

**BEFORE THE STATE COMMITTEE ON APPEALS
GEORGIA REPUBLICAN PARTY**

IN RE: *
APPEAL OF FULTON COUNTY *
REPUBLICAN CONVENTION *

**PROPOSED RECOMMENDATION TO THE STATE COMMITTEE OF
THE GEORGIA REPUBLICAN PARTY**

The State Committee on Appeals, having considered the above-captioned matter, issues the following Recommendation:

Procedural History

The Fulton County Republican Convention convened on April 17, 2021. An election was conducted for Chairman pursuant to Fulton County Republican Party Rules and the Rules of the Georgia Republican Party, Inc. Multicolored chips were used in lieu of ballots. The results of the election for Chairman was 167-164 in favor of Trey Kelly, the incumbent Chairman. Upon declaring Trey Kelly the winner, Nate Porter, a delegate to the Convention, challenged the result on the basis that the total vote count of 331 was in excess of the total number of credentialed delegates, 330. The Convention Chairman took notice of this and announced that even after discarding the one illegal vote that the outcome of the election was not changed and therefore Trey Kelly was the duly elected Chairman. Whereupon a Motion was made to call another election which passed the Convention. Susan Opraseuth was the winner of the second election. Trey Kelly timely appealed pursuant to Rule 9.9 of the Rules of the Georgia Republican Party, Inc., the declaration of the Convention that Susan Opraseuth was the Fulton County Chairman to the Fifth Congressional District Republican Party of Georgia. The Fifth Congressional District Republican Party of Georgia held a hearing and following deliberation voted 8-0-2 to grant Trey Kelly's appeal and held that he was properly elected Chairman of the Fulton County Republican Party. Susan Opraseuth timely appealed that decision to the State Committee on Appeals as provided for in Rule 9.9 of the Rules of the Georgia Republican Party, Inc. The State Committee on Appeals has reviewed all of the relevant elements of the record, including the appeal documents submitted by both parties as well as the video of the hearing conducted by the Fifth Congressional District Republican Party of Georgia and makes the following findings and recommendations.

Findings

There are equitable issues with the conduct of both the first and second elections that make simply declaring a winner an impossibility.

It is undisputed that there was an extra vote cast in the first election. Between that irregularity, the presence of two multicolored chips that were not assigned to either candidate, and the ensuing confusion, there is a cloud over the conduct and result of the first election that cannot be resolved by this Committee.

The second election was called after a chaotic interval where the question of whether the Convention could reconsider its action in the first election and start the process over again using the same method of voting. It is undisputed that at least 45 minutes transpired between the raising of the irregularity in the first election and the commencement of the second election. Since Trey Kelly was announced twice as the duly elected Chairman by the Convention Chairman following an election it is a safe assumption that many delegates chose to leave the Convention, believing they had concluded their duty with regard to voting for Chairman. In fact the second election had at least 10 fewer votes than the first election. There was again the use of the multicolored chips in lieu of actual ballots which added to the confusion. All of these factors similarly create a cloud over the second election that cannot be resolved by this Committee.

It is indisputable that the use of multicolored chips in lieu of ballots was an enormous mistake that creating confusion that led to this entire controversy. No Republican Party organization should use this method of voting in the future and a best practice would be to consult with other Republican organizations if planning to depart from ordinary and well recognized methods of conducting elections.

The significant publicity that has been generated regarding the use of multicolored chips in lieu of ballots and the accompanying controversy surrounding this election has irrevocably tainted the results of both elections, and if this Committee were to recommend simply picking between these two elections, the named winner would labor under a cloud of controversy that would persevere during their entire term of office.

Recommendations

I. The Decision of the Fifth Congressional District Republican Party Shall Be Vacated Entirely

It is unclear if appropriate procedures were followed by the Fifth Congressional District Republican Party regarding the body that was convened to decide the appeal. Therefore their decision should be vacated entirely.

II. The Georgia Republican Party should conduct another election for the office of Chairman of the Fulton County Republican Party

The Georgia Republican Party should set an election for the office of Chairman of the Fulton County Republican Party to be held at the offices of the Georgia Republican Party, Inc. on Saturday, June 12, 2021, from 9:00 A.M. until 5:00 P.M. Eligible voters will be those certified delegates and elevated alternates present and entitled to vote at the April 17, 2021 Fulton County Republican Convention. (A copy of the list should be circulated to each party for agreement prior to notification of eligible voters.) Staff of the Georgia Republican Party will verify the identity of Fulton County delegates by reviewing photo identification acceptable under Georgia law for the conduct of state elections. Upon presenting themselves to vote and their identity being verified, a ballot shall be issued for the delegate to mark and turn in to the staff member. The conduct of this election will be supervised by an accounting firm to be selected by the State Committee. Immediately upon the closure of the poll, a count shall be conducted by personnel from the aforementioned accounting firm. Each candidate shall have the right to have a representative present for the counting of ballots. The results shall be announced and transmitted immediately to all parties following confirmation of the result.

III. The Office of Chairman of the Fulton County Republican Party Shall Be Declared Vacant During the Pendency of the Election

While the election is pending and until a winner is officially declared, the Office of Chairman of the Fulton County Republican Party shall be declared vacant and the First Vice Chairman of the Fulton County Republican Party shall be temporarily vested with the authority of the Chairman until a winner of the election is officially declared pursuant to this recommendation.

IV. Rule 11.8 of the Fulton County Republican Rules Should Be Amended Immediately

A great deal of the confusion in this matter is the result of the poorly worded Rule 11.8 of the Fulton County Republican Party Bylaws that allows any rule to be suspended upon a majority vote of any meeting. It should be amended to prevent the recurrence of this problem in the future by deleting the following language: “or (3) a majority vote of the applicable County Convention, Mass Meeting or committee.”

V. The Fulton County Republican Party Shall Bear All Costs Related To The Conduct of This Election

The Fulton County Republican Party which is, after all, responsible for the conduct that has led to this appeal, should pay for all costs associated with the conduct of this election, including but not limited to all invoices of the accounting firm chosen to assist in the conduct of the election.

Conclusion

This Recommendation is submitted to the State Committee of the Georgia Republican Party, Inc. pursuant to Rule 6.3 and Rule 9.9 of the Rules of the Georgia Republican Party, Inc.

This 21st day of May, 2021.

STATE COMMITTEE ON APPEALS

Travis Bowden
Josh McKoon
Binford Minter
Shawn Still
John White, Chairman