SECURE, ACCESSIBLE & FAIR ELECTIONS COMMISSION  
STATE OF GEORGIA  

The above-entitled SAFE Commission meeting was held before Randi E. Strumlauf, Certified Court Reporter, in and for the State of Georgia, commencing at 9:04 a.m. on the 10th day of January, 2019, at Coverdell Legislative Office Building, 18 Capitol Square, SW, Room 606, Atlanta, Georgia 30334.  

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Quoted material is typed as spoken.
SAFE Commission Members Present

(Alphabetically listed)

State Representative James Beverly
Nancy Boren
Secretary of State Robyn A. Crittenden, Co-Chair
State Representative Barry A. Fleming, Co-Chair
Deidre Holden
Amy Howell
State Senator Lester Jackson
Dr. Wenke Lee
Judge Darin McCoy
James "Jimmy" McDonald
John Monds
Vincent Russo
Secretary of State-Elect Brad Raffensperger
Sheila Ross
State Senator Brian Strickland
Cynthia Welch
PROCEEDINGS

MS. CRITTENDEN: Good morning. Can everyone hear me?

Good morning. I'd like to call to order the meeting of the SAFE Commission. I'd like to welcome everyone to the fourth meeting of the commission.

My name is Robyn Crittenden and I am the Secretary of State. And I'm joined by my co-chair for this committee, Representative Barry Fleming, as well as the other commission members.

The SAFE Commission was formed last spring by Governor-elect and then-Secretary of State Brian Kemp. He charged the commission with making recommendations to the legislature for a new voting system for Georgia. Last week we had an opportunity to view several different systems from the vendors that had responded to our request for information. Today we'll be able to further discuss our recommendations, hear public comment, and, if ready, vote on the Commission's final report and recommendation to the legislature.

Also, I wanted to advise the commission that commission member Maxine Daniels has resigned from the commission and that I appointed Secretary-elect Brad Raffensperger to join the commission.

In order to allow for those unable to attend the
meeting today, today's meeting is being livestreamed. And now I'd like to turn the meeting over to Representative Fleming.

**REPRESENTATIVE FLEMING:** I think that means the mic works. Thank you, Madam Secretary, I appreciate that and I appreciate all the effort you and your staff have put into making this commission function. And I know it's taken a lot of time and effort, and I thank you for that. You've done an excellent job. You've been at it so long. So thank you so much.

Thank you-all for coming today. We have a full house. Our order of business today will be public comment, initially, and then commission discussion on recommendations, and, of course, adjournment, so ... I believe our normal course of procedure is to allow a sign-up sheet and -- do we have a sign-up sheet?

**MS. SIMMONS:** Yes, sir.

**REPRESENTATIVE FLEMING:** Okay. While we're getting that, I will remind everybody that all our meetings have been taken down by a court reporter who's sitting right up front. Many of you have seen that happen before. She will do her best to take down everything that we say. And that means that we don't need to talk over one another. If I ask you to stop or slow down or for only one person to speak at the time, it's so we can all hear, most
importantly, she can, because she's keeping a record for us.

There are this morning, before we get moving into public comment, several members of the legislature that I see that are here. Of course, happy to have you-all. And I will note that the chairman of the House Government Affairs Committee, Chairman Ed Rynders, is here. Chairman Rynders' committee is the committee in the House which handles most election issues and very likely that -- a good chance that whatever the legislature does this year, he will be running the show when it comes to the committee process, which is all important in the legislative process on the House side.

Chairman Rynders, would you like to come up or make any comments before we get started?

**REPRESENTATIVE RYNDERS:** Yes, briefly. Thank you, Mr. Chairman, Madam Secretary, and Secretary-elect, and all members of this -- of this body. We appreciate the hard work that you've done and we know that you've got the best interest of safe and secure elections in mind on behalf of the people of Georgia, and I look forward to your recommendations.

Thank you, Mr. Chairman.

**REPRESENTATIVE FLEMING:** Thank you, Mr. Chairman.

Appreciate you being here with us this morning.
Before we get started with public comment, I just want to make sure that any members of the commission have any questions about the process this morning and how we're gonna handle that. We'll have some people coming in, so we'll, of course, just allow folks to move freely as need be on the commission. If there are none, we'll get started right in to it.

We have asked, as we have in the past, if you'd be so kind to limit your comments when we begin the public process to two minutes. We do have a large list of people here that I have signed up, so we'll try to move through those. I will ask you, if you would, come forward to the podium to address the commission. So once again, the microphones make it possible for everybody to hear and everybody to -- for the court reporter to take everything down.

Now, as for members of the commission are concerned, one thing that I would point out to you, if you look right in front of your desk, there's a number. That number represents for the Chairman where you are as far as the microphones are concerned. And there is a button, a little black button, right next to your microphone. If you want to be recognized, if you press that black button, it will notify me on the screen by number and I can identify who you are. So that would be a little bit
easier than some of our previous meeting rooms that were set up for the committee process, for me to recognize you-all. So remember, you can raise your hand but you can also press that button right there and I'll be happy to recognize you.

But let's get started this morning with our public comment. I would ask, like I said, for you to come forward. I'll try to, if I can remember, to tell you who I'm gonna ask to come up and then who will be next, so you can go ahead and line up at the podium, another person who's behind, I guess, who's on deck.

So we'll start out with George Balbona, and then next will be Rickey Kittle. So, George, good to see you this morning.

**MR. BALBONA:** Good to see you.

**REPRESENTATIVE FLEMING:** Welcome. And please, as always, tell us where you're from and we're happy to hear from you.

**MR. BALBONA:** I'm from Cobb County. Check, check -- this isn't on.

**REPRESENTATIVE FLEMING:** Hold on one second.

**MR. BALBONA:** Public has no voice. What's new?

**REPRESENTATIVE FLEMING:** Try now.

**MR. BALBONA:** Check, check.

**REPRESENTATIVE FLEMING:** Okay. Mr. Kittle. As I
said, I'm from Cobb County. I've seen you guys at a lot
of these things. I became politically active just in 2017
after the District 6 debacle and -- it's gone again.
Check, check. One, two. No mic. Okay.

So anyway, I'd like to know if you're gonna listen to
the voice of the people, the vote -- the Georgia voters,
who want hand-marked --

REPRESENTATIVE FLEMING: Wait. Wait one second.

MR. BALBONA: Okay.

REPRESENTATIVE FLEMING: I'll help you out. Ask if
we can hear you. If you will, is there a button next to
the microphone up there -- the base of it? Sometimes the
connection -- there you go.

MR. BALBONA: Now there is a -- oh.

REPRESENTATIVE FLEMING: That green light's on.
There you go.

MR. BALBONA: Oh.

REPRESENTATIVE FLEMING: Go ahead. Go ahead.

MR. BALBONA: Thank you. All right. So I want to
know if the SAFE Commission is gonna actually listen to
the voice of Georgia voters and their will, which is for
hand-marked paper ballots. What does it -- what do we
gain by adding superfluous steps to the process of voting?
Nobody touched it.

REPRESENTATIVE FLEMING: Okay. There.
MR. BALBONA: Okay? You're gonna waste a hundred to $150-million dollars on a system that most likely is gonna have a bar code from what I hear, which no person can read -- check, check. Does this have some kind of limit? Okay. No person on the planet can read, and you're gonna waste Georgia's money. Okay? Why?

Why do you have subject matter experts like Wenke Lee here, who tells you gold standard, hand-marked paper ballot for auditability, for, you know, security. And do you listen to him? Why have it? It's a dog-and-pony show unless you listen -- unless you listen to your subject matter experts, which I have not -- all these people here are in here on a cold January morning because they feel good about this decision you've made in the past. Okay?

So, you know, you come up with these great names, SAFE Commission, Citizens United -- Citizens United being screwed by big business. That's what I see the SAFE Commission doing. You want to give hundreds of millions of dollars to companies that aren't based in Georgia. A couple of them aren't even based in the United States, by the way. And for what? To add another layer of obfuscation? You say, Oh, we can audit if there's a problem. But if there's a bar code, you never know if there's a problem, so that is just plain BS on your part and you know it.
And then you listen to people like Chris Harvey, who I have video of him lying to the Fulton County Board of Elections, saying our system has never been breached. That is laughable. You should go talk to a guy named Logan Lamb. Okay? You have Cathy Cox coming up and saying, Oh, we need a -- we need an expert like Merle King, the one that Kemp said was great right up until two database servers were wiped clean, and then he says he's, like, grossly negligent. Okay?

We're sick of the lies. We're sick of the dog-and-pony show. We want hand-marked paper ballots. That's it.

**REPRESENTATIVE FLEMING:** Thank you, George. We appreciate you coming today.

  Rickey, welcome. Good to have you.

**MR. KITTLE:** Good to be with you.

**REPRESENTATIVE FLEMING:** Tell us where you're from.

**MR. KITTLE:** I'm from Catoosa County. I'm chairman of the board of elections, Catoosa County. And I'm here to represent, I guess, my citizens in my county.

  Do I want paper ballots? I'll tell you why I do elections. I've seen a variety of our mail-in ballots come in where we have to decide how the voter wanted to vote. On a machine, before they cast their vote, they make their vote known. I don't want to be having
committees where we have paper ballots where is that a
smudge or is that a mark for a candidate. I don't want to
see that happen. I don't want to be the hanging chad
state of the United States again. That's why we have
technology. We don't need to revert back. We want paper
-- to go back to paper everything? I mean, just to me, it
seems like we don't need to back up, where we have to have
people who look at a ballot and decide did that person
mean to mark that or did they mean to mark it out and miss
the vote. I've seen that on paper ballots. I've worked
elections. I know what happens in them. And I just do
not want to see us go back to spending -- our county, we
have 45,000 voters -- to print a ballot for everybody to
have the absentee ballots, the provisional ballots, would
cost us somewhere around 20- to $25,000 an election. If
we have a runoff, that's $50,000. Then we have -- then we
have the final one in November: $75,000. Then we have a
runoff: $100,000. And we're a small county. I cannot
imagine what it would cost Fulton County to print a ballot
for everybody to have, because state law says you have to
have them there. And that's an awful big cost for every
election, even if you have two people in a runoff, as we
had. You've still got to print the ballots for everybody,
and knowing they're not all gonna come back out and vote
in a runoff election. We know they're not going to. You
know, we may get 17 percent.

And we have a SPLOSH (ph) election; we're gonna spend $25,000 of taxpayers' money to hold a SPLOSH election, where you'll get 10 percent of the voters. To me, we don't need to back -- back up. I know, you know, people say but with the way we're going now, with the machines that we -- I've seen, where we actually have a paper trail, where we actually count all of them.

REPRESENTATIVE FLEMING: Thank you, Mr. Kittle. We appreciate you coming this morning.

Okay. Next up will be -- make sure I pronounce this right -- Bona Allen. And Mr. Allen, after you will be Jacqueline Elsner.

So Mr. Allen, good to have you. Tell us where you're from and happy to hear from you.

MR. ALLEN: Thank you, sir. And you did pronounce my name correctly.

REPRESENTATIVE FLEMING: Good.

MR. ALLEN: So thank you. I'm from Dunwoody, DeKalb County; longtime resident of DeKalb County, before it was Dunwoody. So Mr. Chairman --

REPRESENTATIVE FLEMING: Let me mention to you, this may not be very helpful right now, but I'm told in case people who are in-between rooms, that there is no Livestream audio but we're working on that, trying to get
that fixed. So for all those who can read my lips, watching, that's what's going on. So I apologize.

**MR. ALLEN:** I'll talk louder.

**REPRESENTATIVE FLEMING:** Yeah, it might help. Yeah. Go ahead, Mr. Allen. Tell us where you're from.

**MR. ALLEN:** Bona Allen. I'm from Dunwoody.

**REPRESENTATIVE FLEMING:** Good to have you.

**MR. ALLEN:** Longtime DeKalb County resident. So Mr. Chairman and Madam Secretary and Mr. Chairman or Secretary of State-elect and the rest of the commission, good morning. Thank you for having this public hearing, this public listening session.

So I'm an executive with the US division of a worldwide construction company -- construction, architecture, engineering. I can tell you that technology is a constant struggle. Mainly, technology -- staying on top of technology, but also the keeping our technology secure. When we're designing buildings -- buildings, other things, and we build big manufacturing facilities here in Georgia and throughout the U.S. And, so, it's a struggle, and we struggle with it to keep things secure. And at some points we want to go back or we're tempted to go back to paper plans, paper, just because that's the only way things can be secured.

And, so, here we are. And the gentleman -- that I
have great respect for our officials that are running these elections, so I appreciate his comments, but on the other hand, what is more sacrosanct than our ability to have our votes counted accurately?

**AUDIENCE:** Tell them.

**MR. ALLEN:** So I'm here to say, as somebody that's in the business world, I don't think we're going backwards when we have handwritten, hand-filled-out paper ballots that are then scanned, so that the electronic component is a part of that. I think that that is the way to go, and, plus, it's a lot less expensive.

So, yes, it could wind up being, you know, more time-consuming to confirm certain ballots that are not filled out correctly. But on the other hand, we save a lot more money in this type system on the front end. And if we wound up leasing the products and the hardware and software, we could save money over time as well.

So I urge this commission to go towards the -- and recommend the proposal that has hand-filled-out ballots and then scan those ballots as opposed to some bar code system. Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Mr. Allen. We appreciate you coming this morning.

I had reminded before we started -- I did not this morning -- we will certainly try to listen intently to
everybody that has public comment, but I want everybody to be able to hear you. So I'm gonna ask if you're in the audience, you certainly -- you are welcome to sign up for public comment. But beyond that, we'd ask you to be -- remain quiet so everybody could be heard. And I don't think that would be a problem. It hasn't been so far. But I will ask you to leave if that becomes a problem. So thank you for coming this morning again.

Jacqueline Elsner.

**MS. ELSNER:** Jacqueline Elsner. I live in Clarke County, and --

**REPRESENTATIVE FLEMING:** Good to have you again.

**MS. ELSNER:** Thank you. Yeah, I was here in December. I'm a proponent of the hand-marked paper ballot. I hear the election board supervisor say, Oh, you're -- you know, you're saying this is the problem for that type of system. The cost of it, etc. I've also heard in December that it was said, Oh, we won't have to -- we're gonna lease these things. But you don't want to lease them; Georgia doesn't let you lease. You want to get a bond. I thought, that's a banker saying y'all need to get a loan from me.

You're in charge of finding out what's the most cost effective, secure, trustworthy. Our Clarke County elected school board and superintendent, in the month of December,
met with our two Georgia senators and two Georgia -- three Georgia representatives. And they said these are the -- thank you for helping us win 20 -- you know, the next fiscal year, with our public school allocation. But we're gonna have local costs way beyond what you've allocated. And the senator said, What do you want me to cut if you want the State to help all you counties out with your public school system?

And I read that and I thought, Well, how about you pick the best and most trustworthy and the most economical voting system -- hand-marked ballots. I thought, Okay. You want to play that game. You want to educate the children or you want to have trustworthy voting systems, go -- the one that's most trustworthy is the most economical.

And you're wondering, you know, could more citizens be giving feedback at these commission members. And thank you for live-feeding today. I think it would be helpful have these -- also have them on weekends, in the evening. People work. They're -- this is Atlanta or Macon or Augusta. It's expensive to travel across the country -- the state to come to these meetings. And have questions submitted through your livestreaming. And have your coordinator say here are the questions. Thank you very much.
REPRESENTATIVE FLEMING: Thank you, ma'am. We appreciate you being here today.

Next will be Dr. Regina Smith, and, after that, Vicki Krugman.

Dr. Smith. Dr. Smith, good to have you this morning. Please tell us where you're from and we'd love to hear from you.

DR. SMITH: Thank you. My name is Regina Smith. I am a citizen in Clarke County. I live in Athens, Georgia. I've been voting now for over 50 years, from the northeast to the northwest and in just about every southern state in the southeastern part of this country.

When citizens lose confidence and faith in our elections, when we, the people, doubt that our vote is accurately recorded and counted, and when we believe that people are disenfranchised, our very democracy, indeed our country, is grievously wounded. And make no mistake, folks on the committee, Georgia has been grievously wounded over the last couple of years.

We received avoidable, negative press nationwide in 2018 because of issues related to our outdated electronic voting system.

The decisions and recommendations your committee is going to make are critically important to Georgia. And I thank you for your service and I hope that you will work
hard and make the right decision. Because the threats and
the realities are happening and electronic vote
manipulation are real. They present critically important
issues that beg your reasoned, your thoughtful, and your
timely response because much is at stake.

Sometimes a step in the right direction is a step
back technology-wise. The state of Georgia and its
citizens need and want a completely paper-driven
citizen -- system that is impervious to attacks and to
hacks both now and in the future. There's nothing wrong
with going old-school, folks; nothing at all. You need to
listen to your own computer cybersecurity expert on your
committee. And I urge you do not invest foolishly and
shortsightedly in an expensive, tech-driven system that
will be obsolete in a few years. And do not listen to
naysayers. And by all means, do not listen as salesmen
and lobbyists try to sweet-talk you into a
150 million-dollar boondoggle when a paper-based,
citizen-preferred system that's considerably cheaper is
available. Thank you.

REPRESENTATIVE FLEMING: Thank you, Dr. Smith. We
appreciate you being here.

Vicki Krugman. And after that will be John Fortuna
(ph.). Vicki?

MS. KRUGMAN: Yes.
REPRESENTATIVE FLEMING: Welcome. Good morning.

MS. KRUGMAN: I'm gonna pass this.

REPRESENTATIVE FLEMING: That'll be fine. Just hand it right there and we'll pass it around. Please tell us where you're from and happy to have you this morning. Love to hear from you.

MS. KRUGMAN: Good morning. I'm Vicki Krugman. I'm from Oconee County. I've been here a number of times; talked with some of you on the phone. And I'm happy to be here.

Today my message is that you, as members of the SAFE Commission, are responsible to bring trust and reliability to the Georgia's [sic] voting system. Your position is nonpartisan. It's not political. And it exists to remedy the voting crisis across Georgia that we've experienced most recently and for a long time.

Your responsibility is to the citizens of Georgia. Your responsibility is not to the governor. It's not to the legislature. It is not to the secretary of state. It is not to a political party. It's not to a lobbyist. And it's not to any particular vendor. And I hope you will take time to think about that as you go through your decisions.

I expect the decision you make today will bring the voter as close to the vote as possible. The least amount
of interface with an electronic machine, between the voter
and casting a vote, will provide the transparency citizens
of Georgia are expecting.

I know this is a big challenge and that it will
involve many changes and with a lot of problem-solving all
along the way. That's what democracy is all about. It's
messy because it's democracy. And democracy is for and
about the people and what they -- what they would like to
see in front of them when they go in to elect -- to elect
an official.

After researching voting across the country,
reviewing many resources and recommendations, I highly
recommend you bring the Georgia voter as close to their
vote as possible. To do this I believe the following
standards are imperative to avoid a widespread criticism
of you personally and as part of the SAFE Commission.
This means hand-marked ballots, on-site ballot printers,
scanner-tallying machines, and an audit system that has a
paper trail with the capability of verifying elections and
completing a full count. Thank you very much.

REPRESENTATIVE FLEMING: Thank you, Ms. Krugman. We
appreciate you being here.

John, good morning. Good to have you. Please tell
us where you're from and we'd be happy to hear from you.
And after you will be Liz Throde. Throop? Throop.
That's a -- that's a "p."

John, good morning.

MR. FORTUIN: Good morning. My name's John Fortuin.

REPRESENTATIVE FLEMING: Fortune (pronouncing).

MR. FORTUIN: I'm from Athens, Georgia. I have been watchdogging the Secretary of State's Office since Cathy Cox's administration since 2004. I'm a computer programmer with 20 years' experience in industry and nonprofits, educational institutions. I have no problem programming all sorts of equipment and that's why I've been completely concerned and been working since 2004 to bring accountability to Georgia's voting system by restoring the primacy of paper ballots so that folks with my educational background or just a clever 14-year-old won't have the chance to seamlessly rig our elections.

I really appreciate that the SAFE Commission had on its RFI hand-marked paper ballots as item number 1. I do believe that that is the most accountable and economical way to go.

And we need to make certain that we do have ballot-marking devices for the disabled and for folks with special needs. These absolutely should not be deployed as a replacement for DREs one for one. We only need one BMD per precinct.

And I've -- won't take any money from any of these
vendors ever, but I'm going to say I was quite impressed
by the Clear Ballot solution. And I think we need to have
a full-size BMD ballot that's eight-and-a-half inches
wide. And that means that while ES&S does have an optical
scanner that can accommodate eight-and-a-half-inch-wide
paper ballots, we should not consider ES&S's
ballot-marking devices -- those small format ballots are
inappropriate and the bar codes on any ballot are an
inappropriate way to record a vote.

REPRESENTATIVE FLEMING: John, thanks for coming
today. We appreciate you being here.

MR. FORTUIN: Thank you.

REPRESENTATIVE FLEMING: Uh-huh. Okay. Liz -- is
that -- that's Throop (pronouncing)?

MS. THROOP: Throop, the "h" is silent.

REPRESENTATIVE FLEMING: I always miss that.

MS. THROOP: Hey.

REPRESENTATIVE FLEMING: Okay.

MS. THROOP: I'm Liz Throop.

REPRESENTATIVE FLEMING: When you do your "p" on the
end, make it go down further. It looks a little bit like
a "d." I'm a English teacher this morning.

MS. THROOP: Thank you.

REPRESENTATIVE FLEMING: I'm sorry.

MS. THROOP: Thank you.
REPRESENTATIVE FLEMING: Good to have you, Liz. and you've been here before --

MS. THROOP: Hey.

REPRESENTATIVE FLEMING: -- and we appreciate you coming back.

MS. THROOP: I'm from DeKalb County.

Please stop saying that you're for paper ballots if you are for ballot-marking devices. They just output confusing summaries and mysterious data encrypted into bar codes. And don't pretend that hand-marked paper ballots cost a cent more to print than those fake BMD printouts.

Stop saying that you're concerned about the disabled and whether votes on assistive devices look exactly like votes on hand-marked paper ballots. The vendors can configure ballots from assistive machines to look exactly like Scantron ballots; you just have to write that into your request. The disabled face numerous challenges at our polls, but this is a red herring.

And stop saying without real evidence that African-American voters are less able to fill out Scantron ballots. Cathy Cox said this was true in 2002, but we know that scanning technology is radically different today. Clear Ballot, for example, has scanners that interpret stray marks, incomplete marks, and such.

If Georgia chooses hand-marked paper ballots, we will
also be able to afford lavish educational campaigns on how
to fill in Scantron bubbles.

(Chorus of laughter)

**MS. THROOP:** But most Georgians are already familiar
with Scantron-type ballots because they use them in school
starting in early grades. Billions of dollars in school
funding is awarded based on how children fill out
Scantrons, and those children have been aging into the
voting populations for decades.

Low literacy makes voting challenging, but there is
no evidence that ballot-marking devices are one bit
easier. Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Liz. Appreciate
you coming today.

Next will be Elisabeth Macnamara with the League of
Women Voters. Elisabeth, if you'll make your way forward.
And after Elisabeth will be Janie Eveler.

**MS. WASSON:** Jane -- missed me?

**REPRESENTATIVE FLEMING:** If -- what's your name?

**MS. WASSON:** Joy Wasson.

**REPRESENTATIVE FLEMING:** We'll get you, Joy.

**MS. WASSON:** Thank you.

**REPRESENTATIVE FLEMING:** Okay. Ms. Macnamara, good
to have you this morning. Welcome.

**MS. MACNAMARA:** Good to be here. Thank you. My
names is Elisabeth Macnamara and I am with the League of
Women Voters. The League of Women Voters of Georgia
represents voters across the state of Georgia in many,
many particularly urban districts.

We are -- we had spoken to this commission before. I
think our position is known on this, that we are looking
for a system that is secure, accurate, recountable,
accessible, and transparent. And let me just -- let me
just expound a little bit on a couple of those points.

From our point of view, "secure" means includes a
uniformity across the state. That is critically important
to us, that all voters are able to vote on the same
system.

In terms of recountable and accurate, yes, of course,
we would like to see a voter-verified paper trail. In
terms of whether or not this paper trail comes from a
hand-marked paper ballot or a machine-marked paper ballot,
I would encourage the commission and also members of the
public to recognize that election systems are complex, and
there are an awful lot of human beings that are involved
in these elections. And these elections have got to work
for all those human beings. Those that are in crowded
urban precincts were filling out the lengthy ballots that
we have here in Georgia. It's not a matter of on a piece
of paper; it's not by hand; it's not a matter of literacy;
it's not a matter of education. It's a matter of time. That we have poll workers that are basically volunteering to come and help our elections.

We just came through the 2018 election and, yes, there were issues. And from the point of view of our folks, the many of whom work in the polls, a lot of them arose because we had a huge turnout -- a very, very good thing -- and a lot of our precincts ended up resorting to paper ballots, to provisional ballots and absentee ballots, and it caused a great deal of confusion, and it was difficult for poll workers. So to be accessible, a system has to work for everybody, not just the voter, but also those that are running our elections.

The system needs to be transparent and the system accessibility -- I want to go back to accessibility, if I can have just one more minute. Early voting is critically important to the system here in Georgia. It's extremely popular in all 159 counties. By last -- in the last election or at least in the election where we have figures, I believe as many as 50 percent of voters that turned out, turned out in early voting. Paper ballot -- hand-marked paper ballots present an enormous challenge for those early voting sites. Maximizing the number of early voting sites, particularly in urban areas, is also critically important to the system.
So in conclusion, folks, the system is what is important. The system surrounding any device on which we mark, on which we vote is what is critically important. And the League of Women Voters encourages the commission to take the entire system into account, not just the system that the voter sees in the precinct on election day. Thank you.

**REPRESENTATIVE FLEMING:** Thank you so much. We appreciate you being here today.

Okay. Janie.

**MS. WASSON:** It's Janine Evely.

**REPRESENTATIVE FLEMING:** Janine Evely.

**MS. WASSON:** Yes. I'm the --

**REPRESENTATIVE FLEMING:** Good morning.

**MS. WASSON:** -- supervisor of elections for Cobb County.

**REPRESENTATIVE FLEMING:** Cobb County.

**MS. WASSON:** Yes.

**REPRESENTATIVE FLEMING:** Small county.

**MS. WASSON:** Yeah, a little one. Yes.

**REPRESENTATIVE FLEMING:** Yeah, yeah. Okay. All right.

(Chorus of laughter)

**MS. WASSON:** Okay. So many people have been talking about that hand-marked paper ballots would be the least
expensive option. While it's true that the initial cost
to the State, because there's fewer hardware pieces, would
be less, the printing of paper ballots ahead of each
election in all district combos for every voter is an
unfunded mandate for county governments. And it's a huge
undertaking for the ballot printers. You're talking
about, statewide, there would be over six million ballots
that had to be created for every statewide election. In a
primary, you're looking at twelve million ballots or more
because you have to have a ballot for every voter for
either party that they may choose.

So to mitigate this cost and the waste, because you'd
be getting rid of all these ballots that were not selected
for a particular election, we do need something that has
ballot on demand. And that may be either of the
ballot-marking devices or a ballot-on-demand printer at
each precinct, so that way there's less waste. And if
it's a ballot-on-demand of a blank ballot, then you would
have hand-marking. Personally, I prefer the
ballot-marking devices because every voter would be
provided with accessible viewing options, and the voters
would have -- eliminating the ballot-marking errors that
are possible.

Those who say that ballot-marking devices are
hackable or create a bar code that cannot be verified by
the voter, I personally think that's a straw man argument because they're focused on an error being introduced in a bar code when it can be easily introduced in a scanner or a central tabulator or any number of points within the system. The -- neither hand-marking a ballot or eliminating the bar code will provide any additional certainty that the ballot has been tabulated correctly. The only way to manage that certainty is the post-election audits. And any of these systems have the human-readable text on those ballots that can be verified against a mechanical tally, even those that have bar codes that are used for faster election-night tabulation.

So I would just ask that you consider the ballot-marking devices. I think that those would be a lot easier to audit, because you wouldn't have the uncertainty of an auditor trying to interpret the voter's intent.

Thank you very much.

**REPRESENTATIVE FLEMING:** Thank you. We appreciate you being here today.

Okay. Next couple of folks that we'll get to is Isabel Hidalgo. Isabel, you tell me how to pronounce your name when I recognize you at the podium. And after Isabel will be Sara Tindall.

And your last name?

**MS. HIDALGO:** Hidalgo.
REPRESENTATIVE FLEMING: Did I get it?

MS. HIDALGO: Yes, you did.

REPRESENTATIVE FLEMING: Oh, good. Well, good.

MS. HIDALGO: Thank you.

REPRESENTATIVE FLEMING: Isabel, tell us where you're from and welcome to have you.

MS. HIDALGO: Yes. Isabel Hidalgo from Fulton County.

My Facebook feed told me this morning that I had been here last year, and I -- we were talking about the same thing.

I was almost in tears when I saw the secretary of state's office at the time parade a series of people from different communities so attached to the 17-year-old, rated F-minus machines, and how much they love them. This was prior to the election when we were asking hand-marked paper ballots for the election. I stood up here and I reminded that committee that it took six months to the world to switch to paper ballots after the invasion of Ukraine. Why were we taking so long? Why couldn't we not secure 2018 elections? And, you know, it was -- it was so overwhelming. I told them might as well just give Brian Kemp the keys to the governor's house. And there you go. Look at where we are. But now we have twelve federal lawsuits because we keep playing like it's Georgia 1920s
and everything that happens here never leaves this room.

You know, everywhere you go on Facebook, on Twitter, people are talking about hand-marked paper ballots. People are talking all over the country about Georgia who already ranks 50 from 50 in the worst, worst election. Security -- we have nothing. And now -- we're now again going down the ES&S.

Professor Fleming, I visited you for the SB 403 ES&S vendor bill that was about the bar codes. And I told you, people are not gonna use not-verifiable equipment to vote. We had a quarter-million people voting by mail in the past election. It was a mess. And while we watched people vote by mail, we also saw missing cords from machines, machines flipping to the Republican side. We -- it was Vietnam of elections. It was the new Jim Crow. People couldn't vote because locations that needed twenty machines had received three. We need -- we see what happens when machines are between our votes.

So my recommendation is that you realize that we are not in Georgia 1920s. We know who you are. We will make you accountable. We will -- we will recall -- we can recall you. It will be a breach to our constitutional rights. Hand-marked paper ballots -- not a paper trail -- hand-marked paper ballots is the gold standard. Every single expert in the country has recommended that.
REPRESENTATIVE FLEMING: Thank you, Ms. Hidalgo.

MS. HIDALGO: Nobody here, except Dr. Lee and Professor Rick DeMillo is an expert at this.

REPRESENTATIVE FLEMING: Thank you.

MS. HIDALGO: You have to listen to the recommendations or we will make you accountable. You will have to explain why.

REPRESENTATIVE FLEMING: Thank you.

MS. HIDALGO: And yesterday, secretary -- I mean --

REPRESENTATIVE FLEMING: Isabel.

MS. HIDALGO: Yes. Thank you.

REPRESENTATIVE FLEMING: Thank you. Uh-huh.

Appreciate you being here today.

MS. HIDALGO: Thank you. I appreciate that, too. I hope this time something happens.

REPRESENTATIVE FLEMING: Sara Tindall -- and, Sara, pronounce your last name for me.

MS. GHAZAL: Ghazal, like --

REPRESENTATIVE FLEMING: Ghazal. Just like the --

MS. GHAZAL: -- the deer.

REPRESENTATIVE FLEMING: -- the deer. Okay. Be as graceful as the gazelle for us this morning. Good to have you. Tell us where you're from.

MS. GHAZAL: Thank you. My name is Sara Tindall Ghazal and I'm from Cobb County.
I thank you, Commissioners, for allowing me to speak today and I'm going to be providing a statement on behalf of Sarah Riggs Amico, who unfortunately was not able to be here today.

