

Third Sector Development (“Third Sector Development”), and AFG Group, Inc. d/b/a Stacey Abrams for Governor (“Abrams Campaign”) have not produced relevant documents. Thus, the Commission files this motion to compel and moves for an order compelling each of these groups to comply with the subpoenas that were served on each of these organizations. The complaint alleges unlawful coordination between the Abrams Campaign, and a third-party nonprofit; however, the Commission’s investigation suggests that similar coordination exists between the Abrams Campaign and New Georgia and/or Third Sector Development, so the Commission seeks to obtain relevant communications to determine whether additional unlawful coordination may have occurred. The Commission has full subpoena power to request these communications, all of which are relevant to the Commission’s open investigations, and none of the organizations have timely complied with the subpoenas by producing the communication documents nor have they moved to quash the subpoenas through administrative process before the Commission.

COMMISSION PROCESS AND PROCEDURE

The Commission is charged with enforcing Georgia’s Campaign Finance Act and is vested with the power to investigate any alleged failure to comply with the Act. OCGA § 21-5-6(b)(9). The Commission may commence an investigation based on violations of the various filing requirements

prescribed by the Act after receiving a third party complaint. OCGA § 21-5-7. The Commission has the power to issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence. OCGA § 21-5-6(a)(5). If Commission staff deem it appropriate during the course of an investigation to secure documents on behalf of the Commission, “an administrative subpoena may be served to obtain relevant documents.” Ga. Comp. R. & Regs. r. 189-2-.07(2).

Following the completion of an initial investigation, all matters not administratively dismissed or only containing technical defects shall be scheduled for a hearing before the Commission. Ga. Comp. R. & Regs. r. 189-2-.07(3). If any person fails to comply with a Commission subpoena, “the [Commission] may certify the facts to the superior court of the county where the offense is committed for appropriate action, including a finding of contempt.” OCGA § 50-13-13 (b). Each of the Respondents have their place of business here in Fulton County, the Respondents were required to produce documents to the Commission located here in Fulton County. Therefore venue is properly in Fulton County.

BACKGROUND

On August 1, 2018, Charles T. Wingo filed a complaint (hereinafter the “Complaint”) against several respondents alleging a violation of the Act.¹ The Complaint alleged that coordination existed between BLUE Institute Enterprises and Stacey Abrams for Governor because the Abrams campaign shared personnel with BLUE Institute Enterprises, a third-party committee. As part of investigating the Complaint, the Commission sent subpoenas to New Georgia Project Action Fund, New Georgia Project, Fair Count f/k/a Third Sector Development, and the Abrams Campaign on April 26, 2019. The subpoenas requested relevant communication information to determine if coordination existed between the Abrams Campaign and other third party groups, or whether those third party groups acted independently of the campaign. The subpoenas, in part, requested the following (numbered as they appear on subpoenas, respectively):

Subpoena to Stacey Abrams and Stacey Abrams for Governor:

4. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and New Georgia Project Action

¹ The Complaint alleges violations against the respondents: Stacey Abrams, Stacey Abrams for Governor, Emily Ellison in her official capacity as Treasurer of Stacey Abrams for Governor, BLUE Institute Enterprises, Inc., Ashley Robinson in her official capacity of BLUE Institute Enterprises, Inc., and Genny Castillo in her official capacity of BLUE Enterprises, Inc.

