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May 9, 2018

Janine Eveler, Director
Cobb County Board of Elections &
Registration
P.O. Box 649
Marietta, GA 30061-0649
Info@CobbElections.org
Janiene.Eveler@cobbcounty.org

Phil Daniell, Chairman
Cobb County Board of Elections &
Registration
PMB 136
3316 S. Cobb Dr. SE Ste A
Smyrna, GA 30080
Phil.Daniell@cobbcounty.org

Via E-mail and Certified Mail

Re: Rejection of electronically transmitted absentee ballot applications

Dear Director Eveler and Chairman Daniell,

The ACLU of Georgia writes on behalf of Robert Thompson, a registered voter of Cobb County, raising concerns that the Cobb County Board of Elections & Registration may be inexplicably rejecting electronically transmitted applications for absentee ballots in violation of state law. *See* O.C.G.A. § 21-2-381(a)(1)(A) (“any absentee elector may make . . . by electronic transmission . . . an application for an official ballot”); (b)(1) (proscribing mandatory procedures “[u]pon receipt of a timely application for an absentee ballot”). As absentee ballots may be the only viable way in which many Georgia citizens can vote, including lower-income voters without government-required voter identification, this raises serious democratic concerns.

In April 2018, Mr. Thompson e-mailed from his personal gmail account an absentee ballot application to Absentee@cobbcounty.org, the email address listed on your webpage, and received the automated response, “Message blocked – Your message to Absentee@cobbcounty.org has been blocked.” *See* Exhibit A.¹ Though Mr. Thompson was ultimately able to apply for an absentee ballot by electronically transmitting a second absentee ballot application from a secondary email account, no one should have to have multiple e-mail accounts just to exercise their fundamental right to vote.

We do not know how many registered voters your system has prevented from electronically applying for an absentee ballot,² but even one instance is one too many. We respectfully ask that you resolve this technical issue as soon as possible, lest any more voters be disenfranchised and you are exposed to legal liability.

¹ Mr. Thompson’s email addresses have been redacted in the Exhibit.

² Concurrent with this letter, we have submitted an Open Records Request seeking to ascertain this number.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean J. Young". The signature is fluid and cursive, with the first name "Sean" being more prominent than the last name "Young".

Sean J. Young
Legal Director
ACLU of Georgia

EXHIBIT A

From: Mayes, Jennie [mailto:Jennie.Mayes@cobbcounty.org] **On Behalf Of** Absentee
Sent: Wednesday, April 4, 2018 3:07 PM
To: Robert Thompson <[redacted]@[redacted].com>
Subject: RE: ABSENTEE BY MAIL REQUEST

I don't really have any way to check that, I'm afraid. I will pass it on, but they do have very stringent security, obviously.

From: Robert Thompson [mailto:[redacted]@[redacted].com]
Sent: Wednesday, April 4, 2018 2:53 PM
To: Absentee <Absentee@cobbcounty.org>
Subject: RE: ABSENTEE BY MAIL REQUEST

Thanks Jennie for your fast reply

Can you check on why my gmail account was blocked on my first attempt below? No rush

From: Mayes, Jennie [mailto:Jennie.Mayes@cobbcounty.org] **On Behalf Of** Absentee
Sent: Wednesday, April 4, 2018 2:46 PM
To: Robert Thompson <[redacted]@[redacted].com>
Subject: RE: ABSENTEE BY MAIL REQUEST

Mr. Thompson,

Thank you for your email.

We have received your application for the May 22, 2018, General Primary Election requesting an absentee ballot by mail. Your application will be reviewed and, if you reside in a qualified precinct and district, your ballot will be mailed within three business days.

Please be advised, your voted ballot must be received by this office no later than 7:00pm on Election Day to be counted.

If you choose to enclose your ballot in a separate third party delivery envelope, address the mailing directly to the Elections Office located at:

736 Whitlock Avenue, Suite 400
Marietta, GA 30064-4663.

You may track the status of your absentee ballot at: www.mvp.sos.ga.gov

My Voter Page

Voter Information

VICTOR VOTER
100 MAIN ST
MARIETTA, GA, 30060
Race:
Gender: Male Status: Active
Registration Date: 10/24/2007

[Change Voter Information](#)

Polling Place for State, County, and Municipal Elections

Precinct EL01
COBB EMC 9000 BUILDING
1260 COBB PKWY NORTH
MARIETTA, GA, 30062-0000
Election Day precinct hours are 7:00 am – 7:00 pm.

[Directions to Polling Place](#)

[Click Here for Early Voting Locations and Times](#)

[Click Here for Municipal Polling Place](#)

NOTE: Non-specific rural addresses may not be available.

Absentee Ballot Request Information

If you prefer to vote off-site, mail or fax your absentee ballot application to your county register.

[Click Here for an Absentee Ballot Application](#)

[Click Here for Absentee Ballot Status](#)

Track your ballot here! 

Your Elected Officials

Candidates Elected:	Officials Elected Statewide
District Maps:	Congressional District Maps
U.S. Congress:	District 011
Georgia Senate:	District 037
Georgia House:	District 034
Click Here for Qualified Candidates	

[Check your Provisional Ballot Status](#)

If you have any questions or concerns, please feel free to contact me directly. I am happy to be of assistance.

Cordially,

Jennie Mayes

Cobb County Elections & Registration

770-528-1190

www.cobbelections.org



From: Robert Thompson [mailto:robert.thompson@co.k12.ga.us]

Sent: Wednesday, April 4, 2018 2:33 PM

To: Absentee <Absentee@cobbcounty.org>

Subject: ABSENTEE BY MAIL REQUEST

Please see below/attached

Message blocked

Your message to Absentee@cobbcounty.org has been blocked. See technical details below for more information.

The response was:

550 permanent failure for one or more recipients (absentee@cobbcounty.org:blocked)

Final-Recipient: rfc822; Absentee@cobbcounty.org

Action: failed

Status: 5.0.0

Remote-MTA: dns; d139744a.ess.barracudanetworks.com. (209.222.83.70, the server for the domain cobbcounty.org.)

Diagnostic-Code: smtp; 550 permanent failure for one or more recipients (absentee@cobbcounty.org:blocked)

Last-Attempt-Date: Wed, 04 Apr 2018 11:29:49 -0700 (PDT)

----- Forwarded message -----

From: Robert Thompson <Robert.Thompson@gmail.com>

To: Absentee@cobbcounty.org

Cc:

Bcc:

Date: Wed, 4 Apr 2018 14:29:43 -0400

Subject: ABSENTEE BY MAIL REQUEST

Please see attached