**REPRESENTATIVE FLEMING:** Say that name again. I'm sorry.

**MS. GHAZAL:** Sarah Riggs Amico.

**REPRESENTATIVE FLEMING:** Okay. Tell us where Sarah is from.

**MS. GHAZAL:** Cobb County.

**REPRESENTATIVE FLEMING:** Cobb County. Thank you. Uh-huh.

**MS. GHAZAL:** (As read) "I write today in support of hand-marked paper ballots, and I do so based on my experience as both a voter and a candidate for lieutenant governor in the 2018 Georgia general election.

"Significant anomalies exist in the reported vote totals for lieutenant governor's race in the Georgia general election held November 6th, 2018. Specifically, this race has an unusually high rate, more than 4 percent of residual votes, i.e. votes that were either invalid, not recorded or were never cast in the first place. More than 100,000 votes in the 2018 race to be Georgia's lieutenant governor appear to be missing from the vote totals."
"More concerning, the anomalies -- the anomalous missing votes in the race come exclusively from ballots cast via DRE machines -- touchscreen voting machines. Paper ballots in the race appear to have no anomalous residual votes.

"According to Dr. Michael Herron, who has studied the results of the 2018 general election in Georgia, the elevated lieutenant governor residual-vote rate has -- that has been documented appears only on DRE ballots. There is no evidence that mail-in absentee ballots in 2018 had anomalously high lieutenant governor residual-vote rates. In other words, this problem existed only on the touchscreen DRE voting machines.

"Dr. Herron is the William Clinton Story Remsen 1943 Professor of Government, Dartmouth College in Hanover, New Hampshire. He currently serves as the chair of the Program of Quantitative Social Science. Dr. Herron has published widely on election administration in the United States and has consulted on litigation election-related matters.

"The stark anomaly in the 2018 lieutenant governor's race indicates serious inadequacies in the administration of 2018 -- the 2018 general election. In particular, they indicate still more problems in the performance of the DRE machines. A federal court judge recently recognized the
potential for such problems who explained that there were serious security flaws and vulnerabilities in the State's DRE system."

**REPRESENTATIVE FLEMING:** Sarah, I'm gonna allow you to wrap up.

**MS. GHAZAL:** Thank you. (As read) "If these results were not from an election but laboratory results, the anomalous elevated results would trigger an immediate phone call to a doctor's office. Likewise, further investigation into this anomaly on DRE machines must be fully investigated and understood before any decisions can be made. Thank you very much for your time and your attention."

**REPRESENTATIVE FLEMING:** Thank you, Sarah. Appreciate you being here this morning.

Okay. Next we will have Rebecca DeHart. Rebecca, good morning.

**MS. DEHART:** Good morning.

**REPRESENTATIVE FLEMING:** And after Rebecca, Kristopher Young.

Rebecca, please tell us where you're from and we're happy to have you this morning. Thank you.

**MS. DEHART:** Good morning. My name is Rebecca DeHart. I'm the executive director of the Democratic Party of Georgia and I'm also here to give my comments on
behalf of the chairman, DuBose Porter.

We are extremely concerned that the voting machine industry is pushing this commission to move too quickly into making a decision, especially given that the problems of the 2018 election still lack proper investigation and evaluation, and many of these issues are still active in the courts.

We ask the commission today to delay any vote until the problems with current machines are thoroughly investigated. Also, just yesterday, we learned that the chief lobbyist for Election System & Software, one of the top contenders under review by this commission, has deep ties to Brian Kemp in his capacity as Secretary of State, and in fact was appointed this week as deputy chief of staff and his governor's office. We are very concerned that there is such a strong connection between an elections lobbyist and our next governor, particularly as ES&S predecessor, Diebold, was the manufacturer of our current machines. This is a blatant conflict of interest and is worthy of great alarm.

Last, our general counsel was denied a proxy vote today on this commission by its own leadership. That's a ridiculous and a useless exercise of absolute power unless the goal is to ram the manufactured outcome through this commission.
And ultimately, given all that I have highlighted this morning and by other points made by the public that I don't have the time to repeat, we believe that that is exactly what may be happening.

In today's discussions, we ask that the commission leaders give adequate time and discussion to meaningful and sincere evaluations of what happened in 2018, and our current state of elections, and all of the issues that we have seen before making any recommendations and sending them to the legislature. Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Rebecca. We appreciate you being here this morning.

Kristopher Young. Kristopher, good morning.

**MR. YOUNG:** Good morning.

**REPRESENTATIVE FLEMING:** Good to see you. Welcome. Tell us where you're from.

**MR. YOUNG:** My name is Kristopher Young. I'm a Fulton County resident, voter. I've been an electrical engineer for 22 years now, working in the industry. I work for -- I work for a company that sells chips, so I see a lot of different companies that build electronic systems and have vetted systems.

And what's alarmed me about this process is that it's been a very vendor-driven process here, and I generally don't like to see that. In engineering, you kind of like
to see requirements come up first, and then, as soon as
the requirements are fully formed, that's when you go out
and you look -- ask the vendors to approach those
requirements.

So for me, my main requirement would be to have fully
transparent, fully verifiable, fully secure elections;
also, elections that are very easy and fast -- you want
short lines. You also want it to be cost-effective, both
in the short term and in the long term. Hand-marked paper
ballots with risk-limiting audits is really the only way
to solve all those issues. And it really does solve every
one of those issues.

I heard somebody talk about how paper ballots are
expensive. Well, we kind of shortchanged ourselves with
the system we have now. We're probably using them at
least ten or fifteen years past their effective life as
far as their security is concerned. So our system now is
way too inexpensive. So I don't see how going to paper
ballots is really going to break the budget given the fact
that some of these full ballot-marking-device systems are,
you know, 150 million-dollars-plus.

I saw systems demonstrated last week where
hand-marked paper ballots are inserted into a scanner at
the precinct. They're stored securely. They can be used
for audits afterwards. The scanner actually validates the
ballot for the voter and actually tells them whether there's problems with the ballot. I thought that was an excellent system. What's also nice about that system is that accessible ballot-marking device can be there. It can print a ballot that looks exactly like a paper -- a hand-marked paper ballot. It'll go through the same channels as everything else. And, basically, that's -- that's a completely transparent and verifiable system.

Thank you.

REPRESENTATIVE FLEMING: Thank you, Kristopher.

Appreciate you coming this morning.

Okay. Next, Joy, come on up. And is the "w" a "v" or a "w"?

MS. WASSON: It's a "w."

REPRESENTATIVE FLEMING: W.

MS. WASSON: I'm Joy Wasson --

REPRESENTATIVE FLEMING: Wasson. Okay.

MS. WASSON: -- from Atlanta, DeKalb County.

REPRESENTATIVE FLEMING: Okay. Hold on one second, Joy. Hold on one second and I'll get to you.

And after Joy, I'm gonna ask Rhonda Martin to be ready to come up. Rhonda, if you would get ready.

Joy, good morning.

MS. WASSON: Good morning.

REPRESENTATIVE FLEMING: Good to have you. Go ahead
and introduce yourself again. We'll be glad to hear from you.

**MS. WASSON:** Joy --

**REPRESENTATIVE FLEMING:** Pull that mic down a little bit more. There you go.

**MS. WASSON:** Joy Wasson, DeKalb County, Atlanta.

**REPRESENTATIVE FLEMING:** Thank you, Joy.

**MS. WASSON:** Commissioners, why would you hear what the most respected and knowledgeable experts in this field recommend and ignore them? If you would go against best practices, I have to ask: What are you up to?

Why would you talk about stuffed ballot boxes when these hand-marked paper ballot systems immediately tabulate those and feed all ballots directly into locked boxes?

Why would you talk about paper spoilage, jams, humidity, when all the companies have included some -- one sort of paper component or another in their proposals?

Please don't be the patsy of those who stand to gain politically or financially. Do the right thing. Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Joy. Appreciate you being here this morning.

I think, Rhonda, I asked you to come up next.

Rhonda, good morning.
MS. MARTIN: Good morning.

REPRESENTATIVE FLEMING: Tell us where you're from. Happy to have you.

MS. MARTIN: I -- my name is Rhonda Martin. I am a voter in Fulton County.

At your last meeting I spoke to you briefly about how the output of a ballot-marking device cannot be verified by the individual voters, because voters cannot remember every item on a ballot so that they can notice omissions, especially down further in the races, and so on. And I discussed that with you last time.

At the demos of the proposed systems the other day, I went around and I talked to the vendors and asked them: Well, so can you do this so that I can still see my choices on the screen to compare against the paper ballot that you print out for me or the paper receipt? And they couldn't.

So again we still have this issue that a voter cannot really verify their selections. Yeah, if there's only two items on the ballot, you can. But if you've got ten or twelve or eighteen, it really is not possible. So you can't say these are voter-verified ballots that are -- when you just print out a receipt. Forget about the bar code; that's a whole new -- whole new issue.

The other side -- the other issue I want to talk
about today is the cost. You know, we've talked about how
much more expensive -- you've heard many people talk about
how much more expensive ballot-marking devices are than
using just hand-marked paper ballots, especially if you
can print on demand the hand-marked paper ballots with an
optical scanner.

I brought some visual aids here. I don't know if any
of you know what this is (publishing), but this is a
conference badge from DEF CON, which is a hacker
conference that was held in Las Vegas last summer --
really flashy technology, blinking lights; really
expensive.

At the same time, I'm sure you've all been to
conferences where all you've got is a little name tag that
you wrote on yourself (publishing). This one identifies
me as a Georgia voter and taxpayer. Okay? This is much
more economical and just as effective as the flashing
lights that you see here. Thank you for your time.

**REPRESENTATIVE FLEMING:** Thank you, Rhonda. We
appreciate you coming this morning.

Okay. Next on the list will be Wanda Mosley. And
after Wanda will be Karen James.

So Wanda, if you would, make your way forward. Good
morning, Wanda. How are you?

**MS. MOSLEY:** Good morning. My name is Wanda Mosley.
I'm a citizen -- resident of the city of South Fulton.

REPRESENTATIVE FLEMING: Good to have you this morning. We'd love to hear from you.

MS. MOSLEY: Thank you for having me. I am here today because I represent the millions of Georgians who are extremely frustrated, not only by the process of voting but the whole entire system regarding our elections, everything from the actual application that people fill out, to the processing, the notification, trying to find polling precincts, and then, of course, election day.

Our election system has come under great scrutiny over the past few months and rightfully so. We have become the laughing stock of the country and maybe even the world because we cannot get voting right in our state. This is our most sacred right as Americans, but we have failed the citizens time and time again at every step in the process.

And here we are today considering millions of dollars being spent on a system that's already broken and perhaps implementing another system that is equally as broken, that was advocated for by someone who has close ties to the governor-elect who, in his role as secretary of state, is responsible for many of the issues that I just laid out with the entire system.
We are angry. We are frustrated. We are mad. We need you to press pause, take your time, review all options on the table, and do right by us as citizens.

Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Wanda. We appreciate you being here this morning.

Karen James. Ms. James, good to see this morning.

**MS. JAMES:** Good morning.

**REPRESENTATIVE FLEMING:** Welcome. Good to have you.

**MS. JAMES:** Thank you.

**REPRESENTATIVE FLEMING:** Tell us where you're from. We'd love to hear from you.

**MS. JAMES:** Yes. I am the vice chairperson with the Rockdale County Board of Elections. And it is my pleasure to be here this morning to just give you information about our experiences at Rockdale County with the ballot-marking system.

We actually had the opportunity to test the system and then to use it in one of our local elections. We visited as a board -- we visited Tennessee, outside of Nashville, one of the counties -- the name escapes me at this point -- where they have been using -- utilizing the machine, and all of the information that they had that they gave to us was very positive.

So when we came back in August and voted to be the
pilot for the ballot-marking machine, our voters came in, they viewed it, they tested it. And then, in the election in the city of Conyers, what they said was that it was ease of using it, it was simple, it's just getting used to something new and different.

In terms of our poll workers who actually have to be there, they said that it actually cut down on the amount of time it took them to do what needed to be done to close out the election.

So I just want to share that information with you, firsthand knowledge and use of the ballot-marking machine, and hope you take those into consideration. Thank you.

REPRESENTATIVE FLEMING: Okay. Thank you, ma'am. We appreciate you being here.

Okay. Next on our list, let's see, we will have Sara Henderson. And after Sara, then Garland, we'll have you come up.

So Sara -- is Sara here?

AUDIENCE: Yes. She's just outside the door.

REPRESENTATIVE FLEMING: Okay. Well, Garland, why don't you come on up? Garland, are you inside?

MR. FAVORITO: Yes.

REPRESENTATIVE FLEMING: Come on. Come on, Garland, and we'll let you go next. Good to have you this morning and please tell us your name and where you're from.
MR. FAVORITO: Thank you, Mr. Chairman. It's Garland Favorito. I'm from Roswell, Georgia, and founder of Voter GA.

I just want to, first of all, commend you and the commission members. You've accepted an overwhelming amount of public comments. We really appreciate that. You have allowed me to make a presentation. You have accepted and are considering our recommendations. So I'm really grateful for the commission, for all that. You have an overwhelming amount of election-director expertise on this commission and a lot of legal expertise, so I'm very encouraged. The thing I'm encouraged about is the fact that you are very independent from the vendors, more so than the legislature is, quite frankly.

For these reasons, I urge you to go deep and far this morning and in the future in trying to get a holistic solution to our elections problems. Our recommendations are, as you know, consistent with the call for hand-marked paper ballots. But it goes into other things, such as election preparation, audits, recounts, and ballot transparency for the public, so . . . And we hope you'll look at all of these things.

And in regards to the system itself, the two key issues that I think you're aware of are that if we're gonna have to legalize ballot markers, and we should, but
if you do, then we want to legalize only those that have votes that are not in bar codes. There's just -- those are unverifiable systems. They should -- we ask you to recommend to the legislature those be outlawed.

The other issue is the standardization of the ballot, where we need to have a standard full ballot for everybody to vote regardless of type. I think the public agrees on those.

And in regards to the voting systems we saw last week, I only saw two systems that meet those requirements, and one was the -- which was the overwhelming public favorite, which is -- was Clear Ballot. And they're -- of course, they have no bar codes. And the other one was Hart InterCivic, which has a bar code, but doesn't have votes in it.

So with that said, I conclude but I'll just simply say we do need a system and a vendor who can restore the trust in Georgia voters. Thank you very much.

**REPRESENTATIVE FLEMING:** Thank you, Garland. We appreciate you coming today.

Okay. Sara, did you make it into the room? Sara Henderson?

**MS. HENDERSON:** Yes.

**REPRESENTATIVE FLEMING:** Good morning, Sara. Good to see you. Welcome.
MS. HENDERSON: Good morning, everyone.

REPRESENTATIVE FLEMING: Tell us where you're from.

We'd be happy to hear from you.

MS. HENDERSON: Sure. I'm Sara Henderson. I live in Fayette County. And I am the executive director of Common Cause Georgia. And we are very much in favor of pen-and-paper ballots like many people have said before. And I also want to talk a little bit about this morning the vendor process, would -- how -- the RFB process. That needs to be transparent. And we already know that one of the ES&S lobbyists is now working for the State, so -- as the deputy chief of staff for Governor-elect Brian Kemp. So we want to make sure that all of this is very transparent, open to the public. And we'd like to ask for a committee to be put together, either a study committee or something like that, so that we can all, as a public, review these contracts and these RFBs.

So with that, I will yield my time. Thank you so much for meeting. We hope to see you-all again.

REPRESENTATIVE FLEMING: Thank you, Sara. We appreciate you coming today.

Okay. We're getting a little bit toward the end here. Next will be Susan McWorthy (ph.). And after Susan will be Charlotte Solsbee (ph.).

So, Susan, good to have you this morning again.
MS. McWETHY: Good morning. Thank you.

REPRESENTATIVE FLEMING: Good to see you. Recognize you, too.

MS. McWETHY: Yes.

REPRESENTATIVE FLEMING: Thanks for coming. Tell us where you're from. Glad to have you.

MS. McWETHY: I'm from Decatur. I want to talk about voter confidence.

Last fall the AJC and Channel 2 took a poll of Georgia voters. One of the questions asked them how likely they thought it was that tampering would occur with a voting system during the November election -- the midterm; 43.9 percent -- that's almost half of our all polled -- indicated that they thought it was likely or very likely that tampering would occur. That's a terrible level of confidence that voters have of our current electronic system. So introducing yet another electronic system that obscures voter intent in bar codes or QR codes will not suddenly instill confidence.

Voters are more sophisticated than they were sixteen years ago. And they've learned about Russian interference and all of the many flaws that keep recurring with our voting machines, such as votes jumping, undervotes, screens freezing, patches being added after certification, weird screen calibration, statistically improbable
results, and the list goes on -- all brought to us by electronic voting systems. Excuse me.

And no one has ever explained just why we need our selections encoded in bar codes in the first place. From a voter's point of view, the only purpose for a bar-coded vote choice is to hide something. What seems so obvious and simple is being made way too complicated.

We know what we need to do: We need to listen to the IT experts and act on their advice. And they are telling us that paper and pen or pencil is the only unhackable and most reliable method for recording voter intent and verifying accuracy.

Along with risk-limiting audits, voters can again regain confidence that their votes were recorded and tabulated according to their wishes. Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Susan. We appreciate you coming today.


**MS. SOSBEE:** Good morning.

**REPRESENTATIVE FLEMING:** Good to see you. Please tell us where you're from and we'd be happy to hear from you.

**MS. SOSBEE:** Thank you. Again, my name is Charlotte Sosbee. I have the privilege to serve as the director of elections for Athens-Clarke County.
I started working in elections in 1989.

REPRESENTATIVE FLEMING: Hold on a second. Hold on a second. Did you say Athens-Clarke County?

MS. SOSBEE: Yes.

REPRESENTATIVE FLEMING: That's where the University of Georgia is, isn't it?

(Chorus of laughter)

MS. SOSBEE: Woowoo, Go Dawgs.

REPRESENTATIVE FLEMING: How many minutes do you want this morning?

(Chorus of laughter)

MS. SOSBEE: Long as it take to get a championship.

REPRESENTATIVE FLEMING: Okay. Now -- now that -- the Chairman interrupted, so we want to start over again. I'm sorry, Charlotte. I'm -- I graduated the University of Georgia twice, I liked it so much. So I have to do things like that, so . . .

MS. SOSBEE: Love it, though.

REPRESENTATIVE FLEMING: You go ahead.

MS. SOSBEE: Yes. I have served in the capacity of elections since 1989. I don't show it with my hairs, of course. Thank you very much. But anyway, 1990 was my first election and Hall -- and I was -- I started in Hall County, all paper. And it was gonna be one of the last elections I was gonna work because of the things that I
saw related to paper.

I would like to say I do have some points related to the transition from all paper to total electronic with respect to the staff and the voters. With paper, very delayed election results; the electronic gives complete results much quicker. It's not conducive for all voters at the polls, particularly visually impaired. If a visually impaired voter wishes to vote privately and independently without assistance, there is no option, as well as for those that are literally impaired who have the option of now using the voter-with-disability device.

Paper ballots require duplication if not read by an optical scanner. And I've seen ballots for certain offices not be counted because they were overvoted. Just in this recent election, there was a ballot that I witnessed that had two people marked for secretary of state in a runoff, and no person voted for the public service commissioner. So that let's you know how that vote went through: It went through blank.

Paper ballots do not prevent a voter from overvoting. If an office is overvoted, the ballot is duplicated and the office is omitted on the ballot just as I explained. Electronic voting is configured to reject an overvote and will not allow a voter to accidently make multiple selections, will not accept it.
In many cases, if the intent of a voter is not certain, the office is omitted on a duplicated ballot. When marking a paper ballot, if not marked properly, may mean the office is not counted.

Paper ballots are costly. Those that are unused are wasted and recycled. When we had paper ballots, the code section required us to print 100 percent in case that a 100 percent of the voters appeared to vote. Imagine having 8 percent and having to do away with 90 percent of those ballots.

Poll workers issuing paper ballots in a multi-district precinct are subject to possibly issuing an incorrect ballot because one particular location -- for me, in Athens-Clarke County -- does have twelve different ballot styles.

The ballot-voting process is much more complicated when considering paper ballot method where a digital electronic ballot is built in minutes.

If using paper ballots is an optical scanner -- and using an optical scanner is placed at every voting location on election day, can you imagine the lines, and, again, the delay with election results.

My understanding that the bar codes only shows the information related to the voter, not necessarily how the ballots were cast. And if that's available, I hope that's
the option you will take.

But thank you for allowing me to speak today. And I hope you will make the decision that will be conducive for not just the voters, more so for them, but as well for us, elections officials who actually conduct the elections. You'll be surprised some of the ballots I see that are not counted.

**REPRESENTATIVE FLEMING:** Thank you, Ms. Sosbee. We appreciate you being here with us today.

Of course, we have several people coming and going this morning. I did notice one individual that came in, Representative Calvin Smyre. I just refer to him as Mr. Chairman.

Representative Smyre is on the front row, right next to Chairman Rynders. Representative Smyre is the dean, not only in the House but I believe in the legislature. No one has served for more years than Chairman Smyre.

It's good to see you there this morning.

**REPRESENTATIVE SMYRE:** (Rising)

**REPRESENTATIVE FLEMING:** Yeah, look how young he looks, too. Yeah.

**REPRESENTATIVE SMYRE:** It's good to be here.

(Round of applause)

**REPRESENTATIVE FLEMING:** Mr. Chairman, did you want to have anything to say? You're welcome this morning.
REPRESENTATIVE SMYRE: It's good to be here. And I think what we're looking at today and in the future is a better quality of life. There's nothing more important than having the right to vote and the correct processes for voting.

So you have a lot on your shoulders and I know you'll do the right thing. And what you do for us will be good for the state. And I appreciate you-all's leadership. Good to see you, incoming secretary of state. Good to see you, Carol. You've done an outstanding job.

And Chairman Fleming, thank you. So good luck to you-all. You have a great task. But there's nothing to a hill but a climb up. Nothing to a hill but a climb up. When you have a hill, all you got to do is climb it. Thank you very much.

REPRESENTATIVE FLEMING: Thank you. Thank you. (Secretary Crittenden and Chairman Fleming confer privately.)

REPRESENTATIVE FLEMING: Thank you, Mr. Chairman. We appreciate you being here this morning.

Okay. Next up will be Joseph Kirk, and after Joseph Kirk will be Todd Edwards.

Is Mr. Kirk -- Mr. Kirk, come on. Good to see you again. I recognize the hat. Yeah. Good to have you.
MR. KIRK: Thank you for having me.

REPRESENTATIVE FLEMING: Tell us where you're from. We'd love to hear from you.

MR. KIRK: My name is Joseph Kirk; election supervisor in Bartow County. I've worked in elections since 2002. Hold a degree in computer science from University of Georgia.

I come today to give you my thoughts and to reiterate some things I've already emailed to you about what I think we need in a new system. I believe that the system should have a -- should record each vote on a durable piece of paper, that should provide a uniform solution for all voters statewide, including those with disabilities; that it should be easy to use and intuitive, and accurately record each voter's intent without us having to decide it later; be secure from anyone trying to manipulate the results; and be a cost-effective solution for both the state as well as the local jurisdictions moving forward.

To dive a little bit deeper into that, ballot-marking -- and I believe the best solution for this would be a ballot-marking device for every voter in the state. Ballot-marking devices accurately record voters' intent every time. There will never be a panel that has to decide did they mark selection A or B or both. We'll just know because the system guides them through it.
They ensure a uniform experience for every voter. So no matter what county you're in, no matter your level of education, no matter what your experience is, you're voting the same way and we can educate you easily.

Ballot-marking devices are not astronomically more expensive than hand-marked paper ballots. They would be for the State, initially. But if we put in a hand-marking ballot system statewide, that -- all that's doing is shoving the cost onto the local jurisdictions.

Ballots right now cost me around -- between 40 and 50 cents. Ballot on demand, there is a per-ballot cost. So no matter what, if we're gonna be using a handwritten paper ballot, the ongoing cost will be more -- will be more than a ballot-marking device.

Ballot-marking devices, to me, are more secure than hand-marked paper ballots. They ensure that there's needs to be a level of sophistication to alter the results as opposed to somebody who can copy on a copy machine and stuff a ballot box.

To me, they do not ensure that voters paid attention to their selections any more than a ballot-marking -- or a hand-marked paper ballot does not ensure that a voter pays attention to their selections any more than a ballot-marking device.

I get phone calls from voters saying, Can you verify
how I voted on this absentee ballot, I can't remember. And then they're dismayed when I tell them, no, I can't do that. Your vote's private. I cannot -- I can't see.

And, then, to me, the systems that use bar codes for tabulation are no less verifiable than the hand-marked paper ballots. As long as the voter -- the candidate's name or a voter's selection is displayed on that ballot -- ballot-marking device, whatever it produces, and that's what we use to audit the results, they will be secure. Because no matter if we're using a hand-marked paper ballot or a ballot-marking device, the method we're using to secure the election is the same. We go through the same auditing process. We go through the same pre-election tests. It's gonna work.

The last thing I wanted to mention is that to make this work, no matter what system we use, we need post-election audits, and we need them as soon as the new system is put into place. They need to be defined, you know, loosely defined in the statute, but we also need some discretion moving forward to change the procedures so, as we determine what works and what will work better, we can change that on the fly and allow myself and my counterparts to do our jobs at the level we've been doing it. Thank you very much.

REPRESENTATIVE FLEMING: Thank you. We appreciate
being here today, Mr. Kirk.

Next is Todd Edwards. Todd, welcome. Good to have you.

MR. EDWARDS: Thank you, Mr. Chairman --

REPRESENTATIVE FLEMING: Happy to hear from you.

MR. EDWARDS: -- members of the SAFE Commission. I'm Todd Edwards. I'm the deputy legislative director for the Association of County Commissioners of Georgia.

First of all, I want to commend this group on all of your hard work, your countless hours of deliberations, meaningful and sincere evaluations of the subject matter in front of you. I also want to thank Chairman Rynders and those who are responsible, the secretary of state -- former Secretary of State Brian Kemp, for establishing this commission.

Most importantly, I want to thank you for your involvement of local elections officials. These are the respected and knowledgeable subject experts that I rely on, that ACCG relies on, and we sincerely appreciate their inclusion in your deliberations and their invaluable input.

We feel confident over all these hours that you've spent studying the issue that this commission will come up with a solution that's secure, that will record each vote through a durable piece of paper. And we'll have a
uniform system statewide, will be easily and used -- will be easily used and used accurately, will be cost effective, and is also administratively feasible.

I can't help but reflect on the comments made by the League of Women Voters earlier: The entire system needs to be taken into account.

With that, since the issue today seems to be the difference of whether or not you select a hand-marked paper ballot or a ballot-marking device, ACCEG, again, relies on our subject matter experts -- election officials. You've heard today from Greene County, Cobb County, Bartow, Rockdale, Athens-Clack -- and Athens-Clark, and we take the recommendations of them, and would urge your favorable consideration of ballot-marking devices over hand-marked paper ballots for the aforementioned reasons brought up by our election superintendents.

With that, Mr. Chairman, members of the commission, I thank you for your consideration. I look forward to working with you and the legislature moving forward.

**REPRESENTATIVE FLEMING:** Thank you, Mr. Edwards. We appreciate you being here today. Okay. Thank you.

We're going to do a little exercise here for just one second. I want all the members of the panel just to stay seated for a second, but I want everybody else to stand up
with me. Stand up.

(Audience responds.)

**REPRESENTATIVE FLEMING:** Now, the first thing I'd like to do is I'd like to thank you for your attention this morning, the civility of your comments and the audience for being very patient and listening closely without interruption.

We are now going to begin the process whereby this panel has discussions about what we're going to do next. This process will be for this panel to discuss or anybody the Chair asks to come forward to answer questions for us. It will not be for the audience to discuss nor to interrupt the meeting with reactions or comments.

Now, if you do that, I will ask for you to leave. And if you do not leave, I would ask for the gentlemen in the uniforms in the back to help you leave.

So what I'd like for you to do, if you understand and you agree with what I've just laid out as the ground rules, I'm going to ask you to sit back down. If you do not agree or do not understand, please remain standing.

(Audience responds.)

**REPRESENTATIVE FLEMING:** Okay. I don't see anybody that has a seat, standing. So I'm going to assume everybody understands the ground rules. And I'm going to ask you to live by what you just told me you were gonna
do. Okay?

So we're gonna proceed now with the discussion of this panel. And -- and I appreciate all of you being here today. I know it's a long meeting. If you need to get up and excuse yourself for any reason, of course, if you haven't been here before -- many of you have -- there are restroom's to your left and your right when you go out. Please feel free to do that. I know people need to move around sometimes, but don't think you're interrupting us. It happens all the time.

So at this time, before I ask Ryan Germany to come up, with the secretary of state's office, I think that there is a couple of panel members that have some comments they wanted to deliver from folks that couldn't be here today or had sent us information.

So Ms. Boren, I believe that you have something. You're number 18? Go ahead. We'll be happy to hear from you.

MS. BOREN: I'm 17. 17.

REPRESENTATIVE FLEMING: 17?

MS. BOREN: Uh-huh.

REPRESENTATIVE FLEMING: Okay. Hold on a second.

Senator Jackson, that must have been you. Did you -- okay. Okay. She's 17. Go ahead.

MS. BOREN: Yes. I have a statement from
Commissioner Lynn Bailey who is unable to attend today's meeting because of a prior commitment. She asked that I read this into the record. It is rather lengthy, so please bear with me as I read her statement.

(As read) "Lynn Bailey, elections director of Richmond County, Georgia, SAFE Commission member.

"It has been my privilege to serve as elections director in Richmond County these past 25 years, and my absolute honor to serve as a member of the SAFE Commission established by former Secretary of State Brian Kemp, and charged with researching and evaluating a new voting system for the state of Georgia.

"The commission was also asked to solicit feedback, perform a cost analysis, research post-election audit procedures, and provide legislative recommendations to all lawmakers. Members of the commission heard from experts who provided an overview of Georgia's current voting system, the procurement system used by the State, and other legal matters for consideration when implementing a new system. We also heard from expert panelists on topics such as voting rights, security, voting accessibility, intergovernmental coordination between counties and the State.

"During the process commission members were given an opportunity to provide input and to ask questions."
Members of the commission had numerous opportunities to speak with voting equipment vendors and to participate in a public demonstration of the equipment.

“As background, I was responsible for the administration of a paper ballot system from 1993 through 2002 at which time the state converted to the electronic system currently used in Georgia. With that background in mind, I do have valid concerns about the manual issuance of paper ballots during advance voting and on election day.

“Advance voting, which was implemented in Georgia for the first time in 2003, is a very popular option for Georgia voters with as many as half of the voters -- excuse me -- who participate in any given election choosing to cast their ballot during advance voting.

“If moving to an all-paper ballot system, each advance voting center must be equipped to provide a paper ballot for any registered voter of the jurisdiction, and poll workers would be required to manually select a proper ballot for each and every voter who casts a ballot. Excuse me.

“In our jurisdiction of 123,000 registered voters, that equates to 68 different ballot styles in any countywide election and 204 ballot styles during a primary. In larger jurisdictions and in jurisdictions
where bilingual ballots are mandated, even more ballot styles would be required.

"Printing ballots on demand using a printer in the polling site would help with printing costs, but would mitigate the risk of a poll worker inadvertently issuing the wrong ballot to a voter." I have a cold, I'm sorry.

"The same scenario exists for election day voting in many counties. Election day polling sites across the state could have as few as one ballot style or as many as thirty or more. As part of my personal preparation, I offered a survey to election officials across the state seeking their input on their preferred method or type of voting system using the three methods stated in the request for information issued by the State of Georgia as a basis. The methods are:

1) paper balloting;

2) ballot-marking device for all in-person voting; or

3) a hybrid system using paper-balloting for mail and election day voting and ballot-marking devices for advance voting.

"There were 76 responses to the survey, and 95 percent of those who responded chose method 2, using ballot-marking devices for all in-person voting, including advance voting and election day. And that is broken down.
I'll provide to the commission members the breakdown of the responses.

"Based on the information provided to the commission, research presentations, public input, and personal experience, I submit the following recommendations for what I believe would be the best for a new voting system for Georgia that contemplates both the ease of use by voters and effective and secure election administration.