Fund from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

5. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and New Georgia Project, Inc. from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
6. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Third Sector Development from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
11. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Nikema Williams from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

Subpoena to New Georgia Project Action Fund and New Georgia Project, Inc.:

1. Any and all communication, correspondence, written or electronic, or any other documents between New Georgia Project, Inc. and or employees or agents of New Georgia Project, Inc. and the Stacey Abrams for Governor Campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
2. Any and all communication, correspondence, written or electronic, or any other documents between New Georgia Project, Inc. or employees or agents of New Georgia Project, Inc. and Lauren Groh-Wargo from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

Subpoena to Fair Count, Inc., f/k/a Third Sector Development:

1. Any and all communication, correspondence, written or electronic, or any other documents between Fair Count, Inc. or employees or agents of Fair Count, Inc. and the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee from May 1, 2017 to present, inclusive of any records received up to the date of the hearing of the above-referenced action.
2. Any and all communication, correspondence, written or electronic, or any other documents between Fair Count, Inc. or employees or agents of Fair Count, Inc. and Lauren Groh-Wargo from May 1, 2017 to present, inclusive of any records received up to the date of the hearing of the above-referenced action.

See attached Exhibit A (April 26, 2019 subpoenas).

New Georgia, Third Sector Development, and the Abrams Campaign each wrote letters that outlined responses and objections to the April 26, 2019 subpoenas;² however, no motion to quash was filed before the Commission.³ New Georgia, and the Abrams Campaign have turned over

² The Abrams Campaign and Third Sector Development filed letter responses on May 31, 2019; New Georgia filed a letter response on July 3, 2019.

³ The Commission's rules require that: "If a person or entity to whom an administrative subpoena has been issued objects to the subpoena, such person shall file *before the Commission* a motion to quash the subpoena within ten (10) business days after receipt of the subpoena. Commission staff or their counsel may duly respond to such a motion. The Commission shall hear and rule upon the motion at its next regularly scheduled meeting or at a specially called meeting, and compliance with the subpoena shall be stayed until a ruling by the Commission is made upon the motion." Ga. Comp. R. & Regs. r. 189-2-.07(2)(b) (emphasis added).

some documents related to the other relevant requests within the subpoena. Third Sector Development has not turned over any relevant information because they believe the information is either “not responsive” or “not within the jurisdiction of the Commission.” None of the Respondents have turned over any of the communications lawfully requested in the sections of the subpoenas quoted above.⁴

On August 12, 2019, counsel for the Commission emailed counsel for each of the Respondents in order to confer in accordance with Uniform Superior Court Rule 6.4(b) prior to seeking an enforcement action. After a good faith effort, the parties were unable to resolve their disputes and Respondents maintain their refusal to produce the relevant documents in order to satisfy the subpoenas. This motion to compel follows.

STANDARDS

Motion to Compel

The Administrative Procedures Act (APA) has adopted, where appropriate, the Georgia Civil Practice Act (CPA) in enforcing discovery disputes. OCGA § 50-13-13. A motion to compel pursuant to OCGA

⁴ See generally Greg Bluestein, *Abrams turns over thousands of documents in ethics probe but withholds some*, Atlanta Journal Constitution, May 31, 2019, available at <https://www.ajc.com/blog/politics/abrams-turns-over-thousands-documents-ethics-probe/5atxPvYYzluBVYW5fISwyO/>

§ 9-11-37(a) is appropriate when a party seeks more complete answers to incomplete or evasive discovery responses. *Allison v. Wilson*, 320 Ga. App. 629, 636 (2013). “Responding partially to [a subpoena] ‘evidences a dispute between the parties which is brought before the trial court by a [OCGA § 9-11-37(a)] motion to compel discovery and is resolved through an order to compel answers . . .’” *Greenbriar Homes, Inc. v. Builders Ins.*, 273 Ga. App. 344, 346 (2005). “Prior to filing any motion seeking resolution of a discovery dispute, counsel for the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the matters involved.” *Mansell 400 Assocs., L.P. v. Entex Info. Servs.*, 239 Ga. App. 477, 481 (1999). The conference requirement of Uniform Superior Court Rule 6.4(b) applies directly to a situation where the parties disagree about what is required by the request, or for example, whether the information sought is privileged, than to the complete production of documents. *Greenbriar Homes, Inc. v. Builders Ins.*, 273 Ga. App. 344, 346 (2005).

