



INVESTIGATIONS DIVISION

REPORT OF INVESTIGATION

CASE NAME: Fulton County-Poll Worker Fraud

SEB CASE #: SEB2020-059

INVESTIGATOR: Gilbert C. Humes

DATE OF REPORT: March 7, 2023

COMPLAINT:

The Secretary of State's Office initiated this investigation following a complaint referral from Georgia State Senator Kay Kirkpatrick. Senator Kirkpatrick received a complaint from Complainant [REDACTED] who provided pictures of social media posts reportedly posted by Ruby Freeman, an elections worker for the Fulton County Board of Elections and Registration for the November 2020 General Election. The post appeared to suggest Freeman committed fraud during the tabulation of ballots at State Farm Arena after the closing of the polls for the November 2020 Presidential Election. Senator Kirkpatrick submitted additional social media posts reportedly posted by Freeman suggesting that Freeman and her daughter, Wandrea "Shaye" Moss conspired to adversely affect the November 2020 election. There were also public allegations made by Rudy Giuliani, former President Donald Trump's attorney at the time, alleging there was video footage showing that Freeman and her daughter Wandrea "Shaye" Moss pulled illegal ballots from "suitcases" that were hidden underneath tables and scanned the same batch of ballots multiple times while at State Farm Arena, where the Fulton County Board of Elections and Registration had set up their ballot tabulation center. All allegations made are potential violations of Official Code of Georgia Annotated (O.C.G.A.) §21-2-603-Conspiracy to commit election fraud; O.C.G.A. §21-2-587-Frauds by poll officers; and O.C.G.A. §21-2-575-Counterfeit ballots.

COUNTY/MUNICIPALITY AND ELECTION INVOLVED:

Fulton County, Georgia / November 2020 General Election.

JURISDICTION/VENUE:

Jurisdiction will be with the State Election Board, Atlanta, Fulton County, Georgia. Venue for any criminal prosecution will lie in Fulton County.

ELECTION STAFF:

Richard Barron, former Director of Elections, Fulton County Board of Elections and Registration.

Nadine Williams, current Director of Elections, Fulton County Board of Elections and Registration.

ELECTION CERTIFICATION:

Richard Barron met the election certification training requirements on December 27, 2015.

Nadine Williams met the election certification training requirements on March 11, 2014.

COMPLAINANT(S):

Senator Kay Kirkpatrick

Georgia State Senate

2146 Roswell Road

Marietta, GA 30062

Office: [REDACTED]

[REDACTED]

RESPONDENT(S):

Ruby Freeman

[REDACTED]

Wandrea "Shaye" Moss

[REDACTED]

INVESTIGATIVE SUMMARY:

Georgia State Senator Kay Kirkpatrick received a complaint from someone identified as [REDACTED] [REDACTED] in which [REDACTED] reported she found pictures of social media posts of a woman who stayed to count ballots on election night after the observers had left. The woman in the photos was identified as Ruby Freeman. The complaint also contained social media posts where Freeman reportedly wrote how she and her daughter "did something to change history and we will not be

silent and allow evil to control this country” and “Thank God my baby had a plan and today we put that plan in action after those Trump supporting and Fox News thought they won and left the building.” The Secretary of State opened an investigation upon receipt of this complaint. Investigators with the FBI and GBI assisted in this investigation.

1. Allegation Related to Committing Fraud by Counting Ballots after Observers Left Tabulation and/or Creating Counterfeit Ballots

Teams of investigators from the FBI, GBI, and Georgia SOS conducted independent and simultaneous interviews of Fulton County elections workers who were involved in the processing and scanning of absentee ballots at State Farm Arena on Election Night on November 3, 2020. Investigators from the three law enforcement agencies also reviewed the entire unedited security video footage of the events in question at State Farm Arena. SOS investigators independently interviewed party observers who were present at State Farm Arena that evening. The witness statements and video footage are summarized below.

