June 28, 2012

Brian P. Kemp  
Georgia Secretary of State  
214 State Capitol  
Atlanta, Georgia 30334

The Honorable Sam Olens  
Office of the Attorney General  
40 Capitol Square SW  
Atlanta, GA 30334

Re: Referendum T- Splost Issue  
July 31, 2012 Election

Gentlemen;

We have been retained to represent the Transportation Leadership Coalition, Jack Staver, chairman, which is a grass roots organization committed to educating the public generally as to the pros and cons of the above referenced referendum. Attached is, as best we can understand, the final version of the ballot for the July 31, 2012 election. The enclosure is the ballot for Cobb County but we are reliably informed that the language as to Referendum 1 is the same for all ballots statewide.

You will note that in compliance with O.C.G.A. 48-8-244 the authorized ballot text appears verbatim as follows:

“( ) YES Shall Cobb County’s transportation system and the transportation network in this region and the state be improved by providing for a 1 percent special district transportation sales and use tax for the purpose of transportation projects and programs for a period of ten years?”

However, additional language appears directly above the statutorily authorized language as follows:

“Provides for local transportation projects to create jobs and reduce traffic congestion with citizen oversight.”
In responding to a recent inquiry to Secretary of State Kemp as to the parentage of this odd language, he responded to an email inquiry on June 19 as follows:

“Frankly, I knew I would be criticized regardless of what we put on the ballot. I decided to go with the option I believe to be the most transparent and straightforward. The wording ended up being similar in most regions, but what I ultimately used was requested in writing by the round tables”.

Secretary Kemp’s general counsel Mr. Russo, further responded to this issue in an email:

“Thank you for the email, and I hope you are doing well too. All constitutional amendments and other questions placed on the ballot include a preamble. The language in the preamble is referenced in TIA, and it does not constitute electioneering or fall within O.C.G.A. 21-2-413 (d). Thanks again for contacting me about this, and I will make sure to pass your email.

Vincent R. Russo,
General Counsel.”

Mr. Russo at least appeared to be of the opinion that this was a constitutional amendment which, of course, it is not. He concluded without citation that “all other questions placed on the ballot include a preamble”. Secretary of State Kemp concluded that the preamble “is referenced in the original legislation”. Nowhere does that language appear in O.C.G.A. 48-8-240 et. seq. To the contrary, the ballot language was specifically directed by the legislature as noted above.

We would very much appreciate the earliest possible explanation as to the following:

1. Who drafted the introductory language?
2. Under what authority is it claimed that that language may be placed on the ballot?
3. Were private concerns involved in the preparation and submission of this language?
4. The identity of such private entities.

Concurrently herewith we are submitting a Freedom of Information Act request regarding these issues. Thank you for your kind cooperation.

Yours very truly,

[Signature]

W. Pitts Carr
OFFICIAL ABSENTEE/PROVISIONAL/CHALLENGED BALLOT
OFFICIAL DEMOCRATIC PARTY PRIMARY AND NONPARTISAN GENERAL ELECTION BALLOT
OF COBB COUNTY OF THE STATE OF GEORGIA
JULY 31, 2012

To vote, blacken the Oval (■) next to the candidate of your choice. To vote for a person whose name is not on the ballot, manually WRITE his or her name in the write-in space provided, then blacken the corresponding Oval (■) next to the write-in space for that race. If you choose to vote YES or NO for a PROPOSED QUESTION, blacken the corresponding Oval (■). Use only blue or black pen or pencil.

Do not vote for more candidates than the number allowed for each specific office. Do not cross out or erase. If you erase or make other marks on the ballot or tear the ballot, your vote may not count.

If you change your mind or make a mistake, you may return the ballot by writing “Spoiled” across the face of the ballot and return envelope. You may then mail the spoiled ballot back to Cobb Elections, and you will be issued another official absentee ballot. Alternatively, you may surrender the ballot to the poll manager of an early voting site within Cobb County or to the precinct to which you are assigned. You will then be permitted to vote in person.

*Remember that the offer or acceptance of money or any other object of value is to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law (O.C.G.A. 21-2-211(a), 21-2-212(a) and 21-2-213(b)).

Notice to Voters
This Sample Ballot contains all races in Cobb County, including races that you personally may not be eligible to vote for.