Relevancy

Under the CPA, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery. *RTA Strategy, LLC v. Silver Comet Terminal Partners, LLC*, 347 Ga. App. 266, 268 (2018). It is not grounds for objection that the information

sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.* In the discovery context, courts should and ordinarily do interpret ‘relevant’ very broadly to mean matter that is relevant to anything that is or may become an issue in the litigation. *Bowden v. Medical Ctr., Inc.*, 297 Ga. 285, 291 (2015).

ARGUMENT

Here, the Commission is investigating to determine whether unlawful coordination occurred. To that end, the Commission is seeking relevant communications (including, but not limited to emails, text messages, and letters) that shed light on the conduct of the parties to determine if impermissible coordination occurred.

The Act shares a similar framework with federal election law and while coordination is not specifically defined within the Act, the Federal Election Commission provides guidance on the term. First, the FEC defines “coordination” as “made in cooperation, consultation or concert with, or at the request or suggest of, a candidate, a candidate’s authorized committee, or their agents, or a political party committee or its agents.” 11 CFR § 109.21(a). Furthermore, “when a committee, group or individual pays for a communication that is coordinated with a campaign or a candidate, the communication is either an in-kind contribution or a coordinated party

expenditure.” 11 CFR § 109.20. Second, the FEC gives three factors to determine whether a communication is coordinated: a) the source of the payment; b) the subject matter of the communication; and c) the interaction between the person paying for the communication and the candidate or political party committee. 11 CFR §§ 109.21(b)-(d). If all three factors are satisfied, then a communication is considered coordinated. *Id.*

Employing that guidance, the Commission has information that the source of payment for certain electioneering⁵ comes from New Georgia, satisfying the first factor. For the second and third factors, then, either the specified communications during the time in question touch on campaign electioneering and involves the Abrams Campaign, or the communications do not and no coordination exists.

For purposes of the Act, and using the FEC guidance, the Commission’s investigation must determine which lawfully permitted expenditure the electioneering in question falls under. The Act only allows for campaign expenditures, in-kind expenditures or independent expenditures, and the Commission has authority to determine the lawfulness of all three. An “in-kind expenditure” is an expenditure of any good or services for which a

⁵ Here, the term “electioneering” refers generally to any oral, printed, or written communication that attempts to persuade persons to refrain from voting or to vote for or vote against any candidate.

candidate or campaign committee did not extend payment to an end-recipient for the goods or services provided, but for which the campaign received the use or benefit of such goods. Ga. Comp. R. & Regs. r. 189-2-.01(11). However, an “independent expenditure” is a political campaign communication that expressly advocates the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate or a candidate’s authorized committees. Ga. Comp. R. & Regs. r. 189-2-.01(12). All in-kind contributions must be reported by the candidate’s campaign, and any independent expenditure must be reported by that registered third-party group. OCGA § 21-5-34(b)(1)(A); Ga. Comp. R. & Regs. rr. 189-3-.02 and 189-2-.01(11).

The April 26, 2019, subpoenas requesting “all communications” are narrowly tailored, seek information within the Act’s jurisdiction, and are relevant to the Commission’s investigation. This Court therefore should order the Respondents to turn over all communications as requested in the April 26 subpoena.

A. The subpoenas are narrowly tailored to seek all relevant 2018 election cycle campaign communications from the Respondents without being overbroad or burdensome.

The April 26 subpoenas seek communications between employees and agents in the narrowest way possible: by simply asking for communications between employees and agents. If coordination exists, it would not dwell just

in the exchange of specific words or terms or art between people but may also exist in the exchange of ideas or mutual understandings of a particular objective to accomplish electioneering. Because the substance of any one communication by itself may not stand for coordination, it is important to examine all communications in context with one another. The subpoena must cast a net wide enough to capture communications between employees and agents.

