

## **Petition Submission Review Process Update from Clerk Emeritus Foris Webb, III**

**September 1, 2023**

This memorandum provides an update to the public on the process the City of Atlanta (the City) will use to verify the petitions advocating for a referendum on repealing the 2021 ordinance authorizing a lease for the land with the Atlanta Police Foundation for the Atlanta Public Safety Training Center.

### **Summary of Key Points**

- **As of today, no petitions have been submitted to the Municipal Clerk.**
- **The ongoing petition process is the first the City has ever conducted, so the City has developed policies and procedures by reference to existing Georgia law, including recent legal changes improving absentee ballot procedures (which have a higher level of constitutional protection than mass-circulated petitions – petitions are not the same thing as actual elections).**
- **The City’s process incorporates best practices from around the country, including jurisdictions like Oregon, Washington, and Illinois. The City has consulted with numerous Atlanta and Georgia stakeholders, and incorporated significant amounts of feedback in developing these procedures.**
- **The City’s core twin goals are to take all reasonable steps to ensure the City’s qualified electors, and only those electors, are permitted to sign these petitions.**
- **There have been false claims that the review process will rely on OCR (Optical Character Recognition) in reviewing signatures and/or somehow require an exact signature match. Those rumors are entirely false – no such plans were ever contemplated, let alone chosen. All reasonable efforts will be made to accept a signature and cure any discrepancies if they exist.**

At the outset, the City approaches this process with two core principles – first, that the City of Atlanta’s petition and referendum process is, by law and logic, expressly limited to only qualified electors of the City of Atlanta, and all Atlantans have an interest in ensuring that remains true. Second, that the City needs to take all reasonable steps to ensure that all of its qualified electors are permitted to participate in the process – the bottom line is that enfranchisement of the City’s qualified electors, and only those electors, is the ultimate goal.

No petitions have been submitted or filed with the City of Atlanta Office of the Municipal Clerk as of today, September 1, 2023. If petitions are filed, the Clerk’s office and the team authorized to be engaged by City Council on August 21, 2023, have developed a step-by-step verification process conducted by independent third parties to ensure a process that is fair, inclusive, and transparent. Once the petitions are filed, the Clerk’s

office will have a better sense of how long the tens of thousands of line submissions will take to review and verify, and how much that review and verification process will cost.

As a reminder, the process used by the Office of the Municipal Clerk will entail four (4) steps with the guiding principles of conducting the process in a manner that preserves the ability of the City of Atlanta's qualified electors to participate in the democratic process, maintains the integrity of the verification process, the accuracy of the results, and a commitment to transparency.

**1. Petition Intake Process.** When the petition is presented to Interim Municipal Clerk Waldon, she will affirmatively establish how many boxes of signature pages have been turned in, and seal them in front of the petitioners. She will then take the sealed boxes to a secure vault in the Clerk's office, where they will be kept secure until they are scanned.

**2. Scanning/Processing.** Once received, the boxes will be individually opened, and their contents scanned to create an electronic image of every page. While the petition pages that were issued have unique, sequential numbers on the bottom, The City does not presume that the petitioners will return them in perfect numerical sequence – there may be gaps, for instance, or overlap between the sequences present in different boxes. Accordingly, the review team will create individual designations for each page in each box, so that every page that is turned in will have a unique designation. The petitioners will be provided with a copy of those electronic images once they are created, and the Office of the Municipal Clerk will provide a full copy of the scanned documents to the media. Members of the public at large can request a digital copy through an email address which will be provided online. The review team will create a searchable database of all of the electors' names on the petition to permit individuals to determine whether their names are present. The originals will be kept secure.