(a) Interview of Ruby Freeman

On December 8, 2020, Federal Bureau of Investigation (FBI) Special Agent (SA) [REDACTED], Georgia Bureau of Investigation (GBI) SA [REDACTED], and Georgia Secretary of State (SOS) Investigator Frank “Paul” Braun interviewed Ruby Freeman at the Fulton County Government Center. This interview was recorded and documented by FBI SA [REDACTED], all of which was retained by the FBI. Also present for the interview were attorneys [REDACTED] and [REDACTED] from the Office of the County Attorney for Fulton County.

Freeman reported she was the “reconciliation” person and explained the process for carrying out her assigned duties. According to Freeman, there were many people present “coming from everywhere.” At the end of the evening when a decision was made by management to continue counting the next day, all employees began to seal the ballot bags and place them underneath the table in a certain order, so everyone knew where to start the following day.

However, following communication between Fulton County Elections management and someone whom she believed was from the Secretary of State’s Office, a decision was made to keep counting that night. Some employees had already left and then had to be called back. After this decision was made, she and the few Fulton County elections staff members that remained began to retrieve some of the ballot boxes from underneath the tables to continue the scanning process. That required cutting the seals that were initially placed on the ballot boxes to secure them overnight. Once the seals were cut, the ballots were taken straight to the scanner to be processed. Freeman was unaware of any communication between county elections staff and the observers as she was not involved in communications with the public. Freeman denied having any knowledge of or engaging in any fraud.

Freeman was also questioned about her alleged social media posts; however, she wanted to speak with an attorney before proceeding any further on that issue. She stated the situation was bad due to the alleged posts, and that she had received over 500 emails, text messages, and was being harassed by having unsolicited pizza orders sent to her house. People were also calling her

neighbors and questioning them about her. Freeman was asked to review some social media posts, but she declined to answer further questions until she retained an attorney.

(b) Interview of Wandrea Moss

On December 8, 2020, FBI SA [REDACTED], GBI SA [REDACTED], and SOS Investigator Adrick Hall interviewed Wandrea “Shaye” Moss. Moss reported she worked in the Registration and Elections Department, serving as the Registration Supervisor, a position she held since August 2020. Moss also reported that she had been employed in elections since 2012. Moss stated she oversaw the tabulation process for absentee by mail ballots for the November 2020 General Election in Fulton County.

According to Moss, at this stage of the processing of absentee by mail ballots, the voter has already been given credit for voting. The process included employees whose sole responsibility was to cut open the absentee ballot envelopes along with a second group whose job is to extract the ballot from the envelope to ensure a ballot is in the envelope and that the ballot is for the correct election. After this process is completed, the ballots are then placed in a tray for scanning. Moss acknowledged that Freeman was her mother, and that Freeman was hired as a temporary worker. Moss relied on Freeman because she had knowledge of what common problems were and how to address them when they arose. Moss further explained that “Mr. Jones” (later identified as Fulton County Elections Chief Ralph Jones) arrived and explained that the employees couldn’t leave because everything had to be scanned since it was election night. So, the employees that remained finished scanning the ballots received that day. Moss stated many personnel then returned to the tabulation center. “Rick” (referring to then-Elections Director Richard Barron) and other elections personnel made several phone calls to make it known that scanning and tabulation had not finished for the evening despite what the media was reporting. Moss explained that some workers did go home for the evening, however.

Addressing rumors that all the workers had left for the evening, Moss confirmed that this was not true. Everyone at the tabulation center had specific job duties. Some employees, such as envelope cutters, had left for the evening after their designated tasks were complete. A cutter’s sole responsibility is to cut open the ballot. Once all the ballot envelopes are opened, their job is complete. Since cutting envelopes is at the beginning of the process and these employees had been there since 5:30 a.m., Moss stated that if they were done cutting and opening, she as a supervisor was not going to have them just sit there getting paid, so they were dismissed. It was common practice for employees to leave once they completed their designated duties.