The subpoena must also target relevant communications from relevant individuals despite missing key personnel information. Ordinarily, any third-party group who engages in electioneering would register with the Commission and disclose who has authority on behalf of the group. Here, the Commission is without that information because neither New Georgia nor Third Sector Development registered prior to engaging in electioneering. So no identifying information exists allowing the Commission to narrow its request for communications between specific individuals, other than Lauren Groh-Wargo and Nikema Williams. The Commission therefore has used the most targeted request available based on the Commission's knowledge to obtain relevant information by asking for all communications between employees and agents, respectively, in the April 26 subpoenas.

These subpoenas specifically request communications between employees or agents, not general members or volunteers. Second, the

subpoena only requests communications that occurred *during* the election cycle for the 2018 election. Third, the subpoena requests communications between a campaign committee and third party groups who were participants in the 2018 election cycle. Lastly, any conceivable communication between a campaign and a third party committees or groups must touch on management or allocation of financial resources during the election cycle, including personnel, electioneering, or strategy, making a high probability that coordination exists. No other documents would clearly show the conduct and intent of the parties to determine the existence of coordination surrounding any electioneering, and the request for all communications is reasonably calculated to lead to the discovery of admissible evidence of potential coordination.

It is worth noting that the Abrams Campaign has identified certain communications in their initial response to the Commission; both New Georgia and Third Sector Development have stated they have no “campaign related” communications, yet they also have said their communications are not within the jurisdiction of the Act. It is reasonable to believe that the defendants have located and reviewed all communications, so it would not be oppressive if they were ordered to produce the documents. Therefore, the narrow language of “all communication” from “employees and agents” is

reasonable and not oppressive, and this Court should order the groups to turn over the relevant communication documents.

B. Communications evidencing unlawful campaign expenditures occurred fall within the ambit of the Act.

In this matter, the Commission has reason to believe that a third party group gave a substantial amount of money directly to New Georgia Project, and those funds were then used throughout the course of the 2018 election to make independent expenditures that expressly advocated election or defeat of Stacey Abrams. The crux of the investigation by the Commission is whether the Abrams Campaign coordinated with New Georgia to further said expenditures and failed to report in-kind expenditures. It is apparently beyond dispute that certain expenditures occurred. The question is then whether these expenditures were in-kind contributions, obligating the Abrams campaign to report those expenditures, or they were independent expenditures and New Georgia is responsible for reporting them but failed to do so. Necessarily, communications between these groups would flesh out which type of expenditure occurred, therefore making any related communications relevant to inspection by the Commission.

The Act requires that all contributions and expenditures of campaign finance monies shall be utilized only to defray ordinary and necessary expenses in connection with a candidate's campaign for elective office. OCGA

§ 21-5-33(a). Any contribution or expenditure from a campaign committee or independent committed must be disclosed in a properly filled out campaign contribution disclosure report. OCGA § 21-5-34(b).⁶ The disclosure and attribution of the source of the funds for all campaign expenditures is paramount. *Id.* Coordinated communications potentially circumvent the individual contribution limits imposed on every candidate during an election cycle, and would allow campaigns to use unrestricted funds (or resources the campaign itself cannot afford) raised by unregistered groups to purchase electioneering, without disclosing the source of those funds, to obtain a benefit otherwise not possible.

The Respondents are obligated by law to produce all communications showing whether coordination occurred. As part their initial response to the Commission requesting communications, Respondents replied that they have no documents within the jurisdiction of the Act. This does not suggest that no communication documents exist, but rather the Respondents have self-determined that “there is nothing to see here” and that none of their

⁶ “Contributions” means a gift, subscription, membership, loan, forgiveness of debt, advance or deposition of money or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of any person for office.” OCGA § 21-5-3(7). “Expenditures” means a purchase, payment, distribution, loan, advance, deposit, or any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person.” OCGA § 21-5-3(12).

communications are relevant to the Commission’s investigation, irrespective if the communications are responsive to the subpoena. A regulatory agency cannot abide by this standard when lawfully seeking information *that it has a reason to believe exists* during its investigation of a complaint. Because all communications as requested in the April 26 subpoena are within the jurisdiction of the Act, the Court should require the Respondents to turn over those communication documents.

