

November 30, 2021

Brad Raffensperger
Secretary of State
Georgia Capitol
206 Washington St SW
Atlanta, GA 30334

Complainant: True the Vote, PO Box 3109 #19128 Houston, TX 77253-3109

Complaint: Missing Ballot Dropbox Surveillance Video - General Election 2020

County: Fulton, Gwinnett

Potential Violations: No retention during active litigation as required by State Election Board Rule 183-1-14-0.6-.14 (5)¹ No retention for 22 months as required by Federal Code 52 USC 20701²

DESCRIPTION

Fulton County

On June 21 2021, True the Vote submitted an open records request seeking all ballot dropbox surveillance video recorded during the 2020 General Election.

On June 29 2021, Fulton County responded to our request, stating the following: "Per our IT department, the attached request is referencing all 38 ballot box locations 24/7 recordings. All available ballot locations stored recordings only goes back to Oct 30, 2020 – November 5, 2020 with the exception of Dogwood Library. It will take an estimated 6 months to complete this request. If they are able to complete this request, the estimated cost would be between \$15,000-\$20,000. A pre-payment would be required to fulfill this request. We understand this is a huge cost and time estimate. If you would like to pare down your request, I can relay the message to our IT department and perhaps, it may scale down the cost. Your request will be paused while a response is pending."

True the Vote replied on the same day, June 29 2021, asking for explanation as to the lack of video availability, which was in direct violation of Section 5 of Georgia's State Election Board Rule 183-1-14-0.6-.14 for Secure Absentee Ballot Drop Boxes and Federal Code 52 USC 20701.

¹ State Election Board Rule 183-1-14-0.6-.14, Sec 5 Video recordings of the dropbox locations must be retained by the county registrars for 30 days after the final certification of the election, or until **conclusion of any contest involving an election on the ballot in the county jurisdiction**, whichever is later, and shall be made available to Secretary of State investigators upon request.

² Federal Code 52 USC 20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation. Every officer of election shall retain and preserve, **for a period of twenty-two months** from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

On July 6 2021, the Fulton County Office of the County Attorney replied: **"I do not have an explanation I can provide other than they do not exist."**

On November 17 2021, True the Vote submitted an open records request seeking a list of every instance in which dropbox surveillance video footage was paid for or otherwise procured and transmitted from November 4 2020 to the present. We asked for the requestor's name; the dates and dropbox locations for which the video was requested, the dollar amount paid, the date video was picked up, confirmation of the dropbox locations, dates for which video was provided, and any documentation indicating proof of delivery or proof of release.

On November 18 2021, the Fulton County Office of the County Attorney replied with the following explanation: **"No records exist."**

Gwinnett County

On July 6 2021, True the Vote submitted an open records request to Gwinnett County, seeking all ballot dropbox surveillance video recorded during the 2020 General Election.

On July 20 2021, we were notified that our request was fulfilled. We submitted payment and picked up the provided hard drives. Upon review of the received hard drives, we noted we had not been provided with video for dropbox locations at Bogan Park Community Recreation Center, Dacula Park Activity Building, Gwinnett Voter Registration & Election Location, Peachtree Corners Branch Library, or George Pierce Park Community Recreation Center. We immediately wrote to the County and inquired as to the missing video, which was in direct violation of Section 5 of Georgia's State Election Board Rule 183-1-14-0.6-.14 for Secure Absentee Ballot Drop Boxes and Federal Code 52 USC 20701.

After receiving no reply, we followed up with phone calls. To date there has been no response to explain why we were not provided with video from these locations.

The missing video from the Gwinnett Voter Registration & Election Location is of particular concern. In True the Vote's review of ballot chain of custody records for this dropbox we identified a number of unusually high ballot surges, the peak of which was noted across Columbus Day weekend 2020, specifically from Sunday October 11 until the morning of October 12.

There were two boxes at this location, one located inside the government building and one outside. Chain of custody documents did not consistently record ballot count by interior or exterior location, but we know that on this extended holiday weekend, the office was closed, so only the exterior dropbox was available. According to Gwinnett County chain of custody records, on Monday, October 12, 2020, at 8:35am, 1,962 ballots were collected, a count significantly higher than any other day during the election cycle.

In True the Vote's review of publicly available geospatial data, fewer than 25 unique cell phone devices were proximate to the dropbox during the period of time in which 1,962 ballots were deposited.

According to the county, no surveillance video is available for this dropbox.

