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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,

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

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:. @ ...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 2:4F PM

To: Robert Thompson < _____o ___com>

Subject: RE: ABSENTEE BY MAIL REQUEST

Mr. Thompson,

Thank you for your email.

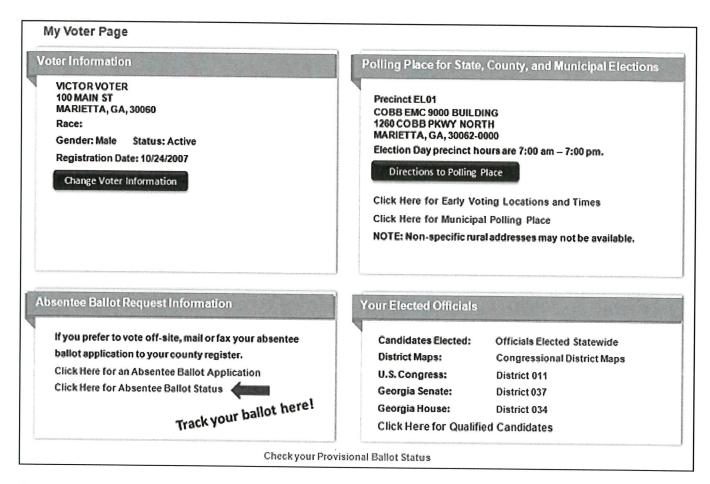
We have received your application for the May 22, 2018, General Primary Election requesting an absentee ballot by mail. Your application will be reviewed and, if you reside in a qualified precinct and district, your ballot will be mailed within three business days.

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



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"

@

com]

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 <u>Absentee@cobbcounty.org</u> 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)

@gmail.com>

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

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

From: Robert Thompson <

To: Absentee@cobbcounty.org

Cc: Bcc:

Date: Wed, 4 Apr 2018 14:29:43 -0400 Subject: ABSENTEE BY MAIL REQUEST

Please see attached