"Voting system recommendations, one, during advance voting, I do not recommend paper-balloting or any other voting method or system that is dependent upon the manual issuant -- issuance of ballots by poll workers. This same thought applies to election day voting in places where multiple ballot styles are required.

"I fully support post-election audits using a method that takes into consideration the time period for certifying election results and Georgia's runoff election schedule. The auditing process should be transparent and open to the public in the same manner as pre-election testing is now, and should allow for monitors in the same way as monitors are allowed during the early tabulation period for absentee ballots.

"Number 3, I do not believe the use of a QR code or a bar code on the voter-verifiable paper ballot is a security risk, nor do I believe it to be an impediment to
our ability to accurately tabulate the voters' choices. I believe that a prescribed high standard of physical security and chain-of-custody documentation combined with thorough and transparent pre-election testing and post-election auditing procedures will work together to ensure without a doubt that all ballots were accurately tabulated, that the equipment used has performed properly and has not been tampered with, and will readily identify any possible malfunction or deficiency.

"Number 4, any manipulation of the software used in the voting system should be easily detected by the administrator, and security should be practiced and evaluated on a regular basis.

"Number 5, any system should have robust capabilities for in-person voting by voters with disabilities, including, at a minimum, braille instructions on the keypad, a good audio system and headset, the ability to enlarge text and change the contrast on the display.

"Number 6, software for bilingual ballots should provide the flexibility of adapting to accommodate local dialects.

"Number 7, voters should be able to vote with relative ease.

"Eight, the equipment -- the voting equipment should not be too heavy, should be sturdy and be easily
maintained.

"Number 9, Georgia's contract should provide the
ability to update software or equipment to keep up with
technology.

"Number 10, counties should have the ability to
purchase additional equipment using the pricing structure
negotiated in the State contract.

"Number 11, any system purchased should include all
components necessary for proper storage and transportation
of equipment and also for electronic pollbook and
ballot-on-demand printing system as these are critical
components of any system regardless of the method used.

"And last, number 12, legislative changes should
include authorizing pilot programs during the
November 5th, 2019, cycle to assist the election -- the
State in refining processes prior to the 2020 election
cycle.

"I appreciate the opportunity to serve Georgia in
such a meaningful way and I look forward to the
implementation of our new system. Thank you for the
opportunity. It has been my pleasure."

And, again, that was Lynn Bailey, elections director,
Richland County, Georgia.

REPRESENTATIVE FLEMING: Thank you, Ms. Boren. I
appreciate that.
Senator, did you have a question?

SENATOR JACKSON: I have two comments, Mr. Chairman.

REPRESENTATIVE FLEMING: All right. Let me get back to you. I got -- we've got one more and I'll come back to you. Is that okay?

SENATOR JACKSON: It's fine.

REPRESENTATIVE FLEMING: Okay. Unless you -- unless you need to say it now. I mean, I have somebody else who wanted to read a statement. I'll come back to you.

SENATOR JACKSON: Yes. I'd like to -- yeah, it's a statement I'd like to read but I'll be last. It's good.

REPRESENTATIVE FLEMING: Oh, okay. Absolutely.

Madam Secretary.

SECRETARY CRITTENDEN: Thank you, Mr. Chair. I'd like to read a letter that I received this morning. It is -- it is addressed to me.

And it says (as read): "Dear Ms. Crittenden, thank you for the work that the SAFE Commission is doing to update the voting machines in Georgia. Our current touchscreen system is outdated and needs to be replaced with a system that gives our voters the best opportunity for safe and reliable election outcomes.

"As chair-elect for the Georgia Legislative Black Caucus and on behalf of the Georgia Legislative Black Caucus, we request that our current voting machines be
replaced with a system that offers a voting trail. We also ask that the selection process be transparent and allow for input from a diverse group of citizens from around the state.

"Thank you for your consideration and for the work that you do on behalf of the citizens and the great state of Georgia.

"Sincerely, Karen Bennett, State Representative, District 94."

Thank you.

**REPRESENTATIVE FLEMING:** Thank you, Madam Secretary.

Senator Jackson.

**SENATOR JACKSON:** Mr. Chairman, that was my letter.

(Chorus of laughter)

**SENATOR JACKSON:** That was my letter. That was -- but it's fine. But --

**REPRESENTATIVE FLEMING:** Why -- why don't we have you read it again?

(Chorus of laughter)

**REPRESENTATIVE FLEMING:** That's the kind of thing you should have told me. Okay? I'm sorry. I didn't know. I apologize.

**SENATOR JACKSON:** I didn't know it -- I didn't know it had already been passed around.

**REPRESENTATIVE FLEMING:** Yeah.
SENATOR JACKSON: But Mr. Chairman, my second comment was -- is that I would like to thank our secretary of state, Madam Robyn Crittenden, for her leadership to help this commission and to help our state through this transition. I'd like for us to take time out to thank her for a job well done. And I don't know where she's gonna land.

But you did a excellent job while in service of this great state as secretary of state.

SECRETARY CRITTENDEN: Thank you.

(Standing ovation)

SECRETARY CRITTENDEN: Thank you.

REPRESENTATIVE FLEMING: Madam Secretary says you can say that again, if you want.

(Chorus of laughter)

REPRESENTATIVE FLEMING: Thank you, Senator. We appreciate that.

Okay. There -- the Chair intends to proceed in a -- in -- in a manner that I guess you would say would be parliamentary procedure, Roberts Rules of Order, much like we contact legislative hearings. I intend to have Mr. Ryan Germany, counsel to the secretary of state's office, present to us a draft report -- and I emphasize draft because we're going to discuss it -- but in that process, what the Chair is going to do is accept a motion
at this time to adopt the draft report. And, of course, as I mentioned, we will discuss it and debate it and you'll have a chance for input, changes, and whatnot, but we'll move ahead in that fashion.

So there is formally a motion on the floor and -- and it will be seconded. So at this -- well, hold on a second.

Dr. Lee, did you have a question?

**DR. LEE:** So let me clarify.

**REPRESENTATIVE FLEMING:** Yes, Dr. Lee.

**DR. LEE:** So in the process, so if you have comments that have not been incorporated into the draft --

**REPRESENTATIVE FLEMING:** -- you will have a chance to speak about that.

**DR. LEE:** -- we will discuss it before we --

**REPRESENTATIVE FLEMING:** Yeah.

**DR. LEE:** -- vote to adopt?

**REPRESENTATIVE FLEMING:** What -- what -- good question. And what the Chair meant by the process that we're going to follow, if there is a motion to adopt the draft report, if that motion passes, then the Chair will accept debate and comment and changes from anybody on the commission through the process as long as we need to do that. Does that make sense to everybody? Does anybody else have any more questions? I know the legislators in
the room have seen this process many times. This is how we handle bills. But formally, when you're doing a process with a commission, you adopt or not adopt a motion, and then you move ahead with it, so . . . Any more questions?

(No response)

**REPRESENTATIVE FLEMING:** Okay. At this time the Chair recognizes Secretary of State Robyn Crittenden for a motion.

**SECRETARY CRITTENDEN:** Yes, thank you, Mr. Chair. I move that we adopt the draft report as presented.

**REPRESENTATIVE FLEMING:** The Chair recognizes Secretary-elect Raffensperger.

**SECRETARY- ELECT RAFFENSPERGER:** I second that motion.

**REPRESENTATIVE FLEMING:** There is a motion and a second before the Chair.

**SENATOR JACKSON:** Question?

**REPRESENTATIVE FLEMING:** Senator, press your button there.

**SENATOR JACKSON:** Pardon me.

**REPRESENTATIVE FLEMING:** Absolutely.

**SENATOR JACKSON:** Is this report for information?

**REPRESENTATIVE FLEMING:** This report is a report that could be adopted based upon this motion should the commission, after it's been presented, we discuss it,
debate it, make any changes.

SENATOR JACKSON: Okay.

REPRESENTATIVE FLEMING: Okay. All right. Is there any objection to the motion?

(No response)

REPRESENTATIVE FLEMING: Is there any objection?

(No response)

REPRESENTATIVE FLEMING: Hearing none, we will unanimously adopt --

DR. LEE: I'm sorry. I'm pretty new to this process.

REPRESENTATIVE FLEMING: Sure.

DR. LEE: I want to be really clear. So if I have objection to some of the contents, should I follow the motion to say we have -- go ahead and discuss this?

REPRESENTATIVE FLEMING: Yeah. If you -- if you have an objection, the Chair will call for a vote.

DR. LEE: Okay.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: But what about the actual --

REPRESENTATIVE FLEMING: Once -- once we have a motion and if the motion passes, then we will have a formal discussion, then we'll give you as much time as you need, Dr. Lee, to make comment and suggest changes.

REPRESENTATIVE BEVERLY: Yeah, I object to the motion.
REPRESENTATIVE FLEMING: Okay. There is an objection. Any discussion before we vote? We will have discussion after the vote as well. Actually, I tell you what we're gonna do. I gotcha. We'll -- we'll -- we'll now have the presentation of it and then we'll move ahead with that. My apologizes. The Chair apologizes. I was -- I was putting the cart in front of the horse there for a second. I hadn't done this in about nine months. I've got to get back in the habit of doing this. So -- so -- we almost were getting out of here quick, weren't we.

Mr. Germany, we appreciate you being here today. I'm gonna make sure that your mic is on. Speak into that to see -- see if we can hear you.

MR. GERMANY: Good morning.

REPRESENTATIVE FLEMING: Good morning. Go ahead and introduce yourself and we'd be happy to hear from you on the report.

MR. GERMANY: Thank you, Mr. Chairman, Madam Secretary, members of the commission. My name is Ryan Germany. I'm the general counsel at secretary of state's office. What I have in front of me and -- and what y'all have in front of you as well is a draft report that I have put together, trying to put something together that reflects what -- what I've heard from the commission in its -- in its meetings and also in follow-up
conversations with individual commissioners.

So the goal is to -- some of this is not -- the goal is to put some of it, I believe is the role of the commission, and obviously we will hear further from you guys. I'm gonna start at the beginning and just kind of lay out what -- what I've tried to do here.

We'll begin with the background, and background is -- I'm not gonna go through sentence for sentence. I'm just gonna highlight. In the recommendations we -- I will go, you know, in depth through them. The background is how we got to this place, meaning why there's a SAFE Commission and how it came to be. And, you know, as we've heard from public comment throughout this process, there's a lot of interest in Georgia's voting system right now. And I think everyone agrees that we're at the time to consider replacing it and also consider what that replacement should look like.

There -- it began in the legislature, really before the legislative session, last -- last year. In the fall of 2017, the legislature began holding hearings on this subject. And then in the last legislative session in 2018, multiple bills were introduced adopt -- moving -- or moving the state toward adopting a new voting system. But neither of those bills made it -- made it through to law. And, so, after the legislative session then-Secretary of
State Kemp established this commission. And I -- and I just want to take one moment to thank each of you for your service on this commission. It's very much appreciated.

The SAFE Commission's mission is to study and discuss all options for Georgia's next voting system with a focus on security, transparency, voter experience, accessibility and inclusion, a voter's ability to adjust to a new system, and the ability of election officials to adapt to a new system quickly and accurately.

To accomplish this mission the SAFE Commission traveled the state soliciting feedback from stakeholders, and I won't go through all of that.

The goal is not to provide specific vendor recommendations, but is to provide overall recommendations and information to the general assembly about what Georgia's next voting system should look like. The commission also hopes that this information will inform any future RFP, request for proposal, issued by the State. I also wanted to point out in the report the commission has no legal authority to require a particular solution, but instead recognizes that it serves as a resource to the general assembly to offer guidance as the state begins to move to a new voting system.

I'll make just one aside, too. As we're going
through it, if you guys see typos or other mistakes, please mark them, because I'm sure -- I'm sure that they're in here and we can correct them before -- before anything is final.

The next thing I -- we talk about is Georgia's current voting system. And the point of this is not to do -- the way I start that off is I say the commission was not established to examine Georgia's current voting equipment and I want to make that clear. However, I did want to go through a little bit of history of how we got our current voting system and what it is. And the way that we got it was in -- basically came up out of concerns because -- because of the November 2000 general election.

After that general election, the general assembly and Governor Roy Barnes and then -- and also led by then-Secretary of State Cathy Cox, who this commission heard from in its last meeting, established the 21st Century Voting Commission, which held public hearings and conducted pilot projects doing a lot of the same things that you guys are doing now 18 years later, 17 years later.

In that commission -- out of that process there was recommendations to move to a uniform system for in-person voting, that -- that the system should be comprised of DRE machines for in-person voting and optical scanner for
absentee voting by mail, and that it should be controlled
by an election management system or software program that
allows election officials to design ballots that integrate
into a single tallying report that will interface with
existing and future voter registration systems.

The legislature ended up adopting those
recommendations back in 2000. And one of the main
problems of -- that I think they were trying to solve at
that point was an ability to prevent overvotes like some
of the election officials have -- have spoken about, and
also to flag undervotes so that if a voter chooses not to
vote in a contest, in any particular contest, that the
system wants to make sure the voter -- that that is the
will of the voter, that they're not leaving something out
accidentally, that they choose not to vote in that
contest, which people do all the time.

Currently, there are approximately 7 million
registered voters in Georgia and 2300 polling places. The
number of registered voters has increased dramatically
since the implementation of online voter registration and
opt-out voter registration at the Department of Driver
Services in September of 2016. I think that increase is
relevant to this commission because I think it will
probably continue. And that's very relevant to the
election officials as to what they will see in future
elections in Georgia.

Georgia currently utilizes a uniform voting system that allows a voter to vote in three different ways: on election day on DREs, during in-person advance voting on DREs, and on a paper absentee ballot that's mailed to the voter. Georgia has "no excuse" absentee by-mail voting, meaning that any voter may request an absentee by-mail ballot for any reason or for no reason whatsoever.

I go through some statistics about the way that voters have chosen to exercise their franchise in the -- in the past elections. In the past four general elections, approximately 5 percent of voters who cast ballots have chosen to vote absentee by mail.

In-person voting occurs during the three weeks prior to election day beginning on the fourth Monday before election day, and then continuing ending -- ending the Friday before election day. Every county is required to have at least one advance voting location but many counties choose to have more than one location. I vote in Fulton County -- I believe Fulton County had 20 advance voting locations in the last election that were open the entire advance voting period starting that Monday into not -- and also -- and also every weekend day. So, you know, some counties do it differently. Some -- some rural counties only have one advance voting location.
During advance voting -- this is different than election day voting -- voters may vote at any advance voting location in their county. You don't have to go to your assigned precinct. You can go to any advance voting location in your county. In the -- in the past four general elections, approximately 43, 32, 53, and 47 percent of voters have chosen to -- to vote during advance voting, so it's hovering about half of the -- of the -- of the electorate.

The remaining -- and before I get to election day, I do say that it's the view of this commission -- I believe that it is -- that the current advance voting period is appropriate for primary and general elections, and also that the ability for voters to vote at any advance voting location within their county is popular and should be preserved.

On election day, voting in Georgia takes place entirely on DREs and still remains the most popular way to vote in Georgia. On election day, you have to go to your assigned precinct, but otherwise it looks a lot like advance voting on a DRE machine. In the past four general elections, approximately 50 percent, 62 percent, 41, and 46 percent of -- of people have voted on election day.

So that's just the background to get to where this commission -- to -- to this commission's recommendations.
So I'm on page 7 of the report. And I'll go through these
a little more in-depth.

The first recommend -- the first recommendation of
the commission would be that Georgia should adopt a voting
system with a verifiable paper vote record. Every effort
should be made to implement this system statewide in time
for the 2020 election. The system should create an
auditable paper record for every vote that the voter has
an opportunity to review before casting. Rules should be
in place ensuring a rigorous chain of custody for these
paper records, as are in place now for the security of
paper ballots on memory cards. I believe that's the main
question in front of you or at least the threshold
question: Should we move -- are we at the point where we
need to move to a new voting system? Based on the
previous meetings, I believe that the will of the
commission -- that the answer to that is yes. And I
think, if -- if it's the pleasure of the Chair, I'll go
through all of these and then come back --

REPRESENTATIVE FLEMING: Yes.

MR. GERMANY: -- for discussion?

REPRESENTATIVE FLEMING: Yes, please.

MR. GERMANY: The second recommendation -- this is
based on some of the testimony that we heard -- is that
Georgia should remain a uniform system state with each
county using the same equipment that is initially provided by the State. Georgia is currently a uniform voting state, meaning that every county uses the same equipment. Not every state does it that way.

One thing that I touch on in this recommendation is the fact that we are a uniform state -- well, first let me say I think the uniform state got a lot of support in your meetings from people on every side of the political aisle. I know the -- the ACLU spoke out in favor. Actually, I should say Sean Young with -- who -- who spoke to you, with the ACLU, supported that. Elisabeth Macnamara with the League of Women Voters did, as well as Anne Lewis, who is the general counsel for the Republican Party. So I think there's a lot of -- seems to be consensus that that is a way to remain. And I think a big part of that is once a state goes and becomes a uniform state, it's very difficult to undo that from an election administration perspective, and, also, it -- it seems to help. Uniformity helps with training, helps with equipment, and it helps with a lot of -- a lot of those things as well. So that's the second recommendation.

The third recommendation is something that came up at the last meeting. The implementation of a new system should include a training plan and budget to educate both voters and county election officials. I think that got
wide support based on the -- the last -- the last meeting
in Macon.

Number four, any new system should ensure that
disabled voters have the same opportunity for access and
participation as other voters in accordance with HAVA and
the ADA. And any new system should be certified by the
EAC which is the Election Assistance Commission.

We -- we heard from a panel of voters, a disability
panel in August that Ms. Howell chaired that was very
informative. And the disability community reflected that
their -- what they are looking for in a voting system is
that disabled voters should be able to vote and mark their
ballot privately and independently in the same manner as
close as possible to nondisabled voters. And we heard
from the National Federation for the Blind. We also heard
for the Georgia Advocacy Office. And I'll speak to the
accessibility component of it.

In my role as general counsel, I oversee a lot of the
lawsuits that are filed against secretary of state's
office. And we are seeing lawsuits in other states about
the accessibility of voting systems. So Georgia now has a
system that -- where disabled and nondisabled people vote
in the same manner. And so I think the commission should
consider that, the fact of how we do it now versus how we
will do it in the future, because I can guarantee you a
court will consider that in a future lawsuit if we -- if we don't.

I go a little bit in this recommendation also into the United States Election Assistance Commission. Georgia law currently requires that any new system be certified by the EAC. And I think all the vendors, if not all, then most -- most of them, have received that certification, the ones that you -- that you guys viewed throughout this process.

The fifth recommendation, Georgia's new voting system should include new vote casting devices, new scanners, and new pollbooks. There should be paper backups for each of these systems to the extent possible, including paper registered-voter lists and ballots. For each new type of hardware, steps should be taken to ensure both security and functionality. And any -- any new hardware or software needs to be compatible with Georgia's existing voter registration system. The point of this recommendation is we've -- we've heard a lot about the vote casting device. But as you guys know, an election system is much more than that. There are many more components. And from what I have heard from the county election officials, particularly, is that we are at a point where we need to update all of -- each of those components. So this -- the new -- the new system, we're
not -- we are not just looking for new vote casting
devices. This is -- we're looking to replace the entire
spectrum of components across -- across the system.

And then I go through some security requirements that
we believe any new hardware should have. I know Dr. Lee
had some additions to this I wasn't able to get in, but I
think he'll -- he'll bring them up. And as I glanced at
them initially, I think -- I think that they will reflect
the will of the -- the commission as well.

The next recommendation is the one, I believe, with
every other recommendation, will probably unanimously
reflect the will of -- of the commission. This next one,
I know there -- this -- there will probably be some -- a
lot of discussion on.

But the sixth draft recommendation is that given
Georgia's history as a state that uses DREs, and the
majority of voters and election officials with that --
with that method of vote casting, Georgia should move to a
primarily ballot-marking device with a verifiable paper
ballot solution for a new voting system.

A few things I talked about in this recommendation,
one of the pluses of -- one of the benefits of Georgia's
current system is that we have a very low residual vote
rate. Residual votes are the number of -- the votes that
are not cast in any election, so out of the total numbers
who showed up, what people didn't cast a ballot in any
given contest. Georgia had one of the lowest rates in the
country of that. And I believe a large part of that is
because our system of all-electronic does not allow
overvotes and flags for undervotes. So a residual vote
could -- could be an overvote or an undervote or anything
that basically doesn't allow a ballot to count. Now, some
people just leave the contest blank which is perfectly
fine. What we want to ensure of -- what we want to ensure
is if you are not trying to leave a contest blank, if you
are trying to -- to voice your -- your choice, then that
vote should -- that choice should accurately count. And I
believe the entire commission wants to make sure that
happens with -- with -- with whatever Georgia's next
system is.

I also talk about with the -- in this recommendation
how I think -- and I also, just to point out, I think the
commission unanimously will agree that Georgia's next
voting system must incorporate some availability for
ballot-marking devices for the disabled population. So
it's really a question of are we going to have
ballot-marking devices available only for disabled
population, which would require at least one in every
precinct, or is it -- are we gonna require the whole state
to vote on them. I think that's really the question in
front of -- in front of the -- the commission.

Some of the other benefits of a ballot-marking device that have already been discussed, and I go through in here, are the ability to add languages. We have a -- one jurisdiction in Georgia right now that's required by federal law to have Spanish-language ballots. There's a census next year in 2020. After that, I believe that more jurisdictions in Georgia will be required to have multiple language ballots. And in some jurisdictions, it might -- there's languages in addition to Spanish, I think, that could be included. So the commission should plan for that eventuality in its recommendation.

I discuss in here -- and this is after discussion with Dr. Lee -- that when we're talking about disabilities, I think most people are picturing physical disabilities, but we also need to keep in mind developmental disabilities. And the system needs to -- to have a way to deal with that, with those issues as well.

I also say that the ability -- a voting system that allows both disabled and nondisabled voters to mark their ballots in the most similar way possible maximizes independence and privacy for disabled voters, especially because Georgia's existing system allows for them.

A little bit of the -- of the history -- and this is based on some of my back-of-the-envelope math, but it's a
conservative estimate that since 2002 Georgia voters have
cast more than 40 million votes on touchscreens, so it's
a -- it's a way of voting that's familiar to Georgia
voters.

I also discuss the pilot project in Rockdale County
that we've heard about. Ms. Willingham spoke to that at
our last -- at our last -- at our last meeting in Macon.
But the secretary of state's office also conducted exit
polling after that pilot project, that was released at the
time. And the voters who participated were very happy
with how that went. On a scale of 1 to 10, with 10 being
the most satisfied in the equipment, the mean response of
the 686 respondents to that exit poll was 9.21, so and
they were very satisfied with the equipment. On a scale
of 1 to 10, with 10 being very confident their vote was
counted accurately, the mean response was 9.28, so the
voters were very confident that their vote was counted
accurately. And I know you -- we've heard that in public
comment and I would concur that one of the main jobs of
this commission is we need to get to a system that voters
have confidence in. And that's -- that's -- just hugely
important and I know that the commission understands that.

And I also discuss how the transition for election --
we need to -- we need to think about what the transition
will look like for election officials. You know, these --
the county election officials who you—all have heard a lot from, both on the commission and — and the ones who have — who have taken the time to come speak at the commission, are the backbone of Georgia elections. They're the ones that run Georgia elections from beginning to end, and they're the ones who also, in addition to that, so not only will — will they have to actually use the new system, they'll have to — have to learn to wrap it up.

(Chorus of laughter)

MR. GERMANY: They -- they have a -- they have a good front line's view of the voter experience and that really is the most important thing. We want voters to have a good experience voting and I think a good voter experience lends to a higher level of voter confidence. And by voter experience, I think we need to consider lines, the -- the amount of time it takes to vote, and all the things I know the -- the commission's already heard about.

REPRESENTATIVE FLEMING: Hold on one second, Ryan.

(Brief pause to address technology issue.)

REPRESENTATIVE FLEMING: Okay. It's quiet now. Okay. I'm great with electronics, too. Happens to me all the -- happens to me all the time. I understand.

I'm sorry, Ryan. Go ahead.

MR. GERMANY: The final part of that recommendation,
before I get to all -- the next recommendation, which is that Georgia should require post-election precertification audits, the final part of the previous recommendation -- again, the job of the commission is not to recommend any specific vendor. But we have heard a lot and seen a lot about bar codes, QR codes, and optical character recognition, in terms of tabulation. And I believe that what -- given the commission's job, I don't think the commission wants to take a stance now on the -- the kind of what -- the methods of tabulation. So the recommendation would be that the commission does not believe it is prudent for Georgia to not consider a vendor based on their method of tabulation, whether it's bar code, QR code or optical character recognition, so . . . I think the -- that -- well, the point of this recommendation is to say we're not saying one is better or worse, we're not -- we're not saying one's okay and one's not, but we're saying at this point we're not going to cut out any of these systems. That -- that would be for a later process.

Next, Georgia should require post-election precertification audits. I think, given also what some comments from some -- some election officials, we are -- the commission recommends that the general assembly put in place an audit requirement for all elections from the
November 2020 election going forward, but recommends that the general assembly does not require a certain type of audit, instead leaving the specifics to the State Election Board to enact the administrative rule.

I think it's very important to have good legal standards for an audit. I also think that -- and based on the response from election officials, the requirements might change, so there needs to be a way to do that, and I think the way to do that is via administrative rule from the State Election Board to have a general requirement, in terms of the general assembly, and specifics of how they're to be conducted through the State Election Board.

The eighth and final recommendation, this is really a cleanup recommendation in the sense that as we change these other things, as we move to a new system, we recognize that other parts of our voting system are gonna have to change. And the point of this is the commission pointing out to the general assembly what some of those things may be.

The first one is definitional and I think this is very important. If we move to a paper -- or moving to a paper-based system, we need to update our definition of what a ballot is. And I think it's -- it's very important legally to make clear that the -- whatever method of tabulation the vendor uses for a ballot, whether it's
hand-marked or -- or marked by a device, that the official
vote record is the human-readable component of that. So I
think -- I think that's something that -- that we
should -- we should update as a state.

The other things that are the certification deadline.
If we're gonna add audits, we want to -- we need to think
about what -- what time counties will need to enact that.
So we recommend extending the certification deadline for
 COUNTIES.

Finally, recounts; moving to a paper-based system
will require a different recount statute. You know, right
now, you simply put -- put a -- put a card back into a	
 TABULATOR, and so recounts can be conducted pretty easily.
In the future, with a paper-based system, recounts will
take much more time. So we want the law to spell out a
little bit -- with a little bit more detail of how that
will work. And with adding an audit requirement, one
other thing we recommend about recounts is moving from a
1 percent threshold for recounts to a .5 percent threshold
to recounts, and that puts us more in line with other
states. And also allowing for a hand -- a full hand
 recount in the discretion of the secretary of state in
certain instances. And that could be an instance where
if -- if there's an issue found by an audit, where you
would -- where you would find a -- a -- an issue needs to
be looked into further, or any other kind of unexplained anomaly. But I do think -- I don't think -- you don't want to -- I don't think we want to go to a point where the initial recount is full hand review of all ballots because that would just take forever, basically, from an election official perspective.

The next thing is -- is runoffs, and I don't think we came to a conclusion here. But I wanted to mention runoffs or I thought the commission should mention runoffs because runoffs -- while I don't -- I don't -- I don't think the commission has a -- maybe a view on how to solve the issue, but runoffs do make election administration more difficult and compress timelines. And as we're adding other post-election activities, I think the commission should at least flag that for the general assembly and say, Hey, this -- remember runoffs and those timelines as you're thinking about what a new system should look like.

Next is absentee ballots. This is a process that needs to be updated, not just for a new system but also due to some litigation the State is facing. And I think one way to solve a lot of these issues is to have a cure period for absentee ballots. We learned last session that a lot of counties already have that sort of -- they already utilize that sort of cure period and that seems to
work well. So we're moving to basically requiring it
state -- statewide.

Another thing to think about is what requirements are
on the absentee ballot when it comes in to identify a
voter. The point is we want to get to a point where
voters -- we want to clarify in the law that voters'
ballots should not be rejected unless the election
official can't verify the identity of the voter and verify
that that voter is the one who casts a ballot. So we're
just looking for updates of the law on that.

And I also recommend authorizing electronic ballot
delivery for overseas voters to clarify that electronic
ballot delivery is permitted in federal and state
elections and runoffs. Currently, that option is
available in federal elections but not -- is not always
available in state elections. So we want to clarify that
should be available in both federal and state elections.

And I also mention authorizing a pilot project, pilot
project, for electronic ballot delivery marking in a
return for disabled voters. That's based on some of what
we're seeing happening in other states where -- where
those things are beginning to happen.

Voter assistance, we should update our state law to
be consistent with federal law, such that federal voter
assistance standard apply for all elections in Georgia. I
believe having one standard for all elections will make
election administration easier on county officials.

HAVA verification, and this is something that
already -- really already happened. It's meant to clarify
in the law if there's a non-match with a HAVA verification
during voter registration, that the county goes back and
checks and makes sure they're typing everything in
correctly and that the person has not provided the
documentation otherwise. Again, this is something that we
believe is -- is happening in -- in most, if not all,
counties already. It was just putting this practice into
the law.

The final one deals with advance in-person voting.
And we're saying that advance in-person voting in Georgia
is popular and should be maintained. The commission finds
that the current advance voting period is appropriate in
federal and state elections.

One clarification is that we recommend that the
general assembly clarify that, for statewide runoff
elections, advance in-person voting be on the same day in
each county. Currently, it's set to begin as soon as
possible, and we want to clarify that it should be as soon
as possible but it should be on the same day in each
county.

We also recommend that, given its popularity, the
commission recommends keeping the functionality that allows a voter to vote in any advance voting location in their county. Also, given the popularity of advance voting, we recommend the general assembly expand allowable advance voting locations to permit advance voting to occur in nongovernmental buildings. This is just to deal with an issue that election officials face in defining appropriate places for advance voting.

And that's -- that's the quick -- the quick overview. I'm happy to -- to take -- to take questions and/or edits and suggestions as the -- as the Chair sees fit.

**REPRESENTATIVE FLEMING:** Mr. Germany, we appreciate you going through the draft report. The Chair at this time will ask the commission members if they have questions for Mr. Germany. There, of course, will be a time for discussion amongst ourselves and time for comments and -- but at this time, is there questions for Mr. Germany from any members of the commission?

Senator Jackson.

**SENATOR JACKSON:** Yes. Thank you, Mr. Chairman.

Mr. Germany, thank you for -- for being here. These recommendations that you are presenting to this commission, this draft, are they a recommendation or are they a guide for the general assembly?

**MR. GERMANY:** What's the -- what's the difference?
SENATOR JACKSON: Well, a recommendation says that this is -- this is this commission idea of what we want you to do, as you know, but the general assembly can say -- can -- but a guide says these are the recommendations for new voting machines and -- and these are the rules you should follow.

So -- so are you saying this is a guide, that these are the rules that we should follow set forth by this commission, are these -- as a guide or, like, we should have a paper ballot, okay, or if this is just a recommendation?

MR. GERMANY: Given what you just described, I think -- I think guide is more appropriate. I don't think -- as I was putting it together, I wasn't really thinking about a distinction between -- between those two. And I'm still not sure I completely am follow, but I kind of -- maybe I can leave it to the legislators to determine what's the -- the best way to receive this type of information from a -- from a commission like this one. It is, I think, trying to say here's what we think you should do as a general assembly, recognizing that the general assembly is the -- is the body that will make -- will act on -- on these recommendations or this guide in a manner that they see fit.

REPRESENTATIVE FLEMING: Go ahead.
SENATOR JACKSON: Follow-up question, Mr. Chairman.

REPRESENTATIVE FLEMING: Absolutely.

SENATOR JACKSON: So you saying, Mr. Germany, so --
so you're saying these recommendations can be submitted or
these guides can be submitted to the general assembly, and
the general assembly could in fact throw them out and come
up with their own recommendation and guides?


