



SENT VIA EXPRESS MAIL

December 3, 2020

Office of Brad Raffensberger
Georgia Secretary of State
Chairperson, State Election Board
214 South Capitol
Atlanta, Georgia 30334

Mrs. Rebecca N. Sullivan
Vice Chair, State Election Board
200 Piedmont Avenue SE
Suite 1804, West Tower
Atlanta, GA 30334-9010

Re: Administrative Complaint Against New York State Resident Andrew Yang seeking to register to vote in Georgia

This administrative complaint is being filed with the Office of the Secretary of State and the State Board of Elections of Georgia. Due to unprecedented interest in the two run-off Senate elections in the State of Georgia on January 5, 2021, multiple individuals, organizations, and other entities are attempting to falsely register to vote in the State of Georgia.¹ The United States Justice Foundation is a charitable organization that, among other purposes, is dedicated to election integrity, and brings this complaint to alert the aforementioned Offices of the continued, public

¹ <https://www.foxnews.com/politics/voter-group-founded-by-stacey-abrams-under-investigation-seeking-out-of-state-dead>.

declarations of a resident of New York of his intention to temporarily move to, register to vote, and illegally vote in Georgia.

Within Chapter 2 - Elections and Primaries Generally, Title 21 – Elections of the Georgia Code is Section 217 – Rules for Determining Residence. In Georgia, the residence of a person desiring to register to vote is determined by “that place in which such person’s habitation is fixed” GA Code § 21-2-217(1). Additionally, “a person shall not be considered to have gained a residence in any county or municipality of this state into which such person has come for temporary purposes only without the intention of making such county or municipality such person’s permanent place of abode” GA Code § 21-2-217(3).

Andrew Yang, former Democratic presidential candidate, is a natural person who resides in New York County, New York, and is registered to vote in the state of New York. After the November 3, 2020 presidential election, Mr. Yang publicly declared to numerous media outlets that he intends to move to Georgia for the sole purpose of voting to elect the candidates of his preference to the United States Senate.² He additionally encouraged others to move to Georgia prior to state registration deadlines for the run-off elections, for the sole purpose of registering to vote, and to vote, for his two favored candidates for Senate. He said, “It’s the only way to sideline Mitch and give Joe a unified government.” “There isn’t much time. The earliest date for absentee ballots to be mailed for the runoff is Nov. 18. The registration deadline is Dec. 7. The In-person early voting begins Dec. 14.”³ In an “Instagram Live” chat with media personality Katie Couric on November 18, 2020, Mr. Yang reiterated his intention to move to Georgia for the purpose of supporting

² <https://thehill.com/homenews/campaign/525115-andrew-yang-moving-to-georgia-to-help-democrats-win-senate-runoffs>.

³ <https://justthenews.com/politics-policy/elections/andrew-yang-democrats-should-move-georgia-help-senate-candidates-win>

and voting as if he was a Georgia resident, for the Democratic candidates, and asked for others to join him in moving to Georgia for the same purpose.⁴

Should Mr. Yang carry out his intention to “move” to Georgia and register to vote in the state, he will be registering “as an elector knowing that such elector does not possess the qualifications required by law” and thus in violation of GA Code § 21-2-561 – False Registration. As he is publicly encouraging others to move to Georgia, his actions could be perceived as conspiring and/or agreeing with others to commit election fraud, a violation of GA Code § 21-2-603 – Conspiracy to Commit Election Fraud. This complaint and the attached report prepared by the United States Justice Foundation “Andrew Yang: Resident of New York” provide the evidence detailing that Mr. Yang is a legal resident of the state of New York, is registered to vote in the State of New York, physically resides in New York City, and has made countless public declarations to media entities indicating his intention to continue to live and reside in the State of New York.

Mr. Yang has worked as a businessman, a social activist, and commentator. In the 2020 presidential election cycle, he was a candidate for the Democratic presidential nomination. His petition for nomination and Statement of Candidacy with the Federal Election Commission (“FEC”) listed his residency as: 650 W 42nd St., Apt. 3112, New York, NY 10036. Further FEC records show political contributions to congressional and presidential candidates made in his name listing the same residential address.

Mr. Yang has also considered running for Mayor of New York City as recently as October of this year. (Source: WCNY, 10-23-2020). His comments regarding a mayoral candidacy in New York have been cited in media reports as early as March of this year and have continued unabated. His public speculation have included remarks such as “I am a New Yorker” (Spectrum News, 2-13-2020); “New York’s a

⁴ <https://www.youtube.com/watch?v=0c6XoVmxKA8>

great city. I love New York...” (The Guardian, 3-20-2020). He has also cited growing up in the New York City suburbs as one of his motivations to run for mayor.

Mr. Yang does not only list his New York City address in political filings, it is public knowledge that he resides in the State of New York. Throughout his presidential campaign, media profiles of Mr. Yang repeatedly noted his New York residency. “Andrew lives in New York City with his wife, Evelyn, and their two sons.” (Washington Post, 11-6-2020). “Additional property that he owns is also in the state of New York. He, his wife, and their two young sons live in Midtown and keep a second home in New Paltz in the Hudson Valley.” (Spectrum News, 12-17-2019). In media interviews, he has disclosed that he attends church in the State of New York. “We primarily go upstate, where we have a house in a town called New Paltz.” (New York Times, 1-15-2020).

Having been born in Schenectady, New York, Mr. Yang has lived most of his life in New York City, attending Columbia Law School, and has “spent most of his adult life living in the Hell’s Kitchen neighborhood of Manhattan...” (New York Times, 4-29-2020). His professional life has been tied to New York City and the State of New York. After law school, he worked at the law firm “Davis Polk”, located at 450 Lexington Avenue, in Manhattan, New York. He has created several New York-based non-profit organizations, such as “Humanity Forward Foundation” (New York Times, 4-29-2020) and “Venture for America” (AMNY, 9-30-2019).

The foregoing evidence cited throughout this complaint makes clear that Mr. Yang is a legal resident of the State of New York, that he is a registered voter in the State of New York, and that he intends to continue living and residing in the State of New York. These public declarations and documented facts should then disqualify him from registering to vote in Georgia. We cannot imagine that given his extensive evidentiary ties to the State of New York, that a “move” of Mr. Yang to Georgia will be taken seriously by New York authorities, whom can be expected to levy a state income tax on him regardless of how Georgia will handle a sham “move” by Mr. Yang

to Georgia. Any attempt on his part to register to vote in the State of Georgia (and his campaign to encourage others to undermine the upcoming elections) should be independently investigated and opposed thoroughly by your Offices. The State Election Board is charged with investigating, or authorizing the Secretary of State to investigate, frauds and irregularities in elections and to report violations to the Attorney General. Attached to this complaint is a report published by the United States Justice Foundation "Andrew Yang: Resident of New York" which provides documentary evidence cited herein. We urge the Georgia Secretary of State's Office and the State Election Board to ensure the integrity and security of the elections process, and we thank your Offices for your attention and consideration of this complaint of potential election and voter fraud.

Sincerely,

A handwritten signature in black ink, appearing to read "ATomescu", written in a cursive style.

Alexander Tomescu

United States Justice Foundation