON COUNTY

November 2, 2022

Fulton County Government
141 Pryor Street SW
Atlanta, GA, 30303

RE: Memorandum of Understanding between the State Election Board's Performance Review Board, Fulton County Board of Registration and Elections, and The Carter Center

To: Members of the Fulton County Board of Commissioners, Members of the Fulton County Board of Registration and Elections, and the Fulton County Elections Director

This notice serves to inform you that we have reviewed the Memorandum of Understanding (MOU) Between the State Election Board's Performance Review Board (PRB), the Fulton County Board of Registration and Elections, and The Carter Center (TCC), and have numerous legal concerns with your oversight of this official act that gained a 4 to 1 vote of your BOER on 10/13/22. As citizens, we present these concerns to you as grievances involving our county, state, and federal voting interest. We assert our full standing as community stakeholders in correcting any injuries alongside our fellow citizens pursuant to the recent Henry County and SCV v. Newton County ruling of the Georgia Supreme Court on 10/25/22.

As a reminder of four fundamental truths related to your role as local governing authorities:

- 1)** Your just powers only arise from our consent. We consider anything less to be a direct civil or criminal affront to our rights under the law.
- 2)** We, as citizens, are always an additional party to any government act, and you should expect our petitions for grievances that cause us harm, so that you may have the chance to correct and repair any damage before further legal action is pursued.
- 3)** As county public officials with a sworn oath, you may not tacitly approve or oversee acts in Fulton County that are inconsistent with the U.S. Constitution, the Georgia State Constitution, nor the laws of Georgia, and
- 4)** Ignorance of the law does not excuse you from liability in the State of Georgia.

Citizens and a national media audience now understand that your MOU with The Carter Center has arisen from a politically tense and incomplete performance review of Fulton County

elections, commenced in August 2021 by the State Election Board. Though the PRB possesses more than ample information from previous elections, oddly, they have yet to submit a final report to the Secretary of State, State Election Board, and the Fulton Commission. As of today, the only known party to issue a formal press release regarding this agreement is The Carter Center on 10/13/2022. They describe their current role in Fulton County to facilitate the termination of the PRB by thoroughly investigating the midterm election. TCC claims that it “Does not conduct this work on behalf of the Performance Review or the Elections and Registration boards,” yet this is not consistent. Both the PRB and Fulton County were invited by both bodies to provide them reports precisely for this purpose. Also, it appears that both Secretary Raffensperger and other state officials provided approval.

Due to said MOU, the PRB and Fulton County has granted The Carter Center deep and broad access to “all stages of the work involved in the election” for any number of its “non-partisan international election observers” to the county election property in Fulton County, including, but not limited to the active midterm election and potential run-off.

Approved dates are 10/14/22 - 12/14/22. They have clearance for invasive access to our county personnel, technological equipment, intellectual property, records, public facilities, and whatever they judge is “adequate and meaningful.” According to Georgia election law and contrary to numerous provisions in the U.S. and Georgia Constitutions, there are also absolutely no provisions for a body of international election observers who claim a global code of conduct through the auspices of the United Nations to have such vast access in the State of Georgia. There are no provisions for an organization or corporation outside of a political party, political body, or a candidate specified in GA Code 21-2-408 & 21-2-386.

Regarding the non-partisan claim of TCC observers, it appears patently false. The voting history of TCC observers named and provided to Fulton County on 10/14/22 were searched in a political party database. Results show they are Hard Democrat, Swing, or Non-Voters. None were Republican or conservative voters, in keeping with the strong political bias of TCC. They work in nearly constant partnership with the National Democratic Institute, of which gubernatorial candidate Stacey Abrams is a current board member. It is **blatantly unethical** for a clearly partisan corporation of this size, partisan history, and wealth to market that they recruit and deploy non-partisan agents. **This claim, by itself, appears to violate their own code of conduct for observers**, which reads: “I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the *Code of Conduct (for International Observers)*.” The “observer code of conduct,” possibly prepared specifically for the MOU, is a paraphrase of the UN standard with several key requirements omitted. Between the extensive, anti-conservative rhetoric and meticulous labeling of conservative media as “untrustworthy” & “repeat offenders” in their *2020 Big Lie and Big Tech Report*, in addition to praising Fulton County Elections Board Chairman Cathy Woolard’s role as a Fair Fight PAC consultant, the idea of TCC being non-partisan appears to be clearly incorrect based on their 30 years of corporate history. Furthermore, the legacy work of the Carter

family, including Jason Carter, has focused on international election projects because other countries are lacking the rule of law that exists in the United States of Americ. For The Carter Center to observe an American election under the following lawless conditions is **an insult to American Democracy**.