C. Requiring the Commission to fully disclose its underlying factual basis for issuing investigative subpoenas frustrates judicial economy and is not a statutory prerequisite.

The idea that a regulatory agency tasked with monitoring and enforcing state laws must respond to discovery demands of parties who are under investigation is nonsensical. While no regulatory agency has unfettered access to every piece of documented information from the target of an investigation, it absolutely has an interest in issuing lawful subpoenas seeking relevant, non-privileged information without having to prove its case-in-chief just to investigate certain matters. As with criminal prosecutions, regulatory enforcement actions should be free from such demands because “requiring a law enforcement agency to segregate documents before a case is solved could result in the disclosure of sensitive information, [which] the determination of sensitive or nonsensitive documents often cannot be made until the case has been solved.” *Unified Gov’t v. Athens Newspapers, LLC*,

284 Ga. 192, 197 (2008). There is also *no* disclosure prerequisite to the issuance of a subpoena by an administrative body conducting an investigation within either the APA or the statutory provisions relevant to the Commission.

From a policy standpoint, refusing to fully comply with a lawfully issued subpoena and turn over relevant documents frustrates judicial economy. Regulatory agencies each and every time would find themselves as we are here: engaging in countless hours of negotiation and conference only to then seek compliance in the Courts. It is understandable that any target of an investigation would like to know exactly what information the authorities are reviewing to make a determination. However, where the investigation itself does not impact any due process rights, there are no obligations to reveal details. *See e.g., Nelson v. State*, 279 Ga. App. 859, 864-65 (2006) (“holding that *Brady* does not require pre-trial disclosure of materials sought under a *Brady* motion.”).

CONCLUSION

For the above mentioned reasons, this Court should order New Georgia, Third Sector Development, and the Abrams Campaign to turn over communication documents pursuant to the April 26 subpoena because the request is narrowly tailored, seeks relevant information under the Act, and no privilege attaches to the communications in question.

Submitted this 15th day of November, 2019.

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STATE OF GEORGIA
COUNTY OF FULTON

GEORGIA GOVERNMENT TRANSPARENCY &
CAMPAIGN FINANCE COMMISSION

SUBPOENA

In the Matter of Stacey Abrams & Stacey Abrams for Governor
Case No: 2018-0104

TO: **New Georgia Project, Inc.**
c/o Nse Ufot, Registered Agent
165 Courtland St., Suite A-231
Atlanta, GA 30303

IN THE MATTER OF STACEY ABRAMS & STACEY ABRAMS FOR GOVERNOR

New Georgia Project, Inc. is hereby commanded, laying all other business aside, to produce to the Georgia Government Transparency & Campaign Finance Commission, 200 Piedmont Avenue, SE, Suite 1416 – West Tower, Atlanta, Georgia 30334, before Friday, May 31, 2019, at 5:00 p.m., all records, documents, and materials detailed *infra* which are otherwise in your custody or otherwise within your control.

Specifically, this subpoena compels the production of the following:

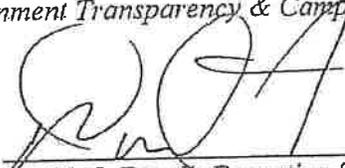
1. Any and all communication, correspondence, written or electronic, or any other documents between New Georgia Project, Inc. or employees or agents of New Georgia Project, Inc. and the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
2. Any and all communication, correspondence, written or electronic, or any other documents between New Georgia Project, Inc. or employees or agents of New Georgia Project, Inc. and Lauren Groh-Wargo from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
3. Any and all records showing persons employed and/or paid by New Georgia Project, Inc. from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
4. Any and all payroll records from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.