While the cutters were leaving, the media was trying to get a shot of the employees departing the tabulation center. Prior to Mr. Jones arriving, employees had begun placing boxes under the table for scanning the next day. However, when Mr. Jones arrived, Jones told everyone that ballots that had been opened had to be scanned the same night because there was more “stuff” coming the next day. Investigator Hall reviewed a portion of the security video that showed Moss going to a table and pulling a box from underneath the edge of a table. Moss explained those were the boxes that were placed underneath the table for scanning the next day, but Ralph Jones advised that all the open ballots in their possession that night had to be scanned that night. The video shows employees retrieving the ballot boxes from underneath tables to resume scanning due to these instructions. Moss concluded by stating that everyone did what they were

supposed to do. When they initially began packing up to resume scanning the next day, they placed the ballots back in the boxes and properly sealed each one. And when they were instructed to continue working throughout the night, they had to cut the seals to access the ballots to continue scanning.

Moss stated she did not recall asking observers and/or the media to leave and she has no knowledge of anyone else asking the observers or media to leave.

(c) Interview of Yetunda Sims

On December 8, 2020, FBI SA [REDACTED], GBI SA [REDACTED], and SOS Investigator James Callaway interviewed Yetunda Sims. Also present for the interview was [REDACTED], an attorney from the Office of the Fulton County Attorney. This interview was recorded and documented by FBI SA [REDACTED], all of which was retained by the FBI.

Sims advised in May 2020, she was hired with Fulton County Elections as a temp employee through Happy Faces Temp Agency. She worked under Pamela Coleman and Ralph Jones and held the title of Registration Election Specialist. Sims reported she was trained to log applications, administration, and log ballots.

When the election started, she was taught to scan and duplicate ballots. Related to her responsibilities at State Farm Arena, Sims stated she accepted Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) ballots and once the UOCAVA ballots were done, she scanned ballots. After the UOCAVA ballots were accepted, she would open them to make sure they matched the envelope. Once a match was confirmed, the UOCAVA ballots were placed into the Ballot Marking Device (BMD) to produce the actual ballot so the ballot for that voter could be scanned. Sims further explained why ballots were kept underneath tables. Sims stated once everyone was relieved, they put the ballots in a ballot box, placed seals on the ballot boxes and then placed the ballot boxes underneath the table so they would know where to start with the ballots that had already been opened. In response to a question posed by FBI SA Law, Sims explained why the video showed employees getting ballots from underneath tables. One of the managers, Ralph Jones, arrived at State Farm Arena and instructed staff to continue scanning ballots because they needed to get as much scanned as possible. As they had already sealed everything up with the intention of starting the next day, they had to retrieve the sealed ballot boxes from underneath the tables, break the seals, and then continue scanning. After the remaining ballots that had already been delivered to State Farm were finished being scanned, the staff made sure everything was in a proper box that was locked and sealed. After Mr. Jones conducted a scan and review of the area and everything was determined to be in good order, everyone went home.

(d) Interview of Keisha Dixon

On December 8, 2020, GBI SA [REDACTED], FBI SA [REDACTED], and SOS Investigator Jeffrey Merrifield interviewed Keisha Dixon. Also present for the interview was [REDACTED] [REDACTED] who were attorneys from the Office of the Fulton County Attorney. This interview was recorded and documented by FBI SA [REDACTED], all of which was retained by the FBI.

Dixson confirmed she was a scanner at State Farm Arena on election night. Dixson explained when the ballots are delivered, there are people whose sole job is to cut open the ballot envelopes. Once the ballot envelopes are cut open, they get batched up and sent to a table. The people at the table extract the ballots from the envelopes and place the ballots in trays. After they are extracted and placed in trays, the ballots are sent to the scanners for scanning.