**3. Review/Verification.** Once individually designated and scanned, the completed lines will be reviewed to determine a) whether the name and other information present identifies and corresponds to a qualified Atlanta elector, and if so, b) whether the signature is that of the unique elector. This will be a manual process, a line-by-line review, which will also include double-checking of each line and other quality control measures. The review will rely on the official state voter registration database. Petition lines that cannot be verified pursuant to this process will be listed by page and line, including exactly why any disqualified lines were deficient. Where a signature has been deemed Likely Not Genuine by unanimous agreement of two reviewers, those signatures will be flagged for notice to the purported signor and an opportunity to cure the signature deficiency.

**4. Public Comment/Inquiries.** To maintain the integrity of the verification process and consistent with prior City of Atlanta procedures and practices regarding petition verification, City staff and officials will not comment on the review once the verification

process begins, aside from providing the updates and notices described herein. Once the verification process is complete, all submitted pages will be available under the Georgia Open Records Act for the public and City personnel will resume dialogue.

### **Additional Detail**

Georgia law indicates a petition may only be validly signed by a person who was registered to vote as a City of Atlanta elector during the November 2021 municipal election and is still a resident elector of the City. Individuals for instance, who do not live in the City itself, despite having an Atlanta mailing address but are residents of another municipality or county, are not eligible electors and would be deemed invalid. In November of 2021, there were 388,205 active electors in the City, meaning that petitioners will need to establish that at least 58,231 of those City electors signed during the required time period to achieve the minimum 15% threshold.

- The first stage of the verification is determination of whether the information provided corresponds to that of an identifiable qualified elector. In other words, does the information provided permit the City to identify the person as a specific registered elector of the City as of November 2021 who still resides in the City, and is thus eligible to sign the petition.
  - The review team will publish a line-by-line analysis of each sheet, including why any disqualified lines were deficient. Following this initial review stage, the review team will reevaluate an individual's status if they come forward with evidence of their eligibility.
- For the second stage of the process, signatures will be reviewed by two reviewers, using available public records. A signature will only be flagged for notice and cure if both reviewers agree that it appears to be not genuine. If either reviewer believes that it could reasonably be the signature of the elector, it will be accepted.
  - The reviewers will use all readily available signature examples for individual electors, so that the reviewers should have multiple examples of a person's signature, including how it has changed over time.
  - The review will not require exact match of names. For example, Jane Q. Doe will not be selected for a potential cure if she signed the petition Jane Doe.
  - The standard for whether a signature will be flagged for notice and cure will be whether the reviewers unanimously believe there is evidence that the signature appears inauthentic when compared to all available specimens.
  - The reviewers will look to see if the major elements of the signature – both the size, shape, and orientation of the signature as a whole and the size, shape, and orientation of particular characters - could be that of the elector. An exact match with one of the multiple specimens is not required. A signature will not be

flagged for notice and cure unless all reviewers unanimously agree the major elements deviate significantly from all examples on file.

- If, after the second review, a signature is flagged for notice and cure, a notice and curative attestation will be mailed to the individual at the address listed on the petition, and the individual will be called, if a telephone number is listed, giving the individual multiple opportunities to cure and demonstrate by affidavit or by personal appearance that he/she/they are the individual listed and who signed the petition. This notice and cure process is consistent with current Georgia practice and law related to absentee ballot applications, which all involve signature verification.
- To ensure transparency and facilitate the cure process, the review team will publish a list of any signors whose signatures have been flagged for cure on Monday and Thursday after the Signature Verification Phase of review has begun. This additional step in the process was put in place to ensure that no one's intent to sign the petition is frustrated during this important process.
  - Within three (3) business days of posting any elector's name on such list, the review team will send that elector whose signature was flagged for cure a letter and call them (if a number is available).
  - A person will be permitted to return an attestation via mail, in person at City Hall, or electronically, i.e., by scanning it and emailing it back to the City.
  - The City will also accept attestations that are picked up from electors and returned to City Hall for them by third parties.

Once verification of the petition is complete and cure opportunities have been addressed, the findings and supporting documentation as discussed above will be reported to the Atlanta City Council for consideration and action.

