

EXECUTIVE LEGAL ADVISORY OPINION

DIRECTIVE TO: Georgia House Blue Ribbon Study Committee on Election Practices and Procedures and the Georgia General Assembly

Committee Members: Rep. **Tim Fleming** (Chairman); Rep. **Victor Anderson** (Vice Chairman); Rep. **Martin Momtahan**; Rep. **Trey Kelley**; Rep. **Rob Leverett**; Speaker Pro Tempore **Jan Jones**; Rep. **Saira Draper**.

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SUBJECT: Constitutional Emergency in Election Administration – Compliance with Article I, Section 4 and 2 U.S.C. § 9

ENDING THE PRIVATIZATION OF VOTING: A STATE DUTY

The current theater of elections *with* assistive use of corporate electronic systems requiring that voters unconstitutionally e-sign (assign) their voter intent to a private corporation in state-administered federal elections **does not comply** with the Elections Clause of Article I, Section 4 of the United States Constitution or the Guarantee Clause of Article IV, Section 4. Contracts with third party electronic companies to receive, interpret, and thereby control the production of our *voter intent* violates every tenet of the Bill of Rights that protects *only* individual natural persons.

The statutory prescription in 2 U.S.C. § 9 requires that all votes for Representatives in Congress be *by written or printed ballot* or by duly authorized voting machine by State law. Electronic system devices are merely ancillary assistive technologies and do not constitute ‘voting machines’ within the meaning of state law, GA Supreme Court case precedence, or federal law. 52 U.S.C. § 21081. They are *not authorized to produce official results*.

The case of *Rhoden v. Athens-Clarke Brd of Elections*, has been omitted from the O.C.G.A. since the GA Supreme Court judgment on Oct. 19, 2020. Despite ruling on the matter, the Court conclusively held that elections are “*subject to statutory*

provisions governing the use of paper ballots.” This is a mandate to execute GA Election Code - 21-2-430 to 21-2-440 for Precincts Using Paper Ballots, which provide required compliance with parallel sections in Ga Code 21-2-493(c)(e)(g) for county certification. County certifications have lacked constitutionality since the Trojan Horse electronics arrived to usurp the sworn duties of all poll officers in March 2020. Subsequent state certifications mock-ups are also criminal submissions to the public record.

Georgia has no option to comply. Doing so will end the dark era of unconstitutional privatization of a core governmental function (voting), in violation of due process and equal protection under the 14th Amendment. It will reestablish constitutional Supremacy.

BACKGROUND

Constitutional Prescription

- a. Article I, Section 4, Clause 1 (Elections Clause): State legislatures prescribe the “Times, Places, and Manner” of holding elections for Senators and Representatives, but Congress retains the power to “make or alter such Regulations.”
- b. Article IV, Section 4 (Guarantee Clause): The United States guarantees to every State a Republican Form of Government.

Federal Statutory Requirement: 2 U.S.C. § 9: All votes for Representatives in Congress must be cast by written or printed ballot, or by a voting machine “the use of which has been duly authorized by the laws of the State.” Votes cast or recorded contrary to this provision are “of no effect.”

Georgia’s State Prescription

- a. The controlling statutory framework for paper-ballot elections is O.C.G.A. §§ 21-2-430 through 21-2-440, tracing back to Ga. Code 1863, § 1234.
- b. O.C.G.A. § 21-2-437 (Certifiable Count and Duly Certified Return of Votes): requires sworn poll officers to humanly and publicly count ballots by the caller-and-tallier method and certify returns.
- c. O.C.G.A. § 21-2-438: ballots marked by anything other than pen or pencil are void.
- d. The Georgia Supreme Court has held in *Rhoden v. Athens-Clarke County Board of Elections*, 310 Ga. 266 (2020), that elections remain “subject to statutory provisions governing use of paper ballots.”

Misinterpretation of O.C.G.A. § 21-2-300

a. While criminal state officials claim § 21-2-300(a) authorizes universal electronic elections, the statute explicitly states: elections may be conducted “*with* the use of scanning ballots marked by electronic ballot markers and tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in person, **unless otherwise authorized by law;**”

b. The “otherwise authorized” law is the Paper Ballot Constitutional and Federal Law Prescription (§§ 21-2-430 to 21-2-440), which continues to govern and preempts corporate electronic systems.

Certification Defects

a. O.C.G.A. § 21-2-493 prescribes only two lawful bases for county certification: returns from precincts using paper ballots, and returns from precincts using voting machines.

b. Georgia counties have never authorized voting machines.

