

EXECUTIVE LEGAL ADVISORY OPINION

Amendment 2, as of November 8, 2025

DIRECTIVES 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. & Licensed Attorney **Trey Kelley**; Rep. & Licensed Attorney **Rob Leverett**; Speaker Pro Tempore **Jan Jones**; Rep. & Licensed Attorney **Saira Draper**.

SUBJECT: Constitutional Emergency in Election Administration - Must Comply with U.S. Constitution Art I, § 4, 2 U.S.C. § 9, and O.C.G.A. §§ 21-2-430 to 21-2-440

END THE PRIVATIZATION OF VOTING:

A STATE DUTY

The current theater of elections *with* 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 uphold the Guarantee Clause of Article IV, Section 4. Contracts with third party electronic companies to receive, interpret, and thereby control our *voter intent* violates every tenet of the Bill of Rights that protects *only* individual natural persons. It is unconstitutional for any artificial person (corporation) to exercise public jurisdiction in elections or to conduct state election functions.

Georgia has no option whether to comply. Doing so will end the dark era of unconstitutional privatization of a core governmental function, in violation of due process and equal protection under the 14th Amendment. It will reestablish constitutional Supremacy. Execution of Constitution and Law will end the egregious irreparable injuries to all Georgians - men and women of all races and statuses are **all** totally deprived.

As a legislator, you must uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and **never be a party to their evasion**. If your actions encourage the deprivation of fundamental voting rights by ultra vires acts, even those administratively ingrained, you invite personal and institutional liability for aiding and abetting constitutional violations under at least 42 U.S.C. § 1983 and §1985.

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 by **written or printed ballot**, or **voting machine** the use of which has been duly authorized by the State law; and all votes received or recorded contrary to this section shall be of **no effect**. (R.S. § 27; Feb. 14, 1899, ch. 154, 30 Stat. 836.) N.B. Intent is the J. H. MYERS. VOTING MACHINE. No. 415,549. Patented Nov. 19. 1889.

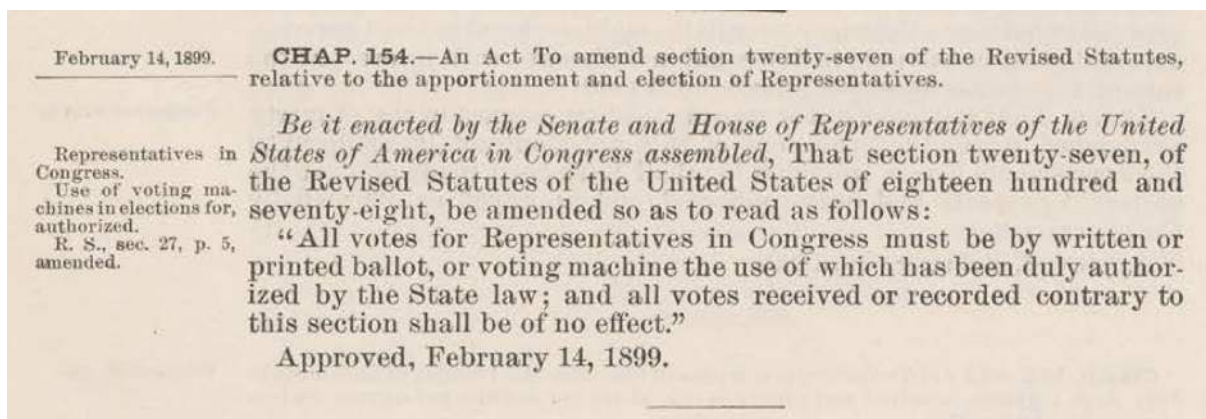


Image: The Congressional Record of the FIFTY-FIFTH CONGRESS. Sess . III. Chs . 152-155. 1899.

“The relative powers of the Congress and the States under this graph have been the subject of much discussion (I, 311, 313, 507, footnote); but Congress has in fact fixed by law the time of elections (I, 508; VI, 66; 2 U.S.C. 7), and has controlled the manner to the extent of prescribing **a ballot or voting machine** (II, 961; VI, 150; 2 U.S.C. 9).” *The Constitution*, art. 1, § 4, cl. 1. www.govinfo.gov.

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, for PRECINCTS USING PAPER BALLOTS** tracing back to Ga. Code 1863, § 1234. The following are Georgia’s voter intent laws:

1. O.C.G.A. § 21-2-435 (Procedure as to marking and depositing of ballots). (d) Before leaving the voting compartment, the elector shall fold his or her ballot, without displaying the markings thereon, in the same way it was folded when received by him or her. N.B. This maintains constitutional secrecy.

