



VIA EMAIL

Dear County,

On August 21, 2026, the Georgia State Election Board (“SEB”) sent several Georgia counties an email memo titled “Georgia State Election Board Hearing, August 19, 2026 - providing access to Elly as an additional resource for registration alerts,” attached to this letter. In this email, SEB purported to “outline[] various responsibilities for state and local election officials under federal law and the potential criminal penalties for those who fail to carry out their duties” with respect to list maintenance, and recommended a private, web-based platform known as ELLY to conduct list maintenance ahead of the November 2026 elections.

As outlined below, private online platforms like ELLY are not a reliable tool for list maintenance, and its use by counties for this or any other election administration-related purpose would likely violate various provisions of the Georgia Election Code. Moreover, the attempted use of ELLY to initiate voter challenges may constitute systematic list maintenance; because the next federal election is less than 90 days away, such systematic removals would violate the National Voter Registration Act.

LEGAL BACKGROUND

In 2023, Georgia enacted Senate Bill 222, which prohibits county or municipal government employees, including election workers, from “solicit[ing], tak[ing], or otherwise accept[ing] from any person a contribution, donation, service, or anything else of value for the purpose of conducting primaries or elections or in support of performing his or her duties” under the Georgia Election Code.¹ Violating this restriction is a felony.²

S.B. 222 further instructs that “[n]o superintendent, county, or municipality shall take or accept any grants or gifts for purposes of administering [Georgia’s election laws] from any source other than the State of Georgia or the federal government.”³ All election-related costs and expenses “shall be paid from lawfully appropriated public funds.”⁴

The Election Code does authorize the Secretary of State to “obtain regular information from [a nongovernmental] entity regarding electors who may have moved to another state, died, or otherwise become ineligible to vote in Georgia” and to use “such information to conduct list maintenance on the list of eligible electors.”⁵ However, “the

¹ Ga. Code Ann. § 21-2-18(c).

² *Id.* at § (e).

³ Ga. Code Ann. 21-2-71(b).

⁴ Ga. Code Ann. § 21-2-18 (b).

⁵ Ga. Code Ann. § 21-2-232(b)(3).



membership of the nongovernmental entity shall be composed *solely of election officials of state and territorial governments of the United States*, except that such membership may also include election officials of the District of Columbia.”⁶ And this process is directed by the Secretary of State, who controls the process and uses the information for official list maintenance that the Secretary’s office itself conducts, rather than the outside organization having any direct submission authority to counties.⁷

Ultimately, counties may not accept election-related services at below-market rates – or even receive the good or service at no charge – pursuant to Georgia’s prohibition on accepting any “donation or service, or anything else of value for the purpose of conducting primaries or elections[.]” That prohibition applies even if those services were unlawfully procured by another election official acting as an intermediary.⁸

Additionally, Section 8(c)(2)(A) of the NVRA (the “Quiet Period Provision”) requires that states complete “any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters” “not later than 90 days prior to the date of a . . . general election for Federal office.” 52 U.S.C. § 20507(c)(2)(A). Accordingly, Georgia may not take any steps to implement any program to systematically remove voters within this 90-day quiet period prior to each Federal election, subject only to certain specific federal law exceptions, which do not apply here.

FACTUAL BACKGROUND

The voter-roll analysis system originally known as EagleAI Network was developed by Georgia activist John W. “Rick” Richards Jr. EagleAI was supported by the “Election Integrity Network,” an organization led by Cleta Mitchell, an attorney who helped lead the unsuccessful efforts to overturn the 2020 election results in Georgia and other states.⁹

Georgia Elections Director, Blake Evans, expressed skepticism about the software formerly known as EagleAI, stating that “they’re using the things that we already have access to, and that we’re already doing...there wouldn’t be any kind of value added from going out and using a resource like that.”¹⁰ Moreover, Georgia is still a member of the Electronic Registration Information Center (“ERIC”), a nonprofit, nonpartisan membership organization created by and comprised of state election officials from around the United States.¹¹ Secretary Raffensperger has previously described ERIC as the “only group capable of detecting double voting across state lines.”¹² ERIC allows state election officials to ensure more accurate voter registration lists and facilitate registration for eligible,

⁶ Ga. Code Ann. § 21-2-225(d)(1) (emphasis added).

⁷ See *id.*

⁸ 21-2-18(c).

⁹ See Campaign Legal Center, ELLY and Psephos How Eagle AI Rebranded—and Continues to Fuel Error-Prone Voter Challenges (Aug. 4, 2026), <https://campaignlegal.org/sites/default/files/2026-08/Elly%20Backgrounder%20%28Aug%204%2C%202026%29.pdf>.

¹⁰ *Id.*

¹¹ About - ERIC, Inc., <https://ericstates.org/about/> (accessed Sep. 4, 2026).

