

**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.

*
*
*
*
*
*
*
*
*
*
*
*

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

DECLARATION OF MICHAEL BARNES

I, Michael Barnes, 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 currently the Director of the Center for Election Systems at Kennesaw State University ("KSU"). I have been the Director of the Center for Election Systems since 2010. I have been employed by KSU, working in the Center for Elections, since 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 KSU'S Center for Election Systems, I am ultimately responsible for ensuring that all election ballots prepared by the Center for use in Georgia elections are accurate, complete and reflective of what a county jurisdiction requires for a given election. KSU, under contract with the Secretary of State's office, prepares all election ballots for 158 of Georgia's 159 counties. Pike County uses another contractor to prepare its election ballots. Nevertheless, by law, KSU, as the Secretary of State's ballot building agent is required to review all county election ballots , including any Pike county election ballot, before the ballot is finalized and distributed.

5.

Georgia law provides that any political party seeking to have one or more candidate 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.

6.

The 2016 Presidential Preference Primary election in Georgia is scheduled for Tuesday, March 1, 2016. Kemp Exh. 1, attached hereto (2016 Georgia election calendar). Therefore, any political party candidates' names to be included on the Presidential Preference Primary Ballot had to be provided to the Secretary of State by no later than December 1, 2015.

7.

All absentee ballots must be transmitted "not more than 49 days but not less than 45 days prior to any presidential preference primary [or other election for federal office]." O.C.G.A. § 21-2-384(a)(2). In order to ensure that each county absentee ballot clerk has sufficient time to transmit absentee ballots to voters within the statutorily-mandated time frame, KSU generally tries to ensure that all ballots, including printed absentee ballots, are finalized and transmitted to the counties by 53 days prior to the date of any election for federal office, including the Presidential Preference Primary. 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).

8.

The process for preparing, proofing and transmitting ballots to each county takes approximately fifteen business days. Therefore, KSU has to begin preparing ballots more than 60 days prior to the date of the election, since the final ballot must be provided to county election officials by no later than 50 days prior to the date of the election. Once the ballot is finalized and approved by the county, KSU transmits ballot images to the printer so absentee ballots can be printed and supplied to the county (each county contracts separately with a printer to provide its absentee ballots) and an election database containing the county-approved ballots to the county election official to be downloaded to DRE machines for in-person voting.

9.

Even in the case of the Presidential Preference Primary, KSU must prepare a separate ballot for each of the 158 counties. This is necessary because the date of the Presidential Preference Primary is also designated as a special election date and therefore municipal and/or county elections and/or referendums may be included on the ballot. *See Kemp Exh. 1 at 1.*

10.

The election database containing the county-approved ballot is transmitted to the counties at the same time ballot images are 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.

11.

The county must complete its testing of DRE machines at least three days prior to the commencement of advanced voting. O.C.G.A. § 21-2-379.6(c). Advanced voting for the 2016 Presidential Preference Primary begins on Monday, February 8, 2016. Kemp Exh. 1, attached hereto. Therefore, all DRE testing of the ballot and the DRE machines scheduled to be used in connection with Advance Voting must be completed by no later than the close of business on Thursday, February 4, 2016.

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 3rd day of February, 2016.


MICHAEL BARNES

HOME

CORPORATIONS

ELECTIONS

LICENSING

SECURITIES

Search

VOTER INFO.

RESULTS & STATS

CANDIDATE INFO.

COUNTY & AGENCY

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

2016 election dates

	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	<p>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)</p> <p>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</p>
March 11, 2016 12:00 Noon	<p>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)</p> <p>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</p>
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
PRESS & MEDIA KIT
PRIVACY POLICY

CONTACT

214 State Capitol
Atlanta, Georgia 30334
404.656.2881
[E-Mail](#)
© 2012 Georgia Secretary of State