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***FOR IMMEDIATE RELEASE: STATEMENT AND FINDINGS OF EXECUTIVE DIRECTOR
PETER J. SKANDALAKIS REGARDING SENATOR BURT JONES'S INVOLVEMENT IN
MATTERS SURROUNDING THE PRESIDENTIAL ELECTION OF 2020 IN GEORGIA***

Pursuant to an order from Atlanta Judicial Circuit Superior Court Judge Robert McBurney, District Attorney Fani Willis was recused from investigating then Senator Burt Jones and his involvement in matters surrounding the Presidential Election of 2020 in Georgia. On April 11, 2024, I assumed the role of lead prosecutor in this investigation.

To reach a decision in this matter, I relied upon the following records, documents and evidence.

- Transcripts and depositions of all witnesses testifying before the Fulton County Special Purpose Grand Jury.
- Videos of Georgia Senate and House Committees meetings during the month of December 2020.
- The extensive investigative file of the Atlanta Judicial Circuit District Attorney's Office.
- Cell Phone Text Messages from Senator Jones's phone, voluntarily furnished by his counsel.
- Four Separate Interviews of Senator Jones during my investigation.

This investigation was confined to the actions of Senator Burt Jones during the election challenges surrounding the General Election in November 2020. Specifically, the involvement he had in those challenges and what his motives were at the time.

Throughout this investigation, four questions were considered. 1) Did this matter warrant further investigation by law enforcement agencies; 2) Should this investigation be submitted to another Special Purpose Grand Jury for further investigation; 3) Is there sufficient evidence to support the finding of probable cause for filing charges? And if yes; 4) Should this matter be presented to a regular Grand Jury for consideration of charges?

For reasons set forth below, the answer to each question is 'No'.

My review of the evidence finds this matter does not warrant further consideration. The evidence reveals Senator Jones acted in a manner consistent with his position representing the concerns of his constituents and in reliance upon the advice of attorneys when he served as an alternate

elector. The evidence also indicates Senator Jones did not act with criminal intent, which is an essential element of committing any crime.

In support of my conclusion and decision, I provide the following background and narrative:

The November 2020 General Election occurred during the Covid 19 pandemic and in an atmosphere of political divisiveness. In Georgia, the results were extremely close with President Joe Biden prevailing. However, a runoff election for both U.S. Senate seats was required, and control of the Senate was at stake based on who won those elections. Republicans needed to win one of the two to remain in control of the Senate. Both political parties recognized the importance of these seats and campaigned hard to earn the votes needed to win.

Shortly after the General Election, elected Republican state representatives in the states lost by former President Trump began receiving complaints from their constituents regarding election irregularities and allegations of voter fraud. It was no different in Georgia.

It is within this context - these state and national events - that the actions of Senator Jones must be taken into consideration. The evidence indicates Senator Jones and many elected officials in Georgia received numerous complaints from constituents regarding the way the November 2020 election was conducted. Within days of the results being announced, Georgia Senators and Representatives lobbied the Governor to order a Special Session for the purpose of investigating the complaints made by constituents. The Governor declined to order such an event, and the Legislature did not have the votes to make it happen.

Senator Jones acknowledges his efforts in calling for a Special Session of the Georgia General Assembly. He states his goal was to address the "consent decree" in place during the November election. Many believed the resolution of the lawsuit against Secretary of State Raffensperger, the State Election Board, and the Gwinnett County Elections Board diluted existing voting laws. The 2019 lawsuit filed by the Democratic Party of Georgia over inconsistent signature matching practices was not resolved by a consent decree as many have stated, but rather by Settlement Agreement between the parties. However, a misunderstanding led many to believe the drop boxes and voting absentee provisions had been unilaterally altered by the Secretary of State. Senator Jones was led to believe that the Secretary of State had done away with signature verification requiring two individuals for authentication of an absentee ballot and that the ballot drop boxes had been placed in areas which had made them vulnerable to ballot stuffing. He believed that only the Georgia Legislature has the authority to change election laws and that the "consent decree" was illegal. He was hopeful that in the Special Session, the General Assembly could address the consent decree in time for the January 2021 U.S. Senate runoff election. He now knows that even if the General Assembly had changed some of the provisions of the consent decree during a Special Session in December of 2020, those changes, by operation of law, could not have taken effect prior to the January 2021 Senate runoff.

The evidence also reveals that Senator Jones was present and involved in the Senate Judiciary subcommittee hearings on December 3 and December 30, 2020. These hearings were livestreamed by the Senate and are available online for the public to view. Nothing of evidentiary value pertaining to Senator Jones is revealed in these videos other than the statement of his interest for a Special Session. Simultaneously, in the month of December, lawsuits were filed in Georgia and across the nation challenging the results of the Presidential election. Attorneys

representing former President Trump, and the Trump Campaign continuously and repeatedly made media appearances and offered unsworn testimony before state legislatures, including Senate and House Committees in Georgia, challenging the election results. During this time, attorneys and legal scholars argued state legislatures had the duty to send their own slate of electors to Congress if the legislature determined that election laws were not followed or if there was evidence of fraud during the voting process. Despite statements from the U.S Attorney General, the Governor, and the Secretary of State that there was no evidence of widespread fraud sufficient to change the result of Georgia's election, attorneys for the former President continued to make false and misleading statements regarding the election results.