¹² Maya Homan, *Will Georgia join a GOP-led state exodus from a multistate voter accuracy group?*, Georgia Recorder (Oct. 21, 2025) <https://georgiarecorder.com/2025/10/21/will-georgia-join-a-gop-led-state-exodus-from-a-multistate-voter-accuracy-group/>.

unregistered residents by facilitating the exchange of non-public government data among state officials, which are maintained consistent with state and federal data privacy laws.¹³

By contrast, Eagle AI purchased data from a variety of public and private sources to create a database that flagged certain voter registrations for review.¹⁴ The platform described itself as “the tool of reckoning across the nation for use at all levels of Election Roster validation, maintenance and review,” by offering software for “testing, auditing and maintaining the validity of voter registrations.”¹⁵ The software has primarily been used by activists to file challenges to voter eligibility, but the platform’s creators have also been seeking contracts with state and county election officials.¹⁶ Georgia election officials have criticized Eagle AI for producing incorrect data and routinely flagging “false positives” that erroneously identify eligible voters for potential removal.¹⁷

In December 2023, Columbia County, Georgia entered into a contract with Eagle AI to review voter challenges and conduct list maintenance activities.¹⁸ The *Atlanta Journal Constitution* reported that Columbia County would pay \$2,000 per year for its use of the Eagle AI software.¹⁹ Eagle AI was initially planning on offering the software for free to Columbia County, but elected to charge a “nominal” fee in light of S.B. 222.²⁰ Ultimately, the contract was never signed after American Oversight and CLC notified state officials that the agreement was likely in violation of S.B. 222.²¹

More recently, Eagle AI has now morphed into two new platforms aimed at different parts of the election system: ELLY (The Elector List) and Psephos.²² The new platform, ELLY, is marketed primarily to county election officials, particularly those with limited resources for voter-roll maintenance, as well as individual citizens so that they can conduct their own independent “reviews” of voter registration lists to either flag them for review by election officials or facilitate the submission of mass voter challenges.²³ Psephos is geared to state-level officials and led

¹³ How ERIC Works – ERIC, Inc., <https://ericstates.org/how-does-it-work/> (accessed Sep. 4, 2026).

¹⁴ Jane Timm, *Inside the right’s effort to build a voter fraud hunting tool*, NBC NEWS (Aug. 17, 2023), <https://www.nbcnews.com/politics/2024-election/conservatives-voter-fraud-hunting-tool-eagleai-cleta-mitchell-rcna9732>.

¹⁵ Meet “Eagle AI,” the Cleta Mitchell-Backed MAGA Mass Voter Challenge Program, DOCUMENTED (Aug. 17, 2023), <https://documented.net/investigations/meet-eagle-ai-the-cleta-mitchell-backed-project-for-maga-activists-to-file-mass-voter-challenges>.

¹⁶ *Id.*; Timm, *supra* note 14.

¹⁷ Alexandra Berzon & Nick Corasaniti, *Georgia County Signs Up to Use Voter Database Backed by Election Deniers*, N.Y. TIMES (Dec. 1, 2023), <https://www.nytimes.com/2023/12/01/us/politics/georgia-county-election-deniers-trump.html> (“Georgia state officials, who reviewed the EagleAI presentations, have found them riddled with errors and said the tools were unnecessary, according to documents provided by the groups American Oversight and Documented.”); Caleb Groves, *Cobb County elections board rejects EagleAI-based voter challenges*, AJC (Aug. 5, 2024) <https://www.ajc.com/politics/cobb-elections-board-rejects-eagleai-based-voter-challenges/OMPU5WSC4NHPXANMECH45ZBRE4/>.

¹⁸ *Id.*

¹⁹ Mark Niesse, *Private Voter Verification Tech Approved in Republican Columbia County*, AJC (Dec. 14, 2023), <https://www.ajc.com/politics/georgia-county-agrees-to-use-eagleai-to-check-voter-registrations/EIEPKQOIFG5JMNZUETJV7267>.

²⁰ Election Integrity Network, Recording of the March 23, 2023 Meeting of the Technology Working Group, (Mar. 23, 2023), https://drive.google.com/file/d/1qIBuVVfRyjOUpdKjeE0U197ML3_IxNMQ/view (at 29:54 - 31:09).

²¹ See CLC and American Oversight Notice letter to Secretary Raffensperger and state election officials, *Re: Columbia County, GA’s Pending Contract with EagleAI* (Mar. 8, 2024), <https://www.documentcloud.org/documents/24476373-campaign-legal-center-american-oversight-letter-to-georgia-officials-regarding-columbia-county-agreement-with-eagleai/>.

²² See Campaign Legal Center, *supra* note 9.