5. Any and all communication, correspondence, written or electronic, or any other documents between New Georgia Project, Inc. or employees or agents of New Georgia Project, Inc. and PowerPAC from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
6. Any and all contracts or agreements with PowerPAC relating to the provision of any services from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
7. Any and all documents relating to monies received from PowerPAC from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
8. Any and all campaign literature, pamphlets, flyers, push cards, or other materials distributed on behalf of PowerPAC from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
9. Any and all correspondence, written or electronic, or any other documents relating to the purchase or payment of any advertisement, including radio, television, or internet, yard signs, billboards, flyers, pamphlets and mailers, advocating the election of Stacey Abrams or defeat of Brian Kemp from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

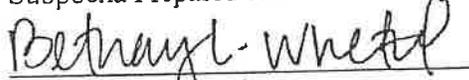
This subpoena is issued pursuant to the authority vested in the Georgia Government Transparency and Campaign Finance Commission by the Georgia Government Transparency and Campaign Finance Act, O.C.G.A. § 21-5-6, and the Administrative Procedure Act, O.C.G.A. § 50-13-13. **Herein fail not under penalty of law.**

Witness my hand and the Seal of the Georgia Government Transparency & Campaign Finance Commission this 20th day of April 2019.



David H. Emadi, Executive Secretary
Georgia Government Transparency &
Campaign Finance Commission

Subpoena Prepared and Presented by:



Bethany L. Whetzel
Ga. State Bar No.: 528934
Deputy Executive Secretary
200 Piedmont Avenue, SE
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Atlanta, GA 30334
(404) 463-1980
bwhetzel@ethics.ga.gov

STATE OF GEORGIA
COUNTY OF FULTON

GEORGIA GOVERNMENT TRANSPARENCY &
CAMPAIGN FINANCE COMMISSION

SUBPOENA

In the Matter of Stacey Abrams & Stacey Abrams for Governor
Case No: 2018-0104

TO: **Fair Count, Inc. f/k/a Third Sector Development, Inc.**
Rebecca DeHart, Registered Agent
464 Boulevard Street SE
Atlanta, GA.30312

IN THE MATTER OF STACEY ABRAMS & STACEY ABRAMS FOR GOVERNOR

Fair Count, Inc. f/k/a Third Sector Development, Inc., is hereby commanded, laying all other business aside, to produce to the Georgia Government Transparency & Campaign Finance Commission, 200 Piedmont Avenue, SE, Suite 1416 – West Tower, Atlanta, Georgia 30334, before Friday, May 31, 2019, at 5:00 p.m., all records, documents, and materials detailed *infra* which are otherwise in your custody or otherwise within your control.

Specifically, this subpoena compels the production of the following:

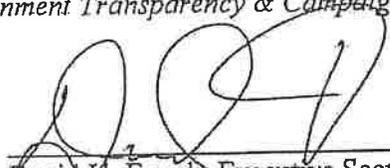
1. Any and all communication, correspondence, written or electronic, or any other documents between Fair Count, Inc. or employees or agents of Fair Count, Inc. and the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
2. Any and all communication, correspondence, written or electronic, or any other documents between Fair Count, Inc. or employees or agents of Fair Count, Inc. and Lauren Groh-Wargo from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
3. Any and all records showing persons employed and paid by Fair Count, Inc. from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
4. Any and all payroll records from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

5. Any and all correspondence, written or electronic, or any other documents relating to the purchase or payment of any advertisement, including radio, television, or internet, yard signs, billboards, flyers, pamphlets and mailers, advocating the election of Stacey Abrams or defeat of Brian Kemp from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

This subpoena is issued pursuant to the authority vested in the Georgia Government Transparency and Campaign Finance Commission by the Georgia Government Transparency and Campaign Finance Act, O.C.G.A. § 21-5-6, and the Administrative Procedure Act, O.C.G.A. § 50-13-13. Herein fail not under penalty of law.