The ballots that did not get scanned go back into ballot boxes which are then sealed up at the end of the night. However, they needed extra ballot boxes to finish packing up, but instead of packing up open ballots, Mr. Jones advised that it did not make sense for them not to scan what was already opened. Ballot boxes are stored a certain way because it lets the scanners know on the next day what goes back on top of the tables to continue scanning. This process is in place because it helps the staff decipher which ballot boxes have open ballots from those ballot boxes that have unopened ballots. Regarding the release of staff, Dixson stated that Ms. Moss usually releases the cutters and the temporary workers first. Since she is a full-time employee, she had to stay until they close. Dixson confirmed that Ms. Moss would normally stand in the middle of the room and announce that the cutters and temporary workers can leave. On election night after the cutters and temporary workers left, the only persons left were the media and a couple of “watchers,” but they started slowly filtering out after Ms. Moss released the cutters and temporary workers.

(e) Interview of Ralph Jones

On December 8, 2020, FBI SA [REDACTED], GBI SA [REDACTED], and SOS Investigator Paul Braun interviewed Ralph Jones. Also present for the interview was [REDACTED], who were attorneys from the Office of the Fulton County Attorney. This interview was recorded and documented by FBI SA [REDACTED], all of which was retained by the FBI.

Jones stated he was the Elections Chief for the Elections Division and has held that position for approximately 4 to 5 years. His responsibilities include voter registration, absentee ballot by mail, and provisional ballots. On Election Day, his responsibility was to get absentee ballots from the Government Center over to State Farm Arena to be counted and scanned on election night. He managed operations at the Government Center and Wandrea Moss managed operations at State Farm Arena. Jones explained the ballots are transferred in a ballot box case. Each ballot box has a ballot tracker on top that identifies what is inside of the case and how many ballots are inside. Once the ballot boxes arrive at State Farm Arena for tabulation, the seal numbers are verified, then broken to access the ballots and provide the ballots to the extractors. The extractors use large machines to cut the envelopes open. Each ballot box usually has 2 trays, and each tray has approximately 400 ballots. Ballots are then divided into smaller batches of 100.

Once opened, the extractors transport the ballots to the preppers. The preppers pull out ballots and perform a count to make sure they have the same count as the extractors. The scanners will pick up the trays by batch and take it to the scanner for scanning. There have been times when an elections employee will serve as a runner between the extractor and scanner stations so those extracting and scanning would not have to leave their duties. Jones further reported when he left

the Government Center, he went directly to State Farm Arena. When he arrived, he was informed by the staff that they were packed up, prepped for the next day, and ready to leave. He subsequently received a call from the Fulton County Elections Director Richard Barron asking if they could stay and finish scanning. Both Jones and Moss agreed to stay and proceeded to remove the sealed ballots from underneath the table and began scanning. Jones was also asked about double scanning ballots. Jones indicated that it is possible to occur; however, it will cause an error. Additionally, batch numbers are created at the time of scanning, so if a person picks up a batch of ballots and there is a batch number, then that employee knows that batch has been scanned.

(f) Interviews of Michelle Branton and Mitchell Harrison

On November 8, 2020, Michelle Branton, who identified herself as a member of the Georgia Republican Party, filed an affidavit stating she was assigned to the State Farm Arena to watch the processing of absentee ballots. In the affidavit, Branton reported (1) as the night progressed, most of the staff processing the removal of the inner envelopes and ballots from the outer envelope of the Absentee Ballots stopped working; however, there was one employee that continued working when the others had ceased. Her affidavit further states that after that last employee completed her stack at approximately 10:30 p.m., a woman across the room where the scanners were allegedly located yelled to everyone to stop working and to return the next day at 8:30 a.m. Branton further reported that, shortly after 10:30 p.m. when she and the FOX News crew concluded they were not going to get answers to their question from Fulton County's Communications Manager on the number of ballots processed and left to be processed, she and the FOX News crew left State Farm Arena shortly after 10:30 p.m. At the time she left, three people remained around the scanners.