²³ Jane C. Timm, *Conservative voter fraud hunters pitch new computer programs to state officials*, NBC News (Mar. 18, 2026) <https://www.nbcnews.com/politics/elections/conservative-voter-fraud-hunters-pitch-new-programs-state-officials-rcna263738>.

by Richards' son, according to promotional materials in emails with state government officials.²⁴ The website for ELLY boasts about how it "brings local citizens together with their election officials to make voter rolls more accurate."²⁵ ELLY contains a lookup tool for an individual to ostensibly check where they are registered and check registrations at their address.²⁶ A donation button encourages supporters to "invest in America" by giving money to Valid Vote, the associated 501(c)3 that was supported by Cleta Mitchell's law firm.²⁷

ELLY, like EagleAI, suffers from the same limited data sources that generate false positives and erroneously flag eligible voters.²⁸ ELLY aggregates voter registration data and data from USPS National Change of Address (NCOA) records, property tax and classification records, obituary and death notices, and mapping and property databases such as Google and Zillow, in order to build a dashboard, purportedly for the purposes of verifying voter registration.²⁹ ELLY flags voters whose name appears on an NCOA list, or who are registered at a nonresidential address like a Post Office. The publicly available and commercial data sets upon which ELLY relies are less reliable than the personal, protected information that county and state government officials already have access to maintain voter rolls, such as full Social Security and driver's license numbers.³⁰

In a March 18, 2026 media appearance, Richards claimed that every county election official would be provided with free credentials to access ELLY.³¹ Across multiple media appearances, Richards encouraged activists to cultivate relationships with "friendly" election officials and quietly provide them with lists of ELLY-identified voters they believed should be removed from the rolls, while reserving formal voter challenges for "those that are not friendly."³²

During that same March 2026 presentation, Richards explained:

"We won't have to submit challenges anymore to the friendlies; we just send them this, take them a spreadsheet, take them some coffee and donuts, take them about 50 cases...then go back the second time, they'll ask you how you got it, you tell them you got this program, would they like credentials?" He added, "You don't need to do challenges unless they fail to react to the data you give them."³³

Richards also suggested that members of the public, including "citizen journalists," use ELLY to investigate addresses associated with multiple voter registrations.³⁴ According to ELLY's materials, "approved" volunteers –

²⁴ *Id.*

²⁵ ELLY, <https://theelectorlist.com/> (last visited July 28, 2026).

²⁶ *Id.*

²⁷ *Id.*

²⁸ Timm, *supra* note 14.

²⁹ *Id.*

³⁰ Timm, *supra* note 23.

³¹ Live on QNP, *SternAmerican Election Integrity in Action Call* (Mar. 18, 2026).

³² *Id.*

³³ *Id.*

³⁴ *Id.* at (2:25:12)



potentially including the same Election Integrity Network activists who had been using Eagle AI – can review flagged voter registrations alongside supporting documentary evidence and prepare records for review by election officials.³⁵

In March 2026 American Oversight discovered that the Georgia State Elections Board (SEB) met with Richards to discuss ELLY and its applications and then presented those tools at their Board Meeting on March 18, 2026.³⁶ The SEB then sent letters to Georgia counties with lists of votes that had been flagged as ineligible by ELLY.³⁷

Ann Dover, the Cherokee County Elections Director, tested the product and found that it was heavily infected with errors.³⁸ In an email to the SEB, she noted that “I’ve just started looking at the Elly obituary list and the wife of one my board members is on this list and she [is] quite alive,” and that “[t]he voting history data in Elly is consistently incorrect,” and even erroneously flagged her own husband for allegedly double-voting.³⁹ In another email, she noted that ELLY misclassified dozens of voter addresses in her county as non-residential, incorrectly flagging “apartments as commercial addresses, mobile home parks as agricultural, senior living as commercial” and others as “night clubs / cocktail lounges.”⁴⁰

“It concerns me that there are overzealous people out there [using ELLY] that would turn someone in for voting twice when it is just bad data,” Dover wrote.⁴¹

Nonetheless, the SEB sent letters to various counties listing allegedly ineligible voters identified using ELLY. In June 2026, SEB Investigator Larry Duckworth sent the Chatham County Board of Registrars spreadsheets of approximately 220 voter registrations identified by ELLY that Duckworth deemed “questionable.”⁴² Seemingly, ELLY results were the only basis for his concerns, since no other justification was provided. In late July, State Election Board Investigator Jason Frazier presented on ELLY at a county election board meeting in Chatham County.⁴³ After the Chatham County Board of Registrars met in early August, it removed more than 100 voters who appeared on the ELLY list provided by SEB.⁴⁴

³⁵ Timm, *supra* note 23.

