

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

**ROQUE “ROCKY” DE LA FUENTE,  
BECKY HERDBERG, JOSE E.  
HELENA, and JOSE GILBERTO  
PEREZ,**

**Plaintiffs,**

**v.**

**BRIAN KEMP, Georgia Secretary of  
State, and THE DEMOCRATIC  
PARTY OF GEORGIA**

**Defendants.**

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**CIVIL ACTION FILE  
NO. 16-CV-0256-RWS**

**DECLARATION OF CHRIS HARVEY**

I, Chris Harvey, do hereby declare and state that the following facts are true 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 a Preliminary Injunction and Permanent Injunction.



3.

I am the Director of Elections for the State Elections Division of the Office of the Secretary of State. The Elections Division is responsible for carrying out the duties of the Secretary of State pertaining to election laws, including compiling and maintaining election results, as well as carrying out other responsibilities.

4.

In every election, Georgia voters have the option not only to vote on election day, but also to vote by absentee mail or during an advanced voting period. Thus, it is essential that ballots are timely and accurately prepared and provided to Georgia's 159 county election officials. With the exception of Pike County, all Georgia election ballots are prepared by Kennesaw State University's Center for Elections System ("KSU"). Pike County election ballots must be reviewed by KSU before they are finalized and transmitted.

5.

Pursuant to Georgia law, any political party seeking to have one or more candidate(s) placed on the Presidential Preference Primary ballot shall submit a list of all candidate names to the Secretary of State by no later than 60 days prior to the date of the Presidential Preference Primary election. O.C.G.A. § 21-2-193. The

Democratic Party of Georgia did not request that the Secretary of State include Roque “Rocky” de la Fuente as a Democratic candidate for President.

6.

For any Georgia military and/or overseas civilian voter (“UOCAVA voter”)<sup>1</sup> 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, which includes a Presidential Preference Primary, by no later than 45 days prior to the date of the election. O.C.G.A. § 21-2-384(a)(2). *See also* 42 U.S.C. § 1973ff(a)(8)(A). Georgia’s Presidential Preference Primary election is scheduled for Tuesday, March 1, 2016. Therefore, all requested absentee ballots had to be transmitted to UOCAVA voters by no later than Saturday, January 16, 2016.

7.

The advanced voting period for the 2016 Presidential Preference Primary begins on Monday, February 8, 2016. County election officials are required to test the DRE machines by no later than three days prior to the date of the election. O.C.G.A. § 21-2-379.6(c). Thus, DRE testing must be completed by the end of the day on Thursday, February 4, 2016.

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<sup>1</sup> The Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-1(a)(8)(A).

8.

Because the deadline for transmitting absentee ballots has passed and the deadline for completing testing of DRE machines for the February 8, 2016 advanced voting period expires on February 4, 2016, it is not possible to make any changes to the ballot for Georgia's voters who opt to vote by absentee ballot or during the advanced voting period.

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 3<sup>rd</sup> day of February, 2016.

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**CHRIS HARVEY**  
Director, Division of Elections  
Office of the Secretary of State

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## 2016 ELECTIONS AND VOTER REGISTRATION CALENDAR

### ELECTIONS AND VOTER REGISTRATION CALENDAR

#### 2016 ELECTION EVENT DATES:

Elections	Election Date	Voter Registration Deadline
Presidential Preference Primary and Special Election	March 1, 2016	February 1, 2016
Special Runoff Date	March 29, 2016	February 1, 2016
General Primary Election, Nonpartisan General Election, and Special Runoff Election	May 24, 2016	April 26, 2016
General Primary Runoff, Nonpartisan General Runoff Election, and Special Runoff Election Date	July 26, 2016	April 26, 2016
General Election	November 8, 2016	October 11, 2016
General Election Runoff Date for Local and State Offices	December 6, 2016	October 11, 2016
General Election Runoff Date for Federal Offices	January 10, 2017	October 11, 2016

#### 2016 KEY DATES:

January 1, 2016	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)
January 12, 2016	Earliest day for a registrar to mail an absentee ballot for the March Presidential Preference Primary/Special Election. O.C.G.A. § 21-2-384 (a)
February 1, 2016	Last day for a person to register and be eligible to vote in the Presidential Preference Primary/March Special Election and March Special Election Runoff. O.C.G.A. § 21-2-224 (a)
February 8, 2016	Last day to fix and publish qualifying fees for offices to be filled during the 2016 Election Cycle. O.C.G.A. § 21-2-131 (a)(1)(A)
	Advanced (Absentee In-Person) Voting begins for the Presidential

Key Election Dates and Information

Military and Overseas Voting

Register to Vote

Check Voter Registration Status (MVP)

#### QUICK LINKS

Proposed Constitutional Amendments

Intent to Tabulate Early

Advance Voting Info.