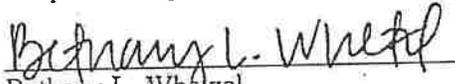
Witness my hand and the Seal of the Georgia Government Transparency & Campaign Finance

Commission this 26th day of April 2019.



David H. Emadi, Executive Secretary
Georgia Government Transparency &
Campaign Finance Commission

Subpoena Prepared and Presented by:



Bethany L. Whetzel
Ga. State Bar No.: 528934
Deputy Executive Secretary

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STATE OF GEORGIA
COUNTY OF FULTON

GEORGIA GOVERNMENT TRANSPARENCY &
CAMPAIGN FINANCE COMMISSION

SUBPOENA

In the Matter of Stacey Abrams & Stacey Abrams for Governor
Case No: 2018-0104

TO: Joyce Gist Lewis
Krevolin & Horst
One Atlantic Center
1201 West Peachtree Street, NW
Suite 3250
Atlanta, GA 30309

IN THE MATTER OF STACEY ABRAMS & STACEY ABRAMS FOR GOVERNOR

Your client, Stacey Abrams and Stacey Abrams for Governor, is hereby commanded, laying all other business aside, to produce to the Georgia Government Transparency & Campaign Finance Commission, 200 Piedmont Avenue, SE, Suite 1416 – West Tower, Atlanta, Georgia 30334, before Friday, May 31, 2019, at 5:00 p.m., all records, documents, and materials detailed *infra* which are otherwise in your client's custody or otherwise within your client's control.

Specifically, this subpoena compels the production of the following:

1. Any and all banking records, to include deposit and withdrawal slips, check registers, checks made and cashed, wire transfers to and from, and all other records of banking transactions relating to accounts under the control or for the benefit of the Stacey Abrams for Governor campaign committee from May 1, 2017 to the present, inclusive of any records received up to the date of hearing of the above-referenced action.
2. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Care in Action from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
3. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and

PowerPAC Georgia from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

4. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and New Georgia Project Action Fund from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
5. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and New Georgia Project, Inc. from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
6. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Third Sector Development, Inc. from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
7. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Gente4Abrams from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
8. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Engaged Georgia Action from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
9. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and Higher Heights for Georgia from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
10. Any and all documents relating to payments or reimbursements made by the Stacey Abrams for Governor campaign committee to Higher Heights for Georgia from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.
11. Any and all communication, correspondence, written or electronic, or any other documents between the Stacey Abrams for Governor campaign committee or employees or agents of the Stacey Abrams for Governor campaign committee and

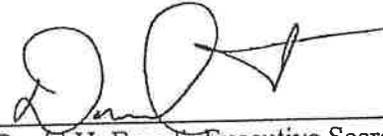
Nikema Williams from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

12. Any and all contracts and/or agreements between the Stacey Abrams for Governor campaign committee and ActBlue from May 1, 2017 to present, inclusive of any records received up to the date of hearing of the above-referenced action.

This subpoena is issued pursuant to the authority vested in the Georgia Government Transparency and Campaign Finance Commission by the Georgia Government Transparency and Campaign Finance Act, O.C.G.A. § 21-5-6, and the Administrative Procedure Act, O.C.G.A. § 50-13-13. Herein fail not under penalty of law.

Witness my hand and the Seal of the Georgia Government Transparency & Campaign Finance

Commission this 26th day of April 2019.



David H. Emadi, Executive Secretary
Georgia Government Transparency &
Campaign Finance Commission

Subpoena Prepared and Presented by:

Bethany L. Whetzel

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the Defendants the within and foregoing MOTION TO COMPEL SUBPOENA DUCES TECUM, prior to filing the same, by electronic mail and by depositing a copy of the same to be delivered via United States Mail, addressed as follows:

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This 15th day of November, 2019.

/s/Christian A. Fuller

CHRISTIAN A. FULLER 758938
Assistant Attorney General