We presume that you desire to act lawfully, therefore we ask that you immediately attend to the following key actions taken by your county, which are reflected in the official, attached public record. The accompanying, perceived blatant violations should immediately concern you as public officials. Be aware that according to Ga. Const. Art. I, § II, Para. V you have no sovereign immunity in your public role and possibly individual status if you violate the Georgia Constitution, the laws of Georgia, or the United States Constitution. Finally, if you will not cease violations on your own, then we can locate a judge to help you do so:

Action 1) You have given an illegitimate Performance Review Board access to our county, since its inception in August 2021. Our staff and employees have been under the scrutiny of a body that is in violation of state law. They have been allowed to access our most sacred election property, one of the most sensitive democratic aspects of our government system. This access has been neither transparent nor legal, and the county has put its election property in jeopardy by allowing this reckless behavior. This is an example of an act you are committing with your public power without our consent, out of alignment with the laws of Georgia. There is a direct provision for this body, and you are not protecting us from violations of the law.

Violations: According to GA Code § 21-2-107, the State Election Board shall appoint three competent persons to serve as members of the performance review board, **one of whom shall be an employee of the elections division of the office of Secretary of State** and two of whom shall be local election officials, provided that none of the three appointees shall be a local election official for the county or municipality under review. The State of Georgia employs Ryan Germany as General Counsel for Secretary of State Raffensperger. By personnel matrix, his status resides officially within the front office and administrative layer, directly reporting to Secretary Raffensperger.

Action 2) Chairman Cathy Woolard coordinated with Secretary of State Raffensperger's General Counsel and illegitimate lead Performance Review Board appointee, Ryan Germany, in early October or prior, to grant The Carter Center (TCC) access to the election county property and operation in Fulton County.

Violations: This is a plan to conduct government overreach into the person, life, and property of the citizens of Fulton County through their basic civil rights, under the GA Constitution and OCGA 1-2-6, to the elective franchise, security, liberty, performance of any civil function, and the ability to fairly attain elected office. This pursuit of The Carter Center and agreement by the state and county also succeeded in removing equal protection under the law with a strong preference to one certain

corporation, without regard for other individuals and businesses who would be pleased to have deep election access for some complimentary purpose they could succeed in marketing as “helpful.”

Our Georgia law, specifically OCGA 21-2-408 or 386, only allows political parties, political bodies, and candidates the ability to designate election observers / watchers. County Commissioners, the Secretary of State, nor any government election body may grant additional power to corporations or anyone to operate as observers in the election space, no matter the skillset or pedigree they claim, or the quality of the purported goal.

Action 3) Your Fulton County Board of Registration and Elections agreed to an invalid legal basis for their action in the MOU from OCGA § 21-2-106 stating that “The duty of the PRB is to make a thorough and complete investigation and issue a written report of its findings to the Secretary of State, the State Election Board, and the local governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate.”

Violations: This plan clearly disregards the context of the statement and seeks to widely stretch the meaning of “appropriate evaluations, judgments, and recommendations” to inviting any number of individuals and corporations outside the observation provisions of the laws of Georgia into the person, life, and property of the citizens of Fulton County. The citizen’s rightful elective franchise is the conduit of this government overreach.

The very next sentence of the same law describes the ability of the three-member board to request reimbursement for mileage and per diem expenditures associated with their work. This clearly delineates and limits the statutory individuals permitted to conduct the review to three individuals, specifically Ryan Germany, Mr. Stephen Day (Gwinnett County), and Ricky Kittle (Catoosa County). The PRB shall be a three-member, independent body to arrive at a final report per GA Code 21-2-106 & 107.

Action 4) Fulton County has granted TCC broad access to training materials and training sessions for poll workers or staff, the PRB members, Fulton County Board of Registration and Elections officials for questions and interview, internal documentation, records, data sheets, custody forms, and to physically observe and accompany the Fulton County board members and staff for these invasive purposes for each entire day.

Violations: GA Code 36-5-22.1(a)(1) requires that the county governing authority direct and control all of the property of the county & it must be in accordance with the law. This involves securing the property from known illegal activities and threats to county property and personnel. The granting of this agreement has extensive liability implications to public officers and employees in Fulton County.

According to the Fulton County Code Chapter 1, Section 1-11, nothing the county governing authority does shall affect “any existing right or franchise granted by the county to any person.” Commissioners who allow impingements upon the basic rights of citizens are in breach of their duty under the law.

GA Code 21-2-596, any public officer or any officer of a political party or body on whom a duty is laid by this (elections) chapter who willfully neglects or refuses to perform his or her duty shall be guilty of a misdemeanor. GA Code 21-2-598 states that any person who violates any provision of this chapter shall be guilty of a misdemeanor. It appears that the Fulton County Board of Registration and Elections is leading the violation of several sections of the election code, including their duty.

The duty of the Elections Superintendent in GA Code 21-2-70(7) is, “To make and issue such rules, regulations, and instructions, consistent with law, including the rules and regulations promulgated by the State Election Board, as he or she may deem necessary for the guidance of poll officers, custodians, and electors in primaries and elections.” This MOU, including permissive access instructions, impacts every election officer and employee in Fulton County and is inconsistent with law.

GA Code 36-5-22.1(a)(1) requires that the county governing authority direct and control all of the property of the county & it must be in accordance with the law. Fulton County has provided access to our county election property under provisions inconsistent with law.