³⁶ American Oversight, *Exclusive: State Officials Meeting with Election-Denier Linked EagleAI Founder on NEW Voter Roll Purge Tools* (Mar. 18, 2026) <https://americanoversight.org/exclusive-state-officials-meeting-with-election-denier-linked-eagleai-founder-on-new-voter-roll-purge-tools/>; Georgia State Election Board Meeting (Mar. 18, 2026) <https://sos.ga.gov/sites/default/files/2026-03/AGENDA%20March%2018%2C%202026%20SEB%20Meeting.pdf>.

³⁷ Caleb Groves, *Georgia election board promotes new voter-roll tool ahead of midterms*, AJC (July 23, 2026) https://www.ajc.com/politics/2026/07/georgia-election-board-promotes-new-voter-roll-tool-ahead-of-midterms/?gift_article_code=ZDNNbDjxSDQwWEhITjhZNWpDMXRKSkZmLVE5dnV5ZHpuNXMxRHktQVRrazoxNzg3NDA3OTk3OmlzNmU3ODY2ZTk5ZGJjZjk&utm_campaign=articlegifting.

³⁸ *See id.*

³⁹ Campaign Legal Center, *supra* note 9.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

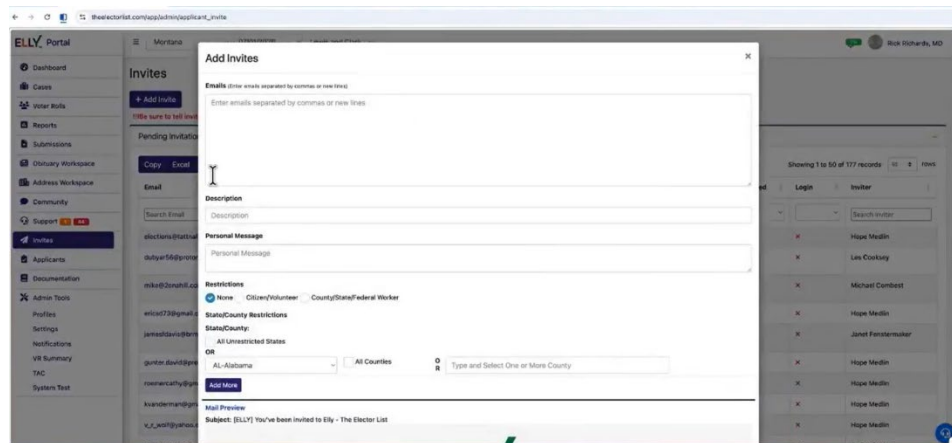
⁴³ *Id.*

⁴⁴ *See* Cam McCann, *Chatham County board of registrars holds voter registration challenge hearing amid concerns the over new software*, WTOC (Aug. 5, 2026), <https://www.wtoc.com/2026/08/05/chatham-county-board-registrars-holds-voter-registration-challenge-hearing-amid-concerns-over-new-software/>.



The SEB now features a link to the ELLY website on the “for Counties” page, which states “Explore ELLY for FREE. Click the Logo to Get Started.”⁴⁵

In an August 22, 2026 demonstration of ELLY, Richards emphasized that election officials are provided different access to data and other capabilities than members of the general public.⁴⁶ Richards noted that “we have citizen access and [election] worker access,” and demonstrated how restrictions are toggled when sending an invite based on whether a person is a “Citizen/Volunteer” or a “County/State/Federal Worker.”⁴⁷



As part of the demonstration, Richards showed that ELLY is tracking whether a user or invitee is a “worker” or a “citizen,” with different restrictions on their use. A user with a Tatnall County, Georgia elections email address is listed as a “worker” on an invite list,⁴⁸ and the Pike County, Georgia Elections Supervisor is listed as “County/State/Federal Worker” on a list of current users.⁴⁹ When Richards goes into the back-end of the software, he shows that a user’s “Roles” are based on whether a person is a “Citizen/Volunteer” or a “County/State/Federal Worker.”⁵⁰

⁴⁵ State Election Board of Georgia, “For Counties,” <https://seb.ga.gov/county-election-office> (last visited Sept. 4, 2026).