(While some have claimed the verification process would include OCR-based exact match signature requirement, that is an inaccurate representation of the information and process which has been presented. The Clerk's office and the review team the City Council authorized the City Attorney to engage on August 22, 2023 have not considered and will not consider utilizing OCR *(Optical Character Recognition) in the review process at all, nor will the review require an exact signature match. All reasonable efforts will be made to accept a signature and cure any discrepancies if they exist.*)

## **Bios of Independent Team Members**

### **Foris Webb, III**

Foris Webb III is the Clerk Emeritus of the City of Atlanta. Retiring with 33 years of municipal experience he was the custodian of the City seal, legislative records, City

charter, City code and redistricting. Webb served under seven Atlanta Mayors, seven Council Presidents and ten City Councils. He also has professional experience within the judicial and legislative branches of government.

Serving on the Judicial side of government, he was the Deputy Director of Pretrial Services, providing services to the indigent, first offenders, Community Court and Drug Court prior to being certified as Municipal Clerk at the University of Georgia Carl Vinson Institute of Business.

Webb also served as the City of Atlanta as Elections Superintendent, responsible for qualifying candidates, validating petitions, candidate hearings and campaign disclosure filings.

### **Chris Sautter**

Chris Sautter is a nationally recognized election attorney, political media strategist, award-winning documentary filmmaker, and university professor.

For almost 40 years, Sautter has advised and produced media for dozens of Democratic candidates from coast-to-coast, including writing and producing Barack Obama's first campaign ads (see David Remnick's *The Bridge*). Sautter has also produced spots for the First American Education Project, a coalition of West Coast Native American tribes that helped elect U.S. Senator Maria Cantwell (D-WA), for EMILY's List, an organization dedicated to electing pro-choice women, and for the Democratic Congressional Campaign Committee. Sautter has won multiple Pollie Awards for creative excellence in political spots he has produced. His influence as a consultant was highlighted in a 1994 *Campaigns & Elections* magazine cover story entitled "Rising Stars: A Telescopic View of Emerging Kingmakers."

Sautter literally wrote the book on recounts. *The Recount Primer* (1994) that he co-authored with attorneys Tim Downs and Jack Young is considered the definitive guide to election disputes. His work on behalf of Al Gore in the 2000 Florida presidential recount was profiled in the *New Republic*, singled out by the late syndicated columnist Robert Novak, and praised by Jeffrey Toobin in his book *Too Close To Call*. Sautter served as a lead attorney in Al Franken's U.S. Senate 2008-9 recount in Minnesota. Jay Weiner, author of *This Is Not Florida: How Al Franken Won the Minnesota Recount*, pegged him "unquestionably the most experienced recount lawyer in the country," and "the go-to guy on the Franken recount legal team." Sautter has played a prominent role as lawyer and consultant in virtually every other major recount in the country for over three decades, including the 1989 recount on behalf of former Virginia Governor Doug Wilder (the first African American elected governor of a state since Reconstruction), the 1998 recount on behalf of U.S. Senator Harry Reid, and the 2018 statewide Florida recounts. Most recently he served on the legal team that helped Rep. Sheila Cherfilus-McCormick win a recount by 5 votes in the 2021 special primary election to replace the late Congressman Alcee Hastings in a South Florida congressional district.

Sautter has also directed and produced two award-winning feature length documentary films. *The King of Steeltown: Hardball Politics in the Heartland* (2001), an off-beat look at old-style machine politics in East Chicago, Indiana, won “Best Political Documentary” at the New York International Independent Film Festival. *So Glad I Made It* (2004) about a struggling singer songwriter living on the margins of the music industry won six top film festival awards and was named one of the Top 12 Rock Documentaries by GRAMMY Magazine. Sautter also wrote and produced three Obama videos that were screened in prime time at the 2012 Democratic National Convention in Charlotte.