2. O.C.G.A. § 21-2-437 (Certifiable count and duly certified return of votes). (a) Poll officers, shall read aloud the names of the candidates marked or written upon each ballot, (b) When the vote cast for the different persons named upon the ballots and upon the questions, if any, appearing thereon, shall have been fully recorded in the tally papers and counted, the poll officers shall duly certify to the number of votes cast for each person and question and shall prepare in ink a sufficient number of general returns. N.B. Human count with ink tally accounting; human acts duly certified.

3. O.C.G.A. § 21-2-438 (Ballots identifying voter, not marked, or improperly marked declared void). (a) ballots marked by anything other than pen or pencil **are void**; (b) At elections, any ballot marked by any other mark than a cross (X) or check ([CHECKMARK]) mark in the spaces provided for that purpose **shall be void and not counted**. N.B. Writing stylus mark required by human hand.

b. The Georgia Supreme Court holds 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.” N.B. Technically, this has been the holding since 1863, with one exception - voting machines as defined in 1899 and their acceptance by referendum votes of the counties.

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

a. While ultra vires operating 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 Constitutional and Federal Law Prescription of O.C.G.A. §§ 21-2-430 to 21-2-440 for Elections by Official Paper Ballot, which continues to govern and preempts corporate electronic systems.

THEREFORE, 2 U.S. Code § 9 is the federal stabilizer to all Georgia elections and they MAY NOT be conducted with use of electronics. Electronics are PROHIBITED.

Certification Defects

a. O.C.G.A. § 21-2-493 prescribes only two lawful bases for county certification: returns from precincts using paper ballots (O.C.G.A. §§ 21-2-430 to 21-2-440), and returns from precincts using voting machines (O.C.G.A. §§ 21-2-450 to 21-2-457).

b. Georgia counties have never authorized voting machines by referendum.

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

Result Tape Language Shift (2020–2024)

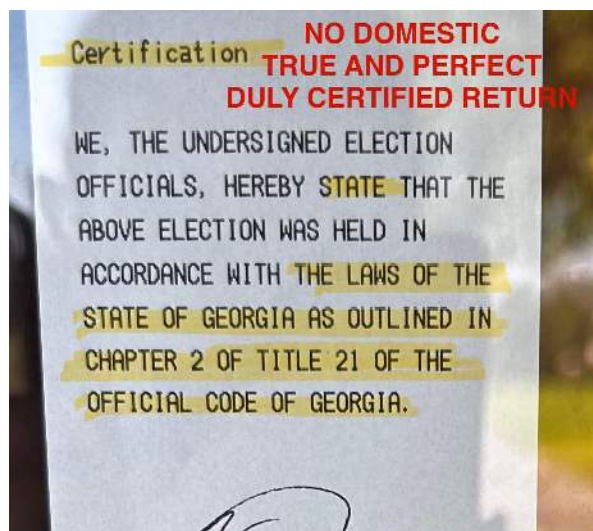
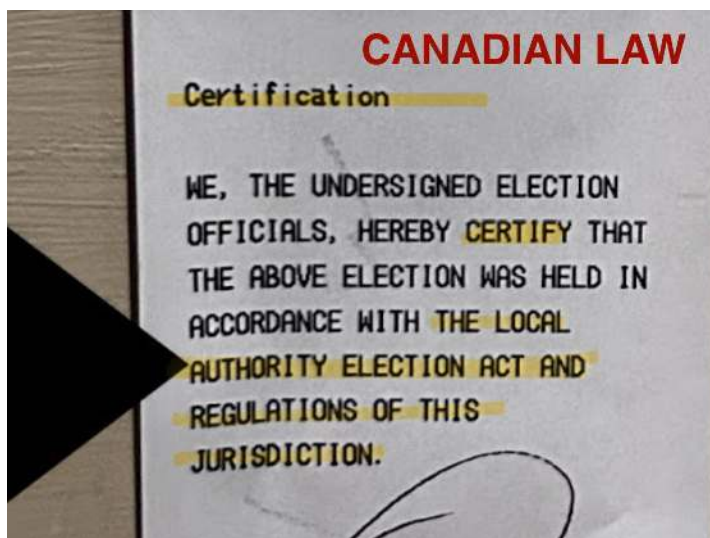
a. From March 2020 through November 2024, poll officers were forced to sign electronic “result tapes” stating:

“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.”

THEREFORE, 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. Fraudulent to substitute as official returns. 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).

Supremacy of Federal Prescription

- a. Under Article I, Section 4, federal law preempts inconsistent state practices.
- b. 2 U.S.C. § 9 requires written or printed ballots or voting machines that are properly requested by elector choice and funding referendum; 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 and controlling laws, requiring hand-marked official paper ballots and human counting.
- b. O.C.G.A. § 21-2-300(a) defers explicitly to the paper ballot statutes.