REPRESENTATIVE FLEMING: Thank you, Senator.
Okay. Other members of the commission? Dr. Lee?

DR. LEE: Yes. So -- so, again, my question is
procedural, right, so after today, let's say, we give you
the comment also we discussed, right --

AUDIENCE: Can't hear.

REPRESENTATIVE BEVERLY: Turn your microphone on.

REPRESENTATIVE FLEMING: Is your mic on?

AUDIENCE: Mic.

DR. LEE: Okay. So -- so what's the process for you
to incorporate all -- all of our discussions?

REPRESENTATIVE FLEMING: Hold on one second, Dr. Lee.
I want to make sure people can hear you. Press that
button there.

DR. LEE: This one?

REPRESENTATIVE BEVERLY: He's got it. It's good.

REPRESENTATIVE FLEMING: It's good? Okay.
DR. LEE: Press again?

REPRESENTATIVE BEVERLY: Yes, sir.

AUDIENCE: Not working.

DR. LEE: Not working?

REPRESENTATIVE FLEMING: All right. Hold on a second. Hold on a second. We'll --

REPRESENTATIVE BEVERLY: Now it's working.

REPRESENTATIVE FLEMING: Now -- now press the button, Dr. Lee.

DR. LEE: Okay.

REPRESENTATIVE FLEMING: Okay. All right. Here we go. Now try it.

DR. LEE: Should I do it now?

REPRESENTATIVE BEVERLY: Now try it. Okay.

DR. LEE: Yes. I have a few questions. Okay. So we are gonna discuss the recommendation, right. And then we may, probably, send you some edits even after today. So what's the process for you to incorporate all of that? And then do we get to read them again collectively and then up and down, I mean, what's the --

REPRESENTATIVE FLEMING: Let the Chair comment on that, if I may, Dr. Lee. And then, of course, Mr. Germany can -- is -- First of all, the commission will decide what we do because there's a motion on the table. And either that motion is gonna pass or it's gonna fail, it's gonna
be amended and pass or fail. So we will have that
decision.

The Chair's thought process would -- is that we
would, at this time, if we have comments or changes or --
or statements that we want to make, you know, this is not
a bill, this is not a legislative process. Yet, quite
often, members support a bill or, in this case, a report,
but they note their objections: I like most of it but
here's what I don't like, even though I'm gonna vote for
it, or I'm gonna vote against it even though I do like
parts of it. So it's completely up to the committee's --
you know, whatever you-all would like to do, the
commission. But that's kind of how the Chair perceives
the process, that we would do what we're gonna do today,
and then there would not be another meeting of the SAFE
Commission.

Now, one other comment then I'll get right back to
you. Some of the questions were about the process of what
this is, and I think the commission members understand
this but the Chair will just go ahead and state, our
current voting machines are identified of the type
machines they are in our code. That is what was done back
in 2002, 2003, in that time frame. The legislature if
forced to have a different kind of voting machine, will
actually have to change the law. So this recommendation
is a recommendation to the legislature. A bill will have to be introduced and pass through the regular process. That bill will have to go forward to the governor for signature or veto. And then, I suspect, like when we make any purchases as a state, generally we go through what's referred to as the "RFP process," a request for proposal process is what it's commonly referred to. Usually, the branch of government that is in charge of carrying out that function is the one that carries out the RFP or the actual purchasing process. The secretary of state's office in Georgia, of course, deals with elections.

And, so, after the legislature changes the law, if they choose to do that, then it would probably be -- although the legislature can adjust this -- up to the secretary of state's office to carry out a purchasing process that fulfills the law. And, so, that -- that would be, you know, the mechanics of the process as I see it going forward.

Now, I wanted just to make that statement, but, of course, I want to make sure I answered your question. So we'll let Mr. Germany answer. Dr. Lee.

**DR. LEE:** So my -- my question really is regarding what goes into the final body of this document. So would that include all our discussion today and --

**REPRESENTATIVE FLEMING:** Let me -- let me answer that
specifically. If there's something in this document you want to change --

DR. LEE: Yeah.

REPRESENTATIVE FLEMING: -- now is the time to do it. And that will be by you suggesting, I suggest that we change where it says on page 6, Georgia currently utilizes, either striking that or replacing it with something else. Now would be the time. Yes, sir.

DR. LEE: Okay. So just so you know, I sent a -- kind of a edits to Mr. Germany. So I just want to make sure that those edits would be included or maybe discussed.

REPRESENTATIVE FLEMING: They certainly will be discussed. If you -- if there's any edits that you've suggested that are not in here, though, it would be up to you or somebody on the commission to make a motion to include a change to the document in front of you. Does that make sense?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: Please, yes, go ahead.

DR. LEE: Yeah, it makes sense. My point is that my edits is based on this document (publishing) --

REPRESENTATIVE FLEMING: Yes.

DR. LEE: -- which, of course, that means this document has not included my edits.
REPRESENTATIVE FLEMING: Okay.

MR. GERMANY: I would say I received some edits from Dr. Lee at 8:30 last night, and I haven't had the opportunity to -- to input them into the draft that you guys have.

DR. LEE: Right.

MR. GERMANY: I'm certainly not opposed to -- like some of them were things that I had previously discussed with Dr. Lee. And I'm not sure that all of them will reflect the will of the commission. Some of them, I think, certainly will. And, so, however the Chair wants to -- to go through those.

REPRESENTATIVE FLEMING: Dr. Lee, my suggestion would be to do this: As we move through this and after we get to a general discussion, I'll go section by section to see if anybody wants to make any changes. At that time, you can mention those. Of course, if we get to the end of the document and we have or have not made changes and you're still not satisfied, you could ask that the motion be tabled, that the motion be voted down, that the committee meet again and have another draft -- all these things are possible through the process. Does that make sense?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: Okay. Thank you.

DR. LEE: Thank you.
REPRESENTATIVE FLEMING: All right. Any -- before we move on to other questions, any other questions about the process, of what the Chair is thinking through? Any questions about the process?

MR. MONDS: Yes.

REPRESENTATIVE FLEMING: Did you have one? Okay.

John.

MR. MONDS: I think piggybacking off what Dr. Lee was saying, the process, we have -- we're gonna vote on, to my understanding, accepting the draft. Then we're gonna have discussion and possibly recommended changes to the draft itself as far as particular language. So just as an example, if part of the draft says that there's unanimous, you know, acceptance by the commission, but if that's not the case, do we take the individual sections and have votes on each recommendation? Does it need to be, you know, vote -- votes for -- voice votes on each section and -- and all that? And then do we have, at the end of the discussion, any changes? Since this may be our last meeting, once any changes are made to the draft, do we come up with a final document that then we -- we vote on? After voting to accept this draft, if there are any changes, do we also vote at -- toward the end of the meeting to accept all the changes or do we do that --

REPRESENTATIVE FLEMING: Yes, sir. I think I
understand your question. If I don't, you can ask it --
ask it differently.

What -- what the Chair would intend to do is, if
there is a motion on the table to accept this draft as a
recommendation from the commission, after we get through
having general discussion or specific questions about
parts of it, the Chair would then intend to go back
section by section and ask anybody if they would like to
make a change. If someone desires to make a change, for
example, to change the word "unanimous" to something
different, then the Chair will allow that person to make a
motion. And if it was voted in, we'd actually change that
word.

Once we get through basically amending the draft, if
there are any amendments or changes, there would be a
final vote at the end on the draft with the changes as
amended by this commission.

So that is the Chair's intent of how we would move
through the process. Does that make sense, Mr. Monds --

MR. MONDS: Yes.

REPRESENTATIVE FLEMING: -- or could I elaborate
further?

MR. MONDS: Yes, that's fine.

REPRESENTATIVE FLEMING: So you will have a chance to
make changes and then have a final vote at the end,
whether you're not -- you like the end product -- prod --
the end document.

And other questions regarding the process?
Representative?

**REPRESENTATIVE BEVERLY:** I just want to make an
inquiry.

**REPRESENTATIVE FLEMING:** Yes, sir.

**REPRESENTATIVE BEVERLY:** Isn't that true that there
was a motion put in and a second and an objection, and at
this particular point we're starting a discussion, and the
discussion should now roll into --

**REPRESENTATIVE FLEMING:** Let the Chair elaborate on
that, if I could, because the Chair apologized once and
I'll do that again.

I should not have asked for an objection at that
point. I was thinking of the amendment process when we
adopt amendments. So what the Chair should have done is
just moved ahead with the discussion at that point rather
than asking for an objection. So that was the Chair's
mistake and I apologize.

So we are in the process of where the -- the document
can be discussed and amended if -- if -- if the commission
so desires.

Any further questions regarding the process before we
move ahead?
(No response)

REPRESENTATIVE FLEMING: Okay. Now, questions --

further questions of Mr. Germany about any portion of the
document at this time? Any members of the commission have
any questions?

(No response)

REPRESENTATIVE FLEMING: If there are no further
questions, then, Mr. Germany, we're not gonna let you off
the hook. I'm gonna ask you to stay there. And as -- if
we -- as we discuss this, I may -- may call upon you again
or the commission may ask you questions as we move ahead
through this.

Any general discussion regarding the document? The
Chair intends to go section by section. So if you have
something back in the back you want to talk about, the
Chair will get to that. But anything before the Chair
begins that process?

(No response)

REPRESENTATIVE FLEMING: I do not see any, so here's
what we're gonna do, then. Let's begin with the process.
There is a background section that is page 3. There's a
Georgia current voting system that is on page 4. Most of
this is background about what we've talked about, the
history. The recommendations and discussions don't begin
on page 7.
So at this time the Chair would be interested if
anyone has any changes they would like to make on page 3,
4, 5 or 6 on what is the background and current voting
system. Representative Beverly?

REPRESENTATIVE BEVERLY: Mr. Chairman, I move that
we, by unanimous consent, accept the background
information from page 3 through recommendations and
discussion on page 7.

REPRESENTATIVE FLEMING: Representative Beverly, I
appreciate that. And I think because there is already a
motion on the table to accept the whole document, we --
unless there's objection, we won't make changes and
we'll -- that'll be -- that'll come at the end. Does that
make sense? Okay.

Dr. Lee, is that you, number 9?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: Yes, sir.

DR. LEE: So I think we should include some
background information, additional background information
on the -- on the whole election system, not just the
voting system, because I think a lot of discussion that
led to the -- led to this commission, and I think that we
should -- and also later on in the recommendation, we --
the document says that we should not just get the new
voting system but also all the components. So I think it
would be appropriate to include backgrounds on all the components and why they should be replaced, in particular from a cybersecurity point of view.

**REPRESENTATIVE FLEMING:** Dr. Lee, do you have a specific thought or line you'd like to add in and in a certain portion of the document?

**DR. LEE:** Yes. So, for example, if the -- if the -- the electronic pollbook has to be replaced, then we should justify why.

**REPRESENTATIVE FLEMING:** Say that one more time. I'm sorry.

**DR. LEE:** The pollbook, right. So I think the recommendation also mentions that it should replace everything, including not just voting system but also scanners and pollbook and so on. So I think we should, you know, in the background have some justification why it's necessary. In addition, I think we should also discuss --

**REPRESENTATIVE FLEMING:** Let's -- let's hold off on that one thought, the pollbook, because I caught -- caught a hold on that. So if I understand you correctly, your point, you're saying if we as a state are going to purchase a new pollbook for the system, you'd like some justification for that. So why doesn't the Chair see if there is discussion amongst the panel or Mr. Germany. I
know that we have, like I said, plenty of folks with elections experience here.

Would someone like to -- first of all, let's start basic, explain to us what the pollbook is and how it functions. Nancy, I'm looking at you. What's your number, Nancy?

**MS. BOREN:** Number 17.

**REPRESENTATIVE FLEMING:** Tell us what a pollbook is and how it functions.

**MS. BOREN:** So the pollbook is an electronic poll list. It just has a list of names that are assigned to that specific precinct for that specific election. It not only contains precinct voters, but it contains county as well as statewide voters. So if a voter goes to a location and they are not registered in that precinct, the poll worker is able to direct them to the correct precinct where they are registered. And it's a list and a mechanism for keeping up with the -- the voters that are assigned to your county and in your precinct.

The current election system then allows us to create that ballot for that voter based upon the voter registration information that is contained in that electronic pollbook, and that's the yellow access card that the voter receives when they go to the polling place to -- or to a location to go vote. It's --
REPRESENTATIVE FLEMING: So if I understand you correctly, the current pollbook is tied to the current voting machine because the creation of a ballot function?

MS. BOREN: Well, that is a separate component, the creation of the ballot. It can be simply a list -- a list, an electronic list where you pull up a voter. But in the current configuration of our voting equipment, it does create the ballot for the poll worker.

REPRESENTATIVE FLEMING: So I want us to -- to have another thought here and the commission can certainly discuss it. We're gonna make a recommendation of the things contained here. The legislature will have to pass a bill. The general thought process when we pass legislation is it needs to be specific enough to give the intent of what the legislature intends, but we also don't write bills that are a thousand pages long or with -- so detailed that it is impossible to make changes when the implementing agency has to do the instructions that we give.

In this case, the legislature can certainly dictate to the extent that they want to what the secretary of state's office will do in their RFP process to buy new machines, but if we're too careful and too specific, we will not allow the flexibility to -- what they need to carry out the function we've asked them to do.
In this case, whether or not we need a new pollbook -- you can tell me now, Ms. -- Ms. Boren, or somebody else can comment on that -- my assumption would be that that's probably a part of the process if have an RFP going forward, whether or not we'll need that. But you can comment because you know more about it than I do, if you'd like to.

**Ms. Boren:** Yes. My assumption would be that that would be part of the entire voting system that would be purchased. Because while we are looking at voting machines that are 17 years old, we're looking at pollbooks that were implemented in 2005; so those are about twelve -- twelve years old. So we've been using those for quite some time, too. They do have wear and tear on them. They're still able to be used, but we have to download data onto a flash card that contains the voter data. And it's a static voter list from a certain point in time in the voter registration system.

And for those of you who may or may not know, we have a voter registration deadline where we enter voters. Changes happen before and after that deadline that may not be reflected on that pollbook. So on the Saturday before an election or on Tuesday, we have to do an update to that pollbook so that it then contains the people who voted early or any changes that have been made in the system.
since that static list was retrieved for us.

**REPRESENTATIVE FLEMING:** So let the Chair ask a broad question which I think I already know the answer to. Is it -- it is possible we could keep the same pollbook for use with the new voting system. It is also possible that we would have to get a new one; is that correct?

**MS. BOREN:** That is correct.

**REPRESENTATIVE FLEMING:** Okay. Senator Strickland.

**MS. BOREN:** That's my opinion.

**SENATOR STRICKLAND:** Thank you, Mr. Chairman. My question is more about the process. If there are certain things that someone wants to add in this report that's not substantive -- I know sometimes in the legislative process we may vote a bill out of committee with instruction to the legislative counsel to fix certain parts -- can we give some guidance to Mr. Germany to -- to address certain things once we adopt this, such as this?

**REPRESENTATIVE FLEMING:** As I understand the Senator's question, I think my answer will be yes. And -- and what he has indicated is occasionally in the process, we will not change specific words in a document, although quite often we do, we sometimes will give instructions to legislative counsel, in this case general counsel, go back and add something in there along these lines. And if the committee feels that that is appropriate and they have
confidence that, yeah, that can be done, then we can ask
that that be done without having to make the specific
language right here.

SENATOR STRICKLAND: And if Dr. Lee's comfortable
with that on certain things such as this, it might be
better versus having him on the spot trying to add in
exact language. It might be --

REPRESENTATIVE FLEMING: And I think that's an
excellent suggestion especially for a senator to come up
with something like that.

(Chorus of laughter)

SENATOR STRICKLAND: Every now and then --

REPRESENTATIVE FLEMING: Every now and then.

SENATOR STRICKLAND: -- I get something.

REPRESENTATIVE FLEMING: So that's what -- that's
what -- what Senator Strickland is commenting on is if we
have a general idea and we have consensus on it, and
counsel feels that he can incorporate it, then it would be
the will of the committee to allow him the leeway for him
to do that, if that makes sense. I was trying to get a
general -- I know when I hear your -- one of your -- the
pollbook -- I thought I knew what it was. I wanted to
confirm for everybody else.

Let's see. Twenty-two is Judge McCoy. Judge?

JUDGE McCoy: Mr. Chairman, the senator is sitting
between two county voting officials.

**REPRESENTATIVE FLEMING:** I noticed that.

(Chorus of laughter)

**JUDGE McCoy:** No, I give you full credit. I just want to reiterate this pollbook is created from data from the voter registration office, which has full-time county employees that determine the correct voting style -- the ballot style for the voter. And with that pollbook the poll workers do not have to make any determination as to the correct ballot style for the voter; that is done from the voter registration office.

**REPRESENTATIVE FLEMING:** Okay. Thank you, Judge.

Okay. Twenty-four. Okay. Yes, ma'am.

**MS. WELCH:** Yes. Thank you, Mr. Chairman. Can y'all hear me okay?

**MS. BOREN:** No.

**REPRESENTATIVE FLEMING:** Well, let's see. Press the button one more time. Now press it. Okay? Now try.

**MS. WELCH:** Can you hear me?

**REPRESENTATIVE FLEMING:** Yeah, there you go. Okay.

**MS. WELCH:** Good morning, everyone.

Mr. Chairman, under background in the first paragraph here, where the concern is whether DRE machines would include all components, if we add in this sentence where it says DRE, direct electronic recording machines, if we
add right after that and its components, I think it would
be very clear that it would be the entire system. And
throughout the report where it talks about our current
system, then we -- it would be very clear that all
components would be included.

**REPRESENTATIVE FLEMING:** Including the pollbook that
we’re talking about?

**MS. WELCH:** Including the pollbook.

**REPRESENTATIVE FLEMING:** So does the Chair understand
that as a proposal for an amendment that after the words
"direct electronic recording, DRE machine," that would
include the words "and its components?"

And, Counsel, I’m gonna ask you to serve as the
official keeper, Mr. Germany.

**MR. GERMANY:** Yes, sir.

**REPRESENTATIVE FLEMING:** Do you have those words
there?

**MR. GERMANY:** Yes, sir.

**REPRESENTATIVE FLEMING:** Is that -- is that -- is
that a proposal for an amendment?

**MS. WELCH:** Yes.

**REPRESENTATIVE FLEMING:** Okay. Is there a second?

**JUDGE McCOY:** Yes.

**REPRESENTATIVE FLEMING:** There is a second. Is there
discussion?
(No response)

REPRESENTATIVE FLEMING: Is there any objection to that amendment?

(No response)

REPRESENTATIVE FLEMING: The Chair hears none. It is adopted. Mr. Germany, do you have that?

MR. GERMANY: Yes, sir. And I'd like to add, given Senator Strickland's suggestion, I think Dr. Lee's suggestion of -- of -- I can add a background discussion of pollbooks and scanners, just to say, Hey, here's what they are, as well. And I think the place to do that would be at the very end of the -- of the current system discussion, so kind of in the middle of page 7, I could just add a discussion of pollbooks and scanners and how they currently function in our system.

REPRESENTATIVE FLEMING: Right -- right before the recommendations and discussions on page 7?

MR. GERMANY: Yes.

REPRESENTATIVE FLEMING: Okay.

MR. GERMANY: And that -- that would -- Dr. Lee --

REPRESENTATIVE FLEMING: Dr. Lee, do you understand counsel's suggestion?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: Okay. Does any of the commission have any questions regarding that?
Secretary-elect Raffensperger.

SECRETARY-ELECT RAFFENSPERGER: Do we need that read into the record?

REPRESENTATIVE FLEMING: Well, I'm gonna ask if there's gonna be an -- an objection to that, is what -- was what the Chair was gonna do. Do you -- do you understand what counsel's talking -- referring to?

SECRETARY-ELECT RAFFENSPERGER: Yes.

MR. GERMANY: Well, I don't have the exact language right now.

REPRESENTATIVE FLEMING: You're gonna create it --

MR. GERMANY: But I think I can create it --

REPRESENTATIVE FLEMING: -- from all the ideas of what Dr. Lee discussed?

MR. GERMANY: Yes. And it would just be a background discussion of here's how -- not -- I shouldn't say discussion -- background description of how pollbooks and scanners function in our current system.

REPRESENTATIVE FLEMING: Is there any further questions regarding item 10? I see Representative Beverly.

REPRESENTATIVE BEVERLY: Yeah. I have a quick, just, a procedural question. Is -- if we're gonna vote on this document at some point, we probably need to hear what Dr. Lee has written, and then have a written record for
public consumption entered into the document. And, so, if
it -- at the will of the Chair, at the appropriate time,
I'd like to make a motion or an amendment to the motion
that Dr. Lee would read what he has written so that we all
know what he's actually gonna input into the --

REPRESENTATIVE FLEMING: Here -- here's -- may the
Chair make a suggestion? And we can -- we can talk about
this. What I would -- what I would suggest to the
committee members -- commission members, whether it be Dr.
Lee or anyone, if you have some language that you want as
an addendum for the record, then what we can do is, when
we adopt the final document, you can have, let's say,
three days after today to turn in any addendum you would
want that are your specific individual comment. If this
were a legal case, we would -- we would call it a
concurring or dissenting opinion, you want to add a little
more to it. And we will not make that a part of the
actual report, but it will part -- be part of the
commission's final action, and that will be available to
the public for anybody who wants to see it.

Does that make -- is that okay, Representative
Beverly?

REPRESENTATIVE BEVERLY: Yes.

REPRESENTATIVE FLEMING: That make sense?

Dr. Lee, did you have any questions about what Mr.
Germany was proposing to do?

**DR. LEE:** For the background discussion? No.

**REPRESENTATIVE FLEMING:** Yeah. Okay. All right. Is there object -- Mr. Germany.

**MR. GERMANY:** I'm just gonna add in addition to what -- what you were just saying, Chair, about addendum, is Dr. Lee has submitted white papers that I know the committee has seen, and we were planning on attaching them.

**REPRESENTATIVE FLEMING:** Being part of the public record?

**MR. GERMANY:** Yeah. It's been -- just like we would with Ms. -- with Ms. Bailey's statement.

**REPRESENTATIVE FLEMING:** Right.

**MR. GERMANY:** But then --

**REPRESENTATIVE FLEMING:** Almost like a public hearing process where all the documents that are received into our hands, we'll hold onto it for the public record that anyone can get a hold to it if they ask for it.

**MR. GERMANY:** So just so the commissioners know, that you submit something like that, it's already in, you can submit additional things the way the Chair was describing as well.

**REPRESENTATIVE FLEMING:** All right. Is there any objection to allowing Mr. Germany to add the provision
that we have just discussed? Any objection?

(No response)

REPRESENTATIVE FLEMING: Hearing none, that is
adopted. Okay.

Any other questions or comments from the commission
regarding pages 3, 4, 5, 6 before the Chair gets to the
recommendation and discussion on page 7?

(No response)

REPRESENTATIVE FLEMING: Hearing none, let's talk
about recommendations and discussions. That begins on
page 7, goes to 8. Let's see. Actually, begins on page 7
and then has sections 1, 2, and so forth and so on.

The first paragraph there in the recommendations and
discussions, it's just that paragraph on page 7, any
questions from members regarding that?

SENATOR JACKSON: Yes, sir, Mr. Chair.

REPRESENTATIVE FLEMING: Senator Jackson.

SENATOR JACKSON: Yes, sir, Mr. Chair. I'd like to
make a recommendation or a amendment. On page 7, where it
says number one, Georgia --

REPRESENTATIVE FLEMING: Senator, I'm -- I'm gonna
get to that. I'm just talking about that first paragraph
on recommendations.

SENATOR JACKSON: I'm sorry.

REPRESENTATIVE FLEMING: I'm gonna go through each
numbered part -- each numbered part. But I know -- I know what you're asking. We'll get back to it. All right. I'm just talking about the first paragraph right now, under recommendations and discussions.

Okay. Hearing none, the Chair will accept -- you -- Dr. Lee, you have something, number 9?

DR. LEE: So just the third sentence, when you say experts in voting rights, I inserted cybersecurity.

That's all.

REPRESENTATIVE FLEMING: All right. Tell me where that is. The third sentence? What does the third sentence begin with?

DR. LEE: Say --

REPRESENTATIVE FLEMING: Does it say these recommendations?

DR. LEE: No, no, no.

MR. GERMANY: Firsthand.

DR. LEE: Yeah, firsthand insight into voter experience in Georgia, experts in voting rights, and then insert cybersecurity.

MR. GERMANY: So instead of security, cybersecurity, right?

REPRESENTATIVE FLEMING: So you want to put in front of the word security, cyber?

DR. LEE: Yeah.
REPRESENTATIVE FLEMING: Okay.

DR. LEE: Just to be clear.

REPRESENTATIVE FLEMING: Is there -- is there any objection to -- let me, first of all, ask is there a second to Dr. Lee's motion that we insert the word "cyber" in front of the word "security"?

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: There is a second. Any -- any discussion?

SECRETARY-ELECT RAFFENSPERGER: Mr. Chairman.

REPRESENTATIVE FLEMING: Secretary-elect.

SECRETARY-ELECT RAFFENSPERGER: I think we would really want to say cybersecurity and also -- and security, because they're two different components. Some -- one is just boots on the ground, some is actually electronic or cybersecurity, so actually cybersecurity and then the word "security."

REPRESENTATIVE FLEMING: So the way we'll do that is this. Dr. Lee has a motion to add the word "cyber" in front of the word "security." What we will do -- what the Chair will do is let you add the word "security" back in after that so we can keep this is order of how we're doing it. Okay?

So right now the only motion on the table for discussion is to add the word "cyber" in front of the word
"security." And the Chair will listen to Secretary-elect's recommendation after that. Is there any further discussion regarding that motion?

(No response)

**REPRESENTATIVE FLEMING:** Is there any objection to that motion?

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, the word "cyber" is added before the word "security" there.

Representative -- Representative and Secretary-elect Raffensperger.

**SECRETARY-ELECT RAFFENSPERGER:** I'd like to add the word, after cybersecurity, "security."

**REPRESENTATIVE FLEMING:** Is there -- is there a second?

**MS. BOREN:** Second.

**REPRESENTATIVE FLEMING:** There is a second. Is there discussion?

(No response)

**REPRESENTATIVE FLEMING:** Ms. Boren, did you want to be recognized?

**MS. BOREN:** I seconded.

**REPRESENTATIVE FLEMING:** Yes. You seconded. You seconded it. Okay. Hearing no discussion, is there -- is there objection?
(No response)

REPRESENTATIVE FLEMING: Hearing none, that change is in.

Counsel, you getting all this?

MR. GERMANY: Yes, Mr. Chairman.

REPRESENTATIVE FLEMING: Okay. We're gonna keep you busy on your toes today. All right.

Any other changes to that first paragraph we just worked on?

(No response)

REPRESENTATIVE FLEMING: The Chair will now move on to Section 1. Senator Jackson.

SENATOR JACKSON: Yes, sir, Mr. Chairman. I'd like to make the following motion. After the word "Georgia," replace the word "should" with shall. And on the third sentence, replace the word "should" on the third sentence, to the word "shall."

REPRESENTATIVE FLEMING: On the third sentence?

SENATOR JACKSON: Right. The first should create an auditable paper trial -- shall create.

REPRESENTATIVE FLEMING: I'm looking for that second -- oh, shoot. I see it right there. All right.

Senator, we certainly can. The Chair will ask for a second to that, but let me ask you this question.

SENATOR JACKSON: Yes, sir.
REPRESENTATIVE FLEMING: Since we are making a recommendation and a guide.

SENATOR JACKSON: Yes, sir.

REPRESENTATIVE FLEMING: Do we still want to use the word "shall"?

SENATOR JACKSON: Well, it gives it -- it gives it some more teeth.

REPRESENTATIVE FLEMING: Understood.

SENATOR JACKSON: Because as -- it gives it more teeth. And if it should be anything different than this, we have the -- we can fall back and say, you know, this is not the -- this -- this is the recommendation of the committee, we shall. And because should is we could or we could -- could not, and people in the general assembly that I know, they take should not as strongly as the word "shall." That's not everyone, Mr. Chairman.

REPRESENTATIVE FLEMING: How about we do this. What if instead of changing those two words for shall, or just for the sake of a discussion of English and the words and what it means, what if we put before the word "Georgia," the commission strongly recommends Georgia should adopt?

(Audience interruption.)

REPRESENTATIVE FLEMING: Members of the audience, I'm going to ask you to continue to do the good job that you
have to allow this committee to discuss. And if I have to
look up and identify someone who's not following that, I'm
going to do what I said -- and you agreed to it -- I'm
gonna ask you to leave. Okay?

Senator, what I had said is -- and it's just a
wordsmithing thing, I mean, but I think it makes more
sense if it says the commission strongly recommends in
front of the word "Georgia." But it's your motion, if you
want to make it.

SENATOR JACKSON: Yeah. I would like to stick to my
motion --

REPRESENTATIVE FLEMING: Surely.

SENATOR JACKSON: -- because it's still a
recommendation.

REPRESENTATIVE FLEMING: Absolutely.

SENATOR JACKSON: It's still a recommendation. It is
nothing with teeth in it to the general assembly.

REPRESENTATIVE FLEMING: The sin -- absolutely. The
Senator's motion is to change the two words in -- after
number 1 there, where it says should to shall, on line 1
and line 3, after number 1. Is there a second?

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: There is a second. Is there
discussion?

SECRETARY-ELECT RAFFENSPERGER: Yes.
REPRESENTATIVE FLEMING: Mr. Secretary, your light.

SECRETARY-ELECT RAFFENSPERGER: I prefer to keep the word there -- should. I know when I was in the general assembly that I had a bill that had the word "shall" in it. It got changed through the legislative process. And what I would say is I would want to make sure that we're very respectful to the authority of the general assembly and the hard work that they have to do. Because they're gonna have to make this hard vote to spend taxpayer dollars. And our job, as I see it, we've been commissioned to come up with recommendations, and I think that the word "should" would be the appropriate word to leave in there at the present time. Thank you.

REPRESENTATIVE FLEMING: Mr. McDonald.

MR. MCDONALD: I think the two points that were raised both by Senator Jackson now and what Secretary Raffensperger says, there's no binding authority here to go to general assembly. And I think that if we were to change that to "shall," I think we create -- we risk creating confusion. And what I mean by that is if suddenly this reads shall and the debate starts in general assembly and they session about it, people are gonna go, Well, they told you to do it. And to the lay -- to the lay -- the layperson, there's gonna be this impression that they were mandated to do this and follow these
exact -- this exact formula when that's not the case.

These are recommendations. I think Senator Jackson himself made a point of saying that there's nothing that says they have to do this to the letter, that's a legislative authority that's constitutionally granted to the general assembly. And if we start using the word "shall" in something that's not meant to have -- be a mandate, then I think all we do is create confusion.

**REPRESENTATIVE FLEMING:** Not meant to be a mandate, but doesn't have the authority to be a mandate.

**MR. MCDONALD:** Yeah.

**REPRESENTATIVE FLEMING:** Okay. Is there further discussion?

(No response)

**REPRESENTATIVE FLEMING:** Okay. The Chair will ask for a voice vote on the amendment. All those in favor of Senator Jackson's amendment, say "aye."

(Chorus of "aye")

**REPRESENTATIVE FLEMING:** All those opposed, say "no."

(Chorus of "no")

**REPRESENTATIVE FLEMING:** In the opinion of the Chair, the noes have it.

**SENATOR JACKSON:** Hand vote.

**REPRESENTATIVE FLEMING:** Absolutely. What we're gonna do is hand vote on Senator Jackson's amendment. All
those in favor of the amendment, please indicate by raising your right hand, and hold it up until I tell you to put it down.

(Commission members respond.)

**REPRESENTATIVE FLEMING:** One, two, three, four, five. All those opposed, please raise your right hand and hold it up until I tell you to put it down.

(Commission members respond.)

**REPRESENTATIVE FLEMING:** One, two, three, four, five, six, seven, eight, nine. The amendment fails.

Any other amendments to Section 1 on page 7, and it continues over to page 8? Number 7, is that you Ms. -- is that you, Mr. Monds?