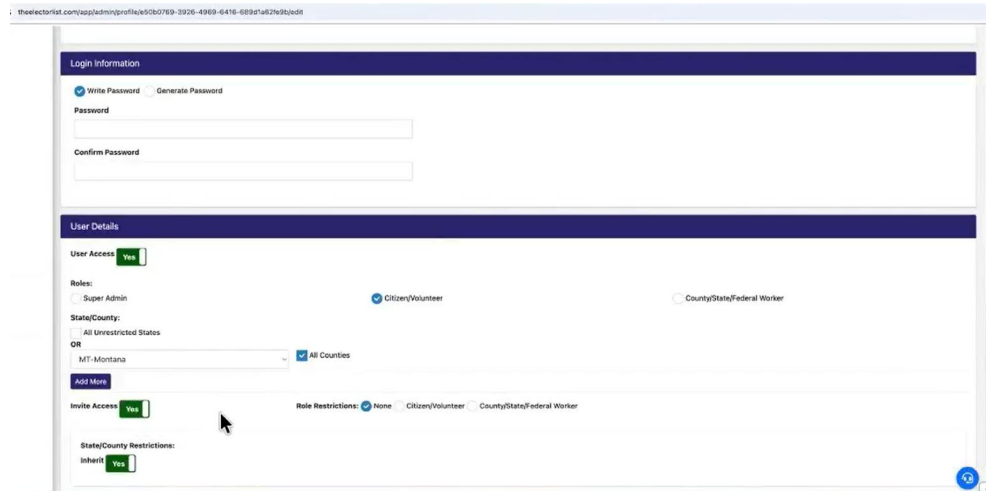
⁴⁶ Rick Richards, Montana Election Integrity Briefing Part II (Aug. 22, 2026), *available at* <https://x.com/PhoenixLady51/status/2092041741197324322?s=20>.

⁴⁷ *Id.* at 38:50-39:17.

⁴⁸ *Id.* at 39:40-39:44.

⁴⁹ *Id.* at 39:37-39:52.

⁵⁰ *Id.* at 40:03-40:22.



The screenshot shows a web application interface for user management. The top section is titled 'Login Information' and contains fields for 'Write Password' and 'Generate Password', along with 'Password' and 'Confirm Password' input fields. The bottom section is titled 'User Details' and contains various settings for a user, including 'User Access' (set to 'Yes'), 'Roles' (with options for 'Super Admin', 'Citizen/Volunteer', and 'County/State/Federal Worker'), 'State/Country' (set to 'All Unrestricted States'), 'OR' (set to 'MT-Montana'), 'All Counties' (checked), 'Add More' button, 'Invite Access' (set to 'Yes'), 'Role Restrictions' (set to 'None'), and 'State/Country Restrictions' (set to 'Inherit').

The demonstration also briefly describes some of the differential access afforded to election officials, including an “inbox” for receiving challenges filed by “citizen/volunteer” ELLY users and a function to sort and filter challenges received.⁵¹

ANALYSIS

i. Georgia’s private election funding ban prohibits the use of ELLY by counties for list maintenance.

Any Georgia county that uses ELLY for list maintenance or to otherwise support their election-related duties violates the state’s ban on private election support.

S.B. 222 (2023) prohibits county or municipal employees, including election officials, from taking or using a “contribution, donation, service, or anything else of value for the purpose of conducting primaries or elections or in support of performing his or her duties.”⁵² The legislation additionally prohibits counties, municipalities, and superintendents from accepting any such things of value from a private source for purposes of administering Georgia election laws.⁵³ Georgia law and regulations consistently treat the provision of services or goods without charge or at below-market rates as a thing of value.⁵⁴

⁵¹ *Id.* at 41:44-42:53.

⁵² Ga. Code Ann. 21-2-18(c). The prohibition does not apply to goods or services that have a nominal value of less than \$500. Ga. Code Ann. 21-2-18(d).

⁵³ Ga. Code Ann. § 21-2-71(b).

⁵⁴ *See, e.g.*, Ga. Comp. R. & Regs. 189-2-.01(11) (defining “in-kind expenditure” to include where a recipient receives the benefit of goods or services but “did not extend payment to an end-recipient for the goods or services provided”); O.G.C.A. § 21-5-70(1)(C) (defining “expenditure” for purposes of lobbying disclosure as “any gratuitous transfer, payment, subscription advance, or deposit of money, services, . . . or anything of value, unless consideration of equal or greater than face value is received”); *see also* Atty. Gen. Op. 2007-07, <https://ethics.ga.gov/advisory-opinion-no-2007-07/> (“Providing the use of a plane to a candidate or public officer without charge or at a price that is less than the fair market value is an in-kind contribution”).

ELLY's software, its underlying data, and its related services clearly constitute a thing of value. ELLY's founder previously charged Columbia County \$2,000 for access to an earlier version of the software, which he described as a "nominal fee" that was below the market value of the software, as part of an effort to "get past" S.B. 222 – an apparent violation of the ban.⁵⁵ Now, ELLY is being offered to Georgia counties to support election administration *for no charge whatsoever*.

The fact that ELLY makes *some* services available to other members of the public does not change the analysis, since county election officials are afforded expanded access to capabilities that average citizens are not.⁵⁶ For example, ELLY separately assigns users different "roles" based on whether they are a "citizen" or an election "worker," and provides election workers with a separate dashboard and expanded capabilities.⁵⁷ S.B. 222's private funding ban cannot be evaded merely by making a limited version of an election-related service available to the public, while exclusively providing election officials with expanded services and additional functionality at no additional charge.