To determine your correct JURISDICTION you should refer to your Voter Precinct Card or go to www.sos.georgia.gov/MVP

For State Representative in the General Assembly from the 53rd District
(Vote for One)
☐ JASON ESTEVES
☐ SHEILA JONES
☐ ROBERT PATILLO

For State Representative in the General Assembly from the 61st District
(Vote for One)
☐ BILL BOLTON
☐ ROGER BRUCE
☐ GREGORY B. GILSTRAP

For Sheriff
(Vote for One)
☐ LISA CLAPI
☐ MONICA DELANEY
☐ RUTH E. NEGRO
☐ MICHAEL RHETT
☐ CONNIE TAYLOR
☐ WOODY THOMPSON

For Cobb County Commissioner District 4
(Vote for One)
☐ USA CLAPI
☐ MONICA DELANEY
☐ RUTH E. NEGRO
☐ MICHAEL RHETT
☐ CONNIE TAYLOR
☐ WOODY THOMPSON

For Cobb County School Board District 3 Term 4 Years
(Vote for One)
☐ BOBBY J. ALLEN
☐ KARYN A. HARRISON
☐ DAVID MORGAN

For Cobb County School Board District 7 Term 4 Years
(Vote for One)
☐ ALISON BARTLETT

For Public Service Commissioner (To Succeed Chuck Eaton)
(Vote for One)
☐ STEPHEN OPPENHEIMER

For U.S. Representative in 113th Congress from the 6th Congressional District of Georgia
(Vote for One)
☐ JEFF KAZANOW
☐ ROBERT MONTIGEL

For U.S. Representative in 113th Congress from the 10th Congressional District of Georgia
(Vote for One)
☐ PATRICK THOMPSON

For U.S. Representative in 113th Congress from the 13th Congressional District of Georgia
(Vote for One)
☐ DAVID SCOTT

For State Senator from the 6th District
(Vote for One)
☐ DOUG STONER

For State Senator from the 33rd District
(Vote for One)
☐ STEVE THOMPSON

For State Senator from the 38th District
(Vote for One)
☐ REGINALD CROSSLEY
☐ HORACENA TATE

For State Representative in the General Assembly from the 37th District
(Vote for One)
☐ DIANA L ECKLES
☐ JUSTIN ODuell
☐ MICHAEL SMITH

For State Representative in the General Assembly from the 38th District
(Vote for One)
☐ ALISHA THOMAS MORGAN
☐ ANNE TAYLOR

For State Representative in the General Assembly from the 39th District
(Vote for One)
☐ AISHA THOMAS MORGAN
☐ ANNE TAYLOR

For State Representative in the General Assembly from the 41st District
(Vote for One)
☐ DIANA L ECKLES
☐ JUSTIN ODuell
☐ MICHAEL SMITH

For State Representative in the General Assembly from the 42nd District
(Vote for One)
☐ STACEY EVANS

For State Representative in the General Assembly from the 46th District
(Vote for One)
☐ KEVIN "BIG KEV" WESTPHAL

TURN BALLOT OVER TO CONTINUE VOTING

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OFFICIAL ABSENTEE/PROVISIONAL/CHALLENGED BALLOT
OFFICIAL DEMOCRATIC PARTY PRIMARY AND NONPARTISAN GENERAL ELECTION BALLOT
OF THE COBB COUNTY OF THE STATE OF GEORGIA
JULY 31, 2012

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I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or set of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law: (OCF 21-2-304(a), 21-2-255(a) and 21-2-316(d)).

DEMOCRATIC PARTY QUESTIONS

1 - Should the Georgia Constitution be amended to allow the state to override locally-elected school boards' decisions when it comes to the creation of charter schools in your county or city?

☐ Yes
☐ No

2 - Do you support ending current practice permitting unlimited gifts from lobbyists to state legislators?

☐ Yes
☐ No

3 - Should Georgia adopt an income tax credit for home energy costs to support the economic security of our families?

☐ Yes
☐ No

4 - Should Georgia reduce sales taxes on made in Georgia products so as to support the growth of small businesses in our state?