Complex electronic workflows, e-signature poll pads, and corporate, irrelevant “result tapes” are outside the statutory prescription and therefore unconstitutional.

Result Tape Language Shift (2020–2024)

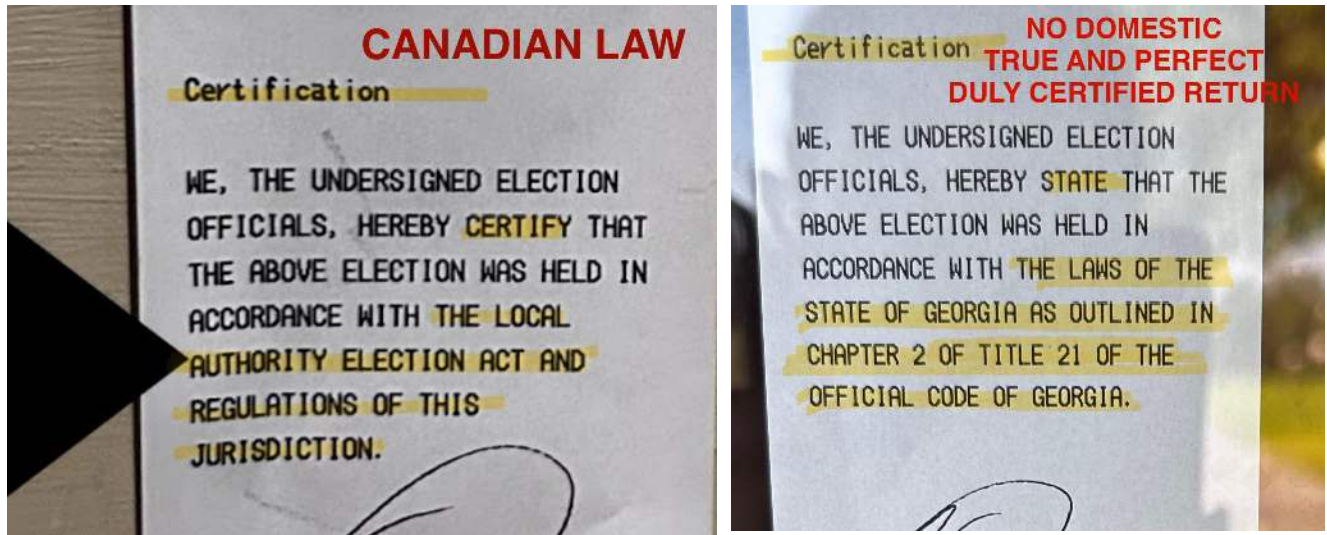
a. From March 2020 through November 2024, poll officers were forced to sign electronic “result tapes” stating:

“Certification: We the undersigned election officials, hereby certify that the above election was held in accordance with the local authority election act and regulations of this jurisdiction.”

b. Between November 5, 2024, and the June 17, 2025 statewide primary, this language was replaced with:

“... in accordance with the laws of the state of Georgia as outlined in Chapter 2 of Title 21 of the Official Code of Georgia.”

c. Both formulations are legally deficient: the first invokes foreign or non-legislative law, while the second compels poll officers to certify blanket compliance with all election statutes, an impossible and unauthorized act.



Images: Irrelevant and unofficial “Result Tapes” of Fair Precinct in Bulloch County, GA. They are fraudulent to use as official results. L - Nov. 5, 2024. R - Jun. 17, 2025.

This Transnational Criminal Concert has been allowed for years and ongoingly between state officials and foreign persons in Georgia and upwards of 28 states (AK, AZ, CA, CO, FL, GA, IL, IA, KS, LA, MA, MI, MN, MO, NV, NH, NJ, NM, NY, OH, PA, P.R., TN, VA, WA, WI, VT).

ANALYSIS

Supremacy of Federal Prescription

a. b. Under Article I, Section 4, federal law preempts inconsistent state practices. 2 U.S.C. § 9 requires written or printed ballots or duly authorized voting machines; corporate result tapes and electronic substitutes do not qualify.

State Law Conflict

a. Georgia’s paper ballot statutes (§§ 21-2-430–440) remain the effective controlling law, requiring hand-marked ballots and human counting.
b. O.C.G.A. § 21-2-300 does not repeal these provisions but expressly defers to them.

Violation of the Guarantee Clause

a. By coercing poll officers into corporate contracts and replacing human processes with electronic surrogates, Georgia and other states have displaced the people’s control of elections.
b. This violates the Guarantee Clause’s protection of republican government.