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.

The Help America Vote Act (HAVA): An Administrative Substitute, Not a Constitutional Prescription — *Application to Georgia*

A. HAVA's Mechanism and Its Inapplicability in Georgia

The **Help America Vote Act of 2002 (HAVA)**, codified initially at 42 U.S.C. § 15301 and now reclassified at 52 U.S.C. § 20901 et seq., **does not prescribe the constitutional “manner” of conducting federal elections.** Instead, it offered \$3.9 billion in conditional grants under Congress's Spending Clause authority to incentivize (bribe) states to “replace” *unconstitutional punch card systems and constitutionally prescribed lever voting machines (defined in The Act).*

The Act introduced the novel and undefined term “*voting system,*” fundamentally departing from the existing federal prescription under **2 U.S.C. § 9**, which **only authorizes** federal election voting by:

- **written or printed paper ballots**, or
- **voting machines** (lever) whose use is “*duly authorized by State law.*”

HAVA does not override this statutory mandate. It substitutes federal funding for voluntary adoption of electronic systems that remain outside the lawful definitions of “voting machines” under Georgia law and the U.S. Code. It was a means of subverting the government of the United States by replacing the ballot box and constitutionally prescribed voting machines.

B. Georgia's Express Legal Definitions and Prohibitions

Georgia Code § 21-2-2(40) defines a “**voting machine**” as:

“a mechanical device on which an elector may cast a vote and which tabulates those votes by its own devices and is also known as a ‘lever machine.’”

This definition **does not encompass** electronic direct-recording devices (DREs) or proprietary corporate systems such as Dominion Voting Systems.

Conducting elections exclusively on electronics at the polls—without official paper ballots or lawful voting machines—violates § 21-2-300(a) because paper ballots are otherwise prescribed not only by state law, but also 2 U.S.C. § 9.

Therefore, electronics are also prohibited under Article I, Section 4 of the U.S. Constitution.

The use of **unauthorized electronic output**, even if later signed by poll officers or certified by state actors, cannot elevate its constitutional status or substitute for a method of voting not duly authorized. Prescriptions pre-empt.

C. The Problem of “Unofficial” Output and EAC Guidance

The U.S. Election Assistance Commission (EAC), in its Decision 2012-02 regarding voting systems with telecommunications transmission capabilities, refused to define the term “official results”, stating instead:

“The distinction between official and unofficial results is procedural, not technical... The EAC cannot enforce the distinction... election jurisdictions using the voting system ultimately decide.”

This **abdication of constitutional duty by a federal agency** has enabled false representations that state officials or jurisdictions may elevate non-ballot digital outputs to “official votes,” in clear violation of:

- the constitutional manner prescription of 2 U.S.C. § 9
- Georgia’s statutory framework governing official ballots and returns

Georgia law does not allow electronic data output to become “votes” through discretion or procedure. Official signing of the output is also of no effect.

D. Summary Implications for Georgia

- HAVA’s funding structure coerced Georgia into contracts with private vendors to acquire systems that do not meet the lawful definition of “voting machines” consistent with 2 U.S. Code § 9 and O.C.G.A. § 21-2-2(40).
- Georgia’s substitution of electronic systems was not preceded by voter referendum as required under O.C.G.A. § 21-2-333, thus nullifying any claim of lawful authorization.
- Paper ballots under § 21-2-430 to § 21-2-440 remain the only unbroken statutory and constitutional method of lawful voting in Georgia.
- The constitutional relationship at the polls—between the certified elector and sworn poll officers—is displaced when an artificial corporate device performs a gatekeeping role for the vote.

- The resulting false “election” system violates state law, federal law, and fundamental electoral rights protected by Art IV § 4 (Guarantee Clause) and the First and Fourteenth Amendments

BALLOT ACCESS FRAUD - *Candidacy Masquerade*

Unconstitutionality of Private Corporations Granting Ballot Access

Directive to the Secretary of State and Committee: Immediately investigate and halt any delegation—formal or de facto—of ballot-access granting to private corporations purporting to act as “political parties,” including Georgia Republican Party, Inc. and Democratic Party of Georgia, Inc. The entities are acting as subversive organizations.

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 denies Georgians a registered and lawfully filed political party governing committee recognized under Georgia law; the Secretariat has failed since 2014.

c. **DNC Services Corporation** and the **Republican National Committee** (converted into a like-named D.C. private corporation on April 8, 2022)—operate as private boards while holding themselves out as political party associations of persons united in viewpoint. This subverts elections nationwide through private governance and acting with unconstitutional public jurisdiction in elections.