☐ Yes
☐ No

NONPARTISAN GENERAL ELECTION

For Judge, Court of Appeals of Georgia (To succeed Keith Blackwell) (Vote for One)

☐ KEITH R. BLACKWELL (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Adole Grubbs) (Vote for One)

☐ ADOLE GRUBBS (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Michael P. Boggs) (Vote for One)

☐ MICHAEL P. BOGGS (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Stephen Louis A. Dillard) (Vote for One)

☐ STEPHEN DILLARD (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed John J. Ellington) (Vote for One)

☐ JOHN J. ELLINGTON (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed M. Yvette Miller) (Vote for One)

☐ M. YVETTE MILLER (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Herbert E. Phipps) (Vote for One)

☐ HERBERT Phipps (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Reuben Green) (Vote for One)

☐ REUBEN GREEN (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Hugh P. Thompson) (Vote for One)

☐ HUGH P. THOMPSON (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit (To succeed Mary E. Staley) (Vote for One)

☐ MARY E. STALEY (Readers

☐ Write-in

For Judge, Superior Court of the Cobb Judicial Circuit, Post 1 (Vote for One)

☐ MELODIE CLAYTON (Readers

☐ Write-in

For Judge of State Court of Cobb County, Post 1 (Vote for One)

☐ MELODIE CLAYTON (Readers

☐ Write-in

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<tr>
<th>NONPARTISAN GENERAL ELECTION</th>
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</thead>
<tbody>
<tr>
<td>For Judge of State Court of Cobb County, Post 2 (Vote for One)</td>
</tr>
<tr>
<td>☐ MARIA GOLICK (Incumbent)</td>
</tr>
<tr>
<td>☐ Write-In</td>
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<tr>
<th>SPECIAL ELECTION Referendum 1</th>
</tr>
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<tbody>
<tr>
<td>Atlanta Regional District T-SPLLOST (Vote for One)</td>
</tr>
<tr>
<td>Provides for local transportation projects to create jobs and reduce traffic congestion with citizen oversight. Shall Cobb County's transportation system and the transportation network in this region and the state be improved by providing for a 1 percent special district transportation sales and use tax for the purpose of transportation projects and programs for a period of ten years?</td>
</tr>
<tr>
<td>☐ YES</td>
</tr>
<tr>
<td>☐ NO</td>
</tr>
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<table>
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<th>SPECIAL ELECTION</th>
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<tbody>
<tr>
<td>Cobb County Sunday Alcohol Sales (Vote for One)</td>
</tr>
<tr>
<td>Shall the governing authority of Cobb County, Georgia be authorized to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?</td>
</tr>
<tr>
<td>☐ YES</td>
</tr>
<tr>
<td>☐ NO</td>
</tr>
<tr>
<td>Marietta City Council Ward 4 (To Fill the Unexpired Term of Van Pearberg, Resigned Term Ending 12/31/2013) (Vote for One)</td>
</tr>
<tr>
<td>☐ ANDY MORRIS</td>
</tr>
<tr>
<td>☐ PATI PEARBERG</td>
</tr>
<tr>
<td>☐ Write-In</td>
</tr>
<tr>
<td>Marietta School Board Ward 1 (To Fill the Unexpired Term of Logan Weber, Resigned Term Ending 12/31/2013) (Vote for One)</td>
</tr>
<tr>
<td>☐ BRETT C. BITNER</td>
</tr>
<tr>
<td>☐ Write-In</td>
</tr>
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June 28, 2012

Mr. Brian P. Kemp
Georgia Secretary of State
214 State Capitol
Atlanta, Georgia 30334

Re: Freedom of Information Action Request Pursuant To Secretary of State

Dear Mr. Kemp;

We have been retained to represent the Transportation Leadership Coalition, Jack Staver, chairman, which is a grass roots organization of Georgia citizens committed to educating the public generally as to the pros and cons of Referendum 1 on the July 31, 2012 ballot. This is submitted pursuant to O.C.G.A. 50-18-70 on behalf of the Transportation Leadership Coalition, Jack Staver, a citizen of Georgia, and on my behalf, I also being a citizen of the State of Georgia.

This request addresses the following language appearing on the ballot regarding special election referendum 1: “provides for local transportation projects to create jobs that reduced traffic congestion with citizen oversight”.

The documents requested are as follows:

1. Each writing including email or other correspondence by the Secretary of State, or those acting on his behalf, regarding the above referenced language being placed on the ballot;

2. All correspondence to Secretary Of State, Brian P Kemp, or anyone acting on his behalf, regarding the above referenced language being placed on the ballot;

3. Any documents in the possession of the Secretary Of State, or those operating on his behalf, that addresses the legal authority for including such language on the ballot.

Yours very truly,

W. Pitts Carr

WPC/amg