By analogy, a private software company could not avoid S.B. 222 by giving everyone access to a free, limited version of its product while providing election officials with a professional version designed to support their election-related duties at no charge. The same principle applies here: making some ELLY services publicly available does not transform additional services provided specifically to election officials into a publicly-available resource.

ii. ELLY lists cannot establish probable cause, so its use alone would violate Georgia law.

Because ELLY is a platform that may be used by individuals to generate 230 challenges, counties should be wary of challenges generated from lists produced by ELLY, and reject challenges based solely on ELLY lists. As you are aware, there are two avenues for challenges to voter eligibility under Georgia law: (1) challenges to a registered voter's eligibility to remain on the rolls ("229 challenges"), and (2) challenges to a voter's specific eligibility to vote in any given election ("230 challenges").⁵⁸ Relevant here, a 230 challenge requires the board of elections to determine whether "probable cause" exists to sustain the challenge.⁵⁹ In 2024, the Georgia legislature passed S.B. 189, which required probable cause to be found if an individual's name is present on the National Change of Address database and the challenger provides "additional evidence [that] would indicate that the elector has lost his or her residency[.]"⁶⁰

⁵⁵ See CLC and American Oversight Notice letter to Secretary Raffensperger and state election officials, *supra* note 21, at 5-6.

⁵⁶ See sources cited *supra* notes 46-51.

⁵⁷ *Id.* Richards has also stated that citizen volunteers are "vetted," which suggests the program may not be widely available to all members of the general public. See, e.g., Richards, Montana Election Integrity Briefing Part II, *supra* note 46, at 2:46-3:02.

⁵⁸ Ga. Code Ann. §§ 21-2-229; 21-2-230.

⁵⁹ *Id.* at 21-2-230(b).

⁶⁰ *Id.* at (b).

In prior years, bad actors have used unreliable data sources to initiate 230 challenges, which were ultimately determined to be unfounded. For example, In 2022, a single challenger submitted over 31,500 challenges in Forsyth County under O.C.G.A. §§ 21-2-229 and 21-2-230, and only about 3 percent of these were sustained.⁶¹ Another resident of Forsyth County challenged over 15,700 voters – 6 percent of the county’s voter rolls – based on NCOA data.⁶² Because the challenger made no attempt to weed out military or student voters (eligible voters who have valid reasons for appearing in the NCOA database), Forsyth’s Board of Elections dismissed the challenges wholesale.⁶³ Mass challenges made under Section 230 and based on unfounded data have also been found to violate federal law.⁶⁴

This waste of resources portends the potential use of ELLY by other bad faith actors to initiate mass challenges against voters found on the database. But, counties should not accept a voter’s presence on ELLY alone as sufficient evidence supporting probable cause to sustain a 230 challenge. As noted above, ELLY relies on NCOA data to produce lists of potentially ineligible voters. NCOA data is an inherently unreliable source for determining residency, because NCOA often includes eligible military, overseas, and student voters whose addresses appear to have changed but have not changed for purposes of voter registration. Absent additional specific information that would establish that a challenged voter is no longer a resident, NCOA data alone cannot suffice to sustain a 230 challenge.

iii. The SEB has no role in list maintenance.

In August 2026, SEB investigators sent a list of voters identified by ELLY to Chatham County, with the message “PLEASE INVESTIGATE ALL”. Now, SEB is urging counties to themselves use ELLY, and providing a link to the software on its website. SEB’s email makes clear that they intend to insert themselves into the list maintenance process.

Georgia law assigns the responsibility of voter list maintenance to the Secretary of State, not the SEB.⁶⁵ Specifically, Georgia law directs the SEB to: (1) promulgate rules and regulations to obtain uniformity in the practices of election officials and to ensure “the legality and purity in all primaries and elections;” (2) investigate, or authorize the Secretary of State to investigate, “the administration of primary and election laws and frauds and irregularities in primaries and elections;” and (3) “[t]o take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections.”⁶⁶ While this last provision grants broad authority, it is expressly limited to actions “consistent with law” – meaning the

⁶¹ Doug Bock Clark, *Close to 100,000 Voter Registrations Were Challenged in Georgia – Almost All by Just Six Right-Wing Activists*, PROPUBLICA (July 13, 2023), <https://www.propublica.org/article/right-wing-activists-georgia-voter-challenges>.

⁶² Jane C. Timm, *Fraud hunters challenged 92,000 voter registrations in Georgia last year*, NBCNEWS (Feb. 27, 2023), <https://www.nbcnews.com/politics/elections/fraud-hunters-challenged-92k-georgia-voter-registrations-2022-rcna71668>.

⁶³ *Id.*

⁶⁴ *Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1369 (M.D. Ga. 2021).

⁶⁵ § 21-2-232(b)(3)

⁶⁶ § 21-2-31.