All available correspondence between Complainant, Fulton County, and Gwinnett County is attached for your reference. Geospatial data will be provided upon request.

R041030-070621 - Public Records Request

Message History (8)

← On 7/20/2021 4:11:19 PM, Catherine Engelbrecht wrote:

Good Afternoon,

I just picked up the ballot drop box videos for November and I noticed there are 5 locations that are missing completely. They include Bogan Park Community Recreation Center, Dacula Park Activity Building, Gwinnett Voter Registrations & Elections Location, Peachtree Corners Branch Library, George Pierce Park Community Recreation Center. Can you please let me know why these videos were not included?

Thank you so much!

✉ On 7/20/2021 2:04:11 PM, Gwinnett County Open Records wrote:

Subject: Payment Received on Invoice :: R041030-070621

Body:



Gwinnett

RE: PUBLIC RECORDS REQUEST of July 06, 2021, Reference # R041030-070621

Dear Catherine Engelbrecht,

We have received your payment on invoice number INV21-R041030-2 on 07/20/2021 for Request Number R041030-070621.

If you are paying the estimate, we will now begin working on gathering documents responsive to your request. Once we have gathered the documents, a final statement of the remaining balance owed will be sent to you. This amount may change from the estimate depending on how much time and labor is actually spent on your request. Full payment is required before we release the records to you.

If you are making your final payment, we will contact you once your request is fulfilled and the documents are available for you online at the Open Records Center.

Sincerely,

Gwinnett County

To monitor the progress or update this request please log into the [Open Records Center](#)



✉ On 7/20/2021 1:49:18 PM, Gwinnett County Open Records wrote:

Subject: [Records Center] Public Records Request :: R041030-070621

Body:

RE: OPEN RECORDS REQUEST of July 06, 2021., Reference # R041030-070621.

Dear Catherine Engelbrecht,

Your invoice is now available for payment in your online portal. Please note, we do not accept AMEX.

If you have any questions, please contact my office at 770.822.8889.

Sincerely,

John Register
Community Services

✉ On 7/20/2021 1:48:26 PM, Gwinnett County Open Records wrote:

Attachments: [INV21-R041030-2.pdf](#)

Subject: INVOICE - PUBLIC RECORDS REQUEST :: R041030-070621

Body:



GWINNETT COUNTY
OPEN RECORDS OFFICE

75 Langley Drive | Lawrenceville, GA 30046-6935
(O) 770.822.8700 | (F) 770.822.8790
www.gwinnettcounty.com

RE: PUBLIC RECORDS REQUEST of July 06, 2021, Reference # R041030-070621.

Dear Catherine Engelbrecht,

Your invoice is ready. Please login to the [Gwinnett County Public Records Center](#) to make an online payment.

You can also make a check or money order payable to: Gwinnett County

ATTN: Open Records Officer

75 Langley Drive

Lawrenceville, GA 30046-6935

If you have any questions, please contact my office at 770.822.8889.

Sincerely,

John Register

Community Services

To monitor the progress or update this request please log into the [Open Records Center](#)



✉ On 7/20/2021 9:10:40 AM, Gwinnett County Open Records wrote:

Subject: [Records Center] Public Records Request :: R041030-070621

Body:

RE: OPEN RECORDS REQUEST of July 06, 2021, Reference # R041030-070621

Dear Catherine Engelbrecht,

Gwinnett County received an open records request from you on July 06, 2021. Your request mentioned:

"Dear Gwinnett County Board of Elections,

I am requesting copies of the video recordings created by security cameras used to surveil all ballot drop boxes in Gwinnett County for the November 2020 Election under the Georgia Open Records Law OCGA §50-18-70. We respectfully request to be provided with electronic copies of each of the following documents, files, or images, as soon as they become available. Specifically, we are requesting video captured during the absentee ballot voting period for the November 2020 General Election, beginning when the boxes were opened in October through the election until dropbox security footage stopped recording. Please denote the location and date of each recording.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. As provided in the open records law, O.C.G.A. § 50-18-71(b)(1)(A), I will expect your response within three (3) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. O.C.G.A. § 50-18-71(d). Also, please provide all segregable portions of otherwise exempt material."

Gwinnett County has reviewed its files and has located responsive records to your request. These records can be acquired at Gwinnett County Community Services Office, 3rd Floor located at:

75 Langley Drive
Lawrenceville, GA 30046

If you have any questions or wish to discuss this further, please contact me.