GA Voter ID Info.

FAQs

iVote - Students / Educators

Elections Advisory Council

Voter Registration Drive

State Election Board

Online Complaints

Stop Voter Fraud

Great Seal

Vote Safe

#### LATEST ELECTIONS NEWS

March 1, 2016 Presidential Preference Primary Qualified Candidates

Tuesday, February 02nd 2016

Don't Wait on Iowa, Georgians Can Vote Now  
Friday, January 22nd 2016

Call for Special Election in State House District 58  
Friday, January 08th 2016

SECRETARY KEMP HEIGHTENS ELECTIONS  
OVERSIGHT WITH INCREASED PRESENCE IN  
SAVANNAH

Wednesday, November 18th 2015

Secretary Kemp Announces the Close of Qualifying for  
the Special Election in State Senate District 20

Wednesday, November 04th 2015

EXHIBIT

KEMP 1A

	Preference Primary/March Special Election, O.C.G.A. § 21-2-385 (d)(1)
February 20, 2016	Mandatory Saturday Voting for the Presidential Preference Primary/March Special Election. O.C.G.A. § 21-2-385 (d)(1)
March 7, 2016 9:00 AM	Earliest day for a Political Party Candidate to file a Declaration of Candidacy to have his or her name placed on the General Primary/Non-Partisan Ballot. O.C.G.A. § 21-2-153 (c)(1)  Earliest day for a Non-Partisan Candidate to file a Notice of Candidacy to have his or her name placed on the General Primary/Non-Partisan Ballot. O.C.G.A. § 21-2-132, 21-2-172, 21-2-187
March 11, 2016 12:00 Noon	Last day for a Political Party Candidate to file a Declaration of Candidacy to have his/her name placed on the General Primary/Non-Partisan Ballot. O.C.G.A. § 21-2-153 (c)(1)  Last day for a Non-Partisan Candidate to file a Notice of Candidacy to have his/her name placed on the General Primary/Non-Partisan Ballot. O.C.G.A. § 21-2-132, 21-2-172, 21-2-187
March 18, 2016	Last day to file affidavit stating the notice of intention to be a Non-Partisan Write-In Candidate. O.C.G.A. § 21-2-133 (a)
March 23, 2016	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).
April 5, 2016	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)
April 26, 2016	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 (a)*
May 2, 2016	Advanced (Absentee In-Person) Voting begins for the General Primary/Non-Partisan/Special Election. O.C.G.A. § 21-2-385 (d)(1)
May 14, 2016	Mandatory Saturday Voting for the General Primary/Non-Partisan/Special Election O.C.G.A. § 21-2-385 (d)(1)
June 27, 2016 9:00 AM	Earliest day for an Independent or a Political Body Candidate to file a Notice of Candidacy to have his/her name placed on the General Election Ballot. O.C.G.A. § 21-2-132; 21-2-187
July 1, 2016 12:00 Noon	Last day for an Independent or a Political Body Candidate to file a Notice of Candidacy to have his/her name placed on the General Election Ballot. O.C.G.A. § 21-2-132; 21-2-187
July 5, 2016	Advanced (Absentee In-Person) Voting begins for the General Primary/Non-Partisan/Special Runoff Election. O.C.G.A. § 21-2-385 (d)(1)
July 12, 2016	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

September 6, 2016	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)
September 12, 2016	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)
September 20, 2016	Earliest day for a registrar to mail an absentee ballot for the General Election/November Special Election. O.C.G.A. § 21-2-384 (a)
October 11, 2016	Last day a person may register and be eligible to vote in the General Election/November Special Election /Runoff Election. O.C.G.A. § 21-2-224 (a)*
October 17, 2016	Advanced (In-Person) Voting begins for the General Election/November Special Election. O.C.G.A. §21-2-385 (d)(1)
October 29, 2016	Mandatory Saturday Voting for the General Election/November Special Election. O.C.G.A. § 21-2-385 (d)(1)
As soon as possible	Absentee ballots shall be mailed out as soon as possible prior to the General Election Runoff/November Special 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/November Special Election Runoff for Local and State Offices. O.C.G.A. § 21-2-385 (d)(1)
November 22, 2016	Earliest day for a registrar to mail an absentee ballot for the General Election Runoff of Federal Offices. O.C.G.A. § 21-2-384 (a)
December 19, 2016	Advanced (In-Person) Voting begins for the General Election Runoff for Federal 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 the 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.

OFFICE OF BRIAN KEMP  
  
NEWS & ANNOUNCEMENTS  
  
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#### CONTACT

214 State Capitol  
Atlanta, Georgia 30334  
404.656.2881  
E-Mail  
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