SEB cannot use it to assume operational functions that the Georgia Election Code has specifically assigned to other officials.⁶⁷ Because list maintenance is an election administration function that Georgia law assigns to the Secretary of State, the SEB has no authority to instigate a list maintenance procedure by the counties, or to itself flag potentially ineligible voters for potential investigation and removal. The SEB's only role with respect to list maintenance is to ensure that counties comply with their statutory list maintenance obligations – a responsibility that the SEB carries out through its sanctions authority, not by assuming those list maintenance functions itself.⁶⁸

It is the Secretary of State who should receive information about potentially ineligible voters and transmit the names of such persons to the appropriate county boards of registrars for further action.⁶⁹ For example, the Georgia Election Code assigns the Secretary of State the responsibility of receiving out-of-state registration cancellations and direct that information to county registrars.⁷⁰ The Secretary of State also maintains the official statewide voter registration list.⁷¹ In other words, the SEB plays no direct role in list maintenance. Furthermore, the Secretary of State is only authorized to receive this information from a nongovernmental entity composed “solely of election officials of state and territorial governments” such as ERIC – a requirement ELLY does not meet.⁷²

Additionally, even if SEB did have the authority to send to the counties a list of potentially ineligible individuals (it does not), if the voter eligibility lists themselves were not obtained through lawful means, the state cannot require counties to take action based on that unlawfully obtained information. Here, information provided by ELLY is not lawfully obtained because it is not derived from a nongovernmental organization consisting of election officials. Because ELLY is not “composed solely of election officials as required by law,”⁷³ it is not authorized to assist the Secretary of State with voter list maintenance.

iv. Use of ELLY lists to sustain voter challenges may violate the National Voter Registration Act.

Finally, despite SEB's representations to the contrary, far from upholding the counties' responsibilities under federal law to engage in list maintenance, using ELLY as a basis to sustain voter challenges would *violate* federal law. The November 3, 2026 general election is less than 90 days away, as is the date for any potential general election runoff on December 1. SEB has specifically instructed you to use ELLY “to check voter registration...and can be invaluable when responding to 21-2-229 or 21-2-230 voter challenges.” But doing so would likely violate the NVRA.

⁶⁷ See *id.*

⁶⁸ Ga. Code Ann. § 21-2-230(j)(West 2026)

⁶⁹ See § 21-2-231(a).

⁷⁰ § 21-2-232(a)(3).

⁷¹ § 21-2-31(a)(14).

⁷² § 21-2-225(d)(1).

⁷³ § 21-2-225(d)(1).

As noted above, the NVRA prohibits any systematic program for removing voters within 90 days of a federal election.⁷⁴ Here, citing counties' list maintenance responsibilities under O.C.G.A. § 21-2-228, SEB has instructed counties "that ELLY is one tool that can be a great help with that responsibility." But in *Arcia v. Fla. Sec'y of State*, the U.S. Court of Appeals for the Eleventh Circuit, which also has jurisdiction over Georgia, held that a program of matching lists against the voter rolls for the purposes of verifying citizenship constituted a systematic list maintenance program under the NVRA.⁷⁵ Therefore, SEB's instructions to the counties clearly contemplate a systematic program for removals.

Likewise, in *Majority Forward v. Ben Hill Cnty. Bd. of Elections*, a federal district court held that Muscogee County "violated the NVRA by failing to conduct the requisite individualized inquiry required for challenges made within 90 days of a federal election," when the county sustained a mass Section 230 challenge brought by an individual who provided a spreadsheet of voters he was challenging.⁷⁶ According to the district court, use of that spreadsheet alone was systematic list maintenance because an individual inquiry of each individual on the list was not made.⁷⁷ This case instructs that voter challenges based solely on matching large data sets to generate lists of people, rather than specific individual investigations about a particular voter, would constitute a systematic program for removals. Because there are less than 90 days until the next federal general election, such a systematic program would violate the NVRA.

* * *

SEB's email memo to counties references a letter by the U.S. Department of Justice, which specifically references states' responsibilities under the NVRA and makes vague threats of criminal liability for "knowingly retaining noncitizens on Georgia's "State Voter Registration List" (SVRL)."⁷⁸ SEB likewise references "criminal penalties for those who fail to carry out their duties." Make no mistake, these suggestions by SEB and the Department of Justice are intended to coerce county officials into engaging in systematic removals which would in turn violate the NVRA's 90-day quiet period, as well as Georgia law. Notwithstanding these threats, existing Georgia law and election administration practices already suffice to ensure that only eligible citizens vote in Georgia's elections. The use of ELLY to engage in list maintenance ahead of the November 2026 election would frustrate, rather than enable, you from fulfilling your obligations under state and federal law.