Sincerely,

John Register john.register@gwinnettcountry.com

770-822-8889

Community Services

✉ On 7/8/2021 10:25:16 AM, Gwinnett County Open Records wrote:

Subject: [Records Center] Public Records Request :: R041030-070621

Body: RE: OPEN RECORDS REQUEST of July 06, 2021., Reference # R041030-070621.

Dear Catherine Engelbrecht,

Gwinnett County timely responds to your Open Records Request received from you on July 06, 2021. Your request mentioned:

"Dear Gwinnett County Board of Elections,

I am requesting copies of the video recordings created by security cameras used to surveil all ballot drop boxes in Gwinnett County for the November 2020 Election under the Georgia Open Records Law OCGA §50-18-70. We respectfully request to be provided with electronic copies of each of the following documents, files, or images, as soon as they become available. Specifically, we are requesting video captured during the absentee ballot voting period for the November 2020 General Election, beginning when the boxes were opened in October through the election until dropbox security footage stopped recording. Please denote the location and date of each recording.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. As provided in the open records law, O.C.G.A. § 50-18-71(b)(1)(A), I will expect your response within three (3) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. O.C.G.A. § 50-18-71(d). Also, please provide all segregable portions of otherwise exempt material."

After reviewing your request, it has been determined that responsive records exist.

Gwinnett County has access to the requested video. There will be a charge for the hard drives that the video will be transferred to. We anticipate the video ready to be picked up by Friday, July 16, 2021 if not sooner.

If you have any questions, please feel free to contact me at 770.822.8871.

Sincerely,

Lynn Ledford
Division Director
Community Services

✉ On 7/6/2021 3:17:12 PM, Gwinnett County Open Records wrote:



Gwinnett

Dear Catherine Engelbrecht:

Thank you for your interest in public records of Gwinnett County. Your request has been received and is being processed in accordance with the Georgia Open Records Act. Your request was received in this office on 7/6/2021 and given the reference number R041030-070621 for tracking purposes.

Records Requested: Dear Gwinnett County Board of Elections,

I am requesting copies of the video recordings created by security cameras used to surveil all ballot drop boxes in Gwinnett County for the November 2020 Election under the Georgia Open Records Law OCGA §50-18-70. We respectfully request to be provided with electronic copies of each of the following documents, files, or images, as soon as they become available. Specifically, we are requesting video captured during the absentee ballot voting period for the November 2020 General Election, beginning when the boxes were opened in October through the election until dropbox security footage stopped recording. Please denote the location and date of each recording.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. As provided in the open records law, O.C.G.A. § 50-18-71(b)(1)(A), I will expect your response within three (3) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. O.C.G.A. § 50-18-71(d). Also, please provide all segregable portions of otherwise exempt material.


Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Georgia Open Records Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Open Records Center.

Gwinnett County

To monitor the progress or update this request please log into the [Open Records Center](#)



 On 7/6/2021 3:17:11 PM, Catherine Engelbrecht wrote:

Request Created on Public Portal



**WINNETT COUNTY
OPEN RECORDS OFFICE**

75 Langley Drive | Lawrenceville, GA 30046-6935
(O) 770.822.8700 | (F) 770.822.8790
www.gwinnettcountry.com

Remit To:

Gwinnett Justice &
Administration Center
Attn: Open Records Officer
75 Langley Drive
Lawrenceville, GA 30046

Bill To:

Catherine Engelbrecht
PO Box 3109 #19128
Houston 77253

I Invoice Summary

Invoice No: INV21-R041030-2
Request Reference Number: R041030-070621
Invoice Date: 7/20/2021
Due Date: 8/19/2021
Status: Open
Balance Due \$1,278.03

Category	Description	Details	Cost	Unit	Add Overhead	Total Quantity	Quantity Waived	Quantity Charged	Total
Misc. Fees	Hard Drive		\$70.00	Variable		16.00	0.00	16.00	\$1,120.00
Labor Fees	Labor Time	hourly rate to retrieve records	\$18.75	Variable		1.75	0.00	1.75	\$32.81
Labor Fees	Labor Time	hourly rate to retrieve records	\$32.81	Variable		2.00	0.00	2.00	\$65.62
Labor Fees	Labor Time	hourly rate to retrieve records	\$14.90	Variable		4.00	0.00	4.00	\$59.60
15 Min Waived			\$0.00	Per Hour		0.25	0.00	0.25	\$0.00

Comments:

Totals:

Total: \$1,278.03
Payments: \$0.00
Balance Due **\$1,278.03**

Pay online or pay by cash, check or money order made payable to Gwinnett County