On January 12, 2021, former SOS Investigator Frank "Paul" Braun contacted Michelle Branton to interview her regarding the allegations in her affidavit. Branton advised she was a credentialed poll watcher. During the interview, Ms. Branton reported that no one was told to leave on election night at State Farm Arena, and everyone left at the very end, including the Fox News crew. She further stated the Fulton County employees "had a disposition" of closing down and that everyone needed to go. Branton acknowledged that she was aware poll watchers can be present from when the lights are turned on and until the doors are locked at the end of the night, but she left because the staff were cleaning up, which led her to believe they were finished for the night. In addition, an African American woman with long blonde dreads had screamed to everybody "we are calling it, let's everybody go."

Mitchell Harrison, who also identified himself as a member of the Georgia Republican Party, submitted an unsigned affidavit documenting his observations of the ballot scanning process, as his assignment was to monitor ballot counting and processing in Fulton County. Harrison reiterated what was reported by Branton. Harrison also confirmed Branton's account by reporting that when the counting activity slowed, a younger woman with long braided hair yelled out to everyone to stop working and come back the following day.

According to Harrison's affidavit, after the announcement, all but 4 election employees left State Farm Arena. Harrison reported after concluding that the Public Affairs Manager was not going to provide him with the number of ballots processed vs. the ones still left to be processed, "we"

along with the FOX News crew left the State Farm Arena shortly after 10:30 p.m. Harrison further reported they heard from news crews that ballot counting was still going on at State Farm even though they were told it had ceased for the night and would not resume until Wednesday morning. [Investigator's Note: In the beginning of Harrison's affidavit, he detailed how he heard someone, whom he believed was a supervisor, telling election employees they can leave and when he couldn't get a question answered, he left. However, in the latter part of his affidavit he states he was told to leave.]

On January 12, 2021, former SOS Investigator Frank "Paul" Braun contacted and interviewed Mitchell Harrison regarding the statements in his affidavit. Harrison advised he was a credentialed field organizer for the Republican Party. Investigator Braun asked Harrison if anyone asked him to leave State Farm Arena. Harrison stated a Fulton County employee, possibly a supervisor, who had long braids advised everyone in the entire room they were going to stop working for the night. They were led to believe the workers were done. After Investigator Braun confirmed Harrison's initial account that there were Fulton County employees still at the counter when the announcement was made and further explained that poll watchers can stay until the lights are out, Harrison responded it was his first time working as a poll watcher and did not really know what to do. Harrison explained since he wrote the affidavit, people have been texting and calling him and he is "done with it."

On August 23, 2021, then Fulton County Board of Elections and Registration Elections Director Richard "Rick" Barron advised in an email that, sometime around 10:30 p.m. on election night, he called Ralph Jones to inquire if it were true that they were shutting down for the night. He then advised Jones to keep counting until they had no more ballots to count or until the state told everyone to go home for the night. Barron subsequently advised in a separate conversation that, neither Freeman nor Moss were observed doing anything wrong, improper, or illegal. The ballots were stored in ballot boxes and the ballot boxes were then placed underneath tables in a certain order so the staff would know where to begin the next day.

(g) Review of State Farm Arena security video footage and other relevant evidence

SOS Investigator Braun conducted a review of the unedited State Farm Arena surveillance footage and identified the following:

- At 10:29p.m., Freeman is observed placing ballot box underneath a table with the media present.
- At 10:34 p.m., the bulk of Fulton County elections employees leave for the day.
- At 10:46 p.m., with Fulton County elections employees still in the room, the media and observers leave the room.
- At 10:49 p.m., elections manager Ralph Jones arrives at State Farm Arena.
- At 10:52 p.m., the remaining Fulton County elections employees begin to pack up.
- At 10:58 p.m., Ralph Jones receives a phone call on his cell phone.
- At 11:03 p.m., Fulton County elections employees start unpacking, retrieving ballot boxes from underneath tables, and transporting ballots to scanners for scanning.