**MR. MONDS:** Yes.

**REPRESENTATIVE FLEMING:** Okay. Mr. Monds.

**MR. MONDS:** I want to consider adding the word "human" in front of --

**REPRESENTATIVE FLEMING:** Tell me the word.

**MR. MONDS:** -- the word "verifiable."

**REPRESENTATIVE FLEMING:** Tell me what page you're on, first.

**MR. MONDS:** That first sentence, number 1.

**REPRESENTATIVE FLEMING:** On page what?

**MR. MONDS:** Page 7.

**REPRESENTATIVE FLEMING:** Page 7, okay. First
sentence under number 1. Okay. Where do you want to put
the word "human"?

MR. MONDS: Before verifiable and after "a." Georgia
shall adopt --

REPRESENTATIVE FLEMING: Okay. I see it.

MR. MONDS: -- a system --

REPRESENTATIVE FLEMING: Okay. It's the second --
it's the second sentence. It's the last sentence on the
page, actually.

MR. MONDS: The word "human" in front of the word
"verifiable."

REPRESENTATIVE FLEMING: Okay. Is there a second?

MS. ROSS: May I -- may I have a question about that.

REPRESENTATIVE FLEMING: If there's a second, I'll
let you ask the question.

MS. ROSS: Second it, then.

REPRESENTATIVE FLEMING: There's a second. Yes,
ma'am. And Ms. Ross.

MS. ROSS: For consistency, would that mean that
throughout this entire document, where it says verifiable,
not just where the gentleman recommended we put it in this
sentence, but throughout the entire document verifiable
will travel with human, so it will be human verifiable
throughout, or are we just gonna put it here?

REPRESENTATIVE FLEMING: Right now the motion's only
for that one spot.

Ms. Ross: Okay. Well, can I make the motion that if we do human in that one spot, it's throughout the entire document -- human verifiable throughout the entire document. That would be my motion.

Representative Fleming: For the purposes of keeping some clarity to this, the Chair is gonna entertain the motion that is before us. But the Chair will recognize you if you want to make that motion after this one.

Ms. Ross: Okay.

Mr. Monds: Well, may I amend my motion?

Representative Fleming: You may withdraw your motion and then you can make another one.

Mr. Monds: Well, I'll withdraw the motion of adding human just to this one spot and make it consistent throughout the document. That will be my motion.

Ms. Ross: I'll second.

Representative Fleming: The Chairman recognizes that motion and there's a second. Now discussion. Mr. Russo, press your button there for me, please. Number 5. There you go.

Mr. Russo: I have a -- more of a question, really.

Representative Fleming: Please.

Mr. Russo: Is verifiable -- verifiable paper vote record defined anywhere in the document? Might just be
easier to define what that is and that way we can refer to it.

**REPRESENTATIVE FLEMING:** I think the answer would be no. Is that right, Mr. Germany?

**MR. GERMANY:** No, it's not currently defined anywhere.

**REPRESENTATIVE FLEMING:** Okay. Number 23, Mr. Strickland.

**SENATOR STRICKLAND:** I just had a question as well for Mr. Germany. Do you see any issue with that language? Because, ultimately, a human has to verify everything at some point. Is there any issue with that language that you see?

**MR. GERMANY:** I don't -- I -- no, I don't see any issue with that. The -- and I don't -- I don't foresee any -- just thinking about what's in this recommendation, if we just added human before verifiable every time, I don't see an issue with that. I think it's kind of obvious. But the other thing I would just -- you might want to consider, I don't know if there's another time where I use verifiable in a different context, where it wouldn't make sense, would be the only -- I mean, I don't -- I don't -- I think it would -- probably wouldn't make sense every time. We might just want to provide, well, that doesn't -- you're not talking about the same
thing here.

REPRESENTATIVE FLEMING: Okay. Mr. Monds, the Chair has a question for you. What was the purpose for putting the word "human" in front of verifiable? Press your button so I can turn your mic on. Number 7. Thank you.

MR. MONDS: Well, the purpose behind it is I think a little bit of clarity. When you just say verifiable, somebody might think that it's -- the ballot is verified just by, you know, machine or something like that. But if it's human -- "human verifiable" means that somebody's actually looking at it to verify. That's -- that's kind of my -- my intent.

MR. GERMANY: And I would say I do make clear in the recommendations that Georgia law should be updated to reflect that the ballot is the -- is a human readable component of whatever ballot it ends up being, so . . . You know, there's other ways that people tabulate, but the ballot -- the official ballot is the human readable component, whether it's mark or a bubble or a print of the selection. So that's in here already.

REPRESENTATIVE FLEMING: Mr. Monds, a further question from the Chair. If we adopt the word "human" there, you have had an opportunity, like we all have, to see, golly, seven or eight different vendors and various kinds of machines. In your opinion, would that eliminate
at this point as -- well, part of our recommendation any
of the vendors and any of their products? Do you
understand my question?

MR. MONDS: Yes. And I was thinking about the
demonstrations. I can't recall all the -- all the vendor
demonstrations, but, you know, that's -- it's not an
intent to, you know, eliminate --

REPRESENTATIVE FLEMING: Okay.

MR. MONDS: -- any of the vendors.

REPRESENTATIVE FLEMING: All right. Let me see.
Number 9 is that Representative Beverly or is that Dr.
Lee? Dr. Lee, number 9.

DR. LEE: So just to clarify, I think, the document,
page 9 --

REPRESENTATIVE FLEMING: Yes, sir.

DR. LEE: -- first sentence of -- first sentence of
second paragraph actually attempts to define what a
verifiable paper vote record is. It reads: A verifiable
paper vote record is a method of providing feedback to
voters using a paper ballot that's either marked by hand
or on a ballot-marking device with a verifiable paper
ballot.

REPRESENTATIVE FLEMING: Okay. Dr. Lee, did you have
an opinion of whether or not, because of that definition,
you think we need to put human in front of there or not?
I want to make sure I understand your comment.

**DR. LEE:** I mean, I still think --

**REPRESENTATIVE FLEMING:** And then the motion would have the word "human" in front of verifiable right there?

**DR. LEE:** Right. So I think we should add human in front of all the verifiable --

**REPRESENTATIVE FLEMING:** Understood.

**DR. LEE:** -- places. Yep.

**REPRESENTATIVE FLEMING:** I understand what you're ask -- what -- your discussion. Okay. I have further discussion. Number 25, is that Mr. McDonald?

**MR. McDONALD:** You know, not necessarily --

**REPRESENTATIVE FLEMING:** Go ahead.

**MR. McDONALD:** -- not necessarily restricted to this -- to this issue that we're discussing right now, and I think Mr. Germany made certain clarifications regarding this throughout the document and what's covered here. But just as a general guidance, I think, in my opinion about what we're doing here today, I think our purposes here is that the 30,000-foot level as the macro level to make recommendations regarding what this is gonna look like in the coming year. Because we, again, piggyback on what we said earlier, nothing we're gonna do here today will actually create a hard mandated record. Okay? The legislative process --
REPRESENTATIVE FLEMING: Because we don't have the
authority to do that. Right.

MR. MCDONALD: Exactly. I guess I'm coming back from
my former legislative counsel that, you know, when the
legislation is dropped and -- and perfected regarding
this, that's where I think the micro, "in the weed"
discussion regarding exactly what a lot of this
terminology is gonna be defined, because it will have to
be defined in the legislation. And I think that's where
we've got to be very careful here. We're starting to mess
with a term here that otherwise should be -- probably
spend a lot of time in defining for purposes of a statute
or legislation and on the fly adding one word here which
might have a certain intent, which is goodwill -- and I
understand where it's coming from -- but might muddy the
waters a little bit regarding what we're actually
recommending or not.

So I just think that we have to balance that when --
when we're looking at what we're gonna pass today, that we
kind of stay more under the big umbrella at the macro,
going this is the things that we -- this is what we
follow -- must have or we recommend should have, but then
we start going line by line and adding a single word here
or a single word there, that's -- that's going into more
what the legislative process will do. And that's just my
two cents' worth regarding the rest of us, of what we're
gonna do.

And -- and even with this human, that can imply a lot
of different things. And if we don't sit here and spend
more time on the human how or human why, then just by
adding human here, I think that what we just do is confuse
things.

**REPRESENTATIVE FLEMING:** Ms. Boren.

**MS. BOREN:** Thank you, Mr. Chair. I think for
clarity and consistence it needs to say not human but
voter verifiable -- voter verifiable paper record. That's
what Dr. Lee read on page 8. And for consistency, it
could be voter verifiable paper, and that is more commonly
recognized, of the VV -- voter-verifiable paper audit
trail.

**REPRESENTATIVE FLEMING:** So help the Chair remember.
Who made the motion to put human in there to start with?

(Chorus of laughter)

**REPRESENTATIVE FLEMING:** Dr. Lee?

**DR. LEE:** No.

**REPRESENTATIVE FLEMING:** Oh, Mr. Monds. Mr. Monds.
I'm sorry, Mr. Monds. Chair is getting old. I can't
remember well.

Mr. Monds, do you want to stick with human or would
you prefer to go to voter verifiable?
MR. MONDS: (Indicating)

REPRESENTATIVE FLEMING: I'm sorry? Oh, yeah, your mic. Mibad.

MR. MONDS: At this time I would just -- let's decide on human. Sure.

REPRESENTATIVE FLEMING: Okay. Just wanted to clarify that. Okay. And next, Judge.

JUDGE McCoy: Just a question where we're coming from with this motion. Our current system with optical-scanned ballots, a human or a voter can verify what is marked there. But when you go and do a recount, under the current law we are not allowed to count those ballots by hand. The only way to recount the optical-scanned ballots currently is to run them through the scanner again absence a court order. And it -- is that the point of opening up where there may be a way to hand-count ballots or -- I'm just trying to figure out where this is coming from.

REPRESENTATIVE FLEMING: All right. Any other comments regarding further the amendment?

(No response)

REPRESENTATIVE FLEMING: If there are none, the Chair is going to call the word on -- gonna call the vote on the amendment, and then the Chair will restate his understanding -- and someone correct me if I'm wrong -- put the word "human" in front of the word "verifiable" on
page 7 and anywhere else the word "verifiable" is used in the document.

All those in favor of that amendment, please indicate by saying "aye."

(Chorus of "aye")

**REPRESENTATIVE FLEMING:** All those opposed, "no."

(Chorus of "no")

**REPRESENTATIVE FLEMING:** In the opinion of the Chair, the noes clearly have it.

Any other amendments to Section 1 on page 7 and 8? Representative Beverly.

**REPRESENTATIVE BEVERLY:** Yes.

**REPRESENTATIVE FLEMING:** Go ahead. I think it's on.

**REPRESENTATIVE BEVERLY:** Yeah, I think.

**REPRESENTATIVE FLEMING:** There you go.

**REPRESENTATIVE BEVERLY:** Okay. So on the second paragraph, a verifiable paper vote record, if you go to the second sentence of that para -- or the second line --

**REPRESENTATIVE FLEMING:** What page are you on? I'm sorry.

**REPRESENTATIVE BEVERLY:** Page 8.

**REPRESENTATIVE FLEMING:** Okay.

**REPRESENTATIVE BEVERLY:** First paragraph of page 8.

**REPRESENTATIVE FLEMING:** All right.

**REPRESENTATIVE BEVERLY:** Come down, second sentence
of the first paragraph.

REPRESENTATIVE FLEMING: Okay.

REPRESENTATIVE BEVERLY: That you strike --

REPRESENTATIVE FLEMING: What does it begin with, the sentence?

REPRESENTATIVE BEVERLY: (As read) "Is either marked by hand or on a ballot-marking device with a verifiable paper" --

REPRESENTATIVE FLEMING: Gotcha.

REPRESENTATIVE BEVERLY: -- "ballot." I'd make a -- I move to strike the word "either," replacing primarily.

REPRESENTATIVE FLEMING: So in other words, you want to replace the word "either" with primarily?

REPRESENTATIVE BEVERLY: Yes. So it will say using a paper ballot that is primarily marked by hand, which would make that, then, the preferential way to vote.

REPRESENTATIVE FLEMING: For clarity's sake, explain to the Chair the purpose of the change.

REPRESENTATIVE BEVERLY: Sorry. Say it again.

REPRESENTATIVE FLEMING: For clarity's sake.

REPRESENTATIVE BEVERLY: So for clarity's sake, and I'm coming to the section where we actually deal with -- I think it's Section 8 in the document.

REPRESENTATIVE FLEMING: Yes, sir.

REPRESENTATIVE BEVERLY: But for clarity's sake is
what I'm -- my -- the intent of the motion is to say that
we would, as the state of Georgia, go primarily toward
hand-marked ballots, that would be the primary way in
which we vote, or, secondarily, by a ballot-making device.
So that a hand-marked paper ballot would then take
precedence by taking the word "either" out and saying that
the recommendation of this committee is that we would have
a primarily way -- primary way of voting would be
hand-marked paper ballots.

    REPRESENTATIVE FLEMING: Just in wordsmithing I'm not
sure, if I understand your motion, that you're
accomplishing that because it's still gonna say or a
ballot-marking device. So the word "primary" would --
would -- would affect hand-marked or ballot-making device.

    REPRESENTATIVE BEVERLY: Yes. So I had -- I had some
other amendments, then. But I think -- I think I may be
able to pick it up in Section 8 a little bit better.

    REPRESENTATIVE FLEMING: So you want to not do it
here?

    REPRESENTATIVE BEVERLY: Yes. I could not do it
here.

    REPRESENTATIVE FLEMING: Okay.

    REPRESENTATIVE BEVERLY: But if it's -- if it's a
little chance, I'll withdraw that motion.

    REPRESENTATIVE FLEMING: If you can do it, would you
want to do it in another place?

    REPRESENTATIVE BEVERLY: Yes. I could.
    REPRESENTATIVE FLEMING: Fine with it.
    REPRESENTATIVE BEVERLY: -- follow it up --
    REPRESENTATIVE FLEMING: Gotcha. Okay. Any other -- I'm sorry. Go ahead.
    REPRESENTATIVE BEVERLY: But I do want to add --
    REPRESENTATIVE FLEMING: Yes, sir.
    REPRESENTATIVE BEVERLY: -- another amendment and that is -- And, so, by hand or on a -- after the word "a" is to add these three words, non-bar-coded ballot-marking device.
    REPRESENTATIVE FLEMING: Non-bar-coded ballot-marking device. The Chair is gonna ask a question in an attempt to move things along.
    REPRESENTATIVE BEVERLY: Sure.
    REPRESENTATIVE FLEMING: And please feel free to say no that's not what I mean.
    REPRESENTATIVE BEVERLY: Right.
    REPRESENTATIVE FLEMING: But if you -- if I understand correctly, the addition of non-bar-coded ballot-markings would eliminate some of the -- the -- the machines that we have seen in the -- in the process. Is that correct?
    REPRESENTATIVE BEVERLY: It potentially could.
REPRESENTATIVE FLEMING: Okay. Good. There is a motion that we include the words and the second sentence and in the first full paragraph, after the word "a," non-bar-coded ballot-marking. Actually, you just add non-bar-code and it would read: A verifiable paper vote record is a method of providing feedback to voters using a paper ballot that is either marked by a -- by hand or on a non-bar-code ballot-marking device.

Is there a second for that?

DR. LEE: Second.

REPRESENTATIVE FLEMING: There's a second by Dr. Lee. Discussion? Is there any discussion regarding that change? Number 6 is Ms. Howell.

MS. HOWELL: Yes, thank you, Mr. Chair.

REPRESENTATIVE FLEMING: Uh-huh.

MS. HOWELL: So I have a question for Mr. Germany. For the purpose of this particular section of the recommendations, because I understood that first sentence to be defining what verifiable paper vote record was, just as a term of art as was mentioned earlier. And, so, the recommended -- the current changes would change, I think, then, the purpose of the overall paragraph to be what a verifiable paper vote record would be in Georgia. So I'm just trying to understand the intent of this paragraph because it then substantially changes the structure.
MR. GERMANY: Yes, ma'am. That's -- that's correct.
The point of this sentence is just definitional and
explanatory. This is not meant to be a recommendation
sentence. I think that's handled in late -- and
Representative Beverly was referring to Section 6. And
that's -- that's where both of those things are handled.
And, so, if you're trying to, like, substantively change
that, that might not be the place.

REPRESENTATIVE FLEMING: And if I understand what
Representative Beverly is saying is that he -- he
understands it would be better to make that change in
another spot.

REPRESENTATIVE BEVERLY: Yes.

REPRESENTATIVE FLEMING: Would you like to withdraw?
REPRESENTATIVE BEVERLY: I'll withdraw.

REPRESENTATIVE FLEMING: Okay. His motion is
withdrawn.

Any other changes to this section before we get to
number 2 on page -- at the top of page 9?
(No response)

REPRESENTATIVE FLEMING: The Chair hears none. We
are now --

MR. GERMANY: Can I ask --

REPRESENTATIVE FLEMING: Mr. Germany.

MR. GERMANY: I'm -- I'm looking at what Dr. Lee sent
me last night that I didn't get a chance to -- to put in, in that same sentence.

REPRESENTATIVE FLEMING: Yes.

MR. GERMANY: He had a recommendation in that same sentence to make it read: A verifiable paper vote record is a method of documenting voter action by a) using a paper ballot that is marked by hand by the voter, or b) a vote that is electronically collected by a ballot-marking device followed by a paper receipt provided to the voter. So I just wanted to raise that to see if Dr. Lee wanted it considered at this time.

REPRESENTATIVE FLEMING: Dr. Lee. Press your button there. Dr. Lee.

DR. LEE: Yeah. So I think that if we later on come back to the definition for -- comes down to, let's say, provision 6, we can have a better, more creative -- more creative definition, but, you know, obviously, I thought that would be clarifying the definition. So you can tell me whether this sentence right now here serves the definitive definition of verifiable paper vote record versus to say placeholder reference.

MR. GERMANY: It's meant -- it's meant to be just a more general placeholder, so if that works for -- then within that, then that way you can handle it at a later point.
DR. LEE: Okay.

REPRESENTATIVE FLEMING: So we do that -- so we do that at a later time, basically, on the document?

MR. GERMANY: Right.

REPRESENTATIVE FLEMING: Okay. Mr. McDonald.

MR. McDONALD: Just a -- just two-cents question for you, Mr. Chairman.

REPRESENTATIVE FLEMING: Hold on one second. There we go.

MR. McDONALD: A question for you, Mr. Chairman, and in your opinion and any other legislators who've kind of gone through the legislative process, is there something to, at this point, just amending the document to include a definitions section, and then -- because so far the first two questions we've asked and we've spent time on were -- we're -- we're spending time on what something means. And then we're gonna start -- if we're gonna continue to do that, and the next question is gonna be where else in the document do we have to change it. And I fear that we're gonna -- if we kind of hunt and peck, for lack of a better word, we're gonna end up with a document that is probably less clear than we would like it to be. And if we're gonna do this page by page and start wondering what things mean, like just now, do we change it here or we change it there, right now what I would recommend is, based on my
past experience, is if we're gonna have a discussion, let's have a discussion on what verifiable paper ballot means, agree on what it means, add one section that says this verifiable per paper ballot means, for the purposes of this document, this, and therefore we at least have a consistency and we know what we've changed and why we've changed it.

**REPRESENTATIVE FLEMING:** If we -- if we get to the point where we're going to make a change, this is what I'm gonna recommend, the Chair welcomes you to repeat that at the appropriate time.

**MR. McDONALD:** Just -- just more like if we're gonna have a series of terms that we're gonna try to figure out what they are, it might just make more sense to add a Section 1, renumber everything else, and say these are the terms that we're gonna want defined for the purposes of this document.

**REPRESENTATIVE FLEMING:** Okay. Any other changes to Section 1? I'm gonna move on, if not, to Section 2 on page 9. Section 2 on page 9: Georgia should remain a uniform state -- system state, with each county using the same equipment that is initially provided by that state.

Any changes suggested by the commission on Section 2?

(No response)

**REPRESENTATIVE FLEMING:** The Chair hears none. We
move to Section 3 on page 9. Yes, Dr. Lee.

DR. LEE: Yeah. So I want to add a paragraph at the end --

REPRESENTATIVE FLEMING: Yes, sir.

DR. LEE: -- to say that there's a caveat with the uniform system.

REPRESENTATIVE FLEMING: Yes, sir.

DR. LEE: From a cybersecurity point of view, that could mean a single point of failure.

REPRESENTATIVE FLEMING: Dr. Lee, you just turned off your mic there.

DR. LEE: Yeah, sorry.

REPRESENTATIVE FLEMING: There. Do it now.

DR. LEE: So I think from a cybersecurity point of view, there's a risk of a single point failure because everybody using the same system, then a single attack would just knock out all systems. And we also use the term called "catastrophic failure." I mean, it sounds good if everybody's using the same thing when it works great, but, when it fails, everybody fails. So I just want that to be included so that our lawmakers can consider, you know, uniformity shouldn't be set in stone.

REPRESENTATIVE FLEMING: Do you have some language already that you submitted that would make that change, Dr. Lee?
DR. LEE: I have not. I just sent in comments, but I can send you the actual language.

REPRESENTATIVE FLEMING: Well, what we could do at this point, what I'd like to do at this point is -- because that's a pretty important point on uniformity of the system, and I understand your position that -- your position is it's safer not to have a uniform system in some ways.

DR. LEE: Right.

REPRESENTATIVE FLEMING: So you want to attach that as an addendum to this whole report like other people have an opportunity to do or do you actually want the words there in that number 2?

DR. LEE: I want it to be included in the document.

REPRESENTATIVE FLEMING: Okay. So -- all right. So state succinctly, then, what you want us to put there.

DR. LEE: So I would just say that some members of the commission, including Dr. Lee, recommends the state legislature to consider the risk of having a uniform system, in particular with regards to cybersecurity risk, if you use -- if you -- if you use a single -- if you all use a single system, then a single cyberattack can knock out all -- all systems.

REPRESENTATIVE FLEMING: So here's how I would propose we handle that, that if that is voted to be
included by the commission, that it read: However, Dr. Lee of the commission, rec -- makes the point or recommends.

And, then, Counsel, do you have that language that you could put in that last paragraph, if we chose to do so?

MR. GERMANY: Yes, sir.

REPRESENTATIVE FLEMING: So -- so -- so is there -- is there -- before I ask Dr. Lee for a motion to do it, I'm gonna ask if there's any question about what I just described we might do?

(No response)

REPRESENTATIVE FLEMING: Dr. Lee, do you want to make that as a motion?

DR. LEE: Yes.

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: Is there a second?

REPRESENTATIVE BEVERLY: I second.

REPRESENTATIVE FLEMING: There's a second by Representative Beverly.

Is there any discussion regarding that motion? Madam Secretary.

SECRETARY CRITTENDEN: I just want to clarify the language. So the language would be: However, Dr. Lee of the commission -- is that -- did you want notes or rec --
are you recommending that it not be uniform?

    DR. LEE: I recommend it to be not uniform. But at
least, you know, we should make the lawmakers aware of the
risk so that they can actually consider my opinion.

    SECRETARY CRITTENDEN: Okay. So it's recommends?

    DR. LEE: Right.

    SECRETARY CRITTENDEN: Okay. Thank you.

    REPRESENTATIVE FLEMING: Mr. Russo. What number are
you? Number 5?

    MR. RUSSO: 5.

    REPRESENTATIVE FLEMING: Go ahead.

    MR. RUSSO: And I have -- I have a question for, I
guess, for Dr. Lee. Are you -- or by a system that is not
uniform, are you referring to systems that -- a system
that is not centralized or a system where one county might
have one voting machine and another county might have
another type of voting machine?

    DR. LEE: Yes. So -- so what I meant was that every
county can use their -- use, let's say, system from
different vendors, for example, right, or even different
technologies. Yeah.

    REPRESENTATIVE FLEMING: Other comments regarding Dr.
Lee's proposed amended language?

    (No response)

    REPRESENTATIVE FLEMING: Hearing none. All those --
Mr. McDonald, press your button. Thank you.

MR. McDONALD: I did.

REPRESENTATIVE FLEMING: Okay.

MR. McDONALD: Dr. Lee, so I just want to make clear. If my understanding is, is the ultimate purchase of these machines will be done at the state level through state bond, so I'm trying to think of the practicality and how it would actually function if suddenly we open the door up to all the local jurisdictions having the flexibility of wanting to choose a different system, I'm not even sure what that looks like through -- on the front end on the practical purpose of trying -- how do we get -- let's say -- let's assume -- this is an arbitrary number -- there are three different systems circulating throughout the state of Georgia, and one third, one third, one third, how are we gonna practically purchase three different systems to satisfy that? How will we even know that on the front end when we're having -- we're very restricted with how we're gonna purchase this methodology used? So I don't know if this recommendation is a very practical recommendation considering if we're gonna go -- if we're gonna pick a system, I don't see how we can pick multiple systems across the board when it's gonna be purchased at a -- at a state level.

DR. LEE: So my understanding is that we are
providing a set of recommendations. Right? So I'm assuming that there will be multiple vendors that can satisfy the recommendations or the requirement. So I don't think we should just going in assuming that there's only one vendor that could be -- that could be chosen. I think that's a very dangerous practice, not just from a cybersecurity point of view; could also be from a financial point of view. What if that vendor goes bankrupt next year. Right?

REPRESENTATIVE FLEMING: Other questions or comment regarding Dr. Lee's motion?

(No response)

REPRESENTATIVE FLEMING: Hearing none, all those in favor of Dr. Lee's motion, please indicate by saying "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Motion clearly fails. Are there any other additions to Section 2 on page 9?

(No response)

REPRESENTATIVE FLEMING: Section 3, beginning at the bottom of page 9 and goes to the top of page 10, is there any suggestion for changes in that area?

(No response)
REPRESENTATIVE FLEMING: Chair hears none. We'll move on to Section 4 on page 10. Section 4, beginning on page 10, are there any suggested changes to that area?

(No response)

REPRESENTATIVE FLEMING: That goes on to page 11 and ends on page 11. Long section. The Chair will give you a second to look through it. Ms. Welch.

MS. WELCH: Yes, Mr. Chairman. Can I add a section of a restroom break?

(Chorus of laughter)

REPRESENTATIVE FLEMING: The Chair's already been. Absolutely. I tell you what we'll do is that, after we get through with Section 4, we will break for five minutes.

MS. WELCH: Thank you. Two cups of coffee getting down here.

(Chorus of laughter)

REPRESENTATIVE FLEMING: Sometimes in the legislature, the way we get things done is you don't let anybody go to lunch either.

(Chorus of laughter)

REPRESENTATIVE FLEMING: Okay. Absolutely.

Let -- any -- any changes to Section 4 before we take a five-minute break?

(No response)
REPRESENTATIVE FLEMING: Hearing none, we'll -- we'll take a five-minute break, promptly five minutes, and we will come -- I'm sorry, Amy. Okay. I'm sorry. My apologies. Amy, Section 4?

MS. HOWELL: Yes.

REPRESENTATIVE FLEMING: Okay.

MS. HOWELL: Thank you, Mr. Chair. During our last meeting, we heard a presentation from Mr. Germany about the impact in other states around litigation, around diminished access under the Americans with Disabilities Act for individuals with disabilities. So it would be my, I guess, motion to include some -- some over -- synopsis or overview of -- of that information in this section.

REPRESENTATIVE FLEMING: Okay. Counsel, are you familiar with what Ms. Howell just mentioned?

MR. GERMANY: Yes, sir. I'm looking -- I think that's a good idea -- I'm looking right now for the best place to add it here (viewing).

I think perhaps the best place to add it is just at the -- on the -- on the middle of page 11, before I start -- before I get into this discussion of the EAC. So the paragraph (as read) "the SAFE Commission also heard testimony from representatives," add another paragraph discussing that litigation, which is primarily -- the two I'm thinking of are occurring in Maryland and Ohio. And
that's what I discussed with the commission at the last meeting. And if it would be all right, I could just add similar to what I'll add at the beginning about pollbooks and scanners, just a description of that -- of that litigation.

    REPRESENTATIVE FLEMING: And because we're asking you to make these changes and additions, Counsel, you know, you stop me at any time, because I'm depending on you to -- to get it all down. So you can stop the train any time you get ready. You understand?

    MR. GERMANY: Okay.

    REPRESENTATIVE FLEMING: Okay. It's a lot of authority.

    MR. GERMANY: Yeah.

    (Chorus of laughter)

    REPRESENTATIVE FLEMING: You can pull that -- you pull that string.

    Okay. Questions regarding Ms. Howell's recommendation?

    MS. ROSS: I have a question.

    REPRESENTATIVE FLEMING: Okay. Let's do -- let's do this, first. Yeah. Let's get it clear because of the way we're handling it, and then I'll ask for a motion.

    Yes, ma'am.

    MS. ROSS: Thank you.
REPRESENTATIVE FLEMING: Ms. Ross.

MS. ROSS: Thank you, Mr. Chair.

Is this the -- this is the recent litigation in Maryland and Ohio that we're seeking to add -- the -- the pending litigation?

MR. GERMANY: Yes.

MS. ROSS: I just want to make sure of the time -- the timeliness. It's not a historical perspective but what's currently going on?

MR. GERMANY: Yes.

MS. ROSS: Okay.

MR. GERMANY: I think the one in Maryland may be kind of recently concluded.

MS. ROSS: Okay. Okay.

MR. GERMANY: But the recent litigation.

MS. ROSS: Okay. That's what -- that's what I wanted to clarify.

REPRESENTATIVE FLEMING: Thank you, ma'am. Other questions regarding . . .

(No response)

REPRESENTATIVE FLEMING: Okay. Ms. Howell, make -- make it in the form of a motion.

MS. HOWELL: Sure. I would move to add a portion after the paragraph on page 11 that provides a synopsis and overview of the detrimental impacts on individuals
with develop -- with disabilities and current or recent litigation in relationship to consistency with the Americans with Disabilities Act.

    REPRESENTATIVE FLEMING: Is there a second?

    SENATOR JACKSON: Second.

    MS. ROSS: Second.

    REPRESENTATIVE FLEMING: There's a second.

Discussion?

(No response)

    REPRESENTATIVE FLEMING: Is there -- the Chair hearing none, is there any objection?

(No response)

    REPRESENTATIVE FLEMING: That's in. Okay. Here's what we're gonna do. We're gonna come back and start on page 12 with Section 5. Here's what I -- the Chair is gonna do. There's limited access in and out of this room. I'm gonna ask you give these folks 30 seconds to get out the door.

(Chorus of laughter)

    REPRESENTATIVE FLEMING: And then -- and then you can block the door if you want to. We will start back promptly in five minutes, Commissioners.

(Meeting suspended at 12:11 p.m.)

(Meeting resumes at 12:19 p.m.)

    REPRESENTATIVE FLEMING: If you would, please return
to your seat. All right. Chair is gonna start calling names. All righty. Let's see who -- who I see who is not here. Ms. Howell.

(Unreported chitchat as attendees settle)

**REPRESENTATIVE FLEMING:** Okay. All right. Then we're now on Section 5, page 12; Section 5, page 12. That goes -- just page 12. New Section 6 starts on page 13. The Chair will accept any comments regarding page 5 [sic].

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, the Chair will move on to -- oh, number 9? Is that Dr. Lee?

**DR. LEE:** Yes.

**REPRESENTATIVE FLEMING:** Dr. Lee.

**DR. LEE:** So I sent some edits to Mr. Germany and we discussed that -- there are several things I want to add just to put more emphasis on cybersecurity components for our new voting system. So in the first paragraph, the fourth sentence, we say: ensure the best cybersecurity.

**REPRESENTATIVE FLEMING:** Okay. The first paragraph, not including the caption number -- of number 5, is that the first paragraph, fourth sentence? Fourth line, rather?

**DR. LEE:** In the caption.

**REPRESENTATIVE FLEMING:** In the caption, I'm sorry. In the caption. Fourth sentence in the caption. All
right. Show me where there.

DR. LEE: So when it says ensure both security and functionality --

REPRESENTATIVE FLEMING: Yes.

DR. LEE: -- I propose we change it to ensure the best cybersecurity.