Before starting his own consulting firm, Sautter worked with media consultant David Axelrod, who later became the chief political advisor to President Obama, and opened the first Washington office for Axelrod’s Chicago-based firm. Sautter served as a senior staff member on the presidential campaigns of Bob Kerrey and Paul Simon. He was the late Congressman Frank McCloskey’s (D-IN) top political aide and campaign manager in 1986 when McCloskey’s race was the number one congressional race in the country and worked on his 1984-85 recount eventually decided by four votes (see “The ‘Stolen Election’ That Poisoned American Politics. It Happened in 1984”, by Michael Kruse Politico, 1/6/23)

Sautter is an Adjunct Professor at American University, where he has taught courses on constitutional and election law for undergraduates in the government department and “The Recount Process” at American University’s Campaign Management Institute—the first college course for credit on election recounts in the country. He contributed a chapter on election law entitled “U.S. Elections on the Brink” to the book *Campaigns and Elections American Style* (2023) edited by American University Professors James Thurber and Candice Nelson. And, he co-authored a chapter entitled “Recounts: Two Decades After Bush v. Gore for America Votes: Challenges to Modern Election Law and Voting Rights” (2020) edited by Benjamin E. Griffith and John Hardin Young. Sautter has written opinion editorials for Roll Call, appeared on CNN, FOX News, and National Public Radio, written book reviews for various publications, and wrote columns for *Howey Politics Indiana*, named by the Washington Post as one of the best political blogs in the country. During the Clinton administration, he served as special counsel to the Democratic National Committee on campaign finance reform and to Democratic members of the U.S. House Administration’s Oversight Subcommittee on contested elections. Sautter is currently counsel to AUDIT-USA, a non-partisan non-profit organization dedicated to making elections transparent and publicly verified.

During the 2016 presidential election, Sautter served as an attorney for the Bernie Sanders for President campaign, directing voter protection activities. He also helped direct voter protection for the Hillary Clinton for President campaign in Miami, Florida during the 2016 general election campaign. In 2018, he worked as a recount attorney for the Florida Democratic Party in two constitutionally mandated statewide recounts—the U.S. Senate and Florida Agricultural races.

As an Indiana Legal Services lawyer in the late 1970's and early 1980's, Sautter successfully brought landmark cases in housing, prison, and civil rights law. Sautter is a graduate of Indiana University and Antioch School of Law.

### **Richard Bartolomei**

Richard Bartolomei holds a Bachelor's Degree in Political Science from the University of Chicago and a juris doctor from the University of Iowa College of Law. After college, Rich worked on multiple campaigns in his home state of Iowa and in Ohio for state and federal candidates. After law school, Rich practiced with a firm in Milwaukee, Wisconsin for a few years before launching his independent political consulting firm advising candidates on ballot access by petition, field operations, and campaign logistics.

### **Matthew Cain**

Matthew Cain holds a Bachelor's Degree in Political Science from Ohio University in Athens, OH. Matt brings a wealth of political and governmental experience to Great Lakes, having worked both in government and on campaigns in Ohio, Chicago, and Washington, DC. For the last several years, Matt has worked as a freelance political consultant, advising candidates, businesses and governments on petitions, ballot management and election administration.

Together, Rich and Matt have managed petition drives collecting over 250,000 petition lines for local candidates in and around Cook County, Illinois. The pair and their trained review staff have reviewed at least 500,000 petition lines across a variety of petitions, including local, state, and federal candidate petitions, and citizen-initiated referenda.

Matt and Rich were also privileged to manage staffing for a recent recount in Suburban DuPage County (Population 930,000). In 2020, DuPage County voters ousted incumbent Republican Bob Grogan from the County Auditor's office by a mere 75 votes, electing Democrat William "Bill" White. After the defeated Republican sought a recount, Rich and Matt assembled, trained, and managed on-site observers for Democrat Bill White. In a credit to both sides, the DuPage recount avoided any of the onsite acrimony widely observed during and after the 2020 election cycle.