Approximately one week after Election Day 2020, every Georgia county conducted a full hand audit of all votes cast. The audit did not identify any issues or discrepancies to suggest fake or fraudulent ballots were scanned and counted in the 2020 General Election results. A recount was requested by former President Trump, which was conducted, and the recount results also did not identify any discrepancies to suggest fraudulent ballots were introduced and counted in the tabulation process after the close of the polls for the November 2020 General Election.

2. Allegation Related to Social Media Posts by Freeman Admitting Election Fraud

Agents with the FBI and GBI investigated the social media posts purporting to be from Ruby Freeman that initiated the complaint. On December 10, 2020, GBI SA [REDACTED] obtained a search warrant for the Instagram account in question where Freeman allegedly admitted to engaging in election fraud. The GBI conducted an analysis and subsequently identified the account was registered to an [REDACTED] of [REDACTED]. The FBI subsequently interviewed [REDACTED]. After advising [REDACTED] as to the identities of the federal agents and nature of the interview, [REDACTED] agreed to be interviewed. [REDACTED] essentially reported the following to the FBI investigators:

- He created the @rubyfreeman_georgia account but did not write the specific post regarding tampering with the 2020 election.
- On December 4, 2020, he came across Instagram user “@ [REDACTED]” who posted the supposed confession by Freeman. Shortly thereafter, @ [REDACTED] changed their account name to @rubyfreeman_georgia. That account holder subsequently changed the account name to “rubyfreeman_georgia. The account was later made private, and then deleted. [REDACTED] created a new @rubyfreeman_georgia account and described his account as being a fake or parody account.

INVESTIGATIVE FINDINGS:

Teams of investigators from the FBI, GBI, and Georgia SOS conducted independent and simultaneous interviews of Fulton County employees who were involved in the processing and scanning of absentee ballots at State Farm Arena on election night in November 2020. All employees interviewed provided a consistent account regarding how absentee ballots were processed and scanned that evening. Additionally, no one had any knowledge of observers, poll watchers, or the media being told they had to leave. Two poll watchers who identified themselves as members of the Georgia Republican Party had submitted affidavits as to what they observed on election night. Much of what they reported was consistent with what was reported by the Fulton County elections employees. Additionally, the Fulton County elections employees' accounts were consistent with the actions observed on the video surveillance footage. Both poll watchers confirmed that no one was told or instructed to leave State Farm Arena.

Furthermore, Investigators from three law enforcement agencies reviewed the entire unedited video footage of the events in question surrounding Freeman and Moss at State Farm Arena. There was no evidence of any type of fraud as alleged. Fulton County Board of Elections and Registration put specific processes in place to store ballot boxes underneath tables and to have them in a certain order to monitor and track ballots during the tabulation process so election

workers would know where to begin the next day. No evidence was provided to show that Freeman or Moss deviated from that established process. The initial tabulation, the statewide audit involving a manual hand count of every ballot, and the machine recount reveal there was no evidence to suggest fraudulent ballots were scanned and counted in the final tabulated results for the November 2020 General Election in Fulton County.

Lastly, the FBI identified and interviewed the true creator of the Instagram account that reportedly contained a post by Freeman admitting she conspired to adversely affect the November 2020 election. The account creator admitted he created the fake account and confirmed the content that was posted on the account was fake.

All allegations made against Freeman and Moss were unsubstantiated and found to have no merit.

POTENTIAL VIOLATION(S):

The investigation did not uncover any violations.

EXHIBITS:

1. Complaint
2. Witness List
3. Interview of Ruby Freeman
4. Interview of Wandrea “Shaye” Moss
5. Interview of Yetunda Sims
6. Interview of Keisha Dixson
7. Interview of Ralph Jones
8. Affidavit of Michelle Branton
9. Interview of Michelle Branton
10. Affidavit of Mitchell Harrison
11. Interview of Mitchell Harrison
12. FBI interview of Instagram creator [REDACTED]