REPRESENTATIVE FLEMING: So you want to take some words out?

DR. LEE: I want to change the word "both security" to best cybersecurity.

REPRESENTATIVE FLEMING: Okay. Best cybersecurity. So here's how it would read: For each -- and correct me if I'm wrong, Dr. Lee -- for each new type of hardware, steps should be taken to ensure best -- the -- the best cybersecurity and functionality.

DR. LEE: Correct.

REPRESENTATIVE FLEMING: Is that how you want it to read?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: We had discussion earlier that we include the word "cyber" we also need to leave security there because they're two different things, cybersecurity and physical security.

Would it be your intent to have the same situation there, Dr. Lee, if we made your change?
DR. LEE: Yes.

REPRESENTATIVE FLEMING: Okay. So first -- so we'll do this in the same fashion. If you want to, we want to add the best cybersecurity. Then I'll read it one more time for you, then I'll come back and recognize somebody should they want to make that change to also insert the word "security" back in, like we did the last time.

So it would read, first of all: For each new type of hardware, steps should be taken to ensure the best secure -- cybersecurity and functionality. We're eliminating the word "both" and putting in the best cyber.

Any questions regarding that before I ask for a second, to make sure we're all on the same page of what's actually being suggested? Representative Beverly, did you have a question about what he's suggesting or debating whether or not it's good?

REPRESENTATIVE BEVERLY: No. I just have a -- I wanted to -- would it be better served to amend the amendment and then vote on that as amended -- as the amended amended -- amendment?

REPRESENTATIVE FLEMING: No. That gets too confusing for folks in the Chair's opinion. So it'll have the same result, though. I see what you're saying.

Okay. Is there any question regarding the amendment before I ask if there's a second?
(No response)

REPRESENTATIVE FLEMING: If there is none, is there a second?

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: There's a second.

Discussion? Mr. Russo, press -- number 5. Okay.

MR. RUSSO: I think these headings are intended to be objectively worded, not when -- when you put in best cybersecurity, security and functionality into the -- into that header, it is, I guess, more subjective. I don't know what exactly the best cybersecurity security functionality really means, and I think it ends up being less objective as a lead-in, intro paragraph.

REPRESENTATIVE FLEMING: Further -- let's see. Is that Mr. Jack -- Senator Jackson?

SENATOR JACKSON: No.


MS. ROSS: And this may be -- it's an overall observation and a situation that we'll probably come back to more than once.

There seems to be a natural conflict between the best cybertechnology and functionality with humans dealing with it. And I guess what I'm trying to figure out is, what is -- what is the balance? And that's something we're all
struggling with. There are times when something can be
the best in cybersecurity but then it opens us up to an
unacceptable level of human error in the implication or
implementation of that process.

And, so, when you're -- we're deciding to put best
cybersecurity here in lieu of functionality -- so the way
I understand the amendment would be the word
"functionality" will just be deleted and it will say the
best cybersecurity -- does that mean we are placing
cybersecurity over functionality?

REPRESENTATIVE FLEMING: Dr. Lee.

DR. LEE: Yeah. So, I mean, first of all, I'm not
removing the word "functionality."

MS. ROSS: Okay.

DR. LEE: I just say ensure the best cybersecurity
and functionality.

MS. ROSS: Yeah.

DR. LEE: And then my -- you know, that would be a
separate motion, but somewhere down the line in the same
paragraph where you have the bullet items, I just say that
industry best practices actually are well established even
by some standard body such as NIST. So there's such thing
called "best cybersecurity" that's available.

MS. ROSS: Okay.

REPRESENTATIVE FLEMING: Any other comments?
(No response)

**REPRESENTATIVE FLEMING:** There has been a motion and a second. Does anyone need the Chair to restate what we're doing?

(No response)

**REPRESENTATIVE FLEMING:** If not, all those in favor of the motion, please indicate by saying "aye."

(Chorus of "aye")

**REPRESENTATIVE FLEMING:** All those opposed?

(Chorus of "no")

**REPRESENTATIVE FLEMING:** In the opinion of the Chair, the motion fails.

Any other suggested changes to Section 5? Dr. Lee.

**DR. LEE:** Yeah. So should I include them all or one -- one word at a time?

**REPRESENTATIVE FLEMING:** Well, are they all related?

**DR. LEE:** Yes.

**REPRESENTATIVE FLEMING:** Tell us what you're trying -- what you want to do, and then we'll figure that question out.

**DR. LEE:** Okay. So, first, as a clarification, I think the second paragraph of the text, the first sent --

**REPRESENTATIVE FLEMING:** That begins with as with any piece?

**DR. LEE:** Right.
REPRESENTATIVE FLEMING: Okay.

DR. LEE: I just say, you know, change security to cybersecurity --

REPRESENTATIVE FLEMING: Okay.

DR. LEE: -- again.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: And then the bullet items, the sixth bullet, ensure that there is a consistent process, not just a way. Change the word "a way" to consistent process.

REPRESENTATIVE FLEMING: There's a -- change the word "way" to process?

DR. LEE: Consistent process.

REPRESENTATIVE FLEMING: The Chair is probably gonna take these one at a time now that I see what you're -- what you're asking. But go ahead and finish the -- the whole list.

DR. LEE: Okay.

REPRESENTATIVE FLEMING: Or is it just those two?

DR. LEE: Oh, no, there are a few more.

REPRESENTATIVE FLEMING: Okay. Go ahead.

DR. LEE: And then the next bullet, so my edit would read: For any vendor that provides hardware or software, require vendor security measures in accordance with industry best practices such as those established by NIST.
REPRESENTATIVE FLEMING: In accordance with industry best --

DR. LEE: -- best practices.

REPRESENTATIVE FLEMING: -- best practices --

DR. LEE: -- such as those established by NIST.

REPRESENTATIVE FLEMING: -- such as those established by -- and say that last word.

DR. LEE: NIST, the National Institute of Standards Technology.

REPRESENTATIVE FLEMING: That's an acronym?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: Give me it letter by letter.

DR. LEE: N-I-S-T, all -- all capped.

REPRESENTATIVE FLEMING: N-I-S-T.

DR. LEE: Yes.

REPRESENTATIVE FLEMING: NIST.

DR. LEE: Uh-huh.

REPRESENTATIVE FLEMING: And it stands for, again, the National . . .

DR. LEE: Institute of Standard Technologies.

REPRESENTATIVE FLEMING: I think we'll spell that word out, Counselor, if we were to adopt that. And then you put the acronym in parentheses in case we use it again -- if we use it again.

MR. GERMANY: Sure.
REPRESENTATIVE FLEMING: Any other potential amendments to that section? Dr. Lee.

DR. LEE: And then . . . let me see here. And then further down by the same bullet, toward the end I say -- well, the next sentence I my edit is: Such security requirements for any potential vendor should be included in the F -- in the RFP process and in any contract, so that vendors hold responsibility for cybersecurity failures and are motivated to properly maintain equipment under contract.

REPRESENTATIVE FLEMING: Okay. Say that slower.

DR. LEE: Okay. So after NIST, I added such in front of security --

REPRESENTATIVE FLEMING: You took the word "strict" out and added such?

DR. LEE: Right. Such, yes.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: And then I . . .

REPRESENTATIVE FLEMING: And then, I think, after the word "contract," you want to put a comma?

DR. LEE: Yeah, end of contract, so that -- I say so that vendors hold responsibility.

REPRESENTATIVE FLEMING: Hold responsibility; H-o-l-d, hold responsibility?

DR. LEE: Yeah.
REPRESENTATIVE FLEMING: Okay.

DR. LEE: For cybersecurity failures . . .

REPRESENTATIVE FLEMING: For cyber . . .

DR. LEE: For cybersecurity failures . . .

REPRESENTATIVE FLEMING: Security failures.

DR. LEE: And are motivated to properly maintain equipment.

REPRESENTATIVE FLEMING: And are motivated to properly maintain equipment?

DR. LEE: Yeah; under contract.

REPRESENTATIVE FLEMING: Equipment under contract. Counsel, you want us to read that one more time?

MR. GERMANY: I've got a cheat sheet right here, so I've got it right in front of me.

(Chorus of laughter)

MR. GERMANY: And I can read it back to you, if that would help.

REPRESENTATIVE FLEMING: When we get to it.

MR. GERMANY: Okay.

REPRESENTATIVE FLEMING: Any other changes in Section 5 paragraph, Dr. Lee?

DR. LEE: No.

REPRESENTATIVE FLEMING: Section 5? Okay. Let's take them one at a time. The first proposed change was in the second full paragraph that begins with as with any
piece of -- any -- as with any piece of hardware or
software, to put the word "cyber" before security there;
cybersecurity must be a top priority.

Is that the correct change, Dr. Lee?

**DR. LEE:** Yes.

**REPRESENTATIVE FLEMING:** Is there a second?

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, the motion
fails for a -- for lack of a second.

Number 2 is, when you go down to the bullet points,
the one that begins about 1, 2, 3 -- on number 6 down, I
believe, is ensure that there is a -- change the word
"way" to process, so it would read: Ensure that there is
a process to securely patch --

**DR. LEE:** Sorry. I changed a way to consistent
process.

**REPRESENTATIVE FLEMING:** Consistent process.
Consistent process, okay. To ensure that there is a
consistent process to securely patch and update software
on devices.

Is there a second?

**MR. RUSSO:** Second.

**REPRESENTATIVE FLEMING:** There is a second. Any
discussion?

(No response)
REPRESENTATIVE FLEMING: Hearing none, all those in favor, say "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: Any opposed?

(No response)

REPRESENTATIVE FLEMING: That is adopted. Got that, Counselor?

MR. GERMANY: Yes, sir.

REPRESENTATIVE FLEMING: Number 3, this is a long one. I'm gonna let counsel with the cheat sheet tell us what that one is. It begins with for any vendor that provides software -- hardware or software require vendor security measures in accordance with, is what I began to write down. Do you have that one or do you want to read mine?

MR. GERMANY: Yes, sir. So after -- in that bullet point after require vendor security measures, motion would add in accordance with industry best practices such as those established by NIST, N-I-S-T, which I would --

REPRESENTATIVE FLEMING: Tell me what NIST is, Mr. Lee -- Dr. Lee.

DR. LEE: National Institute --

REPRESENTATIVE FLEMING: I know that. Yeah, I got that. But tell me -- tell me what it is. Tell me about it.
DR. LEE: Oh. So, I see. So it's a government agency that they -- they also do some basic research, such as, you know, increase the accuracy of the atomic clock, so there's Nobel Prize winners in that organization. But they also study, you know, industries such as, you know, what we need to do to recommend to industry how do they secure their system. So they publish documents --

REPRESENTATIVE FLEMING: I see. Federal -- federal government agency?

DR. LEE: Right. Right.

REPRESENTATIVE FLEMING: Is it -- under what department?

DR. LEE: Department of Commerce, I believe.

REPRESENTATIVE FLEMING: Department of Commerce?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: So they -- they actually provide recommendations on how do you best secure your system given new technologies. For example, they would publish documents on best practices if you want to secure your wireless network for your enterprise.

REPRESENTATIVE FLEMING: Do they -- they ever do anything controversial?

REPRESENTATIVE BEVERLY: Never.

REPRESENTATIVE FLEMING: Seriously?
MR. GERMANY: Mr. Chairman.

(Chorus of laughter)

MR. GERMANY: Mr. Chairman. I would say NIST --

REPRESENTATIVE FLEMING: I'm just trying to figure
out who I'm fixing to endorse. It sounds legit.

MR. GERMANY: NIST -- NIST standards are regularly
implemented in contractual terms for cybersecurity.

REPRESENTATIVE FLEMING: That's what I wanted to
know. Okay.

Is there a second regarding that amendment?

MR. MCDONALD: I second.

REPRESENTATIVE FLEMING: There is a second. Is there
discussion regarding that amendment?

(Court reporter requests clarification.)

REPRESENTATIVE FLEMING: Mr. McDonald. And, Madam
Court Reporter, you stop me any time you don't have it
either. You can pull the -- the string on the train, too.
Okay? And you tell my wife, who's a court reporter, how
good I am at this. Okay? I get -- my wife tells me to
always stop for the court reporter, so . . . All right.

So there is a second. Any discussion regarding that
amendment?

MR. RUSSO: I have a question.

REPRESENTATIVE FLEMING: Mr. Russo, number 5.

MR. RUSSO: Mr. Germany, this is a -- I have -- I
have a question about this. Is -- would this requirement pose any issues with getting certification by the -- the EAC. The EAC and NIST have a working group, which, I believe, it's mentioned in the last paragraph of the section right before this? I'm just trying to figure out if this is gonna conflict with what we have already all agreed on in the prior section on it.

MR. GERMANY: I don't think it will, given what you said, that the EAC and NIST work -- have worked together on election security components. I like the way that Dr. Lee's motion is worded. It says: Such as those established by NIST. So I think the -- the implication is, you know, if -- if NIST comes out with some new standard that these guys don't meet yet, you know, it wouldn't -- it wouldn't require that immediately, which is pretty standard in -- in contracting as well.

REPRESENTATIVE FLEMING: Any other discussion?
(No response)

REPRESENTATIVE FLEMING: Hearing none, all those in favor of the motion, please say "aye."
(Chorus of "aye")

REPRESENTATIVE FLEMING: Any opposed?
(No response)

REPRESENTATIVE FLEMING: It's in. Okay. Dr. Lee, the last one, I think, is on the next bullet point down
and there were two changes.

    DR. LEE:  No, the same bullet point, actually.

    REPRESENTATIVE FLEMING:  Same bullet point, actually.

    DR. LEE:  Yes.

    REPRESENTATIVE FLEMING:  Oh, it is the same one.

Mibad. It's the next sentence in that same bullet point that we just amended. You're gonna change the word "strict" to such security measures, correct?

    DR. LEE:  Yes.

    REPRESENTATIVE FLEMING:  And -- okay. On bullet point number 1, 2, 3, 4, 5, 6, 7, that we just amended, the second sentence began with strict security requirements. Dr. Lee's amendment is to change it to such security requirements. And I think that is also meant to be effective with what you add to the end of the sentence.

    So, Counsel, you want to read that to us in toto?

    MR. GERMANY:  Yes, Mr. Chairman. So that -- the last sentence in that bullet point would now read: Such security requirements for any potential vendor shall be included in the RFP process and in any contract, so that the vendors hold responsibility for cybersecurity failures and are motivated to properly maintain equipment under contract.

    REPRESENTATIVE FLEMING:  So the vendors hold responsibility for cyber -- for security failures and
are -- say it again.

MR. GERMANY: And are motivated to properly maintain
equipment under contract.

REPRESENTATIVE FLEMING: Is there a second to that
amendment?

SENATOR JACKSON: Second.

REPRESENTATIVE FLEMING: There is a second.

Discussion? Mr. McDonald.

MR. McDONALD: I recommend one minor change, just
for, I think, tone and -- from -- instead of using the
word "motivated," use incentivized.

REPRESENTATIVE FLEMING: Dr. Lee, do you -- do you
like that change or not?

DR. LEE: Yes, I like.

REPRESENTATIVE FLEMING: In the Chair's prerogative,
we're going to make that change unless there's objection,
and then we're gonna come back to the amendment and vote
on it in total.

(No response)


MS. BOREN: Are we referring to the physical
maintenance of the equipment or the maintenance of the
software that runs the equipment?

REPRESENTATIVE FLEMING: Dr. Lee.

DR. LEE: The software.
MS. BOREN: Could you read the last part of that statement again, please?

REPRESENTATIVE FLEMING: Counselor.

MR. GERMANY: I'll read the whole bullet point as it would be amended.

(As read) For any vendor that provides hardware or software, require vendor security measures in accordance with industry best practices, such as those established by NIST. Such security requirements for any potential vendor should be included in the RFP process and in any contract, so that vendors hold responsibility for cybersecurity failures and are incentivized to properly maintain equipment under contract.

REPRESENTATIVE FLEMING: Okay. Clarified. Dr. Lee.

DR. LEE: Yes. I don't want to actually change the equipment to -- to anything. I think it should be inclusive because I don't want to give them wiggle room to define, you know, what's hardware versus software, because now the boundary's pretty blurred, I mean, hardware also comes with some -- some software components. So I think we're just using, you know, equipment to, really, properly hold them accountable.

REPRESENTATIVE FLEMING: Further discussion on Dr. Lee's motion? There is -- Representative Beverly.

REPRESENTATIVE BEVERLY: In the first part of that --
in the first part of that bullet point, then we specify hardware or software and then everything that follows subsequent would then capture what he said. Right. So he said hardware or software. There's no need to divide it any further along the continuum of that motion because we already defined it.

**REPRESENTATIVE FLEMING:** You're explaining a previous question on -- or --

**REPRESENTATIVE BEVERLY:** Yeah. I'm just trying to make sure that I have clarification on what the actual motion is and the amendment to that motion is, that we don't need to add another component --

**MR. FLEMING:** There is no amendment --

**REPRESENTATIVE BEVERLY:** Okay.

**REPRESENTATIVE FLEMING:** -- at this point to the motion.

**REPRESENTATIVE BEVERLY:** All right. All right.

**REPRESENTATIVE FLEMING:** Uh-huh. That's why I told you earlier I didn't want to go through that process. It gets too confusing. The Chair will try to work -- move us along, though, whenever it can, to accomplish the same goal. Representative Beverly, I understand exactly what you were attempting to do and it's a good -- a good thing.

Any other questions regarding that motion?

(No response)
REPRESENTATIVE FLEMING: Any other discussion?
(No response)

REPRESENTATIVE FLEMING: All those in favor of the motion, please indicate by saying "aye."
(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?
(No response)

REPRESENTATIVE FLEMING: Motion's in. Amendment is in.

All right. Any other changes to Section 5?
(No response)

REPRESENTATIVE FLEMING: Hearing none, we will move on to Section 6, which begins on page 13, goes through page 14, page 15, and ends on page 15. That's a long section. I'm gonna give you a second to look over it.

Okay. Senator Jackson.

SENIOR JACKSON: I have a --

REPRESENTATIVE FLEMING: Are you 17?

SENIOR JACKSON: 18, Mr. Chairman.

REPRESENTATIVE FLEMING: Okay.

SENIOR JACKSON: Okay. I have a couple of questions --

REPRESENTATIVE FLEMING: Push your button again, Sheila, so I'll know to come back to you.

MS. ROSS: It wasn't me.
REPRESENTATIVE FLEMING: Oh, it wasn’t you.

MS. ROSS: It was Nancy.

MS. BOREN: It was me.

REPRESENTATIVE FLEMING: Oh, it was Nancy. Okay. So 18 is Senator Jackson.

SENATOR JACKSON: I have a couple questions, Mr. Chairman.

REPRESENTATIVE FLEMING: Yes, sir.

SENATOR JACKSON: On page 15, this commission refers to Dr. Lee as he’s a -- not a member of this commission.

REPRESENTATIVE FLEMING: Where on -- right there in the middle of the paragraph, in the middle of the page?

SENATOR JACKSON: Yeah. This commission agrees with Dr. Lee. Isn’t he a part of the commission?

REPRESENTATIVE FLEMING: Would you like it to say the commission agrees with Commissioner Lee?

SENATOR JACKSON: Yes.

REPRESENTATIVE FLEMING: Commission Member Lee?

SENATOR JACKSON: Yes, if that’s appropriate, Mr. Chairman.

MR. GERMANY: I just point out that earlier, a few paragraphs before, I say SAFE Commission Member Dr. Wenke Lee.

REPRESENTATIVE FLEMING: He’s already been identified as that earlier is what -- is -- is the point of the
SENATOR JACKSON: Okay. Okay.

REPRESENTATIVE FLEMING: So it's accomplishing what you -- your -- your point is well taken and it was done earlier.

SENATOR JACKSON: Okay.

REPRESENTATIVE FLEMING: All right.

SENATOR JACKSON: Okay.

REPRESENTATIVE FLEMING: Ms. Boren.

SENATOR JACKSON: I --

REPRESENTATIVE FLEMING: Oh, I'm sorry. Did you have something else --

SENATOR JACKSON: One other quick --

REPRESENTATIVE FLEMING: -- Senator?

SENATOR JACKSON: One other quick, yes. Yes, sir.

And this question is for Mr. German.

Mr. German, does Section C [sic] confirm our desire of this commission that we count and compare the number of votes of the machine and the number of paper ballots? Is this -- is that what's confirmed in this section?

MR. GERMANY: Included in this section -- and I don't -- I don't have the exact -- let me figure out exactly where it is -- but based on our previous discussion, I believe there is functionality where the ballot-marking devices will count the number of votes cast
on them -- not cast on them, but the number of, basically, people that -- that -- that -- printed their ballot out of those devices. And that says, I think, as you mentioned, a check. You then add all -- all of those up, look at the total from that precinct, and you should have -- you have a check of -- how many --

REPRESENTATIVE FLEMING: -- ballots were cast.

MR. GERMANY: Right.

SENATOR JACKSON: So the answer's yes?

MR. GERMANY: Yes. That is -- that is in this paragraph, Senator.

SENATOR JACKSON: Okay. This is one. Okay.

REPRESENTATIVE FLEMING: Further questions, Senator?


REPRESENTATIVE FLEMING: I'll come back to you.

Ms. Boren.

MS. BOREN: A question to your point, the number of ballots issued, cast, vote on the ballot-marking device, if a voter spoils that ballot, it then numbers another number, correct?

MR. GERMANY: Yes.

MS. BOREN: So that would not be a check-in balance or would it?

MR. GERMANY: Well, there would -- there would have
to be procedures that, similar to the way they are now, 
the recap sheets -- 

MS. BOREN: Right.

MR. GERMANY: -- where poll workers would mark -- 
MS. BOREN: -- spoiled -- 
MR. GERMANY: -- spoiled ballots.
MS. BOREN: Uh-huh. Right.

REPRESENTATIVE FLEMING: Dr. Lee.

DR. LEE: Okay. So I have quite a few suggested 
edits. And I think Mr. Germany has a cheat sheet as well, 
but I'm gonna -- 

REPRESENTATIVE FLEMING: How many edits are there? 
Hold on one second, Dr. Lee.

Mr. Germany, how many do you have there? 

MR. GERMANY: He's probably got about five different 
parts with edits.

REPRESENTATIVE FLEMING: Okay. Okay. Let's -- 
we'll -- we'll -- we'll take those one at a time. So tell 
us the first one, Dr. Lee.

DR. LEE: Okay. So the first one is in the caption. 

REPRESENTATIVE FLEMING: Yes.

DR. LEE: So right now it reads given -- so the first 
phrase of given Georgia's history as a state that uses 
DREs and familiarity of voters and election officials with 
that method of voting -- of vote casting, Georgia should
further examine both ballot-marking devices with
verifiable paper ballots, and, also, a hand-marked paper
ballot solution.

REPRESENTATIVE FLEMING: Okay. Mr. Germany, read
that back to me as how it would read with that amendment,
if -- if you got it.

MR. GERMANY: So the change to that, number 6, as
it's currently worded says Georgia should move to a
primarily ballot-marking device with verifiable paper
ballot solution for a new voting system.

Dr. Lee's amendment would change it to: Georgia
should further examine both ballot-marking devices with
verifiable paper ballots and also a hand-marked paper
ballot solution.

REPRESENTATIVE FLEMING: Read it one more time.

MR. GERMANY: It would change -- so after the
comma --

REPRESENTATIVE FLEMING: So you're getting rid of
everything after Georgia should?

MR. GERMANY: No. Well, yes. We're getting rid of
everything after Georgia should or Georgia, get rid of
everything after Georgia, and replacing it with should
further examine both ballot-marking devices with
verifiable paper ballots and, also, a hand-marked paper
ballot solution.
So the effect of this would be instead of the
commission recommending one or the other, it's essentially
recommending further study of both.

I think, is that accurate -- another way of --

DR. LEE: Yes. Yes. That's the accurate intent.
Yes.

REPRESENTATIVE FLEMING: The Chair's intent is to,
first, take questions for clarity of what Dr. Lee is
trying to accomplish there, and then I'm gonna ask for a
second, so you know what your second -- are there any
questions about what Dr. Lee is trying to accomplish
there?
(No response)

REPRESENTATIVE FLEMING: Hearing none, is there a
second to that motion?

SENATOR JACKSON: Second.

REPRESENTATIVE FLEMING: It is seconded. Any
discussion regarding the motion? Senator Strickland.

SENATOR STRICKLAND: Thank you, Mr. Chairman. I
think that that in the heading will create more confusion
for the legislature because we already clarify, when you
get into the weeds of the first paragraph, that we were
not able to come to a unanimous view on how Georgia voters
should mark their ballots. And, so, we already made it
clear in the text that this was a discussion we had and
the majority of us felt a certain way. It was a
discussion we had amongst the commission. I think that
heading creates more confusion. It's what the
legislature's gonna look at.

**REPRESENTATIVE FLEMING:** Other comments regarding
discussion regarding Dr. Lee's motion?

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, the Chair will
call the question. All those in favor of Dr. Lee's
motion, please indicate by saying -- okay. The Chair will
now call the question. All those in favor of Dr. Lee's
motion, please indicate by saying "aye."

(Chorus of "aye")

**REPRESENTATIVE FLEMING:** All those opposed?

(Chorus of "no")

**REPRESENTATIVE FLEMING:** Noes clearly have it.

Amendment number 2, Dr. Lee.

**DR. LEE:** Okay. So in the first paragraph -- let me
see which sentence. So there's a sentence that starts
with ballot-marking devices with verifiable paper ballots
ensure that a voter's selection in each contest is
captured in a manner that will be accurately counted by
the tabulating mechanism. I want to change --

**REPRESENTATIVE FLEMING:** So let's -- let's -- let's
all get on the same page there. So after the caption,
then there begins a long paragraph.

DR. LEE: Right.

REPRESENTATIVE FLEMING: You go down to line 1, 2, 3, 4, 5 --

DR. LEE: Yes.

REPRESENTATIVE FLEMING: The sentence there begins with, currently, ballot-marking devices with verifiable ballots ensure that a voter's selection in each contest is captured in a manner that will be accurately counted by the tabulating mechanism. Go ahead.

DR. LEE: Yeah. I want to change the words after a manner to can be auto-tabulated and audited.

REPRESENTATIVE FLEMING: So after the word "manner," you will add the words --

DR. LEE: So instead of saying that will be accurately counted by the tabulating mechanism, I want to change that to can be auto-tabulated.

REPRESENTATIVE FLEMING: So, Counsel, you got that? Read --

MR. GERMANY: Yes.

REPRESENTATIVE FLEMING: Read the whole sentence to us.

MR. GERMANY: So --

REPRESENTATIVE FLEMING: As the -- as the amendment we're changing.
MR. GERMANY: The amendment would make that sentence read: Ballot-marking devices with verifiable paper ballots ensure that a voter's selection in each contest is captured in a manner -- and then we should -- we should leave in that; that can be auto-tabulated and audited.

DR. LEE: You know what? I want to change -- I want to remove and audited to say can be auto-tabulated.

REPRESENTATIVE FLEMING: You want to remove the words "and audited?"

DR. LEE: Yeah.

REPRESENTATIVE FLEMING: Okay. Before I ask you to read that again, Dr. Lee, tell me the intended purpose of your change. What are you trying to accomplish?

DR. LEE: I just want to be -- be clear about what ballot-marking devices really -- really are. They are just printing -- printing the voters' votes on the paper, and then the paper can be automatic tabulated. And I want to reserve the, you know, opinion for whether the printout can really be audited for later.

MR. GERMANY: May I make a suggestion, Dr. Lee?

DR. LEE: Yes.

MR. GERMANY: It may be -- is it -- if you just change the word "accurately" --

DR. LEE: Uh-huh.

MR. GERMANY: -- to automatically --
DR. LEE: Okay.

MR. GERMANY: -- would that satisfy what you're trying to say?

DR. LEE: Yes.

REPRESENTATIVE FLEMING: So, in other words, we would make only one word change in the sentence?

DR. LEE: Yep.

MR. GERMANY: Okay.

REPRESENTATIVE FLEMING: Read that one word change, Counselor.

MR. GERMANY: So that would change that ballot-marking devices -- the sentence as amended would read: Ballot-marking devices with verifiable paper ballots ensure that a voter's selection is -- in each contest is captured in a manner that will be automatically counted by the tabulating mechanism.

REPRESENTATIVE FLEMING: So where did -- where did you change the word?

MR. GERMANY: We changed accurately to automatically.

REPRESENTATIVE FLEMING: Ah.

MR. GERMANY: I think -- I think the reason Dr. Lee, seeing some of his later edits, you know, he raises -- he raises the point that, you know, from his perspective, when -- when these machines are properly functioning, they're doing that.
REPRESENTATIVE FLEMING: Sure.

MR. GERMANY: They're accurately counting votes. But he's raising the point that whenever you introduce new technology, we can't assume accuracy. You have to -- it's -- you know, you have to make sure it's properly functioning for it to be accurate.

REPRESENTATIVE FLEMING: Questions regarding the proposed change before I ask for a second?

(No response)

REPRESENTATIVE FLEMING: No questions. Is there a second?

SECRETARY-ELECT RAFFENSBERGER: Second.

REPRESENTATIVE FLEMING: Second by Secretary-elect Raffensperger. Any discussion?

(No response)

REPRESENTATIVE FLEMING: Hearing none, all those in favor, say "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: Any opposed?

(No response)

REPRESENTATIVE FLEMING: It is adopted. Number 3, Dr. Lee.

DR. LEE: Okay. So further down the line, maybe four sentences from the last change, the sentence starts with every printed ballot.
REPRESENTATIVE FLEMING: Okay.

DR. LEE: So every printed ballot -- ballot marked on a ballot-marking device must include a way for the voter to read. So -- so I'm gonna change -- should I read the original sentence and then --

REPRESENTATIVE FLEMING: Yeah. I think we see the original sentence there.

DR. LEE: Okay.

REPRESENTATIVE FLEMING: After the word "voter to," you're gonna --

DR. LEE: I'm gonna change that to easily read their selections on the printed ballot and then, parenthesis, without use of a technical device that could be insecure, paren.

REPRESENTATIVE FLEMING: Easily read their selection on a printed ballot without use of a technical device which could be insecure.

DR. LEE: Right.

REPRESENTATIVE FLEMING: Okay. Discussion? Well, let's -- let's clarify questions on the motion before I ask for a second.

MR. GERMANY: So can I -- just to clarify the motion a little bit.

REPRESENTATIVE FLEMING: Absolutely, please.

MR. GERMANY: All it's doing to the current sentence
-- the current sentence says every printed -- every
printed ballot marked on a ballot-marking device must
include a way for the voter to -- and that really adds the
word "easily" in front of the word -- to easily read. And
then it continues: their selections on the printed ballot
prior. And then -- or on the -- on the printed ballot.
And then Dr. Lee inserts the parentheses that says without
use of a technical device that -- that could be insecure.

**REPRESENTATIVE FLEMING:** So --

**MR. GERMANY:** Would -- could you accomplish the same
thing, Dr. Lee, the point is you want voters to be able to
read their selections that are printed out without use of
a technical device?

**DR. LEE:** Yeah. I just want to emphasize that it
should be really readable verifiable by human with just
the naked eyes, without any help from technology.
That's -- that's really, I think, relates to some of our
previous discussion of what's -- what do you mean by
verifiable ballots. Right? So we talk about human versus
voter. The same spirit here means that, Hey, human,
without any help, can verify -- can read and verify.

**MR. GERMANY:** Can I -- if I might make a suggestion.
I don't know if there's a motion on the table yet, but if
the --

**REPRESENTATIVE FLEMING:** There's not. Go ahead.
MR. GERMANY: But if the sentence read every printed
ballot marked on a ballot-marking device must include a
way for the voter to -- add easily --

DR. LEE: Uh-huh.

MR. GERMANY: -- before read -- to easily read their
selections on the printed ballot without use of a
technical device -- and I think take --

DR. LEE: Okay.

MR. GERMANY: -- don't -- don't put it in parentheses.

DR. LEE: Okay.

MR. GERMANY: Just say without using technical device
prior to entering it into the scanner.