Corporate charter status and private boards are constitutionally **incompatible** with the statutory role of political parties as **associations of electors**. Georgia must execute the requirement of **lawful governing committees** (not corporate boards, officers, or their agents) for an association exercising ballot-access functions, with full public transparency and statutory compliance. Anyone willfully continuing corporate control is a subversive person by state law.

GEORGIA IS “LAND OF ELECTION NOTHING” – *Missing Requisite Accounting*

Georgia citizens are denied a constitutionally established government. Since 2002, when the state government forced all counties to adopt Diebold’s Direct Recording Electronics for 17 years of unconstitutional elections, followed by the furnishing and subsequent forced adoption of Dominion’s Electronic System beginning with the Presidential Preference Primary Election of March 2020, constitutional elections have not occurred in Georgia. Citizens are continuing to endure a deceptive and seditious scheme against their own fundamental rights under the color of state and federal law, including, but not limited to:

- a. No lawfully qualified candidates, due to corporate seizure of registered political parties. (GRP, Inc. since 2014; DPG, Inc. since circa 2020).
- 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 government-caused systemic deprivation of lawful representation—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. Georgia appears addicted to fraud.

CONCLUSION

The use of corporate electronic systems to **replace official paper ballots** and **supplant the sworn duties** of human poll officers at Georgia polling places is not merely a technical deviation — it is a **comprehensive constitutional violation**. Such systems are **unlawful and void** under:

1. Article I, Section 4 – Elections must follow a prescribed manner set by Congress; 2 U.S.C. § 9 is the operative statute, authorizing only paper ballots or voting machines (i.e., mechanical lever machines) lawfully approved by state statute.
2. Article IV, Section 4 (Guarantee Clause) – Georgia is guaranteed a republican form of government, which cannot exist when corporate devices supplant the sovereign act of voting.
3. 2 U.S.C. § 9 – Mandates all federal elections be conducted by written or printed ballot or duly authorized mechanical voting machines — a requirement not displaced by federal funding schemes.
4. Georgia’s controlling election statutes, including:
 - O.C.G.A. §§ 21-2-430 to 21-2-440 (paper ballot election procedures),
 - O.C.G.A. § 21-2-300(a) (prohibits use of electronics), and
 - O.C.G.A. § 21-2-321 (requiring referenda to move from elections by paper ballot to lever voting machines, which is the only other constitutional method)

Any contract, policy, or regulation that coerces voters into surrendering their constitutional voting intent to corporate intermediaries—whether called “voting systems,” “DREs,” or “electronic pollbooks”—is null and void ab initio. These devices cannot constitutionally determine, record, or tabulate voter intent in Georgia.

Moreover, result tapes, electronic tallies, and digitally manipulated outputs, even when signed by poll workers or “certified” by state officials, are not and cannot become constitutionally valid votes. The manner of voting is a legal prescription that cannot be waived by administrative policy or redefined by contract or funding incentive.

The fraudulent pretense that federal funding under HAVA authorizes such systems is legally and morally indefensible. Thousands of federal, state, and local elections across Georgia have been conducted under an illegitimate manner, inflicting broad systemic injury and denying Georgia citizens their constitutional franchise.

This widespread and prolonged usurpation now demands urgent executive and judicial redress:

- An Executive Order should be issued immediately to suspend use of unlawful systems and restore lawful voting methods per state and federal law.
- An Executive Order should be issued immediately to suspend the ballot access of any private corporation masquerading as a political party association.
- Georgia's elections must be restored to comply with the paper ballot mandate under both Georgia Code and 2 U.S.C. § 9, or be deemed invalid.
- The people's relationship with their government must be restored, with the sworn duties of poll officers reinstated, free from corporate interference.

The entire perpetuity of representative government in Georgia now hinges on correcting this course as our government is currently illegitimate under the U.S. Constitution, which is not just a source of our heritage and principles, but is our Supreme Law to which you are bound to adhere.

The Georgia House Special Committee on Election Integrity has No Discretion Whether to Make Only Constitutional Recommendations in Accordance with the Plain Meaning of the Law. Superfluous and Inapplicable Enactments that Fail to be Subject to Stated Higher Governances are of No Authority. Willful Negligence in these Matters Constitutes Continued Contempt of the U.S. Constitution and may be Considered Rebellion Against the Supreme Law-Giver, God Himself.

A Copy of this Advisory Opinion is Being Distributed Broadly for Accountability.

AUTHOR: *Sarah E. Thompson, Law Student in Compliance, Liberty University; U.S. Veteran Military Officer; Military Spouse of Retiree Naval Officer; Georgia Constitutional Advocate and Collaborator; Pro Se Litigant; Mother of Four; Injured by Corporate and Government Coercion to Participate in Federal Crime to "Vote"; freedomwinsusa@protonmail.com; contact phone: 803-702-0387.*