CONCLUSION

We appreciate the many responsibilities and competing priorities that you and your staffs must fulfill over the next several months to ensure a safe, secure, and accurate election. But for the foregoing reasons, your county's

⁷⁴ 52 U.S.C. § 20507(c)(2)(4).

⁷⁵ *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1339 (11th Cir. 2014).

⁷⁶ *Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1369 (M.D. Ga. 2021).

⁷⁷ *Id.*

⁷⁸ Ltr. from U.S. Dept of Justice to Secretary Raffensperger (July 6, 2026), <https://seb.ga.gov/wp-content/uploads/2026/08/doj-letter-georgia-voter-eligibility-2026-07-07.pdf>.



potential reliance on ELLY for election administration purposes would likely violate both state and federal law. Campaign Legal Center urges you to uphold your legal obligations by rejecting any voter challenges based on impermissible or unreliable data, and by refraining from conducting any systematic list maintenance between now and the 2026 general election.

Respectfully,

Jonathan Diaz
Valencia Richardson
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005
jdiaz@campaignlegalcenter.org
vrichardson@campaignlegalcenter.org

Georgia State Election Board Hearing, August 19, 2026 - providing access to ELLY as an additional resource for registration alerts

From Sherri Phillips <sphillips@seb.ga.gov>

Date Fri 8/21/2026 3:26 PM

Dear Georgia County Board of Registration and Election Members and Georgia County Election Supervisors:

Registration integrity is the heart of election integrity, and maintaining an accurate voter roll is an essential part of preventing fraud and ensuring confidence in our elections. Aside from the obvious benefits, correcting registration errors will also reduce the number of complaints your Board will receive.

The federal government recognizes the importance of an accurate voter roll. Last month, the U.S. Department of Justice sent a letter to Secretary Raffensperger which included a memorandum titled, "Federal Law Requirements for State and Local Election Officials." This memo outlines various responsibilities for state and local election officials under federal law and the potential criminal penalties for those who fail to carry out their duties. You can read a copy of this letter by clicking HERE [<https://seb.ga.gov/wp-content/uploads/2026/08/doj-letter-georgia-voter-eligibility-2026-07-07.pdf>]

At the August 19, 2026, meeting of the State Election Board (SEB), many of you saw a presentation outlining some of the capabilities of ELLY, a tool designed to help you quickly identify data errors that may exist in voter-registration records. The Georgia State Election Board has recommended that the SEB website, <https://seb.ga.gov>, provide access to ELLY as an additional resource for registration alerts. If you missed the presentation, click <https://youtu.be/f8tPX00KwLU> to view the recording.

O.C.G.A. § 21-2-228 (a) provides:

"The board of registrars of each county or municipality shall have the right and shall be charged with the duty of examining from time to time the qualifications of each elector."

We believe that ELLY is one tool that can be a great help with that responsibility. Click below to get started and see the tool for yourself:

<https://seb.ga.gov/county-election-office/>

It is important to understand what ELLY does - and what it does not do. ELLY does not have access to your voter-registration system and cannot make changes to any voter registration. Any investigation, determination, or action regarding a voter-registration record remains the responsibility of the appropriate county officials.

ELLY can, however, identify records that may warrant review, including:

- Date of Birth prior to 1900
- Blanks, Special Characters or Initials in the First, Middle or Last Names
- Repeat Names (First Name = Last Name, etc)
- Registration Addresses at Commercial Locations

- Incomplete or Non-existent addresses (Invalid or Missing Street Numbers, Unit Numbers, Prefix or Suffix)
- Invalid Zip Code
- Registrations at vacant Lots
- NCOA or PCOA Movers (Both Instate and Out of State)
- Voters who have moved and registered (and are sometimes voting) in another State
-

ELLY also allows you to check voter registration. You can search for a voter by name or address, and even view voter history. This is a huge benefit to County Election Board Members, most of whom do not have access to this information and can be invaluable when responding to 21-2-229 or 21-2-230 voter challenges.

The State Election Board of Georgia provides links to a number of external resources on our website, and a link does not constitute an endorsement by the State Election Board or the State Election Board Agency. ELLY is being made available as an additional resource that county officials may find useful in carrying out voter-list maintenance responsibilities.

If you have any questions, feel free to contact the SEB at 770-701-4643, or electionboard@seb.ga.gov.

Thank you for the invaluable service you provide to the citizens of Georgia. The State Election Board stands ready to assist you. Please let us know how we can help.

Election Integrity is The Heartbeat of Freedom,

James Mills, Executive Director

JM:slp



Sherri Phillips

SHERRI PHILLIPS
EXECUTIVE ADMINISTRATIVE ASSISTANT
GEORGIA STATE ELECTION BOARD

Ph: 770-687-4443
sphillips@seb.ga.gov
2 MLK Jr. Drive SE, West Tower
Atlanta, GA 30334

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