DR. LEE: Okay.

MR. GERMANY: So would be -- the motion would be
adding easily in front of read, and without use of a
technical device after ballot.

DR. LEE: (Nodding)

REPRESENTATIVE FLEMING: Discussion regarding the --
I want to clarify what you think -- members think the
motion is doing before I ask for a second. I'm trying to
let y'all understand Dr. Lee's intent. Let's go with
Mr. Monds, number 7.

MR. MONDS: I just want to get a little clarity
because, I guess, this is speaking to the process. Even
as currently written or with the -- the amendment, is it
saying here that if you're using a ballot-marking device, and when you talk about reading your selections prior to entering it in the scanner, is this talking about, you know, the -- the paper printout? You make your selections, it's printed; you can -- you can read what or whom or whatever you voted for prior to putting it in the scanner? Just want --

MR. GERMANY: Yes. Yes, sir. That's exactly right.

MR. MONDS: Thank you.

REPRESENTATIVE FLEMING: Eighteen is Senator Jackson.

SENATOR JACKSON: Thank you, Mr. Chairman. And I think he just answered that question.

But my question is to Mr. German and Dr. Lee. What you're saying is the paper ballot will be a verify-- will be a verifiable paper record that is readable, correct? A verifiable paper record that is readable?

MR. GERMANY: I think Dr. Lee is gonna take issue with the word "verifiable" as you're defining it. But to answer your question from a layperson perspective before I turn it over to Dr. Lee, whatever -- what the commission would be recommending here is that any system that utilizes a ballot-marking device, that system, if Georgia's gonna adopt it, the system needs to print out a paper ballot that allows the George -- that allows the voter to easily read their selections on -- you know, with
-- with their naked eye, assuming they don't otherwise need assistance in doing that.

And then the next sentence says and it allows them to spoil the ballot if they say, Hey, there's a problem here, this is not how I intended to vote; you spoil the ballot and you start all over. So that -- that's what this is -- it's getting to what we're saying. If we're gonna recommend ballot-marking devices, they need to do -- they need to do this --

**REPRESENTATIVE FLEMING:** Okay.

**MR. GERMANY:** -- do it this way.

**SENATOR JACKSON:** And, also, Mr. Chairman . . .

**REPRESENTATIVE FLEMING:** Yes.

**MR. GERMANY:** And Mr. Germany says Dr. Lee will take objection to the word "verifiable."

**REPRESENTATIVE FLEMING:** Okay.

**DR. LEE:** Yes. I mean, I have opinions on how do we define verifiable. I don't know whether this is the time to discuss this now or . . .

**REPRESENTATIVE FLEMING:** If you're trying to answer Senator Jackson's question --

**DR. LEE:** Okay.

**REPRESENTATIVE FLEMING:** -- go ahead.

**DR. LEE:** Yeah. So -- so, to me, "verifiable" means that normally the voter can read the votes, but they can
-- they can also verify it's exactly how they voted on the
BMDs. And, to me, there's a issue here is that there's no
proof from a legal study to show that the voters actually
are willing to read every single vote to verify, or, even
if they do, they have the memory skewed to actually
remember all the tens of votes that they have cast. So
verifiable, to me, means that all voters are willing and
capable of doing so. And I don't believe the printouts
from BMD can satisfy that requirement.

**REPRESENTATIVE FLEMING:** Mr. Russo.

**MR. RUSSO:** Thank you.

Mr. Germany, would this change disqual-- -- result in
disqualifying any of the vendors that we've seen to date?

**MR. GERMANY:** No. That's not the intent. And I
don't -- I don't believe it will.

**REPRESENTATIVE FLEMING:** Mr. McDonald.

**MR. McDONALD:** One minor concern and one that I don't
want to get too deep into the weeds -- and I think this is
one of my fears about how deep into the weeds we're gonna
get -- one, the use of the word "easily" in something like
this is subjective. What's easy for one might not be easy
for another, and we don't need to be using words like
easily; two, the whole premise of this change is gonna be
based on whether the ballot can be read without a
mechanical or some type of technology.
Just by definition, the first question I would have is: What about our blind voter? Okay? This is exactly what I'm talking about, when we start getting so deep into it. One question will lead to twenty others. I under -- I think I -- and we're even at the point we're at the end of this process -- I think I have the idea of what his intent is. But trying to perfect that or -- or get past that right now is just -- I mean, we -- we could spend a whole day -- how many lawyers do we have in here? I think I count at least five on the commission.

**REPRESENTATIVE FLEMING:** Clearly, not enough.

(Chorus of laughter)

**MR. McDONALD:** I mean, my idea is we can either see dollar signs and billable hours out of the world just on this issue alone. Okay? So I apologize. I'm not trying to be difficult with this. But I think this is an example of when we start using words like easily or read or can read without -- I mean, I think to a certain extent these recommendations are meant to serve as guidance and they mean what they mean and the perfection of this process is meant to follow. So I think we need to be careful with this.

**REPRESENTATIVE FLEMING:** To another lawyer, Secretary Crittenden.

**SECRETARY CRITTENDEN:** Thank you.
I just want to follow up on your comments as well as the question that Mr. Russo raised as well. What do you mean by technical device because -- and -- and I think that also goes into the realm of ADA accommodations and their need for -- they may have a need for a technical device as well. And, so, I'm concerned that -- I'm just asking what you mean by it because that may be too restrictive.

DR. LEE: So by technical device I mean anything other than just your human -- your own ability. And of course, you know, I apologize for not, you know, putting any more text here to consider the -- the disabled voters. And obviously, I always assume that those are the, you know, special case that we're gonna accommodate. Right?

SECRETARY CRITTENDEN: Uh-huh.

DR. LEE: But my intent is that for the -- for voters who do not have the physical disabilities, they should be able to read the -- the printouts without help of technology.

MR. GERMANY: And I think some of the intent of this -- and it may, given Mr. McDonald's, I think, valid concerns, I think the current sentence accomplishes close to the same thing. But the point of it is if we're gonna define ballot as not what's in a bar code or a QR code or an optical scan, it's -- the ballot is not what a
tabulator reads. And the reason for that legally is if there is some instance where something tabulates incorrectly, the controlling thing legally will be what somebody can look at, at the end of the day, and read without scanning a bar code, scanning a QR code, or using any kind of optical -- any kind of OCR. It was just -- so I think that's the -- that's the point of -- of what we're trying to accomplish. And I think Dr. Lee's edits just try to -- that's the -- that was the point I was trying to make in my initial sentence, and I think Dr. Lee is just trying to, like, really make sure that's what it says. And the commission may believe, well, it already -- it already says that adequately.

**REPRESENTATIVE FLEMING:** Representative Beverly.

**REPRESENTATIVE BEVERLY:** Just real quick. There are two things. One is in the section with the ADA requirements, would that help us -- does that then move that section sort of out of this purview? Because reading -- I mean, I'm a eye doctor by trade, and so technical devices, people have all kinds of stuff, glaucoma and -- you know, you're gonna need a technical device. I mean, they have scanners that can read what you -- you know, can read sentences for you and you're listening to that stuff and it can be interfered with. And, so, I think if that section on ADA gives us
the ability to sort of exclude that group --

MR. GERMANY: Right.

REPRESENTATIVE BEVERLY: -- then we could take this on and use his language. And I'm -- I'm just not sure if that language in the ADA section would cover what he needs to get that out so we can deal with able-bodied or able-visioned folks.

MR. GERMANY: I think -- I think so. I mean, the gist of the report, if you read it as a whole, which I would encourage, you know, everyone to do, is -- and, I mean, is that, yes, this is talking about the normal --

REPRESENTATIVE BEVERLY: Right.

MR. GERMANY: -- process. It's gonna happen the bulk of the time. There's -- the system also needs to have ways to -- in a way that is -- that, you know, with it as accessible and independently as possible and in compliance with the law, allow for people who aren't able to do that, whether through audio ballots or other mechanisms like that.

REPRESENTATIVE FLEMING: The Chair has allowed the discussion to go on without a second in an attempt to understand the motion. However, at this time, the Chair is gonna ask is there a second to the motion?

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: There is a second.
Discussion? Twenty-four is -- yes, ma'am, Ms. Welch.

**MS. WELCH:** Mr. Chairman, when I think about something without use of a technical device as we have stated today with our disabled voters, if we include this language, I'm afraid that we would be eliminating any potential technicals device that could, for example, assist a blind person with confirming their vote; that it could be a device that the -- a blind voter could reinsert their ballot and it read their selections.

So for those reasons, I'm not sure if I agree with the language of without use of a technical device.

**REPRESENTATIVE FLEMING:** Ms. Howell.

**MS. HOWELL:** Thank you, Mr. Chair. Just building on Madam Secretary's point, I think that under our -- and I'll -- I'll defer to our elections officials on -- on the commission -- but our current process does not allow us to really judge how many people are utilizing accommodations in the voting process because they're able to adapt it to their needs, so changing the screen size or otherwise.

So my concern is that as we limit and we talk about -- I know the law only requires a minimum of one device, but that was promulgated in 2002 -- so I'm concerned that we are thinking that we're talking about outliers, minorities, in terms of individuals who may have an impairment to the degree that they need some assistance
in the voting process and that it may capture a much larger population than we're anticipating. And, so, I know that's a practical implication and that there are requirements under the law, but I just -- I caution and -- and I understand what Dr. Lee is trying to achieve, but I just caution as we're thinking that we're thinking this is a very small population and I don't know that we really have an accurate picture of just how many people need accommodations in the voter process.

REPRESENTATIVE FLEMING: Mr. McDonald.

MR. MCDONALD: This is a last thought on it and it might be superfluous and reiterate. But first I want to stress Mr. Germany, I think, has done a very good job of putting our thoughts on paper in -- in these recommendations. They're clear and, to his point, I believe the way it's written captures in great part what Dr. Lee's trying to say. It just doesn't go into the detail, the narrow detail which this -- what's led to this debate that I don't believe is necessary for this document.

So I think that our first impression should be that, one, the document, does it -- does it cover our intent? I think it already does. I don't think that it needs any further, narrow definition. The process that follows this will deal with the narrow definition of things. And
because I think Mr. Germany has already done a very good job putting what's been months of work onto this paper right now for a general reflection of what we recommend.

REPRESENTATIVE FLEMING: Anybody else want to have a question or comment at this point? Representative Beverly, you're number --

REPRESENTATIVE BEVERLY: 10.

REPRESENTATIVE FLEMING: Yes, sir.

REPRESENTATIVE BEVERLY: Mr. Chairman, I would -- I would just caution this -- this commission to be deliberate about each and every section of this document. We should not rush through a document that we've spent months going over to say that we should limit the debate. I think it's imperative upon us as citizens of Georgia to make sure every voice is heard and that we exhaust what we need to so we can make the recommendations to the general assembly so they can have real guidance. So I would just caution that -- the board to not try to limit the debate. Thank you.

REPRESENTATIVE FLEMING: Has the Chair limited the debate?

REPRESENTATIVE BEVERLY: Not -- no, sir.

(Chorus of laughter)

REPRESENTATIVE BEVERLY: Thank you, Mr. Chair.

REPRESENTATIVE FLEMING: Anyone else? Number 7 is
Mr. Monds.

MR. MONDS: Well, right now we're not -- are we debating a motion or anything?

REPRESENTATIVE FLEMING: There's a motion on the table. Yes.

MR. MONDS: Well, I'll hold my comments until after.

REPRESENTATIVE FLEMING: Okay. There's a motion on the table. There's a second. Any further discussion?

(No response)

REPRESENTATIVE FLEMING: All those -- the Chair will call the question -- all those in favor of the motion, please indicate by saying "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Motion fails. Next section, Dr. Lee.

DR. LEE: Okay. So after this paragraph, I inserted two paragraphs to clarify -- to emphasize and clarify -- I'm sorry. So after this paragraph, I inserted two more paragraphs in the document to -- to essentially state and emphasize my opinion, so --

REPRESENTATIVE FLEMING: Doctor, here's how that -- the Chair would like to handle that.

DR. LEE: Sure.
REPRESENTATIVE FLEMING: Members of the commission, after the words and what is now the first full paragraph there not bolded, it ends with in order for the ballot to count --

DR. LEE: Right.

REPRESENTATIVE FLEMING: Dr. Lee has proposed two new paragraphs. Dr. Lee, what I want you to do is this: Tell us the purpose of what you're trying to accomplish, then I'm gonna have counsel read those two paragraphs.

DR. LEE: Yeah. So the -- the purpose is to explain why myself or maybe some other members of the commission will prefer a hand-marked ballot solution and also spells out the, you know, the solution of the process of using hand-marked paper ballot.

REPRESENTATIVE FLEMING: Read the two paragraphs, Counsel. Can you do that?

MR. GERMANY: Yes, Mr. Chairman. One thing I would add before doing that --

REPRESENTATIVE FLEMING: Sure.

MR. GERMANY: -- is on the bottom of page 14, knowing that this was gonna be a disputed issue in -- in this commission, I go in to -- start with the paragraph starting SAFE Commission member Dr. Wenke Lee, try to outline the view -- not just his views, but the views as from a lot of different people that we've heard from and
also numerous professors of computer science and cybersecurity, so --

**REPRESENTATIVE FLEMING:** Thank you for pointing that out.

**MR. GERMANY:** And I just want --

**REPRESENTATIVE FLEMING:** Yeah.

**MR. GERMANY:** So given that I'm trying to outline the views that he's largely brought to bear on this commission, I don't have any issue, you know, kind of stating them in a way that Dr. Lee might prefer. I would just say to the commission it might be more appropriate to do -- to do these paragraphs that I think are basically doing that, in that -- as part of that part of the report, so . . .

**REPRESENTATIVE FLEMING:** So -- so -- and the Chair is gonna try to move this along, so what you're saying is that you would suggest if we're gonna include the paragraphs you're about to read to us, to eliminate some other paragraphs?

**MR. GERMANY:** Or -- or just move these paragraphs to --

**REPRESENTATIVE FLEMING:** -- to a different point?

**MR. GERMANY:** -- to the part where I get in a discussion of --

**REPRESENTATIVE FLEMING:** Where would you suggest
moving them to?

MR. GERMANY: I would add them -- a paragraph at the bottom of page 14, beginning SAFE Commission member, and then going on to page 15.

REPRESENTATIVE FLEMING: So you would --

MR. GERMANY: I would add --

REPRESENTATIVE FLEMING: -- put it before or after the last paragraph on page 14 that begins with SAFE Commission member Dr. Wenke Lee?

MR. GERMANY: Probably before, now that I look. I think -- I think -- I think before adding these two paragraphs I'm about to read, before that paragraph at the bottom of page 14, I think, would make the most sense.

REPRESENTATIVE FLEMING: Read -- read us the paragraph now.

MR. GERMANY: The para -- this is from Dr. Lee's edits that he sent in.

(As read) "It must be noted that cybersecurity experts on the commission and who expressed opinion to the commission do not endorse BMDs, ballot-marking devices, except for use by those with physical disabilities as needed. Cybersecurity experts and members of the public who attended commission meetings overwhelmingly recommended/requested hand-marked paper ballots for optimal cybersecurity. Per university cyber -- per
university computer science experts and nonpartisan
security organizations, a secure voting system should work
as follows:

"1) A voter is given a paper ballot;
"2) He or she marks the intended vote;
"3) The paper ballot is scanned for auto-tabulation
by a software-based system;
"4) The paper ballot is placed in a safe box for
archive and use during a precertification audit of the
election."

REPRESENTATIVE FLEMING: So that needs to be put
somewhere in your discussion of what you already have with
Dr. Lee, and probably you have an introductory --
introduction to Dr. Lee describing his position at Georgia
Tech and what kind of chair he holds there. And that
probably needs to come after his introduction, though,
right?

MR. GERMANY: Well, the only -- I mean, the way that
Dr. Lee put it here, it's -- he's reflecting that it's not
just his opinion; it's others' opinions as well. And then
I can get into detail about specifically some of the
sink -- some of the things that Dr. Lee submitted.

DR. LEE: May I?

REPRESENTATIVE FLEMING: Yes, sir. Yes, sir, Dr.
Lee.
DR. LEE: Right. So the intent is to essentially -- because I think that after the first paragraph talking about what the BMD is and how -- how -- how it works, I want to give an overview of how a hand-marked ballot solution works, and also want to -- I'm hoping -- I'm hoping I'm not the only one who's actually in favor of a hand-marked ballot solution. So that's why I think some of the later text in the session, essentially everything's put under my name, which is great. I mean, I'm honored to, you know -- you know, that my opinion's included. But I'm also hoping that maybe some other members of the commission will agree with me on the hand-marked ballot solution. So I think that's why we should bring this up early in the session and also know that I may not be the only person who actually holds this -- this opinion. So that -- that's the intent.

MR. GERMANY: And I would add I don't have a strong objection to that.

MR. McDONALD: Mr. Chairman, I've got a suggestion on that.

REPRESENTATIVE FLEMING: Mr. McDonald.

MR. McDONALD: Would the Chair be open, and is it even possible, to consider this -- because it seems like what's the consistent theme here is to hand-marking of these ballots -- to include an addendum to our -- to our
recommendations? Our recommendations are meant to represent the consensus (ph.) or the consensus or at least the -- the comprehensive view of the commission.

But to Dr. Lee's point, if there's a significant number of members in this commission that would like to have this at least described in -- in detail, to have an addendum to our recommendation. And I don't want to call it necessarily a dissenting view, but at least an overview of the hand-mark issue that sets aside, so that what we don't do is go line -- section by section and -- and have this debate and try to figure out how to entangle it.

But I think it satisfies Dr. Lee's concern about this was discussed, this is important, it needs to be continued to be viewed. But that way we're not being put in a situation where all these -- if they're not gonna represent the majority consensus or even the plurality of this -- of the -- the overview, that if it's at least put on the record for his behalf and, to his point, others on -- members of this commission that might agree with him, that to satisfy where they said this is something that was discussed over the past few months, we think it's important, and it needs to be continued to be discussed, but it's made clear that it's not necessarily a part of the commission's overall recommendation.

**REPRESENTATIVE FLEMING:** Counsel, what do you think
about that?

MR. GERMANY: The -- I don't have any objection to that.

REPRESENTATIVE FLEMING: And -- and -- and I don't want to put words in anybody's mouth, but what I think you're trying to do is that Dr. Lee has probably twelve or thirteen -- I'm just guessing -- maybe ten more changes after this, with the document that I'm looking at, and you're saying instead of us going through and adding each one in, allow him to in toto put that at the end of our document as an addendum. If it was a court opinion, we would call it a dissenting opinion.

MR. McDONALD: I think, for lack of a better word, and if that satisfies Dr. Lee's -- I mean, I think, what -- what his intent here is to make sure that -- my -- what I'm hearing from Dr. Lee for the past couple hours is this is important and -- and it needs to be considered. But it -- it seems like there's been a challenge in getting a majority view of the commission to -- to kind of have a meeting of the minds. This is a way for him, I think, to express that view, and, to his last point, and others who want to sign on to it with him, okay, it's on the record here. And then it can be probably more clearly put together as several paragraphs that say this is the issue, this is what we think, this is what we heard, rather than
trying to put in a sentence here or a sentence there, which, I don't know if it's gonna really --

**REPRESENTATIVE FLEMING:** Dr. Lee, do you understand his proposal?

**DR. LEE:** I understand. But I strongly object to his characterization of what I want to do, because, I think, as the counsel already said, I have produced documents, I think three different documents, describing the require -- security requirements, why I -- why -- and along with other computer science and security experts prefer a hand-marked paper ballots. Those would be included as part of the body that was going to be as public record. And, hopefully, that will also be available to the lawmakers.

But what we're trying -- trying to describe here is the recommendation or discussion. I think the documents intends to capture the recommendation and discussion from this commission. And what I'm hoping to achieve through this, it is basically clarifying some of these important points.

And, also, I also want to object the notion that I'm possibly the single person who is holding this opinion. I mean, you have heard from all these citizens, you know, through public hearings and e-mail and so on. So I do think that we owe them to reflect some of these, you know
strong opinions in -- in this document, so . . .

Representative Fleming: Eighteen is who? Senator Jackson.

Senator Jackson: Mr. Chairman, this is a working document prepared by Mr. German who's really not a member of this commission. This commission will -- will give a document to the general assembly that should be by the members of this commission. That's why earlier I disagreed with using his name specifically as Dr. Lee's recommendation, because I want the words of this document to -- to reflect the body and not one individual.

And, so -- so I would like to hear all the comments of all the members, so that we make this working document as a reflection of all the members here present.

Representative Fleming: Mr. Monds.

Mr. Monds: I want to speak to -- and part of my question I thought about earlier was, you know, how do we recognize what might be considered the -- the minority opinion?

In the previous area -- well, a lot of things that Dr. Lee put together, you know, I want to be able to say that I agree with those things. And I don't think right now how it's -- how it's written in the recommendation, it just goes into a majority of the commission, you know, is in support of these -- these DREs.
And while that might be true, I think the minority should be acknowledged, and it should be a part of the document saying that while the majority might agree to the DREs, that other -- others of us, you know, we want to be recognized saying that, for example, if you support hand-marked paper ballots, it should be a space on here for those who believe in that to be acknowledged. And whether that's just signing on and saying, Well, you know, I agree with how Dr. Lee has written it or whatever, but it needs to be included in -- in the body of -- of these recommendations.

**REPRESENTATIVE FLEMING:** Representative Beverly.

**REPRESENTATIVE BEVERLY:** Thank you. Thank you, Mr. Chairman. There's a -- and I don't want to get too -- too much into the woods of parliamentary procedure -- but I think that we can do a division of the question; take a part of it, deal with that, have a up-or-down vote, make a motion, we accept; here's part, up-or-down vote, it loses, we move on; take the other section, it loses, we move on. And then, at the end, if you object to the document, because of whatever reason you object to it, then it would be incumbent upon the members of this commission to file a minority report, which would then encapsulate that.

Now, I know you're gonna have the spirit of this commission move along and, you know, whatever, but I think
you have the ability to, if you vote against it, at the end file a minority report. Or, at the pleasure of the Chair, it could be an addendum to the amendment. But I do think there should be at least a portion of this where we divide the question, give it the opportunity to have a up-or-down vote on that particular section. Doesn't have to be word for word or line for line, but, certainly, the spirit of what he's trying to capture, divide the question, we vote up or down, and just -- anyway, just a friendly --

REPRESENTATIVE FLEMING: Let me emphasize what we have said before that we will allow any member of the committee to add any -- I'll call it addendum. I'll say -- I'll call it, better, the public record.

At this point we're going to vote on a report when we adjourn, and that report will be the report of the commission. And, of course, we'll -- we'll who votes for it, who votes against it. And if somebody wants to submit something for the public record that we'll keep with this commission as to why they voted one way or the other, they can explain in detail to the extent that they feel comfortable.

Mr. McDonald.

MR. MCDONALD: You know, I think -- Representative Beverly, I think, just captured a lot of what I was
saying. And I'd like to clarify about I was by far not
saying that Dr. Lee was the only person who has called. I
think that's the reason I kind of wanted to open the
discussion to -- is some other -- the minority opinion,
if -- if it's not encapsulated by the majority of the
commission.

So I understand the spirit of what Dr. Lee is saying.
I understand where it's coming from and what his
motivations are. It just seemed like there was a very --
a theme to it and -- and -- and it had a central subject,
and therefore there might have been an easier way to
capture that view, and if there were other members of this
commission that wanted that.

So I think Dr. Beverly just hit the nail on the head
with, you know, allowing the whole document to be
considered. And at the end, if there is that minority
group that wants to make sure there's something else, is
highlighted in their own way, that that opportunity is --
get provided.

**REPRESENTATIVE FLEMING:** Ms. Boren.

**MS. BOREN:** Would it be appropriate to request a
second meeting, Mr. Chair?

**REPRESENTATIVE FLEMING:** The chair's not gonna
entertain a request for a second meeting at this time.

Now, before us there is an amendment. Counsel, the
amendment includes two paragraphs by Dr. Lee. And there
is a place in the document that you suggested it might
better be inserted for the readability of the document.
Am I correct on that?

MR. GERMANY: I suggested -- I very much agree with
Mr. Monds, where I think the airing of people who prefer
hand-marked paper ballots is very appropriate given the
discussion that this -- this committee has had over the
past few months. I try to do that at the bottom of page
14 and page 15.

Dr. Lee's amendment, I think, add to that. And so
that -- that's why I was saying wait, we should put that
there, just for readability.

REPRESENTATIVE FLEMING: So what we will do, one more
time, is we will read Dr. Lee's amendment, which is
basically two paragraphs -- Counsel, read that for us one
more time -- and then we're gonna vote on including it in
the area of page 14, where it fits appropriately in the
document. Read that for us.

MR. GERMANY: (As read) "Dr. Lee's amendment is --
it must be noted that cybersecurity experts on the
commission and who expressed opinion to the commission do
not endorse ballot-marking devices except for those --
except for use by those with physical disabilities, as
needed. Cybersecurity experts and members of the public
who attended commission meetings overwhelmingly recommended/requested hand-marked paper ballots for optimal cybersecurity.

"Per university computer science experts and nonpartisan security organizations, a secure voting system should work as follows:

"1) A voter is given a paper ballot;
"2) He or she marks the intended vote;
"3) The paper ballot is scanned for auto-tabulation by a software-based system;
"4) The paper ballot is placed in a safe box for archive and use during a precertification audit of the election."

REPRESENTATIVE FLEMING: The -- the Chair has a question for Dr. Lee. In this addition, and I'm gonna read it in part, it would say: Cybersecurity experts who attended commission meetings overwhelmingly recommended hand-marked ballots.

Who was the cybersecurity experts that attended this -- these meetings?

DR. LEE: For example, Professor DeMillo from Georgia Tech.

REPRESENTATIVE FLEMING: I'm sorry. Let me turn your mic on. Number -- you're number 9, go ahead. Go ahead. Is it -- is it on now? Try now.
DR. LEE: Okay. Yeah. So, for example, Professor DeMillo from Georgia Tech. I think there are a few other gentlemen[sic] -- forget their name -- they have -- they have told me that they work in the IT and cybersecurity for 15, 20 years, and I think a number of them. I apologize for not remembering their names.

REPRESENTATIVE FLEMING: Thank you.

DR. LEE: Yeah.

REPRESENTATIVE FLEMING: Okay. The question is before the commission on the adoption. A motion is made. A motion has been seconded. All those in favor of adoption, please indicate by saying "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Chair is in doubt. All those in favor of the motion, please indicate by raising your right hand and hold it up until the Chair tells you to put it down.

(Commission members respond.)

REPRESENTATIVE FLEMING: One, two, three, four, five. Chair counts five.

All those opposed, indicate by raising your right hand and hold it up till I tell you to put it down.

(Commission members respond.)
REPRESENTATIVE FLEMING: One, two, three, four, five, six, seven, eight. Fails.

Next. Dr. Lee, do you have any more changes to that section?

DR. LEE: Not this section, but the next page, I think --

REPRESENTATIVE FLEMING: We're -- we're still in Section 6 which goes --

DR. LEE: Yes.

REPRESENTATIVE FLEMING: -- which goes on page 14 -- 13, 14, and 15.

DR. LEE: Okay. So now this on page 14.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: The first paragraph starts with the fact that Georgia -- Georgia's current voting system utilizes touchscreen voting through DREs is another reason that. So right now reads: The commission recommends. I'm gonna -- in front of the commission, I would say: Many on the commission members prefer.

REPRESENTATIVE FLEMING: So tell me what you're striking out of the paragraph.

DR. LEE: So I'm striking -- I'm inserting --

REPRESENTATIVE FLEMING: Are you striking anything or just inserting?

DR. LEE: Inserting. I'm inserting many -- many on
the commission.

**REPRESENTATIVE FLEMING:** Okay. In other words --

**DR. LEE:** Many on the commission.

**REPRESENTATIVE FLEMING:** -- it would read reason that, and then you would insert many on the commission --

**DR. LEE:** -- commission.

**REPRESENTATIVE FLEMING:** -- prefer?

**DR. LEE:** Right; prefer moving to a ballot-marking device.

**REPRESENTATIVE FLEMING:** So you've got -- you've got to move or you've got to strike the word "recommends."

**DR. LEE:** Right.

**REPRESENTATIVE FLEMING:** And now it reads: The fact that Georgia's current voting system utilizes touchscreen voting through DREs is another reason that the commission recommends.

And you would change that sentence to say: The fact that the Georgia's voting system utilize touchscreen voting through DREs is another reason that many on the commission prefer moving to bar -- ballot-marking devices.

Is there a second to that motion?

**SENATOR JACKSON:** Second.

**REPRESENTATIVE FLEMING:** Second. Discussion?

Representative Beverly.

**REPRESENTATIVE BEVERLY:** Oh, no. I'll waive. I'll
waive.

REPRESENTATIVE FLEMING: He waives. Any other discussion?

(No response)

REPRESENTATIVE FLEMING: All those in favor of the motion, indicate by saying "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Motion fails. Next suggestion, Dr. Lee.

DR. LEE: So next suggestion is two para -- two sentences down, right under -- it starts with the commission believes that moving from one. I, again, insert --

REPRESENTATIVE FLEMING: So I have --

DR. LEE: I, again --

REPRESENTATIVE FLEMING: -- that copy. And you would change that to many on the commission believe. So instead of the commission believe --

DR. LEE: Right.

REPRESENTATIVE FLEMING: -- it would be many on the commission believe?

DR. LEE: Right.

REPRESENTATIVE FLEMING: Correct?
DR. LEE: Yes.

REPRESENTATIVE FLEMING: Is there a second?

(No response)

REPRESENTATIVE FLEMING: Motion fails for a lack of second. Next.

DR. LEE: Okay. So next is page 15.

REPRESENTATIVE FLEMING: Page 15.

DR. LEE: Yeah. So here I'm attempting to clarify my opinions. So the sentence starts with: Dr. Lee articulated in his white paper and in SAFE Commission meeting that ballot-marking -- so remove the word "is," there's a typo there -- that a -- that a ballot marked by hand is more secure than one marked by a ballot-marking device. Then I inserted, quote, because the voter casts and verifies, end quote, votes in a single act.

REPRESENTATIVE FLEMING: It's clear to the Chair that the word "is" is a typo. So is there any objection to removing the word "is"?

(No response)

REPRESENTATIVE FLEMING: Hearing none, it's removed. Okay. So Dr. Lee would change that sentence. Counsel, read the sentence to us as it would be changed.

MR. GERMANY: Yes, sir. And I would add that this sentence, as I drafted it, was my attempt to articulate Dr. Lee's views. So --
REPRESENTATIVE FLEMING: Sure.

MR. GERMANY: -- I would just say that his attempt to clarify that would be well taken by me.

REPRESENTATIVE FLEMING: Read it to us.

MR. GERMANY: (As read) "Dr. Lee articulated in his white papers and at SAFE Commission meetings that a ballot marked by hand is more secure than one marked by a ballot-marking device, because the voter casts and verifies votes in a single act, and because any convenience offered by ballot-marking devices should not outweigh the cybersecurity risks."

REPRESENTATIVE FLEMING: Is there a second to that motion?

MR. McDONALD: Second.

REPRESENTATIVE FLEMING: There is a second. Any discussion?

(No response)

REPRESENTATIVE FLEMING: Is there any --

SECRETARY-ELECT RAFFENSPERGER: Well, we've heard a lot of discussions and -- about this, really, hand-marked versus machine-marked. But when -- in the whole discussion of machine-marked, everyone is just always talking about bar codes. And, so, what you're trying to do is just describe something in a duality, black and
white, when I really think it's more like multicolor; it's really red, green, blue as opposed to black-and-white TV.

What I mean by that is that in the subset of machine-marked, there are some with bar codes, there are some without bar codes. But from the standpoint when you actually are sitting there in the voting machine, when you use a hand-marked, you make your hand mark but you still -- are we going to print out a ballot at that point or are we gonna have the ballots preprinted? You know, what was the -- what -- what is your intent there?