As election lawsuits were being dismissed for lack of standing by various courts across the country, the Trump attorneys became focused on the legal theory that legislatures in the contested states needed to send an alternate slate of electors to the U.S. Congress for consideration if the final vote tally changed. As precedent, they pointed to the presidential election of 1960 between John F. Kennedy and Richard Nixon, when Hawaii, during a close election and the recounting of votes, sent two slates of electors to Congress. The Trump attorneys asserted that failure to act in a manner similar to that of the representatives in Hawaii would render their lawsuits challenging the election results useless. If they were able to prevail, Congress would not have a different slate of electors before it. This would, in effect, disenfranchise the Georgia vote.

It is these circumstances which led to the meeting of the Republican electors on December 14, 2020, at the state capitol. While some electors correctly assumed there was no need to meet on that day due to the results of the election, others thought it was their responsibility to appear due to an email sent by the Trump Campaign setting forth the date, time, and location of the meeting. The author of the email admits it was a poor choice of words to indicate the need for secrecy regarding this meeting. He further states, he simply did not want "Republican activists" to celebrate before the matter was resolved.

Evidence shows not all 16 Republican electors would be present on December 14, 2020, to vote for Donald Trump. It became necessary to find substitute electors to fill those positions. On the evening of December 13, 2020, Senator Jones was solicited via text message by a party leader to serve as an alternate elector. Jones expressed reservations in doing so and told the sender that he wanted to speak with his father who was an attorney. The evening before the meeting, Senator Jones did not commit to serving as an elector.

On December 14, 2020, Senator Jones attended the meeting of the Republican electors and was asked to serve as a substitute for one of the absent electors. He asked the party leader to select someone else but eventually consented to serving as an alternate elector.

Present in the room, among others, was an attorney for Donald Trump, a court reporter, and the 16 electors. Prior to the vote, the electors were advised that their votes were needed to preserve a legal remedy for Trump should the pending lawsuit in Georgia, be successful. After hearing from the attorney, Senator Jones believed that the vote was "a non-binding piece of paper if the court cases were dismissed. If the court cases moved forward and they prevailed, this was an insurance policy". This is confirmed by the transcript of the December 14th proceedings. Based upon this advice and the claims of the attorney, all the alternate electors, including Senator Jones, cast votes on behalf of Donald Trump.

Finally, on January 4, 2021, Senator Jones received an email from the Chairman of the Georgia Senate Judiciary subcommittee requesting he deliver a letter to Vice President Pence, along with the report and minutes of the subcommittee's meetings held on December 3 and December 30, 2020, requesting the Vice President to "delay the count of the Electoral College for twelve (12) days to allow for further investigation of fraud, irregularities, and misconduct in the November 2020 General Election". In the email, the Chairman understood that Senator Jones was scheduled to see the Vice President the next day.

Senator Jones had previously accepted an invitation to attend an event on behalf of Vice President Pence which was scheduled for January 5, 2021. Senator Jones agreed to take the letter with him to Washington D.C. He and his father arrived on January 5, 2021, to attend the function.

Prior to the Vice President's event, Senator Jones received a call from a Trump attorney inviting him to attend a meeting at a nearby hotel. At this meeting, the Trump attorney "did most of the talking" and discussed the legal strategies the campaign was pursuing. The attorney stated, they "had the votes to not certify the election". The Trump attorney asked Senator Jones to "get a read on" the Vice President at the function. Senator Jones left that meeting with the impression that the Trump attorneys had no "tangible plan" regarding contesting the election.

Upon leaving the meeting, Senator Jones made the decision to not deliver the Chairman's letter to the Vice President and stated "it never entered his mind" to discuss the November 2020 General Election, alternate electors, or any matter surrounding the election with the Vice President.

Senator Jones has fully cooperated with this investigation. He has voluntarily subjected himself to four separate interviews with me and answered all my questions. Through counsel, he has furnished cell phone text messages, which were not available to the Fulton County Special Purpose Grand Jury or the Atlanta Judicial Circuit District Attorney's Office. He understands he is subject to a witness subpoena and may be called to testify at any pending federal or state trial.

Considerable resources have been expended and utilized regarding this investigation. Considering the facts, applicable law, and the circumstances surrounding the events occurring in November and December of 2020 and January of 2021, I find the conduct and involvement of Senator Jones as an elected representative to be reasonable and not criminal in nature. Furthermore, his actions of serving as an alternate elector were based upon the advice of attorneys and legal scholars. While the advice may eventually be judged to be incorrect, Senator Jones, like any other citizen, should not be punished for relying upon the guidance of counsel under these specific facts and conditions. In the context of criminal cases, constitutionally ineffective legal advice results in the setting aside of criminal convictions. It is my experience and belief that we should encourage someone to seek the advice of a lawyer when faced with an uncertain legal issue. Potentially punishing someone for exercising that right is contrary to our system of justice.

In conclusion, for all the reasons set forth above, I find Senator Jones's involvement and actions during the times in question to be within the scope of his duties as a Senator to address the concerns of constituents and that his participation in voting as an alternate elector on Dec 14th, 2020, was a result of relying upon the advice of attorneys and legal scholars. Therefore, this case does not warrant further investigation or further actions, and I consider the matter closed.

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