Ultra Vires Corporate Involvement

- a. Artificial entities such as Dominion Voting Systems, Inc. and KNOWiNK, LLC possess no constitutional rights to administer elections.
 - b. Under the nondelegation doctrine, core legislative and constitutional responsibilities—such as the conduct, certification, and accountability of elections—cannot be delegated to private corporations or foreign-controlled entities. Only duly sworn public officials, acting pursuant to state and federal law, may exercise these powers.
 - c. Concerted government and corporate imposition upon voters, including coerced e-signatures, is ultra vires, subversive, and unconstitutional.
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BALLOT ACCESS FRAUD

Unconstitutionality of Private Corporations Granting Ballot Access

Directive to the Committee: Immediately investigate and halt any delegation—formal or de facto—of ballot-access gatekeeping to **private corporations** purporting to act as “political parties,” including **Georgia Republican Party, Inc.** and **Democratic Party of Georgia, Inc.**

a. **Article I, § 4** vests election prescriptions in the **Legislature** (subject to Congress). Ballot access is a **sovereign regulatory function**; it **cannot** be transferred to private corporate boards.

b. **O.C.G.A. § 21-2-50(a)(2):** The **Secretary of State** must “examine and ensure the sufficiency of all filings” under the election code. By permitting **corporate entities** (with **secret, private boards**) to exercise ballot-access control without a **lawfully filed governing committee** recognized under Georgia law, the Secretary failed this statutory duty.

c. The **crime-and-fraud motion** filed in Fulton County further details national corporate structures—**DNC Services Corporation** and the **Republican National Committee** (converted into a D.C. nonprofit corporation)—that operate as private boards while **holding themselves out** as public “national committees,” thereby **subverting elections nationwide** through private governance unaccountable to Georgia law.

Conclusion for the Legislature: Corporate charter status and private boards are **incompatible** with the constitutional role of political parties as **associations of**

electors. Georgia must require **lawful governing committees** (not corporate boards) for any entity exercising ballot-access functions, with **full public transparency** and **statutory compliance**.

Georgia is “Land of Election Nothing” – Missing Requisite Accounting

Since the state’s forced county adoption of corporate electronic systems for the government-marketed Presidential Preference Primary Election of March 2020, Georgia elections have presented a void of lawful and requisite accounting:

- a. No lawfully qualified candidates, due to corporate seizure of political parties.
- b. No lawful voter registration list, with poll pads replacing statutory voter certificates.
- c. No official ballot to cast, as corporate summaries violate five prescriptive form mandates, including the barcoded defacement.
- d. No lawful casting of a ballot, since voters are coerced to submit false corporate documents.
- e. No ballot secrecy, because the statutory mandate of folding is prohibited and no official ballot exists to fold.
- f. No certifiable counting of votes, as poll officers are prevented from handling or counting ballots; critical sworn duties are prohibited.
- g. No elector’s choices on an official ballot, since intent is trapped inside unverifiable barcodes.
- h. No tally sheets or return sheets, preventing lawful county certification.
- i. No duly certified returns, eliminating the constitutional basis for election results.
- j. Foreign law intrusion, with poll officers coerced to sign unlawful and unofficial “result tapes” under Canadian law of the contract provider.

This is the systemic deprivation of lawful elections—a collapse of statutory accounting and certification that renders federal and state contests void ab initio. Such conduct also constitutes federal crimes, including violations of 18 U.S.C. §§ 241, 242, 1519, 1030 and 52 U.S.C. § 20511, where rights are conspired against, deprived under color of law, or where false certifications and unlawful electronic processes are substituted for lawful, statutory and duly certified election returns.

CONCLUSION

The use of any corporate electronic systems to replace official paper ballots and the sworn duties mandated to human poll officers is unconstitutional under:

1. Article I, Section 4 (Elections Clause),
2. Article IV, Section 4 (Guarantee Clause),
3. 2 U.S.C. § 9 (statutory mandate for federal elections), and
4. Georgia's own controlling statutes (O.C.G.A. §§ 21-2-430 to 21-2-440 and § 21-2-493).

Contracts that compel voters to surrender their constitutional intent to corporate devices are null and void ab initio. Certifications derived from “result tape” output or coerced electronic signatures are ultra vires and lack any lawful effect. This constitutes a national constitutional emergency: two consecutive presidential elections and multiple federal contests have been conducted under patently unconstitutional conditions. The resulting destabilization of the government of the State of Georgia and the United States cannot continue.

Immediate state and federal intervention is required to restore lawful, certifiable elections as prescribed by Congress and the U.S. Constitution, which is your sworn and SUPREME LAW.

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