And, so, I don't know if that's really a definitive -- I don't think that's a definitive statement that you're making, that there won't be any -- that -- that it's actually more secure if it's hand-marked. Because if it's machine-marked, you then -- from the machines that I've saw demonstrated last week, it prints out, and then you can verify that you actually made the right selections. So I don't see why one would be more accurate than the other.

REPRESENTATIVE FLEMING: So -- so if I understand the Secretary-elect's point, he's trying to talk you out of putting that in there because we know it's just your opinion. Do you want to change --

DR. LEE: No, it's not just my opinion. Right? So it's --
REPRESENTATIVE FLEMING: It is expressed in this document as being your opinion.

DR. LEE: Right.

REPRESENTATIVE FLEMING: Yes.

DR. LEE: Okay. Look, I mean, again, it's not just my opinions. It's based on studies, based on -- I mean, you also received letters from other leading cybersecurity experts and voting experts. So it's not just my opinion.

REPRESENTATIVE FLEMING: I stand corrected. It's expressed in this letter that you articulated this in a meeting?

DR. LEE: Right.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: So -- so -- the point -- the point why hand-marked ballots is more secure versus BMD printout is although BMD can print out a paper receipt that lists clearly all the votes, the point is that there's no study actually shows that the voters are willing or able to do it. In fact, I'll -- last Thursday I went to talk to every single voter. I asked them two questions -- every single vendor -- I say, Have you done the regress -- voter study, user study, to show that the voters can actually clearly verify the contents?

And you know what -- what they told me? They said that's -- that's human engineering. I don't -- we
don't -- don't deal with that. Okay?

And then I asked them, When you design this printout, what design criteria do you use? Do you have the requirements of audit in mind? No.

So -- so to me, they've not done their job to show us that their printouts can be reliably verified by voters, and hence can be used in a post-election audit.

**REPRESENTATIVE FLEMING:** Okay.

**DR. LEE:** And so -- so, to me, my question to everybody is that, you know, if you are talking about adopting a new -- a new drug or a new medication, we would hold -- hold the vendors in much higher standard, meaning that if you have not shown proof from a rigorous, large-scale scientific study that your drug works, well, I'm not gonna pay millions of dollars for that. Right? So why are we -- why are we not holding system vendors in a so much lower standard where we just believe what they say? And they say, Hey, you have the paper, right? Yeah, sounds good.

**REPRESENTATIVE FLEMING:** Dr. Lee, I --

**DR. LEE:** But have you actually done it?

**REPRESENTATIVE FLEMING:** -- understand your point.

**DR. LEE:** Okay.

**REPRESENTATIVE FLEMING:** I'll let you wrap it up.

**DR. LEE:** Thank you.
REPRESENTATIVE FLEMING: Yes. Number 18 is Senator Jackson.

SENATOR JACKSON: Okay. Dr. Lee -- my question's for Dr. Lee. I know you said Dr. Lee articulated. Dr. Lee, why do you use the term "it is the commission's belief" instead of this is Dr. Lee articulated?

DR. LEE: Where?

SENATOR JACKSON: Dr. Lee articulated in his white paper and SAFE Commission meeting. Is that -- that's what we're working on, correct?

DR. LEE: Yes.

SENATOR JACKSON: Uh-huh.

REPRESENTATIVE FLEMING: Any further questions before we vote on the amendment?

DR. LEE: I'm sorry. I missed --

REPRESENTATIVE FLEMING: Hold on. Let me turn your mic on, Dr. Lee.

DR. LEE: I missed what you were suggesting.

SENATOR JACKSON: You use -- you didn't use the term "it is the commission's belief" instead of using your name, is -- it is Dr. Lee articulate.

DR. LEE: Okay. So if the commission believes what said, that's awesome because -- about the language right now.

(Chorus of laughter)
REPRESENTATIVE FLEMING: Okay. Okay. Any further questions regarding this particular amendment? Mr. Russo.

MR. RUSSO: One quick question for Dr. Lee. I know you proposed a number of changes earlier to the word "secure" to make it refer to, you know, cybersecurity or from security to cybersecurity. Should we clarify here that -- in the sentence you say ballot-marked by hand is more secure than. Should we make that clear that we're talking about for cybersecurity purposes?

DR. LEE: That's -- that's a very good question. I would say then not just more secure purpose from a cybersecurity point of view. I want to say that it is more secure from an election security or integrity point of view because, in the end, you want -- you want audits to be verifiable. So from a verifiability point of view, it's much superior, so not just from a cybersecurity point of view.

REPRESENTATIVE FLEMING: So you'd like to keep it the way it is or not?

DR. LEE: Let me see here. So I'm fine to keep it like that -- more secure.

REPRESENTATIVE FLEMING: The question is on the motion as stated. It has been seconded. All those in favor, please indicate by saying "aye."

(Chorus of "aye")
REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Appearing to the Chair, the noes have it. Next -- next suggestion, Dr. Lee.

DR. LEE: So the next changes -- oh, sorry.

REPRESENTATIVE BEVERLY: Should be on.

DR. LEE: So next change is basically the next sentence on --

REPRESENTATIVE FLEMING: On the document I have, says Dr. Lee understands that at least one ballot-marking device with verifiable paper ballot per precinct would be required for use by disabled voters.

And then you would get rid of that period and put: But argues that nondisabled voters should mark their ballots by hand.

DR. LEE: Right.

REPRESENTATIVE FLEMING: So I'm gonna -- I'm gonna let that be one change. Does anybody want me to restate that?

(No response)

REPRESENTATIVE FLEMING: Is there a second to the motion to make that change?

(No response)

REPRESENTATIVE FLEMING: Fails for a lack of a second. Next change, Dr. Lee.
DR. LEE: Okay. So then the next sentence, I remove Dr. Lee, to say he strongly recommends that if state does utilize ballot-marking devices, and so on. Yeah.

REPRESENTATIVE FLEMING: Is there a second to that motion?

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: There's a second. Discussion?

(No response)

REPRESENTATIVE FLEMING: All right. Read that for us, Counselor.

MR. GERMANY: Mr. Chair. And I would add this, I think. It's more -- clean it up from my language than any --

REPRESENTATIVE FLEMING: Right.

MR. GERMANY: -- than any substantive change. But the new sentence or the one that currently begins Dr. Lee further suggests that if the state, would now read: He strongly recommends that if the state does utilize ballot-marking devices with verifiable paper ballots that it consider how it will keep those machines up to date.

So the only change is instead of saying Dr. Lee further suggests, he says -- he says he strongly recommends.

REPRESENTATIVE FLEMING: There's a second. Any
questions on that one change?

(No response)

**REPRESENTATIVE FLEMING:** Is there objection to that one change?

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, it's in.

Next. Dr. Lee.

**DR. LEE:** Okay. So the next sentence -- so my edited sentence would read: Dr. Lee suggests leasing rather than buying those machines to allow for more frequent replacement than the incentive to regularly improve the equipment and reduce cost to the taxpayer.

**REPRESENTATIVE FLEMING:** Counsel, I think I understand what he's saying there.

**MR. GERMANY:** Yes. And I would just add again that's -- this is Dr. Lee's clarification to my attempt to -- to summarize his views. So he clarifies that what he's adding to this sentence is -- it currently reads: He suggests leasing, rather than buying, those machines to allow for more frequent replacement. He adds -- then comma: Vendor incentive to regularly improve their equipment and reduce cost to the taxpayer.

**REPRESENTATIVE FLEMING:** Simply explaining better what he wants to say there, what you -- what you've tried to say for him through our process?
MR. GERMANY: Correct.

REPRESENTATIVE FLEMING: Chair seconds that motion. Is there any discussion? Do you want to discuss -- Senator Jackson.

SENATOR JACKSON: Mr. Chair, how many states currently lease their machines instead of buying?

REPRESENTATIVE FLEMING: Do we know the answer to that question?

(No response)

REPRESENTATIVE FLEMING: We don't know the answer to that question.

SENATOR JACKSON: Okay.

DR. LEE: But can I just interject to say that, I mean, now it's almost a trend, a standard practice to lease. In fact, a lot of systems, if possible, they try to offer the service in the cloud so that you always use the latest, greatest version of the software. So the sort of -- the days of buying a computer with the software and then use it for 15, 20 years is, to me, sounds completely crazy.

REPRESENTATIVE FLEMING: And we know that the discussion was amongst us --

DR. LEE: Yeah.

REPRESENTATIVE FLEMING: -- that there could be issues with our state law on -- on leasing something we
bonded. And we'd have to -- we'd have to work through
that one way or the other if we decide to lease.

SENATOR JACKSON: Okay.

REPRESENTATIVE FLEMING: Mr. McDonald.

MR. McDONALD: This -- Mr. Germany and I had a pretty
extensive conversation about this, this week. And -- and
I've got to say I very strongly agree with Dr. Lee on
this. Because I felt like the part of the mission of this
commission was to look at what we do as the status quo and
make recommendations of what needs to be different moving
forward, if anything.

And I understand, in my conversation with Mr. Germany
and in my own experience, that I understand what the
restrictions are to our current law, perhaps
constitutionally, perhaps statutorily. But I don't know
that -- I don't think that prohibits us from making a
recommendation that these laws should be looked at because
if there's one thing I came out of this with very clearly
and very objectively is that in this day and age, with the
tech -- I mean, the example I use to Mr. Germany is I
bought this a year ago (publishing) --

REPRESENTATIVE FLEMING: You think we should lease,
too.

MR. McDONALD: -- and it's obsolete.

REPRESENTATIVE FLEMING: Yeah.
MR. MCDONALD: And if we don't have -- if we don't give government the flexibility --

REPRESENTATIVE FLEMING: -- to lease.

MR. MCDONALD: -- to lease when we're spending hundreds of millions of dollars, then I think it's irresponsible. And if we can't find a -- if we're not able to do it right now, I think we should at least recommend strongly that the general assembly and the powers-that-be in this state find a way for us to be able to do that moving forward in the future.

REPRESENTATIVE FLEMING: The Chair will ask is there any objection to Dr. Lee clarifying his intent by the motion that has been proposed?

(No response)

REPRESENTATIVE FLEMING: If the Chair hears no objection, he intends to adopt it.

(No response)

REPRESENTATIVE FLEMING: The motion is adopted.

Next, Dr. Lee.

DR. LEE: I think that's -- okay. So, I think, next I inserted the word "cybersecurity" after working technology in the next -- at the end of next paragraph.

REPRESENTATIVE FLEMING: Yes. The last sentence would end with the word "voting technology and cybersecurity."
Counselor, you want to tell me, you think, the effect of that change; just clarification or does it have a substantive effect?

MR. GERMANY: I'm sorry. I'm trying to --

DR. LEE: So, again, just changing the word "security" to cybersecurity.

MR. GERMANY: -- security to cybersecurity. Yes. Yes. All right. Sure. I don't -- I don't see any issue with that change, Mr. Chair.

REPRESENTATIVE FLEMING: The Chair will second that change. Is there any objection to it?

(No response)

REPRESENTATIVE FLEMING: Hearing none, that change is made. Next.

DR. LEE: So -- so my last comment for the -- this section, my motion is that we should discuss the last paragraph before we adopt it into the document. In particular --

REPRESENTATIVE FLEMING: That's -- that's paragraph number 7?

DR. LEE: I'm sorry. That -- page 15, when we say -- when we talk about QR code.

REPRESENTATIVE FLEMING: Okay. All right. Yeah, the -- I'm sorry -- the last paragraph on -- on what is our page 15 --
DR. LEE: 15. Right.

REPRESENTATIVE FLEMING: -- which begins with the voting systems demonstrated?

DR. LEE: Right.

REPRESENTATIVE FLEMING: Okay.

DR. LEE: Right.

REPRESENTATIVE FLEMING: So do you want to change that paragraph or strike it, Dr. Lee? The Chair is gonna allow for a discussion. I just want to know what change we would make per your proposal.

DR. LEE: I propose that we change the language to say that -- so right now the -- in particular, the last sentences or last sentence --

REPRESENTATIVE FLEMING: Yes.

DR. LEE: -- you say we do not believe it is prudent for Georgia to not consider a vendor based on their methods of tabulation, whether it's bar code, QR code, and OCR.

REPRESENTATIVE FLEMING: Right.

DR. LEE: And I -- I -- I recommend that we strike that out, and the reason is that I think actually conflicts with our definition of the official vote. If we say the official vote is something that, on paper, that voters can actually read and --

REPRESENTATIVE FLEMING: So hold -- so hold on one
second. I want to clarify what your proposal is, to
strike --

DR. LEE: -- the last sentence.

REPRESENTATIVE FLEMING: This is what it says, and
I'm gonna read it for the commission.

DR. LEE: Okay.

REPRESENTATIVE FLEMING: (As read) "Given the
commission's next recommendation that Georgia require
post-election, precertification audits, we do not believe
it is prudent for Georgia to consider a vendor based on
the method of tabulation, whether it be bar code or -- or
QR code or OCR."

That's what you'd like to strike, correct?

DR. LEE: Uh-huh. Right.

REPRESENTATIVE FLEMING: Okay. I'm gonna allow you
to explain it if we get a second. Is there a second?

REPRESENTATIVE BEVERLY: Second.

REPRESENTATIVE FLEMING: There's a second. Dr. Lee,
go ahead and explain that.

DR. LEE: Yeah. So, really, I just want to make sure
that we're consistent and be logical consistent, because
if we define official vote as a -- on paper, with votes
that a voter can -- can see and verify, then I believe
that the tallying should be based on the official vote.

REPRESENTATIVE FLEMING: Further -- I'm sorry. Go
ahead. I didn't mean to --

DR. LEE: Yeah. So then if you say we're allowing
tallying based on bar code, then why are we doing that?
Because bar code is not the official vote according to our
own definition. So -- so I do not believe that we should
really tally the -- even the initial vote results based --
not based on official vote.

REPRESENTATIVE FLEMING: Further comment regarding
the motion?

(No response)

REPRESENTATIVE FLEMING: Hearing none, all those in
favor of the motion, say "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Noes clearly have it. Next,
any more changes to -- well, we're actually on Section 7
now, Dr. Lee.

Representative?

REPRESENTATIVE BEVERLY: Yeah. Sorry, Mr. Chairman.
There were -- I know that Dr. Lee went through Section 6,
but I had some --

REPRESENTATIVE FLEMING: Sure.

REPRESENTATIVE BEVERLY: -- motions I wanted to have
the commission entertain, if you don't mind. It'll be
pretty quick.

REPRESENTATIVE FLEMING: Are they gonna amend the sections that he amended?

REPRESENTATIVE BEVERLY: No, not -- not substantively, no, not at all.

REPRESENTATIVE FLEMING: Okay. All right. Tell us what they are.

REPRESENTATIVE BEVERLY: At the beginning of Section 6 --

REPRESENTATIVE FLEMING: Okay.

REPRESENTATIVE BEVERLY: -- that I move to strike given --

REPRESENTATIVE FLEMING: This in the caption?

REPRESENTATIVE BEVERLY: Yeah, in the caption.

REPRESENTATIVE FLEMING: Okay.

REPRESENTATIVE BEVERLY: That I move to strike the language from given to casting, so given Georgia's history as a state that uses DREs and the familiarity of voters and election officials with that method of vote casting; that we strike that language.

REPRESENTATIVE FLEMING: You want to strike all the words between given and casting?

REPRESENTATIVE BEVERLY: Correct.

REPRESENTATIVE FLEMING: Is there a second?

SENATOR JACKSON: Second, Mr. Chairman.
REPRESENTATIVE FLEMING: There's a second.
Discussion anyone?
(No response)
REPRESENTATIVE FLEMING: Hearing no discussion, all
those in favor of the motion, indicate by saying "aye."
(Chorus of "aye")
REPRESENTATIVE FLEMING: All those opposed, "no."
(Chorus of "no")
REPRESENTATIVE FLEMING: Motion fails. Anything
else?
REPRESENTATIVE BEVERLY: Second, I would like to
bring your attention -- the commission's attention to the
third paragraph on page 14.
REPRESENTATIVE FLEMING: Page 14, third paragraph,
that begins with the commission also believes?
REPRESENTATIVE BEVERLY: No. One, two, three -- no;
the -- the fact that Georgia's current voting system
utilizes touchscreen voting --
REPRESENTATIVE BEVERLY: Yeah. That I -- that I move
to strike that entire paragraph.
REPRESENTATIVE FLEMING: Is there a second?
MR. RUSSO: Second.
REPRESENTATIVE FLEMING: There's a second.
Discussion?
(No response)

REPRESENTATIVE FLEMING: Hearing none, all those in favor of the motion, indicate by saying "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Noes have it. Further?

REPRESENTATIVE BEVERLY: On page 15 --

REPRESENTATIVE FLEMING: Hold on a second. Let me cut your mic back on. Go ahead.

REPRESENTATIVE BEVERLY: Yeah, thank you. Lastly, on page 15, last sentence, instead of striking the whole sentence, I would -- I would --

REPRESENTATIVE FLEMING: The one that begins with given the commission's --

REPRESENTATIVE BEVERLY: Yes.

REPRESENTATIVE FLEMING: -- next recommendation?

REPRESENTATIVE BEVERLY: Yes. Yes, Mr. Chairman. And I would move to strike the two words after we, those two words, do not; that we strike the words "do not."

REPRESENTATIVE FLEMING: Is there a second?

SENATOR JACKSON: Second.

REPRESENTATIVE FLEMING: There's a second.

Discussion?

(No response)
REPRESENTATIVE FLEMING: Hearing none, all those in favor of the motion, indicate by saying "aye."

(Chorus of "aye")

REPRESENTATIVE FLEMING: All those opposed?

(Chorus of "no")

REPRESENTATIVE FLEMING: Motion fails. Any further?

REPRESENTATIVE BEVERLY: That's it.

REPRESENTATIVE FLEMING: We're now on Section 7, which is on page 16, which is --

MS. ROSS: Mr. Chairman --

REPRESENTATIVE FLEMING: Yes, ma'am.

MS. ROSS: -- Section 6, can we go back to that? I have an addition.

REPRESENTATIVE FLEMING: Yes, ma'am. Oh, hold on. Let me -- yeah. There you go. Yeah. The way I will recognize you is when you press that -- that light, I'll know you want to -- want to make a motion.

MS. ROSS: So --

REPRESENTATIVE FLEMING: Yes, ma'am.

MS. ROSS: Before we move on from Section 6 --

REPRESENTATIVE FLEMING: Yes, ma'am, Ms. Ross.

MS. ROSS: -- I did notice some of the things that we heard from the county commissioners or county election officials, some that we heard today and some that we heard through over this process mention the continued cost to
the counties with a pure paper, ballot-marking system.

**REPRESENTATIVE FLEMING:** Yes, ma'am.

**MS. ROSS:** And I notice that is completely absent in our report in Section 6.

**REPRESENTATIVE FLEMING:** Do you have a place that you would propose sticking in there language to do that?

**MS. ROSS:** I would defer to counsel on that. But I'm just recommending that that be captured somewhere in Section 6, that we heard from the county election supervisors, that we heard from the council of county commissioners, and that they discussed with us that there was a delayed cost going for paper-marked ballots and that the counties would have to endure that cost; and also some language in there about the number of different styles of ballots that would be required to be printed. And I know Lynn Bailey did a great job of summarizing that in her statement that was read this morning by Ms. Boring -- Boren. But if we could -- sorry about that -- if we could --

(Chorus of laughter)

**MS. ROSS:** -- no reflection on you -- if -- if we could somehow, though -- I would like that language added somewhere in subsection [sic] 6 because it's complete vacant.

**REPRESENTATIVE FLEMING:** Counselor, do you know what
she's referring to? I don't understand it. Do you?

MR. GERMANY: Yes. I think -- I think that's a well-made point. I think the best point to -- the best place to put it, as I'm looking at, there's a paragraph where I do talk about election officials and then transition from an election official standpoint. I could add discussion in that paragraph of what we heard today from election officials about cost to counties moving to an all-paper ballot system as well as the multiple ballot style issue.

REPRESENTATIVE FLEMING: We --

MS. ROSS: That would have to be distributed by a poll worker. I'm sorry, Mr. Chairman.

REPRESENTATIVE FLEMING: We discussed earlier that we would allow counsel to insert such things. Is there objection?

(No response)

REPRESENTATIVE FLEMING: It's in. Next. Now we're on Section 7. Is there any proposed changes to Section 7, which is on page 16?

(No response)

REPRESENTATIVE FLEMING: Is there any proposed changes to Section 8? Oh, 9. Dr. Lee, I'm sorry.

DR. LEE: Yeah. So --

REPRESENTATIVE FLEMING: I just got through telling
you to press --

**DR. LEE:** Sorry.

**REPRESENTATIVE FLEMING:** -- the button, and you did it --

**DR. LEE:** Yeah, yeah. Sorry. I apologize.

**REPRESENTATIVE FLEMING:** -- and I almost moved on. You have permission to holler at me if I do it again.

Thank you. Go ahead, Dr. Lee.

**DR. LEE:** So I propose that in the caption, the second sentence, we strike out will certainly be time consuming and add work to county election officials --

**REPRESENTATIVE FLEMING:** So --

**DR. LEE:** -- but they --

**REPRESENTATIVE FLEMING:** So, in other words, right now the -- that caption, second sentence reads: These audits will -- will certainly be time consuming and add work to the county election officials but -- so you would like to strike out the words "will certainly be time consuming and add on -- and add work to county election officials, but they" -- and you -- and it would read instead, these audits are necessary to show the transparency and maintain trust in the elections process.

I understand the addition. Does anybody have any questions before I ask is -- is there a second?

(No response)
REPRESENTATIVE FLEMING: Is there a second?

SENATOR JACKSON: Second that.

REPRESENTATIVE FLEMING: Discussion?

(No response)

REPRESENTATIVE FLEMING: Now, I'm gonna clear the board and make sure what you want to discuss is that. So now press your light and go ahead and discuss that. That would be Judge.

JUDGE McCOY: Am I incorrect to say that that was put in to raise the point about there would need to be a change in the time frame on the counties to certify, meaning that would need to be extended, and also the additional labor costs that would be put on the counties?

REPRESENTATIVE FLEMING: I understand your question. I think that's why that was added there.

MR. GERMANY: That -- that was my intention, Judge.

REPRESENTATIVE FLEMING: Further comments on this suggested deletion by Dr. Lee? That would be Mr. McDonald.

MR. McDONALD: Well, if that was the purpose of it, I think maybe there might be something to maybe not using that phrasing in the caption, but I think that that needs to be captured -- make sure that we have it captured, because it's a legitimate thing to be considered as part of the substantive discuss -- discussion with this.
So if it's something about the way it's phrased there, maybe remove it from the caption, but add a couple sentences going that as part of our review, while this might be necessary, it should be noted that labor costs may include for counties and -- the thing that the Judge just mentioned, I think that that needs to be captured somewhere, even if it's just in the body.

**REPRESENTATIVE FLEMING:** Further discussion regarding the motion?

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, all those in favor, please indicate by saying "aye."

(Chorus of "aye")

**REPRESENTATIVE FLEMING:** All those opposed?

(Chorus of "no")

**REPRESENTATIVE FLEMING:** Y'all are tired and the Chair's in doubt. All those of favor of the motion, please raise your hand, right hand, and keep it raised until the Chair tells you otherwise. All those in favor?

(Commission members respond.)

**REPRESENTATIVE FLEMING:** One, two, three, four. All those opposed to the motion?

(Commission members respond.)

**REPRESENTATIVE FLEMING:** One, two, three, four, five, six -- motion fails.
Next, any changes to Section 7?

(No response)

**REPRESENTATIVE FLEMING:** If there are no more changes to Section 7, are there any changes to Section 8?

**MR. McDONALD:** Yes.

**REPRESENTATIVE FLEMING:** Mr. McDonald.

**MR. McDONALD:** I won't rehash exactly what I said about leasing earlier, but I'll stress that I think it's one of the most important things, I think, I confronted during the last few months that didn't deal directly with machines.

So in Section 8, as we have these bullet points, which I kind of -- Mr. Germany, I'll read this just kind of general things to follow up and general laws that need to be considered or looked at -- I would add one bullet point at the bottom of page 17, after the last bullet point, that would have basically leasing underlined --

**REPRESENTATIVE FLEMING:** On the bottom of page 17 or 18?

**MR. McDONALD:** 17.

**REPRESENTATIVE FLEMING:** Okay.

**MR. McDONALD:** As the last bullet point, leasing underlined --

**REPRESENTATIVE FLEMING:** Last bullet point's on 17.

**MR. McDONALD:** Yes.
REPRESENTATIVE FLEMING: Go ahead. Go ahead.

MR. McDONALD: At the end of all the bullet points.

And I give discretion to Mr. Germany to phrase this as
necessary, but the gist of what I would say is: The
general assembly should review the laws of Georgia
governing and regulating the purchase of voting machines.
These laws should provide the State with the flexibility
of leasing when doing so is cost effective and in the best
interest of the state of Georgia.

REPRESENTATIVE FLEMING: Counsel, you got that?

MR. GERMANY: Yes, sir.

REPRESENTATIVE FLEMING: If I understand Mr.
McDonald, he's agreeing with Dr. Lee's point that we
should consider leasing if we can.

MR. GERMANY: Yes. And I will add -- I agree with
putting this here -- I will add that in the previous
section we mention the same thing about the State should
look at -- look at the laws. And also if -- if that's not
something that's fixed this time, that we'll make sure we
have in place contractual methods to -- to accomplish as
much of -- of that, of the benefits that Mr. McDonald and
Dr. Lee earlier articulated as we can.

MR. McDONALD: I think, Mr. Chairman, if I may, one
thing I like about putting it here is it's kind of tagged.
It's --
REPRESENTATIVE FLEMING:  -- emphasized.

MR. McDONALD:  -- it's emphasized. It's set aside. And in the wisdom of the commission, if the commission agrees with the change, it's also the commission saying this is something that we suggest and recommended. It doesn't mandate. It doesn't direct. It acknowledges that there might be hurdles that may -- may need to be jumped over. But it does recommend that we look at these things.

And even if it's as significant as a constitutional amendment, that that doesn't prohibit the general assembly from considering doing that if, in this day and age in the 21st century, we need to modernize our laws to make sure that prior to spending hundreds of millions of dollars that we have all options on the board to be cost effective and -- and efficient in what we do.

REPRESENTATIVE FLEMING:  Ms. Boren.

MS. BOREN: We also have to remember, Mr. Chair, that election cycles come every two years. Some voters only vote every four years. And Muskogee County, we are consolidated, so we only have elections in even-numbered years. If our lease is a five-year lease, that means a voter conceivably would vote on equipment twice before we upgrade -- grade to a different type. Education -- voter education is critical and will be critical with any changes.
REPRESENTATIVE FLEMING: Dr. Lee.

DR. LEE: So we are discussing changes to Section 8, right?

REPRESENTATIVE FLEMING: We're discussing Mr. McDonald's suggestion to support your idea of leasing.

DR. LEE: Great.

(Chorus of laughter)

REPRESENTATIVE FLEMING: He's on your side. Don't say anything.

AUDIENCE: Move on. Move on.

REPRESENTATIVE FLEMING: Is -- is -- there's a motion. I believe there was a second; correct me if there was not.

(No response)

REPRESENTATIVE FLEMING: Is there any further discussion?

(No response)

REPRESENTATIVE FLEMING: Is there any objection to that?

(No response)

REPRESENTATIVE FLEMING: It's in. Okay. Other changes to the last section here in number 8? Dr. Lee, now would be the time if you've got one there.

DR. LEE: Great. Appreciate it, Mr. Chairman.

REPRESENTATIVE FLEMING: Yes, sir.
DR. LEE: So I think for he definition bullet, we should also add a sentence to say include the definition of voter verifiable paper vote record.

REPRESENTATIVE FLEMING: Where would that go?

DR. LEE: That would be -- let me see. Maybe after the first sentence in --

REPRESENTATIVE FLEMING: In the --

DR. LEE: I would say even before that, we should say definition of first sent -- first sentence should be include a definition of verifiable paper vote record.

REPRESENTATIVE FLEMING: Okay. Do -- Counselor, do you know what he's asking us for, and where would you put it?

MR. GERMANY: Yes. I -- I'm hearing Dr. Lee and I agree. After the underlined definition, make the first sentence include a definition of -- of verifiable paper vote record.

REPRESENTATIVE FLEMING: Okay. Is there a second? The Chair will second that. Is there any discussion? Chair can. Is there any discussion?

(No response)

REPRESENTATIVE FLEMING: It's in. I'm sorry. Is there any objection, is what I meant to say, to including that?

(No response)
REPRESENTATIVE FLEMING: You can object if you want to.

(Chorus of laughter)

REPRESENTATIVE FLEMING: It's in. All right.

Representative Beverly.

REPRESENTATIVE BEVERLY: So given the -- given the last four months, Mr. Chairman, I'd like to move to strike the word on page 16, in definitions, it says, the last -- the last sentence, it says: Include a provision similar to the last voting system update where, upon funding, the State is to provide new equipment to each county. I move to strike the two words "upon funding."

REPRESENTATIVE FLEMING: So it would read: Include a provision similar to the last voting system update where the State is to provide new equipment to each and every county is required.

Okay. Explain to me why you want to get rid of that.

REPRESENTATIVE BEVERLY: Because it -- it seems like there's a undue burden on counties when we do this to make sure that they have the requisite funding requirement from both their, sort of, local pot and from the State. If we strike out upon funding, then it becomes a mandate, and it's no longer an unfunded mandate. It's something that we believe, as the state of Georgia, that we should be doing.
So if we strike out upon funding, we can make a strong recommendation to the general assembly that we anticipate and expect that the counties would have the resources they need at all times to make sure that these new voting systems are put in place.

**REPRESENTATIVE FLEMING:** Is there a second?

**MR. MONDS:** Second.

**REPRESENTATIVE FLEMING:** There's a second.

(Court reporter requests clarification.)

**REPRESENTATIVE FLEMING:** Mr. Monds. Is there discussion?

(No response)

**REPRESENTATIVE FLEMING:** Is there any objection?

(No response)

**REPRESENTATIVE FLEMING:** It's in. Any other changes to Section 8?

(No response)

**REPRESENTATIVE FLEMING:** Ladies and gentlemen, you now have before you a document which has been amended. The main motion is for the passage of this recommendation with those amendments. That motion is on the table. Is there any further discussion?

(No response)

**REPRESENTATIVE FLEMING:** Hearing none, all those in favor say "aye."
(Chorus of "aye")

**REPRESENTATIVE FLEMING:** Any opposed?

(No response)

**REPRESENTATIVE FLEMING:** It passes.

**REPRESENTATIVE BEVERLY:** (Raising hand)

**REPRESENTATIVE FLEMING:** Are you opposed?

**REPRESENTATIVE BEVERLY:** Yeah, to the --

**REPRESENTATIVE FLEMING:** This is on the main passage of the amended document. Yeah.

**REPRESENTATIVE BEVERLY:** Yes, opposed.

**REPRESENTATIVE FLEMING:** One opposed.

**DR. LEE:** (Raising hand)

**REPRESENTATIVE FLEMING:** Two opposed.

**SENATOR JACKSON:** Three opposed.

**REPRESENTATIVE FLEMING:** Three. Okay. Unanimous except for Mr. Beverly, Dr. Lee, and Senator Jackson.

Ladies and gentlemen, we are done. I appreciate your significant efforts and time on this. Thank you for -- Madam Secretary, for all your staff and your help. Mr. Germany, for your work on this. And Secretary Raffensperger, good luck.

**REPRESENTATIVE FLEMING:** We stand adjourned.

(Concluded at 2:01 p.m.)
CERTIFICATE

STATE OF GEORGIA     )
COUNTY OF GWINNETT  )

I, Randi E. Strumlauf, being a Certified Court Report in and for the State of Georgia, hereby certify that the foregoing meeting was taken down by me and that the record constitutes, to the best of my ability, a complete and accurate transcription of said meeting.

I further certify that I am not a relative, employee, attorney, or counsel of any member of the SAFE Commission or any audience member who attended the meeting, nor do I have any financial interest in the outcome of any action(s) taken by the SAFE Commission.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript.

Witness my hand and official seal, this 8th day of February, 2019.
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