The MOU outlines no payment to The Carter Center for its observation and analysis services. According to the GA Constitution, Article IX, Section 2, Para VIII, the county governing authority is not authorized to appropriate money for or to lend its credit to any person or to any non-public corporation or association except for purely charitable purposes. This compensatory arrangement may violate legal requirements for the Fulton Commission to publish and gain approval for ‘expenses in the nature of compensation’ per GA Code 36-5-24(b)(2) for allowing the intrusive work and giving of public resources to abruptly proceed. Is this arrangement perhaps because ample payment from Fulton County will be in the form of power, control and access compensation?

Action 5) At the Fulton County Board of Registration and Elections meeting on 10/13/2022, Chairman Woolard stated that the PRB has been “a bit hampered by the staff to issue an actual written report,” as a reason for entering this agreement with The Carter Center. She stated that the “goal” was to involve The Carter Center to facilitate the termination of the PRB. In the meeting, she claimed that this is an independent, non-partisan observation of our election process

Violations: Chairman Woolard has extreme conflicts of interest in facilitating this access to The Carter Center. She was noticeably nervous when conducting the

meeting discussion and vote on this matter, and provided her board with the draft MOU only the day prior. If she was honest, Woolard might express her enthusiasm with this perfect opportunity to politically sway the assessment as a former and/or consultant for the Fair Fight PAC, whose founder is gubernatorial candidate Abrams. TCC enthusiastically promotes Fair Fight's position and philosophy. TCC directly stated Woolard's status as a Fair Fight PAC consultant directly on its website during the contested 2020 election season.

Action 6) Fulton County has allowed the “Digital Threat” investigative focus of The Carter Center to be exercised in our county, by the MOU. For example, there is a statement that says “Election observation and monitoring also seeks to ensure the integrity of the election process by calling on all electoral actors (including mass media, and voters) to respect the laws and election-related rights of all citizens...”

According to a public letter of concern from four Georgia Congressmen in February 2021, TCC has a long history of cooperating with the *United Front Work Department of the Chinese Communist Party*, which Mao Zedong considered the “magic weapon” to ensure the victory of Communism over Democracy. From the TCC website, they are proud to be “helping organizations around the world better identify disinformation, hate speech, and online gender-based violence,” and they will “help blunt the reach and visibility of harmful content that could undermine elections or trigger conflict.” The Carter Center is currently “collaborating with the International Fact Checking Network and Lead Stories to help nascent fact-checking initiatives around the world professionalize and establish formal relationships with social media platforms to reduce the visibility and reach of debunked content.” And, they’ve “entered a partnership with Microsoft to develop an artificial intelligence model that can quickly identify potentially false and misleading narratives that require attention by platforms and fact-checkers.”

Violations: Inviting this foreign-tied organization into the deep and broad layers of our county election property has opened the door to alarming corporate encroachment into the life, liberty, and property jurisdictions of Fulton County citizens. This arrangement is setting a dangerous national precedent promulgating invasive digital tracking into our county election property. It may also be placing our national security at risk by welcoming observers with undisclosed technology privileges, who have been trained, by frequent association and collaborative operations within Chinese Communist Party elections.

It is logical that the “non-partisan international election observers” currently working in Fulton County will have plenty of time to gather an immense amount of personal, social media, documentary, email correspondence, voice recording, AI, and personal shadowing experience from Fulton County employees and staff to cause them to be immediately vulnerable to security risks. The provisions of the MOU are entirely inadequate to prevent the sharing of private and personal information by The Carter

Center with those interested in the data-rich “digital threat” arena. These are the identical activities currently conducted by the CCP upon its people and have led to the death and genocide of tens of millions of Chinese citizens over the past 70 years. The Carter Center tends to not comment on the abuse of the CCP towards its citizens, and instead provides academic deflection to the communist-controlled village elections to make them appear increasingly democratic.

Finally, if your Commission is considering granting ultimate deference to the authority of state election officials to deflect your duty under the law, we remind you that in a recent federal court decision, *Pearson v. Kemp*, 2020, Secretary Raffensperger’s counsel argued, “the Secretary of State has no lawful authority over county election officials” citing *Jacobson v. Florida Secretary of State* (11th Cir. 2020). This is consistent with Article IX, County Home Rule provisions of the GA Constitution, requiring your commission to correct its own actions and that of the Board of Registration and Elections when it violates the U.S. Constitution, the Georgia Constitution, or Georgia law. Citizens deem it appropriate that you immediately correct these violations upon the people of Fulton County, and, by your capitol leader position, the State of Georgia.

We hereby request that you immediately terminate the MOU and withdraw The Carter Center from the Fulton County election property at the soonest possible time, but no later than close of business on Friday, November 4. If you do not comply with our asserted, lawful request, we reserve the right to pursue any and all available legal and equitable remedies. As of the reading of this letter, your public official bond company has been notified of these multiple violations of your duty, along with the clear and present risk to our county.

For Liberty,

Citizens of Fulton County, GA

Mrs. Susan Opraseuth, susanusa@protonmail.com

Mr. Matt Rowenczak, mrowenczak@gmail.com