

From: [Brian Lake](#)
To: [Jeanne Mirer](#)
Cc: [Josh Belinfante](#)
Subject: RE: Can we speak tomorrow afternoon?
Date: Friday, May 03, 2019 3:58:00 PM
Attachments: [image001.jpg](#)

Jeanne,

We have spoken with our client regarding your follow up questions on the confirmation notice spreadsheets. While we note that these questions were sent after the discovery period had already concluded and some are outside the scope of this litigation, we are willing to provide responses in a good faith effort to resolve this matter.

1) Definitions please: Date of Last Contact, Date of Last Status Change, Inactive Date, Status Reason, Response

- Response:

- a. Date of Last Contact: The most recent date where the voter's record was amended due to the voter's own actions, such as requesting a ballot, confirming one's address, submitting an amended registration, responding to a confirmation notice, being given credit for signing a petition, or voting.
- b. Date of Last Status Change: The most recent date that a change was made to a voter's status to Active, Inactive, Cancelled, Pending or Rejected.
- c. Inactive Date: The most recent date that a record was placed in Inactive status.
- d. Status Reason: The reason why the voter was placed in its current status.
- e. Response: The data reflecting the result of sending a confirmation notice.

2) From the data, can we discern why a voter was selected for the confirmation mailing, if so where is that reason stated in the data?

- Response: A confirmation notice is only sent for one of three reasons: The No Contact Process (O.C.G.A. 21-2-234(a)), the National Change of Address Process (O.C.G.A. 21-2-233), and the Returned Mail Process (O.C.G.A. 21-2-234(b)). The Notice Type field in the far right of the file reflects which of the three processes resulted in the voter being sent a confirmation notice.

3) Is there a way to know what date the voter's status was changed to 'cancelled'?

- Response: If the voter is currently in cancelled status (as of the date the report is run), the "Last Status Change" field is the date when the record's status was cancelled.

4) Is the 'last date voted' calculated as of the time the confirmation mailing was sent? or is it the 'last date voted' as of today?

- Response: The "last date voted" field is as of the day the report is run. It reflects data from the most recent election in which that elector participated.

5) The number of voter Cancellations provided to us previously was 27K in 2016 and 600K in 2017. The number of cancellations in the Confirmations is much lower. What constitutes the difference?

- Response: There are reasons other than confirmation notices that may result in a record's cancellation, including but not limited to death, felony conviction, voluntary request, mental incompetence, etc.

6) We only see one reference to NCOA. Are NCOA moves handled separately from the confirmation mailings?

- Response: NCOA is not part of this litigation. Confirmation notices for NCOA are sent when the data shows that the elector moved outside his or her county or if it cannot be ascertained from the

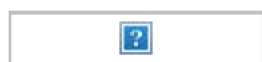
data whether it was an in-county or out-of-county move.

7) Does a voter's Registration Number ever change?

- **Response:** A voter registration number would only change if two records are merged due to being a duplicate record. In that case, the surviving record's registration number is retained and the other is removed.

As for your request regarding a stay of this case, we do not think that is necessary. As you will recall, this case was filed seeking the production of cross check list documents that the Secretary of State does not have. This was expressed to you before the filing of this lawsuit. By agreement, we have since provided other documents apparently desired by your client – the confirmation notice spreadsheets – but we do not think prolonging this litigation any further is warranted. Any dispute regarding the Secretary's obligation to maintain or produce documents under the NVRA has long since been resolved, and this case should be dismissed with prejudice.

Thank you very much.



Brian E. Lake

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From: Jeanne Mirer [mailto:jmirer@mmsjlaw.com]

Sent: Thursday, May 02, 2019 7:30 PM

To: Brian Lake <Brian.Lake@robbsfirm.com>

Subject: Can we speak tomorrow afternoon?

Dear Mr. Lake,

We need to get those questions answered

th

[REDACTED]

[REDACTED]

[REDACTED]

Thank you,
Jeanne Mirer